

Wylie Economic Development Corporation Board Special Called Meeting

August 04, 2021 – 8:30 AM

Council Conference Room - 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 Board 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. Board requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Board is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

REGULAR AGENDA

1. Consider and act upon issues surrounding the Election of Officers for the WEDC Board of Directors for 2021-2022.
2. Consider and act upon the establishment of a Regular Meeting Date and Time for the WEDC Board of Directors for 2021-2022.

DISCUSSION ITEMS

DS1. Discuss issues surrounding WEDC loans.

DS2. Discuss issues surrounding engineering and mowing services.

DS3. Discussion regarding a WEDC Board Tour, Retreat, or Work Session.

EXECUTIVE SESSION

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

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

ES1. Consider the sale or acquisition of properties located at FM 544/Cooper, Jackson/Oak, Regency/Steel, State Hwy 78/Alanis, and State Hwy 78/Brown.

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

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

(1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of

the governmental body and with which the governmental body is conducting economic development negotiations;
or
(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2017-10a, 2018-9b, 2020-11b, 2021-4a, 2021-4b, 2021-4c, 2021-4d, 2021-5a, 2021-6a, 2021-6b, and 2021-6c.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

FUTURE AGENDA ITEMS

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on July 30, 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 Board should determine that a closed or executive meeting or session of the Board 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 Board at the date, hour and place given in this notice as the Board 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.

§ 551.073 – Discussing prospective gift or donation to the City.

§ 551.074 – Discussing personnel or to hear complaints against personnel.

§ 551.076 – Discussing deployment of security personnel or devices or security audit.

§ 551.087 – Discussing certain economic development matters.

AGENDA REPORT

Meeting Date:	<u>August 4, 2021</u>	Item Number:	<u>1</u>
Department:	<u>WEDC</u>		<i>(Staff Use Only)</i>
Prepared By:	<u>Jason Greiner</u>	Account Code:	<u> </u>
Date Prepared:	<u>7/30/21</u>	Exhibits:	<u>1</u>

Subject

Consider and act upon issues surrounding the Election of Officers for the WEDC Board of Directors for 2021-2022.

Recommendation

Staff recommends that the WEDC Board of Directors select officers for the upcoming year.

Discussion

REMOVE FROM TABLE

This Item was Tabled at the July 21, 2021 WEDC Board Meeting to allow for participation by additional members of the Board.

The Wylie City Council recently reappointed Mr. Demond Dawkins and appointed Mr. Blake Brininstool to three-year terms as Members of the Wylie Economic Development Corporation Board of Directors. Both Board Members have been sworn in by the City Secretary’s office.

On an annual basis and following the selection of WEDC Board Members by the Wylie City Council, the WEDC elects officers for the upcoming year. Provided for your review is Section V- Officers of the WEDC Bylaws. Section V provides for the selection of officers and the duties of the same.

The 2020-2021 WEDC Board Officers were:

- Demond Dawkins.....President
- John Yeager..... Vice President
- Melisa Whitehead Secretary
- Gino Mulliqi Treasurer
- Tim Gilchrist..... Board Member

Attachment:
WEDC Bylaws, Section V

4.14 Board's Relationship with Administrative Departments of the City

Any request for services made to the administrative departments of the City shall be made by the Board of its designee in writing to the City Manager. The City Manager may approve such request for assistance from the Board when he finds such requested services are available within the administrative departments of the City and that the Board has agreed to reimburse the administrative department's budget for the costs of such services so provided.

SECTION V OFFICERS

5.01 Officers of the Corporation

The elected officers of the Corporation shall be a President, Vice President, Secretary, and Treasurer. The Board may resolve to elect one or more Assistant Secretaries or one or more Assistant Treasurers as it may consider desirable. Such officers shall have the authority and perform the duties of the office as the Board may from time to time prescribe or as the Secretary or Treasurer may from time to time delegate to his or her respective Assistant. Any two (2) or more offices may be held by the same person, except the offices of President and Secretary.

5.02 Selection of Officers

The President and Vice President shall be elected by the Board and shall serve a term of one (1) year. On the expiration of the term of office of the President and Vice President, the Board shall select from among its Members individuals to hold such office. The term of office of the President and Vice President shall always be for a period of one year; provided, however, that the President and Vice President continue to serve until the election of their successors.

The Secretary and Treasurer shall be selected by the members of the Board and shall hold office for a period of one (1) year; provided, however, that they shall continue to serve until the election of their successors. Elections shall be held at the annual meeting of the Board.

Any officer meeting the qualifications of these Bylaws may be elected to succeed himself or to assume any other office of the Corporation.

