

Wylie City Council Regular Meeting

December 10, 2024 – 6:00 PM

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



CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS & RECOGNITIONS

PR1. Scenic City Silver Level Certification.

COMMENTS ON NON-AGENDA ITEMS

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

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, approval of November 12, 2024 Regular City Council Meeting minutes.
- B. Consider, and act upon, Resolution No. 2024-31(R) authorizing participation with the State of Texas, through the Office of the Attorney General, in the Global Opioid Settlement and approving the Texas Term Sheet; authorizing the City Manager to execute all necessary documents in connection with the above on behalf of the City of Wylie.
- C. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of October 31, 2024.
- D. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for October 31, 2024
- E. Consider, and place on file, the City of Wylie Monthly Investment Report for October 31, 2024.
- F. Consider, and act upon, Ordinance No. 2024-42 amending Ordinance No. 2024-25, which established the budget for fiscal year 2024-2025; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.
- G. Consider, and act upon, Modification No. 3 to Wylie Contract #W2021-76-A for Employee Medical, Dental and Rx Benefits with Cigna Health and Life Insurance Company in an estimated annual amount of \$479,641.00; and authorizing the City Manager to execute any necessary documents.
- H. Consider, and act upon, the approval of the purchase of Motorola Radio Equipment and Maintenance Services in the estimated amount of \$72,581.30 from Motorola Solutions, Inc. through a cooperative purchasing contract with H-GAC Buy and authorizing the City Manager to execute any necessary documents.

- I. Consider, and act upon, the approval of the purchase of a 2025 Chevy Silverado 2500 for Wylie Fire Rescue from Reliable Chevrolet Inc. through a cooperative purchasing agreement with The Interlocal Purchasing System (TIPS), authorizing the City Manager to execute any and all necessary documents.
- J. Consider, and act upon, the approval of the purchase of three (3) John Deere Compact Track Loaders in the estimated amount of \$233,112.45 through a cooperative purchasing contract with Sourcewell and authorizing the City Manager to execute any and all necessary documents.
- K. Consider, and act upon, the approval of the purchase of one (1) John Deere Base Excavator in the estimated amount of \$135,066.77 through a cooperative purchasing contract with Sourcewell and authorizing the City Manager to execute any and all necessary documents.
- L. Consider, and act upon, approval of the purchase of one (1) Valve Maintenance Trailer in the estimated amount of \$113,000 from Illinois Tool Works, Inc. d/b/a EH Wachs through a cooperative purchasing agreement with BuyBoard, and authorizing the City Manager to execute any and all necessary documents.
- M. Consider, and act upon, the approval of the purchase of two (2) Husqvarna Walk-Behind Concrete Saws in the estimated amount of \$76,519.14 through a cooperative purchasing agreement with Sourcewell, and authorizing the City Manager to execute any and all necessary documents.
- N. Consider, and act upon, the approval of the purchase and install of three (3) 4-inch submersible pumps in the estimated amount of \$127,000.00 through Xylem Water Solutions and authorizing the City Manager to execute any and all necessary documents.
- O. Consider, and act upon, the award of contract #W2025-56 to WEBUILDFUN INC. for replacement playground equipment at Riverway Park in the estimated amount of \$70,000.00 through a cooperative purchasing contract with Buyboard and authorizing the City Manager to execute any and all necessary documents.
- P. Consider, and act upon, the award of contract #W2025-57 to WEBUILDFUN INC. for replacement playground equipment at Sage Creek Park in the estimated amount of \$59,870.00 through a cooperative purchasing contract with Buyboard and authorizing the City Manager to execute any and all necessary documents.
- Q. Consider, and act upon, the award of contract #W2025-58 Founders Park Phase II Soccer Field Renovations to Grand Landscapes and Athletics (GLA) in the amount of \$598,392.00 through a cooperative purchasing contract with Buyboard and authorizing the City Manager to execute any and all necessary documents.
- R. Consider, and act upon, Resolution No. 2024-32(R) authorizing the City Manager of the City of Wylie, Texas, to execute an Interlocal Agreement by and between the City of Wylie and the City of Murphy for a shared trail connection – Maxwell Creek Trail Connection.
- S. Consider, and act upon, a Final Plat of Villas at Kreymer creating 67 residential lots and five Homeowners Association lots on 21.91 acres, generally located on Kreymer Lane approximately 1400' north of E. Stone Road.
- T. Consider, and act upon, Ordinance No. 2024-43, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 50 (Floods), Article II (Flood Damage Prevention); updating and establishing regulations for flood damage prevention; defining the flood hazard areas of Wylie; Prescribing rules and regulations for construction in flood hazard areas to reduce flood losses; appointing the City Manager or his/her designated representative to implement the provisions of this ordinance; Requiring permits for development in Flood Hazard areas; establishing a disclaimer of liability; providing for a penalty for the violation of this Ordinance; providing repealing, savings and severability clauses; providing for an effective date of this ordinance and for the publication of the caption hereof.

REGULAR AGENDA

1. Consider, and act upon, Ordinance No. 2024-44 to abandon Right-of-Way being a 1.279 acre tract of land in the City of Wylie's Extraterritorial Jurisdiction formerly part of Stone Road/FM 544.

WORK SESSION

WS1. Discuss the Zoning Ordinance regarding smoke shops and retailers that sell smoke, vape, and related products.

WS2. Discuss The Wall That Heals Vietnam Memorial.

WS3. Discuss Encampment on City property.

RECONVENE INTO REGULAR SESSION

EXECUTIVE SESSION

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

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

- ES1. Consider the sale or acquisition of properties located at Brown/Eubanks, FM 544/Cooper, FM 544/Sanden, Jackson/Oak, Regency/Steel, 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: 2021-4b, 2021-6c, 2022-1b, 2022-1c, 2023-1c, 2023-2d, 2023-11a, 2023-11b, 2024-2d, 2024-4e, 2024-5a, 2024-5f, 2024-7a, 2024-7b, 2024-7e, 2024-8a, 2024-8b, 2024-8c, 2024-8d, 2024-9b, 2024-9c, 2024-9d, 2024-9e, 2024-9f, 2024-10a, 2024-10b, 2024-10c, 2024-11a, 2024-11b, 2024-11c, 2024-11d, 2024-11e, 2024-12-a, 2024-12b, and 2024-12c.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

READING OF ORDINANCES

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

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on December 6, 2024 at 5:00 p.m. on the outside bulletin board at

Wylie City Hall, 300 Country Club Road, Building 100, Wylie, Texas, a place convenient and readily accessible to the public at all times.

Stephanie Storm, City Secretary

Date Notice Removed

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

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

Texas Government Code Section:

- § 551.071 – Private consultation with an attorney for the City.
- § 551.072 – Discussing purchase, exchange, lease or value of real property.
- § 551.074 – Discussing personnel or to hear complaints against personnel.
- § 551.087 – Discussing certain economic development matters.
- § 551.073 – Discussing prospective gift or donation to the City.
- § 551.076 – Discussing deployment of security personnel or devices or security audit.



Wylie City Council

AGENDA REPORT

Department: City Secretary
Prepared By: Stephanie Storm

Account Code: _____

Subject

Consider, and act upon, approval of November 12, 2024 Regular City Council Meeting minutes.

Recommendation

Motion to approve the Item as presented.

Discussion

The minutes are attached for your consideration.

Wylie City Council Regular Meeting Minutes

November 12, 2024 – 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 6:02 p.m. The following City Council members were present: Councilman David R. Duke, Councilman Dave Strang, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, and Councilman Gino Mulliqi (6:09 p.m.). Councilman Sid Hoover was absent.

Staff present included: City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Fire Chief Brandon Blythe; Marketing and Communications Director Craig Kelly; City Secretary Stephanie Storm; Police Chief Anthony Henderson; Assistant Parks and Recreation Director Brent Stowers; Community Services Director Jasen Haskins; Library Director Ofilia Barrera; Finance Director Melissa Brown; Purchasing Manager Chris Rodriguez; Public Works Director Tommy Weir; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS & RECOGNITIONS

PR1. Wylie Way Student.

Mayor Porter and Mayor *pro tem* Forrester presented a medallion to a student demonstrating “Shining the Wylie Way.” Every nine weeks one student from each WISD campus is chosen as the “Wylie Way Student.”

PR2. Hunger and Homelessness Week.

Mayor Porter presented a proclamation proclaiming November 17-23, 2024 as National Hunger and Homelessness Awareness Week in Wylie, Texas. Representatives from the Wylie Christian Care Center, St. Vincent de Paul Society, Hope for the Cities, Agape Resource & Assistance Center, Inc., Wylie Resource Group, Amazing Grace Food Pantry, 5 Loaves Food Pantry, Breaking Free, and The Cross Church were present to accept the proclamation.

PR3. Small Business Saturday.

Councilman Mulliqi took his seat at the dais at 6:02 p.m.

Mayor Porter presented a proclamation proclaiming November 30, 2024 as Small Business Saturday in Wylie, Texas. Members of the WEDC, Chamber of Commerce, Downtown Merchants Association, and local small business owners were present to accept the Proclamation.

PR4. Veteran's Day.

Mayor Porter presented a proclamation proclaiming November 11, 2024 as Veterans Day in Wylie, Texas. Veterans from the Wylie City Council, staff members, American Legion Post 315, and citizens were present to accept the proclamation.

PR5. Native American Heritage Month.

Mayor Porter recognized November 2024 as Native American Heritage Month in Wylie, Texas.

PR6. Lung Cancer Awareness Month.

Mayor Porter recognized November 2024 as Lung Cancer Awareness Month in Wylie, Texas.

COMMENTS ON NON-AGENDA ITEMS

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Bob Ollry addressed the Council commending Tommy Weir on his customer service.

Julie Kilgore addressed the Council with concerns regarding the culvert sizes located near their property along E. Stone Road.

Pam Wells, representing the Downtown Merchants Association, addressed the Council thanking the City for all that they do for downtown.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, approval of October 22, 2024 Regular City Council Meeting minutes.**
- B. Consider, and act upon, the withdraw of Ahmed Alqaisi as the City Engineer.**
- C. Consider, and act upon, the approval of the purchase of Self Contain Breathing Apparatus (SCBA) from Dival Safety and Supplies in the estimated annual amount of \$69,900 through an interlocal purchasing agreement with the Collin County Governmental Purchasing Forum/City of Frisco, TX, and authorizing the City Manager to execute any necessary documents.**
- D. Consider, and act upon, the approval of the purchase of one (1) Multi Pro 5800-G with ExcelaRate Spray Rig for \$87,251.73 through a cooperative purchasing contract with Buyboard and authorizing the City Manager to execute any and all necessary documents.**
- E. Consider, and act upon, the approval of the purchase of four (4) LUCAS 3 Chest Compression Systems in the estimated amount of \$113,848.93 through a cooperative purchasing contract with Sourcewell and authorizing the City Manager to execute any and all necessary documents.**
- F. Consider, and act upon, the approval of the purchase of four (4) vehicles for the Police Department in an estimated amount of \$180,764.18 through a cooperative purchasing agreement and authorizing the City Manager to execute any and all necessary documents.**
- G. Consider, and act upon, the approval of the purchase of three (3) Chevy Colorado trucks for Code Enforcement in an estimated amount of \$98,189.21 from Sam Packs Five Star Chevrolet through a cooperative purchasing agreement with BuyBoard, and authorizing the City Manager to execute any and all necessary documents.**

- H. Consider, and act upon, Ordinance No. 2024-38 amending Ordinance No. 2024-25, which established the budget for fiscal year 2024-2025; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.
- I. Consider, and act upon, the approval of the purchase of two (2) 2025 Horton Ambulances from Southern Emergency & Rescue Vehicle Sales (SERVS), for the City's EMS program in an estimated amount of \$837,038.00 through a cooperative purchasing agreement with Houston-Galveston Area Council (H-GAC), and authorize the City Manager to execute any and all necessary documents.
- J. Consider, and act upon, Ordinance No. 2024-39 amending Ordinance No. 2024-25, which established the fiscal year 2024-2025 budget, providing for repealing, savings, and severability clauses, and the effective date of this ordinance.
- K. Consider, and act upon, the award of contract #W2025-33 to SDB Contracting Services for the installation of twelve solar light poles for Prairie Tails Dog Park in the estimated amount of \$117,709.69 through a cooperative purchasing contract with Buyboard and authorizing the City Manager to execute any and all necessary documents.
- L. Consider, and act upon, Ordinance No. 2024-40 amending Ordinance No. 2024-25, which established the budget for fiscal year 2024-2025; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.
- M. Consider, and act upon, Resolution No. 2024-28(R) authorizing the City Manager to execute an Interlocal Agreement between the City of Wylie and Collin County for road and drainage improvements along Stone Road from W A Allen Boulevard to Bennett Road.
- N. Consider, and act upon, a Preliminary Plat for Lot 1, Block A of Wylie I.S.D. School Complex, creating one lot on 47.463 acres, generally located near 1204 Kreymer Lane.
- O. Consider, and act upon, a Final Plat of Lots 1-3, Block A of Estacado Wylie Addition, establishing two commercial lots on 1.726 acres and one manufactured home park lot on 8.066 acres. Property located at 1001, 1003, and 1005 S. State Highway 78.

Council Action

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

REGULAR AGENDA

- 1. **Hold a Public Hearing, to consider, and act upon, the writing of an ordinance for a change in zoning from Neighborhood Services (NS) to Townhouse District (TH) on 1.84 acres to allow for single-family attached development. Property located at 701 West Brown Street (ZC 2024-07).**

Applicant Comments

Chad Lower, representing Meezan Investments, LLC addressed the Council giving a brief presentation on the Townhomes of Brown St.

Public Hearing

Mayor Porter opened the public hearing on Item 1 at 6:49 p.m. asking anyone present wishing to address Council to come forward.

Mark Disque addressed the Council expressing concerns with parking and trash pickup and stated he did not feel this was a good fit for this lot.

Jacki Tobar addressed the Council stating she thinks the proposed development is a great use of the space, and expressed exploring the height of the townhomes and overflow parking further.

Kelly Disque addressed the Council expressing concerns with parking and traffic.

Mayor Porter closed the public hearing at 6:57 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Strang, to deny Item 1 as presented. A vote was taken and the motion passed 6-0 with Councilman Hoover absent.

2. **Hold a Public Hearing, to consider, and act upon, the removal of a board member, and the appointment of a new board member to the City of Wylie Zoning Board of Adjustment to fill a term from November 12, 2024 to June 30, 2025.**

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 7:02 p.m. asking anyone present wishing to address Council to come forward.

There was no person present wishing to address the Council.

Mayor Porter closed the public hearing at 7:02 p.m.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Williams, to remove Michael Innella and to appoint Jon Ennis to the City of Wylie Zoning Board of Adjustment to fill the term of November 12, 2024 to June 30, 2025. A vote was taken and the motion passed 6-0 with Councilman Hoover absent.

3. **Consider, and act upon, naming the Storytime Room at the Smith Public Library after Mayor Eric Hogue.**

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mulliqi, to approve Item 3 as presented. A vote was taken and the motion passed 6-0 with Councilman Hoover absent.

4. **Consider, and act upon, Ordinance No. 2024-41 authorizing the City Secretary, pursuant to state campaign finance law, to terminate the campaign treasurer appointments of inactive candidates or inactive political committees.**

Council Action

A motion was made by Councilman Strang, seconded by Councilman Williams, to approve Item 4 as presented. A vote was taken and the motion passed 6-0 with Councilman Hoover absent.

5. **Consider, and act upon, Resolution No. 2024-29(R) casting a vote for a candidate(s) to the Board of Directors of the Collin Central Appraisal District for a one-year term beginning January 1, 2025.**

Council Action

A motion was made by Councilman Williams, seconded by Councilman Strang, to approve Resolution No. 2024-29(R) casting 53 votes for Richard Grady as a candidate to the Board of Directors of the Collin Central Appraisal District for a one-year term beginning January 1, 2025. A vote was taken and the motion passed 6-0 with Councilman Hoover absent.

- 6. Consider, and act upon, Resolution No. 2024-30(R) casting a vote for a candidate(s) to the Board of Directors of the Rockwall Central Appraisal District for a one or three-year term beginning January 1, 2025.**

Council Action

A motion was made by Councilman Mulliqi, seconded by Councilman Strang, to approve Resolution No. 2024-30(R) casting two votes each for Tim Hartley, John Hohenshelt, Richard Koepke, Richard Pense, and Sedric Thomas as candidates to the Board of Directors of the Rockwall Central Appraisal District for a one or three-year term beginning January 1, 2025. A vote was taken and the motion passed 6-0 with Councilman Hoover absent.

WORK SESSION

Mayor Porter convened the Council into Work Sessions at 7:16 p.m.

Mayor Porter recessed the Council into a break at 7:16 p.m.

Mayor Porter reconvened the Council into a Work Session at 7:21 p.m.

WS1. Discuss Priorities for the Upcoming Legislative Session.

Mayor Porter shared the proposed list of priorities for the upcoming legislative session. Councilman Williams requested property insurance claim reform (the appraisal process) be added to the list of priorities. The consensus of the Council was to move forward with drafting a document with the proposed list with the one addition.

RECONVENE INTO REGULAR SESSION

Mayor Porter reconvened the Council into Regular Session at 7:32 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive Session at 7:32 p.m.

Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.

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

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or

(2) to hear a complaint or charge against an officer or employee.

(b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

ES1. City Manager's annual evaluation.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 9:35 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 of Ordinance Nos. 2024-38, 2024-39, 2024-40, and 2024-41 into the official record.

