

Wylie City Council Regular Meeting

April 13, 2021 – 6:00 PM

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



CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS

PR1. Wylie Way Students

PR2. Proclamation declaring April 11-17, 2021 as National Public Safety Telecommunicator Week.

PR3. Proclamation declaring April 4-10, 2021 National Library Week.

PR4. Proclamation declaring April 11-17, 2021 Animal Services Officer Appreciation Week.

PR5. Proclamation declaring April 18-24, 2021 National Crime Victim's Rights Week.

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 March 23, 2021 Regular City Council Meeting minutes.
- B. Consider, and act upon, accepting the updated Meeting Room Policy for the Rita and Truett Smith Library.
- C. Consider, and act upon, a Final Plat for Lot 1 of Schreiber Addition, establishing one lot on 6.885 acres located in the ETJ at 2875 Vinson Road.
- D. Consider, and act upon, Ordinance No. 2021-18, amending Zoning Ordinance (2006-04), Article 5, Use Regulations, as it relates to permanent, accessory, and temporary uses for Food Trucks and Farmers Markets. (ZC 2021-06).
- E. Consider, and act upon, Ordinance No. 2021-19, amending Zoning Ordinance (2006-04) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments (ZC 2021-07).
- F. Consider, and act upon, Ordinance No. 2021-20, amending Zoning Ordinance (2006-04), Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right (ZC 2021-05).

- G. Consider, and act upon, Ordinance No. 2021-21 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation) to add Article IX (Cemeteries); Establishing a Cemetery Advisory Board.
- H. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of February 28, 2021.
- I. Consider, and place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on March 23, 2021.
- J. Consider, and act upon, Ordinance No. 2021-22 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals); prescribing regulations to ensure the health and humane treatment of animals and the public; defining terms; establishing regulations of animals, dogs and cats, dangerous dogs and rabies control; providing for an animal shelter advisory board; providing a savings/repealing clause, severability clause, penalty clause and an effective date; and providing for the publication of the caption hereof.
- K. Consider, and act upon, the approval of the purchase of Tires and Installation Services for Fleet Vehicles from Just Tires (Goodyear, Murphy), Graham Truck & Tire Center, Blagg Tires, Southern Tire Mark, and T&W Tire in the estimated amount of \$50,000 through an interlocal purchasing agreement with the Collin County Governmental Purchasers Forum, and authorizing the City Manager to execute any necessary documents.

WORK SESSION

WS1. Discuss Aquatics Study – Joint work session with Parks and Recreation Board.

RECONVENE INTO REGULAR SESSION

REGULAR AGENDA

- 1. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 620 N. State Highway 78 (ZC 2021-02).
- 2. Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 2901 W. FM 544 (ZC 2021-03).
- 3. Consider, and act upon, the appointment of a board member to the North Texas Municipal Water District (NTMWD) Board to fill an expired term of June 1, 2021 to May 31, 2023.

WORK SESSION

WS2. Fire Department Presentation.

WS3. FY 2022 Budget Work Session.

RECONVENE INTO REGULAR SESSION

EXECUTIVE SESSION

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

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

ES1. Consider the sale or acquisition of properties located at FM 544 and Cooper.

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: 2020-11b and 2021-1f.

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 April 9, 2021 at 5:00 p.m. on the outside bulletin board at Wylie City Hall, 300 Country Club Road, Building 100, Wylie, Texas, a place convenient and readily accessible to the public at all times.

Stephanie Storm, City Secretary

Date Notice Removed

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

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

Texas Government Code Section:

§ 551.071 – Private consultation with an attorney for the City.

§ 551.072 – Discussing purchase, exchange, lease or value of real property.

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

§ 551.087 – Discussing certain economic development matters.

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

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



Wylie City Council

AGENDA REPORT

Department: City Secretary
Prepared By: Stephanie Storm

Account Code: _____

Subject

Consider, and act upon, approval of March 23, 2021 Regular City Council Meeting minutes.

Recommendation

A motion to approve the March 23, 2021 Regular City Council Meeting minutes.

Discussion

The minutes are attached for your consideration.



Wylie City Council

Minutes

Regular Meeting

March 23, 2021 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:00 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilwoman Candy Arrington, Councilman Timothy T. Wallis, and Councilman Garrett Mize (arrived at 6:03 p.m.).

Staff present included: City Manager Chris Holsted; Assistant City Manager Brent Parker; Assistant City Manager Renae Ollie; Police Chief Anthony Henderson; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; Finance Director Melissa Beard; Building Official Brett McCullough; Planning Manager Jasen Haskins; Parks and Recreation Director Rob Diaz; Project Engineer Jenneen Elkhaid; WEDC Executive Director Jason Greiner; City Attorney Richard Abernathy; City Secretary Stephanie Storm, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor *pro tem* Forrester led the invocation and Councilwoman Arrington led the Pledge of Allegiance.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

There were no citizens present wishing to address the Council.

Councilman Mize took his seat at the dias at 6:03 p.m.

Mayor Porter convened the Council into Executive Session at 6:04 p.m.

EXECUTIVE SESSION

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

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

ES2. Properties adjacent to McMillen Rd. between McCreary Rd. and Country Club Rd.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 7:03 p.m.

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 March 9, 2021 Regular City Council and Work Session Meeting minutes.**
- B. Consider, and act upon, a Final Plat for Emerald Vista Phase 1, to establish 91 residential lots, seven open space lots, and one Government Business lot on 27.369 acres, located on South Ballard Road at Elm Road.**
- C. Consider, and act upon, a Preliminary Plat for Kreymer at the Park Addition, being 49 residential lots and two open space lots on 16.48 acres. Property located at 2605 E. Stone Rd.**
- D. Review, and place on file, the 2020 Wylie Police Department Annual Racial Profiling Analysis.**
- E. Consider, and place on file, the City of Wylie Monthly Investment Report for February 28, 2021.**
- F. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for February 28, 2021.**
- G. Consider, and act upon, the approval of the upgrade to Incode 10 Financial System with Tyler Technologies Inc. in the amount of \$87,670.00, and authorizing the City Manager to execute any and all necessary documents.**
- H. Consider, and act upon, Ordinance No. 2021-17 adopting and enacting a new Code of Ordinances, City of Wylie, Texas; providing a penalty clause, repealing/savings clause, severability clause and an effective date; providing for the manner of amending such Code; and providing for the publication of the caption hereof.**

Mayor *pro tem* Forrester requested Item D be pulled from Consent Agenda and considered individually.

Council Action

A motion was made by Councilman Duke, seconded by Councilman Strang, to approve Consent Agenda Items A-H, except Item D as presented, and accepting the amendment to Item E from staff fixing a transposed number on the financial report. A vote was taken and motion passed 7-0.

REGULAR AGENDA

- D. Review, and place on file, the 2020 Wylie Police Department Annual Racial Profiling Analysis.**

Council Comments

Mayor *pro tem* Forrester asked Police Chief Henderson for additional background information on the Analysis.

Staff Comments

Police Chief Henderson addressed Council stating every year the Police Department is required to submit data from traffic stops completed in the City. For transparency purposes, the City utilizes an outside company, Justice Research Consultants, to take the data and review it. The law stipulates what must be collected from the traffic stops, which include: gender, race, whether the race is known before the stop is made, ethnicity, the reason for the stop, if a search was conducted, if the search was consensual, if contraband is located, type of contraband, the probable cause, if an arrest was made, the basis for the arrest made, and if force was used on a traffic stop. The Wylie Police Department has had zero use of force related to traffic stops. Henderson added that every officer is in compliance with the required de-escalation training. The police department provides each officer with body cameras which must be turned on every time contact is made with an individual, and the videos are randomly reviewed by staff. Henderson reported the police department is required by law to have an outline for a complaint process. When a complaint is received it is routed through the Office of Professional Standards, which handles complaints that are generated both internally or externally. The complaint process information can be found on the police department's website.

Henderson stated in 2020 8,493 traffic stops were conducted by Wylie Police Department. Out of the 8,493 stops, 82% were issued warnings and 13% were issued citations, 80+% in each race category received warnings, and there were 218 arrests made.

Mayor *pro tem* Forrester and Mayor Porter commended the Police Department.

Council Action

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

1. **Hold a Public Hearing to consider, and act upon, amending Zoning Ordinance (2006-04), Article 5, as it relates to permanent, accessory, and temporary uses for Food Trucks and Farmers Markets. (ZC 2021-06).**

Staff Comments

Planning Manager Haskins addressed Council stating locally sourced foods and mobile prepared food vendors have gained in both popularity and acceptance. A survey conducted during the update to the Parks Master Plan identified interest from the community in allowing Food Truck Parks and Farmers Markets as both permanent and temporary uses. Staff held a work session with the Planning and Zoning Commission and based on the comments received from the Commission, staff recommendations to the Zoning Ordinance amendment include: allow permanent, stand-alone Food Truck Parks and Farmers Markets with the approval of a Special Use Permit in most commercial areas, add food vendors/Farmers Market style sales to the Accessory Outside Sales use to allow these uses to be added to existing commercial facilities on a permanent basis, amending and updating Section 5.5 Temporary Uses to adjust for the addition of Food Trucks and Farmers Markets and clarify and amend the number of allowed days per calendar year per use. In total, these amendments will allow for Food Truck Parks and Farmers Markets in the City on a more permanent basis. Haskins reported after some discussion regarding the types of permanent uses would be allowed and a motion to clarify the types of permanent utilities required on-site, the Commission voted 6-0 to recommend approval.

Council Comments

Councilwoman Arrington asked what the definition of a Farmers Market is; does it include goods, or is it strictly produce and food. Haskins replied produce and food source, not homemade items as there is a separate zoning use for arts and festivals type of items. Mayor *pro tem* Forrester expressed concerns with the definition as written which includes arts and crafts products if the venue is specific to food trucks, and recommended refining the definition.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 7:18 p.m. asking anyone present wishing to address Council to come forward.

Janet Smith, representing the Borough, addressed Council stating arts and crafts vendors are allowed at other local Farmers Markets, and expressed they would not like to discourage the unique items. Smith stated holding the Farmers Market and events in downtown Wylie has drawn shoppers to downtown Wylie. Smith expressed concerns with the added requirements proposed this evening as many of them have a cost associated for the event holders.

Mayor Porter closed the public hearing at 7:23 p.m.

Council Comments

Mayor Porter asked the reasoning behind the additional regulations such as paving, restrooms, and water and if they are prohibitive. Haskins showed an example of The Picnic in Austin, Texas as something similar and stated temporary use has very minimal restrictions; however, a more permanent use has additional regulations which makes it a safer environment. Mayor *pro tem* Forrester asked the land owners thoughts as keeping it as a long-term use. Smith replied the landowner has plans to build a building in the future so they would prefer keeping the improvements minimal. Porter asked Ms. Smith what is causing the concern with the 90 day temporary use permit (TUP). Smith replied the TUP works for the weekend event, but they have vendors that want to sell during the week. Smith stated putting in electrical would be a high cost and the land owner would not be okay with the improvements because of future plans. Smith asked why the improvements have to be permanent, and not temporary like they have been. Porter replied that the concern is allowing it on a permanent basis, without some of the regulations, could have potential safety issues with any future areas that are operating similarly. Porter asked if they want to stay with less regulations, what is the negative impact to obtaining temporary permits. Smith replied the negative impact is they cannot have a consecutive 90 days; they have to wait a certain amount of time before they can reapply for another 90 days. Forrester asked if the 90 days is only for weekends or is it 90 days consecutively. Haskins replied staff has allowed only weekends but felt the intent was 90 consecutive days so staff would like to change to 90 consecutive days. Forrester confirmed in one year the event holder can choose 90 total days or 90 days consecutively. Haskins replied right now the event holder can choose and staff currently asks for a calendar with the dates; however, staff is proposing to only allow for 90 consecutive days and not allow the choosing of the 90 days over the year. Councilman Mize confirmed what is being proposed would make the event holder have to use the TUP for 90 consecutive days. Haskins replied as of right now, under the current ordinance, the event holder can choose 90 consecutive days; however, staff is proposing changing that to 90 consecutive days. Mize asked Ms. Smith what is her preference. Smith replied she is concerned with the consecutive days because you cannot reapply for another 90 consecutive days. Councilwoman Arrington asked what is the downside to allowing the event holder to reapply for another 90 days during the calendar year if staying under TUP. Haskins replied as long as they meet the criteria in the TUP, which is much less stringent than permanent use, the City has to allow it and in theory it becomes a permanent use under temporary conditions. Councilman Wallis asked if the City could tighten the TUP so they can still apply for the 90 days, and then apply for a consecutive 90 days, instead of having to obtain the permanent use. Haskins replied the language could be difficult but could look into it, but added a TUP is intended to be temporary and not continued. Wallis asked if there is a way to give the event holder the option to do every weekend and pick their days. Haskins replied that change could be made to the proposed wording. Forrester stated the City dealt with this a few years back and asked Assistant City Manager Ollie if she has any additional information. Ollie replied if Council is looking to do more than 90 days, the wording could be to allow a one time extension of 30, 60, or 90 days during the calendar year, and allow the applicant to choose their days. Porter asked for Haskins thoughts on the wording with the extension. Haskins replied allowing the event holder to pick and choose is not a bad thing. Forrester asked about the possibility of another 90 days extension and expressed concerns with the permanence of the request in a temporary nature. Haskins replied if the City has a TUP operating under a more permanent use under temporary regulations, it could create an unfair situation with local businesses. Councilman Duke asked if the City does any policing with the TUP issued. Building Official McCullough replied yes before the TUP is issued inspections are

completed by various departments; however, during the 90-day period there are no other inspections done, only the first-time inspection. Wallis asked how often a permanent business is inspected. McCullough replied they are inspected before a CO is issued and the fire department does an annual inspection for maintenance. Wallis asked if we are more lenient on a food truck extended throughout the year than we are other permanent businesses. McCullough replied Collin County does annual inspections of restaurants, and a TUP would have a one-time inspection when the permit is issued. Holsted clarified we do require more stringent uses for permanent uses and asked at what point does a TUP become a permanent use and have to meet the same regulations. Porter asked for feedback on similar locations near us and what their requirements include. Haskins replied the permanent use regulations are very similar and what is presented is what staff felt was best for Wylie based on other cities ordinances. Porter asked if they have similar restrictions on TUP. Haskins replied they do. Arrington stated based on the comments and feedback she is more concerned that if the event holder gets to pick their days for the whole year; that is creating a permanent use. Forrester stated the food truck and farmers market is a great idea to bring livelihood and business to downtown; however, he agrees with Arrington and stated if a TUP is issued for the purpose of testing the waters, that is a great idea, but to stretch the TUP out too far, it becomes more of a permanent use and can create confusion of local business owners.

Porter asked for feedback from the Council. Mize stated the idea of food trucks and a farmer's market is an excellent idea for the community and stated he supports the changes in the ordinance as written to create something permanent, but have to balance with temporary applicants and lean towards Ollies recommendation of allowing 90 consecutive days plus 90 non-consecutive days extension of a TUP, or a flat 180 non-consecutive days. Forrester stated he agreed with the proposed changes but not sure about 180 days being temporary and would like to see 90 consecutive days plus 90 non-consecutive or consecutive. Arrington stated she recommended 90 consecutive days plus 90 consecutive days. Strang stated he liked the idea of the permanent permit, and recommended 90-110 day non-consecutive for the TUP. Duke stated he recommended 90 days plus 60 non-consecutive days extension, but does not want a TUP operating for half the year and there has to be a clear line between temporary and permanent use. Wallis recommended 90 consecutive days plus a 30 consecutive day extension. Arrington stated she agreed with Wallis. Porter stated there has to be a balance between temporary and permanent use.

The consensus of Council was they liked the standards proposed for the permanent use. Haskins asked for clarification regarding arts and crafts being included in the definition. Mize, Forrester, Duke, Strang, and Porter stated they would like to include arts and crafts in the definition. Forrester asked what the current balance of arts and crafts to food vendors is. Smith replied currently there is 70% food and 30% arts, crafts, and other. Arrington and Wallis stated they would like to remove arts and crafts from the definition.

Council Action

A motion was made by Councilman Mize, seconded by Councilman Strang, to approve amending Zoning Ordinance (2006-04), Article 5, as it relates to permanent, accessory, and temporary uses for Food Trucks and Farmers Markets (ZC 2021-06) with the amendment to Section 5.5 Temporary Uses to permit for 180 days at the choice of the applicant. A vote was taken and motion failed 4-3 with Mayor Porter, Councilwoman Arrington, Councilman Wallis and Mayor *pro tem* Forrester voting against.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilwoman Arrington, to approve amending Zoning Ordinance (2006-04), Article 5, as it relates to permanent, accessory, and temporary uses for Food Trucks and Farmers Markets (ZC 2021-06) with the amendment to Section 5.5 Temporary Uses specifically Purpose paragraph to read TUPs may be approved for 90 consecutive days with a 30 consecutive day extension. A vote was taken and motion passed 6-1 with Councilman Strang voting against.

2. **Hold a Public Hearing to consider, and act upon, amending Zoning Ordinance (2006-04), Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right (ZC 2021-05).**

Staff Comments

Planning Manager Haskins addressed Council stating Planning staff and the Planning and Zoning Commission held a joint work session to discuss recommended changes to the Zoning Ordinance related to requiring Special Use Permits (SUPs) for some uses currently allowed by right. After a staff presentation and some discussion, the Commission directed staff to draft a Zoning Ordinance amendment. The recommended changes relate to: commercial greenhouse/nursery; theater; on-site dry cleaning; motor vehicle fueling station; restaurant with drive in; vehicle sales; and contractor's maintenance yard. Haskins reported the Commission voted 6-0 to recommend approval.

Staff Comments

Mayor Porter stated these changes do not prevent these types of businesses from coming into the City; it requires a SUP which allows Council to look at different factors and those listed in the Zoning Ordinance to make sure it is the right fit on the specific property for the business and the best thing for the community based on the guidelines provided.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 8:16 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 8:16 p.m.

Council Action

A motion was made by Councilman Mize, seconded by Councilman Wallis, to approve amending Zoning Ordinance (2006-04), Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right (ZC 2021-05). A vote was taken and motion passed 7-0.

3. **Hold a Public Hearing to consider, and act upon, amending Zoning Ordinance (2006-04) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments (ZC 2021-07).**

Staff Comments

Planning Manager Haskins addressed Council stating the Planning and Zoning Commission and staff held a work session to discuss recommended changes to the Zoning Ordinance related to massage establishments. After a presentation from staff and discussion, the Commission directed staff to draft a Zoning Ordinance amendment. Those amendments are summarized in the agenda packet. The recommended changes for massage establishments moves the use category from a sexually oriented business to a personal service use. The definition is more in line with the State, which defines a massage establishment as a health care service. By definition a massage establishment can only be staffed by state licensed masseuse. This use includes sports therapy massage and day-spas, as long as the appropriate state licenses are held. Any establishment that offers massage by a non-licensed masseuse would not be allowed. Haskins reported after some discussion and clarification that unlicensed massage is not an allowed use, the Commission voted 6-0 to recommend approval.

Public Hearing

Mayor Porter opened the public hearing on Item 3 at 8:19 p.m. asking anyone present wishing to address Council to come forward.

No one came forward for the public hearing.

Mayor Porter closed the public hearing at 8:19 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to approve amending Zoning Ordinance (2006-04) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments (ZC 2021-07). A vote was taken and motion passed 7-0.

- 4. Consider, and act upon, a Final Plat for The Waters Addition, being a replat of Copeville RV Park and Tracts 86 and 110 of the Drury Anglin Survey, to create four lots on 19.273 acres for an RV Park development. Property generally located on CR 546 3700' west of North State Highway 78, Nevada, in the City of Wylie's Extra Territorial Jurisdiction.**

Staff Comments

Planning Manager Haskins addressed Council stating the applicant has submitted a Final Plat for The Waters Addition. The plat consists of four irregular lots on 19.273 acres located outside of the City limits within the extraterritorial jurisdiction (ETJ). The purpose of the plat is for the development of a Tiny Home Park. The irregular configuration and splitting of the development into four lots are due to the applicant's desire to connect small onsite sewage facilities (OSFF) to each lot that each treat less than 5,000 gallons of wastewater per day. Haskins stated limiting the daily wastewater capacity on each lot allows Collin County the authority to review and approve the OSFFs. The property could be platted as one regular lot and one large OSSF facility could be used to provide wastewater service to the entire development; however, the volume of wastewater would exceed 5,000 gallons per day. The increased volume would require a review and Domestic Wastewater permit from the Texas Commission on Environmental Quality (TCEQ). The applicant has requested for the allowance of the four irregular lots with four separate OSFFs due to TCEQ's requirements and review process being more involved and lengthier than Collin County's.

Haskins stated staff has concerns over the allowance of the irregular lots. The irregular lots do not leave many options for possible future development and there are cross access issues if any lot changes ownership, particularly for the western portions of lots 1, 2, and 4. Section 3.6.C of the Subdivision Regulations grants the City the authority to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purpose intended. In general, triangular, severely elongated or tapered, "flag" or "panhandle" lots shall be avoided. Haskins reported after some discussion and discussion with the applicant over the various development options, the Commission voted 5-1 to recommend approval.

Council Comments

Mayor *pro tem* Forrester asked if it meets the Counties technical requirements. Haskins responded that the County said it does meet their requirements and they defer to the City for lot shape. Mayor Porter asked if the City has control over the lot shape. Haskins replied yes.

Applicant Comments

Marshall Warren, owner of The Waters, gave a brief overview of the community. Warren stated they will not allow rental properties and the homes will be owner occupied.

Councilwoman Arrington asked if the development will only consist of tiny homes or will it also include RVs. Haskins stated staff included RVs in the verbiage because it is currently an RV park.

Council Action

A motion was made by Councilman Strang to approve a Final Plat for The Waters Addition, being a replat of Copeville RV Park and Tracts 86 and 110 of the Drury Anglin Survey, to create four lots on 19.273 acres for

an RV Park development. Property generally located on CR 546 3700 feet west of North State Highway 78, Nevada, in the City of Wylie's Extra Territorial Jurisdiction. Motion died for the lack of a second.

Councilman Wallis asked if there is a way to make a delineation of what it will be (tiny homes), instead of what it currently is (RV park). Haskins reported staff left RV park in because that is what it currently is, but staff could remove the wording. Haskins reported the City has no control over the development in the ETJ. Mr. Warren replied he guarantees he will build a first-class development.

Councilwoman Arrington stated she forgot that this is an ETJ property that is being discussed and asked what the City can regulate on this development. Haskins replied the shape of the lot for this particular development.

A motion was made by Mayor *pro tem* Forrester, seconded by Councilwoman Arrington, to approve a Final Plat for The Waters Addition, being a replat of Copeville RV Park and Tracts 86 and 110 of the Drury Anglin Survey, to create four lots on 19.273 acres for an RV Park development. Property generally located on CR 546 3700 feet west of North State Highway 78, Nevada, in the City of Wylie's Extra Territorial Jurisdiction. A vote was taken and motion passed 7-0.

- 5. Consider, and act upon, Ordinance No. 2021-15 establishing a Citizens Bond Advisory Committee; providing for the scope and authority of the Committee; providing for the appointment of its members; and providing for an effective date.**

Staff Comments

City Manager Holsted addressed Council stating in the motion to approve the Ordinance, Council will need to state the committee member's names and staff will contact the members to schedule the first committee meeting.

Council Comments

Councilman Mize stated he would like to appoint Brooke Lopez and Aaron Jameson, Councilman Wallis stated he would like to appoint Nahum Razo and Matthew Soto, Councilwoman Arrington stated she would like to appoint Keith Stephens and Becky Welch, Mayor *pro tem* Forrester stated he would like to appoint Lance Goff and Renee Young, Councilman Strang stated he would like to appoint Todd Pickens and Aleksandra Rolfson, Councilman Duke stated he would like to appoint David Goss and Scott McDonald, and Mayor Porter stated he would like to appoint Sandra Stone and Wes Dorsey.

Council Action

A motion was made by Mayor Porter, seconded by Mayor *pro tem* Forrester, to approve Ordinance No. 2021-15 establishing a Citizens Bond Advisory Committee; providing for the scope and authority of the Committee; and appointing Mr. Lance Goff, Ms. Renee Young, Ms. Brooke Lopez, Mr. Aaron Jameson, Mr. Todd Pickens, Ms. Aleksandra Rolfson, Mr. David Goss, Mr. Scott McDonald, Mr. Matthew Soto, Mr. Nahum Razo, Mr. Keith Stephens, Ms. Becky Welch, Ms. Sandra Stone, and Mr. Wes Dorsey to the committee. A vote was taken and motion passed 7-0.

- 6. Consider, and act upon, Ordinance No. 2021-16 establishing a Code of Ethics Council Subcommittee, providing for the scope and authority of the Subcommittee, and appointing Subcommittee members.**

Staff Comments

City Manager Holsted addressed Council stating Staff and Council previously discussed the City of Wylie Code of Ethics and possible revisions. Council recommended establishing a Subcommittee to review the current ethics policy and provide recommendations to the full Council. Holsted requested Council name the

three committee members in the motion of the approval of the Ordinance, which will establish the Subcommittee.

Council Comments

Mayor Porter and Councilmen Mize, Strang, and Duke expressed interest in serving on the Committee.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Ordinance No. 2021-16 establishing a Code of Ethics Council Subcommittee, providing for the scope and authority of the Subcommittee, and appointing Mayor Matthew Porter, Councilman Garrett Mize, and Councilman Dave Strang to the Subcommittee. A vote was taken and motion passed 7-0.

Mayor Porter convened the Council into a break at 8:47 p.m.

Mayor Porter reconvened the Council into a Work Session at 8:55 p.m.

WORK SESSION

WS1. Wylie EDC & Retail Coach Presentation.

WEDC Executive Director Greiner addressed Council giving a short presentation about the Wylie EDC board creation, defined economic development, addressed what Wylie EDC does, reviewed the esri Community Profile, reviewed multiple redevelopment projects, reviewed retail development, and overviewed high impact initiatives.

Aaron Farmer, representing The Retail Coach, addressed Council giving a presentation on the following: eight step Retail360 process; mobile location data; cell phone analysis heat map and data; primary retail trade area; retail trade area; site profiles; trade show representation; interactive mapping application; next steps; 2021 trends; and 2021 retail expansion. Farmer stated they would like to send a survey out to citizens to gather input on what type of businesses residents would like to see in the City.

Farmer addressed questions from Council. Council liked the idea of the survey.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 9:32 p.m.

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

EXECUTIVE SESSION

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

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

ES1. Consider the sale or acquisition of properties located at FM 544 and Cooper.

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

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

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

the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

ES3. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2020-11b and 2021-1f.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter convened the Council into Open Session at 9:58 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to authorize the City Manager and the EDC Director to draft a Development Agreement with Project 2021-1f in an amount not to exceed \$200,000. A vote was taken and motion passed 7-0.

READING OF ORDINANCES

City Secretary Storm read the caption to Ordinance No. 2021-15, 2021-16, and 2021-17 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Mize, to adjourn the meeting at 10:01 p.m. A vote was taken and motion passed 7-0.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary



Wylie City Council

AGENDA REPORT

Department: Library
Prepared By: Ofilia Barrera

Account Code: _____

Subject

Consider, and act upon, accepting the updated Meeting Room Policy for the Rita and Truett Smith Library.

Recommendation

Motion to recommend accepting the updated Meeting Room Policy for the Rita and Truett Smith Library.

Discussion

The Meeting Room Policy required an update after obtaining software that allows patrons to book the room online. We have also revised the times the room is available and how the rooms may be used.

MEETING ROOM POLICY - SMITH PUBLIC LIBRARY
APPROVED BY THE LIBRARY BOARD ON MARCH 22, 2021

A. USE OF THE FACILITIES

1. STATEMENT OF PURPOSE – MEETING ROOMS

- A. The Rita and Truett Smith Public Library (“library”) has designated spaces for the community to use.
- B. The Multi-Purpose Room and Conference Room may be reserved and used under the guidelines listed below for general, non-commercial, informational, educational, cultural, and civic needs including activities such as discussion groups, panels, lectures, conferences, and seminars. Meeting Rooms may not be used for private social events or commercial purposes.
- C. All groups and individuals must comply with the [Patron Behavior Policy](#).
- D. A Meeting Room is not considered reserved until the application is received, paid for, approved and confirmed by the library. Reservations shall be accepted, subject to the provisions of this policy, in the order received and depending on the availability of an appropriate room.

2. GENERAL MEETING -TERMS AND CONDITIONS

After the library schedules its programs, citizens may apply to use the meeting rooms. Library staff shall determine which applicants may use the meeting rooms on a first-come, first-serve basis and shall have final authority regarding use of the meeting rooms and/or cancellation or discontinuance of reservations. The library does not keep a waiting list or hold meeting rooms.

The applicant must have a current Smith Public Library card. The library card number must be provided when applying for the meeting room. The library card or a picture I.D. of the applicant must be presented at the time of the meeting to the Service Desk. The meeting room will be checked out to the applicant. The applicant is required to check-in the meeting room upon the end of the meeting. The applicant must be present for the duration of the meeting. **Library cards other than the applicant’s will not be accepted.**

A fully complete and signed application, library card number, and any applicable supporting documents are due at the time that the application is submitted. **Payment is due 72 hours after notification of approved application in order for the reservation to be complete.** If the date requested is within 72 hours of approval, payment must be made prior to the scheduled meeting time. A separate application with applicable documents and payments must be submitted for each date requested. Nonprofits must show proof of non-profit status to receive lower fee rates under this policy.

	Library Hours	Meeting Room Schedule
Monday	10am-8pm	9am-7:45pm
Tuesday	10am-8pm	9am-7:45pm
Wednesday	10am-8pm	9am-7:45pm
Thursday	10am-8pm	9am-7:45pm
Friday	10am-5pm	9am-4:45pm
Saturday	10am-5pm	10am-4:45pm
Sunday	Closed	Closed

- A. The meeting rooms are available on the days the library is open and functioning under typical conditions during the times listed on the table above. Reservation time includes both set-up and break-down. Meetings must conclude at least fifteen minutes prior to the closing of the library.
- B. To use any meeting room, organizations and/or individuals must apply a minimum of three business days before the scheduled meeting through our online reservation system. Submitted applications are reviewed Monday through Friday, 9 a.m. to 5 p.m.
- C. All individuals/organizations/companies will be required to fill out an application. Applications will be kept on record for a minimum of one (1) year.
- D. The Meeting Rooms are not intended to serve as a permanent public meeting location for any group. No group may use meeting rooms on a continuing, week-to-week or month-to-month basis. A maximum number of three (3) reservations are allowed at one time. Applicants may reapply for use of the meeting room upon successful completion of the last reserved meeting.
- E. Meeting rooms cannot be reserved more than 90 days in advance of the date the room is needed.
- F. Cancellations must be made at least 48 hours in advance for a refund.
- G. Failure to notify library staff of a meeting cancellation within 48 hours may result in privileges being revoked. In the event an applicant has three (3) no-shows, privileges to reserve a meeting room will be revoked for a period of one (1) year.
- H. All applicants must check-in and check-out at the Service Desk, the first desk as you enter the library. A staff member is required to unlock the meeting room at the beginning of the meeting and lock it after the meeting. Applicants are not permitted to enter an unlocked meeting room without first notifying a staff member.
- I. Groups using the meeting room shall be responsible for setting up chairs, tables, and other equipment before the meeting, maintaining order during the meeting, taking down whatever they put up after the meeting, and seeing that the facility is neat and clean at the conclusion of the program. Groups are fully responsible for the cost of any and all damages based upon actual repair or replacement costs.
- J. Commercial use of any kind is prohibited. Direct and indirect solicitation of goods or services and collection of fees for any purpose, including fundraising, goods, services or admission is prohibited.
- K. A meeting room may not be used for a social gathering such as a wedding shower, a baby shower, a birthday party, a dance, or a similar activity.
- L. A meeting room may not be used for a political partisan event in support or protest of a cause. Rooms may not be used for the creation or distribution of materials for a political campaign or for any other purpose in support of a political campaign, ballot issue or candidate.
- M. All fire regulations must be followed including room capacity and clear aisles, exits, and doors. In addition, candles and other open-flame devices (lighters, matches, torches, etc.) are prohibited.
- N. All meeting room applicants must be 18 years of age or older. Meetings consisting of minors (17 years and younger) must provide supervision by adults 18 years of age or older.
- O. The library reserves the right to revoke a reservation if the program or gathering is disruptive to the library's normal course of business or is in violation of the [Patron Behavior Policy](#).

