



Wylie City Council

NOTICE OF MEETING

Emergency Special Called Meeting Agenda

March 27, 2020 – 12:00 p.m.
Wylie Municipal Complex
Council Chambers
300 Country Club Road, Building #100
Wylie, Texas 75098

Eric Hogue Mayor
David R. Duke Place 1
Matthew Porter Place 2
Jeff Forrester Mayor Pro Tem
Candy Arrington Place 4
Timothy T. Wallis, DVM Place 5
David Dahl Place 6
Chris Holsted City Manager
Richard Abernathy City Attorney
Stephanie Storm City Secretary

EMERGENCY NOTICE

The Wylie City Council will hold an Emergency Special Called Council Meeting at 12:00 p.m., in the Council Chambers at the Wylie City Hall, located at 300 Country Club Road, Wylie, Texas on Friday, March 27, 2020. This meeting is open to the public and subject to the open meeting laws of the State of Texas.

Members of the public are permitted to attend the meeting in person at that location or members of the public also may communicate with the City Council by submitting their comments online at wylietexas.gov/boards and completing the [Citizen Comment Form](#).

Pursuant to Section 551.045 of the Texas Government Code and Due to the Urgent Public Necessity and Imminent Threat to Public Health and Safety from Covid-19, Immediate Action is Required by the City of Wylie City Council.

CALL TO ORDER

Announce the presence of a Quorum

INVOCATION & PLEDGE OF ALLEGIANCE

CITIZENS COMMENTS ON NON-AGENDA ITEMS

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

CONSENT AGENDA

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

- A. Consider, and act upon, Ordinance No. 2020-25, amending Ordinance No. 2020-24, which continued and extended the Mayor's Amended Declaration of Local Disaster for Public Health Emergency due to the novel Coronavirus (COVID-19); Modifying Section 8 (Enforcement Clause).** *(S. Storm, City Secretary)*

REGULAR AGENDA

- 1. Consider, and act upon, Resolution No. 2020-19(R) Postponing to the November 3, 2020 Uniform Election Date the General and Special Elections Scheduled to be held on May 2, 2020, for the purpose of electing persons to the Offices of Mayor and Councilmembers for Places 5 And 6 and the remaining term for Place 2 in response to the Covid-19 Pandemic and Public Health Emergency; Designating Polling Places; Authorizing Execution Of Joint Election Contract for the November 3, 2020 Election; and take all other appropriate action.** *(C. Holsted, City Manager and S. Storm, City Secretary)*

Executive Summary

On March 18, 2020, the Governor of the State of Texas issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions such as the City of Wylie that would otherwise hold elections on May 2, 2020, to move their general and special elections to the November 3, 2020, uniform election date without otherwise adjusting the terms of office.

EXECUTIVE SESSION

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

Texas Government Code Section:

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

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

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

READING OF THE ORDINANCE

ADJOURNMENT

CERTIFICATION

I certify that this Emergency Special Called Notice of Meeting was posted on March 27, 2020 at 9:00 a.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.

Stephanie Storm, City Secretary

Date Notice Removed



Wylie City Council

AGENDA REPORT

Meeting Date:	<u>March 27, 2020</u>	Item Number:	<u>A</u> <i>(City Secretary's Use Only)</i>
Department:	<u>City Secretary</u>	Account Code:	<u></u>
Prepared By:	<u>City Secretary</u>	Exhibits:	<u>Ordinance</u>
Date Prepared:	<u>March 26, 2020</u>		

Subject

Consider, and act upon, Ordinance No. 2020-25, amending Ordinance No. 2020-24, which continued and extended the Mayor's Amended Declaration of Local Disaster for Public Health Emergency due to the novel Coronavirus (COVID-19); Modifying Section 8 (Enforcement Clause).

Recommendation

Motion to approve, Ordinance No. 2020-25, amending Ordinance No. 2020-24, which continued and extended the Mayor's Amended Declaration of Local Disaster for Public Health Emergency due to the novel Coronavirus (COVID-19); Modifying Section 8 (Enforcement Clause).

Discussion

On March 22, 2020, the City Council adopted Ordinance No. 2020-24, which continued and extended the Mayor's Amended Declaration of Local Disaster for Public Health Emergency to help abate the public health threat resulting from the novel Coronavirus (COVID-19) pandemic; the City Council has determined that it is in the best interest of the City of Wylie, Texas, and its citizens to amend Section 8 (Enforcement Clause) of Ordinance No. 2020-24 as set forth in this ordinance to promote the public health, safety and welfare.

ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING ORDINANCE NO. 2020-24, WHICH CONTINUED AND EXTENDED THE MAYOR’S AMENDED DECLARATION OF LOCAL DISASTER FOR PUBLIC HEALTH EMERGENCY DUE TO THE NOVEL CORONAVIRUS (COVID-19); MODIFYING SECTION 8 (ENFORCEMENT CLAUSE); AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, on March 22, 2020, the City Council adopted Ordinance No. 2020-24, which continued and extended the Mayor’s Amended Declaration of Local Disaster for Public Health Emergency to help abate the public health threat resulting from the novel coronavirus (COVID-19) pandemic;

WHEREAS, the City Council has determined that it is in the best interest of the City of Wylie, Texas, and its citizens to amend Section 8 (Enforcement Clause) of Ordinance No. 2020-24 as set forth below to promote the public health, safety and welfare.

