



# Wylie City Council

## NOTICE OF MEETING

### Regular Meeting Agenda January 26, 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 Winters ..... 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](http://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](http://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

#### PRESENTATIONS

- **Presentation to the City of a donation of \$13,370.49 from the Wylie Advocates for Senior Activities (WASA) as a contribution toward the purchase of an intercom system for the Wylie Senior Recreation Center. (R. Diaz, Parks and Recreation Superintendent)**
- **Proclamation declaring the week of February 15<sup>th</sup> – Wylie ISD Education Foundation Week**

## CITIZENS COMMENTS ON NON-AGENDA ITEMS

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*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

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*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 January 12, 2016 Regular Meeting of the Wylie City Council. (C. Ehrlich, City Secretary)**
- B. Consider and act upon, Resolution No. 2016-02(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, ordering the General Election to be administered by the Collin County Elections Administrator and the City of Wylie on May 7, 2016, for the purpose of electing the positions of two (2) members (Place 1 and Place 3) of the Wylie City Council, to hold office for a period of three (3) years; Designating locations of polling places; Designating filing deadlines; Ordering Notices of Election to be given as prescribed by law in connection with such election. (C. Ehrlich, City Secretary)**
- C. Consider and act upon, Resolution No. 2016-03(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, appointing election officials for the General Election on May 7, 2016, for the purpose of electing the positions of two (2) members (Place 1 and Place 3) of the Wylie City Council. (C. Ehrlich, City Secretary)**
- D. Consider and act upon, approval of a Final Plat creating 57 single family residential lots and 3 open space lots on 28.019 acres for the Braddock Place Phase 5 Subdivision, generally located west of FM 544 at the Vinson/County Line road split. (R. Ollie, Development Services Director)**
- E. Consider and act upon, a motion to approve Ordinance No.2016-01 an Ordinance of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2005-07, as amended, adding article VII (Municipal Setting Designations) to chapter 42 (Environment); Providing for Municipal Setting Designations to prohibit the use of groundwater in designated areas; amending the Code of Ordinances to add Section XIII (MSD Application Fee) of Appendix C (Wylie Comprehensive Fee Schedule) for the purpose of establishing an MSD Application Fee; Providing a penalty clause, savings/repealing clause, severability clause and an effective date; and providing for the publication of the caption hereof. (J. Butters, Asst. City Manager)**
- F. Consider and act upon, a motion to approve Resolution No.2016-04(R) of the City Council of the City of Wylie, Texas, authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity: Authorizing Mindy Manson or Jeff Butters to execute an electric supply agreement for the deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP. (J. Butters, Asst. City Manager)**

- G. **Consider and place on file, the City of Wylie Monthly Investment Report for December 31, 2015.** (*L. Bantz, Finance Director*)
- H. **Consider and place on file, the City of Wylie Monthly Revenue and Expenditure Report for December 31, 2015.** (*L. Bantz, Finance Director*)
- I. **Consider and act upon, the request from the Run for Heroes Event for a vendor fair at Olde City Park on April 2, 2016, with rain date of April 9, 2016.** (*R. Diaz, Parks & Recreation Superintendent*)
- J. **Consider and act upon, approval of Ordinance 2016-02 establishing the maximum speed limits on East Brown Street proceeding from SH 78 to WA Allen Boulevard.** (*C. Holsted, City Engineer*)
- K. **Consider and place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on January 13, 2016.** (*S. Patton, Animal Control Supervisor*)

## REGULAR AGENDA

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1. **Hold the 2nd Public Hearing for the annexation of an approximate 1.207 mile segment of Pleasant Valley Road from Elm Grove to the Dallas County Line. 2016-01A** (*R. Ollie, Development Services Director*)

### Executive Summary

This annexation is at the request of Dallas County and defined as Orphan Roads. Orphan Roads are all or part of a street or road right-of-way, which is outside the incorporated limits of a municipality (or municipalities) and the incorporated area of the municipality (or municipalities) abuts or extends into the right-of-way. These roadway segments have, in effect, been “orphaned” by the abutting city (or cities) that they serve in that they have been left unincorporated.

2. **Hold a Public Hearing and consider, and act upon, approval of a Replat for Arbor Acres, Block A, Lot 1R-2, to create one commercial lot on 2.077 acres, located at 16 Steel Road.** (*R. Ollie, Development Services Director*)

### Executive Summary

The property totals 2.077 acres and will create one commercial lot. A portion of the subject property is zoned PD2011-10-1 while the remaining portion is zoned Light Industrial.

3. **Consider and act upon, the acceptance of the resignation of William Hiney and to appoint a new member to the Zoning Board of Adjustment for the unexpired term of June 2014 to June 2016** (*R. Ollie, Development Services Director*)

### Executive Summary

Staff is requesting the appointment of a new Zoning Board of Adjustment member to replace Mr. William Hiney, who has recently resigned his position as of January 18, 2016 (letter attached).

4. **Consider and act upon, acceptance of the Comprehensive Annual Financial Report (CAFR) for FY 2014-2015 after a presentation by the audit firm of Weaver L.L.P.** (*L. Bantz, Finance Director*)

**Executive Summary**

The City Charter in Article VII, Municipal Finance, Section 13: Independent Audit requires that at the end of the fiscal year an independent audit be made of all accounts of the City by a certified public accountant. In compliance with the City Charter, our outside auditor, Weaver has performed an audit as of September 30, 2015. This is the second year for the audit to be performed by Weaver after their selection to continue as the City's independent auditors following an RFP process done during 2014. Prior to that Weaver had served as the City's auditors for six years. Mr. John DeBurro, Senior Audit Manager with Weaver will briefly present the CAFR, including the Independent Auditors' Report and answer any questions that the City Council may have regarding the report.

**Presentation of the Wylie Economic Development Corporation Annual Report.**

5. **Consider and place on file, the 2015 Wylie Economic Development Corporation Annual Report.** (*S. Satterwhite, WEDC Director*)

**Executive Summary**

As per the WEDC By-laws, each year the WEDC must present to the Wylie City Council its Annual Report. The Report is attached for your review.

6. **Consider and act upon, approval of Resolution 2016-05(R) authorizing the City Manager to execute an Interlocal Agreement with the North Texas Municipal Water District concerning the reconstruction of Eubanks Lane from SH 78 to the NTMWD entrance.** (*C. Holsted, City Engineer*)

**Executive Summary**

The North Texas Municipal Water District (NTMWD) has multiple entrances into their property and plant site with the main truck entrance being located on Eubanks Lane just north of the railroad crossing. The westbound SH 78 to northbound Eubanks turn is difficult for large trucks to navigate, and as a result, they are currently using Spring Creek and Centennial to access Eubanks and the main truck entrance. Also, due to the amount of trucks using Eubanks, the paving is in poor condition and requires constant maintenance by our public works department.

**READING OF ORDINANCES**


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

**EXECUTIVE SESSION**


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

**§§Sec. 551.074. PERSONNEL MATTERS; CLOSED MEETING.**

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

- (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or
  - (2) to hear a complaint or charge against an officer or employee.
- (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

- **City Manager Evaluation** (*M. Manson, City Manager*)

## RECONVENE INTO OPEN SESSION

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

## ADJOURNMENT

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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

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*I certify that this Notice of Meeting was posted on January 22, 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](http://www.wylietexas.gov).*

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**Carole Ehrlich, City Secretary**

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**Date Notice Removed**



# Wylie City Council

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## Minutes

City Council Meeting  
Tuesday, January 12, 2016 – 6:00 p.m.  
Wylie Municipal Complex – Council Chambers  
300 Country Club Road, Bldg. 100  
Wylie, TX 75098

### CALL TO ORDER

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*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, Councilwoman Candy Arrington, Councilman Todd Wintters, Councilwoman Diane Culver, Councilman David Dahl, and Councilman William Whitney III.

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

### INVOCATION & PLEDGE OF ALLEGIANCE

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Mayor pro tem Stephens gave the Invocation and Councilman Wintters led the Pledge of Allegiance.

### PRESENTATIONS

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- **Proposal for a Wylie Community Band** (*Mike Lipe, WISD Fine Arts Director*)

Mike Lipe addressed Council stating that he and other musicians were interested in starting a Wylie Community Band. He explained some of the benefits of the Community Band including performances at City sponsored events and community concerts.

### CITIZENS COMMENTS ON NON-AGENDA ITEMS

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Chad Engbrock, representing the Wylie News, reminded those present to cast votes for the “Best of Wylie” to honor a variety of local businesses and service oriented individuals each year.

## CONSENT AGENDA

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*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 December 8, 2015 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 November 30, 2015.** *(L. Bantz, Finance Director)*
- C. Consider, and place on file, the City of Wylie Monthly Revenue and Expenditure Report for November 30, 2015.** *(L. Bantz, Finance Director)*
- D. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of November 30, 2015.** *(S. Satterwhite, WEDC Director)*

## **Council Action**

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

## REGULAR AGENDA

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- 1. Hold the 1st Public Hearing for the annexation of an approximate 1.207 mile segment of Pleasant Valley Road from Elm Grove to the Dallas County Line. 2016-01A** *(R. Ollie, Development Services Director)*

## **Staff Comments**

Development Services Director Renae Ollie addressed Council stating that this annexation is at the request of Dallas County and defined as Orphan Roads. Orphan Roads are all or part of a street or road right-of-way, which is outside the incorporated limits of a municipality (or municipalities), and the incorporated area of the municipality (or municipalities) abuts or extends into the right-of-way. These roadway segments have, in effect, been “orphaned” by the abutting city (or cities) that they serve in that they have been left unincorporated.

City Engineer Holsted explained Dallas County currently has \$1 million available to start the design of the reconstruction of Pleasant Valley Road from the county line south to Merritt Road in Sachse. They require the roadway to be annexed to move forward with the design. Dallas County also requires a 50% match which would be approximately \$500,000 from Wylie and \$500,000 from Sachse and an agreement will be presented at a future meeting. The project is expected to receive funding in the 2017 Dallas County call for projects, and construction funds would be available in 2021. Staff will be working with Dallas County and the City of Sachse to submit the project to NCTCOG for construction funding. Dallas County has agreed to perform some maintenance on the roadway prior to turning it over to Wylie.

## **Public Hearing**

Mayor Hogue opened the first of two public hearings on the annexation (2016-01A) asking anyone present wishing to address Council to come forward.

No one was present wishing to address Council during the public hearing.

Mayor Hogue closed the public hearing at 6:29 p.m.

Article 1, Section 3 of the Wylie City Charter authorizes the City Council to adjust boundaries. This annexation is being conducted in compliance with Sections 43.052(h)(2) and 43.063 of the Local Government Code.

Notice published for Public Hearings	December 23, 2015 and January 6, 2016
First Public Hearing	January 12, 2016
Second Public Hearing	January 26, 2016
Adoption of Ordinance	February 9, 2016

- 2. Consider, and act upon, Resolution No. 2016-01(R) establishing a public newspaper of general circulation to be the “Official Newspaper” for the City of Wylie.** *(C. Ehrlich, City Secretary)*

## **Staff Comments**

City Secretary Ehrlich addressed Council stating that Texas Local Government Code, §52.004 states that at the beginning of each fiscal year, municipalities must designate an official newspaper. This must be done as soon as practicable. The municipality shall contract with the newspaper designated by ordinance or resolution.

Ehrlich explained the Wylie News and the DMN NeighborsGo both meet the criteria for the Official Newspaper as provided by the statute. The NeighborsGo provides the most cost efficient legal notice fees while the Wylie News reports the highest circulation numbers.

Mayor Hogue announced Councilman William Whitney had filed the proper paperwork for a Conflict of Interest regarding this item and was abstaining from discussion and action on Item #2. Councilman Whitney left the chambers.

Mayor Hogue asked what publications were required to be published in the official newspaper. Ehrlich explained that all captions of ordinances, notices, including Zoning and Zoning Board of Adjustment notices and other matters required to be published by the charter, or by City ordinances, or by the constitution and laws of the State of Texas, shall be published in the official newspaper.

Mayor Hogue asked City Manager Manson to explain the circulation reports. Manson reported the reports were placed at the dais and show the circulation of the Dallas Morning News in the 75098 zip code going to all three counties. This is for the Wednesday and Sunday edition of the NeighborsGo. Also provided are the circulation numbers from the Wylie News including the statement of ownership management and circulation. She explained there was a question on the circulation numbers provided by the Wylie News which show both “enhanced” and subscriber numbers. Mayor Hogue asked what the enhanced circulation numbers were. Manson reported she was not sure.

Mayor Hogue asked Manson what the Official Newspaper meant. Manson replied from a staff standpoint the meaning is the requirement to publish legal notices; from the public perspective it is where you would look for news and information relating the city activities. Mayor Hogue asked how the City’s relationship

was with the Wylie News. Manson replied that there was not a lot of interaction; periodically one of the staff members would call with a question but not a lot of communication.

Mayor Hogue asked Public Information Officer Kelly how the press releases are perceived by the Wylie News. Kelly stated that some are received and published while others are not published. Mayor Hogue asked which paper he had a better rapport with? Kelly replied the DMN NeighborsGo has been very good in covering a lot of the community information and printing photographs, which I believe people are interested in learning more about.

Councilwoman Culver noted there were discrepancies in the circulation numbers for the Wylie News.

### **Council Motion**

A motion was made by Councilwoman Culver to adopt Resolution No. 2016-01(R) establishing the DMN NeighborsGo as the Official Newspaper for 2016. The motion died for lack of a second.

### **Council Action**

A motion was made by Councilman Wintters, seconded by Councilwoman Arrington to adopt Resolution No. 2016-01(R) establishing the Wylie News as the Official Newspaper for 2016. A vote was taken and the motion passed 4-2-1 with Mayor Hogue, Mayor pro tem Stephens, Councilman Wintters, and Councilwoman Arrington voting for and Councilwoman Culver and Councilman Dahl voting against with Councilman Whitney abstaining. (Affidavit of Conflict of Interest on file).

Mayor Hogue asked Chad Engbrock, owner of the Wylie News, to work with staff to repair any relationship issues from the past. He stated that he believed the Wylie Newspaper should be the official newspaper but believed the two parties needed to work together.

Mayor Hogue asked the City Manager to place this item on another agenda for review in six months.

## **WORK SESSION**

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- **Discuss a potential multi-family mixed-use development on approximately 33 acres, generally located east of S.H. 78 and south of Alanis Drive. OM Housing.** *(R. Ollie, Development Services Director)*

Rena Ollie, Development Services Director, addressed Council stating that OM Housing (applicant) approached the City with a request to develop a mixed use center with senior housing and retail/commercial uses on approximately 33 acres located on the east side of S.H. 78 south of Alanis Drive, 15 acres currently zoned Multi-Family, with the remaining zoned Agriculture.

The proposed use will consist of approximately 140 units of senior housing on 8 acres, retail pads on 1.8 acres, retail strip center on 2.8 acres, and the balance being distributed between garden offices and townhomes. The applicant is also proposing 9.8 acres of parkland. There is a significant amount of flood plain.

The applicant states that the project cannot proceed without the Tax Credit funding, and to secure the funding, the project will require a resolution of support only and no local funding is

required. Pursuant to requirements set forth by the Texas Department of Housing and Community Affairs (“TDHCA”), a resolution of support is required as a firm commitment from the City. The project will be restricted to occupancy by Senior citizens of age 55 and older.

Deepak Sulakhe and Jason Lain, representing OM Housing, presented their proposal asking for a resolution in support of the project in order to apply for tax credits through TDHCA.

Mayor Hogue advised members of the Council to contact the City Manager directly if they wished to place a resolution on an upcoming agenda.

- **Update, discussion and direction regarding the December 16th NTMWD Member City Meeting on Board Governance.** (*M. Manson, City Manager*)

Mayor Hogue and City Manager Manson addressed Council stating that On December 16, 2015 a meeting was held for the NTMWD member cities that was attended generally by the Mayor, or other councilmembers, and the city manager of each city. The purpose of the meeting was to discuss the governance issue raised by some member cities who believe that their appointed members to the NTWMD Board of Directors serve at the will of the respective city councils. The Mayor reported it has been the position of the NTMWD based on their legal counsel and a prior Attorney General's opinion that the Board Members represent the cities but serve the District and are therefore not subject to replacement by the cities prior to the end of their term.

City Manager Manson reported cities were mixed in regard to the process for removal of board members and noted if the rules for appointment/dismissal were changed, it would more than likely take a legislative change in order to revise them.

#### RECONVENE INTO REGULAR SESSION

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Mayor Hogue reconvened into Regular Session at 7:38 p.m.

#### ADJOURNMENT

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A motion was made by Councilman Dahl, seconded by Mayor pro tem Stephens, to adjourn the meeting at 7:40 p.m. A vote was taken and the motion passed 7-0.

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**Eric Hogue, Mayor**

**ATTEST:**

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**Carole Ehrlich, City Secretary**



# Wylie City Council

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## AGENDA REPORT

**Meeting Date:** January 26, 2016  
**Department:** City Secretary  
**Prepared By:** \_\_\_\_\_  
**Date Prepared:** January 18, 2016

**Item Number:** B  
*(City Secretary's Use Only)*  
**Account Code:** \_\_\_\_\_  
**Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** Resolution, Notice & Calendar

### Subject

Consider and act upon, Resolution No. 2016-02(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, ordering the General Election to be administered by the Collin County Elections Administrator and the City of Wylie on May 7, 2016, for the purpose of electing the positions of two (2) members (Place 1 and Place 3) of the Wylie City Council, to hold office for a period of three (3) years; Designating locations of polling places; Designating filing deadlines; Ordering Notices of Election to be given as prescribed by law in connection with such election.

### Recommendation

A motion to approve, Resolution No. 2016-02(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, ordering the General Election to be administered by the Collin County Elections Administrator and the City of Wylie on May 7, 2016, for the purpose of electing the positions of two (2) members (Place 1 and Place 3) of the Wylie City Council, to hold office for a period of three (3) years; Designating locations of polling places; Designating filing deadlines; Ordering Notices of Election to be given as prescribed by law in connection with such election.

### Discussion

The offices of (2) City Council members, Places 1 and 3, will expire in May of 2016. By the proposed Resolution, the City Council will order a General Election to be held on May 7, 2016. There will be one election for two Council seats, Place 1 and Place 3, for the Wylie City Council positions appearing on one ballot.

This Resolution stipulates the polling places where qualified voters can cast ballots for the election. It also outlines the early voting by personal appearance locations and deadlines for filing. Early voting by personal appearance shall be available at the main locations: Collin County Elections Administration, 2010 Redbud Blvd #102, McKinney, Texas (for voters in Collin County), and the Wylie Municipal Complex (Smith Public Library), 300 Country Club Road, Building 300, Wylie, Texas (for all Wylie voters) beginning on Monday, April 25, 2016 through Tuesday, May 3, 2016. Extended hours are stipulated in the Resolution and notice.

Applications for a ballot by mail for Collin County voters shall be requested from and mailed to Collin County Elections Administration Office, Attn: Elections Administrator, 2010 Redbud Blvd. #102, McKinney, Texas 75069. Applications for a ballot by mail for Dallas and Rockwall County voters shall be requested from and mailed to City of Wylie, Attn: Carole Ehrlich, City Secretary, 300 Country Club Road, Bldg. 100, Wylie, Texas 75098. Applications for ballots by mail must be received no later than the close of business on April 26, 2016.

This Resolution and notice of election will be posted and published in accordance with the Texas Election Code. The Election Day polling will be held at the Smith Public Library. The Notice of Election and 2016 Election Calendar are attached for your review.

**RESOLUTION NO. 2016-02(R)**  
**RESOLUCION NO. 2016-02(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, COLLIN, DALLAS AND ROCKWALL COUNTIES, TEXAS, ORDERING THE GENERAL ELECTION TO BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR AND THE CITY OF WYLIE ON MAY 7, 2016, FOR THE PURPOSE OF ELECTING THE POSITIONS OF TWO (2) MEMBERS (PLACE 1 AND PLACE 3) OF THE WYLIE CITY COUNCIL, TO HOLD OFFICE FOR A PERIOD OF THREE (3) YEARS; DESIGNATING LOCATIONS OF POLLING PLACES; DESIGNATING FILING DEADLINES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION.**

***UNA RESOLUCION DEL CONCILIO DE LA CIUDAD DE WYLIE, CONDADOS DE COLLIN, DALLAS Y ROCKWALL, TEXAS, ORDENANDO LA ELECCION GENERAL QUE SE LLEVARA ADMINISTRADA POR EL ADMINISTRADOR DE ELECCIONES DEL CONDADO DE COLLIN Y LA CIUDAD DE WYLIE EL DIA 7 DE MAYO, 2016, CON EL PROPOSITO DE ELEJIR LA POSICION DOS (2) MIEMBROS (LUGAR 1 Y LUGAR 3) PARA EL CONCILIO DE LA CIUDAD DE WYLIE PARA MANTENER EL PUESTO POR UN PERIODO DE TRES AÑOS; DESIGNAR LOCALES PARA LOS CENTROS ELECTORALES; DESIGNAR FECHA DE TERMINACION PARA REGISTRACION; ORDENAR QUE SE DEN NOTIFICACIONES DE ELECCION COMO PRESCRITO POR LA LEY EN CONEXION CON TAL ELECCION; Y DESIGNANDO JUECES DE ELECCION.***

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

***AHORA, POR LO TANTO, SEA RESUELTO POR EL CONCILIO DE LA CIUDAD DE WYLIE, TEXAS, QUE:***

**SECTION 1:** An election is hereby ordered to be held on Saturday, May 7, 2016, for the purpose of electing two (2) Council Members to fill the following expiring terms on the Wylie City Council: Place 1 and Place 3.

***SECCION 1:*** Una eleccion es por el presente ordenada que se llevara el sabado, 7 de Mayo, 2016, con el proposito de elegir dos (2) miembros del Concilio para el Lugar 1 y el Lugar 3 del Concilio de la Ciudad de Wylie; cual su termino ha expirado.

**SECTION 2:** The Election Day polling place where qualified voters shall cast ballots in the

City of Wylie for the 2016 General Municipal Election is as follows:

*SECCION 2: El local de los centros electoral donde los votantes calificados votaran el dia de la eleccion de la Eleccion Municipal General del 2016 de la Ciudad de Wylie, son los siguientes:*

**Polling Place**

Smith Public Library  
300 Country Club Road, Bldg. 300  
Wylie, Texas 75098

Election polls shall be open from 7:00 a.m. until 7:00 p.m. on the date of the election.

*El centro electoral estaraabierto de las 7:00 a.m. a las 7:00 p.m. el dia de la eleccion.*

**SECTION 3:** Early voting by personal appearance shall be available at the Smith Public Library, 300 Country Club Road, Bldg. 300, Wylie, Texas 75098.

Early voting will begin on Monday, April 25, 2016 and continue through Tuesday, May 3, 2016 during the normal working hours of 8:00 a.m. to 5:00 p.m. with extended voting hours on Saturday, April 30, 2016 from 8:00 a.m. to 5:00 p.m. and Monday, May 2, 2016 and Tuesday, May 3, 2016 from 7:00 a.m. to 7:00 p.m. For Collin County voters, applications for ballot by mail shall be requested from and mailed to the Collin County Elections Administration, Attn: Bruce Sherbet 2010 Redbud Blvd #102, McKinney, Texas 75069 or [election@collincountytexas.gov](mailto:election@collincountytexas.gov) . For Dallas County and Rockwall County voters, applications for ballot by mail shall be requested from and mailed to the City of Wylie, Attn: Carole Ehrlich, City Secretary, 300 Country Club Road, Bldg. 100, Wylie, Texas 75098 or [carole.ehrlich@wylietexas.gov](mailto:carole.ehrlich@wylietexas.gov) Applications for ballots by mail must be received no later than the close of business on April 26, 2016.

*SECCION 3: Votacion temprana por apariencia personal sera disponible en el Centro Municipal de la Ciudad de Wylie (Biblioteca), 300 Country Club Road, Edificio 300, Wylie, Texas.*

*Votacion temprana empieza el lunes, 25 de abril, 2016 hasta el martes, 3 de mayo, 2016, durante las horas de trabajo normales de 8:00 a.m. a 5:00 p.m. con horas prolongadas el sabado, 30 de abril, 2016, de 8:00 a.m. a 5:00 p.m., y el lunes, 2 de mayo, 2016 y martes, 3 de mayo, 2016 de 7:00 a.m. a 7:00 p.m. Para votantes en el condado de Collin, las solicitudes para boletos de votacion por correo deben ser pedidas y enviadas por correo a Collin County Elections Administration, Attn: Bruce Sherbet, 2010 Redbud Blvd #102, McKinney, Texas 75069 [election@collincountytexas.gov](mailto:election@collincountytexas.gov). Para votantes en los condados de Dallas y Rockwall, las solicitudes para boletos de votacion por correo deben ser pedidas y enviadas por correo a City of Wylie, Attn: Carole Ehrlich, City Secretary, 300 Country Club Road, Bldg. 100, Wylie, Texas 75098 [carole.ehrlich@wylietexas.gov](mailto:carole.ehrlich@wylietexas.gov). Solicitudes para boletos de votacion por correo deben ser recibidas a no mas tardar para el cierre del dia de negocio el 26 de abril, 2016.*

**SECTION 4:** Candidates must file for a specific place and adhere to the filing deadlines accordingly. Candidate Packets are available in the City Secretary's Office. The candidate filing periods for the General Election for the Council seats, Place 1 and Place 3, are as follows:

*SECCION 4: Candidatos deben registrarse para un lugar especifico y adherir consiguientemente a la fecha final de registracion. Paquetes para candidato estan disponibles en la Oficina de la Secretaria de la Ciudad. Los periodos para registracion del candidato para la Eleccion General para los Lugares del Concilio 1 y 3 son los siguientes:*

**General Election Filing Council Seats Places 1 and 3**

***Registracion para la Eleccion General de los Lugares de Concilios 1 y 3***

Beginning: January 20, 2016 at 8:00 a.m.

Ending: February 19, 2016 at 5:00 p.m.

*Empezando: 20 de enero, 2016 a las 8:00 a.m.*

*Terminando: 19 de febrero, 2016 a las 5:00 p.m.*

Candidates must file in the City Secretary's Office located at 300 Country Club Road, Building 100, Wylie, Texas 75098.

