



AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
William E. Dollar Municipal Building
200 North Fifth Street
Garland, Texas
February 18, 2020
7:00 p.m.**

The City Council extends to each visitor a sincere welcome. We value your interest in your community and your participation in the meetings of this governing body. Regular meetings of the City Council are held the 1st and 3rd Tuesdays of each month, beginning at 7:00 p.m.; the City Council meets regularly in work sessions at 6:00 p.m. the Monday preceding each regular meeting.

Garland City Hall and Council Chambers is wheelchair accessible. Special parking is available on the east side of City Hall and on Austin & State Street west of City Hall.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. BRAILLE IS NOT AVAILABLE.



LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

It is the custom and tradition of the members of the City Council to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the City Council and will not affect the decisions to be made during the meeting.

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has had the opportunity to review each of these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

1. Consider approval of the minutes of the February 4, 2020 Regular Meeting.
2. Consider approval of the following bids:
 - a. 2020 Garland Alley Replacement Project Bid No. 0300-20

Grantham and Associates, Inc. \$179,480.00

This request is to provide professional engineering and surveying services, including detailed construction plans, for the reconstruction of 13 concrete alleys throughout the City.

- b. Arcady and Glenfield Drive Water and Sewer Main Replacement** **Bid No. 0227-20**

Aushill Construction, LLC	\$672,048.00
Optional Contingency	<u>67,205.00</u>
TOTAL:	\$739,253.00

This request is to provide water and wastewater improvements to Arcady and Glenfield Drive. An Optional Contingency is included for any additional work that may be required.

- c. GP&L Firewall Licensing Renewal** **Bid No. 0434-20**

Presidio Networked Solutions	\$223,151.33
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This request is to purchase Firewall-related applications for the GP&L system.

- d. Bobtown Road, Waterhouse Boulevard and South Country Club Road Improvements** **Bid No. 0156-20**

DDM Construction Corporation	\$9,799,114.00
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This request is to provide pavement and drainage improvements and water line replacement on Bobtown Road from Rowlett Road to 660 feet west of Roan Road and on Waterhouse Boulevard from Bobtown Road to Hayman Drive.

- e. Boiler Repairs at the Olinger and Spencer Power Plants** **Bid No. 0364-20**

Hi-Tech Industrial Services, LLC	\$1,000,000.00
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This request is to provide as-needed boiler maintenance and repair services at the GP&L Olinger and Spencer Power Plants. This is a Term Agreement with three optional renewals.

- f. Design Services for Bobtown Road, Waterhouse Boulevard and S. Country Club Road Improvements** **Bid No. 5703-15**

Huitt-Zollars, Inc.	\$93,030.00
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This request is to approve Change Order #3 for additional water and wastewater engineering design services on Bobtown Road.

g. Comprehensive Fee Study **Bid No. 0209-20**

MGT of America Consulting, LLC **\$106,000.00**

This request is to provide a comprehensive fee study for General Fund departments including Building Inspection, Code Compliance, Engineering, Fire, Health, Parks, Recreation & Cultural Arts, Planning & Community Development and Police.

h. GP&L Production Plant Engineering Support Services **Bid No. 0469-20**

SynchroGrid Limited, LLC **\$250,000.00**

This request is to obtain as-needed engineering support services for the GP&L Olinger, Spencer and Lewisville Hydro Plants. This approval is for a Term Agreement with four optional renewals.

i. GP&L Transmission Line Rebuild Materials **Bid No. 0343-20**

KBS Electrical Distributors, Inc. **\$122,282.40**

This request is to provide insulators, line hardware, conductor and other associated materials needed for the rebuild of sections of the Wynn Joyce to Ben Davis and Wynn Joyce to Miller Road transmission lines.

j. HVAC Equipment and Parts **Bid No. 0484-20**

Trane **\$200,000.00**

This request is to purchase HVAC equipment and parts as needed to ensure our building environments are comfortable for our citizens, visitors and staff. This approval is for a Term Agreement with four optional renewals.

k. Outside Custodial Service **Bid No. 0494-20**

GCA Services Group of Texas **\$966,777.54**

This request is to provide custodial services for thirty-eight City of Garland facilities. This approval is for a Term Agreement with four optional renewals.

- 3. Public hearings were previously conducted for the following zoning cases. Council approved the requests and instructed staff to bring forth the following ordinances for consideration.**

a. Zoning File No. Z 19-38, Jimmy D. Newton (District 6)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Tattooing/Body Piercing Establishment on a 1.129-acre tract of land zoned Industrial (IN) District and located at 1901 South Jupiter Road, Suite 103; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

b. Zoning File No. Z 19-41, Jonathan Escarcega (District 5)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Change of Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District on a 0.358-acre tract of land located at 3131 Cortez Drive; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

- 4. Consider a resolution of the City of Garland, Texas, adopting the 2019 Our Garland Parks, Recreation, and Cultural Arts Strategic Master Plan; and providing an effective date.**

Council is requested to adopt the Parks, Recreation and Cultural Arts Strategic Master Plan as presented.

5. City Manager Employment Agreement

Council is requested to approve an employment agreement with Bryan L. Bradford to continue his employment in the position of City Manager.

6. City Attorney Employment Agreement

Council is requested to approve an amendment to the employment agreement with Brad Neighbor relating to his employment in the position of City Attorney.

7. City Auditor Employment Agreement

Council is requested to approve an amendment to the employment agreement with Jedson Johnson to continue his employment in the position of City Auditor.

8. North Texas (Dallas) Internet Crimes Against Children (ICAC) Task Force Interlocal Agreement

Council is requested to authorize the City Manager to execute an interlocal agreement with the City of Dallas regarding the North Texas (Dallas) Internet Crimes Against Children (ICAC) Task Force and accept grant funding in the amount of \$16,000.00

9. Consider an ordinance amending Ordinance 6758 related to the "City of Garland, Texas, General Obligation Commercial Paper Notes, Series 2015;" and resolving other matters incident and related thereto.

At the February 17, 2020 Work Session, Council considered amending the General Obligation Commercial Paper Program to include projects as authorized by the 2019 Bond Program. The existing General Obligation Commercial Paper Program has a capacity of \$50 million and is set to terminate in March of 2021. The liquidity facility is provided by Citibank.

10. Consider an ordinance amending Chapter 26 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Severability Clause; and setting an effective date.

At the February 17, 2020 Work Session, Council considered the amendments to Chapter 26 of the Code of Ordinances regarding job placement activities in unauthorized locations.

11. 2019-2020 Budget Amendment No. 1

At the February 17, 2020 Work Session, Council considered an amendment to the 2019-2020 Adopted Budget. Council is requested to approve an ordinance amending the 2019-2020 Adopted Budget to appropriate funds in the amount of \$835,630 for the payment of payments in lieu of taxes to taxing entities along the Limestone to Gibbons Creek transmission line corridor.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

Anyone wishing to speak for, against, or on agenda items must fill out a speaker card and give it to the City Secretary before speaking (cards are located at the entrance to the Council Chambers). The Mayor will recognize speakers; he may impose a time limit and may provide for rebuttal. All comments and testimony are to be presented from the podium.

12. Annual Adoption of Council Policies (with Financial Policy Revisions)

At the February 3, 2020 Work Session, Council considered the proposed changes to the 2020 Council Policies.

13. Consider a resolution authorizing the City Manager to execute an Election Services Contract with Dallas County by and through the Dallas County Elections Administrator, and a Joint General and Special Election Services Contract with Collin County by and through the Collin County Elections Administrator; adopting certain designated voting systems for use in the 2020 Garland General Election; and providing an effective date.

Council is requested to approve a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 2, 2020 General Election.

14. Hold a public hearing to receive comment on the 2020 Proposed Capital Improvement Program (CIP).

A public hearing will be held on the 2020 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the Proposed CIP Program. The 2020 Proposed CIP is available for public inspection in the City's libraries and the City Secretary's Office and has been on the City's website since February 5, 2020.

15. Hold a public hearing on:

- a. Consider the application of MV Innovations LLC, requesting approval of a Change of Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District. This property is located at 1617 Bruce Drive. (File No. Z 19-42, District 4)**

The applicant requests to build a single-family detached home.

16. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

17. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Frontier FIOS TV 44. Meetings are rebroadcast at 9:00 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3 each.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

1.

Meeting Date: 02/18/2020

Item Title: Minutes Feb. 4

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider approval of the minutes of the February 4, 2020 Regular Meeting.

Recommendation/Action Requested and Justification

Attachments

Minutes Feb. 4



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, February 4, 2020, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Deputy Mayor Pro Tem Robert Vera
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

Amy Dunphy, Operations Coordinator, Health Department, presented the Pet of the Month.

Mayor LeMay presented a Special Recognition to Connor Neuenswander for earning Scouting's highest rank of Eagle Scout; his Troop 1044 was present to see him receive the recognition.

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has had the opportunity to review each of these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

Motion was made by Council Member Jerry A. Nickerson, and seconded by Council Member Dylan Hedrick motion to approve the Consent Agenda as presented. Motion carried:

Vote: 9 - 0

1. **APPROVED** Consider approval of the minutes of the January 14, 2020 Regular Meeting.

2. Consider approval of the following bids:

a. **APPROVED** GP&L Cirrus EIS Priority Support **Bid No. 0577-18**

Wunderlich-Malec	\$6,092.00
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The request is to approve Change Order #1 to enhance the current emissions software support coverage at the GP&L Spencer Plant to meet EPA requirements.

b. **APPROVED** GP&L Electrical Ductline Improvements **Bid No. 0126-20**

Primoris T&D Services, LLC	\$215,622.00
Optional Contingency	<u>43,125.00</u>
TOTAL:	\$258,747.00

This request is to provide labor for the installation of approximately 1,400 feet of ductline along Rosehill Road between Bobtown Road and I.H..30. An Optional Contingency is included for any additional work that may be required.

- c. **APPROVED** **Rowlett Creek Administration HVAC Renovations** **Bid No. 1130-19**
- TD Industries** **\$22,328.94**
- This request is to approve Change Order #1 for the addition of 10 variable air volume (VAV) boxes and updated graphics for the HVAC renovation at Rowlett Creek Administration.*
- d. **APPROVED** **Audubon Recreation Center Architectural Services** **Bid No. 4978-15**
- Brown Reynolds Watford Architects** **\$53,125.00**
- This request is to approve Change Order #4 for the Audubon Recreation Center architectural services.*
- e. **APPROVED** **Rowlett Creek Wastewater Treatment Plant Effluent Filter Rehabilitation Project** **Bid No. 0152-20**
- Archer Western Construction, LLC** **\$7,274,590.00**
- This request is to provide construction services for the rehabilitation of the effluent filters at the Rowlett Creek Wastewater Treatment Plant.*
- f. **APPROVED** **Professional Engineering Design Services for Water and Sewer Improvements** **Bid No. 0392-20**
- LAM Consulting Engineering** **\$123,750.00**
- This request is to provide Professional Engineering Design Services for the replacement of water and wastewater lines on Avenue A, Haskell Street and Second Street.*
- g. **APPROVED** **Professional Engineering Design Services for Sewer Improvements** **Bid No. 0391-20**
- Kimley-Horn and Associates, Inc.** **\$171,700.00**
- This request is to provide Professional Engineering Design Services for the replacement of wastewater lines at the Patricia Lane and Morningside Drive alley, Morningside Drive and Arrow Lane, and Arrow Lane and Westway Avenue.*
- h. **APPROVED** **Nevill Road Switching Station Grading** **Bid No. 0186-20**
- Kwest Group, LLC** **\$5,690,788.56**
Optional Contingency **569,079.00**
TOTAL: **\$6,259,867.56**

This request is to provide grading services for the construction of the GP&L Nevill Road Switch Station. An Optional Contingency is included for any additional work that may be required.

- i. **APPROVED GP&L King Mountain Transmission Line Construction Labor** **Bid No. 0902-19**

RES System 3, LLC **\$2,101,058.28**

This request is to approve Change Order #1 for the GP&L 345kV King Mountain Switch to Roadrunner Solar Transmission Line project.

- j. **APPROVED GP&L Apollo Substation Construction Services** **Bid No. 0241-20**

RES System 3, LLC **\$2,874,105.02**
Optional Contingency **287,410.50**
TOTAL: **\$3,161,515.52**

This request is to provide construction services for the GP&L Apollo Substation rebuild as part of the approved GP&L Apollo Substation Rebuild CIP project. An Optional Contingency is included for any additional work that may be required.

- k. **APPROVED GP&L Nevill to Greasewood 345kV Transmission Line Materials** **Bid No. 0106-20**

KBS Electrical Distributors, Inc. **\$1,024,614.52**
Optional Contingency **102,461.00**
TOTAL: **\$1,127,075.52**

This request is to provide insulators, line hardware, conductor, optical ground wire, and associated materials for the construction of the Nevill to Greasewood 345kV Transmission Line. An Optional Contingency is included for any additional materials that may be required.

- l. **APPROVED Boiler Repairs** **Bid No. 3353-13**

Hi-Tech Industrial Services, Inc. **\$99,000.00**

This request is to approve Change Order #1 for boiler repair services.

- m. **APPROVED Engineering Services for Electrical Duct Line and Service Conduit Improvements** **Bid No. 0035-19**

R-Delta Engineers, Inc. **\$15,000.00**

This request is to approve Change Order #1 to R-Delta Engineers, Inc., for Services Agreement SOW COG190 Glenbrook & Briarwood Electrical Duct Line and Service Conduit Improvements.

(CTS) Crown Texas, Inc.	\$798,651.00
Optional Contingency	<u>79,865.10</u>
TOTAL:	\$878,516.10

This request is to purchase a control house for the GP&L Nevill Road Switch as part of the approved Nevill Road Switch CIP project. An Optional Contingency is included for any additional work that may be required.

3. **APPROVED Ordinance No. 7121 reappointing Rick Schimmel as an Associate Judge of the Municipal Court of the City of Garland, Texas; appointing Sonja Galbraith as an Associate Judge of the Municipal Court of the City of Garland, Texas and providing an effective date.**

Council is requested to reappoint Judge Rick Schimmel as an Associate Judge of the Garland Municipal Court and appoint Sonja Galbraith as an Associate Judge of the Garland Municipal Court.

4. **APPROVED Resolutin No. 10428 of the City Council of the City of Garland, Texas confirming its support of a proposed senior living development project to be funded with Texas Department of Housing and Community Affairs 2020 Competitive 9% Housing Tax Credits; acknowledging that the proposed project is located within one linear mile or less from a development that services the same target population as the proposed project but approving same; authorizing a reduction in development fees to be collected from the developer in the amount not to exceed \$500 and the issuance of a letter to that effect on behalf of the City to the Texas Department of Housing and Community Affairs; authorizing the City Secretary to certify this resolution to the Texas Department of Housing and Community Affairs; and providing an effective date.**

At the January 13, 2020 Work Session, Council considered adopting a Resolution of Support for Garland Senior Living, LTD, a 9% Low-Income Housing Tax Credit Project.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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5. **APPROVED Ordinance No. 7122 ordering of a General Election for the City of Garland, Texas to be held on the 2nd day of May, 2020 for the purpose of electing Council Members to Districts 1, 2, 4, and 5 and for the purpose of submitting to the voters a proposition regarding the use of a portion of Hollabaugh Park as a library, if approved; providing for the conduct of the election; providing a date for a run-off election; providing for a process to determine position of names on ballots; providing for locations of polling places; providing for early voting; providing for notice, publication, and posting of this order; and providing an effective date.**

Council approved an ordinance ordering and providing notice of a General Election for the City of Garland to be held on the 2nd day of May 2020.

Motion was made by Mayor Pro Tem Robert John Smith, and seconded by Council Member David Gibbons motion to approve a General Election ordinance for May 2, 2020. Motion carried:

Vote: 9 - 0

6. **Presentation of 2020 Proposed CIP**

City Manager Bradford formally presented the 2020 Proposed Capital Improvement Program (CIP) for the City Council's review and deliberation.

7. **Hold public hearings on:**

- a. **APPROVED Consider the application of Jimmy D. Newton, requesting approval of a Specific Use Provision for a Tattooing/Body Piercing Establishment on a property zoned Industrial (IN) District. This property is located at 1901 South Jupiter Road, Suite 103. (File No. Z 19-38, District 6)**

The applicant requests approval of a Specific Use Provision to continue operating a tattooing establishment from Suite 103 of the subject property. A Specific Use Provision was previously approved for a period of six (6) years.

The staff report was presented by Kimberly Hopkins, Development Planner. Speaker on this item was Jimi Newton, applicant. There was discussion by the Council.

Motion was made by Deputy Mayor Pro Tem Vera, seconded by Council Member Aubin to approve the application based on staff and Plan Commission recommendation.

A motion to amend the Specific Use Provision to ten years was made by Council Member Bookhout, seconded by Council Member Morris. Motion failed:

Vote: 7 nays, 2 ayes (Bookhout / Morris)

A vote was cast on the main motion. Motion carried:

Vote: 8 ayes, 1 nay (Bookhout)

- b. **APPROVED** Consider the application of Jonathan Escarcega, requesting approval of a Change of Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District. This property is located at 3131 Cortez Drive. (File No. Z 19-41, District 5)

The applicant proposes to build a single-family detached home.

The staff report was presented by Nabiha Ahmed, Development Planner. Speaker on this item was Jonathan Escarcega. There was discussion by the Council.

Motion was made by Council Member Rich Aubin, and seconded by Mayor Pro Tem Robert John Smith motion to approve the item as presented. Motion carried:

Vote: 9 - 0

8. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

- 9. Adjourn:** There being no further business to come before the Council, Mayor LeMay adjourned the meeting at 7:34 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. a.

Meeting Date: 02/18/2020

Item Title: 2020 Garland Alley Replacement Project

Submitted By: Steve Oliver, Streets Director

Bid Number: 0300-20

Purchase Justification:

This request is to provide professional engineering and surveying services, including detailed construction plans, for the reconstruction of thirteen (13) concrete alleys throughout the City. The alley locations are attached for reference.

Evaluation:

Grantham and Associates, Inc., was selected as the Most Qualified firm for this project from RFQ 3617-13.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Grantham and Associates, Inc.	All	\$179,480.00
TOTAL:		\$179,480.00

Basis for Award: Most Qualified

Purchase Requisition #: 42802

Fiscal Impact

Total Project/Account: \$20,697,244
Expended/Encumbered to Date: 6,825,517
Balance: \$13,871,727
This Item: 179,480
Proposed Balance: \$13,692,247
Account #: 831-4693-7101
Fund/Dept/Project – Description and Comments:

Infrastructure Repair & Replacement Fund

Attachments

Bid Recap

Alley No. 1

Alley No. 2-10

Alley No. 11-13

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

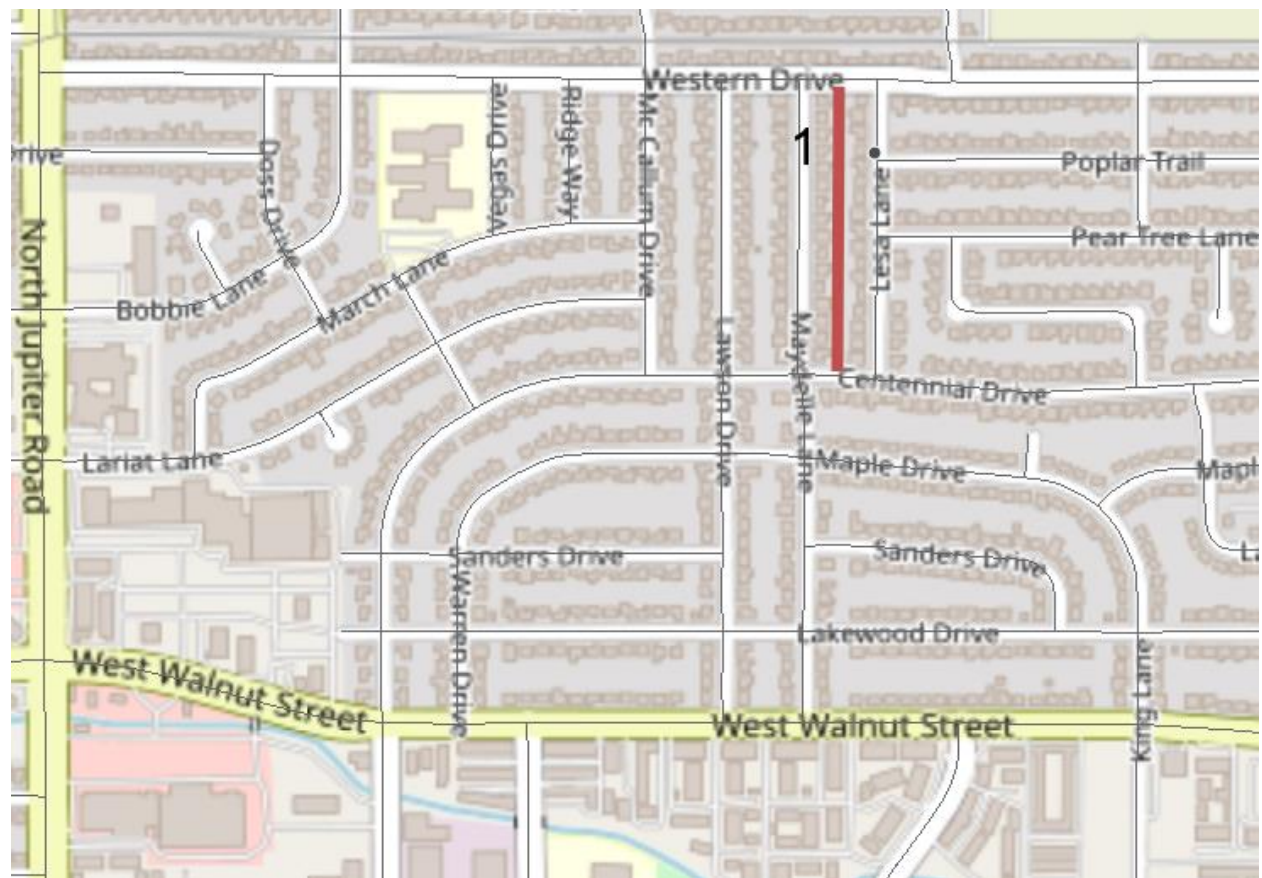
Document Location: Oper. Budget - Page 213

Budget Director Approval: Ron Young

Approval Date: 02/07/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/07/2020









**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. b.

Meeting Date: 02/18/2020

Item Title: Arcady and Glenfield Drive Water and Sewer Main Replacement

Submitted By: Wes Kucera, Managing Director

Bid Number: 0227-20

Purchase Justification:

This request is to provide water and wastewater improvements to Arcady and Glenfield Drive. The project consists of replacing approximately 3,071 linear feet of existing water main and 1,954 linear feet of wastewater main including all incidentals as specified. An Optional Contingency is included for any additional work that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Six (6) bids were received and evaluated with Aushill Construction, LLC, submitting the Straight Low Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Aushill Construction, LLC	All	\$672,048.00
Optional Contingency		67,205.00
TOTAL:		\$739,253.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 42725

Fiscal Impact

Total Project/Account:	\$22,355,893
Expended/Encumbered to Date:	13,701,696
Balance:	\$8,654,197
This Item:	739,253
Proposed Balance:	\$7,914,944
Account #:	220-4049-3019200-9214, 230-4149-3215700-9305

Fund/Dept/Project – Description and Comments:

Water CIP / Relocation of Mains Prior to Paving	-	\$442,867
Wastewater CIP / Relocation of Mains Prior to Paving	-	<u>296,386</u>
Total CIP		\$739,253

Attachments**Bid Recap**

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: CIP - Pages W03 and WW07

Budget Director Approval: Ron Young

Approval Date: 02/07/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/06/2020

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. c.

Meeting Date: 02/18/2020

Item Title: GP&L Firewall Licensing Renewal

Submitted By: Jeff Janke, Administration

Bid Number: 0434-20

Purchase Justification:

This request is to purchase Firewall-related applications for the GP&L system. This purchase includes renewal durations at a one, two, or three-year coverage cycle based on end-of-life equipment schedules.

Evaluation:

The license renewals are being provided by Presidio Networked Solutions through the State of Texas Department of Information Resources (DIR) Contract DIR-TSO-3847.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Presidio Networked Solutions	All	\$223,151.33
TOTAL:		\$223,151.33

Basis for Award: Cooperative Purchase

Purchase Requisition #: 42975

Fiscal Impact

Total Project/Account: \$4,172,221
Expended/Encumbered to Date: 2,283,593
Balance: \$1,888,628
This Item: 223,151
Proposed Balance: \$1,665,477
Account #: 211-3625-7121, 211-3141-7121
Fund/Dept/Project – Description and Comments:

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Oper. Budget - Page 232

Budget Director Approval: Ron Young

Approval Date: 02/07/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/06/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. d.

Meeting Date: 02/18/2020

Item Title: Bobtown Road, Waterhouse Boulevard and South Country Club Road Improvements

Submitted By: Michael Polocek, Engineering Director

Bid Number: 0156-20

Purchase Justification:

This request is to provide pavement and drainage improvements and water line replacement on Bobtown Road from Rowlett Road to 660 feet west of Roan Road and on Waterhouse Boulevard from Bobtown Road to Hayman Drive. This project also includes water replacement on South Country Club Road from Rowlett Road to 300 feet south of Bobtown Road and Rosehill Road intersection, wastewater replacement from old Bobtown Road and Rosehill Road intersection to the new Parc Addition Apartments, and brick paving construction in the intersection of Bobtown Road and Rosehill Road / South Country Club Road. A location map is included for reference.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Five (5) bids were received and evaluated with DDM Construction Corporation submitting the Straight Low Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
DDM Construction Corporation	All	\$9,799,114.00
TOTAL:		\$9,799,114.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 43028

Fiscal Impact

Total Project/Account:	\$13,825,286 *
Expended/Encumbered to Date:	4,026,172

Balance: \$9,799,114
This Item: 9,799,114
Proposed Balance: \$0
Account #: Various

Fund/Dept/Project – Description and Comments:

Street / Transportation CIP

Bobtown Road - Rowlett to Waterhouse*	624-1409-1427204-9011	=	\$5,006,267
Waterhouse - Bobtown to Hayman	692-1409-1430315-9011	=	1,501,715

Water CIP

Country Club/Bobtown Water Trans. Main	220-4049-3021600-9213	=	2,297,324
Relocation of Mains Prior to Paving	220-4049-3019200-9214	=	385,868

Wastewater CIP

Relocation of Mains Prior to Paving	230-4149-3215700-9305	=	<u>607,940</u>
Total			\$9,799,114

* Construction is anticipated to continue through 2021; therefore, the Total Project/Account includes an additional \$2,437,100 of funding for Bobtown Road - Rowlett to Waterhouse scheduled to be approved in 2021.

Attachments

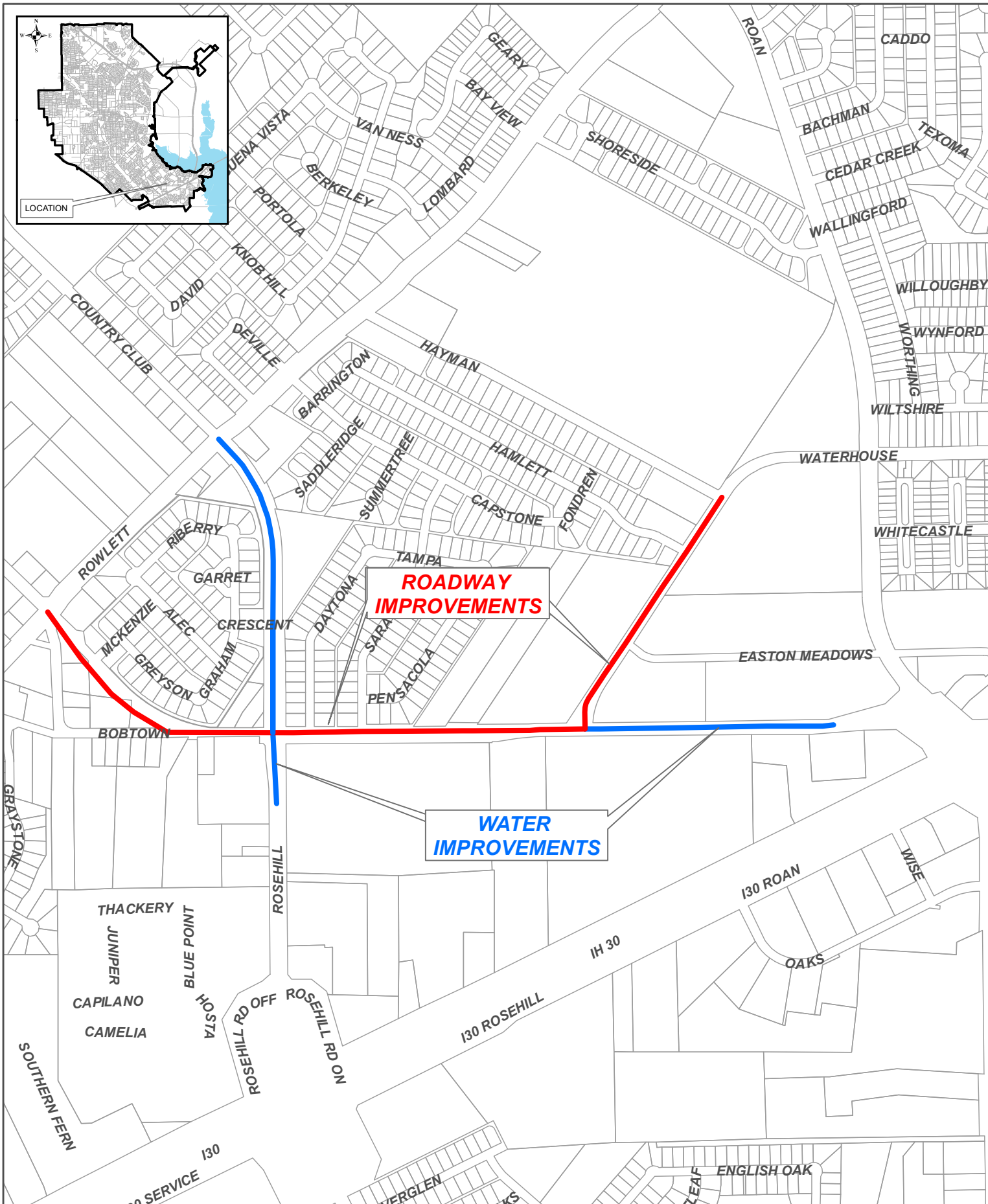
Bid Recap
 Location Map

Fiscal Reference:

Budget Type:	CIP
Fiscal Year:	2019
Document Location:	CIP - Pages ST09, ST15, W03, W11, and WW07

Budget Director Approval:	Ron Young	Approval Date: 02/07/2020
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Purchasing Director Approval:	Gary L. Holcomb	Approval Date: 02/06/2020
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**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. e.

Meeting Date: 02/18/2020

Item Title: Boiler Repairs at the Olinger and Spencer Power Plants

Submitted By: Dan Bailey, Energy Services Director

Bid Number: 0364-20

Purchase Justification:

This request is to provide as-needed boiler maintenance and repair services at the GP&L Olinger and Spencer Power Plants. Services include boiler code welding, power plant refractory services, scaffolding services, boiler plant maintenance and repair and materials. These services are necessary to maintain the integrity and reliability of the boilers, pressure vessels and related equipment. This is a Term Agreement with three (3) optional renewals.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. One (1) bid was received and evaluated based on the published criteria. Hi-Tech Industrial Services, LLC, received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Hi-Tech Industrial Services, LLC	All	\$1,000,000.00

TOTAL:	\$1,000,000.00
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Basis for Award: Best Value

Purchase Requisition #: 42807

Fiscal Impact

Total Project/Account:	N/A
Expended/Encumbered to Date:	N/A
Balance:	N/A
This Item:	\$1,000,000

Proposed Balance: N/A
Account #: 451-6999

Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to the Electric Utility Fund's Olinger Plant and Spencer Plant operating accounts as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Oper. Budget - Page 232

Budget Director Approval: Ron Young

Approval Date: 02/07/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/06/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. f.

