



GARLAND

AGENDA

CITY COUNCIL WORK SESSION

City of Garland

Work Session Room, City Hall

William E. Dollar Municipal Building

200 North Fifth Street

Garland, Texas

October 1, 2018

5:30 p.m.

DEFINITIONS:

Written Briefing: Items that generally do not require a presentation or discussion by the staff or Council. On these items the staff is seeking direction from the Council or providing information in a written format.

Verbal Briefing: These items do not require written background information or are an update on items previously discussed by the Council.

Regular Item: These items generally require discussion between the Council and staff, boards, commissions, or consultants. These items are often accompanied by a formal presentation followed by discussion.

**[Public comment will not be accepted during Work Session
unless Council determines otherwise.]**

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

(1) Pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.

(2) The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.072, Tex. Gov't Code.

(3) A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.073, Tex. Gov't Code.

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.

(6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.

(7) Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:

- generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
- bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
- effective fuel and purchased power agreements and fuel transportation arrangements and contracts;
- risk management information, contracts, and strategies, including fuel hedging and storage;
- plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and
- customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; Tex. Gov't Code; Sec. 552.133, Tex. Gov't Code]

1. Consider the Consent Agenda

A member of the City Council may ask for discussion or further information on an item posted as a consent agenda item on the next Regular Meeting of the City Council. The Council Member may also ask that an item on the posted consent agenda be pulled from the consent agenda and considered for a vote separate from consent agenda items on the regular agenda. All discussions or deliberations on this portion of the work session agenda are limited to posted agenda items and may not include a new or unposted subject matter.

2. Written Briefings:

a. Sale of Property - 1510 High Meadow Drive

Council is requested to approve the sale of 1510 High Meadow Drive to Mr. Marco Garcia and provide an executed deed without warranty. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the October 16, 2018 Regular Meeting.

b. Sale of Property - 517 Parker Circle

Council is requested to approve the sale of 517 Parker Circle to Mr. Marco Garcia and provide an executed deed without warranty. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the October 16, 2018 Regular Meeting.

c. Funding Application to the Texas Water Development Board, Drinking Water State Revolving Fund

Council is requested to approve a resolution authorizing the City Manager to submit a funding application to the Texas Water Development Board (TWDB) through the Drinking Water State Revolving Fund. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the October 1, 2018 Regular Meeting.

3. Verbal Briefings:

a. IH 635 East Update by TxDOT and NCTCOG

NCTCOG Director of Transportation Michael Morris and a TxDOT Dallas District representative will present an update of the IH 635 East project and be available to answer any questions from Council.

b. Property Standards Board Overview and Update

The Property Standards Board will provide an overview on the powers of the Board and update on case activity for the 2018 calendar year.

c. Update on Progress and Implementation of Proposed 2019 Bond Referendum

Representatives from Kimley-Horn and City Staff will provide an update to the Council regarding public input, community meetings, anticipated timelines and other information related to the proposed 2019 Bond Program.

d. Skate Park Comparisons

As requested by the City Council on September 4, 2018, staff is presenting examples of skate parks in Texas in order to draw comparisons of size, amenities, and level of complexity so as to help the Council form a course of action and funding allocation for the proposed Garland skate park.

e. Parks, Recreation and Cultural Arts Facility Use Agreements

Staff will provide Council a report on the policies and practices of Facility Use Agreements in the Parks, Recreation and Cultural Arts Department.

f. Discuss the possible relocation of the July 4th event from Firewheel Mall to Downtown Garland

At the request of Council Member Jim Bookhout and Mayor Lori Barnett Dodson, Council is requested to discuss the possible relocation of the July 4th event to Downtown Garland.

g. Central Park Inclusive Playground - Project Budget Options

Staff will present background information and considerations for alternate budget options related to the construction of the Central Park Playground, which is designed with wheelchair access to elevated and ground level play components, incorporating inclusive play beyond minimum accessibility requirements and accommodations.

h. Public Safety Committee Report

Council Member Scott LeMay, Chairman of the Public Safety Committee (PSC), and Chief Mitch Bates, Staff Liaison to the PSC, will provide a committee report on the following items:

- Review of Safelight Program Policies and Procedures*
- Review of commercial vehicles parked in residential areas overnight*
- Review Use of Fireworks for celebratory purposes*
- Review Share-bike drops*
- Review potential regulation of motorized scooters*
- Parking restrictions in residential neighborhoods-review of ordinances and programs used in other cities*

4. Announce Future Agenda Items

A member of the City Council, with a second by another member, or the Mayor alone, may ask that an item be placed on a future agenda of the City Council or a committee of the City Council. No substantive discussion of that item will take place at this time.

5. Council will move into Executive Session

**EXECUTIVE SESSION
AGENDA**

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

The City Council will adjourn into executive session pursuant to Section 551.072, Texas Government Code to deliberate the purchase, exchange, lease or value of real property generally located within the City of Garland, in the area of State Highway 66, between Dairy Road and South First Street.

6. Adjourn



GARLAND POLICY REPORT

City Council Work Session Agenda

2.a.

Meeting Date: October 1, 2018
Item Title: Sale of Property - 1510 High Meadow Drive
Submitted By: Corey Worsham, Tax Administrator
Strategic Focus Areas: Vibrant Neighborhoods and Commercial Centers
Sound Governance and Finances

ISSUE

The City of Garland has received an unsolicited offer from Mr. Marco Garcia related to the purchase of City owned property obtained through a Sheriff's Sale. This property is located at 1510 High Meadow Drive. Mr. Garcia has presented an offer of \$22,000.00 for the property. The purchaser has also agreed to pay the post-judgment taxes at closing. The post-judgment taxes are approximately \$848.17 which will result in the total amount received at closing of approximately \$22,848.17. The City of Garland will receive sale proceeds of \$1,500.00 for maintenance and \$4,460.71 in taxes (includes post-judgment taxes of \$236.28).

OPTIONS

The City Council May:

1. Approve the sale of 1510 High Meadow Drive to Mr. Marco Garcia and provide an executed deed without warranty, or
2. Deny the offer presented by Mr. Marco Garcia.

RECOMMENDATION

Staff recommends that the City Council accept the offer and sell the property to Mr. Garcia. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the October 16, 2018 Regular Meeting.

BACKGROUND

The property was struck off to the City of Garland at the Dallas County Sheriff's Sale on December 7, 2010. In accordance with Section 34.05 of the Texas Property Tax Code, the offer meets the minimum bid requirements and does not require the consent of other taxing entities. If the sale is approved, the City of Garland will accept payment on behalf of all entities and disperse all sale proceeds.

CONSIDERATION

This property has been held by the City of Garland since 2010. Pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with the approval of the governing body. The sale of this property further supports vibrant neighborhoods, commercial centers, sound governance and sound finances.

Attachments

1510 High Meadow Resolution

1510 High Meadow Offer

1510 High Meadow Deed

1510 High Meadow Map and Picture

RESOLUTION NO. _____

A RESOLUTION AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF GARLAND AND OWNED BY TAXING AUTHORITIES INCLUDING THE CITY OF GARLAND AS THE RESULT OF A TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 191st Judicial District Court of Dallas County, Texas in cause number TX08-40905, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

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

Section 1

That City agrees to the sale of certain real property being

LOT 24, BLOCK 15, QUAIL CREEK NO. 3 ADDITION, aka 1510 HIGH MEADOW DRIVE, CITY OF GARLAND, DALLAS COUNTY, TEXAS AS RECORDED IN VOLUME 75197, PAGE 42 OF THE DALLAS COUNTY DEED RECORDS

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

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 _____, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



J. DOUGLAS BURNSIDE
Attorney at Law
1919 S. Shiloh Rd, Ste 310, LB 40
Garland, Texas 75042
p: 972-278-8282
f: 972-278-8222
w: www.pbfcml.com

May 29, 2018

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Marco Garcia to purchase
1510 High Meadow, Garland, Texas

Dear Mr. Worsham:

Marco Garcia has offered to purchase 1510 High Meadow, Garland, Texas (BEING LOT 24, BLOCK 15, QUAIL CREEK NO. 3 ADDITION, aka 1510 HIGH MEADOW DRIVE, CITY OF GARLAND, DALLAS COUNTY, TEXAS AS RECORDED IN VOLUME 75197, PAGE 42 OF THE DALLAS COUNTY DEED RECORDS) for \$22,000.00. In addition to that amount, all post-judgment taxes for the year 2010 will be paid at closing. The total amount of post-judgment taxes will be approximately \$848.17 of which the City of Garland will receive approximately \$236.28.

This property was sold at a Sheriff's Sale on December 7, 2010 pursuant to delinquent tax collection suit number TX08-40905. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions. The property was struck off for the assessed value in the judgment, \$15,000.00.

The property's most recent value according to the Appraisal District is \$22,000.00. The total judgment amount was \$56,824.73, which includes taxes, penalties and interest, abatement liens, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those expenses and costs total \$5,116.22. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the sale price is greater than the assessed value of the property in the Judgment, this sale meets the criteria of §34.05(h) and does not require the consent of the other taxing units in the Judgment.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written over a light blue rectangular background.