*Candidatos deben archivar sus paquetes en la Oficina de la Secretaria de la Ciudad localizada en 300 Country Club Road, Edificio 100, Wylie, Texas 75098.*

**SECTION 5:** Direct Record Electronic (DRE) voting machines shall be used in this election for early voting by personal appearance and Election Day voting. Paper ballots shall be used for early voting by mail.

*SECCION 5: Maquinas electronicas de registracion directa para votacion seran utilizadas en esta eleccion para votacion temprana en persona y para votacion el dia de la eleccion. Boletos de papel seran utilizados para votacion temprana por correo.*

**SECTION 6:** The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this election. The election, including providing notice of the election, shall be conducted in accordance with the Texas Election Code and other applicable law, and all resident qualified and registered voters of the City shall be eligible to vote at the election.

*SECCION 6: La Secretaria de la Ciudad esta por el presente autorizada y dirigida a publicar y/o anunciar la hora y manera como prescrito por la ley, todas las notificaciones requeridas que sean publicadas y/o anunciadas en conexion con la conducta de esta eleccion. La eleccion, incluyendo dar aviso de la eleccion, deben ser conducidas de acuerdo con elCodigo de Eleccion de Texas y otras leyes aplicables, y todo residente calificado y registrado votante de la Ciudad debe ser elegible para votar en la eleccion.*

**SECTION 7:** The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the election, whether or not expressly authorized herein.

*SECCION 7: El Alcalde y la Secretaria de la Ciudad, en consulta con el abogado de la Ciudad, por el presente estan autorizados y dirigidos de tomar cualquier y toda accion necesaria para estar en conformidad con las provisiones del Codigo de Eleccion de Texas y cualquier otra ley del estado o federal para llevar acabo y conducir la eleccion, aunque sea o no sea expresamente autorizado en esto.*

**DULY PASSED AND APPROVED** by the City Council of the City of Wylie, Collin, Dallas, and Rockwall Counties, Texas, on this the 26th day of January, 2016.

***DEBIDAMENTE PASADO Y APROBADO** por el Concilio de la Ciudad de Wylie, Condados de Collin, Dallas, y Rockwall, Texas, este dia 26 de enero, 2016.*

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Eric Hogue, Mayor

**ATTEST:**

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Carole Ehrlich, City Secretary

**NOTICE OF GENERAL ELECTION**  
**AVISO DE ELECCION GENERAL**

*To the registered voters of the City of Wylie, Texas: (A los votantes registrados de la Ciudad de Wylie, Texas)*

Notice is hereby given that the City of Wylie, Collin, Rockwall and Dallas Counties, Texas, has ordered a General Election to be held on May 7, 2016 for the purpose of electing two (2) Council members for Places 1 and 3. The polling place listed below will be open from 7:00 a.m. to 7:00 p.m. on May 7, 2016.

*Se da aviso por la presente que la Ciudad de Wylie, Condado de Collin Rockwall y Dallas, Estado de Texas, ha ordenado una Elección General que se llevara acabo el 7 de mayo, 2016 con el proposito de elegir y dos (2) miembros del Concilio para el Lugar 1 y el Lugar 3 del Concilio de la Ciudad de Wylie; cual su termino ha expirado. Los centros electorales apuntados abajo estarán abiertos de 7:00 a.m. - 7: 00 p.m. el 7 de mayo, 2016.*

**CANDIDATE FILING SCHEDULE**  
**HORARIO PARA LA CLASIFICACION DEL CANDIDATO**

**General Election Filing Council members for Places 1 and 3**  
**Expediente de la eleccion general para miembros del concilio del Puesto 1 y 3**

January 20, 2016 at 8:00 a.m. – February 19, 2016 at 5:00 p.m.  
Empezando el 20 de enero, 2016 a las 8:00 a.m. hasta las 5:00 p.m. el 19 de Febrero, 2016

**LOCATIONS OF POLLING PLACES (LOCALES DE LOS CENTROS ELECTORALES)**

**Smith Public Library**  
**300 Country Club Road, Building 300**  
**Wylie, Texas 75098**

EARLY VOTING BY PERSONAL APPEARANCE WILL BE CONDUCTED AT THE FOLLOWING LOCATIONS:  
(VOTACION TEMPRANA POR APARIENCIA PERSONAL SE CONDUCIRÁ EN LOS PROXIMOS LOCALES:)

Main Early Voting location-Collin County Voters:  
Collin County Elections Administration Office  
2010 Redbud Blvd. #102  
McKinney, Texas 75069

Early Voting-All Wylie Voters (Dallas, Rockwall, Collin)  
Smith Public Library  
300 Country Club Road, Bldg. 300  
Wylie, Texas 75098

Local principal de votacion temprana:  
Condado de Collin  
Administracion de elecciones del Condado de Collin  
2010 Redbud Blvd. #102  
McKinney, Texas 75069

Local para votacion temprana:  
Smith Public Library  
300 Country Club Drive, Bldg. 300  
Wylie, Texas 75098

Collin County voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration.

Los votantes del Condado Collin pueden votar en cualquiera de los lugares adicionales de votación abiertas en virtud de los servicios contratados completos con la Administración de Elecciones del Condado de Collin.

You may vote beginning on Monday, April 25, 2016 and continuing through Tuesday, May 3, 2016 during the normal working hours of 8:00 a.m. to 5:00 p.m. with extended voting hours on Saturday, April 30, 2016 from 8:00 a.m. to 5:00 p.m. and Monday, May 2, 2016 and Tuesday, May 3, 2016 from 7:00 a.m. to 7:00 p.m.

(Usted puede votar empezando el lunes, 25 de abril, 2016 hasta el martes, 3de mayo, 2016, durante las horas de trabajo normales de 8:00 a.m. a 5:00 p.m. con horas prolongadas el sabado, 30 de abril, 2016, de 8:00 a.m. a 5:00 p.m., y el lunes, 2 de mayo, 2016 y martes, 3 de mayo, 2016 de 7:00 a.m. a 7:00 p.m.

Applications for ballot by mail shall be mailed to:  
(Solicitudes para boletos de votacion por correo deben ser enviadas a)

**For Collin County voters**  
**Collin County Elections Administration**  
**Attn: Bruce Sherbet**  
**2010 Redbud Blvd. #102**  
**McKinney, Texas 75069**  
**[election@collincountytexas.gov](mailto:election@collincountytexas.gov)**

**For Dallas County and Rockwall County voters**  
**City of Wylie**  
**Attn: Carole Ehrlich, City Secretary**  
**300 Country Club Road, Bldg. 100**  
**Wylie, Texas 7509**  
**[carole.ehrlich@wylietexas.gov](mailto:carole.ehrlich@wylietexas.gov)**

Applications for ballots by mail must be received no later than the close of business on April 26, 2016.  
(Las solicitudes para boletos de votacion por correo deben ser recibidas a no mas tardar para el cierre del dia de negocio el 26 de abril, 2016.)

*Issued this the 26th day of January, 2016 by the Wylie City Council.*  
*(Publicado este 26th de enero, 2016 por el Concilio de la Ciudad de Wylie)*

\_\_\_\_\_  
*Signature of Presiding Officer (Oficial que)*

# Election Calendar

## For a City's General Election on May 7, 2016

This calendar indicates the dates for actions necessary in a general election of city officers to be held on May 7, 2016. It includes all major actions for which the Election Code prescribes a specific date or deadline for performance, but it does not include all actions (e.g., preparation of ballot boxes and other election equipment and of sets of precinct election forms) for which the beginning date for performance can vary from one city to another depending on local factors. Each city secretary should use the chart in M §9.02 of the *Texas Municipal Election Law Manual* in conjunction with this calendar to fill in those dates on the city secretary's personal election calendar created in accordance with local conditions [see M §9.03]. The city secretary's personal calendar should also reflect dates that the city secretary prefers in place of the discretionary dates recommended in this calendar.

Column 5 indicates the time interval between the date of the action and election day. For example, the notation 50<sup>th</sup> in the entry for March 18 means that the day for beginning mandatory office hours is the 50<sup>th</sup> day before election day; the notation "+5" in the entry for May 12 means that the last day for receiving a ballot from outside the United States is the 5<sup>th</sup> day after election day.

When there is a statutory provision prescribing the last day for the performance of an act, the number in Column 5 reflects that day. If the statutory day must be moved because of a Saturday, Sunday, or state or national holiday, the resulting date is designated in Columns 1 and 2, and Column 5 indicates, in parentheses and italics, the actual number of days measured from election day.

In preparing a personal calendar, the city secretary should remember the rule in EC §1.006 that if the last day for performance of an action falls on a Saturday, Sunday, or a state or national holiday, the deadline date is usually extended to the next regular business day whether the day is a city holiday or not [see M §2.16(a)]. When a deadline is extended for this reason, the extended date is used for determining other dates that are calculated in relation to the event of the extended date. Exceptions are noted in this calendar.

Major steps are in ALL CAPS. Steps for early voting are in *ITALICS*.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Dec 21	LAST DAY to begin posting on bulletin board the notice of the dates of the filing period for the general election. (30 days before first day to file application for a place on the ballot). SOS has ruled that notice must contain location where applications will be received.	City Secretary	11.05(f)	138 <sup>th</sup>
Jan 4	Obtain a supply of the following forms: candidate's application for place on ballot; appointment of campaign treasurer (candidate and specific-purpose committee); report of contributions and expenditures (candidate-officeholder and specific-purpose committee); application for mail ballot, and a set of administrative forms if ordered from a supply house. (Set up schedule for ordering precinct sets and other forms if they are to be ordered later.)	City Secretary	7.11 et seq. 18.10	*124 <sup>th</sup>

\*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Jan 4-29	Review recommendation for following steps listed in M §9.02 for possible needed or desired action: Steps 1 through 5 (revising election precincts; designating polling places; changing method of voting if equipment is available but not adopted for use or if acquisition of equipment by city is desired); Step 12 (establishing or changing terms of election judges).	City Secretary and City Council	9.02 14.03	*124 <sup>th</sup> thru *99 <sup>th</sup>
Jan 15	Last day for timely filing of semi-annual report of contributions and expenditures.	City Secretary	18.05	Jan 15
<b>GENERAL ELECTION</b>				
Jan 20	FIRST DAY FOR FILING APPLICATION for place on ballot. This is the 30 <sup>th</sup> day before filing deadline.	City Secretary	11.05	108 <sup>th</sup>
Jan 20	FIRST DAY FOR FILING DECLARATION OF WRITE-IN CANDIDACY.	City Secretary	11.10	108 <sup>th</sup>
Jan 25- Feb 9	Recommended period for CALLING ELECTION AND POSTING NOTICE OF ELECTION on bulletin board.	Mayor <sup>[1]</sup>	10.02 10.03 10.12	*103 <sup>rd</sup> thru *88 <sup>th</sup>
Feb 8	LAST DAY for small city in small county to provide secretary of state notice of intent to use exception to accessibility requirements or show undue burden, if required. 90 <sup>th</sup> day is on Sun. This action is extended to Mon, Feb 8 (89 <sup>th</sup> day).	City Secretary	7.07(d),(e), (f)	90 <sup>th</sup> (89 <sup>th</sup> )
Feb 9	Recommended LAST DAY FOR ORDER DESIGNATING ELECTION PRECINCTS AND POLLING PLACES.	City Council	3.07	*88 <sup>th</sup>
Feb 16	Remove candidate's name from ballot if the candidate dies on or before Feb 16 (day before the 2 <sup>nd</sup> day before filing deadline).	City Secretary	11.25(a)	81 <sup>st</sup>
<b>GENERAL ELECTION</b>				
Feb 19	STATUTORY LAST DAY FOR ORDERING ELECTION. <sup>[2]</sup>	Mayor <sup>[1]</sup>	10.04	78 <sup>th</sup>
Feb 19	LAST DAY FOR FILING APPLICATION FOR PLACE ON BALLOT (must be received by 5 p.m.). City Secretary's office should stay open until 5 p.m.	City Secretary	11.05(a) 11.06	78 <sup>th</sup>
Feb 22	Recommended beginning date for preliminary work on appointment of election judges.	City Secretary	4.08	*75 <sup>th</sup>
Feb 22	Recommended last day to POST 72 HOUR NOTICE OF DRAWING for order of names on ballot. Must be posted at least 72 hours preceding the time of the drawing.	City Secretary	8.06	*75 <sup>th</sup>

\*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Feb 23	LAST DAY FOR A WRITE-IN CANDIDATE to declare candidacy in the <b>GENERAL</b> or <b>SPECIAL</b> election. (If a special election has not been called by this date, and a write-in declaration is received, contact the secretary of state for advice.)	City Secretary	11.10(b)	74 <sup>th</sup>
Feb 24	LAST DAY for a ballot candidate in <b>general</b> election to withdraw (withdrawal request must be received by 5 p.m.). LAST DAY that a declaration of ineligibility causes omission of candidate's name from ballot. (These deadlines occur on the 5 <sup>th</sup> day after the filing deadline.) City secretary's office should stay open until 5 p.m.	City Secretary	8.05(b) 11.22 11.23 11.24	73 <sup>rd</sup>
Feb 25-29	Recommended period to CONDUCT DRAWING FOR ORDER OF NAMES ON BALLOT. Prepare ballot format and send it to printer.	City Secretary	8.06	*72 <sup>nd</sup> thru *68 <sup>th</sup>
Feb 26	LAST DAY for a write-in candidate to withdraw in <b>general</b> election and have name removed from write-in list. The statute does not state a time, so the deadline is midnight.	City Secretary	11.22(b)	71 <sup>st</sup>
Feb 27	LAST DAY to order a <b>SPECIAL ELECTION</b> to fill a vacancy so that the filing deadline will be the 62 <sup>nd</sup> day before election day. This date remains on Sat because it is not the last day to order a special election.	City Council City Secretary	13.06	70 <sup>th</sup>
Mar 7	If a <b>SPECIAL ELECTION</b> to fill a vacancy is held in conjunction with the general election, and the <b>SPECIAL ELECTION</b> was called on or before the 70 <sup>th</sup> day before the election, <b>this is the LAST DAY FOR FILING AN APPLICATION for a place on the ballot in the SPECIAL ELECTION.</b> 62 <sup>nd</sup> day is on Sunday. This action is extended to Mon, Mar 7, the 61 <sup>st</sup> day..	City Secretary	13.06	62 <sup>nd</sup> (61 <sup>st</sup> )
Mar 8	LAST DAY TO DELIVER NOTICE TO THE COUNTY CLERK AND VOTER REGISTRAR of each county in which the election will be held.	City Council (City Secretary)	10.16	60 <sup>th</sup>
Mar 8	First day of the period Texas Ethics Commission will defer investigation until after election (or runoff) if an allegation is filed.	City Secretary/ Texas Ethics Commission	18.01	60 <sup>th</sup>
Mar 11	Extended deadline to file for a place on the ballot in a city office having a 4-year term if no one has filed by 5 p.m. on Feb 19 (must be received by 5 p.m.).	City Secretary	11.05	57 <sup>th</sup>

\*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Mar 11	If a <b>SPECIAL ELECTION</b> to fill a vacancy is held in conjunction with the general election, and the <b>SPECIAL ELECTION</b> was called on or before the 70 <sup>th</sup> day before the election, <b>this is the LAST DAY</b> for candidate in the <b>special</b> election to withdraw (withdrawal request must be received by 5 p.m.). <b>LAST DAY</b> that a declaration of ineligibility causes omission of candidate's name from ballot.	City Secretary	8.05(b) 11.22 11.24	57 <sup>th</sup>
Mar 14-25	Recommended period for APPOINTING ELECTION JUDGES. <sup>[2]</sup> (Schedule for first council meeting after period if no meeting during period.) See M §10.15 on giving notice to election judges.	City Council <sup>[1]</sup>	4.03 4.04 4.05	*54 <sup>th</sup> thru *43 <sup>rd</sup>
Mar 17	RECOMMENDED DATE TO PRINT BALLOTS which have been prepared earlier.	City Secretary	8.16	*51 <sup>st</sup>
Mar 18	Beginning date of period for mandatory office hours.	City Secretary	2.15	50 <sup>th</sup>
Mar 22	Last day to order a <b>SPECIAL ELECTION</b> to fill a vacancy unless a law outside the EC provides for an earlier date.	City Secretary	13.06	46 <sup>th</sup>
Mar 23	<i>FIRST DAY TO MAIL EARLY BALLOTS, IF AVAILABLE. Note the roster of persons mailed ballots is not available to the public until the first business day after election day [See M §16.56(g)].</i>	City Secretary	16.57	45 <sup>th</sup>
Mar 28	If a <b>SPECIAL ELECTION</b> to fill a vacancy is held in conjunction with the general election, and the <b>SPECIAL ELECTION</b> was called after the 70 <sup>th</sup> day before the election, <b>this is the LAST DAY FOR FILING AN APPLICATION</b> for a place on the ballot in the <b>SPECIAL ELECTION</b> .	City Council	13.06(a)(2)	40 <sup>th</sup>
Mar 30	<i>Last day to mail balloting materials for early voting by mail, to persons whose applications were accepted 8 days or more before the 45<sup>th</sup> day.</i>	City Secretary	16.57	38 <sup>th</sup>
Apr 4	LAST DAY for a candidate in a <b>SPECIAL ELECTION</b> with a filing deadline of the 40 <sup>th</sup> day, to withdraw or be declared ineligible and have name removed from the ballot. The 35 <sup>th</sup> day is Sat, Apr 2. The deadline is moved to Mon, Apr 4, the 33 <sup>rd</sup> day.	City Secretary	11.24(b)	35 <sup>th</sup> (33 <sup>rd</sup> )
Apr 7	Due date for filing first report of campaign contributions and expenditures by opposed candidates and specific-purpose committees supporting or opposing opposed candidates by 5 p.m. or midnight if filed electronically. City secretary's office should stay open until 5 p.m.	City Secretary	18.06	30 <sup>th</sup>
Apr 7	Last day for submitting voter registration application in time to vote at the election or for requesting transfer of registration in time to vote in new precinct not in the same county and territory.	Registrar	6.23(g) 6.25(b)	30 <sup>th</sup>

\*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Apr 7-27	PERIOD FOR PUBLISHING NOTICE OF ELECTION. Must be published at least once in a newspaper during this period.	Mayor <sup>[1]</sup>	10.12 20.04	30 <sup>th</sup> thru 10 <sup>th</sup>
Apr 7	Minimum 10 <sup>th</sup> day to begin posting continuous notice if signature verification committee meets Apr 17.	City Secretary	16.72	30 <sup>th</sup>
Apr 7	Recommended last day to notify presiding judges of duty to hold election.	Mayor	10.15	*30 <sup>th</sup>
Apr 7	Recommended last day to request voter registrar to prepare lists of registered voters and furnish statement of residence forms to be used in conducting the election.	City Secretary	6.32(d) 6.35 7.42	*30 <sup>th</sup>
Apr 15	Recommended last day to request waiver of partial manual recount of electronically counted ballots if the secretary of state has not already issued a waiver.	City Secretary	9.45	*22 <sup>nd</sup>
Apr 15-28	<i>Possible period for posting notice <b>amending</b> notice of branch early voting polling places.</i>	City Secretary	16.22(k)	22 <sup>nd</sup> thru 9 <sup>th</sup>
Apr 16 (Apr 15 Recommended)	LAST DAY for POSTING NOTICE OF ELECTION on bulletin board for posting notices of city council meetings. The 21 <sup>st</sup> day is on Sat. Technically, the notice can be delayed until Mon, Apr 18, but it is better practice to post no later than Fri, Apr 15, which is the 22 <sup>nd</sup> day before the election.	City Secretary <sup>[1]</sup>	10.12(c)	21 <sup>st</sup>
Apr 17	<i>First day a signature verification committee may begin work.</i>	City Secretary	16.72	20 <sup>th</sup>
Apr 18	<i>Last day for unregistered applicant to submit a federal postcard application and be eligible to vote a full ballot.. (The 20<sup>th</sup> day before the election is Sun, Apr 17. The deadline is extended so that if the application is placed in the mail by Mon, Apr 18, it is timely.)</i>	City Secretary	17.02(a) & (d)	20 <sup>th</sup> (19 <sup>th</sup> )
Apr 19	<i>Recommended last day for publication of notice of the test of automatic tabulating and DRE equipment to be used in early voting if the test is on Apr 22. (Notice for tabulating equipment must be 48 hours before <b>date</b> of test. Notice for DRE equipment must be 48 hours before <b>test begins</b>.)</i>	City Secretary	7.40	18 <sup>th</sup>
Apr 19	<i>Last day early voting clerk, upon receipt of defective early voting application, must mail 2<sup>nd</sup> application with explanation of defects and instructions.</i>	City Secretary	16.53(c)	18 <sup>th</sup>
Apr 20	<i>Last day to begin posting continuous notice of schedule for branch early voting polling places. (5<sup>th</sup> day before beginning of early voting by personal appearance.)</i>	City Secretary	16.22(k)	17 <sup>th</sup>

\*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Apr 22	<i>Last day to receive application from voter delivered in person for a ballot to be voted by mail (by close of business). This is the last business day before the beginning of early voting by personal appearance.</i>	City Secretary	16.51(e)(5)	15 <sup>th</sup>
Apr 22	<i>Last day for conducting first test of automatic tabulating and DRE equipment to be used for early voting (at least 48 hours before it is used).</i>	City Secretary	7.40(c) & (d)	15 <sup>th</sup>
Apr 22	STATUTORY DEADLINE FOR NOTIFYING JUDGES OF DUTY TO HOLD THE ELECTION.	Mayor	10.15(a)	15 <sup>th</sup>
Apr 22	Last day to challenge write-in candidate for compliance.	City Secretary	11.10(i)	15 <sup>th</sup>
Apr 24	<i>First day cities holding joint election with county having population of 100,000 or more may convene the early voting ballot board to process mail ballots. 24-hour notice must be posted for each delivery of voting materials made before election day. If notice requirements have been followed, the board may process the materials but may not count the ballots until after the end of the period of early voting by personal appearance. (9<sup>th</sup> day before end of early voting by personal appearance.)</i>	City Secretary	16.74(a)	13 <sup>th</sup>
Apr 25	<i>FIRST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE. If voting will be conducted on Sat or Sun, Apr 30 or May 1, notice of schedule must be posted at least 72 hours before first hour of the weekend voting. (The city council must designate 2 weekdays that early voting will be conducted for 12 hours.)</i>	City Secretary	16.21 16.22(d) & (i)	12 <sup>th</sup>
Apr 25	<i>First day for new illness or disability allowing late application for late (emergency) early voting.</i>	Voter	17.16	12 <sup>th</sup>
Apr 26	<i>Last day to receive application by mail for a ballot to be voted by mail, including an FPCA, by 12 noon or close of business, whichever is later.</i>	City Secretary	16.51(d) 17.02(b)	11 <sup>th</sup>
Apr 27	LAST DAY FOR PUBLICATION OF NOTICE OF ELECTION.	Mayor <sup>[1]</sup>	10.12	10 <sup>th</sup>
Apr 29	Due date for filing second report of campaign contributions and expenditures by 5 p.m. or midnight if filed electronically.	City Secretary	18.06(c) 18.08(a) & (c)	8 <sup>th</sup>
May 1	Last day for publication of notice of first test of automatic tabulating equipment to be used at a <u>polling place</u> if the first test is on May 4. (48 hours before <b>date</b> of test.)	City Secretary	7.40(d)	6 <sup>th</sup>

\*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 1	<p>Last day for publication of notice of first test of DRE equipment to be used at a <u>polling place</u> if the first test is on May 4. Notice must be published at least 48 hours before <b>test begins</b> for DRE's. To assure 48 hours before test begins, notice should be published by 3<sup>rd</sup> day before date of test.</p> <p><b>NOTE:</b> Even though May 1 is a Sun, these deadlines are not moved because these notices are contingent on testing being conducted on May 4. Tests and notices could be delayed, but this is not advisable.</p>	City Secretary	7.38(d)	6 <sup>th</sup>
May 2	Last day for publication of notice of first test of automatic tabulating equipment to be used at a <u>central counting station</u> if the first test is on May 5. (48 hours before <b>date</b> of test.)	City Secretary	7.40(b) & (d)	5 <sup>th</sup>
May 2	<i>First day for death in family to qualify for late (emergency) early voting.</i>	City Secretary	17.31	5 <sup>th</sup>
May 3	<i>LAST DAY OF REGULAR EARLY VOTING BY PERSONAL APPEARANCE.</i>	City Secretary	16.21(c)	4 <sup>th</sup>
May 3	Recommended day for first test of automatic tabulating equipment to be used at a polling place or central counting station and DRE equipment to be used at a polling place. If tests are conducted on this recommended day, make sure all notices have been published. See entries for May 1 and 2 for deadlines for notice publication.	City Secretary	7.40(d)	*4 <sup>th</sup>
May 3-7	As soon as early voting is over, and until 7:00 p.m. May 7, early voting materials may be delivered to the early voting ballot board if notice requirements have been followed. The board may process the materials but may not count the ballots until polls open on election day; unless the election is held jointly with a county with population of 100,000 or more, in which case, ballots may be counted.	City Secretary	16.74(a) & (c)	4 <sup>th</sup> thru close of polls
May 4	<i>Last day to receive an application to cancel mail ballot without also returning the ballot..</i>	City Secretary	16.59(a)	3 <sup>rd</sup>
May 4	Last day for conducting first test of automatic tabulating equipment to be used at a polling place (at least 48 hours before used for counting on election day). To assure 48 hours before 7 a.m. of election day, test must be by 3 <sup>rd</sup> day. Notice must be published at least 48 hours before <b>date</b> of test.	City Secretary	7.40(c) & (d)	3 <sup>rd</sup>

