Wylie City Council Regular Meeting

December 14, 2021 – 6:00 PM Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address Council regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Council requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

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 November 15, 2021 Regular City Council Meeting minutes.
- B. Consider, and act upon, a Final Plat, being a Replat of Lots 1 and 2, Block 1 of Country Club Addition and 2 acres of tract 22 of the Charles Atterbury Survey, establishing one lot on 13.022 acres, located at 570 Country Club Rd.
- Consider, and act upon, a Final Plat, being a Replat of Lots 1 and 2, Block 11 of Railroad Addition, establishing one lot on 0.2557 acres, located at 501C North Highway 78.
- <u>D.</u> Consider, and act upon, a Final Plat for Wylie Substation Addition, establishing one lot on 9.722 acres, located at 2655 Stone Road in the City of Wylie's Extraterritorial Jurisdiction.
- E. Consider, and act upon, a Final Plat, being a Replat of Lots 1 and 2, Block D of Regency Business Park Addition Phase 2, establishing one lot on 2.946 acres, located at 200 Regency Drive.
- E. Consider, and act upon, a Final Plat of Bariatric Care Center Addition, establishing one commercial lot on 20.01 acres, located at 801 South State Highway 78.
- G. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for October 31, 2021.
- H. Consider, and place on file, the City of Wylie Monthly Investment Report for October 31, 2021.
- <u>I.</u> Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of October 31, 2021.
- <u>J.</u> Consider, and act upon, Ordinance No. 2021-56 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

- K. Consider, and act upon, the approval of the purchase of a parking lot lighting system for the Wylie Senior Center and Community Park from Musco Sports Lighting, LLC in the estimated amount of \$124,333.00 through a cooperative purchasing contract with Buy Board Cooperative Purchasing (#592-19), and authorizing the Interim City Manager to execute any necessary documents.
- L. Consider, and act upon, the approval of the purchase of Pavement Resurfacing Services from Reynolds Asphalt and Construction Company in the estimated annual amount of \$1,100,000.00 through an existing City of Grand Prairie, Texas contract and authorizing the Interim City Manager to execute any necessary documents.
- M. Consider, and act upon, the approval of the purchase of playground equipment for Valentine Park from WeBuildFun, Inc. in the estimated amount of \$69,671.51 through a cooperative purchasing contract with Buy Board Cooperative Purchasing and authorizing the Interim City Manager to execute any necessary documents.
- N. Consider, and act upon, the approval of the purchase of Motorola Radio Equipment and Maintenance Services in the estimated annual amount of \$150,000.00 from Motorola Solutions, Inc. through a cooperative purchasing contract with H-GAC Buy and authorizing the Interim City Manager to execute any necessary documents.
- O. Consider, and act upon, the approval of the purchase of Chevrolet Tahoe SSV vehicles in the estimated amount of \$75,330.00 through a cooperative purchasing contract with the Sheriffs Association of Texas, and authorizing the Interim City Manager to execute any necessary documents.
- P. Consider, and act upon, the approval of the purchase of Chevrolet Tahoe PPV vehicles for the Police Department in the estimated amount of \$207,000.00 through a BuyBoard cooperative purchasing, and authorizing the Interim City Manager to execute any necessary documents.
- Q. Consider, and act upon, Resolution No. 2021-45(R) of the City Council of the City of Wylie, Texas to ratify Wylie Contract #W2021-4-A for Human Resources Benefits Consulting from HUB International Texas in the estimated annual amount of \$66,000.00, and authorizing the Interim City Manager to sign any and all 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.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

REGULAR AGENDA

1. Consider, and act upon, adoption of Ordinance No. 2021-57 determining a public use, need and necessity for the acquisition of property and permanent easements to expand a public right of way being a 7.307 acres tract of land situated in the J.W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, as more particularly described and depicted in attached Exhibit "A," "A-1," "A-2," "A-3," and "A-4"; among other things, facilitate the construction, access, repair, maintenance and replacement of public roadway facilities and related public improvements in connection with the expansion of McMillen Road from McCreary Road

to Country Club Road in Wylie, Texas (collectively, the "Project") in the City of Wylie, Collin County, Texas; authorizing the Interim City Manager and City Attorney, or their respective designees, to acquire the property including making initial bona fide offers, and authorizing the City Attorney to file proceedings in eminent domain to condemn the needed real property for public use, if necessary; and providing an effective date.

2. Consider, and act upon, adoption of Ordinance No. 2021-58 determining a public use, need, and necessity for the acquisition of property and temporary construction easements to expand a public right of way being 6.885 acres tract of land situated in the J.W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, as more particularly described and depicted in attached Exhibits "A," "A-1," "A-2," and "A-3"; among other things, facilitate the construction, access, repair, maintenance and replacement of public roadway facilities and related public improvements in connection with the expansion of McMillen Road from McCreary Road to Country Club Road in Wylie, Texas (collectively, the "Project") in the City of Wylie, Collin County, Texas; authorizing the Interim City Manager and City Attorney, or their respective designees, to acquire the property including making initial bona fide offers, and authorizing the City Attorney to file proceedings in eminent domain to condemn the needed real property for public use, if necessary; and providing an effective date.

WORK SESSION

WS1. Discuss City Council Code of Conduct Ordinance.

WS2. Discussion regarding parking on Cloudcroft ordinance.

RECONVENE INTO REGULAR SESSION

REGULAR AGENDA

3. Tabled from 11-15-2021

Remove from table and consider

Consider, and act upon, Ordinance No. 2021-55 of the City of Wylie, Texas, amending Section 110-173 (a) (10) (Stopping, Standing, or Parking prohibited in certain places) of Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances; prohibiting parking, stopping or standing of a vehicle along the north side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), and on the south side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with Aspen Ln. (approximately 245 feet); establishing an offense; providing for a penalty for the violation of this ordinance; providing for the publication of the caption hereof.

- 4. Consider, and act upon, Ordinance No. 2021-60 of the City of Wylie, Texas, amending Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances, creating Section 110-190 resident only parking permit areas; permitting parking in certain areas by permit only during those times set forth in this ordinance; establishing an offense; providing for a penalty for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.
- 5. Hold a Public Hearing to consider, and act upon, a change of zoning from Commercial Corridor (CC) to Commercial Corridor Special Use Permit (CC-SUP), to allow for a restaurant with drive-through service on 1.03 acres, property generally located at the northwest corner of State Highway 78 and Birmingham Street. (ZC 2021-23)

- 6. Consider, and act upon, the approval of the modification to contract #W2018-118-A Solid Waste & Recycling Services with Community Waste Disposal L.P., adjusting the billing rates effective January 1, 2022, and authorizing the Interim City Manager to execute any necessary documents.
- Consider, and act upon, Ordinance No. 2021-59, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Article VI (Stopping, Standing, and Parking), Chapter 110 (Traffic and Vehicles), Section 110-187 (Overnight Parking), to allow campers, RV (recreational vehicle), or travel trailers to be temporarily parked in front of the owner's residence for loading and unloading purposes only for a period not to exceed twenty-four hours.
- 8. Consider, and act upon, authorizing the execution of a Deed without Warranty to convey 0.0337± acres of land situated in the Samuel B. Shelby Survey, Abstract No. 820T, City of Wylie, Collin County, Texas from the City of Wylie to KEP Brown Street Village, LP.
- Onsider, and act upon, acceptance of an easement conveying to the City of Wylie easement rights on 0.0337± acres situated in the Samuel B. Shelby Survey, Abstract No. 820T, City of Wylie, Collin County, Texas from KEP Brown Street Village, LP.
- 10. Consider, and act upon, Resolution No. 2021-46(R) opposing the Texas Commission on Environmental Quality (TCEQ) application for a proposed wastewater treatment facility located 0.4 miles northwest of the intersection of North Murphy Road and Rolling Ridge Drive in Collin County, Texas near the cities of Murphy, Parker, and Wylie. TCEQ Permit No. WQ0016003001

WORK SESSION

WS3. Planning Department Presentation.

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 and State Hwy 78/Brown.
- ES3. Discuss property generally located in the area of Parker Rd. and Country Club Rd.

Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.

- (a) This chapter does not require a governmental body to conduct an open meeting:
- (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or
- (2) to hear a complaint or charge against an officer or employee.
- (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.
- ES4. Discuss staffing options for the City Engineer and Project Engineer.

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).
- ES5. 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, 2021-8a, 2021-9e, 2021-9g, 2021-11a, and 2021-11b.

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 December 14, 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.



Department:	City Secretary	Account Code:
Prepared By:	Stephanie Storm	
Subject		
Subject		
Consider, and act upo	n, approval of November 15, 20	21 Regular City Council Meeting minutes.
Recommendat	ion	
Motion to approve Ite	m as presented.	
Discussion		
The minutes are attac	hed for your consideration.	
Financial Summar	y/Strategic Goals	
Community Focused	Government	

Wylie City Council Regular Meeting

November 15, 2021 – 6:00 PM Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:00 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang (6:02), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis (6:48), and Councilman Garrett Mize.

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS & RECOGNITIONS

Councilman Strang took his seat at the dais.

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

Mayor Porter and Fire Chief Brandon Blythe awarded Ray Jackson for 20 years of service, Richard Hollien for 20 years of service, and Jared Buckmeier for 25 years of service. Mayor Porter and Police Chief Anthony Henderson awarded Peggy Powell for 30 years of service.

PR2. Hunger and Homeless Week.

Mayor Hogue presented a proclamation proclaiming November 13-21 as Hunger and Homelessness Week in Wylie, Texas. Representatives from First Baptist Wylie, St. Vincent de Paul Society, Team Up to Fight Hunger, Amazing Grace Food Pantry, 5 Loaves Food Pantry, New Hope Christian Church, and Metro Dallas Homeless Alliance were present to accept the proclamation.

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address Council regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Council requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

Scott Coleman addressed Council requesting Wylie oppose the proposed wastewater plant that will be built between Parker and Murphy.

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 October 26, 2021 Regular City Council Meeting minutes.
- B. Consider, and act upon, Resolution No. 2021-39(R) authorizing participation with the State of Texas, through the Office of the Attorney General, in the Global Opioid Settlement and approving the Texas Term Sheet; authorizing the Interim City Manager to execute all necessary documents in connection with the above on behalf of the City of Wylie.
- C. Consider, and act upon, the approval of the purchase of Chevrolet trucks from Reliable Chevrolet in the estimated amount of \$71,300.00 through a cooperative purchasing contract with GoodBuy Purchasing Cooperative and authorizing the Interim City Manager to execute any necessary documents.
- D. Consider, and act upon, the approval of the purchase of Public Safety and Firehouse Supplies from Metro Fire Apparatus Specialists, Inc. in the estimated amount of \$50,000.00 through a cooperative purchasing contract with BuyBoard Purchasing Cooperative and authorizing the Interim City Manager to execute any necessary documents.
- E. Consider, and act upon, Resolution No. 2021-40(R) authorizing the purchase of LifePak 15 V4 Cardiac Monitors and technical service agreement from Stryker Sales Corporation Medical Division, as a single source purchase exempt from the competitive bid law pursuant to Local Government Code, Section 252.022(a), in the amount of \$243,124.85; and authorizing the Interim City Manager to execute any necessary documents.
- F. Consider, and act upon, the approval of the purchase of a Bauer SCBA Fill Station from August Industries, Inc. in the estimated amount of \$48,876.55 through a BuyBoard Purchasing Cooperative contract and authorizing the Interim City Manager to execute any necessary documents.
- G. Consider, and act upon, the approval of the purchase of a Toro Spray Rig from Professional Turf Products, L.P. in the estimated amount of \$74,519.83 through a BuyBoard Purchasing Cooperative contract and authorizing the Interim City Manager to execute any necessary documents.
- H. Consider, and act upon, the approval of the purchase and installation of MasterSeal products from MasterTurf Products & Services, Inc. for the reconditioning of softball fields located at Founders Park in the estimated amount of \$53,826.00 through a Buy Board Purchasing Cooperative contract and authorizing the Interim City Manager to execute any necessary documents.
- I. Consider, and act upon, Resolution No. 2021-41(R) authorizing the purchase of a Fire Alert System for Fire Station No. 4, comprised of equipment and installation from US Digital Designs and Barry Turner Consulting, LLC (dba Eagle Eye Technology) in the estimated amount of \$123,129.12, and authorizing the Interim City Manager to execute any necessary documents.
- J. Consider, and act upon, the authorization of an Interlocal Agreement between Collin County, Texas and the Rita and Truett Smith Public Library for library services in the amount of \$6,868.00 for Fiscal Year 2021-2022, and authorizing the Interim City Manager to execute any and all necessary documents.
- K. Consider, and act upon, the approval of the purchase of Self Contain Breathing Apparatus (SCBA) from Hoyt Breathing Air Products in the estimated amount of \$88,000.00 through an interlocal

- purchasing agreement with the Collin County Governmental Purchasing Forum/City of Frisco, TX, and authorizing the interim City Manager to execute any necessary documents.
- L. Consider, and act upon, Ordinance No. 2021-52 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

Council Action

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

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 6:28 p.m.

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

ES1. Discuss Right-of-Way Acquisition for McMillen Drive and Eubanks Lane.

Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.

- (a) This chapter does not require a governmental body to conduct an open meeting:
- (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or
- (2) to hear a complaint or charge against an officer or employee.
- (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.
- ES2. Deliberate the employment evaluation and appointment duties of the Interim City Manager.

Councilman Wallis joined Executive Session at 6:48 p.m.

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

- If A governmental body may not conduct a private consultation with its attorney except:
- (1) when the governmental body seeks the advice of its attorney about:
- (A) pending or contemplated litigation; or
- (B) a settlement offer; or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
- ES3. Receive legal advice regarding selection of search firm and execution of a contract to hire a selection firm to assist in recruiting City Manager candidates.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 7:23 p.m.

Mayor Porter announced that Council did not conduct Executive Session 3 and stated after discussing with Interim City Manager Parker, Council would like to offer an extended evaluation period to Parker that would run no longer

than the end of the fiscal year with regularly scheduled touchpoints to provide feedback. Mayor Porter confirmed with Parker that this was correct.

REGULAR AGENDA

1. Consider, and act upon, selection of search firm to assist with search for City Manager.

Mayor Porter stated there would be no action taken on this item.

2. Consider, and act upon, Ordinance No. 2021-53 of the City Council of the City of Wylie, Texas, canvassing the election returns of the November 2, 2021 Bond Election.

Council Action

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

3. Consider, and act upon, Ordinance No. 2021-54 amending Ordinance No. 2016-15, Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances, creating Section 110-189 resident only parking permit areas; permitting parking in certain areas by permit only during those times set forth in this ordinance; establishing an offense; providing for a penalty for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.

Staff Comments

Assistant City Manager Ollie addressed Council stating based on the Council discussion and direction at the October 12, 2021 meeting, staff is proposing amendments to prohibit parking, stopping, and standing during morning drop off and afternoon pickup times in the Cimarron Estates Subdivision. The summary of amendments includes: no vehicle shall park in a designated area between the hours of 7:00a - 9:00a and 3:00p-5:00p Monday thru Friday, without a valid resident or guest permit; no student drop-off or pick-up for non-designated area resident; and no blocking of crosswalks or private driveways.

Council Comments

Mayor Porter asked what the implementation period would be. Public Works Porter replied signs should be up after Thanksgiving. Councilman Williams asked how the homeowners go about getting a permit. Ollie replied, per the Ordinance they would go through the City Engineer to obtain a permit.

Council Action

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

4. Consider, and act upon, Ordinance No. 2021-55 of the City of Wylie, Texas, amending Section 110-173 (a) (10) (Stopping, Standing, or Parking prohibited in certain places) of Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances; prohibiting parking, stopping or standing of a vehicle along the north side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), and on the south side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with Aspen Ln. (approximately 245 feet); establishing an offense; providing for a penalty for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance and providing for the publication of the caption hereof.

Staff Comments

Assistant City Manager Ollie addressed Council stating based on the Council discussion and direction at the October 12, 2021 meeting, staff is proposing to prohibit parking, stopping, and standing during morning drop off and

afternoon pick up times in the Southplace Estates Phase 1 Subdivision. The summary of proposed changes include: north side of Cloudcroft Drive from South Ballard Avenue east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), in effect between the hours of 6:30a - 8:30a and 2:30p-4:30p Monday thru Friday, and south side of Cloudcroft Drive from South Ballard Avenue east to the point of intersection with Aspen Lane (approximately 245 feet), in effect between the hours of 6:30a - 8:30a and 2:30p-4:30p Monday thru Friday.

Council Comments

Mayor pro tem Forrester asked how the parents would be notified of this change. Ollie replied that the City can work with the school district and would post signage along the street. Forrester expressed concern with not having the parking, stopping, standing further down Cloudcroft in front of residence homes and driveways. Forrester stated with what is being proposed, the City is not achieving what the citizens were looking for by keeping people from parking in front of their homes while waiting for their kids. Ollie replied, if that is the goal, the only way to achieve that would be to do parking permits for residents like Cimarron Estates. Porter shared the same concern as Forrester. Strang stated he drove through this area around 3:00 and noticed parents also parking on the Atmos easement and was unsure if anything could be done about that. Strang, Wallis, and Mize shared their concerns for the safety of the kids walking in between the parked cars. Ollie asked how far Council would want to restrict parking, stopping, and standing. Porter proposed prohibiting it for the entire neighborhood and requiring a permitting process for the residents similar to Cimarron Estates. Councilmen Strang, Duke, and Wallis agreed. Councilman Williams asked if a blanket ordinance could be completed with no parking, stopping, and standing within a specified radius of every school. Henderson replied the problem with having an ordinance such as that would be that it would be hard to enforce without proper signage, and it would be difficult for parents to gauge the distance from the school. Williams stated he does not want to make things too complicated so if this Ordinance solves the issue he is okay with that. Wallis and Strang stated looking at a radius from schools might be beneficial in areas where there are known issues, as well as posting one sign at the entrance of the neighborhood. Councilman Mize stated he would prefer to address issues as they arise on a school by school basis instead of a blanket ordinance, and added that maybe restricting parking, stopping, and standing three blocks down to Taos would be a good starting point.

Council Action

A motion was made by Councilman Williams to approve Item 4 as presented. With no second received, the motion died for the lack of a second.

A motion was made by Mayor *pro tem* Forrester, seconded by Wallis, to table Item 4 to the December Council meeting. A vote was taken and the motion passed 6-1 with Councilman Williams voting against.

5. Consider, and act upon, Resolution No. 2021-42(R) casting a vote for a candidate(s) to the Board of Directors of the Collin Central Appraisal District for a two-year term beginning January 1, 2022.

Council Comments

Mayor Porter stated Council did make a nomination this year and he would put forth that Council support their nomination.

Council Action

A motion was made by Mayor Porter, seconded by Mayor *pro tem* Forrester, to approve Resolution No. 2021-42(R) casting 53 votes for Zewge Kagnew as a candidate to the Board of Directors of the Collin Central Appraisal District for a two-year term beginning January 1, 2022. A vote was taken and the motion passed 7-0.

6. Consider, and act upon, Resolution No. 2021-43(R) casting a vote for a candidate(s) to the Board of Directors of the Rockwall Central Appraisal District for a two-year term beginning January 1, 2022.

Council Comments

Mayor Porter confirmed that Council had 10 votes to cast. Councilman Williams stated he would like to nominate John Brandt as he is a Councilman for the City of Fate and would like to support a local candidate. Councilman

Mize stated he would like to nominate John Hohenshelt, City of Rockwall councilmember, and Lorne Liechty, City of Heath former Mayor, for their service to their cities.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Resolution No. 2021-43(R) casting four votes for John Brandt, three votes for John Hohenshelt, and three votes for Lorne Liechty as candidates to the Board of Directors of the Rockwall Central Appraisal District for a two-year term beginning January 1, 2022. A vote was taken and the motion passed 7-0.

7. Consider, and act upon, Resolution No. 2021-44(R) casting a vote for a candidate to the Board of Directors of the Dallas Central Appraisal District for a two-year term beginning January 1, 2022.

Council Comments

Mayor Porter confirmed that Council has one vote to cast. Mayor Porter put forth Brett Franks from Sachse.

Council Action

A motion was made by Councilman Williams, seconded by Councilman Duke, to approve Resolution No. 2021-44(R) casting one vote for Brett Franks as candidates to the Board of Directors of the Dallas Central Appraisal District for a two-year term beginning January 1, 2022. A vote was taken and the motion passed 7-0.

Mayor Porter convened the Council into a break at 8:02 p.m.

WORK SESSION

Mayor Porter convened the Council into Work Session at 8:10 p.m.

WS1. Discuss Stone Road Improvements.

Mayor Porter stated the City had a partnership with the County to do work on Stone Road due to the poor condition it was in. Since then, the County has done a chip and seal process on the road and citizens are not happy with the general condition of the roadway after the work has been completed. The County is not willing to do anything additional than the chip and seal unless the City wants to: 1) take ownership of the roadway and the County possibly pay a little to the City when it is turned over, or 2) wait until both entities gather the funding for a concrete road with installed curb and gutter which would require right of way acquisition from property owners.

Public Works Director Porter addressed Council stating the County has reached out to a consulting engineer to put together a preliminary engineering report that outlines three options for future rehab on the road. Option 1 is replacing the asphalt with new asphalt from WA Allen to Bennett Road with a cost of about \$3.5 mm; Option 2 is replacing the asphalt road with a wider asphalt road with shoulders and drainage work from WA Allen to Bennett Road with a cost of about \$8.4 mm; and Option 3 is replacing the existing asphalt road with a three lane concrete road, including curb and gutter, drainage, and sidewalks with a cost of about \$13.7 mm. Options 2 and 3 would require ROW acquisition of about 10 feet on each side of the road.

Public Works Director Porter explained the backstory for the work completed on this roadway. Public Works Director stated he reached out to the City's contractor for a cost for them to do the work, and the combined total is \$818,000, which is without doing a Geotechnical study. Porter stated he feels like a Geotechnical study needs to be done on intervals down the road before more work is completed. Mayor Porter asked how much a Geotechnical Study would cost, and how long would it take to be completed. Public Works Director replied about \$50,000-\$75,000 for a Geotechnical Study and he cannot report on how long it would take to do a study without talking to a firm.

Council direction was to move forward with a firm to get a Geotechnical Study completed and to work with the County to try to seek some reimbursement of the cost of the study.

WS2. City Secretary Department Presentation.

City Secretary Stephanie Storm addressed Council giving a presentation of the City Secretary Department including: meet the team; the responsibilities of the Office; department accomplishments including the Achievement of Excellence Award; voter participation data from the last three elections; data on public information requests including the number of requests received since October 1, 2020, number of requests processed monthly, number of recurring requests since April 2021, and the number of requests sent to the Attorney General's office since October 1, 2021; Boards and Commission data including applications received, interviews scheduled, appointments made, and new boards and committees established in 2021; implementation of Municode Meetings software; Laserfiche Forms and Workflows created and reworked; total number of documents in Laserfiche and total number of documents created by Laserfiche Forms for the last three fiscal years; additional accomplishments; and projects in progress.

Mayor Porter, on behalf of Council, thanked the City Secretary's Office for the work they do for the City.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 8:53 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 8:53 p.m.

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

ES4. Consider the sale or acquisition of properties located at FM 544/Cooper, State Hwy 78/Ballard, 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).
- ES5. 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, 2021-8a, 2021-9c, and 2021-9e.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 9:46 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to authorize Wylie Economic Development Corporation to enter into a Performance Agreement with Project 2021-4a in an amount not to exceed \$500,000. A vote was taken and the motion passed 7-0.

READING OF ORDINANCES

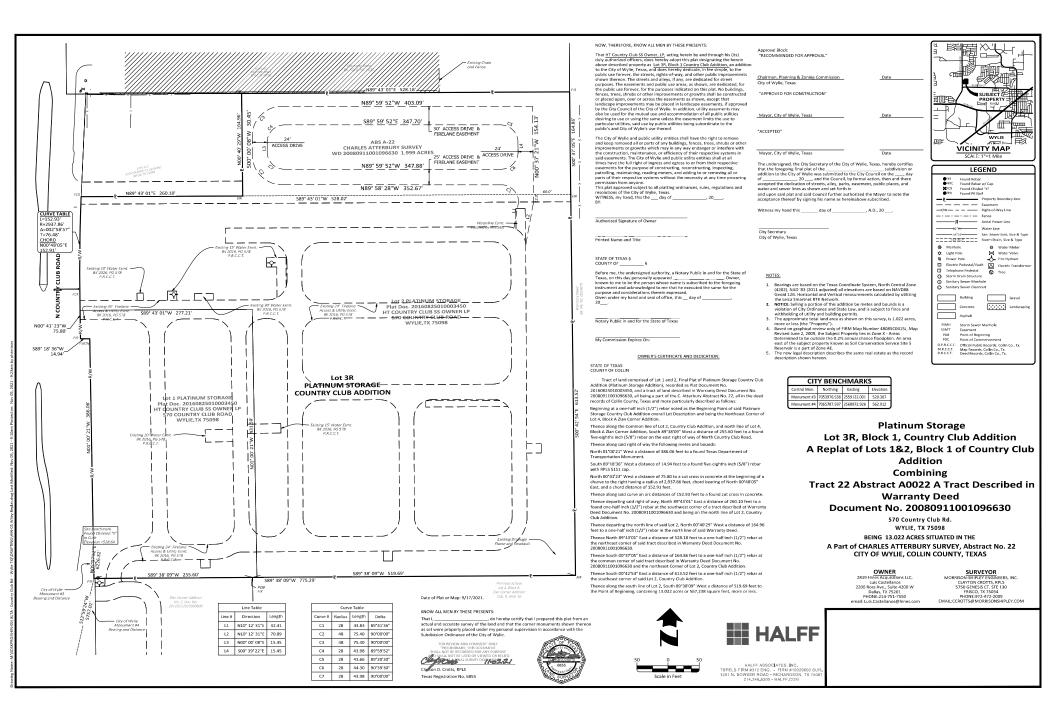
City Secretary Storm read the captions to Ordinance Nos. 2021-52, 2021-53, and 2021-54 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Duke, to adjourn the meeting at 9:48 p.m. A vote was taken and motion passed 7-0.

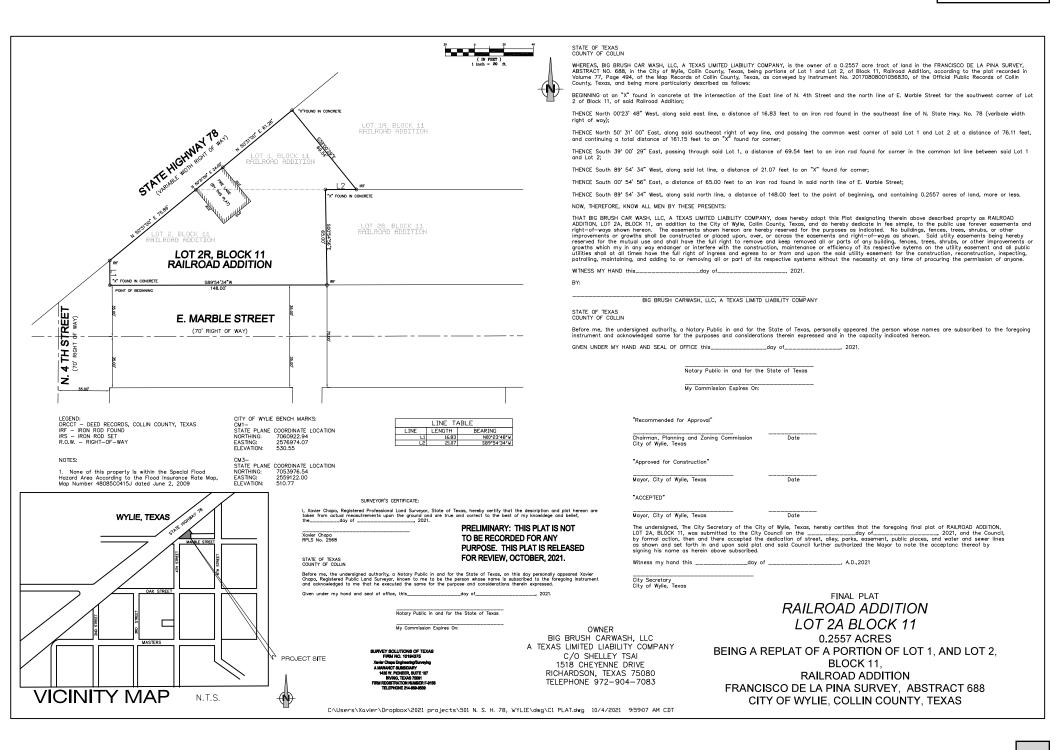


Department:	Planning	Account Code:
Prepared By:	Jasen Haskins, AICP	<u></u>
Subject		
Casject		
•		as 1 and 2, Block 1 of Country Club Addition and 2 acres of tract 22 3.022 acres, located at 570 Country Club Rd.
of the Charles Atterbur	y Survey, establishing one lot on 1.	5.022 acres, located at 570 Country Club Rd.
Recommendation	on	
Motion to approve Item	as presented.	
D:		
Discussion OWNER: HT Countr	y Club SS Owner LP	APPLICANT: Morrison Shipley
of the Charles Atterburk. And is zoned within The purpose of the Repstorage use. The 2-acreapproval of the aforement A site plan for the expansion of the Replat complies was pects of the City of Wengineering Department.	y Survey into Lot 3R, Block 1 of Con Planned Development 2021-41. In Planned Power and the CubeStreen and Power a	ed PD, was approved by the P&Z Commission in November 2021. cess requirements. The plat is technically correct and abides by all proval is subject to additions and alterations as required by the City sust provide a written statement of the reasons to the applicant in
P&Z Commission Dis		as Local Gov i Code.
Financial Summary	Strategic Goals	
Planning Management		



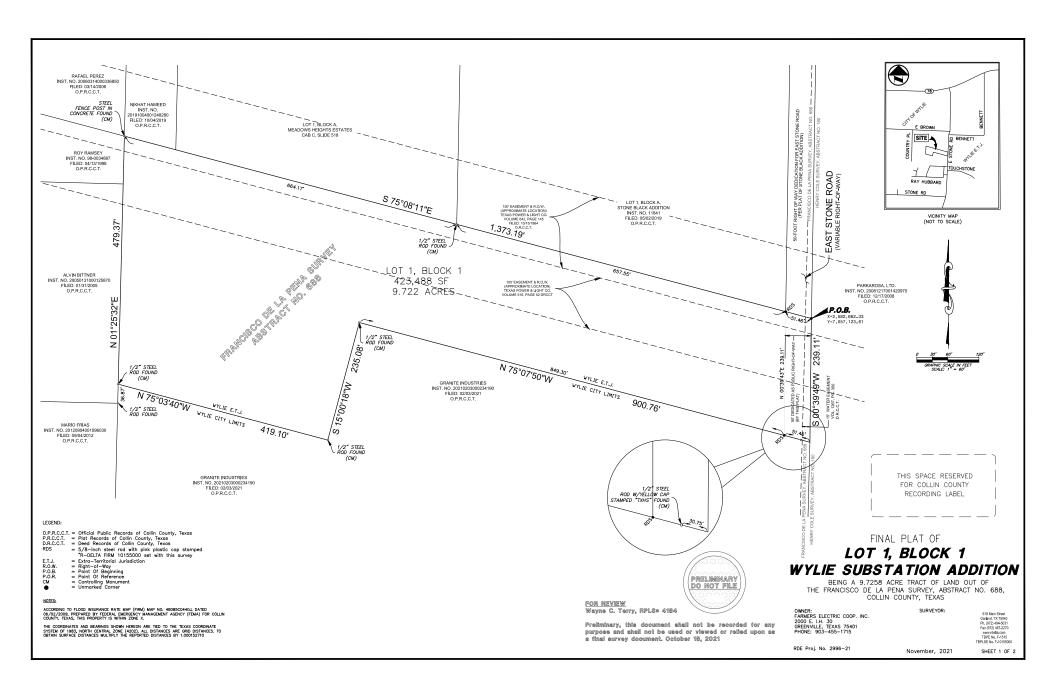


Department:	Planning	Account Code:
Prepared By:	Jasen Haskins, AICP	<u>—</u>
Subject		
	on, a Final Plat, being a Replat of lat 501C North Highway 78.	Lots 1 and 2, Block 11 of Railroad Addition, establishing one lot on
Recommendat	ion	
Motion to approve Ite	m as presented.	
Discussion		
OWNER: Shelly Tsa	i	APPLICANT: Xavier Chapa Engineering
		s 1 and 2, Block 11 into Lot 2R, Block 11 of Railroad Addition. The ned within the Commercial Corridor district.
		he remodeling of an existing car wash into a two-tenant commercial by approved by the P&Z Commission in November 2021.
	correct and abides by all aspects on as required by the City Engineer	of the City of Wylie Subdivision Regulations. Approval is subject to bring Department.
	oval or disapproval City Council r le 212, Section 212.0091 of the Te	must provide a written statement of the reasons to the applicant in exas Local Gov't Code.
P&Z Commission Di		
The Commissioners v	oted 7-0 to recommend approval.	
Financial Summar	y/Strategic Goals	
Planning Managemen	t	





Department:	Planning	Account Code:
Prepared By:	Jasen Haskins, AICP	
Subject		
	a Final Plat for Wylie Substation a e's Extraterritorial Jurisdiction.	Addition, establishing one lot on 9.722 acres, located at 2655 Stone
Recommendation		
Motion to approve Item a	as presented.	
Discussion		
OWNER: Farmers Elec	ctric Cooperative	APPLICANT: R-Delta Engineers
	tted a Final Plat for Lot 1, Block e City limits within the extraterrit	a 1 of Wylie Substation Addition. The property is located at 2655 corial jurisdiction of Wylie.
		e Collin County permitting of the expansion of Farmers Electric's right-of-way for the future expansion of East Stone Road.
	orrect and abides by all aspects of as required by the City Engineeri	the City of Wylie Subdivision Regulations. Approval is subject to ng Department.
	or disapproval City Council mu 212, Section 212.0091 of the Texa	ast provide a written statement of the reasons to the applicant in as Local Gov't Code.
P&Z Commission Discu The Commission voted 7	assion '-0 to recommend approval.	
Financial Summary/S	trategic Goals	
Planning Management		



PROPERTY OWNER'S CERTIFICATION

STATE OF TEXAS \$ \$ COUNTY OF COLLIN \$

WHEREAS Farmers Electric Cooperative, Inc. is the owner of that certain 9.7258—acre tract of land situated in the Francisco de la Pena Survey, Abstract No. 688, Collin County, Texas, and also being in the extra-territorial jurisdiction of the City of Wylie, Texas, as evidenced by the deed from Robert Kreymer and wife, Phyllis Kreymer, to Farmers Electric Cooperative, Inc. dated the 10th day of February, 1997, and recorded in Instrument No. 97–0011472 of the Official Public Records of Collin County, Texas (OPRCCT), and being more particularly described as follows:

BECINNING at a point in the approximate center of East Stone Road for the northeast corner of the above mentioned Farmers Electric Cooperative tract and being in the westerly line of a called 31.031-acre tract of land dated December 15, 2008 from R. Richard Parker to Parkarosa, Ltd., as recorded in Instrument No. 20081217001420970, OPRCCT, and having coordinates of:

X = 2,582,662.33 feet, Y = 7,057,123.61 feet;

THENCE S 00° 39′ 49″ W, along said East Stone Road and said west line, for a distance of 239.11 feet to the most easterly northeast corner of a tract of land described in the deed to Granite Industries as recorded in Instrument No. 20210203000234190, OPRCCT, same being on the west line of said tract of land described in the deed to Parkarosa, LTD.

THENCE with the common line of said Farmers Electric tract and said Granite Industries tract the following three (3) courses and distances:

- 1.N 75'07'50" W, passing at a distance of 30,75 feet a 1/2-inch steel rod with yellow cop stamped "TMS" found, and continuing on the same course an additional distance of 870.01 feet for a total distance of 900.76 feet to a 1/2-inch steel rod:
- 2.S 15°00'18" W, for a distance of 235.08 feet to a 1/2-inch steel rod found;
- 3.N 75'03'40" W, for a distance of 419.10 feet to a 1/2-inch steel rod found on the east line of a tract of land described in the deed to Alvin Bitter as recorded in Instrument No. 20050131000125870, OPRCOT, from which a 1/2-inch steel rod found for reference at the southeast corner of said Bittner tract bears S 0125'32" W, for a distance of 36.86 feet;

THENCE N 01: 25' 32" E, with the east line of solid Bittner tract and the east line of a tract of land described in the deed to Roy Ramsey as recorded in Instrument No. 98-0034887, OPRCCT, for a distance of 479.37 feet to a steel post in concrete found at the northeost corner of solid Roy Ramsey tract, seme being the southeast corner of a tract of land described in the deed to Rafael Perez as recorded in Instrument No. 20060314000338650, OPRCCT, and the southwest corner of a tract of land described in deed to Nikhat Hameed as recorded in Instrument No. 20191004001248280, OPRCCT;

THENCE S 75 08 11" E, with the south line of said Hameed tract, the south line of a tract of land described in the deed to Raymond Baez as recorded in Volume 315, Page 675, D.R.C.C.T., and the south line of Lot 1, Block A, Stone Black Addition, as recorded in Instrument No. 11841, OPRCCT, passing at a distance of 64.18 feet a 1/2-inch steel rod found for the common southeast corner of said Baez tract and the southwest corner of said Lot 1, and continuing on the same course for an additional distance of 7.90.01 feet for a total distance of 1.373.19 feet to the POINT OF BEGINNING and containing 423,654 square feet or 9.7258

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, We, Farmers Electric Cooperative, Inc., do hereby adopt this plat, designating the herein-described property as LOT 1, BLOCK 1, WYLE SUBSTATION ADDITION, an addition to Collin County, Texas, and do hereby dedicate to the public use forever the streets and alleys shown thereon. The easements shown thereon are hereby reserved for the purposes as indicated and shall be open to fire, police and all public and private utilities for each particular use. The maintenance of powing on all easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or improvements shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being reconstructed or placed upon, over or across the easements as shown. Said easements being reconstructed or placed upon, over or across the easements as shown. Said easements being reconstructed or placed upon, over or across the easements as shown. Said easements being reconstructing uses arms. All and any public utility shall have the full right on ingress and egress to or from and upon said easements for the purposed of constructing, reconstructing, inspecting, patrolling, maintaining and addition to or removing all or parts of its respective system without the necessity of any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility that utility.