J. Douglas Burnside

Enclosure

Re-sale Disbursement Worksheet
City of Garland

CAD Acct #:	26461500150240000
Property address:	1510 High Meadow
Cause No.:	TX08-40905
Judgment Date:	June 16, 2010
Sheriff's Sale Date:	December 7, 2010
Judgment amount:	GISD 1990-2009 taxes \$8,632.93 (52.9%)
	City 1989-2009 taxes \$4,081.71 (25.0%)
	County 1986-2009 taxes \$3,598.73 (22.1%)
Total Judgment for Taxes:	\$16,313.37
City Abatement Liens:	\$26,787.44
Court costs:	\$2,011.25
Sheriff's fees for sale:	\$1,302.47
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$302.50
Total Costs:	\$3,616.22

Funds to be disbursed as follows:

1.	Dallas County District Clerk	\$2,011.25
2.	Dallas County Sheriff	\$1,302.47
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$302.50
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$4,224.43
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$8,934.79
7.	John Ames, Dallas County Tax Assessor (Pro-rata Judgment tax year distribution)	\$3,724.56
	TOTAL Judgment Distribution	\$22,000.00

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$236.28
9.	Garland ISD (Post Judgment tax year distribution)	\$402.82
10.	John Ames, Dallas County Tax Assessor (Post Judgment tax year distribution)	\$209.07
	TOTAL Post Judgment Distribution	\$848.17

	TOTAL Distribution	\$22,848.17
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DEED WITHOUT WARRANTY

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Marco Garcia, 2503 Oates Drive, Dallas, TX 75228** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **1510 High Meadow**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

**BEING LOT 24, BLOCK 15, QUAIL CREEK NO. 3 ADDITION,
aka 1510 HIGH MEADOW DRIVE, CITY OF GARLAND,
DALLAS COUNTY, TEXAS AS RECORDED IN VOLUME
75197, PAGE 42 OF THE DALLAS COUNTY DEED RECORDS
(the "Property").**

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX08-40905 in the 191st Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 2018.

GRANTOR:

CITY OF GARLAND, a Texas home-rule
municipality

By: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the _____ day of _____, 2018, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

1510 High Meadow Map and Picture





GARLAND POLICY REPORT

City Council Work Session Agenda

2.b.

Meeting Date: October 1, 2018
Item Title: Sale of Property - 517 Parker Circle
Submitted By: Corey Worsham, Tax Administrator
Strategic Focus Areas: Vibrant Neighborhoods and Commercial Centers
Sound Governance and Finances

ISSUE

The City of Garland has received an unsolicited offer from Marco Garcia related to the purchase of City owned property obtained through a Sheriff's Sale. This property is located at 517 Parker Circle. Mr. Garcia has presented an offer of \$19,130.00 for the property. The purchaser has also agreed to pay the post-judgment taxes at closing. The post-judgment taxes are approximately \$3,503.52 which will result in the total amount received at closing of approximately \$22,633.52. The City of Garland will receive sale proceeds of \$1,500.00 for maintenance and \$2,704.47 in taxes (includes post-judgment taxes of \$958.38).

OPTIONS

The City Council May:

1. Approve the sale of 517 Parker Circle to Mr. Marco Garcia and provide an executed deed without warranty, or
2. Deny the offer presented by Mr. Marco Garcia.

RECOMMENDATION

Staff recommends that the City Council accept the offer and sell the property to Mr. Garcia. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the October 16, 2018 Regular Meeting.

BACKGROUND

The property was struck off to the City of Garland at the Dallas County Sheriff's Sale on January 16, 2015. In accordance with Section 34.05 of the Texas Property Tax Code, the offer meets the minimum bid requirements and does not require the consent of other taxing entities. If the sale is approved, the City of Garland will accept payment on behalf of all entities and disperse all sale proceeds.

CONSIDERATION

This property has been held by the City of Garland since 2015. Pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with the approval of the governing body. The sale of this property further supports vibrant neighborhoods, commercial centers, sound governance and sound finances.

Attachments

517 Parker Resolution

517 Parker Deed

517 Parker Offer

517 Parker Map and Picture

RESOLUTION NO. _____

A RESOLUTION AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF GARLAND AND OWNED BY TAXING AUTHORITIES INCLUDING THE CITY OF GARLAND AS THE RESULT OF A TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 14th Judicial District Court of Dallas County, Texas in cause number TX10-31326, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

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

Section 1

That City agrees to the sale of certain real property being

LOT 24 OF RAINBOW ESTATES NO. 5 ADDITION, SITUATED IN CITY BLOCK 5 IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS AS SHOWN BY DEED RECORDED IN VOLUME 85218 PAGE 2203 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND MORE COMMONLY ADDRESSED AS 517 PARKER CIRCLE, GARLAND, DALLAS COUNTY, TEXAS

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

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 _____, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

DEED WITHOUT WARRANTY

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Marco A. Garcia, 2503 Oates Drive, Dallas, TX 75228** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **517 Parker Circle**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

ACCT. NO. 26468500050240000; LOT 24 OF RAINBOW ESTATES NO. 5 ADDITION, SITUATED IN CITY BLOCK 5 IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS AS SHOWN BY DEED RECORDED IN VOLUME 85218 PAGE 2203 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND MORE COMMONLY ADDRESSED AS 517 PARKER CIRCLE, GARLAND, DALLAS COUNTY, TEXAS (the "Property").

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance

with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX10-31326 in the 14th Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 2018.

GRANTOR:

CITY OF GARLAND, a Texas home-rule municipality

By: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the _____ day of _____, 2018, by _____, in her capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:



J. DOUGLAS BURNSIDE
Attorney at Law
1919 S. Shiloh Rd, Ste 310, LB 40
Garland, Texas 75042
p: 972-278-8282
f: 972-278-8222
w: www.pbfcml.com

July 3, 2018

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Marco A. Garcia to purchase
517 Parker Circle, Garland, Texas

Dear Mr. Worsham:

Marco A. Garcia has offered to purchase 517 Parker Circle, Garland, Texas (ACCT. NO. 26468500050240000; LOT 24 OF RAINBOW ESTATES NO. 5 ADDITION, SITUATED IN CITY BLOCK 5 IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS AS SHOWN BY DEED RECORDED IN VOLUME 85218 PAGE 2203 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND MORE COMMONLY ADDRESSED AS 517 PARKER CIRCLE, GARLAND, DALLAS COUNTY, TEXAS) for \$19,130.00. In addition to that amount, all post-judgment taxes for the years 2012-2015 will be paid at closing. The total amount of post-judgment taxes will be approximately \$3,503.52 of which the City of Garland will receive approximately \$958.38.

This property was sold at a Sheriff's Sale on September 1, 2015 pursuant to delinquent tax collection suit number TX10-31326. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions. The property was struck off for the assessed value in the judgment, \$19,130.00.

The property's most recent value according to the Appraisal District is \$19,130.00. The total judgment amount was \$60,597.88, which includes taxes, penalties and interest, abatement liens, demolition liens, civil penalties lien, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those expenses and costs total \$8,420.65. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the sale price is greater than the assessed value of the property in the Judgment, this sale meets the criteria of §34.05(h) and does not require the consent of the other taxing units in the Judgment.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written over a light gray rectangular background.

J. Douglas Burnside

Enclosure

Re-sale Disbursement Worksheet
City of Garland

CAD Acct #:	26468500050240000
Property address:	517 Parker Circle
Cause No.:	TX10-31326
Judgment Date:	January 16, 2013
Sheriff's Sale Date:	September 1, 2015
Judgment amount:	GISD 1989-2011 taxes \$16,475.69 (63.9%)
	City 1992-2011 taxes \$4,204.92 (16.3%)
	County 1990-2011 taxes \$5,109.55 (19.8%)
Total Judgment for Taxes:	\$25,790.16
City Abatement Liens:	\$15,655.26
Court costs:	\$4,670.82
Sheriff's fees for sale:	\$1,857.83
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$392.00
Total Costs:	\$6,920.65

