

Wylie City Council Regular Meeting

September 14, 2021 – 6:00 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS & RECOGNITIONS

PR1. Hispanic Heritage Month

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 August 24, 2021 Regular City Council Meeting minutes.
- B. Consider, and act upon, Resolution No. 2021-26(R) approving the current Investment Policy as required by the Texas Government Code, Chapter 2256, Public Funds Investment Act, Subchapter A - Authorized Investments for Governmental Entities.
- C. Consider, and act upon, approval of the Purchasing Policies.
- D. Consider, and act upon, approval of the Debt Management Policy.
- E. Consider, and act upon, approving the Financial Management Policies.
- F. Consider, and act upon, Ordinance No. 2021-45 for a change of zoning from Commercial Corridor (CC) to Planned Development - Commercial Corridor (PD-CC), to allow for commercial development on 7.79 acres generally located at the northeast corner of North State Highway 78 and Eubanks Lane (ZC2021-20).
- G. Consider, and act upon, a Preliminary Plat for Wylie Logistics Park, to establish nine industrial lots and two open space lots on 225.081 acres, property generally located at the northeast corner of State Highway 78 and Spring Creek Parkway.
- H. Consider, and act upon, the acceptance of the Bylaws governing the rules of procedure for the Cemetery Advisory Board.

- I. Consider, and act upon, the approval of the renewal of J.P. Morgan Chase Procurement Cards (P-Cards) through an inter-local agreement between the City of Wylie and the City of Ft. Worth, and authorizing the City Manager to execute any necessary documents.
- J. Consider, and act upon, the approval of the purchase of Annual Maintenance and Software Upgrade for Public Safety Radios and Network Recording Software from Motorola Solutions Inc. in the estimated annual amount of \$71,924.00 through a cooperative purchasing contract with the Texas Department of Information Resources and authorizing the City Manager to execute any necessary documents.
- K. Consider, and act upon, the approval of an Interlocal Environmental Services Agreement with Collin County Environmental Health Care Services to provide public health functions in the estimated annual amount of \$44,216.00; and authorizing the City Manager to execute any necessary documents.

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. Discuss Right-of-Way Acquisition for McMillen Drive and Eubanks Lane.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

WORK SESSION

WS1. Presentation and discussion with CWD regarding a rate increase and contract modification to contract #W2018-118-A Solid Waste & Recycling Services with Community Waste Disposal L.P., adjusting the billing rates effective 10/1/2021.

RECONVENE INTO REGULAR SESSION

REGULAR AGENDA

- 1. Hold a public hearing, consider, and act upon, Resolution No. 2021-27(R) of the City Council of the City of Wylie, Texas, recognizing and offering no objection to the intent of Roers Wylie Apartments Owner Limited Partnership to submit an application to the Texas Department of Housing and Community Affairs for 2021 Housing Tax Credits to develop Wylie Senior Apartments, property generally located on the south side of FM 544 approximately 1400 feet west of Sanden Boulevard.
- 2. Consider, and act upon, an agreement authorizing the appointment of Steve Feil as Associate Municipal Court Judge for the City of Wylie effective October 1, 2021, setting terms and hourly rate of service.
- 3. Consider, and act upon, the award of Request For Proposal (RFP) #W2021-76-A for Human Resources Health & Welfare Benefits to Various Vendors in the estimated annual amount of \$4,273,945.00 and authorizing the City Manager to execute any necessary documents.

WORK SESSION

WS2. Discuss Wylie Wastewater Treatment Plant Demolition Options.

[WS3.](#) Discuss Potential Uses for the Fund Balance in the General Fund.

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.

ES2. Consider the sale or acquisition of properties located at FM 544/Cooper, Jackson/Oak, State Hwy 78/Brown, State Hwy 78/Ballard, and Ballard/Brown.

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

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

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

ES3. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2017-10a, 2018-3a, 2020-11b, 2021-4a, 2021-4b, 2021-4c, 2021-6a, 2021-8a, 2021-9a, and 2021-9b.

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 September 10, 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.



Wylie City Council

AGENDA REPORT

Department: City Secretary
Prepared By: Stephanie Storm

Account Code: _____

Subject

Consider, and act upon, approval of August 24, 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

August 24, 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 6:03 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; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Finance Director Melissa Beard; Human Resources Director Lety Yanez; Parks and Recreation Director Rob Diaz; Public Works Director Tim Porter; Project Engineer Jenneen Elkhaid; Public Information Officer Craig Kelly; Economic Development Executive Director Jason Greiner; Planning Manager Jasen Haskins; Public Art Coordinator Carole Ehrlich; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilman Williams led the invocation and Councilman Strang led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Presentation by American Legion Hale-Combest Post 315 for 2020 and 2021 American Legion Firefighter and EMT/Paramedic of the Year.

American Legion Hale-Combest Post 315 presented certificates to Travis Martinez, Chad Lloyd, Brian Ritter, and Casey Nash.

PR2. Recognition of Assistant Chief of Police Tommy Walters.

Mayor Porter recognized Assistant Chief of Police Tommy Walters for receiving the Wylie Way award from the Wylie Independent School District.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Carl DuLac addressed Council requesting additional information on the original vision for the Wylie Recreation Center.

Barbara Marks addressed Council speaking in objection to turning over the operations of the Wylie Recreation Center to the DFW YMCA.

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 August 10, 2021 Regular City Council Meeting minutes.

- B. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for July 31, 2021.
- C. Consider, and place on file, the City of Wylie Monthly Investment Report for July 31, 2021.
- D. Consider, and act upon, Resolution No. 2021-23(R) authorizing the City Manager to execute a Joint General and Special Election Services Contract between the City of Wylie and the Collin County Elections Administrator to be administered by the Collin County Elections Administrator for the November 2, 2021 Wylie Special Election.
- E. Consider, and act upon, Resolution No. 2021-24(R) authorizing the City Manager to execute a Joint General and Special Election Services Contract between the City of Wylie and the Dallas County Elections Administrator to be administered by the Dallas County Elections Administrator for the November 2, 2021 Wylie Special Election.
- F. Consider, and act upon, Resolution No. 2021-25(R) authorizing the City Manager to execute a Joint General and Special Election Services Contract between the City of Wylie and the Rockwall County Elections Administrator to be administered by the Rockwall County Elections Administrator for the November 2, 2021 Wylie Special Election.
- G. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of July 31, 2021.
- H. Consider, and act upon, a Preliminary Plat of Serene Villas creating 67 residential lots and five HOA lots on 21.910 acres, generally located on Kreymer Lane, approximately 1400' north of E. Stone Road.
- I. Consider, and act upon, a Final Plat, being a replat of Creekwood Country Estates, establishing five lots on 21.337 acres, generally located southeast from the intersection of Hunters Glen Drive and Whitley Road.
- J. Consider, and act upon, Ordinance No. 2021-41 for a change of zoning from Neighborhood Services (NS) to Planned Development (PD-NS), 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)
- K. Consider, and act upon, Ordinance No. 2021-42 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)
- L. Consider, and act upon, a park event application for Wylie ISD Council of PTA's Family Movie Night in the Park fundraiser on October 16, 2021 at Olde City Park.
- M. Consider, and act upon, the acceptance of the resignation of Historic Review Commission member Bethany Sullivan and appointment of Kali Patton to fill the unexpired term of July 2021 to June 2023.

Councilman Williams requested Items D, E, and F and Mayor Porter requested Item M be removed from the Consent Agenda and considered individually.

Council Action

A motion was made by Councilman Mize, seconded by Mayor *pro tem* Forrester, to approve Consent Agenda Items A, B, C, G, H, I, J, K, and L as presented. A vote was taken and motion passed 7-0.

REGULAR AGENDA

- D. Consider, and act upon, Resolution No. 2021-23(R) authorizing the City Manager to execute a Joint General and Special Election Services Contract between the City of Wylie and the Collin County Elections Administrator to be administered by the Collin County Elections Administrator for the November 2, 2021 Wylie Special Election.**

Council Comments

Councilman Williams asked if there was a way to make funds contingent on ensuring that the Texas statutes of the Election Code are followed. Holsted replied that there are specific requirements in the Election Code that have to be met, and he is not aware that we can hold payment if the County conducts the Election. Williams expressed concerns with the distance required for voters to walk in order to vote and privacy when voting at the Collin College Wylie Campus. City Secretary Storm added each entity holding an election can request additional polling locations in the City; therefore, the City requested the Senior Recreation Center be added as a site going forward, and stated that Collin County utilizes vote centers; therefore, Collin County Wylie voters can vote at any polling location in Collin County. Mayor *pro tem* Forrester asked if the primary polling location will be located on City property or at the College. Holsted replied there are two in the City of Wylie, one at the College and one at the Senior Recreation Center. Forrester expressed concerns with the proximity between the parking and the polling site at the College and requested the site be moved from the College back to the Smith Library for City elections. Holsted confirmed the College would be a polling location regardless if there was a polling location at the Smith Library. Storm confirmed, from her understanding, that was correct as the College holds an election every other May and as a participating entity, can request their campus be utilized as a polling location. Storm stated the Smith Library could be added for an additional cost. Councilman Strang requested the Collin County Elections Administration be notified of the concerns so they can ensure the Collin College site is being held to the proper standards. Storm stated when a new site is added, the County typically conducts a site visit. Mayor Porter stated privacy concerns were expressed to him from the last election with the polling site being located in a lobby beside a stairwell and the use of electronic recording devices, as well as the distance required to travel to vote. Storm stated she can share the concerns of the Council with Collin County Elections Administration, and requested if a third polling location is added in Wylie, that it be added going forward in order to eliminate voter confusion. Forrester stated he agrees with the College being a polling location and agrees with not causing voter confusion but there has to be a solution to the concerns going forward in order to have 100 percent accessibility for the voters. Strang stated the lobby is unacceptable as a polling location unless the lobby is shut down except for voting. Williams made a motion to table Items D, E, and F until the next Council meeting until staff can speak with Collin County Elections about the expressed concerns, and asked if this would affect any due dates. Storm replied tabling the item would affect the due dates as the Contract is due back to the County before the next Council meeting, and requested Items E and F be considered individually as Dallas and Rockwall County do not utilize the Collin College Wylie campus as a polling location. Williams withdrew his motion.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Item D as presented with a caveat that the City Secretary reach out to Collin College and Collin County Elections Administration and voice the concerns made by Council in regards to the security of the election and the location within the College. A vote was taken and the motion passed 6-1 with Councilman Williams voting against.

- E. Consider, and act upon, Resolution No. 2021-24(R) authorizing the City Manager to execute a Joint General and Special Election Services Contract between the City of Wylie and the Dallas County Elections Administrator to be administered by the Dallas County Elections Administrator for the November 2, 2021 Wylie Special Election.**

Council Action

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

- F. Consider, and act upon, Resolution No. 2021-25(R) authorizing the City Manager to execute a Joint General and Special Election Services Contract between the City of Wylie and the Rockwall County Elections Administrator to be administered by the Rockwall County Elections Administrator for the November 2, 2021 Wylie Special Election.**

Council Action

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

- M. Consider, and act upon, the acceptance of the resignation of Historic Review Commission member Bethany Sullivan and appointment of Kali Patton to fill the unexpired term of July 2021 to June 2023.**

Council Comments

Mayor Porter asked if this is an additional resignation. City Secretary Storm confirmed it is a new resignation and Ms. Patton is the designated Replacement 2.

Council Action

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

- 1. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Planned Development (PD-CC), to allow for a convenience store with motor fueling, a restaurant with drive-through service, truck fueling and an automatic car wash. (ZC2021-20)**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant is requesting to rezone 7.79 acres located on the northeast corner of State Highway 78 and Eubanks Lane. The property is currently zoned Commercial Corridor. The reason for the requested rezoning to a Planned Development is to allow for the construction of Fuel City Travel Center that contains a convenience store with motor fueling, a restaurant with drive-through service, truck fueling, and an automatic car wash. The Planned Development establishes uses that are allowed by right, and by SUP. Uses that are not included in the Planned Development shall be prohibited. The subject property is to be developed with the design standards of the Commercial Corridor zoning district. The property adjacent to the subject property is zoned light industrial to the north and is land owned by the North Texas Municipal Water District. The property to the east is zoned Commercial Corridor with a Special Use Permit and is the location of the City of Wylie Public Safety Building. The properties to the south and west are predominantly zoned commercial with two agricultural tracts of land. The proposed zoning is compatible with the Comprehensive Plan as the uses provide retail and service offerings on a currently zoned Commercial Corridor property facing a major thoroughfare. A Traffic Impact Analysis has been completed. The study concludes that future growth to 2023 and the proposed development do not cause any project intersection to become inadequate. The TIA recommends, and the City will require, a deceleration lane be added to the access point on SH78. The underground fuel tanks will be installed, operated, and monitored as required by the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA). Should the request be approved, the approval of a preliminary plat is required prior to development. Haskins reported nine notifications were mailed to property owners within 200 feet as prescribed by state law. From those notifications, one response was received from NTMWD taking no exception to the development, with no responses received in opposition or in favor of the request. After some discussion regarding the citizen's comments, the Commission voted 4-1 to recommend approval with the stipulation of no truck parking from 8:00 p.m. to 6:00 a.m.

Applicant Comments

Joseph Bickham and Mark Dietz, representing Fuel City, addressed Council giving a brief presentation which included: the proposed Wylie site, safety and security, traffic concerns, differences between Fuel City and a truck stop, history of the company, tacos, car wash, endorsement letters from other cities that have Fuel City's, economic benefits, conceptual elevations, and green space/landscaping.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 7:10 p.m. asking anyone present wishing to address Council to come forward.

Bruce Moilan, Rick Justiss, and Eugene Hauptmann spoke in favor of the proposed change of zoning.

Curtis Gahagan, Dennis Agers, Melissa Young, Al Schoelen, Lance Ainsworth, Brian Condor, Sharon Dowdy, Brandon Kamphaus, Kathy O'Quin, Don Richardson, David Unger, Brian Wolfe, Lenore Evans, and Shirley Gahagan spoke in opposition of the proposed change of zoning.

Mayor Porter closed the public hearing at 8:02 p.m.

Mayor Porter convened the Council into a break at 8:03 p.m.

Mayor Porter reconvened the Council at 8:11 p.m.

Council Comments

Mayor Porter asked the applicant if Council decided to do away with the truck parking, what would the proposed designated truck parking space become. Bickham replied they would turn it into green space or additional employee parking. Porter asked staff about the status of the improvement of Eubanks. Holsted replied a few years ago the City and NTMWD entered into an Interlocal Agreement. Staff is currently working with the railroad and is reaching out to the property owners to acquire the right-of-way. Dietz asked staff for a rough timeline on when construction would begin. Holsted replied construction would start roughly in 15-18 months. Dietz said they would like to work with the City. Porter requested signs be posted that 18 wheelers cannot turn left onto Centennial until the Eubanks construction is completed. Councilman Williams asked about the points of access, if a traffic signal is proposed at Centennial and Eubanks, and if the signage for the proposed zoning change was in compliance. Holsted replied no light is proposed at Centennial and Eubanks and Haskins replied the signage was in compliance with the Zoning Ordinance. Mayor *pro tem* Forrester stated the feedback he heard this evening is the truck parking spaces need to be removed, and regarding light pollution, the City has to do what we can to protect our neighbors. Forrester stated that truckers are necessary. Councilman Mize stated he agreed that any reasonable agreements to alleviate and minimize the negative impact of traffic on Eubanks until the street redevelopment is complete would be ideal, and stated he appreciated the applicant's proposal to an agreement to limit the overnight parking, but was not in favor of removing the parking all together in order to allow drivers the opportunity to be well-rested to increase safety on the roadway. Mize asked how the overnight parking would be enforced. Dietz replied at 8:00 pm they would be asked to leave and then the designated parking spaces would be roped off. Councilman Strang asked Police Chief Henderson if he foresees any challenges or concerns related to the Police Department. Henderson replied there is always the potential for crime to occur at any place, and stated he could not speak specifically to trucks but related it to concerns that they had when hotels first started building in the City. Strang stated he agreed with Mayor *pro tem* Forrester, he does not like the idea of parking, and would prefer more of an in and out situation, and agrees with Chief Henderson that crime can happen anywhere. Councilman Williams stated he toured the Haltom City location and spoke with a local business owner to get their feedback on the facility, and stated he was in favor of not having overnight parking.

Council Action

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

2. **Hold a Public Hearing, consider, and act upon, Ordinance No. 2021-43 adopting a budget for all City funds, including the Wylie Economic Development Corporation (4A) and the Wylie Parks and Recreation Facilities Development Corporation (4B) and appropriating resources for Fiscal Year 2021-2022 beginning October 1, 2021 and ending September 30, 2022.**

Staff Comments

Finance Director Beard addressed Council stating the tax rate proposed for the FY 2021-2022 budget is .643751 per \$100 assessed valuation which is the No New Revenue Rate. The Fund Summary included in the agenda packet shows appropriable funds of \$115,399,253 which represents all operating funds, debt service funds, and capital funds. This total also includes the budgets for the Wylie Economic Development Corporation and the Wylie Parks and Recreation Facilities Development Corporation. The City has met the requirements of Local Government Code Chapter 102 which requires the City to hold a public hearing after providing notice. The vote to adopt the budget must be a record vote. The adoption of the FY 2020-2021 tax rate is presented as a separate item.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 8:39 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 8:39 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to approve Item 2 as presented. A vote was taken and the motion passed 7-0 with Mayor Porter, Councilman Duke, Councilman Strang, Mayor *pro tem* Forrester, Councilman Williams, Councilman Wallis, and Councilman Mize voting for.

3. Consider, and act upon, approving the property tax revenue increase reflected in the budget.**Staff Comments**

Finance Director Beard addressed Council stating the tax rate needed to support the newly adopted FY 2021-2022 Budget is .643751 per \$100 assessed valuation. This tax rate is the No New Revenue Tax Rate and represents a decrease of \$.028228 (2.8228 cents) from the tax rate of FY 2020-2021. This agenda item is required by state law because there will be an increase in the total tax revenue the City receives due to new property that was added to the tax roll and an increase in the total property assessed valuation. Section 102.007 of Texas Local Government Code and passage of HB 3195 requires the governing body to hold a separate vote to ratify the increase in property tax revenue that is reflected in the budget.

Council Action

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

4. Hold a Public Hearing on the proposed tax rate of \$0.643751 per \$100 assessed valuation for fiscal year 2021-2022 and provide all interested persons an opportunity to be heard, either for or against the tax rate.**Staff Comments**

Finance Director Beard addressed Council stating on August 10, 2021, the City Council voted to accept the calculation of the No New Revenue Tax Rate, the Voter Approval Tax Rate, and the proposed tax rate for the 2020-2021 budget. Because the proposed tax rate is the No New Revenue Tax Rate and lower than the Voter Approval Tax Rate, the City is not required to hold a public hearing, but in the interest of transparency, a public hearing was scheduled for this evening so that citizens may be heard. All of the required tax information was published in the City's official newspaper, The Wylie News, on August 18 in the "Notice of Meeting to Vote on Tax Rate." All interested persons shall be given an opportunity to be heard, either for or against the proposed tax rate. After the public hearing Council will need to approve the M&O tax rate and the I&S tax rate separately.

Public Hearing

Mayor Porter opened the public hearing on Item 4 at 8:43 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 8:43 p.m.

5. Consider, and act upon, Ordinance No. 2021-44 fixing the M&O tax rate/levy for the Tax Year 2021 and Budget Year 2021-2022 at \$0.491864 per \$100 assessed valuation.

Staff Comments

Finance Director Beard addressed Council stating Texas Property Tax Code Section 26.05(a)(1) requires that each of the components be approved separately. The proposed Maintenance and Operations (M&O) rate of \$0.491864 will generate a General Fund Levy of \$28,142,536.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, which stated: I move to approve an ad valorem tax rate of \$0.491864 on each \$100 of assessed valuation of taxable property for general city purposes and to pay the current maintenance and operations expenses of the City of Wylie, for the fiscal year ending September 30, 2022, and to adopt Ordinance No. 2021-44, fixing and levying the same for a total tax of \$0.643751 on each \$100 of assessed valuation. A vote was taken and the motion passed 7-0 with Mayor Porter, Councilman Duke, Councilman Strang, Mayor *pro tem* Forrester, Councilman Williams, Councilman Wallis, and Councilman Mize voting for.

6. Consider, and act upon, Ordinance No. 2021-44 fixing the I&S tax rate/levy for the Tax Year 2021 and Budget Year 2021-2022 at \$0.151887 per \$100 assessed valuation.

Staff Comments

Finance Director Beard addressed Council stating Texas Property Tax Code Section 26.05(a)(1) requires that each of the components be approved separately. The proposed Interest and Sinking (I&S) rate of \$0.151887 will generate a Debt Service Levy of \$8,696,273.

City Manager Holsted commended Council and staff for their work on the budget.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, which stated: I move to approve an ad valorem tax rate of \$0.151887 on each \$100 of assessed valuation of taxable property for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid bonded indebtedness, and related fees of the City of Wylie, now outstanding, for the fiscal year ending September 30, 2022, and to adopt Ordinance No. 2021-44, fixing and levying the same for a total tax of \$0.643751 on each \$100 of assessed valuation. A vote was taken and the motion passed 7-0 with Mayor Porter, Councilman Duke, Councilman Strang, Mayor *pro tem* Forrester, Councilman Williams, Councilman Wallis, and Councilman Mize voting for.

Mayor Porter convened the Council into a break at 8:49 p.m.

Mayor *pro tem* Forrester left the meeting at 8:49 p.m.

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

7. Consider, and act upon, a recommendation to the Wylie City Council for the final artist and design for Fire Station #4 Public Art Project at a cost not to exceed \$81,000.

Staff Comments

Public Art Coordinator Ehrlich addressed Council stating before Council tonight is an unanimously chosen recommendation from the Fire Station #4 Selection Panel and the Public Art Advisory Board. A three-member Fire Department panel consisted of Fire Chief Brandon Blythe, Battalion Chief Casey Nash, and Captain Andrew Johnson gave input that they would like to see the theme chosen as "9/11" honoring the 343 firefighters killed during the Twin Towers rescue and recovery effort on the 20th Anniversary of the horrendous event.

The Public Arts Advisory Board issued a Call for Artists and received 75 submissions for this project. The Selection Panel narrowed it down to three semi-finalists who were asked to come to the City to present their art piece and receive feedback from the public regarding art for this site. Terrance Martin was chosen unanimously for his piece “Never Forget.” Artist Terrance Martin was present via Zoom to present his project.

Terrance Martin gave a brief presentation of the art piece “Never Forget.”

Ehrlich added Jim Gallucci, an artist that submitted for this project but was not chosen, is donating the piece of the tower to be included as part of the art piece and will be recognized on the plaque. Ehrlich stated three Public Art Board members were also present.

Council Comments

Council commended the design of the proposed art piece, staff, and the Public Art Board.

Council Action

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

RECESS CITY COUNCIL

Mayor Porter recessed the City Council so that the Parks and Recreation Facilities Development Corporation could meet at 9:20 p.m.

CALL TO ORDER THE WYLIE PARKS & RECREATION FACILITIES DEVELOPMENT CORPORATION (4B)

Chair Porter called the Parks & Recreation Facilities Development Corporation (4B) to order at 9:24 p.m. The following members were present: Matthew Porter, Timothy T. Wallis, David R. Duke, Scott Williams, Scott Hevel, and Brian Willeford. Emmett Jones was absent.

1. Consider, and act upon, approval of August 25, 2020 Regular Wylie Parks and Recreation Facilities Development Corporation (4B) meeting minutes.

Board Action

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

2. Consider, and act upon, approval of the FY 2021-2022 4B Budget and authorize expenditures for the FY 2021-2022 Community Services Facilities Capital Improvement Plan.

Staff Comments

Finance Director Beard addressed the board stating the activities of the 4B Corporation are accounted for in two fund types: 4B Sales Tax Revenue Fund and the 4B Debt Service Fund. The 4B Sales Tax Revenue includes departments for the Brown House, Senior Activities, Recreation Center, Stonehaven House, a portion of Parks and also Combined Services. The proposed revenues for the FY 2021-2022 budget year are \$4,361,416. Proposed expenditures of \$4,114,986 include a reclass of a part-time GSS position to full time, the replacement of Valentine Park Playground, Founders Softball Infield Replacement Fields C and D, Irrigation pump for Founders Softball, a replacement Utility tractor as well as other equipment. \$120,000 is also budgeted for Stonehaven House Phase I. A very healthy fund balance of \$4,814,956 is projected and the fund balance policy requirement is 25 percent of budgeted sales tax revenue which is equal to \$910,860. The 4B Debt Service Fund will make bond payments of principal and interest for FY 2021-2022 totaling \$383,625 which is supported by a transfer from the 4B Sales Tax

Revenue Fund. The current outstanding principal debt for the 4B fund is \$1,460,000 which will be completely paid off in FY 2025.

Board Comments

Board member Williams asked what the debt service is from. Beard replied it is for the portion of the land the Recreation Center was constructed on.

Board Action

A motion was made by board member Williams, seconded by board member Duke, to approve Item 2 as presented. A vote was taken and the motion passed 6-0 with board member Jones absent.

ADJOURN 4B BOARD

A motion was made by board member Hevel, seconded by board member Willeford, to adjourn the 4B Board meeting at 9:31 p.m. A vote was taken and the motion passed 6-0 with board member Jones absent.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 9:31 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 9:32 a.m.

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, 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, 2021-6a, and 2021-8a.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 10:53 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. 2021-41, 2021-42, 2021-43, and 2021-44 into the official record.

ADJOURNMENT

A motion was made by Councilman Williams, seconded by Councilman Strang, to adjourn the meeting at 10:56 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



Wylie City Council

AGENDA REPORT

Department: Finance
Prepared By: Melissa Beard

Account Code: _____

Subject

Consider, and act upon, Resolution No. 2021-26(R) approving the current Investment Policy as required by the Texas Government Code, Chapter 2256, Public Funds Investment Act, Subchapter A - Authorized Investments for Governmental Entities.

Recommendation

Motion to approve Item as presented.

Discussion

Texas Government Code requires that the governing body of an investing entity review its Investment Policy not less than annually. The governing body should adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the Investment Policy and that the written instrument so adopted shall record any changes made to the Investment Policy. There are no changes to the policy this year.

Financial Summary/Strategic Goals

RESOLUTION NO. 2021-26(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, APPROVING THE CURRENT INVESTMENT POLICY, PROVIDING FOR SCOPE OF THIS POLICY, PROVIDING FOR INVESTMENT OBJECTIVES, PROVIDING FOR AN INVESTMENT COMMITTEE, PROVIDING FOR DELEGATION OF AUTHORITY, PROVIDING INVESTMENT STRATEGIES BY POOLED FUND GROUPS, PROVIDING FOR STANDARD OF CARE, PROVIDING FOR OTHER INVESTMENT GUIDELINES, PROVIDING FOR INVESTMENTS AUTHORIZED BY PUBLIC FUNDS INVESTMENT ACT AND INVESTMENTS UNAUTHORIZED BY THE CITY, PROVIDING FOR PORTFOLIO DIVERSIFICATION AND MATURITY LIMITS, PROVIDING FOR SELECTION OF BROKERS/DEALERS, PROVIDING FOR SELECTION OF DEPOSITORIES, PROVIDING FOR SAFEKEEPING AND CUSTODY, PROVIDING FOR RECORD KEEPING AND REPORTING, PROVIDING FOR ETHICS AND CONFLICTS OF INTEREST, PROVIDING FOR POLICY REVISIONS; AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the Public Funds Investment Act, as amended, requires the City of Wylie to adopt the Investment Policy by rule, order, ordinance or resolution; and

WHEREAS, the Investment Policy was originally approved December 12, 2006; and

WHEREAS, the Investment Policy complies with the Texas Government Code, Chapter 2256, Public Funds Investment Act, Subchapter A – Authorized Investments for Governmental Entities and Subchapter B – Miscellaneous Provisions as amended, and authorizes the investment of City funds in safe and prudent investments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, THAT the City of Wylie has complied with the requirements of the Public Funds Investment Act and the Investment Policy, attached hereto, is adopted as the Investment Policy of the City effective September 14, 2021.

DULY PASSED AND ADOPTED by the City Council of the City of Wylie, Texas this 14th day of September 2021.

Matthew Porter, Mayor

ATTESTED BY:

Stephanie Storm, City Secretary

City of Wylie, Texas

INVESTMENT POLICY

CITY OF WYLIE, TEXAS
INVESTMENT POLICY
Submitted for Review September 14, 2021

Table of Contents

I.	INTRODUCTION	1
II.	SCOPE	1
III.	OBJECTIVES	1
	Safety	1
	Liquidity	1
	Diversification	1
	Yield	1
IV.	INVESTMENT COMMITTEE	2
V.	DELEGATION OF AUTHORITY	2
VI.	INVESTMENT STRATEGY	3
	Operating Funds	3
	Debt Service Funds	3
	Debt Service Reserve Funds	3
	Special Projects and Special Purpose Funds	3
VII.	STANDARD OF CARE	3
VIII.	INVESTMENTS AUTHORIZED BY THE CITY	4
IX.	OTHER INVESTMENT GUIDELINES	5
X.	DIVERSIFICATION AND MATURITY LIMITS	5
XI.	SELECTION OF BROKER/DEALERS	6
XII.	SAFEKEEPING AND CUSTODY	6
XIII.	RECORD KEEPING AND REPORTING	7
XIV.	ETHICS AND CONFLICTS OF INTEREST	8
XV.	POLICY REVISIONS	9
	APPENDIX A - BROKER/DEALER QUESTIONNAIRE	
	APPENDIX B - CERTIFICATION BY DEALER	

CITY OF WYLIE, TEXAS

INVESTMENT POLICY

I. INTRODUCTION

Chapter 2256 of Title 10 of the Local Government Code (hereinafter referred to as the "Public Funds Investment Act") prescribes that each city is to adopt written rules governing its investment practices and to define the authority of the investment officer. The following Investment Policy addresses the methods, procedures, and practices which must be exercised to ensure effective and judicious fiscal management of the City's funds. This Policy shall not apply to the selection, retention or other issues concerning the depositories of the City's funds in demand deposits as provided under Chapter 105 of the Local Government Code.

II. SCOPE

This Policy shall apply to the investment and management of all funds of the City under its control, other than those expressly excluded herein or by applicable law or valid agreement. This Policy shall not supersede the restrictions on investment and use applicable to any specific fund and, in the event of any conflict between this Policy and the requirements of any fund subject hereto, the specific requirement applicable to such fund shall be followed as well as all other provisions of this Policy other than those in conflict. The Employees Deferred Compensation Agency Fund is excluded from coverage under this Policy.

In order to make effective use of the City's resources, all monies shall be pooled into one bank account, except for those monies required to be accounted for in other bank accounts as stipulated by applicable laws, bond covenants or contracts. The bank account will be maintained by pooled fund group for purposes of implementing pooled fund strategies and reporting. The income derived from this pooled investment account shall be distributed by fund in accordance with the City's internal procedures.

III. OBJECTIVES

The City's principal investment objectives, in order of priority, are listed below.

Safety. The primary objective of the City's investment activity is the preservation of principal (capital) in the overall portfolio. Each investment transaction shall seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value.

Liquidity. The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements, by investing in securities with active secondary markets, and by using state or local investment pools.

Diversification. The governing body recognizes that in a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented. Therefore, assets held in the common investment portfolio shall be diversified to eliminate the risk of loss resulting from one concentration of assets in a specific maturity, a specific issuer or a specific class of securities.

Yield. The investment portfolio goal (benchmark) against which the yield is compared will be established from time to time by the Finance Director. Recommendations by the Investment Committee will be considered when the performance measure is being established. Efforts to seek higher than the above goal must be consistent with risk limitations identified in this policy and prudent investment principles. The City's investment portfolio shall be designed with the objective of

CITY OF WYLIE, TEXAS

INVESTMENT POLICY

attaining a rate of return which is consistent with the risk limitations and cash flow characteristics of the City's investments.

IV. INVESTMENT COMMITTEE

An investment committee consisting of the City Manager, the Director of Finance and the Assistant Director of Finance will meet annually before the beginning of a new fiscal year. The Investment Committee shall be authorized to invite advisors to the meetings as needed.

The investment officer will present a brief report of investment activities to the Investment Committee. The primary objectives of the committee will be to

- (1) make recommendations regarding investment strategies
- (2) approve a list of authorized brokers, dealers, banks, savings and loans, credit unions, and pools
- (3) recommend a list of authorized training sources for the state mandated investment training and
- (4) monitor program results.

The committee shall include in its deliberations such topics as performance reports, economic outlook, portfolio diversification, maturity structure, potential risk to the city's funds, and the target rate of return on the investment portfolio.

V. DELEGATION OF AUTHORITY

Management responsibility for the investment program is delegated by the City Council to the City Manager who will designate the Finance Director as Investment Officer (hereinafter referred to as the "Director"). The Director's authority will at all times be limited by conformance with all Federal regulations, State of Texas statutes and other legal

requirements including the City Charter and City Ordinances, including this Policy.

The Director shall develop and maintain written administrative procedures for the operation of the investment program consistent with this Policy. The controls shall be designed to prevent, identify and control losses of public funds arising from deviation from this Policy, fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees and officers of the City.

With written approval from the City Manager, the Director may delegate any phase of the investment management program to members of the City staff. Such approval shall state specifically the functions such person is authorized to perform or that the person is authorized to perform all activities of the Director under this Policy. The Director shall obtain and maintain, at the City's expense, fidelity bonds for himself and each of his designees in amounts determined adequate by the Director (which shall not be less than five percent of the amounts subject to this Policy) for each fiscal year as shown by the approved budget. No person may engage in an investment transaction except as provided under the terms of this Policy and the internal procedures established by the Director. A current list of persons authorized to transact investment business and wire funds on behalf of the City shall be maintained by the Director.

At the discretion of either the City Manager or the Director and in any event upon the termination or reassignment of any member of the Director's staff authorized to conduct transactions for the City pursuant to this Policy, the authority of such person shall be revoked and such revocation of authority shall be immediately communicated by the Director orally and in writing to each and every depository, broker/dealer, investment advisor, custodian and other agency or entity with whom the City has any

CITY OF WYLIE, TEXAS

INVESTMENT POLICY

existing or continuing relationship in the management of its investments.

VI. INVESTMENT STRATEGY

The City of Wylie maintains a pooled investment portfolio. The pooled portfolio utilizes specific investment strategies designed to address the unique characteristics of the pooled investment portfolio. The pooled investment portfolio includes Operating Funds, Debt Service Funds, Debt Service Reserve Funds, Capital Projects and Special Purpose Funds. Investment strategies for these different groups are detailed below.

(1) Investment strategies for operating, debt service, capital project, and special purpose funds have as their primary objective to assure that anticipated cash outflows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles.