- P. Activities in the room must not disrupt regular library operations including, but not limited to, soliciting or conducting surveys, making loud noises, blocking entries, fire lanes or walkways, etc.
- Q. The library reserves the right to deny applications for programs that are in conflict with established programs and services offered by the library.
- R. Chairs and tables are available in the meeting rooms. The following items are also available: **Conference Room** (television); **Multipurpose Room** (lectern, overhead projector and sound system with microphone.)
Note: Computers and other electronic devices are not provided by the library.
- S. Groups are responsible for enforcing the City's smoking ordinance, which does not permit smoking in city facilities, city property or city parks. *Smoke(s)* or *smoking* as used herein shall mean and includes the carrying, possessing or holding of a pipe, cigarette, tobacco product, weed or other plant product, electronic cigarette, e-cigarette or liquid nicotine of any kind which is burning or emitting a vapor. (City Ordinance Chapter 74, Article 1, section 74-3)
- T. The library is not responsible for any items or materials brought in by meeting room users.
- U. No materials may be tacked or posted in the meeting rooms. Those organizations that violate this policy will be charged a damage fee assessed by library staff.
- V. Organizations will defend, indemnify and hold harmless the library and the City of Wylie of any damage suffered because of or resulting from use of the meeting rooms.
- W. No reservation shall be legally binding. The Library Director may cancel any room reservation or display at any time, with or without cause.
- X. Permission to meet in the library does not constitute endorsement by the library or the Wylie City Council. Library staff, however, reserves the right to attend or observe all meetings. Such attendance or observation shall not constitute endorsement.
- Y. Any publicity or marketing materials for individual or group meetings that include the Smith Public Library name and/or address as the meeting location must include the following disclaimer: "This event is not sponsored by the Smith Public Library. The library does not advocate or endorse the viewpoints of meetings or meeting room users." Use of any library phone number as a contact phone number is prohibited.
- Z. Neither the name nor address of the library may be used as the official address or headquarters of an organization. The library cannot be listed as the sponsoring organization for public relations purposes, but only as the "location site."
- AA. Any announcements or notices to publicize an activity should not be posted or distributed on library premises.
- BB. Refreshments may be served with permission from the Library Director, but no alcoholic beverages are allowed.
- CC. The Library Director shall annually review the library's needs for space and will allocate remaining space for the public following that determination.

3. MEETING ROOM(S) -- OCCUPANCY

The Fire Marshal establishes maximum capacities for library meeting rooms. Meetings must not exceed the occupancy rate.

4. FEES

Payment and applicable supporting documents are due 72 hours after notification of approved application in order for the reservation to be complete. If the date requested is within 72 hours of approval, payment and/or any supporting documents must be submitted prior to the scheduled meeting time. Checks made payable to the City of Wylie. A \$25.00 service fee is charged for returned checks.

a. Multipurpose Room (maximum occupancy 200, no tables or chairs):

- Monday - Saturday:
 - Non-profit 501(c)(3) organizations: \$30.00 per hour, non-refundable. Proof of current 501(c)(3) status is required and must be submitted within 72 hours of application approval.
 - All other users: \$45.00 per hour, non-refundable.

b. Conference Room (maximum occupancy 24, 18 at tables with chairs): **Note: Furniture may not be removed from the conference room.**

- Monday - Saturday:
 - Users other than non-profit organizations: \$20.00 per hour, non-refundable.
 - Non-profit 501(c) (3) organizations: The Conference Room is free to non-profit organizations. Proof of non-profit status is required and must be submitted within 72 hours of application approval.



Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Consider, and act upon, a Final Plat for Lot 1 of Schreiber Addition, establishing one lot on 6.885 acres located in the ETJ at 2875 Vinson Road.

Recommendation

Motion to approve a Final Plat for Lot 1 of Schreiber Addition, establishing one lot on 6.885 acres located in the ETJ at 2875 Vinson Road.

Discussion

OWNER: Paul D. Schreiber

APPLICANT: A.J Bedford Group, INC

The applicant has submitted a Final Plat for Schreiber Addition. The property is located outside of the city limits within the ETJ, therefore the city has subdivision (i.e. platting) authority, but no development authority.

The plat consists of one residential lot that measures 6.885 acres. The purpose of the plat is to combine two tracts of land owned by the same property owner.

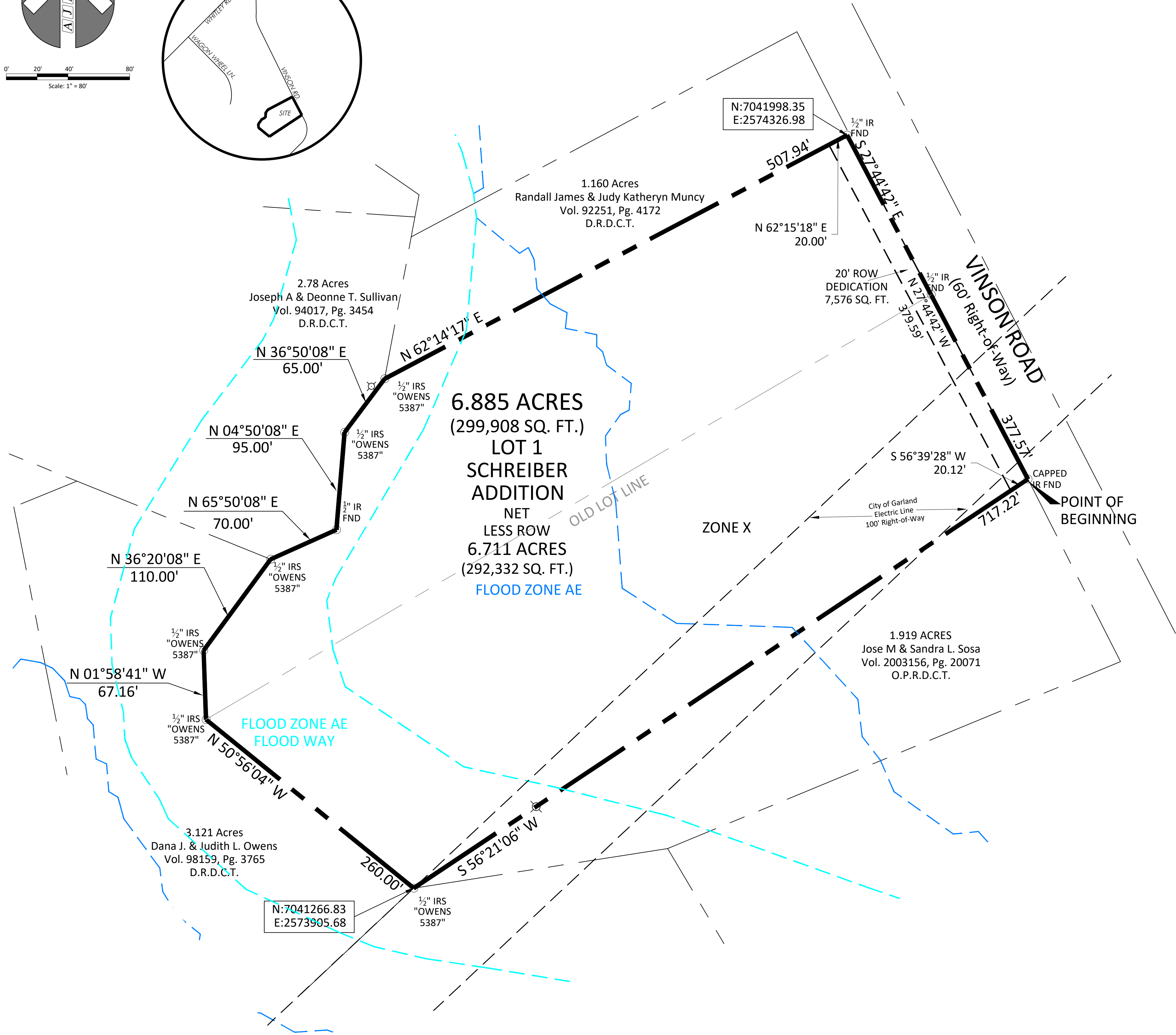
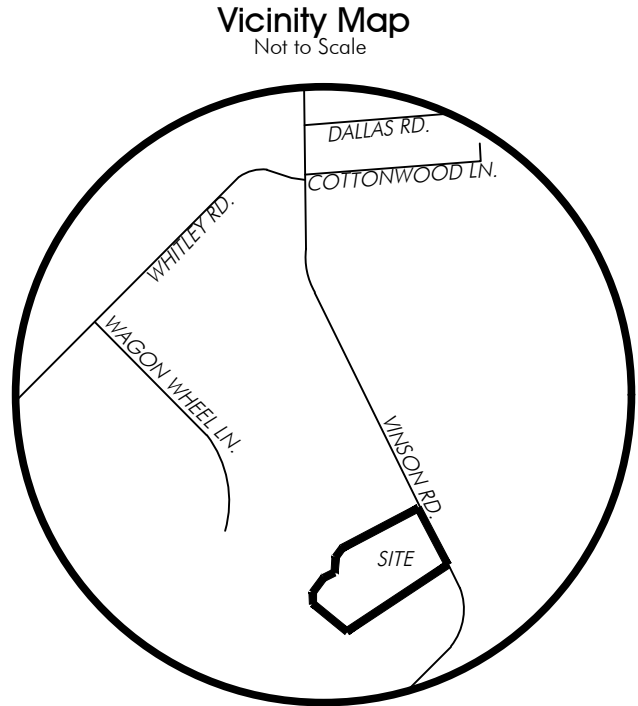
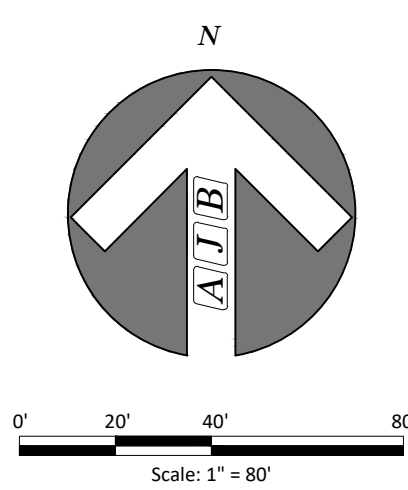
Vinson Road is listed as a Secondary Thoroughfare in the Thoroughfare Plan and is planned to be 100' in width. The applicant has dedicated 20' of R.O.W for the future widening of the road. The remaining 20' is to be dedicated by the fronting property owner on the opposite adjacent side of the right of way.

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

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

P&Z Commission Discussion

The Commission voted 6-0 to recommend approval.



- NOTES:
- All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and requirements of the Subdivision Ordinance.
 - Basis of Bearings: Bearings are based on the Deeds recorded in 200900187447, 200900187445, Official Public Records, Dallas County, Texas.
 - FLOOD STATEMENT: According to Community Panel No. 4808SC04201, dated June 02, 2009 of the Federal Emergency Management Agency, National Flood Insurance Program Map, this property is within Flood Zone "AE" which is the area of 100-year flood with base flood elevations and flood hazard factors determined and this property is within Flood Zone "X", which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.
 - Bench Mark: City of Wylie Monument CM5 located at the Rush Creek Lift Station. Located north of the northeast intersection of Troy Road and County Road 732. (Beaver Creek) POSTED ELEVATION = 454.28
 - Bench Mark: City of Wylie Monument CM2 located at the Old City Park. Located north of State Highway No. 78 and west of South Ballard Street near the southeast corner of the building located at 104 South Ballard Street. POSTED ELEVATION = 550.24

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That **PAUL D. SCHREIBER** and **ELLEN J. SCHREIBER**, do hereby adopt this plat designating the herein above described property as **SCHREIBER ADDITION, LOT 1**, an addition to the Dallas County, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Wylie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Wylie's use thereof.

The City of Wylie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Wylie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Wylie, Texas.

WITNESS, my hand, this ____ day of _____, 2021.

BY:

PAUL D. SCHREIBER and ELLEN J. SCHREIBER

Paul D. Schreiber

Ellen J. Schreiber

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Paul D. Schreiber and Ellen J. Schreiber, known to me to be the person(s) whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this __ day of _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

My Commission Expires On:

"RECOMMENDED FOR APPROVAL"

Chairman, Planning & Zoning Commission
City of Wylie, Texas

Date

"APPROVED FOR CONSTRUCTION"

Mayor, City of Wylie, Texas

Date

"ACCEPTED"

Mayor, City of Wylie, Texas

Date

The undersigned, the City Secretary of the City of Wylie, Texas, hereby certifies that the foregoing final plat of the SCHREIBER subdivision or addition to Dallas County was submitted to the City Council on the ____ day of _____, 20____, and the Council, by formal action, then and there accepted the dedication of streets, alley, parks, easement, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this ____ day of _____, A.D., 20____.

City Secretary
City of Wylie, Texas

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS, **PAUL D. SCHREIBER** and **ELLEN J. SCHREIBER** are the Owners of a **6.885** Acre tract of land situated in the A. Clements Survey, Abstract No. 255, City of Wylie, Dallas County, Texas and being all of Lots 3 & 4, Cottonwood Creek Estates (unrecorded) and being also all of 2.945 acre tract of land per Special Warranty Deed with Vendor's Lien recorded in Inst. No. 200900187445, Official Public Records, Dallas County, Texas and also all of a 3.940 acre tract of land per General Warranty Deed recorded in Inst. No. 200900187447, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a capped iron rod found for the southeast corner of said 6.885 acre tract of land and being located in the southwesterly line of Vinson Road (60' Right-of-Way);

THENCE departing the southwesterly line of said Vinson Road and along the common line of said 6.885 acre tract and a 1.919 acre tract of land to Jose M & Sandra L. Sosa, recorded in Vol. 2003156, Pg. 20071, Deed Records, Dallas County, Texas, **SOUTH 56°21'06" WEST** a distance of **717.22** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner and being located in the northeast line of a 3.121 acre tract of land to Dana J. & Judith L. Owens, recorded in Vol. 98159, Pg. 3765, Deed Records, Dallas County, Texas;

THENCE along the common line of said 6.885 acre tract and said 3.121 acre tract as follows:

NORTH 50°56'04" WEST a distance of **260.00** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

NORTH 01°58'41" WEST a distance of **67.16** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

NORTH 36°20'08" EAST a distance of **110.00** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

THENCE along a common line of said 6.885 acre tract and a 2.78 acre tract of land to Joseph A. & Deonne T. Sullivan, recorded in Vol. 94017, Pg. 3454, Deed Records, Dallas County, Texas as follows:

NORTH 65°50'08" EAST a distance of **70.00** feet to a ½ inch iron rod found or corner;

NORTH 04°50'08" EAST a distance of **95.00** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

NORTH 36°50'08" EAST a distance of **65.00** feet to a ½ inch iron rod stamped "OWENS 5387" set for corner;

THENCE along a common line of said 6.885 acre tract and a 1.160 acre tract of land to Randall James & Judy Kathryn Muncy, recorded in Vol. 92251, Pg. 4172, Deed Records, Dallas County, Texas, **NORTH 62°14'17" EAST** a distance of **507.94** feet to a ½ inch iron rod found for corner located in the southwesterly line of said Vinson Road;

THENCE along the southwesterly line of said Vinson Road, **SOUTH 27°44'42" EAST** a distance of **377.52** feet to the **POINT OF BEGINNING**;

CONTAINING within these metes and bounds **6.885** Acres or 299,908 square feet of land more or less.

SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, FRANK R. OWENS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Wylie.

"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"

Frank R. Owens
Registered Professional Land Surveyor No. 5387
AJ Bedford Group, Inc.
301 N. Alamo Road
Rockwall, Texas 75087

FINAL PLAT
SCHREIBER ADDITION
Lot 1
6.885 ACRES

BEING ONE (1) LOT CONSISTING OF 6.885 ACRES
LOCATED IN A. CLEMENTS SURVEY, ABSTRACT NO. 255
DALLAS COUNTY, TEXAS

OWNER: PAUL D. & ELLEN J. SCHREIBER
2875 VINSON ROAD
WYLIE, TEXAS 75098

Scale: 1" = 40'
Date: February 4, 2021
P.C.: Cryer/Spradling
Technician: Spradling/Bedford
Drawn By: Spradling/Bedford

Checked By: F. R. Owens
P.C.: Cryer/Spradling
File: 2875 VINSON
Job. No. 735-001
GF No. N/A

301 N. Alamo Rd. * Rockwall, Texas 75087
(972) 722-0225, www.ajbedfordgroup.com

Sheet: 1
Of: 1

Bedford Group, Inc.
Registered Professional Land Surveyors

TBPLS REC#10118200



Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Consider, and act upon, Ordinance No. 2021-18, amending Zoning Ordinance (2006-04), Article 5, Use Regulations, as it relates to permanent, accessory, and temporary uses for Food Trucks and Farmers Markets. (ZC 2021-06).

Recommendation

Motion to approve Ordinance No. 2021-18, amending Zoning Ordinance (2006-04), Article 5, Use Regulations, as it relates to permanent, accessory, and temporary uses for Food Trucks and Farmers Markets. (ZC 2021-06).

Discussion

On March 23, 2021 City Council held a public hearing and approved the recommended amendments to Section 2.5.C of the Zoning Ordinance, summarized as follows:

- Allow permanent, stand-alone Food Truck Parks and Farmers Markets with the approval of a Special Use Permit in most commercial areas. Due to the nature of the use and site design, the SUP will allow for each site to be evaluated on a case per case basis. Allowed zoning districts and additional provisions are listed in the exhibit.
- Add food vendors / Farmers Market style sales to the Accessory Outside Sales use to allow these uses to be added to existing commercial facilities on a permanent basis and add designated food court / garage sales areas to HOA owned property in residential districts. Changes also recommend several additions or amended provisions and are listed in the exhibit.
- Amending and updating the 'Seasonal Sales Stand' temporary use to specify and allow Food Trucks and Farmers Markets in addition to adjusting the setback requirements.
- Amending and updating Section 5.5 Temporary Uses to adjust for the addition of Food Trucks and Farmers Markets and clarify and amend the number of allowed days per calendar year per use to 90 consecutive days with one 30 consecutive day extension.

The adoption of the attached Ordinance makes the appropriate amendments; and provides a penalty clause, a repeal clause, a savings clause, a severability clause, and an effective date.

ORDINANCE NO. 2021-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO. 2006-04 OF THE CITY OF WYLIE (THE ZONING ORDINANCE, AS AMENDED), ARTICLE 5, USE REGULATIONS; AMENDING CERTAIN REGULATIONS RELATING TO PERMANENT, ACCESSORY, AND TEMPORARY DEVELOPMENT STANDARDS OF FOOD TRUCKS AND FARMERS MARKETS IN THE CITY OF WYLIE; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Wylie, Texas ("Wylie") to amend Article 5, Use Regulations, of Ordinance No. 2006-04, the Zoning Ordinance, as amended, to amend regulations relating to Permanent, Accessory, and Temporary Development Standards of Food Trucks and Farmer Markets in the City of Wylie; and

WHEREAS, the City Council finds that this Ordinance contains textual amendments to the Zoning Ordinance that do not change zoning district boundaries, and therefore, written notice to individual property owners is not legally required; and

WHEREAS, the City Council finds that all legal notices required for amending the Zoning Ordinance have been given in the manner and form set forth by law, public hearings have been held on the proposed amendments and all other requirements of notice have been fulfilled; and

WHEREAS, the City Council finds that it is in the best interests of Wylie and its citizens to amend the Zoning Ordinance as set forth below, and that such amendments are in furtherance of the health, safety, morals and general welfare of the Wylie community and the safe, orderly and healthful development of Wylie.

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

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

SECTION 2: Article 5, Use Regulations of Wylie's Zoning Ordinance, Ordinance No. 2006-04, are hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference for all purposes.

SECTION 3: The Zoning Ordinance, as amended, shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict

with this Ordinance are hereby repealed, 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 ordinance shall remain in full force and effect.

SECTION 4: 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. The City Council 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 5: Any person, firm, corporation or entity violating this Ordinance or any provision of Wylie's Zoning Ordinance, as amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand Dollars (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 6: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 13th day of April, 2021.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

DATE OF PUBLICATION: April 21, 2021 in The Wylie News



EXHIBIT A

ZONING
ORDINANCE

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
F. Retail, Personal Service & Commercial Cont.	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DT H	SB O	
20. Restaurant with Drive-in or Drive-through Service									P*	P*		P *				1 per 150 sq ft (L)
21. Restaurant without Drive-in or Drive-through Service								P*	P*	P*	P*	P*	P*	P*	P*	1 per 100 sq ft (L)
23. Truck, Machinery & Heavy Equipment Sales, Service or Repair												S	P			1 per 600 sq ft of main structure (L)
24. Vehicle Display, Sales or Service										P		P				1 per 500 sq ft (L)
25. Beer & Wine Package Sales								P*	P*	P*		P*	P*	P*	P*	1 per 250 sq ft (L)
26. Antique Shop (Inside Sales)								S	P*	P*				P*	P*	1 per 250 sq ft (L)
27. Secondhand Goods								S		P*						1 per 250 sq ft (L)
28. Permanent Cosmetic Establishment								P*	P*	P*				P*	P*	1 per 250 sq ft (L)
29. Food Truck Park / Farmer’s Market									S	S	S	S		S	S	Per approved site plan

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required



EXHIBIT A

ZONING
ORDINANCE

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
J. Accessory Uses	AG/ 30	SF- ED	SF- 20/ 26	SF- 10/ 24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
1. Accessory Agricultural Buildings	P*	S														None
2. Accessory Community Center (Private)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*			1 per 300 sq ft
3. Accessory Game Court (Private)	P*	P*	P*	P*	P*	P*	P*	P*	P*	S		P*	P*			None / Per approved site plan
4. Accessory Outside Display of Merchandise								P*	P*	P*		P*		P*	P*	None
5. Accessory Outside Sales			P*	P*	P*	P*	P*		P*	P*	P*	P*		P*	P*	1 per 500 sq ft
6. Accessory Outside Storage									S			P*	P*			None
7. Amateur Communication Tower	P*	P*	S	S	S	P*	P*	P*	P*	P*		P*	P*			None
8. Caretakers Quarters/ Domestic or Security Unit	S					P	P	P	P	P		P	P	P	P	1 per 1000 sq ft
9. Home Occupation	P*	P*	P*	P*	P*	P*									P*	None
10. Private Stable	P*	P*														None
11. Swimming Pool (Private)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*	S	S	None

29. Food Truck Park / Farmers Market

a. Definition: A park or market of a permanent nature allowing for mobile food units, cart food vendors, and for the sale of locally sourced foodstuffs and arts and craft products. Additional uses, such as entertainment or amusement, may be allowed only when included in Special Use Permit development conditions.

b. Additional Provisions:

- (1) All access/egress points, food truck and vendor stalls, and fire lanes (if necessary) shall be located on an impervious concrete surface. Drive aisles, on-site parking, and pedestrian walkways shall be located on an impervious concrete surface or a durable semi-impervious surface approved by the City Engineer.
- (2) As a permanent use, with or without permanent structures, the site shall provide water and electric utilities consistent with a commercial use.
- (3) If a Food Truck Parks/Farmers Market is located within 500 feet of a residential or mixed-use district, the hours of operation shall be made a part of the SUP.
- (4) Applicable food and sales tax permits shall be required for all vendors.
- (5) Sale of alcohol shall abide by the same regulations as restaurants or beer/wine sales establishments as appropriate.
- (6) At least one permanent enclosed restroom shall be provided within 500 feet of any market stall or food vendor. An alternative restroom provider may be included if, as part of the SUP:
 - A. The lot containing the use is less than one acre or has another limiting factor for the installation of permanent bathrooms, and;
 - B. Permanent bathrooms, open to the public, are located within 500 feet of all market stalls and food vendors.
- (7) Each mobile food unit and/or vendor stall must provide a trash receptacle that is accessible to customers.
- (8) All mobile food units and vendors shall provide fire prevention tools as required by the City of Wylie Fire department.
- (9) All mobile food units and vendors must provide a food or health permit as required at the time of operation.

Article 5.J Accessory Sales

5. Accessory Outside Sales

a. Definition: Accessory outside sales means the area of an existing site for the generally permanent outside sale of food or merchandise. Accessory uses may include, but not be limited to, year-round rotated seasonal merchandise and food truck and cart vendors.

b. Additional Provisions: Accessory outside sales shall meet the following standards:

(1) Accessory outside sales are permitted only in areas designated on the site plan filed with the City. The City Planner shall have the authority to approve or disapprove the addition of Accessory Outside Sales exhibits when presented as an amendment to an approved site plan of the primary use. The City Planner may waive this authority and require consideration of the amendment by the Planning and Zoning Commission.

(2) In residential districts this use shall only be allowed on property owned and maintained by the subdivision's Homeowners Association (HOA). Operation of the use shall be specified in the HOA's Covenants, Conditions, and Restrictions (CCRs).

(3) Outdoor sales areas may not exceed five percent of the adjacent building floor area, (Building area is defined as the entirely enclosed portion of the primary use structure) or 50% of the common lot area in a residential district.

(4) Accessory outside sales shall have required parking based on the accessory use and the square footage of the entirety of the use, including such areas as seating and queuing, as determined by a rectangle that encompasses said area.

(5) Outdoor sales may occupy a sidewalk that is located within twenty feet of the building. Such display shall not impede pedestrian use of the sidewalk and at least a five foot passable distance shall be maintained. Outside sales and displays shall only occupy the sidewalk during normal business hours.

(6) Any outside sales areas not located on a sidewalk must be located, in its entirety, on an improved concrete surface within 100 feet of the primary structure with safe pedestrian route(s) to the primary structure.

(7) Any outside sales located within 25 feet of the property line, and not on a sidewalk, shall be screened from view of adjacent roadways, public areas, and adjacent properties. Such screening shall:

(a) Be a minimum of eight feet high or one foot taller than any and all, merchandise, materials being displayed, or vendor vehicles, whichever is greater.

(b) Include solid screening matching the material of the primary building, solid evergreen planting, or wrought iron.

(8) No outdoor sales may be located in any portion of parking required by all other existing on-site uses.

Article 5.K.3 Seasonal Sales Stand

3. Seasonal Farmers Market / Food Truck Park

a. Definition: A site or facility for the sale of agricultural products or prepared foods that are seasonal or temporary in nature.

b. Additional Provisions:

(1) No product, food cart, truck, or stall may be placed for sale or display and no structures closer than 10 feet to the public right-of-way or sidewalk, whichever is greater. **EXCEPTION:** The placement distance may be reduced adjacent to rights-of-way with no more than two total lanes of motorized vehicle traffic and a speed limit of 30 miles per hour or less

(2) No temporary site or facility shall be larger than one acre nor have more than 50% of the total area of the property occupied by vendor stalls, carts, or trucks.

(3) Upon completion of the temporary use, the site shall be restored, all evidence of its use removed.

(4) Off-street parking requirements for this use may be satisfied by using existing parking spaces located within 500 feet of the use (not the property line), or by providing temporary parking spaces that do not strictly comply with the City's off-street parking construction requirements. The operator of this use shall demonstrate to the satisfaction of the Building Official that temporary off-street parking space:

(a) Adequately accommodate the parking needs of the use;

(b) Will not adversely affect surrounding uses; and

(c) Is used with written permission of the property owner, manager, or duly appointed representative.

SECTION 5.5 TEMPORARY USES

A. Purpose

Temporary uses shall include short-term or seasonal uses that would not be appropriate on a permanent basis. Temporary uses shall obtain a Temporary Use Permit from the Building Official. Temporary Use Permits outline conditions of operations to protect the public health, safety, and welfare. TUPs may be approved for up to a maximum of 90 consecutive days, with one 30 consecutive day extension on a separate TUP application, unless otherwise limited by additional provisions as listed in the Land Use charts or in Section 5.5.B, below.

B. Temporary Use Defined

Temporary uses are identified in Section 5.1 Land Use Charts and 5.2 Listed Uses. In addition, the following uses and activities shall be considered temporary uses:

1. Fundraising Activities by Not-for-Profit Agencies. Fundraising or noncommercial events for nonprofit educational, community service or religious organizations where the public is invited to participate in the activities and which last longer than 48 hours, but less than 14 days.
2. Special and Seasonal Sales Events. Significant commercial activities lasting not longer than 30 days intended to sell, lease, rent or promote specific merchandise, services or product lines, including but not limited to warehouse sales, tent sales, trade shows, flea markets, product demonstrations, or parking lot sales of art work or other goods.
3. Entertainment or Amusement Events. Short-term cultural and entertainment events including public or private events lasting not longer than 30 days intended primarily for entertainment or amusement, such as concerts, plays or other theatrical productions, circuses, fairs, carnivals or festivals.



Wylie City Council

AGENDA REPORT

Department: Planning
 Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Consider, and act upon, Ordinance No. 2021-19, amending Zoning Ordinance (2006-04) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments (ZC 2021-07).

Recommendation

Motion to approve Ordinance No. 2021-19, amending Zoning Ordinance (2006-04) Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, as they relate to the Massage Establishments (ZC 2021-07).

Discussion

On March 23, 2021 City Council held a public hearing and approved the recommended amendments to Section 2.5.C of the Zoning Ordinance, summarized as follows:

- Moves the use category from a sexually oriented business to a personal service use to be more in line with the State, which defines a massage establishment as a health care service. By definition a massage establishment can only be staffed by state licensed masseuse. This use includes sports therapy massage and day-spas, as long as the appropriate state licenses are held.
- Any establishment that offers massage by a non-licensed masseuse would not be allowed.

The adoption of the attached Ordinance makes the appropriate amendments; and provides a penalty clause, a repeal clause, a savings clause, a severability clause, and an effective date.

ORDINANCE NO. 2021-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO. 2006-04 OF THE CITY OF WYLIE (THE ZONING ORDINANCE, AS AMENDED), ARTICLE 5, SECTIONS 5.2.E.9 AND 5.2.F.19 LISTED USES; AMENDING CERTAIN REGULATIONS RELATING TO MASSAGE ESTABLISHMENTS IN THE CITY OF WYLIE; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Wylie, Texas ("Wylie") to amend Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses, of Ordinance No. 2006-04, the Zoning Ordinance, as amended, to amend regulations relating to Permanent, Accessory, and Temporary Development Standards of Food Trucks and Farmer Markets in the City of Wylie; and

WHEREAS, the City Council finds that this Ordinance contains textual amendments to the Zoning Ordinance that do not change zoning district boundaries, and therefore, written notice to individual property owners is not legally required; and

WHEREAS, the City Council finds that all legal notices required for amending the Zoning Ordinance have been given in the manner and form set forth by law, public hearings have been held on the proposed amendments and all other requirements of notice have been fulfilled; and

WHEREAS, the City Council finds that it is in the best interests of Wylie and its citizens to amend the Zoning Ordinance as set forth below, and that such amendments are in furtherance of the health, safety, morals and general welfare of the Wylie community and the safe, orderly and healthful development of Wylie.

