



AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
200 North Fifth Street
Garland, Texas
November 19, 2013
7:00 p.m.**

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

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRILLE IS NOT AVAILABLE.**

CITY COUNCIL GOALS 2020

- Sustainable quality development and redevelopment
- Financially stable government with tax base that supports community needs
- Embrace diversity
- Fully informed and engaged citizenry
- Consistent and safe delivery of reliable City services
- Safe, family-friendly neighborhoods
- Defends rightful powers of municipalities

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the November 5, 2013 City Council Regular Meeting.
2. Consider approval of the following bids:

a. Caterpillar Excavator

Bid No. 4002-14

Holt Cat

\$164,566.00

This request is to purchase a Caterpillar 312EL Excavator for the Street Department for use in their daily operations. Funding for this project was approved in the 2013-2014 Operating Budget.

b. Jet Sewer Truck

Bid No. 4003-14

Freightliner Austin

\$286,430.10

This request is to purchase a 2014 Freightliner Cab with mounted Vac-Con Hydro Excavator to be used by the Water Department in their daily operations. Funding was approved in the 2013-2014 Operating Budget.

- 3. Consider by minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$32,957 to PO 21408 to Techline, Inc.**

This item was scheduled for consideration by Council at the November 18, 2013 Work Session. In October 2013, PO 21408 was issued for the purchase of tubular steel structures and components for the TMPA Greenville Industrial Park Transmission Line Relocation. An error in the engineering model resulted in a dead end pole design that was too short to meet the regulated height requirement for three of the transmission poles being relocated for the TMPA Greenville Industrial Park Transmission Line Relocation Project.

- 4. Consider by minute action authorizing the City Manager to execute the proposed contact with Civil Associates, Inc. in the amount of \$377,610.**

Funding for the Glenbrook Drive and Ridgedale Drive Wastewater and Water Main Relocations from Kingsley Road to Carroll/Kenwood Drive Project was included in the approved 2013 Capital Improvements Program as part of the Wastewater Collection Mains and Distribution Lines (Up to 14-inch).

- 5. Consider a resolution approving the Investment Policy and Investment Strategy, of the City of Garland, as amended.**

Council considered adopting the annual review of the City's written Investment Policy, Investment Strategy, and approved broker list at the November 4, 2013 Work Session.

- 6. Consider a resolution amending the City of Garland authorized representatives for purposes of participation in the Texas Local Government Investment Pool.**

For security purposes, Texpool requires the governing body approve a resolution to amend existing authorized representatives. Due to staff changes, Financial Services is requesting that authorized representatives to Texpool be amended.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

7. Hold public hearings on the following zoning cases:

- a. Consider the application of Ed Seghers, requesting approval of a change in zoning from Multi-Family (MF-12) District to Planned Development (PD) District for Office-1 (O-1) Uses. The property is located at 800 South Sixth Street, east of South Sixth Street and south of West Avenue G. (District 2) (File 13-38)

The proposal is to allow for a change in zoning for medical office use. At the October 28th meeting, Plan Commission recommended to approve the request with the conditions that the General Office use be removed from the permitted uses, limiting the number of exam rooms to (5), and restricting the square footage as noted to 5,300 sf.

- b. Consider the application of Douglas Properties, requesting approval of a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Commercial (C-1) Uses (Self Storage Units). This property is located on the east side of East Centerville Road, approximately 1,350 linear feet north of the intersection of East Miller Road and East Centerville Road. (District 2) (File 13-43)

The proposal is to allow for a change in zoning allowing Self Storage Units with no outside storage. At the October 28th meeting, Plan Commission recommended approval.

8. **Hold a public hearing to allow public input on the possible relocation of the Pace and Lyles houses to either the Central Library Parking Lot or to Central Park.**

This item was considered by Council at the November 4, 2013 Work Session. The Pace and Lyles houses have been temporarily located behind the Granville Arts Center while City staff researched options and costs associated with relocating and preserving those structures.

9. **Citizen comments.**

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

10. **Adjourn.**

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

The City Council of the City of Garland, Texas convened in regular session at 7:00 p.m. on Tuesday, November 5, 2013, in the Council Chambers at City Hall with the following members present:

Mayor	Douglas Athas
Councilmember	Marvin 'Tim' Campbell
Councilmember	Stephen W. Stanley
Councilmember	B.J. Williams
Councilmember	John Willis
Councilmember	Scott LeMay

MEMBERS ABSENT:

Mayor Pro Tem	Lori Barnett Dodson
Councilmember	Anita Goebel
Councilmember	Jim Cahill

STAFF PRESENT:

City Manager	William E. Dollar
City Attorney	Brad Neighbor
City Secretary	Lisa Palomba

CALL TO ORDER: The meeting was called to order by Mayor Douglas Athas. District 7 Councilmember Scott LeMay led the Invocation and Pledge of Allegiance.

CEREMONIALS: 1) Mayor Athas presented a proclamation to the Managing Director of Customer Service Kevin Slay, accepting on behalf of Director of Municipal Courts Paige Bobbitt, in recognition of Municipal Court Week and 2) Mayor Athas welcomed Captain Lars Ljungholm of the Salvation Army celebrating the kick-off of the annual Red Kettle Campaign.

ANNOUNCEMENTS: Mayor Athas commented on the following: 1) The City Center project groundbreaking ceremony has been rescheduled for Monday, Nov. 18 at 10 a.m. The ceremony will take place on the Austin Street side of City Hall; 2) Garland is still under Stage 3 Water Restrictions. The allowable lawn irrigation schedule changed November 1. Businesses and residents may now use sprinklers on their lawns once every other week. More information is available at garlandwater.com; 3) Check out the award-winning Garland Residential Idea Book. The Idea Book is available at garlandtx.gov or at the City Building Inspection and Planning Department offices; and 4) Garland Animal Services celebrated a very successful grand opening of the Garland Pet Adoption Center located at 813 Main Street, held on October 30.

- CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on in a single motion at the beginning of the meeting. A motion was made by Councilman LeMay seconded by Councilman Willis, to approve Items: 1, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 3, 4, 5, and 6. A vote was cast and the motion carried with 9 Ayes; 0 Nays. (Dodson, Goebel, & Cahill, absent)
1. APPROVED** City Council minutes of the October 15, 2013, 2013 Regular Meeting.
- 2a. APPROVED** Award of Bid No. 3703-13 in the amount of \$286,074.92 to Southeast Power Corporation including an optional contingency fee of \$28,607.08 for a total award amount of \$314,682 to provide the necessary labor and equipment for the installation of Optical Ground Wire from Gibbons Creek to Bryan East Substation.
- 2b. APPROVED** Award of Bid No. 3856-13 in the amount of \$552,900 to Supreme Roofing, LLC to provide labor and materials to replace roofs that have met or exceeded their life expectancies at the following City facilities: South Garland Library, Walnut Creek Library, Firewheel Golf Clubhouse, Bradfield Concession Stand, Firewheel Pump Station, and Surf and Swim Bathhouse.
- 2c. APPROVED** Award of Bid No. 3770-13 to Techline, Inc. in the amount of \$184,624.34 including an optional contingency fee of \$18,986.42 for a total award of \$203,610.76 to provide materials required for the breaker replacements and relay modifications at the Bryan East, Dansby, and Gibbons Creek Substations.
- 2d. APPROVED** Award of Bid No. 3899-13 to Barnsco, Inc. in the amount of \$107,788.92 to provide for the purchase of steel reinforcing bar and related materials to be used by the Street Department for concrete paving.
- 2e. APPROVED** Award of Bid No. 3809-13 to American Site Builders in the amount of \$876,663.23 including an optional contingency fee of \$87,666.77 for a total award of \$964,330 to provide the labor and equipment required to relocated transmission lines to accommodate the Pleasant Valley bridge relocation.
- 2f. APPROVED** Award of Bid No. 3954-14 to Musco Lighting, Inc. in the amount of \$388,121 to install sports lighting on existing fields

at Audubon Park Soccer Facility with anticipated completion for the 2014 spring soccer season.

2g. APPROVED**

Award of Bid No. 3826-13 to T & D Solutions in the amount of \$692,500 including an optional contingency fee of \$50,000 for a total award of \$742,500 to provide labor and equipment necessary for the replacement of five underground cable loops as part of Garland Power & Light's maintenance operations.

2h. APPROVED**

Award of Bid No. 3838-13 to Techline, Inc. in the amount of \$177,964.23 including an optional contingency fee of \$17,796.77 for a total award of \$195,761.77 to provide materials required from the Wynn Joyce Substation Transmission Line Relocation.

2i. APPROVED**

Award of Bid No. 3901-13 to Chapman Construction in the amount of \$146,000 to provide labor, materials, and equipment for the removal and installation of 138kV breaker foundations at Texas Municipal Power Agency.

3. APPROVED**

Resolution No. 10122 authorizing the Mayor to abandon the alley right-of-way and execute a deed without warranty conveying the 7,600 square feet of Avenue C from Eleventh Street to the alley right-of-way behind 313 and 401 Eleventh Street for \$7,600 to Mr. Louis Moore.

4. APPROVED**

Resolution No. 10123 reappointing Tom Jefferies to the Board of Directors of Texas Municipal Power Agency for a two-year term.

5. APPROVED**

Ordinance No. 6659 amending Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances providing time limited parking restrictions between 9:00 a.m. and 4:00 p.m. on school days only for portions of Hamlett Lane and Fondren Drive near Lakeview Centennial High School.

6. APPROVED:

Minute action authorizing the City Manager to execute a lease agreement with Shana Tova Realty ADA Compliant Limited Partnership.

ITEMS FOR INDIVIDUAL CONSIDERATION:

7. CITIZEN COMMENTS: The following person spoke: Tempie Williams.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 7:18 p.m.

CITY OF GARLAND

Signed:

Mayor

Attest:

City Secretary



Purchasing Report

CATERPILLAR EXCAVATOR OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to purchase a Caterpillar 312EL Excavator for the Street Department for use in their daily operations. This piece of equipment is being purchased through the BuyBoard Purchasing Cooperative Contract #424-13. Funding for this project was approved in the 2013-14 Operating Budget.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Holt Cat	1	\$164,566.00
TOTAL:		\$164,566.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

William E. Dollar
City Manager

Date: 11/08/13

Date: 11/11/13

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$ <u>170,000</u>	Operating Budget: <input checked="" type="checkbox"/> CIP: <input type="checkbox"/> Year: <u>2013-14</u>
Expended/Encumbered to Date: <u>-0-</u>	Document Location: <u>Pages 100-101</u>
Balance: \$ <u>170,000</u>	Account #: <u>261-4611-9007</u>
This Item: <u>164,566</u>	Fund/Agency/Project – Description: Purchase of Hydraulic Excavator for the Street Department being funded out of the Stormwater Management Department's Operating Budget
Proposed Balance: \$ <u>5,434</u>	Comments:
Matt Monedero <u>11/11/13</u> Budget Analyst Date	
Ron Young <u>11/11/13</u> Budget Director Date	



GARLAND

PURCHASING

Executive Summary
Bid 4002-14
Caterpillar Excavator

Recommended Vendor:

Holt Cat

Total Recommended Award:

\$164,566.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase a replacement Caterpillar 312EL Excavator for the Street Department to be used in daily operations.

Evaluation:

This Caterpillar 312 EL Excavator is being provided by Holt Cat through the BuyBoard Purchasing Cooperative Contract #424-13.

Recommendation:

Staff recommends awarding the contract for the Caterpillar 312 EL Excavator to Holt Cat.

Funding Information:

261-4611-9007

Department Director:

Terry Anglin, Fleet Director, 972-205-3524



Purchasing Report

JET SEWER TRUCK OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of a 2014 Freightliner Cab with mounted Vac-Con Hydro Excavator to be used by the Water Department in their daily operations. This jet sewer truck is being purchased through the BuyBoard Purchasing Cooperative Contract #358-10. Funding was approved in the 2013-14 Operating Budget.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Freightliner Austin	1	\$286,430.10
TOTAL:		\$286,430.10

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

 Gary L. Holcomb, CPPO, C.P.M.
 Director of Purchasing

Reviewed by:

 William E. Dollar
 City Manager

Date: 11/08/13

Date: 11/11/13

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$	300,000
Expended/Encumbered to Date:	-0-
Balance: \$	300,000
This Item:	286,430
Proposed Balance: \$	13,570
Matt Monedero	11/11/13
Budget Analyst	Date
Ron Young	11/11/13
Budget Director	Date

Operating Budget: CIP: Year: 2013-14

Document Location: Pages 100-101

Account #: 261-4611-9007

Fund/Agency/Project – Description:
 Purchase of a combination machine with hydro-excavation for the Street Department being funded out of Stormwater Management

Comments:



GARLAND

PURCHASING

Executive Summary
Bid 4003-14
Jet Sewer Truck

Recommended Vendor:

Freightliner Austin

Total Recommended Award:

\$286,430.10

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase a 2014 Freightliner Cab with mounted Vac-Con Hydro Excavator to be used by the Water department in their daily operations.

Evaluation:

This Jet Sewer Truck is being provided by Freightliner Austin through the BuyBoard Purchasing Cooperative Contract #358-10.

Recommendation:

Staff recommends awarding the contract for the Jet Sewer truck to Freightliner Austin.

Funding Information:

261-4611-9007

Department Director:

Terry Anglin, Fleet Director, 972-205-3524



City Council Item Summary Sheet

Work Session

Date: November 19, 2013

Agenda Item

CHANGE ORDER NUMBER 1 TO PO 21408 TUBULAR STEEL STRUCTURES & COMPONENTS

Summary of Request/Problem

This item was scheduled for consideration at the November 18, 2013 Work Session.

In October of this year, Purchase Order 21408 was issued for the purchase of tubular steel structures and components for the TMPA Greenville Industrial Park Transmission Line Relocation. An error in the engineering model resulted in a dead end pole design that was too short to meet the regulated height requirement for three of the transmission poles being relocated for the TMPA Greenville Industrial Park Transmission Line Relocation project.

Recommendation/Action Requested and Justification

Staff recommends that Council approve by minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$32,957 to PO 21408 for Techline, Inc.

Submitted By:

Jeff Janke
GP&L Sr. Managing Director

Approved By:

William E. Dollar
City Manager



GARLAND

PURCHASE AWARD RECOMMENDATION

DATE: 11-7-13

TO: PURCHASING

FROM: DIRECTOR OF GP&L DEPT. NO.: 3299 BID NO.: 21408

DESCRIPTION: Change Order No. 1 to PO 21408 TMPA Tubular Steel Structures & Components for Greenville

Award Recommendation	Item Number	Amount
Techline, Inc.	1	32,957.00
	Total	32,957.00

CHARGE TO ACCOUNT NUMBER(S) AND/OR W.O. NUMBER(S):

Account #(s)	W.O. #(S)	Item #(s)	Capital/CIP:
EC-T5414-001-1-6051		1	Yes
(215-3799-3141401-6051			Select:
			Select:
			Select:

AWARD BASED ON: Change Order - Change in spec/qty/price.

ADDITIONAL AWARD INFORMATION: Change Order Number 1 to PO 21408 in the amount of \$32,957 (a 36% increase) due to engineering modifications resulting in a height change requirement to three of the transmission poles being relocated for the TMPA Greenville Industrial Park Transmission Line Relocation project.

APPROVALS:

_____	_____
Department Head (up to \$25k)	Date
_____	_____
Managing Director (up to \$50K or Sole Source/Emergency)	Date
_____	_____
Purchasing Director	Date
_____	_____
Budget Director/Analyst (CIP and/or Capital)	Date
_____	_____
Deputy City Manager (up to \$75K) or City Manager (up to \$100K)	Date

City Council Item Summary Sheet



Work Session

Date: November 19, 2013

Agenda Item

Design Contract – Glenbrook-Ridgedale Wastewater Main Relocations

Summary of Request/Problem

Funding for the Glenbrook Drive and Ridgedale Drive Wastewater and Water Main Relocations from Kingsley Road to Carroll/Kenwood Drives. Project was included in the approved 2013 Capital Improvements Program as part of the Wastewater Collection Mains and Distribution Lines (Up to 14-inch).