(2) The investment strategy for the debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream from securities with a low degree of volatility. Securities should be of high quality, with short to intermediate term maturities. Except as may be required by a bond ordinance, securities should be of high quality with short to intermediate-term maturities.

VII. STANDARD OF CARE

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

- (1) preservation and safety of principal;
- (2) liquidity; and
- (3) diversification; and
- (4) yield.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (1) the investment of all funds, or funds under the City's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- (2) whether the investment decision was consistent with the written investment policy of the City.

The Director and his staff shall recognize that the investment activities of the City are a matter of public record. Therefore, all participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transactions that might impair public confidence in the City's ability to govern effectively.

VIII. INVESTMENTS AUTHORIZED BY THE CITY OF WYLIE

Authorized investments for municipal governments in the State of Texas are set forth in the Public Funds Investment Act, as amended (Section 2256.009-2256.019, Government Code). However, suitable investments for the City of Wylie are limited to the following.

- (1) Direct obligations of the United States or its agents and instrumentalities with a stated

CITY OF WYLIE, TEXAS

INVESTMENT POLICY

maturity of 5 years or less.

- (2) Certificates of deposit issued in the State of Texas with a maximum maturity of 2 years or less and insured by the Federal Deposit Insurance Corporation.
- (3) Fully collateralized direct repurchase agreements with a defined termination date of 2 years or less which are secured by obligations of the United States or its agencies and instrumentalities and pledged with a third party in the City's name. The agreement must be placed through a primary government securities dealer, as defined by the Federal Reserve, or by a financial institution doing business in the State of Texas. Each issuer of repurchase agreements shall be required to sign a master repurchase agreement.
- (4) Approved investment pools as described in Section 2256.016 which are continuously rated no lower than AAA, AAAM or an equivalent rating by at least one nationally recognized rating agency and have a weighted average maturity no greater than 90 days.

IX. OTHER INVESTMENT GUIDELINES

The City seeks active management of its portfolio assets. In order to meet the objectives of this Policy, the City may from time to time sell securities that it owns in order to better position its portfolio assets. Sales of securities prior to maturity shall be documented and approved by the Director before such a transaction is consummated. Sales of securities yielding net proceeds less than 92% of the book value of the securities must be approved in advance and in writing by the City Manager. Three examples of situations involving the sale of securities prior to maturity are

- (1) swap - to sell an investment to realize a capital gain,
- (2) To better position selected investments due to a change in market conditions,
- (3) To react to emergency liquidity demands.

Each investment transaction must be based upon competitive quotations received from at least three broker/dealers who have been approved by the City in accordance with Texas law.

The purchase and sale of all securities shall be on a delivery versus payment or payment versus delivery basis (i.e., for securities purchases, monies will not be released by the City's safekeeping bank until securities are received at the Federal Reserve Bank for further credit to the City's safekeeping bank. In the case of securities sales, monies will be received by the City's safekeeping bank via the Federal Reserve Bank as the securities are simultaneously released to the purchaser). In this manner the City will always have possession of either its securities or its monies.

X. DIVERSIFICATION AND MATURITY LIMITS

It is the policy of the City to avoid concentration of assets in a specific maturity, a specific issue, or a specific class of securities, with the exception of U.S. Treasury issues. The asset allocation in the portfolio should, however, be flexible depending upon the outlook for the economy and the securities markets.

The City will not exceed the following maximum limits as a percentage of the total portfolio for each of the categories listed below:

--	--	--

CITY OF WYLIE, TEXAS

INVESTMENT POLICY

Investment Category	Max. % of Portfolio	Max. Maturity
Obligations of the United States or its agencies and instrumentalities.	100%	5 years
Certificates of Deposit	25%	18 mon.
Repurchase Agreements NOT Reverse Repurchase Agreements	100%	2 years

The Director shall evaluate how each security purchased fits into the City's overall investment strategy.

At all times the City shall maintain 10 percent of its total investment portfolio in instruments maturing in 90 days or less. The weighted average maturity of all securities and certificates of deposit in the City's total investment portfolio at any given time (not including cash or demand deposits) shall not exceed 2 years.

XI. SELECTION OF BROKERS/DEALERS

The City shall maintain a list of broker/dealers and financial institutions which have been approved for investment purposes by the investment committee. (For the purpose of this investment policy, Broker/dealer will be used to refer to any brokerage firm, bank, investment pool, or financial institution with which the City does investment business). Securities may only be purchased from those authorized institutions and firms. The authorized broker/dealers will be reviewed at least annually. To be eligible, a broker/dealer must meet at least one of the following criteria: 1) be recognized as a Primary Dealer as defined by the New York Federal Reserve Market Reports Division; or 2) complies with Securities and Exchange Commission Rule 15C3-1,

the Uniform Net Capital Requirement Rule. If the City's depository bank also provides custodial and safekeeping services for the City, the bank may not be included as an authorized broker/dealer for the City. However, non-negotiable Certificate of Deposits are exempt from this policy.

Broker/dealers will be selected and recommended to the investment committee by the Director on the basis of their financial stability, expertise in cash management and their ability to service the City's account. Each broker/dealer that has been authorized by the City shall be required to submit and annually update a Broker/Dealer Information Request form which includes the firm's most recent financial statements. The Director shall maintain a file which includes the most recent Broker/Dealer Information Request forms submitted by each firm approved for investment purposes. A copy of the submitted Broker/Dealer Information Request forms as well as a list of those broker/dealers approved by the City shall be maintained by the Director (See Appendix A).

The City of Wylie will provide all approved securities dealers with a copy of the City's Investment Policy. A principal in the firm must execute a written statement acknowledging receipt and review of the policy and a statement acknowledging that reasonable procedures and controls have been implemented to preclude imprudent investment activities being conducted between the entity and the securities firm (See Appendix B).

All approved broker/dealer firms must have a completed City of Wylie broker/dealer questionnaire, investment policy, written acknowledgment per above guidelines, executed master repurchase agreement, if applicable, and current financial information on file. Certification language should be mutually acceptable to both parties. An investment officer of the City may not buy any securities from a person who has not delivered to the City an

CITY OF WYLIE, TEXAS

INVESTMENT POLICY

instrument substantially in the form provided by this policy.

The Director shall review the quality of service and financial stability of each broker/dealer and financial institution approved under this Section at least annually. Any approved broker/dealer or financial institution may be removed from the list of approved broker/dealers with the approval of the Director, if in the opinion of the Director, the firm has not performed adequately or its financial position is considered inadequate.

XII. SAFEKEEPING AND CUSTODY

Investment securities purchased for the City will be delivered by either book entry or physical delivery and shall be held in third-party safekeeping by a Federal Reserve Member financial institution designated as the City's safekeeping and custodian bank. The City may designate more than one custodian bank. The City shall execute a Safekeeping Agreement with each bank prior to utilizing the custodian's safekeeping services. Only a state or national bank located within the State of Texas may be utilized as a custodian of securities pledged to secure certificates of deposit. The safekeeping agreement must provide that the safekeeping bank will immediately record and promptly issue and deliver a signed safekeeping receipt showing the receipt and the identification of the security, as well as the City's interest.

The Director shall maintain a list of designated custodian banks and a copy of the Safekeeping Agreement executed with each custodian bank.

The City must approve release of securities in writing prior to their removal from the custodial account. A telephone facsimile of a written authorization shall be sufficient if the custodian orally confirms receipt of the transmission and an exact copy of the document

is retained in the City's files. In no event shall the custodial bank be an authorized depository bank, issuer of repurchase agreements in which the City invests or broker/dealer of securities on behalf of the City.

All securities shall be confirmed in the name of the City and delivered to an approved custodial bank or carried at a Federal Reserve Bank in the name of the City. The Custodian shall not otherwise deposit purchased or pledged securities. All book entry securities owned by the City shall be evidenced by a safekeeping receipt issued to the City and signed by the appropriate officer at the custodian bank stating that the securities are held in the Federal Reserve System in a CUSTOMER ACCOUNT naming the City as the "customer." In addition, the custodian bank will, when requested, furnish a copy of the delivery advice received by the custodian bank from the Federal Reserve Bank.

All certificated securities (those transferred by physical delivery) shall: 1) be held by an approved custodian bank or any correspondent bank in New York City approved by the Director; and 2) the correspondent bank or the City's safekeeping bank shall issue a safekeeping receipt to the City evidencing that the securities are held by the correspondent bank for the City.

The original safekeeping receipt for each transaction including purchased securities under a repurchase agreement and collateral securing deposits will be forwarded to the Director or his designee and held in a secured file by the City.

XIII. RECORD KEEPING AND REPORTING

A record shall be maintained of all bids and offerings for securities transactions in order to ensure that the City receives competitive pricing. All transactions shall be documented by the person authorizing the transaction in a form that shows that person's name,

CITY OF WYLIE, TEXAS

INVESTMENT POLICY

the party instructed to execute the transaction, the date, a description of the transaction and a brief statement of the reason(s) for the transaction.

At least annually, the Director shall verify that all securities purchased by or pledged to the City are on hand in appropriate form. The City, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the City's established investment policies.

Each depository of the City's funds shall maintain separate, accurate and complete records relating to all deposits of the City's funds, the securities pledged to secure such deposits and all transactions relating to the pledged securities. Each approved custodian shall maintain separate, accurate and complete records relating to all securities received on behalf of the City, whether pledged, purchased or subject to repurchase agreement, as well as all transactions related to such securities. In addition, each depository shall file all reports required by the Texas State Depository Board. Each depository and custodian shall agree to make all the records described in this paragraph available to the Director or designee and the City's auditors at any reasonable time.

All broker/dealers, custodians, depositories and investment advisors shall maintain complete records of all transactions that they conducted on behalf of the City and shall make those records available for inspection by the Director or other representatives designated by the City Council or City Manager.

All sales of securities for less than the book value of the security shall be approved by the Director. Sales of securities for less than 92 percent of the book value of the securities must be approved by both the City Manager and the Director.

A monthly investment report shall be prepared by staff and signed by the Director, listing all of the investments held by the City, beginning and ending market value for period, the current market valuation of the investments and transaction summaries, including a detailed list of the gains and losses recognized. The market value will be determined by: (1) written reports such as the Wall Street Journal; (2) on-line services such as Bloomberg; or (3) through a primary dealer or national bank that is independent of the specific security being valued. The report must state the pooled fund group for each asset/security. The report shall list the total investment return for the month. If invested in securities, the City's audit firm must review the monthly reports annually and the result of the review shall be reported to the City Council by that auditor.

Within 90 days after the end of the City's fiscal year, the Director shall prepare, sign and deliver to the City Manager and the City Council an annual report on the City's investment program and investment activity which has also been signed by each officer and employee of the City authorized to conduct any of the City's investment activity. The annual report shall include full year investment returns. Such annual report shall include an analysis of the compliance with this Policy as well as changes in the applicable laws and regulations during the previous year and may include any other items of significance related to the investment program. The annual investment report will be reviewed as a part of the annual audit.

XIV. ETHICS AND CONFLICTS OF INTEREST

Officers and employees of the City involved in the investment process shall refrain from personal business activity that involves any of the City's approved custodians, depositories, broker/dealers or investment advisors. Employees and officers shall not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the City's business for personal

CITY OF WYLIE, TEXAS

INVESTMENT POLICY

investment decisions, shall in all respects subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales and shall keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

An investment officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity to an individual

seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the City.

XV. POLICY REVISIONS

This Investment Policy will be reviewed at least annually by the City Manager, the Director of Finance and the Assistant Director of Finance and revised when necessary. All revisions shall be approved by the City Council.



Wylie City Council

AGENDA REPORT

Department: Finance
Prepared By: Melissa Beard

Account Code: _____

Subject

Consider, and act upon, approval of the Purchasing Policies.

Recommendation

Motion to approve Item as presented.

Discussion

The purpose of the Procurement Manual is to provide the City with the requisite parameters for purchasing goods and services. The policies are based on Texas statutory provisions as found in the Texas Government Code, Texas Local Government Code, Texas Insurance Code, and Texas Labor Code.

The policies are intended to:

- Simplify and clarify the laws governing purchasing by the City
- Permit the continued development of purchasing policies and practices
- Provide consistency in the purchasing practices of the City
- Increase public confidence in public purchasing
- Ensure the fair and equitable treatment of all persons who participate in the purchasing process
- Provide increased economy and efficiency in purchasing activities by avoiding unnecessary, unwarranted, and duplicative purchases

The City last updated purchasing policies September 22, 2020. There are no changes from last year. Staff recommends approval of the Purchasing Policies as presented.

Financial Summary/Strategic Goals



PROCUREMENT MANUAL 2022

OUR MISSION

To be responsible stewards of the public trust,
to strive for excellence in public service and
to enhance the quality of life for all.

OUR PLEDGE

Accept and fulfill responsibilities with integrity, professionalism and accountability Acknowledge and value the contributions of all Build on the foundation of our predecessors Provide consistent, cost-effective and quality service to our community Continuously reach for the highest level of service Communicate effectively with our citizens and employees Care about the needs of others Treat everyone with courtesy, respect and understanding Promote responsible and diversified economic growth.

OUR PROCUREMENT GOALS

To promote fiscal responsibility by obtaining the right product, for the right purpose, at the right time, for the right price To actively seek fair competition in the procurement process Ethical compliance with Federal, State and local laws To treat suppliers fairly and equitably Increase public confidence in public purchasing

PROCUREMENT POLICY

TABLE OF CONTENTS

CHAPTER 1	PURPOSE	
CHAPTER 2	ETHICS	
Section A	Employee Standard of Conduct	
Section B	Employee Conflict or Substantial Interest	
Section C	Vendor Conduct	
Section D	Violations and Remedies	
Section E	References	
CHAPTER 3	ORGANIZATIONAL RESPONSIBILITY, AUTHORITY AND ENFORCEMENT	
Section A	City Council	
Section B	City Manager	
Section C	Finance Director	
Section D	Purchasing Manager	
Section E	Directors	
Section F	Department Staff	
Section G	Administration of Budget	
CHAPTER 4	AUTHORITY LEVELS	
Section A	General Procurement Authority	
Section B	Signature Authority	
Section C	Requisition Approval Authority	
CHAPTER 5	PAYMENTS, INSURANCE, PUBLIC RECORDS	
Section A	Payments	
	Vendors / Contractors/ Payment of Subcontractors and Allowable	
Section B	Miscellaneous Expenses	
Section C	Criminal Penalties	
Section D	Insurance Requirements	
Section E	Public Records	
CHAPTER 6	PROCUREMENT THRESHOLDS: SUPPLIES, EQUIPMENT AND NON-PROFESSIONAL SERVICES	
Section A	Non-contract Purchases	
Section B	Contract Purchases	
Section C	Requisition Documentation	
	Purchases from Cooperative Agreement or Interlocal Purchasing	
Section D	Agreements	
Section E	Vendor On-Line Terms/Conditions	

PROCUREMENT POLICY

CHAPTER 7	METHODS OF PROCUREMENT	
Section A	Methods of Procurement	
Section B	Exemptions	
Section C	Competitive Sealed Bids	
Section D	Non-Responsive / Non-Responsible	
Section E	Identical Bids	
Section F	Department Director or Designee Responsibilities	
Section G	Purchasing Responsibilities	
Section H	City Council Agenda Items	
CHAPTER 8	PUBLIC WORKS/CONSTRUCTION PROJECTS	
Section A	Bid Type	
Section B	Prevailing Wage Rates	
Section C	Bonding Requirements	
Section D	Insurance and Indemnification Requirements	
CHAPTER 9	PROFESSIONAL SERVICES	
Section A	Definition of Professional Services	
Section B	Procurement of Architectural, Engineering or Land Surveying Services	
Section C	Pre-Qualified Various Professional and Engineering Firms	
Section D	All Other Professional and Personnel Services	
CHAPTER 10	GRANTS, REBATES and SUBSIDIES	
CHAPTER 11	CHANGE ORDERS	
Section A	Threshold for Change Orders	
Section B	General Process	
Section C	Approval for Change Orders	
Section D	Contingency Fee Policy	
CHAPTER 12	CONSTRUCTION CONTRACTS CONTINGENCY FEE POLICY	
Section A	Policy Purpose	
Section B	Bid Aware Procedure	
Section C	Change Orders	
Section D	Invoice Payment Procedure	
CHAPTER 13	SOLE SOURCE PURCHASES	
Section A	Single Source and Brand Name Clarification	
Section B	Written Justification	
Section C	Notice of Intent to Award a Sole Source Procurement	
CHAPTER 14	EMERGENCY PURCHASES	
Section A	Emergency Disaster Declaration	
Section B	Emergency Purchase Process (not processed through the City's EOC)	
Section C	Non-Emergency	

PROCUREMENT POLICY

CHAPTER 15	COOPERATIVE PURCHASES	
CHAPTER 16	PROCUREMENT CARD PROGRAMS	
Section A	General Policies	
Section B	Violations and Remedies	
CHAPTER 17	GENERAL ITEMS	
Section A	Tax Exempt Certificates	
Section B	Various Other Procurement Programs	
Section C	Petty Cash Purchases	
Section D	Fiscal Year Procurement Cut Off	
CHAPTER 18	BONDS, INSURANCE AND INDEMNIFICATION	
Section A	Bond Policy	
Section B	Types of Bonds	
Section C	Insurance and Indemnification Policy	
Section D	Insuring City Assets	
CHAPTER 19	CONTRACTS	
Section A	Purchase Orders	
Section B	Contracts greater than \$40,000	
Section C	Annual/Term Contracts	
CHAPTER 20	CONTRACT MANAGEMENT & VENDOR PERFORMANCE	
Section A	General Responsibilities	
Section B	Non-Performing Vendors	
CHAPTER 21	ASSET AND SURPLUS DISPOSAL	
Section A	Transfer of Surplus Goods within the City	
Section B	Disposal of Goods, Salvage or Surplus Property	
CHAPTER 22	REQUISITIONS & PURCHASE ORDERS	
Section A	Access to Incode	
Section B	Requisition Process	
Section C	Purchase Orders	
Section D	Deletion of Purchase Orders	
CHAPTER 23	RECEIPT OF GOODS & SERVICES	
Section A	Inspecting Goods or Services	
Section B	Partial Deliveries	
Section C	Defective or Damaged Merchandise	
FORM	PROCUREMENT MANUAL – ACKNOWLEDGMENT OF RECEIPT	

CHAPTER 1 – Purpose

The Purchasing Department will serve as the central procurement office of the City and will determine which method of procurement provides the best value for the City, adopt operational procedures consistent with sound business practices and state law which govern the procurement and management of all materials, services and construction to be procured by the City, and manage disposal of materials.

The purpose of the Procurement Policy is to provide the City with the requisite parameters for purchasing goods and services. The policy is based on Texas statutory provisions as found in the Texas Government Code, Texas Local Government Code, Texas Insurance Code, and Texas Labor Code, as amended.

These policies are intended to:

- Simplify and clarify the laws governing purchasing by the City;
- Permit the continued development of purchasing policies and practices;
- Provide consistency in the purchasing practices of the City;
- Increase public confidence in public purchasing;
- Ensure the fair and equitable treatment of all persons who participate in the purchasing process;
- Provide increased economy and efficiency in purchasing activities by avoiding unnecessary, unwarranted, and duplicative purchases

Policy:

It is the policy of the City to conduct procurement functions efficiently, effectively, and in full compliance with all federal and state laws, City Charter, and City administration policy and procedures. The City Council's authority to contract for all goods and services and make all sales is delegated to the City Manager as set forth in this manual and to those employees to whom the City Manager delegates that responsibility. The Purchasing Manager has been delegated by the City Manager to contract for the City in accordance with this manual.

Department Directors may choose to delegate procurement responsibilities only within their full-time staff. All such personnel are required to complete mandatory training provided by the Purchasing Department and access to the City's financial system will be granted once that training is completed.

Unauthorized personnel who attempt to contract in the name of the City, or personnel making unauthorized purchases outside of the scope of this manual, may be subject to disciplinary action, legal action, and personal financial liability.

If a person fails to comply with the competitive bidding or competitive proposal procedures required by law, that person may be convicted of a Class B misdemeanor. This includes a situation in which a person knowingly makes or authorizes separate, sequential, or component purchases in an attempt to avoid competitive bidding requirements.

General Enforcement:

It shall be the responsibility of the Finance Director and Purchasing Manager to enforce all purchasing procedures. Texas Local Government Code § 252.062, 252.063 and 271.029 provide criminal penalties for officers and employees who knowingly violate state statutes.

CHAPTER 2 – Ethics

A special responsibility is imposed on all City officers, employees, and agents (hereafter referred to as “employees”) entrusted with the allocation of City funds. In government procurement, employees are held to the highest degree of integrity required to secure best economic results, and required to comply with the procurement process.

It is critical that all City employees involved in procurement and procurement-related functions remain independent, free of obligation or suspicion, and completely fair and impartial. Credibility and public confidence are vital. A shadow of doubt can be as harmful as the conduct itself and employees should make every effort to:

- Avoid the intent and/or appearance of unethical or compromising practice in relationships, actions, and communications. If a situation is perceived as real, then it is in fact real in its consequences.
- Avoid business relationships with personal friends and relatives.
- Avoid holding business meetings with suppliers outside the office. If such a meeting is necessary, carefully choose the location so there will be no perception by others in the business community or your peers of impropriety.

A. Employee Standards of Conduct

City Employees will:

- Promote positive vendor relations through courtesy and impartiality in all phases of the procurement process.
- Actively strive to comply with City policies, federal and state laws regarding purchases from HUB (Historically Underutilized Businesses)
- Handle confidential or proprietary information belonging to the City, fellow employees or vendors with care and proper consideration of ethical and legal ramifications, and governmental regulations.
- Never use information gained confidentially in the performance of duties for profit.
- **Prohibited Conduct:**
City employees shall not participate in the negotiation, selection, discussion, award or administration of a contract or procurement supported by public funds if:
 - That individual has a substantial interest in a person or entity (Chapter 171 of the Texas Local Government Code) that is the subject of the contract or procurement.
 - A conflict of interest exists. A conflict arises when a City employee, officer or agent, or any relative or potential relative thereof (family members), a partner or a person or an organization that employs or may employ in the near future any of these individuals, has a financial or other interest (directly or indirectly) in the sale to the City of any materials, supplies or services, including any proposed or existing contract, purchase, work, sale, or service to, for, with, or by the City.
- **Personal Use:**
The purchase of goods, equipment or services for personal use by a City officer, employee, agent, or family members from City business accounts and/or contracts is strictly prohibited.

PROCUREMENT POLICY

- Employees that are involved in contract negotiations should not purchase merchandise or services for personal use with a vendor that is currently working, seeks to work, or has worked for the City.
- Employees shall NOT use the City of Wylie tax exemption forms for personal use, nor set up accounts with a City tax exemption form in their personal name.
- A City officer, employee, agent, or family member may purchase merchandise or services from a vendor doing business with the City provided that the price at which the item is purchased is the same price charged to a designated segment of the public regardless of place of employment, or all officers and employees of the City.
- If a City officer, employee, agent, or family member acquires merchandise or services for the employee's personal use from a vendor doing business with the City, such merchandise or services may not be delivered to the employee or another City employee unless the acquisition is paid directly to the vendor by the employee. No personal invoices are to be mailed to an employee (or another City employee for or on behalf of the employee) at the employee's (or other employee's) place of work. Neither the vendor nor the employee may process the purchase under the City's tax exempt status. Employee is responsible for payment of applicable sales tax.
- **Gratuities (Gift and Entertainment):**
City employees shall not:
 - Solicit and/or accept benefits or gifts of any kind from vendors, actual or potential.
 - Provide special favors or privileges to anyone, either as payment or under any other circumstances.
 - Be in violation of any City ordinances or HR Policies regarding ethics/gifts.

B. Employee Conflict or Substantial Interest

In the event of a conflict of interest or substantial interest, as set forth above, the affected employee must adhere to the following procedures:

- Sign a declaration of possible Conflict of Interest form;
- Abstain from participating in the procurement process, which includes, but is not limited to, discussions, lobbying, rating, scoring, recommending, explaining or assisting in the design or approval of the procurement process, selection of vendors, or the award of the contract:
 - Where the officer, employee, agent or family member directly represents an organization or may receive an economic benefit;
 - Where the officer, employee, agent or family member may directly receive an economic benefit;
 - Where the officer, employee, agent or family member is in direct competition with a proposal or bid which would provide a direct financial benefit;

Any deviation from this policy must be submitted in writing by the Director, providing departmental procedures detailing how the conflict will be managed, and approved by the Purchasing Manager and Finance Director.

PROCUREMENT POLICY

C. Vendor Conduct

Vendors, their officers, employees, agents, partners or subcontractors, seeking to do business with the City or contracted to do business with the City must:

- At all times be in compliance with all federal, state and local laws;
- Conduct themselves ethically and refrain from any exchange of favors, money, gifts or other forms of favor with any City officers, agents, employees, employee family members or potential family members;
- Maintain an accurate "Conflict of Interest Questionnaire" (Texas Ethics Commission) with the City Secretary's office;
- Vendors, their officers, employees, agents, partners or subcontractors, who are directly involved with the writing of any type of specification created for the purposes of a fair and open procurement process, may not submit an offer or response.

Violation of this policy may result in the Vendor, their officers, employees, agents, partners or subcontractors being barred from working with the City, or in the voiding of any contracts. Violations of state or federal law shall be referred to the proper authority having jurisdiction over same.

D. Violations and Remedies

Violations of policy may constitute misconduct, subjecting the violator to any and all penalties prescribed by federal and/or state law, the City's HR Manual, City Ordinance or City Charter; up to and including termination.

Penalties, sanctions or other disciplinary actions, to the extent permitted by federal, state or local law, rules or regulations, shall be imposed for violations of the code of conduct/conflict of interest standards, by a City officer, employee or agent, or by persons, contractors or their agents, when the procurement involves state or federal programs and/or funds.

Violations of state or federal law shall be referred to the proper authority having jurisdiction over same.

E. Disclosure of Certain Relationships:

City employees and officials must become familiar with the requirements in Texas Local Government Code Chapter 176, Disclosure of Certain Relationships with Local Government Officers; and Texas Local Government Code Chapter 171, Regulation of Conflicts of Interest of Officers of Municipalities; and the penalties provided therein.

CHAPTER 3 – Organizational Responsibility, Authority and Enforcement

This chapter covers the responsibility delegated to various staff, their respective approval authority, and enforcement.

A. City Council

The City Council shall be responsible for:

- Establishing the rules and regulations for the purchase of all goods and services by means of this manual.
- Authorizing all purchases at or exceeding the competitive requirements as stated by law.
- Authorizing all written contracts and agreements at or exceeding the competitive requirements as stated by law.
- Considering and adopting rules for electronic receipt of bids/proposals.
- By means of this manual, delegate approval authority to the City Manager for approval of alternative bidding methods to be used for the construction of a facility, as described by Chapter 2269 (Government Code) after determining it to be a better value than competitive bidding.

Authority includes:

- Approval of budgeted items at or greater than the competitive requirements.
- Approval of budget amendments as required.
- Approval of change orders at or greater than the competitive requirements.
- Approval of emergency expenditures at or greater than the competitive requirements.

B. City Manager

The City Manager is responsible for:

- Ensuring compliance by all departments with the policies and procedures outlined in this manual, and promoting and protecting governmental purchasing integrity.
- By means of this manual delegate to the Purchasing Manager:
 - The authority to procure goods and services, authority to approve alternative bidding methods to be used for the construction of a facility, as described by chapter 2269 (government code) after determining it to be a better value than competitive bidding; and
 - Authority to manage disposal of materials and/or assets no longer needed, and administer the purchasing rules and regulations as established by all federal law, state law, and city charter and ordinance provisions.

Authority includes:

- Approval of purchases less than the competitive requirements limit.
- Approval of non-budgeted items.
- Execution of all contracts, agreements, change orders or necessary documents as approved and authorized by City Council (see Signature Authority).
- Execution of all contracts, agreements, change orders or necessary documents where the total amount(s) are less than the current competitive requirement.

C. Finance Director

The Finance Director and/or designee provides and oversees compliance for financial components with regard to procurement activities.

PROCUREMENT POLICY

Authority includes:

- Ensuring the proper expenditures of funds, both budgeted and unbudgeted.
- Verifying the availability of funds for City Council recommendations and awards before being placed on the City Council Agenda.
- Approval of all alternative financial arrangements (leases, grants, bank notes, etc.).
- Approval and authorization of access for City employees to the City's financial systems
- Approval of cardholder financial levels for the City procurement card program (p-card).
- Assignment of project codes for procurement tracking.
- Approval of the disposal of assets via donations.

D. Purchasing Manager

The Purchasing Manager performs or oversees compliance with all procurement requirements for goods and services as prescribed in this manual. The Purchasing Manager ensures all procurement activities are conducted with the highest level of ethical standards in a fair, open, inclusive and transparent environment, and provides suppliers a fair opportunity to compete for City business and protects public funds.

The Purchasing Manager is responsible for:

- Developing and administering the City's purchasing policy and procedures.
- Providing guidance and assistance for all City employees regarding the purchasing process.
- Managing the City's purchasing programs to include compliance with all statutory and internal policies.
- Procuring goods and services budgeted at **\$40,000** and above in collaboration with the requesting Department;
 - Developing final specification documents and methods to ensure competition.
 - Managing the bid and evaluation processes
 - Facilitating recommendations for award (administrative and Council)
- Determining which method of procurement provides best value for the City; including
 - Authority to approve alternative bidding methods to be used for the construction of a facility, as described by Chapter 2269 (Government Code) after determining it to be a better value than competitive bidding.
- Preparing all documentation required for purchases requiring approval by the City Council, City Manager or appropriate staff.
- Monitoring the terms and conditions of purchases.
- Reviewing requisition documents and approving requisitions of \$1,000 or greater.
- Managing the disposal of materials and/or assets no longer needed.
- Updating all procurement forms, templates, policies, and procedures.
- Providing training to City employees on requisitions, credit cards and various procurement related topics.
- Administering contracts and agreements for goods and services.
- Maintaining purchasing files and records.
- Consulting with the City Attorney for review of all procurement related issues.

Authority includes:

- Determining which method of procurement provides the best value for the City and making recommendations to the City Manager and/or the City Council, as appropriate.

PROCUREMENT POLICY

- Rejecting any and all bids, in concurrence with requesting department, when in the best interest of the City, and making recommendation to the City Manager and/or City Council, as appropriate. (Items over \$50,000 require a formal rejection by City Council.)
- Program Administrator for the City Procurement Card Program, and other City-wide procurement programs (Amazon, Office Depot, Home Depot, etc.)
- Executing all Interlocal or Cooperative Purchasing Agreements as have been approved by the City Council and/or the City Manager, as appropriate.
- Purchasing budgeted goods or services from cooperative or other inter-local agreements as have been approved by the City Council, City Manager, and/or other appropriate staff.
- Signature Authority to execute contracts and change orders up to \$10,000
- Approving requisitions of \$1,000 and greater (as approved by appropriate staff).

E. Directors

Directors are responsible for:

- Ensuring procurement policy compliance within their department and safeguarding against misappropriation of City funds.
- Ensuring adequate funds are appropriated prior to the procurement process.
- Submitting budget transfer requests if funds are insufficient, **prior** to entering a requisition or committing to the vendor. **Expenditures not included in the budget must have approval of the City Manager before quotes are obtained and purchase order commitment. Evidence of the approval shall be in the form of a memo or email issued by the City Manager.**
- Planning the department's annual purchase requirements to allow sufficient time to complete the appropriate procurement process (quotes, bids or proposals).
- Determining whether a contract exists or would be beneficial to the City for the item(s) or service(s).
- Ensuring Historically Underutilized Business (HUB) participation in accordance with the provisions of Texas Local Government Code Chapter 252.
- Managing and reviewing department P-Card use for compliance to policies.
- Delegating authority as appropriate to prepare requisitions and specifications.
- Delegation of authority to access the City's Financial systems:
 - Providing names of all departmental individuals authorized to enter or approve requisitions and purchase orders and ensuring the approval process is maintained within the electronic system, and
 - Providing any changes in delegation of such authority

Authority includes:

- Authorization of requisitions within the current limits set by the Finance Department.
- Purchases made in accordance with the City Procurement Card Program (p-card).
- Authorization of Emergency Purchases (as defined by statute).

F. Department Staff

Staff members are responsible for:

- Obtaining proper training through Purchasing on procurement laws, basic procedures, insurance and shipping directions, how to issue requisitions, write specifications, participation in the City's various procurement programs, and procurement ethics.
- Managing the P-Card reconciliation in accordance with this manual and current Finance procedures.
- Developing the technical portion of bid specifications.

PROCUREMENT POLICY

- Providing “Tier 1” contract administration for various contracts in the areas of:
 - Overall vendor performance
 - On-time delivery of goods or services
 - Accuracy of invoicing
- Ensuring that current vendor insurance certificates which meet the City’s requirements are current and on file with the department before any work is started.
- Providing complete documentation to Purchasing of any vendor’s failure to perform as contracted.
- Maintaining any associated procurement records per retention schedule.

Authority includes:

- Input and authorization of requisitions within the current limits set by the Finance Department.
- Purchases that are made through the issuance of purchase orders in accordance with these Policies.
- Purchases that are made in accordance with the City Procurement Card Program (p-card).

G. Administration of Budget:

All employees are responsible for the proper administration of the City’s budget within the limits delegated to their positions.

- Compliance:
 - No verbal or other obligations shall be incurred or payment made except in accordance with the adopted annual budget and these policies, and unless the City Manager or designee first certifies that there is a sufficient unencumbered balance and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of verbal or other obligations in violation will be void and any payment so made illegal.
 - Such action shall be the cause for removal of any employee who knowingly authorized or made such payment or incurred such obligations, and he shall also be liable to the City for any amount so paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance (Article XII, Section 10).
- Variances:
 - Any variance in quantities or expenditure amount, beyond what was approved in the annual budget will require written approval (email) from either the City Manager or an Assistant City Manager. Such approval will be forwarded to the Purchasing Department prior to approval of requisitions.

CHAPTER 4 –Authority Levels

A. General Procurement Authority:

- Procurement authority may be delegated by Department Directors to department staff as deemed necessary.
- Purchases may be made by either:
 - use of a City issued purchase order; or
 - use of a City issued procurement card (P-card)
- Except where authorized by law, City employees do not have the authority to verbally place orders or verbally bind the City to debt. (See Emergency Purchases)

B. Signature Authority: *

Signature authority resides solely with:

- **Mayor or Mayor Pro-Tem:** (City Charter/Article III/Section 5)
 - The mayor is authorized to sign any and all documents, agreements and contracts related to expenditures.
 - In the absence of the mayor, the mayor pro-tem shall have all the rights conferred upon the mayor.
- **City Manager** (Ordinance 2008-38)
 - Signature authority for any and all documents, agreements and contracts related to expenditures approved in the annual operating budget up to \$50,000.
 - Signature for any and all documents, agreements and contracts related to expenditures approved by a lawfully held City Council meeting.
- **Purchasing Manager (Adoption of these policies)**
 - Signature authority for any and all documents, agreements and contracts related to expenditures approved in the annual operating budget up to \$10,000.

