



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, April 15, 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. Environmental Waste Services/Hinton Landfill Staffing Considerations

Council is requested to consider the addition of full-time employees at EWS and the Landfill. These employees would reduce the number of temporary workers currently used at both locations.

b. Interlocal Agreement with North Texas Tollway Authority for Hike/Bike Trail Crossings

Council is requested to consider adopting a resolution authorizing the City Manager to execute the attached Interlocal Agreement with the North Texas Tollway Authority. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the April 16, 2019 Regular Meeting.

c. 2016 State Homeland Security Grant Funding

Council is requested to approve a resolution authorizing the Office of Emergency Management to accept the State Homeland Security Grant funding. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the April 16, 2019 Regular Meeting.

d. Amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 & 4 of the Garland Development Code

Council is requested to consider adopting a resolution authorizing the proposed amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 and 4 of the Garland Development Code. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the May 7, 2019 Regular Meeting.

e. Business outreach regarding the Sign Ordinance changes

Following the recent sign ordinance revisions adopted by City Council, staff has drafted an informational brochure to mail out to businesses in Garland. The brochure is attached for the Council's review prior to mailouts.

f. Authorize Acquisition of Transmission Right-of-Way

Council is requested to consider a resolution authorizing the acquisition of ROW for the Greenville transmission line. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the May 7, 2019 Regular Meeting.

g. Boards and Commissions Quarterly Report

In January of 2018 the Council requested that a quarterly report from Boards and Commissions be submitted for their review. Attached is the report for the period January 1 - March 31. The following Boards did not have activity for the period:

- *Unified Building Standards Commission*
- *TIF Zone 1 Board*
- *TIF Zone 2 Board*
- *TIF Zone 3 Board - has Board vacancies*

3. Verbal Briefings:

a. Cost of Service for Water and Wastewater

As an outcome of the recent changes to the water rate structure, the City Council requested that a comprehensive cost of service and rate design study be performed to determine what future amendments may be needed in overall water and wastewater rate levels or rate design. The City's rate consultant, NewGen Strategies & Solutions, will provide a status update on the Study and will specifically discuss the projected revenue required to be generated in water and wastewater rates (i.e., revenue requirement) for the next five years.

b. Parks Project Update

At the request of Council Member Deborah Morris and Mayor Lori Barnett Dodson, a status update is being provided for multiple projects in Parks, Recreation and Cultural Arts. Staff will present information related to timelines of the major phases of the project delivery process, including design, bidding and construction. Projects listed will include existing CIP projects and larger projects and initiatives funded through the General Fund.

c. Infrastructure and Parking Concept Plan Update

Staff will provide an update on the Downtown Infrastructure and Parking Plan, including stakeholder feedback about the proposed conceptual design of the Downtown Square.

d. Update on Downtown Programs and Projects

Staff will provide an update on the following items:

- *Downtown Development Office activities.*
- *Downtown programs and projects underway.*

e. Consider amendments to the Citizens Environmental Neighborhood Advisory Committee

Council is requested to consider amendments to the Citizens Environmental Neighborhood Advisory Committee. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the May 7, 2019 Regular Meeting.

f. 2019-2020 CDBG, HOME and ESG Budget

At the April 1, 2019 Work Session, Council considered the applications, funding history, and available funds for the Community Development Block Grant (CDBG), HOME Infill Partnership Grant (HOME) and the Emergency Solutions Grant (ESG) budgets and selected program funding levels for the 2019-2020 program year. Unless otherwise directed by Council, this item is scheduled for formal consideration at the April 16, 2019 Regular Meeting.

g. Administrative Services Committee Report

Council Member Robert John Smith, chair of the Administrative Services Committee, will provide a committee report on the following items:

- *Senior citizens' tax rates and exemptions (per current Council policy).*
- *Women's Activity Building - interim findings and potential recommendations.*
- *Request assignment to the Administrative Services Committee an item regarding a comprehensive policy for services, facility use, and in-kind contributions provided to non-profit organizations.*

h. Development Services Committee Report

Council Member David Gibbons, chair of the Development Services Committee, will provide a committee report on the following items:

- *Required sub-metering of water in all new multi-family construction.*
- *Consideration of allowing asphalt overlays for deteriorated concrete parking areas.*

i. Short-Term Property Rentals

At the request of Council Member David Gibbons and Council Member Deborah Morris, Council is requested to discuss short-term property rentals.

j. Neighborhood Vitality Update

Staff will provide an update to Council regarding the Cycle 2 Neighborhood Vitality Staff-Initiated Projects.

4. Announce Future Agenda Items

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

5. Adjourn



GARLAND POLICY REPORT

City Council Work Session Agenda

2.a.

Meeting Date: April 15, 2019

Item Title: Environmental Waste Services/Hinton Landfill Staffing Considerations

Submitted By: Kristen Smith, HR Director

Strategic Focus Areas: Customer-Focused City Services

ISSUE

On March 19, 2019, a temporary employee was severely injured while working at the Hinton Landfill. While the investigation does not indicate safety deficiencies on the part of the City, the staffing agency providing workers at both the Landfill and EWS Delivery Services withdrew their relationship with the City with less than 48-hours notice.

At the time of the incident, the agency was providing full-time support in the following areas as well as occasional contingent staffing as needed during peak seasons.

- Three (3) Spotters (Landfill)
- Nine (9) Rear Loaders (EWS Delivery)
- Three (3) Support Staff (Container maintenance, etc.)

The EWS Team, in conjunction with Human Resources, has worked to identify solutions to reduce the impact to staffing and citizen services. Presently, we have not been successful in returning to previous staffing levels. Specifically due to,

- An increase in staffing agency mark-up rates (up to 50%) due to concerns with safety and working conditions following the incident.
- A low rate of applicants that meet the City's pre-employment screening guidelines (criminal background, verifiable employment and/or drug screening).
- Low wages, with no additional benefits or incentives for contingent workers which is impacting the ability to attract qualified applicants.
- General conditions of the position (i.e. weather exposure, physically demanding, etc.).

OPTIONS

Prior to the March incident, EWS had a standard practice of utilizing contingent workers on a full-time, indefinite basis for delivery and disposal operations. In the case of the Landfill, the positions are required by State regulation. While this practice reduces headcount, utilizing temporary workers in this way often results in higher turnover or a limited pool of applicants that may have barriers to full-time, permanent employment.

The City has the option to:

1. Continue the practice of contingent worker utilization at a higher cost due to increased agency mark-up percentages; or
2. Add full-time positions to adequately meet staffing needs.

RECOMMENDATION

To aide in meeting required staffing levels and regulatory requirements, Staff is recommending nine (9) mid-year full-time headcount additions, effective May 1, 2019.

- *Three (3) Spotters which meet regulatory requirements for Landfill operations.*
- *Six (6) Rear Loaders which allow the department to meet minimum route staffing levels for EWS Delivery.*

The addition of the suggested hires will allow the City to

- Attract more highly skilled applicants
- Reduce turnover of key positions
- Offer incentives that help offset less than favorable working conditions (physically strenuous, exposure to the elements, etc.)
- Maintain service levels
- Meet regulatory requirements

While contingent workers may occasionally be needed during peak seasons, the recommended full-time additions will allow the department to consistently meet staffing requirements and utilize staffing agencies on a true supplemental basis.

CONSIDERATION

	Proposed
9 Contingent Workers	9 Full-time Employees
Hourly rate- \$10.5	Hourly rate- \$12.00
Avg. reg. hours worked- 40	Avg. reg. hours worked- 40
Avg. overtime hours worked- 5	Avg. overtime hours worked- 5
Agency mark-up- 50%	TMRS, SS, Medicare- 18.72%
	Fringe Other (Med, Dental, Life)- \$11,323/EE
Weekly cost (reg. hrs)- \$3,780	Total weekly cost- \$4,320
Weekly cost (overtime)- \$709	Total OT cost- \$810

Annualized cost- \$233,428

Annualized + Agency mark-up-
\$350,142

Annualized cost- \$266,760

Annualized + Fringe- \$418,604

**Funding difference for remainder of FY 18-19 (May 1st
start date)- \$28,526**

The projected annual impact to the EWS budget is approximately \$68,462, however the impact for the remainder of FY 2018-19 is \$28,526.

If Council concurs, staff will seek to immediately acquire the additional full-time employees. The fiscal impacts will be reflected in the final Revised FY 2018-19 Budget, which is scheduled for adoption at the end of September (the end of the fiscal year).



GARLAND POLICY REPORT

City Council Work Session Agenda

2.b.

Meeting Date: April 15, 2019

Item Title: Interlocal Agreement with the North Texas Tollway Authority for Hike/Bike Trail Crossings

Submitted By: Michael Polocek, Engineering Director

Strategic Focus Areas: Enhanced Quality of Life through Amenities, Arts, and Events
Vibrant Neighborhoods and Commercial Centers

ISSUE

Consider whether to enter into an Interlocal Agreement (ILA) with the North Texas Tollway Authority (NTTA) allowing the City to construct, own and maintain hike and bike trails crossing the NTTA right-of-way in three (3) separate locations.

OPTIONS

1. Adopt a Resolution authorizing the City Manager to execute the attached Interlocal Agreement with the North Texas Tollway Authority.
2. Take no action.

RECOMMENDATION

Option 1 – Authorize the City Manager to execute an ILA with the NTTA. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the April 16, 2019 Regular Meeting.

BACKGROUND

The City of Garland proposes the construction of a new hike and bike trail as part of the Pleasant Valley Road Bridge project. The trail will extend from Pleasant Valley Road, north, approximately 4,500 linear feet. Then 1,900 linear feet, northeasterly, connecting to the existing sidewalk along Bunker Hill Road. The City plans the future extension of the trail to Ben Davis Road and further north to the Garland and Richardson City Limits. The trail will cross under NTTA's President George Bush Turnpike (PGBT). NTTA requires the City to enter into an ILA as part of permitting the City to cross their right-of-way.

The City has schematic plans for future hike and bike trail crossings of the PGBT right-of-way at the locations of Brand Road and Zion Road that are also part of this ILA.

The ILA identifies the City being the owner and operator as well as having maintenance responsibilities for all trail improvements at the three (3) locations. The ILA includes NTTA's

requirements for proper review of all plans impacting their ROW at the time of detailed design for the subsequent crossings.

CONSIDERATION

1. Council action is required to authorize the City Manager to execute the ILA.
2. The ILA has been reviewed by Garland's Attorney's Office and Parks Department.

Attachments

Location Map A

Location Map B

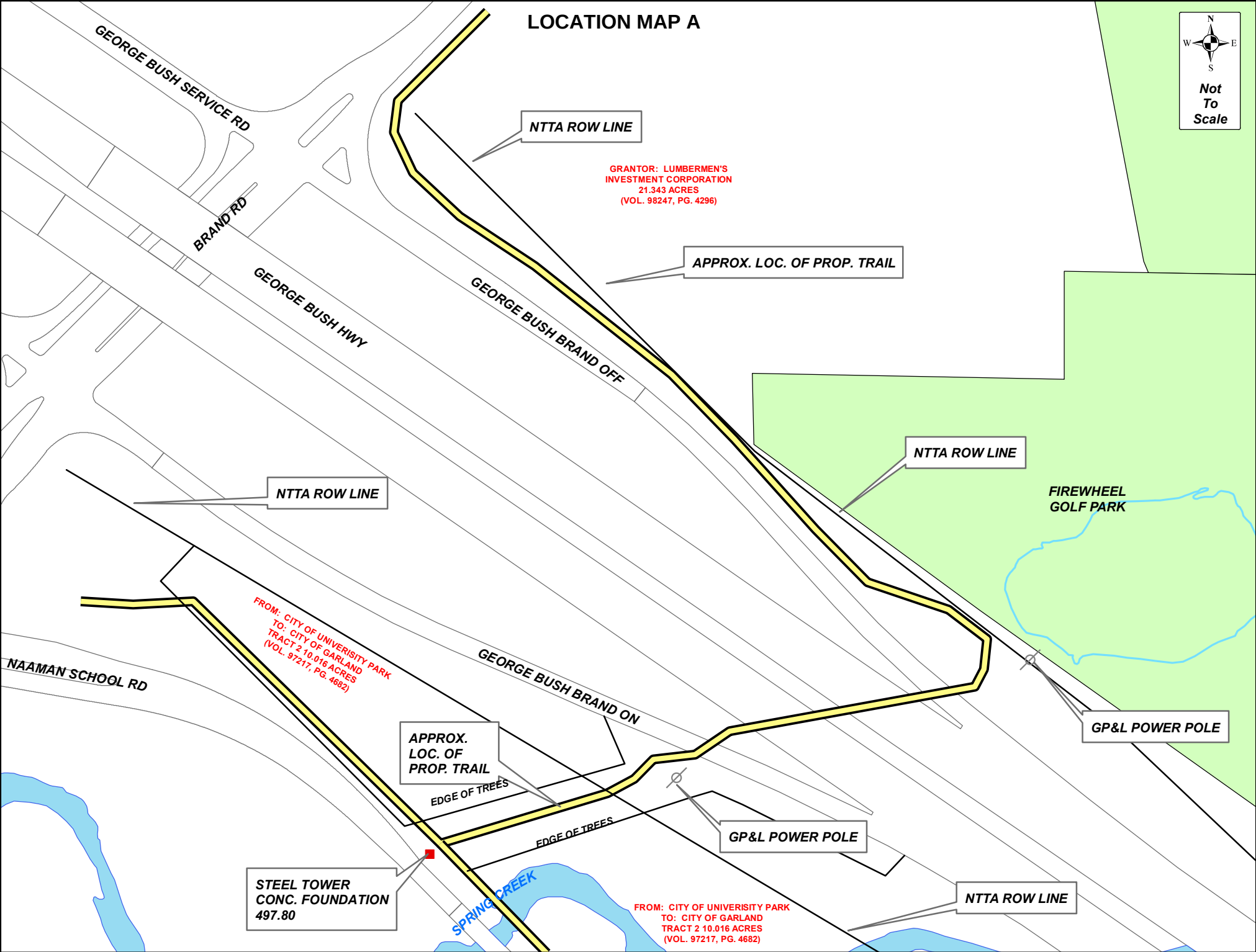
Location Map C

Proposed Interlocal Agreement with NTTA

LOCATION MAP A



GRANTOR: LUMBERMEN'S
INVESTMENT CORPORATION
21.343 ACRES
(VOL. 98247, PG. 4296)



NTTA ROW LINE

APPROX. LOC. OF PROP. TRAIL

NTTA ROW LINE

FIREWHEEL
GOLF PARK

GP&L POWER POLE

APPROX.
LOC. OF
PROP. TRAIL

GP&L POWER POLE

NTTA ROW LINE

STEEL TOWER
CONC. FOUNDATION
497.80

FROM: CITY OF UNIVERSITY PARK
TO: CITY OF GARLAND
TRACT 2 10.016 ACRES
(VOL. 97217, PG. 4682)

FROM: CITY OF UNIVERSITY PARK
TO: CITY OF GARLAND
TRACT 2 10.016 ACRES
(VOL. 97217, PG. 4682)

GEORGE BUSH BRAND ON

EDGE OF TREES

EDGE OF TREES

SPRING CREEK

NAAMAN SCHOOL RD

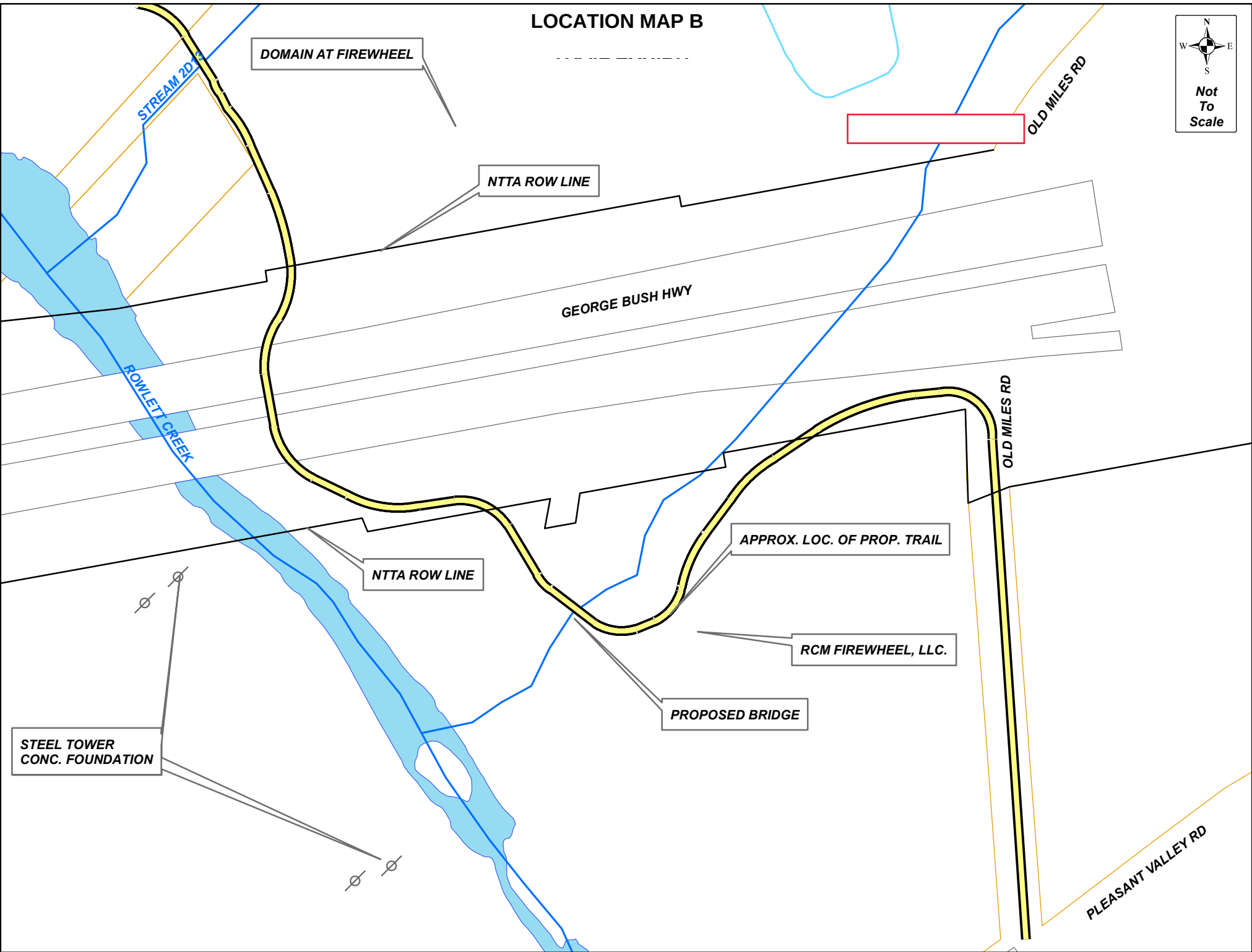
GEORGE BUSH SERVICE RD

BRAND RD

GEORGE BUSH HWY

GEORGE BUSH BRAND OFF

LOCATION MAP B



LOCATION MAP C

LAKE RAY HUBBARD



APPROX. LOC. OF PROP. TRAIL

NTTA ROW LINE

JOHN PAUL JONES PARK

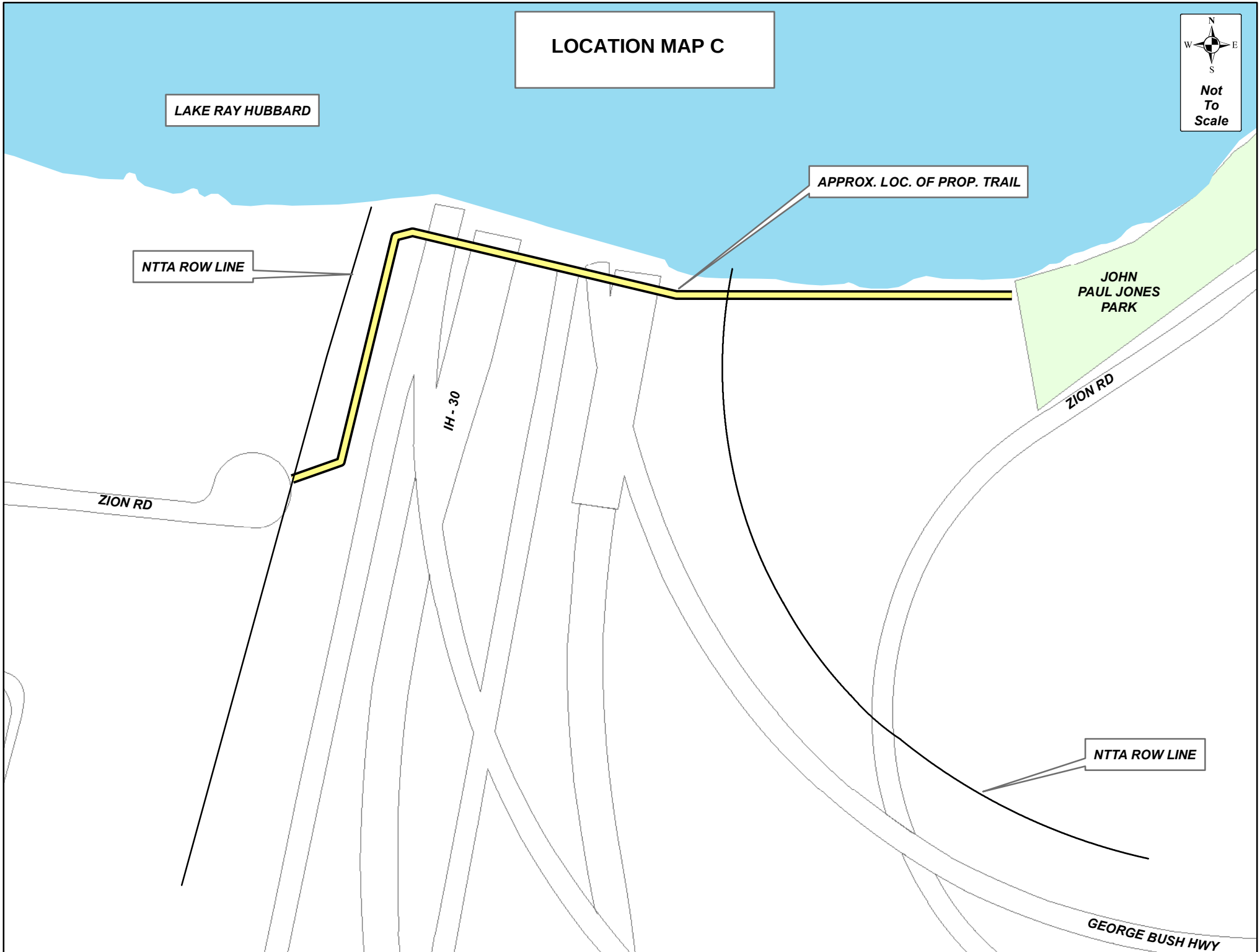
ZION RD

IH - 30

ZION RD

NTTA ROW LINE

GEORGE BUSH HWY



INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT (“Agreement”) is made and entered into by and between the NORTH TEXAS TOLLWAY AUTHORITY, a regional tollway authority and a political subdivision of the State of Texas (“NTTA”), and the CITY OF GARLAND, TEXAS, a home-rule municipality (“Garland”), and on the terms and conditions set forth herein, as of the Effective Date (as defined on the signature page of this Agreement). NTTA and Garland are sometimes referred to collectively as the “parties” or individually as a “party.”

RECITALS

WHEREAS, under the authority of Chapter 366 of the Texas Transportation Code, as amended, known as the Regional Tollway Authority Act, NTTA owns, operates and maintains turnpike projects and turnpike systems in North Texas, including the President George Bush Turnpike (“PGBT”) located within the city limits of Garland; and

WHEREAS, Section 366.033(f) of the Regional Tollway Authority Act authorizes NTTA to make portions of its property available for use by others in furtherance of its powers under the Regional Tollway Authority Act; and

WHEREAS, NTTA is the sole owner of the portions of the PGBT located more particularly as described and depicted in Exhibit A, attached hereto and incorporated herein for all purposes (“Trail Property”); and

WHEREAS, Garland desires to enter onto and use the Trail Property to construct, operate, repair, and maintain public hike-and-bike trail facilities, together with all incidental improvements and all necessary appurtenances thereto, as set forth in plans and specifications approved by NTTA as hereinafter set forth (collectively, the “Trail Improvements”); and

WHEREAS, NTTA desires to grant Garland a non-exclusive right to construct, operate, repair, maintain, and permit the public to use the Trail Improvements at Garland’s sole cost and expense on the Trail Property on the terms and conditions set forth below (the “Permitted Uses”); and

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended, authorizes local governmental entities, such as NTTA and Garland, to contract with one another to perform governmental functions and services; and

WHEREAS, the parties have investigated and determined that it is their mutual best interest to enter into this Agreement for the provision of governmental functions and services as described herein.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and conditions contained in this Agreement, NTTA and Garland agree as follows:

ARTICLE 1 – RIGHT TO USE

1.1 **Grant of Right to Use.** NTTA hereby grants Garland a non-exclusive right to use the Trail Property for the Permitted Uses during the Term (hereinafter defined) of this Agreement in accordance with the terms and conditions of this Agreement. Garland's right to enter on and use the Trail Property shall be limited solely to the Permitted Uses and none other.

1.2 **Non-Exclusive Right to Use.** The right to use the Trail Property granted in Section 1.1 above is non-exclusive and is subject to any and all rights and interests of third parties affecting the Trail Property or the Permitted Uses, including, but not limited to, rights under: (a) any utility, drainage, communication or other public easement located in, on or under the Trail Property that exists and is shown of record in the Dallas County Deed Records as of the Effective Date of this Agreement; and (b) any lease, license or other property interest in the Trail Property as of the Effective Date of this Agreement. Notwithstanding anything to the contrary herein, during the Term, NTTA shall not convey any other license, easement, or conflicting rights within the Trail Property which materially and unreasonably interfere with Garland's rights granted herein; provided, however, Garland expressly acknowledges and agrees that all rights granted to Garland under this Agreement are inferior and subordinate to NTTA's rights to use of the Trail Property as NTTA in its sole and absolute discretion determines to be necessary, useful, or advisable for the construction, reconstruction, widening, improvement, operation, and/or maintenance of the PGBT or to carry out any other powers granted to NTTA under law. If NTTA determines that the removal of or modification to all or any portion of the Trail Improvements must be made to allow NTTA to carry out any of the foregoing rights, Garland agrees to complete such removal or modification as required by NTTA at Garland's sole expense. NTTA agrees to provide Garland with as much advance notice of a need to remove or modify the Trail Improvements as is reasonably feasible under the circumstances, and NTTA agrees to consult and cooperate with Garland to attempt to minimize the adverse effect to the Trail Improvements.

1.3 **Governmental Approvals.** Garland, at its sole cost and expense, shall be responsible for and shall obtain any and all licenses, permits or other approvals from any and all governmental agencies, federal, state or local, required to carry on any of the Permitted Uses.

ARTICLE 2 – TRAIL CONSTRUCTION AND MAINTENANCE

2.1 **Trail Design and Construction.** Garland shall design, at Garland's sole cost and expense, the Trail Improvements. Prior to commencing construction of the Trail Improvements, Garland shall submit to NTTA's Project Delivery Department the designs, plans, and specifications for the Trail Improvements (collectively, "Plans") at the 30%, 60%, 90%, and bid phases, as applicable, of the project. Within ten business days after each submittal, NTTA shall clearly specify any required changes to the Plans in a written notice to Garland. NTTA agrees to

consult with Garland regarding NTTA's required changes. Thereafter, Garland shall prepare revised plans and specifications ("Revised Plans") incorporating NTTA's required changes. If NTTA determines that the Revised Plans do not implement and incorporate NTTA's required revisions or if NTTA reasonably determines that additional revisions are required to ensure the safe and efficient operation of PGBT, NTTA shall notify Garland in writing, specifying the deficiencies in the Revised Plans, and Garland shall revise and provide a new set of Revised Plans to NTTA for review. NTTA agrees to consult with Garland regarding NTTA's required changes to each set of Revised Plans submitted to NTTA. The foregoing process shall continue until NTTA has approved the Revised Plans. In no event shall Garland be authorized to construct the Trail Improvements until Revised Plans are approved by NTTA, after which Garland shall be authorized to construct the Trail Improvements, upon complying with all other NTTA permit requirements, at its sole cost and expense in accordance with the final NTTA-approved Plans or Revised Plans (the "Approved Plans").

(a) Temporary Construction-Access Rights. NTTA hereby grants Garland temporary access rights across NTTA's property other than the Trail Property to provide Garland and its contractor(s) access to the Trail Property to construct the Trail Improvements. The areas subject to the temporary access right will be approved by NTTA during approval of the Approved Plans for the Trail Improvements. Except as otherwise provided in this subsection, Garland's temporary access rights will be on same terms and conditions as are set forth in this Agreement regarding the use of the Trail Property. No persons other than Garland and its contractors and subcontractors may use these temporary access rights to access the Trail Property. The temporary access rights may be terminated by NTTA at any time and will terminate without the need for further action as soon as Garland's need to access the Trail Property across other NTTA property ceases and in all events upon completion of the Trail Improvements.

2.2 Maintenance. Maintenance and operation of the Trail Improvements shall be entirely the responsibility of Garland and at Garland's sole cost and expense. Upon prior written notice to NTTA, Garland may retain a qualified contractor to perform the operation or maintenance of the Trail Improvements; any successor contractors shall require the prior written notice described in the preceding sentence. NTTA will grant Garland access rights, on the same terms and conditions as are set forth in this Agreement regarding the use of the Trail Property, across NTTA's property to provide access to the Trail Property for Garland to carry out routine maintenance of the Trail Improvements; NTTA will approve the areas subject to these access rights during its approval of the Approved Plans for the Trail Improvements. Upon Garland's written request, NTTA will grant Garland temporary access rights, on the same terms and conditions as are set forth in this Agreement regarding the use of the Trail Property, across NTTA's property to provide access to the Trail Property for Garland to carry out non-routine maintenance of the Trail Improvements. Garland acknowledges and agrees that its obligations under this Section constitute material consideration for NTTA's agreement to grant the license and enter into the other agreements set forth in this Agreement. Garland shall contact NTTA's Project Delivery Department to gain approval to access the Trail Property where access is necessary for any maintenance or repairs outside of routine maintenance or if heavy machinery is required to perform the maintenance obligations. For the purpose of this Section, "routine maintenance" means mowing, trimming, trash pickup, and irrigation maintenance.

Generally speaking, Garland intends for the majority of the Trail Property to remain in its current state. Garland's maintenance responsibilities include, without limitation, picking up trash and debris, mowing, landscape and irrigation maintenance, taking reasonable steps to prevent erosion and subsidence, and otherwise keeping the Trail Property in a clean, sanitary, and safe condition. Garland shall also provide, at its sole cost and expense, reasonable surveillance by police patrol in order to limit the possible creation of a nuisance or hazard to the public. Hazardous or reasonably objectionable smoke, fumes, vapor, or odors shall not be permitted to rise above the grade line of the PGBT, nor shall the Trail Improvements subject the PGBT or its frontage road to hazardous or objectionable discharge of any kind or otherwise impair the structural integrity, or the safe and efficient operation, of the PGBT. Any irrigation method utilized for the Trail Improvements shall be designed, constructed, and maintained to prevent the spraying or discharge of water onto the PGBT or its frontage road at any time and shall include properly installed and maintained rain and freeze sensors. All structures located or constructed within the Trail Property, or within one hundred feet (100') of any PGBT feature shall be fireproof. Garland hereby acknowledges that the NTTA owns, operates, and maintains PGBT over and in vicinity of the Trail Improvements and nothing in this Agreement limits or abrogates NTTA's rights with respect thereto. Garland's design, construction, operation, and maintenance of the Trail Improvements shall under no circumstances interfere with or otherwise adversely affect NTTA's ability to comply with and perform under any permit(s) issued for storm sewer or storm water drainage systems in connection with the PGBT. Without limiting the foregoing, Garland shall design, operate, and maintain the Trail Property in complete compliance with the NTTA's permit issued for the storm sewer and storm water drainage systems (the "MS4 Permit") utilizing best maintenance practices to minimize the discharge of litter and hazardous substances from the Trail Improvements to surface water during rainfall events.

During and after completion of construction of the Trail Improvements, Garland shall not damage any existing improvements, equipment, and vegetation on or about the Trail Property except as expressly specified in the Approved Plans, and Garland shall not damage any other NTTA property used in connection with the operation or maintenance of the PGBT (collectively, "PGBT Property"). Garland shall be wholly responsible for maintaining the Trail Improvements, including any retaining walls, in good and safe condition and repair on the Trail Property during the Term. Maintenance of any retaining walls shall, at NTTA's option, be undertaken in accordance with NTTA's directions and/or by NTTA's contractors or forces, in which event, Garland shall reimburse NTTA for the costs to maintain any retaining walls. Garland shall repair damages to the Trail Property and to any PGBT Property caused by Garland's use of the Trail Property or by any person that accesses the Trail Property or PGBT Property using the Trail Improvements ("Garland Damages"); provided, however, that Garland Damages shall not include damage to the Trail Property or PGBT Property to the extent caused by NTTA or its employees or contractors acting in such capacities. All repairs of the Garland Damages shall be made at Garland's sole cost and expense.

2.3 **Clean-Up.** Upon termination of this Agreement and in addition to Garland's obligations set forth in Section 2.2 above, Garland shall remove from the Trail Property any

personal property placed on the Trail Property by, on behalf of, or with the consent of Garland (collectively, "Garland's Personal Property"), with the exception of the Trail Improvements, which shall remain in place. Should Garland fail to remove Garland's Personal Property upon the termination of this Agreement in accordance with this Section 2.3, NTTA may, in its sole discretion, remove and dispose of the same without any liability, whatsoever, to Garland, and Garland shall promptly reimburse NTTA upon request for all costs of removal incurred by NTTA.

2.4 **No Alterations.** Garland shall not make, nor allow to be made, any alterations of any kind to the Trail Property, except as provided herein and except as otherwise approved in writing by NTTA. Garland shall not damage in any manner the Trail Property or any PGBT Property and shall not cause or permit anything to be done whereby the Trail Property or any PGBT Property shall be in any manner damaged, except as provided herein and except as otherwise approved in writing by NTTA.

ARTICLE 3 – TERM AND TERMINATION

3.1 **Term.** Garland's right to enter onto and use the Trail Property under this Agreement shall commence on the Effective Date and shall expire upon termination of this Agreement as provided herein (the "Term").

3.2 **Termination on Default.** Each party shall have the right to terminate this Agreement if the other party fails to perform its obligations under this Agreement, and such failure is not cured within ninety (90) days after the defaulting party receives written notice of such failure from the non-defaulting party, or such additional period of time as is necessary if such failure cannot be cured within such 90-day period, and the defaulting party commences to cure such default within such 90-day period and diligently pursues such cure to completion.

3.3 **Termination for Necessity.** Notwithstanding the foregoing, either party shall have the right to terminate this Agreement by providing notice of termination to the other if the terminating party determines, in its sole discretion, that termination of the Agreement is necessary to serve that party's interests.

3.4 **Surrender.** On termination of this Agreement, Garland shall surrender its use of the Trail Property and fulfill its repair, restoration, and clean-up obligations in accordance with the terms and conditions of this Agreement.

3.5 **Holding Over.** If Garland fails to surrender its use of the Trail Property immediately upon the termination of this Agreement, NTTA may deem the use of the Trail Property for the Permitted Uses to be a trespass, and NTTA will be entitled to any and all remedies arising at law, in equity, or under this Agreement with respect to such failure to surrender the use of the Trail Property.

ARTICLE 4 – COMPLIANCE WITH LAWS

4.1 **Compliance with Laws.** Garland shall, in connection with Garland's activities on or about the Trail Property, comply with all applicable laws, rules, codes, regulations, and ordinances, as they exist, may be amended, or in the future arise, relating to Garland's use of the Trail Property.

4.2 **Hazardous Materials.** In the event that any hazardous material, toxic waste or other substance or material potentially harmful to health, safety, or welfare is spilled, deposited, placed, or dumped on the Trail Property or PGBT Property in connection with the use of the Trail Property for the Permitted Uses, whether by Garland or by others using the Trail Improvements, Garland shall promptly notify NTTA of the nature and extent of such event and shall, at Garland's sole cost and expense, promptly remedy the condition in full compliance with all applicable law.

ARTICLE 5 – LIABILITY

5.1 **Liability.** NTTA shall not be liable or responsible for operating, maintaining, or improving the Trail Improvements on the Trail Property. NTTA shall not be liable or responsible for any damage or injury to persons or property (including death) as a result of the use of the Trail Property for the Permitted Uses by Garland or the general public except to the extent such damage or injury is caused by the grossly negligent or intentional act or omission of NTTA. As consideration for NTTA's grant of use rights and its other agreements hereunder, Garland agrees to reimburse NTTA for any and all costs incurred by NTTA in connection with any claims made against NTTA arising from damage or loss to persons or property (including death) from the use of the Trail Improvements, except to the extent such damage or loss is caused by the grossly negligent act or omission of NTTA. This Section shall survive the termination of this Agreement.

5.2 **Disclaimer.** Garland acknowledges and agrees (a) that NTTA is not providing any guarantee, representation, or warranty, and NTTA hereby disclaims any guarantee, representation, or warranty of the condition or suitability of the Trail Property, in whole or in part, for the Permitted Uses, and (b) that Garland is occupying the Trail Property "AS IS" with all faults, including but not limited to any and all pollutants, asbestos, and/or any other hazardous materials that may be present in, on, or under the Trail Property. Garland acknowledges and agrees that it has fully exercised the right to inspect the Trail Property for any defects as to the suitability of such property for the Permitted Uses. The provisions of this Section shall survive the termination of this Agreement.

ARTICLE 6 – INSURANCE

6.1 **Garland's Insurance Requirements.** Garland shall not enter onto or use the Trail Property until Garland has obtained, at Garland's sole cost and expense, all of the insurance (or self-insurance equivalent) required hereunder. For so long as Garland uses the Trail Property, Garland shall procure and maintain General Liability insurance for personal injury (including

death) and property damage with a minimum of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate, or self-insurance equivalent, in which event, at any time NTTA makes a request under this Agreement, Garland will provide NTTA with satisfactory evidence that Garland's self-insurance reserves meet the foregoing insurance requirements. Any contractor of Garland shall be required to carry the same insurance as Garland. Garland shall deliver to NTTA certificate(s) of insurance evidencing the requirements set forth herein.

(a) All insurance and certificate(s) of insurance shall contain the following provisions:

- (i) Name NTTA as an additional insured as to all applicable coverage.
- (ii) Provide for at least thirty (30) days prior written notice to NTTA for any cancellation, non-renewal or material change of the insurance on the face of the certificate(s).
- (iii) Provide for a waiver of subrogation against NTTA for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance.

ARTICLE 7 – NOTICE

7.1 **Notices.** Any notice provided or permitted to be given under this Agreement must be in writing and may be served by depositing the same in the United States Mail, addressed to the party to be notified, postage pre-paid and registered or certified with return receipt requested; by facsimile; by electronic mail, with documentation evidencing the addressee's receipt thereof; or by delivering the same in person to such party a via hand-delivery service, or to any courier service that provides a return receipt showing the date of actual delivery of the same to the addressee thereof. Notice given in accordance herewith shall be effective on receipt at the address of the addressee. For purposes of notification, the addresses of the parties shall be as follows:

If to Garland, addressed to it at:

City of Garland
ATTN: City Manager
200 N. 5th Street.
Garland, Texas 75040
Telephone: (972) 205-2380

If to NTTA, addressed to it at:

North Texas Tollway Authority
Attn: Executive Director
5900 W. Plano Parkway, Suite 100
Plano, TX 75093

or

North Texas Tollway Authority
Attn: Executive Director
P.O. Box 260928
Plano, Texas 75026-0928

Telephone: 214-461-2000

ARTICLE 8 – MISCELLANEOUS PROVISIONS

8.1 **Recitals Incorporated.** The recitations set forth in the recitals at the beginning of this Agreement are true and correct and are hereby incorporated into the body of this Agreement.

8.2 **Relationship of Parties.** The parties do not intend that this Agreement be construed as creating a principal and agent relationship, partnership, joint venture, or any association between the parties, it being understood and agreed that none of the provisions contained herein or any acts of the parties in the performance of their respective obligations hereunder shall be deemed to create any relationship between the parties other than the relationship of NTTA and Garland. It is understood and agreed that this Agreement does not appoint either party as an agent of the other for any purpose whatsoever. Neither party shall in any way assume any of the liability of the other for acts of the other or obligations of the other.

8.3 **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the parties hereto.

8.4 **No Assignment.** Garland has no right or authority to assign its rights and/or obligations or to delegate its duties under this Agreement without NTTA's prior written approval, and such approval may be granted, conditioned, or withheld at NTTA's sole discretion. Any attempted assignment or delegation without such approval will be void and constitute a material breach of this Agreement.

8.5 **Governing Law; Venue.** The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement, without regard to conflict of law principles. This Agreement is performable in Dallas County, Texas, and the exclusive venue for any action arising out of this Agreement shall be a court of appropriate jurisdiction in Dallas County, Texas.

8.6 **Consideration.** This Agreement is executed by the parties without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

8.7 **Counterparts.** This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. An electronic mail signature will also be deemed to constitute an original if properly executed.

8.8 **Authority to Execute.** The individuals executing this Agreement on behalf of the respective parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the Effective Date (hereinafter defined) of this Agreement.

8.9 **Savings/Severability.** In the event that a term, condition or provision of this Agreement is determined to be invalid, illegal, void, unenforceable or unlawful by a court of competent jurisdiction, then that term, condition or provision shall be deleted and the remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been contained in this Agreement.

8.10 **Representations.** Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had an opportunity to confer with its counsel.

8.11 **No Third Party Beneficiaries.** Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.

8.12 **Waiver.** Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit or waive such party's right thereafter to enforce and compel strict compliance.

8.13 **Immunity.** The parties acknowledge and agree that, in executing and performing this Agreement, neither party has waived, nor shall be deemed to have waived, any defense or immunity, including governmental, sovereign and official immunity, that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein.

8.14 **Reference to Garland.** When referring to "Garland" herein, this Agreement shall refer to and be binding on Garland and its officers, agents, representatives, employees, contractors, subcontractors, and/or any other third parties for whom Garland is legally responsible.

8.15 **Reference to NTTA.** When referring to "NTTA" herein, this Agreement shall refer to and be binding on NTTA and its officers, agents, representatives, employees, contractors, subcontractors, and/or any other third parties for whom NTTA is legally responsible.

8.16 **Reference to PGBT.** As used in this Agreement, the term “PGBT” includes all main travel lanes, ramps, toll lanes, tolling equipment, drainage facilities, utility facilities, appurtenant improvements, and other real and personal property, including right of way, owned in fee or easement by NTTA that is or may be used for the construction, operation, and maintenance of the turnpike project operated by NTTA and currently known as the President George Bush Turnpike.

8.17 **Miscellaneous Drafting Provisions.** This Agreement shall be deemed drafted equally by the parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against either party shall not apply. Headings in this Agreement are for the convenience of the parties and are not intended to be used in construing this document.

[Signature page follows.]

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective when all the parties have signed it. The date this Agreement is signed by the last party to sign it (as indicated by the date associated with that party's signature below) will be deemed the effective date of this Agreement ("Effective Date").

CITY OF GARLAND, TEXAS,
a Texas home-rule municipality

By: _____

Bryan Bradford, City Manager

Date: _____

NORTH TEXAS TOLLWAY AUTHORITY,
a regional tollway authority

By: _____

James F. Hofmann, Interim Executive Director

Date: _____



EXHIBIT "A" PROPOSED HIKING TRAIL LOCATION MAP

NTTA ROW LINE

GRANTOR: LUMBERMEN'S
INVESTMENT CORPORATION
21.343 ACRES
(VOL. 98247, PG. 4296)

APPROX. LOC. OF PROP. TRAIL

GEORGE BUSH BRAND OFF

GEORGE BUSH HWY

NTTA ROW LINE

NTTA ROW LINE

FIREWHEEL
GOLF PARK

GP&L POWER POLE

NTTA ROW LINE

GP&L POWER POLE

APPROX.
LOC. OF
PROP. TRAIL

EDGE OF TREES

EDGE OF TREES

STEEL TOWER
CONC. FOUNDATION
497.80

FROM: CITY OF UNIVERSITY PARK
TO: CITY OF GARLAND
TRACT 2 10.019 ACRES
(VOL. 97217, PG. 4802)

FROM: CITY OF UNIVERSITY PARK
TO: CITY OF GARLAND
TRACT 2 10.019 ACRES
(VOL. 97217, PG. 4802)

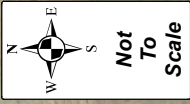
SARASOTA CREEK

GEORGE BUSH BRAND ON

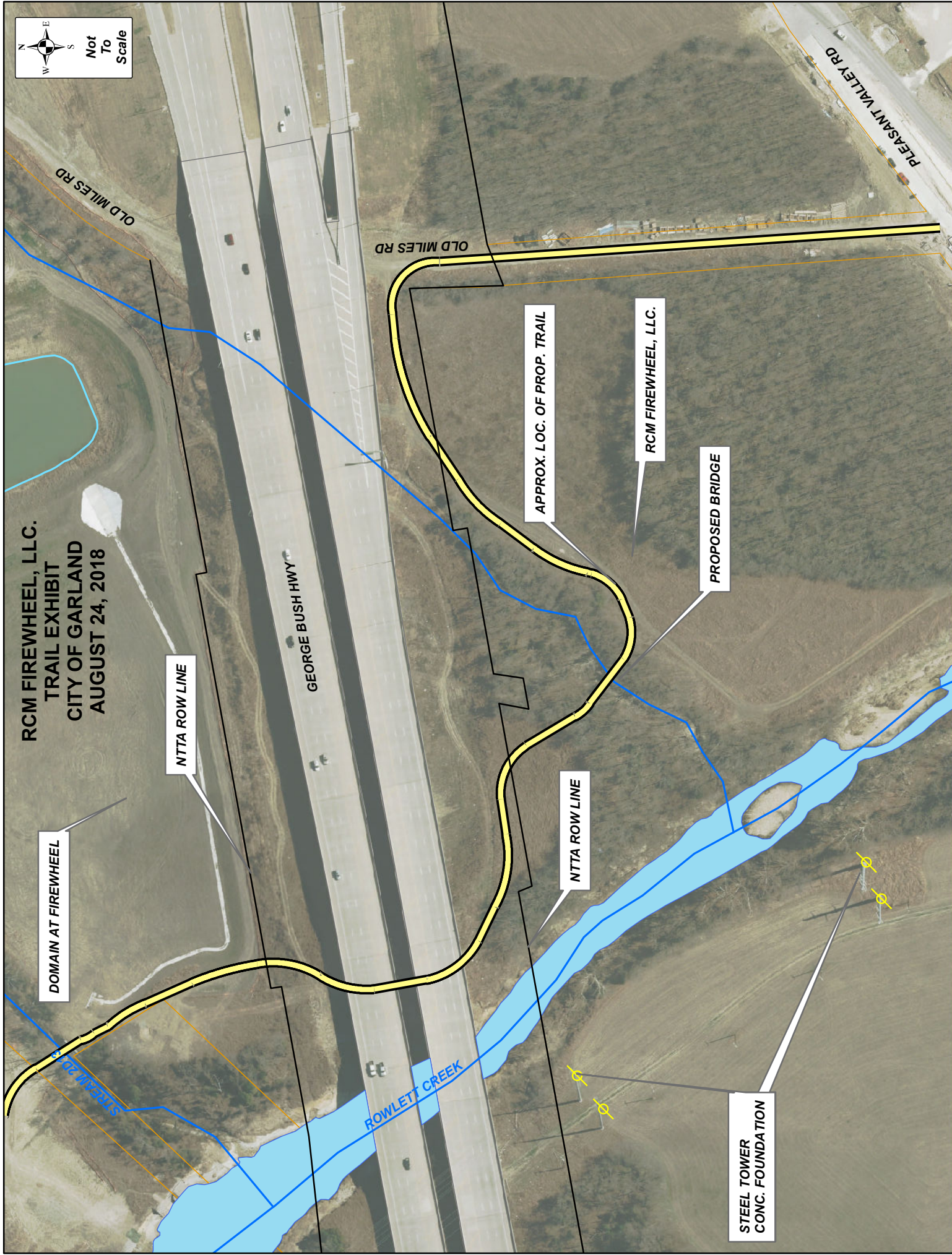
NAAMAN SCHOOL RD

GEORGE BUSH SERVICE RD

BRAND RD



**RCM FIREWHEEL, LLC.
TRAIL EXHIBIT
CITY OF GARLAND
AUGUST 24, 2018**



DOMAIN AT FIREWHEEL

NTTA ROW LINE

GEORGE BUSH HWY

ROWLETT CREEK

APPROX. LOC. OF PROP. TRAIL

NTTA ROW LINE

RCM FIREWHEEL, LLC.

PROPOSED BRIDGE

STEEL TOWER
CONC. FOUNDATION



**IH -30 AT PGBT
PROPOSED HIKING TRAIL
LOCATION MAP**

LAKE RAY HUBBARD

APPROX. LOC. OF PROP. TRAIL

NTTA ROW LINE

JOHN
PAUL JONES
PARK

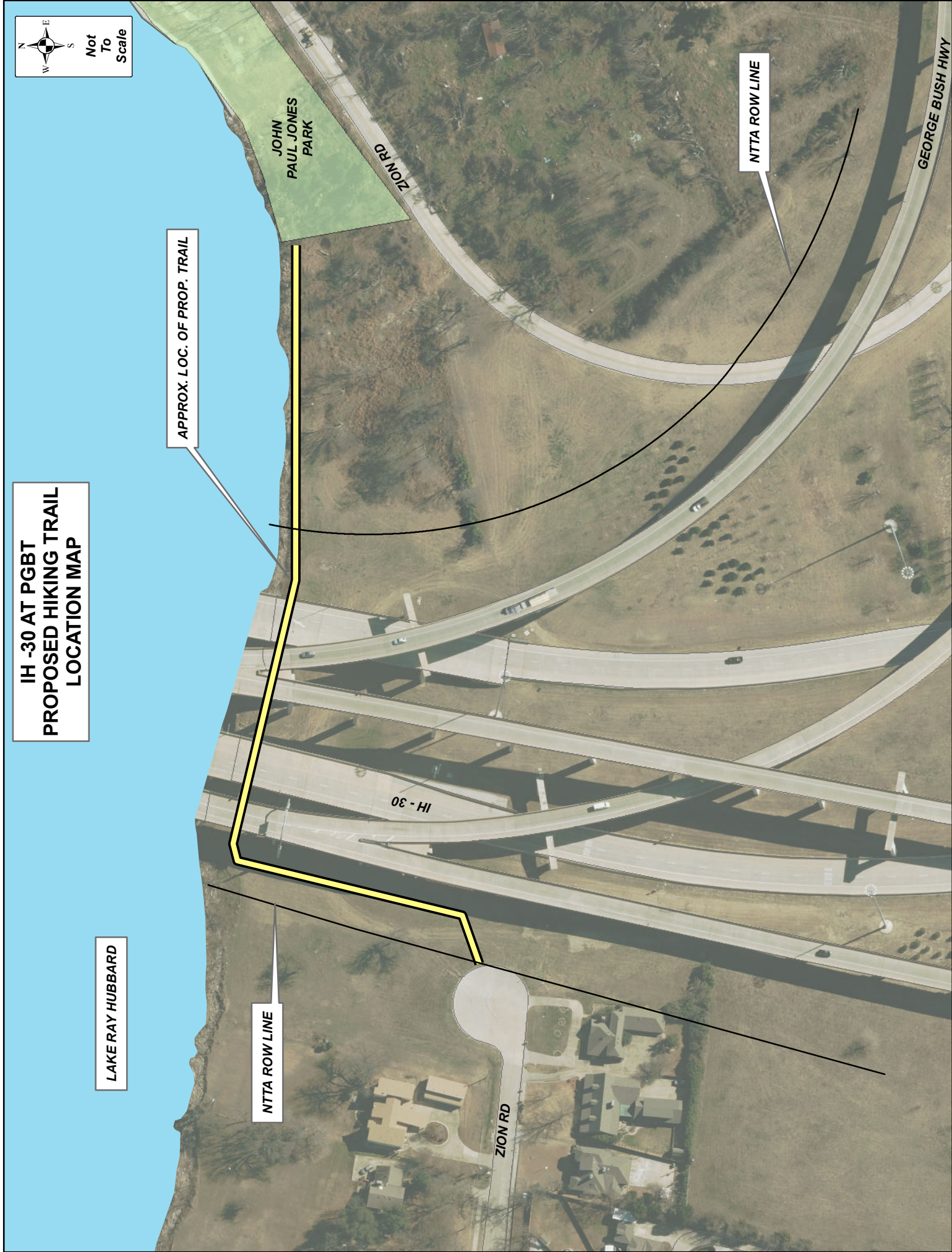
ZION RD

IH - 30

ZION RD

NTTA ROW LINE

GEORGE BUSH HWY





GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

2.c.