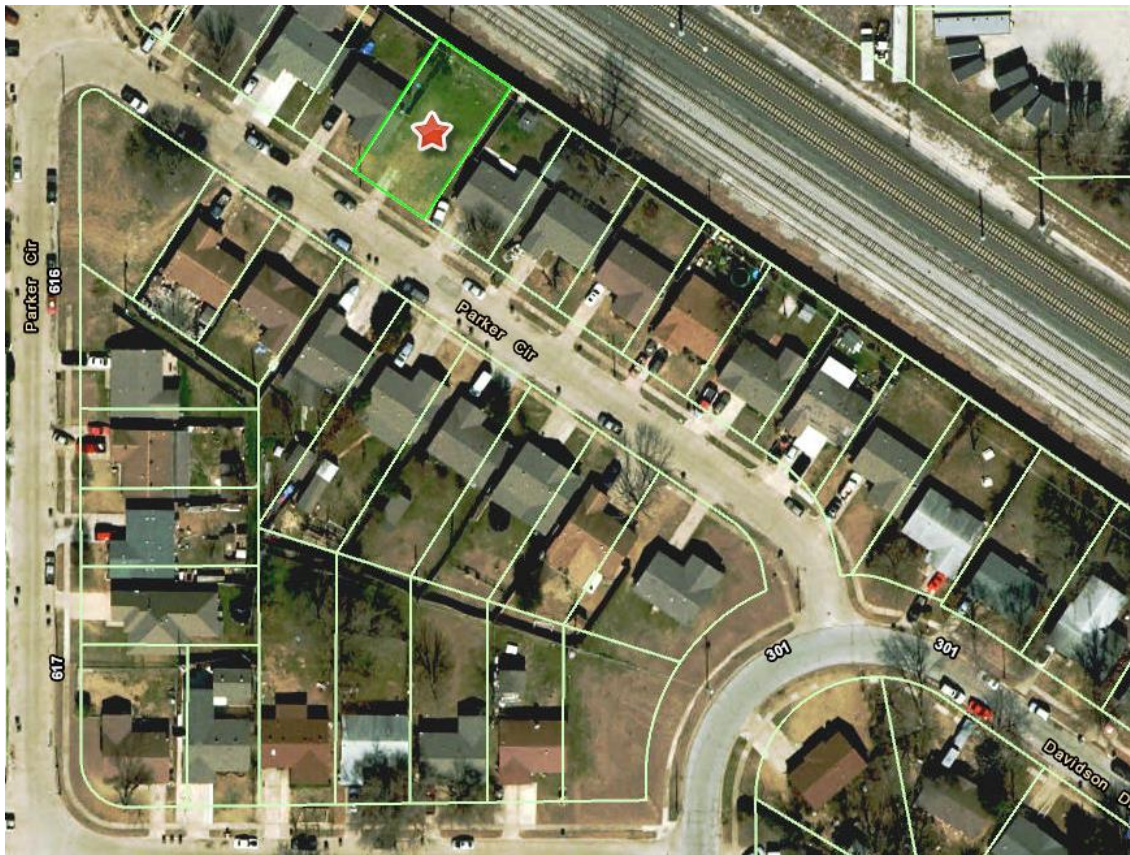
Funds to be disbursed as follows:

1.	Dallas County District Clerk	\$4,670.82
2.	Dallas County Sheriff	\$1,857.83
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$392.00
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$1,746.09
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$6,841.52
7.	John Ames, Dallas County Tax Assessor (Pro-rata Judgment tax year distribution)	\$2,121.74
	TOTAL Judgment Distribution	\$19,130.00

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$958.38
9.	Garland ISD (Post Judgment tax year distribution)	\$1,654.53
10.	John Ames, Dallas County Tax Assessor (Post Judgment tax year distribution)	\$890.61
	TOTAL Post Judgment Distribution	\$3,503.52
	TOTAL Distribution	\$22,633.52

517 Parker Circle
Map and Picture





GARLAND POLICY REPORT

City Council Work Session Agenda

2.c.

Meeting Date: October 1, 2018

Item Title: Funding Application to the Texas Water Development Board,
Drinking Water State Revolving Fund

Submitted By: Matt Watson, Finance Director

Strategic Focus Areas: Sound Governance and Finances

ISSUE

The City of Garland has been invited to submit an application for funding to the Texas Water Development Board (TWDB) through the Drinking Water State Revolving Fund. The proposed project eligible to receive funding is the Radio Read Water Meter Retrofit project that was approved in the 2018 CIP.

OPTIONS

1. Approve a resolution authorizing the City Manager to submit a funding application to the Texas Water Development Board (TWDB) through the Drinking Water State Revolving Fund.
2. Do not approve the resolution.

RECOMMENDATION

Approve a resolution authorizing the City Manager to submit a funding application to the Texas Water Development Board (TWDB) through the Drinking Water State Revolving Fund. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the October 1, 2018 Regular Meeting.

BACKGROUND

The Texas Water Development Board (TWDB) Drinking Water State Revolving Fund (DWSRF), authorized by the Safe Drinking Water Act, provides low-cost financial assistance to eligible Water and Wastewater capital projects. The DWSRF loan program is administered for the U.S. Environmental Protection Agency (EPA), and the State of Texas by the TWDB. The program provides long-term fixed-rate loans at below market interest rates.

The Water Department submitted several capital projects for consideration for this program and has been invited to submit an application for the Radio Read Water Meter Retrofit CIP project. There are over 69,000 active water meters being read on a monthly basis by the Customer Service Department and this CIP project provides for the phased replacement and upgrades to these meters. In addition, the Radio Read Water Meter Retrofit CIP project has been identified

as eligible to receive principal forgiveness reserved for Green Projects. Principle forgiveness is available on a limited basis for a portion of the eligible project and will not be known until the City completes the application process. This application to the TWDB will seek to receive a multi-year funding commitment not to exceed a total of \$7.7 million and is due by October 5, 2018.

Currently, the City utilizes Commercial Paper (CP) to fund the Radio Read Water Meter Retrofit Project. CP is a short-term debt instrument that is issued incrementally as funds are needed to finance the Water and Wastewater Capital Improvement Program. By utilizing CP, the City is able to lower its overall debt payments due to the deferral of principal payments and by taking advantage of short-term interest rates.

Once the DWSRF application process is complete, the Financial Services Department and the City's Financial Advisor, First Southwest, will evaluate the debt service cost associated with the DWSRF program and compare it to the debt service cost associated with the continued use of the CP program. The debt issuance strategy with the most favorable and lowest borrowing cost will be brought forward for City Council consideration at a later date.

CONSIDERATION

It should be noted that additional debt service cost will not be incurred at this time. Once the DWSRF application process is completed, the Financial Services Department will evaluate the debt service cost associated with this program versus the debt service cost associated with continuing to use the CP Program. Once this analysis is complete, a recommendation will be brought forward for City Council consideration.

Attachments

TWDB Application Resolution

RESOLUTION NO. _____

A RESOLUTION requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making certain findings in connection therewith.

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

SECTION 1: An application is hereby approved and authorized to be filed with the Texas Water Development Board (the "Board") seeking financial assistance in an amount not to exceed a total of \$7,700,000 to finance the costs of constructing improvements and extensions to the water system of the City of Garland, Texas (the "City") consisting of the acquisition and installation of radio read water meters.

SECTION 2: The City Manager, Finance Director, Water Utility Financial Administrator and Water Utility Director of the City, either one or any of them, shall be and are hereby designated to be the authorized representatives of the City for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of such application for financial assistance and the rules of the Board.

SECTION 3: The following firms and individuals are hereby authorized and directed to aid and assist the City in the preparation and submission of such application and to appear on behalf of and represent the City before any hearing held by the Board on such application, to wit:

Financial Advisor: James S. Sabonis and Andre Ayala, Hilltop Securities Inc.
1201 Elm Street, Suite 3500, Dallas, Texas 75270

Engineer: Michael Polocek, Engineering Director, City of Garland
800 Main Street, Garland, Texas 75040

Bond Counsel: Robert D. Dransfield, Norton Rose Fulbright US LLP
2200 Ross Avenue, Suite 3600, Dallas, Texas 75201

SECTION 4: It is officially found, determined and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

[remainder of page intentionally left blank]

SECTION 5: This Resolution shall be in force and effect from and after its passage on the date shown below.

PASSED AND ADOPTED, this October 1, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.a.

Meeting Date: October 1, 2018

Item Title: IH 635 East Update by TxDOT and NCTCOG

Submitted By: Paul Luedtke, Transportation Director

Summary of Request/Problem

NCTCOG Director of Transportation Michael Morris and a TxDOT Dallas District representative will present an update of the IH 635 East project and be available to answer any questions from Council.

Recommendation/Action Requested and Justification

Council discussion.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3.b.

Meeting Date: October 1, 2018

Item Title: Property Standards Board Overview and Update

Submitted By: Steve Killen, Code Compliance Director

Summary of Request/Problem

The Property Standards Board will provide an overview on the powers of the Board and update on case activity for the 2018 calendar year.

Recommendation/Action Requested and Justification

Information only.

Attachments

PSB Powers- CH 32 Code of Ord

PSB ByLaws

PSB PowerPoint

Division 2. Property Standards Board*



Sec. 32.25 Creation of Building and Standards Commission

(A) There is hereby created a Building and Standards Commission which shall be known as the "Property Standards Board." All of the duties, functions, and powers of the Property Standards Board previously established are hereby vested in the board created in this section.

(B) The board shall consist of nine (9) members appointed by the City Council. Members of the board shall serve for the term of two (2) years. Members of the board shall annually elect a chairperson and a vice-chairperson.

(C) Meetings of the board shall be held at the call of the chairperson and at such other times as determined by the board. The chairperson or, in the absence of the chairperson, the vice-chairperson may administer oaths and compel the attendance of witnesses.

(D) The board shall keep minutes of its proceedings showing the vote of each member on each question. The minutes shall also show whether a member was absent or failed to vote. The board shall also keep records of its examinations and other official actions. The minutes and records shall be filed immediately with the secretary of the board and shall be public record. The board shall submit a summary of all action taken by the board to the City Council on a quarterly basis.

