Wylie City Council Regular Meeting

February 28, 2023 – 6:00 PM
Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATIONS & RECOGNITIONS

PR1. School Resource Officer Appreciation Day.

PR2. Crossing Guard Appreciation Day.

PR3. Shining the Wylie Way Students 3rd Term; Grades 1st - 6th.

COMMENTS ON NON-AGENDA ITEMS

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

CONSENT AGENDA

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

A. Consider, and act upon, approval of the February 14, 2023 Regular City Council Meeting minutes.

B. Review, and place on file, the 2022 Wylie Police Department Annual Racial Profiling Analysis.

C. Consider, and act upon, accepting a donation to the Smith Public Library in the amount of $5,779.00 from the Catholic Foundation of the Estate of Rita and Truett Smith.

D. Consider, and act upon, the renewal of Interlocal Cooperative Purchasing Agreement #W2020-30-I between the Sheriffs' Association of Texas, Inc. (SAT) and the City of Wylie, and authorizing the City Manager to sign any and all documents.

E. Consider, and act upon, Resolution No. 2023-03(R) authorizing the restricted/sole source purchase of Knox® Rapid Access System from Knox Company for $70,992.43, and authorizing the City Manager to execute any necessary documents.

F. Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of January 31, 2023.

G. Consider, and act upon, a Preliminary Plat of 544 Gateway Addition, Lots 1-7, Block A, establishing seven commercial lots on 12.234 acres, generally located east of the intersection of Business Way and Commerce Drive.

H. Consider, and act upon, a Final Plat of 544 Gateway Addition, Lots 1-7, Block A, establishing seven commercial lots on 12.234 acres, generally located east of the intersection of Business Way and Commerce Drive.

I. Consider, and act upon, the signing of permanent and temporary easements for the Collin County Park Boulevard Project.

J. Consider, and act upon, Ordinance No. 2023-10, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals); providing a penalty clause, savings/repealing and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.

K. Consider, and place on file, the Animal Shelter Advisory Board report to City Council.

L. Consider, and place on file, the City of Wylie Monthly Investment Report for January 31, 2023.

M. Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for January 31, 2023.

WORK SESSION

WS1. Discuss capital roadway projects.

WS2. Discussion of potential trail project with the cities of Sachse and Murphy.

RECONVENE INTO REGULAR SESSION

EXECUTIVE SESSION

Sec. 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.
A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on its negotiating position.

ES1. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 544/Cooper, FM 544/Sanden, FM 1378/Parker, Jackson/Oak, Regency/Steel, State Hwy 78/Alanis, State Hwy 78/Ballard, and State Hwy 78/Brown.

ES2. Discuss property located near Oak Street and 5th Street.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING.
This chapter does not require a governmental body to conduct an open meeting:
(1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

ES3. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2013-9a, 2017-6a, 2021-2d, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9b, 2021-9f, 2022-9i, 2022-1b, 2022-4d, 2022-7b, 2022-8b, 2022-9f, 2022-10d, 2022-11a, 2022-12a, 2023-1a, 2023-1b, 2023-1c, 2023-2a, and 2023-2b.

RECONVENE INTO OPEN SESSION
Take any action as a result from Executive Session.

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

ADJOURNMENT

CERTIFICATION
I certify that this Notice of Meeting was posted on February 24, 2023 at 5:00 p.m. on the outside bulletin board at Wylie City Hall, 300 Country Club Road, Building 100, Wylie, Texas, a place convenient and readily accessible to the public at all times.

_____ _____

Stephanie Storm, City Secretary *Date Notice Removed*

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

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

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

Wylie City Council

AGENDA REPORT

Department: City Secretary **Account Code:**

Prepared By: Stephanie Storm

Subject

Consider, and act upon, approval of the February 14, 2023 Regular City Council Meeting minutes.

Recommendation

Motion to approve the Item as presented.

Discussion

The minutes are attached for your consideration.

Wylie City Council Regular Meeting Minutes

February 14, 2023 – 6:00 PM
Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098

CALL TO ORDER

Mayor Matthew Porter called the regular meeting to order at 6:01 p.m. The following City Council members were present: Councilman David R. Duke, Mayor *pro tem* Jeff Forrester, Councilman Scott Williams, and Councilman Garrett Mize. Councilmen Dave Strang and Timothy T. Wallis were absent.

City Manager Brent Parker; Deputy City Manager Renae Ollie; Assistant City Manager Lety Yanez; Police Chief Anthony Henderson; Finance Director Melissa Brown; Fire Chief Brandon Blythe; Public Information Officer Craig Kelly; City Secretary Stephanie Storm; Public Works Director Tommy Weir; Purchasing Manager Glenna Hayes; City Engineer Tim Porter; Community Services Director Jasen Haskins; Wylie Economic Development Executive Director Jason Greiner; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Ben Phillips from First Baptist Murphy led the invocation and Councilman Williams led the Pledge of Allegiance.

PRESENTATIONS & RECOGNITIONS

PR1. Recognition of Wylie Police Department Officers Andrew Abbott, Christopher McKiddy, and Xavier Mason for their heroic actions.

Mayor Porter announced that this recognition would be moved to a future meeting.

PR2. Black History Month.

Mayor Porter recognized Black History Month in Wylie, Texas, and provided information on events at the Smith Public Library during the month of February.

PR3. World Rotary Day.

Mayor Porter proclaimed February 23, 2023, as World Rotary Day in Wylie, Texas. Rotarians Lynn Fagerstrom, Karen Holman, Brenda Byboth, Angel Wygant, Renae Ollie, Kristina Kelly, Ofilia Barrera, Gerry Washington, Cliff Moriarty, and Joe Sullivan were present to accept the proclamation.

Mayor Porter convened the Council into a break at 6:14 p.m.
Mayor Porter reconvened the Council at 6:18 p.m.

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address Council regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Council requests that comments be limited to three minutes for an

individual, six minutes for a group. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

There were no citizens present wishing to address the Council.

CONSENT AGENDA

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

A. Consider, and act upon, approval of the January 24, 2023 Regular City Council Meeting minutes.

B. Consider, and act upon, Resolution No. 2023-02(R) of the City Council of the City of Wylie, Collin, Dallas, and Rockwall counties, Texas, ordering a General Election to be held on May 6, 2023, in the City of Wylie, Texas, for the purpose of electing the positions of Mayor and two Council members (Place 5 and Place 6) of the Wylie City Council, to hold office for a period of three years; designating locations of polling places; designating filing deadlines; and ordering Notices of Election to be given as prescribed by law in connection with such election.

C. Consider, and act upon, Ordinance No. 2023-07 amending Ordinance No. 2022-56, which established the budget for fiscal year 2022-2023; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

D. Consider, and act upon, Ordinance No. 2023-08 amending Ordinance No. 2022-56, which established the budget for fiscal year 2022-2023; providing for repealing, savings and severability clauses; and providing for an effective date of this ordinance.

E. Consider, and act upon, the approval of the purchase of a 2023 John Deere 60G Excavator from RDO Equipment Company in the amount of $120,349.53 through a cooperative purchasing contract with Sourcewell Purchasing Cooperative, and authorizing the City Manager to execute any necessary documents.

F. Consider, and act upon, the award of a professional services project order (PSPO) #W2023-24-E for the Lead and Copper Rule Revision Compliance Phase 1 and Phase 2 to Freese and Nichols, Inc. in the amount of $184,896.00, and authorizing the City Manager to execute any necessary documents.

G. Consider, and act upon, a Final Plat for Wellstar Addition, establishing two industrial lots on 2.31 acres and replating Lots 12R, Block C and 15R, Block B of Regency Business Park, Phase Three, generally located east of the cul-de-sac on Capital Street.

H. Consider, and act upon, a Final Plat for Dement Addition, being Lots 1 & 2, Block A, establishing two lots on 4.374 acres partially within the City limits of Wylie and partially within the City of Wylie Extra Territorial Jurisdiction, located at 950 Paul Wilson Road.

I. Consider, and act upon, a Final Plat for Collins ET establishing two lots on 2.345 acres located in the City of Wylie Extra Territorial Jurisdiction north of and adjacent to 1224 Bozman Road.

J. Consider, and act upon, a Final Plat for Browngate Pointe Addition, establishing 39 residential, seven open spaces, and one commercial lot on 6.55 acres, generally located at the northeast corner of W. Brown Street and Sanden Boulevard.

K. Consider, and act upon, a Final Plat for Dominion of Pleasant Valley Phase 4, establishing 95 single-family residential lots and four open space lots on 23.436 acres, generally located at the northeast corner of Pleasant Valley Road and Dominion Drive.

L. Consider, and act upon, a Final Plat for Dominion of Pleasant Valley Phase 5, establishing 68 single-family residential lots and five open space lots on 25.822 acres, generally located at the southwest intersection of Dominion Drive and Pleasant Valley Road.

M. Consider, and act upon, a Final Plat of Lot 2R of Wyndham Estates Phase 3, being a Replat of Lots 2, 3 and 4 of Wyndham Estates Phase 3, establishing one industrial lot on 2.68 acres, located on the northeast corner of Eubanks Lane and Squire Drive.

N. Consider, and act upon, authorizing the City Manager to execute an agreement to extend the Service Contract between the City of Wylie and National Sign Plaza, Inc. in accordance with Ordinance No. 2008-33.

O. Consider, and act upon, the approval of Contract #W2019-84-A Modification No. 3 for Concrete Maintenance & Repairs (Various Locations) with GT Construction increasing the estimated annual expenditures, and authorizing the City Manager to sign any and all necessary documents.

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

REGULAR AGENDA

1. Hold the second and final Public Hearing and consider, and act upon, Ordinance No. 2023-09, continuing the City's juvenile curfew ordinance and making findings related thereto; providing a savings/repealing clause and an effective date.

Staff Comments
Police Chief Henderson addressed Council stating the curfew ordinance requires two public hearings with tonight being the second one and requested Council extend this ordinance for another three years.

Public Hearing
Mayor Porter opened the public hearing on Item 1 at 6:21 p.m. asking anyone present wishing to address Council to come forward.

There was no person present wishing to address the Council.

Mayor Porter closed the public hearing at 6:21 p.m.

Council Action
A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Duke, to approve Item 1 as presented. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

2. Hold a Public Hearing, consider, and act upon, a change in zoning from Commercial Corridor (CC) to Commercial Corridor - Special Use Permit (CC-SUP) on 0.917 acres located at 2505 FM 1378 (ZC 2022-17).

Staff Comments
Community Services Director Haskins addressed Council stating the applicant is requesting a Special Use Permit (SUP) on 0.917 acres located at 2505 FM 1378. City Council approved the zoning change from Agricultural to Commercial Corridor in February 2019 for a proposed 8,400-square-foot commercial property. The request for the 2019 change in zoning was submitted by a previous property owner with a plan to demolish the residential structure and develop a one-story commercial building. The applicant is proposing an office use in the existing residential structure with the addition of a driveway and parking stalls. The SUP conditions modify the Commercial Corridor

design requirements to allow for the existing residential structure and exterior of brick and wood paneling. No additions or major alterations shall be allowed to the existing structure or the SUP shall null and void. After some discussion regarding the compatibility of the proposal with the future land use plan and the possibility of limiting the SUP to the current owner, the Planning and Zoning Commission voted 7-0 to recommend approval with the condition that the SUP be limited to the current property owner.

Council Comments

Mayor Porter confirmed that the zoning and site plan for this property was under the prior owner and was approved by Council at that time. Haskins confirmed that was correct and added the Zoning Ordinance states if a site plan is presented that does not conform to the zoning exhibit when the zoning is changed then a new zoning case is required. Newzad Brifki, the applicant, addressed the Council stating he wanted to thank the Planning and Zoning Commission for the recommendation of approval and added when he purchased the property he intended to utilize it for office space. The agent told him it was zoned commercial and after he purchased the property, and put in a lot of time and money, he had to submit multiple site plans to the City which has been denied. Brifki requested if he was to sell the property after the space is remodeled and renovated, why would that space not be able to be used for office space as there are surrounding residential homes. Mayor *pro tem* Forrester asked Mr. Brifki what type of business would be operated out of this property. Brifki responded that he has a lot of different businesses, but he intended to use the residential home as an office space and then build a mechanic shop, but the City rejected it. Councilman Mize asked staff to explain what the City is looking for in both use and style for this commercial property. Haskins replied that staff based it on the comprehensive master plan and the future land use map which designates this area as commercial and staff recommended that this area should be commercial in both looks and feel. Forrester asked what staff's recommendation was to the Planning and Zoning Commission. Haskins replied staff's recommendation was denial based on the comprehensive master plan and future land use map. Councilman Williams added he had concerns with the grading of the property and the large drop in elevation from the roadway to the parking lot.

Public Hearing

Mayor Porter opened the public hearing on Item 2 at 6:32 p.m. asking anyone present wishing to address Council to come forward.

There was no person present wishing to address the Council.

Mayor Porter closed the public hearing at 6:32 p.m.

Council Action

A motion was made by Councilman Williams, seconded by Mayor *pro tem* Forrester, to deny Item 2 as presented. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

3. Consider, and act upon, the award of Job Order Contract #W2023-40-I to Hill & Wilkinson Construction Group, LTD for repairs and remodel upgrades at Wylie Fire Station No 1 in the estimated amount of $277,099 through the use of an interlocal purchasing agreement with the Collin County Governmental Purchasing Forum and Collin College; and authorizing the City Manager to sign any and all necessary documents.

Staff Comments

Purchasing Manager Hayes addressed Council stating this item is for repairs at Fire Station No. 1 as a result of water damage following the rupture of water lines during the freezing weather in December and for additional remodels and upgrades to prevent further damages in the future for weather events. Staff is utilizing an interlocal purchasing agreement with the Collin County Governmental Purchasing Forum (CCGPF) which allows the City to utilize contracts bid by the Forum's members. Collin College completed a competitive bid for Job Order Contracting Services (JOC) and awarded an agreement to the Gordian Group to manage a pool of contractors. Staff selected Hill & Wilkinson Construction Group, LTD from the pool, negotiated the scope of work, and pricing was submitted using the Gordian Construction Manual. The amount is including both the repairs and the remodel and upgrades.

Council Comments

Mayor Porter sought confirmation that the requested amount covers all of the repairs and remodeling upgrades to help prevent this from occurring in the future. Fire Chief Blythe replied yes to the best of their ability, and added pipe insulation and shutoff valves will be added, old insulation will be removed and new blown-in insulation will be added to help minimize future issues. Mayor *pro tem* Forrester asked if the ceiling is a drop or hard ceiling, confirmed this amount will repair everything that was damaged, and asked if any equipment was damaged. Blythe replied the ceiling is a hard ceiling, everything that was damaged will be repaired, and very little equipment was damaged. Councilman Williams asked what budget will this come from. Blythe replied it will go into the Fire Department Facilities budget and will go into the Capital budget and payments will be made based on benchmarks. Hayes clarified the numbers provided for the contract do not include the three percent contingency fee as it is such a small amount and there is enough in existing funds and the budget amendment that the contingency could be covered.

Council Action

A motion was made by Mayor *pro tem* Forrester, seconded by Councilman Mize, to approve Item 3 as presented. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

WORK SESSION

Mayor Porter convened the Council into Work Session at 6:43 p.m.

WS1. Discuss the additions to the City of Wylie, Code of Ordinances, Chapter 18 Animals, prohibiting the sale of dogs and cats by retail pet stores and the sale of animals from public places.

Police Lieutenant Miller addressed Council stating staff is proposing some amendments to Chapter 18 Animals in the City's Code of Ordinances regarding retail sales of dogs and cats within the retail pet community. Animal Control Manager Patton did visit both pet stores located in Wylie and they support the amendment of prohibiting sales inside and outside of the stores. Miller added the City is not intending to prohibit responsible breeding and pet sales with this amendment. Mayor Porter clarified that this does not prohibit a resident from selling animals out of their home.

Council questions and feedback included most all surrounding entities already have a similar ordinance in place and if the City does not have an ordinance then there is nothing to enforce; confirmed if someone wants to conduct a business selling animals they have to have a Certificate of Occupancy and have to be at a location where those sales are allowed; and thanked staff for drafting and bringing this ordinance before Council.

Council's direction was to bring back an ordinance for formal adoption.

RECONVENE INTO REGULAR SESSION

Mayor Porter convened the Council into Regular Session at 6:54 p.m.

EXECUTIVE SESSION

Mayor Porter convened the Council into Executive session at 6:55 p.m.

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

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

ES1. Consider the sale or acquisition of properties located at Ballard/Brown, Brown/Eubanks, FM 544/Cooper, FM 544/Sanden, Jackson/Oak, Regency/Steel, State Hwy 78/Alanis, State Hwy 78/Ballard, and State Hwy 78/Brown.

Sec. 551.087. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING.
This chapter does not require a governmental body to conduct an open meeting:
(1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or
(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

ES2. Deliberation regarding commercial or financial information that the WEDC has received from a business prospect and to discuss the offer of incentives for Projects: 2013-9a, 2017-6a, 2021-2d, 2021-5a, 2021-6a, 2021-6c, 2021-8a, 2021-9a, 2021-9b, 2021-9f, 2021-11a, 2022-1b, 2022-4d, 2022-7b, 2022-7c, 2022-8b, 2022-9f, 2022-10d, 2022-11a, 2022-12a, 2023-1a, 2023-1b, and 2023-1c.

RECONVENE INTO OPEN SESSION
Take any action as a result from Executive Session.

Mayor Porter reconvened the Council into Open Session at 8:08 p.m.

Council Action
A motion was made by Councilman Duke, seconded by Mayor *pro tem* Forrester, to authorize the Wylie EDC to enter into a Performance Agreement with Project 2022-7c in an amount not to exceed $80,000. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

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

City Secretary Storm read the captions to Ordinance Nos. 2023-07, 2023-08, and 2023-09 into the official record.

ADJOURNMENT
A motion was made by Councilman Mize, seconded by Councilman Williams, to adjourn the meeting at 8:11 p.m. A vote was taken and the motion passed 5-0 with Councilmen Strang and Wallis absent.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

Wylie City Council

AGENDA REPORT

Department: Police **Account Code:**

Prepared By: Anthony Henderson

Subject

Review, and place on file, the Wylie Police Department 2022 Racial Profiling Analysis.

Recommendation

Motion to approve the Item as presented.

Discussion

Texas Senate Bill (SB 1074), Sandra Bland Act, and HB 3051 requires Police Departments to collect traffic-related contact data and report the contact data to their governing body every year, no later than March of the following year. The 2022 Wylie Police Department Annual Racial Profiling Analysis meets all requirements of SB 1074, HB 3051, HB 3389, and the Sandra Bland Act.

Exhibit: Report by Justice Research Consultants, LLC.

WYLIE
POLICE DEPARTMENT

2022

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.
Justice Research Consultants, LLC

Executive Summary

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

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

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

- **A COMPREHENSIVE REVIEW OF THE WYLIE POLICE DEPARTMENT REGULATIONS, SPECIFICALLY POLICY 614 OUTLINING THE DEPARTMENT'S POLICY CONCERNING UNBIASED POLICING, SHOWS THAT THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**

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

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

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

- **THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE WYLIE POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

Introduction

This report details an analysis of the Wylie Police Department's policies, training, and statistical information on racial profiling for the year 2022. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Wylie Police Department in 2022. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

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

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

Wylie Police Department Policy on Racial Profiling

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

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

Wylie Police Department Training and Education on Racial Profiling

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

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

Wylie Police Department Complaint Process and Public Education on Racial Profiling

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

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

Wylie Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Wylie Police Department submitted statistical information on all motor vehicle stops in 2022 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

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

Analysis of the Data

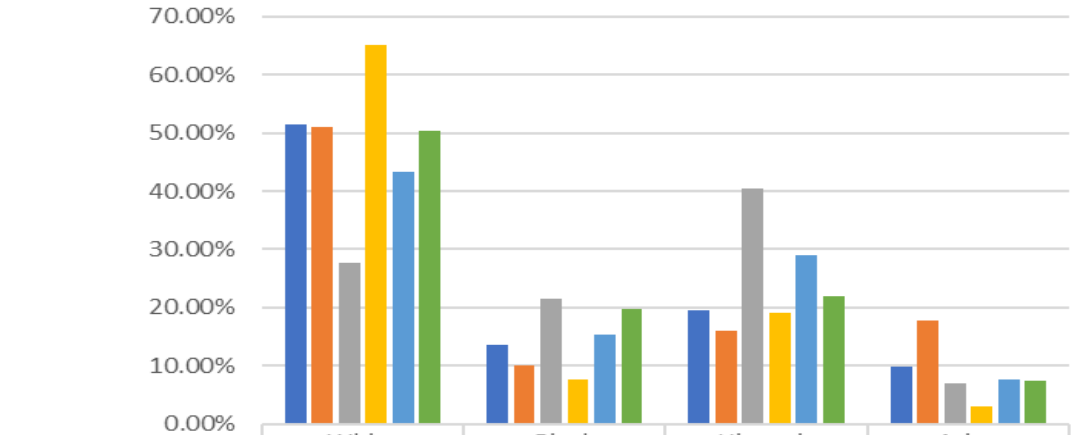
Comparative Analysis #1:

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

The first chart depicts the percentages of people stopped by race/ethnicity among the total 9,846 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2022.[1]

[1] There were 67 motor vehicle stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of stops relative to the population of the City of Wylie and relative to the total number of motor vehicle stops among all drivers (9,846).

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



	White	Black	Hispanic	Asian
City Population	51.42%	13.55%	19.57%	9.90%
Collin County	50.96%	10.16%	15.90%	17.70%
Dallas County	27.74%	21.61%	40.48%	6.94%
Rockwall County	65.11%	7.59%	19.07%	3.07%
Region Population	43.43%	15.39%	29.06%	7.70%
Percent of Stops	50.29%	19.73%	21.84%	7.45%

White drivers constituted 50.29 percent of all drivers stopped, whereas Whites constitute 51.42 percent of the city population, 50.96 percent of the Collin county population, 27.74 percent of the Dallas county population, 65.11 percent of the Rockwall county population, and 43.43 percent of the region population.[2]

Black drivers constituted 19.73 percent of all drivers stopped, whereas Blacks constitute 13.55 percent of the city population, 10.16 percent of the Collin county population, 21.61 percent of the Dallas county population, 7.59 percent of the Rockwall county population, and 15.39 percent of the region population.

Hispanic drivers constituted 21.84 percent of all drivers stopped, whereas Hispanics constitute 19.57 percent of the city population, 15.90 percent of the Collin county population, 40.48 percent of the Dallas county population, 19.07 percent of the Rockwall county population, and 29.06 percent of the region population.

Asian drivers constituted 7.45 percent of all drivers stopped, whereas Asians constitute 9.90 percent of the city population, 17.70 percent of the Collin county population, 6.94 percent of the Dallas county population, 3.07 percent of the Rockwall county population, and 7.70 percent of the region population.

[2] City and County and Regional populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. Region is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise. City and County populations by gender noted later in this report are based on 2019 American Community Survey estimates.

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

Methodological Issues

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

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

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

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

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population "base-rate" is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, may be inaccurate, and may not keep pace with changes experienced in city and county and regional population measures. Utilizing a different base rate can make differences regarding whether disproportionality exists or not. Even then, as noted above, disproportionality in the rate of stops among different racial/ethnic groups does not automatically equate to a finding of racial profiling.

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

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

As illustrated in Table 3 near the end of this report, of the 9,846 motor vehicle stops in 2022, the officer knew the race/ethnicity of the motorist prior to the stop in 5.07% of the stops (499/9,846). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.[3] The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

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

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

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

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

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

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Wylie Police Department in 2022. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

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

As shown in Table 1, there were a total of 9,846 motor vehicle stops in 2022 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 76 percent of stops resulted in a verbal warning (7,478/9,846) and roughly 12 percent resulted in a citation. These actions accounted for roughly 88 percent of all stop actions and will be discussed in greater detail below.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 76 percent of stops involving White motorists (3,763/4,952), Black motorists received a verbal warning in roughly 78 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 73 percent of stops of Hispanic motorists, and Asian motorists received a verbal warning in roughly 79 percent of stops of Asian motorists.

Specific to **citations**, White motorists received a citation in roughly 12 percent of stops involving White motorists (600/4,952), Black motorists received a citation in roughly 10 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 14 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 13 percent of stops of Asian motorists.

Of the 9,846 total stops in 2022, 271 **arrests** [written warning and arrest (4), citation and arrest (13) and arrest only (254)] were made, and this accounts for 2.8 percent of all stops. White motorists were arrested in 2.3 percent of stops involving White motorists (115/4,952), Black motorists were arrested in 2.7 percent of stops involving Black motorists, Hispanic motorists were arrested in 4.4 percent of stops involving Hispanic motorists, and Asian motorists were arrested in 1.0 percent of stops involving Asian motorists.

As illustrated in Table 1, most arrests were based on a **violation of the penal code** (57.6%; 156/271) or an **outstanding warrant** (33.6%; 91/271).

Finally, as presented in Table 1, **physical force resulting in bodily injury** occurred once in 2022. Of the 9,846 total stops, one involved physical force resulting in bodily injury. In this instance, the suspect was injured.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	4,952	1,943	2,150	734	67	9,846
Gender						
Female	1,839	640	570	231	21	3,301
Male	3,113	1,303	1,580	503	46	6,545
Reason for Stop						
Violation of Law	97	38	52	14	0	201
Preexisting Knowledge	51	34	64	5	0	154
Moving Traffic Violation	3,495	1,282	1,394	537	43	6,751
Vehicle Traffic Violation	1,309	589	640	178	24	2,740
Result of Stop						
Verbal Warning	3,763	1,516	1,571	577	51	7,478
Written Warning	474	173	184	51	3	885
Citation	600	201	300	99	12	1,212
Written Warning and Arrest	0	1	2	1	0	4
Citation and Arrest	2	3	7	0	1	13
Arrest	113	49	86	6	0	254
Arrest Based On						
Violation of Penal Code	64	27	60	4	1	156
Violation of Traffic Law	8	3	11	2	0	24
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	43	23	24	1	0	91
Physical Force Resulting in Bodily Injury Used?						
No	4,952	1,942	2,150	734	67	9,845
Yes	0	1	0	0	0	1

Comparative Analysis #3:

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

In 2022, a total of 563 **searches** of motorists were conducted, or 5.7 percent of all stops resulted in a search (563/9,846). Among searches within each racial/ethnic group, White motorists were searched in 4.9 percent of all stops of White motorists (241/4,952), Black motorists were searched in 7.4 percent of all stops of Black motorists, Hispanic motorists were searched in 7.8 percent of all stops of Hispanic motorists, and Asian motorists were searched in 1.5 percent of all stops of Asian motorists.

As illustrated in Table 2, the most common reason for a search was probable cause (45.3%; 255/563). Among **probable cause searches** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 43 percent of all searches of White motorists (103/241), Black motorists were searched based on probable cause in roughly 59 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 39 percent of all searches of Hispanic motorists, and Asian motorists were searched based on probable cause in roughly 27 percent of all searches of Asian motorists.

Regarding searches, it should be further noted that 150 searches (see Table 2) were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (9,846), discretionary consent searches occurred in 1.52 percent of stops.

Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 29 percent of all searches of White motorists (69/241), Black motorists were searched based on consent in roughly 27 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 24 percent of all searches of Hispanic motorists, and Asian motorists were searched based on consent in roughly 27 percent of all searches of Asian motorists.

Of the searches that occurred in 2022, and as shown in Table 2, contraband was discovered in 380 or roughly 67 percent of all searches (380/563 total searches). Among the searches in which contraband was discovered, roughly 76 percent of the time the contraband discovered was drugs (290/380). Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested 35 percent of the time (133/380).

Table 2: Searches and Outcomes by Race/Ethnicity

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Search Conducted						
Yes	241	143	168	11	0	563
No	4,711	1,800	1,982	723	67	9,283
Reason for Search						
Consent	69	38	40	3	0	150
Contraband in Plain View	17	8	28	0	0	53
Probable Cause	103	84	65	3	0	255
Inventory	23	9	21	3	0	56
Incident to Arrest	29	4	14	2	0	49
Was Contraband Discovered						
Yes	159	100	117	4	0	380
No	82	43	51	7	0	183
Description of Contraband						
Drugs	116	85	85	4	0	290
Weapons	6	4	0	0	0	10
Currency	0	0	0	0	0	0
Alcohol	12	3	18	0	0	33
Stolen Property	2	0	1	0	0	3
Other	23	8	13	0	0	44
Did Discovery of Contraband Result in Arrest?						
Yes	58	27	48	0	0	133
No	101	73	69	4	0	247

Comparative Analysis #4:

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

In 2022, internal records indicate that the Wylie Police Department received 2 complaints alleging that a peace officer employed by the agency engaged in racial profiling. Upon internal investigation, the complaints did not result in disciplinary action.

Additional Analysis:

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

In 2022, 9,846 motor vehicle stops were made by the Wylie Police Department. Of these stops, 3,301 or roughly 34 percent were female drivers (3,301/9,846), and roughly 66 percent were male drivers (see Table 1).

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

Overall, in 2022, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Table 3 provides additional information relative to motor vehicle stops in 2022 by the Wylie Police Department. The data are required to be collected by the Wylie Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the Wylie Police Department received 2 complaints alleging that a peace officer employed by the agency engaged in racial profiling in 2022. Upon internal investigation, the complaints did not result in disciplinary action. Furthermore, as previously discussed, of the 9,846 motor vehicle stops in 2022, the officer knew the race/ethnicity of the motorist prior to the stop in 5.07% of the stops (499/9,846).

Table 3: Additional Information

Additional Information	Total
Was Race/Ethnicity Known Prior to Stop	
Yes	499
No	9,347
Approximate Location of Stop	
City Street	7,133
US Highway	214
County Road	71
State Highway	2,382
Private Property/Other	46
Number of Complaints of Racial Profiling	**2**
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	2

Analysis of Racial Profiling Compliance by Wylie Police Department

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

In addition to providing summary reports and analysis of the data collected by the Wylie Police Department in 2022, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Wylie Police Department as well as police agencies across Texas.

Appendix A: Racial Profiling Statutes and Laws

Texas Racial Profling Statutes

Art. 3.05. RACIAL PROFILING.

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

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

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino.

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

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

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

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

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

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

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

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

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

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

(E) the location of the stop; and

(F) the reason for the stop; and

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

(A) the Texas Commission on Law Enforcement; and

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

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

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

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

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

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

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

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

Amended by:

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

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

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

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

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

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

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

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by:

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

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

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

Art. 2.136. LIABILITY.

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

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

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

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

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

Art. 2.138. RULES.
The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

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

Art. 2.1385. CIVIL PENALTY.
(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed $5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.
(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of $1,000 for each violation.
(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.
Amended by:
Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

Appendix B: Agency Policy

	Wylie Police Department Policies & Procedures		
	Distribution: Sworn Personnel, Records, Detention Staff		
	Effective: 01/01/2010 Revised: 04/22/2022 Reviewed: 04/22/2022	TBP: 2.01	Page 1 of 4
	Policy Number: 614	Unbiased Policing	

I. POLICY

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race ethnicity or national origin. Officers are strictly prohibited from engaging in biased policing both in enforcement of the law and the delivery of police services, as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas Constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

II. PURPOSE

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

III. DEFINITIONS

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

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

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

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

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

Wylie Police Department Policies & Procedures		
Distribution: Sworn Personnel, Records, Detention Staff		
Effective: 01/01/2010 Revised: 04/22/2022 Reviewed: 04/22/2022	TBP: 2.01	Page 2 of 4
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F. **Motor vehicle stop:** means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

IV. TRAINING

A. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

B. All officers shall complete TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

C. All employees will receive basic and periodic in-service training and, where deemed necessary, remedial training on subjects related to police ethics, cultural diversity, multiculturalism, human relations, police-citizen interaction, standards of conduct, implicit bias, and related topics suitable for preventing incidents of biased policing.

V. COMPLAINT INVESTIGATION

A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on individual demographics.

B. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

C. Any person who receives an allegation of biased policing, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channels or direct the individual(s) on the process to do so. Any employee contacted shall provide to that person instructions on the complaint process and will report any allegation of biased policing to their superior before the end of shift.

D. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable time period. The investigation shall be documented in writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable, findings and or suggestions for disciplinary action, retraining or changes in policy shall be filed with the Chief.

E. If a biased policing complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

F. If there is a department video or audio recording of the events upon which a complaint of biased policing is based, upon commencement of an investigation by this department into the complaint and written request by the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

G. The Professional Standards office shall maintain data related specifically to complaints of biased policing. Information shall be provided to the Chief or to his or her designee, in a manner most

Wylie Police Department Policies & Procedures		
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suitable for administrative review, problem identification, and development of appropriate corrective actions.

VI. PUBLIC EDUCATION

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

VII. DATA COLLECTION AND REPORTING

A. An officer is required to collect information relating to motor vehicle stops regardless of whether the stop results in a verbal warning, a written warning, a citation being issued or an arrest. The following information shall be collected:
    1. The person's gender; and
    2. The race or ethnicity of the individual detained; as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
    3. The initial reason for the stop;
    4. Whether a search was conducted as a result of the stop;
    5. If a search was conducted, whether the person detained consented to the search;
    6. The reason for the search, including any probable cause or reasonable suspicion that existed to perform the search;
    7. Whether contraband or other evidence was found in plain view;
    8. Whether the search was a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
    9. If an arrest occurred, was the arrest based on a violation of the Penal Code, traffic law, ordinance, or outstanding warrant;
    10. Whether the person contacted is a resident or non-resident of the City of Wylie;
    11. The street address or approximate location of the stop;
    12. Whether the officer used physical force that resulted in bodily injury (as defined by section 1.07, Penal Code);
    13. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual; and,
    14. Whether the peace officer issued a verbal or written warning or a citation as a result of the stop.
B. The information collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Wylie no later than March 1 of the following year. The report will include:
    1. A breakdown of motor vehicle stops by race or ethnicity;

Wylie Police Department Policies & Procedures		
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2. Number of motor vehicle stops that resulted in a search broken down by race or ethnicity;
3. Number of searches that were consensual;
4. Number of citations or warnings that resulted in custodial arrest for this cited violation or any other violation; and
5. The number of biased policing complaints to the department.

C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

VIII. USE OF VIDEO AND AUDIO EQUIPMENT

A. All marked motor vehicles regularly used by this department to make motor vehicle stops shall be equipped with a video camera and transmitter-activated equipment.
B. Each motor vehicle stop made by an officer of this department that is capable of being recorded by video and audio, or audio as appropriate, shall be recorded.
C. This department shall retain the video and audio tapes, or digital video and audio recording of each motor vehicle stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in biased policing with respect to a motor vehicle stop, this department shall retain the video and audio tapes or digital video and audio recordings of the stop until final disposition of the complaint.
D. Supervisors will ensure officers of this department are recording their motor vehicle stops. Two recordings of each officer will be reviewed at least once every ninety (90) days. These reviews will be documented. This review includes body-worn cameras as well as in-car cameras.
    1. If the equipment used to record audio and video of a motor vehicle stop is malfunctioning or otherwise not operable, officers will drive a vehicle with operable equipment. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized, under normal circumstances.
    2. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate.