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

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

SECTION 2: Article 5, Sections 5.2.E.9 and 5.2.F.19 Listed Uses of Wylie's Zoning Ordinance, Ordinance No. 2006-04, are hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference for all purposes.

SECTION 3: The Zoning Ordinance, as amended, shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, 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 ordinance shall remain in full force and effect.

SECTION 4: 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. The City Council 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 5: Any person, firm, corporation or entity violating this Ordinance or any provision of Wylie's Zoning Ordinance, as amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand Dollars (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 6: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 13th day of April, 2021.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

DATE OF PUBLICATION: April 21, 2021 in The Wylie News

Section 5.2 Listed Uses

E.

9. Sexually-Oriented Business

- a. **Definition:** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or nude model studio.
- b. **Additional Provisions:** This use shall meet all requirements of the Chapter 26 “Businesses” of the City of Wylie Code, Article IV Sexually Oriented Businesses.

F.

19. Personal Service Use

Definition: Personal service use means a facility for the sale of personal services. Personal service uses include, but are not limited to a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photographic studio, a handcrafted art work studio, a travel bureau, duplicating shop, and Massage Establishments.

- b. **Additional Provisions:** Massage Establishments shall meet all requirements of Chapter 26 “Businesses” of the City of Wylie Code of Ordinances, Article III Massage Establishments.



Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Consider, and act upon, Ordinance No. 2021-20, amending Zoning Ordinance (2006-04), Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right (ZC 2021-05).

Recommendation

Motion to approve Ordinance No. 2021-20, amending Zoning Ordinance (2006-04), Sections 5.1 Land Use Charts and 5.2 Listed Uses, as they relate to requiring Special Use Permits for certain uses currently allowed by right (ZC 2021-05).

Discussion

On March 23, 2021 City Council held a public hearing and approved the recommended amendments to Section 2.5.C of the Zoning Ordinance, summarized as follows:

- Commercial Greenhouse / Nursery - Remove as an allowed use in Neighborhood Services (NS) and require a SUP in Community Retail (CR) due to effects of noise and odor near residential development.
- Theater - Require a SUP in all allowed zoning districts due to noise, traffic, and redevelopment difficulties.
- Dry Cleaning (on-site) - Require SUP in NS, CR, CC and remove as allowed use in DTH due to environmental concerns.
- Motor Vehicle Fueling Station - Require SUP in CR and CC due to environmental concerns, public safety, and redevelopment difficulties.
- Restaurant with Drive in - Require SUP in CR and CC and remove from LI due to traffic volatility, pedestrian safety, air quality concerns, and redevelopment difficulty.
- Vehicle Sales - Require SUP in CC and LI due to environmental concerns and redevelopment difficulties.
- Contractor's Maintenance Yard - Remove use from the retail chart (F.8) as the use is duplicated in the wholesale chart (I.2) and require SUP in CC due to noise, odor, and environmental concerns.

The adoption of the attached Ordinance makes the appropriate amendments; and provides a penalty clause, a repeal clause, a savings clause, a severability clause, and an effective date.

ORDINANCE NO. 2021-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO. 2006-04 OF THE CITY OF WYLIE (THE ZONING ORDINANCE, AS AMENDED), ARTICLE 5, SECTIONS 5.1 LAND USE CHARTS AND 5.2 LISTED USES; AMENDING CERTAIN REGULATIONS RELATING TO SPECIAL USE PERMITS FOR USES CURRENTLY ALLOWED BY RIGHT IN THE CITY OF WYLIE; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Wylie, Texas (“Wylie”) to amend Article 5, Sections 5.1 Land Use Charts and 5.2. Listed Uses, of Ordinance No. 2006-04, the Zoning Ordinance, as amended, to amend regulations relating Special Use Permits for uses currently allowed by right in the City of Wylie; and

WHEREAS, the City Council finds that this Ordinance contains textual amendments to the Zoning Ordinance that do not change zoning district boundaries, and therefore, written notice to individual property owners is not legally required; and

WHEREAS, the City Council finds that all legal notices required for amending the Zoning Ordinance have been given in the manner and form set forth by law, public hearings have been held on the proposed amendments and all other requirements of notice have been fulfilled; and

WHEREAS, the City Council finds that it is in the best interests of Wylie and its citizens to amend the Zoning Ordinance as set forth below, and that such amendments are in furtherance of the health, safety, morals and general welfare of the Wylie community and the safe, orderly and healthful development of Wylie.

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

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

SECTION 2: Article 5, Sections 5.1 Land Use Charts and 5.2 Listed Uses of Wylie’s Zoning Ordinance, Ordinance No. 2006-04, are hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference for all purposes.

SECTION 3: The Zoning Ordinance, as amended, shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, 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 ordinance shall remain in full force and effect.

SECTION 4: 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. The City Council 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 5: Any person, firm, corporation or entity violating this Ordinance or any provision of Wylie's Zoning Ordinance, as amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand Dollars (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. 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 6: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 13th day of April, 2021.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

DATE OF PUBLICATION: April 21, 2021 in The Wylie News

EXHIBIT A

ZONING
ORDINANCE

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
A. Agricultural & Animal Related	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
1. Animal Boarding Kennel with Outside Pens	S									S			P			1 per 325 sq ft of main structure
2. Animal Boarding/ Kennel without Outside Pens	S							S	S	P*		P*	P*			1 per 325 sq ft
3. Animal Production	P*															Per approved Site Plan
4. Commercial Greenhouse or Nursery	P*								S*	S			P			1 per 300 sq ft of main structure
5. Crop Production	P*	P*														none
6. Stable (Commercial)	S*												P*			1 per 3 stalls

P=Permitted P*=Permitted with additional requirements when located in this district.

S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

EXHIBIT A

ZONING
ORDINANCE

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
E. Recreational, Entertainment & Amusement Cont.	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
6. Golf Driving Range	S	S	S	S	S	S		S	S	S		S				1.25 per tee (L)
7. Health Club						P*	P*	P*	P	P		P	P			1 per 200 sq ft
8. Neighborhood Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Per approved site plan (L)
9. Sexually Oriented Business													P*			1 per 150 sq ft (L)
10. Shooting Range, Indoor										S			P*			1 per 400 sq ft (L)
11. Theater									S	S		S		S	S	1 per 200 sq ft

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

EXHIBIT A

ZONING
ORDINANCE

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
F. Retail, Personal Service & Commercial	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
1. Animal Clinic or Hospital	S							S	P	P						1 per 400 sq ft (L)
2. Automobile Rental								S	P*	P		P*	P			1 per 400 sq ft (L)
3. Automobile Repair, Major										S		S	P			1 per 400 sq ft (L)
4. Automobile Repair, Minor								S	S	S		P	P			1 per 300 sq ft (L)
5. Body Art Studio												P*	P*			1 per 150 sq ft (L)
6. Car Wash								S	S	S						Per approved SUP (L)
7. Club or Lodge (Non-profit)								P	P	P				P	P	1 per 200 sq ft (L)
9. Dry Cleaning or Laundry, Drop-Off or Self Service								S*	S*	S*		P	P			1 per 350 sq ft
10. Cleaners (Commercial)										S		P*	P*			1 per 1000 sq ft (L)
11. Equipment Rental								S	S	S		P	P			1 per 500 sq ft

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

EXHIBIT A

ZONING
ORDINANCE

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
F. Retail, Personal Service & Commercial Cont.	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	LI	HI	DTH	SBO	
12. Food Processing								S	P*	P		P				1 per 1000 sq ft
13. General Merchandise Store								P	P	P	P*	P		P	P	1 per 400 sq ft (L)
14. Grocery Store								S	P	P				P	P	1 per 300 sq ft (L)
15. Home Improvement Center, Lumber, Brick, or Building Materials										P		P	P			1 per 400 sq ft (L)
16. Household Equipment & Appliance Repair								P	P	P		P	P			1 per 500 sq ft (L)
17. Motor Vehicle Fueling Station								S	S	S		P	P			Per site plan (L)
18. Pawn Shop												P				1 per 250 sq ft (L)
19. Personal Service Use								P	P	P		P		P	P	1 per 250 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

EXHIBIT A

ZONING
ORDINANCE

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
F. Retail, Personal Service & Commercial Cont.	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DT H	SB O	
20. Restaurant with Drive-in or Drive-through Service									S*	S*						1 per 150 sq ft (L)
21. Restaurant without Drive-in or Drive-through Service								P*	P*	P*	P*	P*	P*	P*	P*	1 per 100 sq ft (L)
22. Truck, Machinery & Heavy Equipment Sales, Service or Repair												S	P			1 per 600 sq ft of main structure (L)
23. Vehicle Display, Sales or Service										S		S				1 per 500 sq ft (L)
24. Beer & Wine Package Sales								P*	P*	P*		P*	P*	P*	P*	1 per 250 sq ft (L)
25. Antique Shop (Inside Sales)								S	P*	P*				P*	P*	1 per 250 sq ft (L)
26. Secondhand Goods								S		P*						1 per 250 sq ft (L)
27. Used Merchandise Resale/ Consignment or Thrift Shop								S		P*				P*	P*	1 per 250 sq ft (L)
28. Permanent Cosmetic Establishment								P*	P*	P*				P*	P*	1 per 250 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

EXHIBIT A

ZONING
ORDINANCE

Permitted Uses	Residential Districts							Non-Residential Districts								Parking
	Low Density		High Density					Commercial				Industrial		Mixed-Use		
I. Wholesale, Distribution & Storage	AG/30	SF-ED	SF-20/26	SF-10/24	TH	MF	MH	NS	CR	CC	BG	L I	H I	DTH	SBO	
1. Auto Auction													S			Per approved site plan (L)
2. Contractor's Maintenance Yard										S*		P	P			Per approved site plan (L)
3. Freight Terminal													P			Per approved site plan (L)
4. Landfill													S			Per approved SUP
5. Livestock Auction Pens or Sheds													S			Per approved SUP (L)
6. Mini-Warehouse (Self-Storage)												S	S			1 per 20 units
7. Office Showroom / Warehouse									S	P		P	P*		P	1 per 750 sq ft (L)
8. Outside Storage												P	P			Per approved site plan (L)
9. Recycling Collection Center									S	S		S	P			Per approved site plan (L)
10. Warehouse/ Distribution Center												S	P			1 per 1500 sq ft (L)

P=Permitted P*=Permitted with additional requirements when located in this district.
S=Special Use Permit T=Temporary Use Permit (L)=Loading spaces are required

5.2.A.4

4. Commercial Greenhouse or Nursery

- a. **Definition:** Commercial greenhouse & nursery means a facility for the cultivation of plants within a protected environment on a commercial basis.

b. **Additional Provisions:**

AG District: Limited retail sales are permitted on-site subject to the following conditions:

- (1) Retail sales are permitted at all times as part of the commercial greenhouse and nursery use when the retail sales do not exceed 10 percent of the total greenhouse floor area.
- (2) Up to 100 percent of the total greenhouse floor area may be devoted to retail sales activities during an occasional greenhouse sale. No more than 4 occasional greenhouse sales may be conducted during any 12 month period. Each occasional greenhouse sale shall be limited in duration to no more than 3 consecutive calendar days.

CR Districts:

- (1) Use shall be limited to 5,000 square feet of land area.
- (2) Inside retail sales permitted.
- (3) All outside storage shall be screened from adjacent properties and streets.

5.2.F.8

DELETED

5.2.F.9

9. Dry Cleaning or Laundry, Drop-Off or Self Service

- a. **Definition:** Dry cleaning, laundry store means a facility for the cleaning of garments, principally for individuals. This use may be either:

- (1) a facility where patrons do their own cleaning; or
- (2) a facility where the cleaning is done by employees of the establishment.

b. **Additional Provisions:**

- (1) The minimum stacking space for the first vehicle stop for a commercial drive-through shall be 100-feet, and 40-feet thereafter, for any other stops.

5.2.F.17

17. Motor Vehicle Fueling Station

- a. **Definition:** Motor Vehicle Fueling Station means a building or covered premises used for the dispensing and sale of fuels or oils and accessories for the motor vehicle trade, together with automatic car wash facilities.
- b. **Additional Provisions:**
 - NS, CR, CC Districts:**
 - (1) SUP required and the additional conditions in 2 through 5 below.
 - (2) All commercial activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - (a) The dispensing of petroleum products, water and air from pump islands.
 - (b) The sale of items via vending machines which shall be located next to the main structure.
 - (3) Pump islands shall be located a minimum of 45 feet from a street right-of-way line. A canopy or roof structure over a pump island may be located no closer than 35 feet from the street right-of-way line.
 - (4) One off-street stacking space is required for each pump and water/air dispenser.
 - (5) No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area outside the main structure.
 - (6) Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

5.2.F.20

20. Restaurant with Drive-in or Drive-through Service

- a. **Definition:** Restaurant with drive-in or drive through service means
 - (1) A restaurant with drive-in service is an establishment principally for the sale and consumption of food where food service is provided to customers in motor vehicles for consumption on the premises.
 - (2) A restaurant with drive-through service is an establishment principally for the sale and consumption of food which has direct window service allowing customers in motor vehicles to pick up food for off-premises consumption. This use applies for the pick-up of delivery service and / or customer pre-orders of food for off-premises consumption.
- b. **Additional Provisions:**
 - (1) The minimum stacking space for the first vehicle stop for a commercial drive-through shall be a minimum of 100-feet, and a minimum of 40-feet thereafter, for any other stops.

EXHIBIT A

ZONING
ORDINANCE

-
- (2) CR District: Drive through and stacking area shall not be located adjacent to residential uses.
 - (3) The “Additional Provisions” listed in paragraph 21, subpart e., below, for “Restaurants without Drive-in or Drive-through Service” shall apply to Restaurants with Drive-in or Drive-through Service that sell alcohol.



Wylie City Council

AGENDA REPORT

Department: City Manager
 Prepared By: Renae' Ollie

Account Code: _____

Subject

Consider, and act upon, Ordinance No. 2021-21 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation) to add Article IX (Cemeteries); Establishing a Cemetery Advisory Board.

Recommendation

Motion to approve Ordinance No. 2021-21 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 78 (Parks and Recreation) to add Article IX (Cemeteries); Establishing a Cemetery Advisory Board.

Discussion

In March 2020, staff discussed with Council and received direction to move forward with the City of Wylie taking ownership and maintenance of the Wylie Cemetery and the Hughes Cemetery. Since that time, staff has met with the current Wylie Cemetery Association Board to gather information and documents to proceed with the transfer of ownership.

With the upcoming Boards and Commissions appointments, it would be appropriate to establish a Cemetery Advisory Board to allow interested citizens an opportunity to be appointed and serve. The attached ordinance creates a seven-member board to serve in an advisory capacity to review and recommend actions to the City Council governing cemeteries and the historic preservation of cemeteries under municipal control.

Board members shall be appointed by the City Council for a term of two years; provided, however, that the members of the first board to serve shall be appointed so that three (3) members shall serve one (1) year terms and four (4) members shall serve two (2) year terms. The term limits shall be the same as term limits for other boards that were amended January 14, 2020.

The Board shall not have the power to obligate the city for funds and/or expenditures or incur any debt on behalf of the city. The Board shall have any other power and/or duty as prescribed and authorized by the City Council. Once established and appointed, the members will create their rules and bylaws to be adopted by City Council.

Staff is working with the City Attorney to work out the details for the transfer of ownership and will bring that for Council consideration at a later date.

ORDINANCE NO. 2021-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE’S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 78 (PARKS AND RECREATION) TO ADD ARTICLE IX (CEMETERIES); ESTABLISHING A CEMETERY ADVISORY BOARD; DEFINING TERMS; PRESCRIBING POWERS AND DUTIES OF THE BOARD; PROVIDING FOR BOARD MEMBER APPOINTMENT, QUALIFICATIONS, TERMS, MEETINGS AND REMOVAL; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, cemeteries are among the most valuable historic and cultural heritage resources;

WHEREAS, Article XI, Section 18 of the Home Rule Charter of the City of Wylie, Texas (“Wylie” or “City”) and state law authorize Wylie to acquire, establish and own all property that may be useful or necessary for establishing, maintaining and operating one or more cemeteries;

WHEREAS, the Wylie Cemetery Association has asked Wylie to consider taking over operation and maintenance of the Wylie and Hughes Cemeteries;

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) desires to explore whether to take over operation and maintenance of the Wylie and Hughes Cemeteries and, to assist in that process, finds that it would be helpful to establish a cemetery board to act in an advisory capacity; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Wylie to amend Chapter 78 (Parks and Recreation) of the City’s Code of Ordinances, Ordinance No. 2021-17, as amended (“Code of Ordinances”), as set forth below, to promote public health, safety and welfare.

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

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

SECTION 2: Amendment to Chapter 78 (Parks and Recreation) of the Code of Ordinances. Chapter 78 (Parks and Recreation) of the Code of Ordinances is hereby amended to add Article IX (Cemeteries) as follows:

“CHAPTER 78 – PARKS AND RECREATION

ARTICLE IX – CEMETERIES

DIVISION 1 – IN GENERAL

Sec. 78-300. – Sec. 78-349. - Reserved.

DIVISION 2 – CEMETERY ADVISORY BOARD

Sec. 78-350. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Board* means the Cemetery Advisory Board of the City of Wylie, Texas.
- (b) *Board Member* means a person who serves as a member of the Board.
- (c) *Cemetery* means each cemetery owned or controlled by the City.
- (d) *City* means the City of Wylie, Texas.
- (e) *Staff Liaison* means the City Manager of the City of Wylie, Texas, or his/her designee.

Sec. 78-351. - Establishment of the Cemetery Advisory Board.

There is hereby created and established the Cemetery Advisory Board for the purposes of providing recommendations to preserve, protect and maintain cemeteries; raise funds for the protection and maintenance of cemeteries; make recommendations to the City Council regarding appropriations for funds raised and operation of cemeteries; and to encourage the preservation and designation of historical cemeteries in the City.

Sec. 78-352. - Number of Members; Appointment; Terms.

The Board shall consist of seven members to be appointed by the City Council. The City Council may appoint up to two alternates to serve in the event of an unexpired vacancy. Alternate members may participate in all board meetings and activities but have no voting rights. If a quorum is needed, an alternate may be allowed to vote without any special action by the Board or City Council.

Board members shall be appointed by the City Council for a term of two years; provided, however, that the members of the first Board to serve shall be appointed so that three (3) members shall serve one (1) year terms and four (4) members shall serve two (2) year terms. The limit for consecutive service on the Cemetery Advisory Board is three (3) consecutive, full terms, regardless of term length (2-year, 3-year, etc.). Service in office for more than half of a term shall constitute

a full term; service in office for less than half of a term shall not count toward a term limit. After expiration of the term limit, the member must wait one year before reapplying to the same board. Should a Board member's replacement not be qualified upon the expiration of any term of a Board member, then that Board member shall hold over on the Board until a qualified replacement Board member has been appointed. Each Board member shall serve without compensation, but may be reimbursed for actual expenses approved in advance by the City Council.

Sec. 78-353. - Board Member Qualifications.

Each Board member shall be a qualified voter and shall not be an employee of the City. Each Board member shall have any other qualification as the City Council deems necessary and appropriate.

Sec. 78-354. - Meetings.

The Board shall meet at least once each month at such time and place as shall be fixed by the Board by its standing rules, which meetings shall be open to the public. Special meetings may be called by the chairperson or by written request sent to the chairperson or vice-chairperson by three members of the Board. Minutes shall be kept of all such meetings, and any special meetings, with copies of said minutes and any other reports to be promptly transmitted to the City Council and the City Manager. The Board shall have technical and logistical support provided as determined by the City Manager.

Sec. 78-355. - Vacancies.

When vacancies occur on the board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of the unexpired term.

Sec. 78-356. - Removal.

Each board member serves at the pleasure of the City Council and may be removed by a majority vote of the City Council. The consequences of Board member absences shall be governed by Article VIII of the City Charter.

Sec. 78-357. - Quorum; Voting.

Four (4) board members shall constitute a quorum of the Board for the purpose of conducting its business, exercising its powers and for all other purposes. No action of the Board shall be valid or binding unless adopted by the affirmative vote of a majority of those Board members present and voting.

Sec. 78-358. - Officers.

The Board shall have a chairperson and vice-chairperson whose terms shall be one (1) year. The chairperson and vice-chairperson shall be appointed by the Board. Neither the chairperson nor vice-chairperson shall serve as an officer for more than two (2) consecutive terms. The chairperson shall preside over meetings and shall be entitled to vote upon each issue. The vice-chairperson shall assist the chairperson in directing the affairs of the board. In the absence or disability of the chairperson, the vice-chairperson shall assume all duties of the chairperson.

Sec. 78-359. - Powers and Duties.

- (a) The Board shall act principally in an advisory capacity to the City Council and the City staff in any matter pertaining to municipally owned and operated cemeteries.
- (b) The Board shall have the power to:
 - (1) Develop a set of bylaws governing rules of procedure for the Board's meetings and operation, which must be approved by the City Council;
 - (2) Review and recommend actions to the City Council for proposed amendments to rules and regulations governing cemeteries and the historic preservation of cemeteries;
 - (3) Work with City staff to recommend an annual budget for projects, facilities and upkeep costs within municipally owned and operated cemeteries;
 - (4) To solicit and make recommendations to City staff and City Council regarding grants, gifts and donations from public and private sources for cemetery purposes;
 - (5) Encourage public outreach, education and awareness programs;
 - (6) Work with City staff regarding security matters at the cemeteries to lessen damage to monuments, cornerstones and fences; and
 - (7) Exercise other powers and duties as prescribed and authorized by the City Council.
- (c) All powers and duties prescribed and delegated herein are delegated to the Board, as a unit, and all action hereunder shall be of the Board acting as a whole. No action of any individual Board member is authorized, except through the approval of the City Council.

- (d) The Board shall not have the power to obligate the City for funding and/or expenditures or incur any debt on behalf of the City.

Secs. 78-360 – 78-369. - Reserved.”

SECTION 3: Savings/Repealing Clause. All provisions of the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. 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 4: 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. The City Council 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 5: Effective Date. This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 13th day of April, 2021.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary



Wylie City Council

AGENDA REPORT

Department: WEDC
Prepared By: Jason Greiner

Account Code: _____

Subject

Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of February 28, 2021.

Recommendation

Motion to approve the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of February 28, 2021.

Discussion

The Wylie Economic Development Corporation (WEDC) Board of Directors approved the attached financials on March 31, 2021.

Wylie Economic Development Corporation

MONTHLY FINANCIAL REPORT

February 28, 2021

ACCOUNT DESCRIPTION	ANNUAL BUDGET FY 2020-2021	CURRENT MONTH FY 2020-2021	PRIOR YEAR PO ADJUST.	YTD ACTUAL FY 2020-2021	YTD ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET FY 2020-2021	
REVENUE SUMMARY								
CLAIM ON CASH / Bal Sheet	\$ 1,407,509.00			\$ 2,087,043.24				
SALES TAX	\$ 2,968,437.00	\$ 456,571.35	\$ -	\$ 954,216.20	\$ -	\$ 2,014,220.80	32.15%	A
ALLOCATED INTEREST EARNINGS	\$ 6,000.00	\$ -	\$ -	\$ 206.88	\$ -	\$ 5,793.12	3.45%	
RENTAL INCOME	\$ 153,240.00	\$ 15,020.00	\$ -	\$ 52,650.00	\$ -	\$ 100,590.00	34.36%	
GAIN/LOSS - SALE OF PROPERTY	\$ 164,500.00	\$ -	\$ -	\$ (208.00)	\$ -	\$ 164,708.00	-0.13%	
BANK NOTE PROCEEDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	
REVENUES	\$3,292,177.00	\$ 471,591.35	\$ -	\$1,006,865.08	\$ -	\$ 2,285,311.92	30.58%	
EXPENDITURE SUMMARY								
PERSONNEL	\$ 336,516.00	\$ 26,281.58	\$ -	\$ 129,079.90	\$ -	\$ 207,436.10	38.36%	
OPERATING EXPENSES	\$ 56,703.00	\$ 2,382.25	\$ -	\$ 20,784.76	\$ 648.09	\$ 35,270.15	37.80%	B
INCENTIVES	\$ 1,130,310.00	\$ -	\$ -	\$ 400,248.17	\$ -	\$ 730,061.83	35.41%	
SPECIAL SERVICES	\$ 88,481.00	\$ 2,452.26	\$ -	\$ 18,283.06	\$ 12,787.50	\$ 57,410.44	35.12%	
ADVERTISING	\$ 114,100.00	\$ 4,538.38	\$ -	\$ 18,564.25	\$ -	\$ 95,535.75	16.27%	
COMMUNITY DEVELOPMENT	\$ 44,550.00	\$ 34.13	\$ -	\$ 3,235.05	\$ -	\$ 41,314.95	7.26%	
TRAVEL & TRAINING	\$ 62,600.00	\$ 5,425.11	\$ -	\$ 6,655.01	\$ -	\$ 55,944.99	10.63%	
DUES & SUBSCRIPTIONS	\$ 30,018.00	\$ 4,393.42	\$ -	\$ 20,346.74	\$ -	\$ 9,671.26	67.78%	
AUDIT & LEGAL	\$ 33,000.00	\$ -	\$ -	\$ 3,370.00	\$ 1,451.00	\$ 28,179.00	14.61%	
ENGINEERING & ARCHITECTURAL	\$ 87,500.00	\$ 1,816.25	\$ -	\$ 39,266.53	\$ -	\$ 48,233.47	44.88%	
DEBT SERVICE	\$ 541,878.00	\$ 50,733.93	\$ -	\$ 252,759.47	\$ -	\$ 289,118.53	46.65%	
LAND	\$ 78,540.00	\$ 78,540.00	\$ -	\$ 78,540.00	\$ -	\$ -	0.00%	
INFRASTRUCTURE PROJECTS	\$ 926,460.00	\$ -	\$ -	\$ 186,680.00	\$ -	\$ 739,780.00	20.15%	
FURNITURE & FIXTURES	\$ 2,500.00	\$ -	\$ -	\$ 797.00	\$ -	\$ 1,703.00	31.88%	
CONTRA CAPITAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	
TOTAL EXPENDITURES	\$3,533,156.00	\$ 176,597.31	\$ -	\$1,178,609.94	\$ 14,886.59	\$ 2,339,659.47	33.78%	
REV OVER/(UNDER) EXPEN	\$ (240,979.00)	\$ 294,994.04	\$ -	\$ (171,744.86)	\$ (14,886.59)	\$ (54,347.55)		

A. SLSTX Rev earned in Dec, allocated in Feb, was \$456,571.35, an increase of 26.08% over the same period in 2020.

Sales Tax received for 3 months of FY due to 2 month accrual to prior FY.

B. Operating Expenses include Supplies, Maint Materials, Rental, Communication, Insurance and Utilities.

Wylie Economic Development Corporation
Statement of Net Position
As of February 28, 2021

Assets

Cash and cash equivalents	\$ 2,089,060.39	
Receivables	\$ 130,000.00	Note 1
Inventories	\$ 12,106,477.50	
Prepaid Items	\$ -	
Total Assets	\$ 14,325,537.89	

Deferred Outflows of Resources

Pensions	\$ 95,608.55	
Total deferred outflows of resources	\$ 95,608.55	

Liabilities

Accounts Payable and other current liabilities	\$ 40,150.26	
Unearned Revenue	\$ 40,200.00	Note 2
Non current liabilities:		
Due within one year	\$ 230,722.36	Note 3
Due in more than one year	\$ 5,090,479.60	
Total Liabilities	\$ 5,401,552.22	

Deferred Inflows of Resources

Pensions	\$ (47,711.41)	
Total deferred inflows of resources	\$ (47,711.41)	

Net Position

Net investment in capital assets	\$ -	
Unrestricted	\$ 9,067,305.63	
Total Net Position	\$ 9,067,305.63	

Note 1: Includes incentives in the form of forgivable loans for \$70,000 (Exco) and \$60,000 (LUV-ROS)

Note 2: Exco amortization; deposits from rental property

Note 3: Liabilities due within one year includes compensated absences of \$20,727

111-WYLIE ECONOMIC DEVEL CORP

ACCOUNT# TITLE

ASSETS

=====

1000-10110	CLAIM ON CASH AND CASH EQUIV.	2,087,043.24
1000-10115	CASH - WEDC - INWOOD	0.00
1000-10135	ESCROW	0.00
1000-10180	DEPOSITS	2,000.00
1000-10198	OTHER - MISC CLEARING	0.00
1000-10341	TEXPOOL	0.00
1000-10343	LOGIC	0.00
1000-10481	INTEREST RECEIVABLE	0.00
1000-11511	ACCTS REC - MISC	0.00
1000-11517	ACCTS REC - SALES TAX	0.00
1000-12810	LEASE PAYMENTS RECEIVABLE	0.00
1000-12950	LOAN PROCEEDS RECEIVABLE	0.00
1000-12996	LOAN RECEIVABLE	0.00
1000-12997	ACCTS REC - JTM TECH	0.00
1000-12998	ACCTS REC - FORGIVEABLE LOANS	130,000.00
1000-14112	INVENTORY - MATERIAL/ SUPPLY	0.00
1000-14116	INVENTORY - LAND & BUILDINGS	12,027,937.50
1000-14118	INVENTORY - BAYCO/ SANDEN BLVD	0.00
1000-14310	PREPAID EXPENSES - MISC	0.00
1000-14410	DEFERRED OUTFLOWS	553,249.00
		14,800,229.74

TOTAL ASSETS

14,800,229.74

=====

LIABILITIES

=====

2000-20110	FEDERAL INCOME TAX PAYABLE	0.00
2000-20111	MEDICARE PAYABLE	0.00
2000-20112	CHILD SUPPORT PAYABLE	0.00
2000-20113	CREDIT UNION PAYABLE	0.00
2000-20114	IRS LEVY PAYABLE	0.00
2000-20115	NATIONWIDE DEFERRED COMP	0.00
2000-20116	HEALTH INSUR PAY-EMPLOYEE (20.72)
2000-20117	TMRS PAYABLE	0.00
2000-20118	ROTH IRA PAYABLE	0.00
2000-20119	WORKERS COMP PAYABLE	0.00
2000-20120	FICA PAYABLE	0.00
2000-20121	TEC PAYABLE	0.00
2000-20122	STUDENT LOAN LEVY PAYABLE	0.00
2000-20123	ALIMONY PAYABLE	0.00
2000-20124	BANKRUPTCY PAYABLE	0.00
2000-20125	VALIC DEFERRED COMP	0.00
2000-20126	ICMA PAYABLE	0.00
2000-20127	EMP. LEGAL SERVICES PAYABLE	0.00
2000-20130	FLEXIBLE SPENDING ACCOUNT	3,562.42
2000-20131	EDWARD JONES DEFERRED COMP	0.00
2000-20132	EMP CARE FLITE	12.00
2000-20151	ACCRUED WAGES PAYABLE	0.00
2000-20180	ADDIT EMPLOYEE INSUR PAY	48.00
2000-20199	MISC PAYROLL PAYABLE	0.00