(E) All cases before the board shall be heard by at least five (5) members. The concurring vote of a majority of the members voting is necessary to take action by the board.

(F) The City or the designated representative of the City shall present all cases to the board.

(Ordinance 4594, sec. 1, adopted 5/19/92; Ordinance 5721, sec. 1, adopted 4/1/03; Ordinance 5895, sec. 1, adopted 4/19/05; Ordinance 6740, sec. 13, adopted 10/6/14)



Sec. 32.26 Jurisdiction of the board

The board shall have jurisdiction to:

(1) Hear and determine cases concerning alleged violations of ordinances:

(a) For the preservation of public safety, relating to the materials or methods used to construct a premises or improvement, including the foundation, structural elements, electrical wiring apparatus, plumbing and fixtures, entrances, or exits;

(b) Relating to the fire safety of a premises or improvement; including provisions relating to materials, types of construction design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(c) Relating to dangerously damaged or deteriorated premises or improvements; or

(d) Relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents.

(2) Require the vacation, relocation of occupants, securing, repair, removal or demolition of a premises that is dilapidated, substandard, or unfit for human occupancy and which is a hazard to the public health, safety and welfare;

(3) Grant or deny relief under [section 32.56](#) of this Code; and

(4) Exercise such other powers and authority conferred upon the board by law or ordinance.

(Ordinance 4594, sec. 1, adopted 5/19/92; Ordinance 5895, sec. 1, adopted 4/19/05; Ordinance 6583, sec. 2, adopted 12/4/12; Ordinance 6740, sec. 14, adopted 10/6/14)

Sec. 32.27 Powers of the board

The board shall have jurisdiction to:

(1) Order the repair, within a fixed period, of a premises, or portion thereof, found to be in violation of an ordinance;

(2) Declare a premises, or portion thereof, substandard in accordance with the powers granted by this article;

(3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard condition found to exist on a premises;

(4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the Director of Police Services of the City, to enforce and carry out the lawful orders or directives of the commission; and

(5) Determine the amount and duration of a civil penalty not to exceed one thousand dollars (\$1,000.00) a day for a violation of an ordinance for a commercial or multifamily property and one hundred dollars (\$100.00) a day for a violation of an ordinance for a residential property. In assessing a civil penalty the board shall consider the severity of the violations present, the history of compliance of the property or the owner and the efforts taken, if any, to correct the violations.

(Ordinance 4594, sec. 1, adopted 5/19/92; Ordinance 5895, sec. 1, adopted 4/19/05; Ordinance 6740, sec. 15, adopted 10/6/14)

Sec. 32.28 Proceedings before the board

(A) The City may initiate a case before the board by filing a complaint with the board. Any person desiring to initiate a case before the board must file a case with the City on forms or in a format prescribed by the City. The City shall then initiate a case if the City determines that sufficient facts and evidence exist to proceed.

(B) Notice of all proceedings before the board must be given:

(1) By certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the affected property, as shown by the records in the office of the county clerk of the county in which the affected property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or other applicable instruments on file in the office of the county clerk;

(2) To all unknown owners, by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable; and

(3) By publishing the notice in a newspaper of general circulation in the City on one occasion before the tenth (10th) day before the day fixed for hearing. The notice shall be mailed and posted before the 10th day before the date of the hearing before the board and shall state the date, time and place of the hearing. If the proceeding concerns a substandard premises, the notice shall also contain an identification of the property on which the premises is located, a brief description of the violation(s) present and a statement that the City will vacate, secure, remove, or demolish the premises, or portion thereof, or relocate the occupants of the premises (at owner's expense) if corrective action is not taken within the time ordered.

(C) A copy of the final decision of the board shall be mailed by First Class Mail, certified return receipt requested, to all persons to whom notice is sent under subsection (B) above. The copy shall be mailed promptly after the decision of the board becomes final pursuant to [section 32.29](#).

(D) Within ten (10) calendar days after the date of the mailing described in subsection (C) above, a copy of the final decision shall be published one time in a newspaper of general circulation in the City and a copy shall be filed with the City Secretary.

(Ordinance 4594, sec. 1, adopted 5/19/92; Ordinance 5895, sec. 1, adopted 4/19/05; Ordinance 6740, sec. 16, adopted 10/6/14)

Sec. 32.29 Finality of board order; judicial review

An order of the board is final upon execution of the order by the chairperson (or a member acting in the absence of the chairperson). A person aggrieved by a decision of the board may appeal that decision to a district court in accordance with the provisions of section 54.039 of the Texas Local Government Code. (Ordinance 4594, sec. 1, adopted 5/19/92; Ordinance 5472, sec. 1, adopted 6/6/00; Ordinance 5895, sec. 1, adopted 4/19/05)

Secs. 32.30–32.49 Reserved



RULES AND REGULATIONS OF THE PROPERTY STANDARDS BOARD OF THE CITY OF GARLAND, TEXAS

PROLOGUE

The unalienable right to private property, being traditionally held by the American form of government as a sacred trust, can be infringed only for a compelling reason, including life-threatening conditions; hazard to the public health and safety; or eminent endangerment of other property. Nothing herein shall contradict or conflict with the United States or Texas Constitutions, statutes, or the Charter or Ordinances of the City of Garland.

* * * * *

Rules and Regulations governing the actions, proceedings, and deliberations of the building and standards commission known as the Property Standards Board, including the election of officers, and the time, place and manner of holding hearings.

* * * * *

ARTICLE I. POWERS AND DUTIES

The powers, duties, objectives, and purposes of the Property Standards Board of the City of Garland, Texas, are those set forth under the laws of the State of Texas and the Charter and Ordinances of the City of Garland.

ARTICLE II. OFFICERS AND THEIR DUTIES

Section 1. The officers of the Property Standards Board (the "Board") shall be a Chairperson, Vice-Chairperson, and Secretary. The Chairperson and Vice-Chairperson are members of the Board elected in accordance with these rules. The Secretary is a non-member who is appointed by the City Manager or his designee.

Section 2. The Chairperson (the "Chair") will preside over all hearings of the Board and have the duties normally conferred by parliamentary usage of such office. The Chair shall have the privilege of discussing all matters before the Board and voting thereon. The Chair shall sign orders approved by the Board and such other papers and documents as necessary to the proper functioning of the Board. The Chair may appoint committees as described below, and may call special hearings of the Board if matters arise which require the Board's action. The Chair shall be responsible for the efficient and orderly transaction of the Board's business. The Chair may administer oaths and compel the attendance of witnesses.

Section 3. The Vice-Chairperson (the “Vice-Chair”) shall perform the duties of the Chair during the absence, unavailability, or refusal to act of the Chair. The Vice-Chair shall sign orders when performing the duties of the Chair.

Section 4. If both the Chair and the Vice-Chair are absent, the members present shall choose another member to act as Vice-Chair and that person shall, for the duration of the meeting, have the powers of the Chair.

Section 5. The Secretary shall keep the minutes and records of the Board, prepare the agenda of regular and special hearings, provide notice of hearings and copies of minutes to Board members, arrange for proper legal notice of all hearings, attend to the correspondence of the Board and other such duties as are normally carried out by a Secretary. The Director of Code Compliance or other designee of the City Manager may serve as Secretary. It shall be the duty of the Secretary to submit to the Board the minutes of the previous hearing so that the same may be corrected, if necessary, to reflect fairly the proceedings of the last hearing. The minutes shall not be official until adopted by a majority of the Board.

Section 6. The City Manager or the Secretary may designate one or more assistants to the Secretary. An assistant to the Secretary may perform the duties of the Secretary during the absence or unavailability of the Secretary.

ARTICLE III. ELECTION OF OFFICERS

The Chair and Vice-Chair shall be elected annually at the first hearing in October after City Council appointments to the Board are made, or the first meeting thereafter if no October meeting is held. Nominations shall be made from the Board members present, with a vote to follow immediately on the candidates nominated. For each position, the candidate receiving a majority vote is declared elected and takes office immediately.

ARTICLE IV. HEARINGS

Section 1. Hearings may be called at any time by the Chair. Hearings shall occur within fifteen (15) days after the Director of Code Compliance or other City official (the “Director”) appointed by the City Manager or his designee notifies the Chair that action requiring a hearing is necessary. The meetings are held in the City Council Work session Room or such other place within City Hall as designated by the Chair.

Section 2. Notice of meetings and the agenda for all meetings shall be posted by the 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). Notice to property owners shall be in compliance with applicable law.

Section 3. All meetings of the Board shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act except Executive Session meetings allowed by State law. Citizens and other visitors attending Board meetings shall observe the rules of propriety, decorum and good conduct expected of those attending a City Council Meeting.

Section 4. A minimum of five (5) Board members is required for a quorum, and all cases before the Board shall be heard by at least five (5) members. No official action shall be taken

unless a quorum is present.

Section 5. The concurring vote of a majority of the members of the Board who are present and voting is necessary to take any action. Each regular member of the Board present shall be required to vote unless excused because of a direct interest as a neighboring property owner, a financial interest in the outcome of the particular case, for reasons of nepotism, as defined by State law, or when prohibited by State law. An unexcused failure to vote shall constitute grounds for removal of the non-voting member by the City Council.

