

# Wylie City Council Regular Meeting

March 08, 2022 – 6:00 PM

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



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## CALL TO ORDER

## INVOCATION & PLEDGE OF ALLEGIANCE

## PRESENTATIONS & RECOGNITIONS

PR1. Recognition of Public Procurement Month - March 2022

## 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 February 22, 2022 Regular City Council Meeting minutes.
- B. Consider, and act upon, Ordinance No. 2022-24 an ordinance of the City Council of the City of Wylie, Texas, declaring unopposed candidates in the May 7, 2022 General City Election, elected to office; canceling the election; providing a severability clause; and providing an effective date.
- C. Consider, and act upon, Ordinance No. 2022-25 regarding a change in zoning from Downtown Historic District – Residential only to allow commercial and/or residential uses, located at 401 N. Keefer within the Downtown Historic District (ZC 2022-04).
- D. Review, and place on file, the Wylie Police Department 2021 Racial Profiling Analysis.
- E. Consider, and act upon, Ordinance No. 2022-26 of the City of Wylie, Texas, altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon East Farm to Market Highway No. 544 or parts thereof, within the incorporate limits of the City of Wylie, as set out in this ordinance; and providing a penalty of a fine not to exceed \$200.00 for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance.

## EXECUTIVE SESSION

### Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING.

If A governmental body may not conduct a private consultation with its attorney except:

- (1) when the governmental body seeks the advice of its attorney about:
  - (A) pending or contemplated litigation; or

(B) a settlement offer; or  
(2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

ES1. Discussion about the solicitation ordinance.

**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.*

**REGULAR AGENDA**

1. Hold a Public Hearing to consider, and act upon, a request from the North Texas Municipal Water District for the use of parkland in Meadowview Park for a waterline easement.
2. Hold a Public Hearing to consider, and act upon, a change in zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF) to allow for single family residential development on 47.2995 acres generally located on Country Club Road approximately 2000' south of Parker Road (ZC 2022-02).
3. Consider, and act upon, Ordinance No. 2022-27 for a change in zoning from Neighborhood Services (NS) to Planned Development - Multi-Family (PD-MF) to allow for an income adjusted multi-family social services development on 2.472 acres located at 511 West Brown Street (ZC2022-01).
4. Consider, and act upon, Ordinance No. 2022-28 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.
5. Consider, and act upon, the award of a Professional Services Project Order (PSPO) #W2022-40-E for the Site Evaluation, Design and Bid Plans for a Dog Park and two (2) Splash Pads to Dunaway Associates, LLC in the amount of \$301,615.00 and authorizing the Interim City Manager to execute any necessary documents.
6. Consider, and act upon, the acceptance of the resignation of Cemetery Advisory Board member Sandra Mondy and appointment of Jami Lindquist to fill the unexpired term of March 2022 to June 2023.
7. Consider, and act upon, the approval of Amendment #6 to Wylie Agreement #W2009-3-E for Engineering Services for the Reconstruction of McMillen Road from McCreary Road to Country Club Road in the amount of \$261,500.00 with Binkley & Barfield, Inc., and authorizing the Interim City Manager to execute any and all necessary documents.

**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 March 4, 2022 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.

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*Stephanie Storm, City Secretary*

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*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

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## AGENDA REPORT

Department: City Secretary  
Prepared By: Stephanie Storm

Account Code: \_\_\_\_\_

### Subject

Consider, and act upon, approval of February 22, 2022 Regular City Council Meeting minutes.

### Recommendation

Motion to approve Item as presented.

### Discussion

The minutes are attached for your consideration.

### Financial Summary/Strategic Goals

Community Focused Government



# Wylie City Council Regular Meeting

February 22, 2022 – 6:00 PM

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



## CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:00 p.m. The following City Council members were present: Councilman Dave Strang (6:51 p.m.), Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, Councilman Timothy T. Wallis, and Councilman Garrett Mize. Councilman David R. Duke was absent.

Staff present included: Interim City Manager Brent Parker; Assistant City Manager Renae Ollie; Assistant Police Chief Tommy Walters; Fire Chief Brandon Blythe; Finance Director Melissa Beard; Parks and Recreation Director Rob Diaz; Public Information Officer Craig Kelly; Human Resource Director Lety Yanez; Planning Manager Jasen Haskins; City Engineer Tim Porter; City Secretary Stephanie Storm; EDC Executive Director Jason Greiner; and various support staff.

## INVOCATION & PLEDGE OF ALLEGIANCE

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

## PRESENTATIONS & RECOGNITIONS

### PR1. Black History Month.

Mayor Porter presented a proclamation proclaiming February 2022 as Black History Month in Wylie, Texas. Ms. Emma Stafford was present to accept the Proclamation.

## COMMENTS ON NON-AGENDA ITEMS

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

There were no citizens present wishing to address the Council.

## 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 February 8, 2022 Regular City Council Meeting minutes.
- B. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of January 31, 2022.

- C. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for January 31, 2022.
- D. Consider, and place on file, the City of Wylie Monthly Investment Report for January 31, 2022.
- E. Consider, and act upon, Ordinance No. 2022-22 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.
- F. Consider, and act upon, accepting a donation to the City in the amount of \$5,779 from the Catholic Foundation of the Estate of Rita and Truett Smith.
- G. Consider, and act upon, a Final Plat, being a Replat of Lots 26R-1 & 26R-2, Block 2 of Brown and Burns Addition, establishing two lots on 0.603 acres, located on the northeast corner of N. Jackson Avenue and Jefferson Street.
- H. Consider, and act upon, approval of a Park Event Application for the 1LT Robert F. Welch fundraiser event in Olde City Park on Saturday, April 23, 2022.
- I. Consider, and act upon, approval of a Park Event Application for the Wylie High School PTSA Fun Run fundraiser event in Founders Park on Saturday, April 9, 2022.

#### **Council Action**

A motion was made by Councilman Williams, seconded by Councilman Strang, to approve the Consent Agenda as presented. A vote was taken and motion passed 5-0 with Councilmen Duke and Strang absent.

#### **REGULAR AGENDA**

- 1. **Hold a Public Hearing to consider, and act upon, a change in zoning from Neighborhood Services (NS) to Planned Development - Multi-Family (PD-MF) to allow for an income adjusted multi-family social services development on 2.472 acres located at 511 West Brown Street (ZC2022-01).**

#### **Staff Comments**

Planning Manager Haskins addressed Council stating the applicant is requesting a Planned Development (PD) for an income-adjusted multi-family development with on-site social services. The site is currently zoned as Neighborhood Services. The requested PD would change the zoning to a PD with underlying Multi-Family zoning allowing for a maximum of 40 units in courtyard style buildings of approximately four units each. The proposal includes a density of roughly 16 units per acre. The units include studio, one, two, and three-bedroom apartments at 450, 650, 800, and 1,100 square feet, respectively. The surrounding properties to the north, east, and west are zoned Neighborhood Services and are currently occupied by daycare, restaurant, and retail uses. Properties to the south are zoned Single-Family 10/24 and contain residential uses. The proposal includes amenities such as a staffed community center and Xeriscape landscaping. Haskins reported 31 notifications were mailed in accordance with state law; with one response returned in favor and nine received in opposition to the request. After discussion regarding density, on-site management, parking, and the mission of Agape, along with several citizen comments that mostly spoke in favor of the project, the Commission voted 5-2 to recommend approval with the condition that the parking be increased to 1.5 spaces per unit from the currently offered one space per unit.

#### **Applicant Comments**

Janet Collinsworth, representing Agape Resource and Assistance Center, Inc., addressed Council giving a presentation addressing concerns received from neighbors, funding sources, statistics about Jericho Villagers, background on the formation of Agape, and empowering support services offered.

### **Council Comments**

Mayor *pro tem* Forrester asked for further information about the steps of the program. Collinsworth replied they initially tried to assist women to increase their income; however, they could not find affordable housing so they created a place they could graduate to and offer empowerment services which are homeless prevention services. They want women to graduate into a community that will embrace them.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 1 at 6:31 p.m. asking anyone present wishing to address Council to come forward.

Steve Wright addressed Council stating he thought this is a good outreach but did have concerns with parking but felt covenants could be put into place to address the issue. Wright added he would like to look at potentially keeping the proposed garden and any safety concerns could be vetted by reaching out to the Plano location.

Joan Eads addressed Council with concerns about monitoring the facility, proposed location, and school capacity.

Mary Orta addressed Council with concerns about bringing other families in from other cities, parking on Winding Oaks, the proposed density, proposed location, and Agape not speaking with neighbors.

Mary Warkentine addressed Council stating she volunteers at the Christian Care Center and sees women that could benefit from this facility, and requested approval of this project.

Roberta Mallory, representing St. Vincent De Paul, addressed Council stating the families they assist are looking for a better future and it is very hard for them to find an affordable place to live, would appreciate the opportunity for this facility to come to Wylie, and requested approval of this project.

Sara Burkhart addressed Council stating she serves on the Agape Board and seen first hand how this program changes lives.

Councilman Strang took his seat at the dias at 6:51 p.m.

Cullen King addressed Council speaking in favor of this project as Chase Oaks Church has worked with Agape on other projects, and stated this project is needed in Wylie and Agape will address any safety concerns. King requested Council to support the project.

Penelope Diaz, architect for Agape project, addressed Council stating she was available for any questions.

Jon Bailey, addressed Council stating as the City grows, the need grows too. Hope for the Cities and FBC Wylie help prevent homelessness and there is a need for economic housing. Bailey requested Council consider approving this project and added it's not about the money, it is about the person.

Josh Vandertook addressed Council with concerns about the parking lot blending in with the surrounding homes, stating it is a needed project; however, not the appropriate location. Vandertook stated concerns with parking, potential property value decrease, and asked what the turnaround for residents would be for the program, and would there be a risk for abusers coming to the facility.

Mayor Porter closed the public hearing at 7:04 p.m.

### **Council Comments**

Mayor Porter asked what type of barrier would be placed between the neighbors and the development. Collinsworth replied that they want to visit with each resident to see what would be acceptable to them, want to avoid two different fences, and increase the trees along the fence line. Porter asked how the program works. Collinsworth replied the goal is to provide a resource to the community of Wylie. The length of stay would be the same as it would be in another apartment building. The residents have to be working and a good neighbor in order to renew their lease, and added this is not a domestic violence shelter and they are very careful to ensure the residents are not in danger. Councilman Williams asked in the PD as written, what prevents or protects from ownership changing hands and turning into a for-profit organization, and asked about the outside perimeter fence restrictions. Haskins replied over the long-term, once it is built, there is nothing in there; however, a Deed Restriction might be able to be placed on the property but staff would have to look into that. Haskins replied the fence would have to meet the guidelines in the Zoning Ordinance. Mayor *pro tem* Forrester asked if this development follows the development standards for multi-family homes. Haskins replied everything that is not in the PD does follow the standards. Williams asked if the school district had been contacted. Collinsworth replied WISD was contacted and based on their experience, they gauge one child per unit, children would range from 1-18, and there would be a spread amongst multiple schools; therefore, it would not cause undue hardship. Parker stated he spoke with Dr. Vinson, the Superintendent, and he had no concerns with the project. Collinsworth stated the residents will be screened for income and background. Porter asked if preference would be given to help Wylie families first. Collinsworth replied that in their goals they have to help Wylie families first and would go through ministry groups in Wylie. Williams asked if this project was technically considered multifamily. Haskins replied it is platted as one and that is why it is considered multifamily. Porter asked if permitted parking could be done along Winding Oaks if issues arise. Haskins replied yes but feels the 1.5 and new layout should resolve the parking issues. Porter stated adding parking is a good thing; however, felt the neighbors would probably prefer green space (the community garden) over a parking lot between them, and asked if the only way to get the 1.5 is removing the green space. Haskins replied the Community Center is parked at 1 to 200 square feet and he recommends putting 1 to 400 square feet and that would allow more of the green space. Porter asked if there was anything in the PD that speaks to the buffer. Haskins replied the Zoning Exhibit shows the landscape buffer but could include a paragraph in the PD if Council desires.

Mary Orta addressed Council asking about the permitted parking along Winding Oaks. Mayor Porter responded to the questions about permitted parking.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve with the following amendments: this project contain 38 units parked at 1.5 parking places per unit, with the exception of the community center parked at 1 to 500 square feet, and a landscaping buffer to be added as pictured in the presentation. A vote was taken and the motion passed 5-1 with Councilman Strang voting against and Councilman Duke absent.

- 2. Hold a Public Hearing to consider, and act upon, a change in zoning from Downtown Historic District – Residential only to allow commercial and/or residential uses, located at 401 N. Keefer within the Downtown Historic District (ZC 2022-04).**

### **Staff Comments**

Assistant City Manager Ollie addressed Council stating in accordance with Section 6.3 of the Zoning Ordinance, the Downtown Historic (DTH) District allows for both commercial and/or residential uses in the same structure. However, some properties are restricted to residential uses only as adopted by Ordinance No. 2015-08. Residential only properties were those lots west of Keefer to Cotton Belt and those properties located north of Brown, west of the railroad tracks. The property has been the subject of several requests for modifications and renovations over the years. The Wylie Economic Development Corporation purchased the property in 2021 with the proposed use of a salon. The Historic Review Commission voted 6-0 to recommend approval and the Planning and Zoning Commission voted 5-0 to recommend approval. Notifications were mailed to 23 surrounding property owners with eight responses received in opposition and two received in favor of the request. Any new development or renovations would continue to adhere to current design standards and allowed uses of the DTH regulations. In block faces within the District that are currently developed with residential structures, new construction shall be of historic design.

### **Council Comments**

Mayor Porter asked about the structure integrity of the current home on the property. Ollie replied that it is not structurally sound as previous owners removed some of the interior walls resulting in the structure being compromised. Councilman Williams asked what size building would be built. Ollie replied that the site plan has not been submitted yet and once those are submitted, they would come before Council. Mayor *pro tem* Forrester asked if the new building would have to be the same square footage as the current structure. Ollie replied they could make it larger as long as they meet lot coverage and setback requirements.

### **Public Hearing**

Mayor Porter opened the public hearing on Item 2 at 7:41 p.m. asking anyone present wishing to address Council to come forward.

Bob Heath addressed Council stating he had a passion for restoring historic homes and he used to own this building with intent of tearing the house down and building a historic looking commercial building. Heath stated it would be an asset to the historical district.

Randy Lanoue addressed Council speaking against changing the property to commercial use and expressed concerns with traffic.

Bobby Heath Jr. addressed Council speaking in favor of the property turned to a commercial use.

Mayor Porter closed the public hearing at 7:50 p.m.

### **Council Action**

A motion was made by Councilman Strang, seconded by Councilman Wallis, to approve Item 2 as presented. A vote was taken and the motion passed 6-0 with Councilman Duke absent.

Mayor Porter convened the Council into a brief break at 7:52 p.m.

Mayor Porter reconvened the Council into Regular Session at 8:00 p.m.

- 3. Discussion and consideration of all matters incident and related to the issuance and sale of “City of Wylie, Texas, General Obligation Refunding and Improvement Bonds, Series 2022”, including the adoption of Ordinance No. 2022-23 authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded.**

### **Staff Comments**

Finance Director Beard addressed Council stating in November 2021, voters approved \$50.1 million of general obligation bonds which supports three propositions. Bonds will be issued as needed and only when projects are ready to move forward to minimize the impact on the I&S portion of the tax rate. This issue is for \$5.5 million for early stages of design, planning, and implementation. Also included in this ordinance is authorization to refund two previous bond issues for cost savings: Public Property Finance Contractual Obligations, Series 2012 and General Obligation Refunding Bonds, Series 2012. Bids were received the morning of February 22, 2022 and Nick Bulaich, representing Hilltop Securities, was present to review the results of the bids and to answer any questions.

Nick Bulaich addressed Council giving the results of the bid saying the City received six bids with BOK Financial Securities, Inc. being the winning bid with a 2.218757% true interest cost. The City was upgraded to Aa1 with Moody's and remained at Aa with S&P Global. Bulaich stated the first interest payment for the new money and refunding is not until 2023. Bulaich reported refunding resulted in a total savings of reduced debt service cost of about \$565,000, and they did not extend the final terms of the maturities and stayed with the same repayment schedule, but only took advantage of lower interest rates.

### **Council Comments**

Mayor Porter asked staff to identify what the \$5.5 million of new bonds are being used for. Beard replied there are three initiatives: \$2.5 million for beginning design and/or engineering cost for McMillen Dr. Park Blvd., and Ballard/ Sachse Rd.; \$2.0 million for general street improvements for specific streets that could be completed in a certain amount of time; and \$1.0 million for a drainage and street improvements study for the downtown historic district. These are amounts that will assist staff getting started on the projects.

### **Council Action**

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to approve Ordinance No. 2022-23 and all matters incident and related to the issuance of “City of Wylie, Texas, General Obligation Refunding and Improvement Bonds, Series 2022”, as provided for in Agenda Item #3. A vote was taken and the motion passed 6-0 with Councilman Duke absent.

## **WORK SESSION**

Mayor Porter convened the Council into Work Session at 8:12 p.m.

### **WS1. Wylie Recreation Center Operations Presentation.**

Parks and Recreation Director Diaz addressed Council stating staff prepared a video presentation regarding the current operations of the Wylie Recreation Center.

Carl Dulac, addressed Council, stating in his opinion, since the recreation center was approved by the voters, it would need voter approval to pass it on to another company, and the vision of the Recreation Center was to put back into the community which the Recreation Center does.

Interim City Manager Parker stated the cost recovery of the Recreation Center has been brought up a few different times over the years and staff is requesting Council direction for the desire for cost recovery of the Recreation Center so that staff can bring back additional information for Council consideration in order to compare with what the YMCA is proposing. Parker stated when the Recreation Center was built Council’s desire at that time was a cost recovery of about 50%, and the current cost recovery is about 45%. Diaz did state the fee structure has not been increased since opening the facility.

Council feedback and questions included why are costs increasing; however, revenues is not which is resulting in the gap starting to spread instead of coming closer together; the percentage of Wylie residents utilizing the Recreation Center; keep municipal management of the Recreation Center; open to YMCA option for operating the Recreation Center; rates need to be adjusted maybe to a 66% to 88% cost recovery with at least a 50% cost recovery; the Recreation Center has a strong element of community; offer what is most effective for the community; the amount the Recreation Center being subsidized, could that be utilized towards other park improvements; if we increase the fees are we increasing the value for the citizens; the senior citizen rate should not be raised; would like to see a comparison of what is being offered by the City and the YMCA; would like to compare the amount being subsidized versus the percentage of City residents using facility; have to balance other needs; would want background data in order to give guidance on percentage of cost recovery; would like to discuss with YMCA; if we increase fees are we remaining competitive; change membership fees to what is suitable; what business practices are implemented; how do we tell the citizens about what is offered; be cognizant of fixed income in regard to increases; make sure fees are apples to apples when comparing to the YMCA; do what we can to work on the fee structure; the Recreation Center was built by tax dollars for tax payers; and adjustments have not been made when needed.

### **WS2. Discuss the status of the Comprehensive Master Plan and specifically Future Land Use.**

Planning Manager Haskins addressed Council stating for the past several months City staff, a consultant team, and the Comp Plan Advisory Committee (CPAC) have been working on the Revised Comprehensive Master Plan. As

of this writing accomplishments include: draft of Chapter 1 - Plan introduction, is complete; draft of Chapter 2 - Community Snapshot, is complete; draft of Comp Plan goals is complete; draft Strategies are being reviewed; draft Future Land Use Map (FLU) and definitions are in progress. As Future Land Use represents a major component of the overall Comp Plan, staff is presenting the FLU map and definitions to the Council for review and comment.

Daniel Herrig, representing Freese & Nichols, addressed Council giving a presentation which included: a project reminder including the schedule, overview and discussion of the Future Land Use Map and Future Land Use (FLU) Category descriptions, and next steps. The first draft of the FLU Category descriptions includes: low-density residential, medium-density residential, mixed-use and special planning areas, downtown, local commercial, regional commercial, industrial, public/semi-public, and parks and open space.

## **RECONVENE INTO REGULAR SESSION**

Mayor Porter reconvened the Council into Regular Session at 9:39 p.m.

## **EXECUTIVE SESSION**

Mayor Porter reconvened the Council into Executive Session at 9:40 p.m.

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

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

**ES1. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 544/Cooper, State Hwy 78/Alanis, State Hwy 78/Ballard, State Hwy 78/Birmingham, and State Hwy 78/Brown.**

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

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

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

**ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects 2017-10a, 2020-11b, 2021-2d, 2021-4a, 2021-4b, 2021-6a, 2021-6c, 2021-6e, 2021-7a, 2021-8a, 2021-9e, 2021-9f, 2021-11a, 2021-12a, and 2021-12b.**

## **RECONVENE INTO OPEN SESSION**

*Take any action as a result from Executive Session.*

Mayor Porter reconvened the Council into Open Session at 10:34 p.m.

## **READING OF ORDINANCES**

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

City Secretary Storm read the captions to Ordinance Nos. 2022-22 and 2022-23 into the official record.

**ADJOURNMENT**

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 10:35 p.m. A vote was taken and motion passed 6-0 with Councilman Duke absent.

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**Matthew Porter, Mayor****ATTEST:**

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**Stephanie Storm, City Secretary**





# Wylie City Council

## AGENDA REPORT

**Department:** City Secretary  
**Prepared By:** Stephanie Storm

**Account Code:** \_\_\_\_\_

### Subject

Consider, and act upon, Ordinance No. 2022-24 an ordinance of the City Council of the City of Wylie, Texas, declaring unopposed candidates in the May 7, 2022 General City Election, elected to office; canceling the election; providing a severability clause; and providing an effective date.

### Recommendation

Motion to approve Item as presented.

### Discussion

On February 8, 2022 the Wylie City Council ordered a General Election to be held on May 7, 2022 for the purpose of electing two Wylie City Council members, Place 1 and Place 3. The filing period for those wishing to be placed on the ballot began January 19, 2022 and ended Friday, February 18, 2022 at 5:00 p.m.

The City Secretary is responsible for receiving applications for a place on the ballot and on February 28, 2022 declared and certified that there were no opposing candidates for Wylie City Council, Place 1 or Place 3. Under these circumstances and pursuant to Subchapter C, Chapter 2 of the Election Code, the Wylie City Council can declare the candidates elected to office and cancel the election. Candidates who are unopposed in the May 7, 2022 Wylie General Election are: David R. Duke, City Council Place 1 and Jeffrey Forrester, City Council Place 3.

A copy of the ordinance declaring the election canceled will be posted at each election polling place during early voting and on election day, on the City website, and posting board.

New Council members will take office during the regular City Council meeting of May 10, 2022 which is during the canvassing period in accordance with the election code.

### Financial Summary/Strategic Goals

Community Focused Government

**ORDINANCE NO. 2022-24****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 7, 2022 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Wylie, Texas ("City") General Election was called for May 7, 2022, for the purpose of electing members to the City Council of the City of Wylie, Texas ("City Council"); and

**WHEREAS**, the City Secretary has certified in writing that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

**WHEREAS**, under these circumstances, Chapter 2, Subchapter C of the Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election.

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

Section 1. The following candidates, who are unopposed in the May 7, 2022 City General Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

David R. Duke, Council Member, Place 1  
Jeffrey Forrester, Council Member, Place 3

Section 2. The May 7, 2022 General Election is cancelled, and the City Secretary is directed to cause a copy of this ordinance to be posted on Election Day at each polling place that would have been used in the election.

Section 3. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or section of this ordinance since the City Council would have enacted them without the invalid portion.

Section 4. This Ordinance shall be effective from the date of its adoption.

**DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, 8<sup>th</sup> day of March 2022.**

\_\_\_\_\_  
Matthew Porter, Mayor

**ATTEST:**

\_\_\_\_\_  
Stephanie Storm, City Secretary



# Wylie City Council

## AGENDA REPORT

Department: Planning  
 Prepared By: Jasen Haskins, AICP

Account Code: \_\_\_\_\_

### Subject

Consider, and act upon, Ordinance No. 2022-25 for a change of zoning from Downtown Historic District – Residential only to allow commercial and/or residential uses, located at 401 N. Keefer within the Downtown Historic District (ZC 2022-04).

### Recommendation

Motion to approve Item as presented.

### Discussion

On February 22, 2022, City Council approved a zoning change from Downtown Historic District – Residential only to allow commercial and/or residential uses, located at 401 N. Keefer within the Downtown Historic District, being Zoning Case 2022-04.

Final approval of Zoning Case 2022-04 requires an Ordinance to amend the zoning accordingly in the Official Zoning map of the City; and providing a penalty clause, a repeal clause, a savings clause, a severability clause, and an effective date.

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

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

### Financial Summary/Strategic Goals

N/A

**ORDINANCE NO. 2022-25**

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WYLIE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY, ZONING CASE NUMBER 2022-04, FROM DOWNTOWN HISTORIC DISTRICT – RESIDENTIAL ONLY TO ALLOW COMMERCIAL AND/OR RESIDENTIAL USES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

**SECTION 2:** That a Zoning Exhibit is an integral component of the development of the property and is attached as Exhibit B.