All utility easements shall also include an additional area of working space for construction and maintenance of the public water and sanilary sever systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services form the main to and including meters and boxes sever laterals form the main to the cub or powement line, and the descriptions of such addition easements herein granted shall be determined by their locations are installed.

The undersigned does covenant and agree that the access easements dedicated on this plat may be utilized by any person, including the general public, for ingress and egress to other real property, for both vehicular and pedestrian use and access, in, along, upon and across the premises containing the access easements.

STATE OF TEXAS \$
COUNTY OF COLLIN \$

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Wayne C. Terry, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of

_____, 2021.

Notary Public for and in the State of Texas

My commission expires: ______

SURVEYOR'S CERTIFICATE

STATE OF TEXAS \$ \$ COUNTY OF COLLIN \$

That I, Wayne C. Terry, a Registered Professional Land Surveyor, licensed by the State of Texas, do hereby affirm that I have prepared this plat from an actual survey of the land and that the corner monuments shown there

WITNESS MY HAND AT COLLIN, TEXAS this the _____ day of

FOR REVIEW 2021. Wayne C. Terry, RPLS: 4184

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document. October 18, 2021

Wayne C. Terry Registered Professional Land Surveyor Registration No. 4184 PRELIMINARY DO NOT FILE

> THIS SPACE RESERVED FOR COLLIN COUNTY RECORDING LABEL

FINAL PLAT OF

LOT 1, BLOCK 1 WYLIE SUBSTATION ADDITION

BEING A 9.7258 ACRE TRACT OF LAND OUT OF THE FRANCISCO DE LA PENA SURVEY, ABSTRACT NO. 688, COLLIN COUNTY, TEXAS

OWNER:
FARMERS ELECTRIC COOP. INC.
2000 E. I.H. 30
GREENVILLE, TEXAS 75401
BHONE: 003-455-1715

JONALTON

618 Main Street Garland, TX 75940 Ph. (972) 494-5031 Fax (972) 497-2270 www.rdelfa.com TBPE No. F-1515 TBPLSE No. F-10155000 SHEET 2 OF 2

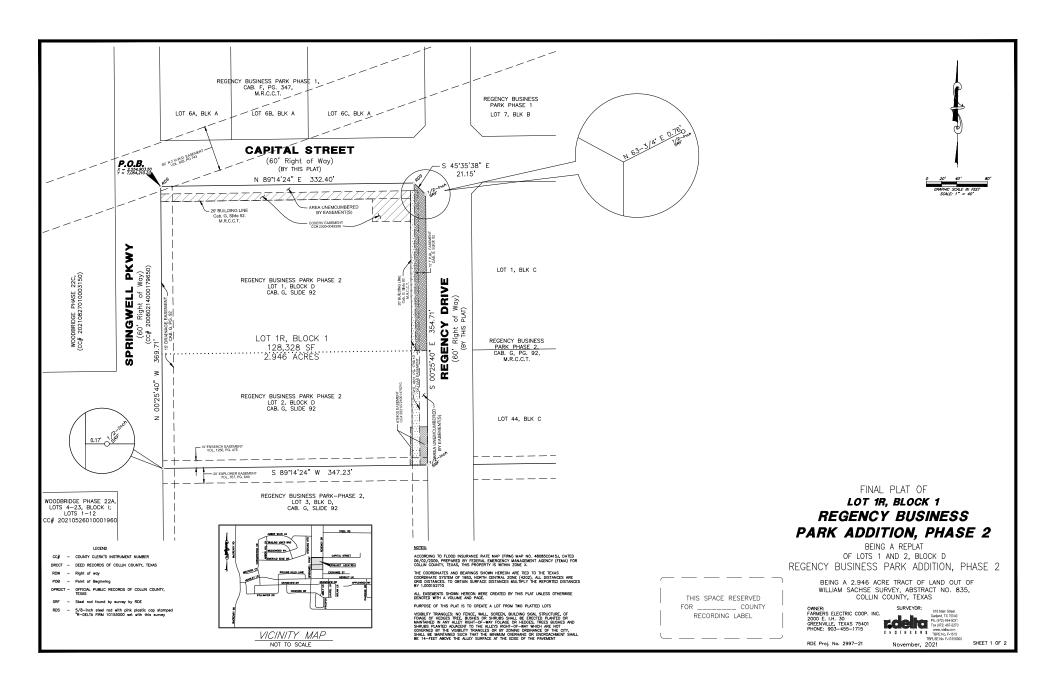
RDE Proj. No. 2996-21

November, 2021

er, 2021



Department:	Planning	Account Code:
Prepared By:	Jasen Haskins, AICP	
Subject		
	a Final Plat, being a Replat of Lots 946 acres, located at 200 Regency I	1 and 2, Block D of Regency Business Park Addition Phase 2, Drive.
Recommendation		
Motion to approve Item a	s presented.	
Discussion		
OWNER: Farmers Elec	tric Cooperative	APPLICANT: R-Delta Engineers
		d 2, Block D into Lot 1R, Block 1 of Regency Business Park rive and is zoned within the Light Industrial district.
submitted an application f		ermitting of Farmers Electric's infrastructure. The applicant has ommunications tower which will be on a later agenda. Approval g SUP.
	rrect and abides by all aspects of the as required by the City Engineering	e City of Wylie Subdivision Regulations. Approval is subject to Department.
	or disapproval City Council must 12, Section 212.0091 of the Texas	provide a written statement of the reasons to the applicant in Local Gov't Code.
P&Z Commission Discu The Commission voted 7-	assion -0 to recommend approval.	
Financial Summary/St	trategic Goals	
Planning Management		



OWNER'S CERTIFICATE

STATE OF TEYAS

COUNTY OF COLLIN

BEING a 2.946-acre tract of land situated in the City of Wylie, in the William Sockes Survey, Abstract No. 835, Collin County, Texas, and being that certain tract of land described in the deed dated July 8, 1999, from John P. Pennington to Farmers Electric Cooperative, inc. and recorded in Volume 4457, at Page 3135 of the Deed Records of Collin County, Texas, and being all of Lots 1 and 2, Block D of Collin County, Lexis, and being an or tosis I and 2, slock b' of Regency Business Part (also known as Regency Business Part (also known as Regency Business Park)
Addition—Phase Two, an addition to the City of Wylie, Collin County,
Texas, according to the plat thereof recorded in Cobinet G, at Slide 92 of the Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch steel rod set with a pink plastic cap stamped "R-DELTA | FIRM 10155000" (hereafter noted as RDS) marking the northwest corner of said Lot 1, Block D, and being at the intersection of the south right-of-way (ROW) line of Capital Street (a 60-foot ROW) as dedicated by the aforementioned plat, with the east 800–100 RWM) as dealcaded by the aforementationaled part, with the east ROW line of Springwell Parkway, (a sixty—foot ROW) as dedicated by the RIGHT—OF-WAY DEDICATION DEED dated February 14, 2008, from Woodbridge North Commercial I, Ltd. to the City of Wijk, Texas, and recorded in Document Number 20080214000179650 of the Official Public Records of Collin County, Texas, and having coordinates of: X = 2,554.903.50 feet, Y = 7,054.210.23 feet;

THENCE N 89° 14' 24" E with the south ROW line of Capital Street for a distance of 332.40 feet to an RDS at the northwest chamfer corner at the intersection of said Capital Street with Regency Drive (a 60-foot ROW) dedicated by the aforementioned plat;

THENCE S 45° 35' 38" E with said chamfer for a distance of 21.15 feet to its terminus at the west ROW line of soid Regency Drive from which a 1/2-inch steel rod found bears N 63-3/4 E a distance of

THENCE S 00° 25' 40" E with the west ROW line of said Regency Drive for a distance of 354.71 feet to a 1/2—inch steel rod found for the southeast corner of Lot 2, Block D of the aforementioned plat;

THENCE S 89 '14' 24" W with the south line of said Lot 2, Block D, at a distance of 347.23 feet pass a $\frac{1}{2}$ -inch steel rod found, and continue an additional 0.17 feet for a total distance of 347.40 feet to the southwest corner of said Lot 2, Block D and being in the east ROW line of the oforementioned Springwell Parkway:

THENCE N 00° 25' 40" W with the east ROW line of said Springwell Parkway, for a distance of 369.71 feet to the POINT OF BEGINNING and containing 128,323 square feet or 2.946 acres of land.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS

COUNTY OF COLLIN §

That I. Wayne C. Terry, a Registered Professional Land Surveyor, licensed by the State of Texas, do hereby affirm that I have prepared this plat from an actual survey of the land and that the corner monuments shown there found and/or properly placed under my supervision in accordance with the platting rules and regulations of the City of Wylie, COLLIN County, Texas.

WITNESS MY HAND AT COLLIN, TEXAS this the _____ day of FOR REVIEW

RPLS NAME, RPLS 4184,021.

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or when the common to be used or viewed or with the common that t

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, We, Farmers Electric Cooperative, Inc., do hereby adopt this plat, designating the herein-described property as LOT 1R, BLOCK 1 REGENCY BUSINESS PARK ADDITION, PHASE 2, an addition to the City of Wylie, Texas, and do hereby dedicate to the public use forever the streets and alleys shown thereon. The easements shown thereon are hereby reserved for the purposes as indicated and shall be open to fire, police and all public and private utilities for each particular use. fire, police and all public and private utilities for each particular use. The maintenance of poving on all easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or improvements shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using, or desiring to use same. All and any public utility shall have the full right on ingress and egress to or from and upon said nave the full right on ingress and egress to or from and upon said essements for the purposed of constructing, reconstructing, inspecting, patrolling, maintaining and addition to or removing all or parts of its respective, system without the necessity of any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to privide property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.

All utility easements shall also include an additional area of working space for construction and maintenance of the public water and sanitary sewer systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services form the main to and including meters and boxes sewer laterals form the main to the cub or pavement line, and the descriptions of such addition easements herein granted shall be determined by their locations as installed.

The undersigned does covenant and garee that the access easements dedicated on this plot may be utilized by any person, including the general public, for ingress and egress to other real property, for both vehicular and pedestrian use and access, in along, upon and across the premises containing the access easements.

STATE OF TEXAS \$ COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Wayne C. Terry, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of

__, 2021.

Notary Public for and in the State of Texas

My commission expires: _____



FOR REVIEW RPLS MAME, RPLS= XXXX

Preliminery, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document. September 21, 2021

APPROVAL BLOCK: Date Chairman, Planning & Zoning Commission City of Wylie, Texas Mayor, City of Wylie, Texas Date Mayor, City of Wylie, Texas The undersigned, the City Secretary of the City of Wyle, Teous hereby certifies that the torogoing from jets of the control of the certifies that the torogoing from jets of the certifies of the control of the certifies o Witness my hand this _____ day of _____, A.D., 20___ City of Wylie, Texas

THIS SPACE RESERVED

FOR _____ COUNTY

RECORDING LABEL

FINAL PLAT OF

LOT 1R, BLOCK 1 REGENCY BUSINESS PARK ADDITION, PHASE 2

BEING A REPLAT OF LOTS 1 AND 2, BLOCK D REGENCY BUSINESS PARK ADDITION, PHASE 2

> BEING A 2.946 ACRE TRACT OF LAND OUT OF WILLIAM SACHSE SURVEY, ABSTRACT NO. 835, COLLIN COUNTY, TEXAS

OWNER: FARMERS ELECTRIC COOP. INC. 2000 E. I.H. 30 GREENVILLE, TEXAS 75401 PHONE: 903-455-1715

RDF Prol No. 2997-21



November, 2021

SHEET 2 OF 2

24



Department:

Prepared By:

Planning

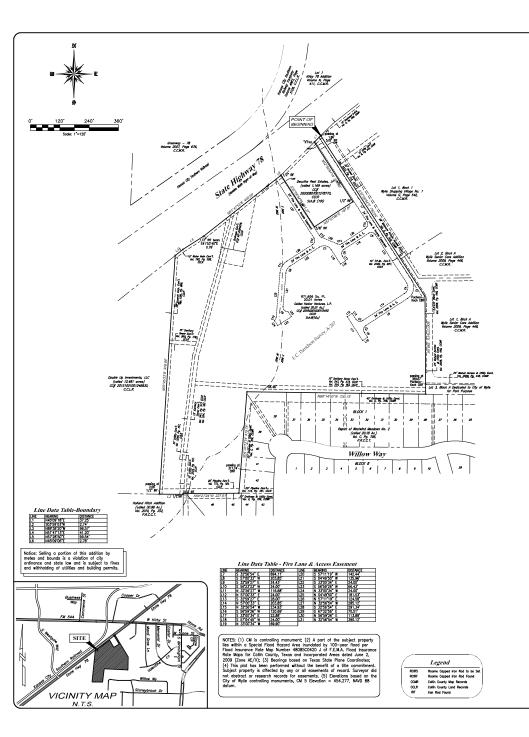
Jasen Haskins, AICP

Wylie City Council

AGENDA REPORT

Subject	
Consider, and act upon, a Final Plat of Bariatric Care Center Acat 801 South State Highway 78.	ddition, establishing one commercial lot on 20.01 acres, located
Recommendation	
Motion to approve Item as presented.	
Discussion	
OWNER: Golden Ventures	APPLICANT: Plat Concepts
The applicant is proposing a final plat for one commercial le Highway 78. The property is zoned Community Retail.	ot on 20.01 acres. The property is located at 801 South State
	nd plat the access and fire lane easements. The property was all development was proposed for the property and a final plat ty.
The current property owners, wishing to make improvements to property into current legal standards. The plat generally confor and access easements.	o and use the property, have submitted a final plat to bring the rms to the plat approved in 2002 with the addition of fire lanes
The plat is technically correct and abides by all aspects of the additions and alterations as required by the City Engineering I	• • • • • • • • • • • • • • • • • • • •
For conditional approval or disapproval City Council must paccordance with Article 212, Section 212.0091 of the Texas L	provide a written statement of the reasons to the applicant in ocal Gov't Code.
P&Z Commission Discussion	
The Commission voted 7-0 to recommend approval	
Financial Summanu/Stratogia Cools	
Financial Summary/Strategic Goals	
Planning Management	

Account Code:



OWNER'S DEDICATION AND ACKNOWLEDGMENT

THE REPORT OF THE PROPERTY OF

northeast comer of folional rislich Assistice as recorded in Volume 2010, Page 352 of the Colin County Mag-Recorder.

Record Service Service

OWNER'S CERTIFICATE

STATE OF TEXAS

The Golden Hother Weekers, LP, ording herein by and through it's duty authorized officers, does hereby odop! this post designates therein above described property as Let 1, Block A Berdinic Core Center Addition, the control of the Core Center Addition of the Core Center Addition

The City of Wyle and public utilities entities shall have the right to remove and keep removed all or parts of any building, sences, trees, shrubs or other improvements or growth which may in any way entongers of the respective spaties in soft observation. The respective properties are stated to the respective spaties in soft observation. The respective observation is the respective observation of the respective observation of the purpose of construction, reconstructing, inspecting, particular, maintaining, reconstructing, inspecting, particular, maintaining, reconstructing, inspecting, particular, maintaining, reconstructing, inspecting, particular, maintaining, and proposed subject to all plotting ordinances, rules, regulations and respections of the City of Wyle, leave.

WITNESS, my hand, this the _____, day of ______, 2021.

Golden Harbor Ventures, L.P. John Monteiro (Manager)

ACKNOWLEDGEMENT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared John Monteiro, known to me to be the person whose name is subscribed to the regions instrument, and ocknowledged to me that he executed the same for the purpose and considerations that

GNEN UNDER MY HAND AND SEAL OF OFFICE, this the _____, day of _____

Notary Public in and for The State of Texas

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, F.E. Bemenderfer, Jr., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner manuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Wylic.

F.E. Bemenderfer, J Registered Professio Surveyor No. 4051



BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared F. E. Bemenderfer, Jr., Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and coincidedad to me that he executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____, day of ____

Notary Public in and for The State of Texas

My Commission expires on:

RECOMMENDED FOR APPROVAL

Chairman, Planning & Zoning Commission City of Wylie, Texas

APPROVED FOR CONSTRUCTION

ACCEPTED

Mayor, City of Wylle, Texas

APPROVED AND ACCEPTED

This plot is hereby approved in accordance with Section 2.11.B of the City of Wylie Subdivision Regulations (Ordinance No. 2003–03).

Date

Final Plat Lot 1, Block A Bariatric Care Center Addition 20.01 Gross Acres 1 Commercial Lot

E.C. Davidson Survey, Abstract No. 267 City of Wylie, Collin County, Texas July 2021





Department:	Finance	Account Code:
Prepared By:	Melissa Beard	<u></u>
Subject		
Consider, and act up	on, the City of Wylie Monthly F	Revenue and Expenditure Report for October 31, 2021.
Recommenda	tion	
Motion to approve th	e Item as presented.	
Discussion	n	
The Finance Departn	nent has prepared the attached re	eports for the City Council as required by the City Charter.
Financial Summa	ry/Strategic Goals	3

CITY OF WYLIE

MONTHLY FINANCIAL REPORT October 31, 2021

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2021-2022	CURRENT MONTH ACTUAL 2021-2022	YTD ACTUAL 2021-2022	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 8.33%
GENERAL FUND REVENUE SUMMARY					
TAXES	35,752,468	496,793	496,793	1.39%	Α
FRANCHISE FEES	2,896,800	0	0	0.00%	В
LICENSES AND PERMITS	1,079,430	153,331	153,331	14.20%	С
INTERGOVERNMENTAL REV.	2,128,034	4,616	4,616	0.22%	D
SERVICE FEES	4,008,588	33,197	33,197	0.83%	E
COURT FEES	248,950	30,447	30,447	12.23%	F
INTEREST INCOME	25,000	1,566	1,566	6.26%	
MISCELLANEOUS INCOME	177,500	505	505	0.28%	
OTHER FINANCING SOURCES	2,488,645	5,473,858	5,473,858	219.95%	G
REVENUES	48,805,415	6,194,313	6,194,312	12.69%	
USE OF FUND BALANCE	0	0	0	0.00%	
USE OF CARRY-FORWARD FUNDS	1,432,653	NA NA	NA NA	NA	н
TOTAL REVENUES	50,238,068	6,194,313	6,194,312	12.33%	
GENERAL FUND EXPENDITURE SUMMARY CITY COUNCIL	97,257	2,208	2,208	2.27%	
CITY MANAGER	1,514,527	352,892	352,892	23.30%	I
CITY SECRETARY	386,976	26,176	26,176	6.76%	
CITY ATTORNEY	170,000	0	0	0.00%	
FINANCE	1,282,361	43,898	43,898	3.42%	
FACILITIES	981,013	15,176	15,176	1.55%	
MUNICIPAL COURT	553,517	21,387	21,387	3.86%	
HUMAN RESOURCES	677,753	32,225	32,225	4.75%	
PURCHASING	295,653	9,884	9,884	3.34%	
INFORMATION TECHNOLOGY	2,017,615	433,822	433,822	21.50%	J
POLICE	11,544,468	558,409	558,409	4.84%	
FIRE	11,314,796	630,685	630,685	5.57%	
EMERGENCY COMMUNICATIONS	1,986,310	67,447	67,447	3.40%	
ANIMAL CONTROL	603,944	24,812	24,812	4.11%	
PLANNING	323,024	15,099	15,099	4.67%	
BUILDING INSPECTION	591,600	27,975	27,975	4.73%	
CODE ENFORCEMENT	259,057	10,682	10,682	4.12%	
STREETS	5,116,182	249,198	249,198	4.87%	
PARKS	2,871,985	107,171	107,171	3.73%	
LIBRARY	2,157,626	102,484	102,484	4.75%	
COMBINED SERVICES TOTAL EXPENDITURES	12,156,474	6,615,741	6,615,741	54.42% 16.43%	K
IOIAL EXPENDITURES	56,902,138	9,347,370	9,347,370	10.43%	

REVENUES OVER/(UNDER) EXPENDITURES -6,664,070 -3,153,057 -3,153,058 -4.10%

A. Property Tax Collections for FY21-22 as of October 31, 2021 are 1.77%, in comparison to FY20-21 for the same time period of 1.56%. Sales tax is on a 2 month lag and has not been received yet.

- B. Franchise Fees: The majority of franchise fees are recognized in the third and fourth quarter with electric fees making up the majority.
- C. Licenses and Permits: New Dwelling Permits are up 300% from October 2021 due to the new fee structure.
- D. Intergovernmental Rev: The majority of intergovernmental revenues come from WISD reimbursements and Fire Services which are billed quarterly.
- E. Service Fees: Trash fees billed in October are applicable towards FY 2020-21 revenue with the remaining fees coming from other seasonal fees.
- F. Court Fees are up 98% from October 2021 which is a continuation of the increasing trend in fines.
- G. Yearly transfer from Utility Fund and \$3 million from sale of 802 Kirby.
- H. Largest Carry Forward items: Department Software Solution \$220,870, Rowlett Creek Dam Improvements \$110,000. Stone Road Rehab Project \$615,000
- I. City Manager severance payment
- J. Annual maintenance agreements
- K. \$6.2 million transfer to Community Investment Fund.

CITY OF WYLIE

MONTHLY FINANCIAL REPORT October 31, 2021

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2021-2022	CURRENT MONTH ACTUAL 2021-2022	YTD ACTUAL 2021-2022	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 8.33%
UTILITY FUND REVENUES SUMMARY			-		
SERVICE FEES	25,091,934	59,954	59,954	0.24%	L
INTEREST INCOME	8,500	853	853	10.04%	
MISCELLANEOUS INCOME	70,000	1,295	1,295	1.85%	
OTHER FINANCING SOURCES	0	0	0	0.00%	
REVENUES	25,170,434	62,102	62,102	0.25%	
USE OF FUND BALANCE	0	NA	0	0	
USE OF CARRY-FORWARD FUNDS	2,758,010	NA	NA	NA	М
TOTAL REVENUES	27,928,444	NA	62,102	0.22%	
UTILITY FUND EXPENDITURE SUMMARY					
UTILITY ADMINISTRATION	1,257,149	61,088	61,088	4.86%	
UTILITIES - WATER	4,242,567	62,319	62,319	1.47%	
UTILITIES - SEWER	1,285,043	64,217	64,217	5.00%	
UTILITY BILLING	1,294,227	55,768	55,768	4.31%	
COMBINED SERVICES	15,945,637	4,136,772	4,136,772	25.94%	N
TOTAL EXPENDITURES	24,024,623	4,380,164	4,380,165	18.23%	
REVENUES OVER/(UNDER) EXPENDITURES	3,903,821	-4,318,061	-4,318,063	-18.01%	

L. Most Utility Fund Revenue billed in October was applicable to FY 2020-21.

M. Largest Carry Forward items: Department Software Solutions \$150,300, Pump Station Backup Generators \$1.8M and FM 2514 Waterline Relocation Construction \$625,000.

N. Annual transfer to the General Fund of \$2.4 million. Other expenses are payments to NTMWD for water minimum and sewer treatment.



Department:	Finance	Account Code:
Prepared By:	Melissa Beard	
Subject		
Subject		
Consider, and place of	on file, the City of Wylie Month	nly Investment Report for October 31, 2021.
Recommenda	tion	
Motion to approve th	e Item as presented.	
Discussion	n	
Discussion		
The Finance Departm	nent has prepared the attached re	eports for the City Council as required by the City Charter.
Financial Summa	ry/Strategic Goals	
Financial Summa	y/Strategic Goals	

City Of Wylie

2021-2022 Investment Report

October 31, 2021

Money Market Accounts:
Certificates of Deposit:
Treasury Bills:
Treasury Notes:
Government Agency Notes:

MMA	
CCD	
T-Bills	
T-Notes	
AN	

Invest. Number	Principal Amount	Type Of Security	Interest Rate	Issuer	Purchase Date	Maturity Date
1	\$15,401,522.46	MMA	0.0354%	Texpool	12/31/2006	NA
2	\$15,948,385.72	MMA	0.0100%	TexStar	3/15/2011	NA
	\$31,349,908.18					

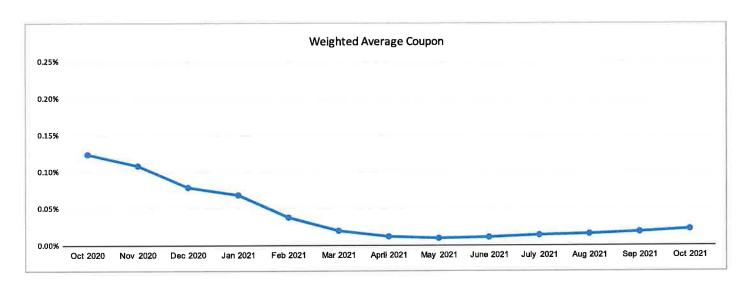
Total

Weighted Average Coupon: Weighted Average Maturity (Days):

0.0225%	
1.00	

Money Markets: Certificates of Deposits:

\$31,349,908.18
\$0.00
\$31,349,908.18



Melera Beard 12-2-21

Finance Director/Investment Officer



Department:	WEDC	Account Code:
Prepared By:	Jason Greiner	
Subject		
Oubject		
		nd Expenditure Report for the Wylie Economic Development Corporation
as of October 31, 202	21.	
Recommenda	tion	
Motion to approve th	e Item as presented.	
Discussion	1	
	Development Corporation (W	VEDC) Board of Directors approved the attached financials on November
17, 2021.		
Financial Commo	n /Chrotonia Caala	
	ry/Strategic Goals	



October Rev/Exp Report

Account Summary

For Fiscal: 2021-2022 Period Ending: 10/31/2021

						Variance	
		Original	Current	Period	Fiscal	Favorable	Percent
		Total Budget	Total Budget	Activity	Activity	(Unfavorable)	Remaining
Fund: 111 - WYLIE ECONOMI	C DEVEL CORP						
Revenue							
<u>111-4000-40210</u>	SALES TAX	3,789,966.00	3,789,966.00	0.00	0.00	-3,789,966.00	100.00 %
111-4000-46110	ALLOCATED INTEREST EARNINGS	6,000.00	6,000.00	219.69	219.69	-5,780.31	96.34 %
111-4000-48110	RENTAL INCOME	132,240.00	132,240.00	7,235.00	7,235.00	-125,005.00	94.53 %
111-4000-48410	MISCELLANEOUS INCOME	0.00	0.00	9.96	9.96	9.96	0.00 %
111-4000-48430	GAIN/(LOSS) SALE OF CAP ASSETS	2,601,116.00	2,601,116.00	0.00	0.00	-2,601,116.00	100.00 %
<u>111-4000-49325</u>	BANK NOTE PROCEEDS	0.00	0.00	8,108,000.00	8,108,000.00	8,108,000.00	0.00 %
	Revenue Total:	6,529,322.00	6,529,322.00	8,115,464.65	8,115,464.65	1,586,142.65	24.29%
Expense							
111-5611-51110	SALARIES	286,558.00	286,558.00	11,318.76	11,318.76	275,239.24	96.05 %
111-5611-51140	LONGEVITY PAY	729.00	729.00	0.00	0.00	729.00	100.00 %
<u>111-5611-51310</u>	TMRS	44,530.00	44,530.00	1,754.40	1,754.40	42,775.60	96.06 %
<u>111-5611-51410</u>	HOSPITAL & LIFE INSURANCE	49,304.00	49,304.00	3,129.42	3,129.42	46,174.58	93.65 %
<u>111-5611-51420</u>	LONG-TERM DISABILITY	1,707.00	1,707.00	0.00	0.00	1,707.00	100.00 %
111-5611-51440	FICA	18,623.00	18,623.00	626.10	626.10	17,996.90	96.64 %
<u>111-5611-51450</u>	MEDICARE	4,355.00	4,355.00	146.42	146.42	4,208.58	96.64 %
<u>111-5611-51470</u>	WORKERS COMP PREMIUM	378.00	378.00	351.92	351.92	26.08	6.90 %
111-5611-51480	UNEMPLOYMENT COMP (TWC)	1,080.00	1,080.00	0.00	0.00	1,080.00	100.00 %
<u>111-5611-52010</u>	OFFICE SUPPLIES	5,000.00	5,000.00	50.00	50.00	4,950.00	99.00 %
111-5611-52040	POSTAGE & FREIGHT	300.00	300.00	0.00	0.00	300.00	100.00 %
<u>111-5611-52810</u>	FOOD SUPPLIES	6,100.00	6,100.00	724.31	724.31	5,375.69	88.13 %
<u>111-5611-54610</u>	FURNITURE & FIXTURES	2,500.00	2,500.00	0.00	0.00	2,500.00	100.00 %
<u>111-5611-54810</u>	COMPUTER HARD/SOFTWARE	5,500.00	5,500.00	0.00	0.00	5,500.00	100.00 %
<u>111-5611-56030</u>	INCENTIVES	1,043,973.00	1,043,973.00	0.00	0.00	1,043,973.00	100.00 %
<u>111-5611-56040</u>	SPECIAL SERVICES	118,156.00	118,156.00	113,602.74	113,602.74	4,553.26	3.85 %
<u>111-5611-56080</u>	ADVERTISING	129,100.00	129,100.00	4,800.00	4,800.00	124,300.00	96.28 %
<u>111-5611-56090</u>	COMMUNITY DEVELOPMENT	52,050.00	52,050.00	0.00	0.00	52,050.00	100.00 %
<u>111-5611-56110</u>	COMMUNICATIONS	6,400.00	6,400.00	0.00	0.00	6,400.00	100.00 %
<u>111-5611-56180</u>	RENTAL	27,000.00	27,000.00	2,250.00	2,250.00	24,750.00	91.67 %
<u>111-5611-56210</u>	TRAVEL & TRAINING	74,600.00	74,600.00	752.55	752.55	73,847.45	98.99 %
<u>111-5611-56250</u>	DUES & SUBSCRIPTIONS	39,810.00	39,810.00	10,981.23	10,981.23	28,828.77	72.42 %
<u>111-5611-56310</u>	INSURANCE	6,303.00	6,303.00	5,155.01	5,155.01	1,147.99	18.21 %
<u>111-5611-56510</u>	AUDIT & LEGAL SERVICES	33,000.00	33,000.00	0.00	0.00	33,000.00	100.00 %
111-5611-56570	ENGINEERING/ARCHITECTURAL	87,500.00	87,500.00	0.00	0.00	87,500.00	100.00 %
111-5611-56610	UTILITIES-ELECTRIC	2,400.00	2,400.00	0.00	0.00	2,400.00	100.00 %
<u>111-5611-57410</u>	PRINCIPAL PAYMENT	694,127.33	694,127.33	4,711,577.72	4,711,577.72	-4,017,450.39	-578.78 %
<u>111-5611-57415</u>	INTEREST EXPENSE	315,135.79	315,135.79	11,969.46	11,969.46	303,166.33	96.20 %
<u>111-5611-58110</u>	LAND-PURCHASE PRICE	0.00	0.00	3,238,392.59	3,238,392.59	-3,238,392.59	0.00 %
111-5611-58210	STREETS & ALLEYS	2,175,000.00	2,175,000.00	0.00	0.00	2,175,000.00	100.00 %
<u>111-5611-58995</u>	CONTRA CAPITAL OUTLAY	0.00	0.00	-3,238,392.59	-3,238,392.59	3,238,392.59	0.00 %
	Expense Total:	5,231,219.12	5,231,219.12	4,879,190.04	4,879,190.04	352,029.08	6.73%
Fund: 111 - WYL	IE ECONOMIC DEVEL CORP Surplus (Deficit):	1,298,102.88	1,298,102.88	3,236,274.61	3,236,274.61	1,938,171.73	-149.31%
Fund: 922 - GEN LONG TERM	I DEBT (WEDC)						
Revenue	•						
922-4000-49325	BANK NOTE PROCEEDS	0.00	0.00	-8,108,000.00	-8,108,000.00	-8,108,000.00	0.00 %
	Revenue Total:	0.00	0.00	-8,108,000.00	-8,108,000.00	-8,108,000.00	0.00%
						,	

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12/14/2021 Item I.

Budget Report

For Fiscal: 2021-2022 Period Ending: 10/31/2021

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Expense		Ū	Ū	•	•	, ,	J
922-5611-5741	<u>0</u> PRINCIPAL PAYMENT	0.00	0.00	-4,711,577.72	-4,711,577.72	4,711,577.72	0.00 %
	Expense Total:	0.00	0.00	-4,711,577.72	-4,711,577.72	4,711,577.72	0.00%
Fu	nd: 922 - GEN LONG TERM DEBT (WEDC) Surplus (Deficit):	0.00	0.00	-3,396,422.28	-3,396,422.28	-3,396,422.28	0.00%
	Report Surplus (Deficit):	1,298,102.88	1,298,102.88	-160,147.67	-160,147.67	-1,458,250.55	112.34%

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Budget Report

For Fiscal: 2021-2022 Period Ending: 10/31/2021

Group Summary

Account Typ	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 111 - WYLIE ECONOMIC DEVEL CORP						
Revenue	6,529,322.00	6,529,322.00	8,115,464.65	8,115,464.65	1,586,142.65	24.29%
Expense	5,231,219.12	5,231,219.12	4,879,190.04	4,879,190.04	352,029.08	6.73%
Fund: 111 - WYLIE ECONOMIC DEVEL CORP Surplus (Deficit):	1,298,102.88	1,298,102.88	3,236,274.61	3,236,274.61	1,938,171.73	-149.31%
Fund: 922 - GEN LONG TERM DEBT (WEDC)						
Revenue	0.00	0.00	-8,108,000.00	-8,108,000.00	-8,108,000.00	0.00%
Expense	0.00	0.00	-4,711,577.72	-4,711,577.72	4,711,577.72	0.00%
Fund: 922 - GEN LONG TERM DEBT (WEDC) Surplus (Deficit):	0.00	0.00	-3,396,422.28	-3,396,422.28	-3,396,422.28	0.00%
Report Surplus (Deficit):	1,298,102.88	1,298,102.88	-160,147.67	-160,147.67	-1,458,250.55	112.34%

11/12/2021 2:36:03 PM Page 3 of 4

Budget Report

For Fiscal: 2021-2022 Period Ending: 10/31/2021

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
111 - WYLIE ECONOMIC DEVEL COR	1,298,102.88	1,298,102.88	3,236,274.61	3,236,274.61	1,938,171.73
922 - GEN LONG TERM DEBT (WEDC	0.00	0.00	-3,396,422.28	-3,396,422.28	-3,396,422.28
Report Surplus (Deficit):	1,298,102.88	1,298,102.88	-160,147.67	-160,147.67	-1,458,250.55

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Wylie Economic Development Corporation Statement of Net Position As of October 31, 2021

Assets		
Cash and cash equivalents	\$ 3,220,074.42	
Receivables	\$ 60,000.00	Note 1
Inventories	\$ 15,673,662.29	
Prepaid Items	\$ 	
Total Assets	\$ 18,953,736.71	
Deferred Outflows of Resources		
Pensions	\$ 95,608.55	
Total deferred outflows of resources	\$ 95,608.55	
Liabilities		
Accounts Payable and other current liabilities	\$ 5,330.91	
Unearned Revenue	\$ 1,200.00	Note 2
Non current liabilities:		
Due within one year	\$ 289,338.66	Note 3
Due in more than one year	\$ 8,239,923.64	
Total Liabilities	\$ 8,535,793.21	
Deferred Inflows of Resources		
Pensions	\$ (47,711.41)	
Total deferred inflows of resources	\$ (47,711.41)	
Net Position		
Net investment in capital assets	\$ -	
Unrestricted	\$ 10,465,840.64	
Total Net Position	\$ 10,465,840.64	

- Note 1: Includes incentives in the form of forgivable loans for \$60,000 (LUV-ROS)
- Note 2: Deposits from rental property
- Note 3: Liabilities due within one year includes compensated absences of \$20,727



October Balance Sheet

Account Summary

As Of 10/31/2021

Account	Name	Balance	
Fund: 111 - WYLIE ECONOMIC DEVEL COR	Р		
Assets			
<u>111-1000-10110</u>	CLAIM ON CASH AND CASH EQUIV.	3,218,074.42	
111-1000-10115	CASH - WEDC - INWOOD	0.00	
<u>111-1000-10135</u>	ESCROW	0.00	
111-1000-10180	DEPOSITS	2,000.00	
111-1000-10198	OTHER - MISC CLEARING	0.00	
111-1000-10341	TEXPOOL	0.00	
111-1000-10343	LOGIC	0.00	
111-1000-10481	INTEREST RECEIVABLE	0.00	
<u>111-1000-11511</u>	ACCTS REC - MISC	0.00	
111-1000-11517	ACCTS REC - SALES TAX	0.00	
<u>111-1000-12810</u>	LEASE PAYMENTS RECEIVABLE	0.00	
111-1000-12950	LOAN PROCEEDS RECEIVABLE	0.00	
<u>111-1000-12996</u>	LOAN RECEIVABLE	0.00	
111-1000-12997	ACCTS REC - JTM TECH	0.00	
111-1000-12998	ACCTS REC - FORGIVEABLE LOANS	60,000.00	
<u>111-1000-14112</u>	INVENTORY - MATERIAL/ SUPPLY	0.00	
<u>111-1000-14116</u>	INVENTORY - LAND & BUILDINGS	15,673,662.29	
111-1000-14118	INVENTORY - BAYCO/ SANDEN BLVD	0.00	
<u>111-1000-14310</u>	PREPAID EXPENSES - MISC	0.00	
111-1000-14410	DEFERRED OUTFLOWS	453,367.00	
	Total Assets:	19,407,103.71	19,407,103.71
Liability	FERENAL INCOME TAY BAYARIE	0.00	
111-2000-20110	FEDERAL INCOME TAX PAYABLE	0.00	
111-2000-20111	MEDICARE PAYABLE	0.00	
111-2000-20112	CHILD SUPPORT PAYABLE	0.00	
111-2000-20113	CREDIT UNION PAYABLE	0.00	
111-2000-20114	IRS LEVY PAYABLE	0.00	
111-2000-20115	NATIONWIDE DEFERRED COMP	0.00	
<u>111-2000-20116</u>	HEALTH INSUR PAY-EMPLOYEE TMRS PAYABLE	4,331.62	
111-2000-20117	ROTH IRA PAYABLE	0.00	
<u>111-2000-20118</u>	WORKERS COMP PAYABLE	0.00	
111-2000-20119	FICA PAYABLE	0.00	
<u>111-2000-20120</u> 111-2000-20121	TEC PAYABLE	0.00	
111-2000-20121	STUDENT LOAN LEVY PAYABLE	0.00	
111-2000-20122	ALIMONY PAYABLE	0.00	
111-2000-20123	BANKRUPTCY PAYABLE	0.00	
111-2000-20125	VALIC DEFERRED COMP	0.00	
111-2000-20125	ICMA PAYABLE	0.00	
111-2000-20127	EMP. LEGAL SERVICES PAYABLE	0.00	
111-2000-20127	FLEXIBLE SPENDING ACCOUNT	812.48	
111-2000-20130	EDWARD JONES DEFERRED COMP	0.00	
111-2000-20131	EMP CARE FLITE	12.00	
111-2000-20132	Unemployment Comp Payable	0.00	
111-2000-20151	ACCRUED WAGES PAYABLE	0.00	
111-2000-20151	ADDIT EMPLOYEE INSUR PAY	88.56	
111-2000-20199	MISC PAYROLL PAYABLE	0.00	
		0.00	
111-2000-20201	AP PENDING	0.00	
<u>111-2000-20201</u> 111-2000-20210	AP PENDING ACCOUNTS PAYABLE	86.25	
111-2000-20210	ACCOUNTS PAYABLE	86.25 0.00	
111-2000-20210 111-2000-20530	ACCOUNTS PAYABLE PROPERTY TAXES PAYABLE	0.00	
111-2000-20210	ACCOUNTS PAYABLE		

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12/14/2021 Item I.

