



Wylie City Council

NOTICE OF MEETING

Regular Meeting Agenda March 22, 2016 – 6:00 pm Wylie Municipal Complex Council Chambers/Council Conference Room 300 Country Club Road, Building #100

Eric Hogue	Mayor
Keith Stephens	Mayor Pro Tem
Diane Culver	Place 2
Todd Wintters	Place 3
Candy Arrington	Place 4
William Whitney III	Place 5
David Dahl	Place 6
Mindy Manson	City Manager
Richard Abernathy	City Attorney
Carole Ehrlich	City Secretary

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

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.

CALL TO ORDER

Announce the presence of a Quorum

INVOCATION & PLEDGE OF ALLEGIANCE

- **Presentation of Colors and Pledge of Allegiance - Boy Scout Troop 1846**

CITIZENS COMMENTS ON NON-AGENDA ITEMS

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

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 the Minutes of March 8, 2016 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- B. Consider, and place on file, the City of Wylie Monthly Investment Report for February 29, 2016.** *(L. Bantz, Finance Director)*
- C. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for February 29, 2016.** *(L. Bantz, Finance Director)*
- D. Consider and act upon a vendor application from the Wylie Art Gallery for a Farmers Market event at Olde City Park on the following dates: August 6, September 3, and October 1, 2016.** *(R. Diaz, Parks and Recreation Superintendent)*
- E. Consider and act upon vendor application for Wylie East High School Cross Country Team to sell items at a cross country meet to be held September 3, 2016 at Founders Park.** *(R. Diaz, Parks and Recreation Superintendent)*

REGULAR AGENDA

Tabled Item from 02-23-2016

Remove from the Table and Consider:

- 1. Continue a Public Hearing and consider, and act upon, an amendment to PD 2006-01 to allow R5.5 and R8.5 zoning categories for single-family residential development on approximately 104.82 acres, generally located between McCreary Road and Springwell Parkway approximately 1200 feet south of FM544. ZC 2016-02** *(R. Ollie, Development Services Director)*

Executive Summary

The applicant has submitted a letter to withdraw the request to amend PD 2006-01 to allow R5.5 and R8.5 zoning categories. The letter was received by Staff on March 11, 2016.

Tabled Item from 02-23-2016

Remove from the Table and Consider

2. **Continue a Public Hearing and consider, and act upon, a change in zoning from Commercial Corridor (CC) and Light Industrial (LI) to Planned Development-Light Industrial (PD-LI) to allow for proposed Mixed Use Development for retail and self-storage use on 6.25 acres, generally located southeast of SH 78 between Century Way and old Alanis Drive. ZC 2016-03 (R. Ollie, Development Services Director)**

Executive Summary

The applicant has submitted a letter to withdraw the request to change the zoning from Commercial Corridor (CC) and Light Industrial (LI) to Planned Development-Light Industrial (PD-LI) to allow for retail and self-storage use. The letter was received by Staff on March 14, 2016.

3. **Consider, and act upon, Ordinance No. 2016-05 to abandon a portion of Industrial Court being a 50' Public Right-of-Way, and to waive the requirement for an appraisal within the Railroad Industrial Park Addition, surrounded by Lots 4-8, consisting of 0.292 acres or approximately 12,718 square feet. (R. Ollie, Development Services Director)**

Executive Summary

In accordance with Ordinance 2007-21, Section 2.12.A.5, the applicant, Wylie Economic Development Corporation is requesting abandon approximately 12,718 square feet of right-of-way and waive the requirement for a certified appraisal. The subject right-of-way is part of the Railroad Industrial Park Addition, as situated in the S.B. Shelby Abstract No. 820, of the Deed Records of Collin County, Texas and is solely contained within the boundaries of the subject platted lot. The subject right-of-way is used for primary access to the adjoining five lots.

4. **Consider, and act upon, all matters incident and related to the issuance and sale of "City of Wyle, Texas, General Obligation Refunding Bonds, Series 2016", including the adoption of Ordinance No. 2016-06 authorizing the issuance of such bonds, establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized official of the City. (L. Bantz, Finance Director)**

Executive Summary

The City's Financial Advisor First Southwest Company has recommended that the City consider refunding the 2008 Certificates of Obligation, the 2008 General Obligation Bonds and the 2007 Certificates of Obligation. The present value savings is estimated at approximately \$3,600,000. They recommend the City use a parameters bond ordinance to allow First Southwest to avoid potential bad days in the market to conduct the bond sale. Information detailing the proposed parameters that are reflected in the ordinance is attached.

READING OF ORDINANCES

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

EXECUTIVE SESSION

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:

(1) when the governmental body seeks the advice of its attorney about:

(A) pending or contemplated litigation; or

(B) a settlement offer; or

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

- **City of Wylie vs. Parker Country Club, LP pending in Cause No. 003-02341-2014, pending in County Court at Law No. 3, Collin County, Texas**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

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:

CERTIFICATION

I certify that this Notice of Meeting was posted on March 18, 2016 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Carole Ehrlich, City Secretary

Date Notice Removed



Wylie City Council

Minutes

City Council Meeting

Tuesday, March 8, 2016 – 6:00 p.m.
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Bldg. 100
Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:00 p.m. City Secretary Ehrlich took roll call with the following City Council members present: Mayor Eric Hogue, Mayor pro tem Keith Stephens, Councilman David Dahl, Councilwoman Candy Arrington, Councilwoman Diane Culver, Councilman Todd Wintters, and Councilman William Whitney III.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Development Services Director, Renae Ollie; Finance Director, Linda Bantz; WEDC Executive Director, Sam Satterwhite; Fire Chief, Brent Parker; City Engineer, Chris Holsted; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor pro tem Stephens gave the Invocation and City Secretary Carole Ehrlich led the Pledge of Allegiance.

PRESENTATIONS

- **Employee Milestone Anniversaries.** (*L. Fagerstrom, Human Resources Manager*)

Mayor Hogue and City Manager Manson recognized employees celebrating milestone years with the City of Wylie. Mayor Hogue thanked them for their service. They included:

Sam Satterwhite, Director of the WEDC, 20 years
Kevin England, Stormwater Technician, 15 years
Pat Mitchell, Code Enforcement Officer, 10 years
Melissa Beard, Assistant Finance Director, 10 years
Marge Turano, Accountant, 10 years
Silas Hughes, Police Officer, 10 years
Aaron Clappitt, Parks Maintenance Worker, 10 years

CITIZENS COMMENTS ON NON-AGENDA ITEMS

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

There were no citizens present wishing to address Council during Citizens Comments.

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 the Minutes of February 23, 2016 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- B. **Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of January 31, 2016.** *(S. Satterwhite, WEDC Director)*
- C. **Consider, and act upon, the approval of the Change Order #1 to Wylie Contract W2015-48-B FM1378 (Country Club Road) Paving and Drainage Improvements Project with Ed Bell Construction Company in the amount of \$55,760.00, and authorizing the City Manager to execute any necessary documents.** *(G. Hayes, Purchasing)*
- D. **Consider, and act upon, approval of a Final Plat for Kreymer Park, developing 151 residential lots, generally located on East Stone Road approximately 2000' south of East Brown Street.** *(R. Ollie, Development Services Director)*
- E. **Consider, and act upon, Ordinance No. 2016-04, amending the zoning from Single-Family Residential (SF-10/24) to Neighborhood Service with Specific Use Permit (NS-SUP) to allow Assisted Living Facility with 9x18 parking spaces on 3.126 acre tract of land situated in the D. Williams Survey, Abstract 1021. Property generally located northeast corner of West Brown Street and Westgate Way. ZC 2016-01** *(R. Ollie, Development Services Director)*
- F. **Consider, and act upon, Resolution No. 2016-07(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, amending Resolution No. 2016-02(R), which ordered the May 7, 2016 General Election; modifying the method of voting in Dallas and Rockwall Counties to paper ballots and providing that the entire City shall constitute one Election Precinct for the Election.** *(C. Ehrlich, City Secretary)*
- G. **Consider, and act upon, a contract between Elections System and Software (ES&S) and the City of Wylie for the lease of an AutoMARK voting machine and supplies to conduct the May 7, 2016 Election for Dallas and Rockwall County Voters.** *(C. Ehrlich, City Secretary)*
- H. **Consider, and act upon, Resolution No. 2016-08(R) authorizing the City Manager to execute a Mutual Aid Agreement for Fire Protection Services between the City of Wylie and the City of Lucas.** *(B. Parker, Fire Chief)*

Council Action

A motion was made by Councilman Wintters, seconded by Councilwoman Culver to approve the Consent Agenda as presented. A vote was taken and the motion passed 7-0.

READING OF ORDINANCE

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

City Secretary Ehrlich read the caption to Ordinance No. 2016-04 into the official record.

Mayor Hogue convened into Executive Session, reading the caption below at 6:25 p.m. reading the caption below.

EXECUTIVE SESSION

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

§§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.

- **Discussion regarding property generally located near the intersection of Country Club and Brown St.**

Mayor Hogue reconvened into Open Session at 6:38 p.m.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

There was no action taken as a result of Executive Session

ADJOURNMENT

A motion was made by Mayor pro tem Stephens, seconded by Councilman Whitney, to adjourn the meeting at 6:42 p.m. A vote was taken and the motion passed 7-0.

Eric Hogue, Mayor

ATTEST:

Carole Ehrlich, City Secretary



Wylie City Council

AGENDA REPORT

Meeting Date: March 22, 2016
Department: Finance
Prepared By: Finance
Date Prepared: March 10, 2016

Item Number: B
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: Investment Report

Subject

Consider, and place on file, the City of Wylie Monthly Investment Report for February 29, 2016.

Recommendation

Motion to accept and place on file, the City of Wylie Monthly Investment Report for February 29, 2016.

Discussion

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

City Of Wylie

2015-2016 Investment Report

February 29, 2016

Money Market Accounts:

MMA

Certificates of Deposit:

CCD

Treasury Bills:

T-Bills

Treasury Notes:

T-Notes

Government Agency Notes:

AN

Invest. Number	Principal Amount	Type Of Security	Interest Rate	Issuer	Purchase Date	Maturity Date
1	\$14,547,147.87	MMA	0.3010%	Texpool	12/31/2006	NA
2	\$15,067,235.41	MMA	0.3147%	TexStar	3/15/2011	NA
	\$29,614,383.28					

Total

Weighted Average Coupon:

0.3080%

Weighted Average Maturity (Days):

1.00

Money Markets:

\$29,614,383.28

Certificates of Deposits:

\$0.00

\$29,614,383.28



Wylie City Council

AGENDA REPORT

Meeting Date: March 22, 2016
Department: Finance
Prepared By: Finance
Date Prepared: March 10, 2016

Item Number: C
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: Revenue and Expenditure
Monthly Report

Subject

Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for February 29, 2016.

Recommendation

Motion to accept and place on file, the City of Wylie Monthly Revenue and Expenditure Report for February 29, 2016.

