

AGENDA

**CITY COUNCIL WORK SESSION
City of Garland
Work Session Room, City Hall
200 North Fifth Street, Garland, Texas
February 18, 2013
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]

(6:00) 1. Written Briefings:

a. Review of Juvenile Curfew Ordinance

Section 370.002 of the Texas Local Government Code requires that after a city adopts a juvenile curfew ordinance, the city must review and re-adopt the ordinance every three years. The purpose of the curfew ordinance is to assist law enforcement personnel in controlling juvenile crime. If Council concurs, this item will be scheduled for formal consideration at the March 5, 2013 Regular Meeting.

b. Police Contact Data

Since January 1, 2002, the Garland Police Department, in accordance with the Texas "Racial Profiling" Law (Texas Code of Criminal Procedure Article 2.131 through 2.138), has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling. The Police Department is required to submit this report to Council by March 1 of each year for the previous calendar year's data.

c. Sale of Property to Habitat for Humanity

Council is requested to consider the sale of a vacant lot located at 1833 Freemont to Habitat for Humanity for \$13,000. On April 6, 2010, this lot was deeded back to the City of Garland pursuant to a delinquent tax suit. Habitat for Humanity has offered to purchase this lot for \$13,000 which is the same as the current market value. If Council concurs, this item will be scheduled for formal consideration at the March 5, 2013 Regular Meeting.

Item	Key Person
------	------------

(6:15) 2. Verbal Briefings:

a. SWAC Men's Basketball Tournament

B. Williams/Jones

At the request of Council Member B. J. Williams and Mayor Ronald Jones, Council will be briefed on the 2012 Southwestern Athletic

Conference (SWAC) Men's Basketball Tournament that will take place March 7-10 at the Curtis Culwell Center in Garland.

b. Health and Code Compliance **Briley**
2012 Departmental Activities

Council will be briefed on the 2012 departmental activities of the Health and Code Compliance Departments.

c. Tri-Cities Special Meeting Briefing **Willis/Jones**

Mayor Pro Tem John Willis will provide an overview of the Tri-Cities Special Meeting that was held on February 7, 2013 with the Garland Independent School District (GISD) and the Cities of Garland, Rowlett, and Sachse to discuss GISD campus safety procedures and emergency plan, as well as the City of Garland's SRO Program.

(7:30) 3. Regular Items:

a. Downtown Automotive Uses **Cahill/Dodson**
Overlay District

At the request of Council Members Jim Cahill and Lori Dodson, a description and history of the Downtown Automotive Uses Overlay District is provided for Council's information and review.

4. Consider the Consent Agenda **Council**

A member of the City Council may ask that an item on the consent agenda for the next regular meeting be pulled from the consent agenda and considered separate from the other consent agenda items. No substantive discussion of that item will take place at this time.

5. Announce Future Agenda Items **Council**

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.

(8:30) 6. Adjourn

Council

(Estimated time to consider)



Policy Report

REVIEW OF JUVENILE CURFEW ORDINANCE

ISSUE

Section 370.002 of the Texas Local Government Code requires that after a city adopts a juvenile curfew ordinance, the city must review and re-adopt the ordinance every three years. The statute requires:

1. Review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
2. conduct public hearings on the need to continue the ordinance or order; and
3. abolish, continue or modify the ordinance or order

The purpose of the curfew ordinance is to assist law enforcement personnel in controlling juvenile crime.

OPTIONS

1. Re-adopt the Juvenile Curfew Ordinance.
2. Do not re-adopt the Juvenile Curfew Ordinance.

RECOMMENDATION

Chief Bates recommends that Council re-adopt the Juvenile Curfew Ordinance (26.10) for another three years as part of a continued effort to control juvenile crime. The continuation of the ordinance will promote the safety and welfare of the City's residents, help reduce and prevent crime, and enhance the efforts of the police department to prosecute juvenile crime.

If Council concurs, then this item will be scheduled for formal consideration at the March 5th, 2013, Regular Meeting.

COUNCIL GOAL

Safe, Family-Friendly Neighborhoods

BACKGROUND

The City of Garland adopted the Juvenile Curfew Ordinance in 1994 and enforcement began in January of 1995. Since inception, this ordinance has assisted in the active prosecution and arrest of juvenile offenders.

State law defines a juvenile as a person under the age of 17 (or those persons who are **16 years of age or younger**). The curfew hours for juveniles are:

- 11:00 p.m. through 6:00 a.m., Sunday through Thursday; and
- 12:01 a.m. through 6:00 a.m., Friday and Saturday.

Officers must ensure that the juvenile does not have a defense to prosecution before enforcement is taken and parents may be issued a citation for allowing a juvenile to violate the ordinance. Business owners and operators may be cited for allowing juveniles to remain on premises during curfew hours. If a violation is observed, the juvenile may be:

- Warned
- Sent home
- Taken home
- Issued a citation, or
- Taken into custody

A complete copy of the Juvenile Curfew Ordinance is attached for review.

CONSIDERATION

In reviewing the last three years of data regarding juvenile crime, the following areas were analyzed:

- Number of incidents where **juveniles** were listed as **victims** in a police incident
- Number of **juvenile arrests**
- Number of offenses listing **juveniles as suspects**
- Number of **arrests during curfew hours**

	2010	2011	2012
Juvenile Victims	1,360	1,442	1,369
Juvenile Arrests	1,099	955	1,001
Juvenile Suspects	1,546	1,395	1,624
Curfew Hour Arrests	166	146	153

The total arrests and curfew hour arrests are reflective of all criminal offenses including traffic violations. The total number of juvenile victims includes any incident in which a police report was completed.

The above three year comparison shows that juvenile crime continues to be a concern and it would be detrimental to the apprehension and prosecution of juvenile offenders if the ordinance was not re-adopted. The ordinance serves as a valuable tool in a continued effort to combat juvenile crime and protect victims of juvenile crime.

ATTACHMENT

- Juvenile Curfew Ordinance, Section 26.10

Submitted By:

Mitchel L. Bates
Chief of Police

Date: February 12, 2013

Approved By:

William E. Dollar
City Manager

Date: February 12, 2013

Sec. 26.10 Curfew hours for minors

(A) Definitions. In this section:

(1) Curfew hours means:

(a) 11:00 p.m. until 6:00 a.m. of the following day, on any Sunday, Monday, Tuesday, Wednesday, or Thursday; and

(b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) Emergency means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury, loss of life, or damage to property.

(3) Establishment means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement or entertainment.

(4) Guardian means:

(a) A person who, under court order, is the guardian of the person of a minor; or

(b) A public or private agency with whom a minor has been placed by a court.

(5) Minor means any person under 17 years of age.

(6) Operator means any individual, firm, association, partnership or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) Parent means a person who is:

(a) A natural or adoptive parent or another person;

(b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(8) Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(9) Remain means to:

(a) Linger or stay unnecessarily; or

(b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(10) *Serious bodily injury* means bodily injury that creates a substantial risk of death or causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) Offenses.

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.

(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C) Defenses.

(1) It is a defense to prosecution under subsection (B) that the minor was:

(a) Accompanied by the minor's parent or guardian;

(b) On an errand at the direction of the minor's parent or guardian without detour or stop;

(c) In a motor vehicle involved in interstate travel;

(d) Engaged in lawful employment activity, or going to or returning home from an employment activity, without any detour or stop;

(e) Involved in an emergency;

(f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence;

(g) Attending an official school or religious activity or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without detour or stop, an official school or religious activity or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor;

(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(i) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section until the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense under subsection (C) is present.

(E) Penalties.

(1) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by fine not to exceed \$500.00.

(2) When required by [section 51.08](#) of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates subsection (B)(1) of this section and shall refer the minor to juvenile court



Policy Report

Police Contact Data

ISSUE:

Since January 1, 2002, the Garland Police Department in accordance with the Texas “Racial Profiling” Law (Texas Code of Criminal Procedure Article 2.131 through 2.138, has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling. The Police Department is required to submit this report to Council by March 1 of each year for the previous calendar year’s data.

OPTIONS:

No Council action is required.

RECOMMENDATION:

Staff recommends that Council accept the report as submitted.

COUNCIL GOAL

Fully informed and engaged citizenry

BACKGROUND:

Senate Bill No. 1074 amended Chapter 2 of the Texas Code of Criminal Procedure to include a prohibition of racial profiling by peace officers. It also requires that law enforcement agencies adopt a detailed written policy on racial profiling, and implement a process by which an individual may file a complaint if the individual believes that a police officer engaged in racial profiling with respect to that individual. In addition, the statute requires, among other things, that we provide public education relating to the agency’s complaint process. House Bill 3389 changed several portions of the Code of Criminal Procedures Article 2.131 – 2.138. The major change now in the law is that all agencies must report racial profiling data to TCLEOSE as well as to their governing body. Officers are also required to report if the race of the violator was known prior to the motor vehicle stop. The law changes affect data collected in 2010 reflected in the 2011 report. The Garland Police Department has met all the requirements of Senate Bill 1074 and House Bill 3389.

ATTACHMENTS:

GPD General Order #20.08-Racial Profiling
Police Contact Data Reports

Submitted By:

Mitch Bates
Chief of Police

Date: February 4, 2013

Approved By:

William E. Dollar
City Manager

Date: February 11, 2013

RACIAL PROFILING



General Order # 20.08

Issued: December 31, 2001

Revised: February 26, 2010

- I. **PURPOSE:** The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.

- II. **DEFINITIONS:**
 - A. **Racial Profiling** - a law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
 - B. **Reasonable Suspicion** - also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.
 - C. **Acts Constituting Racial Profiling** - are acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based upon an individual's race, ethnicity, national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
 - D. **Race or Ethnicity** - means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.
 - E. **Motor Vehicle Stop** means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

III. POLICY:

It is the policy of the Garland Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law. Racial Profiling by Garland Police Officers is totally unacceptable and is strictly prohibited in all areas, including traffic contacts, field contacts and in asset seizure and forfeiture efforts.

IV. PROCEDURES:

- A. No person shall be detained without reasonable suspicion except where otherwise provided for in the law, e.g. detaining those who present an immediate danger to themselves to prevent injury.
- B. All motor vehicle stops will be recorded using the audio/video equipment provided in each vehicle regularly used to stop traffic (Motorcycles may use audio equipment only), see also, General Order 30.14 "Mobile Video & Audio Recording Equipment".
- C. In each motor vehicle stop in which a citation is issued and/or an arrest is made the following information shall be recorded on the citation or in the Jail record keeping system (JMS) as appropriate: the race or ethnicity of the individual detained; and whether a search was conducted and, if so, whether the individual detained consented to the search, and whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.
- D. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, or national origin shall not be a factor in determining reasonable suspicion for a stop.

V. COMPLAINTS OF RACIAL PROFILING:

- A. Any person may file a complaint with the Internal Affairs Unit of the department if they feel they have been stopped or searched based on racial profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- B. Any officer or supervisor contacted by a person who wishes to file such a complaint shall refer the person to the Internal Affairs Unit by providing the name and phone number of the Internal Affairs Unit supervisor. The officer or supervisor shall also obtain the name and phone number of the person making the complaint, if they will provide it, and forward this information to the Internal Affairs Unit supervisor.

- C. The Internal Affairs Unit shall investigate complaints of racial profiling in the same manner as other complaints. If a complaint involves a stop in which a mobile video or audio recording was made, a copy of the recording will be promptly provided to the police officer who is the subject of the complaint on written request of the officer to the Chief of Police. A copy of the video and audio or audio record of the stop will be maintained until final disposition of the complaint. The Internal Affairs Unit will report the findings of the investigation in writing along with recommendations for disciplinary action or changes in policy, training, or tactics to the Chief of Police.
- D. Any officer found to have engaged in racial profiling in violation of this policy would be subject to corrective disciplinary action up to and including removal from the classified service of the City.

VI. REVIEW PROCESS:

A sample of the video recordings made by officers will be reviewed quarterly by Lieutenants and Captains. Each Lieutenant from the Department will review one randomly selected tape made during the previous 90 days. These tapes will be reviewed in their entirety and each reviewing Lieutenant will complete a Tape Review Worksheet. Of these reviewed tapes, seven will be randomly selected and reviewed by each Captain of the Department, except one captain who will be responsible for coordinating the review process. Each reviewing captain will also complete a Tape Review Worksheet for each tape reviewed. The worksheets will be forwarded to the Chief of Police for review. Any concerns raised in reference to racial profiling by this review process shall be forwarded to the Internal Affairs Unit for investigation. An annual administrative review of agency practices, including citizen concerns, will be conducted at the direction of the Chief of Police.

VII. TRAINING OF ENFORCEMENT PERSONNEL:

The Garland Police Department shall meet the educational requirements related to racial profiling in the Occupations Code Section 1701.253 and 1701.402, established by the Texas Commission on Law Enforcement Officer Standards and Education (T.C.L.E.O.S.E.) and all other mandated training. The Garland Police Academy will incorporate training on the issue of racial profiling in conjunction with the Basic Academy and mandated "Cultural Diversity" training for in-service personnel.

VIII. PUBLIC EDUCATION:

The Garland Police Department shall provide written material, in English and Spanish, detailing the department's complaint process. The material shall be available in the lobby of the police building and through the office of Internal Affairs. The department will periodically highlight the complaint process through use of its community access cable television program and through general mailings in conjunction with utility billing.

20.08

IX. REPORT TO CITY COUNCIL AND TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION:

An annual report relating to motor vehicle stops in which a citation is issued and to arrests resulting from those stops, including information relating to: the race or ethnicity of the individual detained; and whether a search was conducted and, if so, whether the individual detained consented to the search and whether the Peace Officer knew the race or ethnicity of the individual detained before detaining that individual will be submitted to the City Council and Texas Commission on Law Enforcement Officer Standards and Education by no later than March 1 of each year for the preceding calendar year.

X. PRIOR ORDERS:

From and after the effective date of this order, it shall be in full force and effect and shall govern the operations of this department with regard to its subject matter. Former orders, policies, directives and memoranda relating to the subject matter are hereby specifically revoked and they shall be of no force and effect from and after the date of issuance of this order.

Mitchel L. Bates
Chief of Police

Index As: Pedestrian Stop / Profiling
Profiling
Traffic Stop / Profiling



Garland Police Department
Citation, Arrest and Search Profile Data
01/01/2012...12/31/2012
All Stops

Number of motor vehicle stops:

1.	29675	Citation Only	
2.	1350	Arrest Only	
3.	730	Both	
4.	31755	Total	

Race or Ethnicity:

5.	6398	African	
6.	1461	Asian	
7.	12470	Caucasian	
8.	11385	Hispanic	
9.	1	Middle Eastern	
10.	40	Native American	
11.	31755	Total	

Race or Ethnicity Known prior to stop?:

12.	1502	Yes	
13.	30253	No	
14.	31755	Total	

Search Conducted?:

15.	1073	Yes	
16.	30682	No	
17.	31755	Total	

Was Search Consented?:

18.	342	Yes	
19.	731	No	
20.	1073	Total	



Garland Police Department
 Citation, Arrest and Search Profile Data
 01/01/2012...12/31/2012
 All Stops

Ethnicity	Total Traffic Stops		Race Known Prior to Stop		Traffic Stops Resulting in a Citation		Traffic Stops Resulting in an Arrest		Searched		Searched by Consent		Searched by Probable Cause	
Total Asian	1461	4.6%	25	0.1%	1433	4.7%	28	2.1%	20	1.9%	3	0.9%	17	2.3%
Total Black	6398	20.1%	429	1.4%	6027	19.8%	371	27.5%	274	25.5%	71	20.8%	203	27.8%
Total Hispanic	11385	35.9%	496	1.6%	10833	35.6%	552	40.9%	437	40.7%	147	43.0%	290	39.7%
Total Middle Eastern	1	0.0%	0	0.0%	0	0.0%	1	0.1%	0	0.0%	0	0.0%	0	0.0%
Total Native American	40	0.1%	0	0.0%	39	0.1%	1	0.1%	0	0.0%	0	0.0%	0	0.0%
Total White	12470	39.3%	552	1.7%	12073	39.7%	397	29.4%	342	31.9%	121	35.4%	221	30.2%
TOTAL	31755		1502		30405		1350		1073		342		731	

Garland Police Department

2012 Racial Profiling Complaint Summary

During the calendar year of 2012 the Garland Police Department Internal Affairs Division did not receive any citizen complaints of racial profiling.