NOW. THEREFORE, BE IT ORDAINED, by the City Council of the City of Wylie, Texas:

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

SECTION 2. Section 8 (Enforcement Clause) of Ordinance No. 2020-24 is hereby amended as follows¹:

“The City Council hereby finds and declares that this declaration authorizes the use of all lawfully available enforcement measures. A failure to comply with the City’s Emergency Management Plan, or a rule, order or ordinance adopted under the Plan, including this Ordinance, is punishable as authorized in Section 418.173 of the Texas Government Code. This local disaster declaration expressly incorporates Executive Order GA-08. In addition, a person who violates any provision of this declaration, upon conviction, is punishable by a fine of not more than \$1,000, ~~or 180 days in jail.~~ A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs.”

SECTION 3. 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

¹ Deletions are evidenced by ~~striketrough~~.

provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council 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 4. This Ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, ON THIS THE 27th DAY OF MARCH 2020.

Eric Hogue, Mayor

ATTEST:

Stephanie Storm, City Secretary



Wylie City Council

AGENDA REPORT

Meeting Date:	<u>March 27, 2020</u>	Item Number:	<u>1</u> <i>(City Secretary's Use Only)</i>
Department:	<u>City Manager</u>	Account Code:	<u></u>
Prepared By:	<u>City Secretary</u>	Exhibits:	<u>Resolution</u>
Date Prepared:	<u>March 26, 2020</u>		

Subject

Consider, and act upon, Resolution No. 2020-19(R) Postponing to the November 3, 2020 Uniform Election Date the General and Special Elections Scheduled to be held on May 2, 2020, for the purpose of electing persons to the Offices of Mayor and Councilmembers for Places 5 And 6 and the remaining term for Place 2 in response to the Covid-19 Pandemic and Public Health Emergency; Designating Polling Places; Authorizing Execution Of Joint Election Contract for the November 3, 2020 Election; and take all other appropriate action.

Recommendation

Motion to approve Resolution No. 2020-19(R) Postponing to the November 3, 2020 Uniform Election Date the General and Special Elections Scheduled to be held on May 2, 2020, for the purpose of electing persons to the Offices of Mayor and Councilmembers for Places 5 And 6 and the remaining term for Place 2 in response to the Covid-19 Pandemic and Public Health Emergency; Designating Polling Places; Authorizing Execution Of Joint Election Contract for the November 3, 2020 Election; and take all other appropriate action.

Discussion

On March 18, 2020, the Governor of the State of Texas issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions such as the City of Wylie that would otherwise hold elections on May 2, 2020, to move their general and special elections to the November 3, 2020, uniform election date without otherwise adjusting the terms of office.

Pursuant to the Governor's proclamation authorizing the City of Wylie to postpone the May 2, 2020 election date, the City Council does by this Resolution exercise its authority to move to November 3, 2020, the General and Special Elections previously ordered for May 2, 2020, for the purpose of electing persons to the offices of Mayor and Councilmembers for Places 5 and 6 and the remaining term for Place 2.

Included is an alternative Resolution if it's Council desire to move the General Election to November and hold the Special Election in May.

RESOLUTION NO. 2020-19(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, POSTPONING TO THE NOVEMBER 3, 2020 UNIFORM ELECTION DATE THE GENERAL AND SPECIAL ELECTIONS SCHEDULED TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF ELECTING PERSONS TO THE OFFICES OF MAYOR AND COUNCILMEMBERS FOR PLACES 5 AND 6 AND THE REMAINING TERM FOR PLACE 2 IN RESPONSE TO THE COVID-19 PANDEMIC AND PUBLIC HEALTH EMERGENCY; RESERVING THE RIGHT AND AUTHORITY TO RESCHEDULE THE GENERAL AND/OR SPECIAL ELECTIONS TO SUCH OTHER DATE AS MAY BE ALLOWED BY LAW AND APPROVED BY SUBSEQUENT ORDINANCE; AUTHORIZING EXECUTION OF JOINT ELECTION CONTRACTS FOR THE NOVEMBER 3, 2020 ELECTION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Wylie, Texas, and pursuant to Resolution No. 2020-06(R) and Resolution No. 2020-10(R), General and Special Elections were ordered to be held on May 2, 2020, for the purpose of electing persons to the offices of Mayor and Councilmembers for Places 5 and 6 and the remaining term for Place 2; and

WHEREAS, on March 18, 2020, the Governor of the State of Texas issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions such as the City of Wylie that would otherwise hold elections on May 2, 2020, to move their general and special elections to the November 3, 2020, uniform election date without otherwise adjusting the terms of office; and

WHEREAS, pursuant to the Governor's proclamation authorizing the City of Wylie to postpone the May 2, 2020 election date, the City Council does by this Resolution exercise its authority to move to November 3, 2020, the General and Special Elections previously ordered for May 2, 2020, for the purpose of electing persons to the offices of Mayor and Councilmembers for Places 5 and 6 and the remaining term for Place 2.