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

February 29, 2016

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2015-2016	CURRENT MONTH ACTUAL 2015-2016	YTD ACTUAL 2015-2016	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 41.67%
GENERAL FUND REVENUE SUMMARY					
TAXES	23,439,014	2,308,753	19,729,623	84.17%	A
FRANCHISE FEES	2,671,000	756,274	775,914	29.05%	B
LICENSES AND PERMITS	746,000	100,613	364,478	48.86%	
INTERGOVERNMENTAL REV.	725,920	42,931	298,228	41.08%	
SERVICE FEES	3,225,000	333,028	1,259,933	39.07%	C
FINES AND FORFEITURES	660,832	49,275	202,883	30.70%	D
INTEREST INCOME	5,000	2,804	8,348	166.96%	
MISCELLANEOUS INCOME	166,000	34,325	70,558	42.50%	
OTHER FINANCING SOURCES	2,054,050	111,024	2,165,074	105.41%	E
REVENUES	33,692,816	3,739,027	24,875,039	73.83%	
USE OF FUND BALANCE	972,783	NA	NA	NA	F
USE OF CARRY-FORWARD FUNDS	58,907	NA	NA	NA	
TOTAL REVENUES	34,724,506	NA	NA	NA	
GENERAL FUND EXPENDITURE SUMMARY					
CITY COUNCIL	90,796	2,519	32,943	36.28%	
CITY MANAGER	841,241	53,881	288,299	34.27%	
CITY SECRETARY	276,680	17,214	91,103	32.93%	
CITY ATTORNEY	147,000	0	20,801	14.15%	
FINANCE	1,032,813	65,869	398,491	38.58%	
FACILITIES	729,460	56,670	208,915	28.64%	
MUNICIPAL COURT	365,036	27,278	128,188	35.12%	
HUMAN RESOURCES	306,936	14,969	91,799	29.91%	
PURCHASING	162,501	7,122	35,481	21.83%	
INFORMATION TECHNOLOGY	1,254,236	89,806	518,105	41.31%	
POLICE	8,362,316	523,865	2,981,831	35.66%	
FIRE	7,161,256	460,201	2,436,867	34.03%	
EMERGENCY COMMUNICATIONS	1,409,706	67,830	492,310	34.92%	
ANIMAL CONTROL	671,946	26,056	195,318	29.07%	
PLANNING	582,075	40,544	176,725	30.36%	
BUILDING INSPECTION	485,270	21,977	122,057	25.15%	
CODE ENFORCEMENT	236,744	13,196	73,034	30.85%	
STREETS	2,367,884	87,571	507,109	21.42%	
PARKS	2,417,139	194,988	747,969	30.94%	
LIBRARY	1,770,773	125,844	625,359	35.32%	
COMBINED SERVICES	4,052,699	228,222	1,488,437	36.73%	
TOTAL EXPENDITURES	34,724,506	2,125,622	11,661,141	33.58%	
REVENUES OVER/(UNDER) EXPENDITURES	0	1,613,405	13,213,898	40.25%	
<p>A. Property Tax Collections for FY15-16 as of February 29 are 98.10%, in comparison to FY14-15 for the same time period of 97.37%.</p> <p>B. Franchise Fees: The majority of franchise fees are recognized in the third and fourth quarter with electric fees making up the majority.</p> <p>C. Service Fees: Trash fees billed in October are applicable towards FY 2014-15 revenue.</p> <p>D. Fines and Forfeitures: The Court Fines budget was significantly increased for FY15-16. Actual revenues are up 38% compared to this time last year.</p> <p>E. Other Financing Sources includes the annual transfer from the Utility Fund and proceeds from the sale of capital assets.</p> <p>F. Use of Fund Balance: For Replacement/New Fleet & Equipment and Transfer to Debt Service.</p>					

CITY OF WYLIE

MONTHLY FINANCIAL REPORT

February 29, 2016

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2015-2016	CURRENT MONTH ACTUAL 2015-2016	YTD ACTUAL 2015-2016	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 41.67%
UTILITY FUND REVENUES SUMMARY					
SERVICE FEES	12,690,000	1,085,083	4,669,006	36.79%	H
INTEREST INCOME	1,500	820	3,260	217.35%	
MISCELLANEOUS INCOME	57,000	4,297	19,403	34.04%	
OTHER FINANCING SOURCES	101,200	52,171	153,371	151.55%	I
REVENUES	12,849,700	1,142,371	4,845,040	37.71%	
USE OF FUND BALANCE	113,100	NA	NA	NA	J
USE OF CARRY-FORWARD FUNDS	235,000	NA	NA	NA	
TOTAL REVENUES	13,197,800	NA	NA	NA	
UTILITY FUND EXPENDITURE SUMMARY					
UTILITY ADMINISTRATION	480,006	29,576	140,717	29.32%	
UTILITIES - WATER	1,837,773	115,003	608,492	33.11%	
CITY ENGINEER	564,635	28,456	156,948	27.80%	
UTILITIES - SEWER	720,733	39,575	223,543	31.02%	
UTILITY BILLING	301,144	18,870	124,583	41.37%	
COMBINED SERVICES	11,954,742	683,205	5,559,952	46.51%	K
TOTAL EXPENDITURES	15,859,033	914,685	6,814,235	42.97%	
REVENUES OVER/(UNDER) EXPENDITURES	-2,661,233	227,686	-1,969,195	-5.26%	
H. Most Utility Fund Revenue billed in October was applicable to FY 2014-15. I. One-time transfer from General Fund in October to cover the cost of replacement vehicles and proceeds from the sale of capital assets. J. Use of Fund Balance: Includes Hardware/Software to implement the GIS program. K. Due to annual transfer to the General Fund. This will level out over the remainder of the fiscal year.					



Wylie City Council

AGENDA REPORT

Meeting Date: March 22, 2016
Department: Public Services
Prepared By: Robert Diaz
Date Prepared: March 15, 2016

Item Number: D
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: 1

Subject

Consider and act upon a vendor application from the Wylie Art Gallery for a Farmers Market event at Olde City Park on the following dates: August 6, September 3, and October 1, 2016.

Recommendation

Motion to recommend a vendor application from the Wylie Art Gallery for a Farmers Market event at Olde City Park on the following dates: August 6, September 3, and October 1, 2016.

Discussion

The Wylie Art Gallery is a not-for-profit organization proposing to host a farmers market to be held at Olde City Park on August 6, September 3, and October 1, 2016. The event time will be approximately 8:00 a.m. to 2:00 p.m. The funds raised from this event would be used for art scholarships and community art projects. The organizers would be responsible for notifying the Collin County Environmental Services for health permitting. Parks Division staff will assist with litter and any park set up. With the duration of the event being in the early portion of the day, the pavilions would still be available for public use in the late day and evening. A farmers market was discussed previously with the Board with another organization in July 2014, and that event never moved forward.

The Parks and Recreation Board approved the vendor application by a unanimous vote at their March 14, 2016 meeting.



PARKS AND RECREATION

300 Country Club Rd, Building 100, Wylie, TX 75098

Office: 972-516-6340 / Fax 972-516-6355

Email: parks@wylietexas.gov

VENDOR APPLICATION-Once approved by City Council, vendor has 7 days to finalize event with Parks & Recreation facility staff. Recommended timeline for submission is 2-3 months in advance of event. Please forward completed application to above address, email or fax.

Applicant Information

Name of Organization/Group:

The Wylie Art Gallery

Organization/Group's Phone Number:

214-893-0486

Organization/Group's Street Address:

201 N. Ballard Ave #100

Organization/Group's City/State/Zip:

Wylie TX 75098

Primary Contact Person's Name:

Lynn Grimes

Primary Contact Person's Phone Number:

214-893-0486

Primary Contact Person's Street Address:

201 N. Ballard Ave #100

Primary Contact Person's City/State/Zip:

Wylie TX 75098

Alternate Contact Person's Name/Number:

Cheryl Mabry 972-922-8425

Event Information

EVENT NAME/TITLE:

Wylie Farmers Market

Event Type (fundraiser, etc.):

Fundraiser

Event Location:

Old City Park

Anticipated Number of Participating Vendors:

20-40

Anticipated Event Attendance:

50 - 100 and up

Purpose of Event:

Fundraiser for Community Art Projects, Scholarships

Proposed Event Date and Alternative Date:

1st Date - Aug 6, 2016 2nd Date - Sep 3, 2016

Start Time (incl. setup):

8:00 AM.

End Time (incl. cleanup):

2:00 P.M.

Event Target Audience:

Entire Community & Surrounding Areas

EVENT DETAILS:

Please list any and all specifics, as well as items intended to sell. If available, attach additional pages, announcements or flyers.

Vendors with Fresh produce, meats, fruits, artisanal foods that have been packaged (ie: honey, breads, pastas, spices, jams etc) and possibly 1 or 2 food vendors (ie: Italian Ice)

Promote event for 1st Saturday in August, September & October, 2016

Dates to be approved: August 6th, September 3rd and October 1st.

NOTE:

If food is prepared on-site or off-site and brought to the location to be sold, the vendor must contact the Collin County Environmental Services Office in McKinney (972-548-5585 www.collincountytx.gov) in order to obtain a Health Permit prior to the sale of such products. An Inspector must examine food preparation and storage equipment to assure the health and safety of customers.

Sec. 78-105 of the City Code of Ordinances states: It shall be unlawful for any person to solicit for sale, vend, peddle, sell or offer to sell any cold drinks, cigars, tobacco, cigarettes, fruits, candies, goods, wares or merchandise of any kind or nature whatsoever within the municipal parks or recreation or community center facility; provided, however, that this section shall not apply to any person, organizations, firms or corporations, or the agents of any person, or organization, firm or corporation, or employees of any person who are recommended by the Parks and Recreation Board and approved by the City Council to operate a concession or concessions for the sale of specified goods, wares, and merchandise within the municipal parks or recreation or community center facilities of the city.



Wylie City Council

AGENDA REPORT

Meeting Date: March 22, 2016
Department: Public Services
Prepared By: Robert Diaz
Date Prepared: March 15, 2016

Item Number: E
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: 1

Subject

Consider and act upon vendor application for Wylie East High School Cross Country Team to sell items at a cross country meet to be held September 3, 2016 at Founders Park.

Recommendation

Motion to recommend a vendor application from the Wylie East High School Cross Country Team to sell items at a cross country meet to be held September 3, 2016 at Founders Park.

Discussion

The Wylie East Cross Country Team would like to sell items such as concessions and t-shirts at their meet that is to be held at Founders Park on September 3, 2016. Funds raised from the items sold will be used to support the cross country team.

The Parks and Recreation Board voted to table this item at the December 2015 meeting in order for the applicant to clarify the concessions logistics that they will employ in the park during the event. The applicant has been in contact with their volunteer parents to clarify their needs. The applicant has revised their vendor application to reflect that only packaged items will be sold at the meet and items like barbecue will not be sold.

After removing the item from the table, the Parks and Recreation Board reviewed the updated vendor application and then approved the vendor application by unanimous vote at their March 14, 2016 meeting.



PARKS AND RECREATION

300 Country Club Rd, Building 100, Wylie, TX 75098

Office: 972-516-6340 / Fax 972-516-6355

Email: parkandrec@wylie-tx.gov

VENDOR APPLICATION - chosen applicants by City Council, according to the City of Wylie Ordinance, shall be required to provide a description of the goods, services, and/or merchandise to be sold, and a description of the location of the event. All vendors must be approved by the City Council and approved by the City of Wylie Ordinance, and approved by the City of Wylie Ordinance.

Applicant Information

Name of Organization/Group:

Wylie East Cross Country

Organization/Group's Phone Number:

972-479-3150

Organization/Group's Street Address:

3000 Wylie East Drive

Organization/Group's City/State/Zip:

Wylie, TX 75098

Primary Contact Person's Name:

Justin Eddy

Primary Contact Person's Phone Number:

214-998-1901

Primary Contact Person's Street Address:

2104 Serenity Ave

Primary Contact Person's City/State/Zip:

Wylie, TX 75098

Alternate Contact Person's Name/Number:

John Mitchell 972-816-0011

Event Information

EVENT NAME/TITLE:

Raider XC Invitational

Event Type (fundraiser, etc.):

UIL Cross Country Meet

Event Location:

Founders Park / Wylie High School

Anticipated Number of Participating Vendors:

N/A

Anticipated Event Attendance:

1200 Athletes

Purpose of Event:

UIL Competition

Proposed Event Date and Alternative Date:

1st Date - 9-3-16 2nd Date -

Start Time (incl. setup):

5:00 AM

End Time (incl. cleanup):

2:00 PM

Event Target Audience:

Schools - Cross Country teams

EVENT DETAILS:

Please list any and all specifics, as well as items intended to sell. If available, attach additional pages, announcements or flyers.

T-Shirts
Water
Powerade
bars
cuties (clementines)
bananas
granola bars
power bars

NOTE:

If food is prepared on-site or off-site and brought to the location to be sold, the vendor must contact the Collin County Environmental Services Office in McKinney (972-548-5585 www.collincountytx.gov) in order to obtain a Health Permit prior to the sale of such products. An Inspector must examine food preparation and storage equipment to assure the health and safety of customers.