Appendix C: Racial Profiling Laws and Corresponding Agency Policy

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

Wylie City Council

AGENDA REPORT

Department: Library **Account Code:**

Prepared By: Ofilia Barrera

Subject

Consider, and act upon, accepting a donation to the Smith Public Library in the amount of $5,779.00 from the Catholic Foundation of the Estate of Rita and Truett Smith.

Recommendation

Motion to approve the Item as presented.

Discussion

The Catholic Foundation of the Estate of Rita and Truett Smith have made a donation to the library to be used for library improvements in the form of additional shelving for the Teen and Juvenile areas.

If the donation is accepted by the City Council, the revenue will be added to the FY22-23 General Fund budget with the midyear amendment.

Any expenditures of the library relative to this donation will also be budgeted at that time. Per Ordinance No. 2005-57, approved October 25, 2005, the City Council must approve any donation with a value exceeding $5,000.00. Staff recommends acceptance of the donation.

Adding these funds to the library budget will allow us to purchase new shelving for the benefit of our patrons.

Strategic Goals: Financial Health, Community Focused Government.

Wylie City Council

AGENDA REPORT

Department: Purchasing **Account Code:** Various

Prepared By: Glenna Hayes

Subject

Consider, and act upon, the renewal of Interlocal Cooperative Purchasing Agreement #W2020-30-I between the Sheriffs' Association of Texas, Inc. (SAT) and the City of Wylie, and authorizing the City Manager to sign any and all documents.

Recommendation

Motion to approve the Item as presented.

Discussion

Section 791.025 of the Texas Government Code and Chapter 271.102 of the Texas Local Government Code permits Interlocal Agreements between local governmental agencies for the purchase of goods and services; thus, satisfying the requirement of the City to seek competitive bids for supplier contracts.

Staff presented the original agreement to the Wylie City Council on November 12, 2019, which was approved under Resolution No. 2019-29(R). Staff recommends the approval of the one (1) year renewal (2/8/2023 – 2/8/2024) of the interlocal cooperative purchasing agreement between the City of Wylie and the Sheriffs' Association of Texas, Inc. (SAT) for the use of their cooperative purchase program as highly beneficial for the procurements of goods and services for the City.

Wylie City Council

AGENDA REPORT

Department: Purchasing **Account Code:**

Prepared By: Glenna Hayes

Subject

Consider, and act upon, Resolution No. 2023-03(R) authorizing the restricted/sole source purchase of Knox® Rapid Access System from Knox Company for $70,992.43, and authorizing the City Manager to execute any necessary documents.

Recommendation

Motion to approve the Item as presented.

Discussion

Wylie Police Department is looking to purchase Knox Rapid Access devices to be placed in each vehicle. Throughout the City of Wylie there are many locations currently equipped with Knox® box access, and these devices will provide first responders with immediate access into secure buildings, campuses, and commercial properties.

This purchase is being presented as a "restricted/sole source", as the product is classified as "Authority Having Jurisdiction (AHJ) regulated products" by the manufacturer. In addition, the Knox Company holds several patents for their products.

Staff recommends the purchase of Knox® Rapid Access System from Knox Company in the amount of $70,992.43, as providing the best overall value as well as compatibility with existing equipment already located in the City.

RESOLUTION NO. 2023-03(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, FOR THE PURCHASE OF KNOX® RAPID ACCESS SYSTEM AS A RESTRICTED/SOLE SOURCE FROM KNOX COMPANY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS.

WHEREAS, Chapter 252 of the Texas Local Government Code allows for the exempt purchase of goods and services which are available from only one source due patents and captive replacement parts, and

WHEREAS, Knox Company sells their goods and services as restricted Authority Having Jurisdiction (AHJ) regulated products,

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

SECTION 1: The Mayor of the City of Wylie, Texas, is hereby authorized to execute on behalf of the City Council of the City of Wylie, any and all documents that may be necessary to facilitate the purchase of KNOX® RAPID ACCESS SYSTEM products and parts; and

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

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas on this the 28th day of February, 2023.

_____
Matthew Porter, Mayor

ATTEST TO:

_____
Stephanie Storm, City Secretary

Wylie City Council

AGENDA REPORT

Department: WEDC **Account Code:**

Prepared By: Jason Greiner

Subject

Consider, and place on file, the monthly Revenue and Expenditure Report for the Wylie Economic Development Corporation as of January 31, 2023.

Recommendation

Motion to approve the Item as presented.

Discussion

The Wylie Economic Development Corporation (WEDC) Board of Directors approved the attached financials on February 15, 2023.

WYLIE ECONOMIC DEVELOPMENT

January Rev/Exp Report

Account Summary

For Fiscal: 2022-2023 Period Ending: 01/31/2023

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 111 - WYLIE ECONOMIC DEVEL CORP							
Revenue							
Category: 400 - Taxes							
111-4000-40210	SALES TAX	4,124,241.00	4,124,241.00	368,377.73	707,104.27	-3,417,136.73	82.85 %
	Category: 400 - Taxes Total:	**4,124,241.00**	**4,124,241.00**	**368,377.73**	**707,104.27**	**-3,417,136.73**	**82.85%**
Category: 460 - Interest Income							
111-4000-46110	ALLOCATED INTEREST EARNINGS	6,000.00	6,000.00	0.00	66,534.84	60,534.84	1,108.91 %
	Category: 460 - Interest Income Total:	**6,000.00**	**6,000.00**	**0.00**	**66,534.84**	**60,534.84**	**1,008.91%**
Category: 480 - Miscellaneous Income							
111-4000-48110	RENTAL INCOME	134,220.00	134,220.00	0.00	38,167.68	-96,052.32	71.56 %
111-4000-48430	GAIN/(LOSS) SALE OF CAP ASSETS	3,915,685.00	3,915,685.00	0.00	0.00	-3,915,685.00	100.00 %
	Category: 480 - Miscellaneous Income Total:	**4,049,905.00**	**4,049,905.00**	**0.00**	**38,167.68**	**-4,011,737.32**	**99.06%**
	Revenue Total:	**8,180,146.00**	**8,180,146.00**	**368,377.73**	**811,806.79**	**-7,368,339.21**	**90.08%**
Expense							
Category: 510 - Personnel Services							
111-5611-51110	SALARIES	310,346.40	310,346.40	23,966.65	95,978.92	214,367.48	69.07 %
111-5611-51130	OVERTIME	0.00	0.00	0.00	541.76	-541.76	0.00 %
111-5611-51140	LONGEVITY PAY	914.00	914.00	0.00	916.00	-2.00	-0.22 %
111-5611-51310	TMRS	48,245.30	48,245.30	3,714.84	15,161.62	33,083.68	68.57 %
111-5611-51410	HOSPITAL & LIFE INSURANCE	51,987.17	51,987.17	4,267.33	16,771.40	35,215.77	67.74 %
111-5611-51420	LONG-TERM DISABILITY	1,768.97	1,768.97	158.61	211.48	1,557.49	88.05 %
111-5611-51440	FICA	19,298.12	19,298.12	1,354.69	5,599.84	13,698.28	70.98 %
111-5611-51450	MEDICARE	4,513.27	4,513.27	316.82	1,309.68	3,203.59	70.98 %
111-5611-51470	WORKERS COMP PREMIUM	854.85	854.85	0.00	970.21	-115.36	-13.49 %
111-5611-51480	UNEMPLOYMENT COMP (TWC)	1,080.00	1,080.00	22.42	22.42	1,057.58	97.92 %
	Category: 510 - Personnel Services Total:	**439,008.08**	**439,008.08**	**33,801.36**	**137,483.33**	**301,524.75**	**68.68%**
Category: 520 - Supplies							
111-5611-52010	OFFICE SUPPLIES	5,000.00	5,000.00	305.10	691.76	4,308.24	86.16 %
111-5611-52040	POSTAGE & FREIGHT	300.00	300.00	180.00	212.90	87.10	29.03 %
111-5611-52810	FOOD SUPPLIES	3,000.00	3,000.00	235.96	551.07	2,448.93	81.63 %
	Category: 520 - Supplies Total:	**8,300.00**	**8,300.00**	**721.06**	**1,455.73**	**6,844.27**	**82.46%**
Category: 540 - Materials for Maintenance							
111-5611-54610	FURNITURE & FIXTURES	2,500.00	2,500.00	0.00	0.00	2,500.00	100.00 %
111-5611-54810	COMPUTER HARD/SOFTWARE	7,650.00	7,650.00	0.00	0.00	7,650.00	100.00 %
	Category: 540 - Materials for Maintenance Total:	**10,150.00**	**10,150.00**	**0.00**	**0.00**	**10,150.00**	**100.00%**
Category: 560 - Contractual Services							
111-5611-56030	INCENTIVES	3,209,183.00	3,209,183.00	43,113.83	80,182.83	3,129,000.17	97.50 %
111-5611-56040	SPECIAL SERVICES	34,770.00	34,770.00	95.00	11,272.38	23,497.62	67.58 %
111-5611-56041	SPECIAL SERVICES-REAL ESTATE	276,300.00	276,300.00	30.45	4,624.29	271,675.71	98.33 %
111-5611-56042	SPECIAL SERVICES-INFRASTRUCTURE	8,375,000.00	8,375,000.00	0.00	9,281.46	8,365,718.54	99.89 %
111-5611-56080	ADVERTISING	129,100.00	129,100.00	4,481.50	18,321.02	110,778.98	85.81 %
111-5611-56090	COMMUNITY DEVELOPMENT	54,950.00	54,950.00	14,895.33	33,340.03	21,609.97	39.33 %
111-5611-56110	COMMUNICATIONS	7,900.00	7,900.00	471.98	1,414.14	6,485.86	82.10 %
111-5611-56180	RENTAL	27,000.00	27,000.00	2,250.00	9,000.00	18,000.00	66.67 %
111-5611-56210	TRAVEL & TRAINING	73,000.00	73,000.00	0.00	9,619.63	63,380.37	86.82 %
111-5611-56250	DUES & SUBSCRIPTIONS	57,824.00	57,824.00	1,846.26	37,378.33	20,445.67	35.36 %
111-5611-56310	INSURANCE	6,303.00	6,303.00	0.00	6,146.31	156.69	2.49 %
111-5611-56510	AUDIT & LEGAL SERVICES	23,000.00	23,000.00	-670.50	3,574.50	19,425.50	84.46 %
111-5611-56570	ENGINEERING/ARCHITECTURAL	87,500.00	87,500.00	21,607.50	35,027.50	52,472.50	59.97 %

Budget Report **For Fiscal: 2022-2023 Period Ending: 01/31/2023**

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
111-5611-56610	UTILITIES-ELECTRIC	2,400.00	2,400.00	406.76	868.07	1,531.93	63.83 %
	Category: 560 - Contractual Services Total:	**12,364,230.00**	**12,364,230.00**	**88,528.11**	**260,050.49**	**12,104,179.51**	**97.90%**
Category: 570 - Debt Service & Capital Replacement							
111-5611-57410	PRINCIPAL PAYMENT	575,973.97	575,973.97	47,586.18	189,373.28	386,600.69	67.12 %
111-5611-57415	INTEREST EXPENSE	656,023.67	656,023.67	55,080.29	221,292.60	434,731.07	66.27 %
	Category: 570 - Debt Service & Capital Replacement Total:	**1,231,997.64**	**1,231,997.64**	**102,666.47**	**410,665.88**	**821,331.76**	**66.67%**
Category: 580 - Capital Outlay							
111-5611-58110	LAND-PURCHASE PRICE	2,090,000.00	2,090,000.00	0.00	345,441.57	1,744,558.43	83.47 %
111-5611-58995	CONTRA CAPITAL OUTLAY	0.00	0.00	0.00	-345,441.57	345,441.57	0.00 %
	Category: 580 - Capital Outlay Total:	**2,090,000.00**	**2,090,000.00**	**0.00**	**0.00**	**2,090,000.00**	**100.00%**
	Expense Total:	**16,143,685.72**	**16,143,685.72**	**225,717.00**	**809,655.43**	**15,334,030.29**	**94.98%**
	Fund: 111 - WYLIE ECONOMIC DEVEL CORP Surplus (Deficit):	**-7,963,539.72**	**-7,963,539.72**	**142,660.73**	**2,151.36**	**7,965,691.08**	**100.03%**
	Report Surplus (Deficit):	**-7,963,539.72**	**-7,963,539.72**	**142,660.73**	**2,151.36**	**7,965,691.08**	**100.03%**

Budget Report **For Fiscal: 2022-2023 Period Ending: 01/31/2023**

Group Summary

Categor…	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 111 - WYLIE ECONOMIC DEVEL CORP						
Revenue						
400 - Taxes	4,124,241.00	4,124,241.00	368,377.73	707,104.27	-3,417,136.73	82.85%
460 - Interest Income	6,000.00	6,000.00	0.00	66,534.84	60,534.84	1,008.91%
480 - Miscellaneous Income	4,049,905.00	4,049,905.00	0.00	38,167.68	-4,011,737.32	99.06%
Revenue Total:	**8,180,146.00**	**8,180,146.00**	**368,377.73**	**811,806.79**	**-7,368,339.21**	**90.08%**
Expense						
510 - Personnel Services	439,008.08	439,008.08	33,801.36	137,483.33	301,524.75	68.68%
520 - Supplies	8,300.00	8,300.00	721.06	1,455.73	6,844.27	82.46%
540 - Materials for Maintenance	10,150.00	10,150.00	0.00	0.00	10,150.00	100.00%
560 - Contractual Services	12,364,230.00	12,364,230.00	88,528.11	260,050.49	12,104,179.51	97.90%
570 - Debt Service & Capital Replacement	1,231,997.64	1,231,997.64	102,666.47	410,665.88	821,331.76	66.67%
580 - Capital Outlay	2,090,000.00	2,090,000.00	0.00	0.00	2,090,000.00	100.00%
Expense Total:	**16,143,685.72**	**16,143,685.72**	**225,717.00**	**809,655.43**	**15,334,030.29**	**94.98%**
Fund: 111 - WYLIE ECONOMIC DEVEL CORP Surplus (Deficit):	**-7,963,539.72**	**-7,963,539.72**	**142,660.73**	**2,151.36**	**7,965,691.08**	**100.03%**
Report Surplus (Deficit):	**-7,963,539.72**	**-7,963,539.72**	**142,660.73**	**2,151.36**	**7,965,691.08**	**100.03%**

Budget Report **For Fiscal: 2022-2023 Period Ending: 01/31/2023**

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
111 - WYLIE ECONOMIC DEVEL COR	-7,963,539.72	-7,963,539.72	142,660.73	2,151.36	7,965,691.08
Report Surplus (Deficit):	**-7,963,539.72**	**-7,963,539.72**	**142,660.73**	**2,151.36**	**7,965,691.08**

Wylie Economic Development Corporation
Statement of Net Position
As of January 31, 2023

Assets		
Cash and cash equivalents	$ 11,138,562.66	
Receivables	$ 319,047.05	*Note 1*
Inventories	$ 16,616,937.10	
Prepaid Items	$ -	
Total Assets	$ 28,074,546.81	
Deferred Outflows of Resources		
Pensions	$ 67,748.55	
Total deferred outflows of resources	$ 67,748.55	
Liabilities		
Accounts Payable and other current liabilities	$ 88,563.12	
Unearned Revenue	$ 1,200.00	*Note 2*
Non current liabilities:		
Due within one year	$ 448,764.79	*Note 3*
Due in more than one year	$ 15,621,027.23	
Total Liabilities	$ 16,159,555.14	
Deferred Inflows of Resources		
Miscellaneous	$ (279,047.05)	
Pensions	$ (84,717.41)	
Total deferred inflows of resources	$ (363,764.46)	
Net Position		
Net investment in capital assets	$ -	
Unrestricted	$ 11,618,975.76	
Total Net Position	$ 11,618,975.76	

Note 1: Includes incentives in the form of forgivable loans for $40,000 (LUV-ROS)

Note 2: Deposits from rental property

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

WYLIE ECONOMIC DEVELOPMENT

Balance Sheet
Account Summary
As Of 01/31/2023

Account	Name	Balance	
Fund: 111 - WYLIE ECONOMIC DEVEL CORP			
Assets			
111-1000-10110	CLAIM ON CASH AND CASH EQUIV.	11,118,450.22	
111-1000-10115	CASH - WEDC - INWOOD	0.00	
111-1000-10135	ESCROW	0.00	
111-1000-10180	DEPOSITS	2,000.00	
111-1000-10198	OTHER - MISC CLEARING	0.00	
111-1000-10341	TEXPOOL	0.00	
111-1000-10343	LOGIC	0.00	
111-1000-10481	INTEREST RECEIVABLE	0.00	
111-1000-11511	ACCTS REC - MISC	0.00	
111-1000-11517	ACCTS REC - SALES TAX	0.00	
111-1000-12810	LEASE PAYMENTS RECEIVABLE	0.00	
111-1000-12950	LOAN PROCEEDS RECEIVABLE	0.00	
111-1000-12996	LOAN RECEIVABLE	0.00	
111-1000-12997	ACCTS REC - JTM TECH	0.00	
111-1000-12998	ACCTS REC - FORGIVEABLE LOANS	40,000.00	
111-1000-14112	INVENTORY - MATERIAL/ SUPPLY	0.00	
111-1000-14116	INVENTORY - LAND & BUILDINGS	16,616,937.10	
111-1000-14118	INVENTORY - BAYCO/ SANDEN BLVD	0.00	
111-1000-14310	PREPAID EXPENSES - MISC	0.00	
111-1000-14410	DEFERRED OUTFLOWS	683,934.00	
	Total Assets:	**28,461,321.32**	**28,461,321.32**
Liability			
111-2000-20110	FEDERAL INCOME TAX PAYABLE	0.00	
111-2000-20111	MEDICARE PAYABLE	0.00	
111-2000-20112	CHILD SUPPORT PAYABLE	0.00	
111-2000-20113	CREDIT UNION PAYABLE	0.00	
111-2000-20114	IRS LEVY PAYABLE	0.00	
111-2000-20115	NATIONWIDE DEFERRED COMP	0.00	
111-2000-20116	HEALTH INSUR PAY-EMPLOYEE	11,046.11	
111-2000-20117	TMRS PAYABLE	5,392.49	
111-2000-20118	ROTH IRA PAYABLE	0.00	
111-2000-20119	WORKERS COMP PAYABLE	0.00	
111-2000-20120	FICA PAYABLE	0.00	
111-2000-20121	TEC PAYABLE	0.00	
111-2000-20122	STUDENT LOAN LEVY PAYABLE	0.00	
111-2000-20123	ALIMONY PAYABLE	0.00	
111-2000-20124	BANKRUPTCY PAYABLE	0.00	
111-2000-20125	VALIC DEFERRED COMP	0.00	
111-2000-20126	ICMA PAYABLE	0.00	
111-2000-20127	EMP. LEGAL SERVICES PAYABLE	0.00	
111-2000-20130	FLEXIBLE SPENDING ACCOUNT	3,274.92	
111-2000-20131	EDWARD JONES DEFERRED COMP	0.00	
111-2000-20132	EMP CARE FLITE	12.00	
111-2000-20133	Unemployment Comp Payable	22.43	
111-2000-20151	ACCRUED WAGES PAYABLE	0.00	
111-2000-20180	ADDIT EMPLOYEE INSUR PAY	49.46	
111-2000-20199	MISC PAYROLL PAYABLE	0.00	
111-2000-20201	AP PENDING	0.00	
111-2000-20210	ACCOUNTS PAYABLE	78,912.61	
111-2000-20530	PROPERTY TAXES PAYABLE	0.00	
111-2000-20540	NOTES PAYABLE	683,934.00	
111-2000-20810	DUE TO GENERAL FUND	0.00	

Balance Sheet **As Of 01/31/2023**

Account	Name	Balance
111-2000-22270	DEFERRED INFLOW	0.00
111-2000-22275	DEF INFLOW - LEASE PRINCIPAL	0.00
111-2000-22280	DEFERRED INFLOW - LEASE INT	0.00
111-2000-22915	RENTAL DEPOSITS	1,200.00
	Total Liability:	**783,844.02**
Equity		
111-3000-34110	FUND BALANCE - RESERVED	0.00
111-3000-34590	FUND BALANCE-UNRESERV/UNDESIG	27,675,325.94
	Total Beginning Equity:	**27,675,325.94**
Total Revenue		811,806.79
Total Expense		809,655.43
Revenues Over/Under Expenses		**2,151.36**
	Total Equity and Current Surplus (Deficit):	**27,677,477.30**
	Total Liabilities, Equity and Current Surplus (Deficit):	**28,461,321.32**

Balance Sheet **As Of 01/31/2023**

Account	Name	Balance	
Fund: 922 - GEN LONG TERM DEBT (WEDC)			
Assets			
922-1000-10312	GOVERNMENT NOTES	0.00	
922-1000-18110	LOAN - WEDC	0.00	
922-1000-18120	LOAN - BIRMINGHAM	0.00	
922-1000-18210	AMOUNT TO BE PROVIDED	0.00	
922-1000-18220	BIRMINGHAM LOAN	0.00	
922-1000-19050	DEF OUTFLOW TMRS CONTRIBUTIONS	39,535.29	
922-1000-19051	DEF OUTFLOW SDBF CONTRIBUTIONS	3,027.00	
922-1000-19075	DEF OUTFLOW - INVESTMENT EXP	-37,953.52	
922-1000-19100	DEF OUTFLOW - ACT EXP/ASSUMP	71,021.78	
922-1000-19125	(GAIN)/LOSS ON ASSUMPTION CHGS	-44,574.41	
922-1000-19126	DEF INFLOW SDBF CONTRIBUTIONS	-811.00	
	Total Assets:	**30,245.14**	**30,245.14**
Liability			
922-2000-20310	COMPENSATED ABSENCES PAYABLE	2,264.95	
922-2000-20311	COMP ABSENCES PAYABLE-CURRENT	32,300.82	
922-2000-21410	ACCRUED INTEREST PAYABLE	29,863.28	
922-2000-28205	WEDC LOANS/CURRENT	386,600.69	
922-2000-28220	BIRMINGHAM LOAN	0.00	
922-2000-28230	INWOOD LOAN	0.00	
922-2000-28232	ANB LOAN/EDGE	0.00	
922-2000-28233	ANB LOAN/PEDDICORD WHITE	0.00	
922-2000-28234	ANB LOAN/RANDACK HUGHES	0.00	
922-2000-28235	ANB LOAN	0.00	
922-2000-28236	ANB CONSTRUCTION LOAN	0.00	
922-2000-28237	ANB LOAN/ WOODBRIDGE PARKWAY	0.00	
922-2000-28238	ANB LOAN/BUCHANAN	0.00	
922-2000-28239	ANB LOAN/JONES:HOBART PAYOFF	0.00	
922-2000-28240	HUGHES LOAN	0.00	
922-2000-28242	ANB LOAN/HWY 78:5TH ST REDEV	0.00	
922-2000-28245	ANB LOAN/DALLAS WHIRLPOOL	0.00	
922-2000-28246	GOVCAP LOAN/KIRBY	7,551,644.87	
922-2000-28247	JARRARD LOAN	112,611.20	
922-2000-28248	GOVCAP LOAN/SERIES 2022	7,817,937.04	
922-2000-28250	CITY OF WYLIE LOAN	0.00	
922-2000-28260	PRIME KUTS LOAN	0.00	
922-2000-28270	BOWLAND/ANDERSON LOAN	0.00	
922-2000-28280	CAPITAL ONE CAZAD LOAN	0.00	
922-2000-28290	HOBART/COMMERCE LOAN	0.00	
922-2000-29150	NET PENSION LIABILITY	185,989.17	
922-2000-29151	SDBF LIABILITY	11,026.00	
	Total Liability:	**16,130,238.02**	
Equity			
922-3000-34590	FUND BALANCE-UNRESERV/UNDESIG	-16,169,102.16	
922-3000-35900	UNRESTRICTED NET POSITION	-120,264.00	
	Total Beginning Equity:	**-16,289,366.16**	
Total Revenue		0.00	
Total Expense		-189,373.28	
Revenues Over/Under Expenses		**189,373.28**	
	Total Equity and Current Surplus (Deficit):	**-16,099,992.88**	
	Total Liabilities, Equity and Current Surplus (Deficit):		**30,245.14**

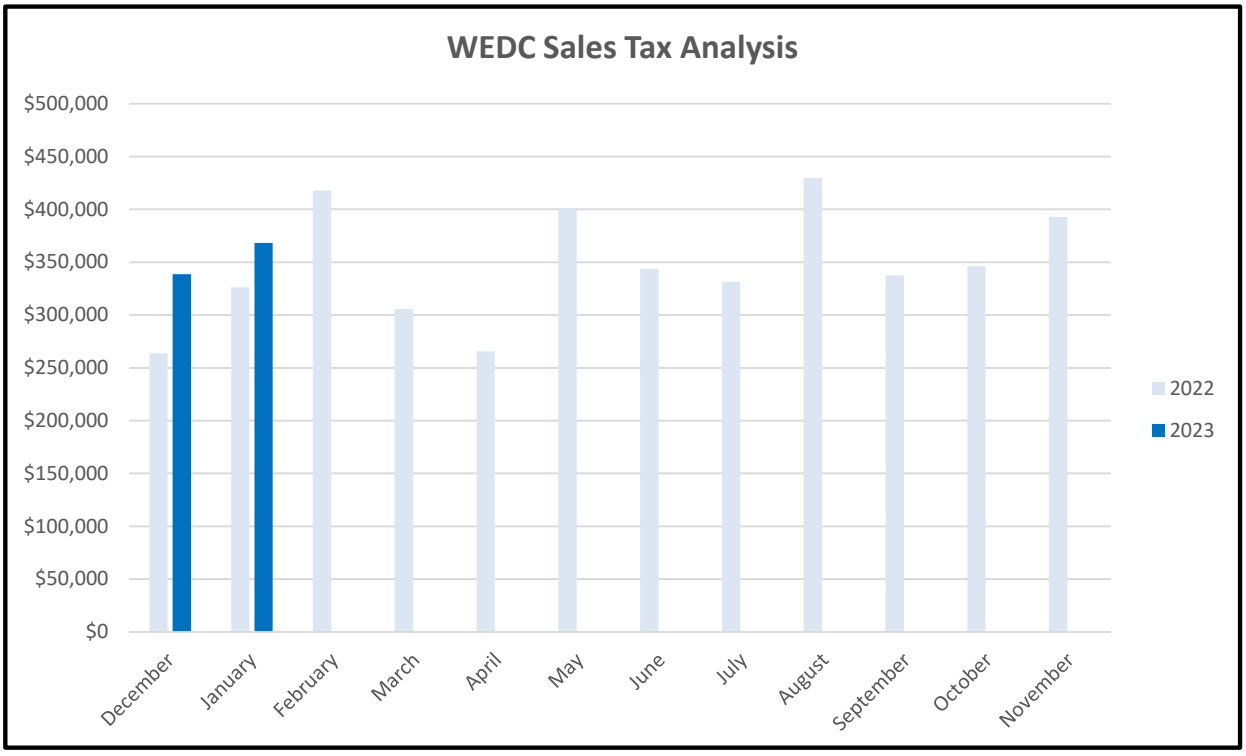
Wylie Economic Development Corporation

SALES TAX REPORT

January 31, 2023

BUDGETED YEAR

MONTH	FY 2020	FY 2021	FY 2022	FY 2023	DIFF 22 vs. 23	% DIFF 22 vs. 23
DECEMBER	$ 226,663.94	$ 235,381.33	$ 263,577.66	$ 338,726.54	$ 75,148.88	28.51%
JANUARY	$ 218,520.22	$ 262,263.52	$ 326,207.92	$ 368,377.73	$ 42,169.80	12.93%
FEBRUARY	$ 362,129.18	$ 456,571.35	$ 417,896.79			
MARCH	$ 228,091.34	$ 257,187.91	$ 305,605.50			
APRIL	$ 203,895.57	$ 221,881.55	$ 265,773.80			
MAY	$ 289,224.35	$ 400,371.70	$ 401,180.20			
JUNE	$ 239,340.35	$ 290,586.92	$ 343,371.26			
JULY	$ 296,954.00	$ 314,559.10	$ 331,432.86			
AUGUST	$ 325,104.34	$ 390,790.76	$ 429,696.16			
SEPTEMBER	$ 259,257.89	$ 307,681.15	$ 337,512.61			
OCTOBER	$ 249,357.02	$ 326,382.38	$ 346,236.36			
NOVEMBER	$ 384,953.89	$ 411,813.32	$ 392,790.84			
Sub-Total	**$ 3,283,492.09**	**$ 3,875,470.98**	**$ 4,161,281.96**	**$ 707,104.27**	**$ 117,318.68**	20.72%
Total	**$ 3,283,492.09**	**$ 3,875,470.98**	**$ 4,161,281.96**	**$ 707,104.27**	**$ 117,318.68**	20.72%



**** Sales Tax collections typically take 2 months to be reflected as Revenue. SlsTx receipts are then accrued back 2 months. Example: January SlsTx Revenue is actually November SlsTx and is therefore the 2nd allocation in FY23.*

CITY OF WYLIE

Wylie City Council

AGENDA REPORT

Department: Planning **Account Code:**

Prepared By: Jasen Haskins, AICP

Subject

Consider, and act upon, a Preliminary Plat of 544 Gateway Addition, Lots 1-7, Block A, establishing seven commercial lots on 12.234 acres, generally located east of the intersection of Business Way and Commerce Drive.

Recommendation

Motion to approve the Item as presented.

Discussion

OWNER: Wylie Economic Development Corporation **APPLICANT: Roome Land Surveying**

The applicant has submitted a Preliminary Plat to create Lots 1-7, Block A of 544 Gateway Addition on 12.234 acres. The property is located east of the intersection of Business Way and Commerce Drive. The purpose of the Preliminary Plat is to create seven lots for industrial and commercial development.

This plat is dedicating access, fire and utility easements for the seven-lot development. An access point is provided from Commerce Drive that connects to State Highway 78.

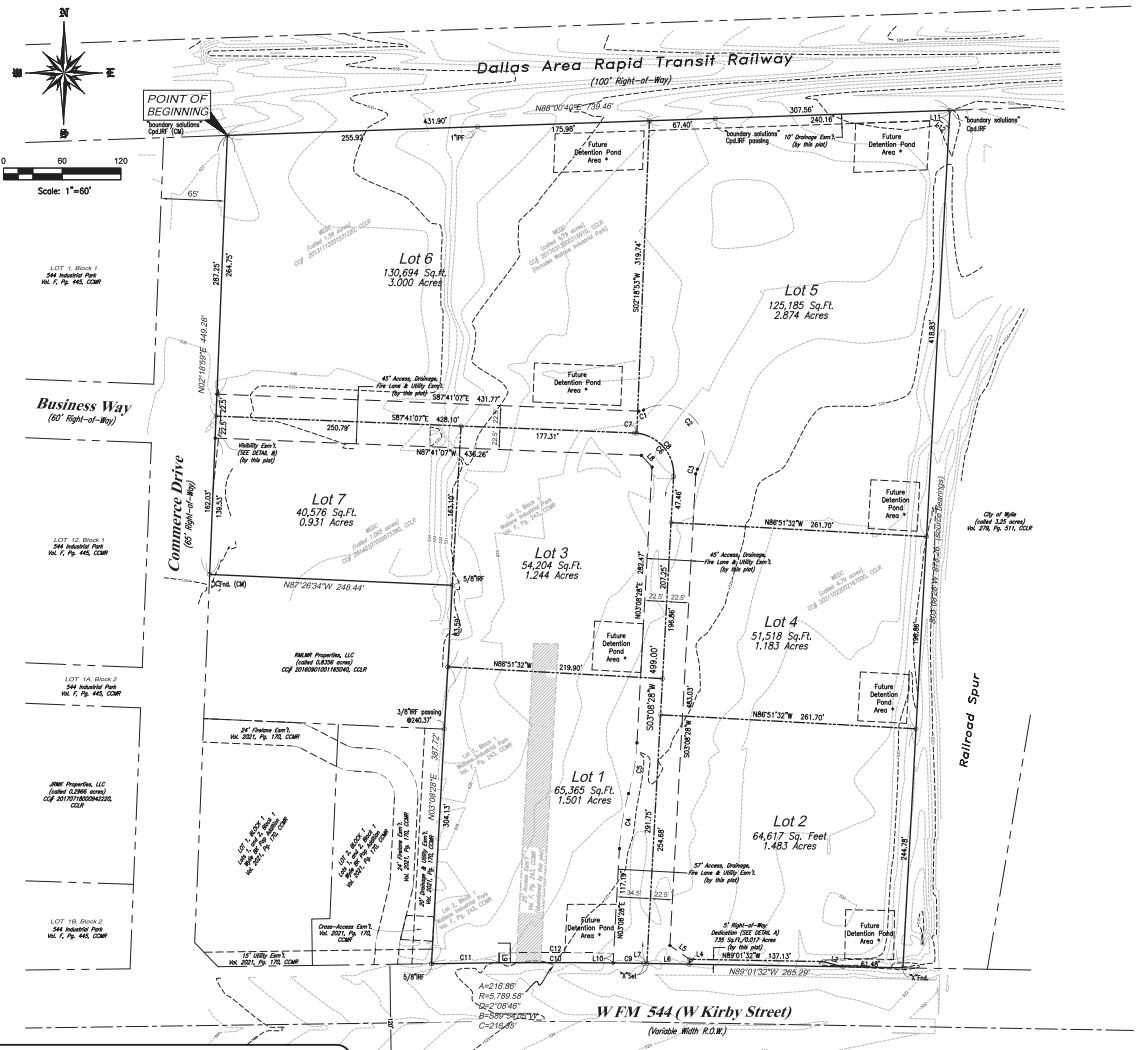
The plat also includes proposed detention pond areas for future development.

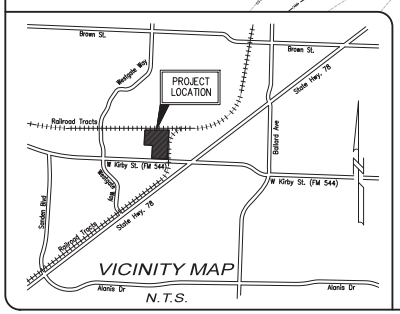
The plat is technically correct and abides by all aspects of the City of Wylie Subdivision Regulations. Approval is subject to additions and alterations as required by the City Engineering Department.

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

P&Z Recommendation

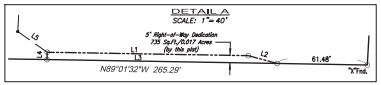
The Commission voted 7-0 to recommend approval.