For the survey and design of the wastewater main relocation improvements from the banks on each side of Duck Creek to Glenbrook and Ridgedale Drives. Staff has negotiated a contract with the engineering firm, Civil Associates, Inc. in the amount of \$377,610.00.

Council action is required to authorize the City Manager to execute the contract.

Recommendation/Action Requested and Justification

Authorize the City Manager to execute the proposed contract by Minute Action.

Attachments:

- A. Location Map
- B. 2013 CIP Sheets WW05 and W02
- C. Proposed Contract

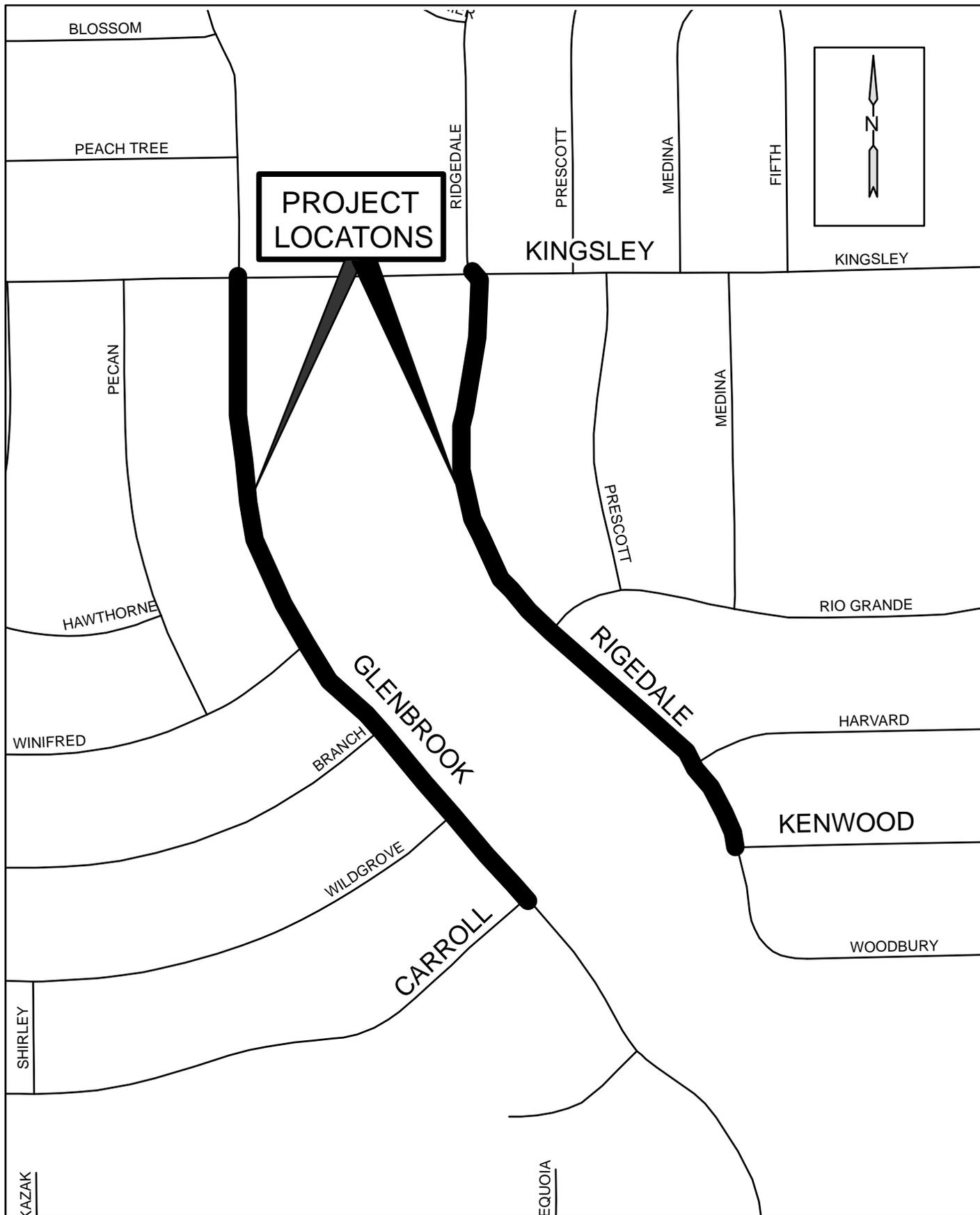
Submitted By:

Michael C. Polocek
Director of Engineering

Approved By:

William E. Dollar
City Manager

Attachment A



GLENBROOK FROM KINGSLEY TO CARROLL
 RIDGEDALE FROM KINGSLEY TO KENWOOD

Scale: 1"=400'
 File: GlenRidge
 Date: Oct., 2013
 Drawn: COG

SHEET
 1
 OF
 1

DEPARTMENT WASTEWATER COLLECTION	PROJECT TITLE COLLECTION MAINS	PROJECT NO(S) 32149	ACCOUNT NO(S) 237-4149-3214900
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PROJECT DESCRIPTION
 This project provides replacement of substandard sanitary sewer mains which have deteriorated beyond repair. This includes the installation or expansion of existing sewer collection mains. Costs include labor, materials, outside contractors, engineering design, and all other expenses associated with sanitary sewer main installation/replacement.

FUNDING SOURCE(S)	
Revenue Bonds Issued	\$ 5,667,768
TOTAL FUNDED	
	\$ 5,667,768
UNFUNDED	
	\$ 3,600,000
PROJECT TOTAL	
	\$ 9,267,768

IMPACT ON OPERATING BUDGET

Will Impact Annual Cost/(Savings):
 Will Not Impact Personnel Operations
 # of Positions Capital
 Total

IMPACT EXPLANATION
 This project will have a minor positive impact on the Operating Budget. Replacement of deteriorated sewer lines will reduce the number of repeat service calls to an affected area.

STRIP MAP

Various locations.

*PROJECT COSTS	Thru 12-2012	2013	2014	2015	2016	2017	2018 to Completion	Total
Design								
Land/Right-of-Way								
Construction	3,614	2,054	900	900	900	900		9,268
Landscaping								
Equip. & Furnish.								
Other								
TOTAL COSTS	3,614	2,054	900	900	900	900		9,268

*SOURCE OF FUNDS	Thru 12-2012	2013	2014	2015	2016	2017	2018 to Completion	Total
Current Funds								
GO's/Com Paper Issued								
GO's Unissued								
RB's/Com Paper	5,668							5,668
Certificates of Obligation								
Other								
Unfunded			900	900	900	900		3,600
TOTAL SOURCES	5,668		900	900	900	900		9,268

PROJECT SCHEDULE	START	FINISH
Design		
Land/Right-of-Way		
Construction		
Finish Out		
Other		
TOTAL SCHEDULE	(Ongoing)	Project)

ENGINEERING SERVICES CONTRACT

This Engineering Services Contract ("Contract") is made and entered by and between the City of Garland, Texas (the "City") and Civil Associates, Inc. (the "Engineer")

Section 1. Scope of Project:

Prepare a concept plan, survey, ROW documents, design drawings and construction services for paving, drainage, water, and sewer utility improvements to S. Glenbrook Drive between Kingsley Road and Carroll Drive, and Ridgedale Drive between Kingsley Road and Woodbury Drive. The proposed Glenbrook Drive paving improvements will provide a 37' back-to-back concrete curb and gutter typical section with sidewalks on both sides. A minimum 60' ROW is required along with visibility corner clips for Glenbrook Drive. The proposed Ridgedale Drive paving improvements will provide a 27' back-to-back concrete curb and gutter typical section with sidewalks on both sides. A minimum 50' ROW is required along with visibility corner clips for Ridgedale Drive. The project will include replacing pavement, sidewalks, and ADA ramps. Utility improvements include replacing the existing 6" and 8" sewer in Duck Creek with new 8" sewer in Glenbrook and Ridgedale Drives along with relocating/replacing all services and manholes. The 12" water in Glenbrook and the 6" water in Ridgedale will be replaced with new 12" and 8" line respectively, including services, meters, and all required fittings and appurtenances. Design will also include drainage analysis within the project limits to improve all existing storm sewer to meet current City drainage criteria. Design will also include required grading, SWPPP, vegetation restoration, markings, signage, conduit layout, construction phasing, horizontal control, ROW maps and all other necessary project elements required for this project as listed in the sheet list in Section 3 of the Design Phase.

Estimated Design Fee: **\$377,610.00.**

Section 2. Description of Services:

(A) Preliminary Phase:

For the Preliminary Phase of the Project, Engineer shall:

- (1) Arrange and attend preliminary conferences with interested parties regarding the project including, but not limited to, the various utility services of the City, including but not limited to Atmos Energy, ONCOR Electric, AT&T, Verizon, Garland Power and Light, North Texas Municipal Water District, Time Warner, and GSD as necessary to complete the preliminary design.
- (2) Review previously prepared construction plans, land records, or other pertinent documents on file in the Engineering Department of the City and other appropriate agencies.
- (3) Prepare a project layout sheet showing preliminary alignment, general utility and drainage structure locations, property lines and owners and submit in City approved micro station format as well as a hard copy.
- (4) Prepare a preliminary engineering report for the project in sufficient detail to indicate generally the problems involved and alternate solutions available to the City. The report shall include, but not be limited to, the items contained in the Project Checklist included in Appendix "A" of this contract. A copy of the

completed Project Checklist must be included in the preliminary engineering report. The report shall contain schematic layouts, sketches, or conceptual design criteria with appropriate exhibits, all in sufficient detail to indicate clearly the considerations involved including, but not limited to, construction cost, existing and proposed rights-of-way or easements, constructability, significant stands of trees or other natural features, floodplain locations, city and franchise utility locations, investigation and analysis of all federal and state permits, and maintenance of traffic flow or other City services during construction. The report shall also include opinions of probable costs for the project and the recommendations of the Engineer. Include in the preliminary engineering report, a preliminary drainage area map showing drainage areas, run-off coefficients in accordance with the type of City zoning, major points of concentration, size of area in acres, and the calculated quantity of run-off at each point of concentration in cubic feet per second, calculated for the 100-year storm event.

- (5) Furnish the City two (2) copies of the preliminary data, including preliminary layouts and cost estimates.
- (6) Recommend the City in determining a final alternative for the design phase. Following the submittal of the preliminary engineering report, a plan review conference will be held to discuss and review the report. The Engineer will make necessary corrections and revisions resulting from the plan review conference and submit two (2) sets of Preliminary Plans to the City for review for substantial completion.

(B) Surveying Phase for Design and Construction:

In preparing and executing surveys for the design and construction of the project, the Engineer shall:

- (1) Establish permanent monumentation for horizontal and vertical project control. The project shall be tied to the North Central Zone (4202) Texas Coordinate System of 1983, (NAD83 96, EPOCH 2002.000), using City established control monuments. NAVD88 datum shall be utilized for vertical control using National Geodetic Survey/Continuously Operating Reference Station (NGS/CORS) monuments or City of Garland geodetic monuments as specified and directed by the City Surveyor. At the discretion of the City Surveyor, static GPS control may be approved.
 - A) Locate right-of-way lines and corners, property lines and corners, buildings, fence lines, trees 3 inches in diameter and larger, edges of pavements and all other visible surface features with respect to the project control baseline. Existing utility structures shall be located and referenced by utility name (e.g. ONCOR Electric, TXU Gas, Verizon, Etc.)
 - B) Vertical topographic information tying pavement, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other improvements as needed within the project areas for the design.
- (2) Research City, County, State, or other documents as necessary, and establish the location of existing boundary lines and easements for the project. Furnish copies of all real estates documents to the City.

- (3) In cooperation with the City and other franchise utilities, determine the locations and elevations of existing underground utilities. In particular, locations of major underground franchise facilities shall be shown in all profiles.
- (4) Incorporate aerial, topographic, and planimetric survey data provided by the City.

(C) Design Phase:

For the design phase of the project, Engineer shall:

- (1) Establish the scope of any soil foundation investigations or any special surveys and tests which, in the opinion of the Engineer, may be required for a proper design of the project and arrange for such work to be done, after approval by the City, at the City's expense.
- (2) Furnish to the City the engineering data necessary for applications for routine permits by local, state, and federal authorities (as distinguished from detailed applications and supporting documents for government grant-in-aid or for planning advances).
- (3) Prepare detailed specifications and contract drawings for the project. This may include, but shall not be limited to, separate sheets for the following:

Title Sheet with Index and Project Location

Project Layout

R.O.W. Map indicating all existing and proposed R.O.W. & prepare a right-of-way deed map showing the existing right-of-way, lot numbers, subdivision names, volume and page of recorded instruments, street names, and existing proposed rights-of-way and easements easements for the project.

Typical Sections

Prepare Control/Geometric Layout indicating monuments found and set, the relationship of the project baseline or centerline to the monuments, and the benchmarks used and/or set.

Demolition Plan

Bid Item Quantities listed by sheet number and project total

Earthwork Summary

Roadway Plan & Profile

Intersection Layouts

Construction Sequencing and Traffic Control (Utilities)

Construction Sequencing and Traffic Control (Paving)

Final Pavement Markings

Street Light Bases & Conduit

Traffic Signalization & Conduit (Underground & Overhead)

Storm Water Pollution Prevention or Erosion Control Plans

Water Line Plan; and Profile (12" or larger)

Sanitary Sewer Plan and Profile

Drainage Area Map

Run-off Computations

Inlet and Storm Sewer Computations

Storm Sewer Plan & Profile

Culvert Layouts (Plan & Profile)
Storm Lateral Profiles
Drainage Details
Technical Specifications and/or Special Provisions for the project
Retaining Wall Layouts & Details
Roadway Cross-Sections at 50 foot intervals and the centerline of driveways.
Channel Cross-Sections
Horizontal and vertical utility locations
All Construction Details

All contract drawings shall be submitted on 22" x 34" ('D' size) film mylar sepias and in City approved Microstation or AutoCAD format. Prior to the start of design, the City should approve the format. The Engineer shall correlate pay items on drawings with City of Garland Standard pay items in the contract proposal.

- (4) During development of specifications the Engineer shall place primary reliance on the Standard Specifications for Public Works Construction - North Central Texas - issued by the North Central Texas Council of Governments, and the City's "Public Works Design Guidelines". During development of contract drawings, the Engineer shall place primary reliance on City approved standard drawings and bid items, (copies of which are available at the Engineering Department, the Texas Manual on Uniform Traffic Control Devices, and the Storm Water Quality Best Management Practices for Construction Activities as supplied by the North Central Texas Council of Governments). The Engineer shall develop the specifications and contract drawings in accordance with all Federal, State, or City specifications or regulations.
- (5) A Registered Professional Land Surveyor (RPLS) must prepare, seal and sign the project Right-Of-Way Map(s) with a certification stating that the survey conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying. All monuments located within the project corridor during the course of the survey must be illustrated on the right-of-way map with a project station and offset or coordinates that relate to the project control, whether or not such monuments are used for analysis and/or construction of the project Right-Of-Way. All monuments placed or perpetuating found objects must be reported to the minimum technical standards of the Texas Board of Professional Land Surveying ("TBPLS").
- (6) Prepare all necessary property descriptions and 8 1/2 X 11-inch exhibits for needed additional right-of-way and easements. All descriptions and exhibits must conform to the minimum technical standards of the TBPLS and the requirements of the City Surveyor. Right-of-way and easements shall be delineated on and cross-referenced to the appropriate plans and profile sheets. The plan and profile sheets shall clearly indicate all private property that is in conflict with the proposed construction. Two (2) copies of each document sealed by a Texas Registered Professional Land Surveyor shall be submitted. For this project, the number of right-of-way or easement parcels to be compensated for under Basic Services, Section 5(A), shall not exceed 10 (ten). Parcel descriptions beyond this number will be compensated at a rate of \$850 per parcel.
- (7) Submit four (4) sets of preliminary plans to the City.

