



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

Monday, May 20, 2019

6:00 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. Texas Department of Transportation's S.T.E.P. - "Click It or Ticket" - Grant

Council is requested to consider accepting a Texas Department of Transportation (TxDOT) - Selective Traffic Enforcement Program (S.T.E.P.) - Click It or Ticket Grant. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the May 21, 2019 Regular Meeting.

b. 2019 Capital Improvement Program Budget Amendment No. 2

Council is requested to approve the Capital Improvement Program Amendment No. 2 as proposed. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the June 4, 2019 Regular Meeting.

c. Water Conservation and Resource Emergency Management Plans

Every five years the Texas Commission on Environmental Quality requires public utilities that provide potable water service to 3,300 or more connections to update their Water Conservation and Resource Emergency Management Plan. This plan reflects conservation measures, best management practices, and historical water use and outlines emergency actions when the water supply is threatened by drought, equipment failure or other scenarios that could impact water deliveries. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the June 4, 2019 Regular Meeting.

3. Verbal Briefings:

a. Internal Audit Committee Report

Mayor Pro Tem, Rich Aubin, Chair of the Internal Audit Committee, will provide a committee report on the following items:

- City Property Usage Audit*
- External Audit Firm Selection Process*

b. New City Website Preview

The City of Garland will roll out a new redesigned government website later this week. Staff will provide a brief preview.

c. Discuss Property Tax Homestead and Senior Exemptions

Staff will make a presentation regarding the impacts of increasing the property tax homestead and senior exemptions. Currently, the City of Garland homestead exemption is set at 8% of appraised value and the senior exemption is set at a flat dollar amount of \$51,000 of appraised value. Amendments to the homestead and/or senior exemptions must be approved by City Council by July 1, 2019.

4. Discuss Appointments to Boards and Commissions

Council Member Robert John Smith

- Dale Long - Property Standards Board

5. 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.

6. Adjourn



GARLAND POLICY REPORT

City Council Work Session Agenda

2.a.

Meeting Date: May 20, 2019

Item Title: Texas Department of Transportation's S.T.E.P. - "Click It or Ticket" - Grant

Submitted By: Jeffrey Bryan, Chief of Police

Council Goal: Financially Stable Government with Tax Base that Supports Community Needs
Fully Informed and Engaged Citizenry
Safe, Family-Friendly Neighborhoods

ISSUE

Council is requested to consider accepting a Texas Department of Transportation (TXDOT) – Selective Traffic Enforcement Program (STEP) - CIOT (Click It or Ticket) Grant.

OPTIONS

1. Accept TxDOT S.T.E.P. grant funding.
2. Do Not Accept TxDOT S.T.E.P. grant funding.

RECOMMENDATION

Option 1: Accept TxDOT grant funding for the Selective Traffic Enforcement Program (STEP) Grant, "Click It or Ticket," for education, awareness, and increased safety belt compliance, May 17, 2019 – June 5, 2019.

Unless otherwise directed by Council, this item will be scheduled for formal consideration at the May 21, 2019 Regular Meeting.

BACKGROUND

The Garland Police Department has successfully participated in S.T.E.P. enforcement grants for many years. The purpose of this grant is to save lives by increasing occupant restraint use in all passenger vehicles and trucks by conducting intense occupant protection enforcement as well as public information and education efforts during the enforcement period. Enforcement of these efforts will be focused throughout the City of Garland.

CONSIDERATION

If accepted, the \$11,338.56 grant will provide 100% salary reimbursement for officers conducting CIOT enforcement during the enforcement period, May 22, 2019 – June 5, 2019. The grant is fully funded by the Texas Department of Transportation (TxDOT). The City of Garland is not required to provide matching funds.

Attachments

2019 Click it or Ticket Resolution

2019 CIOT Proposal

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) - CLICK IT OR TICKET (CIOT) GRANT IN THE AMOUNT OF \$11,338.56; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City of Garland Police Department, by and through Police Chief Mitch Bates, is hereby authorized to accept a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program - Click It Or Ticket (CIOT) Grant in the amount of \$11,338.56, for the purpose of vehicle occupant restraint enforcement during the period from May 17, 2019 through June 5, 2019.

Section 2

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

Texas Traffic Safety eGrants

Fiscal Year 2019

Organization Name: City of Garland - Police Department

Legal Name: City of Garland

Payee Identification Number: 17560005344000

Project Title:

ID: 2019-GarlandPD-CIOT-00035

Period: 05/17/2019 to 06/05/2019

COUNTY SERVED

Select a County: Dallas County - Dallas District

POLITICAL DISTRICT SERVED

Select a Political District Served ([View a map](#)):

U.S. Congress* Congressional District 3
Congressional District 4
Congressional District 5
Congressional District 32

Texas Senate* Texas Senate District 2
Texas Senate District 8
Texas Senate District 16

Texas House* Texas House of Representatives District 33
Texas House of Representatives District 67
Texas House of Representatives District 102
Texas House of Representatives District 107
Texas House of Representatives District 112
Texas House of Representatives District 113
Texas House of Representatives District 114

Texas Traffic Safety Program

GRANT AGREEMENT GENERAL TERMS AND CONDITIONS

Definitions: For purposes of these Terms and Conditions, the "Department" is also known as the "State" and the "prospective primary participant" and the "Subgrantee" is also known as the "Subrecipient" and "prospective lower tier participant"

ARTICLE 1. COMPLIANCE WITH LAWS

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of compliance.

ARTICLE 2. STANDARD ASSURANCES

The Subgrantee assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 2 CFR, Part 200; and the Department's Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

A. It possesses legal authority to apply for the grant; and that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained in the application, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide any additional information that may be required.

B. It and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and in accordance with that Act, no person shall discriminate, on the grounds of race, color, sex, national origin, age, religion, or disability.

C. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended; 42 USC (United States Code) §§4601 et seq.; and United States Department of Transportation (USDOT) regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR, Part 24, which provide for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.

D. It will comply with political activity (Hatch Act) (applies to subrecipients as well as States). The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

E. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.

F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

G. It will give the Department the access to and the right to examine all records, books, papers, or documents related to this Grant Agreement.

H. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.

I. It recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to this Grant Agreement. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 USC §§4321 et seq.; the Clean Air Act, as amended, 42 USC §§7401 et seq. and sections of 29 USC; the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC §§6901 et seq.; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 USC §§9601 et seq. The Subgrantee also recognizes that the U.S. Environmental Protection Agency, USDOT, and other federal agencies have issued, and in the future are expected to issue, regulations, guidelines, standards, orders, directives, or other requirements that may affect this Project. Thus, it agrees to comply, and assures the compliance of each contractor and each subcontractor, with any federal requirements that the federal government may now or in the future promulgate.

J. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 USC §4012a(a). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where that insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any form of direct or indirect federal assistance.

K. It will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470 et seq.), Executive Order 11593, and the Antiquities Code of Texas (National Resources Code, Chapter 191).

L. It will comply with Chapter 573 of the Texas Government Code by ensuring that no officer, employee, or member of the Subgrantee's governing board or the Subgrantee's subcontractors shall vote or confirm the employment of any person related within the second degree of affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise that person. This prohibition shall not apply to the employment of a person described in Section 573.062 of the Texas Government Code.

M. It will ensure that all information collected, assembled, or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Chapter 552 of the Texas Government Code, unless otherwise expressly provided by law.

N. If applicable, it will comply with Chapter 551 of the Texas Government Code, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

ARTICLE 3. COMPENSATION

A. The method of payment for this agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Project Budget. The amount included in a Project Budget category will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B of this Article. If the Project Budget specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.

B. All payments will be made in accordance with the Project Budget.

1. The Subgrantee's expenditures may overrun a budget category (I, II, or III) in the approved Project Budget without a grant (budget) amendment, as long as the overrun does not exceed a total of five (5) percent of the maximum amount eligible for reimbursement (TxDOT) in the attached Project Budget for the current fiscal year. This overrun must be off-set by an equivalent underrun elsewhere in the Project Budget.

2. If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department, through the TxDOT Electronic Grants Management System (eGrants), prior to the Request for Reimbursement being approved. The notification must indicate the amount, the percent over, and the specific reason(s) for the overrun.

3. Any overrun of more than five (5) percent of the amount eligible for reimbursement (TxDOT) in the attached Project Budget requires an amendment of this Grant Agreement.

4. The maximum amount eligible for reimbursement shall not be increased above the Grand Total TxDOT Amount in the approved Project Budget, unless this Grant Agreement is amended, as described in Article 5 of this agreement.

5. For Selective Traffic Enforcement Program (STEP) grants only: In the Project Budget, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or B, "PI&E Activities," to exceed the TxDOT amount listed in Subcategory C, "Other." Also, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or C, "Other," to exceed the TxDOT amount listed in Subcategory B, "PI&E Activities." The TxDOT amount for Subcategory B, "PI&E Activities," or C, "Other," can only be exceeded within the five (5) percent flexibility, with underrun funds from Budget Categories II or III.

C. To be eligible for reimbursement under this agreement, a cost must be incurred in accordance with the Project Budget, within the time frame specified in the Grant Period of this Grant Agreement, attributable to work covered by this agreement, and which has been completed in a manner satisfactory and acceptable to the Department.

D. Federal or TxDOT funds cannot supplant (replace) funds from any other sources. The term "supplanting," refers to the use of federal or TxDOT funds to support personnel or an activity already supported by local or state funds.

E. Payment of costs incurred under this agreement is further governed by the cost principles outlined in 2 CFR Part 200.

F. The Subgrantee agrees to submit monthly Requests for Reimbursement, as designated in this Grant Agreement, within thirty (30) days after the end of the billing period. The Request for Reimbursement and appropriate supporting documentation must be submitted through eGrants.

G. The Subgrantee agrees to submit the final Request for Reimbursement under this agreement within forty-five (45) days of the end of the grant period.

H. Payments are contingent upon the availability of appropriated funds.

I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period specified in this Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial agreement period.

Preference for funding will be given to projects based on (1) proposed cost sharing and (2) demonstrated performance history.

ARTICLE 4. LIMITATION OF LIABILITY

Payment of costs incurred under this agreement is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall notify the Subgrantee, giving notice of intent to terminate this agreement, as specified in Article 11 of this agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may notify the Subgrantee to continue this agreement.

ARTICLE 5. AMENDMENTS

This agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment in eGrants. Any amendment must be executed by the parties within the Grant Period, as specified in this Grant Agreement.

ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK

A. If the Subgrantee is of the opinion that any assigned work is beyond the scope of this agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing through eGrants. If the Department finds that such work does constitute additional work, the Department shall advise the Subgrantee and a written amendment to this agreement will be executed according to Article 5, Amendments, to provide

compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.

B. If the Subgrantee has submitted work in accordance with the terms of this agreement but the Department requests changes to the completed work or parts of the work which involve changes to the original scope of services or character of work under this agreement, the Subgrantee shall make those revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.

C. If the Subgrantee submits work that does not comply with the terms of this agreement, the Department shall instruct the Subgrantee to make any revisions that are necessary to bring the work into compliance with this agreement. No additional compensation shall be paid for this work.

D. The Subgrantee shall make revisions to the work authorized in this agreement that are necessary to correct errors or omissions, when required to do so by the Department. No additional compensation shall be paid for this work.

E. The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

ARTICLE 7. REPORTING AND MONITORING

A. Not later than thirty (30) days after the end of each reporting period, the Subgrantee shall submit a performance report through eGrants. Reporting periods vary by project duration and are defined as follows:

1. For short term projects, the reporting period is the duration of the project. Subgrantee shall submit a performance report within 30 days of project completion.
2. For longer projects, the reporting period is monthly. Subgrantee shall submit a performance report within 30 days of the completion of each project month and within 30 days of project completion.
3. For Selective Traffic Enforcement Program (STEP) Wave projects, the reporting period is each billing cycle. Subgrantee shall submit a performance report within 30 days of the completion of each billing cycle.

B. The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.

C. The Subgrantee shall promptly advise the Department in writing, through eGrants, of events that will have a significant impact upon this agreement, including:

1. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.
2. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

D. The Subgrantee shall submit the Final Performance Report through eGrants within thirty (30) days after completion of the grant.

ARTICLE 8. RECORDS

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed under this agreement (called the "Records"), and shall make the Records available at its office for the time period authorized within the Grant Period, as specified in this Grant Agreement. The Subgrantee further agrees to retain the Records for four (4) years from the date of final

payment under this agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the Records. This right of access is not limited to the four (4) year period but shall last as long as the Records are retained.

ARTICLE 9. INDEMNIFICATION

A. To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting claims or liabilities as a result of any activities of the Subgrantee, its agents, or employees.

