



AGENDA

**CITY COUNCIL WORK SESSION
City of Garland
Work Session Room, City Hall
200 North Fifth Street
Garland, Texas
March 3, 2014**

6:00 p.m.

DEFINITIONS:

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

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

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

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

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

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

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

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

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, TEX. GOV'T CODE.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, TEX. GOV'T CODE.

(6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or

to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, TEX. GOV'T CODE.

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

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

1. Written Briefings:

a. BioTel Interlocal Agreement

Knight

Council is requested to consider authorizing a two-year interlocal agreement in the amount of \$180,102 with the City of Dallas for BioTel System services. The City of Garland uses BioTel services to provide medical control for emergency medical services. If Council concurs, this item will be scheduled for formal consideration at the March 18, 2014 Regular Meeting.

b. Thoroughfare Plan

Luedtke

Council is requested to consider authorizing an agreement with Freese and Nichols for \$200,000 to perform a major update to the current Thoroughfare Plan. The Thoroughfare Plan is utilized to set the ultimate width and alignment of roadways within the city based on the transportation needs for projected growth. This item is scheduled for formal consideration at the March 4, 2014 Regular Meeting.

Item	Key Person
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2. Verbal Briefings:

a. Pace and Lyles Houses

Glenn/Neighbor/King

As Council previously directed, the Request for Proposal (RFP) for the Pace House has been advertised. Staff will update Council on the process. Council is requested to provide direction concerning the location, use options, and disposition of the Lyles House and a proposed nonprofit partnership.

b. Residency Restrictions for Registered Sex Offenders

Dodson/Athas

At the request of Mayor Pro Tem Lori Barnett Dodson and Mayor Douglas Athas, the Police Chief will brief Council on the residency restrictions for Registered Sex Offenders.

c. Amendment to the Consultation Services Retainer Agreement for Dean International, Inc. Athas

At the February 3, 2014 Work Session, Council considered an amendment to the Consultation Services Retainer Agreement for Dean International, Inc. At that time, Council agreed to postpone this item to the March 4, 2014 Regular Meeting for formal consideration. At the February 17, 2014 Work Session, Mayor Douglas Athas requested that this item also be scheduled for Council consideration at the next Work Session.

d. Strategic Transportation Enhancement Plan Athas

At the February 4, 2014 Regular Meeting, Council was scheduled to consider adopting the Strategic Transportation Enhancement Plan for IH-635 East, SH-78, and I-30. At that time, Council agreed to postpone this item to the March 4, 2014 Regular Meeting. At the February 17, 2014 Work Session, Mayor Douglas Athas requested that this item also be scheduled for Council consideration at the next Work Session.

e. Transportation Committee Report Willis

Council Member John Willis, chair of the Transportation Committee, will provide a Committee report on the following items:

- *Updates from Dean International, Inc. on IH-30, IH-635 East, and SH-78, THSRTC, and TEX-21.*
- *Update on strategic meetings during NLC.*
- *Update of the Blacklands Corridor Feasibility Study, toll road, and its relationship to IH-30 and Outer Loop projects.*

f. Review of City Council Policies Willis/Stanley

At the request of Council Members John Willis and Stephen Stanley, Council is requested to review and discuss the City Council Policies.

3. Discuss Appointments to Boards and Commissions Council

Alexander Lucian Giambasu – Community Multicultural Commission (District 5)

4. Consider the Consent Agenda **Council**

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

5. Announce Future Agenda Items **Council**

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

6. Council will move into Executive Session **Council**

**EXECUTIVE SESSION
AGENDA**

- 1. Pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.**
 - Investigation into testing irregularities involving Fire Department civil-service promotional examinations.**

 - 2. Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.**
 - Possible expansion of Kraft's Garland plant.**
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7. Adjourn

Council



Policy Report

BIOTEL INTERLOCAL AGREEMENT

ISSUE:

Consider whether to enter into a two year interlocal agreement in the amount of \$180,102 with the City of Dallas for BioTel System services for medical control for emergency medical services.

OPTIONS:

1. Authorize the City Manager to execute an interlocal agreement with the City of Dallas for BioTel System services for medical control.
2. Do not authorize the City Manager to execute an interlocal agreement with the City of Dallas for BioTel System services for medical control.

RECOMMENDATION:

Staff recommends Option 1: Authorize the City Manager to execute an interlocal agreement with the City of Dallas for BioTel System services for medical control. If Council concurs, this item will be scheduled for formal consideration at the March 18, 2014 Regular Meeting.

COUNCIL GOAL:

Consistent Delivery of Reliable City Services

BACKGROUND:

The 2014-2016 BioTel Interlocal Agreement was received in the early part of February 2014. The City of Garland's total portion of the fee for the performance of the services provided by the BioTel system for the years 2014-2016 is \$180,102. This fee will be paid in two equal payments of \$90,051 for the contract years of 2014-2015 and 2015-2016.

Costs are shared among fifteen agencies in the BioTel system. The cost allocated to the BioTel System members are on a per capita basis. The cost per capita used in this

contract is \$ 0.3948575. The City of Garland's population estimate is 228,060. The population estimates used in this contract are from the North Texas Council of Government's Annual Census Estimates from March 2012.

CONSIDERATION:

The City of Garland uses BioTel services to provide medical control for emergency medical services. The current core functions of BioTel are:

1. 24/7/365 availability of "one stop shopping" for EMS problem resolution for EMS agency personnel by highly trained and experienced BioTel RN's and paramedics.
2. 24/7/365 availability of on-line clinical consultation for paramedics and EMS supervisors by highly trained and experienced BioTel RN's, paramedics, emergency physicians and EMS faculty.
3. Assistance with specialty hospital destination decision-making.
4. Hospital notification of routine and critical patient transports.
5. Assistance with determining the appropriate destination when area hospitals report high volume and clinical advisories related to overcrowding and/or resource availability.
6. MCI transport coordination including patient distribution, hospital polling for resources, hospital notification and communication with critical EMS system elements.
7. Assistance with research projects.
8. Critical Incident Stress Management ("CISM") activation.
9. Emergency Legal Assistance Program ("ELAP").
10. Member Injury Advocacy Program ("MIAP").

Submitted By:

Raymond Knight
Garland Fire Department

Date: February 18, 2014

Approved By:

William E. Dollar
City Manager

Date: February 18, 2014



Meeting: Work Session

Date: March 3, 2014

Policy Report

THOROUGHFARE PLAN

ISSUE

Council is requested to consider an agreement with Freese and Nichols for \$200,000 to perform a major update to the current Thoroughfare Plan.

OPTIONS

- A. Authorize the City Manager to execute a contract with Freese & Nichols in the amount of \$200,000.
- B. Do not authorize the City Manager to execute the contract.

RECOMMENDATION

Option A: Authorize the City Manager to execute a contract with Freese & Nichols in the amount of \$200,000. This item is scheduled for formal consideration at the March 4, 2014 Regular Meeting

COUNCIL GOALS

Sustainable Quality Development and Redevelopment
Financially Stable Government with Tax Base that Supports Community Needs
Defends Rightful Powers of Municipalities
Fully Informed and Engaged Citizenry
Safe, Family-Friendly Neighborhoods

BACKGROUND

The Thoroughfare plan is utilized to set the ultimate width and alignment of roadways within the city based on the transportation needs for projected growth. As parcels develop or redevelop, right-of-way needs established by the thoroughfare plan are enforced during the plan development process so that future ROW needs are not encroached upon.

The current thoroughfare plan does not address ROW needs at major intersections that need to be expanded with turning lanes.

Additional roadway concepts such as context sensitive design and complete streets which address all aspects of transportation including bicycle and pedestrian traffic in addition to vehicular traffic are concepts that did not exist in thoroughfare plans in 1998. These cross sections are therefore not included in the current plan.

Several major roadways that have been completed are not included in the current plan such as the extension of the PGBT to IH 30

CONSIDERATION

The previous full thoroughfare plan update was completed in 1998.

Currently no overall bike plan for Garland exists.

The update will involve suggesting revisions and updates to the NCTCOG computer planning model. These updates will assist in showing proper demand on our streets which determine funding opportunities going forward.

ATTACHMENTS

Contract for Consultant
Current Thoroughfare plan

Submitted By:

Paul Luedtke
Transportation Department

Date: February 24, 2014

Approved By:

William E. Dollar
City Manager

Date: February 24, 2014

PROFESSIONAL SERVICES RETAINER AGREEMENT

This Agreement is made and entered into between the City of Garland, Texas ("City"), and Freese and Nichols, Inc.("Consultant").

W I T N E S S E T H

For and in consideration of the agreements contained herein, City and Consultant agree as follows:

1. **Retention of Consultant.** City hereby retains Consultant to provide on call services as described in Attachment A.

2. **Compensation.**

(A) City shall pay Consultant for the services of Consultant not to exceed \$200,000. Consultant shall invoice City for services performed and expenses incurred no more frequently than every thirty (30) days.

(B) City agrees to pay the actual, necessary and reasonable expenses incurred by Consultant in performing services under this Agreement for the City, or to reimburse Consultant for such expenses, as the case may be, for those expenses which the City has approved such as long distance telephone, fax, postage, copying costs and related business expenses (such expenses not to exceed \$752 without the prior approval of the City).

3. **Records and Billing.** Consultant shall maintain records of all work done on behalf of the City and of all expenses incurred for which Consultant seeks payment or

reimbursement. Bills for Consultant's expenses are payable within thirty (30) days of receipt by the City.

4. Status of Consultant. Consultant acknowledges that Consultant is an independent contractor of the City and that Consultant is not an employee, agent, official or representative of the City. Consultant shall not represent, either expressly or through implication, that Consultant 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 Consultant. Consultant agrees to indemnify and hold the City, its agents, employees and representatives harmless from and against any loss, cost, damages or expenses (including attorney and expert witness fees) arising from or attributable to the negligent performance of Consultant under this Agreement whether attributable solely to Consultant or jointly to and between Consultant and others, including any party indemnified herein and including liability arising from strict or other non-fault based liability. In the event of concurrent negligence on the part of Consultant and an indemnified party, Consultant's indemnification obligation shall be limited to the degree of fault apportioned to Freese and Nichols, Inc. Consultant.

5. Termination. Either party may terminate this Agreement at any time, at will and without cause, thirty (30) days after delivery of written notice of termination to the other party. In the event the City terminates this Agreement and Consultant is not in default or in breach of this Agreement, City agrees to pay Consultant for all services actually performed and for expenses actually incurred as of the day of termination provided that such services and expenses conform to the terms of this Agreement.

6. Notices. Any notice required or desired to be given to either party hereto shall be deemed to be delivered: (i) on the date of delivery, if hand delivered; (ii) one (1) day after sending, if sent by overnight courier; or (iii) three (3) days after the same is posted

in a U.S. mail receptacle, postage prepaid, to the address of the applicable party set out below such party's signature hereinbelow, if sent by mail. Either party hereto may change such party's address for notice to another address within the United States of America, 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.

7. No Assignment. Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

8. Severability. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement 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 Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

9. Waiver. Either party shall have the right to waive any requirement contained in this Agreement, 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.

10. Governing Law; Venue. This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. This Agreement is performable in Dallas County, Texas, and exclusive venue for any action arising out of this Agreement shall be in Dallas County, Texas.

11. Paragraph Headings; Construction. The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or

meaning of the various and several paragraphs hereof. The parties acknowledge that they have read and participated in the preparation of this Agreement so that this Agreement shall not be construed either more or less strongly in favor of or against either party.

12. **Binding Effect.** Except as limited herein, the terms and provisions of this Agreement 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.

13. **Counterparts.** This Agreement has been executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

14. **Relationship of Parties.** Nothing contained in this Agreement 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 Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of an independent contractor.

15. **Exhibits.** All exhibits attached hereto are incorporated herein by reference for all purposes wherever reference is made to the same provided that, to the extent of any conflict between the terms of this Agreement and the terms of any exhibit, the terms of this Agreement shall control.

16. **Non-Collusion.** Consultant represents and warrants that Consultant 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 Agreement. Consultant further agrees that Consultant shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City under this Agreement) for any of the services performed by Consultant under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Consultant, Consultant 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 Consultant under this Agreement.

17. Disclosure of Business Relationships/Affiliations; Conflict of Interest Questionnaire. Consultant represents that it is in compliance with the applicable filing and disclosure requirements of Chapter 176 of the Texas Local Government Code.

18. Dispute Resolution. In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party 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 dispute. (3) If those persons cannot or do not resolve the dispute, 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 dispute.

EXECUTED this ____ day of _____, 2014.

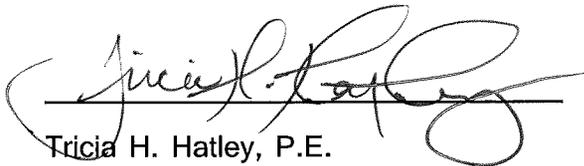
CITY:

CONSULTANT:

CITY OF GARLAND, TEXAS

Freese and Nichols, Inc.

William B. Dollar
City Manager



Tricia H. Hatley, P.E.
Vice President

ADDRESS FOR NOTICE:

CITY

CONSULTANT

City of Garland
200 North Fifth Street
P. O. Box 469002
Garland, Texas 75046-9002
Attn: Paul Luedtke

Freese and Nichols, Inc.
2711 North Haskell Avenue
Suite 3300
Dallas, Texas 75204
Attn: Edmund Haas, AICP

Attachment A Garland Transportation Plan Scope of Services

Project Purpose: The Garland Transportation Plan will serve to provide a framework for continued growth and development/redevelopment of the city through 2040. The changing dynamics of the community, as promulgated through the recently adopted Comprehensive Plan, require that multi-modal consideration be incorporated in the plan along with the latest design principles (context sensitivity and complete streets) to promote mobility options for citizens of the city. The plan will provide goals and objectives for achieving a safe and integrated transportation system, provide a venue for public input and dissemination of plan information, assess existing conditions, identification of long-range needs through a travel demand modeling process, identify supporting roadway design standards and critical intersection needs, and provide recommendations for short and long-term implementation strategies. Two other key work areas in the planning process will include; bike/trail plan connectivity and integration with bikeway corridors and, development of a vision for SH through the city. The process will be supported through a public involvement process for public and staff input and culminate with a public hearing process for plan adoption.

Task 1.0 – Project Management and Meetings

This task involves project management, coordination and meetings to support the transportation plan process. At the outset of the plan, a kick-off meeting will be held to define points of contact, schedule, identify initial project needs and data sources, and discuss methodological approach to the project. Meeting minutes will be prepared and disseminated to the team.

Task 1.1 – Project Management

FNI's Project Manager, in coordination with the City's Project Manager, will be responsible for directing and coordinating all activities with the Transportation Plan.

1.1.1 – Project Coordination and Invoices

FNI will prepare a project schedule and use such schedule for the preparation of monthly progress reports for review by the Contract Manager. Invoices for all work completed during the period will be submitted for work performed by FNI and Sub Consultants. Monthly progress reports will include:

- a. A standard invoice form (in accordance with City requirements)
- b. Activities, ongoing or completed, and any technical decisions made during the reporting period;
- c. Activities planned for the following reporting period;
- d. Problems encountered and actions to remedy them; and
- e. Status, including a tabulation of percent complete by the Work Authorizations Deliverable List, and detailed project schedule illustrating study progress.

1.1.2 – Sub-Consultant Management and Meetings

FNI will prepare subcontracts for Sub-consultant(s), monitor Sub-Consultant staff activities and adherence to schedules, and review and recommend approval of Sub-Consultant invoices.

1.1.3 - Quality Assurance/Quality Control

FNI will provide continuous quality assurance and quality control throughout the duration of the study. The Project Manager will also participate in Freese and Nichols internal periodic QA/QC meetings, in which the project is reviewed by Company leadership to ensure adherence to quality control standards and delivery of quality products to the client.

Task 1.2 – Project Meetings

The study will be facilitated through input provided by a project Steering Committee that will guide the identification of key issues, provide input to plan development and recommended implementation strategies. The process will also be supported through public input obtained through Town Hall meetings as well as the formal public hearing process.

1.2.1 – Town Hall Meetings

Two (2) Town Hall meetings will be attended to garner public input. These are envisioned to occur at the outset of the project for issues identification/needs and Plan recommendations.

1.2.2 – City Staff Meetings

Up to eight (8) meetings will be attended with City Staff and are envisioned to occur at; issues identification, coordination with NCTCOG (modeling), existing conditions, bike plan coordination, SH78 corridor planning and plan development.

Task Products:

Project management and coordination, status and invoice reporting, and project meetings.

Task 2.0 - Data Collection

FNI will compile pertinent current planning efforts within Garland to ensure that connectivity with other current and long-range regional system enhancements is considered. Data will be collected from the City Transportation, Planning, and Parks & Recreation Departments, North Central Texas Council of Governments (NCTCOG), the Texas Department of Transportation (TXDOT), DART, adjacent municipalities and the KCS Railroad for long-term rail plans. The Study Team will also meet with the NCTCOG to coordinate the transfer of travel forecast model files and other long range planning initiatives.

FNI will also compile appropriate GIS base mapping for use in the conduct of study. The City will provide current data to include: city limits, street centerline and names, currently right-of-way at key intersections to be identified as part of Task X.0, existing thoroughfare and bike/trails plan, parcel data, natural features (parks, hydrology) and public and community facilities.

Activities

- 2.1 Review of existing thoroughfare plans and/or planning efforts from City Departments and adjacent municipalities to coordinate roadway system planning.
- 2.2 Obtain roadway planning initiatives by NCTCOG, TXDOT and adjacent cities.
- 2.3 Obtain the latest travel forecasts (Mobility 2035 and/or Mobility 2040, if available) from NCTCOG for comparison with travel forecasts to be prepared as part of Task 5.0.
- 2.4 Obtain Kansas City Railroad system plans and improvements.
- 2.5 Base mapping compilation and preparation.

Task Products:

Coordination of other transportation studies/efforts of other jurisdictions and agencies with Garland and project base mapping.

Task 3.0 – Issues Identification and Policy Development

The development of a set of broad-based, clearly stated thoroughfare plan policies will provide the City with a mechanism to meet objectives that support the achievement of an effective and efficient transportation system. The identification of issues and development of policies would be based on input from a public meeting, dialogue with the Steering Committee and City Staff input. Public input will be solicited for areas of: critical intersection/system needs, street context, mobility options, gateway treatments, and special area needs (i.e., station area needs, downtown, etc.).

Activities

- 3.1 Issues Identification. Seek input of thoroughfare system issues from the Steering Committee and City Staff. Obtain input on strengths, weaknesses, needs and opportunities of the transportation network. One (1) meeting will be conducted with City Staff.
- 3.2 Plan Goals and Objectives. Prepare a broad-based, clearly stated thoroughfare plan strategies and policies will provide the City with a mechanism to meet objectives that support the achievement of and effective transportation system. Policies of the existing Thoroughfare Plan would serve as a basis for update as part of plan development.
- 3.3 Town Hall for public input. Per Task 1.2.2, conduct one (1) public meeting to obtain supplemental input on transportation issues and needs and desires for the outcome of the plan. The Town Hall meeting will contain breakout areas for input on thoroughfares, bike connectivity, transit needs and plan goals and objectives. Summarize thoroughfare system issues and needs as part of plan documentation.

Task Products:

Identification of key transportation issues and plan goals and objectives relating to general mobility, maintenance of existing infrastructure, special place to live, economic vitality, and fiscal stewardship.

Task 4.0 –Existing Conditions Analysis

The Study Team will conduct a general overview of the existing thoroughfare system to serve as a basis for plan development. Elements included as part of this assessment will include; existing functional classification, existing network level-of-service, identification of critical intersections, existing and future major traffic generators, current daily volumes and non-motorized and transit connectivity.

Data of daily traffic volumes will be based on available information as compiled by the City and supplemented with data from a validation run for travel forecast modeling as part of Task 5. Data from the City's Traffic Volume Count Map will be used for the validation process of the forecast model. The issues identification process in Task 3 will serve to inform the planning team of other areas for evaluation.

Task Product:

Mapping: Existing Traffic Volumes Map, Level of Service Map, Thoroughfare Plan Map

Task 5.0 – Evaluation of Future Roadway Needs/Travel Forecast Modeling

Travel forecast modeling will serve as the conduit for technical analyses of community growth as defined by the Future Land Use Plan (City Comprehensive Plan). Output from the travel demand model will serve as the basis for the determination of roadway needs and/or system improvements necessary to accommodate long-term growth needs. The study team will coordinate with NCTCOG in the update of the regional travel forecast model. The study team will use NCTCOG developed trip table output files for use in city level analyses. It is assumed that NCTCOG will be able to accommodate this project schedule.

5.1 Update Travel Demand Model Demographics

The Planning Team will coordinate with NCTCOG staff to its most recently approved Traffic Survey Zone (TSZ) data (i.e., households, population, and employment by sector (basic, retail, service, and possibly education) and network for the outermost planning horizon year. Socio-demographic data will be updated for TSZs affected within the city a base year of 2015 and target year 2040 based on current growth trends and consistency with the comprehensive plan. External to the city, regional data as provided by NCTCOG will be utilized and verified to accommodate Black Lands Prairie area or other known major traffic generators. City staff will assist the planning team with growth trend data, projected 2040 year population, and location of growth within the city. Key sub-tasks include:

- 5.1.1 *Base Year Verification:* Update base year data (NCTCOG 2010) using current aerial photography to provide current base year estimates for both population and employment. Project forward for year 2015 TSZ base data.
- 5.1.2 *Forecast Year Projection:* Using the future land use plan and growth trend data from the City Planning Department, prepare twenty-five year forecast for affected TSZs within Garland.
- 5.1.3 *Demographic Database Development:* Data will be compiled by TAZ for use in the traffic forecast model. Appropriate formats for import of population and employment data to the model will be determined prior to the formulation of the database.

5.2 Prepare Travel Demand Forecast Networks

Travel forecast networks, as provided from NCTCOG, will serve as a basis from which refinements, as necessary, will be made to the network internal to the city. Major network linkages within the city will be modified to reflect the current network. The network will then be enhanced to include “committed” (funded) projects. External to the city, the network will rely on existing plus committed projects as approved thru NCTCOG. Sub-tasks to be performed include;

- 5.2.1 *Prepare base year network:* Utilize existing daily traffic count data for network calibration.
- 5.2.2 *Prepare travel model for horizon year traffic on existing plus committed network.* This analysis will provide insight to operation conditions on the network as it stands today, as well as level of needs relative to the existing network.

5.3 Travel Forecast Modeling

- 5.3.1 *Staff Modeling Input Meeting (as part of Task 1.2.3):* Complete model runs for the base conditions and base future network. Based upon this review make adjustments to base network and consider a second scenario based-upon the Group’s input. This probable future network will be used to test future mobility tools upon.
- 5.3.2 *Map Scenarios:* Maps will display all funded, planned transportation improvements as well as future projected traffic volumes.
- 5.3.3 *Analysis of Model Results:* Analyze the current Thoroughfare Plan with 2040 demographics and the modified Thoroughfare Plan with 2040 demographics.

Task Products:

- Base Conditions, Current Thoroughfare Plan conditions Maps (hard copies and electronic format)
- Base Conditions, Modified Thoroughfare Plan conditions Maps (hard copies and electronic format)
- Summary of Base and Future Conditions analyses

Task 6.0 – Plan Development

Based on work efforts in Tasks 1-5, the Study Team will conduct transportation planning to address thoroughfares (long-term needs, critical intersections, street context and special corridors), non-motorized

and transit systems integration, and supporting implementation strategies for short and long-term application.

6.1. Thoroughfare Plan Development

Travel forecast modeling in Task 5 will identify system needs and serve as a basis for recommendation of roadway sizing. Incorporated into this thought process will be considerations for road or lane diets, as appropriate.

6.1.1 Functional Street Classifications: This task will include research of national best practices and industry standards and make recommendations for new functional street classifications to be considered as part of the plan update. Recommendations will consider Context Sensitive Design for all transportation modes and built upon concepts that are under consideration locally and regionally. Cross sections and plan views will be developed. New sections prepared as part of the Comprehensive Plan process will also be included in the design process.

6.1.2 Define Context of Streets: Apply the new functional street classifications within the city and test Context Sensitive recommendations by creating a preliminary schematic for 1200 feet of a proposed street modification. Test the preliminary schematic with assistance from the Steering Committee for implementation hurdles.

6.1.3 Design Criteria Manual Revision: Explore how the new functional street classifications and cross sections will be incorporated into the Design Criteria Manual. A list of necessary revisions to the Design Criteria Manual will be produced and a process will be created to implement the changes.

6.1.4 Intersection Analysis and Needs: a sketch level analysis of intersections throughout the city will be performed to identify future congested locations. Prepare policy recommendations for geometric requirements at specified typical intersection types (i.e., arterial/arterial, etc.). The recommendations will specify needed rights-of-way at intersections for arterial/ arterial, arterial/collector situations.

Task Products:

- Long-term roadway system needs and sizing
- Research and analysis of results related to functional street classification system
- Proposed functional street classification system (plan and cross-section views)
- Application of functional street classification system
- Recommended revisions and process to Design Criteria Manual
- Future congested intersection locations map and table and recommended right-of-way needs for key intersection types based on functional class.

6.2 Bike & Trails Plan System integration

The thoroughfare plan will incorporate connectivity with non-motorized networks planned as part of the Bike & Trail Plan. Specific emphasis will be placed on existing and planned bike paths along Pleasant Valley, Brand Road, and Spring Creek. Other critical elements include interface with other public amenities such as; transit centers, parks, public spaces and facilities and other paved trails/corridors in adjacent cities.

6.2.1 Connectivity with Key Bike Corridors: Conceptual planning and general layout of bike routes and connectivity with the North-South Bikeway corridor. Planning will also include connections with other bike corridors along Pleasant Valley, Brand Road, and Spring Creek Road and/or key city amenities.

6.2.2 System interface with other regional non-motorized networks: Review regional plans from NCTCOG, DART Bus/Bike Rack Routes and/or adjacent city plans to provide recommended improvements for system interface and matching design standards.

6.2.3 Incorporation into Complete Street Concepts: Recommendations for bike planning will be incorporated into the Complete Streets concepts and identify supporting policies needed for bike system integration and interface.

Task Products:

- Conceptual planning and connectivity of bike routes with North-South Bikeway and integration into the transportation plan
- Connectivity with other bike routes, city amenities and adjacent city/regional networks
- Incorporation of bike recommendations into Complete Streets concepts.

6.3 SH 78 Corridor Planning

This task will provide a dialogue for the examination of problems with the corridor, potential opportunities for corridor connectivity as well as renewal between IH-635 and Buckingham Road. Strategies will focus on how redevelopment opportunities along with changes to zoning, transportation infrastructure, land use and urban design have the potential to reshape the corridor and provide an important link between Downtown and the regional highways system. The following activities will be conducted as part of this task.

6.3.1 Establish Corridor Vision for SH 78: Using the meetings established as part of Task 1.2, engage meeting participants to solicit their desire of the ultimate vision of the corridor. Solicit input on desired land uses (type and location of specific uses), identify shortcomings and opportunities of the corridor, transportation needs or issues, desired corridor aesthetics, and solicitation of ideas for connections between downtown and the regional roadway network.

6.3.2 Current Planning and Framework Analysis: Review of the most recent plans such as the Comprehensive Plan and SH78 Market Study for affected area. Prepare a series of general analysis maps to identify physical constraints and identify potential investment ready sites:

- Current municipal boundaries and regulatory elements;
- Major physical features such as tree coverage, floodplains, topography, waters, or other important land features;
- Circulation and connectivity routes;
- Land uses, historical sites, block patterns, land values, existing buildings, vacant and underutilized parcels, and the potential for assembly of significant parcels for catalyst locations;
- Identify opportunities for building on existing strengths and block clusters, developing activity/investment anchors, and making the best use of City-owned parcels, land, buildings, and public services.

6.3.3 Corridor Planning Strategies: Apply Complete Street concepts to SH 78 corridor. Identify actions, priorities, potential funding options and partners relative to corridor revitalization.

6.3.4 SH78 Corridor Connectivity: This task will focus on identifying potential alternative connections for SH78 between Buckingham and Miller Roads. The aim of this analysis to find possible connection solutions that could be incorporated into the thoroughfare plan. Work activities for this sub-task include:

- Identification of up to three (3) alternative connection scenarios
- Preparation of conceptual layout and support network needs

- Identification of general benefits, issues and implications of alternative connection scenarios. Alternatives will be summarized on tabular format and incorporated into the thoroughfare plan document, as appropriate.

Task Products:

- Establishment of corridor vision through stakeholder/public input.
- Corridor/sub-area planning to include:
 - Corridor Plan Illustrative: Prepare one (1) conceptual plan exhibit graphical illustrating planning concepts, key locations for improvements, key development sites and key planning strategies to the southern sector of SH78.
 - Land Use Strategies: Identify generalized land use locations for the study area. The land use strategies will include brief descriptions for recommended land uses
 - Connectivity and Circulation Strategies: Identify high-level transportation strategies to support the study area that may include; parking strategies, streetscape improvements and pedestrian circulation recommendations. This task does not include detail traffic assessment but rather general recommendations to improve connectivity and to support other strategies
 - Aesthetics, Branding and Urban Design: Identify strategies to increase area identity and overall aesthetics potential methods to create gateway entrances for downtown and increased visual linkages from key locations
 - Application of complete street concepts to SH78 corridor.
- Conceptual planning and general layout of potential alternative connections through downtown between Miller and Buckingham Roads.

6.4 Projects Identification and Prioritization

A project prioritization list will be prepared to support Thoroughfare Plan recommendations based on their ability to meet the city's desired mobility objectives as defined in Task 3.0. A listing of immediate (less than 3 years), short (3-10 years) and long-term (greater than 10-years) will be prepared and documented for the plan report. A value based ranking system will be comprised of both Thoroughfare Plan goals developed as part of the plan and technical criteria that address items such as; safety, operations, schedule and funding among others.

Task Products:

- Plan listing and prioritization of mobility improvements.

Task 7.0 - Thoroughfare Plan Document

Thoroughfare Plan documentation will be summarized in a concise report detailing; study overview, plan goals and objectives, existing transportation conditions, travel demand modeling, functional classification system, future needs and plan recommendations. The Thoroughfare Plan will be summarized on a single map and depicting roadway functional class throughout the study area. Supporting roadway sections will detail the composition of each functional class facility.

A draft plan will be prepared and submitted to the City Staff for review and comment. Based on comments, a revised draft will be prepared and presented to the Planning and Zoning Commission for consideration. Subject to Commission comments, a final report will be prepared and presented to the City Council for Public Hearing. An electronic version (PDF format) of the draft plan will be submitted to the City for staff review. An electronic version (PDF format) file of the draft and final plans will be submitted to the city for reproduction and dissemination, as desired.

Task Products:

- Prepare Draft Thoroughfare Plan document and map for submittal to the city.
- Prepare Draft Thoroughfare Plan document and map and present to the Planning and Zoning Commission.
- Final Thoroughfare Plan for presentation to the City Council at Public Hearing.
- Submission of electronic files (PDF format) of plan documents.

Task 7.0 - Meetings

AS identified in Task 1.2, up to ten (10) meetings are scheduled for the development of the Thoroughfare plan and include:

- Town Hall – 2 meetings
- City Staff – 8 meetings

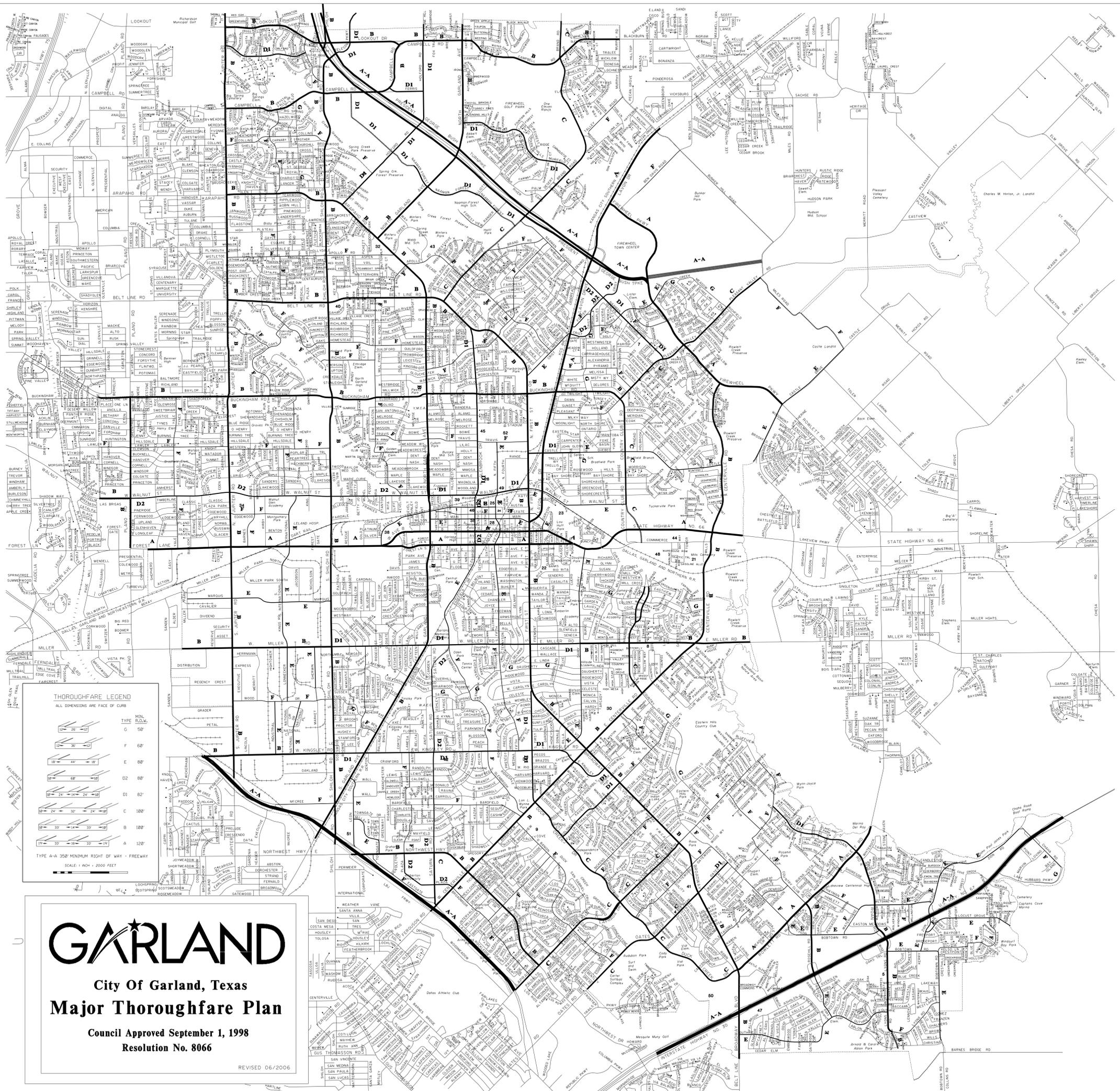
Two (2) additional meetings are scheduled for the public hearing process and include the Planning and Zoning Commission and the City Council. A total of twelve (12) meetings are included in this project.

Reports and Products

All documents will be prepared using Microsoft Word software. To ensure retention of proper formatting, submittals to the City will be made via PDF electronic file format. At the conclusion of the study, electronic files will be submitted to the City for use by the City as desired. All mapping will be created in ESRI ArcGIS software and copies of maps transmitted via PDF format.

Schedule

The time for the preparation of the Transportation Plan is expected to occur over a ten (10) month time frame with plan submittal by December 31, 2014. The technical work is anticipated to be completed in eight (8) months. The overall public hearings process is assumed to occur over two (2) months. It is assumed that the public hearings process will accommodate this schedule.



GARLAND

City of Garland, Texas
Major Thoroughfare Plan

Council Approved September 1, 1998
 Resolution No. 8066

REVISED 06/2006



City Council Item Summary Sheet

Work Session

Date: March 3, 2014

Agenda Item

Pace and Lyles Houses

Summary of Request/Problem

As Council previously directed, the Request for Proposal (RFP) for the Pace House has been advertised. Staff will update Council on the process.

Council is requested to provide direction concerning the location, use options, and disposition of the Lyles House and a proposed nonprofit partnership.

Recommendation/Action Requested and Justification

Council discussion and direction.

Submitted By:

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

Work Session

Date: March 3, 2014

Agenda Item

Residency Restrictions for Registered Sex Offenders

Summary of Request/Problem

At the request of Mayor Pro Tem Lori Barnett Dodson and Mayor Douglas Athas, the Police Chief will brief Council on the residency restrictions for Registered Sex Offenders.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

**William E. Dollar
City Manager**



City Council Item Summary Sheet

Work Session

Date: March 3, 2014

Agenda Item

March 4, 2014

Amendment to the Consultation Services Retainer Agreement for Dean International, Inc.

Summary of Request/Problem

At the February 3, 2014 Work Session, Council considered an amendment to the Consultation Services Retainer Agreement for Dean International, Inc. At that time, Council agreed to postpone this item to the March 4, 2014 Regular Meeting for formal consideration.

At the February 17, 2014 Work Session, Mayor Douglas Athas requested that this item also be scheduled for Council consideration at the March 3, 2014 Work Session.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to execute an amendment to the Consultation Services Retainer Agreement for Dean International, Inc.

Submitted By:

Approved By:

William E. Dollar
City Manager

Dean International, Inc.
Schedule of Services and
Scope Definitions

Service	Explanation	Fee
STEP		
<ul style="list-style-type: none"> • IH-635 East 	Contained in original scope of services. Significant definition of goals and objectives for the project are outlined in the new scope of services as well as a project funding and development modeling	---
<ul style="list-style-type: none"> • SH 78 	Contained in original scope, some additions and definitions included in new scope	---
<ul style="list-style-type: none"> • IH-30 	Contained in original scope, some additions and definitions included in new scope	---
<ul style="list-style-type: none"> • DART Focus 	New element to scope of services that will assist the City in the creation of policy objectives for the City to better manage its \$23 million annual investment	\$120,000 annually
<ul style="list-style-type: none"> • Garland Industrial Focus 	New element to scope of services that will assist the City in identifying and creating policy provisions for the industrial area	\$100,000 annually
Public Policy Survey	Contained in original scope with no changes	--
Legislative and Congressional Strategy	Contained in original scope of services with significant additions including the delineation of Legislative and Congressional days each year in Austin and D.C., respectively	\$60,000 annually in addition for Legislative and Congressional Days
Advocacy Group	New element to scope of services that will bring together and educate stakeholders to forward the City's transportation projects and initiatives	\$100,000 annually
Total:		\$380,000 Annually
Core Contract Reduction		\$260,000 Annually
Cost to Garland		\$120,000 Annually

To the original scope, there have been four major additions:

- DART Focus
- Garland Industrial Focus
- Legislative and Congressional Days
- Advocacy Group

Overview of the Garland Citizens' Advocacy Group

Mission: To forward the City of Garland's transportation initiatives through an educated citizenry to effectively impact the direction by way of the public process

Goals/Objectives: The following goals and objectives are identified for the Garland Advocacy Group:

- Create an educated group of citizens that have project-specific knowledge and can effectively be called upon to advocate for transportation infrastructure related projects
- Effectively communicate the recommendation and policies set forth by the City Council on various transportation projects as indicated in the STEP document
- Add an essential layer to the overall policy strategy that will effectively advocate the cities position to local, regional, state, and federal transportation providers

Strategies/Tactics: The above outlined goals and objectives will be achieved through the following strategies and tactics:

- Creation of a Council and City Manager appointed citizens group that, through project-specific educational opportunities, will be prepared to effectively advocate for the Council's policy positions
- Monthly or bi-monthly meetings, in the evening, depending upon the issue, projects, and stages of project development with presentations, handouts, and briefings from consultants, council, staff, and other transportation related experts
- Dean International, Inc. will administer this group through email and phone communications to organize meetings and keep the group abreast of the latest developments related to the City's projects and policies
- The group will advocate the City's position at county, regional, state, and federal levels, depending upon the issues and projects and necessitated by the Council's policies

The meetings would be in the evening with necessary email and telephone communications in between the meetings.

With the public process to begin soon with the IH-635 East project PS&E contract, this group will be essential for the projects development through a statement of need. Also, the group would be enlisted to enrich the SH 78 discussion and assist with the IH-30 project development.

The group will communicate the City's policy recommendations at public hearings and meetings, to their Legislators and Congressional representatives, County officials, and executive branch agencies at the State and Federal level.

DART Focus

Mission: To grow Garland through increasing the property tax and sales tax receipts in the City through a more efficient and effective transit system

DART Focus		
Strategy	Description	Notes
Strategic Development Meetings/STEP Policy Inclusion	City Council, staff, and consultant will work together to identify and evaluate the needs of the City for its transit system, opportunities to better and expand the system, and strategies and tactics to achieve the outlined goals and objectives identified by the Council and Staff; findings and processes/timelines will be included in the STEP document	Meetings will be held with various councilmembers, staff members, other consultants retained by the city and businesses, and the consultant. Findings will be brought back to the Transportation Committee meetings for discussion until the items are ready for inclusion into the STEP document. This will be an ongoing, dynamic process dependent upon the growing and changing needs of the City
DART Policy Analysis	Research will need to be performed in the annual update to the financial plan, the strategic plan, and the twenty year financial plan as well as federal and state guidelines	This will be an ongoing process evaluating and researching various components of the DART budget and financial plan,
Meetings with DART Staff and Board Members	After the goals and objectives are outlined, strategic meetings will occur with effected members of DART staff and Board of Directors.	These meetings will be ongoing and occur with regularity
Monthly Meetings with DART Board Leadership and Executive Staff	Dean International, Inc. will establish monthly or bi-monthly meetings, depending upon the goals and objectives, with DART Board Leadership and Executive Staff to be attended by Councilmembers and City Staff	An agenda will be drawn up to coincide with the needs of the City and the outlined goals and objectives

Garland Industrial Focus

- Mission:** To assist in retaining, expanding and recruiting businesses to the industrial centers of the City of Garland through a proactive collaborative approach to transportation infrastructure development
- Goals/Objectives:** To actualize the mission of the Garland Industrial Focus, the following goals and objectives have been identified:
- Articulate to the City of Garland’s industrial community the Council’s policies and recommendations for the City’s transportation infrastructure
 - To assess, through stakeholder involvement, the needs of the industrial centers including transportation infrastructure for the movement of goods and the commutes of employees; a multimodal approach including highway, transit, and rail will be included
 - Creation of a policy platform for enhancing the needs of the industrial centers
- Strategies/Tactics:** The above outlined goals and objectives will be achieved through the following strategies and tactics:
- Strategic meetings with the various industrial centers throughout the City and those industries outside of the City that are directly affected by the City’s infrastructure
 - Strategic stakeholder meetings with the Garland Chamber of Commerce, Dallas County Industrial Foundation, and the City of Garland to identify, evaluate, and develop recommendations for improvements
 - Develop informational and educational materials to be distributed to the industrial centers concerning the infrastructure policies
 - Seek strategic opportunities for partnerships with the City of Garland and various other industrial and import centers as well as an analysis of policies to be implemented by the City to attract additional businesses

Legislative and Congressional Days

In order to accomplish the goals and objectives set out by the Garland City Council on the various projects identified, an expanded Garland Legislative and Congressional Strategy is necessary to encompass the effort.