* Contact Type

Traffic – Officer initiated contact of motorist

Pedestrian – Officer initiated contact of individuals not in vehicles

Call – Contact with citizens in response to reported incidents (not self-initiated)

* Case Disposition

Sustained – Allegation was true

Not Sustained – Not enough evidence to determine if incident occurred or not

Exonerated – Incident occurred but the officer's actions were justified

Unfounded – Allegation was without merit or false



Policy Report

SALE OF PROPERTY TO HABITAT FOR HUMANITY

ISSUE

Consider the sale of a vacant lot located at 1833 Freemont in the City of Garland to Habitat for Humanity for \$13,000.

OPTIONS

1. Approve the sale.
2. Do not approve the sale.

RECOMMENDATION

Sell the subject property to Habitat for Humanity. If Council concurs with this recommendation, staff will submit a resolution for consideration at the March 5, 2013 Regular Meeting.

COUNCIL GOAL

Sustainable Quality Development and Redevelopment
Financially Stable Government with Tax Base that Supports Community Needs
Safe, Family-Friendly Neighborhoods

BACKGROUND

On April 6, 2010, a vacant lot located at 1833 Freemont was deeded back to the City of Garland pursuant to delinquent tax suit. Habitat for Humanity has offered to purchase this lot for \$13,000, which is the same as the current market value.

CONSIDERATION

Net court costs and costs of sale amount to \$4,113.83. In addition, the City is entitled to reimbursement for its administrative costs in the amount of \$1,500.00. If the property is sold for \$13,000, a tax amount of \$7,386.17 will remain after court costs and reimbursement to the City which will be distributed to the City of Garland, Garland ISD, and Dallas County based on the pro rata percentages of the total judgment for taxes.

Garland will receive \$1,867.18, with \$3,961.07 distributed to GISD and \$1,557.92 distributed to Dallas County.

ATTACHMENTS

1. Habitat for Humanity letter offering to purchase the property.
2. Proposed Deed Without Warranty.

Submitted By:

Mona L. Woodard,
Manager
Housing and Community Services

Date: February 13, 2013

Approved By:

William E. Dollar
City Manager

Date: February 13, 2013



0 100 200 Feet

1833 Fremont Drive

 INDICATES AREA OF REQUEST

LAW OFFICES
GAY, McCALL, ISAACKS, GORDON & ROBERTS, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS

JOHN E. GAY
DAVID McCALL +
LEWIS L. ISAACKS ♦+
SYDNA H. GORDON
WILLIAM J. ROBERTS +
JENNIFER T. PETTIT
J. DOUGLAS BURNSIDE
ROBERT T. DRY, III
JENNIFER EDMONDSON
ERIN MINETT
DUSTIN L. BANKS
M. SHANNON KACKLEY

SUITE 310, LB 40
1919 S. SHILOH ROAD
GARLAND, TEXAS 75042
(972) 278-8282 • Fax (972) 278-8222

♦ BOARD CERTIFIED -- CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
+ATTORNEY - MEDIATOR

February 8, 2013

Via electronic-mail

Ms. Carol Clark
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Re: Offer by Habitat for Humanity to purchase 1833 Fremont, Garland, Texas

Dear Ms. Clark:

The above referenced lot was struck off to the City of Garland on April 6, 2010 at a Sheriff's Sale pursuant to delinquent tax suit No. 98-40661, City of Garland vs. J.E. Stiff. The property was struck off for the market value stated in the judgment, \$10,000. The Sheriff's Deed was recorded on April 21, 2010. Habitat for Humanity has offered to purchase this lot for \$13,000. The most recent Appraisal District market value is \$13,000.

The costs and distribution of net proceeds will be:

Court Costs	\$2,341.64
Sheriff's Costs of Sale	\$1,462.81
Publication Fees	\$309.38
Net Court Costs and Costs of Sale	<u>\$4,113.83</u>
Personnel and Overhead	<u>\$1,500.00</u>
Total City Reimbursement	<u>\$1,500.00</u>
City of Garland	\$1,867.18
Garland ISD	\$3,961.07
Dallas County	<u>\$1,557.92</u>
Total Tax Distribution	<u>\$7,386.17</u>
Net Court Costs and Costs of Sale	\$4,113.83
Total City Reimbursement	\$1,500.00
Total Tax Distribution	<u>\$7,386.17</u>
Total Sale Price	<u>\$13,000.00</u>

A proposed Deed Without Warranty is attached.

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

If the City Council approves this transaction, please forward to me the executed Deed. I will contact Habitat for Humanity to complete the transaction.

If you have any questions or need additional information, please contact me.

Yours truly,

A handwritten signature in blue ink that reads "Sydna H. Gordon". The signature is written in a cursive style with a large, stylized 'S' and 'G'.

Sydna H. Gordon
Attorney at Law

DEED WITHOUT WARRANTY

Date: _____

Grantor: CITY OF GARLAND

Grantor's Mailing Address (including county):

P.O Box 462010
Garland, Texas 75046-2010
Dallas County

Grantee: Habitat for Humanity of Greater Garland, Inc.

Grantee's Mailing Address (including county):

1110 Main Street
Garland, Texas 75040
Dallas County

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

Property (including any improvements):

Property described in Exhibit "A" attached hereto and made a part hereof for all purposes.

This Deed Without Warranty is subject to:

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

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

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

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

Grantor, for the consideration recited herein and subject to the reservations from and exceptions to conveyance, grants, sells and conveys to Grantee their heirs, successors and assigns forever, the property, to have and to hold the property, together with all and singular the rights and appurtenances thereto in any wise belonging, WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.

The intent of this Deed Without Warranty is to transfer the property foreclosed on by the Grantor taxing jurisdictions in Cause 98-40661 in the 191st Judicial District Court, Dallas County, Texas, and no more.

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

ATTEST:

CITY OF GARLAND

_____ By: _____
Title: _____

(Acknowledgment)

THE STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2013, by _____ of the City of Garland, Texas as the act and deed of said City of Garland, Texas.

Notary Public, State of Texas
Notary's name, (printed):

Notary's commission expires: _____

EXHIBIT A

BEING LOT 6, BLOCK A, CROWN HILL #2, AKA 1833 FREEMONT DR., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOL. 4332, PAGE 632, DALLAS COUNTY DEED RECORDS.



City Council Item Summary Sheet

Work Session

Date: February 18, 2013

Agenda Item

SWAC Men's Basketball Tournament

Summary of Request/Problem

At the request of Council Member B. J. Williams and Mayor Ronald Jones, Council will be briefed on the 2012 Southwestern Athletic Conference (SWAC) Men's Basketball Tournament that will take place March 7 – 10 at the Curtis Culwell Center in Garland.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

**William E. Dollar
City Manager**



City Council Item Summary Sheet

Work Session

Date: February 18, 2013

Agenda Item

Health & Code Compliance Departmental Activities - 2012

Summary of Request/Problem

Staff will provide an update to Council on the 2012 Health and Code Compliance departmental activities. A copy of the 2012 Health Department Annual Productivity Report is provided.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Richard T. Briley
Managing Director of Health & Code
Compliance

Approved By:

William E. Dollar
City Manager



2012 Garland Health Department Annual Report

Richard Briley, Managing Director of Health and Code Compliance
Steve Killen, Director of Code Compliance
Jason Chessher, Director of Health
Vikki Yeatts, MSN, RN, Deputy Director of Health
Rick Barker, Neighborhood Standards Manager
Cindy Corley, Environmental Health Manager
Diana Oats, Animal Services Manager
Rio Orticio, Housing Standards Manager

MESSAGE FROM THE MANAGING DIRECTOR OF HEALTH & CODE COMPLIANCE

The past year was a year of “firsts” for both Health and Code Compliance. The reader of this 2012 Annual Productivity Report will note that each division within the Health and Code Compliance Departments was challenged by the needs of the community; but, through both intelligence and a caring heart, staff confronted each and achieved goals never attained previously.

Within the Health Department, Environmental & Consumer Health was dominated by mosquito control activities throughout the summer. Staff set the standard for other area cities and performed an unmatched work volume: nearly 6,000 mosquitoes trapped and tested and almost 600 miles of streets sprayed with insecticide. Garland was also aerielly sprayed for the first time since the late 1960s. On the street, Animal Services achieved the quickest response time to date (16 minutes) while responding to more than eighty calls per day, the highest call volume yet recorded. In the Shelter, pet adoption and rescue numbers continue to surpass previous marks as staff forges new partnerships within the community. In 2012, Clinical Services began accepting and billing private insurance for health services. This was an unparalleled achievement in Texas public health.

Code Compliance’s Neighborhood Standards achieved the long-term departmental goal of reducing the number of code violations per address to less than one. The proactive inspection format was altered in 2012 to be more efficient. These personnel tweaks allowed for more inspections per address and the total number of noted violations to increase to over 70,000. Through these efforts, the department experienced an essentially thirty percent increase in work load with no increase in staffing levels. The Code Inspectors in the Housing Standards Division inspected an unprecedented number of homes and apartments with huge success. Both of the self-funded housing inspection programs realized improved measurable livability standards for the tenants in all classes of rental properties.

I hope you enjoy this annual productivity report. I am truly grateful to the seventy-two dedicated employees of the two departments who forever take on every task assigned to them and excel at each. I am also very appreciative of the citizens of Garland who trust these employees to responsively serve them by always being innovative and energetic. Thanks to each group.

Richard Briley
Managing Director
Health & Code Compliance

CITY OF GARLAND HEALTH & CODE COMPLIANCE ANNUAL PRODUCTIVITY REPORT: 2012



GARLAND

HEALTH

Director – Jason Chessher

ENVIRONMENTAL & CONSUMER HEALTH DIVISION

Manager – Cindy Corley

Food Service Inspection Program

Goal: To ensure that all businesses conveying food products to the public adhere to the food service sanitation ordinance to minimize the likelihood of food-borne disease outbreaks.

The number of food service establishments increased slightly to 913 permitted, stationary food service establishments operating within the City of Garland. This represents a less than one percent increase from the previous year. The food service inspection program generated \$354,977 in revenue for the year (-1.6% from 2011), which continues to essentially fund all food inspection operations.

HIGHLIGHT – FULL STAFFING ALLOWED FOR 35% MORE INSPECTIONS FOR THE SELF-FUNDED FOOD SERVICE INSPECTION PROGRAM

The Health Specialists performed 1,987 unannounced, initial inspections on the regulated food establishments (+35% from 2011). Staff also conducted 2,262 rechecks for compliance (+27% from 2011). The food service inspection program prides itself on

gaining compliance with each inspection. This high number of follow-up inspections per initial inspection is a testament to the quality of the inspectional services for the City of Garland. The staff is dedicated to ensuring a safe dining experience and repeated follow-ups demonstrate their ownership of the program.

The three performance measures tracked to indicate food safety were all slightly lower in 2012: the ratio of critical violations discovered per inspection was 2.04 (up from 1.82 in 2011); there were 199 citizen complaints on the permitted food establishments (+4% from 2011); and the average routine inspection score was 81.6 (down slightly from 82.7 in 2011). The lower performance measures were likely the result of a “hang-over effect” from the lower than normal number of inspections conducted in 2011 due to turn-over in the Health Specialist position.

HIGHLIGHT – FOOD SERVICE ESTABLISHMENT CLOSURES DOWN SIGNIFICANTLY

The enforcement activities in the food service inspection program are essential in directing the observed performance trends. The Health Specialists issued 251 Class C misdemeanor citations for critical violations (+52% from 2011) and temporarily closed food establishments that represented immediate public health threats on 27 occasions (-18% from 2011). These statistics correspond to a citation issued for a critical violation every 17.7 food establishment inspections and a permit suspension resulting in an establishment closure every 164.7 inspections.

Food service employees continued to gain knowledge about safe food handling from DVD courses provided by the Health Department and from sixteen-hour classes provided by area community colleges and other approved outlets. Studies have repeatedly shown that the greater the number of food workers properly educated on food safety, the lower the risk for food-borne illness transmission. A total of 4,272 food service employees and 486 supervisory personnel (+7% from 2011) attended training classes and were registered with the department.

The number of catering trucks operating within the City is at five. Temporary food vendors operating less than five days in conjunction with an approved special event received 137 permits to prepare food (+32% from 2011). Health Specialists also conducted 45 new construction plan reviews and 114 change-of-ownership construction reviews during the year (-22% from 2011).

Program goals were met. A minimum of 2,000 unannounced food service inspections will again be the goal for 2013.

Child Care Facility Inspection Program

Goal: To ensure that all licensed day care centers in the City of Garland provide safe and proper care, food, facilities and supervision of the children entrusted to them. To effectively minimize the incidence of preventable communicable diseases within Garland.

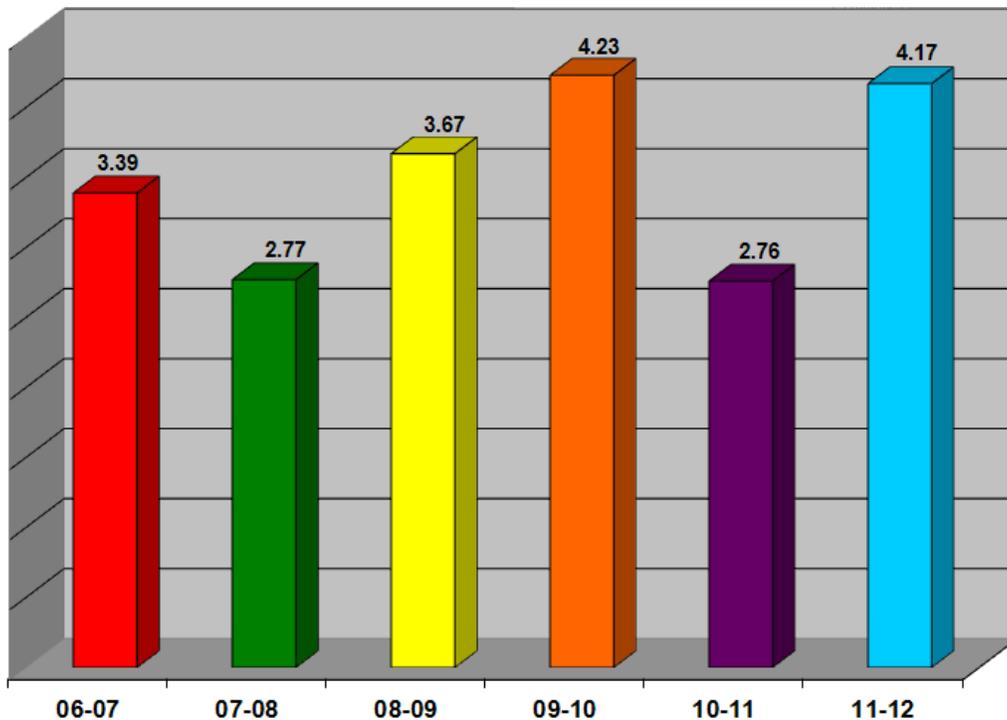
There are 52 licensed day care centers in Garland (+24% from 2011). These 52 facilities provide care for approximately 5,086 children (+4% from 2011).

Health Specialists performed 102 unannounced, initial inspections (+100% from 2011) on the licensed child care facilities. One hundred and ten follow-up inspections (+75% from 2011) were also completed. When the combined number of inspections is totaled it reveals that each facility had an average of 4.17 total inspections per center (+51% from 2011).

HIGHLIGHT – ALL CHILD CARE FACILITY PERFORMANCE MEASURES IMPROVED IN 2012

The child care facilities continued to operate in a safe manner. Only five citizen complaints were received by the Health Department during the year. The ratio of critical items per inspection was 0.90 (down from 0.92) and the average inspection score was 90.4 (unchanged from 2011).

INSPECTIONS CONDUCTED PER LICENSED DAYCARE



Environmental Health staff also conducted forty-six foster home inspections in 2012 (+24% from 2011).

Program goals were met. The positive performance indicators and low parental complaints indicate that the program is meeting the goal of ensuring a safe environment for the children within the City’s licensed child care facilities.

Public Swimming Pool Inspection Program

GOAL: To ensure that all public and semi-public swimming pools maintain sanitary chemical balance and adhere to the pool safety ordinance to minimize the likelihood of water-borne disease outbreaks and submersion injuries.

