Wylie City Council Regular Meeting

August 10, 2021 – 6:00 PM
Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098

CITY OF WYLIE

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS & RECOGNITIONS

PR1. Recognition of employees celebrating milestone years of service to the City of Wylie.

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.

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 July 27, 2021 Regular City Council Meeting minutes.

B. Consider, and act upon, Resolution No. 2021-20(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall counties, Texas, ordering a Bond Election to be held on November 2, 2021, in the city of Wylie, Texas, making provisions for the conduct of the election and resolving other matters incident and related to such election.

C. Consider, and act upon, Resolution No. 2021-21(R), of the City Council of the City of Wylie, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting Tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC's legal counsel.

D. Consider, and act upon, the acceptance of the resignation of the Historic Review Commission member Jesse Hale and appointment of Allison Stowe to fill the unexpired term of August 2021 to June 2022.

E. Consider, and act upon, Ordinance No. 2021-37 for a change of zoning from Commercial Corridor District (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through on 1.022 acres, property located at 2817 FM 544. (ZC2021-18)

F. Consider, and act upon, Ordinance No. 2021-38 for a change of zoning from Commercial Corridor District (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through on 1.37 acres, property located at 499 S State Highway 78. (ZC2021-16).

G. Consider, and act upon, Ordinance No. 2021-39 for a change of zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF), to allow for a single family development on 4.6 acres, located at 601 & 595 Parker Road. (ZC2021-14).

H. Consider, and act upon, the award of a professional services project order (PSPO) #W2021-59-E for the Wylie Downtown Traffic Impact Analysis (TIA) to Lee Engineering, LLC in the amount of $149,100.00 and authorizing the City Manager to execute any necessary documents.

I. Consider, and act upon, the approval of the purchase of a Closed-Circuit Television (CCTV) security system from Schneider Electric Buildings Americas, Inc. in the amount of $57,473.00 through a cooperative purchasing contract with Omnia Partners, and authorizing the City Manager to execute any necessary documents.

J. Consider, and act upon, the award of Bid #W2021-61-B for the Sale of Real Property located at 802 W. Kirby Street, Wylie, Texas in the amount of $3,000,000.00 to the Wylie Economic Development Corporation, and authorizing the City Manager to execute any necessary documents.

K. Consider, and act upon, the approval of the renewal of an interlocal agreement for Jail Services for Class "C" Misdemeanors with Collin County Detention Facility, Collin County, Texas, in the estimated annual amount of $1,000.00 through an interlocal agreement, and authorizing the City Manager to execute any necessary documents.

L. Consider, and act upon, Ordinance No. 2021-40 amending Ordinance No. 2020-44, which established the budget for fiscal year 2020-2021; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

REGULAR AGENDA

1. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Neighborhood Services (NS) to Planned Development (PD), amending PD 2015-17, to allow for commercial development on 2.00 acres, located east of and adjacent to 650 Country Club Road. (ZC2021-17)

2. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF), to allow for single family development on 1.83 acres generally located at the southwest corner of Brown Street and WA Allen Boulevard. (ZC2021-19)

3. Hold a public hearing, consider, and act upon, a request for a variance to the distance requirement for alcohol establishments from a church or house of worship to allow for a distillery, property located at 702 N SH 78 (VC2021-01).

4. Consider, and act upon, Resolution No. 2021-22(R) of the City Council of the City of Wylie, Texas, accepting the proposed property tax rate for fiscal year 2021-2022, accepting the calculation of the no new revenue tax rate and the voter approval tax rate, establishing the date for a public hearing and vote on the proposed property tax rate, and providing for the publication as provided by the Texas Property Tax Code Sec. 26.06

5. Establish a date, time, and place to hold a Public Hearing on the fiscal year 2021-2022 Proposed Budget so that all interested persons may be heard, either for or against any item in the proposed budget before final approval. The date, time and place for the hearing and the final vote will be published in the City's official newspaper, as provided by the Texas Local Government Code, Section 102.006.

WORK SESSION

WS1. Discuss potential partnership with DFW YMCA.

WS2. Overview of General Purchasing Methods Utilized by the City of Wylie.

WS3. Discuss the Police Department recruiting, hiring, retention, and attrition.

WS4. Discuss Wylie Emergency Medical Services.

RECONVENE INTO REGULAR SESSION

EXECUTIVE SESSION

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 FM 544/Cooper, 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: 2017-10a, 2020-11b, 2021-4a, 2021-4b, 2021-6a, and 2021-8a.

RECONVENE INTO OPEN SESSION
Take any action as a result from Executive Session.

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

ADJOURNMENT

CERTIFICATION
I certify that this Notice of Meeting was posted on August 6, 2021 at 5:00 p.m. on the outside bulletin board at Wylie City Hall, 300 Country Club Road, Building 100, Wylie, Texas, a place convenient and readily accessible to the public at all times.

_____ _____
Stephanie Storm, City Secretary *Date Notice Removed*

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020. Hearing impaired devices are available from the City Secretary prior to each meeting.

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:
§ 551.071 – Private consultation with an attorney for the City.
§ 551.072 – Discussing purchase, exchange, lease or value of real property.
§ 551.074 – Discussing personnel or to hear complaints against personnel.
§ 551.087 – Discussing certain economic development matters.
§ 551.073 – Discussing prospective gift or donation to the City.
§ 551.076 – Discussing deployment of security personnel or devices or security audit.

CITY OF WYLIE

Wylie City Council
AGENDA REPORT

Department: City Secretary **Account Code:**

Prepared By: Stephanie Storm

Subject

Consider, and act upon, approval of July 27, 2021 Regular City Council Meeting minutes.

Recommendation

Motion to approve Item as presented.

Discussion

The minutes are attached for your consideration.

Financial Summary/Strategic Goals

Community Focused Government

Wylie City Council Minutes

July 27, 2021 – 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 6:00 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 Timothy T. Wallis, and Councilman Garrett Mize.

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renae Ollie; Assistant Police Chief Tommy Walters; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Finance Director Melissa Beard; Human Resources Director Lety Yanez; Parks and Recreation Director Rob Diaz; Building Official Bret McCullough; Public Works Director Tim Porter; Library Director Ofilia Barrera; Building Official Bret McCullough; Project Engineer Jenneen Elkhalid; Public Information Officer Craig Kelly; Economic Development Executive Director Jason Greiner; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Kurt Ulmer, representing Faith Lutheran Wylie, led the invocation and Councilman Williams led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Wylie Way Students.
Mayor Porter and Councilman Wallis, presented medallions to students demonstrating "Shining the Wylie Way." Each nine weeks one student from each WISD campus is chosen as the "Wylie Way Student."

PR2. Presentation for the Battle of the Badges Blood Drive Winner.
Jonathan Buck, representing the East Fork Masonic Lodge, and Vicky Long, representing Carter Blood Care, addressed Council stating that during Bluegrass on Ballard, the fifth annual "Battle of the Badges" was conducted. This year 85 units were collected, which will help save about 255 lives. Buck announced the winner of the contest was the Wylie Fire Department. Representatives of Wylie Fire Rescue and Wylie Police Department were present for the award.

PR3. Presentation for Bluegrass on Ballard Recap.
Public Information Officer Kelly addressed Council giving a brief recap presentation on Bluegrass on Ballard. The presentation included: sponsors that were involved, statistics, metrics for the number of estimated customers and visits, and mobile data analysis for home locations and customer journeys. Bobby Heath Jr., representing the Downtown Merchants, addressed Council thanking and recognizing many people and organizations involved in making Bluegrass on Ballard successful.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Meg Elmore addressed Council regarding concerns with the development near Rush Creek, and the proposed Fuel City on Highway 78.

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 July 13, 2021 Regular City Council Meeting minutes.

B. Consider, and act upon, the approval of a vendor application for the "Back to the Future" back to school event at Olde City Park on September 25, 2021.

C. Consider, and act upon, the approval of the purchase of Turf Chemicals and Micronutrients from various vendors in the estimated annual amount of $60,000.00 through a cooperative purchasing contract with BuyBoard Cooperative, and authorizing the City Manager to execute any necessary documents.

D. Consider, and place on file, the City of Wylie Monthly Investment Report for June 30, 2021.

E. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for June 30, 2021.

F. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of June 30, 2021.

G. Consider, and act upon, the award of bid #W2021-88-A for Parks and Recreation Outdoor Litter & Restroom Service to PureService Corporation in the estimated annual amount of $76,030.00, and authorizing the City Manager to execute any necessary documents.

H. Consider, and act upon, authorizing the City Manager to sign a Development Agreement, between the City of Wylie, 2819 West FM544 Ventures, LLC, and MMGC DBR DFW, LLC regarding the use of building materials for a commercial development on 1.022 acres, property located at 2817 FM 544.

Council Action

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

REGULAR AGENDA

1. Tabled from 06-08-2021
Remove from table and consider

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to remove Item 1 from the table and consider. A vote was taken and the motion passed 7-0.

Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Agricultural (AG/30) to Planned Development - Single Family (PD-SF), to allow for a single-family development on 4.6 acres, located at 601 & 595 Parker Road. (ZC 2021-14).

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 4.6 acres generally located 100 feet west from the intersection of Parker Road and Valley Mills Drive. The property is currently zoned Agricultural (AG/30). The purpose for the requested rezoning to a Planned Development (PD) is to allow for the construction of 20 single family lots and two open space lots. Council tabled this item at the June 8 City Council meeting in order to address concerns such as fencing, drainage, traffic, tree preservation, and general PD innovation.

To address the concerns, the applicant has proposed revisions to the PD Conditions including: reduce the maximum lot coverage from 75% to 50%, save a minimum of 27 of the 32 Live Oak trees along the eastern boundary and several large trees on the front of the existing property, provide an easement for a deceleration lane, increase garage sizes from 400 sq. ft. to the minimum required by the Zoning Ordinance of 500 sq. ft., and require an eight foot fence along the eastern boundary and for the property owner to work with existing homeowners to avoid 'double fencing.'

Public Hearing
Mayor Porter opened the public hearing on Item 1 at 6:35 p.m. asking anyone present wishing to address Council to come forward.

Doug Hunt addressed Council thanking them for taking the previous voiced concerns into consideration.

Gloria Suarez addressed Council thanking them for taking the concerns into consideration and reiterated concerns with drainage and fencing.

Mayor Porter closed the public hearing at 6:39 p.m.

Council Comments
Mayor Porter asked how the fencing issue would be addressed. Haskins replied, paraphrasing the language in the PD, it states an eight-foot fence will be required on the east property line and to the extent possible, the builder shall coordinate with each property owner to try to avoid double fencing. Councilman Williams asked based on the previous drainage concerns, was anything changed. Haskins replied that nothing was changed as after the Engineering review, the proposed drainage plans should dramatically improve the current drainage issue. Mayor *pro tem* Forrester asked about potential pooling or puddling of water behind the homes on the eastern side. Haskins replied, at this time they believe the proposed drainage plans should prevent that but if it becomes a problem, staff will work with the Developer.

Council Action
A motion was made by Councilman Strang, seconded by Councilman Williams, to approve Item 1 as presented. A vote was taken and the motion passed 6-1 with Councilman Duke voting against.

2. Tabled from 07-13-2021
Remove from 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 and consider. A vote was taken and the motion passed 7-0.

Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through on 1.022 acres, property located at 2817 FM 544. (ZC 2021-18)

Staff Comments
Planning Manager Haskins addressed Council stating the applicant is requesting a Special Use Permit (SUP) on 1.022 acres generally located on the northeast corner of Springwell Parkway and FM 544 to allow for a restaurant with drive-through service. The proposed use is for a Dutch Bros Coffee restaurant. Council tabled this item at the July 13 City Council meeting in order to address concerns such as the continuation of the proposed use should the specific use cease and the general aesthetic of the main structure. To address those concerns, the applicant has: amended the SUP to include only the Dutch Bros Coffee shop under this SUP, amended the SUP to stipulate Dutch Bros has one year to complete development, or forfeit the SUP, and amended the SUP and zoning exhibit elevations, and proposed a building materials Development Agreement, which was on the Consent Agenda, to address aesthetic

concerns. The structure is proposed to have an exterior that consists of stucco, split face CMU, Nichihacement board, and metal awnings.

Council Comments
Mayor *pro tem* Forrester commended the applicant for taking the concerns from Council into consideration.

Public Hearing
Mayor Porter opened the public hearing on Item 2 at 6:48 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 6:48 p.m.

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. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-thru on 1.37 acres, property located at 499 S State Highway 78. (ZC2021-16)

Mayor Porter announced he completed a conflict of interest questionnaire and left his seat at the dias at 6:49 p.m.

Staff Comments
Planning Manager Haskins addressed Council stating the applicant is requesting a Special Use Permit (SUP) on 1.37 acres generally located at the northeast intersection of State Highway 78 and Kirby Street to allow for a restaurant with drive-through service. The proposed development is a remodel of an existing structure with modifications that add a drive-through window. The original site was developed as a bank and was later converted to a nail salon for personal service use. The remodeled structure is planned to contain two tenants, one being a Chipotle restaurant and the other being a Texas Health Urgent Care medical office. The applicant is adding eight parking spaces for a total of 45 parking spaces, exceeding the minimum required 32. The applicant is requesting eight of the parking spaces to be 9 feet by 18 feet, which will preserve more of the landscape buffer along Kirby Street. The structure is proposed to have an exterior that consists of existing materials of stone, stone banding, and EIFS. Canopies are also provided at the drive-through window and at the main entrances. Haskins reported 16 notifications were mailed with no responses received in opposition or in favor of the request, and the Planning and Zoning Commission voted 7-0 to recommend approval.

Public Hearing
Mayor *pro tem* Forrester opened the public hearing on Item 3 at 6:52 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor *pro tem* Forrester closed the public hearing at 6:52 p.m.

Council Action
A motion was made by Councilman Williams, seconded by Councilman Wallis, to approve Item 3 as presented. A vote was taken and the motion passed 6-0 with Mayor Porter abstaining (conflict of interest on file with City Secretary).

Mayor Porter returned to his seat at the dais at 6:54 p.m.

4. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Agricultural (AG/30) to Planned Development (PD), to allow for a mixed-use community on 47.29 acres generally located at 2301 FM 1378. (ZC2021-15)

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 47.29 acres located at 2301 FM 1378. The requested rezoning to a Planned Development (PD) is to allow for a mixed-use community, consisting of three subdistricts containing a mix of commercial, residential, and open space uses. The commercial subdistrict measures 4.2 acres with frontage along Country Club Road. This district is planned for commercial structures with permitted uses to generally comply with the Community Retail (CR) with the addition of the following uses allowed by-right: financial institution with drive-thru, restaurant with drive-thru, and dry cleaners. Haskins stated the multifamily subdistrict contains about 187 townhome units and 61 single family rental units on 25.2 acres with a density of 11 dwelling units per gross acre. The open space subdistrict includes an open space dedication to the City of 17.8 acres for a City park. This area includes a four-acre pond that will be dedicated to the City after water impoundment concerns are resolved. The developer has proposed splitting the legal costs of resolving impoundment with the City, estimating the City's costs to be capped at approximately $120,000. Should zoning be approved, a separate agreement regarding these legal costs will be presented to City Council for consideration prior to preliminary plat approval. Haskins reported the conclusion of the Traffic Impact Analysis (TIA) found that the proposed development does not have a disproportionate effect on the existing vehicle traffic operations. While the TIA did not find a southbound deceleration lane necessary, a City Engineering review believes that the inclusion of the deceleration lane is in the interest of the City. The student impact analysis conducted by the applicant concluded that approximately 55 students would be added to the school district upon completion of the project. The ISD has not provided input on the effect of this increase. Haskins reported sixteen notifications were mailed to property owners with no responses received for or against from within City limits; however, three responses were received from the ETJ, two responses were received from outside of the ETJ, and three responses were received without a given address. After some discussion, including comments from citizens and neighboring property owners regarding traffic, drainage, density, screening, and the effect on the school district, the Commissioners voted 5-2 to recommend approval with the conditions that a fence be built along the north side of the park, a maximum of 33 percent of the townhomes allowed to be three story, and the car wash and financial institution, alternative be removed as by-right uses. Haskins stated those changes have been made by the applicant in the presented PD.

Applicant Comments

John Allums, representing Capstar; Mike Arbour, representing JHP Architecture; Sarah Scott, representing Kimley-Horn and Associates; and Terry Haines, representing The Haines Company, addressed Council giving a brief presentation on Monroe Lake including: a location map, a zoning map, future land use plan, conceptual site plan, concept elevation, public trail exhibit, and addressed comments and questions received from Planning and Zoning Commission meeting which included sanitary capacity, drainage, traffic, and school impact.

Public Hearing

Mayor Porter opened the public hearing on Item 4 at 7:15 p.m. asking anyone present wishing to address Council to come forward.

Todd Pickens, Sam Struthers, Aleksandra Rolfson, Emily Smith, Becca Pickens, Christine Monroe, Michael Kavanaugh, Melisa Turner, and Dorothy Parkos addressed Council in opposition of the proposed development with concerns including: traffic, drainage, and utility overload, impact on the schools, flooding, high density rental properties, privacy concerns with location of proposed walking trail, and not in the best interest of Wylie. Pickens proposed utilizing the property as a City park.

Mayor Porter closed the public hearing at 7:38 p.m.

Council Comments

Councilman Williams asked if the park acreage is factored in in the 11 dwelling units per gross acre. Haskins replied the acreage given to the City for the park is not factored in. Councilman Strang stated he believes there are better

options for the use of this land and asked what the water impoundment process would look like. Holsted replied the City would have to work with the City of Dallas on that process. Strang expressed traffic concerns. Councilman Wallis stated he had concerns with drainage and flooding, impact on the schools, and other additional concerns.

Council Action
A motion was made by Councilman Strang, seconded by Mayor *pro tem* Forrester, to deny Item 4 with prejudice. A vote was taken and the motion passed 6-1 with Councilman Mize voting against.

Mayor Porter convened the Council into a break at 7:46 p.m.
Mayor Porter reconvened the Council at 7:57 p.m.

5. Consider, and act upon, Ordinance No. 2021-35 establishing a Comprehensive Plan Advisory Committee (CPAC), providing for the scope and authority of the Committee, time of service, and appointing Committee members.

Staff Comments
Planning Manager Haskins addressed Council stating at the direction of the City council, staff drafted an Ordinance for the creation of the Comprehensive Plan Advisory Committee (CPAC) for an update to the 2012 Comprehensive Master Plan for the City of Wylie. At the direction of Council, CPAC will consist of 14 members appointed as per the Ordinance. Once created, the CPAC will work directly with staff and the consultant team to develop a draft plan. To accomplish this CPAC members are charged to: work with staff and the consultant at designated meetings to discuss and consider the update to the Comprehensive Plan, attend the public work sessions, open houses, and other events as advocates of the plan process and the plan itself, and ensure that the plan reflects the desire and vision of all the citizens of Wylie. Haskins stated Council does need to appoint a member from the ETJ.

Council Comments
Mayor Porter nominated Jared Larew as the ETJ resident. Councilman Mize asked if the appointment of an ETJ resident could be set aside until the next meeting to allow Council members additional time to consider members for this appointment. Porter stated he would like to get this project moving as there is a timeline and consultant in place, but was open to Council feedback. The consensus of Council was to move forward with appointing an ETJ resident.

Mr. Larew came forward for questions from the Council. Councilman Williams asked Mr. Larew why he would like to serve and what he is able to contribute. Larew responded he has been a Wylie resident for 15 years and moved to the ETJ two years ago. Larew stated he loves and cares for Wylie and would love to play a part in making sure the land left is being utilized for the best possible use, and stated he has experience with planning and land development.

Separately, Councilman Wallis stated he put forth Mr. Eugene Hauptmann as his appointed Committee member as it was not included in the packet.

Council Action
A motion was made by Councilman Williams, seconded by Mayor *pro tem* Forrester, to approve Ordinance No. 2021-35 establishing a Comprehensive Plan Advisory Committee (CPAC), providing for the scope and authority of the Committee, time of service, and appointing Eugene Hauptmann and Jared Larew in addition to the list included in the agenda packet to the committee. A vote was taken and the motion passed 6-1 with Councilman Mize voting against.

6. Consider, and act upon, Ordinance No. 2021-36 amending Wylie's Code of Ordinances, Ordinance No. 2021-17 as amended, Appendix C (Wylie Comprehensive Fee Schedule), Section I (Water and Sewer Fees), Subsection B (Water Rates), and Subsection C (Sewage Collection and Treatment Rates).

Staff Comments
Finance Director Beard addressed Council stating on July 28, 2020, Council approved the final version of the Water and Sewer Rate Study that was prepared by NewGen Strategies & Solutions. The Study incorporated the Water and Sewer Capital Improvements Plan (CIP) for five years, and established the rates that would be required to raise revenue to support that study. The FY 2022 proposed budget includes a water rate increase of 7.25 percent and a wastewater rate increase of 2.75 percent.

Council Comments
Mayor Porter added this increase is related to multiple variables including capital projects, the increased water rate the City is receiving from North Texas Municipal Water District, and a new agreement that changed pricing on water. Councilman Williams asked if this cost includes the cost for the new elevated storage tank on Ballard. Holsted replied it is included.

Council Action
A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item 6 as presented. A vote was taken and the motion passed 7-0.

7. Consider, and act upon, the acceptance of the resignation of the Zoning Board of Adjustment board member Robert Blair, appointment of alternate Zewge Kagnew to fill the unexpired term of July 2021 to June 2022, and the appointment of a new alternate to fill the unexpired term of July 2021 to June 2023.

Council Comments
Mayor Porter requested a recommendation for the Alternate position from Board and Commission Interview Panel Chair Forrester. Mayor *pro tem* Forrester recommended John Perdomo. Councilman Mize stated he recommended Aaron Jameson.

Council Action
A motion was made by Councilman Strang, seconded by Councilman Williams, to approve the acceptance of the resignation of the Zoning Board of Adjustment board member Robert Blair, appointment of alternate Zewge Kagnew to fill the unexpired term of July 2021 to June 2022, and the appointment of John Perdomo to fill the unexpired term of July 2021 to June 2023. A vote was taken and the motion passed 6-1 with Councilman Mize voting against.

8. Consider, and act upon, the acceptance of the resignation of the Zoning Board of Adjustment alternate board member Lance Kiser, and the appointment of a new alternate to fill the unexpired term of July 2021 to June 2022.

Council Comments
Mayor Porter requested a recommendation for the Alternate position from Board and Commission Interview Panel Chair Forrester. Mayor *pro tem* Forrester recommended and made a motion to appoint Richard Miller. Councilman Strang seconded the motion. Councilman Mize stated he would like to make a recommendation. Porter asked for parliamentary procedure assistance. Holsted replied a motion and second has been received; therefore, Council can take action, or the motion and second could be withdrawn.

Council Action
A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to appoint Richard Miller as the new alternate. A vote was taken and the motion passed 6-1 with Councilman Mize voting against.

Mayor Porter convened the Council into Work Session at 8:16 p.m. and stated Council was going to conduct Work Session 3 first.

WORK SESSIONS

WS3. Discuss FY 2022 Budget.

City Manager Holsted addressed Council giving a brief FY 2021-2022 Budget Work Session presentation including: the General Fund summary, healthcare and market adjustments, General Fund estimated fund balance, Utility Fund summary, 4B Sales Tax Fund summary, WEDC Fund summary, and carry forward items from FY 2020-2021.

Mayor Porter announced he completed a conflict of interest questionnaire for the discussion about healthcare and left his seat at the dais at 8:18 p.m.

Holsted stated the City has received information from a new health provider that would have a 0% increase to the City, and would essentially have the same deductibles and plan that we have with our current provider. Holsted stated staff also surveyed peer cities regarding health insurance.

Holsted answered questions from the Council. The consensus of Council was for staff to explore and bring back information on adding a spousal surcharge if the employee's spouse is offered insurance at their employer but chooses to be on the City's insurance.

Mayor Porter returned to his seat at the dais at 8:28 p.m.

Russell Campbell, representing Management Advisory Group, Inc. (MAG), addressed Council giving the Classification Compensation Study presentation which included: MAG company background, purpose of compensation, study goals and objectives, methodology, job factors, designated peer cities, and market survey results.

Holsted stated the proposed budget includes a minimum five percent increase for General Government employees in the General Fund, 4B Sales Tax Fund, and Utility Fund, and there are some positions out of market that will be brought to market. Holsted stated staff is proposing to move dispatch to a step-plan instead of part of the General Government in order to be competitive with surrounding cities. Holsted stated for sworn Public Safety employees, staff is recommending bringing the positions with deficiencies to market and then implementing the proposed Public Safety step plan which is generally the same as it currently is with ten steps and 2.5 percent between each step, and added the positions of patrol officer and firefighter are over ten percent out of market. Holsted added this would be effective January 1 for employees.

Holsted and Campbell answered questions from the Council.

The consensus of Council was to move forward with the proposed recommendations as a result of the Market Study. Council commended staff for their hard work. Mayor Porter encouraged staff to make a plan to review salaries every five years, and on an as needed basis in between, as the consultant recommended.

Mayor *pro tem* Forrester left the meeting at 9:07 p.m.

Holsted requested direction from Council regarding the $1.5 million increase for the Ballard and Sachse Road Project. The consensus of Council was to add the $1.5 million to the Bond Proposition A.

Holsted stated the budget will be ready for the public on August 5, 2021.

WS1. Discuss potential Bond Election projects and proposition verbiage.

City Manager Holsted addressed Council stating per discussion at the last Council meeting, the Bond Attorney has drafted three Bond Propositions for Council consideration. Holsted stated staff's recommendation would be to increase Proposition A to $35,100,000 to include the increased amount projected for Ballard/Sachse Road project.

Holsted stated he confirmed with Bond Counsel that if a project stated in Proposition A goes over budget, funds from Proposition B could be utilized towards it. Holsted stated he proposed adding the verbiage "developing, engineering, constructing, reconstructing, improving, repairing, extending, expanding and enhancing streets, thoroughfares, alleys and sidewalks, including necessary and related storm drainage facilities and improvements, utility relocations and the acquisition of any needed land and rights-of-way therefor" to Proposition C.

Direction from Council was to increase Proposition A to $35,100,000, had no suggested changes to Proposition B verbiage, and agreed with adding the following language to Proposition C: "developing, engineering, constructing, reconstructing, improving, repairing, extending, expanding and enhancing streets, thoroughfares, alleys and sidewalks, including necessary and related storm drainage facilities and improvements, utility relocations and the acquisition of any needed land and rights-of-way therefor."

WS2. Discuss Wylie Wastewater Treatment Plant Demolition Options.

Public Works Director Tim Porter addressed Council stating he was coming before Council this evening to discuss three options for demolition of the Wylie Wastewater Treatment Plant, including costs associated with each. Public Works Director Porter stated option 1 would be the demolition of the areas that hold water only, option 2 would be demolition of all structures on the site, and option 3 would be demolition of all the structures on the site as well as replacing all of the old pipes with one single access pipe.

Public Works Director Porter answered questions from Council.

Direction from Council included to confirm the need for movement and placement of a new bioxide feed system with North Texas Municipal Water District, and bring back pricing information on an option 4 for removing all of the concrete from the site to allow the possibility of selling and repurposing the land.

Mayor Porter convened the Council into a break at 10:02 p.m.
Mayor Porter reconvened the Council at 10:09 p.m.

WS4. Discuss the boundaries of the Downtown Historic District.

Assistant City Manager Ollie addressed Council stating, at the request of Council, staff is proposing to expand the borders of the Downtown Historic District in two specific areas which include: the southwest corner of SH 78 and Brown Street and the northside of Brown Street along Keefer. The northside of Brown Street is currently zoned Downtown Historic District for residential only and staff is proposing to allow commercial uses in existing structures similar to other areas of the Downtown Historic District. The southwest corner of SH 78 and Brown Street is currently zoned Corridor Commercial; therefore, if the Downtown Historic District was expanded to include this area, it would require all new development in this area to conform to the Downtown Historic District development standards. Ollie stated staff's thoughts would be any future development in this area would be a Planned Development which would allow for other uses not typical to the heart of the Downtown District but does make sense for the transition development which could have a more modern look that transitions to downtown Wylie and contains walkability.

WEDC Executive Director Greiner addressed Council stating his only concern would be if it was too overly restrictive.

Blake Herpeche addressed Council, speaking in favor of removing the residential overlay and allowing commercial uses on the northside of Brown Street along Keefer.

Direction from Council was to allow the properties north of Brown Street along Keefer to allow both residential and commercial uses, and the property at SH 78 and Brown Street integrated in the Downtown Historic District but not overly burdensome for future development.

WS5. Discuss a potential change of zoning to amend Planned Development 2012-03 (PD 2012-03) to allow for Senior Affordable Housing, generally located southwest of 2300 W FM 544 (Wylie Medical Plaza).

Planning Manager Haskins addressed Council stating property owners and developers are seeking Council input on a potential Planned Development (PD) amendment on approximately 15.5 acres on the south side of FM 544 adjacent to the Medical Center. The current proposal includes an age restricted, income adjusted apartment facility with various amenities including a walking trail, swimming pool, and various gathering areas.

Shane LaFave and Logan Schmidt, representing ROERS Companies, addressed Council giving a brief presentation on Roers Senior Housing including: Roers company history, affordable housing information, who qualifies for 60 percent area median income (AMI) units, affordable independent living benefits to Wylie, preliminary site plan, senior project examples, community amenities, proposed amenities, and unit finishes.

LaFave and Schmidt answered questions from the Council.

Susan Workman addressed Council asking for clarification on the units and spoke in favor of the proposed development, but did express concerns with the ages allowed at the development.

The consensus of Council was in favor of the proposed project.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session and then into Executive Session at 10:58 a.m.

EXECUTIVE SESSION

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).

ES1. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2021-4d and 2021-6a.

Mayor Porter stepped out of Executive Session and completed a conflict of interest questionnaire at 11:02 p.m.

Mayor Porter returned to executive session at 11:06 p.m.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 11:10 p.m.
Mayor Porter announced he completed a conflict of interest questionnaire and left his seat at the dais at 11:10 p.m.

Council Action

A motion was made by Councilman Strang, seconded by Councilman Duke, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2021-4d in an amount to not exceed $15,000. A vote was taken and the motion passed 5-0 with Mayor Porter abstaining (conflict of interest on file with City Secretary) and Mayor *pro tem* Forrester absent.

Mayor Porter returned to his seat at the dais at 11:11 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 to Ordinance Nos. 2021-35 and 2021-36 into the official record.

ADJOURNMENT

A motion was made by Councilman Duke, seconded by Councilman Strang, to adjourn the meeting at 11:13 p.m. A vote was taken and motion passed 6-0 with Mayor *pro tem* Forrester absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: City Secretary **Account Code:**

Prepared By: Stephanie Storm

Subject

Consider, and act upon, Resolution No. 2021-20(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall counties, Texas, ordering a Bond Election to be held on November 2, 2021, in the city of Wylie, Texas, making provisions for the conduct of the election and resolving other matters incident and related to such election.

Recommendation

Motion to approve Item as presented.

Discussion

The City Council of the City of Wylie, Texas, on its own motion, hereby orders a special election to be held to determine whether said governing body shall be authorized to issue bonds of said City in the amounts and for the purposes hereinafter identified, on November 2, 2021.

A special election is hereby ordered to be held on Tuesday, November 2, 2021, for the purpose of submitting to the qualified voters of Wylie certain proposed Bond Propositions, as set forth in Section 1 of this Resolution. The proposed Bond Propositions shall be submitted to the qualified voters in the form of ballot propositions as set forth in Section 5 of this Resolution. The Election shall be administered by the Collin County, Rockwall County, and Dallas County Elections Administrators. The Collin County Elections Administrator shall administer the Election for the Collin County portion of Wylie, the Rockwall County Elections Administrator shall administer the Election for the Rockwall County portion of Wylie, and the Dallas County Elections Administrator shall administer the Election for the Dallas County portion of Wylie. Wylie voters shall vote in the county in which they are registered.

Financial Summary/Strategic Goals

Community Focused Government

RESOLUTION NO. 2021-20(R)

A RESOLUTION OF THE CITY OF WYLIE, TEXAS, ORDERING A BOND ELECTION TO BE HELD IN THE CITY OF WYLIE, TEXAS, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

WHEREAS, the City Council of the City of Wylie, Texas (the "City") hereby finds that an election should be held to determine whether said governing body shall be authorized to issue bonds of said City in the amounts and for the purposes hereinafter identified; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: An election shall be held on the 2nd day of November, 2021, in the City of Wylie, Texas, which date is not less than seventy-eight (78) nor more than ninety (90) days from the date of the adoption hereof and is a uniform election date pursuant to Texas Election Code, Section 41.001, for the purpose of submitting the following measures:

CITY OF WYLIE, TEXAS PROPOSITION A

"Shall the City Council of the City of Wylie, Texas, be authorized to issue general obligation bonds of the City in the principal amount of $35,100,000 for permanent public improvements and public purposes, to wit: developing, engineering, constructing, reconstructing, improving, repairing, extending, expanding and enhancing McMillen Drive, Park Boulevard and Ballard/Sachse Road, including sidewalks and necessary and related storm drainage facilities and improvements, utility relocations and the acquisition of any needed land and rights-of-way therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and to cause to be imposed, assessed and collected annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in the City sufficient to pay the principal of and interest on and to provide a sinking fund to redeem the bonds as they become due?"

CITY OF WYLIE, TEXAS PROPOSITION B

"Shall the City Council of the City of Wylie, Texas, be authorized to issue general obligation bonds of the City in the principal amount of $10,000,000 for permanent public improvements and public purposes, to wit: developing, engineering, constructing, reconstructing, improving, repairing, extending, expanding and enhancing streets, thoroughfares, alleys and sidewalks, including necessary and related storm drainage facilities and improvements, utility relocations and the acquisition of any needed land and rights-of-way therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and to cause to be imposed, assessed and collected annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in the City

sufficient to pay the principal of and interest on and to provide a sinking fund to redeem the bonds as they become due?"

CITY OF WYLIE, TEXAS PROPOSITION C

"Shall the City Council of the City of Wylie, Texas, be authorized to issue general obligation bonds of the City in the principal amount of $5,000,000 for permanent public improvements and public purposes, to wit: developing, engineering, constructing, reconstructing, improving, repairing, extending, expanding and enhancing streets, thoroughfares, alleys and sidewalks in the Wylie downtown historic district, including necessary and related storm drainage facilities and improvements, utility relocations, street lighting, signage, noise abatements, traffic signalization and controls equipment and the acquisition of any needed land and rights-of-way therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and to cause to be imposed, assessed and collected annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in the City sufficient to pay the principal of and interest on and to provide a sinking fund to redeem the bonds as they become due?"

SECTION 2: In accordance with the provisions of an election services contract with the Collin County Elections Administrator (the "Collin County Contract") for that portion of the City located in Collin County, an election services contract to be entered into with the Dallas County Elections Administrator (the "Dallas County Contract") for that portion of the City located in Dallas County and an election services contract to be entered into with the Rockwall County Elections Administrator (the "Rockwall County Contract") for that portion of the City located in Rockwall County, the election shall be conducted by the Collin County Elections Administrator, the Dallas County Elections Administrator and the Rockwall County Elections Administrator, respectively, in accordance with the provisions of the respective election services contracts (collectively, the "Contracts").

SECTION 3: (a) With respect to that portion of the City located in Collin County, early voting for this election shall be conducted October 18, 2021 through October 29, 2021. The Collin County Elections Administration, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75069, is hereby designated the main early voting polling place, and Bruce Sherbet, Collin County Elections Administrator, is hereby appointed early voting clerk and shall appoint and designate deputy clerks for early voting in accordance with the Collin County Contract. Early voting for that portion of the City located in Collin County will also be conducted at the locations shown in Exhibit A and all other locations as designated by the Collin County Elections Administrator, in accordance with the Collin County Contract. For more information regarding the City early voting locations within Collin County, please contact the Collin County Elections Department at (800) 687-8546 or www.collincountytx.gov/elections.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Collin County Contract.

(b) With respect to that portion of the City located in Dallas County, early voting for this election shall be conducted October 18, 2021 through October 29, 2021. The Dallas County Elections Administration, George L. Allen Sr. Courts Building, Main Lobby, 600 Commerce Street, Dallas, Texas 75202, is hereby designated the main early voting polling place, and Michael Scarpello, Dallas County Elections Administrator, is hereby appointed early voting clerk and shall appoint and designate deputy

clerks for early voting in accordance with the Dallas County Contract. Early voting for that portion of the City located in Dallas County will also be conducted at the locations shown in Exhibit A and all other locations as designated by the Dallas County Elections Administrator, in accordance with the Dallas County Contract. For more information regarding the City early voting locations within Dallas County, please contact the Dallas County Elections Department at (469) 627-8683 or www.dallascountyvotes.org.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Dallas County Contract.

(c) With respect to that portion of the City located in Rockwall County, early voting for this election shall be conducted October 18, 2021 through October 29, 2021. The Rockwall County Library, 1215 E. Yellowjacket Lane, Rockwall, Texas 75087, is hereby designated the main early voting polling place, and Christopher J. Lynch, Rockwall County Elections Administrator, is hereby appointed early voting clerk and shall appoint and designate deputy clerks for early voting in accordance with the Rockwall County Contract. Early voting for that portion of the City located in Rockwall County will also be conducted at the locations shown in Exhibit A and all other locations as designated by the Rockwall County Elections Administrator, in accordance with the Rockwall County Contract. For more information regarding the City early voting locations within Rockwall County, please contact the Rockwall County Elections Department at (972) 204-6200 or www.rockwallvotes.com.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Rockwall County Contract.

SECTION 4: (a) Election day voting for that portion of the City located in Collin County will also be conducted at the locations shown in Exhibit B and all other locations as designated by the Collin County Elections Administrator, in accordance with the Collin County Contract. The election officers and maximum number of clerks for each voting place shall be determined and appointed in accordance with the Collin County Contract.

(b) Election day voting for that portion of the City located in Dallas County shall be conducted at the locations and the polling places designated for each election precinct as shown in Exhibit B and all other locations as designated by the Dallas County Elections Administrator, in accordance with the Dallas County Contract. The election officers and maximum number of clerks for each polling place shall be determined and appointed in accordance with the Dallas County Contract.

(c) Election day voting for that portion of the City located in Rockwall County shall be conducted at the locations and the polling places designated for each election precinct as shown in Exhibit B and all other locations as designated by the Rockwall County Elections Administrator, in accordance with the Rockwall County Contract. The election officers and maximum number of clerks for each polling place shall be determined and appointed in accordance with the Rockwall County Contract.

On election day, the polls shall be open from 7:00 a.m. to 7:00 p.m.

SECTION 5: A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

Ballots shall be prepared in accordance with Texas Election Code, and permit electors to vote "FOR" or "AGAINST" the aforesaid measures which shall appear on the ballot substantially as follows:

CITY OF WYLIE, TEXAS PROPOSITION A

THE ISSUANCE OF $35,100,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS TO MCMILLEN DRIVE, PARK BOULEVARD AND BALLARD/SACHSE ROAD AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS

CITY OF WYLIE, TEXAS PROPOSITION B

THE ISSUANCE OF $10,000,000 GENERAL OBLIGATION BONDS FOR STREET AND ALLEY IMPROVEMENTS WITHIN THE CITY AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS

CITY OF WYLIE, TEXAS PROPOSITION C

THE ISSUANCE OF $5,000,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS FOR THE DOWNTOWN HISTORIC DISTRICT AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS

SECTION 6: With respect to voters of the City residing in Collin County, the Central Counting Station for the tabulation and counting of ballots for this election shall be located at the Collin County Elections Administration, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75069 and the Manager, Tabulation Supervisor, Presiding Judge and Alternate Presiding Judge at such Central Counting Station shall be determined, appointed and designated in accordance with the Collin County Contract. The Manager and Presiding Judge of such Central Counting Station may appoint clerks to serve at such Central Counting Station, as provided by Texas Election Code, Section 127.006, as amended.

With respect to voters of the City residing in Dallas County, the Central Counting Station for the tabulation and counting of ballots for this election shall be located at the Dallas County Elections Administration, 1520 Round Table Drive, Dallas, Texas 75247 and the Manager, Tabulation Supervisor, Presiding Judge and Alternate Presiding Judge at such Central Counting Station shall be determined, appointed and designated in accordance with the Dallas County Contract. The Manager and Presiding Judge of such Central Counting Station may appoint clerks to serve at such Central Counting Station as provided by Texas Election Code, Section 127.006, as amended.

With respect to voters of the City residing in Rockwall County, the Central Counting Station for the tabulation and counting of ballots for this election shall be located at the Rockwall County Elections Administration, 915 Whitmore Drive, Suite D, Rockwall, Texas 75087 and the Manager, Tabulation Supervisor, Presiding Judge and Alternate Presiding Judge at such Central Counting Station shall be determined, appointed and designated in accordance with the Rockwall County Contract. The Manager and Presiding Judge of such Central Counting Station may appoint clerks to serve at such Central Counting Station as provided by Texas Election Code, Section 127.006, as amended.

SECTION 7: This election shall be held and conducted in accordance with the provisions of Texas Election Code and Texas Government Code, Chapter 1251, and to the extent required by law, all election materials and proceedings shall be printed in both English and Spanish.

SECTION 8: Notice of election, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 days, prior to Election Day. Moreover, a substantial copy of this Resolution and the voter information attached as **Exhibit C**, including a Spanish translation thereof, shall be posted (i) at City Hall not less than 21 days prior to Election Day; (ii) at three additional public places within the City not less than 21 days prior to Election Day, (iii) in a prominent location at each polling place on Election Day and during early voting, and (iv) in a prominent location on the City's internet website not less than 21 days prior to Election Day. A sample ballot shall be posted on the City's internet website not less than 21 days prior to Election Day.

SECTION 9: In accordance with Texas Election Code, Section 3.009(b), as amended, the aggregate amount of outstanding principal of the City's debt obligations secured by ad valorem taxes as of the date of adoption of this Resolution, totaled $74,420,000; the aggregate amount of outstanding interest on the City's debt obligations secured by ad valorem taxes as of the date of adoption of this Resolution, totaled $16,220,048; and the ad valorem debt service tax rate for the City as of the date of the adoption of this Resolution is $0.1598 cents per $100 of taxable assessed valuation. Based on the bond market conditions at the date of adoption of this Resolution, the maximum net effective interest rate for any series of the bonds is estimated to be 4.50%. Such estimated maximum rate is provided as a matter of information and in accordance with the requirements of Texas law, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.

SECTION 10: This Resolution hereby incorporates the provisions of the Collin County Contract, the Dallas County Contract and the Rockwall County Contract, and to the extent of any conflict between this Resolution and the Collin County Contract, the Rockwall County Contract and the Dallas County Contract, the provisions of the Collin County Contract, the Rockwall County Contract, the Dallas County Contract, as applicable, shall control. The Mayor, City Manager or City Secretary or other appropriate official, is hereby authorized to correct, modify or change the Exhibits to this Resolution based upon the final locations and times agreed upon by the Collin County Elections Administrator, the Dallas County Elections Administrator and the Rockwall County Elections Administrator, as applicable, and the City.

DULY PASSED AND ADOPTED, by the City Council of the City of Wylie, Texas on this the 10th day of August, 2021.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

(City Seal)

EXHIBIT A

EARLY VOTING

Early voting begins Monday, October 18, 2021 and ends on Friday, October 29, 2021.

For Collin County voters, applications for ballot by mail shall be requested from and mailed to Collin County Elections, Attn: Bruce Sherbet, 2010 Redbud #102, McKinney, Texas 75069 or bsherbet@collincountytx.gov.

Applications for ballots by mail must be received no later than the close of business on October 22, 2021.

Early Voting Locations and Hours
City of Wylie
Collin County*

Polling Place	**Address**
Collin County Election Office (**Main Early Voting Location**)	2010 Redbud Boulevard, Suite 102 McKinney, Texas 75069

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	October 18 *Early Voting* **8am – 5pm**	*October 19* *Early Voting* **8am – 5pm**	*October 20* *Early Voting* **8am – 5pm**	*October 21* *Early Voting* **8am - 5pm**	*October 22* *Early Voting* **8am - 5pm**	*October 23* *Early Voting* **7am – 7pm**
October 24 *Early Voting* **1pm – 6pm**	*October 25* *Early Voting* **7am – 7pm**	*October 26* *Early Voting* **7am – 7pm**	*October 27* *Early Voting* **7am – 7pm**	*October 28* *Early Voting* **7am – 7pm**	*October 29* *Early Voting* **7am – 7pm**	*October 30* ---
Oct 31 ---	*November 1* ---	*November 2* **Election Day** **7am – 7pm**				

* City voters who reside in Collin County may vote at any of the additional Early Voting locations provided in the Collin County Contract or at www.collincountytx.gov/elections. The polling places, county vote centers, and the county election precincts whose qualified voters shall cast ballots at such locations in the City of Wylie for the 2021 Bond Election will be designated by the Collin County Elections Administrator. A full list of voting locations will be provided by the Collin County Elections Administrator.

EXHIBIT A (CONT.)

EARLY VOTING

Early voting begins Monday, October 18, 2021 and ends on Friday, October 29, 2021.

For Dallas County voters, applications for ballot by mail shall be requested from and mailed to Dallas County Elections, Attn: Michael Scarpello, 1520 Round Table Drive, Dallas, Texas 75247 or evapplications@dallascounty.org.

Applications for ballots by mail must be received no later than the close of business on October 22, 2021.

Early Voting Locations and Hours
City of Wylie
Dallas County*

Polling Place	**Address**
Dallas County Elections Administration (**Main Early Voting Location**)	George L. Allen Sr. Courts Building, Main Lobby 600 Commerce Street, Dallas, Texas 75202

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	October 18 *Early Voting* **8am – 5pm**	*October 19* *Early Voting* **8am – 5pm**	*October 20* *Early Voting* **8am – 5pm**	*October 21* *Early Voting* **8am - 5pm**	*October 22* *Early Voting* **8am - 5pm**	*October 23* *Early Voting* **8am – 5pm**
October 24 *Early Voting* **1pm – 6pm**	*October 25* *Early Voting* **8am – 5pm**	*October 26* *Early Voting* **8am – 5pm**	*October 27* *Early Voting* **8am – 5pm**	*October 28* *Early Voting* **7am – 7pm**	*October 29* *Early Voting* **7am – 7pm**	*October 30* ---
Oct 31 ---	*November 1* ---	*November 2* **Election Day** **7am – 7pm**				

*City voters who reside in Dallas County may vote at any of the additional Early Voting locations provided in the Dallas County Contract or at www.dallascountyvotes.org. The polling places, county vote centers, and the county election precincts whose qualified voters shall cast ballots at such locations in the City of Wylie for the 2021 Bond Election will be designated by the Dallas County Elections Administrator. A full list of voting locations will be provided by the Dallas County Elections Administrator.

EXHIBIT A (CONT.)

EARLY VOTING

Early voting begins Monday, October 18, 2021 and ends on Friday, October 29, 2021.

For Rockwall County voters, applications for ballot by mail shall be requested from and mailed to Rockwall County Elections, Attn: Christopher Lynch, 915 Whitmore Drive, Suite D, Rockwall, Texas 75087 or clynch@rockwallcountytexas.com.

Applications for ballots by mail must be received no later than the close of business on October 22, 2021.

Early Voting Locations and Hours
City of Wylie
Rockwall County*

Polling Place	**Address**
Rockwall County Elections Administration (**Main Early Voting Location**)	Rockwall County Library 1215 E. Yellowjacket Lane Rockwall, Texas 75087

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	October 18 *Early Voting* **8am – 5pm**	*October 19* *Early Voting* **8am – 5pm**	*October 20* *Early Voting* **8am – 5pm**	*October 21* *Early Voting* **7am - 7pm**	*October 22* *Early Voting* **8am - 5pm**	*October 23* *Early Voting* **10am – 3pm**
*October 24*** *Early Voting* **11am – 2pm**	*October 25* *Early Voting* **8am – 5pm**	*October 26* *Early Voting* **8am – 5pm**	*October 27* *Early Voting* **8am – 5pm**	*October 28* *Early Voting* **7am – 7pm**	*October 29* *Early Voting* **8am – 5pm**	*October 30* ---
Oct 31 ---	*November 1* ---	*November 2* **Election Day** **7am – 7pm**				

*City voters who reside in Rockwall County may vote at any of the additional Early Voting locations provided in the Rockwall County Contract or at www.rockwallvotes.com. The polling places, county vote centers, and the county election precincts whose qualified voters shall cast ballots at such locations in the City of Wylie for the 2021 Bond Election will be designated by the Rockwall County Elections Administrator. A full list of voting locations will be provided by the Rockwall County Elections Administrator.

**Only at Rockwall County Library

EXHIBIT B

Election Day Voting Locations
City of Wylie
Collin County*

*City voters who reside in Collin County may vote at any of the additional Election Day Vote Centers provided in the Collin County Contract or at www.collincountytx.gov/elections.

Election Day Voting Locations
City of Wylie
Dallas County*

*****City voters who reside in Dallas County may vote at any of the additional Election Day Vote Centers provided in the Dallas County Contract or at www.dallascountyvotes.org.

Election Day Voting Locations
City of Wylie
Rockwall County*

*****City voters who reside in Rockwall County may vote at any of the additional Election Day Vote Centers provided in the Rockwall County Contract or at www.rockwallvotes.com.

Exhibit C
VOTER INFORMATION DOCUMENT

Wylie City, Texas Proposition A:

□ FOR (a favor) □ AGAINST (en contra)	"THE ISSUANCE OF $35,100,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS TO MCMILLEN DRIVE, PARK BOULEVARD AND BALLARD/SACHSE ROAD AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS"

Wylie City, Texas Proposition B:

□ FOR (a favor) □ AGAINST (en contra)	"THE ISSUANCE OF $10,000,000 GENERAL OBLIGATION BONDS FOR STREET AND ALLEY IMPROVEMENTS WITHIN THE CITY AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS"

Wylie City, Texas Proposition C:

□ FOR (a favor) □ AGAINST (en contra)	"THE ISSUANCE OF $5,000,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS FOR THE DOWNTOWN HISTORIC DISTRICT AND THE IMPOSITION OF A TAX SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS"

principal of debt obligations to be authorized	$50,100,000
estimated interest for the debt obligations to be authorized presuming an average interest rate of 3.80%	$22,550,908
estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized amortized over 20 years	$72,650,908
as of the date the election was ordered, principal of all outstanding debt obligations	$74,420,000
as of the date the election was ordered, the estimated interest on all outstanding debt obligations	$16,220,048
estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over 20 years	$90,640,048
estimated maximum annual increase in the amount of taxes on a residence homestead with a taxable value of $100,000 to repay the debt obligations to be authorized, if approved This figure assumes the amortization of the City's debt obligations, including outstanding debt obligations and the proposed debt obligation; changes in estimated future appraised values within the City; and the assumed interest rate on the proposed debt obligations.	$45.11

November 2, 2021 Election Law Calendar

- Downloadable PDF

Last Updated: June 2021

The uniform election date in November of odd-numbered years is usually the date on which constitutional amendments passed by the Texas Legislature during its recently completed session are voted on. Many local political subdivisions, such as cities and school districts, also have their regular general elections for members of their governing bodies or special elections to fill vacancies on this date. Political subdivisions, including counties, may also have measure (proposition) elections on this date. Therefore, this calendar is designed to meet the needs of many diverse governmental bodies. If there are questions about the applicability of something in this calendar to your particular election, do not hesitate to call the Elections Division of the Office of the Texas Secretary of State at 1-800-252-VOTE (8683).

Months

1. June
2. July
3. August
4. September
5. October
6. November
7. December

Notes

1. Campaign Information
2. Submissions to the U.S. Department of Justice
3. Statutory and Administrative Code References
4. Web Postings
5. Required Use of County Polling Places
6. Notice of Candidate Filing Periods
7. Joint Election Requirement for School Districts
8. Joint Elections Generally
9. Notice of Elections
10. Extended Early Voting Hours
11. Notice of Previous Polling Place
12. Temporary Branch Locations

13. Notice of Change of Polling Place
14. Testing Tabulating Equipment
15. Accepting Voters with Certain Disabilities
16. Note on Laws Regarding ABBMs and FPCAs

NOTE REGARDING CERTAIN STATUTES AND GOVERNMENTAL ACTIONS THAT RELATE TO THE FEDERAL CENSUS: Pursuant to HB 2025 (2021), the population figures from the 2010 federal census will continue to apply with respect to a statute that applies to a political subdivision having a certain population according to the most recent federal census until September 1, 2023. The bill specifies that a statute does not apply to a political subdivision to which the statute did not apply under the 2010 federal census, regardless of whether the political subdivision has the population prescribed by the statute according to the 2020 federal census.

1. Note on Campaign Information

Under Title 15 of the Texas Election Code, candidates running for an office must file campaign contribution and expenditure reports. For further information and all questions about such disclosure filings, campaign finance, and political advertising, please contact the **Texas Ethics Commission** at 201 E. 14th, 10th Floor, Austin, Texas 78701; call 512-463-5800; or access their website at: www.ethics.state.tx.us.

2. Note on Submissions to the U.S. Department of Justice

On June 25, 2013, the United States Supreme Court issued its decision in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013). The Supreme Court's decision held that Section 4 of the federal Voting Rights Act of 1965 is unconstitutional and its formula can no longer be used as a basis for subjecting jurisdictions to preclearance. Accordingly, unless and until there is new law from the United States Congress signed by the President or other court order, the Texas Attorney General has advised the Secretary of State that it is no longer required to submit voting changes to the DOJ for preclearance. We suggest that Texas counties or other Texas political subdivision discuss the effect of Shelby and the continuing applicability of other provisions of the Voting Rights Act with their legal counsel.

3. Note on Statutory and Administrative Code References

Unless otherwise indicated, all references are to the Texas Election Code. The county election officer is the county clerk, the county elections administrator, or the county tax assessor-collector, depending on the actions of the county commissioners court. (Secs. 31.031, 31.071, and 31.091). The county voter registrar is the county clerk, the county elections administrator, or the county tax assessor collector, depending on the actions of the county commissioners court. (Secs. 12.001, 12.031, 31.031 and 31.071)

4. Note on Web Postings

Please see our Web Posting Advisory, Election Advisory No. 2019-19 for more details on web posting requirements; however, the requirements are summarized below.

As of January 1, 2020, each county *shall maintain* a website. (Sec. 26.16(a), Tax Code)

A political subdivision with the authority to impose a tax that maintained a publicly accessible website at any time on or after January 1, 2019, and that is not subject to Section 2051.202 of the Government Code must post the following items on the entity's Internet website (Secs. 2051.201, 2051.202, Government Code) *See* Internet Posting Requirements for Political Subdivisions

The political subdivision's contact information, including a mailing address, telephone number, and e-mail address;

1. Each elected officer of the political subdivision;
2. The date and location of the next election for officers of the political subdivision;
3. The requirements and deadline for filing for candidacy of each elected office of the political subdivision which shall be continuously posted or at least one year before the election day for the office;
4. Each notice of a meeting of the political subdivision's governing body under Subchapter C, Chapter 551 of the Government Code; and
5. Each record of a meeting of the political subdivision's governing body under Section 551.021 of the Government Code.