- (8) Prepare and include in plans detailed construction signing and barricade plans for traffic control and safety (if needed). Primary reliance shall be placed in the Texas Manual for Uniform Traffic Control Devices. Provisions for construction phasing shall be included.
- (9) Prepare and include Storm Water Pollution Prevention Plan (SWPPP) in accordance with the "Storm Water Quality Best Management Practices for Construction Activities" Manual as distributed by the North Central Texas Council of Governments.
- (10) Include appropriate provisions for trench safety as determined by a soil investigation report prepared by separate geotechnical engineers.
- (11) Revise and resubmit copies as needed upon review and comment by the City
- (12) Prepare a detailed Opinion of Probable Cost.
- (13) Prepare and furnish to the City a mylar copy and five (5) prints of approved plans, specifications and proposal forms using City-approved documents.
- (14) Attend Pre-Bid and Pre-Construction Conferences and assist the owner as needed to interpret, clarify, or expand the bid documents. Issue addenda as needed.
- (15) Provide computer disks of the completed project files in approved Microstation format to the City.
- (16) *Submit all necessary documentation for review/approval required by any federal and/or state agency and obtain any permits that may be required. Federal and state agencies may include but not be limited to Texas Department of Licensing and Regulation, Texas Department of Transportation, Federal Emergency Management Agency, Texas State Historical Society, Environmental Protection Agency, Texas Commission for Environmental Quality, etc...Obtain approval under any federal or state general permits that may apply.*
- (17) Right-of-Way strip map is subject to review by the City Surveyor.

(D) Construction Phase:

For the construction phase of the project, Engineer shall:

- (1) Provide a complete set of conformed plans and specifications including any addenda and modifications prior to the Pre-Construction meeting.
- (2) Provide complete horizontal and vertical control, which, in the opinion of the City, is adequate for the eventual contractor to re-establish the horizontal and vertical control network for the project.
- (3) Provide limited construction phase engineering assistance. When requested by the City, the Engineer will visit the site and consult with the City and the contractor to resolve unusual or unexpected construction problems. The Engineer shall conduct a final project inspection with the City and prepare recommendations concerning items that the Engineer observes during the final inspection that require

additional work or adjustment. Provide written responses to request for information or clarifications.

- (4) Review the contractor's shop drawings and related submittals with respect to the applicability of the detailed work, when complete, to be a properly functioning integral element of the project designed by the Engineer.
- (5) *After final acceptance of construction by the City, and at the discretion of the City, the Engineer shall require an RPLS:*
 - (a) *Establish "permanent" survey monumentation for control throughout the project*
 - (b) *Establish right-of-way corridor permanent monumentation at all control points, points of intersection or deflection, points of curvature, points of tangency and intersecting street/block corners.*

1. Definitions:

1. *"Permanent" survey monumentation is described as a 3-1/4" aluminum domed top disc for 5/8" rebar (Berntsen #RBD5325) set in concrete per City specifications.*
 2. *Control monumentation shall bear the inscription "CONTROL".*
 3. *Right-of-Way monumentation shall bear the inscription "RIGHT-OF-WAY".*
- (6) Prepare Record Drawings based upon mark-ups and information provided by the City Inspector. Submit the Record Drawings with the as-built changes noted and the date and signature of the Engineer in PDF format to the City Inspector. The page size shall be 22" x 34" with a minimum resolution of 300 dpi. The PDF's must be free from objectionable background, rotated properly and stored in a separate folder on the CD/DVD. The submittal shall also include the record drawings in a Microstation or AutoCAD format.

Section 3. Time of Completion.

The prompt completion of this project is critical to the progress of the City of Garland Capital Improvements Program. Unnecessary delays to the project shall be grounds for dismissal of the Engineer and termination of this Contract without any or further liability to the City other than a prorated payment for necessary, timely and conforming work done on the project prior to the time of termination. Engineer proposes to complete the Preliminary Phase, Surveying and Design Phases for the entire project within 180 calendar days, exclusive of City review time. Exhibit "A" is a Bar Graph Schedule showing a breakdown of the major tasks and associated time frames for completion. Upon receiving the notice to proceed, the engineer will submit a new Bar Graph Schedule and submittal dates shown. Upon request by the City, the engineer will prepare a revised schedule.

Section 4. Professional Liability Insurance.

Prior to the commencement of the design phase under this Contract, Engineer shall obtain professional liability insurance coverage in an amount of at least \$1,000,000.00 aggregate per year. Engineer shall maintain such coverage during all phases of engineering services under this Contract and for one (1) year after substantial completion of the project. The

City shall be supplied with a certificate of such coverage, which shall provide for a thirty-(30) day notice to the City, by certified or registered mail, of cancellation, non-renewal, or material alteration.

Section 5. Compensation.

(A) Basic Services:

The Engineer's percentage rate for computation of compensation for the Preliminary Phase, the Surveying Phase, the Design Phase, and the Construction Phase will be based on the negotiated Base Fee between the City and the Engineer as depicted below.

At the date of execution of this contract, the estimated design fees are as follows:

<u>Basic Engineering and Surveying Services</u>	
Preliminary Phase:	\$49,404.00
Survey for Design and Construction:	\$22,170.00
Survey – topographic for service lines:	\$17,300.00
Design Phase:	\$227,820.00
Construction Phase:	\$8,106.00
Basic Engineering and Surveying Services Fee:	\$324,800.00
<u>Special Services</u>	
Geotechnical Investigation (borings and report):	\$8,500.00
Survey – Reset ROW Monumentation:	\$3,110.00
Concrete Survey Control Monuments (8 @ \$400 ea):	\$3,200.00
Prepare Easement Documents (10 @ \$850 ea):	\$8,500.00
Special Services Fee (Estimated):	\$23,310.00
<u>Unforeseen Items</u>	
Survey Contingency, including SUE locates if required:	\$1,000.00
Traffic Control for Geotechnical Work, if required:	\$3,500.00
Design Contingency:	\$25,000.00
Unforeseen Items (Estimated):	\$29,500.00
Total Estimated Fee:	<u>\$377,610.00</u>

The fee amount identified as Unforeseen Items shall be used at the discretion of the City to pay the Engineer for unforeseen Special Services (Section 5(B)) or Additional Work (Section 6(B)) necessary for the proper design of the construction documents in accordance with the intent of this contract. No portion of this item shall be paid to the Engineer, nor shall the Engineer perform extra work, without written authorization from the City. The City shall retain all Unforeseen Items funds not authorized during the design of the project.

Compensation shall be paid as follows:

1. Upon acceptance of Preliminary and Surveying Phases, 35% of the total compensation, less unforeseen item cost.

2. Upon acceptance of Preliminary Plans, 50% of total compensation, less unforeseen item cost. (Cumulative compensation equal to 85%).
3. Upon acceptance of Final Plans, 10% of total compensation, less unforeseen item cost. (Cumulative compensation equal to 95%).
4. The City shall retain the final 5% of total compensation, less unforeseen item cost, until completion of the final inspection of the Construction Phase of this contract *and "permanent" monumentation has been established* as described in Section (2(D)4) of this contract.

The Engineer may submit monthly, or less frequent, requests for payment based on the estimated completion of the described tasks and approved work schedule. This fee covers all typical cost associated with the project administration, design & development, including, but not limited to, mileage, copies, phone, labor, overhead, maintenance, printing, copying, and all other incidental costs. The Engineer must submit their request for payment using the City's forms as shown in Appendix "B" of this contract, or in a format approved by the City.

(B) Special Services:

The Engineer's compensation for "special services" shall be based on the "Engineer's Established Hourly Rates" a copy of which is attached hereto as Exhibit "B". Statements for special services may only be submitted on a monthly basis. The Engineer shall advise the City in advance when the Engineer contends that a particular service falls into the "special services" category. No service shall be compensated as a special service unless and until approved by the City. As used in this Contract, the term "special services" means:

1. Additional land surveys to establish project boundaries that require the surveyor to access properties beyond those adjacent to the project.
2. Preparation of any special reports required for marketing of bonds.
3. Appearances before regulatory agencies other than the City.
4. Assistance to the City as an expert witness in any litigation with third parties arising from the development or construction of the Project.
5. Special investigations involving detailed consideration of operation, maintenance and overhead expenses; preparation of rate schedules; earnings and expense statements; special feasibility studies, appraisals, valuations, and material audits or inventories required for certification of force account construction performed by the Owner.
6. Soil and foundation investigations, including field and laboratory tests, borings, related engineering analyses, and recommendations.
7. Detailed mill, shop and laboratory inspection of materials or equipment.
8. Preparation of estimates and Engineer's rolls necessary for assessments.

9. Additional copies of reports and specifications (over agreed number) and additional blueprint copies of drawings (over agreed number).
10. Preparation of applications and supporting documents for government grants or planning advances for public works projects.
11. Preparation of environmental statements and assistance to the City in preparing for and attending public hearings.
12. As a result of the creation of new right-of-way, the surveyor shall establish and monument right-of-way geometry and new property corners for adjoining parcels upon completion of project. New monumentation shall conform to the minimum technical standards of the Texas Board of Professional Land Surveying, or as specified by the City. A Registered Professional Land Surveyor must certify the following on the face of the project "As-Built" Right-Of-Way Map:

A survey has been completed for the additional right-of-way shown on the accompanying map; and as of [insert completion date of survey here], all monuments found or placed defining the right-of-way geometry or right-of-way parcels have been field verified as to their existence and location as originally found or have been reset (if unstable/disturbed or destroyed) in accordance with the minimum technical standards of the Texas Board of Professional Land Surveying.

13. On projects where no new right-of-way is acquired, upon completion of the project the surveyor shall, verify existence of, or reset, found right-of-way monumentation and property corners for adjoining parcels. New monumentation shall conform to the minimum technical standards of the TBPLS and City specifications. A Registered Professional Land Surveyor must certify the following on the face of the project "As-Built" Right-Of-Way Map:

A retracement survey has been completed of the right-of-way shown on the accompanying map; and as of [insert completion date of survey here], all monuments found or placed defining the right-of-way geometry or existing adjoining parcels have been field verified as to their existence and location as originally found or have been reset (if unstable/disturbed or destroyed) in accordance with the minimum technical standards of the Texas Board of Professional Land Surveying.

14. Acquisition of individual federal or state permits that may be required. (Note: This does not apply to federal or state general permits.)
15. Easements or parcel descriptions in addition to those specified in Section 2(C)(6).

(C) Records of Expenses:

Engineer shall maintain reasonably detailed records of all work done on behalf of the City under this Contract and of all expenses incurred for which Engineer seeks payment or reimbursement and shall promptly provides such records to the City upon request.

Section 6. Changes to the Project and Additional Compensation.

(A) Changes to Work:

The Engineer shall make such revisions in the work included in this Contract, which has been completed as are necessary to correct any errors when required to do so by the City. No additional compensation shall be paid for such work. If the City finds it necessary to request changes to previously satisfactorily completed work or parts thereof, the Engineer shall make such revisions if requested and as directed by the City and such services will be considered as additional work and paid for as specified under following paragraph.

(B) Additional Work:

Work not within the description of the "Scope of Services" to be provided by the Engineer under this Contract and not otherwise constituting special services must be approved by supplemental agreement to this Contract by the City before the Engineer undertakes it. If the Engineer is of the opinion that any work is beyond the scope of this Contract and constitutes additional work, the Engineer shall promptly notify the City of that opinion, in writing. In the event the City finds that such work does constitute additional work, then the City shall so advise the Engineer, in writing, and shall provide extra compensation to the Engineer for the additional work on the same basis as covered under "Compensation" and as provided under a supplemental agreement. The fixed fee shall be adjusted if additional work is approved by supplemental agreement and performed by the Engineer.

Section 7. Miscellaneous Provisions.

(A) Subletting:

The Engineer shall not sublet or transfer any portion of the work under this Contract unless specifically approved in writing by the City. Subcontractors shall comply with all provisions of this Contract. The approval or acquiescence of the City in the subletting of any work under this Contract shall not relieve the Engineer of any responsibility for work done under this Contract.

(B) Ownership of Documents:

Upon completion or termination of this Contract and payment in full of monies due to the Engineer, all documents prepared by the Engineer or furnished to the Engineer by the City shall be delivered to and become the property of the City. All sketches, charts, calculations, plans, specifications and other data prepared under this Contract shall be made available, upon request, to the City without restriction or limitation on the further use of such materials. The Engineer may, at the expense of the Engineer, have copies made of the documents or any other data furnished to the City under this Contract. Any reuse or modification of the documents or any data, sketches, charts, calculations, plans or specifications furnished by the Engineer would be the sole responsibility of the City.

(C) Engineer's Seal; Warranty:

The Engineer shall place the Texas Professional Engineer's seal of endorsement of the principal engineer on all documents and engineering data furnished by the Engineer to the City. Engineer warrants that all work and services provided under this Contract will be performed in a good and workmanlike fashion and shall conform to the accepted standards and practices of the engineering profession.

(D) Compliance with Laws:

The Engineer shall comply with all Federal, State and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies in any matter affecting the performance of this Contract, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Engineer shall furnish the City with satisfactory proof of compliance.

(E) Status of Engineer:

Engineer acknowledges that Engineer is an independent contractor of the City and that Engineer is not an employee, agent, official or representative of the City. Engineer shall not represent, either expressly or through implication, that Engineer is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Engineer.

(F) Non-Collusion:

Engineer represents and warrants that Engineer has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work to be provided to the City under this Contract. Engineer further agrees that Engineer shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City under this Contract) for any of the services performed by Engineer under or related to this Contract. If any such gift, bonus, commission, money, or other consideration is received by or offered to Engineer, Engineer shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Engineer under this Contract.

(G) Right To Audit:

The City shall have the right to examine and audit the books and records of the Contractor at any reasonable time. Such books and records will be maintained in accordance with generally accepted principles of accounting and will be adequate to enable determination of: 1) the substantiation and accuracy of any payment required to be made under this agreement, and 2) compliance with the provisions of this agreement.

Section 8. Termination of Contract. This Contract may be terminated:

1. By mutual agreement and consent of both Engineer and City.
2. By the City, immediately upon notice in writing to the Engineer, as consequence of the failure of Engineer to perform the services contemplated by this Contract in a timely or satisfactory manner and within the limits provided, with proper allowances being made for circumstances beyond the control of the Engineer.

3. By either party, upon the failure of the other party to fulfill its obligations as set forth in the "Scope of Services".
4. By the City, for reasons of its own and not subject to the mutual consent of the Engineer, upon not less than thirty- (30) days written notice to the Engineer.
5. By satisfactory completion of all services and obligations described herein.

Should the City terminate this Contract, the Engineer shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination. In determining the value of the work performed by the Engineer prior to termination, the City shall be the sole judge. Payment for work at termination will be based on work satisfactorily completed at the time of termination.

If the Engineer defaults in performance of this Contract or if the City terminates this Contract for fault on the part of the Engineer, the City will give consideration to the actual costs incurred by the Engineer in performing work to date of default, the value of the work which is usable to the City, the cost to the City of employing another engineer to complete the work required and the time required to do so, and other factors which affect the value to the City of the work performed at time of default.

If the termination of this Contract is due to the failure of the Engineer to fulfill a contract obligation, the City may take over the project and prosecute the work to completion by contract or otherwise. In such case, the Engineer shall be liable to the City for any additional cost incurred by the City in completing such work.

Section 9. Indemnification

Engineer agrees to indemnify and hold harmless the City of Garland, Texas and all of its present, future, and former agents, employees, officials and representatives in their official, individual and representative capacities from and against any and all claims, demands, causes of action, judgments, liens and expenses (including attorney's fees, whether contractual or statutory), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, due to or arising from injuries to persons (including death) or to property (both real and personal) created by, arising from, or in any manner relating to the services or goods performed or provided by Engineer to the fullest extent BUT ONLY TO THE EXTENT allowed under Sec. 271.904(a) of the Texas Government Code.

Section 10. Notices

Any notice required or desired to be given from one party to the other party to this Contract shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

Section 11. No Assignment

Neither party shall have the right to assign that party's interest in this Contract without the prior written consent of the other party.

Section 12. Severability

If any term or provision of this Contract is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Contract shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Contract a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 13. Waiver

Either City or the Engineer shall have the right to waive any requirement contained in this Contract which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Contract shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 14. Governing Law; Venue

This Contract and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Contract are performable in Dallas County, Texas such that exclusive venue for any action arising out of this Contract shall be in Dallas County, Texas.