Section 6. All decisions and actions taken by the Board shall be made in a hearing open to the public and a vote taken at such hearing and duly recorded. The minutes shall show whether a member was absent or failed to vote. All hearings shall be open to the public and shall be noticed and held in accordance with the Texas Open Meetings Act and all other requirements of state and local law concerning public meetings.

Section 7. These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the Board. To the extent not inconsistent with these rules, the Board proceedings shall follow the rules of procedure set out in Roberts Rules of Order, Newly Revised 10th Edition, published by Persus Publishing, Copyright 2000, (hereinafter “RONR (10th ed.)”) a copy of which shall be retained by the City Secretary and made available for inspection by the public during normal business hours. In the event of conflict between these rules or RONR (10th ed.) and any law or ordinance, the conflicting law or ordinance shall control.

Section 8. The Board may take a matter under advisement and announce its decision at some subsequent hearing; provided, however, that no hearing will be adjourned without setting a definite date when such hearing will be resumed, and that the subsequent hearing shall be noticed and held in accordance with the Texas Open Meetings Act and all other requirements of state and local law concerning public meetings.

Section 9. The Board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately by the Secretary of the Board and shall be open records. PSB members may submit suggested corrections to the minutes electronically, or verbally, to the secretary and staff before the next meeting at which they are to be adopted. The Secretary shall make the suggested changes available to the Board for consideration.

Section 10. Upon request of the City Council, the Board shall submit a summary of all actions taken by the Board at its last hearing or meeting to the City Council.

ARTICLE V. COMMITTEES AND THEIR FUNCTIONS

Section 1. Special committees may be appointed by the Chair from time to time as occasion for such arises. These committees may be assigned any procedural or administrative issue not required by law to be considered by the Board itself; cases brought by the Director may not be assigned to a committee. Special committees shall be composed of at least three (3) members.

Section 2. A Chairperson shall be appointed from the membership of each committee by the Chair of the Board. The committee Chair shall preside over committee hearings, shall vote upon all questions, and shall report the result of such hearings to the Board.

Section 3. All meetings of special committees shall be governed by these rules and shall comply with the Texas Open Meetings Act.

ARTICLE VI. PROCEDURES AND RULES

Section 1. The Board shall follow the procedures set out in this Article except to the extent that they may conflict with any provision of Chapter 54 of the Local Government Code of the State of Texas or other State law or City ordinance. In the event of conflict, the conflicting law or ordinance shall control.

Section 2. The Director or his designee initiates and prosecutes cases before the Board. If a person other than the Director would like a case brought before the Board, such person must first file a request with the Director on a form or in a format prescribed by the Director. The Director shall determine if sufficient facts and evidence exists to prosecute the case before the Board.

Section 3. At the hearing, proponents and opponents shall be given reasonable and adequate opportunity to present their respective views and evidence, including rebuttal testimony and cross examination. The Board may ask for each delegation to appoint a speaker or speakers to represent the delegation in order to conserve the Board's time.

Section 4. The Secretary shall include in the minutes of the Board the vote of each member on each question, and shall show whether a member was absent or failed to vote. The Secretary shall cause an audio recording of the meeting to be made to preserve the testimony to and deliberations of the Board and that recording shall constitute the official record of the proceedings. In the event that an audio recording is not made as a result of inadvertence or technical failure, the secretary shall fairly summarize the testimony and arguments and include that information in the minutes of the meeting. If a tape recording is made of the proceedings, that tape recording shall constitute the official record of the proceedings for the purpose of appeal regardless of the summary of the testimony provided by the Secretary.

Section 5. The Board shall render a decision based upon the reports, testimony, and other evidence admitted. After the Board has reached its decision and taken official action on any case, the Secretary shall prepare an Order for the Chair's signature. After being signed, the Order shall be forwarded to the Director so that the Director may carry out the Order of the Board.

Section 6. The following order of proceedings shall be observed in all cases before the Board:

- A. The Secretary, the Chair or the Vice-Chair shall read a summary of the complaint previously filed with the Board commencing the case.
- B. The Director or his representative shall present evidence that notice was given to the property owner of the property under consideration by the Board. The record shall reflect the manner and method in which notice was given.

- C. The Director or his representative shall present all evidence, documents, testimony and professional opinions as he deems necessary to support and prove the case before the Board. Any party in interest may examine witnesses. The Chair shall have the power and authority to rule on the admissibility of evidence and on all objections as to the form and substance of any question or evidence presented. In doing so, the Chair is not limited or controlled by the Texas Rules of Evidence.
- D. Other parties may present relevant evidence, documents, testimony professional opinions. The Chair shall have the power to rule on evidence and objections as provided in Section 3 above.
- E. A person who desires to offer evidence, documents or opinions but who is not a party may nonetheless be allowed by the Chair to do so, unless the Chair's decision is overruled by a majority of the Board hearing the case.
- F. Board Members will limit their comments to the subject matter or motion being currently considered by the Board.
- G. Any member of the Board wishing to speak or question a witness must first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. The Chair must recognize any member of the Board who seeks the floor when appropriately entitled to do so.
- H. Board Members may ask of questions of witnesses which will help the Board determine the following:
 - 1. Whether proper notice was given to the person who owns the property under consideration by the Board;
 - 2. Whether a violation exists on the property; and
 - 3. The proper remedy for the violation.
- I. After testimony and other evidence is received, the Chair shall close the hearing and the Board shall deliberate its decision. Any member of the Board wishing to speak during the Board's deliberation must first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. The Board may incorporate in its decision any order or declaration authorized by law. The Board shall render a decision based upon the motion of a Board Member or the Chair, supported by a second and approved by a majority of Board Members present.
- J. Procedures For Motions

The following is the general procedure for making motions:

- 1. Before a motion can be considered or debated it must be seconded.

2. A Board Member who wishes to make a motion should do so through a verbal request to the Chair or by registering in the electronic que.
3. A Board Member who wishes to second a motion should do so through a verbal request to the Chair or by registering in the electronic que.
4. 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 Board Member properly recognized by the Chair.
5. Once the matter has been fully discussed and the Chair calls for a vote, no further discussion will be allowed.

K. Motion Amendments

When a motion is on the floor and an amendment is offered, the amendment should 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.

- L. The decision of the Board shall be in the form of an Order which shall express the decision of the Board. The Secretary shall publish and mail copies of the Order in accordance with the requirements of law.

Section 7. The Property and Standards Board is a quasi-judicial building and standards commission authorized by state law; therefore, any appeal from the Board's order must be made in accordance with that law. If no appeals are taken from the decision of the Board within the time required, the decision of the Board is, in all things, final and binding.

ARTICLE VII. NON-OBSERVANCE OF RULES

Section 1. Rules adopted by Board are solely to expedite and facilitate the transaction of the business of the Board 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 Board.

Section 2. Any of the foregoing rules may be waived or suspended by a majority vote of the Board Members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

Section 3. The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Board, or of its presiding officer, to govern the conduct of meetings of the Property Standards Board 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 Board.

ARTICLE VIII. ABSENCES FROM THE BOARD MEETINGS.

Section 1. If, during an appointment year, a Member of the Board is absent for more than three scheduled (3) meetings, or twenty five 25 percent of the scheduled meetings, which ever is greater, the PSB Chairman shall notify the City Council of the absences of the Board Member for consideration of forfeiture of office pursuant to Section 10.27 of the City Code of Ordinances. No absences of a Board Member will be excused by the Board.

Section 2. A resignation letter from any Board Member should be directed to the Chairman of the PSB. Upon receipt of a resignation letter from a Board Member the Chairman shall notify the City Council of the resignation and request appointment of a replacement board member.

City of Garland Property Standards Board Annual Update October 1, 2018

Mr. David Perry, Chairman of the Board
Lily Gama/Steve Killen – Staff Liaison



GARLAND

TEXAS MADE HERE

Property Standards Board Proceedings

- Consists of nine Board Members Appointed by Council
- Meets as needed – Requires a minimum of five members for a quorum
- Reviews staff recommendations and issues orders that may require the repair, demolition, and/or civil penalties (or combination thereof)
- The Board may ask questions of witnesses to help determine the following:
 - Whether proper notice was given to the person who owns the property ;
 - Whether a violation exists on the property; and
 - The proper remedy for the violation.



GARLAND

TEXAS MADE HERE

Property Standards Board Powers and Authority

Powers are derived from several sources:

- City Ordinance
- City Charter
- Local Government Code CH. 54 and 214

Property Standards Board Powers and Authority

The Board has jurisdiction to hear cases concerning alleged violations of ordinances:

- For the preservation of public safety, relating to the materials or methods used to construct or improve a building
- Relating to the fire safety of a building or improvement
- Relating to dangerously damaged or deteriorated buildings or improvements



GARLAND

TEXAS MADE HERE

Property Standards Board Powers and Authority

(Jurisdiction cont.)