In order to accomplish the specified goals for the transportation projects, Dean International, Inc. would organize and administer Garland an annual Garland Legislative Day in Austin, Texas and an annual Garland Congressional Day in Washington, D.C.

Legislative Days

On years that the Texas Legislature is in Session, the Dean International, Inc. will organize a Legislative Day in the Capitol where members of the City Council would meet with Senators, Representatives, and staff members and cover transportation and infrastructure issues. Also, a reception would be held, sponsored by the City of Garland. Depending upon the number of councilmembers that attend, the Garland delegation would be placed in groups and sent to the various legislative and committee offices. Dean International, Inc. will organize a pre-Legislative day briefing meeting to discuss talking points and advocacy strategies and properly staff the teams.

On years that the Texas Legislature is not in Session, Dean International, Inc. will organize briefing meetings with the Executive branch of the Texas Government including, but not limited to, the Texas Transportation Commission, TxDOT, the Governor's Office, the Lieutenant Governor's Office, the Speaker's Office, TCEQ, and others. Dean International, Inc. will organize the meetings and staff the team meetings.

Legislative Days will be one long day or a day and a half annually.

Congressional Days

Each year, Dean International, Inc. will organize a Congressional Day in Washington, D.C. for Councilmembers and Staff. Dean International, Inc. will organize meetings on Capitol Hill with members of the Garland Delegation, key Congressional Members and Leaders, and Committee staff members as well as Executive Branch officials at the USDOT and other agencies as directed by Council and Staff.

Dean International, Inc. will properly staff the delegation before the Congressional Day as well as during the meetings with handouts, pertinent information, and suggested talking points.

This will be a minimum of a two day mission to Washington, D.C.

**FIRST WRITTEN AMENDMENT AGREEMENT
TO
CONSULTANT SERVICES RETAINER AGREEMENT BY AND BETWEEN
DEAN INTERNATIONAL, INC.
AND THE
CITY OF GARLAND, TEXAS**

THIS FIRST WRITTEN AMENDMENT AGREEMENT (“Amendment”) between Dean International, Inc. (“Dean”), and the City of Garland, Texas (“City”), is made to amend the Consultant Services Retainer Agreement effective _____, 2013 by and between the Dean and the City (the “Retainer Agreement”).

WHEREAS, the City has engaged Dean to provide certain services to the City under the terms and conditions set forth in the Retainer Agreement; and

WHEREAS, it is the mutual desire of the parties to enter into this Amendment to modify certain provisions of the Retainer Agreement relating to the services to be performed by and compensation to be paid to Dean;

NOW, THEREFORE, in consideration of the foregoing, and the benefits to accrue to the parties from this Amendment, the parties agree that the Retainer Agreement is amended as follows:

Amendment No. 1 to the Retainer Agreement: The City and Dean desire to modify Paragraph 2 (A) of the of the Retainer Agreement by increasing the monthly fee to be paid to Dean from \$20,000 to \$30,000 so that Paragraph 2(A) shall hereafter read as follows (deleting the text designated by a ~~strikeout~~ and including text designated by a double-underline):

“(A) City shall pay Consultant for the services of Consultant a fee of ~~\$20,000.00~~
\$30,000.00 per month.”

Amendment No. 2 to the Retainer Agreement: The City and Dean desire to modify Paragraph 5 of the Retainer Agreement by increasing the term from a period of twelve (12) calendar months, terminating on April 30, 2014, to a period of twenty one (21) calendar months, terminating on September 30, 2015 so that Paragraph 5 shall hereafter read as follows (deleting the text designated by a ~~strikeout~~ and including text designated by a double-underline):

“5. Term; Termination; Renewal. This Agreement shall be effective ~~for a term of twelve calendar months following the Effective Date as set forth above the signatures of the parties~~ until September 30, 2015. The City may terminate this Agreement if Consultant fails or refuses to fulfill or perform any covenant, agreement or obligation of Consultant under this Agreement or if Consultant fails or refuses to devote sufficient time and effort to the work to be performed under this Agreement, and such failure or refusal continues without correction for a period of

sixty (60) or more consecutive days following written notice by the City. Within ten (10) days after receipt of such written notice by Consultant, City and Consultant shall meet to outline a mutually acceptable performance optimization plan that is to be implemented over the sixty day period commenced with the delivery of notice. At the end of that period, if the City remains dissatisfied with the performance of Consultant, the City may send a notice of termination setting forth with material specificity the nature of its dissatisfaction and providing Consultant with a further thirty (30) days in which to cure the reasons for termination specified in the second notice. If Consultant is unable or unwilling to cure the reasons for termination to the satisfaction of the City, then the City may terminate this Agreement by delivery of written notice of termination to the Consultant. In the event the City terminates this Agreement and Consultant is not in default or in breach of this Agreement, City agrees to pay Consultant for all services actually performed and for expenses actually incurred as of the day of termination provided that such services and expenses conform to the terms of this Agreement. Not less than sixty (60) days prior to the anniversary date of this Agreement, Consultant may request in writing to the City Council a renewal of this Agreement for another one year term by means of a mutually agreed written agreement executed by both the City and the Consultant. Any renewal of this Agreement shall require the approval of the City Council.”

Amendment No. 3 to the Retainer Agreement: The City and Dean desire to replace Exhibit A of the Retainer Agreement in its entirety and substitute therefor Exhibit A-1, attached to this Amendment.

All other terms of the Services Agreement, as amended, shall remain in full force and effect.

EXECUTED on the dates indicated below.

CITY:

CONSULTANT:

CITY OF GARLAND, TEXAS

DEAN INTERNATIONAL, INC.

William E. Dollar
City Manager
Date:

David A. Dean
President and CEO
Date:

Attachments: Exhibit A-1

Exhibit A-1 Scope of Work

Consultant agrees to perform the following services on behalf of the City:

A. Strategic Transportation Enhancement Plan. Consultant will create, develop, prepare, and maintain a Strategic Transportation Enhancement Plan (hereinafter STEP) for the purpose of maximizing funding and project development of projects prioritized by the City for project development within the city limits of Garland, including the implementation of the STEP as it relates to IH-635 East, SH-78, Garland Industrial Focus, DART, and IH-30.

The STEP will be a written document that will be updated annually and periodically as directed by the City and will reflect a detailed listing of the then-current funding opportunities for transportation projects as identified above and the potential strategies to assist the City in qualification for same.

For purposes of contract compliance, the City and Consultant acknowledge that while there needs to be a degree of flexibility in addressing the transportation needs of the City as herein outlined, that the creation of the STEP and projects of interest will outline the process and procedure relating to IH-635 East, SH-78, Garland Industrial Focus, DART, and IH-30 within the Garland city limits by which the City and Consultant agree to relate to each other during the term of this Agreement.

The City and Consultant agree that the following projects will be evaluated and City and Consultant will actively pursue the following projects being worked into the STEP as well as specifically outlined goals and objectives agreed to by City and Consultant:

IH-635 East

Examine possibilities to enhance the corridor and identify and assist in the implementation of effective solutions to the high traffic volumes and needed frontage roads; the creation of a corridor coalition of municipalities, stakeholders, and interested organizations and businesses along IH-635 with the purpose of bettering the corridor.

Key concepts that will be advocated for, but not limited to, are

- Continuous Frontage Roads from US 75 to IH-30
- Enhanced Access with Strategically Placed Entrance and Exit Ramps
- Aesthetic Enhancements to the Corridor
- Continuous 2+2 Managed lanes from US 75 to IH-30
- Reconstruction and reconfiguration of the main lanes

- Sound Walls
- TIFIA Loan
- Federal Control of Access Issues
- CDA Authorization in the 84th Legislative Session

Consultant will also work with the City to identify and evaluate various financing opportunities for the project, including but not limited to public-private and public-public partnerships for the project and the various means of City participation in this project.

SH-78

Examine the possibilities for the betterment of the corridor including but not limited to various transit services, corridor zoning and aesthetic improvements, and mobility options, while working in a coordinated effort with other municipalities; key objectives will be to monitor proposed improvements to the corridor, analyze options for the corridor realignment, an dteh redesign fo the corridor as well as identify Federal and State programs from which funding could be secured.

IH-30

Examine possible enhancements and improvements needed for the maximization of the potential and opportunities of the corridor including improved frontage roads and access, intersections, and corridor aesthetics and zoning improvements. The TxDOT project encompassing IH-30 in Garland will be anazlyed and evaluated with improvements noted and suggested with a focus on land use, and the optimization of development opportunities along this catalyst area.

Garland Industrial Focus

Develop an assessment of the transportation infrastructure needs related to the industrial centers within the City of Garland and along primary routes means of ingress and egress. Highways, rail and alternative transportation options will be identified and analyzed. Policy developments that will be examined and analyzed for this focused area will include:

- State tax policies, possibilities of City rail districts, tax free advantage districts, foreign trade zones, inland port connectivity, rail service and support, and other issues agreed to by City and Consultant.

- Working with Garland Leadership to create strategic opportunities and alliances between the City of Garland and Texas seaports in order to strengthen the industrial base for the City
- Create a transportation framework and communications strategy to effectively communicate the City's efforts to the industrial base within and without of the City to retain, expand, and recruit businesses to the City

DART Focus

Monitor the DART agency and create, through the Council with assistance from City Staff, policy suggestions to manage and fully take advantage of the City's contribution to the agency and through strategic opportunities, identify improvements and expansions throughout the City of Garland's transit system, and advocate for those needs to the agency.

B. Public Policy Survey. Monitor meetings and prepare reports as appropriate, generally keeping the City informed of relevant transportation-related actions by the following agencies to the projects identified above: various transportation-related agencies and organizations at the local, state and federal levels of government, including the U.S. Congress and appropriate committees, U.S. Attorney General, U.S. Department of Transportation agencies including the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, Federal Transit Administration, Texas Governor's Office, Texas Attorney General's Office, Texas Legislature and appropriate committees, Texas Transportation Commission, Texas Department of Transportation-Headquarters (Austin), Texas Turnpike Authority, Texas Department of Transportation-Dallas District, Texas Department of Transportation-Fort Worth District, the Dallas Area Rapid Transit Authority, the Fort Worth Transportation Authority, the Denton County Transportation Authority, North Central Texas Council of Governments, Dallas Fort Worth International Airport, Metropolitan Planning Organization, Regional Transportation Council, Dallas Regional Mobility Coalition, Tarrant Regional Transportation Coalition, Dallas County Commissioners Court, Tarrant County Commissioners Court, the City of Dallas, the City of Fort Worth, and others to be mutually agreed upon relating to those projects;

C. Legislative and Congressional Strategy. Develop and implement a legislative and congressional strategy designed to enhance funding allocations for the above-referenced transportation projects and initiatives, as well as the organization and implementation of annualized legislative days in Austin and congressional days in Washington, D.C. and other legislative tactics and strategies to ensure the projects' completion;

D. Advocacy Group. Form and administer, under the direction of the City Manager, an educated group of citizens and stakeholders to forward the City of Garland's transportation

projects, according to the Council's transportation objectives and recommendations, including IH-635 East, IH-30, DART, and SH 78; and

E. Assist Client in any other service mutually agreed upon by City and Consultant in writing and subject to additional remuneration.



City Council Item Summary Sheet

Work Session

Date: March 3, 2014

Agenda Item

March 4, 2014

Strategic Transportation Enhancement Plan

Summary of Request/Problem

At the February 4, 2014 Regular Meeting, Council was scheduled to consider adopting the Strategic Transportation Enhancement Plan for IH-635 East, SH-78, and I-30. At that time, Council agreed to postpone this item to the March 4, 2014 Regular Meeting.

At the February 17, 2014 Work Session, Mayor Douglas Athas requested that this item also be scheduled for Council consideration at the March 3, 2014 Work Session.

Recommendation/Action Requested and Justification

Approve by minute action the adoption of the Strategic Transportation Enhancement Plan for IH-635 East, SH-78, and I-30.

Submitted By:

Approved By:

William E. Dollar
City Manager



GARLAND

TEXAS MADE HERE

**City of Garland
Strategic Transportation Enhancement Plan**



Prepared by
Dean International, Inc.
Public Policy Consultants
8080 Park Lane, Suite 600
Dallas, TX 75231

OUTLINE

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I. EXECUTIVE SUMMARY

The City of Garland, one of the largest suburban cities in the Dallas-Fort Worth Metroplex, has taken a leadership role in transportation project development for eastern Dallas County, filling a longstanding vacuum. The City of Garland, having enlightened self-interest, has made the decision to forward its transportation program to not only increase mobility and safety for its citizens but increase property value and create sustainable development for its citizens.

In order to fulfill its mission and vision, this Strategic Transportation Enhancement Plan (hereinafter STEP) contains an overview of the essential steps for project development for the City's three major projects: IH-30, IH-635, and SH 78. The various agencies that would affect these projects and their role in transportation project development is discussed as well as the most up-to-date information concerning these three projects.

Attention has been given to the purpose of economic development through enhanced access and efficient, effective transportation planning. Relevant elements from the City of Garland's *Envision Garland* have been included in this document to keep the theme of economic development and redevelopment in reference by coordinating efforts.

The Garland STEP is a *living document* and as such will be updated as necessary as these three projects develop. The most up-to-date information is necessary for the effective development of these projects.

II. INTRODUCTORY INFORMATION

Numerous major transportation projects in the City of Garland are currently in various phases of project development by State, regional and City of Garland transportation providers. The development of these projects and their ultimate funding and construction must be closely coordinated to insure mobility is maintained both within the boundaries of the City of Garland and the adjacent areas of the Dallas-Fort Worth Metropolitan Region.

The City of Garland operates not only on a regional stage but on a national and international stage as well. The City's longstanding history of promoting and developing its industrial sector has benefitted the City greatly, ensuring it a sturdy population and sustained use from their roadways.

The major transportation projects listed in Section VII have been identified because of their importance in the movement of persons and vehicles into, out of, and through the City of Garland. The volume of this movement on the various highways, streets and roads classified as arterial facilities exceeds 500,000 per day. The schedule for development of the major transportation projects will take into consideration the relative importance of each project or segment of a project in providing for the movement of persons well into the future for the City of Garland. The schedule will also take into consideration such issues as City of Garland planned development activity, time to develop the project for construction contracting, external influences associated with impedance of development of a project, the impact of a project external to the City of Garland being delayed, and strategic issues associated with the availability of funding for the construction of the project. Based on all of these considerations and other issues that will be identified in this plan, the schedule for development of projects represents the schedule of alternatives that addresses the issues examined in the development of the Project Development Plan for the City of Garland.

The locations of the major City of Garland projects that have been identified for detailed analysis and coordination of the implementation and planning process are shown on Map I-A, Tab A. The earliest construction contract letting date for any of these major projects will not occur prior to 2015; therefore, the development of an orderly project delivery and staging plan and the creation of a schedule for tracking the projects (in some instances in phases or segments) is a critical and warranted endeavor.

The current status and availability of construction funding from federal, state, regional and local sources for the numerous major projects currently being planned for the City of Garland is limited. Therefore, the prioritization of the order of the completion of the planning, design, and initiation of construction of a project or segment is an essential and imperative task. The establishment of an opening date for the specific project or project segment based on the initiation of construction and the time to construct must also be determined in order to coordinate and sustain orderly mobility in the City of Garland and the surrounding region.

The location of projects outside of the City of Garland with a potential for external influence on the major City of Garland transportation projects are shown on the map below. These

projects have been identified based on their impact on mobility in the City of Garland by looking at two scenarios. One scenario would be the inability of transportation providers to improve a transportation facility to a proposed or existing City of Garland facility. This would create an existing virtual blockage of a facility with increased traffic generated by the improved capacity on the facility in the City of Garland. The second scenario would be the construction of a facility to the City of Garland boundary without the corresponding facility with increased capacity having been constructed within the City of Garland. In this case, the lack of capacity for the delivery of increased traffic from outside the City would cause a significant increase in the congestion of the City of Garland facility.

III. STRATEGIC PLAN FOR DEVELOPMENT OF PROJECTS

A. STRATEGIC ACTIONS TO BE CONSIDERED BY CITY OF GARLAND

The Project Development Plan process utilized by the transportation providers in the Dallas-Fort Worth Metroplex is controlled by statutes of the State of Texas, rule-making authority of the various transportation agencies, federal statutes and rule making authority of the federal agencies. The project development process is normally dictated by the rule making authority of the State, Federal and Regional Agencies. However, in some instances, public policy procedures may not provide an appropriate administrative method to develop the project appropriately. In these instances, a political solution may have to be considered. Therefore, strategic actions should be considered to include both public and political solutions.

a. Public Policy Actions

- i. The primary transportation providers in the Dallas-Fort Metroplex are currently those included in this listing:
 1. Texas Department of Transportation(TxDOT) Dallas District
 2. Texas Department of Transportation(TxDOT) Fort Worth District
 3. Dallas Area Rapid Transit (DART)
 4. Fort Worth Transportation Authority (“T”)
 5. Denton County Transportation Authority (DCTA)
 6. North Texas Tollway Authority(NTTA)
 7. Dallas County
 8. Tarrant County
 9. Cities located within Dallas and/or Tarrant County
 10. Dallas-Fort Worth International Airport (DFWIA)
 11. Love Field Airport (City of Dallas owned)
 12. Railroads (KCS, UP, BNSF, DGNO/GWI)
- ii. Funding for transportation projects are from time to time provided by the North Central Texas Council of Governments (NCTCOG) acting as the Dallas-Fort Worth Metroplex Metropolitan Planning Organization (MPO) in addition to that furnished by the above listed transportation providers.
- iii. Federal funding for transportation projects is provided to the above listed transportation providers by the following agencies:
 1. Federal Highway Administration (FHWA)

2. Federal Transit Administration (FTA)
 3. Federal Railroad Administration (FRA)
 4. United States Army Corps of Engineers (USCOE)
- ii. In order to develop transportation projects, transportation providers (in many instances called lead agencies) will be required to secure approval of their project development milestone decisions from other federal and state agencies than those listed as funding sources. The following federal and state regulatory agencies may also be involved in the approval of project development and milestone decisions:
1. Federal Agencies
 - a. Environmental Protection Agency (EPA)
 - b. Department of the Interior (DI)
 - c. U.S. Coast Guard
 - d. Federal Emergency Management Administration (FEMA)
 2. State Agencies
 - e. Texas Commission on Environmental Quality (TCEQ)
 - f. Texas Historical Commission
 - g. Texas Parks and Wildlife Department (TP&W)
- iii. In order to avoid delays, the City of Garland will need to track and monitor the decision-making process as well as approval process in a systematic method.
- iv. Public policy efforts would include the following:
1. Ensure that the project receives the appropriate level of authority for development such as:
 - a. Long Range Planning /Corridor study authorization (Plan)
 - b. Inclusion in the MPO System Plan and planning documents (Plan)
 - c. Preliminary Engineering/Environmental Documentation and Schematic Design Study Authorization (Plan)
 - d. Right of Way Acquisition, Utility Adjustment and Construction Plan Authority (Develop)
 - e. Construction Contracting Authorization (Construct)
 - f. Construction of Project (Construct)
 - v. Any time a lapse occurs between these authorizations of authority, when one event has been concluded and the next event has not commenced, is a delay in the ultimate date the project can be completed. Exercise of public policy actions to cause a minimum of delay between the two events is imperative.
 - vi. In many instances the delay in authorization is based on the lack of adequate funding. Public policy action will have to be exercised to overcome the issue of securing funding at the appropriate time in order to avoid delay.
 - vii. The above actions may require consultation at regional, state and federal agency levels, sometimes will all three once.
 - viii. Public Policy development working with local, State, or federal policy makers may be required during the development of the design of the project to

overcome reluctance on the part of the local transportation provider to accept innovative or new methods of designing the project or portions thereof not previously utilized. These may include issues associated with joint occupancy of agency public right of way, distribution of the cost of construction between local, regional, State or federal agencies, aesthetic treatment applications, and cost participation and other similar issues. The resolution of these issues and securing final decisions is imperative if the project is to remain on schedule.

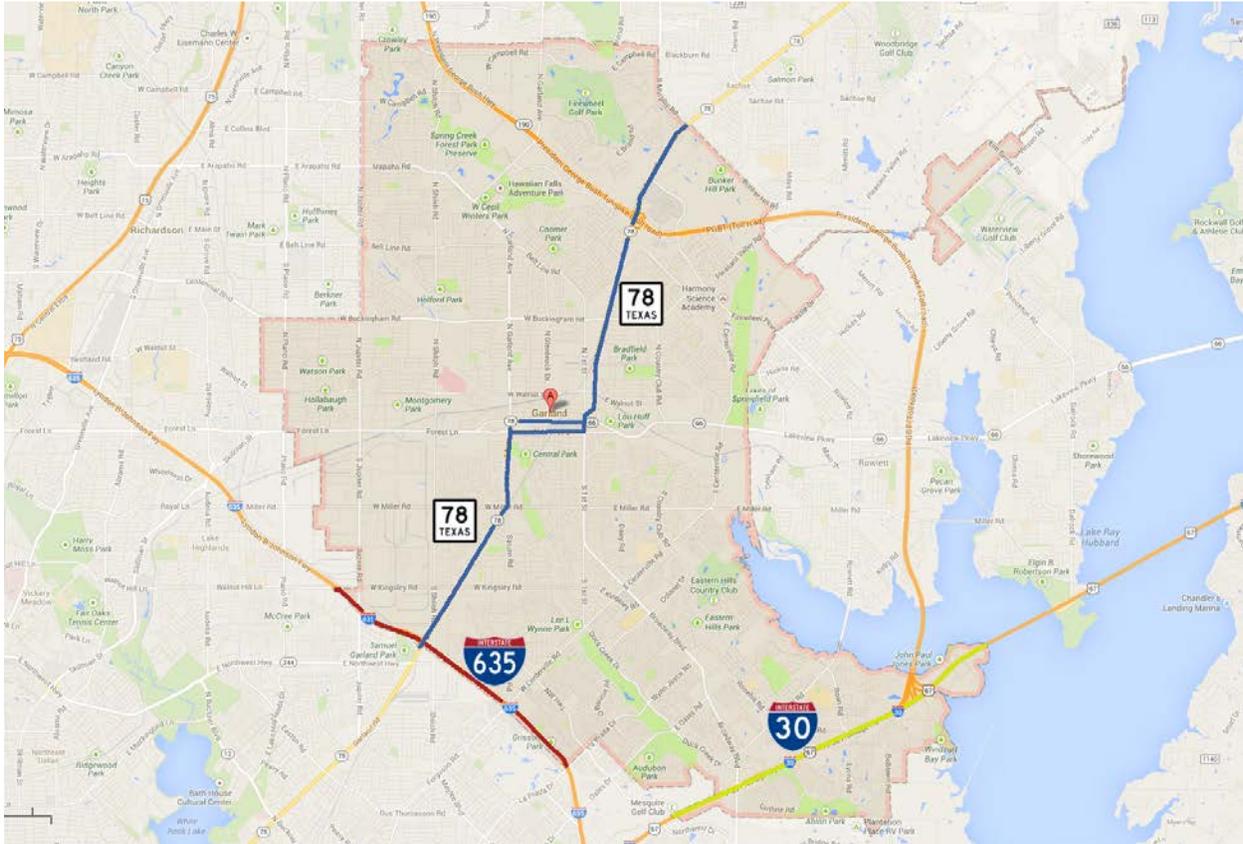
B. BASIS FOR CONSTRUCTION SCHEDULING OF PROJECTS

a. City Of Garland Mobility Considerations

Mobility considerations warranting the development of a project are primarily based on level of congestion, safety of operation, and adequacy of the facility to serve the various modes of transportation desiring to utilize the facility. An additional consideration is the possible diversion of traffic from another transportation facility, while under construction, to the subject facility being considered for prioritization of construction. This other project while under construction can cause congestion to increase on the subject facility with existing capacity. Conversely, the construction of the subject project may cause diversion of traffic to another highway project, which has inadequate capacity to absorb the increase in traffic thereby creating increased congestion. The following issues will need to be considered in the scheduling and prioritization of transportation projects:

- i. Scheduling of a project for construction with consideration of traffic congestion constitutes the prioritization of the project under one criteria, which provides relief from congestion for the largest number of vehicles. In other words, utilization of construction dollars to achieve the maximum congestion relief benefits.
- ii. Scheduling of a project for construction with consideration of the impact of traffic diversion from another project perhaps not even within the boundaries of the City of Garland while the usual route in either the City of Garland or another governmental jurisdiction is under construction. An example of this event would be the construction / reconstruction of IH 635 E could cause a diversion of traffic to the City of Garland through east/west arterials.

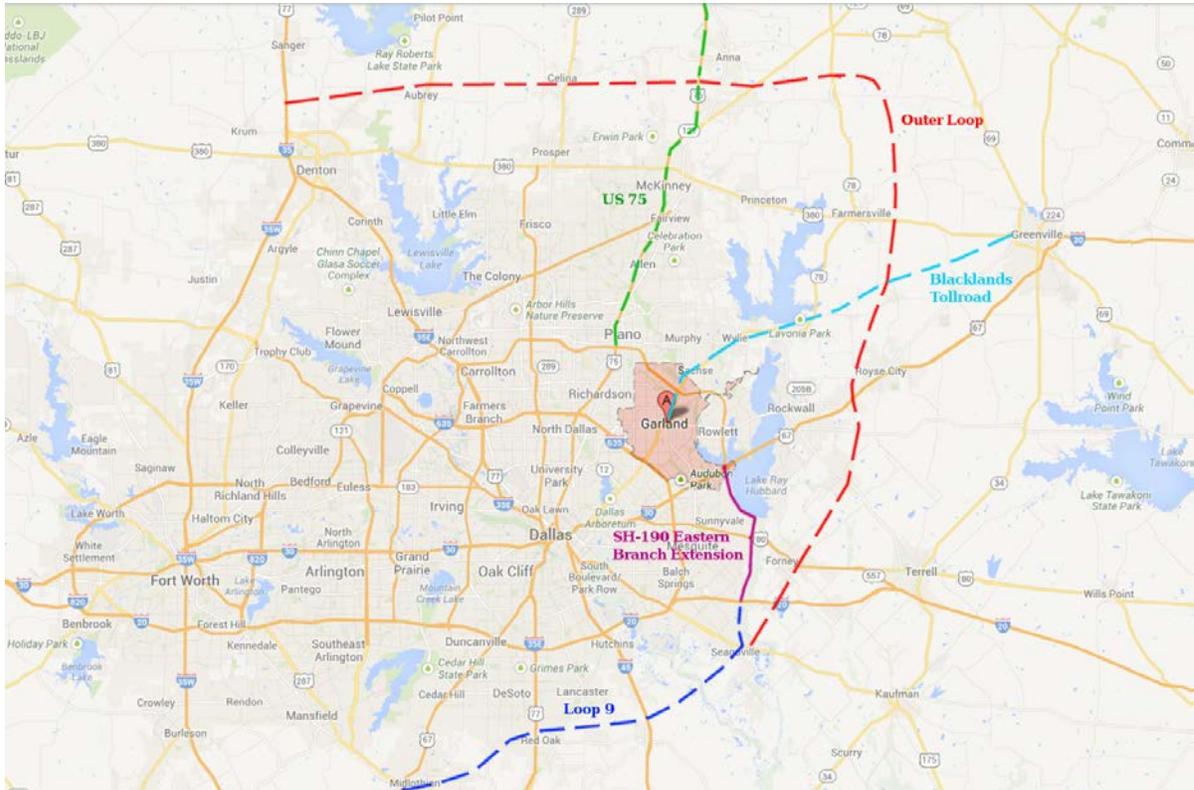
IV. CRITICAL PROJECT DEVELOPMENT ISSUES BY PROJECT AND PROJECT SEGMENT



The development of major transportation projects by the Lead Agency / Transportation Provider is managed by the establishment of milestone events. These milestone events require the completion of a work product that is subject in most instances to either a State or federal agency. The approval phases and milestone events vary somewhat between the State and federal agencies. The Texas Department of Transportation (TxDOT) in Austin utilizes a three-tier process for most project authorizations identified as **“Plan”**, **“Develop”** and **“Construct”**. **“Plan Authority”** includes all work on the project up to environmental clearance and final design approval. **“Develop Authority”** includes right of way acquisition, utility adjustments and construction plan preparation. **“Construct Authority”** allows the project to be processed, funds allocated, bids taken and construction authorized for the project.

V. EXTERNAL INFLUENCES ON PROJECT DEVELOPMENT

Although the IH-635, IH-30 and SH 78 are identified as major City of Garland transportation projects, as shown on Map I-A and I-C, essentially located within the boundaries of the City of Garland, external influences can impact the development of the projects identified. This map indicates projects that have been identified and external to the City of Garland, that could have an impact on the projects and project segments located within the City of Garland.



VI. KEY ASSUMPTIONS

Certain assumptions have been utilized in the development of project development schedules including:

1. Funding projections based on a study of availability of financing from transportation provider agencies such as TxDOT, MPO, local governments, and the City of Garland.
2. Ability of lead agencies to meet the management and review of design performance in a timely manner
3. Public acceptance of the proposed planning and design performed for the project.
4. Ability of governmental agencies and utility companies to both acquire the necessary right of way and adjustment of utilities for the proposed construction work, etc.
5. Availability of qualified contractors and material suppliers to construct the projects in a timely manner.

VII. PROJECT DEVELOPMENT ACTIVITIES

The purpose of this section is to list the projects, describe the limits of the project, date of construction contract letting and the proposed project completion. For each listed project or project segment there will be a discussion of the issues associated with the development based on the following:

- A. STRATEGIC PLAN FOR DEVELOPMENT OF PROJECTS
- B. CRITICAL PROJECT DEVELOPMENT ISSUES BY PROJECT & PROJECT SEGMENT
- C. EXTERNAL INFLUENCES ON PROJECT DEVELOPMENT
- D. KEY ASSUMPTIONS
- E. CITY OF GARLAND FUNCTIONAL AREA ISSUES

The listing of major City of Garland projects includes all of those, which are considered vital to the mobility concerns of the citizens of Garland and the Eastern half of Dallas County. These projects are also considered essential to the development of employment opportunities and economic development in this portion of Dallas County. The prioritization of the project development for the projects is based on the issues identified in the various sections of the discussion presented in this development plan, with the understanding that key assumptions can and will change over time. For this reason, this document is considered a **“LIVING DOCUMENT”** which must be updated when circumstances and events occur which may change the status quo of assumptions.

VIII. TRANSPORTATION PLANNING AND DEVELOPMENT

Transportation planning done best includes every level of the transportation arena, including municipal, state and federal levels; meeting the necessary requests implemented in each arena. The process of this plan must be comprehensive in its development. It will include cooperation of MPO's and RPO's in long-range planning to focus on particular projects, strategic moves, anticipating transportation needs and prioritizing those projects. The foundation of effective transportation planning is developing the funding needed to cover the long-range planning of a specific area and the state. Funds from private and public entities (local, regional, and state) as well as state and federal must be applied to pull together all resources available. It is also necessary to continue to assess the success of the project at meeting objectives and what adjustments will need to be made.

The Texas Administrative Code outlines the following process for transportation project documentation and coordination. The following documents are needed to effectively navigate the planning and programming process:

- Documents are needed that identify projects, strategies and transportation needs over an extended period of years to create seamless connectivity for the area planned:
 - **Statewide Long-Range Transportation Plan (SLRTP)** - The statewide long-range transportation plan (SLRTP) is a comprehensive, statewide multimodal transportation plan that covers a period of 24 years and serves as the long-term plan for the state's transportation services. It is made up of two parts: a prioritized list of projects and funding available, funding needs and potential opportunities. The SLRTP considers the long-range plans and strategies of the metropolitan and rural planning organizations and identifies the state's transportation vision, mission, goals and objectives and significant corridors. It also includes the statewide transportation program developed under (the Statewide Transportation Improvement Program (STIP)) and the unified transportation program (the Unified Transportation Program (UTP))

This is a TxDOT document and is drafted by the Planning Division and requires Texas Transportation Commission Approval.

- **Metropolitan Transportation Plan (MTP)** - A metropolitan transportation plan (MTP) is a long-term plan developed by each MPO for areas within its designated boundaries that plans for at least 20 years and contains the long-term, mid-range and short-term planning to be developed with the funds anticipated available. The corresponding department will aid in the estimation of the funding. The plan must cooperate with the federal regulations for the transportation improvement program (TIP) and the statewide transportation improvement program (STIP), identifying the projects most likely to begin during the first four year period.

The MTP is a document that is developed by the NCTCOG and requires Regional Transportation Council Approval for Garland projects.

- **Rural Transportation Plan (RTP)** - A rural transportation plan (RTP) is a long-term plan developed by each MPO for areas within its designated boundaries that plans for at least 20 years and contains the long-term, mid-range and short-term planning to be developed with the funds anticipated available. It should describe long-term strategies that are a part of an integrated intermodal transportation system, with the aim of becoming a part of the statewide transportation program.

The RTP is created by MPOs and RPOs throughout the state and requires governing-body approval.

- Program and programming documents indicating the need for a prioritized list of transportation projects that are brought as a proposition pinpointing a specific time-table with funds that are probably readily available to be applied. The documents include:
 - **Statewide Unified Transportation Program (UTP)** - Mid-range programming document. The unified transportation program (UTP) document covers an intermediate time period in the plan of development, a ten year fiscally concerned program. The UTP would include all of the plans of the four-year statewide transportation improvement program and the projects that will continue to develop over a potential six year period once the first four year time period is over.

The Unified Transportation Plan (UTP) is a planning document compiled and created by TxDOT to guide and develop transportation projects in Texas. The UTP is the most important document TxDOT keeps since this contains all of the projects that *are* to be built in Texas over the next ten (10) years. The UTP is the State's authorization for projects to be constructed, developed, and planned. The UTP is a multi-modal document including highways, aviation, public transportation, and state/costal waterways

The UTP, unlike the State Long Range Transportation Plan (SLRTP), which is a twenty-four year document, contains projects with specific boundaries and allocations. The UTP is an intermediary document between the letting schedule (24 months) and the SLRTP. Of the first 10 years of the SLRTP, the UTP is the project development and construction schedule for TxDOT, including preliminary engineering work, environmental analysis, right-of-way acquisition, design, and construction.

The UTP is developed through a lengthy public comment period and must be approved by the Texas Transportation Commission prior to August 31 of each year (the UTP is approved at the last meeting in August of every year). While the UTP is not to be understood as a budget, a project's development and construction is dependent upon its inclusion in the UTP. The UTP is budget constrained and only projects with identified funding sources can be included.¹ It is important to

¹ Note: The 2014 UTP is almost twice the size of the 2013 UTP.

note that there are two primary avenues for inclusion in the UTP, administrative and political.

This is a TxDOT document and is drafted by the Planning Division and requires Texas Transportation Commission Approval.

- **Metropolitan Transportation Improvement Program (TIP)** - A transportation improvement program (TIP) is a short-range program (only four years) planned by each MPO with approval from the department and transportation officials covers a four year period with a prioritized listing of projects that need federal funding and projects that are important to the region that could attract funding at the state, federal and local level. Projects may include planning, engineering, design, right of way acquisition, construction, and maintenance. It also contains an estimate of the funding on each level and the projected spending for the project. Any project included in the (TIP) and (STIP) includes programs planned for application in the near term.

The TIP is a document that is developed by the NCTCOG and requires Regional Transportation Council Approval for Garland projects.

- **Rural Transportation Improvement Program (RTIP)** - A rural transportation improvement program (RTIP) is a short-range program (four years) developed by the department in cooperation with rural planning organizations (RPO) that covers a four-year period and contains a prioritized listing of projects that need federal funding and projects that are important to the region that could attract funding at the state, federal and local level. Projects may include planning, engineering, design, right of way acquisition, construction, and maintenance. It also contains an estimate of the funding on each level and the projected spending for the project. Any project included in the (TIP) and (STIP) includes programs planned for application in the near term

The RTIP is created by MPOs and RPOs throughout the state and requires governing-body approval.

- **Statewide Transportation Improvement Program (STIP)** - A statewide transportation improvement program (STIP) is a four-year short-range program planned by the department as a accumulation of all metropolitan transportation developments programs (TIP), together with rural transportation improvement programs (RTIP), which includes recommendations from RPOs and department districts for the areas of the state that are outside of the boundaries of an MPO, including transportation between cities. The STIP specifies statewide projects to consider with funds available and expected over a multi-year time period. The first year of the STIP pinpoints projects that are scheduled for letting of contracts by the project sponsor. The following three years specify projects and funding sources that also have a high probability of use in completion of the project.

This is a TxDOT document and is drafted by the Planning Division and requires Texas Transportation Commission Approval.

Texas Transportation Planning & Programming Process



IX. IH-635 (US 75 to IH-30)

Project: IH-635 (from US 75 to IH-30)

Estimated Cost: 2003 dollars: \$1.1 billion/Approx. \$1.5-1.7 billion²

Status: Pre-development; \$3 million allocated from MPO for updating 2002 Schematics and preliminary engineering (see below), expected completion date of January 2015 (Primarily converting schematics from metric units to standard units).

Lead Agency: TxDOT (Dallas District)

Overview: The IH-635 East Project (US 75 to IH-30) will be a complete reconstruction of the existing facilities with noted enhancements to the corridor including:

- Continuous Frontage Roads for the Entirety of the Corridor
- Enhanced Access with Strategically Placed Entrance and Exit Ramps
- Aesthetic Enhancements to the Corridor

IH-635 East opened to the public in 1970, after the authorization from the Federal-Aid Highway Act of 1956 created the Interstate Highway System. When originally constructed, the facility had limited access, including minimal frontage roads and short entrance and exit ramps.

Since the right-of-way on IH-635 was purchased using Federal Funds, the Federal Government, the Federal Government has both the land rights and access rights to the facility. The impact for the City of Garland (and the IH-635 East Corridor) is that the City must be strategic in its planning for access to and from the facility and be cognizant of the administrative process by which new access points can be given.

Strategic Plan for Development of Project

A. PUBLIC POLICY ISSUES

- a. Based on the current discussions with TxDOT Dallas District, the authority for project development with TxDOT is PLAN, therefore, the inclusion of this project in STIP or MTIP is not possible at this time. According to the NCTCOG *Mobility 2035* documents, “The LBJ East project will expand general purpose lanes, add continuous frontage roads, and construct tolled managed lanes on IH-635 between the High Five Interchange at US 75 and IH-30 in Mesquite. This project will

² Assuming a 30% inflation value between 2003 and 2013

extend eastwards – through Dallas, Garland, and Mesquite – the improvements currently under construction as part of the LBJ Express project and also provides a link to the recently-completed widening of LBJ Freeway south of IH -30.” The NCTCOG improvement costs is at \$500 million, far less than what is anticipated by TxDOT for ultimate configuration.³

- b. The 2003 TxDOT Schematic (that has a Finding of No Significant Impact – FONSI) has five free (general purpose) lanes, almost⁴ continuous frontage roads for the length of the corridor, and managed lanes with this configuration:
- US 75 to Royal Lane/Miller Rd: 2+2 concurrent Managed Lanes
 - Royal/Miller Rd to IH-30: 2 reversible managed lanes⁵

There are several improvements necessary for this corridor that TxDOT is not currently planning. TxDOT’s current has allocated \$3 million to improve the 2002 Schematics, converting them from metric units to English Units. Halff & Associates has been awarded the contract. No major changes regarding numbers of lanes, egress and ingress points, frontage roads and cross streets. The planning work completion is anticipated for January 2015.

The City of Garland, in conjunction with regional partners, must usher the project along through the planning phase to the development phase as quickly as possible. In order to do so, 30% PS&E needs to be achieved as well as environmental clearance (re-evaluation FONSI: i.e., through section 6) and the full scope of the ultimate configuration determined.

- c. Implementation of a Multi-Municipality Transportation Reinvestment Zone (or Linear TRZ) – TxDOT, due to the transportation funding crisis, is amenable to projects where stakeholders will leverage TxDOT funds (the phrase “skin in the game” is often used and necessary for a seat on a SB 1420 committee, *see below*). One such manner of leveraging is to implement a Transportation Reinvestment

³ The term “ultimate configuration” is often used by TxDOT on the CDA projects due to the exhaustive financial needs of these projects. Since TxDOT has a limited funding stream, many CDA projects are being forwarded through innovative phasing techniques. Every CDA project currently under construction except for LBJ Express and portions of the NTE project has phased construction plans.

⁴ The frontage roads are continuous in the schematics except for the single instance between SH 78 and Shiloh Rd.

⁵ This is according to the NCTCOG documents; the TxDOT Schematic has the following breakdown of HOV/Managed Lanes:

- US 75 to Skillman/Audelia: 2+2 Concurrent HOV/Managed Lanes
- Skillman/Audelia to La Prada: 2 Lane Reversible HOV/Managed Lanes
- La Prada to IH-30: 1 Lane Reversible HOV/Managed Lane

Zone throughout the IH-635 East Corridor. In order to do this, each City will have to create the boundaries of the zone within their city and pledge the funds for the common purpose of the project (thus creating the Linear TRZ for a project).

A TRZ functions thusly: A zone is determined by a city council within its municipal boundary. After the base year is established (i.e., 2014), the property tax increases within that zone for the next ten years is pledged towards a transportation project within or without of the zone. This incremental tax increase *can be* bonded. The TRZ can be extended for a duration of ten years and any overage in property tax values will go to the municipality's general fund (El Paso's TRZs have been over-performing considerably). Sales tax within the zone can also be applied towards the project.

- d. Project Phasing – Since TxDOT currently has over \$20 billion in projects within its Strategic Project Division (which handles all Design-Build and CDA projects), it does not have the funds necessary to construct all of the projects at once. Hence, project phasing has been implemented so that projects can be expedited and finished in decades to come.

It is also important to note that the rise of project phasing has also been in tandem with the rise of financing projects through managed lanes. General purpose lane constriction (i.e., no improvements to the existing general purpose or free lanes) is helpful for managed lanes (which are required by state law and the contract with TxDOT to provide patrons with free flowing traffic of 50 mph or greater).

- e. SB 466 Implementation – SB 466 (83rd) gives TxDOT the ability, granted through MAP-21 (2011), to perform its own environmental reviews for certain highways meeting certain criteria. Working with TxDOT administration, the City of Garland and regional partners could use IH-635 East, potentially, as a model project for this new process. Estimates given in Committee are that environmental clearance processes for highways might be reduced by half.
- f. Municipal Responsibility for Utility Relocation: Currently, and as approved during the 83rd Legislative Session, for transportation projects that are determined by the Texas Transportation Commission to be a toll facility, the municipal responsibility for relocating municipal facilities within TxDOT rights-of-way are a fifty-fifty split between TxDOT and the municipality. This responsibility can affect a number of city programs and can be burdensome to the municipality. During the 84th Legislature, the City of Garland could lead an effort to cause one 100% of the responsibility for Utility Relocation on toll facilities to be on the Department or the toll provider/concessionaire.