Sec. 78-105 of the City Code of Ordinances states: It shall be unlawful for any person to solicit for sale, vend, peddle, sell or offer to sell any cold drinks, cigars, tobacco, cigarettes, fruits, candies, goods, wares or merchandise of any kind or nature whatsoever within the municipal parks or recreation or community center facility; provided, however, that this section shall not apply to any person, organizations, firms or corporations, or the agents of any person, or organization, firm or corporation, or employees of any person who are recommended by the Parks and Recreation Board and approved by the City Council to operate a concession or concessions for the sale of specified goods, wares, and merchandise within the municipal parks or recreation or community center facilities of the city.



Wylie City Council

AGENDA REPORT

Meeting Date: March 22, 2016
Department: Planning
Prepared By: Renaë' Ollie
Date Prepared: March 11, 2016

Item Number: 1
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: 1

Subject

Continue a Public Hearing and consider, and act upon, an amendment to PD 2006-01 to allow R5.5 and R8.5 zoning categories for single-family residential development on approximately 104.82 acres, generally located between McCreary Road and Springwell Parkway approximately 1200 feet south of FM544. **ZC 2016-02**

Recommendation

Motion to accept a **WITHDRAWAL** of an amendment to PD 2006-01 to allow R5.5 and R8.5 zoning categories for single-family residential development on approximately 104.82 acres, generally located between McCreary Road and Springwell Parkway approximately 1200 feet south of FM544. **ZC 2016-02**

Discussion

Owner: Woodbridge North Commercial I, Ltd.

Applicant: Herzog Development Corp.

The applicant has submitted a letter to withdraw the request to amend PD 2006-01 to allow R5.5 and R8.5 zoning categories. The letter was received by Staff on March 11, 2016.

WOODBIDGE NORTH COMMERCIAL I, LTD.

800 E. Campbell Road
Suite 130
Richardson, Texas 75081

March 11, 2016

RE: Zoning Case 2016-02

City of Wylie
Planning Department
300 Country Club Road
Building 100
Wylie, Texas 75098
Attn: Ms. Renae Ollie

Dear Ms. Ollie,

This letter is to request the withdrawal of the above referenced zoning case for consideration by the City Council. We appreciate your assistance in this matter.

Sincerely,


Donald P. Herzog



Wylie City Council

AGENDA REPORT

Meeting Date: March 22, 2016
Department: Planning
Prepared By: Renaë' Ollie
Date Prepared: March 14, 2016

Item Number: 2
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: 1

Subject

Continue a Public Hearing and consider, and act upon, a change in zoning from Commercial Corridor (CC) and Light Industrial (LI) to Planned Development-Light Industrial (PD-LI) to allow for proposed Mixed Use Development for retail and self-storage use on 6.25 acres, generally located southeast of SH 78 between Century Way and old Alanis Drive. **ZC 2016-03**

Recommendation

Motion to accept a **WITHDRAWAL** of a change in zoning from Commercial Corridor (CC) and Light Industrial (LI) to Planned Development-Light Industrial (PD-LI) to allow for proposed Mixed Use Development for retail and self-storage use on 6.25 acres, generally located southeast of SH 78 between Century Way and old Alanis Drive. **ZC 2016-03**

Discussion

Owner: Heatley Moist Inc. Trustee

Applicant: Regional Management CO., Inc.

MOTION TO REMOVE FROM TABLE

The applicant has submitted a letter to withdraw the request to change the zoning from Commercial Corridor (CC) and Light Industrial (LI) to Planned Development-Light Industrial (PD-LI) to allow for retail and self-storage use. The letter was received by Staff on March 14, 2016.

Renaë Ollie

From: Dahlstrom, Bill
Sent: Monday, March 14, 2016 10:59 AM
To: Renaë Ollie
Cc: Dahlstrom, Bill; cquine ; Field, Shannon
Subject: ZC2016-03; PD request for 6.25 acres, generally located southeast of SH 78 between Century Way and old Alanis Drive

Renaë,

Thank you for your time this morning. As we discussed, on behalf of the Applicant, we are withdrawing the referenced Zoning Case. Please let me know if you need any additional information.

Thank you again,

Bill

William S. Dahlstrom, FAICP, JD

Jackson Walker, L.L.P.
2323 Ross Avenue
6th Floor
Dallas, Texas 75201

Telephone: (214) 953-5932
Fax: (214) 953-5822
Cell: (214) 632-4317

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Wylie City Council AGENDA REPORT

Meeting Date: March 22, 2016
Department: Planning
Prepared By: Renaë Ollie
Date Prepared: March 14, 2016

Item Number: 3
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: \$ _____
Exhibits: 9

Subject

Consider, and act upon, Ordinance No. 2016-05 to abandon a portion of Industrial Court being a 50' Public Right-of-Way, and to waive the requirement for an appraisal within the Railroad Industrial Park Addition, surrounded by Lots 4-8, consisting of 0.292 acres or approximately 12,718 square feet.

Recommendation

Motion to approve Ordinance No. 2016-05 to abandon a portion of Industrial Court being a 50' Public Right-of-Way, and to waive the requirement for an appraisal within the Railroad Industrial Park Addition, surrounded by Lots 4-8, consisting of 0.292 acres or approximately 12,718 square feet.

Discussion

Owner/Applicant: Wylie Economic Development Corporation

In accordance with Ordinance 2007-21, Section 2.12.A.5, the applicant, Wylie Economic Development Corporation is requesting to abandon approximately 12,718 square feet of right-of-way and waive the requirement for a certified appraisal. The subject right-of-way is part of the Railroad Industrial Park Addition, as situated in the S.B. Shelby Abstract No. 820, of the Deed Records of Collin County, Texas and is solely contained within the boundaries of the subject platted lot. The subject right-of-way is used for primary access to the adjoining five lots.

The purpose of the request is to allow the owner/applicant to redevelop the area. Having assembled all properties surrounding the cul-de-sac, the WEDC is beginning the platting process which will maintain a public access easement providing ingress and egress to State Highway 78 via a new curb cut to align with Williams Street.

While the WEDC is tax exempt, the surrounding properties continue to be appraised by the Collin County Central Appraisal District and it is requested that the average square footage value of those surrounding properties be utilized for the 0.292 acre within Industrial Court. WEDC staff calculates that average value to be \$4.14 per square foot.

CONSIDERATION:

Staff has reviewed the request and determined that the ROW contains no utilities. Right-of-way abandonment requires only Council action and no review by any Board or Commission.

ORDINANCE NO. 2016-05

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS,
ABANDONING 12,718 SQUARE FEET OF PUBLIC RIGHT-
OF-WAY LOCATED WITHIN THE RAILROAD
INDUSTRIAL PARK ADDITION, SURROUNDED BY LOTS
4-8; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the property described herein is platted as public right-of-way surrounded by Lots 4-8 in the Railroad Industrial Park Addition, said right-of-way being approximately 12,718 square feet; and

WHEREAS, the Wylie Economic Development Corporation, principal owner of the property adjacent to said right-of-way has requested that the right-of-way be abandoned and offered for sale according to State law and Section 2.12 of the City of Wylie Subdivision Regulations; 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;

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

SECTION 1: That the above described right-of-way and as shown in Exhibits "1" & "2" 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(s).

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 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 22nd day of March, 2016.

Eric Hogue, Mayor

ATTEST:

Carole Ehrlich, City Secretary



For Office Use Only
CC Case Number: _____
Date Submitted: _____

ABANDONMENT OF PUBLIC ROW-OF-WAY/EASEMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS

- A completed copy of the attached Abandonment of Public ROW/Easement application.
- All exhibits processed (except for Exhibit No. 4, which will be processed by staff).
- Attach responses from all abutting property owners. (sample letter enclosed).
- A certified appraisal of the value of the land to be abandoned.
- A certified check to the City for the amount of the Appraisal.
- An executed Release of Claims from each abutting property owner.

ADDRESS/NAME OF ADDITION/SUBDIVISION Cul-deSac surrounded by 207, 209, 210, 211, 212 Industrial Court, Wylie, Texas S.B. Shelby Abstract No., 820

LEGAL DESCRIPTION Railroad Industrial Park R.O.W. surrounded by Lots 4-8

APPLICANT (Primary Contact for the Project):

Name Wylie Economic Development Corporation E-Mail angel@wylieedc.com

Street Address 250 S. Hwy 78

City Wylie State Texas Zip Code 75098

Phone Number 972-442-7901 Fax Number n/a

PROPERTY OWNER'S INFORMATION (if different from above):

Name Same as above E-Mail _____

Street
Address _____

City _____ State _____ Zip Code _____

Phone Number _____ Fax Number _____

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.


Signature of Owner, Agent or Applicant

3-3-16
Date

**APPLICATION FOR
THE ABANDONMENT OF A
PUBLIC RIGHT-OF-WAY/EASEMENT**

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF WYLIE:

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. Attached, marked Exhibit No. 1, is a metes and bounds description (dividing the area in half) of the area sought to be abandoned.
2. Attached, marked Exhibit No. 2, is a copy of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned, and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
3. Attached, marked Exhibit No. 3, is the written consent of all public utilities to the abandonment.
4. Attached, marked Exhibit No. 4, is the consent of the City of Wylie staff to the abandonment.
5. Attached, marked Exhibit No. 5, is the written consent of all the abutting property owners, except the following: (if none, so state)

None

6. Such public right-of-way/easement should be abandoned because:

Redevelopment is planned for the area

7. Such public right-of-way/easement has been and is being used as follows:

Access to surrounding properties which will also be redeveloped.

- 8. Attached, marked Exhibit No. 6, is the certified appraisal of the value of the land to be abandoned.
- 9. Attached, marked Exhibit No. 7, is a Release of Claims executed by each abutting property owner.

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature: 

Applicant's Name: Sam Satterwhite, Executive Director, Wylie EDC

Applicant's Address: 250 S. Hwy 78
Wylie, Texas 75098

Applicant's Phone Number: 972-442-7901

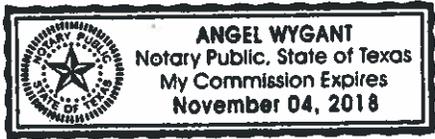
ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF Collin §

Subscribed and sworn to before me, a Notary Public, this 3rd day of March, 2014, by Sam Satterwhite.


 Notary Public in and for the State of Texas



**Application for Abandonment of
a Public Right-of-
Way/Easement**

Located: Cul-deSac surrounded by 207, 209, 210, 211, 212 Industrial Court, Wylie, Texas

EXHIBIT NO. 1

Attached is a copy of the metes and bounds description (dividing the area in half) of the public right-of-way/easement situated in S.B. Shelby Abstract No., 820 Addition/Subdivision to the City of Wylie, Collin County, Texas, sought to be abandoned.

EXHIBIT A

BEING situated in the S.B. Shelby Survey, Abstract No. 820 City of Wylie, Collin county, Texas and being part of Industrial Court as created by at a the Railroad Industrial Park Addition, an Addition to the City of Wylie, Collin County, Texas, according to the plat thereof recorded in Cabinet C, Page 748 of the Plat Records of Collin County, Texas and being more particularly described by metes and bounds as follows;

BEGINNING a "X" cut set for corner at the intersection of the east Right Of Way line of Industrial Court (50' ROW) with the east ROW line of the cul-de-sac at the south end of Industrial Court, said "X" cut being in a non-tangent curve to the right

THENCE along said curve to the right through a central angle of $299^{\circ}59'38''$, a radius of 50.00', and an arc length of 261.79', with a chord bearing of $N 49^{\circ}40'00'' W$, and a chord length of 50.00' to a "X" cut set for corner at the intersection of the cul-de-sac and the west ROW line of Industrial Court, said "X" cut being at the beginning of a non-tangent curve to the left;

THENCE with a reverse curve to the left following the west ROW line of Industrial Court through a central angle of $03^{\circ}43'11''$, a radius of 1573.68', and an arc length of 102.17', with a chord bearing of $N 37^{\circ}41'07'' E$, and a chord length of 102.15' to a capped 1/2" iron rod set for corner at the southeast corner of Lot 8;

THENCE $S 48^{\circ}51'09'' E$ a distance of 50.00' to a "X" cut set for corner in the east ROW line of Industrial Court, said "X" cut being at the northeast corner of Lot 4, said "X" cut being in a non-tangent curve to the right;

THENCE along said curve to the right following the east ROW line of Industrial Court through a central angle of $03^{\circ}34'47''$, a radius of 1623.68', and an arc length of 104.44', with a chord bearing of $S 37^{\circ}46'46'' W$, and a chord length of 101.43' to the POINT OF BEGINNING and containing 12,718 square feet or 0.292 acres of land.