ADJOURNMENT

A motion was made by Councilman Strang, seconded by Councilman Williams, to adjourn the meeting at 9:37 p.m. A vote was taken and the motion passed 6-0 with Councilman Hoover absent.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary



Wylie City Council

AGENDA REPORT

Department: City Manager
Prepared By: Brent Parker

Account Code: _____

Subject

Consider, and act upon, Resolution No. 2024-31(R) authorizing participation with the State of Texas, through the Office of the Attorney General, in the Global Opioid Settlement and approving the Texas Term Sheet; authorizing the City Manager to execute all necessary documents in connection with the above on behalf of the City of Wylie.

Recommendation

Motion to approve the Item as presented.

Discussion

In November 2021, the City of Wylie entered into an agreement titled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet with Resolution No. 2021-39(R). The State of Texas has recommended that the City Council of the City of Wylie, Texas opt into and participate in a settlement with The Kroger Co., as set forth in that certain Kroger Global Settlement Agreement dated as of March 22, 2024.

RESOLUTION NO. 2024-31(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, JOINING WITH THE STATE OF TEXAS AND POLITICAL SUBDIVISIONS OF THE STATE AS A PARTY IN THE GLOBAL OPIOID SETTLEMENT AGREEMENTS REGARDING OPIOID USE AND DISTRIBUTION IN *IN RE: TEXAS OPIOID LITIGATION*, MDL NO. 2018-63587, IN THE 152ND DISTRICT COURT OF HARRIS COUNTY, TEXAS, AND OTHER LITIGATION; OPTING INTO THE KROGER GLOBAL SETTLEMENT AGREEMENT DATED AS OF MARCH 22, 2024; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT PARTICIPATION DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the people of the State of Texas and its communities, including the City of Wylie, Texas (“City”), have been harmed through the national and statewide epidemic caused by the sale, use and distribution of opioids within the State of Texas; and

WHEREAS, the City has been provided information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries and such other defendants as may be added to the litigation (collectively, “Defendants”) have engaged in fraudulent and reckless marketing as well as fraudulent distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions have resulted in the death of many Texans and has resulted in the devastation of families and communities across the State; and

WHEREAS, the City and other local governments have been on the front lines of the opioid crisis, resulting in significant financial costs related to healthcare services, social services, law enforcement and the criminal justice systems; and

WHEREAS, on May 13, 2020, the State of Texas and a negotiation group for Texas political subdivisions entered into an agreement titled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (the “Texas Term Sheet”), approving the allocation of any and all opioid settlement funds within the State of Texas. The City previously adopted and approved the Texas Term Sheet, which is available at <https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Global%20Opioid%20Settlement%20Files/Settlement%20Allocation%20Term%20Sheet.pdf>; and

WHEREAS, the State of Texas has recommended that the City Council of the City of Wylie, Texas (“City Council”), opt into and participate in a settlement with The Kroger Co., as set forth in that certain Kroger Global Settlement Agreement dated as of March 22, 2024; and

WHEREAS, participating in the settlement increases the State of Texas’ opportunity to maximize its share of opioid settlement funds and will provide a method to ensure that needed resources reach communities once all negotiations are finalized; and

WHEREAS, the City Council finds and determines that it is in the best interest of the health, safety and welfare of the City to participate in the settlement.

NOW, THEREFORE, BE IT RESOLVED 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: City Manager Authorization. The City Council hereby authorizes the City Manager to execute the Subdivision Settlement Participation Form, attached hereto as Exhibit 1, in accordance with the provisions set forth in the previously adopted Texas Term Sheet, and further authorizes the City Manager to take any additional actions necessary to implement the intent of this Resolution.

SECTION 3: Effective Date. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 10th day of December, 2024.

Matthew Porter, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Stephanie Storm, City Secretary

Exhibit 1**TEXAS SETTLEMENT SUBDIVISION PARTICIPATION AND RELEASE FORM**

Political Subdivision:	Texas
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Texas Political Subdivision"), in order to obtain and in consideration for the benefits provided to the Texas Political Subdivision pursuant to the Kroger Texas Settlement Agreement and Full Release of All Claims dated October 30, 2024 ("Kroger Texas Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Texas Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Texas Political Subdivision above is aware of and has reviewed the Kroger Settlement Agreement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Texas Political Subdivision elects to participate in the Kroger Texas Settlement and become a Participating Texas Political Subdivision as provided therein.
2. The Texas Political Subdivision shall immediately cease any and all litigation activities as to the Released Entities and Released Claims and, within 14 days of executing this Participation and Release Form, its counsel shall work with Kroger's counsel to dismiss with prejudice any Released Claims that it has filed.
3. The Texas Political Subdivision agrees to the terms of the Kroger Texas Settlement pertaining to Texas Political Subdivisions as provided therein.
4. By agreeing to the terms of the Kroger Texas Settlement and becoming a Releasor, the Texas Political Subdivision is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date of the Release.
5. The Texas Political Subdivision agrees to use any monies it received through the Kroger Texas Settlement solely for the purposes provided therein.

A-1

6. The Texas Political Subdivision submits to the exclusive jurisdiction and authority of the Texas Consolidated Litigation Court as defined in the Kroger Texas Settlement. For the avoidance of doubt, nothing contained in this Participation and Release Form, or the Kroger Texas Settlement, constitutes consent to jurisdiction, express or implied, over the Texas Political Subdivision or its selected counsel to the jurisdiction of any other court (including without limitation MDL 2804, the MDL 2804 Fee Panel, the MDL 2804 Enforcement Committee, or the Court in which any Texas Consent Judgment is filed) for any purpose whatsoever.
7. The Texas Political Subdivision, as a Participating Texas Subdivision, has the right to enforce the Kroger Texas Settlement in the Texas Consolidated Litigation Court as provided therein.
8. The Texas Political Subdivision, as a Participating Texas Subdivision, hereby becomes a Releasor for all purposes in the Kroger Texas Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Texas Political Subdivision hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entities in any forum whatsoever. The releases provided for in the Kroger Texas Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entity the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Texas Political Subdivision to release claims. The Kroger Texas Settlement shall be a complete bar to any Released Claim.
9. The Texas Political Subdivision hereby takes on all rights and obligations of a Participating Texas Subdivision as set forth in the Kroger Texas Settlement.
10. In connection with the releases provided for in the Kroger Texas Settlement, each Texas Political Subdivision expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Texas Political Subdivision hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Texas Settlement.

11. The Texas Political Subdivision acknowledges, agrees, and understands that the Maximum Texas Settlement Amount to be paid under the Kroger Texas Settlement for the benefit of the Participating Texas Political Subdivision, is less than or equal to the amount, in the aggregate, of the Alleged Harms allegedly suffered by the governmental entity, constitutes restitution and remediation for damage or harm allegedly caused by Kroger in order to restore, in whole or part, the governmental entity to the same position or condition that it would be in had it not suffered the Alleged Harms; and constitutes restitution and remediation for damage or harm allegedly caused by the potential violation of a law and/or is an amount paid to come into compliance with the law.
12. Nothing herein is intended to modify in any way the terms of the Kroger Texas Settlement Agreement, to which the Texas Political Subdivision hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Texas Settlement, the Kroger Texas Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Texas Political Subdivision.

Signature: _____
 Name: _____
 Title: _____
 Date: _____



Wylie City Council

AGENDA REPORT

Department: WEDC
Prepared By: Jason Greiner

Account Code: _____

Subject

Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of October 31, 2024.

Recommendation

Motion to approve the Item as presented.

Discussion

The Wylie Economic Development Corporation (WEDC) Board of Directors approved the attached financials on November 20, 2024.

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 111 - WYLIE ECONOMIC DEVEL CORP							
Revenue							
Category: 400 - Taxes							
111-4000-40210	SALES TAX	4,990,217.00	4,990,217.00	0.00	0.00	-4,990,217.00	100.00 %
	Category: 400 - Taxes Total:	4,990,217.00	4,990,217.00	0.00	0.00	-4,990,217.00	100.00%
Category: 460 - Interest Income							
111-4000-46110	ALLOCATED INTEREST EARNINGS	112,000.00	112,000.00	38,928.96	38,928.96	-73,071.04	65.24 %
	Category: 460 - Interest Income Total:	112,000.00	112,000.00	38,928.96	38,928.96	-73,071.04	65.24%
Category: 480 - Miscellaneous Income							
111-4000-48110	RENTAL INCOME	4,800.00	4,800.00	0.00	0.00	-4,800.00	100.00 %
111-4000-48430	GAIN/(LOSS) SALE OF CAP ASSETS	4,121,530.00	4,121,530.00	0.00	0.00	-4,121,530.00	100.00 %
	Category: 480 - Miscellaneous Income Total:	4,126,330.00	4,126,330.00	0.00	0.00	-4,126,330.00	100.00%
	Revenue Total:	9,228,547.00	9,228,547.00	38,928.96	38,928.96	-9,189,618.04	99.58%
Expense							
Category: 510 - Personnel Services							
111-5611-51110	SALARIES	470,558.40	470,558.40	16,197.43	16,197.43	454,360.97	96.56 %
111-5611-51140	LONGEVITY PAY	2,807.68	2,807.68	0.00	0.00	2,807.68	100.00 %
111-5611-51310	TMRS	74,649.83	74,649.83	2,510.61	2,510.61	72,139.22	96.64 %
111-5611-51410	HOSPITAL & LIFE INSURANCE	79,943.76	79,943.76	6,399.72	6,399.72	73,544.04	91.99 %
111-5611-51420	LONG-TERM DISABILITY	1,741.07	1,741.07	0.00	0.00	1,741.07	100.00 %
111-5611-51440	FICA	29,348.70	29,348.70	911.99	911.99	28,436.71	96.89 %
111-5611-51450	MEDICARE	6,863.81	6,863.81	213.28	213.28	6,650.53	96.89 %
111-5611-51470	WORKERS COMP PREMIUM	994.07	994.07	0.00	0.00	994.07	100.00 %
111-5611-51480	UNEMPLOYMENT COMP (TWC)	585.00	585.00	0.00	0.00	585.00	100.00 %
	Category: 510 - Personnel Services Total:	667,492.32	667,492.32	26,233.03	26,233.03	641,259.29	96.07%
Category: 520 - Supplies							
111-5611-52010	OFFICE SUPPLIES	5,000.00	5,000.00	132.19	132.19	4,867.81	97.36 %
111-5611-52040	POSTAGE & FREIGHT	300.00	300.00	0.00	0.00	300.00	100.00 %
111-5611-52810	FOOD SUPPLIES	3,000.00	3,000.00	43.23	43.23	2,956.77	98.56 %
	Category: 520 - Supplies Total:	8,300.00	8,300.00	175.42	175.42	8,124.58	97.89%
Category: 540 - Materials for Maintenance							
111-5611-54610	FURNITURE & FIXTURES	2,500.00	2,500.00	0.00	0.00	2,500.00	100.00 %
111-5611-54810	COMPUTER HARD/SOFTWARE	7,650.00	7,650.00	0.00	0.00	7,650.00	100.00 %
	Category: 540 - Materials for Maintenance Total:	10,150.00	10,150.00	0.00	0.00	10,150.00	100.00%
Category: 560 - Contractual Services							
111-5611-56030	INCENTIVES	1,741,250.00	1,741,250.00	0.00	0.00	1,741,250.00	100.00 %
111-5611-56040	SPECIAL SERVICES	87,270.00	87,270.00	0.00	0.00	87,270.00	100.00 %
111-5611-56041	SPECIAL SERVICES-REAL ESTATE	71,000.00	71,000.00	1,554.83	1,554.83	69,445.17	97.81 %
111-5611-56042	SPECIAL SERVICES-INFRASTRUCTUR	9,020,667.00	9,020,667.00	0.00	0.00	9,020,667.00	100.00 %
111-5611-56080	ADVERTISING	226,125.00	226,125.00	11,008.96	11,008.96	215,116.04	95.13 %
111-5611-56090	COMMUNITY DEVELOPMENT	74,450.00	74,450.00	2,311.40	2,311.40	72,138.60	96.90 %
111-5611-56110	COMMUNICATIONS	7,900.00	7,900.00	0.00	0.00	7,900.00	100.00 %
111-5611-56180	RENTAL	27,000.00	27,000.00	2,250.00	2,250.00	24,750.00	91.67 %
111-5611-56210	TRAVEL & TRAINING	95,500.00	95,500.00	12,766.38	12,766.38	82,733.62	86.63 %
111-5611-56250	DUES & SUBSCRIPTIONS	91,053.00	91,053.00	25,249.22	25,249.22	65,803.78	72.27 %
111-5611-56310	INSURANCE	6,800.00	6,800.00	0.00	0.00	6,800.00	100.00 %
111-5611-56510	AUDIT & LEGAL SERVICES	53,000.00	53,000.00	0.00	0.00	53,000.00	100.00 %
111-5611-56570	ENGINEERING/ARCHITECTURAL	855,300.00	855,300.00	0.00	0.00	855,300.00	100.00 %
111-5611-56610	UTILITIES-ELECTRIC	2,400.00	2,400.00	0.00	0.00	2,400.00	100.00 %
	Category: 560 - Contractual Services Total:	12,359,715.00	12,359,715.00	55,140.79	55,140.79	12,304,574.21	99.55%

Budget Report

For Fiscal: 2024-2025 Period Ending: 10/31/2024

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Category: 570 - Debt Service & Capital Replacement						
111-5611-57410 PRINCIPAL PAYMENT	606,744.04	606,744.04	51,128.96	51,128.96	555,615.08	91.57 %
111-5611-57415 INTEREST EXPENSE	625,253.60	625,253.60	51,537.51	51,537.51	573,716.09	91.76 %
Category: 570 - Debt Service & Capital Replacement Total:	1,231,997.64	1,231,997.64	102,666.47	102,666.47	1,129,331.17	91.67%
Category: 580 - Capital Outlay						
111-5611-58110 LAND-PURCHASE PRICE	1,000,000.00	1,000,000.00	0.00	0.00	1,000,000.00	100.00 %
Category: 580 - Capital Outlay Total:	1,000,000.00	1,000,000.00	0.00	0.00	1,000,000.00	100.00%
Expense Total:	15,277,654.96	15,277,654.96	184,215.71	184,215.71	15,093,439.25	98.79%
Fund: 111 - WYLIE ECONOMIC DEVEL CORP Surplus (Deficit):	-6,049,107.96	-6,049,107.96	-145,286.75	-145,286.75	5,903,821.21	97.60%
Report Surplus (Deficit):	-6,049,107.96	-6,049,107.96	-145,286.75	-145,286.75	5,903,821.21	97.60%

Budget Report

For Fiscal: 2024-2025 Period Ending: 10/31/2024

Group Summary

Category	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 111 - WYLIE ECONOMIC DEVEL CORP						
Revenue						
400 - Taxes	4,990,217.00	4,990,217.00	0.00	0.00	-4,990,217.00	100.00%
460 - Interest Income	112,000.00	112,000.00	38,928.96	38,928.96	-73,071.04	65.24%
480 - Miscellaneous Income	4,126,330.00	4,126,330.00	0.00	0.00	-4,126,330.00	100.00%
Revenue Total:	9,228,547.00	9,228,547.00	38,928.96	38,928.96	-9,189,618.04	99.58%
Expense						
510 - Personnel Services	667,492.32	667,492.32	26,233.03	26,233.03	641,259.29	96.07%
520 - Supplies	8,300.00	8,300.00	175.42	175.42	8,124.58	97.89%
540 - Materials for Maintenance	10,150.00	10,150.00	0.00	0.00	10,150.00	100.00%
560 - Contractual Services	12,359,715.00	12,359,715.00	55,140.79	55,140.79	12,304,574.21	99.55%
570 - Debt Service & Capital Replacement	1,231,997.64	1,231,997.64	102,666.47	102,666.47	1,129,331.17	91.67%
580 - Capital Outlay	1,000,000.00	1,000,000.00	0.00	0.00	1,000,000.00	100.00%
Expense Total:	15,277,654.96	15,277,654.96	184,215.71	184,215.71	15,093,439.25	98.79%
Fund: 111 - WYLIE ECONOMIC DEVEL CORP Surplus (Deficit):	-6,049,107.96	-6,049,107.96	-145,286.75	-145,286.75	5,903,821.21	97.60%
Report Surplus (Deficit):	-6,049,107.96	-6,049,107.96	-145,286.75	-145,286.75	5,903,821.21	97.60%

Budget Report

For Fiscal: 2024-2025 Period Ending: 10/31/2024

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
111 - WYLIE ECONOMIC DEVEL CC	-6,049,107.96	-6,049,107.96	-145,286.75	-145,286.75	5,903,821.21
Report Surplus (Deficit):	-6,049,107.96	-6,049,107.96	-145,286.75	-145,286.75	5,903,821.21

Wylie Economic Development Corporation
Statement of Net Position
As of October 31, 2024

Assets

Cash and cash equivalents	\$ 12,875,591.79	
Receivables	\$ 717,000.00	Note 1
Inventories	\$ 14,645,353.88	
Prepaid Items	\$ -	
Total Assets	\$ 28,237,945.67	

Deferred Outflows of Resources

Pensions	\$ 114,336.55
Total deferred outflows of resources	\$ 114,336.55

Liabilities

Accounts Payable and other current liabilities	\$ 261,537.46	
Unearned Revenue	\$ 1,200.00	Note 2
Non current liabilities:		
Due within one year	\$ 634,091.88	Note 3
Due in more than one year	\$ 14,528,089.43	
Total Liabilities	\$ 15,424,918.77	

Deferred Inflows of Resources

Pensions	\$ (8,336.41)
Total deferred inflows of resources	\$ (8,336.41)