B. CITY OF GARLAND MOBILITY

- a. Sequencing – Construction on IH-635 will have an effect on SH 78 and all major arterials throughout the Dallas, Garland, and Mesquite, IH-30, US 75 and SH 190.
- b. This project has significant design challenges related to operation of the main lanes during construction as well as access points. The capacity of the controlled access highway is inadequate. The traffic volumes are projected to increase significantly in the design year being used of 2025 and the NCTCOG’s 2035 demographics (and the 2040 demographics being proposed).
- c. Since there are no continuous frontage roads, blocking exits would be detrimental to businesses and the movement of people and goods; thus, an effective construction plan needs to be created in conjunction with City of Garland, regional stakeholders, TxDOT, and the concessionaire and construction company.
- d. There are other transportation options available (i.e., the DART Blue Line) but as the recent NCTCOG corridor study has outlined, these are insufficient for the corridor. Just as with the LBJ Express project, there will be a notable regional impact during the construction of this project.
- e. The City of Garland, working in conjunction with regional stakeholders, need to, within the next six months, begin a process to identify, evaluate, and plan for improvements to major arterials based on traffic modeling from this forthcoming project.

C. CRITICAL PROJECT DEVELOPMENT ISSUES

- a. Environmental
 - i. Inclusion in the following documents:
 1. MTP – *Mobility 2035*
 - a. Requires RTC action
 - b. Action is taken every 6 months to a year for an update to the MTP
 2. UTP – State of Texas
 - a. Requires TTC action
 - b. Action is taken after the RTC makes their determinations
 3. Federal Documents – FHWA Concurrence
 - a. Requires Federal approval (administrative)
- b. Finding of No Significant Impact
 - i. Change from HOV facility to Managed lanes facility
 1. Re-evaluation FONSI status
 2. Estimated time of completion
 3. Public Hearings for re-evaluation FONSI
 - a. NOTE: if design schematic is substantially changed (including exit placements, number of lanes, and other major facility issues), the project may have to undergo a full re-evaluation
 - b. If the changes are not substantial, other than the HOV facility to managed lanes facility, the environmental review

process will only be to “section 6” or the “environmental justice” section

c. Texas Legislature

- i. For TxDOT to have the authority to enter into a Comprehensive Development Agreement (CDA), the Legislature must grant it the ability
- ii. During the 82nd and 83rd Legislative Session, the projects seeking authorization for CDAs were included in an omnibus bill (SB 1420 and SB 1730).
 1. TxDOT was the source of the lists but alternative options were presented by various Legislators
 2. Legislators also filed bills (considered to be a “suspenders and boot straps” measure) with their single projects within them
 3. TxDOT gathered the information from the MPOs around the State and interested parties to make sure the respective projects were on the list supplied to the author of the measure
- iii. NOTE: In the 83rd Legislature, there was the beginning of opposition towards the CDA measures and depending upon the 2014 elections, that opposition will grow or be diminished

d. NTTA

- i. Waiving Primacy on the Facility
 1. Estimated Time of Completion
 - a. This waiver takes voting action by the NTTA Board of Directors
 - b. There is a standard process by which this waiver is secured
 - c. NTTA has a policy to *wave* managed lane projects but *keep* pure toll projects
 2. Estimated Date of TxDOT Concurrence
 - a. Note: NTTA will have, on the document, a date of expiration for the waiver unless action is taken by the TTC to accept the waiver – this needs to be watched carefully to make sure it is on the TTC agenda for the following month (60 days is standard).
 - b. The TxDOT meeting over the agenda is the Friday before the week before the TTC meeting
 - c. Point of Contact – Phil Wilson; Ed Pensock; Bill Hale
 3. Negotiations over Toll Collection Fees – “Toll Services Agreement” (TSA)
 - a. Under State law, NTTA is required to provide tolling services (e.g., customer service, toll collection, enforcement) for reasonable compensation for projects in its service area regardless of which entity is implementing the project.
 - b. NTTA is known for being difficult to negotiate with the TSA; while this is primarily an issue for TxDOT, the development of the TSA should be watched very carefully

e. TxDOT

i. Statement of Current Situation:

1. In the early 2000's, a FONSI was issued for the Ih-635E project from US 75 to IH-30. Since that time, the project was broken into parts (the now LBJ Express project) and the LBJ East project.
2. TxDOT is currently planning to seek legislative Authority to enter into a CDA in the 84th Session.
3. The current planned facility is a reconstruction of the existing HOV facilities to a managed lane facility that is 2+2 concurrent from US 75 to Skillman and a 2 lane reversible from Skillman to IH-30
4. In 2005, there was a preliminary Traffic and revenue study created for the LBJ project, from IH-35E to IH-30

a. 2003 T&R Level I (or Preliminary) Study

i. TxDOT, from the study, proposed alternative 2 or 6 (From US 75 to IH-30)

- Alternative 2: Through US 75 intersection: 2 concurrent MLs; East Interim HOV Part I – single concurrent Managed Lanes flows from Greenville Ave to Miller Rd; East interim part II: single reversible ML between Miller Rd and IH 30
- Alternative 6: Through US 75 two concurrent MLs from Preston Rd to Miller Rd; ultimate project configuration along the length of the corridor (4 GP lanes); 2 concurrent lanes in each direction between Miller and IH 30; meaning, 2+2 concurrent the from Preston to IH 30
- Scenario 2 is “interim” project selection; Scenario 6 is “ultimate” project configuration

ii. Three operating scenarios possible:

- Scenario 1: All Pay – every vehicle but transit vehicles are required to pay
- Scenario 2: HOV-2+Pay – vehicles with 2 or more occupants plus transit vehicles allowed to travel for free
- Scenario 3: HOV + Free – three or more occupants plus transit vehicles allowed to travel for free; 1 or 2 occupants would pay toll

iii. Alternative 2 VPD Traffic Counts are as follows:

- 2012 –
 - US 75 to Plano: 29,400

- Plano to Jupiter: 11,700
 - Total: 41,100
 - 2025 –
 - US 75 to Plano: 34,300
 - Plano to Jupiter: 12,700
 - Total: 46,900
 - iv. Alternative 6 VPD Traffic Counts are as follows:
 - 2015 –
 - US 75 to Plano: 34,300
 - Plano to Jupiter: 24,200
 - Total: 58,500
 - 2025 –
 - US 75 to Plano: 42,300
 - Plano to Jupiter: 31,300
 - Total: 73,600
 - ii. Inclusion in the Unified Transportation Plan (UTP) by TTC
 - iii. The 2014 UTP contains two projects along IH-635, either of which are in Garland:
 - IH-635, at Luna RD in Farmers Branch, construct a U-Turn lane on west side and add turn lanes under IH-635; project has a Tier 1 ranking and the total project cost is \$2,691,279
 - IH-635, at Beltline RD in Coppell, widening west bound frontage road; project has a Tier 1 ranking and the total project cost is \$1,879,272
- f. SB 1420 Committee
- i. Background:
 1. When SB 1420 was passed in 2011, the legislation created a committee made up of stakeholders to make determinations about the project
 2. SB 1420 Committee may meet one time or numerous times depending upon the issues at hand and any challenges or opportunities that arise through this project
 - ii. Determinations
 1. Process is primarily pro forma
 2. Determinations to be made are as follows:
 - a. Development Type
 - i. Design Build Project
 - ii. Concession Project
 - iii. Pass-Through Financing
 - b. Managed Lanes Toll Structure
 - i. This is a determination necessary for the committee but is pro forma in that the managed lanes toll structure follows what is determined by the RTC and follows the policy of the RTC

- ii. NOTE: SH 183, NTE, and IH 35E SB 1420 Committees all had the RTC presentation on managed lane toll structure attached to the final report
 - c. Scope of Project
 - i. If there is not enough interest from the private sector, it is possible for the committee to expand the scope of the project
- g. Acceptance of NTTA waiving primacy
 - i. Determining IH-635E facility as a toll road instead of a freeway
 - 1. Freeway:
 - a. ROW – 90 TxDOT/10 Municipality
 - b. Utility Relocation – 100% Municipality
 - 2. Toll Road
 - a. ROW – 100% TxDOT
 - b. Utility Relocation – 50/50 split
 - 3. This action is a TTC item and must have a majority vote with rationale (CDA project)
 - ii. Traffic and Revenue Study
 - 1. There are two levels of T&R Studies:
 - a. Level 1 – cursory look at traffic and revenue from demographic information
 - b. Level 2 – a comprehensive study of the traffic and revenue generating possibilities along a segment or corridor
 - iii. Federal Funding Program
 - 1. TIFIA Loan – TxDOT (or other agency – NTTA is the other for the region) must be the submitter for a TIFIA Loan
 - a. Process
 - i. Letter of Intent – TxDOT submits letter of intent to the FHWA office in Washington, D.C.
 - ii. FHWA comes back with additional inquiries concerning the LOI
 - iii. After any issues are resolved, FHWA will ask TxDOT to submit a loan application *and* payment of a \$100,000
 - iv. TIFIA Loan, if granted, will be issued to TxDOT who will then have the burdened to repay it over the next thirty years

D. EXTERNAL INFLUENCES ON PROJECT DEVELOPMENT

- a. Other Regional CDA Projects: TxDOT only has the capacity to handle a certain number of CDA projects per biennium (for the past three sessions, seven projects have been approved each session). It is important to note that several of the CDA projects from previous sessions have not yet started construction and are still in the development phase. With the addition of the Southern Gateway Project and

Loop 9 in SB 1730 (83rd), much of TxDOT's capacity, both existing and future, will be poured into those projects (Loop 9 has a \$5.1 billion ultimate configuration price tag). If TxDOT is unable to fulfill its necessary obligations to its existing CDA projects (including but not limited to the North Tarrant Express project sections, Loop 9, IH-35E, Southern Gateway, and the expanded SH 183 CDA project), then additional CDA authorizations might be difficult to get through the Legislature.

E. LEAD AGENCY/TRANSPORTATION PROVIDER

a. Plan

- i. All work included under TxDOT Plan authority will be completed by early 2015, at least for the current scope of the project (managed lanes only). TxDOT should be encouraged to initiate the preparation of right of way maps for this project after environmental and design clearances for the project are secured.
- ii. As the City of Garland develops its catalyst areas along IH-635 and any redevelopment plans, careful attention needs to be given to the future right of way for the IH-635 project.
- iii. The implementation of several re-engineering opportunities throughout the corridor, especially to the City of Garland section of the project (i.e., SH 78, Shiloh Rd, and Northwest Highway) in order to enhance access.
- iv. Before final approval of the schematic design by the City of Garland, a thorough review of the construction sequence of work should be accomplished by the project design team to insure the project can be constructed without significant impact on the traveling public and businesses located along the IH-635 East corridor.
- v. The Lead Agency should furnish the City of Garland with a draft of their proposal to utilize managed lanes as the operational tool for the flow of traffic on the lanes so designated in the design.
- vi. CDA authorization by the Legislature is necessary before proceeding to the development step.

b. Develop

- i. The Lead Agency, TxDOT, even though environmental documentation and design approval is secured, will be unable to proceed with the Develop phase of Project Development authority pertaining to right of way acquisition, utility adjustments and construction plan preparation under current Public Policy until the Texas Transportation Commission (TTC) authorizes this Develop authority in the Unified Transportation Program (UTP) by inclusion with the UTP. The possibility exists that TxDOT might proceed with as a minimum the preparation of the right of way, and this action should be encouraged.
- ii. The development of an aesthetic treatment-landscape plan to be used in the construction plan preparation should be developed early in the develop phase.

- iii. Environmental Documentation mitigations should be reviewed and developed as a part of the develop phase of the project.
 - iv. In the event develop authority is not established for the project, right of way acquisition of parcels required by the schematic, even though not authorized, should be considered for hardship or protective buying determination, and every attempt should be made to prevent the construction of buildings in the proposed right of way.
 - v. Utility construction and reconstruction should also be monitored closely to insure these activities are compatible with the schematic design approved for the project.
- c. Construct
- i. TxDOT when the development of construction plans is authorized should furnish the City of Garland with issues about construction of the project for their consideration related to management of traffic though construction, contractor working hours, management of storm water affected by construction and other issues, including signage, which would affect quality of life in the City of Garland.
 - ii. As design proceeds on this project segment, TxDOT as lead agency should be requested to discuss construction related events pertaining to traffic control which would affect emergency services and environmental quality related to construction activities with the City of Garland, the private sector and utility companies to insure problems do not arise during construction.

F. CITY OF GARLAND ISSUES

- a. Plan
- i. In order to avoid reevaluation of the project, the City of Garland will need to urge TxDOT to place a priority on the need for securing right-of-way acquisition authority as a minimum, and possibly Construction Plan authority to avoid delay.
 - ii. The City of Garland should establish a master plan of their own for the aesthetic treatment of the architecture for the project during or soon after the Plan phase of the project.
 - iii. The City of Garland should be considering the redevelopment issues associated with the parcel remainders that will occur when the right of way is acquired for the project during the Plan phase of project development. Also, access from the frontage roads to these parcels should be considered based on TxDOT's new revised Access management guidelines.
- b. Develop
- i. The City of Garland will need to be aggressive with requests to TxDOT to insure accomplishment by TxDOT of issues listed as their responsibility in this discussion.
 - ii. The City of Garland should begin discussions with the County of Dallas about right of way ten percent (10%) participation with TxDOT.

- iii. The City of Garland will need to insure funds are available for the adjustment of their own utilities not subject to reimbursement by TxDOT.
- c. Construct
 - i. The City of Garland will need to be proactive with the Texas Department of Transportation to insure provisions discussed under Lead Agency issues.

H. EVALUATION OF FINANCIAL OPTIONS AND MODELS FOR IH-635 EAST

- a. Overview of Transportation Funding
 - i. Design Bid Build
 - ii. Design Build
 - iii. Design Build Finance Operate Maintain (SH 183 Managed Lanes)
 - iv. Revenue-Based Concession
- b. Financial Realities
 - i. Federal Funding
 - ii. State Funding
 - iii. Regional Funding
- c. Possible Models for IH-635 (from US 75 to IH-30)

I. IH-635E COALITION

- a. The City of Garland, in order to continue its leadership role, needs to work together with stakeholders and regional partners to forward the development of the IH-635 project. Through coalition building, the IH-635 project will be able to be forwarded in the most efficient and expedient manner.
- b. Through multiple briefings, regular meetings, and consistent messaging, the IH-635 project will develop and be able to have CDA authorization secured, the environmental re-evaluation completed, and the project under construction as quickly as possible.

X. SH 78 (Within the City of Garland)

Project: SH 78 (Within the City of Garland)

Estimated Cost: N/A

Status: Pre-Development. No monies have been allocated from the NCTCOG or TxDOT for the development of SH 78 within the City of Garland.

Lead Agency: TxDOT (Dallas District)/City of Garland

Overview: The State Highway 78 project consists of a complicated choreography of transportation improvements, land use development, and potential realignments with special emphasis on intersections and impacts on the facility from without.

There has been no study commenced or completed on SH 78 through the City of Garland. The City of Dallas has completed a study (2010) on their portion of SH 78 (Garland Rd) but the City of Garland has not.

A. STRATEGIC PLAN FOR DEVELOPMENT OF PROJECT ISSUES

a. PUBLIC POLICY ISSUES

- i. TxDOT has no project for SH 78 through Garland slated for planning or development, let alone construction, other than selected traffic signals and intersection improvements between IH-635 and Forest Lane (slated for FY 2016).
- ii. There are numerous opportunities for the City of Garland with SH 78 since 1) TxDOT or the MPO does not have a current project slated and 2) the TxDOT on-system roadway program (aka, the Turn Back Road program) has developed
 1. The City of Garland has the opportunity to develop the SH 78 project to its specifications, especially since the project involves complicated re-zoning and construction options
 2. The TxDOT Turn Back program would allow the City of Garland to take over responsibility for the facility; thus, escaping the need for any improvements (including curb cuts, signage, and speed limits) to have TTC approval
- iii. Depending upon the direction in which the City of Garland wishes to go, the Lead Agency for SH 78 improvements might not be TxDOT but the City of Garland
- iv. The City of Garland has several substantial challenges with the SH 78 project through the City, including:
 1. Coordination with regional stakeholders
 2. The KCS railroad that traverses the same corridor
 3. The IH-635/SH 78 Intersection

4. Zoning and redevelopment
 5. The East-West jog south of Downtown Garland
 6. The SH 190/SH 78 Intersection
 7. Blacklands Corridor Study
 8. KCS Intermodal Development in Wylie
- v. Transportation Alternatives Program (TAP)
1. The Transportation Alternatives Program (TAP) was authorized under Section 1122 of Moving Ahead for Progress in the 21st Century Act (MAP-21) and is codified at 23 U.S.C. sections 213(b), and 101(a)(29). Section 1122 provides for the reservation of funds apportioned to a State under section 104(b) of title 23 to carry out the TAP. The national total reserved for the TAP is equal to 2 percent of the total amount authorized from the Highway Account of the Highway Trust Fund for Federal-aid highways each fiscal year. (23 U.S.C. 213(a))
 2. The TAP provides funding for programs and projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail program projects; safe routes to school projects; and projects for planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
 3. **Distribution among urbanized areas with populations over 200,000:** States are required to obligate funds in urbanized areas with populations over 200,000 (which are referred to in this discussion as "large urbanized areas") based on their relative share of population, unless the Secretary approves a joint request from the State and relevant Metropolitan Planning Organization(s) (MPO) to use other factors in determining obligation (see 23 U.S.C. 213(c)(3)). Eligible entities within any large urbanized area also may apply to the State for "any area" funds. For large urbanized areas that cross State lines, each large urbanized area will receive an amount of suballocated funds. Eligible entities within these areas also may apply to their respective States for "any area" funds.
 4. **Selection of Projects:** Consistent with other Federal-aid highway programs, TAP funds are administered by the State Department of Transportation (State DOT). TAP funds must be used for eligible projects that are submitted by eligible entities (listed below in **Section D**) and chosen through a competitive process (23 U.S.C. 213(c)(4)(A)). TAP does not establish minimum standards or procedures for competitive processes.
 5. **The City of Garland, as a local government, is eligible to receive TAP funds (via 23 U.S.C. 213 (c)(4)(B))**

6. Under 23 U.S.C. 213(b), eligible activities under the TAP program consist of:
 - (a) Transportation Alternatives as defined in 23 U.S.C. 101(a)(29) (MAP-21 §1103):
 - a. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.).
 - b. Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
 - c. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
 - d. Community improvement activities, which include but are not limited to:
 - i. inventory, control, or removal of outdoor advertising;
 - ii. historic preservation and rehabilitation of
 - e. The safe routes to school program eligible projects and activities listed at section 1404(f) of the SAFETEA-LU:
 - f. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
 - (b) Currently, the NCTCOG is holding public hearings to define the call for projects for the TAP program - \$28 million is currently available to the North Texas Region

b. CITY OF GARLAND MOBILITY

- i. SH 78, through the City of Garland, presents significant design and mobility challenges related to the operation and maintenance of the facility. Acute and obtuse intersections with various arterials throughout the corridor (Shiloh Rd, Miller Rd, SH 66, etc)
- ii. While the facility is six lane divided throughout the corridor (except for Avenue B and D, where it is one-directional, four lane), the challenges associated with the corridor land use and the Avenue B and Avenue D sections, where the facility is diverted from its natural angle, causing problems with flow and development of the area

- iii. One possible solution to the problem that is impeding the flow of traffic within Garland and through it is to straighten out the SH 78 facility through downtown
 - 1. A possible alignment has been identified even though there are challenges to the alignment
 - 2. Through a consultant led process, a community-preferred alternative could be ascertained and forwarded to the planning stage
- iv. Since the corridor is uniquely multi-modal (with highway and rail facilities), the need for additional pedestrian and bicycling facilities are needed for the corridor to increase movement throughout Garland
- v. Since there are no projects that would greatly affect the corridor on the books at TxDOT or the NCTCOG, the City of Garland must lead the effort going forward

c. CITY OF GARLAND PLANNED DEVELOPMENT ACTIVITY

- i. In the *Envision Garland* document, the South Garland Avenue Catalyst Area is seen as one of the key redevelopment corridors for the City.
- ii. The document outlines the following Strategy Action Items are to be considered:
 - 1. Consider land use/architectural design regulations to preserve flexibility while promoting the vision in the Envision Garland Comprehensive Plan and any subsequent planning efforts
 - 2. Encourage street-fronting, pedestrian-friendly design in this Area through design and/or development standards
 - 3. Explore worker- and resident-friendly, small-scale “placemaking” opportunities throughout the Area (e.g., pocket parks, plazas, public art)
 - 4. Review and revise as necessary land use regulations based on more detailed planning efforts
 - 5. Commit to the principles that reposition vacant and obsolete retail properties and provide high-quality residential density
 - 6. Commit to participating in the cost of infrastructure -- work with property owners to evaluate the potential for improvement districts (e.g., TIF, BID) to fund needed infrastructure

B. CRITICAL PROJECT DEVELOPMENT ISSUES

- a. Lead Agency / Transportation Provider Issues
 - i. Plan
 - 1. The City of Garland is likely to need to take the lead agency role for this project
 - 2. The City Council, City Management and consultants need to continue with a strategy for the corridor so that pre-planning development can occur
 - 3. Potential funding sources need to be identified as well as economic development opportunities

ii. Obstacles

1. For the potential opportunity to redevelop the SH 78 corridor, the areas that need special attention are as follows:
 - a. IH-635/SH 78 Intersection – The three level intersection with difficult means on ingress and egress onto IH-635 need to be addressed and will be on the IH-635 CDA project; special emphasis needs to be given to potential developable property and flow of traffic throughout the SH 78 corridor
 - b. Avenues B and D – In order to straighten out the SH 78 facility (if this is seen as a viable option), there are parks and cemeteries within the vicinity of the corridor as well as the KCS railroad facility. Special care will be needed to address these issues going forward
 - c. SH 78/SH 190 Intersection – New possible improvements to this intersection that would allow for the greater movement of traffic and new opportunities for development around the intersection. The intersection is notably one-sided and needs better balance and flow.

C. EXTERNAL INFLUENCES ON PROJECT DEVELOPMENT

- a. Funding – The City of Garland has the opportunity for several potential funding categories and programs if – and only if – the project is readied (i.e., shovel ready). Also, the TxDOT Turnback program is another possible funding option for the City. Federal programs might also be available, but the need for being shovel ready is essential.
- b. Environmental Issues – if the facility is to be straightened out through downtown, then there will have to be a 3(f) review on the plans which has the potential for delays and community anxiety. The best remedy for this situation is to mitigate it through excellent public outreach to citizens and business owners to create a community preferred alternative
- c. KCS Intermodal – The Wylie KCS’s efforts to mitigation congestion, lighting, and noise issues from the 5,800 slot rail intermodal facility has raised great concern, especially as it relates to the facilities effect on traffic on SH 78 and FM 205.
- d. Blacklands Tollroad Study – a private toll road company is working to implement a toll road between the City of Greenville, Texas and Wylie (phase 1) and Wylie and SH 190 (phase 2). The NCTCOG has initiated a \$5 million three-year study of the transportation needs from Greenville to Garland along the NETEX right of way and SH 78.
- e. Other Federal, State or Regulatory Agencies

D. SH 78 COALITION

- a. The City of Garland, in order to continue its leadership role, needs to work together with stakeholders and regional partners to forward the development of

the SH 78 project. Through coalition building, the SH 78 project will be able to be forwarded in the most efficient and expedient manner.

- b. Through multiple briefings, regular meetings, and consistent messaging, the SH 78 project will develop with a consistent theme and effort.
- c. Stakeholders are the Cities of Dallas, Garland, Sachse, and Wylie, Dallas County and Collin County.

XI. IH-30 East Corridor Project

Project:	IH-30 East Corridor Project
Estimated Cost:	2011 Estimate: \$1.8 billion/ Right of Way: \$400 million
Status:	Pre-Development. No monies have been allocated from the NCTCOG or TxDOT for the development of the IH-30 Eastern Gateway Project
Lead Agency:	TxDOT (Dallas District)
Overview:	The East Corridor project scope contains both IH-30 and US 80 freeways from IH-45 to Dalrock Rd (IH-30 terminus) and FM 460 (US 80).

As commuter and trade traffic has increased dramatically on IH-30 since it was constructed in the 1960s, there have been attempted mitigations to the traffic situation. TxDOT and DART installed temporary HOV lanes within the corridor (to handle the increased AM and PM traffic), but they are not enough to handle the growing traffic.

The IH-30 facility is 17 miles long with reconstruction of existing general purpose lanes:

- IH-45 to US 80: 10 GPL; 2+2 ML
- US 80 to IH-635: 6 GPL; 1+1 ML
- IH-635 to Dalrock Rd: 8 GPL; 1 ML Reversible
- The US 80 portion would have six GPL with 1+1 ML to Beltline Rd

The plan does not include expanding capacity of the existing facility on IH-30 and only includes expanded capacity through managed lanes.

From discussions with TxDOT, the IH-30 East Corridor Project has no expected construction date and does not have environmental clearance.

A. STRATEGIC PLAN FOR DEVELOPMENT OF PROJECT ISSUES

- a. Public Policy Issues
 - i. TxDOT has no project for IH-30 slated for planning and development currently. The East Corridor project is one possible option but has not been developed in over six years.
 - ii. The City of Garland needs to take a leadership role for the East Corridor Project. Since the development of this project has been retarded for well over half a decade, there is great opportunity for the City to drive the agenda for this project:

1. Scope of Project – The City of Garland might decide to increase the scope of the project to include a greater segment of the interstate (perhaps in exchange for the US 80 section)
 2. Improvements - Currently, no general purpose lane capacity is expected in the project; the City of Garland, with this stage, could begin working with TxDOT and stakeholders to increase capacity and make important design considerations now, shaping the entire project around its needs, including, also, the managed lane components of the facility (especially in conjunction with the IH-635 managed lane facility)⁶
 3. Phasing – If the City of Garland takes a leadership role in the planning and development process for this facility, then the City might also have greater control over the phasing of the project’s development (i.e., the City of Garland’s improvements would be within the primary phase of the project while other improvements [such as US 80] could be a secondary or tertiary phase)
 4. Funding – the City of Garland also has the notable opportunity to assist TxDOT in various funding scenarios for the project including, but not limited to, securing a CDA authorization from the Legislature during the 85th Session
- iii. The lead agency for this project will be TxDOT but the City of Dallas, Rowlett, and Rockwall will all be major drivers as well. The City of Garland has a palatable opportunity to make great strides on this project by exhibiting leadership and bringing it to the discussion
1. Especially with several other projects currently under construction or in development at TxDOT including the Horseshoe project and the Southern Gateway project.
- iv. The City of Garland has several substantial challenges with the IH-30 project through the City, including:
1. Coordination with regional stakeholders
 2. The sheer size and cost of this project (with the post-2015 funding crunch, especially if the November 2014 transportation ballot initiative *does not* pass, then TxDOT will only have the funds for maintenance)
 3. The IH-635 Intersection
 4. The SH190 Intersection (since it is fully built out, the intersection could be restrictive to additional capacity)
 5. Zoning and redevelopment
 6. The Panama Canal Expansion’s effect on US goods movement

⁶ Aesthetic improvements are also an option, including bridge enhancements (such as a featured bridge design over the Lake)

- b. City of Garland Mobility
 - i. IH-30 presents significant design and mobility challenges related to the operation and maintenance of the facility due to the high traffic volume and lack of alternative routes
 - ii. The SH 66 bridge over Lake Ray Hubbard needs to be addressed (i.e., additional capacity) perhaps before construction on IH-30 begins
 - iii. One of the primary issues facing the City of Garland for the IH-30 corridor is the 1950's design "jug handle" interchanges for arterials
 - 1. After the scope of the IH-30 project is decided and the project begins to move, the City of Garland has the opportunity to evaluate appropriate solutions to these challenging intersections
 - iv. Signage along IH-30 is also a major issue affecting mobility for not only Garland residents but travelers destined for the City of Garland's property along IH-30
- c. City of Garland Planned Development Activity
 - i. In the *Envision Garland* document, the IH-30 Catalyst Area is seen as one of the key redevelopment corridors for the City (since all of IH-30 within the City of Garland is contained in this catalyze area)
 - ii. The document outlines the following Strategy Action Items are to be considered:
 - 1. Consider land use/architectural design regulations to preserve flexibility while promoting the vision in the *Envision Garland Comprehensive Plan* and any subsequent planning efforts.
 - 2. Ensure live-work multimodal connections throughout the Corridor, particularly between identified *Targeted Investment Areas* and neighboring residential districts.
 - 3. Maintain private sector developer/investor contacts as public improvement decisions are made, soliciting cooperation and finding leverage opportunities where possible.
 - 4. Employ creative regulatory mechanisms such as amortized zoning on uses not in compliance with existing codes, or a demolition by neglect statute for dilapidated structures.
 - 5. Acquire and position strategic properties for private investment (land swap, land write-down, density bonuses).
 - 6. Evaluate the potential for expanding, and perhaps extending the time period for, the existing TIF district within the Corridor.

B. CRITICAL PROJECT DEVELOPMENT ISSUES BY PROJECT AND PROJECT SEGMENT

- a. Lead Agency / Transportation Provider Issues
 - i. Plan
 - 1. The City of Garland, in conjunction with regional stakeholders, needs to create and sustain a keen focus on the IH-30 project going forward so that planning authority can be granted and preliminary engineering can begin to occur

2. The City Council, City Management and consultants need to continue with a strategy for the corridor so that pre-planning development can occur
 3. Potential funding sources need to be identified as well as economic development opportunities for the Corridor as the transportation planning develops
 4. NOTE: A project for this corridor is not extent in *any* plan at *any* level
 - a. There is no funding source available so it is not included in any plan at the regional or state level
- ii. Obstacles
5. Significant obstacles exist for this project due to the lack of attention, development, and planning
 6. This project must be created “from the ground up” with the City of Garland in the lead position
 7. While the overall project begins to develop, the City of Garland has the opportunity to begin addressing the following items:
 - a. Land use and zoning along the corridor as well as a master plan
 - b. Once the right of way is determined, potential sound wall instillation and improvements to frontage roads can occur
 - c. Challenges with arterials and bridges can be addressed
 - d. Enhanced signage for the corridor, allowing better movement for travelers

C. EXTERNAL INFLUENCES ON PROJECT DEVELOPMENT

- a. Funding – The IH-30 project has a potential construction commencement date of 2019-2020; however, there are three key issues that need to fall into place:
 - i. CDA Authority – the Texas Legislature must continue to authorize TxDOT to enter into CDA contracts for these major projects. Depending upon the political climate’s development for the rest of the decade, the willingness of the legislature to grant that authority is not to be understood as a given
 - ii. Funding – For both the Texas Legislature and the US Congress, overall transportation project funding is due for a major shift sometime during the next five to ten years. The current model based on the gas tax is not sustainable; depending upon how both the Federal and State legislative bodies handle these issues will impact the development of this project
 - iii. Environmental – TxDOT will have to initiate a full-scale environmental review for this project, involving multiple public hearings, stakeholders meetings, consultants, and tens of millions of pre-development dollars having to be allocated by the MPO
 1. With the advent of the Blacklands Corridor Feasibility Study (which contains IH-30 from Garland to Greenville), some study funds *might* be available for this project
- b. Other Federal, State or Regulatory Agencies

D. IH-30 Coalition

- a. The City of Garland, in order to continue its leadership role, needs to work together with stakeholders and regional partners to forward the development of the IH-30 project. Through coalition building, the IH-30 project will be able to be forwarded in the most efficient and expedient manner
- b. Through multiple briefings, regular meetings, and consistent messaging, the IH-30 project will develop and be able to have CDA authorization secured, the environmental re-evaluation completed, and the project under construction
- c. Stakeholders include the Cities of Dallas, Mesquite, Garland, Rowlett, Rockwall, Royse City and Greenville, Dallas, Rockwall and Hunt Counties, and the TEX-21 IH-30 Corridor Task Force

APPENDIX

Projects in the 2014 TxDOT Unified Transportation Plan of projects essential to the City of Garland. Note: Only a single project is within the City of Garland.

TxDOT Unified Transportation Plan (2014)						
Highway	Limits	Description	Est. Cost	Prog. Funding	Tier Ranking	Letting
IH-30	Cockrell Hill/Westmoreland Rd	Con. 2-lane Westbound Frontage Rd	7,512,681	5,400,000	Tier 1	FY 2014
IH-30	Cockrell Hill/Westmoreland Rd	Con. 2-lane Eastbound Frontage Rd (P.2)	5,932,192	6,400,000	Tier 1	FY 2014
IH-635	At Luna Rd in Farmers Branch	Construct U-Turn on West side and add turn lanes under IH-635	2,691,279	2,000,000	Tier 1	FY 2014
IH-635	Beltline Rd to .55 miles West of Beltline Rd	Widening WB Frontage Rd	1,879,272	1,717,079	Tier 1	FY 2014
SH 78	Garland Rd S. of Tranquilla to SP 244	9 Intersection Improvements	6,287,735	775,000	Tier 1	FY 2015
IH-635	S. of Gross Rd to US 80 EB Frontage Rd	Construct NB Frontage Rd; intersection and ramp improvements at Gross	4,584,586	3,500,000	Tier 1	FY 2015
SH 78	IH-635 to Forest Lane	Traffic signals and Intersection Improvement	4,196,711	2,755,000	Tier 1	FY 2016
SH 66	.1 mile W of FM 1141 to Collin Co Line	Provide Additional Paved Surface width	12,575,129	3,520,003	Tier 1	FY 2015
IH-30	At FM 3549	Reconstruct Interchange at FM 3549 including Frontage Rds	29,797,177	11,416,000	Tier 1	FY 2015

POTENTIAL IH-635 East Project Schedule

IH-635 East			
	Agency	Timeline	Notes
Toll Road Determination	TTC	Summer 2014	Usually occurs when TTC accepts NTTA's waiver of primacy
Redesign of Schematics	TxDOT/Half and Assoc.	January 2015	At minimal scope; could lengthen with greater scope
Re-evaluation FONSI	FHWA	January 2015	Dependent upon scope and changes to approved Schematic
Public Hearing(s)	TxDOT/Half and Assoc.	Completed before Re-evaluation FONSI	Public Involvement campaign necessary beforehand
Inclusion in MTP	RTC	No later than September 2015	Must identify funding source; funding source can be CDA authorization
Inclusion in UTP	TTC	No later than September 2015	Must identify funding source; funding source can be CDA authorization
CDA Authorization	Texas Legislature	No later than September 2015	Likely earlier
Waiving Primacy	NTTA	Fourth Quarter 2015	Administrative process with TxDOT negotiations
SB 1420 Committee	TxDOT	Late 2015	Will make essential terminations
Acceptance of Primacy	TTC	Fourth Quarter 2015/First Quarter 2016	
Procurement	TxDOT	2016	Process will be determined by SB 1420 Committee
Toll Services Agreement	NTTA/TxDOT	2016	After procurement finished, before Construction
Construction	TxDOT/Concessionaire	2017	Utility Relocation and ROW acquisition needs to be completed before this

POTENTIAL IH-30 East Corridor Project Schedule.

IH-30 East Corridor ⁷			
	Agency	Timeline	Notes
Redesign of Schematics	TxDOT	N/A	Must be funded through MTP
Environmental Clearance	FHWA	N/A	No FONSI
Public Hearings	TxDOT	Completed during EA	Public Involvement campaign necessary beforehand
CDA Authorization	Texas Legislature	2017	
Inclusion in MTP	RTC	After funding source is found – potentially 2017	Funding source can be CDA authorization
Inclusion in UTP	TTC	After included in MTP – potentially 2017	Must identify funding source; funding source can be CDA authorization
Toll Road Determination	TTC	ASAP; likely not till after CDA authorization granted – potentially 2018	Usually occurs when TTC accepts NTTA's waiver of primacy
Waiving Primacy	NTTA	2018	Administrative process with TxDOT negotiations
SB 1420 Committee	TxDOT	Late 2017	Will make essential terminations
Acceptance of Primacy	TTC	2018	
Procurement	TxDOT	2018	Process will be determined by SB 1420 Committee
Toll Services Agreement	NTTA/TxDOT	2018	After procurement finished, before Construction
Construction	TxDOT/ Concessionaire	2019	Utility Relocation and ROW acquisition needs to be completed before

⁷ Note: ROW and Utility relocation are not included but assumed to happen before the second NTP from TxDOT; ROW acquisition discussion will be forthcoming in the final draft

LBJ East Schematic

A. LBJ East - IH-635 (US 75 to IH-30)

- a. City of Garland Desired Configuration
 - i. Continuous 2+2 Concurrent Managed Lanes
 - ii. Continuous frontage roads from US 75 to IH-30
 - iii. Reconstructed general purpose lanes (8 to 10 lanes)
 - iv. Enhanced access along corridor
- b. Below is a detailed analysis of the existing and proposed facilities along IH-635 East.

c. Cross Sections and Intersections

i. US 75

1. Overpass/Underpass Facility – Five level interchange

a. As Built Facility

- i. Number of Lanes – 3/3
- ii. Frontage Roads
 1. Number of Lanes – 3/3
 2. Continuous or Not – Yes
 3. Turn Lanes – yes, in box configuration.
Includes U-Turns on north, east & south sides of box.
- iii. Items of Note

b. FONSI Schematic – No changes

- i. Number of Lanes
- ii. Turn Lanes

2. IH-635 Facility

a. As Built Facility

- i. General Purpose Lanes – 3/3
- ii. HOV Facilities
 1. Number of Lanes – 2/2
 2. Access Points – west of interchange
- iii. Frontage Roads
 1. Number of Lanes – 3/3
 2. Continuous or Not - yes
- iv. Access Points

1. Points of Access

- a. Ingress – by direct connections
- b. Egress – by direct connections

b. FONSI Schematic – No changes

- i. General Purpose Lanes
- ii. Managed Lanes Facilities
 1. Number of Lanes
 2. Access Points
- iii. Frontage Roads
 1. Number of Lanes

- 2. Continuous or Not
- iv. Access Points
 - 1. Points of Access
 - a. Ingress
 - b. Egress
- ii. Greenville Avenue
 - 1. **Underpass** Facility
 - a. As Built Facility
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turn in each direction, U-Turn on west side, Right turns on EB frontage road and SB Greenville Ave
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turn in each direction, U-Turns on east & west sides, Right turns on all four corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 3/3 west side, 2/2 east side
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2/2
 - 2. Access Points – at US 75 and TI “T- ramp bridge” west of Greenville Ave
 - iii. Frontage Roads
 - 1. Number of Lanes – 3/3
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond

- iii. Abrams Rd
 - 1. Underpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 2/2
 - ii. Turn Lanes – 1 median left turn in each direction, Right turns on EB frontage road and SB & NB Abrams Rd
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turn in each direction plus left turns allowed from inside through lanes, U-Turns on east & west sides, Right turns on all four corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 2/2
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – EB entrance thru Forest Ln, WB entrance thru Greenville Ave
 - b. Egress – EB exit, WB exit thru Forest Ln
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2/2
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 3/3
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – WB entrance & EB entrance through Forest Ln
 - b. Egress – WB exit through Forest Ln & EB exit

- iv. Forest Lane
 - 1. Underpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turns in both directions, Right turn on EB Forest Ln
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turn in each direction plus left turns allowed from inside through lanes, U-Turns on east & west sides, Right turns on all four corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 2 EB & WB on west side only
 - 2. Continuous or Not - no
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – EB entrance, WB entrance thru Abrams & Greenville Ave
 - b. Egress – EB exit thru Abrams, WB exit
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/2
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2/2
 - 2. Access Points – none
 - iii. Frontage Roads
 - 1. Number of Lanes – 3/3
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – WB entrance through Abrams Rd & EB entrance
 - b. Egress – WB exit & EB exit through Abrams Rd
- v. Skillman - Audelia

1. Underpass Facility

a. As Built Facility

- i. Number of Lanes – 3/3
- ii. Turn Lanes – 1 median left turn in both directions plus left turn allowed from NB inside through lane, Right turns on EB & WB frontage roads and SB & NB Skillman/Audelia
- iii. Items of Note

b. FONSI Schematic

- i. Number of Lanes – 3/3
- ii. Turn Lanes – 1 median left turn in both directions plus left turn allowed from NB inside through lane, U-Turns on east & west sides, Right turns on all four corners

2. IH-635 Facility

a. As Built Facility

- i. General Purpose Lanes – 4/4
- ii. HOV Facilities
 1. Number of Lanes -1/1
 2. Access Points – WB entrance west of Skillman/Audelia
- iii. Frontage Roads
 1. Number of Lanes – 2 WB on east side only
 2. Continuous or Not - no
- iv. Access Points
 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond

b. FONSI Schematic

- i. General Purpose Lanes – 5/5
- ii. Managed Lanes Facilities
 1. Number of Lanes – 2/2 plus 1/1 "T-ramp bridge" east of Skillman
 2. Access Points – "T-ramp bridge" connects to EB & WB frontage roads and DART park & ride on north side
- iii. Frontage Roads
 1. Number of Lanes – 3/3
 2. Continuous or Not - yes
- iv. Access Points
 1. Points of Access
 - a. Ingress – WB entrance & EB entrance through Miller Rd

- ii. Turn Lanes - 1 median left turn in each direction, U-Turns on east & west sides, Right turns on all four corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points – EB exit (east of Plano Rd)
 - iii. Frontage Roads
 - 1. Number of Lanes - none
 - 2. Continuous or Not - no
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – diamond modified
 - b. Egress – diamond modified
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2 lane reversible
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 3/3
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond
- ix. Kingsley Rd
 - 1. Overpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – Left turn allowed on WB inside lane
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes
 - ii. Turn Lanes – 1 median left turn in each direction plus left turn allowed from SB inside through lane, U-Turns on east & west sides, Right turns on all four corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1

- 2. Access Points - EB exit (east of Plano Rd), WB entrance (west of Kingsley Rd)
 - iii. Frontage Roads
 - 1. Number of Lanes – 2 EB on east side only
 - 2. Continuous or Not - no
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – EB entrance thru Jupiter Rd
 - b. Egress – EB exit
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2 lane reversible
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 2 lane WB, 3 lane EB
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – WB entrance, EB entrance
 - b. Egress – WB exit through Jupiter Rd, EB exit
- x. Jupiter Rd
 - 1. Overpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turns in both directions, Right turns on EB & WB frontage roads
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 2 left turns on SB / 1 left turn on NB, U-turns on both sides, Right turns on NE, NW & SE corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 2 EB on west side only, 2 WB on east side only
 - 2. Continuous or Not - no

- iv. Access Points
 - 1. Points of Access
 - a. Ingress – EB entrance, WB entrance
 - b. Egress – EB exit thru Kingsley Rd, WB exit
- b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2 lane reversible
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 2 lanes WB, 3 lanes EB
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond
- xi. AT&SF RR
 - 1. Overpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 1 track
 - ii. Turn Lanes – n/a
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes
 - ii. Turn Lanes
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes - none
 - 2. Continuous or Not - no
 - iv. Access Points
 - 1. Points of Access - n/a
- xii. Garland Rd
 - 1. Overpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 3 SB/2 NB
 - ii. Turn Lanes – 2 median left turns on NB Garland Rd
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 3 lanes SB, 5 lanes NB