B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries to or death of any employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.

C. If the Subgrantee is a government entity, both parties to this agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

ARTICLE 10. DISPUTES AND REMEDIES

This agreement supersedes any prior oral or written agreements. If a conflict arises between this agreement and the Traffic Safety Program Manual, this agreement shall govern. The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of work under this agreement. Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

ARTICLE 11. TERMINATION

A. This agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described in this agreement and these have been accepted by the Department, unless:

1. This agreement is terminated in writing with the mutual consent of both parties; or
2. There is a written thirty (30) day notice by either party; or
3. The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.

B. The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in this Grant Agreement that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

ARTICLE 12. INSPECTION OF WORK

A. The Department and, when federal funds are involved, the USDOT, or any of their authorized representatives, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises in which it is being performed.

B. If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and

convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

ARTICLE 13. AUDIT

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

ARTICLE 14. SUBCONTRACTS

A subcontract in excess of \$25,000 may not be executed by the Subgrantee without prior written concurrence by the Department. Subcontracts in excess of \$25,000 shall contain all applicable terms and conditions of this agreement. No subcontract will relieve the Subgrantee of its responsibility under this agreement.

ARTICLE 15. GRATUITIES

A. Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this agreement. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Department's Executive Director.

B. Any person doing business with or who reasonably speaking may do business with the Department under this agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this agreement.

ARTICLE 16. NONCOLLUSION

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

ARTICLE 17. CONFLICT OF INTEREST

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

ARTICLE 18. SUBGRANTEE'S RESOURCES

A. The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this agreement, or will be able to obtain such personnel from sources other than the Department.

B. All employees of the Subgrantee shall have the knowledge and experience that will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.

C. Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other

resources required to perform the work.

ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement in accordance with its own procurement and property management procedures, provided that the procedures are not in conflict with (1) the Department's procurement and property management standards and (2) the federal procurement and property management standards provided by 2 CFR §§ 200.310- 316, 200.318-.324.

ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this agreement shall be made available, upon request, to the Department without restriction or limitation of their further use.

A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any databases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.

B. All rights to Department. The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.

C. All rights to Subgrantee. Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

ARTICLE 21. SUCCESSORS AND ASSIGNS

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of the other party in respect to all covenants of this agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this agreement without written consent of the Department through eGrants.

ARTICLE 22. CIVIL RIGHTS COMPLIANCE

A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (USDOT): 49 CFR, Part 21; 23 CFR, Part 200; and 41 CFR, Parts 60-74, as they may be amended periodically (called the "Regulations"). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).

B. Nondiscrimination: (applies to subrecipients as well as States) The State highway safety agency and Subgrantee will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101-336), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to

confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.

D. Information and reports: The Subgrantee shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with the Regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall certify that to the Department or the USDOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.

E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this agreement, the Department shall impose such sanctions as it or the USDOT may determine to be appropriate.

F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take any action with respect to any subcontract or procurement that the Department may direct as a means of enforcing those provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.

B. The Subgrantee shall adopt, in its totality, the Department's federally approved DBE program.

C. The Subgrantee shall set an appropriate DBE goal consistent with the Department's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Subgrantee shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

D. The Subgrantee shall follow all other parts of the Department's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity and attachments found at web address <http://www.txdot.gov/business/partnerships/dbe.html>

E. The Subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subgrantee shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of USDOT-assisted contracts. The Department's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subgrantee of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

F. Each contract the Subgrantee signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor

shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.

ARTICLE 24. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to subrecipients as well as States)

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ARTICLE 25. CERTIFICATION REGARDING FEDERAL LOBBYING (applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

In executing this agreement, each signatory certifies to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ARTICLE 26. CHILD SUPPORT CERTIFICATION

Under Section 231.006, Texas Family Code, the Subgrantee certifies that the individual or business entity named in this agreement is not ineligible to receive the specified grant, loan, or payment and acknowledges that this agreement may be terminated and payment may be withheld if this certification is inaccurate. If the above certification is shown to be false, the Subgrantee is liable to the state for attorney's fees and any other damages provided by law or the agreement. A child support obligor or business entity ineligible to receive payments because of a payment delinquency of more than thirty (30) days remains ineligible until: all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; or the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) of Section 231.006, Texas Family Code, as part of a court-supervised effort to improve earnings and child support payments.

ARTICLE 27. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REQUIREMENTS

A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.

B. The Subgrantee agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (48 CFR subpt. 4.11) if this award provides for more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM web-site at: <https://www.sam.gov>
2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>, and
3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

ARTICLE 28. SINGLE AUDIT REPORT

A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.

B. If threshold expenditures of \$750,000 or more are met during the Subgrantee's fiscal year, the Subgrantee must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

C. If expenditures are less than \$750,000 during the Subgrantee's fiscal year, the Subgrantee must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY ____."

D. For each year the project remains open for federal funding expenditures, the Subgrantee will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

ARTICLE 29. BUY AMERICA ACT (applies to subrecipients as well as States)

The State and Subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)), which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

ARTICLE 30. RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or

local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

ARTICLE 31. NONGOVERNMENTAL ENTITY'S PUBLIC INFORMATION [This article applies only to non-profit entities.]

The Subgrantee is required to make any information created or exchanged with the Department pursuant to this Grant Agreement and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the Department. [SB-1368, 83rd Texas Legislature, Regular Session, Effective 9/1/13]

ARTICLE 32. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE (applies to subrecipients as well as States)

The State and each Subgrantee will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

ARTICLE 33. INTERNAL ETHICS AND COMPLIANCE PROGRAM

Subgrantee shall comply with Title 43 Texas Administrative Code §25.906(b). Subgrantee certifies it has adopted an internal ethics and compliance program that satisfies the requirements of Title 43 Texas Administrative Code §10.51 (relating to Internal Ethics and Compliance Program). Subgrantee shall enforce compliance with that program.

GOALS AND STRATEGIES

Goal: To increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes

Strategies: Increase enforcement of traffic safety-related laws.
Increase public education and information campaigns.

Goal: To increase occupant restraint use in all passenger vehicles and trucks.

Strategy: Increase enforcement of occupant protection laws.

X I agree to the above goals and strategies.

LAW ENFORCEMENT OBJECTIVE/PERFORMANCE MEASURE

STEP enforcement grants are focused on reducing crashes, and Click-It-Or-Ticket (CIOT) enforcement grants specifically focus reducing fatal or serious-injury (KA) crashes where vehicle occupants are unrestrained or improperly restrained, whether in seat belts or child safety seats (Occupant Protection, or OP). The blanks on this page represent the baseline number of KA crashes related to CIOT enforcement efforts (OP-KA), and the KA crash targets each agency hopes to achieve through CIOT enforcement. The data entered on this page is the basis for the grant's enforcement performance measures. The Baseline KA crash data is provided by TxDOT using a 3-year rolling average of OP-KA crashes as reported to TxDOT's Crash Reporting Information System (CRIS) database. The targets, one each for seatbelts and child safety seats, should reflect a reduction against the Baseline KA Crash number in the top box. The sum of targets should be less than the number of Baseline KA crashes.

Baseline: KA Crashes involving Occupant Protection (OP-KA) for subgrantee's jurisdiction	14
Target: To reduce the number of KA Crashes involving improper seatbelt use to	13
Target: To reduce the number of KA Crashes involving improper child safety seat use to	0

Note: Nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issue a specified or predetermined number of citations in pursuance of the Subgrantee's obligations hereunder. Department and Subgrantee acknowledge that Texas Transportation Code Section 720.002 prohibits using traffic-offense quotas and agree that nothing in this Agreement is establishing an illegal quota. In addition to the STEP enforcement activities, the subgrantee must maintain baseline non-STEP funded citation and arrest activity due to the prohibition of supplanting.

CIOT OPERATIONAL PLAN

X I agree to the following

Comments:

Site Description

Occupant Protection Jurisdiction Wide

Pre-Media Efforts Before Enforcement period	May 17, 2019 - May 19, 2019
"Enforcement Period (Minimum # of enforcement days: 4) (day or nighttime)"	May 20, 2019 - June 2, 2019
Post-Media Efforts After Enforcement period	June 3, 2019 - June 5, 2019
Reporting Period	May 17, 2019 - Jun 5, 2019

Description of Activities

Pre-Media Campaign

- Conduct local media events immediately before the enforcement effort to maximize the visibility of enforcement to the public. These media events tell the public when, where, how and why the safety belt laws are being enforced.

Enforcement Period

- * Intensify enforcement through an overtime STEP that places primary emphasis on reducing the number of fatal and serious crashes (KA) involving unrestrained or improperly restrained occupants by promoting and encouraging proper seatbelt or child safety seat use during the peak holiday traffic.

Post-media Campaign

- Conduct local media events to tell the public why the safety belt laws are important and the results of the wave.

Reporting Period

- Agencies will submit a performance report during this time period.

Note:

- The Media dates above are to be used as a guide

NOTE:

- The media dates above are to be used as a guide. Late grant execution may result in a subgrantee conducting pre-media activities at a later date.
- These activities must occur prior to enforcement activities beginning.
- The Post-media Campaign may begin immediately.
- Officers should focus their enforcement efforts on seatbelt and child safety seat violations, but may use any probable cause to stop a vehicle within the established enforcement zones during enforcement hours. Officers working STEP-CIOT must document stopping an average of 2.5 vehicles per STEP enforcement hour within the designated enforcement zones during enforcement hours."

OPERATIONAL PLAN(ENFORCEMENT ZONES)

Agencies must use the FY 2019 CIOT maps to develop Enforcement Zones for daytime (6a-6p) and nighttime (6p-6a) enforcement, with every agency having at least one daytime and one nighttime zone. Zones are limited in size to 4 linear or 4 square miles. Larger agencies should try to balance daytime and nighttime enforcement zones to as close to 50-50 as possible. Each zone, whether day or night, will count as one zone toward the agency's maximum number of allowable zones. This number is determined by dividing the total number of enforcement hours by 40 and rounding to the nearest whole number. The same zone can be used for both day and night, but it would need to be entered twice: once as daytime, once as nighttime. There will be no "jurisdiction-wide" enforcement zones.

Zone Name Zone 3a

Zone Location 100 E. Kingsley Rd - 3500 W. Kingsley Rd (North)
 3000 S. First St - 3700 S. First St (East)
 100 E. Centerville Rd - 1300 W. Centerville Rd (Southeast)
 11300 - 13000 block I635 (South)
 3400 S. Shiloh Rd - 3800 S. Shiloh Rd (West)

Zone Hours X Daytime 6 AM to 6 PM
 Nighttime 6 PM to 6 AM

Zone Heat Map
(attach) https://www.dot.state.tx.us/apps/egrants/_Upload/890408-Garland_Zone3a.pdf

OPERATIONAL PLAN(ENFORCEMENT ZONES)

Agencies must use the FY 2019 CIOT maps to develop Enforcement Zones for daytime (6a-6p) and nighttime (6p-6a) enforcement, with every agency having at least one daytime and one nighttime zone. Zones are limited in size to 4 linear or 4 square miles. Larger agencies should try to balance daytime and nighttime enforcement zones to as close to 50-50 as possible. Each zone, whether day or night, will count as one zone toward the agency's maximum number of allowable zones. This number is determined by dividing the total number of enforcement hours by 40 and rounding to the nearest whole number. The same zone can be used for both day and night, but it would need to be entered twice: once as daytime, once as nighttime. There will be no "jurisdiction-wide" enforcement zones.

Zone Name Zone 3b

Zone Location 100 E. Kingsley Rd - 3500 W. Kingsley Rd (North)
 3000 S. First St - 3700 S. First St (East)
 100 E. Centerville Rd - 1300 W. Centerville Rd (Southeast)
 11300 - 13000 block I635 (South)
 3400 S. Shiloh Rd - 3800 S. Shiloh Rd (West)

Zone Hours Daytime 6 AM to 6 PM
 X Nighttime 6 PM to 6 AM

Zone Heat Map
(attach) https://www.dot.state.tx.us/apps/egrants/_Upload/890409-Garland_Zone3b.pdf

OPERATIONAL PLAN(ENFORCEMENT ZONES)

Agencies must use the FY 2019 CIOT maps to develop Enforcement Zones for daytime (6a-6p) and nighttime (6p-6a) enforcement, with every agency having at least one daytime and one nighttime zone. Zones are limited in size to 4 linear or 4 square miles. Larger agencies should try to balance daytime and nighttime enforcement zones to as close to 50-50 as possible. Each zone, whether day or night, will count as one zone toward the agency's maximum number of allowable zones. This number is determined by dividing the total number of enforcement hours by 40 and rounding to the nearest whole number. The same zone can be used for both day and night, but it would need to be entered twice: once as daytime, once as nighttime. There will be no "jurisdiction-wide" enforcement zones.