The Board has jurisdiction to:

- Require the vacation, relocation of occupants, securing, repair, removal or demolition of a building that is dilapidated, substandard, and which is a hazard to the public health, safety and welfare; and
- Exercise such other powers and authority conferred upon by the Board by law or ordinance



GARLAND
TEXAS MADE HERE

Property Standards Board Powers and Authority

Quasi-Judicial Board

- “Judicial” in the sense that the Board has the authority to decide controversies that affect individual rights.
- “Quasi” because it is not a court of law, but an administrative body of government created by a legislature and charged with the regulation of a particular area of government concern—housing and building standards.



GARLAND
TEXAS MADE HERE

Property Standards Board Powers and Authority

The Board may:

- Order the repair, within a fixed period, of buildings found to be in violation of an ordinance;
- Declare a building substandard;
- Order, in an appropriate case, the immediate removal of persons or property found on private property



GARLAND

TEXAS MADE HERE

Property Standards Board Powers and Authority

The Board may:

- Issue orders or directives to any peace officer of the state, to enforce and carry out the lawful orders of the board; and
- Determine amount and duration of civil penalty—up to \$1,000 per day for a violation of an ordinance for a commercial property, and \$100 per day for residential.



GARLAND

TEXAS MADE HERE

Property Standards Board Orders Subject to Appeal

- An owner is entitled to appeal the decision of the Property Standards Board to the District Court
- If the owner fails to appeal that decision to the District Court in a timely fashion, the owner cannot later bring a claim for inverse taking



GARLAND

TEXAS MADE HERE

Property Standards Board Time to Appeal

“...30 calendar days after the date a copy of the final decision of the commission panel is personally delivered or mailed by first class mail, certified return receipt requested, to all persons to whom notice is required...”



GARLAND

TEXAS MADE HERE

Property Standards Board Hearings and Cases



- 3/1/2018
 - 819 Woodland Dr.
 - 4510 Lincolnshire Dr.
 - 225 Austin St.
 - 4813 Crestpoint Ln.
 - 442 Thomas St.
- 5/29/2018
 - 4126 Princeton Dr.
 - 3933 Amy Ave.
 - 2605 Meadowridge Dr.
 - 1005 S. Fifth St.
- 8/30/2018
 - 3805 Douglas Dr.

Property Standards Board Members

Mayor At Large – David Perry *Previously Mark Tyler

District 1- Eric Scholl *Previously Nicholas Oliver

District 2 – John Spencer

District 3 – Jena Bjornson

District 4 – Larry Jeffus *Previously David Perry

District 5 – Vacant *Previously Noelia Garcia

District 6 – Vacant *Previously Douglas Williams

District 7 – Martha Melaku

District 8 – Michael Francis



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Property Standards Board Staff Representatives

Steve Killen – Staff Liaison

Lily Gama – Staff Liaison

Kurt Banowsky - Sr. Assistant City Attorney



Questions?



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**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3.c.

Meeting Date: October 1, 2018

Item Title: Update on Progress and Implementation of Proposed 2019 Bond Referendum

Submitted By: John Baker, Assistant City Manager

Summary of Request/Problem

Representatives from Kimley-Horn and City Staff will provide an update to the Council regarding public input, community meetings, anticipated timelines and other information related to the proposed 2019 Bond Program.

Recommendation/Action Requested and Justification

Council discussion.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.d.

Meeting Date: October 1, 2018

Item Title: Skate Park Comparisons

Submitted By: Jermel Stevenson, Managing Director

Summary of Request/Problem

As requested by the City Council on September 4, 2018, staff is presenting examples of skate parks in Texas in order to draw comparisons of size, amenities, and level of complexity so as to help the Council form a course of action and funding allocation for the proposed Garland skate park.

The proposed Garland skate park project was approved by the voters in the 2004 Bond referendum in the amount of \$500,000. Staff is reviewing with the City Council the current and past funding requests dating back to 2004 up to the current budget of \$1,150,000.

Recommendation/Action Requested and Justification

Option 1. Design and build as approved (Voters and City Council) for \$1,150,000

Option 2. Design and build as approved by voters in 2004 for \$500,000

Option 3. Design and build for other amount determined by City Council

Option 4. No build

Attachments

Skate Park Comparisons

Skate Park

Garland, Texas

GARLAND SKATE PARK | funding history

Current CIP Budget - \$1,150,000

- Background on Funding

- 2004 Bond Referendum – Garland voters approve \$500,000 for a skate park.
- 2004 to 2014 - CIP funds for the skate park remain at \$500,000.
- 2015 CIP - Staff requests an additional \$500,000. Revised budget: \$1,000,000.
- 2016 CIP - No requests are made for additional funds.
- 2017 CIP - Staff requests an additional \$150,000. Final budget is \$1,150,000.

- 2018 CIP

Funds programmed in 2018 in anticipation of construction in 2018:

- 2004 Bond funds - \$500,000
- Certificates of Obligation issued - \$590,000
- Less previous years' expenditures - (\$64,000)
- Total Approved Funding in 2018 CIP - \$1,026,000

- 2019 CIP

- Remaining funds unissued; set for City Council review - \$60,000

GARLAND SKATE PARK | program recommendations

- Open air facility
- 0.5 – 1 acre in size
- Concrete construction
- Combination of terrain-style and transition-style skate features
- Design for health, safety, and welfare
- Diverse user groups:
 - Skateboards, BMX, scooters, in-line skates
 - All skill levels
 - All age groups
- Built to serve Garland citizens
- Basic site amenities:
 - Shade
 - Water fountains
 - Restrooms
 - Lighting
 - Seating
 - Parking



GARLAND SKATE PARK | size classifications

- Mini park / skate spot: under 6,000 sq ft (small parks)
- Neighborhood: 6,000-12,000 sq ft (neighborhood parks)
- Community: 12,000-25,000 sq ft (community parks)
- Regional: 25,000-40,000 sq ft (regional parks)
- Destination: >40,000 sq ft (large cities, destination parks)

- * *Most communities will develop a network of facilities over time to meet demand*
- * *Master planning for skateboarding & wheeled sports facilities is becoming more common (ie. Arlington TX)*

<http://www.arlington-tx.gov/cdp/wp-content/uploads/sites/11/2015/02/Skate-Park-Strategy.pdf>



GARLAND SKATE PARK | scope of work

- Typical Scope of Work for Design/Build Team:
 - Design of skate park terrain
 - Construction of skate park terrain
 - Includes base preparation of 1ft pad fill material (actual may vary per geotechnical conditions)
 - Skate park hard surface features
 - Subsurface drainage connections at site
- Pricing varies depending on variables such as:
 - Project size (i.e. economies of scale)
 - Community desired skate park terrain type(s)
 - Site considerations – existing site conditions, soil conditions, subsurface drainage infrastructure, etc.
- Additional costs should be allocated towards overall skate park amenities such as:
 - Shade
 - Water fountains
 - Restrooms
 - Lighting
 - Seating
 - Parking
 - Signage