Section 15. Paragraph Headings; Construction

The paragraph headings contained in this Contract are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Contract and this Contract shall not be construed either more or less strongly against or for either party.

Section 16. Binding Effect

Except as limited herein, the terms and provisions of this Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 17. Gender

Within this Contract, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Section 18. Counterparts

This Contract may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 19. Exhibits

All exhibits to this Contract are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 20. Entire Agreement

It is understood and agreed that this Contract contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Contract exist. This Contract cannot be changed or terminated orally.

Section 21. Relationship of Parties

Nothing contained in this Contract shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Contract nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Contract.

Section 22. Dispute Resolution.

Pursuant to subchapter I, Chapter 271, TEXAS LOCAL GOVERNMENT CODE, Contractor agrees that, prior to instituting any lawsuit or other proceeding arising from any dispute or claim of breach under this Agreement (a "Claim"), the parties will first attempt to resolve the Claim by taking the following steps: (i) A written notice substantially describing the factual and legal basis of the Claim shall be delivered by the Contractor to the City within one-hundred eighty (180) days after the date of the event giving rise to the Claim, which notice shall request a written response to be delivered to the Contractor not less than fourteen (14) business days after receipt of the notice of Claim; (ii) If the response does not reasonably resolve the Claim, in the opinion of the Contractor, the Contractor shall give notice to that effect to the City whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the Claim; (iii) If those persons cannot or do not resolve the Claim, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the Claim.

EXECUTED on the dates indicated below but deemed to be effective as of the _____ day of _____, 2013.

CITY:

By: _____
Name: William E. DOLLAR
Title: CITY MANAGER
Date: _____

ENGINEER:

By: 
Name: Naser Abusaad
Title: Vice President
Date: October 21, 2013

ADDRESS FOR NOTICE:

CITY:

City of Garland
Engineering Department
P.O. Box 469002
Garland, Texas 75046-9002
(972) 205-2170

ENGINEER:

Naser Abusaad, PE, AICP
Civil Associates, Inc.
9330 LBJ Frwy., Suite 1150
Dallas, Texas 75243
214-716-4558 direct phone

APPENDIX "A"

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

ENGINEERING DEPARTMENT

TxDOT Requirements

Environmental Assessment or Categorical Exclusion

Comments: _____

Noise Walls

Comments: _____

Driveway Permit

Comments: _____

Utility Permit

Comments: _____

Corps of Engineers

Nationwide Permit

Comments: _____

Individual Permit

Comments: _____

Letter of Permission

Comments: _____

Existing Utility Facilities (known)

Water

Comments: _____

Sanitary Sewer

Comments: _____

APPENDIX "B"

EXHIBIT A - Proposed Project Schedule

CAI acknowledges the importance to the City of the project schedule and agrees to put forth its professional efforts to perform its services under this Agreement in a manner consistent with that schedule. The City understands, however, that CAI's performance must be governed by sound professional practices.

Barring any unforeseen circumstances beyond the control of CAI, we would anticipate completion and delivery of the services previously described in accordance with the following schedule:

Below schedule does not include City review tasks.

Tasks	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
Notice to Proceed	▲											
BASIC SERVICES												
A. Preliminary Phase (lump sum)												
B. Surveying Phase for Design and Construction (lump sum)												
Surveying - topographic for service lines (cost plus)												
C. Design Phase (lump sum)												
Geotechnical - borings and report (lump sum)												
D. Construction Phase (lump sum)												
Surveying - reset ROW monumentation (cost plus)												

EXHIBIT B - Rate Schedules

CIVIL ASSOCIATES, INC. RATE SCHEDULE

2013/14

Labor Classification	Billing Rate per Hour
Principal	\$242.00
Project Manager	\$196.00
Sr. Engineer	\$217.25
Proj. Engineer	\$144.00
Design Engineer	\$134.50
Engineering Assoc. / E.I.T.	\$121.50
Sr. Engineer Tech. / Sr. CADD Tech.	\$139.00
Design Tech.	\$93.00
CADD Tech. / GIS Tech.	\$72.00
Sr. Env. Scientist / Sr. Planner	\$215.50
Env. Scientist / Planner	\$136.00
Jr. Env. Specialist / Jr. Planner	\$106.50
Admin. / Clerical	\$77.00

Effective Date:

This billing rate schedule shall remain effective until August 31, 2014 at which time it may be revised by CAI to reflect the firm's revised cost in personnel.

GRANTHAM ASSOCIATES RATE SCHEDULE

CITY OF GARLAND PROJECTS

2013/2014

Personnel:

Billing rates per hour for various personnel classifications are provided below:

Principal	\$210.00
Operations Manager	\$170.00
Senior Engineer	\$130.00
Project Engineer	\$115.00
Engineering-in-Training	\$100.00
Registered Professional Land Surveyor	\$120.00
Senior Design Technician	\$110.00
CADD/Survey Technician	\$70.00
Office Administrator	\$90.00
Clerical	\$55.00
Survey Crew (One Man)	\$115.00
Survey Crew (Two Man)	\$145.00

Effective Date:

This billing rate schedule shall remain effective until January 1, 2015 at which time it may be revised by G&A to reflect the firm's increased cost in personnel.

EXHIBIT B - Rate Schedules

TERRACON RATE SCHEDULE

2013

Field Services

Truck Mounted Mobilization, local	\$300.00
Truck Mounted Mobilization, mile, round trip	\$3.75
Mobilization of Support Truck, mile	\$1.40
Mobilization of Concrete Coring Equipment	\$100.00
Buggy/ATV Mounted Mobilization, local	\$475.00
Buggy/ATV Mounted Mobilization, mile, round trip	\$5.00
Per Diem, man day	\$135.00
Drill Crew Travel, mile, round trip	\$2.50
Truck Mounted Soil Borings, ft. (0-25)	\$12.00
Truck Mounted Soil Borings, ft. (25-50)	\$13.50
Truck Mounted Soil Borings, ft. (50-75)	\$17.00
Truck Mounted Soil Borings, ft. (75-100)	\$21.50
Rock Borings w/TxDOT Cone, ft. (0-25)	\$15.00
Rock Borings w/TxDOT Cone, ft. (25-50)	\$16.60
Rock Borings w/TxDOT Cone, ft.(50-75)	\$20.00
Rock Borings w/TxDOT Cone, ft.(75-100)	\$24.50
Continuous Soil Sampling, ft. (10-25)	\$17.50
Moisture Check Injection Test Borings, ft.	\$15.00
Continuous Coring Set-up Fee, per boring.	\$90.00
Continuous Coring with Carbide Bit, ft.	\$26.00
Continuous Coring with Diamond Bit, ft.	\$30.00
Backfill with Bentonite Chips, ft.	\$7.00
TxDOT Cone Penetrometer Tests, ea.	\$35.00
Auger Boring, ft.	\$9.50
Minimum Drill Fee	\$700.00
Stand-By/Clean-Up, hr.	\$200.00
Portable Borings, ft. (0-15)	\$45.00
Portable Borings, ft. (15-30)	\$55.00
Slab Cores, less than 8" thick.	\$65.00
Slab Cores, 8" - 12" thick	\$90.00
Slab Core Patches, ea.	\$40.00

EXHIBIT B - Rate Schedules

Laboratory Testing

Liquid and Plastic Limits, ea.	\$50.00
Moisture/Density, ea.	\$17.50
Moisture Content, ea.	\$5.00
Absorption Swell, ea.	\$75.00
Sieve Analysis, ea.	\$50.00
Minus 200 sieve, ea.	\$27.50
Unconfined Compression, soil, ea.	\$40.00
Unconfined Compression, rock, ea.	\$45.00
Triaxial Compression with Pore Pressure Measurement	\$675.00
Consolidated Drained Direct Shear, ea point	\$350.00
Consolidation, ea.	\$500.00
Hydrometer Analysis, ea	\$150.00
Proctor Moisture/Density, ea	\$175.00
California Bearing Ratio (CBR), ea point	\$275.00
Soil-lime Curve, 5 Point PI or PH vs. Lime Content,	\$275.00
Soluble Sulfate, ea	\$60.00
Chloride, ea	\$60.00
pH, ea	\$15.00
Specific Gravity, ea	\$80.00
Laboratory Electrical Resistivity	\$150.00

Personnel

Staff Engineer, hr.	\$105.00
Project Engineer, hr.	\$120.00
Senior Engineer, hr.	\$145.00
Senior Associate, hr.	\$170.00
Principal Engineer, hr.	\$185.00
Senior Engineering Technician, hr.	\$60.00
Drafter, hr.	\$60.00

Other

Travel, mile	\$0.65
Airfare and Car Rental	Cost + 15%



City Council Item Summary Sheet

Work Session

Date: November 19, 2013

Agenda Item

Annual Review of Investment Strategy and Investment Policy

Summary of Request/Problem

This item was considered by Council at the November 4, 2013 Work Session.

The Public Funds Investment Act, Council Policy FIN-05 and Council Policy FIN-06 require an annual review of the City's Statement of Investment Policy, Statement of Investment Strategy and approved broker list. No changes are recommended for Council Policy FIN-05, Statement of Investment Strategy. An addition is recommended to Council Policy FIN-06, Statement of Investment Policy Section E.

Proposed addition to Section E of Council Policy FIN-06, Statement of Investment Policy, reads as follows:

Obligations of states, agencies, cities, and other political subdivisions of any state rated not less than A or an equivalent by at least two nationally recognized credit rating agencies.

The proposed addition, if approved by Council, will be numbered as Section E. 9 in Council Policy FIN-06, Statement of Investment Policy. The item currently numbered E. 9 will be numbered E.10.

Recommendation/Action Requested and Justification

It is recommended that Council approve a resolution indicating their review of Council Policy FIN-05, Statement of Investment Strategy, and Council Policy FIN-06, Statement of Investment Policy, with the recommended addition.

Submitted By:

David Schuler
Managing Director of Financial Services

Approved By:

William E. Dollar
City Manager

RESOLUTION NO.

A RESOLUTION APPROVING THE INVESTMENT POLICY AND INVESTMENT STRATEGY, AS AMENDED, OF THE CITY OF GARLAND, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Public Funds Investment Act (Chapter 2256, TEX. GOVT. CODE)(the "PFIA"), requires the City to adopt a written investment policy and, as part of the investment policy, to adopt a separate investment strategy for each of the funds or groups of funds under its control; and

WHEREAS, the PFIA requires the City to review and adopt its investment policy and investment strategy not less than annually; and

WHEREAS, the City Council has conducted its annual review of the investment policy and investment strategy and desires to adopt Council Policy FIN-06 (investment policy) and Council Policy FIN-05 (investment strategy) as attached hereto, which reflect certain updates and changes made to the investment policy and investment strategy.

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

Section 1

That the Garland City Council hereby adopts Council Policy FIN-05 and Council Policy FIN-06, in the form and substance as attached hereto and incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the _____ day of _____, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

RESOLUTION NO. 10076

A RESOLUTION APPROVING THE INVESTMENT POLICY AND INVESTMENT STRATEGY OF THE CITY OF GARLAND; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Public Funds Investment Act (Chapter 2256, Tx. Govt. Code) ("PFIA"), requires the City to adopt a written investment policy and, as part of the investment policy, to adopt a separate investment strategy for each of the funds or groups of funds under its control; and

WHEREAS, PFIA requires the City to review and adopt its investment policy and investment strategy not less than annually; and

WHEREAS, the City Council has conducted its annual review of the investment policy and investment strategy and desires to adopt Council Policy FIN-06 (investment policy) and Council Policy FIN-05 (investment strategy) as attached hereto, which shall reflect any changes made to the investment policy and investment strategy.

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

Section 1

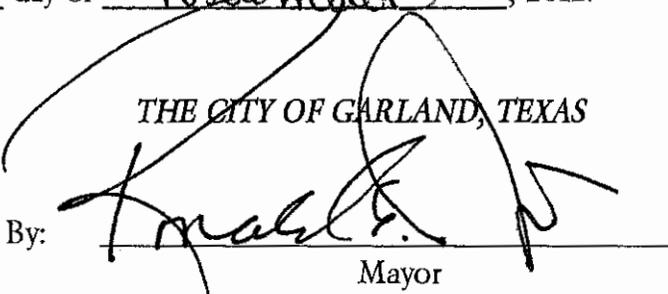
That the Garland City Council hereby adopts Council Policy FIN-05 and Council Policy FIN-06, in the form and substance as attached hereto and incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the 6th day of November, 2012.

THE CITY OF GARLAND, TEXAS

By: 

Mayor

ATTEST:



City Secretary



CITY COUNCIL POLICY

POLICY NO.:	FIN-06
Date of Adoption:	11/17/87
Date of Revision:	11/06/2012

Title:	Statement of Investment Policy	Page 1 of 11
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I. Purpose and Need for Policy

Chapter 2256 of Title 10 of the Local Government Code ("Public Funds Investment Act") requires each city to adopt rules governing its investment practices and to define the authority of the investment officer. The following Investment Policy addresses the methods, procedures and practices which must be exercised to ensure effective and judicious fiscal management of City of Garland funds.

II. Policy

The Investment Policy applies to the investment and management of all funds under direct authority of the City of Garland. These funds include all governmental, proprietary, and trust and agency funds which are accounted for in the City's Comprehensive Annual Financial Report. The Employees Deferred Compensation Agency Fund is excluded from coverage under this Policy.

III. Procedure To Accomplish Policy

The Statement of Investment Policy will be accomplished through the following guidelines:

A. Objectives

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

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

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

3. Yield. The investment portfolio of the City shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the



CITY COUNCIL POLICY

POLICY NO.:

FIN-06

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11/17/87

Date of Revision:

11/06/2012

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portfolio. The Director of Financial Services will from time to time establish performance measures and goals for the portfolio rates of return. Efforts to seek returns higher than the established goals must be consistent with risk limitations identified in this policy and prudent investment principles.

B. Investment Authority

Management responsibility for the investment program has been assigned to the Director of Financial Services by the City Council. Other individuals authorized as investment officials by the City Council are the Cash Manager and the Accounting Manager. Investment authority of all investment officers will be limited by conformance with all Federal regulations, State of Texas statutes and other legal requirements including the City Charter and City Ordinances, the Statement of Investment Policy and the Statement of Investment Strategy. The Director shall establish written procedures for the operation of the investment program, consistent with the Statement of Investment Policy. No person may engage in an investment transaction or the management of funds except as provided under the terms of the Statement of Investment Policy, the Statement of Investment Strategy and the procedures established by the Director of Financial Services.

Each investment officer shall attend a training session not less than once in a two year period and receive not less than 10 hours of instruction relating to investment responsibilities. Training must be provided by an independent source approved by the City Council.

C. Internal Controls

The Director of Financial Services shall establish a system of internal controls which shall be documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by investment officials. Controls deemed most important would include: control of collusion, separation of duties, separating transaction authority from accounting and recordkeeping, custodial safekeeping, avoidance of bearer-form securities, clear delegation of authority, specific limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized investment officials, and documentation of and rationale for transactions.



CITY COUNCIL POLICY

POLICY NO.:

FIN-06

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In conjunction with their annual independent audit, the auditor shall review the investment records for the end of each quarter. The independent auditor shall report the results of the review directly to the City Council.

D. Standard of Care

The standard of care to be used by investment officers shall be the "prudent person" rule which states, "Investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived."

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

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

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

E. Instruments

Investment instruments authorized for purchase by the City are limited to:

1. Direct obligations of the United States government with a stated final maturity of five years or less from the date of purchase.



CITY COUNCIL POLICY

POLICY NO.:	FIN-06
Date of Adoption:	11/17/87
Date of Revision:	11/06/2012

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2. Debentures or discount notes with a stated final maturity of five years or less from the date of purchase issued by, guaranteed by, or for which the credit of any of the following Federal Agencies and Instrumentalities is pledged for payment: Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), Student Loan Marketing Association (SLMA), and Federal Home Loan Mortgage Corporation (FHLMC).