Zone Name Zone 5a

Zone Location 1700 E I30 - 500 W I30 (South)
5600 Broadway Blvd - 6200 Broadway Blvd (West)
500 Rowlett Rd - 2500 Rowlett Rd (North)
Shoreline city limits (East)

Zone Hours X Daytime 6 AM to 6 PM
Nighttime 6 PM to 6 AM

Zone Heat Map
(attach) https://www.dot.state.tx.us/apps/egrants/_Upload/890411-Garland_Zone5a.pdf

OPERATIONAL PLAN(ENFORCEMENT ZONES)

Agencies must use the FY 2019 CIOT maps to develop Enforcement Zones for daytime (6a-6p) and nighttime (6p-6a) enforcement, with every agency having at least one daytime and one nighttime zone. Zones are limited in size to 4 linear or 4 square miles. Larger agencies should try to balance daytime and nighttime enforcement zones to as close to 50-50 as possible. Each zone, whether day or night, will count as one zone toward the agency's maximum number of allowable zones. This number is determined by dividing the total number of enforcement hours by 40 and rounding to the nearest whole number. The same zone can be used for both day and night, but it would need to be entered twice: once as daytime, once as nighttime. There will be no "jurisdiction-wide" enforcement zones.

Zone Name Zone 5b

Zone Location 1700 E I30 - 500 W. I30 (South)
 5600 Broadway Blvd - 6200 Broadway Blvd (West)
 500 Rowlett Rd - 2500 Rowlett Rd (North)
 Shoreline city limits (East)

Zone Hours Daytime 6 AM to 6 PM
 X Nighttime 6 PM to 6 AM

Zone Heat Map
(attach) https://www.dot.state.tx.us/apps/egrants/_Upload/890412-Garland_Zone5b.pdf

OPERATIONAL PLAN(ENFORCEMENT ZONES)

Agencies must use the FY 2019 CIOT maps to develop Enforcement Zones for daytime (6a-6p) and nighttime (6p-6a) enforcement, with every agency having at least one daytime and one nighttime zone. Zones are limited in size to 4 linear or 4 square miles. Larger agencies should try to balance daytime and nighttime enforcement zones to as close to 50-50 as possible. Each zone, whether day or night, will count as one zone toward the agency's maximum number of allowable zones. This number is determined by dividing the total number of enforcement hours by 40 and rounding to the nearest whole number. The same zone can be used for both day and night, but it would need to be entered twice: once as daytime, once as nighttime. There will be no "jurisdiction-wide" enforcement zones.

Zone Name Zone 6a

Zone Location 100 W. Ave B - 2000 block SH66 (North)
 3200 E. Centerville Rd - 2000 E. Centerville Rd (East)
 2000 E. Miller Rd - 100 W. Miller Rd (South)
 2000 S. First St - 100 N. First St. (West)

Zone Hours X Daytime 6 AM to 6 PM
 Nighttime 6 PM to 6 AM

Zone Heat Map
(attach) https://www.dot.state.tx.us/apps/egrants/_Upload/890413-Garland_Zone6a.pdf

PI&E OBJECTIVE/PERFORMANCE MEASURE

XI agree to the below efforts with a public information and education (PI&E) program.

- a. Conduct a minimum of one (1) presentations
- b. Conduct a minimum of two (2) media exposures (e.g. news conferences, news releases, and interviews)
- c. Conduct a minimum of one (1) community events (e.g. health fairs, booths)

GENERAL INFORMATION

Project Title : STEP - Click It Or Ticket

Project Description : To increase occupant restraint use in all passenger vehicles and trucks by conducting an intense occupant protection enforcement and public information and education effort during the Enforcement period.

Including this year, how many years has your organization received funding for this project?
This will be our fifth
or more year.

SALARIES AND FRINGE BENEFITS - 100 & 200

X Overtime Regular Time							
	TxDOT Hours	Match Hours	Wage Rate	TxDOT Salaries	Match Salaries	Total Salaries	Fringe %
A. Enforcement (overtime)							
Officers/Deputies:	186		\$60.960	\$11,338.56	\$0	\$11,338.56	0%
Sergeants:			\$0	\$0	\$0	\$0	%
Lieutenants/Other:			\$0	\$0	\$0	\$0	%
B. PI&E Activities (overtime)							
PI&E Activities			\$0	\$0	\$0	\$0	%
C. Administrative Duties							
			\$0	\$0	\$0	\$0	%
			\$0	\$0	\$0	\$0	%
			\$0	\$0	\$0	\$0	%
			\$0	\$0	\$0	\$0	%
			\$0	\$0	\$0	\$0	%
			\$0	\$0	\$0	\$0	%
Total:				\$0 \$11,338.56	\$0	\$11,338.56	
Category		TxDOT	%		Match	%	
Salaries:	\$0	\$11,338.56	100.00%		\$0	0.00%	\$
Fringe Benefits:		\$0	0.00%		\$0	0.00%	
Breakdown of Fringe Percentages:							

TRAVEL AND PER DIEM : NON ENFORCEMENT TRAVEL - 300

Non-Enforcement Travel

Description Other (Explain)

Please explain None

Unit Price \$0

Quantity 0

Total \$0

Please enter allocation amount per items entered in the following fields.
Click the Save button to calculate the percentages.

	Amount	Percentages
TxDOT	\$0	0.00%
Match	\$0	0.00%
Total	\$0	

TRAVEL AND PER DIEM : STEP ENFORCEMENT MILEAGE - 300

STEP Enforcement Mileage

Instructions:

Unit # : Provide your agency's inventory number or other identifying number for each vehicle. To assist in calculating your agency's average enforcement mileage rate, we are requesting information from a sampling of five (5) patrol vehicles. The calculator will average the costs from all vehicles to arrive at the average operational cost per vehicle mile. If your agency does not have at least five patrol vehicles that are used for enforcement, include the requested information for the vehicles that you have.

Original Vehicle Cost : Provide each vehicle's total cost. (The total cost could include vehicle base cost, equipment/accessories and preparation costs).

Life Expectancy (In Years) : Provide the number of years that your agency expects the vehicle(s) will be used for enforcement activities. Many agencies have policies stating vehicles will be used for a specific time period (years) and some agencies determine mileage as the basis for vehicle retirement from enforcement. If mileage is used, determine the average number of years it takes for agency's vehicles to reach their mileage limit.

Maintenance Costs : Provide historical maintenance costs for the latest 12 month period available for each vehicle. Maintenance costs can also include annual liability insurance costs.

Fuel Costs : Provide historical fuel costs for the latest 12 month period available for each vehicle.

Yearly Miles: Provide the yearly enforcement miles for each vehicle. Use each vehicle's mileage logs or other available information to document the average number of enforcement miles driven annually or simply divide the mileage by the number of years the vehicle has been in use for enforcement activities.

Unit #	Original Vehicle Cost	Life Expectancy (In Years)	Maintenance Costs	Fuel Costs	Yearly Miles	OP Cost/Mile
Vehicle 1	\$0		\$0	\$0		\$0
Vehicle 2	\$0		\$0	\$0		\$0
Vehicle 3	\$0		\$0	\$0		\$0
Vehicle 4	\$0		\$0	\$0		\$0
Vehicle 5	\$0		\$0	\$0		\$0
Average Operational Cost of the Vehicle Per Mile						\$0
Number of Miles Proposed						
0						TOTAL \$0

	Amount	Percentages
TxDOT	\$0	0.00%
Match	\$0	0.00%
Total		\$0

EQUIPMENT - 400

Description	None
Unit Price	\$0
Quantity	0
Total Cost	\$0

Please enter allocation amount per items entered in the following fields.
Click the Save button to calculate the percentages.

	Amount	Percentages
TxDOT	\$0	0.00%
Match	\$0	0.00%
Total	\$0	

SUPPLIES - 500

Description	None
Unit Price	\$0
Quantity	0
Total Cost	\$0

Please enter allocation amount per items entered in the following fields.
Click the Save button to calculate the percentages.

	Amount	Percentages
TxDOT	\$0	0.00%
Match	\$0	0.00%
Total	\$0	

CONTRACTUAL SERVICES - 600

Description	None
Unit Price	\$0
Quantity	0
Total Cost	\$0

Please enter allocation amount per items entered in the following fields.
Click the Save button to calculate the percentages.

	Amount	Percentages
TxDOT	\$0	0.00%
Match	\$0	0.00%
Total	\$0	

OTHER MISCELLANEOUS - 700

Name	Other
Description	None
Unit Price	\$0
Quantity	0
Total Cost	\$0

Please enter allocation amount per items entered in the following fields.
Click the Save button to calculate the percentages.

	Amount	Percentages
TxDOT		0.00%
Match		0.00%
Total	\$0	

INDIRECT COST - 800

Description

File Upload

Proposed Percentage %

Apply the Indirect Cost

Rate to:

(100) Salaries - \$11,338.56

(200) Fringe Benefits - \$0

(300) Travel and Per Diem - Non-enforcement Travel - \$0 / STEP

Enforcement Mileage - \$0

(400) Equipment - \$0

(500) Supplies - \$0

(600) Contractual Services - \$0

(700) Other Miscellaneous - \$0

Total Selected Amount \$0

Exemption Amount

Exemption Reason

Eligible Amount \$0

Total Cost \$0

Please enter allocation amount per items entered in the following fields.

Click the **Save** button to calculate the percentages.

	Amount	Percentages
TxDOT		0.00%
Match		0.00%
Total	\$0	

PROPOSING AGENCY AUTHENTICATION

X The following person has authorized the submittal of this proposal.

Name	Patrick McCully
Title	Captain
Address	1891 Forest Lane
City	Garland
State	Texas
Zip Code	75042
Phone Number	972-485-4844 (xxx-xxx-xxxx)
Fax Number	974-485-4838 (xxx-xxx-xxxx)
E-mail address	mccully@garlandtx.gov

COMPLIANCE REQUIREMENTS

Data Universal Numbering System: The Data Universal Numbering System (DUNS) is a unique nine-digit number recognized as the universal standard for identifying and tracking businesses worldwide. The Federal Spending Transparency Directive and the previous Federal Funding Accountability and Transparency Act (FFATA) requires grantees and sub-grantees to have a DUNS number. Most agencies and organizations have DUNS numbers established, please check with your accounting staff. To obtain a DUNS number, applicants should go to the Dun and Bradstreet website at:

<http://fedgov.dnb.com/webform>

Data Universal Numbering System (D-U-N-S)

801609462

2 C.F.R. Part 200 Compliance

Enter the Begin Date and End Date of your Agency's Fiscal Year 2019

Begin Date : 10/1/2018 End Date : 9/30/2019

Your entity is required to comply with federal (OMB A-133) and/or state (State of Texas Single Audit Circular) requirements.

If threshold expenditures of \$750,000 or more are met during your agency's fiscal year, please submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East Eleventh Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov

If expenditures are less than \$750,000 during your agency's fiscal year, please submit a statement to TxDOT's Audit Office as follows:

"We did not meet the \$750,000 expenditure threshold and therefore we are not required to have a single audit performed for FY ."

X I agree

STEP Operating Policies and Procedures

All STEP agencies must either have established written STEP operating policies and procedures, or will develop written policies and procedures before STEP grants can be executed. Please click here for [STEP Policies and Procedures requirements](#).

If your agency has approved STEP Operating Policies and Procedures, please upload here :

[https://www.dot.state.tx.us/apps/egrants/_Upload/888727-](https://www.dot.state.tx.us/apps/egrants/_Upload/888727-SOPSTEPgrant1RevisedLV071717Signed.doc.pdf)

[SOPSTEPgrant1RevisedLV071717Signed.doc.pdf](https://www.dot.state.tx.us/apps/egrants/_Upload/888727-SOPSTEPgrant1RevisedLV071717Signed.doc.pdf)

If your agency does not have approved STEP Operating Policies and Procedures, please certify the following:

I certify that our agency will develop STEP Operating Policies and Procedures before executing the grant.



GARLAND POLICY REPORT

City Council Work Session Agenda

2.b.

Meeting Date: May 20, 2019

Item Title: 2019 Capital Improvement Program Budget Amendment No. 2

Submitted By: Ron Young, Budget Director

Strategic Focus Areas: Sound Governance and Finances

ISSUE

Amend the 2019 Capital Improvement Program to appropriate \$502,202 for the purchase of two new Commercial Front-Loader Trucks and \$255,000 for the purchase of a Tymco Street Sweeper.