111-WYLIE ECONOMIC DEVEL CORP

ACCOUNT#	TITLE	
2000-20201	AP PENDING	4,283.19
2000-20210	ACCOUNTS PAYABLE	32,265.37
2000-20530	PROPERTY TAXES PAYABLE	0.00
2000-20540	NOTES PAYABLE	553,249.00
2000-20810	DUE TO GENERAL FUND	0.00
2000-22270	DEFERRED INFLOW	39,000.00
2000-22275	DEF INFLOW - LEASE PRINCIPAL	0.00
2000-22280	DEFERRED INFLOW - LEASE INT	0.00
2000-22915	RENTAL DEPOSITS	1,200.00
TOTAL LIABILITIES		633,599.26
EQUITY		
=====		
3000-34110	FUND BALANCE - RESERVED	0.00
3000-34590	FUND BALANCE-UNRESERV/UNDESIG	14,338,375.34
TOTAL BEGINNING EQUITY		14,338,375.34
TOTAL REVENUE		1,006,865.08
TOTAL EXPENSES		1,178,609.94
REVENUE OVER/ (UNDER) EXPENSES		(171,744.86)
TOTAL EQUITY & OVER/ (UNDER)		14,166,630.48
TOTAL LIABILITIES, EQUITY & OVER/ (UNDER)		14,800,229.74
		=====

922-GEN LONG TERM DEBT (WEDC)

ACCOUNT#	TITLE	
ASSETS		
=====		
1000-10312	GOVERNMENT NOTES	0.00
1000-18110	LOAN - WEDC	0.00
1000-18120	LOAN - BIRMINGHAM	0.00
1000-18210	AMOUNT TO BE PROVIDED	0.00
1000-18220	BIRMINGHAM LOAN	0.00
1000-19050	DEF OUTFLOW TMRS CONTRIBUTIONS	37,997.29
1000-19051	DEF OUTFLOW SDBF CONTRIBUTIONS	1,800.00
1000-19075	DEF OUTFLOW - INVESTMENT EXP	0.48
1000-19100	DEF OUTFLOW - ACT EXP/ASSUMP	55,810.78
1000-19125	(GAIN)/LOSS ON ASSUMPTION CHG(46,839.41)
1000-19126	DEF INFLOW SDBF CONTRIBUTIONS(872.00)
		47,897.14
TOTAL ASSETS		47,897.14
=====		
LIABILITIES		
=====		
2000-20310	COMPENSATED ABSENCES PAYABLE	0.00
2000-20311	COMP ABSENCES PAYABLE-CURRENT	20,727.84
2000-21410	ACCRUED INTEREST PAYABLE	8,803.17
2000-28205	WEDC LOANS/CURRENT	201,191.35
2000-28220	BIRMINGHAM LOAN	0.00
2000-28230	INWOOD LOAN	0.00
2000-28232	ANB LOAN/EDGE	0.00
2000-28233	ANB LOAN/PEDDICORD WHITE	0.00
2000-28234	ANB LOAN/RANDACK HUGHES	0.00
2000-28235	ANB LOAN	0.00
2000-28236	ANB CONSTRUCTION LOAN	0.00
2000-28237	ANB LOAN/ WOODBRIDGE PARKWAY	0.00
2000-28238	ANB LOAN/BUCHANAN	0.00
2000-28239	ANB LOAN/JONES:HOBART PAYOFF	0.00
2000-28240	HUGHES LOAN	0.00
2000-28242	ANB LOAN/HWY 78:5TH ST REDEV	4,067,890.31
2000-28245	ANB LOAN/DALLAS WHIRLPOOL	640,776.23
2000-28247	JARRARD LOAN	174,168.89
2000-28250	CITY OF WYLIE LOAN	0.00
2000-28260	PRIME KUTS LOAN	0.00
2000-28270	BOWLAND/ANDERSON LOAN	0.00
2000-28280	CAPITAL ONE CAZAD LOAN	0.00
2000-28290	HOBART/COMMERCE LOAN	0.00
2000-29150	NET PENSION LIABILITY	199,184.17
2000-29151	SDBF LIABILITY	8,460.00
TOTAL LIABILITIES		5,321,201.96

922-GEN LONG TERM DEBT (WEDC)

ACCOUNT# TITLE

EQUITY

=====

3000-34590 FUND BALANCE-UNRESERV/UNDESIG(5,317,765.74)
3000-35900 UNRESTRICTED NET POSITION (120,264.00)

TOTAL BEGINNING EQUITY (5,438,029.74)

TOTAL REVENUE 0.00
TOTAL EXPENSES (164,724.92)

REVENUE OVER/(UNDER) EXPENSES 164,724.92

TOTAL EQUITY & OVER/(UNDER) (5,273,304.82)

TOTAL LIABILITIES, EQUITY & OVER/(UNDER) 47,897.14
=====

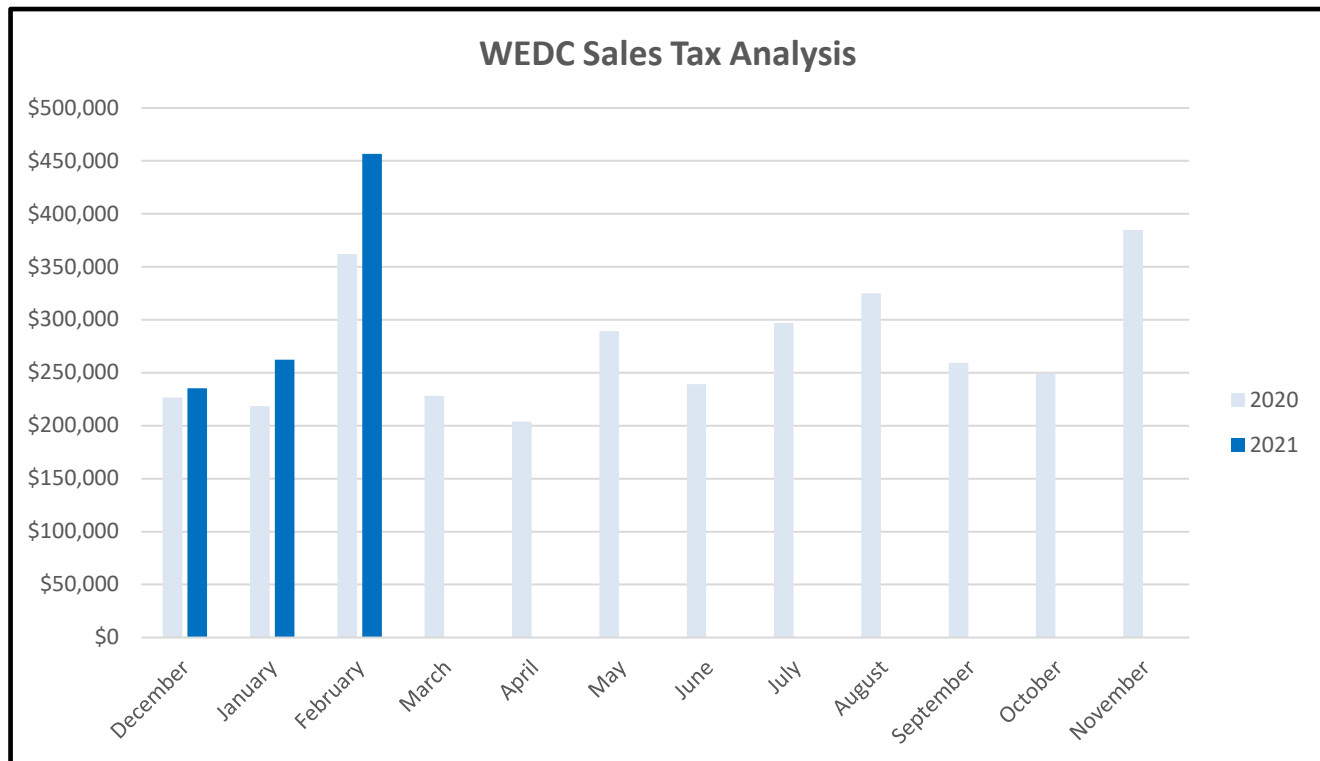
Wylie Economic Development Corporation

SALES TAX REPORT

February 28, 2021

BUDGETED YEAR

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			
APRIL	\$ 163,484.89	\$ 182,499.53	\$ 203,895.57			
MAY	\$ 203,707.17	\$ 274,299.18	\$ 289,224.35			
JUNE	\$ 199,412.29	\$ 234,173.88	\$ 239,340.35			
JULY	\$ 213,976.64	\$ 215,107.94	\$ 296,954.00			
AUGUST	\$ 249,589.63	\$ 283,602.93	\$ 325,104.34			
SEPTEMBER	\$ 213,425.79	\$ 243,048.40	\$ 259,257.89			
OCTOBER	\$ 210,701.71	\$ 224,875.38	\$ 249,357.02			
NOVEMBER	\$ 273,196.62	\$ 308,324.41	\$ 384,953.89			
Sub-Total	\$ 2,562,759.35	\$ 2,920,137.37	\$ 3,283,492.09	\$ 954,216.20	\$ 146,902.86	16.65%
Total	\$ 2,562,759.35	\$ 2,920,137.37	\$ 3,283,492.09	\$ 954,216.20	\$ 146,902.86	16.65%



*** Sales Tax collections typically take 2 months to be reflected as Revenue. SlsTx receipts are then accrued back 2 months.
 Example: February SlsTx Revenue is actually December SlsTx and is therefore the 3rd allocation in FY21.



Wylie City Council

AGENDA REPORT

Department: Animal Services
Prepared By: Shelia Patton

Account Code: _____

Subject

Consider, and place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on March 23, 2021.

Recommendation

Motion to place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on March 23, 2021.

Discussion

The Animal Shelter Advisory Board met on March 23, 2021. The attached minutes and statistical reports were considered, approved, and placed on file. This report is being submitted as required by city ordinance.



Animal Shelter Advisory Board

Minutes

Regular Meeting

November 11, 2020 – 6:00 pm

Wylie Municipal Complex – Conference Room 230

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Dr. Brad Abraham called to order the Animal Shelter Advisory Board meeting at 6:04 pm. Board members present Shelia Patton, Amber Porter, Jeff Forrester, and Jeff Stillinger. Quorum is present.

Staff Liaison Lt. Matt Miller is also present.

INVOCATION

The invocation was given by Brad Abraham.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must fill out a non-agenda form prior to the meeting in order to speak. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate, or take action on any matter presented during citizen participation.

REGULAR AGENDA

1. **Consider and act upon an Animal Shelter Advisory Board Chair appointment for a term ending June 2022.** (Dr. Brad Abraham, ASAB Vice-Chair)

Board Action

A motion was made by Jeff Forrester to appoint Dr. Brad Abraham as Animal Shelter Advisory Board Chair for a term ending June 2022. Shelia Patton seconded the motion to appoint Dr. Brad Abraham as Animal Shelter Advisory Board Chair for a term ending June 2022. A vote was taken and the motion passed unanimously.

2. **Consider and act upon an Animal Shelter Advisory Board Vice-Chair appointment for a term ending June 2022. (ASAB Chair)**

Board Action

A motion was made by Shelia Patton to appoint Amber Porter as Animal Shelter Advisory Board Vice-Chair for a term ending June 2022. Jeff Forrester seconded the motion to appoint Amber Porter as Animal Shelter Advisory Board Vice-Chair for a term ending June 2022. A vote was taken and the motion passed unanimously.

3. **Consider and act upon approval of the Animal Shelter Advisory Board minutes of May 13, 2020. (ASAB Chair)**

Board Action

A motion was made by Jeff Forrester to accept the Animal Shelter Advisory Board minutes of May 13, 2020, as presented. Jeff Stillinger seconded to accept the Animal Shelter Advisory Board minutes of May 13, 2020, as presented. A vote was taken and the motion passed unanimously.

4. **Consider and place on file 2020 second and third quarter statistical information for shelter operations. (ASAB Board Chair)**

Board Action

A motion was made by Brad Abraham to accept and place on file second and third quarter statistical information for shelter operations. Jeff Forrester seconded the motion to accept and place on file second and third quarter statistical information for shelter operations. A vote was taken and the motion passed unanimously.

DISCUSSION ITEMS

- **Discussion regarding shelter events and status second and third quarters.**
(S. Patton, ASAB Board Member)

Shelia Patton reports ten sterilization pet transport opportunities for public access from Wylie for residents to low-cost animal care providers. Four low-cost vaccination clinics held at the City of Wylie Animal Shelter facility during evening hours to provide residents access to low-cost vaccinations, heartworm testing, and preventative medication. Thirty-six animals received foster care assistance. Volunteers and service workers are not permitted at this time until the Covid restrictions are reassessed. Pet of the week twice monthly with Wylie News continues. One hundred and thirty-one animals received services through the pre-adoption sterilization program. Vet care for twenty-seven injured or diseased stray animals was provided by staff transport to local clinics.

Emergency preparedness for the facility proved to be valuable. A staff member contracted Coronavirus. The facility was closed. Additional and continued positive testing results during quarantine time extended the closure time. Upon first positive notification and removal of the staff member from the facility the remaining staff immediately utilized the emergency processes for the first time. Coronavirus put an unexpected twist to the normal natural or man-made disasters considered during this emergency shut down. Animal control was able to utilize no-contact out-of-the-box procedures to place ten animals into foster care and arrange for neighboring cities to transport fourteen animals to either their facilities or rescues. Allen Animal Services was instrumental in assisting us with animals we had in their jurisdiction receiving vet care on this day. The City of Murphy placed three animals into their adoption program and assisted Wylie with emergency animal-related calls that our police department was not equipped to complete. Sachse assisted with six felines by placing them into their adoption program and completed a resident trap assistance call. City of Wylie staff in quarantine was able to recall all city-owned traps held by residents prior to closure. One animal was not the property of the city upon the closure date. This pet was placed into veterinarian boarding during the closure to ensure if owners came forward their pet was safe, being cared for, and could be returned home.

During the closure, quarantined staff who were not symptomatic continued to work remotely. Staff answered calls to the facility, dispatched other cities if necessary, and assisted all other city departments. All animals taken to other facilities were successfully adopted and upon the return of staff the one unclaimed animal at vet boarding was adopted. Patton reports great pride in her staff for the teamwork it took all of us to succeed. Within five hours the team pulled off something she quietly thought to be impossible considering they had no warning, the virus has affected so many other facilities and impacted many fosters. The staff of four divided into the proper emergency operation duties and completed the job. The city is extremely grateful to our surrounding cities who assisted us and the many more who offered.

Jeff Stillinger expressed the value of the facility to microchip animals returned to owners. Patton expressed they have looked into the possibility before. The staff would have to perform the service. Animals are microchipped by a vet when sterilized. Patton stated she will look into this again.

ADJOURNMENT

Motion was made by Dr. Brad Abraham and seconded by Amber Porter to adjourn the meeting. With no further business before the board, the consensus of the board was to adjourn at 6:27 pm.



Brad Abraham, ASAB Chair

ATTEST:



Shelia Patton, ASAB member

Animal Shelter Advisory Board Report

October thru December 2020

	Dogs	Cats	Others	Total
Impounds	82	28	45	155
Owner Surrender	2	0	0	2
Stray	56	12	11	79
Quarantine	15	4	0	19
Safe Keeping	0	0	0	0
DOA	9	10	20	39
Trapped by resident	0	2	14	16
Born at Shelter	0	0	0	0

Dispositions	Dogs	Cats	Others	Total
Return to Owner	52	5	0	57
Adopted	12	13	0	25
Rescued	6	13	1	20
Euthanized	1	2	8	11
Other	0	1	16	17

Euthanasia Reason	Dogs	Cats	Others	Total
Behavioral	0	0	0	0
Medical	0	2	8	10
Policy- H.R.R.C	1	0	0	1
Wild Animal	0	0	0	0

Euthanasia for dogs 1.30%

Euthanasia for cats 5.56%

Euthanasia for dogs & cats total 2.65%

Dogs at facility at end of report: 6

Dogs at facility at beginning of report: 4

Cats at facility at end of report: 2

Cats at facility at beginning of report: 18

Euthanasia Rate for Facility October 1, 2020 thru December 31, 2020: 2.65%

Euthanasia Rate for Facility January 1, 2020 thru December 31, 2020: 2.92%

Animal Shelter Advisory Board Report

January thru December 2020

	Dogs	Cats	Others	Total
Impounds	401	185	407	993
Owner Surrender	24	17	0	41
Stray	265	80	91	436
Quarantine	73	8	0	81
Safe Keeping	5	0	0	5
DOA	34	48	150	232
Trapped by resident	0	26	166	192
Born at Shelter	0	6	0	6

Dispositions	Dogs	Cats	Others	Total
Return to Owner	277	12	5	294
Adopted	62	84	4	150
Rescued	24	18	34	76
Euthanized	4	11	46	61
Other	1	12	168	181

Euthanasia Reason

Behavioral	1	0	0	1
Medical	0	10	31	41
Policy- H.R.R.C	3	1	15	19
Wild Animal	0	0	0	0

Euthanasia for dogs 1.07%

Euthanasia for cats 7.91%

Euthanasia for dogs & cats total 2.92%

Dogs at facility at end of report: 6

Dogs at facility at beginning of report: 7

Cats at facility at end of report: 2

Cats at facility at beginning of report: 2

Euthanasia Rate for Facility January 1, 2020 thru December 31, 2020:

2.92%



Wylie City Council

AGENDA REPORT

Department: Animal Services

Account Code: _____

Prepared By: Shelia Patton

Subject

Consider, and act upon, Ordinance No. 2021-22 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals); prescribing regulations to ensure the health and humane treatment of animals and the public; defining terms; establishing regulations of animals, dogs and cats, dangerous dogs and rabies control; providing for an animal shelter advisory board; providing a savings/repealing clause, severability clause, penalty clause and an effective date; and providing for the publication of the caption hereof.

Recommendation

Motion to approve Ordinance No. 2021-22 amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals); prescribing regulations to ensure the health and humane treatment of animals and the public; defining terms; establishing regulations of animals, dogs and cats, dangerous dogs and rabies control; providing for an animal shelter advisory board; providing a savings/repealing clause, severability clause, penalty clause and an effective date; and providing for the publication of the caption hereof.

Discussion

The current Animal Services Chapter 18 (Animals) has been evaluated in its entirety.

The amendment and replacement of the Chapter is to primarily to establish current minimum and future amended compliance with state and federal laws related to animal services.

- Texas State Rabies Control Act: Health and Safety Code Chapter 826 State regulations adopted, as amended, and standards established for rabies control and quarantine provisions.
- Texas Health and Safety Code Chapter 822, Subchapter D, "Dangerous Dogs" compliance provisions as it is now enacted, or as hereinafter amended.
- Texas Health and Safety Code Chapter 828, as it exists or may be amended. (Adoption compliance related to sterilization requirements).

Additionally, Article I definitions, impoundment, disposition, public nuisances, animal trapping, and animal tethering now provide accuracy to current operation standards, humane standards, and state or federal laws.

Article II, allowing for department designee to issue City license will allow residents the ability to license pets through online service. Permit, license and registration revocation have an appeal process for the owner. Animals deemed dangerous by other jurisdictions are not permitted entry to the City.

ORDINANCE NO. 2021-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 18 (ANIMALS); PRESCRIBING REGULATIONS TO ENSURE THE HEALTH AND HUMANE TREATMENT OF ANIMALS AND THE PUBLIC; DEFINING TERMS; ESTABLISHING REGULATIONS ON ANIMALS, DOGS AND CATS, DANGEROUS DOGS AND RABIES CONTROL; PROVIDING FOR AN ANIMAL SHELTER ADVISORY BOARD; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE, PENALTY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") finds that it is necessary and in the public interest to ensure the health and humane treatment of animals and the public in the City of Wylie, Texas ("Wylie" or "City");

WHEREAS, the City Council finds that it is in the best interest of the citizens of Wylie to amend Chapter 18 (Animals) of the City's Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances"), as set forth below, to promote public and animal health, safety and welfare.

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

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

SECTION 2: Amendment to Chapter 18 (Animals) of the Code of Ordinances. Chapter 18 (Animals) of the Code of Ordinances is hereby amended and replaced in its entirety as follows:

"CHAPTER 18 – ANIMALS

ARTICLE I – IN GENERAL

Sec. 18-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to fail to adequately provide an animal with one (1) or more of the necessities of life, including but not limited to, air, food, potable water, sanitary conditions, shelter, protection from the heat, cold, or other environmental conditions, or under other circumstances that may cause bodily injury, serious bodily injury, or death of the animal, for twenty-four (24) or more hours, or to leave an animal in the care, custody, or control of another person without his or her

consent.

Animal means any live vertebrate creature, domestic or wild, but specifically excluding human beings.

Animal services means the animal services division of the police department, directed by the chief of police, or his/her designee, of the City, or its designee, as determined by the City Manager.

Animal services director means the director of the City animal services department and his/her authorized designees.

Animal services facility means a facility operated by the City of Wylie or its agents or designees for the purpose of impounding or caring for animals held under the authority of this chapter or state or federal laws.

Animal services manager means the person designated by the animal services director or his/her designee to supervise all aspects and operations of animal services.

Animal services officer means a person employed by the City to represent and act for the City in the impounding of animals, controlling of animals running at large, and enforcing the provisions of this chapter and all regulations relating to animals as authorized by other local, state or federal law.

Animal shelter means a facility operated by the City for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Assistance animal has the meaning assigned in the Texas Human Resources Code, Chapter 121, as amended.

At large means:

(1) On the Premises of the Owner:

- (a) Any animal not confined to the premises of the owner by a secure enclosure of sufficient height, strength, length and/or manner of construction sufficient for the breed to preclude the animal from leaving the premises of the owner.
- (b) Any animal which is not physically and continually restrained by some person by means of a leash or a chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises.

(2) Off the Premises of the Owner: Any animal which is not physically and continually restrained by some person by means of a leash or a chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises; provided, however, that any animal which is securely confined within a cage, automobile, truck or any other vehicle, and that cannot come into contact with any other person/property other than the owners, shall not be deemed at large.

Cat means a domesticated member of the feline family (*Felis domesticus*) other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited feline, or any hybrid thereof.

Chicken means any particular domesticated farm or ranch animal of the particular fowl family (*Gallus domesticus*) developed in a number of breeds for its flesh, eggs and feathers but does not include ducks, geese, turkeys or other domesticated fowl.

Circus means a commercial variety show featuring animal acts for public entertainment.

City means City of Wylie.

City enforcement agent means any designee of the City animal services director, any animal services officer, or law enforcement officer that is employed by the City.

Dangerous dog means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (3) Makes an attack on an animal that causes serious injury or death and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own.

Department means the City animal services department.

Direct physical control means having precautions in place so the person may exercise physical control over the animal in the event it should become necessary to do so to protect the animal, a human, or another animal from harm. For the purposes of this chapter, voice control, shock collars, e-collars, and collar-mounted electronic training devices, regardless of the animal's proximity or training status, shall not be considered direct physical control.

Dog means a domesticated member of the canine family (*Canis familiaris*), other than a wolf, jackal, fox, dingo, coyote, or other prohibited canine, or any hybrid thereof.

Euthanasia means the termination of an animal by a person using methods authorized by state and federal laws.

Feral when used in describing an animal means any unowned, untamed animal living in the wild that will not voluntarily accept handling by human beings despite usually being considered a domestic animal.

Humane trap means any trap designed to capture an animal without injuring the animal.

Impound means to take an animal into custody by the City; impoundment shall begin at the time any City enforcement agent seizes, takes, collects, confines or captures an animal.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and cats.

Livestock means a horse, stallion, mare, gelding, filly, colt, mule, jenny, jack, jennet, hog, sheep, goat or a head of any species of cattle. Pot-bellied pigs, as defined by this article, are not considered livestock.

Local rabies control authority (LRCA) means the person designated by the governing body of a municipality to enforce the Texas Health and Safety Code, as amended.

Local rabies control incident (LRCI) means any bite, scratch, or other injury to a person caused by a warm-blooded animal that breaks the victim's skin and/or causes him or her to bleed and potentially come into contact with the injuring animal's saliva and could therefore allow the rabies virus to be transmitted from the animal to the person.

Owner means any person or persons, firm, partnership, corporation, association or entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be presumed to be the owner of the animal. The presumption may be rebutted with proof that the animal has been reported to the department. A property owner, occupant, or head of household of any premises on which a dog or cat remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal, the parent, legal guardian, or the head of the household shall be the owner for purposes of this chapter. There may be more than one (1) person who is the owner or responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to, pet sitters, groomers, boarders, walkers, and trainers. This term is to exclude the Animal services facility and veterinary facilities.

Performing animal exhibition means any spectacle, display, act or event, other than circuses, in which performing animals are used.

Pet means any animal kept for pleasure rather than utility.

Pet shop means any person, partnership or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells, boards or grooms any species of animal.

Police service animal means an animal owned by the City, or other governmental law enforcement agency, specifically trained or equipped to assist personnel in a law enforcement capacity.

Pot-bellied pig means a variety of swine that is no more than eighteen (18) inches in height at shoulder level when fully grown, has short erect ears and a straight tail. No swine shall be considered a pot-bellied pig if its weight exceeds ninety-five (95) pounds, or unless registered with a licensed breeder.

Releasing agency means any public or private animal pound, shelter or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restraint means an animal in a secure enclosure and/or completely confined by a building, wall or fence of sufficient strength of construction to restrain the animal on the premises of the owner or an animal off the premises of the owner and under the control of the owner or another person authorized by the owner to care for the animal by leash, cord, chain or rope.

Riding school or stable means any place which has available for hire, boarding and/or riding instruction any horse, pony, donkey, mule or burro.

Shelter means a structure that is capable of adequately providing cover and protection from heat, cold, and other environmental conditions. At minimum, a shelter must have three (3) sides, a top, and a bottom and must be adequately ventilated. It must have bedding material. It must be large enough so that the animal can enter, stand, turn around, and lie down, but small enough to prevent the loss of body heat during cold weather.

Tether means any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

Vaccination means the inoculation of an animal with an anti-rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered in accordance with the label's directions and all state and federal laws for the purpose of immunizing the animal against rabies.

Veterinary facility means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild animal means any animal that is customarily considered dangerous, undomesticated, not normally born and raised in captivity or any animal that is restricted from ownership by any international, federal, or state law, including, but not limited to the following classes and families of animals (specific animals are named as examples of the class or family, not as a complete list of the class or family):

(1) Class Reptilia:

- (a) Family Helodermatidae (venomous lizards) and Family Hydrophiidae (Venomous Marine snakes);
- (b) Family Viperidae (rattlesnakes, pit vipers and true vipers);
- (c) Family Elapidae (coral snakes, cobras, and mambas);
- (d) Family Columbridae-Dispholidus Typus (boomslang);
- (e) Bioga Dendrophilia (mangrove snake) and Kirklandii (twig snake only); and

- (f) Order Crocodilia (such as crocodiles and alligators);
- (2) Class Aves: Order Falconiformes (such as hawks, eagles, falcons and vultures);
- (3) Class Mammalia: Order Carnivores:
 - (a) Family Felidae (such as lions, tigers, bobcats, jaguars, leopards and cougars), except commonly domesticated cats;
 - (b) Family Canidae (such as wolves, dingoes, coyotes, foxes and jackals) and any hybrid of an animal listed in this section, except commonly domesticated dogs;
 - (c) Family Mustelidae (such as weasels, skunks, martins, minks, badgers and otters) except ferrets;
 - (d) Family Procyonidae (such as raccoons and coati);
 - (e) Family Ursidae (such as bears);
 - (f) Marsupialia (such as kangaroos, opossums, koala bears, wallabies, bandicoots, and wombats);
 - (g) Chiroptera (bats);
 - (h) Edentata and Xenarthra (such as sloths, anteaters, and armadillo);
 - (i) Proboscidea (elephants);
 - (j) Primata (such as monkeys, chimpanzees, orangutans, and gorillas);
 - (k) Rodentia (such as beavers and porcupines); and
 - (l) Ungulata (such as antelope, deer, bison and camels);
- (4) Class Amphibia: Poisonous frogs. Does not include non-poisonous reptiles or non-poisonous snakes.
- (5) Any species illegal to own under federal or state law, or any animal which is, or may be hereafter, listed as a “high risk” animal in the Texas Rabies Control Act;

Wild animal does not include livestock, fowl or household pets, such as but not limited to dogs, cats, cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish or small, nonpoisonous reptiles, or nonpoisonous snakes. Wild animal includes any hybrid of an animal listed in this definition, unless certified for medical, biological, herpetological or other scientific research or study. This definition shall apply regardless of state or duration of captivity.

Zoological park means any facility other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals, operated by a person, partnership, corporation or

governmental agency.

Sec. 18-2. - Enforcement of chapter.

- (a) The provisions of this chapter shall be enforced by the animal services officers. The animal services officers have the authority to issue citations to persons violating the provisions of this chapter.
- (b) It shall be unlawful for any person to interfere with an animal services officer or his/her duly authorized representative in the performance of his/her duties as prescribed by this chapter.
- (c) Animal services officers have the right to pursue animals running at large onto private property while enforcing the provisions of this chapter.

Sec. 18-3. - Inhumane treatment of animals.

- (a) A person commits an offense if, either through his/her action or omission, he/she:
 - (1) Docks the tail or removes the dew claws of an animal over five (5) days of age, or crops the ears of an animal of any age, unless he is licensed to practice veterinary medicine in the state;
 - (2) Abandons any animal that he or she has possession or ownership of at the animal services facility, at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal;
 - (3) Fails to reclaim any animal that he owns from the animal services facility or any person who had temporary possession of the animal;
 - (4) Euthanizes, kills or attempts to euthanize or kill an animal in a manner other than allowed in this chapter;
 - (5) Places or confines an animal, or allows an animal to be placed or confined, in a motor vehicle, conveyance, or trailer without providing adequately for the necessities of life, including air, food, potable water, sanitary conditions, shelter or protection from the heat, cold or other environmental condition, or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal;
 - (6) Causes or allows an animal to remain in its own filth;
 - (7) Owns or has care, custody, or control of an animal having an infestation of ticks, fleas, or other parasites, without having the animal treated by a veterinarian or following a proper commercially available treatment regimen for the infestation;

- (8) Owns or has care, custody or control of an animal having an obvious or diagnosed illness, injury, or communicable illness transmittable to animal or human, without having the animal treated by a veterinarian or following a proper treatment regimen for the injury or illness;
 - (9) Fails to provide basic grooming for an animal;
 - (10) Causes, allows or trains an animal to fight another animal or possesses animal fighting paraphernalia or training equipment;
 - (11) Fails to adequately provide an animal owned by him/her or under his/her care, custody or control with necessities of life, including food, potable water, sanitary conditions, shelter or protection from the heat, cold other environmental conditions, or other circumstances that may cause bodily injury, serious bodily injury or death of the animal;
 - (12) Mutilates or allows to mutilate any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, medical or veterinary necropsy, and bona fide educational use of dead animals shall not be considered mutilation;
 - (13) Attaches or allows to be attached a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin;
 - (14) Attaches or allows to be attached a tether that is not appropriately sized for the animal or so heavy as to restrict or burden the animal's movements;
 - (15) Teases, taunts, or provokes an aggressive reaction from an animal.
 - (16) Gives away any animal as a prize for, or as an inducement to enter any contest, game or competition, or as an inducement to enter a place of amusement, or offer such an animal as an incentive to enter into any business establishment whereby the offer was for the purpose of attracting trade.
 - (17) Knowingly expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any pet or domestic animal.
- (b) Animals seized pursuant to this section may be impounded and the City enforcement agent may petition the municipal court for a hearing to determine whether the animal was inhumanely treated and to determine the disposition of the animal. The petition shall be filed within forty-eight (48) hours of the seizure. If the court is not open during this 48-hour period, the petition shall be filed the next day the court is open for business. If a hearing is not requested, then the animal shall be returned to the owner upon request of the owner.

- (c) This section shall not be interpreted to restrict the lawful activities and legitimate operations of rodeos, 4H clubs or FFA clubs.

Sec. 18-4. - Payment of fees generally.

The department shall be responsible for collecting all fees established and levied in accordance with this chapter.