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Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 4	Last day for conducting first test of DRE equipment to be used at a <u>polling place</u> or central counting station (at least 48 hours before voting begins on election day). To assure 48 hours before 7 am of election day, test must be by 3 <sup>rd</sup> day. Notice must be published at least 48 hours before <b>test begins</b> for DREs.	City Secretary	7.38(d)(1) & (2)	3 <sup>rd</sup>
May 4-6	<i>Period to apply for late (emergency) early voting because of death in family May 4 or later. Requires absence from county on election day.</i>	City Secretary	17.33	3 <sup>rd</sup> thru 1 <sup>st</sup>
May 4-6	<i>Recommended time to prepare list of registered voters for early voting ballot board if more than one early voting polling place. A <b>new law for 2016</b> requires the early voting clerk to mark the names on the list of registered voters of persons who voted early before this list is delivered to the precinct election judges.</i>	City Secretary	16.76 16.83(a)	*3 <sup>rd</sup> thru 1 <sup>st</sup>
May 4-7	<i>Period to apply for late (emergency) early voting because of illness or disability originating on or after Apr 25.</i>	City Secretary	17.17	3 <sup>rd</sup> thru Election Day, 5 p.m.
May 5	Last day for first test of automatic tabulating equipment to be used at a <u>central counting station</u> . Notice must be published at least 48 hours before <b>date</b> of test.	Presiding Judge	7.40(b)	2 <sup>nd</sup>
May 6	<i>Last day to deliver precinct list of registered voters with the early voting voters marked, to presiding judges and recommended date for delivery of supplies to presiding judges.</i>	City Secretary	7.47(b) 16.83(j)	1 <sup>st</sup>
May 6	Recommended date for delivery of equipment to polling places (statutory deadline is 6 a.m. on election day).	City Secretary	7.48	*1 <sup>st</sup>
May 6	RECOMMENDED DAY TO POST NOTICE OF COUNCIL MEETING to canvass the returns if canvass will be on 3 <sup>rd</sup> day after election. Notice must be posted at least 72 hours before time of meeting.	City Secretary	9.42(b)	*1 <sup>st</sup>
May 6	<i>Last day to submit an application (by close of business) for and vote a ballot by personal appearance due to death in immediate family that occurred May 4 or later.</i>	City Secretary	17.33(b)	1 <sup>st</sup>
May 7	<b>ELECTION DAY.</b> Polls are open 7 a.m. to 7 p.m. Voting by sick or disabled voters at main early voting place, 7 a.m. to 7 p.m., where electronic voting systems are used at precinct polling place.	City Secretary	17.41	E Day
May 7	<i>7 a.m. to 7 p.m. early voting clerk's office must remain open for early voting activities.</i>	City Secretary	9.23	E Day

\*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 7	<i>5 p.m. deadline for late applications for ballots from voters who became ill or disabled Apr 25 or later.</i>	City Secretary	17.16 17.17	E Day
May 7	<i>Deliver early voting ballots, etc., to early voting ballot board. Second key to ballot box is delivered by chief of police or marshal.</i>	City Secretary	16.73(a)	E Day
May 7	7 pm deadline for receiving ballots from voters who became ill or disabled Apr 25 or later.	City Secretary	17.17	E Day
May 7	<i>7 pm deadline for receiving early voting mail ballots. After regular mail delivery, check mail box for early voting mail ballots.</i>	City Secretary	9.23(c) 16.58(a)	E Day
May 7	Receive precinct records, voted ballots, etc. (Chief of police or marshal receives keys to ballot boxes containing voted ballots.)	City Secretary Mayor	9.33(d) 9.34	E Day
May 7	UNOFFICIAL TABULATION OF RESULTS.	City Secretary	9.35	E Day
May 9	<i>First day for public access to early voting by mail roster and applications and for mailed early voting ballot materials. <b>EXCEPTION:</b> Roster and materials for voters who submitted an annual ABBM are not available for public access until after the last election for which the annual application applies.</i>	City Secretary	9.49(d) 16.56(g) 16.522(f)	+2
May 9	<i>Last day to deliver provisional ballots to Voter Registrar of each county in which city is located.</i>	City Secretary	9.41(a)	+2
May 10	Provide Official STATEMENT OF ELECTED OFFICER NOT APPOINTED BY THE GOVERNOR and OATH OF OFFICE to candidates who appear to have won, or may win. <b>These are now Secretary of State Forms 2201 and 2204.</b> These are provided at this time for information. They must be signed after the canvass.	City Secretary	12.32(d)	*+3
May 10-16	<i>Period during which early voting ballot board may meet to count ballots received from outside the United States if the early voting clerk certifies that all ballots mailed from outside the United States have been received.</i>	Early Voting Ballot Board	16.74(f)(1)	+3 thru +9
May 10-18	PERIOD FOR OFFICIAL CANVASS. Mayor sets exact day and hour. City secretary records results in election register as soon as practicable after canvass. [Canvass may occur before 11 <sup>th</sup> day only if all FPCA ballots have been received and the EVVB has completed the count of provisional ballots.]	City Council/ City Secretary	9.42(b) 9.44	+3 thru +11
May 10-18	<i>Completion before canvass of report of early votes cast for each candidate or measure, by election precinct.</i>	City Secretary	16.87	+3 thru +11

\*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 10-18	AFTER CANVASS, ISSUE CERTIFICATE OF ELECTION.	Mayor	12.23	+3 thru +11
May 10- May 31	Partial manual count of electronically counted ballots if waiver not obtained from secretary of state, must begin not later than 72 hours after polls close and be completed by the 21 <sup>st</sup> day. +21 <sup>st</sup> day is Sat, May 28. The date is extended to Tue, May 31 (+24 <sup>th</sup> day), because Mon, May 30 is Memorial Day..	City Secretary	9.45	+3 thru +21 (+24)
May 12	<i>Last day for receiving a ballot from outside the United States.</i>	City Secretary	16.58(b)	+5
May 13	Last day for provisional voter to present ID to voter registrar or execute required affidavit.	Voter Registrar	16.261(g)	+6
May 13	<i>Early voting ballot board (EVBB) convenes to count early voting ballots received by Thur, May 12, from outside the United States, if the early voting clerk did not certify that all ballots mailed from outside the United States had been received earlier. (Provisional ballots may be processed at this time.)</i>	Early Voting Ballot Board	16.74(f)	+6
May 13	Last day for voter registrar to complete the review of provisional ballots.	Voter Registrar	9.41(c)	+6
May 13	Last day for general custodian of election records or presiding judge of the early voting ballot board to retrieve the provisional ballots from the voter registrar unless the voter registrar designates a time on the +7 day.	City Secretary	9.41(c) TAC §81.175 (d)(3)	+6
May 13	Type A elected officials may qualify and assume duties of office [LGC §22.006]. The statute states 5 <sup>th</sup> day after election, excluding Sundays. The resulting day is the 6 <sup>th</sup> day after. Officials may not take office until the canvass is complete unless the election was cancelled.	Candidate with City Secretary	12.34	+6
May 14	Last day for Voter Registrar to designate a time of delivery of provisional ballots to the general custodian of election records or presiding judge of the EVBB. Time must be before the convening of the EVBB. May 14 is a Sat, but this deadline is not extended.		9.41(c) TAC §81.175(d)	+7
May 15-23	ORDERING OF RUNOFF ELECTION, if necessary, not later than 5 <sup>th</sup> day after canvass.	City Council or Mayor <sup>[1]</sup>	14.04	+8 thru +16
May 16	Last day for the EVBB to convene for counting the provisional ballots. (New date for 2016)	Early Voting Ballot Board	16.77(b)	+9
May 17	Last day for presiding judge of EVBB to mail notices of rejected mail ballots to voters.	Presiding Judge of EVBB	16.78	+10
May 18	LAST DAY for conducting the official canvass of the election.	City Council	9.42(b)	+11

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<b>Date</b>	<b>Action</b>	<b>By or With Whom Taken</b>	<b>Manual Ref. §</b>	<b>Column 5</b>
May 20- May 31	Period during which notice of disposition of provisional ballots must be mailed to voters. If 10 <sup>th</sup> day is Sat or Sun (May 21-22), last day is Mon, May 23. If 10 <sup>th</sup> day is Sat, May 28, last day is Tue, May 31, because Mon, May 30 is Memorial Day.	Presiding Judge of EVBB	16.77(e)	By 10 <sup>th</sup> day after canvass
May 30- Jul 5	POSSIBLE PERIOD FOR RUNOFF ELECTION, depending on date of official canvass, unless a charter provides for a later date. If 45 <sup>th</sup> day is Sat, Jul 2, the deadline moves to Tue, Jul 5, because Mon is Jul 4 a holiday.	City Secretary/ City Council	14.03	20 <sup>th</sup> -45 <sup>th</sup> day after canvass
May 31	Last day for mailing results of manual count to secretary of state, if no waiver is obtained. +21 <sup>st</sup> day is Sat. The deadline is extended to Tue, May 31 (+24 <sup>th</sup> day) because Mon, May 30, is Memorial Day.	City Secretary	9.45	+21 (+24)
Jun 6	Last day to transmit election results by city precinct in electronic form to secretary of state.	Mayor (Presiding Officer of the Canvassing Committee)	9.44	+30
Jun 16	LAST DAY OF MANDATORY OFFICE HOURS.	City Secretary	2.15	+40
July 7	First day for transfer of voted ballots from the locked ballot box to another secure container.	City Secretary	9.50(g)	+61
July 15	Last day for timely filing of semiannual report of contributions and expenditures.	City Secretary	18.05	July 15
Nov 7, 2016	Last day of preservation period for ballots and other precinct election records of city election.	City Secretary	9.50(g)	+6 months

### Endnotes

- [1] Follow home-rule city's charter provision, if any.
- [2] The city's governing body may choose to conduct a mock student election under EC §276.007. The major steps taken for a general election should be taken for a student election. The student election may be held on the first day before the election, but results must not be published until after the polls close on election day.

### NOTE ON CALENDAR FOR SPECIAL OR RUNOFF ELECTION

To prepare a calendar for a special election to fill a vacancy in office, see M §13.02; for a special election on a measure, see M §15.02; for a runoff election, see M §14.03.

### NOTE ON CONTEXT

When reading a section of the Election Code, remember to read the chapter and subchapter titles to determine if the section you are reading applies to cities.

\*An asterisk in Column 5 indicates the time stated is not required by statute.



# Wylie City Council

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## AGENDA REPORT

**Date:** January 26, 2016  
**Department:** City Secretary  
**Prepared By:** C. Ehrlich  
**Date Prepared:** January 18, 2016

**Item Number:** C  
*(City Secretary's Use Only)*  
**Account Code:** 100-5113-56070  
**Budgeted Amount:** \$13,000  
**Exhibits:** Resolution

### Subject

Consider and act upon, Resolution No. 2016-03(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, Appointing Election Officials for the General Election on May 7, 2016, for the purpose of electing the positions of two (2) members (Place 1 and Place 3) of the Wylie City Council.

### Recommendation

Consider and act upon, Resolution No. 2016-03(R) of the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, Appointing Election Officials for the General Election on May 7, 2016, for the purpose of electing the positions of two (2) members (Place 1 and Place 3) of the Wylie City Council.

### Discussion

The Texas Election Code, Section §§32.005(a) gives the authority of appointing election judges, for city elections to the City Council. A presiding judge and alternate judge must be appointed for each election precinct. The role of the alternate judge is to serve as presiding judge for an election if the presiding judge cannot serve and may also serve as a clerk.

EC §§Sec.87.004 states that a presiding judge and alternate must be appointed for the Early Voting Ballot Board and the Central Counting Station by the City Council in elections administered by the City. The City Council may direct that the precinct election officers of one of the precincts also serve as the early voting ballot board and the Central Counting Station officials. The attached resolution will appoint all required positions for Wylie's Dallas County and Rockwall County voters. Collin County Elections Administration, as part of their joint contract, will appoint the Early Voting Ballot Board and Central Counting Station officials for Collin County voters.

Collin County Elections Administration and the City (Dallas and Rockwall Counties) will share poll workers during Early Voting and on Election Day at the Smith Public Library.

**RESOLUTION NO. 2016-03(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, COLLIN, DALLAS AND ROCKWALL COUNTIES, TEXAS, APPOINTING ELECTION OFFICIALS FOR THE GENERAL ELECTION ON MAY 7, 2016, FOR THE PURPOSE OF ELECTING THE POSITIONS OF TWO (2) MEMBERS (PLACE 1 AND PLACE 3) OF THE WYLIE CITY COUNCIL.**

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

**SECTION 1:** The following election judges are hereby appointed to preside over the election to be held on Saturday, May 7, 2016, for the purpose of electing two (2) Council Members to fill the following expiring terms on the Wylie City Council (Place 1 and Place 3):

**Early Voting:**            **Smith Public Library**  
**William Martin, Presiding Judge, 402 Hilltop Lane, Wylie, TX**  
**James Anthony, Alternate Judge, 2008 Fairway Winds Court, Wylie, TX**

**Election Day:**            **Smith Public Library**  
**Ruthie Wright, Presiding Judge, 113 N. Winding Oaks, Wylie, TX**  
**Linda Davis, Alternate Judge, 301 West Kirby #121, Wylie, TX**

The foregoing election judges shall preside over the election in Collin County, Dallas County, and Rockwall County.

The Election Day election officers are hereby appointed to serve as the Early Voting Ballot Board for the election in Dallas County and Rockwall County. Ruthie Wright shall serve as the Early Voting Ballot Board's presiding officer for Dallas County and Rockwall County. Ruthie Wright is hereby appointed to serve as presiding judge of the central counting station operating in the election in Dallas County and Rockwall County, and Linda Davis is hereby appointed to serve as alternate judge of the central counting station operating in the election in Dallas County and Rockwall County. Linda Davis is hereby appointed to serve as the counting station manager and tabulation supervisor in Dallas County and Rockwall County. The voting station for the Early Voting Ballot Board and the central counting station shall be the Smith Public Library, 300 Country Club Road, Bldg. 300, Wylie, Texas 75098. A maximum of 3 clerks shall be appointed by each presiding judge appointed above.

The Collin County Elections Administrator is authorized to appoint the Early Voting Ballot Board and its presiding officer for the election in Collin County. The Collin County Elections Administrator is authorized to appoint the presiding judge and alternate judge of the central counting station operating in the election in Collin County.

In the event the appointed presiding judges/alternate judges are unable to execute or complete

their duties for any reason, the Collin County Elections Administrator and/or Carole Ehrlich, City Secretary, may identify additional judges that the City Council shall appoint as soon as possible.

**SECTION 2:** The Mayor and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the election, whether or not expressly authorized herein.

**DULY PASSED AND APPROVED** by the City Council of the City of Wylie, Collin, Dallas, and Rockwall Counties, Texas, on this the 26th day of January, 2016.

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Eric Hogue, Mayor

**ATTEST:**

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Carole Ehrlich, City Secretary



# Wylie City Council

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## AGENDA REPORT

Meeting Date: January 26, 2016  
Department: Planning  
Prepared By: Renae' Ollie  
Date Prepared: January 19, 2016

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

### Subject

Consider and act upon, approval of a Final Plat creating 57 single family residential lots and 3 open space lots on 28.019 acres for the Braddock Place Phase 5 Subdivision, generally located west of FM 544 at the Vinson/County Line road split.

### Recommendation

Motion to approve a Final Plat creating 57 single family residential lots and 3 open space lots on 28.019 acres for the Braddock Place Phase 5 Subdivision, generally located west of FM 544 at the Vinson/County Line road split.

### Discussion

**OWNER: Braddock Place Holdings, LTD.**

**APPLICANT: Bannister Engineering**

The property totals 28.019 acres and will create 57 single-family residential lots. The subject property is part of the 185.1449 acre Braddock Place Addition Planned Development (PD 2005-24), which consists of Single-Family Residential of varying densities and Common Open Spaces. The property was annexed into the City of Wylie on September 28, 2004, and was the subject of a Zoning Case approved by City Council on July 26, 2005.

There are also three open space lots, a detention area and landscape buffer, that will be owned and maintained by the HOA.

#### **P&Z Commission Discussion**

The Commissioners asked about the lot at the split of Vinson and County Line. The applicant stated that Lot 1, Block O would not be developed as a home and allowed for the necessary right-of-way dedication for Vinson Road. The Commission recommends approval 7-0 subject to additions and/or alterations to the engineering plans as required by the Engineering Department.



SEE SHEET NO. 1  
MATCH LINE "A"

LOT 19, BLOCK B  
TWIN CREEK RANCH ESTATES  
VOLUME 75, PAGE 806, P.R.C.C.T.

LOT 20, BLOCK B  
TWIN CREEK RANCH ESTATES  
VOLUME 75, PAGE 806, P.R.C.C.T.

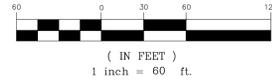
SEE SHEET NO. 1  
MATCH LINE "A"

LOT 1, BLOCK N  
DETENTION AREA /  
COMMON AREA LOT  
DEDICATED TO AND  
MAINTAINED BY HOME  
OWNERS ASSOCIATION

LOT 1, BLOCK O  
YES COMPANIES, INC.  
INSTRUMENT NUMBER  
20080038542  
D.R.D.C.T.

ROSIE PRUITT  
VOLUME 94036, PAGE 1385  
D.R.D.C.T.

GRAPHIC SCALE



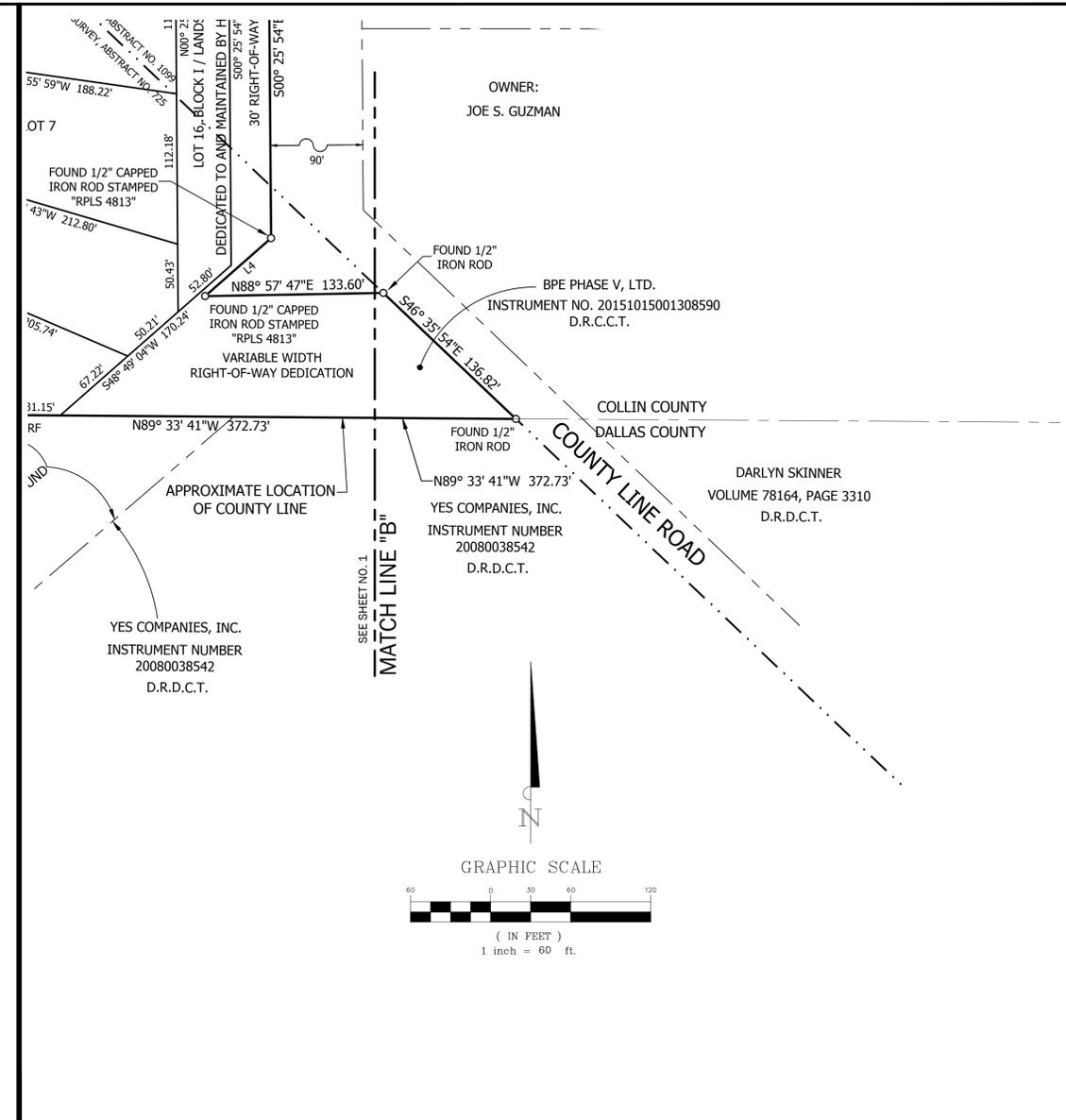
TWIN CREEK LANE  
90' RIGHT-OF-WAY  
VOLUME 75, PAGE 806 P.R.C.C.T.

VINSON ROAD  
VARIABLE WIDTH RIGHT-OF-WAY  
VOLUME 75, PAGE 806 P.R.C.C.T.

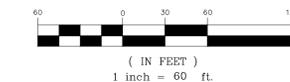
VINSON ROAD  
100' RIGHT-OF-WAY DEDICATION

NO DOCUMENT FOUND

FOUND 5/8" CAPPED IRON ROD



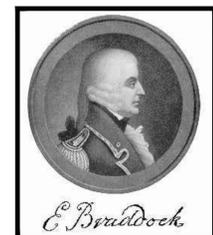
GRAPHIC SCALE



FINAL PLAT  
OF  
**BRADDOCK PLACE  
PHASE V**

28.019 acres out of the  
Elisha M. Price Survey, Abstract Number 725 and  
Nathaniel Atterberry Survey, Abstract Number 1099  
City of Wylie, Collin County, Texas, and  
Elisha M. Price Survey, Abstract Number 1114  
City of Wylie, Dallas County, Texas

60 Lots  
Prepared Date: November 2015  
SHEET 1 OF 3



**BANNISTER**  
ENGINEERING

240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax  
TBPLS REGISTRATION NO. 10193823 PROJECT NO.: 090-15-10

LEGEND

N	NORTH
S	SOUTH
E	EAST
W	WEST
°	DEGREES
'	MINUTES/FEET
"	SECONDS/INCHES
D.R.C.C.T.	DEED RECORDS COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS COLLIN COUNTY, TEXAS
EFSUD U.E.	EAST FORK SPECIAL UTILITY DISTRICT UTILITY EASEMENT

ENGINEER / SURVEYOR:  
BANNISTER ENGINEERING, LLC  
240 NORTH MITCHELL DRIVE  
MANSFIELD, TEXAS 76063  
CONTACT: MICHAEL DAVIS, RPLS  
PHONE: 817-842-2094  
Mike@bannistereng.com

OWNER / DEVELOPER:  
BRADDOCK PLACE HOLDINGS, LTD.  
BPE PHASE V, LTD.  
8214 WESTCHESTER DRIVE, SUITE 710  
DALLAS, TEXAS 75225

FROM COLLIN COUNTY TAX PARCEL: R-6725-000-0080-1 / 7.407 ACRES FOR TAX YEAR 2015
FROM DALLAS COUNTY TAX PARCEL: 65111431510030000 / 20.612 ACRES FOR TAX YEAR 2015

**OWNERS DEDICATION:**

WHEREAS BPE PHASE V, Ltd., are the sole owner(s) of a 28.019 acres (1,220,486 square feet) of land in the Elisha M. Price Survey, Abstract No. 725 and Nathaniel Atterberry Survey, Abstract No. 1099, City of Wylie, Collin County, Texas and in the Elisha M. Price Survey, Abstract No. 1114, City of Wylie, Dallas County, Texas; said 28.019 acres (1,220,486 square feet) of land being a portion of that certain tract of land described in a deed to BPE PHASE V, Ltd. (hereinafter referred to as BPE PHASE V tract), as recorded in Instrument Number 20151015001308590, Deed Records, Collin County, Texas (D.R.C.C.T.); said 28.019 acres (1,220,486 square feet) being more particularly described, by metes and bounds, as follows:

BEGINNING at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Westerly corner of said BPE PHASE V tract, same being the Westerly Southwesterly corner of that certain tract of land described as Braddock Place Phase IV (hereinafter referred to as Braddock Place Phase IV), an addition to the City of Wylie, Collin County, Texas, according to the plat recorded in Instrument Number \_\_\_\_\_, Plat Records, Collin County, Texas; same also being the Northeastery line of that certain tract of land described as Twin Creek Ranch Estates (hereinafter referred to as Twin Creek Ranch Estates), an addition to the City of Wylie, Collin County, Texas, according to the plat recorded in Volume 75, Page 806, Plat Records, Collin County, Texas (P.R.C.C.T.), same also being the Southwesterly line of said Braddock Place Holdings tract;

THENCE with the common line between the remainder of said BPE PHASE V tract and said Braddock Place Phase IV for the following 15 courses:

1. North 43 degrees 00 minutes 08 seconds East, a distance of 179.80 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
2. South 46 degrees 59 minutes 52 seconds East, a distance of 48.18 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
3. North 43 degrees 00 minutes 08 seconds East, a distance of 240.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
4. South 46 degrees 59 minutes 52 seconds East, a distance of 468.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
5. North 43 degrees 00 minutes 08 seconds East, a distance of 170.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
6. North 46 degrees 59 minutes 52 seconds West, a distance of 3.17 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the beginning of a non-tangent curve to the right, whose long chord bears North 64 degrees 49 minutes 34 seconds East, a distance of 78.07 feet;
7. Northeastery with said non-tangent curve to the right having a radius of 105.00 feet, through a central angle of 43 degrees 38 minutes 53 seconds, for an arc distance of 79.99 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the beginning of a curve to the left, whose long chord bears North 79 degrees 48 minutes 39 seconds East, a distance of 432.28 feet;
8. Easterly with said curve to the left having a radius of 1815.00 feet, through a central angle of 13 degrees 40 minutes 43 seconds, for an arc distance of 433.31 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the beginning of a non-tangent curve to the left, whose long chord bears North 08 degrees 51 minutes 34 seconds East, a distance of 69.42 feet;
9. Northerly with said non-tangent curve to the left having a radius of 215.00 feet, through a central angle of 18 degrees 34 minutes 55 seconds, for an arc distance of 69.73 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
10. North 00 degrees 25 minutes 54 seconds West, a distance of 4.29 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the beginning of a curve to the left, whose long chord bears North 07 degrees 19 minutes 15 seconds West, a distance of 53.98 feet;
11. Northerly with said curve to the left having a radius of 225.00 feet, through a central angle of 13 degrees 46 minutes 43 seconds, for an arc distance of 54.11 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the beginning of a non-tangent curve to the right, whose long chord bears North 82 degrees 18 minutes 06 seconds East, a distance of 130.28 feet;
12. Easterly with said non-tangent curve to the right having a radius of 515.00 feet, through a central angle of 14 degrees 32 minutes 00 seconds, for an arc distance of 130.63 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
13. North 89 degrees 34 minutes 06 seconds East, a distance of 217.24 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
14. North 00 degrees 25 minutes 54 seconds West, a distance of 16.03 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found;
15. North 89 degrees 34 minutes 06 seconds East, a distance of 255.04 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Southeastery corner of said Braddock Place Phase IV, same being the Easterly line of said Braddock Place Holdings tract; same also being the existing West right-of-way line of F.M. Road 544 (90' right-of-way);

THENCE South 00 degrees 25 minutes 54 seconds East with the common line between said BPE PHASE V tract and the existing West right-of-way line of said F.M. Road 544, a distance of 309.18 feet to a one-half inch iron rod with plastic cap stamped "RPLS 4813" found for the intersection of the existing West right-of-way line of said F.M. Road 544 with the existing Northwesterly right-of-way line of Vinson Road (variable width right-of-way);

THENCE South 48 degrees 47 minutes 47 seconds West with the common line between said BPE PHASE V tract and the existing Northwesterly right-of-way line of said Vinson Road, a distance of 65.70 feet to a one-half inch iron rod with plastic cap stamped "RPLS 4813" found;

THENCE North 88 degrees 57 minutes 47 seconds East continue with the Easterly line of said BPE PHASE V tract and crossing said Vinson Road, a distance of 133.60 feet to a one-half inch iron rod found in asphalt pavement of County Line Road;

THENCE South 46 degrees 35 minutes 54 seconds East continue with the Easterly line of said BPE PHASE V tract and in said County Line Road, a distance of 136.82 feet to a one-half inch iron rod found in asphalt pavement;

THENCE North 89 degrees 33 minutes 41 seconds West, departing said County Line Road and with the common line between said BPE PHASE V tract and that certain tract of land described in a Special Warranty Deed to YES Companies, LLC (hereinafter referred to as YES Companies tract), as recorded in Instrument Number 20080038542, Deed Records, Dallas County, Texas (D.R.D.C.T.), crossing said Vinson Road, a distance of 372.73 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set;

THENCE South 37 degrees 26 minutes 19 seconds West with the Southeastery line of said BPE PHASE V tract, crossing said Vinson Road, a distance of 1094.10 feet to a five-eighths inch iron rod with plastic cap found for the Southerly corner of said BPE PHASE V tract, same being the Westerly corner of said YES Companies tract, same also being the North line of that certain tract of land described in a deed to Rosie Pruitt, as recorded in Volume 94036, Page 1385, D.R.D.C.T.;

THENCE North 45 degrees 45 minutes 48 seconds West with the Southwesterly line of said BPE PHASE V tract, crossing said Vinson Road, a distance of 175.71 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southeastery corner of the aforesaid Twin Creek Ranch Estates, same being the Easterly right-of-way line of Twin Creek Drive (60' right-of-way);

THENCE North 47 degrees 14 minutes 50 seconds West with the common line between said BPE PHASE V tract and said Twin Creek Ranch Estates, a distance of 1226.70 feet to the PLACE OF BEGINNING, containing a calculated area of 28.019 acres (1,220,486 square feet) of land.