- ii. Turn Lanes – 2 median lanes each direction, U-turn on west side only, Right turn on SW corner only
 - iii. Items of Note
 - c. Needed/Desired Emendations
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes - none
 - 2. Continuous or Not - no
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – WB entrance only
 - b. Egress – EB exit only
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2 lane reversible plus 1 lane “T-ramp” connection
 - 2. Access Points – “T-ramp bridge” to Park & Ride on north side east of Shiloh Rd
 - iii. Frontage Roads
 - 1. Number of Lanes – 2 lanes WB & 3 lanes EB
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress - WB entrance, EB entrance through Shiloh Rd
 - b. Egress – WB exit through Shiloh Rd, EB exit
 - 3. Items of Note
 - a. IH 635 is third level
 - b. RR is second level
 - c. Garland Rd & frontage roads are first level
- xiii. Shiloh Rd
 - 1. Overpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 2/2
 - ii. Turn Lanes - none
 - iii. Items of Note

- ii. Turn Lanes – 1 median left turn lane in each direction plus left turns allowed from inside through lanes in each direction, U-Turn on south side only, Right turns on NE, SW & SE corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes - 2 NB only
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2 lane reversible, 1 lane “T-ramp” connection
 - 2. Access Points – “T-ramp bridge” to Park & Ride west of Northwest Hwy
 - iii. Frontage Roads
 - 1. Number of Lanes – 3 lane NB, 2 lane SB only on south side of Northwest Hwy
 - 2. Continuous or Not – NB only
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond
- xv. Centerville Rd
 - 1. Overpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turn in each direction, Right turns on WB & EB Centerville Rd and NB frontage road.
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes - 1 median left turn lane in each direction
 - 2. IH-635 Facility

- a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes - 2 NB only
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2 lane reversible, 1 lane SB flyover bridge
 - 2. Access Points – 1 lane flyover exit ramp to SB frontage road south of Centerville Rd
 - iii. Frontage Roads
 - 1. Number of Lanes – 3 NB, 2/3 SB
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond
- xvi. La Prada
- 1. Overpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 2/2
 - ii. Turn Lanes – Left turn in median on EB only
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 2/2
 - ii. Turn Lanes – 1 median left turn lane in each direction, U-turn on south side only, Right turns on all four corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads

- 1. Number of Lanes – 2 NB only north of La Prada
 - 2. Continuous or Not - no
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – NB ramp only
 - b. Egress – SB ramp only
 - b. FONSI Schematic
 - i. General Purpose Lanes – 5/5
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 2 lane reversible north of La Prada, 1 lane reversible south of La Prada
 - 2. Access Points - 1 lane NB entrance ramp (depressed) north of La Prada, 1 lane wishbone ramps (SB exit & NB entrance) south of La Prada tying directly to IH 30 interchange connections
 - iii. Frontage Roads
 - 1. Number of Lanes – 2/2
 - 2. Continuous or Not - yes
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – full diamond
 - b. Egress – full diamond
- xvii. Oates Dr
 - 1. Underpass Facility
 - a. As Built Facility
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turn in each direction
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 3/3
 - ii. Turn Lanes – 1 median left turn lane in each direction, U-turn on north side only, Right turns on all four corners
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - none
 - iii. Frontage Roads
 - 1. Number of Lanes – 2 NB & SB on south side only

- 2. Continuous or Not - **no**
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – **full diamond**
 - b. Egress – **full diamond**
 - b. FONSI Schematic
 - i. General Purpose Lanes - **5/5 plus an auxiliary lane in each direction**
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – **1 lane reversible**
 - 2. Access Points – **in median at IH 30 and through IH 30 interchange direct connections**
 - iii. Frontage Roads
 - 1. Number of Lanes – **2/2**
 - 2. Continuous or Not - **yes**
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress – **NB entrance, SB entrance through Galloway Ave**
 - b. Egress – **NB exit through Galloway Ave, SB exit**
- xviii. N. Galloway Ave
 - 1. **Underpass** Facility
 - a. As Built Facility
 - i. Number of Lanes - **3/3**
 - ii. Turn Lanes – **1 median left turn in each direction, Right turns on EB & WB Galloway Ave**
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – **3/3**
 - ii. Turn Lanes - **1 median left turn in each direction, Right turns on NE, EB & WB corners**
 - 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – **4/4**
 - ii. HOV Facilities
 - 1. Number of Lanes – **1/1**
 - 2. Access Points – **terminus is south of Galloway Ave**
 - iii. Frontage Roads
 - 1. Number of Lanes – **2/2**
 - 2. Continuous or Not – **NB on north side only, SB is continuous**
 - iv. Access Points

1. Points of Access
 - a. Ingress – NB ramp thru Oates Dr
 - b. Egress – SB ramp thru Oates Dr
 - b. FONSI Schematic
 - i. General Purpose Lanes – 4/4
 - ii. Managed Lanes Facilities
 1. Number of Lanes – 1 lane reversible
 2. Access Points – in median at IH 30 and through IH 30 interchange direct connections
 - iii. Frontage Roads
 1. Number of Lanes – 2/2
 2. Continuous or Not - yes
 - iv. Access Points
 1. Points of Access
 - a. Ingress – NB entrance through Oates Dr, SB entrance
 - b. Egress – NB exit, SB exit through Oates Dr
- xix. IH 30
1. Overpass/Underpass Facility – Four level interchange
 - a. As Built Facility
 - i. Number of Lanes – 3/3
 - ii. Frontage Roads
 1. Number of Lanes – 2/2
 2. Continuous or Not - yes
 - iii. Items of Note
 - b. FONSI Schematic
 - i. Number of Lanes – 3/3
 - ii. Frontage Roads
 1. Number of Lanes – 2/2
 2. Continuous or Not – yes (cloverleaf connections with IH 635 frontage roads)
 2. IH-635 Facility
 - a. As Built Facility
 - i. General Purpose Lanes – 4/4
 - ii. HOV Facilities
 1. Number of Lanes – 1/1
 2. Access Points - entry & exit to HOV lanes north of Oates Drive
 - iii. Frontage Roads - none
 1. Number of Lanes
 2. Continuous or Not
 - iv. Access Points
 1. Points of Access

- a. Ingress – by direct connections
 - b. Egress - by direct connections
- b. FONSI Schematic
 - i. General Purpose Lanes – 4/4 plus auxiliary lanes
 - ii. Managed Lanes Facilities
 - 1. Number of Lanes – 1/1
 - 2. Access Points - entry & exit to HOT lanes to the north in median and through interchange direct connections
 - iii. Frontage Roads
 - 1. Number of Lanes – 2/2
 - 2. Continuous or Not – yes (cloverleaf connections with IH 30 frontage roads)
 - iv. Access Points
 - 1. Points of Access
 - a. Ingress - by direct connections
 - b. Egress - by direct connections



City Council Item Summary Sheet

Work Session

Date: March 3, 2014

Agenda Item

Transportation Committee Report

Summary of Request/Problem

Council Member John Willis, chair of the Transportation Committee, will provide a Committee report on the following items:

- Updates from Dean International, Inc. on IH-30, IH-635 East, and SH-78, THSRTC, and TEX-21.
- Update on strategic meetings during NLC.
- Update of the Blacklands Corridor Feasibility Study, toll road, and its relationship to IH-30 and Outer Loop projects.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

Work Session

Date: March 3, 2014

Agenda Item

Review of City Council Policies

Summary of Request/Problem

At the request of Council Members John Willis and Stephen Stanley, Council is requested to review and discuss the City Council Policies.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

William E. Dollar
City Manager

City Council Polices Index

Building and Facilities (BLDG)

01	Public Use of City Hall
02	Building Dedication Plaques

Capital Improvements (CIP)

NONE	
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Land and Economic Development (DEV)

01	Appeal Process from Planning Commission
02	Zoning Notification Response Deadline 20% Rule
03	Reconsideration of Zoning Requests
04	Right-of-Way (ROW) Assessment Policy
05	Sidewalks
06	Reserved for Future Use
07	Purchase, Sale, and Lease of City-owned Property and Facilities
08	Citizen Initiated Street Name Changes

Finance (FIN)

01	Emergency Purchase – Boiler Fuel, Fuel Only <i>Abrogated 7-17-07 by Resolution No. 9708</i>
02	Rotation of Auditing Firms for Annual Audits

Finance (FIN) – continued

03	Firewheel Golf Park Fees
04	Financial Policy
05	Statement of Investment Strategy
06	Statement of Investment Policy

Government Relations (GOV)

01	Council Appointments to and Communications with Outside Agencies and Authorities
02	Boards and Commissions Communications with Outside Agencies and Authorities
03	Legislative Initiatives

Inspection Services (INSP)

NONE	
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Legal (LEG)

01	Biannual Charter Review and Election
02	Conflict of Interest and Financial Disclosure
03	Fraud
04	Council Ethics on Endorsements of Others

Professional Service (PROF)

NONE	
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Council Operations (OPNS)

01	City Council Policy and Procedure Process
02	Council Meeting – Rules of Order
03	Council Agenda Items
04	Qualifications for Doing Business with the City
05	Council Travel and Business Expense
06	Employee Residency Requirements
07	Compensation Policy
08	School Speed Zones
09	Homeowners' Association Bylaws
10	Intersection Right-of-Way Control (Stop and Yield Signs)
11	Right-of-Way Acquisitions (Waiver of Special Assessments)
12	Acceptance of Private Streets for City Maintenance
13	Public Notification Process
14	Council Requests for Service, Information, and Citizen Complaints to City Staff
15	Public Works Contracts and Incentives/Disincentives
16	Private Streets
17	Employee Restriction on Representation to Others
18	Unauthorized Positions – Fire and Police Recruits
19	Annual Performance and Compensation Review of City Council Appointed Officers
20	Area Plan Implementation Committees
21	National Night Out Council Meeting Schedule

Council Operations (OPNS) – continued

22	Meritorious Service
23	Council Subcommittees
24	City Council Meetings: Public Safety/Disorderly Conduct
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CITY COUNCIL POLICY

POLICY NO.: BLDG-01

Date of Adoption: 4/1/86

Date Of Revision: 2/17/98

Title: **Public Use of City Hall**

Page 1 of 2

I. Purpose and Need for Policy

The purpose of this policy is to set forth procedures to respond in a consistent manner to requests for public use of City Hall meeting rooms.

II. Policy

Meeting rooms in the City Hall facility are available for use by community groups, homeowners associations and governmental/school agencies for non-profit purposes, subject to staffing and scheduling limitations. The facilities are not available for private profit purposes.

III. Procedure to Accomplish Policy

1. Requests for reservations for the 1st Floor Conference Room, Council Work Session Room, Main Lobby, and Council Chamber located on the first floor will be directed to the City Secretary who maintains a master calendar of reservations for these meeting rooms for meetings of City Council, Commissions, Committees and the public.
2. Scheduling will be based on availability of meeting room space and, if required, staffing personnel.
3. Daytime Scheduling: Meeting rooms used during regular City office hours will be available at no charge.

Evening and Weekend Scheduling: A charge of \$12.50 per hour (2 hour minimum) will be made to cover required overtime for clerical/janitorial staffing to open and close the facility. (Note: No charge when City Hall is already open for a scheduled evening City meeting or to governmental/school agencies operating on a reciprocal basis.)

**City Council
Policy**

TITLE:
Public Use of City Hall

Page: 2 of 2

SUBJECT:
Buildings and Facilities

NO.
BLDG-01

IV. Responsibility and Authority

Scheduling of meeting space in the City Hall facility is the responsibility of the City Secretary.

Prepared by: _____

Reviewed by: _____

Date: _____

Date: _____

APPROVED BY CITY COUNCIL: 8084

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: BLDG-02

Date of Adoption: 4/14/89

Date Of Revision: 2/17/98

Title: **Building Dedication Plaques**

Page 1 of 1

I. Purpose and Need for Policy

The purpose of this policy is to establish consistency as to Council Member and staff names which should be placed on building dedication plaques for newly constructed buildings or other City projects. On complex projects extending over several years, significant changes in Council and staff composition may occur between the initiation and completion of a project. In order to eliminate future confusion, a policy is needed to clarify the appropriate names of the Mayor/Council Members for building dedication plaques.

II. Policy

It shall be the policy of the City of Garland to place on plaques dedicating City buildings the names of the Mayor/Council that approved the project.

III. Procedure to Accomplish Policy

The City Manager shall implement the Council Policy.

IV. Responsibility and Authority

The City Manager shall be responsible for notifying the project coordinator and architect of the proposed building dedication plaque design on all buildings/projects.

Written/ Denny Wheat,

Reviewed by: Jeffrey B. Muzzy

Revised by: Assistant City Manager

City Manager,

APPROVED BY CITY COUNCIL RESOLUTION 8086:

James M. Speece
Mayor

Date: 10/21/98

GARLAND

MEMORANDUM

TO: Managing Directors **Ranette Larsen**

FROM: Tandy Dollar *TJ*

CC: Jeff Muzzy
Martin Glenn
Bill Dollar
Ron Jones, Sr.
Marsha Meeks

DATE: January 7, 2003

RE: Council Policy on Building Dedication Plaques



The City Manager requested that I send a copy of this Council Policy to all Managing Directors so that everyone would be aware of the proper procedure when ordering dedication plaques. **In Section II the words "approved the project" are interpreted to mean the Mayor/Council that approved the first contract for the beginning of the project.** It does not necessarily mean the Council who approved the CIP that the project was first included in.

Please make sure all in your department that would have need for this information is also provided a copy of this Council Policy. Should you have any questions, please contact Martin Glenn or me.

Thank you.



CITY COUNCIL POLICY

POLICY NO.: DEV-01

Date of Adoption: 4/1/86

Date Of Revision: 3/5/96

Title: **Appeals Process from the Plan Commission**

Page 1 of 2

I. Purpose and Need for Policy

The appeals process allows applicants the opportunity to pursue all avenues in seeking approval of a zoning change. Due to the potential numbers of such appeals, a limit on the number of appeals that will be presented to the City Council is necessary.

II. Policy

Following the Plan Commission's recommendation for denial, a written request for appeal can be submitted to the Department of Planning within fifteen days of the Plan Commission action. Upon receipt of written request for appeal, the Department of Planning shall schedule the appeal for the earliest possible City Council agenda.

III. Procedure to Accomplish Policy

1. Following denial by the Plan Commission, the Department of Planning shall notify the applicant by telephone, followed by a letter advising him that he has fifteen days from the date of the Plan Commission action to file a written request for appeal to the City Council.
2. If a request for appeal has not been received by the Department of Planning-within ten days, a follow up call shall be made reminding the applicant of the deadline for filing an appeal.
3. Following the fifteen day time limit for filing an appeal, a letter shall be sent to the applicant by the Department of Planning advising the applicant that their opportunity to appeal has expired and the file has been closed.

City Council Policy	TITLE: Appeals Process from Plan Commission	Page: 2 of 2
	SUBJECT: Land and Economic Development	NO. DEV-01

IV. Responsibility and Authority

The Department of Planning shall be responsible for all notification to applicants regarding the appeals process.

The City Manager shall include in each Council agenda the appeal item scheduled for review by the Council.

Written/ Neil Montgomery,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Development Services

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086:

James M. Spencer
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: DEV-02

Date of Adoption: 4/1/86

Date Of Revision: 10/20/98

Title: **Zoning Notification Response Deadline (20% Rule)**

Page 1 of 2

I. Purpose and Need for Policy

To provide consistency in zoning cases, and to assure compliance with state law concerning property owner notification on zoning matters, a policy is needed that will clarify the cut-off time for accepting property owner responses affecting the twenty-percent rule.

II. Policy

The twenty-percent rule refers to the state law requiring a three-fourths majority vote of the City Council when the owner(s) of twenty percent of the property within 200 feet of the area of the requested change oppose the change in writing.

The City's deadline for receiving property owners written responses affecting the twenty percent rule shall be, at the time a motion is carried, to close the public hearing. Written responses must be on a form provided by the City and shall be accepted up to that time. Written responses postmarked earlier, but received following the close of the public hearing, shall not be accepted. The twenty percent rule vote shall only be applicable at the time the vote is taken for ordinance adoption.

III. Procedure to Accomplish Policy

1. Written responses submitted prior to the time a motion to close the public hearing is carried shall be counted in determining whether the twenty percent rule applies.
2. Responses submitted later shall be rejected and discarded, after final action, and shall not affect the twenty percent rule.
3. If the public hearing is reopened, the policy shall again apply just as if the hearing had never been closed.

**City Council
Policy**

TITLE:
Zoning Notification
Response (20% Rule)

Page: 2 of 2

SUBJECT:
Land and Economic
Development

NO.
DEV-02

IV. Responsibility and Authority

The Department of Planning shall be responsible for accepting written responses until a motion to close the public hearing is carried.

The Department of Planning shall retain all responses until a final action has been taken.

The Department of Planning shall clearly distinguish between late and timely responses and have the authority to determine whether a response is late or timely.

Written/ Neil Montgomery,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Development Services

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: DEV-03

Date of Adoption: 1/6/87

Date Of Revision: 10/20/98

Title: **Reconsideration of Zoning Requests**

Page 1 of 2

I. Purpose and Need for Policy

To establish criteria and procedures for reconsideration of zoning requests which have been denied by the City Council.

II. Policy

Zoning requests which have been denied by the City Council may be reconsidered if it can be demonstrated by the applicant that development or site conditions have changed since denial of the request such that new considerations will enter into the Council's deliberation. For the information of the applicant contemplating asking Council to reconsider an item, the following circumstances do not generally justify reconsideration:

1. Failure of the applicant to appear at the Council hearing at which the request was considered and denied.
2. Failure of the applicant to be adequately prepared for presentation to the Council.
3. Absence of one or more Council members from the meeting at which the request was considered and denied.
4. Modifying the request to address Council discussion at the time of the original consideration and denial.

However, the City Council clearly retains the flexibility to review the merits of each individual case in order to determine if a reconsideration is in the best interest of all concerned.

III. Procedure to Accomplish Policy

An applicant desiring reconsideration of a zoning request by City Council shall submit a letter to the Director of Planning within five (5) business days of the meeting at which the request was denied. Such letter shall clearly describe the conditions that have changed which justify reconsideration.

City Council Policy	TITLE: Reconsideration of Zoning Requests	Page: 2 of 2
	SUBJECT: Land and Economic Development	NO. DEV-03

The request for reconsideration shall be heard by the Council at the meeting immediately following the denial. A motion to grant reconsideration may only be made by a Council member who voted to deny the original request. The motion may be seconded by any member. A vote of five (5) Council Members shall be required to authorize reconsideration of a request. If the request for reconsideration is approved, the zoning request shall be placed on the agenda of the next appropriate meeting.

IV. Responsibility and Authority

1. The Director of Planning shall be responsible for submitting reconsideration requests to the City Manager for placement on the appropriate Council agenda.
2. Council members shall be responsible for assuring that reconsideration of a request is granted when warranted according to this policy.

Written/ Neil Montgomery,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Development Services

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Speace
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: DEV-04

Date of Adoption: 11/27/87

Date Of Revision: 3/5/96

Title: **Right-Of-Way Assessment Policy**

Page 1 of 2

I. Purpose and Need for Policy

The purchase of property is normally a part of an approved public works project and the expenditure of funds is authorized by Council or City Manager (depending on cost). The waiver of assessments for property donations is currently authorized by Council Policy (OPNS-11) and sets the guidelines for such process. Conveyance of land, easements and right-of-way through the platting process is required by Article I. Subdivisions - General, Chapter 31 of the Code of Ordinance.

II. Policy

Acquisition of street right-of-way by unsolicited donations and exchanges of property will be considered as donations in exchange for waiver of paving assessments if:

1. The City preceeds the landowner/developer in the improvement project (i.e. -The City starts the street improvements prior to the time the owner/developer files plat for development).
2. The City offers to waive assessments for R.O.W. donations on the project.
3. The City Council has officially accepted the unsolicited R.O.W. donation.

III. Procedure to Accomplish Policy

1. As donations of R.O.W. are received, the Director of Engineering will be responsible for placing the resolution for acceptance on the Council agenda.
2. At such time the City initiates a street project, the Director of Engineering will determine that the present owner of previously donated property has not filed a plat for development.

**City Council
Policy**

TITLE:
Right-Of-Way
Assessment Policy

Page: 2 of 2

SUBJECT:
Land and Economic
Development

NO.
DEV-04

3. If the City offers other property owners the waiver of assessments for R.O.W. donations, then previous donors would be offered the waiver of assessments as well, assuming they had not filed a plat for development of their property.

IV. Responsibility and Authority

1. The Director of Engineering shall have the responsibility to administer this policy under the procedures as set forth in this policy.
2. The City Manager shall be responsible for insuring Council notification and administration of this policy.

Written/ Jack Driskill,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Engineering & Street
Services

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: DEV-05

Date of Adoption: 11/17/87

Date Of Revision: 3/5/96

Title: **Sidewalks**

Page 1 of 2

I. Purpose and Need for Policy

The City has realized the need for sidewalk construction and has adopted Ordinances concerning sidewalk requirements in proposed areas of development. However sidewalk requirements may be waived or altered by the Plan Commission during the development review process. On projects where a waiver has been approved, the applicant must still pay to the City an amount equal to the estimated costs of constructing a standard width sidewalk.

Since there exist numerous locations within the City, where sidewalk segments are missing due to undeveloped frontage in developed areas and granting of sidewalk waivers etc., there exists a need for a policy to address the manner in which requests for construction of missing sidewalk segments will be handled to insure a uniformity and consistency.

II. Policy

Sidewalk construction shall be required as part of and in conjunction with any new street. This applies to type A, B, C, D, & E streets as designated on the City thoroughfare plan. Unless a waiver is granted, sidewalks shall be constructed in conjunction with the development of any property on which a sidewalk does not exist.

In developed areas, where there exists a missing sidewalk segment, construction requests will be reviewed by the Engineering Department.

III. Procedure to Accomplish Policy

1. The Engineering Department shall maintain a city wide inventory of missing sidewalk segments adjacent to collector or higher type street classification.
2. Recommendations for installation of missing sidewalk segments funded by the City shall be based on engineering studies considering factors such as pedestrian demand and type, availability of sufficient ROW or easement, adjacent roadway type and traffic volumes, availability of alternative pedestrian paths, topography, future sidewalk potential through development of lots or streets, existing sidewalk waivers, presence of connecting sidewalk segments, and construction cost.

City Council Policy	TITLE: Sidewalks	Page: 2 of 2
	SUBJECT: Land and Economic Development	NO. DEV-05

IV. Responsibility and Authority

1. The Engineering Department shall make recommendations for or against granting sidewalk waivers.
2. The Engineering Department shall be responsible for coordinating compliance with this policy on type A, B, C, D, & E street construction.
3. The Engineering Department shall review requests for City funded sidewalk construction, select projects for construction, and have sidewalks constructed in accordance with the funding established in the C. I. P.

Written/ Jack Driskill,
 Revised by: Managing Director of
 Engineering & Street
 Services

Reviewed by: Jeffrey B. Muzzy,
City Manager

APPROVED BY CITY COUNCIL RESOLUTION: 8086

James M. Spence
 Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: DEV-07

Date of Adoption: 1/19/93

Date Of Revision: 2/17/98

Title: **Title, Purchase, Sale and Leasing of City-Owned Property and Facilities and Right of Way or Easements for Public Works Improvement Projects**

Page 1 of 10

I. Purpose and Need for Policy

To balance two often conflicting, but equally important, policy considerations, viz., the need to maintain the integrity of the City's bargaining position versus the public's right to know.

II. Policy

The following policy shall govern the purchase of real property, the acquisition of easements for public use, the sale of City-owned property not needed for public purposes and the leasing of City facilities.

III. Procedure to Accomplish Policy

A. Right-of-Way and/or Easements intended for Public Works Improvements Through the Design Process

- 1) Through the design process, identification by City staff of the particular tracts needed as right-of-way or easements.
- 2) Determination of the fair market value of and/or damages to the tracts(s) through a qualified, independent real estate professional, who practices and has an office within the City of Garland. For smaller tracts or easements generally believed to be valued at less than \$10,000, the City staff may make an appraisal.
- 3) In coordination with Council Policies DEV-04 (Right-of-Way Assessments) and OPNS-11 (Right-of-Way Acquisition by Waiver of Special Assessment) and in view of the fair market value and the impact of the project to the subject property, the Director of Engineering shall enter into negotiations with the property owners in order to obtain the right-of-way or easements.

**City Council
Policy**

TITLE:

Purchase, Sale & Leasing
of City-Owned Property &
Facilities

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SUBJECT:

Land and Economic
Development

NO.

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4. If negotiations proved to be unsuccessful, the Director of Engineering shall present the matter to the City Council for further direction.

B. Purchase of Real Property (other than Item A): Valued over \$100,000

1. Identification by City staff and City Council in Executive Session of one or more properties that will serve a stated municipal purpose.
2. Selection of a qualified, independent real estate professional, who practices and has an office within the City of Garland, who will act as the City's nominee or trustee without revealing the identity of the City as the ultimate purchaser of the property until the Seller has agreed to a sale price in writing. The real estate professional's name should be drawn from a list or pool of qualified real estate professionals, and he/she should certify under oath that representation of the City in the proposed purchase will not create a conflict of interest. The real estate professional should also be retained on a flat fee (rather than a percentage fee) basis. Said flat fee shall be based upon a mutually negotiated good faith estimate of the amount of work involved on the part of the real estate professional.
3. Appraisal of the property by one or more qualified, independent appraisers.
4. Negotiation and execution of an option contract or contingency earnest money contract by the City's nominee/trustee. The preliminary option fee or earnest money deposit designed to make the contract legally binding should be nominal. Such contract shall be binding upon the Seller, and shall include a right be the nominee/trustee to assign the contract to a third party without obtaining the Seller's prior consent. the contract shall also provide for a 30 - day, 60 - day, 90 - day, 6 - month or other appropriate option period (if an option contract) or "free look" period (if a contingency earnest money contract) for the performance of title and lien searches, inspections, feasibility studies, environmental tests, etc., as necessary and appropriate.

**City Council
Policy**

TITLE:

Purchase, Sale & Leasing
of City-Owned Property &
Facilities

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5. Scheduling of a public hearing to discuss each property that emerges from the various title and lien searches, inspections, studies and tests with positive results.
6. If the property is approved by the city Council for purchase after the public hearing, assignment of the option contract by the nominee/trustee to the City, followed by usual preclosing and closing procedures. A sample Closing Checklist has been attached hereto.

C. Sale of City-Owned Property:

1. Inventory of Real Property.

The Engineering Department shall maintain, as part of the City's fixed asset system, a descriptive roster of all real property owned by the City.

Examination of Need.

Upon direction or request, the Director of Engineering shall conduct an examination of the need for specific City-owned property. In conducting this analysis, consideration shall be given to the City's real property requirements expressed through master plans for public facilities including, but not limited to, new streets, water and wastewater, police and fire, district service centers and parks. If no need currently or prospectively exists, as identified by the specific master plans, the real property shall be considered surplus.

Decision to Sell.

The City Council shall determine whether real property should be offered for sale by the City and whether any limitations should be placed on the future use of the property.

Procedures for the Sale of Surplus Property.

- (a) In addition to the requirements of Chapter 272, Texas Local Government Code, the Director of Engineering shall follow the procedures described in this section for the sale of real property other than property used as public right-of-way.

**City Council
Policy**

TITLE:
Purchase, Sale & Leasing
of City-Owned Property &
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SUBJECT:
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- (b) If the property has an estimated value of less than \$100,000, the City Staff shall make an appraisal of the property to determine fair market value. If the property has an estimated value of \$100,000 or more, an independent appraisal shall be acquired to determine the fair market value.

2. Type of Conveyance

The City Attorney shall determine the type of conveyance or other instrument to be executed by the City once the City Council has formally approved the sale.

When a tract can be utilized individually and separate from abutting properties, it shall be sold on a sealed bid basis after the following steps have been carried out:

- (a) The property for sale shall be advertised in a newspaper of general circulation in the community.
- (b) the Engineering Department in cooperation with the Purchasing Department shall administer all procedures, subsequent to City Council determination.
- (c) The Purchasing Department shall set forth, in the newspaper advertisement for sale of City-owned property, a minimum price below which bids will not be considered. Such minimum price shall be established by the Engineering Department on the basis of the minimum value as determined by Staff appraisals.
- (d) The Engineering Department may, at its discretion, utilize independent appraisers to determine the minimum price to be established.
- (e) "For Sale" signs shall be displayed by the Purchasing Department on all City property which has been advertised in the newspaper, and shall remain until bids for the properties are opened.
- (f) The Purchasing Department shall furnish a list of properties for sale, for which a bid opening date has been set, to any interested party in the City who requests of the department that they be placed on the mailing list for such listings in accordance with established procedures.

**City Council
Policy**

TITLE:

Purchase, Sale & Leasing
of City-Owned Property &
Facilities

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(g) The requirements of all State laws, the City Charter and its ordinances shall be met. It shall be noted that various statutes may be applicable in regard to sale of park property.

3. Bidder Information

A bidder for the purchase of real property or an interest in real property from the City must state the full name of the prospective purchaser as it should appear in an instrument of conveyance. If a bid is made on behalf of another person, firm, trust, partnership, association or corporation, disclosure of the facts relating to the agency may be required by the City Manager. Failure to furnish the information upon request, before or after bid acceptance, is grounds for rejection of a submitted or accepted bid. All bidders must comply with Sec. 10.18, **"Granting permits, licenses, privileges, etc., to persons obligated to City prohibited,"** of the Code of Ordinances of the City of Garland, Texas.

4. When a tract cannot, because of its size, shape or requirements of the zoning ordinance, be utilized except in conjunction with an abutting tract, it shall be sold only to an abutting property owner or retained by the City in accordance with Chapter 272, Texas Local Government Code.

All real property interests belonging to the City of Garland in any streets or alleys, whether owned in fee or used by easement, and any land or interest therein which was originally acquired for the purpose of streets, rights-of-way or easements, shall be sold, conveyed or traded to the abutting property owner or owners in proportion to their abutting ownership, but never for less than the fair market value of the land being conveyed, sold or traded.

Provided, however, that when a street, alley, right-of-way or easement was originally dedicated to the city at no cost, the City shall not make any charge to the original dedicator for the vacation of such street, alley, right-of-way or easement as herein provided.

The City shall determine whether the City's interest in a public right-of-way or easement should, in whole or in part, be abandoned or whether a street or alley should be closed.

**City Council
Policy**

TITLE:
Purchase, Sale & Leasing
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The abutting property owners shall be advised by the registered letter that the real property interest belonging to the City is for sale, with an indication as to the real market value thereof. All sales shall be made at or above market value, as determined by appraisals obtained by the Engineering Department.

5. At the time it is requested to approve the sale of City-owned property, the City Council shall be provided the following information by the City Manager:
 - (a) The description and location of the property.
 - (b) The market value determined by the appraisal.
 - (c) All offers for each piece of property, including the name of the abutting property owners and the amount of the purchase price.

C. Leasing City-Owned Facilities:

1. The department responsible for specific tracts shall be responsible for the leasing or rental of City-owned property which is currently not used for public purpose but anticipated to be required for public purpose in the future. The Director of that department shall also be responsible for all leases including collection of rentals.
2. All offers to lease City property shall be negotiated, except where the anticipated income negotiated from the property is estimated to be more than \$3,000 per year, in which case the lease should be developed by the sealed bid process, unless the Council determines that the nature of the property and its highest and best use would suggest that negotiation would be in the best interest of the City.

In no case shall the amount of income from a lease be less than the taxes that would be paid if the property were on the tax roles at market values as appraised by the Engineering Department. Where property is leased on a sealed bid basis, the procedures listed under Section B-2, a, b, c, d, e, and f shall be followed. All leases of City property shall be submitted to the City Council for approval.

**City Council
Policy**

TITLE:

Purchase, Sale & Leasing
of City-Owned Property &
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3. The City Attorney's Office and the responsible department shall examine all lease and rental arrangements prior to expiration of the term involved, and shall recommend to the City Manager the most advantageous course of action to the City with respect thereto, among which the following will be considered:
 - (a) Advertise the lease or rental of the property on a sealed bid basis.
 - (b) Continue to rent or lease the property to the present lessee on a month - to -month basis.
 - (c) Negotiate for lease or rental of the property to obtain the most favorable terms possible.
4. After reviewing the recommendation, the City Manager shall submit the information to the City Council and shall recommend action by the Council as appropriate.
5. When a City - owned tract, which is temporarily not devoted to a public use, cannot be utilized except in conjunction with an abutting tract, it either shall be leased to the abutting property owner on a negotiated basis, offered for sale by procedures specified in Section B, or retained by the City.
6. Prior to granting authorization to lease or rent City - owned property, the City Council shall be provided the following information by the City manager:
 - (a) Description of the property.
 - (b) All offers for each piece of property, including the name of the bidder and amount of the offer.
 - (c) Lease rentals being paid on comparable properties.
 - (d) A recommendation as to which offer should accepted or whether all should be rejected.
 - (e) Zoning classification in the area.

**City Council
Policy**

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Purchase, Sale & Leasing
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7. All lease or rental agreements entered into between the City and a lessee shall contain a requirement that the lessee shall furnish a certificate of public liability insurance coverage, and shall properly maintain the premises, including keeping weeds cut, removing debris and making repairs.
8. The City Council may elect to waive the requirements of this Section C as it deems appropriate.

D. Acquisitions Involving Relocation of Improvements

1. In cases where improvements are to be relocated from the property in connection with the acquisition of right-of-way for street improvements or other projects, at least three (3) written estimates shall be requested from reputable contractors and at least two (2) estimates shall be obtained, to be used as a basis for determining the amount of compensation to be paid to the property owner arising out of necessary relocation of the improvements.
2. After negotiations with the property owner have been completed, a written recommendation shall be submitted to the City Council outlining the procedures to be followed in connection with the transaction and the conditions to be performed precedent to any payment to the property owner.
 - (a) In addition to the information to be provided to the City Council as required under Section A, amounts of the estimates for relocation of the improvements shall be provided to the City Council.
 - (b) The recommendation to the City council shall state the amount to be paid directly to the property owner for the right-of-way acquired, plus the amount of the payment for compensation represented by the relocation of the improvements. Such compensation shall be held in escrow by a title company until released in accordance with the procedures outlined in Section D-6 of this policy.
3. After approval of the acquisition by the city council, the property owner shall be advised by letter that the city is not a party to any contract between the property owner and the contractor who shall be selected by the property owner to move the improvements. It shall be specifically pointed out that the property owner is entirely free to select any contractor of his choice to perform the work. The property owner shall also be

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Policy**

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advised of the procedure to be followed in payment of the contractor upon the satisfactory completion of the work.

4. Prior to the time the amount allowed by the City for relocation of improvements is placed in escrow with a title company, the property owner and the contractor selected by the property owner for the relocation shall execute a written mechanic's lien contract which shall be deposited with the escrow agent at the same time the money is placed in escrow. In the event that the property owner secures a lower bid for the relocation of the improvements than the amount allowed by the City for relocation, the escrow agent shall pay the difference between the two amounts to the property owner after the relocation has been completed and approved by the Building Inspection Department.
5. At the time a building permit is issued to the contractor for relocation of the improvements, the Building Inspection Department shall inspect the project in order to insure compliance of the work with all requirements of the Building Code.
6. A letter of instructions from the Director of Engineering shall be sent to the title company outlining the amount to be paid for land and compensation, including the amount to be paid in escrow for the purposes of assuring the relocation of improvements on the property. The instructions shall also advise the title company that it is designated as the escrow agent of the City, and is responsible to the City for the proper disbursement of the funds placed in escrow. The disbursement of the escrow funds shall be made only after written notification from the Director of Engineering. The written notice shall be accompanied by a letter of release signed by the property owner stating that the work has been satisfactorily completed and a written notice from the Building Official that the work has been completed in accordance with the Building Code.

E. Appraisal Fees:

The rate of compensation for fees to be paid to independent appraisers for all appraisal work done at the request of the City of Garland shall be the prevailing rate charged by similarly qualified appraisers.

City Council Policy	TITLE: Purchase, Sale & Leasing of City-Owned Property & Facilities	Page: 10 of 10
	SUBJECT: Land and Economic Development	NO. DEV-07

IV. Responsibility and Authority

For right-of-way or easement matters, the Director of Engineering shall have the authority to exercise responsibility for this policy under the guidance and formal approval of the City Council. For other tracts, the Director of the department who has responsibility for that tract shall have the authority to exercise responsibility for this policy under the guidance and formal approval of the City Council.

Written/ Charles Hinton,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Attorney

City Manager

APPROVED BY CITY COUNCIL RESOLUTION: 8086

James M. Spence
Mayor

Date: 10/11/98

PROPOSED CLOSING CHECKLIST
FOR THE PURCHASE OF REAL PROPERTY BY THE CITY OF GARLAND

1. "No conflict of interest" certification by the City's nominee or trustee
2. MAI appraisal(s)
3. Option Contract or contingency Earnest Money contract (executed by City's nominee or trustee)
4. Title Commitment
5. Copies of deed restrictions and other title exceptions
6. UCC-11 Searches (State and local)
7. Survey and Surveyor's Certificate
8. Copies of all leases (recorded and unrecorded), if applicable
9. Certified rent roll, if applicable
10. Structural inspection and engineering report(s)
11. Phase I and Phase II environmental audits/assessment reports
12. Flood plain and drainage assessments
13. Inventory of personality, if applicable
14. City Council Resolution (after public hearing) authorizing City Manager to accept Assignment of Contract by City's nominee or trustee
15. Assignment of Option Contract or contingency Earnest Money Contract by City's nominee or trustee to City of Garland
16. Certified copies of Seller's Articles of Incorporation, General Partnership Agreement, etc., if applicable
17. Seller's Corporate Resolution, if applicable
18. General Warranty Deed



Proposed Closing Checklist
For the Purchase of Real Property by the City of Garland
page 2 of 2

19. Bill of Sale, if applicable
 20. Seller's Affidavit re: liens, etc.
 21. Notice of Tenants, if applicable
 22. Tax Certificates
 23. Closing Statement(s)
 24. Owner Title Policy
- 
- 



CITY COUNCIL POLICY

POLICY NO.: DEV-08

Date of Adoption: 3/7/06

Date Of Revision:

Title: **Citizen-Initiated Street Name Changes**

Page 1 of 2

I. Purpose and Need for Policy

There is a need to establish an orderly process for the Council to consider street name changes proposed by citizens in order to ensure affected parties are involved in the process and that the costs of the changes are considered.,

II. Policy

Street name changes will only be made if 80% of the property owners whose addresses will change are in favor, the name does not create any confusion, continuity or way-finding problems, the City Council agrees with the name change and the applicants pay for the administrative and sign replacement costs associated with the changes.

III. Procedure to Accomplish Policy

1. Requests to change a street name must be made in writing. The applicant must indicate the limits of the name change, proposed street name and reasons for the change.
2. Fees will be charged to cover review and notification costs. The fee will be comprised of a fixed review fee of \$500 and a fee covering the actual cost for notification based on the number of affected addresses. The review fee will be due upon submittal of the request.
3. A review will be performed by the city staff in conjunction with the Postal Service to determine if the proposed name duplicates an existing name or would cause confusion, continuity or way-finding problems. If the name change would create confusion, continuity or way-finding problems, the petition process will be stopped at this point and the fee for notification refunded. If only the name itself is unacceptable, the applicant will be given an opportunity to submit a new name. The staff will also provide an estimate of the costs for notification and sign replacements.
4. If the name is acceptable, a petition signed by at least 80% of the affected property owners indicating concurrence with the change must be submitted by the applicant.
5. An item will be scheduled for a City Council Work Session once the petition is confirmed by staff.

City Council Policy	TITLE: Citizen-Initiated Street Name Changes	Page: 2 of 2
	SUBJECT: Development Services	NO. DEV-08

6. City Staff will notify all affected property owners of the proposed change and the date of the public hearing after the notification and sign replacement costs are paid by the applicant.
7. The Council will hold a public hearing to consider the proposed name change.
8. If approved, the street name change will be enacted by ordinance.
9. If the change is not enacted, the costs of sign replacement will be refunded to the applicant.

IV. Responsibility and Authority

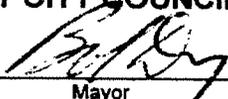
1. The Director of Planning shall have the responsibility to administer this policy under the procedures as set forth in this policy.
2. The City Manager shall be responsible for insuring Council notification and administration of this policy.

Written/ Robert C. Wunderlich,
Senior Managing Director
of Transportation,
Engineering, Streets and
Stormwater

Reviewed by: William E. Dollar,
City Manager

Revised by:

APPROVED BY CITY COUNCIL RESOLUTION 9442:


 Mayor

Date: 3/7/06



CITY COUNCIL POLICY

POLICY NO.: FIN-01

Date of Adoption: 4/1/86

Date Of Revision: 10/17/95

Title: **Emergency Purchases - Boiler Fuel, Fuel Only**

Page 1 of 3

I. Purpose and Need for Policy

A. Emergency Purchases - Fuel Oil Only

The Electric Utility routinely utilizes natural gas as fuel for its boilers. It also maintains an inventory of oil for use should the supply of natural gas be interrupted. Because this inventory is adequate for only a few day's operations it can be quickly depleted and additional oil must be immediately obtained to maintain plant. The cost of such replenishment would normally exceed the City Manger's authorized dollar limit on routine purchases.

B. Open Market Purchases - Natural Gas

The Electric Utility consumes large quantities of natural gas daily to produce electricity for Garland's needs and to meet its obligations with Texas Municipal Power Pool. Natural gas is a commodity traded on the open market and, like other market commodities, its price varies continuously in response to market forces. In order to obtain the needed fuel at the lowest cost for its customers, it is necessary to make numerous open market transactions. Like all commodity transactions, these purchases must be finalized quickly. Further many of these transactions will exceed the City Manager's authorized dollar limit on routine purchases.

II. Policy

A. Emergency Purchases - Fuel Oil Only

If it becomes necessary to purchase fuel oil and routine procurement practices will jeopardize the continued operation of the Utility's generating plants, the City Manager is authorized to approve the purchase of fuel oil at the best price and delivery available.

B. Open Market Purchases - Natural Gas

To facilitate the ability to obtain adequate supplies of fuel at attractive pricing, the City Manager is authorized to enter into agreements for the spot purchase of natural gas for boiler fuel on the open market.

Abrogated by R-9708
11-07

**City Council
Policy**

TITLE:
Emergency Purchases
Boiler Fuel - Fuel Only

Page: 2 of 3

SUBJECT:
FINANCE

NO.
FIN-01

III. Procedure to Accomplish Policy

A. Emergency Purchases - Fuel Oil Only

The Director of Electric Utility will prepare an emergency requisition, including specification, for the quantity of fuel oil necessary for the anticipated emergency need. The Purchasing Department will, by telephone or fax, solicit prices, terms and delivery schedules and return this information to the Director of Electric Utility who will forward his recommendation for purchase to the City Manager for his approval. Upon approval of the City Manager, Purchasing will place the order with the selected vendor(s).

B. Open Market Purchases - Natural Gas

The Director of Electric Utility will administer a comprehensive fuel purchasing program that will include all segments of the natural gas market; and as part of this program, will maintain price and availability information on all open market sources deliverable to the City's plants. When desirable to lower costs or necessary to maintain supply, the Director will make appropriate open market purchases. Formal documents confirming each transaction will be presented to the City Manager for his signature as soon as practicable after each transaction.