3. Bonds or other interest bearing obligations having a stated final maturity of five years or less from the date of purchase of which the principal and interest are guaranteed by the full faith and credit of the United States government

4. Repurchase agreements collateralized with U.S. Treasury securities at a minimum market value of 102 percent of the dollar value of the transaction, with any accrued interest accumulated on the collateral included in the calculation. Eligible collateral will have a maximum maturity of ten years.

Repurchase Agreements will be entered into with primary government securities dealers who have executed a City approved Master Repurchase Agreement. Collateral shall be delivered to and held by the City's third party safekeeping agent.

The term Repurchase agreement includes direct security repurchase agreements and reverse security repurchase agreements. A written master repurchase agreement shall be established between the City and the seller prior to purchase. The maximum term for direct security repurchase agreements and reverse security repurchase agreements will be 90 days or less. Funds received under the terms of a reverse security repurchase agreement may not be used to purchase any investment whose final maturity date exceeds the expiration of the reverse.

5. Certificates of Deposit issued by a depository institution that has its main office or branch office in Texas:

(a) And such Certificates of Deposit are:

1. Guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successors; or
2. Secured by obligations described in Section E, 1 and 2 above, and the collateral will be held by the City's third party custodian.

(b) Or such depository institution contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code (Public Funds Investment Act) as amended.



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11/17/87

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Certificates of Deposit brokered by an authorized broker/dealer that has its main office or a branch office in Texas who contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code (Public Funds Investment Act) as amended

6. SEC registered no-load money market mutual funds with a dollar-weighted average portfolio maturity of 90 days or less. Assets will consist exclusively of those securities listed in paragraphs 1, 2, 3, and 4 above. The investment objective of the fund is to maintain a stable \$1 net asset value. The maximum stated maturity of the fund will be 13 months.

7. State or local investment pools organized under the Interlocal Cooperation Act. The investment pool must be rated no lower than investment grade by at least one nationally recognized rating agency and have a dollar-weighted average portfolio maturity of 90 days or less. Assets will consist exclusively of those securities listed in paragraphs 1, 2, 3 and 4 above. The investment objective of the pool is to maintain a stable \$1 net asset value. All securities owned in the pool will have a stated remaining maturity of thirteen (13) months.

8. Commercial paper rated not less than A1 or P1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. The securities must have a stated maturity of 180 days or less from the date of purchase. No more than 2% of any one issuer may be held and no more than 25% of any fund or group of funds will be invested in commercial paper. Physical delivery securities are ineligible.

9. The credit rating of Investment instruments will be continuously monitored through daily market participation and through the monthly mark to market pricing of securities. The liquidation of an investment instrument will be considered if its credit rating falls below minimums stated in the Investment Policy.

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

F. Investment Strategies



CITY COUNCIL POLICY

POLICY NO.:	FIN-06
Date of Adoption:	11/17/87
Date of Revision:	11/06/2012

Title:	Statement of Investment Policy	Page 6 of 11
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As an integral part of the Statement of Investment Policy, the City shall adopt a separate written Statement of Investment Strategy (See FIN-05) for each fund or group of funds. Each investment strategy shall describe the investment objectives of each fund or group of funds according to the following order of importance:

1. suitability
2. preservation and safety of principal
3. liquidity
4. marketability of the investment before maturity
5. diversification
6. yield



CITY COUNCIL POLICY

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G. Safekeeping and Custody

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

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

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

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

H. Other Investment Guidelines

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

Each investment transaction must be based on competitive quotations from at least three securities dealers authorized to engage investment transactions with the City. Authorized investment officers shall access real-time electronic financial information to monitor the market price of acquired investments. The pricing information will be used to verify the accuracy of quoted prices for a potential purchase or sale to ensure that a fair market price is attained.

The City will comply with all federal, state and City of Garland regulations governing the investment of funds.

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



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POLICY NO.:

FIN-06

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11/17/87

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I. Diversification

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

1. Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.
2. To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements.
3. Risks of market price volatility shall be controlled through maturity diversification.
4. The placement of investment transactions and the gathering of market information shall be diversified among all authorized brokers.

J. Selection of Depository

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

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

Eligible securities as defined in Chapter 2257 and identified below shall be deposited with a third party custodian prior to the deposit of City funds. The City reserves the right to accept or reject any form of collateral, at its discretion. The pledged collateral must be maintained at all times during the term of the depository contract at required



CITY COUNCIL POLICY

POLICY NO.:

FIN-06

Date of Adoption:

11/17/87

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11/06/2012

Title: Statement of Investment Policy

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levels. In order to perfect the City's security interest in the pledged collateral under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), it is required that a collateral agreement between the City and the Depository be signed by both parties prior to the deposit of City funds. The collateral agreement must be approved by the Board of Directors or its Loan Committee, which approval shall be reflected in the minutes of said Board or Committee. The signed collateral agreement, Board resolution, and minutes certifying the approval of the collateral agreement must be presented to the City prior to the deposit of City funds.

The following securities are approved as collateral for City funds:

1. United States Treasury notes, bills or bonds or obligations fully and unconditionally guaranteed as to principal and interest by the full faith and credit of the United States,
2. Obligations of the Agencies and Instrumentalities of the United States, including, but not limited to: Federal Home Loan Bank, Federal Home Loan Mortgage Corporation and Federal National Mortgage Association,
3. Mortgage-Backed Securities issued by the United States and its Agencies and Instrumentalities, including but not limited to Government National Mortgage Association.

The use of a Federal Home Loan Bank issued Letter of Credit to meet the required collateral requirements may be proposed by the financial institution for consideration by the City.

K. Selection of Security Broker/Dealer

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

Before engaging in investment transactions with the City, a prospective securities broker/dealer must provide a written instrument certifying that the securities broker/dealer has received and has thoroughly reviewed the City's Statement of Investment Policy and has implemented reasonable procedures and controls in an effort to preclude conducting investment transactions that are not authorized by the City's Statement of Investment Policy, except to the extent that this authorization is dependent upon the portfolio over which the broker/dealer has no control or



CITY COUNCIL POLICY

POLICY NO.:

FIN-06

Date of Adoption:

11/17/87

Date of Revision:

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knowledge. A prospective securities broker/dealer must provide evidence of FINRA registration and State of Texas Securities Commission certification. Qualified broker/dealers authorized to engage in investment transactions with the City are required to regularly submit their most recent audited financial statements to the City.

The City Council will adopt and annually review the list of dealers authorized to engage in investment transactions with the City.

L. Management Reports

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

The report may comment on current investment approaches and other items significant to the investment program. The report shall be signed by the Director of Financial Services and the investment officer.

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

M. Ethics and Conflicts of Interest

Investment officers of the City shall refrain from personal and business activities involving any of the City's custodians, depositories, broker/dealers or investment



CITY COUNCIL POLICY

POLICY NO.:	FIN-06
Date of Adoption:	11/17/87
Date of Revision:	11/06/2012

Title:	Statement of Investment Policy	Page 11 of 11
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advisors which may influence the officers' ability to conduct his duties in an unbiased manner. Investment officers will not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the City's business for personal investment decisions, will in all respects subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchase and sales and will keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

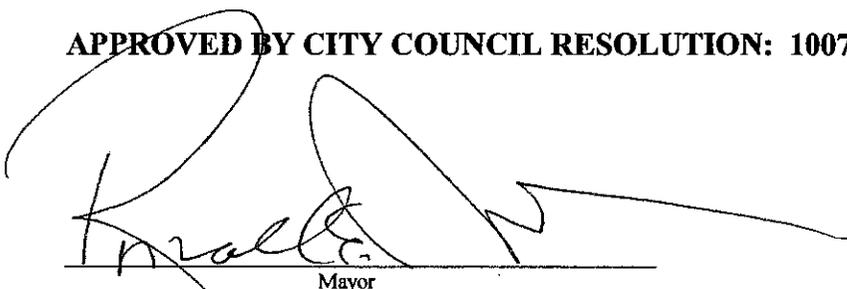
N. Responsibility and Authority

The Statement of Investment Policy and the Statement of Investment Strategy will be reviewed annually by the City Council. Upon completion of the review, the City Council will adopt a resolution stating that it has reviewed the Investment Policy and Investment Strategy. Periodic revisions to the Investment Policy and the Investment Strategy will be approved by resolution of the City Council.

Prepared by: David Schuler Managing
Director - Finance

Reviewed by: William E. Dollar

APPROVED BY CITY COUNCIL RESOLUTION: 10076



Mayor

Date: 11/06/2012



CITY COUNCIL POLICY

POLICY NO.: FIN-05

Date of Adoption: 2/17/98

Date Of Revision: 9/17/02

Title: **Statement of Investment Strategy**

Page 1 of 4

I. Purpose and Need for Policy

Chapter 2256 of Title 10 of the Local Government Code (Public Funds Investment Act) requires the City to adopt a separate written investment strategy for each of the funds or group of funds under its control. Effective investment strategy development coordinates the objectives of the Investment Policy and cash management procedures to reduce investment risk and enhance interest income. The following Investment Strategy describes the investment objectives for each fund or group of funds using the following priorities in order of importance:

1. Suitability,
2. Safety of principal,
3. Liquidity,
4. Marketability of the investment before maturity,
5. Diversification,
6. Yield.

II. Policy

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

1. Operating Funds,
2. Debt Service Funds,
3. Reserve Funds.

III. Procedure to Accomplish Policy

The Investment Strategy will be accomplished for each fund or fund group as follows:

A. Operating Funds

Investments for operating funds shall be scheduled to match anticipated cash flow projections with their stated final maturities.

City Council Policy	TITLE: Statement of Investment Strategy	Page: 2 of 4
	SUBJECT: Finance	NO. FIN-05

have a stated final maturity of three years or less from the date of purchase. Operating fund portfolios include the Treasury Portfolio.

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

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

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

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

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

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for operating funds shall be the one year rolling average yield for the one year Treasury Bill.

B. Debt Service Funds

Investments for Debt Service Funds shall mature on or before the next debt service date. Purchased securities will be highly liquid with very short term maturities because of the near term cash flow requirements. Debt Service Fund portfolios include the General Obligation Debt Service Fund and the Revenue Bond Debt Service Fund.

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

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

City Council Policy	TITLE: Statement of Investment Strategy	Page: 3 of 4
	SUBJECT: Finance	NO. FIN-05

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

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

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

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Debt Service Funds shall be the six month rolling average yield for the 180 day Treasury Bill.

C. Reserve Funds

Investments for Reserve Funds have as their primary objective the ability to generate a dependable revenue stream with a low degree of volatility. Purchased securities will be of high quality with short to intermediate term maturities. Reserve Fund portfolios include the Revenue Bond Reserve Fund and the Rate Mitigation Fund.

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

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

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

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

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

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Reserve Funds shall be the one year rolling average yield for the three year Treasury Note.

City Council Policy	TITLE: Statement of Investment Strategy	Page: 4 of 4
	SUBJECT: Finance	NO. FIN-05

The City Council shall review the Statement of Investment Strategy not less than annually. Changes to the Statement of Investment Strategy shall be approved by City Council resolution.

Written/ David Schuler,
Revised by: Managing Director-
Finance

Reviewed by: William E. Dollar,
City Manager

APPROVED BY CITY COUNCIL RESOLUTION NO. 10076:



Mayor

Date: 11/06/2012 (No revisions; only annual policy adoption as required. The content of the Policy remains unchanged from 09-17-2002)

	<h1>CITY COUNCIL POLICY</h1>	POLICY NO.:	FIN-06
		Date of Adoption:	11/17/87
		Date of Revision:	06/05/2012
Title:	Statement of Investment Policy	Page 1 of 11	

I. Purpose and Need for Policy

Chapter 2256 of Title 10 of the Local Government Code (“Public Funds Investment Act”) requires each city to adopt rules governing its investment practices and to define the authority of the investment officer. The following Investment Policy addresses the methods, procedures and practices which must be exercised to ensure effective and judicious fiscal management of City of Garland funds.

II. Policy

The Investment Policy applies to the investment and management of all funds under direct authority of the City of Garland. These funds include all governmental, proprietary, and trust and agency funds which are accounted for in the City’s Comprehensive Annual Financial Report. The Employees Deferred Compensation Agency Fund is excluded from coverage under this Policy.

III. Procedure To Accomplish Policy

The Statement of Investment Policy will be accomplished through the following guidelines:

A. Objectives

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

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

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

3. Yield. The investment portfolio of the City shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City’s investment risk constraints and the cash flow characteristics of the

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portfolio. The Director of Financial Services will from time to time establish performance measures and goals for the portfolio rates of return. Efforts to seek returns higher than the established goals must be consistent with risk limitations identified in this policy and prudent investment principles.

B. Investment Authority

Management responsibility for the investment program has been assigned to the Director of Financial Services by the City Council. Other individuals authorized as investment officials by the City Council are the Cash Manager and the Accounting Manager. Investment authority of all investment officers will be limited by conformance with all Federal regulations, State of Texas statutes and other legal requirements including the City Charter and City Ordinances, the Statement of Investment Policy and the Statement of Investment Strategy. The Director shall establish written procedures for the operation of the investment program, consistent with the Statement of Investment Policy. No person may engage in an investment transaction or the management of funds except as provided under the terms of the Statement of Investment Policy, the Statement of Investment Strategy and the procedures established by the Director of Financial Services.

Each investment officer shall attend a training session not less than once in a two year period and receive not less than 10 hours of instruction relating to investment responsibilities. Training must be provided by an independent source approved by the City Council.

C. Internal Controls

The Director of Financial Services shall establish a system of internal controls which shall be documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by investment officials. Controls deemed most important would include: control of collusion, separation of duties, separating transaction authority from accounting and recordkeeping, custodial safekeeping, avoidance of bearer-form securities, clear delegation of authority, specific limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized investment officials, and documentation of and rationale for transactions.

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In conjunction with their annual independent audit, the auditor shall review the investment records for the end of each quarter. The independent auditor shall report the results of the review directly to the City Council.

D. Standard of Care

The standard of care to be used by investment officers shall be the “prudent person” rule which states, “Investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

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

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

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

E. Instruments

Investment instruments authorized for purchase by the City are limited to:

1. Direct obligations of the United States government with a stated final maturity of five years or less from the date of purchase.

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2. Debentures or discount notes with a stated final maturity of five years or less from the date of purchase issued by, guaranteed by, or for which the credit of any of the following Federal Agencies and Instrumentalities is pledged for payment: Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Farm Credit Bank (FFCB), Student Loan Marketing Association (SLMA), and Federal Home Loan Mortgage Corporation (FHLMC).

3. Bonds or other interest bearing obligations having a stated final maturity of five years or less from the date of purchase of which the principal and interest are guaranteed by the full faith and credit of the United States government

4. Repurchase agreements collateralized with U.S. Treasury securities at a minimum market value of 102 percent of the dollar value of the transaction, with any accrued interest accumulated on the collateral included in the calculation. Eligible collateral will have a maximum maturity of ten years.

Repurchase Agreements will be entered into with primary government securities dealers who have executed a City approved Master Repurchase Agreement. Collateral shall be delivered to and held by the City's third party safekeeping agent.

The term Repurchase agreement includes direct security repurchase agreements and reverse security repurchase agreements. A written master repurchase agreement shall be established between the City and the seller prior to purchase. The maximum term for direct security repurchase agreements and reverse security repurchase agreements will be 90 days or less. Funds received under the terms of a reverse security repurchase agreement may not be used to purchase any investment whose final maturity date exceeds the expiration of the reverse.

5. Certificates of Deposit issued by a depository institution that has its main office or branch office in Texas:

- (a) And such Certificates of Deposit are:
 - 1. Guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successors; or
 - 2. Secured by obligations described in Section E, 1 and 2 above, and the collateral will be held by the City's third party custodian.
- (b) Or such depository institution contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code (Public Funds Investment Act) as amended.



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Certificates of Deposit brokered by an authorized broker/dealer that has its main office or a branch office in Texas who contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code (Public Funds Investment Act) as amended

6. SEC registered no-load money market mutual funds with a dollar-weighted average portfolio maturity of 90 days or less. Assets will consist exclusively of those securities listed in paragraphs 1, 2, 3, and 4 above. The investment objective of the fund is to maintain a stable \$1 net asset value. The maximum stated maturity of the fund will be 13 months.