Sec. 18-5. - Certain establishments exempt from license and permit requirements.

Veterinary facilities and government-operated shelters and zoological parks are exempt from obtaining any permits that may be required by this chapter.

Sec. 18-6. - Impoundment, redemption, and disposition of animals.

- (a) Impoundment:
- (1) Rabies: The animal services officer shall impound and quarantine any animal that he/she has probable cause to believe was exposed to or infected with rabies. Any animal that exhibits symptoms of the rabies disease during quarantine shall be euthanized;
 - (2) Owner's absence: The animal services officer may impound an animal at the request of a peace officer or owner of the property where the animal is located when the owner of the animal has been arrested, hospitalized, is missing, has died, or when the owner is being lawfully evicted from his/her premises and there is no person present seventeen (17) years of age or older who will assume responsibility for the animal;
 - (3) Animal at large: The animal services officer may impound an animal found to be at large;
 - (4) Dangerous animal: The animal services officer shall follow the procedures for impoundment of dangerous dog set forth in this chapter;
 - (5) Unauthorized possession: The animal services officer may impound an animal if the animal services officer has probable cause to believe the animal is being possessed in violation of local, state or federal law;
 - (6) Inhumane treatment: The animal services officer may impound an animal if the animal services officer has probable cause to believe the animal has been inhumanely treated as defined by this chapter; or
 - (7) LRCI: The animal services officer may impound and quarantine an animal the officer has probable cause to believe has been involved in a LRCI.
- (b) The animal services facility shall be considered the designated caretaker of an impounded animal immediately upon impound. After the expiration of any required holding period,

the City shall become the full owner of the animal in question and may dispose of it in accordance with this chapter or other law.

- (c) Redemption: In order for a person to redeem an impounded animal, he must meet the following requirements:

(1) Conditions for redemption of animals:

- a. Rabies vaccination of the animal is required.
 1. For the purposes of this subsection, sufficient proof of an animal's current rabies vaccination shall be either a rabies vaccination certificate issued by a licensed veterinarian or verbal or written confirmation of a current rabies vaccination by the licensed veterinarian who administered the vaccination.
 2. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall have seven (7) days to provide a current rabies vaccination to the department.
 3. If, in the opinion of a licensed veterinarian, the rabies vaccination should not be given within the seven (7) day period, the owner must provide a signed statement from the veterinarian stating why the vaccine should be temporarily delayed and when the vaccine may be given. The owner shall provide written proof of the administering of the vaccination to the department within forty-eight (48) hours.
- b. City license required.
 1. If the owner cannot prove that the animal has a current City license, the owner shall pay a fee to have the animal licensed as required by this chapter.
 2. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall be given seven (7) days to provide proof of a current rabies vaccination to the department and obtain a City license.
- c. Payment of fees. The owner must pay all applicable fees before the animal is released.
- d. Wild animals. Impounded wild animals kept in violation of this chapter may not be redeemed and may be placed with a wildlife rehabilitator or wildlife educational center or euthanized at the animal services department's discretion.

- e. A person commits an offense if he fails to provide the proof of rabies vaccination required in subsections (c)(1) a.2. or (c)(1) a.3 of this section.
 - f. A person commits an offense if he fails to provide the proof of City license as required in subsection (c)(1) b.2 of this section.
- (2) This section shall not apply if the animal was impounded:
 - a. For being inhumanely treated as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;
 - b. As a dangerous dog as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;
 - c. For investigation of rabies and the quarantine period has not expired.
- (d) Disposition
 - (1) Time limits.
 - a. Impounded animals shall be kept for not less than seven (7) days, unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.
 - b. An animal impounded at the request of a peace officer or property owner as required by subsection (a)(2) of this section shall be kept for not less than ten (10) business days unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.
 - c. An impoundment period is not required for an animal voluntarily released to the department by its owner.
 - d. An impoundment period is not required for any wild animal.
 - e. An impoundment period is not required for household pets such as but not limited to cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish, or small, nonpoisonous reptiles or nonpoisonous snakes, but excluding dogs and cats.
 - f. An impoundment period is not required for fowl for which no permit is required under this chapter.
 - (2) Injured or diseased animals.
 - a. Any impounded animal, registered or unregistered, which appears to be suffering from serious bodily injury or disease and which is in great pain or suffering and probably will not recover or which appears to have an

infectious disease which is a danger to humans or to other animals may be euthanized.

- b. Any animal that is not displaying any type of identification and which due to its violent or feral nature poses a substantial risk of bodily injury to the safety of department staff may be euthanized.
- (3) After the expiration of any required impoundment period or immediately after being voluntarily released by its owner, the animal shall become the property of the City, all ownership rights for the animal shall transfer to the City, and the department may dispose of the animal by any of the following methods, taking into consideration factors that may include, but not be limited to, the animal's behavior, aggressive tendencies, feral characteristics, health and housing space availability, within the sole discretion of the animal services manager or his/her designee:
- a. Adoption.
 - 1. The department shall be authorized to place for adoption animals impounded by City under the following conditions:
 - (a) The department shall evaluate all animals to determine if it is an adoption candidate, based on its health, temperament and appropriateness for vaccination. However, authorization to place an animal for adoption shall not constitute a warranty of the health, temperament or age of the animal.
 - (b) There will be an adoption fee for all animals at an amount set by the City Council.
 - (c) All animals adopted from the animal services facility shall be vaccinated against rabies according to state guidelines and sterilized.
 - (d) If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of sterilization, the person adopting the animal must provide a signed statement from the veterinarian stating why the sterilization should be delayed and when the procedure may be performed. A legitimate health risk cannot be based solely on the age of the animal if the animal is at least eight (8) weeks old. The owner shall provide written proof to the department of the completed sterilization within forty-eight (48) hours of the procedure

2. If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to the department that the animal has died.
 3. If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to the department stating that the animal is lost or stolen and a copy of the police report, if any, of the theft. In order to be sufficient, the letter shall be delivered to the department not later than the seventh (7th) day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.
- b. Transfer to releasing agency or foster care.
1. The department may transfer ownership of the animal to a releasing agency that has a signed transfer agreement for animals on file with the department provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home.
 2. The department may temporarily place the animal in a foster home that has a signed foster agreement for animals on file with the department.
- c. Euthanasia. The department may euthanize the animal due to the animal's health or temperament, space limitations or as otherwise deemed necessary by the animal services manager or his/her designee.
- (4) All decisions related to the disposition of an animal pursuant to subsection (d) of this section shall be made at the sole discretion of the animal services manager or his/her designee unless otherwise mandated by law or a court order.
 - (5) A person commits an offense if he fails to provide the proof required in subsection (d)(3) a.1.(c). of this section.

Sec. 18-7. - Kennels.

Kennels are not allowed in residentially zoned areas.

Sec. 18-8. - Wild animals.

- (a) No owner shall keep or permit to be kept on his premises or premises under his control, any wild animal for sale, display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
- (b) No person shall keep or permit to be kept any wild animal as a pet or source of food.

- (c) Felines caught in properly set humane traps which do not have current City license and rabies tags shall be considered feral and shall be disposed of in the normal fashion.

Sec. 18-9. - Livestock and fowl.

- (a) No person shall engage in keeping livestock within the corporate limits of the City, except as allowed by the Comprehensive Zoning Ordinance of the City.
- (b) A person may harbor or possess not more than eight (8) backyard chickens on residential property after first having obtained a fowl permit from the department. A fee shall be collected in accordance with Section 18-4 in an amount established from time to time by ordinance of the City Council. The permit is per property and is nontransferable and terminates in the event the permit holder no longer resides at the property for which the permit was issued or in the event the person ceases to harbor or keep backyard chickens on the property. This section does not prevail over or supersede any applicable homeowners association (HOA) policies or regulations.
- (c) The keeping of loud fowl such as roosters, ducks, turkeys, geese, peacocks or guineas, or other such loud fowl within the corporate limits of the City shall be prohibited, except in lakes, public parks or as allowed by the Comprehensive Zoning Ordinance of the City of Wylie.
- (d) Chickens shall be kept in an enclosure or fenced area with a minimum of ten (10) square feet per hen of run space, and be provided a shelter (coop) with a minimum of three (3) square feet per hen.
- (e) Such location and/or enclosure shall be no closer than twenty-five (25) feet to the nearest inhabited dwelling, other than that of the owner.
- (f) Any fowl kept within the City limits as authorized by this section shall be kept in a secure pen, coop or enclosure, and such structure shall be such construction and strength to keep such animal from running at large.
- (g) The chicken coop or other enclosure must be located within the rear yard no closer than five (5) feet from any property line and at a location which is not visible from a public street.
- (h) The City shall have the authority to revoke a permit at any time the owner does not comply with this section or any other requirements.
- (i) Should such chickens be kept on a lot in the City and such surrounding area is later developed to bring it closer to any inhabited building or dwelling closer than twenty-five (25) feet, excluding property owner who keeps chickens, such enclosure may be required to be moved to keep in compliance or if unable to keep in compliance, such animals shall be required to be removed from such premises within one (1) year of such non-compliance.

- (j) Enforcement of this section and any state or federal laws regulating animal services shall be the responsibility of the animal services officers.

Sec. 18-10. - Restraint.

- (a) All animals shall be kept under restraint.
- (b) No animal shall be permitted to run at large.

Sec. 18-11. - Public Nuisances.

- (a) A person commits an offense if the person is an owner of an animal and the person permits, or by insufficient control allows, any of the following to occur:
 - (1) Creation of any condition on the owner's property, or that carries over to an adjacent property, that renders the ground, the water, the air or food hazardous or injurious to human or animal life or health or that is offensive to any person of ordinary sensibilities or that is detrimental to the public health;
 - (2) The animal to be at large as defined by this chapter;
 - (3) Creation of a condition conducive to the breeding of flies, mosquitoes, ticks, fleas or other pests;
 - (4) Breeding or causing to be bred any animal within the public view.
 - (5) It shall be unlawful and considered a public nuisance to keep any animal which, by causing frequent or long continued barking or noise, shall disturb any person of ordinary sensibilities in the vicinity.
- (b) A person commits an offense if the person causes an animal not owned by the person to be at-large by intentionally, knowingly or recklessly releasing a confined animal.
- (c) A person commits an offense if the person is the owner of an animal and the person fails to immediately remove and dispose of any excreta the animal produces.
- (d) It is an affirmative defense to prosecution under subsection (c) of this section if the owner proves by preponderance of the evidence that:
 - (1) The property where the animal defecated was owned, leased or controlled by the owner of the animal at the time it defecated;
 - (2) The animal was an assistance animal, and at the time it defecated, the animal was in the presence of its disabled person or was present on the property of its disabled person;
 - (3) The owner of the property or person in control of the property had given prior consent for the animal to defecate on the property; or

- (4) The animal is a police service animal being used in official law enforcement activities.
- (e) It is an affirmative defense to prosecution under subsections (a)(2) and (a)(4) of this section if the owner proves by a preponderance of the evidence that the animal was at large due to forces of nature, fire or the criminal act of a third party who was not residing at the animal owner's residence.

Sec. 18-12. - Slaughtering of animals.

It shall be unlawful for any person to slaughter, skin or defeather an animal within the City, unless as part of a bona fide, licensed business. It shall further be unlawful for any person to butcher or display the carcass of an animal on residential property within the City whereby it is in the view, in whole or in part, of the public, except an animal carcass actually cooking over a barbecue pit or a dead animal being prepared by a licensed taxidermist for the purpose of display.

Sec. 18-13 - Placement and baiting of animal traps and poison.

- (a) Humane traps shall be used to trap animals within the City, whether on public or private property. The person who places the trap, or who requests its placement, shall be responsible for checking the trap, the care of the animal while it is in the trap, and the notification to the department of any captured animal. All traps shall be checked at least daily. No traps shall be placed upon public property without permission from the department. It shall be the responsibility of the person setting the trap to properly label the trap indicating the name and contact information for the owner and the date permission was obtained from the department.
- (b) Offenses. A person commits an offense if the person:
 - (1) Places, or places and baits, or allows the placing or placing and baiting, of an steel-jawed trap (commonly known as a "bear trap", "wolf trap", "leg hold trap" or "coyote trap"), a body hold trap (commonly known as "conibear trap"), any snare trap, any noose-type trap or any other trap designed, used or adapted to be lethal or cause serious bodily injury or death of an animal;
 - (2) Places or allows the placing of any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals;
 - (3) Fails to check a trap he has placed, placed and baited, or allowed to be placed or placed and baited at least once every twenty-four (24) hours;
 - (4) Places, or places and baits, or allows the placing or placing and baiting of any trap when the overnight low temperature is expected to be below forty (40) degrees Fahrenheit;

- (5) Places, or places and baits, or allows the placing or placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food or water or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs;
 - (6) Euthanizes, kills or attempts to euthanize or kill a trapped animal in a manner other than one specifically allowed in this chapter;
 - (7) Removes, alters, damages or otherwise tampers with a trap or equipment belonging to or placed at the request of the department;
 - (8) Places, or places and baits a trap, other than a commercially available trap solely designed to exterminate mice, rats or insects, for commercial profit, without identifying the trap with the name, telephone number and Texas Department of Agriculture Structural Pest Control Applicator license number of the applicator who placed or placed and baited the trap.
- (c) Any trap found to be set in violation of this chapter may be confiscated by a City enforcement agent and held as evidence in the case for the offense.
 - (d) This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

Sec. 18-14. - Pot-bellied pigs.

- (a) It shall be unlawful for anyone to keep swine within the City limits except for pot-bellied pigs which meet the requirements set forth in subsection (b) of this section.
- (b) Requirements for keeping pot-bellied pigs:
 - (1) It shall be unlawful for any person to keep, harbor, or raise more than two pot-bellied pigs in any one location within the City.
 - (2) All such pot-bellied pigs shall be kept indoors at all times other than for evacuation of waste material or during exercise periods. The animals may not be left in the backyard or front yard of the owner's or harborer's residence unattended. All waste material must be collected and disposed of in a manner that will not create a nuisance.
 - (3) Pot-bellied pigs are subject to all applicable laws and fees related to at large.

- (4) It shall be unlawful for any person to keep, harbor, or raise a pot-bellied pig which has not received annual vaccinations for erysipelas, parvo virus and leptospirosis (the first of which vaccination shall be obtained before the animal reaches the age of four months). It shall be the responsibility of the owner or caretaker of the pot-bellied pig to forward to animal services within fourteen (14) days of the vaccination a certificate from a licensed veterinarian which shall include the following information:
1. Name, address, and phone number of the owner;
 2. Name, address and phone number of the licensed veterinarian issuing the certificate;
 3. Name and description of the animal;
 4. Types and dates of the vaccinations;
 5. Tag number(s);
 6. Approximate weight, height and age of the animal; and
 7. The animal's general health.
 8. Proof of spay or neuter (all pot-bellied pigs must be spayed or neutered by twelve (12) weeks of age).
 9. Microchip number and manufacturer name (all pot-bellied pigs must be microchipped by twelve (12) weeks of age).
- (5) It shall be unlawful for any person to keep a pot-bellied pig at any location within the City unless such a person has first filed with animal services a completed application for a permit within fourteen (14) days of acquiring or relocation to keep a pot-bellied pig. The application must be accompanied by a fee of \$10.00 per animal and the required veterinary certificate. The permit must be renewed yearly by the thirtieth (30th) day of January regardless of initial issuance date. The permit is nontransferable to another owner or residence other than the initial permit holder.
- (6) Upon the owner's compliance with the above provisions of this section the department shall issue a metal permit tag. The permit tag is to be affixed to the animal via collar or harness at all times.
- (7) It shall be unlawful for any person to breed pot-bellied pigs within the City.
- (8) Should the pot-bellied pig die, be moved or acquire a new owner or caretaker, it shall be the owner's duty to inform animal services of this fact within fourteen (14) days of the event.

Sec. 18-15. - Tethering animals.

- (a) A person commits an offense if he tethers an animal to a stationary object for any length of time except as allowed by subsections (b) and (c) of this section.
- (b) Restraint on the owner's property or for a lawful animal event, veterinary treatment, grooming, training, law enforcement activity, or when needed to protect the safety or welfare of a person or animal, shall be allowed provided that all of the following conditions are met:
 - (1) The animal's owner maintains continuous, direct physical control of the animal throughout the period of restraint;
 - (2) The tether is attached to a properly fitting collar or harness and is not wrapped around the animal's neck. Choke or prong-type collars are prohibited;
 - (3) The tether is designed and placed in a manner to prevent entanglement or injury; and
 - (4) The tether does not allow the animal to move outside the person's property or come within ten (10) feet of public property if tethered outside a fenced area.
- (c) A "skyline" type aerial trolley consisting of a line that is strung between two (2) fixed points that are at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the requirements of subsection (b)(2) through (b)(4) of this section are met and the animal is enclosed behind a fence of adequate size and strength capable of preventing the general public, including children, and other animals from entering the area.

Secs. 18-16 – 18-40. - Reserved.**ARTICLE II. - DOGS AND CATS****DIVISION 1. - GENERALLY****Sec. 18-41. - Sterilization.**

It shall be unlawful for any person to adopt a dog or cat without complying with the sterilization requirements set forth in Texas Health and Safety Code Chapter 828, as it exists or may be amended.

Secs. 18-42 – 18-60. - Reserved.**DIVISION 2. - LICENSES; TAGS****Sec. 18-61. - Requirements and restrictions.**

- (a) Dogs and cats that are required by the Texas State Rabies Control Act to have a rabies vaccination must also be licensed with the City. The City license tag must be affixed to a properly fitted collar or harness at all times. The owner shall retain proof of the animal's City license and make it available for inspection upon request by a City enforcement agent.
 - (1) Subsection (a) does not apply to animals temporarily within the City for a period not to exceed fourteen (14) days.
- (b) City license shall be on forms and tags furnished by the department or its designee and shall be issued subject to the provisions of this chapter.
- (c) For each dog and cat the annual license fee shall be as provided for in the fee schedule located in Appendix C to this Code. Proof of spaying or neutering shall rest with the owner of the animal.
- (d) Upon the owner's compliance with subsections (a) through (c) of this section, the department or its representative shall issue a license for the dog or cat.
- (e) Each license required by this section shall be renewed annually.
- (f) The department shall not issue a license tag to an animal that is not currently vaccinated against rabies.
- (g) If a license or tag issued under this section is lost or stolen, it may be replaced by payment of a fee as provided for in the fee schedule located in appendix C to this Code.
- (h) A person commits an offense if he is the owner of a dog or cat over the age of four (4) months within the City and does not have a current City license for the animal as required by this section.
- (i) A person commits an offense if he fails to display the license tag as required by this section.
- (j) A person commits an offense if he affixes a City license tag to any animal's collar or harness other than the animal for which it was issued.

Sec. 18-62. - Transfer; use for other animal.

- (a) It shall be unlawful for any person to use any permit, registration or license for any animal other than the animal for which it was issued.
- (b) Permits, registrations or licenses shall not be transferable among animals or their owners.

Sec. 18-63. - Permit, license or registration revocation, denial, and appeal.

- (a) An animal services officer may issue a notice of revocation of any permit, license or registration or deny an application for a permit, license or registration under this chapter without prior warning, notice, or hearing if the permittee or applicant fails to meet the standards required in this chapter, refuses to make the premises or animals in his possession

available for an inspection, seriously or repeatedly violates this chapter in ways that threaten the health or well-being of the permit, license or registration holder's or applicant's customers, employees, neighbors or animals in their care, or otherwise violates this chapter in any other way, if the notice:

- (1) States the reason(s) for the revocation or denial;
 - (2) States that the permit, license or registration holder may request an appeal hearing by submitting a timely request to animal services manager; and
 - (3) Provides the name and the address of the animal services manager to whom a request for appeal hearing may be made.
- (b) An appeal of a revocation or denial must be made in writing within ten (10) days of the issuance of the notice of revocation or denial of a permit, license or registration. If no appeal request is received within the 10-day period, the revocation or denial of the permit, license or registration becomes final.
- (c) Upon receiving an appeal, the animal services manager shall hold a hearing at a time and place of his designation within fifteen (15) days of the notice of appeal being received. Based upon the evidence of the hearing, the animal services manager shall make a final ruling.
- (d) The decision of the animal services manager shall be final.
- (e) The permittee or applicant may reapply for a new permit, license or registration under this chapter at any time.
- (f) The issuance of a suspension shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the department to pursue other enforcement actions or remedies to address any violation of the provisions of this chapter.

Secs. 18-64 – 18-80. - Reserved.

DIVISION 3. - DANGEROUS DOGS

Sec. 18-81. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control authority means the City of Wylie Animal Services as defined and appointed under Section 18-1.

Secure enclosure means a fenced area or structure that:

- (a) Is locked. All entrances to the secure enclosure in which the dog is being kept, such as gates, doors, or windows must be securely closed and locked at all times when the dangerous dog is present;
- (b) Prevents the escape or release of the dog by any means, including digging, climbing, jumping, or chewing out of the enclosure;
- (c) Prevents the entry of the general public, including children;
- (d) Is clearly marked as containing a dangerous dog, with signs obtained from City animal services unless otherwise specifically approved. Such signs shall be posted as specified by City animal services; and
- (e) Is in conformance with any other requirements for enclosures prescribed by City animal services policy, City zoning regulations, or City construction regulations.
- (f) Is not in any part of a house or other structure where a dangerous dog might have direct access to an opened window, an opened door, a screen window, a screen door, or other opening of similar material or construction which is the only obstacle preventing the dog from exiting the house or structure.
- (g) Is not located within five feet of any other property line adjoining the premises on which the enclosure is located.

Sec. 18-82. - Requirements for owner.

- (a) A person learns that the person is the owner of a dangerous dog when:
 - (1) The owner knows of an attack as described in subsection (1) of the definition for “dangerous dog” set forth in section 18-1 of this chapter; or
 - (2) The owner is informed by an animal control authority that the dog is a dangerous dog.
- (b) Requirements:
 - (1) Not later than the thirtieth (30th) day after the owner learns that he is the owner of a dangerous dog, the owner shall:
 - 1. Register the dangerous dog with the animal control authority for the City meeting all annual requirements. The current dangerous dog registration tag issued by an animal control authority shall be conspicuously displayed on the dangerous dog at all times by securely attaching it to a properly fitted collar, harness, or similar device which is being worn by the dog.
 - 2. At all times keep the dog in a secure enclosure, or physically restrained on a leash not longer than six feet in length, and of sufficient tensile strength so it will not break under any conditions or circumstances. One end of the

leash must be securely attached to a properly fitted collar or harness which is being worn by the dog; the other end of the leash must be securely held in the grasp of a person. In addition, if the dog is taken onto any public property, it shall be securely muzzled in a manner which will prevent it from biting any person or other animal, yet not cause injury to the dog nor interfere with its vision or respiration. A dangerous dog may not be left tied out anywhere outside of a secure enclosure.

3. Obtain and maintain liability insurance coverage in an amount of at least \$250,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide this proof to the animal control authority.
 4. All owners of dangerous dogs shall provide the City with two color photographs at the time of registration of the dog in two different poses, showing the color and approximate size of the animal.
 5. Present proof that the dog has been implanted with a microchip identification, which can be detected and read by the animal control officer's microchip reader. Proof shall consist of a signed letter from the veterinarian who implanted the microchip. The letter must describe the dog, state the microchip identification number assigned to the dog, state the microchip manufacturer name, register it for life with the department and a recognized national registry.
- (2) An owner of any registered dangerous dog shall be required to notify City animal services of any attacks the dog makes on people, regardless of where the attack occurs. Such notification of an attack shall be made not later than twenty-four (24) hours after the attack occurs.
 - (3) An owner of a dangerous dog commits an offense if the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the person. An offense under this section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed at the owner's expense, as provided by law.

Sec. 18-83. - Reporting and investigating a dangerous dog incident.

- (a) A person may report an alleged dangerous dog incident to the animal services officer by submitting a sworn statement describing the event, not later than the thirtieth (30th) day after the date such incident occurs. A parent or guardian may submit the sworn statement on behalf of a minor or a person who is unable to prepare the statement. The statement shall contain as much of the following information as known:
 - (1) Name, address and telephone number of the person filing the sworn statement.

- (2) Name, address and telephone number of the alleged dangerous dog owner or keeper.
 - (3) A description of the alleged dangerous dog including breed, colors, size, sex, name, or any other distinguishing characteristics.
 - (4) Date, time and location where the incident occurred.
 - (5) A detailed account of what happened before, during, and after the incident.
 - (6) A description of any injuries caused by the dog during the incident. Attach a copy of available medical reports, photos, etc.
 - (7) Name, address and telephone number of any available witnesses to the incident.
- (b) After receiving a sworn statement describing an alleged dangerous dog incident, the animal services officer shall investigate the incident and determine whether or not to file a report with the municipal court and request a hearing to determine if the dog involved is a dangerous dog as defined within this chapter. Upon notification that such dangerous dog determination hearing is to be conducted, the owner shall deliver the dog to the City animal shelter where it shall be confined until the court orders disposition of the dog, unless confinement at another location has been specifically authorized by the animal services officer.
 - (c) If the owner fails to deliver the dog as specified in subsection (b) of this section, the court may order the animal services officer to seize the dog and issue a warrant authorizing the seizure. The animal services officer shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.
 - (d) The owner shall be responsible for payment of all costs incurred to seize and confine the dog.
 - (e) The court may order the humane destruction of an alleged dangerous dog if the owner of the dog has not been located before the thirtieth (30th) day after the dog is seized or impounded.

Sec. 18-84. - Dangerous dog determination hearing.

- (a) Upon receiving a report from the animal services officer describing an alleged dangerous dog incident, the court shall set a time for a hearing to determine if the dog is a dangerous dog as defined within this chapter. The hearing must be held not later than the tenth day after the date on which the dog is seized or delivered for confinement.
- (b) Written notice of the time and place of the hearing shall be delivered to:
 - (1) The owner of the dog or the person from whom the dog was seized; and
 - (2) The person who reported the incident to animal services.

- (c) Any interested party, including the City Attorney, is entitled to present evidence at the hearing.
- (d) If the court determines that a dog is a dangerous dog, such dog shall be confined at the animal services facility or other confinement location authorized by the animal services officer until the owner presents proof of required liability insurance coverage and the animal services officer has inspected and approved the secure enclosure where the dog will be kept. If the owner does not comply with such requirements on or before the 15th day after the date the dog is determined to be a dangerous dog, the court may order the humane destruction of the dog.
- (e) The owner of a dog that has been confined under section 18-83 shall be required to present proof to the animal services officer that such dog has been vaccinated against rabies as required by this chapter, before the dog may be released from confinement. If the owner cannot provide such proof, the owner shall make arrangements to have the dog vaccinated against rabies, at a veterinary clinic located within the City limits, during City animal services' regular business hours. The owner shall coordinate such arrangements with City animal services prior to the date the dog is to be vaccinated. An animal services officer shall:
 - (1) Transport the dog to the veterinary clinic and confirm that the dog is vaccinated against rabies; or
 - (2) Accompany the owner to or meet the owner at the veterinary clinic and confirm that the dog is vaccinated against rabies.
 - (3) If the owner does not comply with this requirement on or before the 15th day after the court has determined that the dog is a dangerous dog, the court may order the humane destruction of the dog. The owner shall be responsible for payment of all costs incurred to vaccinate or destroy the dog.
- (f) The owner may appeal the decision of the municipal court in the manner described by the Texas Health and Safety Code § 822.0424, as amended.

Sec. 18-85. - Registration.

- (a) The animal control authority for the City shall annually register a dangerous dog if the owner presents proof of:
 - (1) Liability insurance, as required by Section 18-82(b)(1)(3);
 - (2) Current rabies vaccination of the dangerous dog;
 - (3) The secure enclosure in which the dangerous dog will be kept; and
- (b) Pays an annual registration fee as provided in the fee schedule in appendix C to this Code.

- (1) The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

Sec. 18-86. - Transferring ownership of registered dangerous dog.

- (a) Prior to relocating, transferring ownership, offering to transfer ownership, or otherwise moving or offering to move in any way a registered dangerous animal, either inside or outside the City limits, the owner shall notify the animal services manager in writing of his intention. If ownership is to be transferred, the notification shall include the name and address of the proposed new owner of the animal. Owner shall pay the fee associated with the dangerous dog at a new address registration fee provided in the fee schedule in appendix C to this Code.
- (b) If ownership of the animal is being transferred to a person who resides within the City limits, the new owner will be required to provide proof to the animal services manager of complying with all provisions of this chapter before the animal can be moved from the previous owner's custody.
- (c) If the animal is being moved outside the City limits, the owner must provide, in writing to the animal services manager, proof that the new owner has alerted the agency responsible for animal services in that area.
- (d) A person commits an offense if the person fails to comply with the requirements of this section.

Sec. 18-87. - Animals deemed dangerous by other jurisdictions.

- (a) The owner of an animal that has been determined to be dangerous by another jurisdiction, under guidelines similar to those in this chapter, is prohibited from bringing the animal into the City. Any animal that is brought into the City in violation of this section shall immediately be turned over to animal services. On the fifteenth (15th) day, the impounded animal may be considered abandoned and disposed of as authorized in this chapter. The owner may elect to immediately remove the animal from the City and shall comply with the notice requirements of this chapter.
- (b) A person commits an offense if he is the owner of an animal that has been determined to be dangerous by another jurisdiction and brings such animal into the City limits.

Sec. 18-88. - Defenses to prosecution.

Defenses to prosecution prescribed by Texas Health and Safety Code Chapter 822, Subchapter D, "Dangerous Dogs" (as it is now enacted, or as hereinafter amended), are hereby incorporated under this section.

Sec. 18-89. - Violation of Division.

- (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any provisions of this division.

- (b) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any provisions of Texas Health and Safety Code Chapter 822, Subchapter D, "Dangerous Dogs" (as it is now enacted, or as hereinafter amended).

Secs. 18-90 – 18-100. - Reserved.

ARTICLE III. - RABIES CONTROL

Sec. 18-101. - State regulations adopted.

The City hereby adopts by reference the Texas State Rabies Control Act, as amended, and the standards established by the appropriate state agency or rule-making board as minimum standards for rabies control and quarantine provisions within the City.

Sec. 18-102. - Proof of current vaccination required.

The owner of each dog or cat found in the City shall cause each such animal to be vaccinated against rabies as prescribed by Texas Administrative Code, Title 25, Part I, Chapter 169, as it is now enacted or hereafter amended. Furthermore, the owner of each ferret found in the City shall cause each such animal to be vaccinated against rabies in the same manner and interval as required for dogs and cats. It shall be a violation of this chapter for the owner of any dog, cat or ferret to fail or refuse to present proof to the animal control officer, upon request, that such animal has been vaccinated against rabies as required by this section.

Sec. 18-103. - Reporting rabies cases.

- (a) Any licensed veterinarian or technician working for a veterinarian who diagnoses, examines, or treats any animal diagnosed to have, or suspected to have, rabies shall immediately report their findings to the department.
- (b) Any physician or other medical or veterinary practitioner having knowledge of a local rabies control incident shall notify the department of the names, addresses and phone numbers of persons or animals treated.
- (c) Any person owning or possessing an animal which has been involved in a local rabies control incident, or any other person having knowledge of the local rabies control incident, shall notify the department.
- (d) A person commits an offense if he has knowledge of a local rabies control incident and fails to notify the department within forty-eight (48) hours.

Sec. 18-104. - Area quarantine.

It shall be a violation of this chapter for any person to fail or refuse to comply with any rules or regulations prescribed by the state department of health during a declared area rabies quarantine

Sec. 18-105. - Treatment or disposition of animals exposed to rabies.