OPTIONS

- A. Approve Capital Improvement Program Budget Amendment No. 2 as proposed.
- B. Do not approve Capital Improvement Program Budget Amendment No. 2.

RECOMMENDATION

Option (A) – Approve Capital Improvement Program Budget Amendment No. 2 as proposed. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the June 4, 2019 Regular Meeting.

BACKGROUND

(1) Two New Commercial Front-Loader Trucks

Environmental Waste Services - Delivery requested two new Commercial Front-Loader Trucks authorized for purchase by City Council through a Purchasing Report on April 16, 2019. The two trucks are in addition to the one replacement Commercial Front-Loader Truck approved in the 2019 Capital Improvement Program (CIP, Page M05). The two new trucks were requested based on current route demands and to service a wait list of customers. Environmental Waste Services and the Fleet Services Department evaluated the mileage and number of operational hours demanded on the current fleet of seven Commercial Front-Loader Trucks and recommended the addition of two trucks to relieve maintenance issues and maximize equipment use to maintain a six to seven-year life cycle. Staff seeks an amendment to the 2019 CIP, providing for the supplemental appropriation of funds in the New Commercial Front-Loader capital project.

(2) Street Sweeper for Hinton Landfill

One of many permit compliance aspects at C.M. Hinton Jr. Regional Landfill is roadway cleanup along the routes to the landfill. This requirement applies to both litter and dirt/mud from waste disposal trucks for a distance of two miles from the landfill entrance. Mud tracked onto Elm Grove Road and Pleasant Valley Road after rain events has been a particularly challenging compliance issue.

Funding for a wheel wash to remove mud from waste disposal trucks as they exit the landfill was originally approved in the 2016 Capital Improvement Program (2019 CIP Page EW05). A non-mechanical, or passive, wheel wash was designed in 2018, but the bids for installation far exceeded the allocated budget. Since February of 2019, landfill management has visited numerous regional landfills to explore alternative solutions. The conclusion is that wheel washes are expensive, are difficult to maintain, are often inoperable due to damage from heavy tandem axle trucks, and fail to completely remove mud from waste disposal trucks. The most successful alternative is daily use of a street sweeper.

In order to test the effectiveness of regular street sweeping, landfill management has recently contracted sweeping services two days per week. The results have been positive; however, services must be scheduled in advance and therefore cannot be utilized on an as-needed basis, for example, shortly after rain events. The Hinton Landfill is too distant from Garland proper to utilize street sweepers owned by the Street Department. The least expensive and most viable alternative for roadway compliance is to purchase a street sweeper dedicated to Hinton Landfill. The current wheel wash project has \$210,700 available, and staff seeks an additional \$44,300 to purchase a street sweeper.

CONSIDERATION

Staff seeks Council approval to appropriate \$502,202 to the New Commercial Front-Loader Trucks project, and an additional \$44,300 to the Automated Wheel Wash project in the 2019 Capital Improvement Program and authorization to purchase a street sweeper instead of the installation of a wheel wash. The Equipment Replacement Fund will be used to fund \$502,202 for the two New Commercial Front-Loader Trucks, and the Environmental Waste Services Fund will reimburse the Equipment Replacement Fund over a five-year term. Interest earnings will be used to fund the additional \$44,300 for the street sweeper.

Attachments

Front-Load Trucks Purchasing Report



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

Agenda Item 2.k.

Meeting Date: 04/16/2019

Item Title: Front-Loader Trucks

Submitted By: Terry Anglin, Fleet Services Director

Bid Number: 0748-19

Purchase Justification:

This request is for the purchase of two additional front-loader trucks to be used by EWS in their daily operations.

Evaluation:

The front-loader trucks are available from East Texas Mack Sales, LLC, through the TIPS Cooperative Purchasing Contract 170802.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
East Texas Mack Sales, LLC	All	\$502,202.00

TOTAL:	\$502,202.00
---------------	---------------------

Basis for Award: Cooperative Purchase

Purchase Requisition #: 41505

Fiscal Impact

Total Project/Account:	\$502,202
Expended/Encumbered to Date:	0
Balance:	\$502,202
This Item:	502,202
Proposed Balance:	\$0
Account #:	246-4319-2109119-9009

Fund/Dept/Project – Description and Comments:

Environmental Waste Services - Delivery is requesting two new Commercial Front-Load Trucks. This is in addition to the one replacement Commercial Front-Load Truck approved

in the 2019 Capital Improvement Program (Page M05). The two new trucks are needed based on current route demands and to service a wait list of customers. Environmental Waste Services and the Fleet Services Department have evaluated the mileage and number of operational hours demanded on the current fleet of seven Commercial Front-Load Trucks and recommend the addition of two trucks to relieve maintenance issues and maximize equipment use to maintain a six to seven-year life cycle.

The Equipment Replacement Fund will be used to fund these capital requests, and the Environmental Waste Services Fund will reimburse the Equipment Replacement Fund over a five-year term. A Budget Amendment to the 2019 Capital Improvement Program will be brought to City Council at a later date. The budget for the Equipment Replacement Fund will either be adjusted in revised or on a budget amendment.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2019

Document Location: N/A

Budget Director Approval: Ron Young Approval Date: 04/05/2019

Purchasing Director Approval: Gary L. Holcomb Approval Date: 04/04/2019



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

2.c.

Meeting Date: May 20, 2019

Item Title: Water Conservation and Resource Emergency Management Plans

Submitted By: Wes Kucera, Managing Director

Summary of Request/Problem

Every five (5) years the Texas Commission on Environmental Quality requires public utilities that provide potable water service to 3,300 or more connections to update their Water Conservation and Resource Emergency Management Plan. This plan reflects conservation measures, best management practices, and historical water use and outlines emergency actions when the water supply is threatened by drought, equipment failure or other scenarios that could impact water deliveries.

Recommendation/Action Requested and Justification

The City Attorney's office has reviewed and approved the updated plans. A red-line draft copy of each plan and a clean copy is attached for your consideration. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the June 4, 2019 Regular Meeting.

Attachments

Water Resource Emergency Management Plan Final

Water Conservation Plan Final

Water Resource Emergency Management Plan Redline

Water Conservation Plan Redline

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 51, "GENERAL UTILITY PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1

That Article VI of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"ARTICLE VI. WATER RESOURCE EMERGENCY MANAGEMENT PLAN

Sec. 51.90 Declaration of policy, purpose, and intent

(A) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection; and to protect and preserve public health, welfare, and safety; minimize the adverse impacts of a water supply shortage or other water supply emergency conditions, the following regulations and restrictions on the delivery and consumption of water are hereby adopted.

(B) Water uses regulated or prohibited under this water resource emergency management plan (the "plan") are considered to be nonessential and the continuation of such uses during times of a water shortage or other emergency water supply conditions are deemed to constitute a waste of water that will subject offenders to both civil and criminal fines and penalties.

Sec. 51.91 Definitions

In this article:

(1) Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

(2) Aquatic life means a vertebrate organism dependent upon an aquatic environment to sustain its life.

(3) Athletic Field means a sports competition field used primarily for organized sports practice, competition or exhibition events for schools, professional sports or sanctioned league play.

(4) Automatic Shutoff Nozzle means a device which permits water to flow through it only when outside pressure is applied.

(5) Cool season grasses means varieties of turf grass that grow best in cool climates primarily in northern and central regions of the United States (i.e. perennial and annual rye grass, Kentucky blue grass and fescues).

(6) Commercial users means commercial, institutional and industrial customers using water that is integral to its operations.

(7) Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that an adequate supply of water is conserved and made available for future or alternative uses.

(8) Customer means any person (as that term is defined in section 10.03 of this Code) using or receiving water supplied by the City.

(9) Director means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

(10) Drip irrigation (also known as micro irrigation) means the application of small quantities of water as drops, small streams or miniature sprays through emitters of applicators placed along a water delivery line. The drip method encompasses a number of systems or concepts such as bubbler, dripper, trickle, line source mist or miniature spray.

(11) Landscaped areas mean areas of decorative plantings of vegetation generally consisting of shrubs, vines, groundcovers, trees, ornamental trees, and decorative grass species that are planted to improve aesthetic

qualities or natural beauty of a site and/or to stabilize the soil conditions, thereby minimizing water runoff. These areas may also include vegetation planted in containers intended to supplement or highlight areas of the landscape or garden.

(12) Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

(13) Lawns mean an open area covered by closely mown and cultivated perennial turf grass.

(14) Soaker hose means a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

Sec. 51.92 Triggering criteria for initiation and termination of emergency response stages

(A) The Director shall monitor water supply or demand conditions on a daily basis and will determine when conditions warrant the initiation or termination of any emergency response stage of the plan. The Director shall endeavor to provide public notification of the initiation or termination of an emergency response stage by means of publication of notice in a newspaper of general circulation in the City, the "City Press," and the City's internal website, by posting notices on the City's public access CATV channel, and social media channels, through Customer mailings when applicable, and by posting signs in City buildings. The Director shall endeavor to notify North Texas Municipal Water District ("NTMWD") by telephone and a follow-up letter, e-mail, or fax when an emergency response stage is initiated. The Director shall notify the executive director of the TCEQ within 5 business days when any mandatory provisions of the plan are activated.

(B) When the Director determines that a water shortage or water supply emergency requires activation of the plan, the provisions of the plan shall go into effect immediately upon the first publication of notice and shall remain in effect until terminated by the Director.

(C) The Director may order the termination of an emergency response stage or water emergency when the conditions for termination are met or at his discretion. The Director may decide not to order the

termination of an emergency response stage or water emergency even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the emergency response stage. The Director shall endeavor to take the following actions when an emergency response stage is terminated:

- (1) Notify the public by means of publication of notices in a newspaper of general circulation in the City; publication in the "City press"; posting notices on the City's website, social media channels, and on the City's public access CATV channel; through Customer mailings, if applicable, and by posting signs in City buildings;

- (2) Notify the NTMWD in a timely manner; and

- (3) Notify the executive director of the TCEQ within five (5) business days that activated mandatory provisions of the plan are terminated.

(D) Depending on the circumstances prevailing at the time the plan is put into effect, the Director may determine that a water shortage or other water supply emergency exists under one of the following stages:

- (1) Stage 1.

- (a) Requirements for initiation. The Director may initiate restrictions on certain nonessential water uses applicable to a Stage 1 water shortage when:

- (i) The City's wholesale water provider, NTMWD, notifies the Director of delivery or source shortages, requests initiation of Stage 1 of the plan, and the Director concurs;

- (ii) Total daily water demand exceeds 95 percent of the amount that can be delivered to Customers for three consecutive days;

- (iii) Water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate;

- (iv) Supply source becomes contaminated;

(v) Water system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water storage levels that do not refill above 65 percent overnight.

(b) Stage 1 may terminate when the circumstances that caused the initiation of Stage 1 no longer prevail and the Director authorizes.

(2) Stage 2.

(a) Requirements for initiation. The Director may initiate restrictions on certain nonessential water uses applicable to a Stage 2 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the Director of delivery or source shortages, requests initiation of Stage 2 of the plan, and the Director concurs;

(ii) Total daily water demand exceeds 98 percent of the amount that can be delivered to Customers for three consecutive days;

(iii) Water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water storage levels that do not refill above 50 percent overnight.

(b) Stage 2 may terminate when the circumstances that caused the initiation of Stage 2 no longer prevail and the Director authorizes.

(3) Stage 3.

(a) Requirements for initiation. The Director may initiate restrictions on certain nonessential water uses applicable to a Stage 3 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the Director of delivery or source shortages, requests initiation of Stage 3 of the plan, and the Director concurs;

(ii) Total daily water demand exceeds the amount that can be delivered to Customers;

(iii) Water demand for all or part of the delivery system seriously exceeds delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water supply system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water storage levels that do not refill above 20 percent overnight.

(b) Stage 3 may terminate when the circumstances that caused the initiation of Stage 3 no longer prevail and the Director authorizes.

Sec. 51.93 Emergency Response Stages

Based upon an analysis of water supply and demand conditions and in accordance with the triggering criteria set forth above, the Director may implement the following responses as appropriate to the water shortage or water emergency being experienced.

(1) Stage 1. The goal for water use reduction under Stage 1 is a two percent (2%) reduction in the use that would have occurred in the absence of emergency management measures. During a Stage 1 shortage:

(a) The City will, in the manner it deems necessary and appropriate, endeavor to:

(i) Accelerate public education efforts on ways to reduce water use.

(ii) Halt nonessential City government water use.

(iii) Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

(iv) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative supply strategies.

(v) Allow irrigation in Stage 1 as follows:

A. Between April 1 and October 31, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is prohibited except on Tuesdays and Saturdays; and from November 1 to March 31 the irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to once a week as approved by the Director. An exception is allowed where establishment of vegetation is required by TCEQ for storm water permits on new construction.