The Bases of bearings is the west line of Lot 6 ($N 41^{\circ}06'33'' E$) as shown on the Railroad Industrial Park Addition Plat recorded in Cabinet C, Page 748 of the Plat Records of Collin county, Texas.



SURDUKAN SURVEYING, INC.

P.O. BOX 126
ANNA, TEXAS 75409
(972) 924-8200
FIRM NO. 10069500

**EXHIBIT A
STREET ABANDONMENT
INDUSTRIAL COURT
RAILROAD INDUSTRIAL PARK
CITY OF WYLIE
COLLIN COUNTY, TEXAS**

SCALE 1" = 40'

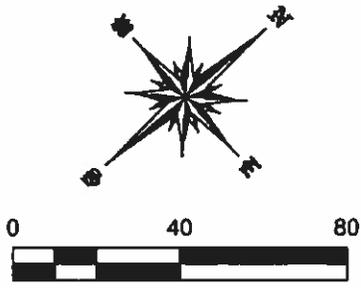
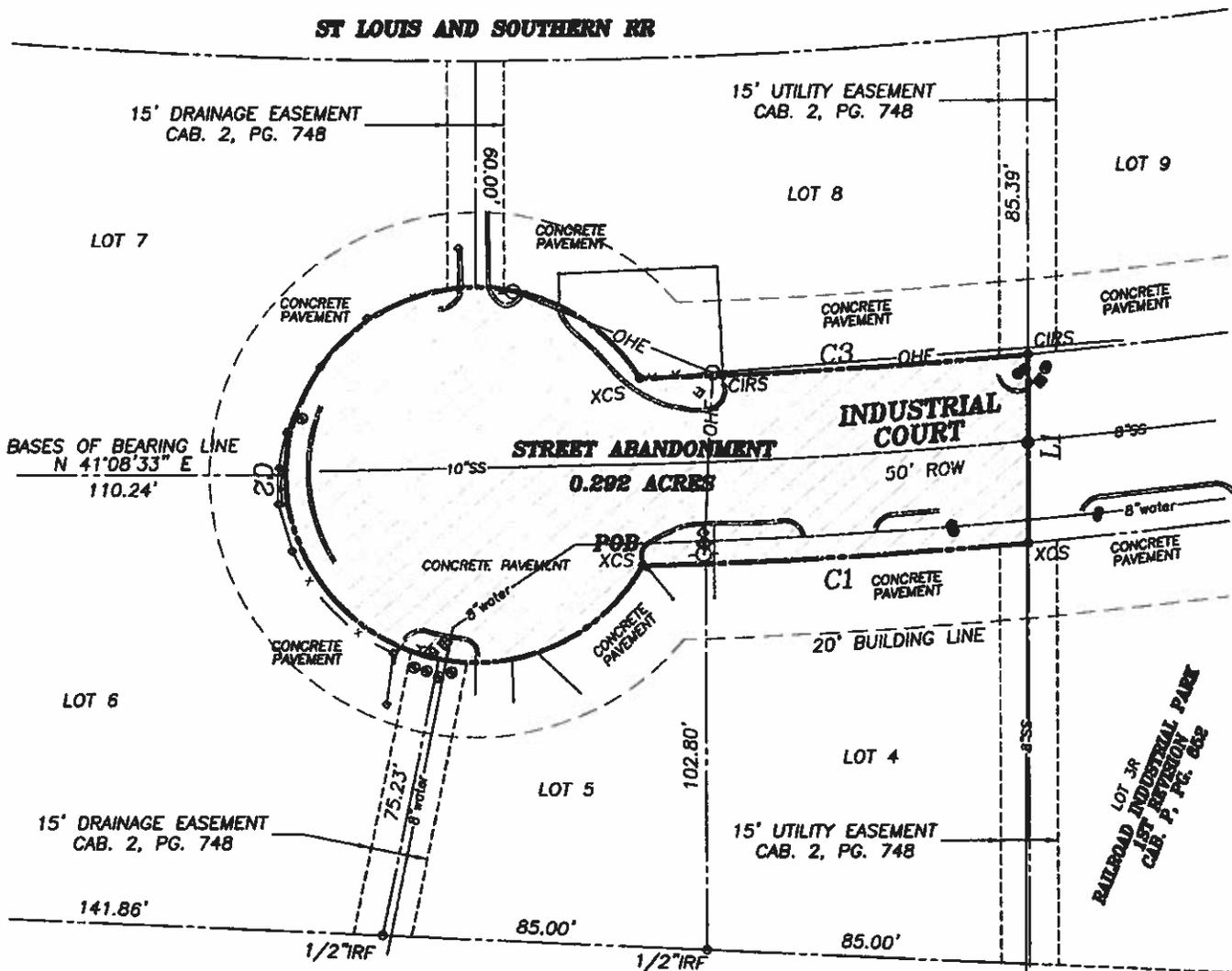
DATE: NOVEMBER 30, 2015

JOB No. 2015-147

EXHIBIT B

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	3°34'47"	1623.68'	101.44'	S 37°46'46" W	101.43'
C2	299°58'38"	50.00'	261.79'	N 49°40'00" W	50.00'
C3	3°43'11"	1573.68'	102.17'	N 37°41'07" E	102.15'

LINE	BEARING	DISTANCE
L1	S 48°51'09" E	50.21'



LEGEND

- XCS = X CUT SET
- CIRS = CAPPED (4813) 1/2"RS
- C.M. = CONTROLLING MONUMENT
- ⊕ = POWER POLE
- = FENCE POST
- = SANITARY SEWER MANHOLE
- ⋄ = FIRE HYDRANT
- ⊙ = WATER METER
- ⊕ = WATER VALVE
- ☒ = TELEPHONE BOX
- ☒ = MAIL BOX
- OHE = OVERHEAD ELECTRIC
- SS = SANITARY SEWER
- WATER = WATER LINE

SURDUKAN SURVEYING, INC.
 P.O. BOX 126
 ANNA, TEXAS 75409
 (972) 924-8200
 FIRM NO. 10069500

EXHIBIT B
STREET ABANDONMENT
INDUSTRIAL COURT
RAILROAD INDUSTRIAL PARK
CITY OF WYLIE
COLLIN COUNTY, TEXAS

SCALE 1" = 40'

DATE: NOVEMBER 30, 2015

JOB No. 2015-147

Application for Abandonment of
a Public Right-of-
Way/Easement

Located: Cul-deSac surrounded by 207, 209, 210, 211, 212 Industrial Court, Wylie, Texas

EXHIBIT NO. 2

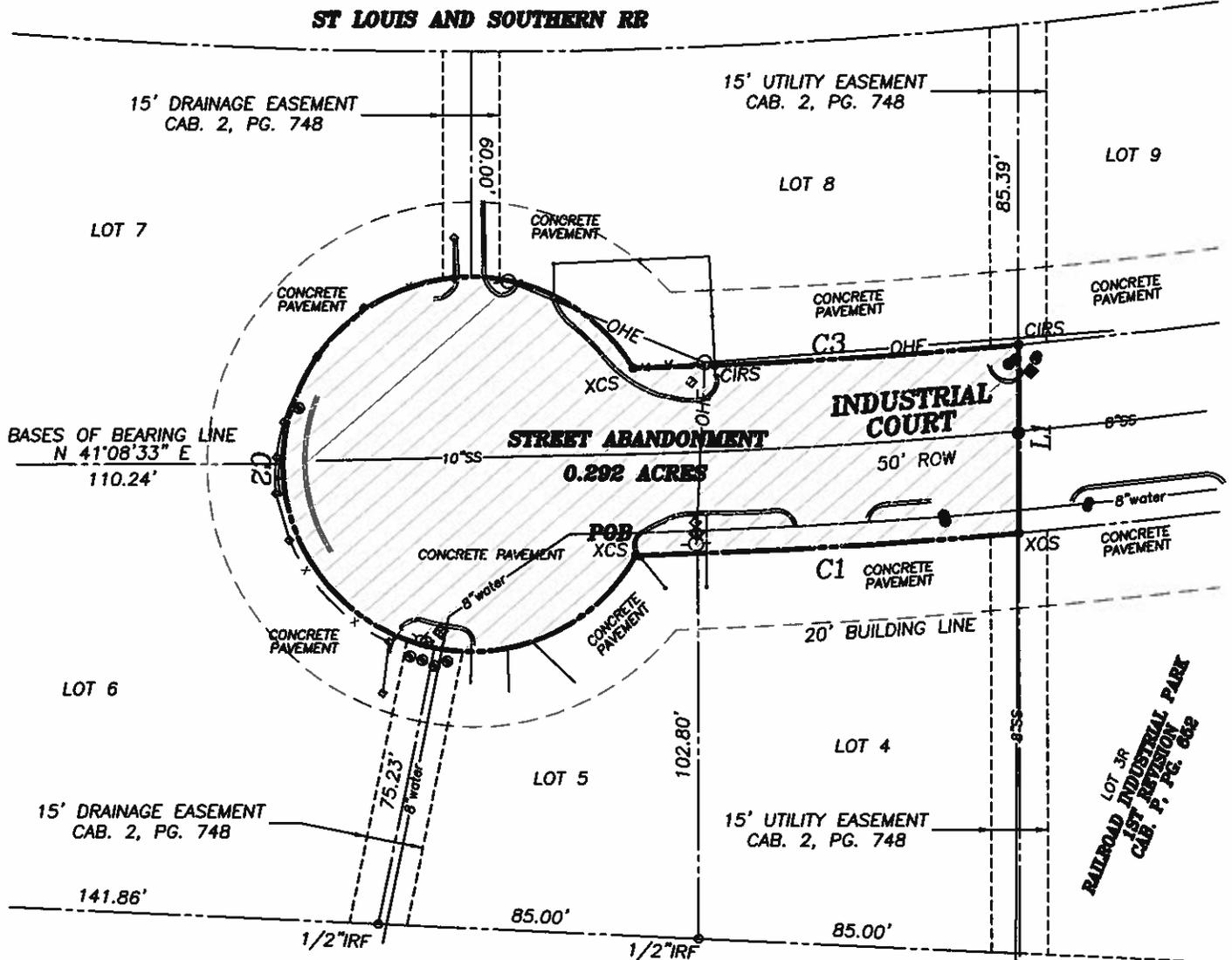
Attached is a copy of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

(If the property has not been platted, applicant has six months from date of City Council approval to complete all steps required for purchase of the abandonment and filing a plat or replat with County in accordance with the final plat requirements of the Subdivision Ordinance.)