5.03 Vacancies

Vacancies in any office which occur by reason of death, resignation, disqualification, removal, or otherwise, shall be filled by the Board of Directors for the unexpired portion of the term of that office in the same manner as other officers are elected to office.

5.04 President

The President shall be the presiding officer of the Board with the following authority:

1. Shall preside over all meetings of the Board.
2. Shall have the right to vote on all matters coming before the Board.
3. Shall have the authority, upon notice to the members of the Board, to call a special meeting of the Board when in his judgment such meeting is required.
4. Shall have the authority to appoint standing committees to aid and assist the Board in its business undertakings of other matters incidental to the operation and functions of the Board.
5. Shall have the authority to appoint ad hoc committees which may address issues of a temporary nature or concern or which have a temporary affect on the business of the Board.

In addition to the above mentioned duties, the President shall sign with the Secretary of the Board any deed, mortgage, bonds, contracts, or other instruments which the Board of Directors has approved and unless the execution of said document has been expressly delegated to some other officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these Bylaws, or by statute. In general, the President shall perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Board of Directors.

5.05 Vice President

In the absence of the President, or in the event of his or her inability to act, the Vice President shall perform the duties of the President. When so acting, the Vice President shall have all power of and be subject to all the same restrictions as upon the President. The Vice President shall also perform other duties as from time to time may be assigned to him or her by the President.

5.06 Secretary

The Secretary shall keep or cause to be kept, at the registered office a record of the minutes of all meetings of the Board and of any committees of the Board. The Secretary shall also file a copy of said Minutes with the City and the same to be given, in accordance with the provisions of these Bylaws, or as required by the Texas Open Meetings Act or the Texas Open Records Act or other applicable law. The Secretary shall be custodian of the corporate records and seal of the Corporation, and shall keep a register of the mailing address and street address, if different, of each director.

5.07 Treasurer

The Treasurer shall be bonded for the faithful discharge of his/her duties with such surety or sureties and in such sum as the Board of Directors shall determine by Board resolution, but in no event shall the amount of such bond be less than an amount equal to the average of the sums which the Treasurer has access to and the ability to convert during a twelve (12) month period of time. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Corporation. The Treasurer shall receive and give receipt for money due and payable to the Corporation from any source whatsoever, and shall deposit all such moneys in the name of the Corporation in such bank, trust corporation, and/or other depositories as shall be specified in accordance with Article VII of these Bylaws. The treasurer shall, in general, perform all the duties incident to that office, and such other duties as from time to time assigned to him by the President of the Board.

5.08 Assistant Secretaries and Assistant Treasurers

The Assistant Secretaries and Assistant Treasurers, if any, shall in general, perform such duties as may be assigned to them by the Secretary or the Treasurer, or by the President of the Board of Directors.

5.09 Director of Economic Development

The Corporation may employ a Director of Economic Development. The Director of Economic Development shall serve as the Chief Executive Officer of the Corporation and shall oversee all administrative functions of the Corporation. The Director shall develop policies and procedures for the Corporation including financial, accounting, and purchasing policies and procedures to be approved by the Board and City Council.

5.10 Other Employees

The Corporation may employ such full or part-time employees as needed to carry out the programs of the Corporation.

5.11 Contracts for Services

The Corporation may, contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of Directors of its discretion and policy-making functions in discharging the duties herein above set forth in this section.

AGENDA REPORT

Meeting Date:	<u>August 4, 2021</u>	Item Number:	<u>2</u> <i>(Staff Use Only)</i>
Department:	<u>WEDC</u>	Account Code:	<u></u>
Prepared By:	<u>Jason Greiner</u>	Exhibits:	<u>1</u>
Date Prepared:	<u>7/30/21</u>		

Subject

Consider and act upon the establishment of a Regular Meeting Date and Time for the WEDC Board of Directors for 2021-2022.

Recommendation

Staff recommends that the WEDC President establish a regular meeting date and time for 2021-2022.

Discussion

REMOVE FROM TABLE

This Item was Tabled at the July 21, 2021 WEDC Board Meeting to allow for participation by additional members of the Board.

Section 4.07 of the WEDC Bylaws states, “The President of the Board shall set regular meeting dates and times at the beginning of his/her term.” WEDC Board Meetings are currently formally set for the third Wednesday of each month at 7:30 a.m. However, due to changes in location due to Covid-19 and the flooding of the WEDC offices, all recent meetings have taken place at 8:30 a.m.

With officers elected via the previous Action Item, the WEDC President is required to establish the Regular Meeting date/time. Attached for our review is WEDC Bylaws, Section 4.07.