Our office recommends consulting with your political subdivision's local counsel regarding the particular posting requirements under Subdivisions (4) and (5) referenced above. Please note, the requirements for posting notice of meetings and record of meetings of the political subdivision's governing body do not apply to:

1. A county with a population of less than 10,000;
2. A municipality with a population of less than 5,000 located in a county with a population of less than 25,000; or
3. A school district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

NOTE-NEW LAW: HB 1154 (2021) amended the Government Code to include Section 2051.202, effective September 1, 2021. Section 2051.202 of the Government Code requires a special purpose district with certain financial and population characteristics to post specific information on an Internet website. "Special purpose district" excludes from the term a municipality, county, junior college district, independent school district, groundwater conservation district, river authority, or political subdivision with statewide jurisdiction. (Sec. 2051.202, Government Code)

During the 21 days before the election, a debt obligation order under Section 3.009 must be posted on the political subdivision's Internet website, prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website. (Sec. 4.003(f))

NOTE-NEW LAW: SB 1116 (2021) amended Chapter 4 of the Election Code by adding Section 4.009 regarding candidate and polling place information which must be posted on county, city, and school district websites. Specifically, not later than the 21st day before election day, a county that

holds an election or provides election services for an election must post certain information related to their upcoming elections. A city or independent school district that holds an election and maintains an Internet website must also post this same election information on their website even if the county is also posting this data.

- The date of the election;
- The location of each polling place;
- Each candidate for an elected office on the ballot; and
- Each measure on the ballot. (Sec. 4.009)

NOTE-NEW LAW: SB 1116 (2021) amended Chapter 65 of the Election Code by adding Section 65.016 of the Code regarding election results information which must be posted on county, city, and school district websites. Specifically, a county that holds an election or provides election services for an election for a public entity must post certain information on their website. A city or independent school district that holds an election and maintains an Internet website must also post certain information on their website related to election results, even if the county is also posting such information. Information should be posted **as soon as practicable after the election** and must be accessible without having to make more than two selections or view more than two network locations after accessing the home page of the county, city or school district, whichever is applicable. Required information on the websites must include:

- the results of each election;
- the total number of votes cast;
- the total number of votes cast for each candidate or for or against each measure;
- the total number of votes cast by personal appearance on election day;
- the total number of votes cast by personal appearance or mail during the early voting period; and
- the total number of counted and uncounted provisional ballots cast. (Sec. 65.016)

5. Note on Required Use of County Polling Places

Political subdivisions holding an election on the **November uniform election date must** use county election precincts and the county polling places. (Secs. 42.002, 42.0621 & 43.004) This is the case even when the county has adopted the **countywide polling place system**; in that case the entity must have a presence in every countywide location in the county, not just the locations physically within the territory of the political subdivision. (Secs. 42.002; 43.007(e))

NOTE - In a special election for which use of county election precincts is required, the commissioners court may consolidate, on the recommendation of the county election board, two or more county election precincts into a single precinct if the polling place is located so it will adequately serve the voters of the consolidated precinct. If county election precincts are consolidated for a countywide election, at least one consolidated precinct must be situated wholly within each commissioners precinct. (Sec. 42.008)

NOTE – When a county is using the countywide polling place program and a court order requires any of the polling locations to remain open past 7 p.m., then ALL countywide polling place locations MUST remain open for the same amount of time, as ordered by the court order. (Sec 43.007)

In an election held by a political subdivision other than a county on the November uniform election date, and in which the political subdivision is not holding a joint election with a county or has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election, the political subdivision must designate as one of its own early voting sites one of the early voting sites established by the county (other than a movable site established under Section 85.062(e)) that is located in the political subdivision. If such a shared polling place is designated as the main early voting polling place by the political subdivision, it must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place for the political subdivision making the designation. (Secs. 85.010; 85.002; 85.062(e))

6. Note on Notice of Candidate Filing Periods

The authority with whom an application for a place on the ballot is filed must post a Notice of Deadline to File Applications for Place on the Ballot, listing the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 30th day **before** the first day to file. (Sec. 141.040) If you order a special election to fill a vacancy, the order must include the filing deadline; we recommend posting the notice of the filing period as soon as practicable after a special election is ordered. Note that an application for a place on the ballot for a special election may not be filed before the election is ordered.

NOTE-NEW LAW: HB 3107 (2021) requires the authority with whom an application for a place on the ballot is filed to designate an e-mail address in the notice required by Section 141.040 of the Code for the purpose of filing an application for a place on the ballot. (Sec. 141.040)

7. Note on Joint Election Requirement for School Districts

School districts conducting trustee elections must have joint polling places on election day with either:

1. a city holding an election on the uniform election day (located wholly or partly within the school district's boundaries);
2. a public junior college district if it is having an election for members of its governing board in which the school district is wholly or partly located;
3. in limited circumstances, a hospital district; or
4. the county on the November uniform election day in even-numbered years.

For purposes of this calendar, we will continue to use separate subheads for cities and school districts when their rules are different. However, many entities will be working out joint election agreements. (Sec. 11.0581, Texas Education Code; Sec. 271.002)

8. Note on Joint Elections Generally

Many entities will have joint elections for the November 2, 2021 election. Note that the entries in this calendar are generally written in terms of elections held individually rather than jointly. For example, cities are advised about conducting two 12-hour days for early voting. However, we have long advised different entities who conduct early voting together to coordinate their early voting hours, which may result in entities other than cities also holding early voting on two 12-hour days. On the other hand, depending on the plan, different entities may choose not to hold early voting together and to do things separately. Not all joint election plans are alike. With a few exceptions, we do not discuss the impact of coordinating rules for a joint election, as we think this would make the calendar longer and confusing. We encourage joint election partners to read through the entire calendar, taking note of the rules affecting the partner entities and to address the differences within the agreement itself. If you have questions about how rules apply to a particular joint election plan, please contact our office by phone or email.

9. Note on Notice of Elections

Political subdivisions other than cities and school districts may have specific statutory notice requirements. In the absence of specific statutory requirements, such political subdivisions must post a notice on or before the 21st day before the election. (Sec. 4.003(b)) For the Tuesday, November 2, 2021 election, this notice must be posted on or before Tuesday, October 12, 2021. In addition, the general rule is that notice must be given by any one or more of the following methods:

1. posting the notice in each election precinct in which the election is to be held on or before the 21st day before the election, Tuesday, October 12, 2021. (Sec. 4.003(a)(2))
2. publishing the notice at least once between the 30th day and the 10th day before the election, Sunday, October 3, 2021 – Saturday, October 23, 2021. (Sec. 4.003(a)(1))
3. mailing a copy of the notice to each registered voter of the territory covered by the election, not later than the 10th day before election day, Saturday, October 23, 2021. (Sec. 4.003(a)(3))

Note for Counties: Notice of an election **ordered by the governor or by a county authority** must be published in a newspaper; the county may also give any additional notice. (Secs. 4.003(a)(1), 4.003(c))

Note for Cities and School Districts: Cities and school districts are required to publish their notice in a newspaper in accordance with Section 4.003(a)(1) and may also give any additional notice. (Sec. 4.003(c)) Counties, school districts, and cities may also post notice on the governmental bulletin board used for posting notice of public meetings, no later than Tuesday, October 12, 2021.

Notice for State Constitutional Amendment Election: The constitutional amendment election is ordered by the governor**.** However, the commissioners court should also complete a local order to ensure that all required actions related to the election have been completed. Additionally, your county may post notice of the election on the commissioners court bulletin board and must also provide notice under the method authorized under number 2 above. (Secs. 4.002(1), 4.003(a) and (b))

> **NOTE-NEW LAW**: HB 3107 (2021) provides that in addition to any other notice given, notice of an election ordered by the governor, by a county authority, or by an authority of a city or school district must be given by the method prescribed by Section 4.003(a)(1) of the Code. (Sec. 4.003(c))

This notice must include:

1. The type and date of the election;
2. The location of the main early voting polling place, **including the street address, room number, and building name. The notice must designate which location is the main early voting polling place;**
3. The location of each polling place, **including the street address, room number, and building name;**
4. The hours the polls will be open;
5. The regular dates and hours for early voting by personal appearance;
6. The dates and hours of any Saturday or Sunday early voting;
7. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website;
8. We ***recommend*** that the information regarding branch early voting locations be included as part of your notice; and
9. Any other information required by other law.

NOTE-NEW LAW: HB 3107 (2021) amended Section 4.004 of the Code to require the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a))

NOTE-NEW LAW: HB 3107 (2021) amended Section 83.010 of the Code to require an election order and the election notice to state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010)

NOTE-NEW LAW: HB 3107 (2021) amended Section 85.004 of the Code to provide that an election order and election notice must designate which location is the main early voting polling place. (Sec. 85.004)

NOTE – ANY notice of polling locations must include more detailed information regarding the polling locations including: the polling location's street address, any applicable suite or room number, and any applicable building name. (Sec. 1.021)

Note regarding branch early voting locations: The branch early voting locations are no longer a required part of your notice under the Texas Election Code. (Sec. 4.004)

The following forms may be used:

-Notice of General Election for Cities
-Notice of General Election for Other Political Subdivisions (Including Schools)
-Notice of Special Election for Counties

All Political Subdivisions: The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. For political subdivisions other than counties or cities, the original order and notice should include all days and hours for early voting by personal appearance including voting on **ANY** Saturday or Sunday. (Secs. 85.006 & 85.007) **Note for cities and counties,** the election notice

must be subsequently amended to include voting ordered for **ANY** Saturday or Sunday and **must** be posted on the political subdivision's website, if maintained.

Notice for Bond Elections: Entities holding bond elections must provide additional notice per Section 4.003(f). A debt obligation order under Section 3.009 must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;
2. Not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and
3. During the 21 days before the election, on the political subdivision's Internet website, prominently and together with the notice of the election and the contents of the proposition, if the political subdivision maintains an Internet website.

Note for Home-Rule Charter Cities: Home-rule cities MUST also give notice as provided in their charters.

Notice for Political Subdivisions other than Counties, School Districts, and Cities: Political subdivisions other than counties, school districts, and cities may have specific statutory election notice requirements either in their enabling acts or in the code governing them (such as the Water Code). In the absence of specific statutory requirements, such political subdivisions may post a copy of the notice on or before the 21st day before the election (i.e., Tuesday, October 12, 2021) on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision. (Sec. 4.003(b))

Note for All Political Subdivisions, Except Counties:

The governing body of a political subdivision must deliver notice of the election to the county election officer and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day, Friday, September 3, 2021. (Sec. 4.008)

Note for Counties: Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under Section 4.008. See Note for All Political Subdivisions above. This is **regardless** of whether the county is contracting with the entity.

Notice of Nearest Polling Places in Countywide Election: EACH countywide polling place must post a notice, at that location, of the four nearest locations, by driving distance. (Sec. 43.007(o)) Notice of Four Nearest Countywide Polling Place Locations

10. Note on Extended Early Voting Hours

Note for Cities: The city must choose **two weekdays** for the main early voting polling place to be open for 12 hours during the regular early voting period, if the early voting period consists of more than six weekdays. (Sec. 85.005(d)) The city secretary may also order early voting on a Saturday or Sunday, and determine the hours for such a Saturday or Sunday early voting. This must be done by written order. (Sec. 85.006(b), (c)) Notice of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(c)) The city secretary **must** have early

voting on Saturday or Sunday, *if* a written request is received from at least 15 registered voters of the city in time to comply with the posting requirement. (Secs. 85.006(d); 85.007)

Note for Counties: The county election officer may also order early voting on a Saturday or Sunday, and determine the hours for such Saturday or Sunday early voting. This must be done by written order. (Sec. 85.006(b); 85.006(c)) Notice of Saturday or Sunday early voting must be posted for at least 72 hours immediately preceding the first hour that voting will be conducted. (Sec. 85.007(c)) The county election officer **must** have early voting on Saturday or Sunday, *if* a written request is received from at least 15 registered voters of the county in time to comply with the posting requirement. (Secs. 85.006(d); 85.007)

Note for Cities and Counties: The election notice **must** be subsequently amended to include voting later ordered for **ANY** Saturday or Sunday and **must** be posted on the political subdivision's website, if maintained. (Sec. 85.007)

Note for All Political Subdivisions, *Except* Counties & Cities: Voting on **ANY** Saturday or Sunday must be included in the order and notice of election. The order and notice of election must include the dates and hours of Saturday or Sunday voting. (Secs. 85.006, 85.007) The political subdivision **must** have early voting on Saturday or Sunday, *if* a written request is received from at least 15 registered voters of the political subdivision in time to comply with the posting requirement. (Sec. 85.006(d)) **The request must be submitted in time to be included in the order and notice of election**. (Secs. 85.006; 85.007)

Note for Counties with Population of 100,000 or More: Early voting in a special election ordered by the governor must be conducted at the main early voting location for at least 12 hours on each of the last two days of the early voting period. (Sec. 85.005(c))

Note for Counties with Population of Less than 100,000: Early voting must be conducted at the main early voting location on the weekdays of the early voting period and during the hours that the county clerk's main business office is regularly open for business. (Sec. 85.005(a)) However, upon receipt of a written request by at least 15 registered voters of the county for extended hours to the early voting clerk, early voting in a special election ordered by the governor must be conducted at the main early voting location for at least 12 hours on each of the last two days of the early voting period. (Sec. 85.005(c)). The request must be submitted in time to enable compliance with Sec. 85.067. *See* Notice of Extended Weekday Voting at Main Early Voting Location for County Elections

11. Note on Notice of Previous Polling Place:

If a different polling place is being used from the previous election held by the same authority, a Notice of Previous Polling Place must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062)

12. Note on Temporary Branch Locations

Effective September 1, 2021, the rules for temporary branch locations are different for counties with a population of 100,000 or more.

Note for Counties with a Population of 100,000 or More and Political Subdivisions Situated in Such a County: Early voting at any temporary branch polling place **MUST** be conducted on the same days that voting is required to be conducted at the main early voting polling place under Section 85.005 of the Code and **MUST** remain open for eight hours each day. For certain political subdivisions, this will require your temporary branch locations to be open on every weekday of the early voting period, for at least eight hours on each of those days. **This only applies to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the early voting clerk is situated in more than one county, this section applies if the sum of the populations of the counties is 100,000 or more.** (Secs. 85.005 and 85.064)

NOTE for political subdivisions other than city or county – If the city or county election officer does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters, the temporary branch polling place(s) must be open for at least three hours each day that voting is required to be conducted at the main early voting polling place under Section 85.005 of the Code. **This applies if the territory served by the early voting clerk is in a county with a population of 100,000 or more. In an election in which the territory served by the early voting clerk is situated in more than one county, this also applies if the sum of the populations of the counties is 100,000 or more.** (Secs. 85.005 and 85.064)

> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 85.064 of the Code to provide that the section only applies to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is 100,000 or more. (Sec. 85.064)

> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 85.068 of the Code to provide that if the early voting clerk is a county election officer or city secretary, the clerk must post notice for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Sections 85.064(d) or 85.065(b). (Sec. 85.068)

Note for Counties with a Population of Less than 100,000 and Political Subdivisions Situated in Such a County: Early voting at any temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. However, voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days. The authority authorized under Section 85.006 of the Code to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places. The schedules for conducting voting are not required to be uniform among the temporary branch polling places. **This applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the early voting clerk is situated in more than one county, this applies if the sum of the populations of the counties is under 100,000.** (Sec. 85.065)

> **NOTE-NEW LAW**: HB 3107 (2021) added Section 85.065 of the Code to modify the requirements regarding the days and hours for early voting by personal appearance at any temporary branch polling place if the territory served by the early voting clerk is situated in a county with a population

under 100,000 or if the territory served by the early voting clerk is situated in more than one county and the sum of the populations of the counties is under 100,000. (Sec. 85.065)

NOTE-NEW LAW: HB 3107 (2021) amended Section 85.068 of the Code to provide that if the early voting clerk is a county election officer or city secretary, the clerk must post notice for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Sections 85.064(d) or 85.065(b). (Sec. 85.068)

13. Note on Notice of Change of Polling Place Location:

For elections ordered by the **Governor or county judge only**, if the location of the polling place changes after notice has been given under Section 4.003 of the Texas Election Code, and the county election officer maintains a website to inform voters about elections, the notice of the change must be posted on the website. The notice on the website must be posted not later than the earlier of 24 hours after the location was changed or 72 hours before the polls open on election day. (Sec. 43.061) If the county election officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge.

14. Note on Testing Tabulating and Electronic Voting Equipment

Ballot Testing:

Once all candidate filing deadlines have passed, we recommend that you proof and test your ballot programming as soon as possible. Early testing will allow adequate time to locate any errors and make any necessary corrections in ballot programming. We also strongly suggest that you have candidates proof their names and offices before finalizing the ballot to avoid the necessity for last minute ballot corrections.

Logic and Accuracy Test:

We recommend establishing a date to perform the first test of your electronic voting equipment (L&A, or Logic and Accuracy Test) as soon as possible. We recommend that this test be performed on a date that allows time to correct programming and retest, if necessary. A notice of this test must be published by the custodian of the electronic voting equipment at least 48 hours before the date of the test. (Sec. 129.023; Tex. Sec'y of State Election Advisory No. 2019-23) The L&A test must be conducted not later than 48 hours before voting begins on a voting system. (Sec. 129.023)

Testing Tabulating Equipment:

The automatic tabulating equipment used for counting ballots at a central counting station must be tested three times for each election. (Ch. 127, Subch. D). We recommend you test the equipment as soon as possible; early testing will allow adequate time to locate any errors and make any necessary corrections in programming. However, the first test **must be conducted at least 48 hours before** the automatic tabulating equipment is used to count ballots voted in the election. The second test shall be conducted immediately before the counting of ballots with the equipment begins. The third test must be conducted immediately after the counting of ballots with the equipment is completed. Please note that the custodian of the automatic tabulating equipment must publish notice of the date, hour, and place of the first test in a newspaper at least

48 hours before the date of the test. (Sec. 127.096) The electronic files created from the L&A testing are what must be used for testing the tabulating equipment.) (Tex. Sec'y of State Election Advisory No. 2019-23).

Precinct tabulators must also be tested in accordance with the procedures set forth in Chapter 127, Subchapter D, of the Texas Election Code to the extent those procedures can be made applicable. (Sec. 127.152; (Tex. Sec'y of State Election Advisory No. 2019-23).

Our recommendation is that both L&A testing and testing of the automatic tabulating equipment take place prior to ballots by mail being sent out. However, should there be a reason to delay testing, please be advised that L&A testing must be conducted at least 48 hours before voting begins on a voting system. This means that L&A testing should be completed before early voting and possibly, before election day, if your election day system is different than your early voting system. Additionally, the automatic tabulating equipment may not be used to count ballots voted in the election until a test is successful.

For more information on testing tabulating equipment used at the central counting station, please see Chapter 127, Subchapter D of the Election Code and Tex. Sec'y of State Election Advisory No. 2019-23. See Chapter 129, Subchapter B of the Election Code and Tex. Sec'y of State Election Advisory No. 2019-23 **for other types of testing such as functionality tests, logic and accuracy tests, tests for central accumulators, etc**. Please see Tex. Sec'y of State Election Advisory No. 2019-23 for additional information regarding voting system equipment access, security and preservation, and chain of custody.

15. Note on Accepting Voters with Certain Disabilities

All Political Subdivisions: Accepting voters with certain disabilities:

An election officer may accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived **before** the person. "Mobility problem that substantially impairs a person's ability to ambulate" has the meaning assigned by Section 681.001, Transportation Code. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority. **Notice of the priority** given to persons with a mobility problem that substantially impairs a person's ability to ambulate shall be posted:

1. at one or more locations in each polling place where it can be read by persons waiting to vote;
2. on the website of the Secretary of State; and
3. on each website relating to elections maintained by a county. (Sec. 63.0015)

The ***recommended*** time to include this notice on a county website is when the Notice of Election is also posted on the website. Sec 85.007(d). *See* Note 9 regarding Notice of Elections.

Cities, Schools, and Other Political Subdivisions: It is ***strongly recommended*** that the notice regarding accepting voters with certain disabilities also be posted on the subdivision's website, if one is maintained by the political subdivision.

16. Note on Laws Regarding ABBMs and FPCAs

If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant **must** submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The early voting clerk should retain a copy of the FPCA for their own records, but should send the FPCA submitted by the voter to the Voter Registrar for registration purposes. (Sec. 84.007)

If a voter faxes or emails the ABBM or faxes the FPCA, the date the early voting clerk receives the FAX or EMAIL is considered the date of submission. Essentially, the faxed or emailed form serves as a place-holder for the voter. Therefore, a voter whose application was faxed or emailed by the 11th day before election day (the deadline), and whose original application is received on or before the 4th business day after that date, would still be entitled to receive a ballot for the election (if otherwise eligible). The early voting clerk will have to hold the faxed or emailed ABBM or faxed FPCA until the clerk receives the original, and would only send the voter a ballot if the original is received by the 4th business day after the faxed or emailed ABBM or faxed FPCA was received. *See* Tex. Sec'y of State Election Advisory No. 2018-02.

The requirement to mail the original application does not apply to an emailed FPCA, but does apply to a faxed FPCA.

NOTE-NEW LAW: HB 3107 (2021) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001)

NOTE-NEW LAW: HB 3107 (2021) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. (Sec. 101.052)

NOTE-NEW LAW: Presently, voters may personally hand-deliver their ABBMs to the early voting clerk. HB 3107 (2021) amended Section 84.008 of the Code to provide that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that effective September 1, 2021, voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.) (Sec.84.008)

Calendar of Events

June

Thursday, June 17, 2021 (30th day before Saturday, July 17, 2021, first day to file an application for a place on the ballot)

Cities, Schools, and Other Political Subdivisions: Post Notice of Deadline to File Applications for Place on the Ballot in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. (Sec. 141.040; Sec. 49.113 Water Code). This notice must be posted in addition to the posting the requirements and deadline for filing for candidacy under Section, 2051.201, Government Code. (*See* Note 4, above)

NOTE - Water Districts: The notice must be posted at the district's administrative office or at the public place established by the district under Section 49.063 of the Water Code. (Sec. 49.113, Water Code)

NOTE-NEW LAW: HB 3107 (2021) requires the authority with whom an application for a place on the ballot is filed to designate an e-mail address in the notice required by Section 141.040 of the Code for the purpose of filing an application for a place on the ballot.

NOTE-NEW LAW: HB 4555 (2021) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, **effective September 1, 2021**, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B Misdemeanor. (Secs. 141.031, 141.039)

Note Regarding New Law: Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

NOTE - School Districts: In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

Wednesday, June 30, 2021 (last day of June)

Counties with a Population of Over 500,000: Deadline for party chairs to submit to county commissioners court a list of eligible persons for precinct presiding judge and alternate presiding judges for appointments in each county election precinct and as a central counting station presiding judge and alternate

judge and who are affiliated or aligned with the county chair's political party. (Secs. 32.002 & 127.005(e)) The list of the county chair of the political party whose candidate for governor received the highest number of votes in the county in the 2018 gubernatorial election must contain the name of a person eligible for appointment as the early voting ballot board presiding judge. (Sec. 87.002(b)) This is meant for counties that did not make two-year appointments in 2020, and will be making appointments in the July 2021 term. Lists submitted by mail must be postmarked by June 30, 2021, in order for them to be considered timely-filed. *See* Tex. Sec'y of State Election Advisory No. 2021-07.

July

July Term

Counties with a Population of Over 500,000: This is meant for counties that did not make two-year appointments in 2020, and will be making appointments in the July 2021 term. The commissioners court must appoint the election judges for each regular county election precinct at its July term in a county with a population of over 500,000. In counties with a population of over 500,000, the terms of the judges start on August 1, 2021. *See* entry for Wednesday, June 30, 2021.

Saturday, July 17, 2021 (30th day before Monday, August 16, 2021, regular filing deadline for a place on the ballot)

Political Subdivisions Other Than Counties: First day to file an application for a place on the ballot or a declaration of write-in candidacy. (Secs. 143.007, 144.005, 146.054 Election Code; Secs. 11.055, 11.056, 130.082(g), 130.0825 Educ. Code). *See* Candidacy Filing outline for more details. The following applications may be provided to candidates and are available on the Secretary of State's website:

- Application for Place on City/School/Other Political Subdivision Ballot
- If your home rule city or special law district allows for a petition, the following petition may be used: Petition for Place on the City General Election Ballot
- Declaration of Write-In Candidacy for City, School, or other Political Subdivisions

NOTE - We are often asked how filing can begin if you have not yet ordered the general election. You do **not** need to order your **general** (regularly occurring) election in order for the filing period to begin.

NOTE - Cities, Schools, and Other Political Subdivisions: At least part of the candidate filing period will occur during the summer break for school districts. Additionally, there are political subdivisions that do not have office hours on all days of the business week (Monday through Friday) or do not have an office that is open for eight hours each day of the business week. The Elections Division recommends that political subdivisions take steps to have someone available for a few hours most days during the candidate filing period to accept filings, and that political subdivisions post a schedule on their websites and on the bulletin boards where notices of meetings are posted of the days and times when someone will be available to accept filings. The Elections Division also strongly recommends having someone available at the place of business on the filing deadline, especially from 2:00 p.m. to 5:00 p.m., if you are otherwise closed. This guideline is based on the office-hour rule under Section 31.122 of the Election Code. Although a political subdivision may accept applications by mail, fax, or email without a person

there at the office, the political subdivision will not be able to determine which applications were timely filed by 5:00 p.m.

NOTE-NEW LAW: HB 3107 (2021) amended Sections 143.004 and 144.003 of the Code to provide that candidate applications, other than those that must be accompanied by a filing fee, may be filed via email. The application must be a scanned copy of the candidate application and must be sent to the filing authority's designated email address for accepting applications. (Secs. 143.004, 144.003)

Friday, July 30, 2021 (last weekday "before August")

Recommended date that county election officials and local political subdivisions meet to discuss conducting elections at the same polling locations pursuant to Sections 42.002 & 42.0621, as well as any applicable joint election issues needed to be agreed upon. **NOTE: This is not a deadline; just a recommendation.**

Saturday, July 31, 2021 (last day of July)

Counties with a Population of 500,000 or Less: Deadline for party chairs to submit to county commissioners court a list of eligible persons for precinct presiding election and alternate presiding judges for appointments in each county election precinct and as a central counting station presiding judge and alternate judge and who are affiliated or aligned with the county chair's political party. (Secs. 32.002 & 127.005(e)) The list of the county chair of the political party whose candidate for governor received the highest number of votes in the county in the 2018 gubernatorial election must contain the name of a person eligible for appointment as the early voting ballot board presiding judge. (Sec. 87.002(b)) This is meant for counties that did not make two-year appointments in 2020, and will be making appointments in the August 2021 term. Lists submitted by mail must be postmarked by July 31, 2021, in order for them to be considered timely-filed. *See* Tex. Sec'y of State Election Advisory No. 2021-07.

August

August Term

Counties with a Population of 500,000 or Less: This is meant for counties that did not make two-year appointments in 2020, and will be making appointments in the August 2021 term. The commissioners court must appoint the election judges for each regular county election precinct at its August term in a county with a population of 500,000 or less. In counties with a population of 500,000 or less, the terms of the judges start on September 1, 2021. *See* entry for July 31, 2021.

Recommended time for the county commissioners court to decide whether to consolidate county election precincts for the November 2, 2021 state constitutional amendment election. The county may consolidate two or more precincts into a single precinct if it will be so located as to adequately serve the voters. At least one consolidated precinct must be wholly within each commissioners precinct. If a county consolidates county election precincts, they must provide a Notice of Consolidated Precinct at each polling place used in the preceding general election to inform voters of the precinct's consolidation and the location of the consolidated precinct polling place. This notice must be posted not later than the 10th day before election

day and must remain posted continuously through election day. (Secs. 42.008; 4.003(b)) The county shall deliver to the Secretary of State notice of the consolidated precinct no later than the date of the election. (Sec. 4.003(e))

Wednesday, August 4, 2021 (90th day before election day)

Last day for eligible political subdivisions to submit Notice of Exemption Under Section 61.013 or an Application of Undue Burden Status to the Secretary of State for exemption from the accessible voting system requirement. (Sec. 61.013) For additional information, consult the most current advisory on this topic, Tex. Sec'y of State Election Advisory No. 2021-02.

Friday, August 13, 2021 (81st day before election day; 3rd day before filing deadline)

Political Subdivisions Other Than Counties: If a candidate dies on or before this date, his or her name is not placed on the ballot as long as the filing deadline is Monday, August 16, 2021. (Sec. 145.094(a)(1))

> **NOTE -** Section 145.098 provides that if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots MAY choose to omit the candidate from the ballot. If the authority does choose to omit the candidate, the deadline for filing an application for a place on the ballot is extended to the fifth day after the filing deadline, Monday, August 23, 2021. This extended deadline only applies to the regular filing deadline. It **DOES NOT** apply to the write-in deadline.
>
> **NOTE -** Because the extended deadline for filing an application for a place on the ballot falls on a weekend (Saturday, August 21, 2021), it is extended to the next regular business day, Monday, August 23, 2021. (Sec. 1.006)

Monday, August 16, 2021 (78th day before election day)

Political Subdivisions Other Than Counties: 5:00 p.m. - Last day for a candidate in a political subdivision (other than a county) to file an application for a place on the ballot for general election for officers for most political subdivisions, except as otherwise provided by the Texas Election Code. (Secs. 143.007(c), 144.005(d); Sec. 11.055, Education Code; Chapter 286, Health & Safety Code). *See* Candidacy Filing outline for more details.

> **NOTE -** A home-rule city's charter may **not** provide an alternate candidate filing deadline. (Secs. 143.005(a), 143.007)
>
> **NOTE - City Offices with Four-Year Terms:** If no candidate has filed for a city office with a four-year term, the filing deadline is 5:00 p.m. of the 57th day before election day, Tuesday, September 7, 2021. (Sec. 143.008)*
>
> *Since the 57th day before election day falls on Monday, September 6, 2021 (Labor Day), the deadline is extended to the next regular business day, which is Tuesday, September 7, 2021.
>
> **NOTE** - An application by mail is considered to be filed at the time of its receipt by the appropriate filing authority. (Secs. 143.007(b), 144.005(b))

Political Subdivisions Other Than Counties (General Election): Deadline for political subdivisions to order a general election to be held on Tuesday, November 2, 2021, unless otherwise provided by the Election Code. (Sec. 3.005) One of the following forms may be used:

-Order of Election for Municipalities
-Order of Election for Other Political Subdivisions (Including Schools)

Political Subdivisions Other Than Counties (Special Election): Deadline to order a special election on a measure to be held on Tuesday, November 2, 2021. The following form may be used:

- Order of Special Election for Municipalities

Counties: Deadline for counties to order a special election on a measure to be held on Tuesday, November 2, 2021, other than the constitutional amendment election, which is ordered by the governor. (Secs. 3.004; 3.005) The following form may be used:

- Order of Special Election for County-Ordered Measure Elections

Notice for State Constitutional Amendment Election: The constitutional amendment election is ordered by the governor**.** However, the commissioners court should also complete a local order to ensure that all required actions related to the election have been completed.

The order of election must include:

1. The date of the election;
2. The location of the main early voting polling place **including the street address, room number, and building name. The order must designate which location is the main early voting polling place;**
3. The offices or measures to be voted on;
4. **(*Recommended*)** Branch early voting polling places (*see* Notice of Elections above);
5. The dates and hours for early voting (recommended for counties and cities, but required for all other entities). (Cities must include the two designated weekdays for which early voting will be held for 12 hours);
6. The dates and hours of any Saturday and Sunday early voting (if applicable, it is recommended that this information be included in the order for counties and cities, but it must be included for all other entities); and
7. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website.

In addition to the information included above, an order for a debt obligation (bond) election **must** include (Sec. 3.009):

1. the proposition language that will appear on the ballot;
2. the purpose for which the debt obligations are to be authorized;

3. the principal amount of the debt obligations to be authorized;
4. that taxes sufficient to pay the principal of and interest on the debt obligations may be imposed;
5. a statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;
6. the maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;
7. the aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the date the election is ordered;
8. the aggregate amount of the outstanding interest on debt obligations of the political subdivision as of the date the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations; and
9. the ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per $100 valuation of taxable property.

NOTE-NEW LAW: HB 3107 (2021) amended Section 83.010 of the Code to require an election order and the election notice to state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010)

NOTE-NEW LAW: HB 3107 (2021) amended Section 85.004 of the Code to provide that an election order and election notice must designate which location is the main early voting polling place. (Sec. 85.004)

Friday, August 20, 2021 (74th day before election day)

Political Subdivisions Other Than Counties: 5:00 p.m. - Deadline for write-in candidates to file Declarations of Write-In Candidacy for regular officers for city, school district, library district, junior college district, hospital district, common school districts, Chapter 36 and 49 Water Code districts, and other political subdivision elections, unless otherwise provided by law. (Secs. 144.006(b)(2), 146.054(b)(2), 146.055, 146.083, Election Code; Secs. 11.056, 11.304, 130.0825, Education Code; Secs. 326.0431, 326.0432, Local Government Code; Sec. 285.131, Health and Safety Code; and Secs. 36.059, 49.101, 63.0945, Water Code). *See* Candidacy Filing outline for more details.

NOTE - An application by mail is considered to be filed at the time of its receipt by the appropriate filing authority. (Secs. 143.007(b), 144.005(b))

First day to post Notice of Drawing for Place on Ballot if drawing is to be conducted on Tuesday, August 24, 2021. This notice must be posted for 72 hours immediately preceding the time of the drawing. (Sec. 52.094(c))

For an election held by a political subdivision, other than a city, a notice of ballot position drawing must be mailed to candidates by this day (not later than the 4th day before the drawing) if drawing is to be

conducted on Tuesday, August 24, 2021. (Sec. 52.094(d)) Candidates who have not filed by this date should be given a copy of the notice at the time of filing.

For an election held at county or city expense, if a candidate gives the filing authority a written request, accompanied by a stamped, self-addressed envelope, the filing authority must mail the candidate a notice of ballot position drawing. (Sec. 52.094(d))

> **NOTE-NEW LAW**: Effective September 1, 2021, HB 3107 (2021) amended Section 52.094 of the Code to require the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by: 1) written notice that is mailed to the address stated on the candidate's application not later than the fourth day before the date of the drawing; or 2) provided at the time the candidate files an application with the appropriate authority. If notice was not provided at the time the candidate filed an application, the notice may be provided by telephone, if a telephone number is provided on the candidate's application or by e-mail, if an e-mail address was provided on the candidate's application. (Sec. 52.094)

Monday, August 23, 2021 (71st day before election day)

Political Subdivisions Other Than Counties: 5:00 p.m. - Last day for a candidate to withdraw, by submission of a Certificate of Withdrawal or a notarized letter. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot**. (Secs. 145.092(f), 145.094(a)(4)) For special circumstances regarding withdrawal of a candidate before ballots are prepared, please contact the Elections Division of the Office of the Texas Secretary of State.

Political Subdivisions Other Than Counties: 5:00 p.m. — Last day to **withdraw** as a **write-in** candidate in the general election ordered by a political subdivision other than a county. (Secs. 144.006(c), 146.054(c)) (Candidates may use the Certificate of Withdrawal).

> **NOTE -** Section 145.098 provides that if a candidate dies on or before the deadline for filing an application for a place on the ballot, the authority responsible for preparing the ballots MAY choose to omit the candidate from the ballot. If the authority does choose to omit the candidate, the deadline for filing an application for a place on the ballot is extended to the fifth day after the filing deadline, Monday, August 23, 2021. This extended deadline only applies to the regular filing deadline. It **DOES NOT** apply to the write-in deadline.
>
> **NOTE -** Because the extended deadline for filing an application for a place on the ballot falls on a weekend (Saturday, August 21, 2021), it is extended to the next regular business day, Monday, August 23, 2021. (Sec. 1.006)

Recommended first day that an election may be cancelled if all filing deadlines have passed, each candidate for an office listed on the ballot is unopposed, and write-in votes may be counted only for names appearing on a list of write-in candidates. (Sec. 2.052) The Certification of Unopposed Candidates for Other Political Subdivisions may be used to certify candidates as unopposed. Also, see our Sample Order of Cancellation.

A special election of a political subdivision is considered to be a separate election with a separate ballot from a general election for officers of the same political subdivision held at the same time as the special

election. Therefore, the fact that there may be a proposition on the ballot will not prevent a cancellation of an election for candidates who are unopposed. (Sec. 2.051(a)) If any members of the political subdivision's governing body are elected from territorial units, such as single member districts, an election may be cancelled in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot. An unopposed at-large race may be cancelled in an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. (Sec. 2.051(b))

This recommended cancellation deadline presumes a filing deadline of Monday, August 16, 2021, and a write-in deadline of Friday, August 20, 2021. Special elections may have different deadlines, and may now be cancelled separately. For more information on cancellation of elections, please see the Secretary of State's Advisory - Cancellation of Election for Local Political Subdivisions (Not County).

> **NOTE - Political Subdivision Holding a Special Election to Fill a Vacancy**: If you are having a special election fill a vacancy for an unexpired (partial) term, you must not cancel the special election until after all deadlines to file for a special vacancy election have passed. (Reminder: The cancellation procedures allow general and special elections to be considered separate elections for cancellation purposes. If the elections are separated, note there are procedures related to listing unopposed candidates in the same relative order on the ballot.) *See* Sec. 2.053, Election Code and the Secretary of State's Advisory - Cancellation of Election for Local Political Subdivisions (Not County).

Political Subdivisions Other Than Counties: *Recommended* date to appoint **presiding and alternate judges**. Currently, the Election Code does not establish a deadline for appointing election officials; there is only a notification deadline. For further information concerning procedures for appointing judges and their alternates, see Sections 32.005, 32.008, and 32.011. General eligibility requirements are found in Subchapter C, Chapter 32. In addition to appointing a judge and alternate judge for each election precinct pursuant to Sections 32.001 and 32.005, the governing body must allow the judge to appoint no less than two clerks; however, the alternate judge must serve as one of the clerks as a matter of law. (Secs. 32.032, 32.033) The presiding judge then appoints an additional clerk(s), but not more than the maximum set by the governing body. (Sec. 32.033) Presiding judges and their alternates must be given a Notice of Appointment **not later than the 20th day after the appointment is made**. (Sec. 32.009) If the appointment is for a single election, the notice may be combined with the Writ of Election, which is required to be delivered to each presiding judge **not later than the 15th day before the election, Monday, October 18, 2021**. (Sec. 4.007, 32.009(e)) If the notices are combined, both must be delivered by the date required by the earlier notice.

> **NOTE - Water Districts:** A water district is not required to provide a Notice of Appointment to a presiding judge, as required under Section 32.009, but must provide a Writ of Election. (Sec. 4.007; Sec. 49.110, Water Code)

Recommended date to appoint the **central counting station personnel**, if applicable. (Secs. 127.002, 127.003, 127.004, and 127.005) There is no statutory notice requirement for members of the central counting station, but good practice suggests that written notice be given to them.

Recommended date to appoint the **presiding judge of the early voting ballot board** or to designate the election workers of one election precinct to serve as the early voting ballot board. (Secs. 87.001,

87.002, and 87.004) There is no statutory notice requirement for members of the early voting ballot board, but good practice suggests that written notice be given to them.

Counties: For timeframes for appointment of various election workers for counties, see Tex. Sec'y of State Election Advisory No. 2021-07.

Recommended date to order the lists of registered voters from the county voter registrar. The list should include both the voters' residences and mailing addresses in order to conduct early voting by mail. (Sec. 18.006)

Recommended date to order election supplies, other than ballots. (Sec. 51.003)

Recommended date to confirm telephone number for the county voter registrar's office on election day.

Tuesday, August 24, 2021 (70th day before election day)

Political Subdivisions Other Than Counties: Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election) and have the filing deadline be the 62nd day before election day. (Secs. 201.054(a)(1)), 201.052) Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051) The following form may be used: Order of Special Election for Municipalities.

NOTE - Section 201.054 provides that if a special election to fill a vacancy is ordered (1) on or before the 70th day before election day, the candidate application must be filed by 5:00 p.m. on the 62nd day before election day, OR (2) after the 70th day but on or before the 46th day before election day, the candidate application must be filed by 5:00 p.m. on the 40th day before election day. This is the first of the two possible ordering times.

NOTE-NEW LAW: HB 4555 (2021) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, **effective September 1, 2021,** candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B Misdemeanor. (Secs. 141.031, 141.039)

Note Regarding the New Law: Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

NOTE - School Districts: In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

Recommended date to conduct ballot position drawing. (Sec. 52.094) You should also certify today to the county election officer the offices, propositions (in all necessary languages), and candidates' names (including the order) as they are to appear on the ballot, **if you are contracting** to have the county conduct your election or if you are conducting a joint election with the county. *See* entry for August 20, 2021, referencing new law regarding ballot drawing.

NOTE - After the ballot drawing has occurred, the Elections Division recommends that you proof and test your ballot programming as soon as possible and **prior to the deadline to mail a ballot** if the political subdivision will be using automatic tabulating equipment to count the mail ballots or if your mail ballots are printed from the same database used to program your precinct scanners and/or DREs (See Testing Tabulating Equipment). **The Elections Division also recommends that you provide candidates with copies of ballot proofs so that candidates may verify the correctness of their names, positions sought, and order of names on the ballot.**

Thursday, August 26, 2021 (68th day before election day)

Deadline for the Secretary of State to certify the state constitutional amendment election. (Sec. 274.003) The certification will include the ballot order of the constitutional amendments.

September

Wednesday, September 1, 2021 (62nd day before election day)

Political Subdivisions Other Than Counties: 5:00 p.m. - Last day to file application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Tuesday, August 24, 2021. (Sec. 201.054(a)(1)) For more details about Section 201.054 and the two possible special election deadlines, see entry for Tuesday, August 24, 2021.

Political Subdivisions Other Than Counties: 5:00 p.m. - Deadline for write-in candidates to file Declarations of Write-In Candidacy for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered on or before the 70th day before election day, Tuesday, August 24, 2021. (Sec. 201.054(a)(1) and 201.054(g))

NOTE - A declaration of write-in candidacy for a special election must be filed not later than the filing deadline. The filing deadline to file an application for a place on the ballot in a special election to fill a vacancy, if the special election is ordered on or before the 70th day before election day, Tuesday, August 24, 2021, is Wednesday, September 1, 2021. (Section 201.054(g))

NOTE-NEW LAW: HB 4555 (2021) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, **effective September 1, 2021**, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to

include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B Misdemeanor. (Secs. 141.031, 141.039)

Note Regarding the New Law: Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

NOTE - School Districts: In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

NOTE-NEW LAW: Effective September 1, 2021, HB 3107 (2021) amended Section 52.094 of the Code to require the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by: 1) written notice that is mailed to the address stated on the candidate's application not later than the fourth day before the date of the drawing; or 2) provided at the time the candidate files an application with the appropriate authority. If provided at the time the candidate files an application, the notice may be provided by telephone, if a telephone number is provided on the candidate's application or by e-mail, if an e-mail address was provided on the candidate's application. (Sec. 52.094)

Friday, September 3, 2021 (60th day before election day)

First day of period during which the Secretary of State must publish first statewide notice of state constitutional amendment election. The Secretary of State will publish this notice a second time on the same day of the next week after the first notice was published. (Art. XVII, Sec. 1, Texas Constitution)

Political Subdivisions Other Than Counties: Last day for the governing body of a political subdivision to deliver notice of the election to the county clerk/elections administrator and voter registrar of each county in which the political subdivision is wholly or partly located. (Sec. 4.008)

NOTE - Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under 4.008. This is regardless of whether the county is contracting with the entity. *See* Note 9 for more information on the requirements related to the Notice of Election.

NOTE-NEW LAW: HB 3107 (2021) requires the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a))

NOTE-NEW LAW: HB 3107 (2021) amended Section 83.010 to require an election order and the election notice to state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010)

Recommended date for county clerk/county elections administrator to deliver an initial list of voters who have submitted annual applications for ballot by mail under Section 86.0015 and scans or photocopies of

those applications to the early voting clerk of any political subdivision located within the county that is holding an election on November 2, 2021. The list should only include voters that reside in the political subdivision holding the election. The list should only be created and sent to those political subdivisions that have provided notice of the election to the county clerk/elections administrator. *See also*, the note below and the entry at Friday, October 22, 2021, for more information about delivery of a final list of voters. *See* entry at Thursday, October 21, 2021, and entry at Saturday, October 30, 2021, for more information on the delivery of copies/images of the applications.

NOTE - Section 86.0015 requires the county clerk/elections administrator to provide a list of voters that have submitted an annual application for ballot by mail to all political subdivisions in their county holding an election. The law only applies to elections for which the county clerk/elections administrator is not the early voting clerk via a contract for election services or joint election agreement. The Election Division *strongly recommends* that the county and political subdivisions **discuss the frequency and method for which these lists should be transmitted** to ensure that ballots are sent out timely. Finally, the county clerk/elections administrator **must deliver either photocopies or scanned images of the applications (under Section 87.126) to the early voting clerk** of the political subdivision before the ballots by mail are delivered to the early voting ballot board for qualifying and counting under Section 87.041.

Monday, September 6, 2021 (57th day before election day) (Labor Day)

Political Subdivisions Other Than Counties: 5:00 p.m. – Last day for a candidate to file Certificate of Withdrawal in a special election, in which the filing deadline is the 62nd day before election day. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(b) and (e) and 145.094(a)(3)) **Section 1.006 of the Code not does not apply to Section 145.092(b).**

For special circumstances regarding withdrawal of a candidate before ballots are prepared, please contact the Elections Division of the Office of the Texas Secretary of State.

Tuesday, September 7, 2021 (56th day before election day)

City Offices with Four-Year Terms: **5:00 p.m. -** Extended filing deadline in cities with four-year terms of office, when no candidate files for a particular office by the regular filing deadline of Monday, August 16, 2021. (Secs. 1.006 and 143.008) *See* note entry for Monday, August 16, 2021.*

*Since the 57th day before election day falls on Monday, September 6, 2021 (Labor Day), the deadline is extended to the next regular business day, which is Tuesday, September 7, 2021.

Monday, September 13, 2021 (50th day before election day; 21st day after August 23, 2021)

Deadline to challenge the filing of an application for a place on the ballot as to form, content, and procedure. (Sec. 141.034)

NOTE-NEW LAW: HB 3107 (2021) amended Section 141.034 of the Code to provide that a candidate application cannot be challenged for "Form, Content, and Procedure" defects after the 50th day before the date of the election for which the application is made. (Sec. 141.034)

Political Subdivisions Other Than Counties: Last day to notify election judges of their appointment if they were appointed, as recommended, on Monday, August 23, 2021. (Secs. 1.006, 32.009(b)) Presiding and alternate judges must be notified of their appointment in writing, not later than the 20th day after the date the appointment is made. The notice of the judge's duty to conduct the election (writ of election) pursuant to Section 4.007 may be combined with the above notice, if the appointment is for a single election only. If the notices are **NOT** combined, then the notice of the judge's duty to conduct the election (writ of election) must be delivered not later than the 15th day before election day, Monday, October 18, 2021.

Last day of period during which the Secretary of State must publish first statewide notice of state constitutional amendment election. The Secretary of State will publish this notice a second time on the same day of the next week after the first notice was published. (Art. XVII, Sec. 1, Texas Constitution)

Last day to publish notice for testing of automatic tabulation equipment testing and logic and accuracy testing (L&A testing) of a voting system that uses direct recording electronic (DRE) voting machines and precinct scanners if test will be completed by recommended deadline of Wednesday, September 15, 2021. Notice of the public tests must be published at least 48 hours before the test begins. (Secs. 127.093, 127.096, 129.001, 129.022, 129.023) *See* Note 14 above.

Monday, September 13, 2021 - Sunday, December 12, 2021 (50th day before election day - 40th day after election day)

Mandatory Office Hours: Each county clerk, city secretary or secretary of a governing body (or the person performing duties of a secretary) must keep the office open for election duties for at least 3 hours each day, during regular office hours, on regular business days. (Sec. 31.122)

NOTE - Counties: This office hour rule applies to the entity's general election or special election ordered by that authority; we recommend that the county maintain these office hours, because the county conducts the constitutional amendment election. The hours are clearly required if the county authority orders an additional county election.

NOTE - Independent School Districts: A "regular business day" means a day on which the school district's main business office is regularly open for business. (Sec. 31.122(b))

NOTE - Special Elections: In the case of a special election, the office hour rule is triggered starting the third day after the special election is ordered. (Sec. 31.122)

NOTE-NEW LAW: HB 3107 (2021) amended Section 31.096 of the Code which addresses nontransferable functions under an election services contract. Specifically, an election services contract may not change the political subdivision's requirement to maintain office hours under Section 31.122. The amendment to Section 31.096 of the Code also allows a county that has contracted with a city to be the custodian of voted ballots for a city election. (Sec. 31.096)

Wednesday, September 15, 2021 (48th day before election day)

Recommended date to conduct the first test of the automatic tabulating equipment and for logic and accuracy (L&A test) test on precinct scanners and DREs. (Secs. 127.093; 127.096; 129.022; 129.023) The SOS recommends you complete your first round of testing prior to mailing your mail ballots if those ballots will be counted using automatic tabulation equipment. If you conduct your first round of testing by this date, you must publish notice of the test 48 hours prior to testing. *See* Note 14 , above.

Friday, September 17, 2021 (46th day before election day)

Political Subdivisions Other Than Counties: Last day to order a special election to fill a vacancy (if authorized to fill vacancies by special election). If the election was ordered after the 70th day before election day, the filing deadline will be the 40th day before election day. (Secs. 201.052 and 201.054(a)(2)) Please note that the Election Code requires the election to be ordered as soon as practicable after the vacancy occurs. (Sec. 201.051) The following form may be used: Order of Special Election for Municipalities.

> **NOTE-NEW LAW**: HB 4555 (2021) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, **effective September 1, 2021**, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B Misdemeanor. (Secs. 141.031, 141.039)
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> **Note Regarding the New Law**: Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

NOTE - School Districts: In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

Saturday, September 18, 2021 (45th day before election day)

Deadline to mail ballots to military or overseas voters who already submitted their ballot requests via a federal postcard application (FPCA) or via a standard application for ballot by mail (ABBM) and indicated that they are outside the United States. If the early voting clerk cannot meet this 45th-day deadline, the clerk **must** notify the Secretary of State within 24 hours. (Sec. 86.004(b))

NOTE - The 45th Day deadline under Section 86.004(b) is not extended by Section 1.006 to the next business day. The ballots covered by Section 86.004(b) should be sent out on or before Saturday, September 18, 2021.

NOTE-NEW LAW: HB 3107 (2021) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. (Sec. 101.052)

NOTE-NEW LAW: HB 3107 (2021) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001)

Reminder Regarding FPCAs and Overseas ABBMs: If the early voting clerk receives an FPCA (from a military or non-military voter) or an ABBM from an overseas voter after the 45th day deadline, then the ballot **must** be mailed within seven days after the early voting clerk **receives** the FPCA or ABBM. (Secs. 86.004(b); 101.104)

Reminder: In regards to mail ballots for other voters (not military voters using an FPCA or overseas voters using an FPCA or ABBM), the early voting clerk **must** mail a ballot not later than the 7th day after the later of: (1) the date the early voting clerk has accepted a voter's application for a ballot by mail or (2) the date the ballots become available for mailing. However, if the 7th day falls earlier than the 37th day before election day, the voter's mail ballot must be mailed no later than the 30th day before election day. (Sec. 86.004(a)). This means that for every application that comes in before the 37th day before election day, the balloting materials must be mailed by the 30th day before election day. Any application that comes in after the 37th day before election day will follow the 7-day timeline in Sec. 86.004.

NOTE - Information on the early voting roster for both early voting in person and early voting by mail must be made available for public inspection and on the county's website if the county clerk or elections administrator is serving as the early voting clerk. For an election held by a political subdivision in which the county clerk or elections administrator is not serving as the political subdivision's early voting clerk, then the information on the roster must be made available on the Internet website of the authority ordering the election. The early voting roster shall be posted by 11:00 a.m. on the day after the information is entered on the roster (for early voting in person) or by 11:00 a.m. on the day after the early voting clerk receives a ballot voted by mail. If the entity does not maintain a website, the information must be on the bulletin board used for posting notices. (Sec. 87.121)

NOTE-NEW LAW: HB 1622 (2021) amended Section 87.121 of the Code to provide that if an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State regarding the early voting clerk's noncompliance. The Secretary of State by rule shall create and maintain a system for receiving and recording these complaints. (Sec. 87.121)

Thursday, September 23, 2021 (40th day before election day)

Political Subdivisions Other Than Counties: **5:00 p.m. –** Last day to file for a place on the ballot in a special election to fill a vacancy, if the special election is ordered after the 70th day before election day, but on or before the 46th day before election day, Friday, September 17, 2021. (Sec. 201.054(a)(2)) For more details about Section 201.054 and the two possible special election deadlines, *see* entry for Tuesday, August 24, 2021.

Political Subdivisions Other Than Counties: **5:00 p.m. -** Deadline for write-in candidates to file Declarations of Write-In Candidacy for officers for city, school district, library district, junior college district, hospital district, and common school districts in a special election to fill a vacancy if the special election is ordered after the 70th day before election day, but on or before the 46th day before election day, Friday, September 17, 2021. (Sec. 201.054(a)(1) and 201.054(g))

NOTE - Sec. 201.054(g) provides that a declaration of write-in candidacy for a special election must be filed not later than the filing deadline.

NOTE-NEW LAW: HB 4555 (2021) amended Sections 141.031 and 141.039 of the Code by modifying the application requirements related to a candidate's final felony conviction status and what must be included on the candidate application form. Specifically, **effective September 1, 2021**, candidates will need to provide an indication on their candidate application that the candidate has either not been finally convicted of a felony, or if so convicted, has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony will need to include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information. Further, the official application form will need to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B Misdemeanor. (Secs. 141.031, 141.039)

Note Regarding the New Law: Official candidate applications provided by the SOS will be updated to reflect changes that go into effect September 1, 2021.

NOTE - School Districts: In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), a candidate must not have been convicted (finally convicted or otherwise) of specific crimes under the Education Code in time to serve. (Sec. 11.066, Education Code)

NOTE-NEW LAW: HB 3107 (2021) amended Section 52.094 of the Code to require the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by: 1) written notice that is mailed to the address stated on the candidate's application not later than the fourth day before the date of the drawing; or 2) provided at the time the candidate files an application with the appropriate authority. If provided at the time the candidate files an application, the notice may be provided by telephone, if a telephone number is provided on the candidate's application or by e-mail, if an e-mail address was provided on the candidate's application. (Sec. 52.094)

Monday, September 27, 2021 (36th day before election day)

Deadline for the Secretary of State to mail each county judge a copy of the governor's proclamation ordering the state constitutional amendment election. (Sec. 3.003(c))

Tuesday, September 28, 2021 (35th day before election day)

Political Subdivisions Other Than Counties: 5:00 p.m. – Last day for a candidate to file a Certificate of Withdrawal in a special election, in which the filing deadline is the 40th day before election day. **If a candidate withdraws or is declared ineligible by this date, his or her name is omitted from the ballot.** (Secs. 145.092(a) and 145.094(a)(2)) For special circumstances regarding withdrawal of a candidate before ballots are prepared, please contact the Elections Division of the Office of the Texas Secretary of State.

October

Friday, October 1, 2021 (32nd day before election day)

Recommended date for early voting clerk to issue order calling for appointment of signature verification committee. (Sec. 87.027)

> **NOTE -** If the signature verification committee will start meeting on Wednesday, October 13, 2021, the early voting clerk must post a copy of the order calling for appointment of the signature verification committee on or before this date as the notice must remain posted continuously for at least 10 days before the first day the committee meets. (Sec. 87.027(g))

Sunday, October 3, 2021 (30th day before election day)

Last day for the county clerk to post a full copy of all amendments to be voted on at the state constitutional amendment election. (Art. XVII, Sec. 1, Texas Constitution).

First day of period during which notice of the constitutional amendment election and other elections must be published in a newspaper of general circulation **if method of giving notice is not specified by a law outside the Texas Election Code,** and this method of giving notice is selected. The notice for elections ordered by the governor, a county authority, or by an authority of a city or school district must be given by publication in a newspaper in addition to any other method specified by a law outside the Election Code. (Sec. 4.003(a)(1), (c) and (d)) This notice may be combined with the other notices you are required to publish. election notice shall be posted on the political subdivision's website. *See* Note on Notice of Elections.