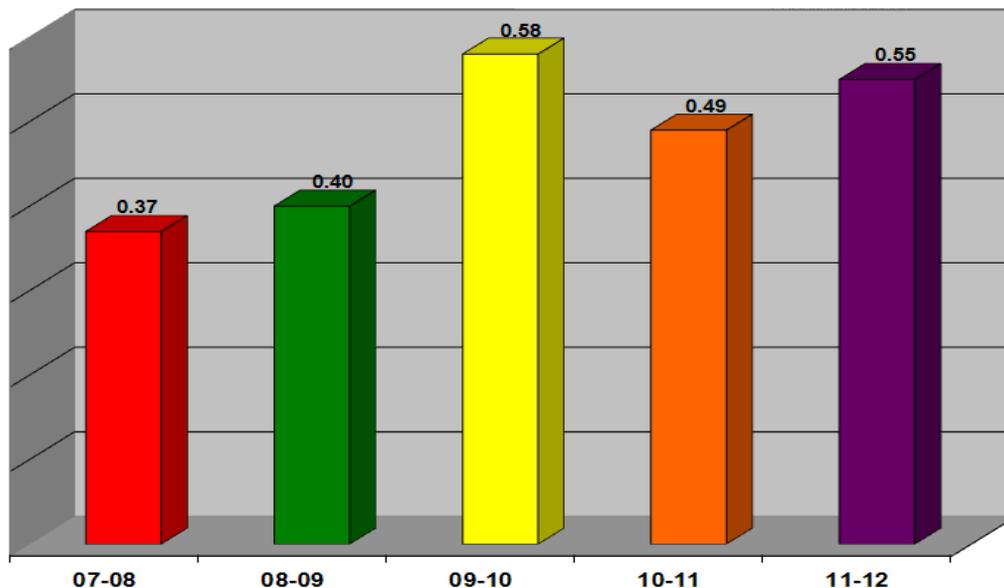
There are 226 public and semi-public swimming pools regulated by the Health Department (-2% from 2011). Semi-public swimming pools include pools located at apartment communities, child care centers, hotels and homeowner associations. The swimming pool inspection program is partially-funded through fees: \$38,850 was collected during the 2012 pool season (+2% from 2011).

Each pool is inspected for compliance prior to opening for the year and also at least once unannounced during the active pool season. Health Specialists conducted 680 compliance inspections on the permitted pool facilities (+17% from 2011). This number compares to 3.11 inspections per body of water (+23% from 2011). Health Department staff members taught four pool operator training classes with 89 participants (-35% from 2011).

HIGHLIGHT – NO SUBMERSION INJURIES OR WATER-BORNE ILLNESSES REPORTED

Overall, swimming pool compliance was good in 2012. One hundred citizen complaints were received by the Health Department during the year. The ratio of critical items per inspection was 0.55 (+12% from 2011). Health Specialists issued 46 Class C misdemeanor citations for critical violations (+48% from 2011) and closed swimming pools that represented immediate public health threats on 40 occasions; this statistic corresponds to a swimming pool closure every 17.0 inspections. No reports of submersion injuries were noted from the regulated pools in Garland in 2012.

SAFETY VIOLATIONS PER POOL INSPECTION



The Environmental & Consumer Health Division also has the responsibility for residential stagnant pool and breached residential pool fence complaints. Health Specialists investigated and abated 643 stagnant pools for the year (+112% from 2011) and responded to 16 damaged residential fences (-63% from 2011). All imminent drowning hazards were immediately corrected with temporary fencing material.

Program goals were met. The program should remain at its current level of service in 2013.

Regional Biological, Chemical & Radiological Detection Response

GOAL: To respond with colleagues in the Police and Fire Departments to assist in the rapid detection of chemical, biological, radiological, nuclear and explosive (CBRNE) agents in the northeast Texas region. To actively train with other public safety agencies within the area.

HIGHLIGHT – GARLAND REGIONAL RESPONSE TEAM IS THE ONLY GROUP IN THE NATION TO COMBINE HEALTH, POLICE AND FIRE PERSONNEL

The Garland Health and Police Departments have been equipped by federal and state grant funding and authorized by these granting agencies to respond, as needed, to assist the counties and municipalities in northeast Texas. This assistance comes in the form of entry, collection, detection and decontamination of potential chemical, biological and radiological compounds.

The Regional Response Team has become one of the best trained units in the nation. All staff members have completed a HazMat remediation course, the Department of Homeland Security's (DHS) biological and chemical weapons training at Fort McClellan, Alabama, DHS radiological/nuclear responder course in Mercury, Nevada, DHS advanced chemical & biological integrated response course in Dugway, Utah and DHS response to terrorist bombings course in Socorro, New Mexico.

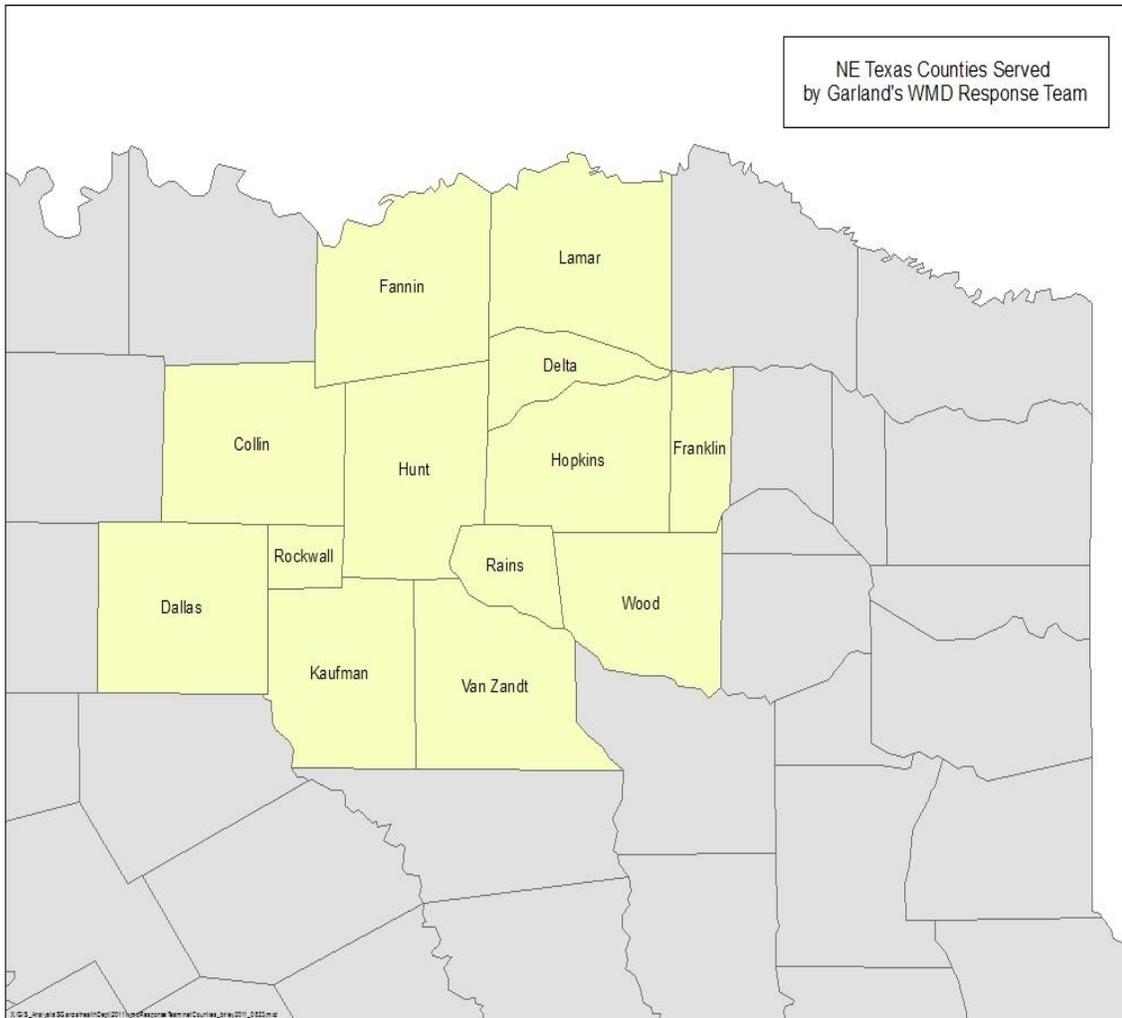
Health Specialists, in conjunction with the Garland Police Bomb Squad, have trained and drilled with all of the regional partners. Garland personnel have trained with well over six hundred first responders representing over fifty municipalities or counties and assisted these agencies in fifteen responses in 2012. In addition, Health Specialists responded with the Garland Fire Department to seven hazardous material incidents within the City of Garland.

The program is well equipped with two response vehicles for the Bomb Unit and Environmental Health teams respectively. The grant-purchased vehicles allow for easy deployment and climate-controlled storage for all of the sensitive detection equipment and robotics. The trucks contain all of the response equipment needed to fully react to the outlying regional areas when summoned. A civilian decontamination trailer was also added to the response inventory in 2011. The trailer is housed and manned by the Sachse Fire Department through inter-local agreement. This represents the first

occasion of Garland equipment being stored in another jurisdiction and another response team providing assistance in time of emergency.

Program goals were met.

The following map represents the Northeast Texas counties that are served by the Garland Regional Response Team. These counties have each approved and signed formal agreements with the City of Garland.



Vector Control Program

GOAL: To minimize the incidence of mosquito-borne and rodent-borne disease.

During the summer of 2012, the U.S. Centers for Disease Control (CDC) designated Dallas County to be under a "human outbreak of West Nile Virus". This announcement was because of an historic number of illnesses among the citizenry in northern Dallas

County. The area north of IH 30, including Garland, accounted for twenty-five percent of the human West Nile Virus (WNV) cases nationally. The CDC designation initiated an unprecedented public health response.

HIGHLIGHT – GARLAND CITY COUNCIL DECLARES LOCAL STATE OF DISASTER; AERIAL SPRAYING FOR MOSQUITOES CONDUCTED

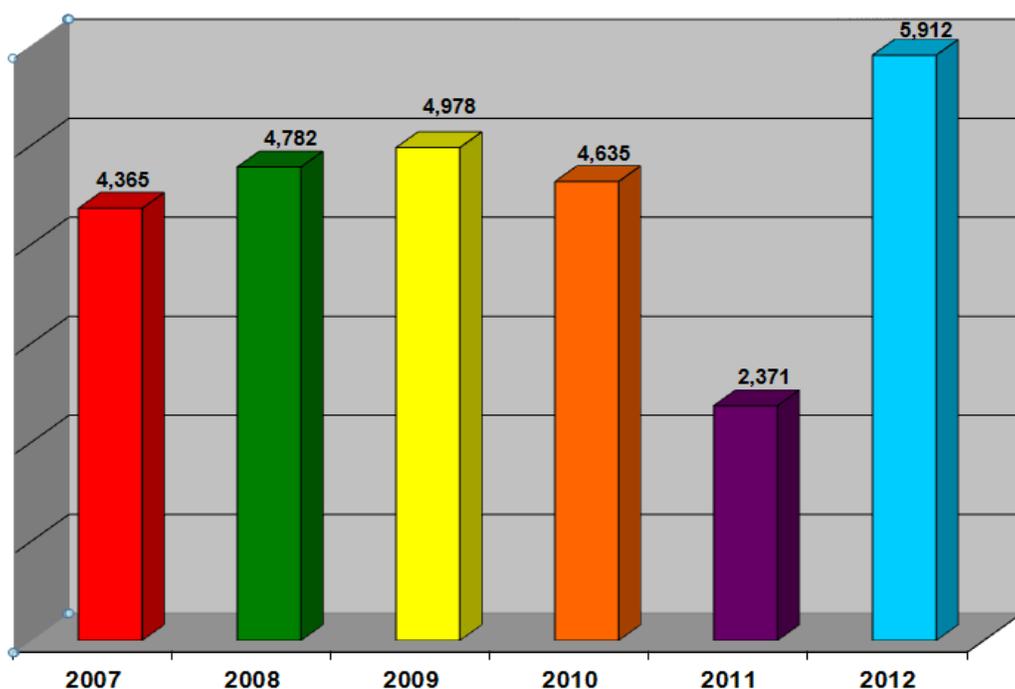
On August 14, 2012, The Garland City Council met in an emergency session and approved a resolution declaring a “local state of disaster”. This disaster resolution authorized participation in a county-wide aerial spraying program. The State of Texas-funded aerial spraying was conducted from August 16 through August 23.

As in previous years, the Health Department continued to follow the recommendations of the CDC by not adulticiding unless *Culex quinquefasciatus*, the Southern House Mosquito, which is the primary WNV carrier in North Texas, is detected in a neighborhood in high enough numbers to transmit the disease. “Gravid traps” are used to collect adult mosquitoes. These collection traps are selective for *Culex quinquefasciatus*. Traps are set when a citizen reports an increase in mosquito activity or sees dead avian indicators (blue jays or crows). A large numbers of *Culex quinquefasciatus* results in the adulticiding of a one-half mile grid around the collection site. The trapped mosquitoes are also laboratory-tested for WNV. A Health Specialist inspects the areas of complaint and standing water is eliminated or treated with chemicals to control mosquito larvae. By larvaciding and spraying the neighborhood at a trap-count of over one hundred female *Culex* mosquitoes, the Health Department provides a proactive intervention to disease transmission. If the collected mosquito pool tests positive for WNV, the neighborhood is once again sprayed.

As stated above, an unprecedented number of human cases of WNV were acquired within the City in the summer of 2012. Forty-one Garland citizens were reported ill with one fatality. The mosquito testing program was also extremely active, 5,912 mosquitoes were trapped; and 44 mosquito samples tested positive for WNV. The neighborhoods were sprayed by truck-mounted applicators numerous times in 2012, 597 miles of truck-mounted spraying with synthetic pyrethroid insecticides was completed (+1766% from 2011).

The summer of 2012 produced 445 calls from citizens (+1291% from 2011) disturbed about mosquito populations in their neighborhoods. Health Specialists inspected and treated 535 potential mosquito breeding sites in residential neighborhoods (+410% from 2011).

NUMBER OF MOSQUITOES TRAPPED AND TESTED



Rodent control activities were also conducted by the Health Department in 2012. Health Specialists baited 188 habitat sites (no change from 2011) throughout the City. This placement of bait feeding stations in public areas was initiated from 83 citizen complaints (+17% from 2011). No rodent-borne disease was reported.

Program goals were met. The presence of WNV in the mosquito population is now endemic in North Texas. The vector control program will continue to provide the community with an early-warning system by monitoring the mosquito population in the spring to determine when viral activity is present and provide proactive adult mosquito control when populations become high in a given area. As with all endemic, easily transmitted diseases, the complete elimination of the WNV is not attainable or practical.

HIGHLIGHT – MANAGING DIRECTOR NAMES ENVIRONMENTAL & CONSUMER HEALTH THE “DIVISION OF THE YEAR”

The Environmental & Consumer Health Division met the WNV challenge and provided the leadership for many other Metroplex cities to emulate. Partly because of the success of this program, Environmental & Consumer Health was named by the Managing Director as the “Division of the Year”.

Epidemiological Investigation Program

GOAL: To investigate confirmed or suspected cases of communicable disease or food-borne illness; seek the source and prevent transmission to others.

Public Health Nurses from the Clinical Services Division and Health Specialists combined to conduct epidemiological investigations on the 461 communicable or food-borne diseases reported within Garland (-16% from 2011). No outbreaks occurred.

Program goals were met. The epidemiological investigation program will remain at its current level of service for 2013.

Air Quality/Noise Abatement Program

GOAL: To respond to citizen complaints regarding air emissions and stationary noise sources and gain corrections of nuisance conditions.

Environmental Health staff performed 54 nuisance odor/dust complaint inspections (+10% from 2011). One citation was required during these investigations. Health Specialists also conducted 86 indoor air quality surveys at the request of a citizen (-8% from 2011).

The staff responded to 47 citizen requests for service in controlling environmental noise (-6% from 2011). Two citations were issued for ordinance violations.