B. Irrigation of landscape areas, foundations, and trees is allowed on any day provided it is accomplished using a handheld hose equipped with an automatic shutoff nozzle, a hose-filled bucket or watering can of five (5) gallons or less, a soaker hose, or a drip irrigation system. Excessive run-off is prohibited.

C. The City and School District may water parks, sports fields, landscaped and lawn areas of medians and parkways, or other municipal facilities throughout the week in a manner that achieves the equivalent of two water days between April 1 and October 31 and from November 1 to March 31 the equivalent of once a week as approved by the Director.

D. Except for hand watering with an automatic shutoff nozzle, or the use of soaker hoses or drip irrigation systems, irrigation of lawns or landscape areas is prohibited between the hours

of 10:00 a.m. and 6:00 p.m. from April 1 to October 31.

(vi) Discourage over seeding of cool season turf grasses (such as rye grass or other similar grasses) that intensify cool season water requirements, except where establishment of vegetation is required by TCEQ for storm water permits on new construction.

(2) Stage 2. The goal for water use reduction under Stage 2 is a reduction of ten percent (10%) in the use that would have occurred in the absence of emergency management measures. During a Stage 2 shortage:

(a) The City will endeavor to continue or initiate actions available under stage 1.

(b) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative water supply strategies.

(c) The operation of any ornamental fountain or pond for aesthetic or scenic purposes, if it uses potable water, is prohibited except when necessary to support aquatic life.

(d) The use of water to wash down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaces areas is prohibited except for human health and safety purposes. Use of water for dust control on construction projects is permitted to the extent allowed or required by law or regulation.

(e) Use of water to wash any vehicle, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited unless the source of water is equipped with an automatic shutoff nozzle that will stop the flow of water when that flow is not needed to rinse the vehicle being washed.

(f) Use of water in such a manner as to allow excessive water runoff or other waste is prohibited. Water runoff is excessive when it extends for a distance greater than ten (10) feet from the property's boundary lines; onto an adjacent property; or ten (10) feet past the targeted irrigation area for commercial sites.

Excessive water runoff is cause for termination of water service.

(g) Irrigation is allowed in Stage 2 as follows:

(i) Between April 1 and October 31, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigations systems is limited to one day per week on the day designated for residential trash pickup in Customer's area; and from November 1 to March 31 the irrigation of landscaped areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to one day every other week on the day designated for collection of recyclable materials in Customer's area.

(ii) The City and School District may water parks, sports fields, landscaped and lawn areas of medians and parkways, or other municipal facilities throughout the week in a manner that achieves the equivalent of one water day between April 1 and October 31 and from November 1 to March 31 the equivalent of once every other week as approved by the Director.

(iii) Irrigation of landscaped areas, trees, lawns or foundations is permitted at any time if it is done by means of a handheld hose equipped with an automatic shutoff nozzle, soaker hoses, or by drip irrigation except that water runoff continues to be prohibited.

(iv) Golf courses using potable water may water fairways on designated watering days only, but may water greens and tee boxes as necessary. Athletic fields may be watered as necessary to insure the safety and well-being of the public.

(v) An exception is allowed where establishment of vegetation is required by TCEQ for storm water permits on new construction.

(vi) Irrigation systems may run for ten (10) minutes per station to test and repair the system and insure proper operation.

(vii) Except for hand watering with a hand-held hose equipped with an automatic shutoff nozzle, or the use of soaker hoses or drip irrigation systems, irrigation of lawns or landscape areas is prohibited between the hours of 10:00 a.m. and 6:00 p.m. from April 1 to October 31.

(h) Existing swimming pools, wading pools, hot tubs or spa-type pools may not be drained and refilled; provided however that water may be added to swimming pools to replace losses during normal use or may be refilled immediately after repair by a commercial pool company.

(i) Discourage hydroseeding, hydromulching, and sprigging, except where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(3) Stage 3. The goal for water use reduction under Stage 3 is a reduction of whatever amount is deemed necessary under the circumstances to accomplish objectives of this Article. During a Stage 3 shortage:

(a) The City may continue or initiate any actions available under Stages 1 and 2.

(b) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative water supply strategies.

(c) Use of water to wash any vehicle at any location other than a commercial vehicle washing facility, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited unless for health, sanitation or safety reasons and for essential governmental purposes. A hose-end automatic shutoff nozzle must be used for this exception.

(d) Irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is prohibited. Landscape areas, foundations, and trees may be watered for up to 2 hours on any day by a handheld hose equipped with an automatic shutoff nozzle, a soaker hose, or a drip irrigation system. Athletic fields may be watered as necessary to

insure the safety and wellbeing of the public. Runoff continues to be prohibited.

(e) Permitting of pools is prohibited. Pools already permitted may be completed and filled with water. Existing pools may add water to maintain pool levels but may not be drained and refilled.

(f) Discourage the establishment of new landscaping. An exception is allowed where establishment of vegetation is required by TCEQ for storm water permits on new construction.

(g) Prohibit golf course watering with potable water except for greens and tee boxes.

(h) Require all commercial users to reduce water use by a percentage established by the City Manager or his designee.

(i) The operation of any ornamental fountain or pond for aesthetic or scenic purposes, if it uses potable water, is prohibited except where necessary to support aquatic life.

Sec. 51.94 Water rationing surcharges

Surcharges on water consumption may be imposed and collected during any emergency response stage approved by the Council.

Sec. 51.95 Enforcement

Water use restrictions imposed in Stage 1, 2 and 3 emergency response stages may be enforced as follows:

(1) Upon the first or a subsequent violation, a Customer may be issued a citation, with minimum and maximum fines as established by ordinance.

(2) Upon the second or a subsequent violation, the City may terminate water service to the Customer. Services discontinued pursuant to this subsection will be restored only upon payment of a reconnection charge as set forth in section 50.30(D)(1)(b) of this Code.

(3) Any person in apparent control of the premises where a violation occurs or originates is presumed to be the

violation, and proof that the violation occurred on the person's premises constitutes a rebuttal presumption that the person in apparent control of the property committed the violation. Parents are presumed to be responsible for violations of their minor children and proof that a violation committed by a child occurred on premises under the parent's control constitutes a rebuttal presumption that the parent committed the violation. The presumption may be rebutted by proof that the parent had previously directed the child not to use the water as it was used in violation of the plan and that the parent could not have reasonably known of the violation.

Sec. 51.96 Variances

(A) The Director may, in writing, grant a temporary variance of existing water uses otherwise prohibited under the plan if the Director determines that the failure to grant such a variance would cause an emergency condition adversely affecting the public health, safety or welfare, or the person requesting the variance would suffer an undue hardship and the person demonstrates that:

(1) Compliance with the plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect; or

(2) Alternative methods can be implemented which will achieve a similar level of reduction in water use.

(B) A petition for a variance must include the following:

(1) The name and address of petitioners;

(2) The purpose of the intended water use;

(3) The specific requirement of the plan from which the petitioner is requesting relief;

(4) A detailed statement as to how the specific requirement creates a hardship unique to the petitioner or adversely affects the petitioner, and a statement as to what damage or harm will occur to the petitioner or others if the petitioner complies with this article;

(5) A description of the relief requested;

(6) The period of time for which the variance is sought;
and

(7) A description of what alternative water use restrictions or other measures the petitioner is taking or proposes to take in order to meet the intent of this plan.

(C) Unless waived or modified in writing by the Director, a variance granted under this section shall include a timetable for compliance and shall contain a condition terminating the variance if the petitioner fails to meet a specified requirement of the variance.

(D) No variance will be retroactive or otherwise justify any violation of this plan that occurs prior to the issuance of the variance.

Sec. 51.97 Provisions to inform the public and opportunity for public comment

The City will provide the opportunity for public input in the development of this water resource emergency plan by the following means:

(1) Providing written notice of the proposed plan and opportunity to comment on the plan by newspaper, posted notice and/or notice on the City's website.

(2) Providing the draft plan to anyone requesting a copy.

(3) Holding a public meeting to give the public the opportunity to provide input on the plan. The meeting will be held at a time and location convenient to the public.

Sec. 51.98 Provisions for continuing public education and information

(A) The City will inform and educate the public about the water resource emergency plan by the following means:

(1) Preparing a bulletin describing the plan and making it available at City Hall and other appropriate locations.

(2) Making the plan available to the public through the City's website.

(3) Including information about the water resource emergency plan on the City's website.

(4) Notifying local organizations, schools, and civic groups that staff are available to make presentations on the plan (usually in conjunction with presentations on water conservation programs).

(B) At any time that the plan is activated or the emergency response stage changes, the City will notify local media of the issues, the current emergency response stage, and the specific actions required of the public. The information will also be publicized on the City's website and social media channels. Billing inserts will also be used as appropriate.

Sec. 51.99 Coordination with the regional water planning group

A letter will be sent to the chair of the Region C water planning group with a copy of this water resource emergency plan. The City will also send a copy of this water resource emergency plan to NTMWD.

Sec. 51.99.1 Review and update of water resource emergency plan

As required by TCEQ rules, the City will review and update the water resource emergency plan every five years. The plan will be updated as appropriate based on new or updated information."

SECTION 2

That, except as otherwise provided in this Ordinance, a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances of the City of Garland, Texas. The City's authority to seek injunctive relief or other civil relief available under the law is not limited by this section.

SECTION 3

That Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4

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

SECTION 5

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

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

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 51, "GENERAL UTILITY PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1

That Article VIII of Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"ARTICLE VIII. WATER CONSERVATION PLAN

Sec. 51.116 Declaration of policy, purpose, and intent

In order to conserve the available water supply by providing a consistent mechanism for preventing the waste of water resources, the following regulations and restrictions on the delivery and consumption of water are hereby adopted.

Sec. 51.117 Definitions

In this article:

(1) Code means the Code of Ordinances of the City, as amended.

(2) Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that an adequate supply of water is conserved and made available for future or alternative uses.

(3) Customer means any person (as that term is defined in Section 10.03 of this Code) using or receiving water supplied by the City.

(4) Director means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

(5) Drip irrigation is a method of landscape irrigation involving irrigation tubing that provides water directly to the roots of the plants.

(6) Institutional use means the use of water by an entity dedicated to public service, such as a school, university, church, hospital, nursing home, or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

(7) Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

(8) Municipal per capita water use is the sum total of water diverted into a water supply system for residential, commercial, public, and institutional uses divided by actual population served.

(9) Municipal use means the use of potable water provided by a public water supplier as well as the use of treated wastewater effluent for residential, commercial, public, and institutional applications.

(10) Reclaimed water means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of Chapter 210 of the Texas Administrative Code and is used for lawn irrigation, industrial purposes, or other non-potable purposes.

(11) Residential Gallons Per Capita Per Day ("Residential GPCD") means the total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.

(12) Reuse is the authorized use for one or more beneficial purposes of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.

(13) Soaker hose is a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

(14) Total Gallons Per Capita Per Day ("Total GPCD") means the total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in 30 T.A.C. § 288.1 shall be credited against total diversion volumes for the purposes of calculating Total GPCD for targets and goals.

(15) Unaccounted-for water is the difference between the amount of water delivered by the City's wholesale water supplier and the amount of water sold by the City. Unaccounted-for water can include inaccurate or incomplete recordkeeping, meter error, unmetered uses (i.e. firefighting), leaks, and water theft or unauthorized use.

(16) Water conservation goals are measures of water consumption on a per capita basis set by the City as a benchmark for evaluating the effectiveness of the water conservation plan.

(17) Water conservation plan is a strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan is required by Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code.

Sec. 51.118 Water utility profile

The director shall endeavor to set water conservation goals for the City based on data collected and reported in the water utility profile filed with the Texas Commission on Environmental Quality (or successor agency) as required or provided by law. The profile shall include information regarding population and customer data, water usage data, water supply system data, and wastewater system data. The director shall ensure that a copy of the most current filed report is available for public inspection and copying.

Sec. 51.119 Water conservation goals

Water conservation goals are established to provide for a reduction and/or stabilization in the per capita water use over current water use trends. These goals can be realized from incorporation of water savings measures. The planning goals for the City include the following:

Total Municipal per capita water use at or below 141.0
Total GPCD by the year 2024 and at or below 138.0
Total GPCD by the year 2029. Municipal per capita water use shall be calculated on an annual basis.

Sec. 51.120 Water conservation savings elements

The following measures shall be implemented as a part of the water conservation plan in an effort to track water use and control water losses.

(1) Water source metering. The director shall endeavor to take monthly meter readings at each pumping station that pumps water into the City's water distribution system. These meters shall be within an accuracy of plus or minus 5 percent. These readings shall be recorded in a recordkeeping data base.