ENGINEER / SURVEYOR:  
BANNISTER ENGINEERING, LLC  
240 NORTH MITCHELL DRIVE  
MANSFIELD, TEXAS 76063  
CONTACT: MICHAEL DAVIS, RPLS  
PHONE: 817-842-2094  
Mike@bannistereng.com

OWNER / DEVELOPER:  
BRADDOCK PLACE HOLDINGS, LTD.  
BPE PHASE V, LTD.  
8214 WESTCHESTER DRIVE, SUITE 710  
DALLAS, TEXAS 75225

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That BPE PHASE V, LTD., acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as BRADDOCK PLACE PHASE V, an addition to the City of Wylie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Wylie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Wylie's use thereof.

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

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

WITNESS MY HAND AT \_\_\_\_\_ Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BPE PHASE V, LTD.

\_\_\_\_\_  
Adam Buczek, Director

**OWNER'S DEDICATION STATEMENT**

**WATER LINE AND WATER LINE APPURTENANCES**

Now, Therefore Know All Men by these Presents:

That, \_\_\_\_\_, acting herein by and through its duly authorized officer, does hereby adopt this plat designated hereon as, BRADDOCK PLACE PHASE V, an addition to the City of Wylie, Texas and does hereby dedicate all such water lines, valves, and water system appurtenances to the East Fork Special Utility District Executed this the \_\_\_\_\_ day of \_\_\_\_\_, 2015

STATE OF TEXAS  
COUNTY OF COLLIN

Before me, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Adam Buczek, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed some for the purpose and consideration therein expressed.

Given under my hand and seal of office, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_

"Recommended for Approval"

\_\_\_\_\_  
Chairman, Planning & Zoning Commission  
City of Wylie, Texas

\_\_\_\_\_  
Date:

Approved for Construction

\_\_\_\_\_  
Mayor, City of Wylie, Texas

\_\_\_\_\_  
Date:

Accepted

\_\_\_\_\_  
Mayor, City of Wylie, Texas

\_\_\_\_\_  
Date:

"The undersigned, the City Secretary of the City of Wylie, Texas, hereby certifies that the foregoing final plat of the BRADDOCK PLACE PHASE V, subdivision or addition to the City of Wylie was submitted to the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 and the Council, by formal action, then and there accepted the dedication of streets, alley, parks, easement, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

\_\_\_\_\_  
City Secretary  
City of Wylie, Texas

**SURVEYOR'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS that I, Michael Dan Davis, do hereby certify that I prepared this Final Plat and the field notes from an actual and accurate survey of the land, that the corner monuments shown therein were properly placed under my personal supervision in accordance with the subdivision Regulations of the City of Wylie, Texas.

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

\_\_\_\_\_  
Michael Dan Davis DATE:  
Registered Professional Land Surveyor No. 4838  
BANNISTER ENGINEERING, LLC  
T.B.P.L.S. REGISTRATION NO. 10193823

THE STATE OF TEXAS  
COUNTY OF COLLIN

Before me, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Michael Dan Davis, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for the State of Texas

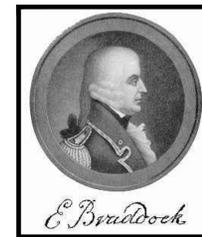
**GENERAL NOTES:**

1. All coordinates and bearings shown herein are Texas State Plane Coordinate System, NAD83 (CORS), Texas North Central Zone (4202). All distances shown herein are surface distances.
2. All lot lines are radial or perpendicular to the street unless otherwise noted by bearing.
3. Notice: Selling a portion of any lot in this addition by metes and bounds is a violation of state law and City Ordinance and is subject to penalties imposed by law.
4. All iron rods set (IRS) are 5/8-inch with a plastic cap stamped "RPLS 4838".
5. All iron rods found (IRF) are 5/8-inch with a plastic cap stamped "RPLS 4838", set October 2015.

# FINAL PLAT OF BRADDOCK PLACE PHASE V

28.019 acres out of the  
Elisha M. Price Survey, Abstract Number 725 and  
Nathaniel Atterberry Survey, Abstract Number 1099  
City of Wylie, Collin County, Texas, and  
Elisha M. Price Survey, Abstract Number 1114  
City of Wylie, Dallas County, Texas

60 Lots  
Prepared Date: November 2015  
SHEET 3 OF 3



**BANNISTER**  
ENGINEERING  
240 North Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax  
TBLS REGISTRATION NO. 10193823 PROJECT NO.: 090-15-10





# Wylie City Council

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## AGENDA REPORT

**Meeting Date:** 01-26-2016  
**Department:** CM  
**Prepared By:** Jeff Butters  
**Date Prepared:** 01-08-2016

**Item Number:** E  
*(City Secretary's Use Only)*  
**Account Code:** \_\_\_\_\_  
**Budgeted Amount:** NA  
**Exhibits:** Ordinance

### Subject

Consider and act upon, a motion to approve Ordinance No. 2016-01 an ordinance of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2005-07, as amended, adding article VII (Municipal Setting Designations) to Chapter 42 (Environment); Providing for Municipal Setting Designations to prohibit the use of groundwater in designated areas; amending the Code of Ordinances to add Section XIII (MSD Application Fee) of Appendix C (Wylie Comprehensive Fee Schedule) for the purpose of establishing an MSD Application Fee; Providing a penalty clause, savings/repealing clause, severability clause and an effective date; and providing for the publication of the caption hereof.

### Recommendation

Motion to approve Ordinance No. 2016-01 an ordinance of the City Council of the City of Wylie, Texas, amending Wylie's Code of Ordinances, Ordinance No. 2005-07, as amended, adding article VII (Municipal Setting Designations) to Chapter 42 (Environment); Providing for Municipal Setting Designations to prohibit the use of groundwater in designated areas; amending the Code of Ordinances to add Section XIII (MSD Application Fee) of Appendix C (Wylie Comprehensive Fee Schedule) for the purpose of establishing an MSD Application Fee; Providing a penalty clause, savings/repealing clause, severability clause and an effective date; and providing for the publication of the caption hereof.

### Discussion

On December 8<sup>th</sup>, 2015 Council held a joint work session with WEDC concerning the possible establishment of a Municipal Settings Designation process. A presentation was made by W&M Environmental Consultants explaining the MSD use and process. Council gave staff feedback to move forward with the MSD process. The City Attorney's office drafted the attached ordinance in response to that feedback. With the MSD the Council has the option to place a deed-recorded restriction on the use of groundwater on certain properties that may have some form of environmental contamination. With an MSD the property owner can then apply to TECQ for a Certificate verifying the MSD. The TECQ will do the technical environmental analysis. MSD's generally work to facilitate the clean-up and re-use of contaminated properties.

**ORDINANCE NO. 2016-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE’S CODE OF ORDINANCES, ORDINANCE NO. 2005-07, AS AMENDED, ADDING ARTICLE VII (MUNICIPAL SETTING DESIGNATIONS) TO CHAPTER 42 (ENVIRONMENT); PROVIDING FOR MUNICIPAL SETTING DESIGNATIONS TO PROHIBIT THE USE OF GROUNDWATER IN DESIGNATED AREAS; AMENDING THE CODE OF ORDINANCES TO ADD SECTION XIII (MSD APPLICATION FEE) OF APPENDIX C (WYLIE COMPREHENSIVE FEE SCHEDULE) FOR THE PURPOSE OF ESTABLISHING AN MSD APPLICATION FEE; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, Subchapter W of Chapter 361 of the Texas Health and Safety Code (“MSD Law”) authorizes the Texas Commission on Environmental Quality (“TCEQ”) to identify and designate certain areas – municipal setting designations – within a municipality or its extraterritorial jurisdiction on which groundwater is not used as potable water and to prohibit such groundwater from future use as potable water because the groundwater is contaminated in excess of the applicable potable-water protective concentration level; and

WHEREAS, the purposes of the MSD Law are to protect the public against exposure to contaminated groundwater and to provide a less expensive and faster alternative to the existing state environmental regulations governing the investigation and cleanup of contaminated groundwater; and

WHEREAS, to certify a property owner’s application under the MSD Law, the TCEQ must receive support from the governing body of the municipality with jurisdiction over the property; and

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Wylie, Texas (“Wylie” or “City”) to amend Wylie’s Code of Ordinances, Ordinance No. 2005-07, as amended (“Code of Ordinances”), by adding Article VII (Municipal Setting Designations) of Chapter 42 (Environment) to establish a process to receive, review and support or oppose applications to the TCEQ under the MSD Law; and

WHEREAS, the City Council has further investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to amend the Code of Ordinances by adding Section XIII (MSD Application Fee) of Appendix C (Wylie Comprehensive Fee Schedule) to establish a fee for the City’s review of an application for a municipal setting designation; and

WHEREAS, the City Council has further investigated and determined that the provisions of this Ordinance complies with the requirements of the MSD Law; and

**Ordinance No. 2016-01**

WHEREAS, the City Council finds that it is in the best interest of Wylie and its citizens to amend the Code of Ordinances as set forth below.

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

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

SECTION 2: Amendment to Wylie’s Code of Ordinances, Adding Article VII (Municipal Setting Designations) of Chapter 42 (Environment). Wylie’s Code of Ordinances is hereby amended to add Article VII (Municipal Setting Designations) of Chapter 42 (Environment) as follows:

**“CHAPTER 42. ENVIRONMENT**

...

**ARTICLE VII. MUNICIPAL SETTING DESIGNATIONS**

**Sec. 42-130 Findings.**

The City Council of the City of Wylie makes the following findings:

- (a) Due to limited quantity and low quality, there are areas of shallow groundwater within the city and its extraterritorial jurisdiction that are not valuable as potable water sources, and therefore are not utilized for potable water;
- (b) Many commercial and industrial properties in the City and its extraterritorial jurisdiction are underlain with unusable groundwater that has become contaminated by historical on-site or off-site sources;
- (c) The City does not utilize groundwater as a source for public drinking water;
- (d) The use of municipal setting designations within the City and its extraterritorial jurisdiction allows for a state-evaluated corrective action process for groundwater that is directed toward protection of human health and the environment balanced with the economic welfare of the citizens of the City;
- (e) Where public drinking water is available, the potable use of groundwater in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat to human health; and

- (f) People should have a say in decisions which affect their lives and property, and public input should influence governmental decisions.

**Sec. 42-131 Definitions.**

For the purposes of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meanings set forth in this section. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

Affected community means those persons entitled to notice as defined in Section 42-133(b)(7).

Authorized representative means, for purposes of signing an application, if the applicant is a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; if the applicant is a partnership or sole proprietorship, a general partner or proprietor, respectively; and if the applicant is a local government, the chief executive officer or his authorized designee.

Chemical or contaminant of concern means any chemical that has the potential to adversely affect ecological or human receptors due to its concentration, distribution, and mode of toxicity.

City attorney means the city attorney for the City, or the city attorney's authorized representative.

Designated groundwater means groundwater that will be or is prohibited from use as potable water, or for all uses, by a municipal setting designation ordinance.

Designated area means the area that will be or is subject to a municipal setting designation ordinance. The designated area may cover several platted lots or tracts of land.

Director means the director of the Planning Department for the City, or the director's authorized representative.

Environmental risk assessment means the qualitative and quantitative evaluation performed in an effort to define the risk posed to human health and/or the environment by the presence or potential presence and/or use of pollutants.

Groundwater means water below the surface of the earth.

Ingestion protective concentration level means the protective concentration level for human ingestions of contaminants of concern established by the TCEQ under the Texas Risk Reduction Program, determined as if there was no municipal setting designation.

Ingestion protective concentration level zone means the area where concentrations of contaminants of concern from sources on or migrating through the designated area are greater than the ingestion protection concentration level, determined as if there was no municipal setting designation.

Municipal setting designation (MSD) means a designation as provided by Subchapter W of Chapter 361 of the Texas Health and Safety Code, which authorizes the Executive Director of the TCEQ to certify municipal setting designations in order to limit the scope of, or eliminate the need for, investigations or response actions addressing contaminant impacts to groundwater which has been restricted from use by ordinance or restrictive covenant.

Municipal setting designation ordinance means an ordinance adopted pursuant to this article.

Noningestion protective concentration level means the protective concentration level for dermal contact or inhalation for contaminants of concern established by the TCEQ under the Texas Risk Reduction Program.

Noningestion protective concentration level exceedance zone means the area where concentrations of contaminants of concern from sources on or migrating from or through the designated area are greater than noningestion protection concentration levels for contaminants of concern established by the TCEQ under the Texas Risk Reduction Program.

Potable water means water that is used for irrigating crops intended for human consumption, as well as water that is used for drinking, showering, bathing, or cooking purposes.

Protective concentration level means the lowest concentration level for a contaminant of concern within a source medium determined from all applicable exposure pathways and as defined in the Texas Risk Reduction Program.

Response action means the control, decontamination, or removal from the environment of a contaminant or hazardous substance pursuant to Subchapter W of Chapter 361 of the Texas Health and Safety Code, "Municipal Setting Designation," of the Solid Waste Disposal Act.

TCEQ means the Texas Commission on Environmental Quality.

*TCEQ application* means the application submitted to the TCEQ for certification of a municipal setting designation.

*To the extent known* means information known by an applicant or applicant's agent after review of all public and private records and other information sources available in the exercise of due diligence.

**Sec. 42-132 Use of groundwater in MSD areas prohibited.**

- (a) A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in designated area as a potable or non-potable water source.
- (b) A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in designated areas for any purpose prohibited as a condition of City Council approval, as specified in Section 42-137(d).

**Sec. 42-133 Application for City Council approval of MSD.**

- (a) A person seeking City Council approval of a MSD for an area within the corporate limits of the City, or within its extraterritorial jurisdiction, shall apply in writing to the Planning Department of the City, with the number and format of copies, as determined by the director.
- (b) An application shall contain:
  - (1) The applicant's name and address, and the name, address, daytime telephone number, and email address of both the applicant's contact person and the licensed professional who prepared the application;
  - (2) The location and legal description of the proposed outer boundaries of the MSD area for which designation is sought;
  - (3) A statement as to whether the applicant has filed an application with the executive director of the TCEQ for an MSD for the area for which designation is sought;
  - (4) A statement as to whether a public drinking water supply system exists that satisfies the requirements of Subchapter W of Chapter 361 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the area for which the MSD is sought, and property within one-half (1/2) mile of the area for which the MSD is sought;
  - (5) A description of the groundwater sought to be restricted, including the identified chemicals of concern therein and the levels of

contamination known to the applicant, and the identified vertical and horizontal extent of the contamination. If the applicant has not documented groundwater contamination offsite that originates from the area for which an MSD is sought, the application shall include a statement as to whether contamination more likely than not exceeds residential assessment levels offsite and the basis for that statement;

- (6) Identification of the points of origin of the contamination, and identification of the person(s) responsible for the contamination, to the extent known;
- (7) A listing of:
  - a. All state-registered private water wells within five (5) miles from the boundary of the area for which the designation is sought, including a notation of those wells that are used for potable water purposes (to the extent known), and a statement as to whether the applicant has provided the owners with notice as provided in Tex. Health and Safety Code § 361.805;
  - b. Each retail public utility, as that term is defined in the Texas Water Code, that owns or operates a groundwater supply well located not more than five (5) miles from the area for which the MSD is sought, and a statement as to whether the applicant has provided the utilities with notice as provided in Tex. Health and Safety Code § 361.805;
  - c. Each municipality, other than the City, with a boundary located not more than one-half (½) mile from the area for which the MSD is sought; or that owns or operates a groundwater supply well located not more than five (5) miles from the area for which the MSD is sought; and a statement as to whether the applicant has provided the municipalities with notice as provided in Tex. Health and Safety Code § 361.805; and
  - d. All owners of real property lying within one-half (½) mile of the subject area, as the ownership appears on the last approved City tax roll.
- (8) A copy of the application to the executive director of the TCEQ, if filed;
- (9) A site map, drawn to scale, including a metes and bounds description of the proposed MSD area, the boundary of the proposed MSD area, the location of groundwater on the proposed MSD area, and the

extent of groundwater contamination to the limits that it has been defined. The map shall include a statement by a professional land surveyor registered by the Texas Board of Professional Surveying attesting to the accuracy of the metes and bounds property description;

- (10) The location of all soil sampling points and groundwater monitoring wells;
- (11) For each contaminant of concern found at the site, to the extent known, a table displaying the following information:
  - a. The level of contamination, the ingestion protective concentration level and noningestion protective concentration levels, all expressed as mg/L or mg/kg, depending on sampling medium;
  - b. The critical protective concentration level as defined without the municipal setting designation, highlighting any exceedances;
  - c. The critical protective concentration level as defined with the municipal setting designation, highlighting any exceedances; and
  - d. A digital file, in a format acceptable to the director, that summarizes this information.
- (12) A statement as to whether contamination on and off the designated area will exceed a residential assessment level as defined in the Texas Risk Reduction Program, to the extent known, and the basis for that statement;
- (13) A description of any environmental regulatory actions that have been taken within the last five (5) years in conjunction with the designated area, to the extent known;
- (14) A listing of all existing TCEQ and U.S. Environmental Protection Agency registrations, permits, and identification numbers that apply to the designated area;
- (15) A summary of any environmental site assessment reports filed with the TCEQ regarding any site investigation or response actions that are planned, ongoing, or completed related to the designated area;
- (16) A statement as to whether the designated area has been submitted to the Texas Voluntary Cleanup Program (Tex. Health and Safety Code

§ 361.601) or similar state or federal program, and a description of the designated area's status in the program;

- (17) Any other information that the director deems pertinent.
- (c) The application shall be signed by an authorized representative of the applicant and shall contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (d) An application shall be accompanied by:
  - (1) An electronic file of the names and addresses of persons listed in subsection (b)(7) above, in a format acceptable to the director and compatible with City information systems;
  - (2) A set of printed mailing labels with the names and addresses of persons listed in subsection (b)(7) above; and
  - (3) A nonrefundable application fee in an amount set by City Council by ordinance.
- (e) An applicant may withdraw its application in writing by letter sent certified mail, return receipt requested, to the director, and shall forfeit the application fee. If the director has not issued public notice prior to the receipt of the withdrawal letter, the applicant may reapply at any time. If public notice has issued, a new application is subject to the limitations of Section 42-138.

**Sec. 42-134 Staff review.**

- (a) For purposes of the times stated in this article, an application is deemed to have been received on the date that the application was actually received by the director, as indicated by the file date stamped on the application by the planning department.
- (b) Upon receiving an application for an MSD approval, the director will distribute a copy to the City's public works department and planning and development department for staff review. The purpose of the review is to determine whether the application is complete, and whether any current or future City property or other interests have the potential to be impacted by the

proposed MSD. City staff shall not be tasked with conducting an environmental risk assessment of the application

- (c) If the director, in his or her sole discretion, determines that it is likely that a source of a contaminant of concern originated on the designated area, and that the ingestion or noningestion protective concentration level exceedance zone for that contaminant of concern extends to the public right-of-way adjacent to the designated area, the director may recommend that the municipal setting designation include a condition that the public right-of-way adjacent to the area be included, at no additional cost to the City, in the TCEQ application for the MSD.
- (d) If the director determines that the application is incomplete or insufficient, the application will be returned to the applicant, noting the deficiencies in writing. The applicant shall have thirty (30) days from the date of the deficiency letter to correct the deficiencies and resubmit the application. If the applicant fails to submit a corrected application within the allotted time, the application shall be deemed to be withdrawn and the application fee forfeited.
- (e) If the director determines that the application is complete, a public meeting and a public hearing will be scheduled. The public meeting must be held prior to the public hearing.
  - (1) A public meeting will be scheduled at a time no later than forty-five (45) days following the day the application was received by the City; and
  - (2) A public hearing of the City Council will be scheduled at a time no later than thirty (30) days following the public meeting.

**Sec. 42-135 Notice of public meeting.**

- (a) Notice of the public meeting for an MSD application must include the date, time and location of the public meeting, the identity of the applicant, the location and legal description of the designated area, the purpose of the MSD, the type of contamination identified in the groundwater of the area for which the MSD is sought, and a statement that a copy of the application is available for public viewing at the city secretary's office. Notice will be made as follows:
  - (1) The director will publish notice of a public meeting for a proposed MSD in the official newspaper of the city, or in a newspaper of general circulation, not less than fifteen (15) days before the public meeting;

- (2) The director will provide written notice of a public meeting for a proposed MSD, not less than fifteen (15) days before the date of the public meeting by properly addressed and regular postage paid, in the United States mail. Notice will be mailed to:
  - a. The applicant;
  - b. The list provided by the applicant of owners of real property lying within one-half (½) mile of the subject area, as the ownership appears on the last approved City tax roll;
  - c. The list provided by the applicant of persons who own private registered water wells within five (5) miles of the subject area;
  - d. The list provided by the applicant of each retail public utility that owns or operates a groundwater supply well located not more than five (5) miles from the area for which the MSD is sought; and
  - e. The list provided by the applicant of each municipality with a boundary located not more than one-half (½) mile from the area for which the MSD is sought or that owns or operates a groundwater supply well located not more than five (5) miles from the area for which the MSD is sought.
- (b) The applicant is required to post at least one (1) sign upon the area for which a MSD has been requested. Where possible, such sign must be located in a conspicuous place or places upon such area at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent to such area. Such sign(s) must be so erected not less than 15 days before the date set for the public meeting. Any such sign(s) shall be removed subsequent to final action by the City Council on the MSD application. The sign(s) must state that an MSD has been requested for the site and that additional information can be acquired by telephoning the number listed thereon or visiting the web site address listed thereon. The erection and/or the continued maintenance of any such sign shall not be deemed a condition precedent to the holding of any public meeting or public hearing or to any official action concerning the MSD application.

**Sec. 42-136 Conduct of public meeting.**

- (a) The purpose of a public meeting is for the applicant to present information to the affected community about the MSD process in general, the application specific to the area for which the MSD is being sought, and to obtain input from the affected community prior to a formal action by the City Council.

- (b) The applicant or its representative must appear at the public meeting. If the applicant fails to appear at the public meeting either in person or by representative, the application shall be deemed withdrawn and the application fee forfeited.
- (c) The director will facilitate the meeting, giving the applicant or its representative the opportunity to present its reasons for requesting a MSD, and giving members of the affected community the opportunity to ask the applicant questions or make oral comments on the application.
- (d) The public meeting shall be held in the evening at a location convenient to the affected community.