3. Long term issues to be dealt with over the succeeding twelve-month period or longer period of time, together with recommendations to meet such issues with emphasis to be placed on direct economic development.
4. A recap of all budgeted expenditures to date, together with a recap of budgeted funds left unexpended and any commitment made on said unexpended funds.

4.05 Implied Duties

The Development Corporation of Wylie, Inc. is authorized to do that which the Board deems desirable to accomplish any of the purposes or duties set out or alluded to in Section 4.04 of these Bylaws and in accordance with State law.

4.06 Tenure

The initial terms of office for the Directors shall be two (2) Directors with three (3) year terms, two (2) Directors with two (2) year terms, and one (1) Director with a one (1) year term, as designated by the Mayor and City Council. After the initial term of office, the Directors shall serve for three (3) years, and Directors may serve for an unlimited number of consecutive terms.

4.07 Meetings; Notice; Conduct

The Board shall attempt to meet at least once each month within the city of Wylie, at a place and time to be determined by the President. All meetings of the Board shall provide notice thereof as provided and as required by the Texas Open Meetings Act. Any member of the Board may request that an item be placed on the agenda by delivering the same in writing to the secretary of the Board prior to the posting of the notice required by the Texas Open Meetings Act. The President of the Board shall set regular meeting dates and times at the beginning of his/her term. Special Meetings may be called by any member of the Board in accordance with the provisions of the Texas Open Meetings Act.

The notice shall contain information regarding the particular time, date, and location of the meeting and the agenda to be considered. All meetings shall be conducted in accordance with the Texas Open Meetings Act.

The annual meeting of the Board of Directors shall be held in January of each year.

The Board may retain the services of a recording secretary if required.

AGENDA REPORT

Meeting Date: August 4, 2021
Department: WEDC
Prepared By: Jason Greiner
Date Prepared: 7/30/21

Item Number: DS1
(Staff Use Only)
Account Code: _____
Exhibits: _____

Subject

Discuss issues surrounding Wylie EDC loans.

Recommendation

No action is requested by staff for this item.

Discussion

As the Board will recall, Staff shared various options to refinance the WEDC's current debt and borrow additional funds for the acquisition of key properties. The Board also discussed the impact of debt service on future projects and explored different loan scenarios for the FY22 Budget. Following direction at the previous Board Meetings, staff is in the process of obtaining additional information from local banks and Government Capital.

For budgeting purposes, Staff used a loan scenario of \$8MM at a fixed 4% rate for 10 years. This same \$8MM/10-year scenario was presented to local banks for their review and consideration. Staff also expressed the Board's desire to remain flexible, so loans extending beyond a 10-year term were also requested (if applicable).

Budget Dates/Deadlines:

- Final Budget Presentation at Council: 7/27/21
- The City's Proposed Budget is filed: 8/5/21

Additional Dates/Deadlines:

- August Board Meeting: 8/18/21
- September Board Meeting: 9/15/21
- New FY: 10/1/21

Loan Approval is estimated to take between 30-45 days & PSA closing is estimated at 60 days.

AGENDA REPORT

Meeting Date: August 4, 2021
Department: WEDC
Prepared By: Jason Greiner
Date Prepared: 7/30/21

Item Number: DS2
(Staff Use Only)
Account Code: _____
Exhibits: _____

Subject

Discussion regarding engineering and mowing services.

Recommendation

No action is requested by staff for this item.

Discussion

Staff will lead a discussion about services necessary for both engineering and mowing of WEDC-owned properties.

AGENDA REPORT

Meeting Date:	<u>August 4, 2021</u>	Item Number:	<u>DS3</u>
Department:	<u>WEDC</u>		<i>(Staff Use Only)</i>
Prepared By:	<u>Jason Greiner</u>	Account Code:	<u></u>
Date Prepared:	<u>7/30/21</u>	Exhibits:	<u></u>

Subject

Discussion regarding a WEDC Board Tour, Retreat, or Work Session.

Recommendation

No action is requested by staff for this item.

Discussion

As requested, Staff has added this agenda item to explore options for a Board Tour and Work Session. Staff will lead a discussion to establish topics for the WEDC Board Tour/Work Session that will take place on August 9, 2021 and receive any further input from the Board.

Potential Work Session topics for consideration include:

- WEDC Property holdings, and Future Developments
- WEDC Properties, Future Land Use, and the Comprehensive Plan Advisory Committee
- Strategic Planning and Long-Term Goals
- WEDC Bylaws
- New Board Member Handbook