C. Requisition Approval Authority:

The following approval levels shall be utilized within the City's financial system in all procurement related matters.

● Temporary Delegation:

If an approver will be out of the office, their approval authority may be temporarily assigned to another employee. Delegations may only be given "upward" within their management chain to another manager with existing approval authority.

For audit purposes, all approvals made as a delegate must be noted in the "internal notes" box of the requisition. ("Approving on behalf of First Name Last Name")

Amount	Requisition Approval Authorities				
\$0 - \$500	Designated Staff				
\$501 < \$1000	Designated Staff	Depart. Director			
\$1000 - \$7500	Designated Staff	Depart. Director	Purchasing Mgr.	Finance Director	
\$7500 +	Designated Staff	Depart. Director	Purchasing Mgr.	Finance Director	City Mgr.; Assist. City Mgr *including all over-budget

CHAPTER 5 – PAYMENTS, INSURANCE & PUBLIC RECORDS

A. Payments, Texas: (Government Code, §2251.021 through 2251.030)

A payment by a governmental entity under a contract executed on or after September 1, 1987, is overdue on the **31st day after the later of:**

- the date the governmental entity receives the goods under the contract; or
 - the date the performance of the service under the contract is completed; or
 - the date the governmental entity receives a correct invoice for the goods or service.
- All invoices will be reviewed by the Department for receipt of goods/services, accuracy and compliance to the issued purchase order, and processed promptly.
 - If goods or services are incomplete City staff must document any issues/shortages and notify the vendor in writing. All deliveries should be verified upon receipt.
 - **Payments are not made until goods and services are received and accepted.**
 - Prepayments for services such as professional speakers, artists, and/or performers may be authorized by the Purchasing department where the provisions are clearly defined in a mutually executed agreement.
 - Departments are encouraged to take advantage of prompt or early payment discounts. Notice of prompt payments should be highlighted on the invoice and clearly marked on the front of the purchase order submitted to Accounting for payment.
 - The approved purchase order and invoice will be forwarded to Accounting for processing.
 - It is the Finance Department's responsibility to monitor the prompt payment of invoices.

Goods, Services and Invoice Discrepancies:

Departments will ensure that all goods and services are correct and received on time. Should there be a discrepancy in the invoice it is the responsibility of the department to:

- Notify the vendor immediately of any discrepancies and ask for a resolution. If the vendor is notified by phone, the department should follow-up with a written communication summarizing the phone call.
- If the vendor is correct, the original payment deadline still applies.
- If the discrepancy is acknowledged by the vendor:
 - the department must obtain either a credit memo or a corrected invoice from the vendor.
 - the payment period starts when the new invoice is received.
- If the department is unsuccessful in resolving the issues, please notify the Purchasing Department at the earliest date possible for assistance.

B. Vendors / Contractors/ Payment of Subcontractors and Allowable Miscellaneous Expenses

Vendor and contractors must pay subcontractor(s) or supplier(s) who provide goods/services for which payment is made within ten (10) days after receipt of payment from the City. See Chapter 17 Bonds, Insurance and Indemnification.

Vendors, contractors, and/or subcontractors are eligible for reimbursement for travel expenses when covered by written contract. Reimbursements for travel will be in accordance with current IRS guidelines, per diem rates as published by the U.S. General Services Administration (GSA) for the City's zip code and County, and miscellaneous expenses are published by Purchasing.

C. Criminal penalties, Texas Local Government Code, §252.062

- A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Section 252.021. An offense under this subsection is a Class B misdemeanor.
- A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates Section 252.021, other than by conduct described by Subsection (a). An offense under this subsection is a Class B misdemeanor.
- A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates this chapter, other than by conduct described in Subsection (a) or (b). An offense under this subsection is a Class C misdemeanor.

Removal / Ineligibility, Texas Local Government Code, §252.063

- The final conviction of a municipal officer or employee for an offense under Section 252.062 (a) or (b) results in the immediate removal from office or employment of that person.
- For four years after that date of the final conviction, the removed officer or employee is ineligible:
 - to be a candidate for or to be appointed or elected to a public office in this state;
 - to be employed by the municipality with which the person served when the offense occurred; and
 - to receive any compensation through a contract with that municipality.

D. Insurance requirements: (Texas Labor Code, §406.096)

All contractors and subcontractors shall have insurance coverage (including worker's compensation as required). Proof of coverage must be provided prior to any work beginning. Certificates must be submitted to Purchasing.

Minimum Required Insurance: Workers Compensation, General Liability, and Auto Liability. Other types of insurance may be required depending on the type of work or service requested. A "Public Works" Building or construction is defined as:

- erecting or preparing to erect a structure, including a building, bridge, roadway, public utility facility, or related appurtenance; or
- remodeling, extending, repairing, or demolishing a structure; or
- otherwise, improving real property or an appurtenance to real property through similar activities.

E. Public records:

Vendors or a member of the public may request a copy of a Bid Tabulation that is compiled when bids are opened in accordance with Chapter 552 of the Texas Government Code. The Purchasing Department is responsible to publicly post such documents.

The City will not release copies of bid submissions or bid evaluations until after the contract has been awarded in accordance with §552.104 of the Texas Government Code. Once awarded, all requests submitted under the Freedom of Information Act will be processed in accordance with all applicable laws.

PROCUREMENT POLICY

Department staff shall not release procurement or contact documentation (in part or in whole), and will refer any inquiries to the Purchasing Department.

**CHAPTER 6 – PROCUREMENT THRESHOLDS
SUPPLIES, EQUIPMENT AND NON-PROFESSIONAL SERVICES**

The Purchasing Department will select the procurement method based upon amounts approved in the annual operating budget or as amended during the year. (Exceptions: Chapter 12 – Emergency Purchases)

NOTE: It is unlawful for any City employee to split purchases to circumvent the competitive requirements. Split purchases are defined as:

- Component Purchases: purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.
- Separate Purchases: Purchases made separately of items that in normal purchasing practices would be purchased in one purchase.
- Sequential Purchases: Purchases made over a period of time, of items that in normal purchasing practices would be purchases in one purchase.

A. Non-Contract Purchases of Supplies, Equipment or Non-Professional Services:

Where no City, interlocal or cooperative contract exists.

* All purchase orders must be issued to the vendor prior to the ordering, start of, or receipt of goods or services.

- **Purchases Less Than \$3000**

A onetime or cumulative purchase of supplies, equipment or non-professional services may be made with either a City issued purchasing card or by a purchase order:

- Competitive quotes are recommended, but not required
- Departments are responsible for securing the required insurance certificates from vendors performing work on City property. Work should not be started until a purchase order has been issued and sent to the vendor, and a copy of the insurance verified.

- **Purchases Between \$3000 and \$39,999**

- A onetime purchase or cumulative purchase for supplies, equipment or non-professional services requires a minimum of three (3) written quotes to ensure competition. The quotes will include a search for HUB vendors (Historically Underutilized Businesses) located in Collin County as required in Section 252.0215 of the Texas Local Government Code). If no HUB vendors exist for the supplies, the department will obtain a minimum of three (3) quotes.
- Departments are responsible for securing the required insurance certificates from vendors performing work on City property. Work should not be started until a purchase order has been issued and sent to the vendor, and a copy of the insurance verified.

- **Purchases of \$40,000 and above**

- A onetime purchase or cumulative purchase for supplies, equipment or non-professional services will be processed by the Purchasing Department in conjunction

PROCUREMENT POLICY

with the department, to determine the most advantageous procurement process and compliance with applicable federal, state and local laws.

B. Contract Purchases

All requests for annual contracts will be processed through the Purchasing Department (regardless of amount; including interlocal purchasing agreements and cooperative agreements. The appropriate threshold and process will be determined by reviewing the current and future requirements of the Department.

- **Annual Contracts – Cumulative Value of Less Than \$3000**
 - Competitive written quotes are recommended, but not required
 - Vendor insurance certificates are required when performing work on City property.
 - Work should not be started until a purchase order has been issued and a copy of the insurance verified.
- **Annual Contracts – Cumulative Value Between \$3,000 and \$39,999**
 - Will be processed by the Purchasing Department in conjunction with the department, to determine the most advantageous procurement process and compliance with applicable federal, state and local laws.
 - Competitive written quotes will be solicited from an adequate number of vendors to ensure competition, including at least two (2) Historically Underutilized Businesses (HUBs) if available as required in Section 252.0215 of the Texas Local Government Code.
 - Purchases may be made through interlocal purchasing agreements or from cooperative purchasing organizations.
 - Vendor insurance certificates are required when performing work on City property. Work should not be started until a purchase order has been issued and a copy of the insurance verified.
- **Annual Contracts - Cumulative Value of \$40,000 or Greater**
 - Unless otherwise specified by law, annual agreements and contracts valued at \$50,000 and above shall be awarded by competitive bidding, the use of interlocal purchasing agreements or cooperative purchasing groups, or reverse auction procedures pursuant to current state law, and shall be issued by the Purchasing Department.
 - Vendor insurance certificates are required when performing work on City property. Work should not be started until a purchase order has been issued and a copy of the insurance verified.
- **Software Purchases – to support responsible spending of City funds:**
 - Departments are required to obtain quotes in accordance with the thresholds above.
 - While some software licenses may be proprietary, departments will obtain quotes from companies that provide a product similar in function before making a final decision.

C. Requisition Documentation

Departments are responsible for compiling and storing all documentation in support of purchases. This information will be linked to the requisition prior to the completion of any financial approvals.

PROCUREMENT POLICY

Note: long term storage of documentation will be migrating to Laserfiche, as licenses and training are available. See Chapter "Requisitions & Purchase Orders".

D. Purchases from Cooperative Agreements or Interlocal Purchasing Agreements

Texas Government Code, Chapter 791, and the Texas Local Government Code, Chapter 271, authorize the use of cooperative purchasing programs, including interlocal purchasing agreements with other governmental agencies. See Chapter "Cooperative Purchases".

E. Vendor On-line Terms/Conditions

Vendor on-line terms and conditions, "click to accept", are treated as legal documents requiring an approved signature (per Chapter 4). Department should contact the vendor and request that the quote be sent as an attachment.

CHAPTER 7 – METHODS OF PROCUREMENT

A. Methods of Procurement

The Purchasing Manager will determine the best method of procurement based on the purchasing threshold and the nature of the goods or services required. The methods of procurement utilized by the City include, but are not limited to:

- Competitive Sealed Bids (CSB) or Competitive Sealed Bid performed by a Cooperative agency
- Competitive Sealed Proposals (CSP) or Competitive Sealed proposal performed by a Cooperative agency
- Request for Proposals (RFP)
- Request for Statement of Qualifications (RFQ)
- Request for Quotes
- Alternative Construction Methods (as defined by Gov. Code 2269)

B. Exemptions

Exemptions from the methods of procurement listed, are identified in Section 252.022 of the Texas Local Government Code as amended. Requests for exemptions will be submitted in writing to the Purchasing Manager for final approval.

C. Competitive Sealed Bids: (\$40,000 and above)

Purchases may be made by competitive sealed bid or proposal, and shall be referred to the City Council for award as required (See Chapter II, "Laws & Statutes Governing Purchasing").

Note: The requirement for competitive bidding may also be satisfied by purchasing through an existing contract with another government entity or through cooperative purchasing programs, such as the State of Texas, HGAC, U.S. Communities, TCPN, TIPS or TASB Buyboard.

D. Non Responsive / Non Responsible:

Where the bid specification is written as award to the "Lowest Responsive, Responsible Bidder", the evaluation of all bids will include the following vendor "responsibility" requirements:

- A. Have adequate financial resources, or the ability to obtain such resources as required;
- B. Be able to comply with the required or proposed delivery schedule;
- C. Have satisfactory record of performance;
- D. Have a satisfactory record of integrity and ethics;
- E. Otherwise qualified and eligible to receive an award
- F. Must have a current Certificate of Filing through the Texas Secretary of State Office at the time of bid submission (Texas Business Organization Code; Chapter 9)

If the Department evaluation concludes that the lowest bid is not responsive to the bid specifications, the Department will provide a written explanation of the deficiencies. In the event the Department evaluation concludes that a bidder is not "responsible", the Department will provide a written explanation in the award recommendation which will be reviewed and acted upon by the City Council.

E. Identical Bids:

PROCUREMENT POLICY

If all factors, conditions, values and expenses relating to the bids are equal, then the award recommendation will be made for the “local” bidder (defined as a business presence within, 1) the City of Wylie; and 2). Collin County).

- If two or more of the bidders submitting the lowest bids are residents of the city or district, or from out of state, the award recommendation shall be made by the casting of lots conducted by the Purchasing Manager with at least one witness.

F. Department Director or Designee Responsibilities:

- The requesting department shall notify the Purchasing Manager. Such notification will provide the following information:
 - Items or services desired
 - Budgeted amount
 - Request for a pre-acquisition meeting with Purchasing
 - If the item was not approved in the department’s budget, written approval by the City Manager must be secured prior to solicitation of bids.
- Once the notification has been made and the Procurement process is started, it is the Department’s responsibility to:
 - Cease communications or requests for additional information from vendors who may submit offers in response to the bid.
 - Treat all City communications, documents and drafts of the bid as “confidential / not for public information”.
 - Refer any and all calls for information to the Purchasing Department
- The Department is responsible for establishing the technical portion of the bid specifications. The Purchasing Manager will assist the departments in writing clear, concise and competitive specifications, and will make a final determination as to the specification content.
- The Department must be available during the bid process to attend pre-bid meetings, site visits, provide responses to bid questions, attend the bid opening, and participate on any required evaluation teams.
- The Department will make a written award recommendation based upon the evaluation method stated in the bid specifications. The Department shall provide additional explanation for:
 - Reasons as to why the item is over-budget.
 - Reasons as to why the low bidder is not recommended for the award.

G. Purchasing Responsibilities:

- Determining the most appropriate bid distribution method.
- Finalizing all bid specification documents, including dates and meetings.
- Responsibility for scheduling all bid openings and for setting the time and date thereof. Bid opening dates will be scheduled to allow for proper review and analysis of all pertinent information prior to the request for placement on the Council agenda.
- Placing and verifying of required public advertisements.
- Receiving of sealed bids through either physical submission or on-line submission (as allowed by law)
- Oversight of all bid openings (as required by law).

PROCUREMENT POLICY

- All bids, with the exception of some construction bids, shall be tabulated by the Purchasing Manager with the assistance of the requesting department. Bids for construction may be tabulated by the Purchasing Manager, City Engineer or the Engineer of Record. Upon review of the submitted bids, a final bid tabulation will be certified by the Purchasing Department and posted for public information.
- All original bid documents and related material must be on file in the Purchasing Department prior to award being made.

H. City Council Agenda Items:

All procurement related agenda items will be processed by the Purchasing Department (unless specifically authorized by the City Manager). This includes purchasing interlocal agreements, procurement awards, change orders, resolutions and/or ratifications, and other documents as required by statute.

- The Purchasing Department will review the submitted documents and ensure that all information has been received and properly tabulated and generate the agenda paperwork.
- The Department Director will review and approve the agenda item prepared by Purchasing.
- Once approved, the Purchasing Department will submit all the necessary documents to the City's Secretary's office and request that the item be placed on the next available City Council Meeting Agenda.
- A Department representative will be present at the Council meeting to address any issues regarding the vendor selection, pricing, or technical specifications.
- The Purchasing Manager will be present at the Council meeting to address any issues regarding the procurement process utilized.

CHAPTER 8 – PUBLIC WORKS/CONSTRUCTION PROJECTS

Public Works projects are those projects that require the construction, repair, or renovation of a structure, building, street, highway, bridge, park, water and wastewater distribution facility, airport runway or taxiway, drainage project, or other improvement or addition to real property.

A. Bid Type:

Several bid processes are defined in Texas Government Code Chapter 2269. The Purchasing Manager will work in cooperation with the Department to determine which method will provide the best value for the City.

B. Prevailing Wage Rates:

Texas Government Code Chapter 2258 mandates any Public Work contract awarded by the City include the requirement to pay prevailing wage rates. The statute requires the payment of a prevailing wage rate for laborers and mechanics and applies to both contractors and subcontractors. Wages for workers on construction projects shall not be paid less than the schedule of general prevailing rates of per diem wages as mandated. The prevailing wage rate or a link to the wage rates with the date shall be included in public works projects. Rates may be accessed at: <http://www.wdol.gov/dba.aspx>.

C. Bonding Requirements:

Bonds shall be in accordance with Texas Government Code Chapter 2253.

- The bond must be executed by a corporate surety in accordance with the policies of and on forms approved City form.
- The corporate surety must be licensed by the State of Texas to issue surety bonds and appear on the U.S. Treasury List of acceptable sureties.
- A Power of Attorney must be included.
- Bonding shall be verified by the Purchasing Manager prior to the start of any project.

D. Insurance and Indemnification Requirements:

- The minimum insurance required will be specified by the Purchasing Department.
- For construction-related projects, all contractors and subcontractors, including those delivering equipment or materials or performing a service shall provide workers' compensation for all employees. General contractors are responsible for ensuring that subcontractors carry the same or higher insurance amounts as those required.
- All contractors shall provide proof of coverage which meets the requirements published by the Purchasing Department. Contractors shall post required signs at job site(s) informing all workers of their right to workers' compensation coverage. Texas Labor Code § 406.096
- Workers Compensation coverage is required by Texas Labor Code Texas Labor Code 406 for all Public Works contracts.

CHAPTER 9 – PROFESSIONAL SERVICES

The following policies are designed to assist the City’s staff in the selection of individuals or firms to perform professional services. The desire is to establish fairness and consistency in the selection process while obtaining the best value (quality services at a reasonable price) for the City in accordance with applicable legal requirements.

A. Definition of Professional Services:

Professional services generally refer to those services performed by an individual or group of individuals where education, degrees, certification, license, and/or registration are required for qualification to perform the service. The term “professional services” includes labor and skill that is predominantly mental or intellectual, rather than physical or manual in nature. (See Texas Attorney General Opinion No. JM-940, at p. 3 (1988)).

Certain professions are specifically named in the Professional Services Procurement Act (ACT), Texas Government Code Chapter 2254, Subchapter A. This includes services within the scope of the practice, as defined by state law (and amended), of:

1. Accounting
2. Architecture
3. Landscape Architecture
4. Land Surveying
5. Medicine
6. Optometry
7. Professional Engineering
8. Real Estate Appraising
9. Professional Nursing
10. Interior Design Services

If a department is not sure if a service is a “professional service,” the department should contact the Purchasing Manager before securing such services.

B. Procurement of Architectural, Engineering, or Land Surveying Services:

When procuring architectural, engineering or land surveying services, the City shall use a two-step selection process (see Texas Government Code § 2254.004).

General Procedure:

- First, the City shall select, through the RFQ process, the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
- Second, attempt to negotiate with that provider a contract at a fair and reasonable price. Negotiations will be facilitated by Purchasing as lead for a team of stakeholders.
- If the City is unable to negotiate a satisfactory contract with the most highly qualified provider of architectural, engineering or land surveying services:
 - First, the City shall formally end negotiations with that provider;
 - Second, select the next most highly qualified provider;

PROCUREMENT POLICY

- Third, attempt to negotiate a contract with that provider at a fair and reasonable price.
The City must continue this process until a contract is entered into.
- A purchase order must be issued upon award of contract.

C. Pre-Qualified Various Professional and Engineering Firms:

The Purchasing Department maintains a list of pre-qualified professional and engineering firms. Departments are encouraged to:

- Contact the Purchasing Department for guidelines, assistance and appropriate forms.
- Review the list of firms for the appropriate category, and rank the firms from most qualified to least for the specific project.
- Request a proposal from the firm most qualified for the project, and enter into negotiations. Note that firms must utilize the City's proposal form under this process.
- If the Department is unable to complete a successful negotiation that firm is notified in writing that they are permanently set aside. The Department may repeat the process with the next most qualified pre-qualified firm.
- All projects and resulting contracts which meet or exceed the competitive bid limit will require approval and award by the City Council (see Chapter 7).
- If the Department does not make a final selection from the list of pre-qualified firms, a request for a new RFQ/RFP will be submitted to the Purchasing Department.
- A signed contract and purchase order is required before work can begin.

D. All Other Professional and Personal Service Agreements:

The Department will contact the Purchasing Department to determine the most advantageous method.

CHAPTER 10 – GRANTS, REBATES and SUBSIDIES

Grants, rebates, and subsidies may be available to off-set the City's purchase expense or to provide other forms of assistance. Departments applying for grants, rebates or subsidies must notify the Finance and Purchasing Department prior to submission of any required paperwork.

Finance Responsibilities:

- Determining the source of the funds. Various sources may have different audit requirements
- Determining the appropriate accounting codes to record/receive revenues.

Purchasing Department Responsibilities:

- Review the documents for purchasing and disposal requirements
- May be restriction on sole source or brand name purchases
- EDGAR (Education Department General Administrative Regulations) requirements

Department is the Grant Administrator

- Reporting requirements
- Asset tracking
- Repurposing or disposal requirements

CHAPTER 11 – CHANGE ORDERS

A change order is the written documentation and approval process that must be performed when changes (increases or decreases) in the scope of a project are proposed after the performance of a contract has begun. Such changes may include a significant change in the quantity of work to be performed, the cost of work to be performed, or of the materials, equipment, or supplies to be furnished. A change order is usually written for a construction contract but may be necessary in other types of contracts.

A. Threshold for Change Orders:

A “threshold” is defined as a financial limit on the amount of expenditures which can be authorized by the City Manager on a construction project before requiring City Council approval. See Texas Local Government Code Chapters 252 and 271.

- **Cumulative Change Orders Greater than \$50,000** – If the change order is greater than \$50,000 it must be approved by the City Council.
- **Cumulative Change Orders Less than \$50,000** – If the change order is less than \$50,000 it may be approved by the City Manager or designee.

B. General Process:

- All change orders and or contract modification will be processed by the Purchasing Department and must be submitted in writing for execution by all parties.
- Change orders shall not exceed 25% of the original contract amount, or decrease the original contract price by more than 25%, without consent of the contractor (except for exempt purchases as defined).
- The scope of work addressed by the contract change cannot be started prior to either City Council approval or execution of the written change; with the exception of contracts complying with the “**Construction Contracts Contingency Fee Policy**”).
- Purchase orders will be updated by the Purchasing Department.

C. Approval for Change Orders:

If a change order is greater than \$50,000 and is extremely time sensitive and qualifies as an emergency, the City Manager may approve such a change order prior to City Council approval; however, such change order still must be processed through the Purchasing Department as soon as possible for City Council approval as a ratification. Emergency conditions are defined in Chapter 12.

D. Contingency Fee Policy:

The City Council may establish a contingency fund for a construction project at the time of award of a bid to be used during the course of a project. A contingency fund may be established as recommended by staff and processed by the Purchasing Department in the form of a City Council agenda item at an amount not to exceed 25% of the original bid price. SEE CHAPTER 11 – CONSTRUCTION CONTRACTS CONTINGENCY FEE POLICY.

CHAPTER 12 – CONSTRUCTION CONTRACTS CONTINGENCY FEE POLICY

This Purchasing Policy applies to all public works and construction bids awarded (as required by law) by the City of Wylie.

A. **Policy Purpose:**

To facilitate the timely completion of changes in plans or specifications after the performance of the contract is begun, or if it is necessary to decrease or increase the quantity of work performed or of materials, equipment or supplies to be furnished. The City may choose to include a portion (by percentage) of the maximum 25% increase ("Contingency Fee") of the original bid price in the award of the contract.

B. **Bid Award Procedure:**

- The Department director will evaluate the submitted bids, and make an award recommendation to the Purchasing Department. The award recommendation will include the name of the contractor, the portion of the work awarded, and the amount bid for the portion of work identified in the bid specification.
- Based on the complexity of the scope of work, the Department director may elect to include a portion (by percentage) of the maximum 25% increase allowable by law. The dollar amount of the "Contingency Fee" will be listed separately in the memo, and included in the total award.
- The Purchasing department will determine if the award of the bid requires City of Wylie Council approval based on the total (bid + "Contingency Fee"), and applicability of bond requirements.

C. **Change Orders:**

- All change orders shall be documented and submitted in writing to the Purchasing Department.
- Purchasing Department will obtain the required signatures and distribute as required.
- The value of each change order shall be documented and applied against any pre-awarded "Contingency Fee".
- Change orders which exceed the "Contingency Fee" in part or in whole will be processed according to Section 252.048 of the Local Government Code.

D. **Invoice Payment Procedure:**

- A purchase order will be issued, keeping the original bid/contract amount separate from the "Contingency Fee" amount.
- All original scope of work shall be invoiced and paid against the original contract amount.
- All change orders will be invoiced against the "Contingency Fee".

Gov Code: 2269 (Contracting & Delivery Procedures for Construction Projects)

Gov Code: 2253 (Bonds)

Local Gov Code: 252.044 (Contractor's Bond)

Local Gov Code: 252.048 (Change Orders)

CHAPTER 13 – SOLE SOURCE PURCHASES

Sole source purchases are allowed by statute (Texas Local Government Code §252.022.a.7), as a “General Exemption” to the competitive bid laws for the following specific situations:

- A) Items that are available from only one source because of patents, copyrights, secret processes or natural monopolies.
- B) Films, Manuscripts or Books
- C) Gas, Water and other Utility Services
- D) Captive replacement parts or components or equipment
- E) Books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials.
- F) Management services provided by a non-profit organization to a municipal museum, park, zoo or other facility to which the organization has provided significant financial or other benefits.

A. Single Source and Brand Name Clarification:

Single source or brand name requirements do not automatically fall in to the sole source exemption category, specifically when other products may exist that meet the needs of the department. Final determination on the procurement process will be made by the Purchasing Manager.

- Sole source purchases are not the same as a “single source”. A single source usually involves restricted or assigned sales territories for authorized dealers or distributors of a manufacturer; where dealers are not allowed to cross over into another’s territory.
- A “brand name” requirement may or may not be a sole source purchase depending on the nature of the purchase and the method of sales or distribution.

B. Written Justification:

The City is responsible for obtaining and retaining documentation from the vendor that clearly states the reasons the purchase must be made on a “sole source” basis.

- All sole source purchases require written justification in the form of an affidavit which must be completed by the vendor and notarized. This form is available from the Purchasing Department and must be submitted and approved by the Purchasing Manager prior to the purchase being made.

C. Notice of Intent to Award a Sole Source Procurement

All purchases in excess of \$40,000 will be processed by the Purchasing Department and require City Council approval prior to the ordering of goods and services, or start of work.

CHAPTER 14 – EMERGENCY PURCHASES

Emergency Purchases are allowed by statute (Texas Local Government Code §252.022.a), as a “General Exemption” to the competitive bid laws for the following specific situations:

- 1) A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality’s residents or to preserve the property of the municipality;
- 2) A procurement necessary to preserve or protect the public health or safety of the municipality’s residents
- 3) A procurement necessary because of unforeseen damage to public machinery, equipment, or other property.

An emergency condition creates an immediate and serious need for materials, services, or construction that cannot be met through normal procurement methods and that seriously threatens the functioning of the City or the protection of property or the health or safety of any person.

A. Emergency Disaster Declaration:

In an event involving a disaster, an emergency declaration will be made by the Mayor. All purchases must be documented through proper state & federal forms and authorized by the Emergency Operations Center Resource Manager or designee. **Purchasing for declared disaster situations will be handled as dictated by the Code of Federal Regulations 2CFR200, and current FEMA publication(s), or any other relevant or subsequent law or policy.**

B. Emergency Purchase Process: (Texas Local Government Code Chapter 252)

Departments are encouraged to contact the Purchasing Manager to discuss available options, and are authorized to proceed with an emergency purchase as defined by statute.

- Emergency Expenditure between \$3,000 and \$39,999
The Department may contact a vendor to initiate repair services, or purchase or order materials as needed. Immediately or as soon as feasible, notify Purchasing of the situation and enter the required requisition to facilitate payment noting in the PO Description Box “Emergency Purchase”.
- Emergency expenditure of \$40,000 or Above
The Department may contact a vendor to initiate repair services, or purchase or order materials as needed. Immediately or as soon as feasible, the Department must submit a memo of explanation, including any vendor documentation, and the associated budget codes to the Purchasing Department. Purchasing will create the required agenda resolution to ratify the expense and place it on the next available City Council Meeting Agenda.

C. Non-Emergency:

An emergency created through a lack of planning or neglect will not be processed as an emergency. Typical examples of such neglect are:

- Depletion of stock due to lack of planning.
- Building or equipment needing repairs for some time, suddenly becoming an emergency overnight.

PROCUREMENT POLICY

- Orders of materials for projects most of which must be planned weeks or months ahead of time, and requested just before desired use.

CHAPTER 15 – COOPERATIVE PURCHASES

Texas Government Code, Chapter 791, and Texas Local Government Code, Chapter 271, authorize the use of cooperative purchases through programs established with another governmental agency (piggy-backing) or an established cooperative agency.

These chapters grant the City authorization to utilize contracts that have completed a bid process and been awarded where:

- The bid is for the same goods and/or services; and
- The bid was completed in accordance with procurement laws that would govern the City's purchase; and
- An Interlocal Purchasing Agreement has been approved by both governing bodies.

It is the policy of the Purchasing Department to utilize cooperative agencies and interlocal purchasing agreements where a clear and definitive benefit exists. The City must be a member of the cooperative agency which may require Council approval prior to placing an initial order.

Interlocal Purchasing Agreements are normally restricted to other governmental agencies located within the Dallas/Fort Worth Metroplex. Purchasing interlocal agreements will not be executed to merely avoid the competitive bid process. Departments should contact the Purchasing Department for assistance with cooperative purchases and any reporting requirements.

CHAPTER 16 – PROCUREMENT CARD PROGRAMS

The procurement card programs are a payment mechanism designed to reduce the administrative costs associated with processing small purchases generally less than \$1,000. The programs are not intended to avoid or bypass appropriate purchasing or payment procedures; but are intended to complement the existing purchasing processes. The procurement card program administrator is the Purchasing Manager.

A. **General Policies**

- **Program Eligibility:**
 - Must be a full time City employee
 - Individual must complete purchasing training prior to issuance of the card
- **Obtaining Procurement Cards:**
The request must be submitted in writing by the Department Director and sent to the Purchasing Manager. Cards and access to the City's financial system will be issued for eligible full time employees once the cardholder has:
 - Received the appropriate level of training from the Program Administrator; and
 - Signed the Cardholder Agreement for the appropriate program, confirming receipt of the card, understanding of the program, and acknowledgement that improper use of the card may result in disciplinary action up to and including termination of employment.
- **Cardholder Limits and Commodity Restrictions:**
The Program Administrator, in coordination with the Finance Director, will assign authorization levels to each card.

Monthly dollar limits and commodity restrictions will be assigned to all City cards. Some restrictions will apply to the entire program, such as cash advances, alcohol, cigar/tobacco products, casinos/gambling facilities, and international travel or businesses. If a purchase is declined due to an exclusion, contact the Program Administrator.

- **Program Administrator Responsibilities:** (Purchasing Manager)
 - Serving as the official City liaison with the credit card processing company
 - Determining appropriate merchandise category exclusions to minimize risk to the City
 - Maintaining the online card system
 - Issuing cards and related program information
 - Replacement of lost, stolen or compromised cards
 - Assisting departments with appropriate transactions which may exceed their card limits
- **Department Director Responsibilities:**
 - Approving cardholder requests
 - Reviewing and approving monthly statements and purchase orders for adherence to policies prior to submission for payment.
 - End of employment - Prior to an employee's final work day, the Department Director or manager will collect any issued cards and return it to the Program Administrator for cancellation.
- **Cardholder Responsibilities:**

PROCUREMENT POLICY

While the cardholder's name is printed on the card, cards are issued to the City and will have no impact of the cardholder's personal credit. City funds are committed each time the card is used and each individual cardholder is responsible for all charges made to their card. Therefore, by participating in any card program, all cardholders are responsible for:

- Compliance with the City of Wylie Credit Card Program Cardholder Agreement and User's Guide.
- Cards will be assigned to individual cardholders and are issued within the parameters of a specific fund and department.
- Purchases are limited to those within the cardholder's assigned budget, and may not be used to purchase goods or services outside of those the cardholder has access to within the City's financial system.
- Cards should not be loaned or given to other employees.
- Determining if the transaction is an acceptable use of the card, and if the total expenditure, including delivery or freight charges, is within the cardholder's spending limit
- Ensuring that the card is utilized for legitimate City business only; the card is not for personal use
- Ensuring that transactions are not split to circumvent the limits assigned to the card, or to circumvent other procurement policies.
- Ensuring that the City is not charged sales tax; informing the merchant of the City's tax exempt status **prior** to placing the order. If sales tax is charged, it is the cardholder's responsibility to contact the vendor and obtain the credit.
- Ensuring that transactions that are processed through PayPal (or other 3rd party payment processes) are supported with detailed documentation as to what the purchase is and what it is used for.
- Resolving any disputes or billing errors directly with the merchant. Cardholders may notify the Program Administrator if the disputes cannot be resolved.
- Submitting the required statement and receipts for payment processing within the required deadlines.
- Immediately contacting either the Program Administrator or the bank (using the phone number on the back of the card) of a lost or stolen card, or fraudulent charges.

B. Amazon Procurement Program

The City participates in the Amazon Procurement Program, and accounts are assigned and managed by the Purchasing Department as the Program Administrator. Department accounts have been assigned to a specific cardholder to make purchases within the financial limits of the named cardholder. Amazon purchases made from accounts or credit cards other than those authorized by the Program Manager are prohibited.

C. Violations and Remedies:

Violations to the card program may result in disciplinary action, up to and including termination. At a minimum, violations to the card program will result in the following remedies:

- First Offense: Written warning of the infraction will be send to the cardholder
- Second Offense: Written warning of the infraction will be sent to the cardholder and the department director.

PROCUREMENT POLICY

- Third Offense: Card privileges will be suspended for 30 days, and the cardholder will surrender the card to the Program Administrator for the duration of the suspension period.
- Fourth Offense: Card privileges will be suspended permanently and the cardholder will surrender the card to the Program Administrator

CHAPTER 17 – GENERAL ITEMS

A. Tax Exempt Certificates:

Department will contact the Purchasing Department via email (purchasing@wylietexas.gov) to request tax exempt certificates. To enable Purchasing to provide the best procurement solution, the request must include:

- Vendor Name, Address
- Products or services to be purchased
- Amount of money budgeted, and the vendor's quote (if available)
- Is this a one-time purchase, or will it be repetitive

Departments should allow sufficient time for the request to be completed, and forms will be emailed back to the Department unless otherwise requested.