Balance Sheet As Of 10/31/2021

Account	Name	Balance
<u>111-2000-22270</u>	DEFERRED INFLOW	0.00
111-2000-22275	DEF INFLOW - LEASE PRINCIPAL	0.00
<u>111-2000-22280</u>	DEFERRED INFLOW - LEASE INT	0.00
<u>111-2000-22915</u>	RENTAL DEPOSITS	1,200.00
	Total Liability:	459,897.91
Equity		
<u>111-3000-34110</u>	FUND BALANCE - RESERVED	0.00
111-3000-34590	FUND BALANCE-UNRESERV/UNDESIG	15,710,931.19
	Total Beginning Equity:	15,710,931.19
Total Revenue		8,115,464.65
Total Expense		4,879,190.04
Revenues Over/Under Expenses		3,236,274.61
	Total Equity and Current Surplus (Deficit):	18,947,205.80

Total Liabilities, Equity and Current Surplus (Deficit): ______19,407,103.71

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Balance Sheet As Of 10/31/2021

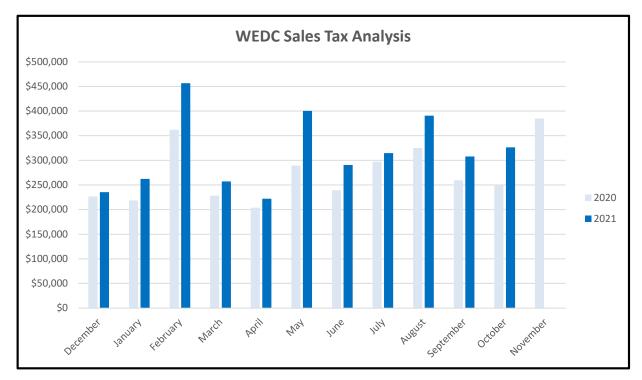
Dalatice Street				A3 01 10/31/2021
Account	Name	Balance		
Fund: 922 - GEN LONG TERM DEBT (WED	OC)			
Assets				
922-1000-10312	GOVERNMENT NOTES	0.00		
922-1000-18110	LOAN - WEDC	0.00		
922-1000-18120	LOAN - BIRMINGHAM	0.00		
922-1000-18210	AMOUNT TO BE PROVIDED	0.00		
922-1000-18220	BIRMINGHAM LOAN	0.00		
922-1000-19050	DEF OUTFLOW TMRS CONTRIBUTIONS	37,997.29		
922-1000-19051	DEF OUTFLOW SDBF CONTRIBUTIONS	1,800.00		
922-1000-19075	DEF OUTFLOW - INVESTMENT EXP	0.48		
922-1000-19100	DEF OUTFLOW - ACT EXP/ASSUMP	55,810.78		
922-1000-19125	(GAIN)/LOSS ON ASSUMPTION CHGS	-46,839.41		
922-1000-19126	DEF INFLOW SDBF CONTRIBUTIONS	-872.00		
	Total Assets:	47,897.14	47,897.14	
		,		
Liability				
922-2000-20310	COMPENSATED ABSENCES PAYABLE	11,572.98		
922-2000-20311	COMP ABSENCES PAYABLE-CURRENT	20,727.84		
922-2000-21410	ACCRUED INTEREST PAYABLE	9,604.44		
<u>922-2000-28205</u>	WEDC LOANS/CURRENT	-2,456.02		
922-2000-28220	BIRMINGHAM LOAN	0.00		
<u>922-2000-28230</u>	INWOOD LOAN	0.00		
<u>922-2000-28232</u>	ANB LOAN/EDGE	0.00		
922-2000-28233	ANB LOAN/PEDDICORD WHITE	0.00		
922-2000-28234	ANB LOAN/RANDACK HUGHES	0.00		
922-2000-28235	ANB LOAN	0.00		
922-2000-28236	ANB CONSTRUCTION LOAN	0.00		
922-2000-28237	ANB LOAN/ WOODBRIDGE PARKWAY	0.00		
922-2000-28238	ANB LOAN/BUCHANAN	0.00		
922-2000-28239	ANB LOAN/JONES:HOBART PAYOFF	0.00		
922-2000-28240	HUGHES LOAN	0.00		
922-2000-28242	ANB LOAN/HWY 78:5TH ST REDEV	0.00		
922-2000-28245	ANB LOAN/DALLAS WHIRLPOOL	0.00		
922-2000-28246	GOVCAP LOAN/KIRBY	8,108,000.00		
922-2000-28247	JARRARD LOAN	174,168.89		
922-2000-28250	CITY OF WYLIE LOAN	0.00		
<u>922-2000-28260</u>	PRIME KUTS LOAN	0.00		
922-2000-28270	BOWLAND/ANDERSON LOAN	0.00		
922-2000-28280	CAPITAL ONE CAZAD LOAN	0.00		
922-2000-28290	HOBART/COMMERCE LOAN	0.00		
922-2000-29150	NET PENSION LIABILITY	199,184.17		
922-2000-29151	SDBF LIABILITY	8,460.00		
	Total Liability:	8,529,262.30		
Equity				
922-3000-34590	FUND BALANCE-UNRESERV/UNDESIG	-4,964,678.88		
922-3000-35900	UNRESTRICTED NET POSITION	-120,264.00		
	Total Beginning Equity:	-5,084,942.88		
Total Revenue		-8,108,000.00		
Total Expense	_	-4,711,577.72		
Revenues Over/Under Expenses		-3,396,422.28		
	Total Equity and Current Surplus (Deficit):	-8,481,365.16		
	Total Liabilities, Equity and Cu	rrent Surplus (Deficit):	47,897.14	

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Wylie Economic Development Corporation SALES TAX REPORT October 31, 2021

BUDGETED YEAR

			UD	OLILD ILA				
MONTH	FY 2018	FY 2019		FY 2020	FY 2021		DIFF 20 vs. 21	% DIFF 20 vs. 21
DECEMBER	\$ 184,848.59	\$ 214,867.15	\$	226,663.94	\$ 235,381.33	\$	8,717.39	3.85%
JANUARY	\$ 191,895.71	\$ 223,749.61	\$	218,520.22	\$ 262,263.52	\$	43,743.30	20.02%
FEBRUARY	\$ 275,667.83	\$ 307,366.66	\$	362,129.18	\$ 456,571.35	\$	94,442.17	26.08%
MARCH	\$ 182,852.50	\$ 208,222.32	\$	228,091.34	\$ 257,187.91	\$	29,096.57	12.76%
APRIL	\$ 163,484.89	\$ 182,499.53	\$	203,895.57	\$ 221,881.55	\$	17,985.98	8.82%
MAY	\$ 203,707.17	\$ 274,299.18	\$	289,224.35	\$ 400,371.70	\$	111,147.35	38.43%
JUNE	\$ 199,412.29	\$ 234,173.88	\$	239,340.35	\$ 290,586.92	\$	51,246.57	21.41%
JULY	\$ 213,976.64	\$ 215,107.94	\$	296,954.00	\$ 314,559.10	\$	17,605.10	5.93%
AUGUST	\$ 249,589.63	\$ 283,602.93	\$	325,104.34	\$ 390,790.76	\$	65,686.42	20.20%
SEPTEMBER	\$ 213,425.79	\$ 243,048.40	\$	259,257.89	\$ 307,681.15	\$	48,423.26	18.68%
OCTOBER	\$ 210,701.71	\$ 224,875.38	\$	249,357.02	\$ 326,382.38	\$	77,025.36	30.89%
NOVEMBER	\$ 273,196.62	\$ 308,324.41	\$	384,953.89		_		
Sub-Total	\$ 2,562,759.35	\$ 2,920,137.37	\$	3,283,492.09	\$ 3,463,657.66	\$	565,119.45	17.62%
Total	\$ 2,562,759.35	\$ 2,920,137.37	\$	3,283,492.09	\$ 3,463,657.66	\$	565,119.45	17.62%



*** Sales Tax collections typically take 2 months to be reflected as Revenue. SIsTx receipts are then accrued back 2 months.

Example: October SIsTx Revenue is actually August SIsTx and is therefore the 11th allocation in FY21.



AGENDA REPORT

Department:	WEDC	Account Code:	111-5611
Prepared By:	Jason Greiner		

Subject

Consider, and act upon, Ordinance No. 2021-56 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

Recommendation

Motion to approve Item as presented.

Discussion

The WEDC amendments detailed below adjust the budget to account for items that were either anticipated to occur in FY 20-21 but were delayed or need to be amended following receipt of loan proceeds and subsequent real estate transactions from the Series 2021 Note. These amendments were approved by the WEDC Board on November 17, 2021 and are now presented for Council approval.

Revenues

111-4000-49325 Bank Note Proceeds

Receipt of Loan Proceeds: \$8,108,000.00

(Of these proceeds, \$3,217,638.94 are realized and \$4,890,361.06 were used to pay off existing loans.)

Expenses

111-5611-56040 Special Services

Loan Initiation Costs: \$ 108,000.00

Demolition Costs: \$ 71,000.00

111-5611-57410 Principal Payment

Payoff of 78/Brown loan: \$4,110,003.45 Payoff of Whirlpool loan: \$661,041.28 Reimbursement from ANB: (\$61,923.03)

111-561<u>1-57415 Interest Payment</u>

Payoff of 78/Brown Loan\$ 10,390.78 Payoff of Whirlpool Loan \$ 925.55

111-5611-58110 Land-Purchase Price

 802 W. Kirby
 \$ 3,000,441.20

 401 N. Keefer
 \$ 237,951.39

 104 S. Ballard
 \$ 480,000.00

11-5611-58210 Streets & Alleys	
CalHar- FM 544 Waterline	\$ 250,000.00
Financial Summary/Strategic	Goals

ORDINANCE NO. 2021-56

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO. 2021-43, WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2021-2022; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council heretofore adopted Ordinance No. 2021-43 setting forth the Budget for Fiscal Year 2021-2022 beginning October 1, 2021, and ending September 30, 2022; and,

WHEREAS, the City Departments and Divisions routinely review their budget appropriations to determine if any changes are necessary; and

WHEREAS, based upon said review the City staff now recommends that certain amendments to the Budget be considered by the City Council; see Exhibit A; and,

WHEREAS, the City Council has the authority to make amendments to the City Budget under Article VII, Section 4 of the City Charter, as well as State law; and,

WHEREAS, the City Council has determined that the proposed amendments to the FY 2021-2022 Budget; see Exhibit A, with the revenues and expenditures therein contained, is in the best interest of the City; and therefore, desires to adopt the same by formal action.

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

SECTION I: The proposed amendments to the FY 2021-2022 Budget of the City of Wylie; Exhibit A, as heretofore adopted by Ordinance No. 2021-56, are completely adopted and approved as amendments to the said FY 2021-2022 Budget.

SECTION II: All portions of the existing FY 2021-2022 Budget and Ordinance No. 2021-43, except as specifically herein amended, shall remain in full force and effect, and not be otherwise affected by the adoption of the amendatory ordinance.

SECTION III: Should any paragraph, sentence, sub-division, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part or parts as declared to be invalid, illegal, or unconstitutional.

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

SECTION V: That all other ordinances and code provisions in conflict herewith are hereby repealed to the extent of any such conflict or inconsistency and all other provisions of the Wylie City Code not in conflict herewith shall remain in full force and effect.

SECTION VI: The repeal of any ordinance, or parts thereof, by the enactment of the Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue,

nor as affecting any rights of the municipality under any section or provision of any ordinances at the time of passage of this ordinance.

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

	Matthew Porter, Mayor	
ATTEST:		
Stephanie Storm, City Secretary		

Budget Amendment WEDC

Exhibit A

Fund	Department	Account Number	Account Description	Debit	Credit	Project Name
111	4000	49325	Bank Note Proceeds		8,108,000.00	Recognize receipt of Bank Note proceeds
111	5611	56040	Special Services	108,000.00		Loan Initiation Costs
111	5611	56040	Special Services	71,000.00		Demolition Costs
111	5611	57410	Principal Payment	4,110,003.45		Payoff of 78/Brown loan
111	5611	57410	Principal Payment	661,041.28		Payoff of Whirlpool loan
111	5611	57410	Principal Payment		61,923.03	Reimbursement from ANB
111	5611	57415	Interest Payment	10,390.78		Payoff of 78/Brown loan
111	5611	57415	Interest Payment	925.55		Payoff of Whirlpool loan
111	5611	58110	Land Purchase Price	3,000,441.20		802 W. Kirby
111	5611	58110	Land Purchase Price	237,951.39		401 N. Keefer
111	5611	58110	Land Purchase Price	480,000.00		104 S. Ballard
111	5611	58210	Streets & Alleys	250,000.00		CalHar FM 544 Waterline
			Fund 111	8,929,753.65	8,169,923.03	



Department:	Purchasing	Account Code:	121-5622-58150
Prepared By:	Glenna Hayes		
Subject			
Consider, and act upon, Community Park from M	usco Sports Lighting, LLC in the es	timated amount of \$124,333	m for the Wylie Senior Center and 3.00 through a cooperative purchasing terim City Manager to execute any
Recommendation			
Motion to approve Item a			
Discussion			
lighting for the improved Center also did not include the Wylie Senior Recre	d concrete parking as part of the parking lot lighting as part of that	project. The additional parking project. Due to the high path add parking lot lighting as	ovements did not include parking lot ing for the Wylie Senior Recreation fron use of both Community Park and s part of a Parks Acquisition and and senior center patrons.
Sport Lighting, LLC as pourchasing program with Government Code and S	providing the best overall value for another local government or a local	the City. The City is authoral cooperative organization partial Government Code; and	ter and Community Park from Musco rized to purchase from a cooperative pursuant to Chapter 791 of the Texas by doing so satisfies any State Law
Wylie Agreement #W202	22-34-I / Buy Board #592-19		
Financial Summary/S	trategic Goals		
This item meets the Strate	egic Infrastructure goal.		



Department:	Public Works	Account Code:	100-5411-54210
Prepared By:	Glenna Hayes		
Subject			
Gubjest			
Construction Compar		unt of \$1,100,000.00 through a	Services from Reynolds Asphalt and an existing City of Grand Prairie, Texas nts.
Recommendat	ion		
Motion to approve It	em as presented.		
Discussion	1		
the use of an interloc contract with renewal the City of Grand Pra additional annual ren	al purchasing agreement with the tast (W2022-36-I Asphalt Paving three City Council on August 3, 2 ewals in the estimated amount	he City of Grand Prairie, there Services). The City of Grand P 2021 for an initial term of one of \$4.3 million. This contract	halt and Construction Company through by establishing a City of Wylie annual Prairie contract #21157 was awarded by year (8/17/2021 – 8/16/2022) with four provides turn-key services for hot mix utilized by the City for street repairs and
cooperative organizat	ion pursuant to Chapter 791 of the	he Texas Government Code and	a another local government or a local d Section 271 Subchapter F of the Local ents to seek competitive bids for items.
City of Grand Prairie City of Wylie Agreen	Contract #21157 (annual contract was well and was contract was well as	ct with renewals)	
Financial Summar	y/Strategic Goals		



Department:	Parks	Account Code:	112-5614-58150
Prepared By:	Glenna Hayes		
Cubiaat			
Subject			
Consider, and act upo	on, the approval of the purchase	e of playground equipment for Va	lentine Park from WeBuildFun, Inc. in
			Buy Board Cooperative Purchasing and
authorizing the Intern	m City Manager to execute any	necessary documents.	
Recommendat	ion		
T.	. 1		
Motion to approve Ite	m as presented.		
Discussion			
Biscussion			
			the late 90s and early 2000s), and the
			ere are currently no modular structures, aging three bay swing set, with options
			larger structure, and ADA accessible
	ld accommodate 2-12 year old's		
Staff recommends the	annroval of the nurchase of a	new playground from WeRuildFi	un Inc. in the amount of \$69,671.51 as
			e purchasing contract with Buy Board.
The City is authorize	ed to purchase from a cooper	rative purchasing program with	another local government or a local
			Section 271 Subchapter F of the Local ats to seek competitive bids for items.
Government Code, an	id by doing so satisfies any state	te Law requiring local governmen	its to seek competitive olds for items.
Buy Board # 529-19 /	City of Wylie #W2020-39-I.		
Financial Summar	y/Strategic Goals		



Department:	Communications; Public Works	Account Code:	100-5421-54650
Prepared By:	Glenna Hayes		
Subject			
nnual amount of \$1		ons, Inc. through a cooperative	d Maintenance Services in the estimated purchasing contract with H-GAC Buy
Recommenda	tion		
Motion to approve Ite	em as presented.		
Discussion	1		
City for emergency lepartment during ne	communications. These radios at twork outages or emergencies. F	are on the public safety networks are to replace radios	ipment and maintenance throughout the ork, and can communicate with other that have reached their end-of-life, and is purchasing approximately 15-20 units
	dgeted to purchase two-way radi inicate internally and with Dispat	_	network outages, which will allow the
amount of \$150,000.0 contract with H-GAC ourchase from a coop to Chapter 791 of the	00 as providing the best overall value. Approval of this item will erative purchasing program with	alue to the City through the use establish an annual agreement vanother local government or a section 271 Subchapter F of the	tenance services in the estimated annual of an interlocal cooperative purchasing with renewals. The City is authorized to local cooperative organization pursuant Local Government Code; and by doing ems.
H-GAC Buy #RA05-	21/ City of Wylie #W2020-43-I.		
Financial Summar	y/Strategic Goals		
These purchases mee	t the City's strategic goals of Hea	alth, Safety and Well-Being.	



AGENDA REPORT

Department:	Police	Account Code:	100-5211-58510
Prepared By:	Glenna Hayes		
Subject			
Consider and estum	on the emproval of the much occ	of Charmolat Tahaa CCV vahiala	s in the estimated amount of \$75,220,00
			s in the estimated amount of \$75,330.00 ad authorizing the Interim City Manager
to execute any neces	sary documents.		
Recommenda	ation		
Motion to approve It	am as presented		
Motion to approve it	em as presented.		
Discussio	n		
Under the approved l	budget for Fiscal Vear 2021-202	2 the Police Department has been	en authorized to purchase two Chevrolet
	•	nistrative staff, and are regularly	•
Staff recommends th	ne purchase of these vehicles thr	ough the referenced cooperative	purchase agreements, as providing the
best value to the C	ity. The City is authorized to	purchase from a cooperative p	urchasing program with another local

government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code and Section 271 and

Financial Summary/Strategic Goals

This item meets the City's Infrastructure and Health, Safety and Well-Being Goals.

Wylie Agreements #W2022-14-I / Sheriffs Association of Texas Contract # 22-03-1008

by doing so satisfies any State Law requiring local governments to seek competitive bids for items.



Department:	Police	Account Code:	100-5211-58510
Prepared By:	Glenna Hayes		
Subject			
estimated amount of			nicles for the Police Department in the atract, and authorizing the Interim City
Recommenda	tion		
Motion to approve It	em as presented.		
Discussio	n en		
PPV units. Staff record Cooperative Group a program with another Code and Section 27	ommends the purchase of these is providing the best value to the clocal government or a local coo	vehicles through an inter-local City. The City is authorized to perative organization pursuant to	peen authorized to purchase five Tahoe purchasing agreement with BuyBoard purchase from a cooperative purchasing to Chapter 791 of the Texas Government to satisfies any State Law requiring local
BuyBoard #601-19; \	Wylie Agreement #W2022-14-I		
Financial Summar	v/Strategic Goals		
	City's Infrastructure Goals.		



Department:	Human Resources	Account Code:	100-5153-56040
Prepared By:	Glenna Hayes		
Subject			
#W2021-4-A for Hu		ng from HUB International T	of Wylie, Texas to ratify Wylie Contract exas in the estimated annual amount of documents.
Recommenda	tion		
Motion to approve Ite			
Discussion	1		
received six respons agreement (effective which did not reach to During the course of Software offered by I staff to quickly and expassed on the number annual total to \$66,00	es which were evaluated according March 1, 2021) with renewals was the dollar threshold mandating City of the contract, staff determined it of HUB International. This software is efficiently complete the employee of employees, and is estimated at 20.00 for the contract.	ng to the RFP, and selected as awarded to HUB Internation of Council approval. was in the best interest of the interfaces between the City an enrollment period. The estimates \$17,500/year. The addition of the council approval.	Benefits Consulting Services. The City HUB International Texas. An annual nal in the annual amount of \$48,500.00 e City to implement Benefit Connector d the health care providers, and allowed ated annual expense for the software is of this expense will bring the estimated A (annual contract with renewals) in the
Financial Summa	y/Strategic Goals		

RESOLUTION NO. 2021-45(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, TO RATIFY WYLIE AGREEMENT #W2021-4-A BETWEEN THE HUB INTERNATIONAL TEXAS, AND THE CITY OF WYLIE FOR HEALTH BENEFITS CONSULTING SERVICES AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE FIRST MODIFICATION TO THE AGREEMENT.

WHEREAS, the City of Wylie completed a competitive sealed proposal process for Health Benefits Consulting Services; and

WHEREAS, an annual contract with renewals was administratively award to HUB International Texas in the annual amount of \$48,500.00 and contract documents were signed by both parties; and

WHEREAS, the City of Wylie elected to implement benefit enrollment software provided by HUB International Texas on September 1, 2021; and

WHEREAS, the estimated annual expense for this contract is now \$66,000.00;

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

<u>SECTION 1</u>: The Mayor of the City of Wylie, Texas, is hereby authorized to ratify the award of the original agreement and the first modification.

<u>SECTION 2</u>: The Interim City Manager of the City of Wylie, Texas is hereby authorized to execute on behalf of the City Council of the City of Wylie, Texas, the first modification to agreement #W2021-4-A for the addition of benefit enrollment software.

<u>SECTION 3</u>: This Resolution to ratify shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas on this the 14th day of December 2021.

ATTEST TO:	Matthew Porter, Mayor
Stephanie Storm, City Secretary	



Financial Summary/Strategic Goals

Wylie City Council

Department:	Public Works	Account Code:	
Prepared By:	Tim Porter	<u> </u>	
Subject			
of property and permane Mitchell Survey, Abstract attached Exhibit "A," " maintenance and replace of McMillen Road from Wylie, Collin County, Tethe property including materials.	nt easements to expand a public ct No. 589, City of Wylie, Colli A-1," "A-2," "A-3," and "A-4"; ment of public roadway facilities McCreary Road to Country Club xas; authorizing the Interim City I aking initial bona fide offers, and ceal property for public use, if necessity in the contract of the cont	57 determining a public use, need and necessity for the acquisity right of way being a 7.307 acres tract of land situated in the 3 in County, Texas, as more particularly described and depicte; among other things, facilitate the construction, access, repland related public improvements in connection with the expans b Road in Wylie, Texas (collectively, the "Project") in the Cit Manager and City Attorney, or their respective designees, to acquathorizing the City Attorney to file proceedings in eminent doressary; and providing an effective date.	J.W. d in pair, sion ty of quire
that the City Council of the simple located in the are consideration by the City roadway facilities and relationships.	he City of Wylie, Texas authorize a described and depicted in Exh Council, for the purpose of the c	of the motion is required by statute to be made as follows: "I me the use of the power of eminent domain to acquire property in hibit "A," "A-1," "A-2," "A-3," and "A-4" to the ordinance unconstruction, access, repair, maintenance and replacement of punection with the expansion of McMillen Road from McCreary Reces related thereto."	n fee nder ablic
Discussion			
Approval of the Ordinand	ce authorizes the Interim City Ma	City Bond Funding was approved at the November 2021 elect anager the use of the power of eminent domain to acquire prop d exhibits. The project is financed through both City and Cou	erty

ORDINANCE NO. 2021-57

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, DETERMINING A PUBLIC USE, NEED AND NECESSITY FOR THE ACQUISITION OF PROPERTY AND PERMANENT EASEMENTS TO EXPAND A PUBLIC RIGHT OF WAY BEING A 7.307 ACRES TRACT OF LAND SITUATED IN THE J.W. MITCHELL SURVEY, ABSTRACT NO. 589, CITY OF WYLIE, COLLIN COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED AND DEPICTED IN ATTACHED EXHIBIT "A," "A-1," "A-2," "A-3," AND "A-4"; AMONG OTHER **FACILITATE** CONSTRUCTION, THE ACCESS. MAINTENANCE AND REPLACEMENT OF PUBLIC ROADWAY FACILITIES AND RELATED PUBLIC IMPROVEMENTS IN CONNECTION WITH THE EXPANSION OF MCMILLEN ROAD FROM MCCREARY ROAD TO COUNTRY CLUB ROAD IN WYLIE, TEXAS (COLLECTIVELY, THE "PROJECT") IN THE CITY OF WYLIE, COLLIN COUNTY, TEXAS; AUTHORIZING THE INTERIM CITY MANAGER AND CITY ATTORNEY, OR THEIR RESPECTIVE DESIGNEES, TO ACQUIRE THE PROPERTY INCLUDING MAKING INITIAL BONA FIDE OFFERS, AND AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO CONDEMN THE NEEDED REAL PROPERTY FOR PUBLIC USE, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wylie, Texas (the "City Council"), upon consideration of this matter, has determined that there is a public need and necessity for the health, safety, and welfare of the City of Wylie and the public at large to acquire the property and four (4) permanent easements attached hereto as Exhibit "A" "A-1," "A-2," "A-3," and "A-4", being a total of 7.307 acres of land situated in the J.W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, for the public use, among other things, to facilitate the construction, access, repair, maintenance and replacement of public roadway facilities in connection with the expansion of McMillen Road from McCreary Road to Country Club Road in Wylie, Texas (collectively, the "Project").

WHEREAS, the City Council finds that the description of the Property, attached hereto as Exhibit "A", to be acquired by eminent domain for the Project complies with applicable law in that the same provides the property owners in and around the area reasonable notice that the owner's property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, the City Council has further investigated and determined that the Project constitutes a public use for a public purpose; and

WHEREAS, the City is required to make an initial offer as defined by and in compliance with Texas Property Code § 21.0111 ("Initial Offer") and a bona fide offer, as defined by and in compliance with Texas Property Code § 21.0113 ("Bona Fide Offer") to acquire the Easements on the Property for public use, voluntarily, from the subject landowners prior to moving forward with the acquisition by eminent domain; and

WHEREAS, the City Council now deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire the necessary Easements.

NOW THEREFORE, BE IT ORDAINED BY THE QUALIFIED VOTERS OR CITY COUNCIL OF THE CITY OF WYLIE, TEXAS THAT:

Section I. The City Council hereby finds and determines that the recitals made in the preamble of this Ordinance are true and correct, and incorporates such recitals the body of this ordinance as if copied in their entirety.

Section II. The City Council of the City Wylie hereby finds and determines that a public use and necessity exists for the Project and authorizes acquisition of the necessary property rights in and to the Property for such purposes, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under and through those certain lots, tracts or parcels of lands.

Section III. The City Council authorizes the City Attorney or his designee to negotiate for and to acquire the required property rights for the City, and to acquire said rights in compliance with State and any other applicable law. Moreover, the City Attorney, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that she deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

Section IV. The Interim City Manager, or designee, is appointed as negotiator for the acquisition of the needed property interests and, as such, the Interim City Manager or designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. Further, the Interim City Manager or designee is specifically authorized to establish the just compensation for the acquisition of the Property. Additionally, if the Interim City Manager or designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or designee is hereby authorized and directed to file or cause to be filed, against the owner(s) and interested parties of the needed property interests, proceedings in eminent domain to acquire the above-stated interests in the Property.

Section V. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 14th day of December, 2021.

	Matthew Porter, Mayor
ATTEST:	
Stephanie Storm, City Secretary	
APPROVED AS TO FORM:	
Rue and L	

Richard M. Abernathy, City Attorney

McMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 6
McMILLEN ROAD
J.W. MFTCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A"

Being a 4.665 acre tract of land situated in the J. W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said 4.665 acre tract of land being a portion of a 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr., as recorded in County Clerk File No. 98-0004942 of the Deed Records of Collin County, Texas and being more fully described in Volume 1015, Page 46 of the Deed Records of Collin County, Texas, said 4.665 acre tract of land also being a portion of a 0.4562 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr. as recorded in Document No. 20111020001125050 of the Real Property Records of Collin County, Texas, said 4.665 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the northwest corner of said 39.58 acre tract of land, said 1/2 inch iron rod being the northeast corner of said 0.4562 acre tract of land, said 1/2 inch iron rod being in the south line of a 21.355 acre tract of land (by deed) deeded to Creekside Development, Inc. as recorded in Document No. 20121231001666860 of said Real Property Records of Collin County, Texas, said 1/2 inch iron rod being in McMillen Road (an undedicated right-of-way);

THENCE South 89 degrees 57 minutes 11 seconds Bast, with the north line of said 39.58 acre tract of land, with the south line of said 21.355 acre tract of land, and with said McMillen Road, a distance of 728.84 to a R.O.W. marker set for corner in the proposed northeasterly right-of-way line of said McMillen Road, said R.O.W. marker being the beginning of a non-tangent curve to the right having a radius of 1,200.00 feet, a central angle of 12 degrees 55 minutes 28 seconds and whose chord bears South 64 degrees 08 minutes 41 seconds Bast, a distance of 270.11 feet, from which a 1/2 iron rod found for the southeast corner of said 21.355 acre tract of land bears South 89 degrees 57 minutes 11 seconds, a distance of 72.30 feet, said 1/2 inch iron rod found being the southwest corner of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of said Real Property Records of Collin County, Texas;

THENCE with the proposed northeasterly right-of-way line of said McMillen Road and with said non-tangent curve to the right, an arc length of 270.69 feet to a R.O.W. marker set for corner;

THENCE South 57 degrees 40 minutes 57 seconds East, with the proposed northeasterly right-of-way line of said McMillen Road, passing at a distance of 242.87 feet, a R.O.W. Marker set for reference, in all, a distance of 292.87 feet to a point for corner in a southeasterly line of said 39.58 acre tract of land;

- THENCE South 43 degrees 57 minutes 36 seconds West, with a southeasterly line of said 39.58 acre tract of land, a distance of 6.09 feet to a point for corner;
- THENCE South 14 degrees 22 minutes 36 seconds West, with a southeasterly line of said 39.58 acre tract of land, a distance of 246.00 feet to a point for corner in the proposed southwesterly right-of-way line of said McMillen Road;
- THENCE North 57 degrees 40 minutes 57 seconds West, with the proposed southwesterly right-of-way line of said McMillen Road, passing at a distance of 50.00 feet a R.O.W. marker set for reference, in all, a distance of 580.04 feet to a R.O.W. marker set for the beginning of a curve to the left having a radius of 1,000.00 feet, a central angle of 30 degrees 28 minutes 49 seconds and whose chord bears North 72 degrees 55 minutes 22 seconds West, a distance of 525.73 feet:
- THENCE with the proposed southwesterly right-of-way line of said McMillen Road and with said curve to the left, an arc length of 531.98 feet to a R.O.W. marker set for corner;
- THENCE North 88 degrees 09 minutes 46 seconds West, with the proposed south right-of-way line of said McMillen Road, a distance of 97.04 feet to a R.O.W. marker set for corner;
- THENCE North 89 degrees 57 minutes 11 seconds West, with the proposed south right-of-way line of said McMillen Road, a distance of 64.34 feet to a R.O.W. marker set for corner;
- THENCE South 89 degrees 53 minutes 06 seconds West, with the proposed south right-of-way line of said McMillen Road, a distance of 10.95 feet to a R.O.W. marker set for corner in the west line of said 0.4562 acre tract of land, said R.O.W. marker also being the northeast corner of Lot 2X, Block G, Sage Creek North, an addition to the City of Wylie, Collin County, Texas as recorded in Volume 0, Page 56 of the Plat Records of Collin County, Texas;
- THENCE North 01 degree 30 minutes 19 seconds West, with the west line of said 0.4562 acre tract of land, a distance of 49.99 feet to a point for the northwest corner of said 0.4562 acre tract of land, said point being in said McMillen Road;
- THENCE North 89 degrees 48 minutes 03 seconds East, with the north line of said 0.4562 acre tract of land and with said McMillen Road a distance of 12.23 feet to the POINT OF BEGINNING and containing 203,210 square feet or 4.665 acres of land, more or less.

Notes:

- (1) A plat of even survey date herewith accompanies this legal description.
- (2) R.O.W. markers along proposed right-of-way line are a 5/8 inch iron rod set with blue cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings and coordinates are referenced to the Texas State Plane Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (4) Surveyed on the ground November 2009.