Net Position

Net investment in capital assets	\$ -
Unrestricted	\$ 12,919,027.04
Total Net Position	\$ 12,919,027.04

Note 1: Includes incentives in the form of forgivable loans for \$67,000 (Glen Echo), \$450,000 (Phoenix Ascending), and \$200,000 (MLKJ)

Note 2: Deposits from rental property

Note 3: Liabilities due within one year includes compensated absences of \$32,301

Balance Sheet

Account Summary

As Of 10/31/2024

Account	Name	Balance
Fund: 111 - WYLIE ECONOMIC DEVEL CORP		
Assets		
111-1000-10110	CLAIM ON CASH AND CASH EQUIV.	12,873,191.79
111-1000-10115	CASH - WEDC - INWOOD	0.00
111-1000-10135	ESCROW	0.00
111-1000-10180	DEPOSITS	2,000.00
111-1000-10198	OTHER - MISC CLEARING	0.00
111-1000-10341	TEXPOOL	0.00
111-1000-10343	LOGIC	0.00
111-1000-10481	INTEREST RECEIVABLE	0.00
111-1000-11511	ACCTS REC - MISC	400.00
111-1000-11517	ACCTS REC - SALES TAX	0.00
111-1000-12810	LEASE PAYMENTS RECEIVABLE	0.00
111-1000-12950	LOAN PROCEEDS RECEIVABLE	0.00
111-1000-12996	LOAN RECEIVABLE	0.00
111-1000-12997	ACCTS REC - JTM TECH	0.00
111-1000-12998	ACCTS REC - FORGIVEABLE LOANS	717,000.00
111-1000-14112	INVENTORY - MATERIAL/ SUPPLY	0.00
111-1000-14116	INVENTORY - LAND & BUILDINGS	14,645,353.88
111-1000-14118	INVENTORY - BAYCO/ SANDEN BLVD	0.00
111-1000-14310	PREPAID EXPENSES - MISC	0.00
111-1000-14410	DEFERRED OUTFLOWS	1,010,500.00
Total Assets:		29,248,445.67
		29,248,445.67
Liability		
111-2000-20110	FEDERAL INCOME TAX PAYABLE	0.00
111-2000-20111	MEDICARE PAYABLE	0.00
111-2000-20112	CHILD SUPPORT PAYABLE	0.00
111-2000-20113	CREDIT UNION PAYABLE	0.00
111-2000-20114	IRS LEVY PAYABLE	0.00
111-2000-20115	NATIONWIDE DEFERRED COMP	0.00
111-2000-20116	HEALTH INSUR PAY-EMPLOYEE	5,725.27
111-2000-20117	TMRS PAYABLE	16,688.49
111-2000-20118	ROTH IRA PAYABLE	0.00
111-2000-20119	WORKERS COMP PAYABLE	0.00
111-2000-20120	FICA PAYABLE	0.00
111-2000-20121	TEC PAYABLE	0.00
111-2000-20122	STUDENT LOAN LEVY PAYABLE	0.00
111-2000-20123	ALIMONY PAYABLE	0.00
111-2000-20124	BANKRUPTCY PAYABLE	0.00
111-2000-20125	VALIC DEFERRED COMP	0.00
111-2000-20126	ICMA PAYABLE	0.00
111-2000-20127	EMP. LEGAL SERVICES PAYABLE	0.00
111-2000-20130	FLEXIBLE SPENDING ACCOUNT	849.98
111-2000-20131	EDWARD JONES DEFERRED COMP	0.00
111-2000-20132	EMP CARE FLITE	12.00
111-2000-20133	Unemployment Comp Payable	130.71
111-2000-20151	ACCRUED WAGES PAYABLE	0.00
111-2000-20180	ADDIT EMPLOYEE INSUR PAY	114.42
111-2000-20199	MISC PAYROLL PAYABLE	0.00
111-2000-20201	AP PENDING	6,813.00
111-2000-20210	ACCOUNTS PAYABLE	100,000.00
111-2000-20530	PROPERTY TAXES PAYABLE	0.00
111-2000-20540	NOTES PAYABLE	1,010,500.00
111-2000-20610	RETAINAGE PAYABLE	131,203.59

Balance Sheet

As Of 10/31/2024

Account	Name	Balance
111-2000-20810	DUE TO GENERAL FUND	0.00
111-2000-22270	DEFERRED INFLOW	0.00
111-2000-22275	DEF INFLOW - LEASE PRINCIPAL	0.00
111-2000-22280	DEFERRED INFLOW - LEASE INT	0.00
111-2000-22915	RENTAL DEPOSITS	1,200.00
Total Liability:		1,273,237.46

Equity

111-3000-34110	FUND BALANCE - RESERVED	0.00
111-3000-34590	FUND BALANCE-UNRESERV/UNDESIG	28,120,494.96
Total Beginning Equity:		28,120,494.96
Total Revenue		38,928.96
Total Expense		184,215.71
Revenues Over/Under Expenses		-145,286.75
Total Equity and Current Surplus (Deficit):		27,975,208.21
Total Liabilities, Equity and Current Surplus (Deficit):		<u>29,248,445.67</u>

Balance Sheet

As Of 10/31/2024

Account	Name	Balance
Fund: 922 - GEN LONG TERM DEBT (WEDC)		
Assets		
	Total Assets:	0.00
		0.00
Liability		
922-2000-28248	GOVCAP LOAN/SERIES 2022	7,281,368.05
	Total Liability:	7,281,368.05
	Total Equity and Current Surplus (Deficit):	0.00
	Total Liabilities, Equity and Current Surplus (Deficit):	7,281,368.05
	*** FUND 922 OUT OF BALANCE ***	-7,281,368.05

***Warning: Account Authorization is turned on. Please run the Unauthorized Account Listing Report to see if you are out of balance due to missing

Wylie Economic Development Corporation

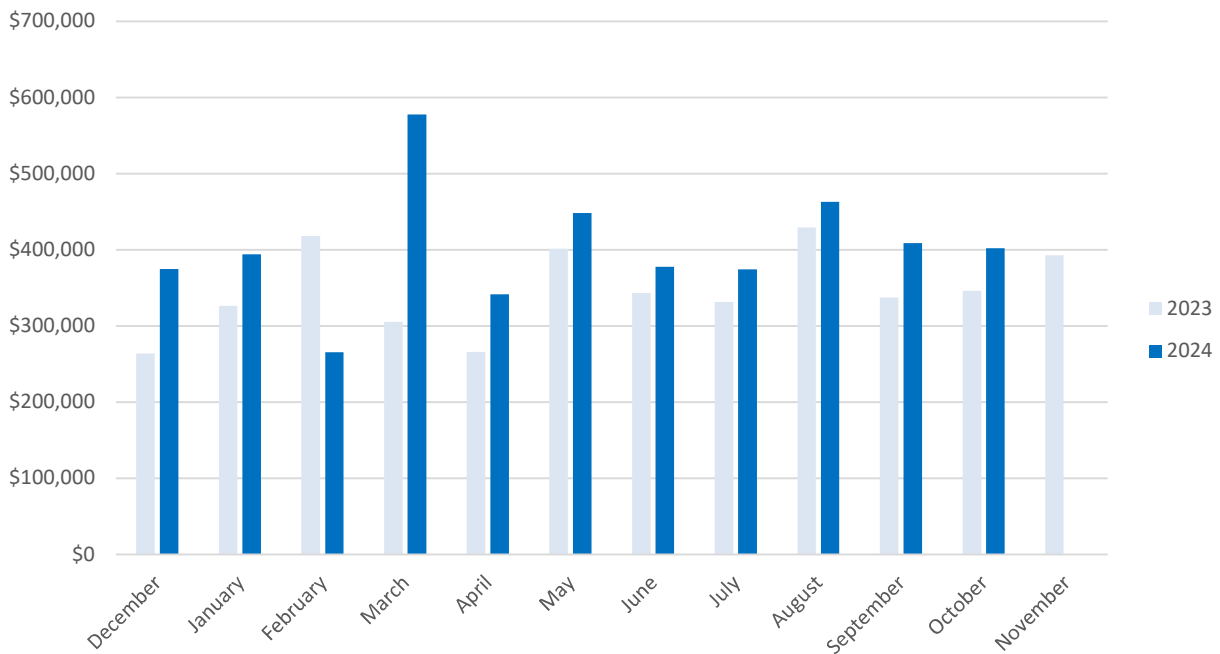
SALES TAX REPORT

October 31, 2024

BUDGETED YEAR

MONTH	FY 2021	FY 2022	FY 2023	FY 2024	DIFF 23 vs. 24	% DIFF 23 vs. 24
DECEMBER	\$ 235,381.33	\$ 263,577.66	\$ 338,726.54	\$ 374,686.38	\$ 35,959.83	10.62%
JANUARY	\$ 262,263.52	\$ 326,207.92	\$ 368,377.73	\$ 393,994.39	\$ 25,616.67	6.95%
FEBRUARY	\$ 456,571.35	\$ 417,896.79	\$ 480,381.11	\$ 265,491.94	\$ (214,889.17)	-44.73%
MARCH	\$ 257,187.91	\$ 305,605.50	\$ 313,686.17	\$ 577,757.71	\$ 264,071.54	84.18%
APRIL	\$ 221,881.55	\$ 265,773.80	\$ 310,050.94	\$ 341,335.06	\$ 31,284.12	10.09%
MAY	\$ 400,371.70	\$ 401,180.20	\$ 434,878.33	\$ 448,671.55	\$ 13,793.21	3.17%
JUNE	\$ 290,586.92	\$ 343,371.26	\$ 330,236.89	\$ 377,949.25	\$ 47,712.37	14.45%
JULY	\$ 314,559.10	\$ 331,432.86	\$ 379,162.00	\$ 374,225.20	\$ (4,936.80)	-1.30%
AUGUST	\$ 390,790.76	\$ 429,696.16	\$ 448,253.70	\$ 463,185.29	\$ 14,931.59	3.33%
SEPTEMBER	\$ 307,681.15	\$ 337,512.61	\$ 371,880.65	\$ 408,571.56	\$ 36,690.91	9.87%
OCTOBER	\$ 326,382.38	\$ 346,236.36	\$ 377,466.67	\$ 402,154.81	\$ 24,688.13	6.54%
NOVEMBER	\$ 411,813.32	\$ 392,790.84	\$ 458,694.91	\$ -		
Sub-Total	\$ 3,875,470.98	\$ 4,161,281.96	\$ 4,611,795.64	\$ 4,428,023.12	\$ 274,922.39	9.38%
Total	\$ 3,875,470.98	\$ 4,161,281.96	\$ 4,611,795.64	\$ 4,428,023.12	\$ 274,922.39	9.38%

WEDC Sales Tax Analysis



*** Sales Tax collections typically take 2 months to be reflected as Revenue. SlsTx receipts are then accrued back 2 months.
Example: October SlsTx Revenue is actually August SlsTx and is therefore the 11th allocation in FY24.

Wylie Economic Development Corporation

PERFORMANCE AGREEMENT REPORT

October 31, 2024

PERFORMANCE AGREEMENTS	TOTAL INCENTIVE	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	REMAINING AFTER CURRENT FY	PREVIOUS FY PAYMENTS	TOTAL INCENTIVE	
AMERICAN ENTITLEMENTS II	\$ 35,000.00	\$ 12,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,000.00	\$ 35,000.00	
AXL	\$ 65,000.00	\$ 18,500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 46,500.00	\$ 65,000.00	
GLEN ECHO BREWING	\$ 100,000.00	\$ 30,000.00	\$ 20,000.00	\$ -	\$ -	\$ -	\$ 20,000.00	\$ 50,000.00	\$ 100,000.00	A
MLKJ	\$ 80,000.00	\$ 40,000.00	\$ 40,000.00	\$ -	\$ -	\$ -	\$ 40,000.00	\$ -	\$ 80,000.00	B
CLF II LI WYLIE (LOVETT)	\$ 1,300,000.00	\$ 650,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 650,000.00	\$ 1,300,000.00	
PHOENIX ASCENDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	C
SANDEN INTERNATIONAL	\$ 500,000.00	\$ 200,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300,000.00	\$ 500,000.00	
	\$ 2,080,000.00	\$ 950,500.00	\$ 60,000.00	\$ -	\$ -	\$ -	\$ 60,000.00	\$ 1,069,500.00	\$ 2,080,000.00	
							<i>Deferred Outflow</i>	\$ 1,010,500.00		

A. Performance Agreement (\$100,000) and Forgiveable Land Grant (\$100,000 forgiven over 3 years). \$33,000 CO, \$33,000 in 2025, and \$34,000 in 2026.

B. Performance Agreement (\$80,000) and Forgiveable Land Grant (\$200,000 forgiven over 3 years). \$50,000 CO & \$50,000/year in 2025, 2026, & 2027.

C. Forgiveable Land Grant (\$450,000 forgiven over 4 years). \$112,500 CO & \$112,500/year in 2026, 2027, & 2028.



Wylie City Council

AGENDA REPORT

Department: Finance
Prepared By: Melissa Brown

Account Code: _____

Subject

Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for October 31, 2024.

Recommendation

Motion to approve the Item as presented.

Discussion

The Finance Department has prepared the attached reports for the City Council as required by the City Charter.

CITY OF WYLIE

MONTHLY FINANCIAL REPORT

10/31/2024

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2024-2025	CURRENT MONTH ACTUAL 2024-2025	YTD ACTUAL 2024-2025	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 8.33%
GENERAL FUND REVENUE SUMMARY					
TAXES	45,294,073	74,631	74,631	0.16%	A
FRANCHISE FEES	2,955,800	0	0	0.00%	B
LICENSES AND PERMITS	1,046,000	85,749	85,749	8.20%	
INTERGOVERNMENTAL REV.	5,049,926	5,367	5,367	0.11%	C
SERVICE FEES	6,459,688	14,869	14,869	0.23%	D
COURT FEES	350,750	35,780	35,780	10.20%	
INTEREST INCOME	1,500,000	87,957	87,957	5.86%	E
MISCELLANEOUS INCOME	260,500	1,052	1,052	0.40%	
OTHER FINANCING SOURCES	2,719,410	2,719,410	2,719,410	100.00%	F
REVENUES	65,636,147	3,024,814	3,024,814	4.61%	
USE OF FUND BALANCE	2,432,100	0	0	0.00%	
USE OF CARRY-FORWARD FUNDS	1,980,558	NA	NA	NA	G
TOTAL REVENUES	70,048,805	3,024,814	3,024,814	4.32%	
GENERAL FUND EXPENDITURE SUMMARY					
CITY COUNCIL	83,047	2,436	2,436	2.93%	
CITY MANAGER	1,453,814	52,781	52,781	3.63%	
CITY SECRETARY	482,613	16,638	16,638	3.45%	
CITY ATTORNEY	170,000	0	0	0.00%	
FINANCE	1,507,276	47,416	47,416	3.15%	
FACILITIES	1,461,024	43,405	43,405	2.97%	
MUNICIPAL COURT	720,967	27,808	27,808	3.86%	
HUMAN RESOURCES	976,654	38,857	38,857	3.98%	
PURCHASING	364,228	12,225	12,225	3.36%	
INFORMATION TECHNOLOGY	2,486,222	661,547	661,547	26.61%	H
POLICE	17,221,225	682,974	682,974	3.97%	
FIRE	14,280,186	699,091	699,091	4.90%	
EMERGENCY COMMUNICATIONS	4,518,298	618,176	618,176	13.68%	I
ANIMAL CONTROL	1,752,703	33,780	33,780	1.93%	
EMERGENCY MEDICAL SERVICES	3,790,024	82,189	82,189	2.17%	
PLANNING	431,939	16,689	16,689	3.86%	
BUILDING INSPECTION	594,423	18,774	18,774	3.16%	
CODE ENFORCEMENT	448,319	11,326	11,326	2.53%	
STREETS	5,838,784	276,052	276,052	4.73%	
PARKS	2,382,992	92,728	92,728	3.89%	
LIBRARY	2,760,522	162,324	162,324	5.88%	
COMBINED SERVICES	6,473,960	72,580	72,580	1.12%	
TOTAL EXPENDITURES	70,199,221	3,669,795	3,669,795	5.23%	
REVENUES OVER/(UNDER) EXPENDITURES	-150,416	-644,981	-644,980	-0.91%	
A. Property Tax Collections for FY24-25 as of October 31, 2024 are .25%, in comparison to FY23-24 for the same time period of .31%. Sales tax is on a 2 month lag and has not been received.					
B. Franchise Fees: Most franchise fees are recognized quarterly with electric fees making up the majority.					
C. Intergovernmental Rev: The majority of intergovernmental revenues come from WISD reimbursements and Fire Services which are billed quarterly.					
D. Service Fees: Trash fees billed in October are applicable towards FY 2023-24 revenue with the remaining fees coming from other seasonal fees.					
E. Interest Rates have gone down slightly the last two months.					
F. Yearly transfer from Utility Fund.					
G. Largest Carry Forward items: \$800,000 for Animal Shelter Remodel, \$615,587 for Ambulance and 2 Chassis, \$126,900 for Annual Emergency Comm Annual Radio Replacement, \$124,630 for Brown Street Railroad Project, \$100,000 Pavement Condition Index					
H. Annual maintenance agreements					
I. \$544,000 911 Hosted Solution					

CITY OF WYLIE

MONTHLY FINANCIAL REPORT

October 31, 2024

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2024-2025	CURRENT MONTH ACTUAL 2024-2025	YTD ACTUAL 2024-2025	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 8.33%
UTILITY FUND REVENUES SUMMARY					
SERVICE FEES	30,792,578	50,068	50,068	0.16%	J
INTEREST INCOME	850,000	104,388	104,388	12.28%	K
MISCELLANEOUS INCOME	70,000	1,870	1,870	2.67%	
OTHER FINANCING SOURCES				0.00%	
REVENUES	31,712,578	156,326	156,326	0.49%	
USE OF FUND BALANCE	0	NA	0	0	
USE OF CARRY-FORWARD FUNDS	341,718	NA	NA	NA	L
TOTAL REVENUES	32,054,296	NA	156,326	0.49%	
UTILITY FUND EXPENDITURE SUMMARY					
UTILITY ADMINISTRATION	659,806	35,972	35,972	5.45%	
UTILITIES - WATER	5,439,587	60,681	60,681	1.12%	M
CITY ENGINEER	1,200,804	27,029	27,029	2.25%	
UTILITIES - SEWER	2,528,196	63,217	63,217	2.50%	
UTILITY BILLING	1,905,189	71,995	71,995	3.78%	
COMBINED SERVICES	21,147,091	4,842,653	4,842,653	22.90%	N
TOTAL EXPENDITURES	32,880,673	5,101,546	5,101,546	15.52%	
REVENUES OVER/(UNDER) EXPENDITURES	-826,378	-4,945,220	-4,945,221	-15.03%	
<p>J. Most Utility Fund Revenue billed in October was applicable to FY 2023-24.</p> <p>K. Interest Rates have gone down slightly the last two months.</p> <p>L. Largest Carry Forward items: \$61,545 Dogwood Waterline Replacement Design, \$121,760 4X2 Dump Truck, \$72,820 Lead Copper Rule Revision, \$49,934 SCADA Upgrades</p> <p>M. \$1.5 Million budget for Dogwood Waterline Replacement has not been started and is skewing percentage down.</p> <p>N. Annual transfer to the General Fund.</p>					



Wylie City Council

AGENDA REPORT

Department: Finance
Prepared By: Melissa Brown

Account Code: _____

Subject

Consider, and place on file, the City of Wylie Monthly Investment Report for October 31, 2024.