B. Various Other Procurement Programs:

The Purchasing Department is responsible for setting up various other procurement programs such as:

- Copiers
- Office Supplies
- Sam's memberships
- Amazon Business Account (personal accounts may not be used for City purchases)
- Home Depot Account
- City issued credit cards (see Chapter 15)
- Fuel Programs

Department requests for access to these programs should be sent via email through the Department Director to Purchasing. Once completed, the Department staff will be notified.

C. Petty Cash Purchases

If the department maintains a petty cash fund, purchases are usually for items which are not maintained in stock, and are \$25.00 or less in value. Departments should note that items purchased through petty cash may be more expensive due to the payment of sales tax; therefore, the use of petty cash should be limited. A City Purchasing Card should be used for most small transactions.

When a vendor will allow employees to make a tax exempt purchase, the vendor may require a Tax Exemption Form. Contact the Purchasing Department or Accounts Payable for copies of this exemption certification.

D. Fiscal Year Procurement Cut Off:

Departments will complete all budgeted purchases no later than August 31st of each fiscal year. Only contracted recurring monthly expenses, break-fix/maintenance, or emergency requisitions will be approved. All exceptions must be pre-approved in writing by the City Manager and submitted to the Purchasing Department.

CHAPTER 18 – BONDS, INSURANCE AND INDEMNIFICATION

A. Bond Policy:

Bidders may be required (at the statutory limit or less) to provide certain bonds for Public Works/Construction Contracts. This ensures that if the bidder attempts to withdraw after the bid is accepted, the City will not suffer loss. The City will only accept corporate sureties duly qualified and authorized. Personal sureties will not be accepted. All required bonds must be approved by the Purchasing Manager prior to contractors or vendors commencing work.

The City may require bonding on other projects to mitigate risk.

The City requires payment, performance, and maintenance bonding to be provided on City approved forms in accordance with statute.

B. Types of Bonds:

Bid Bonds –The Bid Bond minimum limit is five percent (5%) of the total amount bid and would typically apply to construction contracts. It is the City's option whether or not to require bidders to provide a Bid Bond. Certified or cashier's checks will NOT be accepted in lieu of a Bid Bond. Bid Bonds are provided on surety forms. Bid Bonds will be returned to the issuing vendor upon request. Bond must be requested within ten days of award.

Payment Bonds are required for Public Works Contracts in excess of fifty thousand dollars (\$50,000) and must be written for one hundred percent (100%) of the total bid price. The Payment Bond is for the protection of those performing work as subcontractors or suppliers for the prime vendor/contractor. See Texas Government Code § 2253.021

Performance Bonds are required for all Public Works Contracts when the vendor's bid exceeds one hundred thousand (\$100,000), and they must be written for one hundred percent (100%) of the total bid price. These bonds are solely for the protection of the City in the event of a contractor/vendor default under Contract terms and conditions. See Texas Government Code § 2253.021

Maintenance Bonds can be written for a term relevant to the project. The coverage provided by a Maintenance Bond is to guarantee against defective workmanship and materials.

C. Insurance and Indemnification Policy:

The Purchasing Department maintains the City's insurance requirements. Contractors performing work on City property or public right-of-way shall provide indemnification and certificates of insurance or a copy of their insurance policy(s) including a copy of the endorsements necessary to meet contract requirements, and hold harmless and defense clauses. The required language is inserted in solicitation documents by the Purchasing division or owner of the specifications.

Contractual agreements must contain a provision that transfers the risk of the project from the City to the contractor. Because the contractor may not have the financial resources to handle the risks that are

PROCUREMENT POLICY

transferred in the contract, the City requires that insurance be purchased and maintained by the contractor for financial security.

- Workers' Compensation Insurance – Per statute, contractors, and subcontractors hired for building and construction projects must provide Workers' Compensation Insurance for their employees regardless of the project's cost. See Texas Labor Code, § 406.096.
- Purchasing will verify and approve all insurance documents prior to the contract, purchase order, or commencement of work to be performed.

***NOTE:**

These documents may vary based on the perceived exposure, and are constantly updated. City employees should not maintain copies of the insurance requirements for distribution purposes; but should obtain the most current documents from Purchasing on an as needed basis.

D. Insuring City Assets:

The Purchasing Department is responsible for maintaining insurance coverage for the City's assets including vehicles, mobile equipment, buildings, building contents, playgrounds, parks, water delivery structures, etc. Inventories will be reviewed and confirmed on an annual basis, to allow for adequate coverage and accurate billing.

Departments are responsible for maintaining their detail inventory lists and notifying Purchasing of any deletions, additions or changes that would impact the insurance coverages. Examples would include bringing a new water storage tank on-line or removal of an old tank; upgrading of playground equipment located at a park; adding additional lights or parking lot at a park; acquiring new vehicles, heavy equipment or mobile equipment.

CHAPTER 19 – CONTRACTS

A contract is a written, legally binding document or obligation to do or abstain from doing an act. The contractor must perform and meet the requirements of the contract. All guidance provided to a contractor must be within the scope of the contract.

A. Purchase Orders:

A Purchase Order is a legal contract. Purchase orders are generated and approved before goods or services are ordered and received. This ensures purchases are approved and within budget. A Purchase Order or Contract is required when insurance and indemnification is required. See Chapter “Requisitions and Purchase Orders”.

B. Contracts Greater than \$40,000:

All purchases greater than \$40,000 may require a written contract, insurance, and/or bonds. City Council approval is required at \$50,000 and Legal review of the contract may be required. All contracts will be processed by Purchasing.

C. Annual/Term Contracts:

The City may use an annual/term fixed price contract to obtain required goods or services from a chosen vendor for a specified time period. These contracts eliminate the necessity of bidding commodities and performing HUB searches each time they are needed. Annual contracts require a bid solicitation (or use of a cooperative contract), award process, and purchase order.

- Purchases of items or services that may be readily quantified (such as a fixed hourly rate or a fixed price per linear foot) will be awarded on a competitive sealed bid or competitive sealed proposal (CSP) basis and approved according to expenditure authority.
- Requested items should be detailed by description and unit cost on the P.O. or an attached document, with the remarks section stating that the items are under contract to the specified vendor. Releases will then be reconciled with invoices.

Note: Items or a service purchased from a source other than the vendor awarded the work is a direct violation of purchasing policy unless such purchase is an emergency purchase. If there are issues with a vendor’s performance, contact the Purchasing department. (An emergency is defined in Chapter “Emergency Purchases”.)

CHAPTER 20 – CONTRACT MANAGEMENT & VENDOR PERFORMANCE

A. General Responsibilities:

Purchasing will be responsible for all contract documents that are issued through the Purchasing Department. These documents will include:

- D. Bid related documents
- E. Insurance certificates
- F. Bonds
- G. Any written contract
- H. Change Orders
- I. Relevant correspondence; including copies of “Notice to Proceed” documents issued by the department
- J. Tier 2 Contract Administration (habitual or unresolved contract issues)
 - a. Vendor performance issues (department will be required to submit written documentation)
 - b. Legal issues, including notice to terminate (which may include City Council action)

City Staff will be responsible for:

- Issuing the purchase order
- Issuing a written “Notice to Proceed”, and copying the assigned Purchasing staff
- Tier 1 Contract Administration
 - Monitoring contract compliance; including meeting minutes/notes
 - Accurate and timely deliveries and invoicing
- Submitting change orders to Purchasing for processing
- Requests for payments
- Inspection and Testing
- Documentation or reporting as required by local, state or Federal grants
- Acceptance of goods, work or services performed

Vendors play a crucial role in the City’s day-to-day operations. As such, maintaining communication during the vendor obligation period is important. Both City staff and the vendor should provide open communication on project status, current issues, and potential issues.

B. Non-Performing Vendors:

When a vendor fails to perform according to the Agreement (Purchase Order, Annual Agreement, Contract, and/or Specification), the Department Director (or designee) and Purchasing will:

- Document the issues in writing to the vendor.
- Schedule a meeting to discuss the issues.
- Document a mutually agreed upon resolution in writing and signed by the department and the vendor. A copy will be forwarded to the Purchasing Department for the bid file.

If a vendor’s performance remains non-compliant or otherwise unsatisfactory, the department will notify the Purchasing Manager who will attempt to facilitate a resolution. If Purchasing cannot resolve the issues, the Purchasing Manager and the Department Director will make a joint determination to cancel the contract per its terms and conditions. Purchasing will then work with the department to obtain a substitute vendor or issue a new solicitation in accordance with purchasing policy.

CHAPTER 21 – ASSET AND SURPLUS DISPOSAL

Surplus property is property owned by the City that is no longer needed. There are multiple formats for the disposal process such as auction, trade-in, recycling, and destruction. All methods require written approval.

- Departments must contact the Purchasing Manager or designee prior to the relocation or disposal of property so that accounting records are accurately maintained. This is particularly important when the item was originally purchased as a capital asset to be depreciated
- Disposition forms / Capital Asset Forms are available from Finance or Purchasing.
- After approval by the Purchasing Department, equipment should be stored by the department until the property can be removed for auction.

A. Transfer of Surplus Goods Within The City

- Equipment (vehicles, trailers, etc.)

Directors may request that an item be transferred between departments. Such requests should be indicated on the Purchasing Disposal Form and sent to Purchasing requesting a transfer of all desired equipment. If the transfer of equipment is approved, the Purchasing Division shall notify Accounting for updates to the Fixed Asset List, and make other inventory, billing and insurance changes as necessary.

B. Disposal of Goods, Salvage or Surplus Property

The Purchasing Manager or designee shall be responsible for the disposal of City owned real property and salvage/surplus personal property (excluding property or evidence in possession of the City of Wylie Police Department which is governed by court order). Neither employees of the City, their family members nor the general public may acquire City owned property outside of one of the following methods.

- Personal property that has been deemed salvage or surplus may be disposed of by one the following methods, as deemed appropriate by the Purchasing Manager:
 - sold at a public auction
 - sold by soliciting competitive bids
 - sold or donated to a political subdivision of this state, a state agency of this state, or an entity of the federal government
 - traded-in on new property of the same type during the purchasing process
 - Library sponsored used book sales or donations to the Friends of the Library
 - destroyed, if such property has a value of less than \$500
- Real Property (all land, structures, firmly attached and integrated equipment) shall be disposed of in accordance with Texas Local Gov. Code 253 and 272, including:
 - Requirements for public notification,
 - Notice of intent to sell at public auction or
 - Notice of intent to sell by soliciting competitive bids.

C. Donations

Contact the Purchasing Department prior to making donations outside agencies or organizations.-

CHAPTER 22 - REQUISITIONS & PURCHASE ORDERS

A. Access to Incode: For full time employees of the City of Wylie

Request for access will be submitted by the Department Director to the Purchasing Manager. Upon approval, the Purchasing Manager will notify the employee to schedule a date/time to complete the mandatory Purchasing Training. When the training has been completed the Purchasing Manager shall forward the access request to the Assistant Finance Director for access to the City's financial system.

B. Requisition Process:

The requisition is the first step in the creation of a legal binding contract with the vendor. The resulting purchase order must contain sufficient information to allow the vendor to fulfill the order. Departments must not rely upon verbal conversations to ensure that the goods or services ordered are correct.

Upon receipt of the appropriate documentation (quotes, bids, contracts, etc.), the authorized Department representative will:

- Review the documentation to ensure compliance with contract requirements, shipping terms, payment terms, insurance requirements, etc.
- Review Incode Vendor file to see if vendor is listed and active. Be sure to verify address (some vendors have several addresses).
- If vendor name and address is not listed, contact the vendor for a W9 and complete the New Vendor forward. Forward those forms to the Purchasing Department (purchasing@wylitetexas.gov).
- Compile and store all supporting documentation in accordance with Chapter 6 "Procurement Thresholds". Note: Long term storage of documentation will be migrating to Laserfiche, as licenses and training are available.
- Requisition information must be detailed and goods and/or services should generally be itemized. Where there is insufficient field space to include a complete description, departments should utilize the "P.O. Description" box for additional information, or reference an attached quote.
- The "P.O. Description" box must also include such items as:
 - Dates of services or term coverage (example: June 1, 20XX – May 31, 20XX)
 - Contract numbers
 - Delivery instructions
 - Insurance Requirements
- Complete the requisition process and print the purchase order.

C. Purchase Orders:

As stated in Chapter 18 (Contracts), purchase orders are legal binding documents. For the terms of the contract to be fulfilled, the purchase order **must** be printed and sent to the vendor (emailing is acceptable). Verbal orders are not acceptable, and in many cases may expose the City to unnecessary insurance and financial risks.

D. Deletion of Purchase Orders:

For deletion of a purchase order prior to any payments, the department must contact Purchasing to request the deletion.

Contact A/P for the exceptions:

PROCUREMENT POLICY

- Closing out of unused funds of an existing purchase order (where payments have already been made).
- Year-end closing.

CHAPTER 23 – RECEIPT OF GOODS/SERVICES

A. Inspecting Goods or Services:

It is the responsibility of the using department to inspect all equipment and supplies and to initiate the payment process.

- All deliveries should be inspected promptly, and whenever possible, in the presence of the vendor or shipper. The individual inspecting the merchandise or service performed should pay particular attention to the following:
 - The quantity shipped is consistent with the quantity ordered.
 - Note any damaged or defective merchandise on both the receipt (loading) ticket and/or the Purchase Order.
 - Verify that merchandise received meets the specifications defined on the purchase order specifications or annual contract agreement. Verify that the scope of services detailed on the purchase order has been performed to the department's satisfaction.
- After verifying that the materials received are accurate and in good condition, or that services have been performed, the using department shall sign a copy of the Purchase Order, attach the invoice and forward to Accounts Payable within 3-5 days.

B. Partial Deliveries:

When partial deliveries are made, the Department shall indicate a partial delivery on the Purchase Order receiving copy, noting the items and quantities received.

- Departments should attach a copy of the Purchase Order to the receiving documents, clearly mark that it is a "partial payment" and submit to Accounts Payable within 5 days of receipt of merchandise. **Using departments may not hold any paperwork pending delivery of back-ordered merchandise. The department should contact Purchasing if there are any questions.**
- Accounting will process payment for quantities delivered.
- Payment for back-ordered items will be processed after receipt of forms indicating that delivery is complete.
- Upon delivery of all back-ordered merchandise, the using department should note on the receiving copy of the purchase order the items to be paid for and that the delivery is complete.

C. Defective or Damaged Merchandise:

When an item is defective, damaged, or does not meet specifications, the department will notify the vendor in writing within 2 days (unless otherwise noted) of discovery of the discrepancy to discuss remedies and invoices.

- Any merchandise in need of return that was ordered by Purchasing will be handled by the Purchasing Division.
- Returns for orders placed by the using departments will be the responsibility of the department.



PROCUREMENT MANUAL

ACKNOWLEDGMENT OF RECEIPT

The undersigned employee acknowledges that they have received the City of Wylie Purchasing Manual and that they understand the provisions therein and, in consideration of their employment or continued employment, acknowledge and agree that:

1. The policies in the manual are not contractual in nature.
2. Failure or refusal to sign this acknowledgement may result in termination of your participation in procurement activities and access to the City's procurement financial system.
3. The City can unilaterally rescind, modify or add to the policies in the manual at any time without notice.
4. You have read and understand the policies contained in this manual, including those related to purchasing card usage (and its associated documents).
5. No rule contained herein or adopted pursuant hereto guarantees any employee of the City a right to continued employment. The City always retains the right to exercise discretion in amending these rules and in interpreting them reasonably.
6. Any agreement(s) or assurance(s) concerning the terms, conditions or duration of any individual's employment are not binding unless they are in writing and signed by the appropriate official (City Manager).

Accepted this ____ day of _____, 20____, by:

Employee Name (print)

Department (print)

Signature



Wylie City Council

AGENDA REPORT

Department: Finance
 Prepared By: Melissa Beard

Account Code: _____

Subject

Consider, and act upon, approving the Debt Management Policy.

Recommendation

Motion to approve Item as presented.

Discussion

The purpose of a Debt Management Policy is to establish parameters and provide guidance governing the issuance, management, continuous evaluation of and reporting on all debt obligations issued by the City. A formal approval by Council will also provide for the preparation and implementation necessary to ensure compliance and conformity with the policy.

Advantages of a debt policy are:

- Enhances the quality of decision by imposing order and discipline
- Promotes consistency and continuity in decision making
- Identifies objectives for staff to implement
- Demonstrates a commitment to long term financial planning objectives
- Regarded positively by the rating agencies

Last year was the first year the City of Wylie adopted a separate Debt Management Policy with specific benchmarks of measure. The policy was adopted on September 22, 2020. There are no changes in the policy presented from last year.

Staff recommends approval of the Debt Management Policy.

Financial Summary/Strategic Goals

City of Wylie, Texas

Debt Management Policy

I. Purpose

The purpose of this policy is to establish parameters and provide guidance governing the issuance, management, continuous evaluation of and reporting on all debt obligations issued by the City of Wylie, and to provide for the preparation and implementation necessary to ensure compliance and conformity with this policy. Advantages of a debt policy are as follows:

- Enhances the quality of decisions by imposing order and discipline
- Promotes consistency and continuity in decision making
- Identifies objectives for staff to implement
- Demonstrates a commitment to long term financial planning objectives

II. Policy Statement

Under the governance and guidance of Federal and State laws and the City's Charter, ordinances and resolutions, the City may periodically enter into debt obligations to finance the construction or acquisition of infrastructure and other assets; or to refinance existing debt for the purpose of meeting its governmental obligation to its residents. It is the City's desire and direction to ensure that such debt obligations are issued and administered in such fashion as to obtain the best long-term financial advantage to the City and its residents, while making every effort to maintain and improve the City's bond ratings.

The City shall not issue debt obligations or utilize debt proceeds to finance current operations of City Government.

III. General Debt Governing Policies

The City establishes the following policies concerning the issuance and management of debt:

- The City will not issue debt obligations or use debt proceeds to finance current operations or normal maintenance.
- Debt financing includes general obligation bonds, certificates of obligation, revenue bonds, lease/purchase agreements and other obligations permitted to be issued under Texas law.

- The City shall review its outstanding debt annually for the purpose of determining if the financial marketplace will afford the City the opportunity to refund an issue and lessen its debt service costs. As a general rule, the present value savings of a particular refunding should exceed four percent (4%) of the refunded maturities, unless a restructuring or bond covenant revision is necessary in order to facilitate the ability to provide services or issue additional debt in accordance with established debt policies.
- The City will utilize debt obligations only for acquisition, construction, reconstruction or renovation of capital improvement projects that cannot be funded from current revenue sources or in such cases where it is more equitable to the users of the project to finance the project over its useful life.
- The City will measure the impact of debt service requirements of outstanding and proposed debt obligations on a single year, five, ten, and twenty year period. This analysis will consider debt service maturities and payment patterns.
- The City will seek the advice and services of the Financial Advisor in performing the bond issuance process. The City will also seek the advice of Bond Counsel as to the legality and tax-exempt status of any obligations.
- The City shall use a competitive bidding process in the sale of debt unless the nature of the issue warrants a negotiated sale. The City shall attempt to award the bonds based on a true interest cost (TIC) basis. However, the City may award bonds based on a net interest cost (NIC) basis as long as the Financial Advisor agrees that the NIC basis can satisfactorily determine the lowest and best bid.
- Credit enhancements are mechanisms which guarantee principal and interest payments. They include bond insurance and a line or letter of credit. A credit enhancement, while costly, will usually bring a lower interest rate on debt and a higher rating from the rating agencies, thus lowering overall costs. During debt issuance planning the Financial Advisor will advise the City whether or not a credit enhancement is cost effective.
- The bond proceeds will be invested in accordance with the City's investment policy. Interest earnings received on the investment of bond proceeds shall be used to assist in paying the costs associated with the capital project.
- The City is committed to continued disclosure of financial and pertinent credit information relevant to the City's outstanding securities and will abide by the provisions of Securities and Exchange Commission (SEC) Rule 15c2-12 concerning primary and secondary market disclosure.

IV. Debt Limit

- The State of Texas statutes do not prescribe a legal debt limit on the amount of outstanding bonds.
- The charter for the City of Wylie, Texas does not provide a debt limit.

V. Specific Debt Ratios and Measurement

This section of the debt management policy establishes the target debt ratios and measurements for the City.

As the City periodically addresses its ongoing needs, the City Manager and the City Council must ensure that future elected officials will have the flexibility to meet the capital needs of the City. Since neither State law nor the City Charter provides any limits on the amount of debt which may be incurred, this policy establishes targets which should provide future flexibility.

Purposes of Issuance - The City will issue debt obligations for acquiring, constructing, reconstructing or renovating Capital Improvements or for refinancing existing debt obligations. Projects must be designed as public purpose projects by the City Council prior to funding.

Maximum Maturity - All debt obligations shall have a maximum maturity of the earlier of: a) the estimated useful life of the Capital Improvements being financed; or b) twenty years; or c) in the event they are being issued to refinance outstanding debt obligations, the final maturity of the debt obligations being refinanced, unless a longer term is recommended by the Financial Advisor.

Net Debt Per Capita - Is the amount of general bonded debt outstanding for each citizen of a jurisdiction. Net direct debt is the sum of all general obligation bonds outstanding less the year-end balance of the debt service fund. The City shall strive to maintain the current Net Direct Debt Per Capita at or below \$2,000.00.

Net Debt to Assessed Value - Assessed valuation shows the fiscal capacity of the tax base. The City shall strive to maintain a ratio of Net Direct Debt to Assessed Value of properties in the City at or below four percent (4%).

Bond Covenants and Laws - The City shall comply with all covenants and requirements of the bond resolutions, the State and Federal laws authorizing and governing the issuance and administration of debt obligations.



Wylie City Council

AGENDA REPORT

Department: Finance
Prepared By: Melissa Beard

Account Code: _____

Subject

Consider, and act upon, approving the Financial Management Policies.

Recommendation

Motion to approve Item as presented.

Discussion

The purpose of the Financial Management Policies is to formalize financial guidelines for the City. They will assist City staff in planning and directing the City's financial affairs and provide a document that codifies these policies in one place.

The overriding goal of the Financial Management Policies is to enable the City to achieve a long-term stable and positive financial condition while conducting its operations consistent with the Council-Manager form of government established in the City Charter. The basis for the City's Financial Management Policies includes integrity, prudent stewardship, planning, accountability, and full disclosure.

The scope of the policies span accounting, auditing, financial reporting, internal controls, operating and capital budgeting, revenue management, and expenditure control.

The Financial Management Policies were previously approved on October 13, 2020 and there are no changes in the policy presented.

Staff recommends approval of the Financial Management Policies.

Financial Summary/Strategic Goals

FY 2021-22

City of Wylie

Financial Management Policies

I. PURPOSE STATEMENT

The overriding goal of the Financial Management Policies is to enable the city to achieve a long-term stable and positive financial condition while conducting its operations consistent with the Council-Manager form of government established in the City Charter. The watchwords of the city's financial management include integrity, prudent stewardship, planning, accountability, and full disclosure.

The purpose of the Financial Management Policies is to provide guidelines for the financial management staff in planning and directing the city's day-to-day financial affairs and in developing recommendations to the City Manager.

The scope of the policies spans accounting, auditing, financial reporting, internal controls, operating and capital budgeting, revenue management, cash management, expenditure control and debt management.

II. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING

A. ACCOUNTING - The city's Assistant Finance Director is responsible for establishing the chart of accounts, and for properly recording financial transactions.

B. FUNDS - Self-balancing groups of accounts are used to account for city financial transactions in accordance with generally accepted accounting principles. Each fund is created for a specific purpose except for the General Fund, which is used to account for all transactions not accounted for in other funds. Funds are created and fund names are changed by City Council.

C. EXTERNAL AUDITING - The city will be audited annually by outside independent auditors. The auditors must be a CPA firm of national reputation, and must demonstrate that they have the breadth and depth of staff to conduct the city's audit in accordance with generally accepted auditing standards, generally accepted government auditing standards, and contractual requirements. The auditors' report on the city's financial statements including any federal grant single audits will be completed within 120 days of the city's fiscal year end, and the auditors' management letter will be presented to the city staff within 150 days after the city's fiscal year end. An interim management letter will be issued prior to this date if any materially significant internal control weaknesses are discovered. The city staff and auditors will jointly review the management letter with the City Council within 60 days of its receipt by the staff.

D. EXTERNAL AUDITORS RESPONSIBLE TO CITY COUNCIL – The external auditors are accountable to the City Council and will have access to direct communication with the City Council if the city staff is unresponsive to auditor recommendations or if the auditors consider such communication necessary to fulfill their legal and professional responsibilities.

E. EXTERNAL AUDITOR ROTATION - The city will not require external auditor rotation, but will circulate requests for proposal for audit services periodically, normally at five-year intervals or less. An award of services to the same audit firm is allowable but will require rotation of the audit partner and audit manager after five consecutive years. The rest period for the audit partner will be a minimum of two years and the rest period for the audit manager will be a minimum of five years.

F. EXTERNAL FINANCIAL REPORTING - The city will prepare and publish a Comprehensive Annual Financial Report (CAFR). The CAFR will be prepared in accordance with generally accepted accounting principles, and will be presented annually to the Government Finance Officers Association (GFOA) for evaluation and possibly awarding of the Certification of Achievement for Excellence in Financial Reporting. The CAFR will be published and presented to the City Council within 120 days after the end of the fiscal year. City staffing limitations may preclude such timely reporting. In such a case, the Finance Director will inform the City Manager and the City Manager will inform the City Council of the delay and the reasons therefore.

III. INTERNAL CONTROLS

A. WRITTEN PROCEDURES - The Finance Director is responsible for developing city-wide written guidelines on accounting, cash handling, and other financial matters which will be approved by the City Manager.

The Finance Department will assist department managers as needed in tailoring these guidelines into detailed written procedures to fit each department's requirements.

B. INTERNAL AUDIT - The Finance Department may conduct reviews of the departments to determine if the departments are following the written guidelines as they apply to the departments. Finance will also review the written guidelines on accounting, cash handling and other financial matters. Based on these reviews Finance will recommend internal control improvements as needed.

C. DEPARTMENT MANAGERS RESPONSIBLE - Each department manager is responsible to the City Manager to ensure that good internal controls are followed throughout his or her department, that all guidelines on accounting and internal controls are implemented, and that all independent and internal auditor internal control recommendations are addressed.

IV. OPERATING BUDGET

A. PREPARATION - The city's "operating budget" is the city's annual financial operating plan. It consists of governmental and proprietary funds, including the general obligation Debt Service Fund, but excluding capital projects funds. The budget is prepared by the City Manager with the assistance of the Finance Department and cooperation of all city departments. The City Manager transmits the document to the City Council. The budget should be presented to the City Council no later than August 5 or a date to be determined by the City Council, and should be enacted by the City Council prior to fiscal year end. The operating budget will be submitted to the GFOA annually for evaluation and possible awarding of the Award for Distinguished Budget Presentation.

B. BALANCED BUDGETS -An Operating budget will be balanced, with current revenues, exclusive of beginning resources, greater than or equal to current expenditures/expenses.

C. PLANNING - The budget process will be coordinated so as to identify major policy issues for City Council.

D. BUDGETED DRAWDOWN OF RESERVES - One-time purchases may be requested by the City Manager through the budget process, subject to the Fund Balance Policy in section IX of the Policies.

E. REPORTING - Periodic financial reports will be prepared to enable the department managers to manage their budgets and to enable the Budget Manager to monitor and control the budget as approved by the City Council. Monthly financial reports will be presented to the City Council. Such reports will include current year revenue and expenditures.

F. CONTROL - Operating Expenditure Control is addressed in Section VII of the Policies.

G. PERFORMANCE MEASURES AND PRODUCTIVITY INDICATORS – Where appropriate, performance measures and productivity indicators will be used as guidelines and reviewed for efficiency and effectiveness. This information will be included in the annual budgeting process.

V. CAPITAL BUDGET AND PROGRAM

A. PREPARATION - The city's capital budget will include all capital projects funds and all capital resources. The budget will be prepared annually on a fiscal year basis and adopted by ordinance. The capital budget will be prepared by the City Manager with assistance from the Finance Department and involvement of all required city departments.

B. CONTROL - All capital project expenditures must be appropriated in the capital budget. Finance must certify the availability of resources so an appropriation can be made before a capital project contract is presented by the City Manager to the City Council for approval.

C. PROGRAM PLANNING - The capital budget will include capital improvements programs for future years. The planning time frame should normally be five years. The replacement and maintenance for capital items should also be projected for the next five years at a minimum. Future maintenance and operations will be fully costed, so that these costs can be considered in the operating budget.

D. ALTERNATE RESOURCES - Where applicable, assessments, impact fees, or other user-based fees should be used to fund capital projects which have a primary benefit to certain property owners.

E. DEBT FINANCING - Recognizing that debt is usually a more expensive financing method, alternative financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing the debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.

F. STREET MAINTENANCE - The city recognizes that deferred street maintenance increases future capital costs by an estimated 5 to 10 times. Therefore, the City's goal is to allocate a portion of the General Fund budget each year to maintain the quality of streets. The amount will be established annually so that repairs will be made amounting to a designated percentage of the value of the streets.

G. WATER/WASTEWATER MAIN REHABILITATION AND REPLACEMENT - The city recognizes that deferred water/wastewater main rehabilitation and replacement increases future costs due to loss of potable water from water mains and inflow and infiltration into wastewater mains. Therefore, to ensure that the rehabilitation and replacement program is adequately funded, the City's goal will be to dedicate an amount equal to at least 1 % of the undepreciated value of infrastructure annually to provide for a water and wastewater main repair and replacement program.

H. REPORTING - Periodic financial reports will be prepared to enable the department managers to manage their capital budgets and to enable the finance department to monitor the capital budget as authorized by the City Manager.

VI. REVENUE MANAGEMENT

A. SIMPLICITY - The city will strive to keep the revenue system simple which will result in a decrease of compliance costs for the taxpayer or service recipient and a corresponding decrease in avoidance to pay. The city will avoid nuisance taxes, fees, or charges as revenue sources.

B. CERTAINTY - An understanding of the revenue source increases the reliability of the revenue system. The city will try to understand its revenue sources, and enact consistent collection policies so that assurances can be provided that the revenue base will materialize according to budgets and plans.

C. EQUITY - The city will strive to maintain equity in the revenue system structure. That is, the city will seek to minimize or eliminate all forms of subsidization between entities, funds, services, utilities and customers. However, it is recognized that public policy decisions may lead to subsidies in certain circumstances, e.g., senior citizen property tax exemptions or partial property tax abatement.

D. ADMINISTRATION - The benefits of revenue will exceed the cost of producing the revenue. The cost of collection will be reviewed annually for cost effectiveness as a part of the indirect cost, and cost of services analysis.

E. REVENUE ADEQUACY - The city will require that there be a balance in the revenue system. That is, the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.

F. COST/BENEFIT OF ABATEMENT - The city will use due caution in the analysis of any tax, fee, or water and wastewater incentives that are used to encourage development. A cost/benefit (fiscal impact) analysis will be performed as a part of such analysis and presented to the appropriate entity considering using such incentive.

G. DIVERSIFICATION AND STABILITY - In order to protect the government from fluctuations in revenue source due to fluctuations in the economy, and variations in weather (in the case of water and wastewater), a diversified revenue system will be maintained.

H. NON-RECURRING REVENUES - One-time revenues will not be used for ongoing operations. Non-recurring revenues will be used only for non-recurring expenditures. Care will be taken not to use these revenues for budget balancing purposes.

I. PROPERTY TAX REVENUES - Property shall be assessed at 100% of the fair market value as appraised by the Collin County Central Appraisal District. Reappraisal and reassessment shall be done regularly as required by State law. A 100% collection rate will serve as a minimum for tax collection.

All delinquent taxes will be aggressively pursued, with delinquents greater than 150 days being turned over to the City Attorney or a private attorney, and a penalty assessed to compensate the attorney as allowed by State law, and in accordance with the attorney's contract. Annual performance criteria will be developed for the attorney regarding the collection of delinquent taxes.

J. PARKS AND RECREATION 4B SALES TAX REVENUE - Parks and Recreation 4B sales tax revenue shall supplement but not supplant the funding for the Parks and Recreation System in the General Fund and the Recreation Center Department of the Parks and Recreation 4B Sales Tax Revenue Fund.

K. USER-BASED FEES - For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be an annual review of fees and charges to ensure that fees provide adequate coverage of costs and services. User charges may be classed as "full cost recovery," "partial costs recovery," and "minimal cost recovery," based upon City Council policy.

L. IMPACT FEES - Impact fees will be imposed for water, wastewater, and transportation in accordance with the requirements of State law. The staff working with the particular impact fee shall prepare a semi-annual report on the capital improvement plans and fees. Additionally, the impact fees will be re-evaluated at least every three years as required by law.

M. GENERAL AND ADMINISTRATIVE CHARGES - A method will be maintained whereby the General Fund can impose a charge to the enterprise funds for general and administrative services (indirect costs) performed on the enterprise funds' behalf. The calculation will be based upon the percentage of personnel time and other resources attributed to the Enterprise Fund by each department of the General Fund. The details will be documented and said information will be maintained in the Finance Department for review.

N. UTILITY RATES - The city will review utility rates annually and, if necessary, adopt new rates to generate revenues required to fully cover operating expenditures, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital needs. This policy does not preclude drawing down cash balances to finance current operations. However, it is best that any extra cash balance be used instead to finance capital projects.

O. PARKS AND RECREATION 4B FUND BALANCE - The Parks and Recreation 4B Fund Balance shall be established to protect property tax payers from excessive volatility caused by the fluctuations in the Parks and Recreation 4B sales tax revenue. It will be funded with revenues of the Parks and

Recreation 4B Fund. The city's goal will be to maintain the Fund Balance at 25% of the annual Parks and Recreation 4B sales tax budgeted revenue.

P. UTILITY FUND BALANCE - The Utility Fund shall maintain a Fund Balance to protect ratepayers from excessive utility rate volatility. It may not be used for any other purpose. It will be funded with surplus revenues of the Utility Fund. The City's goal will be to maintain the Utility Fund Balance at 90 days of budgeted expenditures.

Q. INTEREST INCOME - Interest earned from investment of available monies, whether pooled or not, will be distributed to the funds in accordance with the operating and capital budgets which, wherever possible, will be in accordance with the equity balance of the fund from which monies were provided to be invested.

R. REVENUE MONITORING - Revenues actually received will be regularly compared to budgeted revenues and variances will be investigated. This process will be summarized in the appropriate budget report.