Meeting Date: April 15, 2019

Item Title: 2016 State Homeland Security Grant Funding

Submitted By: Kwa heri Harris, Emergency Management Coordinator

Summary of Request/Problem

Council is requested to consider a resolution approving the City of Garland 2016 State Homeland Security Program (SHSP) grant application and additional funding. The Department of Homeland Security State Program (SHSP) is managed, at the state level, by the Texas Office of the Governor (OOG). A requirement mandated by OOG, in order to receive HSGP funding, is to have a Council approved resolution each year prior to receiving HSGP awarded funds.

Approving the resolution will assist the City of Garland with acquiring funding to help support public safety. This funding will be used to purchase resources that will support the Garland Special Weapons and Tactical (SWAT) Teams by purchasing 4 additional pairs of helmet mounted night vision goggles.

Unless otherwise directed by Council, this item will be scheduled for formal consideration at the April 16, 2019 Regular Meeting.

Recommendation/Action Requested and Justification

Approve the resolution authorizing the Office of Emergency Management to accept the State Homeland Security Grant funding.

Attachments

DHS 2016 Additional Funding Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR OF THE STATE OF TEXAS FOR LAW ENFORCEMENT SPECIFIC HOMELAND SECURITY PROJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds it in the best interests of the citizens of Garland that the following project be operated for the Fiscal Year of 2018 - 2019: 2016 State Homeland Security Program (SHSP), which is a Law Enforcement Terrorism Prevention Activity (LETPA). 2016 SHSP Garland SWAT Equipment Enhancement (LETPA); and

WHEREAS, the City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the City assures that the funds will be returned to the Office of the Governor in full;

WHEREAS, the City Council designates the Director of the Garland Office of Emergency Management as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

Section 1

The City Council approves the submission of a grant application (whether one or more) for the 2016 State Homeland Security Program (SHSP), both projects include Law Enforcement Terrorism Prevention Activity (LETPA).

Section 2

The City Council hereby designates the Director of the Garland Office of Emergency Management as the City's authorized official to act in all matters relating to the foregoing grant application(s) and that authorized official is hereby given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

Section 3

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

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

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND POLICY REPORT

City Council Work Session Agenda

2.d.

Meeting Date: April 15, 2019

Item Title: Amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 & 4 of the Garland Development Code

Submitted By: Michael Polocek, Engineering Director

Strategic Focus Areas: Well-Maintained City Infrastructure
Vibrant Neighborhoods and Commercial Centers
Future-Focused City Organization

ISSUE

Consider amendments throughout the entire Chapter 31: Engineering of the Code of Ordinances and Chapters 1, 3 and 4 of the Garland Development Code.

OPTIONS

1. Adopt a Resolution authorizing the proposed amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 and 4 of the Garland Development Code.
2. Take no action.

RECOMMENDATION

Option 1 – Authorize the approval of the proposed amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 and 4 of the Garland Development Code. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the May 7, 2019 Regular Meeting.

BACKGROUND

With the passing and adoption of the Garland Development Code (GDC) in 2015, the City has known many sections of Chapter 31 of the Code of Ordinances would be obsolete. The City wanted to operate under the new GDC to make certain all processes and procedures were clear and understandable as well as making sure all requirements were covered in the new GDC prior to eliminating the section of Chapter 31. Now that the City has operated under the processes and procedures contained in the GDC, we are confident the affected sections of Chapter 31 can now be removed. Having worked through the development process we have recognized some of the verbiage in Sections 1, 3 & 4 of the GDC require minor adjustments in better clarification of the intended ordinance. We propose these modifications as well.

Chapter 31 modifications are mostly the removal of the sections that are now included in the GDC, however, the following listed sections of Chapter 31 include updated verbiage and

clarification of programs. Some include policy changes to sections of Chapter 31 that are outdated.

- Section 31.78 “Schedule of installment payments” for the street and alley paving cost share program is modified to include a tiered schedule for monthly payments that include 36, 48 and 60 months depending on the cost share amount. This is a proposed City Ordinance change that will allow project participants to reimburse the City at a more manageable payment schedule. The current Ordinance allows only 36 months for reimbursement.
- Article VI “Drainage Improvement Districts and Drainage Participation Projects”; Sections 31.90-31.95 and 31.98 are modified to distinguish between small scale and larger scale drainage improvement projects requiring participation from the property owners. All sections are revised to reflect current practices to better address different scenarios of projects including but not limited to contiguous properties, non-contiguous properties, owner initiated projects, City initiated projects, etc...
- Section 31.95 (C) “City Participation” incorporates a tiered schedule for monthly payments that include 36, 48 and 60 months depending on the cost share amount. The proposed City Ordinance is not a current practice but the change will allow project participants to reimburse the City at a more manageable payment schedule. The current Ordinance allows only 36 months for reimbursement.
- Section 31.98 “Maintenance of completed improvements” identifies the City’s responsibility for ownership and maintenance of the drainage improvements to be no more than 10 years. After, the ownership and maintenance of the improvements become that of the property owner. This proposed change is not a current practice but would alleviate the City from assuming 100% of the financial burden of all future repairs and/or replacement of the bank stabilization structures.
- Article VII “Flood Damage Prevention”
 - Section 31.101 “Definitions” is modified to include update definitions as required by the Federal Emergency Management Agency (FEMA).
 - Section 31.107 “Floodplain fees assessed for letters of map amendments”. The proposed City Ordinance repeals the subsection where the City offers the service of issuing Elevation Certificates for a fee. Repealing this portion of the Ordinance eliminates City liability.
- Article IX “Construction of Repair of Sidewalks” All section included are City Ordinance modifications to include updated technical information and verbiage to better clarify the intent of the ordinance.

The following Amendments to the GDC are City Policy changes to reflect current City practices that are not clarified in the current GDC with the exception of 3.57 (A):

- 1.22(B) Construction must commence within 60 days of Pre-Construction meeting or Site Permit is null and void.
- Section 1.70 – 1.91 Moves the Impact fees to the GDC from Chapter 31
- 3.06 through 3.15 Codifies the Working Plat process.
- 3.47 (A)(1) The requirement of roadway participation applies to a property being “developed” in lieu of the property being “platted”.
- 3.47 (D)(1)(b) stipulates that the developer is required to pave one-half of the roadway of class A,B,C,D,E,F and G roadways abutting the subdivision shown on the adopted Major Thoroughfare Plan up to their minimum proportional share.
- 3.47 iv. Stipulates that if the adjacent street is not part of a pending capital improvement

project in lieu of construction the developer must pay additional impact fees as provided in Schedule 1, GDC Section 1.78 to be collected as additional roadway impact fees prior to Site Permit.

- 3.49 (A) Escrow, stipulates inflation factor as per the Engineering News-Record, will be calculated based upon an average of the previous five years' inflation rates projected over the following two years, to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future.
- 3.53 (C) (1) Pro-rata shall only be collected when a parcel does not have an existing water meter or waste water connection.
- 3.57 (A) Time period to refund Pro-Rata is reduced to 10 years instead of 20 years. This Amendment is proposed based on a local industry standard from soliciting comparable Cities in the Dallas and Fort Worth area.
- 3.85 (A) Grading Requirements, 5000 to 1 acre submit land disturbance or change in grade of 1' or more, reviewed and permitted by Building Inspections. One acre and above, Site Engineering Drawings and Site Permit by Engineering Department. Unpermitted fill piles shall be removed or spread within 30 days.
- 3.86 (D) (1) (b) Allows for flood plain drainage easement to exist on residential lots in a subdivision containing 4 or fewer lots.
- 3.86 (H) stipulates that a drainage analysis may be required where conditions dictate.
- 3.93 (F)(2) Establishes proportionality for sidewalk improvement waivers request for properties with large amounts of frontage, setting the maximum amount based on the lot width prescribed by the zoning district.

CONSIDERATION

1. Council action is required to approve proposed amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 and 4 of the Garland Development Code
2. The proposed amendments have been reviewed and prepared by the City Attorney's Office.

Attachments

Proposed Ordinance to Amend Chapter 31
Proposed Ordinance to Amend the GDC

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 31, "ENGINEERING" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS, TO HARMONIZE CHAPTER 31 WITH THE GARLAND DEVELOPMENT CODE; AMENDING MULTIPLE PROVISIONS; REPEALING MULTIPLE PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That Article I, "Subdivisions - General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby renamed as follows:

"Article I "General".

Section 2

That Section 31.01, "Purpose of article", of Article I, "General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.01 Purpose of Chapter

This Chapter establishes the procedures and standards for the development, layout and design of subdivisions of land within the corporate limits of the City and for a distance of five (5) miles surrounding such corporate limits. As prescribed in this chapter, they are intended to:

(A) In an expeditious manner, guide and assist developers in correct procedures to be followed and to inform developers of the standards which the City shall require.

(B) Protect the public interests by controlling the location, design, class, and type of streets, sidewalks, utilities, drainage, and other essential services required.

(C) Provide, for the public welfare, the essential areas required for residential purposes."

Section 3

That Section 31.02, "Definitions", of Article I, "General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"For the purpose of this Chapter 31, the following terms used herein are defined as follows:

"Alleys" shall mean minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

"Chapter" shall mean this Chapter 31 of the Garland Code of Ordinances.

"Drainage Project" shall mean either Drainage Improvement District or Drainage Participation Project.

"GDC" or "Garland Development Code" or "Development Code" shall mean the latest official version of the Garland Development Code duly enacted by the Garland City Council.

"Lot" shall mean an undivided tract or parcel of land under one ownership having access to a street, either occupied or to be occupied by a building or building group together with accessory buildings, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat filed of record.

"May" means a requirement or action is discretionary in nature.

"Opinion of Probable Cost" ("OPC") shall mean the cost estimate, determined by the City, to complete an individual Drainage Project. The OPC includes costs for surveying, geotechnical evaluation, design, construction, and all other costs necessary to complete the Project. The term "Paving" shall mean the improved base and surface constructed for the use of vehicular and pedestrian traffic.

"Plan Commission" shall refer to the Plan Commission of the City.

"Shall" means a requirement or action is mandatory in nature.

"Standards" shall mean the official maps, master plans, ordinances and specifications of the City and shall include the specific exhibits adopted hereby and made a part of this chapter.

"Street" shall mean a way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

"Subdivision" shall mean the division of a parcel of land into two (2) or more parcels for the purpose of transfer of ownership or building development, provided that a division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street or alley shall not be deemed a "subdivision." The term "subdivision" includes resubdivision and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided."

Section 4

That Section 31.12, "'Compliance with chapter requisite to final inspection of buildings", of Article I, "General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.12 Compliance with chapter requisite to final inspection of buildings

No final approval on a building for occupancy, as required by the Building, Plumbing, Electrical, Mechanical Codes and other provisions of this Code and the Garland Development Code, shall be issued on a newly subdivided parcel of land until all the applicable requirements of this Chapter 31 and of the Garland Development Code have been complied with, including the installation of and acceptance by the City of all waterworks, sewerage and paving improvements

for the area designated in the approved plans and specifications submitted in accord with this Chapter and the Garland Development Code."

Section 5

That Article I, "General", of Chapter 31 "Engineering," of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a new Section 31.18, "Garland Development Code", to read as follows:

"Section 31.18 Garland Development Code

It being the intent of the City of Garland to consolidate ordinances regarding or related to property development in the City into a comprehensive set of development ordinances apart from the City Code, to the extent that any portion of this Chapter 31 conflicts with the most recent iteration of the GDC, the provision contained in the GDC shall control."

Section 6

That the following Sections 31.03 - 31.11 and Sections 31.13 - 31.17 of Article I, "General", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.03 "Preliminary Plats - Generally";
- b) Section 31.04 "Same-Size, scale and contents".
- c) Section 31.05 "Final Plats - Generally";
- d) Section 31.06 "Same-Size, scale, contents, etc.";
- e) Section 31.07 "Deed restrictions to be submitted to Planning Department";
- f) Section 31.08 "Fee required for street-name sign assemblies";
- g) Section 31.09 "Duties of City officials, departments, etc. to check subdivision features";
- h) Section 31.10 "Compliance with zoning ordinance; lot requirements";

- i) Section 31.11 "Monuments";
- j) Section 31.13 "Variances";
- k) Section 31.14 "Extraterritorial jurisdiction over plats and subdivisions of land";
- l) Section 31.15 "Engineering review and inspection fee";
- m) Section 31.16 "Objections to conditions of plat approval"; and
- n) Section 31.17 "Maps and data service fees".

Section 7

That the following Sections of Article II, "Paving and Drainage Improvements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.20 "Duty of developer to construct";
- b) Section 31.21 "Pavement construction within a subdivision";
- c) Section 31.22 "Payment of paving costs of substandard road";
- d) Section 31.23 "Plans and Specifications";
- e) Section 31.27 "Alleys";
- f) Section 31.28 "Sidewalks";
- g) Section 31.29 "Development criteria - Existing drainage ways";
- h) Section 31.30 "Storm Sewers - Generally";
- i) Section 31.31 "Storm sewers and drainage systems - Constructions costs";
- j) Section 31.32 "Cleaning up streets and alleys when construction completed";
- k) Section 31.33 "Special regulations for prescribed area";

- l) Section 31.34 "Contractor's maintenance bond and contract prices";
- m) Section 31.35 "Inspection and acceptance by City"; and
- n) Section 31.36 "Stormwater detention and retention; ponds".

Section 8

That Section 31.24, "Grading and drainage", of Article II, "Paving and Drainage Improvements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.24 Grading and drainage

(A) Grading and drainage plans for other than one- to two-family residential developments shall be provided to the City by the developer prior to building permit issuance on all projects.

(B) No person shall alter, change, modify, excavate or fill any lot, subdivision or development except in compliance with the GDC and the Technical Standards Manual issued by the City of Garland Department of Engineering. When any lot, development or subdivision has been altered, changed or modified without compliance with the GDC and the Technical Standards Manual issued by the City of Garland Department of Engineering, the Director of Engineering or Building Official may require the developer, at its own expense, to submit of proof of compliance, certified by a licensed engineer."

Section 9

That Section 31.25, "General street requirements", of Article II, "Paving and Drainage Improvements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.25 General street requirements

Any paving or drainage improvements shall be subject to Article VIII of this Chapter."

Section 10

That Section 31.26 of Article II, "Paving and Drainage Improvements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.26 Paving requirements in street right-of-way

(A) New pavement which does not meet the minimum requirements as outlined in the City of Garland Technical Standards Manual and Standard Construction Details shall be replaced at the discretion of the Director of Engineering. The Director of Engineering may establish an allowable penalty policy in lieu of requiring total removal and replacement.

(B) The contractor shall be responsible for furnishing all laboratory tests necessary for testing new pavement. The testing laboratory used shall be under the management of a registered professional engineer."

Section 11

That the following Sections of Article III, "Water and Sanitary Sewer Systems", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.45 "Duty of developer to install";
- b) Section 31.46 "Plans and specifications";
- c) Section 31.47 "Standards for design and construction";
- d) Section 31.48 "Water system requirements";
- e) Section 31.49 "Sanitary Sewer System Requirements;
- f) Section 31.50 "Fees to be paid City; temporary water services";
- g) Section 31.51 "Contractor's maintenance bond"; and
- h) Section 31.52 "Inspection and acceptance by City".

Section 12

That the following Sections of Article IV, "Extension of Water and Sanitary Sewer Mains (Pro Rata)", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.55 "Definitions";
- b) Section 31.56 "Authority to make extensions";
- c) Section 31.57 "Pro rata charge established";
- d) Section 31.58 "Purpose of article; variation of method of determining charges";
- e) Section 31.59 "Extension for property subdivided or platted for development - Basis";
- f) Section 31.60 "Same - Methods of construction";
- g) Section 31.61 "Check and backflow valves; indemnity agreement";
- h) Section 31.62 "City not obligated to make extension";
- i) Section 31.63 "Time limit on City's obligation to refund charges"; and
- j) Section 31.64 "Disposition of charges".

Section 13

That Section 31.75, "Street improvement and paving assessments", of Article V, "Street Improvements and Assessments", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.75 Street improvement and paving assessments

Assessments for street improvements shall be made pursuant to article XVI of the Charter and chapter 313, V.T.C.A., Transportation Code, as amended, and may be initiated by either of the following methods:

(A) Initiation by property owner. Upon the application of one or more property owners, the Director of Engineering shall provide the applicant with a petition form to be circulated by the applicant among the other owners of property abutting the proposed improvements. If the petition is returned to the Director of Engineering and signed by either at least fifty-one percent (51%) of the abutting property owners or the owners of at least fifty-one percent (51%) of the abutting frontage, then the Director of Engineering may approach the City Council with an estimate of the cost of such improvements and request the initiation of a street or alley improvement project. The City Council may then determine the necessity for, and order, the proposed improvements. Improvement projects consisting of streets and alleys may be initiated by petition only in block-length segments. Improvement projects consisting of sidewalks or curbs and gutters separate from an improvement project to a street may be initiated by petition in smaller segments.

(B) Initiation by City. Upon the presentation of a proposed improvement project, including an estimate of the cost of such improvements, by the Director of Engineering, the City Council may determine the necessity for, and order, the proposed improvements."

Section 14

That Section 31.76, "Cost sharing policy; limitations", of Article V, "Street Improvements and Assessments", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 31.76 Cost sharing policy; limitations

(A) The City shall share in the costs of the improvements with the owners of the abutting property as provided in subsection (B) below. In this section, "developed residential a property" shall mean any abutting residential property, including duplexes and townhomes, but excluding other developments, including but not limited to, any otherwise qualifying residential property being used primarily as a house of worship, a school, or a commercial business..

(B) Abutting property and the owners thereof shall be assessed the following share of the cost of the improvements as follows:

Type of Improvement	Share of Costs (Per Linear Foot of Improvements)
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(1) Street improvements:

(a) Developed residential property

(i) Improvements initiated by petition
under section 31.75(A)

Front	33%
Side	16%
Rear	7%

(ii) Improvements initiated by City under
section 31.75(B) No Assessment

(b) Property other than developed residential
property 33%

(2) Alley improvements 33%"

Section 15

That Section 31.77, "Payment of assessments", of Article V, "Street Improvements and Assessments", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 31.77 Payment of assessments

Assessments shall be due and payable upon final inspection and acceptance of the improvements by the City. Assessments may be paid in whole or in installment payments in accordance with the schedule set forth in Section 31.78. Installment payments shall include both principle and interest at an interest rate not to exceed the maximum rate allowed by state law."

Section 16

That Article V, "Street Improvements and Assessments" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is amended by adding a new Section 31.78 titled "Schedule of installment payments" which shall read as follows:

"Sec. 31.78 Schedule of installment payments

Property owners opting to pay the assessments described in this Article V in installments shall make said payments in accordance with the following schedule:

Property Owner's Share	Monthly Payments
\$ 2,000.00 - \$2,999.99	36 equal monthly payments
\$ 3,000.00 - \$3,999.99	48 equal monthly payments
\$ 4,000.00 or more	60 equal monthly payments"

Section 17

That Article VI, "Drainage Improvement Districts", of Chapter 31 "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby renamed as follows:

"Article VI "Drainage Improvement Districts and Drainage Participation Projects"."

Section 18

That Section 31.90, "Purpose of article; scope", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 31.90 Purpose of article; scope

In order to provide for the building, construction, modification and improvement of storm sewers, drainage channels and watercourses, and in order to provide a fair and equitable apportionment and assessment of the costs of such improvements against the property specially and directly benefited and enhanced in value by the making of

such improvements, the City and affected property owners may, under the procedures set forth in this article, establish "Drainage Improvement Districts" or "Drainage Participation Projects" (hereinafter referred to as "Drainage Improvements") within and without the City. The City may, within its discretion, issue assignable or negotiable certificates, as it deems advisable, covering the costs of the Drainage Improvements."

Section 19

That Section 31.91, "Initiation of Study", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 31.91 Initiation of study

(A) Drainage Improvement Districts

(1) Application for creation of a Drainage Improvement District. Upon the application of one or more interested property owners whose properties are not contiguous, the City shall determine a preliminary scope of work, prepare an Opinion of Probable Cost ("OPC"), and determine the boundaries of a drainage improvement district. The City shall provide this preliminary information to the applicants for their use. If the preliminary OPC is specified to expire after a certain time period, the City reserves the right to require an updated estimate. When a preliminary determination has been made, the City shall provide the applicant with:

(a) A list of the names and last known addresses of all property owners within the proposed drainage improvement district.

(b) A list of total abutting footage for each property owner, total proportional area for each property owner, or other estimate of the proportionate share of the drainage improvement project for each property owner.

(c) An OPC per property.

(2) Circulation of list; presentation of petition.

(a) It shall be the responsibility of the applicants to make contact with other property owners within the boundaries of the proposed Drainage Improvement District as established by the City. Said applicants shall circulate a petition containing spaces where each affected property owner may sign the petition indicating their approval and financial commitment of that property owner for the proposed Drainage Improvement District.

(b) If the petition is returned to the Director of Engineering and is signed by the lesser of fifty-one percent (51%) of the abutting property owners or the owners of at least fifty-one percent (51%) of the abutting frontage, then the Director of Engineering or more of the owners of the property to be included within the district, or at least fifty-one (51) percent of the abutting property footage, then the Director of Engineering may approach the City Council for the initiation of a Drainage Improvement District.

(3) Initiation by City. Upon the presentation of a proposed Drainage Improvement Project, including an OPC for the project, and the recommendation of the Director of Engineering, the City Council may order the creation of a drainage improvement district. The City may then proceed with creating an actual design plan and specifications for the proposed Drainage Improvement Project. The proposed Drainage Improvement Project must meet the design requirements and limitations specified in Section 31.92.

(B) Drainage Participation Projects

(1) Application for the creation of a Drainage Participation Project

(a) Upon the application of a single property owner, or upon the application of multiple property owners whose properties are contiguous, the City shall determine a scope of work and cost for the Drainage Participation Project. The OPC shall include costs for surveying, geotechnical evaluation, design, construction and all other costs necessary to complete the project. This scope and cost shall be provided to the applicant(s) for their use. The City reserves the right to require an updated OPC if the property owner neglects to respond within thirty (30) days of the date of the proposal.

(b) Upon receiving the applicant(s) signed commitment to proceed with the project, the City shall prepare a cost-sharing agreement to be executed by the City and the aforementioned applicants. For projects involving multiple abutting properties, a separate agreement shall be prepared for each applicant and the project shall not proceed until all applicants have executed their respective cost-sharing agreements. The City may then proceed with the design plan and specifications for the drainage participation project. The design must meet the requirements and fall within the limitations specified in Section 31.92."

Section 20

That Section 31.92, "Design and cost sharing policy; limitations", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows: "Section 31.92 Design requirements and limitations

(A) Design. The design of drainage improvements shall be in accordance with this Chapter and with the GDC, where

applicable. Any materials used in the improvements must be pre-approved by the City. Failure to obtain pre-approval may result in the City, at its sole discretion, requiring the improvement, in whole or in part, to be removed and replaced at the applicants' expense.

(B) Limitations. Drainage Improvement Projects are specifically intended to protect private property from erosion loss due to the flow of water in natural or manmade watercourses within the City. Approval of proposed Drainage Improvement Projects shall be governed by the following conditions:

(1) The proposed cost of the Drainage Improvement Project must be no greater than fifty (50) percent of the total property value, as determined by the Dallas County Central Appraisal District ("DCAD").

(2) The proposed Drainage Improvement Project must be located entirely within properties owned by participants in a Drainage Improvement District, or upon an easement voluntarily granted by a property owner not participating in the Drainage Improvement Project.

(3) No Drainage Improvement Project shall be approved which create any increase in 100-year water surface elevations, whether the watercourse in question is located within a Special Flood Hazard Area as delineated on the current Flood Insurance Rate Maps issued by the United States Federal Emergency Management Agency ("FEMA") or not. All Drainage Improvement Projects must conform to the requirements of Chapter 31, Article VII of the Ordinances of the City of Garland, Texas, as well as to any and all applicable requirements of FEMA and the United States Army Corps of Engineers (the "Corps"). Any costs associated with the review and/or mitigation of any FEMA and/or Corps will be shared on the same cost share basis as the original contract. The City, at its sole discretion, reserves the right to require the applicants to hire a Texas-licensed Professional Engineer to conduct a study verifying that the proposed project will meet this requirement. The

cost of any such study shall be borne in its entirety by the applicants.

(4) Applications intended to address erosion loss due to sheet flow across a lot (as opposed to flow in a watercourse) shall not be approved.

(5) Applications arising due to the normal settlement of soil on a property (whether due to settlement over time or to normal soil movement from variable moisture content or seasonal shifting) shall not be approved.

(6) Applications arising due to the failure of existing retaining walls (due to age or structural deficiency not related to erosion) shall not be approved. The City shall make the final determination as to whether or not an existing wall failure is due to erosion or some other cause.

(7) Before a Drainage Improvement Project is approved, it must be demonstrated that a structure to be protected must be located a horizontal distance of no further than three times the maximum vertical height of the proposed wall as measured from the top of the wall. By way of example, a proposed wall ten (10) feet high must have a structure to be protected no further than thirty (30) feet from the top of the wall. For the purposes of this Article VI, a "structure to be protected" shall be defined as a residential or commercial building, swimming pool, non-moveable storage building, detached garage, non-movable machinery serving a building, or other similar structure. Fences, trees, landscaping, amenities and similar features do not qualify as "structures to be protected".

(8) The City reserves the right to disapprove any project which, as determined by the Director of Engineering, exposes the City to potential liability due to risk of damage to existing structures."

Section 21

That Section 31.93, "Completion of study; solicitation of bids", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, be hereby renamed and amended to read as follows:

"Section 31.93 Cost-sharing policy and limitations; completion of design; solicitation of bids

(A) Cost-sharing policy and limitations.

(1) Assessment determinations. Alternative methods for determining the apportionment of the costs associated with the Drainage Improvement Project include the following:

(a) By determining the amount of linear feet of property abutting the proposed Drainage Improvement Project.

(b) By determining the square footage of property within the Drainage Improvement District.

(c) By such other method calculated to produce a substantial equity of benefits received and burdens imposed.

(2) Share. For commercial properties, including multifamily residential properties, the City shall bear thirty-three percent (33%) of the direct costs of the improvements associated with the drainage improvement district and the property owners within the drainage improvement district shall be assessed for the remaining sixty-seven percent (67%) of those costs. For single-family residential properties, or non-profit, non-residential uses such as buildings of worship, the City shall bear fifty percent (50%) of the direct costs of the improvements associated with the Drainage Improvement District shall be assessed for the other fifty percent (50%) of those costs. A proportionate reduction in the costs of the improvements to be assumed by

property owners within the drainage improvement district may be allowed for the abutting footage, area or other appropriate unit of measurement of the streets, alleys, parks or other City property contained within the Drainage Improvement District.

(3) For purposes of this Section, a property is considered to be "non-profit" if it is owned by an individual or entity with tax exempt status pursuant to 26 U.S.C. § 501.

(B) Completion of design.

(1) In the case of projects initiated by multiple property owners with non-contiguous frontage, after the design for the proposed Drainage Improvement Project has been completed, an OPC for those improvements shall be prepared. If the estimated cost of the improvement project is within or below the range submitted to the property owners in response to the application or to the City Council, as the case may be, then the City may solicit bids for the construction and implementation of the drainage improvements. In the event that either the OPC or the bid for the project, or both, is above the submitted range, then at least 51% of the property owners within the improvement district must affirm the increased costs. Should the property owners choose to opt out of the project, they will be responsible for proportional costs incurred up to that date.

(2) If less than 51% of those property owners affirm the project, then the project may, at the discretion of the City, be suspended or terminated. If the improvement project, with the increased costs, is reaffirmed by 51% or more of the property owners within the district, then the City may solicit bids for the project. For projects initiated by the City, in the event the OPC is above the submitted range, then the City Council may affirm and continue the project, or the project may be suspended or terminated.

(C) Solicitation of bids. Bids for the Drainage Improvement Project shall be solicited in accordance with applicable state law. When a responsive bid or responsive bids from a responsible bidder or responsible bidders has or have been tendered, then the bid or bids, as the case may be, shall be submitted to the City Council for consideration."

Section 22

That the existing Section 31.94, "Assessment hearing; notice", of Article VI, "Drainage Improvement Districts and Drainage Participation Projects", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.94 Assessment hearing; notice

(A) No assessment shall be made against any property within a drainage improvement district, or its owners, until after reasonable notice and opportunity for hearing. No assessment shall be made against such property, or its owners, by reason of the drainage improvements other than the property owner's appropriate proportionate share.

(B) Reasonable notice of the hearing on the Drainage Improvement Project's assessments shall be provided by advertisement in a newspaper having a general circulation in the City at least 14 days before the date of the hearing, and by depositing in the United States mail, postage prepaid, a written notice of the hearing addressed to the owners of the respective properties located within the Drainage Improvement District as the names and addresses of the respective owners appear on the then-current tax rolls of the City.

(C) The notice, as provided in subsection (B) above shall include the following information:

- (1) The date, time and place of the hearing;
- (2) The general nature of the proposed improvements;
- (3) The total estimated cost of the improvements;

(4) The boundaries of the drainage improvement district;

(5) The proposed apportionment of cost between the City and the drainage improvement district as a whole; and

(6) That written and oral comments and objections will be considered at the hearing.

(D) The hearing shall be held by and before the City Council. The appropriate department or departments of the City shall present testimony and other evidence before the City Council as to the property owner's proportionate share of the Drainage Improvement Project value accruing to the property within the Drainage Improvement District by reason of the improvements. At such hearing the owners, lienholders and other interested parties may address and contest the bid or bids to be considered, the amounts of the proposed assessments, the lien and liability of the proposed assessments,. If the proportionate share is based on the frontage, all project costs, including labor, materials, permits, engineering, design, obtaining easements, obtaining construction easements, and any other cost incurred through this Drainage Improvement Project shall be included in determining the amount of a property owner's proportionate share. The City Council may then correct any errors, inaccuracies, and irregularities and may determine the appropriateness of any bid or bids, the amounts of assessments, and all other necessary matters.

(E) At the close of the hearing, the City Council may then award such bid or bids on the drainage improvement project as it deems appropriate and may determine the amounts, if any, to be assessed so as to produce substantial justice. The City Council shall levy such assessments by ordinance."

Section 23

That the existing Section 31.95 of Article VI, "Drainage Improvement Districts and Drainage Participation Projects", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

"Section 31.95 Assessment lien; enforcement; payment

(A) An assessment levied under this article shall constitute a personal charge against the owner of the property assessed, and shall be secured by a lien on such property having priority over all other liens, claims or titles except for taxes. Such personal liability and lien may be enforced either by suit in a court of competent jurisdiction or by enforcement of the lien as provided by law.

(B) Assessments may be paid in full at the completion of the Drainage Improvement Project or as indicated on the following chart. If the amount is not paid in full at the completion of the Drainage Improvement Project, it may bear interest not to exceed the maximum rate allowed by state law. Any property owner may discharge the whole amount assessed against the owner, or any installment, at any time before maturity, upon payment with accrued interest. Upon payment of an assessment in full, the City shall cause to be executed, by the City Manager, a release of the lien of assessment, duly acknowledged and suitable for filing of record.

(C) City participation. The City may participate in the reconstruction provided monies are available for this program from bond funds. If monies are available, City participation in the cost of improvements will be on a cost share basis with the abutting property owner as provided for in this Article VI. If the property owner's share of the cost of improvements is equal to or greater than the amounts shown below, payment may be made in not more than the corresponding number of equal monthly payments for that amount as shown below at an interest rate not to exceed the maximum interest rate paid by the City on the bond funds from which the reconstruction monies are obtained:

(1) If the property owner's share is between \$2,000.00 and \$9,999.99 (inclusive), the payment plan may extend to not more than thirty-six (36) months.

(2) If the property owner's share is between \$10,000.00 and \$19,999.99 (inclusive), the payment plan may extend to not more than forty-eight (48) months.

(3) If the property owner's share is \$20,000.00 or more, the payment plan may extend to not more than sixty (60) months."

Section 24

That the existing Section 31.98, "Maintenance of completed improvements and Drainage Participation Projects", of Article VI, "Drainage Improvement Districts" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.98 Maintenance of completed improvements

(A) Upon substantial completion of any Drainage Improvement Projects under the provisions of this Article VI, the City shall provide drainage and erosion control maintenance for the structural improvements to the drainage ways for a period of not more than 10 years after substantial completion. At the end of the 10 year maintenance period, the ownership and maintenance responsibilities become that of the adjacent property owners and the City's maintenance obligation shall terminate. Upon completion and acceptance of any Drainage Improvement Projects under this article, the property owner on whose property the channel improvements lie, or whose property directly abuts such channel improvements, shall be responsible for any necessary mowing, irrigation, weeding, picking up litter, fertilizing and such other maintenance as is required to maintain a healthy stand of grass or other ground cover as approved by the Director of Engineering.

(B) If, subsequent to the completion and acceptance of any improvements constructed under the provisions of this Article, the property owner, or subsequent property owner, constructs subsequent additional improvements to the property which damage said erosion wall or subject it to additional loading which could result in damage or failure, or undertakes any change to the property which, in the opinion of the City, causes damage to the wall, the City may, at its discretion, terminate its maintenance obligation. The City shall not be responsible for any damage to any structure or property improvements that were constructed subsequent to the completion and acceptance of the erosion wall.

(C) No obstruction to the flow of stormwater runoff shall be permitted by filling or by construction of any type of dam, building, fence, bridge, walkway, or any other structure within the drainage easement unless approved by the City."

Section 25

That Section 31.101, "Definitions", of Article VII, "Flood Damage Prevention", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.101 Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO, AH,, AR/AO, AR/AH, or VO zone on the community's flood insurance rate map (FIRM) with a 1% chance or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, the area, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE, AH, AO, A1-99A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of this ordinance, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base flood means the flood having a 1% chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year. Also called the base flood.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Developed area means an area of the City that is:

(a) A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure, including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and

(1) Within which 75 percent or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or

(2) Is a single parcel, tract, or lot in which 75 percent of the area contains existing commercial or industrial structures or uses; or

(3) Is a subdivision developed at a density of at least two residential structures per acre within which 75 percent or more of the lots contain existing residential structures at the time the designation is adopted.

(b) Undeveloped parcels, tracts, or lots, the combination of which is less than 20 acres and contiguous on at least 3 sides to areas meeting the criteria of paragraph (a) at the time the designation is adopted.

(c) A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least 10 percent of the lots or remaining lots of a subdivision or 10 percent of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivisions must meet the density criteria in paragraph (a)(3).

Development means any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated building means a nonbasement building: (1) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and (2) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction means for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood fringe means the area between the floodway and the boundary of the base or 100-year flood.

Flood or flooding means

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland and tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source; or

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of

erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition. a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; or (3) mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in part (a)(1) of this definition.

Flood insurance rate map (FIRM) means the official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a "Digital Flood Insurance Rate Map" or "DFIRM".

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map. Also known as a "flood elevation study".

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the

areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Habitable floor any floor usable for the following purposes; which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a habitable floor.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting

the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary [of the Interior] to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City.

Person means an individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Principally above ground means a structure is principally above ground if at least 51% of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle. A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Start of construction for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means (for floodplain management purposes) a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure can also mean any physical body which is capable of diverting floodwaters.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.
- (c) For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
 - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Variance means a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements, see section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the City's floodplain management regulations. A structure or other development without the elevation certificate, other

certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas."

Section 26

That subpart (9) of Subsection (B), "Duties of the floodplain administrator", of Section 31.103, "Administration", of Article VII, "Flood Damage Prevention", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

". . .

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30, and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

". . ."

Section 27

That Section 31.107, "Floodplain fees assessed for elevation certificates and letters of map amendments", of Article VII, "Flood Damage Prevention", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby renamed and amended in its entirety to read as follows:

"Section 31.107 Floodplain fees assessed for letters of map amendments

Federal Emergency Management Agency (FEMA) letter of map amendment (LOMA). Upon request by a property owner, the Engineering Department may prepare a FEMA compliant LOMA for the individual property. The property owner will provide the City with a FEMA-compliant elevation certificate. The property owner shall pay the City a nonrefundable fee in the amount of \$100.00 for single-family residential property. For property other than single-family residential, the fee will be \$100.00 per structure on the property. The fee is due before the City begins work. The work will be accomplished within the City's typical operating schedule."

Section 28

That Section 31.117, "Licenses for minor or temporary encroachments", of Article VIII, "Work on Public Property or Easements", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.117 Licenses for minor or temporary encroachments.

(A) The Director of Engineering may grant a license for minor or temporary encroachments into a street, alley, easement or other property of the City. The license shall be in a form prescribed by the City's Technical Standards Manual. For the purposes of this section, a "minor or temporary encroachment" means a use that will not:

- (1) Significantly affect the public interest;
- (2) Unreasonably interfere with the paramount and primary purposes for which the street, alley, easement or other property interest exists; or
- (3) Unreasonably interfere with existing uses within the area of the proposed license.

(B) The Director of Engineering may, even if a proposed encroachment otherwise constitutes a minor or temporary

encroachment within the meaning of this section, refer the granting of a license to the City Council for formal action."

Section 29

That the following Sections of Article IX, "Construction or Repair of Sidewalks", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.122 "Construction required in new development"; and
- b) Section 31.132 "Duty to construct curb when driveway abandoned".

Section 30

That Section 31.120, "Definition", of Article IX, "Construction or Repair of Sidewalks" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.120 Definitions

The term "sidewalk," as used in this Article, shall apply to the repair or construction of any sidewalk other than a sidewalk constructed as part of a new development, and shall include curbs, combination curb and gutter, driveways and head-in parking; providing, in such case, that the article shall state the kind of curb, or curb and gutter, and sidewalk to be constructed, reconstructed, or repaired, or may merely direct the construction, reconstruction or repair of a curb or curb and gutter or sidewalk alone."

Section 31

That Section 31.121, "Council to determine nature and extent of improvements", of Article IX, "Construction or Repair of Sidewalks" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby renamed and amended to read as follows:

"Section 31.121 Nature and extent of improvements

The nature and extent of sidewalk improvements and the kind of material and construction in such improvements shall conform to the City of Garland Technical Standards Manual. Any such improvement shall conform to the appropriate provisions in the City's Technical Standards Manual and Standard Construction Details. All sidewalks in new developments shall be governed by the Garland Development Code, the City's Technical Standards Manual, and the City's Standard Construction Details."

Section 32

That Section 31.126, "Specifications", of Article IX, "Construction or Repair of Sidewalks" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.126 Specifications

Sidewalks shall be constructed, reconstructed or repaired in accordance with division 8, Miscellaneous Construction of the Standard Specifications for Public Works Construction, North Central Texas Council of Governments and the City of Garland Technical Standards Manual and City of Garland Standard Construction Details."

Section 33

That Section 31.128, "Approval of Materials", of Article IX, "Construction or Repair of Sidewalks" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.128 Approval of materials

Upon request of the Engineering Department, no materials of any kind shall be used in the construction, alteration or repair of any sidewalks until they have been examined and approved and found to be compliant with the Garland Development Code, the City's Technical Standards Manual and the City's Standard Construction Details, and the person performing such work shall furnish such samples as may be

required for making tests and examinations in sufficient time prior to the use of same."

Section 34

That Section 31.130, "Traffic-control and warning devices required for protection of traffic", of Article X, "Construction or Repair of Sidewalks", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.130 Traffic-control and warning devices required for protection of traffic.

During construction for which a permit is required by this article, the holder of the permit shall see that the necessary traffic-control and warning devices are placed so that pedestrian or vehicle traffic shall not be endangered. All traffic-control and warning devices shall conform to the provisions of the Manual on Uniform Traffic Control Devices."

Section 35

That Section 31.134, "Duty to keep sidewalks in safe condition", of Article X, "Driveway Approach Standards", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.134. Duty to keep sidewalks in safe condition

It shall be the duty of any abutting property owner to keep the sidewalk, parkway, curb and driveway abutting such property in a good and safe condition, free from any defects and hazards of whatsoever kind and character. By way of example and not of limitation, a sidewalk is hazardous under any of the following conditions:

- (1) there is a difference in elevation between adjoining sections of sidewalk or opposing edges of any fissures (cracks) on the sidewalk surface of two (2) inches or more;

(2) an unstable walking surface exists due to defects on the surface such as fissures that have created a gap of one and one half (1½) inches or more;

(3) a spalled finish condition creates an unstable walking surface;

(4) some sections of the sidewalk are incomplete due to missing corners or pieces of the sidewalk section;

(5) the sidewalk has an excessive cross-slope greater than 5 percent;

(6) portions of the sidewalk are sunken or slanted, creating excessive ponding of water; or

(7) an uplifted or sunken sidewalk causing longitudinal grades in excess of 5 percent or exceeding the adjacent street top of curb slope, whichever is greater."

Section 36

That Section 31.138, "City participation in sidewalk/curb and gutter reconstruction", of Article X, "Construction or Repair of Sidewalks", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.138 City participation in sidewalk/curb and gutter reconstruction

(A) The City may participate in the reconstruction provided monies are available for this program from bond funds. If monies are available, City participation in the cost of improvements will be shared with the abutting property owner on a 50/50 basis-shared with the abutting property owner as follows:

(1) Sidewalk improvements (when those costs are not included in a street improvement project)
50%;

(2) Curb and gutter improvements (when those costs are not included in a street improvement project) 50%

(B) If the property owner's share of the cost of improvements is equal to or greater than the amounts shown below, payment may be made in not more than the corresponding number of equal monthly payments for that amount as shown below at an interest rate not to exceed the maximum interest rate allowed by law.

Property Owner's Share	Monthly Payment
\$250.00-\$499.00	36 equal monthly payments
\$500.00-\$999.00	48 equal monthly payments
\$1,000.00 and more	60 equal monthly payments"

Section 37

That Section 31.146, "Permit required", of Article X, "Driveway Approach Standards", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.146 Permit required

(A) No person, firm or corporation shall construct, reconstruct, maintain, alter or repair, remove or replace any curb, gutter, driveway or other concrete work on any public property within the City without first obtaining all applicable permits, including but not limited to a Right-of-Way Permit, and a Sidewalk and Driveway Approach Permit. No work shall be undertaken on City right-of-way until the executed permit has been approved by City.

(B) There shall be no residential driveways permitted off of any arterial street as so designated by the City thoroughfare map as type A, B, or C thoroughfares."

Section 38

That Section 31.147, "Permit fees", of Article X, "Driveway Approach Standards", of Chapter 31, "Engineering", of the

Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.147 Permit fees

(A) For the construction of a new (or modification of an existing) driveway there shall, in addition to any other applicable permit(s) and fee(s), be a permit fee charge as set forth in Section 30.301, chapter 30, "Building Inspection," of this Code.

(B) The contractor will be held responsible for conducting the construction in an orderly and safe manner. Proper barricades as specified in the manual on uniform traffic control devices, shall be used. The City's Director of Transportation, or his appointee, shall determine if proper barricading and signing is utilized."

Section 39

That Section 31.148, "Driveway approach standards", of Article X, "Driveway Approach Standards", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Section 31.148 Driveway approach standards

Driveway approach standards must conform to the applicable provisions set forth in the City's Technical Standards Manual."

Section 40

That the following Sections of Article XI, "Impact Fees" of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, are hereby repealed:

- a) Section 31.150, "Purpose";
- b) Section 31.151, "Authority";
- c) Section 31.152, "Definitions";
- d) Section 31.153, "Applicability";
- e) Section 31.154, "Impact fee as a condition of development approval";

- f) Section 31.155, "Impact fees per service unit";
- g) Section 31.156, "Assessment of impact fees";
- h) Section 31.157, "Payment and collection of impact fees";
- i) Section 31.158, "Offsets and credits against impact fees";
- j) Section 31.159, "Establishment of accounts";
- k) Section 31.160, "Appeals";
- l) Section 31.161, "Refunds";
- m) Section 31.162, "Updates to plans and revision of fees";
- n) Section 31.164, "Development agreements";
- o) Section 31.165, "Exceptions and exemptions";
- p) Section 31.166, "Impact fee as additional and supplemental regulation"; and
- q) Section 31.167, "Petition for relief".

Section 41

That subpart (67), "Waters of the United States", of subsection (D), "Definitions", of Section 31.170, "General provisions", of Article X, "Stormwater Quality", of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(67) Waters of the United States. All waters falling within the federal definition of "Waters of the United States" set forth at 140 C.F.R. § 122.2."

Section 42

That Chapter 31 of the Code of Ordinances for 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 43

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

Section 44

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

Section 45

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 THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That Section 1.21, "Technical Review Meeting," of Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 1.21 Technical Review Meeting

(A) Requirement. Following a Pre-Submittal Meeting and the official submission of an administratively complete zoning, development, redevelopment or land subdivision application (as applicable), the applicant(s) shall attend a required Technical Review Meeting with the DRC, including the responsible official.

(B) Purpose. The purpose of the Technical Review Meeting is to allow the applicant to review his development application with the DRC. Comments compiled from each City department as part of their review of the application shall be provided to the applicant at the meeting. Such comments shall provide information about necessary modifications needed for the development application to meet City codes, development regulations and processes that are applicable to the application.

(C) Applications Requiring Technical Review Meeting. Applications that require a Technical Review Meeting (unless otherwise determined as unnecessary by the City) include any application for:

- (1) Specific Use Provision;
- (2) Concept Plan or Detail Plan (submitted as part of a Planned Development application);

- (3) Preliminary Development Plan;
- (4) Alternative compliance development process (if applicable);
- (5) House conversions (such as conversion from residential to nonresidential use); or
- (6) Any other application as determined by the Planning Director.

(D) Effect. Following the Technical Review Meeting with the DRC, the applicant may proceed with making the necessary modifications discussed. Once all modifications have been made and the revised development application has been re-submitted to the Planning Department and reviewed by appropriate City departments, the development application may continue through the development process, including being acted upon by the appropriate responsible official, board, commission or City Council as provided for each type of application in this GDC."

Section 2

That Section 1.22, "Pre-Construction Meeting", of Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 1.22 Pre-Construction Meeting

(A) Purpose. The purpose of a Pre-Construction Meeting is to discuss administrative, communication and operating procedures for project construction prior to the issuance of a Site Permit (see Chapter 4, Article 1, Division 3) or Building Permit (see Chapter 4, Article 1, Division 4). A list of typical inspection items, procedures and acceptance criteria for items in public right-of-way and easements will be also be furnished to the applicant.

(B) Requirement. Following the approval of required Site Engineering Drawings and prior to commencement of any construction, the applicant(s) shall attend a required Pre-Construction Meeting with the Engineering Department. Applicants must begin construction within sixty (60) days of any Pre-Construction Meeting. If an applicant fails to

begin construction within sixty (60) days, an additional Pre-Construction Meeting shall be held and the deadline for commencement of construction shall be extended an additional sixty (60) days from said meeting to begin construction. Projects that require a Pre-Construction Meeting are those for which a Site Permit or a Building Permit is required.

(C) Notice.

(1) When the applicant receives notice from the City that the required Site Engineering Drawings have been approved, the project will then be eligible for the required Pre-Construction Meeting.

(2) If appropriate, a single Pre-Construction Meeting may be held for the issuance of both a Site Permit and a Building Permit. However, if the applicant chooses to begin construction of the project prior to approval of a Building Permit, two separate Pre-Construction Meetings shall be required.

(D) Written Records. Written records of Pre-Construction Meetings shall be kept in the office of the Engineering Department as part of the record for each development application or project. A copy of the written record of the Pre-Construction Meeting shall also be provided to any applicant participating in such meeting upon written request by such participant.

(E) Effect. Following the Pre-Construction Meeting, and provided that all other City pre-construction requirements have been met, the applicant shall be issued a Site Permit (and possibly also a Building Permit, if applicable and if all City requirements for a Building Permit have also been met) which allows the applicant to commence with construction of the project."

Section 3

That Chapter 1, "General Provisions" of the Garland Development Code of the City of Garland, Texas, is hereby amended by adding a new Article titled "Fees", and shall read as follows:

"Article 3: Fees

Division One: General provisions

Section 1.40 Fees not exclusive

The fees set forth herein are in addition to any other fees imposed by city ordinance, by state law, or by any other source.

Section 1.41 Non-refundable

Unless otherwise indicated, all fees are non-refundable.

Sections 1.42-1.49 Reserved

Division Two: Engineering fees

Section 1.50 Maps and data service fees

The following schedule of fees for maps and other engineering data apply as follows:

Street map: 24"x36"	Color	\$ 25.00
	Black & White	\$ 5.00
Subdivision map: 5' x 5'	Color	\$125.00
	Black & White	\$ 20.00
Subdivision map: 2' x 3'	Color	1 st - no charge; then \$25.00
	Black & White	\$ 5.00
Standard Construction Details	Book (8½ x 11")	\$ 50.00
	PDF on CD	\$ 25.00
GPS Exhibits	Book (8½ x 11")	\$ 50.00
	PDF on CD	\$ 25.00
Digital data on CD	\$ 25.00 + 1.00 / MB of data	

Section 1.51. Engineering review and inspection fees

(A) Generally. All improvements and facilities placed or constructed in public rights-of-way, access, pedestrian, utility, drainage, and traffic-control easements requiring future maintenance by the City shall be assessed an engineering review and inspection fee to recover administration and inspection costs based on the total construction cost of the improvements including, but not limited to, street paving, alley paving, traffic signals, screening walls, landscaping, storm sewers, sanitary sewers, lift stations, water lines, meters, fire hydrants, drainage structures, channels and appurtenances. The Director of Engineering shall collect the fee in an amount equal to 4% of the value of the improvements as determined from the total contract amount (including change orders) or the probable estimate of construction cost of such improvements and facilities as certified by the developer's engineer of record. All collections will be made payable to the City and shall be deposited by the Director of Engineering in the general fund. The minimum [fee] per development shall be \$100.00. The fee shall be paid in full by the developer prior to the release of engineering plans for construction by the Director of Engineering. True and correct copies of actual construction costs shall be provided in order to verify costs.