> **NOTE-NEW LAW**: HB 3107 (2021) requires the notice of election to include the Internet website of the authority conducting the election. (Sec. 4.004(a))

> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 83.010 of the Code to require an election order and the election notice to state the early voting clerk's official mailing address or street address at which

the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and the Internet website, if the early voting clerk has an Internet website. (Sec. 83.010)

Cities, Schools, and Other Political Subdivisions: It is **strongly recommended** that the Notice of Voting Order Priority for voters with mobility issues also be posted on the subdivision's website, if one is maintained by the political subdivision. (Secs. 63.0013; 85.007(d)). For more information on this requirement, *see* Note 15.

Counties: The ***recommended*** time to include this notice on a county website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d))

NOTE - Notice of Change of Polling Place Location: For elections **ordered by the governor or county judge only**, if the location of the polling place changes after notice has been given under Section 4.003, and the county election officer maintains a website to inform voters about elections, **the notice of the change must be posted on the website.** The notice on the website must be given not later than the earlier of (1) 24 hours after the location was changed; or (2) 72 hours before the polls open on election day. (Sec. 43.061). If the county election officer is conducting a legislative vacancy election, the candidates listed on the ballot are entitled to receive notice directly from the county judge.

NOTE -Notice of Previous Polling Place: If a different polling place is being used than at the previous election held by the same authority, Notice of Previous Precinct must be posted at the entrance of the previous polling place informing voters of the current polling place location, if possible. (Sec. 43.062)

Monday, October 4, 2021 (29th day before election day)

Last day to register to vote or make a change of address effective for the Tuesday, November 2, 2021, election. **The deadline is extended to the next regular business day which is Monday, October 4, 2021, due to the 30th day falling on Sunday, October 3, 2021.*** (Secs. 13.143, 15.025)

*If the 30th day before the election falls on a weekend or holiday, a voter application or a notice of change in registration information is considered timely if it is submitted to the voter registrar on or before the next regular business day. (Secs. 13.143(e) and 15.025(d))

NOTE - A voter who submits a change of address after this date may still be eligible to return to his or her previous precinct to vote under "fail-safe" voting, if he or she still resides in the **same** county and the same local political subdivision, if applicable, conducting the election. (Secs. 15.025; 63.0011)

NOTE - A Federal Postcard Application (FPCA) also serves as an application for **permanent** registration under Texas law unless the voter marked "my intent to return is uncertain" (2019 form), **or "my return is uncertain"** (2017 form). The early voting clerk should make a copy (for mailing ballots, keeping records, etc.), then should forward the original to the county voter registrar, as soon as practicable. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40(a), (c)(2))

Recommended last day for early voting clerk to order supplemental and registration correction lists, if applicable, or order revised original list of registered voters from the voter registrar for early voting by personal appearance. (Secs. 18.001, 18.002, 18.003, 18.004)

NOTE- Per Sections 18.002 and 18.003 of the Code, supplemental and corrected voter registration lists must be provided as needed to ensure all eligible voters appear on the official list of registered voters. (Secs. 18.002, 18.003)

Wednesday, October 6, 2021 (27th day before election day)

Recommended last date for the county election board (or governing body of political subdivision, as appropriate) to appoint a signature verification committee (if one was ordered by the early voting clerk by Friday, October 1, 2021). See entry under Friday, October 1, 2021. (Secs. 51.002, 87.027) The members must be appointed not later than the fifth day after the order was issued by the early voting clerk. The appointing authority must post a notice of the appointment of committee members continuously until the last day the signature verification committee meets. This form may be used for the notice: Notice of Appointment of Signature Verification Committee.

Counties: For timeframes for appointment of various election workers for counties, see Tex. Sec'y of State Election Advisory No. 2021-07.

Tuesday, October 12, 2021 (21st day before election day)

Last day to post notice of election on bulletin board used for posting notices of meetings of governing body. (Sec. 4.003(b)). A Record of Posting Notice of Election should be completed at the time of posting. (Sec. 4.005) *See* Note on Notice of Elections.

Last day to post notice of election in each election precinct, if the method of giving notice is **not** specified by a law outside the Election Code and notice is given by this method in lieu of publication (extended deadline). (Sec. 4.003(a)(2)). The notice for elections ordered by the governor, a county authority, or by an authority of a city or school district must be given by publication in a newspaper in addition to any other method specified by a law outside the Election Code. (Sec. 4.003(a)(1), (c) and (d)) A Record of Posting Notice of Election should be completed at the time of posting. (Sec. 4.005)

All Political Subdivisions: The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website. The order and notice should include all days and hours for early voting by personal appearance including voting on ***ANY*** Saturday or Sunday. (Secs. 85.006 & 85.007) **Note for cities and counties**, the election notice **must** be subsequently amended to include voting later ordered for ***ANY*** Saturday or Sunday and **must** be posted on the political subdivision's website, if maintained.

Note for Counties - Section 4.003 requires that counties post on the county website the notice and list of polling locations of any political subdivision that delivers their notice to the county under Section 4.008. This is regardless of whether the county is contracting with the entity and regardless of whether the entity is conducting their own election or contracting with the county.

For Bond Elections: First day a political subdivision must post on their Internet website prominently and together with the notice of the election, a copy of the sample ballot, and the contents of the proposition, if the political subdivision maintains an Internet website. (Sec. 4.003(f))

The ***recommended*** time to include the notice of accepting voters with certain disabilities on a county website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d)) *See* Note 15 regarding notice on accepting voters with certain disabilities.

Counties, Cities, and School Districts: NEW LAW: SB 1116 (2021) amended Chapter 4 of the Election Code by adding Section 4.009 regarding candidate and polling place information which must be posted on county, city, and school district websites. Last day for a county that holds an election or provides election services for an election to post certain information regarding the upcoming election(s) on the county's website per Section 4.009. A city or independent school district that holds an election and maintains an Internet website must also post this same election information on their website even if the county is also posting this data. The information posted on the website must include:

1) the date of the election;
2) the location of each polling place;
3) each candidate for an elected office on the ballot; and
4) each measure on the ballot. (Sec. 4.009)

Wednesday, October 13, 2021 (20th day before election day)

First day that the signature verification committee, if one is appointed, may begin operating. (Sec. 87.027)

Last day to post notice of places, days, and hours for voting at branch early voting polling place if voting is to begin at that location on the first day of early voting in person. The schedule may be amended after the beginning of early voting by personal appearance to include notice of additional branch locations, but any amendment must be made and posted not later than the fifth day before voting begins at the additional temporary branch. (Secs. 85.062; 85.067(c) and (d))

Deadline for a person who is not permanently registered to vote, to submit a postmarked FPCA, in order to receive a ballot for any non-federal election held on November 2, 2021. A person submitting who is **not** permanently registered to vote and submits a postmarked FPCA after this date (20th day) and before the deadline to submit an application for ballot by mail, is not entitled to receive a ballot for any non-federal election. *See* Monday, October 18, 2021 entry for timeliness of an FPCA received without a postmark (extended deadline). (Sec. 101.052(e))

> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. (Sec. 101.052)
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> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving

on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001)

NOTE - Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for **permanent registration**; therefore, the person might be permanently registered based on a prior FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked **"my intent to return is uncertain"** (2019 form), **or "my return is uncertain"** (2017 form) in which case, it will not serve as a permanent registration.. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40)

NOTE - Overseas (non-military) voters marking the FPCA **"my intent to return is uncertain"** (2019 form) , **or "my return is uncertain"** (2017 form) receive a federal ballot **only** regardless of the date filed. (Chapter 114). In a local (non-federal) election, this means there is **no ballot to send the voter.**

Last day to publish notice of L&A test for DRE voting machines or precinct scanners if test will be held on Friday, October 15, 2021, if testing has was not already completed by Wednesday, September 15, 2021. Notice of the public L&A Test must be published at least 48 hours before the test begins. (Secs. 129.001, 129.023) *See* Note 14 above.

Thursday, October 14, 2021 – Friday, October 22, 2021 (19th day before election – 11th day before election day)

A person submitting an FPCA during this period who is **not** registered to vote is not entitled to receive a ballot for any non-federal election held on Tuesday, November 2, 2021. This means that a person submitting an FPCA during this period is entitled to receive a federal ballot only, if not already a permanent registered voter. (Secs. 101.052(f), 114.002, 114.004) In a local election (where there is no federal office on the ballot), this means there is **no ballot to send the voter.**

The early voting clerk is required to maintain a copy of this application since it may be used for other elections and forward the original to the voter registrar. Also see entry below under Monday, October 18, 2021 (FPCA without a postmark). (Secs. 84.007; 101.052(e), (f))

NOTE - Be sure to check the list of registered voters for permanent registration status. Also, state law authorizes an FPCA to also serve as an application for **permanent registration**; therefore, the person might be permanently registered based on a prior FPCA. Even if the FPCA arrives too late for a particular election, the early voting clerk will still need to forward the original FPCA to the county voter registrar, after making a copy for your early voting clerk's use (mailing ballots, etc.) and records unless the voter marked **"my intent to return is uncertain"** (2019 form), **or "my return is uncertain"** (2017 form) in which case, it will not serve as a permanent registration.. (Sec. 101.055; 1 Tex. Admin. Code Sec. 81.40)

NOTE - Overseas (non-military) voters marking the FPCA **"my intent to return is uncertain"** (2019 form) , **or "my return is uncertain"** (2017 form) receive a federal

ballot **only** regardless of the date filed. (Chapter 114). In a local (non-federal) election, this means there is **no ballot to send the voter.**

Friday, October 15, 2021 (18th day before election day)

If a **defective application to vote early by mail** is received on or before this date, the early voting clerk must mail the applicant a new application with explanation of defects and instructions for submitting the new application. For defective applications received after this date and before the end of early voting by personal appearance, the early voting clerk must mail only the Notice of Rejected Application for Ballot by Mail and a statement that the voter is not entitled to vote early by mail unless he or she submits a sufficient application by the deadline, which is Friday, October 22, 2021. (Secs. 84.007(c), 86.008)

Last day to conduct public L&A test of a voting system that uses DRE voting machines or precinct scanners. We highly ***recommend*** that this test is done on an earlier date to allow time for corrections to programming, if necessary. (*See* Note 14, above). Per Section 129.023, the L&A test shall be conducted not later than 48 hours before voting begins on such voting systems, assuming that the voting system will first be used for early voting in person.

Monday, October 18, 2021 (15th day before election day)

First day to vote early in person. (Sec. 85.001(a))

NOTE - The early voting period for elections held on the November uniform election date in odd-numbered years begins 17 days prior to election day, but because this day falls on a weekend (Saturday, October 16, 2021), it is extended to the next regular business day (Monday) under Section 85.001(c).

NOTE - Voting by limited ballot must be done during the early voting period at the main early voting polling place (or by mail). (Sec. 112.002(a))

NOTE - Political Subdivisions Other than Cities and Counties: Early voting in person must be conducted at least eight (8) hours each weekday that is not a legal state holiday unless the political subdivision has fewer than 1,000 registered voters, in which case early voting in person must be conducted at least three (3) hours per day. (Sec. 85.005(b))

NOTE - Cities and Counties: Early voting in person at the main early voting polling place must be conducted on the weekdays of the early voting period and during the hours that the county clerk's or city secretary's main business office is regularly open for business. (Sec. 85.005(a)) However, because cities and counties must have office hours for election-related business at least three (3) hours every business day for this type of election (see Monday, September 13, 2021 entry), we harmonize these requirements with the result that, if a city or county is not regularly open for business on one or more weekdays, on those "closed" days, a city or county must conduct early voting for at least three (3) hours a day at the main early voting location (except for a city's two 12-hour days, when it must be open for the full 12 hours).

NOTE - Cities: Cities **must** choose two (2) weekdays for the main early voting polling place location to be open for 12 hours during the regular early voting period. City council must choose the two weekdays. (Sec. 85.005(d))

NOTE - Independent School Districts: Despite the change in state law that allows an ISD to be closed on school holidays during the mandatory office hours period, you are **required to be open** during the entire early voting period, except on legal state and national holidays. (Sec. 85.00(b))

NOTE - Joint Elections: If entities are conducting early voting by personal appearance jointly, we *recommend* a unified schedule covering all requirements; i.e., no entity's requirements should be neglected or subtracted as a result of a joint agreement. *See* Note 8 regarding joint elections generally.

NOTE – Temporary Branch Locations: Effective September 1, 2021, the rules for temporary branch locations differ based on the population size of the county. *See* Note 12 for additional information regarding temporary branch location days and hours.

Deadline to receive an FPCA **without** a postmark. If an FPCA is received by this date **without** a postmark to prove mailing date, the early voting clerk will accept the FPCA and mail the applicant a full ballot even if the applicant is **not** a permanently registered voter but meets the requirements under Title 2 of the Election Code (unless the voter marks the FPCA form **"my intent to return is uncertain"** (2019 form), **or "my return is uncertain"** (2017 form), in which case the voter receives a federal-only ballot). (Sec. 101. 052(i))

Last day to notify election judges of duty to hold election (Writ of Election). Notice must be given by the 15th day before the election or the 7th day after the day the election is ordered, whichever is later. The Writ of Election must be given to each presiding judge and include:

1. The judge's duty to hold the election;
2. The type and date of election;
3. The polling place location at which the judge will serve;
4. The polling place hours; and
5. The maximum number of clerks the judge may appoint. (Sec. 4.007)

Tuesday, October 19, 2021 (14th day before election day)

NOTE for Counties and Cities: Deadline to file a petition to require the early voting clerk of a county or city to conduct extended early voting on Saturday, October 23, 2021 (Sec. 85.006(d)) Notice of weekend voting must be posted beginning no later than Wednesday, October 20, 2021, and continuing through Friday, October 22, 2021. (Sec. 85.007(c))

Wednesday, October 20, 2021 (13th day before election day)

Cities and Counties – Weekend Early Voting Hours - Notice Requirement: Last day to post notice on bulletin board used for posting notice of city council or commissioners court, if early voting will be conducted on Saturday, October 23, 2021. (Sec. 85.007) Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice must also be posted to the political subdivision's website, if one is maintained. See Notice for Early Voting on Saturday and/or Sunday.

NOTE for Counties and Cities: If the county election officer or city secretary on her/his own motion by written order orders early voting on Saturday or Sunday OR if the county election officer or city secretary orders Saturday or Sunday voting after being petitioned to do so by at least 15 registered voters, such voting need not be included in the regular order or notice of the election. (Secs. 85.006(b), (d) and 85.007(b), (c))

NOTE for Counties and Cities: Deadline to file a petition to require the early voting clerk of a county or city to conduct extended early voting on Sunday, October 24, 2021 (Sec. 85.006(d)) Notice of weekend voting must be posted beginning no later than Thursday, October 21, 2021, and continuing through Saturday, October 23, 2021. (Sec. 85.007(c))

Thursday, October 21, 2021 (12th day before election day; day before the last day to apply for a ballot by mail)

First day a voter who becomes sick or disabled on or after Thursday, October 21, 2021, may submit an application for a late ballot if the sickness or physical condition prevents the voter from appearing at the polling place without the likelihood of needing personal assistance or of injuring his or her health. (Sec. 102.001). *See* Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability. Applications may continue to be submitted until 5:00 p.m. on election day. (Sec. 102.003)

Cities and Counties – Weekend Early Voting Hours - Notice Requirement: Last day to post notice on bulletin board used for posting notice of city council or commissioners court, if early voting will be conducted on Sunday, October 24, 2021. (Sec. 85.007) Notice must be posted at least 72 hours before early voting begins on a Saturday or Sunday. Notice must also be posted to the political subdivision's website, if one is maintained. *See* entry at Wednesday, October 20, 2021 *See* Notice for Early Voting on Saturday and/or Sunday.

First day that counties with a population of 100,000 or more, or entities that are having joint elections with such a county or who are conducting their election with such a county through a contract for election services, may convene their early voting ballot board and deliver by mail ballots to begin processing and qualifying mail ballots; however, the mail ballots may not be counted until (i) the polls open on election day, or (ii) in an election conducted by an authority of a county with a population of 100,000 or more **or** entities that are having joint elections with such a county or who are conducting their election with such a county through a contract for election services, the end of the period for early voting in person. (Secs. 87.0222, 87.0241) The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Sec. 87.0222) **NOTE: Results may not be released until the polls close on election day.**

> **NOTE -** The county clerk/elections administrator must ensure that photocopies or electronic recordings of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board.

Friday, October 22, 2021 (11th day before election day)

Last day to receive an FPCA from a registered voter. If the voter is **not** registered in the county (and/or marked intent to return "not certain"), **the voter is still eligible for a ballot containing federal offices**

only. In a local (non-federal) election, this means there is **no ballot** to send the voter. (Secs. 101.052(b), (f); 114.004(c))

Last day for early voting clerk to receive applications for a ballot to be voted by mail. (Sec. 84.007(c)) All applications to vote by mail must be received by the early voting clerk before the close of regular business or 12 noon, **whichever is later**. Applications to vote by mail must be submitted by mail, common or contract carrier, fax (if a fax machine is available in the office of the early voting clerk), or by electronic submission of a scanned application with an original signature. The early voting clerk's designated email address must be posted on the Secretary of State's website.

If an ABBM is faxed or emailed or if an FPCA is faxed, then the applicant must submit the ORIGINAL application BY MAIL to the early voting clerk so that the early voting clerk **receives the original no later than the 4th business day after receiving the emailed or faxed ABBM or faxed FPCA**. If the early voting clerk does not receive the original ABBM or FPCA by that deadline, then the emailed or faxed ABBM or faxed FPCA will be considered incomplete, and the early voting clerk may NOT send the applicant a ballot. The requirement to mail the original application does not apply to an **emailed** FPCA. For additional information on this law, please see Note 16, above.

> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 101.001 of the Code regarding FPCAs. Effective September 1, 2021, a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the President of the United States or activated on state orders, or the spouse or dependent of a member, may submit an FPCA. (Sec. 101.001)

An applicant for a ballot to be voted by mail (ABBM or FPCA) may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the clerk's office on Friday, October 22, 2021. (Sec. 84.008)

> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 101.052 of the Code regarding FPCAs. Effective September 1, 2021, an FPCA may be submitted by in-person delivery by the voter in accordance with Section 84.008 of the Code or by common or contract carrier. Further, an application is considered submitted in the following calendar year if: 1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and 2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. (Sec. 101.052)

> **NOTE-NEW LAW:** Presently, voters may personally hand-deliver their ABBMs to the early voting clerk. HB 3107 (2021) amended Section 84.008 of the Code to provide that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) of the Code. This means that effective September 1, 2021, voters may now personally deliver their ABBM or FPCA to the early voting clerk not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day (unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.)

Note for Counties: Last day for county clerk/elections administrator to deliver final list of voters that have submitted an annual application for ballot by mail to political subdivisions located within the county holding an election on November 2, 2021, for which the county clerk/elections administrator is not the early voting clerk via a joint election agreement or contract for election services. (Sec. 86.0015(c))

Saturday, October 23, 2021 (10th day before election day)

Last day of period during which notice of election must be published if method of giving notice is **not** specified by a law outside the Election Code and **publication** is the selected method of giving notice. (Sec. 4.003(a)(1)). The notice for elections ordered by the governor, a county authority, or by an authority of a city or school district must be given by publication in a newspaper in addition to any other method specified by a law outside the Election Code. (Sec. 4.003(a)(1), (c) and (d)) *See* Note 9.

> **NOTE -** The election notice shall be posted on the political subdivision's website, if the political subdivision maintains a website.

Last day to mail a copy of the notice of election to each registered voter of the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving the notice **if method of giving notice is not specified by a law outside the Election Code** and this method of giving notice is selected. (Secs. 1.006, 4.003(a)(3))

Last day to post notice of the precinct's consolidation and the location of the polling place in the consolidated precinct for each precinct that is combined to form a consolidated precinct under section 42.008. This notice must be posted at the polling place used in the preceding general election **and** must remain posted continuously through election day. (Sec. 4.003(b))

> **NOTE -** The *recommended* time to include the notice of accepting voters with certain disabilities on a political subdivision's website is when the notice of election is also posted on the website. (Secs. 63.0013 & 85.007(d)) *See* Note 15 regarding notice on accepting voters with certain disabilities.

Note for Counties with Population of Less than 100,000: Extended Early Voting Hours - Notice Requirement: Deadline for counties with populations of less than 100,000 to post the Notice of Extended Hours for the constitutional amendment election if the early voting clerk received a timely petition for extended early voting hours for Thursday, October 28, 2021. The notice must be posted beginning no later than Saturday, October 23, 2021, and continuing through Wednesday, October 27, 2021. For additional information, *see* Note 10 regarding extended early voting hours.

Sunday, October 24, 2021 (9th day before election day)

Note for Counties with Population of Less than 100,000: Extended Early Voting Hours - Notice Requirement: Deadline for counties with populations of less than 100,000 to post the Notice of Extended Hours for the constitutional amendment election if the early voting clerk received a timely petition for extended early voting hours for Friday, October 29, 2021. The notice must be posted beginning no later than Sunday, October 24, 2021, and continuing through Thursday, October 28, 2021. For additional information, *see* Note 10 regarding extended early voting hours.

Wednesday, October 27, 2021 (4th business day before election day; 6th day before election day)

5:00 p.m. – Deadline to submit a Request for Election Inspectors for election day, Tuesday, November 2, 2021, to the Secretary of State. (Sec. 34.001)

Thursday, October 28, 2021 (5th day before election day, day before last day of early voting)

Note for Counties: For the constitutional amendment election, early voting must be conducted for at least 12 hours on this day in counties with populations of 100,000 or more. Early voting must be conducted for at least 12 hours on this day in counties with populations under 100,000 if the early voting clerk received a timely petition. For additional information, *see* Note 10 regarding extended early voting hours. (Secs. 85.005(c), 85.067)

A voter is eligible to vote a late ballot if they will be out of the county of residence on election day due to a death in the immediate family (related within 2nd degree of consanguinity or affinity) that occurs on or after this day. The voter may submit the Application for Emergency Early Ballot Due to Death in Family starting Saturday, October 30, 2021 (the day after early voting in person ends). (Secs. 103.001, 103.003(b))

Friday, October 29, 2021 (4th day before election day)

Last day to vote early by personal appearance. (Sec. 85.001(a))

Note for Counties: For the constitutional amendment election, early voting must be conducted for 12 hours on this day in counties with populations of 100,000 or more. Early voting must be conducted for 12 hours on this day in counties with populations under 100,000 if the early voting clerk received a timely petition. For additional information, *see* Note 10 regarding extended early voting hours. (Secs. 85.005(c), 85.067)

Early voting clerk must post Notice of Delivery of Early Voting Balloting Materials to the early voting ballot board if materials are to be delivered to the board on Saturday, October 30, 2021. Notice must be posted continuously for 24 hours preceding each delivery to the board. (Secs. 87.0221, 87.0222, 87.023, 87.024, 87.0241)

> **NOTE -** The Notice of Delivery of Early Voting Balloting Materials serves as notice of the convening of the early voting ballot board. Your entity should also post notice every time the early voting ballot board reconvenes.

Last day to publish notice of public test of automatic tabulating equipment, if test will be held on Sunday, October 31, 2021, and testing was not already completed. The public notice of the test of automatic tabulating equipment must be published at least 48 hours before the test begins. (Sec. 127.096)

Saturday, October 30, 2021 (3rd day before election day; day after early voting in person ends)

First day that counties with a population of 100,000 or more (or local subdivisions conducting a joint election with such a county or conducting an election through a contract for election services with such a county)

may convene their early voting ballot board and begin **counting** ballots; **however, the results may not be announced until after the polls close.** (Secs. 87.0222, 87.0241)

> **NOTE -** If a county with a population of 100,000 or more (or a local subdivision conducting a joint election with such a county or conducting an election through a contract for election services with such a county) is convening their early voting ballot board early to begin **counting** ballots, the test of the tabulation equipment will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096)

First day that all other counties and political subdivisions may convene their early voting ballot board for **processing** and **qualifying** mail ballots, but cannot begin counting the ballots until the polls open on election day. The early voting clerk shall continuously post notice for 24 hours preceding each delivery of voting materials that is to be made before the time for opening the polls on election day. (Secs. 87.0221, 87.023, 87.024, 87.0241). *See* Notice of Delivery of Early Voting Balloting Materials

> **NOTE -** The county elections officer must ensure that photocopies or electronic recordings of annual applications for ballot by mail have been delivered to the early voting clerk of every political subdivision holding an election before the ballots by mail are delivered to the early voting ballot board.

First day to submit an Application for Emergency Early Ballot Due to Death in Family to vote a late ballot because of a death in the immediate family that occurred on or after Thursday, October 28, 2021, and will require absence from the county on election day. (Secs. 103.001, 103.003(b))

Sunday, October 31, 2021 (2nd day before election day)

Last day to conduct public test of automatic tabulation equipment. Per Section 127.093, the test shall be conducted at least 48 hours before the automatic tabulating equipment is used to count ballots voted in an election and was not previously tested. We highly ***recommend*** that this test is done on an earlier date to allow time for corrections to programming, if necessary. *See* Note 14, above.

> **NOTE -** If a county with a population of 100,000 or more (or a local subdivision conducting a joint election with such a county or conducting an election through a contract for election services with such a county) is convening their early voting ballot board early to begin **counting** ballots, and will be using automatic tabulating equipment, the test will need to be completed at least 48 hours before the equipment is used to count ballots. (Secs. 87.0222, 87.0241, 127.096)

NOVEMBER

Monday, November 1, 2021 (day before election day)

Last day to submit an Application for Emergency Early Ballot Due to Death in Family. The application must be submitted by the close of business on this day. (Sec. 103.003(b))

Last day for early voting clerk to mark the precinct list of registered voters with a notation beside each name of voter who voted early, and deliver list to election judges. The early voting clerk must also deliver the precinct early voting list. (Sec. 87.122)

Delivery of Provisional Ballots and Forms: If the voter registrar wants to take possession of the provisional ballots and forms on election night, the voter registrar must inform the custodian of the election records and post a Notice of Election Night Transfer no later than Monday, November 1, 2021, 24 hours before election day. (1 Tex. Admin. Code. Secs. 81.174(d)(3)). However, under this type of delivery, the county voter registrar **must** go to the custodian of election records office and pick up the provisional ballots and forms.

NOTE - The general custodian of election records (or the early voting clerk, if applicable) must post a Notice of Delivery of Provisional Ballots at least 24 hours before delivery will occur. (1 T.A.C. 81.174(b)(1))

Tuesday, November 2, 2021 - (Election Day)

7:00 a.m. – 7:00 p.m. - Polls open. (Sec. 41.031).

Voter registrar's office is open. (Sec. 12.004(c))

Early voting clerk's office is open for early voting activities. (Sec. 83.011). A voter may deliver a marked ballot by mail to the early voting clerk's office while the polls are open on election day. The voter must provide an acceptable form of identification under Section 63.0101 upon delivery. The identification procedure is the same as that used for personal appearance voting. (Secs. 63.0101; 86.006)

Sick and disabled persons may vote at the main early voting polling place if **electronic voting systems** are used at regular polling place(s) on election day **and** the voter has a sickness or condition that prevents the voter from voting in the regular manner without personal assistance or likelihood of injury. (Secs. 104.001, 104.003). However, if the early voting ballots by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location. (Sec. 104.003)

5:00 p.m. - Deadline for receiving Application for Emergency Early Voting Ballot Due to Sickness or Physical Disability for late ballots to be voted by persons who became sick or disabled **on or after** Thursday, October 21, 2021. (Sec. 102.003(b))

7:00 p.m. - Regular deadline for receiving **early voting ballots** by mail. **BUT see entry for Wednesday, November 3, 2021, on "late domestic ballots," and entry for Monday, November 8, 2021, on other "late" ballots.**

This is also the deadline to receive late ballots cast by voters who became sick or disabled **on or after** Thursday, October 21, 2021. (Secs. 86.007(a), 102.006(c))

NOTE - Receipt of Mail Ballots: All early voting ballots sent by mail from inside the United States that are received by 7:00 p.m. on election day, November 2, 2021, **must be counted on election night**. If the carrier envelope does not bear a cancellation mark or a receipt mark, the ballot must arrive before the time the polls are required to close on election day. (Sec. 86.007(a)(1). If the early voting clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. (Sec. 86.007(b)). The early voting clerk **must** check the mailbox for early voting mail ballots at least once after the time for regular mail delivery. (Sec. 86.007(b))

NOTE - An early voting mail ballot that is not received by 7:00 p.m. on election day may not be counted unless the ballot may be counted late, which applies to ballots mailed from outside the United States (Sec. 86.007(d)), late domestic ballots (Sec. 86.007(a)(2)), and ballots from members of the armed forces and merchant marine of the United States, Texas National Guard or the National Guard of another state or members of the Reserves, as well as their spouses and dependents (Sec. 101.057). See entry for Wednesday, November 3, 2021, and entry for Monday, November 8, 2021. See Tex. Sec'y of State Election Advisory No. 2018-02.

NOTE - Delivery of Early Voting by Personal Appearance and Mail Ballots: The early voting clerk delivers the voted ballots, the key to the double-locked ballot box, etc., to the early voting ballot board at the time or times specified by the presiding judge of the early voting ballot board, during the hours the polls are open or as soon after the polls close as practicable. (Secs. 87.021, 87.022) The custodian of the key to the second lock of the double-locked early voting ballot box delivers his or her key to the presiding judge of the early voting ballot board on request of the presiding judge. (Secs. 85.032(d) and 87.025) The custodian is the sheriff for county elections; the chief of police or city marshal for city elections; and the constable of the justice precinct in which the political subdivision's main office is located (or the sheriff, if there is no constable), for other political subdivision elections. (Sec. 66.060) If ballots are to be delivered before election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place.

Note on Delivery of Early Voting Ballots to Early Voting Ballot Board Before Election Day - Early voting ballots may be delivered to the early voting ballot board at any time after early voting by personal appearance ends. Mail ballots may be qualified and processed (signatures verified, carrier envelopes opened, and the secrecy envelope containing the ballot placed in a secure location), but they may not be counted until election day. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241) If ballots are to be delivered before election day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place.

Exception: Counties with a population of 100,000 or more, or entities that are having joint elections with counties with a population of 100,000 or more or who are conducting an election through a contract for election services with such a county, may process the mail ballots (i.e., qualify, and accept or reject, but not count) as early as the 8th day before the end of the early voting period; in such an election, votes may be counted no earlier than the end of the period for early voting by personal appearance; the results may not be released until the polls close on election day. (Secs. 87.0221; 87.0222; 87.023; 87.024; 87.0241(b); 87.042). If ballots are to be delivered before Election Day, the early voting clerk must post notice at least 24 hours before each delivery at the main early voting polling place. (Secs. 87.0221(b); 87.023(b); 87.024(b))

NOTE - Manual Examination of Ballots Before Processing on Automatic Counting Equipment: The central counting station manager shall direct the manual examination of all electronic voting system ballots to ascertain whether the ballots can be processed in the usual manner or if the ballots need to be duplicated to clearly reflect the voter's intent. (Sec. 127.125)

NOTE - Testing of Tabulating Equipment: The second test of automatic tabulating equipment used for counting ballots at a central counting station must be conducted immediately before the counting of ballots with equipment begins. The third test must be conducted immediately after the counting is completed. (Secs. 127.093, 127.097, 127.098)

Transfer of Provisional Ballots to Voter Registrar Election Night: The county voter registrar may take possession of the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used) on election night (instead of on the next business day) by informing the custodian of election records and posting a notice of such election night transfer no later than 24 hours before election day. Under this type of delivery, the voter registrar must go to the office of the custodian and pick up the ballot box(es) or transfer case(s) and associated forms. (Sec. 65.052; 1 T.A.C.§§ 81.172 – 81.174 & 81.176). *See* **Form AW8-19**.

After the polling place is officially closed and the last person has voted, the presiding judge may from time to time make an unofficial announcement of the total number of votes counted for each candidate and/or for or against each proposition in the order that they appear on the ballot. (Sec. 65.015(a)) The announcement shall be made at the entrance to the polling place. (Sec. 65.015(c))

NOTE - The authority conducting the election may require or prohibit such announcements. (Sec. 65.015(b)) Unofficial election results must be released by the central counting station as soon as they are available after the polls close, but the presiding judge of the central counting station, in cooperation with the county election officer, may choose to withhold the release of vote totals until the last voter has voted. (Sec. 127.1311)

NOTE - Precinct Election Returns: Precinct election returns are delivered to the appropriate authorities after completion. (Secs. 66.053(a); 127.065; 127.066; 127.067)

Last day to post notice of governing authority's meeting to canvass returns of election if canvass is to take place on Friday, November 5, 2021 (3rd day after election). (Sec. 67.003(b)). This notice must be posted at least 72 hours before the scheduled time of the meeting. (Secs. 551.002, 551.041, 551.043, Texas Government Code)

NOTE - Section 67.003 provides that, except as provided by Subsection 67.003(c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of:

1) the **third day after election day**;
2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Counties, Cities, and School Districts: NEW LAW: SB 1116 (2021) amended Chapter 65 of the Election Code by adding Section 65.016 of the Code regarding election results information which must be posted on county, city, and school district websites. A county that holds an election or provides election services for an election for a public entity must post certain information regarding election results on their website after the election. A city or independent school district that holds an election and maintains an Internet website must also post certain information on their website related to election results, even if the county is also posting. All entities must post the required information **as soon as practicable after the election.** The required information includes:

1) the results of each election;
2) the total number of votes cast;
3) the total number of votes cast for each candidate or for or against each measure;
4) the total number of votes cast by personal appearance on election day;
5) the total number of votes cast by personal appearance or mail during the early voting period; and
6) the total number of counted and uncounted provisional ballots cast. (Sec. 65.016)

Wednesday, November 3, 2021 (1st business day after election day)

5:00 p.m. – Deadline to receive "**late domestic ballots"** mailed **within** the United States from **non-military voters and from any military voters** who submitted an **Application for Ballot by Mail** ("ABBM") (not a Federal Post Card Application – "FPCA"), if the carrier envelope was placed for delivery by mail or common or contract carrier **AND** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier indicating a time not later than **7:00 p.m**. at the location of the election on election day, November 2, 2021**.** (Secs. 86.007, 101.057 and 101.001) A late domestic ballot **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark.

NOTE - Because of the deadline to receive "late domestic ballots" it is imperative that you check your mail at 5:00 p.m.

NOTE - Section 86.007 provides that a marked ballot voted by mail that a voter received due to submitting an ABBM may arrive at the address on the carrier envelope not later than 5:00 p.m. on the day **after** election day, if the carrier envelope was placed for delivery by mail or common or contract carrier from within the United States **and** bears a cancellation mark of a postal service or a receipt mark of a common or contract carrier or a courier from **not later than 7:00 p.m.** at the location of the election on election day.

NOTE - This deadline does not apply to ballots sent by non-military voters who are overseas but applied for a ballot using an ABBM; these voters have until the 5th day after election day to return their ballots (or the next business day if the 5th day falls on a weekend or legal state or federal holiday). This deadline also does not apply to ballots mailed (domestically or from overseas) by certain members of the military who applied for a ballot using an FPCA, as well as members of the Texas National Guard or the National Guard of another state, or members of the Reserves, as well as their **spouses and**

dependents; those voters have until the 6th day after election day to return their ballots. *See* entry for **Monday, November 8, 2021**

Unless the county voter registrar has already taken possession of the provisional ballots prior to this date, the general custodian of election records must deliver the ballot box(es) or transfer case(s) containing the provisional ballots (or provisional ballot affidavits when DRE systems are used), along with the Summary of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar by this day. The general custodian of election records makes this delivery to the voter registrar during the voter registrar office's regular business hours. (Secs. 65.052, 65.053; 1 T.A.C. §§ 81.172 – 81.174 & 81.176)

NOTE for Political Subdivisions Located in More than One County: A political subdivision will have to make delivery of the provisional ballots and forms to the county voter registrar in **each** county in which the political subdivision is located. (1 Tex. Admin. Code Secs. 81.172 – 81.174)

NOTE - If the county voter registrar wants to take possession of the provisional ballots and forms on election night (Tuesday, November 2, 2021), the county voter registrar must inform the custodian of the election records and post a notice of the transfer no later than 24 hours before election day. However, under this type of delivery, the county voter registrar **must** go to the custodian of election records office and pick up the provisional ballots and forms. Also, note that the county voter registrar may take possession of provisional ballots prior to election night if ballots are kept separate and may be provided without unlawful entry into ballot box. (1 Tex. Admin. Code Secs. 81.172 – 81.174)

Friday, November 5, 2021 (3rd day after election day)

Last day to begin the **partial manual count** for districts using electronic voting systems. This is the last day to **begin** manual recount of ballots in three precincts or one percent of precincts, whichever is greater, unless the requirement has been waived or unless the voting system uses DRE voting machines. (Sec. 127.201(a), (g)). The count must be completed not later than the 21st day after election day. Results of the manual count must be delivered to the Secretary of State not later than the 3rd day after the manual count is completed. (Sec. 127.201(e)) No partial manual count needs to be done of ballots cast on DRE voting machines. (Sec. 127.201(g)) For additional information on the partial manual count, please see Tex. Sec'y of State Election Advisory No. 2018-30.

NOTE - For information on how to begin the partial manual count, please see the advisory issued by the Secretary of State's office.

The first possible day to conduct the official local canvass of returns by the governing authority of the political subdivision. However, the canvass may not be conducted until the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election, **AND** counted all timely received mailed domestic ballots cast from addresses within the United States, and all timely received mailed ballots cast from addresses outside the United States. (Secs. 67.003 and 86.007). Notice of canvass must be posted at least 72 hours continuously before the canvass is conducted. *See* Note for Tuesday, November 2, 2021.

NOTE - If a recount petition has been filed and a winning candidate's race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016, 212.0331)

Cities, Schools, and Other Political Subdivisions: First day that newly-elected local officers may qualify and assume the duties of their offices. Please note that the canvass must have been completed before an officer can assume office. (Sec. 67.016). If a political subdivision was able to **cancel** its election, this is the first day its elected officials can take the oath of office and be issued a certificate of election. (Secs. 2.053(e), 67.003, 67.016) For information on who can administer an oath please see Chapter 602 of the Government Code.

NOTE - This does not apply to officers of a Type A general law city. *See* entry at Monday, November 8, 2021.

NOTE: Officially-canvassed returns for the state constitutional amendment election must be delivered by the county election officer to the Secretary of State within 24 hours of the canvass. (Sec. 67.007(d))

Monday, November 8, 2021 (first business day after 5th day after election day; 6th day after election day)

First day that newly-elected officers of Type A general law city may qualify and assume duties of office. (Sec. 22.006, Local Government Code), but see **NOTE**, below.

NOTE- Council members may take office anytime following the canvass. Section 22.006 of the Texas Local Government Code states that a newly-elected municipal officer of a Type A city may exercise the duties of office beginning the fifth day after the date of the election, excluding Sundays. However, **no newly elected official may qualify for office before the official canvass of the election has been conducted** (or would have been conducted, in the event of a cancelled election). Section 22.036 of the Texas Local Government Code further requires that the newly-elected governing body of the municipality "meet at the usual meeting place and shall be installed."

NOTE - If a recount petition has been filed and a winning candidate's race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016, 212.0331)

NOTE - If a Type A municipal officer-elect fails to qualify for office within 30 days after the date of the officer's election, the office is considered vacant. (Sec. 22.007, Local Government Code) *See* entry for December 2, 2021.

Last day to receive ballots from **non-military and any military voters** casting ballots from outside of the United States, who submitted an **ABBM** (not an FPCA) **AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 2, 2021, as evidenced by a postal service cancellation mark or a receipt mark of a common or contract carrier or a courier (Secs. 86.007, 101.057 and 101.001) A late overseas ballot sent by a voter who applied for a ballot using an ABBM (not an FPCA) **cannot be counted** if it does **not** bear a cancellation mark or a receipt mark. The deadline is extended to the next regular

business day which is Monday, November 8, 2021, due to the 5th day falling on a Sunday. (Sec. 86.007(d-1))

> **NOTE -** Section 86.007 provides that a marked ballot voted by mail from **outside** of the United States by a voter who received the ballot due to submitting an ABBM is considered timely if it is received at the address on the carrier envelope not later than **the fifth day** after the date of the election. Further, the delivery is considered timely if the carrier envelope or, if applicable, the envelope containing the carrier envelope is properly addressed with postage or handling charges prepaid **and** bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time **by 7:00 p.m**. on election day.

Last day to receive ballots from **non-military voters** casting ballots from overseas, who submitted a **FPCA, AND** who placed their ballots in delivery by 7:00 p.m. on election day, Tuesday, November 2, 2021. (Sec. 86.007(d) and (e)) The deadline is extended to the next regular business day which is Monday, November 8, 2021, due to the 5th day falling on a Sunday. (Sec. 86.007(d-1))

Last day to receive carrier envelopes mailed domestically (within the United States) OR overseas from voters who submitted a **FPCA AND** who are **members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine,** members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves. (Secs. 101.057 and 101.001)

> **NOTE -** Section 101.057 provides that carrier envelopes mailed domestically or overseas from certain **military voters** (members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves) who submitted a **Federal Post Card Application (FPCA)** may arrive on or before the 6th day after election day. (Secs. 86.007, 101.057 and 101.001)
>
> > **NOTE - The carrier envelope or, if applicable, the envelope containing the carrier envelope sent by the members listed above who applied to vote by mail using the FPCA does NOT need to bear a cancellation or receipt mark in order to be counted.**

Deadline for provisional voter to (1) present acceptable photo identification to county voter registrar; or (2) if the voter does not possess and cannot reasonably obtain acceptable photo identification, follow the Reasonable Impediment Declaration procedure at the county voter registrar; or (3) execute an affidavit relative to "natural disaster" or "religious objection" in presence of county voter registrar, if applicable; or (4) qualify for the disability exemption, if applicable, with the county voter registrar. (Secs. 65.054; 65.0541)

Deadline for voter registrar to complete the review of provisional ballots. (1 Tex. Admin. Code Sec. 81.175(a)(1))

> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 65.052 of the Code to provide that, for the general election for state and county officers, the voter registrar will now have 10 days to review a provisional voter's eligibility. **Please note this extended deadline does not apply to the constitutional amendment election.** (Sec. 65.052)

Friday, November 12, 2021 (10th day after election day) (Next business day after Veterans Day)

Deadline for custodian of election records or presiding judge of the early voting ballot board to retrieve provisional ballots from county voter registrar. Because the last day falls on Thursday, November 11, 2021 (Veterans Day), the deadline is extended to Friday, November 12, 2021. (Secs. 1.006, 65.051(a)) (1 Tex. Admin. Code Sec. 81.175(d)(3))

Last day for **early voting ballot board** to convene to qualify and count the following ballots addressed below. Because the last day falls on Thursday, November 11, 2021 (Veterans Day), the deadline is extended to Friday, November 12, 2021. (Sec. 87.125(c))

1. any late **domestic** ballots (from non-military and from any military voters who submitted an ABBM)) that bear a cancellation mark or receipt mark indicating they were placed for delivery by mail or common or contract carrier not later than 7:00 p.m. on election day, November 2, 2021, and were received not later than 5:00 p.m. on the first business day after election day, on Wednesday, November 3, 2021. (Secs. 86.007(a); 87.125(a))
2. any late ballots that were submitted from outside the United States by voters who applied for the ballot using an ABBM or by non-military voters who applied for the ballot using an FPCA, and which were received by the 5th day after election day, Monday, November 8, 2021. The deadline is extended to the next regular business day which is Monday, November 8, 2021, due to the 5th day falling on a Sunday. (Secs. 87.125(a)); 86.007(d))
3. any ballots received by the 6th day after election day, Monday, November 8, 2021, from voters who are members of the armed forces of the United States, or the spouse or a dependent of a member of the armed forces, members of the merchant marines of the United States, or the spouse or a dependent of a member of the merchant marine, members of the Texas National Guard, or the spouse or a dependent of a member of the Texas National Guard, a member of the National Guard of another state, or the spouse or a dependent of a member of the National Guard of another state, or members of the Reserves, or the spouse or a dependent of a member of the Reserves, and who applied for a ballot using an FPCA. (Secs. 101.057; 87.125(a))
4. any provisional ballots that have been reviewed by the voter registrar. (Secs. 65.051(a))

NOTE - Ballots that do not qualify under 1-3 above should be treated as ballots not timely returned and should not be delivered to the ballot board.

NOTE - If the early voting ballot board needs to meet after this date, it will require a court order to do so.

The time the board reconvenes is set by the presiding judge of the early voting ballot board. (Secs. 86.007(d); 87.125)

> **NOTE-NEW LAW**: HB 3107 (2021) amended Chapter 65 of the Election Code by adding Section 65.0581 to provide that provisional voting records do not become public information until after the provisional ballots and other voting records have been delivered back to the custodian of election records. (Sec. 65.0581)

Last day for the presiding judge of the early voting ballot board to mail Notice of Rejected Ballot to voters whose mail ballots were rejected. (Sec. 87.0431)

Monday, November 15, 2021 (13th day after election day; 10th day after first possible canvass date)

Last day for official canvass of returns by governing authority of political subdivision. Because the last day falls on a Saturday, November 13, 2021, the deadline is extended to Monday, November 15, 2021. (Secs. 1.006, 67.003)

> **NOTE -** If a recount petition has been filed and a winning candidate's race is involved in the recount, the certificate of election cannot be issued for that race until the recount has been completed. (Secs. 67.016, 212.0331)

> **NOTE - Officially-canvassed returns for the state constitutional amendment election must be delivered by the county election officer to the Secretary of State within 24 hours of the canvass. (Sec. 67.007(d))**

Last day for the presiding judge of the early voting ballot board to mail Notice of Outcome to Provisional Voter to provisional voters if the local canvass was held on Friday, November 5, 2021, the first day of the canvass period. Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass (Sec. 65.059; 1 Tex. Admin. Code Sec. 81.176(e))

Wednesday, November 17, 2021 (15th day after election day)

First day that the Governor may conduct the state canvass of the state constitutional amendment election. (Sec. 67.012)

Tuesday, November 23, 2021 (21st day after election day)

Last day to complete the partial manual count. (Sec. 127.201(a))

Monday, November 29, 2021 (27th day after election day; 14th day after last canvass deadline)

Last day for the presiding judge of the early voting ballot board to mail Notice of Outcome to Provisional Voter to provisional voters if the local canvass was held on Monday, November 15, 2021, the last day of the canvass period. (Sec. 65.059; 1 Tex. Admin. Code Sec. 81.176(e)). Such notices must be delivered to provisional voters by the presiding judge no later than the 10th day after the local canvass.*

***The deadline referenced above is extended to the next regular business day which is Monday, November 29, 2021, due to the deadline falling on Thursday, November 25, 2021, (Thanksgiving Day) and the day after Thanksgiving Day, Friday, November 26, 2021, which falls on a state holiday. (Sec. 1.006)**

December

Thursday, December 2, 2021 (30th day after election day)

If a Type A municipal officer-elect fails to qualify for office within 30 days after the date of the officer's election, the office is considered vacant. (Sec. 22.007, Local Government Code)

Last day for governor to conduct the state canvass for the state constitutional amendment election. (Sec. 67.012)

Last day to file **electronic** precinct-by-precinct returns with the Secretary of State. (Sec. 67.017)

> **NOTE -** Local political subdivisions no longer have to submit this information to the Secretary of State.

Last day for the general custodian of election records to electronically submit to the Secretary of State the record of each voter participating in the election. (Sec. 18.069)

> **NOTE-NEW LAW**: HB 3107 (2021) amended Section 18.069 of the Code by changing who is responsible for submitting voter history to the Secretary of State from the voter registrar to the general custodian of election records (early voting clerk). (Sec. 18.069)

Sunday, December 12, 2021 (40th day after election day)

Last day of the period for mandatory office hours. *See* entry for Monday, September 13, 2021. (Sec. 31.122)

January

Sunday, January 2, 2022 (61st day after election day)

First day that ballot box(es) may be unlocked and its voted ballots may be transferred to another secure container for the remainder of the preservation period. (Sec. 66.058(b))

2022 and 2023

Sunday, September 3, 2023 (day after 22 months after November 2, 2021 election day)

Contents of ballot box(es) may be destroyed **IF** no contest or criminal investigation has arisen (Secs. 1.013, 66.058), and **IF** no open records request has been filed (Tex. Att'y Gen. ORD-505 (1988)).

ALL election records must be preserved for 22 months from election day, even when there is no federal office on the ballot. (Sec. 66.058)

Notable Exceptions:

Permanent Records: Election results must be **permanently** maintained in the election register. (Sec. 67.006)

Electronic Voting Systems: See advisories on our website for preservation procedures for electronic voting systems. *See* Election Advisory No. 2019-23.

Friday, November 3, 2023 (day after two Years after November 2, 2021 election day)

NOTE - Retention of Voter Registration List: County voter registrar must maintain **copy** of each voter list prepared for each countywide election for 2 years (24 months) after election day. (Sec. 18.011)

NOTE - Retention of Candidate Applications: Candidate applications must be retained by the governing body for **two** years after date of election. (Sec. 141.036)

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: City Manager **Account Code:**

Prepared By: Stephanie Storm

Subject

Consider, and act upon, Resolution No. 2021-21(R), of the City Council of the City of Wylie, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting Tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC's legal counsel.

Recommendation

Motion to approve Item as presented.

Discussion

The City, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2021, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2020, entitled it to additional system-wide revenues of $43.4 million.

Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to $40.5 million, $29.3 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be $22.34 million instead of the claimed $40.5 million. The amount of the $22.34 million deficiency applicable to ACSC members would be $16.8 million.

After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of $22.78 million from ACSC Cities, but with a two-month delay in the Effective Date until December 1, 2021. This should save ACSC cities approximately $3.8 million.

The Executive Committee recommends a settlement at $22.78 million. The Effective Date for new rates is December 1, 2021. ACSC members should take action approving the Resolution before October 1, 2021.

PROOF OF REVENUES
Atmos generated proof that the rate tariffs attached to the Resolution will generate $22.78 million in additional revenues from ACSC Cities. That proof is attached as Attachment 1 to this Staff Report. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT
The impact of the settlement on average residential rates is an increase of $1.28 on a monthly basis, or 2.2 percent. The increase for average commercial usage will be $4.03 or 1.61 percent. A bill impact comparison is attached as Attachment 2.

SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS
ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM SAVINGS OVER GRIP
While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on December 1, 2021, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates. See Attachment 3.

EXPLANATION OF "BE IT RESOLVED" PARAGRAPHS:
1. This section approves all findings in the Resolution.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks like the explosion in North Dallas or the evacuation in Georgetown.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional $22.78 million from ACSC Cities.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section approves an exhibit to be used in future rate cases or RRM filings regarding recovery of regulatory liabilities, such as excess deferred income taxes.
7. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Resolution approving new rate tariffs.
8. This section repeals any resolution or ordinance that is inconsistent with the Resolution.
9. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
10. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution. This section further directs that the remaining provisions of the Resolution are to be interpreted as if the offending section or clause never existed.
11. This section provides for an effective date upon passage. December 1, 2021 represents a two-month delay in the Effective Date established by the RRM tariff.
12. This section directs that a copy of the signed Resolution be sent to a representative of the Company and legal counsel for ACSC.

CONCLUSION
The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from

a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover $43.4 million in additional system-wide revenues, the RRM settlement at $22.78 million for ACSC Cities reflects substantial savings to ACSC Cities. Settlement at $22.78 million (plus $3.8 of additional savings due to the two-month delay) is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution before October 1, 2021. New rates become effective December 1, 2021.

Financial Summary/Strategic Goals

Financial Health

Attachment 1 to
Model Staff Report

2021 RRM

Proof of Revenues

ATMOS ENERGY CORP., MID-TEX DIVISION
RRM CITIES RATE REVIEW MECHANISM
PROOF OF REVENUES - RRM CITIES
TEST YEAR ENDING DECEMBER 31, 2020

Line No.	Customer Class	Current	Proposed	Bills	Ccf/MmBtu	Current Revenues	Proposed Revenues	Increase	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
1	**Residential**								
2	Customer Charge	$ 20.25	$ 20.85	13,861,632		$ 280,698,048	$ 289,015,027		$ 8,316,979
3	Consumption Charge	0.26651	0.27979		627,298,034	167,181,199	175,511,717		$ 8,330,518
4	Revenue Related Taxes					30,398,805	31,528,717		
5	Total Class Revenue					$ 478,278,052	$ 496,055,461	$ 17,777,409	
6									
7	**Commercial**								
8	Customer Charge	$ 54.50	$ 56.50	1,094,352		$ 59,642,184	$ 61,830,888		$ 2,188,704
9	Consumption Charge	0.11728	0.12263		363,850,875	42,672,431	44,619,033		$ 1,946,602
10	Revenue Related Taxes					6,944,376	7,225,051		
11	Total Class Revenue					$ 109,258,991	$ 113,674,972	$ 4,415,981	
12									
13	**Industrial & Transportation**								
14	Customer Charge	$ 1,014.50	$ 1,054.75	7,056		$ 7,158,312	$ 7,442,316		$ 284,004
15	Consumption Charge Tier 1	$ 0.4157	$ 0.4330		7,479,741	3,109,328	3,238,728		$ 129,400
16	Consumption Charge Tier 2	$ 0.3044	$ 0.3171		8,282,846	2,521,298	2,626,490		$ 105,192
17	Consumption Charge Tier 3	$ 0.0653	$ 0.0680		13,018,926	850,136	885,287		$ 35,151
18	Revenue Related Taxes					925,722	963,306		
19	Total Class Revenue					$ 14,564,796	$ 15,156,127	$ 591,331	
20									
21	**Total Excluding Other Revenue**					$ 602,101,840	$ 624,886,561	$ 22,784,721	$ 21,336,550
22									
23									
24	**Revenue Related Tax Factor**	6.7873%							

Attachment 2
to 2021 RRM Staff Report

Bill Impact

ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2020

Line No.												
1	**Rate R @ 45.2 Ccf**							**Current**		**Proposed**		**Change**
2	Customer charge							$ 20.25				
3	Consumption charge	45.2		CCF	X	$ 0.26651	=	12.05				
4	Rider GCR Part A	45.2		CCF	X	$ 0.16000	=	7.23				
5	Rider GCR Part B	45.2		CCF	X	$ 0.33320	=	15.06				
6	Subtotal							$ 54.59				
7	Rider FF & Rider TAX		$	54.59	X	0.06787	=	3.71				
8	Total							$ 58.30				
9												
10	Customer charge									$ 20.85		
11	Consumption charge	45.2		CCF	X	$ 0.27979	=			12.65		
12	Rider GCR Part A	45.2		CCF	X	$ 0.16000	=			7.23		
13	Rider GCR Part B	45.2		CCF	X	$ 0.33320	=			15.06		
14	Subtotal									$ 55.79		
15	Rider FF & Rider TAX		$	55.79	X	0.06787	=			3.79		
16	Total									$ 59.58	$	1.28
17												2.20%
18												
19	**Rate C @ 332.5 Ccf**							**Current**		**Proposed**		**Change**
20	Customer charge							$ 54.50				
21	Consumption charge	332.5		CCF	X	$ 0.11728	=	38.99				
22	Rider GCR Part A	332.5		CCF	X	$ 0.16000	=	53.20				
23	Rider GCR Part B	332.5		CCF	X	$ 0.26321	=	87.51				
24	Subtotal							$ 234.20				
25	Rider FF & Rider TAX		$	234.20	X	0.06787	=	15.90				
26	Total							$ 250.10				
27												
28	Customer charge									$ 56.50		
29	Consumption charge	332.5		CCF	X	$ 0.12263	=			40.77		
30	Rider GCR Part A	332.5		CCF	X	$ 0.16000	=			53.20		
31	Rider GCR Part B	332.5		CCF	X	$ 0.26321	=			87.51		
32	Subtotal									$ 237.98		
33	Rider FF & Rider TAX		$	237.98	X	0.06787	=			16.15		
34	Total									$ 254.13	$	4.03
35												1.61%

36	**Rate I @ 4079 MMBTU**							**Current**		**Proposed**		**Change**
37	Customer charge							$ 1,014.50				
38	Consumption charge	1,500	MMBTU	X	$	0.4157	=	623.55				
39	Consumption charge	2,579	MMBTU	X	$	0.3044	=	785.05				
40	Consumption charge	0	MMBTU	X	$	0.0653	=	-				
41	Rider GCR Part A	4,079	MMBTU	X	$	1.5625	=	6,373.46				
42	Rider GCR Part B	4,079	MMBTU	X	$	0.5380	=	2,194.58				
43	Subtotal							$ 10,991.14				
44	Rider FF & Rider TAX		$ 10,991.14	X	0.06787		=	746.00				
45	Total							$ 11,737.14				
46												
47	Customer charge									$ 1,054.75		
48	Consumption charge	1,500	MMBTU	X	$	0.4330	=			649.50		
49	Consumption charge	2,579	MMBTU	X	$	0.3171	=			817.80		
50	Consumption charge	0	MMBTU	X	$	0.0680	=			-		
51	Rider GCR Part A	4,079	MMBTU	X	$	1.5625	=			6,373.46		
52	Rider GCR Part B	4,079	MMBTU	X	$	0.5380	=			2,194.58		
53	Subtotal									$ 11,090.09		
54	Rider FF & Rider TAX		$ 11,090.09	X	0.06787		=			752.72		
55	Total									$ 11,842.81	$	105.67
56												0.90%
57	**Rate T @ 4079 MMBTU**							**Current**		**Proposed**		**Change**
58	Customer charge							$ 1,014.50				
59	Consumption charge	1,500	MMBTU	X	$	0.4157	=	623.55				
60	Consumption charge	2,579	MMBTU	X	$	0.3044	=	785.05				
61	Consumption charge	0	MMBTU	X	$	0.0653	=	-				
62	Rider GCR Part B	4,079	MMBTU	X	$	0.5380	=	2,194.58				
63	Subtotal							$ 4,617.68				
64	Rider FF & Rider TAX		$ 4,617.68	X	0.06787		=	313.41				
65	Total							$ 4,931.09				
66												
67	Customer charge									$ 1,054.75		
68	Consumption charge	1,500	MMBTU	X	$	0.4330	=			649.50		
69	Consumption charge	2,579	MMBTU	X	$	0.3171	=			817.80		
70	Consumption charge	0	MMBTU	X	$	0.0680	=			-		
71	Rider GCR Part B	4,079	MMBTU	X	$	0.5380	=			2,194.58		
72	Subtotal									$ 4,716.63		
73	Rider FF & Rider TAX		$ 4,716.63	X	0.06787		=			320.13		
74	Total									$ 5,036.76	$	105.67
75												2.14%

Attachment 3
to 2021 RRM Staff Report

RRM Monthly Savings Over GRIP and DARR Rates

ATMOS ENERGY CORP., MID-TEX DIVISION
RESIDENTIAL AVERAGE BILL COMPARISON
(EXCLUDING GAS COSTS)

	ACSC Settled	DARR Settled	ATM Filing	ENVIRONS Filing
Customer Charge	$20.85	$23.80	$27.68	$25.90
Monthly Ccf [1]	45.2	52.7	45.2	45.2
Consumption Charge	$0.27979	$0.19526	$0.14846	$0.18653
Average Monthly Bill	$33.50	$34.09	$34.39	$34.33
		-$0.60	-$0.89	-$0.83

[1] Recognizes that average normal usage for Dallas residential customers is greater than Mid-Tex average.