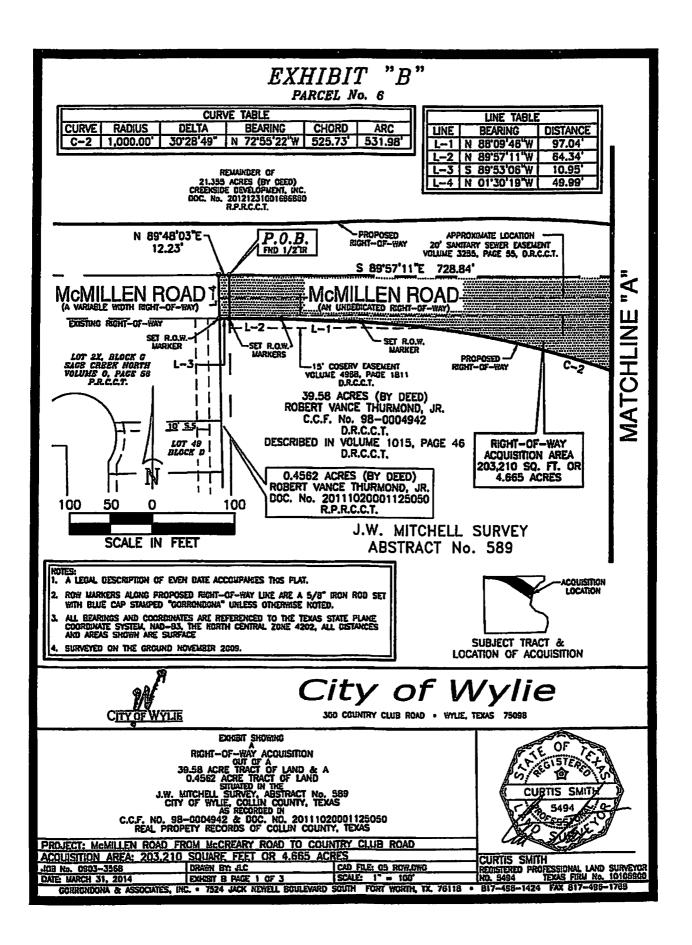
Date: March 31, 2014

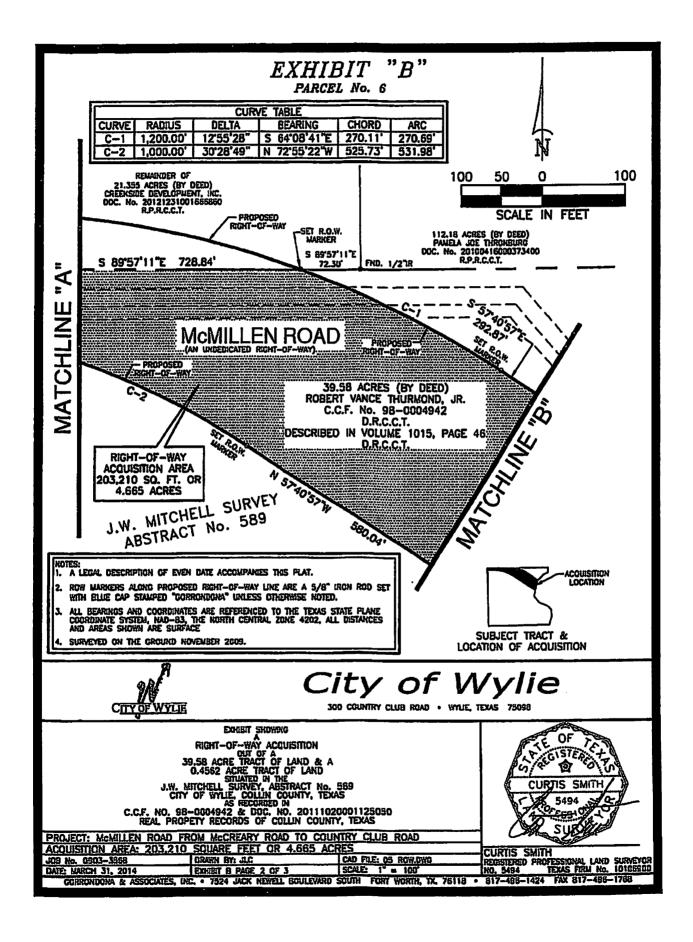
Curtis Smith

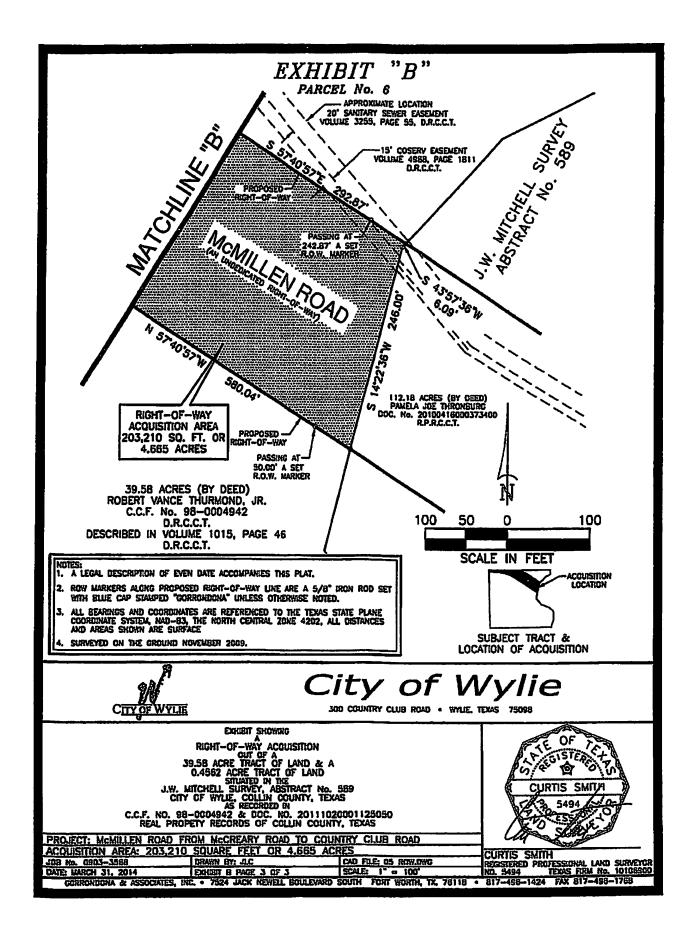
Registered Professional Land Surveyor

No. 5494









McMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 6 PE PART 1 McMILLEN ROAD J.W. MITCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A-1"

Being a permanent drainage easement situated in the J. W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said permanent drainage easement being a portion of a 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr., as recorded in County Clerk File No. 98-0004942 of the Deed Records of Collin County, Texas and being more fully described in Volume 1015, Page 46 of the Deed Records of Collin County, Texas, said permanent drainage easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the northwest corner of said 39.58 acre tract of land, said 1/2 inch iron rod being the northeast corner of a 0.4562 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr. as recorded in Document No. 20111020001125050 of the Real Property Records of Collin County, Texas, said 1/2 inch iron rod being in the south line of a 21.355 acre tract of land (by deed) deeded to Creekside Development, Inc. as recorded in Document No. 20121231001666860 of said Real Property Records of Collin County, Texas, said 1/2 inch iron rod being in McMillen Road (an undedicated right-of-way); THENCE South 89 degrees 57 minutes 11 seconds East, with the north line of said 39.58 acre tract of land, with the south line of said 21.355 acre tract of land, and with said McMillen Road, a distance of 728.84 to a R.O.W. marker set for corner in the proposed northeasterly right-of-way line of said McMillen Road, said R.O.W. marker being the beginning of a non-tangent curve to the right having a radius of 1,200.00 feet, a central angle of 12 degrees 55 minutes 28 seconds and whose chord bears South 64 degrees 08 minutes 41 seconds East, a distance of 270.11 feet, from which a 1/2 iron red found for the southeast corner of said 21.355 acre tract of land bears South 89 degrees 57 minutes 11 seconds East, a distance of 72.30 feet, said 1/2 inch iron rod found being the southwest corner of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of said Real Property Records of Collin County, Texas; THENCE with the proposed northeasterly right-of-way line of said McMillen Road and with said non-tangent curve to the right, an arc length of 270.69 feet to a R.O.W. marker set for corner; THENCE South 57 degrees 40 minutes 57 seconds East, with the proposed northeasterly right-of-way line of said McMillen Road, passing at a distance of 242.87 feet, a R.O.W. Marker set for reference, in all, a distance of 292.87 feet to a point for corner in a southeasterly line of said 39.58 acre tract of land; THENCE South 43 degrees 57 minutes 36 seconds West, with a southeasterly line of said 39.58 acre tract of land, a distance of 6.09 feet to a point for corner; THENCE South 14 degrees 22 minutes 36 seconds West, with a southeasterly line of said 39.58 acre tract of land, a distance of 246.00 feet to the POINT OF BEGINNING of the herein described permanent drainage easement, said point being in the proposed southwesterly right-ofway line of said McMillen Road;

- THENCE South 14 degrees 22 minutes 36 seconds West, with a southeasterly line of said 39.58 acre tract of land, a distance of 124.00 feet to a point for an angle point in the southeasterly line of said 39.58 acre tract of land;
- THENCE North 45 degrees 29 minutes 45 seconds West, a distance of 63.44 feet to a point for corner;
- THENCE North 14 degrees 22 minutes 36 seconds Bast, a distance of 53.61 feet to a point for corner:
- THENCE North 27 degrees 40 minutes 57 seconds West, a distance of 107.15 feet to a point for corner in the proposed southwesterly right-of-way line of said McMillen Road;
- THENCE South 57 degrees 40 minutes 57 seconds East, with the proposed southwesterly right-of-way line of said McMillen Road, passing at a distance of 83.12 feet, a R.O.W. Marker set for reference, in all, a distance of 133.12 feet to the POINT OF BEGINNING and containing 8,439 square feet or 0.194 acres of land, more or less.

Notes:

- (1) A plat of even survey date herewith accompanies this legal description.
- (2) R.O.W. markers along proposed right-of-way line are a 5/8 inch iron rod set with blue cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings and coordinates are referenced to the Texas State Plane Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (4) Surveyed on the ground November 2009.

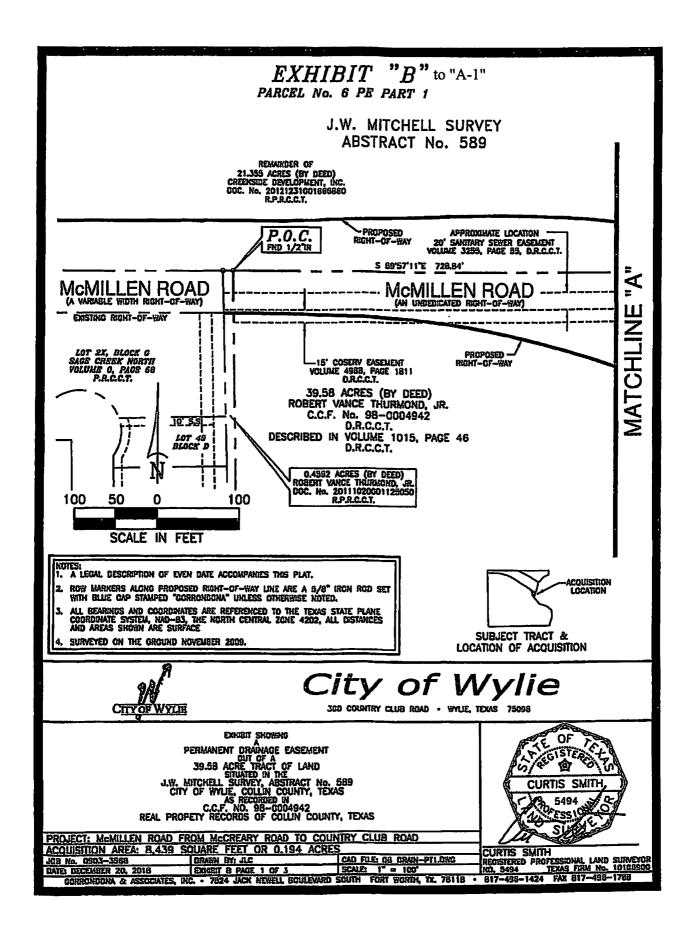
Date: December 20, 2018

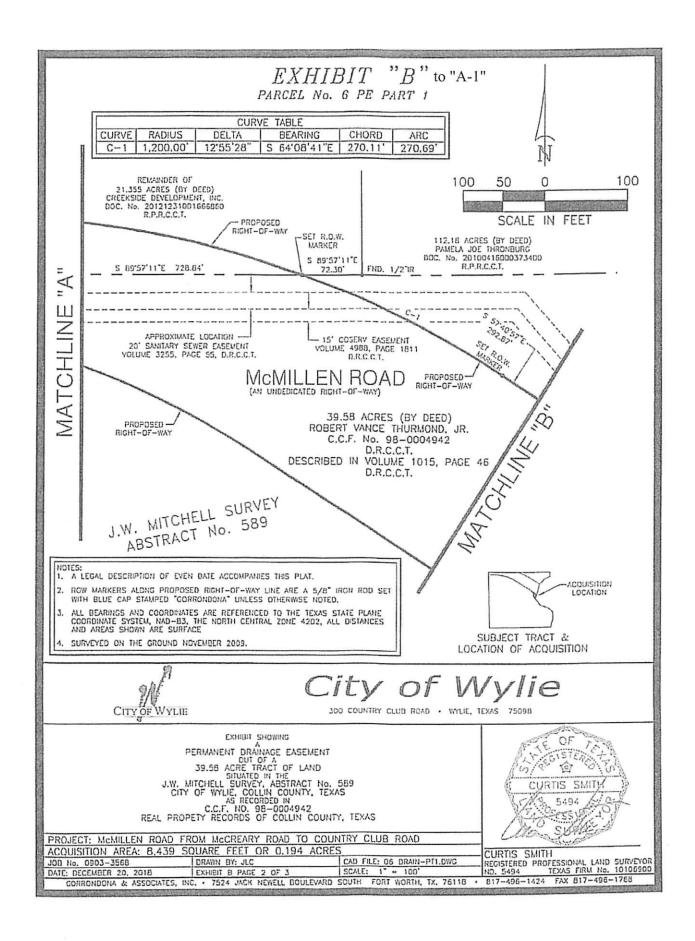
Curtis Smith

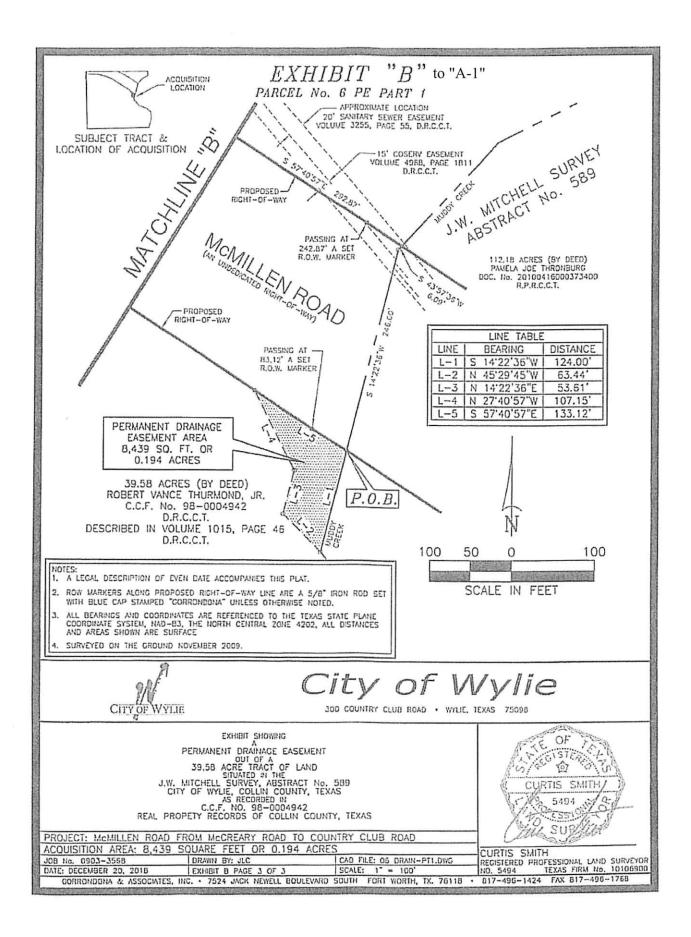
Registered Professional Land Surveyor

No. 5494









McMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 6 PE PART 2 McMILLEN ROAD J.W. MITCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A-2"

Being a permanent drainage easement situated in the J. W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said permanent drainage easement being a portion of a 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr., as recorded in County Clerk File No. 98-0004942 of the Deed Records of Collin County, Texas and being more fully described in Volume 1015, Page 46 of said Deed Records of Collin County, Texas, said permanent drainage easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found in the north line of said 39.58 acre tract of land, said 1/2 inch iron rod being the southeast corner of a 21,355 acre tract of land (by deed) deeded to Creekside Development, Inc. as recorded in Document No. 20121231001666860 of the Real Property Records of Collin County, Texas, said 1/2 inch iron rod being the southwest corner of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of said Real Property Records of Collin County, Texas, said 1/2 inch iron rod found also being in McMillen Road (an undedicated right-of-way); THENCE North 89 degrees 57 minutes 11 seconds West, with the north line of said 39.58 acre tract of land, with the south line of said 21.355 acre tract of land and with said McMillen Road, a distance of 72.30 feet to a R.O.W. marker set for corner in the proposed north right-of-way line of McMillen Road; THENCE North 89 degrees 57 minutes 11 seconds West, with the north line of said 39.58 acre tract of land, with the south line of said 21.355 acre tract of land and with said McMillen Road, a distance of 728,84 to a 1/2 inch iron rod found for the northwest corner of said 39,58 acre tract of land, said 1/2 inch iron rod being the northeast corner of a 0.4562 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr. as recorded in Document No. 20111020001125050 of said Real Property Records of Collin County, Texas; THENCE South 01 degree 01 minute 39 seconds East, with the west line of said 39.58 acre tract of land and with the east line of said 0.4562 acre tract of land, a distance of 50.00 feet to a point for corner in the proposed south right-of-way line of said McMillen Road; THENCE South 89 degrees 57 minutes 11 seconds East, with the proposed south right-of-way line of said McMillen Road, a distance of 63.48 feet to a R.O.W. Marker set for corner; THENCE South 88 degrees 09 minutes 46 seconds East, with the proposed south right-of-way line of said McMillen Road, a distance of 97.04 feet to a R.O.W. Marker set for the beginning of a curve to the right having a radius of 1,000.00 feet, a central angle of 12 degrees 26 minutes 05 seconds and whose chord bears South 81 degrees 56 minutes 44 seconds East, a distance of 216.60 feet; THENCE with the proposed south right-of-way line of said McMillen Road and with said curve to the right, an arc length of 217.02 feet to the POINT OF BEGINNING of the herein described permanent drainage easement, said point being the beginning of a curve to right having a radius of 1,000.00 feet, a central angle of 18 degrees 02 minutes 45 seconds and whose chord bears South 66 degrees 42 minutes 19 seconds Bast, a distance of 313.66 feet;

- THENCE with the proposed south right-of-way line of said McMillen Road and with said curve to the right, an arc length of 314.96 feet to a R.O.W. Marker set for corner;
- THENCE South 57 degrees 40 minutes 57 seconds East, with the proposed south right-of-way line of said McMillen Road, a distance of 60.47 feet to a point for corner;
- THENCE North 87 degrees 40 minutes 57 seconds West, a distance of 345.24 feet to a point for corner;
- THENCE North 02 degrees 19 minutes 03 seconds East, a distance of 142.52 feet to the POINT OF BEGINNING and containing 28,680 square feet or 0.658 acres of land, more or less.

Notes:

- (1) A plat of even survey date herewith accompanies this legal description.
- (2) R.O.W. markers along proposed right-of-way line are a 5/8 inch iron rod set with blue cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings and coordinates are referenced to the Texas State Plane Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (4) Surveyed on the ground November 2009.

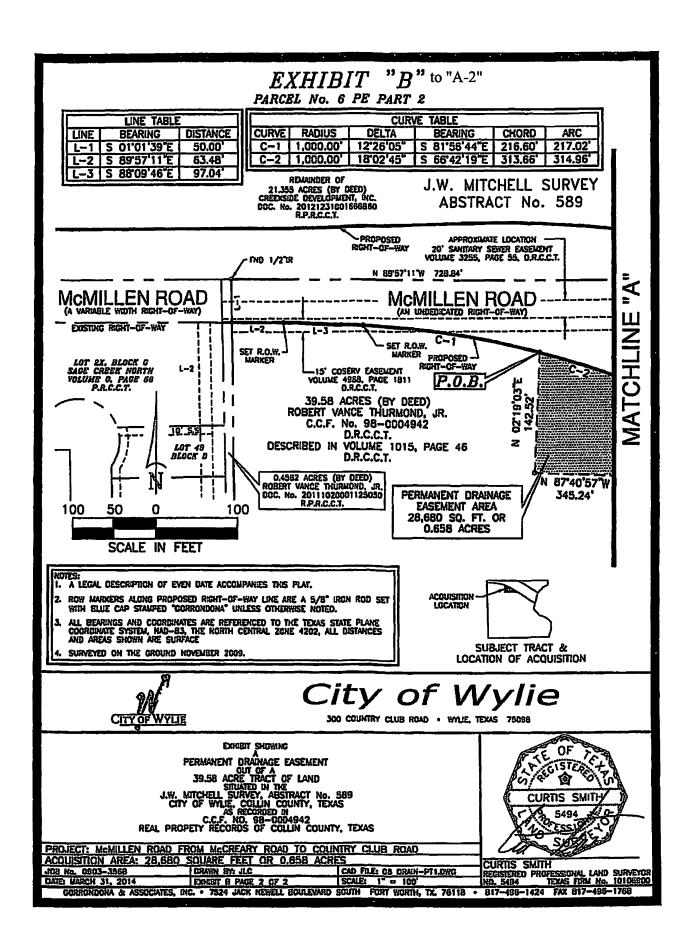
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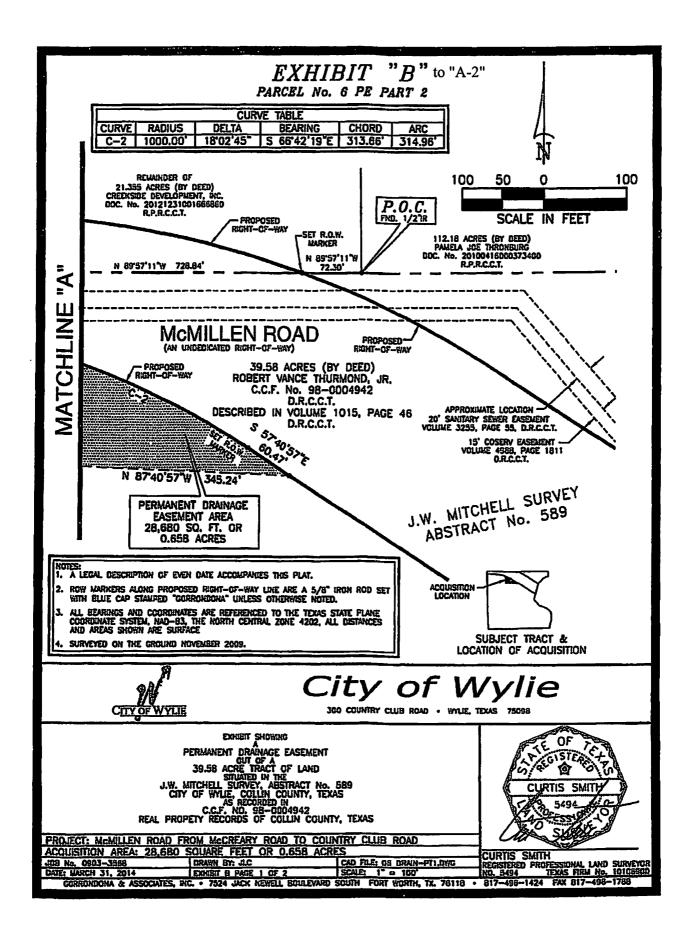
Curtis Smith

Registered Professional Land Surveyor

No. 5494







MeMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 6 PE PART 3 McMILLEN ROAD J.W. MITCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A-3"

Being a permanent drainage and roadway easement situated in the J. W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said permanent drainage and roadway easement being a portion of a 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr., as recorded in County Clerk File No. 98-0004942 of the Deed Records of Collin County, Texas and being more fully described in Volume 1015, Page 46 of the Deed Records of Collin County, Texas, said permanent drainage and roadway easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the northwest corner of said 39.58 acre tract of land, said 1/2 inch iron rod being the northeast corner of a 0.4562 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr. as recorded in Document No. 20111020001125050 of the Real Property Records of Collin County, Texas, said 1/2 inch iron rod being in the south line of Creekside Estates, Phase IX, an addition to the City of Wylie, Collin County, Texas as recorded in Document No. 2017-299 of the Map Records of Collin County, Texas, said 1/2 inch iron rod being in McMillen Road (a variable width right-of-way); THENCE South 89 degrees 57 minutes 11 seconds East, with the north line of said 39.58 acre tract of land, with the south line of said Creekside Estates, Phase IX, and with said McMillen Road, a distance of 728.84 to a R.O.W. Marker set for the POINT OF BEGINNING of the herein described permanent drainage easement, said R.O.W. Marker being the intersection of the proposed northeasterly right-of-way line of said McMillen Road;

- THENCE South 89 degrees 57 minutes 11 seconds East, with the north line of said 39.58 acre tract of land, with the south line of said Creekside Estates, Phase IX and with said McMillen Road, a distance of 72.30 feet to a 1/2 inch iron rod found for the southeast corner of said Creekside Estates, Phase IX, said 1/2 inch iron rod being the most westerly southwest corner of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of said Real Property Records of Collin County, Texas;
- THENCE North 89 degrees 27 minutes 47 seconds East, with the north line of said 39.58 acre tract of land and with the westerly line of said 112.18 acre tract of land, a distance of 404.37 feet to a point for corner;
- THENCE South 32 degrees 17 minutes 14 seconds East, a distance of 209.06 feet to a point for corner in the easterly line of said 39.58 acre tract of land, said point being in Muddy Creek:

- THENCE South 43 degrees 57 minutes 36 seconds West, with the easterly line of said 39.58 acre tract of land and with said Muddy Creek, a distance of 140.81 feet to a point for the intersection of the easterly line of said 39.58 acre tract of land with the proposed northeasterly right-of-way line of said McMillen Road;
- THENCE North 57 degrees 40 minutes 57 seconds West, with the proposed northeasterly right-of-way line of said McMillen Road, passing at a distance of 50.00 feet a R.O.W. marker set for reference, in all, a distance of 292.87 feet to a R.O.W. marker set for the beginning of a curve to the left having a radius of 1,200.00 feet, a contral angle of 12 degrees 55 minutes 28 seconds and whose chord bears North 64 degrees 08 minutes 41 seconds West, a distance of 270.11 feet;
- THENCE with the proposed northeasterly right-of-way line of said McMillen Road and with said curve to the left, an arc length of 270.69 feet to the POINT OF BEGINNING and containing 74,626 square feet or 1.713 acres of land, more or less.

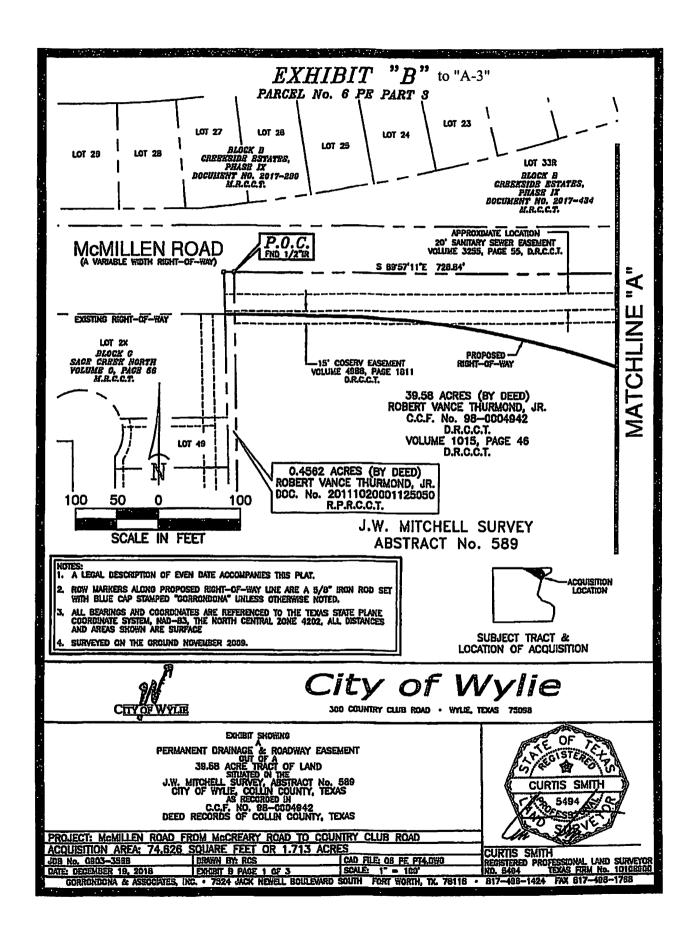
- (1) A plat of even survey date herewith accompanies this legal description.
- (2) R.O.W. markers along proposed right-of-way line are a 5/8 inch iron rod set with blue cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings and coordinates are referenced to the Texas State Plane Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (4) Surveyed on the ground November 2009.

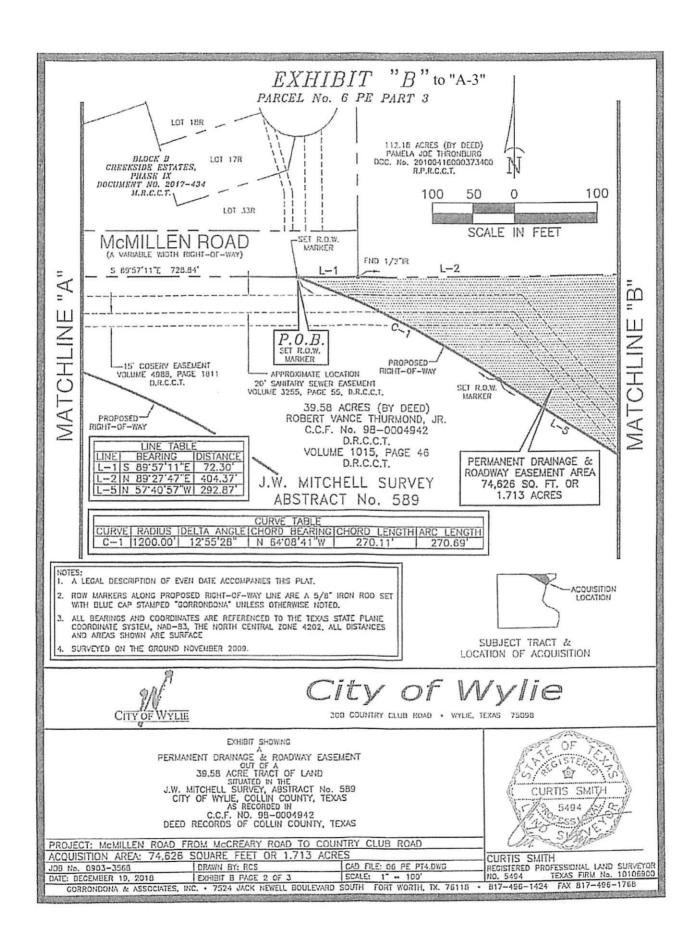
Date: December 19, 2018

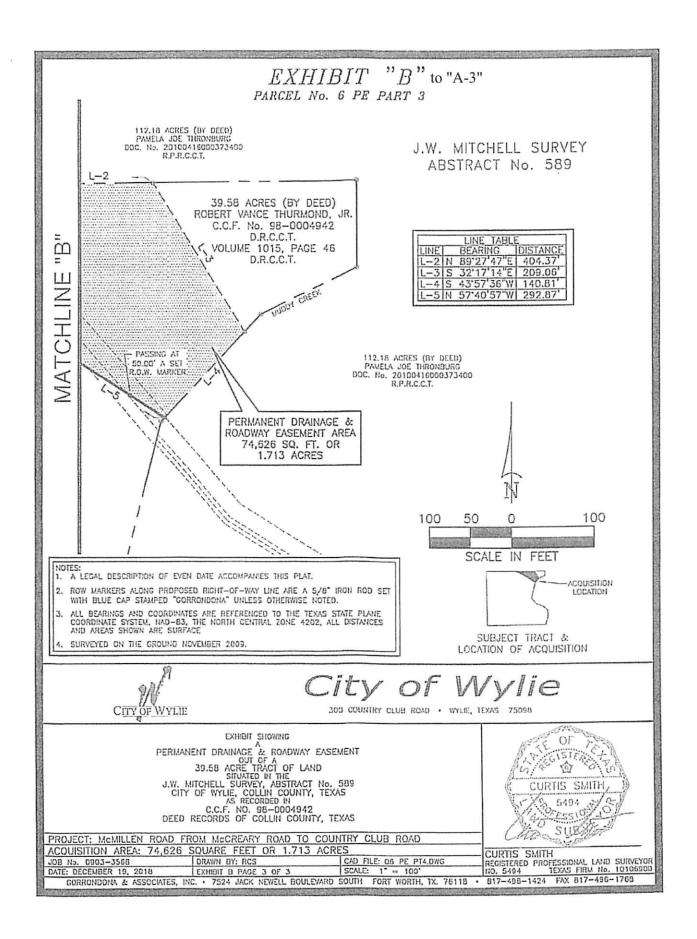
Curtis Smith

Registered Professional Land Surveyor









McMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 6 PE PART 4
McMILLEN ROAD
J.W. MITCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A-4"

Being a permanent slope easement situated in the J. W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said permanent slope easement being a portion of a 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr., as recorded in County Clerk File No. 98-0004942 of the Deed Records of Collin County, Texas and being more fully described in Volume 1015, Page 46 of said Deed Records of Collin County, Texas, said permanent slope easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found in the north line of said 39.58 acre tract of land, said 1/2 inch iron rod being the southeast corner of Creekside Estates, Phase IX, an addition to the City of Wylie, Collin County, Texas, as recorded in Instrument No. 2017-299 of the Plat Records of Collin County, Texas, said 1/2 inch iron rod being the most westerly southwest corner of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of the Real Property Records of Collin County, Texas, said 1/2 inch iron red also being in McMillen Road (a variable width right-of-way); THENCE North 89 degrees 57 minutes 11 seconds West, with the north line of said 39.58 acre tract of land, with the south line of said Creekside Estates, Phase IX and with said McMillen Road, a distance of 72.30 feet to a R.O.W. marker set for the intersection of the proposed northeasterly right-of-way line of said McMillen Road with the south line of said Creekside Estates, Phase IX; THENCE North 89 degrees 57 minutes 11 seconds West, with the north line of said 39.58 acre tract of land, with the south line of said Creekside Estates, Phase IX and with said McMillen Road, a distance of 728.84 to a 1/2 inch iron rod found for the northwest corner of said 39.58 acre tract of land, said 1/2 inch iron rod being the northeast corner of a 0.4562 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr. as recorded in Document No. 20111020001125050 of said Real Property Records of Collin County, Texas; THENCE South 01 degree 01 minute 39 seconds East, with the west line of said 39.58 acre tract of land and with the east line of said 0.4562 acre tract of land, a distance of 50.00 feet to a point for corner in the proposed south right-of-way line of said McMillen Road; THENCE South 89 degrees 57 minutes 11 seconds East, with the proposed south right-of-way line of said McMillen Road, a distance of 50.01 to the **POINT OF BEGINNING** of the herein described permanent slope easement:

THENCE South 89 degrees 57 minutes 11 seconds East, with the proposed south right-of-way line of said McMillen Road, a distance of 13.47 feet to a R.O.W. Marker set for corner;

- THENCE South 88 degrees 09 minutes 46 seconds East, with the proposed south right-of-way line of said McMillen Road, a distance of 97.04 feet to a R.O.W. Marker set for the beginning of a curve to the right having a radius of 1,000.00 feet, a central angle of 09 degrees 49 minutes 25 seconds and whose chord bears South 83 degrees 15 minutes 04 seconds East, a distance of 171.24 feet;
- THENCE with said curve to the right and with the proposed south right-of-way line of said McMillen Road, an arc length of 171.45 feet to a point for corner;
- THENCE North 88 degrees 16 minutes 35 seconds West, a distance of 170.61 feet to a point for corner;
- THENCE North 88 degrees 09 minutes 46 seconds West, a distance of 96.80 feet to a point for corner;
- THENCE North 89 degrees 58 minutes 36 seconds West, a distance of 12.96 feet to a point for corner;
- THENCE North 01 degrees 01 minutes 39 seconds West, a distance of 15.01 feet to the POINT OF BEGINNING and containing 3,351 square feet or 0.077 acres of land, more or less.

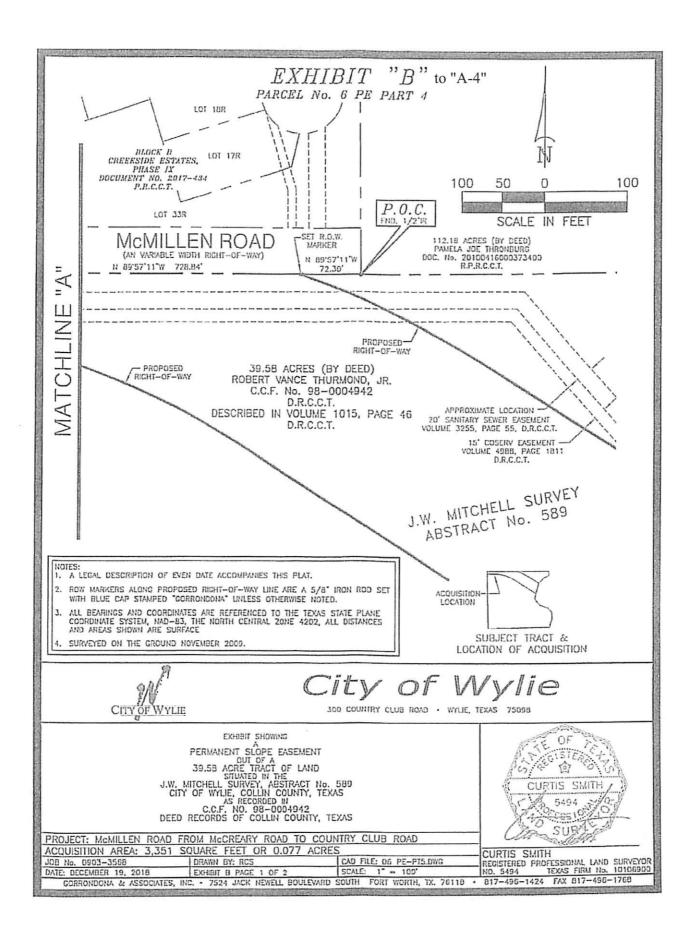
- (1) A plat of even survey date herewith accompanies this legal description.
- (2) R.O.W. markers along proposed right-of-way line are a 5/8 inch iron rod set with blue cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings and coordinates are referenced to the Texas State Plane Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (4) Surveyed on the ground November 2009.