Meeting Date: 02/18/2020

Item Title: Design Services for Bobtown Road, Waterhouse Boulevard and S. Country Club Road Improvements

Submitted By: Michael Polocek, Engineering Director

Bid Number: 5703-15

Purchase Justification:

This request is to approve Change Order #3 for additional water and wastewater engineering design services on Bobtown Road. This Change Order represents water and wastewater improvements within the original project limits of Bobtown Road after recent inspections of the facilities. A location map is attached for reference.

Evaluation:

Huitt-Zollars was awarded the original PO 24318 in the amount of \$557,142 at the August 18, 2015, City Council Meeting.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Huitt-Zollars, Inc.	All	\$93,030.00
		TOTAL:	\$93,030.00

Basis for Award: Change Order

Purchase Requisition #: 43033

Fiscal Impact

Total Project/Account:	\$18,073,821
Expended/Encumbered to Date:	13,397,085
Balance:	\$4,676,736
This Item:	93,030
Proposed Balance:	\$4,583,706

Account #: 230-4149-3215700-7101, 220-4049-3021600-7101

Fund/Dept/Project – Description and Comments:

Water CIP / Country Club/Bobtown Water Trans. Mains	=	\$46,115
Wastewater CIP / Relocation of Mains Prior to Paving	=	<u>46,915</u>
Total		\$93,030

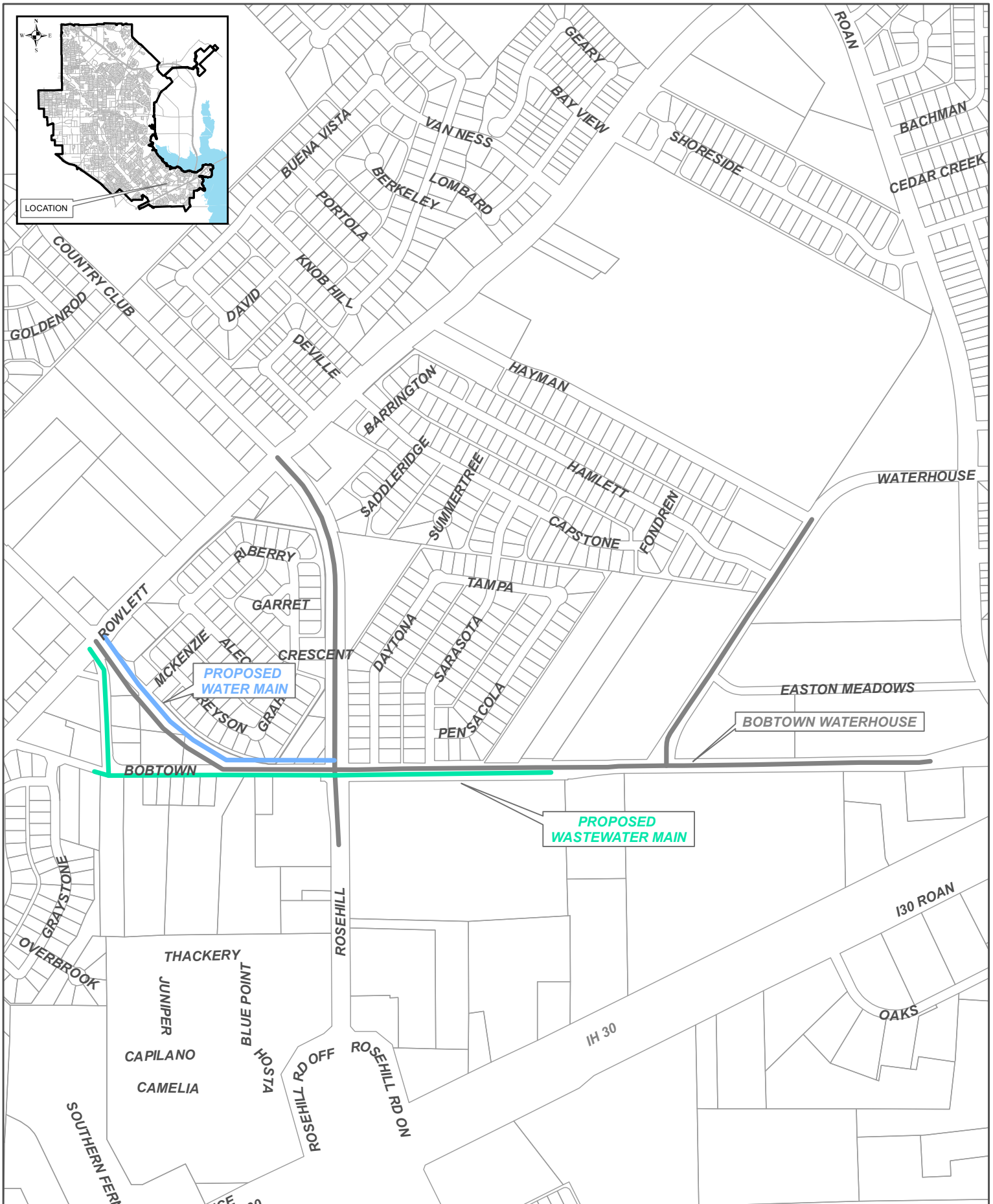
Attachments

Bid Recap
Location Map

Fiscal Reference:

Budget Type:	CIP
Fiscal Year:	2019
Document Location:	CIP - Pages W11 and WW07

Budget Director Approval:	Ron Young	Approval Date: 02/07/2020
Purchasing Director Approval:	Gary L. Holcomb	Approval Date: 02/07/2020





**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. g.

Meeting Date: 02/18/2020

Item Title: Comprehensive Fee Study

Submitted By: Ron Young, Budget Director

Bid Number: 0209-20

Purchase Justification:

This request is to provide a comprehensive fee study for General Fund departments including Building Inspection, Code Compliance, Engineering, Fire, Health, Parks, Recreation & Cultural Arts, Planning & Community Development and Police. The study will evaluate each fee in the context in which it is applied, determine the cost to provide the service, provide comparative market data and recommend appropriate fee adjustments.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Four (4) bids were received and evaluated based on the published criteria. MGT of America Consulting, LLC, received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
MGT of America Consulting, LLC	All	\$106,000.00
TOTAL:		\$106,000.00

Basis for Award: Best Value

Purchase Requisition #: 42692

Fiscal Impact

Total Project/Account: \$200,000
Expended/Encumbered to Date: 0
Balance: \$200,000
This Item: 106,000

Proposed Balance: \$94,000
Account #: 100-7777-7101
Fund/Dept/Project – Description and Comments:
General Fund / Non-Departmental / Comprehensive Fee Study

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Oper. Budget - Page 50

Budget Director Approval: Ron Young Approval Date: 02/07/2020

Purchasing Director Approval: Gary L. Holcomb Approval Date: 02/07/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. h.

Meeting Date: 02/18/2020

Item Title: GP&L Production Plant Engineering Support Services

Submitted By: Dan Bailey, Energy Services Director

Bid Number: 0469-20

Purchase Justification:

This request is to obtain as-needed engineering support services for the GP&L Olinger, Spencer and Lewisville Hydro Plants. This approval is for a Term Agreement with four (4) optional renewals.

Evaluation:

SynchroGrid Limited, LLC, was selected as the Most Qualified firm for this project from RFQ 0753-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
SynchroGrid Limited, LLC	All	\$250,000.00
TOTAL:		\$250,000.00

Basis for Award: Most Qualified

Purchase Requisition #: 43016

Fiscal Impact

Total Project/Account: N/A
Expended/Encumbered to Date: N/A
Balance: N/A
This Item: \$250,000
Proposed Balance: N/A
Account #: 451-6999
Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to the Electric Utility Fund's Production operating accounts as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Oper. Budget - Page 232

Budget Director Approval: Ron Young

Approval Date: 02/07/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/07/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. i.

Meeting Date: 02/18/2020

Item Title: GP&L Transmission Line Rebuild Materials

Submitted By: Steve Martin, Transmission Director

Bid Number: 0343-20

Purchase Justification:

This request is to provide insulators, line hardware, conductor and other associated materials needed for the rebuild of sections of the Wynn Joyce to Ben Davis and Wynn Joyce to Miller Road transmission lines. This is part of the approved GP&L Wynn Joyce to Miller Road Lake Crossing CIP project.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated with KBS Electrical Distributors, Inc., submitting the Straight Low Bid.

Award Recommendation:

	<u><i>Item</i></u>	<u><i>Amount</i></u>
KBS Electrical Distributors, Inc.	All	\$122,282.40
	TOTAL:	\$122,282.40

Basis for Award: Straight Low Bid

Purchase Requisition #: 42826

Fiscal Impact

Total Project/Account:	\$8,588,000
Expended/Encumbered to Date:	1,113,501
Balance:	\$7,474,499
This Item:	122,282
Proposed Balance:	\$7,352,217
Account #:	210-3599-3138901-6051

Fund/Dept/Project – Description and Comments:Electric CIP / Transmission Lines Program

AttachmentsBid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: CIP - Page E01

Budget Director Approval: Ron Young

Approval Date: 02/07/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/07/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. j.

Meeting Date: 02/18/2020

Item Title: HVAC Equipment and Parts

Submitted By: Ginny Holliday, Facilities Management Director

Bid Number: 0484-20

Purchase Justification:

This request is to purchase HVAC equipment and parts as needed to ensure our building environments are comfortable for our citizens, visitors and staff. This approval is for a Term Agreement with four (4) optional renewals.

Evaluation:

The HVAC equipment and parts will be provided by Trane through the US Communities Cooperative Purchasing Contract 15-JLP-023.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Trane	All	\$200,000.00
		TOTAL:	\$200,000.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 43035

Fiscal Impact

Total Project/Account: N/A
Expended/Encumbered to Date: N/A
Balance: N/A
This Item: \$200,000
Proposed Balance: N/A
Account #: 431-4721-7131, 692-4749-1603707-9007
Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred. Depending on the size of the expenditure, Facilities Management will charge the CIP HVAC Replacement/Upgrade Program or the Facilities Management Operating Budget account designated for HVAC equipment and repairs.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget
CIP

Fiscal Year: 2019-20

Document Location: Oper. Budget - Page 295 and CIP - Page MF01

Budget Director Approval: Ron Young Approval Date: 02/07/2020

Purchasing Director Approval: Gary L. Holcomb Approval Date: 02/07/2020

OPENED: 02/07/2020
REQ. NO. PR 43035
BID NO. 0484-20
PAGE: 1 OF 1
BUYER: J. Wilson

Trane

[illegible]

NEXT LOW:	\$0.00
LOW:	\$0.00
SAVINGS:	\$0.00

```
# IonWave Notifications
# IonWave HUBS
# Direct Contact HUBS
# HUBS Responded
```

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. k.

Meeting Date: 02/18/2020

Item Title: Outside Custodial Service

Submitted By: Ginny Holliday, Facilities Management Director

Bid Number: 0494-20

Purchase Justification:

This request is to provide custodial services for thirty-eight (38) City of Garland facilities. This approval is for a Term Agreement with four (4) optional renewals.

Evaluation:

The custodial services will be provided by GCA Services Group of Texas through the BuyBoard Cooperative Purchasing Contract 557-18.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
GCA Services Group of Texas	All	\$966,777.54
TOTAL:		\$966,777.54

Basis for Award: Cooperative Purchase

Purchase Requisition #: 43048

Fiscal Impact

Total Project/Account: N/A
Expended/Encumbered to Date: N/A
Balance: N/A
This Item: \$966,778
Proposed Balance: N/A
Account #: 431-4711-7111, 431-4711-7121
Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to Facilities Management's Custodial Operations accounts as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type:	Operating Budget
Fiscal Year:	2019-20
Document Location:	Oper. Budget - Page 295

Budget Director Approval:	Ron Young	Approval Date: 02/07/2020
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Purchasing Director Approval:	Gary L. Holcomb	Approval Date: 02/06/2020
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**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. a.

Meeting Date: 02/18/2020

Item Title: Z 19-38 Jimmy D. Newton (District 6)

Submitted By: Kimberly Hopkins, Development Planner

Summary of Request/Problem

Zoning Ordinance Z 19-38 Jimmy D. Newton

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 19-38 Ordinance

Z 19-38 Exhibit A

Z 19-38 Exhibit B

Z 19-38 Exhibit C

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A TATTOOING/BODY PIERCING ESTABLISHMENT ON A 1.129-ACRE TRACT OF LAND ZONED INDUSTRIAL (IN) DISTRICT AND LOCATED AT 1901 SOUTH JUPITER ROAD, SUITE 103; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 13th day of January, 2020, the Plan Commission did consider and make recommendations on a certain request for approval of a Specific Use Provision for a Tattooing/Body Piercing Establishment made by **Jimmy D. Newton**; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the Garland Development Code would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1

The Garland Development Code is hereby amended by approving a Specific Use Provision for a Tattooing/Body Piercing Establishment on a 1.129-acre tract of land zoned Industrial (IN) District and located at 1901 South Jupiter Road, Suite 103 and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

Development shall be in conformance with the conditions, restrictions, and regulations set forth in Exhibit B, attached hereto and made a part hereof.

Section 3

That a violation of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances, City of Garland, Texas.

Section 4

NOTICE OF CONDITIONS OF COMPLIANCE: Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of Exhibit B of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit A. All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within Exhibit B of this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

That the Garland Development Code, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

ZONING FILE NO. Z 19-38

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 19-38

Being approximately a 1.129-acre lot identified as Lot 6, Block 4 of the Innovation Park No. 2, an addition to the City of Garland as shown on the Plat recorded in Volume 71062, Page 1751 of the Map Records of Dallas County, Texas. The property is located at 1901 South Jupiter Road, Suite 103, Garland, TX.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 19-38

1901 South Jupiter Road, Suite 103

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Tattooing/Body Piercing Establishment on the subject property.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Industrial (IN) District as set forth in Chapter 2 of the Garland Development Code, Ordinance No. 6773, are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. Specific Use Provision:**
- A. SUP Time Period: The Specific Use Provision for a Tattooing/Body Piercing Establishment shall be in effect for a period of twenty (20) years.
- B. Site Layout: The site shall be in conformance with the site layout in Exhibit C.
- C. Days and Hours of Operation: The Tattooing/Body Piercing Establishment shall operate from 12:00 p.m. to 10:00 p.m. Monday through Saturday.

18 Parking Spaces Along Fence Line

EXHIBIT C

STORAGE
BUILDING

TYCO INVESTMENTS
1901 S. JUPITER RD.
GARLAND, TEXAS 75042
(214) 349-9876

STORAGE
BUILDING

Back Driveway

Taqueria Restaurant 109 38' long x 21' wide	Taqueria Restaurant 108 38' long x 21' wide	Taqueria Restaurant 107 38' long x 21' wide	Garland Nut & Screw Retail 106 38' long x 21' wide	Garland Nut & Screw Retail 105 38' long x 21' wide	Empty 104 38' long x 21' wide	TATTOO PARLOR LOCATION 103 38' long x 21' wide TATTOO PARLOR LOCATION	Dallas Window Tint and Alarm Auto 102 38' long x 21' wide	Empty 101 38' long x 21' wide
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15 PARKING SPACES

Asset
Road

20 PARKING SPACES IN FRONT

JUPITER RD

POLE SIGN



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. b.

Meeting Date: 02/18/2020

Item Title: Z 19-41 Jonathan Escarcega (District 5)

Submitted By: Nabiha Ahmed, Development Planner

Summary of Request/Problem

Zoning Ordinance Z 19-41 Jonathan Escarcega

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 19-41 Ordinance

Z 19-41 Exhibit A

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE IN ZONING FROM COMMUNITY RETAIL (CR) DISTRICT TO SINGLE-FAMILY-7 (SF-7) DISTRICT ON A 0.358-ACRE TRACT OF LAND LOCATED AT 3131 CORTEZ DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 13th day of January, 2020, the Plan Commission did consider and make recommendations on a certain request for approval of a Change in Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District, by **Jonathan Escarcega**; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the Garland Development Code would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1

The Garland Development Code is hereby amended by approving a Change in Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District on a 0.358-acre tract of land located at 3131 Cortez Drive and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

Development shall be in conformance with the conditions, restrictions, and regulations set forth in the Garland Development Code.

Section 3

That a violation of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances, City of Garland, Texas.

Section 4

NOTICE OF CONDITIONS OF COMPLIANCE: Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit A. All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

That the Garland Development Code, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2020.

ZONING FILE NO. Z 19-41

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

ZONING FILE Z 19-41

Being a 0.358-acre tract of land part of lot 9 of Kingsley Road Pecan Acres, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 6, Page 94, of the Map Records of Dallas County, Texas, and being the same tract of land conveyed to Jonathan G. Escarcega by General Warranty Deed as recorded in Instrument Number 201900283883 of the Official Public Records of Dallas County, Texas.



GARLAND POLICY REPORT

City Council Regular Session Agenda

4.

Meeting Date: 02/18/2020

Item Title: Parks, Recreation and Cultural Arts Master Plan Final Adoption with Resolution

Submitted By: Andy Hesser, Managing Director

Strategic Focus Areas: Well-Maintained City Infrastructure
Enhanced Quality of Life through Amenities, Arts, and Events
Future-Focused City Organization

ISSUE

This item is to consider formal adoption of the Parks, Recreation and Cultural Arts Strategic Master Plan.

OPTIONS

- Formal adoption of the Plan with Resolution providing a date.
- Amend the Plan for future consideration of adoption.
- Non-acceptance of the Plan.

RECOMMENDATION

Staff recommends formal adoption of the Parks, Recreation and Cultural Arts Strategic Master Plan as presented.

BACKGROUND

Currently, the City of Garland operates 63 parks with a total of approximately 2,800 acres. The City has grown over the last several decades, and park development has not kept pace with the growth and demographic changes. The City recognized the need to establish a comprehensive framework for future design and development of the parks, recreation, cultural arts, and special events within the City. In 2012, the City adopted its Comprehensive Plan, titled Envision Garland. In 2013, The Parks, Recreation and Cultural Arts Department adopted its Development Guidelines as an appendix to its existing Strategic Plan. In June 2018, the City of Garland initiated work towards developing a new, comprehensive strategic master plan that will serve as the guideline for prioritization of future allocation of resources based upon the demand and use communicated by the citizens of Garland as well as the supply and condition of the existing parks, facilities, programs, and resources.

The Plan was developed utilizing four phases of analysis; Evaluate, Engage, Envision, and Plan. City staff and the consultant team of Brandstetter Carroll, Inc. worked together to evaluate existing facilities and programs and engaged over 2,400 residents and patrons through a variety of public engagement strategies including in-person meetings and surveys, including individual meetings with City Council members. The newly-formed Strategic Master Plan provides a detailed evaluation of existing offerings and provides recommendations on how to improve upon and enhance those offerings to better serve Garland residents. During the process, staff worked to update the strategic vision, mission, and values for the department, which will help to align the direction forward for all departmental staff. The final Plan consolidated all of the analyses and feedback received into the presented, actionable document that identifies recommendations and priorities for implementation for future allocation of resources.

CONSIDERATION

Staff requests the consideration of the Plan as presented, which includes the incorporation of all appropriate and applicable data and feedback received throughout the development of the plan.

Attachments

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, ADOPTING THE 2019 OUR GARLAND PARKS, RECREATION, AND CULTURAL ARTS STRATEGIC MASTER PLAN; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Garland recognizes the need to develop a strategic master plan to guide future improvements within the Parks, Recreation, and Cultural Arts department; and

WHEREAS, the 2019 Our Garland Parks, Recreation, and Cultural Arts Strategic Master Plan, a copy of which is attached hereto as Exhibit "A" (the "Plan"), represents the culmination of the master planning process and will provide guidance for parks, recreation, cultural arts, open space, and trails in Garland for the next five to ten years and beyond; and

WHEREAS, the Plan complies with Texas Parks and Wildlife Department master plan guidelines which require parks and recreation needs to be prioritized and addressed in an action plan format; and

WHEREAS, the City Council has been briefed by the City Manager and staff, has determined the Plan is reasonable, and now desires to adopt the Plan.

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

Section 1

That the City Council of the City of Garland, Texas, hereby officially adopts the 2019 Our Garland Parks, Recreation, and Cultural Arts Strategic Master Plan, a copy of which is hereto attached as Exhibit "A" and incorporated herein for all purposes, superseding all prior strategic and master plans regarding the parks, recreation, and cultural arts department.

Section 2

That adoption of the 2019 Our Garland Parks, Recreation, and Cultural Arts Strategic Master Plan shall not commit the city to specific amounts of funding levels or implementation strategies, but shall provide guidance to the City Council for future consideration of parks, recreation, and cultural arts services for its citizens.

Section 3

That this Resolution shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the _____ day of _____,
2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

5.

Meeting Date: 02/18/2020

Item Title: City Manager Employment Agreement

Summary of Request/Problem

Council is requested to approve an employment agreement with Bryan L. Bradford to continue his employment in the position of City Manager.

Recommendation/Action Requested and Justification

Consider approving by minute action an employment agreement with Bryan L. Bradford to continue his employment as City Manager.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

6.

Meeting Date: 02/18/2020

Item Title: City Attorney Employment Agreement

Summary of Request/Problem

Council is requested to approve an amendment to the employment agreement with Brad Neighbor relating to his employment in the position of City Attorney.

Recommendation/Action Requested and Justification

Consider approving by minute action an amendment to the employment agreement with Brad Neighbor relating to his employment as City Attorney.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

7.

Meeting Date: 02/18/2020

Item Title: City Auditor Employment Agreement

Summary of Request/Problem

Council is requested to approve an amendment to the employment agreement with Jedson Johnson to continue his employment in the position of City Auditor.

Recommendation/Action Requested and Justification

Consider approving by minute action an amendment to the employment agreement with Jedson Johnson to continue his employment as City Auditor.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

8.

Meeting Date: 02/18/2020

Item Title: North Texas (Dallas) Internet Crimes Against Children (ICAC) Task Force Interlocal Agreement

Submitted By: Jeffrey Bryan, Chief of Police

Summary of Request/Problem

At the February 3, 2020 Work Session, Council considered authorizing the City Manager to execute an interlocal agreement with the City of Dallas regarding the North Texas (Dallas) Internet Crimes Against Children (ICAC) Task Force and accept grant funding in the amount of \$16,000.

Recommendation/Action Requested and Justification

Staff recommends City Council authorize the City Manager to execute an interlocal agreement with the City of Dallas regarding the North Texas (Dallas) Internet Crimes Against Children (ICAC) Task Force and accept grant funding in the amount of \$16,000.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

9.

Meeting Date: 02/18/2020

Item Title: Amendment to General Obligation Commercial Paper Program

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

At the February 17, 2020 Work Session, Council considered amending the General Obligation Commercial Paper Program to include projects as authorized by the 2019 Bond Program. The existing General Obligation Commercial Paper Program has a capacity of \$50 million and is set to terminate in March of 2021. The liquidity facility is provided by Citibank.

Recommendation/Action Requested and Justification

Staff and the City's financial advisor, Hilltop Securities Inc., are recommending that the City amend the existing General Obligation Commercial Paper Program to include projects as authorized by the 2019 Bond Program.

Attachments

Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE amending Ordinance 6758 related to the "City of Garland, Texas, General Obligation Commercial Paper Notes, Series 2015"; and resolving other matters incident and related thereto.

WHEREAS, the City Council of the City of Garland, Texas (the "City"), on February 17, 2015 adopted Ordinance No. 6758 (the "2015 Ordinance") authorizing the "City of Garland, Texas, General Obligation Commercial Paper Notes, Series 2015", in the aggregate principal amount of not to exceed \$50,000,000; and in connection therewith executed a Letter of Credit Reimbursement Agreement dated as of March 15, 2015, by and between the City and Citibank, N.A. (the "Bank");

WHEREAS, an election was held in the City on May 4, 2019, for the purpose of submitting certain propositions for the issuance of bonds to the resident electors of the City and a majority of the resident qualified electors voting at said bond election voted in favor of all of such propositions (the "2019 Projects");

WHEREAS, Section 6.01(c) of the 2015 Ordinance provides for the amendment of the 2015 Ordinance without the consent of the holders of the Notes to amend the definition of "Eligible Project" to include obligations approved by the voters of the City at any election held for such purpose after May 15, 2004;

WHEREAS, the City desires to amend the 2015 Ordinance to add the 2019 Projects to the definition of "Eligible Project" contained in the 2015 Ordinance;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND:

SECTION 1: Pursuant to Section 6.01(c) of the 2015 Ordinance, the City hereby amends the definition of "Eligible Project" in the 2015 Ordinance to read as follows:

"Eligible Project" shall mean any project for which there exists authorized but unissued obligations approved by a majority of the voters of the City at the elections held on May 4, 1991, May 3, 1997, May 15, 2004 and May 4, 2019, respectively, for the purpose of authorizing the issuance of such obligations, as well as any projects approved at future elections and added to this definition pursuant to the provisions of **Section 6.01** hereof. Those projects for which voter authorization has been granted are described in the second recital of this Ordinance.

SECTION 2: The City hereby ratifies and confirms any and all actions heretofore taken by the City in connection with the expenditure of any funds for the purposes authorized in the May 4, 2019 election as of the date of any such actions.

SECTION 3: It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

[Remainder of page intentionally left blank]

SECTION 4: This Ordinance shall be in force and effect from and after its passage on the date shown below.

PASSED AND ADOPTED, this February 18, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

10.

Meeting Date: 02/18/2020

Item Title: Amendments to Chapter 26 of the Code of Ordinances Regarding Job Placement Activities in Unauthorized Locations

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

At the February 17, 2020 Work Session, Council considered the amendments to Chapter 26 of the Code of Ordinances regarding job placement activities in unauthorized locations.

Recommendation/Action Requested and Justification

Approve an ordinance amending Chapter 26 of the Code of Ordinances.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

11.

Meeting Date: 02/18/2020

Item Title: 2019-2020 Budget Amendment No. 1

Submitted By: Ron Young, Budget Director

Summary of Request/Problem

At the February 17, 2020 Work Session, the City Council reviewed a Policy Report recommending an amendment to the 2019-2020 Adopted Budget. For City Council's consideration is an Ordinance amending the 2019-2020 Adopted Budget to appropriate funds in the amount of \$835,630 for the payment of payments in lieu of taxes to taxing entities along the Limestone to Gibbons Creek transmission line corridor.

Recommendation/Action Requested and Justification

Consider approval of the Ordinance amending the 2019-2020 Adopted Budget.

Attachments

Ordinance - 2019-20 Budget Amendment No. 1

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2019-20 OPERATING BUDGET (BUDGET AMENDMENT NO. 1); PROVIDING FOR SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE ELECTRIC OPERATING FUND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the 2019-20 Operating Budget and appropriated the necessary funds for the maintenance and operation of various activities and improvements of the electric system; and

WHEREAS, the City Charter provides that the City Council may approve any amendments and supplements to the Budget as deemed necessary;

WHEREAS, the City Council has reviewed and concurred with a Policy Report that establishes the need for changes to appropriations in the Electric Fund for the 2019-20 fiscal year;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, THAT:

Section 1

The City Council of the City of Garland, Texas, hereby authorizes and approves an amendment to the 2019-20 Operating Budget (Budget Amendment No. 1) for the purposes and amounts as shown in exhibit A (Policy Report), attached hereto and incorporated herein by reference.

Section 2

The City Council of the City of Garland, Texas, hereby amends Ordinance No. 7084, Section A, adjusting operating appropriations in the Electric Fund, in the amounts for the purposes specified in Exhibit A (Policy Report), attached hereto.

Section 3

This ordinance shall be and become effective immediately upon and after its adoption and approval.

PASSED AND APPROVED this the 18th day of February, 2020.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

Attest:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

12.

Meeting Date: 02/18/2020

Item Title: Annual Adoption of Council Policies (with Financial Policy Revisions)

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

At the February 3, 2020 Work Session, Council considered a written briefing regarding the required annual adoption of Council policies. At the same meeting, Council discussed amendments to a portion of the Council policies regarding financial and investment policies and strategies. Staff was asked to make certain changes and bring them back to the City Council for further consideration or approval. An item is included on the February 17, 2020 Work Session for that purpose. To the extent any changes are approved at that meeting, they will be reflected in the final document to be approved under this agenda item.

Recommendation/Action Requested and Justification

Approve the "2020 Council Rules of Order and Procedure and Council Policies" inclusive of any changes made by the City Council at the February 17, 2020 Work Session. A draft of the proposed, final version of the 2020 Council Policies is attached.

Attachments

2020 Council Policies

2020
CITY COUNCIL
of the
CITY OF GARLAND, TEXAS

**RULES OF ORDER AND
PROCEDURE
AND
CITY COUNCIL POLICIES**

ARTICLE I.

CITY COUNCIL RULES OF ORDER AND PROCEDURE

Section 1 Authority under the City Charter

Article III, Section 9 of the City Charter provides that the City Council shall determine its own rules of order of business and procedures for meetings. These rules shall be in effect upon adoption by the City Council and from year to year until such time as amended, suspended or new rules are adopted in the manner provided.

Section 2 General rules for conducting Council meetings

(A) Regular meetings

Article III, Section 8 of the City Charter provides that regular meetings of the City Council shall be held at least twice each month. Section 10.14 of the Code of Ordinances establishes the first and third Tuesdays of each month as the time for those regular meetings. The City Council may otherwise prescribe the date for such meetings by ordinance or resolution. The meetings are generally held in the City Council chamber or at another public building within the city limits as designated by the City Council in the meeting notice.

(1) *Other locations.* The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with provisions of State law and the City Charter.

(2) *Location during a local emergency.* If by reason of fire, flood or other emergency, it is unsafe to meet in the City Council chamber, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Manager.

(B) Pre-council meeting work session

Prior to each regular City Council meeting, the City Council may conduct a work session in order to allow the City Council to informally review items of interest that may be scheduled for formal presentation at future City Council meetings, or that are strictly informational in nature. The City Council may not take formal action on items presented at the work session, unless specified in the posted agenda.

(C) Special meetings and emergency meetings

Pursuant to Article III, Section 7 of the City Charter, special meetings may be called at any time by the Mayor or by two or more members of the City Council. The City Secretary shall post notice thereof as provided by State law. Special meetings may be held at any location as long as such meetings are conducted in accordance with State law and the City Charter. In case of emergency or urgent public necessity (which shall be expressed in the notice of the meeting), an emergency meeting may be called by the Mayor or by two members of the City Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. Diligent effort to notify all Councilmembers shall be made prior to the emergency meeting. (Texas Government Code, Sec. 551.045)

(D) Adjourned meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

(E) Executive sessions

The City Council may meet in executive session during any regular or special meeting, or anytime otherwise authorized by State law, to consider, hear or decide any matter which is authorized by State law to be heard or considered in executive session. The City Council may exclude from any such executive session any person or persons which it is authorized by State law to exclude from such sessions. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Councilmembers are prohibited from disclosing the nature of discussion from a closed session unless required by law.

(F) Notice of meetings

Notice of meetings and the agenda for all City Council meetings shall be posted by the City

Secretary on the City's website and official bulletin board pursuant to the requirements of the Texas Open Meetings Act. (Texas Government Code, Section 551)

(G) Quorum

Article III, Section 6 of the City Charter provides that five members of the nine member City Council shall constitute a quorum to do business and the affirmative vote of five of those present shall be necessary to adopt any ordinance or resolution, except as required by City Charter or State law.

(H) Chair

Article III, Section 4 of the City Charter provides that the Mayor shall preside at all meetings of the City Council. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall be required to vote as a member on legislative and other matters. The Mayor shall have the authority to preserve order at all City Council meetings, to enforce the rules of the City Council, and to determine the order of business under the rules of the City Council. The Mayor shall also have the power to administer oaths.