EXHIBIT B

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	3°34'47"	1623.68'	101.44'	S 37°46'46" W	101.43'
C2	299°59'38"	50.00'	261.79'	N 49°40'00" W	50.00'
C3	3°43'11"	1573.68'	102.17'	N 37°41'07" E	102.15'

LINE	BEARING	DISTANCE
L1	S 48°51'09" E	50.21'



LEGEND

- XCS = X CUT SET
- CIRS = CAPPED (4613) 1/2" IR
- C.M. = CONTROLLING MONUMENT
- ♂ = POWER POLE
- = FENCE POST
- = SANITARY SEWER MANHOLE
- ⊕ = FIRE HYDRANT
- ⊙ = WATER METER
- ⊗ = WATER VALVE
- ☐ = TELEPHONE BOX
- ✉ = MAIL BOX
- OHE = OVERHEAD ELECTRIC
- SS = SANITARY SEWER
- WATER = WATER LINE

15' UTILITY EASEMENT
CAB. P, PG. 652

SURDUKAN SURVEYING, INC.
P.O. BOX 126
ANNA, TEXAS 75409
(972) 924-8200
FIRM NO. 10069500

EXHIBIT B
STREET ABANDONMENT
INDUSTRIAL COURT
RAILROAD INDUSTRIAL PARK
CITY OF WYLIE
COLLIN COUNTY, TEXAS

SCALE 1" = 40'

DATE: NOVEMBER 30, 2015

JOB No. 2015-147

**Application for Abandonment of
a Public Right-of-
Way/Easement**

Located: 207, 209, 210, 211 & 212 Industrial Court, Wylie, Texas 75098

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of Wylie, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

_____ **GAS COMPANY**

BY: _____ N/A _____
Title _____

_____ **TELEPHONE COMPANY**

BY: _____ (See Attached) _____
Title _____

_____ **ELECTRIC COMPANY**

BY: _____ (See Attached) _____
Title _____

**Application for Abandonment of
a Public Right-of-
Way/Easement**

Located: 207, 209, 210, 211 & 212 Industrial Court, Wylie, Texas 75098

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of Wylie, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

_____ **GAS COMPANY**

BY: _____
Title _____

VERIZON TELEPHONE COMPANY

BY: [Signature]
Title SUPERVISOR - NETWORK ENGINEERING

_____ **ELECTRIC COMPANY**

BY: _____
Title _____

Application for Abandonment of
a Public Right-of-
Way/Easement

Located: 207, 209, 210, 211 & 212 Industrial Court, Wylie, Texas 75098

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of Wylie, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

_____ GAS COMPANY

BY: _____

Title _____

_____ TELEPHONE COMPANY

BY: _____

Title _____

✓
_____ ELECTRIC COMPANY

BY: Sam Thornhill
Title Utility Design Specialist

Application for Abandonment of a Public Right-of-Way/Easement

Located: Cul-deSac surrounded by 207, 209, 210, 211, 212 Industrial Court, Wylie, Texas

EXHIBIT NO. 4

The undersigned, City staff of the City of Wylie, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above pursuant to City ordinances and with respect to present and future needs of the City of Wylie and see no objection to the requested abandonment from the City's standpoint.

City Engineer

Building Official

Planning Director

Fire Marshal

Director of Public Services

**Application for Abandonment of
a Public Right-of-
Way/Easement**

Located: Cul-deSac surrounded by 207, 209, 210, 211, 212 Industrial Court, Wylie, Texas

EXHIBIT NO. 5

The attached letters represents, owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment.

All of these properties are currently owned by the applicant, Wylie Economic Development Corporation.



EXHIBIT NO. 5

[DATE] 3-3-16

[Name & Address] Wylie Economic Development Corporation

Attn: Sam Satterwhite

250 S. Hwy 78, Wylie, Texas 75098

RE: **Abandonment of Right-of-Way**

Located at: Cul-deSac surrounded by 207, 209, 210, 211, 212 Industrial Court, Wylie, Texas

To Whom It May Concern:

An abutting property owner of the above referenced public right-of-way has requested that the City abandon said right-of-way/easement. The City Council will consider this request in the near future. If abandoned, the half of the width of the right-of-way/easement will be offered for sale to the owners of abutting properties at the appraised fair market value, in accordance with Ordinance No. 2007-XX, Section 2.12 of the Subdivision Regulations of the City of Wylie.

County records indicate that you are an owner of property abutting the subject portion of right-of-way/easement. Please complete the questions below, and return this letter to the City of Wylie Planning Department, 300 Country Club Road, Bldg. 100, Wylie, Texas 75098 at your earliest convenience.

I do (), I do not (), agree to the abandonment of the subject right-of-way/easement.

If abandoned by the City, I am (), I am not (), interested in purchase of, at fair market value, that portion of the right-of-way/easement abutting my property.

If you do not wish to purchase the offered land, it will be offered to the other abutting property owners. All of the abandoned right-of-way must be purchased by the abutting property owner(s) within six (6) months of City Council approval. Unless the entire area is sold, the right-of-way/easement will not be abandoned.

Signature of property owner or authorized agent

EXHIBIT 6

CERTIFIED APPRAISAL OF THE VALUE OF THE LAND

Request to waive Appraisal

EXHIBIT 7

RELEASE OF CLAIMS

RELEASE OF CLAIMS

In consideration of the abandonment of the 12,718 square feet of right-of-way which is a part of the Railroad Industrial Park Addition of the Original Town of Wylie, according to the Plat thereof recorded in Volume C, Page 748, of the Deed Records of Collin County, Texas, as more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Right-of-Way"), the receipt and sufficiency of which is hereby acknowledged, we, _____ release any and all claims against the City of Wylie, Texas, and its Council Members, officers, agents, employees and representatives, which we may possess at the time of the execution of this document, or which come to exist as a result of conduct occurring prior to our execution of this document, relating in any way to the Right-of-Way.

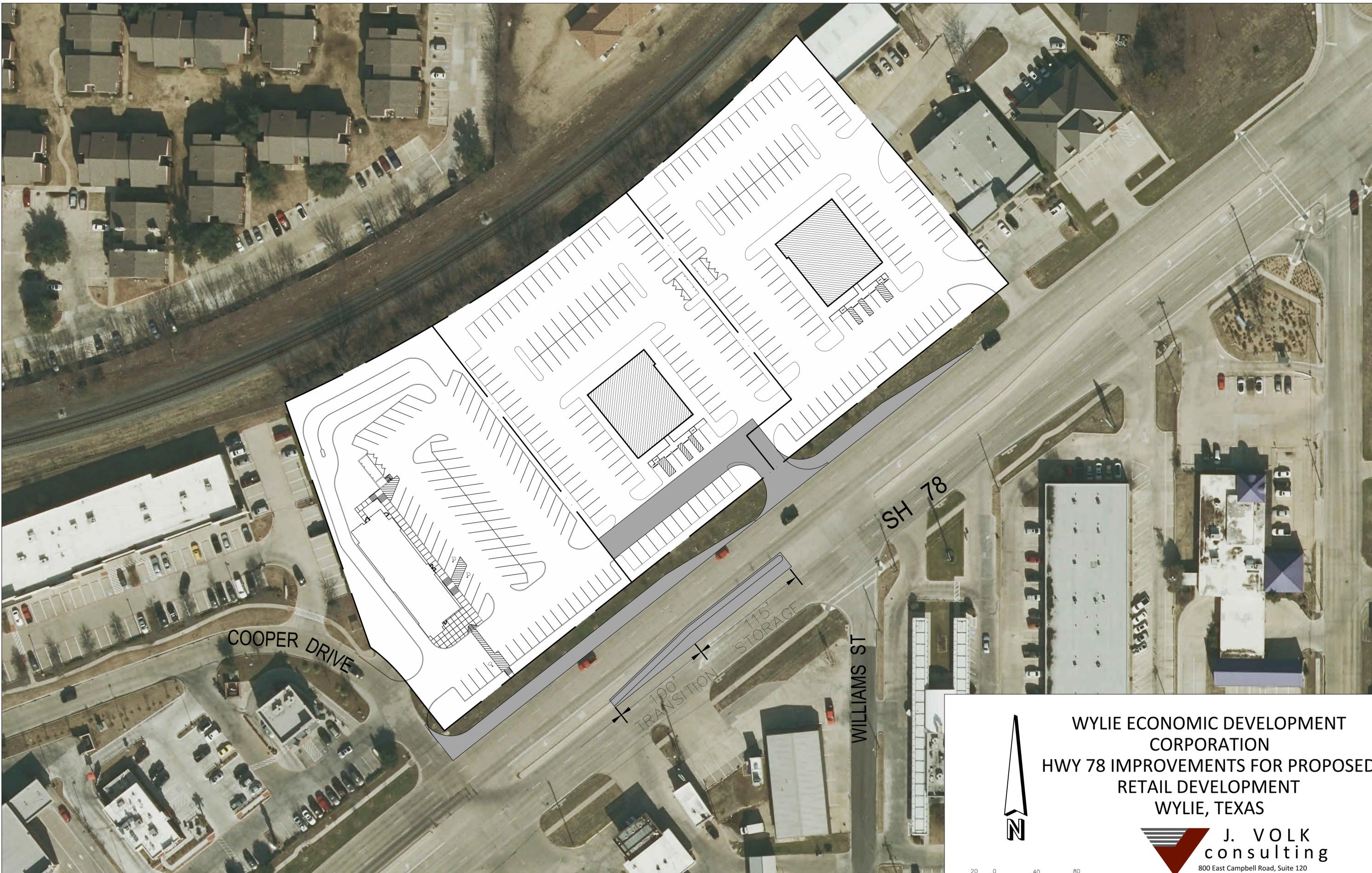
We are fully authorized and empowered to execute and enter into this Release upon the terms stated herein, and fully authorized and legally competent to execute this Release as the legal, valid and binding act and deed of the releasing party(ies). We represent and warrant that the claims released above are currently owned solely by us, _____, free and clear of all liens, encumbrances, pledges, assignments, claims and security interests of any kind or nature. We further represent and warrant that we have the right to compromise and settle the claims and any other claims that could have been asserted by us which relate in any way to the Right-of-Way.

We agree to indemnify and hold harmless the City of Wylie, Texas, and its Council Members, officers, agents, employees and representatives from any and all costs and damages arising from claims or encumbrances contrary to the representations and warranties contained in the preceding paragraph of this Release.

This Release shall be binding upon and inure to the benefit of the parties' respective legal heirs, successors and assigns.

Should any portion (word, clause, phrase, sentence, paragraph or section) of this Release be declared void or unenforceable, such portion shall be considered independent and severable from the remainder, the validity of which shall remain unaffected.

In witness whereof, we have executed this Release on the ____ day of _____, 2016



WYLIE ECONOMIC DEVELOPMENT CORPORATION
HWY 78 IMPROVEMENTS FOR PROPOSED RETAIL DEVELOPMENT
WYLIE, TEXAS



J. VOLK
consulting

800 East Campbell Road, Suite 120
Richardson, Texas 75081
972.201.3100 Texas Registration No. F-11962



Wylie City Council

AGENDA REPORT

Meeting Date: 3/22/16
Department: Finance
Prepared By: Linda Bantz
Date Prepared: 3/9/16

Item Number: 4
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: Ordinance, Parameters
Information

Subject

Consider, and act upon, all matters incident and related to the issuance and sale of "City of Wylie, Texas, General Obligation Refunding Bonds, Series 2016", including the adoption of Ordinance No. 2016-06 authorizing the issuance of such bonds, establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized official of the City.

Recommendation

Consider, and act upon, Ordinance No. 2016-06 authorizing the issuance and sale of "City of Wylie, Texas, General Obligation Refunding Bonds, Series 2016", establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized official of the City.

Discussion

The City's Financial Advisor First Southwest Company has recommended that the City consider refunding the 2008 Certificates of Obligation, the 2008 General Obligation Bonds and the 2007 Certificates of Obligation. The present value savings is estimated at approximately \$3,600,000. They recommend the City use a parameters bond ordinance to allow First Southwest to avoid potential bad days in the market to conduct the bond sale. Information detailing the proposed parameters that are reflected in the ordinance is attached.

ORDINANCE NO. 2016-06

AN ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF WYLIE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016”; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL.