VII. EXPENDITURE CONTROL

A. APPROPRIATIONS - The level of budgetary control is the department level budget in the General Fund, and the fund level in all other funds. When budget adjustments (i.e., amendments), among departments and/or funds are necessary these must be approved by the City Council. Budget appropriation amendments at lower levels of control shall be made in accordance with the applicable administrative procedures.

B. CONTINGENCY ACCOUNT EXPENDITURES - The General Fund Contingency Account will be budgeted and approved by the City Council as a part of the budget process. The City Manager must approve all contingency account expenditures.

C. VACANCY FUNDS – Savings from position vacancies will be reviewed as a part of the midyear budget amendments and savings will be either allocated to other accounts by Council approval or become unbudgeted funds to add to the ending fund balance.

D. CENTRAL CONTROL - Significant vacancy (salary) and capital budgetary savings in any department will be centrally controlled by the City Manager.

E. PURCHASING - All purchases shall be made in accordance with the city's purchasing policies as defined in the Purchasing Manual. Authorization levels for appropriations previously approved by the City Council in the Operating Budget are as follows: Below Directors \$500.00, for Directors up to \$1,000, for Purchasing Agent up to \$3000.00, for Finance Director up to \$7,500.00. The City Manager can authorize expenditures over \$7,500.00 with any purchases exceeding \$50,000.00 to be approved by the City Council.

F. PROFESSIONAL SERVICES - Professional services contracts will be coordinated through the purchasing agent in compliance with statutory regulations.

G. CONTRACT AUTHORITY – By statute, contracts greater than or equal to \$50,000.00 must be approved by Council, after which either the Mayor or the City Manager may then sign any

necessary documents. By ordinance, contracts less than \$50,000.00 may be authorized and signed by the City Manager, provided there is an appropriation for such contract. Signature authority for contracts equal to or less than \$10,000 has been delegated by the City Manager to the Purchasing Manager.

H. PROMPT PAYMENT - All invoices will be paid within 30 days of receipt in accordance with the prompt payment requirements of State law. Procedures will be used to take advantage of all purchase discounts where considered cost effective. However, payments will also be reasonably delayed in order to maximize the city's investable cash, where such delay does not violate the agreed upon terms.

I. INFORMATION TECHNOLOGY - Certain information technology acquisitions will be centrally funded from the Information Technology Division. Acquisitions from this division may include all related professional services costs for researching and/or implementing an information technology project. Annual funding for replacements and for new technology will be budgeted in the IS department with the exception of the Utility Fund. Additional funding above the base amount may be provided for major projects with available one-time sources including debt proceeds and/or grants.

J. PREPAID EXPENDITURES – Final determination of expenditure coding in the General Ledger will be assigned to the Finance Department. Expenditure coding must remain consistent. Purchased items must fit the description of the line item they are being charged to. Amounts of \$10,000 or more paid in advance or across budget years will be coded as prepaid items and charged to the next budget year. Department Directors are responsible for budgeting and paying these items accordingly.

VIII. ASSET MANAGEMENT

A. INVESTMENTS - The city's investment practices will be conducted in accordance with the City Council approved Investment Policies.

B. CASH MANAGEMENT - The city's cash flow will be managed to maximize the cash available to invest.

C. INVESTMENT PERFORMANCE - A monthly report on investment performance will be provided by the Finance Director to the City Manager for presentation to the City Council.

D. FIXED ASSETS AND INVENTORY - These assets will be reasonably safeguarded, properly accounted for, and prudently insured.

IX. FINANCIAL CONDITION AND RESERVES

A. NO OPERATING DEFICITS - Current expenditures will be paid with current revenues. Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques. Reserves will be used only for emergencies on non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums.

B. INTERFUND LOANS - Non-routine interfund loans shall be made only in emergencies where other temporary sources of working capital are not available and with the approval of the City Council. At the time an interfund loan is considered, a plan to repay it prior to fiscal year end shall also be considered. A fund will only lend money that it will not need to spend for the next 365 days. A loan may be made from a fund only if the fund has ending resources in excess of the minimum requirement for the fund. Loans will not be made from the city's enterprise funds (Water/Wastewater, etc.), except for projects related to the purpose of the fund. Total interfund loans outstanding from a fund shall not exceed 15% of the target fund balance for the fund. If any interfund loan is to be repaid from the proceeds of a future debt issue, a proper reimbursement resolution will be approved at the time the loan is authorized.

C. FUND BALANCE POLICY

1. **Committed Fund Balance** – The City Council is the City's highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Council at the City's Council meeting. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.
2. **Assigned Fund Balance** – The City Council has authorized the City Manager as the official authorized to assign fund balance to a specific purpose as approved by this fund balance policy.
3. **Order of Expenditure of Funds** – When multiple categories of fund balance are available for expenditure, the City will start with the most restricted category and spend those funds first before moving down to the next category with available funds.
4. **Minimum General Fund Unassigned Fund Balance** – It is the goal of the City to achieve and maintain an unassigned fund balance in the general fund equal to 25% of expenditures. The City considers a balance of less than 20% to be cause for concern, barring unusual or deliberate circumstances. If unassigned fund balance falls below the goal or has a deficiency, the City will appropriate funds in future budgets to replenish the fund balance based on a time table deemed adequate by the City Council.
5. **Minimum Utility Fund Balance** – The Utility Fund shall maintain a Fund Balance to protect ratepayers from excessive utility rate volatility. It will be funded with surplus revenues of the Utility Fund. The City's goal will be to maintain the Utility Fund ending Fund Balance at 90 days of budgeted expenditures.
6. **Minimum Parks and Recreation 4B Fund Balance** – The Parks and Recreation 4B Fund Balance shall be established to protect property tax payers from excessive volatility caused by the fluctuations in the Parks and Recreation 4B sales tax revenue. It will be funded with revenues of the Parks and Recreation 4B Fund. The City's goal will be to maintain the Parks and Recreation 4B Fund ending Fund Balance at 25% of budgeted 4B sales tax revenues.

D. RISK MANAGEMENT PROGRAM - The city will aggressively pursue every opportunity to provide for the public's and city employees' safety and to manage its risks.

E. ENTERPRISE FUND SELF-SUFFICIENCY - The city's enterprise funds' resources will be sufficient to fund operating and capital expenditures. The enterprise funds will pay (where applicable) their fair share of general and administrative expenses, in-lieu-of-property taxes and/or franchise fees. If an enterprise fund is temporarily unable to pay all expenses, then the City Council may waive general and administrative expenses, in-lieu-of-property taxes and/or franchise fees until the fund is able to pay them. The City Council may pay out-of-pocket expenses that a fund is temporarily unable to pay with interfund loans, to be repaid at a future date.

X. DEBT MANAGEMENT

Debt Management is addressed in a separate Debt Management Policy.

XI. STAFFING AND TRAINING

A. ADEQUATE STAFFING - Staffing levels will be adequate for the fiscal functions of the city to function effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Workload scheduling alternatives will be explored before adding staff.

B. TRAINING - The city will support the continuing education efforts of all financial staff including the investment in time and materials for maintaining a current perspective concerning financial issues. Staff will be held accountable for communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts.

XII. GRANTS FINANCIAL MANAGEMENT

A. GRANT SOLICITATION - The City Manager will be informed about available grants by the departments and will have final approval over which grants are applied for. The grants should be cost beneficial and meet the city's objectives.

B. RESPONSIBILITY - Departments will oversee the day to day operations of grant programs, will monitor performance and compliance, and will also keep the Finance Department and Purchasing informed of significant grant-related plans and activities. Departments will also report re-estimated annual revenues and expenses to the Finance Department as needed. Finance Department staff members will serve as liaisons with grantor financial management personnel, will prepare invoices, and will keep the books of account for all grants. All goods and services obtained through grants are subject to City purchasing policies and must be coordinated with the purchasing agent.

XIII. ANNUAL REVIEW AND REPORTING

A. These Policies will be reviewed administratively by the City Manager at least annually, and will be presented to the City Council by the Finance Department for confirmation of any significant changes.

B. The Finance Director will report annually to the City Manager on compliance with these policies.



Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Consider, and act upon, Ordinance No. 2021-45 for a change of zoning from Commercial Corridor (CC) to Planned Development - Commercial Corridor (PD-CC), to allow for commercial development on 7.79 acres generally located at the northeast corner of North State Highway 78 and Eubanks Lane (ZC2021-20).

Recommendation

Motion to approve Item as presented.

Discussion

On August 24, 2021, City Council approved a zoning change from Commercial Corridor (CC) to Planned Development - Commercial Corridor (PD-CC) for commercial development on 7.79 acres to allow for a motor vehicle fueling station, restaurant with drive-thru service, and a car wash, generally located at the northeast corner of North State Highway 78 and Eubanks Lane, being Zoning Case 2021-20.

As part of the approval, Council required that exterior site lighting be downward-facing, and that stipulation has been added to the Planned Development Conditions.

Final approval of Zoning Case 2021-20 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 (PD Conditions), and Exhibit C (Zoning Exhibit) 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. 2021-45

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 2021-20, FROM COMMERCIAL CORRIDOR (CC) TO PLANNED DEVELOPMENT - COMMERCIAL CORRIDOR (PD-CC), TO ALLOW FOR COMMERCIAL DEVELOPMENT OF A MOTOR VEHICLE FUELING STATION, A RESTAURANT WITH DRIVE-THRU SERVICE, AND A CAR WASH; 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 - Commercial Corridor, said property being described in Exhibit A (Legal Description), hereto and made a part hereof for all purposes.

SECTION 2: 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 3: 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 as described in Exhibit B (PD Conditions) and Exhibit C (Zoning Exhibit).

SECTION 4: 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 5: 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 6: 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 7: 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 14th day of September, 2021.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

DATE OF PUBLICATION: September 22, 2021, in the Wylie News.

BEING a 7.79 acre tract of land out of the FRANCISCO DE LA PENA SURVEY, ABSTRACT NUMBER 688, situated in the City of Wylie, Collin County, Texas, being a portion of Lot 1, Block A, Woodlake Village, a subdivision of record in Cabinet G, Page 385 of the Map Records Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING, at a 1/2-inch iron rod with yellow cap stamped "HALFF" found at the North end of a cutback line at the intersection of the East right-of-way line of Eubanks Lane (a 65-foot right-of-way), and the North right-of-way line of State Highway No. 78 (right-of-way varies), being the Northwest corner of a called 5,724 square feet of land conveyed to the State of Texas by deed of record in Volume 5266, Page 5809 of the Deed Records of Collin County, Texas, also being in the West line of said Lot 1, Block A, Woodlake Village, for the most Westerly Southwest corner hereof;

THENCE, N00°30'15"E, along the East line of Eubanks Lane, being the common West Line of said Lot 1, Block A, Woodlake Village, a distance of 294.82 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the intersection of the East right-of-way line of Eubanks Lane and the South right-of-way line of Centennial Drive (a 60-foot right-of-way), being the Northwest corner of said Lot 1, Block A, Woodlake Village and hereof;

THENCE, departing the East right-of-way line of Eubanks Lane, along the South right-of-way line of Centennial Drive, being the common North line of said Lot 1, Block A, Woodlake Village, the following two (2) courses and distances:

1. N67°08'13"E, a distance of 774.73 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the point of curvature of a tangent curve to the right;
2. Along said tangent curve to the right, having a radius of 1970.00 feet, a chord bearing of N67°23'09"E, a chord length of 17.13 feet, a delta angle of 00°29'54", an arc length of 17.13 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the end of said curve, for the Northeast corner hereof;

THENCE, S00°53'13"W, departing the South right-of-way line of Centennial Drive, over and across said Lot 1, Block A, Woodlake Village, a distance of 628.18 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the North right-of-way line of State Highway No. 78, being the North line of said 5,724 square foot tract, for the Southeast corner hereof;

THENCE, along the North right-of-way line of State Highway No. 78, being the North line of said 5,724 square foot tract, the following four (4) courses and distances:

1. N89°03'48"W, a distance of 587.92 feet to an aluminum Texas Department of Transportation monument found;

2. N89°43'22"W, a distance of 67.45 feet to an aluminum Texas Department of Transportation monument found;
3. S89°07'47"W, a distance of 49.89 feet to an aluminum Texas Department of Transportation monument found;
4. N46°25'26"W, a distance of 23.98 feet to the **POINT OF BEGINNING**, and containing an area of 7.79 Acres, (339,256 Square Feet) of land, more or less.

EXHIBIT "B"
CONDITIONS FOR PLANNED DEVELOPMENT
2021-20-CC

I. PURPOSE:

This Planned Development District shall be established to provide Convenience Store with Motor Vehicle Fueling, Restaurant with Drive-Thru Service, Truck Fueling, and Automatic Car Wash uses to support the economic growth within the region.

II. GENERAL CONDITIONS:

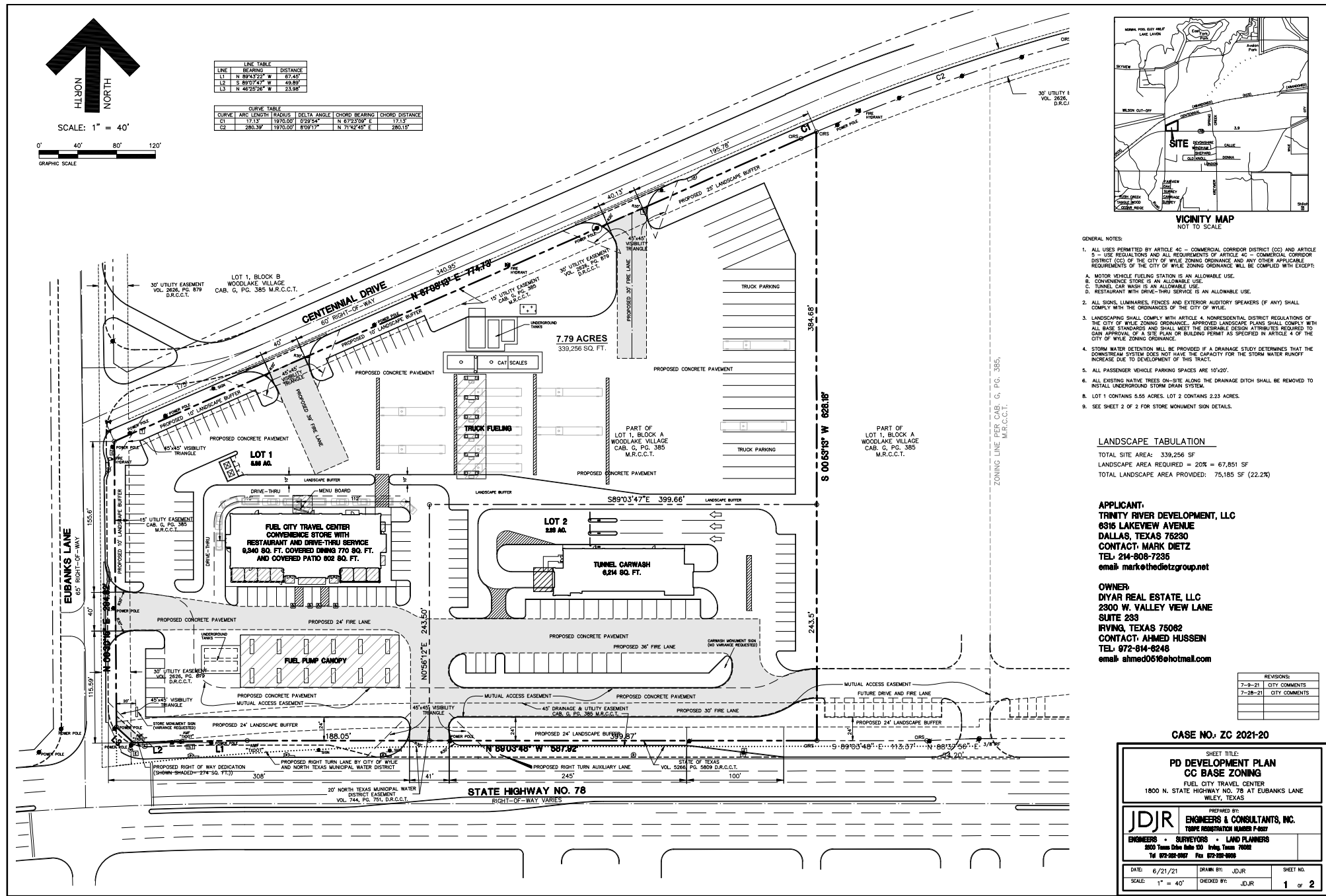
1. This Planned Development District shall not affect any regulations within the Code of Ordinances, except as specifically provided herein.
2. This Planned Development District shall not affect any regulations of the Commercial Corridor District (CC) set forth in Article 4, Section 4.1, of the Comprehensive Zoning Ordinance (adopted as of April 2021) except as specifically provided herein.

III. SPECIAL CONDITIONS:

1. All allowed uses in the Commercial Corridor District (CC), as set forth in Article 5 of the Comprehensive Zoning Ordinance (adopted as of April 2021), in addition to those listed in this paragraph shall be allowed by-right uses.
 - a. Car Wash
 - b. Convenience Store
 - b. Motor Vehicle Fueling Station
 - c. Restaurant with Drive-in or Drive-Thru Service
2. All additional provisions for both by-right and SUP uses shall remain in effect
3. All other uses shall be prohibited on the subject property:
4. The subject property shall be developed in conformance with all regulations of the Commercial Corridor Zoning District set forth in, Section 4.3, and Section 5.2 of the Zoning Ordinance (adopted as of April 2021) in every respect with exception to the uses indicated in Section III.1, III.2, and III.3 above.
5. Design criteria shall be in conformance with Commercial Corridor Architectural Design Requirements of the Zoning Ordinance (adopted as of April 2021).
6. Prior to development, approved plats and site plans shall be required.

7. The subject property shall be developed in conformance with all regulations of Section 4.3 (Design Standards), Figures 4-7, 4-8, and 4-9 and their associated definitions set forth in the Comprehensive Zoning Ordinance (adopted as of April 2021).
8. A landscape buffer shall be placed between the C-store/Car wash (generally the southern half of the property) and the Commercial Vehicle area (generally the northern half of the property) consisting of drought resistant native Texas trees (10' minimum height at planting and 50' OC) and bushes (2' minimum height at planting and grouped between trees).
9. The monument sign for the convenience store shall be allowed to have a maximum width of 12 feet and a maximum height of 14 feet.
10. Overnight truck parking shall be prohibited from the hours of 8pm - 6am.
11. All exterior lighting, excluding backlit signage and branding, shall be downward-facing.

Exhibit C



THESE DESIGNS, DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF PRISM ARCHITECTS AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT ITS PREVIOUS WRITTEN CONSENT.

THIS DOCUMENT IS FOR INTERIM REVIEW ONLY AND NOT INTENDED TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

RODNEY C. SLIGH, AIA
REGISTERED ARCHITECT
TEXAS NO. 14791

07/26/21



REVISIONS:

NO.	DESCRIPTION	DATE

FUEL CITY

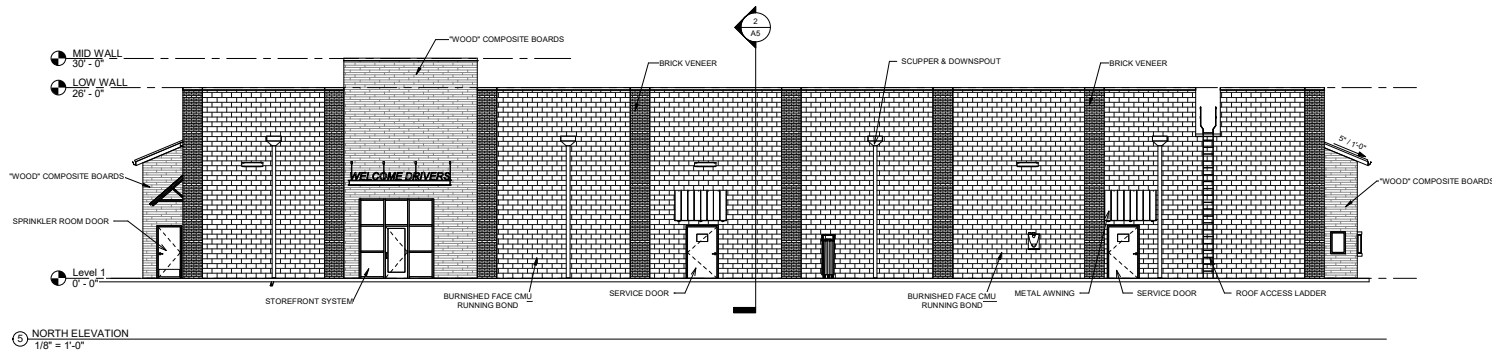
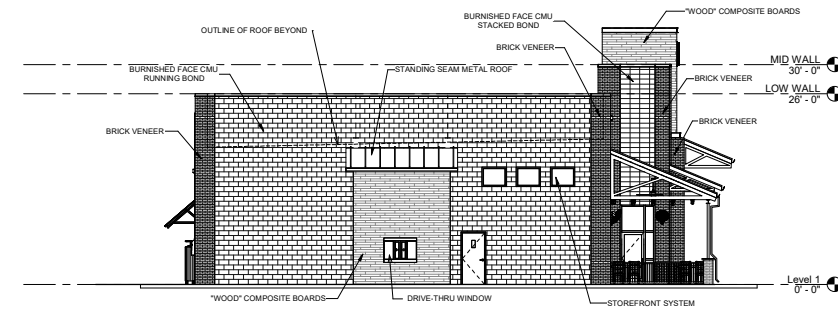
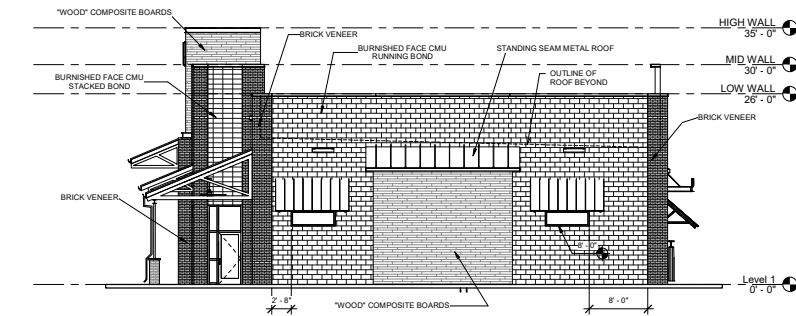
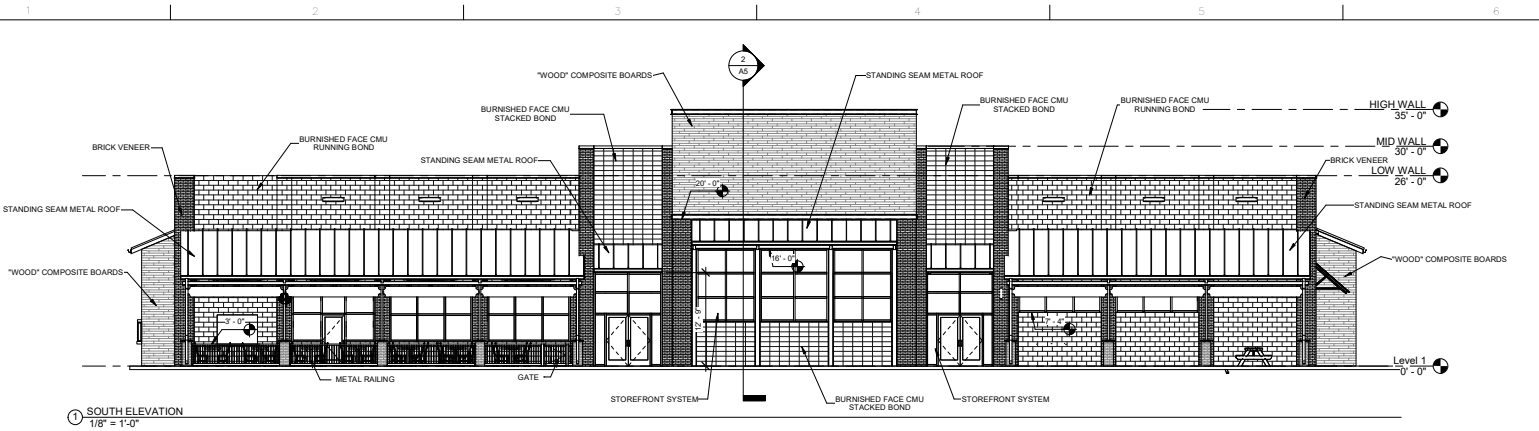
1800 N. STATE HWY 78
WYLIE, TEXAS

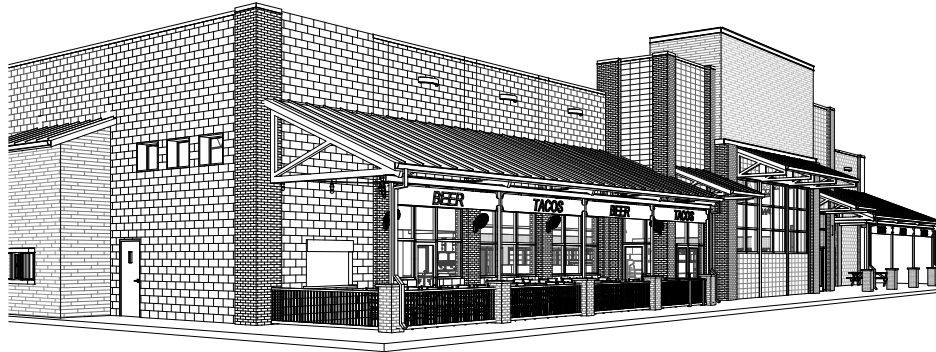
PROJECT NUMBER:	Project Number
ISSUED:	Issue Date
DRAWN BY:	Author
CHECKED BY:	Checker
FILENAME:	C:\ProgramData\Fuel City\PRISM\T090107FC-FUEL-CITY-02-01.dwg

CONCEPTUAL ELEVATIONS

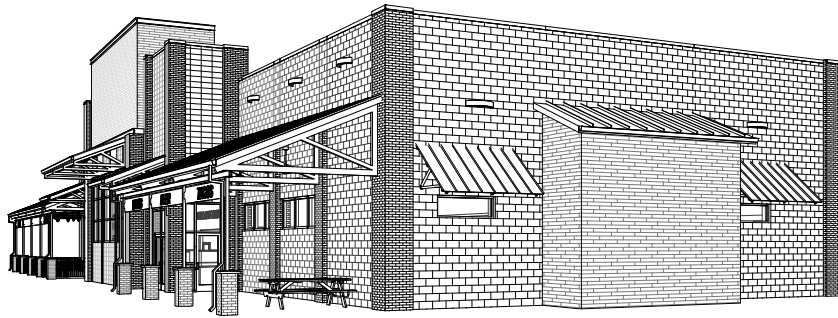
A101

"CONCEPTUAL ELEVATIONS SUBJECT TO CHANGE"

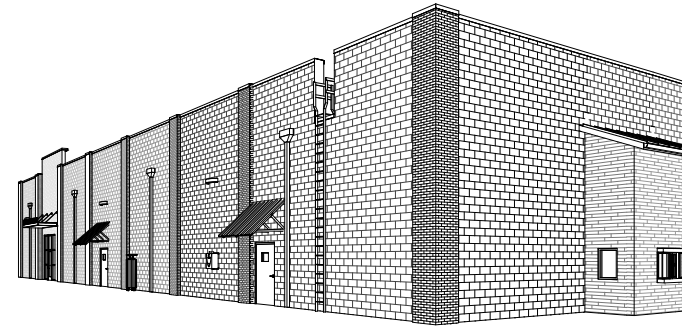




① 3D VIEW



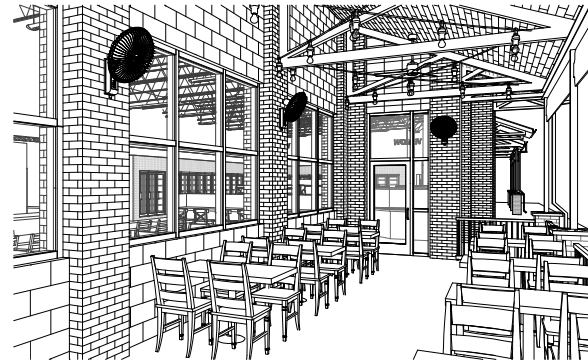
② 3D VIEW



③ 3D VIEW



④ 3D VIEW



⑤ 3D VIEW

"CONCEPTUAL ELEVATIONS SUBJECT TO CHANGE"

FUEL CITY
★★★★★
WYLIE, TEXAS

THESE DESIGNS, DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF PRISM ARCHITECTS AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT ITS PREVIOUS WRITTEN CONSENT.

THIS DOCUMENT IS FOR INTERIM REVIEW ONLY AND NOT INTENDED TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

RODNEY C. SLICHTER, AIA
REGISTERED ARCHITECT
TEXAS NO. 14791

07/26/21

PRISM ARCHITECTS
INTERNATIONAL, INC.
ARCHITECTS • DESIGNERS • PLANNERS
500 BELLEVUE DRIVE, STE. 170 • BEVING, TX 75002
(972) 714-0420, FAX (972) 714-0282

REVISIONS:

NO.	DESCRIPTION	DATE

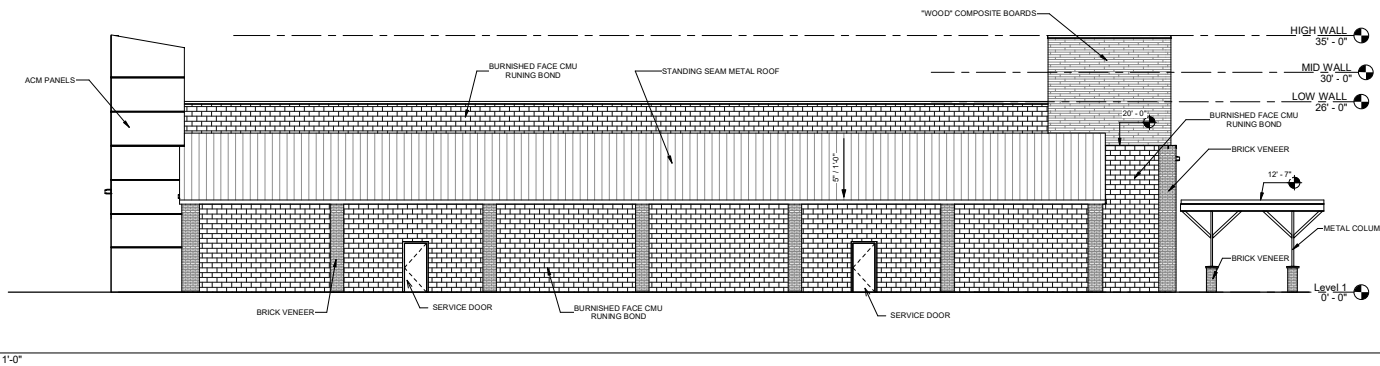
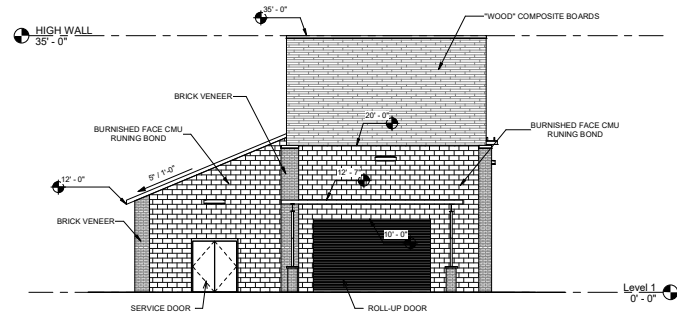
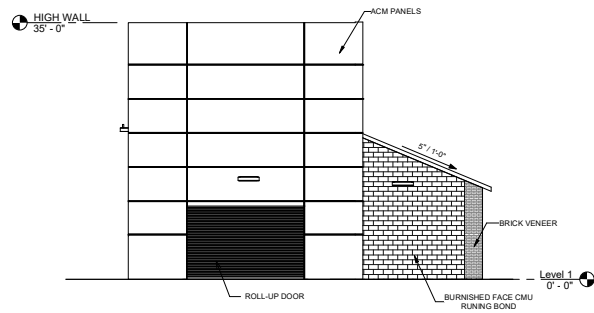
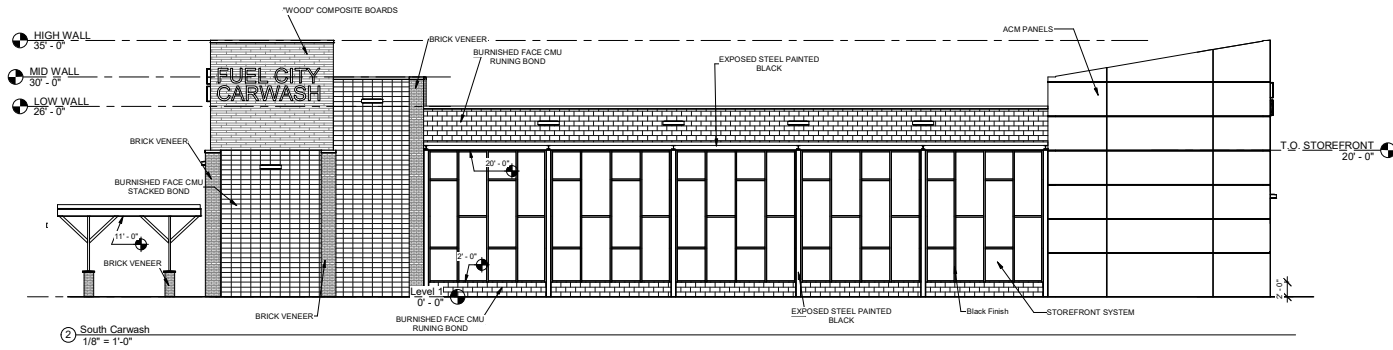
FUEL CITY

1800 N. STATE HWY 78
WYLIE, TEXAS

PROJECT NUMBER: _____ Project Number
ISSUED: _____ Issue Date
DRAWN BY: _____ Author
CHECKED BY: _____ Checker
FILENAME: C:\Program Files\Fuel City\PRISM\THREEVIEW\PRISM-C-STORE-01

3-D VIEWS

A102



"CONCEPTUAL ELEVATIONS SUBJECT TO CHANGE"

FUEL CITY
★★★★★
WYLIE, TEXAS

THESE DESIGNS, DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF PRISM ARCHITECTS AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT ITS PREVIOUS WRITTEN CONSENT.