(1) *Absence of Mayor.* Article III, Section 4 of the City Charter provides that the City Council shall elect from among the Councilmembers a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor. The City Council may elect from among the Councilmembers a Deputy Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor and Mayor Pro Tem.

(2) *Absence of Mayor and Mayor Pro Tem.* When the Mayor and Mayor Pro Tem are absent from any meeting of the City Council, the Deputy Mayor Pro Tem, if one has been elected, shall act as Mayor Pro Tem. If all three are absent, the members present shall choose another member to act as Mayor Pro Tem and that person shall, for the duration of the meeting, have the powers of the Chair.

(I) Attendance by the public

Article III, Section 10 of the City Charter requires that all meetings of the City Council shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act, except executive sessions or closed meetings allowed by State law. Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

(J) Minutes

In accordance with the provisions of Article III, Section 9, and Article IV, Section 5 of the City Charter, minutes of City Council meetings will be kept. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers.

(1) *City Council approval of minutes.* Minutes of meetings are generally submitted to the City Council within two weeks for approval.

(2) *Recording of meetings.* Audio and/or visual recordings of proceedings, other than executive session proceedings, are maintained by the City Secretary as required by law. Audio recordings of executive session proceedings shall be maintained by the City Attorney.

Section 3 Order of business at meetings of the City Council

(A) General order of proceedings

City Council meetings will be generally conducted in the following order, unless otherwise specified, or determined by the Chair or the City Council. An executive session may be held at any time during a meeting pursuant to applicable State law.

WORK SESSION AGENDA

- ☐ Executive session (if any)
- ☐ Written briefings
- ☐ Verbal briefings
- ☐ Questions regarding regular agenda items
- ☐ Discuss committee reports/assignments
- ☐ Discuss consent agenda
- ☐ Identify future agenda items
- ☐ Adjourn

REGULAR MEETING AGENDA

- ☐ [Pledge of allegiance/invocation]*
- ☐ [Mayoral proclamations, recognitions, and announcements]*
- ☐ Consent agenda/approval of minutes
- ☐ Regular agenda
- ☐ Consider appointments to boards and committees
- ☐ Citizen comments (“open mike”)
- ☐ Executive session (as needed)
- ☐ Adjournment

* These items may be taken up by the City Council prior to the commencement of official business

(B) Numbering and indexing of agenda items

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall separately index all ordinances and resolutions.

(C) Consent agenda

The consent agenda shall contain routine, non-controversial items that require City Council action but typically require little or no City Council deliberation. Any item on the consent agenda may be removed from the consent agenda and thereby be made subject to discussion and deliberation by any member of the City Council, staff or a person in attendance at the meeting. Agenda item(s) removed from the consent agenda by the request of a Councilmember, citizen or staff will be considered after approval of the remaining consent agenda, or may be postponed to a future meeting in the event the Chair, with the concurrence of the City Council, determines that the item requires extensive deliberation.

Section 4 Rules of procedure for conducting Council business

(A) General procedure

These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, City Council proceedings shall follow the rules of procedure set out in Roberts Rules of Order, Newly Revised, (hereinafter “RONR”) a copy of which shall be retained by the City Secretary and made available for inspection by the public during normal business hours.

(B) Authority of the chair

The Chair shall make decisions on questions of procedure subject to review by the City Council as a whole. The Chair, with the consent of the City Council, may appoint a parliamentarian from outside the City Council to assist the Chair in interpreting the rules of procedure governing City Council meetings, and shall offer advice to the Chair as requested by the Chair or any member of the City Council. The Chair, shall, upon request of a member of the City Council, inform the City Council as to the advice given by the parliamentarian. Following a decision of the Chair on a question of procedure, any two members of the City Council shall be entitled to appeal the decision of the Chair by the making, and seconding of, an appeal. See RONR.

(C) Council deliberation and order of speakers

The Chair has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Chair, a Councilmember holding the floor may address a question

to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

(D) Limit deliberations to item at hand

After an agenda is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion being currently considered by the City Council. All discussions shall be germane to a posted agenda item.

(E) Obtaining the floor

Except as provided in RONR, any member of the City Council wishing to speak shall first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. If the electronic cue is inoperative, members of the City Council shall obtain the floor by making a verbal request for the floor to the Chair. The Chair shall recognize any Councilmember who seeks the floor when appropriately entitled to do so.

(F) Motions

Motions may be made by any member of the City Council, other than the Chair. Any member of the City Council, other than the Chair and the person offering the motion, may second a motion.

(G) Procedures for motions

The following is the general procedure for making motions:

- (1) Before a motion can be considered or debated, it shall be seconded.
- (2) A Councilmember who wishes to make a motion, except as provided in RONR, shall first obtain the floor.
- (3) A Councilmember who wishes to second a motion shall do so by registering the second electronically. If the electronic voting system is inoperative, members of the City Council shall second a motion through a verbal request to the Chair.
- (4) Unless otherwise required or provided by law, a motion (other than a procedural motion) made and seconded, unless stated otherwise, shall include, without necessity of reference, a motion to close the public hearing on the matter if the matter is one which includes a public hearing. A Councilmember wishing to continue the public hearing shall move to continue the public hearing, and if seconded shall be voted upon before the main motion. No discussion shall be permitted on a motion to continue the public hearing.

(5) Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair.

(H) Motions to amend

When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

(I) Abstention or recusal

(1) If a Councilmember abstains because of a legal conflict that Councilmember is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present,” unless otherwise required by law.

(2) When a Councilmember has a legal conflict and is required to abstain or be recused from a portion of a City Council meeting, the Councilmember shall complete the necessary affidavit regarding the conflict.

(3) Pursuant to Article III, Section 6 of the Charter, a Councilmember who is present and not required by law to abstain from voting shall vote on every measure for which a vote is called; a refusal to vote constitutes a vote of “no” on the measure.

(J) Special Charter or statutorily-mandated voting requirements

Some actions taken by the City Council require more than a simple majority vote for approval as required by either the Charter or State law, including:

(1) *Charter amendments - Two-thirds vote:* An ordinance submitting a proposed Charter amendment must be adopted by at least a two-thirds vote of the full City Council. (Texas Local Government Code, Section 9.002(a), Article XI, Section 5, Texas Constitution).

(2) *Changing paving assessment plan - Two-thirds vote:* Changes in plans for paving assessments require a two-thirds vote of the full City Council. (Texas Transportation Code, Section 313.053).

(3) *Protested changes in zoning ordinance - Three-fourths vote:* If a proposed change to a zoning regulation or boundary is protested by owners of twenty percent or more

of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet therefrom, the affirmative vote of at least three-fourths of the full City Council is required for the proposed change to take effect. (Texas Local Government Code, Sec. 211.006(d); Garland Development Code; Council Policy, Article II, below.)

Section 5 Public hearings

(A) The City Council procedure for the conduct of public hearings is generally, but not required to be, as follows:

- (1) Staff presents its report.
 - (2) Councilmembers may ask questions of staff.
 - (3) The Chair opens the public hearing.
 - (4) The applicant or appellant then has the opportunity to present comments, testimony, oral arguments. In the case of an appeal when the appellant is different from the applicant, the appellant shall be called upon first to provide comments or testimony. The applicant or appellant may have a total of fifteen minutes for a presentation when recognized by the Chair. The initial comments or presentation shall be limited to ten minutes and the rebuttal or concluding comments shall be limited to five minutes.
 - (5) Councilmembers may ask questions of the applicant/appellant.
 - (6) Members of the public are provided with the opportunity for comments and testimony in accordance with these Rules, including without limitation Sections 7 and 8, below.
 - (7) The appellant or the applicant is given the opportunity for closing comments.
 - (8) The City Council deliberates on the issue.
 - (9) If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with these Rules.
 - (10) The City Council deliberates and takes action.
 - (11) The Chair announces the final decision of the City Council.
- (B) Any public hearing being held, noticed or ordered to be held by the City Council may, by order, notice or motion, be continued to any subsequent meeting subject to the provisions of the Texas Open Meetings Act.

Section 6 Public testimony at meetings

(A) Determining whether speakers are present

When a matter comes before the City Council, the Chair will open the public hearing. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall determine if speaker's cards have been submitted by persons who intend to speak or register a position or the Mayor may inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

(B) Public member request to speak

Any person wishing to address the City Council regarding a matter on the agenda shall complete and present a speaker's card to the City Secretary before or as soon as reasonably possible after the close of the vote on the matter. Prior to speaking, the speaker shall complete the speaker's card and sign the card under penalty of perjury, or shall, if so allowed by the Chair, be sworn by the City Attorney or other person authorized to administer oaths. Upon being recognized by the Chair, the person may speak or present testimony relevant to the matter being heard. No person may speak without first being recognized by the Chair. Each person wishing to speak on the matter shall be limited to three minutes. Speakers are advised to obtain all information necessary for their presentations prior to the meeting: The opportunity to speak is given to provide testimony rather than to question the City Council or staff. The Chair may call a speaker out of order if the speaker presents questions or requests for information that will unduly delay the transaction of business at the meeting.

(C) Identification of speaker

When called upon, the person to speak shall come to the podium and state his or her name and address. If speaking for an organization or other group, the speaker shall identify the group represented. A person who does not wish to testify may nonetheless register a position on an agenda item by completing a speaker's card. The person's position on the matter shall be read into the record but the person is not required to address the City Council.

(D) Time limits

The Chair, with the concurrence of the City Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

(E) Designation of spokesperson

To expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the City Council on the same subject matter, those individuals are encouraged to designate a spokesperson. Any person present at the meeting may, in lieu of speaking, designate a spokesperson by indicating the designation on his or her speaker's card. With the consent of the City Council, the Chair may extend the time allocation for a designated spokesperson. In this regard, three or more speakers may yield their time to a single speaker and such speaker shall be given two minutes per speaker up to a maximum of ten minutes provided that each of the persons who have agreed to yield their time to the designated spokesperson have completed a speaker's card and have indicated thereon the person's consent to the designation. The designating person's position on the matter shall be read into the record.

(F) Comments addressed to City Council

All remarks shall be addressed to the City Council as a whole and not to individual members or other speakers. Questions, if any, shall be directed to the Chair who will determine whether, or in what manner, an answer will be provided. Questions shall not be addressed to individual members or to other speakers.

(G) Questions of speakers

Members of the City Council who wish to ask questions of a speaker or each other during the public hearing portion may do so, but only after first being recognized by the Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue.

(H) Motion to extend a speaker's time to speak

In fairness to all speakers, a question may not be presented solely for the purpose of providing the speaker with more than the allotted time for the speaker unless a motion is made and approved extending the time for the speaker.

(I) Materials for public record

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks. All such evidence presented will be retained by the City Secretary as part of the record of the hearing, in accordance with the requirements of State law.

(J) Germane comments

No person will be permitted to speak about matters or present evidence which is not

germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed to the full City Council.

Section 7 Staff presentations

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.

Section 8 Appointments to boards and commissions

Appointments to boards and commissions shall, unless otherwise required by law, be made by minute action reflecting the unanimous consent of the City Council, unless a Councilmember requests that the appointment be deliberated by the City Council.

Section 9 Citizens' comments – "Open Microphone"

(A) A portion of the regular City Council meeting is set aside for members of the public to address the City Council on any item of City business that is not formally scheduled on the agenda. Members of the public shall complete a speaker card prior to the close of the citizens' comment period and present it to the City Secretary.

(B) Citizens' comments are generally permitted at the end of the regular City Council meeting, as specified on the agenda. A speaker's comments shall be limited to three minutes and the citizens' comment period shall not exceed thirty minutes. Speakers shall be allowed to speak on a first-come, first-to-speak basis as determined by the order in which the City Secretary receives the speaker's card provided that residents of Garland shall be given priority in the order of speakers if it appears to the chairperson that not all speakers will be able to speak within the allotted time. If at the end of the citizens' comment period all speakers who are still present and willing to speak are not offered an opportunity to speak at the meeting, those who have been allowed to speak at that meeting may not speak during the citizens' comment period at the next following meeting at which a citizens' comment period is offered until all other speakers have been allowed to speak. A speaker who was present and willing to speak at a meeting, but who was unable to speak because time ran out will be given priority in the order of speakers at the following citizens' comment opportunity regardless of the order in which the City Secretary receives the speaker's card, again provided that residents of Garland will be given first priority in the order of speakers regardless whether such citizens were present at the previous meeting. In such event, at the subsequent meeting the chair shall provide additional time, not to exceed 30 minutes, to accommodate all of the speakers then present. It is not the intent of the City Council to limit or control the content of any speaker's message, but to hear first from residents of Garland.

(C) In compliance with the Texas Open Meetings Act, the City Council may not question, deliberate or vote on any matter raised in citizens' comments. The City Manager

may request staff to provide information requested by a speaker or investigate a matter raised by the speaker.

Section 10 Rules of decorum

(A) Speakers shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting their oral comments. A speaker shall not present argument on a matter previously considered by the City Council at the same session.

(B) Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a loud and raucous manner calculated to disturb the meeting.

(C) Visitors attending City Council meetings may not bring food or drink into the City Council chamber.

(D) No person shall display or cause to be displayed any sign, placard, poster or banner within the City Council chamber in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting. A sign, placard, poster or banner may not exceed more than six square feet in surface area and may not be attached to any stick, pole or other appurtenance that could be used as a club or deadly weapon.

(E) Only one person at a time may stand at the speaker's podium, unless the speaker is a child or requires an interpreter or other special assistance or unless the person is appearing as a group receiving a recognition or award presented by the Mayor or City Council.

(F) No person may approach nearer the City Council than the front of the speaker's podium without leave of the Chair. A speaker may not bring to the podium any bag or other container. Recording equipment (including cameras, microphones, tripods and supporting equipment) may not be used within any seating area or aisle in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area or obstruct the view of another, but may be set up behind the public seating area or at the sides of the City Council chamber to the front of the public seating area, no nearer to the podium than the edge of the raised portion of the City Council seating area. For safety purposes, standing or sitting in any aisle used for ingress or egress into the City Council chamber is not allowed. The maximum occupancy limitation for the City Council chamber will be enforced by the Chair. Overflow crowds may stand in the public area outside the City Council chamber provided that hallways, exits, and elevator areas must remain

unobstructed.

Section 11 Waiver of rules

As referenced in RONR, certain procedural rules contained in federal law, state law or the City Charter cannot be suspended. As referenced in RONR, certain rules of order can only be suspended by two-thirds vote. Other rules may be waived or suspended by a majority vote of the Councilmembers present (but not less than five votes) when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

Section 12 Non-exclusive rules

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

Section 13 Non-observance of rules

Rules adopted by the City Council are solely to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

* * * * *

ARTICLE II.

CITY COUNCIL POLICIES AND COUNCIL DIRECTIVES

Division 1. COUNCIL OPERATING PROCEDURES

Section 1 Placing items on an agenda

(A) Other than matters nominated for discussion during the “Future Agenda Items” segment of the regular agenda (as provided below), the Mayor, individually, or any two or more members of the City Council may request in writing (which includes email) that an item be placed on an agenda for consideration by the City Council as a whole. The request shall be made to the City Manager. If the request is made by a Councilmember, the member shall provide the City Manager the name or names of the member(s) who seconds the request. Unless otherwise specified by the requestor, the City Manager shall cause the item to be placed on the next available agenda of the type designated by the requestor (that is, a work session or regular agenda). The requestor must provide adequate detail of the request to the City Manager to allow proper posting of the matter under the Open Meetings Act and to provide other members of the City Council with sufficient information about the request to prepare to discuss the matter. Unless the matter is of such urgency as to constitute an emergency within the meaning provided by the Texas Open Meetings Act, or if the item requires the calling of a special meeting, the matter must be submitted not later than the close of business one week before the next meeting of the City Council.

(B) Each work session agenda prepared by the City Manager shall include a segment entitled “Future Agenda Items”. During the future agenda items segment, a member of the City Council may offer a matter for future consideration by the City Council. The suggested topic must obtain a second from one or more members of the City Council in order to be placed on a future agenda. If a second is obtained, the Mayor will direct the City Manager to place the matter on a subsequent agenda or, with the concurrence of the City Council, refer the matter to a committee.

(C) Other than routine matters placed on an agenda by staff (such as bid approvals, zoning requests, and the like) and emergency items, no matter that requires official action by the City Council will be considered without first having been discussed at a work session.

Section 2 Political and other endorsements by members of the City Council

A member of the City Council may endorse a candidate or a cause by using the Councilmember’s name and position, such as the term “Mayor, Garland, Texas”, “Councilmember, District __, Garland, Texas” or similar phrasing. A member of the City Council may not, in an endorsement, imply that the City of Garland - as an entity - has endorsed any such candidate or cause unless the City Council has formally voted as a body to provide that endorsement. In that regard, the City Council is generally constrained by

law from endorsing a candidate or cause in an election. A member of the City Council may not use a City or departmental logo or trademark in providing an endorsement of a candidate or cause in an election, nor may the member use City personnel or supplies to do so. A member of the City Council may use a City or departmental logo or trademark in the conduct of City business unrelated to an election.

Section 3 Council committees and outside boards

(A) Purpose

Due to the complexity and diversity of City government issues, a closer view of some issues is required by the City Council. The City Council also appoints from among its members, representatives to outside boards, councils and groups ("outside boards"), such as the Dallas Regional Mobility Council and the North Central Texas Council of Governments (and its sub-councils, such as the Regional Transportation Council). In order to provide a mechanism for continuous evaluation and discussion of these various issues beyond the limited time available at regularly scheduled work sessions and to properly manage its representation on outside boards, the City Council adopts this policy regarding the set up and use of Council committees and for appointments to outside boards.

(B) Assignment to committees

Agenda items may be assigned to a committee by the Mayor, with the consent of the City Council, or by the City Council.

(C) Standing committees

The City Council shall have the following standing committees, aligned with the management responsibilities assigned to City staff by the City Manager:

- ☐ Administrative Services Committee
- ☐ Audit Committee
- ☐ Community Services Committee
- ☐ Development Services Committee
- ☐ Public Safety Committee
- ☐ Transportation/Infrastructure/Mobility Committee

Each committee, after receiving an assignment from the Council, will consider policy decisions and actions; study issues; evaluate options; and develop recommendations. The committees shall serve in an advisory capacity only, and no committee shall have any authority to make final decisions regarding the merits or resolution of any matter assigned to or considered by it.

(D) Standing committee responsibilities

The standing committees identified below shall have the following general responsibilities:

Administrative Services Committee

Items that may typically be directed to the Administrative Services Committee include, but are not limited to:

- ☐ Additions/revisions to Council policies.
- ☐ Review of local, state and national legislative changes.
- ☐ Updates on internal procedural modifications.
- ☐ Specific budget items.

Audit Committee

The Audit Committee shall assist the City Council in fulfilling the Council's oversight responsibilities for the Internal Audit Department, reporting practices, internal control, and compliance with laws, regulations and ethics within the limits described in the City Charter. The Internal Audit Department shall have access to all information necessary to perform its functions under the City Charter (to the extent permitted by law), and shall operate independently of management and free of organizational impairments.

The Audit Committee will consist of seven members, three of whom shall be members of the City Council appointed by the Mayor, and three of whom shall be appointed by the City Manager. The Internal Auditor shall serve as a member and provide staff support to the committee. Only Councilmembers may vote.

The Audit Committee shall meet at least quarterly, or more frequently as needed, and shall:

- ☐ Review and approve the Internal Audit Charter
- ☐ Approve the Internal Audit Department Annual Plan
- ☐ Receive and consider special written requests for audits from Councilmembers and the City Manager
- ☐ Adjust the Annual Audit Plan as necessary to accommodate changes in the operating environment.
- ☐ Review the results and performance of the Internal Audit Department on a quarterly and annual basis
- ☐ Review proposed Internal Audit budget in light of available resources
- ☐ Review summary of findings and recommendations of audit reports
- ☐ Review the annual external audit results and findings

Community Services Committee

Items that may typically be directed to the Community Services Committee include, but are not limited to:

- ☐ Creating new or modifying existing codes and ordinances related to parks and recreation, public health and code compliance
- ☐ Reviewing grant program applications
- ☐ Considering incentive programs for neighborhood revitalization

Development Services Committee

Items that may typically be directed to the Development Services Committee include, but are not limited to:

- ☐ Creation of new, or modification to existing codes and ordinances related to zoning, platting and building, engineering and transportation standards and requirements

Public Safety Committee

Items that may typically be directed to the Public Safety Committee include, but are not limited to:

- ☐ Additions and revisions to Council policies as they relate to public safety
- ☐ Review of local, state and national legislative changes as they relate to or may affect public safety
- ☐ Updates on policy modifications relating to public safety

Transportation/Infrastructure/Mobility Committee

Items that may typically be directed to the Transportation [Infrastructure/Mobility] Committee include, but are not limited to:

- ☐ Reviewing regular reports and updates regarding current street, mobility, or other transportation projects and future areas of focus
- ☐ Reviewing current policies and programs regarding infrastructure replacement means, methods, funding, or cost-sharing.
- ☐ Discussing research and policy considerations concerning transportation mobility
- ☐ Working with staff to explore new ideas to improve infrastructure and mobility initiatives

(E) Ad hoc committees

Ad hoc committees may be created by the Mayor, with the consent of the City Council, or by the City Council, and its members appointed by the Mayor for a specific purpose, project or issue. The committee shall continue until the project is completed, at which time it will be dissolved, unless earlier dissolved by the Mayor, with the consent of the City Council. To the extent not inconsistent with the nature of ad hoc committees, ad hoc committees shall comply with the rules applicable to standing committees.

(F) Committee recommendation and Council consideration

Each committee shall prepare reports and make recommendations to the City Council at a work session regarding every matter assigned to or considered by the committee.

(G) Composition of committees

Each committee shall be composed of three members of the City Council. The Mayor shall serve as an ex officio member on each committee with the right to discuss any matter that is under consideration, but the Mayor shall have no vote nor serve as chair at the committee level. Any member of the City Council may attend any committee meeting, but only appointed members may participate in deliberations and voting. Testimony from someone not on the committee is permitted at the pleasure of the Chair.

(H) Appointments and vacancies

Within ten business days after the swearing-in of all Councilmembers after a City Council election, a Council Committee Interest Form (see sample attached) shall be completed by each member of the City Council and returned to the Mayor. Within ten business days following the submission of the Council Committee Interest Form, the Mayor shall make his or her nominations to the Council's committees and outside boards and deliver those nominations to the City Manager for distribution to the City Council, which shall be done by posting them as an agenda item in advance of the meeting at which the City Council will vote upon such nominations thereby providing the City Council at least 72 hours advance notice of the Mayor's proposed committee assignments. The City Council may accept or disapprove the Mayor's nominations. The Mayor will make nominations and make new nominations as needed to fill vacancies, in a manner that will assure continuity on the Council's committees and outside boards.

(I) Term of office

The term of office of any member of a standing committee or outside board begins upon confirmation by the City Council. The term continues until the member has resigned from the committee or outside board and a replacement is confirmed, the City Council has voted to remove the member from the committee or outside board, or until the committee member no longer holds a position on the City Council.

(J) Chair

The Chair of each committee shall be selected by the Mayor.

(K) Convening meetings

The committee Chair shall have the responsibility for convening the committee as necessary.

(L) Minutes of meetings

Committees shall keep minutes of their meetings. The minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those persons present at committee meetings. When completed, the minutes shall be signed by the Chair and filed with the City Secretary and promptly posted on the City's website.

(M) Agenda postings

Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act. Such notices shall be posted in a manner that contemplates the attendance of a quorum of the City Council.

A "notice of potential quorum" or other appropriate posting that complies with the requirements of the Texas Open Meetings Act shall, at the request of any councilmember, be posted for meetings and events sponsored by entities other than the City in a manner that allows for the lawful attendance and participation of a quorum of the City Council.

(N) Recommendation regarding the continuation of committees

The Mayor shall annually review the activity of existing committees to identify inactive committees and provide a report to the Council recommending which committees should be continued and which dissolved.

Section 4 Appointments by the City Council to outside organizations of which the City is a member

(A) Under State law or by reason of contract or other arrangement, the City is represented in the affairs of certain organizations that exist independently of the City. The City appoints, or approves the appointment of, representatives to those organizations who serve as voting members of the governing bodies of those organizations. Those persons are charged with representing the interests of the City. Currently, those organizations consist of the (1) Texas Municipal Power Agency; (2) North Texas Municipal Water District; (3) Dallas Area Rapid Transit Authority; (4) Garland Housing Finance Corporation; (5) Garland Economic Development Authority; (6) Garland Health Facilities Development

Corporation; (7) Civil Service Commission; and (8) Dallas Central Appraisal District. If an organization is created subsequent to the adoption of this policy to which the City is entitled to appoint a representative to the governing body of the organization, this policy shall apply until specifically amended to apply to the organization.

(B) It is the intent of the City Council that the term of service is “at will” such that the representative may be removed without cause. If, by law, an appointment is for a definite period and an appointed representative may not be removed at will, controlling law shall prevail.

(C) In order to provide for timely appointments to the organizations, the City Council shall be advised at least sixty days in advance of the expiration of a representative’s term of office. At the time of such advice to the City Council, the City Manager shall cause a notice to be placed on the City’s website, in the Garland City Press and through other available community-related electronic communication tools such as Neighborhood Chatter and Nextdoor for a minimum of twenty-one days in order to provide citizens the opportunity to apply for the position. Such notice shall include information for the public that explains the purpose and function of the organization and the role of the appointee. At the close of the 21-day period, applications for the position, or recommended appointees to be approved by the City Council, will be presented to the City Council to allow the City Council to interview candidates for the position. At the close of the interview process, if one is held, the City Council shall make its appointment, or approval, by minute action or resolution, as prescribed by law.

(D) Persons appointed by the City Council shall provide periodic, but not less than annual, updates to the City Council regarding the activities of the organization to which they have been appointed.

Section 5 State and Federal legislation and rule-making proceedings

(A) The City Attorney, with the assistance of the City Manager, shall apprise the City Council of pending matters of legislation or rule-making that may affect the interests of the City. The Mayor or any two members of the City Council may request that a legislative or rule-making initiative be presented to the City Council for a formal determination by the City Council of endorsement or opposition. The City Attorney may, in the exercise of his professional discretion, determine to take action on or intervene in support of or opposition to a legislative or rule-making matter subject always, however, to the prerogatives of the City Council as the policy-making body of the City.

(B) This policy is not intended to prohibit or restrict a member of the City Council acting as a private citizen, and not on behalf of the City, from participating in legislative or rule-making matters provided the Councilmember does not in any way imply that the position of the Councilmember is the official position of the City unless the City Council has so decided. A member of the City Council may accurately represent himself or herself as an elected official and as a member of the City Council, but may not use City resources, staff,

letterhead, official email, or any City-approved logo in doing so.

Section 6 Council budget for travel, business expenses, and equipment

(A) In the budget presented to the City Council for its consideration each year, the City Manager shall suggest an amount to be budgeted for the anticipated expenses of the City Council consistent with the provisions of this policy. The City Council shall consider the suggested funding and approve the amount, decrease the amount, or increase the amount as it considers necessary and proper. The funding should be sufficient to provide for City Council travel and other business expenses and City-provided equipment consistent with this policy and Article III, Section 3 of the City Charter, which provides for the reimbursement of necessary expenses incurred in the performance of a councilmember's official duties when approved by the City Council.

(B) The City Council shall provide adequate funds for travel and related expenses so that the Mayor and each member of the City Council has the opportunity to attend at least the following City-related activities:

- ☐ Annual meeting of the Texas Municipal League and affiliates;
- ☐ Texas Municipal League newly-elected officials orientation (for newly-elected members of the City Council);
- ☐ National League of Cities and affiliates annual meeting - Washington, D.C.;
- ☐ National League of Cities annual Congress of Cities (various locations);
- ☐ Attendance at committee or association functions related to the Texas Municipal League or the National League of Cities; and
- ☐ Attendance by the Mayor at meetings of the U.S. Conference of Mayors.

(C) The City Council shall provide adequate funds for travel and related expenses to enable the Mayor or other members of the City Council to attend meetings, events, and functions relating to and advancing the City's interests in addition to those described in subsection (B) if such expenses are approved by the City Council in accordance with subsection (D).

(D) The expenses budgeted and authorized under subsection (C) must be approved by the City Council in advance unless the attendance of the Mayor or another member of the City Council is of such an urgent, unforeseen, and important nature that advance approval of expenses by the City Council cannot reasonably be obtained in a timely manner. Examples of urgent and unforeseen circumstances include attendance at legislative proceedings (federal/state/local), expenses made necessary by natural disasters, appearances at official business as compelled by law, and the like. Such unforeseen expenses may be approved by the Mayor (or by the Mayor Pro Tem in the event the Mayor will incur or has incurred such expenses). The City Council retains the authority to approve any travel that has been disapproved by the Mayor (or Mayor Pro Tem, as the case may be).

(E) A Councilmember shall provide a brief report on any meeting attended at the expense of the City at the next regular meeting of the Council. If multiple Councilmembers attended the same event, a joint report may be made. The City Manager will provide the City Council with an annual written briefing on Council travel and related expenses.

(F) The following general rules apply to travel (in town and out-of-town) and other City-related expenses incurred by the Mayor and the City Council:

- *Registration and necessary membership fees for the organizations described in subsection (B).* Membership and registration should be completed through the office of the City Manager in advance, when possible.
- *Transportation for City-related business.* Councilmembers may select the appropriate mode of transportation. Payment or reimbursement of transportation expenses, however, will be based upon the most economical mode of transportation that is reasonable under the circumstances.
 - If a Councilmember drives a personal vehicle on City business, reimbursement will be made at the lower of either the current mileage reimbursement rate published by the United States Internal Revenue Service or the most economical airline rate to and from the destination. A mileage accounting shall be filed using the City's standard personal mileage trip sheet form and shall have attached thereto a calculation of mileage as determined by an on-line trip mileage calculator.
 - Airline reservations should be made well in advance of the trip in order to take advantage of any discounted fares.
 - Rental vehicles are authorized for out of town trips where the Councilmember does not have use of a personal vehicle, but only when the amount of travel while at the destination will make a rental vehicle more economical than a shared ride, complimentary shuttle or taxi service. If a rental vehicle is used, all supplemental car rental insurance and damage waivers should be declined. Car rental reservations must be made through the office of the City Manager.
- *Meals for City-related travel.* The City will pay a per diem for meals based on the current published U.S. General Services Administration (GSA) allowance. GSA allowance rates are available on-line at www.gsa.gov and will be based on the location at which the meal purchase is made. If the location is not listed in the GSA tables, the standard rate will be used. For less than complete days spent on authorized travel, the GSA allowance will be prorated as follows: Breakfast - 20% of GSA allowance; Lunch - 30% of GSA allowance; Dinner - 50% of GSA allowance. The GSA allowance will also be reduced pro-rata for any meal for which

the City will otherwise pay or the expense for which is otherwise avoided. Examples include, without limitation, a luncheon provided to attendees at a conference, a dinner provided as part of a social event related to the City business, or breakfast provided as part of the airfare to or from an event.

- ☐ *Out-of-town lodging accommodations.* The City will pay for lodging accommodations through the duration of the meeting, seminar or City-related business travel event. If accompanied by a family member or others, the Councilmember will pay any difference between the single and double- or multiple-occupancy rates, if any, for the accommodation.
- ☐ *Miscellaneous travel-related expenses allowed.* Reasonable baggage handling, parking (including valet parking fees if reasonable and necessary) tolls, service and similar gratuities and expenses are allowed while on authorized travel. Receipts are not required but the amount must be reflected on the expense report.
- ☐ *City-related equipment, office products, and supplies.* The City will provide each member of the City Council with:
 - A laptop computer or tablet with Wi-Fi or other remote access capabilities;
 - Business cards
 - A cell phone or a cell phone stipend, payable monthly
 - Official City-branded shirts and nametags

Ordering and delivery of equipment, especially computer or City-network connected equipment, must be coordinated with the Office of the City Manager in order to insure consistency of equipment capabilities and cost control. Equipment problems shall be referred to the Office of the City Manager. Each member of the City Council is responsible for promptly returning all City-provided equipment, access/ID cards, and keys (if any) to City facilities upon completion of the member's term of office. A Councilmember may, on completion of the member's term of office, purchase the laptop computer or tablet provided to that member for not less than fair market value if the device is considered obsolete and will be replaced by an upgraded device. Fair market value for the device will be determined by the City's IT department.