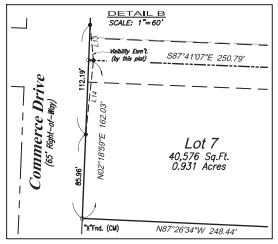




Legend

Cpd.IRF	Capped Iron Rod Found
RCIRS	Roome Capped Iron Rod Set
CCMR	Collin County Map Records
CCLR	Collin County Land Records
CM	Controlling Monument





Line Table

LINE	BEARING	DISTANCE
L1	S89°01'32"E	137.13'
L2	S74°50'26"E	20.40'
L3	N89°01'32"W	156.92'
L4	N00°29'15"E	5.00'
L5	S54°49'13"E	24.50'
L6	N89°01'32"W	43.49'
L7	S89°01'32"E	3.41'
L8	N42°16'19"W	16.32'
L9	N00°29'15"W	10.00'
L10	S03°08'28"W	10.01'
L11	S03°08'28"W	17.79'
L12	S52°07'32"E	12.05'
L13	S05°22'33"E	36.44'
L14	S05°59'08"W	76.22'

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	9.50'	5.19'	5.13'	N76°39'35"E	31°18'36"
C2	42.00'	112.48'	81.76'	S42°16'19"E	153°28'46"
C3	9.50'	5.19'	5.13'	S18°47'46"W	31°18'36"
C4	260.50'	57.19'	57.07'	N09°25'49"E	12°34'41"
C5	239.50'	52.58'	52.47'	N09°25'49"E	12°34'41"
C6	42.00'	66.58'	59.82'	S42°16'19"E	90°49'35"
C7	42.00'	2.59'	2.59'	S85°55'11"E	3°31'52"
C8	42.00'	63.99'	57.98'	S40°30'23"E	87°17'43"
C9	5789.58'	31.12'	31.12'	N89°10'46"W	0°18'29"
C10	5789.58'	116.60'	116.60'	N89°54'38"W	1°09'14"
C11	5789.58'	69.14'	69.14'	S89°10'14"W	0°41'03"
C12	5799.58'	117.23'	117.23'	S89°54'30"E	1°09'29"

NOTE: Private property owners are responsible for the maintenance of all easement areas.

*NOTE: Detention areas will be designed and constructed in the future by each individual property owner, instead of as part of this infrastructure project.

Notice: 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.

Notes: 1) CM is a controlling monument; 2) Bearings based on GPS North. 3) The subject property has been removed from the Special Flood Hazard Area by LOMR 17-06-1285P dated 1/4/2018. The current FEMA Panel still shows the easterly portion of the subject property to lie within a Special Flood Hazard Area inundated by 100-year flood per Map No. 48085C0420 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and Incorporated Areas, dated June 02, 2009 (Zone X); 4) This survey was performed without the benefit of a Title Commitment.

OWNER'S DEDICATION & ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF COLLIN §

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, Wylie Economic Development Corporation, owner, does hereby adopt this plat designating the herein above described property as Final Plat of Lots 1-7, Block A, 544 Gateway Addition, an addition to the City of Wylie, Texas, an 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, 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 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 utilities entities shall have the right to remove and keep removed all or parts of any building, 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 constucting, 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.

WITNESS MY HAND, this the _____ day of _____, 2023.

Wylie Economic Development Corporation

BY: _____

NAME: _____

TITLE: _____

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____ known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed. Given under my hand and seal of office, this _____ day of _____, 2023.

_____
Notary Public in and for
the State of Texas

RECOMMENDED FOR APPROVAL

_____ _____
Chairman, Planning & Zoning Commission 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 Preliminary Plat of Lots 1-7, Block A, 544 Gateway Addition, a subdivision or addition to the County of Collin was submitted to the City Council on the ____ day of _____ 2023, 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., 2023.

_____
City Secretary
City of Wylie, Texas

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, Wylie Economic Development Corporation, is the owner of 7 tracts of land situated in the State of Texas, County of Collin and City of Wylie, being part of the E.C. Davidson Survey, Abstract No. 266, being all of a (easterly) called 4.79 acre tract as recorded under County Clerk No. 20211022002167000, and all of (westerly) a 4.79 acre tract as recorded under County Clerk No. 20170313000316910, all of a 1.065 acre tract as recorded under County Clerk No. 20140107000015390, all of a 1.59 acre tract as recorded under County Clerk No. 20131112001531220 of the Collin County Land Records, and being all of Lots 1, 2 & 3, Block 1 of the Wallace Industrial Park Addition as recorded in Volume F, Page 243 of the Collin County Map Records with said premises being more particularly described as follows:

Beginning at a "Boundary Solutions" capped iron rod found at the intersection of the east right-of-way line of Commerce Drive (65' right-of-way) with the south right-of-way line of a Dallas Area Rapid Transit Railway (100' right-of-way), marking the northwest corner of said 1.59 acre tract, and the northwest corner of the herein described premises;

THENCE with the south right-of-way line of a Dallas Area Rapid Transit Railway, the north line of said 1.59, westerly 4.79 and easterly 4.79 acre tracts, North 88°00'40" East (basis of bearings), passing at 255.92 feet a 1" iron pipe found marking the northeast corner of said 1.59 acre tract, and the northwest corner of said westerly 4.79 acre tract, passing at 499.30 feet a "Boundary Solutions" capped iron rod found marking the northeast corner of said westerly 4.79 acre tract, the northwest corner of said easterly 4.79 acre tract, and continuing for a total distance of 739.46 feet to a "Boundary Solutions" capped iron rod found marking the northwest corner of a called 3.25 acre tract as recorded in Volume 279, Page 511 of the Collin County Land Records, the northeast corner of said easterly 4.79 acre tract and said premises;

THENCE with the common line between said easterly 4.79 acre tract and 3.25 acre tract, same being the east line of said premises, South 03°08'28" West, 878.26 feet to an "X" found in the north right-of-way line of W FM 544 – W Kirby Street (variable width right-of-way), and marking the southeast corner of said premises;

THENCE with the south line of said easterly 4.79 acre tract, and with the south line of said westerly 4.79 acre tract, and the aforementioned Lots 1 and 2 of Wallace Industrial Park, same being the north right-of-way line of W FM 544 – W Kirby Street and the south line of said premises as follows: North 89°01'32" West, 265.29 feet to an "X" set in concrete marking the beginning of a curve to the left; southwesterly along said curve having a central angle of 02°08'46", for an arc distance of 216.86 feet, a radius of 5,789.58 feet (chord = South 89°54'05" West, 216.85 feet) to a 5/8" iron rod found marking the southeast corner of Lot 2, Block 1 of Wylie BK Pop Addition as recorded under Volume 2021, Page 170 of the Collin County Map Records, the southwest corner of Lot 2 of said Wallace Industrial Park, and the most southerly southwest corner of said premises;

THENCE with the south line of said westerly 4.79 acre tract, and with the south line of Lots 1, 2 and 3 of the Wallace Industrial Park, North 03°08'28" East, passing at 240.37 feet a 3/8" iron rod found marking the northeast corner of Lot 2 of said Wylie BK Pop Addition, and the southeast of a called 0.8356 acre tract as recorded under County Clerk No. 20160901001165040 of the Collin County Land Records, and continuing for a total distance of 387.72 feet to a 5/8" iron rod found in the west line of Lot 3 of said Wallace Industrial Park, marking the northeast corner of said 0.8356 acre tract, the southeast corner of the aforementioned 1.065 acre tract, and being an interior ell corner on the west line of said premises;

THENCE with the common line between said 0.8356 acre tract and 1.065 acre tract, same being a south line of said premises, North 87°26'34" West, 248.44 feet to an "X" found in concrete in the east right-of-way line of Commerce Drive, marking the northwest corner of said 0.8356 acre tract, the southwest corner of said 1.065 acre tract, and the most westerly southwest corner of said premises;

THENCE with the east right-of-way line of Commerce Drive, the west line of said 1.065 and 1.59 acre tract, same being the west line of said premises, North 02°18'59" East, 449.28 feet to the place of beginning and containing 12.234 gross acres of land, of which 0.017 acres is dedicated for Right-of-Way for F.M. Highway No. 544 – W Kirby Street leaving 12.217 net acres.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

THAT I, F. E. Bemenderfer, Jr., do hereby certify that I prepared this final plat and the field notes made a part thereof from an actual and accurate survey of land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Subdivision Regulations of the City of Wylie, Texas.

Dated this _____ day of _____, 2023.

NOT FOR RECORDING

_____
F. E. Bemenderfer, Jr.
Registered Professional Land
Surveyor No. 4051

ACKNOWLEDGEMENT

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 F. E. Bemenderfer, Jr., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023.

_____
Notary Public in and for
The State of Texas

Preliminary Plat
544 Gateway Addition
Lots 1-7, Block A

12.234 Gross Acres / 12.217 Net Acres
being comprised of multiple tracts of land
7 Commercial Lots
E.C. Davidson Survey, Abstract No. 266
City of Wylie, Collin County, Texas
October 2021

Revised: 01.27.2023 P:\AC\2021Q4\AC883538.DWG

Owner:
Wylie Economic Development Corporation
250 South Hwy. 78
Wylie, Texas 75098
(972) 442-7901

Surveyor:
Roome Land Surveying
2000 Avenue G, Suite 810
Plano, Tx 75074
(972) 423-4372
Attn: Fred Bemenderfer

Roome Land Surveying
2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

Wylie City Council

AGENDA REPORT

Department: Planning **Account Code:**

Prepared By: Jasen Haskins, AICP

Subject

Consider, and act upon, a Final Plat of 544 Gateway Addition, Lots 1-7, Block A, establishing seven commercial lots on 12.234 acres, generally located east of the intersection of Business Way and Commerce Drive.

Recommendation

Motion to approve the Item as presented.

Discussion

OWNER: Wylie Economic Development Corporation **APPLICANT: Roome Land Surveying**

The applicant has submitted a Final Plat to create 544 Gateway Addition Lots 1-7, Block A on 12.234 acres. The property is located east of the intersection of Business Way and Commerce Drive.

The purpose of the Final Plat is to allow for the sale of the individual lots for industrial and commercial development. All new development is pending review of Planned Development, Site Plan, and Amending Plat submittals.

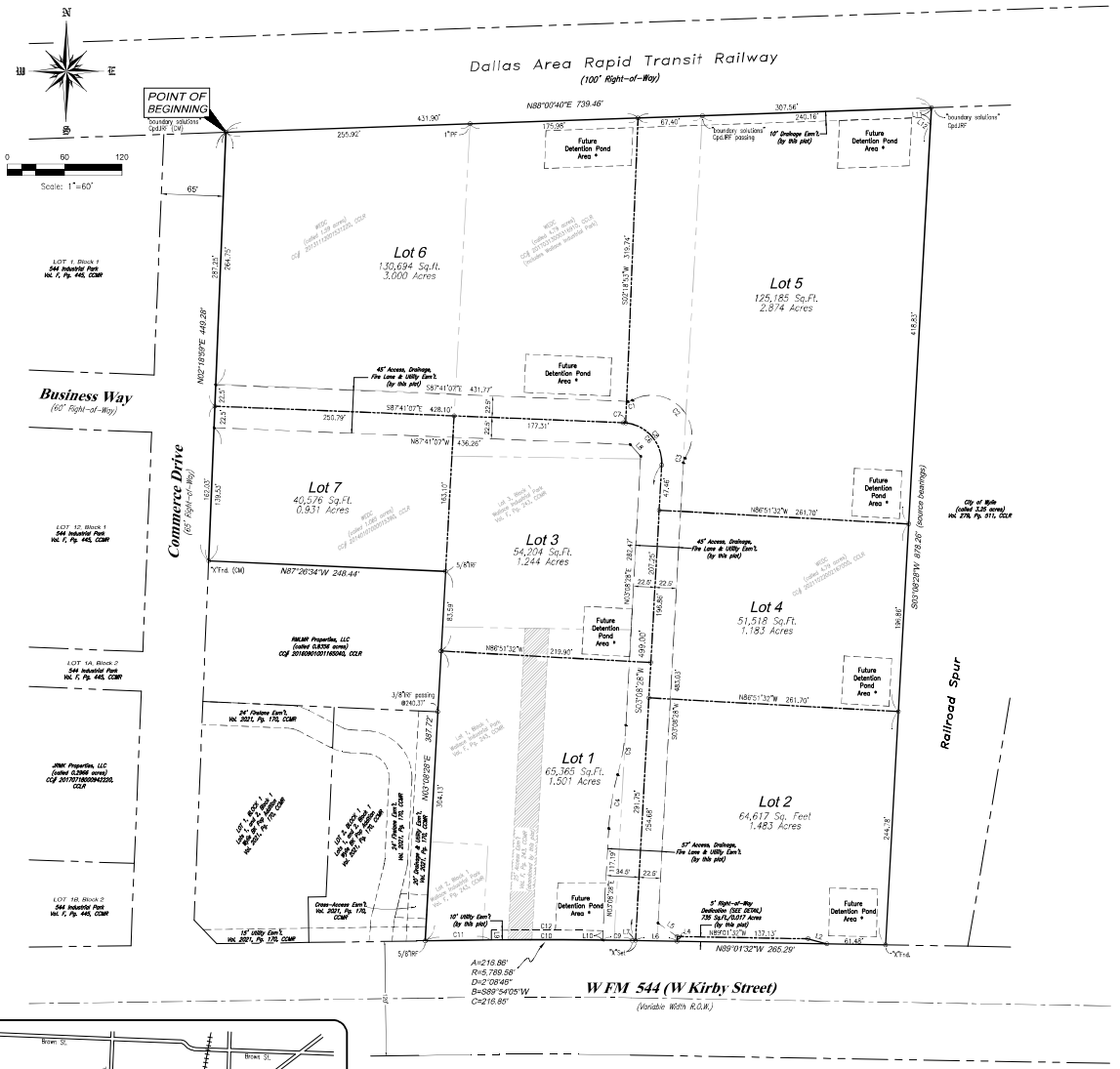
This plat is dedicating access, fire and utility easements for the seven-lot development. An access point is provided from Commerce Drive that connects to State Highway 78. The plat also includes proposed detention pond areas for future development.

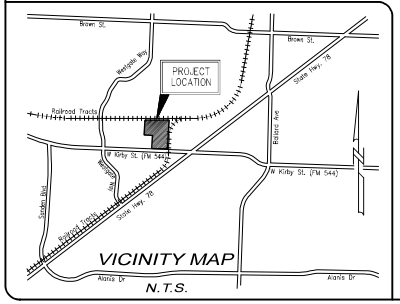
The plat is technically correct and abides by all aspects of the City of Wylie Subdivision Regulations. Approval is subject to additions and alterations as required by the City Engineering Department.

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

P&Z Recommendation

The Commission voted 7-0 to recommend approval.





Legend

Cpd/IRF	Capped Iron Rod Found
IRSRS	Roome Capped Iron Rod Set
CCMR	Collin County Map Records
CCLR	Collin County Land Records
CM	Controlling Monument
WEDC	Wylie Economic Development Corporation

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	9.50'	5.19'	5.13'	N76°39'36"E	31°18'36"
C2	42.00'	112.48'	81.75'	S42°16'19"E	153°26'46"
C3	9.50'	5.19'	5.13'	S18°47'46"W	31°18'36"
C4	260.50'	57.19'	57.07'	N09°25'49"E	12°34'41"
C5	239.50'	52.58'	52.47'	N09°25'49"E	12°34'41"
C6	42.00'	66.58'	59.82'	S42°16'19"E	90°48'35"
C7	42.00'	2.69'	2.69'	S89°51'11"E	3°39'50"
C8	42.00'	63.39'	57.98'	S40°30'23"E	87°17'43"
C9	5789.58'	31.12'	31.12'	N89°10'46"W	0°18'29"
C10	5789.58'	116.60'	116.60'	N89°54'36"W	1°09'14"
C11	5789.58'	69.14'	69.14'	S89°10'14"W	0°41'03"
C12	5799.58'	117.23'	117.23'	S89°54'30"E	1°09'29"

Line Table

LINE	BEARING	DISTANCE
L1	S89°01'32"E	117.13'
L2	S74°50'26"E	20.40'
L3	N89°01'32"W	156.92'
L4	N00°58'28"E	5.00'
L5	S54°49'13"E	24.50'
L6	N89°01'32"W	43.49'
L7	S89°01'32"E	3.41'
L8	N42°16'19"W	16.32'
L9	N00°29'15"W	10.00'
L10	S01°08'28"W	10.01'
L11	S01°08'28"W	17.79'
L12	S52°07'32"E	12.05'

NOTE: Private property owners are responsible for the maintenance of all easement areas.

*NOTE: Detention areas will be designed and constructed in the future by each individual property owner, instead of as part of this infrastructure project.

Notice: 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.

Notes: 1) CM is a controlling monument; 2) Bearings based on GPS North. 3) The subject property has been removed from the Special Flood Hazard Area by LOMR 17-06-1285P dated 1/4/2018. The current FEMA Panel still shows the easterly portion of the subject property to lie within a Special Flood Hazard Area inundated by 100-year flood per Map No. 48085C0420 J of the F.E.M.A. Flood Insurance Rate Maps for Collin County, Texas and Incorporated Areas, dated June 02, 2009 (Zone X); 4) This survey was performed without the benefit of a Title Commitment.

OWNER'S DEDICATION & ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF COLLIN §

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, **Wylie Economic Development Corporation**, owner, does hereby adopt this plat designating the herein above described property as **Final Plat of Lots 1-7, Block A, 544 Gateway Addition**, an addition to the City of Wylie, Texas, an 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, 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 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 utilities entities shall have the right to remove and keep removed all or parts of any building, 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 constucting, 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.

WITNESS MY HAND, this the _____ day of _____, 2023.

Wylie Economic Development Corporation

BY: _____

NAME: _____

TITLE: _____

STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed. Given under my hand and seal of office, this _____ day of _____, 2023.

_____
Notary Public in and for
the State of Texas

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 Lots 1-7, Block A, 544 Gateway Addition**, a subdivision or addition to the City of Wylie was submitted to the City Council on the _____ day of _____, 2023, 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 herein above subscribed.

Witness my hand this _____ day of _____, A.D., 2023.

_____
City Secretary
City of Wylie, Texas

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, **Wylie Economic Development Corporation,** is the owner of 7 tracts of land situated in the State of Texas, County of Collin and City of Wylie, being part of the E.C. Davidson Survey, Abstract No. 266, being all of a (easterly) called 4.79 acre tract as recorded under County Clerk No. 20211022002167000, and all of (westerly) a 4.79 acre tract as recorded under County Clerk No. 20170313000316910, all of a 1.065 acre tract as recorded under County Clerk No. 20140107000015390, all of a 1.59 acre tract as recorded under County Clerk No. 20131112001531220 of the Collin County Land Records, and being all of Lots 1, 2 & 3, Block 1 of the Wallace Industrial Park Addition as recorded in Volume F, Page 243 of the Collin County Map Records with said premises being more particulary described as follows:

Beginning at a "Boundary Solutions" capped iron rod found at the intersection of the east right-of-way line of Commerce Drive (65' right-of-way) with the south right-of-way line of a Dallas Area Rapid Transit Railway (100' right-of-way), marking the northwest corner of said 1.59 acre tract, and the northwest corner of the herein described premises;

THENCE with the south right-of-way line of a Dallas Area Rapid Transit Railway, the north line of said 1.59, westerly 4.79 and easterly 4.79 acre tracts, North 88°00'40" East (basis of bearings), passing at 255.92 feet a 1" iron pipe found marking the northeast corner of said 1.59 acre tract, and the northwest corner of said westerly 4.79 acre tract, passing at 499.30 feet a "Boundary Solutions" capped iron rod found marking the northeast corner of said westerly 4.79 acre tract, the northwest corner of said easterly 4.79 acre tract, and continuing for a total distance of 739.46 feet to a "Boundary Solutions" capped iron rod found marking the northwest corner of a called 3.25 acre tract as recorded in Volume 279, Page 511 of the Collin County Land Records, the northeast corner of said easterly 4.79 acre tract and said premises;

THENCE with the common line between said easterly 4.79 acre tract and 3.25 acre tract, same being the east line of said premises, South 03°08'28" West, 878.26 feet to an "X" found in the north right-of-way line of W FM 544 – W Kirby Street (variable width right-of-way), and marking the southeast corner of said premises;

THENCE with the south line of said easterly 4.79 acre tract, and with the south line of said westerly 4.79 acre tract, and the aforementioned Lots 1 and 2 of Wallace Industrial Park, same being the north right-of-way line of W FM 544 – W Kirby Street and the south line of said premises as follows: North 89°01'32" West, 265.29 feet to an "X" set in concrete marking the beginning of a curve to the left; southwesterly along said curve having a central angle of 02°08'46", for an arc distance of 216.86 feet, a radius of 5,789.58 feet (chord = South 89°54'05" West, 216.85 feet) to a 5/8" iron rod found marking the southeast corner of Lot 2, Block 1 of Wylie BK Pop Addition as recorded under Volume 2021, Page 170 of the Collin County Map Records, the southwest corner of Lot 2 of said Wallace Industrial Park, and the most southerly southwest corner of said premises;

THENCE with the east line of Lot 2 of said Wylie BK Pop Addition, the west line of Lots 1, 2 and 3 of the Wallace Industrial Park, North 03°08'28" East, passing at 240.37 feet a 3/8" iron rod found marking the northeast corner of Lot 2 of said Wylie BK Pop Addition, and the southeast of a called 0.8356 acre tract as recorded under County Clerk No. 20160901001165040 of the Collin County Land Records, and continuing for a total distance of 387.72 feet to a 5/8" iron rod found in the west line of Lot 3 of said Wallace Industrial Park, marking the northeast corner of said 0.8356 acre tract, the southeast corner of the aforementioned 1.065 acre tract, and being an interior ell corner on the west line of said premises;

THENCE with the common line between said 0.8356 acre tract and 1.065 acre tract, same being a south line of said premises, North 87°26'34" West, 248.44 feet to an "X" found in concrete in the east right-of-way line of Commerce Drive, marking the northwest corner of said 0.8356 acre tract, the southwest corner of said 1.065 acre tract, and the most westerly southwest corner of said premises;

THENCE with the east right-of-way line of Commerce Drive, the west line of said 1.065 and 1.59 acre tract, same being the west line of said premises, North 02°18'59" East, 449.28 feet to the place of beginning and containing 12.234 gross acres of land, of which 0.017 acres is dedicated for Right-of-Way for F.M. Highway No. 544 – W Kirby Street leaving 12.217 net acres.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

THAT I, F. E. Bemenderfer, Jr., do hereby certify that I prepared this final plat and the field notes made a part thereof from an actual and accurate survey of land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Subdivision Regulations of the City of Wylie, Texas.

Dated this _____ day of _____, 2023.

NOT FOR RECORDING

_____
F. E. Bemenderfer, Jr.
Registered Professional Land
Surveyor No. 4051

STATE OF TEXAS
F.E. BEMENDERFER JR.
4051
REGISTERED PROFESSIONAL LAND SURVEYOR

ACKNOWLEDGEMENT

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 **F. E. Bemenderfer, Jr.,** known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023.

_____
Notary Public in and for
The State of Texas

Final Plat
544 Gateway Addition
Lots 1-7, Block A

12.234 Gross Acres / 12.217 Net Acres
being comprised of multiple tracts of land
7 Commercial Lots
E.C. Davidson Survey, Abstract No. 266
City of Wylie, Collin County, Texas
January 2023

Revised: 01.27.2023 — P:\AC\2021\04\AC883538.DWG

Owner:
Wylie Economic Development Corporation
250 South Hwy. 78
Wylie, Texas 75098
(972) 442-7901

Surveyor:
Roome Land Surveying
2000 Avenue G, Suite 810
Plano, Tx 75074
(972) 423-4372
Attn: Fred Bemenderfer

Roome Land Surveying
2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

Wylie City Council

AGENDA REPORT

Department: Engineering **Account Code:**

Prepared By: Tim Porter

Subject

Consider, and act upon, the signing of permanent and temporary easements for the Collin County Park Boulevard Project.

Recommendation

Motion to approve the Item as presented.

Discussion

The Collin County Engineering Department is pursuing two (2) Roadway Easements, and three (3) Temporary Construction Easements with Kansas City Southern Railway Company (KCS) located in the City of Wylie. These easements are necessary for the construction of the grade separated overpass that crosses the KCS railroad north of State Highway 78 for the Park Blvd. Project.

| **EASEMENT**
| **Collin COUNTY**
| **Texas STATE**

QUITCLAIM EASEMENT FOR ROADWAY PURPOSES (42-1 RE)

This Quitclaim Easement for Roadway Purposes (42-1 RE) ("Easement"), is made on the 17th day of January 2023, by and between **THE KANSAS CITY SOUTHERN RAILWAY COMPANY,** a Missouri corporation ("**GRANTOR**"), and **COLLIN COUNTY**, a Texas governmental entity and the **CITY OF WYLIE, TEXAS**, a Texas home rule municipality (together, "**GRANTEE**").

After recording mail to:

The Kansas City Southern Railway Company
Attn: Shawn Mindrup, Director – Real Estate
The Kansas City Southern Railway Co.
427 W. 12th Street
Kansas City, Missouri 64105-1403

W I T N E S S E T H:

Witnesseth, that **GRANTOR**, in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) AND OTHER GOOD VALUABLE CONSIDERATION, to it paid by the **GRANTEE,** the receipt of which is hereby acknowledged, does by these presents, REMISE, RELEASE and QUIT CLAIM AN EASEMENT FOR ROADWAY PURPOSES, unto the said **GRANTEE**, said Easement being located in the tracts or parcel of land, lying, and being situated in Collin County, Texas, and more fully described and depicted on **Exhibit A** attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said easement with all the rights, privileges and appurtenances thereto belonging or in any way appertaining unto the GRANTEE, for so long as GRANTEE shall maintain a public roadway and bridge structure on said Easement.

GRANTEE, its successors and assigns may, subject to the terms of a Grade Crossing Overpass Construction Agreement between GRANTOR and GRANTEE dated _____ __, 2022, construct and maintain a roadway and bridge structure to GRANTEE'S satisfaction.

.

Said Easement shall run with the land and shall be binding upon the GRANTOR, and its representatives, successors, and assigns.

GRANTOR **DOES NOT COVENANT** that it is lawfully seized of an indefeasible estate in fee of the premises over which an easement is herein conveyed or that it has good right to convey this Easement. GRANTOR **WILL NOT** warrant or defend the title to said premises unto said GRANTEE or to its successors and assigns against the lawful claims and demands of any person(s). This Easement is subject to existing liens, right-of-way easements, or other encumbrances of record.

IN WITNESS WHEREOF, the parties have executed this Easement as of the date first above written.

GRANTOR: The Kansas City Southern Railway Company

By: Ginger Adamiak
Ginger Jadamiak
VP- SALES + REAL ESTATE

ACKNOWLEDGEMENT

State of Missouri)
) SS.
County of Jackson)

On this 17th day of January, 2023 before me a Notary Public, appeared Ginger Adamiak to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the VP - Real Estate of **The Kansas City Southern Railway Company,** that he executed the same on behalf of said **The Kansas City Southern Railway Company** and by authority thereof and acknowledged said instrument to be the free act and deed of said **The Kansas City Southern Railway Company** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires: 10/15/25 Notary Public

BRYCE J GOOD
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 17423040
My Commission Expires Oct 15, 2025

IN WITNESS WHEREOF, the parties have executed this Easement as of the date first above written.

GRANTEE: Collin County, Texas

By: _____

_____
(Title)

ACKNOWLEDGEMENT

State of Texas)
) SS.
County of Collin)

On this _____ day of_____, 2022, before me a Notary Public, appeared _____ to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the _____ of **Collin County, Texas,** and that he executed the same on behalf of said County, and by authority thereof and acknowledged said instrument to be the free act and deed of **Collin County, Texas,** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires:_____ Notary Public _____

IN WITNESS WHEREOF, the parties have executed this Easement as of the date first above written.

GRANTEE: City of Wylie, Texas

By: _____

_____
(Title)

ACKNOWLEDGEMENT

State of Texas)
) SS.
County of Collin)

On this _____ day of_____, 2022, before me a Notary Public, appeared _____ to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the _____ of **City of Wylie, Texas,** and that he executed the same on behalf of said **City of Wylie, Texas**, and by authority thereof and acknowledged said instrument to be the free act and deed of **City of Wylie, Texas,** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires:_____ Notary Public _____

EXHIBIT A
ROADWAY EASEMENT DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-1
1.67 ACRES (72,883 SQUARE FEET)

BEING 72,883 square feet of land situated in the Francisco De La Pina Survey, Abstract Number 688, Collin County, Texas, and being part of a called 22.123 acre tract of land described in Warranty Deed to The Kansas City Southern Railway Company, recorded in Volume 4421, Page 1929 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch found iron rod with "illegible" cap for the east corner of Lot 51, Block B of Wylie Lakes, Phase 1A, an addition to the City of Wylie, Collin County, Texas, recorded in Volume 2007, Page 36 of the Plat,Records of Collin County, Texas (P.R.C.C.T.) and the south corner of a called 3.578 acre tract of land described as "Tract 2" in Special Warranty Deed to TAAS Investments, LLC, recorded in Instrument Number 20190515000545050 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), said corner being on the northwest line of said 22.123 acre tract;

THENCE North 51 degrees 43 minutes 48 seconds East, with the northwest line of said 22.123 acre tract and the southeast line of said 3.578 acre tract, a distance of 240.01 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with HALFF cap") for the **POINT OF BEGINNING**;

THENCE North 51 degrees 43 minutes 48 seconds East, continuing with said northwest and southeast lines, a distance of 120.29 feet to a 1/2-inch set iron rod with HALFF cap for the point of curvature of a non-tangent circular curve to the left, having a radius of 2,940.00 feet whose chord bears South 43 degrees 06 minutes 07 seconds East, a distance of 84.33 feet;

THENCE over and across said 22.123 acre tract, the following bearings and distances:

Southeasterly, departing said southeast line and with said curve, through a central angle of 01 degree 38 minutes 37 seconds, an arc distance of 84.33 feet to a 1/2-inch set iron rod with blue plastic cap stamped "HALFF ESMT" (hereinafter referred to as "with ESMT cap") for corner;

South 43 degrees 55 minutes 26 seconds East, a distance of 22.50 feet to a 1/2-inch set iron rod with ESMT cap for corner;

South 57 degrees 25 minutes 10 seconds East, a distance of 257.10 feet to a 1/2-inch set iron rod with ESMT cap for corner;

South 43 degrees 55 minutes 26 seconds East, a distance of 51.75 feet to a 1/2-inch set iron rod with ESMT cap for corner;

EXHIBIT A
ROADWAY EASEMENT DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-1
1.67 ACRES (72,883 SQUARE FEET)

South 16 degrees 23 minutes 40 seconds West, a distance of 69.06 feet to a 1/2-inch set iron rod with ESMT cap for corner;

South 61 degrees 23 minutes 40 seconds West, a distance of 181.45 feet to a 1/2-inch set iron rod with ESMT cap for corner;

North 43 degrees 55 minutes 26 seconds West, a distance of 38.01 feet to a 1/2-inch set iron rod with ESMT cap for corner;

North 31 degrees 30 minutes 59 seconds West, a distance of 255.98 feet to a 1/2-inch set iron rod with ESMT cap for corner;

North 43 degrees 55 minutes 26 seconds West, a distance of 22.50 feet to a 1/2-inch set iron rod with ESMT cap for the point of curvature of a non-tangent circular curve to the right, having a radius of 3,060.00 feet whose chord bears North 43 degrees 03 minutes 43 seconds West, a distance of 92.06 feet;

Northwesterly, with said curve, through a central angle of 01 degree 43 minutes 26 seconds, an arc distance of 92.06 feet to a 1/2-inch set iron rod with ESMT cap for corner;

North 42 degrees 12 minutes 00 seconds West, a distance of 4.12 feet to the **POINT OF BEGINNING AND CONTAINING** 72,883 square feet (1.67 acre) of land, more or less.

EXHIBIT A
ROADWAY EASEMENT DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-1
1.67 ACRES (72,883 SQUARE FEET)

NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas Coordinate System, North Central Zone (4202). All distances are surface distances. Surface adjustment scale factor: 1.00015271.

2. This survey was prepared without the benefit of a title commitment. Easements may exist where none are shown.

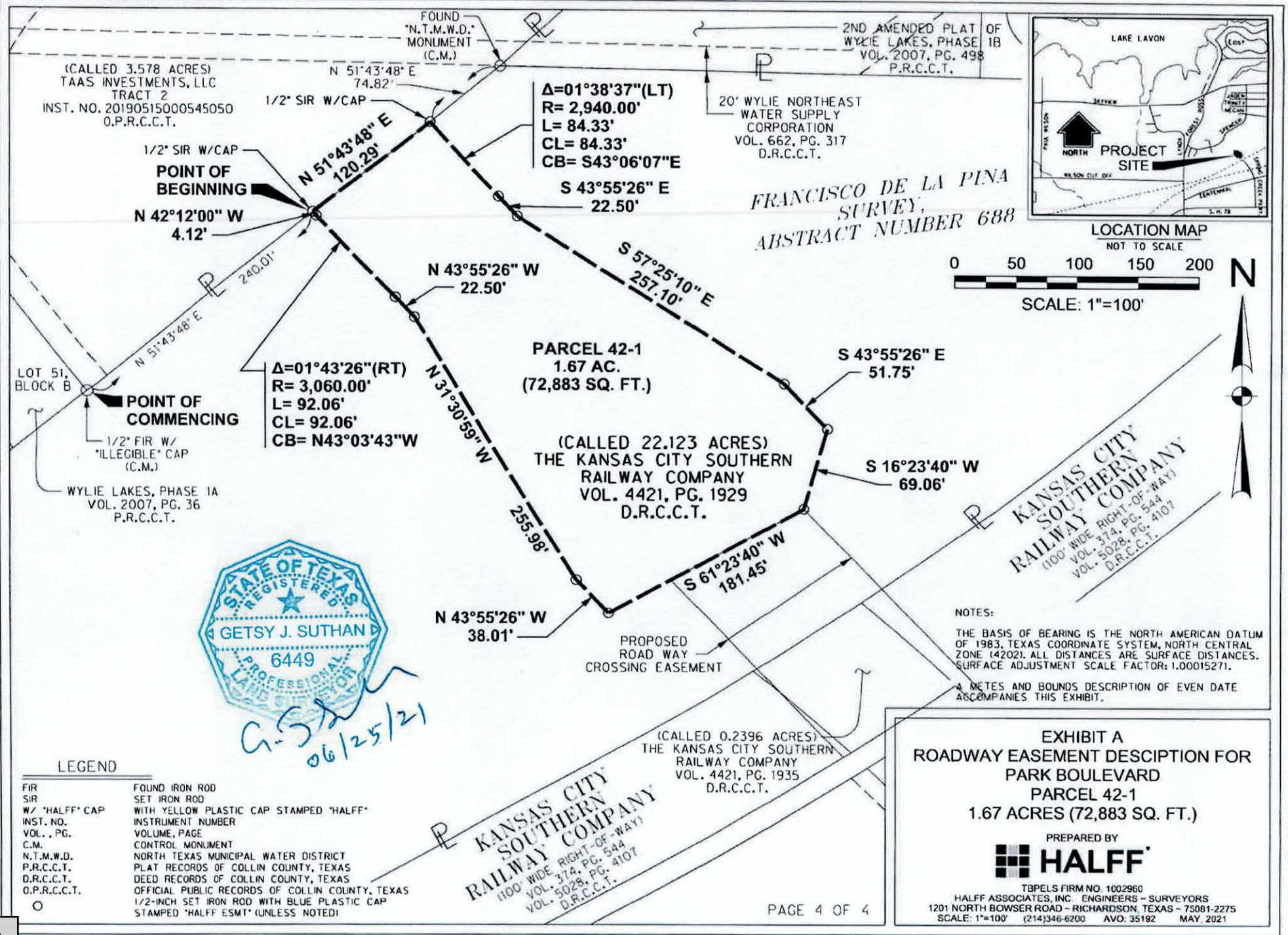
3. A survey plat of even date accompanies this legal description.