WHEREAS, the City of Wylie, Texas (the “City”) currently has outstanding obligations of the City of the following issues or series (hereinafter collectively called the "Refunded Obligations"):

- (a) "City of Wylie, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007," dated March 15, 2007 (the "Series 2007 Refunded Certificates");
- (b) "City of Wylie, Texas, General Obligation Bonds, Series 2008," dated July 15, 2008 (the "Series 2008 Refunded Bonds"); and
- (c) "City of Wylie, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2008," dated July 15, 2008 (the "Series 2008 Refunded Certificates"); and

WHEREAS, pursuant to the provisions of Texas Government Code, Chapter 1207, as amended (“Chapter 1207”), the City Council of the City (the “Council”) is authorized to issue refunding bonds and deposit the proceeds of sale directly with any place of payment for the Refunded Obligations, or other authorized depository, and such deposit, when made in accordance with Chapter 1207 and the ordinances authorizing the issuance of the Refunded Obligations, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the City shall by this Ordinance, in accordance with the provisions of Texas Government Code, Section 1207.007, as amended, delegate to a Pricing Officer (hereinafter designated) the authority to determine the principal amount and certain other specified terms of the Bonds to be issued, negotiate the terms of sale thereof and select the specific maturities, in whole or in part, of the Refunded Obligations to be refunded; and

WHEREAS, the Council hereby finds and determines that it is a public purpose and in the best interests of the City to refund the Refunded Obligations in order to achieve a present value debt service savings, with such savings, among other information and terms, to be included in a pricing certificate (the “Pricing Certificate”) to be executed by the Pricing Officer, all in accordance with the provisions of Texas Government Code, Section 1207.007, as amended;

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

SECTION 1. Authorization - Series Designation - Principal Amount - Purpose - Bond Date. General obligation refunding bonds of the City shall be and are hereby authorized to be issued in the maximum aggregate principal amount hereinafter set forth to be designated and bear the title “CITY OF WYLIE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016”, or such other designation as specified in the Pricing Certificate (herein referred to as the “Bonds”), for the purpose of

providing funds for the discharge and final payment of certain obligations of the City (described in the preamble hereof and finally identified in the Pricing Certificate and referred to herein as the “Refunded Obligations”) and to pay the costs and expenses of issuance, in accordance with the authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Chapter 1207. The Bonds shall be dated (the “Bond Date”) as provided in the Pricing Certificate.

SECTION 2. Fully Registered Obligations - Terms. The Bonds shall be issued as fully registered obligations, without coupons, and (other than the Initial Bonds referenced in Section 8 hereof) shall be in denominations of \$5,000 or any integral multiple (within a Stated Maturity) thereof, shall be lettered “R” and numbered consecutively from one (1) upward and principal shall become due and payable on a date certain in each of the years (the “Stated Maturities”) and in amounts and bear interest at the rate(s) per annum in accordance with the details of the Bonds as set forth in the Pricing Certificate.

The Bonds shall bear interest on the unpaid principal amounts from the date specified in the Pricing Certificate at the rate(s) per annum shown in the Pricing Certificate (calculated on the basis of a 360-day year consisting of twelve 30-day months). Interest on the shall be payable in each year, on the dates, and commencing on the date set forth in the Pricing Certificate.

SECTION 3. Delegation of Authority to Pricing Officer. (a) As authorized by Texas Government Code, Section 1207.007, as amended, the City Manager and the Finance Director of the City (either, the “Pricing Officer”) is hereby authorized to act on behalf of the City in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including selection of the specific maturities or series, in whole or in part, of the Refunded Obligations to be refunded, determining the aggregate principal amount of the Bonds, the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, determining whether the Bonds shall be issued in one or more series or subseries, the price at which each series of the Bonds will be sold, the manner of sale (negotiated, privately placed or competitively bid), the years in which each series of the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the date from which interest on each series of the Bonds will accrue, the interest payment dates, the record date, the compounding dates, the price and terms upon and at which each series of the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, determination of the use of a book-entry-only securities clearance, settlement and transfer system, the designation of one or more escrow agents, if applicable, satisfying the requirements of Chapter 1207, the terms of any bond insurance applicable to each series of the Bonds, including any modification of the continuing disclosure undertaking contained in Section 31 hereof as may be required by the purchasers of each series of the Bonds in connection with any amendments to Rule 15c2-12, and all other matters relating to the issuance, sale and delivery of each series of the Bonds, all of which shall be specified in the Pricing Certificate, provided that:

- (i) the aggregate original principal amount of the Bonds shall not exceed \$40,000,000;
- (ii) the refunding must produce a net present value debt service savings of at least 5.00%, net of any City contribution;
- (iii) the maximum true interest cost for the Bonds shall not exceed 3.25%;
- (iv) the maximum maturity date of the Bonds shall not exceed February 15, 2028.

The execution of the Pricing Certificate shall evidence the sale date of the Bonds by the City to the Purchasers (hereinafter defined).

If the Pricing Officer determines that bond insurance results in a net reduction of the City's interest costs associated with each series of the Bonds, then the Pricing Officer is authorized, in connection with effecting the sale of such series of the Bonds, to make the selection of the municipal bond insurance company for such series of the Bonds (the "Insurer") and to obtain from the Insurer a municipal bond insurance policy or policies in support of the Bonds. The Pricing Officer shall have the authority to determine the provisions of the commitment for any such policy and to execute any documents to effect the issuance of said policy by the Insurer.

(b) In establishing the aggregate principal amount of each series of the Bonds, the Pricing Officer shall establish an amount for such series of the Bonds not exceeding the amount authorized in subsection (a)(i) above, which shall be sufficient in amount to provide for the purposes for which the Bonds are authorized and to pay costs of issuing the Bonds. The delegation made hereby shall expire if not exercised by the Pricing Officer within 180 days of the date hereof. The Bonds shall be sold to the purchaser(s)/underwriter(s) named in the Pricing Certificate (the "Purchasers"), at such price and with and subject to such terms as set forth in the Pricing Certificate and the Purchase Contract (hereinafter defined), and may be sold by negotiated or competitive sale or by private placement. The Pricing Officer is hereby delegated the authority to designate the Purchasers, which delegation shall be evidenced by the execution of the Pricing Certificate.

SECTION 4. Terms of Payment - Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Bonds (hereinafter called the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar (as defined below), and the payment thereof shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection by City staff of The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (the "Paying Agent/Registrar"), to serve as Paying Agent/Registrar for the Bonds is hereby confirmed and any prior action taken by the City Manager, Finance Director or other City staff in connection with such selection is hereby ratified. Books and records relating to the registration, payment, exchange and transfer of the Bonds (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement," substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The City Manager, Finance Director or other authorized representative of the City is hereby authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution, or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

The Bonds shall be payable at their Stated Maturities or upon their earlier redemption, only upon the presentation and surrender of the Bonds to the Paying Agent/Registrar at its designated offices initially in East Syracuse, New York, or, with respect to a successor Paying Agent/Registrar, at the

designated offices of such successor (the “Designated Payment/Transfer Office”); provided, however, while a Bond is registered to Cede & Co., the payment thereof upon a partial redemption of the principal amount thereof may be accomplished without presentation and surrender of such Bond. Interest on a Bond shall be paid by the Paying Agent/Registrar to the Holders whose names appears in the Security Register at the close of business on the Record Date (which shall be set forth in the Pricing Certificate) and such interest payments shall be made (i) by check sent United States Mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment of interest on one or more maturities of the Bonds on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a “Special Record Date”) will be established by the Paying Agent/Registrar, if and when funds for the payment of such past due interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder of the Bonds appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 5. Registration - Transfer - Exchange of Bonds - Predecessor Bonds. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each and every Holder of the Bonds issued under and pursuant to the provisions of this Ordinance, or if appropriate, the nominee thereof. Any Bond may be transferred or exchanged for Bonds of like series, if applicable, of like maturity and amount and in authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar at its Designated Payment/Transfer Office for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender for assignment or transfer of any Bond (other than the Initial Bonds authorized in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, one or more new Bonds, executed on behalf of and furnished by the City, shall be registered and issued to the assignee or transferee of the previous Holder; such Bonds to be of authorized denominations, of like Stated Maturity, of like series, if applicable, and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bonds authorized in Section 8 hereof) may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds, executed on behalf of and furnished by the City, to the Holder requesting the exchange.

All Bonds issued upon any such transfer or exchange of Bonds shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States Mail,

first class postage prepaid, to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 11 hereof, and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Bond called for redemption, in whole or in part, within forty-five (45) days of the date fixed for the redemption of such Bond; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Bond called for redemption in part.

SECTION 6. Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained in the applicable sections hereof relating to the payment and transfer/exchange of the Bonds, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement, and transfer system provided by The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York ("DTC"), in accordance with the requirements and procedures identified in the current DTC Operational Arrangements memorandum, as amended, the Blanket Issuer Letter of Representations, by and between the City and DTC, and the Letter of Representations from the Paying Agent/Registrar to DTC (collectively, the "Depository Agreement") relating to the Bonds.

In the event the Pricing Officer elects to utilize DTC's "Book-Entry-Only" System, which election shall be made by the Pricing Officer in the Pricing Certificate, pursuant to the Depository Agreement and the rules of DTC, the Bonds shall be deposited with DTC and who shall hold said Bonds for its participants (the "DTC Participants"). While the Bonds are held by DTC under the Depository Agreement, the Holder of the Bonds on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Bond (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Bonds or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Bonds, the City covenants and agrees with the Holders of the Bonds to cause Bonds to be printed in definitive form and provide for the Bond certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Bonds in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Bonds shall be made in accordance with the provisions of Sections 4 and 5 hereof.

SECTION 7. Execution - Registration. The Bonds shall be executed on behalf of the City by the Mayor or the Mayor Pro Tem under the City's seal reproduced or impressed thereon and attested by the City Secretary. The signature of said officials on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officials of the City on the date of the adoption of this Ordinance shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas, or his or her duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered, and delivered.

SECTION 8. Initial Bond. The Bonds herein authorized shall be initially issued as fully registered Bonds as specified in the Pricing Certificate, being a single, fully registered Bond in the aggregate principal amount noted and principal installments to become due and payable as provided in the Pricing Certificate and numbered T-1 (hereinafter called the "Initial Bond") and the Initial Bond shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Bond shall be the Bond submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond delivered hereunder and exchange therefor definitive Bonds of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9. Forms.

(a) **Forms Generally.** The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and, with the Bonds to be completed and modified with the information set forth in the Pricing Certificate, may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends on insured Bonds and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the Pricing Officer. The Pricing Certificate shall set forth the final and controlling forms and terms of the Bonds. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bond shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

(b) Form of Definitive Bonds.

REGISTERED
NO. R- _____

PRINCIPAL AMOUNT
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF WYLIE, TEXAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2016

Bond Date: _____, 20__ Interest Rate: _____% Stated Maturity: _____, 20__ CUSIP No.: _____

Registered Owner:

Principal Amount: _____ DOLLARS

The City of Wylie (hereinafter referred to as the "City"), a body corporate and political subdivision in the Counties of Collin, Dallas and Rockwall, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the _____) at the per annum rate of interest specified above computed on the basis of a 360 day year of twelve 30 day months; such interest being payable on _____ and _____ in each year, commencing _____, 20__, until maturity or prior redemption. Principal of this Bond is payable at its Stated Maturity or upon its prior redemption to the registered owner hereof, upon presentation and surrender, at the designated offices of the Paying Agent/Registrar executing the registration certificate appearing hereon, initially in East Syracuse, New York, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"); provided, however, while this Bond is registered to Cede & Co., the payment of principal upon a partial redemption of the principal amount hereof may be accomplished without presentation and surrender of this Bond. Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the _____ day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in

any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$ _____ (herein referred to as the "Bonds") for the purpose of providing funds for the discharge and final payment of certain outstanding obligations of the City and to pay the costs and expenses of issuance, under and in strict conformity with the Constitution and laws of the State of Texas, including Chapter 1207 of the Texas Government Code, as amended, and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

[The Bonds maturing on the dates hereinafter identified (the "Term Bonds") are subject to mandatory redemption prior to maturity with funds on deposit in the Interest and Sinking Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued interest thereon to the date of redemption, and without premium, on the dates and in the principal amounts as follows:

<u>Term Bonds due _____, 20__</u>	<u>Principal Amount</u>	<u>Term Bonds due _____, 20__</u>	<u>Principal Amount</u>
<u>Redemption Date</u>		<u>Redemption Date</u>	
_____, 20__		_____, 20__	
_____, 20__*		_____, 20__*	

* Stated maturity.