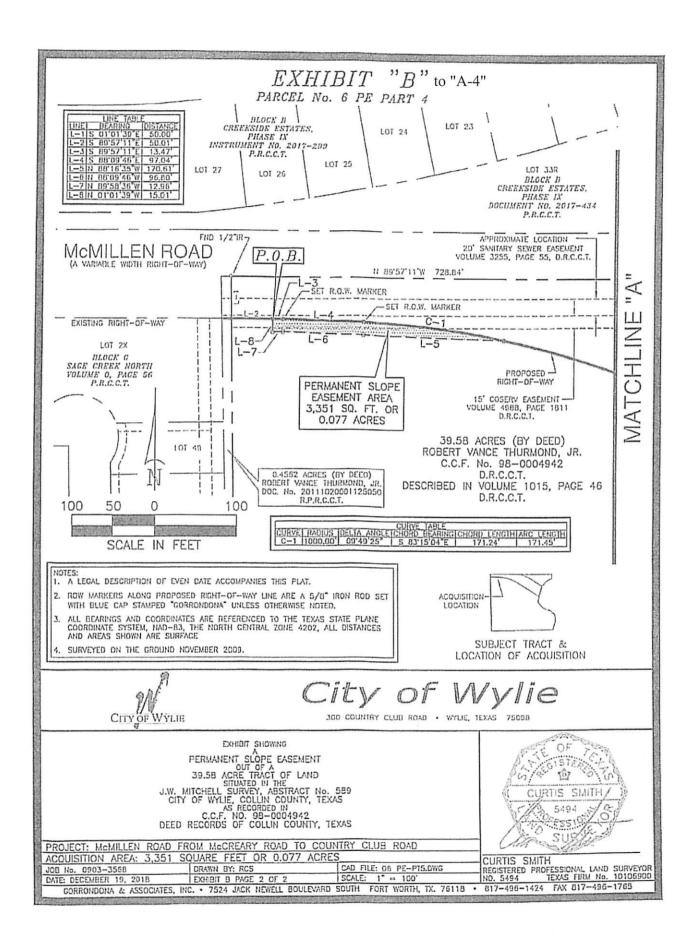
Date: December 19, 2018

Curtis Smith

Registered Professional Land Surveyor









Wylie City Council

AGENDA REPORT

Department:	Public Works	Account Code:	
Prepared By:	Tim Porter		
Subject			
the J.W. Mitchell Surve in attached Exhibits "A and replacement of pub Road from McCreary F County, Texas; authorize including making initial the needed real property	ey, Abstract No. 589, City of "A-1," "A-2," and "A-3" lic roadway facilities and record to Country Club Roading the Interim City Manal bona fide offers, and author for public use, if necessary	to expand a public right of way being 6.885 acres tract of land situ f Wylie, Collin County, Texas, as more particularly described and d among other things, facilitate the construction, access, repair, maintelated public improvements in connection with the expansion of Mol in Wylie, Texas (collectively, the "Project") in the City of Wylie, ger and City Attorney, or their respective designees, to acquire the porizing the City Attorney to file proceedings in eminent domain to copy; and providing an effective date.	depicted itenance cMillen e, Collin property
Recommendatio	on		
that the City Council of simple located in the consideration by the Ciroadway facilities and re	the City of Wylie, Texas a area described and depic ty Council, for the purpose elated public improvement	e form of the motion is required by statute to be made as follows: "uthorize the use of the power of eminent domain to acquire propertied in Exhibits "A," "A-1," "A-2," and "A-3" to the ordinance of the construction, access, repair, maintenance and replacement of in connection with the expansion of McMillen Road from McCrear urtenances related thereto."	ty in fee e under f public
Discussion			

The engineering design of this roadway is complete and City Bond Funding was approved at the November 2021 election. Approval of the Ordinance authorizes the Interim City Manager the use of the power of eminent domain to acquire property in fee simple located in the areas depicted in the attached exhibits. The project is financed through both City and County funds.

Financial Summary/Strategic Goals		

ORDINANCE NO. 2021-58

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, DETERMINING A PUBLIC USE, NEED, AND NECESSITY FOR THE ACQUISITION OF PROPERTY AND TEMPORARY CONSTRUCTION EASEMENTS TO EXPAND A PUBLIC RIGHT OF WAY BEING 6.885 ACRES TRACT OF LAND SITUATED IN THE J.W. MITCHELL SURVEY, ABSTRACT NO. 589, CITY OF WYLIE, COLLIN COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED AND DEPICTED IN ATTACHED EXHIBITS "A," "A-1," "A-2," AND "A-3"; AMONG OTHER THINGS, FACILITATE THE CONSTRUCTION, ACCESS, REPAIR, MAINTENANCE AND REPLACEMENT OF PUBLIC ROADWAY FACILITIES AND RELATED PUBLIC IMPROVEMENTS IN CONNECTION WITH THE EXPANSION OF MCMILLEN ROAD FROM MCCREARY ROAD TO COUNTRY CLUB ROAD IN WYLIE, TEXAS (COLLECTIVELY, THE "PROJECT") IN THE CITY OF WYLIE, COLLIN COUNTY, TEXAS; AUTHORIZING THE INTERIM CITY MANAGER AND CITY ATTORNEY, OR THEIR RESPECTIVE DESIGNEES, TO ACQUIRE THE PROPERTY INCLUDING MAKING INITIAL BONA FIDE OFFERS, AND AUTHORIZING THE CITY ATTORNEY TO FILE PROCEEDINGS IN EMINENT DOMAIN TO CONDEMN THE NEEDED REAL PROPERTY FOR PUBLIC USE, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wylie, Texas (the "City Council"), upon consideration of this matter, has determined that there is a public need and necessity for the health, safety, and welfare of the City of Wylie and the public at large to acquire the property and three (3) temporary construction easements attached hereto as Exhibits "A," "A-1," "A-2," and "A-3," being a total of 6.885 acres tract of land situated in the J.W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, for the public use, among other things, to facilitate the construction, access, repair, maintenance and replacement of public roadway facilities in connection with the expansion of McMillen Road from McCreary Road to Country Club Road in Wylie, Texas (collectively, the "Project").

WHEREAS, the City Council finds that the description of the Property, attached hereto as Exhibit "A", to be acquired by eminent domain for the Project complies with applicable law in that the same provides the property owners in and around the area reasonable notice that the owner's property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, the City Council has further investigated and determined that the Project constitutes a public use for a public purpose; and

WHEREAS, the City is required to make an initial offer as defined by and in compliance with Texas Property Code § 21.0111 ("Initial Offer") and a bona fide offer, as defined by and in compliance with Texas Property Code § 21.0113 ("Bona Fide Offer") to acquire the Temporary Construction Easements on the property described herein for public use, voluntarily, from the subject landowners prior to moving forward with the acquisition by eminent domain; and

WHEREAS, the City Council now deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire the necessary Easements.

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

<u>Section 1.</u> The City Council hereby finds and determines that the recitals made in the preamble of this Ordinance are true and correct, and incorporates such recitals the body of this ordinance as if copied in their entirety.

<u>Section 2.</u> The City Council of the City Wylie hereby finds and determines that a public use and necessity exists for the Project and authorizes acquisition of the necessary property rights in and to the Property for such purposes, as allowed by law, together with all necessary appurtenances, additions and improvements on, over, under and through those certain lots, tracts or parcels of lands.

Section 3. The City Council authorizes the City Attorney or his designee to negotiate for and to acquire the required property rights for the City, and to acquire said rights in compliance with State and any other applicable law. Moreover, the City Attorney, or his designee, is specifically authorized and directed to do each and every act necessary to acquire the needed property rights including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that she deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

Section 4. The Interim City Manager, or designee, is appointed as negotiator for the acquisition of the needed property interests and, as such, the Interim City Manager or designee is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. Further, the Interim City Manager or designee is specifically authorized to establish the just compensation for the acquisition of the Property. Additionally, if the Interim City Manager or designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or designee is hereby authorized and directed to file or cause to be filed, against the owner(s) and interested parties of the needed property interests, proceedings in eminent domain to acquire the above-stated interests in the Property.

Section 5. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 14th day of December, 2021.

	Matthew Porter, Mayor
ATTEST:	
Stephanie Storm, City Secretary	
APPROVED AS TO FORM:	

Richard Abernathy, City Attorney

McMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 7
McMILLEN ROAD
I.W. MITCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A"

Being a 3.847 acre tract of land situated in the J.W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said 3.847 acre tract of land being a portion of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of the Real Property Records of Collin County, Texas, said 3.847 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod with cap (illegible) found for the southwest corner of Lot 1, Block A of Wylie United Methodist Church, an addition to the City of Wylie, Collin County, Texas, as recorded in Volume R, Page 213 of the Map Records of Collin County, Texas, from which a 5/8 inch iron rod with cap (illegible) found for the northwest corner of said Lot 1 bears North 00 degrees 25 minutes 28 seconds West, a distance of 966,45 feet: THENCE South 00 degrees 25 minutes 28 seconds East, with the west line of said Wylie United Methodist Church, a distance of 56.81 feet to a point for comer in the south line of a 199,22 acre tract of land (by deed) deeded to Katheryn Skinner as recorded in Document No. 20070514000648930 of said Real Property Records of Collin County, Texas and being further described in Volume 555, Page 68 of the Deed Records of Collin County, Texas, said point also being in McMillen Road (an undedicated right-of-way); THENCE South 89 degrees 02 minutes 10 seconds West, with the south line of said 199.22 acre tract of land and with said McMillen Road, a distance of 1979.38 feet to the POINT OF BEGINNING of the herein described 3.847 acre tract of land, said point being the southeast corner of said 112.18 acre tract of land, said point also being the southwest corner of a 40.00 acre tract of land (by deed) deeded to D-Dreams, Inc. as recorded in Document No. 20070131000142850 of said Real Property Records of Collin County, Texas;

THENCE South 88 degrees 53 minutes 03 seconds West, with the south line of said 112.18 acre tract of land and with said McMillen Road, a distance of 912.84 feet to a survey nail w/washer stamped "GORRONDONA" set for the beginning of a non-tangent curve to the right having a radius of 1000.00 feet, a central angle of 10 degrees 48 minutes 26 seconds, and whose chord bears North 63 degrees 05 minutes 10 seconds West, a distance of 188.34 feet, said survey nail w/washer stamped "GORRONDONA" being in the proposed south right-of-way line of said McMillen Road;

THENCE with said non-tangent curve to the right and with the proposed south right-of-way line of said McMillen Road, an arc length of 188.62 feet to a R.O.W. marker set for corner;

- THENCE North 57 degrees 40 minutes 57 seconds West, with the proposed south right-of-way line of said McMillen Road, passing at a distance of 120.06 feet, a R.O.W. marker set for reference in the east top bank of Muddy Creek, in all, a distance of 140.06 feet to a point for corner in the east line of a 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr. as recorded in Document No. 98-0004942 of said Real Property Records of Collin County, Texas and being further described in Volume 1015, Page 46 of said Deed Records of Collin County, Texas, said point also being in said Muddy Creek;
- THENCE North 14 degrees 22 minutes 36 seconds East, with the east line of said 39.58 acre tract of land and with said Muddy Creek, a distance of 246.00 feet to a point for comer:
- THENCE North 43 degrees 57 minutes 36 seconds East, with the east line of said 39.58 acre tract of land and with said Muddy Creek, a distance of 6.09 feet to a point for corner in the proposed north right-of-way line of said McMillen Road;
- THENCE South 57 degrees 40 minutes 57 seconds Bast, with the proposed north right-of-way line of said McMillen Road, passing at a distance of 20.00 feet, a R.O.W. marker set for reference in the east top bank of said Muddy Creek, in all, a distance of 317.02 feet to a R.O.W. marker set for the beginning of a curve to the left having a radius of 1000.00 feet, a central angle of 30 degrees 30 minutes 33 seconds, and whose chord bears South 72 degrees 56 minutes 13 seconds Bast, a distance of 526.21 feet;
- THENCE with said curve to the left and with the proposed north right-of-way line of said McMillen Road, an arc length of 532.48 feet to a R.O.W. marker set for corner;
- THENCE South 88 degrees 11 minutes 30 seconds East, with the proposed north right-of-way line of said McMillen Road, a distance of 282.47 feet to a R.O.W. marker set for corner;
- THENCE North 88 degrees 56 minutes 46 seconds East, with the proposed north right-of-way line of said McMillen Road, a distance of 80.58 feet to a R.O.W. marker set for corner in the east line of said 112.18 acre tract of land, said R.O.W. marker being in the west line of said 40.00 acre tract of land;
- THENCE South 00 degrees 12 minutes 47 seconds West, with the east line of said 112.18 acre tract of land and with the west line of said 40.00 acre tract of land, a distance of 53.71 feet to the POINT OF BEGINNING and containing 167,579 square feet or 3.847 acres of land, more or less.

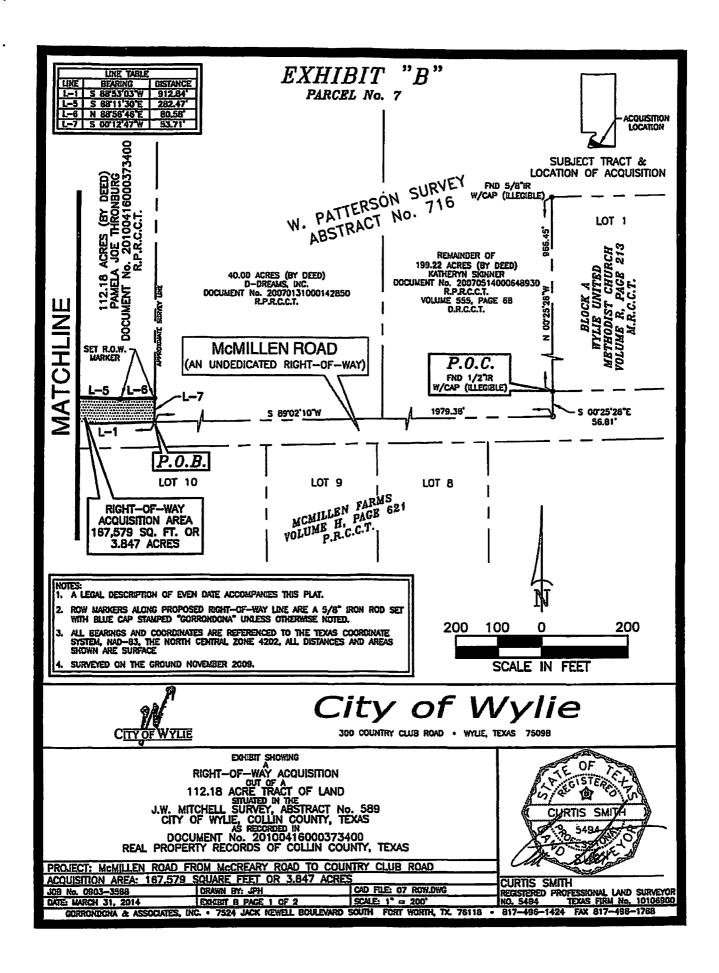
- (1) A plat of even survey date herewith accompanies this legal description.
- (2) R.O.W. markers along proposed right-of-way line are a 5/8 inch iron rod set with blue cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings and coordinates are referenced to the Texas Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (4) Surveyed on the ground November 2009.

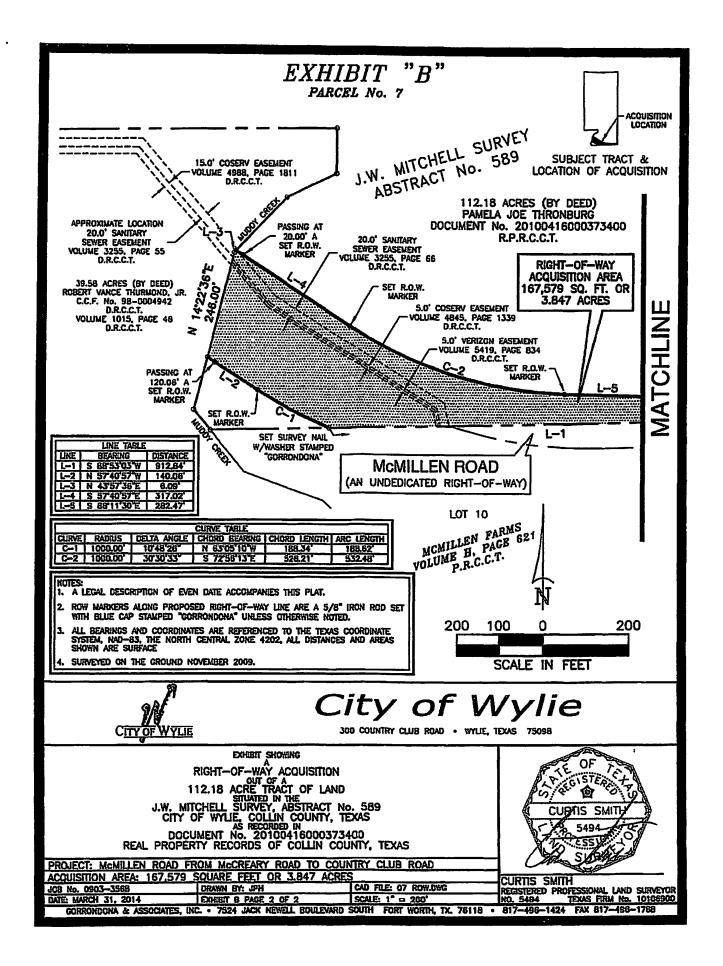
Date: March 31, 2014

Curtis Smith

Registered Professional Land Surveyor







McMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 7 TE McMILLEN ROAD J.W. MITCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A-1"

Being a temporary construction easement situated in the J.W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said temporary construction easement being a portion of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of the Real Property Records of Collin County, Texas, said temporary construction easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod with cap (illegible) found for the southwest corner of Lot 1, Block A of Wylie United Methodist Church, an addition to the City of Wylie, Collin County. Texas, as recorded in Volume R, Page 213 of the Map Records of Collin County, Texas, from which a 5/8 inch iron rod with cap (illegible) found for the northwest corner of said Lot 1 bears North 00 degrees 25 minutes 28 seconds West, a distance of 966.45 feet; THENCE South 00 degrees 25 minutes 28 seconds Bast, with the west line of said Wylie United Methodist Church, a distance of 56.81 feet to a point for corner in the south line of a 199.22 acre tract of land (by deed) deeded to Katheryn Skinner as recorded in Document No. 20070514000648930 of said Real Property Records of Collin County, Texas and being further described in Volume 555, Page 68 of the Deed Records of Collin County, Texas, said point also being in McMillen Road (an undedicated right-of-way); THENCE South 89 degrees 02 minutes 10 seconds West, with the south line of said 199.22 acre tract of land and with said McMillen Road, a distance of 1979.38 feet to a point for the southeast comer of said 112.18 acre tract of land, said point also being the southwest corner of a 40.00 acre tract of land (by deed) deeded to D-Dreams, Inc. as recorded in Document No. 20070131000142850 of said Real Property Records of Collin County, Texas; THENCE North 00 degrees 12 minutes 47 seconds Bast, with the east line of said 112.18 acre tract of land and with the west line of said 40.00 acre tract of land, a distance of 53.71 feet to a R.O.W. marker set for the POINT OF BEGINNING of the herein described temporary construction easement, said R.O.W. marker being in the proposed north right-of-way line of said McMillen Road;

THENCE South 88 degrees 56 minutes 46 seconds West, with the proposed north right-of-way line of said McMillen Road, a distance of 80.58 feet to a R.O.W. marker set for corner:

THENCE North 88 degrees 11 minutes 30 seconds West, with the proposed north right-of-way line of said McMillen Road, a distance of 282.47 feet to a R.O.W. marker set for the beginning of a curve to the right having a radius of 1000.00 feet, a central angle of 30 degrees 30 minutes 33 seconds, and whose chord bears North 72 degrees 56 minutes 13 seconds West, a distance of 526.21 feet;

- THENCE with said curve to the right and with the proposed north right-of-way line of said McMillen Road, an arc length of 532.48 feet to a R.O.W. marker set for corner;
- THENCE North 57 degrees 40 minutes 57 seconds West, with the proposed north right-of-way line of said McMillen Road, passing at a distance of 297.02 feet, a R.O.W. marker set for reference in the east bank of Muddy Creek, in all, a distance of 317.02 feet to a point for corner in the east line of said 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr. as recorded in Document No. 98-0004942 of said Real Property Records of Collin County, Texas and being further described in Volume 1015, Page 46 of the Deed Records of Collin County, Texas, said point also being in Muddy Creek;
- THENCE North 43 degrees 57 minutes 36 seconds Bast, with the east line of said 39.58 acre tract of land and with said Muddy Creek, a distance of 121.63 feet to a point for the beginning of a non-tangent curve to the left having a radius of 863.00 feet, a central angle of 49 degrees 30 minutes 14 seconds, and whose chord bears South 63 degrees 26 minutes 23 seconds Bast, a distance of 722.66 feet:
- THENCE with said non-tangent curve to the left, an arc length of 7.45.64 feet to a point for corner;
- THENCE South 88 degrees 11 minutes 30 seconds East, a distance of 53.74 feet to a point for the beginning of a curve to the right having a radius of 897.00 feet, a central angle of 14 degrees 38 minutes 09 seconds, and whose chord bears South 80 degrees 52 minutes 25 seconds East, a distance of 228.51 feet;
- THENCE with said curve to the right, an arc length of 229.13 feet to a point for comer;
- THENCE South 73 degrees 33 minutes 21 seconds East, a distance of 129.07 feet to a point for corner in the east line of said 112.18 acre tract of land, said point being in the west line of said 40.00 acre tract of land;
- THENCE South 00 degrees 12 minutes 47 seconds West, with the east line of said 112.18 acre tract of land and with the west line of said 40.00 acre tract of land, a distance of 21.27 feet to the POINT OF BEGINNING and containing 90,651 square feet or 2.081 acres of land, more or less.

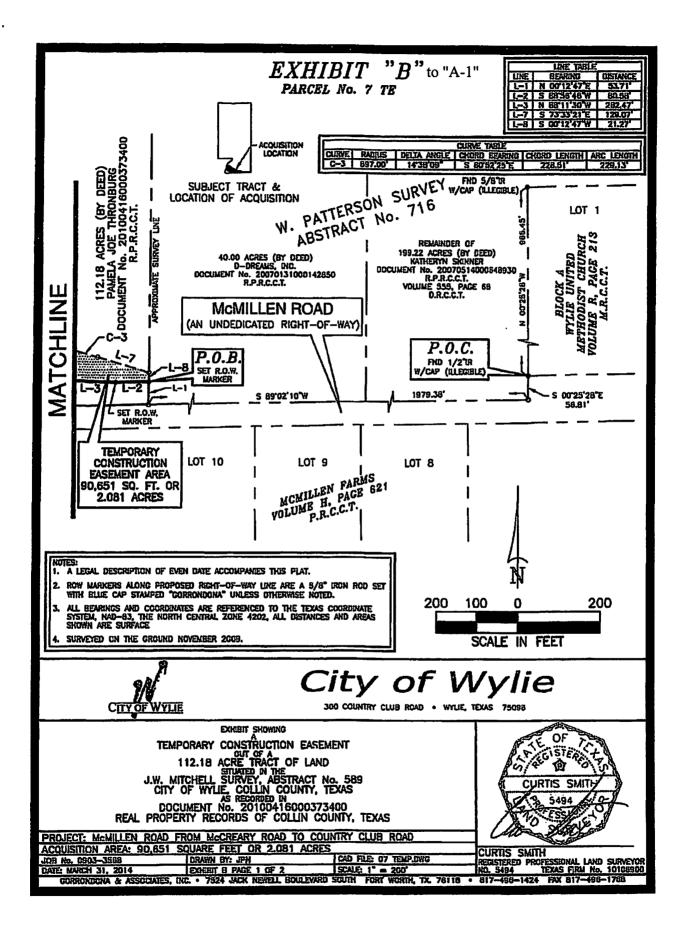
- (1) A plat of even survey date herewith accompanies this legal description.
- (2) R.O.W. markers along proposed right-of-way line are a 5/8 inch iron rod set with blue cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings and coordinates are referenced to the Texas Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (4) Surveyed on the ground November 2009.

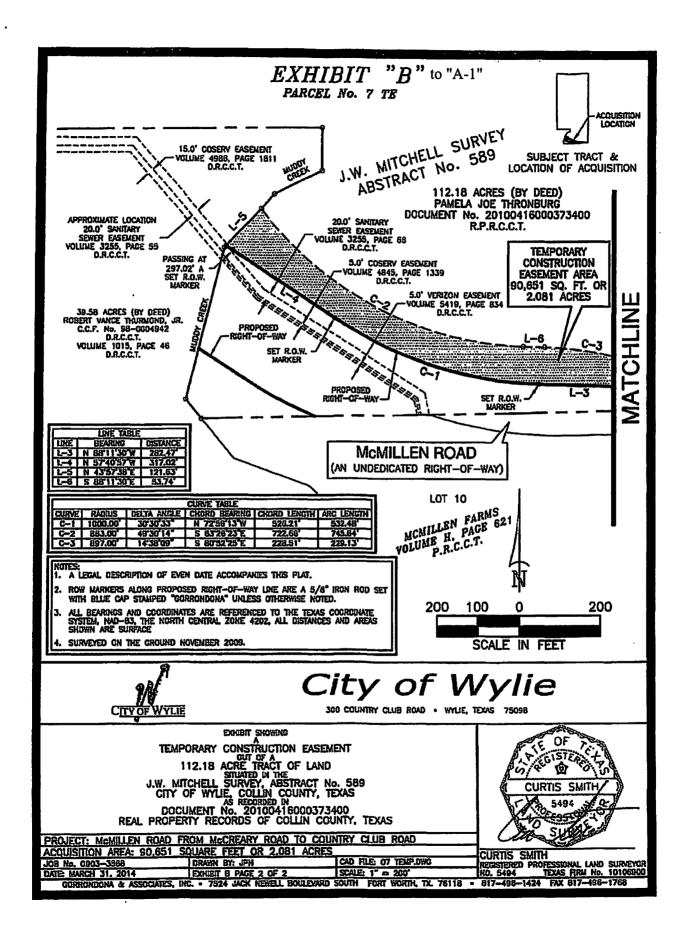
Date: March 31, 2014

Curtis Smith

Registered Professional Land Surveyor







McMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 7 TE PART 2
McMILLEN ROAD
J.W. MITCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A-2"

Being a temporary construction easement situated in the J.W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said temporary construction easement being a portion of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of the Real Property Records of Collin County, Texas, said temporary construction easement being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod with cap (illegible) found for the southwest corner of Lot 1, Block A of Wylie United Methodist Church, an addition to the City of Wylie, Collin County, Texas, as recorded in Volume R, Page 213 of the Map Records of Collin County, Texas, from which a 5/8 inch iron rod with cap (illegible) found for the northwest corner of said Lot 1 bears North 00 degrees 25 minutes 28 seconds West, a distance of 966.45 feet; THENCE South 00 degrees 25 minutes 28 seconds East, with the west line of said Wylie United Methodist Church, a distance of 56.81 feet to a point for corner in the south line of a 199.22 acre tract of land (by deed) deeded to Katheryn Skinner as recorded in Document No. 20070514000648930 of said Real Property Records of Collin County, Texas and being further described in Volume 555, Page 68 of the Deed Records of Collin County, Texas, said point also being in McMillen Road (an undedicated right-of-way); THENCE South 89 degrees 02 minutes 10 seconds West, with the south line of said 199.22 acre tract of land and with said McMillen Road passing at 739.39 feet a point for the southeast corner of a 40.00 acre tract of land (by deed) deeded to D-Dreams, Inc. as recorded in Document No. 20070131000142850 of said Real Property Records of Collin County, Texas, in all, a distance of 1,979.38 feet to a point for the southeast corner of said 112.18 acre tract of land, said point also being the southwest corner of said 40.00 acre tract of land; THENCE South 88 degrees 53 minutes 03 seconds West, with the south line of said 112.18 acre tract of land and with said McMillen Road, a distance of 912.84 feet to a survey nail with washer stamped "GORRONDONA" set for the POINT OF BEGINNING of the herein described temporary construction easement, said survey nail with washer stamped "GORRONDONA" being the intersection of the south line of said 112.18 acre tract of land with the proposed southwesterly right-of-way line of said McMillen Road, said survey nail with washer stamped "GORRONDONA" also being in the north line of Lot 10 of McMillen Farms, an addition to the City of Wylie, Collin County, Texas, as recorded in Volume H, Page 621 of said Map Records of Collin County, Texas;

- **THENCE** South 88 degrees 53 minutes 03 seconds West, with the south line of said 112.18 acre tract of land and with the north line of said Lot 10, a distance of 218.67 to a point for corner;
- THENCE North 58 degrees 30 minutes 52 seconds West, a distance of 111.30 feet to a point for corner in the easterly line of a 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr. as recorded in Document No. 98-0004942 of said Real Property Records of Collin County, Texas and being further described in Volume 1015, Page 46 of said Deed Records of Collin County, Texas, said point also being in Muddy Creek;
- **THENCE** North 14 degrees 22 minutes 36 seconds East, with the easterly line of said 39.58 acre tract of land and with said Muddy Creek, a distance of 109.69 feet to a point for the intersection of the easterly line of said 39.58 acre tract of land with the proposed southwesterly right-of-way line of said McMillen Road;
- THENCE South 57 degrees 40 minutes 57 seconds East, with the proposed southwesterly right-of-way line of said McMillen Road, passing at a distance of 20.00 feet, a R.O.W. marker set for reference, in all, a distance of 140.06 feet to a R.O.W. marker set for the beginning of a curve to the left having a radius of 1000.00 feet, a central angle of 10 degrees 48 minutes 26 seconds, and whose chord bears South 63 degrees 05 minutes 10 seconds East, a distance of 188.34 feet;
- THENCE with said curve to the left and with the proposed southwesterly right-of-way line of said McMillen Road, an arc length of 188.62 feet to the POINT OF BEGINNING and containing 22,148 square feet or 0.508 acres of land, more or less.

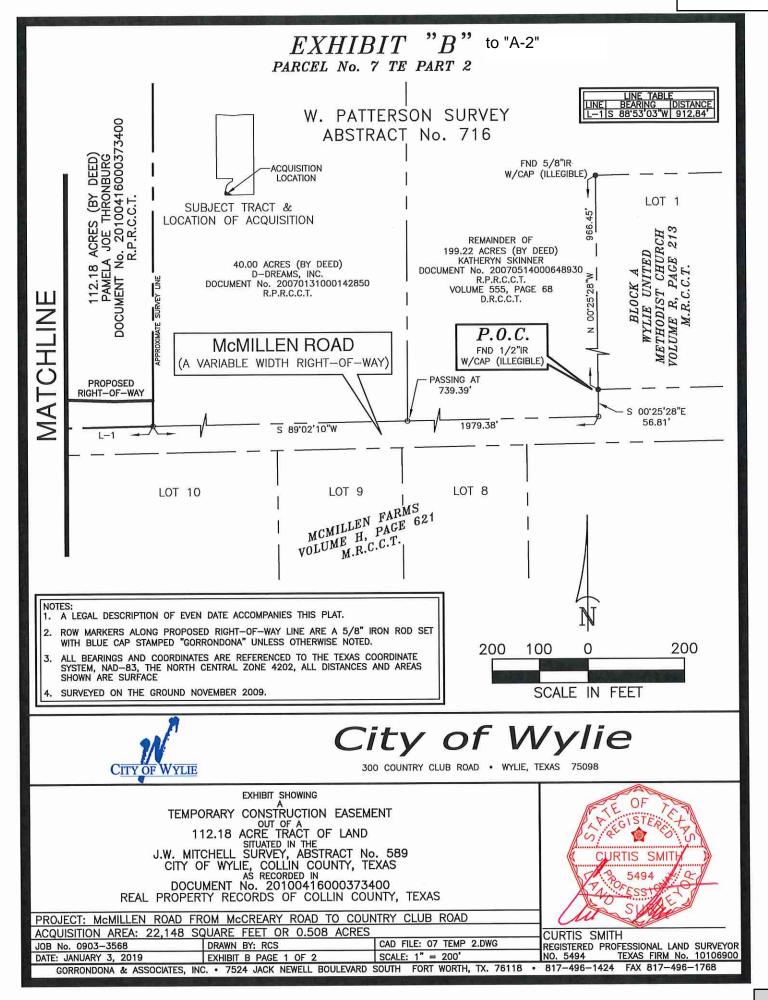
- (1) A plat of even survey date herewith accompanies this legal description.
- (2) R.O.W. markers along proposed right-of-way line are a 5/8 inch iron rod set with blue cap stamped "GORRONDONA" unless otherwise noted.
- (3) All bearings and coordinates are referenced to the Texas Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (4) Surveyed on the ground November 2009.

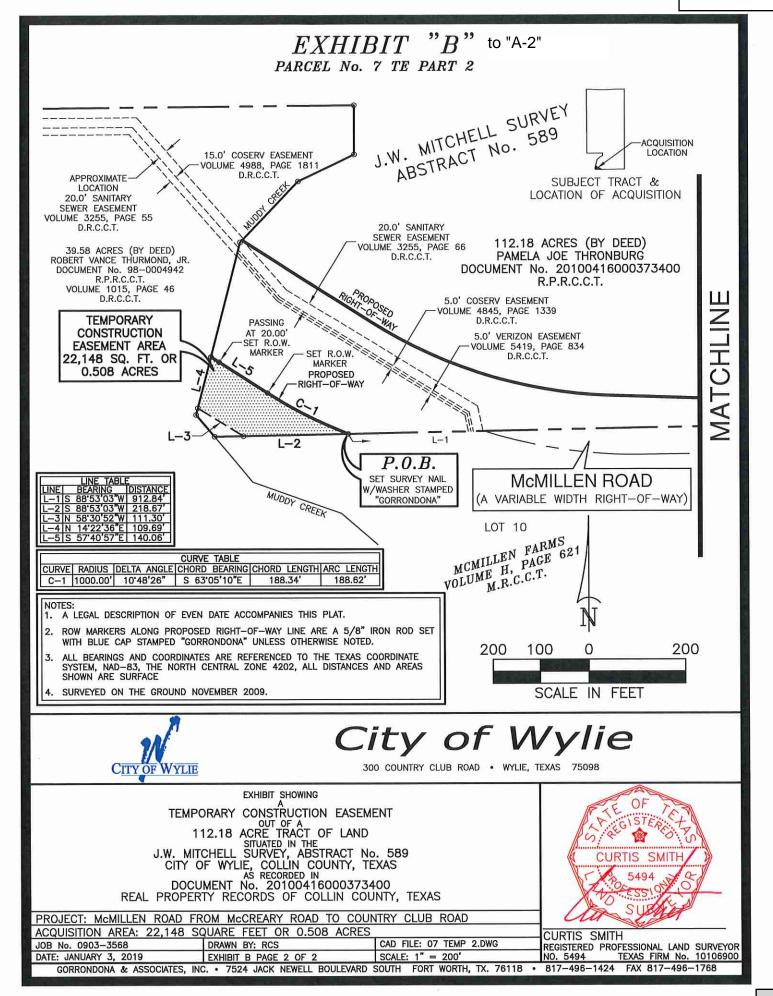
Date: January 3, 2019

Curtis Smith

Registered Professional Land Surveyor







McMILLEN ROAD FROM McCREARY ROAD TO COUNTRY CLUB ROAD PARCEL No. 7 TE PART 3
McMILLEN ROAD
J.W. MITCHELL SURVEY, ABSTRACT No. 589

EXHIBIT "A-3"

Being a temporary construction easement situated in the J.W. Mitchell Survey, Abstract No. 589, City of Wylie, Collin County, Texas, said temporary construction easement being a portion of a 112.18 acre tract of land (by deed) deeded to Pamela Joe Thronburg as recorded in Document No. 20100416000373400 of the Real Property Records of Collin County, Texas, said temporary construction easement being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the most westerly southwest corner of said 112.18 acre tract of land, said 1/2 inch iron rod being the southeast corner of Creekside Estates, Phase IX, an addition to the City of Wylie, Collin County, Texas, as recorded in Document No. 2017-299 of the Map Records of Collin County, Texas, said 1/2 inch iron rod being in the north line of a 39.58 acre tract of land (by deed) deeded to Robert Vance Thurmond, Jr., as recorded in County Clerk File No. 98-0004942 of the Deed Records of Collin County, Texas and being more fully described in Volume 1015, Page 46 of said Deed Records of Collin County, Texas, said 1/2 inch iron rod also being the southeast corner of the existing right-of-way line of McMillen Road (a variable width right-of-way);

- THENCE North 00 degrees 32 minutes 13 seconds West, with the west line of said 112.18 acre tract of land and with the east line of said Creekside Estates, a distance of 30.00 feet to a point for corner, from which a 1/2 inch iron rod with cap stamped "Roome" found for the northwest corner of said 112.18 acre tract of land bears North 00 degrees 32 minutes 13 seconds West, a distance of 2,638.99 feet;
- THENCE North 89 degrees 27 minutes 47 seconds East, a distance of 652.34 feet to a point for corner:
- THENCE South 00 degrees 32 minutes 13 seconds East, a distance of 30.00 feet to a point for an interior ell corner in the west line of said 112.18 acre tract of land, said point being the northeast corner of said 39.58 acre tract of land;
- THENCE South 89 degrees 27 minutes 47 seconds West, with the west line of said 112.18 acre tract of land and with the north line of said 39.58 acre tract of land, a distance of 652.34 feet to the POINT OF BEGINNING and containing 19,570 square feet or 0.449 acres of land, more or less.

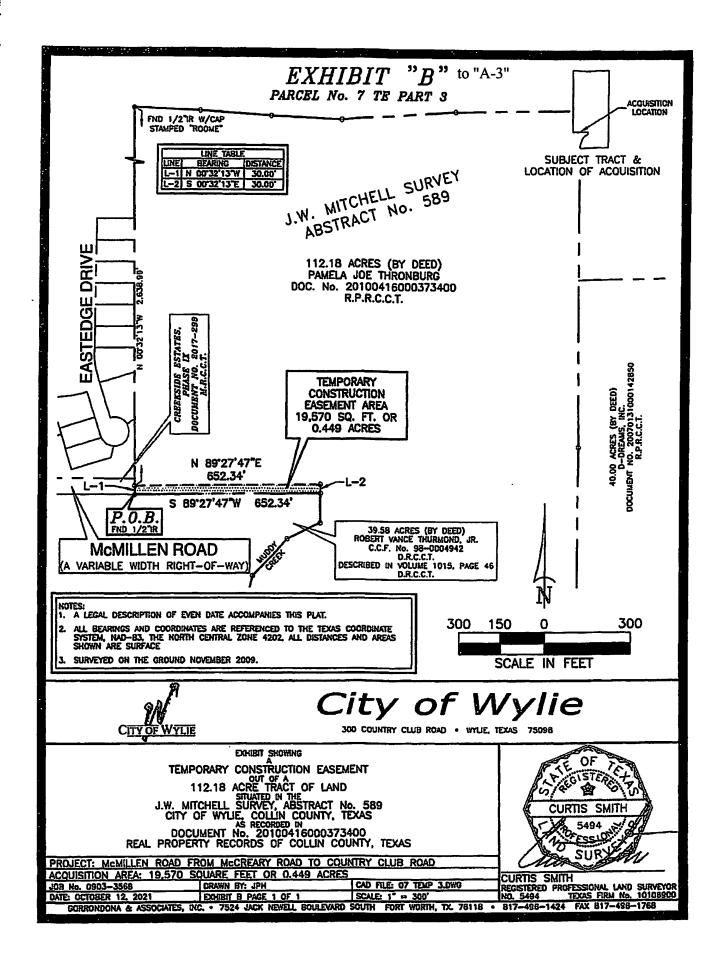
- (1) A plat of even survey date herewith accompanies this legal description.
- (2) All bearings and coordinates are referenced to the Texas Coordinate System, NAD-83, The North Central Zone 4202, all distances and areas shown are surface.
- (3) Surveyed on the ground November 2009.