RESOLUTION NO. 2021-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

WHEREAS, the City of Wylie, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2021, Atmos Mid-Tex filed its 2021 RRM rate request with ACSC Cities based on a test year ending December 31, 2020; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2021 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of $22.78 million applicable to ACSC Cities with an Effective Date of December 1, 2021; and

WHEREAS, ACSC agrees that Atmos' plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the two-month delayed Effective Date from October 1 to December 1 will save ACSC ratepayers approximately $3.8 million off new rates imposed by the attached tariffs (Exhibit A); and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability prepared by Atmos Mid-Tex (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of $22.78 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2021 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional $22.78 million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

Section 6. That subject to any future settlement or decision regarding the balance of Excess Deferred Income Tax to be refunded to ratepayers, the amortization of regulatory liability shall be consistent with the schedule found in Exhibit C, attached hereto and incorporated herein.

Section 7. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2021 RRM filing.

Section 8. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 9. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 11. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after December 1, 2021.

Section 12. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 10TH DAY OF AUGUST, 2021.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

Exhibit A
to 2021 RRM Resolution or Ordinance

Mid-Tex Tariffs
Effective December 1, 2021

MID-TEX DIVISION **RRC Tariff No:**
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**R – RESIDENTIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 12/01/2021**	**PAGE:**

Application
Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 20.85 per month
Rider CEE Surcharge	$ 0.05 per month[1]
Total Customer Charge	$ 20.90 per month
Commodity Charge – All Ccf	$0.27979 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

[1]Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2021.

MID-TEX DIVISION **RRC Tariff No:**
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**C – COMMERCIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 12/01/2021**	**PAGE: Page**

Application
Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	$ 56.50 per month
Rider CEE Surcharge	$ 0.01 per month[1]
Total Customer Charge	$ 56.51 per month
Commodity Charge – All Ccf	$ 0.12263 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

[1] Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2021.

MID-TEX DIVISION **RRC Tariff No:**
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 12/01/2021**	**PAGE:**

Application
Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 1,054.75 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.4330 per MMBtu
Next 3,500 MMBtu	$ 0.3171 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0680 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

MID-TEX DIVISION **RRC Tariff No:**
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 12/01/2021**	**PAGE:**

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION **RRC Tariff No:**
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 12/01/2021**	**PAGE:**

Application
Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service
Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate
Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	$ 1,054.75 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.4330 per MMBtu
Next 3,500 MMBtu	$ 0.3171 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0680 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees
All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees
Customer shall pay Company the greater of (i) $0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

MID-TEX DIVISION **RRC Tariff No:**
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 12/01/2021**	**PAGE:**

Curtailment Overpull Fee
Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index
In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement
A transportation agreement is required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 12/01/2021**	**PAGE:**

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

Bl_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the jth customer in ith rate schedule is computed as:

$WNA_i = WNAF_i \times q_{ij}$

Where q_{ij} is the relevant sales quantity for the jth customer in ith rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 12/01/2021**	**PAGE:**

Base Use/Heat Use Factors

	Residential		Commercial	
Weather Station	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Abilene	11.88	0.1459	85.39	0.6996
Austin	10.34	0.1452	194.82	0.9398
Dallas	15.21	0.1915	148.19	1.0986
Waco	10.63	0.1373	130.39	0.7436
Wichita Falls	12.63	0.1398	109.17	0.5803

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B
to 2021 RRM Resolution or Ordinance

Mid-Tex
2021 Benchmark for Pensions
and Retiree Benefits

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2020

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
		(a)	(b)	(c)	(d)	(e)	(f)	(g)
	Proposed Benefits Benchmark - Fiscal Year 2021 Willis Towers Watson						
1	Report as adjusted (1) (2) (3)	$ 2,917,949	$ 4,908,358	$ 5,447,063	$ 293,818	$ 6,600,073	
2	Allocation to Mid-Tex	43.68%	43.68%	76.11%	100.00%	76.11%	
	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)						
3		$ 1,274,655	$ 2,144,130	$ 4,145,546	$ 293,818	$ 5,023,057	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	$ 1,274,655	$ 2,144,130	$ 4,145,546	$ 293,818	$ 5,023,057	$ 12,881,205
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	75.07%	75.07%	38.66%	11.00%	38.66%	
11							
12							
13	Total Pension Account Plan	$ 956,873		$ 1,602,484			$ 2,559,357
14	Total Post-Employment Benefit Plan		$ 1,609,582			$ 1,941,691	3,551,272
15	Total Supplemental Executive Benefit Plan				$ 32,322		32,322
16	Total (Ln 13 + Ln 14 + Ln 15)	$ 956,873	$ 1,609,582	$ 1,602,484	$ 32,322	$ 1,941,691	$ 6,142,952
17							

18 Notes:
19 1. Studies not applicable to Mid-Tex or Shared Services are omitted.
20 2. Mid-Tex is proposing that the Fiscal Year 2021 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the
21 benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods
22 includes only the expense amount. The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM.
23 3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

Exhibit C
to 2021 RRM Resolution or Ordinance

Mid-Tex 2021 Schedule for
Amortization for Regulatory Liability

ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2020
AMORTIZATION OF REGULATORY LIABILITY

Line No.	Year Ended Dec. 31	Beginning Protected Balance	Protected Amortization	Ending Protected Balance	Beginning Unprotected Balance	Unprotected Amortization	Ending Unprotected Balance	Total Protected & Unprotected Amortization	Total Protected & Unprotected Balance
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
1	2017 (3)	$ -	$ -	$ (51,477,654)	$ -	$ -	$ 343,746,535	$ -	$ 292,268,881
2	2018	(51,477,654)	494,977	(50,982,677)	343,746,535	(3,513,868)	340,232,667	(3,018,891)	289,249,991
3	2019	(50,982,677)	1,979,910	(49,002,767)	340,232,667	(14,057,872)	326,174,795	(12,077,963)	277,172,028
4	2020	(49,002,767)	1,979,910	(47,022,857)	326,174,795	(13,988,908)	312,185,886	(12,008,999)	265,163,029
5	2021	(47,022,857)	3,464,842	(43,558,015)	312,185,886	(26,390,127)	285,795,760	(22,925,284)	242,237,745
6	2022	(43,558,015)	1,979,910	(41,578,105)	285,795,760	(60,167,528)	225,628,231	(58,187,619)	184,050,126
7	2023	(41,578,105)	1,979,910	(39,598,195)	225,628,231	(60,167,528)	165,460,703	(58,187,619)	125,862,508
8	2024	(39,598,195)	1,979,910	(37,618,286)	165,460,703	(60,167,528)	105,293,175	(58,187,619)	67,674,889
9	2025	(37,618,286)	1,979,910	(35,638,376)	105,293,175	(60,167,528)	45,125,646	(58,187,619)	9,487,270
10	2026	(35,638,376)	1,979,910	(33,658,466)	45,125,646	(45,125,646)	(0)	(43,145,737)	(33,658,466)
11	2027	(33,658,466)	1,979,910	(31,678,556)	(0)	0		1,979,910	(31,678,556)
12	2028	(31,678,556)	1,979,910	(29,698,647)	-	-		1,979,910	(29,698,647)
13	2029	(29,698,647)	1,979,910	(27,718,737)	-	-		1,979,910	(27,718,737)
14	2030	(27,718,737)	1,979,910	(25,738,827)	-	-		1,979,910	(25,738,827)
15	2031	(25,738,827)	1,979,910	(23,758,917)	-	-		1,979,910	(23,758,917)
16	2032	(23,758,917)	1,979,910	(21,779,007)	-	-		1,979,910	(21,779,007)
17	2033	(21,779,007)	1,979,910	(19,799,098)	-	-		1,979,910	(19,799,098)
18	2034	(19,799,098)	1,979,910	(17,819,188)	-	-		1,979,910	(17,819,188)
19	2035	(17,819,188)	1,979,910	(15,839,278)	-	-		1,979,910	(15,839,278)
20	2036	(15,839,278)	1,979,910	(13,859,368)	-	-		1,979,910	(13,859,368)
21	2037	(13,859,368)	1,979,910	(11,879,459)	-	-		1,979,910	(11,879,459)
22	2038	(11,879,459)	1,979,910	(9,899,549)	-	-		1,979,910	(9,899,549)
23	2039	(9,899,549)	1,979,910	(7,919,639)	-	-		1,979,910	(7,919,639)
24	2040	(7,919,639)	1,979,910	(5,939,729)	-	-		1,979,910	(5,939,729)
25	2041	(5,939,729)	1,979,910	(3,959,820)	-	-		1,979,910	(3,959,820)
26	2042	(3,959,820)	1,979,910	(1,979,910)	-	-		1,979,910	(1,979,910)
27	2043	(1,979,910)	1,979,910	0	-	-		1,979,910	0
28									
29	Revenue Related Tax Factor					See WP_F-5.1		6.79%	
30	Revenue Related Taxes on Annual Amortization					Amortization * Tax Factor		$ 3,949,355	
31	Amortization Including Revenue Related Taxes					Amortization + Taxes		$ 62,136,973	
32									
33	Notes:								
34	1. The annual amortization of the protected balance is a 26 year recovery period based on the Reverse South Georgia Method. The annual amortization of the unprotected balance is 5 years.								
35	2. The Regulatory Liability is recorded to FERC Accounts 253 and 242, Sub Account 27909.								
36	3. This is the final Mid-Tex liability balance filing the Fiscal Year 2018 tax return.								

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: City Secretary **Account Code:**

Prepared By: Stephanie Storm

Subject

Consider, and act upon, the acceptance of the resignation of the Historic Review Commission member Jesse Hale and appointment of Allison Stowe to fill the unexpired term of August 2021 to June 2022.

Recommendation

Motion to approve Item as presented.

Discussion

Staff is requesting the appointment of Allison Stowe, current Replacement 1, as a new Zoning Board of Adjustment member to replace Jesse Hale. Mr. Hale submitted his letter of resignation dated July 25, 2021.

Allison Stowe currently holds the position of Replacement 1 for the Historic Review Commission. She would replace Mr. Hale until the time for renewal in June 2022. Staff has reached out to Ms. Stowe and she is willing to serve if appointed.

Financial Summary/Strategic Goals

Community Focused Government

CITY OF WYLIE

Wylie City Council
AGENDA REPORT

Department: Planning **Account Code:**

Prepared By: Jasen Haskins, AICP

Subject

Consider, and act upon, Ordinance No. 2021-37 for a change of zoning from Commercial Corridor District (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through on 1.022 acres, property located at 2817 FM 544. (ZC2021-18)

Recommendation

Motion to approve Item as presented.

Discussion

On July 27, 2021 City Council approved a zoning change from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) for commercial development on 1.022 acres to allow for a restaurant with a drive-thru use located at 2817 FM 544, being Zoning Case 2021-18.

Final approval of Zoning Case 2021-18 requires an Ordinance to amend the zoning accordingly in the Official Zoning map of the City; and providing a penalty clause, a repeal clause, a savings clause, a severability clause, and an effective date.

The subject ordinance allows for the rezoning. Exhibit A (Legal Description), Exhibit B (Zoning Exhibit), and Exhibit C (SUP Conditions) are included and made a part of this Ordinance.

The above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

Financial Summary/Strategic Goals

N/A

ORDINANCE NO. 2021-37

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WYLIE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY, ZONING CASE NUMBER 2021-18, FROM COMMERCIAL CORRIDOR DISTRICT (CC) TO COMMERCIAL CORRIDOR - SPECIAL USE PERMIT (CC-SUP), TO ALLOW FOR COMMERCIAL DEVELOPMENT OF A RESTAURANT WITH A DRIVE-THRU; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Wylie, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to owners of the affected property, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: That the Comprehensive Zoning Ordinance of the City of Wylie, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Wylie, to give the hereinafter described property a new zoning classification of Commercial Corridor-Special Use Permit, said property being described in Exhibit A (Legal Description), hereto and made a part hereof for all purposes.

SECTION 2: That a Zoning Exhibit and Special Use Permit Conditions are an integral component of the development of the property and are attached as Exhibits B and C, respectively.

SECTION 3: That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4: That the above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

SECTION 5: Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, commits an unlawful act and shall be subject to the general penalty provisions of Section 1.5 of the Zoning Ordinance, as the same now exists or is hereafter amended.

SECTION 6: Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7: This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

SECTION 8: The repeal of any ordinance, or parts thereof, by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue, nor as effecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 10th day of August, 2021.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

DATE OF PUBLICATION: *August 18, 2021, in The Wylie News*

OWNER'S CERTIFICATE AND DEDICATION:

Exhibit "A"

STATE OF TEXAS
COUNTY OF COLLIN

Whereas 2819 West FM 544 Ventures, LLC, is the owner of two parcels of Land located in the Moses Sparks Survey, Abstract No. 849, and being a part of McCord's Little Six Subdivision, an unrecorded subdivision in the City of Wylie, Collin County, Texas as described in Special Warranty Deed Instrument 20180119000072410 and 20180402000390500 in the office of the County Clerk, Collin County, Texas and more particularly described as follows:

Beginning at an existing aluminum Texas Department of Transportation monument marking the north right of way of F.M. 544 said monument depicted on the Final Plat of McCord's 3 Addition, Lot 3, Block 1 as a Control Monument.

THENCE North 45°26'53" West a distance of 27.79 feet to a point on the east right of way of Springwell Parkway marked by a one-half inch (1/2") rebar with Cole Design Group cap.

THENCE along said Springwell Parkway east right of way, North 00°17'55" West a distance of 205.61 feet to a one-half inch (1/2") rebar with Cole Design Group cap on the south line of an unrecorded ten-foot (10') alley of said McCord's Addition.

THENCE departing the east right of way of Springwell Parkway and traveling along said south line of alley, South 84°33'06" East a distance of 90.02 feet to a one-half inch (1/2") rebar with Cole Design Group cap.

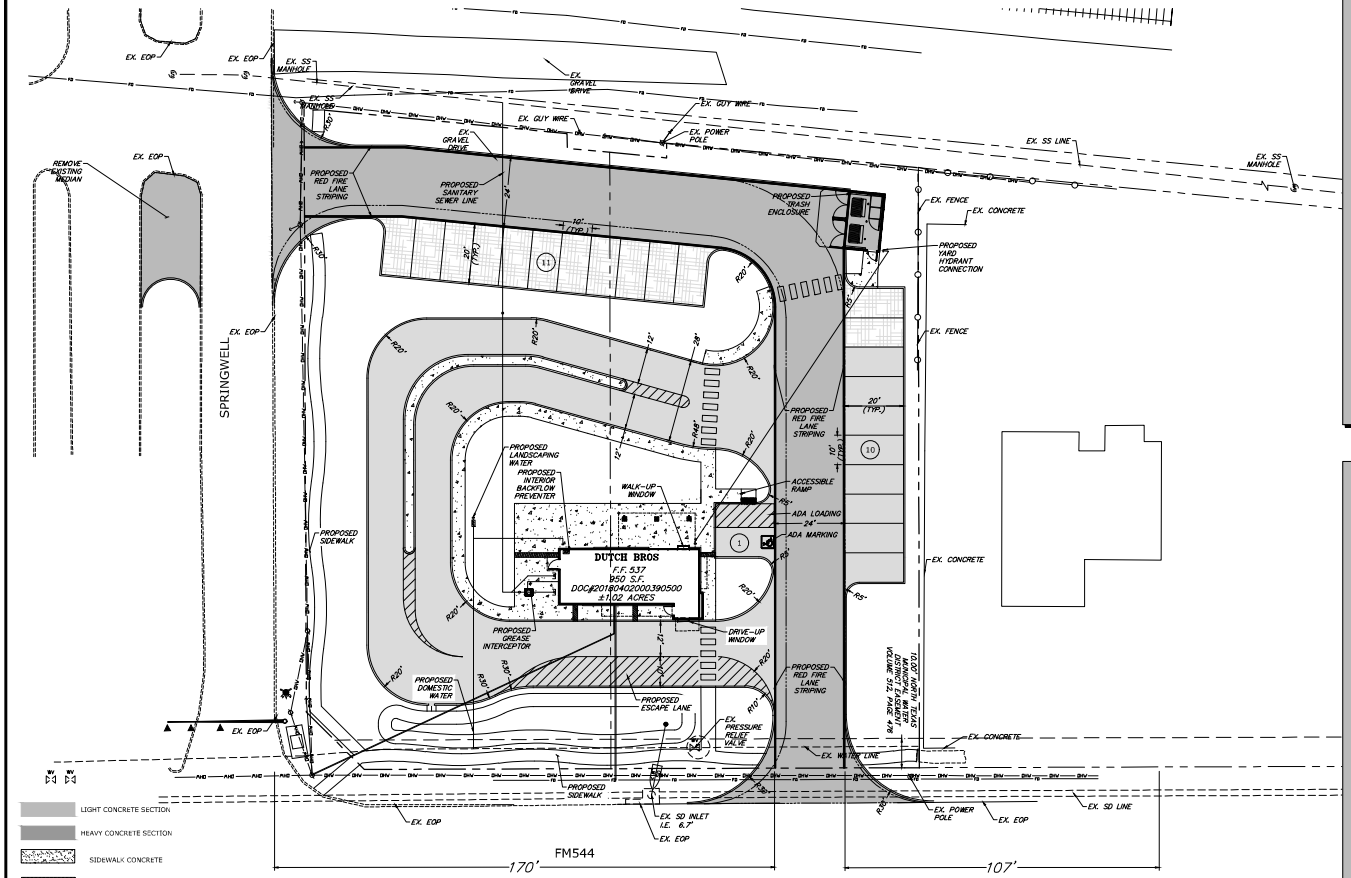
THENCE Continuing along said alley the following courses and distances:

South 00°57'27" East a distance of 5.00 feet to a one-half inch (1/2") rebar with Cole Design Group cap;
South 84°33'06" East through a one-half inch (1/2") rebar with Cole Design Group cap at a distance of 14.49 feet, to a one-half inch (1/2") rebar with Cole Design Group cap for corner at a distance of 34.00 feet;
North 00°04'09" East a distance of 5.00 feet to a one-half inch (1/2") rebar with Cole Design Group cap;
South 84°33'06" East a distance of 86.02 feet to a one-half inch (1/2") rebar with Cole Design Group cap marking the Northwest Corner of Lot 3, McCord's 3 Addition, Block 1.

THENCE departing said south line of alley and along the west line of said Lot 3, South 00°12'11" East a distance of 204.30 to a corner being on the north line of F.M. 544 and from which a one-half inch rebar with Precise Land Surveying cap bears North 00°48'22" East a distance of 1.60 feet.

THENCE along said north right of way, South 89°44'14" West through a one-half inch (1/2") rebar with Cole Design Group cap at a distance of 105.04, for a total distance 189.03 feet to the Point of Beginning, containing 1.022 acres, more or less.

Exhibit "B"



PRELIMINARY UTILITY & SITE PLAN

SCALE: 1" = 20'-0"

SCALE = 1": 20'

LIGHT CONCRETE SECTION
HEAVY CONCRETE SECTION
SIDEWALK CONCRETE
SIDEWALK CROSS DRAIN
PROPOSED TYPE 1 CURB AND GUTTER
EXISTING TYPE 1 CURB AND GUTTER
PROPOSED MEDIAN CURB
EXISTING MEDIAN CURB
(EX.) EXISTING
STORM DRAIN MANHOLE (DASHED IF EXISTING)
PROPERTY LINE
LIGHT STANDARD
HEADWALL
FLARED END SECTION
UTILITY POLE
STREET SIGN
PIPE BOLLARD
FENCE
W WATER MAIN (DASHED IF EXISTING)
SANITARY SEWER LATERAL
CLEANOUT (DASHED IF EXISTING)
WV WATER VALVE
SANITARY SEWER MAIN (DASHED IF EXISTING)
SINGLE WATER SERVICE (METER & BACKFLOW PREVENTER)
S SANITARY SEWER MANHOLE (DASHED IF EXISTING)

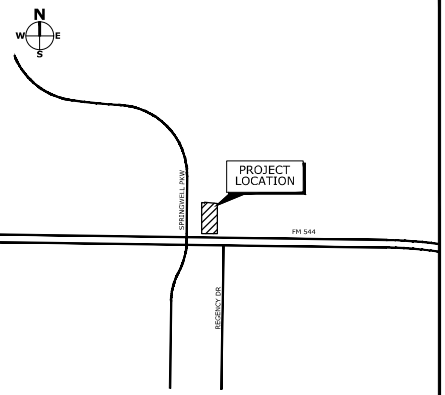
LEGEND
SCALE: N,T,S.

Texas 811

CONSTRUCTION SEQUENCE:

1. POST CONSTRUCTION SIGN AT THE LOCATION OF THE CONSTRUCTION ENTRANCE CONTAINING THE FOLLOWING:TXR2S PERMIT NUMBER OR COPY OF NOI IF A PERMIT NUMBER HAS NOT YET BEEN ASSIGNED, NAME AND TELEPHONE NUMBER OF LOCAL CONTACT PERSON, BRIEF DESCRIPTION OF THE PROJECT
2. INSTALL TEMPORARY STABILIZED CONSTRUCTION ENTRANCE(S)
3. INSTALL PERIMETER CONTROLS, SUCH AS SILT DAM, AND ALL OTHER BEST MANAGEMENT PRACTICES (BMP'S) ON THE SITE
4. ESTABLISH AND DENOTE THE FOLLOWING ON THE SITE MAPS UPON INSTALLATION AND UPDATE LOCATIONS ON THE SITE MAP AS NECESSARY THROUGHOUT THE CONSTRUCTION PROCESS, BUILDING MATERIAL HANDLING AND STAGING AREA , CONSTRUCTION TRAILER, CONSTRUCTION PARKING, SANITARY WASTE FACILITIES, SOLID WASTE CONTAINERS, WHEEL WASH, CONCRETE WASHOUT AREA, MASONRY AREA, HAZARDOUS WASTE CONTAINERS, FUEL CONTAINERS, ETC.
5. STOP CONSTRUCTION ACTIVITIES AND REQUEST INSPECTION OF BEST MANAGEMENT PRACTICES (BMP'S) FROM PROJECT OWNER'S CONSULTANT PRIOR TO CONTINUANCE
6. CLEAR AND GRUB THE SITE
7. COMPLETE DEMOLITION AS REQUIRED
8. ROUGH GRADE THE SITE
9. APPLY TEMPORARY SEEDING TO ANY EXPOSED AREAS WHERE CONSTRUCTION ACTIVITY WILL TEMPORARILY CEASE FOR AT LEAST TWENTY-ONE (21) DAYS
10. BEGIN CONSTRUCTION OF BUILDING
11. CONSTRUCT UTILITIES
12. COMPLETE GRADING
13. INSTALL LANDSCAPING AND STABILIZE ALL AREAS OF SOIL EXPOSURE
14. REMOVE ALL TEMPORARY BMP'S UPON COMPLETION OF SITE STABILIZATION

VICINITY MAP



DESIGN TEAM

OWNER:
MAIN & MAIN
5750 Genesis Court, Suite 103
Frisco, Texas 75034
(214) 308-0008

Civil Engineer:
TECTONICS DESIGN GROUP
730 Sandhill Road, Suite 250
Reno, Nevada 89521
(775) 824-9988
Attn: Matt Rasmussen, P.E.

Surveyor:
MORRISION-SHIPLEY ENGINEERS, INC.
5750 GENESIS CT, STE 130
FRISCO, Texas 75034
(972) 472-2009

Landscape Architect:
Bella Firma
4245 North Central Expy
Suite 501
Dallas, Texas, 75205
(214) 865-7192
Attn: Kori Haug

SITE INFORMATION

SITE INFORMATION

LOT SIZE: 44,501 SF (1.02 AC)

FLOOD ZONE: X

BUILDING SETBACK:

FRONT: 25'
SIDE: 10'
REAR: 10'

BUILDING SIZE: 950 SF

LOT COVERAGE: 2.1%

SITE IMPERVIOUS PERCENTAGE:61.8%

PARKING SUMMARY:

PARKING ALLOWED:

RATIO REQUIRED: = 1:150 SF
REQUIRED PARKING: (950/150) = 7
MAXIMUM PARKING: (7*1.25) = 9

SPACES PROVIDED:

13 NEAR IMPERVIOUS SURFACE
8 STANDARD STALL
1 ADA STALL
22 TOTAL

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1"=20' DUTCH BROS 20052_C01

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DRAWN: C.S.O.
DESIGNED: J.P.B.
CHECKED/STAMPED:

STAMP:

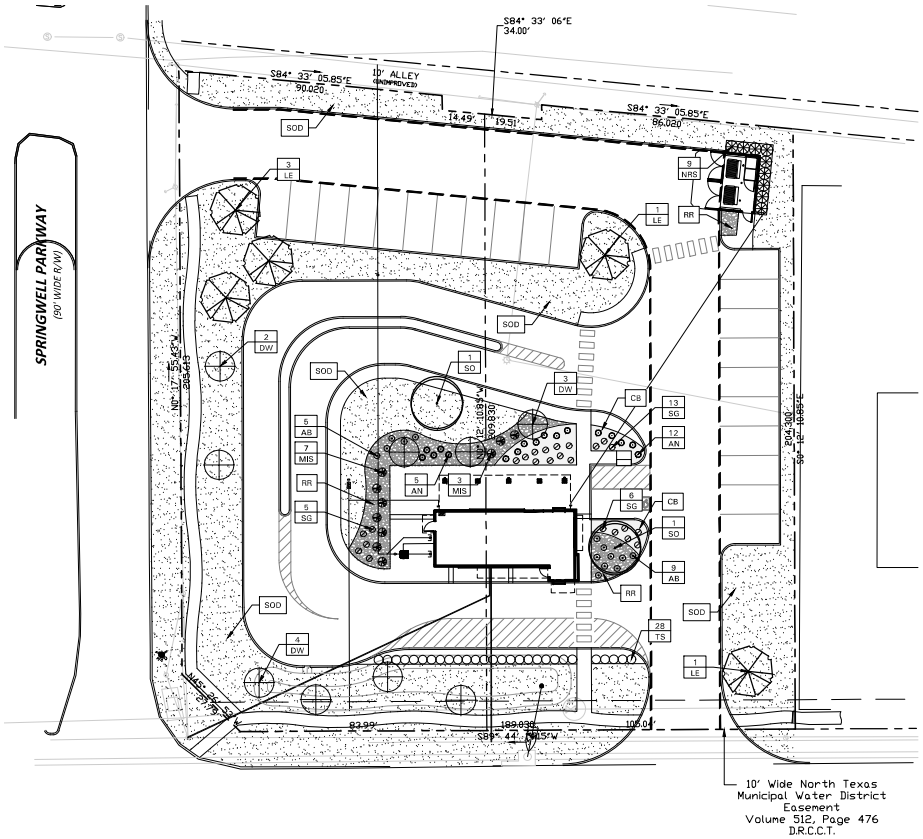
DESIGNER:
TECTONICS DESIGN GROUP
730 Sandhill Road, Suite 250, Reno, NV 89521
tel 775-824-9988
Firm#: 22395
www.tectonicsdesigngroup.com

PROJECT/CLIENT:
Dutch Bros No.: TX 0101
Wylie, Texas
MAIN & MAIN
5750 Genesis Ct, Suite 103, Frisco, Texas 75034
tel 214-308-0008
20052

SUBMITTAL RECORD:
DATE: SUBMITTAL
03/24/21 SITE PLAN SUBMITTAL
06/08/21

SHEET TITLE:
PRELIMINARY UTILITY AND SITE PLAN

SHEET:
C0.1



PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
	TREES				
DW	*Chilopsis linearis*	Desert Willow	9	30 gal.	container grown, 3-5 trunk, 8' ht. min., 4' spread min.
LE	*Ulmus parvifolia 'Sempervirens'*	Lacebark Elm	5	3" cal.	container grown, 12' ht., 4' spread, 4' branching ht., matching
SO	*Quercus shumardii*	Shumard Red Oak	2	3" cal.	container grown, 12' ht., 4' spread, 4' branching ht., matching
	SHRUBS/GROUNDCOVER				
AB	*Abelia grandiflora 'Rose Creek'*	Dwarf Abelia 'Rose Creek'	14	5 gal.	container full, 20" spread
AN	*Juniperus tobila 'Andorra'*	Andorra Juniper	17	5 gal.	container full, 20" spread
MIS	*Miscanthus sinensis 'Adagio'*	Miscanthus 'Adagio'	10	5 gal.	container full
NRS	*Ilex spp. 'Nellie R. Stevens'*	Nellie R. Stevens Holly	9	7 gal.	container full to base, 36" ht., 48" o.c.
SG	*Salvia greggii 'Red'*	Salvia Greggii	24	5 gal.	container full, 20" spread
TS	*Leucophyllum frutescens 'Green Cloud'*	Texas Sage 'Green Cloud'	28	5 gal.	container full, 20" spread, 24" o.c.
SOD	*Cynodon dactylon*	Common Bermudagrass			solid sod, refer to notes
RR		Colorado' River Rock			2" - 4" dia., 4" depth with weed barrier fabric
CB		Crushed Basalt			4" depth with weed barrier fabric

NOTE: ALL TREES SHALL HAVE STRAIGHT TRUNKS AND BE MATCHING WITHIN VARIETIES.
PLANT LIST IS AN AID TO BIDDERS ONLY. CONTRACTOR SHALL VERIFY ALL QUANTITIES ON PLAN.
ALL HEIGHTS AND SPREADS ARE MINIMUMS. ALL PLANT MATERIAL SHALL MEET OR EXCEED REMARKS AS INDICATED.

LANDSCAPE NOTES

1. CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
2. CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
3. CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
4. CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
5. ALL PLANTING BEDS AND LAWN AREAS SHALL BE SEPARATED BY STEEL EDGING. NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALKS, OR CURBS. CUT STEEL EDGING AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND CURBS.
6. TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
7. ALL LAWN AREAS SHALL BE SOLID SOD BERMUDAGRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
8. ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FREEZE SENSORS AND EVAPOTRANSPIRATION (ET) WEATHER-BASED CONTROLLERS AND SAID IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR.
9. CONTRACTOR SHALL PROVIDE BID PROPOSAL LISTING UNIT PRICES FOR ALL MATERIAL PROVIDED.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.

MAINTENANCE NOTES

1. THE OWNER, TENANT AND THEIR AGENT, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE.
2. ALL LANDSCAPE SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
3. ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THIS PLAN.
4. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR.
5. ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER VALUE.
6. CONTRACTOR SHALL PROVIDE SEPARATE BID PROPOSAL FOR ONE YEAR'S MAINTENANCE TO BEGIN AFTER FINAL ACCEPTANCE.

GENERAL LAWN NOTES

1. CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOPSOIL WITH ON-SITE CONSTRUCTION MANAGER.
2. CONTRACTOR SHALL LEAVE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
3. CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED ON CIVIL PLANS, ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
4. ALL LAWN AREAS SHALL BE FINE GRADED. IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR LANDSCAPE ARCHITECT PRIOR TO LAWN INSTALLATION.
5. CONTRACTOR SHALL REMOVE ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPOILS, ETC. PRIOR TO PLACING TOPSOIL AND LAWN INSTALLATION.
6. CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
7. CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.

SOLID SOD NOTES

1. PLANT SOD BY HAND TO COVER INDICATED AREAS COMPLETELY. ENSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
2. ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS.
3. WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
4. IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, OVER-SEED BERMUDAGRASS SOD WITH WINTER RYEGRASS, AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.

LANDSCAPE TABULATIONS

THE CITY OF WYLIE, TEXAS

SITE LANDSCAPE

1. Twenty (20%) percent of the site to be landscape area.

Total Site Area: 40,388 s.f. (0.927 AC)	
Required	Provided
8,078 s.f. (20%)	12,339 s.f. (30%)

PARKING LOT LANDSCAPE

1. Fifty (50) s.f. of landscape area per parking space.
2. No parking space further than sixty (60') feet from landscape area on site.
3. All parking rows shall have landscape areas at least every twelve (12) parking spaces.

Parking Spaces: 22	
Required	Provided
1,100s.f.	1,374 s.f.
All spaces within 60' of landscape area	All spaces within 60' of landscape area
Landscape area at least every 12 parking spaces	Landscape area at least every 12 parking spaces

STREET FRONTAGE LANDSCAPE

1. At least fifty (50%) percent of the required yard developed as landscaped buffer, at least ten (10') foot in width.
2. Trees, three (3") inch cal. min., at 30' - 40' o.c.
3. Four (4') foot min. meandering concrete walkway.

FM 544: 188 l.f.	
Required	Provided
10' landscape buffer	20' landscape buffer
(5) trees, 3" cal.	(5) trees, 3" cal.
4' meandering concrete walkway	4' meandering concrete walkway

Springwell Parkway: 205 l.f.	
Required	Provided
10' landscape buffer	20' landscape buffer
(6) trees, 3" cal.	(6) trees, 3" cal.
4' meandering concrete walkway	4' meandering concrete walkway

DESIRABLE LANDSCAPE REQUIREMENTS USED

1. Landscaping that exceeds the minimum by 10%.
2. Parking lots with no space further than 40' from landscape area.
3. Landscaped pedestrian connection to main entrance.
4. Increase in minimum width of landscape buffer by 20%.

SCALE: 1" = 20'-0"
0 10 20 40

BELLE FIRMA

4245 North Central Expy
Suite 501
Dallas, Texas 75205
214.696.7100

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DRAWN: RMT
DESIGNED: RMT
CHECKED/STAMPED:

STAMP: REGISTERED LANDSCAPE ARCHITECT RYAN M. TECTONICS STATE OF TEXAS 2395
06/08/21

DESIGNER: TECTONICS DESIGN GROUP
730 Sandhill Road, Suite 250, Reno, NV 89521
www.tectonicsdesigngroup.com
tel 775-824-0988
Firm# - 22395

PROJECT/CLIENT: 20052
Dutch Bros No.: TX 0101
Wylie, Texas
MAIN & MAIN
5750 Genesis Ct, Suite 103, Frisco, Texas 75034
tel 214-308-0008

SUBMITTAL RECORD:

DATE:	SUBMITTAL
03/24/21	SITE PLAN SUBMITTAL
05/14/21	SITE PLAN SUBMITTAL
06/01/21	SITE PLAN SUBMITTAL
06/08/21	SITE PLAN SUBMITTAL

SHEET TITLE: LANDSCAPE PLAN

SHEET: L1.01

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SECTION 32 9300 - LANDSCAPE

PART 1 - GENERAL

1.1 REFERENCED DOCUMENTS

A. Refer to Landscape Plans, notes, details, bidding requirements, special provisions, and schedules for additional requirements.

1.2 DESCRIPTION OF WORK

A. Work included: Furnish all supervision, labor, materials, services, equipment and appliances required to complete the work covered in conjunction with the landscaping covered in these specifications and landscaping plans, including:

1. Planting (trees, shrubs and grasses)
2. Bed preparation and fertilization
3. Notification of sources
4. Water and maintenance until final acceptance
5. Guarantee

1.3 REFERENCE STANDARDS

A. American Standard for Nursery Stock published by American Association of Nurserymen: April 14, 2014 Edition; by American National Standards Institute, Inc. (Z60.1) – plant material

B. American Joint Committee on Horticultural Nomenclature: 1942 Edition of Standardized Plant Names.

C. Texas Association of Nurserymen, Grades and Standards

D. Hortis Third, 1976 - Cornell University

1.4 NOTIFICATION OF SOURCES AND SUBMITTALS

A. Samples: Provide representative quantities of sandy loam soil, mulch, bed mix material, gravel, crushed stone, steel edging and tree stakes. Samples shall be approved by Owner's Authorized Representative before use on the project.

1.5 JOB CONDITIONS

A. General Contractor to complete the following punch list: Prior to Landscape Contractor initiating any portion of landscape installation, General Contractor shall leave planting bed areas three (3") inches below final finish grade of sidewalks, drives and curbs as shown on the drawings. All lawn areas to receive solid sod shall be left one (1") inch below the final finish grade of sidewalks, drives and curbs. All construction debris shall be removed prior to Landscape Contractor beginning any work.

B. Storage of materials and equipment at the job site will be at the risk of the Landscape Contractor. The Owner cannot be held responsible for theft or damage.

1.6 MAINTENANCE AND GUARANTEE

A. Maintenance:

1. The Landscape Contractor shall be held responsible for the maintenance of all work from the time of planting until final acceptance by the Owner. No trees, shrubs, groundcover or grass will be accepted unless they show healthy growth and satisfactory foliage conditions.

2. Maintenance shall include watering of trees and plants, cultivation, weeding spraying, edging, pruning of trees, mowing of grass, cleaning up and all other work necessary of maintenance.

3. A written notice requesting final inspection and acceptance should be submitted to the Owner at least seven (7) days prior to completion. An on-site inspection by the Owner's Authorized Representative will be completed prior to written acceptance.

B. Guarantee:

1. Trees, shrubs and groundcover shall be guaranteed for a twelve (12) month period after final acceptance. The Contractor shall replace all dead materials as soon as weather permits and upon notification of the Owner. Plants, including trees, which have partially died so that shape, size, or symmetry have been damaged, shall be considered subject to replacement. In such cases, the opinion of the Owner shall be final.

a. Plants used for replacement shall be of the same size and kind as those originally planted and shall be planted as originally specified. All work, including materials, labor and equipment used in replacements, shall carry a twelve (12) month guarantee. Any damage, including ruts in lawn or bed areas, incurred as a result of making replacements shall be immediately repaired.

b. At the direction of the Owner, plants may be replaced at the start of the next year's planting season. In such cases, dead plants shall be removed from the premises immediately.

c. When plant replacements are made, plants, soil mix, fertilizer and mulch are to be utilized as originally specified and re-inspected for full compliance with the contract requirements. All replacements are to be included under "Work" of this section.

2. The Owner agrees that for the guarantee to be effective, he will water plants at least twice a week during dry periods and cultivate beds once a month after final acceptance.

3. The above guarantee shall not apply where plants die after acceptance because of injury from storms, hail, freeze, insects, diseases, injury by humans, machines or theft.

4. Acceptance for all landscape work shall be given after final inspection by the Owner provided the job is in a complete, undamaged condition and there is a stand of grass in all lawn areas. At that time, the Owner will assume maintenance on the accepted work.

C. Repairs: Any necessary repairs under the Guarantee must be made within ten (10) days after receiving notice, weather permitting. In the event the Landscape Contractor does not make repairs accordingly, the Owner, without further notice to Contractor, may provide materials and men to make such repairs at the expense to the Landscape Contractor.

1.7 QUALITY ASSURANCE

A. General: Comply with applicable federal, state, county and local regulations governing landscape materials and work.

B. Personnel: Employ only experienced personnel who are familiar with the required work. Provide full time supervision by a qualified foreman acceptable to Landscape Architect.

C. Selection of Plant Material:

1. Make contact with suppliers immediately upon obtaining notice of contract acceptance to select and book materials. Develop a program of maintenance (pruning and fertilization) which will ensure the purchased materials will meet and / or exceed project specifications.

2. Substitutions: Do not make plant material substitutions. If the specified landscape material is not obtainable, submit proof of non-availability to Landscape Architect, together with proposal for use of equivalent material. At the time bids are submitted, the Contractor is assumed to have located the materials necessary to complete the job as specified.

3. Landscape Architect will provide a key identifying each tree location on site. Written verification will be required to document material selection, source and delivery schedules to site.

4. Measurements: Measure trees with branches and trunks or canes in their normal position. Do not prune to obtain required sizes. Take caliper measurements six inches above ground for trees up to and including 4" caliper size, and twelve inches above ground for larger sizes. Measure main body of all plant material of height and spread dimensions, do not measure from branch or root tip-to-tip.

5. Owner's Authorized Representative shall inspect all plant material with requirements for genus, species, cultivar / variety size and quality.

6. Owner's Authorized Representative retains the right to further inspect all plant material upon arrival to the site and during installation for size and condition of root balls and root systems, limbs, branching habit, insects, injuries and latent defects.

7. Owner's Authorized Representative may reject unsatisfactory or defective material at any time during the process work. Remove rejected materials immediately from the site and replace with acceptable material at no additional cost to the Owner. Plants damaged in transit or at job site shall be rejected.

1.8 PRODUCT DELIVERY, STORAGE AND HANDLING

A. Preparation:

1. Balled and Burlapped (B&B) Plants: Dig and prepare shipment in a manner that will not damage roots, branches, shape and future development.

2. Container Grown Plants: Deliver plants in rigid container to hold ball shape and protect root mass.

B. Delivery:

1. Deliver packaged materials in sealed containers showing weight, analysis and name of manufacturer. Protect materials from deterioration during delivery and while stored on site.

2. Deliver only plant materials that can be planted in one day unless adequate storage and watering facilities are available on job site.

3. Protect root balls by heeling in with sawdust or other approved moisture retaining material if not planted within 24 hours of delivery.

4. Protect plants during delivery to prevent damage to root balls or desiccation of leaves. Keep plants moist at all times. Cover all materials during transport.

5. Notify Owner's Authorized Representative of delivery schedule 72 hours in advance job site.

6. Remove rejected plant material immediately from job site.

7. To avoid damage or stress, do not lift, move, adjust to plumb, or otherwise manipulate plants by trunk or stems.

PART 2 - PRODUCTS

2.1 PLANTS

A. General: Well-formed No. 1 grade or better nursery grown stock. Listed plant heights are from tops of root balls to nominal tops of plants. Plant spread refers to nominal outer width of the plant, not to the outer leaf tips. Plants will be individually approved by the Owner's Authorized Representative and his decision as to their acceptability shall be final.

B. Quantities: The drawings and specifications are complementary. Anything called for on one and not the other is as binding as if shown and called for on both. The plant schedule is an aid to bidders only. Confirm all quantities on plan.

C. Quality and size: Plant materials shall conform to the size given on the plan, and shall be healthy, symmetrical, well-shaped, full branched and well rooted. The plants shall be free from injurious insects, diseases, injuries to the bark or roots, broken branches, objectionable disfigurements, insect eggs and larvae, and are to be of specimen quality.

D. Approval: All plants which are found unsuitable in growth, or are in any unhealthy, badly shaped or undersized condition will be rejected by the Owner's Authorized Representative either before or after planting and shall be removed at the expense of the Landscape Contractor and replaced with acceptable plant as specified at no additional cost to the Owner.

E. Trees shall be healthy, full-branched, well-shaped, and shall meet the minimum trunk and diameter requirements of the plant schedule. Balls shall be firm, neat, slightly tapered and well wrapped in burlap. Any tree loose in the ball or with a broken root ball at time of planting will be rejected. Balls shall be ten (10") inches in diameter for each one (1") inch of trunk diameter, measured six (6") inches above ball. (Nomenclature confirms to the customary nursery usage. For clarification, the term "multi-trunk" defines a plant having three (3) or more trunks of nearly equal diameter.)

F. Pruning: All pruning of trees and shrubs, as directed by the Landscape Architect prior to final acceptance, shall be executed by the Landscape Contractor at no additional cost to the Owner.

2.2 SOIL PREPARATION MATERIALS

A. Sandy Loam:

1. Friable, fertile, dark, loamy soil, free of clay lumps, subsoil, stones and other extraneous material and reasonably free of weeds and foreign grasses. Loam containing Dallasgrass or Nutgrass shall be rejected.

2. Physical properties as follows:
   a. Clay – between 7-27 percent
   b. Silt – between 15-25 percent
   c. Sand – less than 52 percent

3. Organic matter shall be 3%-10% of total dry weight.

4. If requested, Landscape Contractor shall provide a certified soil analysis conducted by an approved soil testing laboratory verifying that sandy loam meets the above requirements.

B. Organic Material: Compost with a mixture of 80% vegetative matter and 20% animal waste. Ingredients should be a mix of course and fine textured material.

C. Premixed Bedding Soil as supplied by Vital Earth Resources, Gladewater, Texas; Professional Bedding Soil as supplied by Living Earth Technology, Dallas, Texas or Acid Gro Municipal Mix as supplied by Soil Building Systems, Dallas, Texas or approved equal.

D. Sharp Sand: Sharp sand must be free of seeds, soil particles and weeds.

E. Mulch: Double Shredded Hardwood Mulch, partially decomposed, dark brown. Living Earth Technologies or approved equal.

F. Organic Fertilizer: Fertilaid, Sustane, or Green Sense or equal as recommended for required applications. Fertilizer shall be delivered to the site in original unopened containers, each bearing the manufacturer's guaranteed statement of analysis.

G. Commercial Fertilizer: 10-20-10 or similar analysis. Nitrogen source to be a minimum 50% slow release organic Nitrogen (SCU or UF) with a minimum 8% sulfur and 4% iron, plus micronutrients.

H. Peat: Commercial sphagnum peat moss or partially decomposed shredded pine bark or other approved organic material.

2.3 MISCELLANEOUS MATERIALS

A. Steel Edging: All steel edging shall be 3/16" thick x 4" deep x 16' long with 6 stakes per section, painted black at the factory as manufactured by The J.D. Russell Company and under its trade name DURAEDGE Heavy Duty Steel.

B. Staking Material for Shade Trees: refer to details.

C. Gravel: Washed native pea gravel, graded 1 inch to 1-1/2 inch.

D. Filter Fabric: 'Mirafi Mirascape' by Mirafi Construction Products available at Lone Star Products, Inc., (469) 523-0444 or approved equal.

E. River Rock: 'Colorado' or native river rock, 2" - 4" dia.

F. Decomposed Granite: Base material shall consist of a natural material mix of granite aggregate not to exceed 1/8" diameter in size and shall be composed of various stages of decomposed earth base.

PART 3 - EXECUTION

3.1 BED PREPARATION & FERTILIZATION

A. Landscape Contractor to inspect all existing conditions and report any deficiencies to the Owner.

B. All planting areas shall be conditioned as follows:

1. Prepare new planting beds by scraping away existing grass and weeds as necessary. Till existing soil to a depth of six (6") inches prior to placing compost and fertilizer. Apply fertilizer as per Manufacturer's recommendations. Add six (6") inches of compost and till into a depth of six (6") inches of the topsoil. Apply organic fertilizer such as Sustane or Green Sense at the rate of twenty (20) pounds per one thousand (1,000) square feet.

2. All planting areas shall receive a two (2") inch layer of specified mulch.

3. Backfill for tree pits shall be as follows: Use existing top soil on site (use imported topsoil as needed) free from large clumps, rocks, debris, caliche, subsoils, etc., placed in nine (9") inch layers and watered in thoroughly.

C. Grass Areas:

1. Blocks of sod should be laid joint to joint (staggered joints) after fertilizing the ground first. Roll grass areas to achieve a smooth, even surface. The joints between the blocks of sod should be filled with topsoil where they are evidently gaped open, then watered thoroughly.

3.2 INSTALLATION

A. Maintenance of plant materials shall begin immediately after each plant is delivered to the site and shall continue until all construction has been satisfactorily accomplished.

B. Plant materials shall be delivered to the site only after the beds are prepared and areas are ready for planting. All shipments of nursery materials shall be thoroughly protected from the drying winds during transit. All plants which cannot be planted at once, after delivery to the site, shall be well protected against the possibility of drying by wind and Balls of earth of B & B plants shall be kept covered with soil or other acceptable material. All plants remain the property of the Contractor until final acceptance.

C. Position the trees and shrubs in their intended location as per plan.

D. Notify the Owner's Authorized Representative for inspection and approval of all positioning of plant materials.

E. Excavate pits with vertical sides and horizontal bottom. Tree pits shall be large enough to permit handling and planting without injury to balls of earth or roots and shall be of such depth that,when planted and settled, the crown of the plant shall bear the same relationship to the finish grade as it did to soil surface in original place of growth.

F. Shrub and tree pits shall be no less than twenty-four (24") inches wider than the lateral dimension of the earth ball and six (6") inches deeper than it's vertical dimension. Remove and haul from site all rocks and stones over three-quarter (¾") inch in diameter. Plants should be thoroughly moist before removing containers.

G. Dig a wide, rough sided hole exactly the same depth as the height of the ball, especially at the surface of the ground. The sides of the hole should be rough and jagged, never slick or glazed.

H. Percolation Test: Fill the hole with water. If the water level does not percolate within 24 hours, the tree needs to move to another location or have drainage added. Install a PVC stand pipe per tree planting detail as approved by the Landscape Architect if the percolation test fails.

I. Backfill only with 5 parts existing soil or sandy loam and 1 part bed preparation. When the hole is dug in solid rock, topsoil from the same area should not be used. Carefully settle by watering to prevent air pockets. Remove the burlap from the top ⅓ of the ball, as well as all nylon, plastic string and wire. Container trees will usually be root bound, if so follow standard nursery practice of 'root scoring'.

J. Do not wrap trees.

K. Do not over prune.

L. Mulch the top of the ball. Do not plant grass all the way to the trunk of the tree. Leave the area above the top of the ball and mulch with at least two (2") inches of specified mulch.

M. All plant beds and trees to be mulched with a minimum settled thickness of two (2") inches over the entire bed or pit.

N. Obstruction below ground: In the event that rock, or underground construction work or obstructions are encountered in any plant pit excavation work to be done under this section, alternate locations may be selected by the Owner. Where locations cannot be changed, the obstructions shall be removed to a depth of not less than three (3') feet below grade and no less than six (6") inches below the bottom of ball when plant is properly set at the required grade. The work of this section shall include the removal from the site of such rock or underground obstructions encountered at the cost of the Landscape Contractor.

O. Trees and large shrubs shall be staked as site conditions require. Position stakes to secure trees against seasonal prevailing winds.

P. Pruning and Mulching: Pruning shall be directed by the Landscape Architect and shall be pruned in accordance with standard horticultural practice following Fine Pruning, Class I pruning standards provided by the National Arborist Association.

1. Dead wood, suckers, broken and badly bruised branches shall be removed. General tipping of the branches is not permitted. Do not cut terminal branches.

2. Pruning shall be done with clean, sharp tools.

3. Immediately after planting operations are completed, all tree pits shall be covered with a layer of organic material two (2") inches in depth. This limit of the organic material for trees shall be the diameter of the plant pit.

Q. Steel Curbing Installation:

1. Curbing shall be aligned as indicated on plans. Stake out limits of steel curbing and obtain Owners approval prior to installation.

2. All steel curbing shall be free of kinks and abrupt bends.

3. Top of curbing shall be ½" maximum height above final finished grade.

4. Stakes are to be installed on the planting bed side of the curbing, as opposed to the grass side.

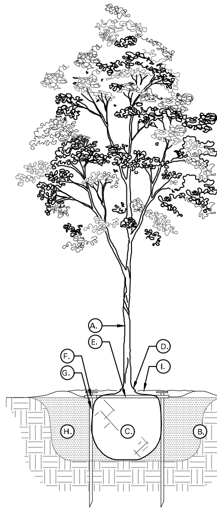
5. Do not install steel edging along sidewalks or curbs.

6. Cut steel edging at 45 degree angle where edging meets sidewalks or curbs.

3.3 CLEANUP AND ACCEPTANCE

A. Cleanup: During the work, the premises shall be kept neat and orderly at all times. Storage areas for all materials shall be so organized so that they, too, are neat and orderly. All trash and debris shall be removed from the site as work progresses. Keep paved areas clean by sweeping or hosing them at end of each work day.

END OF SECTION



01 TREE PLANTING DETAIL
NOT TO SCALE

TREE PLANTING DETAIL LEGEND AND NOTES

A. TREE: TREES SHALL CONFORM WITH LATEST AMERICAN STANDARD FOR NURSERY STOCK. www.anla.org

B. TREE PIT: WIDTH TO BE AT LEAST TWO (2) TIMES THE DIAMETER OF THE ROOT BALL CENTER TREE IN HOLE & REST ROOT BALL ON UNDISTURBED NATIVE SOIL.

C. ROOT BALL: REMOVE TOP ⅓ BURLAP AND ANY OTHER FOREIGN OBJECT; CONTAINER GROWN STOCK TO BE INSPECTED FOR GIRDLING ROOTS.

D. ROOT FLARE: ENSURE THAT ROOT FLARE IS EXPOSED, FREE FROM MULCH, AND AT LEAST TWO INCHES ABOVE GRADE. TREES SHALL BE REJECTED WHEN GIRDLING ROOTS ARE PRESENT & ROOT FLARE IS NOT APPARENT.