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

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

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

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

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

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

**DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas,** this 8th day of March, 2022.

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Matthew Porter, Mayor

ATTEST:

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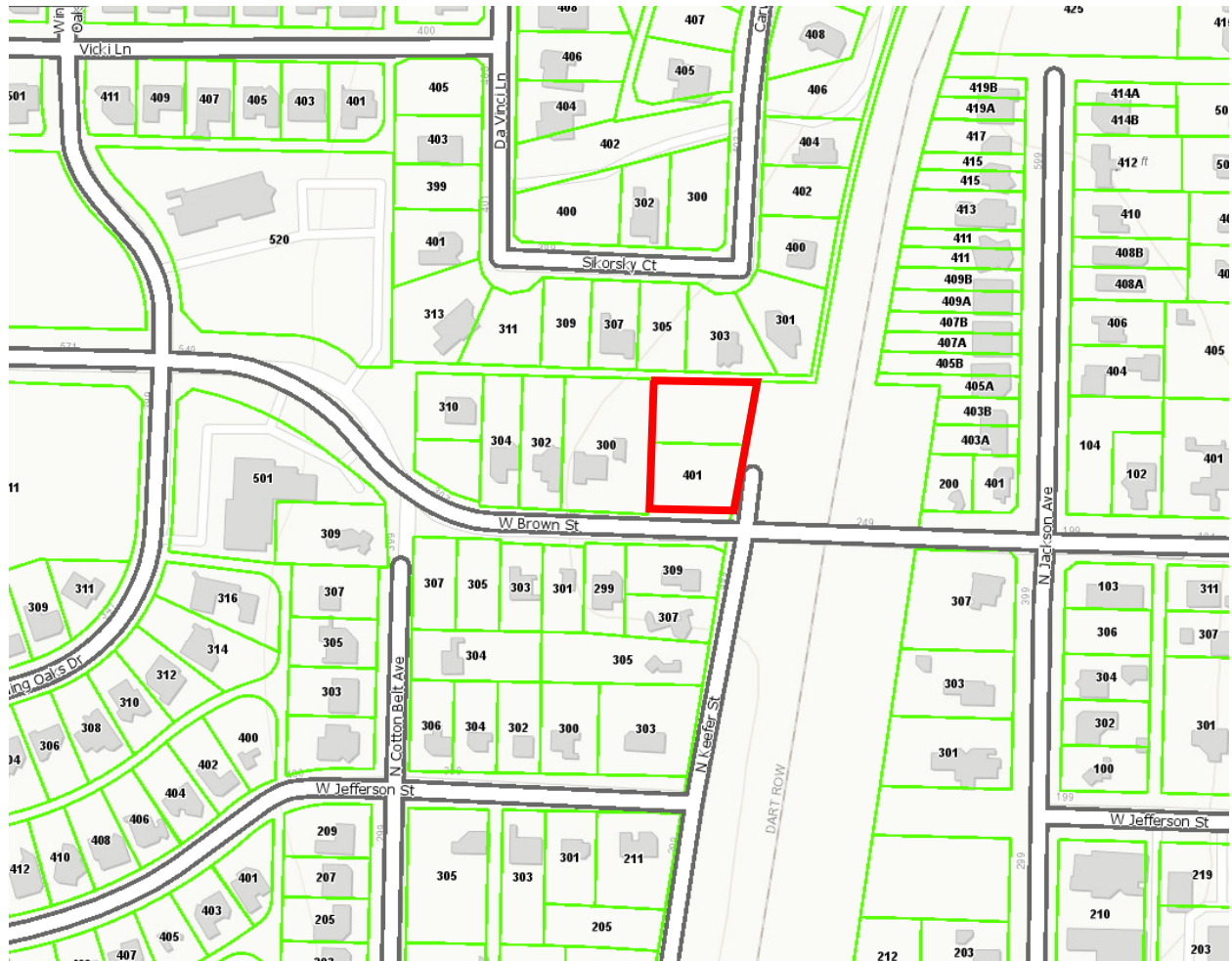
Stephanie Storm, City Secretary

*DATE OF PUBLICATION:* March 16, 2022, *in* The Wylie News

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Being 0.489 acres and all of Lots 74R and 75R of Block 12 of the Brown and Burns addition to the City of Wylie.

## EXHIBIT B





# Wylie City Council

## AGENDA REPORT

Department: Police  
Prepared By: Anthony Henderson

Account Code: \_\_\_\_\_

### Subject

Review, and place on file, the Wylie Police Department 2021 Racial Profiling Analysis.

### Recommendation

Motion to approve Item as presented.

### Discussion

Texas Senate Bill (SB 1074), Sandra Bland Act, and HB 3051 requires Police Departments to collect traffic-related contact data and report the contact data to their governing body every year, no later than March of the following year. The 2021 Wylie Police Department Annual Racial Profiling Analysis meets all requirements of SB 1074, HB 3051, HB 3389, and the Sandra Bland Act.

Exhibit: Report by Justice Research Consultants, LLC.

### Financial Summary/Strategic Goals



# WYLIE POLICE DEPARTMENT

2021

## RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.

Chad R. Trulson, Ph.D.

Justice Research Consultants, LLC



## Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

The analysis of material and data from the Wylie Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE WYLIE POLICE DEPARTMENT REGULATIONS, SPECIFICALLY POLICY 614 OUTLINING THE DEPARTMENT’S POLICY CONCERNING UNBIASED POLICING, SHOWS THAT THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**
- **THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

## Introduction

This report details an analysis of the Wylie Police Department's policies, training, and statistical information on racial profiling for the year 2021. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Wylie Police Department in 2021. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Wylie Police Department's policy on racial profiling; (2) Wylie Police Department's training and education on racial profiling; (3) Wylie Police Department's complaint process and public education on racial profiling; (4) analysis of Wylie Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Wylie Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

## Wylie Police Department Policy on Racial Profiling

A review of Wylie Police Department Policy 614 "Unbiased Policing" revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Policy 614. Wylie Police Department regulations provide clear direction that any form of bias-based policing is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race or ethnicity. Appendix C lists the applicable statute and corresponding Wylie Police Department regulation.

***A COMPREHENSIVE REVIEW OF WYLIE POLICE DEPARTMENT POLICY 614 SHOWS THAT THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

## Wylie Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace officers. Documentation provided by Wylie Police Department reveals that all officers have received bias-based/racial profiling training.

***A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.***

## Wylie Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Wylie Police Department Policy 614 Section V and VI cover this requirement. The department also has information on how to file a complaint on their website ([https://www.wylietexas.gov/about\\_us/divisions\\_and\\_units/professional\\_standards.php](https://www.wylietexas.gov/about_us/divisions_and_units/professional_standards.php)).

***A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.***

## Wylie Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Wylie Police Department submitted statistical information on all motor vehicle stops in 2021 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

***ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.***

## Analysis of the Data

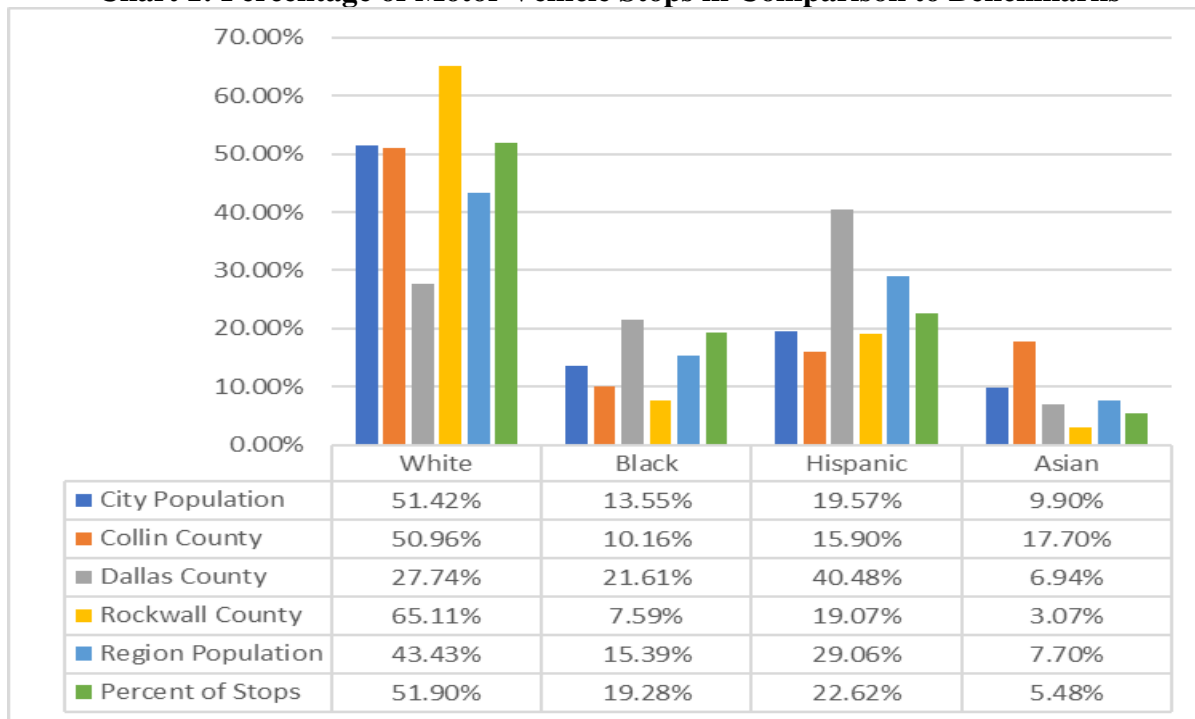
### Comparative Analysis #1:

*Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)*

The first chart depicts the percentages of people stopped by race/ethnicity among the total 9,979 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2021.<sup>1</sup>

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<sup>1</sup> There were 72 motor vehicle stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of stops relative to the population of the City of Wylie and relative to the total number of motor vehicle stops among all drivers (9,979).

**Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks**

*White drivers* constituted 51.90 percent of all drivers stopped, whereas Whites constitute 51.42 percent of the city population, 50.96 percent of the Collin county population, 27.74 percent of the Dallas county population, 65.11 percent of the Rockwall county population, and 43.43 percent of the region population.<sup>2</sup>

*Black drivers* constituted 19.28 percent of all drivers stopped, whereas Blacks constitute 13.55 percent of the city population, 10.16 percent of the Collin county population, 21.61 percent of the Dallas county population, 7.59 percent of the Rockwall county population, and 15.39 percent of the region population.

*Hispanic drivers* constituted 22.62 percent of all drivers stopped, whereas Hispanics constitute 19.57 percent of the city population, 15.90 percent of the Collin county population, 40.48 percent of the Dallas county population, 19.07 percent of the Rockwall county population, and 29.06 percent of the region population.

*Asian drivers* constituted 5.48 percent of all drivers stopped, whereas Asians constitute 9.90 percent of the city population, 17.70 percent of the Collin county population, 6.94 percent of the Dallas county population, 3.07 percent of the Rockwall county population, and 7.70 percent of the region population.

<sup>2</sup> City and County and Regional populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. Region is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise. City and County populations by gender noted later in this report are based on the most recent 2019 American Community Survey estimates, as the 2020 Decennial Census Redistricting Data (DEC) does not include population counts by gender.

The chart shows that White drivers are stopped at rates almost equal to the percentage of Whites found in the city and Collin county population, lower than the percentage of Whites found in the Rockwall county population, but higher than the percentage of Whites in the Dallas county and regional population. Black drivers are stopped at rates higher than the percentage of Blacks found in the city, Collin county, Rockwall county, and regional population, but lower than the percentage of Blacks in the Dallas county population. Hispanic drivers are stopped at rates higher than the percentage of Hispanics found in the city, Collin county and Rockwall county population, but lower than the percentage of Hispanics in the Dallas county and regional populations. Asian drivers are stopped at rates lower than the percentage of Asians found in all the population base rates except for the Rockwall county population.

### Methodological Issues

*Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.*

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

#### Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists. This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

#### Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not

disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, may be inaccurate, and may not keep pace with changes experienced in city and county and regional population measures. Utilizing a different base rate can make differences regarding whether disproportionality exists or not. Even then, as noted above, disproportionality in the rate of stops among different racial/ethnic groups does not automatically equate to a finding of racial profiling.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are not residents of the city, county, or region where the motor vehicle stop occurred are not included in the benchmark base-rate.

### Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 3 near the end of this report, of the 9,979 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 5.85% of the stops (584/9,979). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.<sup>3</sup> The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.”

Almost always, Wylie PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

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<sup>3</sup> Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Wylie Police Department in 2021. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

#### Comparative Analysis #2:

*Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)*

As shown in Table 1, there were a total of 9,979 motor vehicle stops in 2021 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 73 percent of stops resulted in a verbal warning (7,295/9,979) and roughly 15 percent resulted in a citation. These actions accounted for roughly 88 percent of all stop actions and will be discussed in greater detail below.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 73 percent of stops involving White motorists (3,783/5,179), Black motorists received a verbal warning in roughly 74 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 71 percent of stops of Hispanic motorists, and Asian motorists received a verbal warning in roughly 80 percent of stops of Asian motorists.

Specific to **citations**, White motorists received a citation in roughly 14 percent of stops involving White motorists (722/5,179), Black motorists received a citation in roughly 12 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 18 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 15 percent of stops of Asian motorists.

Of the 9,979 total stops in 2021, 279 **arrests** [written warning and arrest (2), citation and arrest (6) and arrest only (271)] were made, and this accounts for 2.8 percent of all stops. White motorists were arrested in roughly 3 percent of stops involving White motorists (140/5,179), Black motorists were arrested in roughly 2 percent of stops involving Black motorists, Hispanic motorists were arrested in roughly 4 percent of stops involving Hispanic motorists, and Asian motorists were arrested in less than 1 percent of stops involving Asian motorists.

As illustrated in Table 1, most arrests were based on a **violation of the penal code** (70.3%; 196/279) or an **outstanding warrant** (25.4%; 71/279).

Finally, as presented in Table 1, **physical force resulting in bodily injury** was used once in 2021. Of the 9,979 total stops, one involved physical force resulting in bodily injury. In this instance, the suspect was injured.



**Table 1: Traffic Stops and Outcomes by Race/Ethnicity**

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	5,179	1,924	2,257	547	72	9,979
Gender						
Female	1,953	638	616	174	31	3,412
Male	3,226	1,286	1,641	373	41	6,567
Reason for Stop						
Violation of Law	124	39	48	8	3	222
Preexisting Knowledge	37	12	41	2	1	93
Moving Traffic Violation	3,950	1,440	1,650	424	54	7,518
Vehicle Traffic Violation	1,068	433	518	113	14	2,146
Result of Stop						
Verbal Warning	3,783	1,432	1,596	436	48	7,295
Written Warning	534	211	179	25	9	958
Citation	722	233	395	83	14	1,447
Written Warning and Arrest	1	0	0	0	1	2
Citation and Arrest	4	1	1	0	0	6
Arrest	135	47	86	3	0	271
Arrest Based On						
Violation of Penal Code	98	26	69	2	1	196
Violation of Traffic Law	3	3	6	0	0	12
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	39	19	12	1	0	71
Physical Force Resulting in Bodily Injury Used?						
No	5,179	1,923	2,257	547	72	9,978
Yes	0	1	0	0	0	1

**Comparative Analysis #3:**

*Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)*

In 2021, a total of 668 **searches** of motorists were conducted, or roughly 7 percent of all stops resulted in a search (668/9,979). Among searches within each racial/ethnic group, White motorists were searched in roughly 6 percent of all stops of White motorists (332/5,179), Black motorists were searched in roughly 7 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 8 percent of all stops of Hispanic motorists, and Asian motorists were searched in roughly 2 percent of all stops of Asian motorists.

As illustrated in Table 2, the most common reason for a search was probable cause (48.4%; 323/668). Among **probable cause searches** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 38 percent of all searches of White motorists (127/332), Black motorists were searched based on probable cause in roughly 67 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 52 percent of all searches of Hispanic motorists, and Asian motorists were searched based on probable cause in roughly 64 percent of all searches of Asian motorists.

Regarding searches, it should be further noted that 145 searches (see Table 2) were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (9,979), discretionary consent searches occurred in 1.45 percent of stops. Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 28 percent of all searches of White motorists (93/332), Black motorists were searched based on consent in roughly 13 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 16 percent of all searches of Hispanic motorists, and Asian motorists were searched based on consent in roughly 27 percent of all searches of Asian motorists.

Of the searches that occurred in 2021, and as shown in Table 2, contraband was discovered in 431 or roughly 65 percent of all searches (431/668 total searches). Among the searches in which contraband was discovered, roughly 72 percent of the time the contraband discovered was drugs (312/431). Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested roughly 31 percent of the time (132/431).

**Table 2: Searches and Outcomes by Race/Ethnicity**

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
<b>Search Conducted</b>						
Yes	332	135	189	11	1	668
No	4,847	1,789	2,068	536	71	9,311
<b>Reason for Search</b>						
Consent	93	17	31	3	1	145
Contraband in Plain View	39	15	30	0	0	84
Probable Cause	127	91	98	7	0	323
Inventory	30	6	11	0	0	47
Incident to Arrest	43	6	19	1	0	69
<b>Was Contraband Discovered</b>						
Yes	202	97	126	6	0	431
No	130	38	63	5	1	237
<b>Description of Contraband</b>						
Drugs	132	81	93	6	0	312
Weapons	7	1	4	0	0	12
Currency	1	0	0	0	0	1
Alcohol	21	3	10	0	0	34
Stolen Property	0	0	0	0	0	0
Other	41	12	19	0	0	72
<b>Did Discovery of Contraband Result in Arrest?</b>						
Yes	60	27	44	1	0	132
No	142	70	82	5	0	299

**Comparative Analysis #4:**

*Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)*

In 2021, internal records indicate that the Wylie Police Department received 2 complaints alleging that a peace officer employed by the agency engaged in racial profiling. Upon internal investigation, the complaints did not result in disciplinary action.

### Additional Analysis:

*Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area.* This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2021, 9,979 motor vehicle stops were made by the Wylie Police Department. Of these stops, 3,412 or roughly 34 percent were female drivers (3,412/9,979), and roughly 66 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Wylie was composed of 51.8 percent females and 48.2 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the Collin County population, 50.7 percent of the Dallas County population, and 50.6 percent of the Rockwall County population. Males accounted for 49.3 percent of the Collin County population, 49.3 percent of the Dallas County population, and 49.4 percent of the Rockwall County population.

Overall, in 2021, males were stopped at rates higher than their proportion of the city and county populations.

### **Additional Information Required to be Reported to TCOLE**

Table 3 provides additional information relative to motor vehicle stops in 2021 by the Wylie Police Department. The data are required to be collected by the Wylie Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Wylie Police Department received 2 complaints alleging that a peace officer employed by the agency engaged in racial profiling in 2021. Upon internal investigation, the complaints did not result in disciplinary action. Furthermore, as previously discussed, of the 9,979 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 5.85% of the stops (584/9,979).

**Table 3: Additional Information**

<b>Additional Information</b>	<b>Total</b>
<b>Was Race/Ethnicity Known Prior to Stop</b>	
Yes	584
No	9,395
<b>Approximate Location of Stop</b>	
City Street	8,036
US Highway	144
County Road	30
State Highway	1,758
Private Property/Other	11
<b>Number of Complaints of Racial Profiling</b>	<b>2</b>
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	2

### **Analysis of Racial Profiling Compliance by Wylie Police Department**

The foregoing analysis shows that the Wylie Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection and reporting of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Wylie Police Department in 2021, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Wylie Police Department as well as police agencies across Texas.

# **Appendix A: Racial Profiling Statutes and Laws**

## Texas Racial Profiling Statutes

### **Art. 3.05. RACIAL PROFILING.**

In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

### **Art. 2.131. RACIAL PROFILING PROHIBITED.**

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

### **Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.**

(a) In this article:

- (1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.
- (2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- (3) "Race or ethnicity" means the following categories:
  - (A) Alaska native or American Indian;
  - (B) Asian or Pacific Islander;
  - (C) black;
  - (D) white; and
  - (E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.



(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

**Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.**

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

- (1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
  - (A) the person's gender; and
  - (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
- (2) the initial reason for the stop;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- (5) the reason for the search, including whether:
  - (A) any contraband or other evidence was in plain view;
  - (B) any probable cause or reasonable suspicion existed to perform the search; or
  - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- (7) the street address or approximate location of the stop;
- (8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

**Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.**

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency,

categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

#### **Art. 2.136. LIABILITY.**

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.**

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

**Art. 2.138. RULES.**

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**Art. 2.1385. CIVIL PENALTY.**

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.


(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

## **Appendix B: Agency Policy**

WYLIE POLICE DEPARTMENT POLICY		
NUMBER: 614	# OF PAGES: 5	EFFECTIVE DATE: JANUARY 1, 2010
SUBJECT: UNBIASED POLICING		
APPROVED: MAY 1, 2020	ACCREDITATION STANDARDS:	REVIEW DATE
BY THE ORDER OF:  Chief Anthony B. Henderson		MAY 1, 2021
RELATED POLICY #:		



## I. PURPOSE

The purpose of this policy is to reaffirm the Wylie Police Department's commitment to unbiased policing in all its encounters between officers and members of the public; to reinforce procedures ensuring public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of department policy and the law.

## II. POLICY

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race ethnicity or national origin. Officers are strictly prohibited from engaging in biased policing both in enforcement of the law and the delivery of police services, as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas Constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected.



This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

### III. DEFINITIONS

**Biased Policing:** Discrimination while performing law enforcement duties or delivery of police services, based on personal prejudices or partiality of officers toward classes of individuals or persons based on individual demographics.

**Fair and Impartial Treatment:** A belief and practice that all persons shall be treated in the same manner under the same or similar circumstances, despite race or other distinctions. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be made, when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.

**Individual Demographics:** Personal characteristics, to include, but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, cultural group, or political status.

**Race or ethnicity:** Is defined by Chapter 2 of the Texas Code of Criminal Procedures as, Alaskan native or American Indian, Asian or Pacific Islander, Black, White, and Hispanic or Latino.

**Police Services:** Actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These may include, but are not limited to, such tasks as traffic accidents, medical emergencies, and assistance at fire scenes; lifesaving services; preventive patrol; crime prevention; public information; traffic control; and similar activities.

**Motor vehicle stop:** means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

### IV. TRAINING

- A. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
- B. All officers shall complete TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.
- C. All employees will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to police ethics, cultural diversity, multiculturalism, human relations, police-citizen interaction, standards of conduct, implicit bias, and related topics suitable for preventing incidents of biased policing.

### V. COMPLAINT INVESTIGATION

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on individual demographics.
- B. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- C. Any person who receives an allegation of biased policing, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channels or direct the individual(s) on the process to do so. Any employee contacted shall provide to that person instructions on the complaint process and will report any allegation of biased policing to their superior before the end of shift.
- D. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable time period. The investigation shall be documented in writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable, findings and or suggestions for disciplinary action, retraining or changes in policy shall be filed with the Chief.
- E. If a biased policing complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- F. If there is a department video or audio recording of the events upon which a complaint of biased policing is based, upon commencement of an investigation by this department into the complaint and written request by the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.
- G. The Professional Standards office shall maintain data related specifically to complaints of biased policing. Information shall be provided to the Chief or to his or her designee, in a manner most suitable for administrative review, problem identification, and development of appropriate corrective actions.

## **VI. PUBLIC EDUCATION**

This department will inform the public of its policy against biased policing and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

## **VII. DATA COLLECTION AND REPORTING**

- A. An officer is required to collect information relating to motor vehicle stops in which a citation is issued or an arrest is made as a result of those stops. On the citation officers must include:
  - 1. The person's gender; and
  - 2. The race or ethnicity of the individual detained; as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
  - 3. The initial reason for the stop;



4. Whether a search was conducted as a result of the stop;
  5. If a search was conducted, whether the person detained consented to the search;
  6. The reason for the search, including any probable cause or reasonable suspicion that existed to perform the search;
  7. Whether contraband or other evidence was found in plain view;
  8. Whether the search was a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
  9. If an arrest occurred, was the arrest based on a violation of the Penal Code, traffic law, ordinance, or outstanding warrant;
  10. Whether the person contacted is a resident or non-resident of the City of Wylie;
  11. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual; and,
  12. Whether the peace officer issued a verbal or written warning or a citation as a result of the stop.
- B. The information collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Wylie no later than March 1 of the following year. The report will include:
1. A breakdown of motor vehicle stops by race or ethnicity;
  2. Number of citations that resulted in a search;
  3. Number of searches that were consensual;
  4. Number of citations that resulted in custodial arrest for this cited violation or any other violation; and
  5. The number of biased policing complaints to the department.
- C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

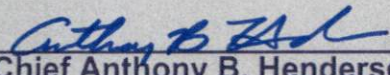
### **VIII. USE OF VIDEO AND AUDIO EQUIPMENT**

- A. All marked motor vehicles regularly used by this department to make motor vehicle stops shall be equipped with a video camera and transmitter-activated equipment.
- B. Each motor vehicle stop made by an officer of this department that is capable of being recorded by video and audio, or audio as appropriate, shall be recorded.
- C. This department shall retain the video and audio tapes, or digital video and audio recording of each motor vehicle stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in biased policing with respect to a motor vehicle stop, this department shall retain the video and audio tapes or digital video and audio recordings of the stop until final disposition of the complaint.
- D. Supervisors will ensure officers of this department are recording their motor vehicle stops. A recording of each officer will be reviewed at least once every ninety (90) days.