Date: October 12, 2021

Curtis Smith

Registered Professional Land Surveyor







Wylie City Council

AGENDA REPORT

Department:	City Manager Office	Account Code:
Prepared By:	Brent Parker	
Subject		
Discuss City Council	Code of Conduct Ordinance.	
Recommendat	ion	
N/A		
IV/A		
Discussion		
	eptions of one having a board of r	by the City Council Subcommittee. The two versions presented are eview. Staff is requesting direction on which ordinance the Counc
Financial Summar	y/Strategic Goals	
N/A		
N/A		

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, REPEALING ORDINANCE NO. 2014-19, CREATING A CODE OF CONDUCT; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Wylie ("City" or "Wylie") desires for all of its citizens to have confidence in integrity, independence, and impartiality of those who act on their behalf in government;

WHEREAS, the City of Wylie previously adopted Ordinance No. 2014-19, establishing a Code of Ethics; and

WHEREAS, the City of Wylie desires to create a Code of Conduct and repeal Ordinance No. 2014-19, as of the Effective Date of this Ordinance.

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

Section 1. Creation of Code of Conduct

The City of Wylie creates this Code of Conduct (the "Code") and repeals Ordinance No. 2014-19, as of the Effective Date of this Ordinance.

Section 2. Policy

The proper operation of democratic local government requires that City Officials be independent, impartial and responsible to the people; that local government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its City Officials. It is the policy of the City of Wylie that its City Officials meet the standards of conduct established in this Ordinance.

Section 3. Definitions

Administrative Board means any board, commission, or other organized body: (1) that has, by law, final decision-making authority on matters within its jurisdiction and that is either: (a) established under the City Charter, by City ordinance, or by appointment by the City Council or the Mayor; or (b) whose members are all council members or are appointed or confirmed by the City Council; or, (2) created as a non-profit economic development corporation by the City Council under the authority of the Development Corporation Act of 1979, as amended.

Advisory Board means a board, commission, or other organized body other than an Administrative Board, that was created by an act of the City Council whose members are appointed or confirmed by the City Council or by an act of the Mayor and are charged with making recommendations to the City Council on matters within its jurisdiction.

City Official or Official means the Mayor; a member of the City Council, members of Administrative Boards, and Advisory Boards, appointed by the Mayor or City Council.

Economic Interest means a legal or equitable property interest in land, chattels, and intangibles, and contractual rights having a value of more than fifty thousand dollars (\$50,000.00). Service by a City Official as an Officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create for that City Official an "Economic Interest" in the property of the organization.

Official Action means:

- (1) Any affirmative act (including the making of a recommendation) within the scope of, or in violation of, an Official's duties; or
- (2) Any failure to act, if the Official is under a duty to act.

Section 4. Covered officials

The rules of conduct contained below apply generally to City Officials unless otherwise specified.

Section 5. City Officials required to comply with both state and local law

When a City Official's conduct is regulated by a provision of this Ordinance and a similar provision of state law, and it is possible to comply with the requirements of both, a City Official shall comply with both.

Section 6. Education

The City shall provide training and educational materials to City Officials on their obligations under state law and this Ordinance. Such training shall include at least one formal classroom session in each calendar year. All City Officials shall annually attend the formal training session offered by the City or equivalent training sessions conducted by the City Attorney, the Texas Municipal League, or similar organizations. The City also shall prepare and distribute written materials on the subject to each City Official at the time of his or her election or appointment to office.

Section 7. Standards of Conduct for City Officials

(A) Appearance on behalf of private interests of others

- (1) A member of the City Council shall not appear before the City Council, an Administrative Board or an Advisory Board for the purpose of representing the interests of another person or entity. However, a member of the City Council may, to the extent as otherwise permitted by law, appear before any such body to represent the member's own interests or the interests of the member's spouse or minor children.
- (2) A City Official who is not a member of the City Council shall not appear before the body on which he or she serves for the purpose of representing the interests of another person or entity, and shall not appear before any other body for the purpose of representing the interests of another person or entity in connection with an appeal from a decision of the body on which the City Official serves. However, the City Official may, to the extent as otherwise permitted by law, appear before any such body to represent the City Official's own interests or the interests of the City Official's spouse or minor children.

(B) Misuse and disclosure of confidential information

- (1) It is a violation of this Code for a City Official to violate Texas Penal Code § 39.06 (Misuse of Official Information).
- (2) A City Official shall not disclose to the public any information that is deemed confidential and/or privileged under any federal, state, local law, or Council rules, unless authorized by law.

(C) Restrictions on political activity and political contributions

- (1) No City Official shall use state or local funds or other resources of the City to electioneer for or against any candidate, measure, or political party.
- (2) A City Official shall not directly or indirectly induce, or attempt to induce, any City employee:
 - a. To participate in an election campaign (beyond merely encouraging another to vote), to participate in a political fundraising activity, or to contribute to a political candidate or political committee;
 - b. To engage in any other activity relating to a particular candidate, party or issue that is not directly related to a legitimate function of City government; or
 - c. To refrain from engaging in any lawful political activity after working hours.

(D) Use of cell phones or electronic devices by appointed or elected officials during meetings of Administrative Boards and Advisory Boards, of which they are a member

City Officials shall refrain from communicating on cell phones or electronic devices during a City meeting at which the City Official is attending as a member of that Administrative Board or Advisory Board, except as provided below. However, City Officials may access agendas and information relevant to a past, current, and/or future agenda. Cell phones shall be turned off or put on vibrate during meetings. Should it be necessary to use a cell phone, City Officials shall step down from the dais. Text messaging, emails, and other electronic or written communications shall not be sent during a meeting unless it is an emergency.

(E) Conflicts of Interest

A City Official must not use, or attempt to use, his or her official position or office, or take or fail to take any action, or influence, or attempt to influence, others to take or fail to take any action, in a manner which he or she knows, or has reason to believe, may result in a personal, financial benefit, or Economic Interest not shared with a substantial segment of the City's population, for any of the following persons or entities:

- (1) The Official;
- (2) The Official's relative, or the employer or business of the relative;
- (3) A person with which the Official has a financial or business relationship, including but not limited to:
 - a. A business of the Official, or the Official's spouse or domestic partner, or someone who works for such outside employer or business; or
 - b. A client or substantial customer.
- (4) A nongovernmental civic group, social, charitable, or religious organization of which the Official, or the Official's spouse or domestic partner, is an officer or director; or
- (5) A public or private business entity for which the Official, or his or her relative

serves as a director, general partner, or officer, or in any other policy-making position except when so appointed to the position by the City.

(F) Compliance with Texas Local Government Code Chapters 171 and 176

It is a violation of this Code for a City Official to violate Texas Local Government Code, §§ 171 and 176.

(G) Prohibitions - Granting Special Privileges and Use of City Supplies and Equipment

It is a violation of this Code for a City Official:

- (1) To use his official position to secure special privileges or exemptions for himself or others;
- (2) To grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group. This shall not prevent the granting of fringe benefits to City employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees; or
- (3) To use City supplies, equipment or facilities for any purpose other than the conduct of official City business, unless otherwise provided for by law, ordinance or City policy.

Section 8. City Council Review of Complaints

(A) Purpose

The City Council shall review Complaints regarding alleged violation(s) of the Code ("Complaints"), review applicable waivers regarding the alleged violation(s), and determine if a Complaint should be dismissed under the criteria, as outlined herein.

(B) Qualifications

City Council members may not participate in the Complaint review process and/or hearing if the member is the subject of the Complaint, or the individual filing the Complaint ("Complainant") or the individual who is the subject of the Complaint ("Respondent") is related to the City Council member within a prohibited level of affinity or consanguinity.

(C) Consultation with City Attorney

The City Attorney is authorized to issue to any City Official, upon reasonable request, formal written opinions regarding the applicability of the provisions of the conduct laws to an action the City Official is considering taking in the future. The City Council may consult with the City Attorney or a designee of the City Attorney regarding legal issues which may arise in connection with this section and may request advisory assistance from the City Attorney in conducting hearings during any stage of the process.

(D) Reviewing Attorney

(1) The City Council shall approve a list of three (3) independent private attorneys recommended by the City Attorney who may individually serve as a "Reviewing

- Attorney" for Complaints filed under this section. The Reviewing Attorney shall be chosen by the City Manager by lot.
- (2) To be qualified, the Reviewing Attorney must be an attorney in good standing with the State Bar of Texas, have been licensed to practice in the State of Texas for at least ten (10) consecutive years, and have at least five (5) years of experience working with municipalities in Texas. The Reviewing Attorney may not be:
 - a. A City Council member or City of Wylie employee, or the spouse or domestic partner of a City Council member or City of Wylie employee;
 - b. An elected public official; or
 - c. A candidate for elected public office at the time of their service.

(G) Complaint Process

- (1) Filing Complaints. Any citizen of Wylie who believes that there has been a violation of the Code may file a sworn Complaint with the City Secretary. The Complaint shall:
 - a. Identify the person or persons who allegedly committed the violation;
 - b. Provide a statement of the facts on which the Complaint is based;
 - c. To the extent possible, identify the rule or rules allegedly violated; and
 - d. Be sworn to in the form of an affidavit and be based on personal knowledge of the affiant and be subject to the laws of perjury.
 - e. The Complainant may also recommend other sources of evidence that the Reviewing Attorney should consider and may request a hearing.
- (2) Notice / Timelines / Representation
 - a. Days, as used herein, is defined as City business days.
 - b. All timelines provided herein must be followed, subject only to extensions approved in writing by the City Manager based on the individual circumstances surrounding the review of the Complaint.
 - c. A Complaint must be filed with the City Secretary within one (1) year of the date the violation is alleged to have occurred. The City Secretary shall not accept or process any Complaint that is filed more than one (1) year after the date of the violation alleged in the Complaint. Complaints not filed within this timeframe are barred and will be dismissed as untimely.
 - d. Within three (3) business days of receiving a Complaint, the City Secretary shall provide a copy of the full Complaint to the City Official who is the subject of the Complaint ("Respondent"), the City Attorney, the City Manager, and the Reviewing Attorney.
 - e. If the City Manager is not available or is implicated, the City Secretary will provide copies, as outlined herein.
 - f. The Reviewing Attorney and/or City Council shall allow any person who is the subject of a Complaint to designate a representative if he or she wishes to be represented by someone *else* and to present evidence, according to rules adopted by the City Council.
- (3) Frivolous Complaint
 - a. For purposes of this section, a "frivolous complaint" is a sworn Complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.
 - b. By a vote of at least two-thirds of those present, the City Council may order a Complainant to show cause why the Complaint filed by the Complainant is not frivolous.
 - c. In deciding if a Complaint is frivolous, the City Council will be guided by Rule 13 of the Texas Rules Civil Procedure, and may also consider:
 - i. The timing of the sworn Complaint with respect to when the facts supporting the alleged violation became known or should have

- become known to the Complainant, and with respect to the date of any pending election in which the Respondent is a candidate or is involved with a candidacy, if any;
- ii. The nature and type of any publicity surrounding the filing of the sworn Complaint, and the degree of participation by the Complainant in publicizing the fact that a sworn Complaint was filed;
- iii. The existence and nature of any relationship between the Respondent and the Complainant before the Complaint was filed;
- iv. If Respondent is a candidate for election to office, the existence and nature of any relationship between the Complainant and any candidate or group opposing the Respondent;
- v. Any evidence that the Complainant knew or reasonably should have known that the allegations in the Complaint were groundless; and
- vi. Any evidence of the Complainant's motives in filing the Complaint.
- d. Notice of an order to show cause shall be given to the Complainant, with a copy to the Respondent, and shall include:
 - i. An explanation of why the Complaint against a Respondent appears to be frivolous; and
 - ii. The date, time, and place of the hearing to be held under this section.
- e. Before making a determination that a sworn Complaint against a Respondent is frivolous, the City Council shall hold a hearing at which the Complainant may be heard and accompanied by his or her representative.
- f. By a record vote of at least a simple majority of those present after the hearing under this section, the City Council may determine that a Complainant filed a frivolous Complaint and may recommend sanctions against that Complainant.
- g. Before imposing a sanction for filing a frivolous Complaint, the City Council shall consider the following factors:
 - i. The seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the violation;
 - ii. The sanction necessary to deter future violations; and
 - iii. Any other matters that justice may require.
- h. The City Council may impose the following sanctions:
 - i. A civil penalty of not more than \$500;
 - ii. Imposition of attorneys' fees incurred by Respondent;
 - iii. Any other sanction permitted by law; and/or
 - iv. The City Council may notify the appropriate regulatory or supervisory agency for their appropriate action. This may include a referral for criminal prosecution if the facts so warrant.

(4) Review of Complaint

- a. Within seven (7) business days of receiving the Complaint from the City Secretary, the Reviewing Attorney shall issue a written advisory opinion, taking one of the following actions:
 - i. Dismiss the Complaint if:
 - 1. The deadline for filing a Complaint has passed;
 - 2. The accused is not subject to the Code;
 - 3. The conduct alleged is not regulated under the Code;
 - 4. The Complaint is not completed as defined herein or signed and sworn to by the person filing the Complaint in the form

- of an affidavit;
- 5. The person who is the subject of the Complaint had obtained a waiver permitting the conduct; or
- 6. Determines the facts, if taken as true, do not constitute a violation of the Code.
- ii. Dismissal of a Complaint under this provision is final and non-appealable.
- b. If the Reviewing Attorney does not dismiss the Complaint, as provided herein, the Reviewing Attorney shall refer the Complaint and the advisory opinion to the City Council for review under this provision. The Reviewing Attorney's referral of the Complaint and advisory opinion to the City Council does not mean that any of the allegations of the Complaint are true or false or that any current City Official has or has not violated the Code.
- c. If the Complaint is referred to the City Council for review, the Reviewing Attorney shall also copy his or her advisory opinion to the Complainant, the City Manager, and the City Attorney within seven (7) business days of receipt of the Complaint. For Complaints not dismissed by the Reviewing Attorney, and subsequently referred to the City Council, the notice to the Respondent will include notice of the Respondent's option to file a written response to the advisory opinion with the City Secretary within seven (7) business days of receipt of the opinion from the Reviewing Attorney. The City Secretary will forward the Respondent's written response to the City Council with the Complaint and the Reviewing Attorney's advisory opinion.
- (5) City Council Review / Hearing
 - a. The City Council may dismiss a Complaint if:
 - i. The alleged violation is a minor or de minimis violation;
 - ii. The Complaint *is*, on its *face*, frivolous, groundless, or brought for purposes of harassment;
 - iii. The matter has become moot because the Respondent is no longer an elected official or Administrative Board or Advisory Board member; or
 - iv. The Respondent came into voluntary compliance.
 - b. The City Council will conduct its review of a Complaint not dismissed pursuant to paragraph 3.a.i. of this section at meetings which are open to the public.
 - c. The rules shall require the dismissal and the reason for dismissal to be submitted by the City Council in writing and available to the public within [NUMBER] ([NUMBER]) days of considering the Complaint under paragraph 4.b. above. A dismissal under this provision by the City Council is final and non-appealable.
 - d. If the City Council does not dismiss the Complaint, the City Council will consider the Complaint within [NUMBER] ([NUMBER]) business days of receiving the Complaint.
 - e. The City Secretary shall notify in writing the City Council, the Complainant and the Respondent of the date, time and location of a hearing on the Complaint. Such written notice shall be sent to the Complainant and the Respondent by email, mail, and/or certified mail, return receipt requested. If the hearing is not held within 45 business days after receipt of the Complaint, the City Secretary shall notify both the Complainant and the Respondent of the reasons for the delay.
 - f. All hearings shall be conducted in accordance with the Texas Open Meetings Act, Tex. Government Code Chapter 551. The City Council shall have the right to hold the hearing in open or closed session as permitted by applicable

laws and regulations. Additionally, the City Council shall establish time limits and other rules of procedure for a hearing and relating to the participation of any person in the hearing. Subject to the rules of procedure established by the City Council for the hearing:

- i. Both the Complainant and the Respondent shall have the right to a full and complete hearing with the opportunity to call witnesses and present evidence on his/her behalf.
- ii. All proceedings of the hearing shall be recorded by audio recording if a court reporter is not used, or reduced to writing by a court reporter if present for the hearing. If a court reporter is not used, the audio recording shall be filed with the City Secretary within such time as specified by the City Council. If a court reporter is used, the court reporter's transcript of the hearing shall be filed with the City Secretary within such time as is specified by the City Council.
- iii. The procedures established by the City Council shall allow the Complainant and the Respondent sufficient time to examine and respond to any evidence not presented to them in advance of the hearing.
- iv. The rules shall require the City Council to schedule the hearing at a time that is reasonably convenient to both the person who submitted the Complaint and the subject of the Complaint.
- g. The City Council shall consider the Complaint, the Respondent's response (if any), and the advisory opinion of the Reviewing Attorney, and evidence submitted in the course of the hearing. The final action, decision, or vote of the council with regard to the Complaint shall be taken or made only in a meeting that is open to the public. The City Council shall use a preponderance of the evidence standard to determine whether a violation occurred. Only members of the City Council present for the hearing may participate in its decision.
- h. The City Council shall consider, when it makes findings and recommendations, the severity of offense; the presence or absence of any intention to conceal, deceive, or mislead; whether the violation was deliberate, negligent, or inadvertent; and whether the incident was isolated or part of a pattern.
- i. The City Council shall dismiss a Complaint if the Complainant does not appear at the hearing and if, in the opinion of the City Council, it would be unfair to the Respondent to proceed without the Respondent having the opportunity to question and address the issues raised in the Complaint.
- j. The decision of the City Council is final and non-appealable.

(H) Findings / Consequences

- (1) City Officials deemed to be in violation of the Code are subject to consequences, including but not limited to the following:
 - a. Censure If the violation did not involve a matter of public concern and the City Council finds that a violation of this Code occurred, the City Council may issue a censure of the City Official, to the extent permitted by law.
 - b. Letter of Notification The City Council may issue a letter of notification if the City Council finds that a violation of this Code was unintentional. A letter of notification must advise the City Official of any steps to be taken to avoid future violations.
 - c. Letter of Admonition The City Council may issue a letter of admonition if the City Council finds that a violation of this Code was minor, but where the circumstances call for a more substantial response than a letter of

- notification.
- d. Reprimand To the extent permitted by law, City Council may issue a reprimand if the City Council finds that a violation of this Code was not minor and was committed intentionally or through reckless disregard.
- e. Removal from Leadership Position In addition to, or in place of, the consequences outlined above, the City Council may remove a City Official from any leadership position held by that City Official as a member of the body in which the City Official serves.
- f. Removal from Administrative Boards and Advisory Boards In addition to, or in place of, the consequences outlined above, the City Council may remove an appointed City Official from Administrative Boards and Advisory Boards.

Section 9. Other Obligations

This Code is cumulative of, and supplemental to, applicable state and federal laws and regulations. Compliance with the provisions of this Code shall not excuse or relieve any person from any obligation imposed by state or federal law regarding conduct, financial reporting, lobbying activities, or any other issue addressed herein.

Even if a City Official is not prohibited from taking official action by this Code, action may be prohibited by duly promulgated personnel rules, which may be more stringent.

Section 10. Effective Date

This Code shall take effect on [DATE], following its adoption and publication as required by law (the "Effective Date").

Section 11. Distribution and Training

- (A) Every person shall be provided reasonable opportunity to review this Code as a condition of their candidacy and/or application to be a City Official. At the time of application for a position of City Official, every applicant shall be furnished with a copy of this Code.
- (B) Individuals seated as City Officials on the Effective Date of this Ordinance shall be bound by it and shall sign a written acknowledgement of receipt and understanding of this Code within 30 days of the Effective Date. All City Officials elected, appointed or retained following the Effective Date of this Code shall sign a written acknowledgement of receipt and understanding of this Code before performing any of the duties or functions of the City Official's position.
- (C) The City Attorney or City Manager as designated by the City Council shall develop educational materials and conduct educational programs for the City Officials on the provisions of this Code, the City Charter, and Chapters 171 and 176 of the Texas Local Government Code. Such materials and programs shall be designed to maximize understanding of the obligations imposed by these conduct laws.

Section 12. Severability

If any provision of this Code is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this Code to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Code which can be given effect without the invalid or unconstitutional provision or application.

12/14/2021 Item WS1.

DULY PASSED AND APPROVEING TEXAS, on this day of	D BY THE CITY COUNCIL OF THE CI _, 2021.
•	
	Matthew Porter, Mayor
ATTESTED AND	
CORRECTLY RECORDED:	
G. 1 G.	
Stephanie Storm	

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, REPEALING ORDINANCE NO. 2014-19, CREATING A CODE OF CONDUCT; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Wylie ("City" or "Wylie") desires for all of its citizens to have confidence in integrity, independence, and impartiality of those who act on their behalf in government;

WHEREAS, the City of Wylie previously adopted Ordinance No. 2014-19, establishing a Code of Ethics; and

WHEREAS, the City of Wylie desires to create a Code of Conduct and repeal Ordinance No. 2014-19, as of the Effective Date of this Ordinance.

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

Section 1. Creation of Code of Conduct

The City of Wylie creates this Code of Conduct (the "Code") and repeals Ordinance No. 2014-19, as of the Effective Date of this Ordinance.

Section 2. Policy

The proper operation of democratic local government requires that City Officials be independent, impartial and responsible to the people; that local government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its City Officials. It is the policy of the City of Wylie that its City Officials meet the standards of conduct established in this Ordinance. Conduct not regulated herein is not subject to this Code.

Section 3. Definitions

Administrative Board means any board, commission, or other organized body: (1) that has, by law, final decision-making authority on matters within its jurisdiction and that is either: (a) established under the City Charter, by City ordinance, or by appointment by the City Council or the Mayor; or (b) whose members are all council members or are appointed or confirmed by the City Council; or, (2) created as a non-profit economic development corporation by the City Council under the authority of the Development Corporation Act of 1979, as amended.

Advisory Board means a board, commission, or other organized body other than an Administrative Board, that was created by an act of the City Council whose members are appointed or confirmed by the City Council or by an act of the Mayor and are charged with making recommendations to the City Council on matters within its jurisdiction.

City Official or Official means the Mayor; a member of the City Council, members of Administrative Boards, and Advisory Boards, appointed by the Mayor or City Council.

Code of Conduct means this Code of Conduct ("Code"). Only a City Official may be held responsible for violations of the Code.

Economic Interest means a legal or equitable property interest in land, chattels, and intangibles, and contractual rights having a value of more than fifty thousand dollars (\$50,000.00). Service by a City Official as an Officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create for that City Official an "Economic Interest" in the property of the organization.

Official Action means:

- (1) Any affirmative act (including the making of a recommendation) within the scope of, or in violation of, an Official's duties; or
- (2) Any failure to act, if the Official is under a duty to act.

Board of Review means the body charged with reviewing and acting on Complaints under this Ordinance.

Section 4. Covered officials

The rules of conduct contained below apply generally to City Officials unless otherwise specified.

Section 5. City Officials required to comply with both state and local law

When a City Official's conduct is regulated by a provision of this Ordinance and a similar provision of state law, and it is possible to comply with the requirements of both, a City Official shall comply with both.

Section 6. Education

The City shall provide training and educational materials to City Officials on their obligations under state law and this Ordinance. Such training shall include at least one formal classroom session in each calendar year. All City Officials shall annually attend the formal training session offered by the City or equivalent training sessions conducted by the City Attorney, the Texas Municipal League, or similar organizations. The City also shall prepare and distribute written materials on the subject to each City Official at the time of his or her election or appointment to office.

Section 7. Standards of Conduct for City Officials

(A) Appearance on behalf of private interests of others

- (1) A member of the City Council shall not appear before the City Council, an Administrative Board or an Advisory Board for the purpose of representing the interests of another person or entity. However, a member of the City Council may, to the extent as otherwise permitted by law, appear before any such body to represent the member's own interests or the interests of the member's spouse or minor children.
- (2) A City Official who is not a member of the City Council shall not appear before the body on which he or she serves for the purpose of representing the interests of another person or entity, and shall not appear before any other body for the purpose of representing the interests of another person or entity in connection with an appeal

from a decision of the body on which the City Official serves. However, the City Official may, to the extent as otherwise permitted by law, appear before any such body to represent the City Official's own interests or the interests of the City Official's spouse or minor children.

(B) Misuse and disclosure of confidential information

- (1) It is a violation of this Code for a City Official to violate Texas Penal Code § 39.06 (Misuse of Official Information).
- (2) A City Official shall not disclose to the public any information that is deemed confidential and/or privileged under any federal, state, local law, or Council rules, unless authorized by law.

(C) Restrictions on political activity and political contributions

- (1) No City Official shall use state or local funds or other resources of the City to electioneer for or against any candidate, measure, or political party.
- (2) A City Official shall not directly or indirectly induce, or attempt to induce, any City employee:
 - a. To participate in an election campaign (beyond merely encouraging another to vote), to participate in a political fundraising activity, or to contribute to a political candidate or political committee;
 - b. To engage in any other activity relating to a particular candidate, party or issue that is not directly related to a legitimate function of City government; or
 - c. To refrain from engaging in any lawful political activity after working hours.

(D) Use of cell phones or electronic devices by appointed or elected officials during meetings of Administrative Boards and Advisory Boards, of which they are a member

City Officials shall refrain from communicating on cell phones or electronic devices during a City meeting at which the City Official is attending as a member of that Administrative Board or Advisory Board, except as provided below. However, City Officials may access agendas and information relevant to a past, current, and/or future agenda. Cell phones shall be turned off or put on vibrate during meetings. Should it be necessary to use a cell phone, City Officials shall step down from the dais. Text messaging, emails, and other electronic or written communications shall not be sent during a meeting unless it is an emergency.

(E) Conflicts of Interest

A City Official must not use, or attempt to use, his or her official position or office, or take or fail to take any action, or influence, or attempt to influence, others to take or fail to take any action, in a manner which he or she knows, or has reason to believe, may result in a personal, financial benefit, or Economic Interest not shared with a substantial segment of the City's population, for any of the following persons or entities:

- (1) The Official;
- (2) The Official's relative, or the employer or business of the relative;
- (3) A person with which the Official has a financial or business relationship, including but not limited to:
 - a. A business of the Official, or the Official's spouse or domestic partner, or

someone who works for such outside employer or business; or

- b. A client or substantial customer.
- (4) A nongovernmental civic group, social, charitable, or religious organization of which the Official, or the Official's spouse or domestic partner, is an officer or director; or
- (5) A public or private business entity for which the Official, or his or her relative serves as a director, general partner, or officer, or in any other policy-making position except when so appointed to the position by the City.

(F) Compliance with Texas Local Government Code Chapters 171 and 176

It is a violation of this Code for a City Official to violate Texas Local Government Code, §§ 171 and 176 and Texas Penal Code § 36.08

(G) Prohibitions - Granting Special Privileges and Use of City Supplies and Equipment

It is a violation of this Code for a City Official:

- (1) To use his official position to secure special privileges or exemptions for himself or others;
- (2) To grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group. This shall not prevent the granting of fringe benefits to City employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees; or
- (3) To use City supplies, equipment or facilities for any purpose other than the conduct of official City business, unless otherwise provided for by law, ordinance or City policy.

Section 8. Board of Review

(A) Creation and appointment

There is hereby created a Board of Review ("BOR") to consist of five (5) members and two (2) alternates.

- (1) The BOR shall review Complaints regarding alleged violation(s) of the Code ("Complaints"), review applicable waivers regarding the alleged violation(s), and determine if a Complaint should be dismissed under the criteria, as outlined herein.
- (2) Prospective BOR members shall be interviewed and appointed by a majority of the City Council present at a duly called meeting.

(B) Qualifications

- (1) All members must live within the City of Wylie city limits and be at least 18 years of age;
- (2) BOR members may not be:
 - a. The spouse or the domestic partner of the individual filing the Complaint ("Complainant") or the individual who is the subject of the Complaint ("Respondent") is the spouse or domestic partner.
 - b. Serving on any other Council appointed Board or Commission during their term on the BOR;
 - c. A City Council member or City of Wylie employee, or the spouse or domestic

partner of a City Council member or City of Wylie employee;

- d. An elected public official; or
- e. A candidate for elected public office at the time of their term on the BOR.

(C) Terms of appointment / Limitations

- (1) BOR members may serve only one (1) term of two (2) years.
- (2) BOR members shall serve until any Complaints pending during their appointed term have been fully adjudicated by the BOR.
- (3) If a person selected to serve on the BOR pursuant to this subsection cannot fulfill his or her duties as a member of the BOR due to illness, travel, disqualification under the terms outlined above, or another bona fide reason, or otherwise refuses to serve on the BOR, that person shall be requested to confirm that fact with the City Secretary in writing within 15 calendar days of receipt of the service notification. In this event, the City Secretary shall repeat the process outlined herein until a substitute has been selected.

(D) Training / Removal

- (1) BOR members must attend training regarding the role and responsibilities of service on the BOR prior to handling a Complaint. The unexcused absence of any member of the BOR from three (3) consecutive meetings, unless the BOR has excused the absence for good and sufficient reasons, as determined by the BOR, shall constitute a resignation from the BOR.
- (2) A BOR member serves at the pleasure of the City Council and may be removed before the expiration of the member's term by the City Council in its sole discretion. Before removing a member, the BOR shall specify the cause for a recommendation of removal and shall give the BOR member the opportunity to present the member's defense to removal. The recommendation for the City Council to remove a BOR member shall be brought to the City Council for an official vote.

(E) Consultation with City Attorney

The City Attorney is authorized to issue to any City Official, upon reasonable request, formal written opinions regarding the applicability of the provisions of the conduct laws to an action the City Official is considering taking in the future. The BOR and/or the City Council may consult with the City Attorney or a designee of the City Attorney regarding legal issues which may arise in connection with this section and may request advisory assistance from the City Attorney in conducting hearings during any stage of the process. The City Attorney serves as legal counsel for the City Council and not any individual City Council member.

(F) Reviewing Attorney

- (1) The City Council shall approve a list of three (3) independent private attorneys recommended by the City Attorney who may individually serve as a "Reviewing Attorney" for Complaints filed under this section. The Reviewing Attorney shall be chosen by the City Manager by lot.
- (2) To be qualified, the Reviewing Attorney must be an attorney in good standing with the State Bar of Texas, have been licensed to practice in the State of Texas for at least ten (10) consecutive years, and have at least five (5) years of experience working with municipalities in Texas. The Reviewing Attorney may not be:
 - a. A City Council member or City of Wylie employee, or the spouse or domestic partner of a City Council member, Board member or City of Wylie employee;

- b. An elected public official; or
- c. A candidate for elected public office at the time of their service.

(G) Complaint Process

- (1) Filing Complaints. Any citizen of Wylie who believes that there has been a violation of the Code may file a sworn Complaint with the City Secretary. The Complaint shall:
 - a. Identify the person or persons who allegedly committed the violation;
 - b. Provide a statement of the facts on which the Complaint is based;
 - c. To the extent possible, identify the rule or rules allegedly violated; and
 - d. Be sworn to in the form of an affidavit and be based on personal knowledge of the affiant and be subject to the laws of perjury.
 - e. The Complainant may also recommend other sources of evidence that the Reviewing Attorney should consider and may request a hearing.
 - f. Complaints arising out of an event or a series of related events shall be addressed in one complaint. Complainants shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous Complaint. When two or more Complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the City may consolidate the complaints.
- (2) Confidentiality. No City Official shall reveal information relating to the filing or processing of a Complaint, except as required for the performance of Official duties. Documents relating to a Complaint will be maintained by the City Secretary in accordance with applicable records retention laws and are confidential, to the extent permitted by law.
- (3) Notice / Timelines / Representation
 - a. Days, as used herein, is defined as City business days.
 - b. All timelines provided herein must be followed, subject only to extensions approved in writing by the City Manager based on the individual circumstances surrounding the review of the Complaint.
 - c. A Complaint must be filed with the City Secretary within six (6) months of the date the Complainant knew, or with reasonable diligence should have known, of the events or series of events giving rise to the Complaint. The City Secretary shall not accept or process any Complaint that is filed more than six (6) months after the date of the violation alleged in the Complaint. Complaints not filed within this timeframe are barred and will be dismissed as untimely.
 - d. Within three (3) business days of receiving a Complaint, the City Secretary shall provide a copy of the full Complaint to the City Official who is the subject of the Complaint ("Respondent"), the City Attorney, the City Manager, and the Reviewing Attorney.
 - e. If the City Manager is not available or is implicated, the City Secretary will provide copies, as outlined herein.
 - f. The Reviewing Attorney, BOR, and/or City Council shall allow any person who is the subject of a Complaint to designate a representative if he or she wishes to be represented by someone *else* and to present evidence, according to rules adopted by the City Council.
- (4) Frivolous Complaint
 - a. For purposes of this section, a "frivolous complaint" is a sworn Complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment.
 - b. By a vote of at least two-thirds of those present, the City Council may

- order a Complainant to show cause why the Complaint filed by the Complainant is not frivolous.
- c. In deciding if a Complaint is frivolous, the City Council will be guided by Rule 13 of the Texas Rules Civil Procedure, and may also consider:
 - i. The timing of the sworn Complaint with respect to when the facts supporting the alleged violation became known or should have become known to the Complainant, and with respect to the date of any pending election in which the Respondent is a candidate or is involved with a candidacy, if any;
 - ii. The nature and type of any publicity surrounding the filing of the sworn Complaint, and the degree of participation by the Complainant in publicizing the fact that a sworn Complaint was filed;
 - iii. The existence and nature of any relationship between the Respondent and the Complainant before the Complaint was filed;
 - iv. If Respondent is a candidate for election to office, the existence and nature of any relationship between the Complainant and any candidate or group opposing the Respondent;
 - v. Any evidence that the Complainant knew or reasonably should have known that the allegations in the Complaint were groundless; and
 - vi. Any evidence of the Complainant's motives in filing the Complaint.
- d. Notice of an order to show cause shall be given to the Complainant, with a copy to the Respondent, and shall include:
 - i. An explanation of why the Complaint against a Respondent appears to be frivolous; and
 - ii. The date, time, and place of the hearing to be held under this section.
- e. Before making a determination that a sworn Complaint against a Respondent is frivolous, the City Council shall hold a hearing at which the Complainant may be heard and accompanied by his or her retained counsel.
- f. By a record vote of at least a simple majority of those present after the hearing under this section, the City Council may determine that a Complainant filed a frivolous Complaint and may recommend sanctions against that Complainant.
- g. Before imposing a sanction for filing a frivolous Complaint, the City Council shall consider the following factors:
 - i. The seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the violation;
 - ii. The sanction necessary to deter future violations; and
 - iii. Any other matters that justice may require.
- h. The City Council may impose the following sanctions:
 - i. A civil penalty of not more than \$500;
 - ii. Imposition of attorneys' fees incurred by Respondent;
 - iii. Any other sanction permitted by law; and/or
 - iv. The City Council may notify the appropriate regulatory or supervisory agency for their appropriate action. This may include a referral for criminal prosecution if the facts so warrant.
- (5) Review of Complaint
 - a. Within seven (7) business days of receiving the Complaint from the City Secretary, the Reviewing Attorney shall issue a written advisory opinion, dismissing or referring the Complaint to the BOR:

- i. Dismiss the Complaint if:
 - 1. The deadline for filing a Complaint has passed;
 - 2. The accused is not subject to the Code;
 - 3. The conduct alleged is not regulated under the Code;
 - 4. The Complaint is not completed as defined herein or signed and sworn to by the person filing the Complaint in the form of an affidavit; or
 - 5. The person who is the subject of the Complaint had obtained a waiver permitting the conduct.
- ii. Dismissal of a Complaint under this provision is final and non-appealable.
- iii. If the Reviewing Attorney dismisses the Complaint, the Reviewing Attorney shall forward a copy of the dismissal to the Complainant, Respondent, City Council, and the Board on which the Respondent is a member, if applicable.
- b. If the Reviewing Attorney does not dismiss the Complaint, as provided herein, the Reviewing Attorney shall refer the Complaint and the advisory opinion to the BOR for review under this provision. The Reviewing Attorney's referral of the Complaint and advisory opinion to the BOR does not mean that any of the allegations of the Complaint are true or false or that any current City Official has or has not violated the Code.
- c. If the Complaint is referred to the BOR for review, the Reviewing Attorney shall also copy his or her advisory opinion to the Complainant, the City Manager, and the City Attorney within seven (7) business days of receipt of the Complaint. For Complaints not dismissed by the Reviewing Attorney, and subsequently referred to the BOR, the notice to the Respondent will include notice of the Respondent's option to file a written response to the advisory opinion with the City Secretary within seven (7) business days of receipt of the opinion from the Reviewing Attorney. The City Secretary will forward the Respondent's written response to the BOR with the Complaint and the Reviewing Attorney's advisory opinion.
- (6) Board of Review Process.
 - a. The BOR shall meet within forty-five (45) days of receiving a referral of a Complaint from the Reviewing Attorney, unless extended by the City Council. The BOR will review the Complaint, the Reviewing Attorney's advisory opinion, the Respondent's response (if any), and applicable City policies, ordinances, and/or other related information (the "BOR Record").
 - b. The BOR may dismiss a Complaint as provided below or, if not dismissed, refer the Complaint to the City Council for consideration as outlined herein.
- (7) The BOR Review and City Council Review / Hearing
 - a. The BOR may dismiss a Complaint if:
 - i. The alleged violation is a minor or de minimis violation;
 - ii. The Complaint *is,* on its *face,* frivolous, groundless, or brought for purposes of harassment;
 - iii. The matter has become moot because the Respondent is no longer an elected official or Administrative Board or Advisory Board member; or
 - iv. The Respondent came into voluntary compliance.
 - c. The determination regarding whether a complaint is frivolous and subject to sanctions will be addressed by the City Council as outlined in Section 8.(G)(3) herein.
 - d. The BOR will conduct its review of a Complaint not dismissed pursuant to paragraph 3.a.i. of this section at meetings which are open to the public.
 - e. The rules shall require the dismissal and the reason for dismissal to be

- submitted by the BOR in writing and available to the public within forty-five (45) days of considering the Complaint under paragraph 4.b. above, unless extended by the City Council. A dismissal under this provision by the BOR is final and non-appealable.
- f. If the BOR does not dismiss the Complaint, the BOR will refer the Complaint, BOR Record to the City Council within forty-five (45) business days of considering the Complaint, unless extended by the City Council.
- (7) City Council Review / Hearing
 - a. Not later than 15 business days after the BOR forwards a Complaint to the City Council for consideration, or 15 business days after the BOR's deadline to issue a decision, the City Secretary shall notify in writing the City Council, the Complainant and the Respondent of the date, time and location of a hearing on the Complaint. Such written notice shall be sent to the Complainant and the Respondent by email, mail, and/or certified mail, return receipt requested. If the hearing is not held within 45 business days after receipt of the Complaint, the City Secretary shall notify both the Complainant and the Respondent of the reasons for the delay.
 - b. All hearings shall be conducted in accordance with the Texas Open Meetings Act, Tex. Government Code Chapter 551. The City Council shall have the right to hold the hearing in open or closed session as permitted by applicable laws and regulations. Additionally, the City Council shall establish time limits and other rules of procedure for a hearing and relating to the participation of any person in the hearing. Subject to the rules of procedure established by the City Council for the hearing:
 - i. Both the Complainant and the Respondent shall have the right to a full and complete hearing with the opportunity to call witnesses and present evidence on his/her behalf.
 - ii. All proceedings of the hearing shall be recorded by audio recording if a court reporter is not used, or reduced to writing by a court reporter if present for the hearing. If a court reporter is not used, the audio recording shall be filed with the City Secretary within such time as specified by the City Council. If a court reporter is used, the court reporter's transcript of the hearing shall be filed with the City Secretary within such time as is specified by the City Council.
 - iii. The procedures established by the City Council shall allow the Complainant and the Respondent sufficient time to examine and respond to any evidence not presented to them in advance of the hearing.
 - iv. The rules shall require the City Council to schedule the hearing at a time that is reasonably convenient to both the person who submitted the Complaint and the subject of the Complaint.
 - g. The City Council shall consider the BOR Record, the Complaint, the Respondent's response (if any), and the advisory opinion of the Reviewing Attorney, and evidence submitted in the course of the hearing. The final action, decision, or vote of the council with regard to the Complaint shall be taken or made only in a meeting that is open to the public. The City Council shall base its finding of whether a violation occurred on a preponderance of the evidence. Only members of the City Council present for the hearing may participate in its decision.
 - h. The City Council shall consider, when it makes findings and recommendations, the severity of offense; the presence or absence of any intention to conceal, deceive, or mislead; whether the violation was deliberate, negligent, or inadvertent; and whether the incident was isolated or part of a pattern.