Recommendation

Motion to approve the Item as presented.

Discussion

The Finance Department has prepared the attached reports for the City Council as required by the City Charter.

City Of Wylie

2024-2025 Investment Report

October 31, 2024

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

MMA
CCD
T-Bills
T-Notes
AN

Invest. Number	Principal Amount	Type Of Security	Interest Rate	Issuer	Purchase Date	Maturity Date
1	\$17,186,411.62	MMA	4.9130%	Texpool	12/31/2006	NA
2	\$17,782,320.08	MMA	4.8722%	TexStar	3/15/2011	NA
	\$34,968,731.70					

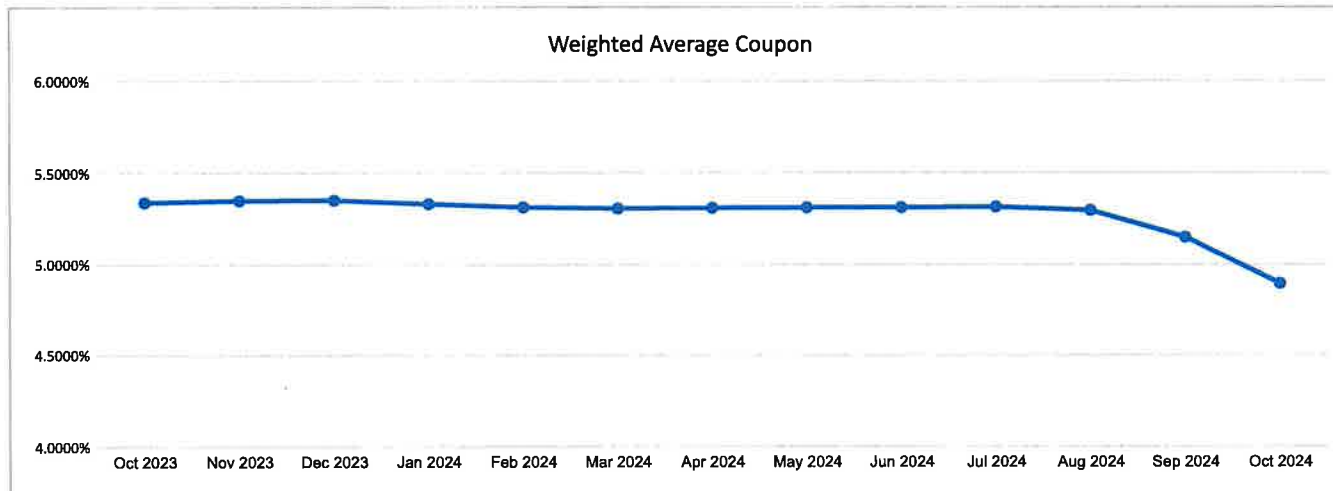
Total

Weighted Average Coupon:
Weighted Average Maturity (Days):

4.8923%
1.00

Money Markets:
Certificates of Deposits:

\$34,968,731.70
\$0.00
\$34,968,731.70



Melissa Brown 11-21-24
Finance Director/Investment Officer



Wylie City Council

AGENDA REPORT

Department: Finance
Prepared By: Melissa Brown

Account Code: _____

Subject

Consider, and act upon, Ordinance No. 2024-42 amending Ordinance No. 2024-25, which established the fiscal year 2024-2025 budget, providing for repealing, savings, and severability clauses, and the effective date of this ordinance.

Recommendation

Motion to approve the Item as presented.

Discussion

An insurance recovery check from TML was received for damage to a police vehicle. This amendment will recognize the insurance recovery revenue in the amount of \$21,109.95 and add the expense to the fleet maintenance budget to reimburse the account for the repairs.

The second part of the amendment is to reallocate county proceeds in the amount of \$65,381.25 for cost sharing to rebuild 1,350 feet of Paul Wilson Road. This amendment will recognize the county proceeds (revenue) and increase the streets and alley budget, where the amount has already been expensed.

Both of these items are budget neutral.

ORDINANCE NO. 2024-42

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO. 2024-25, WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2024-2025; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council heretofore adopted Ordinance No. 2024-25 setting forth the Budget for Fiscal Year 2024-2025 beginning October 1, 2024, and ending September 30, 2025; 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 2024-2025 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 2024-2025 Budget of the City of Wylie; Exhibit A, as heretofore adopted by Ordinance No. 2024-42, are completely adopted and approved as amendments to the said FY 2024-2025 Budget.

SECTION II: All portions of the existing FY 2024-2025 Budget and Ordinance No. 2024-25, 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 10th day of December, 2024.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

Budget Amendment

Public Works Expense Reimbursements

Exhibit A

Fund	Department	Account Number	Account Description	Debit	Credit
100	5181	54510	Motor Vehicles	21,109.95	
100	4000	49600	Insurance Recoveries		21,109.95
100	5411	54210	Streets & Alleys	65,381.25	
100	4000	43450	County Proceeds		65,381.25
				86,491.20	86,491.20



Wylie City Council

AGENDA REPORT

Department: Purchasing
Prepared By: Christopher Rodriguez

Account Code: Various

Subject

Consider, and act upon, Modification No. 3 to Wylie Contract #W2021-76-A for Employee Medical, Dental, and Rx Benefits with Cigna Health and Life Insurance Company in an estimated annual amount of \$479,641.00; and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

The City received its renewal from CIGNA for the 2024-2025 plan year. For the medical plan and dental plan, the overall rates increased by 10%. For the medical plan, the City has retained the previous year's PPO option and introduced a new HDHP/HSA option to help reduce renewal rates. The dental benefits and plan design will remain unchanged.

Staff recommends approval of Modification No. 3 to Wylie agreement #W2021-76-A with Cigna Health and Life Insurance Company which will increase the overall annual expenses by 10% (approximately \$479,641.00) as providing the best overall value to the City. This modification is for option number one of the initial 2-year term (additional renewal periods remaining), for employee medical, dental, and Rx benefits.



Wylie City Council

AGENDA REPORT

Department: Police Department

Prepared By: Anthony Henderson

Account Code: 100-5211-52130

Subject

Consider, and act upon, the approval of the purchase of Motorola Radio Equipment and Maintenance Services in the estimated amount of \$72,581.30 from Motorola Solutions, Inc. through a cooperative purchasing contract with H-GAC Buy and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

Wylie Police Department have standardized on Motorola radio equipment and maintenance throughout the City for emergency communications. These radios are on the public safety network, and can communicate with other departments during network outages or emergencies. The purchase of ten radios and equipment was approved in the FY2025 budget for newly purchased police vehicles.

Staff recommends the approval of the purchase of Motorola radio equipment and maintenance services in the estimated amount of \$72,581.30 as providing the best overall value to the City through the use of an interlocal cooperative purchasing contract with H-GAC Buy.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.

17724 - H-GAC (TX) - RA05-21/ City of Wylie #W2025-53.



Wylie City Council

AGENDA REPORT

Department: Purchasing

Prepared By: Kirby Krol

Account Code: 100-5231-58510

Subject

Consider, and act upon, the approval of the purchase of a 2025 Chevy Silverado 2500 for Wylie Fire Rescue from Reliable Chevrolet Inc. through a cooperative purchasing agreement with The Interlocal Purchasing System (TIPS), authorizing the City Manager to execute all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

Wylie Fire Rescue is seeking approval from the City Council to purchase a 2025 Chevy 2500 Silverado SWB Custom Trim Crew Cab 4WD (CK20743) in an estimated amount of \$54,310.

This truck will replace the current Prevention 142 assigned to the Fire Prevention Division. Fleet Unit #285 (2012 Chevy 2500) will be sent to auction once the complete up-fitting of this new vehicle is completed. Unit #417 (2019 Chevy 2500) will be rotated to reserve status.

The funds appropriated for this vehicle were approved in the most recent City budget. Staff recommends the purchase of these trucks for the Wylie Fire Rescue through a cooperative purchasing agreement with The Interlocal Purchasing System (TIPS) as providing the best value to the City.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code and, by doing so, satisfies any State Law requiring local governments to seek competitive bids for items.

(City of Wylie No. W2025-59; TIPS No. 230404)



Wylie City Council

AGENDA REPORT

Department: Purchasing Department

Prepared By: Christopher Rodriguez

Account Code: 611-5712-58850
611-5714-58850
100-5411-58850

Subject

Consider, and act upon, the approval of the purchase of three (3) John Deere Compact Track Loaders in the estimated amount of \$233,112.45 through a cooperative purchasing contract with Sourcewell and authorizing the City Manager to execute any and all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

Public Works is seeking approval to purchasing three (3) John Deere Compact Track Loaders. The compact loaders will be utilized by the utility crews on construction sites for dirt restoration, loading and unloading materials (e.g. rock base, sand material, water valves, fire hydrants, and pipe), and removing and scraping debris from roads after utility repair has been completed.

The equipment will help increase productivity and expedite job tasks assigned to crews. This piece of equipment also reduces the number of personnel on the construction site, and enables restoration work, large amounts of debris removal, and material loading and unloading, while reducing the risk of employee back injuries.

Staff recommends the purchase of three (3) Compact Track Loaders in the estimated amount of \$233,112.45 through a cooperative purchasing contract with Sourcewell through RDO Equipment Co. The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.

(Wylie Agreement No. 2025-46/ Sourcewell Contract No. 011723)



Wylie City Council

AGENDA REPORT

Department: Purchasing Department
Prepared By: Christopher Rodriguez

Account Code: 611-5712-58850

Subject

Consider, and act upon, the approval of the purchase of one (1) John Deere Base Excavator in the estimated amount of \$135,066.77 through a cooperative purchasing contract with Sourcewell and authorizing the City Manager to execute any and all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

The Water Division is replacing the current excavator with a mid-size excavator. This new equipment will be used for rehabilitation, routine maintenance, and emergency excavation repairs of the water distribution system. The existing excavator requires extensive maintenance and repairs and has reached the point where replacement is necessary.

The John Deere mid-size excavator enables operators to work effectively in tight, restricted areas, making waterline repairs easier and more efficient. Its design helps minimize damage to existing infrastructure, such as concrete panels and sod, thus reducing the need for replacements. With this new equipment, waterline repairs can be completed more promptly, addressing the limitations of the current machinery, which has a restricted working area due to its size.

Staff recommends the purchase of an Excavator estimated amount of \$135,066.77 through a cooperative purchasing contract with Sourcewell through RDO Equipment Co. The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.

(Wylie Agreement No. 2025-47 / Sourcewell Contract No. 011723-JDC)



Wylie City Council

AGENDA REPORT

Department: Purchasing Department
Prepared By: Kirby Krol

Account Code: 611-5712-58850

Subject

Consider, and act upon, approval of the purchase of one (1) Valve Maintenance Trailer in the estimated amount of \$113,000 from Illinois Tool Works, Inc. d/b/a EH Wachs through a cooperative purchasing agreement with BuyBoard, and authorizing the City Manager to execute any and all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

Public Works Water Divisions is requesting to purchase one (1) Valve Maintenance Trailer to replace the existing water valve machine.

This equipment will be utilized to exercise valves and remove debris from inside valve stacks. Exercising water valves in the water distribution system helps delay shutting off water during emergency repairs, increasing the productivity and efficiency of water main repairs.

Additionally, this equipment will assist staff in collecting data for water utilities and support corrections in GIS mapping for the location of water valves. Therefore, staff recommends the purchase of a Valve Maintenance Trailer in an estimated amount of \$113,000 from Illinois Tool Works, Inc. d/b/a EH Wachs through a cooperative purchasing agreement, providing the best value to the City.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.

(Wylie No. 2025-45 / Buyboard No. 685-22)



Wylie City Council

AGENDA REPORT

Department:	<u>Purchasing Department</u>	Account Code:	<u>611-5714-58850</u>
Prepared By:	<u>Kirby Krol</u>		<u>611-5712-58850</u>

Subject

Consider, and act upon, the approval of the purchase of two (2) Husqvarna Walk-Behind Concrete Saws in the estimated amount of \$76,519.14 through a cooperative purchasing agreement with Sourcewell, and authorizing the City Manager to execute any and all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

The Public Works Department is requesting to purchase two (2) Husqvarna walk-behind concrete saws from White Cap, L.P. to maintain high levels of service for the public in response to an increased demand in usage.

Public Works in its entirety (inclusive of water utilities, wastewater, stormwater, street maintenance, fleet services, signs and signals, utility administration) has only one concrete saw. Sharing and scheduling use of this single piece of equipment has become problematic due to the increased workload across all divisions.

Acquiring the additional equipment will significantly enhance productivity and expedite repairs, especially when conducting maintenance and repair operations on wastewater and water utilities. Therefore, staff recommends the purchase of two (2) Husqvarna walk-behind concrete saws estimated amount of \$76,519.14 from White Cap, L.P. through a cooperative purchasing agreement with Sourcewell to provide the best value to the City.

The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.

(Wylie No. 2025-44 / Sourcewell No. 091422-WCP)



Wylie City Council

AGENDA REPORT

Department: Purchasing
Prepared By: Christopher Rodriguez

Account Code: 611-5714-54410

Subject

Consider, and act upon, the approval of the purchase and install of three (3) 4-inch submersible pumps in the estimated amount of \$127,000.00 through Xylem Water Solutions and authorizing the City Manager to execute any and all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

Public Works (Utility Plant Sewer) Plans to purchase three (3) 4-inch submersible pumps for the Wylie Lakes, Bennett, and Pheasant Creek Lift Stations which was approved in the FY24-25 Budget. Currently, the existing pumps are over 20 years old.

The 4-inch submersible pumps are designed to transport/pump wastewater from the wastewater lift station wet wells through the wastewater collection to a point of gravity flow.

This purchase is being presented as a “sole source”, subject due to specific territorial restrictions; and due to these restrictions, Xylem Water Solutions USA, Inc. is the sole authorized provider of these goods and services within the territory, making it impractical or impossible to procure these products or services from other vendors.

Staff recommends the purchase of Flygt Submersible Pumps from Xylem Water Solutions USA, Inc. in the estimated amount of \$127,000.00 as providing the best overall value as well as compatibility with existing equipment already located in the City.



Wylie City Council

AGENDA REPORT

Department: Parks and Recreation
Prepared By: Brent Stowers

Account Code: 112-5614-58150

Subject

Consider, and act upon, the award of contract #W2025-56 to WEBUILDFUN INC. for replacement playground equipment at Riverway Park in the estimated amount of \$70,000.00 through a cooperative purchasing contract with Buyboard and authorizing the City Manager to execute any and all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

The Parks and Recreation Department (PARD) is seeking approval from the City Council to award contract #W2025-56 for replacement playground equipment at Sage Creek Park located at Ryan Lane and Wooded Creek Avenue.

Riverway is one of our oldest playgrounds, and replacement parts have been discontinued. As a playground ages and parts become hard to find, upkeep and safety become challenging. We want to replace the Riverway Playground to address these issues. A new playground at Riverway will promote well-kept and safe playground spaces while enhancing community well-being, providing quality recreation services, and instilling a sense of pride in the neighborhood.

Staff recommends the award of contract #W2025-56 to WEBUILDFUN INC. in the estimated amount of \$70,000.00 as providing the best value to the City. The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization under Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code, and by doing so, satisfies any State Law requiring local governments to seek competitive bids for items.

(City of Wylie No. W2025-56; Buy Board #679-22)



Wylie City Council

AGENDA REPORT

Department: Parks and Recreation
Prepared By: Brent Stowers

Account Code: 112-5614-58150

Subject

Consider, and act, upon, the award of contract #W2025-57 to WEBUILDFUN INC. for replacement playground equipment at Sage Creek Park in the estimated amount of \$59,870.00 through a cooperative purchasing contract with Buyboard and authorizing the City Manager to execute any and all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

The Parks and Recreation Department (PARD) is seeking approval from the City Council to award contract #W2025-57 for replacement playground equipment at Sage Creek Park located at Ryan Lane and Wooded Creek Avenue.