7. State or local investment pools organized under the Interlocal Cooperation Act. The investment pool must be rated no lower than investment grade by at least one nationally recognized rating agency and have a dollar-weighted average portfolio maturity of 90 days or less. Assets will consist exclusively of those securities listed in paragraphs 1, 2, 3 and 4 above. The investment objective of the pool is to maintain a stable \$1 net asset value. All securities owned in the pool will have a stated remaining maturity of thirteen (13) months.

8. Commercial paper rated not less than A1 or P1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. The securities must have a stated maturity of 180 days or less from the date of purchase. No more than 2% of any one issuer may be held and no more than 25% of any fund or group of funds will be invested in commercial paper. Physical delivery securities are ineligible.

9. Obligations of states, agencies, cities, and other political subdivisions of any state rated not less than A or an equivalent rating by at least two nationally recognized credit rating agencies.

9 10. The credit rating of Investment instruments will be continuously monitored through daily market participation and through the monthly mark to market pricing of securities. The liquidation of an investment instrument will be considered if its credit rating falls below minimums stated in the Investment Policy.

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

F. Investment Strategies

As an integral part of the Statement of Investment Policy, the City shall adopt a separate written Statement of Investment Strategy (See FIN-05) for each fund or group of funds. Each investment strategy shall describe the investment objectives of each fund or group of funds according to the following order of importance:

1. suitability
2. preservation and safety of principal
3. liquidity
4. marketability of the investment before maturity
5. diversification
6. yield

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G. Safekeeping and Custody

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

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

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

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

H. Other Investment Guidelines

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

Each investment transaction must be based on competitive quotations from at least three securities dealers authorized to engage investment transactions with the City. Authorized investment officers shall access real-time electronic financial information to monitor the market price of acquired investments. The pricing information will be used to verify the accuracy of quoted prices for a potential purchase or sale to ensure that a fair market price is attained.

The City will comply with all federal, state and City of Garland regulations governing the investment of funds.

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

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I. Diversification

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

1. Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.
2. To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements.
3. Risks of market price volatility shall be controlled through maturity diversification.
4. The placement of investment transactions and the gathering of market information shall be diversified among all authorized brokers.

J. Selection of Depository

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

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

Eligible securities as defined in Chapter 2257 and identified below shall be deposited with a third party custodian prior to the deposit of City funds. The City reserves the right to accept or reject any form of collateral, at its discretion. The pledged collateral must be maintained at all times during the term of the depository contract at required

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levels. In order to perfect the City's security interest in the pledged collateral under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), it is required that a collateral agreement between the City and the Depository be signed by both parties prior to the deposit of City funds. The collateral agreement must be approved by the Board of Directors or its Loan Committee, which approval shall be reflected in the minutes of said Board or Committee. The signed collateral agreement, Board resolution, and minutes certifying the approval of the collateral agreement must be presented to the City prior to the deposit of City funds.

The following securities are approved as collateral for City funds:

1. United States Treasury notes, bills or bonds or obligations fully and unconditionally guaranteed as to principal and interest by the full faith and credit of the United States,
2. Obligations of the Agencies and Instrumentalities of the United States, including, but not limited to: Federal Home Loan Bank, Federal Home Loan Mortgage Corporation and Federal National Mortgage Association,
3. Mortgage-Backed Securities issued by the United States and its Agencies and Instrumentalities, including but not limited to Government National Mortgage Association.

The use of a Federal Home Loan Bank issued Letter of Credit to meet the required collateral requirements may be proposed by the financial institution for consideration by the City.

K. Selection of Security Broker/Dealer

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

Before engaging in investment transactions with the City, a prospective securities broker/dealer must provide a written instrument certifying that the securities broker/dealer has received and has thoroughly reviewed the City's Statement of Investment Policy and has implemented reasonable procedures and controls in an effort to preclude conducting investment transactions that are not authorized by the City's Statement of Investment Policy, except to the extent that this authorization is dependent upon the portfolio over which the broker/dealer has no control or

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knowledge. A prospective securities broker/dealer must provide evidence of FINRA registration and State of Texas Securities Commission certification. Qualified broker/dealers authorized to engage in investment transactions with the City are required to regularly submit their most recent audited financial statements to the City.

The City Council will adopt and annually review the list of dealers authorized to engage in investment transactions with the City.

L. Management Reports

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

The report may comment on current investment approaches and other items significant to the investment program. The report shall be signed by the Director of Financial Services and the investment officer.

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

M. Ethics and Conflicts of Interest

Investment officers of the City shall refrain from personal and business activities involving any of the City's custodians, depositories, broker/dealers or investment

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advisors which may influence the officers' ability to conduct his duties in an unbiased manner. Investment officers will not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the City's business for personal investment decisions, will in all respects subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchase and sales and will keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

N. Responsibility and Authority

The Statement of Investment Policy and the Statement of Investment Strategy will be reviewed annually by the City Council. Upon completion of the review, the City Council will adopt a resolution stating that it has reviewed the Investment Policy and Investment Strategy. Periodic revisions to the Investment Policy and the Investment Strategy will be approved by resolution of the City Council.

Prepared by: David Schuler Managing
Director - Finance

Reviewed by: William E. Dollar



City Council Item Summary Sheet

Work Session

Date: 11/19/13

Agenda Item

Amend Authorized TexPool Representatives

Summary of Request/Problem

Amend authorized representatives that can perform and inquire on TexPool transactions.

Each entity that participates in the Texpool investment pool must appoint authorized representatives. Only authorized representatives have the ability to conduct transactions with Texpool. For security purposes, Texpool requires the governing body approve a resolution to amend existing authorized representatives. Due to staff changes, Financial Services is requesting that authorized representatives to Texpool be amended.

Recommendation/Action Requested and Justification

Approve Resolution amending authorized TexPool Representatives

Submitted By:

**David Schuler
Managing Director Financial Services**

Approved By:

**William E. Dollar
City Manager**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, AMENDING ITS AUTHORIZED REPRESENTATIVES FOR PURPOSES OF PARTICIPATION IN THE TEXAS LOCAL GOVERNMENT INVESTMENT POOL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garland, Texas (“Participant”) is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool (“TexPool” / “TexPool *Prime*”), a public funds investment pool, was created on behalf of entities whose investment objective, in order of priority, are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, Participant is a participant in TexPool/TexPool *Prime*, having previously entered into a Participation Agreement delegating to TexPool/TexPool *Prime* the authority to invest and to act as custodian of investments purchased with local investment funds in accordance with the instructions of the authorized representatives of Participant; and

WHEREAS, Participant wishes to amend the previously established list of authorized representatives of Participant.

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

Section 1

That the individuals whose signatures appear below are authorized representatives of Participant and are each hereby authorized to transmit funds for investment in TexPool/TexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds:

1. Name: David Schuler Title: Managing Director of Financial Services
Phone/Fax/Email: (972) 205-2355 / (972) 205-2810 / dschuler@garlandtx.gov

Signature

2. Name: Steve Anderson Title: Investment and Debt Director
Phone/Fax/Email: (972) 205-2469 / (972) 205-2810 / sanderson@garlandtx.gov

Signature

3. Name: Katherine Ritchie Title: Accounting Administrator
Phone/Fax/Email: (972) 205-2367 / (972) 205-2810 / kritchie@garlandtx.gov

Signature

Section 2

That Steve Anderson will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Section 3

Participant hereby designates an additional representative to perform only inquiry of selected information, but who cannot perform transactions, as follows:

1. Name: Debbie Smith Title: Accounting Representative II
Phone/Fax/Email: (972) 205-2532 / (972) 205-2810 / debsmith@garlandtx.gov

Section 4

That this resolution and its authorization shall remain in full force and effect until amended or revoked by Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation.

Section 5

That this Resolution is hereby introduced and adopted by Participant at its regular meeting held on the _____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



Planning Report

Ed Seghers

800 South Sixth Street, east of South Sixth Street and South of West Avenue G

REQUEST

Approval of a change in zoning from Multi-Family (MF-12) District to Planned Development (PD) District for Office-1 (O-1) Uses.

OWNER

Lake Point Baptist Church

PLAN COMMISSION RECOMMENDATION

On October 28, 2013 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a change in zoning from Multi-Family (MF-12) District to Planned Development (PD) District for Office-1 (O-1) Uses with the conditions that Office, General be removed as a permitted use, the number of exam rooms shall be limited to five (5) and restricting the square footage of the medical office to 5,300 square feet. Plan Commission also approved variances to Section 6.0 and 9.4 of the Screening and Landscape Standards regarding screening from residential districts and parking lot landscaping and screening.

STAFF RECOMMENDATION

Denial of a change in zoning from Multi-Family (MF-12) District to Planned Development (PD) District for Office-1 (O-1) Uses. While the proposed use of medical office is not objectionable and provides a vital service to the community, the subject property is an inappropriate location. The uses allowed on the property should be evaluated by the impact on the surrounding area, compatibility with the established development pattern, and consistency with the goals established through Envision Garland.

BACKGROUND

The subject property is developed with an approximately 35,000 square foot building previously occupied by Temple Baptist Church. The applicant is requesting a change in zoning to a Planned Development for Office-1 (O-1) Uses to occupy a portion of the building with a medical office use. The remainder of the building will be used for a church.

SITE DATA

The overall subject property contains approximately 0.895 acres in area, fronting approximately 75 feet along Fifth Street, approximately 152 feet along Avenue G, and approximately 195 feet along South Sixth Street.

USE OF PROPERTY UNDER CURRENT ZONING

Multi-Family (MF-12) District provides for low and medium density multifamily development at densities no greater than twelve (12) units per acre. These districts accommodate a variety of housing types including single family dwellings, duplexes, triplexes, quadraplexes, apartments and condominiums. There are limited institutional uses permitted within this district including churches and schools. The property is currently developed with a church.

CONSIDERATIONS

1. The subject property was developed and previously used as a church for Temple Baptist Church. Lake Pointe Church has purchased the property with the intent to reoccupy the majority of the building with a church. The applicant originally requested approval of a change in zoning to Office-1 (O-1) District. Based on the recommendation from Plan Commission, the applicant postponed the case and has revised the request to a Planned Development (PD) District for Office-1 Uses to allow approximately 5,300 s.f. of the building to be used as a medical office for the Hope Clinic.
2. The Hope Clinic provides medical services including family medicine and specialty services such as cardiology, gynecology and pediatrics to the general public. There also are referral services provided to patrons for social services ranging from legal aid to education resources. The typical hours of operation would be from Monday – Friday, 7:30am to 5pm with extended hours on Thursdays. There are typically 4 patients served in an hour and 8 staff members present. Patients are seen by appointment with the occasional walk in.
3. Rezoning the property from residential to a Planned Development for office will result in the intrusion of non-residential activity within the center of a neighborhood. While the property is zoned for multi-family uses, there are single family residences as well as multi-family dwelling units in the immediate area. The intensity of a medical office use that averages from 15 to 30 patients a day adjacent to existing residential uses is inappropriate. The site was not developed for this type of use so the typical standards that help to mitigate the impact of non-residential uses from residential uses like setbacks are not implemented.
4. Neighborhood serving office uses are most appropriately located on the perimeters of neighborhoods along major thoroughfares. Although a portion of the property borders Fifth Street, the residential streets will provide primary access to the site. There will be a drive approach provided from Fifth Street with the parking lot expansion to encourage patrons to enter the site from the larger thoroughfare.

5. The subject property is part of the 5th and Cedar Neighborhood Plan that was presented to City Council in January 2013. The neighborhood plan included the identification of the need to protect the existing residential uses by limiting non-residential uses to existing commercial property and not to expand into residential areas.
6. The Office 1 (O-1) District provides for low-rise office and professional service development. This District is appropriately located adjacent to residential districts and may be used as a transition or buffer between residential uses and more intensive nonresidential activity. District regulations are designed to ensure compatibility with residential development by establishing maximum height, lot coverage and setback requirements.

It should be noted that the Planned Development has limited uses to a church, medical office, general office and a kindergarten, preschool or child care center subject to approval of a Specific Use Permit. In addition, the applicant has provided a floor plan, which is included in the Planned Development conditions, to limit the size of the medical office to 5,300 square feet. By limiting the office to the proposed floor plan, any expansion would be evaluated through the public hearing process for impacts on the adjacent residential districts.

7. The parking requirement for medical office is 1 space for every 200 square feet. The 5,300 square foot medical office space would require 27 parking spaces. The applicant has provided a site plan indicating 27 parking spaces will be provided to serve the medical office use.
8. Plan Commission approved variances to Section 6.0 and Section 9.4 of the Screening and Landscape Standards to not require the screening of the subject property from the adjacent single family residences and waive the requirement for parking lot landscaping. The applicant proposes to meet the requirement within Section 9.4 to provide a minimum of twenty-four (24) inch tall shrubs to screen the parking from adjacent residential districts and streets.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Traditional Neighborhoods for the subject property and surrounding area. Traditional neighborhoods provide areas for low to moderate density single-family detached residential housing. Traditional neighborhoods also accommodate convenience retail (goods and services), office space, and public services. The Traditional Neighborhood development type is primarily characterized as low density, single-family detached (between one and six dwelling units per acre).

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north and west of the subject property are zoned Multi-Family (MF-12) District and developed with medium density residential and single family homes. Properties to the south and east are zoned Single Family (SF/7/G/3) District and are developed with single family homes. The property to

the northeast, across Fifth Street, is zoned Planned Development (PD) District 80-20 for General Business Uses and is developed with retail uses.

The surrounding area is primarily residential in nature. An increase of non-residential uses into the residential areas has the potential to negatively impact the stability of the neighborhood. The church use on the subject property has a minimal impact by functioning as an institutional use with limited activity. Office uses present an increase in traffic and activity on the subject property not currently seen with the church use.

Prepared By:

Chasidy Allen, AICP
Principal Planner

Date: November 11, 2013

Reviewed By:

Anita Russelmann
Director of Planning

Date: November 12, 2013

Reviewed By:

William E. Dollar
City Manager

Date: November 13, 2013



0 100 200 Feet

ZONING Z13-38

 INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-38

800 South Sixth Street, east of South Sixth Street and South of West Avenue G

- I. **Statement of Purpose:** The purpose of this Planned Development is to allow for office uses subject to conditions.
- II. **Statement of Effect:** This Planned Development (PD) District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Office-1 (O-1) District set forth in Section 20 and 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Permitted Uses:
 - Church
 - Kindergarten, Preschool or Child Care Center*
 - Medical Office/Clinic
 - * Allowed by Specific Use Permit only.
 - ** Allowed as a Secondary Use only.
 - B. Site Plan: Development shall be in conformance with the Site Plan labeled as Exhibit C.
 - C. Floor Plan: The medical office shall occupy the existing building as shown on the Floor Plan labeled as Exhibit D and be limited to no more than 5,300 square feet. Only five (5) exam rooms shall be permitted.
 - D. Landscape Plan: Screening from adjacent residential districts is not required. Additionally, the parking lot is not required to be landscaped with the exception of the required screening of the parking areas from residential districts and public streets as shown on the Site Plan labeled Exhibit C.