- i. The City Council shall dismiss a Complaint if the Complainant does not appear at the hearing and if, in the opinion of the City Council, it would be unfair to the Respondent to proceed without the Respondent having the opportunity to question and address the issues raised in the Complaint.
- j. A City Council member may not participate in the Complaint review process and/or hearing if the member is the subject of the Complaint or is the Complainant, or if the Respondent or Complainant is related to the City Council member within a prohibited level of affinity or consanguinity.
- k. The decision of the City Council is final and non-appealable.

(H) Findings / Consequences

- (1) City Officials deemed to be in violation of the Code are subject to consequences, including but not limited to the following:
 - a. Censure If the violation did not involve a matter of public concern and the City Council finds that a violation of this Code occurred, the City Council may issue a censure of the City Official, to the extent permitted by law.
 - b. Letter of Notification The City Council may issue a letter of notification if the City Council finds that a violation of this Code was clearly unintentional. A letter of notification must advise the City Official of any steps to be taken to avoid future violations.
 - c. Letter of Admonition The City Council may issue a letter of admonition if the City Council finds that a violation of this Code was minor, but where the circumstances call for a more substantial response than a letter of notification.
 - d. Reprimand To the extent permitted by law, City Council may issue a reprimand if the City Council finds that a violation of this Code was not minor and was committed intentionally or through reckless disregard.
 - e. Removal from Leadership Position In addition to, or in place of, the consequences outlined above, the City Council may remove a City Official from any leadership position held by that City Official as a member of the body in which the City Official serves.
 - f. Removal from Administrative Boards and Advisory Boards In addition to, or in place of, the consequences outlined above, the City Council may remove an appointed City Official from Administrative Boards and Advisory Boards.

Section 9. Other Obligations

This Code is cumulative of, and supplemental to, applicable state and federal laws and regulations. Compliance with the provisions of this Code shall not excuse or relieve any person from any obligation imposed by state or federal law regarding conduct, financial reporting, lobbying activities, or any other issue addressed herein.

Even if a City Official is not prohibited from taking official action by this Code, action may be prohibited by duly promulgated personnel rules, which may be more stringent.

Section 10. Effective Date

This Code shall take effect on [DATE], following its adoption and publication as required by law (the "Effective Date").

Section 11. Distribution and Training

- (A) Every person shall be provided reasonable opportunity to review this Code as a condition of their candidacy and/or application to be a City Official. At the time of application for a position of City Official, every applicant shall be furnished with a copy of this Code.
- (B) Individuals seated as City Officials on the Effective Date of this Ordinance shall be bound by it and shall sign a written acknowledgement of receipt and understanding of this Code within 30 days of the Effective Date. All City Officials elected, appointed or retained following the Effective Date of this Code shall sign a written acknowledgement of receipt and understanding of this Code before performing any of the duties or functions of the City Official's position.
- (C) The City Attorney or City Manager as designated by the City Council shall develop educational materials and conduct educational programs for the City Officials on the provisions of this Code, the City Charter, and Chapters 171 and 176 of the Texas Local Government Code. Such materials and programs shall be designed to maximize understanding of the obligations imposed by these conduct laws.

Section 12. Severability

If any provision of this Code is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this Code to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Code which can be given effect without the invalid or unconstitutional provision or application.

DULY PASSED AND APPROVEI LIE, TEXAS, on this day of, 2	D BY THE CITY COUNCIL OF THE CITY 2021.
	Matthew Porter, Mayor
A TETEROTER A NID	
ATTESTED AND CORRECTLY RECORDED:	
CORRECTET RECORDED.	
Stephanie Storm	



Wylie City Council

AGENDA REPORT

Department:	City Manager	Account Code:	
Prepared By:	Renae Ollie		
Subject			
Discussion regarding	parking on Cloudcroft ordinance	e.	
Recommenda	tion		
Discussion	n		
Discussion regarding	g parking on Cloudcroft ordinand	ce.	
<u> </u>			
Financial Summa	ry/Strategic Goals		



Wylie City Council

AGENDA REPORT

Department:	City Manager	Account Code:
Prepared By:	Renae' Ollie	
Subject		
Tabled from 11-15-2 <i>Remove from table an</i>		
Standing, or Parking y Vehicles) of the Wyl Cloudcroft Dr. from S 115 feet), and on the (approximately 245 f	prohibited in certain places) of ie Code of Ordinances; prol S. Ballard Ave. east to the post south side of Cloudcroft Elect); establishing an offensed severability clauses; provide	of the City of Wylie, Texas, amending Section 110-173 (a) (10) (Stopping, of Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and hibiting parking, stopping or standing of a vehicle along the north side of bint of intersection with the private drive of 101 Cloudcroft (approximately Dr. from S. Ballard Ave. east to the point of intersection with Aspen Ln.; providing for a penalty for the violation of this ordinance; providing for the publication
Motion to approve the		
Discussion	1	
the direction of Coun		work session to discuss the parking issues surrounding WISD Schools. At nts to prohibit parking, stopping, and standing during morning drop off and Phase 1 Subdivision.
Cloudcroft (Friday - South side (of Cloudcroft Dr. from S. B (approximately 115 feet), in of Cloudcroft Dr. from S. Ba	allard Ave. east to the point of intersection with the private drive of 101 effect between the hours of 6:30a - 8:30a and 2:30p-4:30p Monday thru dllard Ave. east to the point of intersection with Aspen Ln. (approximately 6:30a - 8:30a and 2:30p-4:30p Monday thru Friday
Financial Summar		olou olou and 2150p 1150p 1150haay and 111day

ORDINANCE NO. 2021-55

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING SECTION 110-173 (a) (10) (STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES) OF ARTICLE VI (STOPPING, STANDING, AND PARKING) OF CHAPTER 110 (TRAFFIC AND VEHICLES) OF THE WYLIE CODE OF ORDINANCES; PROHIBITING PARKING, STOPPING OR STANDING OF A VEHICLE ALONG THE NORTH SIDE OF CLOUDCROFT DR. FROM S. BALLARD AVE. EAST TO THE POINT OF INTERSECTION WITH THE PRIVATE DRIVE OF 101 CLOUDCROFT (APPROXIMATELY 115 FEET), AND ON THE SOUTH SIDE OF CLOUDCROFT DR. FROM S. BALLARD AVE. EAST TO THE POINT OF INTERSECTION WITH ASPEN LN. (APPROXIMATELY 245 FEET); ESTABLISHING AN OFFENSE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("<u>City Council</u>") has investigated and determined that it is in the best interest of the City of Wylie, Texas ("<u>Wylie</u>") to prohibit the stopping, standing, or parking of a vehicle along the north side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), and on the south side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with Aspen Ln. (approximately 245 feet) (the "<u>Zone</u>"); and

WHEREAS, the City Council further finds that it is a reasonable exercise of its police power to prohibit the stopping, standing, or parking of a vehicle in the Zone; and

WHEREAS, the City Council further finds that the stopping, standing, or parking of a vehicle in the Zone is dangerous and creates a traffic hazard that threatens the health, safety, and welfare of motorists and pedestrians; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie and promote the public health, safety and welfare of the school children to prohibit the stopping, standing, or parking located in Wylie, as set forth below.

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

<u>SECTION 1</u>: <u>FINDINGS INCORPORATED</u>. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Section 110-173 (a) (10) (Stopping, Standing, or Parking Prohibited in Certain Places) of Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances. Section 110-173 (a) (10) (Stopping, Standing, or Parking Prohibited in Certain Places) of Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances is amended to read as follows:

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Ordinance No. 2021-55 Southplace Estates Phase 1 Parking 596255.1

- (k) North side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), in effect between the hours of 6:30a 8:30a and 2:30p-4:30p Monday thru Friday when school is in session.
- (1) South side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with Aspen Ln (approximately 245 feet), in effect between the hours of 6:30a 8:30a and 2:30p-4:30p Monday thru Friday.

SECTION 3: ENFORCEMENT: In no way shall those areas where stopping, standing, or parking is prohibited be obstructed and no parking shall occur therein. The Police Chief, or his/her authorized representatives, is authorized to issue citations and/or remove or cause to be removed any material or vehicle obstructing the area in which stopping, standing, or parking is prohibited at the expense of the owner of such material or vehicle. The City shall not be responsible or liable for any damage to any vehicle or personal property removed from the area where stopping, standing, or parking is prohibited and shall not be responsible for any damage resulting from the failure to exercise the authority granted under this Ordinance.

<u>SECTION 4</u>: <u>SAVINGS/REPEALING CLAUSE</u>. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: PENALTY PROVISION. Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not more than Five Hundred Dollars (\$500.00). Each continuing day's violation or separate act under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

<u>SECTION 7</u>: <u>AMENDMENTS.</u> For clarity in reading amendments to the Wylie Code of Ordinances, any language intended to be added to the code may be underscored in the amending ordinance, and any language intended to be deleted from the code may be placed in brackets and stricken through. These markings, when used, and the deleted portions shall be removed when amendments are printed in the code. The amended provisions as set forth in this Ordinance have also been renumbered for ease of reading.

<u>SECTION 8</u>: <u>EFFECTIVE DATE</u>. This Ordinance shall be effective upon its passage and publication as required by law.

DULY PASSED AND APPROVED by th of December, 2021.	e City Council of the City of Wylie, Texas, this 14 th day
	Matthew Porter, Mayor
ATTESTED AND CORRECTLY RECORDED:	
Stephanie Storm, City Secretary	
Date of publication in <i>The W</i>	Vylie News – December 22, 2021

EXHIBIT "A" (For Illustration Only)





Wylie City Council

AGENDA REPORT

Department:	City Manager	Account Code:
Prepared By:	Renae' Ollie	
Subject		
Parking) of Chapter parking permit areas establishing an offer	110 (Traffic and Vehicles) of s; permitting parking in certainse; providing for a penalty f	the City of Wylie, Texas, amending Article VI (Stopping, Standing, and the Wylie Code of Ordinances, creating Section 110-190 resident only in areas by permit only during those times set forth in this ordinance or the violation of this ordinance; providing for repealing, savings and of this ordinance; and providing for the publication of the caption hereof
Recommenda	tion	
Motion to approve th	e Item as presented.	
Discussio	n	
the direction of Cour	ncil, staff has drafted the attacl	ork session to discuss the parking issues surrounding WISD Schools. As hed ordinance to create a resident permit parking only for the purpose or morning drop off and afternoon pickup times in the Southplace Estates
- There are 1 - The subdiv	nirteen (13) residential streets v 61 single-family residential lot ision is a mixture of front and a	
Financial Summa	ry/Strategic Goals	
Infrastructure		

ORDINANCE NO. 2021-60

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING ARTICLE VI (STOPPING, STANDING, AND PARKING) OF CHAPTER 110 (TRAFFIC AND VEHICLES) OF THE WYLIE CODE OF ORDINANCES, CREATING SECTION 110-190 RESIDENT ONLY PARKING PERMIT AREAS; PERMITTING PARKING IN CERTAIN AREAS BY PERMIT ONLY DURING THOSE TIMES SET FORTH IN THIS ORDINANCE; ESTABLISHING AN OFFENSE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("<u>City Council</u>") has investigated and determined that it is in the best interest of the City of Wylie, Texas ("<u>Wylie</u>") to establish resident only parking permit areas (the "Permit Area"); and

WHEREAS, The City Council wishes to alleviate chronic levels of non-resident parking along streets with adjacent residential properties by establishing the Permit Area; and

WHEREAS, the City Council further finds that it is a reasonable exercise of its police power to prohibit the stopping, standing, or parking of a vehicle in the Permit Area; and

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

<u>SECTION 1</u>: <u>FINDINGS INCORPORATED</u>. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

<u>SECTION 2:</u> Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances is amended by adding Section 110-190 (Resident Only Parking Permit Areas) to read as follows:

Section 110-190. – Resident only parking permit areas

(a) *Definitions*. As used in this section, the following terms shall have the meanings ascribed in this subsection, unless the context of their usage clearly indicates another meaning:

City Engineer means the City Engineer of the City of Wylie, or their designee.

Designated Permit Area means a contiguous area of a single-family residential use containing not less than ten single-family residential lots, upon which the city council imposes a requirement for a parking permit under this section. Where there are less than ten single family residential lots on the entire length of the street, then the entire length of the street may be considered for a designated permit area.

Guest Permit means a permit issued by the city pursuant to this section to a guest of a resident located within a designated permit area for display on a vehicle owned or used by a guest which is parked or left standing within the designated permit area.

Resident means a person whose place of residence or property is located in the city as to render him or her eligible for procurement of a parking permit under this section.

Resident Permit means a permit issued by the city pursuant to this section to a resident or property owner within a designated permit area for display on a vehicle owned or used by such resident or property owner which is parked or left standing within the designated permit area

(b) Parking Regulations within a Designated Permit Area

- 1) Except as provided in subsection (b), no vehicle shall be parked in a Designated Permit Area between the hours of 6:30 a.m. 8:30 a.m. and 2:30 p.m. 4:30 p.m. on weekdays, Monday through Friday, without displaying a valid resident permit or guest permit.
- 2) To facilitate student safety and motorist safety, the following shall apply:
 - i. Except for persons who reside in the designated permit area, there shall be no student drop off or pick up in the designated permit area between the hours stated above in subsection a.
 - ii. Do not block a crosswalk (marked or unmarked) or a sidewalk.
 - iii. Do not stop, park, or leave your vehicle within an intersection.
 - iv. Do not stop, park or leave your vehicle in front of a private driveway.

(c) Exemptions

- A motor vehicle that is owned by or operated under contract to a utility when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated permit area by the City.
- A motor vehicle that is identified as owned by or operated under contract to a federal, state or local governmental agency and being used in the course of official government business.
- 3) Motor vehicles that are stopped temporarily for loading or unloading passengers or goods to a location within the designated permit area.
- 4) Motor vehicles that are used in transporting individuals, equipment, and goods necessary for making improvements and repairs, providing labor, and performing other services at a location within the designated permit area.
- 5) The designated permit area shall not be effective on weekdays that Harrison Intermediate School is not in session.

(d) Resident permits

- 1) All residents of a designated permit area who register with the city engineer, or his/her designee, shall be issued, free of charge, one resident permit for each motor vehicle owned and kept by the resident at the premises located within the designated permit area. The residential parking permits must be placed in the lower left-hand corner of the rear window of the motor vehicle.
- 2) Each permit issued to a resident will be assigned to a specific vehicle, and will only be valid for the particular vehicle to which it is assigned. No permit may be transferred to any other individual or used for a different vehicle other than the one to which the permit is assigned.

- 3) Two temporary guest permits will automatically be issued, free of charge, for each residential lot situated within the designated permit area.
- 4) All -residents applying for a permit or permits must use the application developed by the city engineer.
- 5) The city engineer shall, upon receiving a completed application, issue a resident permit to any individual that is eligible for the permit. An individual is eligible to obtain a permit if the individual:
 - i. Owns a motor vehicle; and
 - ii. Resides within the designated permit area.

(e) Designated Permit Area

- 1) Angel Fire Drive
- 2) Aspen Lane
- 3) Breckenridge Drive
- 4) Cloudcroft Drive
- 5) Enchanted Forest Drive
- 6) Pajarito Mountain Drive
- 7) Red River Drive
- 8) Sandia Peak Court
- 9) Sierra Blanca Drive
- 10) Silvercreek Drive
- 11) Sipapu Court
- 12) Taos Lane
- 13) Vail Lane

<u>SECTION 3</u>: <u>ENFORCEMENT</u>: No person shall stop, stand or park a motor vehicle in a designated permit area between the hours of 6:30 a.m. - 8:30 a.m. and 2:30 p.m. - 4:30 p.m., Monday through Friday, without displaying a valid parking permit, in accordance with this ordinance. The Police Chief, or his/her authorized representatives, is authorized to issue citations and/or remove or cause to be removed any material or vehicle obstructing the area in which stopping, standing, or parking is prohibited at the expense of the owner of such material or vehicle. The City shall not be responsible or liable for any damage to any vehicle or personal property removed from the area where stopping, standing, or parking is prohibited and shall not be responsible for any damage resulting from the failure to exercise the authority granted under this Ordinance.

<u>SECTION 4</u>: <u>SAVINGS/REPEALING CLAUSE</u>. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: PENALTY PROVISION. Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not more than Five Hundred Dollars (\$500.00). Each continuing day's violation or separate act under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

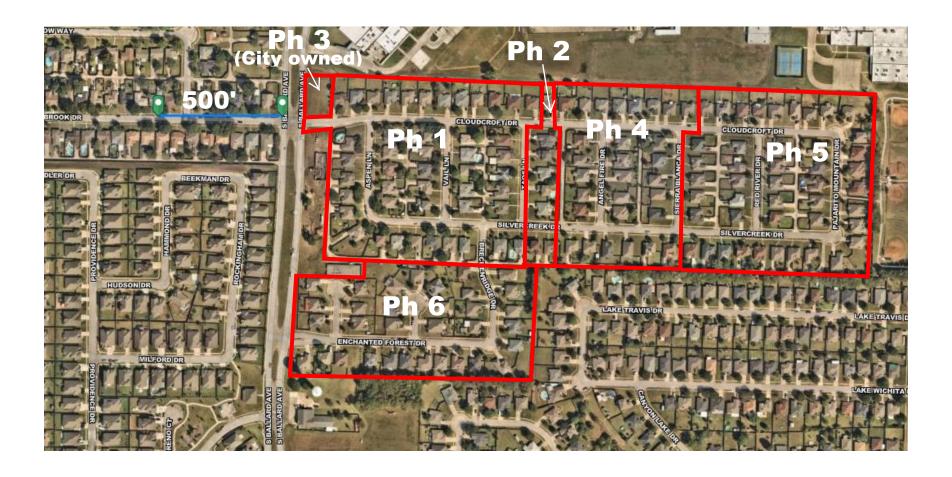
<u>SECTION 7</u>: <u>AMENDMENTS.</u> For clarity in reading amendments to the Wylie Code of Ordinances, any language intended to be added to the code may be underscored in the amending ordinance, and any language intended to be deleted from the code may be placed in brackets and stricken through. These markings, when used, and the deleted portions shall be removed when amendments are printed in the code. The amended provisions as set forth in this Ordinance have also been renumbered for ease of reading.

<u>SECTION 8</u>: <u>EFFECTIVE DATE</u>. This Ordinance shall be effective upon its passage and publication as required by law.

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

	Matthew Porter, Mayor	
ATTESTED AND CORRECTLY RECORDED:		
Stephanie Storm, City Secretary		

Date of publication in The Wylie News - December 22, 2021





Wylie City Council

AGENDA REPORT

APPLICANT: Patrick Filson

Department:	Planning	Account Code:	
Prepared By:	Jasen Haskins, AICP		
Subject			
Hold a Public Hearing to	consider, and act upon, a change of z	oning from Commercial Co	orridor (CC) to Commercial Corridor
Special Use Permit (CC-	SUP), to allow for a restaurant with	drive-through service on 1	.03 acres, property generally located

Recommendation

Motion to approve Item as presented.

Discussion

OWNER: Wylie EDC and Wylie Industrial Court LTD

at the northwest corner of State Highway 78 and Birmingham Street. (ZC 2021-23)

The applicant is requesting a Special Use Permit (SUP) for a drive-thru restaurant on 1.03 acres generally located at the northwest corner of State Highway 78 and Birmingham Street. The Zoning Ordinance requires all restaurants with drive-throughs to obtain a Special Use Permit.

The proposal includes a new 11,100 square foot structure to include a maximum 1,800 square feet dedicated to the drive-thru restaurant on the southwest end of the structure. The SUP conditions allow for up to 6,000 of the remaining square feet to be a restaurant use (without drive-thru). The remaining square footage is proposed to include unspecified uses that would be allowed by right.

The proposed SUP conditions and the zoning exhibit include several exceptions to typical Zoning Ordinance and Design Manual standards:

- SUP conditions allow for parking at one space per 250 square feet of structure while allowing for potentially 7,800 square feet of restaurant space which the zoning ordinance requires to be parked at 1:125.
- Required parking is a minimum of 80 spaces; the zoning exhibit provides 38 on-site parking spaces. Proposed off-site, on-street parking provides 19 spaces for a possible total of 57 parking spaces.
- Off-site parking includes utilizing public ROW.
- Off-site parking requires backing into the public ROW.
- On-site parking spaces are 9'x18'; off-site 9'x20'.
- One-way drive aisles are 14' instead of 20'.

Elevations were not provided and are not included in the SUP conditions or Zoning Exhibit.

The surrounding properties are zoned Commercial Corridor and have existing commercial uses such as general office, daycare, bank, general retail, and restaurants. There are currently 10 other drive-thru restaurants within ¼ mile, all occupied. The site is located in the General Urban Sector of the land use map and the proposed use is consistent with the existing surrounding development and land use classification of the comprehensive plan.

Approval of this SUP shall require an amendment to the City Code of Ordinances, Chapter 110, Article VI, Section 110.173(a)(10)(i) that prohibits parking on the south side of Industrial.

The property currently consists of multiple lots. Review and approval of a separate site plan, landscape plan, elevations, and plat shall be required should this Special Use Permit be approved.

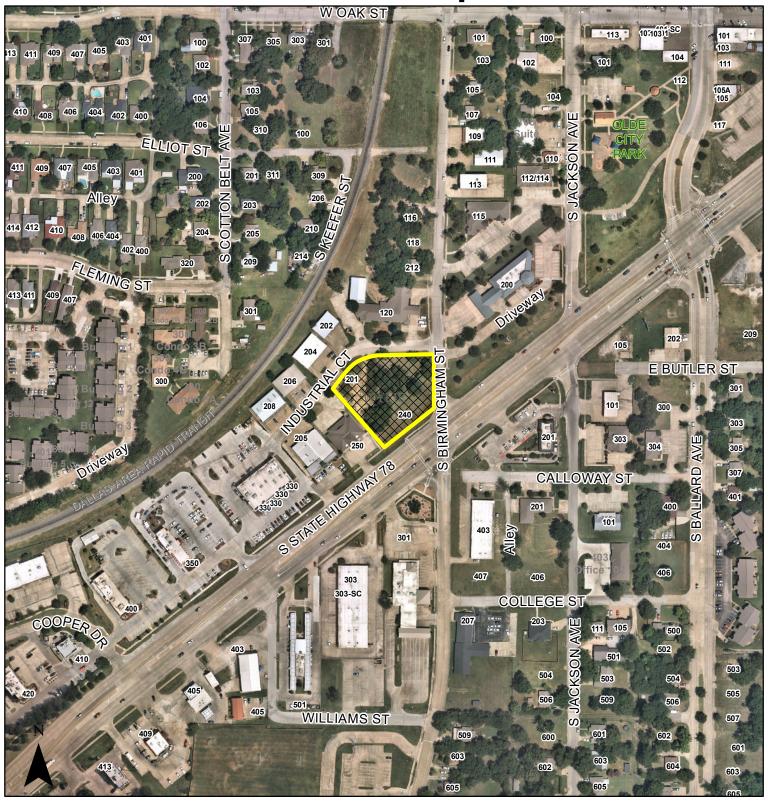
Notifications/Responses: 12 notifications were mailed; with no responses returned in favor or in opposition to the request.

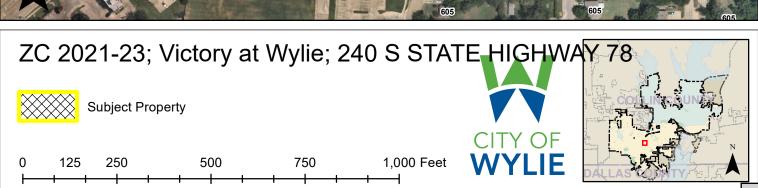
P&Z Commission Discussion

After some discussion regarding the limited parking and the request for off-site parking using the public ROW, the Commission voted 5-2 to recommend approval, with the dissenting Commissioners siting the off-site parking, safety concerns backing into the ROW, and general size of the structure relative to the size of the property.

Financial Summary/Strategic Goals Planning Management

Locator Map





Victory at Wylie

EXHIBIT "B"

Conditions For Special Use Permit

I. PURPOSE:

The purpose of this Special Use Permit (SUP) is to allow for the development of a commercial site to include one structure with a restaurant with drive-in or drive-through service use and provide for certain variances to regular zoning ordinance requirements.

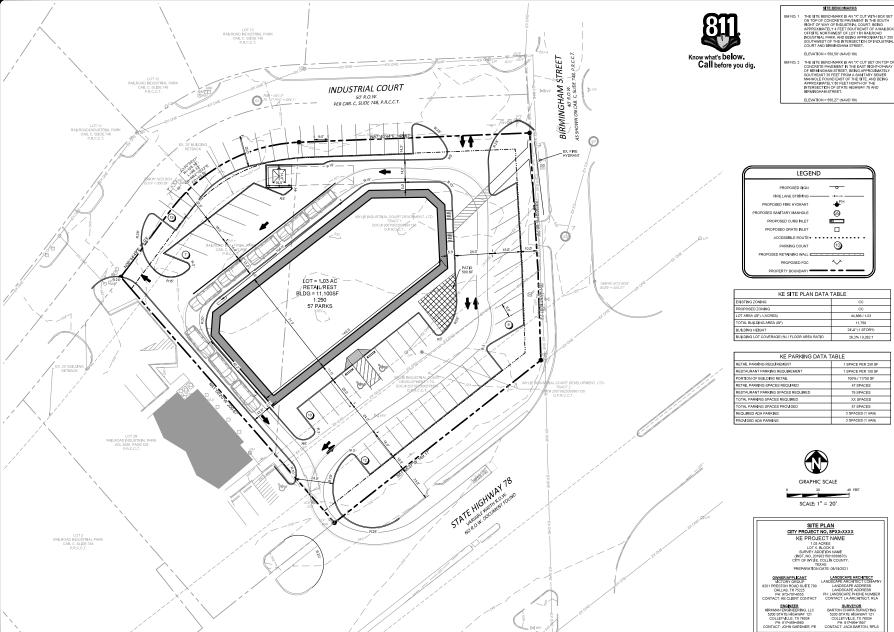
II. GENERAL CONDITIONS:

- The site shall be developed and uses allowed shall be in accordance with Commercial Corridor (CC) design standards, as provided in Article 4, and 5 of the City of Wylie Zoning Ordinance as adopted April 2021, except as specifically provided herein.
- This Special Use Permit shall not affect any other regulations within the City of Wylie Zoning Ordinance as adopted April 2021, except as specifically provided herein.
- The design of the Victory Wylie development shall take place in general accordance with the Zoning Exhibit (Exhibit C).

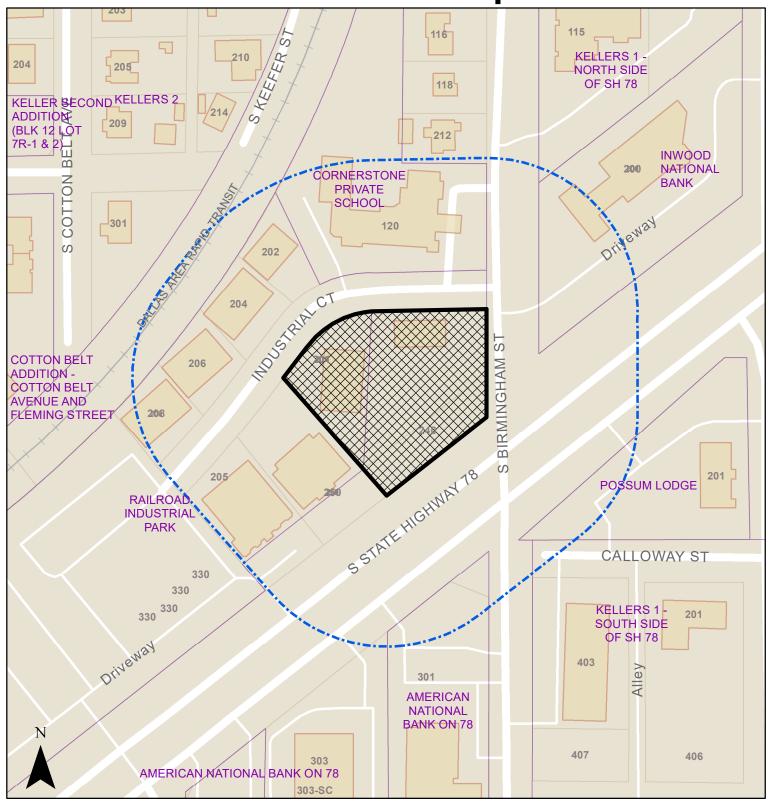
III. SPECIAL CONDITIONS:

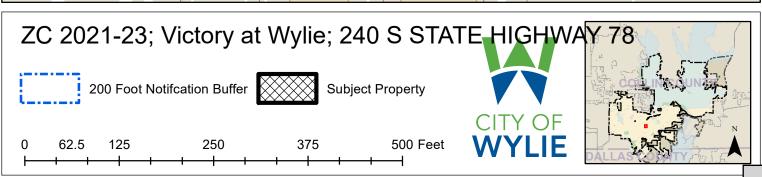
- 1. A restaurant with drive-thru shall be allowed as a condition of the SUP and as generally depicted on the zoning exhibit.
- 2. The maximum size of the structure shall be 11,100 square feet. The restaurant with drive thru shall be a maximum of 1,800 square feet. All restaurant uses shall be a maximum of 7,800 square feet in total.
- 3. Parking shall be at a ratio of one space per 250 square feet of structure (1:250), including any restaurant exterior patio seating area. Parking shall be allowed along and into the Industrial Court right-of-way as depicted on the zoning

- exhibit. Parking spaces shall be a minimum of 9'x18' onsite and 9'x20 along Industrial Court. Angled parking shall be allowed in two-way drive aisles.
- 4. The landscape buffer along State Highway 78 and Birmingham street frontages shall be a minimum of 10'. Neither a tree preservation survey nor tree mitigation shall be required for development of the site.



Notification Map







Wylie City Council

AGENDA REPORT

Department:	City Manager	Account Code:	
Prepared By:	Brent Parker		

Subject

Consider, and act upon, the approval of the modification to contract #W2018-118-A Solid Waste & Recycling Services with Community Waste Disposal L.P., adjusting the billing rates effective January 1, 2022, and authorizing the Interim City Manager to execute any necessary documents.

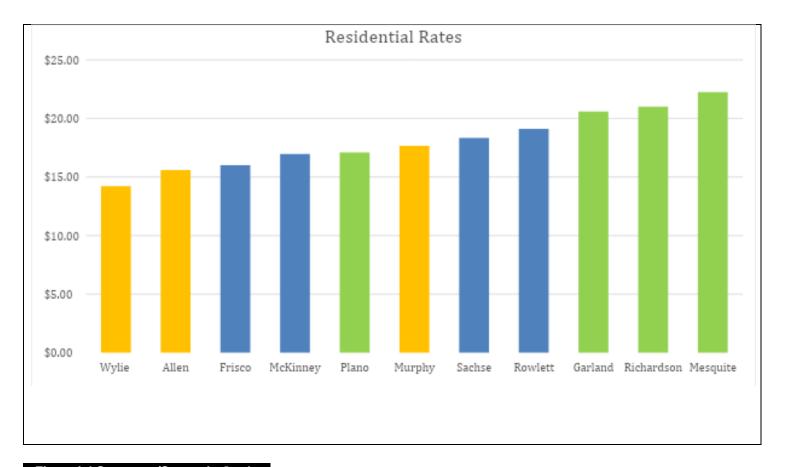
Recommendation

Motion to approve Item as presented.

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. If this rate increase is approved, the Fee Schedule will be update and placed on the January 11, 2022 Council Meeting for approval.

<u>City</u>	<u>Rate</u>	Add. Cart
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 as outlined in the attached letter. 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:	Police	Account Code:	
Prepared By:	Anthony Henderson		
Subject			
Article VI (Stopping, allow campers, RV (Standing, and Parking), Chapter 1	ng Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, 110 (Traffic and Vehicles), Section 110-187 (Overnight Parking), to ilers to be temporarily parked in front of the owner's residence for exceed twenty-four hours.	
Recommendat	lion		
Motion to approve Ite	em as presented.		
Discussion	1		
		nces to allow a camper, RV, or travel trailer to be temporarily parked ng purposes only for a period of time not to exceed twenty-four hours.	
Financial Summar	y/Strategic Goals		

ORDINANCE NO. 2021-59

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, ARTICLE VI (STOPPING, STANDING, AND PARKING), CHAPTER 110 (TRAFFIC AND VEHICLES), SECTION 110-187 (OVERNIGHT PARKING); PERMITTING PARKING OF CAMPERS, RECREATIONAL VEHICLE (RV), OR TRAVEL TRAILERS IN RESIDENTIAL AREAS ONLY DURING THOSE TIMES SET FORTH IN THIS ORDINANCE; ESTABLISHING AN OFFENSE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("<u>City Council</u>") has investigated and determined that it is in the best interest of the City of Wylie, Texas ("<u>Wylie</u>") to establish guidelines for temporary overnight parking in residential areas); and

WHEREAS, The City Council wishes to allow temporary parking of a camper, RV, or travel trailer in front of an owner's residence for loading or unloading purposes only; and

WHEREAS, the City Council further finds that it is a reasonable exercise of its police power to prohibit the temporary parking for loading and unloading purposes from exceeding twenty-four hours; and

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

<u>SECTION 1</u>: <u>FINDINGS INCORPORATED</u>. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances is amended by amending Section 110-187 (Overnight Parking) to read as follows:

Section 110-187. – Overnight Parking

Overnight parking for storage on any paved street is hereby prohibited. The term "overnight parking for storage" means the habitual parking or storage of cars, trucks (through or local), tractors boats, trailer, campers, recreational vehicle (RV), travel trailer, or other vehicles on paved streets or right-of-way during hours from sundown to sunup, except temporarily disabled vehicles which are protected by flares or other approved signal devices. It is not the intention of this section to prohibit or interfere with passenger cars, and up to three-quarter-ton pickups to be parked overnight. An exception to this ordinance allows for a camper, RV, or travel trailer to be temporarily parked in front of the owner's residence for loading and unloading purposes only for a period of time not to exceed twenty-four hours.

<u>SECTION 3</u>: <u>ENFORCEMENT</u>: The Police Chief, or his/her authorized representatives, is authorized to issue citations and/or remove or cause to be removed any material or vehicle obstructing the area in which stopping, standing, or parking is prohibited at the expense of the owner of such material or vehicle. The City shall not be responsible or liable for any damage to any vehicle or personal property

removed from the area where stopping, standing, or parking is prohibited and shall not be responsible for any damage resulting from the failure to exercise the authority granted under this Ordinance.