G. J. Suthan 06/25/21

Getsy J. Suthan, R.P.L.S. Date
Texas Registration No. 6449
HALFF ASSOCIATES, INC.
1201 NORTH BOWSER ROAD
RICHARDSON, TEXAS 75081
TEL (214) 346-6200
TBPELS FIRM NO. 10029600



6/25/2021 11:51:14 AM ah2472 HALFF I:\35000s\35192\001\CADD\SheetsRCH\Exhibits\Parcel 42-1\VEXH-P42-1-RE-35192.dgn



NOTES:

THE BASIS OF BEARING IS THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.00015271.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

LEGEND

FIR	FOUND IRON ROD
SIR	SET IRON ROD
W/ "HALFF" CAP	WITH YELLOW PLASTIC CAP STAMPED "HALFF"
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.M.	CONTROL MONUMENT
N.T.M.W.D.	NORTH TEXAS MUNICIPAL WATER DISTRICT
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
○	1/2-INCH SET IRON ROD WITH BLUE PLASTIC CAP STAMPED "HALFF ESMT" (UNLESS NOTED)

EXHIBIT A
ROADWAY EASEMENT DESCIPTION FOR PARK BOULEVARD
PARCEL 42-1
1.67 ACRES (72,883 SQ. FT.)

PREPARED BY

HALFF
TBPELS FIRM NO. 1002960
HALFF ASSOCIATES, INC. ENGINEERS – SURVEYORS
1201 NORTH BOWSER ROAD – RICHARDSON, TEXAS – 75081-2275
SCALE: 1"=100' (214)346-6200 AVO: 35192 MAY, 2021

| **EASEMENT**
| **Collin COUNTY**
| **Texas STATE**

QUITCLAIM EASEMENT FOR AERIAL ROADWAY PURPOSES (42-2 RE)

This Quitclaim Easement for Aerial Roadway Purposes (42-2 RE) ("Easement"), is made on the 17th day of January 2023, by and between **THE KANSAS CITY SOUTHERN RAILWAY COMPANY,** a Missouri corporation ("**GRANTOR**"), and **COLLIN COUNTY**, a Texas governmental entity, and the **CITY OF WYLIE, TEXAS**, a Texas home rule municipality (together, "**GRANTEE**").

After recording mail to:

The Kansas City Southern Railway Company
Attn: Shawn Mindrup, Director – Real Estate
The Kansas City Southern Railway Co.
427 W. 12th Street
Kansas City, Missouri 64105-1403

W I T N E S S E T H:

Witnesseth, that **GRANTOR**, in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) AND OTHER GOOD VALUABLE CONSIDERATION, to it paid by the **GRANTEE,** the receipt of which is hereby acknowledged, does by these presents, REMISE, RELEASE and QUIT CLAIM AN EASEMENT FOR AERIAL ROADWAY PURPOSES, unto the said **GRANTEE**, said Easement being located in the tracts or parcel of land, lying, and being situated in Collin County, Texas, and more fully described and depicted on **Exhibit A** attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD said easement with all the rights, privileges and appurtenances thereto belonging or in any way appertaining unto the GRANTEE, for so long as GRANTEE shall maintain an elevated public roadway structure along and across said Easement.

GRANTEE, its successors and assigns may, subject to the terms of a Grade Crossing Overpass Construction Agreement between GRANTOR and GRANTEE dated _____ __, 2022, construct and maintain an elevated public roadway to GRANTEE'S satisfaction, provided, however, that no material alteration in the course of the Spring Creek Parkway existing on site on the date of execution of this Easement shall be made without the GRANTOR'S written consent.

Said easement shall run with the land and shall be binding upon the GRANTOR, and its representatives, successors, and assigns.

GRANTOR **DOES NOT COVENANT** that it is lawfully seized of an indefeasible estate in fee of the premises over which an easement is herein conveyed or that it has good right to convey this Easement. GRANTOR **WILL NOT** warrant or defend the title to said premises unto said GRANTEE or to its successors and assigns against the lawful claims and demands of any person(s). This Easement is subject to existing liens, right-of-way easements, or other encumbrances of record.

IN WITNESS WHEREOF, the parties have executed this Easement as of the date first above written.

GRANTOR: The Kansas City Southern Railway Company

By: Ginger Adamiak
Ginger Adamiak
VP- Sale + REAL ESTATE

ACKNOWLEDGEMENT

State of Missouri)
) SS.
County of Jackson)

On this 17th day of January, 2023 before me a Notary Public, appeared Ginger Adamiak to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the VP - Real Estate of **The Kansas City Southern Railway Company,** that he executed the same on behalf of said **The Kansas City Southern Railway Company** and by authority thereof and acknowledged said instrument to be the free act and deed of said **The Kansas City Southern Railway Company** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires: 10/15/25 Notary Public Bryce J Good

BRYCE J GOOD
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 17423040
My Commission Expires Oct 15, 2025

IN WITNESS WHEREOF, the parties have executed this Easement as of the date first above written.

GRANTEE: Collin County, Texas

By: _____

_____
(Title)

ACKNOWLEDGEMENT

State of Texas)
) SS.
County of Collin)

On this _____ day of_____, 2022, before me a Notary Public, appeared _____ to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the _____ of **Collin County, Texas,** and that he executed the same on behalf of said County, and by authority thereof and acknowledged said instrument to be the free act and deed of **Collin County, Texas,** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires:_____ Notary Public _____

IN WITNESS WHEREOF, the parties have executed this Easement as of the date first above written.

GRANTEE: City of Wylie, Texas

By: _____

_____
(Title)

ACKNOWLEDGEMENT

State of Texas)
) SS.
County of Collin)

On this _____ day of_____, 2022, before me a Notary Public, appeared _____ to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the _____ of **City of Wylie, Texas,** and that he executed the same on behalf of said **City of Wylie, Texas**, and by authority thereof and acknowledged said instrument to be the free act and deed of **City of Wylie, Texas,** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires:_____ Notary Public _____

EXHIBIT A
ROADWAY EASEMENT DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-2
0.5606 ACRES (24,421 SQUARE FEET)

BEING 24,421 square feet of land situated in the Francisco De La Pina Survey, Abstract Number 688, Collin County, Texas, and being part of a called 28.332 acre tract of land described in General Warranty Deed to The Kansas City Southern Railway Company, recorded in Volume 20101220001391710 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at the southeast corner of Spring Creek Parkway, an addition to the City of Wylie, Collin County, Texas, recorded in Cabinet I, Page 521 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and the southwest corner of a said 28.332 acre tract, said corner being on the northwest right-of-way of Atchison, Topeka & Santa Fe Railroad (a 100-foot wide right-of-way) and the point of curvature of a non-tangent circular curve to the left, having a radius of 1,500.00 feet, whose chord bears North 27 degrees 55 minutes 28 seconds West, a distance of 10.95 feet;

THENCE Northeasterly, with the southwest line of said 28.332 acre tract, the northeast right-of-way line of said Spring Creek Parkway, and said curve, through a central angle of 00 degrees 25 minutes 06 seconds, an arc distance of 10.95 feet to a 1/2-inch set iron rod with blue plastic cap stamped "HALFF ESMT" (hereinafter referred to as "with ESMT cap") for the **POINT OF BEGINNING,** said corner being the point of compound curvature of a tangent circular curve to the left, having a radius of 1,500.00 feet, whose chord bears North 37 degrees 23 minutes 27 seconds West, a distance of 482.61 feet;

THENCE Northwesterly, continuing with said southwest and northeast lines, and said curve, through a central angle of 18 degrees 30 minutes 53 seconds, an arc distance of 484.72 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" for the northwest corner of said 28.332 acre tract and the north corner of said Spring Creek Parkway addition, said corner being at the intersection of said northeast right-of-way line and the southeast right-of-way line of a 18-foot wide public road and the point of curvature of a non-tangent circular curve to the left, having a radius of 2,932.79 feet, whose chord bears North 56 degrees 07 minutes 14 seconds East, a distance of 51.26 feet;

EXHIBIT A
ROADWAY EASEMENT DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-2
0.5606 ACRES (24,421 SQUARE FEET)

THENCE Northeasterly, with the northwest line of said 28.332 acre tract and the southeast right-of-way line of said 18-foot wide public road, and said curve, through a central angle of 01 degree 00 minutes 05 seconds, an arc distance of 51.26 feet to a 1/2-inch set iron rod with ESMT cap for an "ell" corner of said 28.332 acre tract, said corner being on the southwest line of a called 1.727 acre tract of land described in Warranty Deed to The Kansas City Southern Railway Company, recorded in Volume 4421, Page 1924 of the Deed Records of Collin County, Texas (D.R.C.C.T.) and the point of curvature of a non-tangent circular curve to the right, having a radius of 1,549.77 feet, whose chord bears South 45 degrees 47 minutes 00 seconds East, a distance of 19.31 feet;

THENCE Southeasterly, departing said 18-foot wide public road, and with the northwest line of said 28.332 acre tract, the southwest line of said 1.727 acre tract and said curve, through a central angle of 00 degrees 42 minutes 51 seconds, an arc distance of 19.31 feet to an "ell" corner of said 28.332 acre tract and said 1.727 acre tract, from which a 5/8-inch found iron rod with cap stamped "BOUNDARY MARK" bears South 19 degrees 10 minutes 16 seconds East, a distance of 0.63 of a foot;

THENCE over and across said 28.332 acre tract, the following bearings and distances:

South 45 degrees 19 minutes 42 seconds East, a distance of 5.07 feet to a 1/2-inch set iron rod with ESMT cap for the point of curvature of a tangent circular curve to the right, having a radius of 1,550.00 feet, whose chord bears South 36 degrees 40 minutes 49 seconds East, a distance of 466.13 feet;

Southeasterly, with said curve, through a central angle of 17 degrees 17 minutes 47 seconds, an arc distance of 467.91 feet to a 1/2-inch set iron rod with ESMT cap for corner;

South 65 degrees 01 minute 13 seconds West, a distance of 50.07 feet to the **POINT OF BEGINNING AND CONTAINING** 24,421 square feet (0.5606 acre) of land, more or less.

EXHIBIT A
ROADWAY EASEMENT DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-2
0.5606 ACRES (24,421 SQUARE FEET)

NOTES:

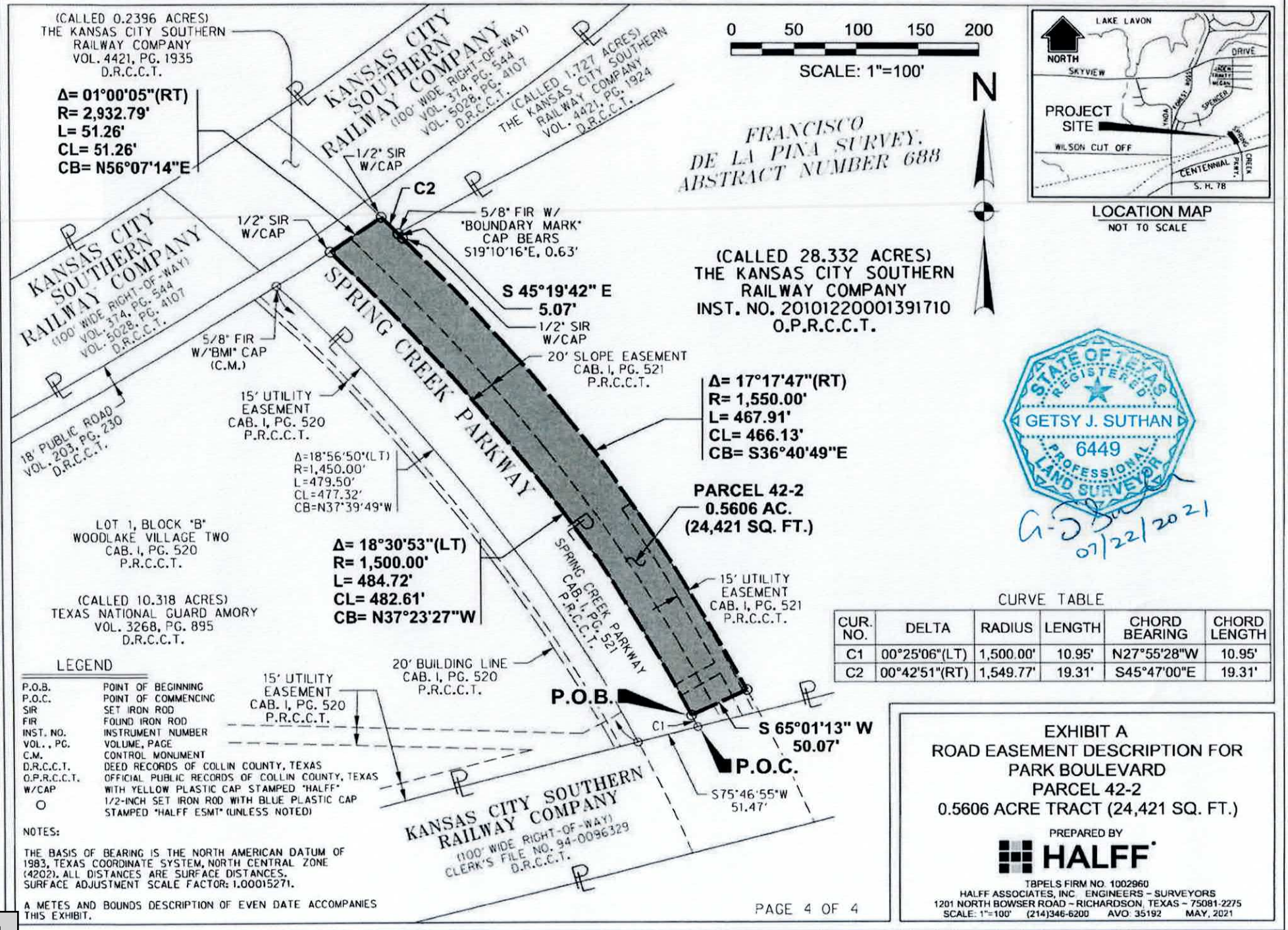
1. The Basis of Bearing is the North American Datum of 1983, Texas Coordinate System, North Central Zone (4202). All distances are surface distances. Surface adjustment scale factor: 1.00015271.

2. A survey plat of even date accompanies this legal description.

G.J. Suthan 07/22/2021

Getsy J. Suthan, R.P.L.S. Date
Texas Registration No. 6449
Halff Associates, Inc.
1201 North Bowser Road
Richardson, Texas 75081
Tel (214) 346-6200
TBPELS Firm No. 10029600





STATE OF TEXAS
REGISTERED
GETSY J. SUTHAN
6449
PROFESSIONAL
LAND SURVEYOR
07/22/2021

CURVE TABLE

CUR. NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	00°25'06"(LT)	1,500.00'	10.95'	N27°55'28"W	10.95'
C2	00°42'51"(RT)	1,549.77'	19.31'	S45°47'00"E	19.31'

LEGEND

P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
SIR	SET IRON ROD
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.M.	CONTROL MONUMENT
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
W/CAP	WITH YELLOW PLASTIC CAP STAMPED "HALFF"
O	1/2-INCH SET IRON ROD WITH BLUE PLASTIC CAP STAMPED "HALFF ESMT" (UNLESS NOTED)

NOTES:

THE BASIS OF BEARING IS THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.00015271.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

PAGE 4 OF 4

EXHIBIT A
ROAD EASEMENT DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-2
0.5606 ACRE TRACT (24,421 SQ. FT.)

PREPARED BY
HALFF

TBPELS FIRM NO. 1002960
HALFF ASSOCIATES, INC. ENGINEERS – SURVEYORS
1201 NORTH BOWSER ROAD – RICHARDSON, TEXAS – 75081-2275
SCALE: 1"=100' (214)346-6200 AVO: 35192 MAY, 2021

Collin County, Texas
Park Boulevard Extension Project
Parcel #42-1, 42-2 & 42-3

QUITCLAIM TEMPORARY CONSTRUCTION EASEMENTS
(42-1 TCE, 42-2 TCE and 42-3 TCE)

THIS CONVEYANCE is made this 17th day of January, 2023 by and between **THE KANSAS CITY SOUTHERN RAILWAY COMPANY** (hereinafter "**GRANTOR**"), and **COLLIN COUNTY, TEXAS** (hereinafter, "County"), a County government organized and existing under the laws of the State of Texas and the **CITY OF WYLIE, TEXAS** (hereinafter, "City"), a Texas home rule municipality (hereinafter County and City together referred to as "**GRANTEE**").

WITNESSETH, that **GRANTOR**, for and in consideration of the sum of ONE AND NO/100 DOLLARS ($1.00) AND OTHER VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, has sold, and by these presents hereby GRANTS, BARGAINS, SELLS AND CONVEYS to the **GRANTEE**, and its successors and assigns, **Temporary Construction Easements** over, across, upon, and under the surface of the real properties situated in Wylie, Collin County, Texas, and more particularly described on Exhibits A, B and C, which are attached hereto and incorporated herein by reference.

For purposes of this conveyance, the term "**Temporary Construction Easement**" shall mean "Subject to existing easements of record, an easement commencing at 12:01 a.m. on September 1, 2022 and expiring at 11:59 p.m. on December 31, 2026, allowing **GRANTEE**, its agents, employees, contractors and assigns, **except as may be limited by the License conveyed to GRANTEE in the Highway Crossing Overpass Construction Agreement entered between GRANTOR and GRANTEE as of _____ __, 2022**, to enter upon and make use of the described lands as may be required to undertake and carry out the location, laying-out, construction, reconstruction, installation, supervision, inspection, repair, maintenance and use of roadway and elevated roadway structures located and to be located within adjacent permanent easements or licensed areas, including but not limited to the movement and storage of vehicles, machines, materials, supplies and equipment; grading, filling, and repairing the described lands; and ingress and egress over and across abutting easements, property lines and rights of way for such purposes. At the conclusion of construction, all areas disturbed by construction shall be regraded to match the grade and elevation of the abutting remaining property, and all established lawns shall be re-sodded and other areas re-seeded with native grass or other perennial ground cover, with no obligation for future watering or maintenance."

It is understood and agreed that the consideration exchanged for the conveyance of the above-described **Quitclaim Temporary Construction Easements** is in full payment for the purchase and conveyance of such Easement and all damages arising out of its use for the purposes described herein. IN WITNESS THEREOF, **GRANTOR** has set its hand the day and year first written above.

GRANTOR: The Kansas City Southern Railway Company

By: Ginger Adamiak

Ginger Adamiak

VP- Sales & REAL ESTATE

ACKNOWLEDGEMENT

State of Missouri)

) SS.

County of Jackson)

On this 17th day of January, 2023 before me a Notary Public, appeared Ginger Adamiak to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the VP – Real Estate of **The Kansas City Southern Railway Company,** that he executed the same on behalf of said **The Kansas City Southern Railway Company** and by authority thereof and acknowledged said instrument to be the free act and deed of said **The Kansas City Southern Railway Company** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires: 10/15/25 Notary Public

BRYCE J GOOD
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 17423040
My Commission Expires Oct 15, 2025

(Remainder of page intentionally blank; additional signature pages follow)

IN WITNESS THEREOF, **GRANTEE County** has set its hand the day and year first written above.

GRANTEE: Collin County, Texas

By: _____

_____

(Title)

ACKNOWLEDGEMENT

State of Texas)

) SS.

County of Collin)

On this _____ day of_____, 2022, before me a Notary Public, appeared _____ to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the _____ of **Collin County, Texas,** and that he executed the same on behalf of said County, and by authority thereof and acknowledged said instrument to be the free act and deed of **Collin County, Texas,** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires:_____ Notary Public _____

(Remainder of page intentionally blank; additional signature page follows)

IN WITNESS THEREOF, **GRANTEE City** has set its hand the day and year first written above.

GRANTEE: City of Wylie, Texas

By: _____

_____

(Title)

ACKNOWLEDGEMENT

State of Texas)

) SS.

County of Collin)

On this _____ day of_____, 2022, before me a Notary Public, appeared _____ to me personally known (or proved to me on the basis of satisfactory evidence) to be the person described herein who executed the foregoing instrument, and acknowledged that he is the _____ of **City of Wylie, Texas,** and that he executed the same on behalf of said **City of Wylie, Texas**, and by authority thereof and acknowledged said instrument to be the free act and deed of **City of Wylie, Texas,** for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires:_____ Notary Public _____

[Remainder of page intentionally blank, Exhibits A-C follow]

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR PARK BOULEVARD
PARCEL 42-1
1.37 ACRES (59,670 SQUARE FEET)

BEING 59,670 square feet of land situated in the Francisco De La Pina Survey, Abstract Number 688, Collin County, Texas, and being part of Lots 3 and 4, Block A of Lots 1, 2, 3 & 4, Block A, Victoria Place, an addition to the City of Wylie, Collin County, Texas, recorded in Instrument Number 20070223010000600 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and part of a 4.8146 acre tract of land described in Warranty Deed to The Kansas City Southern Railway Company, recorded in Instrument Number 20131011001414300, O.P.R.C.C.T., and part of a called 3.8768 acre tract of land described as "Tract B" in Special Warranty Deed to The Kansas City Southern Railway Company, recorded in Instrument Number 20131001001374110, O.P.R.C.C.T., and part of a called 1.727 acre tract of land and a called 0.655 acre tract of land described in Warranty Deed to The Kansas City Southern Railway Company, recorded in Volume 4421, Page 1924 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and part of a called 28.332 acre tract of land described in General Warranty Deed to The Kansas City Southern Railway Company, recorded in Instrument Number 20101220001391710, O.P.R.C.C.T., and being part of a called 22.123 acre tract of land described in Warranty Deed to The Kansas City Southern Railway Company, recorded in Volume 4421, Page 1929, D.R.C.C.T., and part of Kanas City Southern Railway Company (K.C.S.R.C.) (a 100-foot wide right-of-way, as recorded in Clerk's File Number 94-0096329, Volume 3424, Page 126 and Volume 5028, Page 4107, D.R.C.C.T.), being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch found iron rod for the southwest corner of Lot 1, Block A of said Victoria Place addition, said corner being at the intersection of the east right-of-way line of Spring Creek Parkway (a 100-foot wide right-of-way) and the north right-of-way line of State Highway 78 (a variable width right-of-way);

THENCE North 00 degrees 52 minutes 31 seconds East, with the west line of said Victoria Place addition and the east right-of-way line of said Spring Creek Parkway, a distance of 495.09 feet to a northwest corner of Lot 2, corner (not monumented) for the **POINT OF BEGINNING**;

THENCE North 00 degrees 52 minutes 31 seconds East, continuing with said east and west lines, a distance of 304.91 feet to the point of curvature (not monumented) of a non-tangent circular curve to the left, having a radius of 1,550.00 feet, whose chord bears North 22 degrees 13 minutes 36 seconds West, a distance of 1,216.33 feet;

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR PARK BOULEVARD
PARCEL 42-1
1.37 ACRES (59,670 SQUARE FEET)

THENCE Northerly, continuing with said east and west lines and with said curve, through a central angle of 46 degrees 12 minutes 13 seconds, passing at an arc distance of 638.69 feet the northwest corner of said Victoria Place addition and the southwest corner of the aforementioned 0.655 acre tract, and continuing with said east line and the west line of said 0.655 acre tract, passing at an arc distance of 659.52 feet the northwest corner of said 0.655 acre tract and at the intersection of said east line and the south right-of-way line of the aforementioned K.C.S.R.C., and continuing over and across said K.C.S.R.C., passing at an arc distance of 761.47 feet the north right-of-way line of said K.C.S.R.C. and the south line of the aforementioned 28.332 acre tract, and continuing over and across said 28.332 acre tract, in all a total arc distance of 1,249.93 feet to a 1/2-inch set iron rod with blue plastic cap stamped "HALFF ESMT" (hereinafter referred to as "with ESMT cap") for corner;

THENCE North 45 degrees 19 minutes 42 seconds West, continuing over and across said 28.332 acre tract, a distance of 5.07 feet to an "ell" corner (not monumented) of said 28.332 acre tract and the aforementioned 1.727 acre tract, said corner being the point of curvature of a non-tangent circular curve to the left, having a radius of 1,549.77 feet, whose chord bears North 45 degrees 47 minutes 00 seconds West, a distance of 19.31 feet, from which a 5/8-inch found iron rod with cap stamped "BOUNDARY MARK" bears South 19 degrees 10 minutes 16 seconds East, a distance of 0.63 of a foot;

THENCE Northwesterly, with the north line of said 28.332 acre tract, the southwest line of said 1.727 acre tract, and with said curve, through a central angle of 00 degrees 42 minutes 51 seconds, an arc distance of 19.31 feet to a 1/2-inch set iron rod with ESMT cap for corner;

THENCE North 55 degrees 30 minutes 31 seconds East, over and across said 1.727 acre tract, a distance of 11.37 feet to a corner (not monumented);

THENCE North 43 degrees 55 minutes 26 seconds West, over and across said 1.727 acre tract, passing at a distance of 18.30 feet the northwest line of said 1.727 acre tract and the southeast right-of-way line of the aforementioned K.C.S.R.C., and continuing over and across said K.C.S.R.C., passing at a distance of 119.71 feet the north right-of-way line of said K.C.S.R.C. and the southeast line of the aforementioned 22.123 acre tract, and continuing over and across said 22.123 acre tract, in all a total distance of 212.23 feet to a 1/2-inch set iron rod with ESMT cap for corner;

THENCE North 16 degrees 23 minutes 40 seconds East, over and across said 22.123 acre tract, a distance of 46.04 feet for corner (not monumented);

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR PARK BOULEVARD
PARCEL 42-1
1.37 ACRES (59,670 SQUARE FEET)

THENCE South 43 degrees 55 minutes 26 seconds East, over and across said 22.123 acre tract, passing at a distance of 121.90 feet the southeast line of said 22.123 acre tract and the north right-of-way line of the aforementioned K.C.S.R.C., and continuing over and across said K.C.S.R.C., passing at a distance of 223.08 feet the south right-of-way line of said K.C.S.R.C. and the northwest line of the aforementioned 1.727 acre tract, and continuing over and across said 1.727 acre tract, passing at a distance of 266.27 feet the southeast line of said 1.727 acre tract and the northwest line of the aforementioned 28.332 acre tract, and continuing over and across said 28.332 acre tract, in all a total distance of 295.54 feet to the point of curvature (not monumented) of a tangent circular curve to the right, having a radius of 1,600.00 feet, whose chord bears South 41 degrees 24 minutes 02 seconds East, a distance of 140.88 feet;

THENCE Southeasterly, over and across said 28.332 acre tract and with said curve, through a central angle of 05 degrees 02 minutes 48 seconds, an arc distance of 140.93 feet to a corner (not monumented);

THENCE South 14 degrees 42 minutes 41 seconds East, continuing over and across said 28.332 acre tract, a distance of 57.80 feet to a corner (not monumented);

THENCE South 27 degrees 32 minutes 27 seconds East, continuing over and across said 28.332 acre tract, a distance of 266.82 feet to a corner (not monumented) on the south line of said 28.332 acre tract and the north right-of-way line of the aforementioned K.C.S.R.C.;

THENCE North 75 degrees 46 minutes 55 seconds East, with the south line of said 28.332 acre tract and the north right-of-way line of said K.C.S.R.C., a distance of 24.65 feet to the point of curvature (not monumented) of a non-tangent circular curve to the right, having a radius of 1,580.00 feet, whose chord bears South 25 degrees 10 minutes 24 seconds East, a distance of 101.86 feet;

THENCE Southeasterly, departing said north and south lines, over and across said K.C.S.R.C. and with said curve, through a central angle of 03 degrees 41 minutes 39 seconds, an arc distance of 101.87 feet to a corner (not monumented) on the south right-of-way line of said K.C.S.R.C. and the north line of the aforementioned 0.655 acre tract;

THENCE South 26 degrees 50 minutes 54 seconds East, over and across said 0.655 acre tract, passing at a distance of 25.89 feet the south line of said 0.655 acre tract and the north line of Lot 4, Block A of said Victoria Place addition, and continuing over and across Lot 4, Block A of said Victoria Place, in all a total distance of 201.01 feet to a corner (not monumented);

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR PARK BOULEVARD
PARCEL 42-1
1.37 ACRES (59,670 SQUARE FEET)

THENCE South 05 degrees 13 minutes 24 seconds East, over and across Lot 4, Block A of said Victoria Place addition, a distance of 335.75 feet to a corner (not monumented);

THENCE South 01 degree 16 minutes 11 seconds East, over and across Lot 4, Block A of said Victoria Place addition, passing at a distance of 190.97 feet the common south line of Lot 4, Block A and the north line of Lot 3, Block A of said Victoria Place addition, and continuing over and across Lot 3, Block A of said Victoria Place addition, in all a total distance of 441.14 feet to a corner (not monumented) on the common south line of Lot 3, Block A and the north line of Lot 2, Block A of said Victoria Place addition;

THENCE North 89 degrees 08 minutes 46 seconds West, with the common south line of Lot 3, Block A and the north line of Lot 2, Block A of said Victoria Place addition, a distance of 36.82 feet to the **POINT OF BEGINNING AND CONTAINING** 59,670 square feet (1.37 acre) of land, more or less.

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR PARK BOULEVARD
PARCEL 42-1
1.37 ACRES (59,670 SQUARE FEET)

NOTES:

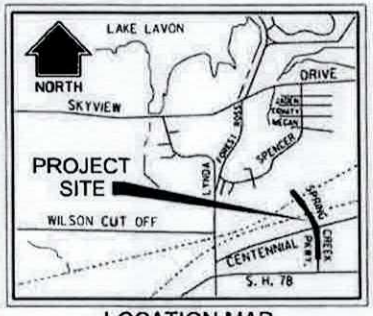
1. The Basis of Bearing is the North American Datum of 1983, Texas Coordinate System, North Central Zone (4202). All distances are surface distances. Surface adjustment scale factor: 1.00015271.

2. A survey plat of even date accompanies this legal description.

G. S Suthan 06/25/21

Getsy J. Suthan, R.P.L.S. Date
Texas Registration No. 6449
HALFF ASSOCIATES, INC.
1201 NORTH BOWSER ROAD
RICHARDSON, TEXAS 75081
TEL (214) 346-6200
TBPELS FIRM NO. 10029600





LOCATION MAP
NOT TO SCALE

Match Line , See Sheet 7 of 8

0 50 100 150 200
SCALE: 1"=100'

N

S 05°13'24" E
335.75'

Δ=46°12'13"(LT)
R=1,550.00'
L=1,249.93'
CL=1,216.33'
CB=N22°13'36"W

(CALLED 3.8768 ACRES)
THE KANSAS CITY RAILWAY COMPANY
TRACT B
INST. NO.
20131001001374110
O.P.R.C.C.T.

1/2" FIR BEARS S56°43'09"W 0.56'

441.14'

LOT 4, BLOCK A

LOT 3
BLOCK A

PARCEL 42-1
1.37 AC.
(59,670 SQ. FT.)

FRANCISCO DE LA PINA SURVEY,
ABSTRACT NO. 688

5/8" FIR BEARS S85°41'06"W 0.48'

10' UTILITY EASEMENT
INST. NO. 20070223010000600
O.P.R.C.C.T.

LOT 1R-6, BLOCK C

REPLAT
LOT 1R-6 & LOT 1R-7, BLOCK C
WOODLAKE VILLAGE ADDITION
INST. NO. 2007-538
P.R.C.C.T.

SPRING CREEK PKWY.
(100' WIDE R.O.W.)

304.91'

S 01°16'11" E

N 00°52'31" E

VICTORIA PLACE
LOTS 1, 2, 3, & 4, BLOCK A
INST. NO. 20070223010000600
O.P.R.C.C.T.

(CALLED 4.8146 ACRES)
THE KANSAS CITY RAILWAY COMPANY
INST. NO. 20131011001414300
O.P.R.C.C.T.

POINT OF BEGINNING

25' BUILDING LINE
INST. NO. 20070223010000600
O.P.R.C.C.T.

LOT 2, BLOCK A

N00°52'31"E
495.09

N 89°08'46" W
36.82'

POINT OF COMMENCING

LOT 1, BLOCK A

1/2" FIR (C.M.)

STATE HIGHWAY 78
(VARIABLE WIDTH R.O.W.)