## Unbiased Policing - Page 5 of 5

1. If the equipment used to record audio and video of a motor vehicle stop is malfunctioning or otherwise not operable, officers will drive a vehicle with operable equipment. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized, under normal circumstances.
2. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate.



WYLIE POLICE DEPARTMENT POLICY		
NUMBER: 614	# OF PAGES: 5	EFFECTIVE DATE: JANUARY 1, 2010
SUBJECT: VIGILANCIA IMPARCIAL		
APPROVED: MAY 1, 2020	ACCREDITATION STANDARDS:	REVIEW DATE
BY THE ORDER OF:  Chief Anthony B. Henderson		MAY 1, 2021
RELATED POLICY #:		



## I. PROPÓSITO

El propósito de esta póliza es reafirmar el compromiso del Departamento de Policía de Wylie con una policía imparcial en todos sus encuentros entre oficiales y miembros del público; reforzar los procedimientos que garantizan la confianza pública y la confianza mutua mediante la prestación de servicios de manera justa y equitativa; y para proteger a nuestros oficiales de acusaciones injustificadas de mala conducta cuando actúan dentro de los dictados de la política del departamento y la ley.

## II. PÓLIZA

La póliza de este departamento es vigilar de manera proactiva y investigar agresivamente las presuntas violaciones de la ley. Los oficiales deben hacer cumplir activamente las leyes estatales y federales de manera responsable y profesional, sin tener en cuenta la raza, el origen étnico o el origen nacional. Se prohíbe estrictamente que los oficiales realicen actividades policiales sesgadas tanto en la aplicación de la ley como en la prestación de servicios policiales, tal como se define en esta póliza. Esta póliza se aplicará a todas las personas, ya sean conductores, pasajeros o peatones.

Los oficiales se comportarán de manera digna y respetuosa en todo momento cuando traten con el público. Dos de los derechos fundamentales garantizados tanto por las Constituciones de los Estados Unidos como por las de Texas son la igualdad de protección ante la ley y la ausencia de registros y incautaciones irrazonables por parte de agentes del gobierno. Se debe respetar el derecho de todas las personas a ser tratadas por igual ya estar libres de registros y incautaciones irrazonables.



Esta póliza no debe impedir que los agentes ofrezcan asistencia, como al observar una sustancia que se escapa de un vehículo, una llanta desinflada o alguien que parece estar enfermo, perdido o confundido. Esta póliza tampoco prohíbe detener a alguien sospechoso de un delito en base a las acciones observadas y / o la información recibida sobre la persona.

### III. DEFINICIONES

***Vigilancia Parcial:*** Discriminación al desempeñar funciones de cumplimiento de la ley o prestación de servicios policiales, en función de los prejuicios personales o la parcialidad de los funcionarios con respecto a las clases de individuos o personas basadas en datos demográficos individuales.

***Tratamiento Justo e Imparcial:*** Una creencia y práctica de que todas las personas deben ser tratadas de la misma manera en circunstancias iguales o similares, a pesar de la raza u otras distinciones. Esto no significa que todas las personas en circunstancias iguales o similares puedan o deban ser tratadas de manera idéntica. Se pueden hacer concesiones y ajustes razonables, cuando se trata de personas con discapacidades físicas o mentales, lesiones, enfermedades o afecciones similares, o cuando la información sobre ellos requiere un tratamiento diferente.

***Datos Demográficos Individuales:*** Características personales, que incluyen, entre otras, raza, origen étnico, origen nacional, género, identidad de género, orientación sexual, religión, estatus socioeconómico, edad, discapacidad, grupo cultural o estatus político.

***Raza o etnicidad:*** El Capítulo 2 del Código de Procedimientos Penales de Texas lo define como nativo de Alaska o indio americano, asiático o de las islas del Pacífico, negro, blanco e hispano o latino.

***Servicios Policiales:*** Acciones y actividades que pueden no incluir directamente la aplicación de la ley pero que contribuyen al bienestar general y la seguridad del público. Estos pueden incluir, entre otros, tareas como accidentes de tráfico, emergencias médicas y asistencia en escenas de incendio; servicios de salvamento; patrulla preventiva prevención del crimen; información pública; control de tráfico; y actividades similares.

***Parada de Vehículo:*** Significa una ocasión en la que un oficial detiene un vehículo motorizado por una presunta violación de una ley u ordenanza.

### IV. ENTRENAMIENTO

- A. Los oficiales son responsables de cumplir con toda la capacitación de la Comisión de Cumplimiento de la Ley de Texas (TCOLE) y los requisitos del Instituto de Administración de Cumplimiento de la Ley de Texas (LEMIT) según lo estipulado por la ley.
- B. Todos los oficiales deberán completar el programa de capacitación y educación TCOLE sobre perfiles raciales a más tardar en el segundo aniversario de la fecha en que el oficial tiene licencia según el Capítulo 1701 del Código de Ocupaciones de Texas o la fecha en que el oficial solicita un certificado de aptitud intermedia, cualquiera que sea la fecha más temprano.
- C. Todos los empleados recibirán capacitación básica y periódica en el servicio y, cuando se considere necesario, capacitación correctiva sobre temas relacionados

con la ética policial, la diversidad cultural, el multiculturalismo, las relaciones humanas, la interacción entre la policía y los ciudadanos, las normas de conducta, los prejuicios implícitos, y temas relacionados adecuados para prevenir incidentes de vigilancia parcial.

## **V. INVESTIGACIÓN DE RECLAMACIONES**

- A. El departamento aceptará las quejas de cualquier persona que crea que se ha detenido o registrado en función de datos demográficos individuales.
- B. Ninguna persona debe ser desalentada, intimidada o obligada a presentar una queja, ni tampoco debe ser discriminada porque haya presentado dicha queja.
- C. Cualquier persona que reciba una acusación de policía parcial, incluido el oficial que inició la parada, registrará el nombre, la dirección y el número de teléfono de la persona, y enviará la queja a través de los canales apropiados o indicará a la (s) persona (s) persona (s) sobre el proceso. Cualquier empleado contactado proporcionará a esa persona instrucciones sobre el proceso de quejas y reportará cualquier alegación de policía parcial a su superior antes del final del turno.
- D. La investigación de una queja se llevará a cabo de manera exhaustiva y oportuna. Todas las quejas serán reconocidas por escrito al iniciador, quien recibirá la disposición con respecto a dicha queja dentro de un período de tiempo razonable. La investigación se documentará por escrito y los comentarios o conclusiones de cualquier revisor se archivarán con el Jefe. Cuando corresponda, los hallazgos y / o sugerencias para acción disciplinaria, reentrenamiento o cambios en la póliza deberán presentarse ante el Jefe.
- E. Si una queja policial parcial es sostenida contra un oficial, resultará en una acción correctiva y / o disciplinaria apropiada, hasta y incluyendo la terminación.
- F. Si hay un video o audio del departamento que graba los eventos en los que se basa una queja de vigilancia parcial, al inicio de una investigación por parte de este departamento de la queja y una solicitud por escrito del oficial que fue el tema de la queja, este departamento deberá proporcionar de inmediato una copia de la grabación a ese oficial.
- G. La oficina de Estándares Profesionales mantendrá datos relacionados específicamente con quejas de vigilancia parcial. La información se proporcionará al Jefe o a su designado, de la manera más adecuada para la revisión administrativa, la identificación del problema y el desarrollo de las acciones correctivas apropiadas.

## **VI. EDUCACION PÚBLICA**

Este departamento informará al público de su política contra la policía sesgada y el proceso de quejas. Los métodos que se pueden utilizar para informar al público son los medios de comunicación, la radio, el servicio o las presentaciones cívicas, Internet y las reuniones de la junta directiva. Además, la información estará disponible según corresponda en otros idiomas además del Inglés.

## **VII. RECOPIACIÓN DE DATOS Y INFORMES**



- A. Se requiere que un oficial recopile información relacionada con las paradas de vehículos motorizados en las que se emite una citación o se realice un arresto como resultado de esas paradas. En la citación los oficiales deben incluir:
1. El género de la persona; y
  2. La raza y origen étnico de la persona detenida; según lo indicado por la persona o, si la persona no indica la raza o el origen étnico de la persona, según lo determine el oficial de la mejor manera posible;
  3. ¿Se conocía la raza o el origen étnico antes de la detención?
  4. La razón inicial de la parada;
  5. Ubicación aproximada de la parada;
  6. Si se realizó una búsqueda como resultado de la detención;
  7. El motivo de la búsqueda, incluida cualquier causa probable o sospecha razonable que existiera para realizar la búsqueda;
  8. Si se descubrió el contrabando;
  9. Descripción del contrabando;
  10. Resultado de la parada; y
  11. Si ocurrió un arresto, fue el arresto basado en una violación del Código Penal, la ley de tránsito, una ordenanza o una orden pendiente.
- B. La información recopilada se compilará en un informe anual que abarcará el período comprendido entre el 1 de enero y el 31 de diciembre de cada año y se presentará al órgano rector de la Ciudad de Wylie a más tardar el 1 de marzo del año siguiente. El informe incluirá toda la información requerida indicada en VII.A.1-11 de esta póliza.
- C. El informe anual no incluirá información de identificación sobre ninguna persona detenida o arrestada, y no incluirá información de identificación sobre ningún oficial de paz involucrado en una detención o arresto.

### **VIII. USO DE VIDEO Y EQUIPO DE AUDIO**

- A. Todos los vehículos motorizados marcados utilizados regularmente por este departamento para realizar paradas de vehículos motorizados deben estar equipados con una cámara de video y un equipo activado por el transmisor.
- B. Se debe registrar cada parada de vehículo motorizado realizada por un oficial de este departamento que pueda ser grabado por video y audio, o audio, según corresponda.
- C. Este departamento conservará las cintas de video y audio, o la grabación de video y audio digital de cada parada de vehículo motorizado por lo menos noventa (90) días después de la fecha de la parada. Si se presenta una queja ante este departamento alegando que uno de nuestros oficiales se ha involucrado en una actuación policial parcial con respecto a una parada de vehículo motorizado, este departamento conservará las cintas de video y audio o las grabaciones de audio y video digitales de la parada hasta la disposición final de la queja.
- D. Los supervisores se asegurarán de que los oficiales de este departamento estén registrando las paradas de sus vehículos motorizados. Se revisará una grabación de cada oficial al menos una vez cada noventa (90) días.



1. Si el equipo utilizado para grabar el audio y el video de una parada de un vehículo motorizado no funciona correctamente o no está operativo, los oficiales conducirán un vehículo con un equipo operable. En circunstancias normales, no se deben utilizar unidades de policía con equipo de cámara de video móvil que no funcione correctamente o que no funcione.
2. Los supervisores deberán tener la autoridad para asignar unidades con equipo de video móvil que no funcione correctamente o que no funcione cuando la situación lo dictan.

## Appendix C: Racial Profiling Laws and Corresponding Agency Policy

<b>Texas CCP Article</b>	<b>WYLIE POLICE DEPARTMENT Policy 614 Unbiased Policing</b>
2.132(b)1	Definitions Section
2.132(b)2	Policy Section
2.132(b)3	Complaint Investigation Section
2.132(b)4	Public Education Section
2.132(b)5	Complaint Investigation Section
2.132(b)6	Data Collection and Reporting Section
2.132(b)7	Data Collection and Reporting Section



# Wylie City Council

## AGENDA REPORT

Department: Engineering  
 Prepared By: Tim Porter

Account Code: \_\_\_\_\_

### Subject

Consider, and act upon, Ordinance No. 2022-26 of the City of Wylie, Texas, altering the prima facie speed limits established for vehicles under the provisions of Transportation Code, Section 545.356 upon East Farm to Market Highway No. 544 or parts thereof, within the incorporate limits of the City of Wylie, as set out in this ordinance; and providing a penalty of a fine not to exceed \$200.00 for the violation of this ordinance; providing for repealing, savings and severability clauses; providing for an effective date of this ordinance.

### Recommendation

Motion to approve Item as presented.

### Discussion

Responding to citizen concerns, staff reached out to our City Engineer consultant Birkhoff, Hendricks & Carter, LLC and their sub-consultant Lee Engineering to study the speed limit of East FM 544 from Stone Road to County Line Road. Based on results of the study in Exhibit "A", City staff recommends updating the maximum speed limit of the roadway to 45 miles per hour the full extent from Stone Road to County Line Road.

### Financial Summary/Strategic Goals

Infrastructure; Health, Safety and Well Being

## ORDINANCE NO. 2022-26

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON EAST FARM TO MARKET HIGHWAY NO. 544 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF WYLIE, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City of Wylie, Texas, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; and

**WHEREAS**, the City Council of the City of Wylie, Texas ("Wylie") finds it is necessary for the protection and safety for the citizens of Wylie to declare a reasonable and prudent speed for East Farm to Market Highway No. 544 proceeding from Stone Road to County Line Road as set forth in the study attached hereto as Exhibit "A" and incorporated for all purposes as if fully set forth herein.

**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: Establishment of Prima Facie Speed.** Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Transportation Code, Section 545.356, the prima facie speed limit of forty-five (45) miles per hour is hereby established for East Farm to Market Highway No. 544 proceeding from Stone Road to County Line Road as reflected in the study attached hereto as Exhibit "A" and incorporated for all purposes as if fully set forth herein.

**SECTION 3: Placement of Signs.** The City Manager or his/her designated representative is hereby authorized and directed to cause the placement or replacement of signs on East Farm to Market Highway No. 544 proceeding from Stone Road to County Line Road indicating the maximum speed allowed. The signs shall be placed at the most advantageous points to be conspicuous to approaching vehicular traffic. The sign shall be permanently affixed to a stationery post or installed on permanent buildings or walls or as approved by the City Manager or his/her designated representative. The sign shall in no way be obstructed from view, and shall comply with applicable state laws.

**SECTION 4: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being

commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

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

**SECTION 6: Penalty Provision.** Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00). Wylie retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 7: Effective Date.** This Ordinance shall be effective upon its passage and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS,**  
on this 8th day of March, 2022.

---

Matthew Porter, Mayor

**ATTESTED TO AND AS TO FORM:**

---

Stephanie Storm, City Secretary

Date of Publication: *March 16, 2022, in The Wylie News*

**EXHIBIT “A”**



ARIZONA  
TEXAS  
NEW MEXICO  
OKLAHOMA

February 19, 2022

Mr. Joe Carter, P.E., CFM  
Partner  
Birkhoff, Hendricks & Carter, L.L.P.  
11910 Greenville Ave, Suite 600  
Dallas, Texas 75243

Re: *SW Allen Boulevard Speed Zoning Study in Wylie, Texas*

Dear Mr. Carter:

Lee Engineering has conducted an analysis of vehicular speeds along SW Allen Boulevard within the City of Wylie. This letter report presents the results of our study.

SW Allen Boulevard is constructed as a four-lane divided concrete roadway between Stone Road and Alfred Drive. It is a two-lane undivided asphalt roadway south of Alfred Drive in the City of Wylie. SW Allen Boulevard is designated as a Secondary Thoroughfare (Type C) 100' R.O.W., 4-Lane roadway on the *City of Wylie 2018 Thoroughfare Plan*. The existing speed limit along SW Allen Boulevard is 45 miles per hour (mph) north of Twin Oaks Drive and 55 mph south of Twin Oaks Drive.

#### **24 HOUR AUTOMATED SPEED DATA**

Lee Engineering collected automated speed data using pneumatic tubes on Tuesday, December 14, 2021. Speed data was gathered over a 24 hour period and then filtered to eliminate vehicles traveling less than four seconds apart in order to better represent free flowing vehicles. The 24-hour speed data for SW Allen Boulevard at each speed data location is provided in the appendix.

The four second headway filtered automated speed data is summarized in Table 1.

**Table 1: 24 Hour Automated Speed Data Summary – SW Allen Boulevard**

Direction	Location	Total Vehicles	15 <sup>th</sup> Percentile	50 <sup>th</sup> Percentile	85 <sup>th</sup> Percentile
NB	South of Chestnut Hill Drive	648	37	43	48
SB		618	36	42	47
NB	South of Collins Boulevard	523	35	41	48
SB		511	33	42	49
NB	North of Alanis Drive	530	31	40	48
SB		559	32	41	49
NB	South of Elm Drive	587	34	43	49
SB		511	37	45	52
NB	North of Cold Stream Drive	495	36	42	47
SB		440	40	45	51

TxDOT's *Procedures for Establishing Speed Zones* indicate that the speed limit for a section of roadway should be set based upon the 85<sup>th</sup> percentile spot speed rounded to the nearest 5 mph increment. For instance, a speed limit established based on an 85<sup>th</sup> percentile speed of 39 would typically be 40 mph. Other factors such as the roadway geometric constraints, driveway density, pedestrian activity, development density and crash history can be used to establish a speed zone at a speed lower than the rounded 85<sup>th</sup> percentile value.

Based on the 85<sup>th</sup> percentile alone, 50 mph would be an appropriate speed limit at SW Allen Boulevard.

There are residential land uses along the study roadway and the driveway density is high. There are sidewalks along both sides of SW Allen Boulevard, from Stone Road to just north of Alfred Drive. There are no sidewalks along SW Allen Boulevard from Alfred Drive to County Line Road. Given these conditions, a lower speed limit should be considered.

## CRASH DATA

TxDOT's *Procedures for Establishing Speed Zones* allows consideration of lower speed limits for roadways with crash rates higher than the average statewide traffic crash rates for similar roadways.

Forty (40) reported crashes were identified as having occurred over the past three (3) years along the study roadway. Among these crashes there were:

- Seven (7) angle crashes;
- Sixteen (16) single vehicle crashes;
- Six (6) opposite direction – one straight, one left-turn crashes;
- Ten (10) rear end crashes; and
- One (1) same direction – both left turning crash.

There were twenty-four (24) non-injuries, ten (10) possible injuries, four (4) suspected minor injuries, one (1) unknown injury, and one (1) suspected serious injury among these crashes.

The crash rate was determined for the northern divided section of SW Allen Boulevard and the southern undivided section of SW Allen Boulevard and then compared to statewide average crash rates for similar roadways. The statewide average crash rate per 100 million vehicle miles (MVM) for a two-lane, two-way roadway in an urban area is 184.09 crashes. The statewide average crash rate per 100 MVM for a divided roadway with four or more lanes in an urban area is 140.68 crashes.



The calculated crash rate for the divided roadway segment is 197 crashes per 100 MVM. The calculated crash rate for the undivided roadway segment is 248 crashes per 100 MVM. Both of these are above the statewide average crash rate and supports the consideration to lower speed limits along the study section of SW Allen Boulevard. The estimated crash rates for SW Allen Boulevard and the TxDOT Statewide Traffic Crash Rates are provided in the appendix

The spot speed data collected indicates that the existing 85<sup>th</sup> percentile speeds along SW Allen Boulevard support a 50 mph speed limit at all data collection locations. However, the calculated crash rates along the study roadway supports the consideration for a 45 mph speed limit. An alternate approach for setting speed limits was developed by the Federal Highway Administration (FHWA). The FHWA USLIMITS2 website for speed limit recommendations recommends a 40 mph speed limit based on the calculated crash rates along the study roadway.

## RECOMMENDATION

Based on our review of collected speed data and available crash data, Lee Engineering recommends that the speed limit be set at 45 mph along SW Allen Boulevard from Stone Road to County Line Road.

If you have any questions about this letter, please feel free to call me at your convenience at 972.248.3006.

Sincerely,



Digitally signed by Joseph  
T Short  
Date: 2022.02.19 14:31:36  
-06'00'

Joseph T. Short, P.E., PTOE  
President  
Lee Engineering  
TBPE Firm F-450

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 N OF ALANIS DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 1

Latitude: 0' 0.0000 South

NB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	8	20	18	26	23	8	2	1	0	0	0	106	48	53
11:00	0	0	1	11	29	18	33	30	7	1	0	0	0	0	130	48	51
12 PM	0	0	2	6	32	22	39	20	11	0	0	0	0	0	132	47	51
13:00	0	0	2	14	33	29	42	32	9	0	1	0	0	0	162	47	51
Total	0	0	5	39	114	87	140	105	35	3	2	0	0	0	530		
Percent	0.0%	0.0%	0.9%	7.4%	21.5%	16.4%	26.4%	19.8%	6.6%	0.6%	0.4%	0.0%	0.0%	0.0%			
AM Peak			11:00	11:00	11:00	10:00	11:00	11:00	10:00	10:00	10:00				11:00		
Vol.			1	11	29	18	33	30	8	2	1				130		
PM Peak			12:00	13:00	13:00	13:00	13:00	13:00	12:00		13:00				13:00		
Vol.			2	14	33	29	42	32	11		1				162		
Total	0	0	5	39	114	87	140	105	35	3	2	0	0	0	530		
Percent	0.0%	0.0%	0.9%	7.4%	21.5%	16.4%	26.4%	19.8%	6.6%	0.6%	0.4%	0.0%	0.0%	0.0%			

15th Percentile : 31 MPH  
50th Percentile : 40 MPH  
85th Percentile : 48 MPH  
95th Percentile : 51 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 245  
Percent in Pace : 46.2%  
Number of Vehicles > 55 MPH : 5  
Percent of Vehicles > 55 MPH : 0.9%  
Mean Speed(Average) : 41 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 N OF ALANIS DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 2

Latitude: 0' 0.0000 South

SB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	8	31	27	32	31	15	3	0	0	0	0	147	49	53
11:00	0	0	0	7	29	22	19	35	9	4	1	0	0	0	126	49	54
12 PM	0	0	1	12	31	25	23	33	14	6	0	0	0	0	145	49	54
13:00	0	0	3	5	22	21	28	40	18	4	0	0	0	0	141	50	54
Total	0	0	4	32	113	95	102	139	56	17	1	0	0	0	559		
Percent	0.0%	0.0%	0.7%	5.7%	20.2%	17.0%	18.2%	24.9%	10.0%	3.0%	0.2%	0.0%	0.0%	0.0%			
AM Peak				10:00	10:00	10:00	10:00	11:00	10:00	11:00	11:00				10:00		
Vol.				8	31	27	32	35	15	4	1				147		
PM Peak			13:00	12:00	12:00	12:00	13:00	13:00	13:00	12:00					12:00		
Vol.			3	12	31	25	28	40	18	6					145		
Total	0	0	4	32	113	95	102	139	56	17	1	0	0	0	559		
Percent	0.0%	0.0%	0.7%	5.7%	20.2%	17.0%	18.2%	24.9%	10.0%	3.0%	0.2%	0.0%	0.0%	0.0%			

15th Percentile : 32 MPH  
50th Percentile : 41 MPH  
85th Percentile : 49 MPH  
95th Percentile : 54 MPH

Stats      10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 241  
Percent in Pace : 43.1%  
Number of Vehicles > 55 MPH : 18  
Percent of Vehicles > 55 MPH : 3.2%  
Mean Speed(Average) : 42 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 N OF ALANIS DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 3

Latitude: 0' 0.0000 South

NB, SB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	16	51	45	58	54	23	5	1	0	0	0	253	49	53
11:00	0	0	1	18	58	40	52	65	16	5	1	0	0	0	256	48	52
12 PM	0	0	3	18	63	47	62	53	25	6	0	0	0	0	277	49	53
13:00	0	0	5	19	55	50	70	72	27	4	1	0	0	0	303	49	53
Total	0	0	9	71	227	182	242	244	91	20	3	0	0	0	1089		
Percent	0.0%	0.0%	0.8%	6.5%	20.8%	16.7%	22.2%	22.4%	8.4%	1.8%	0.3%	0.0%	0.0%	0.0%			
AM Peak			11:00	11:00	11:00	10:00	10:00	11:00	10:00	10:00	10:00				11:00		
Vol.			1	18	58	45	58	65	23	5	1				256		
PM Peak			13:00	13:00	12:00	13:00	13:00	13:00	13:00	12:00	13:00				13:00		
Vol.			5	19	63	50	70	72	27	6	1				303		
Total	0	0	9	71	227	182	242	244	91	20	3	0	0	0	1089		
Percent	0.0%	0.0%	0.8%	6.5%	20.8%	16.7%	22.2%	22.4%	8.4%	1.8%	0.3%	0.0%	0.0%	0.0%			

15th Percentile : 31 MPH  
50th Percentile : 41 MPH  
85th Percentile : 48 MPH  
95th Percentile : 53 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 486  
Percent in Pace : 44.6%  
Number of Vehicles > 55 MPH : 23  
Percent of Vehicles > 55 MPH : 2.1%  
Mean Speed(Average) : 41 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 N OF COLD STREAM DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 1