(B) Cost overruns; additional fees. If the actual cost of the improvements is 10% or more over the estimate of probable cost, then a significant cost overrun has occurred. In the event of a significant cost overrun, additional Engineering Review and Inspection Fees shall be calculated by multiplying the amount of the cost overrun by 4%."

Section 1.52 Temporary water service fees

(A) A fee as set forth in Section 50.33 of the Garland Code of Ordinances shall be paid by the builder for the setting of a water meter in a subdivision. Such fee shall be paid at the time of the application for the building permit.

(B) Temporary water service for house construction shall be provided after a water meter is set (direct connection

to the water tap is not allowed). A fee as set forth in Section 30.301 of the Garland Code of Ordinances shall be paid for each temporary service. Temporary water service shall not continue more than one hundred twenty (120) days from the date of its initial installation. Temporary water service shall also be removed when final inspection is made on the house.

Section 1.53 Street sign fees

The fee for each street sign assembly required by a subdivision is one hundred fifty dollars (\$150.00) per assembly for standard nine inch (9") blank signs for street names.

Section 1.54 Sidewalk construction permit fee

The fee for a sidewalk permit under this GDC shall be as set forth in the Building Inspection provisions of the Garland Code of Ordinances, and specifically, 30.301.

Sections 1.55-1.69 *Reserved*

Division 3: Impact fees

Section 1.70 Purpose

This Division is intended to assure the provision of adequate public facilities to serve new development in the City by requiring each new development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

Section 1.71 Authority

This Division is adopted pursuant to Chapter 395 of the Texas Local Government Code, the Texas Constitution, and the City Charter. The provisions of this Division shall not be construed to limit the power of the City to utilize other methods authorized under state law or pursuant to other City powers to accomplish the purposes set forth

herein, either in substitution or in conjunction with this Division and the Garland Code of Ordinances. Guidelines may be developed by ordinance, resolution, or otherwise to implement and administer this Division.

Section 1.72 Definitions

For the purposes of this Division, the following definitions shall apply:

(A) *Assessment* means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Division.

(B) "Capital improvements" means either a water facility or a roadway facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.

(C) "Capital Improvements Advisory Committee" means the City Planning and Zoning Commission, together with such ad hoc representatives as may be appointed from time to time, to fulfill the composition mandated by Texas Local Government Code § 395.058.

(D) "Capital improvements plan" means the capital improvements plan adopted by the City Council, as updated and amended pursuant to this article. The capital improvements plan identifies those capital improvements for which impact fees may be imposed by the City, service areas, the maximum fee rate allowed in accordance with Chapter 395 of the Texas Local Government Code, and other pertinent information.

(E) "City" means the City of Garland, Texas.

(F) "Credit" means the amount of the reductions of an impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed.

(G) "Facilities expansion" means either a water facility expansion or a roadway facility expansion.

(H) "Final plat approval" or "approval of a final plat" means the point at which the applicant has complied with

all conditions of approval and the plat has been released for filing with Dallas County.

(I) "Impact fee" means either a fee for water facilities or a fee for roadway facilities imposed on new development by the City pursuant to this Division in order to generate revenue to fund or recoup all or part of the costs of capital improvements or facility expansion necessitated by and attributable to such new development. Impact fees do not include the dedication of property, rights-of-way or easements for such facilities, or the construction of such improvements, imposed pursuant to the City zoning or subdivision regulations, nor do impact fees include fees placed in trust or escrow funds for the purpose of reimbursing developers for oversizing or constructing water or pro rata fees for reimbursement of the City's costs for extending water mains. Impact fees also do not include charges for water services to a wholesale customer such as a water district, political subdivision or the state, or other wholesale utility customer.

(J) "Impact fee capital improvements plan" means either a water improvements plan or a roadway capital improvements plan adopted or revised pursuant to this Division.

(K) "Land use assumptions" means the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the City, as may be amended from time to time, upon which the impact fee capital improvements plan are based.

(L) "Land use equivalency table" means a table converting the demands for capital improvements generated by various land uses to numbers of service units, as may be amended from time to time and which is presented in Section 2.33(D) of this GDC.

(M) "New development" means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any subdivision, development, use or extension of land, that:

(1) Has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity;

(2) Requires either the approval and filing of a plat pursuant to the City's subdivision regulations, the issuance of a building permit, or connection to the City water system; and

(3) Has not been exempted from the application of this Division by provisions contained herein.

(N) "Offset" means the amount of the reduction, in accordance with this Division or administrative guidelines promulgated under this Division, of an impact fee to fairly reflect the value of system facilities provided by a developer pursuant to the City's zoning and subdivision ordinances, regulations or requirements.

(O) "Plat" means any final subdivision plat or final subdivision replat of any lot or tract within the territorial boundaries of the City approved by the Plan Commission under the provisions of chapter 212 of the Texas Local Government Code, Chapter 31 of the Garland Code of Ordinances, or this GDC, excluding, however, any subdivision plat or replat solely for any of the purposes described in Texas Local Government Code § 212.016(a)(1) through (9) (relating to corrections of errors and similar matters). A plat shall be considered approved on the date reflected on the plat as the date of approval by the Plan Commission.

(P) "Property owner" means any person, corporation, legal entity or agent thereof having a legal or equitable interest in the land for which an impact fee becomes due. The term property owner includes the developer of a new development.

(Q) "Roadway" means any principal or minor arterial or collector roadway designated in the City's adopted thoroughfare plan, as may be amended from time to time, and includes any roadway designated as a numbered highway of the official federal or state highway system, to the extent that the City incurs capital improvement costs for such facility.

(R) "Roadway facility" means an improvement or appurtenance to a roadway including, without limitation, rights-of-way (whether conveyed in fee or by easement); intersection improvements; traffic signals and control

devices; turn and deceleration lanes; medians and median cuts; gutters and other drainage facilities associated with the roadway; street lighting; and curbs. Roadway facility also includes any improvement or appurtenance to an intersection with a roadway officially enumerated in the federal or state highway system, and to any improvements or appurtenances to such federal or state highway system, and to any improvements or appurtenances to such federal or state highway, to the extent that the City has incurred capital costs for such facilities, including without limitation local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances and rights-of-way. Roadway facility does not include those improvements or appurtenances to a roadway that constitutes a site-related facility.

(S) "Roadway facility expansion" means the expansion of the capacity of an existing roadway in the City, but does not include the repair, maintenance, modernization, or expansion of an existing roadway to better serve existing development.

(T) "Schedule" or "schedules" means the approved roadway impact fee rate schedule 1 (max fee), the roadway impact fee rate schedule 2 (collection rates), the water impact fee rate schedule 1 (max fee), the water impact fee rate schedule 2 (collection rate), and the official maps of service areas for roadway impact fees and water impact fees, as applicable, then current and in effect as of the date of assessment of impact fees pursuant to this GDC.

(U) "Service area" means either a water service area or a roadway service area within the corporate limits of the City, as identified on the service area map in the capital improvements plan, within which impact fees for capital improvements or facility expansions may be collected for new development occurring within such area.

(V) "Service unit" means, for water facilities, a living unit equivalent based upon a 5/8 displacement type water meter; for roadway facilities, the term means a vehicle mile.

(W) "Site-related facility" means an improvement or facility substantially benefiting or substantially used, or to be used, by a new development, that is not included in

the capital improvements plan, and for which the property owner is solely responsible under subdivision or other applicable regulations governing the new development.

(X) "System facility" means a capital improvement or facility expansion that is designated in the capital improvements plan and is not a site-related facility. System facility may include a capital improvement that is located off site, or within or on the perimeter of the site of the new development.

(Y) "Water facility" means a water transmission line or main, pump station, storage tank, water supply facility, treatment facility or other facility included within and comprising an integral component of the City's water storage or distribution system. Water facility includes land, easements or structures associated with such facilities but excludes site-related facilities.

(Z) "Water facility" expansion means the expansion of the capacity of any existing water facility for the purpose of serving new development, but does not include the repair, maintenance, modernization, or expansion of an existing water improvement to serve existing development.

Section 1.73 Applicability

The provisions of this Division apply to all new, nonexempt development within the corporate boundaries of the City. The provisions of this Division apply uniformly within each service area.

Section 1.74 Impact fee as a condition of development approval

No application for new development shall be approved within the City without assessment of an impact fee pursuant to the article, and no building permit shall be issued unless the applicant has paid the impact fee imposed by and calculated hereunder, unless a different time or method of payment has been authorized by agreement between the City and the property owner.

Section 1.75 Impact Fees per service unit

(A) Impact fees per service unit for each service area shall be calculated, determined, and assessed in accordance with the approved schedules.

(1) Calculate the total projected costs of capital improvements necessitated by and attributable to new development in the service area identified in the capital improvements plan for each category of capital improvements;

(2) Divide the resultant amount by the total number of service units anticipated within the service area, based upon the land use assumptions for that service area; and

(3) From such amount, subtract a credit equal to fifty percent (50%) of the total projected costs.

(B) As an alternative to the calculation made pursuant to subsection (A)(3), the City may, but is not obligated to, incorporate within the capital improvements plan for any category of capital improvements a discount against the total cost of capital improvements, in the amount of the portion of ad valorem tax and utility service revenues, if any, including the payment of debt, to be generated by new service units during the period the capital improvements plan is in effect, including the payment of debt, associated with the capital improvements in the plan.

(C) The impact fee per service unit to be paid by each new development within a service area shall be that established by this article, as such may be amended from time to time, and shall be an amount less than or equal to the maximum impact fee per service unit established in subsection (A), and shall in no event exceed the maximum fee per service unit provided by Texas Local Government Code § 395.015.

(D) The amount of the impact fees to be assessed by water meter type and size or by vehicle mile shall be as set forth in Schedule 1. The amount of the impact fees to be paid by water meter type and size or by vehicle mile shall be as set forth in schedule 2. Impact fee schedules may be amended from time to time utilizing an amendment procedure set forth in this article.

Section 1.76 Assessment of impact fees

(A) Assessment of the impact fee for any new development shall be made as follows:

(1) For land that is unplatted at the time of application for a building permit or utility connection, or for a new development that received final plat approval prior to April 16, 1991, and for which no replatting is necessary pursuant to the City subdivision regulations prior to development, assessment of impact fees shall occur at the time application is made for the building permit or utility connection, whichever first occurs, and shall be the amount of the maximum impact fee per service unit as set forth in schedule 1 then in effect.

(2) For a new development submitted for approval pursuant to the City's subdivision regulations on or after April 16, 1991, or for which replatting results in an increase in the number of service units after such date, assessment of impact fees shall be at the time of final plat approval, and shall be the amount of the maximum impact fee per service unit as set forth in schedule 1 then in effect.

(B) Following assessment of the impact fee, the amount of the impact fee assessment per service unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or other development application, that results in approval of additional service units, in which case a new assessment shall occur at the schedule 1 rate then in effect for such additional service units.

(C) Following the vacating of any plat or submittal of any replat, a new assessment must be made in accordance with subsection (A)(2).

(D) Approval of an amended plat pursuant to Texas Local Government Code § 212.016 and the City's subdivision regulations is not subject to reassessment for an impact fee.

Section 1.77 Payment and collection of impact fees

(A) Impact fees shall be collected at the time the City issues a building permit.

(B) The impact fees to be paid and collected by water meter size or by vehicle mile shall be the amount listed in schedule 2. The City may enter into an agreement with a developer for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.

(C) The City shall compute the impact fees for the new development in the following manner:

(1) The amount of each impact fee shall be determined by multiplying the number of service units generated by the new development by the impact fee per service unit for the service area using schedule 2. The number of service units shall be determined by using the land equivalency table shown in attachment 1.

(2) The amount of each impact fee shall be reduced by any allowable offsets or credits for that category of capital improvements, in the manner provided in section 1.178 of this GDC.

(3) The total amount of the impact fees for the new development shall be calculated and attached to the development application as a condition of approval.

(D) If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees shall be computed using schedule 2 then in effect, with credits for previous payment of fees being applied against the new fees due.

(E) If the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using schedule 2 then in effect, and such additional fee shall be collected at the times prescribed by this section.

Section 1.78 Offsets and credits against impact fees

(A) Under the provisions of this section and pursuant to administrative guidelines promulgated by the City, the present value of any system facility dedicated to the City by the person against whom impact fees were assessed, which has been approved and accepted by the City, may be offset or credited against the amount of the impact fee due for that category of capital improvement. The offset or credit may not be transferred, applied or assigned to another development.

(B) All offsets or credits against impact fees shall be based upon the standards contained in the City's administrative guidelines. No offset or credit shall be given for the dedication or construction of site-related facilities.

(C) No offset or credit shall be given for an oversized facility that is not identified within the applicable capital improvements plan, unless the City agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for offsets or credits are incorporated in an agreement for capital improvements pursuant to a development agreement.

(D) In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to these impact fee regulations or otherwise, or for any amount exceeding the total impact fees due for the development for that category of capital improvements, unless expressly agreed to by the City in writing.

(E) The City may participate in the costs of a system improvement to be dedicated to the City, including costs that exceed the amount of the impact fees due for the development for that category of capital improvements, in accordance with policies and rules established under the City's subdivision regulations or the administrative guidelines. The amount of any offset shall not include the amount of the City's participation.

(F) Offsets and credits created after September 30, 2004 shall expire ten years from the date the offset or credit

was created. Offsets or credits arising prior to that date shall expire ten years from that date.

Section 1.79 Establishment of accounts

(A) An account or accounts shall be established to which interest is allocated for each service area for each category of capital facility for which an impact fee is imposed pursuant to this Division. Each impact fee collected within the service area shall be deposited in such account.

(B) Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in this Division.

(C) The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in this Division. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Division; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten years from the date the fee is deposited into the account.

(D) Financial records for impact fees shall be kept and maintained showing the source and disbursement of all fees collected in or expended from each service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. I

Section 1.80 Appeals

(A) The property owner or applicant for new development may appeal the following administrative decisions to the City Council:

- (1) The applicability of an impact fee to the development;
- (2) The amount of the impact fee due;

- (3) The availability of, the amount of, or the expiration of an offset or credit;
- (4) The application of an offset or credit against an impact fee due;
- (5) The amount of the impact fee in proportion to the benefit received by the new development; or
- (6) The amount of a refund due, if any.

(B) The burden of proof is on the property owner/applicant to demonstrate the basis of the appeal. A notice of appeal must be submitted in writing and shall be filed with the Director of Planning within thirty days following the assessment of impact fees under this Division. If the appeal pertains to assessments on non-residential development, the Director of Planning shall forward a copy of the notice of appeal to the Director of Economic Development who shall promptly provide any recommendations on the merits of the appeal to the Director of Planning prior to submission of the appeal to the City Council.

Section 1.81 Refunds

(A) Upon written application submitted to the Director of Planning, any impact fee or portion thereof collected pursuant to this Division that has not been recouped or expended within the service area prior to or within ten years from the date of payment, shall be refunded to the record owner of the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in chapter 302.002, Texas Finance Code or its successor statute. An application for refund pursuant to this section shall be submitted within sixty days after the expiration of the ten-year period for expenditure of the fee. an impact fee shall be considered expended on a first-in, first-out basis.

(B) An impact fee collected pursuant to this Division shall be considered expended if the total expenditures for

capital improvements or facility expansion for the service area prior to or within ten years following the date of payment exceeds the total fees collected within the service area for such improvements or expansions during such period.

(C) Upon application, any impact fee or portion thereof collected pursuant to this Division shall be refunded if:

(1) Existing service is available and service is denied;

(2) Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

(3) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

(D) If a refund is due under this section, the City shall divide the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(E) If the building permit for a new development for which an impact fee has been paid has expired, no tap purchases for that category of capital improvements have been made to the development, and a modified or new application has not been filed within six months of such expiration, the City shall, upon written application, rebate the amount of the impact fee to the record owner of the property for which the impact fee was paid. If no application for rebate pursuant to this subsection has been filed within this period, no rebate shall become due.

Section 1.82 Updates to plans and revisions of fees

(A) The City shall update its land use assumptions and capital improvements plan at least every five years, commencing from the date of adoption of such plans, and shall recalculate the impact fees based thereon in accordance with the procedures set forth in Chapter 395 of the Texas Local Government Code.

(B) The City may review its land use assumptions, impact fees, capital improvements plan and other factors such as market conditions more frequently than provided in subsection (A) to determine whether the land use assumptions and capital improvements plan should be updated and the impact fee recalculated accordingly, or whether schedules 1 or 2 should be changed. Schedule 2 may be amended without revising land use assumptions and capital improvements plan at any time prior to the update provided for in subsection (A), provided that the impact fees to be collected under schedule 2 do not exceed the impact fees assessed under schedule 1.

(C) If, at the time an update is required pursuant to subsection (A), the City Council determines that no change to the land use assumptions, capital improvements plan or impact fee is needed, it may dispense with such update by following the procedures provided in Texas Local Government Code § 395.0575.

(D) The City may amend the land use equivalency table (attachment 1) at any time prior to the update provided for in subsection (A); provided that the number of service units associated with a land use already identified on the land use equivalency table shall not be increased.

Section 1.83 Functions of Capital Improvements Advisory Committee

(A) The Capital Improvements Advisory Committee shall perform the following functions:

- (1) Advise and assist the City in adopting land use assumptions;
- (2) Review the capital improvements plan and file written comments on impact fees;

(3) Monitor and evaluate implementation of the capital improvements plan;

(4) Advise the City of the need to update or revise the land use assumptions, capital improvements plan and impact fees; and

(5) File a semiannual report evaluating the progress of the capital improvements plan and identifying any perceived inequities in implementing the plans or administering the impact fees.

(B) The City shall make available to the Capital Improvements Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

Section 1.84 Development Agreements

(A) An owner of a new development may construct or finance a capital improvement or facility expansion designated in the impact fee capital improvements plan, if required or authorized by the City, by entering into an agreement with the City prior to the issuance of any building permit for the development. The agreement shall identify the estimated cost of the improvement or expansion, the schedule for initiation and completion of the improvement or expansion, a requirement that the improvement be designed and completed to City standards, a requirement as to performance and payment bonds ensuring the proper and timely completion of the improvement or expansion, and such other terms and conditions as deemed necessary by the City. The agreement shall provide for the method to be used to determine the amount of the offset or credit to be given against impact fees due for the development.

(B) The City and such owner either may agree that the costs incurred or funds advanced will be offset or credited against the impact fees otherwise due from the new development, or they may agree that the City shall reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, or from other funding sources. In the event that the City elects to reimburse an owner for the dedication, construction or financing of a

capital improvement or facility expansion designated in the capital improvements plan, the terms of reimbursement shall be incorporated in the agreement required by subsection (A). An agreement under this section shall be in all respects subject to the availability of City funds, including current and projected impact fee fund accounts.

Section 1.85 Exceptions and Exemptions

Notwithstanding anything to the contrary in this article, no impact fees shall be payable in any of the following circumstances:

(A) The new development consists of an irrigation system connected to a new water meter located on residential property on which existing single-family or duplex dwellings are already served through a separate water meter and the new meter is used primarily for landscape irrigation; or

(B) If the City Council determines that a waiver of impact fees for the new development will result in significant economic benefits for the City that substantially exceed the likely amount of impact fees that would otherwise be payable by providing an incentive for capital investment in the City and the creation or retention of jobs.

Section 1.86 Impact fee as additional and supplemental regulation

(A) Impact fees established by this Article are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of buildings permits, the connection of water taps, or certificates of occupancy. Impact fees are intended to be consistent with and to further the policies of the City's comprehensive land use plan, the capital improvements plan, the zoning ordinance, subdivision regulations and other City ordinances, resolutions, and policies by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(B) This Article shall not affect, in any manner, the permissible use of property, density of development,

design, and improvement standards and requirements, or any other aspect of the development of land or the provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

(C) Except as otherwise provided in this article, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment that is or may be lawfully imposed on and due against the property.

Section 1.87 Petition for relief

Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the City Council to determine whether any duty required by this article has not been performed within the time so prescribed. The petition shall be in writing and shall state specifically the nature of the unperformed duty and request that the duty be performed within sixty days of the request. If the City Council determines that the duty is required pursuant to the article and is late in being performed, it shall cause the duty to commence within sixty days of the date of the request and to continue until completion. This subsection is not applicable to matters which may be appealed pursuant to Section 1.80.

Section 1.88 Impact Fee Schedule 1

(A) Roadway Impact Fee Rate Schedule (Max Fee)

Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev- Unit		2016 Maximum Fee SAA	2016 Maximum Fee SAB	2016 Maximum Fee SAC	2016 Maximum Fee SAD
PORT AND TERMINAL								
Truck terminal	030	Acre	39.30		\$40,558	\$81,783	\$104,577	\$58,400
INDUSTRIAL								
General light industrial	110	1,000 SF GFA	5.82		\$6,006	\$12,111	\$15,487	\$8,649
General heavy industrial	120	1,000 SF GFA	4.08		\$4,211	\$8,490	\$10,857	\$6,063
Industrial park	130	1,000 SF GFA	5.10		\$5,263	\$10,613	\$13,571	\$7,579

Warehousing	150	1,000 SF GFA	1.92		\$1,981	\$3,996	\$5,109	\$2,853
Mini-warehouse	151	1,000 SF GFA	1.56		\$1,610	\$3,246	\$4,151	\$2,318
RESIDENTIAL								
Single-family detached housing	210	Dwelling unit	4.90		\$5,057	\$10,197	\$13,039	\$7,281
Apartment/multifamily	220	Dwelling unit	3.03		\$3,127	\$6,305	\$8,063	\$4,503
Residential condominium/townhome	230	Dwelling unit	2.55		\$2,632	\$5,307	\$6,786	\$3,789
Mobile home park/manufactured housing	240	Dwelling unit	2.89		\$2,982	\$6,014	\$7,690	\$4,295
Senior adult housing-detached	251	Dwelling unit	1.32		\$1,362	\$2,747	\$3,513	\$1,962
Senior adult housing-attached	252	Dwelling unit	1.22		\$1,259	\$2,539	\$3,246	\$1,813
Assisted living	254	Beds	1.08		\$1,115	\$2,247	\$2,874	\$1,605
LODGING								
Hotel	310	Room	1.93		\$1,992	\$4,016	\$5,136	\$2,868
Motel/other lodging facilities	310	Room	1.51		\$1,558	\$3,142	\$4,018	\$2,244
RECREATIONAL								
Golf driving range	432	Tee	4.91		\$5,067	\$10,218	\$13,066	\$7,296
Golf course	430	Acre	1.18		\$1,218	\$2,456	\$3,140	\$1,753
Recreational community center	495	1,000 SF GFA	10.77		\$11,115	\$22,412	\$28,659	\$16,004
Ice skating rink	465	1,000 SF GFA	9.27		\$9,567	\$19,291	\$24,667	\$13,775
Miniature golf course	431	Hole	1.30		\$1,342	\$2,705	\$3,459	\$1,932
Multiplex movie theater	445	Screens	53.61		\$55,326	\$111,562	\$142,656	\$79,664
Racquet/tennis club	491	Court	13.17		\$13,591	\$27,407	\$35,045	\$19,571
INSTITUTIONAL								
Church	560	1,000 SF GFA	2.29		\$2,363	\$4,765	\$6,094	\$3,403
Day-care center	565	1,000 SF GFA	12.06		\$12,446	\$25,097	\$32,092	\$17,921
Primary/middle school (1–8)	522	Students	0.28		\$289	\$583	\$745	\$416
High school	530	Students	0.23		\$237	\$479	\$612	\$342
Junior/community college	540	Students	0.63		\$650	\$1,311	\$1,676	\$936
University/college	550	Students	0.89		\$918	\$1,852	\$2,368	\$1,323
MEDICAL								
Clinic	630	1,000 SF GFA	25.51		\$26,326	\$53,086	\$67,882	\$37,908
Hospital	610	1,000 SF GFA	4.58		\$4,727	\$9,531	\$12,187	\$6,806
Nursing home	620	Beds	1.08		\$1,115	\$2,247	\$2,874	\$1,605

Animal hospital/veterinary clinic	640	1,000 SF GFA	16.25		\$16,770	\$33,816	\$43,241	\$24,148
OFFICE								
Corporate headquarters building	714	1,000 SF GFA	8.46		\$8,731	\$17,605	\$22,512	\$12,572
General office building	710	1,000 SF GFA	8.94		\$9,226	\$18,604	\$23,789	\$13,285
Medical-dental office building	720	1,000 SF GFA	17.58		\$18,143	\$36,584	\$46,780	\$26,124
Single tenant office building	715	1,000 SF GFA	10.44		\$10,774	\$21,726	\$27,781	\$15,514
Office park	750	1,000 SF GFA	8.88		\$9,164	\$18,479	\$23,630	\$13,196
COMMERCIAL								
Automobile related								
Automobile care center	942	1,000 SF Occ. GLA	4.16		\$4,293	\$8,657	\$11,070	\$6,182
Automobile parts sales	843	1,000 SF GFA	7.59		\$7,833	\$15,795	\$20,197	\$11,279
Gasoline/service station	944	Vehicle fueling position	4.82		\$4,974	\$10,030	\$12,826	\$7,163
Gasoline/service station w/conv market	945	Vehicle fueling position	3.56		\$3,674	\$7,408	\$9,473	\$5,290
Gasoline/service station w/conv market and carwash	946	Vehicle fueling position	3.66		\$3,777	\$7,616	\$9,739	\$5,439
New car sales	841	1,000 SF GFA	4.67		\$4,819	\$9,718	\$12,427	\$6,940
Quick lubrication vehicle shop	941	Servicing positions	6.92		\$7,141	\$14,401	\$18,414	\$10,283
Self-service carwash	947	Stall	1.99		\$2,054	\$4,141	\$5,295	\$2,957
Automated carwash	948	Stall	5.08		\$5,243	\$10,571	\$13,518	\$7,549
Tire store	848	1,000 SF GFA	6.65		\$6,863	\$13,839	\$17,696	\$9,882
Dining								
Fast food restaurant with drive-thru window	934	1,000 SF GFA	46.05		\$47,524	\$95,830	\$122,539	\$68,430
Fast food restaurant without drive-thru window	933	1,000 SF GFA	36.89		\$38,070	\$76,768	\$98,164	\$54,819
High turnover (sit-down) restaurant	932	1,000 SF GFA	17.03		\$17,575	\$35,439	\$45,317	\$25,307
Quality restaurant	931	1,000 SF GFA	12.72		\$13,127	\$26,470	\$33,848	\$18,902
Coffee/donut shop with drive-thru window	937	1,000 SF GFA	29.08		\$30,011	\$60,515	\$77,382	\$43,213
Other retail								
Freestanding discount store	815	1,000 SF GFA	9.77		\$10,083	\$20,331	\$25,998	\$14,518
Nursery (garden center)	817	1,000 SF GFA	13.61		\$14,046	\$28,322	\$36,216	\$20,224
Home improvement superstore	862	1,000 SF GFA	3.39		\$3,498	\$7,055	\$9,021	\$5,038

Pharmacy/drugstore w/o drive-thru window	880	1,000 SF GFA	11.06		\$11,414	\$23,016	\$29,431	\$16,435
Pharmacy/drugstore w/drive-thru window	881	1,000 SF GFA	14.14		\$14,592	\$29,425	\$37,627	\$21,012
Shopping center	820	1,000 SF GFA	6.86		\$7,080	\$14,276	\$18,254	\$10,194
Supermarket	850	1,000 SF GFA	17.00		\$17,544	\$35,377	\$45,237	\$25,262
Toy/children's superstore	864	1,000 SF GFA	9.77		\$10,083	\$20,331	\$25,998	\$14,518
Department store	875	1,000 SF GFA	3.67		\$3,787	\$7,637	\$9,766	\$5,454
SERVICES								
Walk-in bank	911	1,000 SF GFA	16.20		\$16,718	\$33,712	\$43,108	\$24,073
Drive-in bank	912	Drive-in lanes	39.20		\$40,454	\$81,575	\$104,311	\$58,251
Hair salon	918	1,000 SF GLA	2.27		\$2,343	\$4,724	\$6,040	\$3,373

(B) Water Impact Fee Schedule 1 (Max Fee)

Meter Size*	Maximum Continuous Operating Capacity (GPM)**	Service Unit Equivalent	Maximum Assessable Fee
5/8" x 3/4" PD	10	1	\$593.00
3/4" PD	15	1.5	\$890.00
1" PD	25	2.5	\$1,483.00
1-1/2" PD	50	5	\$2,965.00
2" PD	80	8	\$4,744.00
2" Compound	80	8	\$4,744.00
2" Turbine	160	16	\$9,488.00
3" Compound	175	17.5	\$10,378.00
3" Turbine	350	35	\$20,755.00
4" Compound	300	30	\$17,790.00
4" Turbine	650	65	\$38,545.00
6" Compound	675	67.5	\$40,028.00
6" Turbine	1,400	140	\$83,020.00
8" Compound	900	90	\$53,370.00
8" Turbine	2,400	240	\$142,320.00
10" Turbine	3,500	350	\$207,550.00

*PD = Positive Displacement Meter (Typical Residential Water Meter)

** Operating capacities obtained from American Water Works (AWWA) C-700, C-701 & C-702

Section 1.89 Impact fee Schedule 2.

(A) Roadway Impact Rate Schedule 2 (Collection Rates)

	ITE Land Use Code	Developme nt Unit	Veh -Mi Per Dev - Unit	Percent of Max. Collecte d	2016 Collecti on Rate SAA	Percent of Max. Collecte d	2016 Collecti on Rate SAB	Percent of Max. Collecte d	2016 Collecti on Rate SAC	Percent of Max. Collecte d	2016 Collecti on Rate SAD
PORT AND TERMINAL											
Truck terminal	030	Acre	39.3 0	45%	\$18,251	22%	\$18,251	17%	\$18,251	31%	\$18,251
INDUSTRIAL											
General light industrial	110	1,000 SF GFA	5.82	15%	\$901	7%	\$901	6%	\$901	10%	\$901
General heavy industrial	120	1,000 SF GFA	4.08	15%	\$632	7%	\$632	6%	\$632	10%	\$632
Industrial park	130	1,000 SF GFA	5.10	15%	\$789	7%	\$789	6%	\$789	10%	\$789
Warehousing	150	1,000 SF GFA	1.92	15%	\$297	7%	\$297	6%	\$297	10%	\$297
Mini-warehouse	151	1,000 SF GFA	1.56	15%	\$241	7%	\$241	6%	\$241	10%	\$241
RESIDENTIAL											
Single-family detached housing	210	Dwelling unit	4.90	60%	\$3,034	30%	\$3,034	23%	\$3,034	42%	\$3,034
Apartment/multifami ly	220	Dwelling unit	3.03	60%	\$1,876	30%	\$1,876	23%	\$1,876	42%	\$1,876
Residential condominium/townh ome	230	Dwelling unit	2.55	60%	\$1,579	30%	\$1,579	23%	\$1,579	42%	\$1,579
Mobile home park/manufactured housing	240	Dwelling unit	2.89	60%	\$1,789	30%	\$1,789	23%	\$1,789	42%	\$1,789
Senior adult housing- detached	251	Dwelling unit	1.32	60%	\$817	30%	\$817	23%	\$817	42%	\$817
Senior adult housing- attached	252	Dwelling unit	1.22	60%	\$755	30%	\$755	23%	\$755	42%	\$755
Assisted living	254	Beds	1.08	60%	\$669	30%	\$669	23%	\$669	42%	\$669
LODGING											
Hotel	310	Room	1.93	45%	\$896	22%	\$896	17%	\$896	31%	\$896
Motel/other lodging facilities	320	Room	1.51	45%	\$701	22%	\$701	17%	\$701	31%	\$701
RECREATIONAL											

Golf driving range	432	Tee	4.91	45%	\$2,280	22%	\$2,280	17%	\$2,280	31%	\$2,280
Golf course	430	Acre	1.18	45%	\$548	22%	\$548	17%	\$548	31%	\$548
Recreational community center	495	1,000 SF GFA	10.77	45%	\$5,002	22%	\$5,002	17%	\$5,002	31%	\$5,002
Ice skating rink	465	1,000 SF GFA	9.27	45%	\$4,305	22%	\$4,305	17%	\$4,305	31%	\$4,305
Miniature golf course	431	Hole	1.30	45%	\$604	22%	\$604	17%	\$604	31%	\$604
Multiplex movie theater	445	Screens	53.61	45%	\$24,896	22%	\$24,896	17%	\$24,896	31%	\$24,896
Racquet/tennis club	491	Court	13.17	45%	\$6,116	22%	\$6,116	17%	\$6,116	31%	\$6,116
INSTITUTIONAL											
Church	560	1,000 SF GFA	2.29	45%	\$1,063	22%	\$1,063	17%	\$1,063	31%	\$1,063
Day-care center	565	1,000 SF GFA	12.06	45%	\$5,601	22%	\$5,601	17%	\$5,601	31%	\$5,601
Primary/middle school (18)	522	Students	0.28	45%	\$130	22%	\$130	17%	\$130	31%	\$130
High school	530	Students	0.23	45%	\$107	22%	\$107	17%	\$107	31%	\$107
Junior/community college	540	Students	0.63	45%	\$293	22%	\$293	17%	\$293	31%	\$293
University/college	550	Students	0.89	45%	\$413	22%	\$413	17%	\$413	31%	\$413
MEDICAL											
Clinic	630	1,000 SF GFA	25.51	45%	\$11,847	22%	\$11,847	17%	\$11,847	31%	\$11,847
Hospital	610	1,000 SF GFA	4.58	45%	\$2,127	22%	\$2,127	17%	\$2,127	31%	\$2,127
Nursing home	620	Beds	1.08	45%	\$502	22%	\$502	17%	\$502	31%	\$502
Animal hospital/veterinary clinic	640	1,000 SF GFA	16.25	45%	\$7,547	22%	\$7,547	17%	\$7,547	31%	\$7,547
OFFICE											
Corporate headquarters building	714	1,000 SF GFA	8.46	45%	\$3,929	22%	\$3,929	17%	\$3,929	31%	\$3,929
General office building	710	1,000 SF GFA	8.94	45%	\$4,152	22%	\$4,152	17%	\$4,152	31%	\$4,152
Medical-dental office building	720	1,000 SF GFA	17.58	45%	\$8,164	22%	\$8,164	17%	\$8,164	31%	\$8,164
Single tenant office building	715	1,000 SF GFA	10.44	45%	\$4,848	22%	\$4,848	17%	\$4,848	31%	\$4,848
Office park	750	1,000 SF GFA	8.88	45%	\$4,124	22%	\$4,124	17%	\$4,124	31%	\$4,124
COMMERCIAL											
Automobile related											
Automobile care center	942	1,000 SF Occ. GLA	4.16	45%	\$1,932	22%	\$1,932	17%	\$1,932	31%	\$1,932
Automobile parts sales	843	1,000 SF GFA	7.59	45%	\$3,525	22%	\$3,525	17%	\$3,525	31%	\$3,525
Gasoline/service	944	Vehicle	4.82	45%	\$2,238	22%	\$2,238	17%	\$2,238	31%	\$2,238

station		fueling position									
Gasoline/service station w/conv market	945	Vehicle fueling position	3.56	45%	\$1,653	22%	\$1,653	17%	\$1,653	31%	\$1,653
Gasoline/service station w/conv market and carwash	946	Vehicle fueling position	3.66	45%	\$1,700	22%	\$1,700	17%	\$1,700	31%	\$1,700
New car sales	841	1,000 SF GFA	4.67	45%	\$2,169	22%	\$2,169	17%	\$2,169	31%	\$2,169
Quick lubrication vehicle shop	941	Servicing positions	6.92	45%	\$3,214	22%	\$3,214	17%	\$3,214	31%	\$3,214
Self-service carwash	947	Stall	1.99	45%	\$924	22%	\$924	17%	\$924	31%	\$924
Automated carwash	948	Stall	5.08	45%	\$2,359	22%	\$2,359	17%	\$2,359	31%	\$2,359
Tire store	848	1,000 SF GFA	6.65	45%	\$3,088	22%	\$3,088	17%	\$3,088	31%	\$3,088
Dining											
Fast food restaurant with drive-thru window	934	1,000 SF GFA	46.05	45%	\$21,386	22%	\$21,386	17%	\$21,386	31%	\$21,386
Fast food restaurant without drive-thru window	933	1,000 SF GFA	36.89	45%	\$17,132	22%	\$17,132	17%	\$17,132	31%	\$17,132
High turnover (sit-down) restaurant	932	1,000 SF GFA	17.03	45%	\$7,909	22%	\$7,909	17%	\$7,909	31%	\$7,909
Quality restaurant	931	1,000 SF GFA	12.72	45%	\$5,907	22%	\$5,907	17%	\$5,907	31%	\$5,907
Coffee/donut shop with drive-thru window	937	1,000 SF GFA	29.08	45%	\$13,505	22%	\$13,505	17%	\$13,505	31%	\$13,505
Other retail											
Freestanding discount store	815	1,000 SF GFA	9.77	45%	\$4,537	22%	\$4,537	17%	\$4,537	31%	\$4,537
Nursery (garden center)	817	1,000 SF GFA	13.61	45%	\$6,320	22%	\$6,320	17%	\$6,320	31%	\$6,320
Home improvement superstore	862	1,000 SF GFA	3.39	45%	\$1,574	22%	\$1,574	17%	\$1,574	31%	\$1,574
Pharmacy/drugstore w/o drive-thru window	880	1,000 SF GFA	11.06	45%	\$5,136	22%	\$5,136	17%	\$5,136	31%	\$5,136
Pharmacy/drugstore w/ drive-thru window	881	1,000 SF GFA	14.14	45%	\$6,567	22%	\$6,567	17%	\$6,567	31%	\$6,567
Shopping center	820	1,000 SF GLA	6.86	45%	\$3,186	22%	\$3,186	17%	\$3,186	31%	\$3,186
Supermarket	850	1,000 SF GFA	17.00	45%	\$7,895	22%	\$7,895	17%	\$7,895	31%	\$7,895
Toy/children's superstore	864	1,000 SF GFA	9.77	45%	\$4,537	22%	\$4,537	17%	\$4,537	31%	\$4,537
Department store	875	1,000 SF GFA	3.67	45%	\$1,704	22%	\$1,704	17%	\$1,704	31%	\$1,704
SERVICES											
Walk-in bank	911	1,000 SF	16.2	45%	\$7,523	22%	\$7,523	17%	\$7,523	31%	\$7,523

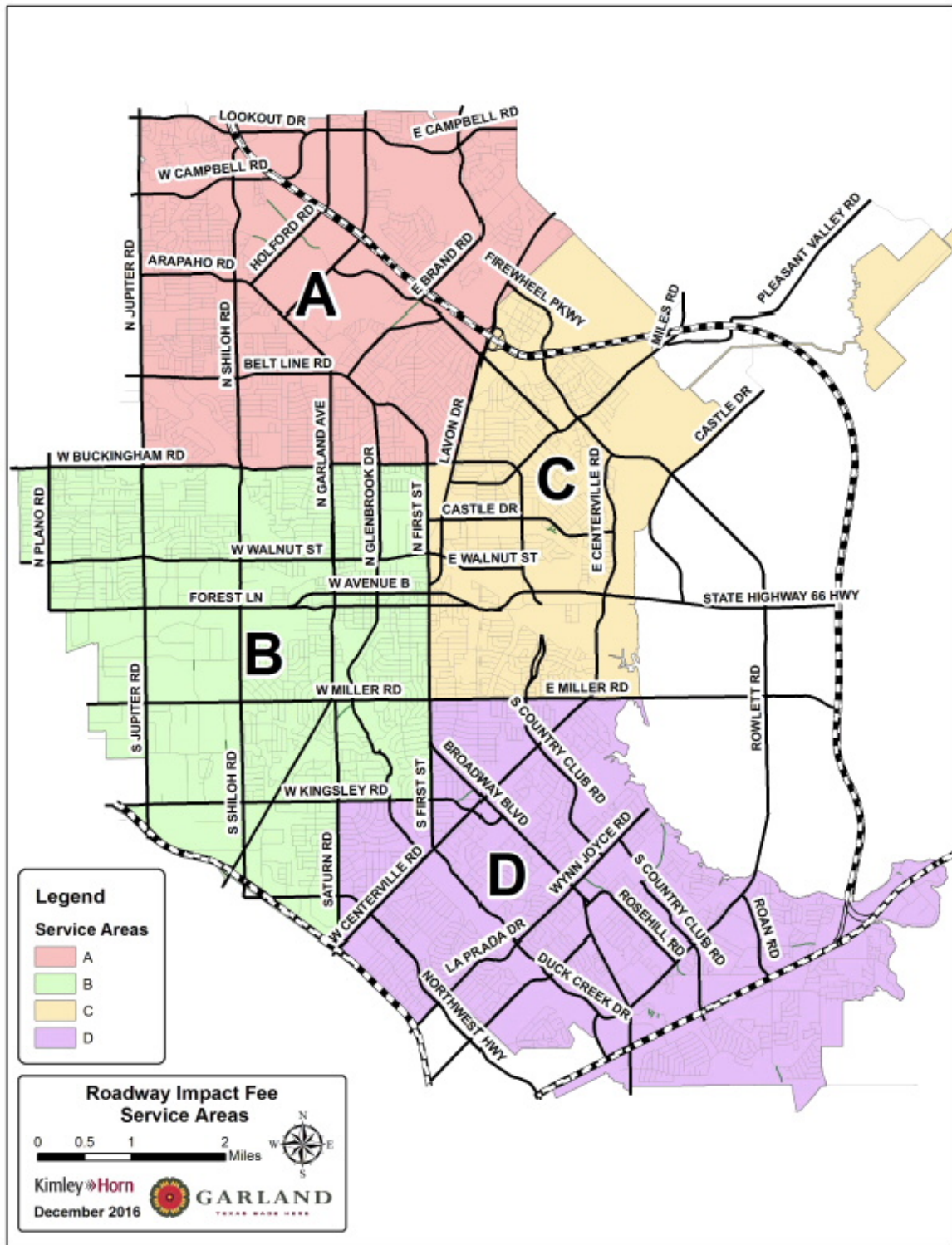
		GFA	0								
Drive-in bank	912	Drive-in lanes	39.20	45%	\$18,204	22%	\$18,204	17%	\$18,204	31%	\$18,204
Hair salon	918	1,000 SF GLA	2.27	45%	\$1,054	22%	\$1,054	17%	\$1,054	31%	\$1,054

(B) Water Impact Fee Rate Schedule 2 (Collection Rate)

Meter Size*	Maximum Continuous Operating Capacity (GPM)**	Service Unit Equivalent	Maximum Assessable Fee
5/8" x 3/4" PD	10	1	\$593.00
3/4" PD	15	1.5	\$890.00
1" PD	25	2.5	\$1,483.00
1-1/2" PD	50	5	\$2,965.00
2" PD	80	8	\$4,744.00
2" Compound	80	8	\$4,744.00
2" Turbine	160	16	\$9,488.00
3" Compound	175	17.5	\$10,378.00
3" Turbine	350	35	\$20,755.00
4" Compound	300	30	\$17,790.00
4" Turbine	650	65	\$38,545.00
6" Compound	675	67.5	\$40,028.00
6" Turbine	1,400	140	\$83,020.00
8" Compound	900	90	\$53,370.00
8" Turbine	2,400	240	\$142,320.00
10" Turbine	3,500	350	\$207,550.00
*PD = Positive Displacement Meter (Typical Residential Water Meter)			
** Operating capacities obtained from American Water Works (AWWA) C-700, C-701 & C-702			

(C) Consult the service area maps in Sections 1.90-1.91 to determine the service area.

Section 1.90 Garland Roadway Impact Fee Service Areas



Section 1.91 Garland Water System Service Area



Section 4

That Section 3.01, "Applicability", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.01 Applicability.

(A) Applicability.

(1) No Building Permit shall be issued for any building or structure on a property until a plat has been approved and filed for record, unless specifically exempted herein.

(2) The provisions of this Chapter 3 shall apply to the following forms of land subdivision and development activity within the City's limits and its extraterritorial jurisdiction (ETJ):

(a) Any non-exempt (see Section 3.03 of this Chapter 3) division of land into two or more tracts, lots, sites or parcels;

(b) Any combination or re-subdivision of separate land parcels;

(c) Any construction of, addition to, or relocation of any structure for which a Building Permit is required, if the property is not already platted (replatting a property may be necessary to add or modify easements, to shift or change lot lines, or other similar changes to the property's recorded plat);

(d) Any development or use of land that does not involve construction or use of a permanent building (one that only uses a temporary building or no building at all), except when the only change to the use of the land or buildings is a change of user, a change of Certificate of Occupancy, or an interior-only remodel; and

(e) Any development or use of land that

will require the construction, or the reconstruction, of any required public improvement(s).

(3) The subdivision of a property, or the sale of a portion of a property, by metes and bounds rather than as a platted lot of record is a violation of this GDC and state law unless specifically exempted in Section 3.03 of this Chapter 3. An unauthorized subdivision of land may be grounds for the City to withhold or deny connection to utilities, construction and Building Permits, and Certificates of Occupancy until the property is properly platted in accordance with this GDC.

(B) Subdivision Rules. The provisions of this Chapter 3, the standards governing constructed facilities applicable to plats in other portions of this GDC and the City Code, and the City's Technical Standards, as adopted by the City Council, as may be amended and approved by the Director of Engineering, constitute the City's rules for the subdivision and development of land that lies within the City's corporate limits and within its ETJ.

(C) Technical Standards. The City's Technical Standards are those as defined in Chapter 6 of this GDC.

(D) Conflict Among Technical Standards. The City's Technical Standards shall control and prevail to the extent of any conflict with the provisions of the NCTCOG's Standard Specifications for Public Works Construction in North Central Texas, latest edition."

Section 5

That subsection (A), "Exemptions" of Section 3.03, "Exemptions", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.03 Exemptions

(A) Exemptions. The following land divisions are exempt from the requirements of this GDC that apply to plats:

(1) Existing cemeteries that comply with all state and local laws governing the establishment, operation, and maintenance of cemeteries, to the extent of individual sales and conveyances of burial plots within the cemetery; and

(2) A division of land created by an order of a court of competent jurisdiction, provided however, that prior to construction of improvements on any portion of the parcels created by the court order, a plat meeting the requirements of this GDC shall be approved and recorded prior to the issuance of permits; and

(3) A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated."

Section 6

That Section 3.06, "General Application Requirements & Processing", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.06 General Application Requirements & Processing

(A) Pre-Submittal Meeting. Prior to the official submission of a complete plat application or Site Engineering Drawings, the applicant(s) shall attend a Pre-Submittal Meeting as provided by Section 1.15 of Chapter 1, unless such meeting is waived by the Planning Director and by the Director of Engineering.

(B) Application Contents. Submittal requirements for all types of plat and development applications are set forth in the City's Development Application Packet, as amended. It is the applicant's responsibility to be familiar with, and to fully comply with, the City's requirements for submission, review, and approval of any plat or development application.

(C) General Plat Application Requirements. For all types of plats, a Working Plat shall be submitted through the City Engineering Department for review and shall achieve acceptable status. Once acceptable status is achieved, the

applicant shall submit a complete plat application in accordance with Section 1.16 of Chapter 1 that meets all requirements of the City's Development Application Packet, as amended.

(D) Review and Approval Process. The review and approval process for all plat applications shall be administered in accordance with the City's *Development Application Packet*, as amended.

(E) Utility Providers. Prior to the approval and filing of a Final Plat, the applicant shall contact all utility providers (including gas, telephone, electric and cable television providers servicing the site) and shall provide on the proposed Plat any utility service easements a utility provider may require to serve the area contained in the proposed Plat. Such utility service easements shall be included in and depicted on the Final Plat. Approval of a Final Plat is subject to the correct placement and depiction of both on-site and off-site easements required by the utility providers that will provide utility services to the area contained in the Plat. If no response is provided by a utility provider(s) regarding the establishment of easements for the provider's facilities, then the Final Plat may be approved without such utility easements, and future acquisition of such easements shall be the responsibility of the applicant or of the utility provider(s), as applicable. The applicant shall provide, along with the Final Plat application, documentation of the reasonable attempts by the applicant, prior to submission of the Final Plat, to obtain all utility providers' comments regarding necessity for easements."

Section 7

That Section 3.08, "Application & Procedures", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.08 Application & Procedures

(A) Application Submission and Processing. A completed application for Preliminary Plat approval must be submitted, and will be processed, in accordance with Section 3.06 of this Chapter 3 and the procedures set forth

in the City's *Development Application Packet*, as amended.

(B) Pre-Submittal Meeting. All applicants intending to submit a Preliminary Plat application shall attend a Pre-Submittal Meeting with the Development Review Committee (DRC) in accordance with Chapter 1, Section 1.15.

(C) Accompanying Applications. Before filing an application for a Preliminary Plat, the applicant must submit full Site Engineering Drawings and a Working Plat. The Working Plat shall be reviewed and must achieve acceptable status prior to submission of the Plat application. However, approval of the Plat application and approval of the Site Engineering Drawings are separate approvals. The approvals are governed by Division 2 of Article 2 of this Chapter 3 for the Preliminary Plat, and by Division 1 of Article 6 of this Chapter 3 for the Site Engineering Drawings.

(D) Review Process. A Preliminary Plat application shall be reviewed by the Development Review Committee (DRC) and the Planning Director. The standards of review and approval process for a Preliminary Plat are set forth in the City's *Development Application Packet*, as amended."

Section 8

That Section 3.15, "Application & Procedures", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.15 Application & Procedures

(A) Application Submission and Processing. A complete application for Final Plat approval shall be submitted and will be processed in accordance with Section 3.06 of this Chapter 3 and the City's Development Application Packet, as amended.

(B) Review Process. A Final Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's Development Application Packet, as amended. The Planning Director shall schedule the Final Plat application for Plan Commission consideration in accordance with Section 3.04 of

this Chapter 3.

(C) Accompanying Documents. Before filing an application for a Final Plat, an applicant must submit required Site Engineering Drawings and a Working Plat. The Working Plat shall be reviewed and must have achieved acceptable status in accordance with the procedures set forth in the City's Development Application Packet, as amended. Approval of the Final Plat application and approval of the Site Engineering Drawings are separate approvals. The approvals are governed by Division 3 of Article 2 of this Chapter 3 for the Final Plat, and by Division 1 and Division 3 of Article 6 of this Chapter 3 for the Site Engineering Drawings and Subdivision Improvement Agreements, respectively.

(D) Prior Approved Preliminary Plat. The Final Plat and all accompanying data shall conform to the Preliminary Plat (if one was required) as approved, incorporating all conditions imposed or required by the Planning Director (or by the Plan Commission on appeal), if applicable."

Section 9

That Section 3.22, "Purpose and Applicability", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.22 Purpose & Applicability

(A) Purpose. The purpose of a Minor Plat is to facilitate divisions of land under the circumstances described in Section 212.0065 of the Texas Local Government Code.