- (a) Not currently vaccinated animals that have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:
 - (1) euthanatized; or
 - (2) immediately vaccinated against rabies, placed in confinement for 90 days, and given booster vaccinations during the third and eighth weeks of confinement. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered.
- (b) Currently vaccinated animals that have been bitten by, directly exposed by physical contact with or directly exposed to the fresh tissues of a rabid animal shall be:
 - (1) euthanatized; or
 - (2) immediately given a booster rabies vaccination and placed in confinement for 45 days.
- (c) These provisions apply only to domestic animals for which a USDA-licensed rabies vaccine is available.
- (d) In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled Compendium of Animal Rabies Prevention and Control, published by the National Association of State Public Health Veterinarians, should be followed. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.
- (e) No wild animal will be placed in quarantine. All wild animals will be humanely destroyed in such a manner that the brain is not mutilated. The brain will then be submitted to a laboratory certified for rabies diagnosis in order to be tested.

Sec. 18-106. - Animal bites; quarantines.

- (a) When a dog, cat or domestic ferret that has bitten a human has been identified, the custodian will place the animal (regardless of its vaccination status) in quarantine as defined in the Texas Health and Safety Code § 826.002, until the end of the ten (10)-day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a department-licensed quarantine facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be quarantined in a veterinary clinic. As an alternative to quarantine at a department-licensed facility or a veterinary clinic, the local

rabies control authority may allow home confinement. To allow home confinement, the following criteria must be met.

- (1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.
 - (2) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over sixteen (16) weeks of age at the time of the potential exposure, it may be allowed home confinement.
 - (3) During the confinement period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.
 - (4) The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the home confinement.
 - (5) The animal was not a stray as defined in the Texas Health and Safety Code § 826.002, at the time of the potential exposure or at large as defined in section 18-1.
- (b) If the potential rabies exposure described in subsection (a) of this section occurs in a City or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the City or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the City or county where the exposure occurred and where the custodian resides.
- (c) The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret that has bitten or otherwise potentially exposed a person to rabies as described in subsection (a) of this section is to have the animal euthanized in such a manner that the brain is not damaged and a suitable specimen submitted to a department-designated laboratory for rabies testing. A list of department-designated laboratories may be found on the department's website or may be obtained from any of the department's regional Zoonosis Control offices.
- (d) A domestic animal that has potentially exposed a human to rabies and has been designated by the local rabies control authority as unowned may be euthanized. If the animal is euthanized, a suitable specimen shall be submitted for rabies testing.
- (e) "Free-roaming animals" as used in this section includes animals that have been in captivity less than two hundred (200) days immediately prior to the potential exposure and those that are not in captivity. If the animal implicated in the potential exposure is a free-roaming high-risk animal, it shall be euthanized and a suitable specimen submitted for rabies testing. If the animal implicated in the potential exposure is a high-risk animal that has been in captivity without contact with free-roaming animals for two hundred (200) days or more immediately prior to the potential exposure or is less than two hundred (200) days old, has

always been in captivity without contact with free-roaming animals, and is the progeny of a dam that has been in captivity without contact with free-roaming animals for two hundred (200) days or more immediately prior to the potential exposure, the local rabies control authority shall conduct a risk assessment to gauge the probability that the animal could have been exposed to rabies and, therefore, poses a public health risk. If the probability that the animal implicated in the potential exposure could have had animal contact conducive to rabies transmission is low and the potential exposure poses a negligible public health risk, the local rabies control authority may require that the animal involved in the potential exposure be quarantined at a department-licensed quarantine facility or a veterinary clinic or confined elsewhere as deemed appropriate by the local rabies control authority for a thirty (30)-day observation period as an alternative to euthanizing and testing. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the quarantine or confinement that was deemed appropriate by the local rabies control authority.

- (f) If the animal implicated in the potential exposure is a low-risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the animal is rabid, in which case it shall be euthanized and a suitable specimen submitted for rabies testing.
- (g) The local rabies control authority may require an animal that has inflicted multiple bite wounds, punctures, or lacerations to a person to be euthanized. If the animal is euthanized, a suitable specimen shall be submitted for rabies testing.
- (h) If the animal implicated in the potential exposure is not included in subsection (a), (b), (c), (d), (f), or (g) of this section or the portion of subsection (e) of this section pertaining to a free-roaming high-risk animal, the animal either will be euthanized and a suitable specimen submitted for rabies testing or the local rabies control authority may require the animal to be quarantined at a department-licensed quarantine facility or a veterinary clinic or confined elsewhere as deemed appropriate by the local rabies control authority for the 30-day observation period as an alternative to euthanizing and testing. The local rabies control authority's decision on whether to quarantine or euthanize and test those other animals described in subsection (e) of this section will be determined by risk-assessment parameters as described in subsection (e) of this section. If the potential rabies exposure occurs in a City or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the City or county of the custodian's residence or allowed confinement deemed appropriate if there is mutual agreement to do so between the local rabies control authorities for the City or county where the exposure occurred and where the custodian resides. During the observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the quarantine or confinement that was deemed appropriate by the local rabies control authority.

- (i) Any animal required to be quarantined under this section that cannot be maintained in secure quarantine shall be euthanized and a suitable specimen submitted for rabies testing.
- (j) All laboratory specimens referred to in subsections (c) through (i) of this section shall be submitted in accordance with Section 169.33 of Title 25 of the Texas Administrative Code (relating to Submission of Specimens for Laboratory Examination).
- (k) At the discretion of the local rabies control authority, assistance animals as defined by Texas Administrative Code 169.22 may not be required to be placed in quarantine (to include confinement) during the observation period. During the applicable observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted. The local rabies control authority or a veterinarian must observe the animal at least at the beginning and on the last day of the applicable observation period.
- (l) Police service animals are exempted from quarantine per the Texas Health and Safety Code § 826.048, including confinement. During the applicable observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.
- (m) Animals should not be vaccinated against rabies or receive other vaccinations or non-essential medications that may complicate assessment of behavioral change or health status during the observation period; however, animals may be treated for medical problems that are diagnosed by a veterinarian and are not related to rabies. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal.
- (n) Owner must pay a quarantine fee as provided in the fee schedule in appendix C to this Code
- (o) After the animal has been released from quarantine, the owner will have three days in which to have the animal licensed if applicable with the City by the purchase of a City license tag.
- (p) It shall be unlawful for any person to interfere with the enforcement of this section.

Sec. 18-107. - Penalty.

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding \$2,000.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Secs. 18-108 – 18-120. - Reserved.

ARTICLE IV. - ANIMAL SHELTER ADVISORY BOARD

Sec. 18-121. - Definitions.

For the purposes of this article, the following terms, phrases, words and their derivation shall have the meaning given herein:

Animal Shelter means the City Animal Services facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

Board means the animal shelter advisory board of the City of Wylie, Texas.

Board member means the members of the City animal shelter advisory board.

Sec. 18-122. - Establishment of City animal shelter advisory board.

The City animal shelter advisory board is hereby established to act in an advisory capacity to the City Council and to assist the City in complying with the requirements of Chapter 823 of the Texas Health and Safety Code.

Sec. 18-123. - Number of members; qualified appointment; terms.

The board shall consist of five members. The board shall consist of one licensed veterinarian, one (1) member of the City Council, the animal services manager of the City (whose duties include the daily operation of the Wylie animal shelter), one representative from an animal welfare organization and one resident of the City, with all board members to be appointed by the City Council for a term of two years, except for the animal services manager who shall be a permanent member of the board. Except for the animal services manager, no board member shall serve for more than three consecutive terms or six consecutive years (whichever is less); provided, however, that should a board member's replacement not be qualified upon the expiration of any term of a board member, then that board member shall holdover on the board until a qualified replacement board member has been appointed. In addition to board members, the City Manager may appoint a staff designee as an ex officio member of the board, who shall have no right to vote on any matter before the board. Each board member shall serve without compensation, but may be reimbursed for actual expenses approved in advance by the City Council.

Sec. 18-124. - Meetings.

The board shall meet at least three times per year and any additional meetings as may be called from time to time. Special meetings may be called by the chair or by written request sent to the chair or vice-chair by two members of the board.

Sec. 18-125. - Vacancies.

When vacancies occur on the board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of the term.

Sec. 18-126. - Removal.

Each board member serves at the pleasure of the City Council and may be removed at the discretion of the City Council. Board member absences shall be controlled by Article VIII of the Charter.

Sec. 18-127. - Quorum; voting.

Three board members shall constitute a quorum of the board for the purpose of conducting its business, exercising its powers and for all other purposes. No action of the board shall be valid or binding unless adopted by the affirmative vote of a majority of those board members present and voting.

Sec. 18-128. - Powers and duties.

- (a) The board shall act in an advisory capacity to the city staff and the City Council in any matter pertaining to compliance with the Texas Health and Safety Code § 823.001 *et seq.*
- (b) The board, through its chairperson, shall report to the City Council concerning its activities and proposals by submitting to the City Council the approved minutes of each meeting of the board and copies of all reports of inspections conducted by the department of state health services, veterinarians or other authorities and all statistical reports of shelter operations considered and approved by the board.
- (c) The board's authority shall not extend to the direction, supervision, employment or termination of the city employees. No supervisory power of the board is created.
- (d) The board will develop for City Council approval a set of by-laws governing rules of procedure for their meetings and operation.
- (e) The board shall not have the power to obligate the city for funds and/or expenditures or incur any debt on behalf of the city.
- (f) All powers and duties prescribed and delegated herein are delegated to the board, as a unit, and all action hereunder shall be of the board acting as a whole. No action of an individual board member is authorized, except through the approval of the board or City Council. The board shall have any other power and/or duty as prescribed and authorized by the City Council.

Secs. 18-139 – 18-999. - Reserved.”

SECTION 3: Penalty. Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined a sum not exceeding two thousand dollars (\$2,000.00) if the violation relates to the public health and sanitation, otherwise the fine shall be a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City 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 4: Savings/Repealing. All provisions of the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. 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. The City Council 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: Effective Date; Publication. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 13th day of April, 2021.

Matthew Porter, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

Stephanie Storm, City Secretary

DATE OF PUBLICATION: April 21, 2021 in The Wylie News



Wylie City Council

AGENDA REPORT

Department: Purchasing
Prepared By: Glenna Hayes

Account Code: Various Departments

Subject

Consider, and act upon, the approval of the purchase of Tires and Installation Services for Fleet Vehicles from Just Tires (Goodyear, Murphy), Graham Truck & Tire Center, Blagg Tires, Southern Tire Mark, and T&W Tire in the estimated amount of \$50,000 through an interlocal purchasing agreement with the Collin County Governmental Purchasers Forum, and authorizing the City Manager to execute any necessary documents.

Recommendation

A motion to approve the purchase of Tires and Installation Services for Fleet Vehicles from Just Tires (Goodyear, Murphy), Graham Truck & Tire Center, Blagg Tires, Southern Tire Mark, and T&W Tire in the estimated amount of \$50,000 through an interlocal purchasing agreement with the Collin County Governmental Purchasers Forum, and authorizing the City Manager to execute any necessary documents.

Discussion

The City of Allen, TX completed a competitive sealed bid for the purchase of tires and installation services as the lead agency in developing the specifications and soliciting the bid documents on behalf of the Collin County Governmental Purchasers Forum. Five bids were received and opened on December 21, 2020 by the City of Allen Purchasing Division. Staff evaluated the bids and awarded an annual contract with renewals to Just Tires (Goodyear, Murphy), Graham Truck & Tire Center, Blagg Tires, Southern Tire Mark, and T&W Tire through the Allen City Council on January 26, 2021. This agreement will be utilized by various departments within the City including Fleet, Fire, Police and Parks.

The City of Wylie is a member of the Collin County Governmental Purchasers Forum, and is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. City of Allen agreement #2021-11-22 / Wylie Agreement #W2021-46-I

Account Code
 Various Departments



Wylie City Council

AGENDA REPORT

Department: Parks and Recreation
 Prepared By: Rob Diaz

Account Code: _____

Subject

Discuss Aquatics Study – Joint work session with Parks and Recreation Board.

Recommendation

Discussion

In 2020, the City Council adopted the newest Parks, Recreation, and Open Space Plan. The plan identified priorities for parks and recreation facility development based on citizen, City Council, Parks and Recreation Board, and staff input. Two areas of development identified are various aquatics amenities and park development in and around Lavon Lake.

CITY OF WYLIE | PARKS, RECREATION & OPEN SPACE MASTER PLAN

Wylie Priority Rankings

Rank	Action Plan	High	Moderate	Low
1	Hike/bike/walk trails that are connected throughout the city	◆		
2	Sprayground	◆		
3	Expand amenities at Lavon Lake (fishing, picnicking, swim beach)	◆		
4	Hike/bike/walk nature trails along the lake/dam	◆		
5	Aquatic Center (indoor – leisure area and lap lanes)	◆		
6	Aquatic Center (outdoor – leisure area and lap lanes)	◆		
7	Special events in parks	◆		
8	Additional lighting in parks	◆		
9	Multipurpose sports fields (football, soccer, baseball, softball)	◆		
10	Additional practice fields (football, soccer, baseball, softball)	◆		

The two studies are currently funded in the FY2020-2021 Budget. Both studies will be performed by Dunaway Associates, they were the consultants that completed the adopted Master Plan in 2020.

The April 13, 2021 work session will update the City Council and Parks and Recreation Board on the latest findings from the consultants based on feedback they received at the first work session on January 26, 2021. This work session will provide an opportunity for both the Council and Board to review two concept plans of aquatic facilities, the proposed budgets for those facilities, and provide some potential revenue projections for the facilities. The final plan will identify some consensus from Council and the Board on the type of aquatic facility that could be built in Wylie. The information from the aquatics study could then be passed to the Bond Committee currently being formed for review.



Aquatic Feasibility Study

Council Work Session

April 13, 2021



NEEDS ASSESSMENT



January - February

- Evaluate area providers
- Research area demographics
- Identify User Groups
- Community Input

PROGRAMMING



February - April

- Site Analysis
- Develop Alternatives
- Opinion of Construction Costs

OPERATIONS & BUSINESS PLAN



April - June

- Opinion of Revenue
- Opinion of Operating Expenses
- Determine Cash Flow

Municipal Complex Master Plan



Comments:

04/13/2021 Item WS1.

- **Outdoor**
 - *Regional Aquatic Center*
 - *Multi-generational Facility*
 - *Signature Features*
- **Indoor**
 - *Leisure Component*
 - *Lap Lanes*
 - *Learn to Swim Programs*
 - *Possible Competition Facility*
- **Other Considerations**
 - *Incorporate Park Offices*
 - *Potentially Share Support Spaces*

Concept Alternatives

Market Overview

04/13/2021 Item WS1.

Wylie
Population

53,445

Growth Rate

5.05%

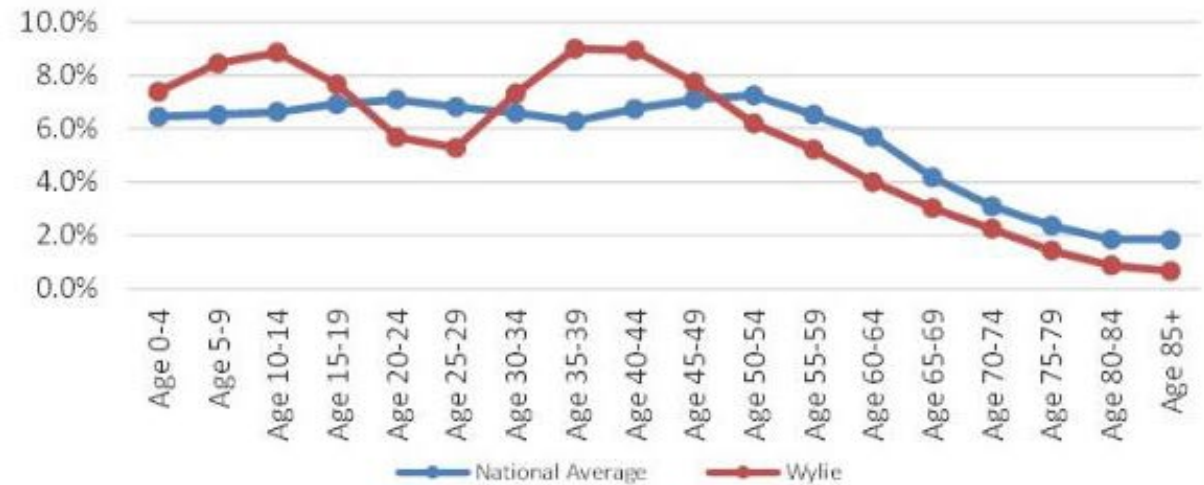
15-Minute Drive
Time Population

205,485

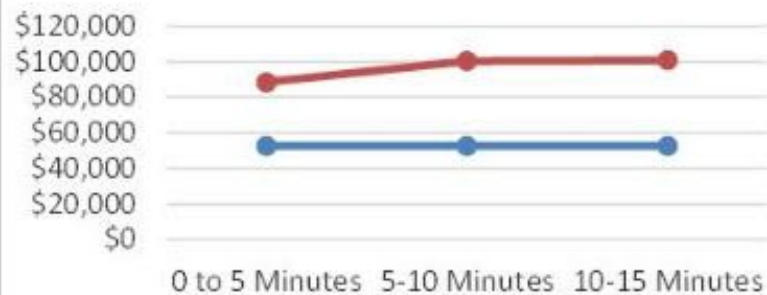
Growth Rate

2.98%

Market Area
Age Distribution



Market Area Income



Market Area Maps



Market Overview

Aquatic Facilities:

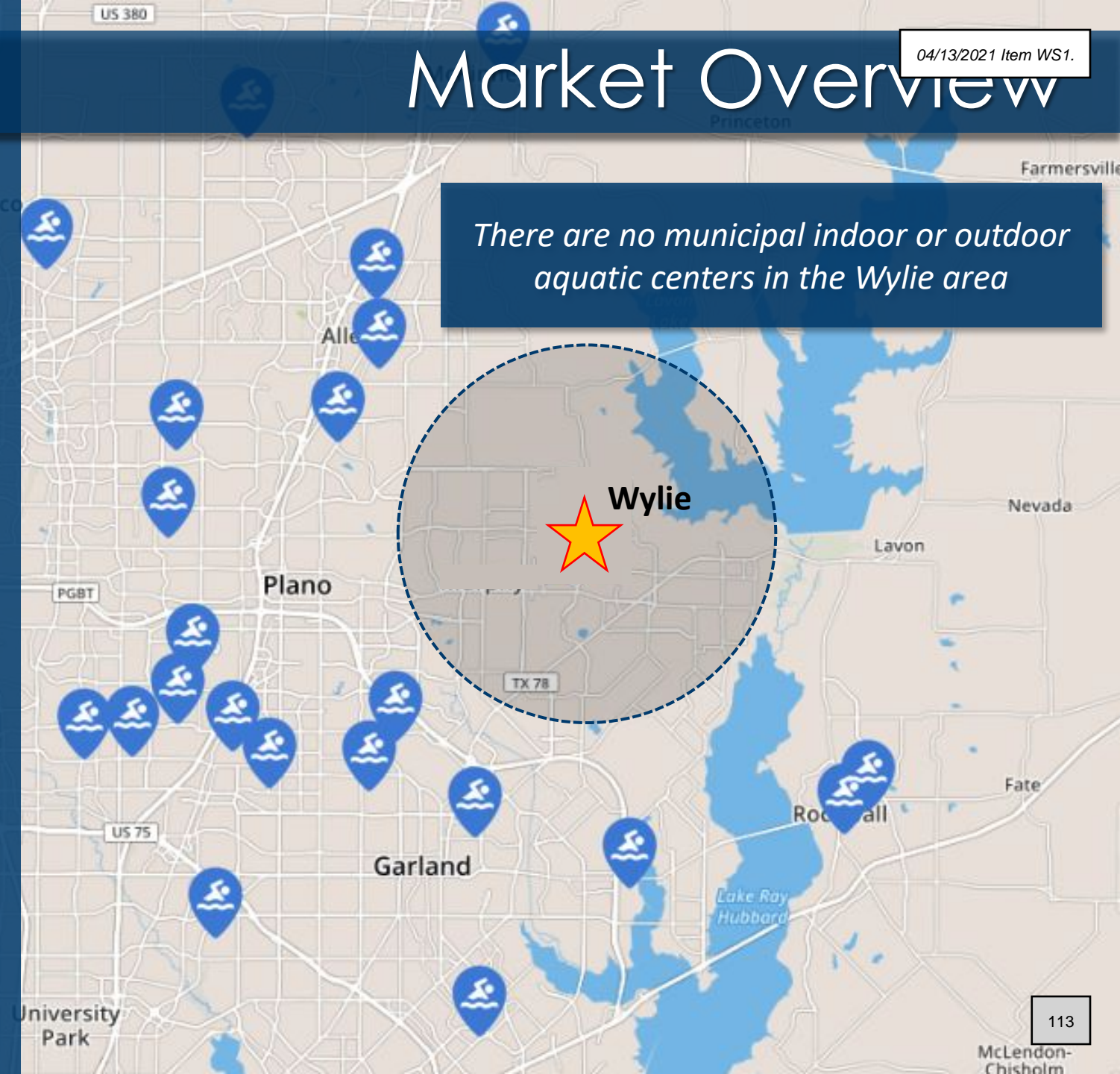
Municipal

- Murphy: Outdoor splashpad
- Plano: Oak Point Center (upcoming \$10M outdoor renovation)
- Rockwall: Two aging outdoor pools
- Garland: Holford Pool (upcoming \$7M replacement)
- Hawaiian Falls (Garland) – Largest regional outdoor facility

Private

- Private fitness providers offer indoor aquatics
- Private swim school offer year-round swimming lessons
 - Emler (Sachse)
 - Aqua-Tots (Murphy)
 - Fort Aquatics (Murphy)
 - SafeSplash (Murphy – 24hr Fitness)
- Numerous HOA outdoor pools
 - Smaller scale
 - Lack of modern family aquatic center amenities

There are no municipal indoor or outdoor aquatic centers in the Wylie area



Program



Outdoor

Water Surface Area: 18,000 SF

Individual Pools

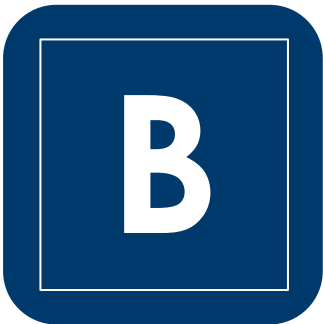
- Lazy River
- Leisure Pool
- **Wave Pool**
- Tot Pool

Multi-Slide Tower with **Run Outs**

Indoor

Water Surface Area: 5,385 SF

- Leisure Pool
- **4-Lane Lap Pool**
- Locker Rooms
- Offices
- Lobby
- Party / Classroom
- Aqua Office



Outdoor

Water Surface Area: 15,000 SF

Interconnected Pools

- Lazy River
- Leisure Pool
- **Teen Pool**
- Tot Pool

Multi-Slide Tower with **Bowl Slide**

Indoor

Water Surface Area: 7,885 SF

- Leisure Pool
- **8-Lane Lap Pool**
- Locker Rooms
- Offices
- Lobby
- Party / Classroom
- Aqua Office

A

BROWN



Outdoor
Aquatic
Center

COUNTRY CLUB

Indoor
Aquatic
Center





BROWN



Outdoor
Aquatic
Center

Indoor
Aquatic
Center

COUNTRY CLUB



04/13/2021 Item WS1.



A

Outdoor



Indoor

A



Outdoor Aquatic Center

Leisure Pool – 7,250 sf

Wave Pool -5,000 sf

Tot Pool – 800 sf

Lazy River – 5,000 sf

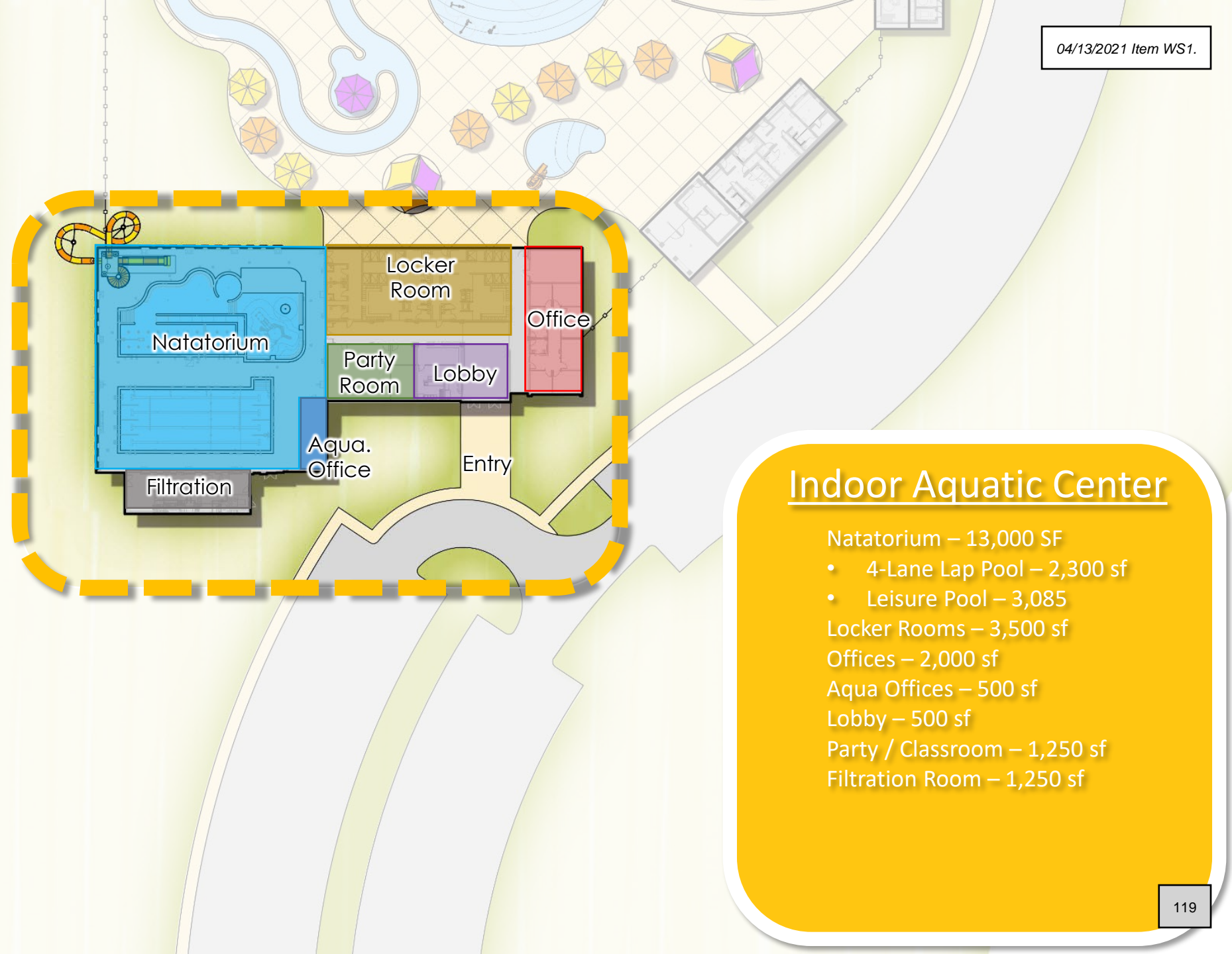
Large Play Structure

Signature Slide Tower

Bath House w/ Concession – 2,050 sf

Filtration Bldg. - 2,400 sf

Three Party Pavilions



Indoor Aquatic Center

Natatorium – 13,000 SF

- 4-Lane Lap Pool – 2,300 sf
- Leisure Pool – 3,085

Locker Rooms – 3,500 sf

Offices – 2,000 sf

Aqua Offices – 500 sf

Lobby – 500 sf

Party / Classroom – 1,250 sf

Filtration Room – 1,250 sf

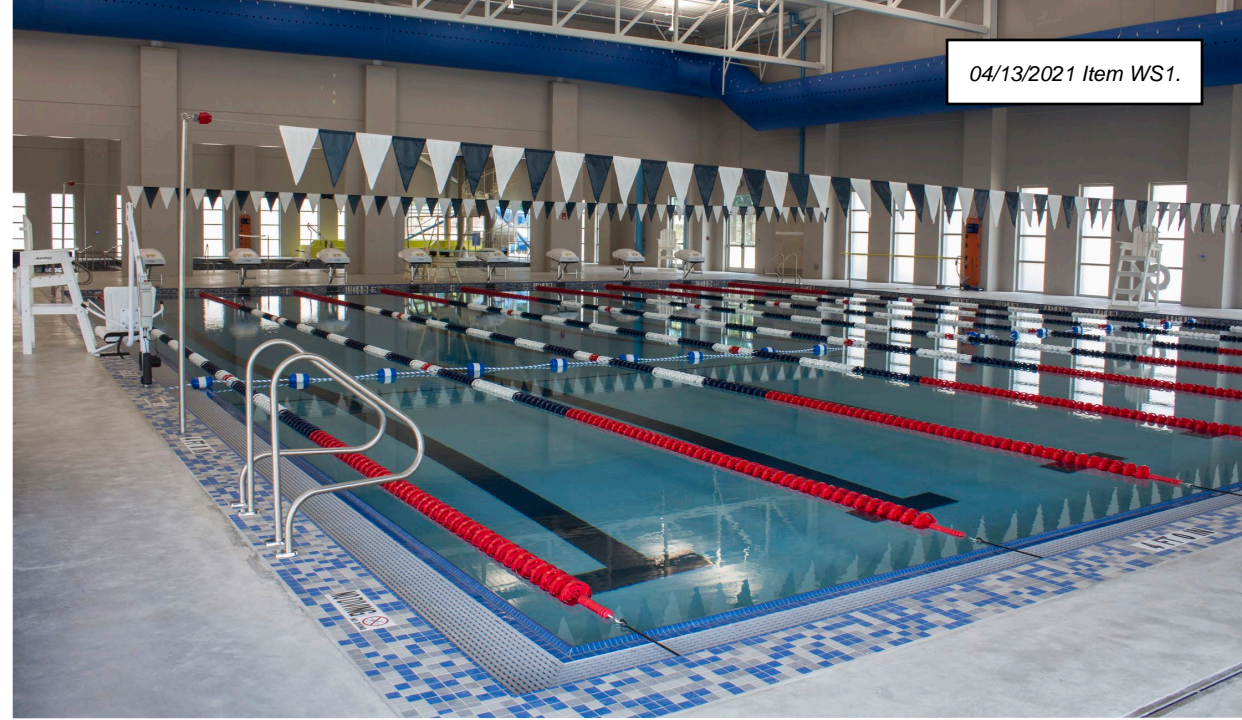
BROWN

B

Indoor
Aquatic
Center

Outdoor
Aquatic
Center

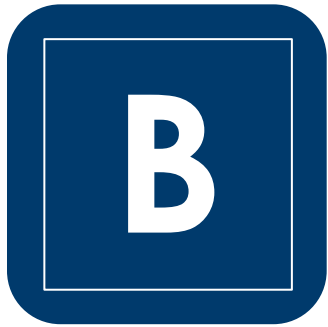
COUNTRY CLUB



B

Indoor

Outdoor



Outdoor Aquatic Center

Leisure Pool – 7,000 sf
Teen Pool - 2,200 sf
Tot Pool – 800 sf
Lazy River – 5,000 sf.

Large Play Structure
Signature Slide Tower

Bath House w/ Concession – 1,500 sf
Filtration Bldg. - 2,000 sf
Three Party Pavilions

B

04/13/2021 Item WS1.