E. ROOTBALL ANCHOR RING: REFER TO MANUFACTURER'S GUIDELINES FOR SIZING. PLACE ROOTBALL ANCHOR RING ON BASE OF ROOTBALL, TRUNK SHOULD BE IN THE CENTER OF THE RING.

F. ROOT ANCHOR BY TREE STAKE SOLUTIONS.

G. NAIL STAKE: REFER TO MANUFACTURER'S GUIDELINES FOR SIZING. INSTALL NAIL STAKES WITH HAMMER OR MALLET FIRMLY INTO UNDISTURBED GROUND. DRIVE NAIL STAKES FLUSH WITH "U" BRACKET ADJACENT TO ROOTBALL (DO NOT DISTURB ROOTBALL).

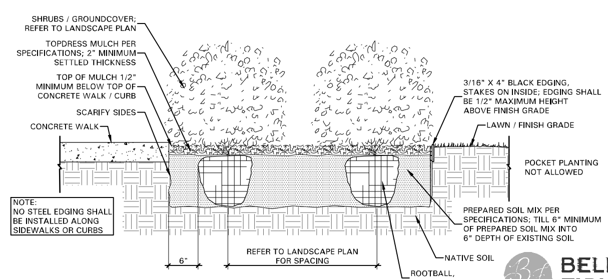
H. BACKFILL: USE EXISTING NATIVE SOIL (no amendments) WATER THOROUGHLY TO ELIMINATE AIR POCKETS.

I. MULCH: DOUBLE SHREDDED HARDWOOD MULCH 2 INCH SETTLED THICKNESS, WITH 2" HT. WATERING RING; ENSURE THAT ROOT FLARE IS EXPOSED. BELOW GROUND STAKE SHOULD NOT BE VISIBLE.

J. TREE STAKES:
TREE STAKE SOLUTIONS 'SAFETY STAKE' BELOW GROUND MODEL AVAILABLE FROM:
Tree Stake Solutions
ATTN: Jeff Tuley
(903) 676-6143
jeff@treestakesolutions.com
www.treestakesolutions.com

OR APPROVED EQUAL. TREES SHALL BE STAKED BELOW GROUND WHERE NECESSARY; ABOVE GROUND STAKING IS EXPRESSLY PROHIBITED.

K. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN A COPY OF THE MANUFACTURER'S SPECIFICATIONS PRIOR TO INSTALLATION OF TREE STAKES. CONTRACTOR SHALL ADHERE TO MANUFACTURER'S INSTALLATION GUIDELINES, SPECIFICATIONS, AND OTHER REQUIREMENTS FOR TREE STAKE INSTALLATION.



02 SHRUB / GROUNDCOVER DETAIL
NOT TO SCALE

BELLE FIRMA
4245 North Central Expy
Suite 501
Dallas, Texas 75205
214.865.7192 office

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DRAWN: RMT
DESIGNED: RMT
CHECKED/STAMPED:

STAMP: REGISTERED LANDSCAPE ARCHITECT LORI ANN HAUS 2246 STATE OF TEXAS
06/08/21

DESIGNER:
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tel 775-824-9988
Firm#: 22395

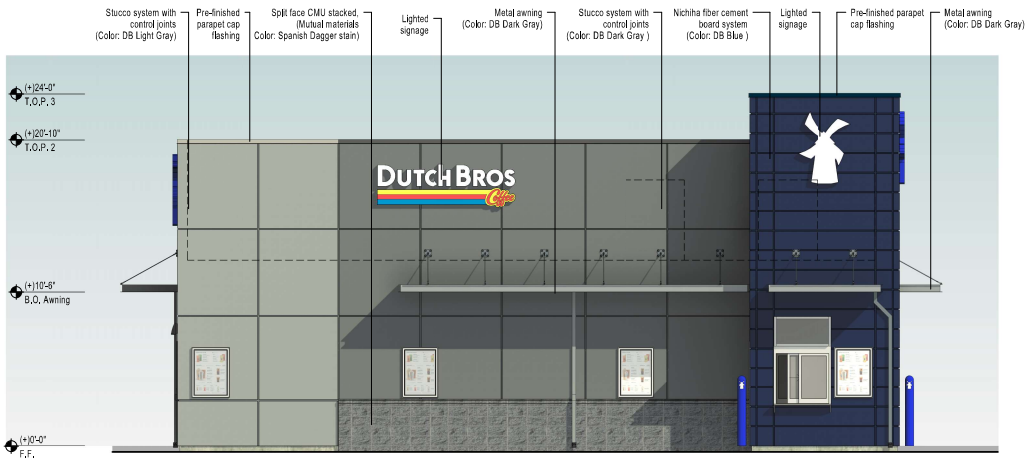
PROJECT/CLIENT:
Dutch Bros No.: TX 0101
Wylie, Texas
20052
MAIN & MAIN
5750 Genesis Ct, Suite 103, Frisco, Texas 75034
tel 214-308-0008

SUBMITTAL RECORD:

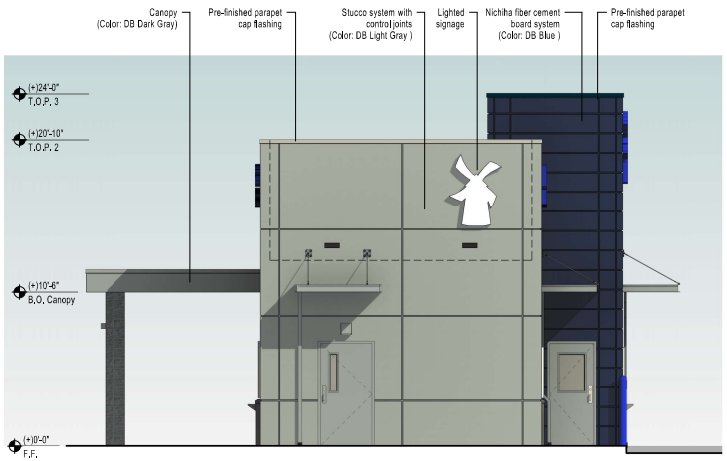
DATE:	SUBMITTAL
03/24/21	SITE PLAN SUBMITTAL
05/14/21	SITE PLAN SUBMITTAL
06/01/21	SITE PLAN SUBMITTAL
06/08/21	SITE PLAN SUBMITTAL

SHEET TITLE: LANDSCAPE SPECIFICATIONS AND DETAILS

SHEET: L1.02

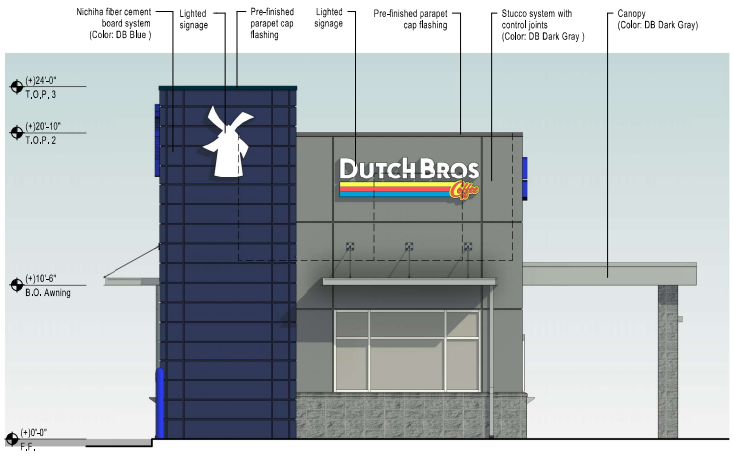


Drive-Up Elevation



Rear Elevation

Walk-Up Elevation



Front Elevation (Primary Elevation)

DUTCH BROS

Dutch Bros

Conceptual Elevations | Wylie, Texas | PR.2

MAIN & MAIN

Front (Primary Elevation)/Drive-Thru

Front (Primary Elevation)/Walk-Up

Rear/Walk-Up

Rear/Drive-Thru

DUTCH BROS Coffee

Dutch Bros

Perspectives | Wylie, Texas | PR.2A

MAIN & MAIN

Dutch Bros Coffee

EXHIBIT “C”

Conditions For Special Use Permit

I. PURPOSE:

The purpose of this Special Use Permit is to allow for a restaurant with drive-in or drive-through service use as a Dutch Bros Coffee Shop.

II. GENERAL CONDITIONS:

1. This Special Use Permit shall not affect any regulations within the Zoning Ordinance (adopted as of April 2021), except as specifically provided herein.
2. The design and development of the Dutch Bros Coffee development shall be in accordance with the Zoning Exhibit (Exhibit C).

III. SPECIAL CONDITIONS:

1. The Zoning Exhibit (Exhibit C) shall serve as the Site Plan for the Dutch Bros Coffee Development. Approval of the SUP shall act as site plan approval.
2. This SUP 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. MMCG DBR DFW, LLC, is not the sole owner of fee simple title to the Property on September 7, 2021; or
   b. The Property is not developed as a Dutch Bros coffee shop by August 10, 2022. “Developed” being defined as the Property owner(s) on the referenced date receiving a signed Certificate of Occupancy from the City; or
   c. The use of the Property ceases as a Dutch Bros coffee shop and/or approval of a new or revised site plan is required.

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Planning **Account Code:**

Prepared By: Jasen Haskins, AICP

Subject

Consider, and act upon, Ordinance No. 2021-38 for a change of zoning from Commercial Corridor District (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through on 1.37 acres, property located at 499 S. State Highway 78. (ZC2021-16).

Recommendation

Motion to approve Item as presented.

Discussion

On July 27, 2021 City Council approved a zoning change from Commercial Corridor District (CC) to Commercial Corridor - Special Use Permit (CC-SUP) for commercial development on 1.37 acres to allow for a restaurant with drive-thru, being Zoning Case 2021-16.

Final approval of Zoning Case 2021-16 requires an Ordinance to amend the zoning accordingly in the Official Zoning map of the City; and providing a penalty clause, a repeal clause, a savings clause, a severability clause, and an effective date.

The subject ordinance allows for the rezoning. Exhibit A (Legal Description), Exhibit B (Zoning Exhibit), and Exhibit C (SUP Conditions) are included and made a part of this Ordinance.

The above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

Financial Summary/Strategic Goals

N/A

ORDINANCE NO. 2021-38

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WYLIE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY, ZONING CASE NUMBER 2021-16, FROM COMMERCIAL CORRIDOR DISTRICT (CC) TO COMMERCIAL CORRIDOR - SPECIAL USE PERMIT (CC-SUP), TO ALLOW FOR COMMERCIAL DEVELOPMENT OF A RESTAURANT WITH A DRIVE-THRU; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Wylie, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to owners of the affected property, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: That the Comprehensive Zoning Ordinance of the City of Wylie, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Wylie, to give the hereinafter described property a new zoning classification of Commercial Corridor-Special Use Permit, said property being described in Exhibit A (Legal Description), hereto and made a part hereof for all purposes.

SECTION 2: That a Zoning Exhibit and Special Use Permit Conditions are an integral component of the development of the property and are attached as Exhibits B and C, respectively.

SECTION 3: That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4: That the above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

SECTION 5: Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, commits an unlawful act and shall be subject to the general penalty provisions of Section 1.5 of the Zoning Ordinance, as the same now exists or is hereafter amended.

SECTION 6: Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7: This ordinance shall be in full force and effect from and after its adoption by the City

Council and publication of its caption as the law and the City Charter provide in such cases.

SECTION 8: The repeal of any ordinance, or parts thereof, by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue, nor as effecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 10th day of August, 2021.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

DATE OF PUBLICATION: *August 18, 2021, in The Wylie News*

Exhibit "A" - Legal Description

BEING a 1.38 acre tract of land situated in the S.B. Shelby Survey, Abstract Number 820, City of Wylie, Collin County, Texas and being all of Lot 1A of Wylie Hibernia Addition, recorded in Volume 2006, Page 333 of the Plat Records of Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an “X” cut found at the North Corner of said Lot 1A and the common Northwest corner of Lot 2A, Block A of the Moussa-Switzer Addition, an addition to the City of Wylie, recorded in Cabinet G, Page 414 of the Plat Records of Collin County, Texas and in the Southeast Right-of-Way (R.O.W.) line of State Highway 78 (a variable width R.O.W.);

THENCE with the East line of said Lot 1A the following courses and distances;

S 37°45'49" E with the common West line of said Lot 2A, Block A, a distance of 169.39 feet to a 1/2” iron rod with cap stamped “EAGLE SURVEYING” set at the North corner of Lot 2B-R, Block A, of the Moussa-Switzer Addition, an addition to the City of Wylie, recorded in Cabinet H, Page 179 of the Plat Records of Collin County, Texas;

S 52°31'23" W with the common West line of said Lot 2B-R, Block A, a distance of 62.56 feet to an “X” cut found;

S 02°32'14" W with the common West line of said Lot 2B-R, Block A, a distance of 162.40 feet to a 1/2” iron rod with cap stamped “EAGLE SURVEYING” set at the Southeast corner of said Lot 1A and the common Southwest corner of said Lot 2B-R, Block A and in the North R.O.W. line of W. Kirby Street (an 80’ wide R.O.W.);

THENCE N 88°04'06" W with the South line of said Lot 1A and the common North R.O.W. line of said W. Kirby Street, a distance of 164.36 feet to a 1/2” iron rod with cap stamped “EAGLE SURVEYING” set at the Southwest corner of said Lot 1A and the common Southeast corner of Lot 1, Block A of the Best Corner Wylie Addition, recorded in Volume 2018, Page 512 of the Plat Records of Collin County, Texas;

THENCE with the West line of said Lot 1A the following courses and distances;

N 01°19'16" E with the common East line of said Lot 1, a distance of 50.45 feet to a 1/2” iron rod with cap stamped “EAGLE SURVEYING” set;

N 37°37'49" W continuing with the common East line of said Lot 1, a distance of 149.58 feet to a 1/2” iron rod found at the North corner of said Lot 1 and in the South R.O.W. line of said State Highway 78;

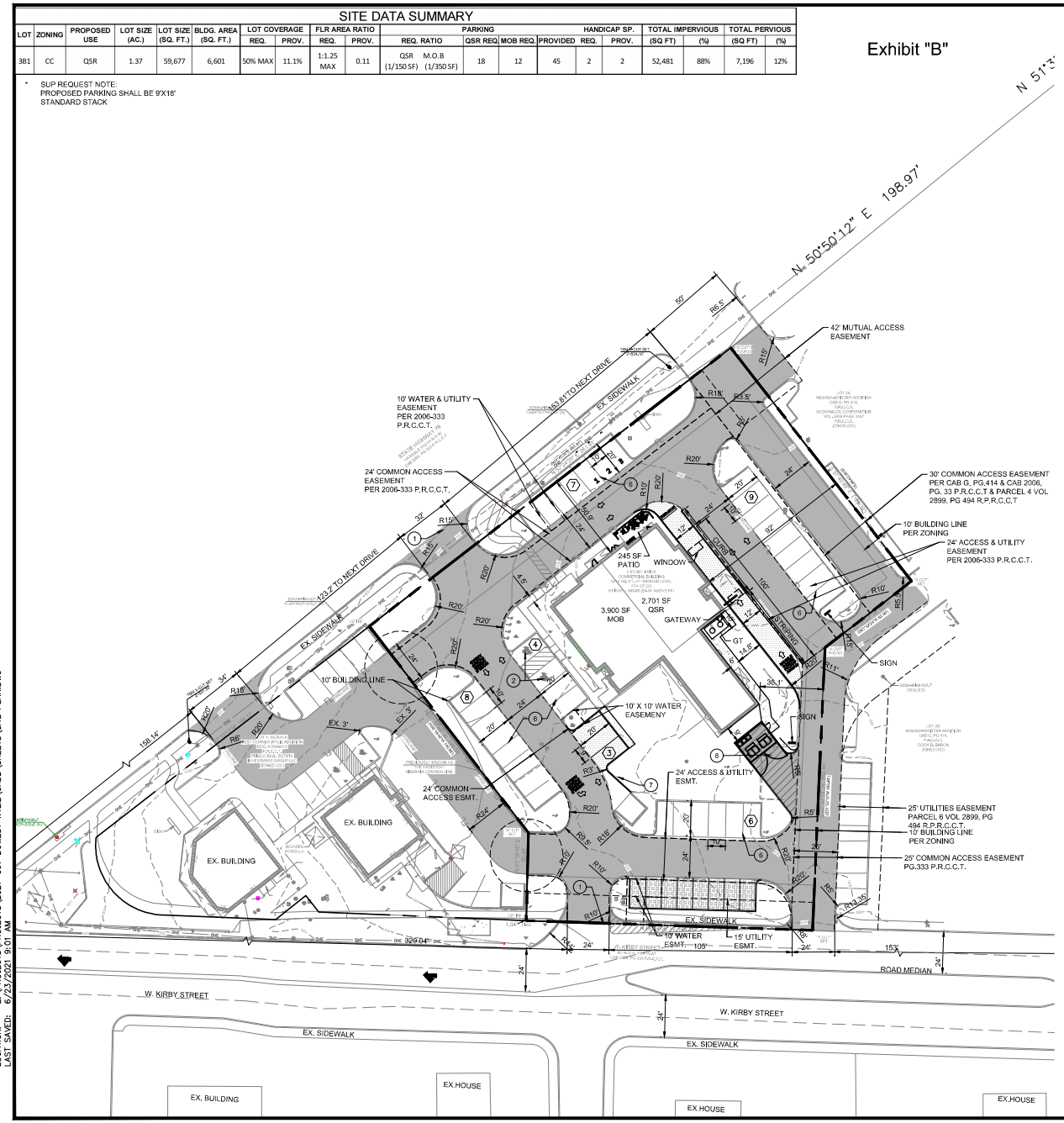
N 52°24'29" E with the common Southeast line of said State Highway 78, a distance of 261.91 feet to the point of beginning and containing 1.38 acres of land more or less.

Exhibit "B"

SITE DATA SUMMARY

LOT	ZONING	PROPOSED USE	LOT SIZE (AC.)	LOT SIZE (SQ. FT.)	BLDG. AREA (SQ. FT.)	LOT COVERAGE REQ.	LOT COVERAGE PROV.	FLR AREA RATIO REQ.	FLR AREA RATIO PROV.	PARKING REQ. RATIO	PARKING QSR REQ.	PARKING MOB REQ.	PARKING PROVIDED	HANDICAP SP. REQ.	HANDICAP SP. PROV.	TOTAL IMPERVIOUS (SQ FT)	TOTAL IMPERVIOUS (%)	TOTAL PERVIOUS (SQ FT)	TOTAL PERVIOUS (%)
381	CC	QSR	1.37	59,677	6,601	50% MAX	11.1%	1:1.25 MAX	0.11	QSR M.O.B (1/150 SF) (1/350 SF)	18	12	45	2	2	52,481	88%	7,196	12%

* SUP REQUEST NOTE:
PROPOSED PARKING SHALL BE 9'X18' STANDARD STACK



CONSTRUCTION SCHEDULE

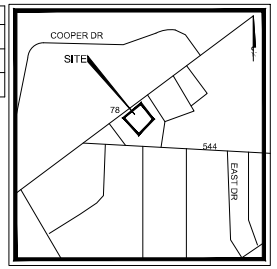
1	SAW CUT FULL DEPTH EXISTING PAVEMENT
2	PROPOSED HANDICAP SYMBOL
3	PROPOSED PAVEMENT STRIPING
4	PROPOSED HANDICAP SIGN
5	PROPOSED CURB STOP
6	4" PARKING STALL STRIPING COOR: WHITE (TYP)
7	PROPOSED CONCRETE SIDEWALK
8	DUMPSTER WITH ENCLOSURE (REFER TO ARCHITECTURAL PLANS FOR DETAILS)

PROPOSED DEVELOPMENT SCHEDULE

ZONING PROCESS	APRIL 2021- JUNE 2021
CIVIL PLANS	JUNE 2021- SEPTEMBER 2021
CONSTRUCTION	SEPTEMBER 2021- MARCH 2022

NOTE:
DRIVE THRU IS FOR WINDOW PICK UP ONLY. NO MENU BOARD PROPSED.

GRAPHIC SCALE
30 0 15 30 60
1 inch = 30 ft.



VICINITY MAP
NTS

LEGEND

	PROP. PERVIOUS PAVEMENT
	PROP. DUTY CONCRETE PAVEMENT
	FIRE LANE/ ACCESS EASMENT
	DUMPSTER AREA CONCRETE PAVEMENT
	PROP. SIDEWALK CONCRETE PAVEMENT
	PROPOSED CONCRETE CURB AND GUTTER
X	PARKING COUNT
	FULL-DEPTH SAWCUT

BENCHMARKS INFORMATION:
BENCHMARK #1: TBM X-CUT SET
ELEVATION=534.10'
BENCHMARK #2: TBM X-CUT SET
ELEVATION=531.33'

OWNER:
DW WYLIE, LLC
4403 N CENTRAL EXPWY, SK 2000
DALLAS, TX 75205
PH: 214.918.1804
CONTACT NAME:3NI HOLDINGS LLC

APPLICANT:
CLAYMOORE ENGINEERING, INC.
301 S. COLEMAN ST.
PROSPER, TX 75078
PH: 817.281.0572
CONTACT NAME: DREW DONOSKY

SURVEYOR:
EAGLE SURVEYING, LLC
210 S. ELM ST, SUITE #104
DENTON, TX 76201
PH: 940.222.3009
CONTACT NAME: TYLER RANK

LEGAL DESCRIPTION:
MOUSSA-SWITZER ADDITION
LT 1A ACS 1.37

CITY:	STATE:
WYLIE	TEXAS

COUNTY:	SURVEY:	ABSTRACT NO.
COLLIN	SAMUEL,B SHELBY SURVEY	820

CLAYMOORE ENGINEERING
TEXAS REGISTRATION #14100
301 S. COLEMAN ST. SUITE 140 PROSPER, TX 75078
972.335.3214 WWW.CLAYMOORE-ENGINEERING.COM

PRELIMINARY
FOR REVIEW ONLY
Not for construction purposes.
CLAYMOORE ENGINEERING
ENGINEERING AND PLANNING CONSULTANTS
Engineer: DREW DONOSKY
P.E. No. 125651 Date: 6/23/2021

DUWEST WYLIE
WYLIE, TEXAS

No.	DATE	REVISION	BY

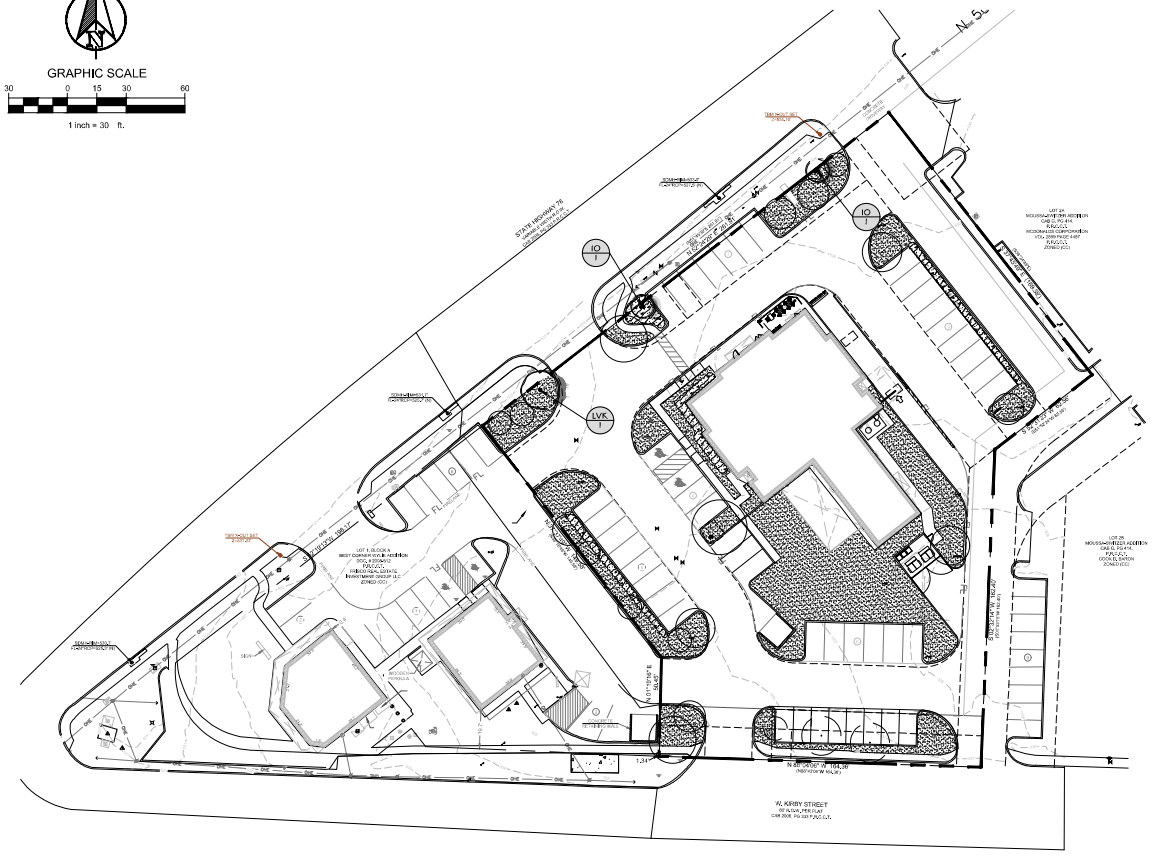
SITE PLAN

DESIGN:	ASD
DRAWN:	ASD
CHECKED:	MAM
DATE:	5/10/2021

SHEET
SP-1

File No. 2021-067

PLOTTED BY: DREW DONOSKY
PLOTTED ON: 6/23/2021 1:35 PM
LOCATION: Z:\PROJECTS\PROJECTS\2021-067 DUWEST WYLIE\CADD\SHEETS\SITE PLAN.DWG
LAST SAVED: 6/23/2021 9:01 AM



PLANT_SCHEDULE

TREES	CODE	COMMON / BOTANICAL NAME	SIZE	CONTAINER	QTY
	EX	Existing Tree to Remain protect during construction	ref. TD-1	existing	20
	IO	American Holly / Ilex opaca `East Palatka` single trunk; street tree; min. 8' ht.	CONT.	2" Cal	2
	LVK	Live Oak / Quercus virginiana street tree; min. 8' ht.	CONT.	2" Cal	1

SHRUB AREAS	CODE	COMMON / BOTANICAL NAME	SIZE	QTY
	EX1	Existing Shrub - to Remain protect during construction	existing	existing

GROUND COVERS	CODE	COMMON / BOTANICAL NAME	SIZE	QTY
	CD	Bermuda Grass / Cynodon dactylon `tif 419` Match/preserve existing turf where possible	sod	as required to provide 100% coverage per plan

GENERAL GRADING AND PLANTING NOTES

1. BY SUBMITTING A PROPOSAL FOR THE LANDSCAPE PLANTING SCOPE OF WORK, THE CONTRACTOR CONFIRMS THAT HE HAS READ, AND WILL COMPLY WITH, THE ASSOCIATED NOTES, SPECIFICATIONS, AND DETAILS WITH THIS PROJECT.
2. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN).
3. IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
   a. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +-0.1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
   b. CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL.
   c. THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (BASED ON A SOIL TEST, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
   d. AFTER INSTALLING SOIL AMENDMENTS IN SHRUB AREAS, AND IN ORDER TO ALLOW FOR PROPER MULCH DEPTH, ENSURE THAT THE FINISH GRADE IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES IS 3" BELOW FINISH GRADE, TAPERING TO MEET FINISH GRADE AT APPROXIMATELY 18" AWAY FROM THE SURFACE.
   e. AFTER INSTALLING SOIL AMENDMENTS IN TURF AREAS, ENSURE THAT THE "FINISH GRADE IN TURF" AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES IS 1" BELOW FINISH GRADE, TAPERING TO MEET FINISH GRADE AT APPROXIMATELY 18" AWAY FROM THE SURFACE.
   f. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
4. ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E., MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
   a. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES; PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUNDCOVER PATTERNS) SHALL TAKE PRECEDENCE.
   b. NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT. IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA PROPER CHANNELS).
   c. THE CONTRACTOR SHALL, AT A MINIMUM, PROVIDE REPRESENTATIVE PHOTOS OF ALL PLANTS PROPOSED FOR THE PROJECT. THE CONTRACTOR SHALL ALLOW THE LANDSCAPE ARCHITECT AND THE OWNER/OWNER'S REPRESENTATIVE TO INSPECT, AND APPROVE OR REJECT, ALL PLANTS DELIVERED TO THE JOBSITE. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS FOR SUBMITTALS.
5. THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A HEALTHY CONDITION FOR 90 DAYS AFTER ACCEPTANCE BY THE OWNER. REFER TO SPECIFICATIONS FOR CONDITIONS OF ACCEPTANCE FOR THE START OF THE MAINTENANCE PERIOD, AND FOR FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.
6. CONTRACTOR SHALL MODIFY EXISTING IRRIGATION SYSTEM TO ACCOMMODATE PROPOSED PLANTINGS & ENSURE FULL FUNCTIONALITY OF SYSTEM.
7. SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

LANDSCAPE CALCULATIONS

TOTAL SITE AREA:	59,981 SF
LANDSCAPE AREA REQUIRED:	11,996 SF (20% OF SITE AREA)
LANDSCAPE AREA PROVIDED:	12,156 SF (20%)
STREET FRONTAGE	
FRONTAGE LENGTH:	261 LF
STREET TREES REQUIRED:	9 TREES (1 PER 30 LF)
STREET TREES PROVIDED:	9 TREES (6 EXISTING + 3 PROPOSED)
10' BUFFER SPACE	PROVIDED
4' SIDEWALK:	PROVIDED
SCREENING	
3' TALL SHRUBS	EXISTING PROVIDED
1 FLOWERING TREE /20 LF	188 LF/20 LF = 10
	0 FLOWERING TREES PROVIDED DUE TO PRESENCE OF RIGHT-OF-WAY/EXISTING CONDITIONS
PARKING	
LANDSCAPE AREA REQUIRED IN PARKING:	2,250 SF (50 SF PER 45 SPACES = 1,250 SF)
LANDSCAPE AREA PROVIDED IN PARKING:	3,500+ SF PROVIDED
EACH PARKING SPACE WITHIN 60' OF LANDSCAPE AREA:	PROVIDED

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

PLANTING AND IRRIGATION GUARANTEE

THE LANDSCAPE CONTRACTOR SHALL GUARANTEE THAT ALL NEWLY INSTALLED AND EXISTING PLANTS SHALL SURVIVE FOR ONE YEAR AFTER FINAL OWNER ACCEPTANCE OF THE INSTALLATION WORK. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR APPROPRIATE WATERING OF THE LANDSCAPE THROUGH INSTALLATION OF A PROPERLY DESIGNED IRRIGATION SYSTEM. THE OWNER SHALL APPROVE THE SYSTEM DESIGN BEFORE INSTALLATION OF PLANTS OR IRRIGATION.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH, NATURAL (UNDYED), OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS (EXCEPT FOR TURF AND SEEDED AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "GENERAL GRADING AND PLANTING NOTES" AND SPECIFICATIONS).

REGISTERED LANDSCAPE ARCHITECT DANIEL REECE 10,404 STATE OF TEXAS
5-29-21

EVERGREEN DESIGN GROUP
(903) 630-6630
15455 Dallas Pkwy., Ste 600
Addison, TX 75001
www.EvergreenDesignGroup.com

TEXAS REGISTRATION #14100
CLAYMOORE ENGINEERING
2903 CENTRAL DR, #844
BEDFORD, TX 76021
PHONE: 214.514.0030
WWW.CLAYMOORE.COM

DUWEST WYLIE
WYLIE, TEXAS

NO.	DATE	REVISION	BY

LANDSCAPE PLANTING

DESIGN:	ASC
DRAWN:	ASC
CHECKED:	MAM
DATE:	5/10/2021

SHEET
LP-1

File No. 2021-087

PLOTTED BY: DANIEL REECE
PLOT DATE: 5/29/2021 6:34 PM
LOCATION: C:\USERS\DANIE\DROPBOX (EDG)\EDG - SHARED\2021\DUWEST - WYLIE TX\DUWEST WYLIETX LP 2021-5-29.DWG
LAST SAVED: 5/29/2021 6:04 PM

08/10/2021 Item F.

PLANTING SPECIFICATIONS

GENERAL

A. QUALIFICATIONS OF LANDSCAPE CONTRACTOR
   1. ALL LANDSCAPE WORK SHOWN ON THESE PLANS SHALL BE PERFORMED BY A SINGLE FIRM SPECIALIZING IN LANDSCAPE PLANTING.
   2. A LIST OF SUCCESSFULLY COMPLETED PROJECTS OF THIS TYPE, SIZE AND NATURE MAY BE REQUESTED BY THE OWNER FOR FURTHER QUALIFICATION MEASURES.
   3. THE LANDSCAPE CONTRACTOR SHALL HOLD A VALID NURSERY AND FLORAL CERTIFICATE ISSUED BY THE TEXAS DEPARTMENT OF AGRICULTURE, AS WELL AS OPERATE UNDER A COMMERCIAL PESTICIDE APPLICATOR LICENSE ISSUED BY EITHER THE TEXAS DEPARTMENT OF AGRICULTURE OR THE TEXAS STRUCTURAL PEST CONTROL BOARD.

B. SCOPE OF WORK
   1. WORK COVERED BY THESE SECTIONS INCLUDES THE FURNISHING AND PAYMENT OF ALL MATERIALS, LABOR, SERVICES, EQUIPMENT, LICENSES, TAXES AND ANY OTHER ITEMS THAT ARE NECESSARY FOR THE EXECUTION, INSTALLATION AND COMPLETION OF ALL WORK, SPECIFIED HEREIN AND / OR SHOWN ON THE LANDSCAPE PLANS, NOTES, AND DETAILS.
   2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES AND REGULATIONS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER SUCH WORK, INCLUDING ALL INSPECTIONS AND PERMITS REQUIRED BY FEDERAL, STATE AND LOCAL AUTHORITIES IN SUPPLY, TRANSPORTATION AND INSTALLATION OF MATERIALS.
   3. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITY LINES (WATER, SEWER, ELECTRICAL, TELEPHONE, GAS, CABLE, TELEVISION, ETC.) PRIOR TO THE START OF ANY WORK.

PRODUCTS

A. ALL MANUFACTURED PRODUCTS SHALL BE NEW.

B. CONTAINER AND BALLED-AND-BURLAPPED PLANTS:
   1. FURNISH NURSERY-GROWN PLANTS COMPLYING WITH ANSI Z60.1-2014. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL FOR THE SPECIES. ALL TREES SHALL BE OBTAINED FROM SOURCES WITHIN 200 MILES OF THE PROJECT SITE, AND WITH SIMILAR CLIMACTIC CONDITIONS.
   2. ROOT SYSTEMS SHALL BE HEALTHY, DENSELY BRANCHED ROOT SYSTEMS, NON-POT-BOUND, FREE FROM ENCIRCLING AND/OR GIRDLING ROOTS, AND FREE FROM ANY OTHER ROOT DEFECTS (SUCH AS J-SHAPED ROOTS).
   3. TREES MAY BE PLANTED FROM CONTAINERS OR BALLED-AND-BURLAPPED (B&B), UNLESS SPECIFIED ON THE PLANTING LEGEND. BARE-ROOT TREES ARE NOT ACCEPTABLE.
   4. ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT OR OWNER SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND SHALL BE REPLACED WITH AN ACCEPTBLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNHEALTHY, EVEN IF DETERMINED TO STILL BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT AND OWNER SHALL BE THE SOLE JUDGES AS TO THE ACCEPTABILITY OF PLANT MATERIAL.
   5. ALL TREES SHALL BE STANDARD IN FORM, UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
   6. CALIPER MEASUREMENTS FOR STANDARD (SINGLE TRUNK) TREES SHALL BE AS FOLLOWS: SIX INCHES ABOVE THE ROOT FLARE FOR TREES UP TO AND INCLUDING FOUR INCHES IN CALIPER, AND TWELVE INCHES ABOVE THE ROOT FLARE FOR TREES EXCEEDING FOUR INCHES IN CALIPER.
   7. MULTI-TRUNK TREES SHALL BE MEASURED BY THEIR OVERALL HEIGHT, MEASURED FROM THE TOP OF THE ROOT BALL. WHERE CALIPER MEASUREMENTS ARE USED, THE CALIPER SHALL BE CALCULATED AS ONE-HALF OF THE SUM OF THE CALIPER OF THE THREE LARGEST TRUNKS.
   8. ANY TREE OR SHRUB SHOWN TO HAVE EXCESS SOIL PLACED ON TOP OF THE ROOT BALL, SO THAT THE ROOT FLARE HAS BEEN COMPLETELY COVERED, SHALL BE REJECTED.

C. SOD: PROVIDE WELL-ROOTED SOD OF THE VARIETY NOTED ON THE PLANS. SOD SHALL BE CUT FROM HEALTHY, MATURE TURF WITH SOIL THICKNESS OF 3/4" TO 1". EACH PALLET OF SOD SHALL BE ACCOMPANIED BY A CERTIFICATE FROM SUPPLIER STATING THE COMPOSITION OF THE SOD.

D. SEED: PROVIDE BLEND OF SPECIES AND VARIETIES AS NOTED ON THE PLANS, WITH MAXIMUM PERCENTAGES OF PURITY, GERMINATION, AND MINIMUM PERCENTAGE OF WEED SEED AS INDICATED ON PLANS. EACH BAG OF SEED SHALL BE ACCOMPANIED BY A TAG FROM THE SUPPLIER INDICATING THE COMPOSITION OF THE SEED.

E. TOPSOIL: SANDY TO CLAY LOAM TOPSOIL, FREE OF STONES LARGER THAN ½ INCH, FOREIGN MATTER, PLANTS, ROOTS, AND SEEDS.

F. COMPOST: WELL-COMPOSTED, STABLE, AND WEED-FREE ORGANIC MATTER, pH RANGE OF 5.5 TO 8; MOISTURE CONTENT 35 TO 55 PERCENT BY WEIGHT; 100 PERCENT PASSING THROUGH 3/4-INCH SIEVE; SOLUBLE SALT CONTENT OF 5 TO 10 DECISIEMENS/M; NOT EXCEEDING 0.5 PERCENT INERT CONTAMINANTS AND FREE OF SUBSTANCES TOXIC TO PLANTINGS. NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED.

G. FERTILIZER: GRANULAR FERTILIZER CONSISTING OF NITROGEN, PHOSPHORUS, POTASSIUM, AND OTHER NUTRIENTS IN PROPORTIONS, AMOUNTS, AND RELEASE RATES RECOMMENDED IN A SOIL REPORT FROM A QUALIFIED SOIL-TESTING AGENCY (SEE BELOW).

H. MULCH: SIZE AND TYPE AS INDICATED ON PLANS, FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS.

I. TREE STAKING AND GUYING
   1. STAKES: 6' LONG GREEN METAL T-POSTS.
   2. GUY AND TIE WIRE: ASTM A 641, CLASS 1, GALVANIZED-STEEL WIRE, 2-STRAND, TWISTED, 0.106 INCH DIAMETER.
   3. STRAP CHAFING GUARD: REINFORCED NYLON OR CANVAS AT LEAST 1-1/2 INCH WIDE, WITH GROMMETS TO PROTECT TREE TRUNKS FROM DAMAGE.

J. STEEL EDGING: PROFESSIONAL STEEL EDGING, 14 GAUGE THICK X 4 INCHES WIDE, FACTORY PAINTED DARK GREEN. ACCEPTABLE MANUFACTURERS INCLUDE COL-MET OR APPROVED EQUAL.

K. PRE-EMERGENT HERBICIDES: ANY GRANULAR, NON-STAINING PRE-EMERGENT HERBICIDE THAT IS LABELED FOR THE SPECIFIC ORNAMENTALS OR TURF ON WHICH IT WILL BE UTILIZED. PRE-EMERGENT HERBICIDES SHALL BE APPLIED PER THE MANUFACTURER'S LABELED RATES.

METHODS

A. SOIL PREPARATION
   1. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1' OF FINISH GRADE. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST.
   2. SOIL TESTING:
      a. AFTER FINISH GRADES HAVE BEEN ESTABLISHED, CONTRACTOR SHALL HAVE SOIL SAMPLES FROM THE PROJECT'S LANDSCAPE AREAS TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY. EACH SAMPLE SUBMITTED TO THE LAB SHALL CONTAIN NO LESS THAN ONE QUART OF SOIL, TAKEN FROM BETWEEN THE SOIL SURFACE AND 6" DEPTH. IF NO SAMPLE LOCATIONS ARE INDICATED ON THE PLANS, THE CONTRACTOR SHALL TAKE A MINIMUM OF THREE SAMPLES FROM VARIOUS REPRESENTATIVE LOCATIONS FOR TESTING.
      b. THE CONTRACTOR SHALL HAVE THE SOIL TESTING LABORATORY PROVIDE RESULTS FOR THE FOLLOWING: SOIL TEXTURAL CLASS, GENERAL SOIL FERTILITY, pH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SODIUM ADSORPTION RATIO (SAR) AND BORON CONTENT.
      c. THE CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES.
      d. THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): SEPARATE SOIL PREPARATION AND BACKFILL MIX RECOMMENDATIONS FOR GENERAL ORNAMENTAL PLANTS, XERIC PLANTS, TURF, AND NATIVE SEED, AS WELL AS PRE-PLANT FERTILIZER APPLICATIONS AND RECOMMENDATIONS FOR ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
   3. THE CONTRACTOR SHALL INSTALL SOIL AMENDMENTS AND FERTILIZERS PER THE SOILS REPORT RECOMMENDATIONS. ANY CHANGE IN COST DUE TO THE SOIL REPORT RECOMMENDATIONS, EITHER INCREASE OR DECREASE, SHALL BE SUBMITTED TO THE OWNER WITH THE REPORT.
   4. FOR BIDDING PURPOSES ONLY, THE SOIL PREPARATION SHALL CONSIST OF THE FOLLOWING:
      a. TURF: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
         i. NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
         ii. PREPLANT TURF FERTILIZER (10-20-10 OR SIMILAR, SLOW RELEASE, ORGANIC) - 15 LBS PER 1,000 S.F.
         iii. "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE
      b. TREES, SHRUBS, AND PERENNIALS: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
         i. NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
         ii. 12-12-12 FERTILIZER (OR SIMILAR, ORGANIC, SLOW RELEASE) - 10 LBS. PER CU. YD.
         iii. "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE
         iv. IRON SULPHATE - 2 LBS. PER CU. YD.
   5. IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
      a. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
      b. CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL.
      c. THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (BASED ON A SOIL TEST, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
      d. AFTER INSTALLING SOIL AMENDMENTS IN SHRUB AREAS, AND IN ORDER TO ALLOW FOR PROPER MULCH DEPTH, ENSURE THAT THE FINISH GRADE IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES IS 3" BELOW FINISH GRADE, TAPERING TO MEET FINISH GRADE AT APPROXIMATELY 18" AWAY FROM THE SURFACE.
      e. AFTER INSTALLING SOIL AMENDMENTS IN TURF AREAS, ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES IS 1" BELOW FINISH GRADE, TAPERING TO MEET FINISH GRADE AT APPROXIMATELY 18" AWAY FROM THE SURFACE.
      f. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
   6. ONCE SOIL PREPARATION IS COMPLETE, THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THERE ARE NO DEBRIS, TRASH, OR STONES LARGER THAN 1" REMAINING IN THE TOP 6" OF SOIL.

B. SUBMITTALS
   1. THE CONTRACTOR SHALL PROVIDE SUBMITTALS AND SAMPLES, IF REQUIRED, TO THE LANDSCAPE ARCHITECT, AND RECEIVE APPROVAL IN WRITING FOR SUCH SUBMITTALS BEFORE WORK COMMENCES.
   2. SUBMITTALS SHALL INCLUDE PHOTOS OF PLANTS WITH A RULER OR MEASURING STICK FOR SCALE, PHOTOS OR SAMPLES OF ANY REQUIRED MULCHES, AND SOIL TEST RESULTS AND PREPARATION RECOMMENDATIONS FROM THE TESTING LAB (INCLUDING COMPOST AND FERTILIZER RATES AND TYPES, AND OTHER AMENDMENTS FOR TREE/SHRUB, TURF, AND SEED AREAS AS MAY BE APPROPRIATE).
   3. SUBMITTALS SHALL ALSO INCLUDE MANUFACTURER CUT SHEETS FOR PLANTING ACCESSORIES SUCH AS TREE STAKES AND TIES, EDGING, AND LANDSCAPE FABRICS (IF ANY).
   4. WHERE MULTIPLE ITEMS ARE SHOWN ON A PAGE, THE CONTRACTOR SHALL CLEARLY INDICATE THE ITEM BEING CONSIDERED.

C. GENERAL PLANTING
   1. REMOVE ALL NURSERY TAGS AND STAKES FROM PLANTS.
   2. EXCEPT IN AREAS TO BE PLANTED WITH ORNAMENTAL GRASSES, APPLY PRE-EMERGENT HERBICIDES AT THE MANUFACTURER'S RECOMMENDED RATE.
   3. TRENCHING NEAR EXISTING TREES:
      a. CONTRACTOR SHALL NOT DISTURB ROOTS 1-1/2" AND LARGER IN DIAMETER WITHIN THE CRITICAL ROOT ZONE (CRZ) OF EXISTING TREES, AND SHALL EXERCISE ALL POSSIBLE CARE AND PRECAUTIONS TO AVOID INJURY TO TREE ROOTS, TRUNKS, AND BRANCHES. THE CRZ IS DEFINED AS A CIRCULAR AREA EXTENDING OUTWARD FROM THE TREE TRUNK, WITH A RADIUS EQUAL TO 1' FOR EVERY 1" OF TRUNK DIAMETER-AT-BREAST-HEIGHT (4.5' ABOVE THE AVERAGE GRADE AT THE TRUNK).
      b. ALL EXCAVATION WITHIN THE CRZ SHALL BE PERFORMED USING HAND TOOLS. NO MACHINE EXCAVATION OR TRENCHING OF ANY KIND SHALL BE ALLOWED WITHIN THE CRZ.
      c. ALTER ALIGNMENT OF PIPE TO AVOID TREE ROOTS 1-1/2" AND LARGER IN DIAMETER. WHERE TREE ROOTS 1-1/2" AND LARGER IN DIAMETER ARE ENCOUNTERED IN THE FIELD, TUNNEL UNDER SUCH ROOTS. WRAP EXPOSED ROOTS WITH SEVERAL LAYERS OF BURLAP AND KEEP MOIST. CLOSE ALL TRENCHES WITHIN THE CANOPY DRIP LINES WITHIN 24 HOURS.
      d. ALL SEVERED ROOTS SHALL BE HAND PRUNED WITH SHARP TOOLS AND ALLOWED TO AIR-DRY. DO NOT USE ANY SORT OF SEALERS OR WOUND PAINTS.

C. TREE PLANTING
   1. TREE PLANTING HOLES SHALL BE EXCAVATED TO MINIMUM WIDTH OF TWO TIMES THE WIDTH OF THE ROOTBALL, AND TO A DEPTH EQUAL TO THE DEPTH OF THE ROOTBALL LESS TWO TO FOUR INCHES.
   2. SCARIFY THE SIDES AND BOTTOM OF THE PLANTING HOLE PRIOR TO THE PLACEMENT OF THE TREE. REMOVE ANY GLAZING THAT MAY HAVE BEEN CAUSED DURING THE EXCAVATION OF THE HOLE.
   3. FOR CONTAINER AND BOX TREES, TO REMOVE ANY POTENTIALLY GIRDLING ROOTS AND OTHER ROOT DEFECTS, THE CONTRACTOR SHALL SHAVE A 1" LAYER OFF OF THE SIDES AND BOTTOM OF THE ROOTBALL OF ALL TREES JUST BEFORE PLACING INTO THE PLANTING PIT. DO NOT "TEASE" ROOTS OUT FROM THE ROOTBALL.
   4. INSTALL THE TREE ON UNDISTURBED SUBGRADE SO THAT THE TOP OF THE ROOTBALL IS TWO TO FOUR INCHES ABOVE THE SURROUNDING GRADE.
   5. BACKFILL THE TREE HOLE UTILIZING THE EXISTING TOPSOIL FROM ON-SITE. ROCKS LARGER THAN 1" DIA. AND ALL OTHER DEBRIS SHALL BE REMOVED FROM THE SOIL PRIOR TO THE BACKFILL. SHOULD ADDITIONAL SOIL BE REQUIRED TO ACCOMPLISH THIS TASK, USE STORED TOPSOIL FROM ON-SITE OR IMPORT ADDITIONAL TOPSOIL FROM OFF-SITE AT NO ADDITIONAL COST TO THE OWNER. IMPORTED TOPSOIL SHALL BE OF SIMILAR TEXTURAL CLASS AND COMPOSITION IN THE ON-SITE SOIL.
   6. TREES SHALL NOT BE STAKED UNLESS LOCAL CONDITIONS (SUCH AS HEAVY WINDS OR SLOPES) REQUIRE STAKES TO KEEP TREES UPRIGHT. SHOULD STAKING BE REQUIRED, THE TOTAL NUMBER OF TREE STAKES (BEYOND THE MINIMUMS LISTED BELOW) WILL BE LEFT TO THE LANDSCAPE CONTRACTOR'S DISCRETION. SHOULD ANY TREES FALL OR LEAN, THE LANDSCAPE CONTRACTOR SHALL STRAIGHTEN THE TREE, OR REPLACE IT SHOULD IT BECOME DAMAGED. TREE STAKING SHALL ADHERE TO THE FOLLOWING GUIDELINES:
      a. 1"-2" TREES — TWO STAKES PER TREE
      b. 2-1/2"-4" TREES — THREE STAKES PER TREE
      c. TREES OVER 4" CALIPER — GUY AS NEEDED
      d. MULTI-TRUNK TREES — THREE STAKES PER TREE MINIMUM, QUANTITY AND POSITIONS AS NEEDED TO STABILIZE THE TREE
   7. UPON COMPLETION OF PLANTING, CONSTRUCT AN EARTH WATERING BASIN AROUND THE TREE. COVER THE INTERIOR OF THE TREE RING WITH MULCH (TYPE AND DEPTH PER PLANS). UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR PLACE MULCH WITHIN 6" OF THE TRUNK.

D. SHRUB, PERENNIAL, AND GROUNDCOVER PLANTING
   1. DIG THE PLANTING HOLES TWICE AS WIDE AND 2" LESS DEEP THAN EACH PLANT'S ROOTBALL. INSTALL THE PLANT IN THE HOLE. BACKFILL AROUND THE PLANT WITH SOIL AMENDED PER SOIL TEST RECOMMENDATIONS.
   2. WHEN PLANTING IS COMPLETE, INSTALL MULCH (TYPE AND DEPTH PER PLANS) OVER ALL PLANTING AREAS (EXCEPT FOR SODDED AND SEEDED AREAS), LEAVING NO EXPOSED GROUND.

E. SODDING
   1. SOD VARIETY TO BE AS SPECIFIED ON THE LANDSCAPE PLAN.
   2. LAY SOD WITHIN 24 HOURS FROM THE TIME OF STRIPPING. DO NOT LAY IF THE GROUND IS FROZEN.
   3. LAY THE SOD TO FORM A SOLID MASS WITH TIGHTLY FITTED JOINTS. BUTT ENDS AND SIDES OF SOD STRIPS - DO NOT OVERLAP. STAGGER STRIPS TO OFFSET JOINTS IN ADJACENT COURSES.
   4. ROLL THE SOD TO ENSURE GOOD CONTACT OF THE SOD'S ROOT SYSTEM WITH THE SOIL UNDERNEATH.
   5. WATER THE SOD THOROUGHLY WITH A FINE SPRAY IMMEDIATELY AFTER PLANTING TO OBTAIN AT LEAST SIX INCHES OF PENETRATION INTO THE SOIL BELOW THE SOD.

F. HYDROMULCHING
   1. TURF HYDROMULCH MIX (PER 1,000 SF) SHALL BE AS FOLLOWS:
      a. WINTER MIX (OCTOBER 1 - MARCH 31)
         50# CELLULOSE FIBER MULCH
         2# UNHULLED BERMUDA SEED
         2# ANNUAL RYE SEED
         15# 15-15-15 WATER SOLUBLE FERTILIZER
      b. SUMMER MIX (APRIL 1 - SEPTEMBER 30)
         50# CELLULOSE FIBER MULCH
         2# HULLED BERMUDA SEED
         15# 15-15-15 WATER SOLUBLE FERTILIZER
   2. SEED HYDROMULCH MIX (PER 1,000 SF) SHALL BE AS FOLLOWS:
      a. GENERAL
         50# CELLULOSE FIBER MULCH
         15# 15-15-15 WATER SOLUBLE FERTILIZER
         SEED RATE PER LEGEND

G. MULCH
   1. INSTALL MULCH TOPDRESSING, TYPE AND DEPTH PER MULCH NOTE, IN ALL PLANTING AREAS AND TREE RINGS.
   2. DO NOT INSTALL MULCH WITHIN 6" OF TREE ROOT FLARE AND WITHIN 24" OF HABITABLE STRUCTURES, EXCEPT AS MAY BE NOTED ON THESE PLANS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.

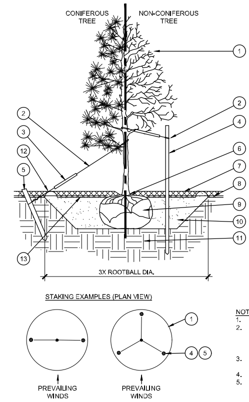
H. CLEAN UP
   1. DURING LANDSCAPE PREPARATION AND PLANTING, KEEP ALL PAVEMENT CLEAN AND ALL WORK AREAS IN A NEAT, ORDERLY CONDITION.
   2. DISPOSED LEGALLY OF ALL EXCAVATED MATERIALS OFF THE PROJECT SITE.

I. INSPECTION AND ACCEPTANCE
   1. UPON COMPLETION OF THE WORK, THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE SITE CLEAN, FREE OF DEBRIS AND TRASH, AND SUITABLE FOR USE AS INTENDED. THE LANDSCAPE CONTRACTOR SHALL THEN REQUEST AN INSPECTION BY THE OWNER TO DETERMINE FINAL ACCEPTABILITY.
   2. WHEN THE INSPECTED PLANTING WORK DOES NOT COMPLY WITH THE CONTRACT DOCUMENTS, THE LANDSCAPE CONTRACTOR SHALL REPLACE AND/OR REPAIR THE REJECTED WORK TO THE OWNER'S SATISFACTION WITHIN 24 HOURS.
   3. THE LANDSCAPE MAINTENANCE PERIOD WILL NOT COMMENCE UNTIL THE LANDSCAPE WORK HAS BEEN RE-INSPECTED BY THE OWNER AND FOUND TO BE ACCEPTABLE. AT THAT TIME, A WRITTEN NOTICE OF FINAL ACCEPTANCE WILL BE ISSUED BY THE OWNER, AND THE MAINTENANCE AND GUARANTEE PERIODS WILL COMMENCE.