The existing playground equipment at Sage Creek Park is 15 years old and shows notable wear and tear. As a playground ages and parts become hard to find, upkeep and safety become challenging. We want to replace the Sage Creek playground to address these issues. A new playground at Sage Creek will promote well-kept and safe playground spaces while enhancing community well-being, providing quality recreation services, and instilling a sense of pride in the neighborhood.

Staff recommends the award of contract #W2025-57 to WEBUILDFUN INC. in the estimated amount of \$59,870.00 as providing the best value to the City. The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization under Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code, and by doing so, satisfies any State Law requiring local governments to seek competitive bids for items.

(City of Wylie No. W2025-57; Buy Board #679-22)



Wylie City Council

AGENDA REPORT

Department: Parks and Recreation

Prepared By: Brent Stowers

Account Code: 112-5614-58150

Subject

Consider, and act upon, the award of contract #W2025-58 Founders Park Phase II Soccer Field Renovations to Grand Landscapes and Athletics (GLA) in the amount of \$598,392.00 through a cooperative purchasing contract with Buyboard and authorizing the City Manager to execute any and all necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

Founders Park youth soccer and football fields are currently constructed for passive and non-athletic use rather than regular play. Rain causes waterlogged fields, and the current irrigation system contributes to uneven watering, affecting the ground and turf quality. These conditions impact the quality of play and increase the risk of injury. A renovation to these fields will improve drainage, while appropriate irrigation will provide consistent ground and turf playability, reducing the risk of injuries and ensuring a safer environment.

Work to be completed includes scraping and disposing of 365,000 sq. ft. of field and common areas, rough grade and drag smooth, installing a new two-wire irrigation system using Hunter products, importing and spreading 2" of screened topsoil at fields to ensure proper drainage, importing and spreading sand at fields and common areas, laser grade fields, and install Tuff Tuff big roll sod for all areas (365,000 sq. ft.), roll sod after installation, and topdress with sand.

Staff recommends the award of contract #W2025-58 to Grand Landscapes and Athletics (GLA). in the amount of \$598,392.00 as providing the best value to the City. The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization under Chapter 791 of the Texas Government Code and Section 271 Subchapter F of the Local Government Code, and by doing so, satisfies any State Law requiring local governments to seek competitive bids for items

Wylie #W2025-58 / Buy Board 737-24



Wylie City Council

AGENDA REPORT

Department: Parks and Recreation
Prepared By: Brent Stowers

Account Code: _____

Subject

Consider, and act upon, Resolution No. 2024-32(R) authorizing the City Manager of the City of Wylie, Texas, to execute an Interlocal Agreement by and between the City of Wylie and the City of Murphy for a shared trail connection – Maxwell Creek Trail Connection.

Recommendation

Motion to approve the Item as presented.

Discussion

The City of Murphy has begun construction on a trail connection that will link the City of Wylie to the Maxwell Creek Trail and extend all the way to Breckenridge Park in Richardson, Texas. A portion of this project will take place within Wylie City limits, extending up to McCreary Road. The City of Wylie will be responsible for extending the trail across McCreary Road and connecting it to the 12-foot-wide regional trail running through the Woodbridge Development on the east side of McCreary Road.

The Parks and Recreation Department is proposing an interlocal agreement with the City of Murphy to permit their contractors to perform work within Wylie City limits. The City of Wylie will oversee inspections for the trail sections within its jurisdiction. Once construction is complete, the City of Wylie will assume maintenance responsibilities for the portions of the trail located within its boundaries.

RESOLUTION NO. 2024-32(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, HEREBY AUTHORIZING THE CITY MANAGER OF THE CITY OF WYLIE, TEXAS, TO EXECUTE AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF WYLIE AND THE CITY OF MURPHY FOR A SHARED TRAIL CONNECTION – MAXWHEEL CREEK TRAIL CONNECTION.

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

SECTION 1: The City Manager of the City of Wylie, Texas, is hereby authorized to execute, on behalf of the City Council of the City of Wylie, Texas, an Interlocal Agreement by and between the City of Wylie and the City of Murphy for a shared trail connection – Maxwell Creek Trail Connection.

SECTION 2: This Resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 10th day of December, 2024.

Matthew Porter, Mayor

ATTEST TO:

Stephanie Storm, City Secretary

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF WYLIE, TEXAS
AND THE CITY OF MURPHY, TEXAS FOR CONSTRUCTION AND MAINTENANCE OF
MAXWELL CREEK TRAIL**

THIS AGREEMENT (the “Agreement”) is made and entered into by and between the City of Wylie, Texas, a home rule municipal corporation of the State of Texas (hereinafter “Wylie”) and the City of Murphy, Texas, a home rule municipal corporation of the State of Texas (hereinafter “Murphy”), each organized and existing under the laws of the State of Texas, and each acting by and through and under the authority of their respective governing bodies and officials. Wylie and Murphy are collectively referred to as the “Parties.”

WHEREAS, Wylie and Murphy are local governmental entities organized under the laws of the State of Texas, both of which have the authority to perform the services set forth in this Agreement individually, and mutually desire to enter into an Interlocal Cooperation Agreement, as provided for in Chapter 791 of the Texas Government Code in order to maximize the benefits to the citizens of Wylie and Murphy to be derived from each taxpayer dollar expended; and

WHEREAS, Wylie and Murphy desire to enter into this Agreement for the purpose of collaborating on the development of Maxwell Creek Trail and ensuring connectivity of the trail between the two cities; and

WHEREAS, Murphy agrees to construct a portion of Maxwell Creek Trail located in the City of Wylie from the eastern city limit boundary of Murphy to McCreary Road in Wylie (hereinafter the “Trail”), as depicted in **Exhibit “A”**, to enable Murphy to provide trail connectivity inside Murphy city limits, namely to connect Maxwell Creek Trail to new residential development in Murphy; and

WHEREAS, Wylie agrees to extend the trail across McCreary Road to ensure trail connectivity; and

WHEREAS, Wylie agrees to waive all related construction permit fees for the Trail and coordinate with Murphy for the inspection of the Trail; and

WHEREAS, Wylie and Murphy value the timely completion of the Trail which creates an integral connection to a shared trail facility, and the Parties are undertaking the Project to facilitate trail connectivity for the citizens of both cities; and

WHEREAS, by approval of this Agreement by the Wylie City Council and the Murphy City Council at open public meetings, each of the Parties have given specific written approval to enter into this Agreement, as required by Tex. Gov’t. Code §791.014(a).

NOW THEREFORE, Wylie and Murphy, for and in consideration of the premises and the mutual covenants set forth in this Interlocal Cooperation Agreement, and pursuant to the authority granted by the governing bodies of each of the parties hereto, in accordance with Tex. Gov’t Code §791.011(d)(1), do hereby AGREE as follows:

ARTICLE 1 INCORPORATION OF PREAMBLES

All matters and recitations stated in the preamble to this Agreement are true and correct and are hereby incorporated by reference into the provisions of this Agreement for all purposes.

ARTICLE 2 PURPOSE OF AGREEMENT.

Pursuant to Texas Government Code §791.011, Wylie and Murphy hereby enter into this Agreement to perform certain governmental functions and services. The purpose of this Agreement is to provide a governmental function or service that each party is authorized to perform individually.

Murphy, at its sole cost, agrees to construct the Trail located within the City of Wylie, the location of which is more specifically shown on **Exhibit "A,"** attached hereto and incorporated herein for all purposes. Construction of the Trail shall reach substantial completion on or around February 14, 2025, and shall include the following:

- (1) approximately thirty (30) feet of Trail that is sixteen (16) feet wide from the eastern city limit of Murphy to the current back of curb on the western side of southbound McCreary Road; and
- (2) ADA compliant ramp at the connection point to McCreary Road; and
- (3) Approximately fifty (50) feet of Trail that is eight (8) feet wide northward to residential developments in the city limits of Murphy.

Wylie, at its sole cost, agrees to construct additional trail improvements (the "Additional Improvements"), including, but not limited to, pavement markings and median improvements, for crossing of McCreary Road, as determined by Wylie in its sole discretion. Notwithstanding the foregoing, in the event Wylie has not commenced construction on the Additional Improvements by the date Murphy completes its Trail construction obligations under this Agreement, Wylie shall, at its sole cost, install a barrier to restrict pedestrian access to and entry upon McCreary Road from the terminus of the Trail constructed by Murphy. Wylie shall maintain such barrier, at its sole cost, until the Additional Improvements are complete.

Wylie agrees to waive all permit fees related to construction of the Trail inside the City of Wylie. Fees shall only be waived for a contractor operating under a contract with the City of Murphy for construction of the Trail who is also registered with the City of Wylie. Wylie agrees to coordinate inspections with Murphy during and at the completion of Trail construction.

ARTICLE 3 TERM OF AGREEMENT

This Agreement shall be effective as of the ____ day of _____ 2024 and shall continue in force and effect until final completion of the Project and acceptance of the Trail by the City of Wylie. The parties may each elect to terminate this Agreement by mutual agreement of the Parties, except that the terms of the indemnification and the hold harmless provisions contained within Article 6 hereunder shall survive

such termination.

ARTICLE 4 INSURANCE

Murphy agrees to require its contractor or contractors providing services on the Trail pursuant to this Agreement to provide insurance coverage in minimum amounts sufficient to cover liability limits for governmental entities as set forth in the Texas Tort Claims Act, as amended. Each City shall maintain appropriate insurance coverage as required by state law and as necessary to protect against liabilities related to the Trail.

ARTICLE 5 MAINTENANCE OF TRAIL

The Parties agree that upon completion of construction of the Trail and acceptance of the Trail by the City of Wylie, all portions of the Trail within Wylie city limits shall become the property of the City of Wylie, and the City of Wylie shall solely be responsible for the maintenance thereof.

ARTICLE 6 INDEMNIFICATION/LIABILITY

THE PARTIES AGREE TO BE RESPONSIBLE EACH FOR THEIR OWN NEGLIGENT ACTS OR OMISSIONS, OR OTHER TORTIOUS CONDUCT IN THE COURSE OF PERFORMANCE OF THIS AGREEMENT WITHOUT WAIVING ANY SOVEREIGN IMMUNITY, GOVERNMENTAL IMMUNITY, OR OTHER DEFENSES AVAILABLE TO THEM UNDER FEDERAL OR STATE LAW. THE PARTIES EXPRESSLY AGREE THAT NO PROVISION OF THIS AGREEMENT IS IN ANY WAY INTENDED TO CONSTITUTE A WAIVER OF ANY IMMUNITIES FROM SUIT OR FROM LIABILITY THAT EACH PARTY HAS BY OPERATION OF LAW. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, IN OR TO ANY THIRD PERSONS OR ENTITIES. ALL PARTIES AGREE THAT ANY SUCH LIABILITY OR DAMAGES OCCURRING DURING THE PERFORMANCE OF THIS AGREEMENT CAUSED BY THE JOINT OR COMPARATIVE NEGLIGENCE OF THE PARTIES OR THEIR EMPLOYEES, AGENTS OR OFFICERS, SHALL BE DETERMINED IN ACCORDANCE WITH THE COMPARATIVE RESPONSIBILITY LAWS OF THE STATE OF TEXAS. EACH PARTY ACKNOWLEDGES THAT THE OTHER PARTY IS PROHIBITED BY ARTICLE III, SECTION 52 AND ARTICLE XI, SECTION 7 OF THE CONSTITUTION OF THE STATE OF TEXAS FROM INDEMNIFYING IT OR ANY OTHER THIRD PARTY FOR DAMAGES ARISING UNDER THIS AGREEMENT.

ARTICLE 8 RESERVED

ARTICLE 9 NOTICE

Any notice given by one Party to the other in connection with this Agreement shall be in writing and shall be by personal delivery; sent by registered mail or certified mail; sent by electronic mail; or by U.S. Mail, return receipt requested, postage prepaid to:

WYLIE: Office of the City Manager
City of Wylie, Texas
300 Country Club Rd., Bldg. 100
Wylie, Texas 75098

With a copy to:
Abernathy, Roeder, Boyd, and Hullett, P.C.
ATTN: Ryan Pittman
1700 N. Redbud Blvd #300
McKinney, TX 75069

MURPHY: Office of the City Manager
City of Murphy, Texas
206 N. Murphy Rd.
Murphy, Texas 75094

With a copy to:
Messer Fort, PLLC
ATTN: Andy Messer
6371 Preston Road, Suite 200
Frisco, TX 75034

Notice shall be deemed to have been received on the date of receipt as shown on the return receipt or other written evidence of receipt.

ARTICLE 10 MODIFICATION

No waiver or modification of this Agreement or of any covenant, condition, limitation herein contained shall be valid unless in writing and duly executed by the Party to be charged therewith. No evidence of any waiver or modification shall be offered or received in evidence in any proceeding arising between the Parties hereto out of or affecting this Agreement, or the rights or obligations of the Parties hereunder, unless such waiver or modification is in writing, duly executed. The Parties further agree that the provisions of this Article shall not be waived unless as herein set forth.

ARTICLE 11 SAVINGS/SEVERABILITY

In the event that any one or more of the provisions hereof contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

ARTICLE 12 GOVERNING LAW AND VENUE

This Agreement shall be construed under and governed by, and in accordance with the laws of the

State of Texas, and all obligations of the parties hereto, created by this Agreement are performable in Collin County, Texas. Venue of any suit or cause of action under this Agreement shall lie exclusively in Collin County, Texas.

**ARTICLE 13
ENTIRE AGREEMENT**

This Agreement and the exhibits attached thereto, constitutes the entire agreement among the parties hereto with respect to the subject matter hereof, and supersedes any prior understandings or written or oral agreements between the parties with respect to the subject matter of this Agreement. No amendment, modification, cancellation or alteration of the terms of this Agreement shall be binding on any Party hereto unless the same is in writing, dated subsequent to the date hereof, and is duly authorized and executed by the parties hereto.

**ARTICLE 14
WAIVER OF TERMS AND CONDITIONS**

The failure of either party to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a general waiver or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.

**ARTICLE 15
NO THIRD-PARTY BENEFICIARIES**

This Agreement only inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

**ARTICLE 16
AUTHORITY OF PARTIES**

This Agreement is made by and entered into by the duly authorized officials of each respective governmental entity.

**ARTICLE 17
CAPTIONS**

The captions contained in this Agreement are for informational purposes only and shall not in any way affect the substantive terms or conditions of this Agreement.

**ARTICLE 18
COUNTERPARTS**

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and constitute one and the same instrument.

IN WITNESS WHEREOF, the City of Wylie, Texas has caused this Agreement to be executed in two original counterparts, by its duly authorized representative; and the City of Murphy, Texas has caused this Agreement to be executed by its duly authorized representative, to be effective as of the ____ day of _____ 2024.

CITY OF WYLIE, TEXAS
A Texas Municipal Corporation

By: _____
Brent Parker, City Manager

ATTEST:

By: _____
Stephanie Storm, City Secretary

CITY OF MURPHY, TEXAS
A Texas Municipal Corporation

By: _____
Aretha Adams, City Manager

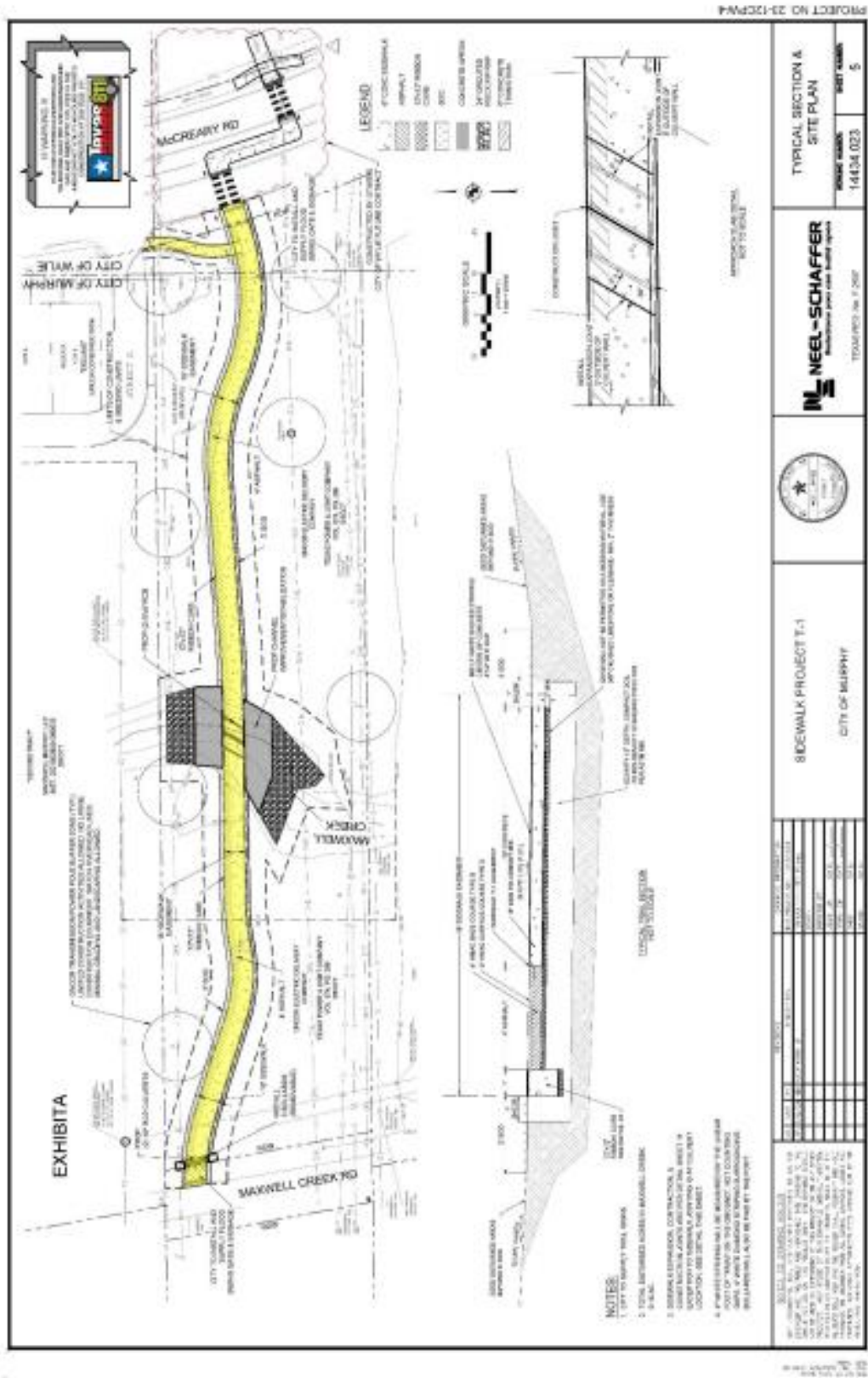
ATTEST:

By: _____
Kandi Jackson, City Secretary

APPROVED AS TO FORM:

By: _____
Susan B. Thomas, PhD, Asst. City Attorney

EXHIBIT A – DEPICTION OF PROJECT





Wylie City Council

AGENDA REPORT

Department: Planning
 Prepared By: Jasen Haskins

Account Code: _____

Subject

Consider, and act upon, a Final Plat of Villas at Kreymer creating 67 residential lots and five Homeowners Association lots on 21.91 acres, generally located on Kreymer Lane approximately 1400' north of E. Stone Road.