LEGEND

FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.M.	CONTROL MONUMENT
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
O	NOT MONUMENTED (UNLESS NOTED)

NOTES:

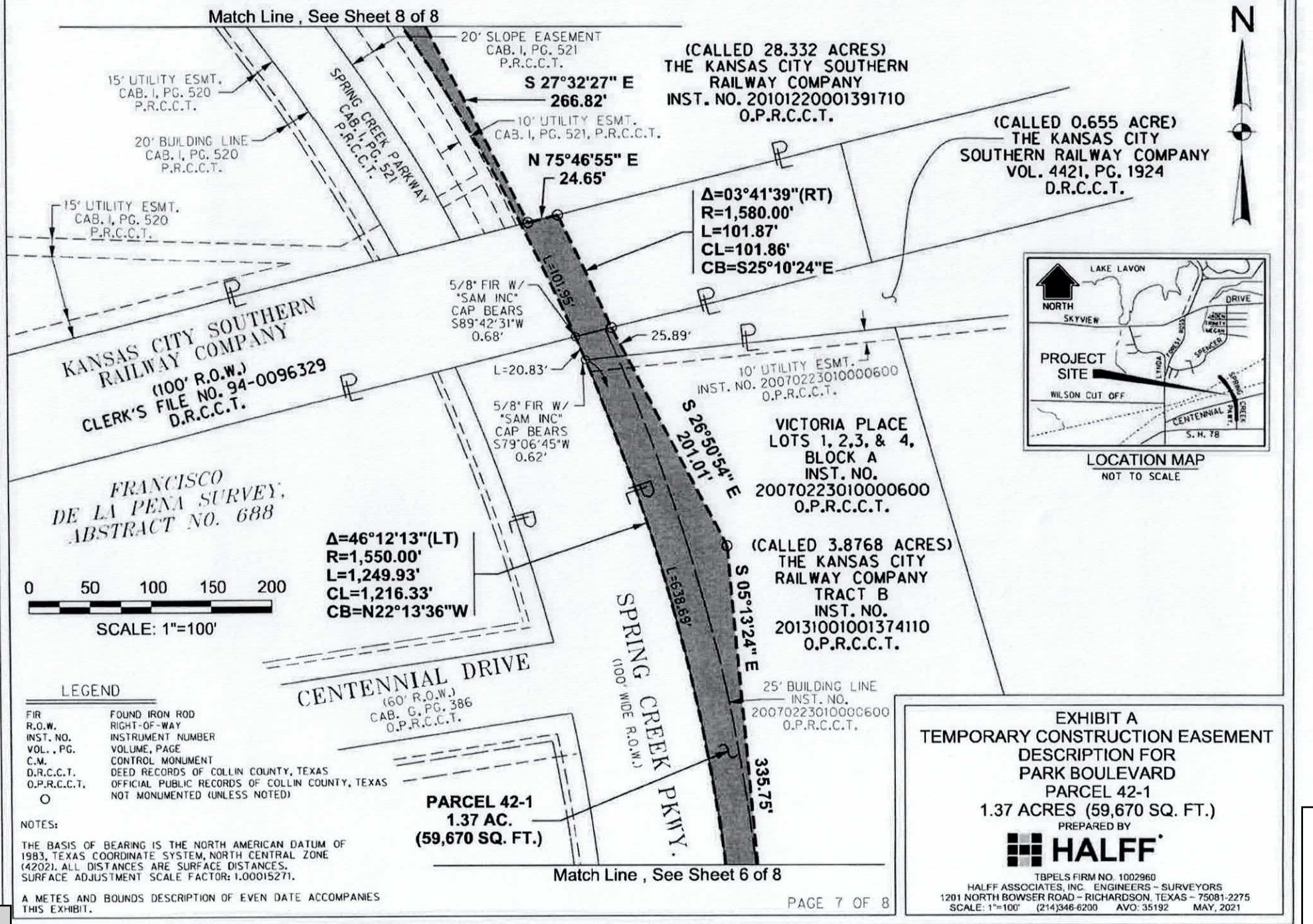
THE BASIS OF BEARING IS THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.00015271.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-1
1.37 ACRES (59,670 SQ. FT.)

PREPARED BY

HALFF
TBPELS FIRM NO. 1002960
HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS - 75081-2275
SCALE: 1"=100' (214)346-6200 AVO: 35192 MAY, 2021



LEGEND

FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.M.	CONTROL MONUMENT
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
O	NOT MONUMENTED (UNLESS NOTED)

NOTES:

THE BASIS OF BEARING IS THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.00015271.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

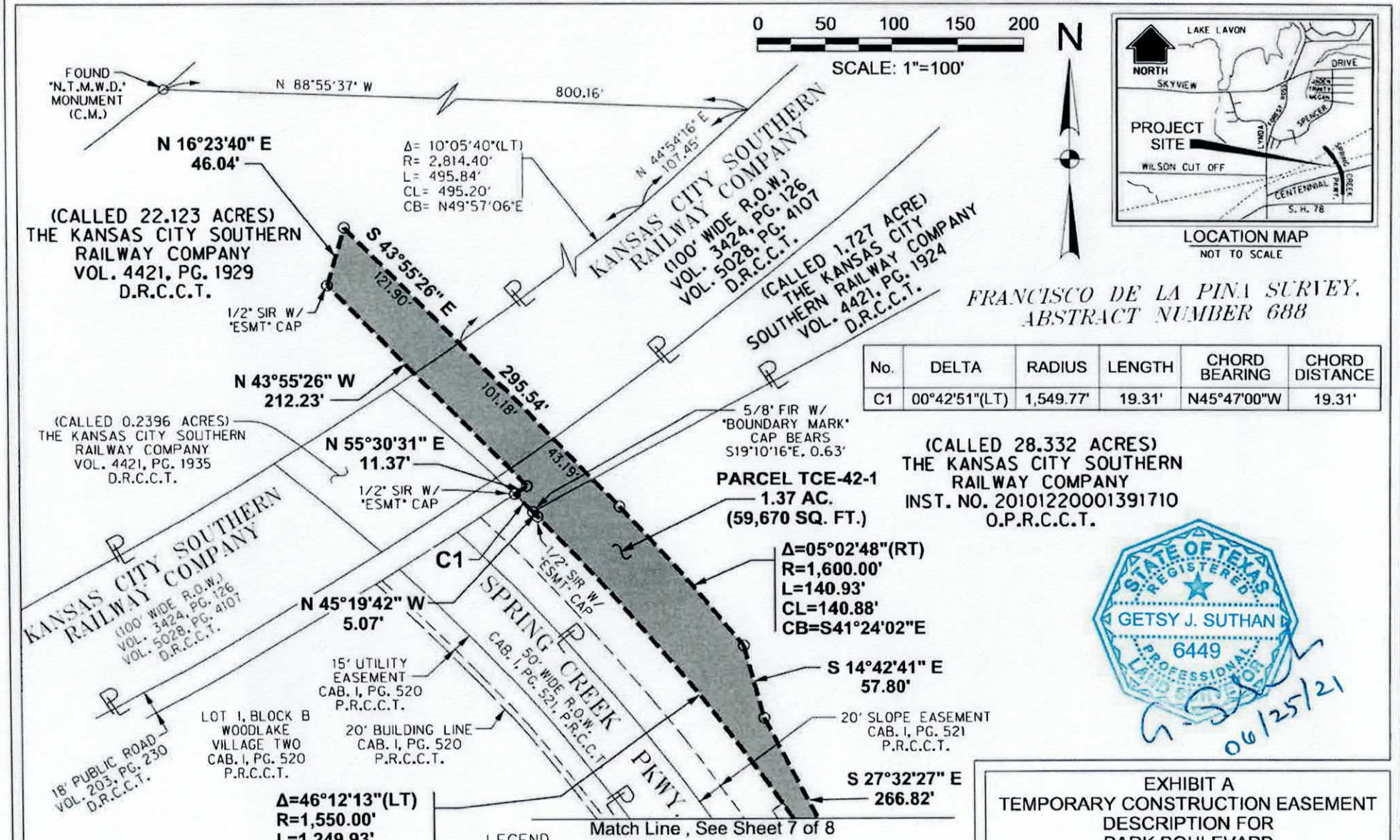
PAGE 7 OF 8

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-1
1.37 ACRES (59,670 SQ. FT.)

PREPARED BY

HALFF

TBPELS FIRM NO. 1002960
HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=100' (214)346-6200 AVO: 35192 MAY, 2021



No.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	00°42'51"(LT)	1,549.77'	19.31'	N45°47'00"W	19.31'

STATE OF TEXAS REGISTERED GETSY J. SUTHAN 6449 PROFESSIONAL LAND SURVEYOR

06/25/21

LEGEND

SIR	SET IRON ROD
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.M.	CONTROL MONUMENT
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
W/"ESMT" CAP	WITH BLUE PLASTIC CAP STAMPED "HALFF ESMT"
○	NOT MONUMENTED (UNLESS NOTED)

NOTES:

THE BASIS OF BEARING IS THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.00015271.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

PAGE 8 OF 8

EXHIBIT A
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-1
1.37 ACRE (59,670 SQ. FT.)

PREPARED BY

HALFF

TBPELS FIRM NO. 1002960
HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=100' (214)346-6200 AVO: 35192 MAY, 2021

EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-2
0.1887 ACRES (8,221 SQUARE FEET)

BEING 8,221 square feet of land situated in the Francisco De La Pina Survey, Abstract Number 688, Collin County, Texas, and being part of a called 22.123 acre tract of land described in Warranty Deed to The Kansas City Southern Railway Company, recorded in Volume 4421, Page 1929 of the Deed Records of Collin County, Texas (D.R.C.C.T.), part of a called 0.2396 acre tract of land described in Deed without Warranty to The Kansas City Southern Railway Company, recorded in Volume 4421, Page 1935, D.R.C.C.T., and part of the Kansas City Southern Railway Company (a 100-foot wide right-of-way), recorded in Volume 374, Page 544 and Volume 5028, Page 4107, D.R.C.C.T., and being more particularly described by metes and bounds as follows:

COMMENCING a 5/8-inch found iron rod with cap stamped "BMI" for the north corner of Lot 1, Block B of Woodlake Village Two, an addition to the City of Wylie, Collin County, Texas, recorded in Cabinet I, Page 520 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and the northwest corner of Spring Creek Parkway, an addition to the City of Wylie, Collin County, Texas, recorded in Cabinet I, Page 521, P.R.C.C.T., said corner being at the intersection of the southeast right-of-way of a 18-foot wide public road, recorded in Volume 203, Page 230, D.R.C.C.T., and the southwest right-of-way line of Spring Creek Parkway (a 50-foot wide right-of-way);

THENCE North 65 degrees 02 minutes 43 seconds West, over and across said 18-foot wide public road, a distance of 21.43 feet to a corner (not monumented) for the **POINT OF BEGINNING**, said corner being on the northwest line of said 18-foot wide public road, the southeast right-of-way line of said Kansas City Southern Railway Company, and the point of curvature of a non-tangent circular curve to the right, having a radius of 2,914.40 feet, whose chord bears South 58 degrees 17 minutes 21 seconds West, a distance of 40.93 feet;

THENCE Southwesterly, with the northwest line of said 18-foot wide public road, the southeast right-of-way line of said Kansas City Southern Railway Company and said curve, through a central angle of 00 degrees 48 minutes 17 seconds, an arc distance of 40.93 feet to a corner (not monumented);

THENCE North 43 degrees 55 minutes 26 seconds West, departing said northwest and southeast lines, and over and across said Kansas City Southern Railway Company, passing at a distance of 102.57 feet the northwest line of said Kansas City Southern Railway Company and the southeast line of said 22.123 acre tract, and continuing over and across said 22.123 acre tract, in all a total distance of 206.63 feet to a corner (not monumented);

EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR
PARK BOULEVARD
PARCEL 42-2
0.1887 ACRES (8,221 SQUARE FEET)

THENCE North 61 degrees 23 minutes 40 seconds East, over and across said 22.123 acre tract, a distance of 41.47 feet to a corner (not monumented);

THENCE South 43 degrees 55 minutes 26 seconds East, over and across said 22.123 acre tract, said 0.2396 acre tract, and said Kansas City Southern Railway Company, passing at a distance of 102.09 feet the northwest line of said Kansas City Southern Railway Company and the southeast line of said 22.123 acre tract, and continuing over and across said Kansas City Southern Railway Company, in all a total distance of 204.33 feet to the **POINT OF BEGINNING AND CONTAINING** 8,221 square feet (0.1887 acre) of land, more or less.

NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas Coordinate System, North Central Zone (4202). All distances are surface distances. Surface adjustment scale factor: 1.00015271.

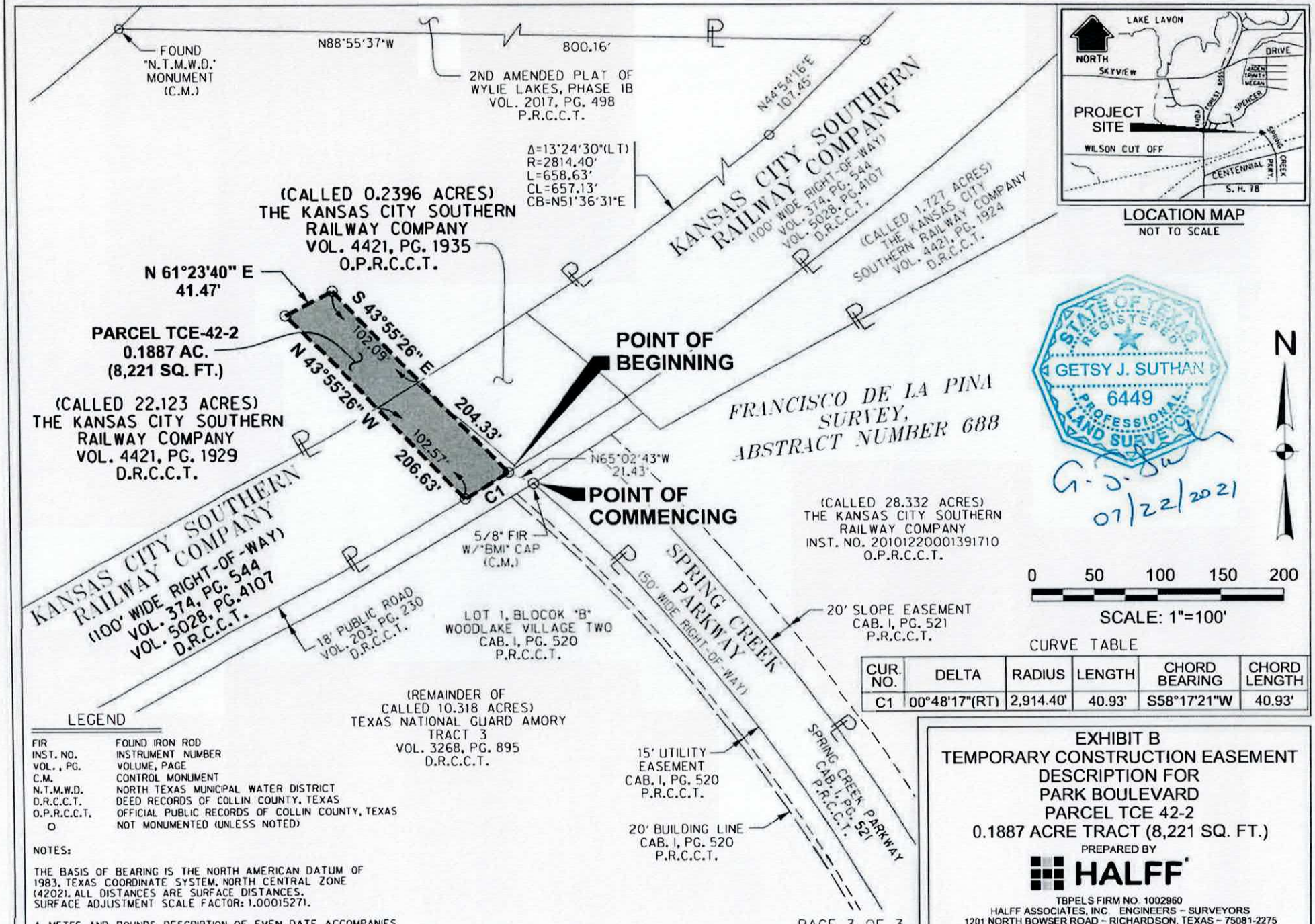
2. A survey plat of even date accompanies this legal description.

G. J. Suthan 07/22/2021

Getsy J. Suthan, R.P.L.S. Date
Texas Registration No. 6449
Halff Associates, Inc.
1201 North Bowser Road
Richardson, Texas 75081
Tel (214) 346-6200
TBPELS Firm No. 10029600



7/22/2021 9:00:49 AM ah2472 HALFF I:\35000s\35192\001\CADD\SheetsRCH\Exhibits\Parcel 42-2\VEXH-P42-2_TCE-PG01-35192.dgn



CURVE TABLE

CUR. NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	00°48'17"(RT)	2,914.40'	40.93'	S58°17'21"W	40.93'

LEGEND

FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.M.	CONTROL MONUMENT
N.T.M.W.D.	NORTH TEXAS MUNICIPAL WATER DISTRICT
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
O	NOT MONUMENTED (UNLESS NOTED)

NOTES:

THE BASIS OF BEARING IS THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.00015271.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

PAGE 3 OF 3

EXHIBIT B
TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION FOR PARK BOULEVARD PARCEL TCE 42-2
0.1887 ACRE TRACT (8,221 SQ. FT.)

PREPARED BY

HALFF

TBPELS FIRM NO. 1002960
HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS - 75081-2275
SCALE: 1"=100' (214)346-6200 AVO: 35192 MAY, 2021

EXHIBIT C
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR PARK BOULEVARD
PARCEL 42-3
0.0704 ACRES (3,069 SQUARE FEET)

BEING 3,069 square feet of land situated in the Francisco De La Pina Survey, Abstract Number 688, Collin County, Texas, and being part of a tract of land described in Deed without Warranty to The Kansas City Southern Railroad Company (a 100-foot wide right-of-way), as recorded in Clerk's File Number 94-0096329 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at the north corner of Lot 1, Block B of Woodlake Village, an addition to the City of Wylie, Collin County, Texas, recorded in Cabinet G, Page 386 of the Plat Records of Collin County, Texas (P.R.C.C.T.), said corner being at the intersection of the south right-of-way line of said The Kansas City Southern Railroad Company and the west right-of-way line of Spring Creek Parkway (a 100-foot wide right-of-way), from which a 5/8-inch found iron rod with cap stamped "SAM INC" bears South 14 degrees 14 minutes 46 seconds West, a distance of 0.89 of a foot;

THENCE South 75 degrees 46 minutes 55 seconds West, with the northwest line of said Lot 1 and the south right-of-way line of said The Kansas City Southern Railroad Company, a distance of 30.47 feet to the point of curvature (not monumented) of a non-tangent circular curve to the left, having a radius of 1,420.00 feet, whose chord bears North 26 degrees 25 minutes 38 seconds West, a distance of 102.31 feet;

THENCE Northwesterly, departing said northwest and south lines, over and across said The Kansas City Southern Railroad Company, and with said curve, through a central angle of 04 degrees 07 minutes 45 seconds, an arc distance of 102.34 feet to a corner (not monumented) on the north right-of-way line of said The Kansas City Southern Railroad Company and the southeast line of Lot 1, Block B, Woodlake Village Two, an addition to the City of Wylie, Collin County, Texas, recorded in Cabinet I, Page 520, P.R.C.C.T.;

THENCE North 75 degrees 46 minutes 55 seconds East, with the northwest right-of-way line of said The Kansas City Southern Railroad Company and the southeast line of said Woodlake Village Two addition, a distance of 30.93 feet to the east corner (not monumented) of said Woodlake Village Two addition, said corner being at the intersection of the north right-of-way line of said The Kansas City Southern Railroad Company and the west right-of-way line of said Spring Creek Parkway and the point of curvature of a non-tangent circular curve to the right, having a radius of 1,450.00 feet, whose chord bears South 26 degrees 10 minutes 14 seconds East, a distance of 102.22 feet, from which a 5/8-inch found iron rod with cap stamped "SAM INC" bears South 03 degrees 20 minutes 13 seconds West, a distance of 0.78 of a foot;

EXHIBIT C
TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION FOR PARK BOULEVARD
PARCEL 42-3
0.0704 ACRES (3,069 SQUARE FEET)

THENCE Southeasterly, over and across said The Kansas City Southern Railroad Company, and with said curve, through a central angle of 04 degrees 02 minutes 23 seconds, an arc distance of 102.24 feet to the **POINT OF BEGINNING AND CONTAINING** 3,069 square feet (0.0704 acre) of land, more or less.

NOTES:

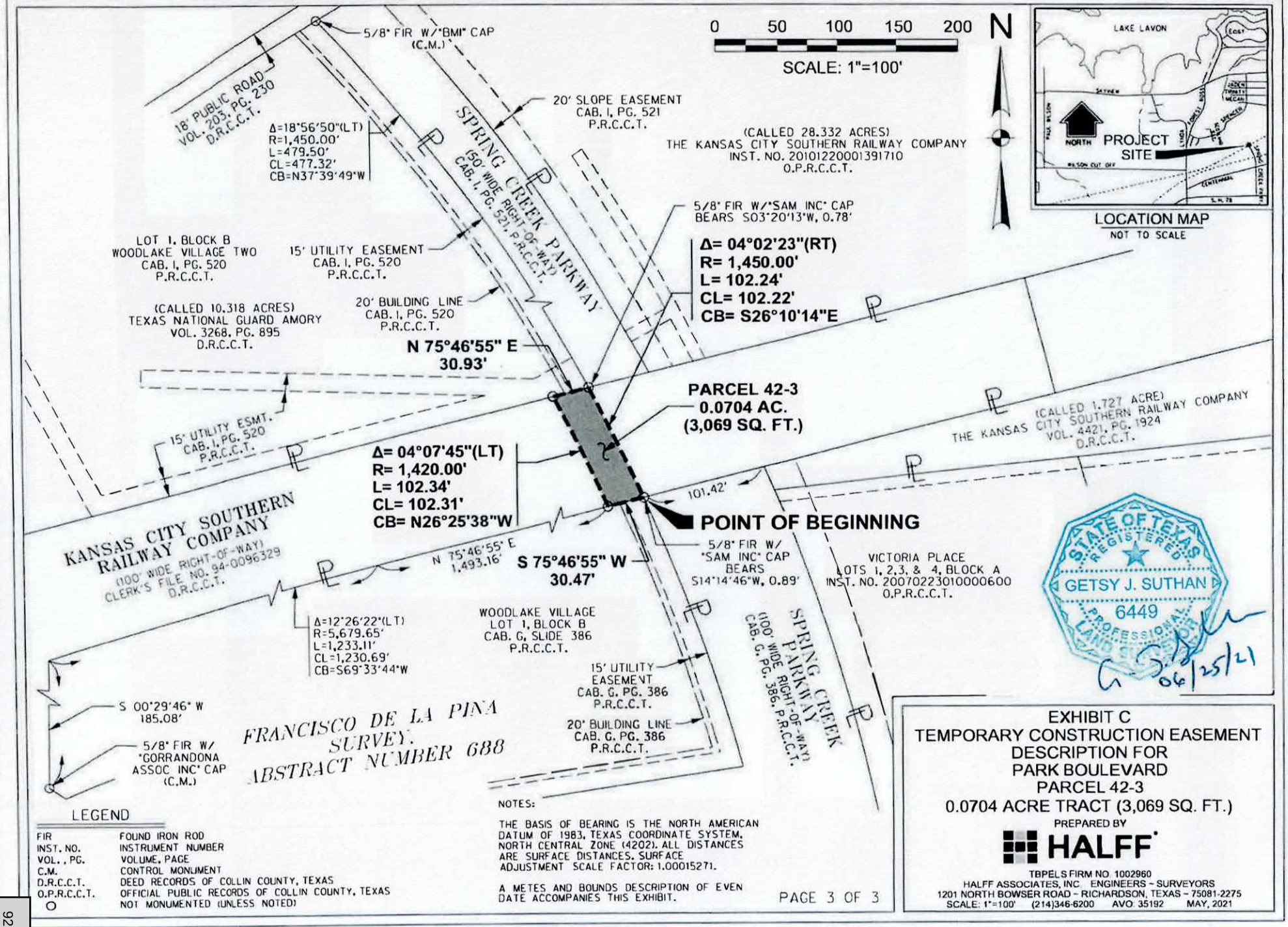
1. The Basis of Bearing is the North American Datum of 1983, Texas Coordinate System, North Central Zone (4202). All distances are surface distances. Surface adjustment scale factor: 1.00015271.

2. A survey plat of even date accompanies this legal description.

G. Suthan 06/25/24

Getsy J. Suthan, R.P.L.S. Date
Texas Registration No. 6449
Halff Associates, Inc.
1201 North Bowser Road
Richardson, Texas 75081
Tel (214) 346-6200
TBPELS Firm No. 10029600





LEGEND

FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.M.	CONTROL MONUMENT
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
O	NOT MONUMENTED (UNLESS NOTED)

NOTES:

THE BASIS OF BEARING IS THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.00015271.

A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT.

PAGE 3 OF 3

EXHIBIT C
TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION FOR PARK BOULEVARD PARCEL 42-3
0.0704 ACRE TRACT (3,069 SQ. FT.)

PREPARED BY

HALFF

TBPELS FIRM NO. 1002960
HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=100' (214)346-6200 AVO: 35192 MAY, 2021

Wylie City Council

AGENDA REPORT

Department: Animal Services **Account Code:**

Prepared By: Shelia Patton

Subject

Consider, and act upon, Ordinance No. 2023-10, amending Wylie's Code of Ordinances, Ordinance No. 2021-17, as amended, Chapter 18 (Animals); providing a penalty clause, savings/repealing and severability clauses; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.

Recommendation

Motion to approve the Item as presented.

Discussion

City Council reviewed and discussed the proposed Ordinance, amending Article I (In General), Sec. 18-15 (Prohibiting the sale of animals from public places) and Article II (Dogs and Cats), Sec. 18-42 (Prohibiting the sale of dogs and cats by retail pet stores) during the work session on February 14, 2023. The ordinance is being submitted for formal approval as directed.

Additionally, the Animal Shelter Advisory Board requests two additional members to increase citizen participation opportunities. Article IV (Animal Shelter Advisory Board), Sec. 18-123 (Number of members; qualified appointment; terms.) increases the board seats from one resident position to three residents, and defines terms to stagger board member term expirations. Article IV (Animal Shelter Advisory Board), Sec. 18-127 (Quorum; voting.) increases quorum requirements from three to four.

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 18 (ANIMALS); PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") finds that it is necessary and in the public interest to ensure the health and humane treatment of animals and the public in the City of Wylie, Texas ("Wylie" or "City"); and

WHEREAS, the subject Ordinance includes procedures related to Board and Commission member terms and qualifications; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to amend Chapter 18 (Animals) of the City's Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances"), as set forth below, to promote public and animal health, safety and welfare; and

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: Amendment to Chapter 18 (Animals) of the Code of Ordinances. Chapter 18 (Animals) of the Code of Ordinances is hereby amended and replaced in its entirety as follows:

"CHAPTER 18 - ANIMALS

ARTICLE I - IN GENERAL

Sec. 18-1. - Definitions.

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

Abandon means to fail to adequately provide an animal with one (l) or more of the necessities of life, including but not limited to, air, food, potable water, sanitary conditions, shelter, protection from the heat, cold, or other environmental conditions, or under other circumstances that may cause bodily injury, serious bodily injury, or death of the animal, for twenty-four (24) or more hours, or to leave an animal in the care, custody, or control of another person without his or her consent.

Adoption Agency means an animal welfare organization or animal placement group approved by the animal services manager to take impounded dogs and cats from animal services for adoption to the public.

Animal means any live vertebrate creature, domestic or wild, but specifically excluding human beings.

Animal services means the animal services division of the police department, directed by the chief of police, or his/her designee, of the City, or its designee, as determined by the City Manager.
Animal services director means the director of the City animal services department and his/her authorized designees.

Animal services facility means a facility operated by the City of Wylie or its agents or designees for the purpose of impounding or caring for animals held under the authority of this chapter or state or federal laws.

Animal services manager means the person designated by the animal services director or his/her designee to supervise all aspects and operations of animal services.

Animal services officer means a person employed by the City to represent and act for the City in the impounding of animals, controlling of animals running at large, and enforcing the provisions of this chapter and all regulations relating to animals as authorized by other local, state or federal law.

Animal shelter means a facility operated by the City for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Animal Welfare Organization means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

*Assistance anima*l has the meaning assigned in the Texas Human Resources Code, Chapter 121, as amended.

At large means:

(1) On the Premises of the Owner:
    (a) Any animal not confined to the premises of the owner by a secure enclosure of sufficient height, strength, length and/or manner of construction sufficient for the breed to preclude the animal from leaving the premises of the owner.
    (b) Any animal which is not physically and continually restrained by some person by means of a leash or a chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises.
(2) Off the Premises of the Owner: Any animal which is not physically and continually restrained by some person by means of a leash or a chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises; provided, however, that any animal which is securely confined within a cage, automobile, truck or any other vehicle, and that cannot come into contact with any other person/property other than the owners, shall not be deemed at large.

Cat means a domesticated member of the feline family (Felis domesticus) other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited feline, or any hybrid thereof.

Chicken means any particular domesticated farm or ranch animal of the particular fowl family (Gallus domesticus) developed in a number of breeds for its flesh, eggs and feathers but does not include ducks, geese, turkeys or other domesticated fowl.

Circus means a commercial variety show featuring animal acts for public entertainment.

City means City of Wylie.

City enforcement agent means any designee of the City animal services director, any animal services officer, or law enforcement officer that is employed by the City.

Dangerous dog means a dog that:

(1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
(2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
(3) Makes an attack on an animal that causes serious injury or death and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own.

Department means the City animal services department.

Direct physical control means having precautions in place so the person may exercise physical control over the animal in the event it should become necessary to do so to protect the animal, a human, or another animal from harm. For the purposes of this chapter, voice control, shock collars, e-collars, and collar-mounted electronic training devices, regardless of the animal's proximity or training status, shall not be considered direct physical control.

Dog means a domesticated member of the canine family (Canis familiaris), other than a wolf, jackal, fox, dingo, coyote, or other prohibited canine, or any hybrid thereof.

Euthanasia means the termination of an animal by a person using methods authorized by state and federal laws.

Feral when used in describing an animal means any unowned, untamed animal living in the wild that will not voluntarily accept handling by human beings despite usually being considered a domestic animal.

Humane trap means any trap designed to capture an animal without injuring the animal.

Impound means to take an animal into custody by the City; impoundment shall begin at the time any City enforcement agent seizes, takes, collects, confines or captures an animal.

Livestock means a horse, stallion, mare, gelding, filly, colt, mule, jenny, jack, jennet, hog, sheep, goat or a head of any species of cattle. Pot-bellied pigs, as defined by this article, are not considered livestock.

Local rabies control authority (LRCA) means the person designated by the governing body of a municipality to enforce the Texas Health and Safety Code, as amended.

Local rabies control incident (LRCI) means any bite, scratch, or other injury to a person caused by a warm-blooded animal that breaks the victim's skin and/or causes him or her to bleed and potentially come into contact with the injuring animal's saliva and could therefore allow the rabies virus to be transmitted from the animal to the person.

Owner means any person or persons, firm, partnership, corporation, association or entity that harbors,

shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be presumed to be the owner of the animal. The presumption may be rebutted with proof that the animal has been reported to the department. A property owner, occupant, or head of household of any premises on which a dog or cat remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal, the parent, legal guardian, or the head of the household shall be the owner for purposes of this chapter. There may be more than one (l) person who is the owner or responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to, pet sitters, groomers, boarders, walkers, and trainers. This term is to exclude the Animal services facility and veterinary facilities.

Performing animal exhibition means any spectacle, display, act or event, other than circuses, in which performing animals are used.

Pet means any animal kept for pleasure rather than utility.

Police service animal means an animal owned by the City, or other governmental law enforcement agency, specifically trained or equipped to assist personnel in a law enforcement capacity.

Pot-bellied pig means a variety of swine that is no more than eighteen (18) inches in height at shoulder level when fully grown, has short erect ears and a straight tail. No swine shall be considered a pot-bellied pig if its weight exceeds ninety-five (95) pounds, or unless registered with a licensed breeder.

Releasing agency means any public or private animal pound, shelter or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restraint means an animal in a secure enclosure and/or completely confined by a building, wall or fence of sufficient strength of construction to restrain the animal on the premises of the owner or an animal off the premises of the owner and under the control of the owner or another person authorized by the owner to care for the animal by leash, cord, chain or rope.

Retail Pet Store means a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

Riding school or stable means any place which has available for hire, boarding and/or riding instruction any horse, pony, donkey, mule or burro.

Shelter means a structure that is capable of adequately providing cover and protection from heat, cold, and other environmental conditions. At minimum, a shelter must have three (3) sides, a top, and a bottom and must be adequately ventilated. It must have bedding material. It must be large enough so that the animal can enter, stand, turn around, and lie down, but small enough to prevent the loss of body heat during cold weather.

Tether means any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

Vaccination means the inoculation of an animal with an anti-rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered in accordance with the label 's directions and all state and federal laws for the purpose of immunizing the animal against rabies.

Veterinary facility means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild animal means any animal that is customarily considered dangerous, undomesticated, not normally born and raised in captivity or any animal that is restricted from ownership by any international, federal, or state law, including, but not limited to the following classes and families of animals (specific animals are named as examples of the class or family, not as a complete list of the class or family):

(1) Class Reptilia:
    (a) Family Helodermatidae (venomous lizards) and Family Hydrophiidae (Venomous Marine snakes);
    (b) Family Viperidae (rattlesnakes, pit vipers and true vipers);
    (c) Family Elapidae (coral snakes, cobras, and mambas);
    (d) Family Columbridae-Dispholidus Typus (boomslang);
    (e) Bioga Dendrophilia (mangrove snake) and Kirklandii (twig snake only); and
    (f) Order Crocodilia (such as crocodiles and alligators);
(2) Class Aves: Order Falconiformes (such as hawks, eagles, falcons and vultures);
(3) Class Mammalia: Order Carnivores:
    (a) Family Felidae (such as lions, tigers, bobcats, jaguars, leopards and cougars), except commonly domesticated cats;
    (b) Family Canidae (such as wolves, dingoes, coyotes, foxes and jackals) and any hybrid of an animal listed in this section, except commonly domesticated dogs;
    (c) Family Mustelidae (such as weasels, skunks, martins, minks, badgers and otters) except ferrets;
    (d) Family Procyonidae (such as raccoons and coati);
    (e) Family Ursidae (such as bears);
    (f) Marsupialia (such as kangaroos, opossums, koala bears, wallabies, bandicoots, and wombats);
    (g) Chiroptera (bats);
    (h) Edentata and Xenarthraj (such as sloths, anteaters, and armadillo);
    (i) Proboscidea (elephants);
    (j) Primata (such as monkeys, chimpanzees, orangutans, and gorillas);
    (k) Rodentia (such as beavers and porcupines); and
    (l) Ungulata (such as antelope, deer, bison and camels);
(4) Class Amphibia: Poisonous frogs. Does not include non-poisonous reptiles or nonpoisonous snakes.
(5) Any species illegal to own under federal or state law, or any animal which is, or may be hereafter, listed as a "high risk" animal in the Texas Rabies Control Act;

“Wild animal” does not include livestock, fowl or household pets, such as but not limited to dogs, cats, cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish or small, nonpoisonous reptiles, or nonpoisonous snakes. Wild animal includes any hybrid of an animal listed in this definition, unless certified for medical, biological, herpetological or other scientific research or study. This definition shall apply regardless of state or duration of captivity.

Zoological park means a government-operated facility displaying or exhibiting one (1) or more species of non-domesticated animals.

Sec. 18-2. - Enforcement of chapter.

(a) The provisions of this chapter shall be enforced by the animal services officers. The animal services officers have the authority to issue citations to persons violating the provisions of this chapter.

(b) It shall be unlawful for any person to interfere with an animal services officer or his/her duly authorized representative in the performance of his/her duties as prescribed by this chapter.
(c) Animal services officers have the right to pursue animals running at large onto private property while enforcing the provisions of this chapter.

Sec. 18-3. - Inhumane treatment of animals.