J. LANDSCAPE MAINTENANCE
   1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK SHOWN ON THESE PLANS FOR 90 DAYS BEYOND FINAL ACCEPTANCE OF ALL LANDSCAPE WORK BY THE OWNER. LANDSCAPE MAINTENANCE SHALL INCLUDE WEEKLY SITE VISITS FOR THE FOLLOWING ACTIONS (AS APPROPRIATE): PROPER PRUNING, RESTAKING OF TREES, RESETTING OF PLANTS THAT HAVE SETTLED, MOWING AND AERATION OF LAWNS, WEEDING, RESEEDING AREAS WHICH HAVE NOT GERMINATED WELL, TREATING FOR INSECTS AND DISEASES,REPLACEMENT OF MULCH, REMOVAL OF LITTER, REPAIRS TO THE IRRIGATION SYSTEM DUE TO FAULTY PARTS AND/OR WORKMANSHIP, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON TO MAXIMIZE WATER CONSERVATION.
   2. SHOULD SEEDED AND/OR SODDED AREAS NOT BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THESE AREAS AND OBTAINING A FULL, HEALTHY STAND OF PLANTS AT NO ADDITIONAL COST TO THE OWNER.
   3. TO ACHIEVE FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD, ALL OF THE FOLLOWING CONDITIONS MUST OCCUR:
      a. THE LANDSCAPE SHALL SHOW ACTIVE, HEALTHY GROWTH (WITH EXCEPTIONS MADE FOR SEASONAL DORMANCY). ALL PLANTS NOT MEETING THIS CONDITION SHALL BE REJECTED AND REPLACED BY HEALTHY PLANT MATERIAL PRIOR TO FINAL ACCEPTANCE.
      b. ALL HARDSCAPE SHALL BE CLEANED PRIOR TO FINAL ACCEPTANCE.
      c. SODDED AREAS MUST BE ACTIVELY GROWING AND MUST REACH A MINIMUM HEIGHT OF 1 1/2 INCHES BEFORE FIRST MOWING. HYDROMULCHED AREAS SHALL SHOW ACTIVE, HEALTHY GROWTH. BARE AREAS LARGER THAN TWELVE SQUARE INCHES MUST BE RESODDED OR RESEEDED (AS APPROPRIATE) PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOWED.

K. WARRANTY PERIOD, PLANT GUARANTEE AND REPLACEMENTS
   1. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, SEEDED/HYDROMULCHED AREAS, AND IRRIGATION SYSTEMS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S FINAL ACCEPTANCE (90 DAYS FOR ANNUAL PLANTS). THE CONTRACTOR SHALL REPLACE, AT HIS OWN EXPENSE AND TO THE SATISFACTION OF THE OWNER, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
   2. AFTER THE INITIAL MAINTENANCE PERIOD AND DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL ONLY BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHEN PLANT DEATH CANNOT BE ATTRIBUTED DIRECTLY TO OVERWATERING OR OTHER DAMAGE BY HUMAN ACTIONS.

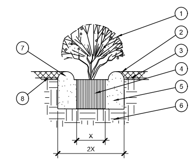
L. PROVIDE A MINIMUM OF (2) COPIES OF RECORD DRAWINGS TO THE OWNER UPON COMPLETION OF WORK. A RECORD DRAWING IS A RECORD OF ALL CHANGES THAT OCCURRED IN THE FIELD AND THAT ARE DOCUMENTED THROUGH CHANGE ORDERS, ADDENDA, OR CONTRACTOR/CONSULTANT DRAWING MARKUPS.



1. TREE CANOPY.
2. CINCH-TIES (24" BOX TREES AND SMALLER) OR 12 GAUGE GALVANIZED WIRE WITH NYLON TREE STRAPS AT TREE AND STAKE (36" BOX TREES AND LARGER). SECURE TIES OR STRAPS TO TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.
3. 24" X 3/4" P.V.C. MARKERS OVER WIRES.
4. GREEN STEEL T-POSTS. EXTEND POSTS 12" MIN. INTO UNDISTURBED SOIL.
5. PRESSURE-TREATED WOOD DEADMAN, TWO PER TREE (MIN.). BURY OUTSIDE OF PLANTING PIT AND 18" MIN. INTO UNDISTURBED SOIL.
6. TRUNK FLARE.
7. MULCH, TYPE AND DEPTH PER PLANS. DO NOT PLACE MULCH WITHIN 6" OF TRUNK.
8. WEED FABRIC UNDER MULCH.
9. ROOT BALL.
10. BACKFILL. AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
11. UNDISTURBED NATIVE SOIL.
12. 4" HIGH EARTHEN WATERING BASIN.
13. FINISH GRADE.

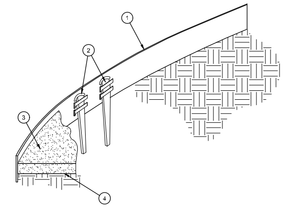
NOTES:
1. SCARIFY SIDES OF PLANTING PIT PRIOR TO SETTING TREE.
2. REMOVE EXCESS SOIL APPLIED ON TOP OF THE ROOTBALL THAT COVERS THE ROOT FLARE. THE PLANTING HOLE DEPTH SHALL BE SUCH THAT THE ROOTBALL RESTS ON UNDISTURBED SOIL, AND THE ROOT FLARE IS 2"-3" ABOVE FINISH GRADE.
3. FOR BALLED-AND-BURLAPPED TREES, REMOVE WIRE BASKET AND BURLAP BEFORE BACKFILLING.
4. REMOVE ALL NURSERY STAKES AFTER PLANTING.
5. FOR TREES OVER 3" CALIPER AND TREES 36" BOX AND LARGER, USE THREE STAKES OR DEADMEN (AS APPROPRIATE), SPACED EVENLY AROUND TREE.
6. STAKING SHALL BE TIGHT ENOUGH TO PREVENT TRUNK FROM BENDING, BUT LOOSE ENOUGH TO ALLOW SOME TRUNK MOVEMENT IN WIND.

A TREE PLANTING
SCALE: NOT TO SCALE



1. SHRUB, PERENNIAL, OR ORNAMENTAL GRASS.
2. MULCH, TYPE AND DEPTH PER PLANS. PLACE NO MORE THAN 1" OF MULCH WITHIN 6" OF PLANT CENTER.
3. FINISH GRADE.
4. ROOT BALL.
5. BACKFILL. AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
6. UNDISTURBED NATIVE SOIL.
7. 3" HIGH EARTHEN WATERING BASIN.
8. WEED FABRIC UNDER MULCH.

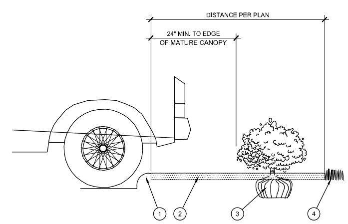
B SHRUB AND PERENNIAL PLANTING
SCALE: NTS



1. STEEL EDGING PER PLANS.
2. TAPERED STEEL STAKES.
3. MULCH, TYPE AND DEPTH PER PLANS.
4. FINISH GRADE.

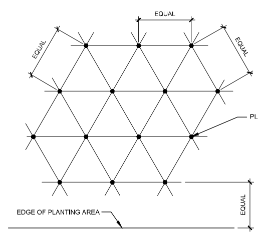
NOTES:
1) INSTALL EDGING SO THAT STAKES WILL BE ON INSIDE OF PLANTING BED.
2) BOTTOM OF EDGING SHALL BE BURIED A MINIMUM OF 1" BELOW FINISH GRADE.
3) TOP OF MULCH SHALL BE 1" LOWER THAN TOP OF EDGING.

D STEEL EDGING
SCALE: NOT TO SCALE



1. CURB.
2. MULCH LAYER.
3. PLANT.
4. TURF (WHERE SHOWN ON PLAN).

C HEDGE PLANTING AT PARKING AREA
SCALE: NOT TO SCALE

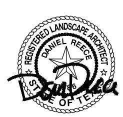


NOTE: ALL PLANTS SHALL BE PLANTED AT EQUAL TRIANGULAR SPACING (EXCEPT WHERE SHOWN ON PLANS AS INFORMAL GROUPINGS). REFER TO PLANT LEGEND FOR SPACING DISTANCE BETWEEN PLANTS.

PLANT SPACING	AREA DIVIDER TO DETERMINE NO. OF PLANTS
6"	0.25
8"	0.45
10"	0.69
12"	1
15"	1.56
18"	2.25
24"	4
30"	6.25
36"	9

E PLANT SPACING
SCALE: NTS

EXAMPLE: PLANTS AT 18" O.C. IN 100 SF OF PLANTING AREA = 100/2.25 = 44 PLANTS



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TEXAS REGISTRATION #14199

CLAYMOORE ENGINEERING
1905 CENTRAL DR, SUITE #406
BEDFORD, TX 76034
PHONE: 817.281.0572
WWW.CLAYMOOREENG.COM

DUWEST WYLIE
WYLIE, TEXAS

No.	DATE	REVISION	BY

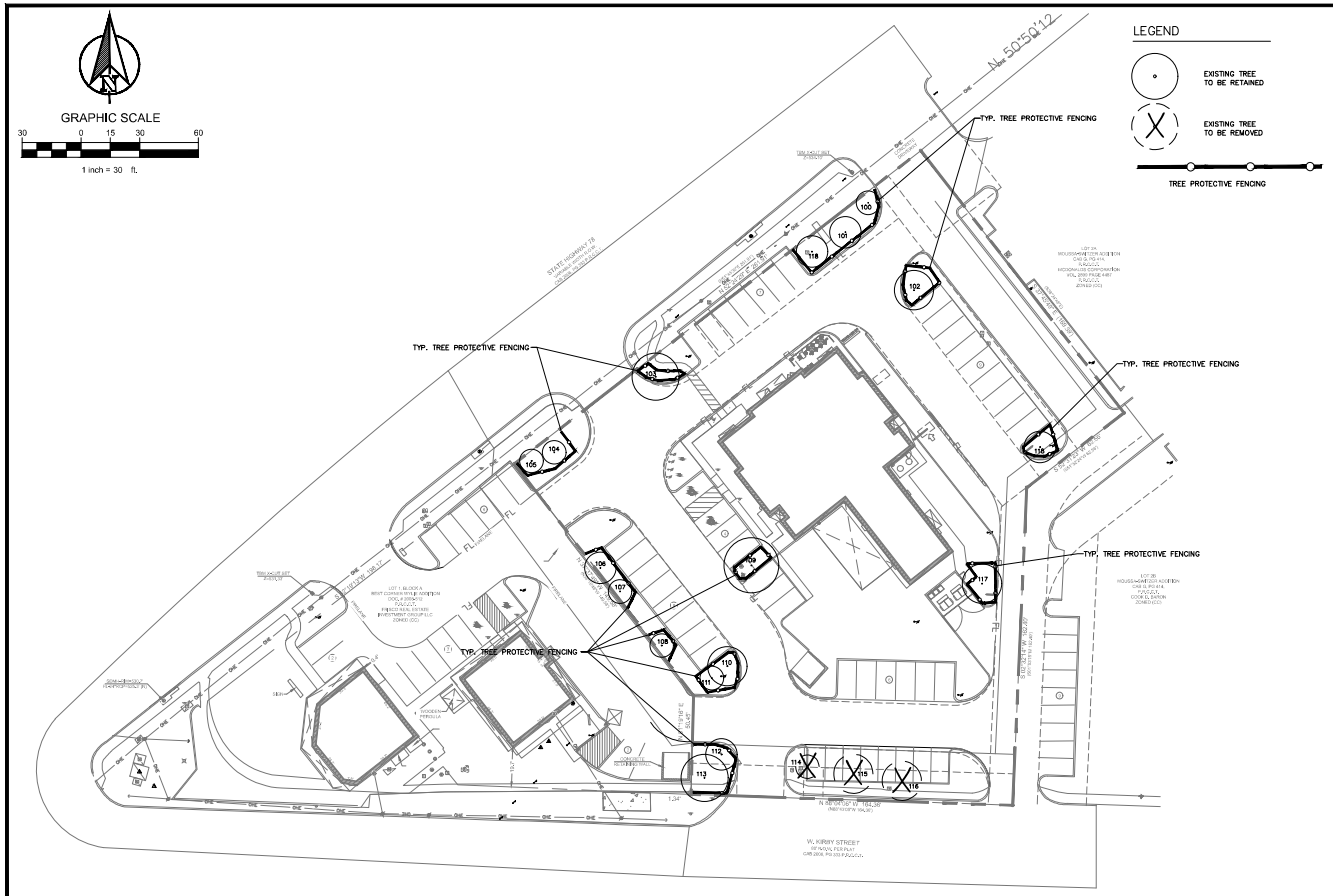
LANDSCAPE DETAILS & SPECIFICATIONS

DESIGN:	ASD
DRAWN:	ASD
CHECKED:	MAM
DATE:	5/10/2021

SHEET
LP-2

File No. 2021-067

PLOTTED BY: DANIEL REECE
PLOT DATE: 5/29/2021 6:05 PM
LOCATION: C:\USERS\DANIE\DROPBOX (EDG)\EDG - SHARED\2021\DUWEST - WYLIE TX\DUWEST WYLIETX LP 2021-5-29.DWG
LAST SAVED: 5/29/2021 6:04 PM



ID #	SPECIES	DBH	STATUS	MITIGATION
100	OAK	6"	RETAINED	
101	OAK	8"	RETAINED	
102	OAK	10"	RETAINED	
103	OAK	12"	RETAINED	
104	OAK	6"	RETAINED	
105	ELM	6"	RETAINED	
106	BRADFORD PEAR	8"	RETAINED	
107	BRADFORD PEAR	7"	RETAINED	
108	BRADFORD PEAR	6"	RETAINED	
109	OAK	14"	RETAINED	
110	BRADFORD PEAR	10"	RETAINED	
111	BRADFORD PEAR	6"	REMOVED	
112	BRADFORD PEAR	8"	RETAINED	
113	BRADFORD PEAR	12"	RETAINED	
114	BRADFORD PEAR	6"	REMOVED	NO
115	BRADFORD PEAR	10"	REMOVED	NO
116	BRADFORD PEAR	10"	REMOVED	NO
117	ELM	10"	RETAINED	
118	OAK	8"	RETAINED	
119	OAK	14"	RETAINED	

PLOTTED BY: DANIEL REECE
PLOT DATE: 5/29/2021 6:27 PM
LOCATION: C:\USERS\DANIE\DROPBOX (EDG)\EDG - SHARED\2021\DUWEST - WYLIE TX\DUWEST WYLIETX LP 2021-5-29.DWG
LAST SAVED: 5/29/2021 6:04 PM

CLAYMOORE ENGINEERING
TEXAS REGISTRATION #14100
2405 MUNICIPAL DRIVE
MESQUITE, TX 75150
PHONE: (214)505-0020
WWW.CLAYMOORE.COM

DUWEST WYLIE
WYLIE, TEXAS

NO.	DATE	REVISION	BY

TREE DISPOSITION PLAN

REGISTERED LANDSCAPE ARCHITECT
DANIEL REECE
5-29-21

EVERGREEN DESIGN GROUP
(469) 680-6630
15455 Dallas Pkwy., Ste 600
Addison, TX 75001
www.EvergreenDesignGroup.com

DESIGN:	ASC
DRAWN:	ASC
CHECKED:	MAM
DATE:	5/10/2021

SHEET
TD-1

File No. 2021-087

TREE PROTECTION SPECIFICATIONS

MATERIALS

1. FABRIC: 4 FOOT HIGH ORANGE PLASTIC FENCING AS SHOWN ON THE PLANS AND SHALL BE WOVEN WITH 2 INCH MESH OPENINGS SUCH THAT IN A VERTICAL DIMENSION OF 23 INCHES ALONG THE DIAGONALS OF THE OPENINGS THERE SHALL BE AT LEAST 7 MESHES.
2. POSTS: POSTS SHALL BE A MINIMUM OF 72 INCHES LONG AND STEEL "T" SHAPED WITH A MINIMUM WEIGHT OF 1.3 POUNDS PER LINEAR FOOT.
3. TIE WIRE: WIRE FOR ATTACHING THE FABRIC TO THE T-POSTS SHALL BE NOT LESS THAN NO. 12 GAUGE GALVANIZED WIRE.
4. USED MATERIALS: PREVIOUSLY-USED MATERIALS, MEETING THE ABOVE REQUIREMENTS AND WHEN APPROVED BY THE OWNER, MAY BE USED.

CONSTRUCTION METHODS

ALL TREES AND SHRUBS (SHOWN TO REMAIN) WITHIN THE PROXIMITY OF THE CONSTRUCTION SITE SHALL BE PROTECTED PRIOR TO BEGINNING ANY DEVELOPMENT ACTIVITY.

EMPLOY THE SERVICES OF AN ISA (INTERNATIONAL SOCIETY OF ARBORICULTURE) CERTIFIED ARBORIST (AND OBTAIN ALL REQUIRED PERMITS) TO PRUNE THE EXISTING TREES FOR CLEANING, RAISING AND THINNING. ENSURE ALL TREES RECEIVE A COMMERCIAL-GRADE ROOT STIMULATOR APPLICATION AFTER PRUNING.

PROTECTIVE FENCING SHALL BE ERECTED OUTSIDE THE DRIPLINE AT LOCATIONS SHOWN IN THE PLANS OR AS DIRECTED BY THE LANDSCAPE CONSULTANT AND/OR CITY ARBORIST OR IN ACCORDANCE WITH THE DETAILS SHOWN ON THE PLANS AT THE DRIP LINE OF TREES (ROOT PROTECTION ZONE, RPZ) AND/OR LANDSCAPE PLANT MATERIAL INCLUDING NATURAL AREAS. FENCING SHALL BE MAINTAINED AND REPAIRED BY THE CONTRACTOR DURING SITE CONSTRUCTION.

PROTECTIVE FENCE LOCATIONS IN CLOSE PROXIMITY TO STREET INTERSECTIONS OR DRIVES SHALL ADHERE TO THE APPLICABLE JURISDICTION'S SIGHT DISTANCE CRITERIA.

THE PROTECTIVE FENCING SHALL BE ERECTED BEFORE SITE WORK COMMENCES AND SHALL REMAIN IN PLACE DURING THE ENTIRE CONSTRUCTION PHASE.

THE INSTALLATION POSTS WILL BE PLACED EVERY 6 FEET AROUND THE DRIP LINE OR RPZ AND EMBEDDED TO 18 INCHES DEEP. FABRIC ATTACHMENT SHALL BE ATTACHED TO THE INSTALLATION POSTS BY THE USE OF SUFFICIENT WIRE TIES TO SECURELY FASTEN THE FABRIC TO THE T-POSTS TO HOLD THE FABRIC IN A STABLE AND UPRIGHT POSITION.

1. DO NOT CLEAR, FILL OR GRADE IN THE RPZ OF ANY TREE.
2. DO NOT STORE, STOCKPILE OR DUMP ANY JOB MATERIAL, SOIL OR RUBBISH UNDER THE SPREAD OF THE TREE BRANCHES.
3. DO NOT PARK OR STORE ANY EQUIPMENT OR SUPPLIES UNDER THE SPREAD OF THE TREE BRANCHES.
4. DO NOT SET UP ANY CONSTRUCTION OPERATIONS UNDER THE SPREAD OF THE TREE BRANCHES (EX. PIPE CUTTING AND THREADING, MORTAR MIXING, PAINTING OR LUMBER CUTTING).
5. DO NOT NAIL OR ATTACH TEMPORARY SIGNS METERS, SWITCHES, WIRES, BRACING OR ANY OTHER ITEM TO THE TREES.
6. DO NOT PERMIT RUNOFF FROM WASTE MATERIALS INCLUDING SOLVENTS, CONCRETE WASHOUTS, ASPHALT TACK COATS (MC-30 OIL), ETC. TO ENTER THE RPZ. BARRIERS ARE TO BE PROVIDED TO PREVENT SUCH RUNOFF SUBSTANCES FROM ENTERING THE RPZ WHENEVER POSSIBLE, INCLUDING IN AN AREA WHERE RAIN OR SURFACE WATER COULD CARRY SUCH MATERIALS TO THE ROOT SYSTEM OF THE TREE.

ROUTE UNDERGROUND UTILITIES TO AVOID THE RPZ. IF DIGGING IS UNAVOIDABLE, BORE UNDER THE ROOTS, OR HAND DIG TO AVOID SEVERING THEM.

THE CONTRACTOR SHOULD AVOID CUTTING ROOTS LARGER THAN ONE INCH IN DIAMETER WHEN EXCAVATION OCCURS NEAR EXISTING TREES. EXCAVATION IN THE VICINITY OF TREES SHALL PROCEED WITH CAUTION.

REMOVE ALL TREES, SHRUBS OR BUSHES TO BE CLEARED FROM PROTECTED ROOT ZONE AREAS BY HAND.

TREES DAMAGED OR LOST DUE TO CONTRACTOR'S NEGLIGENCE DURING CONSTRUCTION SHALL BE MITIGATED AT THE CONTRACTOR'S EXPENSE AND TO THE PROJECT OWNER'S SATISFACTION.

ANY TREE REMOVAL SHALL BE APPROVED BY THE OWNER PRIOR TO ITS REMOVAL.

COVER EXPOSED ROOTS AT THE END OF EACH DAY WITH SOIL, MULCH OR WET BURLAP.

IN CRITICAL ROOT ZONE AREAS THAT CANNOT BE PROTECTED DURING CONSTRUCTION AND WHERE HEAVY TRAFFIC IS ANTICIPATED, COVER THOSE AREAS WITH EIGHT INCHES OF ORGANIC MULCH TO MINIMIZE SOIL COMPACTION. THIS EIGHT INCH DEPTH OF MULCH SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

WATER ALL TREES, MOST HEAVILY IMPACTED BY CONSTRUCTION ACTIVITIES, DEEPLY ONCE A WEEK DURING PERIODS OF HOT DRY WEATHER. SPRAY TREE CROWNS WITH WATER PERIODICALLY TO REDUCE DUST ACCUMULATION ON THE LEAVES.

WHEN INSTALLING CONCRETE ADJACENT TO THE ROOT ZONE OF A TREE, USE A PLASTIC VAPOR BARRIER BEHIND THE CONCRETE TO PROHIBIT LEACHING OF LIME INTO THE SOIL.

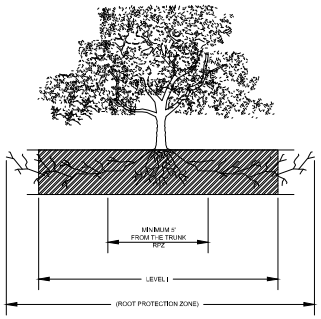
WHEN AN EXCAVATION OR EMBANKMENT IS PLACED WITHIN THE DRIPLINE OF ANY TREE GREATER THAN EIGHT INCHES IN DIAMETER, A TREE WELL SHALL BE CONSTRUCTED TO PROTECT THE TREE AS INDICATED. WHEN THE CUT OR FILL EXCEEDS EIGHT INCHES.

WHERE PAVING OR FILLING IS NECESSARY WITHIN THE DRIPLINE OF ANY TREE EIGHT INCHES OR GREATER, A PERMEABLE PAVEMENT AND AERATION SYSTEM MUST BE INSTALLED.

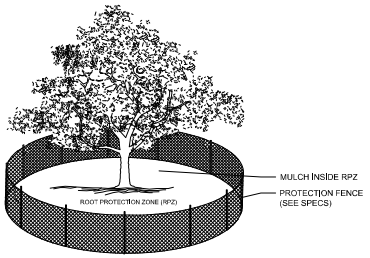
CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL TREE PROTECTION FENCING WHEN ALL THREATS TO THE EXISTING TREES FROM CONSTRUCTION-RELATED ACTIVITIES HAVE BEEN REMOVED.

TREE PROTECTION REQUIREMENTS

1. A ROOT PROTECTION ZONE WILL BE ESTABLISHED AROUND EACH TREE OR ANY VEGETATION TO BE PRESERVED. THE ROOT PROTECTION ZONE SHALL BE AN AREA DEFINED BY THE RADIUS EXTENDING OUTWARD FROM THE TRUNK OF THE TREE A DISTANCE OF ONE (1) LINEAR FOOT FOR EACH INCH DIAMETER INCH AT BREAST HEIGHT (4.5') OF THE TREE. EXAMPLE: A 10-INCH DIAMETER TREE WILL HAVE A 10 FOOT RADIUS ROOT PROTECTION ZONE.
2. NO WORK SHALL BEGIN WERE TREE PROTECTION FENCING HAS NOT BEEN COMPLETED AND APPROVED. TREE PROTECTION FENCING SHALL BE INSTALLED, MAINTAINED AND REPAIRED BY THE CONTRACTOR DURING CONSTRUCTION. THE FENCING WILL BE A MINIMUM OF 4' HEIGHT.
3. ALL ROOTS LARGER THAN ONE-INCH IN DIAMETER ARE TO BE CUT CLEANLY. FOR OAKS ONLY, ALL WOUNDS SHALL BE PAINTED WITH WOUND SEALER WITHIN 30 MINUTES.
4. EXPOSED ROOTS SHALL BE COVERED AT THE END OF THE WORK DAY USING TECHNIQUES SUCH AS COVERING WITH SOIL, MULCH OR WET BURLAP.
5. NO EQUIPMENT, VEHICLES OR MATERIALS SHALL BE OPERATED OR STORED WITHIN THE ROOT PROTECTION ZONE. NO CLEAN-OUT AREAS WILL BE CONSTRUCTED SO THAT THE MATERIAL WILL BE IN OR MIGRATE TO THE ROOT PROTECTION ZONE.
6. NO GRADE CHANGE MORE THAN 3" IS ALLOWED WITHIN THE ROOT PROTECTION ZONE.
7. ROOTS OR BRANCHES IN CONFLICT WITH CONSTRUCTION SHALL BE CUT CLEANLY ACCORDING TO PROPER PRUNING METHODS. ALL WOUNDS SHALL BE PAINTED WITHIN 30 MINUTES TO PREVENT OAK WILT INFECTION (OAK TREES ONLY).
8. ANY TREE REMOVAL SHALL BE APPROVED BY THE LOCAL JURISDICTION'S ARBORIST.
9. TREES WHICH ARE DAMAGED OR LOST DUE TO THE CONTRACTOR'S NEGLIGENCE DURING CONSTRUCTION SHALL BE REPLACED WITH TREE QUANTITIES AND SIZES ACCEPTABLE TO THE LOCAL JURISDICTION.
10. TREES MUST BE MAINTAINED IN GOOD HEALTH THROUGHOUT THE CONSTRUCTION PROCESS. MAINTENANCE MAY INCLUDE WATERING THE ROOT PROTECTION ZONE AND/OR WASHING FOLIAGE.
11. NO WIRES, NAILS OR OTHER MATERIALS MAY BE ATTACHED TO PROTECTED TREES.
12. THE ROOT PROTECTION ZONE SHALL BE PRESERVED AT NATURAL GRADE. NO CUTTING, FILLING, TRENCHING, ROOT DISTURBANCE, SOIL DISTURBANCE, OR CONSTRUCTION SHALL OCCUR CLOSER TO THE TRUNK THAN ONE-HALF (1/2) THE ROOT PROTECTION ZONE RADIUS EXCEPT IN PARKING AREAS, WHERE APPROVED ALTERNATIVE MATERIALS AND METHODS MAY BE USED AND CONSTRUCTION MAY OCCUR AS CLOSE AS FIVE (5) FEET FROM THE ROOT FLARES ON ONE SIDE OF THE TREE. NATIVE UNDERSTORY VEGETATION WITHIN THE ROOT PROTECTION ZONE SHALL BE PRESERVED, HOWEVER THE REQUIREMENT DOES NOT APPLY TO ROOT PROTECTION ZONE AREAS THAT HAVE BEEN LANDSCAPED. THE ROOT PROTECTION ZONE MAY BE SHIFTED AND CLUSTERED AS LONG AS THERE IS NO CONSTRUCTION CLOSER TO THE TRUNK THAN ONE-HALF (1/2) THE ROOT PROTECTION ZONE RADIUS. THE CONSTRUCTION OF SIDEWALKS SHALL BE ALLOWED IN THE ROOT PROTECTION ZONE, AS LONG AS EXCAVATION DOES NOT EXCEED THREE (3) INCHES.
13. DURING CONSTRUCTION ACTIVITY ON SITE, AT LEAST A SIX-INCH LAYER OF A COARSE MULCH SHALL BE PLACED AND MAINTAINED OVER THE ROOT PROTECTION ZONE. THE IMPERVIOUS COVER MAY ENCROACH WITHIN THE ROOT PROTECTION ZONE IF SAID ENCROACHMENT IS APPROVED BY THE ARBORIST.



A TREE PROTECTION FENCE - ELEVATION
SCALE: NOT TO SCALE



NOTES:
1. THE FENCING LOCATION SHOWN ABOVE IS DIAGRAMATIC ONLY AND WILL CONFORM TO THE DRIP LINE AND BE LIMITED TO PROJECT BOUNDARY. WHERE MULTIPLE ADJACENT TREES WILL BE ENCLOSED BY FENCING, THE FENCING SHALL BE CONTINUOUS AROUND ALL TREES.
2. FOR ACCEPTABLE FENCING MATERIALS SEE SPECIFICATIONS.

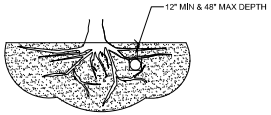
B TREE PROTECTION FENCE
SCALE: NOT TO SCALE

TREES THAT ARE MARKED TO BE PRESERVED ON A SITE PLAN AND FOR WHICH UTILITIES MUST PASS TROUGH THEIR ROOT PROTECTION ZONES MAY REQUIRE TUNNELING AS OPPOSED TO OPEN TRENCHES. THE DECISION TO TUNNEL WILL BE DETERMINED ON A CASE BY CASE BASIS BY THE ENGINEER.

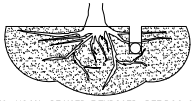
TUNNELS SHALL BE DUG THROUGH THE ROOT PROTECTION ZONE IN ORDER TO MINIMIZE ROOT DAMAGE.

TREES THAT ARE MARKED TO BE PRESERVED ON A SITE PLAN AND FOR WHICH UTILITIES MUST PASS TROUGH THEIR ROOT PROTECTION ZONES MAY REQUIRE TUNNELING AS OPPOSED TO OPEN TRENCHES. THE DECISION TO TUNNEL WILL BE DETERMINED ON A CASE BY CASE BASIS BY THE ENGINEER.

TUNNELS SHALL BE DUG THROUGH THE ROOT PROTECTION ZONE IN ORDER TO MINIMIZE ROOT DAMAGE.

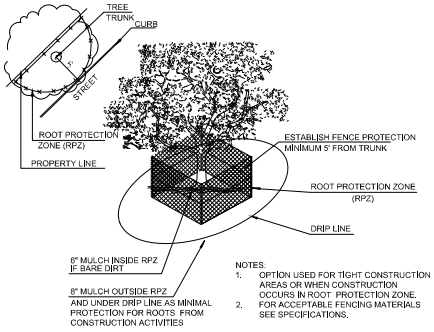


TUNNEL TO MINIMIZE ROOT DAMAGE (TOP) AS OPPOSED TO SURFACE-DUG TRENCHES IN ROOT PROTECTION ZONE WHEN THE 5' MINIMUM DISTANCE FROM TRUNK CAN NOT BE ACHIEVED.



OPEN TRENCHING MAY BE USED IF EXPOSED TREE ROOTS DO NOT EXCEED 3" OR ROOTS CAN BE BENT BACK.

D BORING THROUGH ROOT PROTECTION ZONE
SCALE: NOT TO SCALE



NOTES:
1. OPTION USED FOR TIGHT CONSTRUCTION AREAS OR WHEN CONSTRUCTION OCCURS IN ROOT PROTECTION ZONE.
2. FOR ACCEPTABLE FENCING MATERIALS SEE SPECIFICATIONS.

C TREE PROTECTION FENCE - LEVEL 2
SCALE: NOT TO SCALE

5-29-21

EVERGREEN DESIGN GROUP
(903) 630-0630
13455 Dallas Pkwy., Ste 600
Addison, TX 75001
www.EvergreenDesignGroup.com

CLAYMOORE ENGINEERING
TEXAS REGISTRATION #14100
SECOND STREET, SUITE #140
WYLIE, TEXAS 75098
972.941.4010

DUWEST WYLIE
WYLIE, TEXAS

NO.	DATE	REVISION	BY

TREE DISPOSITION DETAILS & SPECIFICATIONS

DESIGN:	ASC
DRAWN:	ASC
CHECKED:	MAK
DATE:	5/10/2021

SHEET
TD-2

File No. 2021-087

PLOTTED BY: DANIEL REECE
PLOT DATE: 5/29/2021 6:05 PM
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LAST SAVED: 5/29/2021 6:04 PM

EXISTING STONE BANDING, PAINTED "KNIGHTS ARMOR", TYP.

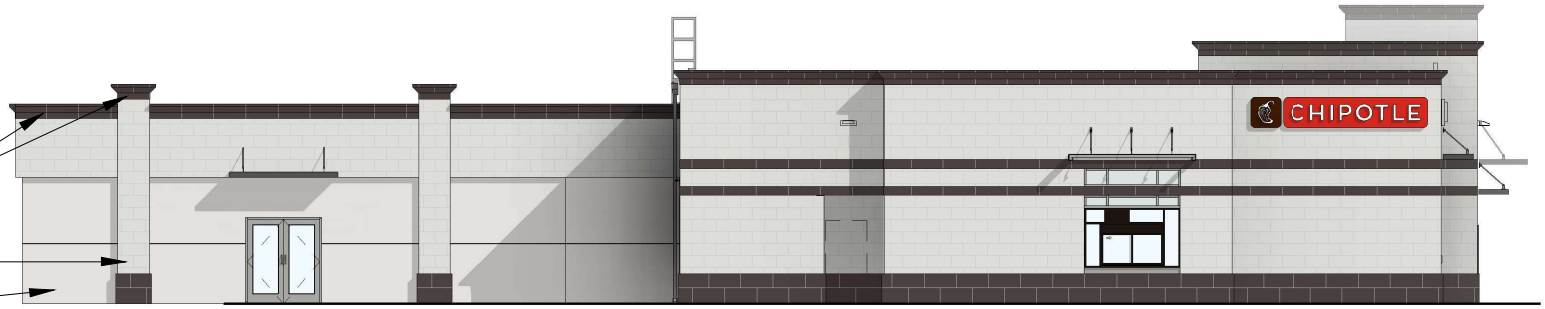
EXISTING STONE

NORTHWEST

EXISTING STONE BANDING, PAINTED "KNIGHTS ARMOR", TYP.

EXISTING STONE

EXISTING EIFS



NORTHEAST

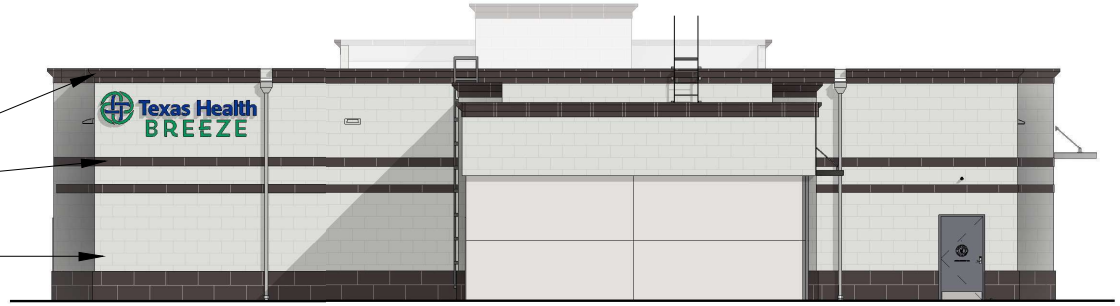
ROGUE ARCHITECTS
513 Main St
Suite 300
Fort Worth, TX 76102
tel: 817.820.0433
fax: 682.224.8917
www.roguearchitects.com

DUWEST WYLIE SHELL
ELEVATIONS
06/14/2021
1/16" = 1'-0"

499 TX-78
WYLIE, TX 75098

EXISTING STONE BANDING, PAINTED "KNIGHTS ARMOR", TYP.

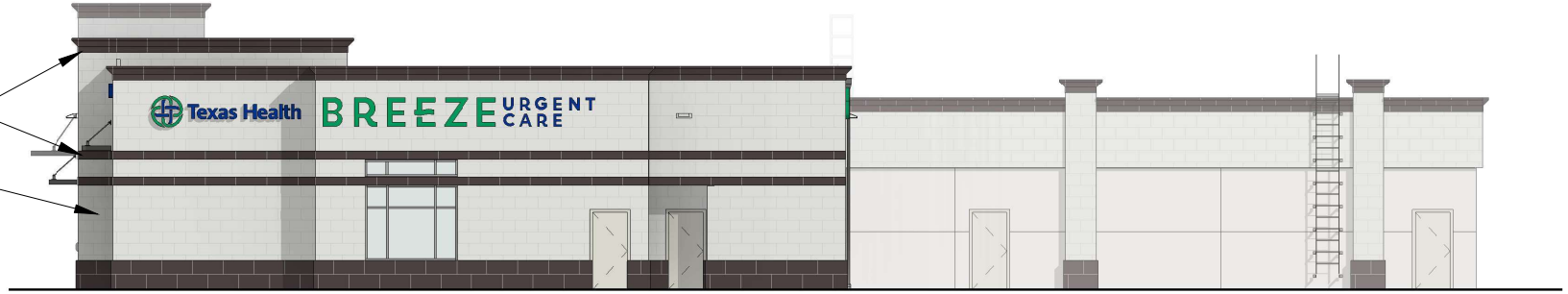
EXISTING STONE



SOUTHEAST

EXISTING STONE BANDING, PAINTED "KNIGHTS ARMOR", TYP.

EXISTING STONE



SOUTHWEST

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Suite 300
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DUWEST WYLIE SHELL
ELEVATIONS
06/14/2021
1/16" = 1'-0"

499 TX-78
WYLIE, TX 75098

Wylie Crossing

EXHIBIT “C”

Conditions For Special Use Permit

I. PURPOSE:

The purpose of this Special Use Permit is to allow for a restaurant with drive-in or drive-through service use as a Chipotle restaurant.

II. GENERAL CONDITIONS:

1. This Special Use Permit shall not affect any regulations within the Zoning Ordinance (adopted as of April 2021), except as specifically provided herein.
2. The design and development of the Wylie Crossing development shall take place in general accordance with the Concept Plan (Exhibit C).

III. SPECIAL CONDITIONS:

1. The Zoning Exhibit (Exhibit C) shall serve as the Site Plan for the Development. Approval of the SUP shall act as site plan approval.
2. Parking spaces in access of the minimum required shall be a minimum of 9’ x 18’.
3. This SUP shall be voided and the property reverted to the underlying Commercial Corridor zoning should the use cease and approval of a new site plan be required.

.

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Planning **Account Code:**

Prepared By: Jasen Haskins, AICP

Subject

Consider, and act upon, Ordinance No. 2021-39 for a change of zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF), to allow for a single-family development on 4.6 acres, located at 601 and 595 Parker Road. (ZC2021-14).

Recommendation

Motion to approve Item as presented.

Discussion

On July 27, 2021 City Council approved a zoning change from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF) for residential development on 4.6 acres to allow for single family homes, being Zoning Case ZC2021-14.

Final approval of Zoning Case 2021-14 requires an Ordinance to amend the zoning accordingly in the Official Zoning map of the City; and providing a penalty clause, a repeal clause, a savings clause, a severability clause, and an effective date.

The subject ordinance allows for the rezoning. Exhibit A (Legal Description), Exhibit B (Zoning Exhibit), and Exhibit C (PD Conditions) are included and made a part of this Ordinance.

The above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

Financial Summary/Strategic Goals

N/A

ORDINANCE NO. 2021-39

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WYLIE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY, ZONING CASE NUMBER 2021-14, FROM AGRICULTURAL DISTRICT (AG/30) TO PLANNED DEVELOPMENT - SINGLE FAMILY (PD-SF), TO ALLOW FOR RESIDENTIAL SINGLE FAMILY DEVELOPMENT; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Wylie, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to owners of the affected property, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: That the Comprehensive Zoning Ordinance of the City of Wylie, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Wylie, to give the hereinafter described property a new zoning classification of Planned Development - Single Family, said property being described in Exhibit A (Legal Description), hereto and made a part hereof for all purposes.

SECTION 2: That a Zoning Exhibit and Planned Development Conditions are an integral component of the development of the property and are attached as Exhibits B and C, respectively.

SECTION 3: That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4: That the above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

SECTION 5: Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, commits an unlawful act and shall be subject to the general penalty provisions of Section 1.5 of the Zoning Ordinance, as the same now exists or is hereafter amended.

SECTION 6: Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7: This ordinance shall be in full force and effect from and after its adoption by the City

Council and publication of its caption as the law and the City Charter provide in such cases.

SECTION 8: The repeal of any ordinance, or parts thereof, by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue, nor as effecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 10th day of August, 2021.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

DATE OF PUBLICATION: *August 18, 2021, in The Wylie News*

Exhibit "A"

Legal Description of Property

BEING a tract of land situated in the W. D. Penny Survey, Abstract No. 696 in Collin County, Texas as conveyed to Timothy W. Bennett by deeds recorded in Document No. 2007061800827270, a 2.110 acre tract, and in Document No. 20080908001083900, a 2.543 acre tract of the official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a ½" iron rod found for corner on the south line of Parker Road (a 100 foot right-of-way);

THENCE S. 01 degrees 28' 46" E., along the west line of Harvest Bend Phase 2, a subdivision in Wylie, Texas, as recorded in Document No. 20020102464 of the Collin County Plat Records, 675.02 feet to a ½" iron rod found for corner in the north line of a tract of land conveyed to Texas Power and Light Co. by deed recorded in Volume 573, Page 475 of the Deed Records of Collin County, Texas;

THENCE S. 85 degrees 36' 46" W., along the north line of the said Texas Power and Light tract, 297.02 feet to a ½" iron rod found in the east line of a 1.52 acre tract of land conveyed to Vijay Thangughal in Document No. 20190201000109240 of the official Public Records of Collin County, Texas for corner;

THENCE along the east line of said Vijay tract N. 01 degrees 25' 00" W 685.06 feet to a ½" iron rod found in the south line of Parker Road for corner;

THENCE along the south line of Parker Road, N 89 degrees 38' 53" E., 294.38 feet to the Point of Beginning and containing 4.653 acres (202,685 square feet) of land, more or less.

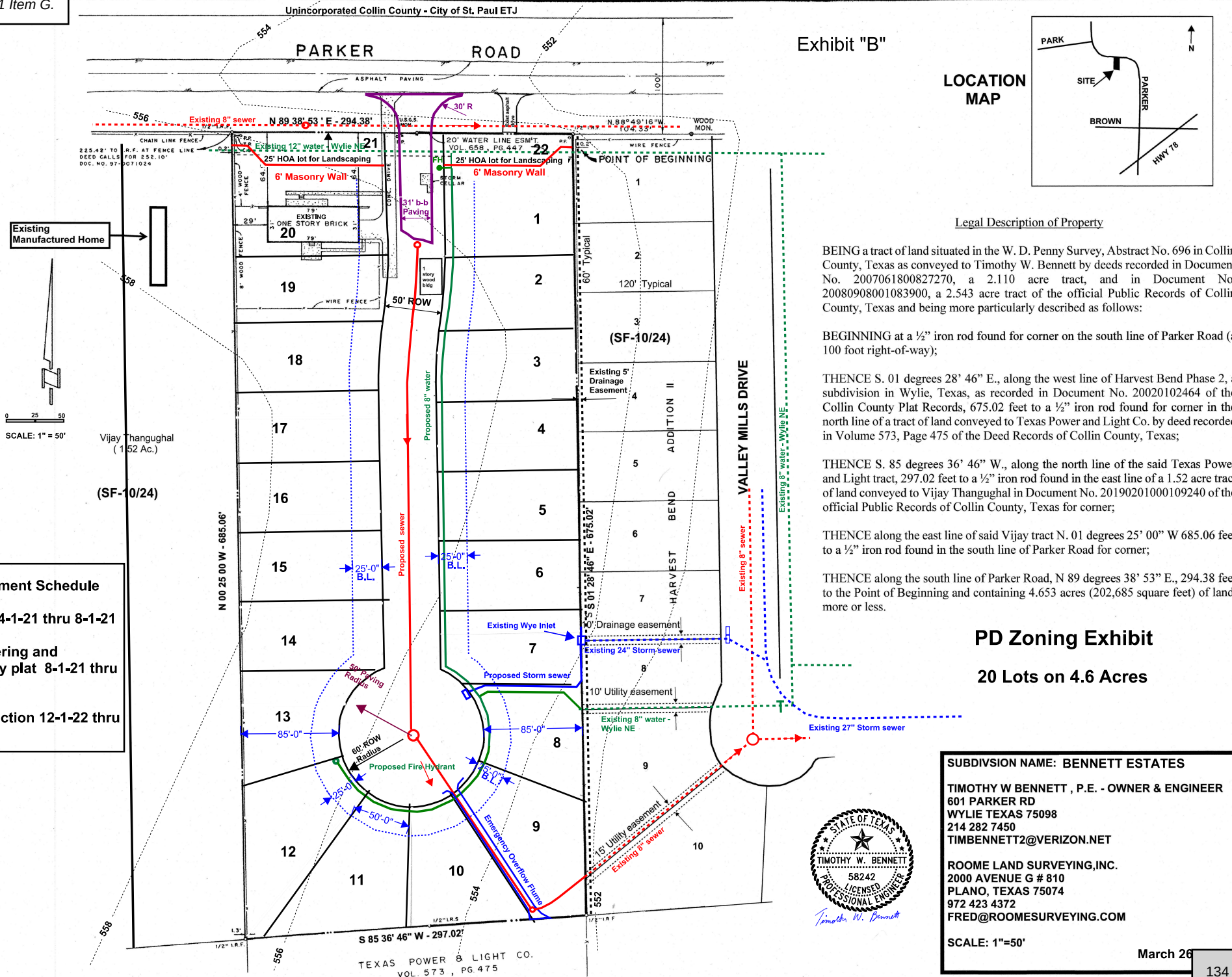


Exhibit "B"

LOCATION MAP

Development Schedule

1. Zoning 4-1-21 thru 8-1-21
2. Engineering and preliminary plat 8-1-21 thru 12-1-21
3. Construction 12-1-22 thru 4-1-22

Legal Description of Property

BEING a tract of land situated in the W. D. Penny Survey, Abstract No. 696 in Collin County, Texas as conveyed to Timothy W. Bennett by deeds recorded in Document No. 2007061800827270, a 2.110 acre tract, and in Document No. 20080908001083900, a 2.543 acre tract of the official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a ½" iron rod found for corner on the south line of Parker Road (a 100 foot right-of-way);

THENCE S. 01 degrees 28' 46" E., along the west line of Harvest Bend Phase 2, a subdivision in Wylie, Texas, as recorded in Document No. 20020102464 of the Collin County Plat Records, 675.02 feet to a ½" iron rod found for corner in the north line of a tract of land conveyed to Texas Power and Light Co. by deed recorded in Volume 573, Page 475 of the Deed Records of Collin County, Texas;

THENCE S. 85 degrees 36' 46" W., along the north line of the said Texas Power and Light tract, 297.02 feet to a ½" iron rod found in the east line of a 1.52 acre tract of land conveyed to Vijay Thangughal in Document No. 20190201000109240 of the official Public Records of Collin County, Texas for corner;

THENCE along the east line of said Vijay tract N. 01 degrees 25' 00" W 685.06 feet to a ½" iron rod found in the south line of Parker Road for corner;

THENCE along the south line of Parker Road, N 89 degrees 38' 53" E., 294.38 feet to the Point of Beginning and containing 4.653 acres (202,685 square feet) of land, more or less.

PD Zoning Exhibit

20 Lots on 4.6 Acres

SUBDIVSION NAME: BENNETT ESTATES

TIMOTHY W BENNETT , P.E. - OWNER & ENGINEER
601 PARKER RD
WYLIE TEXAS 75098
214 282 7450
TIMBENNETT2@VERIZON.NET

ROOME LAND SURVEYING,INC.
2000 AVENUE G # 810
PLANO, TEXAS 75074
972 423 4372
FRED@ROOMESURVEYING.COM

SCALE: 1"=50'

March 26

STATE OF TEXAS
TIMOTHY W. BENNETT
58242
LICENSED PROFESSIONAL ENGINEER

PLANNED DEVELOPMENT STANDARDS
EXHIBIT "C"
BENNETT ESTATES

I. PURPOSE

The intent of Bennett Estates is to establish a long-lasting, high-quality community that contributes to the suburban lifestyle in the City of Wylie. The detached Single Family homes offered in Bennett Estates are very desirable for growing suburban areas.

II. GENERAL CONDITIONS:

1. This Planned Development District shall not affect any regulations within the Code of Ordinances, except as specifically provided herein.
2. All regulations of the Single Family 10/24 set forth in Article 3, Section 3.2 of the Comprehensive Zoning Ordinance (adopted as of March 2021) shall apply except for the following:

Figure 3-4 - Planned Development – Single Family (PD – SF)	
Lot Size *(Minimum)*	
Lot Area (sq. ft.)	6,200 – maximum of two lots 7,200 -
Lot Width (feet)	50
Lot width of corner Lots (feet)	65
Lot Depth (feet)	110
Lot Depth of Cul-de-sac Lots (feet)	85
Dwelling Regulations	
Minimum Square Footage	1,800 – maximum of 50% 2,200 – minimum of 50%
Design Standards Level of Achievement	See Section IV Design Conditions
Yard Requirements – Main Structures	
Front Yard (feet)	25
Front Yard of Cul-de-sac Lots (feet)	20
Side Yard (feet)	5
Side Yard of Corner Lots (feet)	5
Rear Yard (feet)	10
Rear Yard of Cul-de-sac Lots (feet)	10
Lot Coverage	50%
Height of Structures	
Main Structure (feet)	36

III. SPECIAL CONDITIONS:

All regulations of the Single Family 10/24 set forth in Article 3, Section 3.4 of the Comprehensive Zoning Ordinance (adopted as of March 2021) shall apply except for the following:

1. Maximum number of residential lots not to exceed 20 lots.
2. No alleys shall be required within the Planned Development.

3. All homes within the community shall have front entry garages.
4. J-swing garage entries are not required.
5. All common area lots shall be owned, and maintained by the Homeowners Association in perpetuity.
6. An HOA maintained 8’ minimum wide sidewalk shall be constructed as generally depicted on the Zoning Exhibit to provide a pedestrian connection from the cul-de-sac to the Oncor easement and future trail.
7. There exists, at the time of this zoning, a line of 32 live oak trees (The Tree Line) located approximately 15’ west of the east subdivision property line. No more than 5 of these trees shall be removed, for any reason, by the land developer or the home builder. Removal of trees by the homeowner shall conform to City of Wylie ordinances.
8. A 10' easement for a right turn deceleration lane shall be dedicated at time of platting, pending need and approval by TxDOT.

IV. DESIGN CONDITIONS:

All regulations of the Single Family 10/24 set forth in Article 3, Section 3.4 of the Comprehensive Zoning Ordinance (adopted as of March 2021) shall apply except for the following:

A. Land Design Standards

1. No public open space easements are required in the Planned Development.
2. In order to preserve the current mature tree growth, there shall be a variable 10’- 25’ landscaped buffer along Parker Road. The buffer shall include a 6’ masonry wall built as generally shown on the zoning exhibit.
3. Desirables, as listed in the zoning ordinance, shall not be required.

B. Street and Sidewalk Standards

1. No curvilinear streets shall be required in the Planned Development.
2. A mailbox cluster shall be provided in the subdivision
3. Streetlights on decorative poles every 350’ placed on the street throughout the subdivision.

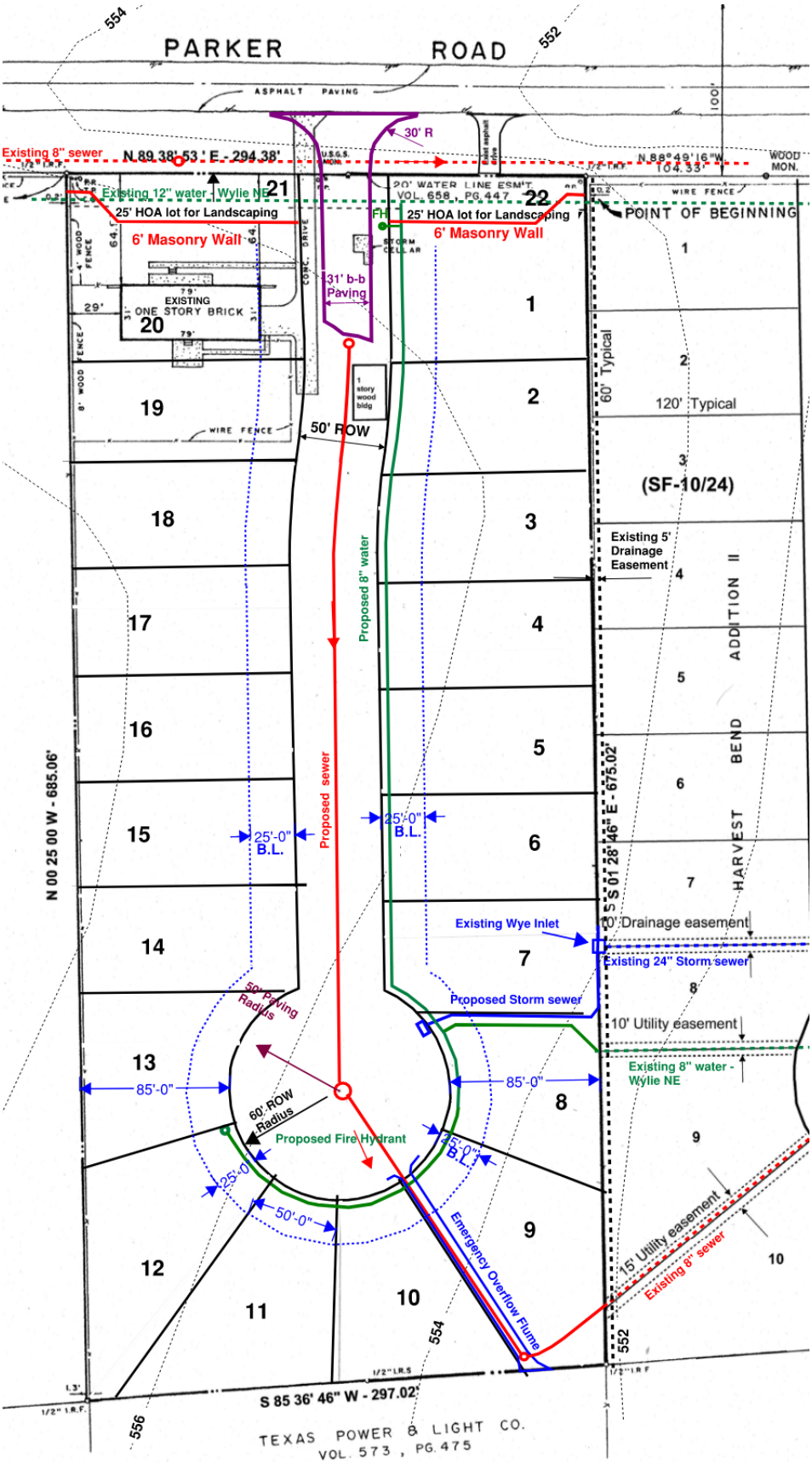
C. Architectural Standards

1. At least 20% of the façade shall be offset a minimum of 1’ either protruding from or recessed back from the remainder of the façade.
2. The minimum masonry percentage shall be 85% overall. The remaining 15% shall be cementitious fiber cement material.
3. 2nd story front elevation set back over brick shall be allowed with cementitious fiberboard.
4. A front-facing hip roof which faces the street, and which comprises greater than 35% of the total width of a house’s façade shall be broken up with dormers or other architecturally compatible appurtenances.
5. Each single-family residential unit shall have a combined patio and/or porch total covered area of a minimum of 150 total square feet of floor area.
6. Minimum of 8:12 front elevation roof pitch on front elevations, except 3:12 roof pitches on porches/patios or dormers.
7. In order to encourage variety, the exterior facades of houses on the same side of the street shall vary within every 4 houses. The same exterior facade of home cannot be directly across the street from each other. When a house is constructed, the same combination of brick, stone, masonry-like materials, and paint shall not be used on other houses within four (4) lots on either side of that house. This shall be monitored by the Architectural Control Committee.
8. Each garage shall incorporate at least two of the following architectural features:

a. Sconce lighting
b. Decorative banding or molding
c. Decorative overhangs above garage doors
d. Eyebrow soldier course over garage doors
e. Decorative brackets on garage doors
f. Columns flanking garage doors.