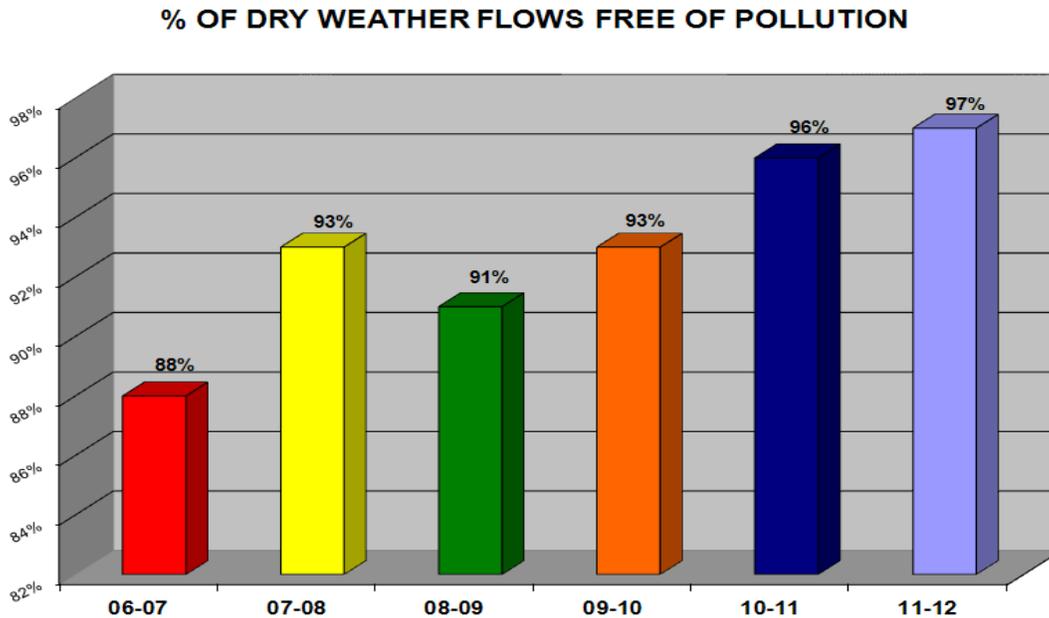
Program goals were met. The air and noise programs will remain at their current levels of service for 2013.

Storm Water Monitoring Program

GOAL: To improve the surface water of Garland by 1) actively monitoring and testing stormwater runoff to determine contamination concentrations, 2) investigating sources of pollutants, and 3) taking action necessary to eliminate the source. To ensure that Garland complies with all testing requirements of the TCEQ Stormwater Permit.

Health Specialists regularly monitor and test stormwater runoff on the eighty-four miles of creek channels within the City of Garland. The collection of surface water is accomplished in two phases: "wet weather sampling" and "dry weather sampling". Twenty wet weather samples were collected during or immediately after large rain events (+25% from 2011). These tests reveal the total pollutant load for a large drainage area that will usually include a mixture of land use activities. Dry weather screens are conducted during periods when most water flow is man-made. These screens are conducted at stormwater drain outfalls and they reveal pollutants

discharged from a narrow, specific group of sites. Staff performed 150 dry weather screens (-29% from 2011). The results of this testing show that 97% of Garland's drainage system is free of pollutants (+2% from 2011). Citizens reported six instances of an alleged illicit discharge into the stormwater conveyance system (-33% from 2011).



Program goals were met. Stormwater monitoring will remain at the current level of service for 2013.

Industrial & Commercial Facility Inspection Program

GOAL: To improve the surface and ground water quality of Garland by 1) actively monitoring and inspecting industrial and commercial businesses to identify potential sources of pollutants and 2) taking proactive action to eliminate the violation. To ensure that Garland complies with all inspection requirements of the TCEQ Stormwater Permit.

HIGHLIGHT – POLLUTION PREVENTION INSPECTIONS AT HIGHEST LEVELS IN TEN YEARS

Environmental Health staff conducted 635 pollution source control inspections at industrial or commercial facilities in Garland (+38% from 2011). A total of 831 violations (+101% from 2011) were noted during these stormwater inspections resulting in the issuance of 403 NOVs with twenty-five Class C misdemeanor citations for critical violations being issued (+178% from 2011). Follow-up inspections were conducted on 579 businesses (+345% from 2011). Health Specialists investigated 150 complaints filed with the department regarding violations of the stormwater ordinance (-12% from 2011). The average industrial stormwater inspection score was 93.6 (down from 95.9).

The permitting and monitoring of existing underground storage tanks (USTs) is the responsibility of the Environmental & Consumer Health Division. Staff members have received TCEQ training in leak monitoring, vapor recovery and new tank installation. Ninety-seven inspections were conducted (-9% from 2011) with no leaking tanks discovered.

Liquid waste hauler trucks continued to be inspected, photographed and licensed in 2012. Staff performed 98 inspections (+32% from 2011) on the 90 permitted liquid waste hauler trucks (+34% from 2011).

The Environmental & Consumer Health Division received only one request to conduct a limited environmental site assessment (ESA) for potential real estate transactions (-98% from 2011). New industrial certificate of occupancy (CO) reviews and new construction plan examinations in 2012 were down seven percent to 233 from 251 in 2011. Revenue from all stormwater inspection programs was \$33,045 (-12% from 2011).

Program goals were met. The industrial and commercial facility inspection program will remain at the current level of service for 2013.

ANIMAL SERVICES DIVISION

Manager – Diana Oats

GOAL: To enforce animal control laws and animal nuisance statutes to minimize zoonotic diseases and animal bites. To ensure humane conditions for animals are maintained in the residential and commercial environments.

Over the past few years the business of animal services has become a politically charged environment with constant attention from animal welfare groups. The DFW Metroplex and Garland in particular are no exception to this trend. That being the case, Garland Animal Services has attempted to remain ahead of the curve by implementing changes and adopting new policies to promote animal welfare and responsible pet ownership.

Throughout 2012, staff continued to work with Garland Pawsibilities to promote animal adoption. Pawsibilities now hosts at least two offsite adoption events per month and began to focus resources toward providing low cost sterilizations for Garland pets. Pawsibilities also teamed up with Texas Coalition for Animal Protection (TCAP) to provide onsite low cost sterilizations at Pawsibilities' location at 3136 South Shiloh Road. Animal Services staff will continue to work with Pawsibilities and other partners to promote pet sterilization in an effort to reduce the number of unwanted animals which, in turn, reduces the euthanasia rate.

HIGHLIGHT – COMMUNITY PARTNERS GREATLY IMPROVE ADOPTION NUMBERS

Animal Services continued to enhance the partnership with Wylie PetSmart, which utilizes cats from Garland Animal Services for adoption from their on-site cat habitat. As a result of this partnership, PetSmart customers can adopt Garland cats from the Wylie location. Through partnerships with PetSmart and Pawsibilities 321 dogs and cats were adopted offsite from the Garland shelter. That represents 20% of the total adoptions for 2012.

Staff continued to promote responsible pet ownership through various activities such as quarterly low cost vaccination clinics and speaking to civic groups, HOA's, and school groups. Staff also educated a state-wide Boy Scout meeting in Rockwall which provided an opportunity to contact 500+ kids.

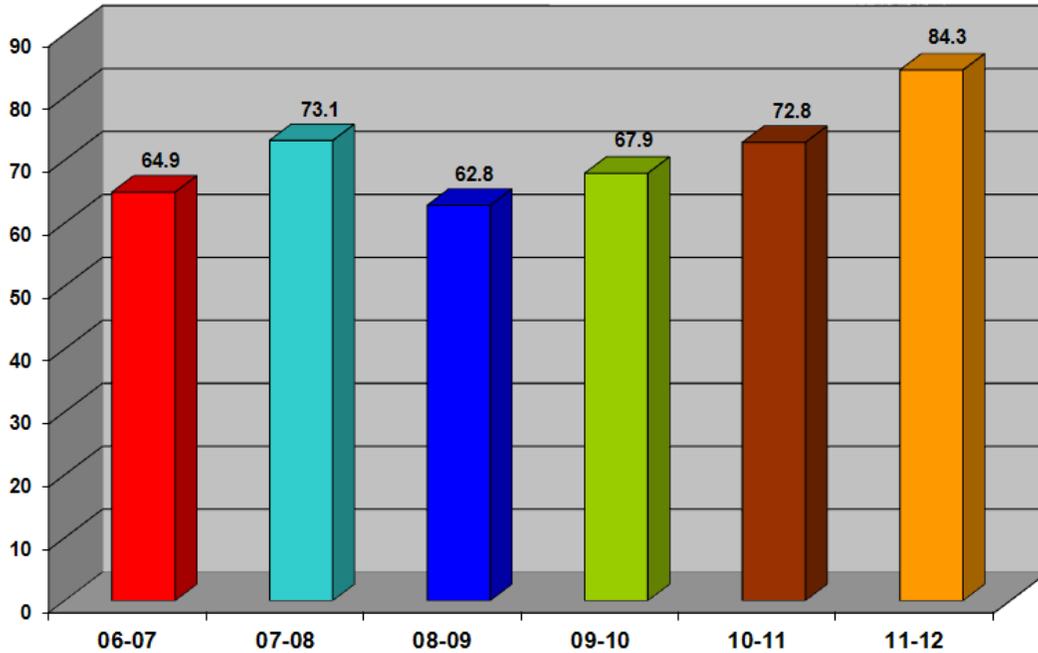
HIGHLIGHT: PERFORMANCE MEASURES REFLECT INCREASING WORKLOAD

- ✓ Citizen calls for service have increased 56% in the last decade
- ✓ Animal Services Officers responded to 84.3 calls/day
- ✓ Priority response times decreased to 15.59 minutes

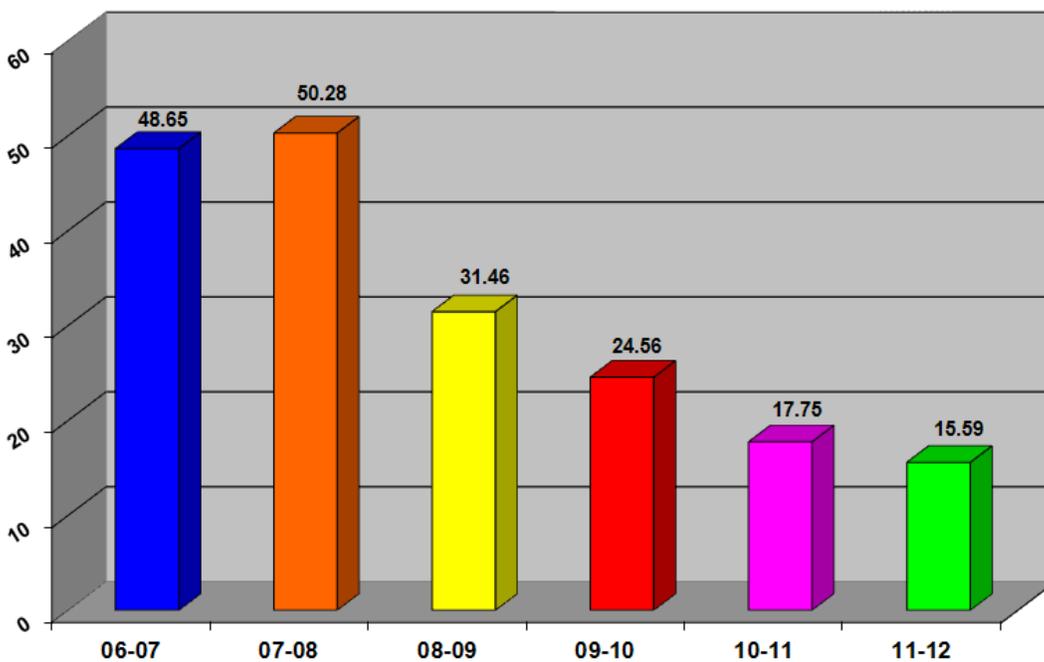
The work load of the department continued to increase. Total calls for service received by the department was 25,543 (+18% from 2011) of which, 9,445 were regarding stray animals (+11% from 2011). The Animal Services Officers (ASOs) on duty responded to

an average of 84.3 calls per day (+16% from 2011). The response time to a priority call continued to improve, with an average response time of 15.59 minutes taken to arrive at the scene of an animal bite or other animal emergency (-12% from 2011).

DISPATCHED CALLS PER DAY



AVERAGE RESPONSE TIME TO CALL (minutes)

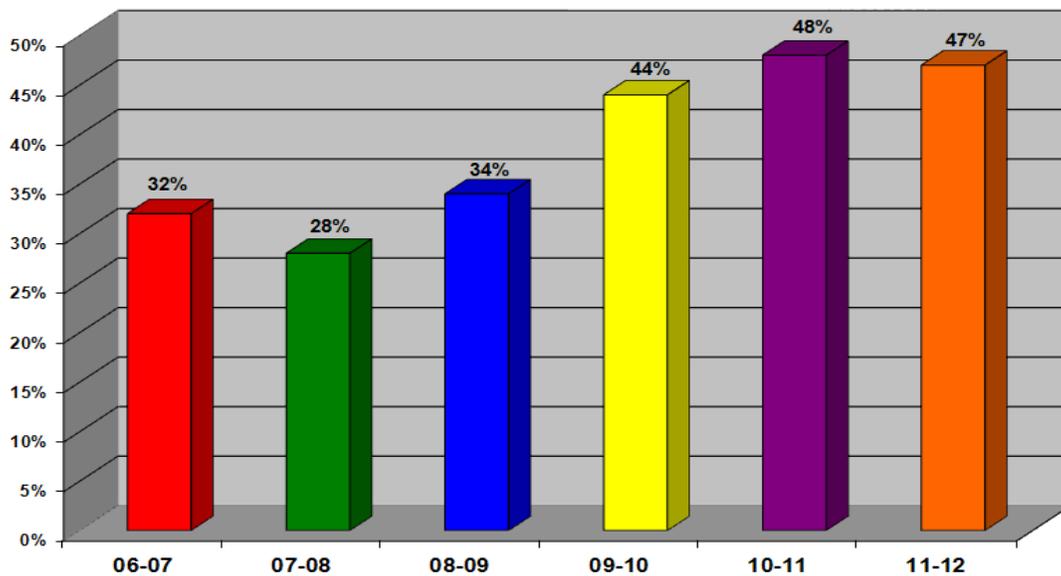


A total of 8,457 animals were apprehended live (+17% from 2011); 1,404 of these staff-impounded animals were reclaimed by their owners (+7% from 2011). Animal owners also relinquished 2,864 pets to the care of the Animal Shelter (+7% from 2011).

HIGHLIGHT –PET ADOPTIONS & RESCUES INCREASED BY 9.6%

New homes were found for 1,689 animals that were being held at the Animal Shelter (+5% from 2011) and humane organizations rescued an additional 891 animals (+15% from 2011). The recoveries and adoptions brought the reclamation rate of adoptable animals to eighty percent (80%) but to only forty-seven percent (47%) for all animals entering the Shelter (-3% from 2011). Unfortunately, 5,989 animals were still required to be humanely euthanized (+18% from 2011).

PERCENT OF ANIMALS SUCCESSFULLY PLACED



Barking dog complaints were investigated on 387 occasions (+15% from 2011). Animal Services Manager Diana Oats deemed thirty-five animals dangerous and the ASOs issued 1,172 Class C misdemeanor citations for serious violations of the animal control laws (+42% from 2011).

There were 401 animal bites (+3% from 2011) reported to Animal Services staff. One animal tested positive for rabies in 2012. Two hundred thirty-eight dogs and cats were placed under rabies observation at the Animal Shelter after inflicting a bite or scratch (-12% from 2011).

Dog and cat owners are required by ordinance to register their animals with Animal Services; the tags provided at registration, when worn, are an easy method of identification and greatly assist the ASOs in returning lost or injured animals to their owners. Several methods were employed to raise the registration numbers: reminder

mailers were sent to previous registrants reminding them of the obligation; ASOs increased enforcement on all calls for service; and Code Compliance Officers assisted their colleagues by noting registration tag violations when inspecting properties. All of these efforts combined to increase registrations to 9,937 animals (+13% from 2011).

The City of Garland operates one of the few Animal Shelters that has a veterinarian on staff and has the ability to evaluate each animal prior to adoption/rescue, as well as, vaccinate and sterilize the adopted pets before they are placed with a new family. City Veterinarian Dr. Bob Osborne is also available at all hours for consultation when sick or injured animals are impounded or brought to the Shelter. Dr. Osborne vaccinated 3,192 animals (+21% from 2011). He also medically examined 3,737 animals (+0.2% from 2011) and sterilized an additional 1,247 (+28% from 2011).

Division goals were met. In 2012, the department will continue to foster relationships with the rescue community in an attempt to increase the number of animals rescued with an emphasis on no cost or low cost spay and neutering clinics. The goal will be to maximize placement of all "adoptable" animals.