(G) The following expenses are categorically disallowed and will not be paid or reimbursed by the City and may not be charged to City-issued credit or debit cards or otherwise:

- ☐ Trip or travel insurance
- ☐ The personal portion of any trip, including without limitation the expenses attributable to family or companions

- ☐ Premium or first-class lodging, transportation or meals
- ☐ Alcoholic beverages
- ☐ In-room movies, games or other entertainment
- ☐ In-room meal service fees (the meal is reimbursable if otherwise allowed under this policy)
- ☐ Valet service (with the exception of required valet parking)
- ☐ Laundry service or garment rental (with the exception of laundry service for out-of-town stays of more than seven days)
- ☐ Gratuities in excess of 20%
- ☐ Entertainment costs, including theater, movie, or sporting event tickets, recreational expenses (such as greens or cart rental fees for golf) or the like
- ☐ Political contributions or attendance at political or charitable events
- ☐ Non-mileage personal driving expenses such as repairs, traffic citations, and insurance
- ☐ Personal losses incurred while on City-related business
- ☐ Cash advances on a City-issued "P-Card"

(H) While the City Charter provides that the Mayor and the members of the City Council are entitled to be reimbursed for certain expenses, it is the policy of the City that neither the Mayor nor any Councilmember will be issued or may hold a City P-Card or other means of unilaterally charging expenses to the City. If the Mayor or a member of the City Council is owed more than \$100.00 in reimbursement, the office of the City Manager shall process an accounts payable request through the City's accounts payable system. If less than \$100.00 is owed, reimbursement may be made from an appropriate petty cash fund. If the Councilmember owes the City money, the Councilmember must reimburse the City within twenty business days after completing travel or incurring the expense. A check payable to the City shall be attached to the original, signed expense report. The City Council is responsible for enforcing this policy.

(I) The Mayor and members of the City Council may be asked, or may desire, to join outside organizations to promote the interests of the City or to sponsor such events or organizations. In such cases, unless membership in the organization has already been approved by policy (see, for example, section relating to membership in the Texas Municipal League and its affiliates), the City Council shall be provided with a brief description of the organization, what it does, what benefits to the City the sponsorship or membership in the organization will promote, frequency of meetings, and an estimate of annual costs of membership (including dues, conference fees, and travel costs). The City Council may approve a sponsorship or a membership in the organization by consensus and, if so approved, shall budget funds for associated costs. The City Council shall annually review sponsorships or City Council memberships in outside organizations during the operating budget approval process. Some organizations may not reflect the values or ideals of the City Council as a whole. Thus, the Mayor or a member of the City Council may not commit to sponsorship, membership or participation in, or attendance at, meetings of organizations not listed in this section without the approval of the City Council except in

the Councilmember's individual capacity and at the Councilmember's sole expense.

(J) The City Manager is authorized to provide a cash allocation to senior-level employees who have been assigned to accompany members of the City Council on authorized out-of-town trips to off-set incidental, out-of-pocket expenses incurred in support of official City Council functions. Any unused portion of the cash allocation shall be promptly returned to the City upon completion of the function.

Section 7 Council requests for information or services

(A) By Charter, the people of Garland have chosen a council-manager form of government. In keeping with that form of government, the City Charter specifically provides:

Neither the City Council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager or by any of his subordinates. However, the Council may consult and advise with the City Manager, make inquiry regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the City Manager, the Council and its members shall deal solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Willful violation of the foregoing provisions of this Charter by any member of the Council shall constitute official misconduct and shall authorize the Council, by a vote of a majority of its membership, to expel such offending member from the Council, if found guilty after public hearing, and thereby create a vacancy in the place held by such member.

(B) The City receives thousands of service requests, information requests, and complaints each month. Some of those requests and complaints are received through members of the City Council and some may be initiated by a member of the City Council. For requests and complaints received or initiated by a member of the City Council, this policy is intended to provide for an expeditious and thorough means of resolving such requests and complaints by providing access to the appropriate level of City management without violating the prohibition on interference contained in the City Charter.

(C) Requests and complaints received through or initiated by members of the City Council generally fall into three categories. Requests and complaints may be made either verbally or in writing, including email. The following guidelines will apply when processing requests or complaints:

SERVICE REQUESTS

TYPE:	REFER TO:
First time request for routine service when a response to the Councilmember is not desired. A department representative will contact the requestor if necessary.	Department service line Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Second or third time for routine service request when a response to the Councilmember is not desired. The department head or a representative will contact the requestor.	Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Routine service request involving more than one department when a response to the Councilmember is not desired.	Responsible department heads or managing directors Assistant City Manager or Deputy City Manager City Manager
Routine service request when the Councilmember desires a response.	Responsible managing director Assistant City Manager or Deputy City Manager City Manager
Service request that is not routine or that involves a major resource allocation. A response shall be provided to the Councilmember.	Assistant City Manager or Deputy City Manager City Manager

INFORMATION REQUESTS	
Information that is readily available (on file or that can be provided verbally).	Responsible department head Assistant City Manager or Deputy City Manager City Manager
Information that is available but that requires compilation or interpretation.	Assistant City Manager or Deputy City Manager City Manager
Information that involves more than one department and that requires compilation or interpretation.	Assistant City Manager or Deputy City Manager City Manager

COMPLAINTS	
Routine service complaints regarding quality or quantity of service when no response to the Councilmember is desired.	Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Service complaints regarding quality or quantity of service when a response to the Councilmember is requested.	Assistant City Manager or Deputy City Manager City Manager
Complaints regarding the conduct or performance of a City employee.	City Manager
Complaints involving a City policy, procedure, or ordinance.	Assistant City Manager or Deputy City Manager City Manager City Council

(D) Information regarding the submission or resolution of a service request, information request or complaint is generally public and may be shared with other members of the City Council. A member of the City Council has no expectation of secrecy regarding the submission or resolution of a service request, information request or complaint. Information received from or given to a member of the City Council is information that may be given to all members of the City Council.

Section 8 Who shall act as Mayor

The City Charter provides, “In case of the absence or disability of both the Mayor and the Mayor Pro Tempore, the remaining members of the Council shall elect one of the members to act as Mayor.” Because there may not be time to assemble a quorum to elect a person as mayor under such circumstances, and in order to increase the efficiency of government, the City Council may choose to elect a deputy mayor pro tempore to act as mayor when the Mayor and the Mayor Pro Tem are absent or disabled. If the City Council chooses to have a deputy mayor pro tempore, the election for the position shall be held at the first regular meeting of the City Council that follows the annual goal-setting retreat. The City Manager shall place an item on an agenda for consideration by the City Council each year.

Section 9 Communications on behalf of the City by members of boards and commissions

(A) Boards and commissions, whether established by reason of State law, the Charter, by ordinance or on an ad hoc basis, are an integral part of the municipal government process. The citizens who serve on City boards and commissions provide an important service to the citizens of Garland. Boards and commissions, and the members of those boards and commissions, do not, however, speak for the City on larger issues of City governance. The City Council is responsible for all aspects of the City’s governance and it is the legislative and policy-making body for the City.

(B) If a board or commission desires to communicate to others a position on any matter of public concern, the board or commission shall first seek approval from the City Council before engaging in such communication. The City Council will speak for the City. The City Council will determine whether and what will be the official position of the City on the issue presented by the board or commission.

Section 10 Meals for boards and commissions

The City Council shall budget for, and the City Manager shall cause to be provided, suitable meals for all meetings of the City’s boards and commissions.

Section 11 Appointments to boards and commissions; minimum meeting schedules; terms of appointment; annual election of officers; sub-committees; agendas; public comment

(A) Generally, appointments to boards and commissions shall be made by the City Council annually during the month of August. The general term of office for a council appointee begins on September 1 and expires on August 31 in the year in which the term of office of the member of the City Council who made the appointment expires. If a vacancy occurs before a term is completed, the Councilmember representing the district in which the vacancy occurs shall be responsible for nominating a replacement. *See also, Section 2 of Division 4 of this Article for the procedure regarding the recruitment and appointment of members of boards and commissions.*

(B) Unless otherwise provided by the ordinance that creates the board or commission or by controlling State law, all boards and commissions shall meet at least twice per calendar year, with a quorum of members present.

(C) Notwithstanding subsection (A) and unless otherwise provided by the ordinance that creates the board or commission or by controlling State law, the term of office of a member of a board or commission ends upon the resignation, disqualification, recall or other removal of the appointing Councilmember. A person appointed to fill a vacancy in such circumstances shall be appointed only for the unexpired term of office of the vacancy created. Provided, however, that a member of a board or commission whose term of appointment has ended may, if otherwise eligible to hold the position and subject to the provisions of Sec. 10.28 of the Code of Ordinances (providing for the automatic termination of appointment when a member files for elective office) holdover in the position until a successor is appointed by the City Council. A term of appointment ends immediately if the member of the board or commission is removed or replaced by the City Council which, as provided by Article IV, Sec. 2 of the City Charter, may be done without cause or notice.

(D) All boards and commissions, the members of which are solely appointed by the City Council, shall elect officers at the first meeting held by the board or commission on or after October 1 in each calendar year.

(E) A board or commission may, subject to the approval of the chair, create subcommittees that may include members of the public provided the subcommittee is chaired by an appointed member of the parent board. Members of such subcommittees who are not also members of the parent board shall serve *ex officio*, may not participate in official voting, and are not counted towards a quorum. To the extent practicable, subcommittees shall endeavor to abide by the policies applicable to the parent board, including the location of the meeting, the recording of proceedings, the keeping of minutes, and the like.

(F) With the exception of any board or commission that serves in a quasi-judicial capacity or other than purely as an advisory body, an item may be placed on the agenda of a board

or commission by: (1) City staff; (2) the Mayor or any two or more members of the City Council; and (3) any two or more members of the board or commission. No item may be considered by the board or commission that is not directly germane to its expressed functions and duties as provided by law. An agenda will provide a section for pending matters and a section for future agenda items to be announced, without debate, for consideration by the board or commission. Pending items will be posted to each agenda of the board or commission until action is taken on the item or the item is withdrawn by the submitter. The person designated by the City Manager as the staff liaison to the board or commission will assemble the agenda with input from staff, the members of the board or commission, and the chair, and is responsible for timely posting agendas in accordance with the Texas Open Meetings Act.

(G) With the exception of any board or commission that serves in a quasi-judicial capacity or other than purely as an advisory body, every board and commission shall allow members of the public at least three minutes to speak on matters relating to the functions and duties of the board or commission or matters on a posted agenda. The board or commission shall, to the extent practicable, abide by the provisions of these policies and the practices of the City Council with respect to public speakers.

Section 12 Boards and commissions to meet at City Hall

All regularly scheduled meetings of boards and commissions and of Council committees shall be held at City Hall except (1) when City Hall is unavailable for reasons such as multiple meetings and scheduling conflicts between meetings, inadequate space, construction and repair activities or similar circumstances which make the use of City Hall impracticable (in which event a suitable location as near as practicable to City Hall shall be used instead, and the meeting facility should be a municipal building); (2) for meetings of groups comprised primarily of minors; or (3) for non-traditional meetings such as retreats, tours, and social gatherings. Generally, all such meetings except for meetings of groups comprised primarily of minors should be held in the Work Session Room of City Hall and shall be recorded at least by audio means. The chair of the board, commission, or committee shall coordinate with the staff liaison for that board, commission or committee and with the City Secretary for the scheduling of rooms and the availability of recording equipment.

Section 13 Annual performance and compensation review of council appointees

(A) The City Council appoints the City Manager, the City Attorney, the City Secretary, the Internal Auditor, and the judges of the Municipal Court. Except for the chief presiding judge and the associate judge of the Municipal Court (whose terms of office are prescribed by State law) and the City Secretary, council appointees are employed under contract, the term of which shall not exceed one year. The performance of and compensation afforded to council appointees other than the City Secretary shall be reviewed and evaluated by the City Council annually. Notwithstanding any other reference to “appointee” in this section, the determination of the performance, evaluation, compensation, and other terms of

employment for the City Secretary have been assigned by the City Council to the City Manager and are not covered by this section.

(B) The City Manager shall cause the Managing Director of Human Resources to provide the City Council with:

(1) The current compensation paid and salary ranges applicable to officials with similar duties and comparable responsibilities employed by comparable municipalities in Texas; and

(2) Information regarding applicable municipal populations, departmental or functional staff support personnel, years of experience of each official in that official's present position, and benefits or perquisites provided.

(C) A copy of the information gathered by the Managing Director of Human Resources shall be forwarded to the respective appointee. The appointee may submit to the City Council comments regarding the information considered relevant for review.

(D) The City Council shall, in executive session:

(1) Meet to review the applicable performance-related goals and objectives, if any, established for each individual appointee for the preceding review period and define those goals and objectives to be considered for the next review period;

(2) Meet with each appointee individually to discuss the appointee's performance and achievements;

(3) Discuss and evaluate the appointee's performance during the preceding review period and, if applicable, the goals and objectives to be established for the next review period; and

(4) Determine the compensation, benefits, and perquisites to be afforded to the appointee.

(E) The Mayor shall notify each appointee of the compensation and benefits determinations made by the City Council and discuss with the appointee any additional comments or suggestions made by the City Council regarding such appointee. Follow-up sessions to clarify the evaluation or review progress with the City Council may be scheduled if necessary. The City Attorney shall be directed to prepare an appropriate employment agreement for each appointee who is employed under contract and that is reflective of the directions given by the City Council for that appointee. The employment agreements shall be placed on an agenda for formal approval by the City Council. Municipal judges are appointed for two year terms without contract, but compensation may be adjusted annually by the City Council. Note: Part-time associate judges are hired under informal contract by the presiding chief judge of the Municipal Court and are compensated

in accordance with funds allocated for such purposes in the annual budget as approved by the City Council.

(F) After final approval by the City Council, the City Manager shall inform the Managing Director of Human Resources of the compensation adjustments that need to be implemented, as applicable, and shall cause the Managing Director of Human Resources to promptly prepare and process all the documentation necessary to implement the compensation determinations of the City Council as directed.

Sec. 14 Duty to maintain the integrity of sensitive or confidential information

The members of the City Council are entitled to be appropriately and timely informed of matters that may affect their ability to duly represent the interests of their constituents. However, while emergencies, police and fire activities, and similar events (“Emergency Events”) may generate significant public interest, they may not be appropriate for communications by individual members of the City Council or they may be of such a nature that City personnel cannot be expected to divert attention to providing information to members of the City Council in particular, as opposed to providing general public information. When information is provided by City personnel to the City Council in such circumstances, the information may be particularly sensitive or even confidential and its release to the public could compromise public safety, result in the release of information eventually determined to be inaccurate, or may constitute confidential information that may not be released in any event due.

It is the policy of the City Council that a member of the City Council is limited to disseminating only such information regarding Emergency Events as has been officially cleared for public dissemination. No member of the City Council may insist upon a particularized briefing of developing or on-going Emergency Events to the extent that any City personnel may be distracted from fully attending to the Emergency Event. Until information has been officially released to the public, the members of the City Council shall maintain the confidentiality of all information obtained through City sources.

Division 2. LAND USE, ZONING, AND DEVELOPMENT PROCEDURES

Section 1 Appeals from recommendations of the Plan Commission

(A) Certain matters decided by the Plan Commission are subject to the right of appeal to the City Council. If an appealable decision is rendered by the Plan Commission, the Department of Planning shall notify the affected applicant of the decision in writing or by electronic communication. The notification shall advise the applicant that the applicant may file an appeal from the decision within the time provided in this policy.

(B) Subject to the provisions of the Garland Development Code, an applicant who is aggrieved by a decision of the Plan Commission may appeal to the City Council, if an appeal to the City Council is provided by the applicable ordinance, by filing a written notice

of appeal. Unless a different procedure is specified in the Garland Development Code, the notice of appeal shall be filed not later than the time provided in the applicable ordinance for the filing of an appeal or, if no such time is provided by ordinance or other law, not later than fifteen days after the date of the Plan Commission decision being appealed. Upon receipt of a timely notice of appeal, the Director of Planning shall set the matter for hearing with the City Council on the earliest available agenda setting.

Section 2 Procedures and deadline for the filing of objections to zoning changes (the “20% rule”)

(A) Section 211.006, TEX. LOCAL GOV’T CODE provides that a proposed zoning change must receive the affirmative vote of not less than three-fourths of the members of the City Council if the change is protested by 20% or more of the owners of the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. That provision is generally referred to as the “20% rule”.

(B) For purposes of clarity: (1) the area to be included in a calculation as to the applicability of the 20% rule is the 200 feet provided by State law, not the extended 400 foot notification area provided by the Garland Development Code; and (2) the three-fourths votes required means 7 affirmative votes, not merely three-fourths of the membership present and voting. For the latter reason, if less than all members of the City Council are present at a meeting on a zoning change in which the application of the 20% rule may be invoked, the City Council may postpone without further debate the hearing on the change.

(C) A protest must be made in writing and timely received by the City in order to be included in the calculation whether the 20% rule has been invoked. A written protest must be filed by each protesting owner – inclusion of an owner’s name on a petition or other collective protest not actually signed by the owner or an authorized representative of the owner will not be counted in the calculation.

(D) A protest will not be considered timely unless it has been submitted in writing prior to the close of public comments on the proposed change. A protest may be submitted by email or other electronic communication form recognized by the City for the receipt of official correspondence, but a protest so submitted must be received no later than noon on the day of the first public hearing at which the zoning change will be considered.

(E) If a zoning change is approved by a majority of the City Council but nonetheless disapproved by operation of the 20% rule and a motion to reconsider has been granted, a new protest must be filed by the affected owner in order to invoke the 20% rule for the zoning change being reheard. If the zoning change is disapproved by a majority of the City Council regardless of the application of the 20% rule and a motion for reconsideration is granted, a written protest timely filed in the initial zoning change case will be carried over and applicable to the case on rehearing.

Section 3 Reconsideration of zoning change denials

(A) The applicant for a change in zoning may request the reconsideration of a denial of a change in zoning. A motion for reconsideration must be filed with the Director of Planning, in writing. The motion must be filed before the close of business not more than five business days following the meeting at which the zoning change request was denied.

(B) The motion for reconsideration must demonstrate that new considerations not known or discoverable at the time of the original hearing constitute good cause for reconsidering the request. The following circumstances generally do not justify the granting of a motion to reconsider:

 (1) Failure of the applicant to appear at the hearing of the City Council at which the request was denied;

 (2) Failure of the applicant to be adequately prepared for presentation of the request to the City Council; or

 (3) Absence of one or more members of the City Council from the meeting at which the request was considered or denied.

Additionally, modifications of a request to address matters identified in the planning report for the zoning change request as reasons for a recommendation of denial are a disfavored basis of reconsideration. Nonetheless, the City Council retains the authority to review each motion for reconsideration on its merits in order to determine if a reconsideration of a request is in the best interest of the public.

(C) A request for reconsideration will be heard by the City Council at the next meeting immediately following the denial of the zoning change request. A motion to grant reconsideration may only be made by a member of the City Council who voted in favor of denial of the request. A motion to grant reconsideration may be seconded by any member of the City Council. A vote of not less than three-fourths of the members of the City Council then present and voting (but not less than five), is required to grant a request for reconsideration. If a request for reconsideration is granted, the case shall be re-advertised and placed on the next appropriate agenda of the City Council. A motion to deny a request for reconsideration may include a motion to waive the one year rule provided in the Garland Development Code that prohibits the consideration of a zoning change request within one year of the denial of a request for a change in zoning for the affected tract of land. A denial of a change in zoning may also be made “without prejudice” to re-filing for the same purpose.

Section 4 Citizen-initiated street name changes

(A) Street name changes may be initiated either by the City or by citizen request. A street name change request initiated by citizen request will be considered only if 80% or

more of the owners of property that will be directly affected by the street name change favor the request. A street name change request may be approved if the City Council determines that the change is in the public interest and that the name will not cause confusion, continuity or way-finding problems or otherwise adversely affect the public interest.

(B) A request to change a street name must be in writing. The application for a street name change must indicate the proposed name change, the limits (by block number) of the name change, and the reasons for the change in name. A fee of \$500 shall be submitted with the written application for change in name to cover the cost of reviewing the proposal. If an initial determination is made that the change in name will cause confusion, continuity or way-finding problems or otherwise adversely affects the public interest, the applicant(s) shall be notified by the City and the initial application fee shall be refunded. If the proposed name is not acceptable, the applicant(s) shall be given an opportunity to propose another name before the application is disapproved. If the proposed name change is recommended for consideration to the City Council, the applicant(s) shall pay an additional fee based upon the actual costs of research of and notification to addresses that will be directly affected by the proposed name change. If the proposed name change is recommended for consideration to the City Council, the applicant(s) must obtain the written approval (an adequately descriptive petition is acceptable) of at least 80% of the affected property owners.

(C) Upon confirming that written approval has been obtained from the requisite number of affected property owners and payment of estimated sign replacement costs by the applicant(s), a public hearing shall be held by the City Council to consider the proposed name change. A name change may be made only by ordinance. If the name change is disapproved, the estimated sign replacement costs shall be refunded to the applicant(s).

Section 5 Private streets

(A) Private streets are an allowed option under the Garland Development Code. The private street option may be chosen in order to provide a means of limiting access into a development (for example, in private, gated communities), in order to maximize the amount of non-public area within a development, or for other development reasons. The City has no responsibility for any expenses related to the construction, maintenance or repair of a private street.

(B) In recognition of the possibility that a street constructed as a private street may eventually be, and occasionally are, after a period of time, turned over for public use as a public street and to ensure that private streets are built to the same standards and quality of public streets, the following standards apply:

(1) A private street is not allowed within a development without the prior approval of the City Council either through zoning approval or by separate development agreement.

(2) A private street must be designed, constructed, and maintained in accordance with the standards for public streets of the type and capacity most like the proposed private street, including width, turning radii, pedestrian ways and sidewalks, street lighting, and utility facilities.

(3) Private streets are allowed only in residential developments. Streets within a commercial or industrial development must be public. If, however, access to the proposed street will be restricted (such as by gates or security personnel) the streets must be private. Limited access public streets are not allowed.

(4) The City is not responsible for the construction or maintenance of any aspect of a private street, including repairs or other maintenance. Accordingly, some perpetual funding source (such as an assessment-levying capable homeowners' association) for repairs must be provided for all maintenance of a private street.

(5) Only the City Council has authority to accept the public dedication of a street formerly constructed or used as a private street, and the City Council will only do so under the following conditions:

(a) The street meets all City requirements as to design and construction standards - upgrades to meet current City standards must be completed prior to the acceptance of the dedication;

(b) The area to be dedicated as a public street includes adequate room for sidewalks, street lighting, and utilities;

(c) The street provides adequate accessibility for emergency vehicles; and

(d) All gates and other limits to accessibility have been or will be removed without cost to the City prior to the acceptance of the dedication.

(C) Design plans for all proposed private streets shall be submitted for approval to the Department of Engineering in the same manner that plans for public streets are submitted. Approval or disapproval by the Department of Engineering will be determined in reference to this policy. A request for a variance from the requirements of this policy must be submitted to the City Council for approval or disapproval.

Section 6 Additional public notification of City activities

(A) In order to encourage public awareness of and participation in City matters, timely prior notification to the public must be given in addition to that contemplated by the Texas Open Meetings Act or other laws relating to specific notifications such as zoning changes, tax rates, and budget approval. This policy is intended to supplement the notifications required by law, including those contained in the Charter, the Code of Ordinances, and the

Garland Development Code.

(B) The City shall endeavor to provide notice of the following matters at the earliest practical opportunity but, of course, no later than otherwise required by law:

- ☐ Adoption or amendment of the City's comprehensive plan
- ☐ Changes to the thoroughfare plan
- ☐ Changes to the City's municipal boundaries (whether by annexation or dis-annexation or by boundary adjustment agreement with another municipality)
- ☐ Changes to the City's territorial jurisdiction
- ☐ Amendments to the Garland Development Code
- ☐ Adoption or amendment of the annual City budget
- ☐ Adoption or amendment of the capital improvements budget
- ☐ Revisions to flood insurance rate maps and flood boundary-floodway maps affecting the City
- ☐ Special paving or drainage assessment projects

(C) In addition to posting, publication, and delivery of notice as required by law, the City shall endeavor to provide notice by mail, by email, or by other electronic delivery means to homeowners' associations and civic groups that have previously registered with the City Secretary for such purposes. An association or group must register in writing on a form or in a format provided by the City Secretary and shall provide at minimum a mailing address, an email address, and the phone number for the person designated to be the point of contact for the association or group.

Division 3. FINANCIAL AND FISCAL INTEGRITY PROCEDURES

Section 1 Rotation of outside auditing firms for annual audits

The City is required by Charter and State law to have performed annually an independent audit of accounts and other financial transactions of the City by an outside auditor. The integrity and quality of the audit is of paramount concern to the City, to its citizens, and to those considering investments in or transactions with the City. The Audit Committee and staff shall review the outside audit each year to determine whether the City Council should consider a change in the firm conducting the outside audit or a change in the senior auditor in keeping with the goals stated in this policy.

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NOTE: The following section is currently under review for potential amendments. The following reflects staff-suggested revisions only. These changes have not yet been approved by the City Council.

Section 2 Financial policy; statement of investment strategy; statement of investment policy

(A) The City Council shall annually adopt, by resolution or minute action, a financial policy, a statement of investment strategy, and a statement of investment policy as required by and in conformance with State law. The following constitute the City's financial policies and statements of investments strategy and investment policy:

(B) *Statement of financial policy*

General Principles:

- ☐ The City shall maintain an operating position in all governmental funds such that annual expenditures shall not exceed annual resources, including fund balance.
- ☐ The City shall maintain an operating position in all proprietary funds such that annual expenses shall not exceed annual resources, including retained earnings.
- ☐ The City shall protect the physical assets of the City to ensure the value, integrity, and utility of these major investments of the City's resources.
- ☐ This policy shall be reviewed and updated periodically and will be presented to the City Council for approval of any significant changes.

Operating Condition:

- ☐ A multi-year financial forecast shall be prepared annually projecting revenues and expenditures for all operating funds. This forecast shall be used as a planning tool in developing the following year's operating budget.
- ☐ Rates, fees, and charges for service shall be reviewed annually and adjusted as necessary to respond to cost increases or other changing circumstances.
- ☐ Activities within enterprise funds shall be budgeted so that revenues support costs of service, satisfy all revenue bond covenants, and provide adequate cash flows.
- ☐ Insurance coverage shall be examined annually to ensure that policy limits are adequate and in compliance with revenue bond covenants.

- ☐ Estimated costs and funding sources shall be identified prior to any project being submitted for approval by the City Council.

Debt Management:

- ☐ Debt shall not be used for funding current expenses.
- ☐ Bonds shall be sold only to finance long-term capital projects.
- ☐ A project shall not be financed over a period longer than the estimated life of that project.
- ☐ On all capital projects considered by Council, a disclosure statement shall be included, where appropriate, to identify annual operating costs of each project.
- ☐ The City shall prepare a multi-year Capital Improvement Program (CIP), updated annually, which will meet the anticipated growth requirements of the City. The CIP shall be adopted by the City Council as a guide for staff in planning the subsequent year's capital and financing needs.
- ☐ Total tax-supported debt shall be maintained so as not to exceed five percent (5%) of the total assessed valuation of taxable property.

Financial Condition:

- ☐ The City shall budget available resources to maintain an ending “fund balance” requirement in each fund according to the following definitions and guidelines:
 - General Fund - 30 days of budget-based operating expenditures less debt service. “Fund balance” is defined as the unreserved, undesignated portion of total assets minus total liabilities.
 - Enterprise Funds - 45 days of budget-based operating expenditures including debt service. “Fund balance” is defined as current assets minus current liabilities, excluding non-budgetary adjustments. The Water Fund shall also have a fund balance goal of 60 days of budget-based operating expenditures including debt service to supplement the 45 day requirement and mitigate against unexpected declines in revenue due to weather volatility.
- ☐ Before the City budgets any resources from a “fund balance”, as defined above, for the respective fund types, the “working cash” (cash and investment balances) of each fund shall be analyzed to ensure that adequate liquidity is projected to be available for cash flow purposes.

- ☐ All Internal Service Funds shall be fully self-supporting to the extent that any retained earnings deficit shall be fully recovered in the subsequent fiscal year through increased charges to benefiting departments. Self-insurance reserves shall be actuarially determined and periodically reviewed to evaluate experience and degree of risk assumptions. The City Council may opt, on an annual basis, to adjust fund balance targets in specific funds to meet short-term economic or other circumstances.

Asset Maintenance:

- ☐ In addition to anticipated growth requirements of the City, the Multi-year CIP will identify major infrastructure repair and rehabilitation needs.
- ☐ The City will prepare and maintain a facilities master plan. This document will serve as a management tool to project space needs including construction or modification of facilities.
- ☐ Repair, renovation, and maintenance shall be regularly performed to protect the life of the assets and to ensure their safety and utility. A systematic program of routine and preventive maintenance shall be developed based on need identification and prioritization.
- ☐ The Annual Operating Budget will provide sufficient funding levels for ongoing maintenance of the infrastructure.

Accounting, Auditing, and Financial Reporting:

- ☐ Accounting systems shall produce information that is consistent with generally accepted accounting principles for governmental entities.
- ☐ An annual comprehensive audit shall be conducted of all funds by an independent public accounting firm in accordance with these financial policies. A policy of full disclosure on every financial report and official statement shall be followed.
- ☐ Year-end net revenues of the electric system and the combined water and sewer system shall be maintained at a level sufficient to cover average annual revenue debt service requirements and current year revenue debt service requirements by at least 1.25 times.
- ☐ A condensed year-end Electric Utility financial report shall be prepared and given widespread circulation to the ratepayers and taxpayers of the City.

Responsibility and Authority:

- The City Manager shall have accountability to the City Council concerning the financial strategies outlined in this policy. However, the City Council shall not be involved in the day-to-day implementation of the financial strategies outlined in this policy and no Councilmember – including the Mayor - shall unilaterally direct the City Manager or his staff to take or refrain from any action related to this policy or the authorizations contained herein.
- The City Manager is authorized to approve and execute by and on behalf of the City purchases or other contracts requiring expenditures up to and including the amount of \$99,999.99. The Purchasing Director, as directed by the City Manager, shall have the authority to purchase or contract for all goods and services needed by any department of the City or by any agency that derives its support wholly or in part from the City.
- The City Manager or his designee has the authority to authorize, approve, and execute by and on behalf of the City internal directives, procedures, and protocols meeting the minimum requirements of the State of Texas for home-rule municipalities; determine the method of procurement, in accordance with state law, that provides the best value for the City; approve, in accordance with the requirements of law, change orders in the event it becomes necessary to make changes after the purchase or performance of a contract has commenced.
- The City Manager has authority for delegating financial transaction responsibilities to appropriate organizational levels for the efficient operation of the City.

(C) *Statement of investment strategy*

Chapter 2256 of the Texas Government Code requires the City to adopt a separate written investment strategy for each of the funds or group of funds under its control. Effective investment strategy development coordinates the objectives of the City's investment policy and cash management procedures to reduce investment risk and enhance interest income. The following investment strategy describes the investment objectives for each fund or group of funds using the following priorities in order of importance:

- (1) Suitability
- (2) Safety of principal
- (3) Liquidity
- (4) Marketability of the investment before maturity

(5) Diversification

(6) Yield

This investment strategy applies to the investment and management of all funds under direct authority of the City of Garland. Each of the City's funds or group of funds has varying cash flow requirements and liquidity needs. Specific strategies shall be implemented considering that fund or group of funds' unique requirements. The City's funds are invested according to the following fund types:

Operating Funds:

Investments for operating funds shall be scheduled to meet the daily cash flow demand of the City with their stated final maturities and have a stated final maturity of three years or less from the date of purchase. Operating fund portfolios include the treasury portfolio.