**Sec. 42-137 Conduct of public hearing.**

- (a) Prior to the public hearing, the director will provide the City Council a copy of the application, and a written report summarizing the request for the MSD approval, any staff comments of concerns, and minutes of the public meeting.
- (b) The applicant or its representative must appear at the public hearing and present the request for a MSD approval. If the applicant fails to appear at the public hearing, the application shall be deemed withdrawn and the application fee forfeited.
- (c) Persons wishing to speak either in favor of or against the application will be provided the opportunity in accordance with City Council guidelines for public hearings.
- (d) Following the conclusion of the public hearing, the City Council may approve, conditionally approve, disapprove, or postpone action on the application to a future date. If approving an application, the City Council shall:
  - (1) Approve a municipal setting designation ordinance supporting the application to be presented to the TCEQ and prohibiting the use of designated groundwater from beneath the designated area; and
  - (2) Include in the ordinance other reasonable restrictions, including, but not limited to, specification of underground construction materials to be used in the designated area.
- (e) City Council approval of an application shall not be deemed to waive the City's right to comment on a MSD application that has been filed with the executive director of the TCEQ.

**Sec. 42-138 Limitation on reapplication.**

If after public hearing the City Council disapproves an application, or if the applicant has withdrawn its application after public notice has been issued, no new MSD applications for the proposed designated area shall be accepted by the City or scheduled for a public hearing by the City Council within a period of twelve (12) months of the date of disapproval or withdrawal.

**Sec. 42-139 Additional provisions, enforcement, and penalties.**

- (a) A person who has received approval of a MSD from the City shall, upon issuance from the TCEQ, provide the director with a copy of the certificate of completion or other documentation issued for the MSD area, showing that response actions, if required, have been completed.
- (b) The applicant shall execute, deliver and file, no later than thirty (30) days from the date of the TCEQ's certification, in the official real property records of the appropriate county, a deed restriction approved as to form by the city attorney prohibiting the drilling of wells and the use of designated groundwater for any purpose, including but not limited to any potable purpose, and excepting only: (i) wells used as monitoring wells for the collection of groundwater samples for chemical or biological laboratory analyses; and (ii) wells used for the purposes of remediation of soil or groundwater contamination.
- (c) A file-stamped and recorded copy of said deed restriction shall be delivered to the city attorney's office and the director's office within three (3) business days after the date of filing. The deed restriction shall be enforceable by the City and may be amended or terminated only with the prior written consent of the City after at least thirty (30) days prior written notice to the TCEQ of any pending amendment or termination.
- (d) A person commits an offense if the person fails to provide the city attorney and the director with the documentation required in this section within the specified time frames.
- (e) A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in a designated area for a purpose prohibited in the municipal setting designation ordinance.
- (f) Any person who violates any provision of this article shall, upon conviction, be punished by a fine not to exceed two thousand dollars (\$2,000.00). Each day that one or more provisions in this article are violated shall be considered a separate offense.
- (g) The city attorney is authorized to commence an action for appropriate legal or equitable relief in a court of competent jurisdiction in addition to the penalty mentioned in subsection (f) above. Such additional relief may include a civil

fine of up to one thousand dollars (\$1,000.00) per day for violations of section 42-138, and all other damages, costs, remedies and legal processes to which the City may be entitled.

**Secs. 42-140 – 42-199      Reserved.”**

SECTION 3: Amendment to Wylie’s Code of Ordinances, Adding Section XIII (Municipal Setting Designations Fee) of Appendix C (Wylie Comprehensive Fee Schedule). Wylie’s Code of Ordinances is hereby amended to add Section XIII (MSD Application Fee) of Appendix C (Wylie Comprehensive Fee Schedule) as follows:

**“APPENDIX C – WYLIE COMPREHENSIVE FEE SCHEDULE**

...

**XIII. MSD Application Fee**

A person submitting an application for a municipal setting designation under Section 42-133 of the Code of Ordinances shall be assessed a nonrefundable application fee of \$\_\_\_\_\_.”

SECTION 4: Penalty. Any person, firm, corporation or entity violating or refusing to comply with any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it under local, state and federal law.

SECTION 5: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

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

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 26th day of January, 2016.**

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Eric Hogue, Mayor

**ATTESTED TO AND CORRECTLY  
RECORDED:**

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Carole Ehrlich, City Secretary

*Dates of Publication:* February 3, 2016 in the Wylie News



# Wylie City Council

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## AGENDA REPORT

**Meeting Date:** January 26<sup>th</sup>, 2016  
**Department:** CM  
**Prepared By:** Jeff Butters  
**Date Prepared:** January 15, 2016

**Item Number:** F  
*(City Secretary's Use Only)*  
**Account Code:** \_\_\_\_\_  
**Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** Resolution

### Subject

Consider and act upon, a motion to approve Resolution No. 2016-04(R) of the City Council of the City of Wylie, Texas, authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity: Authorizing Mindy Manson or Jeff Butters to execute an electric supply agreement for the deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP.

### Recommendation

Motion to approve Resolution No. 2016-04(R) of the City Council of the City of Wylie, Texas, authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity: Authorizing Mindy Manson or Jeff Butters to execute an electric supply agreement for the deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP.

### Discussion

TCAP is a non-profit political subdivision corporation representing over 170 Cities. TCAP has the ability to negotiate directly with the wholesale market for the combined anticipated demand of its members. TCAP has leverage to secure pricing that the City of Wylie would not be able to get on its own in the retail market. The City of Wylie has been a member of TCAP since 2007. The current electric market is at an all-time low since deregulation in 2002, making this an ideal time to negotiate the next agreement. The anticipated cost will not exceed 4.1 cents per kWh. If achieved this pricing represents substantial savings for the City of Wylie in future energy costs.

**RESOLUTION 2016-04(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING MINDY MANSON OR JEFF BUTTERS TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP**

1.     **WHEREAS**, the City of Wylie, Texas (City) is a member of Texas Coalition For Affordable Power, Inc. (TCAP), a non-profit, political subdivision corporation dedicated to securing electric power for its more than 170 members in the competitive retail market; and

2.     **WHEREAS**, TCAP has unique rights under Texas law to negotiate directly in the wholesale market and arrange separate contracts for power supply and retail services which provides TCAP leverage to achieve contract provisions that single city negotiations with a Retail Electric Provider (REP) would be unlikely to produce; and

3.     **WHEREAS**, TCAP's geographic diversity across all four ERCOT zones produces an aggregated peak load that is lower than the total of individual peak loads of the individual TCAP members, allowing price benefits in the wholesale market that are not likely to be available to any given TCAP member alone; and

4.     **WHEREAS**, TCAP and its predecessor organizations, Cities Aggregation Power Project, Inc. (CAPP) and South Texas Aggregation Project, Inc. (STAP), negotiated favorable contract terms that resulted in rebates from the wholesale supplier and reasonable commodity

prices for delivered electricity since 2002 resulting in stable budgets for electricity for members;  
and

5. **WHEREAS**, commodity prices for electricity experienced significant volatility between 2002 and 2009, with prices ranging from 4 cents to over 13 cents per kWh, causing CAPP and STAP members to welcome a five year contractual commitment that came close to cutting the 2008 prices in half, with that contract being extended until December 31, 2017, with a negotiated price reduction of about 1 cent per kWh; and

6. **WHEREAS**, TCAP has become a forceful voice for consumer protections and market reform to benefit the public and well as cities and other political subdivisions; and

7. **WHEREAS**, TCAP is owned by its members and distributes monetary and other resources according to relative load size of members and is controlled by a 15 member Board of Directors, all of whom must be city employees of members who represent diversity in size and geography; and

8. **WHEREAS**, wholesale power prices within the deregulated Texas market are largely determined by the NYMEX gas futures prices for natural gas which are currently low and relatively stable, but which change daily; and

9. **WHEREAS**, daily price changes require retail customers to execute a contract immediately upon receipt of a favorable offer; and

10. **WHEREAS**, pursuant to Texas Local Government Code Section 252.022(a)(15) expenditures for electricity are exempt from competitive bidding requirements; and

11. **WHEREAS**, on any given day, TCAP is able to capture a favorable wholesale price for any period of time, comparable to or better than any given REP or broker; and

12. **WHEREAS**, TCAP intends to continue to contract with its current wholesale supplier, NextEra, because the relationship with NextEra is such that NextEra is willing, after it knows the size of a given load, to execute a contract at or below prescribed price and terms; and

13. **WHEREAS**, the City desires to execute a contract for electricity for the period beyond the expiration of its current contract on December 31, 2017, that locks-in favorable wholesale prices under one of three different supply options:

Option 1 - fixed-price, full-requirements at a price not to exceed 4.1 cents per kWh for the North and West zones or 4.25 cents per kWh for the South and Houston zones;

Option 2 - fixed price for on-peak hours and variable spot market prices for off-peak hours;

Option 3 - block energy at a fixed price to cover the base load hours, a fixed price for solar energy to cover mid-day peak hours (approximately 10% of total load) and variable spot market prices for all remaining consumption; and

14. **WHEREAS**, TCAP will allow members six weeks from receipt of this resolution to consider whether to participate in this second opportunity to contract for post-2017 electrical supply, and thereafter allow NextEra until June 30, 2016 to contact for power for five years at a price not to exceed 4.1 cents per kWh in the North and West zones and a price not to exceed 4.25 cents per kWh in the South and Houston zones for Option 1 , so long as the aggregated load for any of the three supply options reaches at least 50 megawatts; and

15. **WHEREAS**, wholesale suppliers demand assurance that TCAP will pay for all contracted load; and

16. **WHEREAS**, the City needs to assure TCAP that it will sign a Commercial Electric Supply Agreement (CESA) reflecting the contract extension and budget for energy

purchases for the post-2017 period and honor its commitment to purchase power for its electrical needs for 2018 through 2022 through TCAP,

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

**Section 1:**

That the TCAP Board of Directors and its consultants and advisors are agents authorized to negotiate for the City's electricity needs as a member of TCAP for the period 2018 through 2022 at a price not to exceed 4.1 cents per kWh for the North and West zones and a price not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1;

**Section 2:**

The City prefers to participate in supply Option 1 with the following understanding: a) while supply Option 1 is a full-requirements, fixed-price option, Options 2 (fixed price on-peak, variable spot prices for off-peak usage) and 3 (fixed price for base load, fixed price for a portion of peak load, and variable spot market for remainder) have variable price components and savings over Option 1 cannot be guaranteed, and b) if there is insufficient desire among members to achieve a 50 MW threshold for either Option 2 or 3, the member selecting the inadequately subscribed option will be placed in the Option 1 category. If no option is selected, TCAP will assume that a passed Resolution approves of Option 1.

**Section 3:**

Assuming this resolution is passed before February 25, 2016 and the combined load of TCAP members passing this resolution exceeds 50 megawatts for the preferred Option and NextEra is able to provide TCAP an opportunity prior to June 30, 2016 to contract for power to be delivered to members at a price not to exceed 4.1 cents per kWh for the North and West zones and not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1 for the period January 1, 2018 through December 31, 2022, any one of the following individuals is hereby authorized to sign an electric supply agreement for the City within 24 hours of receipt of a contract that has been approved and recommended by the TCAP Board of Directors: Mindy Manson or Jeff Butters.

**Section 4:**

That the City will commit to purchase power to meet all of its electricity needs eligible for competition pursuant to the TCAP approved supply agreement and approve funds necessary to pay electricity costs proportionate to the City's load under the supply agreement (whether wholesale or retail) arranged by TCAP and signed by TCAP's Executive Director or President or other TCAP representatives authorized by the TCAP Board.

**Section 5:**

That a copy of this resolution shall be sent to Jay Doegey, Executive Director, TCAP, 15455 Dallas Parkway, Suite 600, Addison, Texas 75001 and Geoffrey M. Gay, legal counsel to TCAP at 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PRESENTED AND PASSED** on this the 26th day of January, 2016, at a regular meeting of the City Council of Wylie, Texas.

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Eric Hogue, Mayor

ATTEST:

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Carole Ehrlich, City Secretary



# Wylie City Council

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## AGENDA REPORT

Meeting Date: January 26, 2016  
Department: Finance  
Prepared By: Finance  
Date Prepared: January 12, 2016

Item Number: G  
*(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 December 31, 2015.

### Recommendation

Motion to accept and place on file, the City of Wylie Monthly Investment Report for December 31, 2015.

### 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

December 31, 2015

Money Market Accounts:

Certificates of Deposit:

Treasury Bills:

Treasury Notes:

Government Agency Notes:

MMA
CCD
T-Bills
T-Notes
AN

Invest. Number	Principal Amount	Type Of Security	Interest Rate	Issuer	Purchase Date	Maturity Date
1	\$14,540,367.09	MMA	0.1863%	Texpool	12/31/2006	NA
2	\$15,059,999.25	MMA	0.1868%	TexStar	3/15/2011	NA
	\$29,600,366.34					

Total

Weighted Average Coupon:

Weighted Average Maturity (Days):

0.1866%
1.00

Money Markets:

Certificates of Deposits:

\$29,600,366.34
\$0.00
\$29,600,366.34



# Wylie City Council

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## AGENDA REPORT

Meeting Date: January 26, 2016  
Department: Finance  
Prepared By: Finance  
Date Prepared: January 15, 2016

Item Number: H  
*(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 December 31, 2015.

### Recommendation

Motion to accept and place on file, the City of Wylie Monthly Revenue and Expenditure Report for December 31, 2015.

### 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

December 31, 2015

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2015-2016	CURRENT MONTH ACTUAL 2015-2016	YTD ACTUAL 2015-2016	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 25.00%
<b>GENERAL FUND REVENUE SUMMARY</b>					
TAXES	23,439,014	2,008,931	12,882,754	54.96%	A
FRANCHISE FEES	2,671,000	0	14,187	0.53%	B
LICENSES AND PERMITS	746,000	77,916	206,994	27.75%	
INTERGOVERNMENTAL REV.	725,920	41,408	121,774	16.78%	C
SERVICE FEES	3,225,000	248,863	634,861	19.69%	D
FINES AND FORFEITURES	660,832	36,686	115,177	17.43%	E
INTEREST INCOME	5,000	1,429	3,044	60.88%	
MISCELLANEOUS INCOME	166,000	11,257	20,585	12.40%	
OTHER FINANCING SOURCES	2,054,050	0	2,054,050	100.00%	F
<b>REVENUES</b>	<b>33,692,816</b>	<b>2,426,490</b>	<b>16,053,426</b>	<b>47.65%</b>	
USE OF FUND BALANCE	972,783	NA	NA	NA	G
USE OF CARRY-FORWARD FUNDS	58,907	NA	NA	NA	
<b>TOTAL REVENUES</b>	<b>34,724,506</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	
<b>GENERAL FUND EXPENDITURE SUMMARY</b>					
CITY COUNCIL	90,796	7,599	22,154	24.40%	
CITY MANAGER	841,241	59,877	167,561	19.92%	
CITY SECRETARY	276,680	18,659	53,404	19.30%	
CITY ATTORNEY	147,000	844	8,404	5.72%	
FINANCE	1,032,813	159,580	268,522	26.00%	
FACILITIES	729,460	58,043	124,906	17.12%	
MUNICIPAL COURT	365,036	28,953	79,720	21.84%	
HUMAN RESOURCES	306,936	27,175	57,811	18.83%	
PURCHASING	162,501	6,836	19,806	12.19%	
INFORMATION TECHNOLOGY	1,254,236	26,000	367,022	29.26%	H
POLICE	8,362,316	653,731	1,770,224	21.17%	
FIRE	7,161,256	468,578	1,382,348	19.30%	
EMERGENCY COMMUNICATIONS	1,409,706	135,214	299,081	21.22%	
ANIMAL CONTROL	671,946	36,282	127,705	19.01%	
PLANNING	582,075	32,555	93,382	16.04%	
BUILDING INSPECTION	485,270	25,417	69,514	14.32%	
CODE ENFORCEMENT	236,744	15,234	44,169	18.66%	
STREETS	2,367,884	143,989	330,268	13.95%	
PARKS	2,417,139	156,025	374,284	15.48%	
LIBRARY	1,770,773	130,729	367,260	20.74%	
COMBINED SERVICES	4,052,699	244,679	932,787	23.02%	
<b>TOTAL EXPENDITURES</b>	<b>34,724,506</b>	<b>2,435,999</b>	<b>6,960,332</b>	<b>20.04%</b>	
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>0</b>	<b>-9,509</b>	<b>9,093,094</b>	<b>27.60%</b>	
<p>A. Property Tax Collections for FY15-16 as of December 31 are 66.40%, in comparison to FY14-15 for the same time period of 65.75%.</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. Intergovernmental Rev: The majority of intergovernmental revenues come from WISD reimbursements and Fire Services which are billed quarterly.</p> <p>D. Service Fees: Trash fees billed in October are applicable towards FY 2014-15 revenue with the remaining fees coming from other seasonal fees.</p> <p>E. Fines and Forfeitures: The Court Fines budget was significantly increased for FY15-16. Actual revenues are up 46% compared to this time last year.</p> <p>F. Other Financing Sources includes the annual transfer from the Utility Fund.</p> <p>G. Use of Fund Balance: For Replacement/New Fleet &amp; Equipment and Transfer to Debt Service.</p> <p>H. Due to one-time expenditures including annual maintenance contract renewals. This will level out throughout the fiscal year.</p>					

# CITY OF WYLIE

## MONTHLY FINANCIAL REPORT

December 31, 2015

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2015-2016	CURRENT MONTH ACTUAL 2015-2016	YTD ACTUAL 2015-2016	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 25.00%
<b>UTILITY FUND REVENUES SUMMARY</b>					
SERVICE FEES	12,690,000	1,095,356	2,542,546	20.04%	I
INTEREST INCOME	1,500	746	1,576	105.06%	
MISCELLANEOUS INCOME	57,000	-891	9,800	17.19%	
OTHER FINANCING SOURCES	101,200	0	101,200	100.00%	J
<b>REVENUES</b>	<b>12,849,700</b>	<b>1,095,211</b>	<b>2,655,121</b>	<b>20.66%</b>	
USE OF FUND BALANCE	113,100	NA	NA	NA	K
USE OF CARRY-FORWARD FUNDS	235,000	NA	NA	NA	
<b>TOTAL REVENUES</b>	<b>13,197,800</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	
<b>UTILITY FUND EXPENDITURE SUMMARY</b>					
UTILITY ADMINISTRATION	480,006	47,386	88,974	18.54%	
UTILITIES - WATER	1,837,773	108,431	301,966	16.43%	
CITY ENGINEER	564,635	29,212	88,977	15.76%	
UTILITIES - SEWER	720,733	47,277	134,409	18.65%	
UTILITY BILLING	301,144	22,717	61,805	20.52%	
COMBINED SERVICES	11,954,742	7,735	3,508,987	29.35%	L
<b>TOTAL EXPENDITURES</b>	<b>15,859,033</b>	<b>262,758</b>	<b>4,185,118</b>	<b>26.39%</b>	
<b>REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>-2,661,233</b>	<b>832,454</b>	<b>-1,529,997</b>	<b>-5.73%</b>	
I. Most Utility Fund Revenue billed in October was applicable to FY 2014-15. J. One-time transfer from General Fund in October to cover the cost of replacement vehicles. K. Use of Fund Balance: Includes Hardware/Software to implement the GIS program. L. Due to annual transfer to the General Fund. This will level out throughout the fiscal year.					



# Wylie City Council

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## AGENDA REPORT

**Meeting Date:** January 26, 2016  
**Department:** Public Services  
**Prepared By:** Robert Diaz  
**Date Prepared:** January 12, 2016

**Item Number:** I  
*(City Secretary's Use Only)*  
**Account Code:** \_\_\_\_\_  
**Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** 1

### Subject

Consider and act upon, the request from the Run for Heroes Event for a vendor fair at Olde City Park on April 2, 2016, with rain date of April 9, 2016.

### Recommendation

Motion to recommend a vendor application from the Run for Heroes Event for a vendor fair at Olde City Park on April 2, 2016, with a rain date of April 9, 2016.

### Discussion

The Run for Heroes group will be hosting their annual run and vendor fair at Olde City Park on April 2, 2016. Funds raised from the items sold will be used to support local charities such as the Wylie Education Foundation, local police and fire departments, and local veterans. This will be the 5<sup>th</sup> year of this event.

The Parks and Recreation Board approved the vendor application at their January 11, 2016 meeting.



# PARKS AND RECREATION

300 Country Club Rd, Building 100, Wylie, TX 75098  
Office: 972-516-6340 / Fax 972-516-6355  
Email: parks@wylitetexas.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:

ILT Welch Run For Our Heroes Race / Vendor

Organization/Group's Phone Number:

ILT Robert F. Welch III Charity / 214-395-4952

Organization/Group's Street Address:

617 Odenville Drive, Wylie, TX

Organization/Group's City/State/Zip:

Wylie, TX 75098

Primary Contact Person's Name:

Becky Welch

Primary Contact Person's Phone Number:

214-395-4952

Primary Contact Person's Street Address:

617 Odenville Drive

Primary Contact Person's City/State/Zip:

Wylie, TX 75098

Alternate Contact Person's Name/Number:

Alicia Young / 214-762-6567

## Event Information

EVENT NAME/TITLE:

ILT Robert F. Welch III Run For Our Heroes

Event Type (fundraiser, etc.):

Fundraiser / 5K run / Vendor Fair

Event Location:

Olde City Park

Anticipated Number of Participating Vendors:

≈ 30-35

Anticipated Event Attendance:

≈ 300-400

Purpose of Event:

Honor our Military, Fire, & Police / Fundraiser

Proposed Event Date and Alternative Date:

1<sup>st</sup> Date - Sat April 2nd, 2016 2<sup>nd</sup> Date - Sat April 9, 2016

Start Time (incl. setup):

7 AM

End Time (incl. cleanup):

4 pm

Event Target Audience:

Military, Fire, Police, Local residents

EVENT DETAILS:

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

Free lunch for all military, fire & police  
Local businesses, food vendors, live music, traveling fallen soldier display,  
"Write letters to the soldiers" booth, photo booth, motorcycle groups  
set up (PGR, Southern Daws) around park not in, shiner clams  
"Tribute to our Heroes" Display, 3-124 CAV static military display & "Fill the  
truck" event,

All proceeds of the event benefit the ILT Robert F. Welch III Charity (we  
donate & support the WISD Education Foundation, ~~and~~ <sup>the</sup> local needs of our  
fire & police departments (last year we donated to the K-9 unit & this year will be emphasis  
NOTE: the FD), and local needs of our military veterans & Gold Star families.

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](http://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

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## AGENDA REPORT

Meeting Date: January 26, 2016  
Department: Engineering  
Prepared By: Engineering  
Date Prepared: January 18, 2016

Item Number: J  
*(City Secretary's Use Only)*  
Account Code: N/A  
Budgeted Amount: N/A  
Exhibits: Ordinance

### Subject

Consider and act upon, approval of Ordinance No. 2016-02 establishing the maximum speed limits on East Brown Street proceeding from SH 78 to W.A. Allen Boulevard.

### Recommendation

Motion to approve Ordinance No. 2016-02 establishing the maximum speed limits on East Brown Street proceeding from SH 78 to W.A. Allen Boulevard.

### Discussion

East Brown Street from SH 78 to W.A. Allen Boulevard is currently posted at 40 mph, and this 3,600 feet of roadway contains 5 street, 1 alley, and 6 driveway intersections on the south side. Two of the street intersections have reduced sight visibility due to the topography of Brown Street and the intersection location. Staff recommends reducing the speed to 30 mph which will also reduce the required stopping sight distance for the intersections and increase safety. Also, additional signs will be installed giving advance notice of the intersection.

**ORDINANCE NO. 2016-02**

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS ESTABLISHING THE MAXIMUM SPEED LIMITS ON EAST BROWN STREET PROCEEDING FROM SH 78 TO W.A. ALLEN BOULEVARD, WITH SUCH STREET BEING LOCATED IN THE CITY OF WYLIE, TEXAS, COLLIN COUNTY, TEXAS; PROVIDING FOR NOTIFICATION OF THE MAXIMUM SPEED LIMIT BY THE INSTALLATION OF SIGNS AND MARKERS TO REGULATE VEHICULAR SPEED ON THE DESIGNATED STREET; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

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

WHEREAS, the City Council of the City of Wylie, Texas (“Wylie”) finds it is necessary for the protection and safety for the citizens of Wylie to declare a reasonable and prudent speed for Ballard Avenue proceeding from SH 78 to W.A. Allen Boulevard.

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

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

SECTION 2: Establishment of Prima Facie Speed. Upon basis of an engineering and traffic investigation heretofore made, and as authorized by the provisions of §545.356 of the Texas Transportation Code, the prima facie speed limit(s) for East Brown Street proceeding from SH 78 to W.A. Allen Boulevard is hereby set at a maximum of 30 miles per hour.

SECTION 3: Placement of Signs. The City Manager or his/her designated representative is hereby authorized and directed to cause the placement of signs on East Brown Street

proceeding from SH 78 to W.A. Allen Boulevard indicating the maximum speed allowed. The signs shall be placed at the most advantageous points to be conspicuous to approaching vehicular traffic. The sign shall be permanently affixed to a stationery post or installed on permanent buildings or walls or as approved by the City Manager or his/her designated representative. The sign shall in no way be obstructed from view, and shall comply with applicable state laws.

**SECTION 4: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

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

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

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

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 26<sup>th</sup> day of January, 2016.**

\_\_\_\_\_  
ERIC HOGUE, Mayor

**ATTESTED AND CORRECTLY  
RECORDED:**

\_\_\_\_\_  
Carole Ehrlich, City Secretary

*Date of Publication: February 3, 2016 in the Wylie News*

Ordinance No. 2016-02  
Maximum Speed Limits On East Brown Street Proceeding  
From SH 78 To W.A. Allen Boulevard



# Wylie City Council

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## AGENDA REPORT

**Meeting Date:** January 26, 2016  
**Department:** Animal Control  
**Prepared By:** Shelia Patton  
**Date Prepared:** January 14, 2016

**Item Number:** K  
*(City Secretary's Use Only)*  
**Account Code:** \_\_\_\_\_  
**Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** approved minutes/statistical report/vet inspection

### Subject

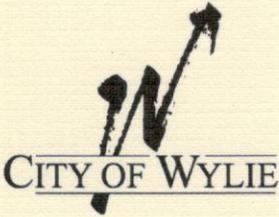
Consider and place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on January 13, 2016.