(B) Applicability. An application for a Minor Plat may be approved under the following circumstances:

(1) The proposed plat or replat results in four or fewer lots;

(2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this GDC; and

(3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision, however, right-of-way dedication and the establishment of new on-site easements (or off-site easements, via separate instrument) are allowed as part of, and shall be shown on, a Minor Plat."

Section 10

That Section 3.40, "Amending Plat (administrative approval)", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.40 Amending Plat (administrative approval)

(A) Purpose. The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with state law.

(B) Applicability. The procedures for amending plats apply only if the sole purpose of the amending plat is for one or more of the following purposes:

(1) Correct an error in a course or distance shown on the preceding plat;

(2) Add a course or distance that was omitted on the preceding plat;

(3) Correct an error in a real property description shown on the preceding plat;

(4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) Correct any other type of scrivener or clerical error or omission previously approved by

the City, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

(a) Both lot owners join in the application for amending the plat;

(b) Neither lot is abolished;

(c) The amendment does not attempt to remove recorded covenants or restrictions; and

(d) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;

(8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) Relocate one or more lot lines between one or more adjacent lots if:

(a) The owners of all those lots join in the application for amending the plat;

(b) The amendment does not attempt to remove recorded covenants or restrictions; and

(c) The amendment does not increase the number of lots;

(10) Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(a) The changes do not affect applicable zoning and other regulations of the City;

(b) The changes do not attempt to amend or remove any covenants or restrictions; and

(c) The area covered by the changes is

located in an area that the Plan Commission or City Council has approved, after a public hearing, as a residential improvement area;
or

(11) Replat one or more lots fronting on an existing street if:

(a) The owners of all those lots join in the application for amending the plat;

(b) The amendment does not attempt to remove recorded covenants or restrictions;

(c) The amendment does not increase the number of lots; and

(d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(C) Application Submission and Processing. A complete application for approval of an Amending Plat shall be submitted, and will be processed, in accordance with the procedures set forth in the City's Development Application Packet, as amended, and Section 3.06 of this Chapter 3. An Amending Plat application must comply with all application and recordation requirements of a Final Plat.

(D) Review Process. An Amending Plat application shall be reviewed by the DRC and the Planning Director, in accordance with the procedures set forth in the City's Development Application Packet, as amended. The Planning Director shall take action on the Amending Plat application, or shall schedule the application for Plan Commission consideration, in accordance with Section 3.04 of this Chapter 3.

(E) Partial Amending Plat Application. For an Amending Plat that involves only a portion of the lots in an original subdivision, such Amending Plat shall show enough of the surrounding original subdivision lots and streets to clearly depict where the affected lot(s) is situated. The Planning Director may determine how much of, or if all of, the original subdivision shall be shown on an Amending Plat. All Amending Plats shall clearly cite the specific

lot(s) that is being changed, along with a detailed "Purpose for Amending Plat" statement.

(F) Notice. In accordance with state law, the approval of an Amending Plat does not require notice, public hearing, or approval of other lot owners.

(G) Review and Determination. The Planning Director shall review the Amending Plat application, the findings of the DRC, and any other information submitted with the application. From all such information, the Planning Director shall determine whether the Amending Plat application complies with the regulations of this GDC.

(H) Action by Planning Director. The Planning Director shall either approve the Amending Plat as submitted by the applicant, or shall refer the Amending Plat to the Plan Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with Section 3.04 of this Chapter 3.

(I) Appeal. The applicant may appeal any decision of the Plan Commission (upon referral by the Planning Director) to deny an Amending Plat application to the City Council. The appeal shall be processed and decided in accordance with applicable provisions of Article 1, Division 1 of Chapter 5 of this GDC.

(J) Criteria for Approval. The Director shall decide whether to approve or to refer approval of an Amending Plat application by determining whether the Amending Plat makes only those changes to the recorded plat that are allowed under Subsection (B) above and by state law.

(K) Effect of Approval. The approval of an Amending Plat authorizes the applicant to seek approval of a Site Permit (refer to Article 1, Division 3 in Chapter 4 of this GDC) or a Building Permit (refer to Article 1, Division 4 in Chapter 4 of this GDC).

(L) Recordation.

(1) *Same as Final Plat*. Recordation procedures are the same as those for the recordation of a Final Plat in Section 3.19 of this Chapter 3.

(2) *Controlling.* Upon recordation at the applicable county, an Amending Plat is controlling over the previously recorded plat without vacation of the previously recorded plat.

(M) Expiration.

(1) *No Expiration after Recordation.* An Amending Plat does not expire after it is approved by the City and recorded with the applicable county.

(2) *Expiration if not Recorded.* If an approved Amending Plat is not timely recorded pursuant to Section 3.19 of this Chapter 3, then it is null and void.

(N) Replat or Amending Plat. Revisions to an Amending Plat may only be approved as a REPLAT (Section 3.39 of this Chapter 3) or as another Amending Plat (this Section 3.40)."

Section 11

That Section 3.42, "General Policies", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.42 General Policies

(A) Adequate Service for Areas Proposed for Development. Land proposed for development in the City and in the City's ETJ must be adequately served by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, drainage facilities and park facilities. Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or until provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site.

(1) *Street Access.* A Plat will not be approved unless:

(a) All of the proposed lots have street

access that complies with the City's Technical Standards Manual; and

(b) All of the proposed lots have direct access to a public or private street that is improved to the City's minimum design and paving standards (or to a public street that will be improved to the City's standards during construction of the proposed development), or to an approved public access easement, improved to public street standards and that is connected to an improved public street. The Planning Director may waive or amend the street access requirements where improved street access is not practical due to the physical characteristics of the land.

(2) *Water*. A Plat will not be approved unless all of the proposed lots have direct access to a public water system in a manner capable of providing adequate water for health and emergency purposes to the development and all lots within the development.

(a) All lots shall be provided with the ability to directly connect to a looped water main providing water flow from at least two directions or sources.

(b) Water service shall be sufficient to meet the fire flow requirements for all lots within the proposed development, except where a suitable alternative means of fire protection is approved by the Fire Department.

(3) *Wastewater*. A Plat will not be approved unless all of the proposed lots are served by, or have direct access to, an approved means of wastewater collection and treatment. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the wastewater system as provided in the Technical Standards.

(4) *Storm Drainage*. Increased stormwater runoff

attributable to new development may not be allowed to cause impacts to adjoining, upstream or downstream properties and shall not exceed the existing capacity of the downstream drainage system. Impacts include an increase in runoff - in volume and velocity - between pre- and post-development conditions, and erosion on another property. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the City may require the phasing of development, the use of control methods such as retention or detention, or may require the developer to obtain off-site drainage easements or to construct off-site drainage improvements as means of mitigation.

(B) Developer Responsibility for Adequate Facilities. The developer shall be responsible for the following:

(1) Phasing of development or improvements in order to ensure the provision of adequate public facilities; each phase must be capable of existing as an independent unit each of which separately conform to the requirements in the City's Technical Standards.

(2) Extensions of public facilities and roadways (including any necessary on-site and off-site facilities) to connect to existing public facilities;

(3) Providing and procuring all necessary property interests, including rights-of-way and easements, for the facilities (whether on-site or off-site);

(4) Providing proof to the City of adequate public facilities through a capacity analysis for water, wastewater and drainage facilities;

(5) Making reasonable provisions for future expansion of the public facilities that serve the development in order to accommodate future developments by extending water, wastewater and drainage lines to the

limits of the development which may include complying with the City's oversize and pro rata participation program requirements, if applicable;

(6) Providing for the future operation and maintenance of facilities that serve a public purpose but that will not be dedicated to the public;

(7) Providing monetary or other form of approved security to ensure full performance for the completion of construction of public facilities for the development;

(8) Obtaining approvals from utility providers (other than the City) that will provide utility services to the development; and

(9) Complying with the requirements, which may include obtaining permits and other approvals, of authorities and non-City utility providers that may have jurisdiction over or which will serve the project or an aspect of the project. A non-exclusive example is the necessity of obtaining approvals from a railroad or the Dallas Area Rapid Transit Authority for a railroad crossing that will serve the project. The City is not responsible for ensuring compliance with such requirements or for obtaining or issuing such permits and approvals unless otherwise provided by law. Proof of compliance with such requirements (including copies of permit and other authorizations) shall be submitted by the developer to the City."

Section 12

That Section 3.43, "Conformance to Plans", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.43 Conformance to Plans

(A) Capital Improvements Generally. Proposed capital improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

(B) Major Thoroughfare Plan. No Final Plat shall be approved for any subdivision within the City or its ETJ until there is adequate provision for thoroughfares as shown on the Major Thoroughfare Plan, as approved by the City.

(1) *No Amendment Necessary.* Subject to approval of the Director of Transportation, whenever a street connection or alignment is made, whether or not it is similar to the exact alignment shown on the Major Thoroughfare Plan, no other Major Thoroughfare Plan amendment shall be necessary. The design and construction of the proposed thoroughfare shall be in conformance with the City's master plans for thoroughfares and with the Technical Standards, and shall be subject to approval by the Directors of Transportation and Engineering. Such approvals shall be required prior to Final Plat approval.

(2) *Amendment Necessary.* If a different roadway type is proposed or if the connection is not proposed to be made, then the Major Thoroughfare Plan shall be amended prior to Final Plat approval, and upon provision of a Traffic Impact Analysis (TIA) of the proposed amendment in accordance with Article 5, Division 5 of this Chapter 3.

(C) Water and Wastewater Plans.

(1) *Construction Requirements.*

(a) All public water and wastewater mains shall be located in the frontage along streets, or in easements adjacent to the development, in order to provide service to adjacent property.

(b) Water and wastewater lines shall be extended along the entire frontage of the development adjacent to a street. If the development is not adjacent to a street, water and wastewater lines shall be extended in such a manner as to allow convenient future connections to new developments. If new developments will never be constructed beyond the development under construction due to physical constraints, the Director of Engineering may waive this requirement.

(c) Public water and wastewater mains shall not be located within a private street, drive or access easement unless a city utility easement is provided for the mains.

(d) No portion of a building or structure shall encroach over or into any public easement.

(e) A utility easement for water or wastewater between two lots must be entirely contained within a single lot.

(f) When it is necessary to relocate or replace an existing water or wastewater facility to accommodate a proposed subdivision, the developer is responsible for all costs associated with the relocation including the acquisition of necessary easements, except for oversize participation.

(2) *Construction Plans.* Plans for construction of all water and wastewater facilities required by this GDC shall be prepared in accordance with the requirements and specifications contained in the City's Technical Standards, the regulations of the Texas Commission on Environmental Quality (TCEQ) or its successor agency, and the City's current adopted Fire Code. Plans for the improvements shall be prepared by an engineer licensed in the State of Texas, and shall be in a form and format acceptable to the Director of Engineering.

(3) *Acquisition of Easements.* The developer shall be responsible for the acquisition of all required off-site easements.

(4) *No Warranty of Availability.* The City makes no representations or warranties that water supply or wastewater capacity will be available at any particular time or place.

(5) *Lines Generally.* Water or wastewater service lines shall not cross any adjacent lot. The public main shall be extended so as not to require the service to extend across another lot. Public water and wastewater mains adjacent to a roadway owned by a governmental entity other than the City shall be constructed outside the right-of-way in a separate easement unless otherwise agreed by those entities and the City."

Section 13

That Section 3.45, "Responsibilities of the Developer", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby renamed and amended in its entirety to read as follows:

"Section 3.45 Responsibilities of the Developer

(A) General Dedication and Construction Requirements. The developer of a proposed development has an obligation to dedicate such land and interests in land, and to construct water, wastewater, road, and storm drainage facilities needed to adequately serve the proposed development.

(B) Facilities Impact Studies and Schematic Engineering Drawings.

(1) The City may require that a developer submit one or more public facilities studies and Schematic Engineering Drawings, as defined in the Technical Standards Manual, regarding the proposed development in order to assist the City in determining whether the proposed development will be supported with adequate levels of public facilities and services concurrent with the

demand for the facilities created by the development.

(2) The study shall identify, at a minimum, the adequacy of existing facilities, the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service, assuming development at the intensity proposed in the development application.

(3) The City may require, at the time of approval of a subsequent development application (such as a Final Plat), an update of a public facilities study approved in connection with a prior development application (such as a Preliminary Plat)."

Section 14

That Section 3.46, "Timing and Relief", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.46 Timing & Relief

(A) Timing of Dedication & Construction.

(1) Initial Provision for Dedication or Construction. The developer shall submit for approval Schematic Engineering Drawings that demonstrate a proposed development will be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including:

- (a) An application for a change in zoning for the property (including establishing a Specific Use Provision (SUP), a Planned Development (PD) zoning district, or an overlay zoning district);
- (b) A petition for an annexation agreement or an annexation development agreement;
- (c) An application for any type of plat;

- (d) A Detail Plan;
- (e) A Preliminary Development Plan; or
- (f) A Downtown Development Plan.

*As a condition of approval of the development application, the City may require the dedication of rights-of-way or easements for, and construction of, capital improvements to serve the proposed development.

(2) Deferral of Obligation.

(a) The obligation to dedicate rights-of-way for, and to construct, one or more capital improvements to serve a new phased development may be deferred by the Director of Engineering, upon written request by the applicant, until approval of a subsequent development application for a later phase of a phased development. However, each separate phase of a development must be adequately served by all required public facilities such that each phase can exist independently without reliance upon a future phase for such facilities.

(b) As a condition of deferring the obligation, the City may require that the developer enter into a Subdivision Improvement Agreement pursuant to Article 6, Division 3 of this Chapter 3, specifying the time for dedication of rights-of-way for, or construction of, capital improvements serving the development.

(B) Relief from Obligations. In order to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of capital improvements, credit or offset the obligations against payment of impact fees (see Article 3, Division 3 in Chapter 1 of this GDC), or relieve the property owner of some or part of the obligations in response to a petition for relief from a dedication or

construction requirement pursuant to Article 1, Division 2 in Chapter 5 of this GDC."

Section 15

That Section 3.47, "Roadway Participation - Improvement of Adjacent (Perimeter) Roads and Utilities", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.47 Roadway Participation - Improvement of Adjacent (Perimeter) Roads and Utilities

(A) Improvement of the Proportional Share of an Adjacent Road.

(1) When an area within a proposed development, whether residential or nonresidential:

(a) Abuts on one or both sides of an existing road or City utility facility, or a planned or future road, drainage or City utility facility as shown on the City's Major Thoroughfare Plan or adopted plans related to water and wastewater; and

(b) Improvements to an adjacent road are necessitated by and attributable to the development, the developer shall bring the following facilities to City standards, or replace them such that they meet City standards, according to the development's proportional share:

i. Road facilities, including but not limited to adjacent and appurtenant sidewalks, bike lanes, barrier-free ramps, storm drainage facilities, medians, median openings, left turn lanes, and water quality or erosion controls;

ii. Traffic mitigation facilities, including but not limited to signalization, medians, access and

deceleration lanes; and

iii. City utility facilities.

(2) If the developer of a project disputes the City's proportional share calculation, the Developer shall prepare and submit a proportional share study to the City at the developer's sole expense (see Article 1, Division 2 in Chapter 5 of this GDC).

(B) Calculation of Minimum Proportional Share.

(1) Subject to Section 3.44 of this Chapter 3, the developer's share of improvements to a perimeter road is at minimum the equivalent of one-half of any adjacent street, along the entire front footage of the subdivision, depending upon the type of the abutting street as shown on the City's Major Thoroughfare Plan.

(2) Subject to Section 3.44 of this Chapter 3, the developer's minimum share of improvements to a roadway when a subdivision is to be located on both sides of a roadway is the full width of a local roadway, including the curbs and other roadway appurtenances. The roadway shall be improved by the developer on each side of the road along the entire length of the subdivision.

(3) The City may participate in the costs of perimeter roads in excess of the developer's proportional share obligations, in cases where perimeter road costs are not borne by another public entity, and in cases where the application of the standards in this Section 3.47 result in a disproportional burden on the development, as determined in accordance with Article 1, Division 2 in Chapter 5 of this GDC.

(C) Participation in Construction of Other Necessary Facilities. Adjustments shall be made to the developer's proportionate share to the extent that the developer is required to participate in the construction or cost of construction of region-serving public facilities such as highways, major bridges, and drainage projects that serve a drainage basin rather than local drainage.

(D) Improvements. All streets abutting a development shall be improved, and rights-of-way platted, in accordance with the standards prescribed herein. If the developer widens existing pavement, the existing pavement shall be cut back a distance required by the Director of Engineering to assure adequate sub-base and pavement joint before additional paving material is placed.

(1) Existing Boundary Streets. For boundary streets existing to some degree, for example, by previous partial dedication or prescriptive easement, the following standards apply.

(a) For all classifications of such streets, the developer shall dedicate, to the extent of whatever interest the developer may have in the area to be dedicated, one-half of the additional right-of-way necessary to comprise the full street width required. Dedication of more than half of this additional increment may be required, in some instances, to maximize use of existing roadway and to ensure a consistent street alignment with a minimum of undesirable curvature.

(b) For all streets classified as A, B, C, D, E, F, or G, except highways to be completed by others, the developer is required to pave one-half the additional portion of street right-of-way remaining to be paved, according to the adopted Major Thoroughfare Plan. If the Director of Engineering determines that unusual circumstances exist such that the present construction of required improvements should be deferred, in lieu of constructing the required improvements at the time of developing the project, the developer may request one of the following options:

i. The developer may contribute to the City its proportional share of an amount of money necessary to complete all paving, curbing, storm drainage facilities, traffic improvements, and

associated City utilities required but not installed as part of the development project. These funds shall be held, and eventually disposed of, in the manner described within Article 4, Division 3 of this Chapter 3 (Escrow Policies and Procedures) for the City to construct at a later date;

ii. The developer may, by written request to the Director of Engineering, defer the obligation to a later date until approval of a subsequent application for a later phase of a phased development. If approved, the developer's obligations shall be set forth in a Subdivision Improvement Agreement per Article 6, Division 3 of this Chapter 3;

iii. The developer may, with City Council approval, execute a Development Agreement, prior to development, that runs with the ownership of the land and that obligates the person who owns the land to place into a City cash escrow fund (see Article 4, Division 3 of this Chapter 3) the amount of money necessary to cover the developer's proportional share of the cost of all required public street improvements. The Development Agreement shall be in a City-approved form, signed by the property owner, notarized, and filed with the official property records of the applicable county;

iv. If the adjacent street is not part of a pending capital improvement project, in lieu of construction the developer must pay the additional roadway impact fees as provided on Schedule 1 in Section 1.88 of this GDC. Any previously paid roadway impact fees or other offset or credits under Section 1.78 of this GDC will be credited to the developer. The

remaining balance must be paid prior to issuance of a Site Permit and will be collected as additional roadway impact fees.

(2) *New Boundary Streets.* For new boundary streets forming part of the subdivision boundary, the following standards apply:

(a) *Local Streets.* Where a local street forms part of the subdivision boundary, the developer shall dedicate right-of-way sufficient to make such street conform to requirements of Article 5, Division 4 of this Chapter 3. The developer shall also improve such street in conformance with all standards and specifications of the City, including installation of curbs on both sides of the street. Local street sections and specifications can be found in the Technical Standards.

(b) *Other Streets.* Where a proposed thoroughfare (other than a local street) forms part of a subdivision boundary, the developer shall dedicate one-half of the additional right-of-way necessary to comprise the full street width required by Article 5, Division 4 of this Chapter 3. Dedication of more than half of this additional increment may be required, in some instances, to maximize the use of existing streets and to ensure a consistent street alignment with a minimum of undesirable curvature in accordance with the Technical Standards. The developer shall also improve such street in conformance with all standards and specifications of the City, including installation of curbs on both sides of the street (minimum width allowable is that of a local street section).

(c) *Highway.* If the right-of-way for a highway lies adjacent to or forms part of the subdivision boundary and the highway will be completed by authorities other than

the City, no paving improvements for such shall be required of the developer."

Section 16

That Section 3.49(A), "Escrow Deposit", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"(A) Amount & Responsibility. If the City Council agrees to accept escrow deposits, or if a developer voluntarily elects to deposit funds in escrow under Section 3.48(B) above, in lieu of construction by the property owner, the property owner shall deposit in escrow with the City cash in an amount equal to the owner's share of the costs of design, construction, permits, reviews and approvals, inspections, any additional land acquisition, and an appropriate inflation factor as per the Engineering News-Record, based upon an average of the previous five years' inflation rates projected over the following two years, to ensure that the actual "future dollar" costs will be covered when actual construction occurs in the future.

(1) The amount shall be reviewed by the Director of Engineering and, if approved, shall be paid prior to issuance of a Site Permit.

(2) The obligations and responsibilities of the property owner shall become those of the property owner's transferees, successors and assigns; and the liability therefor shall be joint and several.

. . ."

Section 17

That Section 3.52, "Pro Rata Charge Established", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.52 Pro Rata Charge Established

(A) Application of Charges & Calculation. A pro rata charge shall be assessed for the land to be served by the extension of water or wastewater mains, and shall be paid prior issuance of a Site Permit. Subject to the provisions contained in Sections 3.53 and 3.57 of this GDC, the pro rata charge shall be calculated by determining one-half the average actual cost of eight-inch water and wastewater lines accepted by the City during the most current twelve-month period of October 1 through September 30. Average actual costs shall be revised annually on October 1 of each year using the cost of developer-installed lines in the average. The Director of Engineering shall compute the actual charge on an annual basis, and shall make such computation available to the public.

(B) Independent Payment. The payment of pro rata charges is independent of, and shall be paid in addition to, any applicable tap charges and water or sewer impact fees (see Division 3 of Chapter 1, Article 1 of this GDC). Provided however, if a developer would be entitled to a pro rata refund under this Division 4, the developer may disclaim that right to a refund and assign that right to the City in exchange for a credit against applicable tap charges and impact fees, as applicable."

Section 18

That Section 3.53, "Extension for Property Subdivided or Platted for Development - Basis", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.53 Extension for Property Subdivided or Platted for Development - Basis

(A) Platting Required. Where extensions of water and wastewater systems are required to serve property which has been subdivided or platted for development, water and wastewater facilities may be extended to the property on the following basis and in accordance with minimum standards and procedures described in this Section 3.53. It shall be unlawful to serve or connect any lot, tract or land parcel, or any part thereof, or for the use of the owner or purchaser of such land, or any part thereof, with water and sewer connections, unless and until such lot,

tract, or land parcel shall be platted in conformance with the platting requirements of the City, and until a Final Plat (or other recordable plat) has been approved by the Plan Commission and filed for record at the applicable county. Where future extension is anticipated, lines shall be constructed to the limits of the development.

(B) Extensions within Property To Be Developed.

(1) *Refund of Oversize.* Developers of property shall defray the entire cost of water and wastewater systems within the boundaries of the subdivision, except that the City will refund the oversized cost of any water main or sewer main inside such subdivided area larger than eight inches in size, unless such larger size is required to serve the development in question. Such size of water main and wastewater main for adequate service shall be determined by the developer and reviewed by the Director of Engineering, whose decision shall be final. Refunds of oversize cost will be made upon acceptance of the system by the City (refer to Article 6, Division 4 of this Chapter 3).

(2) *Size of Mains.* Mains lying along one or more sides of a subdivided tract which serve property other than the subdivision for which the extensions are made:

(a) For mains eight inches and smaller, the developers will be refunded upon request one-half of the current average actual cost of the size main constructed when the adjacent property is developed.

(b) For mains larger than eight inches in size, the developer will be refunded the difference between cost of the larger main required and the cost of an eight-inch main, the difference to be determined from the prices bid on the contract for installing utilities in this addition. Payment on the City's part will be due upon completion of the utilities in the project and acceptance by the City (refer to Article 6, Division 4 of this Chapter 3).

(c) Where water or wastewater mains lie along one or more sides of a development and serve that development exclusively, such mains will be considered "on-site mains."

(d) Where good planning dictates it is to the advantage of the City to require any property owner or developer to plat his lots so that houses will back up to a street or thoroughfare, then the water or sewer lines will be located in the street and will serve only one side of the street, and the City will pay one-half of the construction cost of these water and/or sewer lines.

(C) Where Main Is In Place, In or Adjacent to the Property To Be Developed.

(1) If an existing water main or sewer main lies in a street, alley or easement in or along an area or tract of land to be subdivided and developed for resale that does not have an existing meter or wastewater service tap, before extensions from or connections to such line will be made by a developer, the developer shall pay into the water utility fund the current average actual cost per lineal foot of water line and sewer line. If such main lies along the development and serves one side only, one-half these costs shall be paid unless such lines serve the development in question exclusively. Such money shall be paid to the water utility fund and will constitute a charge for use of such water or wastewater main in place.

(2) An exception to the normal pro rata charge for water or sewer may be made on any existing water or sewer line that runs along one or more sides of a five-acre or larger sized land tract that has not been subdivided. An exception may also be made for a single residential user on land tracts that have not been subdivided and that lie largely (more than seventy-five percent by area) within an official 100-year floodplain as defined in this GDC. Before any connection to such line shall be made, the applicant shall pay

a charge based on sixty feet of frontage and in accordance with the above rates. Such payment does not exempt the remainder of the property from being charged pro rata charges under this Division 4 at such time as it is platted or developed."

Section 19

That Section 3.57, "Time Limit on City's Obligation to Refund Charges", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.57 Time Limit on City's Obligation to Refund Charges

(A) Time Period. A pro rata refund account established under this Division 4 shall be maintained by the City for a period of ten years following the date the completed extension was accepted by the City. If qualifications for a refund have not been met within such ten year period, the funds remaining in the pro rata refund account shall revert to the City and the City shall have no further obligation with respect to the refunding of or accounting for such funds.

(B) Original Developer. A pro rata refund shall be made only to the developer who originally incurred the installation costs to which the refund pertained where pro rata fees have actually been collected by the City from subsequent developers. The refund shall be based upon the amount of pro rata fees actually collected by the subsequent developers for the subject line(s).

(C) Extension By Developer. If an extension is installed by a developer in or adjacent to an existing subdivision to serve the subdivision being developed by the developer, no pro rata charge shall be collected from any lot within the existing subdivision and no pro rata refund shall be due to the developer making the extension."

Section 20

That Section 3.62, "Plan Review", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.62 Schematic Drainage Plan Review

A Schematic Stormwater Plan (SSP) shall be submitted to the City for review prior to submission of a Detail Plan, Preliminary Development Plan, or any type of plat that involves construction pursuant to Subsection 3.61(B) above (whichever occurs first). Schematic Drainage Plan requirements are in the Technical Standards, and basic information regarding the site shall be provided including, but not limited to, the following:

(A) An engineer-scaled drawing showing the topography of the property on and within fifty feet of the development.

(B) An estimate of the proposed increase/decrease in pervious area.

(C) Existing and proposed drainage patterns, storm sewer layout, sizes, inlets and retaining walls on the site.

(D) One-hundred-year runoff entering and leaving the site and disposition of the stormwater runoff before and after development.

(E) Existing stormwater controls on the site.

(F) A brief description of any proposed stormwater controls that will be designed for the site (such as whether runoff will be conveyed through a storm sewer system, whether there be a detention pond(s), or whether runoff will be conveyed to an existing system). The description must show the location and preliminary sizing of off-site improvements required to connect to the public drainage system, including any easement needs where applicable."

Section 21

That Section 3.69, "Plan Review", of Chapter 3, "Subdivision Regulations", of the Garland Development Code

of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.69 Wastewater System Requirements

(A) Site Engineering Drawings & Details. The location of all wastewater improvements shall be shown on the Site Engineering Drawings.

(B) Wastewater System Layout.

(1) The layout shall be designed in such a manner that the sewers may not be laid on less than the minimum grade specified by the TCEQ, and in accordance with the Technical Standards.

(2) Profiles of sewers showing the grades and depths shall be submitted to the City as part of Preliminary Plat and Final Plat approval requirements, and shall be subject to review and approval by the Director of Engineering.

(C) Manholes. Manholes shall be located according to the City's Technical Standards.

(D) Branches. Branch sewer services, one for each lot and not less than four inches in inside diameter (or per the Technical Standards, as applicable), shall be installed.

(E) Lift Stations. All lift stations shall be designed and constructed in conformance with the latest TCEQ regulations. Detailed design data and plans and specifications of lift stations shall be submitted to the City as part of Preliminary Plat and Final Plat approval requirements, and shall be subject to review and approval by the Director of Engineering and by the Water Department.

(F) On-Site Wastewater Facilities.

(1) *Location.* For those areas where the City determines that a connection to the central sewer system is not available, then the City may approve an on-site treatment system that complies with local, county, state and federal regulations.

(2) *Approval by County.* Plans for an on-site wastewater facility, as well as actual installation of such, shall be subject to approval by the applicable county's health department prior to Preliminary Plat approval.

(3) *Standards.* On-site wastewater facilities shall be provided in accordance with the applicable county's health department standards and controlling local, state and federal regulations.

(4) *Soil Considerations.* Wastewater disposal facilities requiring soil absorption systems may be prohibited where such systems will not function properly due to high groundwater, flooding, or unsuitable soil characteristics.

(5) *Water Service & Lot Size.* Platted subdivisions served by a public water supply, having lots using individual subsurface methods for wastewater disposal shall have a surface area of at least one acre. Platted subdivisions served by an individual water supply well and an individual wastewater disposal system shall maintain a minimum of a one hundred and fifty foot radius around the well in which no subsurface wastewater system may be constructed, and each lot shall contain not less than one acre.

(6) *Existing & Future Systems.* Existing on-site sewerage facilities shall be upgraded by the owner, at the owner's expense, if the operation of the facility does not comply with current government regulations or results in objectionable odors, unsanitary conditions or groundwater pollution. All new development and construction, either in the City or its ETJ, shall conform to these requirements."

Section 22

That Section 3.74, "General Requirements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its

entirety to read as follows:

"Section 3.74 General Requirements

(A) Design & Construction. All paving within a street right-of-way in a subdivision shall be reinforced concrete and streets shall be designed and constructed according to the City's Technical Standards.

(B) Consideration of Natural Features. The streets in a subdivision shall be platted with regard to the creeks, wooded areas, and other topographical features lending themselves to attractive design.

(C) Intersections & Block Lengths. Intersecting cross-streets shall be a maximum of twelve hundred feet apart, thus requiring the length of blocks to be a maximum of twelve hundred feet, unless otherwise approved by the Director of Transportation and the Director of Engineering.

(D) Extension of Existing Streets.

(1) The arrangement of streets shall provide for the continuation and extension of streets of the width and right-of-way shown on the Major Thoroughfare Plan of the City, or as recommended by the Plan Commission.

(2) All new street extensions shall be continuations of existing streets at the same or greater width and bearing the same street names.

(3) Wherever the right-of-way width of a street transitions to a greater or lesser width, the transition shall not occur within an intersection but within the street right-of-way so that the right-of-way shall be the same on both sides of a street intersection.

(E) Dedication Minimum. No right-of-way dedication shall be less than fifty feet in width, unless otherwise approved by the Director of Transportation and the Director of Engineering.

(F) Intersection Street Angles. No intersecting street shall be platted with the angle included between adjoining streets lines less than eighty degrees nor more than one hundred degrees. Minimum tangency for intersecting streets

and alleys will be in accordance with the City's Technical Standards.

(G) Dead-End Streets & Cul-De-Sacs. Dead-end streets shall be platted where the subdivision adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof. Where dead-end streets are otherwise necessary, a cul-de-sac will be required with a maximum length of seven hundred and fifty feet and an end turnaround radius of not less than that required by the Fire Code.

(H) Street Signs.

(1) Street signs shall be installed by the developer at all intersections within and abutting the subdivision. These signs shall be of a type approved by the City, and shall be installed according to the Technical Standards.

(2) Upon filing a final subdivision plat, the developer shall pay a fee for street name sign assemblies, in accordance with Section 1.53 of this GDC."

Section 23

That Section 3.80, "Requirements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.80 Requirements

(A) Design & Construction. Alleys shall be designed and constructed according to the City's Technical Standards Manual.

(B) Alleys Required. Alleys are required for all residential subdivisions of two (2) or more lots.

(C) Waiver. The Director of Engineering may authorize an Alley Waiver only for a subdivision having four or fewer lots, or the Plan Commission may authorize a Development Variance (in accordance with Article 1, Division 4 in Chapter 5 of this GDC) to the requirement for alleys. The

requirement for alleys may be waived or varied only if each of the following conditions are met:

(1) A minimum ten-foot wide utility easement (or other size, as determined by the Director of Engineering or by the applicable utility provider) is provided on each lot adjacent to the street right-of-way, in accordance with Chapter 5, [Article 1,] Division 4 of this GDC;

(2) No lot-to-lot surface drainage exists or will result within the subdivision;

(3) The subdivision design allows for an efficient solid waste collection pattern;

(4) Adequate area is dedicated for drainage facilities and utilities;

(5) Adequate on- and off-street parking is provided; and

(6) Waiver or variance from the requirement for alleys will not adversely affect other properties.

(D) Alley Width.

(1) Alleys shall be not less than twenty feet in right-of-way width and paved with reinforced concrete, in accordance with the City's Technical Standards.

(2) Additional paving width shall be provided at all intersections and turns in the alley alignment, per the Technical Standards. Curves or turns in alleys shall be in accordance with the Technical Standards such that they will accommodate turning movements of sanitation trucks, fire apparatus and other large vehicles.

(E) Alley Length. Alleys may not exceed the maximum length set forth in the City's Technical Standards Manual, as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets (at the right-of-way line of the street at the alley entrance). A request for a Development Variance of alley length may be considered based on the following:

(1) The effect of alley length upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways and in driving around to the front of their homes; and

(2) Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, temporary points of access, and additional fire protection measures.

(F) Alley Design.

(1) Alley intersections shall be perpendicular as described in the Technical Standards Manual.

(2) Intersection pavement design shall be of sufficient width and inside radius to accommodate waste collection and emergency vehicles.

(3) Intersections shall be three-way wherever possible, and four-way intersections are prohibited. No alley intersection serving more than four directions is allowed.

(G) Dead-End Alleys.

(1) "Hammerhead" alleys are prohibited. Alleys must have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb or turnout onto a street, either of which will need a temporary easement for street or alley purposes, shall be provided as determined by the Director of Transportation. Pavement within the easement must be constructed per the reinforced concrete alley section as shown in the *City's Technical Standards*.

(2) Permanent dead-end alleys are prohibited.

(3) Four-way, alley-to-alley intersections are prohibited."

Section 24

That Section 3.83, "Uniformity", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.83 Uniformity

(A) Design & Construction. Driveways shall be designed, constructed and provided according to the City's Technical Standards.

(B) Restrictions. Residential driveways are not permitted off of any arterial street as so designated by the City's Major Thoroughfare Plan as Type A, B, C or D thoroughfares. The Director of Transportation may modify the design of, or may prohibit the location of, any driveway due to safety considerations.

(C) Permit Required. No person shall construct, reconstruct, maintain, alter or repair, remove or replace any curb, gutter, driveway or other concrete work on any public property within the City without first obtaining a Sidewalk and Driveway Approach Permit.

(D) Fire Lanes. Fire lanes are to be designed in accordance with the City's Fire Code. Fire lanes shall be shown in the Site Engineering Drawings, and shall be maintained to the City's standards by the property owner. For safety and emergency accessibility reasons during construction, developments other than single-family detached or two-family residential subdivisions may not proceed with vertical structural construction above the foundation prior to completion and City inspection of all fire lanes and fire hydrants on the site (unless otherwise approved by the Fire Chief).

(E) Duty to Construct Curb When Driveway Abandoned. Whenever any curb is removed, or where no curb is present, in order to provide a driveway and the use of such driveway is at any time abandoned and not used for ingress and egress to the property, it is the duty of the property owner of such property to restore or construct the curb in accordance with the City's Technical Standards."

Section 25

That Section 3.85, "Grading & Drainage", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.85 Grading & Drainage

(A) General. No person shall alter, change, modify, excavate or fill any lot, subdivision or development in a manner that causes a material adverse impact from surface runoff or stormwater to adjoining property. An appropriate plan submittal and permit from the Building Inspections Department shall be required for any land disturbing activity exceeding 5,000 square feet up to one (1) acre, or changing the grade elevation by cut or fill in excess of 1' from existing grade. Disturbance of over one acre shall require Site Engineering Drawings, as set forth in Section 3.95 of Chapter 3 of this GDC. Any unpermitted fill piles shall be removed or spread to within allowed grades within thirty (30) days of the initial pile being placed on the property. The Director of Engineering or the Building Official may require submission of proof of compliance with the provisions of this Division, certified by an engineer who is licensed in the State of Texas.

(B) Improvements Required. Grading and drainage improvements must conform with the applicable provisions of this Division and with the City's Technical Standards. Grading and drainage plans submitted to the Engineering Department shall be prepared under the direction of, and shall be sealed by, a professional engineer who is licensed in the State of Texas.

(C) Plan Submittal. Grading and drainage plans for all developments shall be provided as part of the Site Engineering Drawings unless no Site Permit is required, in which case grading and drainage plans shall be submitted with the Building Permit submittal documents. If no Building Permit is required, mass grading plans shall be submitted for a Site Permit to the Engineering Department."

Section 26

That Section 3.86, "Existing Drainageways - Development

Criteria", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.86 Existing Drainageways - Development Criteria

(A) Purpose. The City acknowledges the wide diversity of existing creeks and drainageways throughout the City and states its intention that overall drainage patterns and features shall be disrupted as little as possible in the process of development, provided that a development must provide adequate drainage through a stable, easily maintainable manner.

(B) Floodplain Development Requirements. All development proposed adjacent to or within the 100-year floodplain shall conform with the City's Flood Damage Prevention Ordinance (Article VII of Chapter 31 of the City Code).

(C) Designated on Plat. Any dedications and easements required by this Chapter 3 shall be designated on the Preliminary Plat and Final Plat.

(1) Final Plat Inscription. Every Final Plat of a subdivision which contains a drainageway as regulated by this Chapter 3 shall contain special language as set forth in the City's Technical Standards Manual, as amended.

(2) Notice of Inscription to Grantee. In addition, the developer shall include with or in the deed of each lot of the subdivision which abuts or contains a drainageway, a notice of the foregoing language sufficient to inform the grantee of the deed of the requirement contained within the language.

(D) Creeks and Natural Drainageways. The following provisions shall apply to all proposed development in relation to creeks.

(1) All creeks that have designated floodplains and Flood Insurance Study (F.I.S.) floodways, and any other natural drainage course, as identified by the most current Flood Insurance Rate Maps (FIRM) or by the Director of Engineering, may be

left in a natural state, if so approved by the Director of Engineering.

(a) In order for the Director of Engineering to approve a creek to be left in its natural state, the natural channel along with the encompassing drainage easement shall be of sufficient width and depth to carry the 100-year storm, plus one foot of freeboard and ten-foot accessway on both sides of the channel. Disturbance of a natural channel is prohibited except that prior to acceptance by the City, the developer shall perform general maintenance such as clearing underbrush, debris dam removal, litter pick-up, and the removal of other undesirable items, as directed by the Director of Engineering.

(b) In these cases, the entire 100-year floodplain shall be platted out separately as a drainage easement, and the developer shall provide a means of acceptable access for city stormwater personnel. An erosion hazard setback (per the Technical Standards) may also be included in the drainage easement dedication. The drainage easement shall be dedicated on the Final Plat as a separate lot to be owned and maintained by a Homeowners' or Property Owners' Association (as applicable for residential or nonresidential). At no time shall any portion of the 100-year floodplain exist or be within any single-family or two-family residential lot unless the lot is not within a Homeowners or Property Owners Association or a subdivision containing four (4) or more lots, unless it is contained in a subdivision consisting of fewer than four lots. A minimum ten-foot wide accessway shall be provided along each side of the drainageway and included in the drainage easement with a traverse slope, all in accordance with the Technical Standards Manual.

i. Such access shall be subject to

review and approval by the Director of Engineering, and streets or alleys may be required between dedicated properties and adjacent development.

ii. Other undeveloped floodplain may also be dedicated as a drainage easement, pursuant to Subsection (b) above, at the time of platting.

(2) Responsibility for drainage maintenance shall be set forth in the drainage easement.

(3) So as to meet the stability and maintenance provisions in Subsection (a) [(1)] above, the City may require improvements to creek or creek banks, in accordance with the Technical Standards, before issuance of a Letter of Final Acceptance in accordance with Section 3.111 of this Chapter 3.

(4) In order to negate or mitigate the need to obtain flood insurance, all portions of residential lots shall be removed from designated floodplains in accordance with the Technical Standards. In all cases, the developer shall adhere to the requirements set forth in the City Code regarding flood damage prevention, and shall furnish engineering plans prepared by a professional engineer who is licensed in the State of Texas to the Director of Engineering for review and approval.

(5) The following provisions shall apply to all proposed development within the Rowlett and Spring Creek 100-year floodplains, as more particularly described on the Albert H. Halff Associates, Inc., November 1988, Rowlett and Spring Creek Flood Plain Management Study:

(a) Base flood elevations (BFE) for the 100-year flood event that reflect ultimate development land use throughout the watershed shall be used for design and planning of floodplain development.

(b) Development within the floodplain shall

be permitted only if it can be demonstrated that there will be no rise in the base flood elevation.

(c) Fill volumes shall be balanced (+/- 15%) by excavation volumes to preserve overall valley storage within the floodplain. Areas excavated shall be landscaped to restore a natural cover.

(d) The bed and banks of Rowlett and Spring Creeks shall be left in a natural state to control erosive velocities, prevent excessive downstream discharges, and preserve the natural effect of the stream. Exceptions are permitted for major bridge crossings, public welfare, and safety.

(e) Increases to existing average velocities shall be allowed to a maximum average velocity of no greater than six feet per second.

(f) Significant stands of trees and other environmental features within the floodplain shall be preserved.

(6) All lots adjacent to a creek or drainageway shall have minimum finished floor elevations defined on the subdivision plat a minimum of two feet above the FEMA F.I.S. one-hundred-year water surface elevation. Where available, the fully developed watershed water surface elevation shall be used to establish minimum finished floor elevations.

(7) Paved stormwater access driveways with removable bollards shall be provided from a public street right-of-way to drainage easements incorporating creeks or drainageways as directed by the Director of Engineering.

(E) All development shall comply with Article VII (Flood Damage Prevention) of Chapter 31 of the City Code. It shall be the responsibility of the developer to obtain a Conditional Letter of Map Revision (CLOMR) issued by the Federal Emergency Management Agency (FEMA) prior to approval of Site Engineering Drawings (and subsequent

issuance of a Site Permit) and a Letter of Map Revision (LOMR) prior to issuance of a Letter of Final Acceptance in accordance with Section 3.111 of this Chapter 3.

(F) Upon completion and a Letter of Final Acceptance (Section 3.111 of this Chapter 3) being issued for any drainageway channel improvements as set forth within this Section 3.86 of this Division 8, the property owner on whose property the channel improvements lie, or whose property directly abuts such channel improvements, shall be responsible for necessary mowing, irrigation, weeding, litter pick-up, fertilizing, and such other maintenance as is required to maintain a healthy stand of grass or other groundcover.

(G) No obstruction to the flow of stormwater runoff shall be permitted.

(H) Additional Studies. Upon request by the City, the property owner shall submit additional studies, including but not limited to the following, as deemed appropriate and necessary by the City, as part of the Preliminary Plat (if applicable) or Final Plat submittal requirements. These studies shall be considered during review and approval of the Preliminary or Final Plat, as applicable.

- (1) Wetland Delineation and Waters of the U.S. Study;
- (2) Erosion Hazard Setback Study;
- (3) Storm Drainage Study;
- (4) Flood Study; and
- (5) Downstream Assessment Study."

Section 27

That Section 3.87, "Storm Sewers - General Requirements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.87 Storm Sewers - General Requirements

(A) Erosion Control. Erosion control shall comply with the City's Technical Standards, as amended.

(B) Requirement. Underground storm sewer systems are required, as defined in the Technical Standards, to prevent excessive stormwater runoff from entering the public street or rights-of-way or private streets.

(C) Public underground storm sewer systems shall be contained in the public street right-of-way or within a drainage easement that is in accordance with the City's Technical Standards Manual. At low points on grade, a concrete-lined positive overflow path shall be provided. The positive overflow path shall be contained in a drainage easement of sufficient width to convey the 100-year storm runoff.

(D) Calculation of Runoff. The calculation of stormwater runoff shall comply with the Technical Standards. Stormwater runoff calculations shall be made anticipating a fully developed watershed, prepared and sealed by a professional engineer licensed in Texas, and submitted for review and approval by the Director of Engineering. The Comprehensive Plan, existing land use, and zoning maps shall be used to determine fully developed conditions. The Director of Engineering reserves the right to review the determination of fully developed conditions and may require revisions.

(E) Detention. If stormwater runoff from a proposed development exceeds the capacity of the existing downstream system, detention of stormwater runoff in a manner prescribed by Section 3.89 of this Division 8 shall be provided for the excess runoff. Easement and maintenance responsibilities for the detention system shall be inscribed on the Preliminary Plat and Final Plat.

(F) Easements. Drainage easements shall be dedicated for public drainage features in accordance with requirements of this GDC. Drainage easements and features shall be included as a portion of buildable (such as habitable structure) lot(s) and not as a separate self-standing lot unless specifically authorized by the Director of Engineering. If a large development-related feature is authorized on a separate lot, a Homeowners' Association is required to assume maintenance responsibilities for the feature(s). Storm drainage easements shall be located along side

property lines, and such easements shall be contained fully on one lot or tract, and shall not be split across the property line between two lots or tracts.

(G) Minimum Finished Floor Elevations. The Director of Engineering may require minimum finished floor elevations (FFE) to provide flood protection on certain lots within a development. The FFEs shall be shown on the Final Plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. FFEs shall be two feet above the fully developed 100-year water surface elevation where an FFE is associated with a natural major creek or open channel. When an FFE is necessitated by situations other than a natural major creek or open channel, the FFE shall be set by the developer's engineer and shall be subject to the approval of the City.

(H) Off-Site Drainage. When a proposed development requires off-site grading where stormwater runoff has been collected or concentrated, it shall not be allowed to drain onto adjacent property except into existing major creeks, channels, storm sewers or streets unless a notarized letter of permission is obtained from the owner of the property onto which the drainage will drain. The letter shall state that the permission shall bind the owner of the affected property and shall be a covenant running with the land. It shall also refer to the plans for the improvements creating the need for the permission. The letter shall be filed for record with the applicable county.

(I) Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this section, shall have the following meanings:

(1) "Amenity pond" means a permanent pool of a pre-determined volume of stormwater kept or maintained purely for aesthetic purposes and that is not designed to provide additional capacity for the temporary storage of stormwater required for detention.

(2) "Capacity" means the maximum stormwater rate allowed in any portion of the MS4 that will not result in a surcharge of the system, or, as

determined by the managing director, the maximum stormwater rate that can be allowed in any portion of the MS4.

(3) "Development" means any manmade change to real property, whether previously improved or unimproved, including, without limitation, filling, grading, paving, the installation of infrastructure such as water lines, storm sewers or sanitary sewers, or the construction of buildings or other structures.

(4) "Discharge" means the addition or introduction of stormwater into the MS4 or into waters of the United States.

(5) "Detention" means the temporary storage of stormwater to be released at a pre-determined and controlled rate.

(6) "Extended dry detention facility" means a detention basin constructed in a manner so as to retain stormwater for a time sufficient for sediments and particulate pollutants to settle and designed so that no stormwater is intended to remain in the basin after the discharge is complete.

(7) "Facility" or "facilities" means a detention, retention, or other stormwater storage or handling measure as described in this section and may, depending on the context in which the term is used, include an amenity pond.

(8) "Managing Director" means the Managing Director of Engineering, Transportation, Streets, and Stormwater, or a designee of that person.

(9) "Municipal separate storm sewer system" or "MS4" means the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sanitary sewage.

(10) "One-hundred-year storm" means a storm event having a one-percent chance of occurring in any given year.

(11) "Retention facility" is a facility that provides a permanent pool of a pre-determined volume of stormwater and that is designed to provide additional capacity for the temporary storage of stormwater that may be required for detention purposes.

(12) "Stabilized cover" means a uniform perennial vegetative cover established and maintained with a density of 70% or greater, or an approved equivalent stabilization measure (such as rip-rap, gabions, etc.)."

Section 28

That Section 3.89, "Stormwater Detention & Retention Facilities", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.89 Stormwater Detention & Retention Facilities

(A) Purpose. The purpose of this Section is:

(1) To protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with land development within the City.

(2) To minimize damage to public and private property, reduce flooding, ensure a functional drainage system, and reduce land and channel erosion.

(3) To provide minimum construction standards for detention and retention facilities and amenity ponds and to facilitate long-term care and the function of those structures by establishing maintenance responsibilities.

(4) To assist in the attainment and maintenance of stormwater quality standards.

(B) Detention Requirements.

(1) *Developments Requiring Detention.* Stormwater detention shall be addressed in the design, and implemented in the construction of, any new development or re-development having additional impervious cover of one acre or more, including any previous additions or modifications that increased the amount of imperviousness, and if the site of the development is located in an area where any of the following situations exist:

(a) If the 100-year stormwater runoff release rate from the proposed development exceeds the existing or programmed capacity of the MS4, then detention in such cases shall be designed and implemented to limit stormwater runoff to a rate that does not exceed the existing or programmed capacity of the MS4 for that site.

(b) If a proposed development is in an area where the MS4 is under-capacity by current design standards and the proposed 100-year stormwater runoff exceeds the existing stormwater runoff for the site of the development, then detention in such cases shall be designed and implemented to limit stormwater runoff rates to the pre-development runoff rate.

(c) If the proposed development is within the drainage area abutting the ecological boundary of the Spring Creek Forest Preserve or within the drainage area abutting the Spring Creek Forest Preserve boundary as defined by the Technical Standards, then detention in such cases shall be designed and implemented to conform to those provisions of the Technical Standards.

(2) *Means of Detention.* Required detention shall be achieved through a means consistent with sound

engineering practices and in a manner approved by the Director of Engineering. Such means may include extended dry detention, retention, underground storage and parking lot storage.

(3) *Design and Construction.* The design and construction of all detention and retention facilities shall include provisions relating to functionality, stormwater quality, and maintenance as set forth within this Section 3.89 of this Division 8.

(4) *Alternative - Storm Sewer System.* As an alternative to the provisions of this Section 3.89, a developer may elect to fund and construct an approved storm sewer system that will provide free outfall flow for the 100-year storm without negative impacts to the MS4 or to downstream or adjacent owners, in which event - upon completion and acceptance of the system in accordance with Article 3, Division 4 [Article 6, Division 4] of this Chapter - the developer shall not have to otherwise comply with this Section 3.89 for those parts of the development that are served by the system.

(C) *Reserved.*

(D) Retention Facilities & Amenity Ponds.

(1) *Provisions.* A retention facility shall be designed and constructed to provide a permanent water storage volume and may provide additional volume as may be needed to temporarily store stormwater for detention purposes. A retention facility shall provide an outfall structure having a predetermined release rate.

(2) *Amenity Ponds.* Amenity ponds may be constructed for aesthetic purposes, provided the amenity pond will not produce any adverse impacts to adjacent or downstream properties or to the MS4. Amenity ponds are not required to provide stormwater quality enhancement measures. However, if the amenity pond is used for any flood or stormwater quality purpose, then it shall be construed as a detention or retention pond, as

applicable, and must comply with the applicable detention or retention pond provisions.