FIRST FLOOR

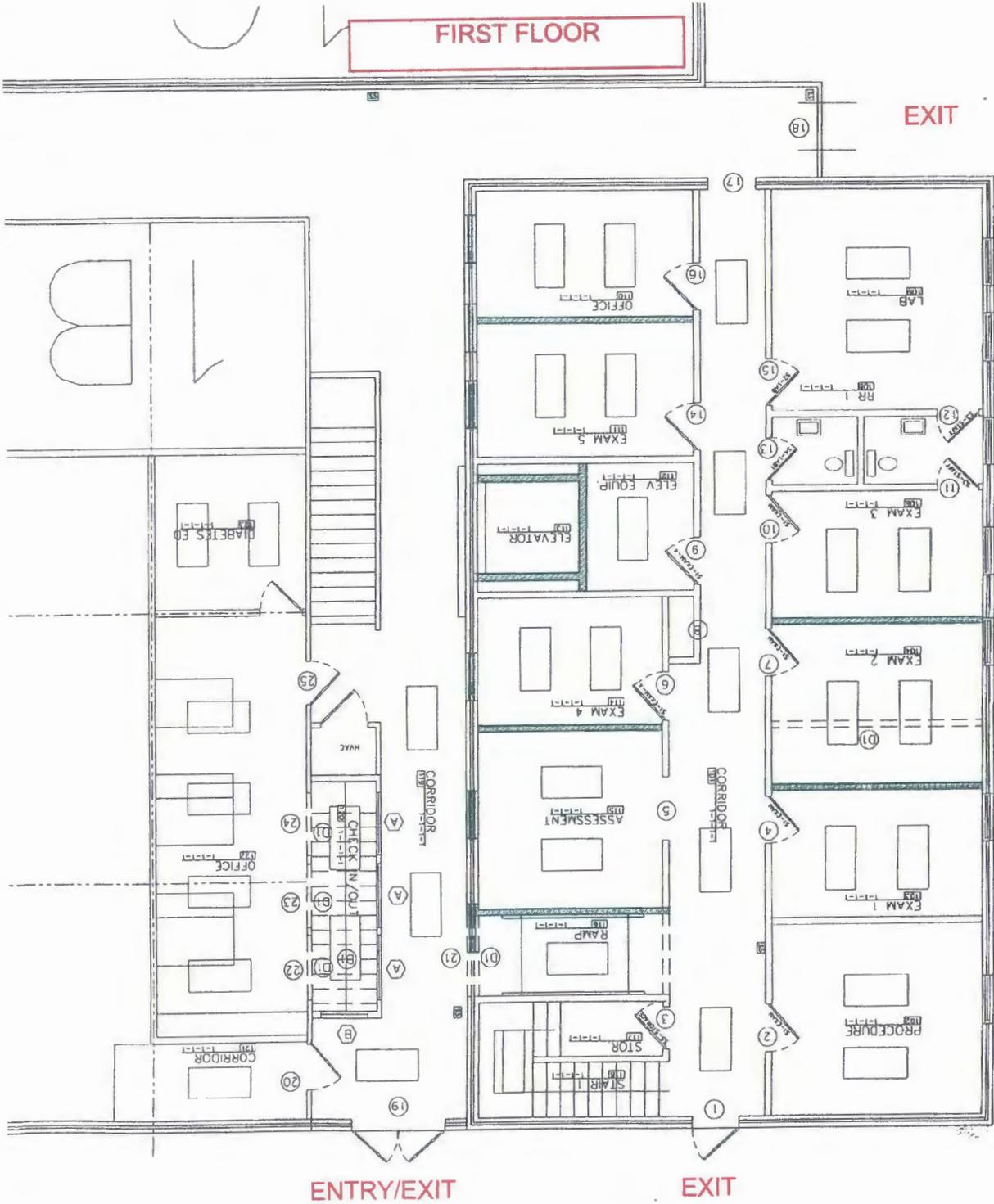


EXHIBIT D

SECOND FLOOR

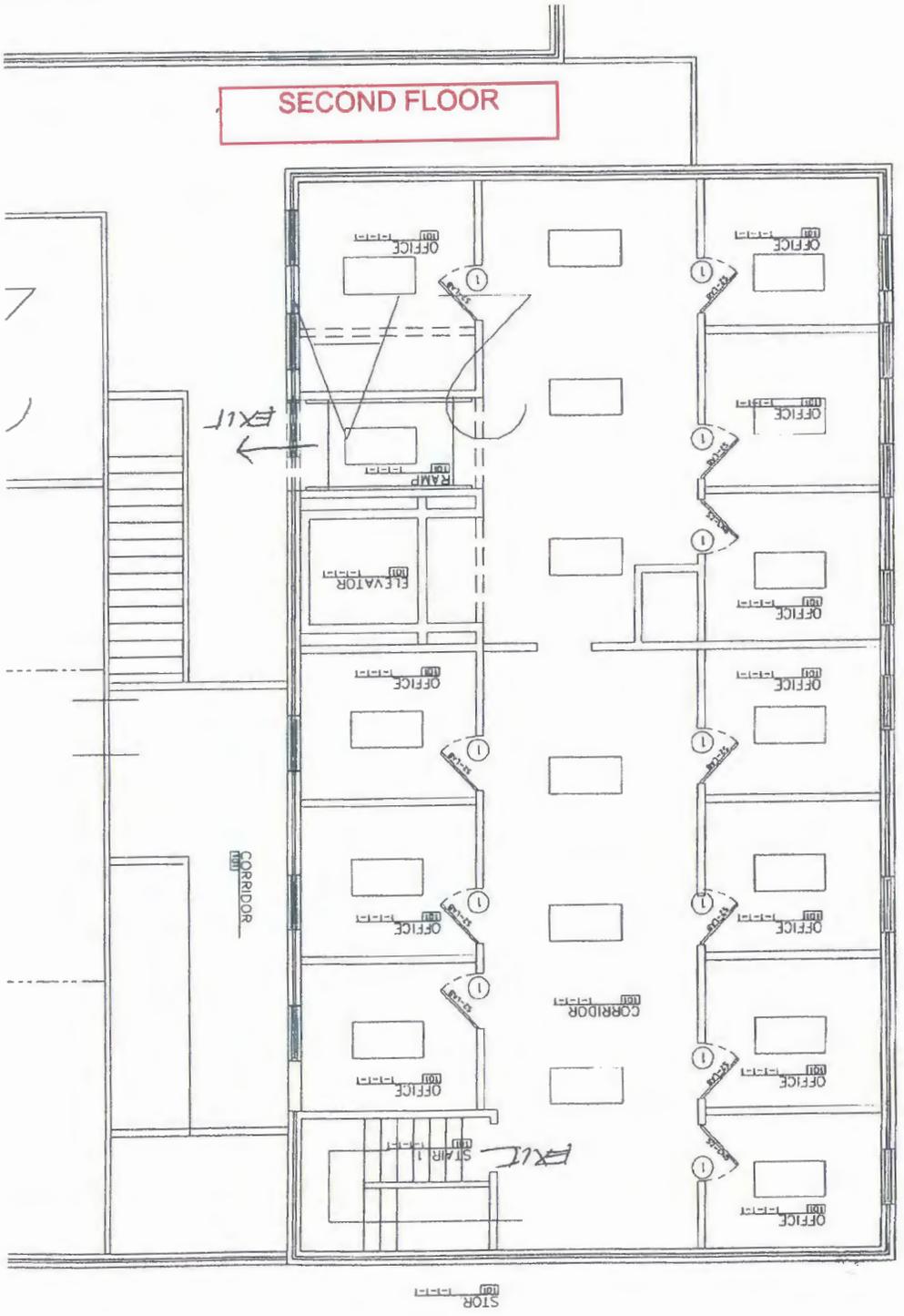


EXHIBIT D

REPORT & MINUTES

P.C. Meeting, October 28, 2013 (8 Members Present)

Consideration of the application of Ed Seghers, requesting approval of 1) a change in zoning from Multi-Family (MF-12) District to Planned Development (PD) District for Office-1 (O-1) Uses and 2) variances to Section 6.0 and 9.4 of the Screening and Landscape Standards regarding screening from residential districts and parking lot landscaping and screening. The property is located at 800 South Sixth Street, east of South Sixth Street and South of West Avenue G. (File 13-38)

Speaking in support of the applicant, Barbara Burton, 1925 Merrimac Trail, Garland, TX 75043, expressed a need for the clinic and thanked staff for assisting the applicant and remained available for questions.

Speaking on behalf of the Garland Chamber of Commerce, Karina Olivares, expressed their support of Hope Clinic and establishing this clinic in Garland.

The applicant Ed Seghers 1001 Winding Brook, Garland, TX gave a brief overview of the amendments made to the zoning request and remained available for questions.

Motion was made by Commissioner Johnson, seconded by Commissioner Dalton, to **approve** the request with the conditions that the General Office use be removed from the permitted uses, limiting the number of exam rooms to (5) five, and restricting the square footage as noted to 5,300 SF. **Motion carried: 7 Ayes, 0 Nays.** Commissioner Luckie recused himself from this case.



GARLAND

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

August 28, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Ed Seghers

File 13-38

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, September 9, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Ed Seghers**, requesting approval of a change in zoning from Multi-Family (MF-12) District to Office-1 (O-1) District. The property is shown on the enclosed sketch and is described as follows:

BEING all of Lots 2, 3 and a portion of Lot 4, Block 31, Town of Embree, an addition in the City of Garland, Texas, Dallas County, containing approximately 0.895 acres, according to the plat recorded in Volume 77, Page 441, Map Records, Dallas County, Texas. This property is located at 800 South Sixth Street, east of South Sixth Street and South of West Avenue G. (District 2)

Note: The applicant requests the change of zoning to occupy approximately 4,500 square feet of the existing building with a medical clinic.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002 or by fax to 972-205-2474**. Should you have any questions, please contact Chasidy Allen at 972-205-2445.

(Please Check One Below)

I am in favor of the request.

I am opposed to the request. *Please do not approve this!*

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

The property is surrounded by homes. The streets are very narrow and I feel cannot accommodate the increased traffic flow of a clinic. I also feel

more traffic would be unsafe for families living here. More noise. Decrease of property value.

(Please complete the following information)

Your Property Address

Joe + Martha Marek Rev. Living Trust Marilyn Schroer, Trustee

Printed Name

600 W. Ave F, Garland, TX. 75040

Address

City, State

Zip

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

Marilyn Marek Schroer POA

Signature

Trustee

Title

Date: *9-5-13*



GARLAND

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

August 28, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Ed Seghers

File 13-38

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To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002** or by fax to **972-205-2474**. Should you have any questions, please contact Chasidy Allen at 972-205-2445.

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

Would like to see the plan, wondering if the church will be the entire clinic, or will there be addtl. add-on, & planned parking

Your Property Address

Charles + Mindy Miranda

Printed Name

316 W Avenue G

Garland, Tx

75040

Address

City, State

Zip

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

Mindy Miranda

Homeowner

Signature

Date: *9/04/2013*

Charles Wm Miranda



GARLAND

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

August 28, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Ed Seghers

File 13-38

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

(Please complete the following information)

Your Property Address

317 AND 321 W. AVE G

Printed Name

GARLAND GENERAL AGENCY

Address

819 MAIN STREET

City, State

GARLAND TX

Zip

75040

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

Signature

Date:

Maui Edwards

9-4-13

Title

President



GARLAND

August 28, 2013

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

HEARING DATE/TIME: Plan Commission: September 9, 2013 – 7:00 PM

APPLICANT: Ed Seghers

File 13-38

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To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002** or by fax to **972-205-2474**. Should you have any questions, please contact Chasidy Allen at 972-205-2445.

(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

(Please complete the following information)

Your Property Address 408 W AV "G" Garland Tx

Printed Name Samuel Aguilar

Address 408 W AV "G" Garland City, State Tx Zip 75040

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

Signature [Signature]
Date: 9/9/2013

Title



GARLAND

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

August 28, 2013

HEARING DATE/TIME: Plan Commission: September 9, 2013 - 7 00 PM

APPLICANT: Ed Seghers

File 13-38

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

I need more information regarding what it will mean before I make a decision.

(Please complete the following information)

Your Property Address

Bobbie Bell

Printed Name

517 Ave G

Address

GARLAND, TX 75040

City, State

Zip

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

Bobbie Bell

Signature

owner

Title

Date: *9-3-2013*



File No. 13-43/District 2

Agenda Item:

Meeting: City Council

Date: November 19, 2013

Planning Report

Douglas Properties, Inc.

On the east side of East Centerville Road, approximately 1,350 linear feet north of the intersection of East Miller Road and East Centerville Road

REQUEST

Approval of a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Commercial-1 (C-1) Uses (Self Storage Units).

OWNER

2900 Centerville, LLC.

PLAN COMMISSION RECOMMENDATION

On October 28, 2013 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Commercial-1 (C-1) Uses (Self Storage Units) provided two conditions are added to the Planned Development (PD) regulations prohibiting outdoor storage and requiring the applicant to provide all necessary documentation with the Detail Plan submittal to demonstrate compliance with the requirements of Subchapter T, Chapter 330, Texas Administrative Code as recommended by Staff.

STAFF RECOMMENDATION

Denial of a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Self Storage Units. The proposed Planned Development (PD) District for Self Storage Units is in conflict with the recommendation of the Envision Garland Comprehensive Plan and the established residential character of the immediate surrounding areas. While there are commercial clusters suitably located at major intersections in the larger area, the subject property is at a mid-block location that lends itself for single family detached or townhome development that would resume and reinforce the residential pattern found in the surrounding area.

Given that the subject property seems to contain areas that constitute a closed municipal solid waste landfill, Staff recommends, in the event the request is approved, adding a condition requiring the applicant to provide all necessary documentation with the Detail Plan submittal to demonstrate compliance with the requirements of Subchapter T, Chapter 330, Texas Administrative Code.

BACKGROUND

The subject property is currently zoned Planned Development (PD) District 70-52 for Apartments, Retail and Townhouses. The property has never developed and is adjacent to a large portion of floodplain. The applicant requests a change in zoning to a Planned Development (PD) District to develop the property with a self-storage complex.

SITE DATA

The subject property contains 13.51 acres with approximately 850 linear feet of frontage along East Centerville Road. The site will only be accessed from East Centerville Road.

USE OF PROPERTY UNDER CURRENT ZONING

The Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses was created to accommodate all three uses on separate tracts within the development. The apartments are permitted on the subject property. The allowable density for apartments is 16 dwelling units per acre. There is no detail plan approved under the existing zoning. Self Storage Units are only allowed in the Commercial 1 (C-1) District, Commercial 2 (C-2) District, and Industrial 1 (I-1) District.

CONSIDERATIONS

1. The applicant requests approval to change the zoning of the subject property to a Planned Development (PD) District that would allow the applicant to develop the site with a self-storage complex. The development of the site as a self-storage complex would be required to be in accordance with the Commercial 1 (C-1) District regulations regarding building setbacks, maximum lot coverage, and height limits per the Comprehensive Zoning Ordinance. Furthermore, the proposed Planned Development (PD) District limits the allowable uses on the subject property to Self Storage Units.
2. The Comprehensive Zoning Ordinance No. 4647 establishes a parking requirement of 4 parking spaces per self-storage complex.

3. As a self-storage complex, the subject property will have to comply with the Screening and Landscape Standards applicable to non-residential uses which include but are not limited to screening and landscaping of side and rear yards from residential districts, providing a 10-foot landscape buffer with trees adjacent to the street right-of-way, screening and landscaping of surface parking areas, and screening and landscaping of site features.
4. As a non-residential site, the subject property will be allowed to have 2 freestanding signs of any type along East Centerville Road given the amount of linear frontage.
5. The subject property appears to include areas that constitute a closed municipal solid waste landfill within the meaning of Rule 330.951, Texas Administrative Code. In the event that the request is approved, Staff recommends adding a condition requiring the applicant to provide all necessary documentation with the Detail Plan submittal to demonstrate compliance with the requirements of Subchapter T, Chapter 330, Texas Administrative Code.
6. If the zoning change request is approved; a Detail Plan, landscape plan, Tree Survey/Mitigation Plan, elevations, and signage will have to be approved through a public hearing process before a site and building permit can be issued. The Detail Plan, landscape plan, elevations, and sign detail drawings shall illustrate the proposed site layout, screening methods, building materials, developable and floodplain areas and other applicable development requirements.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Compact Neighborhoods for the subject site. Compact neighborhoods provide areas for moderate increase in residential density, including townhomes and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns.

As a Compact Neighborhood, the subject site could accommodate a desirable and innovative housing development as well as non-residential uses such as convenience retail (goods and services), office space, and public services that would serve the residential component of the subject property and the surrounding residential neighborhoods. The architectural character and scale of a Compact Neighborhood could be designed to be compatible with adjacent residential developments. The Compact Neighborhood development type is primarily characterized as moderate density residential between 6 and 12 dwelling units per acre.

Envision Garland has identified various strategies to develop the type of residential redevelopment that would promote revitalization, stability and reinvestment of the overall neighborhood area. Some of these strategies include the following:

- The introduction of new desirable housing types through infill and redevelopment of vacant or obsolete non-residential properties.
- Increase mobility options by constructing compact residential developments that provide connection between neighborhoods and activity centers for pedestrians, bicycles, motorized vehicles, and transit.