### Recommendation

Motion to accept and place on file, the Animal Shelter Advisory Board report to City Council regarding the meeting held on January 13, 2016.

### Discussion

The ASAB met on January 13, 2016. The attached minutes, statistical report and, vet inspection were considered, approved and placed on file. This report is being submitted as required by city ordinance.



# Wylie Animal Shelter Advisory Board

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## Minutes

### Wylie Animal Shelter Advisory Board

October 14, 2015 – 6:30 pm  
City of Wylie City Hall – Council Chambers  
300 Country Club Building 100 Wylie Texas 75098

#### **CALL TO ORDER**

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*Announce the presence of a Quorum.*

David Dahl called to order at 6:32 pm. Board members present: Shelia Patton, David Dahl, Dr. Chuck Kerin

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

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The Invocation was led by David Dahl. The Pledge of Allegiance was led by Dr. Chuck Kerin.

#### **REGULAR AGENDA ITEMS**

---

1. Consider and act upon approval of the Animal Advisory Board minutes of April 8, 2015. (D. Dahl, ASAB Chair)

#### **Board Action**

A motion was made by Dr. Chuck Kerin to accept Animal Shelter Advisory Board minutes of April 8, 2015 as presented. Shelia Patton seconded to accept minutes. A vote was taken and the motion passed unanimously.

2. Consider and place on file second and third quarter statistical information for shelter operations. (D. Dahl, ASAB Chair)

## **Board Action**

A motion was made by Dr. Chuck Kerin to place into public record the statistical report for the reporting period of April 1, 2015 thru September 30, 2015. Shelia Patton seconded to place into public record the statistical report for the reporting period of April 1, 2015 thru September 30, 2015. A vote was taken and the motion passed unanimously.

- 3. Consider and place on file Texas Department of State Health Services Inspection for Rabies Quarantine Facilities and Impoundment/Shelter Facilities.** (D. Dahl, ASAB Chair)

## **Board Action**

A motion was made by Shelia Patton to place into public record the Texas Department of State Health Services Inspection for Rabies Quarantine Facilities and Impoundment/Shelter Facilities report for the reporting date of June 22, 2015. Dr. Chuck Kerin seconded to place into public record the Texas Department of State Health Services Inspection for Rabies Quarantine Facilities and Impoundment/Shelter Facilities report for the reporting date of June 22, 2015. A vote was taken and the motion passed unanimously.

## **DISCUSSION ITEMS**

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- 4. Discuss regarding shelter events and status since previous meeting on April 8, 2015.** (S. Patton, ASAB Board Member)

Shelia Patton reports that the Animal Control Division participated in four adoption events to include Blue Grass on Ballard June 27<sup>th</sup>, Smith Public Library July 7<sup>th</sup> and July 10<sup>th</sup> and Clear the Shelter on August 15<sup>th</sup>.

Animal Control teamed with library for Fury Friends Month in the Month of May.

Thirteen sterilization transport services were offered from the shelter through Spay Neuter Network for public use of personal pets.

Free sterilization, rabies shot and ear tip were offered to citizens during the month of April through Spay Neuter Network Grant for outdoor wild animal felines. Residents were offered a feral fix program for cats less than six months of age to include sterilization and rabies for twenty dollars through Spay Neuter Network Grant during the months of May and June with transportation from the animal shelter. Residents were offered a Cherish Your Chihuahua/mix to include sterilization, rabies and nail trim for twenty dollars during the months of July and August through Spay Neuter Network Grant with transportation from the animal shelter. Animal Control officers visited areas within our city to distribute fliers pertaining to these programs.

Seven low cost vaccination clinics providing vaccinations, heart worm testing and other mobile clinic services were offered at the shelter after operation hours to residents. One low cost microchipping clinic was offered at the shelter.

There were eleven shelter group tours with question and answer participation for city youth. Animal Control Officers visited Cox Elementary for an educational demonstration in May. Cox was revisited in August to present the fourth grade gifted and talented class a framed event shirt and card for their dedication to helping homeless animals. In July the youth enrichment program through Wylie Police Department visited and assisted the animal shelter while learning care and treatment of animals.

Agreements were obtained from nonprofit organizations for a total of five low cost sterilization opportunities for the animals at the facility awaiting adoption. Forty two animals were assisted through these programs.

Volunteers logged 215 hours of service for the months of April through September.

Animal control officers have answered 1869 calls for service in the field as of the end of third quarter. The total number of calls for the entire year of 2014 was 1874. Patton reports that this comparison shows that with three months remaining for the 2015 year Animal Control is likely to be approximately twenty five percent over last year's numbers with the same staffing available. As of third quarter end approximately five thousand three hundred and eight visitors have been logged for walk in service per weekly reports.

Social media Facebook has been maintained. Animal Control participates with Wylie News to highlight a Pet of the Week photo and story twice monthly in hopes of finding homes for abandoned or unwanted animals at the facility awaiting adoption. The first ever Animal Control Foster Program launched on October 11, 2015.

#### **5. Discussion regarding set dates for next calendar year. (D. Dahl, ASAB Chair)**

David Dahl is recommending a more even spread of meetings. Dahl has recommended the dates as this will give newly appointed board members the opportunity to get all required training done prior to the first meeting after selection. This schedule will allow time to call any additional meetings or in case of a reschedule due to unforeseen circumstances will allow to board to comply with the mandated three meetings per year. This schedule will also avoid any major holidays or summer travel months for members and residents wishing to come to meetings. Dahl has proposed meeting dates and the board has agreed that this should be set dates for 2016. The scheduled meeting dates for the year of 2016 will be January 13<sup>th</sup>, May 11<sup>th</sup> and September 14<sup>th</sup>.

#### **6. Discussion regarding updating of the City of Wylie Ordinance No. 2006-07 Section 4 (Number of Members/Qualified Appointment/ Terms). (D. Dahl, ASAB Chair)**

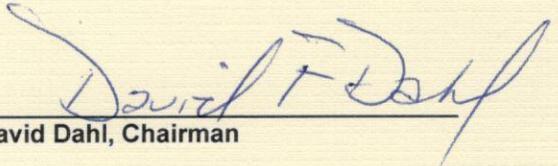
Dahl has made recommendation to address and discuss modification of verbiage specifically relating to one county of municipal official and one person whose duties include the daily operation of an animal shelter. Dahl recommends that the ordinance be specific to one member of city council of City of Wylie and one person whose duties include the daily operation of the animal shelter of the City of Wylie. The board agrees that this needs to be clearly defined for qualified appointments. Patton will take care of all necessary steps to bring these changes to city council as an ordinance amendment. Kerin agrees that the verbiage needs to be defined. Dahl states that the current ordinance establishes appointment by city council as a one year term. The ASAB meets there times yearly and with one year terms it would be more beneficial to the board and members to serve two year terms. This would give a member the opportunity to be seated at the minimum of six meetings. The board members agree and Patton will take care of all necessary steps to bring these changes to city council as an ordinance amendment.

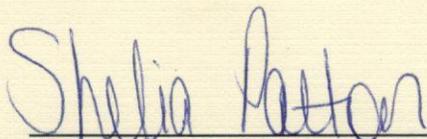
Dahl has stated that the board currently reports to council only once yearly. He recommends that for more consistent reports of activities the board should submit to council board minutes, copies of inspections performed and statistical reports of shelter operations that have been considered and approved by the board. Dr. Kerin believes this would be a good way to keep council apprised of happenings. Patton states this will keep council updated more efficiently as animal control is very active.

## **ADJOURNMENT**

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Motion was made by Dr. Chuck Kerin and seconded by Shelia Patton to adjourn meeting. With no further business before the board, consensus of the board was to adjourn at 7:09 pm.

  
David Dahl, Chairman

  
Shelia Patton, Board Member/Secretary

Animal Shelter Advisory Committee Report  
January 13, 2016

**October - December 2015**

	Dogs	Cats	Others	Total
Impounds	160	57	133	350
Owner Surrender	2	0	0	2
Stray	139	27	20	186
Quarantine	8	1	0	9
Safe Keeping	2	2	0	4
DOA	9	13	51	73
Trapped by resident	0	14*	62 **	76
Born at Shelter	0	0	0	0

\*trapped but evaluated as adoptable

\*\*total trapped wild animal feline 30

Dispositions	Dogs	Cats	Others	Total
Return to Owner	106	4	13	123
Adopted	27	29	0	53
Rescued	8	5	3	16
Euthanized	4	7	45	56
Other	1	3	**23	27

\*\*18 Rehabilitation/relocation

Euthanasia Reason

Behavioral	0	1	0	1
Medical	2	5	5	12
Policy- H.R.R.C	**2	**1	24	27
Wild Animal	0	0	16	16

\*\*required rabies testing shipment

Euthanasia for dogs           2.42%  
Euthanasia for cats                   11.29%  
Euthanasia dogs & cats                   total           4.85%

ACO Calls For Service: 642           January - December Field Calls Answered 2,511

Dogs at facility at end of report: 19

Dogs at facility at beginning of report: 14

Cats at facility at end of report: 17 of which 9 were trapped felines

Cats at facility at beginning of report: 18 of which 8 were trapped felines

Other Domestic at facility at end of report: 2 (open case related)

Euthanasia Rate for Facility January 1, 2015 thru September 30, 2015   7.71%

**Euthanasia Rate for Facility January 1, 2015 thru December 31, 2015   7.07%**

## Inspection for Rabies Quarantine Facilities and Impoundment/Shelter Facilities

Date 12/31/15 Name of Manager Shelia Patton Registration No. 03-025  
 Name of Establishment Wylie Animal Control Inspector P. A. Kerin DVM  
 Location of Establishment 949 Hensley Mailing Address 949 Hensley Bld 100  
 City Wylie State TX Zip Code 75098  
 Phone 972-442-5268 County Collin

**Note to Inspector: Put Yes, No, or N/A (Not Applicable) in the columns to the right of the question.**

A. General - [Section 169.26(a)]		
<i>Structural Strength</i>		<i>Records (cont.)</i>
1. Is the facility structurally sound and maintained in good repair in order to protect the animals from injury, contain them, and prevent transmission of diseases?	YES	13. Do records document animal description, impoundment and disposition dates, and method of disposition?
<i>Water and Electric Power</i>		
2. Does the facility have reliable and adequate electricity to comply with other requirements?	YES	14. Are animals protected from cold and inclement weather and direct effects of wind, rain, and snow?
3. Does the facility have potable water?	YES	15. Is auxiliary heat or bedding provided when the temperature is below 50°F?
<i>Storage</i>		
4. Is food and bedding stored to protect them against infestation or contamination by vermin?	YES	16. Are animals protected from any form of overheating and from direct rays of sun?
5. Is a refrigerator available for perishable foods?	YES	17. Is there adequate ventilation to minimize drafts, odors, and moisture condensation?
<i>Waste Disposal</i>		
6. Are there provisions for the removal and disposal of animal and food wastes, bedding, dead animals, and debris?	YES	18. Is extra ventilation, such as fans or air conditioning, provided in indoor facilities when temperature is 85°F or above?
7. Are disposal facilities operated in a manner that minimizes vermin infestations, odors, and disease hazards?	YES	<i>Lighting</i>
8. Is there a suitable method for rapidly and safely removing water and other liquid wastes?	YES	19. Is lighting adequate to permit routine inspection and cleaning?
<i>Washrooms and Sinks</i>		
9. Are there facilities (washrooms, basins, or sinks) for employees to wash their hands?	YES	20. Are primary enclosures situated to protect the animals from excessive illumination (man-made or natural)?
<i>Management</i>		
10. For facilities (quarantine, impoundment, and shelters) located in a county with a population of 75,000 or over (only), in accordance with Chapter 823.003:		21. Is the facility constructed to protect the animals and not create a health risk or public nuisance?
a. Are animals separated by species and by sex?	YES	22. Are building surfaces constructed of nonabsorbent materials that can be readily sanitized?
b. Are animals of relatively the same size sharing cages/pens?	YES	23. Is the floor made of durable, nonabsorbent material?
c. Are sick or injured animals segregated from healthy animals?	YES	<i>Primary Enclosures</i>
11. For facilities (quarantine, impoundment, and shelters) located in a county with a population of 75,000 or over (only), in accordance with Chapter 823.005:		24. Are primary enclosures maintained in good repair, impervious to moisture, and readily sanitized?
Has the governing body of the city or county in which the shelter is located established an advisory committee to assist in compliance with Chapter 823?	YES	25. Do primary enclosures enable the animal to remain dry and clean and protect the animal's feet and legs from injury?
<i>Records</i>		
12. Does the facility keep records on each animal?	YES	26. Do the cages and kennels provide enough space for each animal to be in comfortable, normal positions?
<i>B. Feeding - [Section 169.26(b)]</i>		
		27. Are dogs and cats fed at least once a day and have convenient access to clean food?
		28. Is food free from contamination, wholesome, palatable, and nutritious?

Inspector Initials: ck Date: 12/31/15

Facility:

Registration No:

Feeding (cont.)		Rabies Quarantine Facilities (Completed by TDH only) - [Section 169.27(a)]	
29. Are food pans kept clean and sanitary, and if disposable food pans are used, are they discarded after each feeding?	YES	37. Is there documentation of twice-daily observations of quarantined animals?	YES
C. Watering - [Section 169.26(c)]		Rabies Quarantine Facilities (Completed by TDH only) - [Section 169.28(a)]	
30. Do animals have convenient access to fresh water and is it offered at least twice daily for at least an hour?	YES	38. Does the facility have a written Standard Operating Procedure (SOP)?	YES
31. Are the water bowls clean and sanitary?		39. Is the SOP specific for the facility?	YES
32. Do domestic ferrets have 24-hour access to water in a drinking bottle and to food?	YES	40. Is the SOP posted?	YES
D. Sanitation - [Section 169.26(d)]			
33. Are excreta removed from primary enclosures often enough to prevent contamination of the animals (at least once a day)?	YES	41. Is the SOP designed to ensure effective and safe quarantine procedures?	YES
34. Are primary enclosures maintained in a sanitary condition?		42. Do enclosures have solid walls to prevent physical contact between animals?	YES
35. Are the building and premises kept clean?	YES	43. Do enclosures have tops to prevent escape?	YES
		44. Do quarantine runs, cages, or rooms have "Rabies Quarantine" signs posted?	YES
E. Pest Control - [Section 169.26(e)]			
36. Is there a regular program in place for control of insects, ectoparasites, and other pests?	YES		

This facility has approximately 35 cat cages & 39 dog cages/pens.

When the facility was inspected today, it was housing approximately 16 cats & 19 dogs.

**Inspector Comments:**

**Rating:** Satisfactory ✓ Unsatisfactory \_\_\_\_\_ Probation \_\_\_\_\_

If applicable, timeline for probationary period \_\_\_\_\_

As the inspector, I certify that I have personally inspected this facility and that it conforms to the statements above.

Inspector

Shelia Patton

Manager

Date

12-31-15

Date

12/31/15

Regional Veterinarian

Date



TEXAS

Department of State Health Services

Zoonosis Control Group

9/04 Stock No. Z-3



# Wylie City Council

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## AGENDA REPORT

**Meeting Date:** January 26, 2016  
**Department:** Planning  
**Prepared By:** Renaë' Ollie  
**Date Prepared:** January 19, 2016

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

### Subject

Hold the 2<sup>nd</sup> Public Hearing for the annexation of an approximate 1.207 mile segment of Pleasant Valley Road from Elm Grove to the Dallas County Line. **2016-01A**

### Recommendation

Conduct Public Hearing only. No action is necessary.

### Discussion

This annexation is at the request of Dallas County and defined as Orphan Roads. Orphan Roads are all or part of a street or road right-of-way, which is outside the incorporated limits of a municipality (or municipalities) and the incorporated area of the municipality (or municipalities) abuts or extends into the right-of-way. These roadway segments have, in effect, been "orphaned" by the abutting city (or cities) that they serve in that they have been left unincorporated.

If annexed, the City of Wylie will be responsible for maintenance, operation, enforcement, police and/or emergency services within these unincorporated rights-of-way.

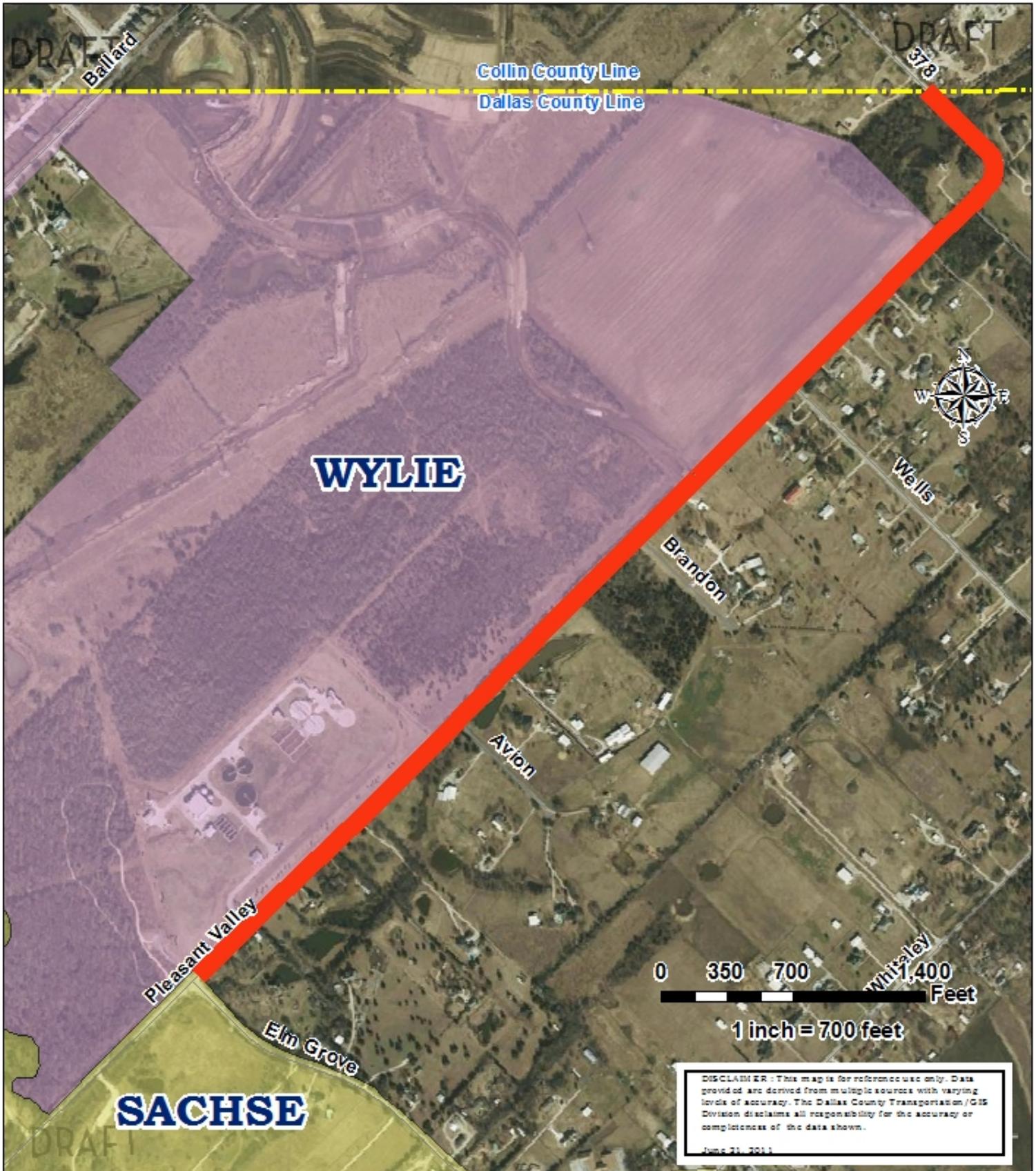
Before a municipality may begin annexation proceedings, the governing body of the municipality must conduct two (2) public hearings at which persons interested in the annexation are given the opportunity to be heard. The notice for each hearing must be published at least once on or after the 20th day but before the 10th day before the date of the hearing and must remain posted on the municipality's website until the date of the hearing. In compliance with state law, the following schedule has been adhered to:

Notice published for Public Hearings	December 23, 2015 and January 6, 2016
First Public Hearing	January 12, 2016
Second Public Hearing	January 26, 2016
Adoption of Ordinance	February 9, 2016

Article 1, Section 3 of the Wylie City Charter authorizes the City Council to adjust boundaries. This annexation is being conducted in compliance with Sections 43.052 (h) (2) and 43.063 of the Local Government Code.

Dallas County currently has \$1 million available to start the design of the reconstruction of Pleasant Valley Road from the county line south to Merritt Road in Sachse. They require the roadway to be annexed to move forward with the design. Dallas County also requires a 50% match which would be approximately \$500,000 from Wylie and \$500,000 from Sachse and an agreement will be presented at a future meeting. The project is expected to receive funding in the 2017 Dallas County call for projects and construction funds would be available in 2021. Staff will be working with Dallas County and the City of Sachse to submit the project to NCTCOG for construction funding. Dallas County has agreed to perform some maintenance on the roadway prior to turning it over to Wylie.

# DALLAS COUNTY UNINCORPORATED AREA LOCATION MAP



PROPERTY LOCATION : Pleasant Valley Road  
APPLICANT NAME :  
MAILING ADDRESS :  
CONTACT PHONE :

**EXHIBIT "A"**



NOTICE THIS MAP IS FOR  
REFERENCE USE ONLY

DCAD # :  
PERMIT # : 2015-  
DATE FILED :  
MAPSCO PG : 89A

EXHIBIT "B"

**CITY OF WYLIE, TEXAS  
SERVICE PLAN FOR ANNEXED AREA  
Orphan Road**

ANNEXATION ORDINANCE NO.: \_\_\_\_\_

DATE OF ANNEXATION ORDINANCE: XX-XX-XXXX

ACREAGE ANNEXED: 1.207 acres

SURVEY, ABSTRACT & COUNTY: Public Street Right-of-Way for a 1.207 mile segment of Pleasant Valley Road from Elm Grove to the Dallas County Line.

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Wylie, Texas (the "City"), at the following levels and in accordance with the following schedule:

**A. POLICE SERVICE**

1. Patrolling, responses to calls and other routine police services, within the limits of existing personnel and equipment and in a manner consistent with any of the methods of the City, extends police service to any other area of the municipality, will be provided within sixty (60) days of the effective date of the annexation ordinance.
2. As development and construction commence in this area, sufficient police personnel and equipment will be provided to furnish this area the maximum level of police services consistent with the characteristics of topography, land utilization and population density within the area as determined by the City Council within four and one-half (4-1/2) years from the effective date of the annexation ordinance, or upon commencement of development within the area, whichever occurs later.
3. Upon ultimate development of the area, the same level of police services will be provided to this area as are furnished throughout the City.

**FIRE SERVICES**

1. Fire protection by the present personnel and the present equipment of the Fire Department, within the limitations of available water and distances from existing fire stations, and in a manner consistent with any of the methods of the City, extends fire service to any other area of the municipality, will be provided to this area within sixty (60) days of the effective date of the annexation ordinance.
2. As development and construction commence in this area, sufficient fire and emergency ambulance equipment will be provided to furnish this area

## EXHIBIT "B"

the maximum level of fire services consistent with the characteristics of topography, land utilization and population density within the area as determined by the City Council within four and one-half (4-1/2) years from the effective date of the annexation ordinance, or upon commencement of development within the area, whichever occurs later.

3. Upon ultimate development of the area, the same level of fire and emergency ambulance services will be provided to this area as are furnished throughout the City.

### **C. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES**

1. Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.
2. Complaints of ordinance or regulation violations within this area will be answered and investigated within sixty (60) days of the effective date of the annexation ordinance.
3. Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
4. The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning within sixty (60) days of the effective date of the annexation ordinance.
5. All inspection services furnished by the City, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.
6. As development and construction commence in this area, sufficient personnel will be provided to furnish this area the same level of Environmental Health and Code Enforcement Services as are furnished throughout the City.

### **D. PLANNING AND ZONING SERVICES**

The planning and zoning jurisdiction of the City will extend to this area within sixty (60) days of the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Zoning Ordinance and Comprehensive Plan.

## EXHIBIT "B"

### **E. PARK AND RECREATION SERVICES**

1. Residents of this property may utilize all existing park and recreational services, facilities and sites throughout the City, beginning within sixty (60) days of the effective date of the annexation ordinance.
2. Additional facilities and sites to serve this property and its residents will be acquired, developed and maintained at locations and times provided by applicable plans for providing parks and recreation services to the City.
3. Existing parks, playgrounds, swimming pools and other recreational facilities within this property shall, upon dedication to and acceptance by the City, be maintained and operated by the City of Wylie, but not otherwise.

### **F. SOLID WASTE COLLECTION**

1. Solid waste collection shall be provided to the property in accordance with existing City policies, beginning within sixty (60) days of the effective date of the annexation ordinance. Residents of this property utilizing private collection services at the time of annexation shall continue to do so until it becomes feasible because of increased density of population to serve the property municipally. Commercial refuse collection services will be provided to any business located in the annexed area at the same price as presently provided for any business customer within the City, upon request.
2. As development and construction commence in this property and population density increases to the property level, solid waste collection shall be provided to this property in accordance with the current policies of the City as to frequency, changes and so forth.
3. Solid waste collection shall begin within sixty (60) days of the effective date of the annexation ordinance.

### **G. STREETS**

1. The City's existing policies with regard to street maintenance, applicable throughout the entire City, shall apply to this property beginning within sixty (60) days of the effective date of the annexation ordinance. Unless a street within this property has been constructed or is improved to the City's standards and specifications, that street will not be maintained by the City.
2. As development, improvement or construction of streets to City standards commences within this property, the policies of the City with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion, shall apply.

## EXHIBIT "B"

3. The same level of maintenance shall be provided to streets within this property which have been accepted by the City as is provided to City streets throughout the City.
4. Street lighting installed on streets improved to City standards shall be maintained in accordance with current City policies.