Abrogated 1-17-07 by R-9708

**City Council
Policy**

TITLE:
Emergency Purchases
Boiler Fuel - Fuel Only

Page: 3 of 3

SUBJECT:
FINANCE

NO.
FIN-01

IV. Responsibility and Authority

A. Emergency Purchases - Fuel Oil Only

At the next regular scheduled Council meeting, Purchasing will place an item on the agenda detailing the emergency procurement.

B. Open Market Purchases - Natural Gas

Authority for such purchases was granted to the City Manager in Resolution #5639, passed and approved by the City Council on July 16, 1985 (see Attachment).

The Director of Electric Utility will maintain records of all fuel transactions approved by the City Manager and will report such to the Utility Advisory Board on a monthly basis, or otherwise requested by Council.

Prepared by: George Kauffman,
Managing Director -
Finance

Reviewed by: Jeff Muzzy, City Manager

APPROVED BY CITY COUNCIL: R-8086

James D. Spencer
Mayor

Date: 10/21/98

Abrogated 7-17-07 by R-9708



CITY COUNCIL POLICY

POLICY NO.: FIN-02

Date of Adoption: 4/1/86

Date Of Revision: 10/17/95

Title: **Rotation of Auditing Firms for Annual Audits**

Page 1 of 2

I. Purpose and Need for Policy

In order to maintain an objective approach to financial management and provide assurance to management of a comprehensive audit review, a rotation of accounting firms is desirable.

II. Policy

The City shall follow a five-year rotation policy regarding the City's audit. Annually, after the completion of a firm's annual audit, the staff, jointly with the Audit Committee, shall prepare an evaluation of the audit process. If warranted, the Audit Committee may recommend to Council to rotate audit firms prior to the five-year rotation required by policy.

III. Procedure to Accomplish Policy

At the end of the five-year audit engagement, the Director of Financial Services will develop and mail to qualified audit firms, a Request for Proposal to perform the City's annual audit as required by City Charter. If it is determined by staff and the Audit Committee, and agreed to by the City Council, staff will prepare Requests for Proposal at other than the normal rotational time frame.

IV. Responsibility and Authority

City staff shall develop and mail the request for proposals to qualified firms. The Director of Financial Services and the Manager of Accounting will be responsible for evaluating responses from audit firms and making recommendations to the Audit Committee.

The Director of Financial Services, in conjunction with the Audit Committee, will make a recommendation to the Council for appointment of an audit firm.

**City Council
Policy**

TITLE:
Rotation of Auditing Firms
for Annual Audits

Page: 2 of 2

SUBJECT:
Finance

NO.
FIN-02

Prepared by: George Kauffman,
Managing Director -
Finance

Reviewed by: Jeff Muzzy, City Manager

APPROVED BY CITY COUNCIL: *R-8086*

James M. Spencer
Mayor

Date: *10/21/98*



CITY COUNCIL POLICY

POLICY NO.: FIN-03

Date of Adoption: 4/1/86

Date Of Revision: 2/17/98

Title: **Firewheel Golf Park Fees**

Page 1 of 1

I. Purpose and Need for Policy

Certain City facilities and City programs are designed and operated to support, through fees and charges, their respective operating expenses. The purpose of this policy is to designate Firewheel Golf Park as a quality facility that will recover all of its operating expenses through fees and charges.

II. Policy

It is the policy of the City Council to insure that Firewheel Golf Park is a quality municipal golf course and that all of the operating expenses of Firewheel are funded through adequate fees and charges.

III. Procedure to Accomplish Policy

Fee schedules and operating expenses at Firewheel Golf Park shall be reviewed annually by the Golf Professional. If necessary, changes to the fee schedule shall be recommended to the City Manager for Council review and approval. The Director of Golf/Golf Professional shall insure that a financial audit is completed at least once every two (2) years.

IV. Responsibility and Authority

The Golf Professional shall be responsible for reviewing revenue and expenses and for recommending to the City Manager any adjustments necessary to support this policy.

Prepared by: Denny Wheat, Assistant
City Manager

Reviewed by: Jeff Muzzy, City Manager

APPROVED BY CITY COUNCIL: R-8086

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: FIN-04

Date of Adoption: 7/11/00

Date Of Revision: 10/2/07

Title: **Financial Policy**

Page 1 of 4

I. Purpose and Need for Policy

The City Council desires to establish a statement of written policy for the City of Garland, which shall provide a framework for prudent management of the City's financial resources.

The written policy shall demonstrate to the citizens of Garland, the investment community, and the bond rating agencies that the City of Garland is committed to a strong fiscal operation. The policy shall also provide precedents for future policy-makers and financial managers on common financial goals and strategies.

II. Policy

The City of Garland shall maintain an operating position in all governmental funds such that annual expenditures shall not exceed annual resources, including fund balance.

The City of Garland shall maintain an operating position in all proprietary funds such that annual expenses shall not exceed annual resources, including retained earnings.

The City shall protect the physical assets of the City to ensure the value, integrity, and utility of these major investments of the City's resources.

This policy shall be reviewed and updated periodically and will be presented to the City Council for approval of any significant changes.

In the following sections, the procedures and guidelines for accomplishing this policy are outlined.

Operating Condition

1. A multi-year financial forecast shall be prepared annually projecting revenues and expenditures for all operating funds. This forecast shall be used as a planning tool in developing the following year's operating budget.
2. Rates, fees, and charges for service shall be reviewed annually and adjusted as necessary to respond to cost increases or other changing circumstances.
3. Activities within enterprise funds shall be budgeted so that revenues support costs of service, satisfy all revenue bond covenants, and provide adequate cash flows.

City Council Policy	TITLE: Financial Policy	Page: 2 of 4
	SUBJECT: Finance	NO. FIN-04

4. Insurance coverage shall be examined annually to ensure that policy limits are adequate and in compliance with revenue bond covenants.
5. Estimated costs and funding sources shall be identified prior to any project being submitted for Council approval.

Debt Management

1. Debt shall not be used for funding current expenses.
2. Bonds shall be sold only to finance long-term capital projects.
3. A project shall not be financed over a period longer than the estimated life of that project.
4. On all capital projects considered by Council, a disclosure statement shall be included, where appropriate, to identify annual operating costs of each project.
5. The City shall prepare a multi-year Capital Improvement Program (CIP), updated annually, which will meet the anticipated growth requirements of the City. The CIP shall be adopted by the Council as a guide for staff in planning the subsequent year's capital and financing needs.
6. Total tax-supported debt shall be maintained so as not to exceed five percent (5%) of the total assessed valuation of taxable property.

Financial Condition

1. The City shall budget available resources to maintain an ending "fund balance" requirement in each fund according to the following definitions and guidelines:
 - a. General Fund – 30 days of budget-based operating expenditures less debt service. "Fund balance" is defined as the unreserved, undesignated portion of total assets minus total liabilities.
 - b. Enterprise Funds - 45 days of budget-based operating expenditures including debt service. "Fund balance" is defined as current assets minus current liabilities, excluding non-budgetary adjustments. The Water Fund shall also have a fund balance goal of 60 days of budget-based operating expenditures including debt service to supplement the 45 day requirement and mitigate against unexpected declines in revenue due to weather volatility.

City Council Policy	TITLE: Financial Policy	Page: 3 of 4
	SUBJECT: Finance	NO. FIN-04

- c. Before the City budgets any resources from "fund balance", as defined above for the respective fund types, the "working cash" (cash and investment balances) of each fund shall be analyzed to ensure that adequate liquidity is projected to be available for cash flow purposes.
2. All Internal Service Funds shall be fully self-supporting to the extent that any retained earnings deficit shall be fully recovered in the subsequent fiscal year through increased charges to benefiting departments.
3. Self insurance reserves shall be actuarially determined and periodically reviewed to evaluate experience and degree of risk assumptions.
4. Council may opt, on an annual basis, to adjust fund balance targets in specific funds to meet short-term economic or other circumstances.

Asset Maintenance

1. In addition to anticipated growth requirements of the City, the Multi-year CIP will identify major infrastructure repair and rehabilitation needs.
2. The City will prepare and maintain a facilities master plan. This document will serve as a management tool to project space needs including construction and/or modification of facilities.
3. Repair, renovation, and maintenance shall be regularly performed to protect the life of the assets and to ensure their safety and utility. A systematic program of routine and preventive maintenance shall be developed based on need identification and prioritization.
4. The Annual Operating Budget will provide sufficient funding levels for ongoing maintenance of the infrastructure.

Accounting, Auditing, and Financial Reporting

1. Accounting systems shall produce information that is consistent with generally accepted accounting principles for governmental entities.
2. An annual comprehensive audit shall be conducted of all funds by an independent public accounting firm in accordance with Council Policy FIN - 02. A policy of full disclosure on every financial report and official statement shall be followed.

**City Council
Policy**

TITLE:
Financial Policy

Page: 4 of 4

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Finance

NO.
FIN-04

3. Year end net revenues of the electric system and the combined water and sewer system shall be maintained at a level sufficient to cover average annual revenue debt service requirements and current year revenue debt service requirements by at least 1.25 times.
4. A condensed year-end Electric Utility financial report shall be prepared and receive widespread circulation to the ratepayers and taxpayers of the City of Garland.

III. Responsibility and Authority

The City Manager shall have accountability to the City Council concerning the financial strategies outlined in this policy.

The City Manager is authorized to approve and execute by and on behalf of the City, purchases and/or contracts requiring expenditures up to and including the amount of \$99,999.99. The Purchasing Director, as directed by the City Manager, shall have the authority to purchase or contract for all goods and services needed by any department of the City or by any using agency that derives its support wholly or in part from the City.

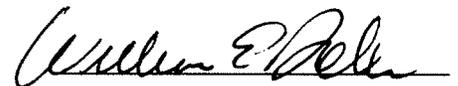
The City Manager or his designee has the authority to; authorize, approve and execute by and on behalf of the City, internal policy, procedure and Directives meeting the minimum requirements of the State of Texas for home-rule municipalities; determine the method of procurement, in accordance with state law, that provides the best value for the city; approve change orders in the event it becomes necessary to make changes after the purchase or performance of a contract has commenced, in accordance with the minimum requirements of the State of Texas for home-rule municipalities.

The City Manager has authority for delegating financial transaction responsibilities to appropriate organizational levels for the efficient operation of the City.

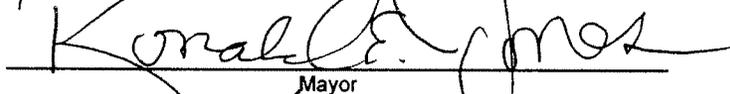
Prepared by: George Kauffman,
Managing Director –
Finance

Reviewed by: William E. Dollar,
City Manager


George Kauffman


William E. Dollar

APPROVED BY CITY COUNCIL: Resolution 9744


Ronald E. Jones
Mayor

Date: 10-15-07



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)



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

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

Date of Adoption:

11/17/87

Date of Revision:

11/06/2012

Title: Statement of Investment Policy

Page 2 of 11

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

Date of Adoption:

11/17/87

Date of Revision:

11/06/2012

Title: Statement of Investment Policy

Page 3 of 11

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:

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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. 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



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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



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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.

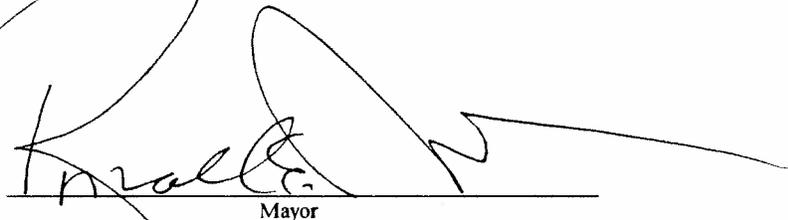
N. Responsibility and Authority

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

APPROVED BY CITY COUNCIL RESOLUTION: 10076



Mayor

Date: 11/06/2012



CITY COUNCIL POLICY

POLICY NO.:	GOV-01
Date of Adoption:	4/1/86
Date of Revision:	10/19/2010

Title:	Council Appointments to and Communications with Outside Agencies/Authorities	Page 1 of 2
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I. Purpose and Need for Policy

Garland is a member city in other organizations as a result of legislative action, contractual obligation and/or intergovernmental cooperative agreements. Representation is normally at the Board of Directors level.

Memberships include:

1. Texas Municipal Power Agency
2. North Texas Municipal Water District
3. Dallas Area Rapid Transit Authority

Terms of these directors vary and the City has been represented by both Council Members as well as citizens within the community. In order to assure timely appointments to the various boards and a periodic reporting from board members to Council, an established procedure should be adopted.

II. Policy

The City Council will be advised at least 45 days in advance of the expiration date of each board member's term. If required by law, a resolution authorizing the appointment (or re-appointment) of the new (or reappointed) member shall be placed on the Council agenda prior to the effective date of the new term.

Board members from each organization shall update the Council of their actions or activity in the respective organizations at least annually at selected work sessions.

III. Procedures to Accomplish Policy

At least 45 days prior to a board member's expiring term, the City Manager's Office will notify the City Council and place a notice on the City's website for a minimum of 14 days in order to provide citizens the opportunity to apply for the position. At the close of the 14-day period, the applications will be presented to Council to determine the interview process. If required by law, the City Manager shall have a resolution for appointment placed on the agenda prior to the board member's expiring term.



CITY COUNCIL POLICY

POLICY NO.:	GOV-01
Date of Adoption:	4/1/86
Date of Revision:	10/19/2010

Title:	Council Appointments to and Communications with Outside Agencies/Authorities	Page 2 of 2
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IV. Responsibility and Authority

The City Manager will be responsible for written notice to the Council of approaching term expirations.

The City Manager will be responsible for placing a resolution on the appropriate agenda for appointment to the respective board. This resolution will be prepared in blank form pending action by the Council.

The City Manager will be responsible for scheduling the report item on the appropriate work session.

The City Manager will be responsible for notifying the board members as to the report and meeting date, and shall notify the respective organization of the Council's appointments.

Prepared by: Priscilla Wilson
Senior Managing Director

Reviewed by: William E. Dollar
City Manager

APPROVED BY CITY COUNCIL:



Mayor

Date: October 19, 2010



CITY COUNCIL POLICY

POLICY NO.: GOV-02

Date of Adoption: 1/6/87

Date Of Revision: 2/17/98

Title: **Boards and Commissions Communications with
Outside Agencies/Authorities**

Page 1 of 2

I. Purpose and Need for Policy

Boards and Commissions are an integral part of the municipal government process in the state of Texas. Citizens have the opportunity to serve on a number of Boards and Commissions in the City and provide input to the governing process.

In order to assure adequate communication of the various Boards/Commissions and the Council with outside agencies, a policy is needed that will establish a procedure for communicating with outside agencies should and when the need arises.

II. Policy

The City Council is responsible for all aspects of the City's government and is the legislative and policy-making body for the City. All Boards and Commissions of the City, whether required and established by State law or appointed through City Charter or ordinances, shall keep records of their proceedings and decisions and shall submit copies to the City Secretary's Office for public inspection and the City Manager's Office. When formal communications by a Board or Commission to an outside agency or authority is necessary, the communication shall be coordinated through the City Council.

III. Procedure to Accomplish Policy

On intent of communicating with an outside agency, the Chair of the appropriate Board or Commission shall notify, by memorandum, the City Manager's Office on the need and intent of the communication. The memorandum shall contain any supporting material needed (i.e. blank resolution) that is required in the communication.

IV. Responsibility and Authority

The City Manager shall be responsible for placing the intent of notification on the Work Session Agenda for Council discussion. If a resolution is desired, it shall be prepared in blank form pending action by the Council.

**City Council
Policy**

TITLE:
Boards and Commissions
Communications with
~~Outside Ag./Auth.~~
SUBJECT:
Government Relations

Page: 2 of 2

NO.
GOV-02

The City Manager shall notify the Board/Commission Chair of the Council's decision and shall insure that the Council's action is communicated to the outside organization.

Written/ Denny Wheat,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Assistant City Manager

City Manager

APPROVED BY CITY COUNCIL RESOLUTION: 808e

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: GOV-03

Date of Adoption: 3/5/96

Date Of Revision: 10/20/98

Title: **Legislative Initiatives**

Page 1 of 2

I. Purpose and Need for Policy

State and Federal legislation can have dramatic impacts on the City. When the City desires to amend existing legislation or introduce new legislation, it is essential that all members of Council are apprised of and have an opportunity to input their ideas into the proposed legislation.

This policy: (1) establishes a procedure to initiate city-related legislation prior to and during a given State Legislative Session, and (2) provides a mechanism to allow the Council to track the mass of city-related bills that are introduced during the legislative process.

II. Policy

The Mayor or any two members of the Council may direct the City Manager to draft tentative legislation on any legislative issue they feel affects the City's interest. Once drafted, the proposed legislation shall be submitted to the Council for a determination on City sponsorship.

Additionally, Council members may, acting as private citizens, draft legislation on their own for possible introduction to the legislation, but shall not use the resources of the City Staff, City letterhead, or in any way imply that the legislation represents the City's position on the legislation unless the Council has so decided.

The City Council will consider its support of proposed State legislation based on the following criteria:

- (1) The City's ability to manage its own employees
- (2) Non-personnel fiscal impacts
- (3) Local autonomy, governance and control;
- (4) Any specific interest of the City as represented by the legislation

**City Council
Policy**

TITLE:
Legislative Initiatives

Page: 2 of 2

SUBJECT:
Government Relations

NO.
GOV-03

III. Procedure to Accomplish Policy

The City Manager shall establish procedures to keep City Council apprised of pending legislation.

IV. Responsibility and Authority

The Council shall be responsible for reviewing issues presented in staff reports and providing the staff guidance on legislative matters they wish to see drafted for introduction.

The City Manager shall be responsible for insuring that the entire Council is kept abreast of significant legislation prior to and during the course of any legislative session.

Written/ Denny Wheat,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Assistant City Manager

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James S. Spencer
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: LEGAL-01

Date of Adoption: 1/6/87

Date Of Revision: 2/17/98

Title: **Biannual Charter Review and Election**

Page 1 of 1

I. Purpose and Need for Policy

The Charter of the City of Garland, Texas is an instrument which, because of the enactment of State or Federal law and various court decisions, requires periodic updating.

II. Policy

Every two years the Council will review the City Charter and determine whether or not there is a need to update the Charter.

III. Procedure to Accomplish Policy

The City Council will, in odd-numbered years, consider as a whole or appoint a committee composed of Council members or citizens to study the recent enactment of legislation or court rulings which may affect the City Charter. As a result of this study, the Council will, by the end of December, make a decision whether or not to call a Charter Amendment election for the following May.

IV. Responsibility and Authority

The City Attorney and City Manager shall be responsible for providing the Council, or any committee appointed by the Council, with information concerning the necessity for amending the Charter.

Written/ Charles Hinton,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Attorney

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: LEGAL-02

Date of Adoption: 4/1/86

Date Of Revision: 2/17/98

Title: **Conflict of Interest/Compliance With Texas Local
Government Code**

Page 1 of 3

I. Purpose and Need for Policy

Two specific statutes, Chapter 171 and Chapter 211 of the Texas Local Government Code, as amended by the 1997 Texas State Legislature, and the City's Ethics Ordinance, address the responsibility of members of the Council to disqualify themselves, prior to voting, from participating in matters in which they have an interest. Furthermore, Section 16 of the Charter provides, "Any member refusing to vote shall be entered on the record as voting 'no'."

This policy will implement a procedure permitting a member of the Council to be legally disqualified from voting, thus avoiding a vote of "no" because of the mandate of Section 16 of the Charter and complying with State law.

II. Policy

Chapter 171 in its current form, is attached as Exhibit A. The Ethics Ordinance is attached as Exhibit "B." These provisions require a member of the City Council to abstain from voting on an item in which the member has a "substantial interest. They also set out a procedure for signing an affidavit and filing it with the City Secretary. The affidavit will describe the agenda item and the substantial interest which prevents the Council member from voting.

"Substantial interest"

1. Owning ten percent (10%) or more of the voting stock, shares, or capital stock.
2. Serving as a general partnership interest.
3. Having received funds from the business entity exceeding ten percent (10%) of gross income the previous year.
4. Having an interest in real property (equitable or legal ownership) with a fair market value greater than \$2,500.
5. Having an interest of a person related in the first degree by affinity or consanguinity to the Council member.

**City Council
Policy**

TITLE:
Conflict of Interest/
Compliance w/Texas Local
Government Code
SUBJECT:
Legal

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NO.
LEGAL-02

6. Being party to any transaction between the City and a "business entity" when a Council member or any member of the Council member's immediate family or anyone who lives in the same home meets any of the criteria of this policy.
7. Otherwise possess the power to influence significantly the affairs of the business entity.

Any Council member who meets the criteria as defined in substantial interest shall be prohibited from participating in any activities that may be viewed as conflicts of interest, regardless as to whether they are in compliance with Chapter 171.

The Council further directs that no Council member or Council-appointed position of the City shall have a financial interest, direct or indirect, in any contract with the City; or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services.

Council members shall not use privileged information (not generally accessible to the public) acquired as a result of their position for personal benefit, direct or indirect, or for the benefits of others.

Chapter 211 of the Local Government Code provides that perimeter property owners of a zoning request, those within 200 feet of the property under consideration, have a right to voice their objections and, on some occasions, to force the City Council into a supermajority to adopt the proposed change. Any member of the City Council who owns property within 200 feet of a proposed zoning change is disqualified as a matter of law. A copy of Chapter 211 in its current form is attached as Exhibit C.

III. Procedure to Accomplish Policy

The members of the Council shall keep themselves aware of pending agenda items which may raise a conflict of interest, and as soon as a member of the Council becomes aware of a possible conflict of interest on any matter, the member shall avail himself of one or more of the following alternatives:

1. Seek a legal opinion from the City Attorney's Office as to whether or not there is a conflict of interest.

**City Council
Policy**

TITLE:
Conflict of Interest/
Compliance w/Texas
Local Gov't. Code
SUBJECT:
Legal

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NO.
LEGAL-02

2. Investigate all the facts surrounding any agenda item that might raise a conflict of interest question so as to be fully informed as to any possible conflict.
3. Prepare the affidavit, examples of which are attached hereto as Exhibit D. and have it filed with the City Secretary.

Council members who willfully violate this policy shall be strongly criticized in public by the City Council.

IV. Responsibility and Authority

It shall be the responsibility of each member of the City Council to secure the necessary information to make an initial determination as to whether a conflict of interest may arise on any agenda item.

It shall be the responsibility of the City Secretary to maintain adequate forms of affidavits, copies of which are attached hereto as Exhibit D and to maintain a file within the City Secretary's Office of completed affidavits. The City Secretary will note on the minutes of the Council meeting that a member of the Council has complied with this policy and has filed an affidavit of abstention. The City Secretary otherwise shall record in the minutes of any Council meeting a refusal to vote as a "no" vote.

The City Attorney's Office shall respond promptly to any inquiries as to whether or not a conflict of interest exists to act as a prohibition to a member of the City Council from voting on any particular agenda item. The City Attorney's Office shall also provide the necessary support staff to aid in preparing the affidavit and any other legal opinion requested by Council members.

Written/ Charles Hinton,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Attorney

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8084 :

James M. Spence
Mayor

Date: 10/21/98

EXHIBIT A

LOCAL GOVERNMENT CODE

TITLE 5. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE C. MATTERS AFFECTING PUBLIC OFFICERS AND EMPLOYEES OF MORE THAN ONE
TYPE OF LOCAL GOVERNMENT

CHAPTER 171. REGULATION OF CONFLICTS OF INTEREST OF OFFICERS OF MUNICIPALITIES,
COUNTIES, AND CERTAIN OTHER LOCAL GOVERNMENTS

Sec. 171.001. DEFINITIONS. In this chapter:

(1) "Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature.

(2) "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 171.002. SUBSTANTIAL INTEREST IN BUSINESS ENTITY. (a) For purposes of this chapter, a person has a substantial interest in a business entity if:

(1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or

(2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.

(b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

(c) A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 561, Sec. 37, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 5.95 (27), eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 849, Sec. 1, eff. Sept. 1,

1997.

Sec. 171.0025. APPLICATION OF CHAPTER TO MEMBER OF HIGHER EDUCATION AUTHORITY. This chapter does not apply to a board member of a higher education authority created under Chapter 53, Education Code, unless a vote, act, or other participation by the board member in the affairs of the higher education authority would provide a financial benefit to a financial institution, school, college, or university that is:

(1) a source of income to the board member; or

(2) a business entity in which the board member has an interest distinguishable from a financial benefit available to any other similar financial institution or other school, college, or university whose students are eligible for a student loan available under Chapter 53, Education Code.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 41(a), eff. Aug. 28, 1989.

Sec. 171.003. PROHIBITED ACTS; PENALTY. (a) A local public official commits an offense if the official knowingly:

(1) violates Section 171.004;

(2) acts as surety for a business entity that has work, business, or a contract with the governmental entity; or

(3) acts as surety on any official bond required of an officer of the governmental entity.

(b) An offense under this section is a Class A misdemeanor.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.004. AFFIDAVIT AND ABSTENTION FROM VOTING REQUIRED. (a) If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

(1) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

(2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect

on the public.

(b) The affidavit must be filed with the official record keeper of the governmental entity.

(c) If a local public official is required to file and does file an affidavit under Subsection (a), the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and who do file affidavits of similar interests on the same official action.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.005. VOTING ON BUDGET. (a) The governing body of a governmental entity shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest.

(b) Except as provided by Section 171.004(c), the affected member may not participate in that separate vote. The member may vote on a final budget

(1) the member has complied with this chapter; and

(2) the matter in which the member is concerned has been resolved.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Sec. 171.006 and amended by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.006. EFFECT OF VIOLATION OF CHAPTER. The finding by a court of a violation under this chapter does not render an action of the governing body voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed the governing body without the vote of the person who violated the chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Sec. 171.008 by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.007. COMMON LAW PREEMPTED; CUMULATIVE OF MUNICIPAL PROVISIONS. (a) This chapter preempts the common law of conflict of interests as applied to local public officials.

(b) This chapter is cumulative of municipal charter provisions and

municipal ordinances defining and prohibiting conflicts of interests.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 40(a), eff. Aug. 28, 1989.

Sec. 171.009. SERVICE ON BOARD OF CORPORATION FOR NO COMPENSATION. It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the nonprofit corporation or other nonprofit entity.

Added by Acts 1989, 71st Leg., ch. 475, Sec. 2, eff. Aug. 28, 1989.

Sec. 171.010. PRACTICE OF LAW. (a) For purposes of this chapter, a county judge or county commissioner engaged in the private practice of law has a substantial interest in a business entity if the official has entered a court appearance or signed court pleadings in a matter relating to that business entity.

(b) A county judge or county commissioner that has a substantial interest in a business entity as described by Subsection (a) must comply with this chapter.

(c) A judge of a constitutional county court may not enter a court appearance or sign court pleadings as an attorney in any matter before:

- (1) the court over which the judge presides; or
- (2) any court in this state over which the judge's court exercises appellate jurisdiction.

(d) Upon compliance with this chapter, a county judge or commissioner may practice law in the courts located in the county where the county judge or commissioner serves.

Added by Acts 2003, 78th Leg., ch. 227, Sec. 21, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1206, Sec. 3, eff. June 20, 2003.

CHAPTER 10 ADMINISTRATION

ARTICLE V. CODE OF ETHICS*

Sec. 10.50 Policy and general principles

- (A) Purpose. It is hereby declared to be the policy of the City that the proper operation of democratic government requires that:
- (1) Public officials be independent, impartial, and responsible only to the people of the City;
 - (2) Governmental decisions and policy be made using the proper procedures of the governmental structure;
 - (3) No City official have any financial interest, direct or indirect, or engage in any business, transaction, or professional activity or incur any obligation of any nature that is in conflict with the proper discharge of his or her duties in the public interest;
 - (4) Public office not be used for personal gain; and
 - (5) The City Council at all times be maintained as a nonpartisan body.
- (B) Principles of conduct.
- (1) The City Council further believes that an elected or appointed official of the City assumes a public trust and should recognize the importance of high ethical standards within the organization they lead or support. Essential values and ethical behaviors that an elected or appointed official should exemplify include the following:
 - (a) Commitment beyond self;
 - (b) Obedience and commitment beyond the law;
 - (c) Commitment to the public good;
 - (d) Respect for the value and dignity of all individuals;
 - (e) Accountability to the public;
 - (f) Truthfulness;
 - (g) Fairness; and
 - (h) Responsible application of resources.
 - (2) In keeping with the values set forth above, and to assist in the fulfillment of responsibilities to the individuals and communities served, each elected or appointed official should subscribe to the following principles:
 - (a) To conduct himself or herself and to operate with integrity and in a manner that merits the trust and support of the public;
 - (b) To uphold all applicable laws and regulations, going beyond the letter of the law to protect or enhance the City's ability to accomplish its mission;
 - (c) To treat others with respect, doing for and to others what the official would have done for and to him or her in similar circumstances;
 - (d) To be a responsible steward of the taxpayer resources;

(e) To take no actions that could benefit the official personally at the unwarranted expense of the City, avoiding even the appearance of a conflict of interest, or an appearance of impropriety, and to exercise prudence and good judgment at all times;

(f) To carefully consider the public perception of personal and professional actions and the effect such actions could have, positively or negatively, on the City's reputation both in the community and elsewhere; and

(g) To strive for personal and professional growth to improve effectiveness as an elected or appointed official.

(3) To implement the policy and principles set forth in this section, the City Council has determined that it is advisable to enact this Code of Ethics for all City officials, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the City's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that officers of the City shall at all times strive to avoid even the appearance of impropriety.

(4) This section is a statement of purpose and principles only. Nothing in this section may be used to create a cause of action against an official under this article.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.51 Definitions

The following words, terms, and phrases, when used in this article, shall have the following meaning subscribed to them in this section, except where the context clearly indicates a different meaning:

Ad hoc means a temporary body formed for a specific purpose and for a short duration.

Affinity means a relationship by "affinity" (by marriage) as defined in sections 573.024 and 573.025 of the Texas Government Code, as amended.

Benefit means anything reasonably regarded as a gain or advantage, including a benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

City Council means the legislative and governing body of the City consisting of the Mayor and Councilmembers.

Clear and convincing evidence means that measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.

Compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.

Confidential information includes the following information, however transmitted, provided that it is not, at the time, a matter of public record or public knowledge:

- (1) All information held by the City that is not available to the public under the Texas Open Records Act;
- (2) Any information from a meeting closed to the public pursuant to the Texas Open Meetings Act;
- (3) Any information protected by attorney-client, attorney work product, or other applicable legal privilege;
- (4) Any information deemed confidential by law;

(5) All information pertaining to personnel matters, litigation, contractual negotiations or competitive matters, and prospective purchase or sale of property.

Consanguinity means a relationship by “consanguinity” (by blood) as defined in sections 573.022 and 573.023 of the Texas Government Code, as amended.

Frivolous complaint means a sworn complaint that is groundless and brought in bad faith or groundless and brought for the purpose of harassment to defendants.

Indirect substantial interest means a substantial interest or benefit gained through a third party, such as an individual, company, or corporation.

Just cause means such cause as is found to exist upon a reasonable inquiry that would lead a reasonably intelligent and prudent person to believe that a person has committed an act constituting an ethical violation under this article.

Officer or official means any member of the City Council, any appointed member of a board, commission, or any committee established by ordinance, Charter or state law on a permanent or ad hoc basis; except that this definition shall not apply to members of boards, commissions, or entities not operating under the direct authority of, or subject to the direct control of, the City Council.

Relative means any person related to an officer, or an officer’s spouse or resident of the same household, within the first degree of consanguinity or affinity, in conformity with article 5996h, VTCS, as currently enacted or subsequently amended.

Resident of the same household means an individual who, on a continuous basis, lives in the same household and shares the common resources of life with an officer or official.

Substantial economic interest.

- (1) A person has a “substantial economic interest” in a business entity if:
 - (a) The person owns 10 percent or more of the voting stock, shares, or other ownership interest in the business entity;
 - (b) The person owns \$15,000.00 or more of the fair market value of the business entity; or
 - (c) Funds received by the person from the business entity exceed 10 percent of the person’s gross income for the previous year.

Investment or ownership in a publicly held company whose stock is publicly traded on the New York Stock Exchange or any other public stock exchange, in an amount less than \$10,000.00 does not constitute a substantial economic interest in a business entity under this Code of Ethics.

- (2) A person has a substantial economic interest in real property if:
 - (a) The interest is an equitable or legal ownership with a fair market value of \$2,500.00 or more; or
 - (b) The official has ownership, a lease, or right of first refusal on any real property located within the City; including any partnership; any joint or corporate ownership; or any equitable or beneficial interest as a beneficiary of a trust.

For purposes of this article, an officer is considered to have a substantial economic interest in real property or a business entity if a person related to the officer in the first degree of consanguinity or affinity has a substantial economic interest in such real property or a business entity under this article.

(Ordinance 5813, sec. 1, adopted 3/16/04)

§ 10.52 Conflicts of interest

- (A) No officer of the City shall participate in any vote or decision where:
- (1) A conflict of interest exists;
 - (2) The officer has a direct or indirect substantial interest; or
 - (3) A relative of the officer has a direct or indirect substantial interest.
- (B) No City Councilmember shall:
- (1) Represent or appear on behalf of a private interest of others before any agency of the City or any City board, commission, or committee;
 - (2) Represent for compensation or other benefit any private interest of others in any action or proceeding involving the City; or
 - (3) Voluntarily participate on behalf of others in any litigation to which the City might be a party.
- (C) No other official shall, for compensation or other benefit:
- (1) Represent or appear on behalf of the private interests of others before the board, commission, or committee of which the official is a member; or
 - (2) Appear before the City Council or other board on appeal from such board, commission, or committee concerning such matter.
- (D) No officer of the City shall accept any gift or favor from any person or business entity that might reasonably tend to:
- (1) Influence the official in the discharge of official duties; or
 - (2) Influence the official in the discharge of those official duties to grant any improper favor, service, or thing of value.
- (E) No officer of the City shall use the official position of the office to improperly influence others or to secure privileges or exemptions to themselves or others.
- (F) No officer of the City shall engage in any activities which will conflict with, or be incompatible with, a position as an officer of the City, which will give the officer an advantage over others engaged in a similar business, vocation, or activity.
- (G) In any zoning matter which may come before the City Council, any Councilmember who owns a substantial interest in any property within 200 feet of the zoning request shall:
- (1) Disclose, in writing, the existence of such interest to the City Secretary and the City Attorney; and
 - (2) Thereafter abstain from voting on the matter.
- (H) In the event that any matter comes before the City Council, board, or commission involving, directly or indirectly:
- (1) The interest of a present business client/customer of any officer or a person or entity who has been a business client/customer of any officer within the prior twelve months;
 - (2) Funds received by the officer, or the entity for which the officer is employed, from the past/present business

client/customer amount to the sum of \$5,000.00 or more in gross income during such twelve-month period; and

(3) Such fact is known to the officer.

Then that officer shall disclose the existence of such interest, in writing, to the City Attorney and thereafter abstain from voting in the matter, and refrain from attempting to influence the vote of any other officer.

(I) No Councilmember or officer who is an officer of or serves on the board of directors of a nonprofit organization may vote on any request by that nonprofit organization to the City, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the City Council.

(J) A candidate for the office of Mayor or City Council shall not accept any political contribution or contributions from any person, other than the candidate or a political action committee, in any one election of more than \$600.00.

(Ordinance 5813, sec. 1, adopted 3/16/04; Ordinance 6177, sec. 1, adopted 11/6/07)

Sec. 10.53 Improper economic benefit

(A) Economic interests affected. To avoid the appearance and risk of impropriety, a City official shall not take any official action that he or she knows will or is likely to affect particularly the substantial economic interests of:

- (1) The official;
- (2) The official's outside client;
- (3) The official's outside employer;
- (4) A business entity in which the official knows that he or she holds an economic interest;
- (5) A business entity that the official knows is an affiliated business or partner of a business entity in which he or she holds an economic interest;
- (6) A business entity for which the City official serves as an officer or director or in any other policy-making position;
- (7) The official's family member within the first degree of consanguinity or affinity;
- (8) A resident of the same household as the official;
- (9) An outside employer of the official's family member within the first degree of consanguinity or affinity, or resident of the same household as the official, but only if the official knows the family member or resident of the same household has a substantial economic interest in the outside employer;
- (10) A business entity in which the official knows that a substantial economic interest is held by his or her:
 - (a) Family member within the first degree of consanguinity or affinity; or
 - (b) Resident of the same household;
- (11) A business entity that the official knows is an affiliated business or partner of a business entity in which a substantial economic interest is held by his or her:
 - (a) Parent, child, spouse, or other family member within the first degree of consanguinity or affinity; or
 - (b) Resident of the same household.

(B) A City official whose conduct or action on a matter would violate subsection (A) must step aside. From the time that the conflict is recognized, the City official shall:

- (1) Immediately refrain from further participation in the matter, including discussions with any persons likely to consider the matter; and
- (2) Promptly file with the City Secretary and City Attorney a written statement disclosing the conflict on a form provided by the City Secretary.

(C) In addition to the requirements of subsection (B) above:

- (1) A board or commission member shall promptly disclose his or her conflict to the board or commission of which he or she is a member and shall not be present during any discussion or voting on the matter; and
- (2) A City Councilmember shall promptly disclose his or her conflict to the City Council and shall not be present during any discussion or voting on the matter.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.54 Conflicting outside employment

(A) General rule. A City official shall not:

- (1) Receive any fee, compensation, or benefit for services as an officer of the City from any source other than the City, except as may otherwise be provided by law or as approved by the City Council;
- (2) Solicit, accept, or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties; or
- (3) Personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, investigation, or determination from the body or department of which the official is a member.

(B) Exception. The restriction above does not apply to outside employment of a City official if the employment is the official's primary source of income.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.55 Unfair advancement of private interests

(A) General rule. A City official may not use his or her official position to unfairly advance or impede personal interests by granting or securing, or by attempting to grant or secure, for any person (including himself or herself) any form of special consideration, treatment, exemption, or advantage beyond that which is lawfully available to every other person or organization.

(B) Special rules. The following special rules apply in addition to the general rule set forth above:

- (1) Acquisition of interest in impending matters. A City official shall not acquire an interest in any matter if the official knows that the interest will be affected by impending official action of the City.
- (2) Acquisition of interest in decided matter. A City official shall not acquire an interest in any matter affected by an official action of the City for a period of one year after the date of the official action.
- (3) Reciprocal favors. A City official may not enter into an agreement or understanding with any other person that official action by the official will be rewarded or reciprocated by the other person.
- (4) Appointment of relatives. No person related to the Mayor or any member of the City Council, within the first degree by consanguinity or affinity, shall be appointed to any board or commission by the City Council. Provided,

however, any person who, before the effective date of this article, was appointed to a quasi-judicial board or commission within the City by a City official who was either a resident of the same household or a relative within the first degree of consanguinity or affinity may complete his or her term on the board or commission.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.56 Former City officials

(A) Duty of continuing confidentiality. A former City official shall not use or disclose confidential government information acquired during service as a City official. This rule does not prohibit:

- (1) Any disclosure that is no longer confidential government information;
- (2) The confidential reporting of illegal or unethical conduct to authorities designated by law; or
- (3) Any disclosure, not otherwise prohibited by law, in furtherance of public safety.

(B) Time limit for lobbying. For a period of one year after termination of his or her duties, a former City official shall not represent any person, group, or entity (other than himself, herself or his or her relative) before:

- (1) The City Council or that board, commission, or body, unless the board, commission, or body of which the former City official was a member is only advisory in nature; or
- (2) City staff having responsibility for making recommendations to, or taking any action on behalf of, the City Council or that board.

Without consent from the City, a former City official shall not represent any person, group, or entity (other than himself, herself or a relative) in any litigation to which the City is a party, if the interests of that person, group, or entity are adverse to the interests of the City and the matter is one in which the former City official personally participated prior to termination of his or her official duties or is a matter substantially related to such a matter.

(D) In connection with the representation of private interests, a former City official shall not state or imply that he or she is able to influence City action on any basis other than the merits.

(E) Within one year after the termination of official duties, a former City official shall not have any financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or service. Any violation of this subsection, with knowledge, express or implied, of the person or corporation contracting with the City will render the contract involved voidable by the City Manager or the City Council. This subsection applies only to contracts or sales made on a discretionary basis and not to contracts or sales made on a competitive bid basis.

(F) For a period of one year after termination of his or her official duties, a former City official may not, either individually or as the officer or principal of a private business entity:

- (1) Submit a proposal, on behalf of the official or on behalf of a private business entity for any City contract unless that contract is required by state law to be competitively bid; or
- (2) Negotiate or enter into any City contract unless that contract is required by state law to be competitively bid.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.57 Prohibited political campaign activity

No Councilmember, candidate for City Council or officer shall meet with any employee, employees or group of employees of the City for political campaign purposes while such employee is on duty unless part of an approved City Council activity. (Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.58 Confidential information

(A) Improper access. With respect to confidential information, a City official shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities.

(B) Improper disclosure or use. A City official shall not intentionally or knowingly disclose any confidential government information gained by reason of the official's position. This rule does not prohibit:

- (1) Any disclosure that is no longer confidential government information;
- (2) The confidential reporting of illegal or unethical conduct to authorities designated by law; or
- (3) Any disclosure, not otherwise prohibited by law, in furtherance of public safety.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.59 Public property and resources

No officer of the City shall use City supplies, equipment, facilities, or expend City funds for any purpose other than the conduct of official City business, unless otherwise provided for by law, ordinance, or City policy. (Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.60 Disclosure of interest

(A) Any officer, whether elected or appointed, who has a substantial interest in any matter pending before the City, shall disclose, in writing, such interest to the City Attorney and shall refrain from further discussion of the matter.

(B) In addition to the above disclosure, the officer:

- (1) Shall not be physically present when the subject is discussed in executive session unless requested by a majority of the City Council; and
- (2) Shall not vote on the matter.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.61 Disclosure of property interest

(A) When filing for election and within thirty days of any substantial change in any required disclosure, every candidate for City Council, Councilmember, or officer shall file with the City Secretary or City Attorney, in writing, a disclosure of the existence and location of any real property in the City in which the Councilmember or officer has any substantial interest, including any interest of one percent (1%) or more in any business entity.

(B) The disclosure shall include the identity and location of all real property within the City in which the Councilmember or officer has acquired or conveyed any interest since the filing of the last similar report required by this section.

(C) If any Councilmember or officer has an interest in real property by way of right of first refusal, or as part of a trust, this information must also be disclosed.

(D) If a Councilmember or officer has interest in a business entity that will not disclose to the Councilmember or officer whether or not the business entity has a substantial interest in real property located in the City, the Councilmember or officer may satisfy in the disclosure requirements of this section by stating such fact in writing to the City Secretary or City Attorney.

(E) The Councilmember or officer must disclose the ownership interest of a business entity and real property in which the Councilmember or officer has a controlling interest.