(2) Enforcement measures. The City has established criminal penalties and provided for the assessment of service fees for tampering with, bypassing, or diverting water distributed by the Water Department.

(3) Universal metering. The director shall endeavor to meter all water connections to the City's water distribution system including all residential, commercial, and industrial users, parks, public areas, and municipal facilities; provided however, that the director need not attempt to meter connections for water uses which are not from permanently metered locations, such as water used in fire protection, new construction, line flushing, maintenance flushing, storm sewer flushing, jet truck filling, fire hydrant flushing, and other required system flushing.

(4) Meter repair and replacement. The director shall endeavor to test and repair meters on an as needed basis. All meters shall be periodically replaced on an as needed basis.

(5) Control of unaccounted-for water. The director shall endeavor to maintain unaccounted-for water below 12 percent, as recommended by the City's water purveyor, the North Texas Municipal Water District (NTMWD). The amount of unaccounted-for water shall be monitored on an annual basis. If the amount of unaccounted-for water exceeds 12 percent, the director shall take appropriate actions to reduce the amount of unaccounted-for water. Actions may include the following:

- (a) Meter replacement and/or repair.
- (b) Large meter recalibration.
- (c) Aggressive leak detection program.
- (d) Water audit.
- (e) Any other action deemed necessary to reduce the unaccounted-for water use.

(6) Record management. Based on requirements of the Texas Administrative Code, the director shall separate water use into the following categories:

- (a) Residential.
 - (i) Single Family
 - (ii) Multi-Family
- (b) Commercial.
- (c) Public/institutional.
- (d) Industrial.
- (e) Agricultural.
- (f) Wholesale.

(7) Leak detection and repair. The director shall endeavor, on a continual basis, to monitor water lines by visual inspection and sound amplifiers for potential water leaks. Water lines shall be upgraded and replaced as necessary to correct any deficiencies.

(8) Public education and information. The director shall endeavor to provide the public with information on water conservation with activities such as:

(a) Publication of information in a newspaper of general circulation in the City; publication in the "City Press"; posting information on the City's website; and including inserts in utility bills highlighting water conservation material;

(b) Water conservation presentations at schools and other meetings at the request of the organization;

(c) Providing water conservation kits to residents who live along replaced water mains;

(d) Providing water conservation material at City public buildings;

(e) Encouraging the use of native, drought-tolerant, or adaptive plants;

(f) Promoting the use of drip irrigation; and

(g) Offering, as funding permits, educational water audits to water customers on a first-come, first-served basis.

(9) Conservation water rate structure. The City has implemented a three-tier increasing block rate structure to discourage waste of water replacing the existing uniform rate type structure.

(10) Water reuse and recycling. Treated wastewater plant effluent is reused at the City's two wastewater treatment facilities for plant wash down, on-site plant irrigation, and chlorination/dechlorination. Additional reuse includes diversion of treated effluent to a local power plant and NTMWD. The Director shall continue to identify additional opportunities for treated effluent reuse.

(11) Water conserving water fixtures. Section 30.80 of this Code adopts the plumbing code, which requires new toilets, showerheads, and faucets that are installed to meet reduced water use requirements. Use of these new fixtures in new construction and in remodeling will reduce water demand.

(a) As funding permits, conservation credits shall be applied to a customer's utility bill when proof of purchase and a signed application has been received for the purchase of up to three (3) new toilets and up to one (1) new clothes washing machine.

(12) Showerhead replacement program. The City provides low-flow showerheads and sink aerators to customers with showerheads with flows greater than 2.5 gpm. The showerheads are provided to customers impacted by mainline replacement at the completion of the project.

(13) Wholesale water customers. Any contract that the director may enter into for the wholesale sale of water after the adoption of the water conservation plan shall include the requirements that the wholesale customer develop and implement a water conservation plan that meets the requirements of title 30, part 1, chapter 288, subchapter A, rule 288.2 of the Texas Administrative Code.

(14) Water service in food service establishments. The City encourages food service establishments to serve water only when requested by the patron.

(15) Reservoir system operation plan. The City purchases all of its water from NTMWD, which utilizes system operation. The City does not have its own surface water supplies for which to implement a system operation plan.

(16) Monitoring effectiveness of the water conservation plan. The City monitors the effectiveness of the Water Conservation Plan on an annual basis through yearly reports.

(17) Conservation measures relating to lawn and landscape irrigation. Lawn and landscape irrigation practices within the City can cause a waste of valuable water resources. The purpose of this subsection is to assure that water be used for lawn and landscape irrigation in a manner that prevents waste and conserves water resources. All new irrigation systems must be in compliance with state design and installation regulations (Title 30, Part 1, Chapter 344 of the Texas Administrative Code).

(a) Lawn and landscape irrigation restrictions; offenses.

(i) Watering with sprinklers or irrigation systems is limited to no more than two days per week (April 1 - October 31), and no more than one day a week (November 1 - March 31) provided no active drought restrictions are in effect. A person commits an offense if he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by him in a manner which exceeds the weekly watering limitations set forth in this section.

(ii) Except for hand watering using an automatic shutoff nozzle and or the use of soaker hoses or drip irrigation systems, a person commits an offense if, between the hours of 10:00 a.m. and 6:00 p.m. between April 1 - October 31 of any year, he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by him.

(iii) A person commits an offense if he knowingly or recklessly irrigates, waters or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

A. A substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

B. An irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(iv) A person commits an offense if, on premises owned, leased, or managed by him, he operates a lawn or landscape irrigation system or device that:

A. Has any broken or missing sprinkler head; or

B. Has not been properly maintained in a manner that prevents the waste of water.

(b) Rain sensing devices and freeze gauges.

(i) Any new irrigation system installed within the City on or after June 1, 2007, must be equipped with a rain sensing devices and freeze gauges.

(ii) A person commits an offense if, on premises owned, leased, or managed by him, he:

A. Installs, or causes or permits the installation of, a new irrigation system in violation of subsection (b) (i);

B. Operates, or causes or permits the operation of, an irrigation system that does not comply with subsection (b) (i); or

C. Fails to maintain the rain/freeze sensor in proper functioning order.

(c) At home car washing can be done only when using a water hose with an automatic shut-off nozzle.

(18) The Director shall endeavor to coordinate with the regional water planning group in order to ensure consistency with the approved regional water plan.

(19) Hotels and motels are encouraged to offer a linen reuse water conservation option to customers."

SECTION 2

That, except as otherwise provided in this Ordinance, a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances of the City of Garland, Texas. The City's authority to seek injunctive relief or other civil relief available under the law is not limited by this section.

SECTION 3

That Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 4

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

SECTION 5

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

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

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

"ARTICLE VI. WATER RESOURCE EMERGENCY MANAGEMENT PLAN"

Sec. 51.90 Declaration of policy, purpose, and intent

(A) In order to conserve the available water supply ~~in times and~~ protect the integrity of drought and emergency; maintain ~~supplies~~ water supply facilities, with particular regard for domestic water use, sanitation, and fire protection; ~~and to~~ protect and preserve public health, welfare, and safety; minimize the adverse impacts of a water supply shortage; ~~and minimize the adverse impacts of emergency or other~~ water supply emergency conditions, the following regulations and restrictions on the delivery and consumption of water are hereby adopted.

(B) Water uses regulated or prohibited under this ~~drought contingency~~ water resource emergency management plan (the "plan") are considered to be nonessential and the continuation of such uses during times of a water shortage or other emergency water supply ~~emergency~~ conditions are deemed to constitute a waste of water that will subject offenders to both civil and criminal fines and penalties.

Sec. 51.91 Definitions

In this article:

(1) Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

(2) Aquatic life means a vertebrate organism dependent upon an aquatic environment to sustain its life.

(3) Athletic Field means a sports competition field used primarily for organized sports practice, competition or exhibition events for schools, professional sports or sanctioned league play.

(4) Automatic Shutoff Nozzle — means a device which permits water to flow through it only when outside pressure is applied.

(5) Cool season grasses ~~are~~ means varieties of turf grass that grow best in cool climates primarily in northern and central regions of the United States (i.e. perennial and annual rye grass, Kentucky blue grass and fescues).

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(6) Commercial users means commercial, institutional and industrial customers using water that is integral to its operations.

(7) Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that an adequate supply of water is conserved and made available for future or alternative uses.

(8) Customer means any person (as that term is defined in section 10.03 of this Code) using or receiving water supplied by the City.

(9) Director means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

(10) Drip irrigation (also known as micro irrigation) means the application of small quantities of water as drops, small streams or miniature sprays through emitters of applicators placed along a water delivery line. The drip method encompasses a number of systems or concepts such as bubbler, dripper, trickle, line source mist or miniature spray.

(11) Landscaped areas mean areas of decorative plantings of vegetation generally consisting of shrubs, vines, groundcovers, trees, ornamental trees, and decorative grass species that are planted to improve aesthetic qualities or natural beauty of a site and/or to stabilize the soil conditions, thereby minimizing water runoff. These areas may also include vegetation planted in containers intended to supplement or highlight areas of the landscape or garden.

(12) Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

(13) Lawns mean an open area covered by closely mown and cultivated perennial turf grass.

(14) Soaker hose ~~is means~~ a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

Sec. 51.92 Triggering criteria for initiation and termination of ~~drought~~emergency response stages

(A) The director shall monitor water supply or demand conditions on a daily basis and will determine when conditions warrant the initiation or termination of any emergency response stage of the plan. The director shall endeavor to provide public notification of the initiation or termination of ~~a drought~~an emergency response stage by means of publication of ~~notices~~notice in a newspaper of general circulation in the City, the "City Press," and the City's internal website, by posting notices on the City's public access CATV channel, and social media channels, through customer mailings when applicable, and by posting signs in City buildings. The director shall endeavor to notify North Texas Municipal Water District ("NTMWD") by telephone and a follow-up letter, e-mail, or fax when ~~a drought~~an emergency response stage is initiated. The director shall notify the executive director of the TCEQ within 5 business days when any mandatory provisions of the ~~drought~~emergency plan are activated.

(B) When the director determines that a water shortage or water supply emergency requires activation of the plan, the provisions of the plan shall go into effect immediately upon the first publication of notice and shall remain in effect until terminated by the director.

(C) The director may order the termination of ~~a drought~~an emergency response stage or water emergency when the conditions for termination are met or at his discretion. The director may decide not to order the termination of ~~a drought~~an emergency response stage or water emergency even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the ~~drought~~emergency response stage. The director shall endeavor to take the following actions when ~~a drought~~an emergency response stage is terminated:

(1) Notify the public by means of publication of notices in a newspaper of general circulation in the City; publication in the "City press"; posting notices on the City's ~~internet~~ website, social media channels, and on the City's public access CATV channel; through customer

mailings, if applicable, and by posting signs in City buildings.

(2) Notify the NTMWD in a timely manner.

(3) Notify the executive director of the TCEQ within five

(5) business days that activated mandatory provisions of the drought contingency plan are terminated.

(D) Depending on the circumstances prevailing at the time ~~of~~ the plan is put into effect⁺, the director may determine that a water shortage or other water supply emergency exists under one of the following stages:

(1) Stage 1.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a stageStage 1 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of stageStage 1 of the plan, and the director concurs;

(ii) Total daily water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days;

(iii) Water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water reservoirstorage levels that do not refill above 65 percent overnight.

(b) Stage 1 may terminate when the circumstances that caused the initiation of Stage 1 no longer prevail and the director authorizes.

(2) Stage 2.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a ~~stage~~Stage 2 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of ~~stage~~Stage 2 of the plan, and the director concurs;

(ii) Total daily water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days;

(iii) Water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water system is unable to deliver water due to the failure or damage of major water system components; or

(vi) ~~Continually~~The water system experiences continually falling treated water ~~reservoir~~storage levels that do not refill above 50 percent overnight ~~are experienced~~.

(b) Stage 2 may terminate when the circumstances that caused the initiation of Stage 2 no longer prevail and the director authorizes.

(3) Stage 3.

(a) Requirements for initiation. The director may initiate restrictions on certain nonessential water uses applicable to a ~~stage~~Stage 3 water shortage when:

(i) The City's wholesale water provider, NTMWD, notifies the director of delivery or source shortages, requests initiation of ~~stage~~Stage 3 of the plan, and the director concurs;

(ii) Total daily water demand exceeds the amount that can be delivered to customers;

(iii) Water demand for all or part of the delivery system seriously exceeds delivery capacity because delivery capacity is inadequate;

(iv) Supply source becomes contaminated;

(v) Water supply system is unable to deliver water due to the failure or damage of major water system components; or

(vi) The water system experiences continually falling treated water reservoir storage levels that do not refill above 20 percent overnight.