THIS DOCUMENT IS FOR INTERIM REVIEW ONLY AND NOT INTENDED TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

RODNEY C. SLOAN, AIA
REGISTERED ARCHITECT
TEXAS NO. 14791

07/26/21

PRISM ARCHITECTS
INTERNATIONAL, INC.
ARCHITECTS DESIGNERS PLANNERS
500 BELLEVUE DRIVE, STE. 1700 DALLAS, TX 75202
(972) 714-0420, FAX (972) 714-0282

REVISIONS:

NO.	DESCRIPTION	DATE

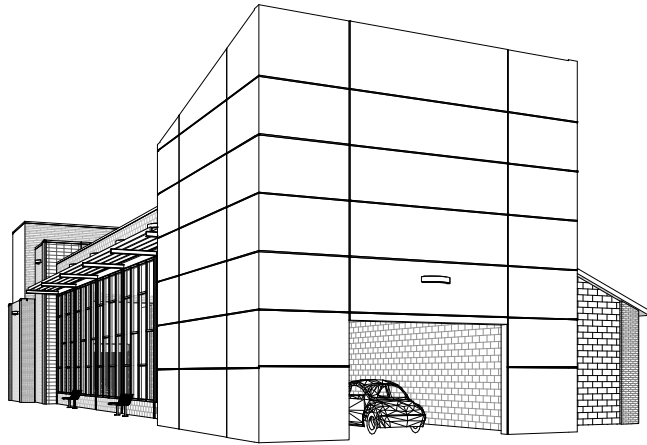
FUEL CITY CARWASH

WYLIE, TEXAS

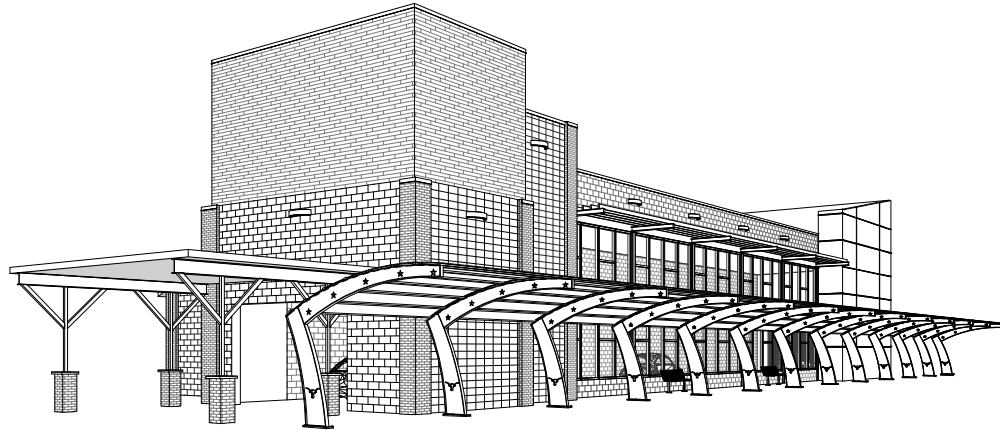
PROJECT NUMBER: Project Number
ISSUED: Issue Date
DRAWN BY: Author
CHECKED BY: Checker
FILENAME: C:\Projects\Fuel City\091421\FUEL CITY CARWASH.dwg

CONCEPTUAL ELEVATIONS

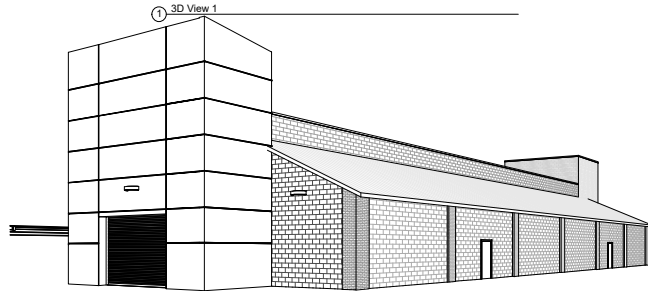
A103



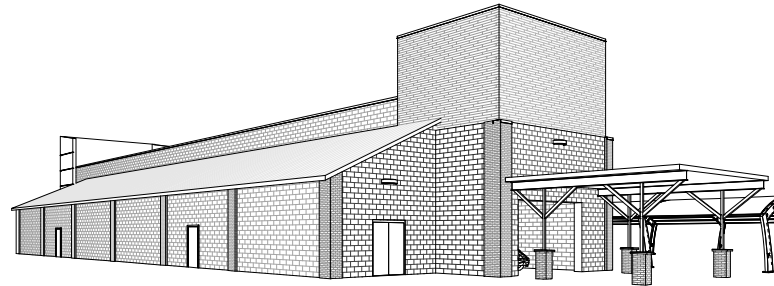
① 3D View 1



② 3D View 2



⑦ 3D View 7



④ 3D View 4



③ 3D View 6

"CONCEPTUAL ELEVATIONS SUBJECT TO CHANGE"

FUEL CITY
★★★★★
WYLIE, TEXAS

THESE DESIGNS, DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF PRISM ARCHITECTS AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT ITS PREVIOUS WRITTEN CONSENT.

THIS DOCUMENT IS FOR INTERIM REVIEW ONLY AND NOT INTENDED TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

RODNEY C. SJ JOHN, AIA
REGISTERED ARCHITECT
TEXAS NO. 14791

07/26/21

PRISM ARCHITECTS
INTERNATIONAL, INC.
ARCHITECTS DESIGNERS PLANNERS
300 BELLEVUE DRIVE, STE. 170 DALLAS, TX 75202
(972) 714-0420, FAX (972) 714-0282

REVISIONS:

NO.	DESCRIPTION	DATE

FUEL CITY CARWASH

WYLIE, TEXAS

PROJECT NUMBER:	Project Number
ISSUED:	Issue Date
DRAWN BY:	Author
CHECKED BY:	Checker
FILENAME:	C:\Projects\Fuel City\Prism_TYB001F01-CARWASH-CARWASH.rvt

3-D VIEWS

A104



Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Consider, and act upon, a Preliminary Plat for Wylie Logistics Park, to establish nine industrial lots and two open space lots on 225.081 acres, property generally located at the northeast corner of State Highway 78 and Spring Creek Parkway.

Recommendation

Motion to approve Item as presented.

Discussion

OWNER: Kansas City Southern Railway Company

APPLICANT: Goodwin and Marshall

The applicant is proposing to create nine industrial lots and two open space lots on 225.081 acres. The subject property is within the Wylie Logistics Park Planned Development approved in June 2021. The industrial use is an allowed use per the conditions of Planned Development 2021-33.

The plat dedicates the necessary rights-of-way and utility easements. Two entrances along State Highway 78 are proposed to access the site. Mutual access easements are also provided to show connectivity to lots subject to future development as shown on the approved Zoning Exhibit (PD 2021-33). Open space lots are to be owned and maintained by the property owner.

The plat is technically correct and abides by all aspects of the City of Wylie Subdivision Regulations. Approval is subject to additions and alterations as required by the City Engineering Department.

For conditional approval or disapproval City Council must provide a written statement of the reasons to the applicant in accordance with Article 212, Section 212.0091 of the Texas Local Gov't Code.

P&Z Commission Discussion

The Commission voted 6-0 to recommend approval.

Financial Summary/Strategic Goals

Planning management



Wylie City Council

AGENDA REPORT

Department: PARD
 Prepared By: Renae' Ollie

Account Code: _____

Subject

Consider, and act upon, the acceptance of the Bylaws governing the rules of procedure for the Cemetery Advisory Board.

Recommendation

Motion to approve Item as presented.

Discussion

The Wylie Cemetery Advisory Board was established by Ordinance No. 2021-21, on April 13, 2021.

Section 78-359. Powers and Duties, requires that the Board develop for City Council approval, a set of bylaws governing rules of procedure for the meetings and operation.

CAB Discussion

At its September 2, 2021 meeting, the CAB voted 6-0 to recommend approval of the attached bylaws governing rules of procedure.

Financial Summary/Strategic Goals

Community Focused Government
 Planning Management

Our Mission...

...to be responsible stewards of the public trust, to strive for excellence in public service, and to enhance the quality of life for all.

City of Wylie

Cemetery Advisory Board

Bylaws

Rules of Procedures



1. Statement

- 1.1. It is hereby declared that appointment to the Cemetery Advisory Board is a distinct honor and the trust imposed in the appointee involves the corresponding obligation of the appointee to serve the community by regular attendance and participation in the proceedings of the body.
- 1.2. The Advisory Board has the responsibility of being an advocate for the preservation of historic cemeteries and as advisors on policies and procedures of all municipally owned cemeteries.

2. Creation and Membership

- 2.1. The Cemetery Advisory Board was created by Ordinance No. 2021-21, and serves at the will of the City Council.
- 2.2. The Cemetery Advisory Board shall consist of seven (7) regular members who will serve for terms of two (2) years. A board member shall generally be limited to three consecutive full terms, per Ordinance 2020-04. The members will be qualified voters and shall not be an employee of the city. Each board member shall have any other qualification as the City Council deems necessary and appropriate.
- 2.3. In accordance with State law, the members are required to complete Open Meetings training and receive a Certificate of Completion within the first ninety (90) days of first year appointment. This may be taken online via the Office of Attorney General's website (www.oag.state.tx.us). The Office of the Attorney General offers free video training courses to ensure that all elected and appointed government officials have a good command of both open records and open meetings laws.

3. Officers

- 3.1. The board shall, at the first meeting after July 1st (and at such other times as these offices may become vacant), select from among its members a Chairperson and Vice-Chairperson to serve for a period of one (1) year.
- 3.2. In the absence of both the Chairperson and Vice-Chairperson during a meeting, the remaining board members shall elect an Acting Chairperson.

4. Officer's Duties

- 4.1. The Chairperson shall preside over all meetings and briefing sessions, and perform all duties as required by law.
- 4.2. The Vice-Chairperson shall assume all duties of the Chairperson in the absence of the Chairperson.

5. Powers and Duties of the Board

- 5.1. The Cemetery Advisory Board shall make recommendations to the City Council and assist City staff in the establishment of essential policies, rules, and regulations relating to the planning, operation, preservation, care, and maintenance of municipally owned cemeteries.
- 5.2. Establish rules and procedures to be adopted by the Governing Body.

- 5.3. Encourage public outreach/education/awareness programs.
- 5.4. Recommend/encourage appropriate repairs and cleaning.
- 5.5. The Board shall hear all grievances or disputes brought forward by grave or plot owners, who have not been satisfied by the resolution provided by the staff liaison. If the Board cannot provide an adequate solution, the grievance or issue is to be brought to the governing body for final decision.
- 5.6. The Board shall not have the power to obligate the city for funds and/or expenditures or incur any debt on behalf of the city.
- 5.7. Recommend acceptance of donations for the continued support and maintenance of municipally owned cemeteries
- 5.8. Members of the Board may provide services to any municipally owned cemetery, distinct from their duties as Members of the Board, for non-monetary compensation.
- 5.9. The Board shall report to the council annually the revenue and expenditures of operations and maintenance of municipally owned cemeteries.
- 5.10. The Board shall perform all other duties as the City Council may direct

6. Rules of Order

- 6.1. The Chairperson shall rule on all points of order.
- 6.2. The Board may overrule the Chairperson on points of order by a two-thirds (2/3) vote of members present.
- 6.3. Any provisions of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds (2/3) vote of all members of the board, whose vote shall be entered upon the minutes.

7. Quorum

- 7.1. A quorum shall consist of four (4) members.
- 7.2. A majority vote of the members present at a meeting shall govern the auctions of the Board.
- 7.3. No matters may be handled without the presence of a quorum.

8. Agendas

- 8.1. An agenda shall be prepared by city staff for each meeting of the Cemetery Advisory Board. A copy of the agenda shall be posted in the Municipal Complex as required by law, as well as on the website.
- 8.2. There shall be attached to each agenda item, a report of matters pending further action by the Board.
- 8.3. All regular and special meetings shall follow, as closely as possible, to the printed agenda. The agenda should include, but is not limited to the following;
 - a. Ratification of Minutes;
 - b. Citizens' participation on items not on the agenda;

- c. Executive Session, as needed;
- d. Consent agenda;
- e. Items for individual consideration;
- f. Breaks at the discretion of the Chairperson;
- g. Board member or Staff comments on general business;
- h. Adjournment.

8.4. Agendas may be amended by the Chairperson as to order of items, but not as to content, unless overruled by a majority of the members present.

9. Minutes of Meetings

- 9.1. Minutes of all regular and special meetings shall be kept by the Secretary, and are subject to amendment and ratification by the Board at the next regular meeting.
- 9.2. The minutes of the Board's proceeding shall show the overall vote, or if absent or failing to vote, shall reflect that fact.

10. Regular meetings

- 10.1. The Board shall meet on the first Thursday of each month at 6:00 pm in the Council Chambers of the Municipal Complex, unless noted otherwise. All meetings shall be open to the public, and the public is encouraged to attend.
- 10.2. Any board member missing three (3) consecutive regularly scheduled meetings without prior notification to Staff and/or a valid reason, which may include family emergency, illness, or other reasonable cause, may be subject to dismissal from the Board by the City Council.
- 10.3. The Board shall have technical and logistical support provided as designated by the City Manager.

11. Special Meetings

- 11.1. Special meetings may be called by the Chairperson, or at the request of two (2) or more members, or may be scheduled by a majority of the Board at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.
- 11.2. All members must be notified of any special meeting by giving written notice to all members by an email address of record at least seventy-two (72) hours before the meeting, and the notice must specify the purpose of the meeting.
- 11.3. Special meetings must be posted in accordance with the open meetings act.

12. Addressing the Board

- 12.1. Persons desiring to address the Board shall complete a "Request to Speak" card and submit the card to the Secretary.
- 12.2. The Secretary will sort the speaker cards by agenda item and deliver them to the Chairperson.
- 12.3. The Chairperson will refer to the speaker cards for comments on items not on the printed agenda, individual agenda item comments.

- 12.4. Persons who note on a speaker card their desire to address the board will be called to the podium by the Chairperson at the appropriate time and will follow the guidelines of Ordinance 2019-29 as outlined below when addressing the Board;
 - a. Approach the podium, state their name and address and whether or not they are representing a person, group, or organization;
 - b. Speak so that all present in the room may hear clearly;
 - c. Address all statements and questions to the Chairperson;
 - d. Be courteous in language and deportment;
 - e. Be concise and focused in their Comments;
 - f. Group comments should not exceed 6 minutes, individual comments should not exceed 3 minutes unless an interpreter is needed, in which case 6 minutes is allowed.
- 12.5. The Chairperson will read into the record the names of persons who filled out a speaker card in support of or in opposition to an agenda item but did not wish to address the Board.
- 12.6. The Chairperson may interrupt an individual to redirect or terminate remarks when they are not relevant to the matter before the Board, or when the Chairperson determines the remarks to be out of order.

13. Evidence

- 13.1. Only relevant evidence and testimony will be received.
- 13.2. Petitions and other physical evidence should be submitted to the Chairman of the Board. Petitions may not be read in full into the record, but may be noted into the record.
- 13.3. Ex Parte Communications
 - a. Any Board member having new factual information regarding regular meeting or work session agenda items shall make that information known to all Board members.
 - b. Board members shall not make voting commitments prior to hearing all submitted evidence regarding meeting agenda items.

14. City Staff Responsibilities

- 14.1. City staff shall be responsible for providing the Board with the necessary professional, technical, and clerical services, including:
 - a. Prepare and submit the agenda with staff reports and any special items as directed by the Chairperson;
 - b. Introduce and factually explain each item on the agenda;
 - c. Coordinate the services of all City Staff and other sources of public information for and on behalf of the Board;
 - d. Maintain a true copy of all Board proceedings;
 - e. Maintain all Board records;
 - f. Attend all official correspondence and communications to and of the Board.

15. Written Request Required

- 15.1. Every proposal submitted for Board action shall be made in accordance with approved application procedures from the appropriate Ordinance or Regulations from the City. The proposal shall be complete in all respects before being accepted for filing.

16. Conflict of Interest Rules

- 16.1. Conflict of Interest. Should any member of the Board feel he/she has a conflict of interest with an agenda item before the Board, they should openly declare so at the introduction of the item. They are thereby prohibited from discussing, participating in, or voting on the item in question. They shall also fill out a Conflict of Interest form and file it with the Secretary.
- 16.2. Abstention. Should any member of the Board choose to abstain from voting on any question before the Board where no declared conflict of interest exists, their vote shall be recorded as an affirmative vote in the official minutes.

17. Motions

- 17.1. A motion may be made by any member. A second to the motion shall be required before an item is put to a vote.
- 17.2. All votes shall be by a simple majority of members present, except as otherwise stated in these rules of procedure.
- 17.3. When fewer than all the members are present for voting and when all motions for a given application fail to carry by a majority vote, consideration of the application shall be continued under this rule to the next regular meeting, to the extent allowed by law. Failure of the Board to secure a majority concurring vote at said next regular meeting shall be recorded in the minutes as a denial of the proposal under the rule.
- 17.4. When a vote is required by state law or other requirement, and fewer than all members are present, and a simple majority is not reached, the vote shall be recorded as a denial.

18. Suspension of Rules of Procedure

- 18.1. Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate the state law or home rule charter, and provided that not less than two-thirds Board members vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended.

PASSED AND APPROVED BY THE CEMETERY ADVISORY BOARD OF THE CITY OF WYLIE THIS _____ day of _____ 2021.

, Chairman

, Vice-Chairman

Filed in the Office of the City Secretary this _____ day of _____, 2021

Stephanie Storm, City Secretary
City of Wylie, Texas



Wylie City Council

AGENDA REPORT

Department: Purchasing
Prepared By: Glenna Hayes

Account Code: Various

Subject

Consider, and act upon, the approval of the renewal of J.P. Morgan Chase Procurement Cards (P-Cards) through an inter-local agreement between the City of Wylie and the City of Ft. Worth, and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve Item as presented.

Discussion

The City has been participating in a consortium headed by the City of Fort Worth for the bidding of a single account credit card program. The City of Fort Worth has negotiated a 2-year contract extension effective 9/1/21 – 8/31/24, with two additional 2-year renewal options. The City's estimated annual use for this program is \$936,000.00, and funding for the purchases is contained within individual department budgets.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to 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.

(City of Fort Worth contract #35775-A3; City of Wylie Contract #2013-12-I)

Financial Summary/Strategic Goals

Financial Health: Award of this contract assists the City in meeting its financial needs.



Wylie City Council

AGENDA REPORT

Department:	<u>Fire / Communications</u>	Account Code:	<u>100-5241-54650</u>
Prepared By:	<u>Glenna Hayes</u>		<u>100-5241-54810</u>

Subject

Consider, and act upon, the approval of the purchase of Annual Maintenance and Software Upgrade for Public Safety Radios and Network Recording Software from Motorola Solutions Inc. in the estimated annual amount of \$71,924.00 through a cooperative purchasing contract with the Texas Department of Information Resources and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve Item as presented.

Discussion

Wylie Public Safety utilizes Motorola radios and network recording software in the Communications Center. This agreement is for software and annual maintenance/service for radios, consolettes and the NICE recording system (phone calls and radio traffic), and includes a software system upgrade to the most current versions.

The agreement will establish an annual contract with renewals.

DIR-TSO-4101 / Wylie #W2022-2-A

Financial Summary/Strategic Goals

100-5241-54810 - \$35,194.00

100-5241-54650 - \$36,730.00

Approval of this agreement meets the City's goal of Health, Safety and Welfare.



Wylie City Council

AGENDA REPORT

Department: Code Enforcement
Prepared By: Glenna Hayes

Account Code: 100-5312-56040

Subject

Consider, and act upon, the approval of an Interlocal Environmental Services Agreement with Collin County Environmental Health Care Services to provide public health functions in the estimated annual amount of \$44,216.00; and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve Item as presented.

Discussion

The City has been in partnership with the Collin County Environmental Health Care Services Department to perform public health functions that the County is authorized to perform under Chapter 121, Texas Health and Safety Code. These services include Environmental Services, including but not limited to, inspections of day care facilities, restaurants and other food service facilities, hotels/motels, bed and breakfast establishment, and other environmental health complaints. These services will be provided by the County at a fee of \$.80/inhabitant of the City of Wylie for an estimated annual fee of \$44,216.00 based on a population number of 55,270 inhabitants, effective October 1, 2021 through September 30, 2022.

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.
 City of Wylie Agreement #W2022-4-I

Financial Summary/Strategic Goals

Health, Safety and Well-Being. Award of this contract assists the City in meeting its health and safety goals.



Wylie City Council

AGENDA REPORT

Department: City Manager
 Prepared By: Brent Parker

Account Code: _____

Subject

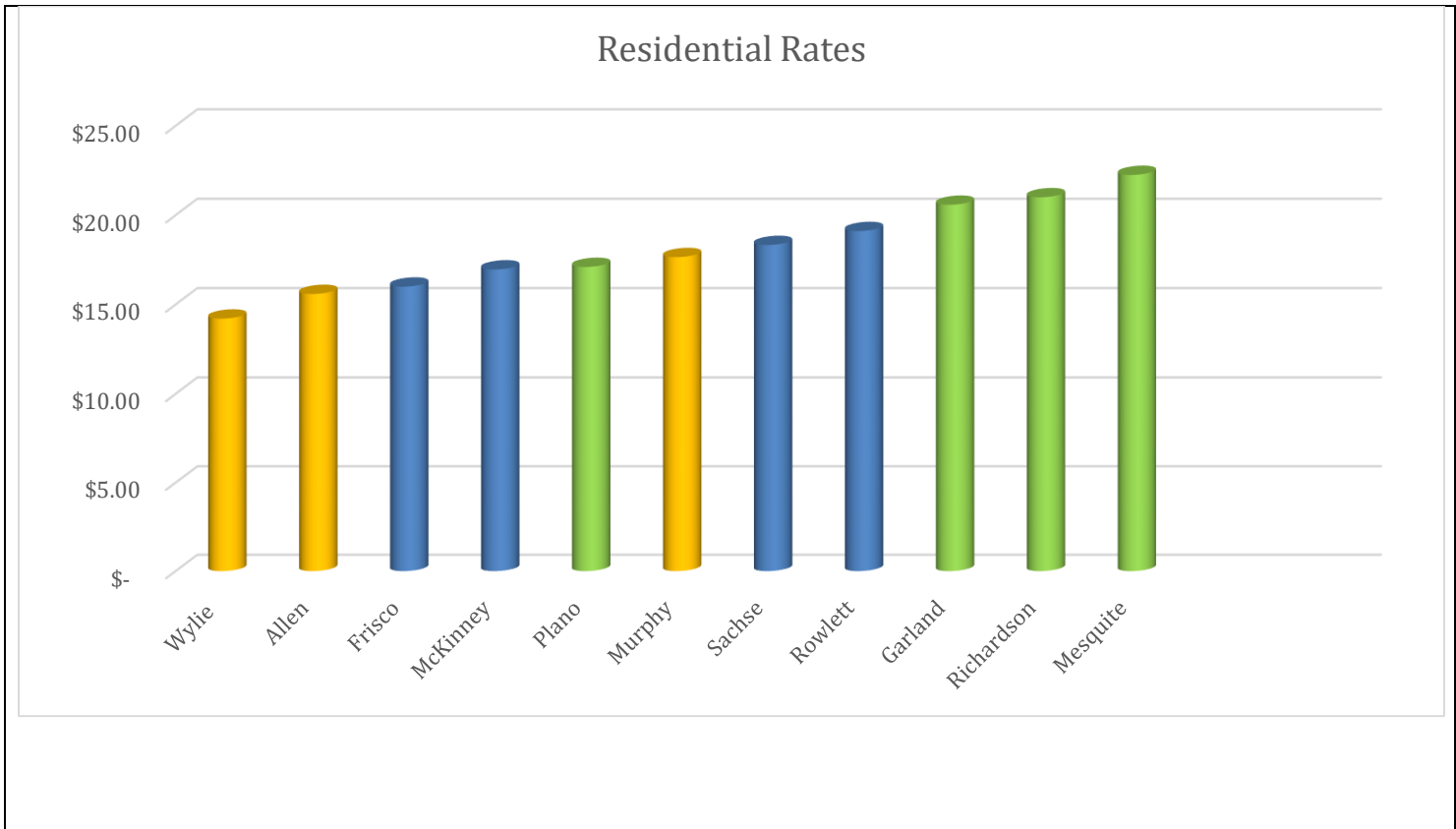
Presentation and discussion with CWD regarding a rate increase and contract modification to contract #W2018-118-A Solid Waste & Recycling Services with Community Waste Disposal L.P., adjusting the billing rates effective 10/1/2021.

Recommendation

Discussion

A solid waste and recycling contract renewal was approved with Community Waste Disposal (CWD) effective September 1, 2018. Section 14.02 of the contract outlines the process for rate adjustments. A rate adjustment can be requested based on the consumer price index (CPI), the price of diesel fuel as reported by the Department of Energy, and the disposal costs of the Garland, Texas landfill.

<u>City</u>	<u>Rate</u>	<u>Add. Cart</u>
Wylie	\$14.21	\$4.07
Allen	\$15.59	\$8.89
Frisco	\$16.00	\$13.00
McKinney	\$16.96	\$6.60
Plano	\$17.10	\$14.25
Murphy	\$17.65	\$10.47
Sachse	\$18.33	\$7.48
Rowlett	\$19.11	\$9.56
Garland	\$20.58	\$7.10
Richardson	\$21.00	
Mesquite	\$22.25	



Financial Summary/Strategic Goals

CWD has requested a rate adjustment. The proposed CWD residential trash rate of \$11.41/month is a \$1.05/month increase or about 10%. If the rate increase were passed on to the resident, the new monthly rate billed including administrative cost would be \$14.21, which is a 7.98% increase.



Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Hold a public hearing, consider, and act upon, Resolution No. 2021-27(R) of the City Council of the City of Wylie, Texas, recognizing and offering no objection to the intent of Roers Wylie Apartments Owner Limited Partnership to submit an application to the Texas Department of Housing and Community Affairs for 2021 Housing Tax Credits to develop Wylie Senior Apartments, property generally located on the south side of FM 544 approximately 1400 feet west of Sanden Boulevard.

Recommendation

Motion to approve Item as presented.

Discussion

In July 2021, the City Council held a work session in which Roers Development presented a potential project for a 200+ unit, Seniors Only Affordable Living apartments. Based on Council feedback during that work session, Roers has decided to pursue tax credits for the potential development through an application to the Texas Department of Housing and Community Affairs.

In accordance with the requirements of the Texas Government Code and Texas Administrative Code the governing body may, after a public hearing, provide a resolution regarding the tax credit application. The resolution is required for the application to be accepted.

At Roers request, Staff has prepared a resolution, which states the project location, name, and that Council does not object to the tax credit application. The resolution does not reference, support, or guarantee any zoning changes or other project requirements.

Financial Summary/Strategic Goals

Planning Management

RESOLUTION NO. 2021-27(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, RECOGNIZING AND OFFERING NO OBJECTION TO THE INTENT OF ROERS WYLIE APARTMENTS OWNER LIMITED PARTNERSHIP TO SUBMIT AN APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR 2021 HOUSING TAX CREDITS TO DEVELOP WYLIE SENIOR APARTMENTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Roers Wylie Apartments Owner Limited Partnership has proposed a development for affordable rental housing of approximately 215 units that will be located at or about the south side of FM 544 approximately 1400' west of Sanden Boulevard; and

WHEREAS, Roers Wylie Apartments Owner Limited Partnership has or will submit an application to the Texas Department of Housing and Community Affairs for 2021 Housing Tax Credits for Wylie Senior Apartments.

NOW, THEREFORE, THAT IN ACCORDANCE WITH THE REQUIREMENTS OF TEX. GOV'T CODE §2306.67071 AND 10 TAC §11.204(4), BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: Notice has been provided to the City Council in accordance with Tex. Gov't Code, §2306.67071(a); and

SECTION 2: The City Council has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and:

SECTION 3: The City Council has held a hearing at which public comment may be made on the proposed Development in accordance with Tex. Gov't Code, §2306.67071(b); and

SECTION 4: After due consideration of the information provided by the Applicant as demonstrated in Exhibit A and public comment, the City Council does not object to the proposed Application; and

SECTION 5: This Resolution shall take effect immediately from and after its passage.

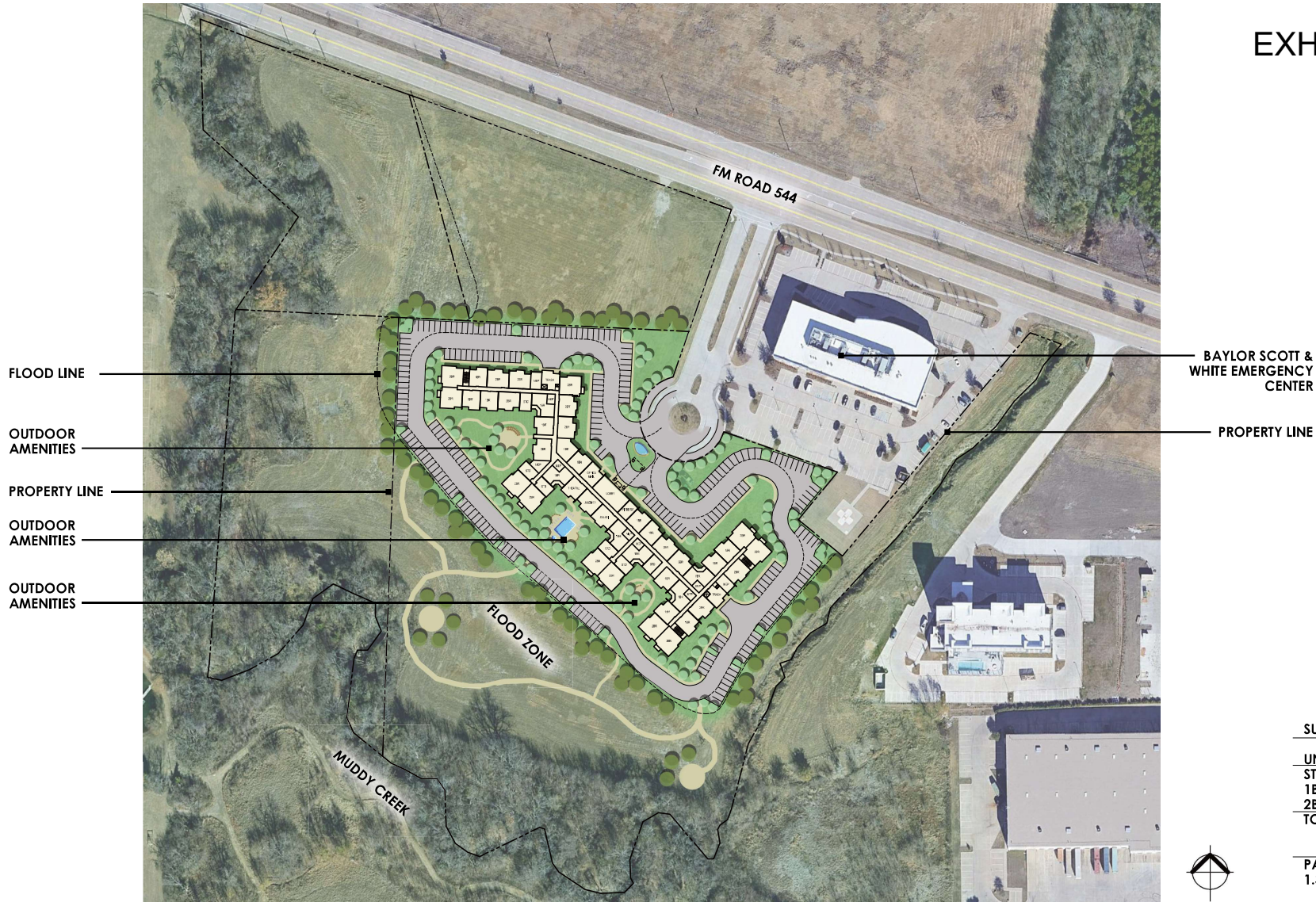
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS on this 14th day of September, 2021.

Matthew Porter, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

Stephanie Storm, City Secretary

EXHIBIT A



SUMMARY

UNITS:

STUDIOS	31
1BR	94
2BR	80
TOTAL	205

PARKING PROVIDED
1.30 X 205 = 267





Senior Living Site Test Fit - 205 Unit Option
2310 W FM 544 - WYLIE, TX

08.18.2021

SUMMARY	
UNITS:	
STUDIOS	31
1BR	94
2BR	80
TOTAL	205

PARKING PROVIDED
1.30 X 205 = 267



BKV
GROUP



Wylie City Council

AGENDA REPORT

Department: Municipal Court
Prepared By: Lisa Mangham

Account Code: _____

Subject

Consider, and act upon, an agreement authorizing the appointment of Steve Feil as Associate Municipal Court Judge for the City of Wylie effective October 1, 2021, setting terms and hourly rate of service.

Recommendation

Motion to approve Item as presented.

Discussion

Article IV, Section 3c of the City of Wylie Charter states, “The City Council shall, in the absence or disability of the appointed judge of the municipal court, appoint an acting judge to serve during such absence or disability. The acting judge may be compensated by the City Council for his performance of required duties.”

The appointment of the Associate Municipal Court Judge is for a two-year term effective October 1, 2021 through September 30, 2023, and may be renewed for another two-year term. Compensation for services provided by the Associate Municipal Court Judge is set at an hourly rate of \$75.00. Services will include performing magistrations, presiding over dockets, and other judicial services as needed for backup in the event Judge Maldonado and Judge McSwain are both unavailable.

Steve Feil has served as a Magistrate Judge for Dallas County since 2016, both at the jail and courthouse. In this capacity he has extensive experience signing arrest and search warrants, conducting 15.17 hearings, setting bail, and issuing protective orders. In addition to magistrate duties, he hears pleas and presides over examining trials. Previously, he served as a prosecutor at the Nueces County District Attorney’s Office in Corpus Christi, TX, beginning as a misdemeanor intake attorney and working up to chief prosecutor of a district court. While there, he selected juries and tried over 40 jury trials as lead attorney in addition to conducting probation revocation and suppression hearings.

City Management and Staff recommend the appointment of Steve Feil to provide services to the City as an Associate Municipal Court Judge.

Financial Summary/Strategic Goals

NA

MUNICIPAL COURT JUDICIAL SERVICES AGREEMENT – ASSOCIATE JUDGE

The **City of Wylie, Texas**, a home-rule municipality ("Wylie"), and **Steve Feil** ("Contractor") hereby enter into this Municipal Court Judicial Services Agreement ("Agreement"). Wylie and Contractor are sometimes referred to collectively as the "parties" or individually as a "party."