Latitude: 0' 0.0000 South

NB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	1	0	2	1	8	30	41	25	4	1	0	0	0	0	113	47	49
11:00	0	0	0	4	6	25	37	28	2	1	0	0	0	0	103	47	49
12 PM	0	0	0	2	7	23	60	33	5	1	0	1	0	0	132	48	50
13:00	0	0	0	3	13	32	50	41	5	3	0	0	0	0	147	48	50
Total	1	0	2	10	34	110	188	127	16	6	0	1	0	0	495		
Percent	0.2%	0.0%	0.4%	2.0%	6.9%	22.2%	38.0%	25.7%	3.2%	1.2%	0.0%	0.2%	0.0%	0.0%			
AM Peak	10:00		10:00	11:00	10:00	10:00	10:00	11:00	10:00	10:00					10:00		
Vol.	1		2	4	8	30	41	28	4	1					113		
PM Peak				13:00	13:00	13:00	12:00	13:00	12:00	13:00		12:00			13:00		
Vol.				3	13	32	60	41	5	3		1			147		
Total	1	0	2	10	34	110	188	127	16	6	0	1	0	0	495		
Percent	0.2%	0.0%	0.4%	2.0%	6.9%	22.2%	38.0%	25.7%	3.2%	1.2%	0.0%	0.2%	0.0%	0.0%			

15th Percentile : 36 MPH  
50th Percentile : 42 MPH  
85th Percentile : 47 MPH  
95th Percentile : 49 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 315  
Percent in Pace : 63.6%  
Number of Vehicles > 55 MPH : 7  
Percent of Vehicles > 55 MPH : 1.4%  
Mean Speed(Average) : 43 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 N OF COLD STREAM DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 2

Latitude: 0' 0.0000 South

SB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	1	2	11	36	32	21	2	0	0	0	0	105	51	54
11:00	0	0	0	0	4	17	28	39	10	3	1	0	0	0	102	49	54
12 PM	0	1	0	0	3	15	36	32	23	5	0	0	0	0	115	52	54
13:00	0	0	0	1	0	8	39	51	18	1	0	0	0	0	118	50	53
Total	0	1	0	2	9	51	139	154	72	11	1	0	0	0	440		
Percent	0.0%	0.2%	0.0%	0.5%	2.0%	11.6%	31.6%	35.0%	16.4%	2.5%	0.2%	0.0%	0.0%	0.0%			
AM Peak				10:00	11:00	11:00	10:00	11:00	10:00	11:00	11:00				10:00		
Vol.				1	4	17	36	39	21	3	1				105		
PM Peak		12:00		13:00	12:00	12:00	13:00	13:00	12:00	12:00					13:00		
Vol.		1		1	3	15	39	51	23	5					118		
Total	0	1	0	2	9	51	139	154	72	11	1	0	0	0	440		
Percent	0.0%	0.2%	0.0%	0.5%	2.0%	11.6%	31.6%	35.0%	16.4%	2.5%	0.2%	0.0%	0.0%	0.0%			

15th Percentile : 40 MPH  
50th Percentile : 45 MPH  
85th Percentile : 51 MPH  
95th Percentile : 54 MPH

Stats      10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 293  
Percent in Pace : 66.6%  
Number of Vehicles > 55 MPH : 12  
Percent of Vehicles > 55 MPH : 2.7%  
Mean Speed(Average) : 46 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 N OF COLD STREAM DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

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Latitude: 0' 0.0000 South

NB, SB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	1	0	2	2	10	41	77	57	25	3	0	0	0	0	218	49	53
11:00	0	0	0	4	10	42	65	67	12	4	1	0	0	0	205	48	52
12 PM	0	1	0	2	10	38	96	65	28	6	0	1	0	0	247	49	54
13:00	0	0	0	4	13	40	89	92	23	4	0	0	0	0	265	49	52
Total	1	1	2	12	43	161	327	281	88	17	1	1	0	0	935		
Percent	0.1%	0.1%	0.2%	1.3%	4.6%	17.2%	35.0%	30.1%	9.4%	1.8%	0.1%	0.1%	0.0%	0.0%			
AM Peak	10:00		10:00	11:00	10:00	11:00	10:00	11:00	10:00	11:00	11:00				10:00		
Vol.	1		2	4	10	42	77	67	25	4	1				218		
PM Peak		12:00		13:00	13:00	13:00	12:00	13:00	12:00	12:00		12:00			13:00		
Vol.		1		4	13	40	96	92	28	6		1			265		
Total	1	1	2	12	43	161	327	281	88	17	1	1	0	0	935		
Percent	0.1%	0.1%	0.2%	1.3%	4.6%	17.2%	35.0%	30.1%	9.4%	1.8%	0.1%	0.1%	0.0%	0.0%			

15th Percentile : 37 MPH  
50th Percentile : 43 MPH  
85th Percentile : 49 MPH  
95th Percentile : 53 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 608  
Percent in Pace : 65.0%  
Number of Vehicles > 55 MPH : 19  
Percent of Vehicles > 55 MPH : 2.0%  
Mean Speed(Average) : 44 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF CHESTNUT HILL DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 1

Latitude: 0' 0.0000 South

NB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	0	2	19	51	54	7	1	0	0	0	0	134	48	50
11:00	0	0	1	5	7	31	72	34	17	1	0	0	0	0	168	48	52
12 PM	0	1	0	1	7	29	74	40	10	1	0	0	0	0	163	48	51
13:00	0	0	0	2	7	28	71	59	9	6	0	0	1	0	183	49	53
Total	0	1	1	8	23	107	268	187	43	9	0	0	1	0	648		
Percent	0.0%	0.2%	0.2%	1.2%	3.5%	16.5%	41.4%	28.9%	6.6%	1.4%	0.0%	0.0%	0.2%	0.0%			
AM Peak			11:00	11:00	11:00	11:00	11:00	10:00	11:00	10:00					11:00		
Vol.			1	5	7	31	72	54	17	1					168		
PM Peak		12:00		13:00	12:00	12:00	12:00	13:00	12:00	13:00			13:00		13:00		
Vol.		1		2	7	29	74	59	10	6			1		183		
Total	0	1	1	8	23	107	268	187	43	9	0	0	1	0	648		
Percent	0.0%	0.2%	0.2%	1.2%	3.5%	16.5%	41.4%	28.9%	6.6%	1.4%	0.0%	0.0%	0.2%	0.0%			

15th Percentile : 37 MPH  
50th Percentile : 43 MPH  
85th Percentile : 48 MPH  
95th Percentile : 52 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 455  
Percent in Pace : 70.2%  
Number of Vehicles > 55 MPH : 10  
Percent of Vehicles > 55 MPH : 1.5%  
Mean Speed(Average) : 44 MPH



## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF CHESTNUT HILL DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 2

Latitude: 0' 0.0000 South

SB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	3	9	52	48	24	2	1	0	0	0	0	139	46	49
11:00	1	0	1	4	6	42	54	26	5	1	0	0	0	0	140	47	49
12 PM	0	0	0	3	11	35	68	35	8	1	0	0	0	0	161	47	50
13:00	0	0	0	2	4	31	83	44	11	3	0	0	0	0	178	48	52
Total	1	0	1	12	30	160	253	129	26	6	0	0	0	0	618		
Percent	0.2%	0.0%	0.2%	1.9%	4.9%	25.9%	40.9%	20.9%	4.2%	1.0%	0.0%	0.0%	0.0%	0.0%			
AM Peak	11:00		11:00	11:00	10:00	10:00	11:00	11:00	11:00	10:00					11:00		
Vol.	1		1	4	9	52	54	26	5	1					140		
PM Peak				12:00	12:00	12:00	13:00	13:00	13:00	13:00					13:00		
Vol.				3	11	35	83	44	11	3					178		
Total	1	0	1	12	30	160	253	129	26	6	0	0	0	0	618		
Percent	0.2%	0.0%	0.2%	1.9%	4.9%	25.9%	40.9%	20.9%	4.2%	1.0%	0.0%	0.0%	0.0%	0.0%			

15th Percentile : 36 MPH  
50th Percentile : 42 MPH  
85th Percentile : 47 MPH  
95th Percentile : 50 MPH

Stats      10 MPH Pace Speed : 36-45 MPH  
Number in Pace : 413  
Percent in Pace : 66.8%  
Number of Vehicles > 55 MPH : 6  
Percent of Vehicles > 55 MPH : 1.0%  
Mean Speed(Average) : 42 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF CHESTNUT HILL DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 3

Latitude: 0' 0.0000 South

NB, SB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	3	11	71	99	78	9	2	0	0	0	0	273	48	49
11:00	1	0	2	9	13	73	126	60	22	2	0	0	0	0	308	48	51
12 PM	0	1	0	4	18	64	142	75	18	2	0	0	0	0	324	48	51
13:00	0	0	0	4	11	59	154	103	20	9	0	0	1	0	361	48	52
Total	1	1	2	20	53	267	521	316	69	15	0	0	1	0	1266		
Percent	0.1%	0.1%	0.2%	1.6%	4.2%	21.1%	41.2%	25.0%	5.5%	1.2%	0.0%	0.0%	0.1%	0.0%			
AM Peak	11:00		11:00	11:00	11:00	11:00	11:00	10:00	11:00	10:00					11:00		
Vol.	1		2	9	13	73	126	78	22	2					308		
PM Peak		12:00		12:00	12:00	12:00	13:00	13:00	13:00	13:00			13:00		13:00		
Vol.		1		4	18	64	154	103	20	9			1		361		
Total	1	1	2	20	53	267	521	316	69	15	0	0	1	0	1266		
Percent	0.1%	0.1%	0.2%	1.6%	4.2%	21.1%	41.2%	25.0%	5.5%	1.2%	0.0%	0.0%	0.1%	0.0%			

15th Percentile : 37 MPH  
50th Percentile : 42 MPH  
85th Percentile : 48 MPH  
95th Percentile : 51 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 837  
Percent in Pace : 66.1%  
Number of Vehicles > 55 MPH : 16  
Percent of Vehicles > 55 MPH : 1.3%  
Mean Speed(Average) : 43 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF COLLINS BLVD - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 1

Latitude: 0' 0.0000 South

NB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	0	12	18	41	18	6	0	0	0	0	0	95	47	51
11:00	0	0	1	5	13	36	51	25	8	0	0	0	0	0	139	47	50
12 PM	0	0	0	5	13	30	50	27	10	0	0	0	0	0	135	48	51
13:00	0	1	0	1	16	33	56	34	12	1	0	0	0	0	154	48	52
Total	0	1	1	11	54	117	198	104	36	1	0	0	0	0	523		
Percent	0.0%	0.2%	0.2%	2.1%	10.3%	22.4%	37.9%	19.9%	6.9%	0.2%	0.0%	0.0%	0.0%	0.0%			
AM Peak			11:00	11:00	11:00	11:00	11:00	11:00	11:00						11:00		
Vol.			1	5	13	36	51	25	8						139		
PM Peak		13:00		12:00	13:00	13:00	13:00	13:00	13:00	13:00					13:00		
Vol.		1		5	16	33	56	34	12	1					154		
Total	0	1	1	11	54	117	198	104	36	1	0	0	0	0	523		
Percent	0.0%	0.2%	0.2%	2.1%	10.3%	22.4%	37.9%	19.9%	6.9%	0.2%	0.0%	0.0%	0.0%	0.0%			

15th Percentile : 35 MPH  
50th Percentile : 41 MPH  
85th Percentile : 48 MPH  
95th Percentile : 51 MPH

Stats  
10 MPH Pace Speed : 36-45 MPH  
Number in Pace : 315  
Percent in Pace : 60.2%  
Number of Vehicles > 55 MPH : 1  
Percent of Vehicles > 55 MPH : 0.2%  
Mean Speed(Average) : 42 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF COLLINS BLVD - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 2

Latitude: 0' 0.0000 South

SB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	4	23	28	34	25	15	2	0	0	0	0	131	49	53
11:00	1	0	0	6	20	20	30	31	4	5	0	0	0	0	117	48	53
12 PM	0	0	1	0	22	22	39	35	11	2	0	0	0	0	132	49	52
13:00	0	0	1	2	13	22	31	43	12	6	1	0	0	0	131	49	55
Total	1	0	2	12	78	92	134	134	42	15	1	0	0	0	511		
Percent	0.2%	0.0%	0.4%	2.3%	15.3%	18.0%	26.2%	26.2%	8.2%	2.9%	0.2%	0.0%	0.0%	0.0%			
AM Peak	11:00			11:00	10:00	10:00	10:00	10:00	10:00	11:00					10:00		
Vol.	1			6	23	28	34	31	15	5					131		
PM Peak			12:00	13:00	12:00	12:00	12:00	13:00	13:00	13:00	13:00				12:00		
Vol.			1	2	22	22	39	43	12	6	1				132		
Total	1	0	2	12	78	92	134	134	42	15	1	0	0	0	511		
Percent	0.2%	0.0%	0.4%	2.3%	15.3%	18.0%	26.2%	26.2%	8.2%	2.9%	0.2%	0.0%	0.0%	0.0%			

15th Percentile : 33 MPH  
50th Percentile : 42 MPH  
85th Percentile : 49 MPH  
95th Percentile : 53 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 268  
Percent in Pace : 52.4%  
Number of Vehicles > 55 MPH : 16  
Percent of Vehicles > 55 MPH : 3.1%  
Mean Speed(Average) : 43 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF COLLINS BLVD - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 3

Latitude: 0' 0.0000 South

NB, SB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	4	35	46	75	43	21	2	0	0	0	0	226	48	52
11:00	1	0	1	11	33	56	81	56	12	5	0	0	0	0	256	48	51
12 PM	0	0	1	5	35	52	89	62	21	2	0	0	0	0	267	48	52
13:00	0	1	1	3	29	55	87	77	24	7	1	0	0	0	285	49	53
Total	1	1	3	23	132	209	332	238	78	16	1	0	0	0	1034		
Percent	0.1%	0.1%	0.3%	2.2%	12.8%	20.2%	32.1%	23.0%	7.5%	1.5%	0.1%	0.0%	0.0%	0.0%			
AM Peak	11:00		11:00	11:00	10:00	11:00	11:00	11:00	10:00	11:00					11:00		
Vol.	1		1	11	35	56	81	56	21	5					256		
PM Peak		13:00	12:00	12:00	12:00	13:00	12:00	13:00	13:00	13:00	13:00				13:00		
Vol.		1	1	5	35	55	89	77	24	7	1				285		
Total	1	1	3	23	132	209	332	238	78	16	1	0	0	0	1034		
Percent	0.1%	0.1%	0.3%	2.2%	12.8%	20.2%	32.1%	23.0%	7.5%	1.5%	0.1%	0.0%	0.0%	0.0%			

15th Percentile : 34 MPH  
50th Percentile : 42 MPH  
85th Percentile : 48 MPH  
95th Percentile : 52 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 570  
Percent in Pace : 55.1%  
Number of Vehicles > 55 MPH : 17  
Percent of Vehicles > 55 MPH : 1.6%  
Mean Speed(Average) : 42 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF ELM DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 1

Latitude: 0' 0.0000 South

NB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	7	15	21	38	32	16	2	0	0	0	0	131	49	53
11:00	0	0	0	6	12	24	39	44	10	3	0	0	0	0	138	49	53
12 PM	0	0	0	4	16	22	35	47	15	6	1	0	0	0	146	50	54
13:00	0	0	0	8	27	26	49	39	18	3	1	1	0	0	172	49	54
Total	0	0	0	25	70	93	161	162	59	14	2	1	0	0	587		
Percent	0.0%	0.0%	0.0%	4.3%	11.9%	15.8%	27.4%	27.6%	10.1%	2.4%	0.3%	0.2%	0.0%	0.0%			
AM Peak				10:00	10:00	11:00	11:00	11:00	10:00	11:00					11:00		
Vol.				7	15	24	39	44	16	3					138		
PM Peak				13:00	13:00	13:00	13:00	12:00	13:00	12:00	12:00	13:00			13:00		
Vol.				8	27	26	49	47	18	6	1	1			172		
Total	0	0	0	25	70	93	161	162	59	14	2	1	0	0	587		
Percent	0.0%	0.0%	0.0%	4.3%	11.9%	15.8%	27.4%	27.6%	10.1%	2.4%	0.3%	0.2%	0.0%	0.0%			

15th Percentile : 34 MPH  
50th Percentile : 43 MPH  
85th Percentile : 49 MPH  
95th Percentile : 53 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 323  
Percent in Pace : 55.0%  
Number of Vehicles > 55 MPH : 17  
Percent of Vehicles > 55 MPH : 2.9%  
Mean Speed(Average) : 43 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF ELM DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 2

Latitude: 0' 0.0000 South

SB

Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	3	8	15	33	39	23	3	1	0	0	0	125	51	54
11:00	0	0	0	0	8	15	34	36	18	5	1	0	0	0	117	51	55
12 PM	0	0	0	2	10	17	39	33	29	8	0	0	0	0	138	52	55
13:00	0	0	0	4	14	11	31	38	29	4	0	0	0	0	131	52	54
Total	0	0	0	9	40	58	137	146	99	20	2	0	0	0	511		
Percent	0.0%	0.0%	0.0%	1.8%	7.8%	11.4%	26.8%	28.6%	19.4%	3.9%	0.4%	0.0%	0.0%	0.0%			
AM Peak				10:00	10:00	10:00	11:00	10:00	10:00	11:00	10:00				10:00		
Vol.				3	8	15	34	39	23	5	1				125		
PM Peak				13:00	13:00	12:00	12:00	13:00	12:00	12:00					12:00		
Vol.				4	14	17	39	38	29	8					138		
Total	0	0	0	9	40	58	137	146	99	20	2	0	0	0	511		
Percent	0.0%	0.0%	0.0%	1.8%	7.8%	11.4%	26.8%	28.6%	19.4%	3.9%	0.4%	0.0%	0.0%	0.0%			

15th Percentile : 37 MPH  
50th Percentile : 45 MPH  
85th Percentile : 52 MPH  
95th Percentile : 54 MPH

Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 283  
Percent in Pace : 55.4%  
Number of Vehicles > 55 MPH : 22  
Percent of Vehicles > 55 MPH : 4.3%  
Mean Speed(Average) : 45 MPH

## GRAM Traffic North Texas, Inc.

1120 W Lovers Lane  
Arlington, TX 76013FM 544 S OF ELM DR - SPEED W 4 SEC FILTER  
Longitude: 0' 0.0000 East  
Station ID:

Page 3

Latitude: 0' 0.0000 South

NB, SB

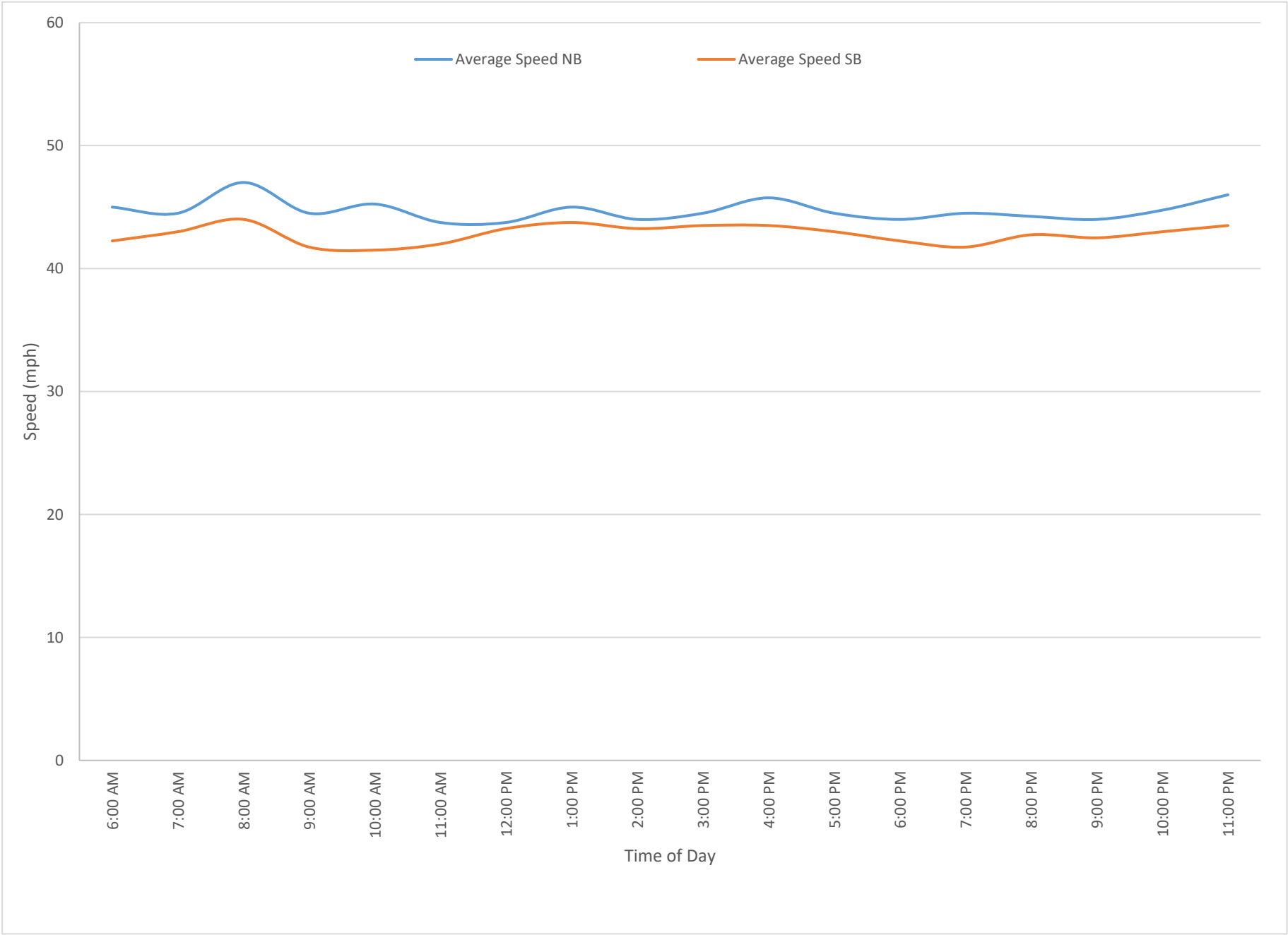
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
12/14/21	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	0	0	10	23	36	71	71	39	5	1	0	0	0	256	50	54
11:00	0	0	0	6	20	39	73	80	28	8	1	0	0	0	255	49	54
12 PM	0	0	0	6	26	39	74	80	44	14	1	0	0	0	284	51	55
13:00	0	0	0	12	41	37	80	77	47	7	1	1	0	0	303	51	54
Total	0	0	0	34	110	151	298	308	158	34	4	1	0	0	1098		
Percent	0.0%	0.0%	0.0%	3.1%	10.0%	13.8%	27.1%	28.1%	14.4%	3.1%	0.4%	0.1%	0.0%	0.0%			
AM Peak				10:00	10:00	11:00	11:00	11:00	10:00	11:00	10:00				10:00		
Vol.				10	23	39	73	80	39	8	1				256		
PM Peak				13:00	13:00	12:00	13:00	12:00	13:00	12:00	12:00	13:00			13:00		
Vol.				12	41	39	80	80	47	14	1	1			303		
Total	0	0	0	34	110	151	298	308	158	34	4	1	0	0	1098		
Percent	0.0%	0.0%	0.0%	3.1%	10.0%	13.8%	27.1%	28.1%	14.4%	3.1%	0.4%	0.1%	0.0%	0.0%			

15th Percentile : 35 MPH  
50th Percentile : 44 MPH  
85th Percentile : 51 MPH  
95th Percentile : 54 MPH