(F) The members of the City Council holding office or officers serving as of the effective date of this section shall file such disclosure within thirty days of the effective date hereof as provided by this section. All officers shall complete and file a financial disclosure statement in the form as set out in exhibit "A" to the ordinance from which this section derives.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.62 Complaints against Councilmembers or other officers

(A) Who may file a complaint. Any person who believes that there has been a violation of this Code of Ethics may file a complaint alleging an ethics violation with the City Secretary.

(B) Form of the complaint. A complaint filed under this section should be:

- (1) In writing;
- (2) Sworn to before a notary public;
- (3) Cite the specific provision of the Code of Ethics which the complainant believes has been violated;
- (4) State the approximate date of the alleged violation, or the date on which the alleged violation became known to the complainant; and
- (5) Supporting documentation, if it exists, should be included with the complaint.

(C) Anonymous complaints will not be accepted for filing or further action. Frivolous complaints, or complaints filed in bad faith, will not be accepted for filing or for further action. A person who knowingly makes a false statement in a complaint is subject to criminal prosecution for perjury.

(D) City Secretary's action. Upon acceptance, the City Secretary will forward a copy of the complaint to the following persons within one business day:

- (1) The officer against whom the complaint is filed;
- (2) The City Attorney; and
- (3) The City Council.

The City Secretary may not accept any complaints within ninety days prior to an election.

(E) City Attorney's review and action. The City Attorney shall conduct a preliminary review of the complaint to determine whether:

- (1) The complaint is timely filed as set forth in this article; and
- (2) The complaint complies with the requirements of this Code of Ethics as to the form of the complaint.

If in the judgment of the City Attorney the complaint is defective as to form, the complainant shall be given an opportunity to amend and resubmit the complaint to cure the deficiencies. If, in the judgment of the City Attorney, the complaint is not timely filed in accordance with this article, the City Attorney shall forward the complaint directly to the Ethics Hearing Board with the recommendation that it be dismissed summarily. If in the judgment of the City Attorney the complaint is correctly submitted as to form and is timely filed, the City Attorney shall make these facts known in writing to the Ethics Hearing Board, and shall forward the complaint for further action.

(F) Officer's response. The officer complained against may file a written response to the complaint within fourteen days after the complaint is filed with the City Secretary. If the officer files a response admitting to the violation, the City Secretary shall then

forward the complaint, with the officer's response, to the City Council for action. If the officer files a response denying any portion of the complaint, the City Secretary shall then forward the complaint, with the officer's response, to the Ethics Hearing Board. If the officer declines to file a response within the 14-day timeframe for doing so, the City Secretary shall then forward the complaint to the Ethics Hearing Board.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.63 Ethics Hearing Board and Ethics Review Panel

(A) Creation and composition of the Ethics Hearing Board. The Ethics Hearing Board is hereby created, to be composed of 9 members. The Mayor and City Council may each appoint a member to the board who shall serve a term to coincide with that of the appointing member of the City Council. The Mayor shall appoint the chair, and the full City Council shall appoint the vice-chair. No member of the board may be:

- (1) A candidate for public office in the City, a City official, or the spouse or resident of the same household of a City official;
- (2) A City employee or the spouse or resident of the same household of a City employee;
- (3) A person who, for compensation, represents the private interests of others before the City Council; or
- (4) A paid campaign worker or a paid political consultant of a current City Councilmember.

(B) Composition of an Ethics Review Panel. Upon receipt of an ethics complaint, an Ethics Review Panel consisting of five members of the Ethics Hearing Board will be formed to consider and investigate the complaint. The panel shall be composed of the chair or the vice-chair of the Ethics Hearing Board, with the other four members selected by lot by the City Secretary. If the complaint was filed against a Councilmember, that Councilmember's appointee to the Ethics Hearing Board will be removed from the pool of potential panel members from which the City Secretary will select the panel. The chair must step aside from serving on the panel when a complaint is filed against the Mayor. If the chair must step aside, the vice-chair shall sit on the panel, with the other four members selected by lot by the City Secretary.

(C) Jurisdiction. The Ethics Review Panel shall have jurisdiction to review and make findings concerning any alleged violation of this article by any person subject to those provisions, if a complaint is filed within one year after the date of the alleged violation. The panel may not consider any alleged violation that occurred more than one year before the date of the filing of a complaint. The termination of a City official's duties does not affect the jurisdiction of the Ethics Review Panel with respect to alleged violations occurring prior to the termination of the official's official duties.

(D) Powers. The Ethics Review Panel has the following powers only:

- (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with this article;
- (2) To meet as often as necessary to fulfill its responsibilities;
- (3) To request from the City Manager through the City Council the appointment of such staff as is necessary to carry out its duties;
- (4) To review, index, maintain on file, and dispose of sworn complaints;
- (5) To make findings of fact as necessary for the disposition of a complain;
- (6) To make notifications, extend deadlines, and conduct investigations; and
- (7) Such other powers as are specifically granted in this article.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.64 Preliminary investigation of ethics complaint by Ethics Review Panel

(A) Preliminary consideration of the complaint. Each complaint that is filed shall be evaluated to determine whether the complaint states an ethical violation, and whether the alleged violation is supported by just cause.

(B) Preliminary investigation. Within 21 days after receipt of a complaint, a preliminary finding shall be made as to whether or not the complaint states a claim under this article and is supported by just cause.

(C) Summary dismissal of a complaint after preliminary investigation. If, by the affirmative vote of a simple majority of the total members, it is determined that the complaint does not state a claim under this article or does not have just cause, based upon the statements and evidence submitted, the complaint is dismissed. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal. If the complaint is not dismissed, it will be fully and fairly investigated by hearing.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.65 Hearing procedures by Ethics Review Panel

(A) Evidentiary hearing. Not less than 10 days before the hearing, written notice shall, by certified mail or personal service, be given of the hearing to both the person who made the complaint and the person about whom the complaint was made. The notice must state the specific provision or provisions of this article alleged in the complaint to have been violated.

(B) Ex parte communications. Ex parte communications are those communications that do not involve all parties in the complaint. It is a violation of this article for:

(1) The complainant, the person charged in the complaint, or any person acting on their behalf to engage or attempt to engage, directly or indirectly, in any ex parte communication about the subject matter of a complaint with a member of the Ethics Hearing Board; or

(2) A member of the Ethics Hearing Board to:

(a) Knowingly entertain an ex parte communication prohibited by the subsection above; or

(b) Knowingly communicate, directly or indirectly, with any person, other than a member of the hearing board, its staff, or its legal counsel, about any issue of fact or law relating to the complaint.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.66 Hearing rules of the Ethics Review Panel

(A) The rules contained in this section apply to all hearings on complaints not summarily dismissed under this article.

(B) General rules.

(1) A determination that a violation of this article has occurred can be made only upon an affirmative vote of a simple majority of the total members, otherwise the complaint must be dismissed.

(2) A finding that a violation occurred must be supported by clear and convincing evidence.

(C) Procedural rules.

(1) A majority of the total members must be present for a hearing.

(2) Any member of the panel who is not present at a hearing on a complaint may not participate in any discussion, voting, or disposition regarding the complaint.

- (3) All witnesses must be sworn, and the members of the panel or its legal counsel shall conduct questioning of witnesses.
- (4) The panel may consider any and all relevant, probative evidence and may establish time limits and other rules relating to the participation of any person in the hearing, subject to subsections (D) and (E) of this section.
- (5) The panel may request the presence of and hear testimony from witnesses on its own motion.

(D) Rights of the official charged. The person charged in the complaint has the following rights:

- (1) To attend the hearing;
- (2) To make a statement;
- (3) To present and cross-examine witnesses; and
- (4) To be represented by legal counsel or another advisor.

(E) Rights of the complainant. The complainant has the following rights:

- (1) To attend the hearing;
- (2) To make a statement;
- (3) To be accompanied by legal counsel or another advisor.

The legal counsel or other advisor to the complainant may advise the complainant during the course of the hearing, but may not speak on behalf of the complainant, except to represent the complainant while testifying. The complainant may not present or cross-examine witnesses, except with the permission of the panel.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.67 Disposition of complaints

(A) Written decision required. All reasonable efforts shall be made to issue a written decision within 45 days after receipt of a complaint. The written decision must either:

- (1) Dismiss the complaint, with the grounds for dismissal set forth; or
- (2) Find that there has been a violation of this article and identify in the decision the particular provision or provisions violated.

(B) Copies of the findings and decision must be forwarded to the following persons:

- (1) The complainant;
- (2) The official charged in the complaint;
- (3) The City Attorney; and
- (4) The City Council.

A copy of the findings and decision must also be forwarded to the City Secretary, who shall make it available to the public as authorized by law.

(C) Similar charges barred. If the complaint is dismissed because the evidence failed to establish a violation of this article, another complaint shall not be accepted for filing if based upon substantially the same evidence.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.68 Referral for council action

If after a full investigation and hearing it is determined that a violation of this article has occurred, the City Council may consider the following sanctions:

(1) Letter of notification. A letter of notification may be issued when the City Council finds that a violation of this article was clearly unintentional or when the action or conduct found to have been a violation of this article was performed by the official in reliance on an opinion of the City Attorney. A letter of notification must advise the official to whom the letter is directed of any steps to be taken to avoid future violations.

(2) Letter of admonition. A letter of admonition may be issued when the City Council finds that the violation of this article was minor or may have been unintentional, but where the circumstances call for a more substantial response than a letter of notification.

(3) Reprimand. A reprimand may be issued when the City Council finds that a violation of this article was committed intentionally or through disregard of this article.

(4) Censure. A resolution of censure may be issued when the City Council finds that a serious or repeated violation of this article has been committed intentionally or through culpable disregard of this article by a member of the City Council.

(5) Removal or suspension from office. Any officer, other than a City Councilmember, may be removed or suspended from office when the City Council finds that a serious or repeated violation of this article was committed intentionally or through culpable disregard of this article. Removal shall be in compliance with the City Charter and other applicable law. Any term of suspension shall be set by the City Council.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.69 Petition for declaratory ruling

Any City official against whom public allegations of ethics violations have been made in the media or elsewhere has the right to file a sworn statement with the City Secretary affirming his or her innocence, and to request the Ethics Hearing Board to review the allegations and make known its findings to the public. (Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.70 Violations—Councilmembers or other officers

(A) The failure of any member of the City Council or other officer to comply with one of more of these sections shall constitute grounds for prosecution under this article.

(B) A violation of the provisions of this article is a class C misdemeanor punishable in municipal court by a fine not to exceed \$2,000.00.

(C) Nothing contained in this article shall be deemed to prohibit any officer from serving on any board or committee appointment, or representing the City Council in any meeting or conference.

(Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.71 Adoption of state statute and changes to ordinances

Section 171.001, et seq., of the Local Government Code of the state, as amended, being the statute which regulates

conflicts of interest of officers of municipalities of the state, is hereby adopted and made a part of this Code of Ethics for all purposes with the proviso that, in the case of a conflict between the provisions of this Code of Ethics and the referenced statute, the statute shall govern. (Ordinance 5813, sec. 1, adopted 3/16/04)

Sec. 10.72 Effective date; limitation

This article shall apply only to acts occurring after the effective date of the ordinance which adopts this article, and no complaint alleging a violation of this article may be filed later than one year after the alleged date of violation or the complaint is barred. (Ordinance 5813, sec. 1, adopted 3/16/04)

 CITY COUNCIL POLICY	POLICY NO.:	Legal-03
	Date of Adoption:	02/17/1998
	Date of Revision:	11/03/08
Title: Fraud, Waste, and Abuse		Page 1 of 4

I. Purpose and Need for Policy

The purpose of this document is to (1) establish the City Council's policy on preventing fraud, waste and abuse (FWA) and (2) explain the actions necessary to carry out this policy including the roles and responsibilities of the City Auditor and the City Manager.

II. Policy

1. For the purposes of this policy, the following definitions apply:

Fraud means an intentional deception or dishonesty by which an individual intends to gain an improper advantage. Examples of fraud include:

- Forgery or alteration of a check, bank draft, or any other financial document;
- Theft of a check or other diversion of a payment;
- Misappropriation of funds, securities, supplies, or other assets;
- Impropriety in the handling or reporting of money or financial transactions;
- Profiteering as a result of insider knowledge of city operations; and
- Selling confidential information or using it in the conduct of an outside business activity.

Waste means the loss or misuse of city resources that results from deficient practices, system controls, or decisions. An example of waste is not taking advantage of available early bird conference registration discounts.

Abuse means the intentional, wrongful, or improper use of resources or misuse of rank, position, or authority that causes the loss or misuse of resources, such as tools, vehicles, computers, copy machines, etc. Examples of abuse include:

- Using city equipment or supplies to conduct personal business; and
- Using non-confidential information to get new customers for an outside business of an employee.

2. Management is responsible for preventing as well as detecting FWA. Each member of the management team is responsible for initiating preventive measures and being familiar with and alert for the types of improprieties that might occur within his/her area of responsibility.

 CITY COUNCIL POLICY	POLICY NO.:	Legal-03
	Date of Adoption:	02/17/1998
	Date of Revision:	11/03/08
Title: Fraud, Waste, and Abuse		Page 2 of 4

3. The provisions and requirements of this policy apply not only to employees of the city, but also to vendors, outside agencies, consultants, and anyone doing business with the city. Any investigative activity required will be conducted without regard to the accused individual's length of service or position.
4. Any FWA that is detected or suspected must be reported immediately to the supervisor. If that supervisor is the subject of the alleged impropriety, the report should be made to the next higher level supervisor. If the employee is uncomfortable reporting through management, the report may be made to the City Auditor.
5. As a general rule, the City Auditor will have lead responsibility for investigating Hotline allegations of fraud and the City Manager through his management staff will have the lead responsibility for investigating allegations of waste and abuse. However, there may be exceptions. The type of offense and the seriousness of the offense will help determine the lead component and support components (e.g., city management, police, audit, human resources, city attorney, accounting, etc.) in the investigation.

III. Procedures to Accomplish Policy

1. The City Manager will issue an Administrative Directive explaining FWA policy and procedures. The policies and procedures in that directive will be consistent with the policies and procedures in this council policy.
2. An FWA Hotline poster will be provided in prominent locations throughout City buildings. The Hotline will have a telephone number to the City Auditor's office.
3. As a general rule, a Hotline call (which includes an in-person report) from a non-employee or employee (assuming the employee prefers not to report to management) would be appropriate for issues such as embezzlement, conflict of interest, bribes, kickbacks, waste and abuse of city resources, credit card abuse, grant fraud, sabotage, misuse of city time/property, acceptance of inappropriate gifts, travel fraud, and similar offenses. The Hotline is not appropriate for issues such as disputes with management, EEO complaints, grievances, harassment, workers' compensation issues, safety hazards, workplace violence, compensation disputes, etc.
4. When the City Auditor receives a Hotline call from a non-employee reporting FWA, he will (1) determine if the issue is appropriate for the City Auditor, per III. 3 above, (2) obtain as much information as possible from the citizen, (3) ask the individual for his

 CITY COUNCIL POLICY	POLICY NO.:	Legal-03
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Title: Fraud, Waste, and Abuse		Page 3 of 4

name, phone number, etc. unless the individual chooses to remain anonymous, and (4) determine the individual's willingness to help with the investigation including possibly providing testimony and documents.

5. When the City Auditor receives a Hotline call from an employee regarding FWA, he will (1) determine if the issue is appropriate for the City Auditor, per III. 3 above, (2) ask whether the alleged FWA was reported to management, and if so, what were the results, (3) obtain as much information as possible from the employee, (4) ask the individual for his name, phone number, etc. unless the individual chooses to remain anonymous, and (5) determine the individual's willingness to help with the investigation including possibly providing testimony and documents.
6. When a Hotline call is received, the City Auditor will do a preliminary investigation to determine the legitimacy of the allegation and to collect information and documentation. Since FWA can involve an infinite number of circumstances and degrees of seriousness, how each case is handled can vary significantly. To facilitate coordination and make decisions on how each case will be investigated, an FWA Coordination Committee will be created.
7. Members of the FWA Coordination Committee will include the (1) City Auditor, (2) City Manager, (3) Senior Managing Director of Human Resources, (4) City Attorney, and (5) Chairman of the Audit Committee. For allegations of criminal activity, the Chief of Police will be on the committee.
8. When an investigation is complete and a serious fraud situation has been revealed, a report to the City Council will be made by the City Auditor. The report will not include the names of individuals involved in the fraud. Minor incidents of fraud (e.g., stealing supplies from the supply room) and most issues of waste and abuse are generally internal management matters and reports to the City Council are not appropriate. However, at the conclusion of any FWA investigation lead by city management, a memorandum will be sent from the appropriate Director to the City Manager (with a cc to the City Auditor) summarizing the findings and any corrective action. The external auditors expect the City Auditor to be aware of all FWA issues in the city.



CITY COUNCIL POLICY

POLICY NO.:	Legal-03
Date of Adoption:	02/17/1998
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Title: Fraud, Waste, and Abuse	
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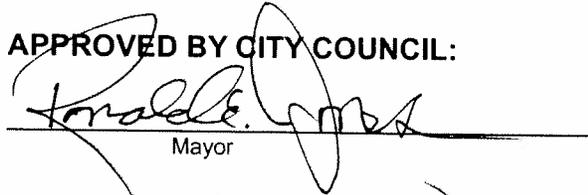
IV. Responsibility and Authority

The City Council, through the Audit Committee, is responsible for the interpretation of this policy.

Prepared by: Craig Hametner
City Auditor

Reviewed by: Bill Dollar
City Manager

APPROVED BY CITY COUNCIL:



Mayor

Date: 11-6-2008



CITY COUNCIL POLICY

POLICY NO.: LEGAL-04

Date of Adoption: 3/5/96

Date Of Revision: 10/20/98

Title: **Council Ethics on Endorsement of Others**

Page 1 of 2

I. Purpose and Need for Policy

In the past, members of the City Council have endorsed candidates running in a public election and have used the "City of Garland" in their official endorsement of such candidates. The use of the "City of Garland" in such endorsements has caused public confusion as to the nature and intent of the City as endorsing the candidates.

II. Policy

A Council member may endorse any candidate he/she desires in any local, state, or federal election in accordance with his/her rights under the First Amendment. However, use of the "City of Garland" in any endorsement campaign material for press, radio, or television shall be strictly prohibited.

III. Procedure to Accomplish Policy

1. City Council members, on their intent to endorse a candidate, shall notify the concerned individual, group, or political action committee concerning the limitations of endorsement as set forth in this policy.
2. Council members may use the title of "Garland Council Member" and their designated district number in endorsing candidates for public office.
3. City Council members shall adhere to the principles of good faith judgment in endorsing any candidate for public office.

**City Council
Policy**

TITLE:
Council Ethics on
Endorsement of Others

Page: 2 of 2

SUBJECT:
Legal

NO.
LEGAL-04

IV. Responsibility and Authority

1. It is the responsibility of the Council to ensure that this policy is enforced.
2. Any allegation that a Council member has violated this policy may be referred by any member of the Council, who shall then request the Council body to review the allegations in closed executive session.
3. The Council shall have final determination on the disposition of the allegation.

Written/ Charles Hinton,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Attorney

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 408e :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-01

Date of Adoption: 4/1/86

Date Of Revision: 7/1/08

Title: **City Council Policy and Procedures Process**

Page 1 of 4

I. Purpose and Need for Policy

The purpose of this Policy is to bring together the City Council's Policies in one clear and consistent format so they are readily available and understandable to the City Council, staff and citizens of the community. As the policy-setting body for the City organization, the City Council, recognizes the need for and desires to establish an orderly policy and procedures process at the Council level. Administrative level policies and procedures are developed and revised through the City Manager's system of "Directives."

II. Policy

The City Council shall adopt a Council Policy and Procedures Manual which will enhance the City's entire policy setting framework and provide a tool to assist the Council and staff in focusing, updating, and accurately carrying out City policies.

The objectives of the Council policy and procedures process are:

1. To assure the regular review and discussion of policy issues;
2. To reduce the "implementation gap" that exists between the intent of the legislative process and administrative performance;
3. To ensure uniform understanding and application of City policy and practice;
4. To identify authority and responsibility for policy and procedure administration;
5. To standardize the handling of recurring matters in a manner consistent with Council direction;
6. To transmit previously adopted policy information to newly elected officials, appointed commission or committee members and newly appointed staff members;
7. To lengthen the "organizational memory" and help provide a continuity of logic associated with policy decisions;

City Council Policy

TITLE:
City Council Policy and
Procedures Process

Page: 2 of 4

SUBJECT:
Operations

NO.
OPNS-01

8. To reduce the total number of decisions needed from Council by providing a convenient policy setting framework which encourages decisions in a policy context rather than as isolated, non-recurring questions; and
9. To provide a point-of-reference for determining which policies might need modification.

III. Procedure to Accomplish Policy

1. Council policy is defined as any Council decision which affects the operation and/or direction of the City or any of its offices.
2. The policies included in this manual shall not duplicate any policy or procedure already covered by other city documents such as those found in the Charter, Municipal Code, Comprehensive Plan, or City Directives, etc.
3. A Council policy may be drafted for discussion and review by any Council member, or member of City Staff. The Council, during the course of conducting City business, may direct the City Staff to research and develop draft policies for their review and approval.
4. City Council policies shall be issued only on policy stationery and will generally follow the format of this policy, i.e., a "PURPOSE AND NEED FOR POLICY" statement, a "POLICY" statement, a "PROCEDURE TO ACCOMPLISH POLICY" statement, and a "RESPONSIBILITY AND AUTHORITY" statement.
5. Council policies shall be assigned a subject and will be numbered sequentially from one within each subject category. Exhibit 1 is a list of subject categories and definitions of each category. Subject indexes will be updated as necessary.
6. To provide easy access to policies, they shall be indexed by number and subject. Each Council Policy and Procedures Manual will contain a copy of the index. The indexes will be updated as necessary.
7. The office of the City Manager shall maintain a supply of each Council Policy and will furnish copies upon request.

**City Council
Policy**

TITLE:
City Council Policy and
Procedures Process

Page: 3 of 4

SUBJECT:
Operations

NO.
OPNS-01

8. Assistance in writing policies, requests for copies, and questions concerning the City Council Policies and Procedures System should be referred to the City Manager's office.

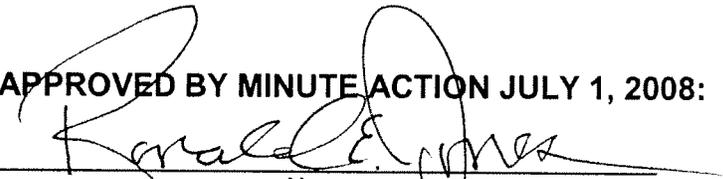
IV. Responsibility and Authority

A City Council Policy shall remain in effect until amended or repealed by the City Council.

The City Manager's Office is responsible for the administration of the Council Policy and Procedure Process.

Revised by: William E. Dollar,
City Manager

APPROVED BY MINUTE ACTION JULY 1, 2008:



Mayor

Date: 7-24-2008

**City Council
Policy**

TITLE:
City Council Policy and Procedures
Process

Page: 4 of 4

SUBJECT:
Operations

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OPNS-01

EXHIBIT 1

LIST OF COUNCIL POLICIES SUBJECT CATEGORIES

Council Operations (OPNS) - Policies related to goals, objectives, and plans includes: statement of functions, responsibilities, Council policy management, departmental inter-relationships, personnel, reports, correspondence, administrative services, Council travel and travel services, complaint handling, training and development, public relations, Council ethics, press relations, Council/Staff relations, and City image.

Buildings and Facilities (BLDG) - Policies related to planning, operating, maintaining, altering, or leasing buildings or facilities.

Capital Improvement Program (CIP) - Policies related to the development and financing of the Capital Improvement Program.

Definitions (DEF) - Common terms and statistics used within the City.

Land and Economic Development (DEV) - Policies related to land use planning and development, including land acquisition/disposition, zoning notifications, and appeals.

Finance (FIN) - Related to the City's financial structure, including financial statements, investments, financing, disclosures, budget, and controlling of operating and capital expenditures, fees, insurance, and emergency purchases.

Government Relations (GOV) Related to operating relationships with Federal, State, and other local governmental bodies.

Inspection Services (INSP) - Policies related to City-conducted inspections, including building, health, and fire inspections.

Legal (LEGAL) - Policies related to legal representation and advice, including litigation and legislation.

Professional Services (PROF) - Policies related to selecting, monitoring, and evaluating outside consultants and services.

Utility Services (UTIL) Policies related to utility services.



CITY COUNCIL POLICY

POLICY NO.: OPNS-02

Date of Adoption: 4/1/86

Date Of Revision: 2/17/98

Title: **Council Meetings - Rules of Order**

Page 1 of 1

I. Purpose and Need for Policy

To assure that all Council Members are aware of the rules for conducting meetings and that all items are treated in a consistent manner, it is important that rules be adopted for the conduct of Council meetings.

II. Policy

During the regular Council Session, the chair shall establish, in a manner consistent with good business practices and the adopted ground rules, the tone and procedures for conducting the regular business of the Council. In the case of disputes, however, Robert's Rules of Order-Revised will be followed. Requirements of open meeting laws and possible conflict of certain ordinances may prevent compliance with Robert's Rules in every instance. In such instances, state law or local ordinance would prevail.

III. Procedure to Accomplish Policy

The chair shall establish the procedures for the conduct of business consistent with this policy following to the extent practical Robert's Rules of Order.

IV. Responsibility and Authority

Annually the City Manager shall place on the council agenda, a resolution adopting the City Council Policy Manual. The Policy Manual shall include a policy on the procedures for conducting official Council meetings.

Written/ Charles Hinton,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Attorney

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Speare
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-02

Date of Adoption: 4/1/86

Date Of Revision: 2/17/98

Title: **Council Meetings - Rules of Order**

Page 1 of 1

I. Purpose and Need for Policy

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III. Procedure to Accomplish Policy

The chair shall establish the procedures for the conduct of business consistent with this policy following to the extent practical Robert's Rules of Order.

IV. Responsibility and Authority

Annually the City Manager shall place on the council agenda, a resolution adopting the City Council Policy Manual. The Policy Manual shall include a policy on the procedures for conducting official Council meetings.

Written/ Charles Hinton,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Attorney

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-03

Date of Adoption: 4/1/86

Date Of Revision: 11/7/06

Title: **Council Agenda Items**

Page 1 of 2

I. **Purpose and Need for Policy**

A policy on Council Member initiated agenda items is essential to assure proper scheduling and adequate time for staff preparation.

II. **Policy**

A Council Member desiring to place an item on either the Work Session Agenda or the Regular Council Agenda shall have the concurrence of at least one other Council Member. The Mayor may direct that an item be placed on either agenda.

Unless the agenda item is of an emergency nature or requires the calling of a special meeting, a minimum of one week will be required to place an item on a Council Agenda.

III. **Procedure to Accomplish Policy**

The Council shall be provided an opportunity at each Work Session to submit items for discussion at subsequent meetings. Future agenda items may also be submitted to the City Manager via memorandum or electronic mail.

IV. **Responsibility and Authority**

The City Manager shall include on each Work Session Agenda an item to allow for the discussion of future Agenda or Work Session topics.

The Mayor will ascertain, for each topic submitted, that there are at least two Council Members' approval and instruct the City Manager to schedule approved items for a subsequent Agenda.

At other times, a Council Member may propose a topic for discussion at a future Work Session by obtaining concurrence from one other member and informing the City Manager of the topic and the proposed Agenda date.

Other than routine items placed on the Agenda by staff (bids, zoning requests, etc.), no item requiring action at an official Council meeting will be considered without first having been discussed in a Work Session.

**City Council
Policy**

TITLE:
Council Agenda Items

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SUBJECT:
Operations

NO.
OPNS-03

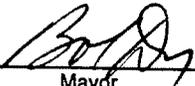
At other times, a Council Member may propose a topic for discussion at a future Work Session by obtaining concurrence from one other member and informing the City Manager of the topic and the proposed Agenda date.

Other than routine items placed on the Agenda by staff (bids, zoning requests, etc.), no item requiring action at an official Council meeting will be considered without first having been discussed in a Work Session.

Written/Revised by: Priscilla S. Wilson
Sr. Managing Director

Reviewed by: William E. Dollar
City Manager

APPROVED BY CITY COUNCIL RESOLUTION 9577 :


Mayor

Date: 1/11/07



CITY COUNCIL POLICY

POLICY NO.: OPNS-04

Date of Adoption: 2/17/98

Date Of Revision: 10/20/98

Title: **Qualifications for Doing Business with the City**

Page 1 of 2

I. Purpose and Need for Policy

The purpose of this policy is to foster the public's trust in the conduct of City business and to further insure the expenditures of public funds is beyond reproach.

II. Policy

Other than the exceptions cited below, it is the policy of the City Council to not enter into or renew a contract to purchase, sell, or lease property or services to or from any entity described in this policy.

III. Procedure to Accomplish Policy

- A. The City of Garland shall not, except as provided herein, enter into or renew a contract to purchase, sell, or lease property or services to or from any person or entity who has been:
- 1) Convicted of any state or federal felony offense. Conviction includes a final probation, deferred adjudication or similar disposition.
 - 2) Convicted or fined in excess of \$50,000 on certain state or federal discrimination offenses. Discrimination charges include only those brought for discrimination against the race, sex, or religion or an individual or class of individuals.
- B. Persons or entities doing business with the City include:
- 1) Individuals, corporations, partnerships, associations, or limited liability companies.
 - 2) Owner or principal operators of entities referenced in paragraph B(1).
 - 3) Principal officers of entities referenced in paragraph B(1).

**City Council
Policy**

TITLE:
Qualifications for Doing
Business with the City

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-04

- 4) Shareholders in corporations or limited liabilities companies if there are five or fewer shareholders.
 - 5) Majority owned affiliates of any entity referenced in paragraph B(1).
- C. This policy shall not apply when:
- 1) Three years have elapsed between the conviction and the approval of the contract.
 - 2) The contract does not require City Council approval.
 - 3) Anything of value is paid or given to informants or participants in a crime stopper program, or
 - 4) The City Council determines this policy could cause grave injury or impose a severe financial hardship to the City of Garland by its application, and is waived by an affirmative vote of not less than six (6) Council members.
- D. On bid applications that may result in a contract award by the City Council, the City shall require a representation by bidders that the bidder is not disqualified by the application of this policy.
- E. After contract award, but prior to the commencement of the project or the delivery of the service or property, a determination that the bidder is in violation of this policy shall be cause for terminating the contract.

Prepared by: Denny Wheat, Asst. City
Manager

Reviewed by: Jeffrey B. Muzzy, City
Manager

APPROVED BY CITY COUNCIL: *R. Sode*

James M. Spence

Mayor

Date: 10/21/98

	<h1>CITY COUNCIL POLICY</h1>	POLICY NO.:	OPNS-05
		Date of Adoption:	10/16/1990
		Date of Revision:	09/03/13
Title:	Council Travel and Business Expenses	Page 1 of 6	

I. Purpose and Need for Policy

Several organizations at both state and federal levels provide worthwhile meetings and educational sessions for elected officials throughout the year. Other opportunities that require travel may arise that provide educational experience to Council members. These meetings are both helpful to Council members in fulfilling their responsibility to the citizens and important in fostering legislation favorable to the City.

In order to budget effectively for Council travel outside the Garland area and maximize the participation in the various organizations at minimum cost, a policy concerning Council travel and business expenses is needed.

II. Policy

Funds shall be budgeted for members of the Council to attend the following:

1. State level:
 - a. Texas Municipal League Annual Meeting
 - b. Texas Municipal League Newly Elected Officials Orientation
2. National level:
 - a. National League of Cities - Washington, D.C.
 - b. National League of Cities Annual Congress of Cities and Exposition (various locations)
3. Other meetings as designated and approved by the Mayor, or by the City Council at a regularly scheduled Work Session.
4. Additional funds shall be available for Council members who are appointed to specific association or committee work at the regional, state, or federal level.

The Mayor shall be authorized to have membership in and attend the annual meeting of the U.S. Conference of Mayors.

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Council members shall be authorized to have membership in TML and NLC affiliated organizations and attend their sessions at the TML or NLC meetings.

In addition, and with prior consent of the Mayor, funds shall be authorized for unscheduled and unanticipated trips as may be necessary for the Mayor and Council members to meet with federal or state representatives and agencies concerning City business.

Expense Report

A completed Business Expense Report form shall be submitted to the City Manager's administrative designee, whether or not a reimbursement is required, within 20 business days after completing the travel or incurring the expense.

The Mayor shall review and approve, by signature, expense reports for Council members. The Mayor's expense reports shall be reviewed and approved, by signature, by the Mayor Pro Tem.

Allowable Expenses

- Registration
 - Business related registration should be processed in advance by the City Manager's administrative designee, when possible.
- Transportation
 - Council members may select the mode of transportation; however, reimbursement will be based on the most economical mode available.
 - When a Council member drives a personal vehicle on City business, reimbursement shall be the lower of (1) the mileage reimbursement amount based on the rate established by the Internal Revenue Service (Personal Mileage Trip Sheet must be attached to the expense report) or (2) the total cost of airfare.
 - Airline reservations should be made well in advance to take advantage of any discounted fares.
 - Rental vehicles are authorized only when the amount of travel at the destination will make a rental vehicle more economical than a shared ride, complimentary shuttle, or a taxi. When a rental vehicle is used, all supplemental car rental insurance offered by the rental agency should be

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declined. Reservations for rental vehicles must be made by the City Manager's administrative designee through the City's authorized travel agent.

- Meals

- The City will pay for meals up to the GSA allowance amount when the purchase of meals is directly attributable to the conduct of City business. The amount of the GSA allowance is based on the travel destination and is determined through the following steps:
 - Step 1: www.gsa.gov
 - Step 2: Click on Per Diem Rates under the e-Tools: Online Services heading.
 - Step 3: Click on the applicable state for the destination city. Choose the applicable Meals and Incidental Expense (M & IE) rate from the table. If the destination city is not listed in the table, the standard rate provided in the table should be used.
- The GSA allowance shall be prorated (reduced) under the following conditions:
 - Meal is provided at a conference, seminar, or social event.
 - Meal is provided on the airline or other mode of transportation.
- The GSA allowance shall be prorated as follows for the conditions listed above:
 - Breakfast – 20% of GSA allowance.
 - Lunch – 30% of GSA allowance.
 - Dinner – 50% of GSA allowance.
- The GSA allowance shall not be carried over from one day to the following day during travel.

- Lodging

- The City will pay for hotel accommodations through the duration of the meeting, seminar, or event.
- When accompanied by a family member or acquaintance, the Council member will pay the difference in lodging costs between single and double occupancy, if any.
- Reasonable baggage handling gratuities are allowed (receipts are not required).

Any additional expense items not covered above require approval by the Mayor for reimbursement.

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Disallowed Travel Expenses

- Flight or passenger insurance for airline, bus, train.
- Any expenses attributed to family or acquaintances.
- Premium or first class lodging, transportation and meals.
- Airline and rental car expenses not purchased by the City's authorized travel agent.
- Alcoholic beverages.
- Lodging in-room movie rentals or video games
- Lodging in-room meal service fees.
- Valet services, with the exception of required valet parking.
- Laundry service for stays less than 7 days.
- Gratuities and tips in excess of 20%.

Receipts

If a receipt is unavailable for expenses other than meals, such as parking, tolls, baggage handling, etc., the Council member must document the details of the expenses on a sheet of paper and submit it as a receipt.

Mileage Reimbursement

A Personal Mileage Trip Sheet, including a printout from a directional internet map indicating the mileage, shall be attached to a business expense report form to document the mileage that is being reimbursed. Mileage is reimbursed based on the rate established by the Internal Revenue Service.

Reimbursement/Payment

If more than \$75.00 is due to the Council member, the City Manager's administrative designee shall process an accounts payable invoice through the City's financial system. If \$75 or less is due the Council member, reimbursement may be made through the Finance Department's petty cash fund.

If any amount is due the City, the Council member must reimburse the City within 20 business days after completing the travel or incurring the expense. A check payable to the City of Garland shall be attached to the original, completed Business Expense Report.

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III. Procedures to Accomplish Policy

Upon receipt of notice of meeting, the City Manager’s administrative designee will provide a notice of the meeting to Council Members. The notice will provide for a reply as to the intent of the Council member, if he or she will be attending. The City Manager’s administrative designee will make the necessary travel arrangements for all attending.

Airline tickets and hotel reservations will be provided in ample time prior to the scheduled departure time.

IV. Responsibility and Authority

It shall be the responsibility of the City Manager’s administrative designee to notify Council of appropriate meetings, dates and locations.

Each Council member shall be responsible for advising the City Manager's administrative designee as to their travel plans.

The City Manager’s administrative designee shall be responsible for making all travel arrangements and delivery of travel information to each Council member. Travel shall be arranged by the most economical mode available in conformance with the Business Expense.

Accounting for travel expenses shall be the responsibility of each Council member. A City Expense Report, supported by receipts or other documentation, shall be submitted to the City Manager’s administrative designee within 20 working days after completing travel or incurring expenses.

If the City Expense Report is not received by the City within 20 working days after completing travel or incurring expenses, staff shall refer the matter to the Mayor and/or Mayor Pro Tem.

Any questionable expense reports shall also be referred to the Mayor and/or Mayor Pro Tem.

A late or questionable expense report shall be handled by the Mayor and/or Mayor Pro Tem directly with the Council member. Should the matter not be resolved with 10 days,



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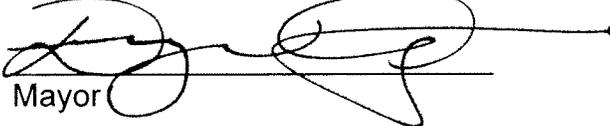
the Mayor and/or Mayor Pro Tem will then refer the matter to the entire Council. The City Council shall determine what future action is desired.

The City Manager's Office shall be responsible for bringing these matters to the Mayor and/or Mayor Pro Tem. The Mayor and Council shall be responsible for enforcement of the policy.

Prepared by: Martin E. Glenn
Deputy City Manager

Reviewed by: William E. Dollar
City Manager

APPROVED BY CITY COUNCIL:



Mayor

Date: 9-4-13



CITY COUNCIL POLICY

POLICY NO.: OPNS-06

Date of Adoption: 10/16/90

Date Of Revision: 3/5/96

Title: **Employee Residency Requirements**

Page 1 of 2

I. Purpose and Need for Policy

The City policy for employee residency has no absolute residency requirement for City employment. However, the City encourages employees to live within the city limits when possible.

II. Policy

It is the policy of the City Council to encourage new employees to reside within the city limits of Garland. The residency requirement shall not be a factor in the selection process, but commuting time and emergency work requirements shall be discussed with all applicants prior to employment.

III. Procedure to Accomplish Policy

1. The Department Head or Managing Director shall develop reasonable standards for a response time criteria for those job positions which require possible emergency and/or "on-call" situations. Employees likely to be called during a civil emergency may be required to reside within reasonable commuting distances of their place of work. The standards shall not be imposed retroactively on any person currently employed by the City.
2. Residency considerations shall be discussed with all new applicants for positions in the Officials and Administrators, Professional, Technical and Protective Services job categories prior to employment.

**City Council
Policy**

TITLE:
Employee Residency
Requirements

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-06

IV. Responsibility and Authority

1. The Personnel Department shall be responsible for ensuring that all applicants are notified of this policy prior to selection and employment.
2. The City Manager shall ensure that the standards are consistently applied to all employees and shall provide the City Council with information annually regarding the effectiveness of this policy.

Written/ Don Peterson,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Human Resources

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Speece
Mayor

Date: 10/31/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-07

Date of Adoption: 4/1/86

Date Of Revision: 3/5/96

Title: **Compensation Policy**

Page 1 of 2

I. Purpose and Need for Policy

A fair compensation policy and equitable internal salary relationships are vital to the achievement of individual and group effort. The City Council desires to establish a compensation policy which would:

1. Assure that the City can attract and retain employees with skills required to provide necessary services to Garland residents.
2. Provide a compensation plan with enough flexibility to adjust to changing employment market conditions, while recognizing that such conditions probably will not be the same for all positions or for all job families.
3. Provide a compensation plan that can be easily administered and simply and understandably communicated to employees.
4. Provide guidance to the Personnel Department for compiling and evaluating annual salary survey results, and provide a basis for making salary adjustment recommendations.

II. Policy

Within the City's financial and budgetary limits, the City's compensation plan shall endeavor to provide all employees with compensation which is competitive with that offered by public and private organizations in our employment market area that are seeking employees with similar abilities and performing similar kinds of work. To achieve this competitiveness, the City shall place mid-points of its salary ranges, or the specific salary of those positions with a single salary rate, equal to or greater than the weighted actual average salary of similar positions in representative organizations.

III. Procedure to Accomplish Policy

To assure external competitiveness of salaries, the Personnel Department shall conduct annual salary surveys of selected City positions. Positions surveyed will be benchmark positions or positions in occupations where employment market conditions have changed significantly.

**City Council
Policy**

TITLE:
Compensation Policy

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-07

To assure internal equity of salaries, the Personnel Department shall conduct job evaluations of selected City positions and those positions that have changed significantly due to increases/decreases in responsibility or reassignment of duties among different positions.

Based upon the results of salary surveys and job evaluations, City positions shall be classified and compensated in accordance with the City Compensation Policy.

IV. Responsibility and Authority

The Personnel Department shall be responsible for conducting annual salary surveys, job evaluations as needed, and preparing recommendations concerning salary adjustments and position classification changes.

The City Manager shall be responsible for reviewing and approving or denying salary and position classification changes recommended by the Personnel Department.

The City Council shall be responsible for reviewing and approving total salary expenditures each year during the budget adoption process.

Written/ Don Peterson,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Human Resources

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 086 :

James M. Speace
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-08

Date of Adoption: 4/1/86

Date Of Revision: 2/17/98

Title: **School Speed Zones**

Page 1 of 3

I. Purpose and Need for Policy

The decision to install or modify any type of traffic control device should be made on the basis of an engineering study of the location and conditions present. Because the City receives many requests for the installation of school speed zones, a uniform policy is necessary to establish the procedures under which such requests will be evaluated.

II. Policy

School speed zones should only be installed on public streets based upon sound traffic safety criteria, an engineering study by the Transportation Department, consultation with the appropriate school district, and by adoption of an ordinance by the Council. Factors to be evaluated during such a study are:

1. Presence, on an established route to school, of an existing marked crosswalk that is not protected by a traffic signal or stop sign.
2. Number of pre-school/elementary/middle school age children utilizing the crosswalk.
3. Number of vehicles crossing the crosswalk during the crossing period.
4. Speed of vehicles during the crossing period.
5. Width of the street being crossed.
6. Roadway conditions (hills, curves, etc.).
7. Residential streets adjacent to elementary schools.

City Council Policy	TITLE: School Speed Zones	Page: 2 of 3
	SUBJECT: Operations	NO. OPNS-08

III. Procedure to Accomplish Policy

1. After receiving a request for a school speed zone, the Transportation Department shall review current count and/or speed data. If none exists, traffic counts and/or speed studies shall be performed.
2. Upon receiving a request for the establishment or modification of a school speed zone, the Transportation Department shall notify the appropriate school district. The notification shall describe the nature of the request. The school district may elect to notify the principal(s) and/or PTA(s) of the impacted school(s). Comments from the school district, principal(s) or P.T.A.(s) shall be forwarded to the Transportation Department for review and consideration in the development of the recommended action.
3. On-site observations shall be performed to determine physical conditions at the location.
4. Traffic count, speed study, and physical condition data plus comments, if any, from the school district shall be evaluated and the appropriate school district shall be notified in writing of the proposed recommendation. The school district shall be allowed approximately 30 days to respond.
5. A recommendation for or against installation shall be prepared by the Transportation Department.
6. If installation is considered warranted by the engineering data, and the appropriate school district has concurred with the recommendations, the Transportation Department shall prepare a policy report to be placed on the Work Session agenda. If the Council concurs with the recommendation, an ordinance will be prepared and placed on Council agenda for Council consideration.