Suitability - All investments authorized in the Statement of Investment Policy are suitable for Operating Funds.

Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Liquidity - Operating Funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. Constant \$1 NAV investment pools and money market mutual funds shall be an integral component in maintaining daily liquidity. A dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date for each security. Purchased securities will have a stated final maturity of three years or less from the date of purchase.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Operating Funds shall be the trailing average of the constant maturity treasury ("CMT") (as published by the Federal Reserve) that most closely matches the weighted average maturity of the portfolio. For Operating Funds, it is expected this will be the six month trailing average of the six-month CMT.

Debt Service Funds:

Investments for debt service funds shall mature on or before the next debt service date. Purchased securities will be highly liquid with very short term maturities because of the near term cash flow requirements. Debt service funds include the general obligation debt service fund and the revenue bond debt service fund.

Suitability - All short term, high quality securities that are authorized in the Statement of Investment Policy and are in compliance with applicable bond ordinances are suitable for debt service funds.

Safety of Principal - All investments shall be high quality securities with no perceived default risk. Purchased securities shall have a stated final maturity date on or before the next debt service date.

Marketability - Securities with active and efficient secondary markets will be purchased although unanticipated cash requirements are not probable.

Liquidity - Debt service funds have predictable cash requirements. Investment maturities shall not exceed the anticipated cash flow requirements.

Diversification - Market conditions will greatly influence the selection of maturities and security types. At no time shall maturities go beyond debt service payment dates.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for debt service funds shall be the trailing average of the CMT that most closely matches the weighted average maturity of the portfolio. For Debt Service Funds, it is expected this will be the three month trailing average of the three-month CMT.

Reserve Funds:

Investments for reserve funds have as their primary objective the ability to generate a dependable revenue stream with a low degree of volatility. Purchased securities will be of high quality with short to intermediate term maturities. Reserve fund portfolios include the revenue bond reserve fund and the rate mitigation fund.

Suitability - All securities that are authorized in the Statement of Investment Policy except as may be restricted by bond ordinance are suitable for reserve funds.

Safety of Principal - All investments shall be short to intermediate term, high quality securities, with no perceived default risk.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Liquidity - Unless there are anticipated cash flow requirements, reserve funds generally do not require a high degree of daily liquidity. Purchased securities shall have a stated final maturity date of five years or less from the date of purchase.

Diversification - Market conditions will greatly influence the selection of maturities and security types. Securities shall be of high quality, with short to intermediate term maturities. A dollar weighted average maturity of 3 years or less will be calculated using the stated final maturity date for each security.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for reserve funds shall be the trailing average of the CMT that most closely matches the weighted average maturity of the portfolio. For Reserve Funds, it is expected this will be the one year trailing average of the one-year CMT.

(D) *Statement of investment policy*

Chapter 2256 of the Texas Government Code requires the City to annually adopt rules governing its investment practices and to define the authority of its investment officers. This investment policy applies to the investment and management of all funds under direct authority of the City. These funds include all governmental, proprietary, and trust and agency funds which are accounted for in the City's Comprehensive Annual Financial Report. The Employees Deferred Compensation Agency Fund and the Other Post Employment Benefit Trust Fund are excluded from coverage under this Policy.

(1) Investment of funds will be governed by the following investment objectives, in order of priority:

Preservation and safety of principal - Preservation of capital is the foremost objective of the City. Each investment transaction shall seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value.

Liquidity - The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which can be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

Yield - The investment portfolio of the City shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. The Director of Financial Services will from time to time establish performance measures and goals for the portfolio rates of return. Efforts to seek returns higher than the established goals must be consistent with risk limitations

identified in this policy and prudent investment principles.

(2) Responsibility for the management of the investment program is assigned to the Director of Financial Services. Other individuals authorized as investment officials by the City Council are the Cash and Debt Manager and the Controller. Investment authority of all investment officers shall conform to all applicable Federal and Texas laws, the City Charter, the ordinances of the City, the Statement of Investment Strategy, and this Statement of Investment Policy. The Director shall establish written procedures for the operation of the investment program, consistent with this Statement of Investment Policy. No person may engage in an investment transaction or the management of City funds except as provided under the terms of this Statement of Investment Policy, the Statement of Investment Strategy, and the procedures established by the Director of Financial Services.

(3) An Investment Committee comprised of the City Manager, the Director of Financial Services, the Cash and Debt Manager, the Controller, and the City's investment advisor, if the City has contracted with an advisor, will meet on a quarterly basis. The investment advisor is a non-voting member of the Investment Committee.

The primary objective of the Committee will be to review general strategies and policies, monitor investment program results, select independent training sources, and authorize securities dealers.

(4) Each investment officer shall attend not less than ten hours of instruction relating to investment responsibilities during the first year of employment and not less than 8 hours of instruction relating to investment responsibilities every two years thereafter. Training must be provided by an independent source approved by the Investment Committee.

(5) The City may contract with an investment advisor, who shall adhere to the spirit, philosophy and specific term of this Statement of Investment Policy. The investment advisor shall invest on behalf of the City using the standard of care described in Sec. 2256.006 of the Texas Government Code and in this Statement of Investment Policy. The investment advisor must be registered with the Securities and Exchange Commission (SEC) under the Investment Advisors Act of 1940 as well as with the Texas State Securities Board. Investment advisors may assist the City with the management of the City's funds and similar responsibilities including, but not limited to, the review of investment policy, development of appropriate investment strategies, security analysis, trade execution, security clearance, broker-dealer compliance, investment reporting and security documentation.

(6) The Director of Financial Services shall establish a system of internal controls which shall be documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by investment officials. Controls deemed most important include: control of collusion, separation of duties, separating

transaction authority from accounting and recordkeeping, custodial safekeeping, avoidance of bearer-form securities, clear delegation of authority, specific limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized investment officials, and documentation of and rationale for transactions.

(7) In conjunction with the annual independent audit required by law and the City Charter, the City's independent auditor shall review the investment records for the end of each quarter. The independent auditor shall report the results of the review directly to the City Council.

(8) The City's investment officers shall be governed by the standard of care applicable to a prudent investor as described in Sec. 2256.006 of the Texas Government Code and in this Statement of Investment Policy. Investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(9) In applying the "prudent person" rule, the investment officer shall exercise prudence with respect to the management and investment of all funds over which the officer has responsibility and control. The investment officer must determine whether investment decisions are consistent with this Statement of Investment Policy.

(10) All participants in the investment program shall act responsibly as custodians of the public trust. Investment officials will avoid any transaction that might impair public confidence in the City's ability to govern effectively. Investment officers shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the City Council recognizes that in a diversified portfolio, occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

(11) Investment officers, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for market price changes, provided that these changes are reported immediately and that appropriate action is taken to control adverse developments.

(12) The investment instruments authorized for purchase by the City are limited to:

- ☐ Direct obligations of the United States government with a stated final maturity of five years or less from the date of purchase.
- ☐ Debentures or discount notes with a stated final maturity of five years or less from

the date of purchase issued by, guaranteed by, or for which the credit of any of the following Federal agencies and instrumentalities is pledged for payment: Federal National Mortgage Association (FNMA or Fannie Mae), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac), Federal Agricultural Mortgage Corporation (FarmerMAC), Export-Import Bank of the United States (EXIM Bank), and the Private Export Funding Corporation (PEFCO).

- ☐ Bonds or other interest bearing obligations having a stated final maturity of five years or less from the date of purchase of which the principal and interest are guaranteed by the full faith and credit of the United States government.
- ☐ Repurchase agreements collateralized with U.S. Treasury securities at a minimum market value of 102 percent of the dollar value of the transaction, with any accrued interest accumulated on the collateral included in the calculation. Eligible collateral will have a maximum maturity of ten years. Repurchase agreements may be entered into only with primary government securities dealers who have executed a City approved Master Repurchase Agreement. Collateral shall be delivered to and held by the City's third party safekeeping agent. As used herein, the term "repurchase agreement" includes direct security repurchase agreements and reverse security repurchase agreements. A written master repurchase agreement shall be established between the City and the seller prior to purchase. The maximum term for direct security repurchase agreements and reverse security repurchase agreements will be 90 days or less. Funds received under the terms of a reverse security repurchase agreement may not be used to purchase any investment whose final maturity date exceeds the expiration of the reverse.
- ☐ Certificates of deposit issued by a depository institution that has its main office or branch office in Texas if:
 - Such certificates of deposit are: (i) guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successors; or (ii) secured by obligations described in subsection (1) or (2) above, and the collateral will be held by the City's third party custodian; or
 - Such depository institution contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Texas Government Code; or
 - Such certificates of deposit are brokered by an authorized broker/dealer that has its main office or a branch office in Texas who or which contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Texas Government Code.

- SEC registered no-load money market mutual funds with a dollar-weighted average portfolio maturity of 60 days or less. Assets will consist exclusively of those securities listed above. The investment objective of the fund is to maintain a stable \$1 net asset value. The maximum stated maturity of the fund will be 13 months.
- State or local investment pools organized under the Interlocal Cooperation Act. The investment pool must be rated no lower than investment grade by at least one nationally recognized rating agency and have a dollar-weighted average portfolio maturity of 60 days or less. Assets will consist exclusively of those securities listed above. The investment objective of the pool is to maintain a stable \$1 net asset value. All securities owned in the pool will have a stated remaining maturity of thirteen (13) months.
- Commercial paper rated not less than A1 or P1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and that is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. The securities must have a stated maturity of 270 days or less from the date of purchase. No more than 5% of any one issuer may be held and no more than 25% of any fund or group of funds will be invested in commercial paper. Physical delivery securities are ineligible.
- Obligations of states, agencies, cities, and other political subdivisions of any state rated not less than A or an equivalent rating by at least two nationally recognized credit rating agencies.

(13) The credit rating of investment instruments will be continuously monitored through daily market participation and through the monthly mark-to-market pricing of securities. The liquidation of an investment instrument will be considered if its credit rating falls below minimums stated in this statement of investment policy.

(14) The City is expressly prohibited from entering into options trading or futures contracts, hedging or purchasing any security which is not authorized by Texas state law.

(15) As an integral part of this statement of investment policy, the City shall adopt a separate written statement of investment strategy for each fund or group of funds. Each investment strategy shall describe the investment objectives of each fund or group of funds according to the following order of importance:

- (a) Suitability
- (b) Preservation and safety of principal

- (c) Liquidity
- (d) Marketability of the investment before maturity
- (e) Diversification
- (f) Yield

(16) Securities purchased for the City's portfolios will be delivered by book entry and will be held in third party safekeeping by a Federal Reserve member financial institution designated as the City's custody and safekeeping agent.

(17) The City will execute safekeeping agreements prior to utilizing the custodian's safekeeping services. The safekeeping agreement must provide that the safekeeping agent will immediately record and promptly issue and deliver a safekeeping receipt showing the receipt and the identification of the security, as well as the City's interest. All securities owned by the City will be held in a customer account naming the City as the customer.

(18) All security transactions will be on a delivery versus payment basis to the City's third party custody and safekeeping agent through the Federal Reserve Bank wire system. In this manner, the City will always have possession of either the securities or moneys.

(19) Custody and safekeeping procedures will be reviewed annually by the independent auditor.

(20) The City seeks active portfolio management to enhance total returns within the guidelines of this policy. Investment decisions should not incur unreasonable investment risk in order to obtain investment income. The City will not make investments for the purpose of trading or speculation.

(21) Each investment transaction must be based on competitive quotations from at least three securities dealers authorized to engage investment transactions with the City.

(22) Authorized investment officers shall access real-time electronic financial information to monitor the market price of acquired investments. The pricing information will be used to verify the accuracy of quoted prices for a potential purchase or sale to ensure that a fair market price is attained.

(23) If the City has contracted with an investment advisor it shall be the responsibility of the investment advisor to solicit competitive quotations from at least three securities dealers, to document and disclose those offers to the City, and to ensure a fair market price is obtained.

(24) In managing its investment portfolio, the City will avoid any purchase of investments, or any investment practice or procedure which is not specifically authorized under this

policy.

(25) It is the policy of the City to avoid concentration of assets in a specific maturity, a specific issuer or a specific class of securities. The allocation of assets in the portfolios should be flexible depending upon the outlook for the economy and the securities markets. In establishing specific diversification strategies, the following general policies and constraints shall apply.

(a) Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.

(b) To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements.

(c) Risks of market price volatility shall be controlled through maturity diversification.

(d) The placement of investment transactions and the gathering of market information shall be diversified among all authorized brokers.

(26) A qualified financial institution shall be selected to serve as the City's primary depository through a bank services procurement process, which shall include a formal request for application issued at least every five years. In selecting a depository, the City shall consider various criteria as specified prior to the issuance of the request for application. Financial institutions located outside of the city boundaries may be considered to participate in the request for application process provided the City has adopted a policy permitting it.

(27) Upon selection, the financial institution shall comply with the requirements and agreements identified in the request for application. The financial institution is required to comply with the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code.

(28) Consistent with the requirements of State law, the City requires all bank and savings bank deposits to be federally insured, fully secured through an FHLB standby letter of credit or collateralized with eligible securities in accordance with the Public Funds Collateral Act, Chapter 2257 of the Texas Government Code. Eligible securities as defined in Chapter 2257 shall be deposited with a third party custodian prior to the deposit of City funds. The City reserves the right to accept or reject any form of collateral, at its discretion. The pledged collateral must be maintained at all times during the term of the depository contract at required levels. In order to perfect the City's security interest in the pledged collateral under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), it is required that a collateral agreement between the City and the depository be signed by both parties prior to the deposit of City funds. The collateral agreement must

be approved by the depository's board of directors or its loan committee, which approval shall be reflected in the minutes of the board or committee. The signed collateral agreement, board resolution, and minutes certifying the approval of the collateral agreement must be presented to the City prior to the deposit of City funds.

(29) Government security broker/dealers authorized to engage in investment transactions with the City will be selected on the basis of their financial stability, expertise in cash management for local government and their ability to service the City's account. The qualifications of prospective broker/dealers will be determined from a completed broker/dealer questionnaire, personal interview and reference checks.

(30) Before engaging in investment transactions with the City, a prospective securities broker/dealer must provide a written instrument certifying that the securities broker/dealer has received and has thoroughly reviewed the City's Statement of Investment Policy. A prospective securities broker/dealer must provide evidence of registration with FINRA and the State of Texas Securities Commission. Qualified broker/dealers authorized to engage in investment transactions with the City are required to regularly submit their most recent audited financial statements to the City.

(31) If the City has retained a registered investment advisor for the management of its funds, the advisor shall be responsible for performing due diligence on and maintain a list of broker/dealers with which it shall transact business on behalf of the City. The advisor shall annually present a list of its authorized broker/dealers to the City for review. The advisor shall confirm in writing that the advisor has reviewed the City's investment policies and has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities on behalf of the City. The advisor shall obtain and document competitive bids and offers on all transactions and present those to the City as part of its standard trade documentation.

(32) The Investment Committee will adopt and annually review the list of dealers authorized to engage in investment transactions with the City.

(33) The investment officer shall prepare and submit to the City Council and management on a quarterly basis an investment report for each fund and fund group which describes in detail the current investment position, states the beginning market value, the additions and changes to market value, and ending market value for each pooled fund, states the book value and market value of each separately invested asset at the beginning and end of the reporting period, states the maturity date of each separately invested asset, states the fund for which each individual investment was acquired and states compliance of each fund group with this Statement of Investment Strategy, the Public Funds Investment Act, and with generally accepted accounting principles. The report shall also summarize and present, on a combined portfolio basis, total market valuation, total realized gains and losses, total unrealized gains and losses, distribution by maturity sector, and distribution by security type. The report will also indicate, by portfolio, total investments held and total interest income earned on a full accrual basis. The report may comment on current

investment approaches and other items significant to the investment program. The report shall be signed by the Director of Financial Services and the investment officer. The investment report presented at the end of the fiscal year may also include a review of the investment activities and earnings for the entire fiscal year for each fund or fund group, discuss investment techniques, and suggest improvements which will enhance the investment program and present an investment plan for the ensuing fiscal year. The report may discuss other significant issues related to the investment program.

(34) Investment officers of the City shall refrain from personal and business activities involving any of the City's custodians, depositories, broker/dealers or investment advisors which may influence the officers' ability to conduct the officer's duties in an unbiased manner. Investment officers will not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the City's business for personal investment decisions, will in all respects subordinate their personal investment transactions to those of the City (particularly with regard to the timing of purchase and sales), and will keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

(35) This statement of investment policy and the statement of investment strategy will be reviewed annually by the City Council. Upon completion of the review, the City Council will acknowledge by resolution or minute action that it has reviewed the investment policy and investment strategy. Periodic revisions to the investment policy, the statement of investment policy, and the statement of investment strategy may be approved by the City Council.

Section 3 Detecting, investigating, and preventing fraud, waste, and abuse

(A) For purposes of this section:

"Fraud" includes, without limitation:

- ☐ Forgery, alteration, or unauthorized negotiation or presentment of a check, warrant, bank draft, or any other financial document of the City or its affiliates including electronic transfer of funds
- ☐ Theft of City property, including money or other thing of value
- ☐ Misappropriation of City funds, securities, supplies, or other assets
- ☐ Impropriety in the handling or reporting of money or financial transaction
- ☐ Profiteering as a result of insider knowledge of City operations
- ☐ Disclosing to another for improper gain and without authorization any confidential or proprietary information of the City
- ☐ The receipt of kick-backs, bribes or improper gifts
- ☐ Sabotage or other acts of intentional damage to City resources, including improper access or damage to a City database

“Waste” means the loss or misuse of City resources that result from deficient practices, system controls or decisions. A non-exclusive example of waste includes a violation of the City’s non-idle policy, that is, waste of fuel by needlessly allowing a vehicle to idle.

“Abuse” means the intentional, wrongful or improper use of resources or misuse of rank, position or authority that causes the loss or misuse of City property or resources such as tools, vehicles, computers, fuel, or employee time. Non-exclusive examples of abuse include using City equipment or supplies to conduct personal business and using non-confidential information to get new customers for an employee’s outside business.

(B) The City Manager shall be primarily responsible for preventing and detecting fraud, waste, and abuse involving City employees. The City Manager shall require his managerial employees to be responsible for initiating preventive measures where appropriate, to be familiar with the types of improprieties that might occur within the managerial employee’s area of responsibility, and to be alert for any indication of fraud, waste or abuse. The City Manager shall establish by directive rules for City employees regarding fraud, waste, and abuse consistent with the provisions of this policy. The directives shall apply to all employees of the City Manager and without regard to a suspected employee’s length of service or position. The directives shall require that any employee who detects or suspects an incident of fraud, waste or abuse shall immediately report the same to the next higher level of supervision in the employee’s chain of command. If the person in the next higher level of supervision is also suspected of fraud, waste or abuse, the employee shall report the fraud, waste or abuse to the Managing Director responsible for the department to which the employee is assigned. The directives shall allow an employee to by-pass the chain of command by reporting suspected fraud, waste or abuse to the hotline described below.

(C) The provisions of this policy apply to persons doing business with the City.

(D) The Internal Auditor shall establish and operate, with the cooperation of the City Manager, a “hotline” phone number or on-line intake system to which a person may anonymously report fraud, waste or abuse. A fraud, waste, and abuse hotline poster shall be developed by the City Manager and the Internal Auditor and shall be displayed at prominent locations throughout City buildings. The poster shall include information as to how an allegation may be reported through the hotline system.

(E) As a general rule, the Internal Auditor has primary responsibility to investigate allegations of fraud and the City Manager has primary responsibility to investigate allegations of waste and abuse. No definitive rule is established by this policy, however, due to the unique circumstances of any given case. Some allegations of fraud - the theft of minor office supplies, for example - while serious, are matters to be addressed through the City Manager for appropriate action. An allegation of abuse or waste, on the other hand, may involve a criminal offense or have such substantial consequences to the interests of the City that the Internal Auditor should have the primary responsibility for investigation. An allegation that relates to an employment dispute (disagreement with management

decisions or style, workers compensation issues, claims of discrimination or workplace grievances and such) shall be referred to the Managing Director of Human Resources to be handled in accordance with controlling law and City policies. The City Manager, the Internal Auditor, and the City Attorney are directed to cooperate in determining the best means of protecting the City's interests.

(F) When the Internal Auditor receives an allegation of fraud, waste or abuse, the Internal Auditor shall:

(1) Determine whether the Internal Auditor or the City Manager has primary responsibility over the allegation as provided in this policy and proceed accordingly;

(2) If the Internal Auditor has primary responsibility, perform an initial investigation to determine whether the complaint alleges reasonable cause to continue with an investigation; and

(3) If the complaint alleges a serious instance of fraud, waste or abuse under this policy, refer the complaint to the Fraud, Waste, and Abuse Committee (as described below) for further discussion and direction.

(G) The Fraud, Waste, and Abuse Committee consists of the Chair of the Audit Committee, the Internal Auditor, the City Manager, the City Attorney, and the Managing Director of Human Resources. The Chief of Police may be made a member of the committee if an allegation includes conduct that may constitute a crime or the standing committee may refer a matter to the Chief of Police for criminal investigation.

(H) The Internal Auditor, in coordination with the Fraud, Waste, and Abuse Committee, shall report serious incidents to the City Council either directly or through a report to the Audit Committee, which shall then report the matter to the City Council. The report generally should not include the names of persons involved in the incident. Minor or non-serious incidents are generally internal management issues and reports of such to the City Council are not appropriate. The director of the department in which the incident arose shall, however, provide a written report to the City Manager regarding what actions were taken in response and what corrective actions will be taken to prevent recurrences.

Section 4 Qualifications for doing business with the City

(A) For purposes of this policy, "person" includes: (1) an individual; (2) a majority owner or principal of a corporation, partnership, association, or limited liability company; (3) shareholders in a business entity with five or fewer shareholders; and (4) majority owned affiliates of the foregoing.

(B) It is the policy of the City Council that the City not engage in business with a person who has been convicted of any state or federal felony offense. The City shall not, except as provided in this policy, enter into or renew a contract to purchase, sell, or lease goods

or services to or from any person who has been: (1) convicted of a state or federal felony; or (2) convicted or fined in excess of \$50,000 on certain state or federal discrimination offenses. A conviction includes a probated sentence, a deferred adjudication, or similar disposition. Discrimination charges include only those brought for discrimination based on race, gender or religion.

(C) This policy does not apply when:

(1) At least three years have elapsed between the conviction and the approval of the contract;

(2) The contract does not require City Council approval;

(3) Anything of value is paid or given to a person as an informant or participant in a crime stopper program; or

(4) The City Council determines that application of this policy to a proposed contract would cause financial hardship to the City by its application (in which event the City Council may waive the application of this policy by the affirmative vote of not less than six members of the City Council).

(D) For bid applications that may result in a contract award by the City Council, the bidder shall include a certification in the offer that the bidder is not disqualified by the application of this policy.

Division 4. STANDARD OPERATING PROCEDURES AND HOUSEKEEPING RULES

Section 1 National Night Out

National Night Out is an event recognized throughout the United States and Canada and held annually on the first Tuesday in August (October in Texas). It is designed to heighten crime and drug prevention awareness, generate support for and participation in local anti-crime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know that neighborhoods are organized and fighting back. Because the scheduled National Night Out often conflicts with the regularly scheduled first regular council meeting in October, a rescheduling of that meeting is necessary. Therefore, the first regular meeting of each October, normally held on the first Tuesday of the month, shall be rescheduled either to the first Monday of the month or to the second Tuesday of the month, when there are five Tuesdays in the month. The City Manager shall advise the City Council of scheduling options in order that the City Council may take action to reschedule the meeting not later than the second regular meeting in September.

Section 2 Board and commission appointments

(A) In May and June of every year, the City will, through the Garland City Press or similar distributions, including the city website, Garland City Press Briefs, Neighborhood Chatter, Nextdoor and other available community-related electronic communication tools, include information for the public that explains the purpose and function of every board and commission appointed by the City Council, except the Garland Youth Council. The information will solicit applications from interested Garland residents. Applications for appointment must be delivered to the City Secretary and shall be submitted on a form provided by the City Secretary for that purpose. Upon receipt of an application, the City Secretary shall check the applicant's qualifications against the requirements for appointment to the office for which appointment is sought. The deadline for submitting an application is July 1. Following the filing deadline, the City Secretary shall forward applications, including those submitted by incumbents who wish to be reappointed to a position, to the City Council for consideration. The City Council shall also be provided with an attendance report detailing the number of absences of each current board member for the preceding reporting period and a report on current vacancies.

(B) In regards to the Garland Youth Council (GYC), in March and April of every year, the City will, through the Garland City Press or similar distributions, including the city website, Garland City Press Briefs, Neighborhood Chatter, Nextdoor and other available community-related electronic communications tools include information for the public that explains the purpose and function of the GYC. The information will solicit applications from interested Garland residents who are students enrolled in grades 9 through 12. Applications for appointment must be delivered to the GYC Staff Liaison and shall be submitted on a form provided by the GYC Staff Liaison for that purpose. Upon receipt of an application, the GYC Staff Liaison shall check the applicant's qualifications against the requirements for appointment. The deadline for submitting an application is May 1. Following the filing deadline, the GYC Staff Liaison shall forward applications, including those submitted by qualified incumbents who wish to be reappointed to a position, to the City Council for consideration. The City Council shall also be provided with an attendance report detailing the number of absences of each current appointment for the preceding reporting period.

(C) Councilmembers should review applications submitted for the position to be filled and select for nomination the person determined by the Councilmember to be most qualified for the position. Appointments for the Garland Youth Council will be made on nomination at the first regular meeting of the City Council in July. Appointments for all other boards and commissions will be made on nomination at the second regular meeting of the City Council in August.

Section 3 Assistance to non-profit organizations for special events

(A) A non-profit organization that intends to sponsor a special event within the City may request in-kind (non-monetary) assistance from the City by submitting a written request to the City Manager. A request for assistance must be made for each event - standing or

continuing requests are not allowed. A request for assistance must specify what benefits will accrue to the City as a result of the event and must specify with reasonable particularity what City services are being requested. A request for assistance must include a completed Special Events Assistance Program Application (see attached form). The request and application must be filed not less than 45 days prior to the date of the event. A request for assistance does not constitute an application for a special events permit under Chapter 30 of the Code of Ordinances unless so determined by the Building Official.

(B) In order to be approved, a request for assistance must meet the following criteria:

(1) The sponsoring organization must provide evidence that the organization is an established civic, cultural, educational, religious or service group that is nationally- or state- chartered and that its membership is open to all citizens of Garland;

(2) The organization must provide proof of non-profit status under Section 501(c) of the Internal Revenue Code;

(3) The event must be of economic benefit to the community or contribute to the quality of life in Garland;

(4) An expense and revenue report for any previous year's event(s) must be included with the application;

(5) If the applicant has not previously obtained City assistance for the event, a projected expense and revenue report must be included with the application; and

(6) The event must be open for participation by the public.

(C) The City Manager may approve a request that meets the criteria established in this policy up to a maximum of \$5000.00 per event, within available budgeted funds. Requests shall generally be considered on a first-come, first approved basis.

(D) The amount, if any, to be made available for assistance under this policy will be determined by the City Council on an annual basis as part of the annual operating budget.

(E) The City Manager shall timely notify the City Council of any upcoming special events for which assistance under this policy has been approved.

Section 4 Use of certain City-owned equipment for special events

(A) Under this policy, certain equipment owned by the City and under the control of the Parks, Recreation and Cultural Arts Department may be made available without remuneration to an organization that meets the requirements established in this policy. A request for equipment usage under this policy is secondary to and subject in all respects to the priority given to City-wide events, events sponsored by a City department, or an event co-sponsored by the City.

(B) A requesting party must make a formal written request to the City by submitting a Special Event Assistance Program Application. An application may be submitted to the Parks and Recreation Administrative Offices, 634 Apollo Rd, Garland, TX 75044 (or MET@garlandtx.gov). Approval of a request is entirely dependent on the availability of equipment. A request must be submitted at least 45 days prior to the event. A person appointed for that purpose by the City Manager is authorized to consider and approve requests that meet the requirements of this policy. Only the City Council, however, may approve a request that does not fully meet the requirements of this policy.

(C) A request for use of public equipment may not be approved except as follows:

- (1) The event must be held within the Garland city limits;
- (2) A requesting party may submit no more than two requests per calendar year;
- (3) Unless the requestor represents a neighborhood association registered as such with the Office of Neighborhood Vitality, the requesting party must meet the eligibility requirements of the City's Special Event Assistance Program as provided in Article II, Division 4, Section 3 of these policies;
- (4) Except for a neighborhood association registered as such with the Office of Neighborhood Vitality, the event must be open to the public for participation;
- (5) If applicable to the event for which the equipment is requested, the requesting party must submit with its request a copy of the temporary activity permit issued by the Building Official under Section 30.210, *et seq.* of the Code of Ordinances; and
- (6) The requestor must complete, sign, and submit with its application a waiver of liability and indemnification agreement pertaining to the equipment and its use in a form approved by the City Attorney.

(D) The method of transporting the equipment and, if the equipment is to be kept overnight by the requestor, the proposed method of storing and securing the equipment, must be approved in advance by the City. Failure on the part of the requestor to properly transport, store, secure or care for the equipment will disqualify any future requests by that requestor.

(E) Equipment must be returned in good condition within three days of receiving the equipment. The person signing the application form on behalf of the requestor shall be responsible for reimbursing the City for lost, damaged or delayed equipment.

Section 5 Periodic Charter review

The City Attorney shall periodically advise the City Council whether, due to changes in the law, a necessity exists for a change in the Charter. If the City Council determines that a change in the Charter should be considered, it shall timely appoint a Charter Review Committee in accordance with the Charter.

Section 6 Election day political sign moratorium

(A) Traditionally, persons who support (or oppose) a candidate or a measure in an election often urge voters arriving at a polling place on election day to vote in the manner endorsed by those supporters through various means of electioneering, including personal contacts, and by displaying signs near the polling place. Under the City's general sign regulations, the placement of political signs on City property and streets is prohibited. This policy is intended to provide for a one-day moratorium on the placement of political signs at a polling place on the official date of an election.

(B) The City Manager is directed to hold in abeyance the enforcement of those provisions of the Code of Ordinances and the Garland Development Code for the premises of a polling place and the immediately adjoining, contiguous public street front of the polling place for a period commencing at 7:00 p.m. the day before the official date of an election and ending at 7:00 a.m., the day following the election. The abeyance provided hereby shall apply only to signs containing a political message and only applies if the sign: (a) is no larger than six square feet in area and weighs no more than one pound; (b) is mounted to the ground by means of a stake or stakes, a pedestal, or other temporary, ground mounted, self-supporting means; and (c) does not encroach on the distance barrier prescribed by Sec. 63.100, Texas Election Code.

(C) Nothing contained in this policy shall be construed as allowing the placement or attachment of any sign on any tree, pole, building or other sign or damaging in any manner any City property. This policy is not intended to limit in any manner the authority of the State or election officials regarding electioneering and the placement of signs, and this policy does not require the owner of a polling place not owned by the City to allow the placement of signs on that property. No sign may be placed so as to encroach upon or obstruct any street, driveway, parking space, fire lane, sidewalk or pathway.

(D) If the sign contains a political message, this policy applies, and the City Manager does not have discretion to determine whether the viewpoint expressed on the sign falls within or without the moratorium authorized by this policy. No member of the City Council shall demand that a sign be removed or that any provision of the City's sign regulations otherwise be enforced with respect to any political sign covered by this policy.