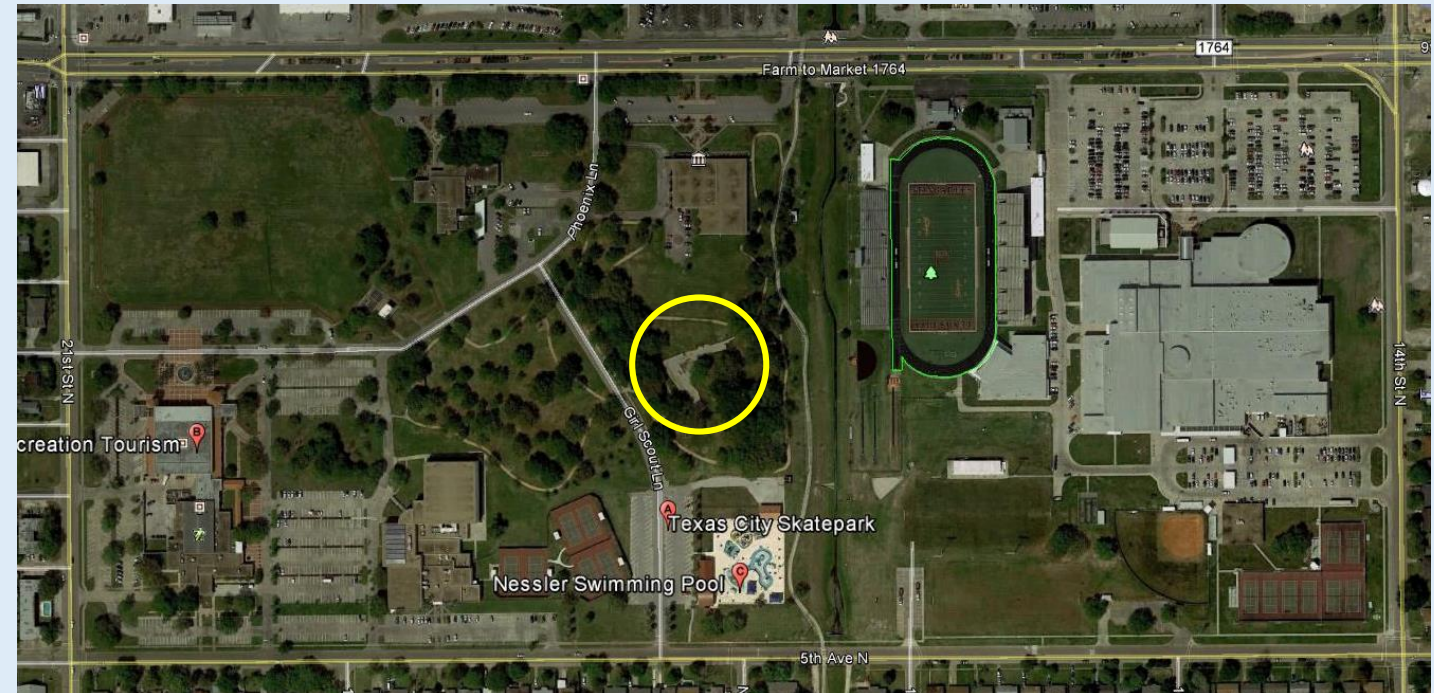
GARLAND SKATE PARK | comparison study

<https://youtu.be/R8jowxaeAg0>

TEXAS CITY, TX: TEXAS CITY SKATE PARK

SIZE: 8,000 SF

DATE COMPLETED: SUMMER 2013



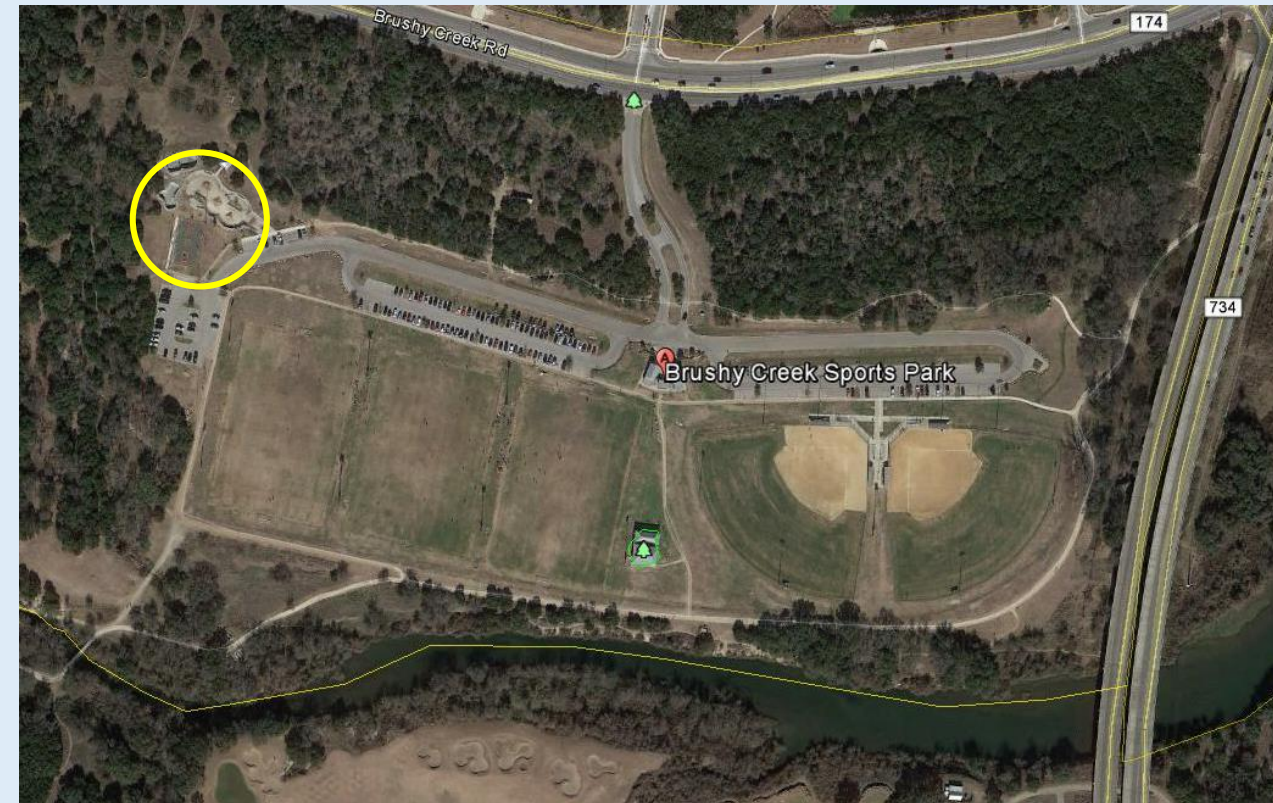
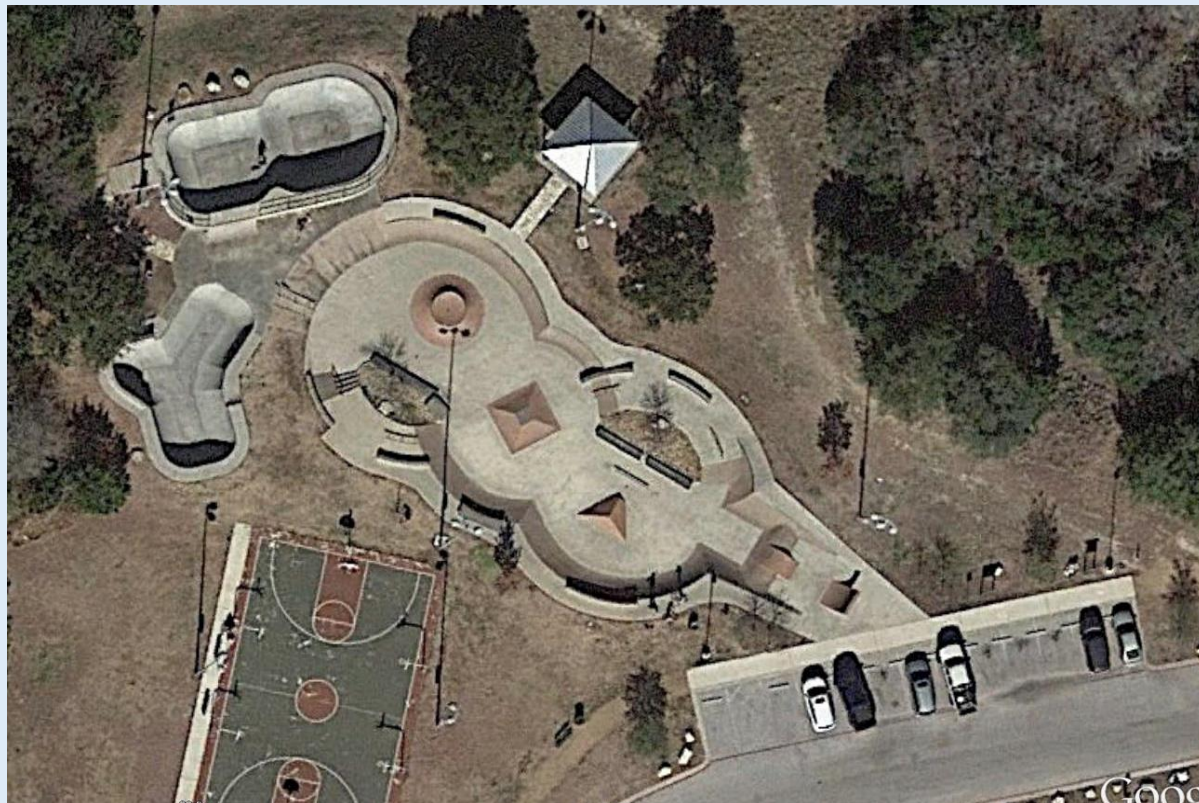
GARLAND SKATE PARK | comparison study