WHEREAS, the City Council of the City of Wylie, Texas ("Wylie") has established and maintains the Wylie Municipal Court and appoints judges as may be necessary to serve the Court pursuant to Article IV, § 3 of Wylie City Charter; and

WHEREAS, Contractor desires to contract with Wylie to provide such judicial services as an associate judge for the Wylie Municipal Court under the terms and conditions of this Agreement; and

WHEREAS, Contractor represents and warrants that through education and experience, Contractor possesses the requisite skills to provide such judicial services in a professional and competent manner; and

WHEREAS, Wylie and Contractor acknowledge and agree that this Agreement is not an employment agreement and does not establish a relationship of employer and employee between Wylie and Contractor, but defines a relationship between the parties wherein the Contractor is in fact an independent contractor of Wylie; and

WHEREAS, Contractor reserves independence to act within the limits imposed by law and professional obligations such that Wylie's objectives during the term of this Agreement will be furthered through means the Contractor considers appropriate in accordance with Contractor's professional obligations and as may be required by the Texas Code of Judicial Conduct and other applicable rules and regulations.

NOW, THEREFORE, in consideration of the mutual agreements and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Scope of Services. Contractor shall provide judicial services as an associate judge in Wylie Municipal Court and shall furnish all labor, equipment, supplies and all other items necessary to provide the services and deliverables as specified by the terms and conditions of this Agreement (collectively, "Services"). The Services include, but are not limited to, the following:
 - (a) Hearing and consideration of cases and other matters scheduled and assigned to Contractor in the Wylie Municipal Court;
 - (b) Presiding over Wylie Municipal Court dockets, including pretrial conferences, pretrial hearings, plea and arraignments proceedings, trials and other proceedings scheduled and assigned to Contractor in the Wylie Municipal Court;

- (c) Issuing appropriate rulings and orders in cases and other matters scheduled and assigned to Contractor in the Wylie Municipal Court;
- (d) Perform magistrate, arraignment and warrant duties scheduled and assigned to Contractor;
- (e) Communicating with Wylie Municipal Court staff, judges, prosecuting and defending attorneys, defendants and other participants in cases and other matters scheduled and assigned to Contractor in the Wylie Municipal Court;
- (f) Performing such other functions within Wylie Municipal Court normally required of a municipal court associate judge; and
- (g) Providing Wylie timely updates regarding changes in the scope and nature of the Services provided hereunder that may affect operations, policies or activities of Wylie Municipal Court and making recommendations on improving the quality and efficiency of the Services provided hereunder.

The Presiding Judge of the Wylie Municipal Court shall establish the times and days for the court dockets and retains authority to change the same from time to time. Contractor shall perform the Services at the dockets so established and to which he/she may be scheduled. If Contractor is unavailable to complete these Services, it shall be the duty of Contractor to seek an alternative method of fulfilling these duties through another Wylie-appointed Judge.

2. Term; Termination. The term of this Agreement shall commence on the Effective Date (hereinafter defined) of this Agreement and shall continue in effect until the second anniversary of the Effective Date, unless terminated earlier in accordance with this Agreement or the City Charter. Wylie shall have the option to extend this Agreement for additional terms of two (2) years each on the same terms and conditions by giving Contractor written notice of its intent to extend prior to the expiration of the then-current two (2) year term, provided that the City Council has re-appointed Contractor as the presiding judge in accordance with Section 4.03 of the City Charter. Wylie is entitled to terminate this Agreement at any time for any reason or for no reason by giving Contractor written notice of termination, removal or non-appointment. Contractor is entitled to terminate this Agreement at any time for any reason or for no reason by giving Wylie at least thirty (30) days' prior written notice of the termination date. The term of this Agreement shall automatically terminate on the date that Contractor ceases to maintain all necessary qualifications to serve as a judge for the Wylie Municipal Court, including but not limited to being a licensed attorney in good standing and/or having two or more years of experience in the practice of law in Texas should the Wylie Municipal Court be converted to a municipal court of record.

3. Compensation; Billing. In exchange for Contractor's provision of the Services as described in this Agreement, Wylie agrees to pay Contractor at the rate of \$75.00 per
- Municipal Court Judicial Services Agreement – Associate Judge**

hour of work actually performed by Contractor under this Agreement. Such amount shall be payable on a monthly basis at the time and in the manner determined by Wylie. Wylie is entitled to withhold, deduct and pay from such amount applicable income and other payroll taxes, but in no event shall such actions by Wylie alter the parties' independent contractor relationship or entitle Contractor to any employment, insurance, vacation or other benefits. In this regard, Contractor shall defend, indemnify and hold harmless Wylie from any and all liability which may result from the failure to withhold, and/or the withholding of, any sums from the monies payable to Contractor under this Agreement, including, but not limited to, any taxes, interest or penalties owed to the Internal Revenue Service or any other party. No time shall be charged or additional compensation shall be due for any travel to or from Wylie or for travel to any hearings, trials or other proceedings.

Contractor shall submit monthly invoices to Wylie for Services actually provided by Contractor in accordance with this Agreement. The invoices shall include the length of time spent performing the work recorded in increments equal to the tenth of an hour, the date the work was performed and the fee for the work. All invoices shall be submitted as soon as possible after the end of each calendar month, but in no event later than the fifth (5th) day of the next calendar month. Invoices are payable by Wylie within thirty (30) business days of Wylie's receipt of each such invoice, unless a dispute arises as to any charge contained in the invoice, in which case Wylie shall pay the undisputed amount of the invoice as provided above and shall pay the remaining amount, if any, after resolution of the dispute as soon after resolution as is reasonable provided. Notwithstanding anything to the contrary herein, Wylie shall not be required to pay any invoice submitted by Contractor if Contractor is in breach of this Agreement.

As an appointed official, Contractor agrees to perform the service required by the position of associate judge and is not limited to or guaranteed a preset number of hours per week or per month to perform such services.

4. Cooperation. Contractor acknowledges that Wylie is entitled, in its sole discretion, to contract with and/or assign other judges to provide the same or similar judicial services for Wylie Municipal Court, and Contractor agrees to fully cooperate with Wylie and any such other judges in this regard, including but not limited to, coordinating the scheduling and coverage of the dockets and other needs of Wylie Municipal Court.
5. Conflicts. Wylie recognizes that Contractor may represent clients as an attorney. During the term of this Agreement, Contractor shall not represent any person or entity or otherwise engage in the practice of law in a matter directly adverse to Wylie, in an adversarial capacity before the Wylie City Council or any of its courts, agencies, boards or commissions, or in a matter that Wylie determines is adverse to the interests of Wylie. Further, Contractor represents that Contractor does not have any personal, business or financial interests or relationships which would cause a reasonable individual with knowledge of the relevant facts to question the integrity or impartiality of Contractor in performing the Services. Contractor shall evaluate on an ongoing basis whether, in Contractor's professional judgment, a conflict may become apparent or imminent. In the

event that Contractor believes a conflict may develop or has developed, Contractor shall immediately communicate with Wylie about the perceived potential conflict.

6. Professional Obligations. Contractor must complete the minimum number of hours of instruction annually in the performance of the duties of a municipal court associate judge as required by the laws of the State of Texas and any applicable rule or statute. Wylie shall pay the reasonable cost of such required training, including required books and materials upon receipt by Wylie of written invoices for the same. Contractor shall ensure that official copies of records documenting such training shall be kept and maintained at all times. The Contractor shall provide proof of current certification from the State Bar of Texas on October 1 of each year during the term of this Agreement.
7. Entire Agreement. This Agreement contains all representations, understandings, contracts and agreements between the parties regarding the subject matter of this Agreement. This Agreement supersedes all oral or written previous and contemporaneous agreements, writings, understandings, representations or contracts between the parties regarding the subject matter of this Agreement. No amendment to this Agreement shall be made except on the written agreement of the parties, which shall not be construed to release either party from any obligation of this Agreement except as specifically provided for in such amendment.
8. No Supervisory Capacity. Contractor acknowledges that the clerks of the Wylie Municipal Court are supervised by the City Manager as administrative employees and that Municipal Court prosecutors are supervised by the City Attorney. Contractor does not serve in a supervisory role as to any of these or other employees of Wylie except with regard to judicial procedures of the court. However, he/she shall consult with the appropriate department head or City Manager concerning needed improvements or problems that come to his/her attention through his/her service under this Agreement.
9. No Prohibited Interest. Contractor acknowledges and agrees that it is aware of, and will abide by, the no prohibited interest requirement of Wylie City Charter. Contractor acknowledges and agrees that the existence of a prohibited interest during the term of this Agreement will render this Agreement voidable.
10. Liability. To the fullest extent permitted by law, Contractor shall be fully and solely responsible and liable for Contractor's own acts and omissions and for any and all damage to Contractor's equipment and other property. Wylie assumes no such responsibility or liability. Wylie shall have no such responsibility or liability to Contractor.
11. Compliance with Laws. Contractor shall comply with all federal, state and local laws, statutes, ordinances, regulations and policies, as they exist, may be amended or in the future arising, applicable to Contractor and its work under this Agreement. If Contractor observes or is notified that the work under this Agreement is at variance with applicable laws, statutes, ordinances, regulations and policies, Contractor shall immediately notify Wylie in writing.

12. Assignment. Contractor agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of Wylie.
13. Savings/Severability. In the event that a term, condition or provision of this Agreement is determined to be invalid, illegal, void, unenforceable or unlawful by a court of competent jurisdiction, then that term, condition or provision shall be deleted and the remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been included in this Agreement.
14. Consideration. This Agreement is executed by the parties without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.
15. Attorneys' Fees. If either party files any action or brings any proceeding against the other arising from this Agreement, then as between Wylie and Contractor, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, reasonable and necessary attorneys' fees and litigation expenses both at trial and on appeal.
16. Governing Law; Venue. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement, without regard to conflict of law principles. This Agreement is performable in Collin County, Texas, and the exclusive venue for any action arising out of this Agreement shall be a court of appropriate jurisdiction in Collin County, Texas.
17. No Waiver. Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit, or waive such party's right thereafter to enforce and compel strict compliance.
18. Headings. The headings of the various sections of this Agreement are included solely for convenience of reference and are not to be full or accurate descriptions of the content thereof.
19. Notice. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing the same in the United States Mail, addressed to the party to be notified, postage pre-paid and registered or certified with return receipt requested; by electronic mail, with documentation evidencing the addressee's receipt thereof; or by delivering the same in person to such party a via hand-delivery service, or to any courier service that provides a return receipt showing the date of actual delivery of the same to the addressee thereof. Notice given in accordance herewith shall be effective on receipt at the address of the addressee. For purposes of notification, the addresses of the parties shall be as follows:

If to Contractor, to: Steve Feil



Municipal Court Judicial Services Agreement – Associate Judge

Page 5 of 7

If to Wylie, to:

City of Wylie
Attn: City Manager, Chris Holsted
300 Country Club Rd
Wylie, Texas
Email: chris.holsted@wylietexas.gov

With a copy to: Abernathy, Roeder, Boyd & Hullett, P.C.

Attn.: Ryan D. Pittman
1700 Redbud Blvd., Suite 300
McKinney, Texas 75069

20. Representations. Each party states that it has carefully read this Agreement, knows the contents hereof, has consulted with an attorney of its choice regarding the meaning and effect hereof and is signing the same solely of its own judgment.
21. Independent Contractor. Contractor covenants and agrees that Contractor is an independent contractor and not an officer, agent, servant or employee of Wylie; that Contractor shall have exclusive control of and exclusive right to control the details of the work performed hereunder and all persons performing the same; that the doctrine of respondent superior shall not apply as between Wylie and Contractor; and that nothing herein shall be construed as creating a partnership or joint enterprise between Wylie and Contractor. Neither Contractor nor his agents or employees shall be deemed to be an employee of Wylie for any purpose whatsoever. Contractor shall not be eligible to participate in any benefit program provided by Wylie for its employees. Contractor shall be exclusively responsible for the payment of his/her own taxes, withholding payments, penalties, fees, fringe benefits, contributions to insurance and pension or other deferred compensation plans, including but not limited to worker's compensation and Social Security obligations, professional fees or dues. Wylie may arrange to provide space for Contractor to use to facilitate access to the Municipal Court staff and others. The provision of space is not compensation, nor does it change the nature of the relationship from that of independent contractor. Contractor agrees to make use of the space, if any, as an accommodation to Wylie and only to conduct business in accordance with this Agreement.
22. Incorporation of Recitals. The representations, covenants and recitations set forth in the foregoing recitals of this Agreement are true and correct and are hereby incorporated into the body of this Agreement and adopted as findings of the authorized representatives of Wylie and Contractor.

23. Miscellaneous Drafting Provisions. This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the parties and are not intended to be used in construing this document.
24. No Waiver of Immunity. The parties acknowledge and agree that, in executing and performing this Agreement, Wylie has not waived, nor shall be deemed to have waived, any defense or immunity, including governmental, sovereign and official immunity, that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein
25. Chapter 2270 Certification. In accordance with Chapter 2270 of the Texas Government Code, Contractor hereby certifies that Contractor (a) does not boycott Israel; and (b) will not boycott Israel during the term of any contract with Wylie, including during the term of this Agreement.
26. Multiple Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. An electronic mail and/or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other party.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective when all the parties have signed it. The date this Agreement is signed by the last party to sign it (as indicated by the date associated with that party's signature below) will be deemed the effective date of this Agreement ("Effective Date").

CITY OF WYLIE, TEXAS

By: _____

Printed Name: _____

Title: _____

Date: _____

By: _____

Printed Name: _____

Date: _____

Steve Feil

EXPERIENCE

Dallas County District Courts

Dallas, TX

Magistrate Judge, July 2016 – Present (Part Time)

- Adjudicate felony and misdemeanor pleas and examining trials on the record.
- Perform Article 15.17 magistration proceedings, including advisement of rights, setting bail, and imposition of conditions of bond for misdemeanor and felony cases.
- Review financial affidavits and make individualized determinations of appropriate bail.
- Review and sign search and arrest warrants for legal sufficiency.
- Issue Emergency Protective Orders.

Cutler-Smith, P.C.

Dallas, TX

Associate Attorney, March 2020 – Present

- Provide legal representation and guidance to construction contractors on construction disputes, including construction defects and contract claims in courts, arbitrations and mediations.
- Review and negotiate commercial contracts, advise on insurance policies.
- Collaborate with clients regarding employment and corporate governance.

Maroon Spider LLC

Carrollton, TX

Co-Owner and General Counsel, December 2017- July 2020

- Operated a franchised portable storage business.
- Responsible for all business operations including hiring, budgeting, marketing, employment, logistics, transportation and warehouse management.
- Oversee corporate governance and governmental regulatory requirements.

Dalco Athletic Lettering, Inc. (Business Sold)

Garland, TX

Vice President and General Counsel, September 2014 – May 2018

- Provide counsel on labor & employment matters, corporate governance, mergers & acquisitions, product development, real estate transactions, marketing/media communications, insurance coverage and collections.
- Negotiate, draft and review vendor and commercial contracts.
- Responsible for apparel line, including product development, sales and marketing.
- Ensured compliance with import and export requirements and government requirements.

The Willis Law Group PLLC

Dallas, TX

Associate Attorney, May 2013 – August 2014

- Successfully handled complex insurance coverage and personal injury litigation matters on behalf of clients, including errors and omissions coverage.
- Provided advice and counsel to clients in all phases of legal disputes and evaluate cases for early resolution of complex claims.

- Conducted and defended depositions, prepared reports for clients, and successfully mediated 5 cases as lead counsel.

Parker Straus, LLP

The Woodlands, TX

Associate Attorney, December 2011 – May 2013

- Litigated civil and commercial lawsuits with an emphasis on insurance coverage, insurance defense and fraud investigation.
- Prepared and successfully argued motions for summary judgment, pleas in abatement and pleas to the jurisdiction.
- Drafted coverage opinion letters for homeowners and automobile policy claims, comprehensive status reports to clients, and claim denial letters.
- Conducted examinations under oath in various states.

Nueces County District Attorney's Office

Corpus Christi, TX

Assistant District Attorney, December 2006 – December 2011

- Promoted to chief prosecutor of a district court.
- Tried 40 cases to a jury as lead attorney.
- Argued motions to the court and negotiated appropriate case dispositions with opposing counsel.
- Advised law enforcement on criminal investigations and procedures. Presented cases to the grand jury.

QUALIFICATIONS

- Admitted to the State Bar of Texas, November 2006, State Bar number 24055474
- Collin County Bar Association – *Member*
 - *Criminal Law Section - Member*
- Texas Aggie Bar Association – *Member*

EDUCATION

University of Richmond School of Law Richmond, VA

Juris Doctor, May 2006

- Summer Program in Law, Cambridge University, England, Summer 2004
- Juvenile Delinquency Clinic, *Student Attorney*

Texas A&M University College Station, TX

Bachelor of Arts in Political Science, May 2003

- Pi Sigma Alpha Political Science Honor Society
- Member - Corps of Cadets
- General O.R. Simpson Corps Honor Society
- Study Abroad Academy for International Education – German Language, Bonn, Germany



Wylie City Council

AGENDA REPORT

Department: Human Resources
Prepared By: Glenna Hayes

Account Code: Various

Subject

Consider, and act upon, the award of Request for Proposal (RFP) #W2021-76-A for Human Resources Health & Welfare Benefits to Various Vendors in the estimated annual amount of \$4,273,945.00 and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve Item as presented.

Discussion

The City issued a Request for Proposals (RFP) for the employee and retiree health and welfare benefits (both City and employee funded programs) and the City received 27 responses. All submissions were reviewed by City staff and HUB International, Inc. (consulting firm) in accordance with the published evaluation criteria.

Staff recommends the award of requested services to the following firms in the estimated annual amounts as shown in the attached award recommendation memo as providing the best overall value to the City.

- Cigna Health and Life Insurance Company - Medical/Pharmacy/Dental programs
- Life Insurance Company of North America (LINA; a wholly owned subsidiary of New York Life Insurance Company) – Healthcare Basic and Voluntary Life, Basic Accidental Death & Dismemberment (AD&D), and Long Term Disability
- Workers Assistance Program, Inc. dba Alliance Work Partners - Employee Assistance Program (EAP)
- Surency Life & Health Insurance Company - Flexible Spending Account (FSA) and COBRA administration
- Avesis Third Party Administrators, Inc. - Voluntary Vision
- Continental American Insurance/AFLAC - Voluntary Short-Term Disability, Critical Care, and Cancer Coverage

Financial Summary/Strategic Goals

Award of this item supports the City's Workforce goals.



Our Mission...

*...to be responsible stewards of the public trust,
to strive for excellence in public service
and to enhance the quality of life for all.*

To: Chris Holsted, City Manager
From: Lety Yanez, HR Director
CC: Brent Parker, Assistant City Manager and Renae Ollie, Assistant City Manager
Date: 09/07/2021
Re: 2021 Health and Welfare Benefits RFP Recommendation

This memo will describe the process used in the selection of our recommendation to the 2021 Health and Welfare Benefits RFP that provides benefits to the City of Wylie employees.

Description of Services

The City was seeking proposals from qualified vendors to provide group benefits administration and insurance for medical, pharmacy, dental, Vision, Basic Life/AD&D, Voluntary Life/AD&D, Voluntary STD, LTD, FSA, COBRA management, Employee Assistance Plan (EAP), and retiree health benefits. Proposed coverage plans had to meet or exceed the City's current plans.

Bidders are encouraged to include unique cost-saving strategies with recommended options that will meet or exceed City's objectives:

- Eliminate service disruption and provide a seamless transition for employees
- Provide prompt reimbursement of services to providers
- Ensure the confidentiality of the program participants
- Reduce administrative burden to HR
- System flexibility with plan offerings
- Achieve improved health outcomes and health care utilization
- Continuously track and improve program performance
- Provide efficient health plan reporting

Request for Proposal (RFP)/Original Respondents

The RFP for these services was issued on May 25, 2021. The RFP notice was available on the City's purchasing website. Interested parties were asked to contact HUB International for additional documents.

All completed bids were due to the Purchasing Department on June 23, 2021.

The received responses for one or multiple benefits offerings from the following firms/carriers:

AETNA	Met Life
AFLAC	Mutual of Omaha
Alliance Work Partners	Ochs, Inc.
Alliance/Reliance	Surency Life & Health
Assured Benefits Administrators Inc.	Symetra Life Insurance Company

Avesis
 Blue Cross-blue Shield Of Texas
 CIGNA
 Delta Dental Insurance Company
 Dental Select
 Equitable
 Flexible Benefit Services
 Hartford Life & Accident Ins.
 Lincoln Financial Group

The Standard
 TML Health
 Trustmark Insurance Company
 United Concordia Dental
 United Health Group
 UNUM Insurance
 VSP Vision Care
 WEX Health, Inc.

Evaluation Process

A. Evaluation Team

The evaluation team for proposals associated with these services included the HR Director and Analyst. Non-voting technical advisors to the evaluation team consisted of members of the City's benefits consulting firm, HUB International.

B. Evaluation Criteria

The Purchasing Division worked with the Human Resources Department to develop a set of evaluation criteria as follows:

- Company Profile (15%): Including professional and financial stability, relevant experience in providing similar plans; professional strength of dedicated account team and ease of communications; available technology including the extent of electronic capabilities such as electronic billing, electronic enrollment, websites (for employee and employer). A demonstrated willingness to contractually establish performance criteria.
- Overall Plan(s) Solution (20%): Comprehensiveness of services provided including innovative concepts; plan network capability including network size, the option of limited networks with demonstrable cost savings; employee accessibility (multiple platforms); review programs; statistical accuracy, quality, ease and availability of reporting; options for Wellness Programs and/or Incentive/"Credit" programs.
- Claims Processing (25%): Administrative flexibility to accurately, effectively, and efficiently administer the City's plan(s); ability to resolve issues in a timely manner (turn-around times); methodologies to reduce claim expenses; Availability of a qualified dedicated customer service unit with dedicated toll-free telephone assistance. Assignment of a dedicated representative to assist the City with plan and claim issues.
- Client History (5%): Demonstrated effectiveness of services provided, including client references
- Fee Structure/Cost (35%): Competitiveness and transparency of pricing including the overall cost of the plan and claims processing; firm price duration for the plan(s) proposed. Pricing for additional or optional services.

Award Recommendation:

Based on this information, the Human Resources office, working in conjunction with HUB International, Inc. recommends the following providers:

- Medical/Pharmacy/Dental - CIGNA Health and Life Insurance Company

- Basic and Voluntary Life/Basic Accidental Death and Dismemberment (AD&D) - Life Insurance Company of North America (LINA; a wholly owned subsidiary of New York Life Insurance Company)
- Long-Term Disability - Life Insurance Company of North America (LINA; a wholly owned subsidiary of New York Life Insurance Company)
- Employee Assistance Program - Workers Assistance Program, Inc. dba Alliance Work Partners
- Flexible Spending Account (FSA) Administration - Surency Life and Health Insurance Company
- Consolidated Omnibus Budget Reconciliation Act (COBRA) Administration - Surency Life and Health Insurance Company
- Voluntary Vision - Avesis
- Voluntary Short-Term Disability, Critical Care and Cancer Coverage - Continental American Insurance/AFLAC

Program	Award Recommendation	Estimated Expense FY 2021-2022	Estimated Cost Savings
Medical/Pharmacy/Dental	Cigna	\$4,140,493.00	\$250,000
Basic and Voluntary Life; Basic Accidental Death & Dismemberment (AD&D)	New York Life Ins.	\$52,828.00	\$40,000
Long Term Disability	New York Life Ins.	\$48,096.00	\$35,000
Employee Assistance Program (EAP)	Alliance Work Partners	\$6,792.00	no savings (\$600 more in annual costs)
Flexible Spending Acct (FSA) Administration	Surency Life & Health Ins.	\$5,688.00	\$2,500
COBRA	Surency Life & Health Ins.	\$2,700.00	\$300
Voluntary Vision	Avesis	\$17,347.00	no change
Voluntary Short-Term Disability, Critical Care and Cancer Coverage	AFLAC	\$0.00	varies, benefits are 100% employee-paid
		\$4,273,944.00	\$327,200

###



**RFP TABULATION
W2021-76-A**

**HUMAN RESOURCES – HEALTH & WELFARE BENEFITS
JUNE 23, 2021 @ 3:00 pm CDT**

AETNA	MET LIFE
AFLAC	MUTUAL OF OMAHA
ALLIANCE WORK PARTNERS	OCHS, INC.
ALLIANCE/RELIANCE	SURENCY LIFE & HEALTH
ASSURED BENEFITS ADMINISTRATORS INC.	SYMETRA LIFE INSURANCE COMPANY
AVESIS	THE STANDARD
BLUE CROSS-BLUE SHIELD OF TEXAS	TML HEALTH
CIGNA	TRUSTMARK INSURANCE COMPANY
DELTA DENTAL INSURANCE COMPANY	UNITED CONCORDIA DENTAL
DENTAL SELECT	UNITED HEALTH GROUP
EQUITABLE	UNUM INSURANCE
FLEXIBLE BENEFIT SERVICES	VSP VISION CARE
HARTFORD LIFE & ACCIDENT INS.	WEX HEALTH, INC.
LINCOLN FINANCIAL GROUP	

**Note: SBR sent via FEDEX arrived 6/24/21 – DECLINED.

I certify that the above includes all firms who submitted a response to this RFP.

Glenna Hayes

June 24, 2021

Glenna Hayes C.P.M., A.P.P. Purchasing Manager

Date

“BID TABULATION STATEMENT”

ALL BIDS SUBMITTED FOR THE DESIGNATED PROJECT ARE REFLECTED ON THIS BID TAB SHEET. **HOWEVER, THE LISTING OF A BID ON THIS SHEET SHOULD NOT BE CONSTRUED AS A COMMENT ON THE RESPONSIVENESS OF SUCH BID OR AS ANY INDICATION THAT THE CITY ACCEPTS SUCH BID AS RESPONSIVE.** THE CITY WILL MAKE A DETERMINATION AS TO THE RESPONSIVENESS OF BIDS SUBMITTED BASED UPON COMPLIANCE WITH ALL APPLICABLE LAWS AND CITY OF WYLIE BID SPECIFICATIONS AND PROJECT DOCUMENTS.

PURCHASING DEPARTMENT
CITY OF WYLIE, TEXAS



Wylie City Council

AGENDA REPORT

Department: Public Works
Prepared By: Tim Porter

Account Code: _____

Subject

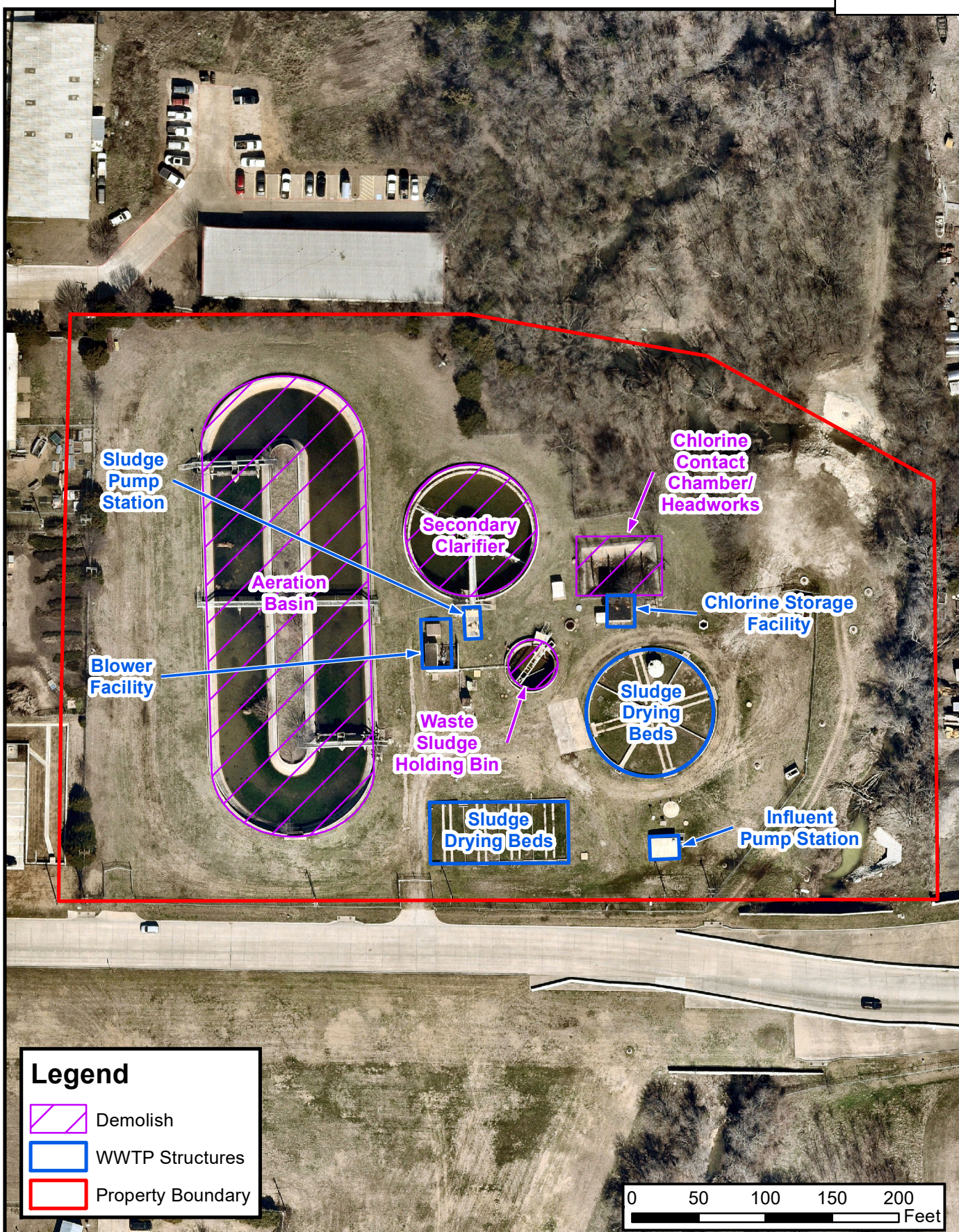
Discuss Wylie Wastewater Treatment Plant Demolition Options.

Recommendation

Discussion

Discuss four options for demolition of the Wylie Wastewater Treatment Plant, including costs associated with each.