Division 5. CEREMONIAL AND HONORARY PROCEDURES

Section 1 Building dedication plaques

Dedication plaques may be placed on new City buildings, City buildings that have undergone major rehabilitation, and on other major capital improvement projects. The dedication plaques, if commemorating members of the City Council, shall include only the names of the mayor and the members of the City Council who initially approved the project. The names of members of the City Council who approved preliminary matters (such as the capital improvements plan) or subsequent matters (such as change orders) need not be included.

Section 2 Outgoing appreciation commemoratives

(A) The City shall recognize the service of outgoing members of the City Council by presenting the member with a City flag and a commemorative memento that displays the City of Garland seal and the name and years of service of the Councilmember. The design and form of the memento shall be coordinated through the Office of the City Manager in order to provide consistency and cost control. The City Council shall budget funds necessary and appropriate for such purposes.

(B) In recognition of the services provided by the citizens who serve as appointees to boards and commissions, the City Council shall budget for an annual appreciation function to be held in the fall for all members of boards and commissions who have served during the preceding year. At that time, members who are retiring will be presented with a commemorative recognition of appreciation for service to the City in a form provided by the City Manager.

Section 3 Ceremonial documents

Certain ceremonial documents may be issued by the Mayor including proclamations, special recognitions, resolutions of honor, honorary citizenships, and official greetings. A member of the City Council may request the preparation of certificates of appreciation for presentation to citizens who the Councilmember wishes to recognize for outstanding service to Garland. All requests for ceremonial documents shall be made in writing to the Office of the Mayor. The request shall describe the occasion or person to be commemorated, the value of that person or occasion to Garland, and how the proposed commemoration relates to the citizens of Garland. The Mayor shall determine whether to approve the request and, if approved, what form of commemoration will be given and whether the commemoration will be presented at a meeting of the City Council.

Section 4 Meritorious service awards

On occasion, a citizen or employee of the City may perform an act of heroism or provide service to the citizens of Garland beyond the call of duty. The City Council may recognize

such acts and service by issuing a City Council “Medal of Honor” to deserving recipients. A nomination for the award of a meritorious service award may be submitted to the City Council by any member or, if the nomination is made by a citizen, by forwarding the nomination to the Mayor.

Division 6. COUNCIL DIRECTIVES TO MANAGEMENT

Section 1 Public use of City Hall

The City Manager shall develop a program to allow for the use of the Council Chambers and the 1st Floor meeting rooms in City Hall by non-profit groups. The program shall be consistent with current security protocols and shall recognize the public use of City Hall for public business as paramount.

Section 2 Compensation of City employees

It is the policy of the City Council that, within the City’s financial and budgetary limits, all City employees will be compensated at a level that is competitive with the compensation paid to employees within the City’s employment market area. The City Manager is directed to have annual compensation surveys conducted within the City’s employment market area to determine whether employment compensation for City employees is competitive for such purposes, and to perform occasional job evaluations to determine what compensation adjustments should be made for persons already employed by the City.

Section 3 Homeowner’s association by-law review

Some homeowners’ associations within the City must submit the by-laws (or amendments to the bylaws) of the association to the City for review and approval. The City Manager shall designate a department for such purposes and shall cause the review to be limited to a determination whether the proposed bylaws, including any proposed amendment, adequately provides a source of funds and a means of obtaining those funds (such as through mandatory homeowners’ association assessments) to pay for the upkeep, repair, and maintenance of any improvements owned by the association including public improvements such as screening walls, subdivision entry features, and the like.

Section 4 Right of way acquisition and waiver of special assessments

The City Manager is hereby authorized to offer, in exchange for a dedication of right of way necessary for the completion of a street improvement project, the waiver of special assessments that will or may be assessed against the owners of real property that abuts the project.

Section 5 Restrictions on the representation of third-parties by former City employees (“revolving door policy”)

A former employee of the City who was employed as a departmental director, managing director, senior managing director, or as the City Manager may not make any communication to or appearance before the City Council before the second anniversary of the date the former employee ceased to be employed by the City if the communication or appearance is made: (1) with the intent to influence the City Council; (2) is made or done on behalf of any person other than the former employee in an individual capacity, and; (3) is made or done in connection with any matter on which the former employee seeks official action.

Section 6 “Over-hiring” of civil-service positions for police and fire

The City Council recognizes that, when a vacancy occurs in an entry-level civil service position, the process of recruiting and training a replacement may take more than a year. Due to the time lag, the rigors of training, and other factors beyond the City’s control, a class of potential recruits may decrease in size by half or more during the recruitment and training process. The City Council also recognizes that the expected vacancy rate for the Police and Fire departments can be reasonably calculated. It is the desire of the City Council that staffing of civil service positions remain as close as possible to 100% of authorized strength. Accordingly, the City Manager is authorized to estimate the potential vacancies within the Police and Fire departments that are reasonably likely to occur within the future and, based on that estimate, hire a sufficient number of recruits for those positions so that, accounting for anticipated and historical attrition rates, the staffing level of civil service positions will likely be as close as possible to 100% of authorized strength.

Section 7 Doing business with delinquent account holders

It is the policy of the City Council that the City not do business with a person (including a business entity of any sort) who is delinquent on an account to the City. Examples of delinquent accounts include taxes, impact fees, special assessments, utility bills, and EMS fees. The City Manager shall cause the affected departments within the City (including Purchasing, Engineering, Planning, and GP&L) to be provided with sufficient information to enforce the provisions of this policy.

Section 8 Payroll deductions under Sec. 141.008, TEX. LOCAL GOV’T CODE

Membership dues payable to a bona fide employee’s association named by a requesting employee may be deducted from the requesting employee’s salary or wages provided that: (1) the requesting employee is an active, full-time employee; (2) participation by the requesting employee in the payroll deduction program is voluntary; (3) the requesting employee submits to the City a written request stating the amount to be deducted each month from the employee’s salary or wages; and (4) the written request specifies the employees’ association to which the deducted funds will be transferred. The City is under

no obligation to incur any expense in the administration of an employee payroll deduction program.

ATTACHMENTS:

Council Committee Interest Form

Special Events Assistance Program Application



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

13.

Meeting Date: 02/18/2020

Item Title: Joint Election Contracts

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council is requested to approve a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 2, 2020 General Election.

Dallas and Collin County will provide the estimated cost for the election after February 20, 2020.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the Mayor, City Manager, and City Secretary to enter into a Joint Election Contract and Election Services Agreement with Dallas and Collin County Elections and other participating County Entities.

Attachments

2020 Election Services Contract - Approval of Voting System

Collin County Contract

Dallas County Contract

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES CONTRACT WITH DALLAS COUNTY BY AND THROUGH THE DALLAS COUNTY ELECTIONS ADMINISTRATOR, AND A JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT WITH COLLIN COUNTY BY AND THROUGH THE COLLIN COUNTY ELECTIONS ADMINISTRATOR; ADOPTING CERTAIN DESIGNATED VOTING SYSTEMS FOR USE IN THE 2020 GARLAND GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That the City Manager is hereby authorized to execute an Election Services Contract with Dallas County, Texas (by and through its elections administrator) and a Joint General and Special Election Services Contract with Collin County, Texas (by and through its elections administrator), both in the form and substance of those attached to this Resolution.

Section 2

That, in accordance with Sec. 123.001 of the Texas Election Code, the City Council hereby approves the voting equipment/system chosen by Dallas County for this election and certified by the Texas Secretary of State and by the United States Election Assistance Commission as follows:

For Dallas County: ES&S ExpressVote Universal Voting System (Ballot Marking Devices), EVS 6.0.2.0, Firmware 2.4.0.0; the ES&S DS200 Digital Precinct Scanner, EVS 6.0.2.0, Firmware 2.17.0.0.; and ES&S' Model DS850 High-Speed Scanner/Tabulator, Version 1, EVS 6.0.2.0., along with the required ancillary parts and services required for this voting tabulation system equipment.

For Collin County: ExpressVote Universal Voting System consisting of Electionware election management software, ExpressVote ballot marking device, ExpressTouch curbside voting device, DS200 precinct tabulator/scanner, DS450 high speed central scanner and DS850 high speed central scanner.

Section 3

That this Resolution shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the _____ day of February, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT ("Election Services Contract")

ELECTION SERVICES AGREEMENT
BETWEEN
THE COLLIN COUNTY ELECTIONS ADMINISTRATOR ("Elections Administrator")
AND

CITY OF ALLEN
CITY OF ANNA
CITY OF BLUE RIDGE
CITY OF CARROLLTON
CITY OF CELINA
TOWN OF FAIRVIEW
CITY OF FARMERSVILLE
CITY OF FRISCO
CITY OF GARLAND
CITY OF LUCAS
CITY OF MCKINNEY
CITY OF MURPHY
TOWN OF NEW HOPE
CITY OF PARKER
TOWN OF PROSPER
CITY OF SACHSE
TOWN OF SAINT PAUL
CITY OF WYLIE
ALLEN ISD
ANNA ISD
BLUE RIDGE ISD
CELINA ISD
FRISCO ISD
LOVEJOY ISD
MCKINNEY ISD
MELISSA ISD
PROSPER ISD
COLLIN COUNTY MUD #1
MCKINNEY MUNICIPAL UTILITY DISTRICT 1
MCKINNEY MUNICIPAL UTILITY DISTRICT 2
BEAR CREEK SUD
NEVADA SPECIAL UTILITY DISTRICT
SEIS LAGOS UTILITY DISTRICT
WESTMINSTER SPECIAL UTILITY DISTRICT
COPEVILLE WATER SUPPLY CORPORATION

FOR THE CONDUCT OF A JOINT ELECTION
TO BE HELD SATURDAY, MAY 2, 2020
TO BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR

1) POLITICAL SUBDIVISIONS OF THE STATE OF TEXAS PARTICIPATING IN THIS JOINT ELECTION TO BE HELD ON MAY 2, 2020 ("Participating Political Subdivisions")

- A. **CITIES:** The **City of Allen** plans to hold a General Municipal Election for City Council Place 2 and a Mayoral race. The **City of Anna** plans to hold a General Municipal and Special Election. The **City of Blue Ridge** plans to hold a General Municipal Election for 2 Council seats and a Mayoral race. The **City of Carrollton** plans to hold a General Municipal Election for City Councilmember Places 2, 4, and 6 and a Mayoral race. The **City of Celina** plans to hold a General Municipal Election for City Council Places 4 and 5 and a Mayoral race. The **Town of Fairview** plans to hold a General Municipal Election and a Local Option Election. The **City of Farmersville** plans to hold a General Municipal Election for Councilmember Places 2 and 4 and a Mayoral race. The **City of Frisco** plans to hold a General Municipal Election for City Council Places 5 and 6 and a Mayoral race. The **City of Garland** plans to hold a General Municipal Election for Councilmembers Place 1, 2, 4, and 5 and a Special Election. The **City of Lucas** plans to hold a Special Election, Charter Amendment Election and a reauthorization of the sales and use tax to provide revenue for city street maintenance, and a General Municipal Election for City Council Seats 1 and 2. The **City of McKinney** plans to hold a Special Recall Election. The **City of Murphy** plans to hold a General Municipal Election for City Councilmember Places 3 and 5 and a Mayoral race. The **Town of New Hope** plans to hold a General Municipal Election for 2 Alderman Seats and a Mayoral race. The **City of Parker** plans to hold a General Municipal Election for two Councilmembers at large and a Mayoral race. The **Town of Prosper** plans to hold a General Municipal Election for Town Council Places 3 and 5. The **City of Sachse** plans to hold a General Municipal Election for Council Places 4 and 5. The **Town of Saint Paul** plans to hold a General Municipal Election for Council Seats 3 and 5 and a Mayoral race. The **City of Wylie** plans to hold a Special Election to fill a vacancy and a General Municipal Election for City Council Places 5 and 6 and a Mayor race.
- B. **SCHOOLS:** The **Allen ISD** plans to hold a Board of Education Trustee Election for Places 3, 6, and 7 and a Special Election. The **Anna ISD** plans to hold a Board of Education Trustee Election for Places 5 and 7. The **Blue Ridge ISD** plans to hold a Board of Education Trustee Election for Places 3 and 6. The **Celina ISD** plans to hold a Board of Education Trustee Election for Board of Trustee Places 3 and 4. The **Frisco ISD** plans to hold a Board of Education Trustee Election for Board of Trustee Places 4 and 5. The **Lovejoy ISD** plans to hold a Board of Education Trustee Election for Positions 4, 5 and 7. The **McKinney ISD** plans to hold a Special Election. The **Melissa ISD** plans to hold a Board of Education Trustee Election for Places 1 and 2. The **Prosper ISD** plans to hold a Board of Education Trustee Election for Places 2 and 5.
- C. **DISTRICTS:** The **Collin County MUD #1** plans to hold a Board of Director Election for 3 Directors. The **McKinney MUD** plans to hold a Board of Trustee Election on for 2 Directors in **MUD 1** and 2 Directors in **MUD 2**. The **Bear Creek SUD** plans to hold a Board of Trustee Election on for 2 Board of Director positions. The **Nevada Special Utility District** plans to hold a Board of Trustee Election on for 2 Board of Director positions. The **Seis Lagos Utility District** plans to hold a Board of Trustee Election on for President, Vice President and Treasurer. The **Westminster Special Utility District** plans to hold a Board of Director Election for Secretary/Treasurer election and a Vice President race. The **Copeville Water Supply Corporation** plans to hold a Board of Trustee Election on for 3 Directors.

2) ADMINISTRATION AND STATUTORY AUTHORITY

- A. Bruce Sherbet ("Bruce Sherbet") is the duly appointed County Elections Administrator ("Elections Administrator") of Collin County, Texas and the Department Head of the Collin County Elections Department. As such, Mr. Sherbet is the County Election Officer of Collin County, Texas and is authorized by Subchapter D of Chapter 31 of Title 3 of the Texas Election Code to enter into this Election Services Contract with the contracting authorities of the Participating Political Subdivisions listed in Section 1 of this Election Services Contract.
- B. The contracting authorities of the Participating Political Subdivisions list in Section 1 of this Election Services Contract are hereby participating with each other in the Joint Election to be held in Collin County, Texas on May 2, 2020 under Chapter 271 of Title 16 of the Texas Election Code ("Joint Election") and are hereby contracting with the Elections Administrator of Collin County, Texas to perform the election services set forth in this Election Services Contract under Subchapter D of Chapter 31 of Title 3 of the Texas Election Code.

3) DUTIES AND SERVICES OF THE COUNTY ELECTION OFFICER. The Contracting Election Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

- A. The Contracting Election Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Count Station and judge of the Early Voting Ballot Board.
 - i) The Contracting Election Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The recommendations of the Participating Political Subdivisions will be the accepted guidelines for the number of clerks secured to work in each Vote Center. The presiding election judge of each Vote Center, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours. The Contracting Election Officer will determine the number of clerks to work in the Central Count Station and the number of clerks to work on the Ballot Board. Election judges shall be secured by the Contracting Election Officer with the approval of the Participating Political Subdivisions.
 - ii) Election judges shall attend the Contracting Election Officer's school of instruction (Election Law Class); calendar will be provided.
 - iii) Election judges shall be responsible for picking up from and returning election supplies to the county election warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Compensation for this pickup and delivery of supplies will be \$25.00.
 - iv) The Contracting Election Officer shall compensate each election judge and worker. Each judge shall receive \$12.00 per hour for services rendered. Each alternate judge and clerk shall receive \$10.00 per hour for services rendered. Overtime will be paid to each person working over 40 hours per week.
- B. The Contracting Election Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.

- i) The Contracting Election Officer shall secure election kits which include the legal documentation required to hold an election and all supplies.
 - ii) The Contracting Election Officer shall secure the tables, chairs, and legal documentation required to run the Central Count Station.
 - iii) The Contracting Election Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law.
 - iv) The Contracting Election Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.
 - (1) Equipment includes the rental of ExpressVote Universal voting machines, ADA compliant headphones and keypads (1 per site), DS200 ballot counters, voting signs and election supply cabinets.
 - (2) Supplies include paper ballots, Early Voting and Election Day supply kits, provisional ballot kits, security seals, pens, tape, markers, etc.
- C. The Contracting Election Officer, Bruce Sherbet, shall be appointed the Early Voting Clerk by the Participating Political Subdivisions.
- i) The Contracting Election Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.
 - ii) Early Voting by personal appearance for the Participating Political Subdivision shall be conducted during the time period and at the locations listed in **Exhibit "A"**, attached and incorporated by reference into this Election Services Contract.
 - iii) All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office, located at 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.
 - (1) Applications for mail ballots erroneously mailed to the Participating Political Subdivisions shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Election Officer for proper retention.
 - (2) All Federal Post Card Applications (FPCA) will be sent a mail ballot. No postage is required.
 - iv) All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for counting by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed by the Contracting Officer.
- D. The Contracting Election Officer shall arrange for the use of all Election Day Vote Centers. The Participating Political Subdivisions shall assume the responsibility of remitting the cost of all employee services required to provide access, provide security or provide custodial

services for the Vote Centers. The Election Day Vote Centers are listed in **Exhibit “B”**, attached and incorporated by reference into this Election Services Contract.

E. The Contracting Election Officer shall be responsible for establishing and operating the Central Count Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. Count Station Manager shall be Bruce Sherbet. The Count Station Judge shall be Neal Katz. The Tabulation Supervisor shall be Billy Pratt.

- (1) The Tabulation Supervisor shall prepare, test and run the county’s tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Election Officer.
- (2) The Public Logic and Accuracy Test of the electronic voting system shall be conducted.
- (3) Election night reports will be available to the Participating Political Subdivisions at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with state law.
- (4) The Contracting Election Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the unofficial canvass to the Participating Political Subdivisions as soon as possible after all returns have been tallied.
- (5) The Contracting Election Officer shall be appointed the custodian of the voted ballots and shall retain all election materials for a period of 22 months.
 - (a) Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
- (6) The Contracting Election Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the Participating Political Subdivisions in a timely manner. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201 of the aforementioned code.

4) **DUTIES AND SERVICES OF THE PARTICIPATING POLITICAL SUBDIVISIONS.** The Participating Political Subdivisions shall assume the following duties:

- A. A Participating Political Subdivision shall prepare the election orders, resolutions, notices, official canvass and other pertinent documents for adoption by the appropriate office or body. The Participating Political Subdivision assumes the responsibility of posting all notices and likewise promoting the schedules for Early Voting and Election Day.
- B. The Participating Political Subdivision shall provide the Contracting Election Officer with an updated map and street index of their jurisdiction in an electronic (shape file preferred) or printed format as soon as possible but no later than Tuesday, February 25, 2020.
- C. The Participating Political Subdivision shall procure and provide the Contracting Election Officer with the ballot layout and Spanish interpretation in an electronic format.

i) **The Participating Political Subdivision shall deliver to the Contracting Election Officer as soon as possible, but no later than 5:00 PM Tuesday, February 25, 2020, the official wording for the Participating Political Subdivision's May 2, 2020, Joint General and Special Election.**

ii) The Participating Political Subdivisions shall approve the "blue line" ballot format prior to the final printing.

D. The Participating Political Subdivisions shall compensate the Contracting Election Officer for an additional verified cost incurred in the process of running this election or for a manual count this election may require, consistent with charges and hourly rates shown on Exhibit "C" for required services.

E. The Participating Political Subdivisions shall pay the Contracting Election Officer 90% of the estimated cost to run the said election prior to Thursday, April 9, 2020. The Contracting Election Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The Deposit should be delivered within the mandatory time frame to: Collin County Treasury, 2300 Bloomdale Rd., #3138, McKinney, Texas 75071. Made payable to "Collin County Treasury" with a note "for election services" included with check documentation.

F. The Participating Political Subdivision shall pay the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing.

5) **COST OF SERVICES.** See Exhibits "C", "D", and "E".

6) **GENERAL PROVISIONS.**

A. Nothing contained in this Election Services Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the Participating Political Subdivision's May 2, 2020, Joint General and Special Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.

B. Upon request, the Contracting Election Officer will provide copies of all invoices and other charges received in the process of running said election for the City and School District.

C. If the Participating Political Subdivision cancel their election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be paid a contract preparation fee of \$75.00. Any Participating Political Subdivision canceling an election will not be liable for any further costs incurred by the Contracting Officer.

D. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas

MAY 2, 2020
JOINT GENERAL & SPECIAL ELECTION
Collin County Early Voting Locations, Dates and Hours

Polling Place			Address		City	
Collin County Elections Office (Main Early Voting Location)			2010 Redbud Blvd. Ste 102		McKinney 75069	
Allen Municipal Courts Facility			301 Century Parkway		Allen 75013	
Anna City Hall			111 N. Powell Parkway		Anna 75409	
Bear Creek Special Utility District			16881 CR 541		Lavon 75166	
Blue Ridge ISD Administration Building			318 W. School Street		Blue Ridge 75424	
Celina ISD Administration Building			205 S. Colorado Street		Celina 75009	
Clubhouse			224 Seis Lagos Trail		Wylie 75098	
Copeville Special Utility District			16120 FM 1778		Nevada 75173	
Collin College Frisco Campus			9700 Wade Blvd		Frisco 75035	
Evans Middle School			6998 Eldorado Pkwy		McKinney 75070	
Farmersville City Hall			205 S. Main Street		Farmersville 75442	
Frisco Fire Station #8			14700 Rolater Road		Frisco 75034	
Hunt Middle School			4900 Legendary Drive		Frisco 75034	
Lavon City Hall			120 School Road		Lavon 75166	
Lovejoy ISD Administration Building			259 Country Club Road		Allen 75002	
Lucas Community Center			665 Country Club Road		Lucas 75002	
Maus Middle School			12175 Coit Road		Frisco 75035	
McKinney Fire Station #5			6600 Virginia Parkway		McKinney 75070	
Melissa City Hall			3411 Barker Avenue		Melissa 75454	
Murphy Community Center			205 N. Murphy Road		Murphy 75094	
New Hope Town Hall			121 Rockcrest		New Hope 75071	
Parker City Hall			5700 E. Parker Road		Parker 75002	
Prosper Town Hall			250 W. First Street		Prosper 75078	
Sachse Community Center			3815 Sachse Rd., Bldg. E		Sachse 75048	
Slaughter Elementary School			2706 Wolford Street		McKinney 75071	
St. Paul Town Hall			2505 Butscher's Block St		St. Paul 75098	
Smith Library			300 Country Club Drive		Wylie 75098	
Webb Elementary School			810 E. Louisiana Street		McKinney 75069	
Westminster Special Utility District			409 E Houston St		Westminster 75485	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Apr 19	Apr 20 Early Voting 8am – 5pm	Apr 21 Early Voting 8am – 5pm	Apr 22 Early Voting 8am – 5pm	Apr 23 Early Voting 8am – 7pm	Apr 24 Early Voting 8am – 5pm	Apr 25 Early Voting 8am – 5pm
Apr 26	Apr 27 Early Voting 7am – 7pm	Apr 28 Early Voting 7am – 7pm	Apr 29	Apr 30	May 1	May 2

Important Note: Eligible Collin County registered voters (with an effective date of registration on or before May 2, 2020) may vote at any of the above Early Voting locations.

MAY 2, 2020
JOINT GENERAL & SPECIAL ELECTION
Collin County Election Day Vote Centers

Polling Place	Address	City
Collin County Elections Office	2010 Redbud Blvd. Ste 102	McKinney 75069
Allen ISD Service Center	1451 North Watters Road	Allen 75013
Allen Municipal Courts Facility	301 Century Parkway	Allen 75013
Anna City Hall	111 N. Powell Parkway	Anna 75409
Bear Creek Special Utility District	16881 CR 541	Lavon 75166
Blue Ridge ISD Administration Building	318 W. School Street	Blue Ridge 75424
Celina ISD Administration Building	205 S. Colorado Street	Celina 75009
Clubhouse	224 Seis Lagos Trail	Wylie 75098
Copeville Special Utility District	16120 FM 1778	Nevada 75173
Collin College Frisco Campus	9700 Wade Blvd	Frisco 75035
Evans Middle School	6998 Eldorado Pkwy	McKinney 75070
Farmersville City Hall	205 S. Main Street	Farmersville 75442
Frisco Fire Station #8	14700 Rolater Road	Frisco 75034
Hunt Middle School	4900 Legendary Drive	Frisco 75034
Lavon City Hall	120 School Road	Lavon 75166
Lovejoy ISD Administration Building	259 Country Club Road	Allen 75002
Lucas Community Center	665 Country Club Road	Lucas 75002
Maus Middle School	12175 Coit Road	Frisco 75035
McKinney Fire Station #5	6600 Virginia Parkway	McKinney 75070
Melissa City Hall	3411 Barker Avenue	Melissa 75454
Murphy Community Center	205 N. Murphy Road	Murphy 75094
New Hope Town Hall	121 Rockcrest	New Hope 75071
Parker City Hall	5700 E. Parker Road	Parker 75002
Prosper ISD Administration Building	605 E 7 th St	Prosper 75078
Prosper Town Hall	250 W First Street	Prosper 75078
Sachse Community Center	3815 Sachse Rd., Bldg. E	Sachse 75048
Slaughter Elementary School	2706 Wolford Street	McKinney 75071
St. Paul Town Hall	2505 Butscher's Block St	St. Paul 75098
Smith Library	300 Country Club Drive	Wylie 75098
Webb Elementary School	810 E. Louisiana St.	McKinney 75069
Westminster Special Utility District	409 E Houston St	Westminster 75485

Important Note: Eligible Collin County registered voters (with an effective date of registration on or before May 2, 2020) may vote at any of the above Election Day Vote Center locations.

May 2, 2020
Joint General and Special Elections
Estimated Election Expenses
Subject to Change

Exhibit "C"

Early Voting by Mail	Units	Cost Per Unit	Estimated Cost
Mail Ballot Kits	1900	\$ 1.15	\$ 2,185.00
Postage for Ballots	1900	\$ 0.88	\$ 1,672.00
Balotar Per Sheet	1900	\$ 0.35	\$ 665.00
Early Voting by Personal Appearance			
Assemble EV Locations	29	\$ 50.00	\$ 1,450.00
Total Judge Hours	29 Judges @ 64 hrs	\$ 12.00	\$ 22,272.00
OT Judge Hours	29 Judges / 11 ot hrs	\$ 18.00	\$ 5,742.00
Total Alt. Judge & Clerk Hours	145 Clerks / 64 hrs (5)	\$ 10.00	\$ 92,800.00
OT Alt. Judge & Clerk Hours	145 Clerks / 11 OT hrs	\$ 15.00	\$ 23,925.00
Pick up and Delivery of Supplies	29	\$ 25.00	\$ 725.00
Election Day Expenses			
Total Judge Hours	31 Judges @ 14 hrs	\$ 12.00	\$ 5,208.00
Total Alt. Judge & Clerk Hours	186 Clerks @ 13 hrs (6)	\$ 10.00	\$ 24,180.00
Pick up & Delivery of Supplies	31	\$ 25.00	\$ 775.00
Tabulation			
Election Night Vendor Support	Per Election		\$ 10,000.00
Notice of Inspection/Tabulation Test	Per Election		\$ 7,000.00
General Election Expenses			
Early Voting Ballot Board			\$ 2,155.30
Central Count Workers			\$ 126.00
Election Workers FICA			\$ 13,885.76
County Employee FICA			\$ 1,050.00
Mileage			\$ 667.00
County Personnel/IT Overtime			\$ 15,000.00
ES&S Support Staff/Field Technicians			\$ 40,000.00
Process Pollworker Checks	391	\$ 1.50	\$ 586.50
Process Election Judge Notices	60	\$ 1.50	\$ 90.00
Coding & Setup Services	Per Election		\$ 25,000.00
Van Rental	5		\$ 5,000.00
Tent rental	1	\$ 2,680.00	\$ 2,680.00
Equipment Rental			
DS200 Ballot Counter	60	\$ 350.00	\$ 21,000.00
Express Vote	240	\$ 200.00	\$ 48,000.00
Express Touch	60	\$ 200.00	\$ 12,000.00
Metal Signs	60	\$ 1.00	\$ 60.00
Wood Signs	62	\$ 2.00	\$ 124.00
EV Security Cabinet	29	\$ 200.00	\$ 5,800.00
EV Computer Cabinet	29	\$ 50.00	\$ 1,450.00
ED Security Cabinet	31	\$ 200.00	\$ 6,200.00
EV/ED Cabinet Drayage	60	\$ 180.00	\$ 10,800.00
Transfer Case		\$ -	\$ -

May 2, 2020
Joint General and Special Elections
Estimated Election Expenses
Subject to Change

Exhibit "C"

Supply Cost			
Mail Ballots	1900	\$ 0.12	\$ 228.00
Coding Test Ballots	350	\$ 0.26	\$ 91.00
Express Vote Ballots (15% turnout)	65621	\$ 0.29	\$ 19,030.09
Provisional Ballot Stock	2400	\$ 0.14	\$ 336.00
Sample Ballots	175	\$ 0.29	\$ 50.75
All Race Sample Ballots	175	\$ 0.29	\$ 50.75
Early Voting Kits	29	\$ 51.00	\$ 1,479.00
Election Day Kits	31	\$ 19.00	\$ 589.00
EV Provisional Kits	29	\$ 38.10	\$ 1,104.90
ED Provisional Kits	31	\$ 38.10	\$ 1,181.10
Polling Place Maps	60	\$ 12.00	\$ 720.00
Printer Labels	60	\$ 5.00	\$ 300.00
Total Estimated Cost			\$ 435,434.15

May 2, 2020
Joint General and Special Election
Cost Distribution
Subject to Change

Exhibit "D"

Entity	Registered Voters	Percentage
Allen, City	62,955	9.60%
Anna, City	7,955	1.21%
Blue Ridge, City	503	0.08%
Carrollton, City	201	0.03%
Celina, City	7,381	1.13%
Fairview, Town	7,651	1.17%
Farmersville, City	1,768	0.27%
Frisco, City	60,803	9.28%
Garland	168	0.03%
Lucas, City	5,325	0.81%
McKinney, City	108,553	16.56%
Murphy, City	13,102	2.00%
New Hope, Town	509	0.08%
Parker, City	3,561	0.54%
Prosper, Town	13,637	2.08%
Sachse, City	5,744	0.88%
Saint Paul, Town	727	0.11%
Wylie, City	29,144	4.45%
Allen ISD	64,513	9.84%
Anna ISD	10,051	1.53%
Blue Ridge ISD	2,479	0.38%
Celina ISD	7,853	1.20%
Frisco ISD	93,998	14.34%
Lovejoy ISD	11,739	1.79%
McKinney ISD	82,402	12.57%
Melissa ISD	8,775	1.34%
Prosper ISD	30,492	4.65%
Collin County MUD #1	2,274	0.35%
McKinney MUD 1	1,607	0.25%
McKinney MUD 2	29	0.00%
Bear Creek SUD	3,632	0.55%
Nevada Special Utility District	1,488	0.23%
Seis Lagos SUD	1,271	0.19%
Westminster SUD	971	0.15%
Copeville SUD	2,288	0.35%
Total Registered Voters	655,549	

Garland

Registered Voters	168
Percentage	0.03%
Estimated Cost Per Entity	\$ 1,500.00

Summary of Costs

Early Voting by Mail	\$ 1.16
Early Voting by Personal Appearance	\$ 37.65
Election Day Expenses	\$ 7.73
Tabulation	\$ 4.36
General Election Expenses	\$ 27.23
Equipment Rental	\$ 27.02
Supply Cost	\$ 6.45
Total	<u>\$ 111.59</u>

10% Administrative Fee	\$ 11.16
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Total Cost	<u>\$ 122.75</u>
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Minimum Cost for Services	<u>\$ 1,500.00</u>
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WITNESS BY MY HAND THIS ____ DAY OF _____ 2020.

Bruce Sherbet, Elections Administrator
Collin County, Texas

WITNESS BY MY HAND THIS ____ DAY OF _____ 2020.