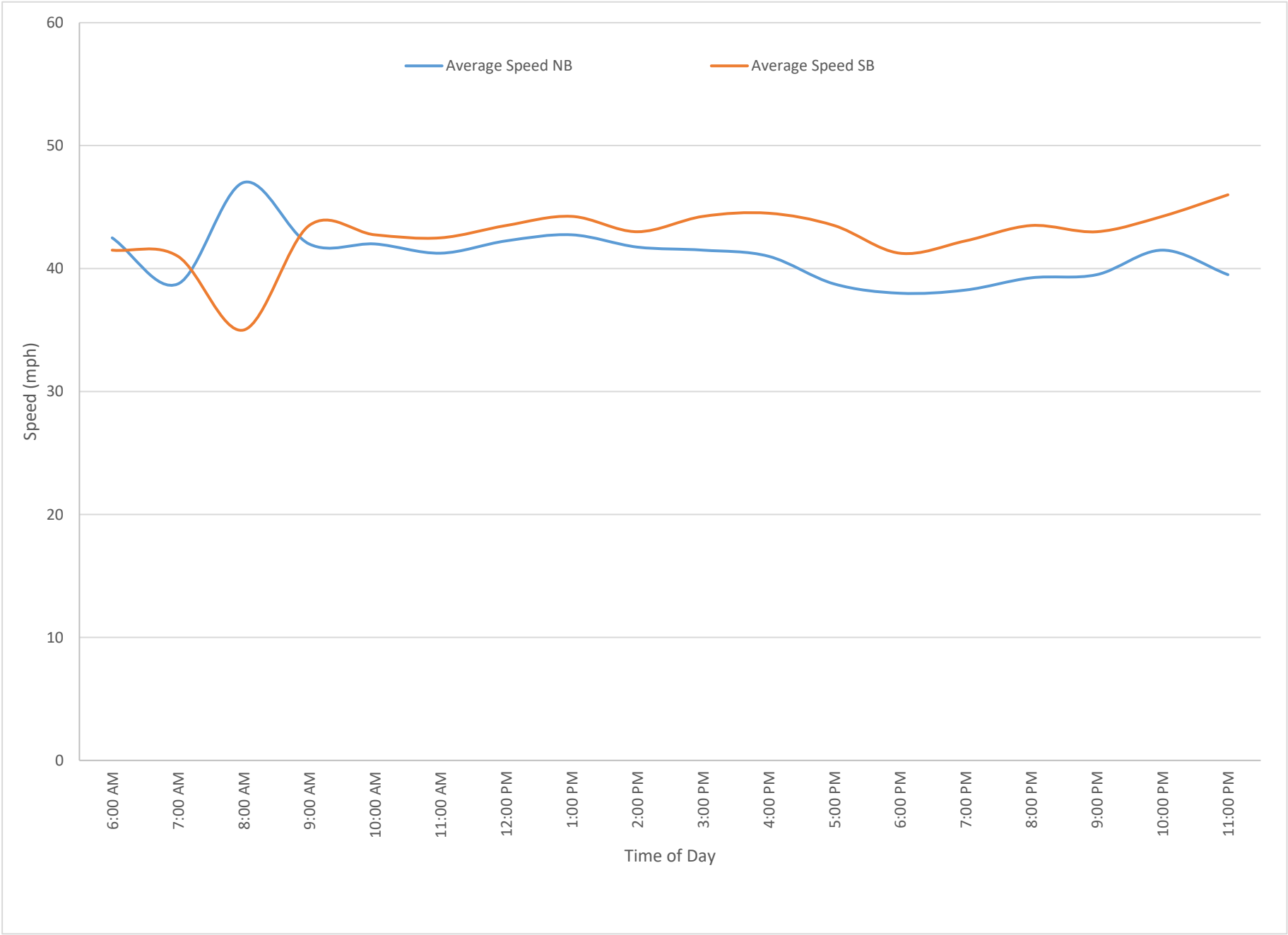
Stats  
10 MPH Pace Speed : 41-50 MPH  
Number in Pace : 606  
Percent in Pace : 55.2%  
Number of Vehicles > 55 MPH : 39  
Percent of Vehicles > 55 MPH : 3.6%  
Mean Speed(Average) : 44 MPH



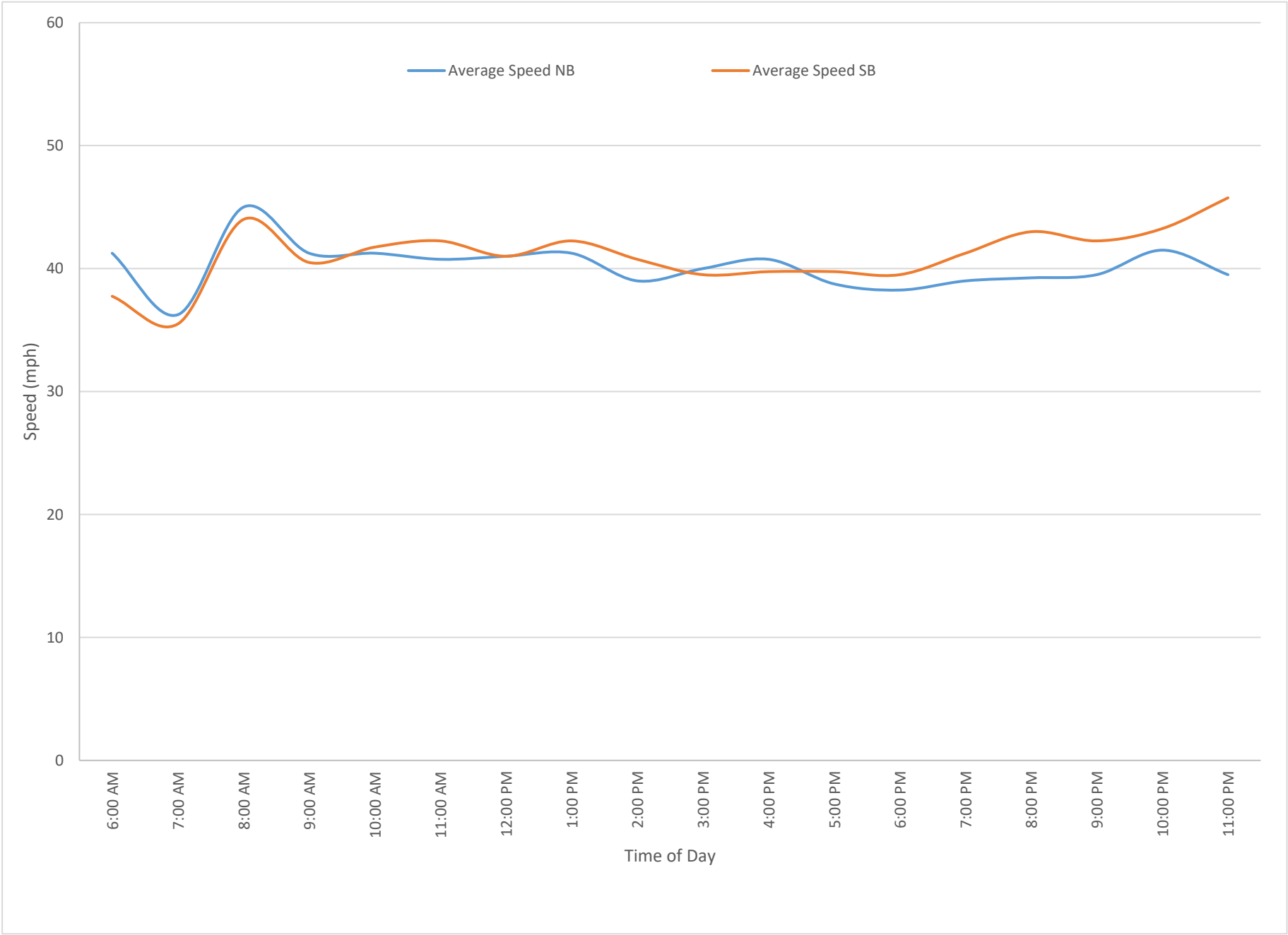
FM 544 South of Chestnut Hill Drive



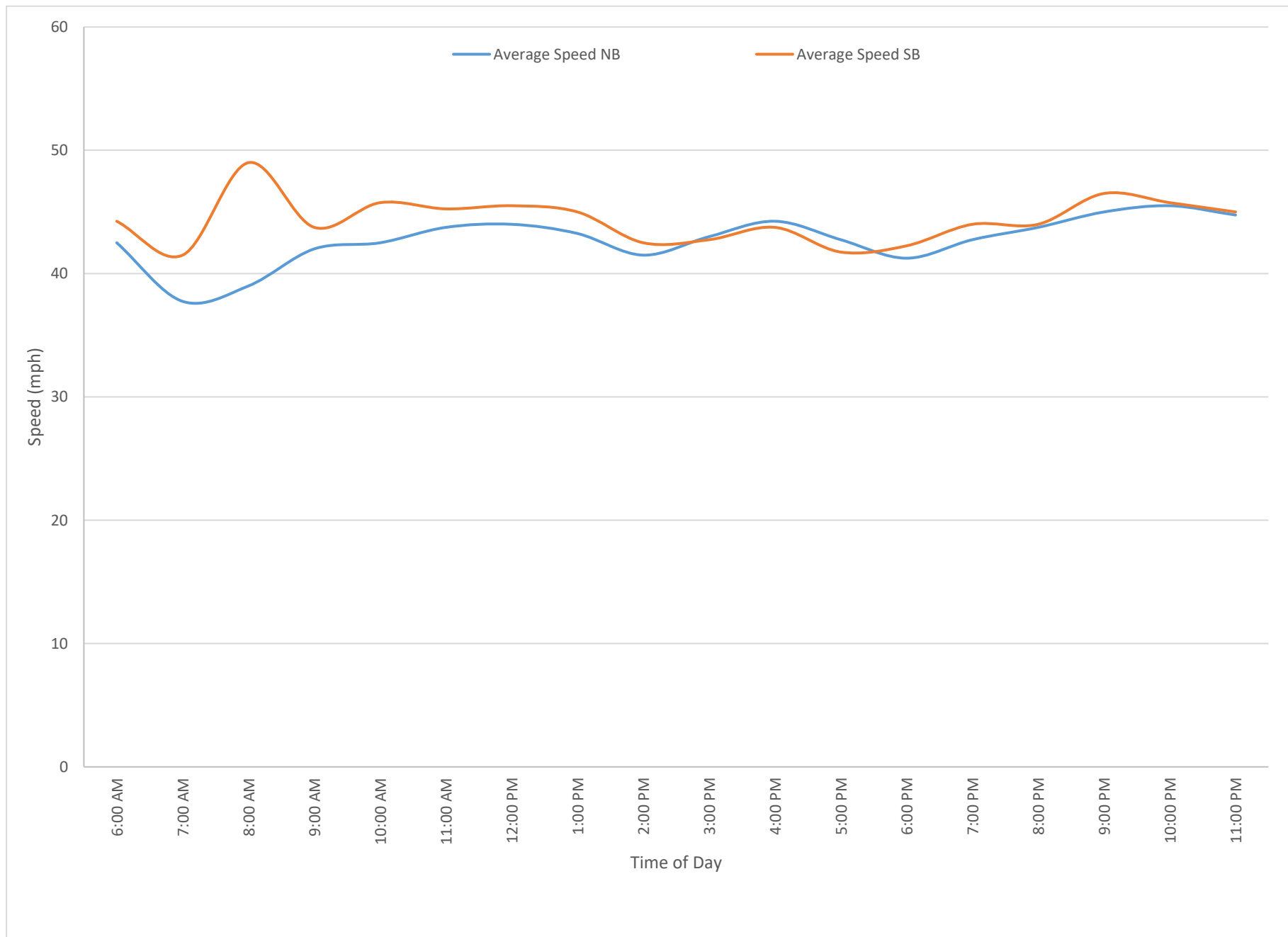
FM 544 South of Collins Boulevard



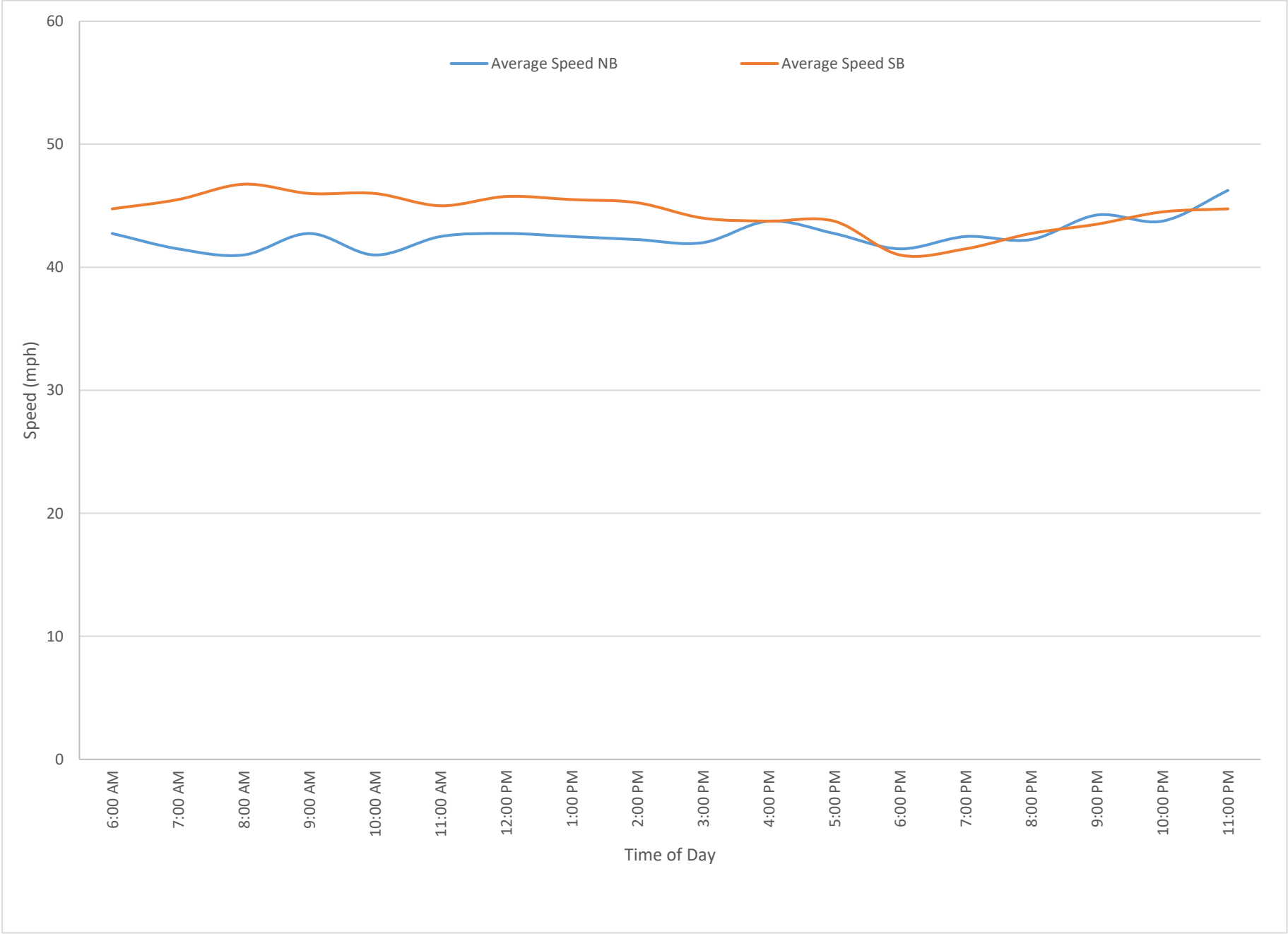
FM 544 North of Alanis Drive



# FM 544 South of Elm Drive



FM 544 North of Cold Stream Drive





## STATEWIDE TRAFFIC CRASH RATES

2020

### By Highway System

Highway System	Traffic Crashes per 100 million vehicle miles	
	Rural	Urban
Interstate	49.33	127.94
US Highway	61.91	169.27
State Highway	79.92	188.41
Farm-to-Market	112.67	213.86

### By Road Type

Road Type	Traffic Crashes per 100 million vehicle miles	
	Rural	Urban
2 lane, 2 way	90.42	184.09
4 or more lanes, divided	52.76	140.68
4 or more lanes, undivided	87.76	271.82

*Information contained in this report represents reportable data collected from Texas Peace Officer's Crash Reports (CR-3) received and processed by the Department as of April 13, 2021.*

# USLIMITS2 Speed Zoning Report

## Project Overview

**Project Name: SW Allen Blvd**

**Analyst:** LEE Engineering

**Date:** 2022-01-04

### Basic Project Information

Route Name: SW Allen Blvd

State: Texas

County: Collin County

City: Wylie city

Route Type: Road Section in Developed Area

Route Status: Existing

### Roadway Information

Section Length: 1.5 mile(s)

Statutory Speed Limit: 30 mph

Existing Speed Limit: 55 mph

Adverse Alignment: No

One-Way Street: No

Divided/Undivided: Undivided

Number of Through Lanes: 2

Area Type: Residential-Collector/Arterial

Number of Driveways: 25

Number of Signals: 0

### Crash Data Information

Crash Data Years: 3.00

Crash AADT: 8500 veh/day

Total Number of Crashes: 40

Total Number of Injury Crashes: 16

Section Crash Rate: 287 per 100 MVM

Section Injury Crash Rate: 115 per 100 MVM

Crash Rate Average for Similar Roads: 184

Injury Rate Average for Similar Roads: 76

### Traffic Information

85th Percentile Speed: 47 mph

50th Percentile Speed: 41 mph

AADT: 8500 veh/day

On Street Parking and Usage: Not High

Pedestrian / Bicyclist Activity: Not High

## Recommended Speed Limit:



**Note:** The final recommended speed limit is higher than the 30 mph statutory speed limit for this type of road. An engineering study such as the one carried out with USLIMITS is usually required to set a speed limit above the statutory limit.

**Note:** The section crash rate of 287 per 100 MVM is above the critical rate (247). The injury crash rate for the section of 115 per 100 MVM is more than 30 percent above the average for similar roads (76) but below the critical rate (118). A comprehensive crash study should be undertaken to identify engineering and traffic control deficiencies and appropriate corrective actions. The speed limit should only be reduced as a last measure after all other treatments have either been tried or ruled out.

**Disclaimer:** The U.S. Government assumes no liability for the use of the information contained in this report. This report does not constitute a standard, specification, or regulation.

## Equations Used in the Crash Data Calculations

### Exposure (M)

$$M = (\text{Section AADT} * 365 * \text{Section Length} * \text{Duration of Crash Data}) / (100000000)$$

$$M = (8500 * 365 * 1.5 * 3.00) / (100000000)$$

$$M = 0.1396$$

### Crash Rate (Rc)

$$Rc = (\text{Section Crash Average} * 100000000) / (\text{Section AADT} * 365 * \text{Section Length})$$

$$Rc = (13.33 * 100000000) / (8500 * 365 * 1.5)$$

$$Rc = 286.51 \text{ crashes per 100 MVM}$$

### Injury Rate (Ri)

$$Ri = (\text{Section Injury Crash Average} * 100000000) / (\text{Section AADT} * 365 * \text{Section Length})$$

$$Ri = (5.33 * 100000000) / (8500 * 365 * 1.5)$$

$$Ri = 114.60 \text{ injuries per 100 MVM}$$

### Critical Crash Rate (Cc)

$$Cc = \text{Crash Average of Similar Sections} + 1.645 * (\text{Crash Average of Similar Sections} / \text{Exposure}) ^ (1/2) + (1 /$$

(2 \* Exposure))

$$C_c = 184.09 + 1.645 * (184.09 / 0.1396)^{(1/2)} + (1 / (2 * 0.1396))$$

$C_c = 247.40$  crashes per 100 MVM

*Critical Injury Rate (Ic)*

$$I_c = \text{Injury Crash Average of Similar Sections} + 1.645 * (\text{Injury Crash Average of Similar Sections} / \text{Exposure})^{(1/2)} + (1 / (2 * \text{Exposure}))$$

$$I_c = 76.11 + 1.645 * (76.11 / 0.1396)^{(1/2)} + (1 / (2 * 0.1396))$$

$I_c = 118.10$  injuries per 100 MVM



# USLIMITS2 Speed Zoning Report

## Project Overview

**Project Name: SW Allen Blvd**

**Analyst:** LEE Engineering

**Date:** 2022-01-04

### Basic Project Information

Route Name: SW Allen Blvd  
 State: Texas  
 County: Collin County  
 City: Wylie city  
 Route Type: Road Section in Developed Area  
 Route Status: Existing

### Roadway Information

Section Length: 1.5 mile(s)  
 Statutory Speed Limit: 30 mph  
 Existing Speed Limit: 55 mph  
 Adverse Alignment: No  
 One-Way Street: No  
 Divided/Undivided: Divided  
 Number of Through Lanes: 4  
 Area Type: Residential-Collector/Arterial  
 Number of Driveways: 25  
 Number of Signals: 0

### Crash Data Information

Crash Data Years: 3.00  
 Crash AADT: 8500 veh/day  
 Total Number of Crashes: 40  
 Total Number of Injury Crashes: 16  
 Section Crash Rate: 287 per 100 MVM  
 Section Injury Crash Rate: 115 per 100 MVM  
 Crash Rate Average for Similar Roads: 141  
 Injury Rate Average for Similar Roads: 78

### Traffic Information

85th Percentile Speed: 47 mph  
 50th Percentile Speed: 41 mph  
 AADT: 8500 veh/day  
 On Street Parking and Usage: Not High  
 Pedestrian / Bicyclist Activity: Not High

## Recommended Speed Limit:



**Note:** The final recommended speed limit is higher than the 30 mph statutory speed limit for this type of road. An engineering study such as the one carried out with USLIMITS is usually required to set a speed limit above the statutory limit.

**Note:** The section crash rate of 287 per 100 MVM is above the critical rate (196). The injury crash rate for the section of 115 per 100 MVM is more than 30 percent above the average for similar roads (78) but below the critical rate (120). A comprehensive crash study should be undertaken to identify engineering and traffic control deficiencies and appropriate corrective actions. The speed limit should only be reduced as a last measure after all other treatments have either been tried or ruled out.

**Disclaimer:** The U.S. Government assumes no liability for the use of the information contained in this report. This report does not constitute a standard, specification, or regulation.

## Equations Used in the Crash Data Calculations

### Exposure (M)

$$M = (\text{Section AADT} * 365 * \text{Section Length} * \text{Duration of Crash Data}) / (100000000)$$

$$M = (8500 * 365 * 1.5 * 3.00) / (100000000)$$

$$M = 0.1396$$

### Crash Rate (Rc)

$$Rc = (\text{Section Crash Average} * 100000000) / (\text{Section AADT} * 365 * \text{Section Length})$$

$$Rc = (13.33 * 100000000) / (8500 * 365 * 1.5)$$

$$Rc = 286.51 \text{ crashes per 100 MVM}$$

### Injury Rate (Ri)

$$Ri = (\text{Section Injury Crash Average} * 100000000) / (\text{Section AADT} * 365 * \text{Section Length})$$

$$Ri = (5.33 * 100000000) / (8500 * 365 * 1.5)$$

$$Ri = 114.60 \text{ injuries per 100 MVM}$$

### Critical Crash Rate (Cc)

$$Cc = \text{Crash Average of Similar Sections} + 1.645 * (\text{Crash Average of Similar Sections} / \text{Exposure}) ^ (1/2) + (1 /$$

(2 \* Exposure))

$$C_c = 140.68 + 1.645 * (140.68 / 0.1396)^{(1/2)} + (1 / (2 * 0.1396))$$

$C_c = 196.48$  crashes per 100 MVM

*Critical Injury Rate (Ic)*

$$I_c = \text{Injury Crash Average of Similar Sections} + 1.645 * (\text{Injury Crash Average of Similar Sections} / \text{Exposure})^{(1/2)} + (1 / (2 * \text{Exposure}))$$

$$I_c = 77.94 + 1.645 * (77.94 / 0.1396)^{(1/2)} + (1 / (2 * 0.1396))$$

$I_c = 120.39$  injuries per 100 MVM



# Wylie City Council

## AGENDA REPORT

**Department:** Parks and Recreation  
**Prepared By:** Robert Diaz

**Account Code:** \_\_\_\_\_

### Subject

Hold a Public Hearing to consider, and act upon, a request from the North Texas Municipal Water District for the use of parkland in Meadowview Park for a waterline easement.

### Recommendation

Motion to approve Item as presented.

### Discussion

The North Texas Municipal Water District (NTMWD) has requested an additional easement in Meadowview Park to relocate a 42-inch water line that is in direct conflict with the upcoming construction of FM 2514 by the Texas Department of Transportation (TxDOT). This easement will overlay an existing NTMWD water line easement in the same area. The reason for the additional easement is due to the limitations of the current easement only allowing up to two (2) water lines. The proposed 42-inch main would be a third line in the easement area. To align with the direction of our City Attorney and comply with Chapter 26 of the Texas Parks and Wildlife Code, staff has initiated this Public Hearing.

The Public Hearing Notice was published in the Wylie News (in order to comply with the current City Ordinance as the official City paper used for public notices) and the Dallas Morning News. The notice was published in the Wylie News the weeks of February 9, 16, and 23, and published for six days in each of the weeks of February 7-12, 14-19, and 21-26 in the Dallas Morning News.

The City Council approved an Interlocal Agreement with the North Texas Municipal Water District on January 25, 2022 that relates to this easement. Due to the posting of the Public Hearing requirements, the easement allowance could not be considered by the City Council until the March 8, 2022 meeting.

Meadowview Park is located at 406 Carver Drive in the Meadowview Subdivision. The park consists mainly of a concrete trail and landscape located within a majority of the current North Texas Municipal Water District easement. Due to the nature of this trail being located within a utility easement, there is always potential for construction. North Texas Municipal Water District staff have been working with City staff to coordinate the construction of the additional water lines and to minimize the impact to the park. Construction is expected to start on this project in the spring of 2022 and be completed in the summer of 2022. Any landscape and trail affected by the construction in the easement will be restored as part of the project by the North Texas Municipal Water District and their contractor.