### **H. WATER SERVICES**

1. Connection to existing City water mains for water service for domestic, commercial and industrial use within this property will be provided in accordance with existing City policies. Upon connection to existing mains, water will be provided at rates established by City ordinances for such service throughout the City.
2. As development and construction commence in this property, water mains of the City will be extended in accordance with provisions of the Subdivision Regulations and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with the applicable City ordinances and regulations. Such extensions will be commenced within two (2) years from the effective date of the annexation ordinance and substantially completed with four and one-half (4 1/2) years after that date.
3. Water mains installed or improved to City standards which are within the annexed area and are within dedicated easements shall be maintained by the City of Wylie beginning within sixty (60) days of the effective date of the annexation ordinance.
4. Private water lines within this property shall be maintained by their owners in accordance with existing policies applicable throughout the City.

### **I. SANITARY SEWER SERVICES**

1. Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with existing City policies. Upon connection, sanitary sewage service will be provided at rates established by City ordinances for such service throughout the City.
2. Sanitary sewage mains and/or lift stations installed or improved to City standards, located in dedicated easements, and which are within the annexed area and are connected to City mains will be maintained by the City of Wylie beginning within sixty (60) days of the effective date of the annexation ordinance.
3. As development and construction commence in this area, sanitary sewer mains of the City will be extended in accordance with provisions of the Subdivision Regulations and other applicable City ordinances and regulations. Such extensions will be commenced within two (2) years

## EXHIBIT "B"

from the effective date of the annexation ordinance and substantially completed within four and one-half (4 1/2) years after that date.

### **J. MISCELLANEOUS**

1. Any facility or building located within the annexed area and utilized by the City in providing services to the area will be maintained by the City commencing upon the date of use or within sixty (60) days of the effective date of the annexation ordinance, whichever occurs later.
2. General municipal administrative services of the City shall be available to the annexed area beginning within sixty (60) days of the effective date of the annexation ordinance.
3. Notwithstanding, anything set forth above, this Service Plan does not require all municipal services be provided as set forth above if different characteristics of topography, land use and population density are considered a sufficient basis for providing different levels of service.
4. The Service Plan is valid for ten (10) years from the effective date of this Ordinance.



# Wylie City Council

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## AGENDA REPORT

Meeting Date: January 26, 2016  
Department: Planning  
Prepared By: Renae' Ollie  
Date Prepared: January 19, 2016

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

### Subject

Hold a Public Hearing and consider and act upon, approval of a Replat for Arbor Acres, Block A, Lot 1R-2, to create one commercial lot on 2.077 acres, located at 16 Steel Road.

### Recommendation

Motion to approve a Replat for Arbor Acres, Block A, Lot 1R-2, to create one commercial lot on 2.077 acres, located at 16 Steel Road.

### Discussion

**OWNER: STEVE HOUSER**

**APPLICANT: R-DELTA ENGINEERS, INC**

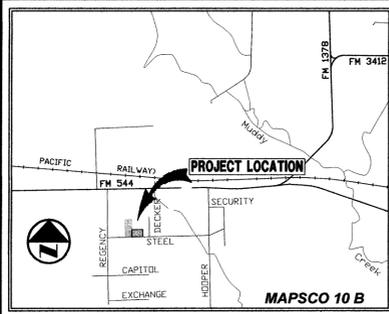
The property totals 2.077 acres and will create one commercial lot. A portion of the subject property is zoned PD2011-10-1 while the remaining portion is zoned Light Industrial.

The purpose for the Replat is to create one lot for office space and light industrial use.

A Site Plan was approved on January 5, 2016.

#### **P&Z Commission Discussion**

The Commission recommends approval 7-0 subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

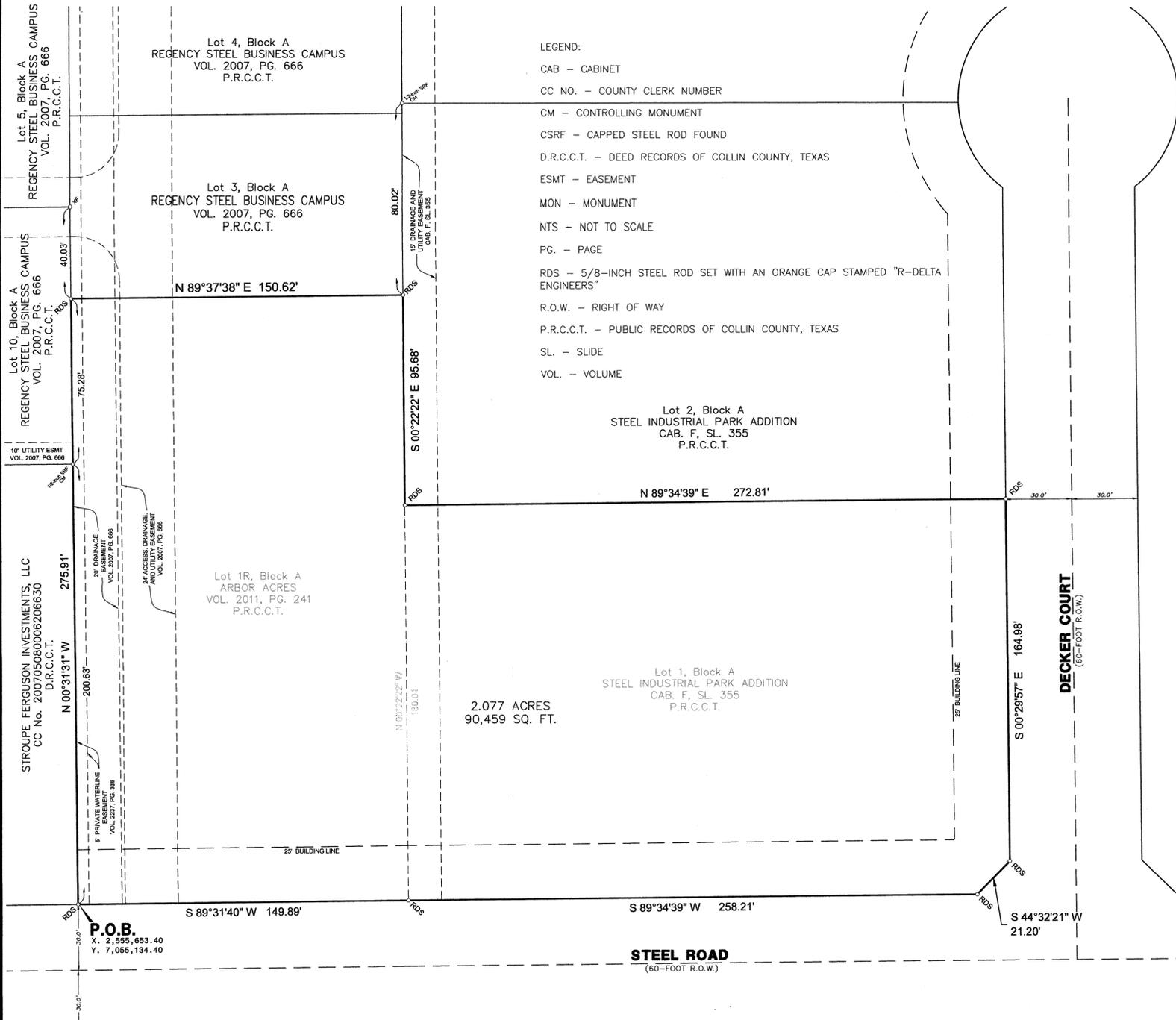


**NOTES:**

- COORDINATES AND BEARINGS SHOWN HEREON ARE NAD83 (CORS 96, EPOCH 2002) TIED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202) ESTABLISHED FROM A 4-HOUR STATIC GPS OBSERVATION PROCESSED THROUGH THE NATIONAL GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SYSTEM (OPUS). THE CONVERGENCE ANGLE AT THE P.O.B. OF THE SUBJECT TRACT IS +01 DEGREE 02 MINUTES 41 SECOND. ALL DISTANCES ARE REPORTED AS HORIZONTAL SURFACE MEASUREMENTS BASED ON A COMBINED FACTOR OF 0.999851362.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- ALL CITATIONS OF INSTRUMENTS ARE FOR THE DEED RECORDS, COLLIN COUNTY, TEXAS, UNLESS OTHERWISE NOTED.
- REASON FOR THIS REPLAT IS TO COMBINE TWO PLATTED LOTS INTO ONE SINGLE LOT.

**LEGEND:**

- CAB - CABINET
- CC NO. - COUNTY CLERK NUMBER
- CM - CONTROLLING MONUMENT
- CSRF - CAPPED STEEL ROD FOUND
- D.R.C.C.T. - DEED RECORDS OF COLLIN COUNTY, TEXAS
- ESMT - EASEMENT
- MON - MONUMENT
- NTS - NOT TO SCALE
- PG. - PAGE
- RDS - 5/8-INCH STEEL ROD SET WITH AN ORANGE CAP STAMPED "R-DELTA ENGINEERS"
- R.O.W. - RIGHT OF WAY
- P.R.C.C.T. - PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
- SL. - SLIDE
- VOL. - VOLUME



**OWNER'S CERTIFICATE**

STATE OF TEXAS §  
 COUNTY OF COLLIN §

WHEREAS THE ARBOR ACRES, INC. is the owner of a tract of land situated in the William Sachse Survey, Abstract No. 835, Collin County, Texas; and being a portion of the tract of land described in the Special Warranty Deed recorded in County Clerk's Document No. 201107260780000, and being part of Lot 1 and all of Lot 2, Block A of Regency Steel Business Campus, Block A, Lots 1-10, as said lots appear on the plat thereof recorded in Volume 2007, at Page 666 of the Official Public Records of Collin County, Texas, as evidenced by the deed to NiCom Construction, as recorded in Document No. 20061006001445930, and being all of Lot 1, Block A of Steel Industrial Park Addition according to the plat thereof recorded in Cabinet F, at Slide 355 of the Plat Records of Collin County, Texas; and being more particularly described as follows:

BEGINNING at a 5/8-inch steel rod set with a plastic cap stamped "R-DELTA ENGINEERS" in the northerly right-of-way line of Steel Road (60-foot R.O.W.) in the westerly line of the above mentioned plat of Regency Steel Business Campus, the same being the southeast corner of a tract of land standing in the name of John G. Lewis as evidenced by a deed recorded in County Clerk's Document No. 92-0081089 of the Official Public Records of Collin County, Texas, said beginning point having coordinates of X = 2,555,653.40 feet and Y = 7,055,134.40 feet;

THENCE, N 00°31'31"W with the westerly line of said Regency Steel Business Campus and the east line of the Lewis tract at a distance of 200.63 feet pass a 1/2-inch steel rod found for the northeast corner of said Lewis tract and being the southeast corner of Lot 10, Block A of said Regency Steel Business Campus, and continuing on the same course and with the common line between Lots 10 and 2 of said Regency Steel Business Campus an additional 75.28 feet for a total distance of 275.91 feet to a 5/8-inch steel rod set with a plastic cap stamped "R-DELTA ENGINEERS" set for the northwest corner of Lot 2, Block A of said Regency Steel Business Campus;

THENCE, N 89°37'38"E with the common line between Lots 2 and 3, Block A of Regency Steel Business Campus a distance of 150.64 feet to a 5/8-inch steel rod set with a plastic cap stamped "R-DELTA ENGINEERS" for the northeast corner of said Lot 2;

THENCE, S 00°22'22"E with the easterly line of said Regency Steel Business Campus for a distance of 95.68 feet to a 5/8-inch steel rod set with a plastic cap stamped "R-DELTA ENGINEERS" at the northwest corner of Lot 1, Block A of said Steel Industrial Park Addition;

THENCE, N 89°34'39"E with the common line between Lots 1 and 2, Block A of said Steel Industrial Park Addition a distance of 272.81 feet to a 5/8-inch steel rod set with a plastic cap stamped "R-DELTA ENGINEERS" in the westerly line of Decker Court (60-foot right-of-way), the same being the northeast corner of said Lot 1;

THENCE, S 00°29'57"E with the easterly line of Decker Court for a distance of 164.98 feet to a 5/8-inch steel rod set with a plastic cap stamped "R-DELTA ENGINEERS";

THENCE, S 44°32'21"W with the easterly line of Decker Court for a distance of 21.20 feet to a 5/8-inch steel rod set with a plastic cap stamped "R-DELTA ENGINEERS" in the north line of said Steel Road;

THENCE, S 89°34'39"W with the northerly right-of-way line of Steel Road, the same being the south line of said Lot 1 for a distance of 258.21 feet;

THENCE, S 89°31'40"W with the northerly right-of-way line of Steel Road for a distance of 149.89 feet to the POINT OF BEGINNING and containing 2.077 acres of land.

**OWNER'S DEDICATION**

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Arbor Acres, Inc., acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as ARBOR ACRES an addition to the City of Wylie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Wylie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Wylie's use thereof.

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

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

WITNESS, my hand, this the \_\_\_\_ day of \_\_\_\_\_, 2015

By: \_\_\_\_\_  
 Steven B. Houser, President  
 Arbor Acres, Inc.

OWNER: Arbor Acres, Inc.  
 16 Steel Rd.  
 Wylie, Texas 75098  
 TEL (972) 442-1524

STATE OF TEXAS §  
 COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Steven B. Houser, President of Arbor Acres, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public in and for the State of Texas \_\_\_\_\_

My Commission Expires On: \_\_\_\_\_

**SURVEYOR'S AFFIRMATION**

STATE OF TEXAS §  
 COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

That I, Wayne C. Terry, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Wylie.

**PRELIMINARY DO NOT FILE**

Signature of Registered Professional Land Surveyor  
 Wayne C. Terry, Registration No. 4184

STATE OF TEXAS §  
 COUNTY OF DALLAS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Wayne C. Terry, Registered Professional Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public in and for the State of Texas \_\_\_\_\_

My Commission Expires On: XXX XX, XXXX

"RECOMMENDED FOR APPROVAL"

Chairman, Planning & Zoning Commission \_\_\_\_\_ Date \_\_\_\_\_  
 City of Wylie, Texas

"APPROVED FOR CONSTRUCTION"

Mayor, City of Wylie, Texas \_\_\_\_\_ Date \_\_\_\_\_

"ACCEPTED"

Mayor, City of Wylie, Texas \_\_\_\_\_ Date \_\_\_\_\_

The undersigned, the City Secretary of the City of Wylie, Texas, hereby certifies that the foregoing final plat of the Arbor Acres addition to the City of Wylie was submitted to the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2015, and the Council, by formal action, then and there accepted the dedication of streets, alley, parks, easements, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as herein above subscribed.

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

City Secretary  
 City of Wylie, Texas

**PRELIMINARY  
 ARBOR ACRES  
 BLOCK A, LOT 1R-2**

BEING A REPLAT OF  
 LOT 1R, BLOCK A  
 ARBOR ACRES,  
 AN ADDITION TO THE CITY OF WYLIE, TEXAS, AS  
 RECORDED IN VOL. 2011, PG. 211  
 AND  
 LOT 1, BLOCK A  
 STEEL INDUSTRIAL PARK ADDITION,  
 AN ADDITION TO THE CITY OF WYLIE, TEXAS,  
 AS RECORDED IN CAB. F, SLIDE 355,  
 BOTH OF WHICH ARE RECORDED IN THE M.R.C.C.T.  
 AND BEING SITUATED IN THE WILLIAM SACHSE  
 SURVEY, ABSTRACT No. 835, CITY OF WYLIE,  
 COLLIN COUNTY, TEXAS

**R-DELTA ENGINEERS, INC.** ENGINEERS, LAND PLANNERS AND LAND SURVEYORS  
 618 MAIN STREET, GARLAND, TEXAS 75040 TEL. (972) 494-5031 On the Web at WWW.RDELTA.COM  
 DRAWN BY: AWF CHECKED BY: WCT SCALE: 1"=40' DATE: SEPTEMBER 2015



# Wylie City Council

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## AGENDA REPORT

**Meeting Date:** January 26, 2016  
**Department:** Planning  
**Prepared By:** Renae' Ollie  
**Date Prepared:** January 19, 2016

**Item Number:** 3  
*(City Secretary's Use Only)*  
**Account Code:** \_\_\_\_\_  
**Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** 1

### Subject

Consider, and act upon the acceptance of the resignation of William Hiney and to appoint a new member to the Zoning Board of Adjustment for the unexpired term of June 2014 to June 2016.

### Recommendation

Motion to approve the acceptance of the resignation of William Hiney and to appoint a new member to the Zoning Board of Adjustment for the unexpired term of June 2014 to June 2016.

### Discussion

Staff is requesting the appointment of a new Zoning Board of Adjustment member to replace Mr. William Hiney, who has recently resigned his position as of January 18, 2016 (letter attached).

Per the Local Government Code, the City Charter and the Zoning Ordinance the ZBA is to consist of 5 regular members with the local option to appoint 2 alternates. The alternates are only called to attend a meeting when one of the 5 regular members cannot attend.

In order to be in conformance with the Ordinance, it is recommended that an appointment be made to fulfill the unexpired term of June 2014 to June 2016.

Staff is requesting that Council consider appointing Mr. Andres Gonzales as a regular member. Mr. Gonzalez has served as an Alternate Member of the Board for the past year and has provided valuable input during deliberations. The Board currently has another alternate member and Staff believes this will suffice until new members are considered for the June 2016 term.

**From:** William Hiney  
**Sent:** Monday, January 18, 2016 4:44 PM  
**To:** Mary Bradley  
**Subject:** Re: ZBA Packet

Mary,

I have made arrangements to get my shift covered this evening so I will be at the meeting.

The unpredictable nature of my current assignment makes my attendance at meetings somewhat tenuous at best. I made a commitment to the Zoning Board of Adjustments (ZBA) at a time when I was not on call 24/7/365 and had a more flexible assignment. At this time I can no longer honor that commitment to the staff, citizens and other board members in the manner which they deserve. With that said, I am resigning my position on the ZBA at the conclusion of tonight's meeting. If you or staff has any questions I'm happy to answer them tonight.

Bill

Sent from my iPad



# Wylie City Council

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## AGENDA REPORT

**Meeting Date:** January 26, 2016  
**Department:** Finance  
**Prepared By:** Linda Bantz  
**Date Prepared:** January 18, 2016

**Item Number:** 4  
*(City Secretary's Use Only)*  
**Account Code:** \_\_\_\_\_  
**Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** \_\_\_\_\_

### Subject

Consider and act upon, acceptance of the Comprehensive Annual Financial Report (CAFR) for FY 2014-2015 after presentation by the audit firm of Weaver.

### Recommendation

Motion to accept the Comprehensive Annual Financial Report (CAFR) for FY 2014-2015 as presented by the audit firm of Weaver.

### Discussion

The City Charter in Article VII, Municipal Finance, Section 13: Independent Audit requires that at the end of the fiscal year an independent audit be made of all accounts of the City by a certified public accountant. In compliance with the City Charter, our outside auditor, Weaver has performed an audit as of September 30, 2015. This is the second year for the audit to be performed by Weaver after their selection to continue as the City's independent auditors following an RFP process done during 2014. Prior to that Weaver had served as the City's auditors for six years. Mr. John DeBurro, Senior Audit Manager with Weaver will briefly present the CAFR, including the Independent Auditors' Report and answer any questions that the City Council may have regarding the report.



# Wylie City Council

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## AGENDA REPORT

Meeting Date: 1-26-16  
Department: WEDC  
Prepared By: Sam Satterwhite  
Date Prepared: 1-22-16

Item Number: 5  
*(City Secretary's Use Only)*  
Account Code: \_\_\_\_\_  
Budgeted Amount: \_\_\_\_\_  
Exhibits: 1

### Subject

Present and place on file, the Wylie Economic Development Corporation Annual Report.

### Recommendation

Accept and place on file, the 2015 Wylie Economic Development Corporation Annual Report.

### Discussion

As per the WEDC By-laws, each year the WEDC must present to the Wylie City Council its Annual Report. The Report is attached for your review.

Wylie Economic Development Corporation

2015 Annual Report

January 22, 2016

## **Financial Condition**

The Wylie Economic Development Corporation (WEDC) continues to make financial reporting and accountability a priority. While the City of Wylie audit is not complete at this time, meetings with the auditors (Weaver, LLP) have not revealed any reporting deficiencies or recommended changes to existing accounting practices.

For the fifteenth consecutive fiscal year, WEDC sales tax receipts have increased over prior year figures. Up 13.4% over 2014, 2015 sales tax receipts reached \$2,191,785. Following a modest gain of 4.2% in 2014, this increase eclipses all previous years' receipts. The most significant sales tax generators added in 2015 were The Rock Wood Fired Kitchen and TJ Maxx/Home Goods. FY 2015 – 2016 monthly sales tax receipts are averaging gains of 5.9% over the prior year.

As determined via reports from the Comptroller of Public Accounts, sales taxes generated within Woodbridge Crossing for the prior twelve months reflect a 23.3% gain over the prior year with total sales taxes generated for the City of Wylie, WEDC, and 4B at \$1,339,965.

Real and personal property valuation within Woodbridge Crossing equals \$64.7 mm which is a 9% gain over 2014. Cumulative property taxes paid to the City of Wylie since the inception of the incentive agreement equals \$3.55 mm. The Sales Tax Reimbursement Agreement with Direct Development has resulted in incentive payments of \$3.2 million over the past 6 years with net sales taxes collected and ad valorem taxes paid totaling \$5.9 mm. The City of Wylie and WEDC currently reimburse 65% of all sales tax generated within Woodbridge Crossing to Inland Real Estate Corporation and will do so until 2021 or until such time that a cumulative \$6 mm in sales tax has been reimbursed. Based only upon current sales taxes generated and assuming no growth, Inland will receive the maximum incentive of \$6 mm in approximately 5 years.

The WEDC expended \$768,396 on grants and engineering services directly attributed to incentive packages, \$1,858,520 on the purchase of real property, \$272,191 on personnel services, \$131,855 on marketing and promotion, and debt service of \$795,654. The WEDC also had \$202,400 in income from the lease of WEDC facilities, and \$11,958 in income from a loan receivable. Finally, the WEDC ended the FY 2014-15 with a fund balance of \$1,367,391.

In FY 2015-2016, the WEDC is contractually obligated to fund \$1,608,018 in direct incentive programs including sales tax rebate programs for infrastructure improvements executed with Direct Development, Clark Street, and B&B. These ongoing, multi-year commitments represent fifteen projects which the WEDC has previously approved or is in the process of negotiating currently. Non-allocated funding for incentive programs equals \$397,000 within incentives and \$200,000 within land acquisition.

The WEDC currently owns 23.48 acres of property with a cost basis of \$6,818,664. Annual debt service of \$686,825 has been budgeted for FY 15-16 with an outstanding principal balance of \$3,278,499 as of December 31, 2015. On or about February 1, 2016, the WEDC will incur an additional \$750,000 in debt to acquire 1.23 acres located at 398 South Highway 78 which will be further referenced with the Redevelopment section of this Report.

In 2014-2015 the WEDC executed a Loan Agreement and borrowed \$722,365 to fund the purchase of the Bart Peddicord Community Center and the City Parking lot from the City of Wylie as well as a 6.6 acre industrial tract on Alanis Blvd. An additional loan was executed in the amount of \$387,317 to fund the purchase of 106 N. Birmingham and to refinance an existing note. Finally, the WEDC borrowed \$930,000 to purchase an industrial property located at 710 Business Way. This property will be conveyed to Mann Made, Inc. as the WEDC is relocating Mann Made off of State Highway 78 to a property more conducive for industrial uses.

Finally in 2015, the WEDC conveyed its interest in 3.206 acres of land on Hensley Lane to Exco Extrusion Dies (Texas), Inc. Exco has constructed a 30,000 square foot facility and will finalize their relocation in January 2016.

### **Redevelopment**

The WEDC acquired 10 properties in FY 2014 - 2015 complimenting existing redevelopment efforts. A .30 acre tract on Industrial Court was purchased for \$326,000, six contiguous properties on Ballard Street totaling .95 acres were acquired for \$409,000, two lots totaling 0.7 acre were purchased from the City of Wylie for \$676,600, and a .21 acre lot at 106 N. Birmingham was purchased for \$190,000.

As previously addressed, in FY 2015-16 the WEDC will finalize the purchase of 398 S. Hwy 78 (Mann Made) which will complete the assembly of a 5 acre contiguous tract between Starbucks and Wylie Printing. The assemblage completes a nine year effort at an expense of \$4.3 mm to acquire eight properties from six separate property owners. The redevelopment plan identifies three, 1.6 acre restaurant pad sites with the WEDC already executing a letter of intent (LOI) for the pad site adjacent to Cooper Drive/Starbucks. Including the negotiated sales price within the LOI and reasonable market rate sales price for the remaining 2 pads, the WEDC will recoup a majority if not all of its investment.

The WEDC was also successful in attracting redevelopment to the southeast corner of F.M. 544 and Regency Drive. In 2005 and 2009 respectively, the WEDC purchased two adjacent tracts on F.M. 544 in an effort to clean up the corridor. After tearing down a dilapidated structure in 2006, the WEDC kept the 1.5 acres in its inventory to facilitate the combining of the two adjacent lots into a more master planned layout. With the demolition of an adjacent woodworking shop and billboard, a 4 acre tract will be assembled with 3 pad sites ready for development.

In 2016 the WEDC will continue to evaluate opportunities to purchase additional properties within the Cooper Drive redevelopment areas. Price and location relating to existing WEDC properties will be the driving factor in additional land purchases for redevelopment.

### **Retail/Commercial Activity**

Even with the opening of TJ Maxx and Home Goods within Woodbridge Crossing in late 2014, pad development in front of the seemingly successful junior anchors continues to be stagnate. In staff's opinion, Inland Real Estate Corporation's focus on long term ground leases has reduced the market for these pads and will continue to hinder development. However, with the continued development of Wylie and Murphy properties along 544, the Inland pad sites will remain viable options with so few options remaining.