9. An 8’cedar fence shall be required along the rear lot line of all lots that adjoin the east subdivision line, by the home builder. To the extent possible, the builder shall coordinate with property owners along the eastern boundary to avoid ‘double-fencing’ and the creation of dead space.
10. Each residential dwelling shall have an established front lawn with 1 tree and 5 shrubs. Each residential dwelling shall also have a minimum of 1 tree in the backyard.

EXHIBIT “C-1”


PARKER ROAD
ASPHALT PAVING
554
552
Existing 8" sewer
N 89 38' 53 " E - 294.38'
N 88°49'16"W
104.33'
30' R
Existing 12" water - Wylie NE
25' HOA lot for Landscaping
6' Masonry Wall
20' WATER LINE ESM'T
VOL. 658 , PG. 447
FH
25' HOA lot for Landscaping
6' Masonry Wall
POINT OF BEGINNING
WIRE FENCE
4' WOOD FENCE
8' WOOD FENCE
CONC. DRIVE
STORM CELLAR
31' b-b Paving
EXISTING ONE STORY BRICK
1 story wood bldg
50' ROW
Proposed 8" water
Proposed sewer
60' Typical
120' Typical
(SF-10/24)
Existing 5' Drainage Easement
HARVEST BEND ADDITION II
N 00 25 00 W - 685.06'
S 01 28 46" E - 675.02'
25'-0" B.L.
25'-0" B.L.
Existing Wye Inlet
10' Drainage easement
Existing 24" Storm sewer
Proposed Storm sewer
50' Paving Radius
10' Utility easement
Existing 8" water - Wylie NE
85'-0"
85'-0"
60' ROW Radius
Proposed Fire Hydrant
25'-0"
25'-0" B.L.
50'-0"
Emergency Overflow Flume
15' Utility easement
Existing 8" sewer
S 85 36' 46" W - 297.02'
556
554
552
TEXAS POWER & LIGHT CO.
VOL. 573 , PG. 475
1/2" I.R.F.
1/2" I.R.S.
1 2 3 4 5 6 7 8 9 10
11 12 13 14 15 16 17 18 19 20 21 22
29' 79' 31' 64'

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Purchasing **Account Code:** 100-5181-56570

Prepared By: Glenna Hayes

Subject

Consider, and act upon, the award of a professional services project order (PSPO) #W2021-59-E for the Wylie Downtown Traffic Impact Analysis (TIA) to Lee Engineering, LLC in the amount of $149,100.00 and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve Item as presented.

Discussion

The purpose of the Downtown Traffic Impact Analysis (TIA) is to develop a strategic plan for enhancing Downtown Wylie. This project incorporates Historic Downtown Wylie as well as areas immediately beyond (such as Brown Street and SH 78, and Ballard Avenue and SH 78), to help visualize how Downtown will grow, and the impact the surrounding areas have on the downtown area. This study addresses traffic, pedestrian circulation and safety, parking convenience, and implementation strategies by collecting data, developing and testing multiple alternative scenarios for reconfiguring downtown collectors and intersections, and comparing the benefits and projected costs of each alternative.

Staff reviewed the qualifications of firms in Category J Traffic Engineering and determined Lee Engineering LLC to be the most qualified firm to complete the Wylie Downtown TIA study. This Professional Services Project Order is issued under Master Agreement for Professional and Engineering Services (MAPES) #W2021-8-E-J. Wylie PSPO #W2021-59-E

Financial Summary/Strategic Goals

The scope of work for this project and its subsequent fee was negotiated based upon a request from the City of Wylie City Council and is funded from Combined Services.

Supports the strategic goal of Infrastructure.

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Purchasing **Account Code:** 611-5711-58910

Prepared By: Glenna Hayes

Subject

Consider, and act upon, the approval of the purchase of a Closed-Circuit Television (CCTV) security system from Schneider Electric Buildings Americas, Inc. in the amount of $57,473.00 through a cooperative purchasing contract with Omnia Partners, and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve Item as presented.

Discussion

Staff recommends the upgrade of the existing security system at the Public Works building (949 Hensley Lane, Bldg. 300). The upgrade will include the purchase of 13 exterior and 2 interior bay area security cameras to support a closed-circuit television (CCTV) network. In addition, card readers will be installed on three exterior doorways and one interior double door (lobby). This upgrade will reduce the need to provide individuals with keys, as well as provide better security for inventory materials and the City's SCADA (Supervised Control and Data Acquisition) system which monitors and controls the water and wastewater stations. This project includes licensing and installation.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.

Omnia Partners #R170504 / Wylie W2021-94-I

Financial Summary/Strategic Goals

Budget: $65,822.00.
Expenditure: $57,473.00

The upgrade of the existing security system at the Public Works building supports the strategic goal of Health, Safety and Wellbeing.

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Purchasing **Account Code:** 100-4000-49210

Prepared By: Glenna Hayes

Subject

Consider, and act upon, the award of Bid #W2021-61-B for the Sale of Real Property located at 802 W. Kirby Street, Wylie, Texas in the amount of $3,000,000.00 to the Wylie Economic Development Corporation, and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve Item as presented.

Discussion

The City currently owns a 4.67-acre parcel located at 802 West Kirby in Wylie, Texas more specifically located at the northwest corner of F.M. 544 and the Kansas City Southern Railway Company railroad crossing which is approximately 640 feet west of the intersection of F.M. 544 and State Highway 78, Wylie, Texas. In 2016 the EPA completed remediation through its Superfund Division of the current site previously owned and operated by Chemical Recycling, Inc. (CRI). A "Ready for Reuse Certificate" was issued by the EPA. Further, the City of Wylie has assigned a Municipal Setting Designation (MSD) to the site and is currently enrolled in the Voluntary Cleanup Program via the Texas Commission on Environmental Quality to address ground water contamination created by CRI operations.

Staff has determined that the sale of this property for commercial use would best serve the overall development plans of the City. An independent appraisal was completed ($2,847,950.00), and the Invitation to Bid for the Sale of Real Property was issued. The City received one (1) offer in the amount of $3,000,000.00 from the Wylie Economic Development Corporation which included a "Statement of Intended Construction and/or Use of the Property."

Staff recommends the award of Bid #W2021-61-B for the sale of real property to the Wylie Economic Development Corporation in the amount of $3,000,000.00 as providing the best overall value to the City.

Financial Summary/Strategic Goals

This item supports the strategic goals of Economic Growth and Planning Management.

CITY OF WYLIE

BID FORM

#W2021-61-B

Wylie Economic Development Corporation
Jason Greiner, Executive Director

Please print Bidder or Agent Name

972-442-7901; Jason@WylieEDC.com

Telephone number and email address

802 W. KIRBY STREET, WYLIE, TX 75098

PRICE BID PER SQ. FOOT: $ 14.75 *approximately*

*** TOTAL PRICE:** $ 3,000,000.00

*** Approximately 4.6700 acres (203,425 sq. ft.)**
Lot size and valuation are subject to final appraisal documents.

Three Million and 00/100 Dollars
(price in written word prevails)

A 4.67-acre parcel located at 802 West Kirby in Wylie, Texas more specifically located west of F.M. 544 and the Kansas City Southern Railway Company railroad crossing which is approximately 640 feet west of the intersection of F.M. 544 and State Highway 78, Wylie, Texas. Abs A0266 E C Davidson Survey, Tract 3, 4.67 Acres

Bidder must attach a statement of the intended construction and use of the property.

Please see "Attachment A" as provided on next page.

Bid Packet #W2021-61-B

Wylie EDC

Attachment A

Statement of Intended Construction and/or Use of the Property

The Wylie Economic Development Corporation (Wylie EDC) is funded through a citywide half-cent sales tax that is collected from over 220,000 consumers in our retail trade area. The Wylie EDC facilitates corporate relocations, local expansions of existing businesses, retail/commercial development and revitalization projects that lead to the creation of new jobs and the generation of additional tax revenue for the community. In that capacity, the Wylie EDC is submitting this bid for the property described herein, generally located on Kirby Street near the corner of Highway 78 and FM 544.

The Wylie EDC is an ideal candidate to select for this bid since we also own the adjacent property to the west. With controlling interest in both properties, the Wylie EDC would have the ability to properly develop the site as one large redevelopment. The intended use of the property or overall redevelopment project will consist mostly of commercial development throughout the entire 12+ AC site. Wylie EDC Staff will replat the properties to align with the median-opening and provide access through the Wylie EDC owned property. Cross access can be achieved with adjacent properties to the east and the City's northernmost property.

Along the 544/Kirby Street frontage, Staff envisions one Multi-Tenant Retail building with a drive-thru QSR on one side and a patio restaurant on the other endcap. The remaining pad will facilitate a larger Full-Service Restaurant Pad and it will be marketed as such for the next several years. Our intent will be to locate national credit tenants, or strong regional brands that diversify our restaurant offerings to the citizens.

The remainder of the site will consist of various commercial uses like retail, professional office suites or medical office developments. The site can also accommodate larger users if we allow flex warehousing along the northernmost tracts. These building will look 100% commercial, but they have a mixture of office and high bay warehouse to accommodate different uses. Staff would like to limit the semi-truck traffic, so the intended use will not add significant truck traffic. The Wylie EDC will work closely with the City Staff, Planning and Zoning Commission, and Wylie City Council to develop this property in accordance with the comprehensive plan and will adhere to the current zoning and restrictions from the MSD.

The Wylie EDC has several active projects that are looking for land along FM 544 and this property will make an ideal location for those users. If you have any questions regarding the future development of this property, please contact Jason Greiner via telephone at 972-442-7901 or via email at Jason@WylieEDC.com.

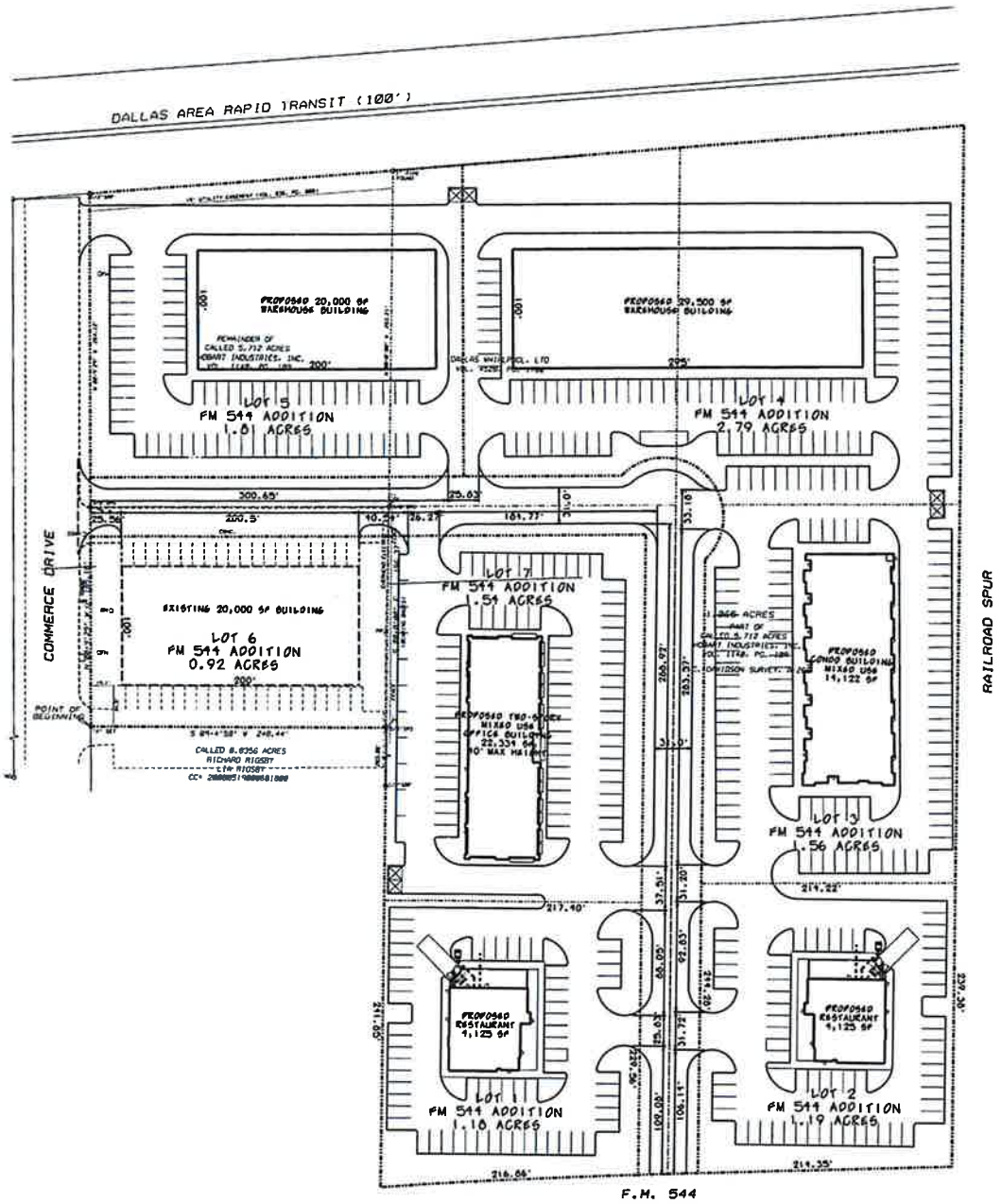
Below/Attached, you will find one of our original conceptual plans that show the full potential of the site if its master planned by one single owner.

Bid Packet #W2021-61-B

Wylie EDC

Attachment A

Concept #1 - restaurant pads, two-story office, hotel/condo, and flex office/warehousing



CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Purchasing **Account Code:** 100-5211-56040

Prepared By: Glenna Hayes

Subject

Consider, and act upon, the approval of the renewal of an interlocal agreement for Jail Services for Class "C" Misdemeanors with Collin County Detention Facility, Collin County, Texas, in the estimated amount of $1,000.00 through an interlocal agreement, and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve Item as presented.

Discussion

The original interlocal agreement with Collin County Detention Facility for the housing of persons accused of or convicted of a class "C" misdemeanor. This agreement provides additional resources for the City at the rate of $58.80/day/inmate. Staff recommends the renewal of this interlocal agreement with a term of 10/1/2021 – 9/30/2022.

Collin County Detention Facility Court Order #2020-649-07-20 / City of Wylie Agreement #W2020-86-I.

Financial Summary/Strategic Goals

This item is in support of strategic goal Health, Safety and Well-Being of Wylie citizens.

Proposed Inmate per day Expense Entity Impact

Entity	FY 2015 Actual Paid	FY 2016 Actual Paid	FY 2017 Actual Paid	FY 2018 Actual Paid	FY 2019 Actual Paid	FY 2020 Actual Paid	FY 2020 Inmate Days Utilizing FY 2022 Adopted Rate
Anna	$ 4,257.19	$ 3,489.50	$ 3,768.66	$ 4,606.14	$ 4,395.09	$ 4,543.88	$ 4,204.72
Anna ISD	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Baylor Scott & White	-	-	-	-	-	-	$ -
Celina	1,674.96	1,674.96	3,210.34	1,674.96	3,589.86	2,271.94	$ 2,102.36
Collin Co. Community College		-	-	139.58	-	-	$ -
Community ISD	-	-	-	-	-	-	$ -
DART	-	-	-	209.37	-	188.94	$ 174.84
Fairview	697.90	1,186.43	1,326.01	1,256.22	188.94	98.78	$ 91.41
Farmersville	4,466.56	5,443.62	3,140.55	3,000.97	3,873.27	1,284.14	$ 1,188.29
Farmersville ISD	-	-	-	-	-	-	$ -
Josephine	-	69.79	209.37	-	-	98.78	$ 91.41
Lavon	348.95	907.27	348.95	837.48	1,133.64	790.24	$ 731.26
Lucas	279.16	348.95	-	-	94.47	-	$ -
McKinney	75,442.99	88,005.19	73,349.29	63,090.16	70,285.68	36,977.85	$ 34,217.80
Melissa	3,559.29	5,024.88	2,512.44	3,768.66	3,495.39	3,457.30	$ 3,199.24
Murphy	2,931.18	2,652.02	4,885.30	3,419.71	3,400.92	4,642.66	$ 4,296.13
Parker	139.58	139.58	209.37	418.74	-	395.12	$ 365.63
Princeton	5,094.67	5,652.99	12,283.04	5,304.04	7,935.48	5,926.80	$ 5,484.42
Prosper	279.16	1,884.33	1,954.12	2,372.86	3,684.33	4,247.54	$ 3,930.50
Prosper ISD	-	-	-	-	-	-	$ -
St Paul	-	-	-	-	-	-	$ -
Westminister	-	-	-			-	$ -
Wylie	-	-	2,931.18	3,978.03	7,179.72	2,271.94	$ 2,102.36
	$ 99,171.59	$ 116,479.51	$ 110,128.62	$ 94,076.92	$ 109,256.79	$ 67,195.91	$ 62,180.36
Rates	$ 69.79	$ 69.79	$ 69.79	$ 69.79	$ 94.47	$ 98.78	$ 58.80
# City Days	1,421	1,669	1,578	1,348	1,157	680	
Federal Inmate Housing	$ 1,118,594.12	$ 905,525.25	$ 919,901.99	$ 821,360.10	$ 952,492.33	$ 1,179,869.74	$ 1,254,164.03
# Federal Days	16,028	12,975	13,181	11,769	13,648	11,944	
Facility Utilization							
% County	94.90%	95.54%	95.99%	96.41%	96.16%	96.38%	
% City	0.41%	0.51%	0.43%	0.37%	0.30%	0.19%	
% Federal	4.68%	3.95%	3.58%	3.22%	3.54%	3.42%	

NOTE: CARES Act funding was used in FY 2020 to cover a portion of Public Safety salaries. This savings has translated into a lower daily rate for FY 2022. We expect the expenditures to return to normal over the course of FY 2021 and FY 2022.

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Finance **Account Code:** Various

Prepared By: Melissa Beard

Subject

Consider, and act upon, Ordinance No. 2021-40 amending Ordinance No. 2020-44, which established the budget for fiscal year 2020-2021; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

Recommendation

Motion to approve Item as presented.

Discussion

The budget amendment request has three items:

Two of the items are related to February 2021 winter storm URI which severely impacted the State of Texas.

1) The City of Wylie, through the Texas Coalition for Affordable Power (TCAP), has a Commercial Electricity Services Agreement (CESA) with Gexa Energy. Our energy costs remained stable throughout the winter storm. However, the storm's impact resulted in higher than anticipated Ancillary Services costs that were billed to us under the "Ancillary Services and Nodal Basis Adjustment" specified in our agreement with Gexa Energy. The cost for these Ancillary Services is $230,249. This cost will be split between General Fund (70%), Utility Fund (20%) and 4B Sales Tax Fund (10%).

2) NTMWD's power bill for the Muddy Creek WWTP far exceeded a normal power bill, totaling $500,733 for the month of February. This cost must be shared between the City of Wylie and the City of Murphy based on the FY21 Adopted Budget flow allocation. Wylie's portion is 71.32% which amounts to $357, 123, fully charged to the Utility Fund.

The third item is to amend the budget for revenue received from the federal government from the American Rescue Plan Act. On July 1, the City received $3,049,825, which represents 50% of the total funds to be received from ARPA.

Financial Summary/Strategic Goals

The net effect to the General Fund is a positive $2,888,651 which will become part of the General Fund Fund Balance. The net effect to the Utility Fund is an increase of expenditures in the amount of $403,173, reducing the ending fund balance for FY2021. The net effect to the 4B Sales Tax Fund is an increase in expenditures of $23,025, also reducing the ending fund balance for this current year.

ORDINANCE NO. 2021-40

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO. 2020-44, WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2020-2021; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council heretofore adopted Ordinance No. 2020-44 setting forth the Budget for Fiscal Year 2020-2021 beginning October 1, 2020, and ending September 30, 2021; and,

WHEREAS, the City Departments and Divisions routinely review their budget appropriations to determine if any changes are necessary; and

WHEREAS, based upon said review the City staff now recommends that certain amendments to the Budget be considered by the City Council; see Exhibit A; and,

WHEREAS, the City Council has the authority to make amendments to the City Budget under Article VII, Section 4 of the City Charter, as well as State law; and,

WHEREAS, the City Council has determined that the proposed amendments to the FY 2020-2021 Budget; see Exhibit A, with the revenues and expenditures therein contained, is in the best interest of the City; and therefore, desires to adopt the same by formal action.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WYLIE, TEXAS:

SECTION I: The proposed amendments to the FY 2020-2021 Budget of the City of Wylie; Exhibit A, as heretofore adopted by Ordinance No. 2021-40, are completely adopted and approved as amendments to the said FY 2020-2021 Budget.

SECTION II: All portions of the existing FY 2020-2021 Budget and Ordinance No. 2020-44, except as specifically herein amended, shall remain in full force and effect, and not be otherwise affected by the adoption of the amendatory ordinance.

SECTION III: Should any paragraph, sentence, sub-division, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part or parts as declared to be invalid, illegal, or unconstitutional.

SECTION IV: This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

SECTION V: That all other ordinances and code provisions in conflict herewith are hereby repealed to the extent of any such conflict or inconsistency and all other provisions of the Wylie City Code not in conflict herewith shall remain in full force and effect.

SECTION VI: The repeal of any ordinance, or parts thereof, by the enactment of the Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue,

nor as affecting any rights of the municipality under any section or provision of any ordinances at the time of passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 10th day of August, 2021.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

Exhibit A

Budget Amendment
Gexa Energy Costs

Fund	Department	Account Number	Account Description	Debit	Credit
100	5181	56610	Utilities - Electric	161,174.00	
611	5712	56610	Utilities - Electric	46,050.00	
112	5625	56610	Utilities - Electric	23,025.00	
				230,249.00	0.00

Budget Amendment
NTMWD Energy Costs

611	5719	56640	Utilities - Sewer	357,123.00	
				357,123.00	0.00

Budget Amendment
American Rescue Plan Act

100	4000	43150	Federal Proceeds		3,049,825.00
				0.00	3,049,825.00

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Planning **Account Code:**

Prepared By: Jasen Haskins, AICP

Subject

Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Neighborhood Services (NS) to Planned Development (PD), amending PD 2015-17, to allow for commercial development on 2.00 acres, located east of and adjacent to 650 Country Club Road. (ZC2021-17)

Recommendation

Motion to approve Item as presented.

Discussion

OWNER: HT country Club SS owner & Vamsi Malgrieddy **ENGINEER: Morrison Shipley**

The applicant is requesting to amend Planned Development 2015-17, consisting of Neighborhood Services (2.62 acres) and Self-Storage (8.4 acres), by adding two adjacent acres for additional self-storage and RV/Vehicle storage parking spaces.

The proposed Planned Development adds three covered RV parking carports measuring a combined 35,206 sq. ft., two drive up self-storage buildings measuring 4,400 sq. ft., and 25 uncovered RV parking stalls.

The Planned Development requires all RV/vehicle storage areas over 6,000 sq. ft. to be sprinkled. A masonry wall shall also be required surrounding the 2-acre northern tract with a minimum height of 8'.

The site is to be accessed via a 24' access drive connecting to the existing self-storage development. There have been previous proposals to develop this 2.0-acre site as light industrial storage or apartments; however, due to the limited 24' access easement and visibility to Country Club, those proposals never materialized.

The properties adjacent to the subject property are zoned agricultural with a Special Use Permit to the north (WISD bus barn), Neighborhood Services with a Special Use Permit to the west (flooring store with additional storage), Neighborhood Services to the south (existing self-storage site), and Reservoir #5 to the east.

The subject property lies within the General Urban Sector. The proposed zoning and use are compatible with the existing development surrounding the subject property.

Notifications/Responses: 12 notifications were mailed; with one response returned in favor and none returned in opposition of the request.

Should the request be approved, the approval of a plat and site plan is required prior to development.

P&Z Commission Discussion

The Commission voted 6-0 to recommend approval.

Financial Summary/Strategic Goals

Planning Management

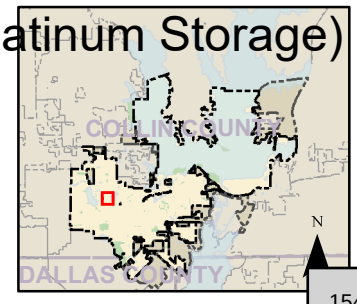
Locator Map

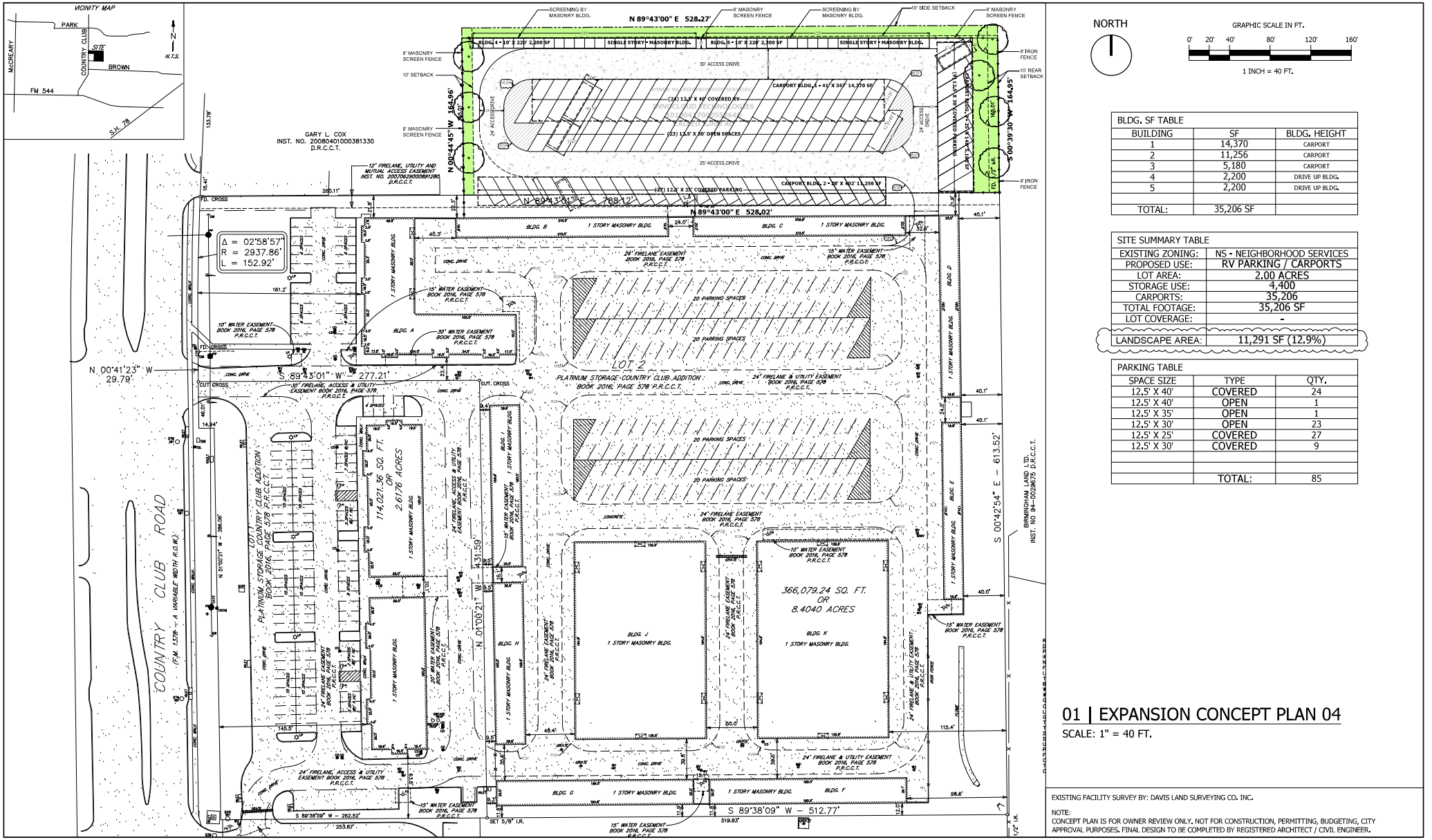
ZC 2021-17; CubeSmart Self Storage Expansion (Platinum Storage)

Subject Property

0 155 310 620 930 1,240 Feet

CITY OF WYLIE





BLDG. SF TABLE		
BUILDING	SF	BLDG. HEIGHT
1	14,370	CARPORT
2	11,256	CARPORT
3	5,180	CARPORT
4	2,200	DRIVE UP BLDG.
5	2,200	DRIVE UP BLDG.
TOTAL:	35,206 SF	

SITE SUMMARY TABLE	
EXISTING ZONING:	NS - NEIGHBORHOOD SERVICES
PROPOSED USE:	RV PARKING / CARPORTS
LOT AREA:	2.00 ACRES
STORAGE USE:	4,400
CARPORTS:	35,206
TOTAL FOOTAGE:	35,206 SF
LOT COVERAGE:	-
LANDSCAPE AREA:	11,291 SF (12.9%)

PARKING TABLE		
SPACE SIZE	TYPE	QTY.
12.5' X 40'	COVERED	24
12.5' X 40'	OPEN	1
12.5' X 35'	OPEN	1
12.5' X 30'	OPEN	23
12.5' X 25'	COVERED	27
12.5' X 30'	COVERED	9
	TOTAL:	85

01 | EXPANSION CONCEPT PLAN 04

SCALE: 1" = 40 FT.

EXISTING FACILITY SURVEY BY: DAVIS LAND SURVEYING CO. INC.

NOTE:
CONCEPT PLAN IS FOR OWNER REVIEW ONLY. NOT FOR CONSTRUCTION, PERMITTING, BUDGETING, CITY APPROVAL PURPOSES. FINAL DESIGN TO BE COMPLETED BY REGISTERED ARCHITECT / CIVIL ENGINEER.

PROJECT:

HINES EXPANSION | WYLIE, TX

CONCEPT 04 - DATE: 07.14.2021

GC:
| RELIABLE COMMERCIAL CONSTRUCTION
https://reliablecommercial.com

retail ○ commercial ○ industrial ○ self-storage

EXHIBIT "B"
CUBESMART PLANNED DEVELOPMENT
2021-17-PD-NS

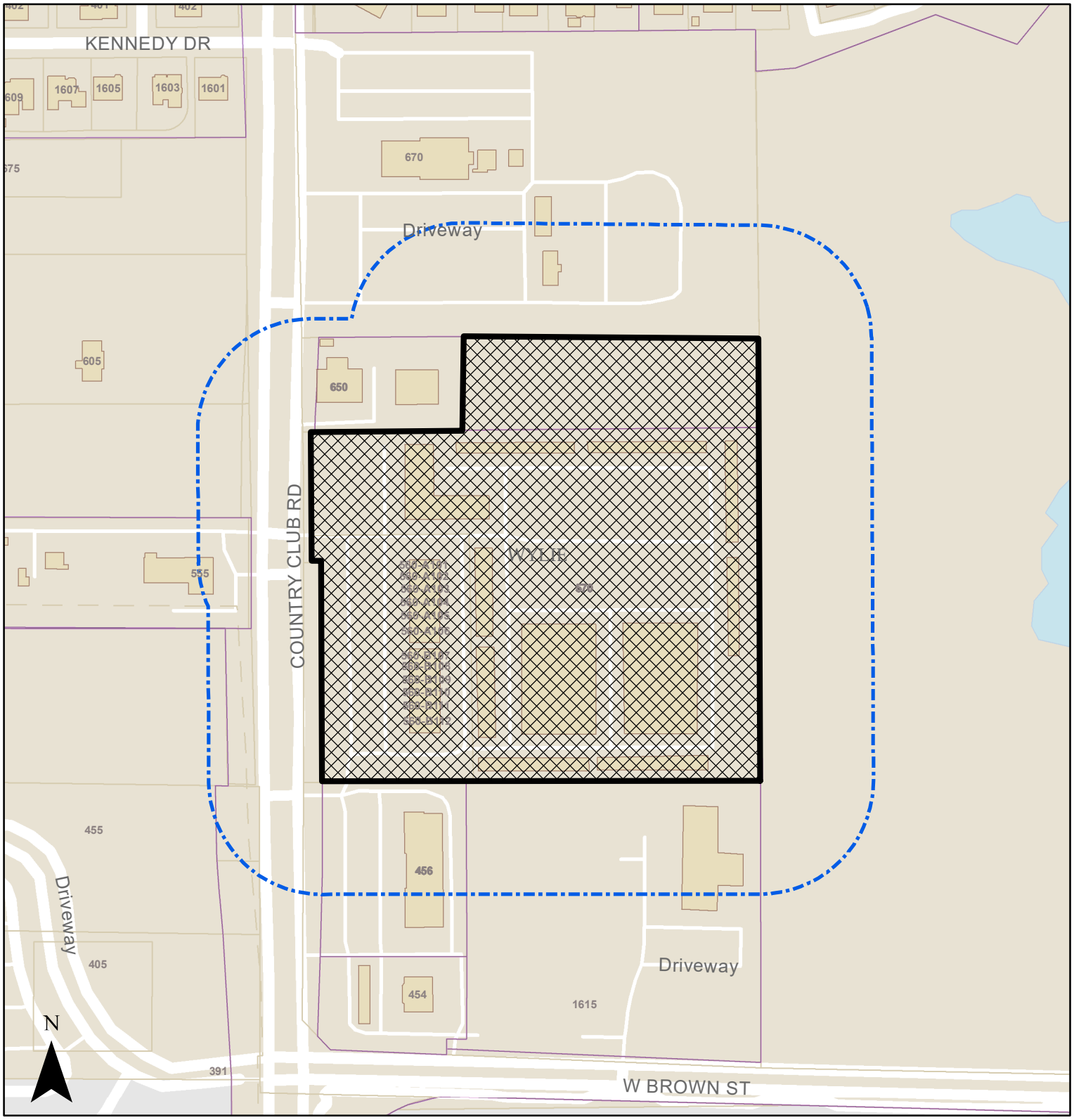
I. PURPOSE:

This Planned Development District shall be established to amend PD-2015-17 to include the 2 acre tract shown on "Exhibit "C".

II. GENERAL CONDITIONS:

1. Uses permitted in this Planned Development District are as allowed in the Neighborhood Services District, except as follows:
    a. Self Storage is permitted by right.
    b. As part of the storage development, one ancillary caretaker's quarters is permitted on Lot 2.
    c. Outside covered vehicle storage is permitted as shown on the concept plan.
2. A minimum of 25 parking spaces are required to serve the storage development
3. Exclusive of pedestrian gates for access and maintenance, masonry walls a minimum of 8-foot in height, are required between buildings A and B, B and C, C and D, D and E, E and F, F and G, and G and H.
4. Exclusive of pedestrian gates for access and maintenance, masonry walls a minimum of 8-foot in height, are required surrounding the northern 2 acre tract shown on Exhibit "C".
5. Both the real and self storage components must be constructed simultaneously with one phase.
6. No onsite repairs allowed.
7. All covered RV/Vehicle Storage areas shown on "Exhibit C" must be sprinkled where covering is greater than 6,000 square feet.

Notification Map



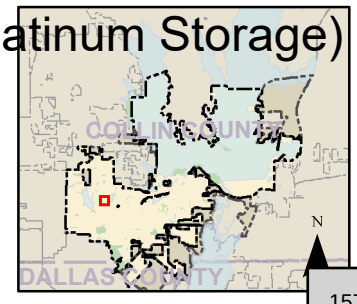
ZC 2021-17; CubeSmart Self Storage Expansion (Platinum Storage)

200 Foot Notifcation Buffer

Subject Property

0 115 230 460 690 920 Feet

CITY OF WYLIE



PUBLIC COMMENT FORM

(Please type or use black ink)

Department of Planning
300 Country Club Road
Building 100
Wylie, Texas 75098

✓ I am **FOR** the requested zoning as explained on the attached public notice for Zoning Case #2021-17.

____ I am **AGAINST** the requested zoning as explained on the attached public notice for Zoning Case #2021-17.

Please feel free to contact the Planning Department at 972.516.6320 with questions or concerns

Date, Location & Time of Planning & Zoning Commission meeting: Tuesday, July ~~20, 2021 6:00 pm~~
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Date, Location & Time of City Council meeting: Tuesday, August 10, 2021 6:00 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Deepak MADHAV
(please print)

Address: 1615 W. Brown St.
Wylie TX 75098

Signature: [signature]

Date: 6/20/21

COMMENTS:

CITY OF WYLIE

Wylie City Council
AGENDA REPORT

Department: Planning **Account Code:**

Prepared By: Jasen Haskins, AICP

Subject

Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF), to allow for single family development on 1.83 acres generally located at the southwest corner of Brown Street and WA Allen Boulevard. (ZC2021-19)

Recommendation

Motion to approve Item as presented.

Discussion

OWNER: Absar LLC **ENGINEER: ND & Associates**

The applicant is requesting to rezone 1.83 acres located on the southwest corner of Brown Street and W.A. Allen Blvd. The property is currently zoned Agricultural. The reason for the requested rezoning to a Planned Development is to allow for seven single-family lots that generally continue the existing and adjacent single-family zoning along W.A. Allen.

The Planned Development keeps the 10,000 square foot required minimum, but allows for a minimum lot width of 50' and increased rear setbacks of 50', due to the depth of the property. Additionally, the applicant is proposing to increase the dwelling unit minimum square footage to 2,800 sq. ft. in lieu of the 2,400 requirements in the zoning ordinance.

The properties adjacent to the subject property are zoned agricultural to the north, single-family residential to the west and south. The properties to the east are zoned neighborhood services and single-family residential. The subject property lies within the Sub-Urban Sector of the Comprehensive Land Use Plan. The proposed zoning and use are compatible with the Plan.

Notifications/Responses: 23 notifications were mailed; with one response received in favor of the request and none received in direct opposition.

Should the request be approved, the approval of a preliminary plat is required prior to development.

P&Z Commission Discussion

After some discussion regarding not requiring additional fencing in addition to the existing alley fencing, the additional 25' rear setback (total 50') to address privacy concerns, and addressing the proposed aesthetic (the property is subject to a building materials development agreement filed March 2021), the Commission voted 6-0 to recommend approval.

Financial Summary/Strategic Goals

Planning management

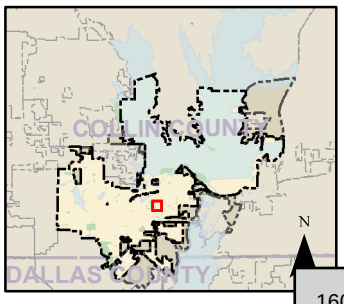
Locator Map

ZC 2021-19; Garden Homes; 1012 E Brown St

Subject Property

0 125 250 500 750 1,000 Feet

CITY OF WYLIE



VICINITY MAP
NOT TO SCALE

REQUIRED LOT AREA MIN 10,000 SFT EACH
PROPOSED LOT AREAS

LOT AREAS	in square feet
LOT#1	13,108
LOT#2	10,047
LOT#3	10,048
LOT#4	10,049
LOT#5	10,051
LOT#6	10,052
LOT#7	10,467

SITE PLAN
SCALE :1"=16'-0"

BUILDER
ABSAR LLC.
816 ARAF AVE,
RICHARDSON, TEXAS 75081
PHONE: 214 783 1815

DESIGN
MUHAMMAD M. RASHID
PHONE: 2147633441

PROPOSED LOT DIVISION
1012 E. BROWN STREET
WYLIE, TEXAS

Owner's Statement:
The Owner has reviewed and approved this plan for construction.
(Signature on File)

ISSUE DATE: JULY 09, 2021

DRAWING TITLE :
SITE PLAN

SHEET NO.
A1-0

Exhibit "B"
Planned Development Conditions
"Garden Homes"

I. PURPOSE:

The purpose of this Planned Development (PD) is to allow for the continuation of development of single family detached homes along WA Allen.

II. GENERAL CONDITIONS

A. This Planned Development District shall not affect any regulations within the City of Wylie Zoning Ordinance, current or as amended, except as specifically provided herein.

B. All regulations of the underlying Single Family 10/24 set forth in Article 3, section 3.2 of the Comprehensive Zoning Ordinance (adopted as of April 2021) shall apply except for the following:

Planned Development - Single Family (PD - SF)	
Lot size *(Minimum)*	
Lot Area (sq.ft.)	10,000
Lot Width (feet)	50
Lot width of corner lots (feet)	55
Dwelling Regulations	
Minimum Square Footage	2,800
Yard Requirements - Main Structure	
Front Yard (feet)	25
Side Yard (feet)	5
Side Yard Adjacent to Street (feet)	20
Rear Yard (feet)	50
Lot Coverage	50%
Height of Structure	
Main Structure (feet)	40
Accessory Structure (feet)	15

Notification Map

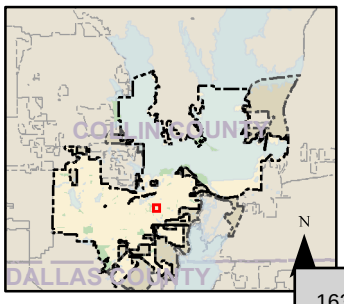
ZC 2021-19; Garden Homes; 1012 E Brown St

200 Foot Notifcation Buffer

Subject Property

0 87.5 175 350 525 700 Feet

CITY OF WYLIE



PUBLIC COMMENT FORM

(Please type or use black ink)

Department of Planning
300 Country Club Road
Building 100
Wylie, Texas 75098

X I am **FOR** the requested zoning as explained on the attached public notice for Zoning Case #2021-19.

____ I am **AGAINST** the requested zoning as explained on the attached public notice for Zoning Case #2021-19.

Please feel free to contact the Planning Department at 972.516.6320 with questions or concerns

Date, Location & Time of Planning & Zoning Commission meeting: Tuesday, July 20, 2021 6:00 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Date, Location & Time of City Council meeting: Tuesday, August 10, 2021 6:00 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Sam Mayfield
(please print)

Address: 113 N WA Allen Blvd

Signature: S Mayfield

Date: 6·30·2021

COMMENTS:

Better than previously proposed plans. Still concerned about traffic and parking along WA Allen. Especially in front (side) of Fire Station #3. Would like to see full plans. Also need green space to allow for proper drainage off the property. The proposed alley should help the drainage issue. May be too many lots for this small area to be used.

CITY OF WYLIE

[redacted]

Case Number 2021-19: Concerns from 102 Lyndhurst

1 message

Kyle Johnson [redacted] Mon, Jul 19, 2021 at 4:24 PM
To: planning@wylietexas.gov

Planning and Zoning Commission,

I'm writing to express my concerns about the proposed zoning change for the Garden Square Townhomes, case number 2021-19. My home is at 102 Lyndhurst Dr and shares a property line with the lot in question. I have a few concerns that I don't see addressed on the materials provided, therefore I cannot say that I am for this zoning change but if my concerns are addressed in a satisfactory manner I could be fine with the zoning change. I just need to understand the answers to my concerns listed below:

1. **Alley Privacy & Noise-** I hate the thought of having an alley right on the other side of my fence. In my experience living in homes that had alleys that's where problems especially those of a criminal nature occurred. My home has windows that let light in throughout the day only 20 feet from the fence. The idea of anyone being able to walk up and down the alley and peek through the fence into my house is a real problem. In addition to the privacy there will now be noise from vehicles including large trash vehicles right behind my house. I don't want to be disturbed by early morning trash or recycling pickups right behind my bedroom window.
    - **My Request -** Convert the existing neighborhood boundary fence to a board on board fence that is the same height as the existing fence and re-stain it on both sides. The board on board fence would also reduce the noise coming through the fence.
2. **Privacy between old homes and new homes -** My lot sits about 5 feet lower than the proposed site for the townhomes. I suspect the townhomes will be 2 stories. That will make it far too easy to look into my backyard or have a direct line of sight through my windows.
    - **My Request -** Plant mature deciduous trees between the townhomes and the Kreymer Estates homes along the fence line, large enough to block the view from the townhomes into my yard or looking into my windows.
3. **Resale Value** - I have a second story balcony on the back of my house. Whether I am in my backyard or on that balcony I currently have views of very large mature trees. I am extremely concerned about that view changing to looking at the back of townhomes and that in turn impacting the resale value of my home or even just the length of time it takes to sell my home.
    - **My Request -** Plant mature deciduous trees between the townhomes and the Kreymer Estates homes along the fence line, so that the view from my home is not townhomes.
4. **Alley Maintenance** - When the homes were first put in on Lyndhurst, neighbors further down the street were told they had to take care of lawn maintenance on the alley side of their fence. This is completely unreasonable given that we have no easy access to the alley side of the property line. Any maintenance on the alley side of the fence between the properties in question should not be the responsibility of the Kreymer Estates homeowners.
    - **My Request -** The developer, whose decision it is to pursue adding an alleyway, must commit to all maintenance on the alley side of the fence line on behalf of the future owners of the properties they are developing.

I'll plan to attend the meetings and I hope that there are satisfactory answers to the concerns posed above. I can certainly be moved to accept the zoning change as long as the developer is properly addressing the concerns of the neighbors.

Thanks,
Kyle Johnson
102 Lyndhurst Dr

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Planning **Account Code:**

Prepared By: Jasen Haskins, AICP

Subject

Hold a public hearing, consider, and act upon, a request for a variance to the distance requirement for alcohol establishments from a church or house of worship to allow for a distillery, property located at 702 N SH 78 (VC2021-01).

Recommendation

Motion to approve item as presented.

Discussion

The Applicants are the owners of Herman Marshall Distillery, currently located in Garland, Texas. The distillery owners want to move the business to Wylie as two of them are Wylie residents.

The applicant's preferred site for the distillery, located at 702 SH 78, meets the zoning requirements for the use with the exception of the distance from a church / house of worship. The Church is located at 701 N SH 78, which is a property adjacent to the proposed distillery site. The distance from the church to the distillery is ~200 ft., while the zoning ordinance calls for 300 ft. separation.

Texas Alcohol Beverage Code (109.33e) allows for a municipality that has enacted the allowed distance requirements to grant a variance to that requirement. The applicant is requesting a variance.

If approved, the applicant has stated that improvements will be made to the site including the removal of most of the chain link fencing, additional trees, shrubs, and other landscaping, along with another building for barrel storage. Staff has not seen the specifics of the site, which may require P&Z Commission approval.

Additionally, the applicant has stated:
Business hours are M-F 8-5; open to the public Sat. 10-6
There will be approx. 15 employees
There will be approx. one delivery truck per day (non-semi)

Notices were mailed to all property owners within 200 ft. At the time of publication one comment form in favor of the variance had been returned. Additionally, the EDC has had contact with the church leadership and reported they are not opposed to the variance. Lastly, there is a restaurant that serves alcohol in the same structure as the existing church, ~205 ft. distant.

Financial Summary/Strategic Goals

Planning Management

ment_2
Feet (US)
Measurement Result
201.3 Feet (US)
Clear
Press CTRL to enable snapping
Church
OAKS RETAIL
RAILROAD WYLIE
202 N 5th STREET TOWNHOMES
Proposed Distillery

PUBLIC COMMENT FORM

(Please type or use black ink)

Planning Department
300 Country Club Road
Building 100
Wylie, Texas 75098

✓ I am **FOR** the requested variance as explained on the attached public notice for VC Case #2021-01.

____ I am **AGAINST** the requested variance as explained on the attached public notice for VC Case #2021-01.

Date, Location & Time of Planning & Zoning Commission meeting: Tuesday August 10, 2021 at 6:00 pm
Municipal Complex, 300 Country Club Road, Building 100, Wylie, Texas

Name: Shaun Ireland
(please print)
Address: 201 Spence Dr.
Wylie TX 75098
Signature: Shaun Ireland
Date: 7/21/21

COMMENTS:

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Finance **Account Code:**

Prepared By: Melissa Beard

Subject

Consider, and act upon, Resolution No. 2021-22(R) of the City Council of the City of Wylie, Texas, accepting the proposed property tax rate for the fiscal year 2021-22, accepting the calculation of the no new revenue tax rate and the voter approval tax rate, establishing August 24, 2021 at 6:00 p.m. at the City of Wylie Municipal Complex for a public hearing and vote on the proposed property tax rate, and providing for the publication as provided by the Texas Property Tax Code, Chapter 26.

Recommendation

Motion to approve Item as presented.

Discussion

The City is required by law to follow certain meeting and notice (publication) guidelines identified in the "Truth in Taxation" Tax Codes. In accordance with the laws of the State of Texas, the no new revenue tax rate, the voter approval tax rate and other information must be published and a public hearing must be held. This year's no new revenue rate is $0.643751 and the voter approval tax rate is $0.660365.

The proposed 2021-22 budget is based on a tax rate of $0.643751 per $100 valuation. The proposed rate is the no new revenue tax rate and is $0.028828 less than the current rate. This rate reduction continues a ten-year trend of reducing the tax rate cumulatively by $0.25.5 or 27.6%.

The proposed budget was placed on file with the City Secretary's office on August 5. Any changes in the proposed tax rate will require revision of the proposed budget. The City Council is required to vote on the proposed tax rate tonight and publish the required information at least five days prior to the public hearing on August 24. The notice of public hearing will include how each council member voted. This year, the council may adopt the tax rate at the same meeting as the public hearing. If a tax rate is not adopted on August 24, a special called meeting must be held within seven days (August 31) to adopt a rate. [Tax Code 26.06(e)]

The official detailed tax rate calculations are available in the office of the Collin County Tax Assessor/Collector, Kenneth L. Maun, in McKinney. Citizens may also find a five-year history of this information on the county website, collincountytx.gov/tax_assessor. The current year calculation will also be available at the Collin County Appraisal District's Tax Transparency Website, https://collintaxes.org/. A copy of the calculation is also maintained in the Finance Department and will be posted to our website.

Financial Summary/Strategic Goals

RESOLUTION NO. 2021-22(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, ACCEPTING THE PROPOSED PROPERTY TAX RATE FOR FISCAL YEAR 2021-2022; ACCEPTING THE CALCULATION OF THE NO NEW REVENUE TAX RATE; ACCEPTING THE CALCULATION OF THE VOTER APPROVAL TAX RATE AND PROVIDING FOR THE PUBLICATION AS PROVIDED BY THE TEXAS PROPERTY TAX CODE, CHAPTER 26.

WHEREAS, the City of Wylie has received the calculated no new revenue tax rate as presented by the Collin County Tax Assessor/Collector's Office; and

WHEREAS, the City of Wylie has received the calculated voter approval tax rate as presented by the Collin County Tax Assessor/Collector's Office; and

WHEREAS, the Texas Property Tax Code, Chapter 26, provides the specific procedures in which to consider the proposed tax rate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1. The City Council of the City of Wylie, Texas, does hereby accept the rate of $0.643751 per $100 valuation as the proposed property tax rate for fiscal year 2021-2022.

SECTION 2. The City Council of the City of Wylie, Texas, met in a public meeting on August 10, 2021, and accepted this resolution with a majority vote.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 10th day of August, 2021.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Finance **Account Code:**

Prepared By: Melissa Beard

Subject

Establish a date, time, and place to hold a Public Hearing on the fiscal year 2021-2022 Proposed Budget so that all interested persons may be heard, either for or against any item in the proposed budget before final approval. The date, time and place for the hearing and the final vote will be published in the City's official newspaper, as provided by the Texas Local Government Code, Section 102.006.

Recommendation

Motion establishing August 24, 2021 at 6:00 p.m. in the Council Chambers of the Wylie Municipal Complex, 300 Country Club Road, Wylie, Texas as the date, time, and place at which the Public Hearing will occur and Council will vote on the final budget.

Discussion

Texas Local Government Code, Section 102.006 and the City's Charter require a Public Hearing to be held on the 2021-2022 Proposed Budget. Council must establish a date, time, and place for the Public Hearing so that all interested persons may be heard, either for or against any item on the proposed budget before final approval.

The date, time, and place for the hearing and the final vote will be published in the City's official newspaper and posted on the City's website. The hearing date must be at least 15 days after the proposed budget was filed with the City Secretary (August 5) and the notice must be published at least five days before the hearing. Staff recommends August 24, 2021 at 6:00 p.m. in the Council Chambers of the Municipal Complex.

Financial Summary/Strategic Goals

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Purchasing **Account Code:**

Prepared By: Glenna Hayes

Subject

Overview of General Purchasing Methods Utilized by the City of Wylie.

Recommendation

Discussion

Financial Summary/Strategic Goals

PURCHASING IN A NUT SHELL

City Policy:

- Approved budget funding determines the process.
- Procurement laws kick-in at $3,000
- $40,000 + Bid or purchase from an interlocal or cooperative agreement

We Have Options:

- LOW BID
- BEST VALUE BID
- REQUEST FOR PROPOSALS
- REQUESTS FOR QUALIFICATIONS
- CONSTRUCTION

It’s your time to reclaim the “CAVE” and find what you need, when you need it!

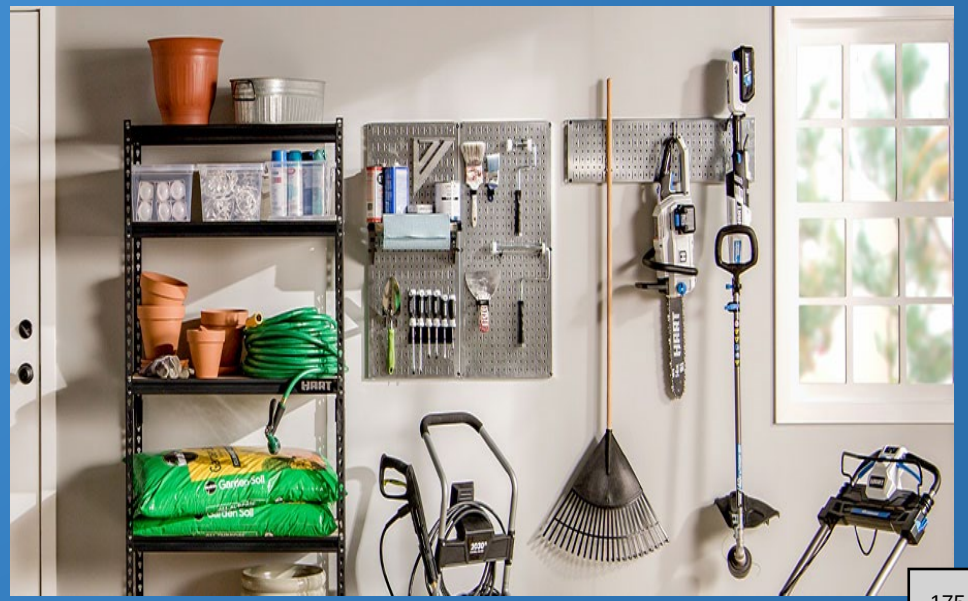
Planning & Budget / Specification Development / Purchase

LOW BID PROCESS:

- **Planning & Budget**: You spend a little time staring at the mess, plan the outcome and determine how much money you can afford to spend!

- **Specification Development**: You develop a list of specific sized containers and a couple of racks. Maybe some peg board and pegs. You know how many you need of each item. And you want to know when can it be delivered?

- **Purchase**: You know exactly what you want, and you want to buy it at the **lowest fixed price possible,** and receive everything by the weekend you've set aside for your project.
- The price is the price.



BEST VALUE BID: The CAVE looks great – but maybe just a little more!

- **Planning & Budget**: You spend a little time determining what else you want, and determine how much money you can spend!

- **Specification Development**: You develop a list to include ready-made cabinets and a stereo. Again, you know what shapes and sizes of cabinet you need, but some vendors offer "more" than others. What's the delivery time? Are there any discounts or extended warranties? Is there an installation team to help you? You tell the vendors how important the "extras" are to you.