### Financial Summary/Strategic Goals



# Meadowview Park Exhibit

N

Meadowview Park

Wylie City Limit

Wylie ETJ

0

0.03

0.05

0.1 Miles





**OWNER: CITY OF WYLIE**  
**PARCEL NO.: 1**

**EASEMENT FOR RIGHT-OF-WAY  
 WATER TRANSMISSION PIPELINE  
 F.M. 2514 PIPELINE RELOCATIONS  
 PROJECT NO. 101-0585-21**

STATE OF TEXAS           §  
                                      §       KNOWN ALL MEN BY THESE PRESENTS:  
 COUNTY OF COLLIN       §

THAT the undersigned, **CITY OF WYLIE**, (hereinafter called "Grantor") for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid by the **NORTH TEXAS MUNICIPAL WATER DISTRICT** (hereinafter called "Grantee") the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed, and by these presents, does grant, sell and convey unto the Grantee a Permanent Easement and right-of-way, in, over, across and through those certain premises owned by Grantor to construct, operate, reconstruct, replace, perpetually maintain and remove a pipeline, for the transportation of water, with all incidental equipment including communications equipment, cathodic protection devices, valves and associated appurtenances under, over or through the following described lands situated in Collin County, Texas:

**SEE ATTACHED EXHIBIT "A" FOR DESCRIPTION**

The Grantee shall utilize the easement for an underground pipeline and appurtenances, including communication facilities, and above grade appurtenances consisting of air valves, blow off valves, pipeline markers and cathodic protection equipment (referred to herein collectively as "Grantee's Pipeline" or the pipeline) as may be required for its operation of the pipeline. The blow off valves shall be located so as to discharge any water from the pipeline into natural drainage areas currently existing on the Property.

Grantee, and Grantee's successors and assigns, shall have the continued and unobstructed right of ingress and egress over the permanent easement granted for the installation, operation, repair, inspection, maintenance and replacement of Grantee's facilities.

Grantee, and Grantee's successors and assigns, agrees to bury said pipeline to a depth of at least 48" from the top of the pipeline to existing ground surface. Grantee will, insofar as practicable, restore the ground disturbed by the laying, constructing, repairing, maintaining, replacing or removing of said pipeline, and will take such steps as may be reasonably required to prevent damage to the property of Grantor from soil erosion resulting from operations of Grantee hereunder. Grantee will separate the topsoil during construction by double-ditching and will restore said topsoil within the easement. Grantee shall leave the surface as nearly as reasonably possible as it was prior to the construction of the pipeline and will restore all improvements, including fences, driveways, sidewalks, bridges, drainage channels, and other improvements damaged through the use of said easement to substantially the same condition as they were prior to the construction of the pipeline. Grantee agrees to re-seed the grass areas of the easement after construction of said pipeline.

**OWNER: CITY OF WYLIE**  
**PARCEL NO.: 1**

Grantee has the right to trim or cut down or eliminate trees or shrubbery to the extent, in the reasonable judgment of Grantee, its successors and assigns, as may be necessary to prevent possible interference with the installation and operation of said pipelines and to remove possible hazards thereto, and the right to remove or prevent the construction of any and all improvements, buildings, reservoirs or other obstructions on said permanent easement, except as are specifically allowed under the terms hereof. Grantor shall not construct or permit to be constructed, any house, building, reservoir, or other prohibited improvement on or within the permanent easement or remove soil which would impair the lateral support for Grantee's pipeline or leave it with insufficient cover for the safe operation of said pipeline. However, Grantor retains the right, to cross the permanent easement area with fences, streets, roads, and utilities ("facilities") as set forth below provided that said facilities do not endanger or interfere with Grantee's pipeline and provided that Grantee is provided with a copy of the construction plans and drawings not less than 30 days before the beginning of construction of said facilities. Grantor shall not grant any other easements within the permanent easement which would (1) endanger or interfere with the safe and efficient operation of Grantee's pipeline, or (2) cross Grantee's easement at less than a 45 degree angle. Grantee may not fence or enclose the easement but may install gates in any fence along or crossing the easement for access.

Notwithstanding the foregoing, in addition to Grantor's current use of the easement area, the following uses by Grantor in the easement shall be allowed after the pipeline(s) are installed so long as the uses do not endanger or interfere with Grantee's pipelines: (1) paving including sidewalks, hike & bike trails, streets, alleys, parking areas, sport courts, and other uses that require paving shall be allowed with no limits on the amount of paving, the number of crossing, or the angle that the paving crosses the easement save and except streets and alleys which shall cross at not less than 45 degrees; (2) landscaping limited to bushes, shrubs, trees, grass/sod, ground cover and other landscape materials shall be allowed; (3) sprinkler systems shall be allowed to maintain the landscaping and prevent erosion; (4) playgrounds including playground equipment, picnic tables, exercise stations, park benches, picnic covers, small shade structures shall be allowed; signage including street signs, traffic signs, park signs, exercise station signage, directional signs, and other signs typical to park and recreation areas shall be allowed; (5) fencing, including iron, wrought iron, chain link, and other metal type fencing, shall be allowed to fence an area in and such fencing shall be allowed to cross the easement area; (6) crossing the easement at any angle that will not interfere with Grantee's repair, maintenance or replacement with utilities as often as necessary, including water, sanitary sewer, storm sewer, gas, electric, data, cable telephone, and other utility lines typical to a residential subdivision. Any large trees and all lighting for the aforementioned uses must be located within 10 feet of the outside boundaries of the easement area. Any and all signs, poles, or other similar structures shall not have footings that would endanger the pipelines.

If Grantee should abandon the rights granted herein for said pipeline and appurtenances constructed upon said land and, if such abandonment should continue for a continuous period of as long as thirty-six (36) months, all rights of Grantee herein shall terminate and revert to Grantor, their heirs, legal representatives, successors and assigns. Grantee shall have the right for one year following any termination of this easement to remove its pipe, valves and all other property. Following the expiration of such period, any such property remaining on said land shall be and become the property of Grantor.

**OWNER: CITY OF WYLIE**  
**PARCEL NO.: 1**

The above described easements and rights shall inure unto the said Grantee, and Grantee's successors and assigns, and the covenants and agreements contained herein shall constitute covenants running with the land, binding upon Grantor, its legal representatives, successors and assigns, for the benefit of Grantee, and Grantee's successors and assigns. Grantee shall have the right to assign the easement in whole or in part to one or more assignees.

This Agreement is intended to encompass the complete and entire Agreement of the parties. Neither party has made or relied on any representations, stipulations, or agreements other than those expressly contained in this Agreement. No agent, officer, employee, or other representative of either party has the right or the authority to alter any of the terms of this Agreement.

By executing this Easement, the undersigned represents that they are duly authorized to execute this document; that Grantor is the owner of fee simple title to the property across which the easement is being granted; that the property is held by Grantor free and clear of any liens or encumbrances and that Grantor is the sole party entitled to receive the consideration being paid for the easement.

**TO HAVE AND TO HOLD** unto the said **NORTH TEXAS MUNICIPAL WATER DISTRICT**, its successors and assigns, the above described easement and right-of-way, and I do hereby bind myself, any heirs, executors, and administrators to warrant and forever defend all and

singular the said premises to the **NORTH TEXAS MUNICIPAL WATER DISTRICT**, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof herein.

WITNESS OUR HANDS this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR:**

**CITY OF WYLIE**

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Title

**ACKNOWLEDGMENT**

**OWNER: CITY OF WYLIE**  
**PARCEL NO.: 1**

THE STATE OF TEXAS           §  
   §  
 COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, in his/her capacity as \_\_\_\_\_ for **CITY OF WYLIE**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_  
 \_\_\_\_\_ Notary Public in and for The State of Texas



**OWNER: CITY OF WYLIE**  
**PARCEL NO.: 1**

**EXHIBIT A to the Easement**

**EXHIBIT "A"**  
**NORTH TEXAS MUNICIPAL WATER DISTRICT**  
**FM 2514 PIPELINE RELOCATIONS**  
**PROJECT NO. 101-0585-21**

**OWNER: WYLIE, CITY OF**  
**VARIABLE-WIDTH PERMANENT UTILITY EASEMENT**  
**S.B. SHELBY SURVEY, ABSTRACT NO. 820**  
**CITY OF WYLIE, COLLIN COUNTY, TEXAS**

**BEING** a 1.1600 acre, variable-width permanent utility easement situated in the S.B. Shelby Survey, Abstract Number 820, City of Wylie, Collin County, Texas, and being a portion of the 1.3176 Acre, Lot 22, Block 4, of Meadowview Estates, an addition to the City of Wylie, Collin County, Texas recorded in Instrument Number 2004-0093969 of the Official Public Records of Collin County, Texas, and also being dedicated to the City of Wylie by said Meadowview Estates Plat, said variable-width permanent utility easement being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2 inch iron rod (controlling monument) found capped "RPLS 4653", at the intersection of the Northeast corner of the Keefer Street Right-of-Way (a Variable Width unimproved Public Right-of-Way) and the Southwesterly line of the Union Pacific Railroad Company Right-of-Way (A Variable Width Railroad Right-of-Way recorded in volume 5028, page 4107, of the Official Public Records of Collin County for the Southeast corner of Lot 26 of said Block 4, from which a found iron rod (controlling monument) capped "RPLS 4653" in the East line of Lot 7, Blk K, Pointe North Addition, an addition to the City of Wylie according to the Plat Recorded in Cabinet F, Slide 221, Plat Records, Collin County, Texas for the Southwest corner of Lot 32, of said Block 4, bears North 88 degrees 55 minutes 50 seconds West, a distance of 604.95 feet;

**THENCE** North 08 degrees 36 minutes 51 seconds East, along the East line of said Block 4, and with the West line of said Union Pacific Railroad Right-of-Way, a distance of 196.47 feet to a set 5/8-inch iron rod with red plastic cap stamped "CRIADO", at the beginning of a non-tangential curve to the right, having a radius of 1960.09 feet, a central angle of 05 degrees 12 minutes 29 seconds, and a chord bearing and distance of North 11 degrees 13 minutes 06 seconds East, 178.11 feet;

**THENCE** with said curve and with the common line of said Block 4 and said Union Pacific Railroad Right-of-Way, passing a 1/2 inch iron rod found for the Southeast corner of Lot 24, Block 4, same being the Northeast corner of Lot 25, Block 4, at an arc distance of 32.83 feet, continuing for a total arc distance of 178.17 feet to a found 1/2-inch iron rod with cap stamped "JPH SURVEYING", for the Southeast corner of Lot 22, Block 4, same being the Northeast corner of Lot 23, Block 4 for the **POINT OF BEGINNING** of the herein described 1.1600 acre variable-width permanent utility easement, said point also having a grid coordinate of N=7,060,332.41, E= 2,569,356.13 based on Texas State Plane Coordinate System, North American Datum of 1983, (NAD '83) (Epoch 2011), North Central Zone (4202);

**THENCE** North 88 degrees 54 minutes 20 seconds West, with the common line of said Lot 22 and Lot 23, a distance of 139.08 feet to a 1/2 inch iron rod found, for the Southwest corner of said Lot 22 and the Northwest corner of said Lot 23, in the East right-of-way line of Carver Drive, having a 50 foot public right-of-way width;

**THENCE** North 01 degree 05 minutes 40 seconds East, with the West line of said Lot 22 and said East right-of-way line, a distance of 51.57 feet to a set 5/8-inch iron rod with red plastic cap stamped "CRIADO", for the Northwest corner of said Lot 22, Block 4 and the Southwest corner of Lot 21 of said Block 4;

**THENCE** North 74 degrees 37 minutes 04 seconds East, departing said East right-of-way line, and with the common line of said Lot 21, and said Lot 22, a distance of 126.53 feet for the Southeast corner of said Lot 21, and an angle point of said Lot 22, from which a found 1/2-inch iron rod bears South 10 degrees 49 minutes 20 seconds East, a distance of 0.35 feet, said angle point being the beginning of a non-tangential curve to the right, having a radius of 1998.59 feet, a central angle of 26 degrees 24 minutes 12 seconds, and a chord bearing and distance of North 29 degrees 21 minutes 40 seconds East, 912.87 feet;

**THENCE** with said curve, an arc length of 921.00 feet to a point for an interior ell corner of said Lot 22 and the Northeast corner of Lot 9, said Block 4, from which a found 1/2-inch iron rod bears North 25 degrees 19 minutes 40 seconds West, a distance of 0.51 feet;

**THENCE** North 47 degrees 32 minutes 32 seconds West, with the common line of said Lot 22 and Lot 9, a distance of 121.50 feet to a set 5/8-inch iron rod with red plastic cap stamped "CRIADO", for the Northeast corner of said Lot 9, in the said East right-of-way line of Carver Drive, being in a non-tangential curve to the right, having a radius of 2260.68 feet, a central angle of 00 degrees 39 minutes 03 seconds, and a chord bearing and distance of North 42 degrees 53 minutes 34 seconds East, 25.68 feet;

**THENCE** with said curve, the Northwesterly line of said Lot 22 and said East right-of-way line, an arc length of 25.68 feet to a set 5/8-inch iron rod with red plastic cap stamped "CRIADO", for the Northmost Northeasterly corner of said Lot 22 and the West corner of Lot 8, said Block 4;

**THENCE** South 48 degrees 00 minutes 28 seconds East, a distance of 121.53 feet to a found 1/2-inch iron rod for the Southeast corner of Lot 8, and an interior ell corner of said Lot 22, being in a non-tangential curve to the right, having a radius of 1998.59 feet, a central angle of 00 degrees 34 minutes 24 seconds, and a chord bearing and distance of North 43 degrees 36 minutes 49 seconds East, 20.00 feet,

**THENCE** with said curve, and the common line of said Lot 8, and said Lot 22, an arc length of 20.00 feet, from which a set 5/8-inch iron rod with red plastic cap stamped "CRIADO" bears South 88 degrees 55 minutes 17 seconds East, a distance of 1.51 feet;

**THENCE** South 46 degrees 05 minutes 54 seconds East, departing the Southeasterly line of said Lot 8, over and across said Lot 22 a distance of 38.23 feet to a set 5/8-inch iron rod with red plastic cap stamped "CRIADO" on the Northwesterly line of said Union Pacific Railroad Company Right-of-Way, and being in a non-tangential curve to the left, having a radius of 1960.09 feet, a central angle 30 degrees 04 minutes 46 seconds, and a chord bearing and distance of South 28 degrees 51 minutes 43 seconds West, 1017.24 feet;

**THENCE** with said curve, with the Southeasterly line of said Lot 22, and the Northwesterly line of said Union Pacific Railroad Company Right-of-Way, an arc length of 1,029.02 feet to the **POINT OF BEGINNING** and containing 50,530 square feet or 1.1600 acres of land.

NOTE: Bearings are based on Global Positioning Satellite (GPS) System observations utilizing a local virtual reference system. Horizontal data is on the North American Datum of 1983 (NAD '83) (2011 Adjustment), with all distances adjusted to surface using a project combined scale factor of 1.00015271.

Note: Map of Survey of even date attached herewith.

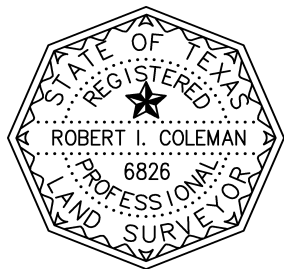
Note: Surveyed on the ground August, 2021.

Note: Unless otherwise noted, all corners of the easement are monumented with a 5/8-inch iron rod with a red cap stamped 'Criado'.

Note: This survey was performed without the benefit of a title report. There may be easements and/or covenants affecting this property not shown hereon.

**\* SURVEYOR'S CERTIFICATE\***

**TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FORM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.**

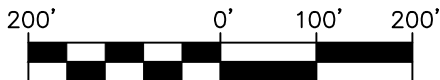


Robert I Coleman, RPLS #6826  
Registered Professional Land Surveyor  
Texas Registration No. 6826

December 08<sup>th</sup>, 2021  
Date

Criado and Associates, Inc  
TBPLS Firm Registration No. 10163300  
4100 Spring Valley Road, Suite 1001  
Dallas, Texas 75244  
(972) 392-9092  
rcoleman@criadoassociates.com

## EXHIBIT "A"



SCALE: 1" = 200'

CURVE TABLE

CURVE ID	RADIUS (FT)	DELTA	LENGTH (FT)	CHORD BEARING	CHORD LENGTH (FT)
C1	1960.09	05°12'29"	178.17	N11°13'06"E	178.11
C2	1998.59	26°24'12"	921.00	N29°21'40"E	912.87
C3	2260.68	00°39'03"	25.68	N42°53'34"E	25.68
C4	1998.59	00°34'24"	20.00	N43°36'49"E	20.00
C5	1960.09	30°04'46"	1029.02	S28°51'43"W	1017.24

LINE TABLE

LINE ID	DIRECTION	LENGTH (FT)
L1	N08°36'51"E	196.47
L2	N88°54'20"W	139.08
L3	N01°05'40"E	51.57
L4	N74°37'04"E	126.53
L5	N47°32'32"W	121.50
L6	S48°00'28"E	121.53
L7	S46°05'54"E	38.23

S.B. SHELBY SURVEY  
ABSTRACT NO. 820BLOCK 4  
MEADOWVIEW ESTATES  
DOC. NO. 2004-0093969  
O.P.R.C.C.T.CARVER DRIVE  
(50' R.O.W.)  
DOC. NO. 2004-0093969  
O.P.R.C.C.T.60' EASEMENT & R.O.W.  
TO NTMWD  
VOL. 668, PG. 729  
D.R.C.C.T.APPROXIMATE LOCATION OF  
30' EASEMENT & R.O.W.  
TO NTMWD  
VOL. 512, PG. 511  
D.R.C.C.T.60' EASEMENT &  
R.O.W. TO NTMWD  
VOL. 668, PG. 729  
D.R.C.C.T.

SIKORSKY COURT

KEEFER STREET  
(VARIABLE WIDTH PUBLIC R.O.W.)WHOLE PROPERTY AND  
LOCATION MAP OF EASEMENT

## NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM 1983 - NAD 83 (2011), EPOCH 2010. ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED SCALE FACTOR OF 1.00015271.

2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THE SURVEYOR DID NOT RESEARCH SUBJECT PROPERTY TITLE INFORMATION AND/OR ENCROACHMENTS. THERE MAY BE EASEMENTS AND/OR RESTRICTIVE COVENANTS OF RECORD AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN HEREON.

3. THIS SURVEY PLAT IS ACCOMPANIED BY A SEPARATE PROPERTY DESCRIPTION OF EVEN DATE.

4. THIS MAP OR PLAT WAS PREPARED FROM AN ACCURATE SURVEY CONDUCTED ON THE GROUND UNDER MY DIRECT SUPERVISION IN AUGUST 2021.

## LEGEND

- SET 5/8" IRON ROD WITH RED PLASTIC CAP STAMPED "CRIADO" OR AS NOTED
- MONUMENT FOUND (AS NOTED)
- D.R.C.C.T. DEED RECORDS OF COLLIN COUNTY, TEXAS
- O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
- P.R.C.C.T. PLAT RECORDS OF COLLIN COUNTY, TEXAS
- VOL./PG. VOLUME/PAGE
- INST. NO. INSTRUMENT NUMBER
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING
- (C.M.) CONTROLLING MONUMENT
- R.O.W. RIGHT-OF-WAY

NORTH TEXAS MUNICIPAL WATER DISTRICT

501 EAST BROWN ST • P.O. BOX 2408 • WYLIE, TEXAS 75098

NORTH TEXAS MUNICIPAL WATER DISTRICT  
FM 2514 PIPELINE RELOCATIONS

PARCEL NAME: LOT 22, BLOCK 4, MEADOWVIEW ESTATES

OWNER: CITY OF WYLIE

SURVEY: S.B. SHELBY SURVEY, ABSTRACT NO. 820

LOCATION: CITY OF WYLIE, COLLIN COUNTY, TEXAS

EASEMENT ACQUISITION AREA: 50,530 SQ. FT. OR 1.1600 ACRES

WHOLE PROPERTY ACREAGE: 1.3176 ACRES

JOB NO. R14465.03

DRAWN BY: MF

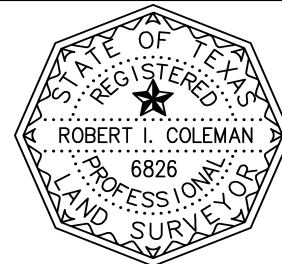
CAD FILE: R14465.03

DATE: DECEMBER 8, 2021

PAGE 4 OF 4

SCALE: 1" = 200'

CRIADO &amp; ASSOCIATES, INC. • 4100 SPRING VALLEY ROAD, SUITE 1001, DALLAS, TX 75244 • PH. 972-392-9092 • FAX 972-392-9192



ROBERT I. COLEMAN

REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NO. 6826



# Wylie City Council

## AGENDA REPORT

**Department:** Planning  
**Prepared By:** Jasen Haskins, AICP

**Account Code:** \_\_\_\_\_

### Subject

Hold a Public Hearing to consider, and act upon, a change in zoning from Agricultural District (AG/30) to Planned Development - Single Family (PD-SF) to allow for single family residential development on 47.2995 acres generally located on Country Club Road approximately 2000' south of Parker Road (ZC 2022-02).

### Recommendation

Motion to approve Item as presented.

### Discussion

**OWNER: Fred Monroe for Monroe Estate**

**APPLICANT: Skorburg Company**

#### REQUEST TO TABLE

The applicant is requesting, and staff is recommending approval of, tabling a change in zoning from AG/30 to PD/SF. The applicant received feedback during a recent City Council work session and a P&Z public hearing at which the item was tabled.

Feedback generally consisted of concerns for the single-family lot sizes, the limited amount of commercial property, public access to the park, vehicular parking in the subdivision during school hours, limiting access to the subdivision from the school to emergency vehicles only, and traffic patterns on Country Club.

The applicant is in the process of re-working the site layout and PD Conditions and was not able to complete that work prior to the advertised public hearing.

Due to tabling, the P&Z Commission has not made a recommendation to the Council as required by the City Charter.

As currently presented, the requested PD would allow for approximately 150 single family homes on minimum 5,000 square foot lots. Home sizes are a minimum 1,800 square feet (20% of total lots). The proposal includes a dedication of approximately 17 acres of parkland and \$400,000 worth of park improvements recommended for approval by the Parks Board.

The surrounding properties to the north, east, and west are a mix of residential and commercial uses both in and outside of city limits. Properties to the south consist of an elementary school and community church. The proposal is in line with the land use of the Comprehensive Plan. The project faces Country Club Road, which is a six-lane major thoroughfare. As the project is in excess of 100 units a Traffic Impact Analysis may be required.

Notifications/Responses: Five notifications were mailed in accordance with state law; with no responses returned in favor nor in opposition to the request.

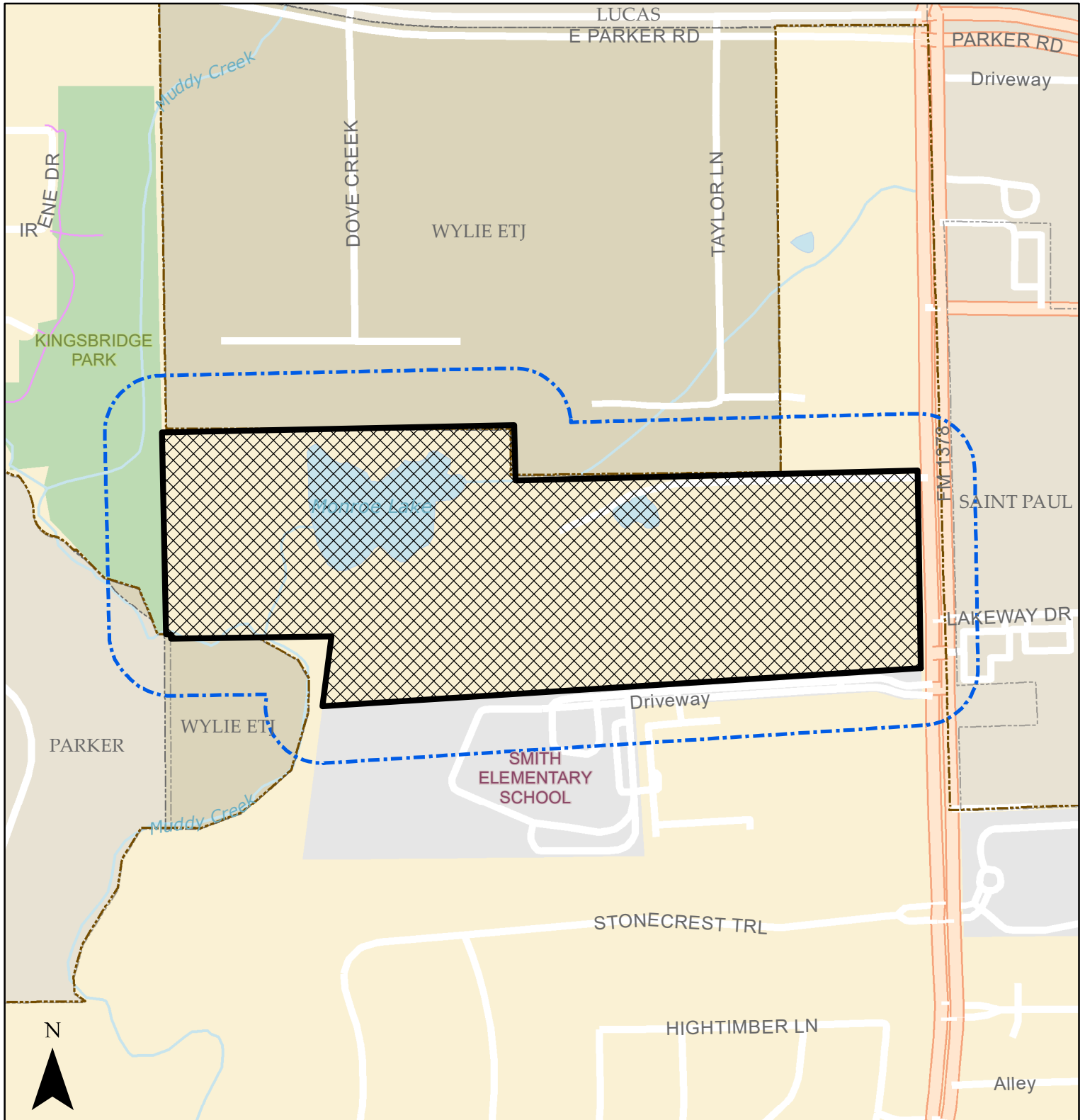
**P&Z Commission Discussion**

The P&Z Commissions voted 7-0 to approve the request to table.