<u>SECTION 4</u>: <u>SAVINGS/REPEALING CLAUSE</u>. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: PENALTY PROVISION. Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not more than Five Hundred Dollars (\$500.00). Each continuing day's violation or separate act under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7: AMENDMENTS. For clarity in reading amendments to the Wylie Code of Ordinances, any language intended to be added to the code may be underscored in the amending ordinance, and any language intended to be deleted from the code may be placed in brackets and stricken through. These markings, when used, and the deleted portions shall be removed when amendments are printed in the code. The amended provisions as set forth in this Ordinance have also been renumbered for ease of reading.

<u>SECTION 8</u>: <u>EFFECTIVE DATE</u>. This Ordinance shall be effective upon its passage and publication as required by law.

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

	Matthew Porter, Mayor	
ATTESTED AND CORRECTLY RECORDED:		
Stephanie Storm, City Secretary		

Date of publication in The Wylie News - December 22, 2021



Wylie City Council

AGENDA REPORT

Department:	City Manager	Account Code:
Prepared By:	Renae' Ollie	
Cubing		
Subject		
		of a Deed without Warranty to convey $0.0337\pm$ acres of land situated in the ity of Wylie, Collin County, Texas from the City of Wylie to KEP Brown
Recommendat	ion	
Motion to approve the	e Item as presented.	
Discussion		
on 511 W. Brown Stownership of the landallows the use of land	treet. While researching do l, in fee simple, to the City. for a specified purpose. In t the owner and City legal tea	am to draft the attached document that will deed the land back to the owner,
without warranty fron or implied.	n the City. The deed without	t warranty is a document that transfers title without any warranties, express
Also, on the current a	genda is a document that wil	Il dedicate the drainage easement to the City.
If approved, both doc	uments would need to be file	ed with Collin County for recordation.
Financial Summar	y/Strategic Goals	
Infrastructure		

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS' LICENSE NUMBER.

After Recording Return to:

City of Wylie

Attention: City Manager 300 Country Club Wylie, Texas 75098

DEED WITHOUT WARRANTY

	& & &	KNOW ALL PERSONS BY THESE PRESENTS:		
COUNTY OF COLLIN				
As used herein, the following	ing terms	shall have the following meanings:		
Effective Date:		, 2021		
Grantor: CITY OF WYLIE,	TEXAS,	a home-rule municipality		
Grantor's Mailing Address: 30 W	00 Country ylie, Texa			
Grantee: KEP BROWN STF	REET VII	LLAGE, LP, a Texas limited partnership		
Grantee's Mailing Address:				
Consideration: TEN DOLLARS (\$10.00) cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged				
Property (including any improvements):				

This conveyance shall include all and singular the rights and appurtenances pertaining to the Property, including any right, title and interest in and to adjacent streets, roads, alleys or rights-of-way; and any improvements, fixtures, and personal property situated on or attached to the Property.

0.0337± acres of land, situated in the Samuel B. Shelby Survey, Abstract No. 820T, City of Wylie, Collin County, Texas, as more particularly described and depicted in Exhibit 1, attached hereto and incorporated herein for all purposes ("Property").

This conveyance is expressly made subject to any and all easements, restrictions, covenants, conditions and reservations of record, if any, applicable to the Property or any part

thereof.

Grantor, for the Consideration, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever, without express or implied warranty; and all warranties that might arise by common law and the warranties in Section 5.023 of the Texas Property Code (or its successor) are excluded.

NOTWITHSTANDING ANYTHING HEREIN CONTAINED TO THE CONTRARY, THIS CONVEYANCE IS MADE WITHOUT WARRANTY OF TITLE (WHETHER STATUTORY, EXPRESS OR IMPLIED).

Each individual executing this instrument on behalf of Grantor represents that all appropriate and necessary actions have been taken to authorize the individual who is executing this instrument to do so for and on behalf of Grantor, that there are no other parties or entities required to execute this instrument in order for the same to be an authorized and binding agreement on Grantor and that the individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

When the context	requires, singular no	ouns and pronouns include the plural.
EXECUTED on t	the dates of the ackno	owledgments, but to be EFFECTIVE on the
day of	, 2021.	
		GRANTOR:
		CITY OF WYLIE, TEXAS
		By: Brent Parker, Interim City Manager
STATE OF TEXAS	§ §	

BEFORE ME, the undersigned authority, on this day personally appeared **Brent Parker**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the Interim City Manager and duly authorized representative for the **City of Wylie, Texas**, and that he executed said instrument for the purposes and consideration therein expressed.

COUNTY OF COLLIN

8

GIVEN UNDER MY HAND, 2021.	AND SEAL OF OFFICE this day of
	Notary Public, State of Texas My Commission Expires:
AGREED AND ACCEPTED:	
KEP BROWN STREET VILLAGE, LP, a Texas limited partnership	
By:	_
Printed Name:	-
Its:	_
STATE OF TEXAS § §	
COUNTY OF §	
	d authority, on this day personally appeared one of the persons whose names are subscribed to the
foregoing instrument; he/she acknowledge	d to me that he/she is the and, and that he/she executed said instrument
GIVEN UNDER MY HAND, 2021.	AND SEAL OF OFFICE this day of
	Notary Public, State of Texas My Commission Expires:

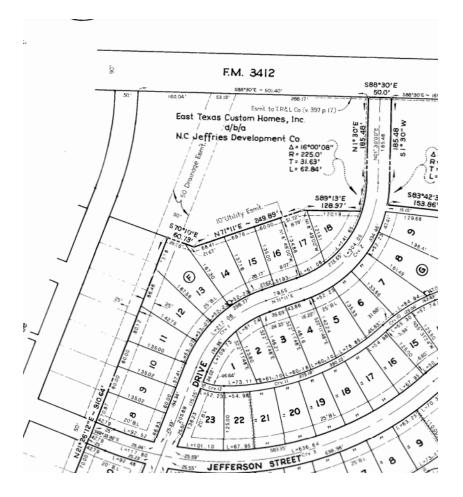
Exhibit A Legal Description of Property

BEING a variable width parcel of land for a Permanent Drainage Easement being over, under and across a 2.4721 acre parcel of land in the Samuel B. Shelby Survey, Abstract No. 820T located in the City of Wylie, Collin County, Texas, and conveyed to KEP Brown Street Village L.P. by a deed now of record in the Collin County Clerk's File No. 20060327000390640 of the Deed Records of Collin County, Texas. said Permanent Drainage Easement being described as follows:

BEGINNING at a 1/2-inch iron rod set for coiner with a yellow cap marked "BHC" on the south right-of-way line of West Brown Street as described in Texas Transportation Commission Minute Order No. 111608 conveying the right-of-way for FM 3412 (aka West Brown Street) from FM 1378 to Ballard Avenue to the Cily of Wylie, said point also being the northeast corner of a 0.500-acre parcel of land in the Samuel B. Shelby Survey, Abstract No. 820, Collin County. Texas, as conveyed to Charles Stetler D.D.S. by a deed now of record in Collins Comity Clerk's File

No. 92-0009039 of the Deed Records of Collin County, and the northwest corner of said KEP Brown Street Village tract, said point bears N 89° 05' 16" W a distance from an 1/2-inch iron rod found near the northeast corner of said KEP Brawn Street Village tract, said point also bears S 77° 39' 44" W a distance of 343.64 feel from a 3/8-inch iron rod found for the southeast corner of a lot 58R-2, Block E of the Second Replat of the North Pointe Addition to the City of Wylie, and as convey to Digby IHF, Inc., by a deed now of record in Ilic County Clerk's File No. 2008091001130110 of the Deeds Records of Collin County, Texas;

- 1) THENCE S 88° 58′ 26" E, leaving the west property line of said KEP Brown Street Village tract and the east property line of said Charles Stetler tract, along the south right-of-way line of said West Brown Street a distance of 58.72 feet to a 1/2-inch, iron rod set for corner with a yellow cap marked "BHC". being at the intersection of the south right-of-way line of said West Brown Street and the east line of said proposed Drainage Easement;
- 2) THENCE S 40° 19' 36" W. leaving the south right-of-way line of said West Brown Street and the north property line of said KEP Brown Street Village tract, along the east line of said proposed Permanent Drainage Easement a distance of 44.76 feet to a 1/2-inch iron rod with a yellow cap marked "BHC" set for the southeast corner of said proposed Permanent Drainage Easement;
- 3) THENCE N 69° 22' 39" W, along the south line of said proposed Permanent Drainage Easement a distance of 40.37 feet to a 1/2-inch iron rod with a yellow cap marked "BHC" set for the southwest comer of said proposed Permanent Drainage Easement, said point being on the east property line of said Charles Stetler tract and the west property line of said KEP Brown Street Village tract;
- 4) THENCE N 20° 59' 08 E, along the east line of said proposed Permanent Drainage Easement also being the east property line of said Charles Stetler tract and the west property line of said KEP Brown Street Village tract a distance of 22.44 feet to a 1/2-inch iron rod with a yellow cap marked "BHC" set for the northwest comer of said proposed) Permanent Drainage Easement and being on the south right-of-way line of said West Brown Street and being the POINT OF BEGINNING, and containing 0.0337 acres, more or less.







Wylie City Council

AGENDA REPORT

Department:	City Manager	Account Code:
Prepared By:	Renae' Ollie	
Subject		
		t conveying to the City of Wylie easement rights on 0.0337± acres situated 0T, City of Wylie, Collin County, Texas from KEP Brown Street Village,
Recommendat	ion	
Motion to approve the	e Item as presented.	
Discussion		
on 511 W. Brown Sownership of the land allows the use of land. The purpose of this in enlarge, re-build, reprimprovements and all Also, on the current a	treet. While researching doc I, in fee simple, to the City. for a specified purpose. In the tem is to convey to the city of lace, relocate, alter, remove, necessary appurtenances.	ect property regarding a filed warranty deed of a drainage easement located cuments and ordinances, it was determined that the warranty deed gave An easement typically does not involve transfer of ownership, but rather his case, a drainage ditch. of Wylie the easement and right to construct, reconstruct, operate, repair, and perpetually maintain drainage facilities, together with all incidental I deed without warranty that 0.033 acre of land back to the owner.
Financial Summar	y/Strategic Goals	
Infrastructure		

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS' LICENSE NUMBER.

AFTER RECORDING RETURN TO: City of Wylie Attention: City Manager 300 Country Club Road Wylie, Texas 75098

DRAINAGE EASEMENT

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

That **KEP BROWN STREET VILLAGE, LP** ("<u>Grantor</u>"), whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand to Grantor paid by the **CITY OF WYLIE, TEXAS**, a home-rule municipality ("<u>Grantee</u>"), the receipt of which are hereby acknowledged, and for which no lien is retained, either expressed or implied, does hereby GRANT, SELL AND CONVEY unto Grantee the easement and right to construct, reconstruct, operate, repair, enlarge, re-build, replace, relocate, alter, remove and perpetually maintain drainage facilities, together with all incidental improvements and all necessary appurtenances (collectively, "<u>Facilities</u>"), over, across, in, on, under and through certain real property owned by Grantor and located in the City of Wylie, Collin County, Texas, as more particularly described and depicted in <u>Exhibit A</u>, attached hereto and incorporated herein for all purposes ("<u>Easement Property</u>"). As part of the grant hereby made, it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said easement may be removed from said premises by Grantee.

TO HAVE AND TO HOLD the Easement Property perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, for the purpose of constructing, reconstructing, operating, repairing, enlarging, re-building, replacing, relocating, altering, removing and perpetually maintaining the Facilities, and all incidental improvements thereto and for making connections therewith.

Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Grantee, its successors and assigns, shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future within the Easement Property. If Grantee is unable to access the Easement Property due to physical barriers or conditions, then Grantee shall have, and is hereby granted, the right of ingress and egress over that portion of the

Drainage Easement 3568863

Page 1 of 6

Grantor's adjacent property within fifteen feet (15') of the Easement Property as is reasonably necessary to and for the limited purpose of accessing the Easement Property.

The Easement Property shall remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Easement Property. Notwithstanding anything to the contrary herein, Grantee will not be responsible for the maintenance and operation of the Easement Property or for any damage to private property or person that results from conditions in the Easement Property, or for the control of erosion. No obstruction to the natural flow of storm water run-off shall be permitted by construction of any type of building, fence or any other structure within the Easement Property, unless approved by the City Engineer; provided, however, that it is understood that in the event it becomes necessary for Grantee to consider channelizing or erecting any type of drainage structure in order to improve storm drainage, then in such event, Grantee shall have the right, but not the obligation, to enter upon the Easement Property at any point, or points, with all rights of ingress and egress to investigate, survey, or to erect, construct and maintain any drainage or detention facility deemed necessary for drainage or detention purposes.

Grantor shall keep the Easement Property clean and free of debris, silt and any substance which would result in unsanitary conditions or obstruct the flow of water, and Grantee shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Grantor to alleviate any undesirable conditions which may occur. In the event that Grantor or other property owners do not properly maintain or repair the Easement Property in accordance with Grantee's laws or other applicable regulations, Grantee has the right, but not the obligation, to enter on the Easement Property at any point, or points, to investigate, survey, erect, construct, maintain and/or repair the Facilities or to conduct emergency repairs or supervise the work of others deemed necessary, as solely determined by Grantee, for drainage purposes, and the failure of Grantor or other property owners to undertake such required repairs or maintenance and diligent completion of such repairs or maintenance.

The natural drainage through the Easement Property is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. Grantor and/or other property owners shall be liable to Grantee for any costs Grantee incurs as a result of any maintenance or repairs implemented by Grantee. Grantee shall not be held liable for any damages of any nature resulting from the failure of any structure or structures erected or installed by Grantor within the Easement Property, and Grantor hereby agrees to indemnify, defend and hold harmless Grantee from any such damages and injuries.

Grantee will at all times after doing any work in connection with the construction, operation or repair of the Facilities, restore the surface of the Easement Property as close to the condition in which it was found before such work was undertaken as is reasonably practicable, except for trees, shrubs and structures within the Easement Property that were removed as a result of such work.

Grantor represents and warrants to Grantee that Grantor is the sole owner of the fee simple title to the Easement Property. Grantor does hereby represent and warrant that there are no liens, attachments or other encumbrances which will affect the title or right of the Grantor to convey this

Drainage Easement 3568863 easement to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein and subordinating any such lien to the easement granted herein.

This instrument shall not be considered as a deed to the Easement Property or any part thereof, and the right is hereby reserved to Grantor, its successors and assigns, to use the Easement Property to landscape and build and construct fences, driveways, parking lots and other associated improvements over or across said easement; provided, however, that in no event shall a wall, structure or building of any type other than those previously described or any piling, pier or isolated footing of any wall, structure or building be placed directly on the Easement Property.

The easement rights and privileges granted herein are non-exclusive, but Grantor covenants that Grantor will not convey any other easement or conflicting rights within the area covered by this grant which unreasonably interfere with Grantee's rights granted herein and provided all such other grants comply with all applicable local, state and federal laws, ordinances, rules, regulations and/or requirements, as they exist, may be amended or in the future arising.

Further, notwithstanding anything to the contrary herein, Grantor shall not place any improvement or take any action, permanent or temporary, which may cause damage or jeopardize the integrity of the Facilities, the roadway facilities or other public facilities or which will affect or interfere with, in any way, the rights granted herein. Grantee, may, due to the necessity of repair and maintenance of the Facilities, the roadway facilities or other public facilities, remove and keep removed any and all improvements to the extent necessary to make repairs. Grantee will not be responsible for loss of improvements due to failure or maintenance of the Facilities, the roadway facilities or other public facilities.

This instrument shall be binding on, and inure to the benefit of, Grantee and Grantor and their respective successors or assigns.

The individual executing this instrument on behalf of Grantor represents that all appropriate and necessary actions have been taken to authorize the individual who is executing this instrument to do so for and on behalf of Grantor, that there are no other parties or entities required to execute this instrument in order for the same to be an authorized and binding agreement on Grantor and that the individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

It is understood and agreed that the consideration received by Grantor hereunder includes adequate compensation for the grant of the rights hereunder and for all damages arising out of the construction, reconstruction, repair, operation and maintenance of the Facilities and roadway and other public facilities as well as all damages, if any, to Grantor's property which may occur in the future resulting from Grantee's exercise of any rights granted herein.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

Drainage Easement 3568863

Page 3 of 6

EXECUTED on the dates ap	opearing in the acknowledgements below, however, to be
effective on this day of	, 2021.
	GRANTOR:
	KEP BROWN STREET VILLAGE, LP
	By:
	Printed Name:
	Its:
STATE OF TEXAS \$ COUNTY OF \$	
known to me foregoing instrument; he/she acknow duly authorized representative of the	rsigned authority, on this day personally appeared to be one of the persons whose names are subscribed to the vledged to me that he/she is the and, and that he/she executed said instrument erein expressed and in the capacity therein stated.
GIVEN UNDER MY HA	AND AND SEAL OF OFFICE this day of
	Notary Public, State of Texas My Commission Expires:

AGREED AND ACCEPTED:	
CITY OF WYLIE, TEXAS	
By:Brent Parker, Interim City Manage	 er
STATE OF TEXAS §	
STATE OF TEXAS \$ \$ COUNTY OF COLLIN \$	
known to me to be one of the persons vacknowledged to me that he is the International Control of the persons vacknowledged to me that he is the International Control of the persons vacknowledged to me that he is the International Control of the persons vacknowledged to me that he is the International Control of the persons vacknowledged to me that he is the International Control of the persons vacknowledged to me that he is the International Control of the persons vacknowledged to me that he is the International Control of the persons vacknowledged to me that he is the International Control of the persons vacknowledged to me that he is the International Control of the Intern	I authority, on this day personally appeared Brent Parker whose names are subscribed to the foregoing instrument; he terim City Manager and duly authorized representative for executed said instrument for the purposes and consideration
GIVEN UNDER MY HAN, 2021.	ND AND SEAL OF OFFICE this day of
	Notary Public, State of Texas My Commission Expires:

Exhibit A

TRACT 1:

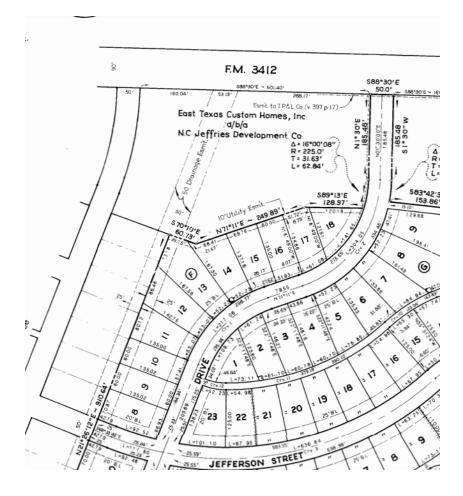
PERMANENT DRAINAGE EASEMENT

BEING a variable width parcel of land for a Permanent Drainage Easement being over, under and across a 2.4721 acre parcel of land in the Samuel B. Shelby Survey, Abstract No. 820T located in the City of Wylie, Collin County, Texas, and conveyed to KEP Brown Street Village L.P. by a deed now of record in the Collin County Clerk's File No. 20060327000390640 of the Deed Records of Collin County, Texas. said Permanent Drainage Easement being described as follows:

BEGINNING at a 1/2-inch iron rod set for coiner with a yellow cap marked "BHC" on the south right-of-way line of West Brown Street as described in Texas Transportation Commission Minute Order No. 111608 conveying the right-of-way for FM 3412 (aka West Brown Street) from FM 1378 to Ballard Avenue to the Cily of Wylie, said point also being the northeast corner of a 0.500-acre parcel of land in the Samuel B. Shelby Survey, Abstract No. 820, Collin County. Texas, as conveyed to Charles Stetler D.D.S. by a deed now of record in Collins Comity Clerk's File

No. 92-0009039 of the Deed Records of Collin County, and the northwest corner of said KEP Brown Street Village tract, said point bears N 89° 05' 16" W a distance from an 1/2-inch iron rod found near the northeast corner of said KEP Brawn Street Village tract, said point also bears S 77° 39' 44" W a distance of 343.64 feel from a 3/8-inch iron rod found for the southeast corner of a lot 58R-2, Block E of the Second Replat of the North Pointe Addition to the City of Wylie, and as convey to Digby IHF, Inc., by a deed now of record in Ilic County Clerk's File No. 2008091001130110 of the Deeds Records of Collin County, Texas;

- 1) THENCE S 88° 58' 26" E, leaving the west property line of said KEP Brown Street Village tract and the east property line of said Charles Stetler tract, along the south right-of-way line of said West Brown Street a distance of 58.72 feet to a 1/2-inch, iron rod set for corner with a yellow cap marked "BHC". being at the intersection of the south right-of-way line of said West Brown Street and the east line of said proposed Drainage Easement;
- 2) THENCE S 40° 19' 36" W. leaving the south right-of-way line of said West Brown Street and the north property line of said KEP Brown Street Village tract, along the east line of said proposed Permanent Drainage Easement a distance of 44.76 feet to a 1/2-inch iron rod with a yellow cap marked "BHC" set for the southeast corner of said proposed Permanent Drainage Easement;
- 3) THENCE N 69° 22' 39" W, along the south line of said proposed Permanent Drainage Easement a distance of 40.37 feet to a 1/2-inch iron rod with a yellow cap marked "BHC" set for the southwest comer of said proposed Permanent Drainage Easement, said point being on the east property line of said Charles Stetler tract and the west property line of said KEP Brown Street Village tract;
- 4) THENCE N 20° 59' 08 E, along the east line of said proposed Permanent Drainage Easement also being the east property line of said Charles Stetler tract and the west property line of said KEP Brown Street Village tract a distance of 22.44 feet to a 1/2-inch iron rod with a yellow cap marked "BHC" set for the northwest comer of said proposed) Permanent Drainage Easement and being on the south right-of-way line of said West Brown Street and being the POINT OF BEGINNING, and containing 0.0337 acres, more or less.







Wylie City Council

AGENDA REPORT

Department:	City Manager	Account Code:
Prepared By:	Renae' Ollie	
Cubiant		
Subject		
application for a prop	osed wastewater treatment fa	5(R) opposing the Texas Commission on Environmental Quality (TCEQ) acility located 0.4 miles northwest of the intersection of North Murphy Road exas near the cities of Murphy, Parker, and Wylie. TCEQ Permit No.
Recommendat	tion	
Motion to approve the	e Item as presented.	
Discussion		
Discussion		
areas to express their	concern with the proposed	tizens of the Rolling Ridge Subdivision in Murphy, as well as surrounding wastewater treatment plant submitted by Restore the Grasslands LLC and Murphy and Parker have adopted resolutions to oppose the plant.
(TPDES) to authorize domestic wastewater Road and Rolling Ric	the discharge of treated was treatment facility will be loca	to TCEQ for a proposed Texas Pollutant Discharge Elimination System tewater at a volume not to exceed a daily average flow of 200,000 gpd. The ated approximately 0.4 miles northwest of the intersection of North Murphy The specific location is located within Parker's ETJ, and sits approximately vision.
	presentative Candy Noble to	ed to the Murphy City Council, including letters from Texas Senator Angela TCEQ requesting a public meeting be held in the community with TCEQ
Based on this information domestic wastewater		ancil to consider a resolution opposing the subject permit for the proposed
Financial Summar	y/Strategic Goals	
Infrastructure		

RESOLUTION NO. 2021-46(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, COLLIN COUNTY, TEXAS, IN OPPOSITION TO THE PROPOSED DOMESTIC WASTEWATER TREATMENT FACILITY PERMIT APPLIED FOR BY RESTORE THE GRASSLANDS LLC AND HARRINGTON/TURNER ENTERPRISES, LP IN COLLIN COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wylie, Texas being located within Collin County and adjacent to the eastern border of Parker, Texas; and

WHEREAS, the City of Wylie has become aware of an application by Restore the Grasslands LLC and Harrington/Turner Enterprises, LP to the Texas Commission on Environmental Quality ("TCEQ") for a proposed Texas Pollutant Discharge Elimination System Permit No. WQ0016003001 (EPA I.D. No. TX 0141381) to discharge treated wastewater at a volume not to exceed a daily average flow of 200,000 gallons per day; and

WHEREAS, this domestic wastewater treatment facility is proposed to be located 0.4-mile northwest of the intersection of North Murphy Road and Rolling Ridge Drive, in Collin County, which is located in the extraterritorial jurisdiction of Parker, Texas and approximately 1.06 miles from a residential subdivision within the City of Wylie; and

WHEREAS, according to the August 25, 2021, Notice of Receipt of Application, which is attached as Exhibit 1 and incorporated herein, "the discharge route will be from the plant site to Maxwell Creek, hence to"; said Maxwell Creek flows near the boundaries of and through portions of the City of Wylie and any inadequately treated wastewater within such creek will adversely affect the public health, safety and quiet enjoyment of the citizens and visitors of Wylie; and

WHEREAS, the City of Wylie has concern regarding quality of water to be discharged from the proposed wastewater plant and adverse impacts on recreational activities of the residents of Wylie, and therefore Wylie stands opposed to this new wastewater treatment facility.

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

SECTION 1: The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

<u>SECTION 2</u>: That the City Council of the City of Wylie is opposed to the discharge by this potential wastewater treatment facility into Maxwell Creek.

<u>SECTION 3</u>: That the City Council of the City of Wylie stands in support of its sister cities, including Murphy and Parker, and adjacent homeowners and business owners who stand in opposition to this new wastewater treatment facility.

<u>SECTION 4</u>: That the City Council of the City of Wylie requests the TCEQ to add the City to its mailing list regarding this matter and to accept this resolution as public comment on the proposed permit.

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 December, 2021.

	Matthew Porter, Mayor	
ATTESTED AND CORRECTLY RECORDED:		
Stephanie Storm, City Secretary		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT

PROPOSED PERMIT NO. WQ0016003001

APPLICATION. Restore the Grasslands LLC and Harrington/Turner Enterprises, LP, 4801 West Lovers Lane, Dallas, Texas 75209, have applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016003001 (EPA I.D. No. TX0141381) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 200,000 gallons per day. The domestic wastewater treatment facility will be located approximately 0.4 mile northwest of the intersection of North Murphy Road and Rolling Ridge Drive, in Collin County, Texas 75002. The discharge route will be from the plant site to Maxwell Creek; thence to Muddy Creek; thence to Lake Ray Hubbard. TCEQ received this application on May 26, 2021. The permit application is available for viewing and copying at Rita & Truett Smith Public Library, 300 Country Club Road, #300, Wylie, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-96.616388%2C33.041666&level=12

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list

for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at https://www14.tceq.texas.gov/epic/eComment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address, and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit

Exhibit 1

their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Restore the Grasslands LLC and Harrington/Turner Enterprises, LP, at the address stated above or by calling Ms. Ashley Broughton, P.E., Project Manager, LJA Engineering, Inc., at 713-380-4431.

Issuance Date: August 25, 2021

COMMENTS FILED BY ATTORNEY FOR CITY OF PARKER

The undersigned represents the City of Parker, Texas ("City" or "Parker") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Harrington/Turner Enterprises, LP and Restore the Grasslands, LLC ("Applicants"). The City hereby requests a public meeting and a contested case hearing on the Application. In accordance with the Notice of Receipt of Application and Intent to Obtain Water Quality Permit, the City provides the following information:

1. Your name, address, phone number:

The City may be notified of any developments in this case by providing notice to: Arturo D. Rodriguez, Jr.
Russell Rodriguez Hyde Bullock, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628

2. Applicants' information:

Harrington/Turner Enterprises, LP and Restore the Grasslands, LLC for Proposed Permit No. WQ0016003001.

- 3. The location and distance of your property/activities relative to the proposed facility: The property to be served by the proposed WWTP is approximately 1/2 mile to the City's collection system. The served property is within the City's extraterritorial jurisdiction and adjacent to the City's corporate limits.
- 4. Specific description of how you would be adversely affected by the facility in a way not common to the general public:

The City has a contract with North Texas Municipal Water District ("District") wherein the District accepts and treats wastewater collected by the City. The City's current contract with the District would allow flows from the Applicants' property to be collected by the City and the District without the necessity of another point source of pollution in the area.

The City is concerned with the discharge parameters for the size and quality of inflow to the proposed WWTP. The City is concerned with the nutrient limitation parameters of the discharge. Without an appropriate nutrient limitation, the City is concerned that nuisance conditions will be created. The City is concerned that all pertinent stream conditions will not be considered in developing the effluent limitations. The City is particularly concerned that the effluent from the Applicants' plant will significantly degrade water quality in the receiving waters and negatively impact aquatic life and terrestrial wildlife species. Because of the groundwater resources in the area, there is heighten importance in ensuring that the effluent limitations in the final permit adequately protect local groundwater resources.

The discharge from the WWTP will find its way to waters that are used for recreational use and are a major attraction for the area. The economic and recreational implications of a poorly run plant are huge. Further, the City is concerned that the public's ability to enjoy the receiving stream and all points downstream will be negatively affected by the permit. The City is concerned that the permit will impact negatively the health and welfare of residents near the facility.

The City is concerned that inflow mixed with wastewater could contain dangerous constituents that may not be removed given permit parameters in the application.

The City believes Applicants' proposed discharge is in direct violation of the Texas Water Code. Quite frankly, the City is concerned that the Application does not fully comply with all of TCEQ's applicable technical regulations. Further, the City is concerned that the Application violates the State's policy on regionalization. The City has expended a large sum of public money on facilities near the development which can easily, economically, and reasonably be connected to a centralized system already in existence. The compliance history and operating data of the operator raises concerns about its ability to operate the WWTP. Further, the City is concerned with the veracity of the statements made in the application.

The discharge authorization being sought by Applicants will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

The City has sufficiently demonstrated that it is adversely affected by the Application in a manner that is not common to the general public and must be granted party status in this case.

5. The City requests a public meeting and a contested case hearing on the Application.

The City reserves the right to raise and pursue any and all issues that may be relevant to their interests in the event of a contested case hearing.



September 24, 2021

Ms. Laurie Gharis Chief Clerk, MC-105 Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711

Re: Proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016003001

Dear Ms. Gharis,

I have received the notice from the Texas Commission on Environmental Quality (TCEQ) regarding a proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016003001 as applied for by Restore the Grassland LLC and Harringtong/Turner Enterprises LP. This proposed permit is for a wastewater treatment facility to be located near the northwest corner of the intersection of North Murphy Road and Rolling Ridge Drive in Collin County.

I am requesting the TCEQ hold a public meeting regarding this permit in the community with TCEQ representatives in attendance.

Thank you for your consideration of this request. You may contact Kelly Griggs-Bell or Randy Samuelson in my Capitol office if you have questions.

Blessings,

Angela Paxton

Texas State Senator, District 8

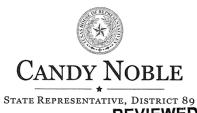
aple S. Partan

cc: Intergovernmental Relations Division via e-mail

CAPITOL OFFICE:
P. O. BOX 12068 • SUITE 35.3
AUSTIN, TEXAS 78711
(512) 463-0108 • FAX: (512) 463-7579

COMMITTEES:
VICE-CHAIRMAN, NOMINATIONS
BUSINESS AND COMMERCE
EDUCATION
HIGHER EDUCATION
LOCAL GOVERNMENT
REDISTRICTING
angela.paxton@senate.texas.gov

DISTRICT OFFICE: 604 SOUTH WATTERS ROAD, SUITE 100 ALLEN, TEXAS 75013 (972) 908-3424 • FAX: (972) 908-3361



REVIEWED

SEP 2 2 2021

CHIEF CLERKS OFFICE

September 15, 2021

Ms. Laurie Gharis Chief Clerk, MC-105 Texas Commission on Environmental Quality P. O. Box 13087 Austin, Texas 78711

Re: Proposed Texas Pollutant Discharge Elimination (TPDES) Permit No. WQ0016003001

Dear Ms. Gharis,

I am in receipt of the Texas Commission on Environmental Quality (TCEQ) notice that Restore the Grassland LLC and Harrington/Turner Enterprises, LP, has applied for the above referenced permit for a waste water treatment facility to be located approximately 0.4 mile northwest of the intersection of North Murphy Road and Rolling Ridge Drive in Collin County.

As the state representative for the affected area, I would like to request that a public meeting be held in the community, with representatives from TCEQ in attendance.

Thank you for your consideration of this request. Please let me know if I may answer any questions.

Sincerely,

Candy Noble

State Representative, District 89

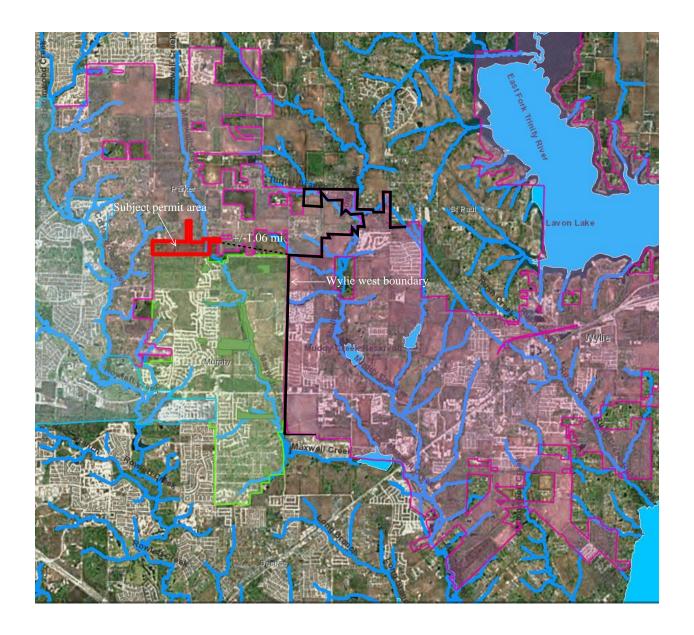
Candy nouse

CAPITOL: P.O. BOX 2910 • AUSTIN, TX 78768-2910 • 512-463-0186 • DISTRICT: 206 N. MURPHY ROAD, MURPHY, TX 75094 • 972-423-6542

CANDY:NOBLE@HOUSE.TEXAS.GOV

COMMITTEES: WAYS & MEANS • HUMAN SERVICES • RESOLUTIONS CALENDARS

174





Wylie City Council

AGENDA REPORT

Department:	Planning	Account Code:	
Prepared By:	Jasen Haskins, AICP		
,		<u> </u>	
Subject			
Planning Department	Presentation		
Recommendat	ion		
Discussion			
The Planning Departn	nent will present an overview of th	eir work and goals.	
E'	1011		
Financial Summar	y/Strategic Goals		

CITY OF WYLIE

Planning Department

The Team

Mary Bradley
Administrative Assistant

Kevin Molina Senior Planner

Jasen Haskins, AICP Planning Manager



12/14/2021 Item WS3.



Planning Department

Responsibilities

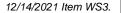
Development Projects

Boards, Commissions, and Council

Plans, Ordinances, and Regulations

Mapping

Assistance and Requests





Planning Department

Development Projects

Annexations | Zoning Changes | Site Plans | Plats

Pre-development

Meet with owners, developers, EDC, engineers, architects. Annex and Development Agreements, Informal reviews, Formal Pre-Development meeting

Consideration

Report preparation, Packet preparation, Item presentation (ZBA, HRC, P&Z, CC), Reconciliation, Ordinance preparation

Application

Staff distribution, Staff review, comment and negotiation, formalizing documentation, notification

Development

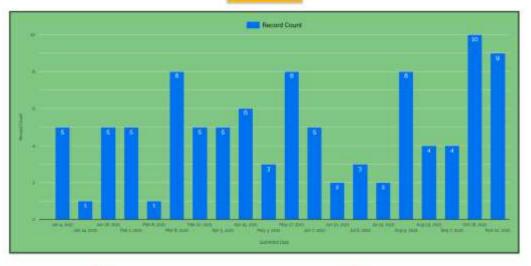
Coordinate with Engineering, Building, City Secretary, respective Counties, Development fees.

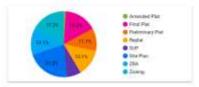
12/14/2021 Item WS3.



Planning Department

Projects for 2021





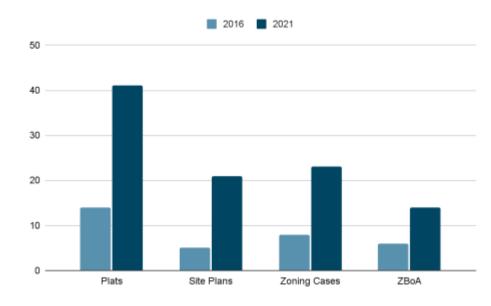


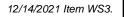
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Roughly three times as many cases and applications as five years ago





CITY

Planning Department

Boards, Commissions, Council

City Council

Planning and Zoning Commission

Zoning Board of Adjustment

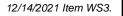
Historic Review Commission

Impact Fee Advisory Commission

Temp Boards (ex. CPAC)









Planning Department

Plans, Ordinances, and Regulations

Comprehensive Master Plan

Rewrite approximately every 10

years

- Zoning Ordinance
 Updated continuously / Rewrite as needed
- Subdivision Regulations

Update or rewrite as needed

- Local Government Code

Amendments every two years

12/14/2021 Item WS3.



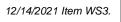
Planning Department

Mapping

20+ maps to assist developers, citizens, staff, and other stakeholders in decision making

Address and Parcels Zoning HOAs Current Projects







Planning Department

Assistance and Requests

Citizens, Developers, Staff, other stakeholders

Can I do this? Can I build this?

Where can I build this? Where can I do this?

Alcohol Sales **Public Information Requests**

Certificate of Occupancy ETJ verification

Demographics Engineering applications and fees

12/14/2021 Item WS3.



Planning Department

Future Goals

Adoption of Comp Plan (Mid 2022)

Collaborative Review Commenting (Early 2022)

Cross Department Project Management (Early 2022)

Subdivision Regulation update

Zoning Ordinance rewrite