Recommendation

Motion to approve the Item as presented.

Discussion

OWNER: SGG Single Family LLC

APPLICANT: Roome Land Surveying

The applicant has submitted a Final Plat for Villas at Kreymer, creating 67 residential lots and five HOA lots on 21.91 acres. The property was zoned Single Family 10/24 in December 2016 and allows for single family detached lots with a minimum lot size of 10,000 square feet.

The development was formerly named Serene Villas and has an approved preliminary plat from August 2021. The developer has changed the name of the subdivision name to Villas at Kreymer.

The development provides three points of access with access to Kreymer Lane from Harmony Way, to the Kreymer East Phase 2 subdivision via Falcons Way, and to the Avalon Addition Phase 2 subdivision via McBeth Way.

The development contains five HOA lots that are to be owned and maintained by the Homeowners Association.

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

The City Council must provide a written statement of the reasons for conditional approval or disapproval to the applicant in accordance with Article 212, Section 212.0091 of the Texas Local Government Code.

P&Z Recommendation

The Commission voted 6-0 to recommend approval.



Wylie City Council

AGENDA REPORT

Department: Engineering
 Prepared By: Than Nguyen

Account Code: _____

Subject

Consider, and act upon, Ordinance No. 2024-43, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 50 (Floods), Article II (Flood Damage Prevention); updating and establishing regulations for flood damage prevention; defining the flood hazard areas of Wylie; Prescribing rules and regulations for construction in flood hazard areas to reduce flood losses; appointing the City Manager or his/her designated representative to implement the provisions of this ordinance; Requiring permits for development in Flood Hazard areas; establishing a disclaimer of liability; providing for a penalty for the violation of this Ordinance; providing repealing, savings and severability clauses; providing for an effective date of this ordinance and for the publication of the caption hereof.

Recommendation

Motion to approve the Item as presented.

Discussion

The new Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) for City of Wylie and incorporated areas, goes into effect on November 21, 2024 as it was last issued on June 2, 2009. The proposed ordinance includes the reference to the new FIS as FEMA has requested this notification to be incorporated into our floodplain ordinance.

The ordinance also establishes a freeboard requirement which specifies that new construction shall have the lowest floor elevated at least two feet above the base flood elevation. This requirement helps to further minimize flood damage to residential and commercial properties. Staff and a local engineering firm, Birkhoff, Hendricks & Carter, LLP, has proposed minor changes/clarifications to this ordinance as part of this ordinance update.

ORDINANCE NO. 2024-43

CONSIDER, AND ACT UPON, ORDINANCE NO. 2024-43, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 50 (FLOODS), ARTICLE II (FLOOD DAMAGE PREVENTION); UPDATING AND ESTABLISHING REGULATIONS FOR FLOOD DAMAGE PREVENTION; DEFINING THE FLOOD HAZARD AREAS OF WYLIE; PRESCRIBING RULES AND REGULATIONS FOR CONSTRUCTION IN FLOOD HAZARD AREAS TO REDUCE FLOOD LOSSES; APPOINTING THE CITY MANAGER OR HIS/HER DESIGNATED REPRESENTATIVE TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; REQUIRING PERMITS FOR DEVELOPMENT IN FLOOD HAZARD AREAS; ESTABLISHING A DISCLAIMER OF LIABILITY; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") previously adopted Ordinance No. 2014-20, codified as Chapter 50 (Floods), Article II (Flood Damage Prevention) of the City of Wylie, Texas' ("Wylie") Code of Ordinances, Ordinance No. 2021-17, as amended; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to repeal Ordinance No. 2014-20 in its entirety and replace Chapter 50 (Floods), Article II (Flood Damage Prevention) of the Wylie Code of Ordinances, Ordinance No. 2021-17, as amended, with this Ordinance, which updates and establishes regulations for the prevention of flood damage within Wylie; and

WHEREAS, the City Council has investigated and determined that the adoption of this Ordinance will be advantageous and beneficial to the citizens of Wylie and will protect the public health, safety and welfare.

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

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

SECTION 2. Repeal of Ordinance No. 2014-20. Ordinance No. 2014-20 is hereby repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the Effective Date of this Ordinance (hereinafter defined), at which time Ordinance No. 2014-20 shall be repealed. Such repeal shall not abate any pending prosecution or lawsuit or prevent any prosecution or lawsuit from being commenced for any violation of Ordinance No. 2014-20 occurring before the Effective Date of this Ordinance.

SECTION 3. Amendment to Chapter 50 (Floods), Article II (Flood Damage Prevention) of the Wylie Code of Ordinances, Ordinance No. 2021-17, as amended. Chapter 50 (Floods), Article II (Flood Damage Prevention) of the Wylie Code of Ordinances, Ordinance No. 2021-17, as amended is hereby amended to read as follows:

“CODE OF ORDINANCES CHAPTER 50 – FLOODS

ARTICLE II. - FLOOD DAMAGE PREVENTION

Division 1. - Generally

Sec. 50-31. Statutory Authorization.

The legislature of the state has in the Flood Control Insurance Act, Texas Water Code § 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.

Sec. 50-32. Findings of fact.

- (a) The drainage ways, creeks, and flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- (c) Land development can cause large quantities of soil to be displaced and transported to downstream locations. Erosion can contaminate water supplies and resources. A buildup of sediment degrades water quality, damages or destroys valuable environmental resources and clogs watercourses, which can cause flooding, thereby damaging public and private lands and property.
- (d) Creeks and floodplain areas are valuable resources deserving protection in that they provide recreational opportunities, improve the aesthetics of the community, convey storm water runoff and filter some water quality pollutants.

Sec. 50-33. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood-prone areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.
- (8) Preserve the natural conditions of creeks and floodplain areas that are valuable resources deserving protection in that they provide recreational opportunities, improve the aesthetics of the community, convey storm water runoff and filter some water quality pollutants.
- (9) Minimize development in floodplains to preserve the natural beauty and aesthetics of the community;
- (10) Control and manage storm water runoff, the sediment load and pollutant load from points and surfaces within developments; and
- (11) Establish a reasonable standard of design for development to minimize potential flood and erosion damage;

Sec. 50-34. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or that cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the conveyance of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

Secs. 50-35—50-55. Reserved.

Division 2. - Definitions

Sec. 50-56. Definitions.

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

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one-percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard (SFHA) means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBm). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the FIRM and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year—also called the base flood.

Basement means any area of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Conditional Letter of Map Revision (CLOMR) is an application consisting of the elements required by the Federal Emergency Management Agency for prior approval of a project in a special flood hazard area.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building, for insurance purposes, means a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns and is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

Existing construction, for the purposes of determining rates, means structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as existing structures.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) is the federal agency charged with review and approval of projects in special flood hazard areas.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See Flood elevation study.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (See *Flooding*).

Floodplain Administrator is the official designated by the City Manager to be responsible for fulfilling the duties and responsibilities defined in this Ordinance in Division 4. Administration under Sec. 50-106.

Floodplain Development Permit means a permit form produced by the local government agency that is required to be approved prior to construction or development within or adjacent to any Special Flood Hazard Area (SFHA).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term "floodplain management regulations" describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See *Regulatory floodway*.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level, for purposes of the National Flood Insurance Program, means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction, for the purpose of determining insurance rates, means structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See *Area of special flood hazard*.

Start of construction, except for new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), means substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storm drainage design manual, an administrative manual approved and amended by the City Manager or his designee that provides direction for design of storm drainage facilities, provides minimum requirements for detailed flood studies, and for development within floodplains.

Structure, for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. The term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements, see CFR 44 section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation (WSE) means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Secs. 50-57—50-77. Reserved.

Division 3. - General Provisions

Sec. 50-78. Lands to which this article applies.

This division shall apply to all areas of special flood hazard, or areas that will impact areas of special flood hazard as determined by FEMA and the City Floodplain Administrator, within the jurisdiction of the City.

Sec. 50-79. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “Flood Insurance Study (FIS) for City of Wylie, TX and Incorporated Areas, dated Effective November 21, 2024, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated November 21, 2024, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Sec. 50-80. Establishment of development permit.

A floodplain development permit is available from the City’s website under the “Engineering” tab shall be required to ensure conformance with the provisions of this division.

Sec. 50-81. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this division and other applicable regulations.

Sec. 50-82. Abrogation and greater restrictions.

This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this division and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 50-83. Interpretation.

In the interpretation and application of this division, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city council; and
- (3) Deemed neither to limit nor repeal any other powers granted under statutes of the state.

Sec. 50-84. Warning and disclaimer of liability.

The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This division does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This division shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made hereunder.

Secs. 50-85—50-105. Reserved

Division 4. - Administration

Sec. 50-106. Designation of the floodplain administrator.

The City Engineer or the City Manager's designated representative is hereby appointed the floodplain administrator to administer and implement the provisions of this division and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 50-107. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this division.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this division.
- (4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344) from which prior approval is required.
- (5) Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 50-79, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 5 of this article.

- (9) a. When a regulatory floodway has not been designated, must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the city's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.
- b. Under the provisions of 44 CFR chapter 1, section 65.12 of the National Flood Insurance Program regulations, the city may approve certain development in Zones A1-30, AE, AH, on the city's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the city first completes all of the provisions required by section 65.12.

Sec. 50-108. Permit procedures

- (a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 50-132(2);
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) The location and elevation of the base flood for both existing conditions, proposed conditions and fully developed conditions. The location and elevation of the existing conditions base flood may be based on the City's FIRMs for areas that have been studied in detail and no floodplain alteration is proposed. Both the existing and fully developed base flood location and elevation shall be based on a detailed study as part of an application for a CLOMR where no detailed study of the floodplain exists and where floodplain alterations are proposed unless otherwise stated in writing by the Floodplain Administrator.
 - (6) A CLOMR or at a minimum a detailed engineering report shall be prepared in accordance with the requirements of the Storm Drainage Design Manual for all subdivisions and new construction in floodplains and said report shall be reviewed and approved by the Floodplain Administrator.
 - (7) Maintain a record of all such information in accordance with section 50-107(1);
- (b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this division and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (c) No application for a floodplain development permit shall be reviewed which is not complete and accompanied by payment of the floodplain development permit fees if a fee is established as established.
- (d) The floodplain development permit shall automatically expire after the expiration of one (1) year from the date of the permit unless development has commenced.
- (e) Permits required to be obtained from all State and Federal regulatory bodies with jurisdiction in such matters, including 404 Permits, Nationwide and Individual permits from the Corps of Engineers shall be obtained prior to the issuance of the floodplain development permit.

Sec. 50-109. Variance procedures

- (a) The city board of adjustment and appeals shall hear and render judgment on requests for variances from the requirements of this section.
- (b) The city board of adjustment and appeals shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this division.
- (c) Any person or persons aggrieved by the decision of the city board of adjustment and appeals may appeal such a decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this division.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 50-108(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this division, the city board of adjustment and appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon: showing a good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and

- that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by the city for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria outlined in section 50-109(a)—(i) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - (l) Variances and appeals can only be considered upon submittal of an appeal letter or request for variance to the Floodplain Administrator.
 - (1) Applicants may be required to submit additional information which the Floodplain Administrator may deem necessary to review the appeal or request for variance.
 - (2) Each appeal or request for variance shall be accompanied by an appeal/variance review fee if established by the City Council, payable to the City, no party of which shall be refundable, unless the appeal or request for variance is withdrawn by the applicant prior to the Floodplain Administrator's review of the appeal or request, in which case the fee shall be refunded to the applicant.
 - (3) Upon receipt of the appeal or request for variance, the Floodplain Administrator shall review and determine compliance with the provisions of this ordinance and applicable policies.
 - (m) Prior to the request being considered, the variance review fee and, at minimum, the detailed engineering study or CLOMR information as required by the Storm Drainage Design Manual shall be provided to the Floodplain Administrator for review and recommendations.

Secs. 50-110—50-130. Reserved.

Division 5. - Provisions For Flood Hazard Reduction

Sec. 50-131. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (8) All new construction and improvements to existing construction of storm sewers, culverts, channels, creeks and drainage courses shall be designed to convey the fully developed base flood of the area contributing to the facility with at least one foot of freeboard.

- (9) All new developments shall utilize regional detention and retention facilities as directed by the Floodplain Administrator to help collect silt from storm water runoff and to minimize increases in flood elevations from development and increased runoff.
- (10) Preserve the existing conveyance capacity of floodplains and allow no rise in water surface elevation and no increase in channel velocities as a result of a floodplain development project. A rise of less than six (6) inches may be allowed if it is demonstrated to only impact the subject development tract and that the principle of equal conveyance reduction has been applied.
- (11) Floodplains may be reclaimed provided they are demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City, during the occurrence of the base flood discharge and FEMA has approved a Conditional Letter of Map Revision (CLOMR). In addition, development shall not reduce total valley storage for all special flood hazard areas on the City's FIRMs. The only exception that will be considered is an increase confined to being within the limits of the property that is proposed for reclamation, and such rise will be limited to a maximum of six (6) inches within the subject tract, as described in Sec. 50-107.(9).

Sec. 50-132. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 50-79, 50-107(8), or 50-133(c), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at least two feet above the base flood elevation. A registered professional engineer or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 50-108(a)(1), is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least two feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within Zone A on the city's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the city's FIRM on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage, as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the city's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:
 - 1. The lowest floor of the manufactured home is at least two feet above the base flood elevation; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the city's FIRM either be on the site for fewer than 180 consecutive days, or be fully licensed and ready for highway use, or meet the permit requirements of section 50-108(a), and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

Sec. 50-133. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 50-32, 50-33, and 50-34.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of sections 50-80 and 50-108 and the provisions of this division.
- (c) Base flood elevation data and fully developed base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than twenty-five (25) lots or three (3) acres, whichever is lesser, if not otherwise provided pursuant to section 50-79 or 50-107(8).
- (d) Base flood elevation data, with the establishment of a floodway, shall be generated by a detailed engineering study or CLOMR as determined by the Floodplain Administrator for all Zone A areas, or within one hundred (100) feet of the outlines of Zone A areas, and other streams not mapped by FEMA, or indicated on the community's FIRM.
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

- (f) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 50-134. Standards for areas of shallow flooding (AO/AH Zones).

Located within the areas of special flood hazard established in section 50-79 are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated at least two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures:
 - a. Have the lowest floor (including basement) elevated at least two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 50-108 are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

Sec. 50-135. Floodways.

Floodways, located within areas of special flood hazard established in section 50-79, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge and FEMA has approved a Conditional Letter of Map Revision.
- (2) If section 50-135(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division 5.
- (3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program Regulation, the city may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the city first completes all the provisions required by section 65.12.

Sec. 50-136. Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations.

Sec. 50-137. Permitted Floodplain Uses.

To minimize possible losses of life and property, the following uses and structures are permitted in a floodplain area *and other similar uses as approved by the Floodplain Administrator*, provided they are also permitted in the underlying zoning district;

- (1) Farm or ranch;
- (2) Public park or playground, and golf course, if provided with controlled access during time of flood;
- (3) Parking lots designed in accordance with this ordinance.
- (4) Radio, television or microwave tower and amateur communications tower protected from flood damage and with a conditional use permit.
- (5) Open private recreation clubs or areas and private centers without exterior walls are permitted in floodplain areas. Private and public facilities listed above with enclosed walls that would incur damage are not permitted in floodplain areas.”

SECTION 4: Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00). Each continuing day’s violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Repealing/Savings. 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 or lawsuit for violation of the repealed ordinance, nor shall the repeal prevent a prosecution or lawsuit 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 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/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, sentence, clause and phrase thereof, even if any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

SECTION 7: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law (“Effective Date”).