Any proposed self-storage complex will not be in line with the recommendation of the Comprehensive Plan. Moreover, given the proximity of the subject property to residential neighborhoods, a self-storage complex could have a negative visual impact on these residential properties while introducing a commercial activity at a midblock location.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north and east are zoned Agriculture (AG) and they are currently undeveloped. The property to the south is zoned Planned Development (PD) District 13-01 for Single-Family Uses and it is undeveloped. The zoning for the properties to the west, across East Centerville Road, consist of numerous Planned Development Districts for Single Family, Townhomes, and Duplex Uses. These properties are developed with a mixture of low to medium density residential uses.

The proposed Planned Development (PD) District for Self-Storage Units is inconsistent with the established development patterns found in the surrounding properties and the larger area which are characterized by single family neighborhoods and sporadic commercial clusters appropriately located at major intersections. The proposed Planned Development contravenes the established development pattern in the surrounding area since it would allow a self-storage complex at a midblock location, directly across single family residences, and immediately to the north of a property that while undeveloped, has recently been rezoned for single family uses.

Prepared By:

Josue De La Vega
Development Planner

Date: November 7, 2013

Reviewed By:

Anita Russelmann
Director of Planning

Date: November 11, 2013

Reviewed By:

William E. Dollar
City Manager

Date: November 12, 2013



0 170 340 Feet

ZONING Z 13-43

 INDICATES AREA OF REQUEST

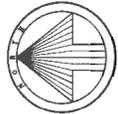
PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-43

On the east side of East Centerville Road, approximately 1,350 linear feet north of the intersection of East Miller Road and East Centerville Road

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of Self Storage Units subject to conditions.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance. Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Commercial 1 (C-1) District set forth in Sections 26 and 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as specified in this ordinance
- IV. **Development Plans:**

Detail Plan: Prior to development on the subject property or portion thereof, a Detail Plan and conditions shall be approved through the public hearing process.
- V. **Specific Regulations:**
 - A. Permitted uses: Only Self Storage Units shall be permitted.



60 30 0 60 120
SCALE: 1" = 60'

CITY OF DALLAS
LAKE RAY HUBBARD
A.G.

CITY OF DALLAS
VOL. 450, PG. 239
A.G.

CITY OF GARLAND
SANITARY SEWER EASEMENT
VOLUME 73187, PAGE 37
D.R.D.C.T.

PROPOSED
PD 13-43 FOR SELF STORAGE UNITS
13.51 ACRES GROSS
10.48 ACRES NET OF FLOODPLAIN

PLACE OF
BEGINNING

CITY OF GARLAND
A.G.

CITY OF GARLAND
PEDESTRIAN AND UTILITY EASEMENT
VOLUME 90152, PAGE 2468
D.R.D.C.T.

CITY OF GARLAND
UTILITY EASEMENT
VOLUME 73187, PAGE 33
D.R.D.C.T.

CITY OF GARLAND
DRAINAGE EASEMENT
VOLUME 90152, PAGE 2472
D.R.D.C.T.

CITY OF GARLAND
PEDESTRIAN AND UTILITY EASEMENT
VOLUME 90152, PAGE 2468
D.R.D.C.T.

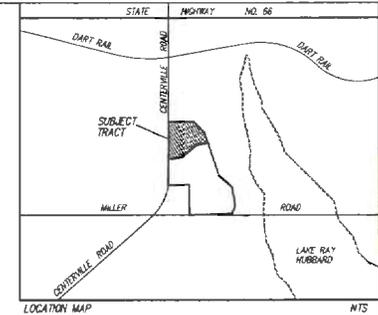
SUMMERFIELD ADDITION
VOL. 2001058, PG. 1642
PD 00-19

GARLAND 5 5 INVESTMENT PS
VOL. 94013, PG. 3871
PD 06-10

CENTERVILLE DUPLEX ADDITION
VOL. 2005004, PG. 158
PD 03-03

CENTERVILLE

ROAD



PROPOSED ZONING PLANNED DEVELOPMENT WITH BASE ZONING OF
COMMERCIAL-1 WITH LIMITING THE ALLOWABLE USE TO BE SELF
STORAGE.

LEGAL DESCRIPTION

BEING a tract of land situated in the Edward Mills Survey, Abstract No. 952, Dallas County, Texas and being a portion of a tract of land conveyed to 2900 Centerville, LLC by instrument number 2008-034422 filed September 19, 2008 in the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at northeast corner of the of the subject tract, said point also being on the east right-of-way line of Centerville Road (a 100' R.O.W.), said point further being the southwest corner of a tract of land conveyed to the City of Garland:

THENCE, N 89°11'40" E, leaving said east right-of-way line of Centerville Road a distance of 586.15 feet to a point for corner;

THENCE, along the south line of the City of Dallas take line the following:

S 46°22'51" E, a distance of 350.75 feet to a point for corner;

S 19°26'04" E, a distance of 282.03 feet to a point for corner;

THENCE, S 79°09'00" W, a distance of 290.89 feet to a point for corner;

THENCE, S 51°00'44" W, a distance of 447.37 feet to a point for corner;

THENCE, S 84°11'15" W, a distance of 168.97 feet to a point for corner;

THENCE, S 69°30'50" W, a distance of 45.77 feet to a point for corner;

THENCE, N 86°35'47" W, a distance of 96.19 feet to a point on the east line of said Centerville Road (a 100' R.O.W.)

THENCE, along said east right-of-way line of Centerville Road (a 100' R.O.W.) the following:

N 01°30'42" E, a distance of 234.13 feet;

Around a tangent curve to the left, having a central angle of 142°50', a radius of 5,779.58 feet, and an arc distance of 172.77 feet with a chord bearing of N 00°39'20" E - 172.77 feet, to a point for corner;

N 00°11'59" W, a distance of 456.53 feet to the Place of Beginning and containing 13.51 acres of land.

Note: 1. Floodplain Limits are based on the Rowlett and Spring Creek Flood Plain Management Study

2. The floodplain shall not encroach upon any lot or public right of way within the subdivision. The 100 year floodplain shall be contained within a drainage easement that shall include a 10 foot level path adjacent to the floodplain. The drainage easement shall include 1 foot of freeboard.

LAND USE PLAN
CASE NO. Z 13-43
MILLER CREEK ADDITION
BEING 13.51 ACRES IN THE
EDWARD MILLS SURVEY, ABSTRACT NO. 952
CITY OF GARLAND, DALLAS COUNTY, TEXAS
OCTOBER 02, 2013

OWNER
2900 CENTERVILLE LLC
180 S. CENTRAL EXPY - Suite 71 - Richardson, Texas 75080
808 RED 214-543-8914
DEVELOPER
DOUGLAS PROPERTIES INC.
2309 AVENUE K - Suite 107 - Plano, Texas 75074
JMI DALLAS 972-422-1838

TIPTON ENGINEERING
a division of Westwood
3500 N. MacArthur Blvd., Suite 500
Irving, Texas 75038
(972) 793-0300
Firm No. F-11756
richard.hoves@westwoodps.com #206-CF-104

REPORT & MINUTES

P.C. Meeting, October 28, 2013 (8 Members Present)

Consideration of the application of Douglas Properties, Inc., requesting approval of requesting approval of a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Commercial (C-1) Uses (Self Storage Units). This property is located on the east side of East Centerville Road, approximately 1,350 linear feet north of the intersection of East Miller Road and East Centerville Road (File 13-43)

The applicant, Jim Douglas, 2309 Avenue K, Suite 100, Plano, TX spoke briefly on the soil test results. The applicant also stated that the streetscape will be similar to what is proposed for the adjacent residential development. The applicant remained available for questions.

Representing the applicant, Bob Reid, 401 GBTP #128, spoke briefly about the type of storage unit that would be available. He ensured the facility, will meet all city required guidelines.

Motion was made by Commissioner Johnson, seconded by Commissioner Luckie, to **approve** the request with the added condition that the applicant provide all necessary documentation with the Detail Plan submittal to demonstrate compliance with requirements of Subchapter T, Chapter 330, Texas Administrative Code and a condition prohibiting outdoor storage.

Motion carried: 8 Ayes, 0 Nay



GARLAND
TEXAS MADE HERE

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

October 31, 2013

HEARING DATE/TIME: City Council: November 19, 2013 – 7:00PM

APPLICANT: Douglas Properties, Inc.

File Z 13-43

Dear Property Owner:

A public hearing will be held by the City Council of the City of Garland, Texas, at 7:00 P.M. Tuesday, November 19, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Douglas Properties, Inc.**, requesting approval of change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Commercial-1 (C-1) Uses (Self Storage Units). The property is shown on the enclosed sketch and is described as follows:

BEING a 13.51-acre tract of land situated in the Edward Mills Survey, Abstract No. 952, Dallas County, Texas and being a portion of a tract of land conveyed to 2900 Centerville, LLC by instrument number 2008-0304422 filed September 19, 2008 in the Deed Records of Dallas County, Texas (DRDCT). This property is located on the east side of East Centerville Road, approximately 1,350 linear feet north of the intersection of East Miller Road and East Centerville Road. (District 2)

Note: The applicant requests approval of a change of zoning to a Planned Development for C-1 (Self-Storage Units) to develop the property with a self-storage complex.

For additional information, please contact the Planning Department at 972-205-2445.

Chasidy Allen, AICP
Principal Planner



GARLAND

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

October 3, 2013

HEARING DATE/TIME: Plan Commission: October 14, 2013 – 7:00 PM

APPLICANT: Douglas Properties, Inc.

File 13-43

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, October 14, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Douglas Properties, Inc.**, requesting approval of 1) a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Self-Storage Units and 2) a Land Use Plan. The property is shown on the enclosed sketch and is described as follows:

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Note: The applicant requests approval of a change of zoning to a Planned Development for Self-Storage Units and a Land Use Plan to develop the property with a self-storage complex.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002 or by fax to 972-205-2474**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

_____ I am in favor of the request.

_____ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Printed Name

Address

City, State

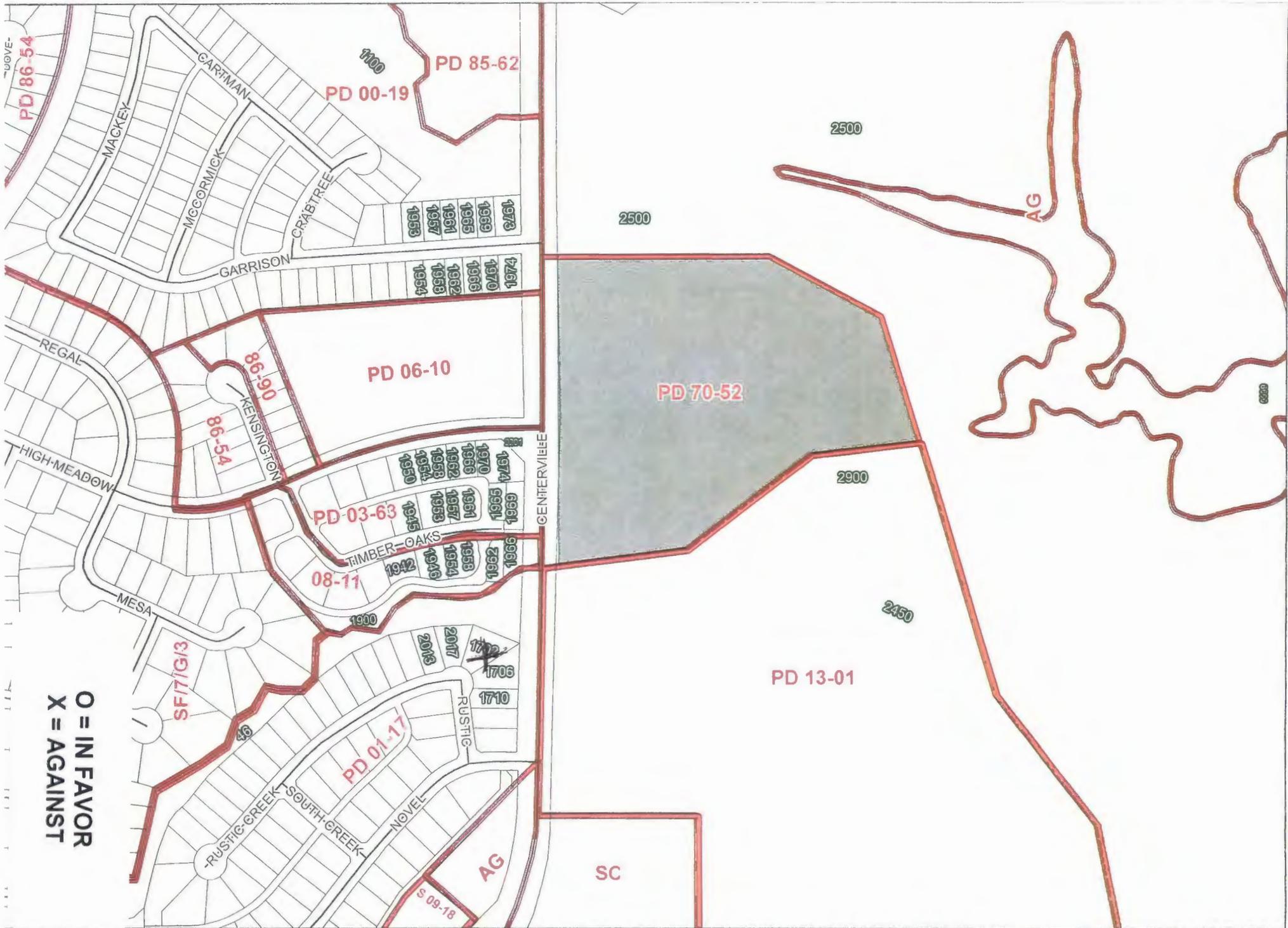
Zip

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

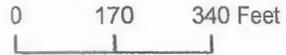
Signature

Title

Date: _____



O = IN FAVOR
 X = AGAINST



ZONING Z 13-43

INDICATES AREA OF REQUEST



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

GARLAND

October 3, 2013

HEARING DATE/TIME: Plan Commission: October 14, 2013 – 7:00 PM

APPLICANT: Douglas Properties, Inc.

Filo 13-43

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, October 14, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Douglas Properties, Inc.**, requesting approval of 1) a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail, and Townhouses to a Planned Development (PD) District for Self-Storage Units and 2) a Land Use Plan. The property is shown on the enclosed sketch and is described as follows:

BEING a 13.51-acre tract of land situated in the Edward Mills Survey, Abstract No. 952, Dallas County, Texas and being a portion of a tract of land conveyed to 2900 Centville, LLC by instrument number 2008-0304422 filed September 19, 2008 in the Deed Records of Dallas County, Texas (DRDCT). This property is located on the east side of East Centerville Road, approximately 1,350 linear feet north of the intersection of East Miller Road and East Centerville Road. (District 2)

Note: The applicant requests approval of a change of zoning to a Planned Development for Self-Storage Units and a Land Use Plan to develop the property with a self-storage complex.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002** or by fax to **972-205-2474**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

- I am in favor of the request.
- I am opposed to the request.

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

The water treatment plant is bad enough, this would make the neighborhood more unsightly, and only down the price and desirability of our property.

(Please complete the following information)

Your Property Address
 FRANK LINDSEY
 Printed Name
 1702 Rustic Lane Garland, TX 75040
 Address City, State Zip

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

Frank Lindsey
 Signature Title
 Date: 10-7-13



City Council Item Summary Sheet

Work Session

Date: 11/19/13

Agenda Item

Pace and Lyles House Relocation

Summary of Request/Problem

This item was considered by Council at the November 4, 2013 Work Session.

A public hearing will be held to allow input on the possible relocation of the Pace and Lyles houses to either the Central Library parking lot or to Central Park.

Recommendation/Action Requested and Justification

Public feedback will be discussed amongst Council and staff at the Council Work Session on December 2, 2013.

Submitted By:

Becky King
Director of Organizational Development

Approved By:

William E. Dollar
City Manager