By: _____
Rene Dowl, City Secretary
City of Garland

Attest: _____
Carma Potter, Deputy City Secretary
City of Garland

**ELECTION SERVICES CONTRACT ("Election Services Contract" or "Contract")
BETWEEN
THE DALLAS COUNTY ELECTIONS ADMINISTRATOR
AND**

**Town Of Addison (TOA)
City Of Balch Springs (COBS)
City Of Carrollton (COC)
City Of Cedar Hill (COCdH)
City Of Cockrell Hill (COCKH)
City Of Coppell (COCp)
City Of Desoto (CODE)
City Of Duncanville (CODu)
City Of Farmers Branch (COFB)
City Of Garland (COG)
City Of Grand Prairie (COGP)
City Of Highland Park (COHP)
City Of Hutchins (COH)
City Of Irving (COI)
City Of Lancaster (COL)
City Of Lewisville (COLew)
City Of Rowlett (CORw)
City Of Sachse (COSa)
City Of Seagoville (COSe)
Town Of Sunnyvale (TOS)
City Of University Park (COUP)
City Of Wilmer (COW)
Carrollton-Farmers Branch ISD (CFBISD)
Cedar Hill ISD (CHISD)
Coppell ISD (CpISD)
Dallas ISD (DISD)
DeSoto ISD (DeISD)
Duncanville ISD (DuISD)
Garland ISD (GISD)
Grand Prairie ISD (GPISD)
Highland Park ISD (HPISD)
Irving ISD (IISD)
Lancaster ISD (LISD)
Mesquite ISD (MISD)
Richardson ISD (RISD)
Sunnyvale ISD (SuISD)
Dallas County Community College District (DCCCD)
Dallas County Park Cities Municipal Utility District (DCPCMUD)
Lancaster Municipal Utility District (LMUD)
University Hills Municipal Utility District (UHMUD)**

**FOR THE CONDUCT OF A JOINT ELECTION
TO BE HELD SATURDAY, MAY 2th, 2020
TO BE ADMINISTERED BY THE DALLAS COUNTY ELECTIONS DEPARTMENT**

1) STATUTORY AUTHORITY FOR AND PARTIES TO THIS ELECTION SERVICES CONTRACT

- a) Antoinette "Toni" Pippins-Poole ("Toni Pippins-Poole") is the duly appointed County Elections Administrator ("Elections Administrator") of Dallas County, Texas ("County") and the Department Head of the Dallas County Elections Department ("DCED"). As such, Toni Pippins-Poole is the County's Voter Registrar and the Election Officer of Dallas County, Texas and is authorized by Subchapter D of Chapter 31 of Title 3 of the Texas Election Code to enter into this Election Services Contract ("Election Services Contract" or "Contract") with the contracting authorities of the Participating Political Subdivisions listed in "Attachment F" of this Election Services Contract. DCED acts at the direction of the Elections Administrator. The County, County Elections Administrator, DCED and the Participating Political Subdivisions together may be referred to collectively as "Parties" or individually as "Party."
- b) The contracting authorities of the Participating Political Subdivisions that are participating in this Election Services Contract are listed on the face page of this agreement and in "Attachment F" of this Election Services Contract and are hereby participating with each other in this Joint Election to be held in Dallas County, Texas on **Saturday, May 2, 2020** under Chapter 271 of Title 16 of the Texas Election Code ("Joint Election"); and are hereby contracting with the Elections Administrator of Dallas County, Texas to perform the election services set forth in this Election Services Contract under Subchapter D of Chapter 31 of Title 3 of the Texas Election Code. The Participating Political Subdivisions acknowledge that they are participating in this Joint Election with each other and with Dallas County, Texas and the State of Texas, to the extent that Dallas County, Texas and the State of Texas have candidates on the ballot in this Joint Election.
- c) The Elections Administrator will coordinate, supervise, and handle all aspects of administering this Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this Election Services Contract. Each contracting authority of each Participating Political Subdivision will pay its share of the Election Costs to the Elections Administrator for the equipment, supplies, services, and administrative costs outlined in this Election Services Contract. The Elections Administrator will administer the election; however, each Participating Political Subdivision will be responsible for the duties directly administered by the Participating Political Subdivision. Pursuant to Texas Election Code §§ 31.093, and 31.098, the Elections Administrator is authorized as the agent for each Participating Political Subdivision to enter into a contract to furnish the election services requested within this Election Services Contract.
- d) If applicable and in the event a runoff election is necessary, the date of the runoff for this Joint election would be **Saturday, June 20, 2020**. This Elections Services Contract and its

terms will be automatically extended to cover the Joint Runoff Election, unless a Participating Political Subdivision states in writing **on or before Thursday, May 14, 2020** that it does not wish to participate in a joint runoff election contemplated herein. DCED will provide each Participating Political Subdivision to which this Section 1(d) applies an estimated cost required to be deposited into a special and separate Joint Runoff Election account. The funds must be deposited no later than five (5) days after the Joint Runoff Election's estimated figures are received from DCED.

- 2) **ATTACHMENTS** The following attachments are hereby incorporated into this Election Services Contract as if set forth herein in their entirety. The Participating Political Subdivisions acknowledge that the following attachments are subject to reasonable changes by the Dallas County Elections Administrator before, during, and after Election Day and any runoff election(s), if any runoff election(s) are required by law to be held.
- a) **"Attachment A"** is an itemized list of the estimated election expenses for this Joint Election and the amounts that each Participating Political Subdivision must deposit with the Dallas County Elections Department. It also includes the Deposit Detail for each entity. The Elections Administrator will amend "Attachment A" to reflect the changing estimates of election expenses that are caused by changing circumstances and by the withdrawal of Participating Political Subdivision(s), if any, from this Election Services Contract.
 - b) **"Attachment B"** is a list of the early voting polling places for this Joint Election.
 - c) **"Attachment C"** is a list of the Election Day Countywide polling places ("Vote Centers") for this Joint Election.
 - d) **"Attachment D"** is a list of the people that the Dallas County Elections Administrator will appoint as deputy early voting clerks for this Joint Election.
 - e) **"Attachment E"** is a list of the presiding election judges and alternate election judges for Election Day for this Joint Election.
 - f) **"Attachment F"** is a list of the Participating Political Subdivisions that will be holding elections in Dallas County election Vote Centers and the number of registered voters in each of those election Vote Centers. "Attachment F" will also contain, for each Participating Political Subdivision, the full name of the person serving as a point of contact, the physical address, the mailing address, a facsimile number, and an email address. "Attachment F" will be amended if any of the Participating Political Subdivisions withdraw from this Election Services Contract. "Attachment F" will be amended to reflect the number of registered voters in each election Vote Center as of the statutory deadline (**Thursday, April 2, 2020**) for voters to submit applications to register to vote or changes of address in this Joint Election. In this Election Services Contract, the phrase "election Vote Center" is synonymous with the phrase "voting Vote Center."
 - g) **"Attachment G"** is a list of the Participating Political Subdivisions & Ballot Details
 - h) Within five (5) business days after any of the foregoing attachments are amended by the Elections Administrator, the Elections Administrator will send each Participating Political

Subdivision an amended version of the amended attachment by email to the email address provided by each Participating Political Subdivision in "Attachment F."

3) LEGAL DOCUMENTS

- a) Each Participating Political Subdivision will prepare, adopt, and publish all legally required election orders, resolutions, notices, and other documents that are required by, or of, their governing bodies. Each Participating Political Subdivision must send the Elections Administrator a copy of any election order, resolution, or notice related to this Joint Election within three (3) business days of publishing, adopting, or ordering it. Such documents can be sent to the attention of: **Robert Heard, Assistant Elections Administrator, at 1520 Round Table Drive, Dallas, Texas 75247; or, emailed to Robert.Heard@DallasCounty.org.** Also, send these documents to: Daniel Bradley at Daniel.Bradley@DallasCounty.org.
- b) Each Participating Political Subdivision is responsible for having its own election orders, resolutions, notices, or official ballot wording translated into the Spanish language.
- c) **Always copy Toni.Pippins-Poole@DallasCounty.org on all communications related to legal documents and question regarding this election.**

4) VOTING SYSTEMS *order for Election Equipment*

a) Each Participating Political Subdivision agrees that, during this Joint Election, voters will cast their ballots on two (2) different kinds of voting systems, each of which has been approved by the Texas Secretary of State in accordance with the Texas Election Code and the Texas Administrative Code: the ES&S ExpressVote Universal Voting System Ballot Marking Devices ("DRE's"), EVS 6.0.2.0, Firmware 2.4.0.0 and the ES&S DS200 Digital Vote Center Scanner ("Tabulators"), EVS 6.0.2.0, Firmware 2.17.0.0. Each of these systems are accessible to voters with physical disabilities ("ADA Terminals"). Beginning _____, April _____, 2020, beginning at 10:00 A.M., until completed, at the County Elections Department at 1520 Round Table Drive, Dallas, Texas 75247, the Elections Administrator will test the DRE voting system and the automatic tabulating equipment used for counting ballots at the central counting station. At least 48 hours before the date and hour of each test, the Elections Administrator will publish a newspaper notice with the date, hour, and place of the testing. The Elections Administrator will establish regional collection sites within the county and a central counting station to receive and tabulate the regular ballots that are cast in this Joint Election and receive the provisional ballots.

b) The Elections Administrator will provide DREs, Tabulators, and any other necessary equipment for this Joint Election. Each polling place will have at least one voting terminal that complies with the Americans with Disabilities Act ("ADA"). For Early Voting and on Election Day, the Elections Administrator will allocate voting election voting equipment to all of the polling places in amounts reasonably anticipated to be sufficient for the anticipated turnout of voters. Each Election Day Vote Center will have at least one Tabulator and at least one (1) DRE machine. *Ballot marking Device*

c) The itemized list of the estimated election expenses for this Joint Election are in "Attachment A," which includes, but may not be limited to the number of DREs, Tabulators, and any other necessary equipment. All of the Participating Political Subdivisions agree that ADA Terminals will be used during this Joint Election under the Help America Vote Act of 2002 ("HAVA") and that the ADA Terminals will be part of this Election Services Contract. *Direct Reporting Electronic*

5) POLLING PLACES

a) The Elections Administrator will select and arrange for the use of and payment for all of the early voting polling places listed in "Attachment B" and the Election Day polling places listed in "Attachment C" subject to the approval of each Participating Political Subdivision. Polling locations identified in Attachments "B" and "C" cannot be changed by a Participating Political Subdivision, but the Elections Administrator may consider changes requested by a Participating Political Subdivision. The Elections Administrator will finalize the polling places as soon as possible before this joint election.

*DRE - Do NOT create a paper trail.
Ballot marking Devices - Create a paper trail*

- b) Whenever possible, County-established Vote Centers will be used in this Joint Election; however, the Participating Political Subdivisions acknowledge that sometimes previously used polling places are not available or appropriate for every election. Accessibility under the Americans with Disabilities Act is an important consideration for all polling places in this Joint Election.
 - c) For polling places that have changed since the most recent election ordered by a Participating Political Subdivision, or as otherwise required by law the Elections Administrator will mail registered voters affected by the changes notice of their new polling place location.
- 6) PRESIDING ELECTION JUDGES, ALTERNATE PRESIDING ELECTION JUDGES, ELECTION CLERKS, AND OTHER ELECTION DAY PERSONNEL**
- a) The Elections Administrator will be responsible for the appointment of the presiding election judges and alternate election judges listed in "Attachment E" for each Vote Center polling place listed in "Attachment C" subject to the eligibility requirement found in the Texas Election Code Subchapter C, Chapter 32 and Subchapter A, Chapter 83.
 - b) **This sub-paragraph applies only to an election with no partisan candidate on any ballot.** If a Participating Political Subdivision requests that a person not listed in "Attachment E" be appointed to serve in a specific Vote Center polling place, but another Participating Political Subdivision requests that a different person be appointed to serve that same Vote Center polling place, then the Elections Administrator will conduct a drawing by lot from the recommendations, no later than **Tuesday, February 18, 2020** to resolve the conflict and notify each Participating Political Subdivision affected of the resolution. After the Elections Administrator notifies a person so selected by lot of the polling place where the person will serve, the Elections Administrator is not required to act on further such requests from the Participating Political Subdivisions for that specific Vote Center polling place.
 - c) If a person appointed as a presiding election judge or alternate election judge becomes ineligible to serve as such in this Joint Election, then the Election Administrator will appoint a replacement presiding election judge or alternate election judge, amend "Attachment E" accordingly, and send each Participating Political Subdivision the amended "Attachment E" by email within five (5) business days.
 - d) If a person is unable or unwilling to serve as a presiding election judge or an alternate election judge, then the Elections Administrator will name a replacement presiding election judge or send each Participating Political Subdivision the amended "Attachment E" by email within five (5) business days.
 - e) The Elections Administrator will provide county training programs, in keeping with Section 32.114 of the Texas Election Code, for all of the presiding election judges, alternate election judges, and election clerks for this Joint Election. The presiding election judges are responsible for notifying the alternate presiding judge and the election clerks for the presiding election judge's polling place of the time and place of each training session. Pursuant to Section 32.114(b), the training programs will be open to the public

free of charge.

- f) To serve in this Joint Election, each presiding election judge and alternate election judge must have attended an election judge training session, a training session regarding the court rulings and the applicability of the mandatory Voter ID law, and an Election Equipment training session taught by the Elections Administrator for this Joint Election within the last 6 months. New judges and election clerks that have not attended a mandatory Voter ID Law training session taught by the Elections Administrator for this Joint Election may not serve in this Joint Election.
- g) The Elections Administrator will notify the Participating Political Subdivisions by email and post on the DCED's website the dates, times, and locations of training classes and labs for both Early Voting and Election Day Workers.
- h) To comply with the Federal Voting Rights Act of 1965, as amended, Vote Centers containing more than 5% Hispanic population, according to the 2010 census statistics, are required to have interpreter assistance. If a presiding election judge of such a Vote Center is not bilingual and is unable to hire a bilingual election clerk, the Elections Administrator may recommend an individual to provide interpreter assistance. If the Elections Administrator is unable to recommend an individual to provide interpreter assistance for such a Vote Center, the Elections Administrator will notify the Participating Political Subdivision and request assistance in identifying an interpreter. In the event that a bilingual election clerk is hired by the Elections Administrator for a Vote Center required to have interpreter assistance, the bilingual clerk will be paid according to a rate set by the Elections Administrator. The Elections Administrator will charge that expense to the funds deposited with the Dallas County Elections Department for the conduct of the elections listed in this Election Services Contract. A Participating Political Subdivision may pay more money to a bilingual clerk than the rate set by the Elections Administrator, however that expense will be borne by that Participating Political Subdivision individually and that extra expense will not be charged to the funds deposited with the Dallas County Elections Department for the conduct of the elections listed in this Election Services Contract.
- i) The Elections Administrator will notify all of the presiding election judges and alternate election judges about the eligibility requirements of Subchapter C of Chapter 32 of Title 3 of the Texas Election Code and Section 271.005 of the Texas Election Code. The Elections Administrator will take the necessary steps to insure that all of the presiding election judges and alternate election judges appointed to serve during this Joint Election are eligible to serve and qualified to serve in this Joint Election. Under Section 32.031 of the Texas Election Code, the presiding election judge for each election Vote Center shall appoint the election clerks to assist the presiding election judge in the conduct of the election at the Vote Center polling place served by the presiding election judge on Election Day.

- j) The presiding election judges are responsible for picking up election supplies at the time and place determined by the Elections Administrator, which will be set forth in the letter to the presiding election judges requesting service for this election. Payments for the presiding election judge will be specified in "Attachment A."
- k) Any Participating Political Subdivision electing to pay their election workers for attending a training class or lab must bear that expense separately from the funds deposited into this Joint Election account.
- l) The Elections Administrator will employ and or contract for other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of services, supplies and equipment assistance during the period of Early Voting and on Election Day, and for the efficient tabulation of ballots at the central counting station and regional sites. Part-time personnel will be paid an amount specified in "Attachment A." Part-time personnel working in support of the administration of the Election, including Central Counting Station, regional sites on election night will receive pay for at least four (4) hours, minimum call for service, regardless of the actual hours worked.

7) SUPPLIES AND PRINTING

- a) The Elections Administrator will obtain and distribute all of the election supplies and election printing necessary for this Joint Election, including, but not limited to, all forms, signs, and other materials used by the presiding election judges and clerks at the polling places.
- b) The Elections Administrator will provide maps, if necessary, instructions, and other information that the presiding election judges need to conduct this Joint Election.
- c) Each Participating Political Subdivision must deliver a list to the Elections Administrator of candidates and propositions for their elections. The list must be in English and Spanish. The list must include the ballot positions for the candidates and the propositions. The list must include the correct spelling of each candidate's name and the precise wording of all of the propositions. The Elections Administrator will email each Participating Political Subdivision a Microsoft Word format form for their use to create the required list. As soon as possible after each Participating Political Subdivision has determined its ballot positions for the candidates and propositions in its election, the Participating Political Subdivision must email the completed Microsoft Word format form to the Elections Administrator. The Elections Administrator will use these electronic forms received from the Participating Political Subdivisions to create the ballot styles for this Joint Election. The Elections Administrator will deliver the proposed ballots to the Participating Political Subdivisions for approval. Each Participating Political Subdivision will be responsible for proofreading the proposed ballots and notifying the Elections Administrator of any corrections that are required for their particular ballots. The Elections Administrator is responsible for implementing the corrections made by the Participating Political Subdivisions to their ballots and then producing the ballots for this Joint Election.

8) OPTICAL SCAN CARD BALLOTS

- a) The Elections Administrator will allocate ballots for this Joint Election by determining the approximate voter turnout for comparable elections in each election Vote Center and then adding **25%** to that number for each election Vote Center. However, the minimum ballot allocation for each election Vote Center will range from **25-50%** of the registered voters in each election Vote Center depending on election type and authorized by the political subdivision (**50%** is recommended for local liquor elections).
- b) Additional ballots will be available for Early Voting by Mail and for use on Election Day to respond to any polling place that requests additional ballots and printed on an as needed basis. Cost per ballot will be forty-five cents (.45¢).

9) RETURNS OF ELECTIONS

- a) The Elections Administrator will establish and operate a central counting station to receive and tabulate ballots cast in this Joint Election under Chapter 127 of Title 8 of the Texas Election Code.
- b) The Elections Administrator hereby, in accordance with Sections 127.002, 127.003 and 127.005 of the Texas Election Code, appoints the following central counting station officials:

Central Count Station Manager: **Toni Pippins-Poole**, Dallas County Elections Administrator

Tabulation Supervisor: **(Daniel Bradley)**, Central Count Station Manager

Assistant Tabulation Supervisor: **(Danielle Grant)**, Central Count Station Lead Clerk

Presiding Judge: **(TBD)**

Alternate Presiding Judge: **(TBD)**

- c) The Central Count Station Manager or her representative will deliver timely, cumulative reports of the election results as election Vote Centers are tabulated. The Central Count Station Manager will be responsible for releasing cumulative totals and election returns from the election to the Participating Political Subdivisions, candidates, press, and the general public by the distribution of hard copies or electronic transmittals (where accessible). The Elections Administrator will operate an election result center to release election results in the **Dallas County Elections Operations Facility, 1520 Round Table Dr., Dallas, Texas 75247**.
- d) The Elections Administrator will link any Participating Political Subdivision's website to DCED's website. Participating Political Subdivisions that want such website linkage should deliver their website address to the Tabulation Supervisor at DCED.
- e) The Elections Administrator will prepare the unofficial canvass report after all Vote

Centers have been counted, and will email a copy of the unofficial canvass to each Participating Political Subdivision as soon as possible after all returns, provisional ballots, and late overseas ballots have been tabulated, but in no event no later than **Tuesday, May 12, 2020**. All Participating Political Subdivisions will be responsible for the official canvass of their respective elections.

- f) The Elections Administrator will be responsible for conducting the post-election manual recount, unless the Texas Secretary of State grants a waiver under Section 127.201 of the Texas Election Code. If no such waiver is given, the Elections Administrator will provide notice and copies of the recount to each Participating Political Subdivision and the Secretary of State's Office. Each Participating Political Subdivision must notify the Elections Administrator if such a waiver has been granted or denied as soon as possible, but no later than five (5) calendar days before Election Day.

10) ELECTION EXPENSES

- a) The Participating Political Subdivisions agree to share the costs of administering this Joint Election as specified in "Attachment A." The Election Administrator will charge a general supervisory fee not to exceed ten (10%) percent of the total cost of this Joint Election as authorized by Section 31.100 of the Texas Election Code. In no event will the ten (10%) percent general supervisory fee be refunded to any Participating Political Subdivision. If the ballot, candidates, or propositions supplied by the Participating Political Subdivision are changed after their initial programming and/or printing by the Elections Administrator due to a court order from a court of competent jurisdiction, the affected Participating Political Subdivision(s) agrees to pay all expenses associated with re-printing and re-programming the ballots pursuant to a court order including expenses for expedited services and "Attachment A" will be amended by the Election Administrator.
- b) Allocation of costs among the Participating Political Subdivisions will be according to a formula based on the average cost per Vote Center polling place and the allocation of election day Tabulators (hereinafter "DS200's") in that polling place ("Unit Cost"). The Unit Cost will be determined by dividing the total of the itemized list of estimated election expenses by the total number of Vote Center polling places. A "Polling Place" will be identified by and defined based on the presence and number of DS200's and/or Election Supply Carts ("ESC's"). Any Participating Political Subdivision that requests additional Vote Centers or equipment will be billed directly for any excess expenditures (e.g. supplies, equipment, personnel, etc.). **The cost of any special request from a Participating Political Subdivision, which is not agreed upon by all Participating Political Subdivisions, will be borne by the Participating Political Subdivision making the special request.** Each Participating Political Subdivision agrees that no Participating Political Subdivision will be billed less than the minimum of one full Unit Cost as specified in "Attachment A."
- c) The expenses for early voting by mail and personal appearance will be paid by each Participating Political Subdivision as set forth in "Attachment A."

- d) The Elections Administrator will determine the final election expenses to the extent practicable within one hundred and eighty (180) business days after the final canvass of this Joint Election or the runoff election, if any. The Elections Administrator will provide each Participating Political Subdivision with a final, written accounting of all money that was deposited into, and payments that were made from, the Joint Election account(s) maintained by the Dallas County Elections Department for this Joint Election and the runoff election, if any.
- e) If the Elections Administrator requires additional money to perform its obligations under this Election Services Contract, then the Elections Administrator will bill each Participating Political Subdivision using the same method used to determine each Participating Political Subdivision's required deposit in "Attachment A" of this Election Services Contract ("Final Bill"). The Participating Political Subdivision shall pay the Final Bill within thirty (30) days of receipt except for any amount the Participating Political Subdivision files a timely good faith dispute under Section 17 of this Election Services Contract. After all of the expenses of this Joint Election are paid and disputes, if any, resolved, any monies that remain in the account maintained by the Dallas County Elections Department for this Election Services Contract will be refunded to the Participating Political Subdivisions (the "Refund") as soon as practicable.

11) DEPOSIT OF FUNDS

- a) Attachment A: Cost Audit details the cost and expenses anticipated for this election; Participating Political Subdivisions will initially receive an estimate cost audit. The Final Bill will be distributed as soon as all cost and expenses for the election can be determined. Each Participating Political Subdivision hereby agrees to deposit with the Dallas County Elections Department either half or the full balance of money listed in "**Attachment A: Deposit of Funds Detail**" of this Election Services Contract by the first deposit due date of (on or before) **Thursday, February 27, 2020**. If the Participating Political Subdivision makes a partial initial deposit on or by **February 27, 2020**, a full and final deposit must be made to the Dallas County Elections Department by **Tuesday, March 17, 2020**. The Dallas County Elections Department will place the money deposited by the Participating Political Subdivisions in a Joint Election account.
- b) The deposit of funds by each Participating Political Subdivision is an express condition precedent to the participation of each Participating Political Subdivision in this Election Services Contract. A Participating Political Subdivision may seek an extension from the Elections Administrator as to the due date for the deposit of funds. Such an extension must be sought in writing and prior to due date for such deposit by the Participating Political Subdivision. Any decision(s) made by the Elections Administrator will be provided in writing to the Participating Political Subdivision. The Elections Administrator, however, shall not be required to grant an extension for the deposit of funds by a Participating Political Subdivision. For any Participating Political Subdivision that fails to deposit the total amounts specified in "Attachment A" by the dates specified in this Election Services Contract or any extension granted by the Elections Administrator, the Elections Administrator will be relieved from the responsibility to perform under this

Election Services Contract for such Participating Political Subdivision.

- c) The Elections Administrator will only draw money from this Joint Election account to pay for election expenses that are included in "Attachment A" to this Election Services Contract and for other expenses that the Participating Political Subdivisions agree to in writing.
- d) If a Participating Political Subdivision withdraws completely from this Joint Election by **Friday, February 21, 2020** (or, by **Saturday, March 28, 2020** for Special Elections), then the Elections Administrator will refund (as soon as practicable) that Participating Political Subdivision's deposit, less any money already expended before the withdrawal and less the general supervisory fee authorized by Section 31.100 of the Texas Election Code. In the event of a partial withdrawal from this Joint Election, deposits will not be refunded to the Participating Political Subdivisions.
- e) The Elections Administrator will not make partial refunds to a Participating Political Subdivision if any candidate(s) or propositions do not appear on the ballot for that Participating Political Subdivision.

X f) Deposits should be made out to Dallas County Elections Department and delivered within the mandatory time frame to: *Escrow Account Number*

Toni Pippins-Poole
Dallas County Elections Administrator
1520 Round Table Drive
Dallas, Texas 75247

I In the "memo" section of check place Election Escrow Account: _____ *J*

12) RECORDS OF THE ELECTION

- a) The Elections Administrator is hereby appointed the general custodian of the voted ballots and all election records of this Joint Election to the extent authorized by Sections 31.094, 31.095, 31.096, and 31.097 of the Texas Election Code.
- b) Access to the election records will be available to each Participating Political Subdivision as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the **Dallas County Elections Department, 1520 Round Table Drive, Dallas, Texas 75247** at any time during normal business hours. The Elections Administrator will ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container. However, access to election records that contain confidential information that must be redacted pursuant to federal or state law may be provided at the offices of the Civil Division of the Criminal District Attorney's Office of Dallas County, Texas at 411 Elm Street, 5th Floor, Dallas, Texas.
- c) Pursuant to Section 66.058 of the Texas Election Code, the Elections Administrator will retain the election records at the Elections Administrator's main offices and Elections Warehouse for **sixty (60) days** after the date of this Joint Election. **Sixty (60) days** after the date of this Joint Election, the Elections Administrator will arrange for transport of

this Joint Election's records to the Dallas County Record Storage facility. This Joint Election's records will then become the responsibility of Dallas County Record Storage for the remainder of the **twenty-two (22) month** preservation period. Dallas County Record Storage will be responsible for the destruction of this Joint Election records after the preservation period. The Participating Political Subdivisions agree the Elections Administrator may destroy the records from this Joint Election after the **twenty-two (22) month** preservation period without further notice to the Participating Political Subdivisions, unless the events in Section 12 (d) occur.

- d) The Participating Political Subdivisions must notify the Elections Administrator in writing within three (3) business days after any official or employee of any Participating Political Subdivision becomes aware of any election contest in connection with this Joint Election. In accordance with Section 1.013 of the Texas Election Code, the election records must be preserved until any election contest is completed and a judgment, if any, becomes final. Also, the election records will be maintained by the Elections Administrator if there is an active criminal investigation, proceeding, or a pending request for public information, related to the election records until such investigation, proceeding, or request for public information is finally concluded.
- e) The Participating Political Subdivisions acknowledge and agree that the Elections Administrator reserves the right to intervene in any election contest or litigation in connection with this Joint Election in order to preserve any available remedies at law, and to preserve the Elections Administrator's obligations under this Contract and the Texas Election Code.

13) EARLY VOTING

- a) Under Sections 31.094 and 271.006 of the Texas Election Code, the Participating Political Subdivisions hereby appoint the Elections Administrator to be the early voting clerk for all of the political subdivisions participating in this Joint Election. The deputy early voting clerks that will be appointed by the Elections Administrator are listed in "Attachment D."
- b) **This sub-paragraph applies only to a joint election with no partisan candidate on any ballot.** Participating Political Subdivisions may recommend people to the Elections Administrator to serve as a deputy early voting judge/clerk. The Elections Administrator will consider any recommendations and/or requests of each Participating Political Subdivision. If a Participating Political Subdivision recommends a person not listed in "Attachment D" and that recommendation conflicts with the recommendation from any of the other Participating Political Subdivisions involved in the election in that polling place, the Elections Administrator will conduct a drawing by lot from the recommendations to determine the deputy early voting judge/clerk. Once a person has been notified of his or her selection as deputy early voting judge or deputy early voting clerk, no changes may be made by any of the Participating Political Subdivisions.
- c) Any qualified voter for this Joint Election may vote early by personal appearance at the main early voting polling place or at one of the early voting branch polling places listed in Attachment B. Early voting will be conducted as follows: **Monday, April 20, 2020 through**

Friday, April 24, 2020, from 8:00 A.M. to 5:00 P.M.; Saturday, April 25, 2020 between 8:00 A.M. and 5:00 P.M.; Sunday, April 26, 2020, between 1:00 P.M. and 6:00 P.M.; and, Monday, April 27, 2020 through Tuesday, April 28, 2020 between 7:00 A.M. and 7:00 P.M.

- d) All requests for early voting ballots by mail that are received by a Participating Political Subdivision must be transported by runner on the day of receipt to the Dallas County Elections Department, Elections Operations Facility at 1520 Round Table Drive, Dallas, Texas 75247 for processing. Persons voting by mail must send their voted ballots to the Dallas County Elections Department.
- e) All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed under Subchapter A of Chapter 87 of the Texas Election Code. Each Participating Political Subdivision will appoint one member to the Early Voting Ballot Board and will prepare a list notifying DCED of the appointee's name, telephone number, mailing address, and email address, if any, no later than **Friday, February 14, 2020**. The Participating Political Subdivisions agree to appoint David Morris as the presiding judge of the early voting ballot board. A list of Early Voting Ballot Board members will be furnished to each Participating Political Subdivision no later than **Friday, February 21, 2020**.
- f) A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each Participating Political Subdivision.
- g) The presiding judge of the Early Voting Ballot Board shall deliver notices of rejected ballots in compliance with Section 87.0431, Texas Election Code.

14) CRIMINAL BACKGROUND CHECKS

The Elections Administrator, her agent or assignee will conduct a criminal background check (in accordance with statutory requirements) of any person who is expected to or scheduled to serve or work in this Joint Election. Any person that does not satisfactorily pass the criminal background check will be ineligible to serve or work in this Joint Election. Failure to obtain a criminal background check does not release the participating entity's obligation to pay for service rendered in good faith.

15) ELECTION REPORTS

During the early voting period for this Joint Election, the Elections Administrator will deliver daily reports to each Participating Political Subdivision of the Early Voting Location Turnout Totals and Early Voting Roster. The day after the early voting period ends, the Elections Administrator will deliver to each Participating Political Subdivision, a Daily Early Voting Roster by Vote Center report that includes the entire Early Voting period. Pursuant to the Texas Election Code Section 87.121, the Elections Administrator will deliver these election reports by website posting, e-mail, or facsimile.

16) WITHDRAWAL FROM CONTRACT

- a) No deposits will be refunded after the deadline to withdraw from this Election Services Contract has passed.
- b) In order to withdraw from this Election Services Contract, a Participating Political Subdivision must deliver to the Elections Administrator any certifications and declarations that are required under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code.
- c) The Elections Administrator will bill any Participating Political Subdivision that withdraws from this Election Services Contract for any expenses incurred prior to the Elections Administrator receiving copies of the certifications and declarations that are required under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code.
- d) If there are any withdrawals from this Joint Election, within ten (10) business days after the deadline for Participating Political Subdivisions to make declarations under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code, said deadline being **February 21, 2020**, the Elections Administrator will amend the attachments to this Election Services Contract as appropriate and provide updated copies of the amended attachments to all of the remaining Participating Political Subdivisions.
- e) The general supervisory fee authorized by Section 31.100 of the Texas Election Code will not be refunded.