**Financial Summary/Strategic Goals**

Planning Management

# Notification Map



ZC 2022-02; Monroe Farms; 2301 FM 1378

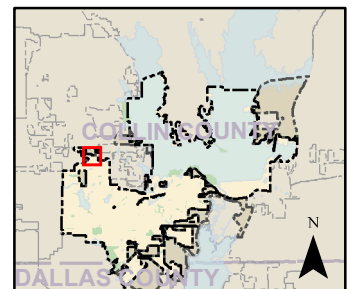


200 Foot Notification Buffer



Subject Property

0 230 460 920 1,380 1,840 Feet





# PLANNED DEVELOPMENT STANDARDS

## EXHIBIT “C”

### MONROE FARMS

#### I. PURPOSE

Monroe Farms is a sustainable neighborhood with the intent to promote: (1) the natural features of the current landscape, (2) active public open space, and (3) high quality housing product that will make a beautiful and enduring community which upholds and enhances the quality of the surrounding environment. Monroe Farms strives to be a shining example of what Wylie has to offer.

The Neighborhood Service District, part of the Monroe Farms Planned Development, is a commercial development with the intent to promote convenient retail shopping, personal services, and/or professional offices serving the needs of Wylie residents. This commercial development strives to be a complementary component to the surrounding residential development and benefits Wylie, as a whole.

#### RESIDENTIAL

#### II. GENERAL CONDITIONS:

1. This Planned Development District shall not affect any regulations within the Code of Ordinances, except as specifically provided herein.
2. All regulations of the Single Family 10/24 set forth in Article 3, Section 3.2 of the Comprehensive Zoning Ordinance (adopted as of 2021) shall apply except for the following:

<b>Figure 3-4 - Planned Development – Single Family (PD – SF)</b>	
<b>Lot Size (<i>Minimum</i>)</b>	
Lot Area (sq. ft.)	5000
Lot Width (feet)	50
Lot width of corner Lots (feet)	55
Lot Depth (feet)	100
Lot Depth of Cul-de-sac Lots (feet)	86 ( <i>average depth of 112</i> )
<b>Dwelling Regulations</b>	
Minimum Square Footage	
Maximum of 20% of the lots	1800
Minimum of 30% of the lots	2000
Minimum of 50% of the lots	2200
Design Standards Level of Achievement	See Section IV Design Conditions
<b>Yard Requirements – Main Structures</b>	
Front Yard (feet)	20

Front Yard of Cul-de-sac Lots (feet)	15
Side Yard (feet)	5
Side Yard of Corner Lots (feet)	10
Rear Yard (feet)	10
Rear Yard of Cul-de-sac Lots (feet)	5
Lot Coverage	75%
<b>Height of Structures</b>	
Main Structure (feet)	36
Accessory Structure (feet)	No Accessory Structures Allowed

### **III. SPECIAL CONDITIONS:**

1. Maximum number of residential lots not to exceed 146 lots.
2. No alleys shall be required within the Planned Development.
3. All homes within the community shall have front entry garages.
4. J-swing garage entries are not required.
5. The second point of access into the development shall be gate restricted for emergency vehicle access only.
6. An approximately 16.9-acre Public Park shall be dedicated, along with improvements outlined in Exhibit "E", to the City of Wylie in accordance with City's Subdivision Regulations and approval by the City Council. All drainage, floodway, and utility easements will be determined with engineering plan approval.
7. Prior to issuance of a certificate of occupancy for any dwelling unit, Public Park improvements shall be installed.
8. A Homeowner's Association (HOA) shall be established that will be responsible for maintenance of all perimeter fencing, screening, HOA open space lots, HOA common areas, and landscaping within HOA areas.

### **IV. DESIGN CONDITIONS:**

#### **A. Land Design Standards**

1. A single loaded street shall be constructed adjacent to the dedicated public park.
2. There shall be a 40' buffer with a 6' decorative metal fence with masonry columns every 50' built along Country Club Road.
3. The single loaded street adjacent to the dedicated public park shall be a desirable provided in this section.

#### **B. Street and Sidewalk Standards**

1. No curvilinear streets shall be required in the Planned Development.
2. A stone monument identifying the subdivision shall be placed in Lot 1 Block A open space. The monument shall be made with more than 1 type/color of stone.

3. All crosswalks within the subdivision shall be 7' wide with distinctive striping connecting to a pedestrian sidewalk system with pedestrian ramps complying with the American with Disabilities Act.
4. A 5' sidewalk shall be required throughout the subdivision.
5. A minimum 4' wide, dedicated lead walk, separate from a driveway, shall provide connection between the house and the driveway. This lead walk shall not connect to the street.
6. Mailbox clusters shall be provided in the subdivision with conformance with USPS.
7. Streetlights on decorative poles every 350' placed on alternating sides of the street throughout the subdivision.
8. Two or more different types/color of stone on the subdivision monument shall be a desirable provided in this section.

### **C. Architectural Standards**

1. At least 20% of the façade shall be offset a minimum of 1' either protruding from or recessed back from the remainder of the façade.
2. The minimum masonry percentage shall be 85% overall. The remaining 15% shall be cementitious fiber cement material.
3. 2<sup>nd</sup> story front elevation set back over brick shall be allowed with cementitious fiberboard.
4. A front-facing hip roof which faces the street, and which comprises greater than 35% of the total width of a house's façade shall be broken up with dormers or other architecturally compatible appurtenances.
5. Each single-family residential unit shall have a combined patio and/or porch total covered area of a minimum of 150 total square feet of floor area.
6. Minimum of 8:12 front elevation roof pitch on front elevations, except 3:12 roof pitches on porches/patios or dormers.
7. Architectural laminated shingles shall be used. 3-Tab Shingles are prohibited.
8. In order to encourage variety, the exterior facades of houses on the same side of the street shall vary within every 4 houses. The same exterior facade of home cannot be directly across the street from each other. When a house is constructed, the same combination of brick, stone, masonry-like materials, and paint shall not be used on other houses within four (4) lots on either side of that house. This shall be monitored by the Architectural Control Committee.
9. All homes within the community shall have front entry garages that face the street.
10. Three car (or more) garages are prohibited.
11. Each garage shall be a minimum of 400 square feet.
12. Each garage shall incorporate at least two of the following architectural features:
  - a. Sconce lighting
  - b. Decorative banding or molding

- c. Decorative overhangs above garage doors
  - d. Eyebrow soldier course over garage doors
  - e. Decorative brackets on garage doors
  - f. Columns flanking garage doors.
13. A minimum 6' high board on board cedar fence shall be built along the rear lot line by the home builder.
  14. Each residential dwelling shall have sodded front, side, and rear with a minimum of 2 trees and 5 shrubs in the front yard.
  15. Two desirables shall be provided in this section. An automated, subsurface irrigation system and board on board fencing.

## **COMMERCIAL**

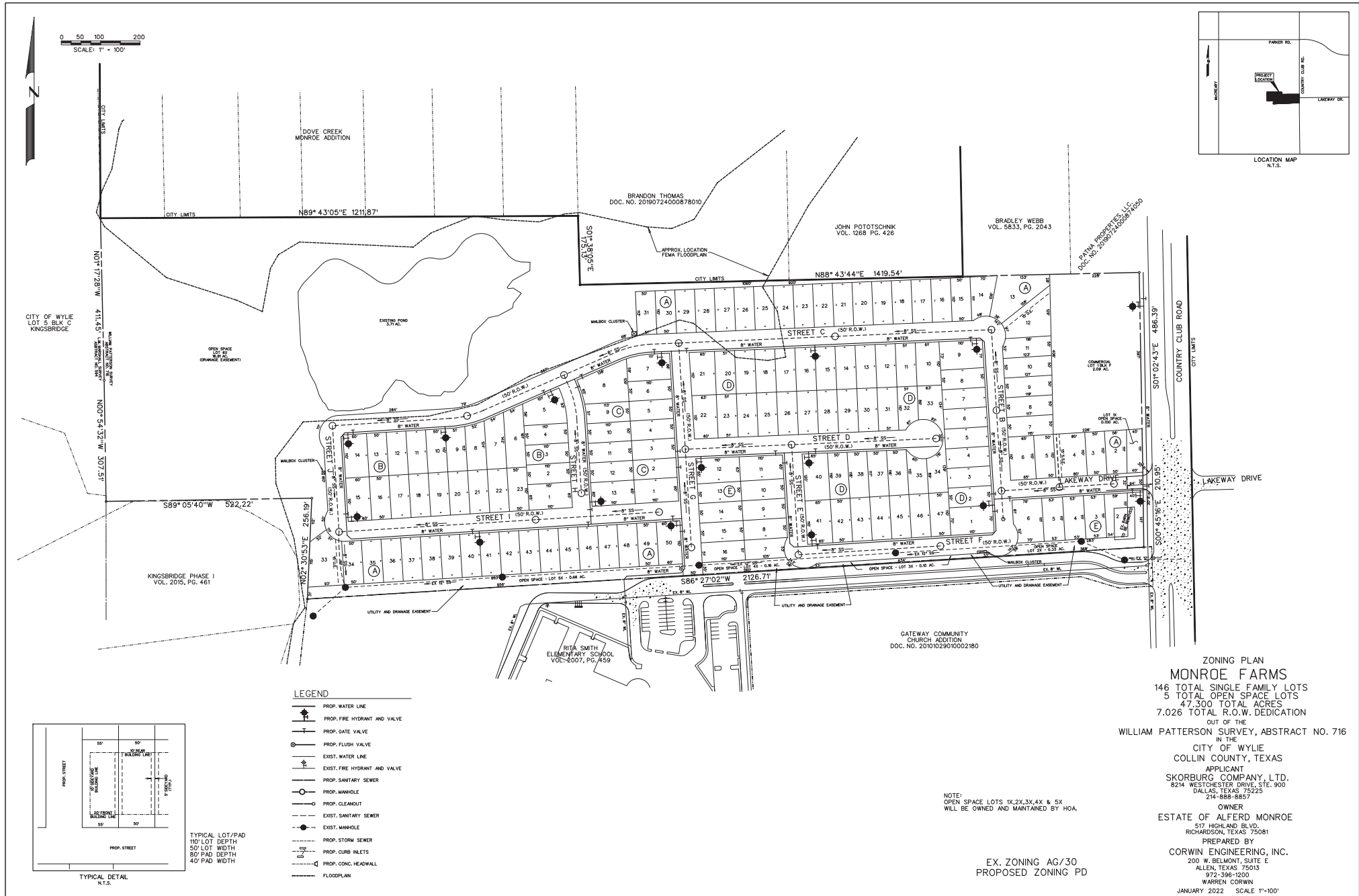
### **I. COMMERCIAL GENERAL CONDITIONS:**

1. This Planned Development District shall not affect any regulations within the Code of Ordinances, except as specifically provided herein.
2. All regulations of the Neighborhood Service District (NS) set forth in Article 4, Section 4.1 of the Comprehensive Zoning Ordinance (adopted as of 2021) shall apply except for the following:

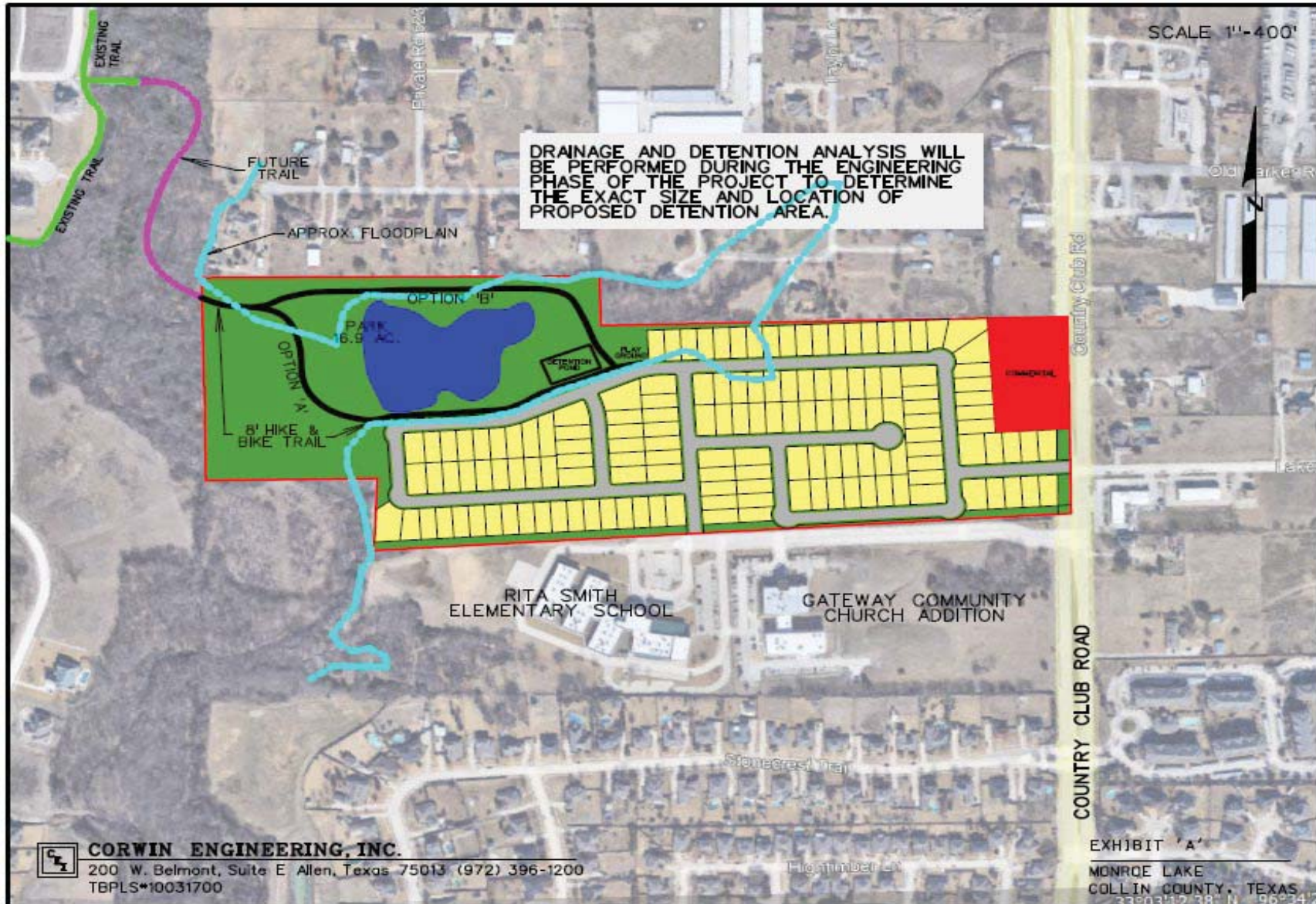
<b>Figure 4-1 - Planned Development – Neighborhood Service (PD – NS)</b>	
<b>Height</b>	
Height of Main Structure (feet)	35
Number of Stories	2
Residential Proximity	Combination of retaining wall and/or max 4:1 slope from residential lot line
<b>Building Placement and Coverage</b>	
Front Yard Setback (feet)	25
Side Yard Setback (feet)	10
Rear Yard Setback (feet)	10
Lot Coverage	45%
<b>Buffering and Screening</b>	
Nonresidential Use Adjacent to Single Family	Double Side & Rear Setback – 10' required landscaping w/ Screening
Nonresidential Use Adjacent to Multifamily	NA
Service and Loading Areas	Not visible from public street or adjacent residential uses

**II. COMMERCIAL SPECIAL CONDITIONS:**

1. No site layout will be approved with this proposal nor is a development schedule proposed. Future site design shall be in accordance with the rules, regulations provided in the City of Wylie Zoning Ordinance, Subdivision Regulations, and Figure 4-1 of this PD.



# PUBLIC PARK IMPROVEMENTS EXHIBIT "E" MONROE FARMS





MONROE PARK & TRAIL COST PROJECTION							
Date: 12-8-21							
DESCRIPTION	Quantity	UNIT	PRICE	TOTAL COST			
6" Concrete Hike and Bike Trail 8' Wide	14,000	SQ. FT.	\$ 6.50	\$	91,000		
6" Concrete Hike and Bike Trail 8' Wide Connection	1,400	SQ. FT.	\$ 6.50	\$	9,100		
6" Concrete Pads for Benches and Tables along Trail	500	SQ. FT.	\$ 6.50	\$	3,250		
Handicap Ramps	1	EA.	\$ 2,000.00	\$	2,000		
Low Water Crossings	1	EA.	\$ 15,000.00	\$	15,000		
Lake Draining and Dam Breach	1	EA.	\$ 40,000.00	\$	40,000		
Play Ground							
Playground Structure and Swing Set (Mulch Base)	1	EA.	\$ 85,000.00	\$	85,000		
Hardscape (Sidewalks, Pads, and Play Ground Border)	1	EA.	\$ 30,000.00	\$	30,000		
Playground Drainage	1	EA.	\$ 12,500.00	\$	12,500		
Park & Trail Improvements							
Picnic Table	2	EA.	\$ 2,000.00	\$	4,000		
Park Trail Bench	4	EA.	\$ 1,250.00	\$	5,000		
Trash Receptacle	4	EA.	\$ 1,250.00	\$	5,000		
Park Trail Milage Markers							
6" Posts	2	EA.	\$ 1,000.00	\$	2,000		
ID Placards	2	EA.	\$ 500.00	\$	1,000		
Installation	2	EA.	\$ 1,500.00	\$	3,000		
General Site Prep and Grading	1	LS.	\$ 20,000.00	\$	20,000		
Seeded Areas							
Bermuda Hydromulch for 8' Trail Buffer and Playground Area	4.0	AC.	\$ 3,500.00	\$	14,000		
Irrigation							
Irrigation Design and Install for Seeding	1	LS.	\$ 60,000.00	\$	60,000		
Irrigation Stamped Plan for Permit	1	LS.	\$ 1,500.00	\$	1,500		
<b>TOTAL</b>				<b>\$</b>	<b>401,850</b>		



**PARK FEE CALCULATION**

Date: 12-8-2021

	<b>No. of Lots</b>	<b>Park Fee</b>	<b>Total</b>
Park Fee Based on Proposed Lot Count	146	\$ 2,000.00	\$ 292,000
Cost of Park Improvements (Trail and Playground)			\$ 401,850
Total Park Improvements in Excess of Required Park Fees			\$ (109,850)
Park Fee Cash Contribution to City			\$ -
Park Land Dedication	2.8	Acres	
Park Land Dedication in Flood Plain	14.1	Acres	
Total Park Land Dedication	16.9	Acres	
Total Park Land Dedication	16.9	Acres	
City Required Park Dedication	7.1	Acres	
Total Park Land Dedication in Excess of Requirement	9.8	Acres	

**Note:**

Developer to install park and trail improvements

City to be responsible for water and maintenance upon completion of the improvements.



# Wylie City Council

## AGENDA REPORT

**Department:** Planning  
**Prepared By:** Jasen Haskins, AICP

**Account Code:** \_\_\_\_\_

### Subject

Consider, and act upon, Ordinance No. 2022-27 for a change in zoning from Neighborhood Services (NS) to Planned Development - Multi-Family (PD-MF) to allow for an income adjusted multi-family social services development on 2.472 acres located at 511 West Brown Street (ZC2022-01).

### Recommendation

Motion to approve Item as presented.

### Discussion

On February 22, 2022, City Council approved a zoning change in zoning from Neighborhood Services (NS) to Planned Development - Multi-Family (PD-MF) to allow for an income adjusted multi-family social services development on 2.472 acres located at 511 West Brown Street being Zoning Case 2022-01.

As part of the approval, Council required certain amendments. Those amendments in the motion were:

- Reduce the total number of allowed units from 40 to 38 (III.1.C)
- Require 1.5 parking spaces per residential unit (III.3)
- Allow the Community Center to be parked at 1:500 (III.3)
- Landscaping buffer on south side to be consistent in PD Conditions and Zoning Exhibit (III.2.B)

Those items are addressed in the amended Zoning Exhibit and PD Conditions.

Final approval of Zoning Case 2022-01 requires an Ordinance to amend the zoning accordingly in the Official Zoning map of the City; and providing a penalty clause, a repeal clause, a savings clause, a severability clause, and an effective date.

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

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

### Financial Summary/Strategic Goals

N/A

**ORDINANCE NO. 2022-27**

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WYLIE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY, ZONING CASE NUMBER 2022-01, FROM NEIGHBORHOOD SERVICES (NS) TO PLANNED DEVELOPMENT - MULTI-FAMILY (PD-MF) TO ALLOW FOR AN INCOME ADJUSTED MULTI-FAMILY SOCIAL SERVICES DEVELOPMENT ; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

SECTION 2: That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3: That the above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification as described in Exhibit B (PD Conditions) and Exhibit C (Zoning Exhibit).

SECTION 4: Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, commits an unlawful act and shall be subject to the general penalty provisions of Section 1.5 of the Zoning Ordinance, as the same now exists or is hereafter amended.

SECTION 5: Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6: This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

**SECTION 7:** The repeal of any ordinance, or parts thereof, by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue, nor as effecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas,** this 8th day of March, 2022.

---

Matthew Porter, Mayor

ATTEST:

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Stephanie Storm, City Secretary

*DATE OF PUBLICATION:* March 16, 2022, *in* The Wylie News

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Being 2.472 acres and all of Tract 42, ABS 820 of the Samuel B Shelby survey, 511 West Brown Street.

**Jericho Village™ Apartments****EXHIBIT “B” Planned  
Development Conditions****I. PURPOSE:**

The purpose of this Planned Development is to provide a community of mixed income, affordable apartments in a suburban village setting. The community will provide wrap-around services through an on-site community center for social workers to assist Villagers with support such as access to childcare, transportation, workforce training, and counseling. By offering mixed-income rental homes and support services, the goal of Jericho Village™ will be to provide individuals and families with both economically attainable housing and the tools needed to retain or attain economic, emotional, and physical stability.

**II. GENERAL CONDITIONS:**

1. These Planned Development Conditions shall not affect any regulations within the Zoning Ordinance (adopted as of April 2021), except as specifically provided herein.
2. The design and development of the Jericho Village™ Apartments shall take place in general accordance with the Zoning Exhibit (Exhibit C). The approval of a corresponding plat and site plan shall be required before the commencement of development.

**III. SPECIAL CONDITIONS:**

1. Section 3.3.B of the City of Wylie Zoning Ordinance is amended as follows:

**Planned Development - Multi-Family**

- A. Purpose - The purpose of this Planned Development is to allow for an affordable apartment development and on-site social services.

- B. Permitted Uses - Uses shall be limited to Multi-family dwelling, Accessory Community Center, and reasonable outdoor use as depicted on the zoning exhibit.
- C. Development Standards: Following are the yard, lot and space requirements for the PD, including density, height, lot and unit size

Minimum unit size (square feet)	Studio - 450, One Bedroom- 650, Two Bedroom – 800, Three Bedroom - 1100
Maximum density	38 Units maximum
Community center	Maximum 3,000 SF
Building Separation	10' minimum
Front Setback	20'
Side Setback	10'
Rear Setback	10'
Maximum height of main structure	36'

- D. Additional Provisions: Section 7.1 Residential Adjacency and Proximity Standards of the Zoning Ordinance shall not apply. Setbacks are as noted in II.1.C above.