CLINICAL SERVICES

Deputy Director of Health– Vikki Yeatts

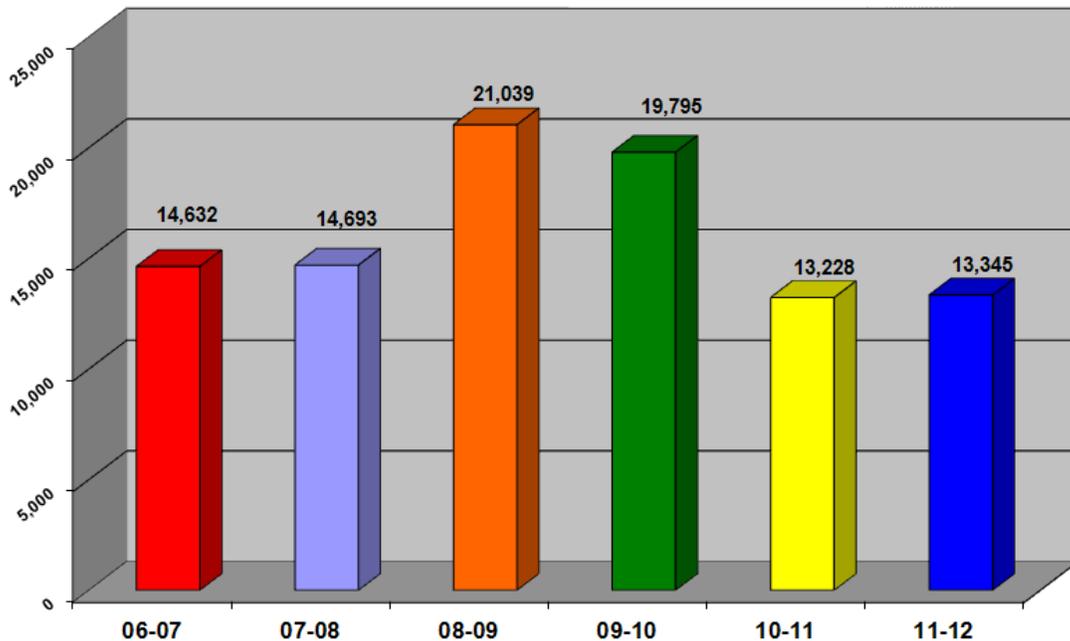
GOAL: To provide childhood immunizations and adult vaccinations to minimize the risk of illness to the general population. To enhance access to primary health care for all citizens.

HIGHLIGHT –CLINICAL SERVICES BECAME FIRST PUBLIC HEALTH CLINIC TO ACCEPT AND INVOICE PRIVATE INSURANCE

A new era was ushered in at Clinical Services during 2012: private insurance was accepted and billed for public health services. This simple act was unparalleled among Texas public health practitioners. The Public Health Clinic was credentialed with Blue Cross/Blue Shield for the insurance carrier to recognize the Garland Public Health Clinic as an immunization provider. This revenue boost kept the Public Health Clinic fully self-funded with \$903,297 from fees, grants and reimbursements (+15% from 2011).

Garland is also the only city in Dallas County to have a public health contractual partnership with neighboring municipalities. The City of Rowlett and the City of Sachse have each signed an Interlocal Agreement with the Clinical Services Division to perform clinical services for the citizenry of these cities. Dr. Timothy Lambert, the Health Authority for Garland, also serves in the same capacity for Rowlett and Sachse. Disease prevention within the Garland Independent School District and community-wide public health preparedness are dramatically enhanced with Dr. Lambert’s expanded role.

NUMBER OF INDIVIDUALS IMMUNIZED



The Public Health Nurses immunized 13,345 individuals (+0.1% from 2011) and performed 144 Texas Health Steps Assessments (-7% from 2011). Ten health education programs were also presented to the community (unchanged from 2011).

HIGHLIGHT – 1,612 TRAVEL-RELATED VACCINES ADMINISTERED BY THE PUBLIC HEALTH STAFF

The Travel Vaccine Program continued to assist international travelers. The U. S. Centers for Disease Control (CDC) lists the Garland Clinical Services Division as one of the few approved yellow fever vaccine administration sites for citizens traveling out of the country. This listing delineates the Public Health Clinic as a location where methodology and expertise has been verified. Because of this standing, staff nurses administered 1,612 travel vaccines (-10% from 2011) to patients throughout the state of Texas.

HIGHLIGHT – TUBERCULOSIS SKIN TESTS INCREASED OVER 200 PERCENT

A full range of public health activities was afforded by Clinical Services. The nurses administered 631 tuberculosis skin tests (+236% from 2011) with 20 high-risk individuals being referred for medical evaluation and treatment. Blood lead screenings were conducted on 15 children (-32% from 2011) and newborn metabolic screening was administered to one child. As part of the Perinatal Hepatitis B program, twenty pregnant women were identified as having Hepatitis B. Household contacts were counseled, and newborn infants received appropriate treatment at the time of birth (+82% from 2011).

HIGHLIGHT – NURSE EDUCATOR AND OUTREACH SPECIALIST PROVIDE OVER ONE THOUSAND TRAINING EVENTS TO GARLAND MEDICAL PROVIDERS

As part of the DSHS annual work plan, grant money is provided to oversee medical providers who are in the Texas Vaccine for Children (TVFC) program in Garland. Clinical Services Nurse Educator and Outreach Specialist provide education and training on all aspects of vaccine storage and handling, vaccine inventory and administration, program updates, and technical assistance when needed. Assistance and education were given to TVFC providers and staff on 1,027 occasions (+74% from 2011) and provided direct training to 799 private practice clinical staff members on proper vaccine storage practices and usage during the year. In addition, site audits were made to ensure TVFC vaccine guidelines were properly followed throughout the year. On occasion, improperly refrigerated vaccine was impounded during these inspections. This program successfully interceded before children were given vaccine with no disease preventing efficacy.

The department offers prophylaxis treatment, when indicated, for household contacts of patients diagnosed with a communicable disease along with public health notices, which are distributed to schools, daycares or businesses when needed. Medical

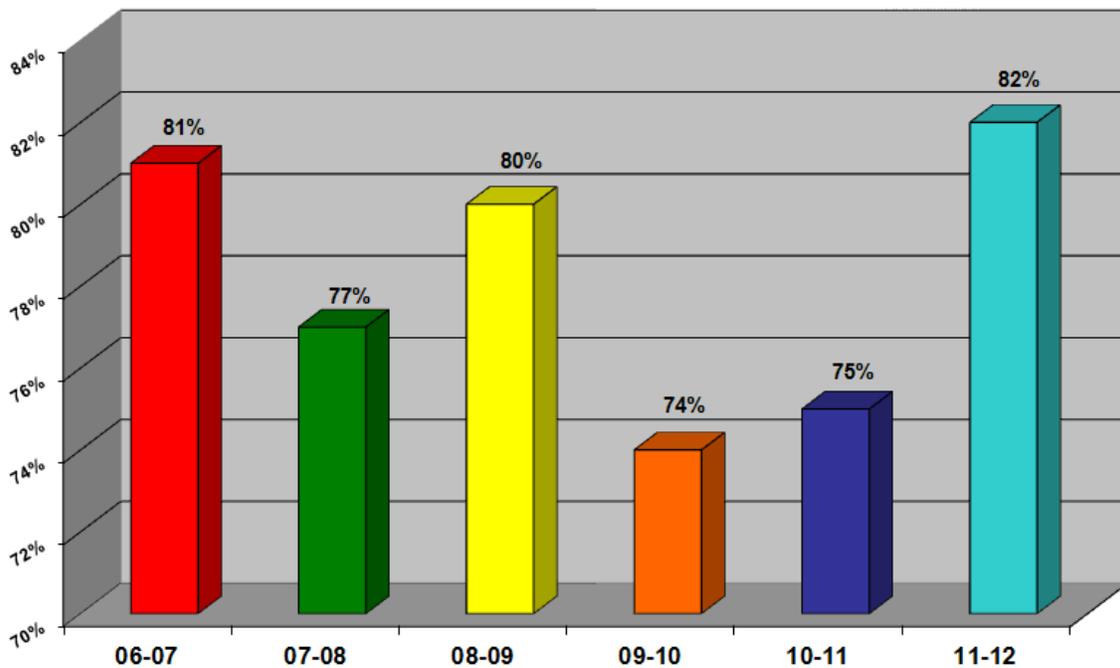
interventions were given to 253 individuals who were exposed to disease (-67% from 2011).

The staff had 12,995 phone contacts about health related issues (+12% from 2011) from residents of Garland and the North Texas area. The Nurses of Clinical Services and the Health Specialists in Environmental Health combined to conduct epidemiological investigations on the 461 communicable or food-borne diseases reported within Garland (-16% from 2011). No outbreaks occurred.

HIGHLIGHT – IMMUNIZATION RATES ARE AT AN ALL TIME HIGH IN GARLAND

The staff from Clinical Services continued to monitor the immunization records for Garland’s children. Community assessment audits are performed to evaluate the immunization rates and verify that children are receiving the required number of vaccinations. CDC studies show that a community should have a 75% or greater immunization rate in order to have enough population resistance to curtail the spread of an infectious organism within the community. The immunization rate for 2 year-olds in 2012 as determined by the Clinical Services staff was 82%, up from 75% in 2011. Even though this rate should be adequate to forestall disease transmission, the goal of the department is to achieve a consistent 90% vaccination coverage throughout the City.

PERCENT OF 2-YEAR OLDS APPROPRIATELY IMMUNIZED



The Clinical Services’ nursing staff was once again extremely active in promoting public health throughout the Metroplex. Deputy Director of Health Vikki Yeatts, for the seventh year in a row, used the mass media to proclaim the public health cause. She

was requested to come into the studio to record a broadcast for community programming focusing on the importance of vaccinating children in a timely manner. It was aired locally on Trinity Broadcasting Network as a public service announcement (PSA). Vikki Yeatts RN, Joy Pierson RN, and Outreach Specialist Irene Ramos participated in a radio taping on April 17 about DSHS' statewide immunization registry, ImmTrac, which is a free service that stores children and adult immunization information electronically in one centralized system. Only authorized professionals have access to the records and once an individual is signed up, the parent or adult can go to any of the 300 health departments in the State and get a copy of their immunization record. Dave Tanner, radio host for KAAM 770 AM station, aired the program Saturday, April 21. Because of her leadership role in the public health community, Ms. Yeatts was reappointed as the Clinical Services Chair of the Dallas County Commissioner's Court's Public Health Advisory Committee and remained President of the GISD Career and Technology Advisory Committee.

Vikki Yeatts also continued to represent Garland on the Texas Public Health Policy and Funding Committee. Vikki was appointed by Texas Commissioner of Health Dr. David Lakey. This Committee recommends public health policy and funding priorities in Texas for the coming decades; Garland is well represented.



GARLAND

CODE COMPLIANCE

Director – Steve Killen

NEIGHBORHOOD STANDARDS DIVISION

Manager – Rick Barker

GOAL: To enforce property maintenance laws and the minimum housing codes to enhance neighborhood vitality. To eliminate nuisance conditions for the protection of public health.

HIGHLIGHT: PROACTIVE INSPECTIONS REMAIN SUCCESSFUL FOR THE FIFTH CONSECUTIVE YEAR

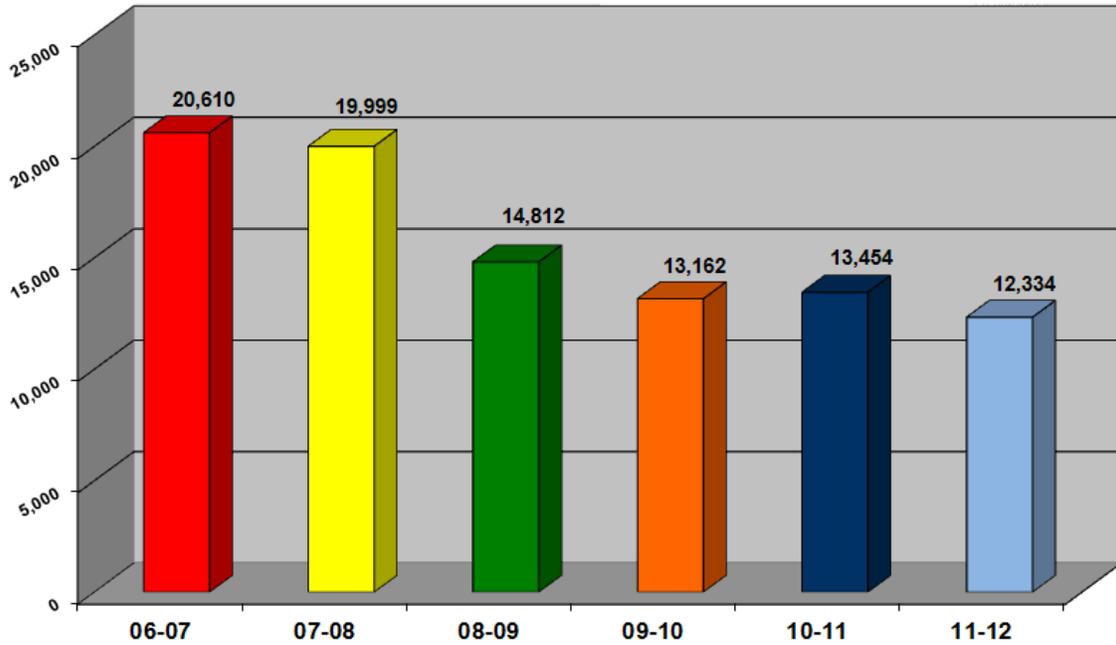
Neighborhood Standards continued the “proactive model” in residential property inspection for the fifth consecutive year. Staff has been realigned to conduct an efficient routing through the neighborhoods that allows a house-by-house inspection process without increasing current staff size. Inspector coverage area sizes were modified to equalize the projected amount of time needed in each neighborhood. This proactive inspection methodology in neighborhood code enforcement has been a huge success and has garnered much recognition from other communities.

HIGHLIGHT: PERFORMANCE MEASURES AFFIRM SUCCESS

- ✓ **Citizen complaints decreased 8% from 2011**
- ✓ **Code violations per address have decreased 62% since 2006**
- ✓ **Response times decreased to 5.3 working hours**

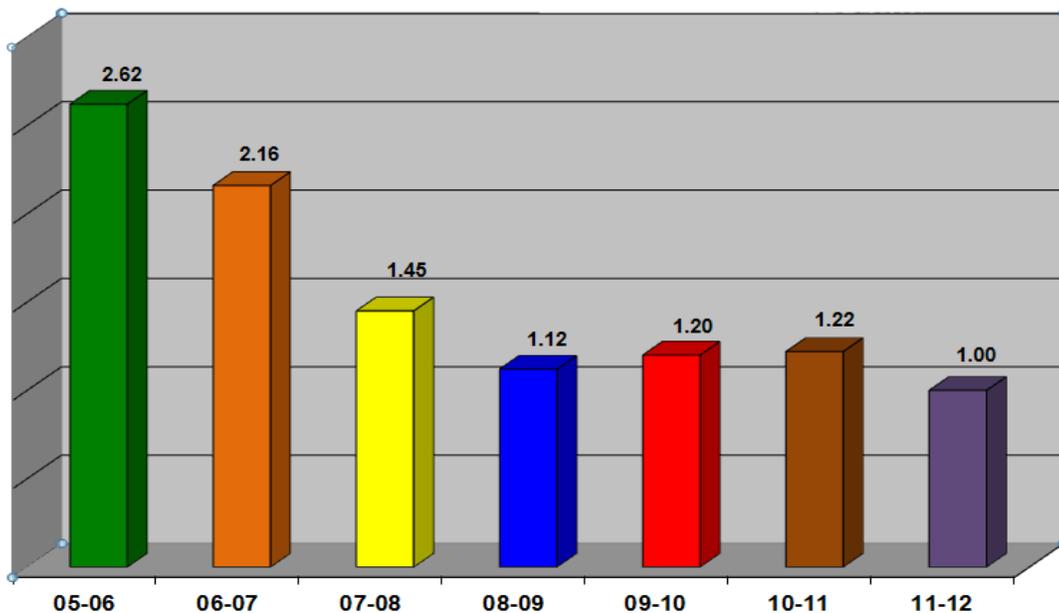
The performance measures used to reflect success of the enforcement program is the number of citizen complaints received and the average number of nuisance and housing violations observed per address. Neighborhood Standards Inspectors responded to 12,334 citizen-generated complaints in 2012 (-8% from 2011). Since 2007, total complaints have dropped a remarkable forty percent (-40%), supporting the concept that the citizens perceive positive affects within their neighborhoods.