(a) A person commits an offense if, either through his/her action or omission, he/she:
  (1) Docks the tail or removes the dew claws of an animal over five (5) days of age, or crops the ears of an animal of any age, unless he is licensed to practice veterinary medicine in the state;
  (2) Abandons any animal that he or she has possession or ownership of at the animal services facility, at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal;
  (3) Fails to reclaim any animal that he owns from the animal services facility or any person who had temporary possession of the animal;
  (4) Euthanizes, kills or attempts to euthanize or kill an animal in a manner other than allowed in this chapter;
  (5) Places or confines an animal, or allows an animal to be placed or confined, in a motor vehicle, conveyance, or trailer without providing adequately for the necessities of life, including air, food, potable water, sanitary conditions, shelter or protection from the heat, cold or other environmental condition, or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal;
  (6) Causes or allows an animal to remain in its own filth;
  (7) Owns or has care, custody, or control of an animal having an infestation of ticks, fleas, or other parasites, without having the animal treated by a veterinarian or following a proper commercially available treatment regimen for the infestation;
  (8) Owns or has care, custody or control of an animal having an obvious or diagnosed illness, injury, or communicable illness transmittable to animal or human, without having the animal treated by a veterinarian or following a proper treatment regimen for the injury or illness;
  (9) Fails to provide basic grooming for an animal;
  (10) Causes, allows or trains an animal to fight another animal or possesses animal fighting paraphernalia or training equipment;
  (11) Fails to adequately provide an animal owned by him/her or under his/her care, custody or control with necessities of life, including food, potable water, sanitary conditions, shelter or protection from the heat, cold other environmental conditions, or other circumstances that may cause bodily injury, serious bodily injury or death of the animal;
  (12) Mutilates or allows to mutilate any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, medical or veterinary necropsy, and bona fide educational use of dead animals shall not be considered mutilation;
  (13) Attaches or allows to be attached a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin;
  (14) Attaches or allows to be attached a tether that is not appropriately sized for the animal or so heavy as to restrict or burden the animal's movements;
  (15) Teases, taunts, or provokes an aggressive reaction from an animal.
  (16) Gives away any animal as a prize for, or as an inducement to enter any contest, game or competition, or as an inducement to enter a place of amusement, or offer such an animal as an incentive to enter into any business establishment whereby the offer was for the purpose of attracting trade.

(17) Knowingly expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any pet or domestic animal.

(b) Animals seized pursuant to this section may be impounded and the City enforcement agent may petition the municipal court for a hearing to determine whether the animal was inhumanely treated and to determine the disposition of the animal. The petition shall be filed within forty-eight (48) hours of the seizure. If the court is not open during this 48-hour period, the petition shall be filed the next day the court is open for business. If a hearing is not requested, then the animal shall be returned to the owner upon request of the owner.

(c) This section shall not be interpreted to restrict the lawful activities and legitimate operations of rodeos, 4H clubs or FFA clubs.

Sec. 18-4. - Payment of fees generally.

The department shall be responsible for collecting all fees established and levied in accordance with this chapter.

Sec. 18-5. - Certain establishments exempt from license and permit requirements.

Veterinary facilities and government-operated shelters and zoological parks are exempt from obtaining any permits that may be required by this chapter.

Sec. 18-6. - Impoundment, redemption, and disposition of animals.

(a) Impoundment:

(1) Rabies: The animal services officer shall impound and quarantine any animal that he/she has probable cause to believe was exposed to or infected with rabies. Any animal that exhibits symptoms of the rabies disease during quarantine shall be euthanized;

(2) Owner's absence: The animal services officer may impound an animal at the request of a peace officer or owner of the property where the animal is located when the owner of the animal has been arrested, hospitalized, is missing, has died, or when the owner is being lawfully evicted from his/her premises and there is no person present seventeen (17) years of age or older who will assume responsibility for the animal;

(3) Animal at large: The animal services officer may impound an animal found to be at large;

(4) Dangerous animal: The animal services officer shall follow the procedures for impoundment of dangerous dog set forth in this chapter;

(5) Unauthorized possession: The animal services officer may impound an animal if the animal services officer has probable cause to believe the animal is being possessed in violation of local, state or federal law;

(6) Inhumane treatment: The animal services officer may impound an animal if the animal services officer has probable cause to believe the animal has been inhumanely treated as defined by this chapter; or

(7) LRCI: The animal services officer may impound and quarantine an animal the officer has probable cause to believe has been involved in a LRCI.

(b) The animal services facility shall be considered the designated caretaker of an impounded animal immediately upon impound. After the expiration of any required holding period, the City shall become the full owner of the animal in question and may dispose of it in accordance with this chapter or other law.

(c) Redemption: In order for a person to redeem an impounded animal, he must meet the following requirements:

(1) Conditions for redemption of animals:

a. Rabies vaccination of the animal is required.

1. For the purposes of this subsection, sufficient proof of an animal's current rabies vaccination shall be either a rabies vaccination certificate issued by a licensed veterinarian or verbal or written confirmation of a current rabies vaccination by the licensed veterinarian who administered the vaccination.
2. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall have seven (7) days to provide a current rabies vaccination to the department.
3. If, in the opinion of a licensed veterinarian, the rabies vaccination should not be given within the seven (7) day period, the owner must provide a signed statement from the veterinarian stating why the vaccine should be temporarily delayed and when the vaccine may be given. The owner shall provide written proof of the administering of the vaccination to the department within forty-eight (48) hours.

b. City license required.
1. If the owner cannot prove that the animal has a current City license, the owner shall pay a fee to have the animal licensed as required by this chapter.
2. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall be given seven (7) days to provide proof of a current rabies vaccination to the department and obtain a City license.

c. Payment of fees. The owner must pay all applicable fees before the animal is released.

d. Wild animals. Impounded wild animals kept in violation of this chapter may not be redeemed and may be placed with a wildlife rehabilitator or wildlife educational center or euthanized at the animal services department's discretion.

e. A person commits an offense if he fails to provide the proof of rabies vaccination required in subsections (c)(l) a.2. or (c)(l) a.3 of this section.

f. A person commits an offense if he fails to provide the proof of City license as required in subsection (c)(l) b.2 of this section.

(2) This section shall not apply if the animal was impounded:

a. For being inhumanely treated as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;

b. As a dangerous dog as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;

c. For investigation of rabies and the quarantine period has not expired.

(d) Disposition

(1) Time limits.

a. Impounded animals shall be kept for not less than seven (7) days, unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.

b. An animal impounded at the request of a peace officer or property owner as required by subsection (a)(2) of this section shall be kept for not less than ten (10) business days unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.

c. An impoundment period is not required for an animal voluntarily released to the department by its owner.

d. An impoundment period is not required for any wild animal.

e. An impoundment period is not required for household pets such as but not limited to cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish, or small, nonpoisonous reptiles or nonpoisonous snakes, but excluding dogs and cats.

f. An impoundment period is not required for fowl for which no permit is required under this chapter.

(2) Injured or diseased animals.

a. Any impounded animal, registered or unregistered, which appears to be suffering from serious bodily injury or disease and which is in great pain or suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals may be euthanized.

b. Any animal that is not displaying any type of identification and which due to its violent or feral nature poses a substantial risk of bodily injury to the safety of department staff may be euthanized.

(3) After the expiration of any required impoundment period or immediately after being voluntarily released by its owner, the animal shall become the property of the City, all ownership rights for the animal shall transfer to the City, and the department may dispose of the animal by any of the following methods, taking into consideration factors that may include, but not be limited to, the animal's behavior, aggressive tendencies, feral characteristics, health and housing space availability, within the sole discretion of the animal services manager or his/her designee:

a. Adoption.

1. The department shall be authorized to place for adoption animals impounded by City under the following conditions:

(a) The department shall evaluate all animals to determine if it is an adoption candidate, based on its health, temperament and appropriateness for vaccination. However, authorization to place an animal for adoption shall not constitute a warranty of the health, temperament or age of the animal.

(b) There will be an adoption fee for all animals at an amount set by the City Council.

(c) All animals adopted from the animal services facility shall be vaccinated against rabies according to state guidelines and sterilized.

(d) If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of sterilization, the person adopting the animal must provide a signed statement from the veterinarian stating why the sterilization should be delayed and when the procedure may be performed. A legitimate health risk cannot be based solely on the age of the animal if the animal is at least eight (8) weeks old. The owner shall provide written proof to the department of the completed sterilization within forty-eight (48) hours of the procedure.

2. If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to the department that the animal has died.

3. If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to the department stating that the animal is lost or stolen and a copy of the police report, if any, of the theft. In order to be sufficient, the letter shall be delivered to the department not later than the seventh (7th) day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.

b. Transfer to releasing agency or foster care.

1. The department may transfer ownership of the animal to a releasing agency that has a signed transfer agreement for animals on file with the department provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home.

2. The department may temporarily place the animal in a foster home that has a signed foster agreement for animals on file with the department.

c. Euthanasia. The department may euthanize the animal due to the animal's health or temperament, space limitations or as otherwise deemed necessary by the animal services manager or his/her designee.

(4) All decisions related to the disposition of an animal pursuant to subsection (d) of this section shall be made at the sole discretion of the animal services manager or his/her designee unless otherwise mandated by law or a court order.

(5) A person commits an offense if he fails to provide the proof required in subsection (d)(3) a. l.(c). of this section.

Sec. 18-7. - Wild animals.

(a) No owner shall keep or permit to be kept on his premises or premises under his control, any wild animal for sale, display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
(b) No person shall keep or permit to be kept any wild animal as a pet or source of food.
(c) Felines caught in properly set humane traps which do not have current City license and rabies tags shall be considered feral and shall be disposed of in the normal fashion.

Sec. 18-8. - Livestock and fowl.

(a) No person shall engage in keeping livestock within the corporate limits of the City, except as allowed by the Comprehensive Zoning Ordinance of the City.
(b) A person may harbor or possess not more than eight (8) backyard chickens on residential property after first having obtained a fowl permit from the department. A fee shall be collected in accordance with Section 18-4 in an amount established from time to time by ordinance of the City Council. The permit is per property and is non-transferable and terminates in the event the permit holder no longer resides at the property for which the permit was issued or in the event the person ceases to harbor or keep backyard chickens on the property. This section does not prevail over or supersede any applicable homeowner’s association (HOA) policies or regulations.
(c) The keeping of loud fowl such as roosters, ducks, turkeys, geese, peacocks or guineas, or other such loud fowl within the corporate limits of the City shall be prohibited, except in lakes, public parks or as allowed by the Comprehensive Zoning Ordinance of the city.
(d) Chickens shall be kept in an enclosure or fenced area with a minimum of ten (10) square feet per hen of run space, and be provided a shelter (coop) with a minimum of three (3) square feet per hen.
(e) Such location and/or enclosure shall be no closer than twenty-five (25) feet to the nearest inhabited dwelling, other than that of the owner.
(f) Any fowl kept within the City limits as authorized by this section shall be kept in a secure pen, coop or enclosure, and such structure shall be such construction and strength to keep such animal from running at large.
(g) The chicken coop or other enclosure must be located within the rear yard no closer than five (5) feet from any property line and at a location which is not visible from a public street.
(h) The City shall have the authority to revoke a permit at any time the owner does not comply with this section or any other requirements.
(i) Should such chickens be kept on a lot in the City and such surrounding area is later developed to bring it closer to any inhabited building or dwelling closer than twenty-five (25) feet, excluding property owner who keeps chickens, such enclosure may be required to be moved to keep in compliance or if unable to keep in compliance, such animals shall be required to be removed from such premises within one (l) year of such non-compliance.
(j) Enforcement of this section and any state or federal laws regulating animal services shall be the responsibility of the animal services officers.

Sec. 18-9. - Restraint.

(a) All animals shall be kept under restraint.
(b) No animal shall be permitted to run at large.

Sec. 18-10. - Public Nuisances.

(a) A person commits an offense if the person is an owner of an animal and the person permits, or by insufficient control allows, any of the following to occur:
    (1) Creation of any condition on the owner's property, or that carries over to an adjacent property, that renders the ground, the water, the air or food hazardous or injurious to human or animal life or health or that is offensive to any person of ordinary sensibilities or that is detrimental to the public health;
    (2) The animal to be at large as defined by this chapter;
    (3) Creation of a condition conducive to the breeding of flies, mosquitoes, ticks, fleas or other pests;
    (4) Breeding or causing to be bred any animal within the public view.
    (5) It shall be unlawful and considered a public nuisance to keep any animal which, by causing frequent or long continued barking or noise, shall disturb any person of ordinary sensibilities in the vicinity.
(b) A person commits an offense if the person causes an animal not owned by the person to be at-large by intentionally, knowingly or recklessly releasing a confined animal.
(c) A person commits an offense if the person is the owner of an animal and the person fails to immediately remove and dispose of any excreta the animal produces.
(d) It is an affirmative defense to prosecution under subsection (c) of this section if the owner proves by preponderance of the evidence that:
    (1) The property where the animal defecated was owned, leased or controlled by the owner of the animal at the time it defecated;
    (2) The animal was an assistance animal, and at the time it defecated, the animal was in the presence of its disabled person or was present on the property of its disabled person;
    (3) The owner of the property or person in control of the property had given prior consent for the animal to defecate on the property; or
    (4) The animal is a police service animal being used in official law enforcement activities.
(e) It is an affirmative defense to prosecution under subsections (a)(2) and (a)(4) of this section if the owner proves by a preponderance of the evidence that the animal was at large due to forces of nature, fire or the criminal act of a third party who was not residing at the animal owner's residence.

Sec. 18-11. - Slaughtering of animals.

It shall be unlawful for any person to slaughter, skin or defeather an animal within the City, unless as part of a bona fide, licensed business. It shall further be unlawful for any person to butcher or display the carcass of an animal on residential property within the City whereby it is in the view, in whole or in part, of the public, except an animal carcass actually cooking over a barbecue pit or a dead animal being prepared by a licensed taxidermist for the purpose of display.

Sec. 18-12 - Placement and baiting of animal traps and poison.

(a) Humane traps shall be used to trap animals within the City, whether on public or private property. The person who places the trap, or who requests its placement, shall be responsible for checking the trap, the care of the animal while it is in the trap, and the notification to the department of any captured animal. All traps shall be checked at least daily. No traps shall be placed upon public

property without permission from the department. It shall be the responsibility of the person setting the trap to properly label the trap indicating the name and contact information for the owner and the date permission was obtained from the department.

(b) Offenses. A person commits an offense if the person:

(1) Places, or places and baits, or allows the placing or placing and baiting, of an steel jawed trap (commonly known as a "bear trap", "wolf trap", "leg hold trap" or 'coyote trap"), a body hold trap (commonly known as "conibear trap"), any snare trap, any noose-type trap or any other trap designed, used or adapted to be lethal or cause serious bodily injury or death of an animal;

(2) Places or allows the placing of any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals;

(3) Fails to check a trap he has placed, placed and baited, or allowed to be placed or placed and baited at least once every twenty-four (24) hours;

(4) Places, or places and baits, or allows the placing or placing and baiting of any trap when the overnight low temperature is expected to be below forty (40) degrees Fahrenheit;

(5) Places, or places and baits, or allows the placing or placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food or water or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs;

(6) Euthanizes, kills or attempts to euthanize or kill a trapped animal in a manner other than one specifically allowed in this chapter;

(7) Removes, alters, damages or otherwise tampers with a trap or equipment belonging to or placed at the request of the department;

(8) Places, or places and baits a trap, other than a commercially available trap solely designed to exterminate mice, rats or insects, for commercial profit, without identifying the trap with the name, telephone number and Texas Department of Agriculture Structural Pest Control Applicator license number of the applicator who placed or placed and baited the trap.

(c) Any trap found to be set in violation of this chapter may be confiscated by a City enforcement agent and held as evidence in the case for the offense.

(d) This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

Sec. 18-13. - Pot-bellied pigs.

(a) It shall be unlawful for anyone to keep swine within the City limits except for pot-bellied pigs which meet the requirements set forth in subsection (b) of this section.

(b) Requirements for keeping pot-bellied pigs:

(1) It shall be unlawful for any person to keep, harbor, or raise more than two potbellied pigs in any one location within the City.

(2) All such pot-bellied pigs shall be kept indoors at all times other than for evacuation of waste material or during exercise periods. The animals may not be left in the backyard or front yard of the owner's or harborer's residence unattended. All waste material must be collected and disposed of in a manner that will not create a nuisance.

(3) Pot-bellied pigs are subject to all applicable laws and fees related to at large.

(4) It shall be unlawful for any person to keep, harbor, or raise a pot-bellied pig which has not received annual vaccinations for erysipelas, parvo virus and leptospirosis (the first of which vaccination shall be obtained before the animal reaches the age of four months). It shall be the responsibility of the owner or caretaker of the potbellied pig to forward to animal services within fourteen (14) days of the vaccination a certificate from a licensed veterinarian which shall include the following information:
   1. Name, address, and phone number of the owner;
   2. Name, address and phone number of the licensed veterinarian issuing the certificate;
   3. Name and description of the animal;
   4. Types and dates of the vaccinations;
   5. Tag number(s);
   6. Approximate weight, height and age of the animal; and
   7. The animal's general health.
   8. Proof of spay or neuter (all pot-bellied pigs must be spayed or neutered by twelve (12) weeks of age).
   9. Microchip number and manufacturer name (all pot-bellied pigs must be microchipped by twelve (12) weeks of age).

(5) It shall be unlawful for any person to keep a pot-bellied pig at any location within the City unless such a person has first filed with animal services a completed application for a permit within fourteen (14) days of acquiring or relocation to keep a pot-bellied pig. The application must be accompanied by a fee of $10.00 per animal and the required veterinary certificate. The permit must be renewed yearly by the thirtieth (30th) day of January regardless of initial issuance date. The permit is nontransferable to another owner or residence other than the initial permit holder.

(6) Upon the owner's compliance with the above provisions of this section the department shall issue a metal permit tag. The permit tag is to be affixed to the animal via collar or harness at all times.

(7) It shall be unlawful for any person to breed pot-bellied pigs within the City.

(8) Should the pot-bellied pig die, be moved or acquire a new owner or caretaker, it shall be the owner's duty to inform animal services of this fact within fourteen (14) days of the event.

Sec. 18-14. - Tethering animals.

(a) A person commits an offense if he tethers an animal to a stationary object for any length of time except as allowed by subsections (b) and (c) of this section.

(b) Restraint on the owner's property or for a lawful animal event, veterinary treatment, grooming, training, law enforcement activity, or when needed to protect the safety or welfare of a person or animal, shall be allowed provided that all of the following conditions are met:
   (1) The animal's owner maintains continuous, direct physical control of the animal throughout the period of restraint;
   (2) The tether is attached to a properly fitting collar or harness and is not wrapped around the animal's neck. Choke or prong-type collars are prohibited;
   (3) The tether is designed and placed in a manner to prevent entanglement or injury; and
   (4) The tether does not allow the animal to move outside the person's property or come within ten (10) feet of public property if tethered outside a fenced area.

(c) A "skyline" type aerial trolley consisting of a line that is strung between two (2) fixed points that are at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the requirements of subsection (b)(2) through (b)(4) of this section are met and the animal is enclosed behind a fence of adequate size and strength capable of preventing the general public, including children, and other animals from entering the area.

Sec. 18-15 - Prohibiting the sale of animals from public places.

(a) A person commits an offense if he sells, exchanges, barters, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog, cat or other animal from:
  (1) any public property, including but not limited to public right-of-way and City-owned property; or
  (2) any property generally accessible by the public that does not have a valid certificate of occupancy allowing the sale of animals on the property, regardless of whether such access was authorized.

(b) It shall be unlawful for a retail pet store or any manager, operator, or property owner to allow the conduct described in subsection (a).

(c) This section does not apply to, and it is a defense to prosecution under this section if, the person is working on behalf of:
  (1) animal services,
  (2) an animal adoption agency; or
  (3) an animal welfare organization.

(d) It is a defense to prosecution under subsection (b) above that the person is not a retail pet store and is working on behalf of a veterinary clinic; animal hospital; bona fide zoological park; circus; educational institution; museum; licensed laboratory; publicly owned nature center; bona fide educational or scientific association or society approved by the director of health; or organization holding permits from an agency of the state or the United States for the care and keeping of animals for rehabilitative purposes.

Secs. 18-16 — 18-40. - Reserved.

ARTICLE II. - DOGS AND CATS

DIVISION 1. - GENERALLY

Sec. 18-41. - Sterilization.

It shall be unlawful for any person to adopt a dog or cat without complying with the sterilization requirements set forth in Texas Health and Safety Code Chapter 828, as it exists or may be amended.

Sec. 18-42 - Prohibiting the sale of dogs and cats by retail pet stores.

Except as provided in this section, a retail pet store commits an offense if the retail pet store sells, exchanges, barters, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer a dog or cat, regardless of age.

(a) A retail pet store may provide space for the display of dogs or cats available for adoption by animal services, an animal welfare organization, or an animal adoption agency, if the retail pet store does not have an ownership interest in any of the displayed dogs or cats and the retail pet store does not receive any fees or compensation associated with the display of the dogs or cats.

(b) It is a defense to prosecution under this section if an individual sells, exchanges, barters, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer only dogs or cats bred by that individual.

Secs. 18-43— 18-60. - Reserved.

DIVISION 2. - LICENSES; TAGS

Sec. 18-61. - Requirements and restrictions.

(a) Dogs and cats that are required by the Texas State Rabies Control Act to have a rabies vaccination must also be licensed with the City. The City license tag must be affixed to a properly fitted collar or harness at all times. The owner shall retain proof of the animal's City license and make it available for inspection upon request by a City enforcement agent.
   (1) Subsection (a) does not apply to animals temporarily within the City for a period not to exceed fourteen (14) days.

(b) City license shall be on forms and tags furnished by the department or its designee and shall be issued subject to the provisions of this chapter.

(c) For each dog and cat the annual license fee shall be as provided for in the fee schedule located in Appendix C to this Code. Proof of spaying or neutering shall rest with the owner of the animal.

(d) Upon the owner's compliance with subsections (a) through (c) of this section, the department or its representative shall issue a license for the dog or cat.

(e) Each license required by this section shall be renewed annually.

(f) The department shall not issue a license tag to an animal that is not currently vaccinated against rabies.

(g) If a license or tag issued under this section is lost or stolen, it may be replaced by payment of a fee as provided for in the fee schedule located in appendix C to this Code.

(h) A person commits an offense if he is the owner of a dog or cat over the age of four (4) months within the City and does not have a current City license for the animal as required by this section.

(i) A person commits an offense if he fails to display the license tag as required by this section.

(j) A person commits an offense if he affixes a City license tag to any animal's collar or harness other than the animal for which it was issued.

Sec. 18-62. - Transfer; use for other animal.

(a) It shall be unlawful for any person to use any permit, registration or license for any animal other than the animal for which it was issued.

(b) Permits, registrations or licenses shall not be transferable among animals or their owners.

Sec. 18-63. - Permit, license or registration revocation, denial, and appeal.

(a) An animal services officer may issue a notice of revocation of any permit, license or registration or deny an application for a permit, license or registration under this chapter without prior warning, notice, or hearing if the permittee or applicant fails to meet the standards required in this chapter, refuses to make the premises or animals in his possession available for an inspection, seriously or repeatedly violates this chapter in ways that threaten the health or well-being of the permit, license or registration holder's or applicant's customers, employees, neighbors or animals in their care, or otherwise violates this chapter in any other way, if the notice:
   (1) States the reason(s) for the revocation or denial;
   (2) States that the permit, license or registration holder may request an appeal hearing by submitting a timely request to animal services manager; and
   (3) Provides the name and the address of the animal services manager to whom a request for appeal hearing may be made.

(b) An appeal of a revocation or denial must be made in writing within ten (10) days of the issuance of the notice of revocation or denial of a permit, license or registration. If no appeal request is received within the 10-day period, the revocation or denial of the permit, license or registration becomes final.

(c) Upon receiving an appeal, the animal services manager shall hold a hearing at a time and place of his designation within fifteen (15) days of the notice of appeal being received. Based upon the evidence of the hearing, the animal services manager shall make a final ruling.
(d) The decision of the animal services manager shall be final.
(e) The permittee or applicant may reapply for a new permit, license or registration under this chapter at any time.
(f) The issuance of a suspension shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the department to pursue other enforcement actions or remedies to address any violation of the provisions of this chapter.

Secs. 18-64 - 18-80. - Reserved.

DIVISION 3. - DANGEROUS DOGS

Sec. 18-81. - Definitions.

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

Animal control authority means the City of Wylie Animal Services as defined and appointed under Section 18-1.

Secure enclosure means a fenced area or structure that:
(a) Is locked. All entrances to the secure enclosure in which the dog is being kept, such as gates, doors, or windows must be securely closed and locked at all times when the dangerous dog is present;
(b) Prevents the escape or release of the dog by any means, including digging, climbing, jumping, or chewing out of the enclosure;
(c) Prevents the entry of the general public, including children;
(d) Is clearly marked as containing a dangerous dog, with signs obtained from City animal services unless otherwise specifically approved. Such signs shall be posted as specified by City animal services; and
(e) Is in conformance with any other requirements for enclosures prescribed by City animal services policy, City zoning regulations, or City construction regulations.
(f) Is not in any part of a house or other structure where a dangerous dog might have direct access to an opened window, an opened door, a screen window, a screen door, or other opening of similar material or construction which is the only obstacle preventing the dog from exiting the house or structure.
(g) Is not located within five feet of any other property line adjoining the premises on which the enclosure is located.

Sec. 18-82. - Requirements for owner.

(a) A person learns that the person is the owner of a dangerous dog when:
    (1) The owner knows of an attack as described in subsection (l) of the definition for "dangerous dog" set forth in section 18-1 of this chapter; or
    (2) The owner is informed by an animal control authority that the dog is a dangerous dog.
(b) Requirements:
    (1) Not later than the thirtieth (30th) day after the owner learns that he is the owner of a dangerous dog, the owner shall:
        1. Register the dangerous dog with the animal control authority for the City meeting all annual requirements. The current dangerous dog registration tag issued by an animal

control authority shall be conspicuously displayed on the dangerous dog at all times by securely attaching it to a properly fitted collar, harness, or similar device which is being worn by the dog.

2. At all times keep the dog in a secure enclosure, or physically restrained on a leash not longer than six feet in length, and of sufficient tensile strength so it will not break under any conditions or circumstances. One end of the leash must be securely attached to a properly fitted collar or harness which is being worn by the dog; the other end of the leash must be securely held in the grasp of a person. In addition, if the dog is taken onto any public property, it shall be securely muzzled in a manner which will prevent it from biting any person or other animal, yet not cause injury to the dog nor interfere with its vision or respiration. A dangerous dog may not be left tied out anywhere outside of a secure enclosure.
3. Obtain and maintain liability insurance coverage in an amount of at least $250,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide this proof to the animal control authority.
4. All owners of dangerous dogs shall provide the City with two color photographs at the time of registration of the dog in two different poses, showing the color and approximate size of the animal.
5. Present proof that the dog has been implanted with a microchip identification, which can be detected and read by the animal control officer's microchip reader. Proof shall consist of a signed letter from the veterinarian who implanted the microchip. The letter must describe the dog, state the microchip identification number assigned to the dog, state the microchip manufacturer name, register it for life with the department and a recognized national registry.

(2) An owner of any registered dangerous dog shall be required to notify City animal services of any attacks the dog makes on people, regardless of where the attack occurs. Such notification of an attack shall be made not later than twenty-four (24) hours after the attack occurs.

(3) An owner of a dangerous dog commits an offense if the dog makes an unprovoked attack on another person outside the dog' s enclosure and causes bodily injury to the person. An offense under this section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed at the owner' s expense, as provided by law.

Sec. 18-83. - Reporting and investigating a dangerous dog incident.

(a) A person may report an alleged dangerous dog incident to the animal services officer by submitting a sworn statement describing the event, not later than the thirtieth (30th) day after the date such incident occurs. A parent or guardian may submit the sworn statement on behalf of a minor or a person who is unable to prepare the statement. The statement shall contain as much of the following information as known:

(1) Name, address and telephone number of the person filing the sworn statement.
(2) Name, address and telephone number of the alleged dangerous dog owner or keeper.
(3) A description of the alleged dangerous dog including breed, colors, size, sex, name, or any other distinguishing characteristics.
(4) Date, time and location where the incident occurred.
(5) A detailed account of what happened before, during, and after the incident.
(6) A description of any injuries caused by the dog during the incident. Attach a copy of available medical reports, photos, etc.
(7) Name, address and telephone number of any available witnesses to the incident.

(b) After receiving a sworn statement describing an alleged dangerous dog incident, the animal services officer shall investigate the incident and determine whether or not to file a report with the municipal court and request a hearing to determine if the dog involved is a dangerous dog as defined within this chapter. Upon notification that such dangerous dog determination hearing is to be conducted, the owner shall deliver the dog to the City animal shelter where it shall be confined until the court orders disposition of the dog, unless confinement at another location has been specifically authorized by the animal services officer.
(c) If the owner fails to deliver the dog as specified in subsection (b) of this section, the court may order the animal services officer to seize the dog and issue a warrant authorizing the seizure. The animal services officer shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.
(d) The owner shall be responsible for payment of all costs incurred to seize and confine the dog.
(e) The court may order the humane destruction of an alleged dangerous dog if the owner of the dog has not been located before the thirtieth (30th) day after the dog is seized or impounded.

Sec. 18-84. - Dangerous dog determination hearing.

(a) Upon receiving a report from the animal services officer describing an alleged dangerous dog incident, the court shall set a time for a hearing to determine if the dog is a dangerous dog as defined within this chapter. The hearing must be held not later than the tenth day after the date on which the dog is seized or delivered for confinement.
(b) Written notice of the time and place of the hearing shall be delivered to:
    (1) The owner of the dog or the person from whom the dog was seized; and
    (2) The person who reported the incident to animal services.
(c) Any interested party, including the City Attorney, is entitled to present evidence at the hearing.
(d) If the court determines that a dog is a dangerous dog, such dog shall be confined at the animal services facility or other confinement location authorized by the animal services officer until the owner presents proof of required liability insurance coverage and the animal services officer has inspected and approved the secure enclosure where the dog will be kept. If the owner does not comply with such requirements on or before the 15th day after the date the dog is determined to be a dangerous dog, the court may order the humane destruction of the dog.
(e) The owner of a dog that has been confined under section 18-83 shall be required to present proof to the animal services officer that such dog has been vaccinated against rabies as required by this chapter, before the dog may be released from confinement. If the owner cannot provide such proof, the owner shall make arrangements to have the dog vaccinated against rabies, at a veterinary clinic located within the City limits, during City animal services' regular business hours. The owner shall coordinate such arrangements with City animal services prior to the date the dog is to be vaccinated. An animal services officer shall:
    (1) Transport the dog to the veterinary clinic and confirm that the dog is vaccinated against rabies; or
    (2) Accompany the owner to or meet the owner at the veterinary clinic and confirm that the dog is vaccinated against rabies.
    (3) If the owner does not comply with this requirement on or before the 15th day after the court has determined that the dog is a dangerous dog, the court may order the humane destruction of the dog. The owner shall be responsible for payment of all costs incurred to vaccinate or destroy the dog.
(f) The owner may appeal the decision of the municipal court in the manner described by the Texas Health and Safety Code 822.0424, as amended.

Sec. 18-85. - Registration.

(a) The animal control authority for the City shall annually register a dangerous dog if the owner presents proof of:
    (1) Liability insurance, as required by Section 18-82(b)(l)(3);
    (2) Current rabies vaccination of the dangerous dog;
    (3) The secure enclosure in which the dog will be kept; and
(b) Pays an annual registration fee as provided in the fee schedule in appendix C to this Code.
    (1) The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

Sec. 18-86. - Transferring ownership of registered dangerous dog.

(a) Prior to relocating, transferring ownership, offering to transfer ownership, or otherwise moving or offering to move in any way a registered dangerous animal, either inside or outside the City limits, the owner shall notify the animal services manager in writing of his intention. If ownership is to be transferred, the notification shall include the name and address of the proposed new owner of the animal. Owner shall pay the fee associated with the dangerous dog at a new address registration fee provided in the fee schedule in appendix C to this Code.
(b) If ownership of the animal is being transferred to a person who resides within the City limits, the new owner will be required to provide proof to the animal services manager of complying with all provisions of this chapter before the animal can be moved from the previous owner's custody.
(c) If the animal is being moved outside the City limits, the owner must provide, in writing to the animal services manager, proof that the new owner has alerted the agency responsible for animal services in that area.
(d) A person commits an offense if the person fails to comply with the requirements of this section.

Sec. 18-87. - Animals deemed dangerous by other jurisdictions.

(a) The owner of an animal that has been determined to be dangerous by another jurisdiction, under guidelines similar to those in this chapter, is prohibited from bringing the animal into the City. Any animal that is brought into the City in violation of this section shall immediately be turned over to animal services. On the fifteenth (15th) day, the impounded animal may be considered abandoned and disposed of as authorized in this chapter. The owner may elect to immediately remove the animal from the City and shall comply with the notice requirements of this chapter.
(b) A person commits an offense if he is the owner of an animal that has been determined to be dangerous by another jurisdiction and brings such animal into the City limits.

Sec. 18-88. - Defenses to prosecution.

Defenses to prosecution prescribed by Texas Health and Safety Code Chapter 822, Subchapter D, "Dangerous Dogs" (as it is now enacted, or as hereinafter amended), are hereby incorporated under this section.

Sec. 18-89. - Violation of Division.

(a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any provisions of this division.
(b) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any provisions of Texas Health and Safety Code Chapter 822, Subchapter D, "Dangerous Dogs" (as it is now enacted, or as hereinafter amended).

Secs. 18-90 - 18-100. - Reserved.

ARTICLE III. - RABIES CONTROL

Sec. 18-101. - State regulations adopted.

The City hereby adopts by reference the Texas State Rabies Control Act, as amended, and the standards established by the appropriate state agency or rule-making board as minimum standards for rabies control and quarantine provisions within the City.

Sec. 18-102. - Proof of current vaccination required.

The owner of each dog or cat found in the City shall cause each such animal to be vaccinated against rabies as prescribed by Texas Administrative Code, Title 25, Part I, Chapter 169, as it is now enacted or hereafter amended. Furthermore, the owner of each ferret found in the City shall cause each such animal to be vaccinated against rabies in the same manner and interval as required for dogs and cats. It shall be a violation of this chapter for the owner of any dog, cat or ferret to fail or refuse to present proof to the animal control officer, upon request, that such animal has been vaccinated against rabies as required by this section.

Sec. 18-103. - Reporting rabies cases.

(a) Any licensed veterinarian or technician working for a veterinarian who diagnoses, examines, or treats any animal diagnosed to have, or suspected to have, rabies shall immediately report their findings to the department.
(b) Any physician or other medical or veterinary practitioner having knowledge of a local rabies control incident shall notify the department of the names, addresses and phone numbers of persons or animals treated.
(c) Any person owning or possessing an animal which has been involved in a local rabies control incident, or any other person having knowledge of the local rabies control incident, shall notify the department.
(d) A person commits an offense if he has knowledge of a local rabies control incident and fails to notify the department within forty-eight (48) hours.

Sec. 18-104. - Area quarantine.