Indoor Aquatic Center

Natatorium – 17,000 sf

- Leisure Pool – 3,085 sf
- 8-Lane Lap Pool – 4,500 sf

Locker Rooms – 4,500 sf

Offices - 2,500 sf

Aqua Offices – 500 sf

Lobby – 750 sf

Party / Classroom – 750 sf

Filtration Room – 1,250 sf

Financial Analysis

Cost Estimates

04/13/2021 Item WS1.

- **Construction Costs**
 - Support Spaces
 - Indoor Aquatics
 - Outdoor Aquatics
 - Site / Furniture, Fixtures, Equipment (FF&E)
- **Project Costs**
 - Escalation
 - Contingency (Design / Construction)
 - Design Fees, Surveys, Permitting

OPINION OF PROJECT COST: Option 1			
Description	Unit	Amount	Opinion of Cost
Support Spaces		19,246	\$4,917,007
Lobby	Sq. Ft.	500	
Outdoor Admissions	Sq. Ft.	1,500	
Outdoor Bathhouse	Sq. Ft.	2,050	
Multi-Purpose Room	Sq. Ft.	1,250	
Offices (Lifeguard + Admin)	Sq. Ft.	2,000	
Locker Rooms	Sq. Ft.	3,500	
Indoor Pool Mechanical Room	Sq. Ft.	1,069	
Outdoor Pool Mechanical Room	Sq. Ft.	2,876	
Building Mechanical / Electrical / Janitor	Sq. Ft.	493	
Storage (Building / Pool)	Sq. Ft.	800	
Circulation and Walls (20%)	Sq. Ft.	3,208	
Indoor Aquatic Center		12,400	\$6,403,180
Programming Pool	Sq. Ft.	2,300	
Leisure Pool	Sq. Ft.	3,085	
Waterslide Tower	Allowance	1	
Play Structure	Allowance	1	
Features	Allowance	1	
Competitive Natatorium	Sq. Ft.	12,400	
Outdoor Aquatic Center		54,112	\$6,649,877
Wave Pool	Sq. Ft.	5,000	
Wave Equipment	Qty.	1	
Outdoor Leisure Pool	Sq. Ft.	12,250	
Children's Play Structure	Allowance	1	
Play Structure Mechanical	Allowance	1	
Spray Features	Allowance	2	
River Mechanical	Allowance	1	
Waterslide Tower	Allowance	1	
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Tot Pool	Sq. Ft.	780	
Shade Structures	Qty.	10	
Shade Pavillion	Qty.	2	
Outdoor Deck	Sq. Ft.	36,062	
Overhead Lighting	Sq. Ft.	54,112	
Fencing	Linear Ft.	1,000	
Unit	Sq. Ft.		Opinion of Cost
Total Building Construction Costs		85,758	17,970,064
Site Construction Costs (parking, landscaping, utilities, walks)			\$1,715,155
Furniture, Fixtures, Equipment			\$515,000
Subtotal			\$20,200,219
Escalation Allowance (1 year)	3.5%		\$707,008
Contingency (Design / Construction)	10.0%		\$2,090,723
Design Fees, Surveys, Permitting	10.0%		\$2,299,795
Opinion of Probable Cost			\$25,297,744
Total Estimated Project Costs:			\$25,300,000
Estimate Current as of:	4/1/2021		
Source: Counsilman-Hunsaker			

Cost Estimates

04/13/2021 Item WS1.

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04/13/2021 Item WS1.

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04/13/2021 Item WS1.

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04/13/2021 Item WS1.

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04/13/2021 Item WS1.

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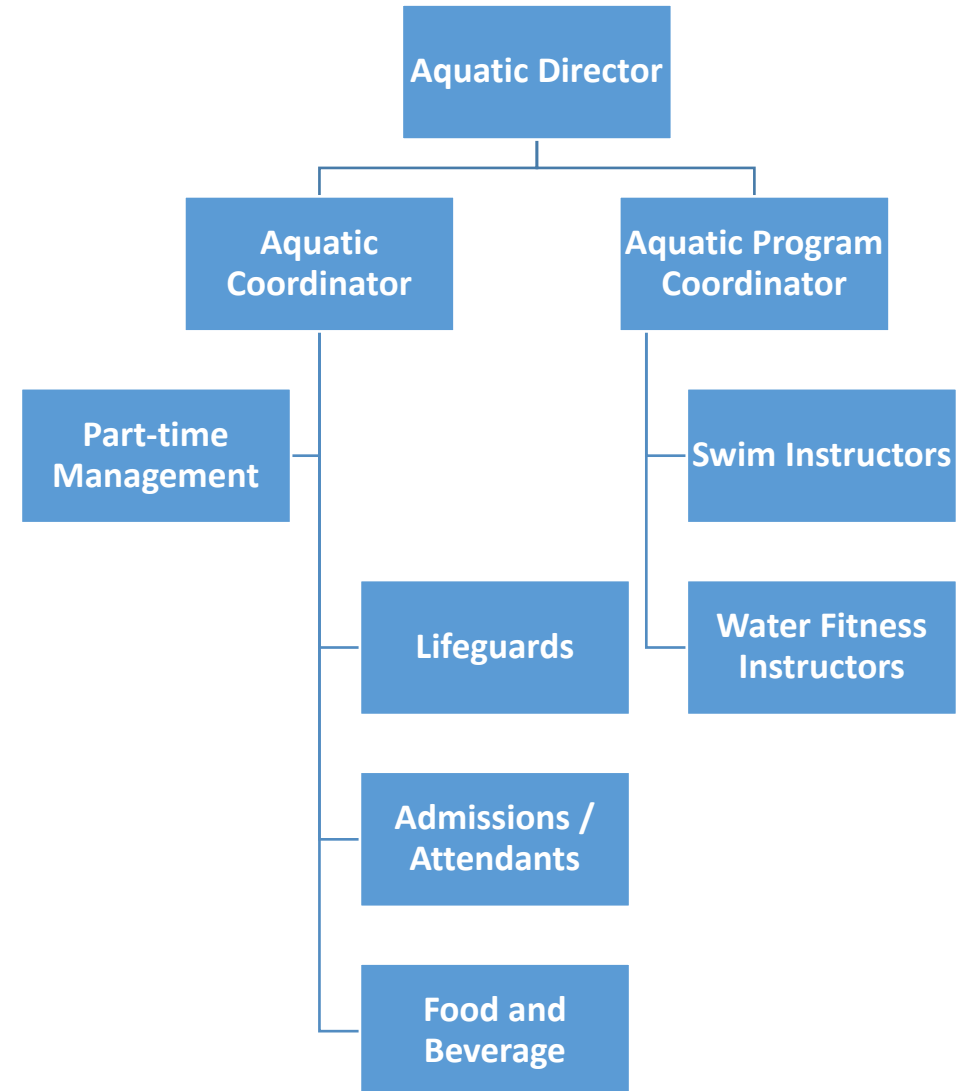
- **Personnel Structure**

- **Full-Time**

- Aquatic Director
 - Aquatic Coordinator
 - Aquatic Program Coordinator

- **Part-Time**

- Lifeguards
 - On-duty Management (Head lifeguard)
 - Admissions / attendants
 - Food and beverage
 - Swim instructors
 - Water fitness instructors



Aquatic Facility Operations

04/13/2021 Item WS1.

Expense Categories

Personnel

- City of Wylie wage rates

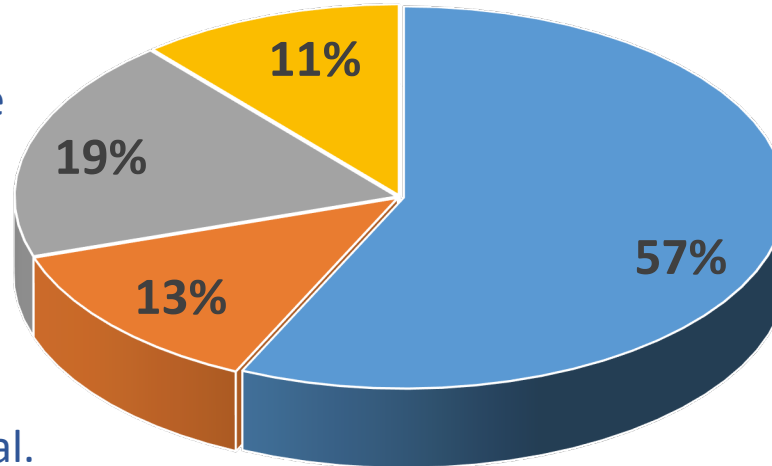
Direct expenses

- \$1.75 per gal/lb of chlorine
- Advertising allowance

Utilities

- Electric @ \$0.10/kwh
- Natural gas @ \$1.00/therm
- Water @ \$4.00 per 1,000 gal.

Programs



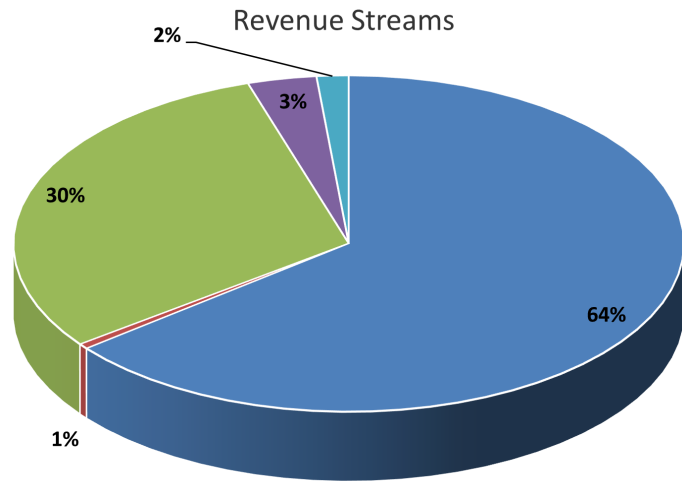
Direct Facility Expense Budget		
	Option 1	Option 2
Facility Staff		
Facility Supervisor	\$57,000	\$57,000
Aquatic Coordinator	\$38,775	\$38,775
Aquatic Program Coordinator	\$38,775	\$38,775
Full Time Benefits	\$53,820	\$53,820
Part-Time Management	\$52,896	\$52,896
Lifeguard Personnel	\$588,332	\$614,964
Front Desk Personnel	\$127,109	\$127,109
Personnel Equipment Cost	\$8,772	\$9,086
Training	\$29,000	\$30,000
Total Labor	\$994,478	\$1,022,425
Direct Facility Expenses		
Insurance	Not Included	Not Included
Repair and Maintenance	\$63,300	\$69,500
Credit Card Fees	\$12,903	\$13,663
Operating Supplies	\$37,980	\$41,700
Chemicals	\$68,583	\$71,121
Advertising	\$8,750	\$9,750
Direct Expenses	\$191,516	\$205,733
Utilities		
HVAC	\$93,263	\$118,921
Electricity	\$169,338	\$150,074
Pool Heating	\$26,003	\$62,114
Data/Communications	\$6,912	\$6,912
Trash Service	\$6,240	\$6,240
Water & Sewer	\$20,058	\$23,956
Total Utilities	\$321,815	\$368,217
Programs		
Program Supplies	\$10,330	\$10,765
LG Class Materials	\$4,386	\$4,543
Food and Beverage	\$20,603	\$18,447
Part-Time Program Staff	\$159,444	\$162,631
Total Programs	\$194,763	\$179,386
Total Operating Expenses	\$1,702,573	\$1,792,761

Aquatic Facility Operations

04/13/2021 Item WS1.

Revenue Categories

- Admissions / Memberships
- Competitive Swimming
- Aquatic Programs
- Food and Beverage
- Rentals



Revenue	Category	Price Per Session	Total Per Session	No. Sellable Sessions	
		Year 1	Year 1		Year 1
Daily Admissions / Memberships					
Indoor Attendance	Total Attendance	\$4.67	35,442	1	\$165,387
Outdoor Attendance	Total Attendance	\$7.26	68,678	1	\$498,511
Swim Team Revenue					
Meet Rental	\$/Day	\$800	0	0	\$0
Club Team	\$/Lane Hour	\$14	0	0	\$0
HS Team Rental	\$/Lane Hour	\$15	0	0	\$0
Master's Swimming	\$/Lane Hour	\$15	0	0	\$0
Summer League	\$/Swimmer (Average)	\$130	40	1	\$5,200
Aquatics Instruction Revenue					
Swim Lessons	\$/Session	\$85	294	11	\$274,768
Water Fitness	\$/Session	\$45	45	12	\$24,300
Lifeguard Certification	\$/Session	\$200	73	1	\$14,619
Food and Beverage					
Food and Beverage	\$/Person	\$0.50	68678	1	\$34,339
Rentals					
Birthday Party	\$ / 2 HRS of Party Room	\$75	116	1	\$8,700
Private (Full Pool)	\$/HR	\$600	12	1	\$7,200
Non-capacity growth rate					
Capacity growth rate					
Area Revenue					\$1,033,024
Expense					
Mgmt Assump.					Year 1
Program Supplies	1% of year 1 gross revenue; 3% annual increase				\$10,330
LG Class Materials	\$60 per participant for course record fee and manuals				\$4,386
Food and Beverage	60% of Revenue				\$20,603
Part-Time Program Staff	50% of gross				\$159,444
Area Expense					\$194,763
Net Revenue					\$838,261

Aquatic Facility Operations

04/13/2021 Item WS1.

A

\$25.3M

Total Attendance

139,592

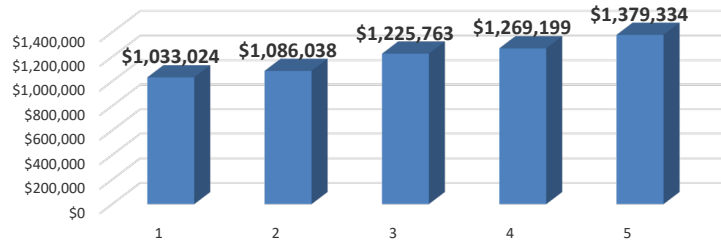
Operating Cashflow

(\$669,548)

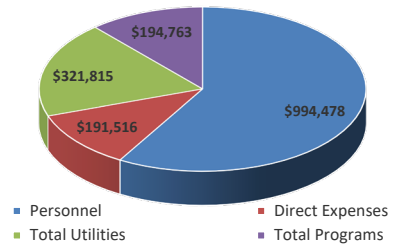
Cost Recovery

61%

Annual Revenue



Expense Budget Breakdown



B

\$27.8M

Total Attendance

148,952

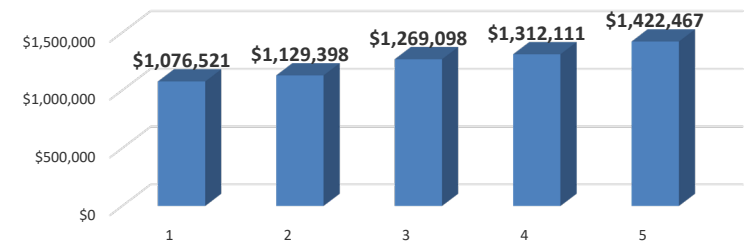
Operating Cashflow

(\$716,240)

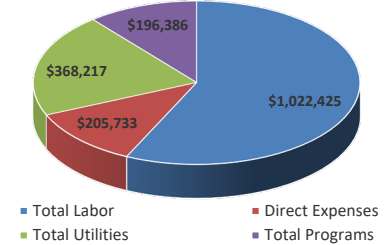
Cost Recovery

60%

Annual Revenue



Expense Budget Breakdown



Discussion

BROWN

04/13/2021 Item WS1.

Indoor Aquatic Center

Which Location
do you Prefer?

1, 2 or 3?

COUNTRY CLUB

Outdoor
Aquatic
Center

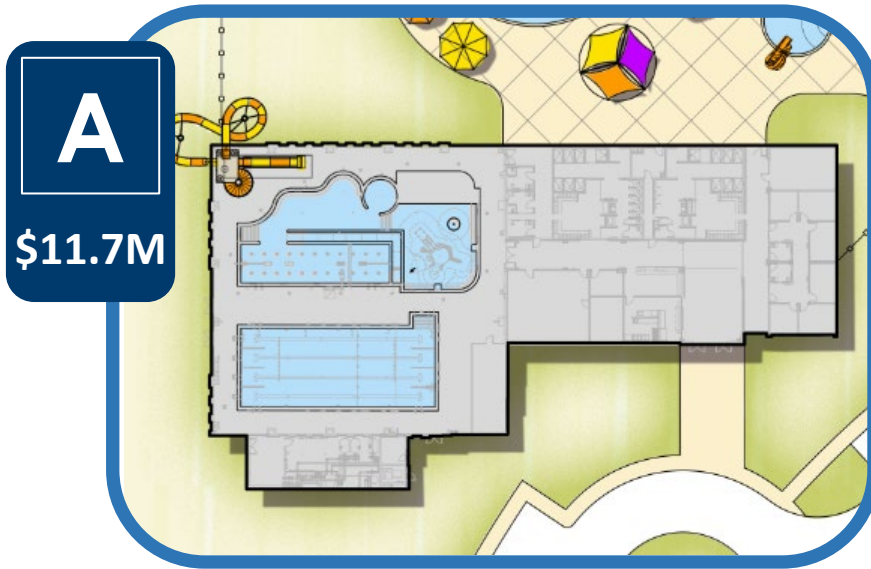
3

2

1

Indoor Aquatic Center

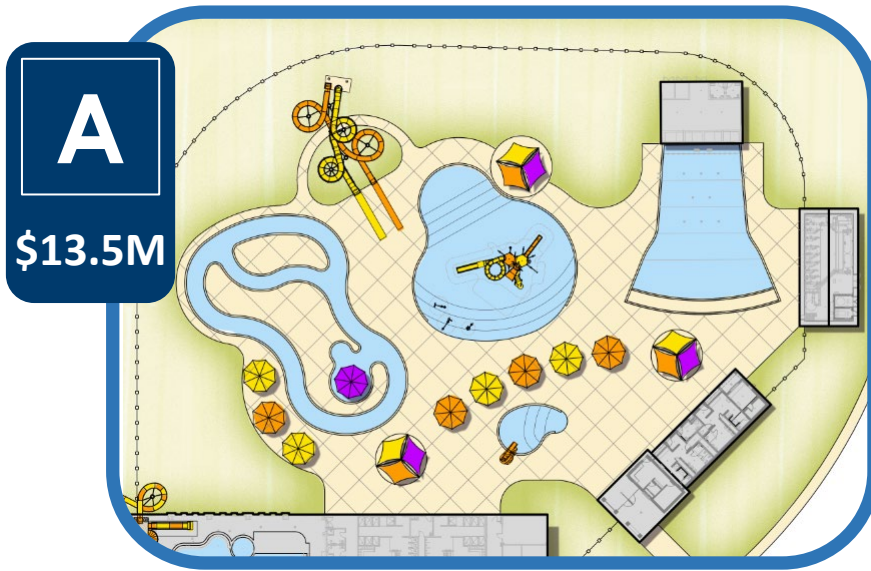
Which Option do
you Prefer?



A or B?

Outdoor Aquatic Center

Which Option do you Prefer?



Water Surface Area: 18,000 SF



Water Surface Area: 15,000 SF

A or B?

Project Initiation & Program..... December - January

Concept Plans..... February - April

- ☐ Concept Plan Alternatives
- ☐ Opinion of Probable Cost
- ☐ Park Board Update / Council Work session
- ☐ Final Concept Plan (Consensus Plan)

Cost Analysis & Feasibility Study..... March - June

- ☐ Preliminary Aquatics Feasibility Study..... On-going
- ☐ Steering Committee Meeting..... May
- ☐ Final Aquatics Feasibility Study..... June





Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 620 N. State Highway 78 (ZC 2021-02).

Recommendation

Motion to deny a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 620 N. State Highway 78 (ZC 2021-02).

Discussion

OWNER: Cheung Pun LLC

APPLICANT: Andrew Deetz

The owner of property 620 N. State Highway 78 is requesting a Special Use Permit (SUP) for an existing tenant to be allowed to offer alternative loan services.

The Zoning Ordinance requires all alternative loan services, as defined in the Texas Finance Code, to be granted a Special Use Permit and be subject to additional provisions regarding the use and location of the service.

The Zoning Ordinance contains six provisions and the applicant is requesting a waiver for three of the six, all relating to distance requirements:

- To allow the use within 1,000 feet from any lot containing another alternative financial institution. Zoning requires 1,000 feet between properties containing the use, however there are two existing alternative financial institutions currently within 1,000 feet. One is located on the same lot, the other approximately 700' to the southwest (see exhibit).
- To allow the use within 500 feet of the rights-of-way of any four-lane divided or greater thoroughfare. Zoning requires a minimum of 500 feet and the property for the use is adjacent to State Highway 78, a greater than four lane thoroughfare.
- To allow the use within 300 feet from any zoned or used for residential purposes, property line to property line. Zoning requires 300 feet minimum and the property is adjacent to a residential use to the south.

The three remaining provisions that the applicant is abiding by are:

- The hours of operations shall be established by City Council. Proposed hours of operation are included in the conditions of the SUP.
- There shall be no outside queuing.
- The use shall have an indoor waiting area large enough to accommodate all customers.

The SUP conditions require the zoning to revert to the CC district should the Liberty Tax Service cease to occupy the property.

The property to the north, east, and west are zoned commercial. The property to the south is zoned multi-family.

Notifications/Responses: fifteen (15) notifications were mailed; with no responses received in favor or in opposition of the request.

P&Z Commission Discussion

After discussion regarding the general operation of the business and the request for waivers on all three of the distance requirements the Commissions voted 5-1 to recommend denial. Approval of the request will require a $\frac{3}{4}$ majority vote.

Locator Map

04/13/2021 Item 1.

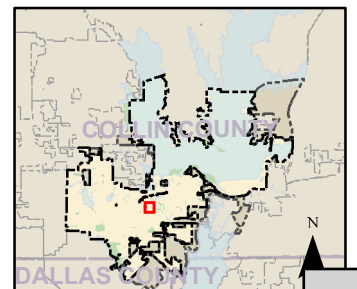


RAILROAD (CWY), BLK 12, LOT 1A-2A-3A-1B-2C



Subject Property

0 130 260 520 780 1,040 Feet



Liberty Tax Service

EXHIBIT "B"

Conditions For Special Use Permit

I. PURPOSE:

The purpose of this Special Use Permit is to allow for an Alternative Financial Institution, as defined within the State of Texas Finance Code, with the following General and Special Conditions.

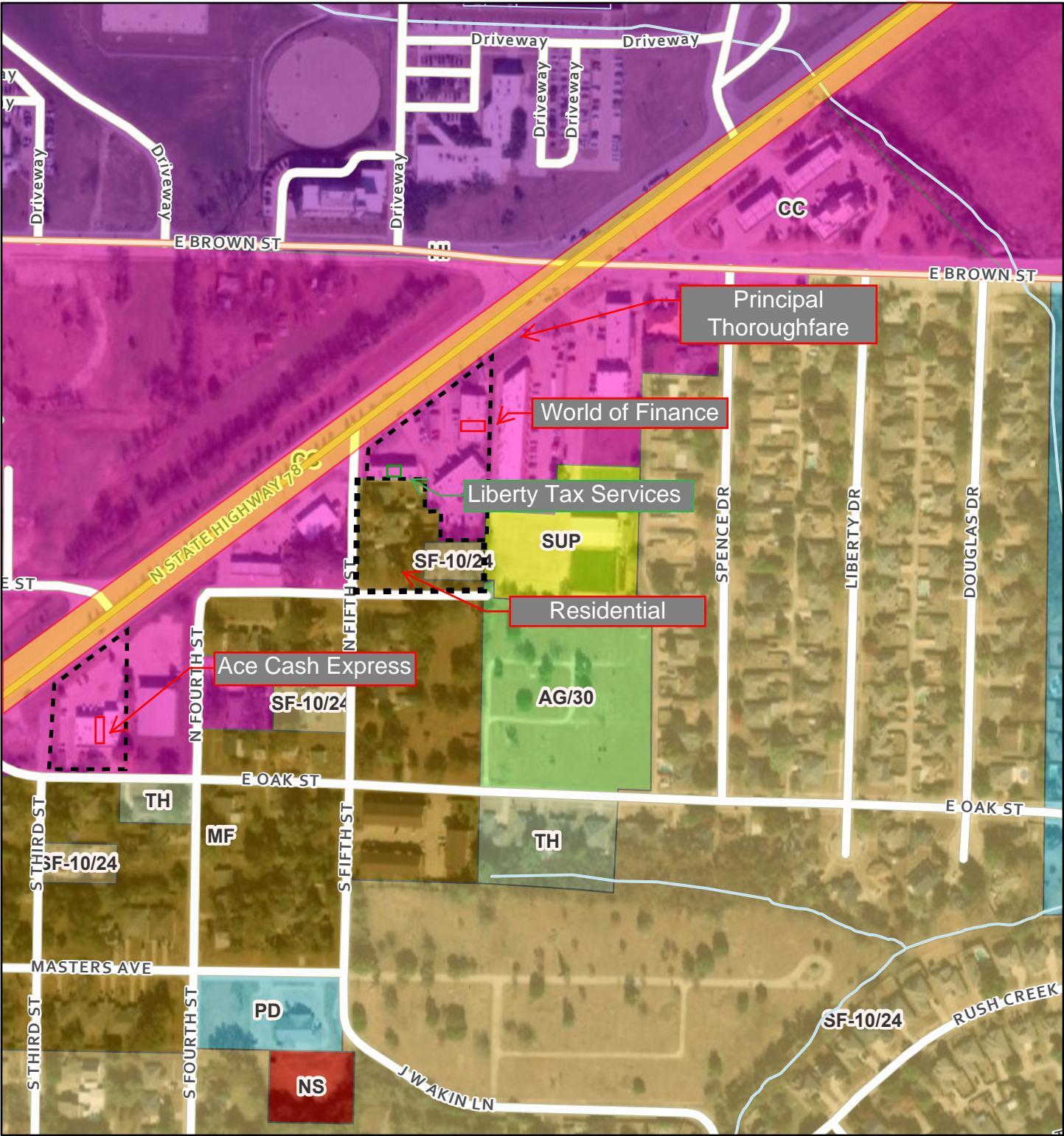
II. GENERAL CONDITIONS:

1. This Special Use Permit shall not affect any regulations within the Zoning Ordinance or Code of Ordinances, current or as amended, except as specifically provided herein.
2. Hours of Operation, as required by Section 5.1.D.3.b(1) shall be: Monday to Friday 9 am to 6 pm. Saturday 12 Noon to 5pm.
3. Sections 5.1.D.3.b (4), (5), and (6) are amended as follows:
 - a. A lot containing an alternative financial institution **shall be allowed to locate within** 1,000 feet from any lot containing another alternative financial institution, as measured in a straight line between the nearest point from one property line to the other property line.
 - b. A lot containing an alternative financial institution **shall be allowed** to operate within 500 feet of the right-of-way for any 4 lane divided or greater thoroughfare as indicated on the most current Thoroughfare plan
 - c. A lot containing an alternative financial institution **shall be allowed** to be located within 300 feet from any zoned or used for residential purposes.

III. SPECIAL CONDITIONS:

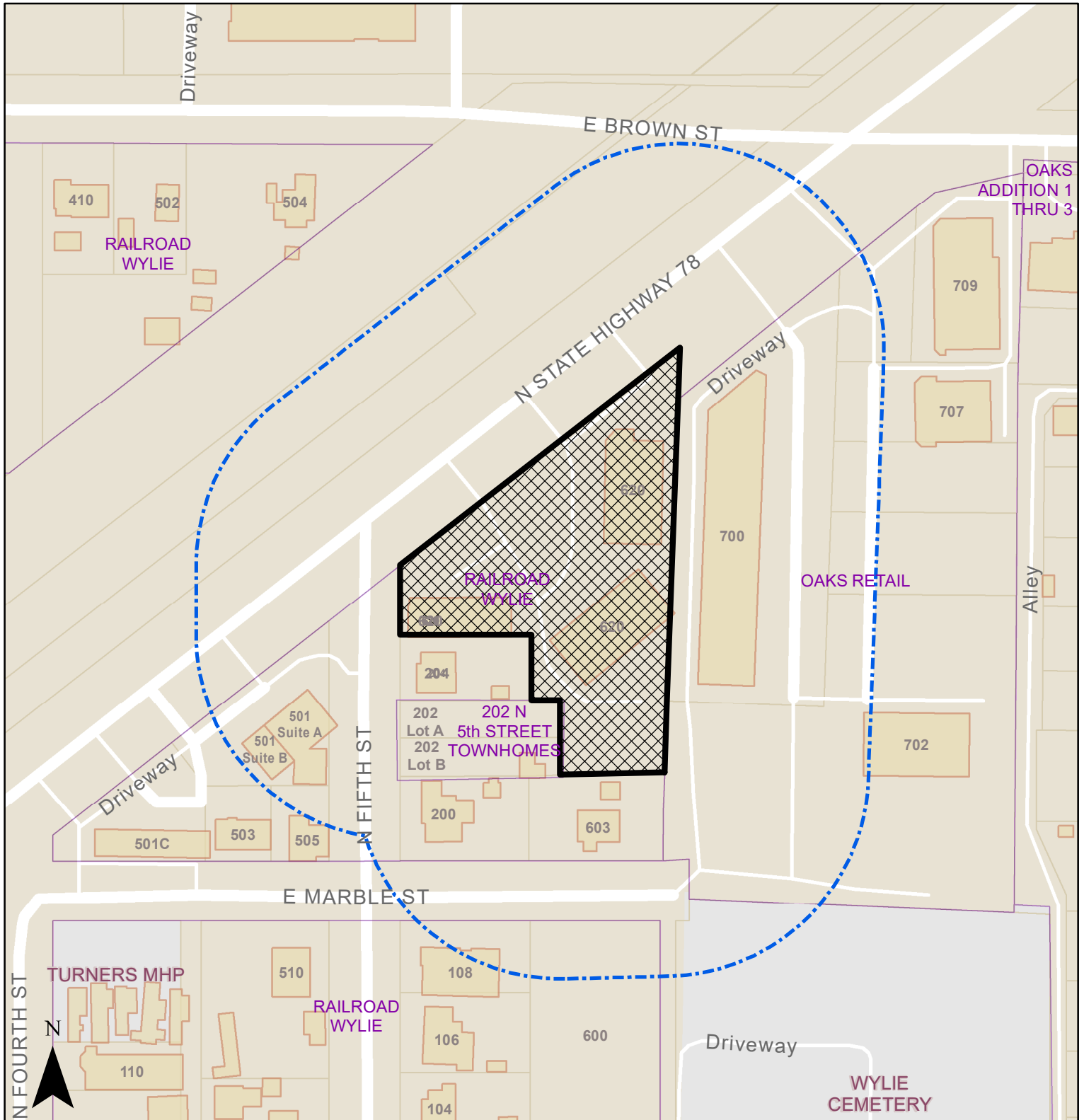
1. This SUP grants only the use of kiosks for loan processing as an accessory use within the existing Liberty Tax Service business located within Suite 615 of 620 N State Highway 78.
2. All General and Special Conditions of this Special Use Permit shall remain in effect while Liberty Tax Service occupies the subject property. At such time that Liberty Tax Service and the current ownership as listed on the Certificate of Occupancy on the effective date of this ordinance cease from occupying 620 N State Highway 78 Suite 615, the zoning shall revert to the baseline Commercial Corridor zoning and all development standards shall apply.

Liberty Tax Services SUP



Notification Map

04/13/2021 Item 1.