(b) Stage 3 may terminate when the circumstances that caused the initiation of Stage 3 no longer prevail and the director authorizes.

Sec. 51.93 ~~Drought stage responses~~Emergency Response Stages

Based upon an analysis of water supply and demand conditions and in accordance with the triggering criteria set forth above, the director may implement the following responses as appropriate to the water shortage or water emergency being experienced.

(1) Stage 1. The goal for water use reduction under stageStage 1 is a fivetwo percent (52%) reduction in the use that would have occurred in the absence of drought contingency emergency management measures. During a stageStage 1 shortage:

(a) The City will, in the manner it deems necessary and appropriate, endeavor to:

(i) Accelerate public education efforts on ways to reduce water use.

(ii) Halt nonessential city government water use.

(iii) Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

(iv) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative supply strategies.

(v) Allow irrigation in Stage 1 as follows:

A. Between April 1 and October 31 ~~of each year~~, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is prohibited except on Tuesdays and Saturdays; and from November 1 to March 31 the irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to once a week ~~as approved by the director~~. An exception is allowed where establishment of vegetation is required by TCEQ for storm water permits on new construction.

B. Irrigation of landscape areas, foundations, and trees is allowed on any day provided it is accomplished using a handheld hose equipped with an automatic shutoff nozzle, a hose-filled bucket or watering can of five (5) gallons or less, a soaker hose, or a drip irrigation system. Excessive run-off is prohibited.

C. The City and School District may water parks, sports fields, landscaped and lawn areas of medians and parkways, or other municipal facilities throughout the week in a manner that achieves the equivalent of two water days between April 1 and October 31 ~~of each year~~ and from November 1 to March 31 the equivalent of once a week as approved by the Director.

D. Except for hand watering with an automatic shutoff nozzle, or the use of soaker hoses or drip irrigation systems, irrigation of lawns or landscape areas is prohibited between the hours of 10:00 a.m. and 6:00 p.m. from April 1 to October 31.

(vi) Discourage over seeding of cool season turf grasses (such as rye grass or other similar grasses) that intensify cool season water requirements, except where establishment of vegetation is required by TCEQ for storm water permits on new construction.

(2) Stage 2. The goal for water use reduction under ~~stage~~Stage 2 is a reduction of ten percent (10%) in the use that would have occurred in the absence of ~~drought contingency~~emergency management measures. During a ~~stage~~Stage 2 shortage:

(a) The City will endeavor to continue or initiate actions available under stage 1.

(b) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative water supply strategies.

(c) The operation of any ornamental fountain or pond for aesthetic or scenic purposes, if it uses potable water, is prohibited except when necessary to support aquatic life.

(d) The use of water to wash down sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaces areas is prohibited except for human health and safety purposes. Use of water for dust control on construction projects is permitted to the extent allowed or required by law or regulation.

(e) Use of water to wash any vehicle, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited unless the source of water is equipped with an automatic shutoff nozzle that will stop the flow of water when that flow is not needed to rinse the vehicle being washed.

(f) Use of water in such a manner as to allow runoff or other waste is prohibited. Water runoff is excessive when it extends for a distance greater than ten (10) feet from the property's boundary lines; onto an adjacent property; or ten (10) feet past the targeted irrigation area for commercial sites. Excessive water runoff will be cause for termination of water service.

(g) Irrigation is allowed in Stage 2 as follows:

(i) Between April 1 and October 31 ~~of each year~~, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigations systems is limited to one day per week on the day designated for residential trash pickup

in customer's area; and from November 1 to March 31 the irrigation of landscaped areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to one day every other week on the day designated for collection of recyclable materials in customer's area.

(ii) The City and School District may water parks, sports fields, landscaped and lawn areas of medians and parkways, or other municipal facilities throughout the week in a manner that achieves the equivalent of one water day between April 1 and October 31 ~~of each year~~ and from November 1 to March 31 the equivalent of once every other week as approved by the Director.

-(iii) Irrigation of landscaped areas, trees, lawns or foundations is permitted at any time if it is done by means of a handheld hose equipped with an automatic shutoff nozzle, soaker hoses, or by drip irrigation. ~~except that water runoff continues to be prohibited.~~

(iv) Golf courses using potable water may water fairways on designated watering days only, but may water greens and tee boxes as necessary. Athletic fields may be watered as necessary to insure the safety and well-being of the public.

(v) An exception is allowed where establishment of vegetation is required by TCEQ for storm water permits on new construction.

(vi) Irrigation systems may ~~be turned on, run~~ for ten (10) minutes per station, to test and repair the system and insure proper operation.

(vii) Except for hand watering with a hand-held hose equipped with an automatic shutoff nozzle, or the use of soaker hoses or drip irrigation systems, irrigation of lawns or landscape areas is prohibited between the hours of 10:00 a.m. and 6:00 p.m. from April 1 to October 31.

(h) Existing swimming pools, wading pools, hot tubs or spa-type pools may not be drained and refilled;

provided however that water may be added to swimming pools to replace losses during normal use or may be refilled immediately after repair by a commercial pool company.

(i) Discourage hydroseeding, hydromulching, and sprigging, except where establishment of vegetation is required by TCEQ for stormwater permits on new construction.

(3) Stage 3. The goal for water use reduction under ~~stage~~Stage 3 is a reduction of whatever amount is deemed necessary under the circumstances to accomplish objectives of this article. During a ~~stage~~Stage 3 shortage:

(a) The City may continue or initiate any actions available under ~~stages~~Stages 1 and 2.

(b) The City will, in the manner it deems necessary and appropriate, endeavor to implement viable alternative water supply strategies.

(c) Use of water to wash any vehicle at any location other than a commercial vehicle washing facility, including without limitation a motor vehicle, motorcycle, boat, trailer, or airplane, is prohibited unless for health, sanitation or safety reasons and for essential governmental purposes. A hose-end automatic shutoff nozzle must be used for this exception.

(d) Irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is prohibited. Landscape areas, foundations, and trees may be watered for up to 2 hours on any day by a handheld hose equipped with an automatic shutoff nozzle, a soaker hose, or a drip irrigation system. Athletic fields may be watered as necessary to insure the safety and wellbeing of the public. Runoff continues to be prohibited.

(e) Permitting of pools is prohibited. Pools already permitted may be completed and filled with water. Existing pools may add water to maintain pool levels but may not be drained and refilled.

(f) Discourage the establishment of new landscaping. An exception is allowed where establishment of

vegetation is required by TCEQ for storm water permits on new construction.

(g) Prohibit golf course watering with potable water except for greens and tee boxes.

(h) Require all commercial uses to reduce water use by a percentage established by the City Manager or his designee.

(i) The operation of any ornamental fountain or pond for aesthetic or scenic purposes, if it uses potable water, is prohibited except where necessary to support aquatic life.

Sec. 51.94 Water rationing surcharges

Surcharges on water consumption may be imposed and collected during any ~~drought~~emergency response stage approved by the Council.

Sec. 51.95 Enforcement

Water use restrictions imposed in ~~stage~~Stage 1, 2 and 3 ~~drought~~emergency response stages may be enforced as follows:

(1) Upon the first or a subsequent violation, a customer may be issued a citation, with minimum and maximum fines as established by ordinance.

(2) Upon the second or a subsequent violation, the City may ~~cut-off~~terminate water service to the customer. Services discontinued pursuant to this subsection will be restored only upon payment of a reconnection charge as set forth in section 50.30(D)(1)(b) of this Code.

(3) Any person in apparent control of the premises where a violation occurs or originates is presumed to be the violator, and proof that the violation occurred on the person's premises constitutes a rebuttal presumption that the person in apparent control of the property committed the violation. Parents are presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on the premises under the parent's control constitutes a rebuttal presumption that the parent committed the violation. The presumption may be rebutted by proof that the parent had

previously directed the child not to use the water as it was used in violation of the plan and that the parent could not have reasonably known of the violation.

Sec. 51.96 Variances

(A) The director may, in writing, grant a temporary variance of existing water uses otherwise prohibited under the plan if the director determines that the failure to grant such a variance would cause an emergency condition adversely affecting the public health, safety or welfare, or the person requesting the variance would suffer an undue hardship and the person demonstrates that:

(1) Compliance with the plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect; or

(2) Alternative methods can be implemented which will achieve a similar level of reduction in water use.

(B) A petition for a variance must include the following:

(1) The name and address of petitioners;

(2) The purpose of the intended water use;

(3) The specific requirement of the plan from which the petitioner is requesting relief;

(4) A detailed statement as to how the specific requirement creates a hardship unique to the petitioner or adversely affects the petitioner, and a statement as to what damage or harm will occur to the petitioner or others if the petitioner complies with this article;

(5) A description of the relief requested;

(6) The period of time for which the variance is sought; and

(7) A description of what alternative water use restrictions or other measures the petitioner is taking or proposes to take in order to meet the intent of this plan.

(C) Unless waived or modified in writing by the director, a variance granted under this section shall include a timetable for

compliance and shall contain a condition terminating the variance if the petitioner fails to meet a specified requirement of the variance.

(D) No variance will be retroactive or otherwise justify any violation of this plan that occurs prior to the issuance of the variance.

Sec. 51.97 Provisions to inform the public and opportunity for public comment

The City will provide the opportunity for public input in the development of this water resource emergency plan by the following means:

- (1) Providing written notice of the proposed plan and opportunity to comment on the plan by newspaper, posted notice and/or notice on the City's website.
- (2) Providing the draft plan to anyone requesting a copy.
- (3) Holding a public meeting to give the public the opportunity to provide input on the plan. The meeting will be held at a time and location convenient to the public.

Sec. 51.98 Provisions for continuing public education and information

(A) The City will inform and educate the public about the water resource emergency plan by the following means:

- (1) Preparing a bulletin describing the plan and making it available at City Hall and other appropriate locations.
- (2) Making the plan available to the public through the City's website.
- (3) Including information about the water resource emergency plan on the City's website.
- (4) Notifying local organizations, schools, and civic groups that staff are available to make presentations on the ~~drought contingency~~ plan (usually in conjunction with presentations on water conservation programs).

(B) At any time ~~that the drought contingency~~ plan is activated or the ~~drought~~emergency response stage changes, the City will notify

local media of the issues, the ~~drought~~current emergency response stage, and the specific actions required of the public. The information will also be publicized on the City's website, and social media channels. Billing inserts will also be used as appropriate.

Sec. 51.99 Coordination with the regional water planning group

A letter will be sent to the chair of the region C water planning group with a copy of this water resource emergency plan. The city will also send a copy of this water resource emergency plan to NTMWD.

Sec. 51.99.1 Review and update of water resource emergency plan

As required by TCEQ rules, the City will review and update the water resource emergency plan every five years. The plan will be updated as appropriate based on new or updated information."

"ARTICLE VIII. WATER CONSERVATION PLAN

Sec. 51.116 Declaration of policy, purpose, and intent

In order to conserve the available water supply by providing a consistent mechanism for preventing the waste of water resources, the following regulations and restrictions on the delivery and consumption of water are hereby adopted.

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Sec. 51.117 Definitions

In this article:

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(1) Code means the Code of Ordinances of the City, as amended.

(2) Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that an adequate supply of water is conserved and made available for future or alternative uses.

(3) Customer means any person (as that term is defined in Section 10.03 of this Code) using or receiving water supplied by the City.

(4) Director means the Managing Director of Water, Wastewater, and Water Recycling of the City, his or her designee, or such other individual to whom the City Manager has appointed the duties and authority under this article.

(5) Drip irrigation is a method of landscape irrigation involving irrigation tubing that provides water directly to the roots of the plants.

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~~+(6) Institutional use means the use of water by an entity dedicated to public service, such as a school, university, church, hospital, nursing home, or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.~~

(7) Landscape irrigation use means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

(78) Municipal per capita water use is the sum total of water diverted into a water supply system for residential, commercial, public, and institutional uses divided by actual population served.

(89) Municipal water use ~~is means~~ the ~~amount~~ use of potable water ~~used for provided by a public water supplier as well as the use of treated wastewater effluent for~~ residential, commercial, public, and institutional applications.

~~(9)~~(10) Reclaimed water means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of Chapter 210 of the Texas Administrative Code and is used for lawn irrigation, industrial purposes, or other non-potable purposes.

(11) Residential Gallons Per Capita Per Day ("Residential GPCD") means the total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.

(12) Reuse is the authorized use for one or more beneficial purposes of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.

~~(10)~~(13) Soaker hose is a type of water hose made of porous material that allows water to seep out of the hose without spraying water into the air.