Financial Summary/Strategic Goals



FREESE AND NICHOLS
 5805 Main Street, Suite B
 Frisco, Texas 75034
 Phone - (972) 624-9201

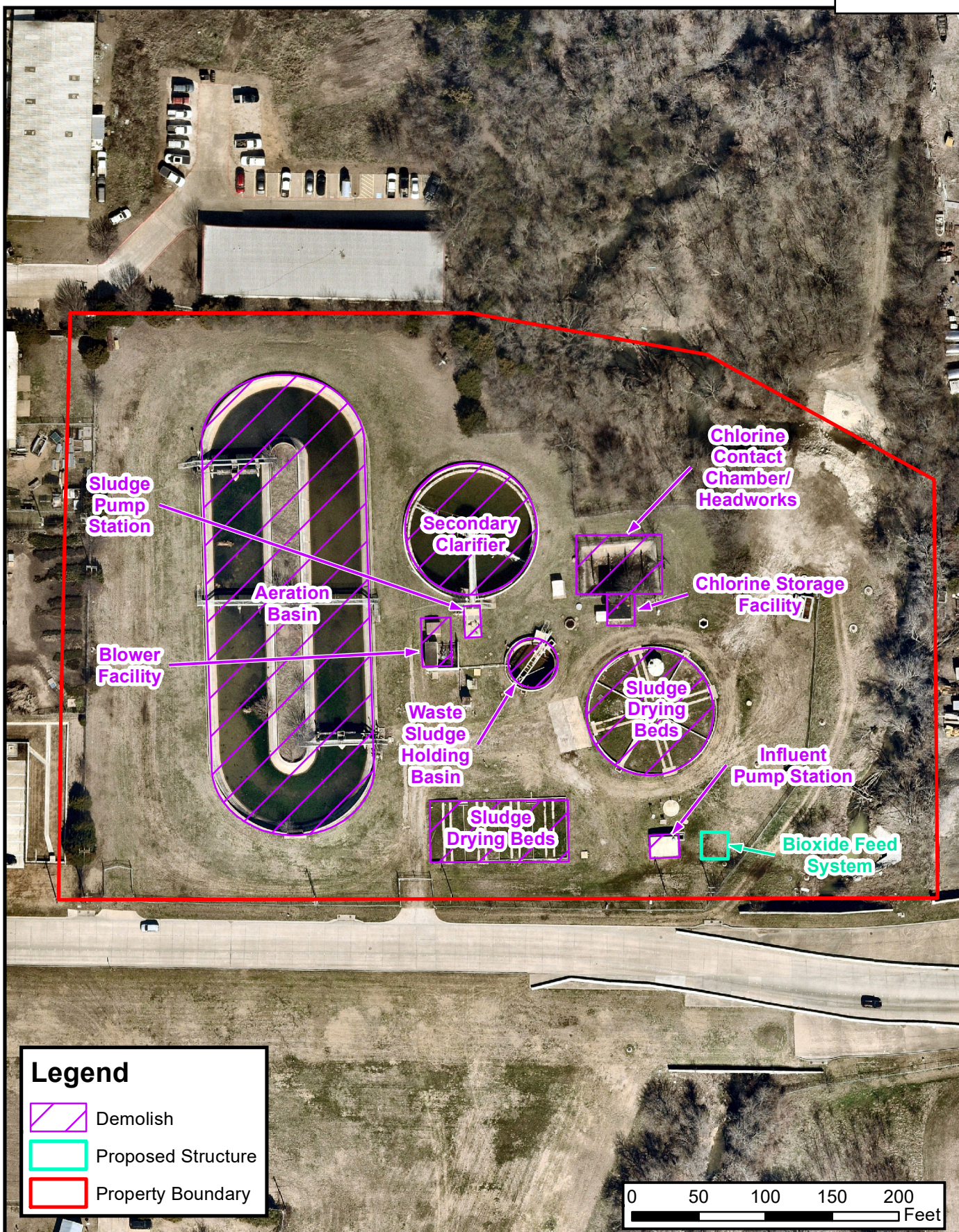




City of Wylie Wastewater Treatment Plant

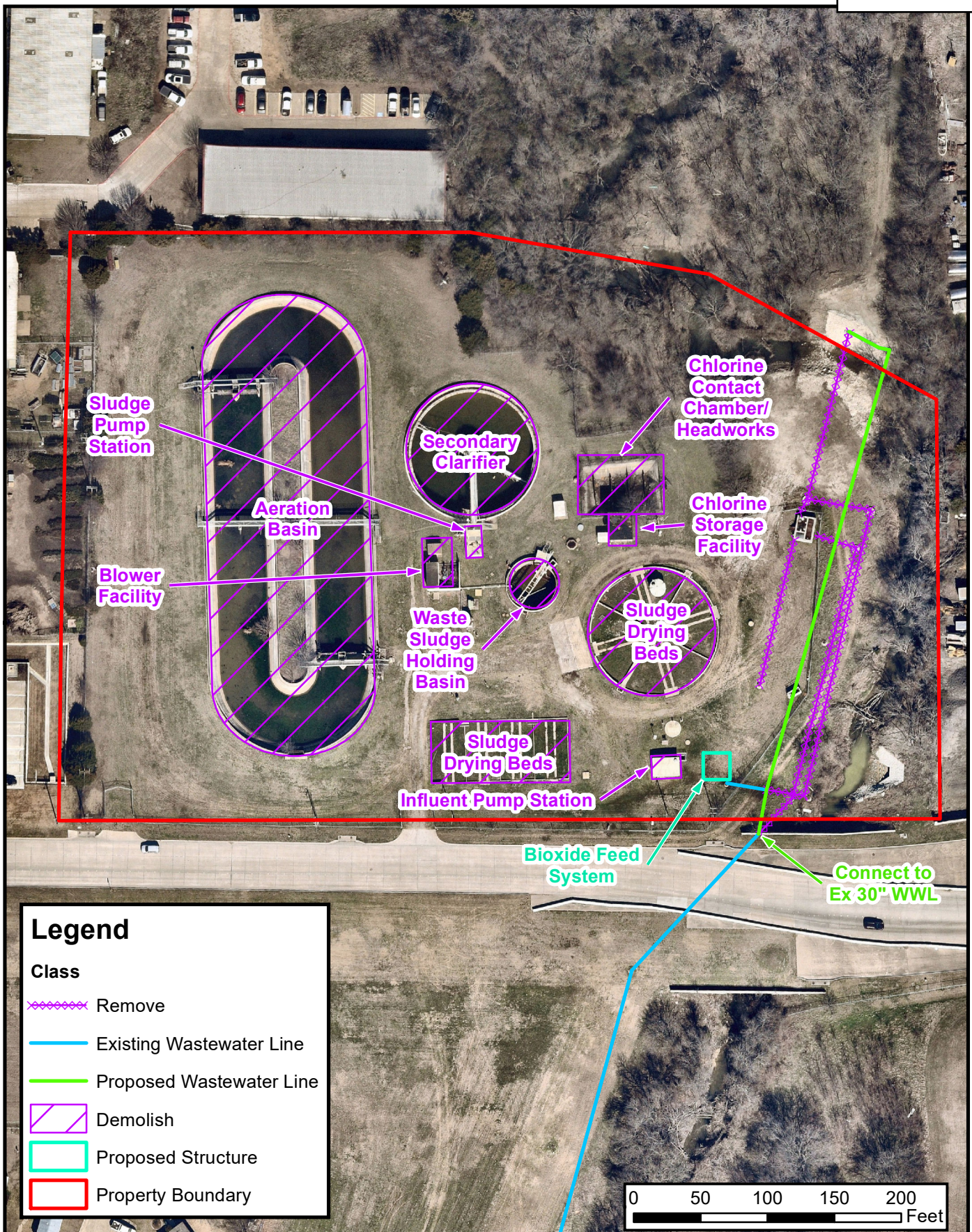
Demolition Option 1

FN JOB NO. WLE20563
 FILE Fig1_DemoOpt1.mxd
 DATE June 2021
 SCALE 1:1,200
 DESIGNED MK
 DRAFTED MK

1
FIGURE



 FREESE AND NICHOLS 5805 Main Street, Suite B Frisco, Texas 75034 Phone - (972) 624-9201		City of Wylie Wastewater Treatment Plant		FN JOB NO WLE20563	2 FIGURE
		Demolition Option 2		FILE Fig2_DemoOpt2.mxd	
				DATE June 2021	
				SCALE 1:1,200	
				DESIGNED MK	
				DRAFTED MK	



FREESE AND NICHOLS
 5805 Main Street, Suite B
 Frisco, Texas 75034
 Phone - (972) 624-9201



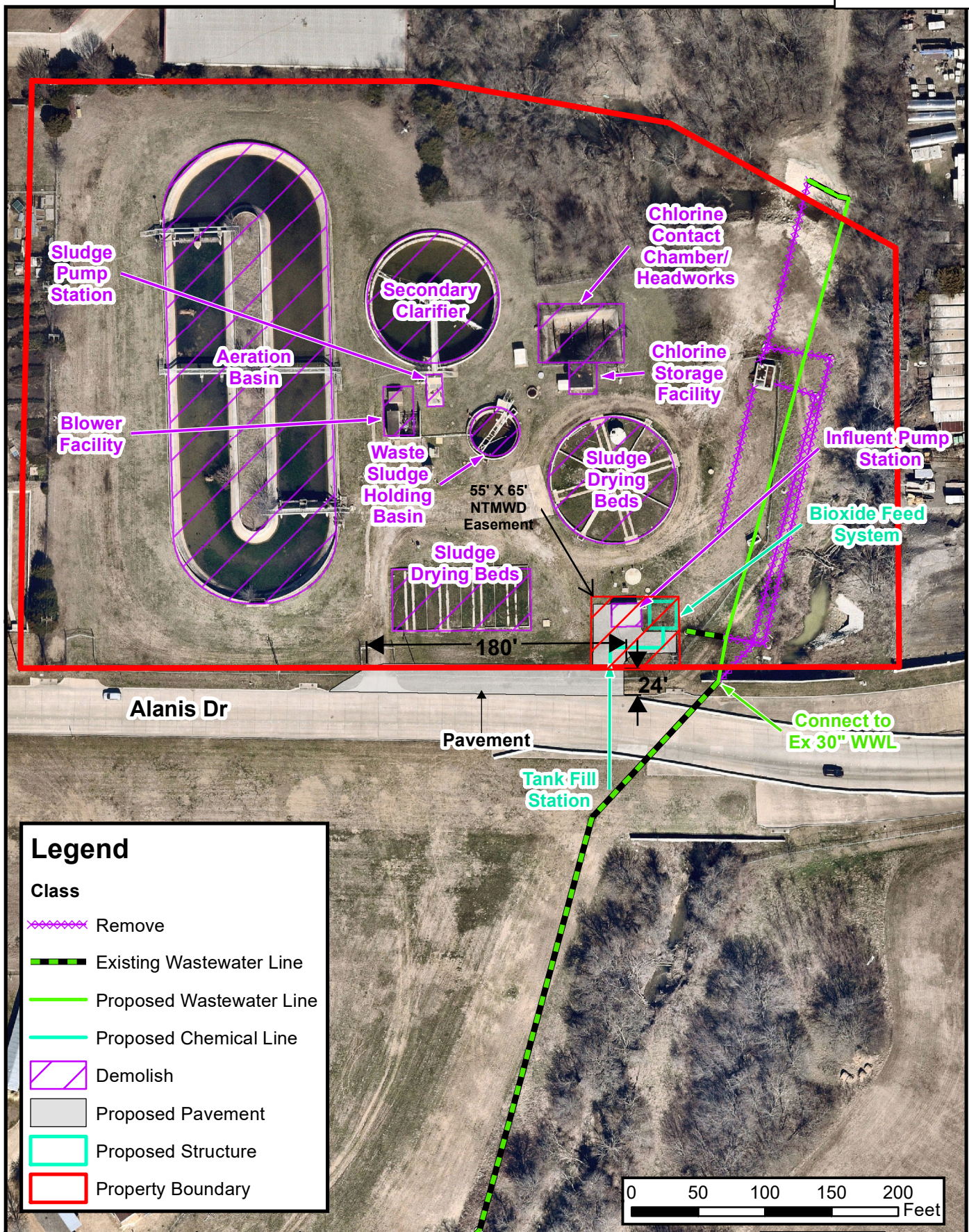
City of Wylie Wastewater Treatment Plant

Demolition Option 3

FN JOB NO. WLE20563
 FILE Fig3_DemoOpt3.mxd
 DATE June 2021
 SCALE 1:1,200
 DESIGNED MK
 DRAFTED MK

3

FIGURE



FREESE AND NICHOLS
 5805 Main Street, Suite B
 Frisco, Texas 75034
 Phone - (972) 624-9201



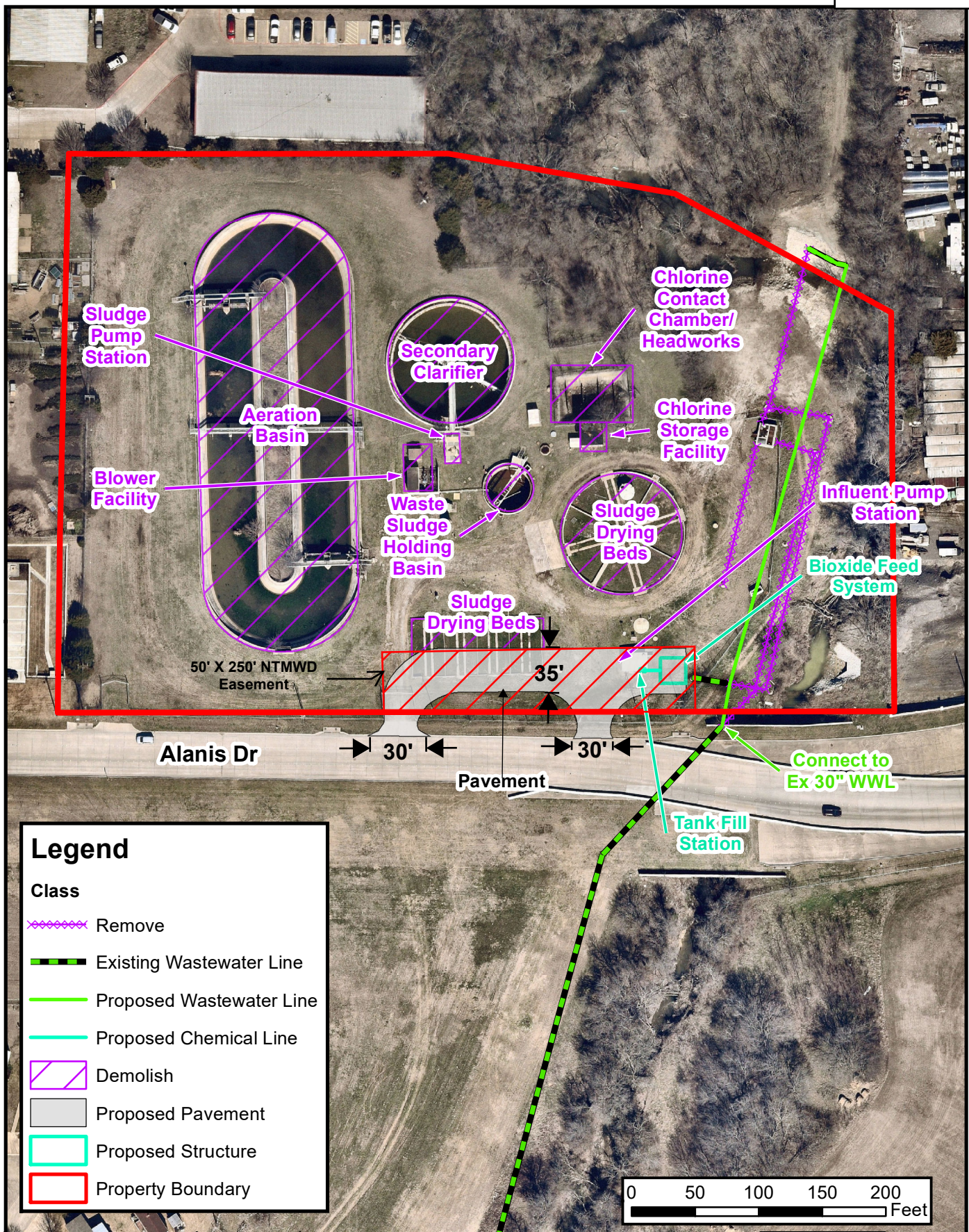
City of Wylie Wastewater Treatment Plant

Demolition Option 4

PROJECT NO. WLE20563
 FILE Fig3_DemoOpt3B.mxd
 DATE June 2021
 SCALE 1:1,200
 DESIGNED MK
 DRAFTED MK

4

FIGURE



FREESE AND NICHOLS
 5805 Main Street, Suite B
 Frisco, Texas 75034
 Phone - (972) 624-9201



City of Wylie Wastewater Treatment Plant

Demolition Option 5

PROJECT NO: WLE20563
 FILE: Fig3_DemoOpt3B.mxd
 DATE: June 2021
 SCALE: 1:1,200
 DESIGNED: MK
 DRAFTED: MK

5

FIGURE



Innovative approaches
Practical results
Outstanding service

Wylie WWTP Demolition OPCC Options

DEMO OPTIONS		OPCC
1	Demolition of Aeration Basin	\$ 543,144
2	Demo All Structures (2' below ground)	\$ 864,979
2A	Additional Cost for Full Removal	\$ 329,918
3	Demo All Structures (2' below ground) and WW Interceptor	\$ 1,208,952
4	Demo All Structures (2' below ground) and WW Interceptor/Decel Lane	\$ 1,355,363
5	Demo All Structures (2' below ground) and WW Interceptor/Access Drive	\$ 1,392,487
Demolition of Wylie WWTP		

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

NOTES:

- 1 FNI OPCC classified as an AACE Class 4 Estimate with accuracy range or -20 to + 30.
- 2 FNI OPCC does not include costs associated with engineering fees, permits, surveying, etc.



Innovative approaches
Practical results
Outstanding service

OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	Wylie WWTP Demolition	DATE	9/8/2021
CLIENT	NTMWD	GROUP	1153
% SUBMITTAL	Conceptual	PM	Clayton Barnard

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
		WLE20563

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
------	-------------	----------	------	------------	-------

Demolition of Wylie WWTP - Option 1 Demo Containment Structures

Demolition of Aeration Basin					
1	Remove Existing Mechanical Equipment	1	LS	\$ 15,000.00	\$ 15,000
2	Demo Concrete Structural Walls to 2' Below Grade	6531	SF	\$ 4.00	\$ 26,124
3	Fill Structure with Fill	6485	CY	\$ 25.00	\$ 162,125
Demolition of Waste Sludge Holding Basin					
4	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
5	Demo Concrete Structural Walls to 2' Below Grade	571	SF	\$ 7.50	\$ 4,283
6	Fill Structure with Fill	1075	CY	\$ 25.00	\$ 26,875
Demolition of Secondary Clarifier					
7	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
8	Demo Concrete Structural Walls to 2' Below Grade	1885	SF	\$ 7.50	\$ 14,138
9	Fill Structure with Fill	3686	CY	\$ 25.00	\$ 92,150
Demolition of Chlorine Contact Chamber/Headworks					
10	Remove Existing Mechanical Equipment	1	LS	\$ 7,500.00	\$ 7,500
11	Demo Concrete Structural Walls to 2' Below Grade	800	SF	\$ 4.00	\$ 3,200
12	Fill Structure with Fill	592	CY	\$ 25.00	\$ 14,800

SUBTOTAL	\$	381,194
CONTINGENCY 15%	\$	57,179
SUBTOTAL	\$	438,373
MOBILIZATION 5%	\$	21,919
SUBTOTAL	\$	460,292
OH&P 18%	\$	82,853

PROJECT TOTAL (2021 COSTS)	\$	543,144
-----------------------------------	-----------	----------------

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

NOTES:

- 1 FNI OPCC classified as an AACE Class 4 Estimate with accuracy range or -20 to + 30.
- 2 FNI OPCC does not include costs associated with engineering fees, permits, surveying, etc.



Innovative approaches
Practical results
Outstanding service

OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	Wylie WWTP Demolition	DATE	9/8/2021
CLIENT	NTMWD	GROUP	1153
% SUBMITTAL	Conceptual	PM	Clayton Barnard

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
		WLE20563

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
------	-------------	----------	------	------------	-------

Demolition of Wylie WWTP - Option 2 (2' Below Ground)					
Demolition of Aeration Basin					
1	Remove Existing Mechanical Equipment	1	LS	\$ 15,000.00	\$ 15,000
2	Demo Concrete Structural Walls to 2' Below Grade	6531	SF	\$ 4.00	\$ 26,124
3	Fill Structure with Fill	6485	CY	\$ 25.00	\$ 162,125
Demolition of Waste Sludge Holding Basin					
4	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
5	Demo Concrete Structural Walls to 2' Below Grade	571	SF	\$ 7.50	\$ 4,283
6	Fill Structure with Fill	1075	CY	\$ 25.00	\$ 26,875
Demolition of Secondary Clarifier					
7	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
8	Demo Concrete Structural Walls to 2' Below Grade	1885	SF	\$ 7.50	\$ 14,138
9	Fill Structure with Fill	3686	CY	\$ 25.00	\$ 92,150
Demolition of Chlorine Contact Chamber/Headworks					
10	Remove Existing Mechanical Equipment	1	LS	\$ 7,500.00	\$ 7,500
11	Demo Concrete Structural Walls to 2' Below Grade	800	SF	\$ 4.00	\$ 3,200
12	Fill Structure with Fill	592	CY	\$ 25.00	\$ 14,800
Demolition of Sludge Drying Beds					
13	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
14	Demo Concrete Structural Walls to 2' Below Grade	11687	SF	\$ 4.00	\$ 46,748
15	Fill Structure with Fill	1200	CY	\$ 25.00	\$ 30,000
Demolition of Sludge Pump Station					
16	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
17	Demo Concrete Structural Walls to 2' Below Grade	680	SF	\$ 7.50	\$ 5,100
18	Fill Structure with Fill	151	CY	\$ 25.00	\$ 3,775
Demolition of Influent Pump Station					
19	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
20	Demo Concrete Structural Walls to 2' Below Grade	84	SF	\$ 7.50	\$ 630
21	Fill Structure with Fill	64	CY	\$ 25.00	\$ 1,600
Demolition of Blower Facility					
22	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
23	Demo Structure	480	SF	\$ 7.50	\$ 3,600
24	Demo Slab	480	SF	\$ 7.50	\$ 3,600

PROJECT NAME	Wylie WWTP Demolition	DATE	9/8/2021
CLIENT	NTMWD	GROUP	1153
% SUBMITTAL	Conceptual	PM	Clayton Barnard

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
		WLE20563

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
------	-------------	----------	------	------------	-------

	Demolition of Chlorine Storage Facility				
25	Remove Existing Mechanical Equipment	1	LS	\$ 1,500.00	\$ 1,500
26	Demo Structure	288	SF	\$ 7.50	\$ 2,160
27	Demo Slab	288	SF	\$ 7.50	\$ 2,160
	Bioxide Feed Chemical Containment				
28	Fiberglass Containment w/ Concrete Slab	400	SF	\$ 25.00	\$ 10,000
29	Chemical Injection Assembly	1	LS	\$ 65,000.00	\$ 65,000
30	Electrical Power Service	1	LS	\$ 25,000.00	\$ 25,000

SUBTOTAL	\$	607,067
CONTINGENCY 15%	\$	91,060
SUBTOTAL	\$	698,127
MOBILIZATION 5%	\$	34,906
SUBTOTAL	\$	733,033
OH&P 18%	\$	131,946

PROJECT TOTAL (2021 COSTS)	\$	864,979
-----------------------------------	-----------	----------------

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

NOTES:

- 1 FNI OPCC classified as an AACE Class 4 Estimate with accuracy range or -20 to + 30.
- 2 FNI OPCC does not include costs associated with engineering fees, permits, surveying, etc.



Innovative approaches
Practical results
Outstanding service

OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	Wylie WWTP Demolition	DATE	9/8/2021
CLIENT	NTMWD	GROUP	1153
% SUBMITTAL	Conceptual	PM	Clayton Barnard

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
		WLE20563

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
------	-------------	----------	------	------------	-------

Demolition of Wylie WWTP - Option 2A Cost for Full Removal

	Demolition of Aeration Basin				
1	Demo Remaining Concrete Structural Walls	3294	SF	\$ 4.00	\$ 13,176
2	Fill Structure with Fill	366	CY	\$ 25.00	\$ 9,150
	Demolition of Waste Sludge Holding Basin				
2	Demo Remaining Concrete Structural Walls	4587	SF	\$ 7.50	\$ 34,403
3	Fill Structure with Fill	510	CY	\$ 25.00	\$ 12,750
	Demolition of Secondary Clarifier				
3	Demo Remaining Concrete Structural Walls	11207	SF	\$ 7.50	\$ 84,053
4	Fill Structure with Fill	1246	CY	\$ 25.00	\$ 31,150
	Demolition of Chlorine Contact Chamber/Headworks				
4	Demo Remaining Concrete Structural Walls	4630	SF	\$ 4.00	\$ 18,520
5	Fill Structure with Fill	514	CY	\$ 25.00	\$ 12,850
	Demolition of Sludge Drying Beds				
5	Demo Remaining Concrete Structural Walls	0	SF	\$ 4.00	\$ -
6	Fill Structure with Fill	0	CY	\$ 25.00	\$ -
	Demolition of Sludge Pump Station				
6	Demo Remaining Concrete Structural Walls	877	SF	\$ 7.50	\$ 6,578
7	Fill Structure with Fill	98	CY	\$ 25.00	\$ 2,450
	Demolition of Influent Pump Station				
7	Demo Remaining Concrete Structural Walls	629	SF	\$ 7.50	\$ 4,718
8	Fill Structure with Fill	70	CY	\$ 25.00	\$ 1,750
SUBTOTAL					\$ 231,546
CONTINGENCY 15%					\$ 34,732
SUBTOTAL					\$ 266,278
MOBILIZATION 5%					\$ 13,314
SUBTOTAL					\$ 279,592
OH&P 18%					\$ 50,327

PROJECT TOTAL (2021 COSTS)	\$ 329,918
-----------------------------------	-------------------

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

NOTES:

- 1 FNI OPCC classified as an AACE Class 4 Estimate with accuracy range or -20 to + 30.
- 2 FNI OPCC does not include costs associated with engineering fees, permits, surveying, etc.



Innovative approaches
Practical results
Outstanding service

OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	Wylie WWTP Demolition	DATE	9/8/2021
CLIENT	NTMWD	GROUP	1153
% SUBMITTAL	Conceptual	PM	Clayton Barnard

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
		WLE20563

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
------	-------------	----------	------	------------	-------

Demolition of Wylie WWTP - Option 3					
Demolition of Aeration Basin					
1	Remove Existing Mechanical Equipment	1	LS	\$ 15,000.00	\$ 15,000
2	Demo Concrete Structural Walls to 2' Below Grade	6531	SF	\$ 4.00	\$ 26,124
3	Fill Structure with Fill	6485	CY	\$ 25.00	\$ 162,125
Demolition of Waste Sludge Holding Basin					
4	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
5	Demo Concrete Structural Walls to 2' Below Grade	571	SF	\$ 7.50	\$ 4,283
6	Fill Structure with Fill	1075	CY	\$ 25.00	\$ 26,875
Demolition of Secondary Clarifier					
7	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
8	Demo Concrete Structural Walls to 2' Below Grade	1885	SF	\$ 7.50	\$ 14,138
9	Fill Structure with Fill	3686	CY	\$ 25.00	\$ 92,150
Demolition of Chlorine Contact Chamber/Headworks					
10	Remove Existing Mechanical Equipment	1	LS	\$ 7,500.00	\$ 7,500
11	Demo Concrete Structural Walls to 2' Below Grade	800	SF	\$ 4.00	\$ 3,200
12	Fill Structure with Fill	592	CY	\$ 25.00	\$ 14,800
Demolition of Sludge Drying Beds					
13	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
14	Demo Concrete Structural Walls to 2' Below Grade	11687	SF	\$ 4.00	\$ 46,748
15	Fill Structure with Fill	1200	CY	\$ 25.00	\$ 30,000
Demolition of Sludge Pump Station					
16	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
17	Demo Concrete Structural Walls to 2' Below Grade	680	SF	\$ 7.50	\$ 5,100
18	Fill Structure with Fill	151	CY	\$ 25.00	\$ 3,775
Demolition of Influent Pump Station					
19	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
20	Demo Concrete Structural Walls to 2' Below Grade	84	SF	\$ 7.50	\$ 630
21	Fill Structure with Fill	64	CY	\$ 25.00	\$ 1,600
Demolition of Blower Facility					
22	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
23	Demo Structure	480	SF	\$ 7.50	\$ 3,600
24	Demo Slab	480	SF	\$ 7.50	\$ 3,600
Demolition of Chlorine Storage Facility					

25	Remove Existing Mechanical Equipment	1	LS	\$ 1,500.00	\$ 1,500
26	Demo Structure	288	SF	\$ 7.50	\$ 2,160
27	Demo Slab	288	SF	\$ 7.50	\$ 2,160
	Bioxide Feed Chemical Containment				
28	Fiberglass Containment w/ Concrete Slab	400	SF	\$ 25.00	\$ 10,000
29	Chemical Injection Assembly	1	LS	\$ 65,000.00	\$ 65,000
30	Electrical Power Service	1	LS	\$ 25,000.00	\$ 25,000
	Muddy Creek Interceptor Relocation				
31	Remove Existing Manholes	4	EA	\$ 1,500.00	\$ 6,000
32	Remove Existing Interceptor Lines	791	LF	\$ 10.00	\$ 7,910
33	30-Inch Interceptor	430	LF	\$ 250.00	\$ 107,500
34	5-Foot Diameter Manhole	4	EA	\$ 30,000.00	\$ 120,000
				SUBTOTAL	\$ 848,477
				CONTINGENCY 15%	\$ 127,272
				SUBTOTAL	\$ 975,749
				MOBILIZATION 5%	\$ 48,787
				SUBTOTAL	\$ 1,024,536
				OH&P 18%	\$ 184,416

PROJECT TOTAL (2021 COSTS)	\$ 1,208,952
-----------------------------------	---------------------

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

NOTES:

- 1 FNI OPCC classified as an AACE Class 4 Estimate with accuracy range of -20 to + 30.
- 2 FNI OPCC does not include costs associated with engineering fees, permits, surveying, etc.



Innovative approaches
Practical results
Outstanding service

OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	Wylie WWTP Demolition	DATE	9/8/2021
CLIENT	NTMWD	GROUP	1153
% SUBMITTAL	Conceptual	PM	Clayton Barnard

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
		WLE20563

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
------	-------------	----------	------	------------	-------

Demolition of Wylie WWTP - Option 4

	Demolition of Aeration Basin				
1	Remove Existing Mechanical Equipment	1	LS	\$ 15,000.00	\$ 15,000
2	Demo Concrete Structural Walls to 2' Below Grade	6421	SF	\$ 4.00	\$ 25,684
3	Fill Structure with Fill	6485	CY	\$ 25.00	\$ 162,125
	Demolition of Waste Sludge Holding Basin				
4	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
5	Demo Concrete Structural Walls to 2' Below Grade	571	SF	\$ 7.50	\$ 4,283
6	Fill Structure with Fill	1075	CY	\$ 25.00	\$ 26,875
	Demolition of Secondary Clarifier				
7	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
8	Demo Concrete Structural Walls to 2' Below Grade	1885	SF	\$ 7.50	\$ 14,138
9	Fill Structure with Fill	3686	CY	\$ 25.00	\$ 92,150
	Demolition of Chlorine Contact Chamber/Headworks				
10	Remove Existing Mechanical Equipment	1	LS	\$ 7,500.00	\$ 7,500
11	Demo Concrete Structural Walls to 2' Below Grade	800	SF	\$ 4.00	\$ 3,200
12	Fill Structure with Fill	592	CY	\$ 25.00	\$ 14,800
	Demolition of Sludge Drying Beds				
13	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
14	Demo Concrete Structural Walls to 2' Below Grade	11687	SF	\$ 4.00	\$ 46,748
15	Fill Structure with Fill	1200	CY	\$ 25.00	\$ 30,000
	Demolition of Sludge Pump Station				
16	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
17	Demo Concrete Structural Walls to 2' Below Grade	680	SF	\$ 7.50	\$ 5,100
18	Fill Structure with Fill	151	CY	\$ 25.00	\$ 3,775
	Demolition of Influent Pump Station				
19	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
20	Demo Concrete Structural Walls to 2' Below Grade	84	SF	\$ 7.50	\$ 630
21	Fill Structure with Fill	64	CY	\$ 25.00	\$ 1,600
	Demolition of Blower Facility				
22	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
23	Demo Structure	480	SF	\$ 7.50	\$ 3,600
24	Demo Slab	480	SF	\$ 7.50	\$ 3,600
	Demolition of Chlorine Storage Facility				
25	Remove Existing Mechanical Equipment	1	LS	\$ 1,500.00	\$ 1,500

PROJECT TOTAL (2021 COSTS)	\$ 1,355,363
-----------------------------------	---------------------

NOTES:

- 2 FNI OPCC does not include costs associated with engineering fees, permits, surveying, etc.



Innovative approaches
Practical results
Outstanding service

OPINION OF PROBABLE CONSTRUCTION COST

PROJECT NAME	Wylie WWTP Demolition	DATE	9/8/2021
CLIENT	NTMWD	GROUP	1153
% SUBMITTAL	Conceptual	PM	Clayton Barnard

ESTIMATED BY	QC CHECKED BY	FNI PROJECT NUMBER
		WLE20563

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
------	-------------	----------	------	------------	-------

Demolition of Wylie WWTP - Option 5

1	Demolition of Aeration Basin				
2	Remove Existing Mechanical Equipment	1	LS	\$ 15,000.00	\$ 15,000
3	Demo Concrete Structural Walls to 2' Below Grade	6421	SF	\$ 4.00	\$ 25,684
4	Fill Structure with Fill	6485	CY	\$ 25.00	\$ 162,125
5					
6	Demolition of Waste Sludge Holding Basin				
7	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
8	Demo Concrete Structural Walls to 2' Below Grade	571	SF	\$ 7.50	\$ 4,283
9	Fill Structure with Fill	1075	CY	\$ 25.00	\$ 26,875
10					
11	Demolition of Secondary Clarifier				
12	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
13	Demo Concrete Structural Walls to 2' Below Grade	1885	SF	\$ 7.50	\$ 14,138
14	Fill Structure with Fill	3686	CY	\$ 25.00	\$ 92,150
15					
16	Demolition of Chlorine Contact Chamber/Headworks				
17	Remove Existing Mechanical Equipment	1	LS	\$ 7,500.00	\$ 7,500
18	Demo Concrete Structural Walls to 2' Below Grade	800	SF	\$ 4.00	\$ 3,200
19	Fill Structure with Fill	592	CY	\$ 25.00	\$ 14,800
20					
21	Demolition of Sludge Drying Beds				
22	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
23	Demo Concrete Structural Walls to 2' Below Grade	11687	SF	\$ 4.00	\$ 46,748
24	Fill Structure with Fill	1200	CY	\$ 25.00	\$ 30,000
25					
26	Demolition of Sludge Pump Station				
27	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
28	Demo Concrete Structural Walls to 2' Below Grade	680	SF	\$ 7.50	\$ 5,100
29	Fill Structure with Fill	151	CY	\$ 25.00	\$ 3,775
30					
31	Demolition of Influent Pump Station				
32	Remove Existing Mechanical Equipment	1	LS	\$ 10,000.00	\$ 10,000
33	Demo Concrete Structural Walls to 2' Below Grade	84	SF	\$ 7.50	\$ 630
34	Fill Structure with Fill	64	CY	\$ 25.00	\$ 1,600
35					
36	Demolition of Blower Facility				
37	Remove Existing Mechanical Equipment	1	LS	\$ 5,000.00	\$ 5,000
38	Demo Structure	480	SF	\$ 7.50	\$ 3,600
39	Demo Slab	480	SF	\$ 7.50	\$ 3,600
40					
41	Demolition of Chlorine Storage Facility				
42	Remove Existing Mechanical Equipment	1	LS	\$ 1,500.00	\$ 1,500

43	Demo Structure	288	SF	\$ 7.50	\$ 2,160
44	Demo Slab	288	SF	\$ 7.50	\$ 2,160
45					
46	Bioxide Feed Chemical Containment				
47	Fiberglass Containment w/ Concrete Slab	400	SF	\$ 25.00	\$ 10,000
48	Chemical Injection Assembly	1	LS	\$ 65,000.00	\$ 65,000
49	Electrical Power Service	1	LS	\$ 25,000.00	\$ 25,000
50					
51	Muddy Creek Interceptor Relocation				
52	Remove Existing Manholes	4	EA	\$ 1,500.00	\$ 6,000
53	Remove Existing Interceptor Lines	791	LF	\$ 10.00	\$ 7,910
54	30-Inch Interceptor	430	LF	\$ 250.00	\$ 107,500
55	5-Foot Diameter Manhole	4	EA	\$ 30,000.00	\$ 120,000
56	ALKAGEN FILL STATION				
57	Fill Station and Control Panel Pad	1	LS	\$ 10,500.00	\$ 10,500
58	PAVING				
59	Concrete Pavement	1250	SY	\$ 95.00	\$ 118,750
SUBTOTAL				\$	977,287
CONTINGENCY				15%	\$ 146,593
SUBTOTAL				\$	1,123,880
MOBILIZATION				5%	\$ 56,194
SUBTOTAL				\$	1,180,074
OH&P				18%	\$ 212,413

PROJECT TOTAL (2021 COSTS)	\$ 1,392,487
-----------------------------------	---------------------

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

NOTES:

- 1 FNI OPCC classified as an AACE Class 4 Estimate with accuracy range or -20 to + 30.
- 2 FNI OPCC does not include costs associated with engineering fees, permits, surveying, etc.



Wylie City Council

AGENDA REPORT

Department: City Manager

Account Code: _____

Prepared By: _____

Subject

Discuss Potential Uses for the Fund Balance in the General Fund.

Recommendation

Discussion

Financial Summary/Strategic Goals

General Fund Estimated Balance FY 2021-2022

Est. 09/30/2022 Fund Balance	\$ 25,541,177 (a)		
	25%	30%	35%
Amount required based on FY 2022 balanced budget	\$ 12,135,180 (b)	\$ 14,562,216	\$ 16,989,252
Excess Fund Balance	\$ 13,405,997	\$ 10,978,961	\$ 8,551,925

(a) Based on balanced budget (Revenues = Expenditures). This Fund Balance is 53% of expenditures.

(b) It is the goal of the City to achieve and maintain an unassigned fund balance in the general fund equal to 25% of expenditures. The City considers a balance of less than 20% to be cause for concern, barring unusual or deliberate circumstances. If unassigned fund balance falls below the goal or has a deficiency, the City will appropriate funds in future budgets to replenish the fund balance based on a time table deemed adequate by the City Council. **Bond rating agencies prefer 30%.**

Fund Balance Projects

<u>Project</u>	<u>Cost</u>
Senior Center Remodel	\$ 750,000
Splashpad	\$ 1,000,000
Dog Park	\$ 1,000,000
Sidewalks	\$ 500,000
Storm Drainage Facilities	\$ 500,000
Quint Unit #116 Replacement	\$ 1,200,000
LifePak 15 Heart Monitors	\$ 250,000
Library Book Sorter	<u>\$ 120,000</u>
TOTAL	\$ 5,320,000