**City Council
Policy**

TITLE:
School Speed Zones

Page: 3 of 3

SUBJECT:
Operations

NO.
OPNS-08

IV. Responsibility and Authority

It shall be the responsibility of the Transportation Department to secure all needed data and perform a study to determine if a school speed zone is justified. If a school speed zone is appropriate, a recommendation shall be presented to the City Council for consideration. The City Council shall have the authority to approve or deny any proposed ordinance concerning the installation, modification, or removal of a school speed zone.

Written/ Robert Wunderlich,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Engineering & Street
Services

City of Garland

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Speer
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-09

Date of Adoption: 4/1/86

Date Of Revision: 2/17/98

Title: **Homeowner's Association Bylaws**

Page 1 of 2

I. Purpose and Need for Policy

Homeowners' Association Bylaws are necessary in the creation of an Association to have responsibility for any common areas in Planned Developments. These Bylaws are usually routine and lengthy and have not been modified by the City Council after City staff review. To save the City Council time, it is appropriate to have these Bylaws reviewed by City staff and placed on file in the Office of the City Secretary.

II. Policy

When Homeowners' Association Bylaws are required by a Planned Development Ordinance, the Bylaws shall be submitted to the City staff for review and approval. The Bylaws, and any subsequent amendments, shall be filed in the Office of the City Secretary.

III. Procedure to Accomplish Policy

Two copies of the Bylaws shall be submitted for review by the Planning staff and the City Attorney's Office. The Bylaws, and any subsequent amendments, shall be placed on file in the Office of the City Secretary.

V. Responsibility and Authority

The City Attorney shall have final authority and responsibility for the final format of the Bylaws.

The Planning Department shall be responsible for reviewing the Bylaws and referring their recommendations to the City Attorney for final approval.

The Planning Department shall contact applicants on any requested changes required and assist applicants in filing of the final forms with the City Secretary's Office.

**City Council
Policy**

TITLE:
Homeowner's Association
Bylaws

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-09

The Planning Department shall notify applicants of this policy upon approval of a Planned Development Ordinance.

Written/ Neil Montgomery,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Development Services

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8080 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-10

Date of Adoption: 4/1/86

Date Of Revision: 3/5/96

Title: **Intersection Right-of-Way Control (Stop & Yield Signs)**

Page 1 of 3

I. Purpose and Need for Policy

The decision to install any type of traffic control device should be made on the basis of an engineering study of the location. Because the City receives many requests for the installation of stop and yield signs, a uniform policy is necessary to establish the procedures under which such requests will be evaluated. This policy does not apply to all-way stop signs installed in accordance with the City's Neighborhood Traffic control Program.

II. Policy

The objective of intersection right-of-way control is to provide for safe and efficient traffic flow at individual intersections and along the various routes within the street system. When requests are received to change the type of control at a particular location, the Transportation Department shall perform an engineering study to determine whether or not the requested change is warranted.

Each individual location shall be evaluated on its own. The following criteria will be followed to the fullest extent possible:

1. The right-of-way control utilized should be the least restrictive type that will provide for a safe intersection (e.g., if possible, yield signs should be used in lieu of stop signs, a two-way stop should be used in lieu of a four-way stop, etc.).
2. Stop or yield signs, if used, should normally control the lesser volume of traffic.
3. Stop signs are intended for assignment of right-of-way and not for speed control.
4. On local residential streets, it is often appropriate to use an alternating pattern for placement of stop or yield signs (since this will lessen the tendency for any one local street to become a de facto major street). Conversely, collector streets are intended and designed to carry more traffic than local streets. Therefore, collector streets should normally be the through street except at their intersection with other collector streets or arterials.

City Council Policy	TITLE: Intersection Right-of-Way Control (Stop & Yield Signs)	Page: 2 of 3
	SUBJECT: Operations	NO. OPNS-10

5. Except under unusual circumstances, four-way stops should be used only under the conditions described in the Manual on Uniform Traffic Control Devices.

III. Procedure to Accomplish Policy

1. After receiving a request for a change in right-of-way control, the Transportation Department shall review existing traffic data and, if necessary, collect additional traffic-data.
2. On-site observations shall be performed to determine physical conditions at the location and, if appropriate, at other intersections in the vicinity.
3. Traffic data and physical condition data shall be evaluated.
4. The decision for or against installation shall be determined by the Transportation Department.
5. If the request is denied, the person requesting the stop/yield sign will be advised of the results of the study, when possible.

IV. Responsibility and Authority

The Transportation Department shall be responsible for securing all needed data and performing an engineering study to determine if a change in right-of-way control is justified.

**City Council
Policy**

TITLE:
Intersection Right-of-Way
Control (Stop & Yield
Signs)
SUBJECT:
Operations

Page: 3 of 3

NO.
OPNS-10

An ordinance is not required for stop and yield sign placement or removal. Therefore, the City Council does not have to take any action relative to a change in right-of-way control.

Written/ Jack Driskill,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Engineering & Street
Services

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-11

Date of Adoption: 4/1/86

Date Of Revision: 3/5/96

Title: **Right-of-Way Acquisition (Waiver of Special Assessments)**

Page 1 of 2

I. Purpose and Need for Policy

The City, in its daily routine, is continually acquiring easements and rights-of-way from private property owners for the construction of public works improvements.

The negotiations for the purchase of easements and rights-of-way is a very costly and time-consuming process that often leads to long delays in the design and construction of improvements. This is most evident in the right-of-way acquisition for paving improvements done under our Capital Improvements Program. A policy is needed that will give City staff latitude in their negotiations with property owners.

II. Policy

The City staff shall, in its discussions and negotiations for right-of-way with private property owners, be permitted to offer the waiver of the paving assessment for the dedication of the right-of-way. This offer shall be made when it has been determined that the assessment waiver is in the best interest of the City.

III. Procedure to Accomplish Policy

1. The Director of Engineering, or his representative, will obtain parcel identification, legal description, and appraisal of property.
2. Parcel assessments as set by Council.
3. Assessments shall be compared to parcel appraisals in determining tracts that are favorable for the City to offer the a partial or complete assessment waiver.
4. The Director of Engineering shall present information to the Managing Director over Engineering, Transportation, and Street Services.
5. The Managing Director over Engineering, Transportation, and Street Services shall make a determination on whether to offer the a partial or complete assessment waiver to each property owner.

**City Council
Policy**

TITLE:
Right-of-Way Acquisition
(Waiver of Special
Assessments)
SUBJECT:
Operations

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NO.
OPNS-11

6. This information shall be conveyed to the Director of Engineering so that the appropriate City personnel can contact the property owners with our offer for their property.

IV. Responsibility and Authority

The City Manager shall be responsible for insuring that proposed waiver of assessments for a project are included on appropriate agendas for Council discussion and approval.

The Director of Engineering shall have the responsibility to administer this policy under the guidance of the Managing Director over Engineering, Transportation, and Street Services and formal approval of the City Council.

Written/ Jack Driskill,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Engineering & Street
Services

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-12

Date of Adoption: 4/1/86

Date Of Revision: 4/17/98

Title: **Acceptance of Private Streets for City Maintenance**

Page 1 of 2

I. Purpose and Need for Policy

The City of Garland periodically receives requests for public acceptance of previously constructed private streets. A Private Street is defined as that right-of-way reserved in particular neighborhoods/developments for the purpose of providing limited access. Streets of this type shall be on a lot abutting a public street or have dedicated access to one or more platted lots which have no frontage on dedicated public streets.

A uniform policy is needed in order to establish guidance for the City of Garland to accept maintenance responsibility for private streets.

II. Policy

The City shall not be under any obligation to accept maintenance of previously contracted private streets. However, the City may consider acceptance for maintenance under the following conditions:

1. The street pavement meets the City of Garland design standards for geometric and structural requirements.
2. The common access easement includes adequate width for parkway requirements such as sidewalks, street lighting, and other utility facilities.
3. Accessibility is provided for emergency vehicle use.
4. Paving improvements, when required, shall be accounted for in accordance with current City Ordinances, and may require special assessment fees, or special owner funding.
5. All gates or other barriers to public access shall be removed at the expense of the owner.

III. Procedure to Accomplish Policy

1. Design plans for private streets shall be submitted to the Engineering Department, in triplicate, for technical review.

**City Council
Policy**

TITLE:
Acceptance of Private
Streets for City
Maintenance
SUBJECT:
Operations

Page: 2 of 2

NO.
OPNS-12

2. The Engineering Department shall coordinate the plan review with other departments as required. Upon completion of the plan review, the Engineering Department shall notify the organization or individual submitting the request whether it was approved or what additional requirements may be necessary prior to approval.

IV. Responsibility and Authority

The Director of Engineering shall have the authority to exercise responsibility for this policy.

The City Manager shall be responsible for written notice to the Council of requests for public acceptance of previously contracted private streets, and scheduling the report item on an appropriate agenda for Council approval.

Written/ John E. Baker,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Director of Engineering

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-13

Date of Adoption: 4/1/86

Date Of Revision: 2/17/98

Title: **PUBLIC NOTIFICATION PROCESS**

Page 1 of 5

I. Purpose and Need for Policy

Effective government depends upon responsible citizen input to elected representatives. In order to provide responsible input, citizens must be notified of issues that may affect their various interests.

A policy is needed to provide the mechanism for a definitive notification process to citizens and property owners in the City of Garland. Timely prior notification is necessary to ensure public awareness of issues before municipal government enactment of legislation which may affect lives and property values.

II. Policy

Public notification is hereby considered prudent and necessary and shall be given prior to the approval of issues involving:

1. City's Comprehensive Plan adoption or amendment.
2. Thoroughfare Plan changes.
3. City boundary changes.
4. Territorial jurisdiction changes.
5. Zoning ordinance revisions.
6. Specific Use Permits approval.
7. Annual Budget adoption.
8. Multi - Year Capital Improvements Plan (CIP) adoption.
9. Revisions to Flood Insurance Rate Maps (FIRM) and Flood Boundary-Floodway Maps (FBFM).

**City Council
Policy**

TITLE:
Public Notification
Process

Page: 2 of 5

SUBJECT:
Operations

NO.
OPNS-13

10. Special Paving and Drainage Assessment Projects

III. Procedure to Accomplish Policy

1. Localized Notification by Mail for Plan Commission Hearing.

- 1.1 Notification with related summary information for issues 5 and 6 (Zoning Ordinances, and Specific Use Permits) contained in Section II shall be mailed to all citizens and/or property owners within 400' of the perimeter of any property that may be affected.
- 1.2 Notification with related summary information shall be mailed by the City department having jurisdiction to said owners of property within the 400' perimeter as soon as practical but at least ten (10) days prior to the scheduled Plan Commission hearing date. Said notice shall be served by using the last known address as listed on City tax rolls and by depositing the notice, postage paid, in the U.S. Mail (first class).
- 1.3 Notification with related summary information for issues 1, 5, and 6 in Section II of the City Council Policy, shall be mailed to all currently registered Homeowners Associations potentially affected by the issue. In order to be potentially affected by the issue as prescribed by this policy, the issues shall involve a change in the status of land within the designated geographic boundary of the Homeowners Association, or within 400' perimeter of the designated geographic boundary of the registered Homeowners Association.
- 1.4 Notification with related summary information shall be mailed by the City department having jurisdiction to said Homeowners Association as soon as possible prior to the scheduled Plan Commission hearing date. Notice shall be served by using the registration information on file in the City Secretary's Office and by depositing the notice, postage paid, in the U.S. Mail (first class).

In order to receive notice as required by this section, a Homeowners Association shall submit to the Office of the City Secretary in writing by September 1st of each year, the name of the Homeowners Association a map clearly depicting the geographic boundaries of the association, and the name, mailing address and phone number of the person to whom the required notification is to be sent.

**City Council
Policy**

TITLE:
Public Notification
Process

Page: 3 of 5

SUBJECT:
Operations

NO.
OPNS-13

2. Localized Notification by Mail for City Council Hearing.

- 2.1 As a courtesy, the City department having jurisdiction shall prepare notification to all owners of property within a 400' perimeter of any property that may be affected by Section II Issues 5 and 6.
- 2.2 The notice shall further stipulate the Council hearing date and related pertinent information concerning the change(s) under consideration.
- 2.3 The prepared notification shall be served by using the last known address as listed on the City tax roll and shall be mailed, postage paid, in the U.S. Mail.
- 2.4 Notification shall be given by the City department having jurisdiction fifteen (15) days prior to the City Council hearing date.

3. City-Wide Notification by Publication for City Council Hearing.

- 3.1 Public notification by publication shall be utilized in the interest of promoting public awareness of issues listed in Section II of this Council Policy.
- 3.2 One publication is declared necessary and shall be given no later than fifteen (15) days prior to the scheduled City Council hearing date, with the exception of the adoption of the Annual Budget and the CIP.
- 3.3 Public notification regarding the Annual Budget adoption shall conform to requirements in the City Charter and applicable State Law.
- 3.4 Council shall conduct a public hearing prior to adoption of the CIP. Public notification of this hearing shall be made no less than three days prior to the hearing.
- 3.5 The City Secretary shall be notified by the City department having jurisdiction so that this publication can be printed in the official newspaper of the City.

**City Council
Policy**

TITLE:
Public Notification
Process

Page: 4 of 5

SUBJECT:
Operations

NO.
OPNS-13

4. Notification by Sign Placement for Zoning Request.

4.1 Once a zoning request has been filed with the City of Garland Department of Planning a sign shall be erected upon the property identified in the request. The City shall be responsible for posting and removing required signs.

4.2 The sign shall say "Zoning Request" and shall be posted upon the identified property at least ten (10) days prior to the scheduled Plan Commission hearing date.

4.3 The sign shall be removed from the property the day following the City Council hearing date by the Department of Planning.

5. Notification by Posting Notice at City Hall.

5.1 Notifications for all issues contained in Section II, shall be posted at the City Hall on the Official Bulletin Board by the department having jurisdiction.

5.2 Said posting notification shall be placed on the bulletin board at least ten (10) days prior to the Plan Commission Meeting, at least three (3) days prior to the City Council Meeting for adoption of the Annual Budget and CIP; and/or at least fifteen (15) days prior to the City Council Meeting for all other issues.

6. Exceptions

6.1 Emergencies - Items or meetings require the most expedient posting to the general public. In these situations, a courtesy telephone call is made to the official city newspaper and notification posted at City Hall at least 72 hours prior to the meeting.

6.2 In the case of conflicts with state law or other statutes, notification requirements of the prevailing law or statute shall be followed.

IV. Responsibility and Authority

The City department having jurisdiction over issues identified in Section II of this City Council Policy shall be responsible for the administration of the notification process. The departments having jurisdiction are:

1. City's Comprehensive Plan - Department of Planning.

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Public Notification
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2. Thoroughfare Plan - Department of Transportation.
3. City boundaries - Office of the City Attorney.
4. Territorial jurisdiction - Office of the City Attorney.
5. Zoning Ordinances - Department of Planning.
6. Specific Use Permits - Department of Planning.
7. Annual Budget - Department of Budget & Research.
8. Multi-Year Capital Improvements Plan - Department of Budget & Research.
9. Revisions to Flood Insurance Rate Maps (Firm) and Flood Boundary -Floodway Maps (FBFM) - Department of Engineering (Floodplain Administrator).
10. Special Paving and Drainage Assessment Projects - Department of Engineering.

These City departments are authorized to perform and fulfill all conditions of the outlined notification process to ensure sufficient public awareness prior to municipal government enactment of stated issues as set forth in this Council Policy.

Written/ Denny Wheat,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Assistant City Manager

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8088 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-14

Date of Adoption: 4/1/86

Date Of Revision: 3/5/96

Title: **Council Requests for Service, Information, and
Citizen Complaints to City Staff**

Page 1 of 4

I. Purpose and Need for Policy

Each month the City receives thousands of service requests, information requests, and complaints at all levels of the organization. Often, Council Members will be given one of these requests or complaints by an individual, or will want to initiate their own request or complaint. The purpose of this policy is to allow a large measure of flexibility in referring these requests and complaints to staff, and to insure that Council Members' requests or complaints are:

1. Handled thoroughly and expeditiously,
2. Handled consistent with similar requests and complaints,
3. Handled at the appropriate organizational level,
4. Handled with the most efficient use of City resources, and
5. Handled with the desired level of feedback to the citizen and the Council Member.

II. Policy

It is the policy of the City Council that requests and complaints referred by Council Members to the staff be handled as thoroughly and as quickly as possible. The resolution of the request or complaint shall be consistent with City policy and with the resolution of similar requests and complaints.

Appropriate level of management shall be involved in the request to insure that City resources are efficiently used, that management personnel are apprised of various trends and potential problems, and that the appropriate or desired level of feedback is provided to the citizen and the Council Member.

City Council Policy

TITLE:

Council Requests for
Service, Information, and
Citizen Complaints to C.S.

SUBJECT:

Operations

Page: 2 of 4

NO.

OPNS-14

III. Procedure to Accomplish Policy

Requests and complaints submitted by a Council Member requiring staff attention will generally fall into three categories and may be received either verbally or in writing to include e-mail. A request may be either a request for service, request for information, or complaint. The following guidelines shall be followed for referring these requests or complaints to City staff for action:

1. SERVICE REQUESTS

TYPE

REFER TO

- | | |
|---|---|
| A. First time request for routine service when a response to the Council Member is not desired. Department representative will contact complainant if necessary. | 1. Department service line
2. Respective Dept. Head or Managing Director
3. Respective Asst. City Mgr.
4. City Manager |
| B. Second or third time for routine service request when a response to Council Member is not required, Department Head or representative shall contact complainant. | 1. Respective Dept. Head or Managing Director
2. Respective Asst. City Mgr.
3. City Manager |
| C. Routine service request involving more than one Department. When a response to the Council Member is not desired. | 1. Respective Dept. Heads or Managing Director
2. Respective Asst. City Mgr.
3. City Manager |

**City Council
Policy**

TITLE:
Council Requests for
Services, Information, and
~~Citizen Complaints to C.S.~~
SUBJECT:
Operations

Page: 3 of 4

NO.
OPNS-14

- | | |
|--|--|
| D. Routine service request when the Council Member desires a response back on the service request. | 1. Managing Director
2. Respective Asst. City Mgr.
3. City Manager |
| E. A service request that is not routine or one that involves a major resource allocation, a response shall be provided to the Council Member. | 1. Respective Asst. City Mgr.
2. City Manager |

2. INFORMATION REQUESTS

TYPE

REFER TO

- | | |
|---|---|
| A. Information that is readily accessible verbally or on file. | 1. Respective Dept. Head or Managing Director
2. Respective Asst. City Mgr.
3. City Manager |
| B. Information that is available but requires compilation or interpretation. | 1. Managing Director or Asst. City Manager
2. City Manager |
| C. Information that involves more than one Department and requires compilation or interpretation. | 1. Assistant City Manager
2. City Manager |

**City Council
Policy**

TITLE:
Council Requests for
Service, Information, and
~~Citizen Complaints to C.S.~~
SUBJECT:
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OPNS-14

3. COMPLAINTS

- | | |
|--|--|
| A. A routine service complaint involving quality or quantity and when no response to Council Member is desired. The Department Head or representative shall contact complainant. | 1. Responsible Dept. Head or Managing Director
2. Respective Asst. City Mgr.
3. City Manager |
| B. Service complaint involving quantity or quality when a response by Council Member is desired. | 1. Asst. City Manager
2. City Manager |
| C. Complaints involving the conduct or performance of an employee. | 1. City Manager |
| D. Complaints involving a City policy, procedure, or ordinance. | 1. Assistant City Manager
2. City Manager |

IV. Responsibility and Authority

Council Member shall be responsible for selecting the most appropriate method, consistent with this policy, when referring requests and complaints to City staff.

The City Manager shall be responsible for maintaining and monitoring an administrative system that accomplishes the stated purpose of this policy.

Written/ Denny Wheat

Reviewed by: Jeffrey B. Muzzy

Revised by: Assistant City Manager

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Speer
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-15

Date of Adoption: 3/10/87

Date Of Revision: 3/5/96

Title: **PUBLIC WORKS CONTRACT
INCENTIVES/DISINCENTIVES**

Page 1 of 4

I. Purpose and Need for Policy

There are certain public works projects undertaken by the City where it is essential that the project be completed as quickly as possible because of interference and inconvenience to public highway use or utility operational necessity. City contracts normally provide for liquidated damages for failure of the Contractor to complete the work on schedule. Where project completion as soon as possible is indicated, a policy is needed which provides an additional penalty for failure to complete within the time allowed by the approved schedule.

II. Policy

The City shall utilize the contract specification 1.36.2 PROSECUTION AND PROGRESS ON CERTAIN CONTRACTS (Exhibit A) approved and adopted by Resolution February 3, 1987, on those contracts where it is essential that the project be completed as quickly as possible. This specification provides for payment or penalty in the amount of \$2,000 per day up to a limit of 10% of the bid amount for completion ahead of or behind, as appropriate, the time limits of the approved project schedule.

III. Procedure to Accomplish Policy

Utilization of contract specifications 1.36.2 shall be at the recommendation of the Director of Engineering and the approval of the Assistant City Manager, Development Services or Utility Services as appropriate.

**City Council
Policy**

TITLE:
Public Works Contract
Incentives/Disincentives

Page: 2 of 4

SUBJECT:
Operations

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OPNS-15

IV. Responsibility and Authority

1. The Director of Engineering shall ensure that this policy is enforced in conformance with the procedures outlined in this policy.
2. The City Manager shall be responsible for Council notification in situations where contract specification 1.36.2 is utilized.

Written/ Jack Driskill,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Managing Director of
Engineering & Street
Services

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 886 :

James M. Spence
Mayor

Date: 10/21/98

**City Council
Policy**

TITLE:
Public Works Contract
Incentives/Disincentives

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SUBJECT:
Operations

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EXHIBIT "A"

1.36.2 PROSECUTION AND PROGRESS ON CERTAIN CONTRACTS

When so provided by the bid specifications or request for bids or proposals, the following provisions shall apply in addition to Items 1.36 and 1.36.1:

Computation of Contract Time for Completion: The **CONTRACTOR** shall complete the work within the number of working days allowed by the contract. For the purpose of computation, working days will be considered as beginning ten (10) days after the date of the written authorization by the Engineer to begin work; or the first actual working day, whichever comes first.

The Engineer will furnish the **CONTRACTOR** a monthly statement, on forms provided by the Engineer, showing a number of working days charged during the month, the total number of working days allowed by the contract, and the working days remaining under the contract. The **CONTRACTOR** may, within ten (10) days, protest the correctness of the statement. The protest shall be in writing, and shall show cause. Failure to file a protest within the allowed ten (10) days for any time statement shall constitute the **CONTRACTOR'S** approval of the time charges as shown on that time statement, and future consideration of that statement will not be permitted. If the satisfactory completion of the contract requires unforeseen work in materials in greater amounts than those set forth in the contract, then additional working days or suspension of time charge will be allowed the **CONTRACTOR** equal to the time which, in the opinion of the Engineer, the work as a whole is delayed.

Failure to Complete Work on Time: If the **CONTRACTOR** fails to complete the contract in the working days allowed by the contract, cost deductions will be made for each working day thereafter under this provision, in addition to the liquidated damages provided under Item 1.36.1.

Time is of the essence to this contract. For each working day, under the conditions described in the preceding paragraph, that any work remains uncompleted after the expiration of the working days allowed by the contract, together with the additional working days allowed, the amount per day given in the schedule in Item 1.36.1 will be deducted from the money due or to become due the **CONTRACTOR** and, in addition,

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Policy**

TITLE:
Public Works Contract
Incentives/Disincentives

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specifically provided as set forth in the paragraph "Computation of Contract Time for Completion," an additional deduction will be made in the amount of \$2,000.00 per working day for the number of working days used over that allowed by the contract, after the time designated for completion of the work has elapsed. That amount has been fixed and agreed upon by the **OWNER** and **CONTRACTOR**, as reasonable liquidated damages, because of the extreme difficulty of fixing and ascertaining the actual damages the **OWNER** would sustain due to the inconvenience and interference with the public use of the necessary and important public facilities. This deduction will also be made from money due or to become due the **CONTRACTOR** under the contract. The **CONTRACTOR** and his Sureties shall be liable for any damages in excess of any amount due the **CONTRACTOR**. Acceptance by **CONTRACTOR** of any partial payment accompanying any estimate, without written protest, shall be an acknowledgement by the **CONTRACTOR** that the number of accumulated working days and the amount of damages shown on such estimate are correct. If the **CONTRACTOR** is permitted to continue or to finish the work, or any part of it, after the time fixed for its completion, or after the date to which the time of completion may have been extended, or at any time, shall not operate as a waiver by **OWNER** of any of its rights under the contract.

This additional deduction of \$2,000.00 per working day shall not exceed ten percent (10%) of the total amount bid.

Credit for Completion of Work Ahead of Time: Should the **CONTRACTOR** complete the project prior to the time allowed by the contract, including such time as may have been specifically provided as set forth in the paragraph, "Computation of Contract Time for Completion," a credit in the amount of \$2,000.00 per working day for the number of working days under that, as allowed by the contract, plus any additional working days that may be provided as set forth in the paragraph, "Computation of Contract Time for Completion," will be made. This credit will be added to money due or to become due the **CONTRACTOR** under the contract and shall not exceed ten percent (10%) of the total amount bid.



CITY COUNCIL POLICY

POLICY NO.: OPNS-16

Date of Adoption: 4/1/86

Date Of Revision: 4/17/98

Title: **Private Streets**

Page 1 of 3

I. Purpose and Need for Policy

Acknowledging that private streets have potential for eventually becoming public streets, the purpose for this policy is to:

1. To insure that any future private streets are designed in such a manner that pedestrian and vehicular traffic can use them safely.
2. To insure that the street is designed and constructed in such a manner that the City would not be assuming an unreasonable liability if the private street were ever to become public for whatever reason.

II. Policy

1. The Zoning Ordinance (Sec. 11-240) provides that "Every building hereafter erected shall be on a lot abutting a public street or have access to an improved private street . . ." Therefore, in the context of this policy, a "private street" is one that is the designated access to one or more platted lots which have no frontage on dedicated public streets.
2. Private streets shall be constructed and inspected in accordance with all City standards for public streets including sidewalk construction and drainage.
3. Private streets should be allowed only in residential settings. Streets in commercial areas must be public. If a gate or barrier that prohibits public access is approved by the City, the street shall be private.
4. The City shall not be responsible for construction, maintenance, or repairs of Private Streets.
5. All proposals for private streets must be approved by Council action through a planned development ordinance or separate development agreement.

**City Council
Policy**

TITLE:
Private Streets

Page: 2 of 3

SUBJECT:
Operations

NO.
OPNS-16

III. Procedure to Accomplish Policy

1. During the Concept Plan stage, the developer shall consult the Planning and Transportation Department concerning any proposed private streets.
2. The Planning Department shall coordinate the review of the Concept Plan with Engineering and other departments as appropriate.

IV. Variations from City Standards

1. Requests for variances from City street standards will be coordinated by the Planning Department and reviewed by the Engineering Department, Transportation Department, and other departments as appropriate.
2. The request for variance will be reviewed by the Development Services Committee and a recommendation will be forwarded to the City Council for consideration.
3. Any variances from city street construction standards will only be approved by the City Council as part of the condition of a planned development ordinance or through a separate development agreement.

**City Council
Policy**

TITLE:
Private Streets

Page: 3 of 3

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Operations

NO.
OPNS-16

V. Responsibility and Authority

The Directors of Planning and Transportation shall have the authority to exercise responsibility for this policy.

Written/ John Baker

Reviewed by: Jeffrey B. Muzzy,

Revised by: Director of Engineering

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8080 :

James M. Speer
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-17

Date of Adoption: 4/1/86

Date Of Revision: 11/07/06

Title: **Employee Restrictions on Representation of Others**

Page 1 of 3

I. Purpose and Need for Policy

In the past, City employees who have left the City's employment have come before the City Council concerning projects for which the persons had responsibility as City employees. To assure that there is no conflict of interest on the part of City employees or the City, a policy is needed to address this type of representation by former City employees.

II. Policy

An employee having held a position as described in III.2 of this policy who leaves the service or employment of the City shall not, within twelve (12) months after leaving, represent any other person or organization in any formal or informal contact with or appearance before the City Council, City Board, Commission, or elected official concerning a project or process for which the person had responsibility as an employee. Employees who, as a result of their profession (i.e., attorney) or who are covered under State Statute are exempt from the requirements of this Policy.

III. Procedure to Accomplish Policy

1. City employee means a person employed and paid a salary by the City, whether under Civil Service or not, including individuals on a part-time basis, but does not include an independent contractor, members of Boards and Commissions, or city Council members.
2. City employees, upon accepting employment with the City, who will hold positions of significant reporting, decision-making, or supervisory responsibilities, shall be required to sign an affidavit (Exhibit A) agreeing to the terms of this policy while processing other required new hire paperwork in the Human Resources Department.
3. City employees who are currently employed with the City and are subject to the requirements of Subsection II shall be required to sign the same affidavit agreeing to the terms of this policy. This affidavit shall be included in the employee's personnel file in the Human Resources Department.

**City Council
Policy**

TITLE:
**Employee Restrictions on
Representation of Others**

Page: 2 of 3

SUBJECT:
Operations

NO.
OPNS-17

IV. Responsibility and Authority

1. It is the responsibility of the City Manager to ensure that this policy is enforced in conformance with procedures established by the City Charter and Personnel rules and regulations.
2. If the City Manager determines that a former employee has violated this policy, he shall direct it to the City Council's attention.
3. The City Council shall review the violation and decide, by a vote of a simple majority of the entire membership of the City Council, whether the policy has been violated.
4. The decision of the City Council shall be final in the absence of bias, prejudice, or fraud.
5. The City Council may direct the City Attorney to initiate whatever legal action is necessary to seek enforcement of this policy.

Written/Revised by: Priscilla S. Wilson

Reviewed by: William E. Dollar

Sr. Managing Director

City Manager

APPROVED BY CITY COUNCIL RESOLUTION_9577_:

Mayor

Date: 12/22/06

**City Council
Policy**

TITLE:
**Employee Restrictions on
Representation of Others**

Page: **3** of **3**

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OPNS-17

EXHIBIT A

EMPLOYEE RESTRICTIONS ON
REPRESENTATION OF OTHERS

AFFIDAVIT

I, _____, being an employee of the City of Garland, do hereby proclaim that I will not have any business contact with any agency, board, or commission, etc., of the City of Garland, representing a private company doing business with the City of Garland, concerning a project I was directly involved in or a process/function under my management/supervision for a period of one (1) year beginning on the date of my termination of employment with the City of Garland.

(Signature of Applicant)

Sworn to and subscribed before me on this the _____ day of _____,
20_____.

Notary Public in and for the State of Texas

My commission expires: _____



CITY COUNCIL POLICY

POLICY NO.: **OPNS-18**

Date of Adoption: 4/1/86

Date Of Revision: 11/07/06

Title: **Unauthorized Positions – Fire & Police Recruits**

Page 1 of 2

I. Purpose and Need for Policy

From the time a sworn personnel vacancy occurs in the Fire or Police Department, it takes anywhere from four to eighteen months to have a replacement adequately trained and functioning. Fire and Police Department vacancy rates and Academy dropouts can be reasonably calculated. This policy is needed to ensure that staffing levels in the Fire and Police Departments remain as close as possible to 100% of authorized strength throughout the fiscal year.

II. Policy

The City shall place in its Fire and Police Academies an adequate number of recruits over and above its authorized strength to cover any anticipated vacancies that might occur over the next twelve month period.

III. Procedure to Accomplish Policy

1. Prior to start of a Fire or Police recruit class, an estimate shall be made of the potential vacancies for the next 12 months.
2. Based on this estimate, sufficient numbers of Fire and Police recruits shall be placed in the Academy to offset any anticipated personnel shortages.

IV. Responsibility and Authority

The affected department chief, in consultation with the Director of Human Resources, shall estimate, based on historical data, the number of vacancies that will occur in their department for the next 12-month period. The department chief shall place enough recruits in the Academy to cover these anticipated vacancies.

**City Council
Policy**

TITLE:

**Unauthorized Positions
Fire & Police Recruits**

Page: 2 of 2

SUBJECT:

Operations

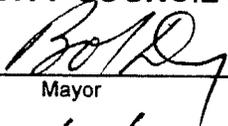
NO.

OPNS-18

Written/Revised by: Priscilla S. Wilson
Sr. Managing Director

Reviewed by: William E. Dollar
City Manager

APPROVED BY CITY COUNCIL RESOLUTION_9577___:


Mayor

Date: 12/22/06



CITY COUNCIL POLICY

POLICY NO.: OPNS-19

Date of Adoption: 01/06/87

Date Of Revision: 03/18/08

Title: **ANNUAL PERFORMANCE & COMPENSATION REVIEW OF
CITY COUNCIL APPOINTED OFFICIALS**

Page 1 of 3

I. Purpose and Need for Policy

In order to provide a forum for the evaluation and recognition of past achievements, the assessment of current endeavors, and the establishment of future goals and objectives, it is necessary for the performance and compensation of City Council appointed officials to be reviewed by the City Council on an annual basis. To accomplish this, a uniform policy is required to establish the procedures for these reviews.

II. Policy

A. The performance of and compensation afforded to each individual appointed by the City Council to the positions of City Manager, City Attorney, City Secretary, Municipal Court Judges, and Internal Auditor shall be reviewed and evaluated by the members of the City Council annually.

III. Procedure to Accomplish Policy

1. The Managing Director of Human Resources shall provide the City Council with specific information concerning:
 - 1.1 The current compensation paid and benefits and/or perquisites provided to officials with similar duties and comparable responsibilities employed by comparable municipalities in Texas.
 - 1.2 Survey and compile data regarding applicable: municipal populations, municipal operations, organizational size, departmental or functional staff size, years of experience in present position of each comparable official, benefits plus perquisites provided, and other relevant comparative factors.
2. Upon receipt of the information provided by the Managing Director of Human Resources, the Council appointed officials may prepare any comments regarding the information they deem relevant and present it to the City Council.
3. The City Council shall, in executive session:
 - 3.1 Meet to review the performance-related goals and objectives established for each individual official for the preceding review period and define those goals and objectives to be considered for the next review period.

**City
Council
Policy**

TITLE:
Annual Performance &
Compensation Review of City
Council Appointed Officials

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- 3.2 Meet with each individual official to discuss the official's achievement of the goals and objectives established for the preceding review period and agree upon those goals and objectives to be achieved during the next review period.
 - 3.3 Discuss, revise as necessary, and approve the goals and objectives of each individual official at the beginning of each calendar year.
 - 3.4 Determine and approve the compensation of each individual official. It is the Council's policy to pay these individuals fairly based on job performance, job responsibilities, salaries of other officials in comparable cities, years in the position, and other relevant considerations.
4. The Mayor shall:
- 4.1 Notify each individual official of the compensation determination made and approved by the City Council and discuss any additional comments or suggestions made by the Council. Follow-up sessions to clarify the evaluation or review progress with the council may be scheduled if necessary.
 - 4.2 Notify the Managing Director of Human Resources of the compensation determinations made and approved by the City Council at a follow-up session.
5. Upon receipt of the information regarding the compensation determinations from the Mayor, the Managing Director of Human Resources shall prepare and process all the documentation necessary to implement the compensation determinations of the City Council as directed.

IV. Responsibility and Authority

The City Council shall be responsible for annually reviewing the performance of, establishing the goals and objectives for, and approving the compensation of all City Council appointed City officials.

The Managing Director of Human Resources shall be responsible for acquiring and providing the City Council with comparative compensation and benefits information along with implementing the compensation determinations of the City Council.

**City Council
Policy**

TITLE:
Annual Performance &
Compensation Review of City
Council Appointed Officials

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Operations

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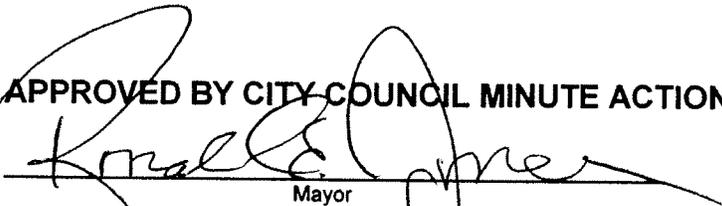
Written/Revised by: Priscilla S. Wilson

Reviewed by: William E. Dollar

Sr. Managing Director

City Manager

APPROVED BY CITY COUNCIL MINUTE ACTION 3-18-08:



Mayor

Date: 5-12-08



CITY COUNCIL POLICY

POLICY NO.: OPNS-20

Date of Adoption: 9/15/98

Date Of Revision: 3/4/03

Title: **Area Plan Implementation Committees**

Page 1 of 2

I. Purpose and Need for Policy

The purpose of the Area Plan Implementation Committees is to monitor the progress and assist in the implementation of the goals and recommendations of the Garland Comprehensive Plan through its several geographic components, to facilitate citizen participation in the planning process, and to advise the City Council, Plan Commission and City staff regarding the overall development and improvement of that Area.

II. Functions

The primary ongoing functions of the Area Plan Implementation Committees include:

1. Review the recommendations of the Area Plan on an ongoing basis, in response to changing conditions, needs and community goals, and recommend revisions and additions as appropriate.
2. Prioritize goals and recommendations of the Area Plan, develop work programs for implementation, and provide direction and assistance in carrying out implementation programs and projects.
3. Identify conditions and issues relevant to the Area that require the City's attention.
4. Formulate other plans and programs which improve the development process and environment of the Area.

III. Membership/Organization and Composition

The Committees shall consist of citizens who live or work or have some other demonstrated interest within the boundaries of the Area. The term of service shall be concurrent with that of the appointing Council representative.

The North, South, East, and West Committees should have twenty members, two appointed by the Mayor and eighteen who shall be appointed by the City Council. In addition to the two members appointed by the Mayor, appointments to each Committee shall be made by Councilmembers whose District is wholly or partially within the boundaries of the sector plan area. The number of Committee members appointed by

City Council Policy	TITLE: Area Plan Implementation Committees	Page: 2 of 2
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each Council member shall be determined by allocating to each Council member the percentage of the total Committee membership (other than the Mayor's appointments) equivalent to the percentage of the total population of the sector plan area which is within that Council district area. As an example, if 40% of the population within a sector plan area is within one Council District, the Council member representing that district shall appoint 40% of the membership of that Area Plan Implementation Committee (other than the Mayor's appointments).

The Central Committee should have twenty-four members, three appointed by the Mayor, six by the Council member representing District 2, three by the Council member representing District 8, and two each by the remaining Council members.

In appointing members to the Committees, it is suggested that Council representatives seek to obtain a broad representation reflective of the community. Members should include all ethnic populations, neighborhood and business representatives.

Any member failing to attend three (3) consecutive meetings or five (5) meetings within any twelve (12) month period may be subject to replacement, at the discretion of the City Council person who appointed that member. An Area Plan Implementation Committee member may serve on another Board or Commission.

IV. Officers/Conduct of Meetings

Each Committee shall have a Chairperson and Vice Chairperson, who shall be elected annually in October by a majority of the Committee members present. The Chair shall call and preside over all meetings, and shall represent the Committee in relations beyond the Committee. He/She may appoint any ad hoc subcommittees as needed. The Vice chair shall preside in the absence of the Chair.

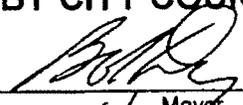
The Committee shall meet approximately once a month, at a consistent time and place accessible to the members and citizens of the Area. Meetings shall be open to anyone, but only appointed Committee members shall vote. A majority of the membership of the Committee shall constitute a quorum. No official action shall be taken unless a quorum be present.

Written/Revised By: Neil Montgomery
Managing Director

Reviewed By: Jeffrey B. Muzzy
City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8891:

Date: _____



Mayor

3-4/03



CITY COUNCIL POLICY

POLICY NO.: OPNS-21

Date of Adoption: 9/03/02

Date Of Revision:

Title: **National Night Out - Council Meeting Schedule**

Page 1 of 1

I. Purpose and Need for Policy

National Night Out (NNO) is an event recognized throughout the United States and Canada and held annually on the first Tuesday of August. It is designed to heighten crime and drug prevention awareness, generate support for and participation in local anticrime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know that neighborhoods are organized and fighting back. This policy would allow the Mayor and Council Members to participate in local National Night Out activities in the community.

II. Policy

The first regular Council Meeting each August, normally held on the first Tuesday of the month, shall be rescheduled either to the first Monday of the month, or to the second Tuesday, when there are five Tuesdays in the month.

III. Procedure to Accomplish Policy

The City Manager shall implement the Council Policy.

IV. Responsibility and Authority

The City Manager shall be responsible for advising the Council of scheduling options and scheduling the first regular Council Meeting each August.

Written/ Marsha L. Meeks,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Assistant City Manager

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8997:

Mayor

Date: 9-3-02



CITY COUNCIL POLICY

POLICY NO.: OPNS-22

Date of Adoption: 10/18/88

Date Of Revision: 3/5/96

Title: **MERITORIOUS SERVICE**

Page 1 of 2

I. Purpose and Need for Policy

On occasion, a citizen or employee of the City of Garland performs an act of heroism or brings unusual recognition to our City. Such actions should be recognized by the City Council. A policy is needed to assure that (1) the Council is notified of such cases and (2) proper and consistent recognition is awarded to individuals under these circumstances.

II. Policy

The City Council shall recognize residents of Garland and employees of the City for exhibiting heroism and gallantry or for bringing recognition to our community.

III. Procedure to Accomplish Policy

Any citizen who receives any information regarding the action of an individual who, in the opinion of the citizen, distinguished himself or herself in a voluntary manner may submit a written recommendation to any member of the Council, the Office of the Mayor, or the City Manager's Office for proper recognition. The Council shall also receive recommendations from the following:

1. Fire Services Meritorious Conduct Board - Fire Service Medal of Honor Award
2. Police Services Meritorious Conduct Board - Police Medal of Honor Award

**City Council
Policy**

TITLE:
Meritorious Service

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-22

IV. Responsibility and Authority

Each Council member shall be responsible for notifying the Mayor of any recommendations for considerations.

The City Manager shall be responsible for coordinating the recommendations presented by the Fire and Police Services Meritorious Conduct Boards with the Council.

Written/ Ranette Wood.

Reviewed by: Jeffrey B. Muzzy.