NUMBER OF CODE COMPLAINTS



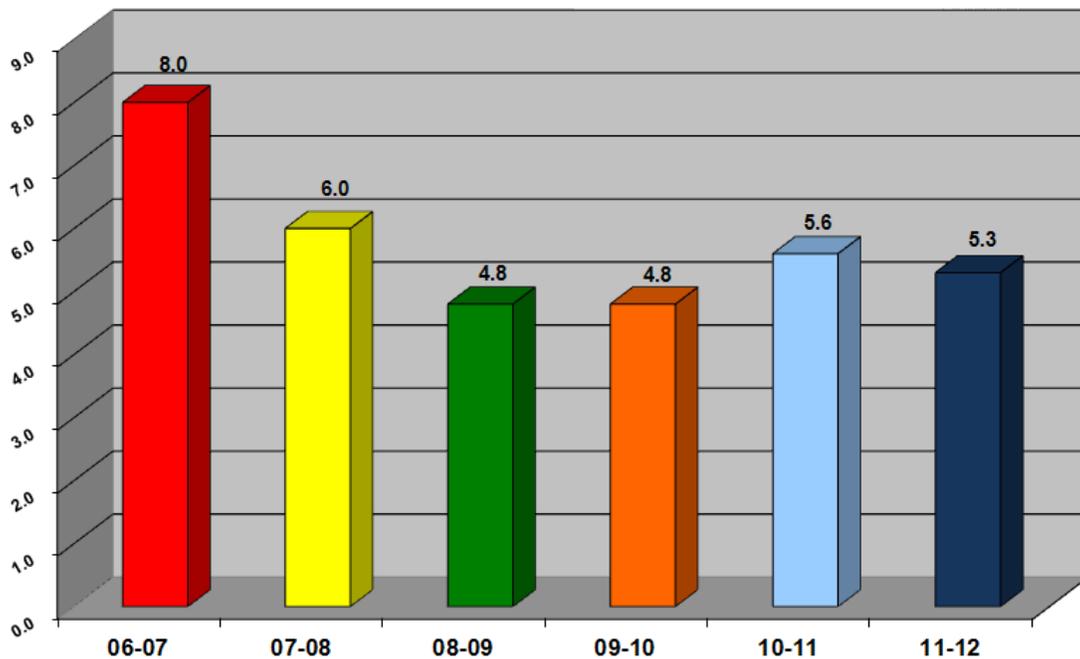
Overall, departmental audits revealed a continued decrease in the number of code violations per address to 1.00 (1.22 in 2011). (Reference "Incident Data" in Appendix 2 of this report for the complete performance results). Since 2006, the number of Code violations per address has been reduced sixty-two percent (-62%), from 2.62 violations down to the current 1.00 violations per address. The single violation per address was the attained five-year departmental goal.

CODE VIOLATIONS PER ADDRESS



Citizen complaints are still a top priority for the department. Over the last four years, citizen-generated cases were responded to consistently in less than one day and, in many cases, on the day of receipt. There was a concern that this rapidity of response could not be maintained with the proactive inspection methodology. The diligence of the staff and field connectivity to the departmental database allowed the excellent response rate to be continued under the new inspection structure. On average, a citizen complaint was worked within 5.3 working hours of receipt in 2012 (down from 5.6 hours in 2011). In 2004, the departmental response time was an average of three days.

AVERAGE RESPONSE TIME (hours)



HIGHLIGHT: 70% OF ALL CITATIONS WERE SUCCESSFULLY PROCESSED

Citation viability was also maintained. The percentage of successful cases being processed in 2012 by the Municipal Court from Neighborhood Standards enforcement activities was at seventy percent (70%). This percentage of criminal cases successfully reaching the Municipal Court bench was down from seventy-three percent (73%) in 2011. Management considers a criminal case successful when the citation is filed with Municipal Court and the document is not dismissed summarily for insufficient probable cause or data error. It is difficult for a department that rarely sees the violator in person to be successful in having tickets prosecuted. Eight years ago, Internal Audit reviewed four years of data and found that only thirty-two percent (32%) of the citations filed with Municipal Court were successful. This complete reversal of success is attributed to training provided to the Code Compliance staff by the City Attorney's Office; a complaint template system put into place by management; and most importantly, a field staff that

cares about their performance and attempts to gain compliance and not just go through the motions of the job.

HIGHLIGHT: WORK ORDERS INCREASED 26% FOR NUISANCE ABATEMENT YIELDING A 43% INCREASE IN REVENUE COLLECTION

Neighborhood Standards has made further changes in regards to the department's enforcement policy. In an attempt to speed compliance, instead of issuing second notices to properties that did not respond to initial notifications, City-paid contractors are used to gain compliance in many instances. An administrative penalty is charged and billed to each property owner that chose not to comply. Work orders were used on 3,004 occasions to abate nuisance conditions (+26% from 2011). Compliance methods in regards to the utilization of the Annual Notice process authorized by the State of Texas Health & Safety Statute again proved effective in gaining compliance. As a result of this process, many properties were found to be in compliance upon arrival by the City's contractors. Work order costs were at approximately \$142,000 for the year, but a positive return of \$447,071 in net revenue was collected (+43% from 2011) from the non-compliant citizens. The issuance of citations was still very much used to gain compliance; 2,673 citations were issued (+34% from 2011) to individuals found in non-compliance after notices had been issued.

HIGHLIGHT: INSPECTIONS REQUIRING ENFORCEMENT INCREASED 29%; ACCOMPLISHED WITH SAME STAFFING LEVELS

The primary charge of the division is enforcing the ordinances that govern the appearance and public health of Garland neighborhoods. Fourteen Neighborhood Standards Inspectors conducted over 200,000 proactive inspections with 71,799 of these inspections requiring enforcement actions (+29% from 2011). The majority of the noted violations were (descending order of frequency): high grass, limb encroachment, improper/unsightly outdoor storage, junk/inoperable motor vehicles, exterior housing condition violations, residential trash, vehicles parked on unimproved surfaces, missing residential address numbers, poor residential fence maintenance and wrongful placement of a residential trash container.

High grass investigations numbered 29,787 (+72% from 2011) with 1,768 work orders issued (+229% from 2011). Properties with limb encroachment violations were inspected 16,853 times by the staff (+24% from 2011); 1,035 were abated by contractor (+111% from 2011). Neighborhood Standards responded to improper/unsightly outdoor storage at a residence on 6,190 occasions (-7% from 2011) and issued 111 citations when compliance was not met (+82% from 2011).

Code Inspectors responded to 4,606 cases (+14% from 2011) of a junk or inoperable vehicle in a residential zone. Citations were issued to 196 owners (+38% from 2011) and 44 were towed at the owner's expense (-53% from 2011). Exterior house maintenance issues were noted on 3,511 inspections (-18% from 2011). The home owner was cited in 823 instances (+49% from 2011). Residential trash on premises required 3,380

inspections (+6% from 2011); 146 work orders were processed to eliminate the nuisance (+62% from 2011).

The Neighborhood Standards Inspectors also responded to 3,335 instances of vehicles parked on unimproved surfaces (-3% from 2011). The owner of the vehicle in violation was cited in 302 cases (+33% from 2011). Homes missing address numbers were noted in 2,660 inspections (-32% from 2011). Damaged, deteriorating and/or leaning fences were inspected on 2,456 instances (-14% from 2011); ninety-five repairs were made by the City's contractors (+428% from 2011). Improperly placed residential trash containers resulted in 1,818 notices being issued (+63% from 2011) and 68 citations issued to their owners (+258% from 2011).

HIGHLIGHT – COMMUNITY INITIATIVES

- ✓ **Code Inspectors performed nuisance and graffiti abatements**
- ✓ **Code Cares and volunteer support**
- ✓ **I-SIGN resulting in the removal of 11,340 signs**

Neighborhood Standard Inspectors continue to abate simple nuisance violations themselves at the time of discovery. The staff also removes signs illegally placed in the right-of-way. In conjunction with these activities, staff continued "Code Cares". In this staff-developed program, Code Inspectors perform yard work and minor home repairs for elderly and indigent residents that have received notices of violation. First Baptist Church of Garland and New World United Methodist have joined in this outreach and have assisted with large, labor-intensive projects in 2012. Boy Scout Troop #360 once again volunteered their time. Os Rodriguez and the Code Compliance team continued to be recognized for this exceptional community outreach.

Instances of public graffiti were noted on 789 surfaces (+9% from 2011) and the City-paid contractor eliminated 456 of these graffiti events at a cost of \$37,550. The other defacings were covered by the property owner or a Code Inspector.

The "I-sign" program was managed by Code Compliance for the sixth consecutive year. This program enlists volunteer organizations to assist in the removal of illegally placed signs in the right-of-ways of the City. A "bounty" of fifty cents is paid for each sign removed. The program resulted in the removal of 11,340 illegal signs (-5% from 2011) and total bounty payments of \$5,670 being paid during the year.

Division goals were met. The Proactive Inspection model has proved successful and will be continued. The neighborhoods within the City continue to show improvement visually and citizen complaints are reducing. The goal set for the department in 2006 was to reduce the average number of Code violations per address to less than 1.0; that goal was accomplished in 2012.

HOUSING STANDARDS DIVISION

Manager – Rio Orticio

The Housing Standards Division mission is to focus inspectional services on the rental properties within the City of Garland. The division consists of two programs: the multi-family rental inspection program and the single-family rental inspection program. Three Code Inspectors conduct the multi-family inspections and two Code Inspectors supported the single-family inspection program.

Multi-Family Inspection Program

GOAL: To ensure that all multi-family properties adhere to the property maintenance laws and the minimum housing codes of the City of Garland to decrease the likelihood of life-safety hazards. To eliminate nuisance conditions for the protection of public health and to enhance neighborhood vitality.

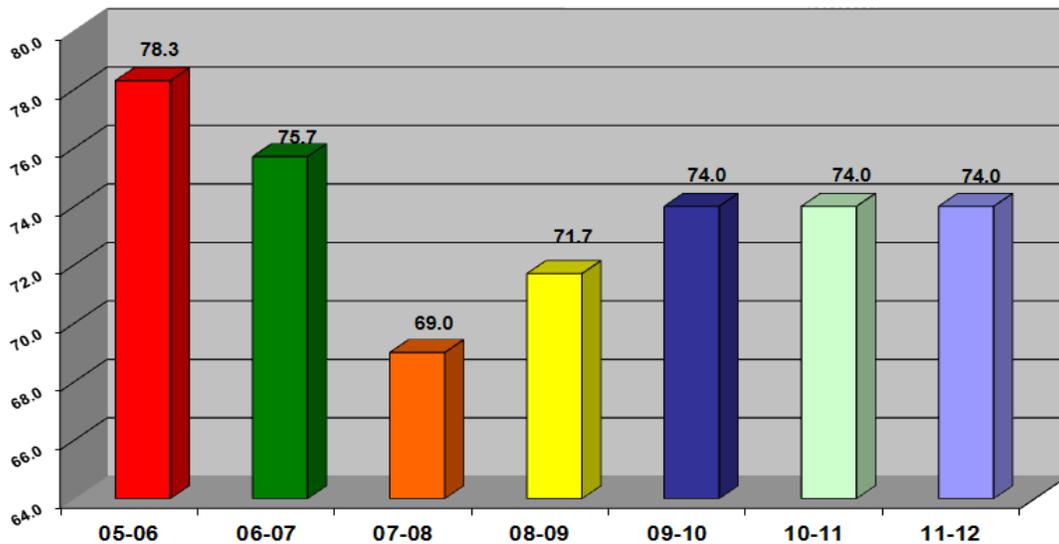
HIGHLIGHT – RESOURCE ALLOCATION ALLOWED FOR MORE EFFECTIVE INSPECTIONS FOR THIS SELF-FUNDED PROGRAM

A risk-based inspection model was again used to determine the number of units interiorly inspected at each apartment complex. The age of the buildings in conjunction with the past inspection history were used as measures in determining the number of inspections conducted. Each of the 222 permitted properties (no change from 2011) was inspected and follow-up inspections were performed to ensure compliance. All exterior buildings were inspected for minimum standard compliance. The program generated \$254,867 (+18% from 2011) in revenue; this amount was sufficient to fund all activities involving the inspection of the multi-family communities.

HIGHLIGHT – WILLFUL COMPLIANCE REMAINS EVIDENT WITH ONLY 0.4% OF INSPECTIONS RESULTING IN ENFORCEMENT ACTIONS

The Housing Standards Inspectors conducted 6,259 exterior inspections at the regulated multi-family properties (+68% from 2011). Interior access was granted for inspection on 4,475 occasions (+34% from 2011). During these inspections, 266 life-safety violations (-66% from 2011) and 708 critical violations (-51% from 2011) were discovered and corrected. Citations were issued for 47 critical violations found during these inspections (+194% from 2011). This low number of enforcement actions is a positive result of willful compliance on the part of the property management.

PERMITTED MULTI-FAMILY PROPERTIES PER INSPECTOR



HIGHLIGHT – INNOVATIVE PUBLIC HEALTH INITIATIVE VIA COOPERATIVE EFFORTS WITH HEALTH DEPARTMENT

Staff performed *Legionella pneumophila* sampling on the fourteen (14) cooling towers present at multi-family complexes that use this method of air conditioning. *Legionella pneumophila* is the bacterium that causes the often fatal Legionnaire’s Disease and a less severe illness known as Pontiac Fever. The Health Department sought the authority to require *Legionella pneumophila* testing as a proactive method of preventing the transmission of these diseases in 2005. The department was recognized by the CDC as the only city in the United States and one of three in the world performing this proactive testing.

Two of the fifteen cooling towers (13%) sampled in the first round of testing in the summer of 2012 were positive for the bacterium. Lack of proper maintenance is the primary issue relating to the presence of the organism. The positive cooling towers were drained, sanitized and retested until negative results for the bacterium were reported. As a result of this preventative public health measure, the Health Department has received extensive positive responses from public health officials worldwide and those accolades continue to this day.

Goals were met or surpassed. The multi-family inspection program will remain at its current level of service for 2013.

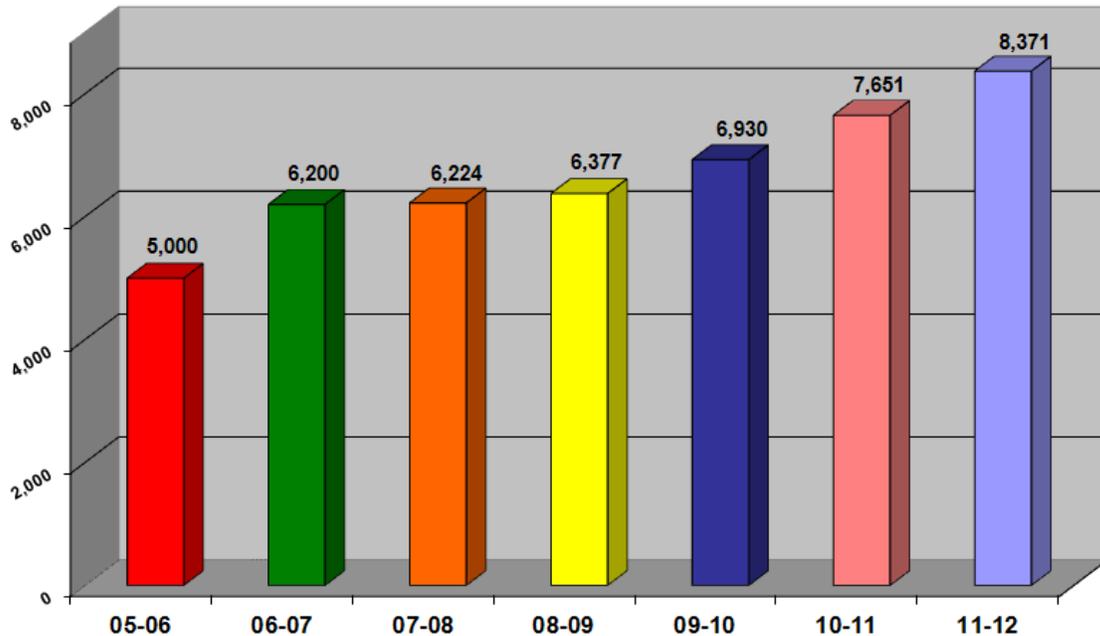
Single-Family Rental Inspection Program

GOAL: To ensure that all single-family properties adhere to the property maintenance laws and the minimum housing codes of the City of Garland to decrease the likelihood of life-safety hazards. To eliminate nuisance conditions for the protection of public health and to enhance neighborhood vitality.