(3) *Design & Construction.* Unless approved by the Director of Engineering, the design and construction of all retention facilities shall provide for flood control, stormwater quality, stabilized emergency overflow, and maintenance as set forth below and shall provide a minimum of one foot of freeboard.

(4) *Minimal Accumulation.* All retention facilities and amenity ponds shall be designed to minimize the accumulation of unwanted vegetation, insect and algal growth, stagnant water, and odors. The Director of Engineering may require a retention facility or amenity pond to have a minimum pool depth or to be equipped with aeration devices or other measures designed to minimize nuisance conditions.

(E) Design Criteria.

(1) *Professional Engineer.* All detention and retention facilities and all amenity ponds shall be designed by a professional engineer licensed to practice in the State of Texas.

(2) *Design & Construction Approval Process.* A proposed detention or retention facility or an amenity pond shall be incorporated into the overall concept, planning, site development, and drainage plans for the development. The facility shall include appropriate landscaping and screening and be integrated into the development in a manner that enhances overall appearance and function of the site, especially in relation to the view from public streets. The design and construction aspects of all detention or retention facilities and amenity ponds shall be included in the landscaping plans and Site Engineering Drawings submitted to the City along with supporting calculations, documentation and such other plans, specifications and other information as may be needed for an appropriate review. Approval of the design and construction of facilities shall be accomplished through the

City's development review process and construction inspection process which will include the Development Review Committee.

(3) *No Adverse Impact.* Detention or retention facilities and amenity ponds shall be designed so as not to cause any adverse impact to any property adjacent to, draining towards, or draining away from, the facility.

(4) *Public Safety.* Detention and retention facilities and amenity ponds shall be designed and constructed taking into consideration the safety of the public and others. Items of site safety to be considered include the stability of embankments or cut slopes, temporary and permanent water depths, accessibility, fencing, and the compatibility of the facility with surrounding land uses.

(5) *No Fences or Obstructions.* No fence or obstruction shall be located within a detention or retention facility, or within an amenity pond site without approval of the City.

(6) *Design Capacity.* Detention and retention facilities and amenity ponds shall be designed so that the maximum release rate of all flood frequencies up to and including the 100-year storm shall not exceed the programmed capacity of the MS4 for the area. If the existing MS4 for the area is already under-capacity, then the facility shall be designed so that the maximum rate of stormwater runoff shall be no greater after development than prior to development.

(7) *Additional Freeboard.* Unless otherwise approved by the Director of Engineering, all open detention or retention facilities shall provide an additional one foot of freeboard above the maximum water surface elevation together with a stabilized emergency overflow structure.

(8) *Maintenance.* Detention and retention facilities shall be designed and constructed to include sufficient land and open space to provide for adequate maintenance of the facility

consistent with this Section and other provisions of this GDC. A permanent detention pond easement containing the facility and the area surrounding the facility needed for maintenance of the facility shall be granted to the City. The acceptance of the easement by the City shall not obligate the City to provide care or maintenance for the facility in any manner. The City may require, but is not limited to:

- (a) An all-weather access drive of at least ten feet in width with acceptable cross and longitudinal slopes from the facility to an adjoining public right-of-way or access easement;

- (b) An all-weather access ramp to the bottom of the facility with acceptable cross and longitudinal slopes; and

- (c) A level surface of a minimum of ten feet in width with acceptable cross and longitudinal slopes along the top of the facility, unencumbered by landscaping or other physical impediments.

(9) *Slopes and Barriers.*

- (a) Earthen side slopes for detention and retention facilities and amenity ponds shall be constructed with a slope no steeper than 4:1 (horizontal-to-vertical). The Director of Engineering may require a slope stability study to be performed by a licensed engineer for any slope having an unusual height or in soils having unstable characteristics.

- (b) A steeper side slope or wall may be allowed if approved structural measures are implemented to stabilize the slope and a handrail, fence, wall, or other barrier is constructed adjacent to the facility at a location and of a height, material, manner of construction, and appearance approved by the Director of Engineering and provided the barrier complies with other applicable codes and zoning requirements.

(c) The Director of Engineering may approve an alternative design to the requirements of this Subsection (E)(9) if strict adherence would unduly alter an existing natural feature such as a creek, waterway, natural pond, or stand of trees, and an acceptable alternative is proposed.

(d) Extended dry detention facilities shall include paved concrete flumes having a minimum slope of one-half percent for low-flow conditions. Unless otherwise approved by the Director of Engineering, a flume shall be installed between all inlet and outlet structures, and between point discharge locations (such as curb or swale outlets) and the bottom of the facility.

(10) *Other Jurisdictional Requirements.* The design, construction, and operation of all detention and retention facilities and amenity ponds shall comply with all applicable federal, state, and local requirements regarding the design, construction, and operation of lakes, dams or other impoundments of water.

(11) *Permanent Irrigation.* Unless otherwise approved by the Director of Engineering, every detention and retention facility and amenity pond shall be equipped with a permanent irrigation system having sufficient coverage to ensure the establishment and continued viability of living portions of the stabilized cover for the facility.

(F) Stormwater Quality.

(1) *Improvement.* Detention and retention facilities shall be designed and constructed to improve stormwater quality. Detention and retention facilities shall be designed and constructed to detain the first one inch of a rainfall event for a minimum of twenty-four hours. This volume may be incorporated into, or operated in combination with, any additional storage volume needed for larger storm events.

(2) *Alternative Methods for Improvement.* The Director of Engineering may approve alternate methods for detention and for achieving improved stormwater quality. Alternate methods may include utilization of mechanical filters, traps, or other pre-fabricated systems provided that the alternative methods prevent seventy percent or more of the total suspended solids, down to a one hundred micron-sized particle, from passing through the outlet structure and entering the MS4 and so long as the intent of the provisions contained in this article are met. Water quality enhancement measures shall be designed using the one-year, six-hour duration storm as defined in the most current NCTCOG "Integrated Stormwater Design Manual for Site Development." If using a prefabricated stormwater screening device, the applicant shall provide supporting literature/data from the manufacturer indicating that the selected unit is properly sized for the project and that it complies with the intent of this GDC.

(G) Maintenance Responsibilities.

(1) *Recurrent & Consistent Maintenance.* Detention and retention facilities and amenity pond[s] shall be adequately maintained on a recurrent and consistent basis by mowing, removing trash and debris, removing silt and sedimentation, grading, establishing and maintaining grass or other vegetation in order to provide stability for the structure, structural repair, mechanical repair, and such other activities as may be required to keep a facility covered by this Section 3.89 functioning in accordance with its original purpose and design. The affirmative defenses provided by Subsection 3.89(J)(3) do not apply to the requirements of this Subsection (G).

(2) *Program for Permanent Maintenance.* The owner of a development containing a detention or retention facility, specifically including amenity ponds, shall establish a program that will provide for the permanent maintenance of the

facility.

(a) The program may, for example, include the creation of a homeowners' association or other permanently established entity having the ability to levy assessments or other means of providing a permanent source of revenue to fund the maintenance program and to perform, or cause to be performed, the activities required under the maintenance program.

(b) The maintenance program and the responsibilities to be undertaken pursuant to that program shall be described in a final operations and maintenance manual, a copy of which shall be provided to the City. The manual shall define the need for and purposes of the facility, describe the major components of the facility, create and mandate an inspection program and the ongoing maintenance procedures, identify all of the operational elements and features of the facility, and shall authorize the City to inspect the facilities for compliance. The contents of the manual shall be at least equivalent to the guidelines established in the "Garland Pond Operations and Maintenance Manual" (see the City's Technical Standards).

(c) Additional requirements may be imposed due to unique or unusual circumstances as determined by the Director of Engineering.

(d) Any type of subdivision plat required for a particular development that contains a detention or retention facility shall delineate the maintenance responsibilities for the facilities.

(e) If a homeowners' association is to provide maintenance for the facility, the maintenance responsibilities and a reference to the operations manual shall be included in the deed restrictions and covenants of the association.

(f) A signed and notarized Maintenance Acknowledgement is an integral part of the Operations & Maintenance (O&M) Manual required for all developments containing a detention, retention, or amenity pond. The party signing the document acknowledges and agrees to be responsible for the performance and maintenance of the detention, retention or amenity pond defined in the O&M Manual. A new, signed, and notarized Maintenance Acknowledgement shall be provided to the City any time there is a change in the responsible party.

(H) Construction Practices.

(1) *Constructed During Initial Phases of Development.* If a detention or retention facility or amenity pond will be part of a development, the developer shall construct the facility during the initial phases of construction of the development, unless otherwise directed by the Director of Engineering, and shall ensure that the facility is fully functional as designed, prior to any paving activities, including the establishment of a stabilized cover, the living portions of which shall be maintained in a live, growing condition throughout the remaining phases of construction.

(2) *Maintenance During Construction.* The developer shall adequately maintain the facility during construction including mowing, removing trash, debris, silt and sedimentation, grading, and maintaining all living components of the facility in a stable, growing condition.

(3) *Letter of Conformance.* As a condition of, and prior to, a Letter of Final Acceptance being issued (Article 6, Division 4 of this Chapter 3) for a development containing a facility covered by this Section 3.89, the developer shall submit to the Director of Engineering a Letter of Conformance prepared by a professional engineer licensed in the State of Texas. The letter of conformance shall state that each facility within

the development has been constructed in accordance with the lines and grades as approved on the design drawings and is functioning in accordance with the intent and purpose of the approved design.

(4) *Adequate Stabilized Vegetative Cover.* No Building Permits (for a residential development) or Certificate of Occupancy (for a nonresidential development) for any development containing a facility covered by this Section 3.89 shall be issued until an adequate stabilized vegetative cover is in place on all completed facilities within the development. Any living portion of the stabilized cover shall be in a stable, growing condition.

(5) *Funds Provided.* If, due to soil conditions, heartiness of seed or sod, unusually severe weather, inadequate or sporadic maintenance activities or similar circumstances, the long-term viability of a stabilized vegetative cover is questionable, the Director of Engineering may require the developer to deposit with the City a sum of money sufficient to fund the estimated costs of repairing, replacing, and maintaining the stabilized cover for a period of one year, to be used to establish a stabilized cover for the facility as originally contemplated. Costs may be estimated based upon the use of non-City equipment and labor. The City shall not be obligated to provide City-owned equipment or labor for such purposes. The deposit shall be submitted by the developer prior to the issuance of Building Permits or Certificates of Occupancy for the development, and shall be deposited in the City's Stormwater Fund. Any portion of the deposit remaining after a period of one year shall be refunded, without interest, to the developer.

(6) *No Alteration Without Approval.* Following construction, a facility shall not be altered without the written approval of the Director of Engineering.

(I) Landscaping Standards.

(1) *General.* Detention and retention facilities and amenity ponds shall, through appropriate landscaping and screening, be integrated into the design of a development site in a manner that enhances the overall appearance and function of the site, especially in relation to the view from public streets.

(2) *Review & Approval.*

(a) Landscaping and screening of detention and retention facilities and amenity ponds shall be shown on plans required by applicable site development regulations. These plans shall be integrated into the Site Engineering Drawings (refer to Article 6, Division 1 of this Chapter 3) for the site.

(b) If a facility is to be constructed where there are no established landscaping or screening standards, then a landscape and screening plan will be required that is consistent with those required in other areas of the City.

(c) Approval of the design and construction of landscaping and screening shall be accomplished through the City's development review process and construction inspection process which will include, but not be limited to, the Development Review Committee.

(3) *Methods & Materials.* Methods and materials used for landscaping and screening shall be compatible with methods and materials used to meet site landscaping and screening requirements. Such facilities shall be landscaped using plant materials of a species, size, and spacing appropriate to the surrounding landscape and that do not result in blockage or impairment of the stormwater management function of the facility or associated maintenance activities.

(4) *Open Space.* Detention and retention

facilities and amenity ponds shall, where appropriate, be designed to serve an open space function in addition to the primary function of stormwater management. Organic shapes that blend into the natural landscape are preferred.

(5) *Screening.* Detention and retention facilities and amenity ponds, and any associated fencing or barriers, shall be appropriately screened from the view of adjacent public streets or public ways. The material, height, construction, and appearance of the rail, fence, wall, or barrier, shall be approved by the Director of Engineering, shall be compatible with the overall character of the development, and shall be consistent with that allowed by other applicable codes or zoning requirements.

Trees, ornamental grasses, shrubs and groundcover shall be provided around the perimeter of detention and retention ponds within one hundred feet of a Type D or larger thoroughfare to minimize the visual impact from the street. The screening of the detention and retention ponds may be waived by the Planning Director based on site evaluation.

(J) Enforcement Remedies.

(1) *Civil Remedies.* Pursuant to Sec. 54.012(5) [54.012(4)] of the Texas Local Government Code, Subchapter B of Chapter 54, Texas Local Government Code, providing for the enforcement of certain ordinances through the imposition of civil penalties and injunction, is hereby made applicable to any violation of this Section 3.89.

(2) *Criminal Penalties.* A person who violates any provision of this Section shall be strictly liable for such violation regardless of the presence or absence of a culpable mental state and shall, upon conviction, be subject to a fine of not more than \$2,000 per violation, per day.

(3) *Affirmative Defenses.* Unless otherwise provided in this Section, it shall be an affirmative defense to a prosecution under this

Section if:

(a) The detention facility, retention facility, or amenity pond that is the basis of the violation existed or was under construction prior to May 1, 2002; or

(b) The facility is located on property used primarily for agricultural purposes if the facility is at least three hundred feet from any public street, park, or property zoned for residential or commercial uses."

Section 29

That Section 3.90, "Easements", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"Section 3.90 Easements

(A) Type, Size, and Location. If not otherwise specified within this GDC, the type, size, and location of easements shall be determined by the City's Technical Standards Manual and the Director of Engineering. The location of utility easements shall be in accordance with Division 3 of this Article 5.

(B) Maintenance. Any easements established shall be maintained by the property owner unless otherwise stated on the plat or in the specified language on a separate instrument.

(C) Designated on Plat. For new development and redevelopment, all necessary on-site easements shall be established on the Preliminary Plat, Final Plat or Replat, and not by separate instrument except as permitted by the City's Technical Standards Manual. Easements that were previously established and recorded as separate instruments shall be shown on the Plat with correct filing information before Plan Commission's consideration of the plat. Easements shall be labeled on the plat and labeled for the specific purpose for which they are being provided. Examples include a City Utility Easement (CUE) (not simply a "utility" easement which would allow franchise utilities in City easements), or a drainage easement, or an access

easement.

(D) Lot Area in Relation to Easements. The area of a lot shall be computed inclusive of all required public and utility easements.

(E) Easements for Utility Providers. The applicant is responsible for contacting all utility providers prior to submission of a plat application or Site Engineering Drawings, whichever occurs first, and for securing all necessary easements for same prior to Final Plat approval and recordation. The applicant shall provide the Director of Engineering with written certification that all necessary utility providers have been notified, and such secured easements shall be shown on the Final Plat with the recording information for each.

(F) Off-Site Easements. All necessary off-site easements required for installation of required off-site public improvements to serve the development shall be acquired by the applicant prior to approval and recordation of the Final Plat. Off-site easements shall be conveyed and recorded at the applicable county by an instrument approved by the City, and shall be shown on the Final Plat along with the recording information for each."

Section 30

That Section 3.92, "Minimum Monumentation Standards", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to rename and read as follows:

"Section 3.92 Monuments - Minimum Standards

All survey monumentation shall conform to the minimum monumentation standards contained herein and the standard monumentation details contained in the City's Technical Standards Manual, unless the City Surveyor approves alternative monumentation. Consult the City's Technical Standards Manual for materials and specifications."

Section 31

That Section 3.93, "Sidewalks in New Developments", of

Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.93 Sidewalks in New Developments

(A) Requirement. Sidewalks shall be required on both sides of all streets within new subdivisions and on the subdivision side of all streets which are adjacent to or which abut the subdivision being developed.

(B) Design & Construction. The width, design and construction of all sidewalks shall comply with the City's Technical Standards.

(C) Location. The sidewalk shall be located between the street curb or pavement edge and the right-of-way line. The standard placement of sidewalks shall be one foot from the right-of-way line, but may be varied with the written approval of the Director of Engineering, provided the sidewalk remains within a street right-of-way or within platted pedestrian easements adjacent to street rights-of-way. Rights-of-way or platted pedestrian easements shall be provided throughout the radius of all cul-de-sac or flared streets to allow the construction of sidewalks a uniform distance from the street curb for the entire extent of the street.

(D) Construction Prior to Letter of Final Acceptance. The following sidewalks shall be constructed prior to the issuance of a Letter of Final Acceptance (refer to Article 6, Division 4, Section 3.111 of this Chapter 3) of the subdivision:

(1) Along all streets (including the subdivision side of boundary streets) upon which no lot abuts or which are or will be separated from the subdivision by a screening wall; and

(2) Along any other portions of streets (including the subdivision side of boundary streets) which do not or will not abut the front or side of a buildable lot.

(E) Permit for Construction. Application for permits to construct sidewalks in a subdivision shall be made to the City Building Inspection Department if installation of a

sidewalk(s) is not included as part of the Site Engineering Drawings for a development (or redevelopment) project. All sidewalks shall be constructed in accordance with this Division 13 and other applicable provisions of this GDC. The fee for this permit is set forth in Article 3 of Chapter 1 of this GDC.

(F) Waiver or Alteration by Plan Commission.

(1) Sidewalk requirements may be waived or altered as a Development Variance (see Article 1, Division 4 in Chapter 5 of this GDC) by the Plan Commission for any of the following reasons:

(a) The terrain makes construction of sidewalks impractical.

(b) The sidewalk or portion thereof would serve no useful purpose at the time of building construction.

(c) The cost of construction is prohibitive when compared with the benefits to the immediate neighborhood.

(2) In each instance where a request to waive a sidewalk is approved by the Plan Commission, the applicant securing such approval shall pay to the City a sidewalk improvement fee in an amount equal to the estimated cost of constructing a standard width sidewalk on straight and level terrain, equal to the linear footage waived. For single or two family residential lots with large amounts of frontage, the maximum amount of the sidewalk improvement fee shall be based upon the lot width prescribed by the lot's zoning district. The estimate of cost shall be determined by the Director of Engineering, and that estimate shall be made available to the applicant.

(3) The amount shall be rendered to the Director of Engineering, placed by the City in a fund designated "Street Improvement Fund," prior to the issuance of a Site Permit, and shall be specifically used for the construction of the sidewalk waived.

(4) On the request of an owner of the property on which a sidewalk improvement fee has been paid into the Street Improvement Fund, the City shall refund the sidewalk improvement fee [if] the City has failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment.

(5) Escrow amounts, or portions of escrowed amounts, which have been placed with the City and which have been held for a period of ten years from the date of such payment or agreement shall be returned to the record property owner at the time the refund is paid.

(6) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate set forth in Section 395.025 of the Texas Local Government Code, as amended.

(7) Notwithstanding any provision contained herein to the contrary, if the sidewalk improvement fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(8) A refund of escrow amounts does not remove any obligations of the property owner for construction of the required facilities if a Site Permit has not been issued on the subject lot or if application for a new Site Permit is made."

Section 32

That Section 3.96, "Applications & Procedures", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 3.96 Application & Procedures

(A) General Site Engineering Drawings Review & Approval Process. The Engineering Department maintains requirements, checklists and procedures for review and approval of Site Engineering Drawings (also reference the City's Development Application Packet and Technical Standards for further information and submittal requirements).

(B) Application Completeness. Incomplete plans shall not be accepted for review and shall not be considered officially submitted; such plans shall be returned to the applicant.

(C) Engineering Review and Inspection Fee. A fee shall be required for engineering review and inspection, in accordance with Division 2 of Article 3 of Chapter 1 of this GDC.

(D) Director of Engineering Review. The Director of Engineering shall be the responsible official for review and approval of Site Engineering Drawings."

Section 33

That Section 3.104, "Obligations of Agreement", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

Section 3.104 Obligations of Agreement

(A) Obligations Under Agreement. Whenever public improvements to serve the development are deferred as described in Section 3.103 above, the property owner shall enter into a Subdivision Improvement Agreement by which the applicant:

- (1) Covenants to complete the improvements;
- (2) Covenants to warranty the improvements for two years (that is, 730 calendar days) following acceptance by the City;
- (3) Covenants to provide a maintenance bond for such period in the amount set forth in Section 3.111;

(4) Provides provisions for participation in the costs of the improvements by the City, if authorization has been obtained from the City Council, and a performance bond for such improvements from the contractor, with the City as a co-obligee;

(5) Provides provisions for securing the obligations of the Agreement consistent with Section 3.106 of this Division 3; and

(6) Outlines other terms and conditions as are agreed to by the applicant and the City, or as may be required by this GDC.

(B) Agreement to Run with the Land. The Subdivision Improvement Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. All existing owners shall be required to execute the Agreement or provide written consent to the covenants and other items contained in the Agreement. The City shall deliver a release to bona-fide, third-party purchasers of individual lots when all required public improvements have been accepted by the City.

Section 34

That Section 3.111, "Acceptance Following Construction", of Chapter 3, "Subdivision Regulations", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

Section 3.111 Acceptance Following Construction

(A) Submission of As-Built Plans or Record Drawings.

(1) As-Built Plan Submission. The City shall not accept dedication of required public improvements until the applicant's engineer has certified to the Director of Engineering, through submission of a detailed as-built/record drawings of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved Site Engineering Drawings. Each as-

built or record drawing sheet shall show all changes made in the plans during construction, and on each sheet, there shall be an "as-built" or "record" stamp bearing the signature of the engineer of record and date. Detailed requirements for such drawings shall be in accordance with the requirements set forth in the City's Technical Standards Manual.

(B) Public Utility Survey & Easement Adjustments. The City shall not accept dedication of required public improvements until the applicant's surveyor has certified to the Director of Engineering, through a certification letter and submission of a Public Utility Survey establishing that the visible public utility improvements have been installed within the Final Plat dedicated easements. See the Technical Standards Manual for requirements for the Public Utility Survey and certification letter.

If improvements are installed outside of the dedicated easements, at the discretion of the Director of Engineering, the improvements shall be reconstructed within the utility easements or additional easement(s) by separate instrument shall be provided and recorded along with a subsequent Amending Plat or Replat of the property at the developer's expense. A letter of acceptance shall not be issued until the approved recorded separate instrument is received by the Director of Engineering.

(C) Acceptance or Rejection of Improvements by Director of Engineering.

(1) Responsible Official. The Director of Engineering shall be responsible for certifying acceptance of completed subdivision improvements intended for dedication to the City.

(2) Final Inspection. After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Engineering will perform a final inspection before recommending acceptance of the improvements.

(3) Letter of Final Acceptance. Upon a recommendation of acceptance, and a maintenance bond being executed in conformance with Subsection (F), the Director of Engineering shall

issue a Letter of Final Acceptance to the applicant, thereby notifying the applicant of the acceptance.

(4) Meaning of Acceptance. If the Director of Engineering accepts such improvements, the City shall execute all the necessary documents to release the full amount of security, including any retainage (when applicable). Acceptance of the improvements shall mean that the applicant has transferred all rights to all the public improvements to the City for title, use and maintenance.

(5) Rejection. The Director of Engineering shall reject such improvements if they fail to comply with standards and specifications of the City.

(D) Disclaimer. Approval of a Preliminary Plat or Final Plat by the Plan Commission, or approval of the Site Engineering Drawings by the Director of Engineering, shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this Section.

(E) Acceptance of Improvements for Land in Extraterritorial Jurisdiction. Where the facilities to be constructed under the Subdivision Improvement Agreement are located within the City's extraterritorial jurisdiction, and are to be dedicated to the applicable county, the Director of Engineering shall inform a county representative that the public improvements have been constructed in accordance with the approved Site Engineering Drawings, and are ready for acceptance by the applicable county.

(F) Maintenance Bond Following Acceptance. The owner shall covenant to warranty the required public improvements for two years (that is, 730 calendar days) following acceptance by the City of all required public improvements and shall provide a maintenance bond for that period of time in an amount equal to 100% of the actual cost of construction. All improvements located within an easement or right-of-way shall be bonded. A Letter of Final Acceptance (Subsection (C)(3) above) shall be conditioned upon execution of the maintenance bond."

Section 35

That Section 4.08, "Purpose & Applicability", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.08 Purpose & Applicability

(A) Purpose. A Site Permit allows work to begin on the site, including the construction of public improvements that are generally located outside of the building pad or footprint. The site work is generally authorized prior to work on the actual building(s).

(B) Applicability. A Site Permit is required prior to commencement of any site improvements on any land within the City limits. A Site Permit may, at the Director of Engineering's discretion, be required for any land within the City's extraterritorial jurisdiction. Site improvements may include (but are not limited to) grading, paving, utilities, stormwater management facilities, landscaping, irrigation, and screening as may be reflected on the approved Site Engineering Drawings.

(C) Responsible Official. The Director of Engineering is the official responsible for issuing Site Permits."

Section 36

That Section 4.10, "Effect of Issuance", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.10 Effect of Issuance

(A) Purpose. A Building Permit allows work to commence on a building or other building components. The City reviews a Building Permit application for compliance with all applicable codes and ordinances related to the construction of proposed buildings and appurtenances.

(B) Validity. A Site Permit becomes null and void if work on the site improvements has not commenced within three hundred and sixty-five (365) calendar days following the

Site Permit date of issuance. A site permit shall also expire three hundred and sixty-five (365) calendar days following the date of the most recent inspection reflecting progress on the public infrastructure improvements.

(C) Responsible Official. The Building Official is the official responsible for issuance of a Building Permit."

Section 37

That Section 4.15, "Issuance", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.15 Issuance

(A) Issuance. A Certificate of Occupancy may be obtained from the Building Inspection Department following determination by the Building Official that all construction has been completed on the building; all final inspections have been approved; all violations have been cured; all citations and any related fines have been paid; and all applicable fees have been paid. The final review and inspection may also involve other appropriate departments (such as, the City's Health Department and Fire Department), depending on the application and type of intended occupancy.

(1) In order to obtain a Certificate of Occupancy for new construction (see Subsection 4.14(B)(1) above), all final construction approvals by all departments must be completed prior to submission of an application for a C.O.

(2) When occupancy change in an existing structure occurs (see Subsections 4.14(B)(2) through (B)(4) above), only the Building Inspection Department's approval is necessary, unless the change involves circumstances that necessitate involvement and approval by other City departments.

(B) General Timing. A Certificate of Occupancy is generally issued after all construction on a building is complete, all Building Permit requirements have been satisfied, and all final inspections have been completed

and approved.

(C) Review & Inspection. The Building Inspection Department will review all Certificate of Occupancy applications, and provide related inspection services.

(D) Application. All applications must be submitted on a form provided in the City's Development Application Packet, as amended, along with any other information as may be requested by the Building Official."

Section 38

That Section 4.20, "Off-Street Parking Requirements", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.20 Off-Street Parking Requirements

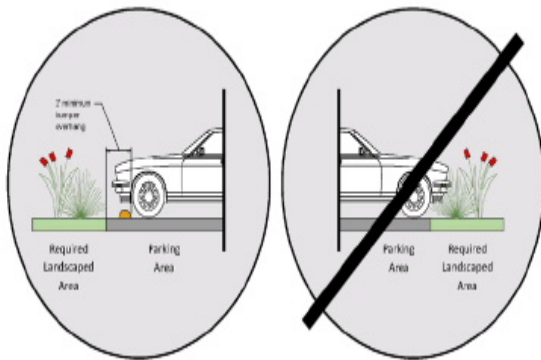
(A) Off-Street Parking Ratios. All uses of land and buildings in the City of Garland, except for within the Downtown district, must provide off-street parking at the ratios set forth within the Land Use Matrix (Section 2.51 in Chapter 2 of this GDC). Land uses within the Downtown district must provide parking in accordance with that district (see Chapter 7 of this GDC). In any district, when more than one use occurs on a site, the required off-street parking must be prorated according to the requirements of each use. In computing the total required parking, a fraction in the final figure must be rounded to the next highest whole number.

(B) Stall and Aisle Dimensions. A person, property owner, or developer must comply with the minimum dimensions of parking stalls and aisles, including full-size parking spaces and compact car parking spaces specified in the City's Technical Standards Manual, as amended.

(C) Vehicle Stopping Devices, Overhangs, Curbing.

(1) *Vehicle Stopping Devices.* Parking and vehicle sales areas must have a vehicle stopping device (including, but not limited to, raised curbs, wheel stops, and bollards) installed to prevent parking of motor vehicles in any required

landscaped areas, and to prevent any parked vehicle from overhanging a public right-of-way line, public sidewalk, or adjacent property.



(2) *Vehicle Overhang*. A sidewalk can accommodate vehicle overhangs provided that a minimum four-foot unobstructed sidewalk area is maintained (see [Chapter 3](#) for required sidewalks). This requirement applies only where spaces are adjacent to the walks, right-of-way, and landscaping. In any event, parking may not be allowed to overhang public right-of-way.

(D) Access. Vehicular access to nonresidential uses from alleys serving residential areas is prohibited.

(E) Materials. All parking for land uses and buildings, including required parking and any additional parking that are provided on- or off-site, must be constructed of concrete (in accordance with the City's *Technical Standards*). Other paving materials for parking areas may be proposed for non-required parking using the alternative compliance process outlined in Article 1, Division 2 of this Chapter 4.

(F) Location. All parking for land uses and buildings, including required parking and any additional parking that are provided on- or off-site, must be located within a zoning district that allows the use for which the parking is required.

(G) Shared and Off-Site Parking. A portion of the required off-street parking for different buildings, structures, or uses may be shared (up to 50%). In addition, a portion of the required off-street parking for different buildings, structures, or uses may be provided off-site (up to 25%). Both are subject to the following requirements:

(1) Shared and off-site parking must be on an immediately contiguous lot or tract, and all shared parking spaces must be located within three hundred feet of the property boundary of the use(s) the shared parking serves.

(2) The Planning Director is responsible for the approval or denial of a request for shared or off-site parking as part of the appropriate development application.

(3) Each property owner must execute an irrevocable mutual parking agreement (granting parking easements necessary to assure retention of the shared or off-site parking spaces), in a form acceptable to the City, file this document with the County, and provide a copy of the filed document to the City prior to issuance of a Site Permit, Building Permit or Certificate of Occupancy (as applicable, and whichever occurs first) for any use that relies upon the shared or off-site parking arrangement.

(4) For shared parking, the peak parking demand for any of the buildings, structures, or uses will generally occur at a different time of day than the peak parking demand of other adjacent buildings, structures, or uses. The developer is responsible for providing parking demand data to support the request for a reduction in total parking space requirement due to joint use. Parking requirements are determined based on parking demand for the peak parking period. If at some time the peak parking demand changes, or if a shared parking arrangement becomes inadequate to accommodate the parking generated by the uses or a nuisance to surrounding property owners, the Planning Director has the authority to require the uses sharing the parking to submit a parking study prepared by a licensed transportation engineer for review and, if deemed necessary, the Director may place limitations or other safeguards on the parking arrangement to protect the public health, safety, or welfare.

(H) Use of Required Parking and Loading Spaces. Required

off-street parking and loading spaces may be used only for parking and loading spaces. Use for any other purpose is prohibited.

(I) Off-Street Stacking Requirements for Drive-Throughs. Persons, property owners, or business owners must comply with the following off-street stacking requirements, as applicable, for drive-throughs:

(1) *General.* A stacking space is an area on a site measuring eight feet by twenty-two feet with direct forward access to a service window or station of a drive-through facility that does not constitute space for any other circulation driveway, parking space, or maneuvering area, and that does not include the area where a vehicle is actually being served from a drive-through window. An escape lane of at least eight feet in width and with negotiable geometric design must be provided to allow vehicles to exit the stacking lane in the event of a stalled vehicle, emergency, or accidental entry.

(2) *Banks/Financial Institutions.* For financial institutions with drive-through facilities, each teller window or station, human or mechanical, requires a minimum of five stacking spaces. One escape lane must be provided.

(3) *Restaurants.* For each service window of a drive-through restaurant, a minimum of five stacking spaces is required for the first vehicle stop (usually the menu/order board), and two stacking spaces is required for each additional vehicle stop (such as order/pick-up windows). One escape lane is required from the beginning of the stacking lane to the first stop (that is, the menu/order board).

(4) *Other Retail Uses.* For other retail operations (other than restaurants, banks, or those operations specifically cited in this section) and kiosks that provide drive-through or drive-up service (such as pharmacies or dry cleaners), a minimum of two stacking spaces for each service window are required.

(5) *Car Wash, Full-Service/Detail.* For a full-service car wash, each vacuum or gas pump lane requires a minimum of four stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space is required to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.

(6) *Car Wash, Automated/Rollover.* For each automated self-service (drive-through/rollover) car wash bay, a minimum of three stacking spaces, in addition to the wash bay itself, are required. One stacking space is required at the exit end of each wash bay for window-drying and other detailing.

(7) *Car Wash, Self-Service.* For each manually operated, wand-type self-service (open) car wash bay, a minimum of two stacking spaces, in addition to the wash bay itself, are required. One stacking space is required at the exit end of each wash bay for window-drying and other detailing, unless a separate area or shade structure is provided outside of circulation aisles for these activities.

(8) *Automobile Repair (with drive-through).* For drive-through automobile repair establishments (such as, 20-minute oil and lube maintenance stations), a minimum of one stacking space is required for each service bay in addition to the service bay itself.

(J) Storage of Recreational Vehicles and Boats. Recreational vehicles and boats that are being stored may not occupy parking required by this Article 2. Spaces and areas dedicated to recreational vehicle storage must be paved in accordance with the City's paving standards for parking areas, and must not be directly visible from any public right-of-way or single-family property line (see Section 32.57 of the Code).

(K) Deviation of Required Spaces. The maximum amount of required parking spaces for a particular nonresidential or multifamily use (as set forth in the [Land Use Matrix](#) in Section 2.51 of Chapter 2) may be increased, as identified below. Deviations (that is, an increase in parking) in

excess of the ratio shown for a particular sized project (maximum fifteen percent) may be submitted for approval using the alternative compliance process outlined in [Article 1, Division 2 of this Chapter 4](#), and the request must be accompanied by a parking generation study prepared by a licensed transportation engineer. A request for a parking deviation in excess of the applicable amount shown below for a project may also be submitted using the alternative compliance process, except that any request for deviation that exceeds fifteen percent of the maximum parking requirement shall be processed, reviewed, and decided as a Zoning Variance by the Board of Adjustments in accordance with the procedures set forth in [Section 2.25](#) of this GDC. Any type of deviation, regardless of degree, must be mitigated. Mitigation can be achieved by the use of pervious parking, increased landscaping (see Section 4.35 of this GDC), increased stormwater controls (see Section 3.63 of this GDC), or other method to reduce the impact of the increased parking.

Deviation of Required Off-Street Parking Spaces

Size of Structures (square feet)	Percent of Deviation
0 to 40,000 sf	up to 5%
40,001 to 85,000 sf	up to 10%
greater than 85,000 sf	up to 15%

"

Section 39

That Section 4.22, "Loading Requirements", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.22 Loading Requirements

(A) General Criteria. A person, property owner, or business owner must comply with the following loading requirements:

- (1) Driveways, aisles, maneuvering areas, and

heavy load vehicle berths must be designed to accommodate the largest vehicles normally expected to use those particular driveways, aisles, maneuvering areas, and heavy load vehicle berths.

(2) All parking, loading, and maneuvering of heavy load vehicles must be conducted off-street and on private property. All drives and approaches must provide adequate space and clearances to allow the maneuvering of heavy load vehicles off-street.

(3) Required vehicle parking is prohibited within the heavy load vehicle dock apron space or maneuvering areas.

(4) The minimum dimensions of a loading area (or heavy load vehicle loading berth) are provided in the City's Technical Standards Manual, as amended, and incorporated herein.

(B) Loading Ratios & Area. All nonresidential uses must provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at ratios consistent with Table 4-1 below, based on square feet of gross floor area, or fraction thereof.

Table 4-1: Number of Required Off-Street Loading Spaces (Heavy Load Vehicle Loading Spaces)

Retail, Restaurants and Commercial Structures (Square Feet)	Hotels, Office Buildings, Industrial and Similar Establishments (Square Feet)	Minimum Number of Loading Spaces
0 to 10,000 sf	0 to 50,000 sf	1 loading space
10,001 to 150,000 sf	50,001 to 200,000 sf	2 loading spaces
150,001 to 200,000 sf	200,001 to 500,000 sf	3 loading spaces
each additional 100,000 sf	each additional 200,000 sf	1 additional loading space

(C) Loading Area Location.

(1) Heavy load vehicle loading spaces and apron space must not be located on the street side of a building, except as approved by the Planning Director in accordance with Division 6 of this

Article 2.

(2) Heavy load vehicle loading spaces and apron space must not be located within a required setback or landscape buffer strip, except as approved by the Planning Director as an alternative compliance request in accordance with Division 6 of this Article 2.

(3) See Article 3 (Screening & Landscaping) for additional screening requirements for loading areas.

(D) Waiver. The Planning Director has the authority to waive all or a portion of the loading space requirement if, upon receipt and review of data prepared by a transportation engineer licensed in the state of Texas, it is demonstrated that the requirement is excessive or unnecessary for the proposed use."

Section 40

That Section 4.104, "Setback Requirements Generally", of Chapter 4, "Site Development", of the Garland Development Code of the City of Garland, Texas, is hereby amended to read as follows:

"Section 4.104 Setback Requirements Generally

(A) No fence may be built within a required front yard, as defined in this GDC, except in the Agriculture (AG) and Industrial (IN) zoning districts, and except as provided below:

(1) *Type 1*. A fence less than three and one-half feet in height, and:

(a) Made of wood or ornamental metal; and

(b) Provides at least a four-inch wide vertical space for each linear foot and at least a one-foot wide horizontal space between horizontal portions of the fence; or

(2) *Type 2*. A fence less than two and one-half feet in height, and made of brick or masonry,

excluding cinder block.

(B) No fence may be built within a required front yard or any closer than the front edge of the building in nonresidential and mixed-use zoning districts.

(C) No barbed wire fence may be built within a required side or rear yard adjacent to a street except in the Industrial (IN) or Heavy Commercial (HC) zoning districts.

(D) No fence may be installed within a required visibility area, as defined in the City's Technical Standards Manual."

Section 41

That Garland Development Code for 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 42

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

Section 43

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

Section 44

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



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

2.e.

Meeting Date: April 15, 2019

Item Title: Business Outreach regarding Sign Ordinance Changes

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Following the recent sign ordinance revisions adopted by City Council, staff has drafted an informational brochure to mail out to businesses in Garland. The brochure is attached for the Council's review prior to mailouts. The ordinance was adopted with a June 1, 2019 effective date.

Recommendation/Action Requested and Justification

Unless otherwise directed by Council, staff will prepare the attached brochure for mailouts to Garland businesses notifying them of the recent sign ordinance changes. Other outlets, such as CityPress, are available as well for further outreach.

Attachments

Sign Ordinance Brochure

Storefront Window

Storefront window signs, including LED lights and temporary attention-getters to advertise sales or restaurant specials, are allowed. But they must **not cover more than 25 percent** of the total window space.



Monument Signs

- 7 feet maximum height
- 50 square feet maximum



For other specific questions,
or to view the full sign ordinance,
visit GarlandTX.gov
or call 972-205-2300.

BUSINESS

SIGNAGE ORDINANCE UPDATES

Effective June 1, 2019



GARLAND
TEXAS MADE HERE

To view the full sign ordinance, visit
GarlandTX.gov

Significant changes to Garland's signage requirements take effect June 1.

We ask all businesses owners to please take note and, as necessary, to take steps toward compliance.

Approved by the City Council in February, the revised ordinance is the guide for every sign in the City. Here's a quick look at a few important highlights -- revisions that particularly address temporary displays, pole signs, and window displays.

Note: Downtown Garland area has different regulations for permanent signage such as wall signs and monument signs, which did not change in the recent sign ordinance adoption.

Banners & Balloons

The temporary displays, including banners, balloons, and inflatables, are now only allowed during the first **20 days of a new business opening** to the public.



Pole Signs

Garland also will not allow new pole signs. Existing pole signs are OK – they are “grandfathered” under the revised ordinance.





**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

2.f.

Meeting Date: April 15, 2019

Item Title: Authorize Acquisition of Transmission Right-of-Way

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Last year, GP&L became the first municipally owned utility in Texas to obtain authorization through the Texas Public Utility Commission to build an “off-system” transmission line. Prior to that time, GP&L had been required to use a third-party in order to gain approval for off-system transmission projects. Under a change in the law that we obtained a few years ago, we may now dispense with the third-party and build such lines ourselves provided that we get PUC authorization, like other transmission providers.

For this project, the PUC authorized and directed GP&L to construct a 5.7 mile transmission line connecting the Greenville area load with an endpoint owned by Rayburn Electric Co-op. Due to load growth in the Greenville area, the need for the line had been identified some years ago, but the December 2017 tornado event made the need for the line all that more evident. Had it not been for the quick work of GP&L crews, Greenville would have lost electric service for an extended period of time. Because reliability of transmission service to the area has become so important, the project is scheduled to be completed and in service at the end of 2019.

The route for the line was approved by the affected landowners during the authorization process in the PUC. Hence, there is no dispute that the line will be built in the area approved by the PUC. However, although the landowners agreed to the proposed route, that does not mean they agreed to the compensation they will be owed for the property rights that will be needed to construct and maintain the line. We anticipate that most of the landowners will negotiate a price. Some will not, and that will require the initiation of condemnation proceedings. In the end, and whether by negotiation or through condemnation, the affected property owners will be justly compensated for their property rights.

Recommendation/Action Requested and Justification

The Texas Constitution and state law govern condemnation proceedings. State law requires that, before a condemnor (the City, here) may initiate condemnation proceedings, we are required to post an item on a public agenda with specific wording, and obtain the authorization of the City Council evidenced by an ordinance or resolution. Approval of the City Council must be made by way of a particular form of motion. Approval may be given in one motion and through a single resolution for multiple owners and tracts of land for transmission projects of this sort.

Unless otherwise directed by Council, this item will be scheduled for formal consideration at the May 7, 2019 Regular Meeting.

Attachments

Greenville transmission line

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GARLAND, TEXAS FINDING AND DETERMINING THAT THE PUBLIC NECESSITY AND CONVENIENCE REQUIRE THE ACQUISITION OF PROPERTY RIGHTS FOR THE CONSTRUCTION AND OPERATION OF A HIGH VOLTAGE TRANSMISSION LINE IN HUNT COUNTY, TEXAS FOR THE DENT ROAD TO SHELBY 138-KV TRANSMISSION LINE PROJECT(PARCELS 702, 703, 704, 705, 706, 707, 708, 709, 710, 712, 713, 714, 715, 716, 719, 720, 721, 722, 723, 725, 726, 727, 728); PROVIDING AUTHORIZATIONS TO ACQUIRE SUCH PROPERTY RIGHTS BY PURCHASE OR CONDEMNATION AND MAKING CERTAIN FINDINGS PERTAINING THERETO; PROVIDING FURTHER AUTHORIZATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Garland, by and through its municipally owned utility, Garland Power & Light ("Garland"), has found and determined the need to acquire property rights necessary to develop, construct, own, operate, and maintain a 138-kV electric transmission line from the new Dent Road substation to the existing Shelby substation in Hunt County, Texas (the "Project");

WHEREAS, the Public Utility Commission of Texas (the "PUC") approved the "Application of the City of Garland to Amend a Certificate of Convenience and Necessity for the Dent Road to Shelby 138-kV Transmission Line in Hunt County" in its Order dated June 29, 2018 in PUC Docket No. 47379;

WHEREAS, public convenience and necessity requires acquisition of easement rights over the properties described and depicted in Exhibits 1 through 20 (referred to collectively as the "Easement Properties"), which exhibits are attached hereto and incorporated herein by reference, for the construction, operation, and maintenance of the Project;

WHEREAS, the fee owners of the Easement Properties are as follows:

- Exhibit 1 (Parcel 702): Estex Homes, Inc.;
- Exhibit 2 (Parcel 703): Joe N. Peters;
- Exhibit 3 (Parcel 704): Mary Louise Satterwhite;
- Exhibit 4 (Parcels 705-706): Grace Community Fellowship;

- Exhibit 5 (Parcel 707): Joseph L. Davis, Dennis C. Davis, and GrnTX100, LLC;
- Exhibit 6 (Parcel 708): Collins Propane Company;
- Exhibit 7 (Parcel 709): Virginia Coleman;
- Exhibit 8 (Parcel 710): Joe Kailukaitis;
- Exhibit 9 (Parcel 712): Christopher M. Glass and, spouse, Amy B. Glass;
- Exhibit 10 (Parcel 713): Robert L. Bihr;
- Exhibit 11 (Parcel 714): Linda Jo Wineinger Swanson, individually and as Independent Executrix of the Estate of Mamie Jo Wineinger, Robert Carl Putnam, and Gary Don Wineinger;
- Exhibit 12 (Parcel 715): Wanda F. Bird;
- Exhibit 13 (Parcel 716): DFW Distributor Petroleum, Inc.;
- Exhibit 14 (Parcel 719): Don V. Ingram;
- Exhibit 15 (Parcels 720-722): Green 554 Investors, Ltd.;
- Exhibit 16 (Parcel 723): GF Partners, Ltd.;
- Exhibit 17 (Parcel 725): Frank Kirk Jones, Anita Ruth Wall, Andrea Lynn Garcia, and Anita Kate Wall;
- Exhibit 18 (Parcel 726): Hineni, LLC;
- Exhibit 19 (Parcel 727): Pamela Brown Stanley a/k/a Pamela Bowen Stanley; and
- Exhibit 20 (Parcel 728): Frank Kirk Jones and Jeanne Elizabeth Jones;
- Exhibit 21 (Parcel 724): Clinard (in negotiation).

WHEREAS, Garland, through agents or representatives employed by or contracted with Garland, has entered into good faith negotiations with the owners of the Easement Properties in order

to acquire necessary property rights on the Easement Properties for the Project, and has been unsuccessful in acquiring the necessary property rights on the Easement Properties; and

WHEREAS, in conjunction with the enactment of this Resolution, Garland authorized the initiation of eminent domain proceedings to acquire easement rights on the Easement Properties at a public meeting by a record vote, and the notice for the public meeting included all required information, including the consideration of the use of eminent domain to condemn property as an agenda item;

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

Section 1

That Garland, its staff, and its attorneys are specifically authorized to purchase easement rights on the Easement Properties; that the public convenience and necessity requires the acquisition of easement rights on the Easement Properties for the public purpose of the Project; that Garland has made a good faith effort to negotiate a voluntary acquisition of easement rights on the Easement Properties; that it appears to Garland that further negotiations to purchase easement rights on the Easement Properties voluntarily would be futile; that the public necessity requires the condemnation of easement rights on the Easement Properties for the Project; and that Garland, its staff, and its attorneys are hereby authorized and directed to institute proceedings in eminent domain against the owners of the Easement Properties, and against all other owners, lienholders, or holders of an interest in the Easement Properties, in order to acquire easement rights on the Easement Properties

Section 2

That Garland, its staff, and its attorneys are hereby authorized to do all things necessary and proper to carry out the intent and purpose of this Resolution, including determination of the property rights that are proper and necessary for the Project.

Section 3

That this Resolution shall take effect immediately from and after its adoption.

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

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

2.g.

Meeting Date: April 15, 2019

Item Title: Boards and Commissions Quarterly Report

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

In January of 2018 the Council requested that a quarterly report from Boards and Commissions be submitted for their review. Attached is the report for the period January 1 - March 31. The following Boards did not have activity for the period:

- Unified Building Standards Commission
- TIF Zone 1 Board
- TIF Zone 2 Board
- TIF Zone 3 Board - has Board vacancies

Recommendation/Action Requested and Justification

Information only.

Attachments

Board of Adjustment Report
CENAC Report
CMC Report
CMC Expenses
GCAC Report
GCAC Treasurer Report
GCAC Treasurer Report
GYC Report
GYC Attendance
Library Board Report
Parks and Recreation Report
Plan Commission Report
PSB Report
SCAC Report
Master Attendance Report

Board and Commission Report

Quarterly Report

BOARD: Board of Adjustment

DATE: 3/7/19

Board Summary

October 1, 2018 - January 31, 2019 Report

No variance requests were submitted to be reviewed by the Board of Adjustment during this time period.

Attendance	N/A
Funding Requests	None
Report to Council	N/A

Request for Policy Decisions	N/A
Council Notes	
Recap of Quarter 2	

Contact Information

BOARD CHAIRPERSON: Jerry DeFeo (Vice Chair)

OFFICE PHONE: 972-240-5800

MOBILE PHONE: 972-897-5800

EMAIL: jerrydef@flash.net

STAFF LIAISON: Jim Olk

OFFICE PHONE: ext. 2304

MOBILE PHONE: 214-850-5077

EMAIL: jolk@garlandtx.gov

Board and Commission Report

Quarterly Report

BOARD: Citizens Environmental and Neighborhood Advisory Committee

DATE: 4/1/19

Board Summary

CENAC convened for three regular meetings during the reporting period of January 1, 2019 - March 31, 2019: January 9, February 13, and March 13.

Attendance	January : Present - James Dobbins, John Ball, Robert Bruns, Dennis Garcia, Betty Roberts, Caleb Ernst, Reba Collins, Jason Collard, Ken Risser February : Present - James Dobbins, John Ball, Robert Bruns, Dennis Garcia, Betty Roberts, Caleb Ernst, Reba Collins, Ken Risser. Absent: Jason Collard March: Present - James Dobbins, John Ball, Dennis Garcia, Betty Roberts, Caleb Ernst, Reba Collins, Jason Collard, Ken Risser. Absent: Robert Bruns
Funding Requests	None.
Report to Council	None.

Request for Policy Decisions	None.
Council Notes	NA
Recap of Quarter 2	N/A.

Contact Information

BOARD CHAIRPERSON: Reba Collins

OFFICE PHONE: N/A

MOBILE PHONE: 972-742-0312

EMAIL: rcollins20@verizon.net

STAFF LIAISON: Pat Fowler

OFFICE PHONE: 972-205-3424

MOBILE PHONE: N/A

EMAIL: pfowler@garlandtx.gov

Board and Commission Report

Quarterly Report

BOARD: Community Multicultural Commission

DATE: 3/31/19

Board Summary

The Community Multicultural Commission convened on the following dates for the reporting period of January 1 - March 31.