The particular Term Bonds of a Stated Maturity to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Term Bonds for a Stated Maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Bonds of like Stated Maturity which, at least fifty (50) days prior to a mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions appearing below and not theretofore credited against a mandatory redemption requirement.]

[The Bonds shall not be subject to redemption prior to maturity] [The Bonds maturing on and after _____, 20__, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on _____, 20__, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty (30) days prior to the date fixed for any redemption of Bonds, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Bond to be redeemed, in whole or in part, at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Bond (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date such Bond (or the portion of its principal sum to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event a portion of the principal amount of a Bond is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Bond to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Bond or Bonds of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Bond is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Bond to an assignee of the registered owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Bond redeemed in part.

With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.]

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the owner or holder of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at or prior to its maturity or redemption, and deemed to be no longer Outstanding thereunder; and for other terms and provisions contained therein. Capitalized terms used herein and not otherwise defined have the meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the registered owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal at the Stated Maturity, or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a Bond on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class

(d) Form of Certificate of Paying Agent/Registrar to appear on Definitive Bonds only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued and registered in the name of the Registered Owner shown above under the provisions of the within-mentioned Ordinance; the bond or bonds of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, as shown by the records of the Paying Agent/Registrar.

The designated office of the Paying Agent/Registrar in East Syracuse, New York, is the Designated Payment/Transfer Office for this Bond.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., Dallas, Texas,
as Paying Agent/Registrar

Registration Date:

By: _____

Authorized Signature

(e) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee): _____

(Social Security or other identifying number: _____

_____) the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____

attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

(f) The Initial Bond shall be in the form set forth therefor in subsection (b) of this Section, except as follows: the heading and paragraph one shall be amended to read as follows:

NO. T-1

\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF WYLIE, TEXAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2016

Bond Date: _____, 2016

Registered Owner:

Principal Amount: _____ DOLLARS

The City of Wylie (hereinafter referred to as the “City”), a body corporate and political subdivision in the Counties of Collin, Dallas and Rockwall, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the registered owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on _____ in the years and in principal amounts in accordance with the following schedule:

<u>STATED</u> <u>MATURITY</u>	<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>INTEREST</u> <u>RATE(S)</u>
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(Information to be inserted from Pricing Certificate)

(or so much principal thereof as shall not have been redeemed prior to maturity) and to pay interest on the unpaid principal installments hereof from the _____ at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on _____, 20__, and each _____ and _____ thereafter, until maturity or prior redemption. Principal installments of this Bond are payable in the year of maturity or on a redemption date to the registered owner hereof by The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (the “Paying Agent/Registrar”), upon presentation and surrender at its designated offices, initially in East Syracuse, New York, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the “Designated Payment/Transfer Office”). Interest is payable to the registered owner of this Bond whose name appears on the “Security Register” maintained by the Paying Agent/Registrar at the close of business on the “Record Date,” which is the _____ day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the registered owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

SECTION 10. Levy of Taxes. To provide for the payment of the “Debt Service Requirements” of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount is the greater) there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, sufficient to pay such Debt Service Requirements on the Bonds as the same becomes due and payable; and such tax hereby levied on each one hundred dollars’ valuation of taxable property in the City for the payment of the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding; full allowance being made for delinquencies and costs of collection; the taxes levied, assessed, and collected for and on account of the Bonds shall be accounted for separate and

apart from all other funds of the City and shall be deposited in the “SPECIAL SERIES 2016 GENERAL OBLIGATION REFUNDING BOND FUND”, or such other fund designation as specified in the Pricing Certificate (the “Interest and Sinking Fund”) to be maintained at an official depository of the City’s funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

PROVIDED, however, with regard to any payment to become due on the Bonds prior to the tax delinquency date next following the annual assessment of taxes levied which next follows the Bond Date, if any, sufficient current funds will be available and are hereby appropriated to make such payments; and the Mayor, Mayor Pro Tem, City Manager, Finance Director and City Secretary of the City, individually or jointly, are hereby authorized and directed to transfer and deposit in the Interest and Sinking Fund such current funds which, together with the accrued interest received from the initial purchasers, will be sufficient to pay the payments due on the Bonds prior to the tax delinquency date next following the annual assessment of taxes levied which next follows the Bond Date.

The Mayor, Mayor Pro Tem, City Manager, Finance Director and City Secretary of the City, individually or jointly, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures or comes due by reason of redemption prior to maturity; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

SECTION 11. Mutilated - Destroyed - Lost and Stolen Bonds. In case any Bond shall be mutilated, or destroyed, lost, or stolen, the Paying Agent/Registrar may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond; and with respect to a lost, destroyed, or stolen Bond, a replacement Bond may be issued only upon the approval of the City and after (i) the filing by the Holder with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss, or theft of such Bond, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, or destroyed, lost, or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost, or stolen Bonds.

SECTION 12. Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance and the Pricing Certificate, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds or any principal amount(s) shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity or to the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Bonds such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

The term “Government Securities” shall mean (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

The City reserves the right, subject to satisfying the requirements of (i) and (ii) above, to substitute other Government Securities for the Government Securities originally deposited, to reinvest the uninvested moneys on deposit for such defeasance and to withdraw for the benefit of the City moneys in excess of the amount required for such defeasance.

Upon such deposit as described above, such Bonds shall no longer be regarded to be outstanding or unpaid. Provided, however, the City has reserved the option, to be exercised at the time of the defeasance of the Bonds, to call for redemption, at an earlier date, those Bonds which have been defeased to their maturity date, if the City: (i) in the proceedings providing for the firm banking and financial arrangements, expressly reserves the right to call the Bonds for redemption; (ii) gives notice of the reservation of that right to the Holders of the Bonds immediately following the making of the firm

banking and financial arrangements; and (iii) directs that notice of the reservation be included in any redemption notices that it authorizes.

SECTION 13. Ordinance a Contract - Amendments - Outstanding Bonds. This Ordinance, together with the Pricing Certificate, shall constitute a contract with the Holders of from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 31 hereof. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance or any provision in the Pricing Certificate in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the consent of Holders who own a majority of the aggregate of the principal amount of any affected series of Bonds then Outstanding, amend, add to, or rescind any of the provisions of this Ordinance or any provision in the Pricing Certificate; provided that, without the consent of all Holders of Outstanding Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of and interest on the Bonds, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of or interest on the applicable series of Bonds, (2) give any preference to any Bond within such series over any other Bond within such series, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission.

The term “Outstanding” when used in this Ordinance with respect to each series of Bonds means, as of the date of determination, all Bonds within such series theretofore issued and delivered under this Ordinance, except:

- (1) those Bonds cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;
- (2) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 12 hereof; and
- (3) those mutilated, destroyed, lost, or stolen Bonds within such series which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 11 hereof.

SECTION 14. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“*Closing Date*” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction, or improvement of which is to be financed (or refinanced) directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(i) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds (including property financed with Gross Proceeds of the Refunded Obligations), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department, and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Obligations), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed, or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six (6) years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the Holders thereof for federal income tax purposes, the City shall pay to the United States out of the general fund, other appropriate fund, or, if permitted by applicable Texas statute, regulation, or opinion of the Attorney General of the State of

Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager and Finance Director of the City, individually or jointly, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as one or more of such persons deems necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption, or similar or other appropriate certificate, form, or document.

(k) Bonds Not Hedge Bonds. At the time the original obligations refunded by the Bonds were issued, the City reasonably expected to spend at least 85% of the spendable proceeds of such obligations within three years after such obligations were issued and (2) not more than 50% of the proceeds of the original obligations refunded by the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

(l) Qualified Advance Refunding. The Bonds are issued to refund the Refunded Obligations and the Bonds will be issued more than 90 days before the redemption of the Refunded Obligations. The City represents as follows:

(i) The Bonds are the first advance refunding of the Refunded Obligations within the meaning of Section 149(d)(3) of the Code.

(ii) The Refunded Obligations are being called for redemption, and will be redeemed not later than the earliest date on which such obligations may be redeemed and on which the City will realize present value debt service savings (determined without regard to administrative expenses) on the issue.

(iii) The initial temporary period under Section 148(c) of the Code will end:
(i) with respect to the proceeds of the Bonds not later than 30 days after the date of issue

of such Bonds; and (ii) with respect to proceeds of the Refunded Obligations on the Closing Date if not ended prior thereto.

(iv) On and after the date of issue of the Bonds, no proceeds of the Refunded Obligations will be invested in Nonpurpose Investments having a Yield in excess of the Yield on such Refunded Obligations.

(v) The Bonds are being issued for the purposes stated in the preamble of this Ordinance. There is a present value savings associated with the refunding. In the issuance of the Bonds the City has neither: (i) overburdened the tax-exempt bond market by issuing more bonds, issuing bonds earlier or allowing bonds to remain outstanding longer than reasonably necessary to accomplish the governmental purposes for which the Bonds were issued; (ii) employed on “abusive arbitrage device” within the meaning of Section 1.148-10(a) of the Regulations; nor (iii) employed a “device” to obtain a material financial advantage based on arbitrage, within the meaning of Section 149(d)(4) of the Code, apart from savings attributable to lower interest rates and reduced debt service payments in early years.

(m) Qualified Tax-Exempt Obligations. The Pricing Officer is hereby authorized to designate in the Pricing Certificate the designation of the Bonds as “qualified tax-exempt obligations” in accordance with the provisions of the paragraph (3) of subsection (b) of Section 265 of the Code in the event the Bonds qualify for such designation and confirm that the Bonds are not “private activity bonds” as defined in the Code and confirm the amount of “tax-exempt obligations” to be issued by the City (including all subordinate entities of the City) for the calendar year in which the Bonds are issued will not exceed the applicable limitation.

SECTION 15. Sale of Bonds - Official Statement. The Bonds authorized by this Ordinance are to be sold by the City to the Purchasers in accordance with a bond purchase agreement in the event of a negotiated sale, letter agreement to purchase in the event of a private placement, or the successful bid form in the event of a competitive sale, as applicable (the “Purchase Contract”), the terms and provisions of which Purchase Contract are to be determined by the Pricing Officer in accordance with Section 3 hereof. The Pricing Officer is hereby authorized and directed to execute the Purchase Contract for and on behalf of the City, as the act and deed of this Council, and to make a determination as to whether the terms are in the City’s best interests, which determination shall be final.

With regard to such terms and provisions of the Purchase Contract, the Pricing Officer is hereby authorized to come to an agreement with the Purchasers on the following, among other matters:

1. The details of the purchase and sale of the Bonds;
2. The details of any public offering of the Bonds by the Purchasers, if any;
3. The details of any Official Statement or similar disclosure document (and, if appropriate, any Preliminary Official Statement) relating to the Bonds and the City’s Rule 15c2-12 compliance, if applicable;
4. A security deposit for the Bonds, if any;
5. The representations and warranties of the City to the Purchasers;
6. The details of the delivery of, and payment for, the Bonds;
7. The Purchasers’ obligations under the Purchase Contract;
8. The certain conditions to the obligations of the City under the Purchase Contract;

9. Termination of the Purchase Contract;
10. Particular covenants of the City;
11. The survival of representations made in the Purchase Contract;
12. The payment of any expenses relating to the Purchase Contract;
13. Notices; and
14. Any and all such other details that are found by the Pricing Officer to be necessary and advisable for the purchase and sale of the Bonds.