HIGHLIGHT – RESOURCE ALLOCATION COUPLED WITH STAKEHOLDER EDUCATION GENERATES SUCCESS FOR THIS SELF-FUNDED PROGRAM

There are 8,371 active single-family rental properties registered (+9% from 2011) within the City of Garland. To date, certification with a three-year permit extension and inspection waiver were granted to 4,190 of these properties (+13% from 2011) as the owner or property manager attended one of four Certification Classes offered by the department. The program generated \$287,439 (+6% from 2011) in revenue; this amount was sufficient to fund all activities involving the inspection of the single-family properties.

NUMBER OF REGISTERED SINGLE FAMILY RENTAL PROPERTIES



HIGHLIGHT – INSPECTION FINDINGS REVEAL VIOLATION RATIO TO JUSTIFY PROGRAM

Staff inspected 1,191 properties that changed occupancy during the year (-1% from 2011). Code Inspectors were able to inspect each of these properties within the requested time to meet the demands of the owner and new tenant. These change-in-tenancy inspections revealed 1,466 life-safety violations, 1,527 critical violations and

1,749 non-critical violations. Property owners were issued 385 citations for violating provisions of the single-family rental program (-43% from 2011).

Program goals were met. The single-family inspection program will add one additional Code Inspector to assist in meeting the demand as the program continues to regulate more properties.

APPENDIX 1

HEALTH & CODE COMPLIANCE SIGNIFICANT INDICATORS

<u>Environmental Health Division</u>	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
· Average Food Service Inspection Score	---	81.0	---	79.8	83.6	83.1	86.6	83.5	82.6	80.1	79.8	80.0	81.8	83.2	82.7	81.6
· Number of Food Establishments	643	666	691	705	734	774	784	787	795	838	865	898	886	916	908	913
· Critical Violations/Inspection	1.30	1.22	1.23	1.18	1.63	1.61	1.51	1.69	1.80	2.19	2.26	2.08	1.88	1.86	1.82	2.04
· Positive Response Rate From Food Est. *	---	---	---	97.86%	---	---	---	---	---	93.12%	---	---	---	---	94.13	---
· Food Program Exp./Capita	\$0.66	\$0.65	\$0.76	\$0.86	\$0.89	\$0.92	\$0.91	\$1.15	\$1.21	\$1.22	\$1.44	\$1.58	\$1.62	\$1.66	\$1.63	\$1.64
· Food Inspections/Permitted Food Est.	2.63	2.64	2.59	3.47	3.78	2.67	2.08	3.21	3.12	2.64	4.79	4.18	5.26	4.78	3.79	4.87
· Food Inspections/Citation	12.0	12.2	13.3	13.8	15.8	10.6	10.5	18.2	14.6	8.2	9.8	13.8	15.4	14.3	20.8	17.7
· Food Inspections/Mandated Closure	89.1	66.4	112.0	66.1	120.7	108.6	102.1	133.0	73.0	58.3	65.8	76.6	166.5	93.1	104.18	164.7
· Number Children Enrolled in Child Care	6,890	6,909	7,307	6,996	6,548	6,267	5,357	4,959	5,106	4,959	4,594	4,844	4,794	4,741	4,884	5,086
· Critical Violations/Daycare Center Inspections	0.78	1.01	1.56	1.88	1.31	1.05	1.15	1.30	1.49	1.76	1.29	1.15	1.20	1.07	0.92	0.90
· Inspections/Licensed Childcare Center	1.56	1.55	1.70	2.04	1.93	1.14	1.03	1.64	1.58	1.73	3.39	2.77	3.67	4.23	2.76	4.17
· Safety Violations/Pool Inspections	0.57	0.53	0.44	0.47	0.58	0.66	0.59	0.40	0.29	0.24	0.24	0.37	0.40	0.58	0.49	0.55
· Permitted Swimming Pools	258	252	251	264	262	276	255	250	253	246	246	253	237	232	231	219
· Swimming Pool Inspections/Mandated Closure	26.5	11.5	15.8	21.7	22.9	12.5	9.1	17.2	14.3	8.2	10.8	11.5	9.4	15.6	9.4	17.0
· Swimming Pool Inspections/Permitted Pool	1.54	1.72	2.08	3.37	2.97	3.27	3.25	3.16	3.38	2.78	3.31	2.91	2.77	2.90	2.52	3.11
· Pollution Prevention Inspections/Month	---	---	---	---	138.3	146.4	93.8	82.3	96.3	68.7	113.3	114.4	106.8	93.9	77.5	130.5
· % of Dry Weather Flows Free of Pollution	87%	84%	89%	92%	94%	97%	96%	88%	98%	99%	88%	93%	91%	93%	96%	97%
· Total Calls **	---	---	---	30,514	30,917	31,552	30,449	26,740	30,149	26,289	25,061	27,177	27,231	27,630	19,814	22,103
<u>Clinical Services Division</u>	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
· Percent of 2 Yr. Olds-Age-Approp. Immunized	64.8%	69.1%	68.0%	71.0%	76.0%	76.7%	79.9%	81.1%	79.1%	81.0%	81.0%	77.0%	80.0%	74.0%	75.0%	82.0%
· Individuals Immunized	6,509	6,897	13,059	11,256	13,682	16,149	20,121	20,251	16,259	16,457	14,632	14,693	21,039	19,795	13,228	13,345
· Well Child Exams	292	373	671	873	609	502	558	506	409	135	96	269	245	288	177	144
· Revenue Collected	\$52,807	\$72,180	\$89,956	\$110,166	\$120,448	\$170,266	\$191,408	\$240,879	\$215,364	\$254,975	\$282,687	\$291,621	\$315,249	\$480,250	\$275,750	\$405,423
· International Travel Vaccine Administered	---	5	30	34	86	110	61	112	77	378	1,354	1,496	1,249	1,624	1,650	1,612
· TB Tests Administered to High Risk Individuals	326	274	255	653	601	784	774	1031	1060	851	818	617	525	544	448	631
· Positive TB Referrals for Medical Evaluations	32	18	19	38	39	71	57	72	73	51	38	16	45	21	11	20
<u>Animal Services Division</u>	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
· Total Calls For Service	18,041	17,763	17,443	15,800	16,835	16,402	16,357	17,335	17,420	18,765	20,115	23,039	19,961	20,261	21,716	25,543
· Average Number of Dispatched Calls/Day	59.3	51.3	56.3	40.6	40.9	48.7	47.0	55.7	59.0	58.9	64.9	73.1	62.8	67.9	72.8	84.3
· Stray Calls/1000 Population	34.70	37.52	31.13	26.52	21.12	21.02	17.10	21.16	24.71	26.16	30.69	29.80	42.38	37.83	37.65	41.41
· Average Response Time/Stray Call (min)***	43.61	49.35	33.88	41.18	44.58	34.69	33.62	33.99	38.19	34.95	48.65	50.28	31.46	24.56	17.75	15.59
· % of Animals Successfully Placed****	32%	26%	24%	24%	27%	32%	36%	37%	36%	34%	32%	28%	34%	44%	48%	47%
· Animals Impounded/1000 Population	42.7	40.1	42.2	41.3	40.1	37.4	36.8	37.7	39.9	38.2	46.6	38.9	40.4	42.9	43.7	49.6
· Animal Related Citations/1000 Population	1.60	1.69	1.39	1.58	1.20	1.02	1.02	1.16	0.95	1.17	2.49	2.91	2.96	3.16	3.63	5.14
· Animal Services Expenditures/Capita	\$3.73	\$3.74	\$4.41	\$4.39	\$4.44	\$4.41	\$4.38	\$4.70	\$4.60	\$4.94	\$5.35	\$5.45	\$5.52	\$5.50	\$5.79	\$6.26

Code Compliance Department

	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
· Code Violations per Address										2.62	2.16	1.45	1.12	1.20	1.22	1.00
· Percent of Homes with >1 Nuisance Violation										35%	29%	17%	12%	14%	12%	12%
· Percent of Homes with >1 Housing Violation										41%	30%	18%	11%	14%	15%	11%
· Citizen Code Complaints										***	20,610	19,999	14,812	13,162	13,454	12,334
· Code Inspections Requiring Enforcement										22,921	39,675	45,754	52,639	47,604	55,099	71,799
· Average Response Time to Complaint (Hours)										***	8.0	6.0	4.8	4.8	5.6	5.3
· Number of Work Orders Issued										1,553	1,110	2,631	3,928	2,389	2,376	3,004
· Percentage of Successful Citations										73%	76%	72%	74%	80%	73%	70%
· Number of Registered SF Rental Properties										5,000	6,200	6,224	6,377	6,930	7,651	8,371
· Permitted Multi-Family Properties/Inspector										78.3	75.7	69.0	71.7	74.0	74.0	74.0
· Code Compliance Expenditure/Capita										\$8.99	\$9.26	\$9.82	\$9.54	\$9.61	\$9.38	\$9.44

* The percentage of responses from our survey of food establishment managers that fall into the category of "agree" or "strongly agree" indicate that our inspectors are consistent, knowledgeable, fair and do not abuse their authority.

** Includes total number of calls received in Administration offices and Clinical Services.

*** In 08-09 began using Priority 1 calls as significant indicator. These calls include animal bites, threatening animals and injured animals.

**** Percentage of animals in shelter for which homes were found.

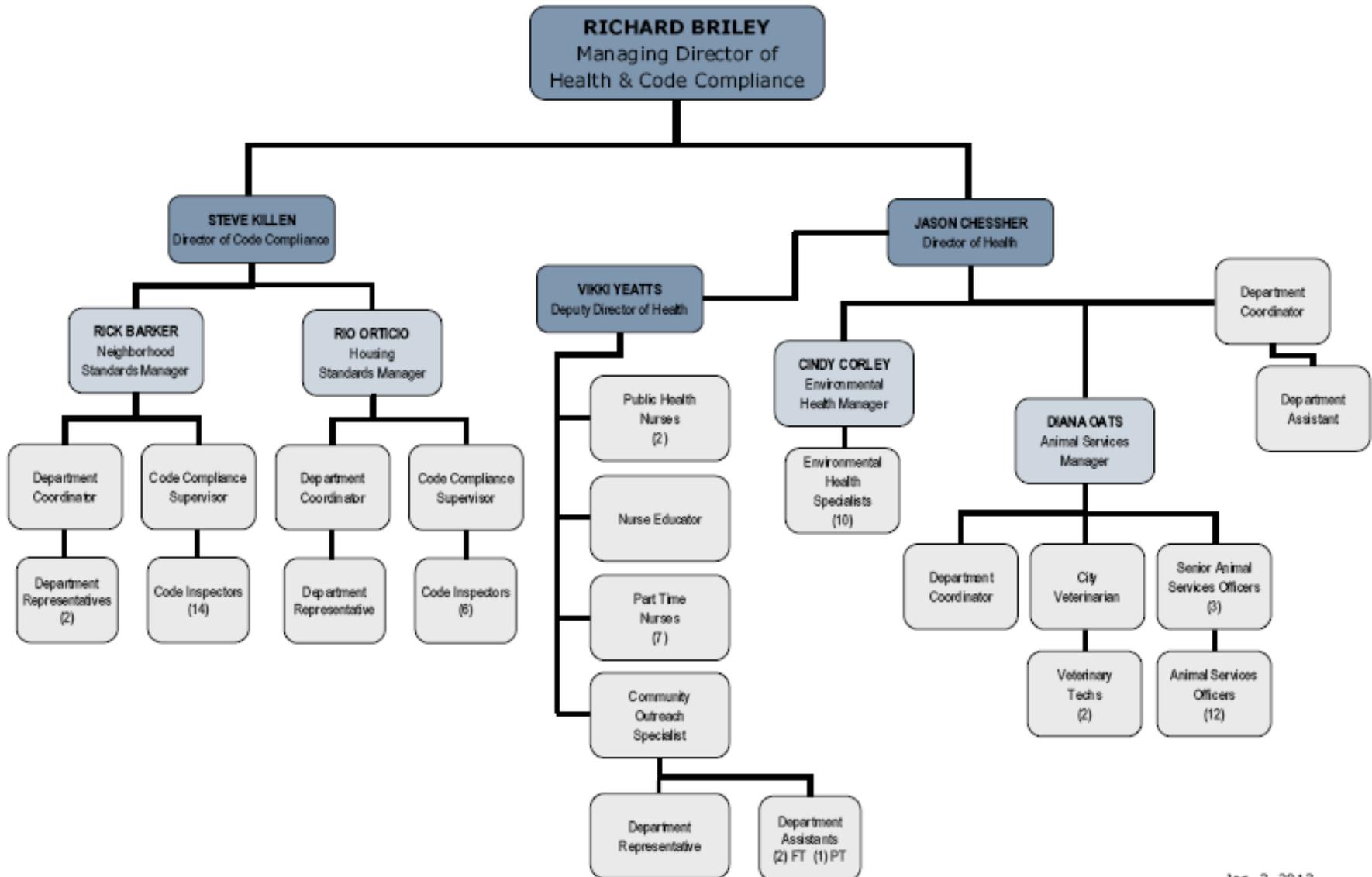
APPENDIX 2 INCIDENT DATA*

Neighborhood Standards Division 2006/2007/2008/2009/2010/2011/2012

Council District	Code Violations per Address								% Homes with >1 Nuisance Violation							% Homes with >1 Housing Standards Violation							
1	2.05	1.89	1.09	0.83	0.73	1.11	0.58	21%	21%	10%	9%	4%	8%	2%	29%	29%	12%	8%	8%	16%	9%		
2	3.88	3.32	1.91	1.26	1.67	1.65	1.47	54%	51%	25%	17%	25%	20%	24%	71%	49%	23%	11%	18%	20%	15%		
3	1.03	1.40	1.13	0.80	0.86	0.99	0.66	10%	13%	15%	6%	8%	4%	1%	11%	15%	10%	14%	10%	14%	11%		
4	2.77	2.20	1.34	1.09	1.19	1.47	1.02	45%	31%	16%	11%	14%	15%	10%	40%	28%	17%	13%	12%	19%	8%		
5	2.77	2.42	1.75	1.59	1.72	1.20	1.24	39%	29%	22%	15%	21%	14%	13%	43%	40%	26%	16%	28%	10%	14%		
6	3.69	2.30	1.74	1.38	1.44	1.33	1.16	57%	25%	22%	19%	24%	13%	21%	53%	42%	14%	5%	9%	17%	8%		
7	1.98	1.70	1.13	0.89	0.98	0.98	0.87	20%	25%	10%	8%	8%	6%	14%	33%	18%	18%	11%	13%	11%	9%		
8	2.79	2.08	1.51	1.14	0.99	1.01	0.99	34%	35%	15%	9%	7%	13%	11%	50%	20%	22%	9%	16%	9%	10%		
Average	2.62	2.16	1.45	1.12	1.20	1.22	1.00	35%	29%	17%	12%	14%	12%	12%	41%	30%	18%	11%	14%	15%	11%		
Goal	1.00								<10%							<10%							

*100 randomly chosen homes/district

GARLAND HEALTH DEPARTMENT





City Council Item Summary Sheet

Work Session

Date: February 18, 2013

Agenda Item

Briefing on Tri-Cities Special Meeting

Summary of Request/Problem

Mayor Pro Tem John Willis will provide an overview of the Tri-Cities Special Meeting held on February 7, 2013 with the Garland Independent School District (GISD) and the Cities of Garland, Rowlett, and Sachse to discuss GISD Campus Safety Procedures and Emergency Plan, as well as the City of Garland's SRO Program.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

William E. Dollar
City Manager



Meeting: Work Session

Date: February 18, 2013

Policy Report

DOWNTOWN AUTOMOTIVE USES OVERLAY DISTRICT

ISSUE

A description and history of the Downtown Automotive Uses Overlay District is provided for City Council's information.

OPTIONS AND RECOMMENDATION

This item is provided for information only.