It shall be a violation of this chapter for any person to fail or refuse to comply with any rules or regulations prescribed by the state department of health during a declared area rabies quarantine.

Sec. 18-105. - Treatment or disposition of animals exposed to rabies.

(a) Not currently vaccinated animals that have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:
    (1) euthanatized; or
    (2) immediately vaccinated against rabies, placed in confinement for 90 days, and given booster vaccinations during the third and eighth weeks of confinement. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered.
(b) Currently vaccinated animals that have been bitten by, directly exposed by physical contact with or directly exposed to the fresh tissues of a rabid animal shall be:

(1) euthanatized; or
(2) immediately given a booster rabies vaccination and placed in confinement for 45 days.

(c) These provisions apply only to domestic animals for which a USDA-licensed rabies vaccine is available.

(d) In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled Compendium of Animal Rabies Prevention and Control, published by the National Association of State Public Health Veterinarians, should be followed. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.

(e) No wild animal will be placed in quarantine. All wild animals will be humanely destroyed in such a manner that the brain is not mutilated. The brain will then be submitted to a laboratory certified for rabies diagnosis in order to be tested.

Sec. 18-106. - Animal bites; quarantines.

(a) When a dog, cat or domestic ferret that has bitten a human has been identified, the custodian will place the animal (regardless of its vaccination status) in quarantine as defined in the Texas Health and Safety Code 826.002, until the end of the ten (10)-day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a department-licensed quarantine facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be quarantined in a veterinary clinic. As an alternative to quarantine at a department-licensed facility or a veterinary clinic, the local rabies control authority may allow home confinement. To allow home confinement, the following criteria must be met.
(1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.
(2) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over sixteen (16) weeks of age at the time of the potential exposure, it may be allowed home confinement.
(3) During the confinement period, the animal's custodian must monitor the animal's behavior and health status and notify the local rabies control authority if any change is noted.
(4) The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the home confinement.
(5) The animal was not a stray as defined in the Texas Health and Safety Code §826.002, at the time of the potential exposure or at large as defined in section 18-1.

(b) If the potential rabies exposure described in subsection (a) of this section occurs in a City or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the City or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the City or county where the exposure occurred and where the custodian resides.

(c) The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret that has bitten or otherwise potentially exposed a person to rabies as described in subsection (a) of this section is to have the animal euthanized in such a manner that the brain is not damaged and a suitable specimen submitted to a department-designated laboratory for rabies testing. A list of department-designated laboratories may be found on the department's website or may be obtained from any of the department's regional Zoonosis Control offices.

(d) A domestic animal that has potentially exposed a human to rabies and has been designated by the local rabies control authority as unowned may be euthanized. If the animal is euthanized, a suitable specimen shall be submitted for rabies testing.

(e) "Free-roaming animals" as used in this section includes animals that have been in captivity less than two hundred (200) days immediately prior to the potential exposure and those that are not in captivity. If the animal implicated in the potential exposure is a free-roaming high-risk animal, it shall be euthanized and a suitable specimen submitted for rabies testing. If the animal implicated in the potential exposure is a high-risk animal that has been in captivity without contact with free-roaming animals for two hundred (200) days or more immediately prior to the potential exposure or less than two hundred (200) days old, has always been in captivity without contact with free-roaming animals, and is the progeny of a dam that has been in captivity without contact with free-roaming animals for two hundred (200) days or more immediately prior to the potential exposure, the local rabies control authority shall conduct a risk assessment to gauge the probability that the animal could have been exposed to rabies and, therefore, poses a public health risk. If the probability that the animal implicated in the potential exposure could have had animal contact conducive to rabies transmission is low and the potential exposure poses a negligible public health risk, the local rabies control authority may require that the animal involved in the potential exposure be quarantined at a department-licensed quarantine facility or a veterinary clinic or confined elsewhere as deemed appropriate by the local rabies control authority for a thirty (30)-day observation period as an alternative to euthanizing and testing. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the quarantine or confinement that was deemed appropriate by the local rabies control authority.

(f) If the animal implicated in the potential exposure is a low-risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the animal is rabid, in which case it shall be euthanized and a suitable specimen submitted for rabies testing.

(g) The local rabies control authority may require an animal that has inflicted multiple bite wounds, punctures, or lacerations to a person to be euthanized. If the animal is euthanized, a suitable specimen shall be submitted for rabies testing.

(h) If the animal implicated in the potential exposure is not included in subsection (a), (b), (c), (d), (f), or (g) of this section or the portion of subsection (e) of this section pertaining to a free-roaming high-risk animal, the animal either will be euthanized and a suitable specimen submitted for rabies testing or the local rabies control authority may require the animal to be quarantined at a department-licensed quarantine facility or a veterinary clinic or confined elsewhere as deemed appropriate by the local rabies control authority for the 30 day observation period as an alternative to euthanizing and testing. The local rabies control authority's decision on whether to quarantine or euthanize and test those other animals described in subsection (e) of this section will be determined by risk-assessment parameters as described in subsection (e) of this section. If the potential rabies exposure occurs in a City or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the City or county of the custodian's residence or allowed confinement deemed appropriate if there is mutual agreement to do so between the local rabies control authorities for the City or county where the exposure occurred and where the custodian resides. During the observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the quarantine or confinement that was deemed appropriate by the local rabies control authority.

(i) Any animal required to be quarantined under this section that cannot be maintained in secure quarantine shall be euthanized and a suitable specimen submitted for rabies testing.

(j) All laboratory specimens referred to in subsections (c) through (i) of this section shall be submitted in accordance with Section 169.33 of Title 25 of the Texas Administrative Code (relating to Submission of Specimens for Laboratory Examination).

(k) At the discretion of the local rabies control authority, assistance animals as defined by Texas Administrative Code 169.22 may not be required to be placed in quarantine (to include confinement) during the observation period. During the applicable observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted. The local rabies control authority or a veterinarian must observe the animal at least at the beginning and on the last day of the applicable observation period.
(l) Police service animals are exempted from quarantine per the Texas Health and §Safety Codes 826.048, including confinement. During the applicable observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.
(m) Animals should not be vaccinated against rabies or receive other vaccinations or nonessential medications that may complicate assessment of behavioral change or health status during the observation period; however, animals may be treated for medical problems that are diagnosed by a veterinarian and are not related to rabies. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal.
(n) Owner must pay a quarantine fee as provided in the fee schedule in appendix C to this Code.
(o) After the animal has been released from quarantine, the owner will have three days in which to have the animal licensed if applicable with the City by the purchase of a City license tag.
(p) It shall be unlawful for any person to interfere with the enforcement of this section.

Sec. 18-107. - Penalty.

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding $2,000.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Secs. 18-108 - 18-120. - Reserved.

ARTICLE IV. - ANIMAL SHELTER ADVISORY BOARD

Sec. 18-121. - Definitions.

For the purposes of this article, the following terms, phrases, words and their derivation shall have the meaning given herein:

Animal Shelter means the City Animal Services facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

Board means the animal shelter advisory board of the City of Wylie, Texas.

Board member means the members of the City animal shelter advisory board.

Sec. 18-122. - Establishment of City animal shelter advisory board.

The City animal shelter advisory board is hereby established to act in an advisory capacity to the City Council and to assist the City in complying with the requirements of Chapter 823 of the Texas Health and Safety Code.

Sec. 18-123. - Number of members; qualified appointment; terms.

The board shall consist of seven members. The board shall consist of one licensed veterinarian, one member of the City Council, the Animal Services Manager of the City (whose duties include the daily operation of the Wylie Animal Shelter), one representative from an animal welfare organization, and three residents of the City, with all board members to be appointed by the City Council for a term of two years, except for the Animal Services Manager who shall be a permanent member of the board. With the adoption of this ordinance, the initial terms shall be amended as follows:

(a) Licensed Veterinarian term expires June 2024,
(b) Member of City Council term expires June 2025,
(c) Animal Welfare Organization representative term expires June 2023,
(d) Resident (1) of the City term expires June 2024,
(e) Resident (2) of the City term expires June 2025,
(f) Resident (3) of the City term expires June 2025,

At the conclusion of the above initial terms, members shall serve a staggered two (2) year term. Except for the Animal Services Manager, no board member shall serve for more than three consecutive terms or six consecutive years (whichever is less); provided, however, that should a board member's replacement not be qualified upon the expiration of any term of a board member, then that board member shall holdover on the board until a qualified replacement board member has been appointed. In addition to board members, the City Manager may appoint a staff designee as an ex-officio member of the board, who shall have no right to vote on any matter before the board. Each board member shall serve without compensation, but may be reimbursed for actual expenses approved in advance by the City Council.

Sec. 18-124. - Meetings.

The board shall meet at least three times per year and any additional meetings as may be called from time to time. Special meetings may be called by the chair or by written request sent to the chair or vice-chair by two members of the board.

Sec. 18-125. - Vacancies.

When vacancies occur on the board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of the term.

Sec. 18-126. - Removal.

Each board member serves at the pleasure of the City Council and may be removed at the discretion of the City Council. Board member absences shall be controlled by Article VIII of the Charter.

Sec. 18-127. - Quorum; voting.

Four board members shall constitute a quorum of the board for the purpose of conducting its business, exercising its powers and for all other purposes. No action of the board shall be valid or binding unless adopted by the affirmative vote of a majority of those board members present and voting.

Sec. 18-128. - Powers and duties.

(a) The board shall act in an advisory capacity to the city staff and the City Council in any matter pertaining to compliance with the Texas Health and Safety Code 823.001 et seq.
(b) The board, through its chairperson, shall report to the City Council concerning its activities and proposals by submitting to the City Council the approved minutes of each meeting of the board and

copies of all reports of inspections conducted by the department of state health services, veterinarians or other authorities and all statistical reports of shelter operations considered and approved by the board.

(c) The board's authority shall not extend to the direction, supervision, employment or termination of the city employees. No supervisory power of the board is created.
(d) The board will develop for City Council approval a set of by-laws governing rules of procedure for their meetings and operation.
(e) The board shall not have the power to obligate the city for funds and/or expenditures or incur any debt on behalf of the city.
(f) All powers and duties prescribed and delegated herein are delegated to the board, as a unit, and all action hereunder shall be of the board acting as a whole. No action of an individual board member is authorized, except through the approval of the board or City Council. The board shall have any other power and/or duty as prescribed and authorized by the City Council.

Secs. 18-129 - 18-999. - Reserved."

SECTION 3: Penalty. Any person, firm, corporation, or entity violating this Ordinance shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined a sum not exceeding two thousand dollars ($2,000.00) if the violation relates to the public health and sanitation, otherwise the fine shall be a sum not exceeding five hundred dollars ($500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: 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, 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 ordinance 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. The City Council 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: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

[*The remainder of this page intentionally left blank.*]

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Collin County, Texas, on this the 28th day of February, 2023.

_____
Matthew Porter, Mayor

ATTEST:

_____
Stephanie Storm, City Secretary

DATE OF PUBLICATION: March 8, 2023, *in the* Wylie News

Wylie City Council

AGENDA REPORT

Department: Animal Services **Account Code:**

Prepared By: Shelia Patton

Subject

Consider, and place on file, the Animal Shelter Advisory Board report to City Council.

Recommendation

Motion to approve the Item as presented.

Discussion

The Animal Shelter Advisory Board met on February 1, 2023. The attached minutes and statistical reports were considered, approved, and placed on file. This report is being submitted as required by City ordinance.

Animal Shelter Advisory Board

Minutes

Regular Meeting
December 14, 2022 – 6:00 pm
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Bldg. 100
Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Dr. Brad Abraham called to order the Animal Shelter Advisory Board meeting at 6:03 pm. Board members present Shelia Patton, Amber Porter, and Jeff Forrester. Quorum is present. Staff Liaison Lt. Matt Miller and Board Member Susan Cranford are absent.

INVOCATION

The invocation was given by Jeff Forrester.

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.

REGULAR AGENDA

1. **Consider and act upon an Animal Shelter Advisory Board minutes of November 16, 2022.**

Board Action

A motion was made by Jeff Forrester to accept the Animal Shelter Advisory Board minutes of November 16, 2022, as presented. Dr. Brad Abraham seconded to accept the Animal Shelter Advisory Board minutes of November 16, 2022, as presented. A vote was taken, and the motion passed unanimously.

2. Consider and place on file the 2022 Veterinarian Rabies Quarantine Facility Inspection.

Board Action

A motion was made by Jeff Forrester to accept and place on file the 2022 Veterinarian Quarantine Facility Inspection, as presented. Dr. Brad Abraham seconded to accept and place on file the 2022 Veterinarian Rabies Quarantine Facility Inspection, as presented. A vote was taken, and the motion passed unanimously.

WORK SESSION

WS1. Discuss the Interlocal Cooperation Agreement for the use of Wylie Animal Services and Collin County Community District Veterinary Technology.

Shelia Patton stated that Lt. Matt Miller put this forward, and he was unable to attend the meeting. We've had a couple of meetings with the college regarding a partnership with them. The largest obstacle for us is their 28-day hold policy. Students attend this program and are not required to get pre-exposure rabies vaccines, so the only animals they can work with have to be vaccinated for 28 days. This is an obstacle for us because we don't usually hold animals for that amount of time. Our animals are given rabies vaccinations when they are sterilized. Our current sterilization process is holding the animal for 7 days and then scheduling them for sterilization after the 7-day hold. Shelia Patton doesn't know if Lt. Matt Miller has any additional information, and we may need to bring this up again at the next meeting.

Jeff Forrester has a couple of questions. The first question is about the 28-day hold policy. Would that be for each animal, and would there not be some animals that could be used for the program? Second question. Does the 28-day hold period apply to felines and dogs? If so, is there any workaround for us to utilize so we can use the program?

Shelia Patton stated we would have some animals that could be used. Getting an animal vaccinated can sometimes take up to 21 days. After the animal gets vaccinated, the 28-day hold period will start. We could also use the program for oversized animals. The animal would need to be held at the facility for around six weeks before receiving care through the program. Yes, the 28-day hold period does apply to all animals, and she does not see a way around the policy. Students are not only not required to get the pre-exposure vaccine but also have trouble obtaining it. We have also had trouble obtaining the vaccine as well.

Jeff Forrester stated that before COVID, we had a vet that did vaccinations every month. Are we looking to start that again, and could the college help?

Shelia Patton stated the 28-day policy would still apply, so the vet must vaccinate the animals if the animal hasn't been vaccinated for 28 days.

Amber Porter asked if it is the college's policy and if there is a reason behind the policy.

Shelia Patton stated it has to do with the American Veterinarian Medical guidelines. She doesn't know exactly what that is, but maybe Dr. Brad Abraham could answer.

Dr. Brad Abraham stated it is likely because it takes the body three weeks to respond to the vaccine. He doesn't know if there is a State Law. It is a policy from the college and the four weeks is from the time it takes to respond to the vaccine.
Amber Porter stated she only knew of the animal bite quarantine period of 10 days and was curious about the requirement of 28 days.
Shelia Patton stated the pre-exposure vaccine is a three-shot series. After the first shot, the second shot is given seven days later, and the final shot is given 21 or 28 days after the first shot. The rabies virus is only transmittable for ten days. All animals that bite have to go into confinement. The 28-day policy has something to do with the vet tech program. It may not be just Collin College policy but something to do with the program. We also asked if the student could be required to get the pre-exposure rabies vaccine. The college response was that the series was very expensive and hard to obtain.
Jeff Forrester asked how often do they have to receive the vaccine. When would they need to re-up the series?
Shelia Patton stated it depends on the person. They will need to receive a titer to check the vaccine's effectiveness. Sometimes it's two years, and sometimes it is much longer.
Dr. Brad Abraham stated he has been good for 15 years.
Shelia Patton stated that everyone is different.
Jeff Forrester asked if it falls on the school to provide this for the students.
Dr. Brad Abraham stated yes.
Jeff Forrester stated if we can enter into the agreement, the problem is not on us but on the school and students to get the vaccine. Is that a correct statement?
Shelia Patton stated the students can be a part of the program but can only handle animals after they have been vaccinated for 28 days. This will limit the number of animals available for the program.
Jeff Forrester stated he doesn't see any harm in entering into the program. If it is on the school and students to participate and we act as good stewards of our facility and animals. He agrees with joining the program unless there is a reason not to join.
Shelia Patton stated that she agrees with Jeff Forrester. She believes if we have animals available and do not change our policies to hold animals, we can benefit from the program. Their main goal is to get our animals into good homes. Our animals would benefit from the program, and it would be safe for them.
Jeff Forrester stated he would like us to join the program. It benefits the city and the students in the program.
Amber Porter stated she agreed.
Dr. Brad Abraham stated he agreed. It is a limited program, but it is better than nothing.
Shelia Patton stated that she would pass this information up the chain of command.

WS2. Discuss the status of the Board's recommendation related to the Request for a Proposal for a shelter needs assessment study.

Shelia Patton stated that Lt. Matt Miller had placed this on the agenda. We have started the discussion for the RFP. We plan to meet with Glenna and Renae at the beginning of next year and will push for the mid-year budget submittal as suggested by the board.

ADJOURNMENT

Motion was made by Dr. Brad Abraham and seconded by Amber Porter to adjourn the meeting. With no further business before the board, the board's consensus was to adjourn at 6:26 pm.

ASAB Chair

ATTEST:

Shelia Patton, ASAB member

Animal Shelter Advisory Board Report

October thru December 2022

	Dogs	Cats	Others	Total
Impounds	162	58	59	279
Owner Surrender	2	2	0	4
Stray	138	35	11	184
Quarantine	15	2	0	17
Safe Keeping	0	0	0	0
DOA	5	14	25	44
Trapped by resident	2	5	23	30
Born at Shelter	0	0	0	0

Dispositions	Dogs	Cats	Others	Total
Return to Owner	109	7	0	116
Adopted	36	36	2	74
Rescued	0	1	0	1
Euthanized	6	3	5	14
Other	0	2	27	29

Euthanasia Reason

Behavioral	4	0	0	4
Medical	2	3	4	9
Policy- H.R.R.C	0	0	1	1
Wild Animal	0	0	0	0

Euthanasia for dogs	3.43%			
Euthanasia for cats		5.36%		
Euthanasia for dogs & cats			total	3.90%

Dogs at facility at end of report:	24
Dogs at facility at beginning of report:	18
Cats at facility at end of report:	7
Cats at facility at beginning of report:	12

Euthanasia Rate for Facility October 1, 2022 thru December 31, 2022: 3.90%

Euthanasia Rate for Facility January 1, 2022 thru December 31, 2022: 3.87%

Animal Shelter Advisory Board Report TNR

January thru December 2022

Impounds

Trapped	36

Dispositions

Euthanized	1
Released	33
Other	2
Total	**36**

Euthanasia Reason

Behavioral	0
Medical	0
Policy- H.R.R.C	0
Wild Animal	0
FeLV	1

Euthanasia rate 2.78%

Animal Shelter Advisory Board Report

January thru December 2022

	Dogs	Cats	Others	Total	
Impounds	549	197	264	1010	
Owner Surrender	11	3	0	14	
Stray	418	111	65	594	
Quarantine	72	6	0	78	2 Quarantines added because they were back dated after the quarterly report was completed.
Safe Keeping	13	5	0	18	
DOA	30	59	128	217	
Trapped by resident	5	13	71	89	
Born at Shelter	0	0	0	0	

Dispositions	Dogs	Cats	Others	Total
Return to Owner	377	22	7	406
Adopted	109	94	5	208
Rescued	4	1	15	20
Euthanized	14	12	17	43
Other	2	5	92	99

Euthanasia Reason

Behavioral	8	0	0	8
Medical	5	12	12	29
Policy- H.R.R.C	1	0	5	6
Wild Animal	0	0	0	0

Euthanasia for dogs	2.64%		
Euthanasia for cats	8.51%		
Euthanasia for dogs & cats		total	3.87%

Dogs at facility at end of report:	24
Dogs at facility at beginning of report:	11
Cats at facility at end of report:	7
Cats at facility at beginning of report:	3

Euthanasia Rate for Facility January 1, 2022 thru December 31, 2022: 3.87%

Wylie City Council

AGENDA REPORT

Department: Finance **Account Code:**

Prepared By: Melissa Brown

Subject

Consider, and place on file, the City of Wylie Monthly Investment Report for January 31, 2023.

Recommendation

Motion to accept the Item as presented.

Discussion

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

City Of Wylie

2022-2023 Investment Report

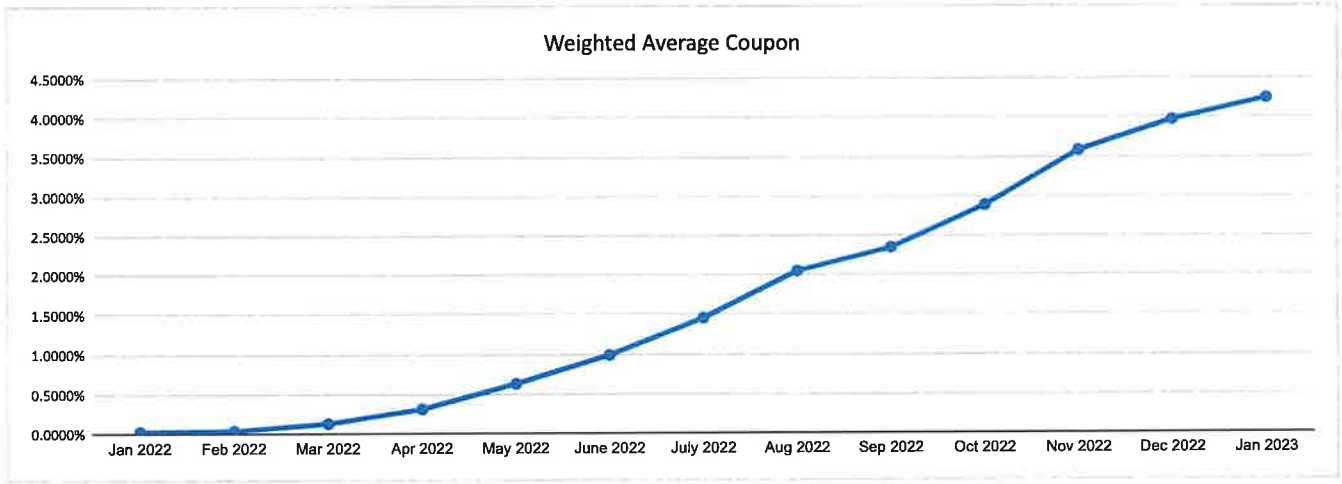
January 31, 2023

Money Market Accounts:	MMA
Certificates of Deposit:	CCD
Treasury Bills:	T-Bills
Treasury Notes:	T-Notes
Government Agency Notes:	AN

Invest. Number	Principal Amount	Type Of Security	Interest Rate	Issuer	Purchase Date	Maturity Date
1	$15,703,338.47	MMA	4.2443%	Texpool	12/31/2006	NA
2	$16,250,795.20	MMA	4.2515%	TexStar	3/15/2011	NA
	$31,954,133.67					

Total

Weighted Average Coupon:	4.2480%	**Money Markets:**	$31,954,133.67
Weighted Average Maturity (Days):	1.00	**Certificates of Deposits:**	$0.00
			$31,954,133.67



M Brown 2-16-23

Finance Director/Investment Officer

Wylie City Council

AGENDA REPORT

Department: Finance **Account Code:**

Prepared By: Melissa Brown

Subject

Consider, and act upon, the City of Wylie Monthly Revenue and Expenditure Report for January 31, 2023.

Recommendation

Motion to accept the Item as presented.

Discussion

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

CITY OF WYLIE

MONTHLY FINANCIAL REPORT

January 31, 2023

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2022-2023	CURRENT MONTH ACTUAL 2022-2023	YTD ACTUAL 2022-2023	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 33.33%
GENERAL FUND REVENUE SUMMARY					
TAXES	37,234,844	6,964,669	24,796,668	66.60%	**A**
FRANCHISE FEES	2,802,400	-	411,394	14.68%	**B**
LICENSES AND PERMITS	1,442,750	50,401	274,046	18.99%	**C**
INTERGOVERNMENTAL REV.	2,429,011	64,628	373,717	15.39%	**D**
SERVICE FEES	4,338,970	405,355	1,107,414	25.52%	**E**
COURT FEES	339,000	32,207	90,579	26.72%	**F**
INTEREST INCOME	60,000	126,459	351,591	585.99%	**G**
MISCELLANEOUS INCOME	215,417	183,682	201,905	93.73%	**H**
OTHER FINANCING SOURCES	2,563,305	-	2,586,769	100.92%	**I**
REVENUES	**51,425,697**	**7,827,401**	**30,194,082**	**58.71%**	
USE OF FUND BALANCE	0	0	0	0.00%	
USE OF CARRY-FORWARD FUNDS	1,711,613	NA	NA	NA	**J**
TOTAL REVENUES	**53,137,310**	**7,827,401**	**30,194,082**	**56.82%**	
GENERAL FUND EXPENDITURE SUMMARY					
CITY COUNCIL	95,165	2,907	23,782	24.99%	
CITY MANAGER	1,302,321	94,629	394,456	30.29%	
CITY SECRETARY	391,877	21,620	86,342	22.03%	
CITY ATTORNEY	170,000	26,069	50,391	29.64%	
FINANCE	1,359,949	95,567	578,465	42.54%	**K**
FACILITIES	1,051,596	44,847	252,862	24.05%	
MUNICIPAL COURT	580,378	34,259	143,327	24.70%	
HUMAN RESOURCES	817,788	64,994	243,763	29.81%	
PURCHASING	330,531	14,839	67,641	20.46%	
INFORMATION TECHNOLOGY	2,300,558	124,354	836,178	36.35%	**L**
POLICE	13,371,073	1,108,234	4,325,711	32.35%	
FIRE	12,804,776	1,070,231	3,991,491	31.17%	
EMERGENCY COMMUNICATIONS	2,397,904	142,825	566,462	23.62%	
ANIMAL CONTROL	729,459	52,821	206,873	28.36%	
PLANNING	373,797	23,737	110,809	29.64%	
BUILDING INSPECTION	599,708	31,088	117,767	19.64%	
CODE ENFORCEMENT	279,004	15,656	58,027	20.80%	
STREETS	5,230,598	213,003	1,018,094	19.46%	
PARKS	2,792,585	144,799	678,857	24.31%	
LIBRARY	2,319,659	226,305	773,531	33.35%	
COMBINED SERVICES	4,403,459	153,078	887,904	20.16%	
TOTAL EXPENDITURES	**53,702,185**	**3,705,862**	**15,412,734**	**28.70%**	
REVENUES OVER/(UNDER) EXPENDITURES	**-564,875**	**4,121,539**	**14,781,348**	**28.12%**	

A. Property Tax Collections for FY22-23 as of January 31, 2023 are 81%, in comparison to FY21-22 for the same time period of 88%. Sales tax is on a 2 month lag and two months have been received and fiscal year to date is 20% higher than last year.

B. Franchise Fees: The majority of franchise fees are recognized in the third and fourth quarter with electric fees making up the majority.

C. Licenses and Permits are down 45% from the same period last fiscal year, partially due to rising interest rates.

D. Intergovernmental Rev: The majority of intergovernmental revenues come from WISD reimbursements and Fire Services which are billed quarterly.

E. Service Fees: Trash fees are on a one month lag and only three months have been received. The remaining fees are from other seasonal fees.

F. Court Fees are down 16% from January YTD and Code Fines are down 52% from the same period last fiscal year.

G. Interest Rates have gone from 1% when the budget was prepared to 4.25% in January 2023. Interest was budgeted conservatively.

H. Miscellaneous auction proceeds of $180,749.

I.Yearly transfer from Utility Fund.

J. Largest Carry Forward items: $150,000 for Department Software Solution, $217,000 for advance vehicle replacements, $338,840 for ambulance, $390,000 for Stone Road Rehab.

K. Colln County Appraisal fee of $244,870 was paid in December. Budget variance will level out over the year.

L. Annual maintenance agreements. Budget variance will level out over the year.

CITY OF WYLIE

MONTHLY FINANCIAL REPORT

January 31, 2023

ACCOUNT DESCRIPTION	ANNUAL BUDGET 2022-2023	CURRENT MONTH ACTUAL 2022-2023	YTD ACTUAL 2022-2023	YTD ACTUAL AS A PERCENT OF BUDGET	Benchmark 33.33%
UTILITY FUND REVENUES SUMMARY					
SERVICE FEES	25,933,619	1,815,181	6,546,943	25.25%	**M**
INTEREST INCOME	24,000	66,618	213,975	891.56%	**N**
MISCELLANEOUS INCOME	70,000	1,845	6,646	9.49%	
OTHER FINANCING SOURCES				0.00%	
REVENUES	**26,027,619**	**1,883,643**	**6,767,564**	**26.00%**	
USE OF FUND BALANCE	0	NA	0	0	
USE OF CARRY-FORWARD FUNDS	2,276,241	NA	NA	NA	**O**
TOTAL REVENUES	**28,303,860**	**NA**	**6,767,564**	**23.91%**	
UTILITY FUND EXPENDITURE SUMMARY					
UTILITY ADMINISTRATION	619,071	30,816	165,010	26.65%	
UTILITIES - WATER	4,458,970	146,603	780,664	17.51%	
CITY ENGINEER	1,111,681	57,429	240,643	21.65%	
UTILITIES - SEWER	1,333,727	116,148	297,383	22.30%	
UTILITY BILLING	1,250,915	96,726	405,321	32.40%	
COMBINED SERVICES	18,380,749	1,174,166	6,854,172	37.29%	**P**
TOTAL EXPENDITURES	**27,155,113**	**1,621,888**	**8,743,194**	**32.20%**	
REVENUES OVER/(UNDER) EXPENDITURES	**1,148,747**	**261,755**	**-1,975,630**	**-8.29%**	

M. Most Utility Fund Revenue is on a one month lag and only three months have been received.

N. Interest Rates have gone from 1% when the budget was prepared to 4.25% in January 2023. Interest was budgeted conservatively.

O. Largest Carry Forward items: Department Software Solutions $135,730, Pump Station Backup Generators $1.6M, Newport Harbor Tank Repairs $130,000 and TXDOT payment $260,172.

P. Annual transfer to the General Fund of $2.56 million. Other expenses are payments to NTMWD for water minimum and sewer treatment.

Wylie City Council

AGENDA REPORT

Department: Public Works **Account Code:**

Prepared By: Tommy Weir

Subject

Discuss capital roadway projects.

Recommendation

Discussion.

Discussion

Please see the attached presentation.