17) AUDITING AND PROHIBITION ON WITHHOLDING OF DEPOSITS

- a) The Dallas County Auditor will conduct a review of the deposits and expenditures related to this Election Services Contract before the Final Bill or Refund is submitted to the Participating Political Subdivisions. Refunds will be submitted as soon as practicable.
- b) The Participating Political Subdivisions may request a financial audit of the Final Bill or Refund or dispute the Final Bill or Refund under this Section, if: 1) the Final Bill exceeds ten percent (10%) of the amount of the Participating Political Subdivision's initial deposit as required in "Attachment A" to this Election Services Contract; or 2) the accounting accompanying the Refund is ten percent (10%) less than the amount the Participating Political Subdivision determines, should be refunded, after its good faith review. The request for a financial audit or dispute must be done in accordance with Section 17 (d) below.
- c) Should the events in Section 17 (b) occur, in lieu of an audit or dispute, the Participating Political Subdivision may make a request that the Elections Administrator ask the Dallas County Auditor to review the cost allocation methodology for the Participating Political Subdivision's Final Bill or Refund ("Review Request"). Participating Political Subdivisions must submit a Review Request to the Elections Administrator within five (5) business days of receipt of the Final Bill or the Refund, whichever is later. The Review Request must set forth, in detail, the basis for any challenge to the Final Bill or Refund. Corrections to the Participating Political Subdivision's Final Bill or the Refund, based on a Review Request, will be determined at the sole discretion of the Elections Administrator. A Review Request does not extend the timeframe in Section 17(d).

- d) Should the circumstances giving rise to an audit or dispute in Section 17 (b) occur, the Participating Political Subdivision may send a formal written notice of dispute of the Final Bill or Refund ("Dispute Notice") to the Elections Administrator. This Dispute Notice must be received by the Elections Administrator no later than thirty (30) calendar days from the date the Participating Political Subdivision receives the Final Bill or Refund. This Dispute Notice must provide: 1) an itemization of the disputed charge(s) by the Participating Political Subdivision; 2) the basis for the dispute; 3) the methodology showing how the Participating Political Subdivision arrived at the amount disputed; and 4) documentation in support thereof. The Participating Political Subdivision will have no right to withhold any undisputed amounts set forth in this Election Services Contract or reflected in the Final Bill. Payment of undisputed amounts in the Final Bill must be made by the Participating Political Subdivision as set forth in Section 10 (e) of this Election Services Contract.
- e) Failure of the Participating Political Subdivision to submit a timely Dispute Notice, as set forth in Section 17(d), shall waive any and all disputes, claims, or challenges to the Final Bill or Refund by the Participating Political Subdivision. The entire amount of the Participating Political Subdivision's Final Bill shall be due immediately; or, any estimated refund amounts will become final.
- f) If the Participating Political Subdivision files a timely Dispute Notice in compliance with Section 17(d), the Participating Political Subdivision will have the right to conduct a good faith financial audit ("Financial Audit") for the deposits and expenditures related to this Elections Services Contract. In conducting the Financial Audit, the Participating Political Subdivision will have no greater right to demand access to or copies of the County's governmental or election records than those rights specified in the Texas Election Code and the Texas Public Information Act. The cost of any Financial Audit conducted by the Participating Political Subdivision shall be borne by the requesting Participating Political Subdivision and may not be paid for with funds deposited with the Dallas County Elections Department under this Election Services Contract. Further, the Participating Political Subdivision conducting the Financial Audit shall pay the Elections Administrator the reasonable costs for time expended and copies provided in order to perform the Financial Audit. If the Financial Audit identifies overcharges by the Elections Administrator of more than ten percent (10%) of the initial deposit amount required by "Attachment A", the Elections Administrator will review and assess the findings of the Financial Audit and will negotiate, in good faith, to resolve any disputes for overcharges with the Participating Political Subdivision. The Elections Administrator shall not be bound by the findings or recommendations of the Participating Political Subdivision's Financial Audit. The financial records will be retained at the County Election Administrator's office until the conclusion of the Financial Audit and resolution of all outstanding audit disputes.
- g) In the event the representatives of the Participating Political Subdivision and the Elections Administrator cannot agree on the amount of the disputed Final Bill as set forth in this Section, then the Parties may agree to submit to non-binding mediation. If mediation is acceptable to both parties to resolve a dispute concerning the disputed Final Bill, the

parties will agree to use a mutually agreed-upon mediator. Unless the parties come to a written agreement at mediation, the mediation will not constitute a final and binding resolution of the dispute.

- h) The Participating Political Subdivision acknowledges that the practical effect of the Participating Political Subdivision withholding undisputed funds that are required under this Election Services Contract would result in breach of this Elections Services Contract and the other Participating Political Subdivisions' taxpayers subsidizing the withholding Participating Political Subdivision's election expenses.

18) NOTICE

Any addendum to, change/modification of, clarification of, and/or withdrawal from this contract requires written notice provided on the Dallas County Form, "Elections Services Contract Change Forms". Whenever this Election Services Contract requires any consent, approval notice, request or demand, it must be in writing to be effective and must be delivered to the party intended to receive it as shown below:

Address for notice to the Elections Administrator:

Attn: Robert Heard Sr.

Dallas County Assistant Elections Administrator
Elections Department – Elections Operations Facility
1520 Round Table Drive
Dallas, Texas 75247
(214) 819-6334 telephone
(214) 819-6301 facsimile

and, to the physical addresses and facsimile numbers for notice to the Participating Political Subdivisions are in "Attachment F" to this Election Services Contract.

19) LIABILITY FOR NEGLIGENCE

ALL PARTIES TO THIS ELECTION SERVICES CONTRACT AGREE TO BE RESPONSIBLE, IN ACCORDANCE WITH APPLICABLE STATE OR FEDERAL LAW, EACH FOR THEIR OWN NEGLIGENT ACTS OR OMISSIONS, OR OTHER TORTIOUS CONDUCT IN THE COURSE OF PERFORMANCE OF THIS CONTRACT WITHOUT WAIVING ANY SOVEREIGN IMMUNITY, GOVERNMENTAL IMMUNITY, STATUTORY IMMUNITY, OR OTHER DEFENSES AVAILABLE TO THE PARTIES UNDER FEDERAL OR STATE LAW. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, IN OR TO ANY THIRD PERSONS OR ENTITIES. ALL PARTIES AGREE THAT ANY SUCH LIABILITY OR DAMAGES OCCURRING DURING THE PERFORMANCE OF THIS ELECTION SERVICES CONTRACT CAUSED BY THE JOINT OR COMPARATIVE NEGLIGENCE OF THE PARTIES, OR THEIR EMPLOYEES, AGENTS OR OFFICERS WILL BE DETERMINED IN ACCORDANCE WITH COMPARATIVE RESPONSIBILITY LAWS OF TEXAS, BUT ONLY TO THE EXTENT SUCH LAWS ARE APPLICABLE TO THE PARTY.

TO THE EXTENT PERMITTED BY LAW, IF LEGAL ACTION IS FILED AGAINST EITHER PARTY TO THIS ELECTION SERVICES CONTRACT, EACH PARTY SHALL BE SOLELY RESPONSIBLE FOR THEIR OWN RESPECTIVE COSTS AND DEFENSE OF THAT SUIT.

20) CHOICE OF LAW

This Election Services Contract will be governed and interpreted by the laws of the State of Texas.

21) VENUE AND JURISDICTION

The courts of the State of Texas and the United States of America that are physically located in Dallas, Dallas County, Texas are the exclusive jurisdiction and venue for any lawsuit, cause of action, temporary restraining order, temporary injunction, injunction, petition for extraordinary relief, mandamus, or any other legal proceeding or claim arising out of the performance of this Election Services Contract.

22) SEVERABILITY

If any term of this Election Services Contract is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms of this Election Services Contract will remain in full force and effect and will in no way be affected, impaired, or invalidated.

23) ENTIRE CONTRACT

This Election Services Contract, including any exhibits or attachments, contains the entire agreement between the Elections Administrator and the Participating Political Subdivisions concerning the duties required by this Election Services Contract. The Elections Administrator of Dallas County, Texas and each Participating Political Subdivision hereby expressly warrant and represent that they are not relying on any promises or agreements that are not contained in this Election Services Contract concerning any of the terms in this Election Services Contract. Except otherwise specified in this Election Services Contract, no modification, amendment, novation, renewal, or other alteration of this Election Services Contract shall be effective unless mutually

agreed upon in writing and executed by the parties hereto.

24) GENDER AND HEADINGS

In this Election Services Contract, words in the singular number include the plural, and those in the plural include the singular. Words of any gender also refer to any other gender. Headings in this Election Services Contract are terms of inclusion, not exclusion.

25) RELATIONSHIP OF PARTIES

The Participating Political Subdivisions, including their agents, or employees, are independent contractors and not an agent, servant, joint enterpriser, joint venturer, or employee of the County Elections Administrator, the County or DCED, and are responsible for their own acts, forbearance, negligence and deeds, and for those of their agents, or employees in conjunction with the performance of services covered under this Election Services Contract. The Participating Political Subdivisions represent that they have, or will secure at its own expense, all personnel and consultants required in performing the Services herein. Such personnel and consultants shall not be employees of or have any contractual relationship with the County, the County Elections Administrator, or DCED.

26) FORCE MAJEURE

No Party shall be in default or responsible for delays or failures in performance resulting from causes beyond its control. Such causes include but are not limited to acts of God, fire, storm, flood, earthquake, natural disaster, nuclear accident, strike, air traffic disruption, lockout, riot, freight embargo, public regulated utility, or governmental statutes, orders, or regulations superimposed after the fact. Any Party delayed by force majeure shall as soon as reasonably possible give the other Party written notice of the delay. The Party delayed shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the Party delayed shall immediately give the other Parties written notice thereof and shall resume performance under this Election Services Contract as soon as practicable. The date of delivery or of performance shall be extended for at least a minimum time period equal to the time lost by reason of the delay.

27) DEFAULT/CUMULATIVE RIGHTS/MITIGATION.

It is not a waiver of default if the non-defaulting Party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Election Services Contract are cumulative, and no Party's use of any right or remedy will

preclude or waive its right to any other remedy. These rights and remedies are in addition to any other rights the Parties may have by law, statute, ordinance or otherwise. All Parties have a duty to mitigate damages.

28) CONTRA PROFERENTEM

The legal doctrine of contra proferentem will not apply to this Election Services Contract. Consequently, any ambiguity that may exist in this Election Services Contract will not be construed against the Party who drafted this Election Services Contract.

29) ORDER OF PRECEDENCE

Any inconsistencies in this Election Services Contract will be resolved by reviewing and considering this Election Services Contract and Attachments A through G to this Election Services Contract together in context with each other.

30) SIGNATORY WARRANTY

The Elections Administrator of Dallas County, Texas and all of the contracting authorities of all of the Participating Political Subdivisions listed in "Attachment F" of this Election Services Contract represent that each has the full right, power and authority to enter into and perform this Election Services Contract in accordance with all of its terms and conditions, and that the execution and delivery of this Election Services Contract has been made by authorized representatives of the Participating Political Subdivisions to validly and legally bind the Participating Political Subdivisions to all terms, performances, and provisions set forth in this Election Services Contract.

31) COUNTERPARTS.

This Election Services Contract may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

Reserved for Signature Page

DRAFT COPY - FOR REVIEW ONLY



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

14.

Meeting Date: 02/18/2020

Item Title: 2020 Proposed CIP Public Hearing

Submitted By: Ron Young, Budget Director

Summary of Request/Problem

A public hearing will be held on the 2020 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the Proposed CIP Program. The 2020 Proposed CIP is available for public inspection in the City's libraries and the City Secretary's Office and has been on the City's website since February 5, 2020.

Recommendation/Action Requested and Justification

Receive public comment.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

15. a.

Meeting Date: 02/18/2020

Item Title: Z 19-42 MV Innovations LLC (District 4)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Change in Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District.

LOCATION

1617 Bruce Drive

OWNER

Iglesia Restauracion Del Nazareno

PLAN COMMISSION RECOMMENDATION

On January 27, 2020 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Change in Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District.

STAFF RECOMMENDATION

Approval of a Change in Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District.

BACKGROUND

The applicant requests approval of a Change in Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District for the development of a single-family dwelling unit. A single-family home currently exists on the subject property but according to the applicant it is in uninhabitable condition. Therefore, the applicant will build a new single-family home. The home is intended as a parsonage residence for the church to the north of the subject property. Because the church is on a separate property, the proposed use is considered Dwelling, Single-Family Detached.

SITE DATA

The subject site contains approximately 0.21 acres. The site has approximately 90 lineal feet of frontage along Bruce Drive.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Community Retail (CR) District. The Community Retail (CR) District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A Community Retail (CR) District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features. The applicant is proposing single-family dwelling development and requests a Change in Zoning. The Community Retail (CR) District does not include single-family dwelling use.

CONSIDERATIONS

1. The request is a traditional rezoning without the formation of a Planned Development (PD) District. These requests do not require Detail Plan approval to commence or direct development. Development is dependent on the standards set forth by the Garland Development Code (GDC) and the goals and policies established within the Envision Garland 2030 Comprehensive Plan. A Change in Zoning is not intended to restrict uses or secure development performances beyond what is permitted within the proposed zoning district and the GDC. Accordingly the GDC requires careful consideration as to how closely the proposed district follows the policies of the Envision Garland 2030 Comprehensive Plan, and to what degree the rezoning will impact surrounding and future development.
2. The Single-Family-7 (SF-7) District is intended to provide for development of primarily low-density detached single-family residences on a variety of lot sizes, churches, schools, and public parks in logical, livable, and sustainable neighborhoods. The applicant proposes to develop the site in a manner consistent with the stated purpose of the Single-Family-7 (SF-7) District and the surrounding residential development.
3. The GDC provides the tools to ensure that development standards which promote efficient use of land and resources and which are supportive of the policies of the Comprehensive Plan are incorporated into site development, including but not limited to building and site design.
4. The intent of the request is for redevelopment of a single-family residential use in the area.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property Compact Neighborhoods. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas accommodate uses such as convenience retail (goods and services), office space, and public services. The architectural character and scale of these areas are compatible with adjacent residential development.

The Single-Family-7 (SF-7) District is consistent with nearby zoning and development, and with the Land Use Goals and Policies of Envision Garland 2030 Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding properties are primarily developed with residential and commercial uses. The properties to the north are zoned Community Retail (CR) District and are developed with a church and a vacant structure. The property to the east is zoned Community Retail (CR) District and it is developed with a pawn shop. The properties to the south and west are zoned Single-Family-7 (SF-7) District and they are developed with single-family homes.

Attachments

Z 19-42 Location Map

Z 19-42 R&M

Z 19-42 Responses

Z 19-42 Staff Presentation



0 35 70 Feet
1 inch = 49 feet

Zoning Map Z 19-42



INDICATES AREA
OF REQUEST

Report & Minutes

P.C. Meeting, January 27, 2020

Consideration of the application of **MV Innovations LLC**, requesting approval of a Change of Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District. This property is located at 1617 Bruce Drive. (District 4) (File Z 19-42)

Property owner, Oscar Monterroso, 4701 Terry Street, Dallas, Texas 75223 and Applicant, Miguel Mendoza, 2709 Country Valley Road, Garland, Texas 75043 provided a brief overview of the request and remained available for questions.

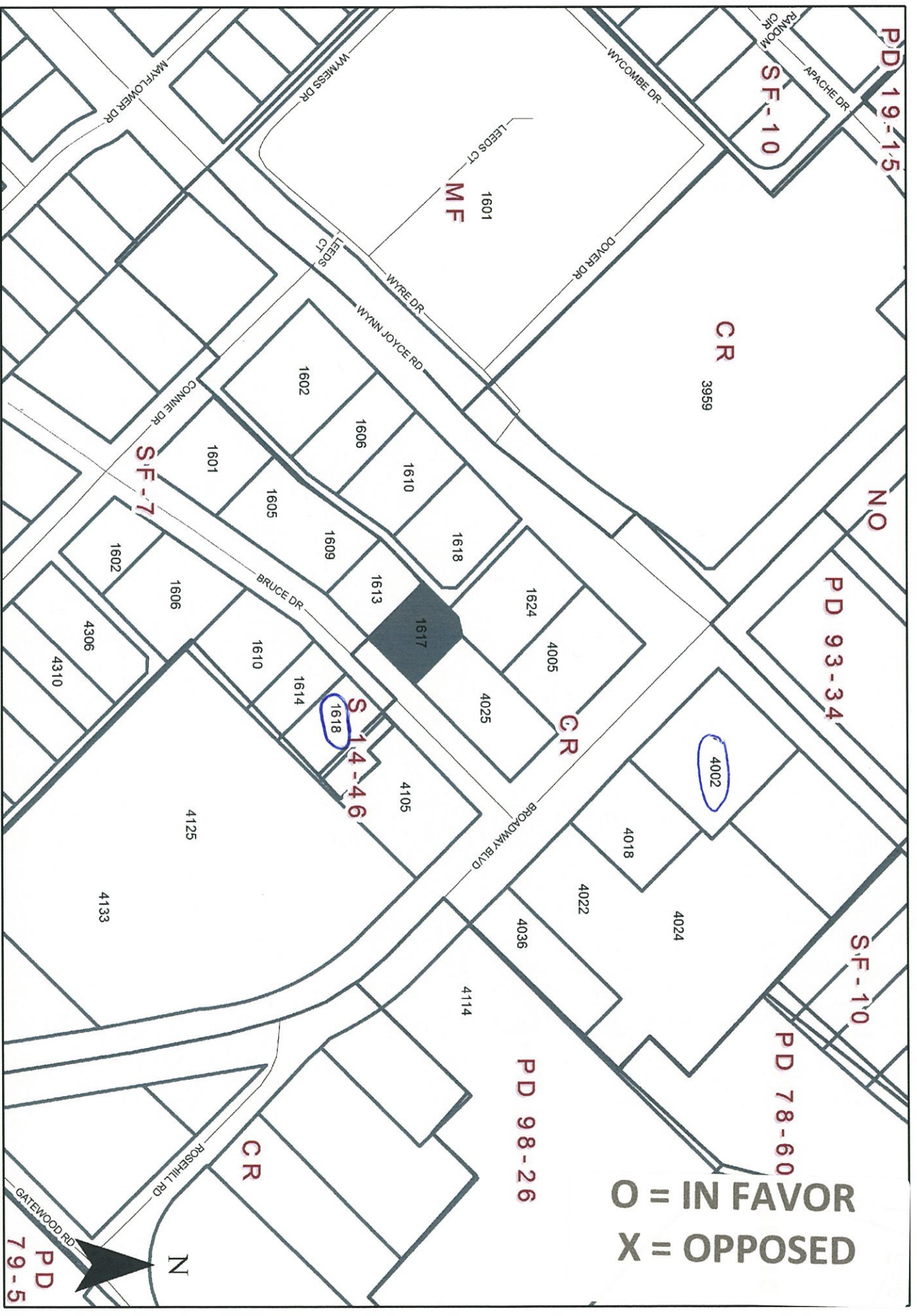
There were no questions of the applicants.

Motion was made by Commissioner O'Hara to close the public hearing and **approve** the request as presented, seconded by Commissioner Dalton. **Motion carried: 9 Ayes, 0 Nays.**



Zoning Map Z 19-42

INDICATES AREA
OF REQUEST



O = IN FAVOR
X = OPPOSED

**GARLAND**

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

January 15, 2020

HEARING DATE/TIME: Plan Commission: January 27, 2020 – 7:00 PM

APPLICANT: MV Innovations LLC

File: Z 19-42

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, January 27, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **MV Innovations LLC**, requesting approval of a Change of Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District. The property is shown on the enclosed sketch and is described as follows:

BEING Lot 1, Block 4, of Green Acres, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 344, Page 1151, of the Map Records of Dallas County, Texas. **This property is located at 1617 Bruce Drive. (District 4)**

Note: The applicant proposes to build a single-family detached home.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kim Hopkins at 972-205-2454.

Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space

Gus Raymond

January 15, 2020

Z 19-42

Page 2 of 2

provided below.

(Please complete the following information)

Your Property Address

4002 BROADWAY

Printed Name

GUS RAYMOND

Address

City, State

Zip

PO BOX 28794

DALLAS TX 75229

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Title

Date:

1/21/2020



GARLAND

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

January 15, 2020

HEARING DATE/TIME: Plan Commission: January 27, 2020 – 7:00 PM

APPLICANT: MV Innovations LLC

File: Z 19-42

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, January 27, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **MV Innovations LLC**, requesting approval of a Change of Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District. The property is shown on the enclosed sketch and is described as follows:

BEING Lot 1, Block 4, of Green Acres, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 344, Page 1151, of the Map Records of Dallas County, Texas. **This property is located at 1617 Bruce Drive. (District 4)**

Note: The applicant proposes to build a single-family detached home.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kim Hopkins at 972-205-2454.

Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space

JAN 27 '20 PM 1:54

provided below.

(Please complete the following information)

Your Property Address

DARRYL HOUSEWRIGHT
Printed Name

1618 BRUCE DR GARLAND TX 75043
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Title

Date:

1-21-2020



RECEIVED
JAN 21 2020
SCHOOL FACILITIES

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

January 15, 2020

HEARING DATE/TIME: Plan Commission: January 27, 2020 – 7:00 PM

APPLICANT: MV Innovations LLC

File: Z 19-42

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space

provided below.

(Please complete the following information)

Your Property Address

GISD Handley Elementary School

Printed Name

3725 Broadway Blvd	Garland, TX	75043
Address	City, State	Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

	Director of Maintenance
Signature	Title

Date: 1-22-2020

Outside the Notification Area

Z 19-42

**Approval of a Change in Zoning from
Community Retail (CR) District to Single-Family-
7 (SF-7) District**

**City Council
February 18, 2020**



GARLAND

TEXAS MADE HERE

Case Information

Location: 1617 Bruce Drive

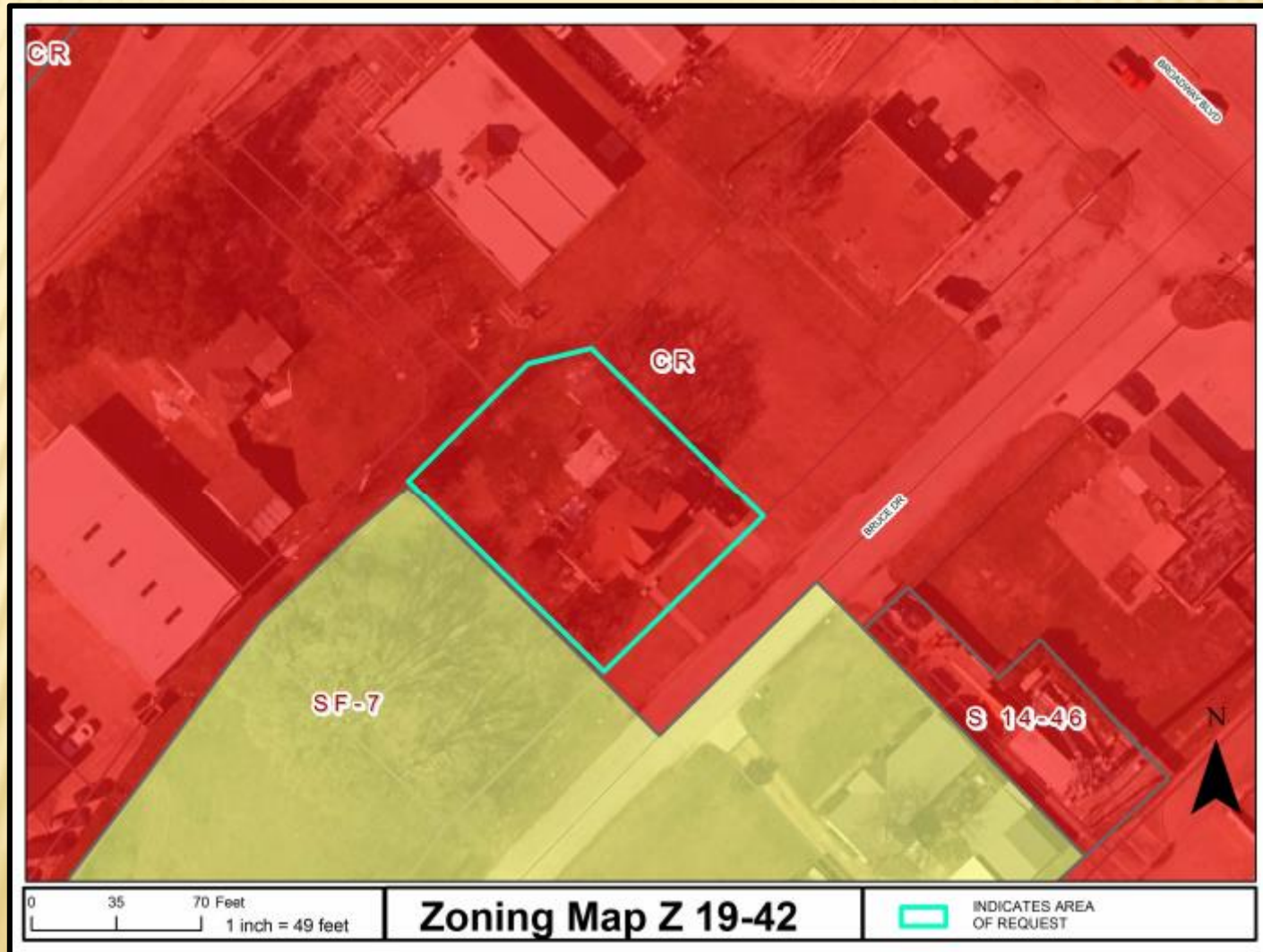
Applicant: MV Innovations LLC

Owner: Iglesia Restauracion Del Nazareno

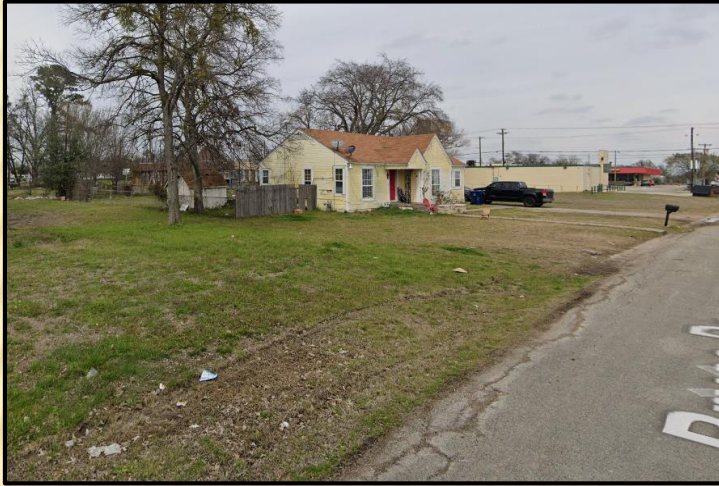
Acreage: 0.21 acres

Zoning: Community Retail (CR) District

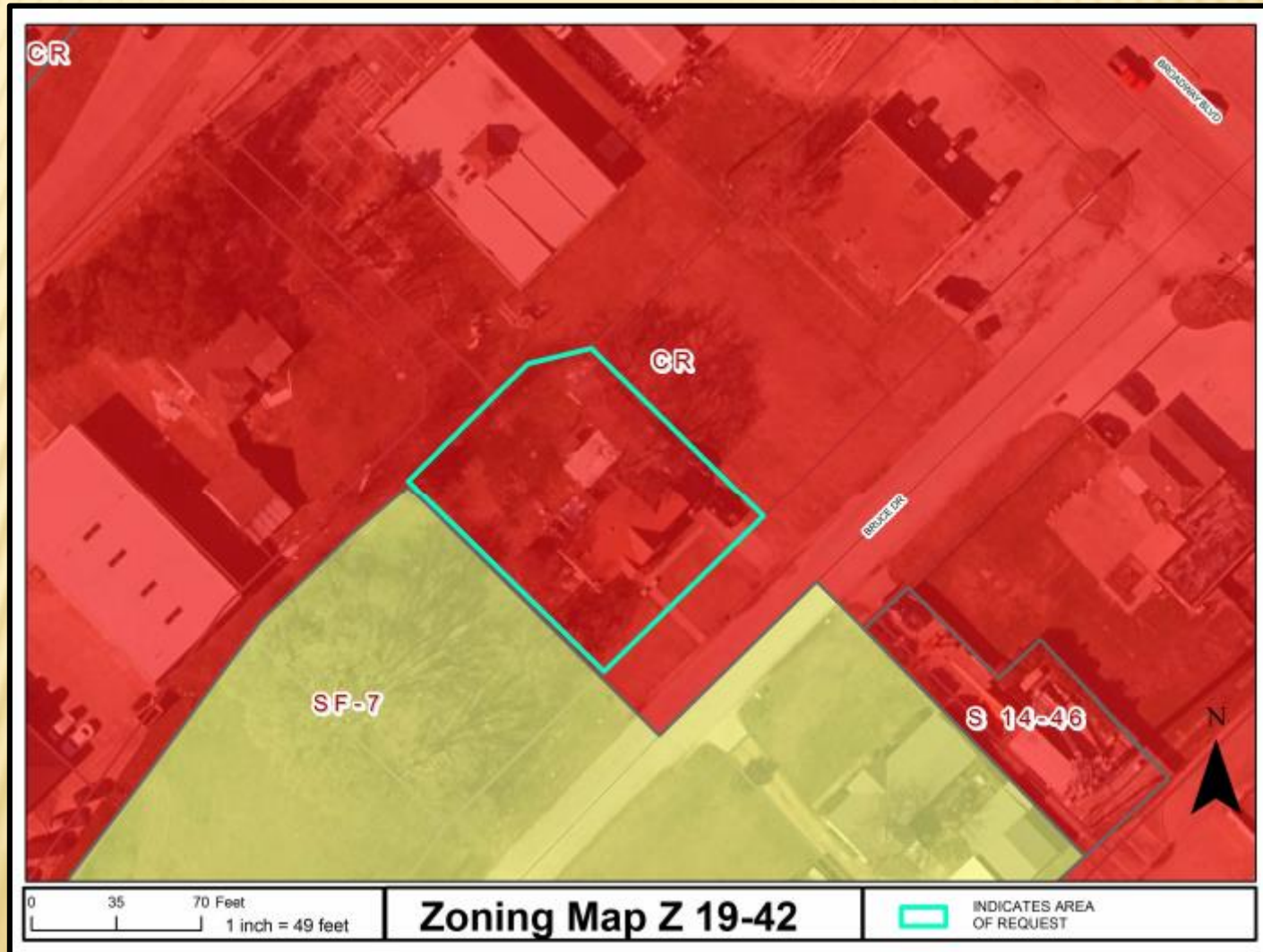
Location Map



Photos



Location Map



Considerations

- The applicant requests approval of a Change in Zoning from Community Retail (CR) District to Single-Family-7 (SF-7) District for the redevelopment of a single-family detached dwelling unit.
- The request is a traditional rezoning without the formation of a Planned Development (PD) District. These requests do not require Detail Plan approval to commence or direct development. Development is dependent on the standards set forth by the Garland Development Code (GDC) and the goals and policies established within the Envision Garland 2030 Comprehensive Plan.
- The Single-Family-7 (SF-7) District is intended to provide for development of primarily low-density detached single-family residences on a variety of lot sizes, churches, schools, and public parks in logical, livable, and sustainable neighborhoods. The applicant proposes to develop the site in a manner consistent with the stated purpose of the Single-Family-7 (SF-7) District and the surrounding residential development.