January 5

January 17

February 21

March 21

Attendance	Master Attendance Report (attached)
Funding Requests	Report Attached
Annual Report to Council	To be determined

Request for Policy Decisions	None at this time.
Council Notes	N/A
Recap of Quarter 2	N/A

Contact Information

BOARD CHAIRPERSON: Jennifer Nguyen

OFFICE PHONE:

MOBILE PHONE: 214-274-4128

EMAIL: jennifer.nguyen50@gmail.com

STAFF LIAISON: Denish Simon/Carma Potter

OFFICE PHONE: 972-205-3337/972-205-2292

MOBILE PHONE:

EMAIL: dsimon@garlandtx.gov/cpotter@garlandtx.gov

CMC Charges for 2019

Year	Trans Date	Description	Amount
2019	Mar-14-2019	CANDY REIMB F/ CANDY WALKER	39.02
2019	Jan-31-2019	CMC Business Cards	69.46
2019	Jan-31-2019	CMC RETREAT - LUNCH	191.07
2019	Jan-31-2019	CMC RETREAT - LUNCH	228.18
2019	Jan-31-2019	CMC MTG SNACKS	17.82
2019	Jan-22-2019	JENNIFER NGUYEN WINTER BALL	-100
2019	Jan-18-2019	CMC WINTER BALL TICKETS	100
2019	Jan-18-2019	CMC WINTER BALL TICKETS	100
2019	Dec-31-2018	CMC HOLIDAY DINNER	351.95
2019	Dec-06-2018	CMC MLK PARADE ENTRY	20
2019	Nov-30-2018	CMC POTLUCK SUPPLIES	25.59
2019	Nov-30-2018	CMC THANKSGIVING MEAL	233.75
2019	Nov-30-2018	CMC MISSION STATEMENT CARDS	166.8
2019	Nov-01-2018	MEAL REIMB F/GENAI WALKER	37.41
2019	Oct-31-2018	CMC LUNCH MTG NANBPWC	77.99
2019	Oct-31-2018	CMC MTG SNACKS	13.96
2019	Oct-30-2018	LUNCH MEETING REFUND	-77.99
2019	Oct-01-2018	accr-23662 PCSEPT2018	77.99
2019	Oct-01-2018	CMC LUNCH MTG NANBPWC	-77.99
			=====
Grand Total:			1495.01

Board and Commission Report

Quarterly Report

BOARD: Garland Cultural Arts Commission

DATE: 3/20/19

Board Summary

Attached are approved minutes from Garland Cultural Arts Commission and Garland Cultural Arts Commission, Inc.'s October 2, 2018 meetings, which were approved at their quarterly meeting, held January 22, 2019. At the January 22, 2019 meeting, Craig Wright, Treasurer, went over the Financial Statements for the three months ending December 31, 2018 which were prepared by Clopton & Company, LLC.

The Garland Cultural Arts Commission, Inc. presented the annual Business for The Arts Awards at the Chamber Banquet in January. This year's recipients were Garland Economic Development Authority and Oaks City Center LLC, Norm Bjornnes, Jr. and Helen Klug. Both received the award for outstanding support of arts groups in Garland. The GCACI Visual Arts Committee met two times during this quarter. The GCAC, Inc. sponsors an annual visual arts juried competition with GISD Seniors each year. The exhibit was judged on March 8 and the Awards Reception was held on March 19 in the lobby of the Granville Arts Center with over 80 in attendance. Cash prizes totaling \$3,900 for Best of Show, First, Second, Third and Fourth Place winners were presented by Commissioners during the Reception. The categories include Drawing/Black & White, Drawing/Color, Painting, Sculpture, Printmaking/Photography, Computer Art, Multi-Media, Ceramic Sculpture, and Ceramic Vessels.

Attendance	January 22, 2019 Quarterly Meeting 7 Members Present 2 Members Absent 4 Staff Present 1 Visitor
Funding Requests	\$19.48 was the total for refreshments for the monthly meeting. \$162.85 was the total for refreshments for the Annual GISD Senior Art Awards Reception.
Report to Council	The Garland Cultural Arts Commission presented its 2018 Annual Report to Council on July 9.

Request for Policy Decisions	There are no requests at this time.
Council Notes	NA
Recap of Quarter 2	NA

Contact Information

BOARD CHAIRPERSON: DeAnne Driver

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MOBILE PHONE: 972-271-1115

EMAIL: sddriver@tx.rr.com

STAFF LIAISON: Patty Granville

OFFICE PHONE: 972-205-2789

MOBILE PHONE: 214-803-4448

EMAIL: pgranvil@garlandtx.gov



GARLAND

PARKS, RECREATION & CULTURAL ARTS

M E M O R A N D U M

DATE: January 23, 2019
TO: Bryan Bradford, City Manager
FROM: Patty Granville, Director of Cultural Facilities *CG*
RE: **Garland Cultural Arts Commission**

The City's agreement with Garland Cultural Arts Commission, Inc. asks for a quarterly written report to the City Council, through the City Manager. This report will be submitted to the City Secretary by April 1, 2019. Attached are approved minutes from Garland Cultural Arts Commission and Garland Cultural Arts Commission, Inc.'s October 2, 2018 meetings, which were approved at their quarterly meeting, held January 22, 2019.

At the January 22, 2019 meeting, Craig Wright, Treasurer, went over the Financial Statements for the three months ending December 31, 2018 which were prepared by Clopton & Company, LLC.

Please advise if further information is needed.

Thank you.



GARLAND

MINUTES

The Garland Cultural Arts Commission of the City of Garland convened in regular session at 4:00 p.m. on Tuesday, October 2, 2018, in the Granville Arts Center Meeting Room, 300 North Fifth Street, Garland, Texas, with the following members:

Present: Joann Traylor
DeAnne Driver
Reta Day
Craig Wright
Karla Pajot
Sheri Stevens
Steven Phelps
Devon Miller

Absent: Blanca Sanchez

Staff Present: Patty Granville, Director of Cultural Facilities
Debbie McAnally, GAC Business Manager
Raycheal Shaheed, GAC Administrative Assistant

1. APPROVAL OF MINUTES

There being no additions or corrections to the minutes from the regular meeting held July 17, 2018, **Motion** was made by Sheri Stevens, seconded by Craig Wright, to accept the minutes as submitted. **Motion carried** - unanimous.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Election of Officers

Officers were elected for the 2018-2019 Fiscal Year. **Motion** was made by Sheri Stevens, seconded by Joann Traylor, to re-elect DeAnne Driver as Chair of the Commission. **Motion carried** - unanimous. **Motion** was made by Joann Traylor, seconded by Karla Pajot, to re-elect Sheri Stevens as Vice-Chair. **Motion carried** - unanimous. Patty Granville will serve as the staff liaison. (According to the Rules of Procedure of the Garland Cultural Arts Commission, "The Director of the Granville Arts Center shall be the staff liaison to the Commission and shall serve as Secretary to the Commission.")

B. Monthly Reports for Granville Arts Center for the months of July, August, and September, 2018 (including The Atrium and Plaza Theatre)

Included in the Director's Report were monthly reports for July, August, and September, 2018 for the Granville Arts Center, The Atrium, and the Plaza Theatre. Patty Granville reported it was a great year. Revenue totals were up at all facilities and in all areas. The Commission discussed the future of the Plaza Theatre, parking at the Arts Center and the upcoming plans for the Bond Study Committee.

3. ADJOURN

There being no further business to come before the Commission, **Motion** was made by Craig Wright, seconded by Reta Day, to adjourn. **Motion carried - unanimous.**

The Garland Cultural Arts Commission, Inc. met in regular session following the meeting of the Garland Cultural Arts Commission on Tuesday, October 2, 2018, in the Granville Arts Center meeting room.

Members Present: DeAnne Driver, Chairman
Sheri Stevens, Vice Chairman
Craig Wright, Treasurer
Karla Pajot
Steven Phelps
Reta Day
Devon Miller
Joann Traylor

Members Absent: Blanca Sanchez

Staff Present: Patty Granville, GAC Director
Debbie McAnally, GAC Business Manager
Raycheal Shaheed, GAC Administrative Assistant

1. Roll Call

The meeting was called to order by Chairman Driver.

2. Election of Officers

DeAnne Driver was made Chairman and Sheri Stevens was made Vice-Chairman, automatically carrying over from the GCAC Election of Officers. **Motion** was made by Sheri Stevens, seconded by Joann Traylor, to elect Craig Wright as Treasurer of the GCAC, Inc. **Motion carried** - unanimous.

3. Approval of the Minutes

There being no additions or corrections to the minutes from the regular meeting held July 17, 2018, **Motion** was made by Sheri Stevens, seconded by Craig Wright, to accept the minutes as submitted. **Motion carried** - unanimous.

4. Treasurer's Report

Treasurer Craig Wright gave the Treasurer's Report prepared by Cathy Clopton, CPA, Clopton & Company, LLC, for the period ending September 30, 2018.

5. Update on Sculpture Dedication Reception

Patty Granville discussed plans for the October 7, 2018 reception being held in the courtyard of The Atrium at the Granville Arts Center. Atmos Energy Corp. has donated \$1,000 to go toward the refreshments and wine. The local arts groups performing include Garland Summer Musicals, Garland Civic Theatre, Garland Symphony Orchestra, Company of Rowlett Performers, Breitling Youth, Mexico 2000 Ballet Folklorico, the GISD Mariachi Band, Alpine Dancers, Dallas Ballet Company, two magicians, and a pianist. Speakers will include Mayor Lori Dodson, Former Mayor Doug Athas, Patty Granville, DeAnne Driver, Dr. Max Chennault, and Barvo Walker.

6. 2018 Business for the Arts Award Recipients

After discussion, the Commission unanimously selected the Garland Economic Development Authority and Oaks City Center LLC, Norm Bjornnes, Jr. and Helen Klug, as the recipients of the Business for the Arts Awards for 2018. The presentation will take place at the Garland Chamber of Commerce annual banquet in January at The Atrium.

7. Communications/Enclosures

The Agenda included the Achievement Center of Texas 2018 Special Arts Festival report. The Visual Arts Committee will meet on Thursday, Nov. 1 at 4pm at the Granville Arts Center to discuss future projects and policies. The Commission asked that Scott Bollinger, Comprehensive Planning Administrator for the Office of Neighborhood Vitality, be invited to attend the next GCAC meeting to discuss upcoming projects for the City of Garland.

8. Adjourn

There being no further business on the agenda, **Motion** was made by Craig Wright, seconded by Steven Phelps, that the meeting adjourn. **Motion carried** – unanimous.

APPROVED BY:

A handwritten signature in black ink, appearing to read "DeAnne Driver", written over a horizontal line.

DeAnne Driver, Chairman

GARLAND CULTURAL ARTS COMMISSION, INC.

FINANCIAL STATEMENTS

DECEMBER 31, 2018

CLOPTON & COMPANY, LLC

.....
Certified Public Accountants

Management is responsible for the accompanying financial statements of Garland Cultural Arts Commission, Inc., which comprise the statement of assets, liabilities, and fund balance as of December 31, 2018 and the related statements of receipts and disbursements for the periods ended December 31, 2018 in accordance with the income tax basis of accounting, and for determining that the income tax basis of accounting is an acceptable financial reporting framework. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

The financial statements are prepared in accordance with the income tax basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Management has elected to omit substantially all the disclosures ordinarily included in financial statements prepared in accordance with the income tax basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the company's assets, liabilities, equity, revenue, and expenses. Accordingly, the financial statements are not designed for those who are not informed about such matters.



Clopton & Company, LLC

Garland, Texas

January 3, 2019

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Garland Cultural Arts Commission, Inc.
Statement of Assets, Liabilities & Fund Balance
December 31, 2011

	<u>Dec 31, 11</u>
ASSETS	
Current Assets	
Checking/Savings	
Chase Operating	47,901.17
Chase Sculpture	<u>6,729.28</u>
Total Checking/Savings	<u>54,630.45</u>
Total Current Assets	<u>54,630.45</u>
TOTAL ASSETS	<u><u>54,630.45</u></u>
LIABILITIES & EQUITY	
Equity	
Fund Balance-Unrestricted	18,845.17
Net Income	<u>35,785.28</u>
Total Equity	<u>54,630.45</u>
TOTAL LIABILITIES & EQUITY	<u><u>54,630.45</u></u>

See accompanying accountants' report

Garland Cultural Arts Commission, Inc.
Statement of Receipts & Disbursements
For the Three Months Ended December 31, 201

	<u>Oct - Dec 18</u>
Ordinary Income/Expense	
Income	
Grant Income	152,559.00
Newsletter Sponsorships	1,600.00
Miscellaneous Income	152.00
Total Income	154,311.00
Gross Profit	154,311.00
Expense	
Accounting & Legal	200.00
Grants	116,180.00
Meetings & Conferences	2,145.72
Total Expense	118,525.72
Net Ordinary Income	35,785.28
Net Income	<u><u>35,785.28</u></u>

See accompanying accountants' report

Garland Cultural Arts Commission, Inc.
General Ledger
As of December 31, 2018

Date	Num	Name	Memo	Debit	Credit	Balance
Chase Operating						9,970.17
10/01/2018	3202	Clopton & Comp...			200.00	9,770.17
10/05/2018			Dos Banderas	400.00		10,170.17
10/15/2018		City of Garland		152,559.00		162,729.17
10/17/2018	3206	Garland Symphon...			26,000.00	136,729.17
10/17/2018	3205	Garland Summer ...			27,500.00	109,229.17
10/17/2018	3210	Company of Row...			7,000.00	102,229.17
10/17/2018	3207	Achievement Cen...			5,000.00	97,229.17
10/17/2018	3211	Friends of Magic ...	1/2 of grant		1,120.00	96,109.17
10/17/2018	3213	Lake Cities Chorale			1,500.00	94,609.17
10/17/2018	3209	Breitling Youth T...			2,500.00	92,109.17
10/17/2018	3204	Garland Civic Th...			25,500.00	66,609.17
10/17/2018	3215	Texas Winds Mus...			800.00	65,809.17
10/17/2018	3212	Garland Landmar...			2,864.00	62,945.17
10/17/2018	3214	Dallas Ballet			14,896.00	48,049.17
10/17/2018	3208	Alpine Dancers			1,500.00	46,549.17
10/19/2018			Texas Brand Bank	400.00		46,949.17
10/31/2018			Garland Constructi...	400.00		47,349.17
11/27/2018			Deposit	552.00		47,901.17
Total Chase Operating				154,311.00	116,380.00	47,901.17
Chase Sculpture						8,875.00
10/01/2018	1741	Louis Salazar	Install plaque/podi...		750.00	8,125.00
10/02/2018	1742	Guess Who's Co...	Sculpture Reception		1,087.50	7,037.50
10/07/2018	1743	Deanne Driver	Reimbursement for...		308.22	6,729.28
Total Chase Sculpture				0.00	2,145.72	6,729.28
Fund Balance-Unrestricted						-29,851.17
12/31/2018	RES...		To close out sculpt...	11,006.00		-18,845.17
Total Fund Balance-Unrestricted				11,006.00	0.00	-18,845.17
Fund Balance-Sculpture						11,006.00
12/31/2018	RES...		To close out sculpt...		11,006.00	0.00
Total Fund Balance-Sculpture				0.00	11,006.00	0.00
Grant Income						0.00
10/15/2018		City of Garland			152,559.00	-152,559.00
Total Grant Income				0.00	152,559.00	-152,559.00
Newsletter Sponsorships						0.00
10/05/2018			Dos Banderas		400.00	-400.00
10/19/2018			Texas Brand Bank		400.00	-800.00
10/31/2018			Garland Constructi...		400.00	-1,200.00
11/27/2018			Atmos Energy		400.00	-1,600.00

Garland Cultural Arts Commission, Inc.
General Ledger
As of December 31, 2018

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
Total Newsletter Sponsorships				0.00	1,600.00	-1,600.00
Miscellaneous Income						0.00
11/27/2018			GSM reimb for 19 ...		152.00	-152.00
Total Miscellaneous Income				0.00	152.00	-152.00
Accounting & Legal						0.00
10/01/2018	3202	Clopton & Comp...		200.00		200.00
Total Accounting & Legal				200.00	0.00	200.00
Grants						0.00
10/17/2018	3206	Garland Symphon...		26,000.00		26,000.00
10/17/2018	3205	Garland Summer ...		27,500.00		53,500.00
10/17/2018	3210	Company of Row...		7,000.00		60,500.00
10/17/2018	3207	Achievement Cen...		5,000.00		65,500.00
10/17/2018	3211	Friends of Magic ...	1/2 of grant	1,120.00		66,620.00
10/17/2018	3209	Breitling Youth T...		2,500.00		69,120.00
10/17/2018	3204	Garland Civic Th...		25,500.00		94,620.00
10/17/2018	3215	Texas Winds Mus...		800.00		95,420.00
10/17/2018	3212	Garland Landmar...		2,864.00		98,284.00
10/17/2018	3214	Dallas Ballet		14,896.00		113,180.00
10/17/2018	3213	Lake Cities Chorale		1,500.00		114,680.00
10/17/2018	3208	Alpine Dancers		1,500.00		116,180.00
Total Grants				116,180.00	0.00	116,180.00
Meetings & Conferences						0.00
10/01/2018	1741	Louis Salazar	Install plaque/podi...	750.00		750.00
10/02/2018	1742	Guess Who's Co...	Sculpture Reception	1,087.50		1,837.50
10/07/2018	1743	Deanne Driver	Reimbursement for...	308.22		2,145.72
Total Meetings & Conferences				2,145.72	0.00	2,145.72
TOTAL				283,842.72	283,842.72	0.00



GARLAND

PARKS, RECREATION & CULTURAL ARTS

M E M O R A N D U M

DATE: Oct. 3, 2018
TO: Bryan Bradford, City Manager
FROM: Patty Granville, Director of Cultural Facilities *PG*
RE: Garland Cultural Arts Commission

The City's agreement with Garland Cultural Arts Commission, Inc. asks for a quarterly written report to the City Council, through the City Manager. This report will be submitted to the City Secretary by January 1, 2019. Attached are approved minutes from Garland Cultural Arts Commission and Garland Cultural Arts Commission, Inc.'s July 17, 2018 meetings, which were approved at their quarterly meeting, held October 2, 2018.

At the October 2, 2018 meeting, Craig Wright, Treasurer, went over the Financial Statements for the three months ending September 30, 2018 which were prepared by Clopton & Company, LLC.

Please advise if further information is needed.

Thank you.

The Garland Cultural Arts Commission of the City of Garland met at 4:00 p.m. in regular session on Tuesday, July 17, 2018 in the Granville Arts Center meeting room.

Members Present: DeAnne Driver, Chair
Claudia Porras
Karla Pajot
Craig Wright
Harlan Seagren
Reta Day
Sheri Stevens
Blanca Sanchez
Joann Traylor

Staff Present: Patty Granville, Director of Cultural Facilities
Debbie McAnally, GAC Business Manager
Raycheal Shaheed, GAC Administrative Assistant

Visitors: Tim Doyle, GAC Customer Service Representative

1. APPROVAL OF MINUTES

There being no additions or corrections to the minutes of the regular meeting held April 17, 2018, **Motion** was made by Sheri Stevens, seconded by Blanca Sanchez, to accept the minutes as submitted. **Motion carried** - unanimous.

2. ITEMS FOR INDIVIDUAL CONSIDERATION

A. Review and Discuss Proposed Rate Increases

Patty Granville reported on the proposed rate increases for the Granville Arts Center and the Plaza Theatre. The increases will raise the basic rental rates for the Brownlee Auditorium, Small Theatre and Plaza Theatre for all groups. The Affiliate hourly rate and the Grand Piano rental rate will also increase. All other fees will remain the same. The Commission supported the rental increases that will be presented to the City Manager for final approval. The new rates will go into effect January 2019.

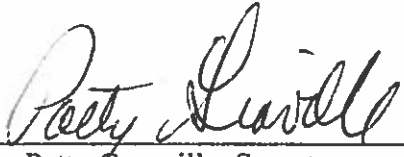
B. Monthly Reports for Granville Arts Center for the Months of April, May, and June, 2018 (Including The Atrium and Plaza Theatre)

Included in the Director's Report were monthly reports for April, May, and June, 2018 for the Granville Arts Center, The Atrium, and the Plaza Theatre. Patty Granville reported revenue totals are ahead for the Granville Arts Center and The Atrium. The Plaza Theatre revenue is slightly down due to more City activities taking place at the Plaza.

3. ADJOURN

There being no further business to come before the Commission, **Motion** was made by Sheri Stevens, seconded by Harlan Seagren, to adjourn. **Motion carried** – unanimous.

SUBMITTED BY:



Patty Granville, Secretary

APPROVED BY:



DeAnne Driver, Chairman

The Garland Cultural Arts Commission, Inc. met in regular session following the meeting of the Garland Cultural Arts Commission on Tuesday, July 17, 2018, in the Granville Arts Center meeting room.

Members Present: DeAnne Driver, Chairman
Sheri Stevens, Vice Chairman
Craig Wright, Treasurer
Harlan Seagren
Reta Day
Karla Pajot
Claudia Porras
Blanca Sanchez
Joann Traylor

Staff Present: Patty Granville, GAC Director
Debbie McAnally, GAC Business Manager
Raycheal Shaheed, GAC Administrative Assistant

Visitors: Tim Doyle, GAC Customer Service Representative

1. Roll Call

The meeting was called to order by Chairman Driver.

2. Approval of the Minutes

There being no additions or corrections to the minutes from the regular meeting held April 17, 2018, **Motion** was made by Blanca Sanchez, seconded by Sheri Stevens, to accept the minutes as submitted. **Motion carried** - unanimous.

3. Treasurer's Report

The financial report, prepared by Cathy Clopton, CPA, Clopton & Company, LLC, for the period ending June 30, 2018, was given by Craig Wright, Treasurer.

4. Vision of the Arts Sculpture Project Update

Patty Granville informed the Commission that the Foundry is in the final stages of welding, sandblasting and applying the patina. The delivery date is tentatively set for the end of August. The Commissioners asked to be notified of the progress. Once the sculpture is in place, the date will be confirmed for the reception and invitations will be mailed. The Reception Committee has gathered several arts groups to perform at the reception and Atmos Energy has donated \$1,000 to go towards the event.

Patty introduced Tim Doyle. Tim joined the GAC staff this summer as a temporary Customer Service Representative. He has been working on the study titled "Impact of the Arts – The Influence of Cultural Arts on the City of Garland and its Downtown Community." Tim explained results of the study.

5. Approval of the Budget for 2018-2019

A new budget was proposed for 2018-2019. After discussion, **Motion** was made by Claudia Porras, seconded by Sheri Stevens, to accept the new budget as submitted. **Motion carried – unanimous.**

6. Approval of Revised Grant Application for 2018-2019

The Grant Application proposed for 2018-2019 was revised and presented for approval. **Motion** was made by Harlan Seagren, seconded by Joann Traylor, to accept the proposed grant application as written. **Motion carried – unanimous.**

7. Communications and Enclosures

The Agenda included the Garland Civic Theatre Season Announcement and the Texas Winds Musical Outreach newsletter.

8. Adjourn

There being no further business on the agenda, **Motion** was made by Karla Pajot, seconded by Blanca Sanchez, that the meeting adjourn. **Motion carried – unanimous.**

APPROVED BY:


DeAnne Driver, Chairman

GARLAND CULTURAL ARTS COMMISSION, INC.

FINANCIAL STATEMENTS

SEPTEMBER 30, 2018

CLOPTON & COMPANY, LLC

.....
Certified Public Accountants

Management is responsible for the accompanying financial statements of Garland Cultural Arts Commission, Inc., which comprise the statement of assets, liabilities, and fund balance as of September 30, 2018 and the related statements of receipts and disbursements for the periods ended September 30, 2018 in accordance with the income tax basis of accounting, and for determining that the income tax basis of accounting is an acceptable financial reporting framework. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

The financial statements are prepared in accordance with the income tax basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

Management has elected to omit substantially all the disclosures ordinarily included in financial statements prepared in accordance with the income tax basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the company's assets, liabilities, equity, revenue, and expenses. Accordingly, the financial statements are not designed for those who are not informed about such matters.



Clopton & Company, LLC

Garland, Texas

September 30, 2018

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Garland Cultural Arts Commission, Inc.
Statement of Assets, Liabilities & Fund Balance
September 30, 2011

	<u>Sep 30, 11</u>
ASSETS	
Current Assets	
Checking/Savings	
Chase Operating	9,970.17
Chase Sculpture	<u>8,875.00</u>
Total Checking/Savings	<u>18,845.17</u>
Total Current Assets	<u>18,845.17</u>
TOTAL ASSETS	<u><u>18,845.17</u></u>
LIABILITIES & EQUITY	
Equity	
Fund Balance-Unrestricted	19,636.76
Fund Balance-Sculpture	8,225.00
Net Income	<u>(9,016.59)</u>
Total Equity	<u>18,845.17</u>
TOTAL LIABILITIES & EQUITY	<u><u>18,845.17</u></u>

See accompanying accountants' report

Garland Cultural Arts Commission, Inc.
Statement of Receipts & Disbursements
For the Three Months & Twelve Months Ended September 30, 201

	<u>Jul - Sep 18</u>	<u>Oct '17 - Sep 18</u>
Ordinary Income/Expense		
Income		
Grant Income	0.00	135,934.00
Newsletter Sponsorships	0.00	400.00
Art Sculpture Donations	250.00	2,050.00
Total Income	<u>250.00</u>	<u>138,384.00</u>
Gross Profit	250.00	138,384.00
Expense		
Accounting & Legal	400.00	800.00
Art Sculpture	0.00	21,281.00
Awards	0.00	3,800.00
Dues & Memberships	0.00	500.00
Grants	0.00	109,600.00
Miscellaneous Expenses	0.00	0.00
Newsletters	4,549.71	11,354.59
Office Expenses	65.00	65.00
Total Expense	<u>5,014.71</u>	<u>147,400.59</u>
Net Ordinary Income	<u>(4,764.71)</u>	<u>(9,016.59)</u>
Net Income	<u>(4,764.71)</u>	<u>(9,016.59)</u>

See accompanying accountants' report

Garland Cultural Arts Commission, Inc.
General Ledger
As of September 30, 2018

Date	Num	Name	Memo	Debit	Credit	Balance
Chase Operating						16,136.76
10/09/2017	3147	Clopton & Comp...			200.00	15,936.76
10/10/2017		City of Garland		135,934.00		151,870.76
10/13/2017			Garland Const...	400.00		152,270.76
10/20/2017		Transfer to Sculp...			1,600.00	150,670.76
10/24/2017	3148	City of Garland			10,000.00	140,670.76
11/06/2017	3152	Company of Row...			7,000.00	133,670.76
11/06/2017	3154	Garland Civic Th...			24,000.00	109,670.76
11/06/2017	3155	Garland Summer ...			26,600.00	83,070.76
11/06/2017	3156	Garland Sympho...			25,000.00	58,070.76
11/06/2017	3157	Lake Cities Chor...			1,000.00	57,070.76
11/06/2017	3158	Texas Winds Mu...			1,100.00	55,970.76
11/06/2017	3149	Achievement Cen...			5,000.00	50,970.76
11/06/2017	3150	Alpine Dancers			2,500.00	48,470.76
11/06/2017	3153	Dallas Ballet			14,400.00	34,070.76
11/06/2017	3151	Breitling Youth T...			3,000.00	31,070.76
01/05/2018	3159	Clopton & Comp...			200.00	30,870.76
02/01/2018	3160	Executive Press			2,000.00	28,870.76
02/08/2018	3162	Garland Chamber...			500.00	28,370.76
02/08/2018	3161	Void		0.00		28,370.76
03/07/2018	3163	Schaefer Art Bro...	Installation		6,500.00	21,870.76
03/15/2018	3189	Jennifer Huerta	1st ceramic		175.00	21,695.76
03/15/2018	3166	Jolene Mollenkamp	2nd drawing b...		125.00	21,570.76
03/15/2018	3186	Courtney Huyuh	2nd multi media		125.00	21,445.76
03/15/2018	3195	Esmerelda Pineda	3rd ceramic ve...		100.00	21,345.76
03/15/2018	3184	Eri Reeves	4th printmaking		75.00	21,270.76
03/15/2018	3168	Ladiva Pickror	4th drawing b...		75.00	21,195.76
03/15/2018	3190	Jennifer Huerta	2nd ceramic		125.00	21,070.76
03/15/2018	3171	Zuleyma Juarez	3rd drawing c...		100.00	20,970.76
03/15/2018	3172	Juan Gamez	4th drawing c...		75.00	20,895.76
03/15/2018	3196	Kevin Tavera	4th ceramic ve...		75.00	20,820.76
03/15/2018	3193	Vianney Leos	1st ceramic ve...		175.00	20,645.76
03/15/2018	3194	Emmanuel Ramirez	2nd ceramic v...		125.00	20,520.76
03/15/2018	3180	Tina Khuu	4th sculpture		75.00	20,445.76
03/15/2018	3170	Karla Gutierrez	2nd drawing c...		125.00	20,320.76
03/15/2018	3167	Angelia Demata	3rd drawing b...		100.00	20,220.76
03/15/2018	3181	Jacque Patino	1st printmaking		175.00	20,045.76
03/15/2018	3191	Chloie Lewis	3rd ceramic		100.00	19,945.76
03/15/2018	3179	Chloie Lewis	3rd sculpture		100.00	19,845.76
03/15/2018	3173	Hanna Mateo	1st painting		175.00	19,670.76
03/15/2018	3176	Humberto Cruces	4th painting		75.00	19,595.76
03/15/2018	3164	Aira Naval			100.00	19,495.76
03/15/2018	3169	Aira Naval			175.00	19,320.76
03/15/2018	3174	Bianca Espinoza			125.00	19,195.76
03/15/2018	3177	Julisha Wyatt			175.00	19,020.76
03/15/2018	3182	Joshua Hopkins			125.00	18,895.76
03/15/2018	3185	Kaleb Simpson			175.00	18,720.76
03/15/2018	3187	McKenna Lookaby			100.00	18,620.76

Garland Cultural Arts Commission, Inc.
General Ledger
As of September 30, 2018

Date	Num	Name	Memo	Debit	Credit	Balance
03/15/2018	3192	Victoria Stanfield			75.00	18,545.76
04/05/2018	3178	Orlanda Garza	2nd sculpture		125.00	18,420.76
04/09/2018	3175	Anabel Medellen			100.00	18,320.76
04/26/2018	3165	Clara Truax			175.00	18,145.76
05/01/2018	3198	Executive Press			4,804.88	13,340.88
05/09/2018	3197	Twin Lakes Mem...			4,781.00	8,559.88
05/15/2018		Transfer to Opera...		6,500.00		15,059.88
06/26/2018	3188	Debani Cossio	4th multi media		75.00	14,984.88
07/06/2018	3199	Executive Press			4,549.71	10,435.17
07/10/2018		Check Charge			65.00	10,370.17
07/26/2018	3200	Clopton & Comp...			400.00	9,970.17
Total Chase Operating				142,834.00	149,000.59	9,970.17
Chase Sculpture						11,725.00
10/20/2017		Transfer to Sculp...		1,600.00		13,325.00
02/01/2018			Dos Banderas,...	800.00		14,125.00
05/15/2018		Transfer to Opera...			6,500.00	7,625.00
05/29/2018		Atmos Energy	Deposit	1,000.00		8,625.00
08/16/2018			Deposit	250.00		8,875.00
Total Chase Sculpture				3,650.00	6,500.00	8,875.00
Fund Balance-Unrestricted						-19,636.76
Total Fund Balance-Unrestricted						-19,636.76
Fund Balance-Sculpture						-8,225.00
Total Fund Balance-Sculpture						-8,225.00
Grant Income						0.00
10/10/2017		City of Garland			135,934.00	-135,934.00
Total Grant Income				0.00	135,934.00	-135,934.00
Newsletter Sponsorships						0.00
10/13/2017			Garland Const...		400.00	-400.00
Total Newsletter Sponsorships				0.00	400.00	-400.00
Art Sculpture Donations						0.00
02/01/2018			Dos Banderas,...		800.00	-800.00
05/29/2018		Atmos Energy	Deposit		1,000.00	-1,800.00
08/16/2018			Deposit		250.00	-2,050.00
Total Art Sculpture Donations				0.00	2,050.00	-2,050.00
Accounting & Legal						0.00
10/09/2017	3147	Clopton & Comp...		200.00		200.00
01/05/2018	3159	Clopton & Comp...		200.00		400.00
07/26/2018	3200	Clopton & Comp...		400.00		800.00

Garland Cultural Arts Commission, Inc.

General Ledger

As of September 30, 2018

Date	Num	Name	Memo	Debit	Credit	Balance
Total Accounting & Legal				800.00	0.00	800.00
Art Sculpture						0.00
10/24/2017	3148	City of Garland		10,000.00		10,000.00
03/07/2018	3163	Schaefer Art Bro...	Installation	6,500.00		16,500.00
05/09/2018	3197	Twin Lakes Mem...		4,781.00		21,281.00
Total Art Sculpture				21,281.00	0.00	21,281.00
Awards						0.00
03/15/2018	3189	Jennifer Huerta	1st ceramic	175.00		175.00
03/15/2018	3166	Jolene Mollenkamp	2nd drawing b...	125.00		300.00
03/15/2018	3186	Courtney Huyuh	2nd multi media	125.00		425.00
03/15/2018	3195	Esmereida Pineda	3rd ceramic ve...	100.00		525.00
03/15/2018	3184	Eri Reeves	4th printmaking	75.00		600.00
03/15/2018	3168	Ladiva Pickror	4th drawing b...	75.00		675.00
03/15/2018	3190	Jennifer Huerta	2nd ceramic	125.00		800.00
03/15/2018	3171	Zuleyma Juarez	3rd drawing c...	100.00		900.00
03/15/2018	3172	Juan Gamez	4th drawing c...	75.00		975.00
03/15/2018	3196	Kevin Tavera	4th ceramic ve...	75.00		1,050.00
03/15/2018	3193	Vianney Leos	1st ceramic ve...	175.00		1,225.00
03/15/2018	3194	Emmanuel Ramirez	2nd ceramic v...	125.00		1,350.00
03/15/2018	3180	Tina Khuu	4th sculpture	75.00		1,425.00
03/15/2018	3170	Karla Gutierrez	2nd drawing c...	125.00		1,550.00
03/15/2018	3167	Angelia Demata	3rd drawing b...	100.00		1,650.00
03/15/2018	3181	Jacque Patino	1st printmaking	175.00		1,825.00
03/15/2018	3191	Chloie Lewis	3rd ceramic	100.00		1,925.00
03/15/2018	3179	Chloie Lewis	3rd sculpture	100.00		2,025.00
03/15/2018	3173	Hanna Mateo	1st painting	175.00		2,200.00
03/15/2018	3176	Humberto Cruces	4th painting	75.00		2,275.00
03/15/2018	3164	Aira Naval		100.00		2,375.00
03/15/2018	3169	Aira Naval		175.00		2,550.00
03/15/2018	3174	Bianca Espinoza		125.00		2,675.00
03/15/2018	3177	Julisha Wyatt		175.00		2,850.00
03/15/2018	3182	Joshua Hopkins		125.00		2,975.00
03/15/2018	3185	Kaleb Simpson		175.00		3,150.00
03/15/2018	3187	McKenna Lookaby		100.00		3,250.00
03/15/2018	3192	Victoria Stanfield		75.00		3,325.00
04/05/2018	3178	Orlanda Garza	2nd sculpture	125.00		3,450.00
04/09/2018	3175	Anabel Medellen		100.00		3,550.00
04/26/2018	3165	Clara Truax		175.00		3,725.00
06/26/2018	3188	Debani Cossio	4th multi media	75.00		3,800.00
Total Awards				3,800.00	0.00	3,800.00
Dues & Memberships						0.00
02/08/2018	3162	Garland Chamber...		500.00		500.00
Total Dues & Memberships				500.00	0.00	500.00

Garland Cultural Arts Commission, Inc.
General Ledger
As of September 30, 2018

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
Grants						0.00
11/06/2017	3152	Company of Row...		7,000.00		7,000.00
11/06/2017	3154	Garland Civic Th...		24,000.00		31,000.00
11/06/2017	3155	Garland Summer ...		26,600.00		57,600.00
11/06/2017	3156	Garland Sympho...		25,000.00		82,600.00
11/06/2017	3157	Lake Cities Chor...		1,000.00		83,600.00
11/06/2017	3158	Texas Winds Mu...		1,100.00		84,700.00
11/06/2017	3149	Achievement Cen...		5,000.00		89,700.00
11/06/2017	3150	Alpine Dancers		2,500.00		92,200.00
11/06/2017	3153	Dallas Ballet		14,400.00		106,600.00
11/06/2017	3151	Breitling Youth T...		3,000.00		109,600.00
Total Grants				109,600.00	0.00	109,600.00
Miscellaneous Expenses						0.00
02/08/2018	3161	Void		0.00		0.00
Total Miscellaneous Expenses				0.00	0.00	0.00
Newsletters						0.00
02/01/2018	3160	Executive Press		2,000.00		2,000.00
05/01/2018	3198	Executive Press		4,804.88		6,804.88
07/06/2018	3199	Executive Press		4,549.71		11,354.59
Total Newsletters				11,354.59	0.00	11,354.59
Office Expenses						0.00
07/10/2018		Check Charge		65.00		65.00
Total Office Expenses				65.00	0.00	65.00
TOTAL				293,884.59	293,884.59	0.00

Board and Commission Report

Quarterly Report

BOARD: Garland Youth Council

DATE: 3/20/19

Board Summary

The Garland Youth Council (GYC) held several meetings this quarter preparing for Spring events. Six members participated in the MLK Jr. Day Parade by walking in the parade to promote the Make Your Mark Campaign.

The Your Voice: Teen Town Hall included about 60 youth residents of Garland. At the two hour event the teens held discussions of issues facing youth in Garland. Much of the information gathered at this event will be presented to City Council at the May 20 Work Session Meeting.

Ten members of the GYC traveled to Fort Worth to participate in the annual Texas Municipal League Youth Advisory Council Summit.

In March, the GYC discussed four legislative bills that are in committee and decided to support or oppose each. Letters were then drafted and sent to the appropriate Representative. These were HB 1144, HB 749, HB 627 AND HB 900.

GYC Meeting - Jan. 8, 2019

MLK Jr. Day Parade Volunteered - Jan. 19, 2019

GYC Meeting - Jan. 22, 2019

GYC Meeting - Feb. 12, 2019

Your Voice: Teen Town Hall - Feb. 16, 2019

Texas Municipal League Trip - Feb. 23, 2019

GYC Meeting - Feb. 26, 2019

GYC Meeting - March 5, 2019

GYC Meeting - March 26, 2019

Attendance	The GYC meets twice a month from August to May following the school year. Attached is the attendance record as of March 31.
Funding Requests	There are no requests at this time.
Annual Report to Council	The GYC runs a one year term from August to May. The 2017-18 annual report was presented to City Council on May 14. The GYC is scheduled to present the 2018-19 annual report on May 20, 2019.

Request for Policy Decisions	There are no requests at this time.
Council Notes	
Recap of Quarter 2	

Contact Information

BOARD CHAIRPERSON: Jazmin Sanchez

OFFICE PHONE:

MOBILE PHONE:

EMAIL:

STAFF LIAISON: Bailey Hebert

OFFICE PHONE: 972-205-2877

MOBILE PHONE: 210-663-4447

EMAIL: BHebert@GarlandTX.gov

First Name	Last Name	Total Absences	Retreat 8/4/18	Induction 8/21/18	Mtg 9/11/18	Mtg 9/25/18	Mtg 10/9/18	Mtg 10/23/18	Mtg 11/13/18	Mtg 11/27/18	COTS 11/29/18	Holiday Party 12/11/18	Council Presentation 12/17/18	Mtg 1/8/19	Mtg 1/22/19	Mtg 2/12/19	Mtg 2/26/19	Mtg 3/5/19	Mtg 3/26/19	Mtg 4/9/19	End of the Year Party 4/23/19
Alexis	Ferrusquia	2	Present	Absent	Present	Present	Present	Present	Present	Present	Present	Absent	Present	Present	Present	Present	Present	Present			
Brian	Nguyen	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present			
Cynthia	Carillo	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present			
Esther	Akapo	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent			
Jade	Martinez	5	Present	Present	Absent	Absent	Absent	Absent	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent			
Jazmin	Sanchez	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent	Present	Present			
Jibran	Haroon	1	Present	Present	Present	Present	Present	Present	Absent	Present	Present	Present	Present	Present	Present	Present	Present	Present			
Julian	Humphrey	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present			
Katherine	Sinclair	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent			
Leah	Tharakan	1	Absent	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present			
Max	Luna	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present			
Max	Lavinsky	4	Present	Present	Present	Present	Present	NC	Present	Present	Present	Present	Absent	Present	Present	Present	Absent	Absent			
Michelle	Nguyen	2	Present	Present	Present	Present	Present	Present	Absent	Present	Present	Present	Present	Present	Present	Absent	Present	Present			
Olivia	Glick	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent			
Patricio	Gonzalez	5	Present	Present	NC	Absent	Present	Present	Present	NC	Present	Present	Absent	Present	Present	Present	Present	Absent			
Quenton	Busby	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present			
Sarah	Cox	4	Present	Present	Present	Present	Absent	Present	Present	Present	Present	Absent	Present	Present	Present	Absent	NC	Present			
Sydney	Colon	2	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent	Present	Absent	Present	Present			
Victoria	Penick	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent	Present	Present			
Ximena	Coronado	4	Present	Present	Present	Present	Present	Present	Present	Absent	Absent	Absent	Absent	Present	Present	Present	Present	Present			

LE - Left Early

L - Late (more than 10 minutes)

NC - Absent w/o notifying

First Name	Last Name	Total Absences	Retreat 8/4/18	Induction 8/21/18	Mtg 9/11/18	Mtg 9/25/18	Mtg 10/9/18	Mtg 10/23/18	Mtg 11/13/18	Mtg 11/27/18	COTS 11/29/18	Holiday Party 12/11/18	Council Presentation 12/17/18	Mtg 1/8/19	Mtg 1/22/19	Mtg 2/12/19	Mtg 2/26/19	Mtg 3/5/19	Mtg 3/26/19	Mtg 4/9/19	End of the Year Party 4/23/19
Alexis	Ferrusquia	2	Present	Absent	Present	Present	Present	Present	Present	Present	Present	Absent	Present	Present	Present	Present	Present	Present		Present	
Brian	Nguyen	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present	
Cynthia	Carillo	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present	
Esther	Akapo	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent		NC	
Jade	Martinez	5	Present	Present	Absent	Absent	Absent	Absent	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent		Present	
Jazmin	Sanchez	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent	Present	Present		Present	
Jibran	Haroon	1	Present	Present	Present	Present	Present	Present	Absent	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present	
Julian	Humphrey	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present		NC	
Katherine	Sinclair	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent		Absent	
Leah	Tharakan	1	Absent	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present	
Max	Luna	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present		NC	
Max	Lavinsky	4	Present	Present	Present	Present	Present	NC	Present	Present	Present	Present	Absent	Present	Present	Present	Absent	Absent		NC	
Michelle	Nguyen	2	Present	Present	Present	Present	Present	Present	Absent	Present	Present	Present	Present	Present	Present	Absent	Present	Present		NC	
Olivia	Glick	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent		Present	
Patricio	Gonzalez	5	Present	Present	NC	Absent	Present	Present	Present	NC	Present	Present	Absent	Present	Present	Present	Present	Absent		NC	
Quenton	Busby	0	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present		Present	
Sarah	Cox	4	Present	Present	Present	Present	Absent	Present	Present	Present	Present	Absent	Present	Present	Present	Absent	NC	Present		Present	
Sydney	Colon	2	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent	Present	Absent	Present	Present		Present	
Victoria	Penick	1	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Absent	Present	Present		Present	
Ximena	Coronado	4	Present	Present	Present	Present	Present	Present	Present	Absent	Absent	Absent	Absent	Present	Present	Present	Present	Present		Present	

LE - Left Early

L - Late (more than 10 minutes)

NC - Absent w/o notifying

Board and Commission Report

Quarterly Report

BOARD: Library Board

DATE: 3/15/19

Board Summary

The Library Board convened once for the reporting period of January 1, 2019 - March 31, 2019.

The February 11, 2019 Regular Board Meeting was held to discuss the Central Library's Capital Improvements Status Report, as well as the Board's recommended Library projects and priorities for the Bond Program in May. The Board Members were also given an overview of Wowbrary, the Library's new weekly e-mail alert system.

Attendance	February 11, 2019 Present: Bettye Haynes, Patrick Dullano, Michael Degen, Melissa Barnett, CorSharra Jackson, Edwina Garner, and Dorothy McAllister Absent: Terri Chepregi and Trellas Gotcher
Funding Requests	None.
Report to Council	TBA

Request for Policy Decisions	None.
Council Notes	
Recap of Quarter 2	N/A

Contact Information

BOARD CHAIRPERSON: Bettye Haynes

OFFICE PHONE:

MOBILE PHONE: 972-746-3882

EMAIL: bhaynes6@verizon.net

STAFF LIAISON: Claire Bausch

OFFICE PHONE: 972-205-2544

MOBILE PHONE: 469-261-6812

EMAIL: cbausch@garlandtx.gov

Board and Commission Report

Quarterly Report

BOARD: Park Board

DATE: 12/6/18

Board Summary

Attendance	October: (Mayor) Vacant (1) Ed Seghers = A (2) Jonathan Ferguson = P (3) Vacant (4) Molly Bishop = P (5) Margaret Lucht = P (6) Daphne Stanley = P (7) David Parrish = P (8) Kenia Hudson - Ott = P October Special Meeting: (Mayor) Vacant (1) Ed Seghers = A (2) Jonathan Ferguson = A (3) Vacant (4) Molly Bishop = P (5) Margaret Lucht = P (6) Daphne Stanley = P (7) David Parrish = P (8) Kenia Hudson - Ott = P November: (Mayor) Vacant (1) Ed Seghers = P (2) Jonathan Ferguson = A (3) Vacant (4) Molly Bishop = P (5) Margaret Lucht = P (6) Daphne Stanley = P (7) David Parrish = P (8) Kenia Hudson - Ott = P December: (Mayor) Vacant (1) Ed Seghers = P (2) Jonathan Ferguson = P (3) Vacant (4) Molly Bishop = P (5) Margaret Lucht = P (6) Daphne Stanley = P (7) David Parrish = P (8) Kenia Hudson - Ott = P
Funding Requests	October 3 Regular Meeting: 107.74 October 8 Special Meeting: 59.42 November Regular Meeting: 145.84 December Regular Meeting: 146.48
Report to Council	

Request for Policy Decisions	
Council Notes	
Recap of Quarter 1	

Contact Information

BOARD CHAIRPERSON: Molly Bishop

OFFICE PHONE:

MOBILE PHONE: 972-613-7777

EMAIL: molly7bishop@gmail.com

STAFF LIAISON: Yvonne V. Naser

OFFICE PHONE: 972-205-2754

MOBILE PHONE:

EMAIL:

The Parks and Recreation Board of the City of Garland, Texas convened in regular session at 7:00 p.m. on Wednesday October 3, 2018 in the Work Session Room at 200 N. Fifth Street with the following members present:

MEMBERS PRESENT:

Chair	Molly Bishop
Vice Chair	David Parrish
Board Member	Margaret Lucht
Board Member	Daphne Stanley
Board Member	Jonathan Ferguson
Board Member	Kenia Hudson - Ott

STAFF PRESENT:

Managing Director	Jermel Stevenson
Staff	Barry Swisher
Staff	D'Lee Williams
Staff	Keith Reagan
Staff	Ann McGinnes
Staff	Yvonne V. Naser

MEMBERS ABSENT:

Board Member	Ed Seghers
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COUNCIL PRESENT:

1. APPROVAL OF THE MINUTES

Motion was made by Margaret Lucht seconded by David Parrish that the minutes of the **SEPTEMBER 1, 2018** Regular Meeting and the minutes of the **SEPTEMBER 15, 2018** Special Meeting be approved as submitted.

Motion carried: 6 ayes, 0 nays

ITEMS FOR INDIVIDUAL CONSIDERATION

a. CONSIDER PROPOSED 2019 BOND ELECTION PROJECTS SUBMISSION

Board discussed options for Proposed 2019 Bond Election Projects Submission.

Tabled until: 10-8-2018

b. CONSIDER A PARKS AND RECREATION ADVOCATE ATTEND CITY COUNCIL MEETINGS MONTHLY

Tabled until further notice: No Discussion, Reports or presentations

c. CONSIDER APPROVAL OF THE FISCAL YEAR 2018-2019 PROPOSED URBAN FORESTRY PLAN

Tabled until further notice: No Discussion, Reports or presentations

d. YEAR END REPORT ON THE FISCAL YEAR 2017-2018 URBAN FORESTRY PROGRAM

Tabled until further notice: No Discussion, Reports or presentations

e. 2019 PARK CAPITAL IMPROVEMENT PROGRAM

Tabled until further notice: No Discussion, Reports or presentations

f. CONCESSION STAND UPDATE FROM SPORTS LEAGUE CONTRACTS AUDIT

Tabled until further notice: No Discussion, Reports or presentations

g. BRIEFING ITEMS

Tabled until further notice: No Discussion, Reports or presentations

h. MONTHLY REPORTS

Tabled until further notice: No Discussion, Reports or presentations

2. MISCELLANEOUS

a. COMMUNICATIONS/ENCLOSURES

1. *Silver Scoop*, October, 2018 (enclosed separately)

b. FUTURE AGENDA ITEMS

3. ADJOURN

Meeting was adjourned at 9:49 p.m.

Parks and Recreation Board

Signed:

Attest:

Molly Bishop, Chair

Jermel Stevenson, Managing Director

The Parks and Recreation Board of the City of Garland, Texas convened in a Special session at 7:00 p.m. on Monday, October 8, 2018 in the Work Session Room at 200 N. Fifth Street with the following members present:

MEMBERS PRESENT:

Chair	Molly Bishop
Vice Chair	David Parrish
Board Member	Ed Seghers
Board Member	Margaret Lucht
Board Member	Daphne Stanley
Board Member	Kenia Hudson - Ott

STAFF PRESENT:

Managing Director	Jermel Stevenson
Staff	Barry Swisher
Staff	D'Lee Williams
Staff	Keith Reagan
Staff	Ziad Kharrat

MEMBERS ABSENT:

Board Member	Jonathan Ferguson
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1. APPROVAL OF THE MINUTES

Motion was made by David Parrish seconded by Margaret Lucht that the minutes of the **SEPTEMBER 3, 2018** Regular Meeting be approved as submitted.

Motion carried: 5 ayes, 0 nays

2. ITEMS FOR INDIVIDUAL CONSIDERATION

a. CONSIDER PROPOSED 2019 BOND ELECTION PROJECTS SUBMISSION

Motion was made by Margaret Lucht seconded by Daphne Stanley to submit Proposed 2019 Bond Election Projects as discussed.

Motion carried: 5 ayes, 0 nays

b. CONSIDER RECOMMENDATION OF THE RELOCATION OF SKATE PARK TO RICK ODEN PARK

Motion was made by Margaret Lucht seconded by Daphne Stanley to consider cost and community input involved in relocating the Skate Park to Rick Oden Park.

Motion carried: 5 ayes, 0 nays

3. MISCELLANEOUS

a. FUTURE AGENDA ITEMS

4. ADJOURN

Meeting was adjourned at 8:19 p.m.

Parks and Recreation Board

Signed:

Attest:

Molly Bishop, Chair

Jermel Stevenson, Managing Director

The Parks and Recreation Board of the City of Garland, Texas convened in regular session at 7:00 p.m. on Wednesday November 7, 2018 in the Work Session Room at 200 N. Fifth Street with the following members present:

MEMBERS PRESENT:

Chair	Molly Bishop
Vice Chair	David Parrish
Board Member	Ed Seghers
Board Member	Margaret Lucht
Board Member	Daphne Stanley
Board Member	Kenia Hudson - Ott

STAFF PRESENT:

Managing Director	Jermel Stevenson
Staff	Barry Swisher
Staff	D'Lee Williams
Staff	Keith Reagan
Staff	Ann McGinnes
Staff	Ziad Kharrat
Staff	Yvonne V. Naser

MEMBERS ABSENT:

Board Member	Jonathan Ferguson
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COUNCIL PRESENT:

1. APPROVAL OF THE MINUTES

Motion was made by Daphne Stanley seconded by Margaret Lucht that the minutes of the **October 8, 2018** Special Meeting be approved as submitted.