RAILROAD (CWY), BLK 12, LOT 1A-2A-3A-1B-2C

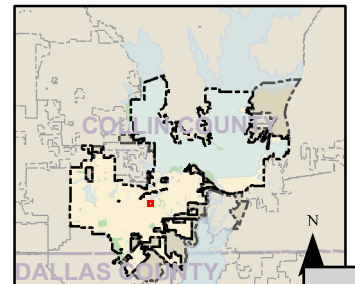


200 Foot Notification Buffer



Subject Property

0 65 130 260 390 520 Feet





Wylie City Council

AGENDA REPORT

Department: Planning
Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Hold a Public Hearing, consider, and act upon, a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 2901 W. FM 544 (ZC 2021-03).

Recommendation

Motion to deny a request for a change of zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP), to allow for an Alternative Financial Institution on 1.5 acres, located at 2901 W. FM 544 (ZC 2021-03).

Discussion

OWNER: Burk-Robertson Family Ltd Ps

APPLICANT: Matthew Baulier

The owner of property 2901 W. FM 544 is requesting a Special Use Permit (SUP) for a tenant to be allowed to offer alternative loan services.

The Zoning Ordinance requires all alternative loan services, as defined in the Texas Finance Code, to be granted a Special Use Permit and be subject to additional provisions regarding the use and location of the service.

The Zoning Ordinance contains six provisions and the applicant is requesting a waiver for two of the six, relating to distance requirements:

- To allow the use within 500 feet of the rights-of-way of any four-lane divided or greater thoroughfare. Zoning requires a minimum of 500 feet and the property for the use is adjacent to FM 544, a greater than four lane thoroughfare.
- To allow the use within 300 feet from any zoned or used for residential purposes, property line to property line. Zoning requires 300 feet minimum and the property is 100' from a residential use to the north, separated by the rail line.

The four remaining provisions that the applicant is abiding by are:

- The use is at least 1,000 feet from another alternative financial institution.
- The hours of operations shall be established by the City Council. Proposed hours of operation are included in the conditions of the SUP.
- There shall be no outside queuing.
- The use shall have an indoor waiting area large enough to accommodate all customers.

The SUP conditions require the zoning to revert to the CC district should the Wallace Management service cease to occupy the property.

The property to the east, south, and west are zoned commercial. The property to the north is zoned within the Lakeside Estates residential Planned Development.

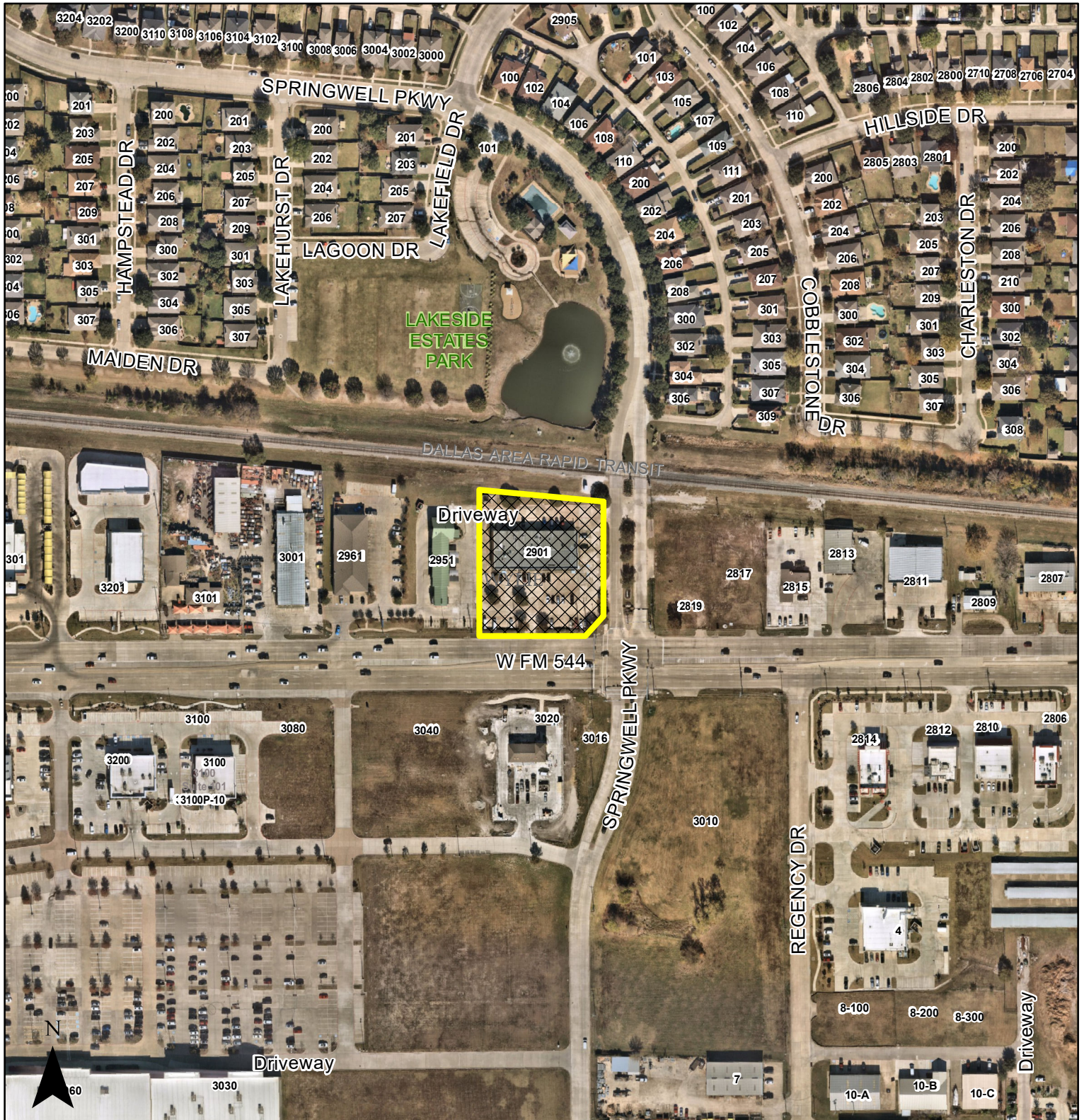
Notifications/Responses: Seventeen (17) notifications were mailed; with no responses received in favor or in opposition of the request.

P&Z Commission Discussion

After discussion regarding the general operation of the business and the request for waivers on two of three of the distance requirements the Commissions voted 4-2 to recommend denial. Approval of the request will require a $\frac{3}{4}$ majority vote.

Locator Map

04/13/2021 Item 2.

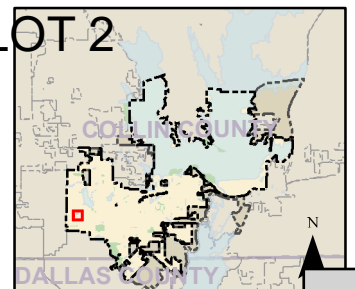


FM 544 / SPRINGWELL ADDITION (CMR), BLK A, LOT 2



Subject Property

0 120 240 480 720 960 Feet



Wallace Management

EXHIBIT "B"

Conditions For Special Use Permit

I. PURPOSE:

The purpose of this Special Use Permit is to allow for an alternative Financial Institution with the following General and Special Conditions.

II. GENERAL CONDITIONS:

1. This Special Use Permit shall not affect any regulations within the Zoning Ordinance or Code of Ordinances, current or as amended, except as specifically provided herein.
2. Hours of Operation, as required by Section 5.1.D.3.b(1) shall be: Monday to Friday 9 am to 6 pm. Saturday 10am to 2pm.
3. Sections 5.1.D.3.b (5) and (6) are amended as follows:
 - a. A lot containing an alternative financial institution **shall be allowed** to operate within 500 feet of the right-of-way for any 4-lane divided or greater thoroughfare as indicated on the most current Thoroughfare plan
 - b. A lot containing an alternative financial institution **shall be allowed** to be located within 300 feet from any zoned or used for residential purposes.

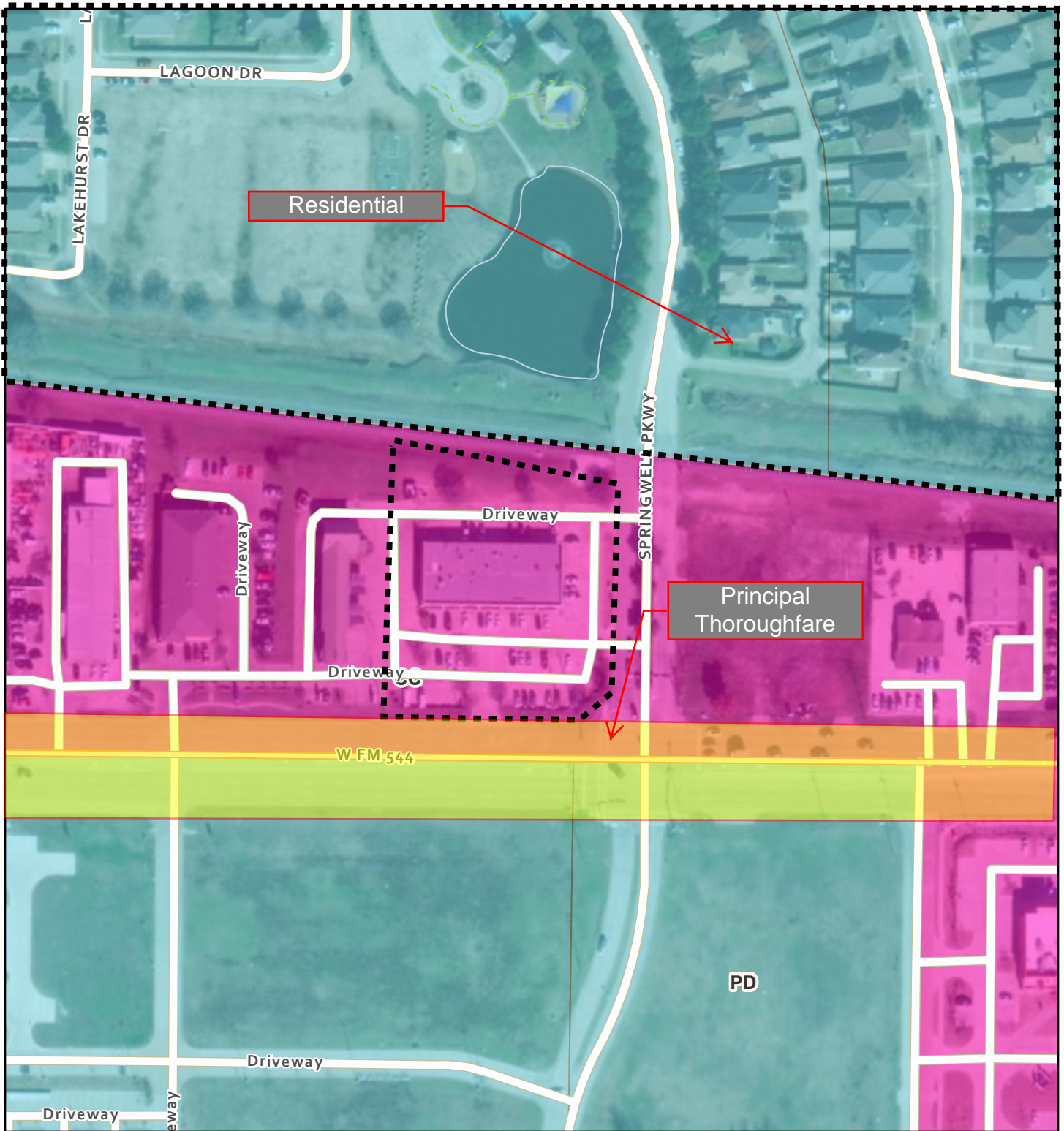
III. SPECIAL CONDITIONS:

1. This SUP grants only the use within the business described as Wallace Management dba Empire Financial located within Suite 170 at 2901 West FM 544.
2. All General and Special Conditions of this Special Use Permit shall remain in effect while Wallace Management dba Empire Financial occupies the

subject property. At such time that Wallace Management dba Empire Financial and the current ownership as listed on the Certificate of Occupancy on the effective date of this ordinance cease from occupying 2901 West FM 544 Suite 170, the zoning shall revert to the baseline Commercial Corridor zoning and all development standards shall apply.

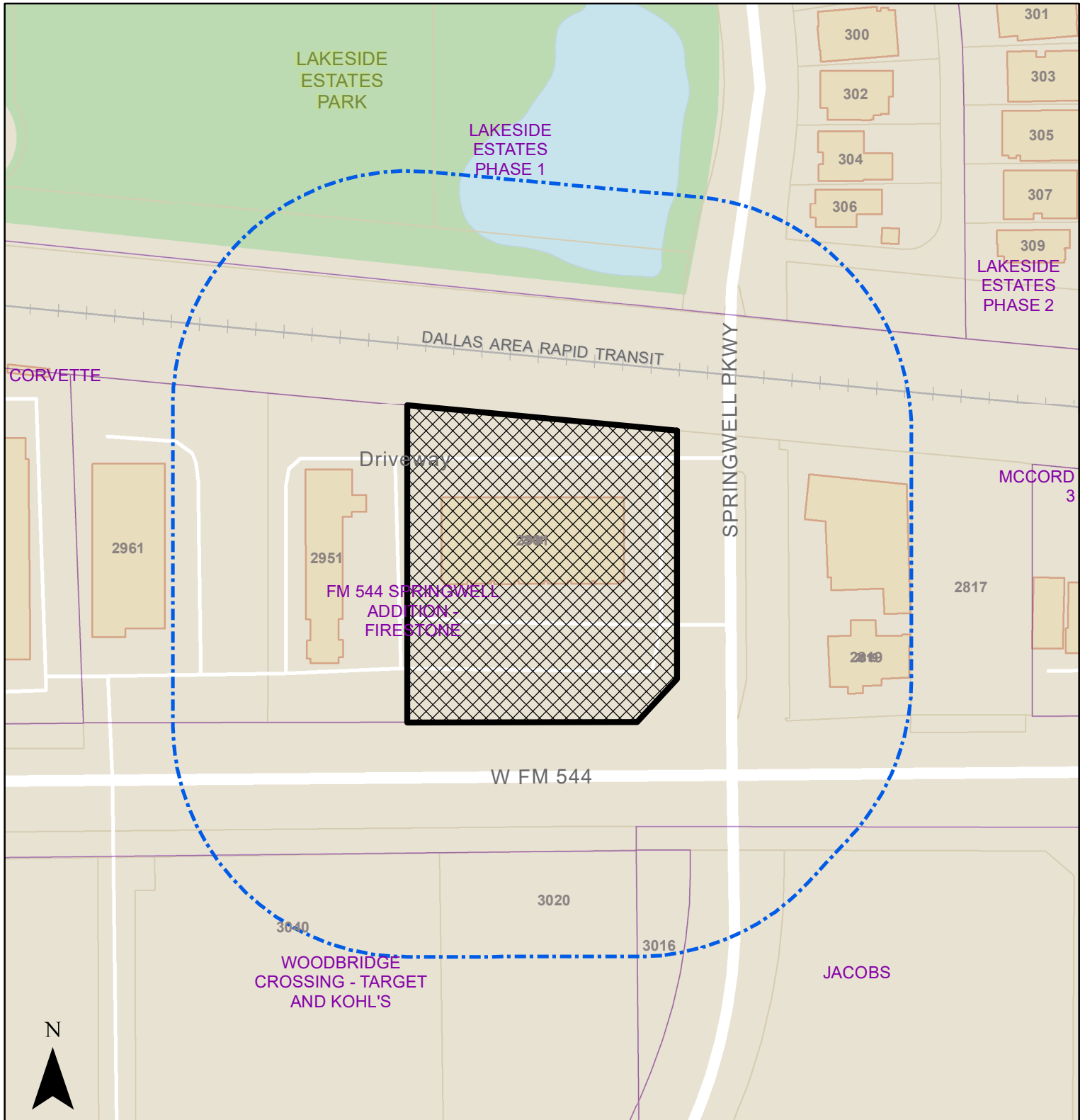
Wallace Management SUP

04/13/2021 Item 2.



Notification Map

04/13/2021 Item 2.



FM 544 / SPRINGWELL ADDITION (CMR), BLK A, LOT 2

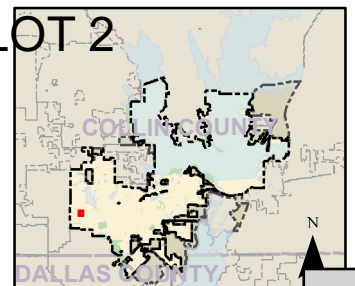


200 Foot Notification Buffer



Subject Property

0 55 110 220 330 440 Feet





Wylie City Council

AGENDA REPORT

Department: City Manager
 Prepared By: Stephanie Storm

Account Code: _____

Subject

Consider, and act upon, the appointment of a board member to the North Texas Municipal Water District (NTMWD) Board to fill an expired term of June 1, 2021 to May 31, 2023.

Recommendation

A motion to appoint _____ to the North Texas Municipal Water District (NTMWD) Board of Directors for a term to begin June 1, 2021 and end May 31, 2023.

Discussion

The Board of Directors of the North Texas Municipal Water District is a policy making body similar in nature to the City Council. The Board is responsible to both the State of Texas and to the member Cities for assuring that NTMWD operations occur in accordance with state and federal law, in alignment with NTMWD policy, and in the best interests of the Cities receiving services.

In accordance with the statute creating the District (Article 8280-141), the qualifications of a director include the following: "No person shall be appointed a Director unless he resides in the city from which he is appointed. No member of a governing body of a city and no employee of a city shall be appointed as a Director." Under other state law, no other government official that receives compensation could be appointed.

NTMWD's existing Board (13-member cities) is comprised of individuals who have worked to represent their communities in other capacities and who have a solid understanding of municipal concerns to share with other Directors. Historically, Directors have dedicated from 10 to 30 years of service to the Board, thereby gaining experience and contributing the necessary leadership. This provides the maximum benefit in order to assure the city's needs are met in the most effective manner. All NTMWD programs provide service based on cost to serve, with all cities provided equal treatment. Therefore, NTMWD policy established by the Board of Directors affects cost, performance, and quality of service.

The City of Wylie has two board members on the NTMWD Board; Mr. Marvin Fuller whose term expires May 31, 2022 and Mr. Keith Stephens whose term expires May 31, 2021.



Regional. Reliable. Everyday.

March 24, 2021

Mr. Chris Holsted, City Manager
City of Wylie
300 Country Club Road
Wylie, Texas 75098

RE: NTMWD BOARD MEMBER APPOINTMENT

Dear Mr. Holsted:

The current term of office for some of the Directors of the North Texas Municipal Water District (NTMWD) Board will end in May. Please accept this as is your official notification that Mr. Keith Stephens's current term as an NTMWD Board Director will expire on May 31, 2021. The City Council has the option to either reappoint Mr. Stephens or appoint a new Director to serve the term from June 1, 2021, to May 31, 2023.

The NTMWD appreciates the service Mr. Stephens has provided to the NTMWD. He was appointed by the City of Wylie in 2019. He currently serves on the Water and Legislative Committees.

In accordance with the statute creating the District (Article 8280-141), the qualifications of a Director include the following: "No person shall be appointed a Director unless he resides in and owns taxable property in the city from which he is appointed. No member of a governing body of a city, and no employee of a city, shall be appointed as a Director." Under other state law, no other public official that receives compensation could be appointed. A list of roles and responsibilities of an NTMWD Board member is enclosed for reference.

Please notify my office in writing once the City Council has appointed a Director for the new term. Should you have any questions or need additional information, please do not hesitate to contact my office.

Sincerely,

RODNEY RHOADES
Interim Executive Director

RR/mcf

Enclosure

cc: Mr. Keith Stephens
Ms. Stephanie Storm, City Secretary



NTMWD BOARD OF DIRECTORS ROLES AND RESPONSIBILITIES

The North Texas Municipal Water District (NTMWD) Board of Directors serves as the governing body of NTMWD. The Board of Directors guides the NTMWD towards a sustainable future by adopting sound governance and financial management policies and ensuring adequate resources to meet the region's needs. The Board has a responsibility to provide guidance to management and staff and ensure operations run smoothly and in accordance with the law. Some specific responsibilities of the Board of Directors include:

- Establish and support the NTMWD mission and purpose
- Select and evaluate the Executive Director/General Manager
- Set policies and ensure effective planning
- Ensure adequate financial resources
- Monitor and strengthen essential programs and services
- Protect assets and provide proper financial oversight
- Ensure legal and ethical integrity
- Enhance the organization's public standing

The Board of Directors meets monthly – generally on the 4th Thursday of each month. This schedule may be adjusted due to holidays. Some Directors will meet mid-month as well depending on their Committee assignment.

The Board of Directors also meets in Special Workshops semi-annually for long-term planning as well as on an as-needed basis for other purposes.

Each Board member serves on at least two standing Committees, such as:

- Water
- Wastewater
- Solid Waste
- Finance
- Personnel
- Real Estate

Directors may also serve on the Legislative Committee, Special Purposes Committees as needed, and the Chairman of each Committee serves on the Policy Committee.



Wylie City Council

AGENDA REPORT

Department: Fire Department
Prepared By: Brandon Blythe

Account Code: _____

Subject

Fire Department Presentation.

Recommendation

Discussion



Wylie City Council

AGENDA REPORT

Department: Finance Department
Prepared By: Melissa Beard

Account Code: _____

Subject

FY 2022 Budget Work Session.

Recommendation

Discussion

See attached presentation.

Budget Work Session Fiscal Year 2021-2022

April 13, 2021

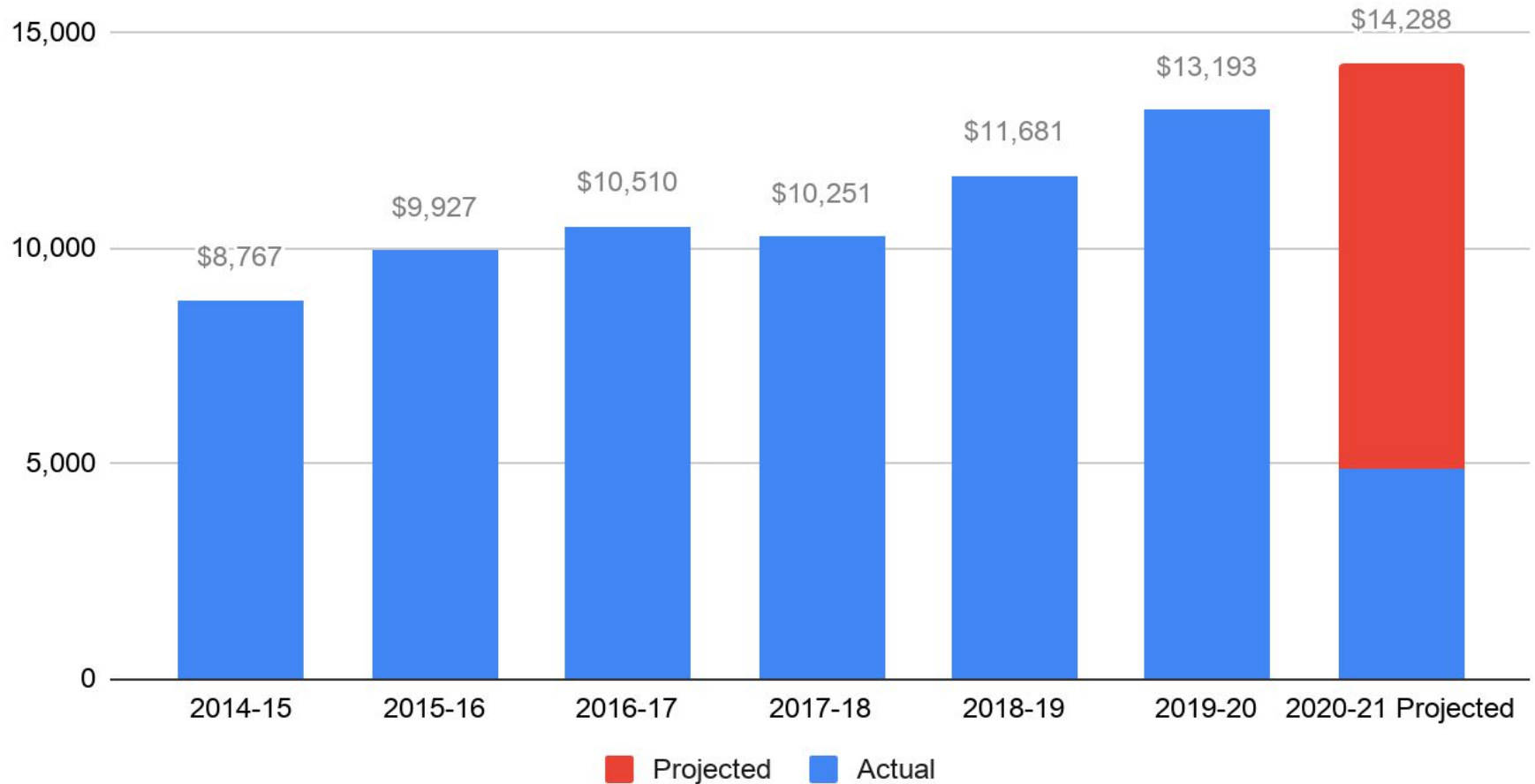
General Fund FY 2020 and FY 2021

	Audited 09/30/2020	Projected 09/30/2021
Audited General Fund Unassigned Beginning Fund Balance	19,409,743	21,914,771
Revenues	42,600,411	44,265,401
Transfers In	3,316,585	2,416,161
CARES Funds	0	2,527,885
Total Revenues	45,916,996	49,209,447
Expenditures	40,403,968	46,538,326
Transfers Out	3,008,000	0
Total Expenditures	43,411,968	46,538,326
Unassigned Ending Fund Balance	21,914,771	24,585,892

Assessed Property Valuations

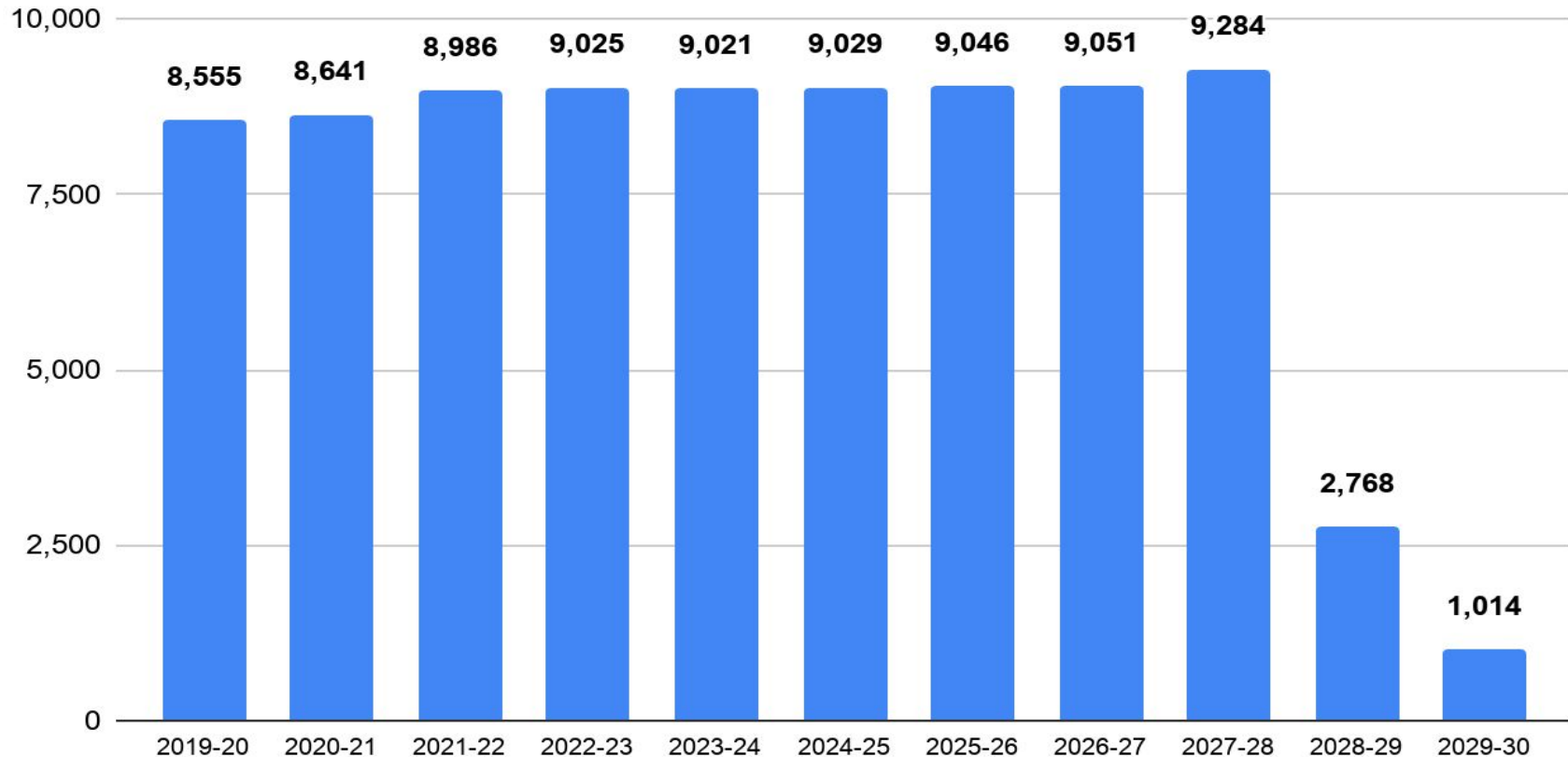
- FY 2021 Taxable Values \$4.9 billion - Expect \$5 billion for FY 2022
- Certified taxable value estimate from appraisal districts available April 30
- Factors impacting taxable values for 2021
 - Potential COVID impacts to some categories of commercial properties (hotels, movie theaters, and restaurants)
 - Potential losses due to substantial storm damage (11.35 exemptions)
 - Low supply and high demand of residential properties
 - Increasing land value
 - Building material costs continue to rise

Total Annual Sales Tax Receipts (in 000's)



2020-21 Projected amount is Oct - Jan actual collected sales tax plus a 5% increase on 2019-20 Feb - Sep actuals.

Debt Service Expenditures (in 000's)



Property Tax Supported Debt - Based on current debt schedules.
Includes debt payment for Fire Station 4 starting in FY 2022.

Current Year Variances Affecting Fund Balance (General Fund)

- Projected Sales Tax increase of \$1.2m compared to budgeted amount
- \$2.5m CARES money for Public Safety Salaries
- Additional stimulus money of \$11.5m (American Rescue Plan)

Factors for Consideration FY 2021-2022 Budget

- **REVENUES**

- New Construction Value of \$100 million will generate additional revenue of \$660k
- General Fund Sales Tax budget increased to \$7.29m (a 2% increase over 2021 projection)
- Additional stimulus money (\$11.5m - American Rescue Plan)

- **EXPENSES**

- Station 4 Staffing
- Health Insurance
- GF Step/Merit
- Market Adjustment
- Operating Expense - 0% growth

General Fund FY 2022 Budget Projections

Projected Revenues (No New Revenue Tax Rate)	\$ 47,326,000
Personnel Expense	\$ 29,671,867 2% Growth
Operating Expense	\$ 15,202,953 0% Growth
Base Budget	<u>\$ 44,874,820</u>
Personnel Requests	
Public Safety	\$ 1,500,000
Other	\$ 200,000
Market Adjustments	<u>\$ 1,000,000</u>
	\$ 2,700,000
Recurring Capital Expense (Vehicles, Etc)	\$ 600,000
New Requests - One Time Expense	\$ 500,000
Total Expenditures	\$ 48,674,820
Revenue less Expenditures	\$ (1,348,820)