~~(11)~~(14) Total Gallons Per Capita Per Day ("Total GPCD") means the total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in 30 T.A.C. § 288.1 shall be credited against total diversion volumes for the purposes of calculating Total GPCD for targets and goals.

(15) Unaccounted-for water is the difference between the amount of water delivered by the City's wholesale water supplier and the amount of water sold by the City. Unaccounted-for water can include inaccurate or incomplete recordkeeping, meter error, unmetered uses (i.e. firefighting), leaks, and water theft or unauthorized use.

(~~4216~~) Water conservation goals are measures of water consumption on a per capita basis set by the City as a benchmark for evaluating the effectiveness of the water conservation plan.

(~~4317~~) Water conservation plan is a strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan is required by ~~title~~Title 30, ~~part~~Part 1, ~~chapter~~Chapter 288, ~~subchapter~~Subchapter A, ~~rule~~Rule 288.2 of the Texas Administrative Code.

Sec. 51.118 Water utility profile

The director shall endeavor to set water conservation goals for the City based on data collected and reported in the water utility profile filed with the Texas Commission on Environmental Quality (or successor agency) as required or provided by law. The profile shall include information regarding population and customer data, water usage data, water supply system data, and wastewater system data. The director shall ensure that a copy of the most current filed report is available for public inspection and copying.

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Sec. 51.119 Water conservation goals

Water conservation goals are established to provide ~~for~~ a reduction ~~and/or stabilization~~ in the per capita water use over current water use ~~trends~~. These goals can be realized from incorporation of water savings measures. The planning goals for the City include the following:

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~~Total~~ Municipal per capita water use at or below 141.0 ~~gallons per capita per day (gpcd)~~~~Total GPCD~~ by the year ~~2019~~2024 and at or below 138.0 ~~gpcd~~~~Total GPCD~~ by the year ~~2024~~2029. Municipal per capita water use shall be calculated on an annual basis.

Sec. 51.120 Water conservation savings elements

The following measures shall be implemented as a part of the water conservation plan in an effort to track water use and control water losses.

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(1) Water source metering. The director shall endeavor to take monthly meter readings at each pumping station that pumps water into the City's water distribution system. These meters shall be within an accuracy of plus or minus 5 percent. These readings shall be recorded in a recordkeeping data base.

(2) Enforcement measures. The City has established criminal penalties and provided for the assessment of service fees for tampering with, bypassing, or diverting water distributed by the Water Department.

(3) Universal metering. The director shall endeavor to meter all water connections to the City's water distribution system including all residential, commercial, and industrial users, parks, public areas, and municipal facilities; provided however, that the director need not attempt to meter connections for water uses which are not from permanently metered locations, such as water used in fire protection, new construction, line flushing, maintenance flushing, storm sewer flushing, jet truck filling, fire hydrant flushing, and other required system flushing.

(4) Meter repair and replacement. The director shall endeavor to test and repair meters on an as needed basis. All meters shall be periodically replaced on an as needed basis.

(5) Control of unaccounted-for water. The director shall endeavor to maintain unaccounted-for water below 12 percent, as recommended by the City's water purveyor, the North Texas Municipal Water District (NTMWD). The amount of unaccounted-for water shall be monitored on an annual basis. If the amount of unaccounted-for water exceeds 12 percent, the director shall take appropriate actions to reduce the amount of unaccounted-for water. Actions may include the following:

- (a) Meter replacement and/or repair.
- (b) Large meter recalibration.
- (c) Aggressive leak detection program.
- (d) Water audit.

(e) Any other action deemed necessary to reduce the unaccounted-for water use.

(6) Record management. Based on requirements of the Texas Administrative Code, the director shall separate water use into the following categories:

(a) Residential.

(i) Single Family

(ii) Multi-Family

(b) Commercial.

(c) Public/institutional.

(d) Industrial.

(e) Agricultural.

(f) Wholesale.

(7) Leak detection and repair. The director shall endeavor, on a continual basis, to monitor water lines by visual inspection and sound amplifiers ~~on a daily basis~~ for potential water leaks. Water lines shall be upgraded and replaced as necessary to correct any deficiencies.

(8) Public education and information. The director shall endeavor to provide the public with information on water conservation with activities such as:

(a) Publication of information in a newspaper of general circulation in the City; publication in the "City Press"; posting information on the City's ~~internet~~ website; and including inserts in utility bills highlighting water conservation material-i

(b) Water conservation presentations at schools and other meetings at the request of the organization-i

(c) Providing water conservation kits to residents who live along replaced water mains-i

(d) Providing water conservation material at City public buildings-i

(e) Encouraging the use of native, drought-tolerant, or adaptive plants;

(f) Promoting the use of drip irrigation; and

(g) Offering, as funding permits, educational water audits to water customers on a first-come, first-served basis.

(9) Conservation water rate structure. The City has implemented a three-tier increasing block rate structure to discourage waste of water replacing the existing uniform rate type structure.

(10) Water reuse and recycling. Treated wastewater plant effluent is reused at the City's two wastewater treatment facilities for plant wash down, on-site plant irrigation, and chlorination/dechlorination. Additional reuse includes diversion of treated effluent to a local power plant and NTMWD. The Director shall continue to identify additional opportunities for treated effluent reuse.

(11) Water conserving water fixtures. Section 30.80 of this Code adopts the plumbing code, which requires new toilets, showerheads, and faucets that are installed to meet reduced water use requirements. Use of these new fixtures in new construction and in remodeling will reduce water demand.

(a) As funding permits, conservation credits shall be applied to a customer's utility bill when proof of purchase and a signed application has been received for the purchase of up to three (3) new toilets and up to one (1) new clothes washing machine.

(12) Showerhead replacement program. The City provides low-flow showerheads and sink aerators to customers with showerheads with flows greater than 2.5 gpm. The showerheads are provided to customers impacted by mainline replacement at the completion of the project.

(13) Wholesale water customers. Any contract that the director may enter into for the wholesale sale of water after the adoption of the water conservation plan shall include the requirements that the wholesale customer develop and implement a water conservation plan that meets the requirements of title 30, part 1, chapter 288, subchapter A, rule 288.2 of the Texas Administrative Code.

(14) Water service in food service establishments. ~~It is an offense for an owner or employee of a~~ The City encourages food service establishments to serve water to a patron unless only when requested by the patron.

(15) Reservoir system operation plan. The City purchases all of its water from NTMWD, which utilizes system operation. The City does not have its own surface water supplies for which to implement a system operation plan.

(16) Monitoring effectiveness of the water conservation plan. The City monitors the effectiveness of the Water Conservation Plan on an annual basis through yearly reports.

(17) Conservation measures relating to lawn and landscape irrigation. Lawn and landscape irrigation practices within the City can cause a waste of valuable water resources. The purpose of this subsection is to assure that water be used for lawn and landscape irrigation in a manner that prevents waste and conserves water resources. All new irrigation systems must be in compliance with state design and installation regulations. (Title 30, Part 1, Chapter 344 of the Texas Administrative Code).

(a) Lawn and landscape irrigation restrictions; offenses.

(i) Watering with sprinklers or irrigation systems is limited to no more than two days per week (April 1 - October 31), and no more than one day a week (November 1 - March 31) provided no active drought restrictions are in effect. A person commits an offense if he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by him in a manner which exceeds the weekly watering limitations set forth in this section.

(ii) Except for hand watering using an automatic shutoff nozzle and or the use of soaker hoses or drip irrigation systems, a person commits an offense if, between the hours of 10:00 a.m. and 6:00 p.m., between April 1 - October 31 of any year, he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of

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a lawn or landscape located on premises owned, leased, or managed by him.

(iii) A person commits an offense if he knowingly or recklessly irrigates, waters or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

aA. A substantial amount of water to fall upon impervious areas instead of upon the lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

bB. An irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(iv) A person commits an offense if, on premises owned, leased, or managed by him, he operates a lawn or landscape irrigation system or device that:

aA. Has any broken or missing sprinkler head; or

bB. Has not been properly maintained in a manner that prevents the waste of water.

(b) Rain sensing devices and freeze gauges.

(i-) Any new irrigation system installed within the City on or after June 1, 2007, must be equipped with a rain sensing devices and freeze gauges approved as to number and type by the director.

(ii-) A person commits an offense if, on premises owned, leased, or managed by him, he:

aA. Installs, or causes or permits the installation of, a new irrigation system in violation of subsection (b) (1);

bB. Operates, or causes or permits the operation of, an irrigation system that does not comply with subsection (b) (a); or

|
|
eC. Fails to maintain the rain/freeze sensor in proper functioning order.

(c) At home car washing can be done only when using a water hose with an automatic shut-off nozzle.

- (18) The Director shall endeavor to coordinate with the regional water planning group in order to ensure consistency with the approved regional water plan.
- (19) Hotels and motels are encouraged to offer a linen reuse water conservation option to customers."



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.a.

Meeting Date: May 20, 2019

Item Title: Internal Audit Committee Report

Submitted By: Jed Johnson, Internal Auditor

Summary of Request/Problem

Mayor Pro Tem, Rich Aubin, Chair of the Internal Audit Committee, will provide a committee report on the following items:

- City Property Usage Audit
- External Audit Firm Selection Process

Recommendation/Action Requested and Justification

Council discussion.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.b.

Meeting Date: May 20, 2019

Item Title: New City Website Preview

Submitted By: Dorothy White, Public & Media Relations Director

Summary of Request/Problem

The City of Garland will roll out a new redesigned government website later this week. Staff will provide a brief preview.

Recommendation/Action Requested and Justification

No action required.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.c.

Meeting Date: May 20, 2019

Item Title: Discuss Property Tax Homestead and Senior Exemptions

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

Staff will make a presentation regarding the impacts of increasing the property tax homestead and senior exemptions. Currently, the City of Garland homestead exemption is set at 8% of appraised value and the senior exemption is set at a flat dollar amount of \$51,000 of appraised value. Amendments to the homestead and/or senior exemptions must be approved by City Council by July 1, 2019.

Recommendation/Action Requested and Justification

Council discussion.



GARLAND

City Council Work Session Agenda

Meeting Date: May 20, 2019

Item Title: Boards and Commissions

Submitted By: Elisa Morales, Management Services Coordinator , Administration

Summary:

Council Member Robert John Smith

- Dale Long - Property Standards Board
-

Attachments

Dale Long - Property Standards Board



GARLAND

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**CITY OF GARLAND
RECEIVED
MAY 15 2019
CITY SECRETARY**

Application for City of Garland Boards/Commissions/Committees

Return completed application to: City Secretary's Office, 200 North Fifth Street, Garland, Texas 75040

Please Type or Print Clearly:

Date: May 9, 2019

Name: Dale H. Long

Phone: [REDACTED]

(Home)

Address: 1614 Dorado Street

Phone: [REDACTED]

(Other)

City, State, Zip: Garland, TX 75040.9301

Email: [REDACTED]

Resident of Garland for 36 years Resident of Texas for 49 years

Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 8

Have you ever been convicted of a felony? ☐ Yes ☒ No

Have you ever been convicted of a Class A misdemeanor? ☐ Yes ☒ No

Please list any experience that qualifies you to serve in the areas you have indicated.

Career includes NASA, TI, the City of Garland, the City of Dallas and the Dallas Area Rapid Transitsit

If you have previously served on a City Board or Commission, please specify and list dates of service.

2018 Charter Review, Board of Adjustment, East Area Plan, Garland CDBG Advisory

List civic or community endeavors with which you have been involved.

Big Brothers Big Sisters, Alpha Phi Alpha Fraternity, Leadership Dallas Alumni, Hamilton Park UMC

What is your educational background?

B.S. Industrial Technology, Texas Southern University, 1974

What is your occupational experience?

After 20 years, retired from the City of Dallas, April 1918, Public Works, Community Outreach/PIO

I hereby affirm that all statements herein are true and correct.

Board or Commission of first, second, and third choice:

☐ Board of Adjustment

☐ Garland Youth Council **

☐ Citizens Environmental and Neighborhood Advisory Committee

☒ Property Standards Board

☒ Community Multicultural Commission

☐ Library Board

☒ Garland Cultural Arts Commission

☒ Parks and Recreation Board

☐ Plan Commission

☐ Senior Citizens Advisory Committee

☐ Unified Building Standards Commission

**Garland Youth Council has a separate application

FOR OFFICE USE ONLY

Ad Valorem Tax Status
Utility Account Status

Current ☒
Current ☒

Past Due ☐
Past Due ☐

Date Appointed _____

Appointed By _____

Date Notified _____

Disclosure Form Filed _____

CSO Suit/Claim Filed
Clerk Signature & Date

Yes ☐ No ☒

Carol Berghin 5-15-19

Revised 03/2018