2. Section 4.3.D Land Design Standards are amended as follows:

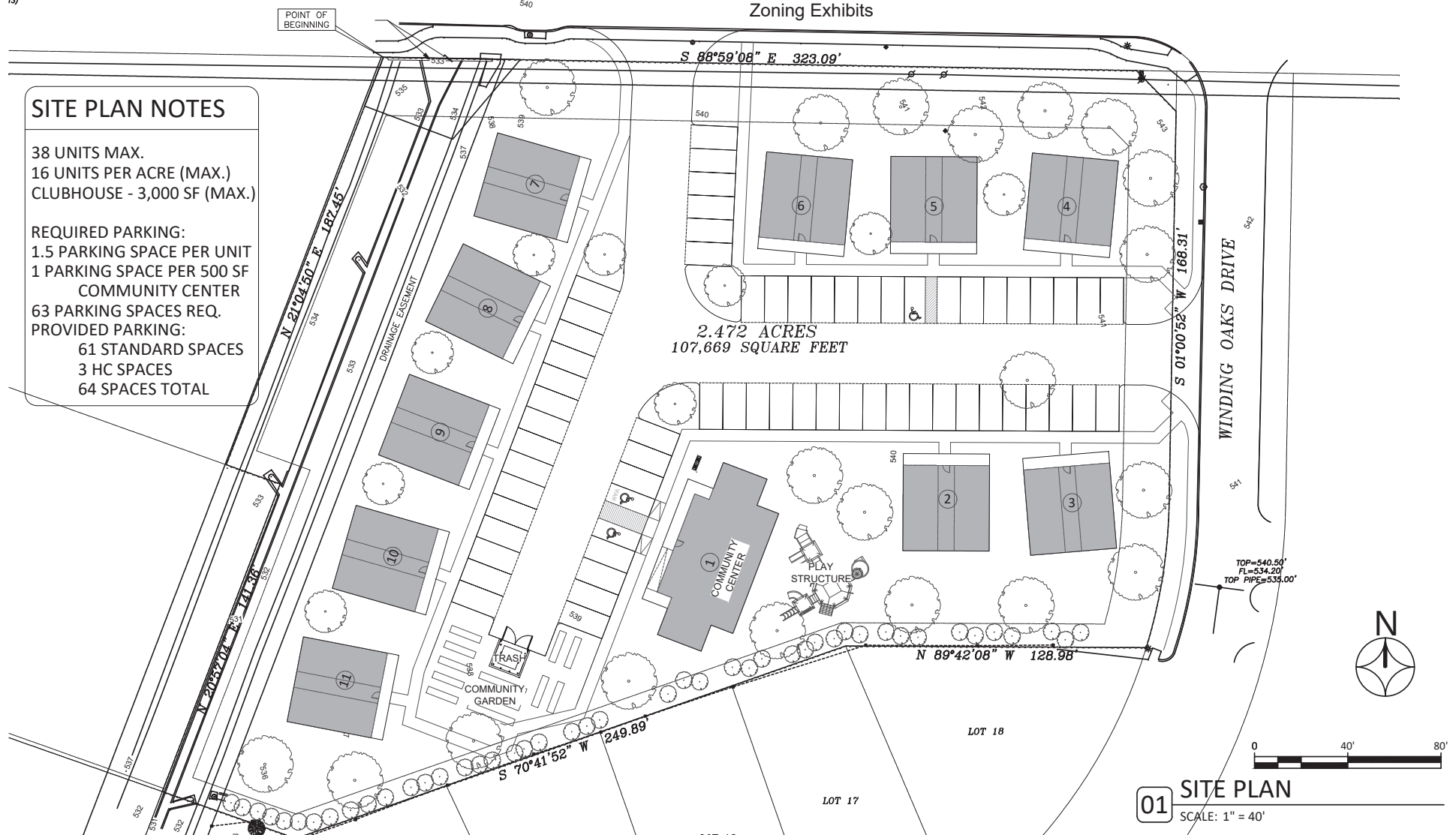
- a Desired Land Design requirements are achieved by projects in accordance with the following criteria using generally accepted Xeriscape standards.
- b Trees and shrubs shall be planted along the entirety of the southern lot line as generally depicted on the Zoning Exhibit. Trees shall be a minimum of 10' tall at planting with an expected growth to a minimum of

20'. Trees shall be spaced no more than 40' on-center to maximize screening to the adjacent property owners and minimize overgrowth into those same properties.












3. Section 5.1.B.7 Parking Requirements are amended to allow 1.5 parking space per dwelling unit and one parking space per 500 square feet of publicly accessible square feet in the community center as generally depicted on the zoning exhibit.



13)

Exhibit "C"  
Zoning Exhibits

# MATERIAL LEGEND

	1	BRICK		7	VINYL WINDOW
	2	BRICK BAND		8	COMPOSITION SHINGLE
	3	STONE		9	STANDING SEAM ROOFING
	4	CEMENTITIOUS SIDING (LAP)		10	DECORATIVE SHUTTERS
	5	CEMENTITIOUS SIDING (BOARD & BATTEN)		11	LIGHTING
	6	CEMENTITIOUS TRIM			



**02** ELEVATION BUILDING TYPE 2  
SCALE: 1/8" = 1'-0"



**01** ELEVATION BUILDING TYPE 1  
SCALE: 1/8" = 1'-0"









# Wylie City Council

## AGENDA REPORT

**Department:** Finance  
**Prepared By:** Melissa Beard

**Account Code:** See Exhibit A

### Subject

Consider, and act upon, Ordinance No. 2022-28 amending Ordinance No. 2021-43, which established the budget for fiscal year 2021-2022; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

### Recommendation

Motion to approve Item as presented.

### Discussion

In 2021, City Council authorized the expenditures of \$1,300,000 for two splash pads and \$700,000 for a dog park from the General Fund fund balance.

This budget amendment is to use the 4B Sales Tax Fund fund balance to pay for the design of the splash pads and dog park. The design funding is requested to be taken from the 4B Parks and Recreation Fund fund balance in order to allow all the General Fund fund balance funding to focus on the construction costs.

The design portion of the project is for the site evaluation, and design and bid plans for the dog park and two splash pads in the amount of \$301,615.

### Financial Summary/Strategic Goals

The overall effect of this amendment is to increase the 4B Sales Tax Fund budget by \$301,615 which will reduce the fund balance by the same amount. The 4B fund balance after the reduction is \$4.8 million.

## ORDINANCE NO. 2022-28

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

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

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

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

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

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

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

**SECTION I:** The proposed amendments to the FY 2021-2022 Budget of the City of Wylie; Exhibit A, as heretofore adopted by Ordinance No. 2022-28, are completely adopted and approved as amendments to the said FY 2021-2022 Budget.

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

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

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

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

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

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

**DULY PASSED AND APPROVED** by the City Council of the City of Wylie, Texas, this 8th day of March, 2022.

---

Matthew Porter, Mayor

ATTEST:

---

Stephanie Storm, City Secretary

**Budget Amendment**  
**4B Sales Tax Fund - Design of Splashpads and Dog Park**

**Exhibit A**

<b>Fund</b>	<b>Department</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Debit</b>	<b>Credit</b>
112	5614	58570	Engineering/Architectural	301,615.00	
				<u>301,615.00</u>	<u>0.00</u>



# Wylie City Council

## AGENDA REPORT

**Department:** Parks & Recreation  
**Prepared By:** Glenna Hayes

**Account Code:** 112-5614-58570

### Subject

Consider, and act upon, the award of a Professional Services Project Order (PSPO) #W2022-40-E for the Site Evaluation, Design and Bid Plans for a Dog Park and two (2) Splash Pads to Dunaway Associates, LLC in the amount of \$301,615.00 and authorizing the Interim City Manager to execute any necessary documents.

### Recommendation

Motion to approve Item as presented.

### Discussion

Staff contacted all five (5) firms who were awarded a master agreement (MAPES) in the Landscape Architecture category, and requested their specific qualifications and work experience for the design and development of dog parks and splash pads. The City received 3 responses, evaluated each response and entered into negotiations with Dunaway Associates, LLC as the most qualified firm.

This Professional Services Project Order (PSPO) includes the evaluation of three potential locations, as well as the potential of combining both a dog park and splash pad at a joint location. Based on the direction from City staff regarding the final site(s) selection, Dunaway will proceed with design development, final construction documents, bid phase and construction support, and the Storm Water Pollution Prevention Plan (SWPPP).

Staff recommends the award of this PSPO to Dunaway Associates, LLC to provide professional services for the site evaluation, design and bid plans for a dog park and two (2) splash pads in the amount of \$301,615.00. This PSPO is issued under Master Agreement for Professional and Engineering Services (MAPES) #W2021-8-E. Staff has determined Dunaway Associates, LLC to be the most qualified firm for this project in Category C Landscape Architecture, in accordance with Government Code 2254. Funding for this PSPO will come from the 4B Fund Fund Balance.

### Financial Summary/Strategic Goals





## CITY COUNCIL AGENDA SUMMARY

### PROFESSIONAL SERVICES PROJECT ORDER BETWEEN THE CITY OF WYLIE AND DUNAWAY ASSOCIATES, L.L.C.

#### PSPO # W2022-40-E Dog Park & Splash Pads

#### Project Description:

Dunaway Associates, L.L.C. ("Dunaway") will perform professional design services for the City of Wylie ("City") for a new dog park and two new splashpads. As additional expertise to the team, Dunaway will retain the services of Counsilman-Hunsaker ("CH") for the aquatic engineering portion of the project. It is anticipated that the dog park and one splashpad will be located on the Municipal Complex property, and one splashpad will be located on the Community Park property. Dunaway will perform a high-level site evaluation for the purpose of selecting a final site location for the dog park and two splashpads. For each site, Dunaway will also provide a topographic survey, schematic design, design development drawings, and final construction documents for up to three (3) bid packages to be used by the City for the purpose of bidding and construction. Dunaway will also provide bid phase and construction phase services for each site. It is assumed that design, bidding and construction of these projects will occur concurrently as described in the Task Summary. Any additional items not included in this proposed Scope of Services, which are requested by the City, will be covered as Additional Services as authorized by the City.

Key program items for each site may include the following elements (within budgetary allowances):

#### Splashpads

- Splashpad & Play Equipment
- Prefabricated Restroom Building with Pump & Filtration Room
- Shade Structure
- Concrete Parking
- Parking Lot Lighting
- Trail Connections
- Landscape Plantings
- Irrigation System per City Ordinance Requirements

#### Dog Park

- Dog Park with 3 Natural Turf Paddocks
- Small Group Pavilion(s)
- Fencing with Bull Pen Entries
- Dog Wash Stations
- Agility Equipment
- Site Furnishings
- Concrete Parking
- Parking Lot Lighting
- Trail Connections
- Landscape Plantings
- Irrigation System per City Ordinance Requirements

## CITY COUNCIL AGENDA SUMMARY

### **Project Services:**

- Project Location – Site Evaluation (site selections to be determined by the City)
- Topographic Surveys
- Schematic Designs Layout Plans (to be approved by the City)
- Geotechnical Investigation
- Design Development (specification book and construction plans)
- Bid Phase Support
- Construction Phase Support
- Storm Water Pollution Prevention Plan (SWPPP) Support



# Wylie City Council

## AGENDA REPORT

Department: City Secretary  
 Prepared By: Erin Day

Account Code: \_\_\_\_\_

### Subject

Consider, and act upon, the acceptance of the resignation of Cemetery Advisory Board member Sandra Mondy and appointment of Jami Lindquist to fill the unexpired term of March 2022 to June 2023.

### Recommendation

Motion to approve Item as presented.

### Discussion

Staff is requesting the appointment of Jami Lindquist, current Alternate 1, as a new Cemetery Advisory Board member to replace Sandra Mondy. Ms. Mondy submitted her letter of resignation dated February 28, 2022. Ms. Lindquist would replace Ms. Mondy until the time for renewal in June 2023. Staff has reached out to Ms. Lindquist and she is willing to serve if appointed.

### Financial Summary/Strategic Goals

Community Focused Government



# Wylie City Council

## AGENDA REPORT

**Department:** Purchasing  
**Prepared By:** Glenna Hayes

**Account Code:** 471-5471-58570

### Subject

Consider, and act upon, the approval of Amendment #6 to Wylie Agreement #W2009-3-E for Engineering Services for the Reconstruction of McMillen Road from McCreary Road to Country Club Road in the amount of \$261,500.00 with Binkley & Barfield, Inc., and authorizing the Interim City Manager to execute any and all necessary documents.

### Recommendation

Motion to approve Item as presented.

### Discussion

McMillen Road from McCreary Road to Country Club Road design is closer to completion. The project is funded through the 2007 Collin County Bond Program and the 2021 City of Wylie Bond Program.

The original design contract with Binkley & Barfield, Inc. was signed in 2010, with the last amendment to the contract in 2012. As the design of McMillen Road continues to evolve, several items need to be addressed by Binkley & Barfield, Inc., and the plans revised (see attached summary).

Staff recommends approval of Amendment #6 to Agreement #W2009-3-E in the amount of \$261,500 with the updating of specifications and plans for the reconstruction of McMillen Road, and anticipates the use of 2022 General Obligation Bonds to supply the additional amount.

### Financial Summary/Strategic Goals

471-5471-58570

*Infrastructure, Health, Safety and Well-Being.*

**CITY COUNCIL AGENDA SUMMARY**  
**PROFESSIONAL SERVICES AGREEMENT**  
**BETWEEN THE CITY OF WYLIE and BINKLEY & BARFIELD, INC.**  
**W2009-3-E AMENDMENT #6**

**Project Description:**

The original scope of services for this project included design of approximately 8,200 linear feet of four lane concrete roadway with sidewalks on McMillen Road from McCreary Road to Country Club Road. The original contract for this project was awarded on March 10, 2009, in the amount of \$1,002,300.00. There have been five approved amendments for a total of \$18,300 which brings the current contract total to \$1,020,600. The pre-final construction plans were approved, and design was placed on hold for funding and for right of way/easement acquisition.

During the time that this project was placed on hold, there have been changes to the right-of-way/easements that were originally proposed, and there have been changes in government regulations. Both changes will require additional design services. In addition there have been changes along McMillen Road from McCreary Road to Country Club Road. Changes include construction along McMillen Road for new development, a new traffic signal at McMillen Road and Country Club Road, modification to the traffic signal at McMillen Road and Country Club Road for expansion of Country Club Road, planned construction of a new fire station along McMillen Road, new franchise utilities have been placed along McMillen Road, and there have been changes to street lighting design standards.

The consultant will work to finalize the existing plans for bidding and construction. The pre-final plans will need to be revised to reflect all changes that have occurred since its submittal in 2011.

**Project Services:**

**Task 1 – Topographic Survey**

Additional Topographic survey is required at three different locations.

**Location #1**

The original survey for this project was completed in 2009. Since then, there has been development along the north side of McMillen Road. The development begins at McCreary Road and extends approximately 3,650 linear feet east of McCreary Road. The development includes construction of Walmart, the Creekside South apartment complex, and the Creekside residential development.

Additional topographic survey of this area will be required so the development can be accurately shown on the plans. Existing streets, driveways, sidewalks, inlets, screening walls, landscaping and natural ground elevations will be needed to update the paving and drainage design.

**Location #2**

The pre-final construction plans included design offsite sedimentation pond. Excavation of the offsite sedimentation pond was used to offset the fill required to construct the proposed bridges.

The location of the sedimentation pond is no longer available; therefore, excavation will need to occur in a new location.

One of the new locations will be underneath the proposed bridge within right-of-way Parcel #6, right-of-way Parcel #7 and within the permeant drainage & roadway easement for Parcel #6 PE3.

Additional topographic survey in this area is needed for mass grading which will count towards the required excavation.

### **Location #3**

There is an existing stream channel and two ponds located along the north side of McMillen Road approximately 1,100' west of Country Club Road. The existing stream crosses under McMillen Road through a 60" CMP. The drainage design shown in the pre-final plans regrades the channel and ponds in this area. This area is located within drainage easement Parcel #9, temporary construction easement Parcel #9 TE2 and temporary construction easement Parcel #10 TE.

The environmental report completed in 2012 identified the stream and pond in this area as WOTUS. The environmental report determined that a 404 Permit would be required from the U.S. Army Corp of Engineers (USACE) and a mitigation fee would be required for construction over the WOTUS.

The mitigation fee can be reduced if the proposed drainage design shown in the pre-final plans is revised and construction in this area is reduced.

Additional topographic survey in this area is required to revise the design.

## **Task 2 – Site Grading**

Paving grades, as shown in the pre-final design plans will need to be revised based on the topographic survey for Location #1.

Site grading is required at Location #2. The site grading for this area will provide excavation needed to offset the fill required for USDA-NRCA approval.

A revised grading plan will be needed to modify the drainage design at Location #3. The grading will reduce the environmental impact along the WOTUS.

## **Task 3 – Bridge Design**

With the new requirements from the USDA-NRCA, and without the original location for excavation of an offsite pond, excavation at Location #2 and excavation of a pond at the City of Wylie Park Land location will not be enough to offset the fill needed for construction of the twin 310' long bridges as proposed in the pre-final design plans. Because there is a limited amount of excavation, the best way to obtain an equal compensation of fill is to reduce the volume of fill needed to construct the proposed bridges. This can be accomplished by increasing the length of the proposed bridges.

Bridge plans and specifications will be prepared for a set of twin bridges on McMillen Road over Muddy Creek. The exact length of the twin bridges will be determined through coordination with the USDA-NRCA and with the site grading calculations from Task #3 & #4.

The bridge length is expected to be between 600' to 700' long if the minimum design elevation is between 525.8' and 529'. Increasing the bridge length will reduce the amount of fill within the USDA-NRCA waterway which will require less excavation within the SCS Spillway.

#### **Task 4 – Environmental Services**

The previous environmental report was completed in 2012 for this project. The report identified and delineated WOTUS along the project site. Per Section 404 of the Clean Water Act (1972) a permit from the USACE will be required for construction of McMillen Road. The permit will require an updated delineation of the WOTUS in the field.

Environmental regulations have changed since the time of the original report. The previous environmental report will need to be updated to reflect the latest changes in stream mitigation costs.

#### **Task 5 – LED Street Lighting**

The pre-final plans submitted in 2011 included Street Light Plans. These plans included conduit and foundation locations for streetlight poles. Since the time of submittal, LED lighting has become standard and the requirements for spacing and illumination layouts have changed. The Street Light Plan sheets will need to be updated to reflect this change.

Additionally, the pre-final plans did not include any electrical design or wiring plan to energize the streetlights. At the time of submittal, this was a service that was provided by the power company. This service is no longer provided by the power company and will need to be included in the revised Street Light Plan sheets.

Streetlight pole Illumination plans and specifications will be prepared for McMillen Road from McCreary Road to Country Club Road using LED lights in the median.

#### **Task 6 – Traffic Signal at Fire Station #4**

In 2011, when the pre-final plans were submitted, design plans for Fire Station #4 were not completed and the design was not included in the McMillen Road plan set. Since the time of submittal, design for Fire Station #4 has been completed and is set for construction. A request has been received from the City of Wylie Fire Chief to include a traffic signal in front of Fire Station #4 into the final plans for McMillen Road. It is not practical to include this traffic signal in the current construction plans for Fire Station #4. Due to the widening of McMillen Road, if the traffic signal is installed in conjunction with the Fire Station, it would need to be removed and relocated once construction of McMillen Road begins.

Traffic Signal plans and specifications will be prepared for McMillen Road at the proposed location of Fire Station #4.

#### **Task 7 – Traffic Signal Modifications (McMillen Road at County Club Road)**

Since the time of the original survey for McMillen Road, the existing traffic signal at the intersection of McMillen Road and Country Club Road was relocated for widening/improvements along Country Club Road.

The existing traffic signal is in conflict with proposed widening of McMillen Road and will need to be relocated. Additionally, the sidewalk, barrier free ramps and cross walk stripping will need to be revised.

Traffic signal plans and specifications for modification of the existing traffic signal at McMillen Road at Country Club Road will be provided with proposed pavement markings and proposed sidewalks with barrier free ramps.

### **Task 8 – Level D & C SUE Services**

When the topographic survey for this project was completed in 2009, the scope of services provided by the surveyor included a call to Texas 811 for field locates of existing franchise utilities. Texas 811 marked existing utilities in the field and these locates were picked up by the surveyor and were shown in the pre-final plans submitted in 2011.

The existing franchise utilities shown in the pre-final plan set do not need to be re-drawn or re-located. However, since the time of submittal, new franchise utilities have been installed along McMillen Road. These new franchise utilities need to be identified and added to the final construction plans and the location of the previous utilities needs to be confirmed.

Level D SUE Services is defined as information derived from existing records or oral recollections. Level C SUE Services is defined as information obtained by surveying and plotting visible above ground utility features and by professional judgement in correlating this information to Level D SUE Services.

Level D & Level C SUE Services will be required to identify all utility companies and to facility relocation of conflicting utilities during the utility coordination phase.

### **Task 9 – Utility Coordination**

There are existing underground franchise utilities along McMillen Road, there are also franchise utilities located on power poles along McMillen Road. Along the west side of McMillen Road, franchise utilities are located within the public right-of way. Along the middle of McMillen Road, there is no existing right-of-way and franchise utilities are located within an existing Coserv utility easement and an existing Verizon utility easement. Along the east side of McMillen Road, there are no existing utility easements and no existing right of way along the north side of McMillen Road. Franchise utilities located on power poles are on the north side of McMillen and not located within existing right-of-way. Underground franchise utilities located along the south side of McMillen are located within existing right-of-way.

Existing utilities located on power poles along the middle and east section of McMillen Road will need to be relocated for construction of McMillen Road. The proposed twin bridges along the middle section of McMillen Road will vary in height from up to twenty feet above natural ground. The proposed alignment for McMillen Road will cross over the existing utility easements in this area. The existing utilities along the power poles will need to be temporarily relocated for construction of



McMillen Road. Once construction is complete, the utilities will need to be relocated along the new McMillen Road alignment.

Utility coordination will be required to assist the City of Wylie with the research and documentation of existing franchise utility relocations along McMillen Road.

#### **Task 10 – Additional Bridge Length (if needed)**

If the minimum requirements for excavation to compensation for fill placed within the USDA-NRCA is based on an elevation between 529' and 533', the bridge design for a 600' to 700' long bridge will not be sufficient. The bridge will need to be extended for an additional 600'. This will bring the expected length to be approximately 1,000' to 1,200'.

If this task is required, cost for this task will be in addition to the cost for Task #3 Bridge Design. If a bridge length of 1,000' to 1,200' is not required, this task will not be used. Authorization from the City is required prior to proceeding with this task.

Bridge plans and specifications will be prepared for a set of twin bridges on McMillen Road over Muddy Creek. The exact length of the twin bridges will be determined through coordination with the USDA-NRCA and with the site grading calculations from Task #2.

#### **Task 11 – Topographic Survey for the City of Wylie Park Land (if needed)**

If excavation requirements for the USDA-NRCA cannot be achieved within the limits of the site grading along Location #2, and additional excavation site will be required. The additional site will be the City of Wylie's Park Land. Property ID # 2624530, Sage Creek Phase 1X (CWY), BLK B, LOT 2X.

Additional topographic survey will be needed in this area to design an offsite pond.

If additional excavation is not required. This task will not be used. Authorization from the City is required prior to proceeding with this task.

#### **Task 12 – Site Grading for the City of Wylie Park Land (if needed)**

With the new requirements from the USDA-NRCA, and without the original location for excavation of an offsite pond, excavation at Location #2 may not be enough to offset the amount of fill required to construct the proposed bridge. If additional excavation is needed, an offsite pond can be designed at this location. The pond will be located in the open space between the existing hike and bike trail on the westerly side of the property and the existing tree line located on the easterly side of the property.

If additional grading is not required, this Task will not be used. Authorization from the City is required prior to proceeding with this task.

#### **Task 13 – Environmental Services for the City of Wylie Park Land (if needed)**

The proposed site is owned by the City of Wylie and located within the USDA-NRCA Rowlett Creek Watershed Dam Number 4. It is also located within the FEMA floodplain.

Based on the location, if construction is required at this location, a routine wetland delineation will be required to identify any USACE jurisdictional waters that may be present at the subject property for purposed of permitting under Section 404 of the Clean Water Act (1972). An environmental report will be prepared to determine the impact on WOTUS for permit approval by USACE

If there is no proposed construction at this site, this task will not be used. Authorization from the City is required prior to proceeding with this task.

### **III. EXCLUSIONS**

Task 7 – Traffic Signal Modification at McMillen Road and Country Club Road.

- Scope excludes design and use of a temporary traffic signal

### **IV. DELIVERABLES**

At the completion of Tasks 1 through 8, Consultant shall ensure the delivery of the McMillen construction plans and specification to the City. The submittal shall include the following:

- a. Construction Plans
- b. Bid Specification Book
- c. Contract Documents
- d. Technical Specifications as required