The Mayor or Mayor Pro Tem and City Secretary of the City are further authorized and directed to deliver for and on behalf of the City copies of a Preliminary Official Statement and Official Statement prepared in connection with the offering of the Bonds by the Purchasers, in final form as may be required by the Purchasers, and such final Official Statement as delivered by said officials shall constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 16. Escrow Agreement. An “Escrow Agreement” or “Special Escrow Agreement” (either, the “Escrow Agreement”) by and between the City and an authorized escrow agent (the “Escrow Agent”), if any such agreement is required in connection with the issuance of the Bonds, shall be attached to and approved in the Pricing Certificate. Such Escrow Agreement is hereby authorized to be finalized and executed by the Pricing Officer for and on behalf of the City and as the act and deed of this Council; and such Escrow Agreement as executed by said Pricing Officer shall be deemed approved by this Council and constitute the Escrow Agreement herein approved. With regard to the finalization of certain terms and provisions of any Escrow Agreement, a Pricing Officer is hereby authorized to come to an agreement with the Escrow Agent on the following details, among other matters:

1. The identification of the Refunded Obligations;
2. The creation and funding of the Escrow Fund or Funds; and
3. The Escrow Agent’s compensation, administration of the Escrow Fund or Funds, and the settlement of any paying agents’ charges relating to the Refunded Obligations.

Furthermore, appropriate officials of the City in cooperation with the Escrow Agent are hereby authorized and directed to make the necessary arrangements for the purchase of the escrowed securities referenced in the Escrow Agreement, if any, and the delivery thereof to the Escrow Agent on the day of delivery of the Bonds to the Purchasers for deposit to the credit of the “CITY OF WYLIE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 ESCROW FUND” (referred to herein as the “Escrow Fund”), or such other designation as specified in the Pricing Certificate; all as contemplated and provided in Chapter 1207, the Ordinance, the Pricing Certificate and the Escrow Agreement.

On or immediately prior to the date of the delivery of the Bonds to the Purchasers, the Pricing Officer, or other authorized City official listed in Section 33 hereof, shall also cause to be deposited (and is hereby authorized to cause to be deposited) with the Escrow Agent from moneys on deposit in the debt service fund(s) maintained for the payment of the Refunded Obligations an amount which, together with the proceeds of sale of the Bonds, and the investment earnings thereon, will be sufficient to pay in full the Refunded Obligations (or the amount of accrued interest due thereon) scheduled to mature and authorized to be redeemed on the earliest date established in the Pricing Certificate for the redemption of any of the Refunded Obligations (or the earliest date of payment, to be made from moneys in the Escrow Fund(s), as established in the Pricing Certificate, of the amount of accrued interest due thereon).

SECTION 17. Refunded Obligations. (a) In order to provide for the refunding, discharge, and retirement of the Refunded Obligations as selected by the Pricing Officer, the Refunded Obligations, identified, described, and in the amounts set forth in the Pricing Certificate, are called for redemption on the first date(s) such Refunded Obligations are subject to redemption or such other date specified by the Pricing Officer in the Pricing Certificate at the price of par plus accrued interest to the redemption dates, and notice of such redemption shall be given in accordance with the applicable provisions of the ordinance adopted by this Council, which authorized the issuance of the Refunded Obligations. The Pricing Officer is hereby authorized and directed to issue or cause to be issued a Notice of Redemption for the Refunded Obligations in substantially the form set forth as Exhibit to the Pricing Certificate, to the paying agent/registrar for Refunded Obligations, in accordance with the redemption provisions applicable to the Refunded Obligations.

(b) The paying agent/registrar for Refunded Obligations is hereby directed to provide the appropriate notice of redemption as required by the ordinance authorizing the issuance of the Refunded Obligations and is hereby directed to make appropriate arrangements so that the Refunded Obligations may be redeemed on the redemption date specified in the Pricing Certificate.

(c) The source of funds for payment of the principal of and interest on the Refunded Obligations on their respective maturity or redemption dates shall be from the funds deposited with the Escrow Agent, pursuant to the Escrow Agreement, if any, or with the paying agent/registrar for the Refunded Obligations pursuant the provisions of Chapter 1207, this Ordinance and the Pricing Certificate finalized by the Pricing Officer.

SECTION 18. Control and Custody of Bonds. The Mayor or Mayor Pro Tem of the City shall be and is hereby authorized to take and have charge of all necessary ordinances, resolutions, orders and records, including the definitive Bonds and the Initial Bonds, pending the investigation and approval of the Initial Bonds by the Attorney General of the State of Texas, and the registration of the Initial Bonds to the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

SECTION 19. Proceeds of Sale. Immediately following the delivery of the Bonds, the proceeds of sale (less those proceeds of sale designated to pay costs of issuance and any accrued interest received from the Purchasers of the Bonds or additional proceeds being deposited to the Interest and Sinking Fund) shall be deposited with the Escrow Agent for application and disbursement in accordance with the provisions of the Escrow Agreement or deposited with the paying agent/registrar for the Refunded Obligations for the payment and redemption of the Refunded Obligations. The proceeds of sale of the Bonds not so deposited with the Escrow Agent (or the paying agent/registrar for the Refunded Obligations) for the refunding of the Refunded Obligations shall be disbursed for payment of costs of issuance, or deposited in the Interest and Sinking Fund for the Bonds, all in accordance with written instructions from the City or its financial advisor. Such proceeds of sale may be invested in authorized investments and any investment earnings realized may be (with respect to the accrued interest received from the Purchasers) deposited in the Interest and Sinking Fund as shall be determined by this Council.

Additionally, the Pricing Officer shall determine the amount of any City contribution to the refunding from moneys on deposit in the interest and sinking fund(s) maintained for the payment of the Refunded Obligations.

SECTION 20. Notices to Holders - Waiver. Wherever this Ordinance or the Pricing Certificate provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case in which notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance or the Pricing Certificate provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 21. Cancellation. All Bonds surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly cancelled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already cancelled, shall be promptly cancelled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly cancelled by the Paying Agent/Registrar. All cancelled Bonds held by the Paying Agent/Registrar shall be returned to the City.

SECTION 22. Bond Counsel Opinion. The obligation of the Purchasers to accept delivery of the Bonds is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Attorneys, Dallas, Texas, Bond Counsel to the City, approving the Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. A true and correct reproduction of said opinion is hereby authorized to be printed on the Bonds, or an executed counterpart thereof is hereby authorized to be either printed on definitive printed obligations or deposited with DTC along with the global certificates for the implementation and use of the Book-Entry-Only System used in the settlement and transfer of the Bonds.

SECTION 23. CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof, and neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

SECTION 24. Benefits of Ordinance. Nothing in this Ordinance or the Pricing Certificate, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof or the Pricing Certificate, this Ordinance and all of its provisions and the Pricing Certificate being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, and the Holders.

SECTION 25. Inconsistent Provisions. All ordinances or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance or the Pricing Certificate are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 26. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 27. Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 28. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine, or neuter gender shall be considered to include the other genders.

SECTION 29. Severability. If any provision of this Ordinance or the Pricing Certificate or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the Pricing Certificate and the application thereof to other circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 30. Incorporation of Findings and Determinations. The findings and determinations of this Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 31. Continuing Disclosure Undertaking. This Section shall apply unless the Pricing Officer determines in the Pricing Certificate that an undertaking is not required pursuant to the Rule (defined below).

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

“*MSRB*” means the Municipal Securities Rulemaking Board.

“*Rule*” means SEC Rule 15c2-12, as amended from time to time or officially interpreted by the SEC.

“*SEC*” means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning with the year stated in the Pricing Certificate, financial information and operating data with respect to the City of the general type included in the final Official Statement approved by the Pricing Officer and described in the Pricing Certificate and (2) if not provided as part of such financial information and operating data, audited financial statements of the City within twelve months after the end of each fiscal year, when and if available. Any financial statements so provided shall be prepared in accordance with the accounting principles described in the Pricing Certificate, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not available by the required time, the City will file unaudited financial statements within such twelve-month period and audited financial statements when and if such audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB’s Internet Web site or filed with the SEC.

(c) Notice of Certain Events. The City shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For these purposes, any event described in the immediately preceding subsection (c)12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

(d) Filings with the MSRB. All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section while, but only while, the City remains an “obligated

person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by subsection (c) hereof of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything to the contrary in this Ordinance, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City’s right to do so would not prevent an underwriter of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 32. Municipal Bond Insurance. The Bonds may be sold with the principal of and interest thereon being insured by a municipal bond insurance provider authorized to transact business in

the State of Texas. The Pricing Officer is hereby authorized to make the selection of municipal bond insurance (if any) for the Bonds and make the determination of the provisions of any commitment therefor.

SECTION 33. Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Finance Director and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, Mayor Pro Tem, City Manager, Finance Director or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance, including the Pricing Certificate: (i) in order to cure any ambiguity, formal defect or omission in this Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of this Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 34. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 35. Effective Date. In accordance with the provisions of Texas Government Code, Section 1201.028, as amended, this Ordinance shall be in force and effect from and after its passage on the date shown below and it is so ordained.

[Remainder of page left blank intentionally]

PASSED AND ADOPTED, this March 22, 2016.

CITY OF WYLIE, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

EXHIBIT A
PAYING AGENT/REGISTRAR AGREEMENT

Refunding Information



City of Wylie

General Obligation Refunding Bonds, Series 2016

ANNUAL SAVINGS ANALYSIS

¹ Year Ending	² Old Debt Service	³ New Debt Service	⁴ Savings*
9/30/2016	\$ 929,413	\$ 929,412	\$ 0
9/30/2017	1,858,825	1,672,000	186,825
9/30/2018	2,236,125	2,006,900	229,225
9/30/2019	4,819,175	4,430,300	388,875
9/30/2020	4,821,638	4,434,900	386,738
9/30/2021	4,811,106	4,419,375	391,731
9/30/2022	4,802,694	4,412,375	390,319
9/30/2023	4,801,056	4,412,500	388,556
9/30/2024	4,785,944	4,394,625	391,319
9/30/2025	4,786,550	4,398,250	388,300
9/30/2026	4,767,488	4,378,000	389,488
9/30/2027	4,758,463	4,363,875	394,588
9/30/2028	4,176,875	3,833,500	343,375
	52,355,350	48,086,012	\$ 4,269,338

Net Present Value ("PV") Savings: \$ 3,623,348

REFUNDING RESULTS*:

- ❑ Par Amount of Refunded Bonds: **\$37,875,000**
- ❑ Total Savings*: **\$4,269,338**
- ❑ Net PV Savings*: **\$3,623,348**
- ❑ True Interest Cost on New Bonds: **2.43%**
- ❑ Average Interest Rate on Refunded Bonds: **4.92%**
- ❑ Final Maturity **NOT** Extended
- ❑ Savings are **AFTER** any and all transaction costs (*i.e. no 'out of pocket' costs*)

CITY OF WYLIE, TEXAS

* - Interest Rate Scale as of March 4, 2016 + 0.20%

Proposed Parameters



Included in Parameter Ordinance for Council Consideration/Action

- Delegated Pricing Officers: **City Manager and Finance Director**
- Maximum True Interest Cost: **3.25% (2.43% Currently)**
- Minimum Savings Threshold: **5.00% PV (9.56% Currently)**
- Maximum Principal Amount: **\$40,000,000 (\$34,730,000 Currently)**
- Final Maturity Date: **February 15, 2028 (maturity not extended)**
- Expiration of Parameter Authority: **180 Days**



General Obligation Refunding Bonds, Series 2016

Projected Schedule of Events

Feb-16						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

Mar-16						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Apr-16						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May-16						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

By	Day	Event
18-Feb-16	Thursday	Provide initial draft of Preliminary Official Statement to City and Bond Counsel for comments and modifications
4-Mar-16	Friday	Receive Preliminary Official Statement information from City
7-Mar-16	Monday	Send revised draft Preliminary Official Statement to City and Bond Counsel for comments and modifications and to credit rating agencies
14-Mar-16	Week Of	Rating Agency Conference Calls
22-Mar-16	Tuesday	Presentation to City Council on Potential Refunding City Council adopts Parameters Resolution
24-Mar-16	Thursday	Receive credit ratings
28-Mar-16	Monday	Finalize Preliminary Official Statement Distribute electronically through i-Deal Prospectus
4-Apr-16	Week Of	Potential Pricing and Award
TBD	TBD	Closing and delivery of funds