COUNCIL GOAL

Sustainable Quality Development and Redevelopment

BACKGROUND

The Downtown Automotive Uses (AU) Overlay District was adopted by City Council on April 19, 2005 in conjunction with amendment of the Comprehensive Zoning Ordinance regarding allowed uses in the Central Area (CA) 1 and 2 Districts and modification of downtown zoning district boundaries. These changes were adopted in an effort to more appropriately regulate land use and development downtown. The zoning amendments were among several initiatives directed by City Council during the mid-2000's to better position Downtown for redevelopment and revitalization, and to achieve the vision for downtown development that had been established.

The zoning amendments followed a moratorium on downtown development enacted on December 21, 2004. Staff was subsequently directed by Council to evaluate the appropriateness of existing zoning district boundaries and permitted uses. Following a series of public meetings and hearings before the Plan Commission and City Council, the amendments to the Central Area Districts and zoning district boundaries were adopted. In addition, the Council established the AU Overlay District and designated two such districts in the Downtown area.

The AU Overlay District designates areas within which automotive uses are permitted Downtown. Unlike traditional zoning districts within which automotive uses are permitted, the AU Overlay District caps the amount of automotive uses that can exist, limiting it to the amount of legal, conforming automotive uses in existence at the time

the district was established. This is achieved through the allocation of transferable land use credits determined by the size of the existing automotive uses as measured by land area of the subject property. Such credits can be transferred to other property owners within certain limitations, allowing the expansion or establishment of new automotive uses. The total amount of automotive uses within the district cannot, however, be expanded beyond the amount existing when the ordinance was enacted in 2005.

CONSIDERATIONS

1. More specifically, a new automotive use may not be established and an existing automotive use may not expand unless that use obtains land use credits from an existing automotive use within the AU Overlay District. Such use must also be permitted by the underlying base zoning district. The AU Overlay District applies to a broad range of automotive and vehicular uses including sales, repair, storage, car wash, tire dealer and wrecker service. The listing of specific uses is provided in the ordinance attached to this report.
2. Land use credits are calculated for each square foot of land area used by the automotive use. An existing use cannot transfer less than all of its land use credits to a new or expanded use, and any transferred credits that are unused are lost and cannot be transferred again. An automotive use that is discontinued has 60 days after the business ceases to transfer its land use credits to a new or expanding establishment. After 60 days any land use credits that have not been transferred are lost.
3. Two AU Overlay Districts were established. The larger district is located east of the Kansas City Southern Railroad tracks, south of State Street, north of Avenue C and extends east of First Street along Lavon Drive north to a point somewhat south of Gautney Street. The smaller district is located west of South Garland Avenue, south of West Avenue B, north of Forest Lane and east of Duck Creek. The boundaries of the two districts are illustrated on the attached map.
4. Modification of the underlying zoning district boundaries and delineation of the AU Overlay District boundaries minimized the creation of nonconforming uses by accommodating many existing automotive uses while limiting the creation of new and expanded uses that are inconsistent with the City's vision for Downtown redevelopment.
5. In the nearly eight years since the AU Overlay District was established, no uses governed by the ordinance have expanded or been established through the acquisition of land use credits. Several automotive uses have ceased operation, however, relinquishing their credits and thereby reducing the overall amount of automotive uses within these districts.

ATTACHMENTS

Ordinance No. 5894 amending the Comprehensive Zoning Ordinance and establishing the Downtown Automotive Uses Overlay District.

Automotive Uses Overlay District boundaries.

Submitted By:

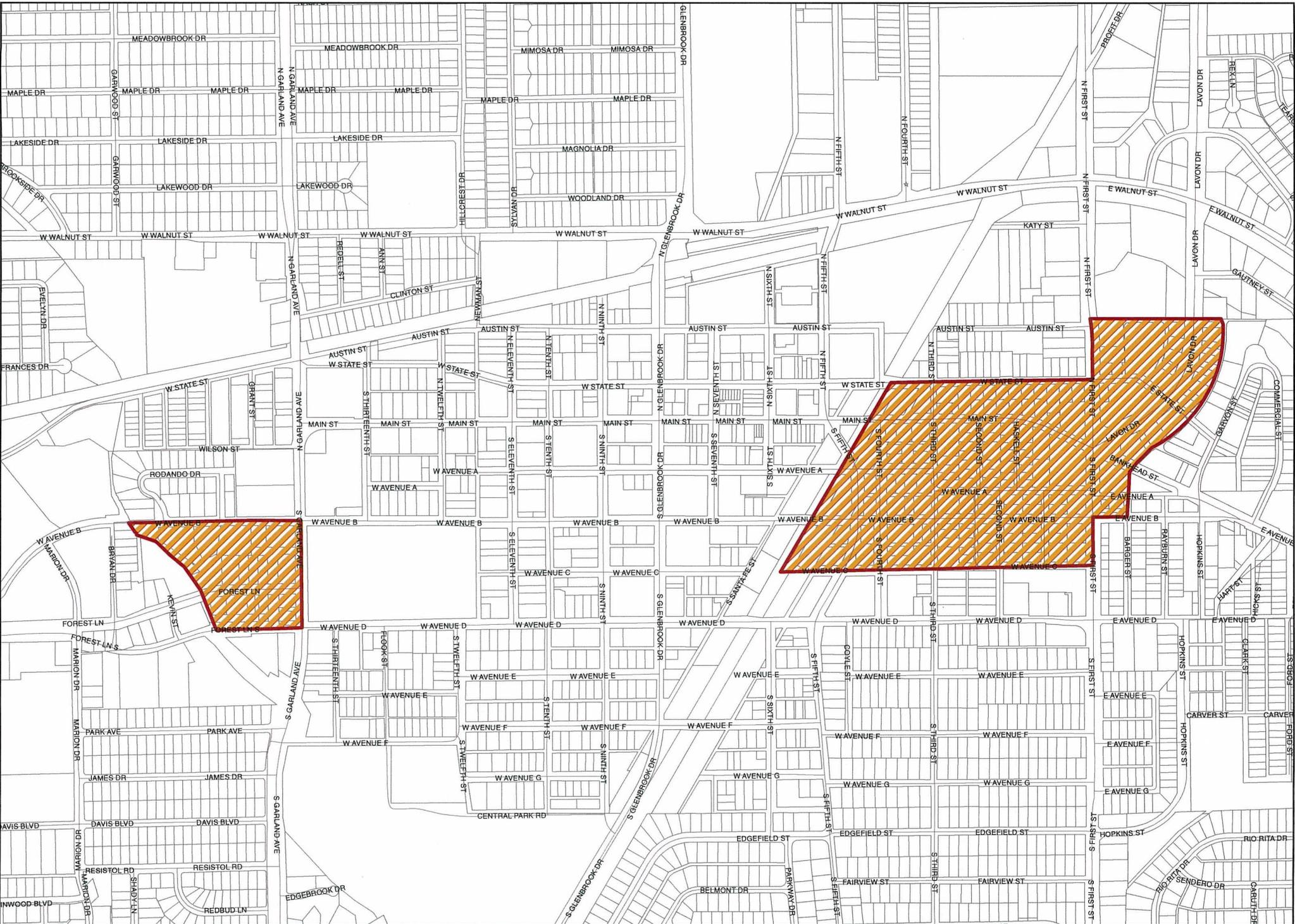
Approved By:

Neil Montgomery
Senior Managing Director
Development Services

William E. Dollar
City Manager

Date: February 8, 2013

Date: February 12, 2013



Downtown Automotive Overlay Use District



ORDINANCE NO. 5894

A ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 4647, AS AMENDED, BY AMENDING THE SCHEDULE OF USES RELATING TO THE CENTRAL AREA-1 AND CENTRAL AREA-2 ZONING DISTRICTS; AMENDING THE OFFICIAL ZONING MAP; ESTABLISHING AN OVERLAY DISTRICT FOR THE DOWNTOWN AREA; APPROVING CERTAIN SPECIFIC USE PERMITS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the schedule of uses contained in Section 10-200 of Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas is hereby amended by:

(A) deleting the following land uses from the uses allowed in the Central Area-1 zoning district:

- Antenna, Commercial Type 1
- Antenna, Private
- Arcade
- Automobile Repair, Major
- Automobile Repair, Minor
- Batching Plant (Temporary)
- Care of Alcoholic, Drug Dependent or Psychiatric Patients-Institutionalized
- Commercial Amusement, Outdoor
- Convent or Monastery
- Electric Generating Plant
- Electric Substation
- Firewood Bulk Sales
- Flea Market, Indoor
- Hospital
- Laundry or Cleaners
- Mining
- Mortuary/Funeral Home
- Repair and Service Shop
- Sanitary Landfill
- Sewage Treatment Plant
- Shooting Range, Indoor
- Stadium, Arena, Athletic Field
- Tire Dealer, No Outside Storage
- Water Reservoir or Well
- Water Treatment Plant

- Wind Generator
 - Wrecker Service (One)
- (B) adding and modifying the following land uses to and in the uses allowed in the Central Area-1 zoning district;
- Arcade (Secondary Use Only)
 - Custom Made Furniture Manufacturing (by SUP only)
 - Laundry or Cleaners (Drop-off Only)
 - Boarding School (by SUP only)
 - Commercial School (by SUP only)
 - Grocery/Supermarket (by SUP only)
 - Kindergarten, Pre-School or Child Care Center (by SUP only)
 - Parking Garage or Lot, Commercial (by SUP only)
- (C) deleting the following land uses from the uses allowed in the Central Area-2 zoning district:
- Antenna, Commercial Type 1
 - Arcade
 - Automobile and Motorcycle Sales, Leasing and Repair (New)
 - Automobile and Motorcycle Sales, Leasing and Repair (Used)
 - Automobile Repair, Major
 - Automobile Repair, Minor
 - Batching Plant (Temporary)
 - Commercial Laundry/Cleaners
 - Convent or Monastery
 - Electric Generating Plant
 - Electric Substation
 - Firewood Bulk Sales
 - Flea Market, Indoor
 - Laundry or Cleaners
 - Light Industrial Uses
 - Mining
 - Mortuary/Funeral Home
 - Sanitary Landfill
 - Sewage Treatment Plant
 - Shooting Range, Indoor
 - Tire Dealer, No Outside Storage
 - Uniform Supply Service
 - Used Goods or Products Collection Point (Temporary)
 - Water Reservoir or Well
 - Water Treatment Plant
 - Wind Generator
 - Wrecker Service (One); and

- (D) adding and modifying the following land uses to and in the uses allowed in the Central Area-2 zoning district;
- Arcade (Secondary Use Only)
 - Custom Made Furniture Manufacturing (by SUP only)
 - Laundry or Cleaners (Drop-Off Only)
 - Produce Stand (by SUP only)
 - Boarding School (by SUP only)
 - Commercial School (by SUP only)
 - Grocery/Supermarket (by SUP only)
 - Kindergarten, Preschool, or Child Care Center (by SUP only)
 - Nursing Home/Convalescent Center (by SUP only)
 - Parking Garage or Lot, Commercial (by SUP only)

Section 2

That the official zoning map as provided by Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas, as amended, is hereby amended as shown on Exhibit "A", attached hereto and incorporated herein by reference.

Section 3

That Ordinance No. 4647, the comprehensive zoning ordinance of the City of Garland, Texas, as amended, is hereby amended by adding a new section, Section 50, which shall read as follows:

"SECTION 50

DOWNTOWN AUTOMOTIVE USES OVERLAY DISTRICT

50-100 Overlay District. Within the Downtown Automotive Uses Overlay District, as designated on the official zoning map of the City and as described below, the following additional or supplemental regulations shall apply. Except as specifically provided in this section, the inclusion of an area within an overlay district governed by the provisions of this section shall not affect the underlying zoning of such areas or any provision of a planned development or other ordinance pertaining to any property within the City. A planned development ordinance may further limit or regulate the uses allowed within the planned development district.

50-200 Description of the Downtown Automotive Uses Overlay District.

The Downtown Automotive Uses Overlay District consists of all that area located within the boundaries as described below:

Area 1

All of that area located south of West Avenue B, west of South Garland Avenue, north of Forest Lane, and east of Duck Creek.

Area 2

Beginning at the intersection of South First Street and Avenue C, then preceding west along Avenue C to its intersection with the east boundary line of the Kansas City Southern Railroad right-of-way;

Thence, northeast along the Kansas City Southern Railroad right-of-way boundary to its intersection with State Street;

Thence, east along State Street to its intersection with North First Street;

Thence, north along North First Street to a point, that point being the northwest corner of the Partners Addition to the City of Garland;

Thence, east along the north boundary line of the Partners Addition; continuing east along the north boundary line of Garvon Addition No. 1 and across SH 78 to a point, that point being the intersection of the north boundary of Garvon No. 2 Addition and the alley separating Garvon No. 2 Addition and Garvon No. 3 Addition;

Thence, preceding in a southwesterly direction along that alley to its intersection with Bankhead Street;

Thence, south along the east boundary line of the 5 Point Commercial Addition of the City of Garland to Avenue A;

Thence, preceding south along Barger Street to Avenue B;

Thence, west along Avenue B to South First Street;

Thence, south along South First Street to the Point of Beginning.

50-300 **Restrictions on automotive uses within the Downtown Automotive Uses Overlay District**

- (A) For the purposes of the Downtown Automotive Uses Overlay District, an "automotive use" includes any business or use of property that, as a whole or any component part, consists of any of the following:
- Automobile or motorcycle sales, leasing, rental, service and repair (new)
 - Automobile or motorcycle sales, leasing, rental, service and repair (used)
 - Automobile repair, major
 - Automobile repair, minor
 - Automobile wrecking yard
 - Car wash
 - Commercial vehicle storage
 - Vehicle upholstery and interior repair
 - Vehicle cleaning, waxing, detailing, finishing or polishing
 - Tire dealer, no outside storage
 - Tire dealer, outside storage
 - Truck or bus storage, commercial
 - Truck or bus washing
 - Truck stop
 - Vehicle sales, leasing, rental, service and repair (other than automobile/motorcycle)
 - Trailer sales, leasing, rental, and repair
 - Wrecker service
 - Wrecker service (one)
- (B) An automotive use that was operating under a valid and existing certificate of occupancy as of April 19, 2005 shall be allocated a transferable land use credit for each square foot of property occupied or used for the automotive use, inclusive of parking areas but exclusive of any adjoining streets, alleys, sidewalks or other public property.
- (C) A new automotive use may not operate, and an existing automotive use may not expand, unless the proposed or existing automotive use obtains transferable land use credits from another automotive use within the Downtown Automotive Uses Overlay District for each square foot of area to be used in the operation or expansion. An automotive use that makes the transfer may not transfer less than all of its transferable land use credits and may only transfer those credits to a single transferee. The transferee may use less than all of the credits so transferred, but any unused credits are

thereafter void and may not be further transferred. Credits may be transferred and aggregated to create a new site for an automotive use, or may be added to an existing site of an automotive use for expansion, but no site so created or expanded may exceed 10,000 square feet in area. The transferrable land use credits created by this section may only be transferred within the Downtown Automotive Uses Overlay District or to another Automotive Uses Overlay District, but are not valid at any other location within the City. No transferrable land use credit from any other Automotive Uses Overlay District may be transferred into the Downtown Automotive Uses Overlay District.

- (D) An automotive use that discontinues operating may transfer its transferable land use credits during the period ending sixty (60) days after the cessation of business of the automotive use, but the credits expire sixty (60) days after the automotive use ceases doing business. The termination of utility services to the automotive use is prima facie evidence of the cessation of business. Transferable land use credits may be transferred only by the owner of the land to which the credits apply.

- (E) Notwithstanding the provisions of subsection (D), above, in the event the building from which an automotive use operates is damaged or destroyed by fire, weather, calamity or other cause beyond the control of the owner or operator of the automotive use, the owner may reconstruct the building damaged or destroyed, provided that:
 - (1) Such reconstruction complies with all applicable ordinances, regulations, and standards then in effect; and
 - (2) Application for building, development, and other necessary permits is made within six months following the event that caused the damage or destruction."

Section 4

That the following designated specific use permits are hereby approved for a period of twenty (20) years for the following persons:

Address	Property Owner	Use
1418 West Ave B	Herring Auto Co.	Major Auto Repair
1405-07 Forest Lane	Herring Auto Co.	Major Auto Repair

1402 Forest Lane
411 South Garland Ave
416 South Third

Lola Creel
Lola Creel
H.T. White

Major Auto Repair
Major Auto Repair
Child Care Center

Section 5

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 6

That Ordinance No. 4647, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 7

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 8

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

PASSED AND APPROVED this the 19th day of April, 2005.

CITY OF GARLAND, TEXAS

Mayor



ATTEST:


City Secretary