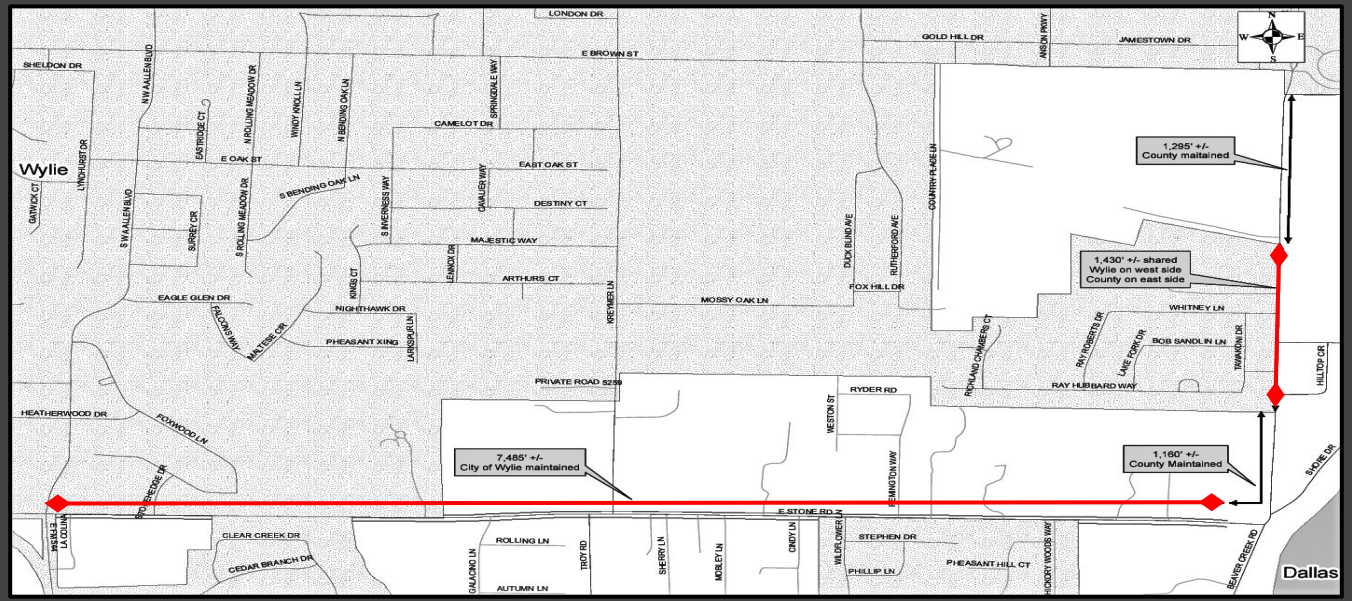


CITY OF WYLIE PUBLIC WORKS

Stone Road Improvements

Overview

- E Stone Road Traffic: 2,127- 5,167 vehicles per day (Brinkley & Barfield August 24 to 26, 2021)
- Pavement consists of 2-4 inches of asphalt
- 3-10 inches of sand and gravel
- Below gravel layer clay was encountered



Current Conditions

- Potholes







Current Conditions

- Edge Cracking/ Longitudinal Cracking

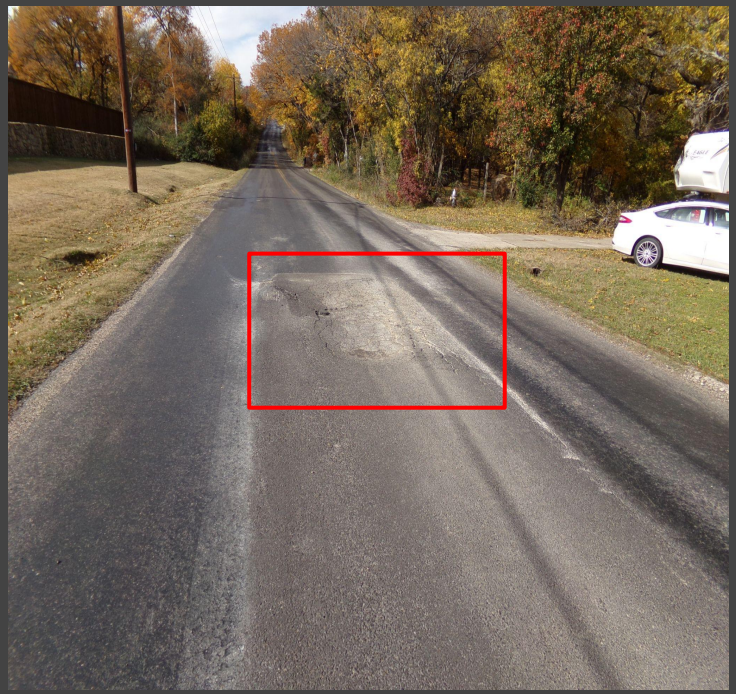






Current Conditions

- **Asphalt Repair Failure**





Current Conditions

- Transitions From Incoming Streets/ Driveways





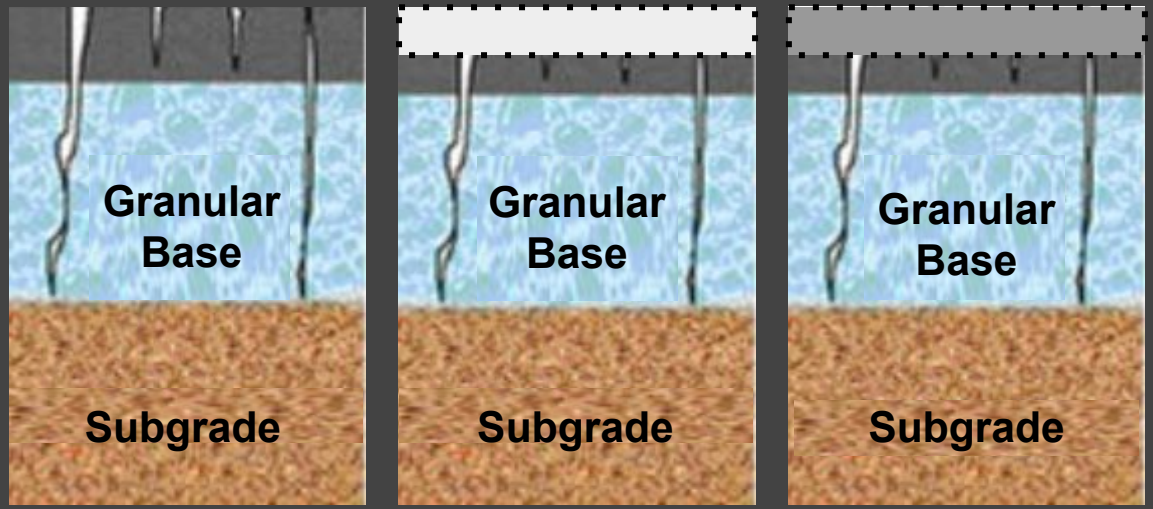


Roadway Repair

- Asphalt milling as needed
- Full Depth Reclamation (FDR)
- Build a 25 Year Design Life Road according to the GeoTech Report from 2022

Roadway Repair

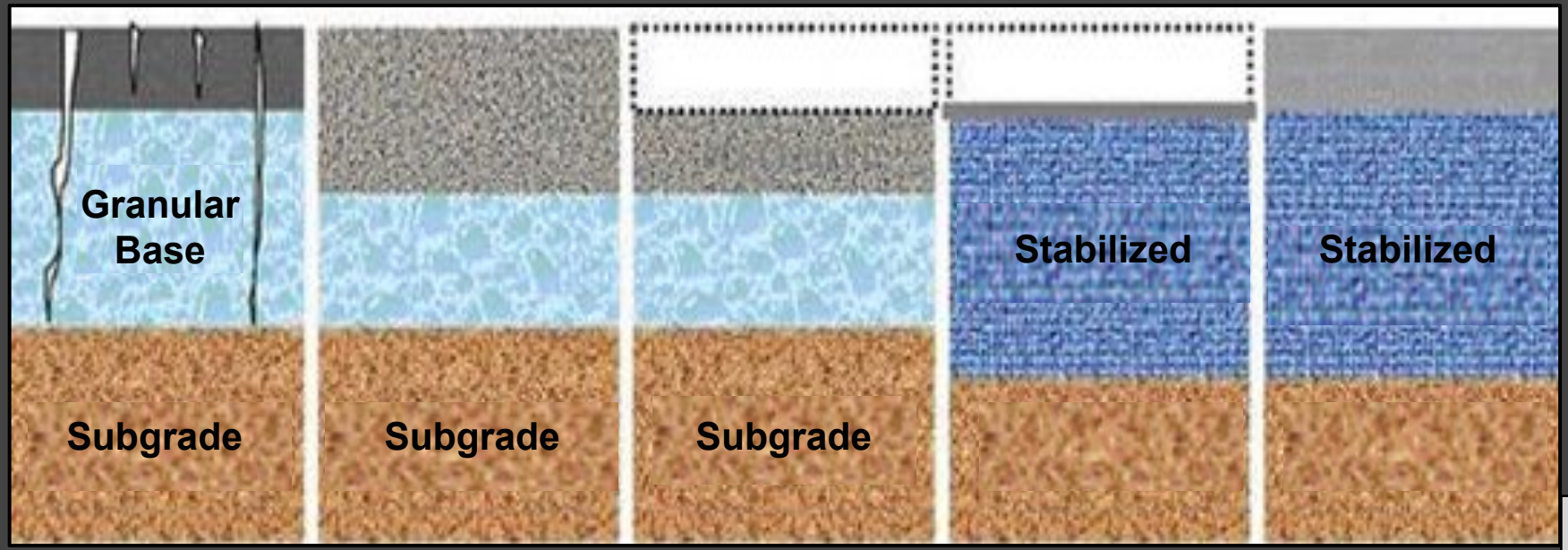
Asphalt Milling: Process of removing the top layer of existing pavement surface to help restore it to a uniform texture to repave. This process does not affect the subgrade.
(As seen in Downtown Wylie 2022)



Roadway Repair

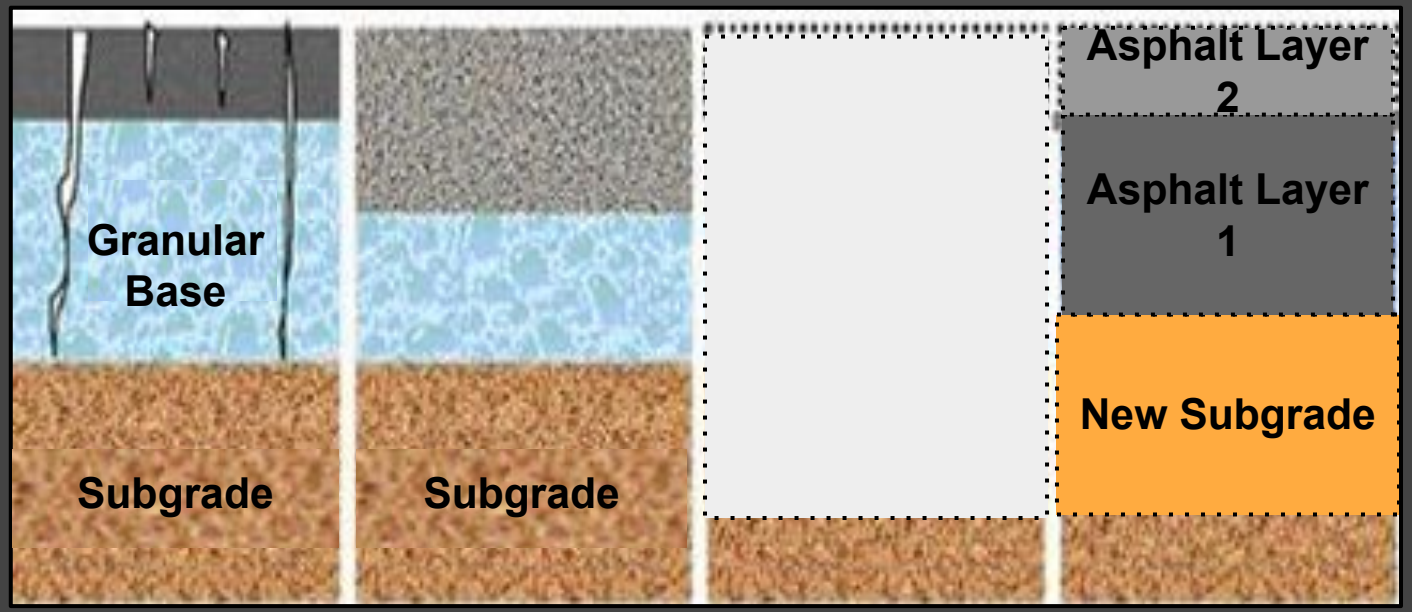
Full Depth Reclamation (FDR): In-place recycling method for reconstruction of existing flexible pavements using a mixture of existing pavement material and cement as the base for the new roadway.

(Seen on Skyview Dr, Forrest Ross Rd, Eubanks Ln 2022)



Roadway Repair

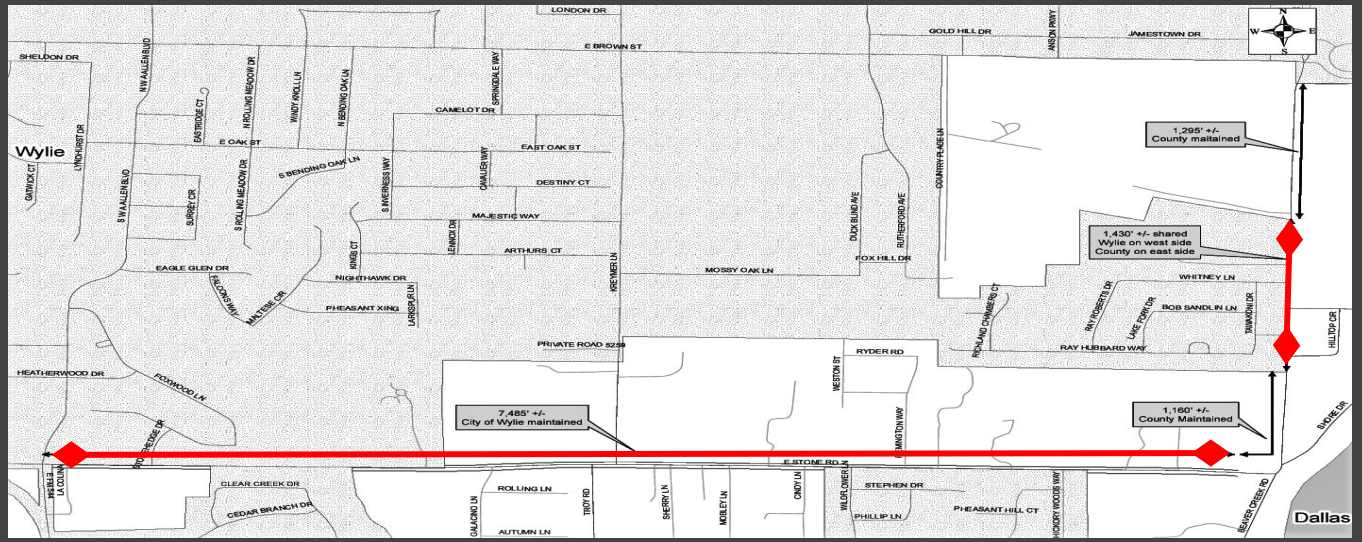
25 Year Design Life Road: Consists of milling and removing existing pavement and some gravel, introducing lime or cement stabilized subgrade to a depth of 8 inches, adding 2 courses of asphalt totaling 9 inches thick.



Roadway Repair

Option 1: Asphalt Milling

- Wylie Maintained Sections (7,485’ +/- East/West) (1,430’ +/- North/South)
- Mix of Full Depth Reclamation (FDR) and Coldplane and Overlay
- Budgeted yearly as needed



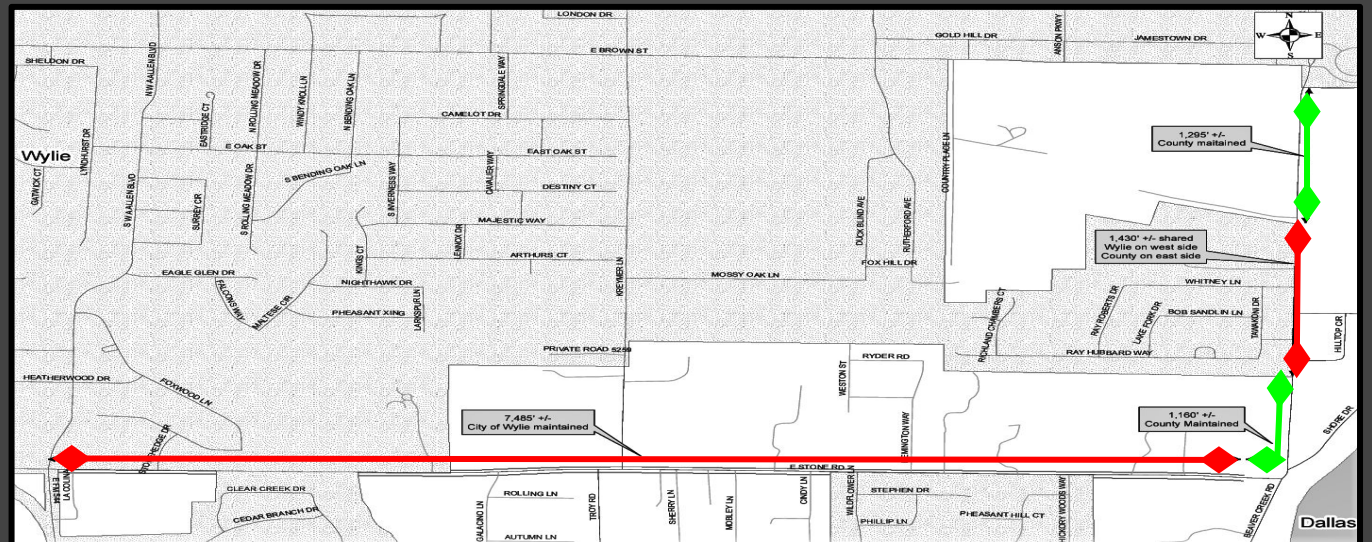
Roadway Repair

Option 2: Full Depth Reclamation

- Wylie Maintained Sections (8,915’ +/-) x2
- Mill roadway, rework existing subgrade mixing in portland cement
- Add 3” of asphalt
- $1Mil (quoted September 2022)

Option 3: Full Depth Reclamation

- WA Allen to Wylie East (11,370’ +/-) x2
- Mill roadway, rework existing subgrade mixing in portland cement
- Add 3” of asphalt
- $1.5Mil (quoted September 2022)



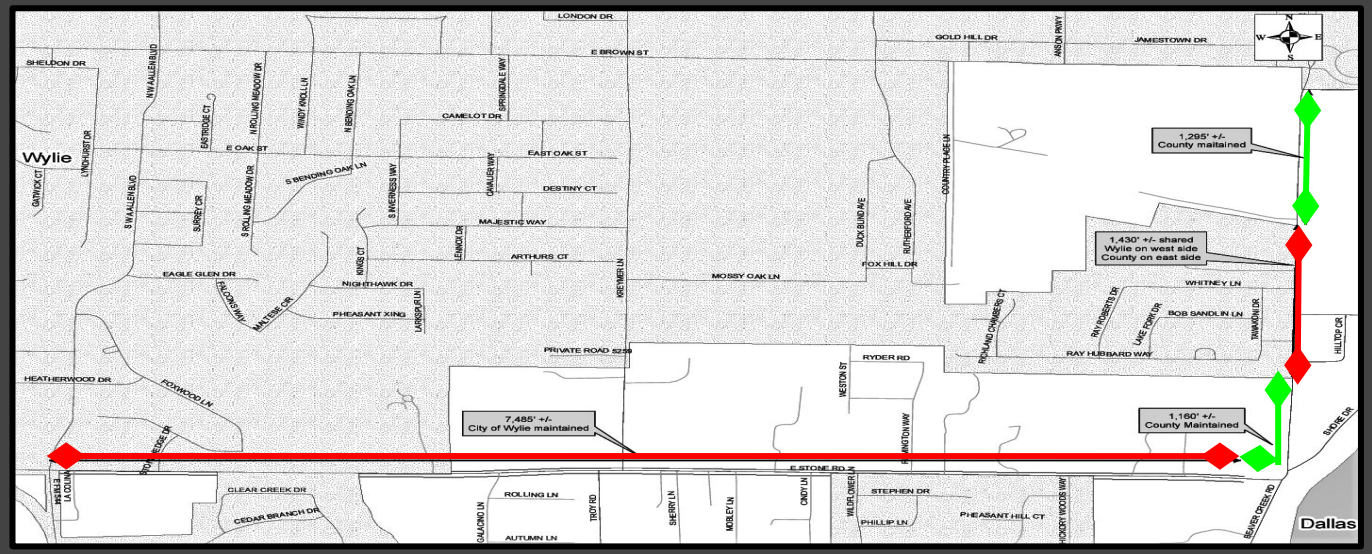
Roadway Repair

Option 4: 25 Year Road

- Wylie Maintained Sections (8,915’ +/-) x2
- Build according to GeoTech Report
- 2” Type C, 7” Type B Asphalt
- $2.4Mil (quoted September 2022)

Option5: 25 Year Road

- WA Allen to Wylie East (11,370’ +/-) x2
- Build according to GeoTech Report
- 2” Type C, 7” Type B Asphalt
- $3Mil (quoted September 2022)



Other Considerations

- **Future Underground Utilities**
  - Water (Provided by Eastfork SUD) (No future plans)
  - Wastewater (2 Roadway Crossings)
  - Electric (Overhead)
  - Gas
- **Drainage**
  - Six Major Roadway Crossings

Stormwater Crossings

Crossing 1 (1530 E. Stone Rd):

- Steel Headwall
- Corrugated metal pipe crossing







Stormwater Crossings

Crossing 2 (1610 E. Stone Rd):

- Steel/ Metal Tin Headwall
- Corrugated metal pipe crossing





Stormwater Crossings

Crossing 3 (2205 E. Stone Rd):

- Steel Headwall
- Washout under drainage pipe
- Roadway cracking





Stormwater Crossings

Crossing 4 (Beaver Creek and E. Stone Rd):

- No Headwall
- Corrugated metal pipe crossing





Stormwater Crossings

Crossing 5 (Near Grayhawk Dr.):

- Corrugated metal pipe crossing



Stormwater Crossings

Crossing 6 (2600 E. Stone Rd):

- Wood headwall
- Corrugated metal pipe crossing





Drainage Repair Costs

Number of Crossings	6 Major/ Multiple driveway crossings
Size Range (Diameter)	12”-78”
Cost Estimate	$3 Mil

Recap on Possible Roadway Repairs

Option 1	Option 2	Option 3	Option 4	Option 5
Asphalt Milling	Full-Depth Reclamation (FDR)	Full-Depth Reclamation (FDR)	Build asphalt road according to GeoTech Report	Build asphalt road according to GeoTech Report
Wylie Maintained Sections	Wylie Maintained Sections	WA Allen to Wylie East	Wylie Maintained Sections	WA Allen to Wylie East
1-5 Years	3+ Years	3+ Years	Up to 25 years	Up to 25 years
$50,000-$75,000 annually	**$1Mil** (Sept 2022)	**$1.5Mil** (Sept 2022)	**$2.4Mil** (Sept 2022)	**$3Mil** (Sept 2022)

Wylie City Council

AGENDA REPORT

Department: City Manager **Account Code:**

Prepared By: Brent Parker

Subject

Discussion of potential trail project with the cities of Sachse and Murphy.

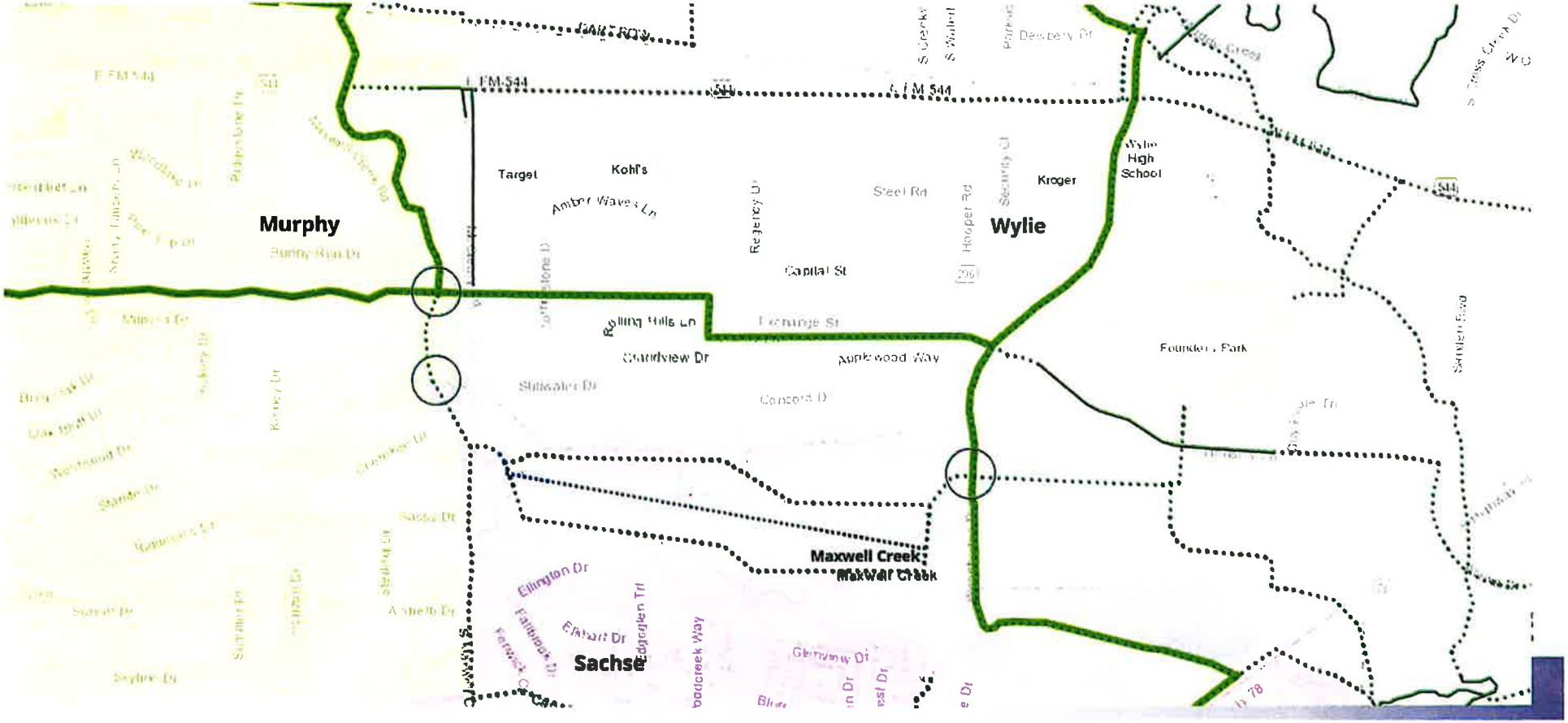
Recommendation

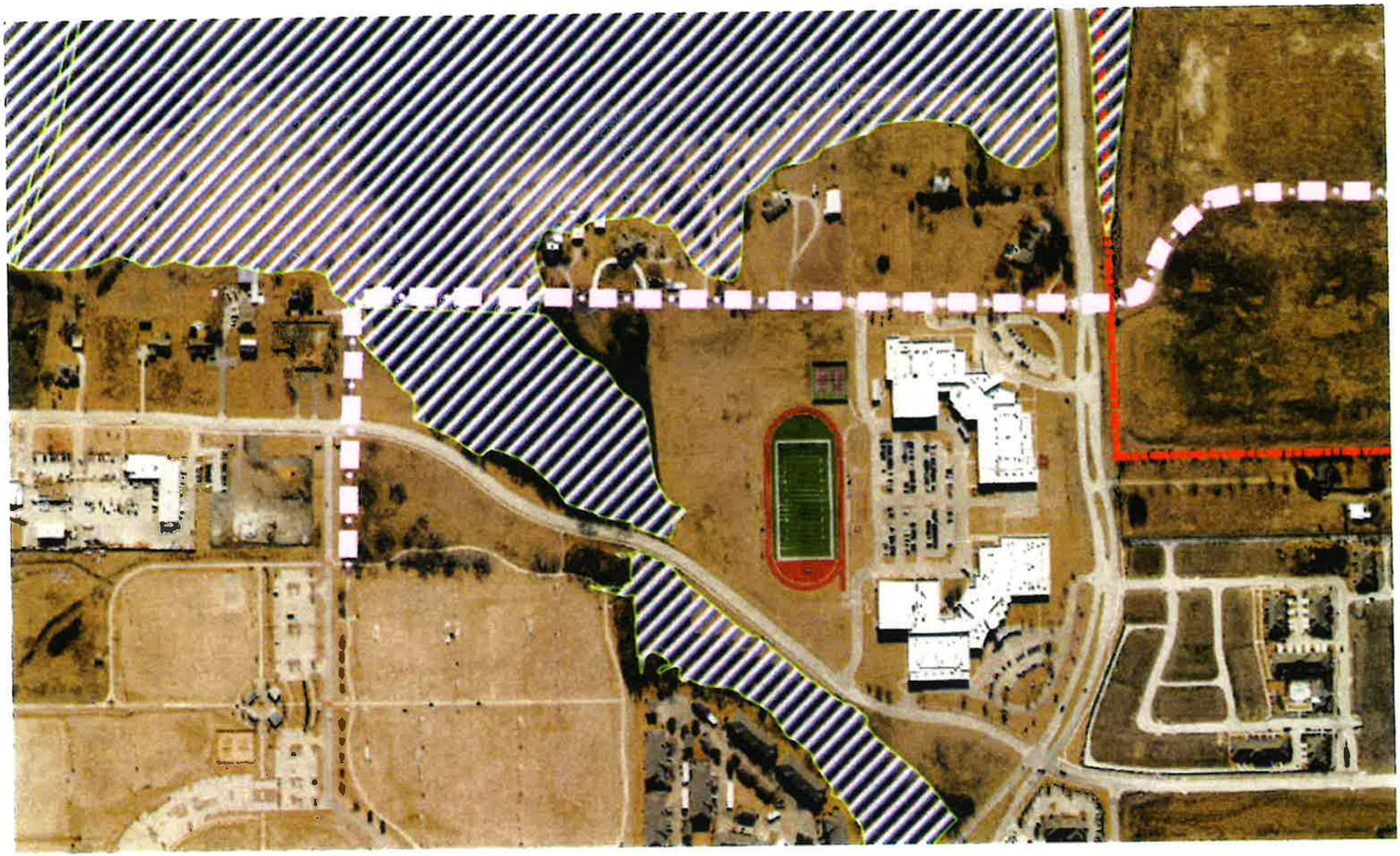
Discussion.

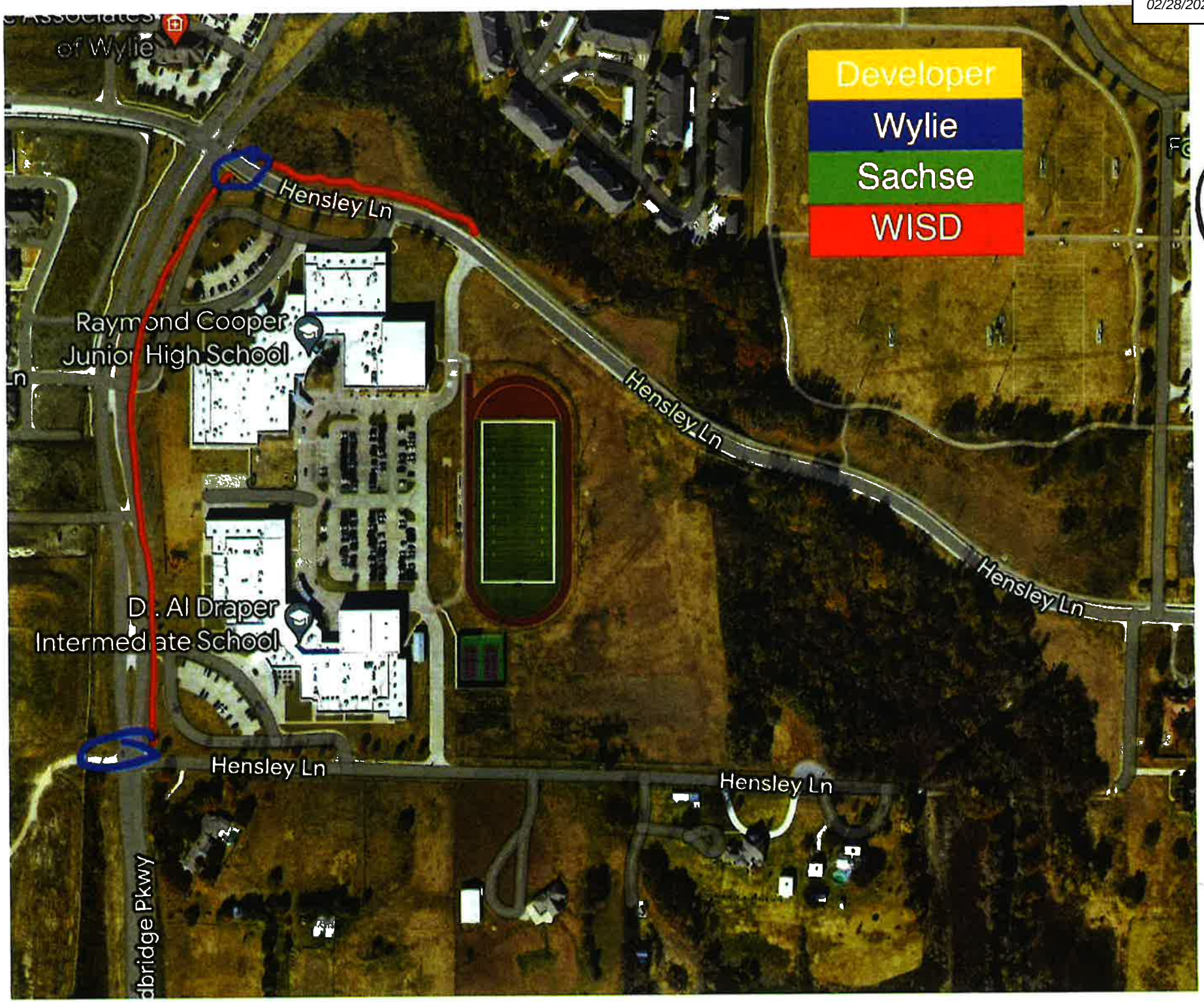
Discussion

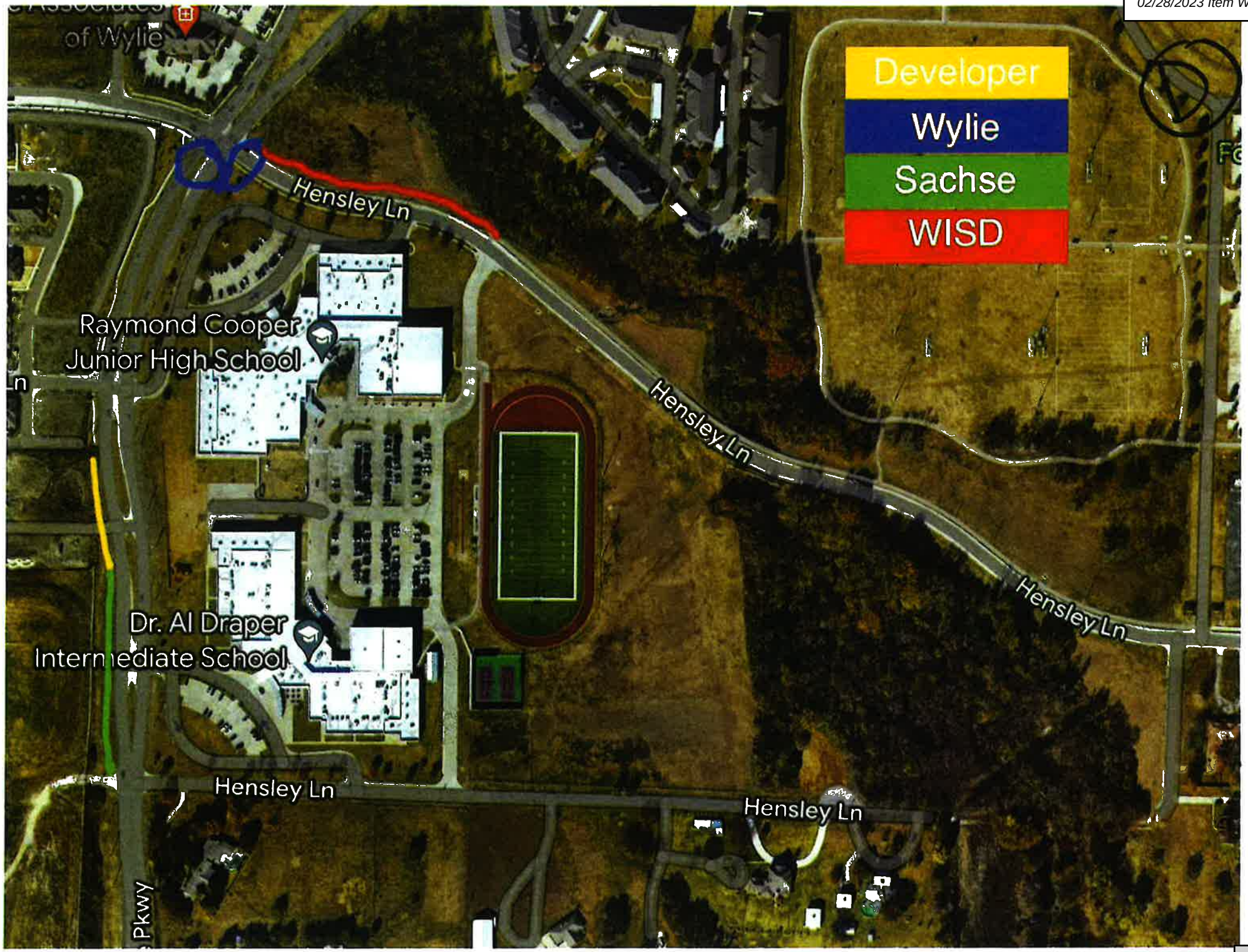
The City of Sachse is proposing a walking trail over the old landfill located off of Woodbridge Parkway. They are requesting Wylie and Murphy to participate. The City of Wylie's portion is to connect from Woodbridge Parkway to Founders Park. Attached is the overview and two proposals from staff.

Trail Route


E FM 544
FM 544
Target
Kohl's
Amber Waves Ln
Murphy
Sunny Ridge Dr
Rolling Hills Ln
Glendview Dr
Steel Rd
Regency Dr
Capital St
Hooper Rd
Kroger
Wylie High School
Wylie
Exchange St
Applewood Way
Founders Park
Concord Dr
Maxwell Creek
Maxwell Creek
Ellington Dr
Elkhart Dr
Sachse
Glenview Dr




Developer
Wylie
Sachse
WISD
Hensley Ln
Raymond Cooper
Junior High School
Hensley Ln
Hensley Ln
D. Al Draper
Intermediate School
Hensley Ln
Hensley Ln
dbridge Pkwy


Developer
Wylie
Sachse
WISD
Hensley Ln
Raymond Cooper
Junior High School
Hensley Ln
Hensley Ln
Dr. Al Draper
Intermediate School
Hensley Ln
Hensley Ln
Pkwy