<https://youtu.be/4p4U6rloAwI>

CEDAR PARK, TX: BRUSHY CREEK SKATE PARK

SIZE: 15,000 SF

DATE COMPLETED: FALL 2009



GARLAND SKATE PARK | comparison study

<https://youtu.be/0dRWEEuBB8>

ROANOKE, TX: ROANOKE SKATE PARK

SIZE: 20,000 SF

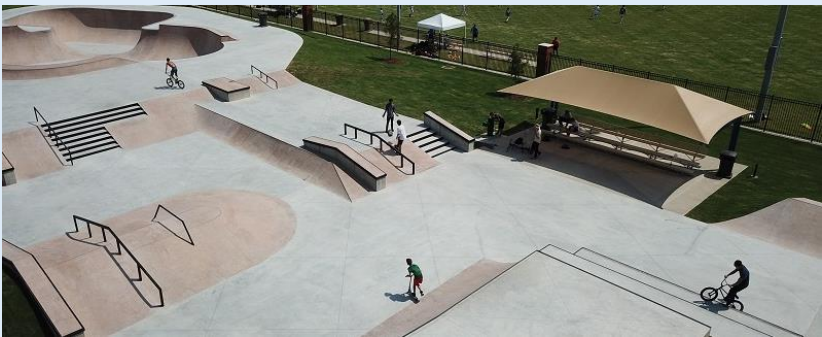
DATE COMPLETED: SPRING 2015



GARLAND SKATE PARK | comparison study

<https://youtu.be/t1WxQYAVShk>

PLANO, TX: CARPENTER PARK
SIZE: 20,000 SF
DATE COMPLETED: AUGUST 2018



GARLAND SKATE PARK | comparison study

https://youtu.be/m7V8B_mL10Y

McKINNEY, TX: GABE NESBITT SKATE PARK

SIZE: 30,000 SF

DATE COMPLETED: SPRING 2013



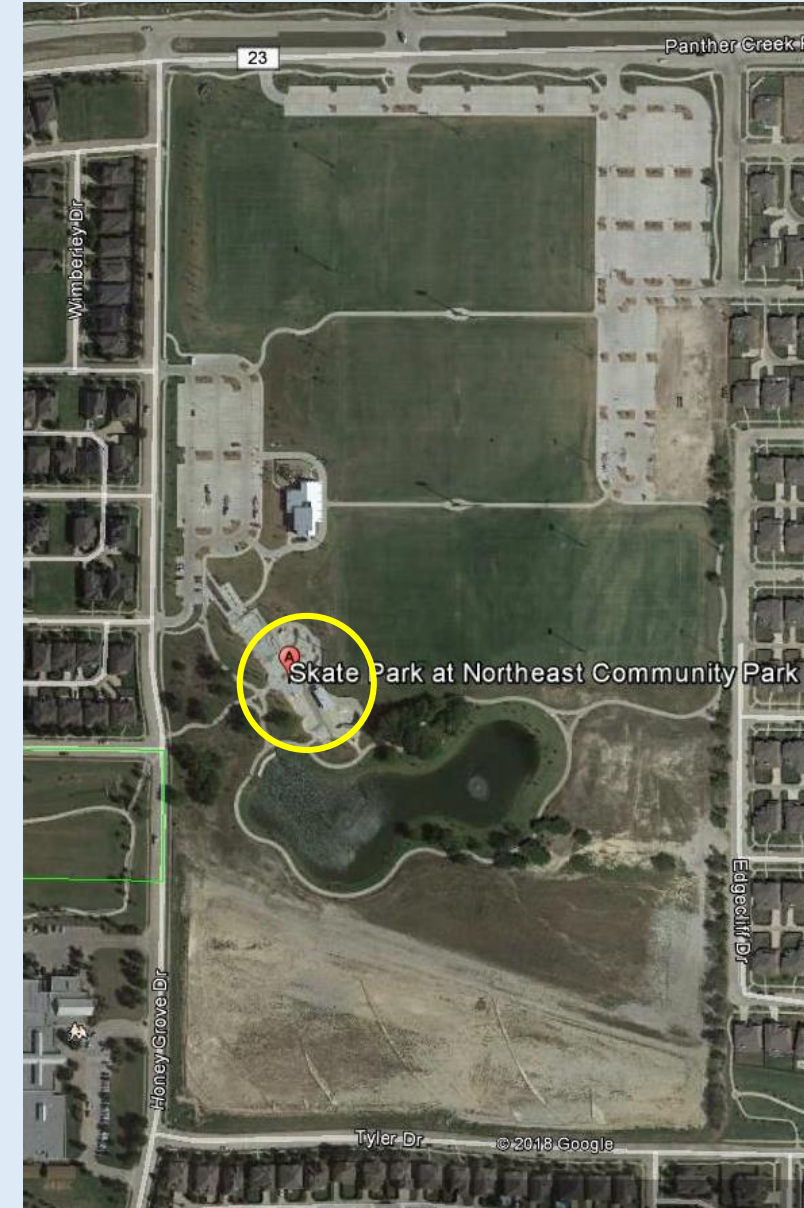
GARLAND SKATE PARK | comparison study

<https://youtu.be/TX8HT9tTzcU>

FRISCO, TX: NORTHEAST COMMUNITY PARK

SIZE: 47,000 SF

DATE COMPLETED: SUMMER 2017





**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3.e.

Meeting Date: October 1, 2018

Item Title: Parks, Recreation and Cultural Arts Facility Use Agreements

Submitted By: D'Lee Williams, Recreation Director

Summary of Request/Problem

Staff will provide Council a report on the policies and practices of Facility Use Agreements in the Parks, Recreation and Cultural Arts Department.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

Facility Use Agreements



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Facility Use Agreements

**Council Update
October 1, 2018**



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Facility Use Agreements

What is a Facility Use Agreement (FUA)?



Facility Use Agreements

- Agreement between sport associations and City of Garland for use of sport fields and facilities
- Associations have exclusive use of sport fields during agreement period
- Agreements are renewed annually
- Outline use of fields/facilities and responsibilities of each party
- Some FUA's include reserving GISD gym space paid for through department's operating budget
- 14 Facility Use Agreements



Facility Use Agreements

Softball

- **Garland Softball Association**
 - Adult
 - Carter Softball Complex
- **Garland Girls Softball Association**
 - Winters Softball Complex



Facility Use Agreements

Youth Baseball

- **Garland Baseball, Inc.**
 - Rick Oden Park
- **South Garland Little League**
 - Central Park
- **Buddy League**
 - Special needs athletes
 - Bradfield field #3
- **North Garland Sports Association**
 - Holford Park
 - Norman Groves field #1
- **Garner Little League**
 - Bradfield fields #1, #2 and #4



Youth Football

- **Garland PeeWee Football Association**
 - One football field at each location below:
 - Bradfield
 - Central
 - Holford
 - One GISD field reserved as needed



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Facility Use Agreements

Dance and Cheer

- **Garland Cheer and Dance Team Association**
 - Perform and cheer for youth football and youth basketball
 - Utilize recreation centers as needed



Facility Use Agreements

Volleyball

- **Garland Girls Volleyball Association**
 - Utilize recreation centers during non-public hours at discounted fee for clinics
 - Department pays for GISD gym space for practices
 - GGVA pays for game space



Youth Basketball

- **Garland Boys Basketball Association**
 - GISD gym space for games and practices
- **Garland Girls Basketball**
 - GISD gym space for games and practices
 - Has not made past 3 seasons



Youth Soccer

- **Garland Soccer Association**
 - Winters Complex
 - Audubon Complex field allocations based on registration numbers



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Facility Use Agreements

Cricket

- **Garland Cricket Association**
 - Troth Ablon Park



Action Plan

- Audit of sports league contracts conducted Fall 2017
- New Recreation Director started January 2018
- Staff reviewing FUA's and conducting a benchmarking survey
- Copy of audit provided to sport associations and Park Board
- Meetings are set for October to allow sport associations to meet with staff regarding audit and to provide feedback
- Staff will provide a report and recommendation to Park Board and Council once completed



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Facility Use Agreements

Questions



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.f.

Meeting Date: October 1, 2018

Item Title: Discuss the possible relocation of the July 4th event from Firewheel Mall to Downtown

Submitted By: Christopher Hallmark, Special Events & Marketing Supervisor

Summary of Request/Problem

At the request of Council Member Jim Bookhout and Mayor Lori Barnett Dodson, Council is requested to discuss the possible relocation of the July 4th event to Downtown Garland.

Recommendation/Action Requested and Justification

City Council to give direction to staff regarding the possible relocation of the July 4th event to Downtown Garland.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.g.

Meeting Date: October 1, 2018

Item Title: Central Park Inclusive Playground - Project Budget Options

Submitted By: Jermel Stevenson, Managing Director

Summary of Request/Problem

Staff will present background information and considerations for alternate budget options related to the construction of the Central Park Playground, which is designed with wheelchair access to elevated and ground level play components, incorporating inclusive play beyond minimum accessibility requirements and accommodations.

The current project budget, with City Council approval, for this location is \$480,000. This includes in-house charges, project incidentals such as civil survey, materials testing, inspections, consultant design, playground construction, and site related costs.

Council may consider concurrence with the project budget, or direct staff to reduce/increase the project budget to one of the options below.

Option 1: Build to the budget as approved in Bid#4716-14 in the amount of \$480,000.

Option 2: Increase project scope and budget of \$789,000, which includes \$309,000 of additional funding for two bid alternates recommended by Baldwin Architects.

Option 3. Increase the project scope and budget to \$1,300,000 for the design and construction of an accessible and sensory playscape.

Recommendation/Action Requested and Justification

Staff seeks direction on which design approach and project budget the City supports for the development of a playscape at Central Park.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.h.

Meeting Date: October 1, 2018

Item Title: Public Safety Committee Report

Submitted By: Mitch Bates, Chief of Police

Summary of Request/Problem

Council Member Scott LeMay, Chairman of the Public Safety Committee (PSC), and Chief Mitch Bates, Staff Liaison to the PSC, will provide a committee report on the following items:

- Review of Safelight Program Policies and Procedures
- Review of commercial vehicles parked in residential areas overnight
- Review Use of Fireworks for celebratory purposes
- Review Share-bike drops
- Review potential regulation of motorized scooters
- Parking restrictions in residential neighborhoods-review of ordinances and programs used in other cities

Recommendation/Action Requested and Justification

For Council discussion.