Motion carried: 5 ayes, 0 nays

2. ITEMS FOR INDIVIDUAL CONSIDERATION

a. CONSIDER A PARKS AND RECREATION ADVOCATE ATTEND CITY COUNCIL MEETINGS MONTHLY

Tabled for future meeting

b. CONSIDER APPROVAL OF THE FISCAL YEAR 2018-2019 PROPOSED URBAN FORESTRY PLAN

Tabled for future meeting

c. YEAR END REPORT ON THE FISCAL YEAR 2017-2018 URBAN FORESTRY PROGRAM

Tabled for future meeting

d. CONSIDER PROPOSED 2019 PARKS AND RECREATION BOND ELECTION PROJECTS IN PRIORITY

Board submitted 2019 Parks and Recreation Bond Election Projects by priority to staff.

e. HOLD PUBLIC HEARING ON CONSIDERATION OF DEVELOPING A SKATE PARK IN RICK ODEN PARK.

Speakers:

Phillip Newman (against) & Mr. Collier (neither for or against)

f. EXECUTIVE SESSION

Consider the purchase, exchange, lease, or value of real property [Section 551.072, Texas Government Code].

g. 2019 PARK CAPITAL IMPROVEMENT PROGRAM

Tabled for future meeting

h. BRIEFING ITEMS

Tabled for future meeting

i. MONTHLY REPORTS

The board was provided the following report items:

1. Capital Improvements Projects and Studies – Design & Development Division Update
2. Special Events & Marketing Division Update
3. Recreation Division Update

3. MISCELLANEOUS

a. COMMUNICATIONS/ENCLOSURES

1. *Silver Scoop*, November, 2018 (enclosed separately)
2. Boards and Commission Recognition Dinner Flyer
3. Christmas on the Square COTS flyer

b. FUTURE AGENDA ITEMS

4. ADJOURN

Meeting Recessed at 8:47 p.m.
Reconvened at 8:54 p.m.
Meeting Recessed at 9:21 p.m.
Reconvened at 9:35 p.m.

Meeting was adjourned at 10:10 p.m.

Parks and Recreation Board

Signed:

Attest:

Molly Bishop, Chair

Skip Keller, Interim Managing Director



GARLAND

MINUTES

The Parks & Recreation Board of the City of Garland convened in regular session at 7:00 p.m. on Monday, December 10, 2018, in the Work Session Room, 200 North Fifth Street, Garland, Texas, with the following members:

Present: Chair Molly Bishop
Board Vice Chair David Parrish
Board Member Ed Seghers
Board Member Jonathan Ferguson
Board Member Margaret Lucht
Board Member Daphne Stanley
Board Member Kenia Hudson - Ott

Staff Present: Skip Keller, Interim Managing Director
Barry Swisher, Parks Director
D'Lee Williams, Recreation Director
Ann McGinnes, Senior Park Planner
Keith Reagan, Parks Business Manager
Yvonne V. Naser, Department Coordinator II
Ziad Kharrat, Senior Park Planner

1. APPROVAL OF MINUTES

Motion was made by Board Member Margaret Lucht, and seconded by Board Vice Chair David Parrish that the minutes of the November 7, 2018 Special Meeting be approved as submitted.

Vote: 6 - 0

2. ITEMS FOR INDIVIDUAL CONSIDERATION

a. COUNCILMAN GIBBONS TO ADDRESS THE BOARD REGARDING POTENTIAL SALE OF BUNKER HILL PARK

Councilman Gibbons addressed the board regarding the potential sale of Bunker Hill Park.

b. CONSIDER A PARKS AND RECREATION ADVOCATE ATTEND CITY COUNCIL MEETINGS MONTHLY

Motion was made by Board Member Daphne Stanley, and seconded by Board Vice Chair David Parrish to appoint a board member to attend City Council meetings once a month to act as a champion for the department.

Vote: 6 - 0

c. CONSIDER APPROVAL OF THE FISCAL YEAR 2018-2019 PROPOSED URBAN FORESTRY PLAN

Motion was made by Board Vice Chair David Parrish, and seconded by Board Member Ed Seghers to approve the fiscal 2018-2019 proposed Urban Forestry Plan.

Vote: 6 - 0

d. YEAR END REPORT OF THE FISCAL YEAR 2017-2018 URBAN FORESTRY PROGRAM

Staff updated board on the year-end report of Fiscal year 2017-2018 Urban Forestry Program. Staff were able to plant a total of 46 of the 70 trees approved in the tree planting program. Texas Arbor Day 2018 was observed on Saturday, November 4, 2017 at Winters Park. Staff planted a Shumard Red Oak as part of park of the ceremonies and Paul Johnson the Urban and Community Forestry Coordinator with the Texas A&M Forest Service provided the Arbor Day message.

e. 1. CONSIDER CANCELLATION OR RESCHEDULING OF THE JANUARY 2, 2019 REGULAR PARKS AND RECREATION BOARD MEETING

Motion was made by Board Vice Chair David Parrish, and seconded by Board Member Ed Seghers to cancel the January 2, 2019 Regular Parks and Recreation Board Meeting.

Vote 5 - 1

2. CONSIDER RESCHEDULING THE FEBRUARY 6, 2019 REGULAR PARKS AND RECREATION BOARD MEETING TO FEBRUARY 11, 2019

Motion was made by Board Vice Chair David Parrish, and seconded by Board Member Jonathan Ferguson to reschedule the February 6, 2019 Regular Parks and Recreation Meeting to February 11, 2019

Vote 6 - 0

f. CONSIDER PARK BOARD TOUR OF POLICE BOXING GYM

Motion was made by Board Member Daphne Stanley, and seconded by Board Member Kenia Hudson - Ott for the Park Board to tour the Police Boxing Gym on February, 2019.

Vote: 6 - 0

g. REPORT ON SPORTS LEAGUE CONTRACTS AUDIT

During the Fall of 2017, the City Auditor's Office conducted an audit of the sports league contracts. The audit provided four recommendation opportunities for improvement. Staff provided a report on the status of each of the four recommended findings. 1. Charging fees 2. Concessions 3. FUA "Facility Use Agreement" and 4. Sports Approval Process Speakers on this item were: Sunday Cisnero, Joshua Delgado and Don Koerner.

h. UPDATE OF 2019 BOND STUDY COMMITTEE PROGRESS

Staff presented information to the Board regarding the progress of the 2019 Bond Study Committee.

i. BRIEFING ITEMS

1. Items Referred to Committee(s) by Board Chair:

- Parks Field and Facility Utilization to the Facilities and Finance Committee
- Park Maintenance Funding to the Facilities and Finance Committee
- Park Foundation Development to the Policies and Programs Committee
- Bond Election Projects - future maintenance and operational funding to the Facilities and Finance Committee

j. MONTHLY REPORTS

1. Capital Improvement Projects and Studies - Design & Development Division
2. Special Events and Marketing Division Update
3. Recreation Division Update

3. MISCELLANEOUS

a. COMMUNICATIONS/ENCLOSURES

1. *Silver Scoop*, December, 2018 (enclosed separately)

b. FUTURE AGENDA ITEMS

c. CITIZEN COMMENT

There were no speakers

4. ADJOURN

Meeting recessed at 8:12 p.m.

Reconvened at 8:21 p.m.

Meeting was adjourned at 9:26 p.m.

Signed:

Molly Bishop, Chair

Skip Keller, Interim Managing Director

Board and Commission Report

Quarterly Report

BOARD: Plan Commission

DATE: 3/19/19

Board Summary

The Plan Commission convened six (6) times for the reporting period of January 1, 2019 - March 31, 2019.

Cases heard during each meeting listed below :

January 14, 2019
2 Plats - Approved
4 Zoning Cases - Approved

January 28, 2019
1 Plat - Approved

February 11, 2019
1 Plat - Approved
2 Zoning Cases - Approved

February 25, 2019
2 Zoning Cases - Approved

March 11, 2019
1 Plat - Approved
1 Zoning Case - Approved

March 25, 2019
1 Zoning Case - Denied

Attendance	January 4: All members present January 28: Chairman Roberts, Commissioners Dalton, Hallman, Edwards, O'Hara, Williams and Ott present; Commissioner Welbom absent; and Commission Hedrick resigned February 11: All members present February 25: Chairman Roberts, Commissioners Dalton, Edwards, Welbom and Ott present; Commissioners Hallman, O'Hara, Williams absent March 11: Chairman Roberts, Commissioners Dalton, Hallman, Edwards, Welbom, Williams and Ott present; Commissioner O'Hara absent March 25: Chairman Roberts, Commissioners Dalton, Hallman, Edwards, O'Hara, Welbom and Ott present; Commissioner Williams absent
Funding Requests	There are no Funding Requests at this time.
Report to Council	

Request for Policy Decisions	There are no Request for Policy Decisions at this time.
Council Notes	
Recap of Quarter 4	N/A

Contact Information

BOARD CHAIRPERSON: Scott Roberts

OFFICE PHONE:

MOBILE PHONE: 972-530-4872

EMAIL: scottr@creative-architect.com

STAFF LIAISON: Will Guerin

OFFICE PHONE: 972-205-2449

MOBILE PHONE:

EMAIL: wguerin@garlandtx.gov

Board and Commission Report

Quarterly Report

BOARD: Property Standards Board

DATE: 3/13/19

Board Summary

The Property Standards Board convened one time for the reporting period of January 1, 2019 - March 31, 2019.

The hearing was held on March 7, 2019 for the following properties:

1922 Northlake Dr - Docket # 2019-02
333 Allegheny Trl Ln - Docket # 2019-03
307 Southwood Dr - Docket # 2019-04
822 Alamo Ln - Docket # 2019-05

Attendance	Present: David Perry Eric Scholl John Spencer Larry Jeffus Pamela Williams Michael Francis Absent: Martha Melaku
Funding Requests	None. Included in General Fund operating budget. Hearing Date 3/7/2019 # of Cases 4 Postage Fees \$140.30 Title Search Fees \$600.00 NOP Publishing Fees \$144.00 FO Publishing Fees \$392.00 Catering Fees \$280.86 Drinks and other snacks \$35.26 Silverware Expenses \$- Totals \$1,592.42
Report to Council	Ms. Jenna Bjornson, appointed by Councilman Nickerson, resigned from the Board on 2/11/19. Councilman Nickerson has been informed of her resignation. District 3 is now vacant along with Councilman Aubin's District 5 (Noelia Garcias's term ended on 8/31/18).

Request for Policy Decisions	None at this time.
Council Notes	
Recap of Quarter 4	N/A

Contact Information

BOARD CHAIRPERSON: David Perry

OFFICE PHONE:

MOBILE PHONE: 972-835-7817

EMAIL: DP4010@msn.com

STAFF LIAISON: Steve Killen

OFFICE PHONE: 972-485-6400

MOBILE PHONE: 214-677-8352

EMAIL: skillen@garlandtx.gov

Board and Commission Report

Quarterly Report

BOARD: Senior Citizens Advisory Commission

DATE: 4/9/19

Board Summary

The Senior Citizens Advisory Commission convened three times for the reporting period January 1 - March 31.

The meetings were on January 2, February 7 and March 7.

Attendance	Attendance Report Attached
Funding Requests	There were no expenditures or funding requests for the period.
Annual Report to Council	TBD - Future Item

Request for Policy Decisions	There are no requests at this time.
Council Notes	NA
Recap of Quarter 2	NA

Contact Information

BOARD CHAIRPERSON: Gayle Belton

OFFICE PHONE:

MOBILE PHONE:

EMAIL: jg.belton@att.net

STAFF LIAISON: Kenny McCord

OFFICE PHONE: 972-205-2769

MOBILE PHONE:

EMAIL: KMccord@garlandtx.gov

BOARD & COMMISSION ATTENDANCE REPORT

1

Board of Adjustment

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) John Kaiwi	P	P	P	N/A								
1) John Young (replaced)	P	P										
1) Jerry VanDyke			P									
2) Herman Puckett	P	P	P									
3) Jerry DeFeo	P	P	P									
4) Bruce Bishop	P	P	P									
5) VACANT												
6) Bruce Astin	P	P	P									
7) Susan Nye	P	P	A									
8) John McDonald	A	P	P									

P – Present

A – Absent

C – Cancelled

E – Excused

N/A - No Meeting

Samantha Morrow
Ext. 2895

BOARD & COMMISSION ATTENDANCE REPORT

2

Unified Building Standards Commission

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) VACANT	N/A	N/A	N/A									
1) Aaron Miller												
2) Steven Hallman												
3) Calvin Nichols												
4) James Alton Hall Jr.												
5) VACANT												
6) VACANT												
7) VACANT												
8) Ronnie B. Smith												

P – Present

A – Absent

C – Cancelled

E – Excused

N/A – No Meeting

Samantha Morrow Ext 2895

BOARD & COMMISSION ATTENDANCE REPORT

3

Citizens Environmental & Neighborhood Advisory Committee

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Ken Risser	P	P	P									
1) Barbara Powers James Dobbins	P	P	P									
2) John Ball	A	A	P									
3) Robert Bruns	A	P	P									
4) William Keeling Dennis Garcia	P	P	A									
5) Betty Roberts	P	P	P									
6) Caleb Ernst	P	P	P									
7) Reba Ann Collins	A	P	P									
8) VACANT Jason Collard	V	V	P									

P – Present
A – Absent
C – Cancelled
E – Excused
V - Vacant

Staff Liaison – Lonnie R. Banks, X3424
Recording Secretary – Samia G. Burns, X3492

BOARD & COMMISSION ATTENDANCE REPORT

4

Civil Service Commission

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
Rick Parra												
Marisol Trevizo												
Rick Nall												

P – Present

A – Absent

N/A – No Meeting

Rosie Perez

BOARD & COMMISSION ATTENDANCE REPORT

5

Ext. 2477

Community Multicultural Commission

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Charles Pickett	P	P	P									
M) Greg Rogers	P	P	P									
M) Jennifer Nguyen	P	P	P									
M) Bao Ving	A	A	P									
M) Genai Walker-Macklin	P	P	P									
1) Frank Garcia	P	P	P									
2) LeAnne Kite Hampton	P	P										
2) Steven Johnson			A									
3) Jason Rodriguez	P	A	A									
4) Shibu Samuel	A	P										
4) Kim Thiehoff			P									
5) Gina Shanks	P	P	P									
6) VACANT	V	V	V									
6) Jacobe Chandler												
7) Moses Uvere	P	A	A									
8) Vonda Tyson	P	P	A									

P – Present

A – Absent

C – Mtg Cancelled

N/A – No meeting

Denish Simon 3337
Courtney Vanover 2406

BOARD & COMMISSION ATTENDANCE REPORT

BOARD & COMMISSION ATTENDANCE REPORT

7

Garland Cultural Arts Commission

Harlan Seagren (July Dist. 2) Claudia Porras (July Dist. 1)	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Joann Traylor	P	N/A	N/A	P	N/A	N/A						
1) Steven Phelps	P	N/A	N/A	P	N/A	N/A						
Devon Miller	P	N/A	N/A	P	N/A	N/A						
3) DeAnne Driver	P	N/A	N/A	P	N/A	N/A						
4) Blanca Sanchez	P	N/A	N/A	A	N/A	N/A						
5) Reta Day	P	N/A	N/A	P	N/A	N/A						
6) Craig Wright	P	N/A	N/A	P	N/A	N/A						
7) Karla Pajot	P	N/A	N/A	P	N/A	N/A						
8) Sheri Stevens	P	N/A	N/A	P	N/A	N/A						

P – Present
A – Absent
C-Cancelled
E-Excused

Debbie McAnally Ext 2785

BOARD & COMMISSION ATTENDANCE REPORT

8

Property Standards Board

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Mark Tyler	N/A	P	N/A	N/A	N/A							
1) Nicholas Oliver		P										
2) VACANT												
3) Jena Bjornson		A										
4) David Perry		P										
5) Noelia Garcia		A										
6) VACANT												
7) Martha Melaku		P										
8) Michael Francis		P										

P – Present
A – Absent
C – Cancelled
E – Excused
V- Vacant

Steve Killen 6404
Lily Gama 6438

BOARD & COMMISSION ATTENDANCE REPORT

9

Library Board

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Bettye Haynes	N	P	P									
1) Julius Irozuru/Patrick Dullano	N	P	P									
2) Michael Degen	N	P	P									
3) Melissa Barnett	N	P	P									
4) Corsharra Jackson	N	P	P									
5) Edwina Garner	N	P	P									
6) Dorothy McAllister	N	P	P									
7) Terri Chepregi	N	P	P									
8) Trellas Gotcher	N	P	A									

P – Present

A – Absent

C – Cancelled

N – No meeting

N/A – Vacant/Resigned

Claire Bausch 2543

Sabrina Ellis 2547

BOARD & COMMISSION ATTENDANCE REPORT

10

Parks & Recreation Board

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) VACANT	NA	NA	NA	NA								
1) Ed Seghers	P	A	P	A								
2) Jonathan Ferguson	NA	P	P	P								
3) Lisa Roark Vacant	P	P	P	NA								
4) VACANT Molly	NA	NA	P	P								
5) Margaret Lucht	P	P	P	P								
6) Daphne Stanley	P	P	P	P								
7) David Parish	P	P	A	P								
8) Molly Bishop (C) Vacant	P	P	NA	NA								

P – Present

A – Absent

C – Cancelled

E – Excused

LOQ – Lack of Quorum

Jermel Stevenson 2759 / Yvonne V. Naser 2754

BOARD & COMMISSION ATTENDANCE REPORT

11

Plan Commission

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Wayne Dalton	PC	PP	AP									
1) Scott Roberts	PC	PP	PA									
2) Steven Hallman	-C	PP	PP									
3) Preston Edward	PC	PP	PP									
4) John O'Hara	PC	PP	PP									
5) Truett Welborn	PC	PP	PP									
6) Douglas Williams	PC	PP	AP									
7) Dylan Hedrick	PC	PP	PP									
8) Christopher Ott	PC	PP	PP									

P – Present
A – Absent
C – Cancelled
E - Excused

Tracy Allmendinger 2445

BOARD & COMMISSION ATTENDANCE REPORT

12

Plumbing & Mechanical Code Board

Senior Citizens Advisory Commission

	Jul 18	Aug 2	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Shirley Robnett	P	P										
1) Jack Loraine		P										
2) Wayne Wilmany	P	P										
3) Aaron Floarea	A	P										
4) Gwen Daniels	P	P										
5) Gail Belton	P	P										
6) Hazel Blanton	P	P										
7) Charlotte Piercy	P	P										
8) VACANT												

P – Present

A – Absent

C – Cancelled

E – Excused

L – Lack of Quorum

Kenny McCord 2882
Ext 2882

BOARD & COMMISSION ATTENDANCE REPORT

13

Tax Increment Finance District Board (Downtown)

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Allan Stafford												
1) Jon Six												
2) Marie Purser												
3) Wesley Johnson												
4) VACANT												
5) Cary Hodson												
6) Carlos Porras												
7) VACANT												
8) Joseph Schroeder												

This board meets when needed only.

P – Present

A – Absent

C – Cancelled

E - Excused

David Schuler 2355

BOARD & COMMISSION ATTENDANCE REPORT

14

Tax Increment Finance District Board (South)

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M) Morgan Jones												
1) Bill Swisher												
2) Marie Purser												
3) VACANT												
4) Joseph Vu												
5) Tom Jefferies												
6) VACANT												
7) VACANT												
8) Rex Kyle												

This board meets when needed only.

P – Present

A – Absent

C – Cancelled

E – Excuses

BOARD & COMMISSION ATTENDANCE REPORT

15

Tax Increment Finance District Board (3)

	Jul 18	Aug	Sep	Oct	Nov	Dec	Jan 19	Feb	Mar	Apr	May	Jun
M												
1)												
2) Bob Duckworth												
3)												
4) Sal Liberto												
5)												
6)												
7)												
8) Tony Torres												

This board meets when needed only.

P – Present

A – Absent

C – Cancelled

E – Excuses



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.a.

Meeting Date: April 15, 2019

Item Title: Cost of Service for Water and Wastewater

Submitted By: Wes Kucera, Managing Director

Summary of Request/Problem

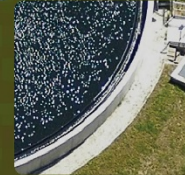
As an outcome of the recent changes to the water rate structure, the City Council requested that a comprehensive cost of service and rate design study be performed to determine what future amendments may be needed in overall water and wastewater rate levels or rate design. The City's rate consultant, NewGen Strategies & Solutions, will provide a status update on the Study and will specifically discuss the projected revenue required to be generated in water and wastewater rates (i.e., revenue requirement) for the next five (5) years. The projected revenue needed will be compared to the performance of current rates to provide Council an estimation of the overall adjustments to water and wastewater revenue that may be needed going forward. The presentation will include a discussion of the funding plan for future water and wastewater capital improvements, the impact of external bond rating agency requirements and the City's internal financial policies on water and wastewater rates, and the impact of projected wholesale cost increases from North Texas Municipal Water District.

Recommendation/Action Requested and Justification

Information and Council discussion.

Attachments

April 2019 Overview



April 15, 2019

City of Garland, Texas

Overview of Water and Wastewater Revenue Requirement

NewGen
Strategies & Solutions

What is a Revenue Requirement?

- Utility's total operating and capital expenses less non-rate revenues
- Determines the total amount of money a utility must collect from customers through rates to recover its reasonable costs of providing service

Factors Impacting Revenue Requirements

External

- Bond Requirements
- Rating Agency Metrics

Internal

- Financial Policies
- Operations and Maintenance
- Capital Investment

Water and Sewer Bond Ratings

- AA rated by Fitch

Denotes expectations of very low default risk . . . Very strong capacity for payment of financial commitments. This capacity is not significantly vulnerable to foreseeable events

- AA- rated by S&P

Differs from the highest-rated obligations only to a small degree . . . Capacity to meet financial commitments . . . is very strong

Key Rating Drivers

- Debt Service Coverage (DSC)
$$\frac{\text{Gross Revenues} - \text{Operations \& Maintenance Expense}}{\text{Annual Debt Service}}$$
- Indication of cash flow available to repay debt
- Current Ratios
 - 1.6x with transfers (compares with AA Fitch median of 2.1x)
 - 1.2x net of transfers (compares with AA Fitch median of 1.5x)
- The lower DSC ratio may lead to a lower bond rating and higher interest payments
 - Can be improved with an increase in revenues

Key Rating Drivers

- Strained Rate Flexibility
 - Garland's combined annual water and sewer bill is currently at 2.2% of Median Household Income
 - Fitch target for AA rated utilities is 2.0%
- Fitch has recognized wholesale cost pressure from NTMWD as contributing to this strained rate flexibility
 - Recent reductions in the projected rate of increase from NTMWD are noted as positive
- Future increases in rates are of concern
 - Relying on debt to fund capital can keep rates lower; however, this increases needed debt service coverage
 - To meet increased DSC, rates would have to be increased or operations and maintenance cost decreased

Key Rating Drivers

- Increasing Debt Level to Support Capital Improvement Program
 - Total outstanding debt per customers is approximately \$1,800
 - Fitch's AA threshold is currently \$2,000
 - Future debt funding will likely push the utility over this amount

Impact of Ratings

- If the utility's debt rating is reduced, it could lead to higher long-term borrowing costs, and to higher rates to customers
 - Monthly average interest rate by bond rating

	AAA	AA	A
Bond Ratings	3.12%	3.33%	3.62%
Increase in Total Interest <i>\$34 million principal</i> <i>20-Year Term</i>	\$ 0.00	\$ 897,245	\$ 2,151,235

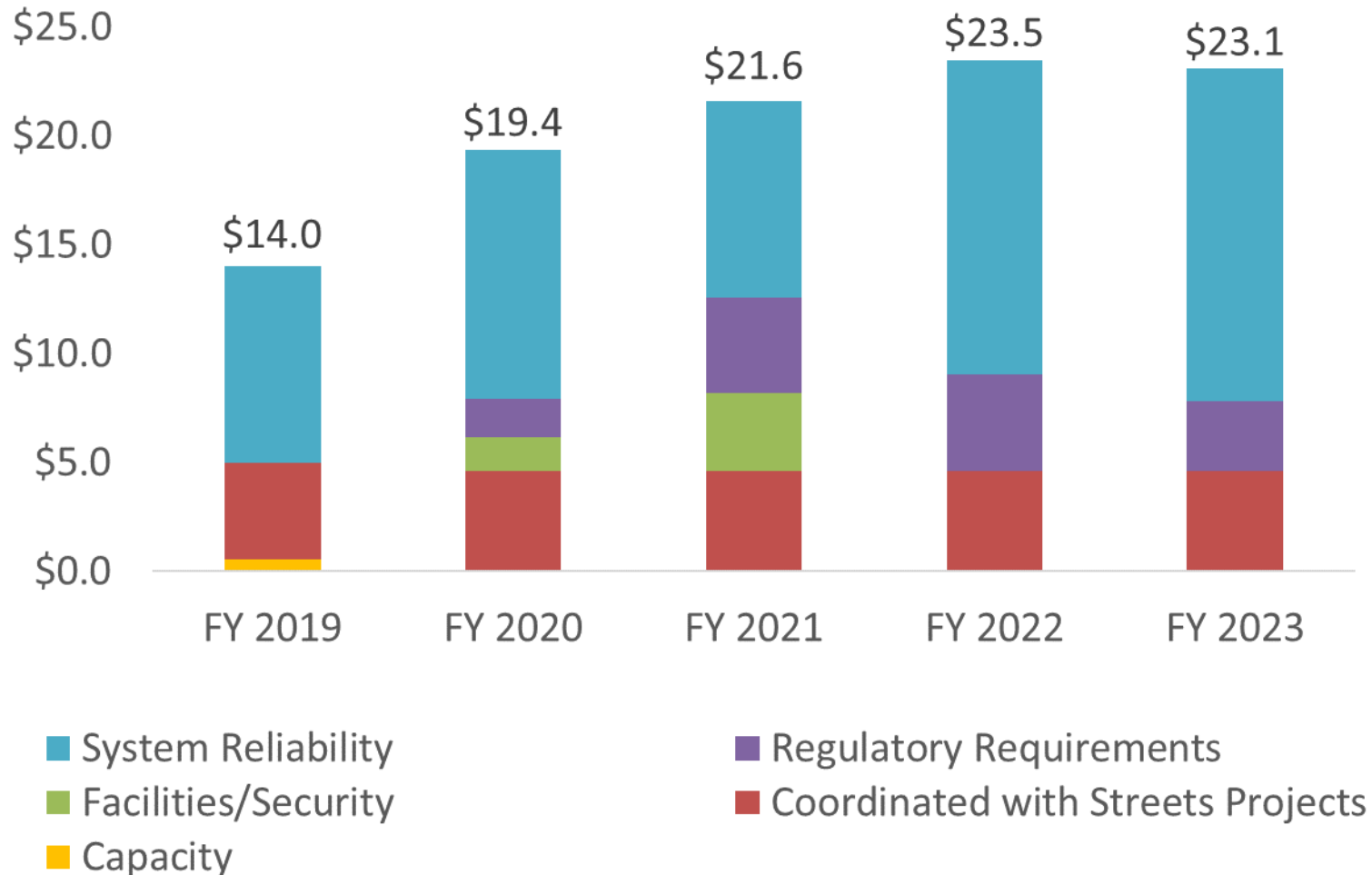
City Council Financial Policies

- The City Council has adopted internal financial policies which must be met in addition to bond requirements
- Fund Balance Policy: 45 days of fund balance with a 90 day goal
 - 90-day goal allows the utility to better deal with extreme weather conditions without having to place a surcharge on water rates, and it provides security to maintain bond ratings
- Internal Coverage Requirement: Year-end net revenues shall be maintained at a level sufficient to cover average annual revenue debt service requirements and maximum year revenue debt service requirements by at least 1.25 times

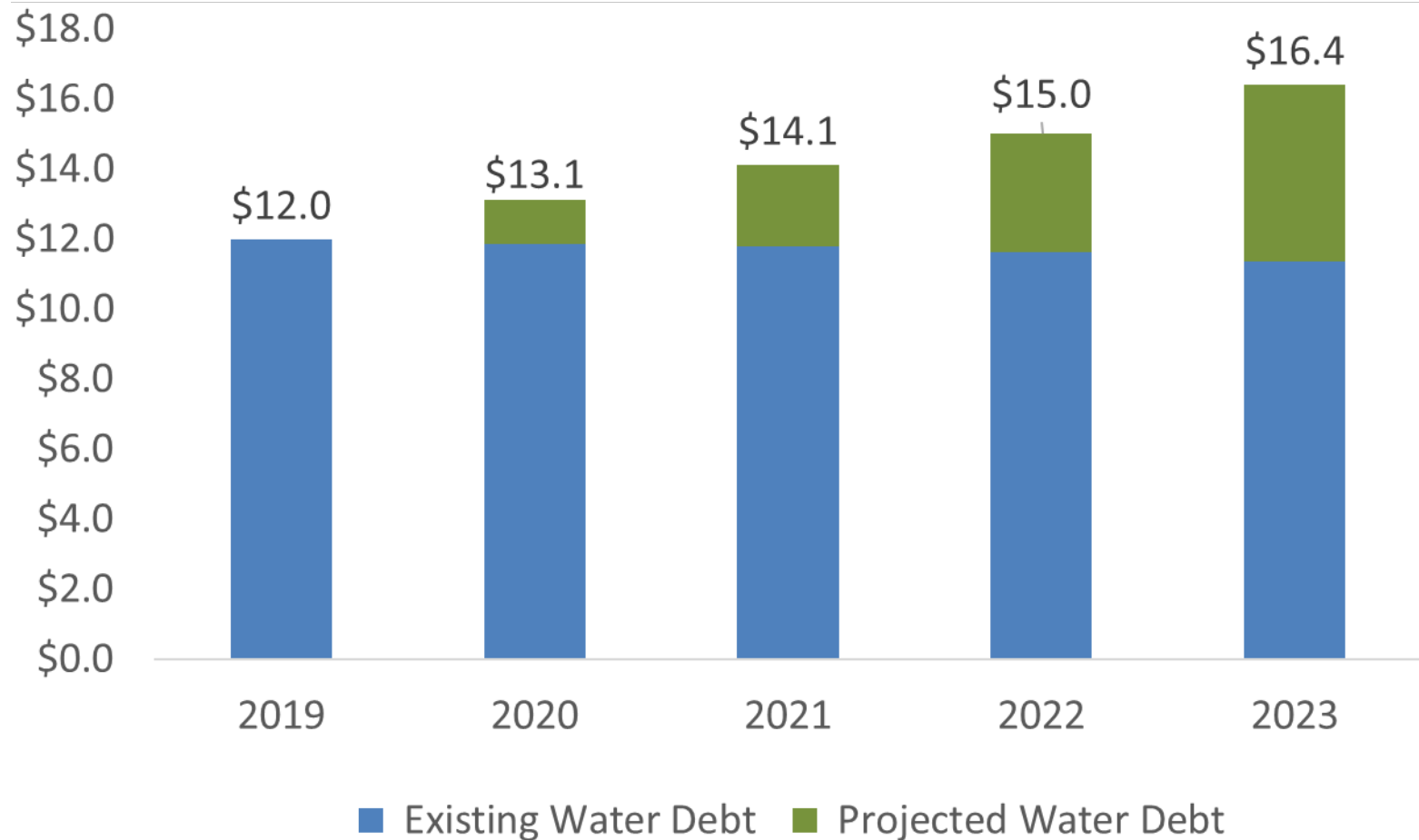


Water Revenue Requirements

Water Capital Improvements Plan (in \$ Millions)

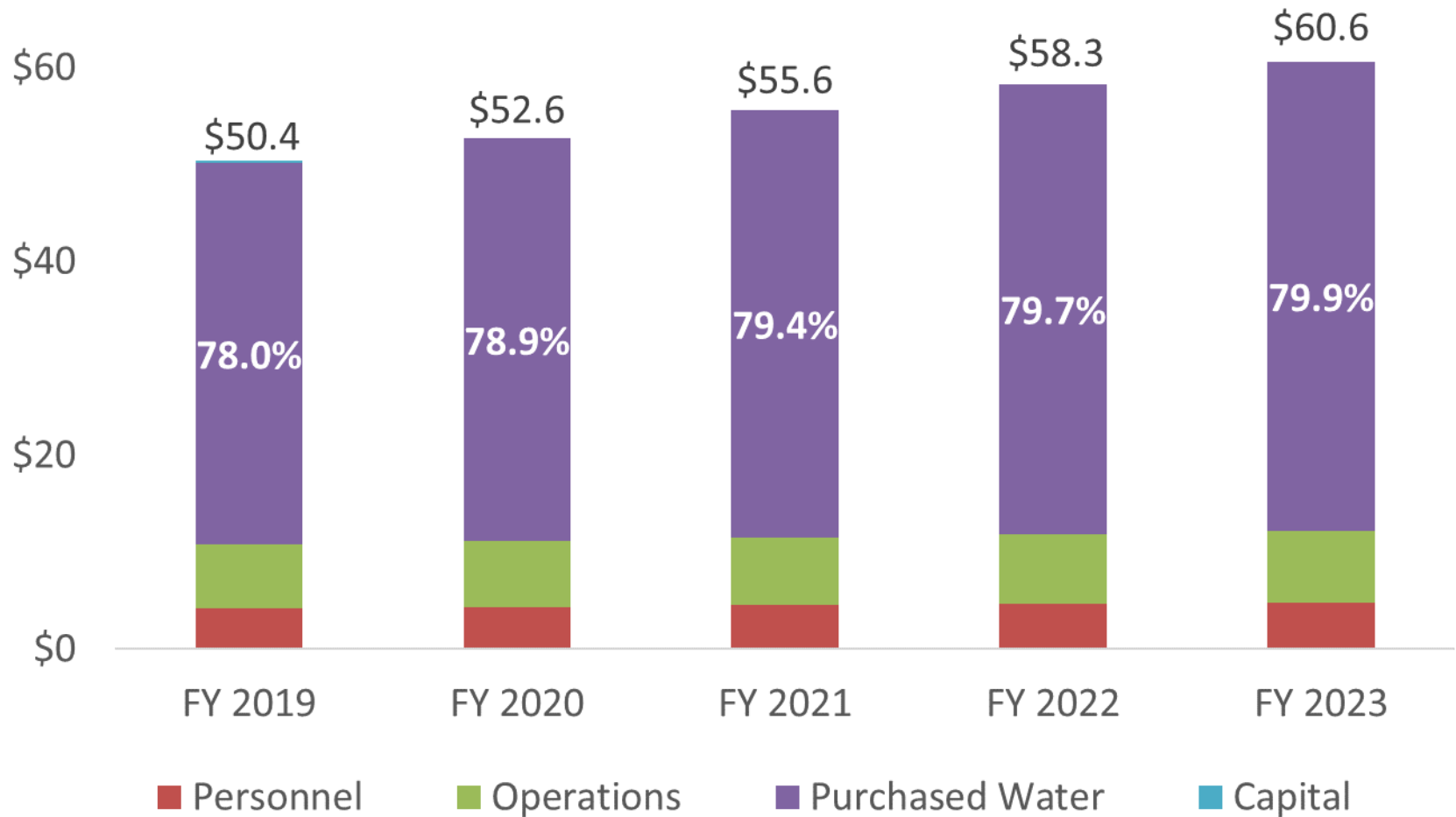


Water Existing and Projected Debt Annual Payments (in \$ Millions)



Note: Excludes Radio Transfer

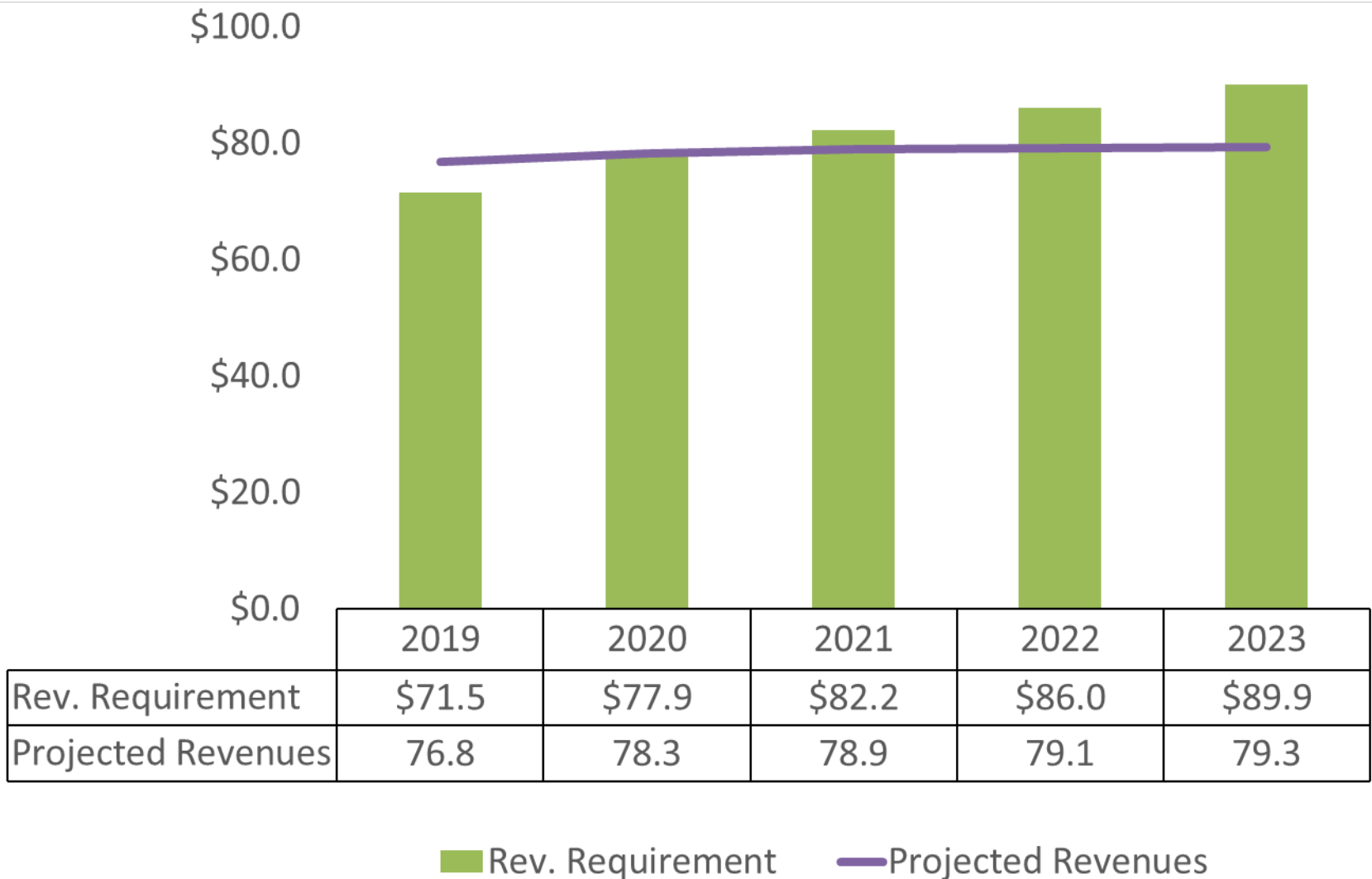
Projected Water Operations and Maintenance Expense (in \$ Millions)



Projected Water Revenue Requirements (in \$ Millions)

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
NTMWD O&M	\$ 39.3	\$ 41.5	\$ 44.1	\$ 46.5	\$ 48.4
Debt Service Transfer	12.2	13.3	14.3	15.2	16.6
City O&M	11.1	11.1	11.5	11.8	12.2
In Lieu of Franchise Fee	3.8	4.2	4.3	4.4	4.4
Support Services	3.7	3.9	4.0	4.1	4.3
In Lieu of Ad Valorem Tax	2.1	2.2	2.3	2.4	2.4
Other Transfers	1.5	1.6	1.6	1.6	1.6
General & Administrative	0.7	0.7	0.8	0.8	0.8
Transfers to/ (from) Capital	0.0	2.5	2.5	2.5	2.5
Total Expenditures	\$ 74.4	\$ 81.0	\$ 85.3	\$ 89.2	\$ 93.3
Less: Non-Rate Revenues	3.0	3.1	3.1	3.2	3.3
Net Revenue Requirement	\$ 71.5	\$ 77.9	\$ 82.2	\$ 86.0	\$ 89.9

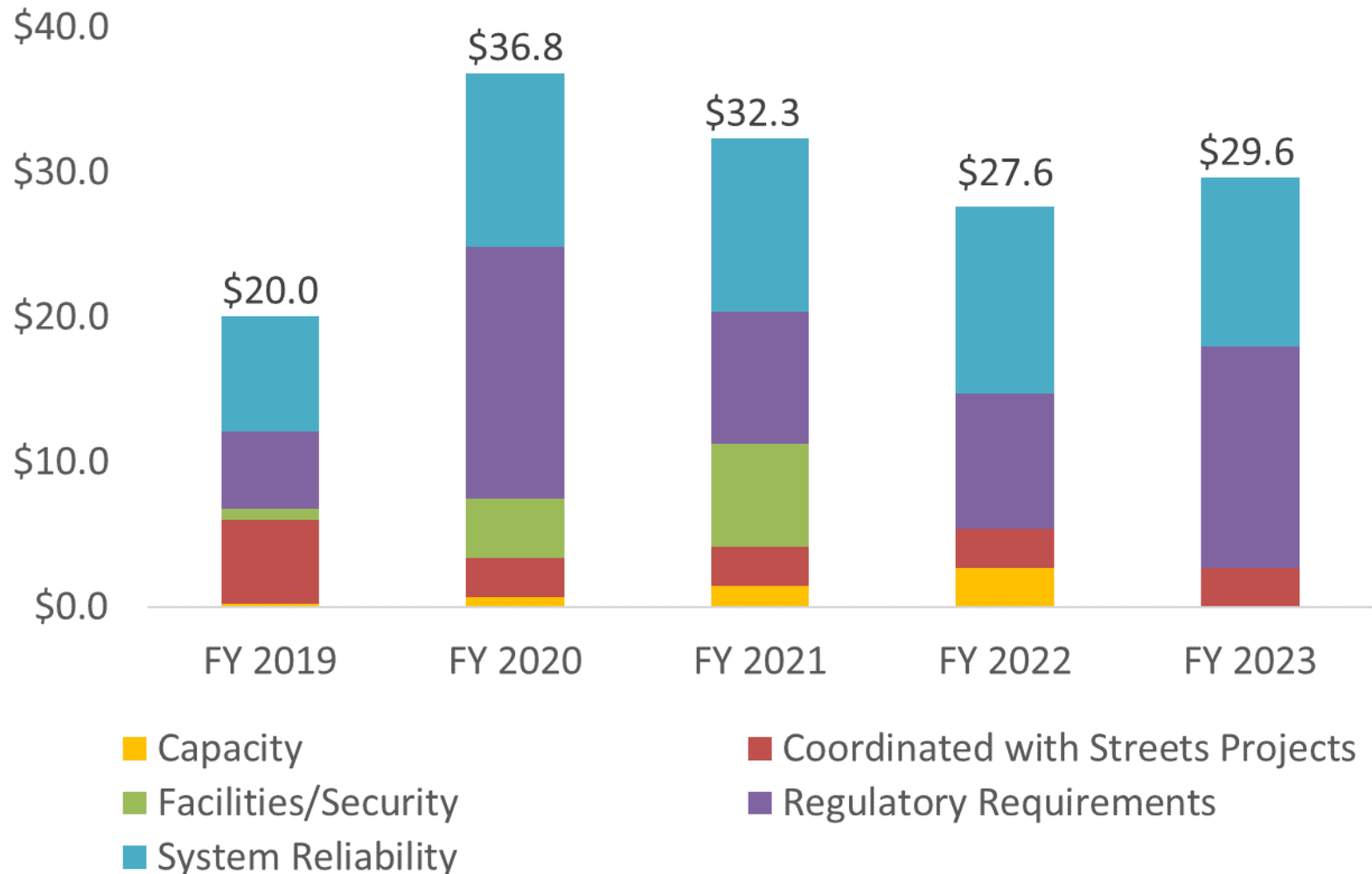
Anticipated Current Water Rate Performance (in \$ Millions)



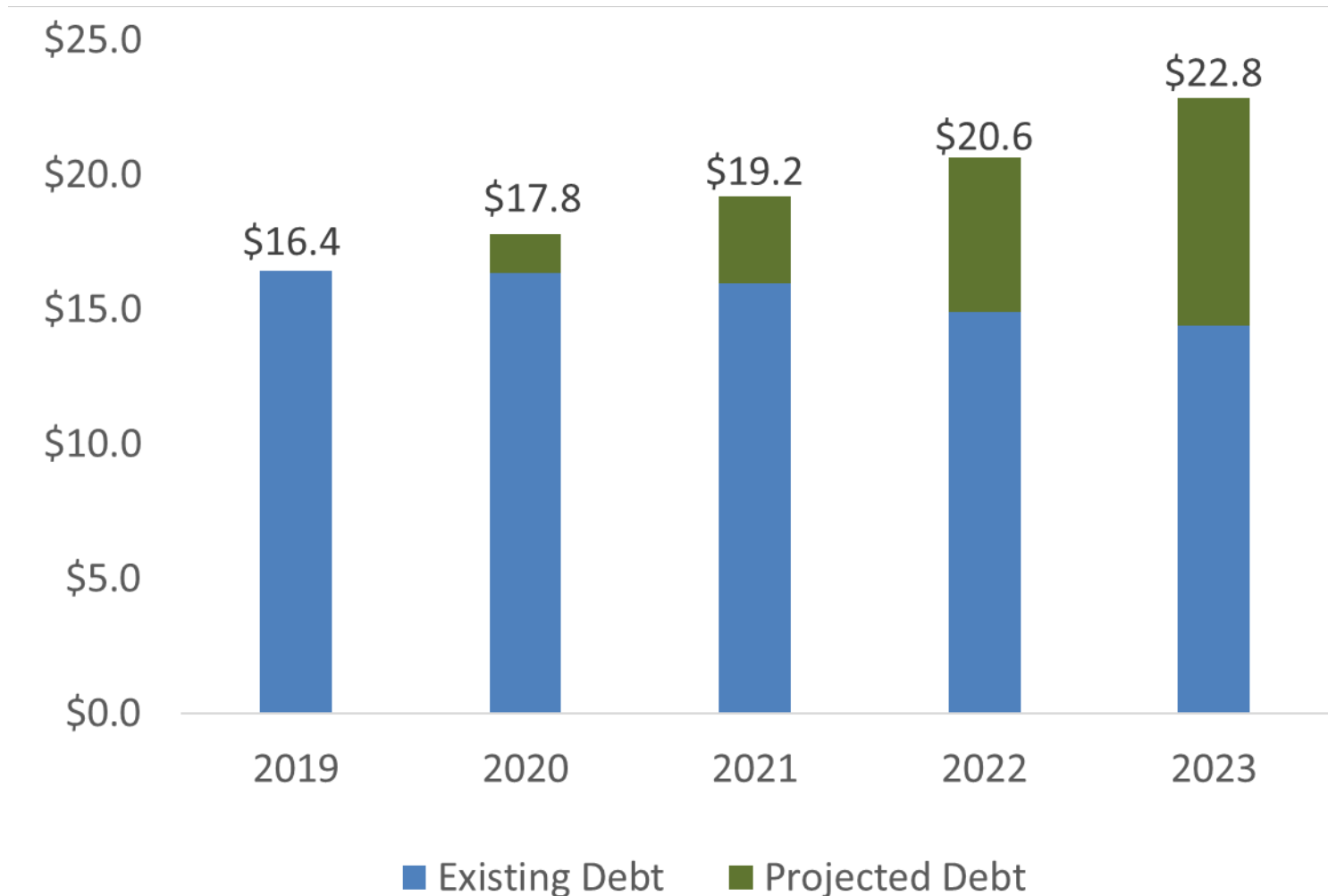


Wastewater Revenue Requirements

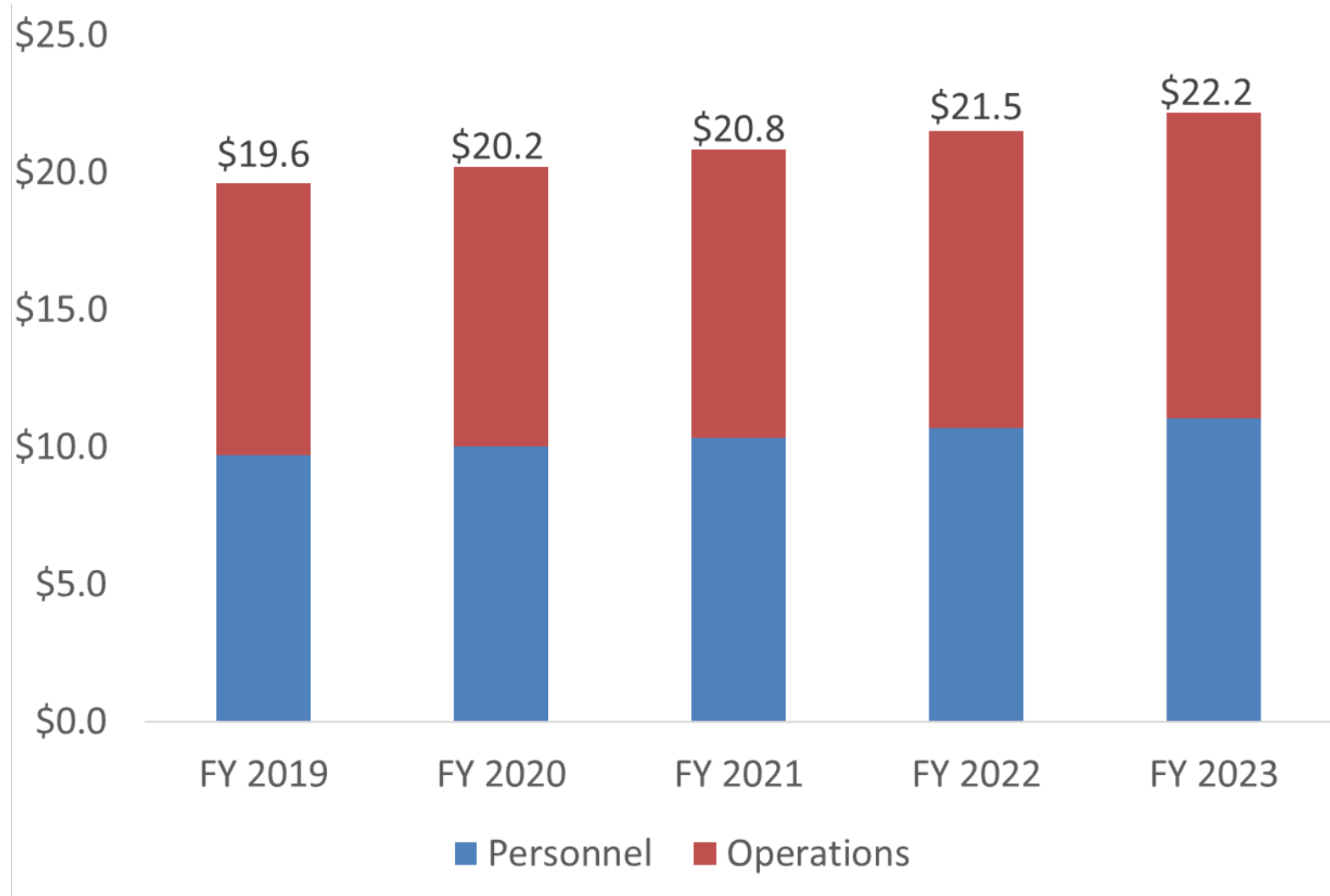
Wastewater Capital Improvements Plan (in \$ Millions)