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

SECTION 1: That the City of Wylie General and Special Elections previously ordered for May 2, 2020, are hereby moved to November 3, 2020.

SECTION 2: That the candidate filings for the General and Special Elections shall remain valid for the elections to be held on November 3, 2020, and that the filing period for candidates will not be re-opened.

SECTION 3: That all annual applications ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the November 3, 2020, elections; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020 elections.

SECTION 4: That the voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.

SECTION 5. That the City Manager is authorized to negotiate and execute an amendment to each existing election contract with Collin, Dallas, and Rockwall Counties, as necessary, for the purposes of conducting the postponed elections on November 3, 2020, or such other date as may be allowed by law and approved by subsequent resolution or ordinance.

SECTION 6. That the City Council hereby reserves the right and authority to reschedule the General and/or Special Elections which are scheduled hereunder for November 3, 2020, to such other date as may be allowed by law and approved by subsequent resolution or ordinance.

SECTION 7. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution, which shall remain in full force and effect.

SECTION 8. That this Resolution shall take effect immediately from and after its passage as the law and charter in such cases provide.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE,
TEXAS, ON THIS THE 27th DAY OF MARCH 2020.**

Eric Hogue, Mayor

ATTEST:

Stephanie Storm, City Secretary

RESOLUTION NO. 2020-19(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, POSTPONING TO THE NOVEMBER 3, 2020 UNIFORM ELECTION DATE THE GENERAL ELECTION SCHEDULED TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF ELECTING PERSONS TO THE OFFICES OF MAYOR AND COUNCILMEMBERS FOR PLACES 5 AND 6 IN RESPONSE TO THE COVID-19 PANDEMIC AND PUBLIC HEALTH EMERGENCY; RESERVING THE RIGHT AND AUTHORITY TO RESCHEDULE THE GENERAL ELECTION TO SUCH OTHER DATE AS MAY BE ALLOWED BY LAW AND APPROVED BY SUBSEQUENT ORDINANCE; AUTHORIZING EXECUTION OF JOINT ELECTION CONTRACTS FOR THE NOVEMBER 3, 2020 ELECTION; PROVIDING THAT THE SPECIAL ELECTION TO FILL THE VACANCY IN THE OFFICE OF COUNCILMEMBER FOR PLACE 2, ORDERED TO BE HELD ON MAY 2, 2020 PURSUANT TO RESOLUTION NO. 2020-10(R), IS UNAFFECTED BY THIS RESOLUTION, WITH THAT ELECTION CONTINUING AS SCHEDULED ON MAY 2, 2020, IN ACCORDANCE WITH THE TEXAS CONSTITUTION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Wylie, Texas, and pursuant to Resolution No. 2020-06(R), a General Election was ordered to be held on May 2, 2020, for the purpose of electing persons to the offices of Mayor and Councilmembers for Places 5 and 6; and

WHEREAS, on March 18, 2020, the Governor of the State of Texas issued a proclamation suspending certain provisions of the Texas Election Code and the Texas Water Code to allow all local political subdivisions such as the City of Wylie that would otherwise hold elections on May 2, 2020, to move their elections to the November 3, 2020, uniform election date without otherwise adjusting the terms of office; and

WHEREAS, pursuant to the Governor's proclamation authorizing the City of Wylie to postpone the May 2, 2020 election date, the City Council does by this Resolution exercise its authority to move to November 3, 2020, the General Election previously ordered for May 2, 2020, for the purpose of electing persons to the offices of Mayor and Councilmembers for Places 5 and 6; and

WHEREAS, the Special Election to fill the vacancy in the office of Councilmember for Place 2, ordered to be held on May 2, 2020 pursuant to Resolution No. 2020-10(R), is unaffected

by this Resolution, and that election will continue as scheduled on May 2, 2020, in accordance with the Texas Constitution.

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

SECTION 1: That the City of Wylie General Election previously ordered for May 2, 2020, is hereby moved to November 3, 2020.

SECTION 2: That the candidate filings for the General Election shall remain valid for the election to be held on November 3, 2020, and that the filing period for candidates will not be re-opened.

SECTION 3: That all annual applications ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the November 3, 2020, election; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020 election.

SECTION 4: That the voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.

SECTION 5. That the City Manager is authorized to negotiate and execute an amendment to each existing election contract with Collin, Dallas, and Rockwall Counties, as necessary, for the purposes of conducting the postponed election on November 3, 2020, or such other date as may be allowed by law and approved by subsequent resolution or ordinance.

SECTION 6. That the City Council hereby reserves the right and authority to reschedule the General Election which is scheduled hereunder for November 3, 2020, to such other date as may be allowed by law and approved by subsequent resolution or ordinance.

SECTION 7. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution, which shall remain in full force and effect.

SECTION 8. That this Resolution shall take effect immediately from and after its passage as the law and charter in such cases provide.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE,
TEXAS, ON THIS THE 27th DAY OF MARCH 2020.**

Eric Hogue, Mayor

ATTEST:

Stephanie Storm, City Secretary

ALTERNATIVE