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 10th day of December, 2024.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

DATE OF PUBLICATION: December 19, 2024, in The Wylie News

PART II - CODE OF ORDINANCES
Chapter 50 FLOODS

Chapter 50 FLOODS¹

ARTICLE I. IN GENERAL

Secs. 50-1—50-30. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION

DIVISION 1. GENERALLY

Sec. 50-31. Statutory authorization.

The legislature of the state has in the Flood Control Insurance Act, Texas Water Code § 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain as follows.

(Code 2005, § 50-31; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-32. Findings of fact.

- (a) The drainage ways, creeks, and flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- (c) Land development can cause large quantities of soil to be displaced and transported to downstream locations. Erosion can contaminate water supplies and resources. A buildup of sediment degrades water quality, damages or destroys valuable environmental resources and clogs watercourses, which can cause flooding, thereby damaging public and private lands and property.
- (d) Creeks and floodplain areas are valuable resources deserving protection in that they provide recreational opportunities, improve the aesthetics of the community, convey storm water runoff and filter some water quality pollutants.

(Code 2005, § 50-32; Ord. No. 2014-20 , § 3, 6-10-2014)

¹State law reference(s)—Flood Control and Insurance Act, Texas Water Code § 16.311 et seq.; authorizing municipalities to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program, Texas Water Code § 16.315.

Sec. 50-33. Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood-prone areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.
- (8) Preserve the natural conditions of creeks and floodplain areas that are valuable resources deserving protection in that they provide recreational opportunities, improve the aesthetics of the community, convey storm water runoff and filter some water quality pollutants.
- (9) Minimize development in floodplains to preserve the natural beauty and aesthetics of the community;
- (10) Control and manage storm water runoff, the sediment load and pollutant load from points and surfaces within developments; and
- (11) Establish a reasonable standard of design for development to minimize potential flood and erosion damage;

(Code 2005, § 50-33; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-34. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or that cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the conveyance of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

(Code 2005, § 50-34)

Secs. 50-35—50-55. Reserved.

PART II - CODE OF ORDINANCES
Chapter 50 - FLOODS
ARTICLE II. - FLOOD DAMAGE PREVENTION
DIVISION 2. DEFINITIONS

DIVISION 2. DEFINITIONS

Sec. 50-56. Definitions.

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

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one-percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard (SFHA) means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the FIRM and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year—also called the base flood.

Basement means any area of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Conditional Letter of Map Revision (CLOMR) is an application consisting of the elements required by the Federal Emergency Management Agency for prior approval of a project in a special flood hazard area.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building, for insurance purposes, means a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns **and is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.**

Existing construction, for the purposes of determining rates, means structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as existing structures.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) is the federal agency charged with review and approval of projects in special flood hazard areas.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See Flood elevation study.

Floodplain or **flood-prone area** means any land area susceptible to being inundated by water from any source (See *Flooding*).

Floodplain Administrator is the official designated by the City Manager to be responsible for fulfilling the duties and responsibilities defined in this Ordinance in Division 4. Administration under Sec. 50-106.

Floodplain Development Permit means a permit form produced by the local government agency that is required to be approved prior to construction or development within or adjacent to any Special Flood Hazard Area (SFHA).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term "floodplain management regulations" describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See *Regulatory floodway*.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level, for purposes of the National Flood Insurance Program, means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction, for the purpose of determining insurance rates, means structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See *Area of special flood hazard*.

Start of construction, except for new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), means substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storm drainage design manual, an administrative manual approved and amended by the City Manager or his designee that provides direction for design of storm drainage facilities, provides minimum requirements for detailed flood studies, and for development within floodplains.

Structure, for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. The term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements, see **CFR 44** section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation (WSE) means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Code 2005, § 50-56; Ord. No. 2014-20 , § 3, 6-10-2014)

Secs. 50-57—50-77. Reserved.

DIVISION 3. GENERAL PROVISIONS

Sec. 50-78. Lands to which this article applies.

This division shall apply to all areas of special flood hazard, **or areas that will impact areas of special flood hazard as determined by FEMA and the City Floodplain Administrator**, within the jurisdiction of the City.

(Code 2005, § 50-78; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-79. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "Flood Insurance Study (FIS) for City of Wylie, TX and Incorporated Areas, dated Effective November 21, 2024, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated November 21, 2024, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

(Code 2005, § 50-79; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-80. Establishment of development permit.

A floodplain development permit is available from the City's website under the "Engineering" tab shall be required to ensure conformance with the provisions of this division.

(Code 2005, § 50-80; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-81. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this division and other applicable regulations.

(Code 2005, § 50-81; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-82. Abrogation and greater restrictions.

This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this division and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Code 2005, § 50-82; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-83. Interpretation.

In the interpretation and application of this division, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city council; and
- (3) Deemed neither to limit nor repeal any other powers granted under statutes of the state.

(Code 2005, § 50-83; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-84. Warning and disclaimer of liability.

The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This division does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This division shall not create liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made hereunder.

(Code 2005, § 50-84; Ord. No. 2014-20 , § 3, 6-10-2014)

Secs. 50-85—50-105. Reserved

PART II - CODE OF ORDINANCES
Chapter 50 - FLOODS
ARTICLE II. - FLOOD DAMAGE PREVENTION
DIVISION 4. ADMINISTRATION

DIVISION 4. ADMINISTRATION

Sec. 50-106. Designation of the floodplain administrator.

The **City Engineer or the City Manager's designated representative** is hereby appointed the floodplain administrator to administer and implement the provisions of this division and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.

(Code 2005, § 50-106; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-107. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this division.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this division.
- (4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344) from which prior approval is required.
- (5) Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 50-79, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 5 of this article.
- (9)
 - a. When a regulatory floodway has not been designated, must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the city's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.
 - b. Under the provisions of 44 CFR chapter 1, section 65.12 of the National Flood Insurance Program regulations, the city may approve certain development in Zones A1-30, AE, AH, on the city's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the city first completes all of the provisions required by section 65.12.

(Code 2005, § 50-107)

Sec. 50-108. Permit procedures

- (a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- (1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 50-132(2);
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) The location and elevation of the base flood for both existing conditions, proposed conditions and fully developed conditions. The location and elevation of the existing conditions base flood may be based on the City's FIRMs for areas that have been studied in detail and no floodplain alteration is proposed. Both the existing and fully developed base flood location and elevation shall be based on a detailed study as part of an application for a CLOMR where no detailed study of the floodplain exists and where floodplain alterations are proposed unless otherwise stated in writing by the Floodplain Administrator.
 - (6) A CLOMR or at a minimum a detailed engineering report shall be prepared in accordance with the requirements of the Storm Drainage Design Manual for all subdivisions and new construction in floodplains and said report shall be reviewed and approved by the Floodplain Administrator.
 - (7) Maintain a record of all such information in accordance with section 50-107(1);
- (b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this division and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (c) No application for a floodplain development permit shall be reviewed which is not complete and accompanied by payment of the floodplain development permit fees if a fee is established as established.

- (d) The floodplain development permit shall automatically expire after the expiration of one (1) year from the date of the permit unless development has commenced.
- (e) Permits required to be obtained from all State and Federal regulatory bodies with jurisdiction in such matters, including 404 Permits, Nationwide and Individual permits from the Corps of Engineers shall be obtained prior to the issuance of the floodplain development permit.

(Code 2005, § 50-108)

Sec. 50-109. Variance procedures

- (a) The city board of adjustment and appeals shall hear and render judgment on requests for variances from the requirements of this section.
- (b) The city board of adjustment and appeals shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this division.
- (c) Any person or persons aggrieved by the decision of the city board of adjustment and appeals may appeal such a decision in the courts of competent jurisdiction.
- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this division.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 50-108(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this division, the city board of adjustment and appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon: showing a good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost

of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (k) Variances may be issued by the city for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria outlined in section 50-109(a)—(i) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (l) Variances and appeals can only be considered upon submittal of an appeal letter or request for variance to the Floodplain Administrator.
 - (1) Applicants may be required to submit additional information which the Floodplain Administrator may deem necessary to review the appeal or request for variance.
 - (2) Each appeal or request for variance shall be accompanied by an appeal/variance review fee if established by the City Council, payable to the City, no party of which shall be refundable, unless the appeal or request for variance is withdrawn by the applicant prior to the Floodplain Administrator's review of the appeal or request, in which case the fee shall be refunded to the applicant.
 - (3) Upon receipt of the appeal or request for variance, the Floodplain Administrator shall review and determine compliance with the provisions of this ordinance and applicable policies.
- (m) Prior to the request being considered, the variance review fee and, at minimum, the detailed engineering study or CLOMR information as required by the Storm Drainage Design Manual shall be provided to the Floodplain Administrator for review and recommendations.

(Ord. No. 2014-20 , § 3, 6-10-2014)

Secs. 50-110—50-130. Reserved.

DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 50-131. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (8) All new construction and improvements to existing construction of storm sewers, culverts, channels, creeks and drainage courses shall be designed to convey the fully developed base flood of the area contributing to the facility with at least one foot of freeboard.
- (9) All new developments shall utilize regional detention and retention facilities as directed by the Floodplain Administrator to help collect silt from storm water runoff and to minimize increases in flood elevations from development and increased runoff.
- (10) Preserve the existing conveyance capacity of floodplains and allow no rise in water surface elevation and no increase in channel velocities as a result of a floodplain development project. A rise of less than six (6) inches may be allowed if it is demonstrated to only impact the subject development tract and that the principle of equal conveyance reduction has been applied.
- (11) Floodplains may be reclaimed provided they are demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City, during the occurrence of the base flood discharge and FEMA has approved a Conditional Letter of Map Revision (CLOMR). In addition, development shall not reduce total valley storage for all special flood hazard areas on the City's FIRMs. The only exception that will be considered is an increase confined to being within the limits of the property that is proposed for reclamation, and such rise will be limited to a maximum of six (6) inches within the subject tract, as described in Sec. 50-107.(9).

(Code 2005, § 50-131; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-132. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 50-79, 50-107(8), or 50-133(c), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at least two feet above the base flood elevation. A registered professional engineer or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 50-108(a)(1), is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least two feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other

than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within Zone A on the city's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the city's FIRM on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage, as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the city's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:
 1. The lowest floor of the manufactured home is at least two feet above the base flood elevation; or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the city's FIRM either be on the site for fewer than 180 consecutive days, or be fully licensed and ready for highway use, or meet the permit requirements of section 50-108(a), and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(Code 2005, § 50-132; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-133. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 50-32, 50-33, and 50-34.

- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of sections 50-80 and 50-108 and the provisions of this division.
- (c) Base flood elevation data **and fully developed base flood elevation data** shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than **twenty five (25) lots or three (3) acres**, whichever is lesser, if not otherwise provided pursuant to section 50-79 or 50-107(8).
- (d) **Base flood elevation data, with the establishment of a floodway, shall be generated by a detailed engineering study or CLOMR as determined by the Floodplain Administrator for all Zone A areas, or within one hundred (100) feet of the outlines of Zone A areas, and other streams not mapped by FEMA, or indicated on the community's FIRM.**
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (f) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Code 2005, § 50-133; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-134. Standards for areas of shallow flooding (AO/AH Zones).

Located within the areas of special flood hazard established in section 50-79 are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated at least two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures:
 - a. Have the lowest floor (including basement) elevated at least two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 50-108 are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(Code 2005, § 50-134; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-135. Floodways.

Floodways, located within areas of special flood hazard established in section 50-79, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the city during the occurrence of the base flood discharge **and FEMA has approved a Conditional Letter of Map Revision.**
- (2) If section 50-135(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division 5.
- (3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program Regulation, the city may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the city first completes all the provisions required by section 65.12.

(Code 2005, § 50-135; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-136. Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations.

(Code 2005, § 50-136; Ord. No. 2014-20 , § 3, 6-10-2014)

Sec. 50-137. Permitted Floodplain Uses.

To minimize possible losses of life and property, the following uses and structures are permitted in a floodplain area *and other similar uses as approved by the Floodplain Administrator*, provided they are also permitted in the underlying zoning district;

- (1) Farm or ranch;
- (2) Public park or playground, and golf course, if provided with controlled access during time of flood;
- (3) Parking lots designed in accordance with this ordinance.
- (4) Radio, television or microwave tower and amateur communications tower protected from flood damage and with a conditional use permit.
- (5) Open private recreation clubs or areas and private centers without exterior walls are permitted in floodplain areas. Private and public facilities listed above with enclosed walls that would incur damage are not permitted in floodplain areas.



Wylie City Council

AGENDA REPORT

Department: Planning
 Prepared By: Jasen Haskins, AICP

Account Code: _____

Subject

Consider, and act upon, Ordinance No. 2024-44 to abandon Right-of-Way being a 1.279-acre tract of land in the City of Wylie's Extraterritorial Jurisdiction formerly part of Stone Road/FM 544.

Recommendation

Motion to approve the Item as presented.

Discussion

In accordance with Section 253.009 of the Texas Local Government Code and Section 2.12 of the City of Wylie Subdivision Regulations the owner of 945 East FM 544 is requesting that the City Council approve the abandonment of Right-of-Way being a 1.279-acre tract of land formerly part of Stone Road/FM 544. The survey depicting the property is attached. The property is in the City of Wylie's ETJ.

The purpose of the request is to allow the property owner to reclaim the property that was a portion of FM 544/Stone Road before the streets were realigned and created a 4-way intersection to the northeast. This would allow the property owner to make better use of the overall property which is currently split by the unused ROW.

Currently, the ROW serves no City related function for utilities or emergency access. The Fire, Engineering, and Public Works departments have stated that the property serves no current use for the City.

The applicant is requesting Council waive the requirement for an appraisal for said right-of-way. The property owner is offering \$100.00 for the ROW. The Council can waive the requirement for the appraisal, the property cost, neither, or both.

ORDINANCE NO. 2024-44

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, ABANDONING RIGHT-OF-WAY BEING A 1.279 ACRE TRACT OF LAND IN THE CITY OF WYLIE EXTRATERRITORIAL JURISDICTION, AND TO WAIVE THE REQUIREMENT FOR AN APPRAISAL FOR SAID RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property described herein as Exhibit “A”, said right-of-way being approximately 1.279 acres; and

WHEREAS, the principal owner of 945 East Farm to Market Road 544, adjacent to said right-of-way has requested that the right-of-way be abandoned and offered for sale according to State law (LGC Sec 253.009) and the City of Wylie Subdivision Regulations (Section 2.12); and

WHEREAS, the City of Wylie has determined that said right-of-way is no longer needed for public access purposes, provided that existing utilities located within said right-of-way are converted to easements through replatting or other legal instruments by the new owners acquiring said right-of-way; and

WHEREAS, the City of Wylie finds that it is in the public interest to waive the expense of an appraisal and convey the properties for a fair amount;

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

SECTION 1: That the described rights-of-way as shown in Exhibit “A” attached are no longer necessary for public access purposes, provided that existing utilities shall be located within easements, and that said portion of right-of-way should be abandoned in favor of adjacent property owner.

SECTION 2: That this abandonment shall extend only to the public right-of-way, title and interest which the City of Wylie, Texas may have in and to said right-of-way, and shall be construed to extend only to such interest that the governing body of the City of Wylie may legally and lawfully abandon.

SECTION 3: That the City of Wylie, Collin County, for and in consideration of \$100.00 dollars, have granted, sold, and conveyed, and by these presents do grant, sell, and convey unto the said 945 East Farm to Market Road 544, of the City of Wylie, in the state of Texas, all that certain properties as described in Exhibit “A”. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the said Judy Allen or assigns forever. And do hereby bind The City of Wylie, executors, and administrators to warrant and forever defend all and singular the said premises unto the said Judy Allen, and assigns, against every person whomsoever, lawfully claiming or to claim the same, or any part thereof.

SECTION 4: That this ordinance shall be in full force and effect from and after its adoption by the City Council, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 10th day of December, 2024.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

DATE OF PUBLICATION: December 19, 2024, in The Wylie News

EXHIBIT "A"
RIGHT-OF-WAY ABANDONMENT
CITY OF WYLIE,
COLLIN COUNTY, TEXAS

Being a tract of land, situated in the Allen Atterbury Survey, Abstract No. 23, in the City of Wylie, Collin County, Texas, and being a part of F.M. Highway 544, said tract being more particularly described, as follows:

BEGINNING at a 3/8" iron rod found for the northeasterly corner of Lot 32, Block A, of **STONERIDGE FARMS, PHASE II**, an addition to the City of Wylie, as recorded in Volume K, Page 778, of the Map Records, Collin County, Texas (M.R.C.C.T.), same being in the southwesterly monumented line of F.M. Highway 544, from which a 3/8" iron rod found bears, North 79°39'15" West, a distance of 263.34';

THENCE over and across said F.M. Highway 544, the following (2) two courses and distances:

1. North 09°33'57" East, a distance of 45.24' to a 5/8" iron rod with a yellow plastic cap stamped "NTS" set (herein after referred to as a capped iron rod set) for corner;

2. South 89°22'51" East, a distance of 117.17' to a 5/8" iron rod with a yellow plastic cap stamped "NTS" found for the most westerly southwest corner of a 0.889 acre right-of-way dedication to the City of Wylie, as recorded under Document No. 20120830001083370, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), said corner being at the beginning of a curve to the right, having a radius of 863.53', a central angle of 31°35'09", and a chord which bears, South 47°12'31" East, a chord distance of 470.04';

THENCE along said curve to the right, in a southeasterly direction, along the northeasterly monumented line of F.M. Highway 544, an arc length of 476.04' to a 5/8" iron rod with a yellow plastic cap stamped "NTS" found for the most westerly southwest corner of said 0.889 acre tract;


THENCE South 02°41'01" East, over and across said F.M. Highway 544, a distance of 252.92' to a capped iron rod set for the most southerly corner of the herein described tract, same being in the southwesterly monumented line of F.M. Highway No. 544, and being in a curve to the left, having a radius of 773.53', a central angle of 55°03'12", and a chord which bears, North 42°19'37" West, a chord distance of 714.99';

THENCE along said curve to the left, in a northwesterly direction, along the southwesterly monumented line of F.M. Highway 544, an arc length of 743.26' to the POINT OF BEGINNING and containing 55,704 square feet or 1.279 acres of land, more or less.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

This metes and bounds description is accompanied by a survey plat of even date.

Bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), NAD83 (2011). Surface values shown can be converted to grid by dividing by the combined scale factor of 0.999847313, at base point 0,0.

DATE:	09/19/2024	RIGHT-OF-WAY ABANDONMENT 1.279 ACRES ALLEN ATTERBURY SURVEY ABSTRACT NO. 23 CITY OF WYLIE, COLLIN COUNTY, TEXAS	 North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1010 West University Drive McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com Firm Registration No. 10074200
REVISED:			
SCALE:	1" = 50'		
CHK'D. BY:	M.B.A.		
JOB NO.:	2024-0095		

LOT 4, BLOCK A
MILL CREEK ESTATES
VOL. I, PG. 625,
M.R.C.C.T.

LOT 5, BLOCK A
MILL CREEK ESTATES
VOL. I, PG. 625,
M.R.C.C.T.

F.M. HIGHWAY 544

(A 90' RIGHT-OF-WAY)

3/8" I.R.F.
(R.M.)

N09°33'57"E
45.24'

S89°22'51"E 117.17'

C.I.R.S.

5/8" C.I.R.F.
"NTS" (R.M.)

POINT OF
BEGINNING

Radius=773.53'
Arc Length=264.63'
Delta=19°36'04"
Chrd. Brng.=N79°39'15"W
Chord=263.34'

3/8" I.R.F.
(R.M.)

LOT 32, BLOCK A
STONERIDGE FARMS,
PHASE II
VOL. K, PG. 778,
M.R.C.C.T.

Radius=773.53'
Arc Length=743.26'
Delta=55°03'12"
Chrd. Brng.=N42°19'37"W
Chord=714.99'

REMAINDER OF
JUDY ALLEN
VOL. 4824, PG. 2628,
D.R.C.C.T.

25' DRAINAGE
EASEMENT
(VOL. K, PG. 778)

N09°33'57"E 310.73'

LOT 31, BLOCK A
STONERIDGE FARMS,
PHASE II
VOL. K, PG. 778,
M.R.C.C.T.

ALLEN ATTERBURY SURVEY
ABSTRACT NO. 23

This survey plat is accompanied by a
metes and bounds description of even date.

MATCH LINE SHEET 1 OF 3
MATCH LINE SHEET 2 OF 3

DATE: 09/19/2024

SHEET NO. 1 OF 3

SCALE: 1" = 50'

CHK'D. BY: M.B.A.

JOB NO.: 2024-0095

RIGHT-OF-WAY ABANDONMENT
1.279 ACRES
ALLEN ATTERBURY SURVEY
ABSTRACT NO. 23
CITY OF WYLIE,
COLLIN COUNTY, TEXAS



North Texas Surveying, L.L.C.
Registered Professional Land Surveyors

1010 West University Drive
McKinney, Tx. 75069
Ph. (469) 424-2074 Fax: (469) 424-1997
www.northtexassurveying.com
Firm Registration No. 10074200

F.M. HIGHWAY 544

(A 90' RIGHT-OF-WAY)

This survey plat is accompanied by a
metes and bounds description of even date.

S89°22'51"E 306.31'

5/8" C.I.R.F.
"NTS" (R.M.)

UTILITY EASEMENT
DOCUMENT NO.
20120830001083370,
O.P.R.C.C.T.

S46°16'14"E 34.52'
REMAINDER OF
JUDY ALLEN
VOL. 4824, PG. 2628,
D.R.C.C.T.

5/8" C.I.R.F.
"NTS" (R.M.)

Radius=863.53'
Arc Length=476.04'
Delta=31°35'09"
Chrd. Bng.=S47°12'31"E
Chord=470.04'
55,704 SQ. FT.
1.279 ACRES

F.M. HIGHWAY 544
(A 90' RIGHT-OF-WAY)

Radius=773.53'
Arc Length=743.26'
Delta=55°03'12"
Chrd. Bng.=N42°19'37"W
Chord=714.99'

REMAINDER OF
JUDY ALLEN
VOL. 4824, PG. 2628,
D.R.C.C.T.

ALLEN ATTERBURY SURVEY
ABSTRACT NO. 23

292.46'

S02°41'01"E

S. W.A. ALLEN BLVD.
(A 90' RIGHT-OF-WAY)

5/8" C.I.R.F.
"NTS" (R.M.)

S02°41'01"E
252.92'

MATCH LINE SHEET 2 OF 3
MATCH LINE SHEET 3 OF 3

DATE: 09/19/2024

SHEET NO. 2 OF 3

SCALE: 1" = 50'

CHK'D. BY: M.B.A.

JOB NO.: 2024-0095

RIGHT-OF-WAY ABANDONMENT
1.279 ACRES
ALLEN ATTERBURY SURVEY
ABSTRACT NO. 23
CITY OF WYLIE,
COLLIN COUNTY, TEXAS



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MATCH LINE SHEET 2 OF 3

MATCH LINE SHEET 3 OF 3

ALLEN ATTERBURY SURVEY ABSTRACT NO. 23

REMAINDER OF
JUDY ALLEN
VOL. 4824, PG. 2628,
D.R.C.C.T.

This survey plot is accompanied by a
metes and bounds description of even date.

Radius=773.53'
Arc Length=743.26'
Delta=55°03'12"
Chrd. Brng.=N42°19'37"W
Chord=714.99'

S02°41'01"E
252.92'

C.I.R.S.

Radius=773.53'
Arc Length=67.89'
Delta=05°01'44"
Chrd. Brng.=N12°17'09"W
Chord=67.87'

N89°15'19"W 179.86'

REMAINDER OF
JUDY ALLEN
VOL. 4824, PG. 2628,
D.R.C.C.T.

1/2" I.R.F.
(R.M.)

N86°08'58"W
73.87'

28.97'

S02°46'55"E
100.00'

Radius=773.53'
Arc Length=95.68'
Delta=07°05'14"
Chrd. Brng.=N06°13'40"W
Chord=95.62'

Wooden
Right-of-Way
Marker Fnd.
(R.M.)

Railroad
Spike Fnd.
(R.M.)

LOT 23, BLOCK A
STONERIDGE FARMS,
PHASE II
VOL. K, PG. 778,
M.R.C.C.T.

HELEN M. STONE
VOL. 934, PG. 554,
D.R.C.C.T.

F.M. HIGHWAY 544
(VARIABLE WIDTH RIGHT-OF-WAY)

DATE: 09/19/2024

SHEET NO. 3 OF 3

SCALE: 1" = 50'

CHK'D. BY: M.B.A.

JOB NO.: 2024-0095

RIGHT-OF-WAY ABANDONMENT
1.279 ACRES
ALLEN ATTERBURY SURVEY
ABSTRACT NO. 23
CITY OF WYLIE,
COLLIN COUNTY, TEXAS



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Firm Registration No. 10074200



Wylie City Council

AGENDA REPORT

Department: Planning
 Prepared By: Jasen Haskins

Account Code: _____

Subject

Discuss the Zoning Ordinance regarding smoke shops and retailers that sell smoke, vape, and related products.

Recommendation

Discussion.

Discussion

In June 2023 the City Council approved an amendment to the Zoning Ordinance to add Smoke Shops as a defined use. This amendment included a definition and additional provisions to protect the health, safety, and welfare of the City of Wylie and its citizens (see below).

Having been in effect for 18 months, staff has been asked to discuss this amendment with the City Council.

CURRENT LISTED USE

29. Smoke Shop

a. Definition: A retail establishment engaged in the sale of smoking and vaping products and/or paraphernalia for the consumption of smoking related products. These products include, but are not limited to; Cigarettes, cigars, e-cigarettes, pipes, hookahs, bongs, tobacco, vape cartridges, and chewing tobacco. A business shall be classified as being within this use if more than 25% of the floor space, including displays and aisles, is based on the retail sale of the aforementioned products.

b. Additional Provisions:

(1) No smoke shop shall be established within 1,500 feet of another smoke shop.

(2) Shall not be closer than 300 feet to a public or private school measured in direct line from property line to property line, and in direct lines across intersections.



Wylie City Council

AGENDA REPORT

Department: City Manager
Prepared By: Lillian Baker

Account Code: _____

Subject

Discuss The Wall That Heals Vietnam Memorial.

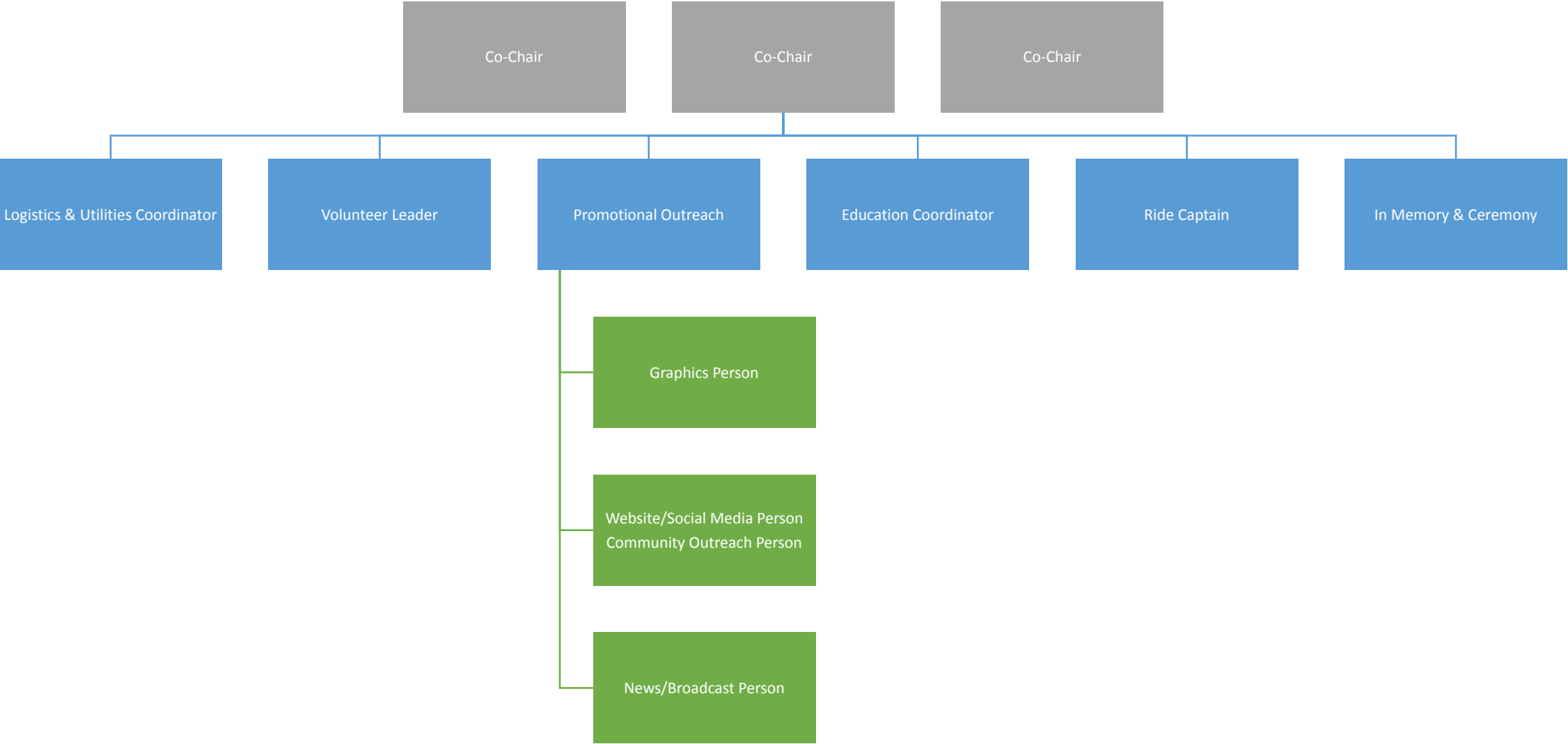
Recommendation

Discuss.

Discussion

The City of Wylie has been selected to host The Wall That Heals Vietnam Memorial. The City will have the honor of hosting the three quarter replica from October 30 - November 2, 2025 in the East Meadow. We would like to thank Mary Lang with the American Legion for bringing this event to our attention.

The Wall that Heals Committee





Wylie City Council

AGENDA REPORT

Department: City Manager
Prepared By: Stephanie Storm

Account Code: _____

Subject

Discuss Encampment on City property.

Recommendation

Discussion

Discussion

This item was added to the agenda by City Council to discuss encampment on City property.

ENCAMPMENT RESEARCH

GEORGETOWN: Sec. 9.12.030. - Sleeping in public place.

No person in the City shall be asleep in the nighttime in any street, alley, highway, square, sidewalk or other public place, not belonging to him, unless sleeping in public place is in conjunction with a special event, is not a nuisance or in violation of any other City ordinance, and receives written approval of the City Manager, or designee.

(Ord. 94-21 § 2; prior code § 17-5)

KEENE: Sec. 130.01 - Sleeping in public place.

It shall be unlawful for any person to sleep in any public square, street, alley, sidewalk or other public place, or in any vehicle, doorway or vacant building, not his or her own, without the permission of the owner.

(2001 Code, § 11-2)

Cross reference— Penalty, see section 130.99

MCKINNEY: Sec. 74-80. - Camping in parks or public areas other than designated campsites in Erwin Park prohibited.

In this section:

Camp means the use of a park or public area for living accommodation purposes including:

- a. Storing personal belongings;
- b. Making a camp fire;
- c. Using a tent or shelter or other structure or vehicle for a living accommodation;
- d. Carrying on cooking activities; or
- e. Digging or earth breaking activities.

LEON VALLEY: Section 8.15.01 Camping, lodging.

(a) Between the hours of 9:00 p.m. and 5:00 a.m., it is unlawful for any person to camp, lodge, or sleep in any public park or other recreational spaces.

(b) It is unlawful for any person to camp, lodge, or sleep on any public median, street, drainageway, or city right-of-way.

(c) Between the hours of 11 :00 p.m. and 5:00 a.m., it is unlawful for any person to remain on a traffic median on any public street or highway, except:

- (1) So long as traffic does not allow the person to complete the crossing of the street or highway;
or
- (2) As required by an emergency threatening public safety or health.

PLANO: ARTICLE II. - PEDESTRIAN SAFETY

Sec. 12-31. - Pedestrians on medians less than six feet in width and approaching a motor vehicle in operation on a major thoroughfare, freeway or access road.

(a) Offenses. It shall be an offense for a person to:

- (1) Stand, sit, or loiter on a roadway median that measures less than six (6) feet, or

- (2) Approach a motor vehicle being operated on a major thoroughfare, freeway or access road.
 - (b) Defenses. It shall be a defense to prosecution if the conduct prohibited by this subsection was by a person:
 - (1) Lawfully and actively crossing a divided roadway in the most direct route possible;
 - (2) Immediately and reasonably necessary to prevent bodily injury or death of any person;
 - (3) Receiving and/or rendering aid in an emergency situation;
 - (4) Performing work in the right-of-way in accordance with a permit issued under chapter 19 of this Code; or
 - (5) Performing work under city, state, or federal authority to protect the health, safety, or welfare of the community, including but not limited to: activities by police and fire departments; maintenance of roadways, utilities, and other public areas; and activities by city employees or its contractors performing work in the course and scope of their employment and pursuant to authorization from the city manager or designee.
- (Ord. No. 2022-6-12, § II, 6-27-22)

RICHARDSON: Sec. 13-52. - Sleeping in public places.

It shall be unlawful for any person to be found asleep upon the sidewalks, streets, alleys, public thoroughfares or in any park of the city.

(Code 1966, § 13-14)

Cross reference— Park rules, § 15-56 et seq.; streets and sidewalks, ch. 20.

State Law reference— Obstructing highway or other passageway, V.T.C.A., Penal Code § 42.03.

TERRELL: Sec. 8-10 Prohibition on the unauthorized placement, erection or maintenance of temporary shelters on designated public property.

(a) In this section:

1. Designated Public Property shall mean any of the following:

(A) Any parks, grounds, buildings, facilities, or rights-of-way under the jurisdiction, management or control of the City including, but not limited to, flood and drainage easements of the City;

(B) Any properties, grounds, buildings, facilities and/or rights-of-way owned, leased or controlled by the City including, but not limited to:

(i) The Terrell City Hall and adjacent city buildings;

(ii) The Riter C. Hulsey Public Library and all library leased/operated facilities;

(iii) All Public Safety Buildings including, but not limited to, all Police, Fire, Animal Control and Emergency Management buildings.

(C) Any vacant and unimproved lots owned, leased, or controlled by the city.

2. Temporary Shelter means any tent or other type of portable or impermanent structures whether manufactured or makeshift, in or under which a person can be sheltered or partially sheltered from the elements.

(b) A person commits an offense if the person places, erects, or maintains a temporary shelter in or upon any designated public property.