Wastewater Existing and Projected Debt Annual Payments (in \$ Millions)



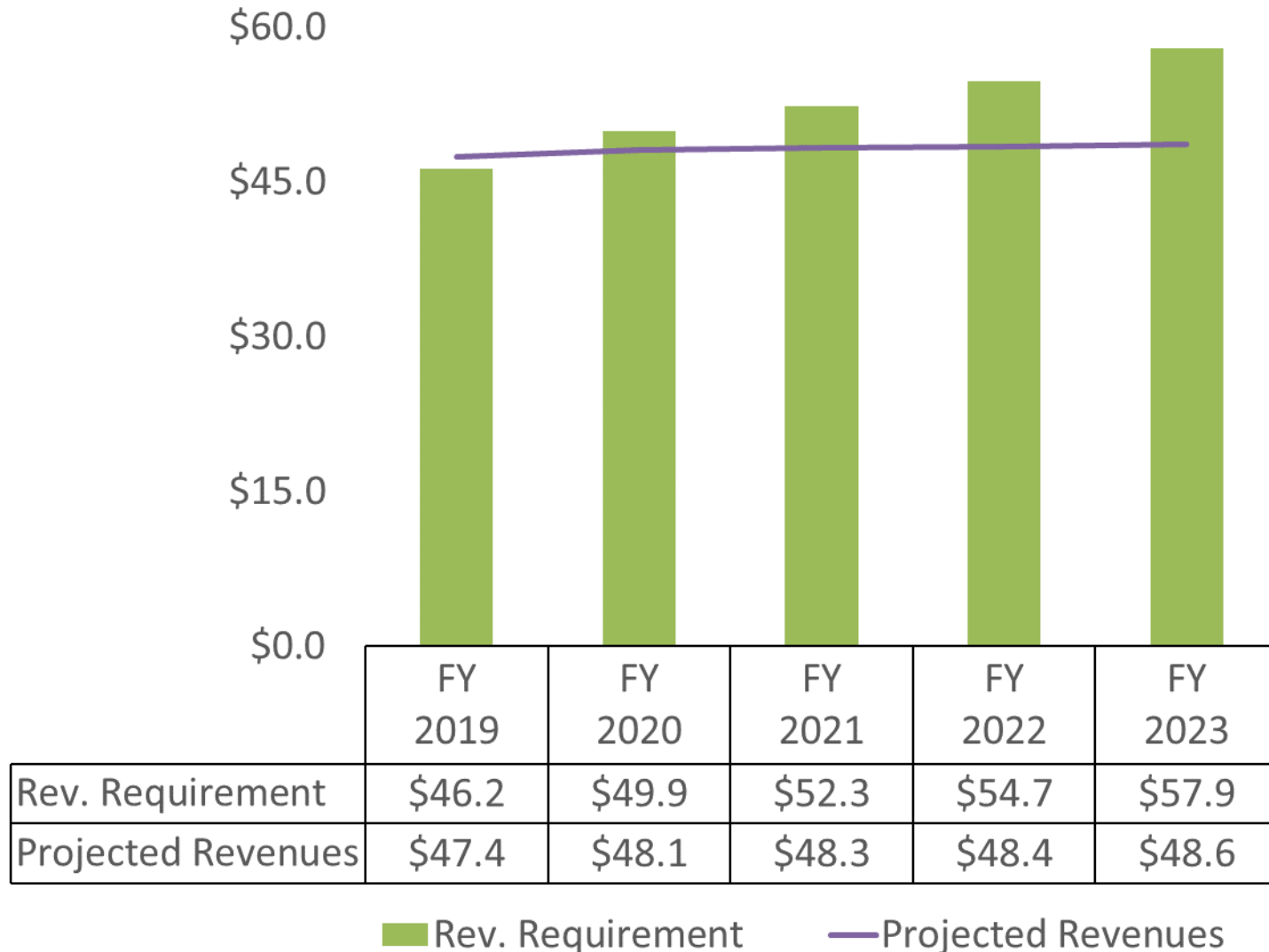
Projected Wastewater Operations and Maintenance Expense (in \$ Millions)



Projected Wastewater Revenue Requirements (in \$Millions)

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Expenditures					
O&M	\$19.6	\$20.2	\$20.8	\$21.5	\$22.2
Debt Service Transfer	16.4	17.8	19.2	20.6	22.8
In Lieu of Ad Valorem Tax	3.4	3.5	3.6	3.8	3.9
Support Services	3.1	3.2	3.3	3.5	3.6
In Lieu of Franchise Fee	1.8	1.8	1.9	1.9	1.9
Other Transfers	1.2	1.2	1.3	1.3	1.3
General & Administrative	1.1	1.2	1.2	1.3	1.3
Transfers to/ (from) Capital	0.0	1.5	1.5	1.5	1.5
Total Expenditures	\$ 46.7	\$ 50.5	\$ 52.9	\$ 55.3	\$ 58.5
Less: Non-Rate Revenues	0.5	0.6	0.6	0.6	0.6
Net Revenue Requirement	\$ 46.2	\$ 49.9	\$ 52.3	\$ 54.7	\$ 57.9

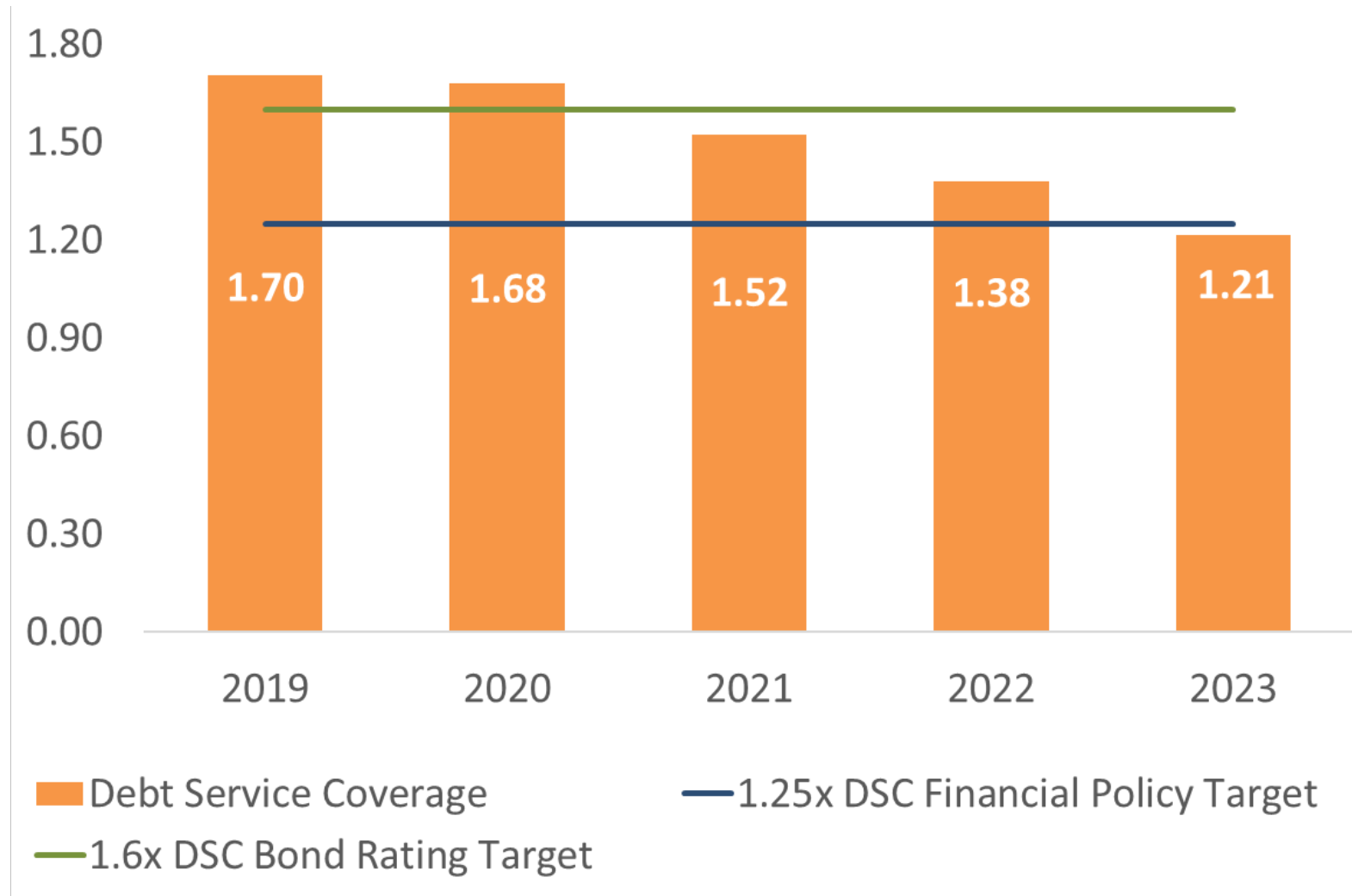
Anticipated Current Wastewater Rate Performance (in \$ Millions)



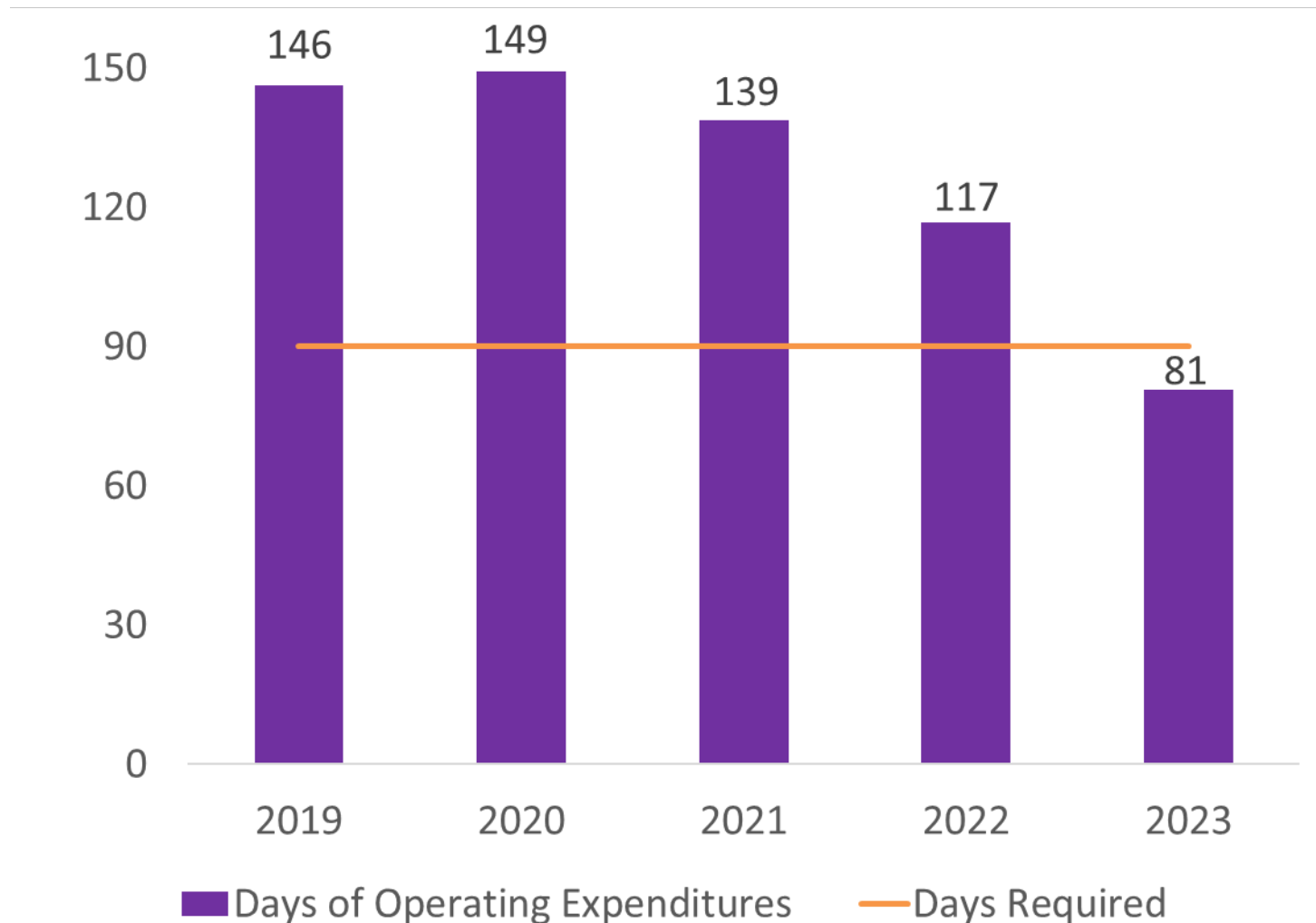


Financial Metrics

Projected Combined Debt Service Coverage under Current Rates



Projected Combined Days of Operating Expenditures under Current Rates





Conclusions and Next Steps

Conclusions

- Current water rates are projected to be sufficient to cover planned expenses through FY 2020
 - Outcome of pending litigation could impact this result
- Current wastewater rates are projected to require adjustment as early as FY 2020
- Overall utility revenues are projected to be insufficient to meet debt service coverage target of 1.6x
 - Switching to cash funding will help reduce future debt, but may also require adjustment to rates to generate sufficient revenues

Next Steps

- Test Year Cost of Service – April / May
- Recommended Rates – June
- Anticipated Effective Date of New Rates – October 1st



Thank you for your time.



*NewGen Strategies & Solutions
275 W. Campbell Rd., Suite 440
Richardson, Texas 75080*

*Feel free to contact me by phone at
972.232.2234*

or via email at

cekrut@newgenstrategies.net

Chris Ekrut, Director



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.b.

Meeting Date: April 15, 2019

Item Title: Parks Projects Update

Submitted By: Skip Keller, Interim Parks Director

Summary of Request/Problem

At the request of Council Member Deborah Morris and Mayor Lori Barnett Dodson, a status update is being provided for multiple projects in Parks, Recreation and Cultural Arts. Staff will present information related to timelines of the major phases of the project delivery process, including design, bidding and construction. Projects listed will include existing CIP projects and larger projects and initiatives funded through the General Fund.

Recommendation/Action Requested and Justification

This item is for informational purposes for Council discussion.

Attachments

Council Update April 2019

Council Projects Review



GARLAND

TEXAS MADE HERE

Parks Projects Update
Council Work Session
April 15, 2019

PROJECTS

COMPLETED

Project Name	Design Completion	Bid Approval Date	Estimated Completion
John Paul Jones shoreline repair	N/A	Dec-18	Feb-19
Shiloh/190 Entryway feature repair	N/A	Mar-19	Apr-19

CONSTRUCTION

Project Name	Design Completion	Bid Approval Date	Estimated Completion
Surf and Swim Holding Tank	N/A	Feb-19	May-19
Pool UV Filter Replacement	N/A	Mar-19	May-19
Carver Senior Center Renovation, Equipment and Furniture	Jun-18	Aug-18	Jun-19
Granger Recreation Center Renovation and Equipment	Feb-18	May-18	Jun-19
Walnut Street Pedestrian Corridor	Sep-18	Sep-18	Jun-19
Carter Softball Facility Canopy Replacement	N/A	Mar-19	Jul-19
Fencing - Winters/Audubon Soccer Complexes	N/A	Mar-19	Aug-19
Trail Development - Winters Park/Spring Creek - Trail A	Nov-16	Apr-17	Aug-19
Expand Centralized Irrigation & Lighting Controls	N/A	Feb-19	Dec-19

DESIGN

Project Name	Design Completion	Bid Approval Date	Estimated Completion
Dog Park	May-19	TBD	TBD
Playground Improvements - Central Park	May-19	TBD	TBD
Arts Sculpture - Lighting	Jun-19	TBD	TBD
Cultural Arts Facility Renovations	Jun-19	TBD	TBD
Parking Lighting Improvements	Jun-19	TBD	TBD
Repaving of Park Roads and Parking Lots - Carter Softball Complex	Jun-19	TBD	TBD
Audubon Recreation Center Design	Oct-19	TBD	TBD
Repaving of Park Roads and Parking Lots - Central Park	Oct-19	TBD	TBD
Pedestrian/Bike Bridges - Duck Creek	Nov-19	TBD	TBD
Playground Improvements- 111 Ranch	Nov-19	TBD	TBD
Audubon Park Picnic Area Paving Replacement	Dec-19	TBD	TBD
Playground Improvements - Eastern Hills	Dec-19	TBD	TBD
Skate Park	Jan-20	TBD	TBD
Windsurf Bay Park (shoreline stabilization)	Feb-20	TBD	TBD

FUTURE

Project Name	Design Completion	Bid Approval Date	Estimated Completion
Annex Renovation	TBD	TBD	TBD
Playground Improvements - Rick Oden	TBD	TBD	TBD
Surf and Swim Expansion - Surf and Swim Design	TBD	TBD	TBD



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COMMENTS / THOUGHTS

Parks, Recreation and Cultural Arts Department

Project Portfolio Summary			
Project Name	Design Completion	Bid Approval Date	Estimated Completion
Completed			
John Paul Jones shoreline repair	N/A	Dec-18	Feb-19
Shiloh/190 Entryway feature repair	N/A	Mar-19	Apr-19
Construction			
Surf and Swim Holding Tank	N/A	Feb-19	May-19
Pool UV Filter Replacement	N/A	Mar-19	May-19
Carver Senior Center Renovation, Equipment and Furniture	Jun-18	Aug-18	Jun-19
Granger Recreation Center Renovation and Equipment	Feb-18	May-18	Jun-19
Walnut Street Pedestrian Corridor	Sep-18	Sep-18	Jun-19
Carter Softball Facility Canopy Replacement	N/A	Mar-19	Jul-19
Fencing - Winters/Audubon Soccer Complexes	N/A	Mar-19	Aug-19
Trail Development - Winters Park/Spring Creek - Trail A	Nov-16	Apr-17	Aug-19
Expand Centralized Irrigation & Lighting Controls	N/A	Feb-19	Dec-19
Trail Development - Winters Park/Spring Creek - Trail B	Nov-16	Apr-17	TBD
Design			
Dog Park	May-19	TBD	TBD
Playground Improvements - Central Park	May-19	TBD	TBD
Arts Sculpture - Lighting	Jun-19	TBD	TBD
Cultural Arts Facility Renovations	Jun-19	TBD	TBD
Parking Lighting Improvements	Jun-19	TBD	TBD
Repaving of Park Roads and Parking Lots - Carter Softball Complex	Jun-19	TBD	TBD
Audubon Recreation Center Design	Oct-19	TBD	TBD
Repaving of Park Roads and Parking Lots - Central Park	Oct-19	TBD	TBD
Pedestrian/Bike Bridges - Duck Creek	Nov-19	TBD	TBD
Playground Improvements- 111 Ranch	Nov-19	TBD	TBD
Audubon Park Picnic Area Paving Replacement	Dec-19	TBD	TBD
Playground Improvements - Eastern Hills	Dec-19	TBD	TBD
Skate Park	Jan-20	TBD	TBD
Windsurf Bay Park (shoreline stabilization)	Feb-20	TBD	TBD
Future			
Annex Renovation	TBD	TBD	TBD
Playground Improvements - Rick Oden	TBD	TBD	TBD
Surf and Swim Expansion - Surf and Swim Design	TBD	TBD	TBD



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.c.

Meeting Date: April 15, 2019

Item Title: Infrastructure and Parking Concept Plan Update

Submitted By: Becky King, Managing Director

Summary of Request/Problem

Staff will provide an update on the Downtown Infrastructure and Parking Plan, including stakeholder feedback about the proposed conceptual design of the Downtown Square.

Recommendation/Action Requested and Justification

Information sharing and Council discussion.

Attachments

Infrastructure and Feedback Presentation



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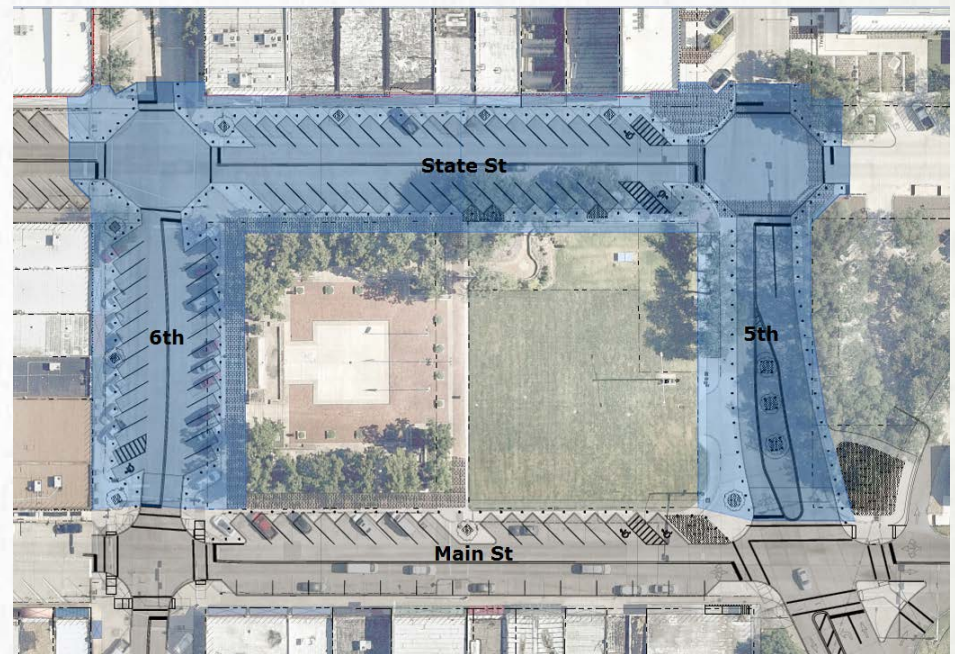
Infrastructure and Parking Study Stakeholder Feedback

City Council
Work Session
April 15, 2019

INFRASTRUCTURE AND PARKING STUDY

• Stakeholder Feedback Process

- Presented concept plan to Council December 2018
- Met one-on-one with 24 directly affected property and business owners about proposed concept plan
- Presented findings to GDBA General Membership
- Received survey feedback from GDBA General Membership
- Included feedback on priorities for upcoming Square Redesign



FESTIVAL STREETS CONCEPT FEEDBACK

- Full support of creating pedestrian-friendly district and improving venue footprint
 - Desire to reduce monotony of bollards by incorporating functional pieces that maintain the traffic barrier
 - Recognize magnitude of project scope and need for project management to focus on mitigating impact of construction on businesses as much as possible
-

SQUARE REDESIGN PRIORITIES FEEDBACK

- Stakeholder Feedback – Future Square Redesign
 - During interviews, stakeholders were also asked to re-affirm priorities for the future Downtown Square redesign effort
 - Purpose was to gauge level of consensus entering into the Conceptual Design process
 - Feedback was divided into three categories:
 - Must Have
 - Nice to Have
 - Opposed
-

SQUARE REDESIGN - MUST HAVE

- Flexibility, flexibility, flexibility
 - Daily activation
 - Family-friendly environment
 - Avoid clutter
 - Maintain sight lines
 - Vegetation / landscaping
 - Shade
 - Create integrated sense of place
 - Focal point / orientation of space : design process
-

SQUARE REDESIGN - MAJORITY SUPPORT

- Elements of Square Redesign with majority support
 - Traffic barrier: aesthetically-pleasing mix
 - Urban water feature: on / off feature, should not dominate space
 - Integrated flowing design: soft scape, hard scape, pathways, walkability
 - Small permanent stage: impromptu daily use, plug – in ready, identifiable structure or setting, multi-function
 - Public Art: integrated, inter-active, mix of iconic and rotating
 - Games: interactive
-

SQUARE REDESIGN – SURVEY FOLLOW-UP

- Public Restrooms – 90% support / 10% opposed
 - Emergency Call Box – 90% support / 10% not necessary
 - Wi-Fi – 90% support / 10% not necessary
 - Security Cameras – 85% support / 15% not necessary
 - Kiosk (game equipment) – 70% support / 30% not necessary
 - Welcome Center – 53% support / 47% not necessary
-

PARKING STUDY FEEDBACK

- Stakeholder Feedback

- The Downtown community supports the Parking Study recommendations and implementation has begun

In Progress

- Advertise existing public parking lots
- Review agreements on parking garages and other lots
- Consider purchasing or leasing property for additional parking for future use
- Potential reduction of wide roads to two-lane roads and addition of parallel parking by pavement restriping

Future Project

- Improve parking management practices**
- Develop / adopt policies for employee parking
- Provide pedestrian path and amenities from parking areas to the Square
- Provide parking wayfinding signage

Next Step

- Onboard design consultant
-



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COMMENTS / THOUGHTS



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3.d.

Meeting Date: April 15, 2019

Item Title: Update on Downtown Programs and Projects

Submitted By: Becky King, Managing Director

Summary of Request/Problem

Staff will provide an update on the following items:

- Downtown Development Office activities.
- Downtown programs and projects underway.

Recommendation/Action Requested and Justification

Information sharing and Council discussion.

Attachments

Council Update 2019



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Downtown Update

City Council
Work Session
April 15, 2019

DOWNTOWN UPDATE

- Support to Downtown Businesses
 - Downtown Infrastructure Projects
 - Downtown Amenity Projects
 - Major Milestones Up Next
-

SUPPORT TO DOWNTOWN BUSINESS

- Downtown Coordinator, Leticia McNatt, hired October 2018
- Created Downtown Development Office (DDO)
- Providing support to GDBA through:
 - Workshops and outside consulting
 - Communication tools between City and GDBA and other Downtown stakeholders
 - Serving as ex officio board member
- Coordinating marketing and promotions of Downtown
 - Garland Guide ad
 - Media coverage
 - Downtown promotional events



DOWNTOWN INFRASTRUCTURE PROJECTS

- Infrastructure Assessment
- Parking Study
 - Implementation of recommendations underway
- Alley Improvements – Main/Avenue A
 - Detailed Design well underway
- Heritage Crossing
 - Construction underway
 - Targeted completion May 2019



DOWNTOWN INFRASTRUCTURE PROJECTS (CONTINUED)

- Square Redesign
 - Design consultant search to begin in June
 - Bond projects developed and submitted to voters
 - Developed and championed requests for Downtown projects in the 2019 Bond Program
 - TIF Projects implementation team and work plan established
 - Façade Improvement Grant Program development
 - Final stages of program design
 - Next step is review by TIF Board
 - Nearing completion, target date June 2019
-

DOWNTOWN AMENITY PROJECTS

- Pedestrian map kiosks being installed throughout Downtown
- Gateway signage projects underway
 - Main/Garland Avenue – out for bid
 - Main/First St. – in conceptual design phase
 - Walnut Overpass
- Rooftop LED Lighting
 - Consultant engaged to analyze and assist with the proper installation of a lighting system for the Christmas on the Square event and other Downtown events year round



DOWNTOWN AMENITY PROJECTS (CONTINUED)

- **SPLASH Radio**

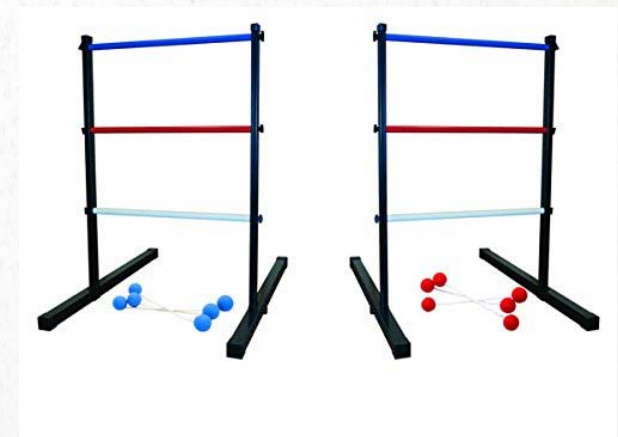
- Installation consultant selection process underway

- **Shade Structure**

- Evaluating option of lease vs. buy since the long-term design for Downtown has not been finalized
 - Consulting with vendors on potential technical considerations of various designs and sizes
-

DOWNTOWN AMENITY PROJECTS

- Gaming and Interactive Play
 - Some items ordered; evaluating options of others
- 506 Art
 - Public-private partnership to create an outdoor museum
 - Features semi-permanent and rotating art to draw repeat visits
 - Stage for acoustical performances
 - Seating, My Little Library, and other interactive elements to encourage people to linger



MAJOR MILESTONES UP NEXT

- Square Redesign consultant, June 2019
 - TIF Board review of proposed Façade Improvement Program, May 2019
-



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COMMENTS / THOUGHTS



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.e.

Meeting Date: April 15, 2019

Item Title: Consider amendments to the Citizens Environmental Neighborhood Advisory Committee

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

In the past year or so, a subcommittee of the Citizens Environmental Neighborhood Advisory Committee (CENAC) met on several occasions to evaluate the ordinance (found at Sec. 10.33 of the Code of Ordinances) that created CENAC and that delineates its role. The subcommittee brought forth recommended changes to that ordinance for the full CENAC committee to consider at its meeting on February 13. CENAC members voted to approve the changes to the ordinance and present the proposed changes to the City Council. The matter was then assigned to the Administrative Services Committee. It was the consensus of the Administrative Services Committee to present the recommendations to the Council and have discussion of this item on a future work session agenda.

Recommendation/Action Requested and Justification

A draft of the proposed ordinance is attached. Council is requested to consider the amendments and provide direction for further action, if any. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the May 7, 2019 Regular Meeting.

Attachments

CENAC 2019

- DRAFT -

For Discussion Purposes Only – Non-Final and Unapproved

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10, "ADMINISTRATION", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Citizens Environmental and Neighborhood Advisory Committee was established by ordinance in September, 1990 to assist the City Council in establishing sound public policy as it relates to environmental matters and neighborhood issues; and

WHEREAS, members of the committee have dutifully performed such functions on behalf of the citizens of Garland; and

WHEREAS, it is the desire of the City Council to continue the Citizens Environmental and Neighborhood Advisory Committee under a revised name and with additional and revised duties thus, for purposes of Art. IV, Sec. 1(F) of the City Charter, neither abolishing nor creating the committee;

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

Section 1

That Sec. 10.33 of Chapter 10, "Administration", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 10.33 Environmental and Community Advisory Board

(A) Appointment of members. There shall be an Environmental and Community Advisory Board consisting of nine members appointed by the City Council. The Mayor and City Council may each appoint a member to the board who shall serve a term to coincide with that of the appointing member of the City Council. Members shall serve without compensation. The mission of the board shall generally be to enhance the quality of life for Garland's citizens by promoting efforts to maintain and improve both the overall environment and the physical conditions of neighborhoods.

(B) Qualifications. The members of the board shall possess the same qualifications as are required for members of the City Council.

(C) Staff liaison. The City Manager shall designate a staff member who shall serve as staff liaison to the board but who shall have no vote.

(D) Responsibilities and duties. The board shall serve the City Council as an advisory board and in that capacity the board shall:

(1) Maintain a relationship with the Keep Garland Beautiful program and promote its efforts.

(2) Encourage increased citizen participation in recycling.

(3) Promote neighborhood quality and improvement efforts with city residents, including individuals and neighborhood groups.

(4) Aid staff in promoting strategies that maintain well-kept neighborhoods in an excellent condition.

(5) Promote the household hazardous waste (HHW) management program (through the City's membership in the Dallas Area HHW Network or through an independent program).

(6) Work with the City's staff and community groups using Keep America Beautiful Community Appearance Index methodology and data, as well as other technologies, to identify areas that need litter abatement, including the control and prevention of illegal dumping, and devise a plan for remedies.

(7) Maintain as a board and on an individual basis through regular communication with the member of the City Council who appointed the board member, ongoing relationships pertaining to the responsibilities, duties and activities of the board.

Section 2

That Chapter 10, "Administration", 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 3

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

Section 4

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



GARLAND POLICY REPORT

City Council Work Session Agenda

3.f.

Meeting Date: April 15, 2019

Item Title: 2019-2020 CDBG, HOME and ESG Budget

Submitted By: Mona Woodard, Neighborhood Services Administrator

Strategic Focus Areas: Enhanced Quality of Life through Amenities, Arts, and Events
Vibrant Neighborhoods and Commercial Centers

ISSUE

Final review of Federal grant allocations for the Community Development Block Grant (CDBG), HOME Infill Partnership Grant (HOME) and the Emergency Solutions Grant (ESG) programs.

RECOMMENDATION

Staff recommends approval of the 2019-2020 CDBG, HOME and ESG programs. Unless otherwise directed by Council, this item is scheduled for formal consideration at the April 16, 2019 Regular Meeting.

CONSIDERATION

City Council discussed the CDBG, HOME and ESG programs during the April 1, 2019 work session and City Council selected program funding levels for the 2019-2020 program year. Staff provided a Proposed Use of Funds outlining all allocations City Council during the April 1, 2019 Work Session meeting.

Attachments

2019-2020 Federal Grant Allocations

Proposed Use of Funding for 2019-20 Federal Grant Programs



GARLAND

**HOUSING AND
COMMUNITY SERVICES**

2019-2020 Federal Grant Funding



Purpose and Timeline

Council is being asked to approve the final allocation of grant funding for the Community Development Block Grant, (CDBG), HOME Infill Partnership Grant (HOME) and the Emergency Solutions Grant (ESG).

Formal adoption of allocated grant funding is scheduled for April 16, 2019 Council Meeting.

2019-2020 Grant Process	
Allocation Discussion	April 1, 2019 – Work Session
Approval of Final Allocation	April 15, 2019 – Work Session
Allocation Adoption	April 16, 2019 – Council Meeting

FY 2019/20 - Community Development Block Grant

- Anticipated CDBG Funding \$2,127,843
 - Anticipated CDBG Reprogrammed \$249,756
-

- Administration \$425,568
- Public Services – 15% Set Aside \$319,176
 - 12 Public Service Applications Received
 - Requesting Council Allocation of Funding
- CDBG Projects \$1,632,855
 - Projects are included for review
 - There are 3 new staff recommended projects for Council review.



CDBG 2019-2020 Federal Grant Allocations

Council Allocated 4-1-19 Work Session- Public Services

Application Title	Organization Name	Category	Requested Amount	RFP Score (Max 100)	2019 Staff Recommended	Balance	Council Recommend
Public Service Applications			Maximum Available		\$ 319,176	\$ 319,176	
Citywide Initiatives							
Garland Police Boxing Program	City of Garland Police Department	Youth Services	\$ 23,800	89.33	\$ 23,850	\$ 295,326	\$ 24,900
S.T.A.R.S. Summer Day Camp	City of Garland Parks Department	Youth Services	\$ 80,000	86.00	\$ 27,941	\$ 267,385	\$ 28,298
Carver Senior Nutrition Program	City of Garland Parks Department	Elderly Services	\$ 66,639	85.00	\$ 66,639	\$ 200,746	\$ 63,179
Lawn Care Assistance Program	City of Garland Code Enforcement	Elderly Services	\$ 21,500	66.00	\$ 20,509	\$ 180,237	\$ 20,693
Non-Profit Public Services							
Emergency Rental Assistance	Salvation Army	Homeless Services	\$ 20,800	96.33	\$ 12,336	\$ 167,901	\$ 11,106
Special Needs Care and Training	Achievement Center of Texas	Special Needs	\$ 75,000	94.00	\$ 46,377	\$ 121,524	\$ 47,391
Value Added Health Care	Hope Clinic	Medical Services	\$ 100,000	93.67	\$ 50,046	\$ 71,478	\$ 52,168
At Risk Family Therapy Program	Counseling Institute of Texas (CIT)	Counseling Services	\$ 60,000	92.00	\$ 14,189	\$ 57,289	\$ 13,985
Meals on Wheels	Visiting Nurse Association	Elderly Services	\$ 7,500	87.00	\$ 6,357	\$ 50,932	\$ 7,136
Family Violence Survivor Services Program	Hopes Door/New Beginning	Homeless Services	\$ 60,000	83.67	\$ 31,419	\$ 19,513	\$ 29,552
Emergency Motel Vouchers	Matthew 25:40 Project	Homeless Services	\$ 7,500	81.33	\$ 6,619	\$ 12,894	\$ 6,430
Long Term Care Ombudsman Program - Garland	Senior Citizens of Greater Dallas	Elderly Services	\$ 17,500	81.00	\$ 12,894	-	\$ 14,338
			Remaining funding to allocate		\$ 319,176		\$ 319,176

CDBG 2019-2020 Federal Grant Allocations

Council Allocated 4-1-19 Work Session - Citywide Initiatives

				TOTAL Available		
				\$ 1,632,855		
Existing Projects				Available	Staff Recommend	Council
Code Enforcement - Officers		\$ 182,000		\$ 1,450,855	\$ 182,000	\$ 182,000
Minor Home Repair Grant - Elderly/Disabled		\$ 200,000		\$ 1,250,855	\$ 200,000	\$ 200,000
Vietnamese Center Phase III		\$ 100,000		\$ 1,150,855	\$ 100,000	\$ 100,000
Sidewalk/Alley Program		\$ 175,000		\$ 975,855	\$ 175,000	\$ 171,500
Blighted Structure Program		\$ 402,998		\$ 572,857	\$ 402,998	\$ 402,623
Single Family Rehabilitation Program-Home Repairs		\$ 292,857		\$ 280,000	\$ 292,857	\$ 292,500
		Existing Total		Available		
		\$ 1,352,855		\$ 280,000	\$ 1,352,855	\$ 1,348,623
				Total Remaining	\$ 280,000	
New Projects				Request	Available	Staff Recommend
Park Improvement Program		\$ 280,000		\$ 280,000	280,000	\$ 284,232
Watson Park Improvement		\$ 70,000		\$ 210,000		
Kingsley Park Improvement		\$ 140,000		\$ 70,000		
Bradfield Park Improvement		\$ 70,000		\$ (0)		
		New Project Total		Remaining Balance		
		\$ 280,000		\$ -	\$ 280,000	\$ 1,632,855
CDBG Funded Street Projects						
Various Projects		\$ 3,791,000		\$ (3,791,000)	\$ 0	-
Street Projects - Ranking	PCI	Request	Dist.	Available	Staff Recommend	Council Recommend
1 - Arcady - Celeste to End	0	\$ 398,000	2	\$ (398,000)		
2 - Curtis - High Meadow to Susan	9	\$ 469,000	2	\$ (867,000)		
3 - Glenfield - Cumberland to Freemont	0	\$ 340,000	2	\$ (1,207,000)		
4 - Cascade - Cumberland to First	0	\$ 482,000	2	\$ (1,689,000)		
5 - Ridgewood - Cumberland to First	0	\$ 423,000	2	\$ (2,112,000)		
6 - Cascade - Cumberland to Dairy	4	\$ 371,000	2	\$ (2,483,000)		
7 - Vista - Cumberland to First	6	\$ 393,000	2	\$ (2,876,000)		
8 - Dent - N. Garland to Garwood	0	\$ 188,000	8	\$ (3,064,000)		
9 - Seneca - Cumberland to Freemont	6	\$ 347,000	2	\$ (3,411,000)		
10 - Rolando - Fifth to Miller	0	\$ 380,000	2	\$ (3,791,000)		
		Streets Total		Remaining Balance	-	-
		\$ 3,791,000		\$ (3,791,000)		
				Total Remaining	\$ 0	-



GARLAND

CDBG 2019-2020 Federal Grant Allocations

Council Allocated 4-1-19 - CDBG Administration Funding

Purpose	Organization Name	Category	RFP Maximum Budget	Requested	Funding Available?	Council Recommended
Grant Operations/Training/ Salaries	City of Garland	Housing/Community Services	\$ 425,568	\$ 405,568	yes	\$ 405,568
Fair Housing/Salaries/Programs	City of Garland	Fair Housing Department	\$ 425,568	\$ 50,000	no	\$ 20,000
						\$ -

FY 2019/20 - HOME Partnership Grant

- | | |
|--|-------------|
| • Anticipated New HOME Funding | \$748,755 |
| • Carryover HOME Funding – (Sale of Homes) | \$1,588,227 |

-
- | | |
|---|-------------|
| • Available Funding for Administration | \$74,876 |
| • 15% CHDO Set Aside | \$112,313 |
| • 1 application received – Habitat for Humanity | |
| • Available Funding for Projects | \$2,089,793 |
| • Projects are included for review | |
| • Department currently has 14 HOME Infill construction projects underway. | |



HOME Program 2019-2020 Federal Grant Allocations

Council Allocated 4-1-19 - HOME Infill City Sponsored Projects

[illegible]

FY 2019/20 - Emergency Solutions Grant

• ESG Funding	\$168,535
---------------	-----------

• Administration	\$21,923
------------------	----------

• Shelter Operations	\$54,009
----------------------	----------

- 1 application received – Hopes Door/New Beginning Center

• Rapid Rehousing	\$41,970
-------------------	----------

- 2 applications received – Hopes Door/New Beginning Center and the Matthew 25:40 Project.
Requesting Council Allocation of Funding

• Homeless Prevention	\$50,633
-----------------------	----------

- 1 application received

- All funding must be used for Homeless Prevention Activities



ESG Program 2019-2020 Federal Grant Allocations

Council Allocated 4-1-19 - HOME Infill City Sponsored Projects

[illegible]

**ALLOCATION OF COMMUNITY DEVELOPMENT GRANT FUNDING
FY 2019/2020**

The City anticipates receiving \$2,127,843 from the Department of Housing and Urban Development for the Community Development Block Grant. There is \$249,756 available in reprogrammed funds for a total of \$2,377,599. The HOME Investment Partnership Program allocation is anticipated to be \$748,755. Emergency Solutions Grant funding of \$168,535 is available. Specific grant funded activities are as follows:

**COMMUNITY DEVELOPMENT BLOCK GRANT
2019 – 2020**

PUBLIC SERVICES Allocation	IDIS	Activity
Achievement Center of Texas		\$47,391
Counseling Institute of Texas		\$13,985
Garland Elderly Yard Care Program		\$20,693
Garland Parks S.T.A.R.S Program		\$28,298
Garland Police – Youth Boxing Program		\$24,900
Hope Clinic		\$52,168
Matthew 25:40 Project – Motel Vouchers		\$6,430
New Beginning Center		\$29,552
Salvation Army Rental Assistance Program		\$11,106
Senior Source – Garland Ombudsman Program		\$14,338
Visiting Nurses Association		\$7,136
Carver Senior Community Program		\$63,179
	TOTAL	\$319,176

PROJECTS Allocation	IDIS	Activity
Code Compliance		\$182,000
Minor Home Repair		\$200,000
Single Family Rehabilitation		\$292,500
Blighted Structure Removal Program		\$402,623
Sidewalk/Alley Program		\$171,500
Vietnamese Community Center Phase III		\$100,000
Park Improvement Program		\$284,232
TOTAL		\$1,632,855

ADMINISTRATION Allocation	IDIS	Activity
Grant Administration		\$405,568
Fair Housing		\$20,000
TOTAL		\$425,568

TOTAL CDBG FUNDING

\$2,377,599

**HOME INFILL PARTNERSHIP
2019 - 2020**

**ADMINISTRATION
Allocation**

IDIS Activity

HOME Administration		\$74,876
TOTAL		\$74,876

**CHDO ACTIVITIES
Allocation**

IDIS Activity

Housing and Community Services		
CHDO Infill Housing – Habitat for Humanity		\$112,313
TOTAL		\$112,313

**HOME PROJECTS
Allocation**

IDIS Activity

Housing and Community Services		
Infill Housing		\$501,566
Down Payment Assistance Program		\$60,000
TOTAL		\$561,566

TOTAL HOME FUNDING

\$748,755

**EMERGENCY SOLUTIONS GRANT FUNDS
2019- 2020**

SHELTER SERVICES Allocation	IDIS Activity	
New Beginning Center		\$54,009
TOTAL		\$54,009

ESG PREVENTION Allocation	IDIS Activity	
City of Garland Fair Housing		\$50,633
TOTAL		\$50,633

ESG RAPID RE-HOUSING Allocation	IDIS Activity	
New Beginning Center		\$20,000
Matthew 25:40 Project		\$21,970
TOTAL		\$41,970

DATA COLLECTION Allocation	IDIS Activity	
Metro Dallas Homeless Alliance		\$9,283
TOTAL		\$9,283

ESG ADMINISTRATION Allocation	IDIS Activity	
Grants Management		12,640
TOTAL		\$12,640

TOTAL ESG FUNDING

\$168,535



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3.g.

Meeting Date: April 15, 2019

Item Title: Administrative Services Committee Report

Summary of Request/Problem

Council Member Robert John Smith, chair of the Administrative Services Committee, will provide a committee report on the following items:

- Senior citizens' tax rates and exemptions (per current Council policy).
- Women's Activity Building - interim findings and potential recommendations.
- Request assignment to the Administrative Services Committee an item regarding a comprehensive policy for services, facility use, and in-kind contributions provided to non-profit organizations.

Recommendation/Action Requested and Justification

Council discussion.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.h.

Meeting Date: April 15, 2019

Item Title: Development Services Committee Report

Summary of Request/Problem

Council Member David Gibbons, chair of the Development Services Committee, will provide a committee report on the following items:

- Required sub-metering of water in all new multi-family construction.
- Consideration of allowing asphalt overlays for deteriorated concrete parking areas.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

Development Services Committee Report



GARLAND

Development Services Committee

February 18, 2019 Report

Consider Separate Meters or Sub-meters for Apartment Units

- Committee advised that State Law already requires sub-metering.
 - Sec. 13.502 & 3 of Water Code and Chapter 184 of Utilities Code
 - Allows City to meter or Building Owners to sub-meter.
- Committee directed staff to include provisions in City code.
 - Staff suggested that the plumbing code be modified.
 - IPC 304.1 Connections to water supply. Every plumbing fixture, device or appliance requiring or using water for its proper operation shall be directly or indirectly connected to the water supply system in accordance with the provisions of this code.
 - 304.1.1 Group R-2 occupancies shall be equipped with sub-meters that register the water consumption for each single dwelling unit.
- Ordinance on future agenda.

Consider allowing asphalt overlays of existing concrete parking lots.

- Current code requires that concrete parking lots be repaired with concrete.
- Committee was advised that:
 - 279 notices were issued for parking lot repair in past 3 years.
 - 93 per year average.
 - 224 complied and 55 open cases.
 - 226 or 80% were notices for asphalt parking lots.
 - Committee also heard that asphalt will not repair subsurface failures.
 - Subsurface issues will telegraph through asphalt.
 - For short term asphalt only improves riding surface.
- Committee recommended no changes to current code provisions.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3.i.

Meeting Date: April 15, 2019

Item Title: Short-Term Property Rentals

Summary of Request/Problem

At the request of Council Member David Gibbons and Council Member Deborah Morris, Council is requested to discuss short-term property rentals.

Recommendation/Action Requested and Justification

Council discussion.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3.j.

Meeting Date: April 15, 2019

Item Title: Neighborhood Vitality Update

Submitted By: Scott Bollinger, Neighborhood Resource Manager

Summary of Request/Problem

Staff will provide an update to Council regarding the Cycle 2 Neighborhood Vitality Staff-Initiated Projects.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

Council Update - Staff Projects

Neighborhood Vitality Staff Projects – Status Update

CITY COUNCIL WORK SESSION

APRIL 15, 2019



Scope

Council approval in October 2017 of five staff projects (Resolution 10306). The approved projects are:

- Orchard Hills Neighborhood Enhancement
- Rainbow Estates Neighborhood Enhancement
- Duck Creek Park / South Garland High School
- South Garland Avenue / Avenue F
- North Garland Avenue

Orchard Hills

- Neighborhood center completed May 2018
- Entryway features completed June 2018
- “Treasure Island” completed August 2018
- CONDITION: COMPLETE

Rainbow Estates

- Entryway feature complete
- Film project complete
- Sculpture location being finalized by neighborhood.
Once location is selected, delivery and installation is approx. 60 days out

Duck Creek Park Sculpture

- Design sessions with students completed February 2018
- Student field trip to artist studio completed March 2018
- Site review completed May 2018
- Artist estimates sculpture will be completed and installed by June 2019

South Garland Ave. and Avenue F

- Engineering design began April 2018
- Preliminary design delivered July 2018
- Final design delivered March 2019
- On track for summer 2019 construction
- Embree neighborhood entryway feature to be installed in April 2019

South Garland Ave. and Avenue F (cont.)

- Ricardo Paniagua sculpture installed November 2018
- Pedestrian bridge lighting design began September 2018 – seeking additional design options

North Garland Avenue

North Garland Avenue project includes:

- Winter Park Place Townhomes
- Neighborhood Entryway Sign (Coomer Creek)
- School Crosswalk Enhancement
- Aesthetic Bridge Improvement
- Retail Center Façade

Winter Park Townhomes

Replace damaged chain link fence, and partner with townhomes to install entryway features.

- Stained cedar fencing installed June 2018
- Discussions with Winter Park Townhomes regarding entryway feature unsuccessful to date

Neighborhood Identification

Engage with the Coomer Creek neighborhood to install entryway sign and sign toppers.

- Began working with residents (led by Ana Maria DeYoung) in January 2018 on designs and locations.
- Sign toppers installed July 2018*

School Crosswalk Enhancement

Enhance busy crosswalk at North Garland and Apollo Road to improve both aesthetics and functionality

- Engineering design began April 2018
- Preliminary design delivered July 2018
- Final design delivered March 2019
- On track for summer 2019 construction*
 - Bottleneck improvements affect this

Aesthetic Bridge Improvement

Improve bridge along North Garland Avenue with highly detailed decorative railing, improved lighting, and functional improvements

- Design services began April 2018
- Final design accepted in July 2018
- Pre-bid conference in September 2018
- Two bids received: \$403,000 and \$447,000
 - Estimate from engineering firm was \$200,000

Retail Center (North Garland Library)

Joint project with retail center owner for site, façade, and landscaping improvements.

- Research/discovery with owner in summer 2017
- Cost-sharing agreement signed in March 2018
- Property and maintenance issues stated in May 2018
- Informal bid received in October 2018
 - General contractor bid is approx. \$250,000

Retail Center Issues

- Owner participation
- Current maintenance standards
- Current agreement has a “not to exceed” of \$160,000 for Owner, which allows for a total project budget \$300,000 including contingency

Outstanding Issues for Overall Project

- Bottleneck improvements
- Aforementioned retail center issues
- Project budget to Council = \$450,000

Project Component	Approx. Cost to Date / Current Estimated Total Cost
Winter Park Place Townhomes	\$7,000
Coomer Creek Neighborhood	\$900 / \$20,000
School Crosswalk Enhancement	\$23,000 / \$85,000
Aesthetic Bridge Improvement	\$37,000 / \$425,000
Retail Center	\$300,000*

*quote from GC was \$250,000