Revised by: City Secretary

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8084 :

James M. Spence
Mayor

Date: 10/21/58



CITY COUNCIL POLICY

POLICY NO.: OPNS-22

Date of Adoption: 10/18/88

Date Of Revision: 3/5/96

Title: **MERITORIOUS SERVICE**

Page 1 of 2

I. Purpose and Need for Policy

On occasion, a citizen or employee of the City of Garland performs an act of heroism or brings unusual recognition to our City. Such actions should be recognized by the City Council. A policy is needed to assure that (1) the Council is notified of such cases and (2) proper and consistent recognition is awarded to individuals under these circumstances.

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**City Council
Policy**

TITLE:
Meritorious Service

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-22

IV. Responsibility and Authority

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The City Manager shall be responsible for coordinating the recommendations presented by the Fire and Police Services Meritorious Conduct Boards with the Council.

Written/ Ranette Wood,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Secretary

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Speer
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-23

Date of Adoption: 10/17/89

Date Of Revision: 7/21/09

Title:

Council Committees

Page 1 of 4

I. Purpose and Need for Policy

Due to the complexity and diversity of some City government issues, a closer view of some issues is required by the Council. In order to provide a mechanism for continuous evaluation and discussion of these various issues beyond the limited time available at regularly scheduled work sessions, the Council desires to develop a policy regarding standing Council Committees.

II. Policy

A. In addition to the Audit Committee (OPNS-36), the Council shall have the following standing Committees, aligned with the management responsibilities assigned to City Staff as directed by the City Manager:

1. Development Services
2. Administrative Services
3. Community Services
4. Public Safety Services

The Committees shall act only as advisory leaders to the full Council and do not have the authority to make decisions regarding the merits or resolution of matters that require the full support of the Council.

B. Each Committee upon receiving general direction and assignments from the Council as a whole, will: consider policy decisions and actions; study issues; evaluate options; and, develop recommendations.

C. Committee responsibilities are as follows:

Development Services Committee

The Development Committee reviews matters pertaining to policies and ordinances that address the use, development and redevelopment of public and private property within the city. Issues directed to the committee include, but are not limited to:

- Creation of new, or modification to existing, codes and ordinances related to zoning, platting and building, engineering and transportation standards and requirements
- Hearing appeals regarding the administration of the Neighborhood Traffic Management Program

City Council Policy

TITLE:
Council Committees

Page: 2 of 4

SUBJECT:
Operations

NO.
OPNS-23

Administrative Services Committee

The Administrative Services Committee reviews matters pertaining to the administration of City Council policies and procedures, and also legislative concerns that affect citizens and/or City operations. Issues that are directed to the Administrative Services Committee include, but are not limited to:

- Additions/revisions to Council Policies
- Review of local, state and national legislative changes
- Updates on internal procedural modifications

Community Services Committee

The Community Services Committee (CSC) primarily focuses on issues affecting Garland neighborhoods. Recognizing that strong neighborhoods are a foundation of a strong community, the CSC specifically discusses issues related to neighborhood vitality, stabilization, and improvement. The CSC's ultimate goal is to protect property values while respecting private property rights, enhance the quality of life for Garland residents, and generate pride in our community. Matters directed to the CSC include, but are not limited to:

- Creating new or modifying existing codes and ordinances related to parks and recreation, public health and code compliance
- Reviewing grant program applications
- Considering incentive programs for neighborhood revitalization

Public Safety Committee

The Public Safety Committee reviews matters of public concern regarding the Police Department, Fire Department, Code Enforcement, Health Department, and/or any other matter of public safety as well as legislative concerns in these areas that may affect citizens and/or City operations. Issues that are directed to the Public Safety Committee include, but are not limited to:

- Additions/revisions to Council Policies as they affect public safety
- Review of local, state and national legislative changes as they affect public safety
- Updates on policy modifications relating to public safety

D. Ad Hoc Committees of Council may be created as deemed necessary by a majority of the Council. Any such Ad Hoc Committee shall comply with the requirements of Section III (5.) of this Policy.

III. Procedure to Accomplish Policy

1. The composition of each Committee shall be at least three (3) members of the Council. The Mayor shall serve as ex officio member on each Committee with the right to discuss any matter that is under consideration but shall have no vote at the committee level. Any Council member may attend any Committee meeting, but only appointed members may vote.

**City Council
Policy**

TITLE:
Council Committees

Page: 3 of 4

SUBJECT:
Operations

NO.
OPNS-23

2. The normal term of office of the members of the Committees shall be for one year. Following the completion of Council Committee Interest Forms (attached) by each Council Member, appointments to Committees will be recommended by the Mayor as soon as practical after the election. Final Committee nominees shall be approved by a majority vote of the Council. The Mayor shall make new appointments as needed to fill vacancies created by resignations in order to assure continuity on the Committees.
3. The Chair of each committee shall be selected by the Mayor.
4. The Committee Chair shall have the responsibility of convening the Committee as necessary.
5. Committees shall keep minutes of their meetings. Minutes shall provide a summary of all business discussed or considered, action taken, and outcome of any votes, as well as record persons present at the committee meetings. When completed, the minutes shall be signed by the Chairperson and filed with the City Secretary's Office for public review and posted on the City's website as soon as practical.

IV. Responsibility and Authority

The Mayor shall annually review the activity of existing Committees to identify inactive Committees and provide a report to the Council.

The City Manager shall provide adequate City staff to assist the Committee Chairperson(s) in final preparation and filing of minutes.

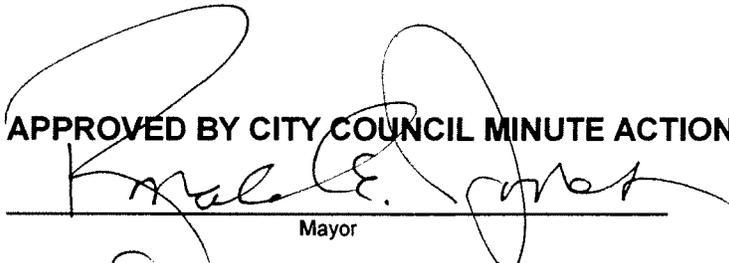
Written/Revised by: Priscilla S. Wilson

Reviewed by: William E. Dollar

Sr. Managing Director

City Manager

APPROVED BY CITY COUNCIL MINUTE ACTION 7-21-09



Mayor

Date: 9-01-2009

**City Council
Policy**

TITLE:
Council Committees

Page: 4 of 4

SUBJECT:
Operations

NO.
OPNS-23

COUNCIL COMMITTEE INTEREST FORM

Name: _____

Please identify the Committee(s) you would prefer to serve on, "1" being your first choice. Indicate at least two choices.

- _____ Audit Committee
- _____ Administrative Services
- _____ Community Services
- _____ Public Safety Services
- _____ Development Services

Do you wish to serve on more than one committee? _____ Yes _____ No

Are you interested in serving as the City's:

- Garland Economic Development Partnership Representative _____ Yes _____ No
- North Central Texas Council of Governments Representative _____ Yes _____ No
- Dallas Regional Mobility Coalition Representative _____ Yes _____ No
- Regional Transportation Council Representative _____ Yes _____ No
- Emergency Preparedness Planning Council Representative _____ Yes _____ No



CITY COUNCIL POLICY

POLICY NO.: OPNS-24

Date of Adoption: 10/18/90

Date Of Revision: 11/07/06

Title: **City Council Meetings: Public Safety/Disorderly Conduct**

Page 1 of 2

I. Purpose and Need for Policy

From time to time, issues will appear on the City Council Agenda which are controversial and highly emotional. When the Council Chambers is filled with a large crowd and emotional issues are under discussion, the opportunity exists for disruption of the meeting by members of the audience. To help assure that meetings are conducted in an orderly manner, security in the Council Chambers is desirable. To accomplish this objective, a policy is required to establish the procedures for requesting security personnel.

II. Policy

A police officer shall be present in the Council Chambers, for the protection of City Council and persons attending the meeting, particularly when the possibility exists for disorderly conduct to occur.

III. Procedure to Accomplish Policy

1. Unless otherwise advised by the Mayor, police presence will be required at all regular meetings of the City Council.
2. Requests to suspend police presence shall be submitted by the Mayor or two members of Council to the City Manager who shall be responsible for notifying the Police Chief.
3. The Police Chief should be given at least three (3) hours notice on such requests.

IV. Responsibility and Authority

It shall be the responsibility of the City Council to determine when this policy shall be implemented. If at the beginning of a Council meeting a majority of the Council determines that police presence is not required, then the police presence shall be withdrawn.

The City Manager shall be responsible for coordination with the Police Department to insure that adequate protection is provided. Nothing in this policy shall be interpreted to void the authority of the City Manager to have police present at a council meeting when in the opinion of the City Manager such presence is required.

**City Council
Policy**

TITLE:
**City Council Meetings:
Public Safety/Disorderly
Conduct**

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-24

The City Manager shall be responsible for notifying all Council members when a police officer has been requested to be in attendance for a meeting.

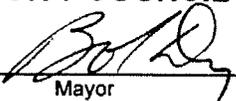
Written/Revised by: Priscilla S. Wilson

Reviewed by: William E. Dollar

Sr. Managing Director

City Manager

APPROVED BY CITY COUNCIL RESOLUTION_9577:


Mayor

Date: 12/22/06



CITY COUNCIL POLICY

POLICY NO.: OPNS-25

Date of Adoption: 10/17/89

Date Of Revision: 3/5/96

Title: **TIME MANAGEMENT OF COUNCIL WORK
SESSIONS**

Page 1 of 2

I. Purpose and Need for Policy

To assure that all Work Session items receive the full level of attention needed, and to avoid some items being abbreviated due to the lateness of the hour, an adjournment time guideline is needed.

II. Policy

It is the policy of the Council to adjourn all Work Sessions no later than 11:00 p.m.

III. Procedure to Accomplish Policy

At the beginning of each Work Session, the Mayor will quickly go over the Agenda to ascertain whether there might be items about which there are no questions. If items require no discussion, the item will be considered disposed and the appropriate staff members may be excused. The Council will then commence discussion on the remaining Work Session Agenda.

The Council will complete as much of the Work Session Agenda as possible by 11:00 p.m. If the Agenda is not completed by 11:00 p.m., the Council will either plan to consider the remainder the next day at the Council Pre-Meeting or at the next Work Session.

If items not completed appear to be matters that will require more than one and one half hours discussion, the Mayor with the concurrence of the City Manager shall schedule an interim Work Session so that the following regular Work Session agenda will not be encumbered.

**City Council
Policy**

TITLE:
Time Management of
Council Work Sessions

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-25

IV. Responsibility and Authority

The administration of this Policy shall be the responsibility of the Mayor.

Written/ Denny Wheat.

Reviewed by: Jeffrey B. Muzzy.

Revised by: Assistant City Manager

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 7958 :



Mayor

Date: 2/17/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-26

Date of Adoption: 10/17/89

Date Of Revision: 3/5/96

Title: **Appointments to Ordinance Boards, Commissions
and Committees**

Page 1 of 2

I. Purpose and Need for Policy

A policy regarding the appointment process to Boards, Commissions, and Committees is needed to assure the orderly transition from year to year of Board, Commission, and Committee members.

II. Policy

Generally, appointments to all City Boards, Commissions, and Committees shall be made by the Council annually during the month of August.

III. Procedure to Accomplish Policy

In the April issue of the Garland City Press (see example), which is sent to all residents and businesses in the City of Garland, a section will be included to explain each Board, Commission, and Committee and the Appointment process. Applications will be included and solicited from interested citizens. Deadline for submission to the City Secretary is July 1.

Each July, these applications and applications from incumbents who wish to be reappointed will be compiled and submitted to the Council. The Council will be provided an attendance report detailing the number of absences of each current Board, Commission, or Committee member and a Status Report on Vacancies.

Each Council Member will review their applicants and select the most qualified for nomination. The appointments will be made at the second meeting in August. For Boards, Commissions, and Committee members appointed by District. The terms will begin on September 1 and expire on August 31 in the year in which their council district representative's term expires. Should a vacancy occur before a term is completed, the council member representing the district in which the vacancy occurs shall be responsible for the nomination of a new member.

City Council Policy	TITLE: Appointments to Ordinance Boards, Commissions, and Committees	Page: 2 of 2
	SUBJECT: Operations	NO. OPNS-26

IV. Responsibility and Authority

The Public Information staff shall be responsible for inclusion of the Boards, Commissions, and Committees—application and procedures in each April issue of the *Garland City Press*.

The City Secretary's office shall receive all applications and shall check each nominee's qualifications and include the completed applications in the next Agenda packet.

The entire Council shall consider the nominees and take action on all nominations.

The Public Information Officer and Assistant to the City Manager shall be responsible for the annual recognition dinner and plaque awards given to Board, Commission, and Committee members. See OPNS 27 for policy and procedures.

Written/ Denny Wheat,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Assistant City Manager

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Speer
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-27

Date of Adoption: 4/1/86

Date Of Revision: 3/5/96

Title: **Recognition of Ordinance Board, Commission &
Committee Members**

Page 1 of 2

I. Purpose and Need for Policy

Many citizens donate innumerable hours of their time, talent, and energy to the City by serving on various boards and commissions. The City desires to formally recognize their contributions.

II. Policy

An appreciation function honoring City of Garland's Board and Commission Members shall be held annually in September at which time the retiring honorees will receive a personalized plaque expressing the Council's thanks for the specific board and commission and period of time they served the City. A small gift of appreciation is appropriate and may be given to each member (and guest) serving on a board or commission.

III. Procedure to Accomplish Policy

The City shall budget funds necessary and appropriate to support the recognition of our board and commission members.

Following the appointment of members each August, the Council will host a dinner in mid-September for retiring, current, and new members. At that time, retiring members will be presented with an 8" x 10" wood plaque of appreciation for their service to the City. An example of the plaque is attached.

All plaques, certificates and other items for presentation to board and commission members shall be coordinated by the Public Information Office and the Assistant to the City Manager.

**City Council
Policy**

TITLE:
Recognition of Ordinance
Boards, Commission, and
~~Committee Members~~
SUBJECT:
Operations

Page: 2 of 2

NO.
OPNS-27

IV. Responsibility and Authority

The Public Information Office and the Assistant to the City Manager will be responsible for coordinating with the City Secretary's office and other City departments as necessary to accomplish the recognition function.

Written/ Denny Wheat,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Assistant City Manager

City Manager

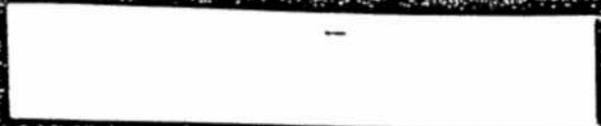
APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

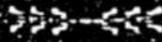
Date: 10/21/98



*ON BEHALF OF
THE CITIZENS OF GARLAND,
THE CITY COUNCIL RECOGNIZES*



*FOR MERITORIOUS CIVIC SERVICE
ON THE
Texas Municipal Power Agency Board
8-8-1 to 7-92*





CITY COUNCIL POLICY

POLICY NO.: OPNS-28

Date of Adoption: 10/16/90

Date Of Revision: 10/20/98

Title: **Business Conduct with Delinquent Account Holders
and Litigants**

Page 1 of 2

I. Purpose and Need for Policy

The City conducts business with its citizens and the public at-large. In so doing, there are instances where the City may be asked to conduct business with those who are delinquent in their payment(s) to the City on various accounts or who may be involved in litigation with the City. Examples of the types of delinquent accounts which can be substantial in nature are impact fees, property taxes (generally personal property), utility bills, EMS fees, and damage claims to City property. A policy is needed to ensure that the City does not conduct business with those individuals.

II. Policy

It is the policy of the City Council to forbid any individual or business entity to conduct business with the City if such person(s) currently owe(s) the City money which is past due or delinquent on property taxes, impact fees, utility bills, Municipal Court fees, EMS fees, or damage claims to City property. Unless prohibited by law, it shall further be the policy of the City Council to forbid any individual or business entity who files meritless litigation against the City from conducting business with the City.

III. Procedure to Accomplish Policy

On a monthly basis, the Managing Director of Customer Services shall produce a delinquent accounts list containing the names of those businesses and/or individuals who are delinquent in paying the City for property taxes, impact fees, utility bills, EMS fees, or damage claims. Copies of the delinquent tax history shall be distributed to the City Manager's office, Purchasing, Engineering, Planning, and Building Inspection Departments. The delinquent accounts list relating to impact fees, utility bills, EMS fees, and /or damage claims shall be housed in the Customer Service Department. These lists will be available to the City Manager, Assistant City Manager's, and other departments upon request, to be checked prior to permit issuance or other conduct of business by the City with any business or individual. The City will not do business with any business or individual until the delinquent account is paid in full. The City shall not award any contracts for services and/or goods to any business, firm, and/or individual(s) who are delinquent or have demonstrated that they are not the most responsible bidder.

**City Council
Policy**

TITLE:
Business Conduct with
Delinquent Account
Holders and Litigants
SUBJECT:
Operations

Page: 2 of 2

NO.
OPNS-28

V. Responsibility and Authority

1. The Managing Director of Customer Services shall be responsible for producing and distributing a delinquent accounts list containing names of businesses and/or individuals who are delinquent in paying their property taxes, impact fees, utility bills, EMS fees, or damage claims to the City.
2. The Purchasing Manager shall be responsible for the reporting and removal of any bids submitted by any business(es), firm(s), and/or individual(s) who are delinquent in payment(s) of their utility bills, EMS fees ,property taxes, impact fees, or have damage claims to the City.
3. The City Manager is responsible to ensure that this policy is upheld and that the Council is kept abreast of its effectiveness.

Written/ Charlie Hinton,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Attorney

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.:

OPNS-29

Date of Adoption:

10/16/90

Date of Revision:

5/5/09

Title: Assistance to Nonprofit Organizations

Page 1 of 2

I. Purpose and Need for Policy

This policy provides a process for nonprofit organizations to request City provided services for special events.

II. Policy

Organizations must make a formal written request to the City when requesting donation of City services of any kind related to special events. All requests for assistance must be made for each event by submitting the Special Event Assistance Program Application (Attachment A) a minimum of 45 days prior to event. The request should state specifically what the benefits to the City shall be as a result of the event and should specify what City services are being requested by the organization.

III. Procedures to Accomplish Policy

Requests for in-kind City services may be reviewed by the Council for approval. The City Manager or designee is authorized to consider and approve requests that meet the policy requirements in amounts up to \$5,000, within available budgeted funds.

All requests for City services by any group or organization must meet the following criteria:

- (A) They must furnish evidence that they are an organized civic, cultural, educational, religious, and/or service group that is nationally or state chartered as a nonprofit organization with membership open to all citizens of Garland.
- (B) They must provide evidence that they are a nonprofit organization in accordance with Section 501(c) (3) or 501(c) (4) of the Internal Revenue Service Code.
- (C) The event must be of economic benefit to the community and/or contribute to the quality of life in Garland.
- (D) An expense and revenue report for previous year's event must be included with the application.
- (E) If this is a new event, a projected expense and revenue report must be included with the application.
- (F) The event must be open for participation to the public.



CITY COUNCIL POLICY

POLICY NO.:

OPNS-29

Date of Adoption:

10/16/90

Date of Revision:

5/5/09

Title: Assistance to Nonprofit Organizations

Page 2 of 2

Upon receipt of Special Events Assistance Program Application, per Chapter 30, Article XI, Special Events, City of Garland Code of Ordinances, staff will review the request for assistance and, as required, make recommendations to the Council for approval. Organizations will be notified of the decision.

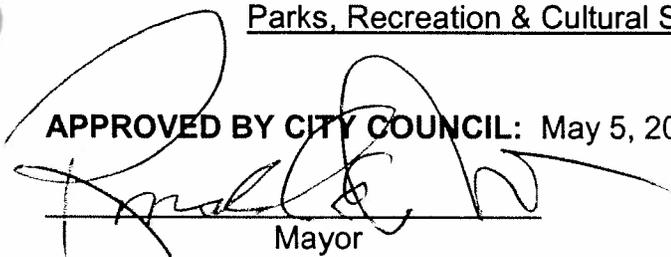
IV. Responsibility and Authority

- (A) The total amount of budgeted funds will be determined by the City Council on an annual basis as part of the Annual Operating budget.
- (B) The City Council will be advised monthly of any upcoming special events approved for assistance by staff.

Prepared by: Jim Stone, Managing Director
Parks, Recreation & Cultural Services

Reviewed by: Bill Dollar
City Manager

APPROVED BY CITY COUNCIL: May 5, 2009 (Minute Action)



Mayor

Date: May 12, 2009

CITY OF GARLAND
SPECIAL EVENT AND
ASSISTANCE PROGRAM APPLICATION

Date submitted _____
(Must be 45 days prior to event)

(Application must be typed)

Title of Event _____

Sponsoring Organization _____

Date of Proposed Event _____ Location _____

Day of Week _____ Beginning Time _____ Ending Time _____

Description of Event _____

(If this is a street event, i.e. parade, run, etc. attach route plan)

Application prepared by _____ Day phone _____

Title _____ Home phone _____

Address _____ City/Zip _____

Additional Contact Person _____ Phone _____

Sales Tax Merchandising Number _____

How many years has this event been held? _____

What was your attendance last year? _____

What is the estimated attendance for current year? _____

Is this a new event? _____

Liability insurance carrier, certificate number and amount _____

Please attach a copy of Site Plan/Route for review.

Please attach a copy of Certificate of Insurance.

Check below all that will be a part of your event. Services available through City indicates what the City can sometimes provide for a fee which would be paid by the event sponsor/producer or approved through the Assistance Program. The Applicant's Responsibilities Section is for areas which may be a part of your event that are typically provided by the producer of the event. Please check all in both sections that apply to your event.

Services available through City

- Police Security
- Streets Blocked
- Traffic Control
- Paramedics
- Running Water
- Hang Signs and Banners
- Park Use
- Electrical Power (if available at site)
- City Equipment
- Bleachers
- Dumpsters/Trash Cans
- Crowd Control
- Barricades
- Preparation of City Owned Facility
- City Event Insurance
- Recycling Containers

Applicant's Responsibility

- Concessions/Health Permits
- Portable Restrooms
- Tents
- Amusement Rides
- Clean Up of Facility
- Signs, Banners
- Temporary Fencing
- Event Insurance
- Merchandising
- Stages, Grandstands
- Sound Amplification
- Animals
- Overnight Security
- Off-Site Parking & Transportation
- Open Flame
- Generators

Other:

I certify that the event will be open to all citizens, and that no person will be barred from participation due to race, creed, color, national origin, sex, age, or physical impairment. I further certify that this event is sponsored by a non-profit organization. I agree to abide by the Special Events Guidelines provided with this Application. I further certify that the facts as contained in this Application are accurate.

The event sponsor does hereby fully release, discharge and indemnify the City of Garland and its officers, agents, servants, and employees from and against any and all claims from injuries, damage or loss which might occur during the special event set forth in this Application regardless of cause and even if caused by the City.

Signed _____ Date _____

(If your organization is applying for grant funds please complete the following pages and sign on page 5.)

Return application to:

**City of Garland
Community Relations Department
P. O. Box 469002
Garland, Texas 75046-9002
Attn: Special Events Application**

COMPLETE THE FOLLOWING INFORMATION ONLY IF YOUR ORGANIZATION IS APPLYING FOR ASSISTANCE FROM THE CITY OF GARLAND FOR THIS EVENT.

Amount requested? _____

What is the total cost of event (estimate to nearest hundred)? _____

How will the proceeds of this event be used? _____

Has organization received any financial assistance through the City of Garland in the past? _____
If so, when? _____ How much? _____

What other sources of income will be used for this event? _____

Are there tasks that your organization could provide that would lessen the City services needed for this event? _____ If yes, please explain. _____

The City Council historically allocates only partial funds for a city assisted event, leaving a balance due for requested city services. If your organization received only partial assistance, would your organization still host the event? _____

What is the purpose of this event for our community? _____

Describe how this event will contribute to the quality of life in Garland and enhance the image of Garland. _____

Describe what economic benefits and impacts this event will bring to Garland. _____

Please attach a copy of last year's financial report for review (including all expenses and revenues).

Please attach a copy of your organization's 501(c)(3).

Each sponsor must possess liability insurance naming the City of Garland as an additional insured. It is up to each group to secure liability insurance, in the amount determined by the City, and to provide a certificate of insurance to the City fourteen (14) days before the event.

I certify that the event will be open to all citizens, and that no person will be barred from participation due to race, creed, color, national origin, sex, age, or physical impairment. I further certify that this event is sponsored by a non-profit organization. I understand that a financial report on the event is due in the Special Events office within thirty (30) days after the completion of the event, and I agree to comply with this requirement. I agree to obtain liability insurance as determined by the City, and I agree to secure all necessary City/County/State permits/licenses. I agree to abide by the Special Events Policies and Guidelines provided with this Application. I further certify that the facts as contained in this Application are accurate.

The event sponsor does hereby fully release, discharge and indemnify the City of Garland and its officers, agents, servants, and employees from and against any and all claims from injuries, damage or loss which might occur during the special event set forth in this Application regardless of cause and even if caused by the City.

Signed _____ Date _____

Return application to:

**City of Garland
Community Relations Department
P. O. Box 469002
Garland, Texas 75046-9002
Attn: Special Events Application**

For Office Use Only:

Routing Cluster Approval:

- Building Inspection
- Community Relations
- Convention & Visitors Bureau
- Fire
- Garland Power & Light
- Health
- Legal Department
- Parks and Recreation
- Performing Arts Center
- Police
- Public Information
- Risk Management
- Sanitation
- Streets
- Transportation

COMMENTS:



CITY COUNCIL POLICY

POLICY NO.: OPNS-30

Date of Adoption: 7-22-03

Date Of Revision: 01-08-08

Title: **Who Shall Act as Mayor**

Page 1 of 1

I. Purpose and Need for Policy

The City Charter provides, "In case of the absence or disability of both the Mayor and the Mayor Pro Tempore, the remaining members of the Council shall elect one of the members to act as Mayor." Since there may not be time to assemble a quorum for such an election and to increase the efficiency of government, the Council may choose to elect a Deputy Mayor Pro Tempore to act as Mayor when the Mayor and Mayor Pro Tempore are absent or disabled.

II. Policy

The City Council may elect a Deputy Mayor Pro Tempore at its discretion. The Deputy Mayor Pro Tempore will act as Mayor in the absence or disability of the Mayor and Mayor Pro Tempore.

III. Procedure to Accomplish Policy

If the Council chooses to have a Deputy Mayor Pro Tempore, the election shall be held at the first regular Council meeting following the annual goal-setting retreat.

IV. Responsibility and Authority

The Mayor and City Council are responsible for deciding if a Deputy Mayor Pro Tempore will be elected. The City Manager's office is responsible for placing this matter on the Council agenda for consideration each year.

Prepared by: **Priscilla S. Wilson**
Sr. Managing Director

Reviewed by: **William E. Dollar**
City Manager

APPROVED BY CITY COUNCIL: MINUTE ACTION JANUARY 8, 2008

By: *Ronald E. Jones*
Mayor

Date: 1-28-2008



CITY COUNCIL POLICY

POLICY NO.: OPNS-31

Date of Adoption: 1/29/91

Date Of Revision: 3/5/96

Title: **PAYROLL DEDUCTIONS**

Page 1 of 2

I. Purpose and Need for Policy

Frequently, the City receives requests from individual employees and employee groups to make payroll deductions through the City's Personnel/Payroll system. These requests represent a diversity of activities that are generally not available to all employees. In order to equitably accommodate these requests, additional time and public resources for maintenance of the Personnel/Payroll system would be required. These requests also threaten the long-term, orderly development of these automated systems. Section 141.008 of the Local Government Code affords City Councils the discretion to determine the best and most cost-effective use of payroll deductions.

II. Policy

It is the policy of the City Council to exercise its discretion under Section 141.008 of the Local Government Code in providing payroll deductions for benefit programs adopted by the City Council or mandated by law, whether or not specifically enumerated in the budget. Benefits that are payroll deducted shall be available to all employees without limitation and to those that have been previously adopted that continue to meet the guidelines established by the City Council. It shall be the policy of the City Council not to provide, through the use of the City's Personnel/Payroll system, an administrative service, with or without remuneration, to any special purpose group or organization that does not meet the guidelines established by the City Council.

III. Procedure to Accomplish Policy

In order to accomplish this policy, all benefit programs adopted by the City Council or mandated by law that require an employee contribution may be deducted through the City's Personnel/Payroll system. All other requests for payroll deductions shall be submitted to the City Manager. They shall be reviewed for operational considerations and for conformity to City Council policy.

**City Council
Policy**

TITLE:
Payroll Deductions

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-31

IV. Responsibility and Authority

The City Manager has the responsibility and authority to evaluate requests for payroll deductions through the City's Personnel/Payroll system and to make a determination on the feasibility of the request and its conformity to City Council policy.

Written/ Denny Wheat,

Reviewed by: Jeffrey B. Muzzy,

Revised by: Assistant City Manager

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spence
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-32

Date of Adoption:

Date Of Revision:

Title:

Page of

Reserved for Future Use



CITY COUNCIL POLICY

POLICY NO.: OPNS-33

Date of Adoption: 8/1/00

Date Of Revision: 11/07/06

Title: **City Equipment Provided to Council Members**

Page 1 of 2

I. Purpose and Need for Policy

A policy is needed to assure that appropriate and consistent equipment and materials are made available to all Council Members to assist them during their term(s) of office.

II. Policy

The City shall offer the following to all Council Members to use during their term(s) of office:

- a) Keys to City Hall and Council Work Session Room;
- b) Briefcase;
- c) Agenda notebook;
- d) Provide either: (i) a conventional cell phone and a laptop computer with remote access; or (ii) a voice and data-enabled PDA phone and a laptop computer without remote access;
- e) Miscellaneous: Business cards, Council policies, land use plans, etc.

III. Procedure to Accomplish Policy

a) The City shall budget funds necessary to provide the above-referenced materials and equipment. Ordering and delivery of these materials and equipment shall be coordinated by the Office of the City Manager in order to insure consistency and cost control.

b) Council members shall refer problems with the equipment to the Office of the City Manager.

IV. Responsibility and Authority

The Office of the City Manager shall be responsible for coordinating with the appropriate outside agencies and city departments to provide these materials, equipment, and services. Each Council Member shall be responsible for returning all City provided keys and equipment to the Office of the City Manager upon completion of his or her term.

**City Council
Policy**

TITLE:
**City Equipment Provided to
Council Members**

Page: 2 of 2

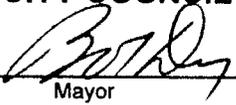
SUBJECT:
Operations

NO.
OPNS-33

Written/Revised by: Priscilla S. Wilson,
Sr. Managing Director

Reviewed by: William E. Dollar,
City Manager

APPROVED BY CITY COUNCIL RESOLUTION_9577__:



Mayor

Date: 12/22/06



CITY COUNCIL POLICY

POLICY NO.: OPNS-34

Date of Adoption: 3/5/96

Date Of Revision:

Title: **Outgoing Council Appreciation Gifts**

Page 1 of 1

I. Purpose and Need for Policy

A policy is needed to assure that proper and consistent recognition is awarded to all Council Members as they complete their term(s) of service.

II. Policy

The City shall recognize the service of outgoing Council Members with a City flag and a wood-grained plaque which displays the City of Garland seal and the name and years of service of that Council Member. *An example of the plaque is attached.

III. Procedure to Accomplish Policy

The City shall budget funds necessary and appropriate to support the recognition of outgoing Council Members. Plaques for presentation to Council shall be coordinated by the Assistant to the City Manager in order to insure consistency and cost control.

IV. Responsibility and Authority

The Assistant to the City Manager shall be responsible for coordinating with the City Secretary's office and the City Manager to accomplish this recognition function.

Written/ Revised by: Tandy Dollar,
Assistant to the
City Manager

Reviewed by: Jeffrey B. Muzzy,
City Manager

Date:

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spencer
Mayor

Date: 10/21/98



ON BEHALF OF THE CITIZENS OF GARLAND TEXAS

Jim Jordan

IS HONORED AND RECOGNIZED
FOR LEADERSHIP AND COMMITMENT
TO THE CITY OF GARLAND
AS A MEMBER OF THE CITY COUNCIL
APRIL 1985 TO MAY 1989
AND AS MAYOR PRO TEM
MAY 1988 TO MAY 1989



CITY COUNCIL POLICY

POLICY NO.: OPNS-35

Date of Adoption: 3/5/96

Date Of Revision:

Title: **City Council Members' Swearing-In Policy**

Page 1 of 2

I. Purpose and Need for Policy

In accordance with Article XII, Section 7 of the City Charter, this policy is to establish a time table for canvassing votes in the event of tie(s) and swearing in procedures for newly elected Council Members. This policy will prevent confusion each year and will aid in the scheduling of new Council orientation and Council retreat dates.

1. At the first regularly scheduled Council meeting following an election of Council Members, newly elected Council Members shall be sworn in immediately following the canvassing of the votes.
2. Should a run-off election be necessitated, the City Charter establishes that it shall be held no sooner than the second Saturday after the election. The Council Members elected subsequent to any run-off election shall be sworn in at the first regularly scheduled Council meeting immediately following the canvassing of the votes for the run-off election.
3. At the scheduled Council meetings during which the swearing in ceremony occurs, both outgoing and incoming Council Members shall be in attendance. Minutes from the last meeting, and any other issues as determined by the City Manager, shall be voted on by the current Council. After the swearing in ceremony, the newly elected Council Members will vote on all remaining agenda items, if any.
4. Should no regularly scheduled Council meeting fall within the three day time period established in Article XII, Section 7 of the City Charter, a special meeting shall be called to accomplish the above purpose. This meeting shall be conducted as though it were a regularly scheduled meeting.
5. All newly elected Council Members must be officially sworn-in by a notary public or other persons authorized by the Texas Constitution to administer the oath of office. If they so desire, a family member or friend may perform the public ceremony.

**City Council
Policy**

TITLE:
City Council Members'
Swearing-In Policy

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-35

II. Procedure to Accomplish Policy

The City Secretary's office will coordinate the requirements for all elections. The City Manager will prepare the agendas for these meetings so that they can be accomplished in the most convenient and expeditious manner.

III. Responsibility and Authority

The offices of the City Secretary, the City Manager and the Assistant to the City Manager shall be responsible for coordinating the elections and the smooth transition of Council Members.

Written/ Charlie Hinton,

Reviewed by: Jeffrey B. Muzzy,

Revised by: City Attorney

City Manager

APPROVED BY CITY COUNCIL RESOLUTION 8086 :

James M. Spencer
Mayor

Date: 10/21/98



CITY COUNCIL POLICY

POLICY NO.: OPNS-36

Date of Adoption: 8/5/97

Date Of Revision: 8/5/08

Title: **Audit Committee**

Page 1 of 3

I. Purpose

1. Ensure unrestricted access by the Internal Audit Department to all information;
2. Ensure that the Internal Audit Department operates independently of management and is free from organizational impairments;
3. Ensure that appropriate action is taken on audit findings; and
4. Promote and enhance the mutual cooperation among the committee, internal auditors, and executive management.

II. Policy

The Audit Committee is a standing subcommittee of the City Council. It shall assist the Council in fulfilling its oversight responsibilities of:

1. The Internal Audit Department,;
2. Reporting Practices;
3. Internal Control; and
4. Compliance with laws, regulations, and ethics.

**City Council
Policy**

TITLE:
Audit Committee

Page: 2 of 3

SUBJECT:
Operations

NO.
OPNS-36

III. Procedure to Accomplish Policy

1. Membership Composition

The Audit Committee will consist of seven members. The Council will appoint three members and the City Manager will appoint three members. The Internal Auditor shall serve as a member and provide staff support to the committee. Only Council Members may vote.

2. Meetings

The Audit Committee shall meet at least quarterly, or more frequently as needed.

3. The Audit Committee shall:

- a) Review and approve the Internal Audit Charter
- b) Approve the Internal Audit Department Annual Audit Plan
- c) Receive and consider special written requests for audits from Council Members and the City Manager
- d) Adjust the Annual Audit Plan as necessary to accommodate changes in the operating environment
- e) Review the results and performance of the Internal Audit Department, quarterly and annually
- f) Review proposed Internal Audit Budget in light of available resources
- g) Review summary of findings and recommendations of audit reports
- h) Review annual external audit plan and results

**City Council
Policy**

TITLE:
Audit Committee

Page: 3 of 3

SUBJECT:
Operations

NO.
OPNS-36

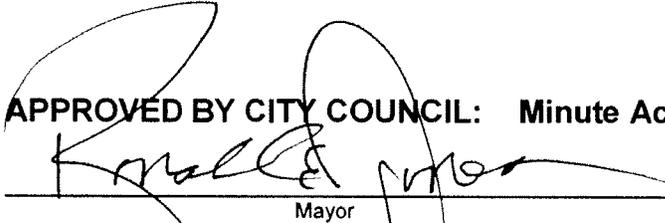
IV. Responsibility and Authority

The Committee Chair shall provide the draft Annual Audit Plan to the Council for their input prior to adoption by the Audit Committee each year.

Revised by: William E. Dollar

City Manager

APPROVED BY CITY COUNCIL: Minute Action 8-5-08



Mayor

Date: 8-6-2008



CITY COUNCIL POLICY

POLICY NO.: OPNS 37

Date of Adoption: 6/1/04

Date Of Revision:

Title: **Downtown Square Street Closings**

Page 1 of 2

I. Purpose and Need for Policy

Various organizations sometimes request the City to shut down the streets surrounding the downtown square for their special events. Closing the streets impacts the local businesses on the square. A uniform policy is needed to establish the parameters by which the City authorizes the closing of the streets surrounding the downtown square for events other than City-produced events such as Star Spangled Fourth and Christmas on the Square.

II. Policy

Organizations must make a formal written request to the City via the Special Events Assistance Program Application. All applications must be received by the Community Relations Department by April 30 for the following fiscal year's events. The Community Relations Department will bring all qualified applications to City Council for approval the following September. Approved events will be in effect the following fiscal year beginning October 1. The City Council, at its discretion, may consider the authorization of special events on the square at other times of the year on a case-by-case basis.

III. Procedure to Accomplish Policy

All requests for closing the streets surrounding the downtown square must meet the following criteria:

- (A) The special event must be open to the public.
- (B) The special event must consider other available sites and offer justification as to why they would not be appropriate for the event.
- (C) The special event must notify downtown businesses in writing three months and again three weeks in advance of the event.
- (D) The special event must obtain a Special Events Permit.

Upon receipt of all Special Events Assistance Program Applications, the Community Relations Department will review and process the requests and make recommendations to the City Council for approval. Organizations will be notified of the Council's final decision.

City Council Policy	TITLE: Downtown Square Street Closings	Page: 2 of 2
	SUBJECT: OPNS	NO. 37

Prepared/
Revised by: _____
Cindy Vochatzer, Director
of Community Relations

Reviewed by: _____
William E. Dollar,
City Manager

_____ Date

_____ Date

APPROVED BY CITY COUNCIL RESOLUTION # 9144

Bob Day, Mayor

_____ Date



CITY COUNCIL POLICY

POLICY NO.: OPNS 38

Date of Adoption: 8/3/04

Date Of Revision:

Title: **CEREMONIAL DOCUMENTS**

Page 1 of 2

I. **Purpose and Need for Policy**

From time to time requests are received from citizens wanting ceremonial documents to celebrate, observe or otherwise commemorate a special or noteworthy occasion. These requests may take many forms and a uniform policy setting forth the types of recognition and the parameters and process for getting them is necessary to ensure that everything done in the name of the City of Garland is appropriate and fitting.

II. **Policy**

All requests for ceremonial documents shall be made in writing to the Mayor's office and shall be accompanied by information detailing the occasion, its value, what it accomplishes and how it relates to this community. The Mayor shall determine whether the request shall be authorized as well as the type of ceremonial document to be given and whether it shall be presented at a City Council meeting.

City Council members may request from the City Secretary preparation of Certificates of Appreciation for presentation to those citizens whom they wish to recognize for outstanding service to the City of Garland

III. **Procedure to Accomplish Policy**

Ceremonial Documents with the seal of the City such as Proclamations, Special Recognitions, Resolutions, Honorary Citizenships, Official Greetings and the like will be requested in writing to the Mayor's Office.

These documents unless otherwise determined, shall be written and produced by the City Secretary on standard forms used by the City of Garland for such documents.



CITY COUNCIL POLICY

POLICY NO.: OPNS 38

Date of Adoption: 8/3/04

Date Of Revision:

Title: **CEREMONIAL DOCUMENTS**

Page 2 of 2

Prepared by: Marsha L. Meeks
Assistant City Manager

Reviewed by: William E. Dollar
City Manager

Date: _____

Date: _____

APPROVED BY CITY COUNCIL: *2-9176*

[Signature]

Mayor

Date: *8/4/04*



CITY COUNCIL POLICY

POLICY NO.: OPNS-39

Date of Adoption: 11/07/06

Date Of Revision:

Title: **Election Day Political Sign Moratorium**

Page 1 of 2

I. Purpose of and Need for Policy

Traditionally, persons who support (or oppose) a candidate or a measure in an election often urge voters arriving at a polling place on election day to vote in the manner endorsed by those supporters through various means of electioneering, including personal contacts and by displaying signs near the polling place.

Under Sections 30.90 and 30.91 of the Code of Ordinances, the placement of political signs on City property and streets is prohibited. Such prohibitions are constitutional so long as the prohibition is not used to regulate viewpoint of the content displayed on the sign. Thus, the posting of signs at City-owned polling places, on the streets abutting City-owned polling places, and along streets abutting other polling places regarding an election - even on election day - is prohibited.

This policy is intended to provide for a one-day moratorium on the placement of political signs at a polling place on the official date of an election.

II. Policy

The City Manager is directed to hold in abeyance the enforcement of Secs. 30.90 and 30.91 of the Code of Ordinances for the premises of the polling place and the immediately adjoining, contiguous public street front of the polling place for a period commencing at 7:00 p.m. the day before the official date of an election and ending at 7:00 a.m. the day following the election. The abeyance provided hereby shall apply only to signs containing a political message and only applies if the sign: (a) is no larger than six square feet in area and weighs no more than one pound; (b) is mounted to the ground by means of a stake or stakes, a pedestal, or other temporary, ground mounted, self-supporting means; and (c) does not encroach on the distance barrier prescribed by Sec. 63.100, TEXAS ELECTION CODE.

Nothing contained in this policy shall be construed as allowing the placement or attachment of any sign on any tree, pole, building or other sign or damaging in any manner any City property. This policy is not intended to limit in any manner the authority of the State or election officials regarding electioneering and the placement of signs, and this policy does not require the owner of a polling place not owned by the City to allow the placement of signs on that property. No sign may be placed so as to encroach upon or obstruct any street, driveway, parking space, fire lane, sidewalk or pathway.

**City Council
Policy**

TITLE:
Election Day Political
Sign Moratorium

Page: 2 of 2

SUBJECT:
Operations

NO.
OPNS-39

If the sign contains a political message, this policy applies, and the City Manager does not have discretion to determine whether the viewpoint expressed on the sign falls within or without the moratorium authorized by this policy. No member of the City Council shall demand that a sign be removed or that Sec. 30.90 or Sec. 30.91 otherwise be enforced with respect to any political sign covered by this policy.

Written/Revised by: Brad Neighbor
City Attorney

Reviewed by: William E. Dollar
City Manager

APPROVED BY CITY COUNCIL RESOLUTION __9577__:


Mayor

Date: 12/22/06