- **Purchase**: You submit your detailed list to several vendors, and they send you quotes. There are factors that are more important just the fixed price, and you review each to determine which provides the **best overall bang for the buck**. The price is the price, and you may decide to pay a little more to get more!

REQUEST FOR PROPOSALS:

You've got cabinets, music, and a cold beverage but you want to add more and you're not sure how to accomplish that!

- **Planning & Budget**: You have your basic "cave", but you'd like to be able to watch your favorite football game with a great surround-sound system, have an awesome floor finish, and maybe a better way to work on your motorcycle. You check the bank account.

- **Specification Development**: You know what you have (Point A) and where you'd like to end up (Point B). You put that in writing, and include your budget and your timeline. You might include some photos of your space and a drawing of what you'd like. Most importantly you talk about the functionalities, and you let the vendors know how important those items are to you.

- **Purchase**: You submit your request to several vendors. Each response will be unique and offer you a variety of options. You talk to the vendors, and you can negotiate the fine points and price of the project to reach an agreement. You enter into a contract and your project starts.

REQUEST FOR QUALIFICATIONS:

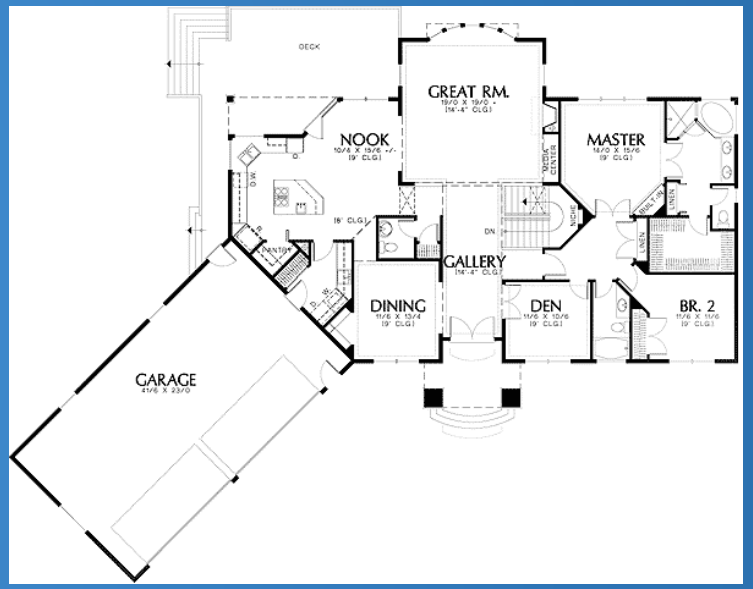
You love your organized garage, so easy to find things! You've got cabinets, a cold beverage, a TV and your favorite music playing while you work on your motorcycle … **but you want a lot more**!

You want to add onto the garage, install a hoist; add a security system and an upstairs balcony "hang out" area. In other words, you're going to completely restructure the area and that's going to **require a PROFESSIONAL!**

- **Planning & Budget**: You're going to need to hire an engineer to see if your existing structure can accommodate the upgrades you want and an architect to design it. And you check the bank account for available funds or financing.

- **Architect / Engineer**: You hire the appropriate professionals based on their qualifications for your specific project (Request for Qualifications). No low-bid engineers or architects for you!

- **Specification Development**: Your professionals finalize the plans with you and give you an "opinion of construction cost". If you can afford the design – voila', you're off and running. Otherwise you'll make some necessary changes with the architect.



CONSTRUCTION: You've got options!

- **Low Bid** - Send your plans out, receive offers and sign a contract with the lowest responsible bidder. Could save you money up front, but may cost you more in the long run if the contractor under bid.

- **CMAR** (Construction Manager at Risk) - you hire a construction manager who works with your architect early in the design process. They bring their expertise to the team to keep control of the costs and will make recommendations on materials. The CMAR will agree to a guaranteed construction cost.

- **CMA** (Construction Manager Agent) – you could hire an agent to represent you, but they will only provide consultation or administrative services. You'll still need to hire the trades.

- **Design Build** - You could sign with a single contractor to provide both the design and the construction, but that could limit your choices. You may want an independent architect who is a specialist.

- **Job Order Contract** - You could hire a contractor under Job Order Contracting, but that is really for recurring repairs or renovations. You have just this single job and its new construction.

Purchase: You sign your agreement with your contractor, they work with your architect and the fun begins! You're monitoring the work based on the professional design plans, permits and inspections, and keeping track of all of the expenses and invoices to stay on budget during construction.

KICK BACK & ENJOY!

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Police **Account Code:**

Prepared By: Anthony Henderson

Subject

Discuss the Police Department recruiting, hiring, retention, and attrition.

Recommendation

Direction from Council.

Discussion

Financial Summary/Strategic Goals

CITY OF WYLIE

POLICE DEPARTMENT

Staffing Presentation | August 10, 2021

MISSION

CITY OF WYLIE

MISSION STATEMENT

"To make Wylie a safe place to live, work, and visit"

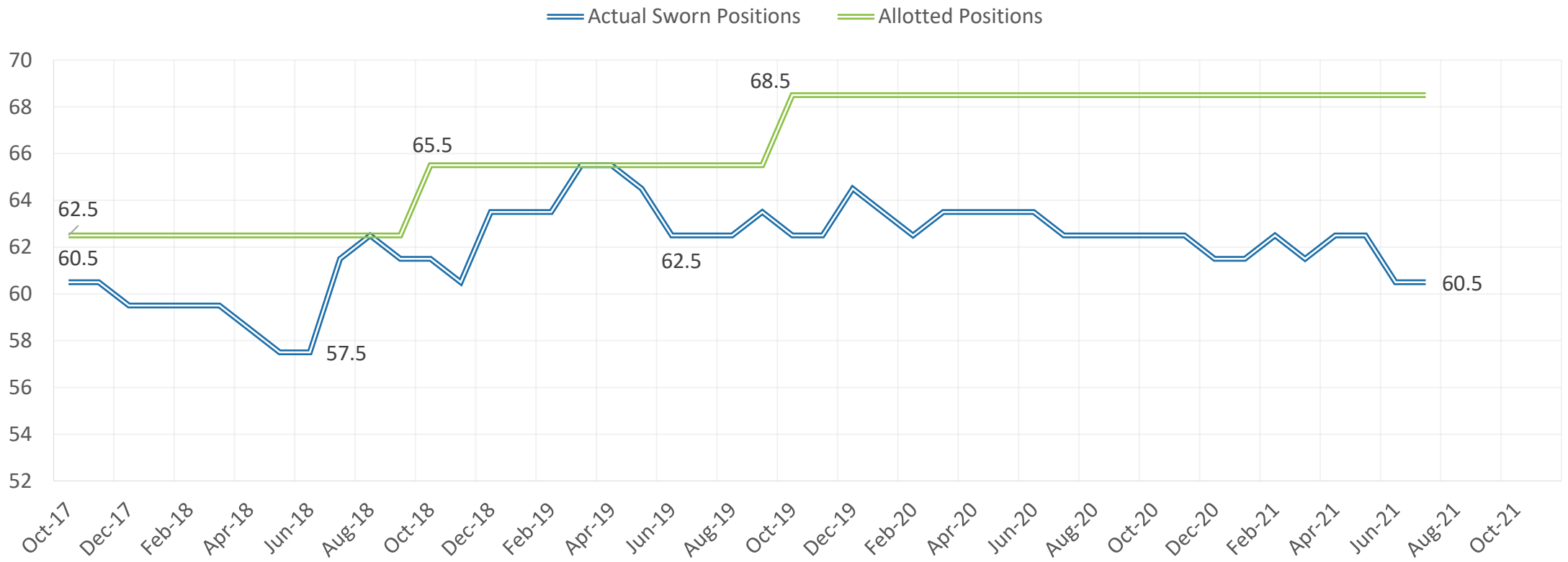
CORE VALUES

- Ethics
- Servant leadership
- Hard work
- Positive Attitude
- Support

Strength. Courage. Valor.

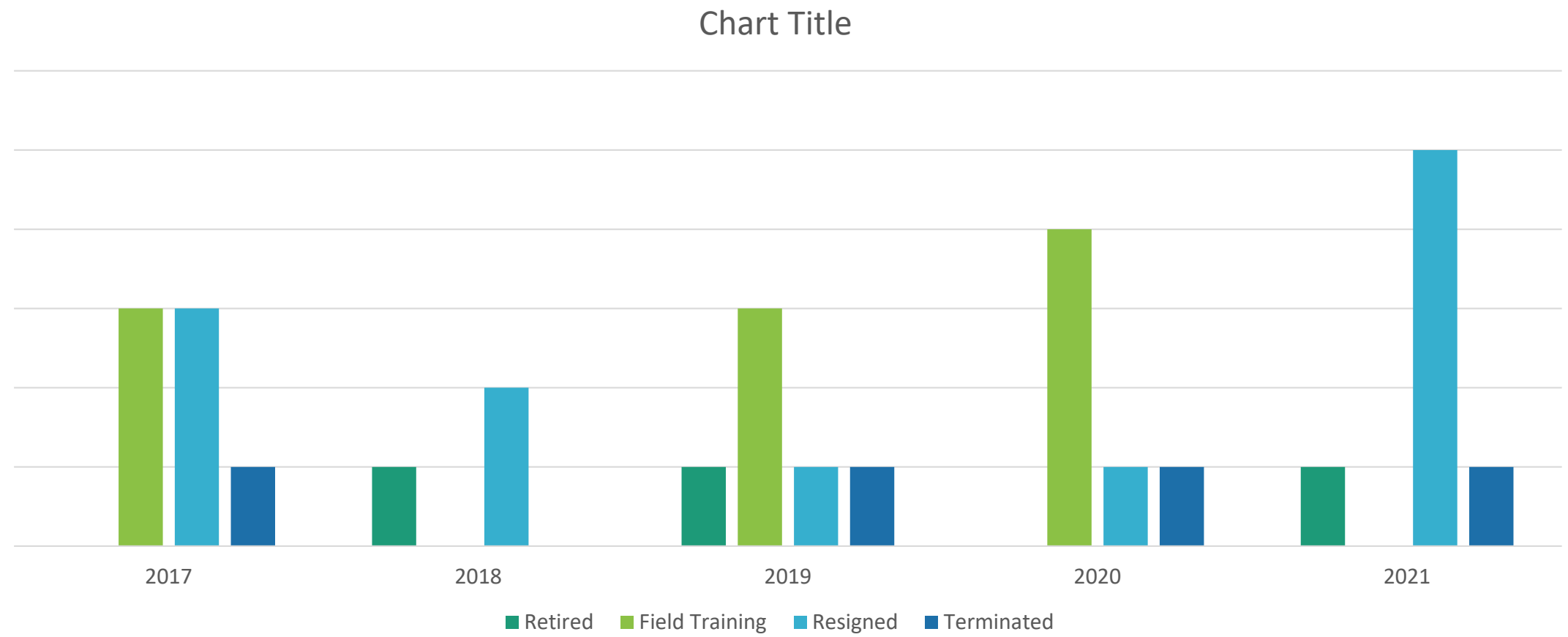
Wylie PD Staffing

SWORN PERSONNEL – ATTRITION FROM FY2018-CURRENT

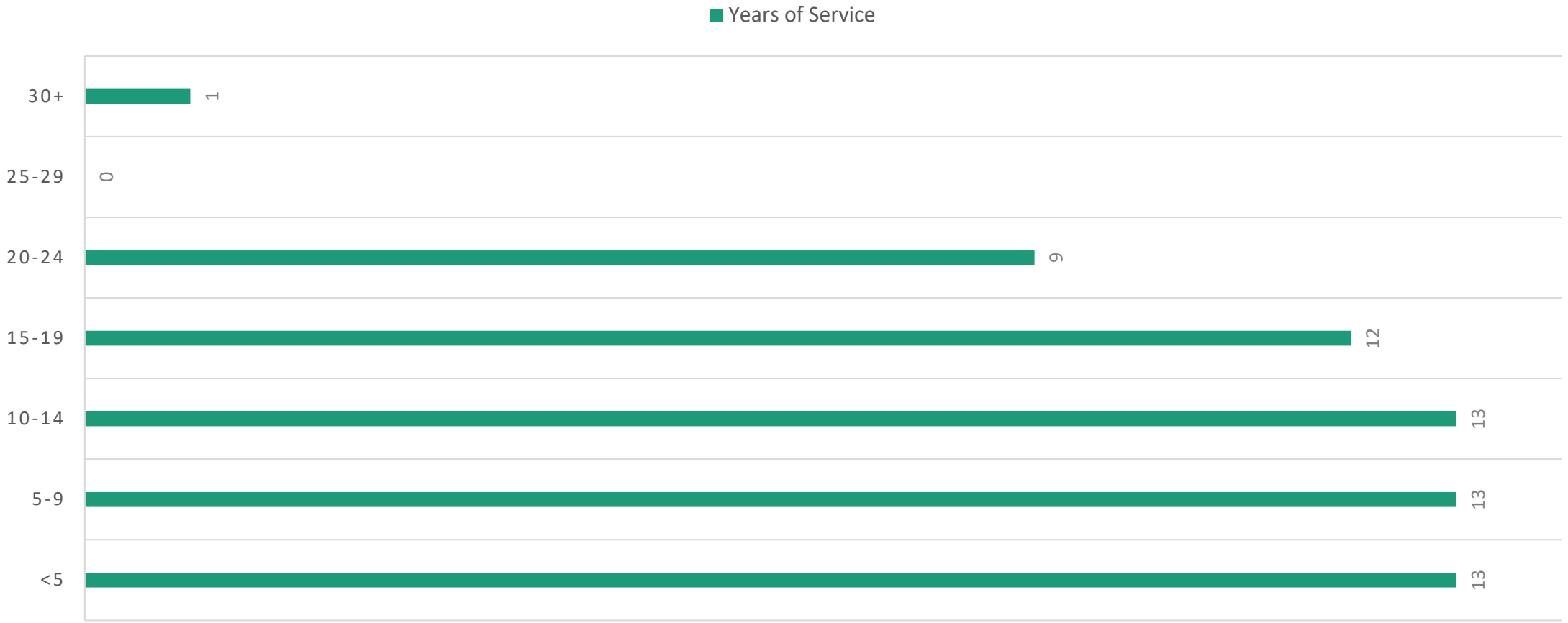


CITY OF WYLIE

Reason for Attrition



Years of Service – Sworn Personnel

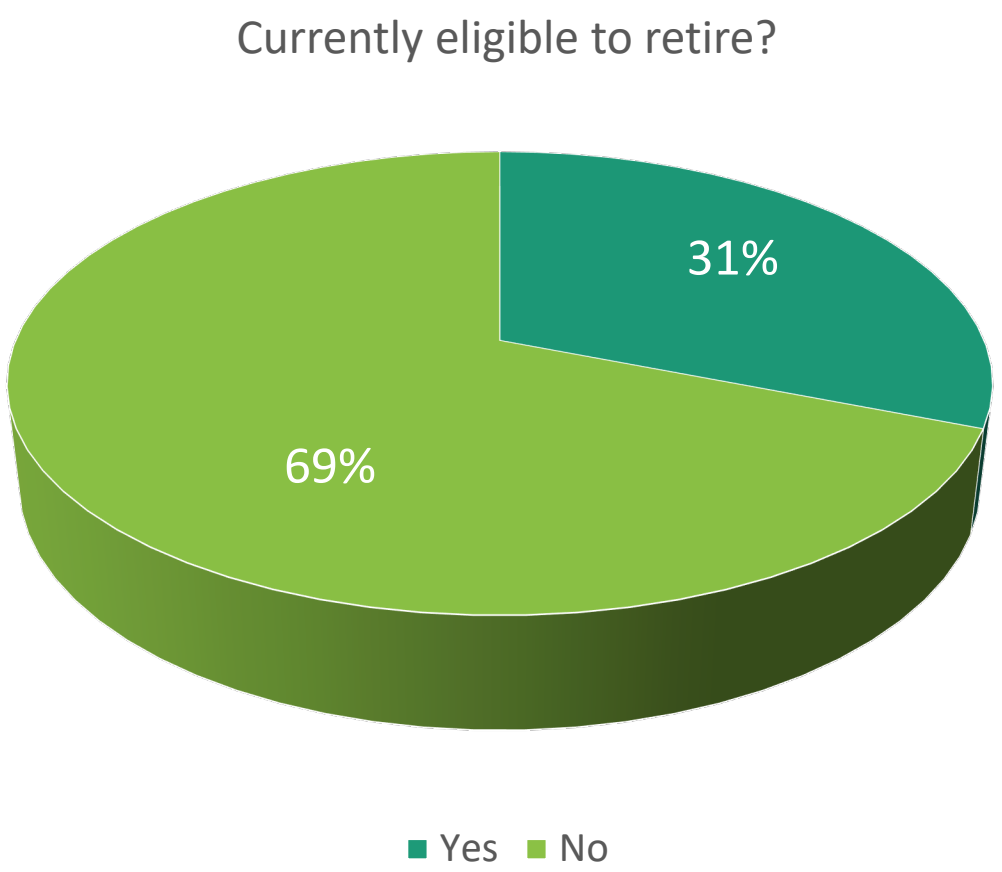


CITY OF WYLIE

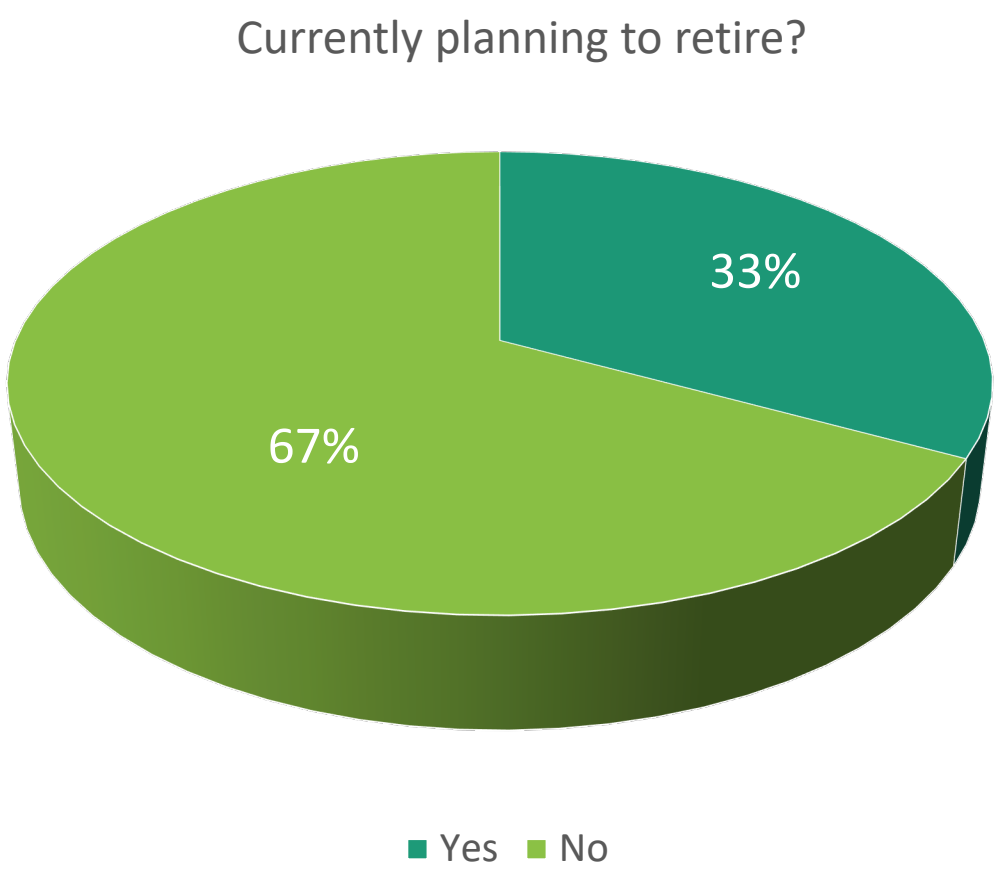
Internal Survey – Sworn Personnel

- Conducted an internal Google survey.
- A total of 48 sworn officers participated in the survey.
- Makes up 79% of the current sworn staff.
- Key areas of focus.
  - Current number of officers eligible to retire.
  - Number of officers planning on retiring within the next 10 years.

Current Eligibility

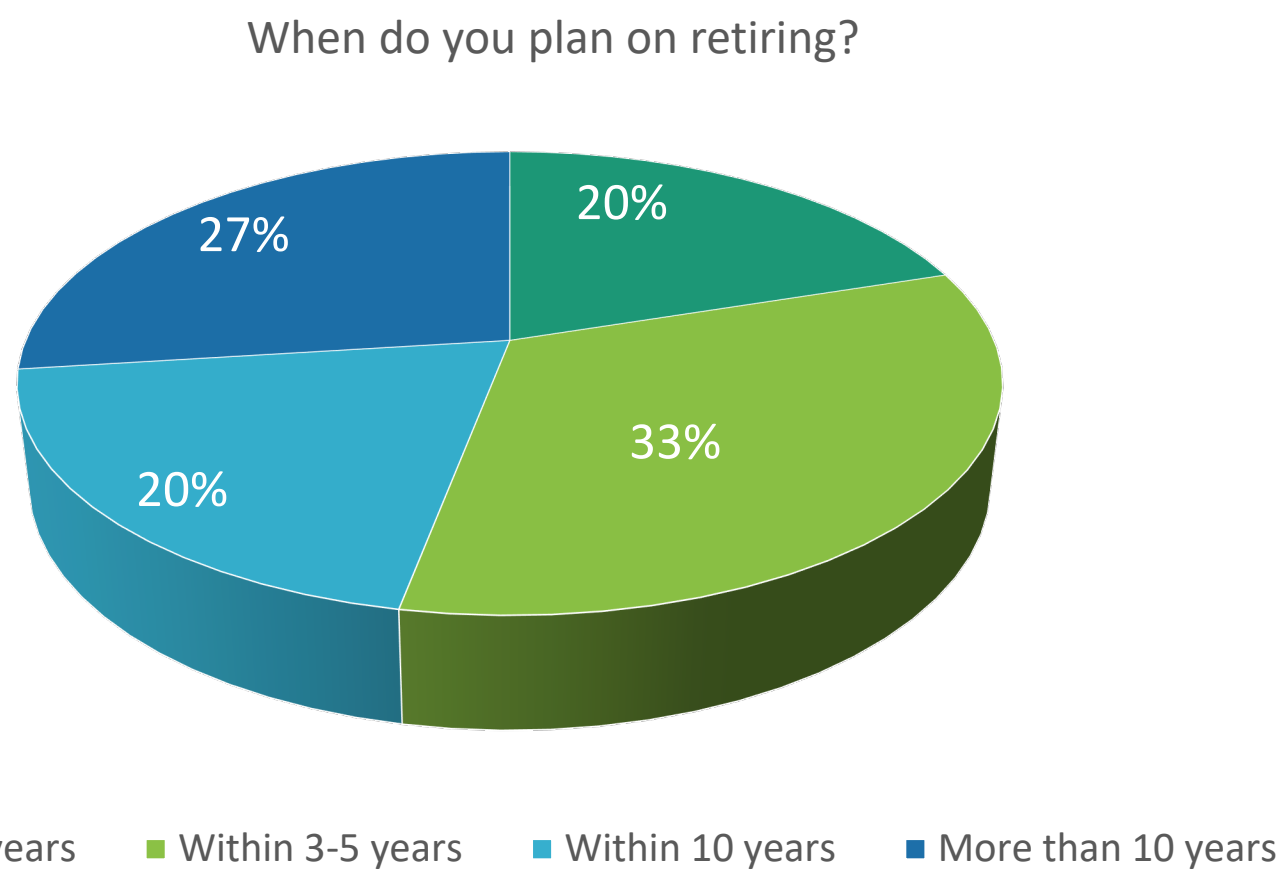


Planning on Retirement

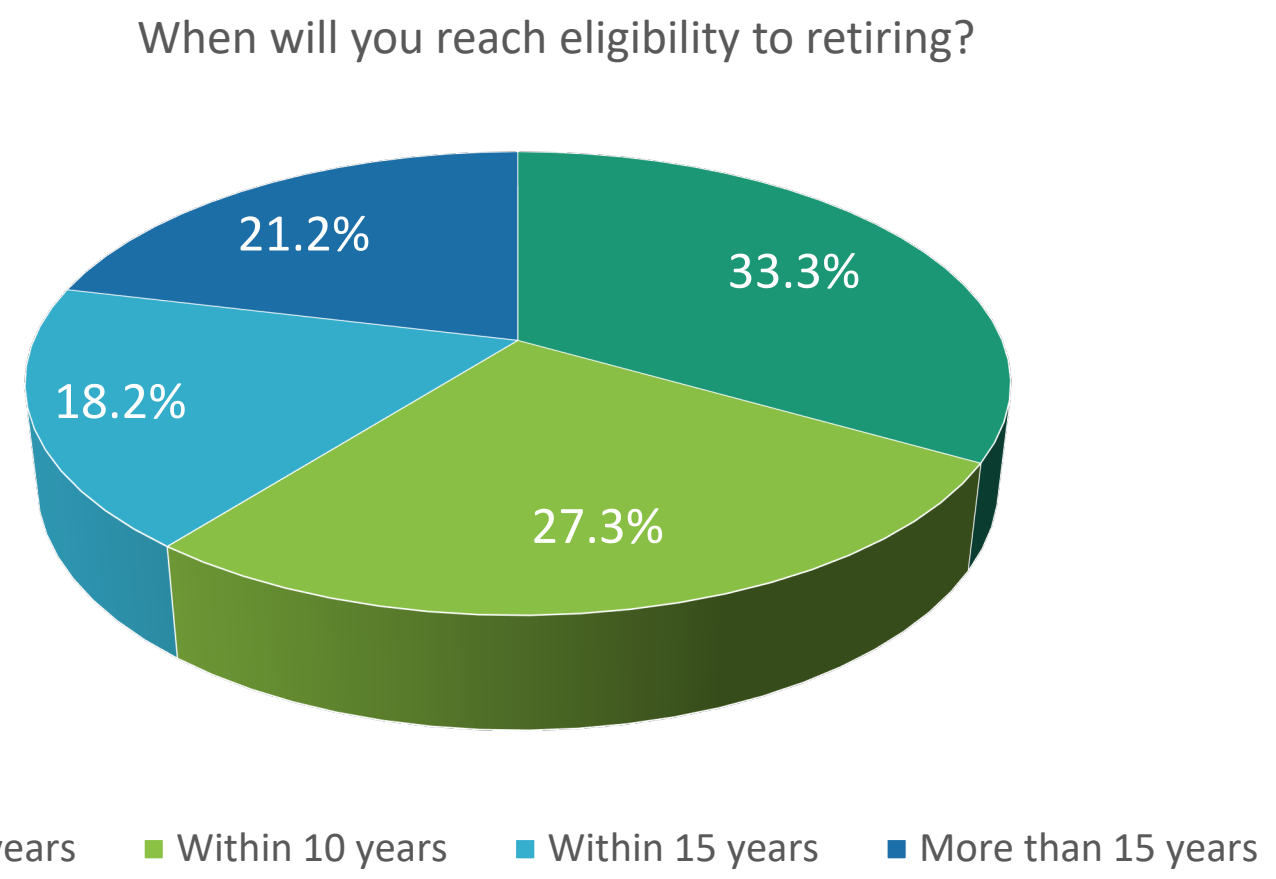


CITY OF WYLIE

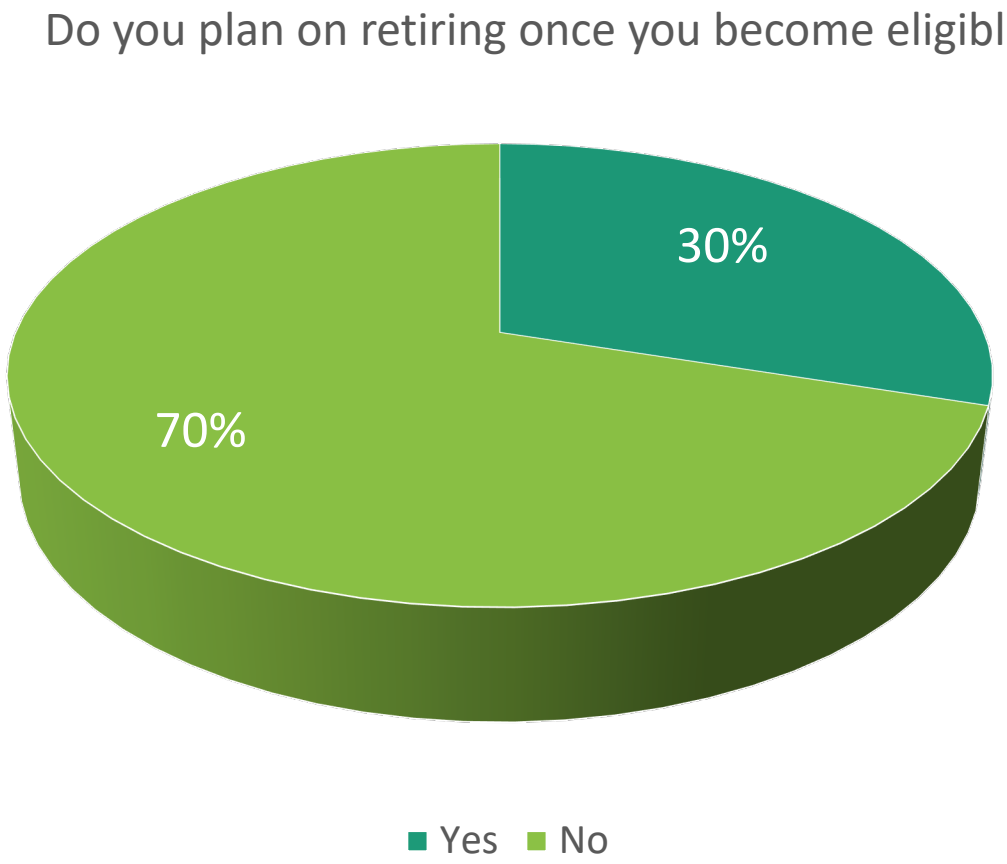
Timeline for Retirement



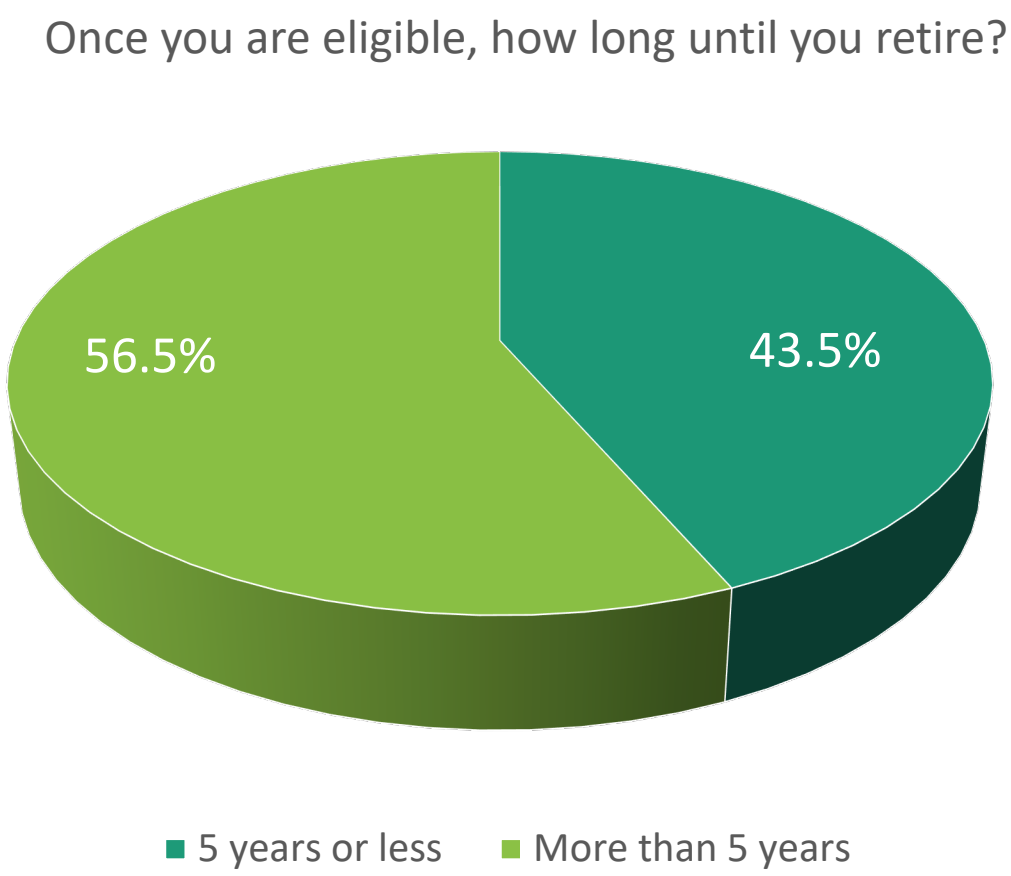
Not Currently Eligible



Not Currently Eligible



Becoming Eligible



CITY OF WYLIE

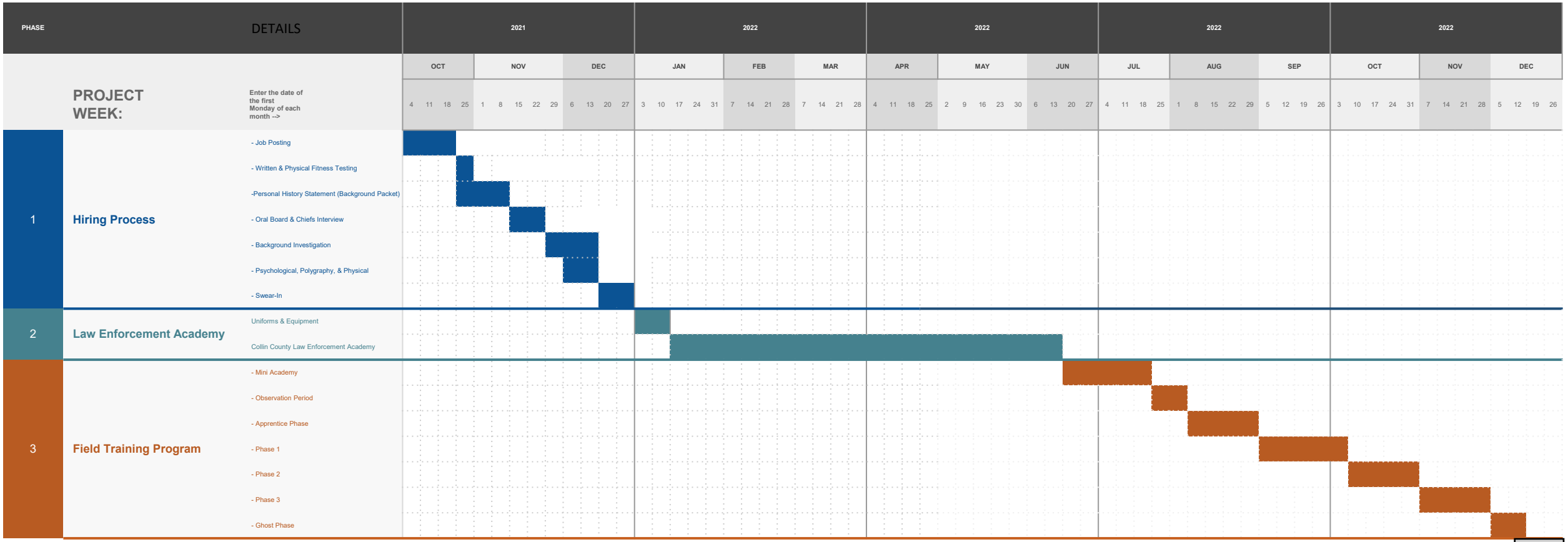
Departmental Overview

- The department currently has 3 open positions.
- Two employees currently attending the law enforcement academy.
- Four conditional job offers have been given.
- Three officers currently in the Field Training Program.
- Fifteen officers currently eligible to retire.
  - Three in the next 1-2 years.
  - Five within 5 years.
- Current attrition rate of 5.8 over past five years.

CITY OF WYLIE

Non-Certified

NON-CERTIFIED TIMELINE



CITY OF WYLIE

Certified with Experience

CERTIFIED TIMELINE

PHASE		DETAILS	2021												2022												2022											
			OCT				NOV				DEC				JAN				FEB				MAR				APR				MAY				JUN			
	PROJECT WEEK:	Enter the date of the first Monday of each month -->	4	11	18	25	1	8	15	22	29	6	13	20	27	3	10	17	24	31	7	14	21	28	7	14	21	28	4	11	18	25	2	9	16	23	30	6	13	20	27
1	Hiring Process	- Job Posting																																					
		- Written & Physical Fitness Testing																																					
		-Personal History Statement (Background Packet)																																					
		- Oral Board & Chiefs Interview																																					
		- Background Investigation																																					
		- Psychological, Polygraphy, & Physical																																					
		- Swear-In																																					
3	Field Training Program	- Mini Academy																																					
		- Observation Period																																					
		- Phase 1																																					
		- Phase 2																																					
		- Ghost Phase																																					

CITY OF WYLIE

Discussion

- Consider funding additional sworn positions above the current allotted number.
  - Will help address attrition
  - Reduces the amount of time it takes to replace an officer
  - Ensures shifts remain above minimum
  - Reduces overtime and officer burnout associated with backfill shifts

CITY OF WYLIE

Questions?

Staffing Presentation | August 10, 2021

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Fire **Account Code:**

Prepared By: Fire - Casey Nash

Subject

Discuss Wylie Emergency Medical Services.

Recommendation

Direction from Council.

Discussion

Wylie Emergency Medical Services:
Our current EMS coalition consists of Wylie, Parker, Lavon, and areas of Collin County.

The system continues to grow rapidly and requires detailed planning. This contract is set to expire in October 2024. Wylie Fire would like to present and discuss the future options for providing Emergency Medical Services in the future in order to proactively plan for the near future.

Financial Summary/Strategic Goals

Wylie Fire Rescue

The future of Wylie Emergency Medical Services

Mission statement:

"To dedicate ourselves to providing a progressive department of professionally trained and equipped personnel in order to protect the lives, property and environment of our community."

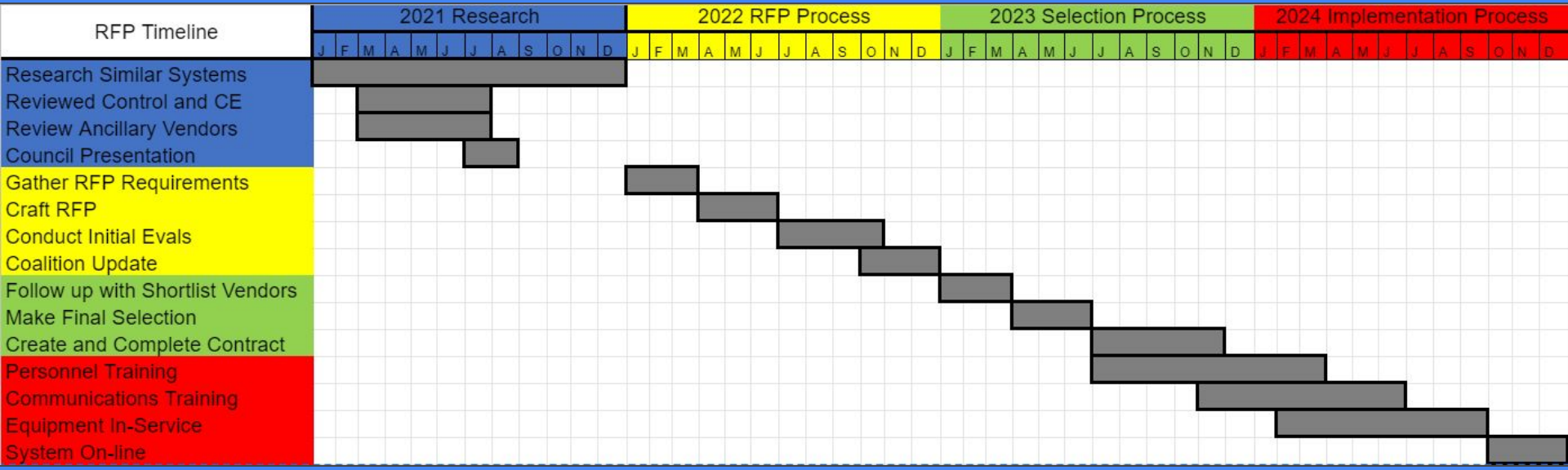
Purpose

We are looking for your input on the discussed options.

Are there other options that council would like additional information on?

Is the city council comfortable with the current model or would you prefer it be brought in-house?

Overview of the next three years



Southeast Collin County EMS Coalition

The initial coalition agreement included Wylie, Sachse, Murphy, Lucas, St. Paul, Lavon, Parker, and Collin County

The current coalition consists of Wylie, Parker, Lavon, and St. Paul, and Collin County

History of the Current Agreement

October 1997

This date marks the first coalition agreement with East Texas EMS

October 1st, 2014

On this date our current agreement for ambulance service went into effect.

Feb. 13th, 2018

On this date the agreement was transferred from ETMC to Paramedics Plus.

October 1st, 2019

The agreement had one automatic 5-year renewal term that began on this date.

October 1st, 2024

This marks the end of the current ambulance provider agreement.

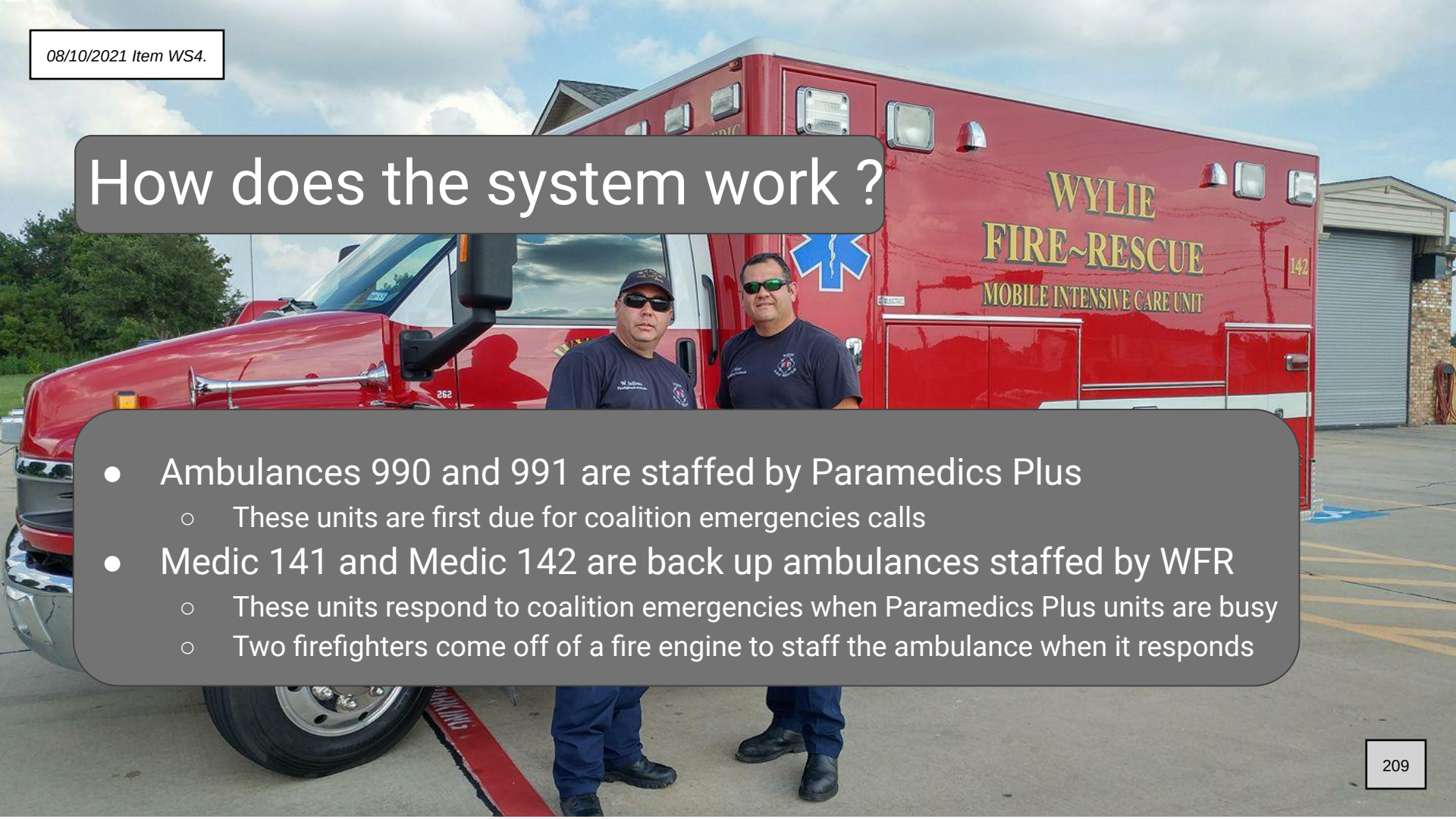
2021 Subsidy Breakdown

City	Population	Percent	Annual Subsidy	Monthly Subsidy	FY20 Pop	FY20 %
Lavon	4,210	6%	14,538.52	1,211.54	3510	6.00%
Wylie	51,730	80%	178,640.75	14,886.73	49500	81.00%
Parker	5,250	8%	18,129.98	1,510.83	4600	8.00%
St. Paul	1,090	2%	3,764.13	313.68	1090	2.00%
Collin County	2,610	4%	9,013.19	751.10	2569	4.00%
Total	64,890	100%	224,086.56	18,673.88		

Current System

- All of our quints are cross-staffed with FF/Paramedics
- The apparatus are equipped with the same advanced life support equipment as the ambulances
- Our goal is to get a quint or an ambulance to the patient quickly in order to begin advanced care and initiate life saving support quickly.

How does the system work ?

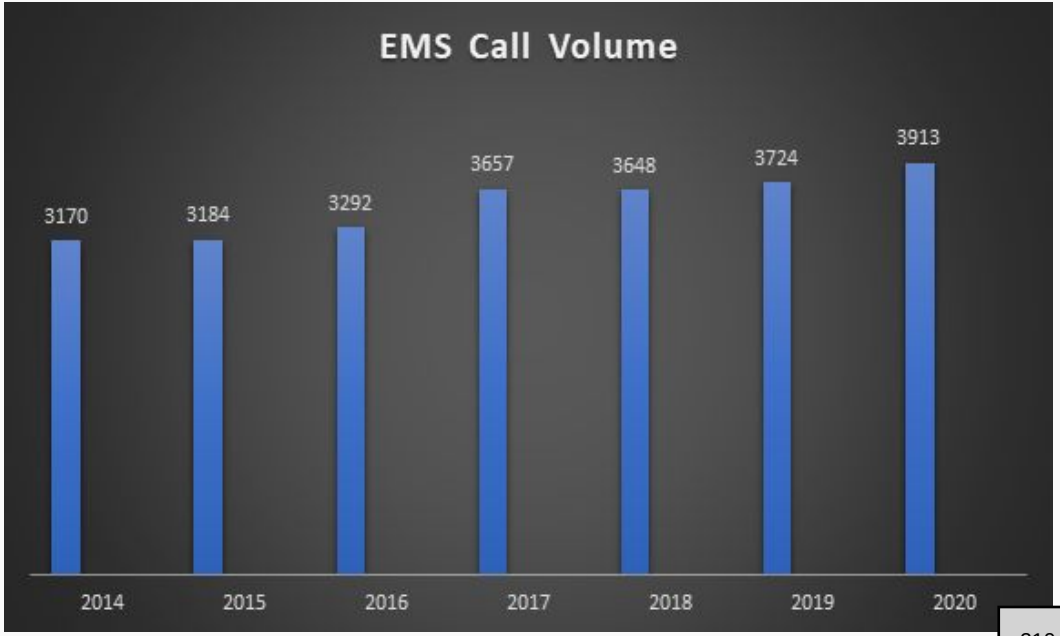


- Ambulances 990 and 991 are staffed by Paramedics Plus
  - These units are first due for coalition emergencies calls
- Medic 141 and Medic 142 are back up ambulances staffed by WFR
  - These units respond to coalition emergencies when Paramedics Plus units are busy
  - Two firefighters come off of a fire engine to staff the ambulance when it responds

Growing Demand

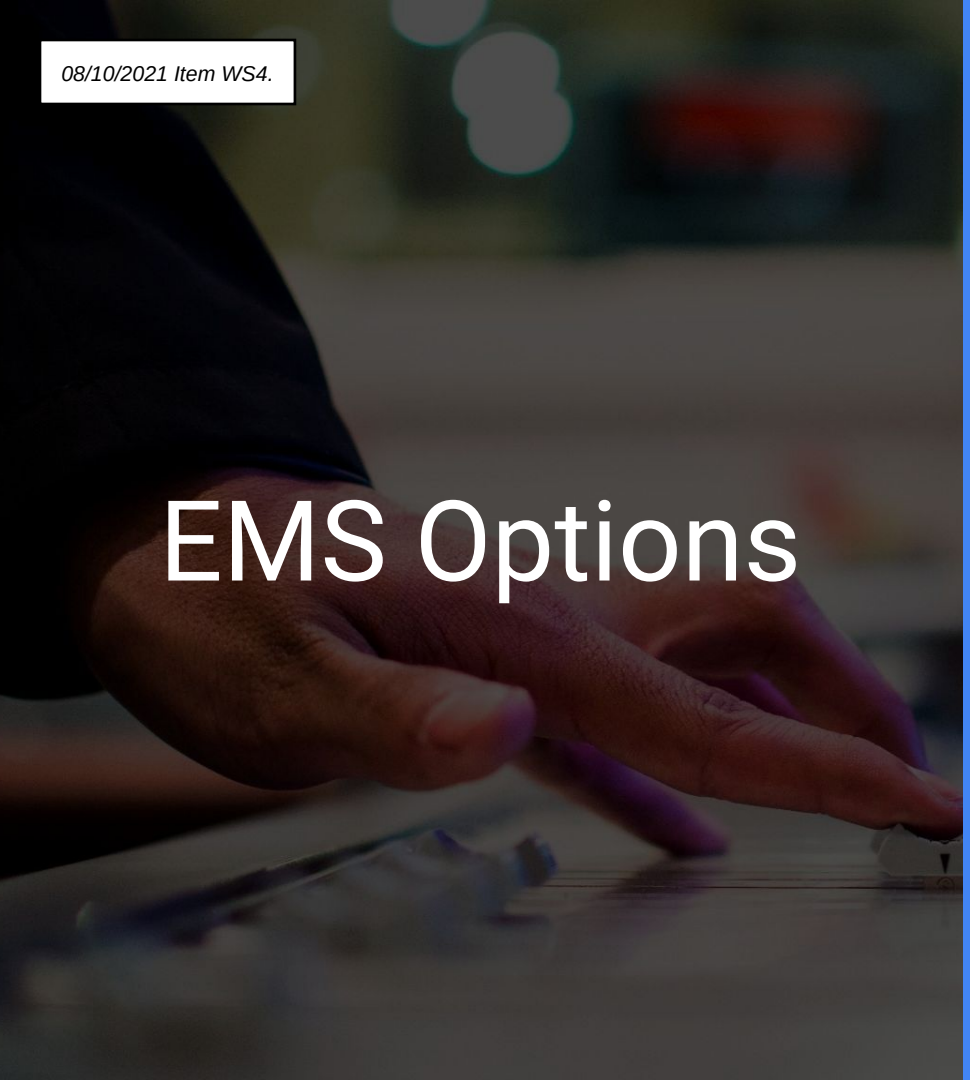
Our current ambulance contract expires in October, 2024.

We anticipate that EMS call volume will grow more rapidly over the next five years due to both Wylie and coalition demand.



WFR Ambulance Call Volume- M141 & M142

- 2018- 182 calls
- 2019- 205 calls
- 2020- 310 calls
- 2021- 254 calls (First 6 Months)
  - 508 projected Medic 141 & 142 calls



EMS Options

1. Establish FD based ambulance service utilizing firefighter/ Paramedics
2. Initiate RFP process with the goal of maintaining the current system (Private Vendor)
3. Establish a City of Wylie EMS Division
4. Become part of a larger system

Option 1

Establish Fire-based ambulance service utilizing Firefighter/ Paramedics

This option focuses on Wylie Fire Rescue taking over all ambulance services using firefighter paramedics.

Option #1 Fire Based EMS

Pros

- Most common municipal model
- Complete control and oversight of the system
- Employee retention will lead to better consistency
- Flexibility with staffing
  - Cross-trained employees
- Reduces wear and tear on apparatus
- Increased availability of fire apparatus

Cons

- Most expensive option
  - Additional staffing expenses
- Added responsibility of billing services
- Administrative functions brought in-house

Already in place

- State licensure for Personnel and apparatus
- Medication and supply vendor agreements
- Electronic Patient Care Reporting
- Technology
  - Heart monitors
  - Radios
  - Mobile Data Computers etc.

Necessary additions

- Staffing
- Administrative support
- Ambulances
- Medical Control
- EMS Billing
- Biohazard disposal
- O2 Supply

Option 2

Initiate RFP process with the goal of maintaining the current system (Private Partner)

The City of Wylie has partnered with ETMC/Paramedics Plus for two decades. This unique model has been fiscally responsible and has provided our community with high-quality EMS. The current vendor has allowed Wylie Fire to have a significant amount of oversight. Option #2 presents the opportunity of continuing this model with a private vendor.

Option #2 RFP Private Partner

Pros

- Familiarization
- Least amount of departmental transition
- Historically affordable
- Many administrative functions currently handled by vendor

Cons

- Anticipated cost increase
- Paramedics Plus does not have the same footprint or system support as ETMC offered.
- For profit status/longevity concerns.
- If another vendor is selected there will be several transitional challenges- current 24 year relationship
- RFP vendor exclusions

Option 3

Establish a City of Wylie EMS Division

This option focuses on the City of Wylie taking over emergency medical services by creating a new Emergency Medical Division. This EMS division would operate under the fire department but would employ only paramedics and EMT basics instead of utilizing firefighters.

Option #3 Wylie EMS Division

Pros

- Complete control and oversight of the system
- Employee retention will lead to better consistency
- More affordable staffing than utilizing firefighter paramedics
- Larger hiring pool
- Dedicated EMS employees

Cons

- Added expenses to the current model
- All administrative functions brought in-house

Already in place

- State licensure for Personnel and apparatus
- Medication and supply vendor agreements
- Electronic Patient Care Reporting
- Technology
  - Heart monitors
  - Radios
  - Mobile Data Computers etc.

Necessary additions

- Staffing
- Administrative support
- Ambulances
- Medical Control
- EMS Billing
- Biohazard disposal
- O2 Supply

Option 4

Become Part of a Larger System

Option 4 involves contracting with a larger area system. This model is popular in some areas of the state. While it seems fiscally appealing, there would be significant changes to response times and fire department oversight.

Option #4 Become part of a larger system

Pros

- Least expensive of the options

Cons

- No dedicated Wylie units
- Longer response times
- Limited opportunity for Wylie Fire oversight

Feedback on Proposed Options

We are looking for your input on the discussed options.

Are there other options that council would like additional information on?

Is the city council comfortable with the current model, or would you prefer it be brought in-house?

Questions?

Revenue

- EMS billing
- Revenue from coalition partners

Expenses

Medical Control	$70,000 Annually
3 Ambulances	$350,000 per unit ○ $1,050,000
Personnel x20 ○ Could be reduced by 6	$2,080,000 Annually
Medications and supplies	$10,000/ ambulance ○ $30,000
Biohazard/Oxygen	$2,400 Annually
Implementation Cost	$3,232,400