The Kroger Marketplace anchored Woodbridge Centre continues to generate activity with the opening of The Rock Wood Fired Kitchen in FY 2014-15. Kroger Marketplace occupies 114,000 with lease shop space of 22,000 square feet. Of the lease shop space constructed, only 4,500 square feet remains vacant with Papa Johns, Modern Eye Care, Orange Leaf, and Wing Stop executing leases in 2014/2015. The Rock Wood Fired Kitchen began operation in January 2015 with record breaking success and continues to do well. The owner, Clark Street Development out of Chicago, continues to employ Edge Realty to represent their interests. Clark Street entered into a Performance Agreement with the WEDC under which reimbursements for infrastructure improvements up to \$1.1 mm are available should certain performance requirements be met. Clark Street has received \$224,000 in sales tax reimbursements to date.

Projected for completion in fall 2016, the Wylie community secured a La Quinta Inn & Suites in 2015 to be located near the intersection of Sanden and F.M. 544. Utilizing an Occupancy Tax reimbursement program to be funded by the WEDC, the 45,000 square foot Hotel will generate approximately \$100,000 annually in Hotel & Motel Occupancy Tax to the City of Wylie and have an appraised value of approximately \$3.2 mm.

WEDC and City of Wylie representatives will continue to make attendance at the International Council of Shopping Centers Conference a priority in 2016. While it is unlikely that Wylie will attract new investors for 'center' development in 2016 based upon the remaining acreage available within the community, the WEDC will be available to Inland and Clark Street for meetings with end users as well as promoting other retail properties in Wylie.

Two prospects generated in 2015 at ICSC are to execute real estate contracts within the next 30-60 days in Wylie. While frustratingly slow for WEDC staff, this time frame is not uncommon.

### **Industrial Activity**

In 2015 the WEDC purchased a 6.63 acre tract on Alanis for \$420,000 to promote light industrial development. Prior to master-planning the site and promoting it to end users, the WEDC is evaluating other available properties in the area so as to maximize the total acreage available for industrial development. The WEDC has been approached by a 40,000 square foot industrial user which has initiated preliminary discussions to acquire the property. The potential investment in the site is estimated at \$2.5 - \$3 mm. Prior to the sale of the site though, the WEDC will evaluate adjacent properties in the area so as to create more opportunities for light industrial development.

Savage Precision has completed its seventh year of the seven year Performance Agreement with the WEDC. Savage met all performance requirements surrounding valuation and employment and continues to stand out as a true success story for local business growth and expansion facilitated by public/private partnerships.

Ascend Custom Extrusion is currently in compliance with all performance measures outlined within 2 Performance Agreements with the WEDC. Ascend currently operates 3 shifts in extrusion (3 presses) and packing, 2 shifts in shipping, and 1 ten hour shift in the paint line. There are currently 210 Ascend employees.

In 2014 the WEDC finalized negotiations and entered into a Performance Agreement with Exco Extrusion Dies to construct a 30,000 square foot manufacturing facility on 3.2 acres owned by the WEDC within Premier Industrial Park. The project is estimated to be valued in excess of \$7.5 mm on the tax roll and will be complete on or about January 31, 2016.

The WEDC completed negotiations on 5 other commercial projects in 2015 totaling \$4.95 mm in investment and 32,000 square feet of new facilities.

### **2016 Goals & Objectives**

The KCS Intermodal served property remains the greatest opportunity for the Wylie community in terms of potential new development. 2015 saw the completion of the intermodal improvements as now City/WEDC staff encourage KCS leadership to provide a strategy for encouraging light industrial/distribution development. Multi-Tech, a KCS engineering consultant, has begun evaluating the site in an effort to determine the best development options. Two recent requests from end users for sites supporting 500,000 square feet and up have facilitated the development of a master plan by KCS for the property outside of rail operations which is long overdue.

Staff is committed to bringing 4 new dining options to Wylie in 2016. Completing WEDC pad development at Cooper and 78 is a top priority and finalizing negotiations for at least one pad site in front of Kroger is a realistic goal.

With the hiring of a new WEDC Assistant Director, a more formalized Business Retention & Expansion Program will be implemented. Over the past 20 years, 48% of WEDC projects have been the result of local businesses expanding their operations. As the business community grows, it is more difficult to develop relationships with business leaders without a more formalized effort. With the implementation of a BRE program aimed at interfacing with all commercial businesses over a specified time period, determining their readiness for expansion (facilities or machinery & equipment), and the development of incentive programs to facilitate that investment, the WEDC will not only meet its primary mission of growing and diversifying the local tax base, but assist local businesses that have already invested in the Wylie community.

New investors have purchased the Barix Hospital property on State Highway 78 and the adjacent 3 story office building. With the hospital being vacant for the past 10 years and the office building grossly underutilized for the same period of time, 2016 provides a tremendous opportunity to partner with the new investment group to maximize this site's potential. Whether it be property tax incentives, permit fee waivers, or assistance with access and infrastructure upgrades, all options for assistance should be considered.

Finally, with the completion of a concept plan for mixed-use development on Jackson Street to complement Wylie's Historic Downtown, the WEDC must identify investors willing to implement this vision. While many issues directly impacting this area are as of yet unclear (i.e. access, traffic flow, parking, building height, etc.), the public/private partnership is key to success and must be pursued with greater urgency.



# Wylie City Council

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## AGENDA REPORT

Meeting Date: January 26, 2016  
Department: Engineering  
Prepared By: Engineering  
Date Prepared: December 28, 2015

Item Number: 6  
*(City Secretary's Use Only)*  
Account Code: N/A  
Budgeted Amount: N/A  
Exhibits: Resolution, ILA

### Subject

Consider and act upon, approval of Resolution No. 2016-05(R) authorizing the City Manager to execute an Interlocal Agreement with the North Texas Municipal Water District concerning the reconstruction of Eubanks Lane from SH 78 to the NTMWD entrance.

### Recommendation

Motion to approve Resolution No. 2016-05(R) authorizing the City Manager to execute an Interlocal Agreement with the North Texas Municipal Water District concerning the reconstruction of Eubanks Lane from SH 78 to the NTMWD entrance.

### Discussion

The North Texas Municipal Water District (NTMWD) has multiple entrances into their property and plant site with the main truck entrance being located on Eubanks Lane just north of the railroad crossing. The westbound SH 78 to northbound Eubanks turn is difficult for large trucks to navigate, and as a result, they are currently using Spring Creek and Centennial to access Eubanks and the main truck entrance. Also, due to the amount of trucks using Eubanks, the paving is in poor condition and requires constant maintenance by our public works department.

Staff has been working with NTMWD to develop an agreement for the reconstruction of Eubanks from SH 78 to the NTMWD entrance. The attached interlocal agreement outlines the project responsibilities and cost participation for each entity. Engineering and right of way acquisition would be the responsibility of the City of Wylie at a projected cost of \$387,000. The construction of the project would be split with NTMWD paying 80% and the City of Wylie paying 20% of the cost as shown in the attached project cost share table. NTMWD would also pay 100% of a proposed westbound deceleration and turn lane on SH 78 at Eubanks (TxDOT approval is required).

Improvements to Eubanks Lane are included in the Thoroughfare Capital Improvements Plan and impact fee calculation. Staff recommends using impact fee funds for the engineering and right of way acquisition. The current west zone thoroughfare impact fee balance is approximately \$950,000. A funding source for the construction of the project has not yet been identified.

**RESOLUTION NO. 2016-05(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, HEREBY AUTHORIZING THE CITY MANAGER OF THE CITY OF WYLIE, TEXAS, TO EXECUTE THE INTERLOCAL AGREEMENT BETWEEN THE NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD) AND THE CITY OF WYLIE CONCERNING THE RECONSTRUCTION OF EUBANKS LANE FROM SH78 TO THE NTMWD ENTRANCE.**

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

SECTION 1: The City Manager of the City of WYLIE, Texas, is hereby authorized to execute, on behalf of the City Council of the City of WYLIE, Texas, the Interlocal agreement between NTMWD and the City of Wylie concerning the reconstruction of Eubanks Lane from SH78 to the NTMWD entrance,

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

**RESOLVED THIS THE 26<sup>th</sup> day of January, 2016.**

\_\_\_\_\_  
ERIC HOGUE, Mayor

**ATTEST TO:**

\_\_\_\_\_  
CAROLE EHRLICH, City Secretary

**EXHIBIT “A”**  
**Interlocal Agreement**

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §

**INTERLOCAL COOPERATION AGREEMENT  
BETWEEN THE CITY OF WYLIE, TEXAS  
AND THE NORTH TEXAS MUNICIPAL WATER DISTRICT**

This Interlocal Cooperation Agreement (“Agreement”) is made and entered by and between the **City of Wylie, Texas**, a home rule municipality (“City”), and the **North Texas Municipal Water District**, a political subdivision of the State of Texas (“NTMWD”). City and NTMWD at times are referred to herein as a “party” or collectively as the “parties.”

WITNESSETH:

WHEREAS, City has investigated and determined that a need exists for the design, repair, reconstruction, improvement and maintenance of Eubanks Lane from SH 78 to the entrance of the NTMWD site, located on Eubanks Lane (“Project”); and

WHEREAS, Eubanks Lane is located within the corporate boundaries of City; and

WHEREAS, NTMWD desires to contribute funds to pay a portion of the construction costs of the Project; and

WHEREAS, the Interlocal Cooperation Act, codified at Section 791.001 *et seq.* of the Texas Government Code (“Act”), authorizes local governments to contract with one another to perform governmental functions and services under the terms of the Act; and

WHEREAS, City and NTMWD find that the Project will provide a public benefit to both City and NTMWD and that a cooperative effort by City and NTMWD pursuant to the Act will more efficiently accomplish the purposes set forth herein; and

WHEREAS, the parties will have current funds available to satisfy their obligations at the time those obligations become due.

NOW, THEREFORE, for the mutual covenants and consideration expressed herein, City and NTMWD hereby agree as follows:

1.     **Description of Project.** The Project consists of the design, repair, reconstruction, improvement and maintenance of Eubanks Lane from SH 78 to the entrance of the NTMWD site, located on Eubanks Lane. The Project is more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes.
  
2.     **Design and Construction of Project.** City shall design, construct and manage the Project. City shall provide a copy of the Project design plans to NTMWD for approval, which approval shall not be unreasonably withheld, conditioned, denied or delayed. If

City does not receive NTMWD's approval of the Project design plans within ninety (90) days after City submits the Project design plans to NTMWD, such Project design plans shall be deemed approved by NTMWD.

3. **Project Costs.** The estimated construction costs of the Project are one million six hundred thirty thousand and 00/100 Dollars (\$1,630,000) (the "Estimated Construction Costs"). The phrase "actual construction costs" as used herein shall mean the construction costs, geotechnical materials testing and inspection fees associated with the Project that are actually paid by City to third-parties. The term "actual construction costs" shall not include salaries, wages, costs and/or expenses incurred by the City's staff and/or employees. The phrase "cost overruns" as used herein shall mean actual construction costs that are incurred by City in connection with the Project that are over and above the Estimated Construction Costs.
4. **NTMWD's Reimbursement of a Portion of the Estimated Design and Construction Costs.** NTMWD agrees to reimburse City eighty percent (80%) of the Estimated Construction Costs, or one million three hundred nineteen thousand and 00/100 Dollars (\$1,319,000), plus eighty percent (80%) of the cost overruns, if any ("NTMWD's Contribution"). Within thirty (30) days of an award of a construction contract for the Project, NTMWD will tender to City NTMWD's agreed contribution to the Estimated Construction Costs. Should City incur any cost overruns in connection with the Project, City will provide NTMWD written notice of the same, and NTMWD shall reimburse City eighty percent (80%) of the cost overruns within thirty (30) days of receiving such notice from City. The parties agree that NTMWD's financial contribution to the Project shall be based on the actual construction costs incurred by City in connection with the Project. Within a reasonable time after receiving a reasonable request from NTMWD, City will provide NTMWD with copies of any and all documents regarding the actual construction costs of the Project. Said records documenting actual construction costs shall be maintained by the City for a period of five years after the completion of the Project and shall be made available, after a reasonable period of notice, to the NTMWD for review.
5. **Deposit of NTMWD's Contribution.** City will deposit NTMWD's Contribution in an interest-bearing account, which amount shall be held by City and used exclusively for payment of the actual construction costs of the Project; provided, however, that the parties agree that any and all interest earned from the interest-bearing account containing the funds deposited by NTMWD in accordance with this paragraph will be applied to the NTMWD's Contribution under this Agreement.
6. **Acquisition of Easements/Rights-of-Way.** City shall obtain all necessary easements and rights-of-way that are necessary for the Project. The costs and expenses associated with the acquisition of all necessary easements and rights-of-way, as contemplated in this paragraph, are not a part of the actual construction costs of the Project.
7. **Relocation of Utilities.** City shall be responsible for coordinating any necessary relocation of utilities that may be required to commence and successfully complete the

Project. The costs and expenses associated with the relocation of any necessary utilities, as contemplated in this paragraph, are not a part of the actual construction costs of the Project.

8. **Maintenance.** Upon completion of the Project, City shall be solely responsible for the continued maintenance of the Project after completion.
9. **Ownership of Easements/Improvements.** Any and all easements obtained and improvements constructed pursuant to this Agreement shall, at all times, remain the sole property of City. NTMWD shall not, at any time, have or claim any ownership interest in the easements obtained or improvements constructed in connection with the Project.
10. **Term.** This Agreement shall commence on the Effective Date and remain in full force and effect until the Project has been completed and accepted by City or unless terminated as provided herein.
11. **Remedies.**

**Failure of Project; Limitation of Liability.** If, for any reason other than default by NTMWD, the Project is not pursued to completion, NTMWD agrees that its sole remedy, and City's sole liability to NTMWD, is the return of any monies paid by NTMWD to City pursuant to this Agreement, less the actual construction costs already expended by the City at the time of default. If the Project is not pursued to completion as a result of NTMWD's default of this Agreement, City agrees that its sole remedy, and NTMWD's sole liability to City, shall be recovery from NTMWD in an amount limited to 80% of the actual construction costs. The parties expressly waive their rights to the recovery from one another of incidental and/or consequential damages.

12. **Miscellaneous.**

- a. **Notice.** Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing same in the United States Mail, addressed to the Party to be notified, postage pre-paid and registered or certified with return receipt requested; by facsimile; by electronic mail, with documentation evidencing the addressee's receipt thereof; or by delivering the same in person to such Party a via hand-delivery service, or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notification, the addresses of the parties shall be as follows:

If to City, addressed to it at:  
City of Wylie  
Attn: Mindy Manson

300 Country Club Road  
Wylie, Texas 75098  
Telephone: (972) 516-6006  
Facsimile: (972) 516-6026  
Email: [mindy.manson@wylietexas.gov](mailto:mindy.manson@wylietexas.gov)

with a copy to:

Abernathy, Roeder, Boyd & Hullett, P.C.  
Attention: Ryan D. Pittman  
1700 Redbud Blvd., Suite 300  
McKinney, Texas 75069  
Telephone: (214) 544-4000  
Facsimile: (214) 544-4044  
Email: [rpittman@abernathy-law.com](mailto:rpittman@abernathy-law.com)

If to NTMWD, addressed to it at:

North Texas Municipal Water District  
Attn: Judd Sanderson  
505 E. Brown Street  
Wylie, Texas 75098  
Telephone: (972) 442-5405  
Email: [jsanderson@ntmwd.com](mailto:jsanderson@ntmwd.com)

with a copy to:

Saunders Walsh & Beard  
Attention: Mark A. Walsh  
6850 TPC Drive, Suite 210  
McKinney, Texas 75070  
Telephone: (214) 919-3555  
Facsimile: (214) 615-9019  
Email: [mark@saunderswalsh.com](mailto:mark@saunderswalsh.com)

- b. **Assignment.** This Agreement is not assignable.
- c. **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the parties hereto.
- d. **Governing Law/Venue.** The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement, without regard to conflict of law principles. This Agreement is performable in Collin County, Texas, and the exclusive venue for any action arising out of this Agreement shall be a court of appropriate jurisdiction in Collin County, Texas.

- e. **Consideration.** This Agreement is executed by the parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.
- f. **Multiple Counterparts.** This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. An electronic mail and/or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other party.
- g. **Authority to Execute.** The individuals executing this Agreement on behalf of the respective parties below represent to each and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.
- h. **Savings/Severability.** In the event that a term, condition or provision of this Agreement is determined to be invalid, illegal, void, unenforceable or unlawful by a court of competent jurisdiction, then that term, condition or provision shall be deleted and the remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been contained in this Agreement.
- i. **Representations.** Each party represents that it has carefully read this Agreement, knows the contents hereof, has consulted with an attorney of its choice regarding the meaning and effect hereof and is signing the same solely of its own judgment.
- j. **Responsibilities.** The parties agree that neither party is an agent, servant, or employee of the other party and that each party is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives and agents. The parties agree that the Project is not a joint venture or joint enterprise.
- k. **Immunity.** The parties acknowledge and agree that, in executing and performing this Agreement, the parties have not waived, nor shall be deemed to have waived, any defense or immunity, including governmental, sovereign and official immunity, that would otherwise be available to them against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein.
- l. **No Third Party Beneficiaries.** Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the

parties do not intend to create any third party beneficiaries by entering into this Agreement.

- m. **Miscellaneous Drafting Provisions.** This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the parties and are not intended to be used in construing this document.

*[Signature page follows.]*

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective when all the parties have signed it. The date this Agreement is signed by the last party to sign it (as indicated by the date associated with that party's signature below) will be deemed the effective date of this Agreement ("Effective Date").

**CITY OF WYLIE, TEXAS,**  
a home-rule municipality

By: \_\_\_\_\_  
Mindy Manson, City Manager

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Carole Ehrlich, City Secretary

**NORTH TEXAS MUNICIPAL WATER DISTRICT,**  
a political subdivision of the State of Texas

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §

BEFORE ME, the undersigned authority, on this day personally appeared **MINDY MANSON**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; she acknowledged to me that he is the City Manager and duly authorized representative of the **CITY OF WYLIE, TEXAS**, a home-rule municipality, and that she executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of the **CITY OF WYLIE, TEXAS**.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires:\_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the \_\_\_\_\_ and duly authorized representative of the **NORTH TEXAS MUNICIPAL WATER DISTRICT**, a political subdivision of the State of Texas, and that he executed the same for the purposes and consideration therein stated and in the capacity therein stated as the act and deed of the **NORTH TEXAS MUNICIPAL WATER DISTRICT**.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires:\_\_\_\_\_

**Exhibit A**  
**Project Description**



Segment 3

Segment 2

Segment 1

389

SH 78

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## Eubanks Lane Paving and Drainage Improvements

### PRELIMINARY OPINION OF CONSTRUCTION COST

Item No.	Description	Qty	Unit	Price	Amount
Project Description: A 4-lane Undivided Thoroughfare, 11-ft. lanes, 10-inch Reinforced Concrete Pavement with 12-inch Subgrade, Curbs and Underground Storm Drainage					
Segment 1: SH 78 to South Side of RR Crossing					
Project Length		860 L.F.			
Width		45 B-B			
1	Right-of-way Preparation	9	Sta.	\$ 5,000.00	\$ 43,000
2	Unclassified Excavation	2,994	C.Y.	\$ 12.00	\$ 35,929
3	12-inch Lime Treated Subgrade	4,491	S.Y.	\$ 5.00	\$ 22,456
4	Hydrated Lime @ 65#/S.Y.	146	Tons	\$ 170.00	\$ 24,813
5	6-inch Monolithic Concrete Curb	1,720	L.F.	\$ 2.00	\$ 3,440
6	10-inch Reinforced Concrete Pavement	4,300	S.Y.	\$ 50.00	\$ 215,000
7	Reinforced Concrete Driveways (30' wide x 25' deep)	83	S.Y.	\$ 45.00	\$ 3,750
8	Side Street Concrete Transition (38' wide x 50' deep)	211	S.Y.	\$ 45.00	\$ 9,500
9	Remove Existing Concrete Pavement	2,102	S.Y.	\$ 12.00	\$ 25,227
10	Finish Grade and Sodding	2,293	S.Y.	\$ 7.00	\$ 16,053
11	5-foot Wide Reinforced Concrete Sidewalk	478	S.Y.	\$ 45.00	\$ 21,500
12	Handicap Ramps	2	Ea.	\$ 1,500.00	\$ 3,000
13	SH78 Right Turn Lane (100% NTMWD construction)	1	Ea.	\$ 75,000.00	\$ 75,000
<b>Paving Improvements Subtotal:</b>					<b>\$ 498,668</b>
14	Underground Storm Drainage Improvements	30% of Paving Improvements			\$ 149,600
<b>Drainage Improvements Subtotal:</b>					<b>\$ 149,600</b>
15	Signalization Improvements	1	L.S.	\$ 75,000.00	\$ 75,000
16	Landscaping and Irrigation Improvements (Not Included)				\$ -
17	Street Lighting Improvements (Not Included)				\$ -
<b>Aesthetics and Signalization Subtotal:</b>					<b>\$ 75,000.00</b>
<b>Paving, Drainage, Signalization:</b>					<b>\$ 723,268</b>
<b>Contingency: 15%</b>					<b>\$ 108,490</b>
<b>Opinion of Probable Construction Cost:</b>					<b>\$ 830,000</b>
<b>Construction Cost per Linear Foot:</b>					<b>\$ 965.12</b>

Item No.	Description	Qty	Unit	Price	Amount
Project Description: A 4-lane Undivided Thoroughfare, 11-ft. lanes, 10-inch Reinforced Concrete Pavement with 12-inch Subgrade, Curbs and Underground Storm Drainage					
Segment 2: RR Crossing					
Project Length		150 L.F.			
Width		45 B-B			
1	RR Crossing	1	L.S.	\$ 500,000.00	\$ 500,000
2	Observation and Flagging	1	L.S.	\$ 30,000.00	\$ 30,000
<b>Paving Improvements Subtotal:</b>					<b>\$ 530,000</b>
<b>Paving, Drainage, Signalization:</b>					<b>\$ 530,000</b>
<b>Contingency: 15%</b>					<b>\$ 79,500</b>
<b>Opinion of Probable Construction Cost:</b>					<b>\$ 610,000</b>
<b>Construction Cost per Linear Foot:</b>					<b>\$ 4,066.67</b>

Item No.	Description	Qty	Unit	Price	Amount
Project Description: A 4-lane Undivided Thoroughfare, 11-ft. lanes, 10-inch Reinforced Concrete Pavement with 12-inch Subgrade, Curbs and Underground Storm Drainage					
Segment 3: RR Crossing to North Side of NTMWD Entrance					
Project Length		215 L.F.			
Width		45 B-B			
1	Right-of-way Preparation	2	Sta.	\$ 5,000.00	\$ 10,750
2	Unclassified Excavation	749	C.Y.	\$ 12.00	\$ 8,982
3	12-inch Lime Treated Subgrade	1,123	S.Y.	\$ 5.00	\$ 5,614
4	Hydrated Lime @ 65#/S.Y.	36	Tons	\$ 170.00	\$ 6,203
5	6-inch Monolithic Concrete Curb	860	L.F.	\$ 2.00	\$ 1,720
6	10-inch Reinforced Concrete Pavement	1,075	S.Y.	\$ 50.00	\$ 53,750
7	Reinforced Concrete Driveways (18' wide x 25' deep)	100	S.Y.	\$ 45.00	\$ 4,500
8	Side Street Concrete Transition (100' wide x 50' deep)	560	S.Y.	\$ 45.00	\$ 25,200
9	Remove Existing Concrete Pavement	100	S.Y.	\$ 12.00	\$ 1,200
10	Finish Grade and Sodding	573	S.Y.	\$ 7.00	\$ 4,013
11	5-foot Wide Reinforced Concrete Sidewalk	119	S.Y.	\$ 45.00	\$ 5,375
12	Handicap Ramps	2	Ea.	\$ 1,500.00	\$ 3,000
<b>Paving Improvements Subtotal:</b>					<b>\$ 130,000</b>
13	Underground Storm Drainage Improvements	30% of Paving Improvements			\$ 39,000
<b>Drainage Improvements Subtotal:</b>					<b>\$ 39,000</b>
14	Signalization Improvements (Not Included)				\$ -
15	Landscaping and Irrigation Improvements (Not Included)				\$ -
16	Street Lighting Improvements (Not Included)				\$ -
<b>Aesthetics and Signalization Subtotal:</b>					<b>\$ -</b>
<b>Paving, Drainage, Signalization:</b>					<b>\$ 169,000</b>
<b>Contingency:</b>		<b>15%</b>			<b>\$ 25,350</b>
<b>Opinion of Probable Construction Cost:</b>					<b>\$ 190,000</b>
Construction Cost per Linear Foot:					\$ 883.72
<b>Total Opinion of Probable Construction Cost (Segments 1-3):</b>					<b>\$ 1,630,000</b>
<b>Engineering, Surveying, ROW Documents, and Geotechnical:</b>		<b>12%</b>			<b>\$ 200,000</b>
<b>Testing</b>					<b>\$ 15,000</b>
<b>Right of Way</b>		<b>2.81</b>	<b>Ac.</b>	<b>\$ 50,000.00</b>	<b>\$ 140,000</b>
<b>Right of Way Acquisition</b>		<b>8</b>	<b>Parcels</b>	<b>\$ 4,000.00</b>	<b>\$ 32,000</b>
<b>Total Project Cost</b>					<b>\$ 2,017,000</b>

**PROJECT COST SHARE**

	City of Wylie		NTMWD		TOTAL
	% Share	\$	% Share	\$	
Segment 1 - SH78 to RR Crossing	20%	\$ 151,000	80%	\$ 604,000	\$ 755,000
Segment 1 - Deceleration and right turn lane	0%		100%	\$ 75,000	\$ 75,000
Segment 2 - RR Crossing	20%	\$ 122,000	80%	\$ 488,000	\$ 610,000
Segment 3 - RR Crossing to NTMWD Entrance	20%	\$ 38,000	80%	\$ 152,000	\$ 190,000
Segment 1-3 - Engineering and ROW	100%	\$ 387,000	0%	\$ -	\$ 387,000
<b>TOTAL</b>	<b>35%</b>	<b>\$ 698,000</b>	<b>65%</b>	<b>\$ 1,319,000</b>	<b>\$ 2,017,000</b>