

AGENDA

**CITY COUNCIL WORK SESSION
City of Garland
Work Session Room, City Hall
200 North Fifth Street, Garland, Texas
May 6, 2013**

**Executive Session
5:30 p.m.**

- 1. Deliberate the purchase, exchange, lease or value of real property [Section 551.072, Texas Government Code].**
 - a. Consider an offer to sell to the City a building and land consisting of approximately 17,000 square feet located in central Garland.**

DEFINITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6:00) 1. Written Briefings:

a. Neighborhood Vitality Matching Grant

The Community Services Committee is recommending that Council approve six Neighborhood Vitality applications. If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

b. Approval of Park, Recreation & Cultural Arts Department Development Guidelines

At its April meeting, the Park and Recreation Board recommended that Council consider approval of the Park, Recreation & Cultural Arts Department's update of the department's Development Guidelines and the priority needs for future park system improvements. The Development Guidelines document is included as an appendix to the department's 2013-15 Strategic Plan. Council approval of the Development Guidelines is required as part of the process for any future park development grant applications made to the Texas Parks & Wildlife Department. If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

c. Conveyance of Certain Electric Transmission Facilities

In 1991 and 1992, the Texas Municipal Power Agency (TMPA) entered into contracts for the administration of a contract for the sale of power between the Member Cities (Cities of Bryan, Denton, Garland, and Greenville) and the Cities of Bowie, Bridgeport, and College Station. As part of these contracts, TMPA constructed certain transmission facilities ("Off-System Sales Facilities") and acquired certain transmission rights-of-way ("Off-System Sales Transmission Rights-of-Way") in order to support the sales under these contracts. Due to operational conditions and compliance provisions associated with the Off-System Sales Facilities, the Member Cities (through TMPA) maintain a potential regulatory liability with continued ownership of these facilities. Because of the current operations processes, as well as their geographical position, the assets are best conveyed to the City of Bryan and the Brazos Electric Power Cooperative. This item is scheduled for formal consideration at the May 7, 2013 Regular Meeting.

d. Texas Department of Transportation's Selective Traffic Enforcement Program "Click It or Ticket It" Grant

Council is requested to consider authorizing the acceptance of a Texas Department of Transportation Selective Traffic Enforcement Program "Click It or Ticket It" grant in the amount of \$8,999.92. The grant will provide 100% salary reimbursement for officers conducting increased safety belt compliance during the enforcement period of May 20, 2013 – June 2, 2013. This item is scheduled for formal consideration at the May 7, 2013 Regular Meeting.

e. Sale of City Property – 1113 Mill River Drive

Council is requested to consider authorizing the sale of residential property at 1113 Mill River Drive to Crackpot Realty, LLC for \$20,000. On February 1, 2011, the property was struck off to the City of Garland pursuant to delinquent taxes. The City will receive \$3,625.41, with \$8,189.62 distributed to GISD and \$3,003.79 to Dallas County. If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

f. Sale of City Property – 5706 Marina

Council is requested to consider authorizing the sale of residential property at 5706 Marina, Unit 3, Building A to Dr. Robert Milstein for \$28,500. On April 6, 2010, the property was struck off to the City of Garland pursuant to delinquent taxes. The City will receive \$5,885.38, with \$15,124.85 distributed to GISD and \$2,732.83 distributed to Dallas County. If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

g. Consider Park Facility Name

At their May meeting, the Park and Recreation Board recommended that Council consider naming baseball field number 5 in Central Park for a longtime youth baseball volunteer, Don Koerner. If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

h. House Numbering Requirements

The 2009 International Residential Code, Section R319.1, and the 2009 International Fire Code, Section 505.1, both deal with street address number requirements. The Codes need to be modified to eliminate conflicting requirements. If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

Item	Key Person
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(6:15) 2. Verbal Briefings:

a. Interviews for Appointment to the North Texas Municipal Water District Board of Directors **Council**

The North Texas Municipal Water District (NTMWD) notified the City that Don Gordon's term of office as a NTMWD Board Member expires on May 31, 2013. NTMWD has requested that Council reappoint Mr. Gordon or appoint another Director to serve a two-term from June 1, 2013 to May 31, 2015. Information was posted on the City's website for 14 days regarding the qualifications of the NTMWD Board Member in order to provide an opportunity for citizens to apply for the position. Letters of interest and resumes were received from Don Gordon, Ken Johnson, and Tony Torres. Council will conduct interviews of each applicant. Council will formally appoint an individual to the NTMWD Board at the May 7, 2013 Regular Meeting.

b. Sundance Behavioral Healthcare Economic Incentive Agreement **Mayer**

Sundance Behavioral Healthcare is planning to invest over \$15 million to purchase and remodel Vista Hospital, a vacant building for the past two years that is located at 2696 W. Walnut Street. This project is estimated to create 100 jobs and add \$9.1 million in Real Estate value and \$150,000 in Business Personal Property value. As part of the Garland Economic Development Partnership (GEDP) attraction program of encouraging quality development in Garland, the GEDP Steering Committee recommends that Council provide the following:

- *General support for the project*
- *Support of the SUP request and expedited permit process*

- *Support of a 50% City Tax Abatement on incremental Real Estate value and Business Personal Property value for five years - \$162,939*
- *Nomination of Texas Enterprise Zone - \$250,000*
- *Waiver of development permits - \$14,000*
- *Support of Workforce Skills Development Fund Training Grant - \$142,000*

c. Garland Youth Council Update

White

The Garland Youth Council will provide an update of their 2012-13 activities.

d. Stage 3 Drought Contingency and Emergency Plan

Baker

Council will be briefed on the recent announcement by the North Texas Municipal Water District regarding the Stage 3 Drought Contingency and Emergency Response Plan for their Member and Customer Cities.

e. Rowlett Creek Wastewater Treatment Plan

Baker

Council will be briefed on the current odor assessments and future improvements at the Rowlett Creek Wastewater Treatment Plan.

f. Home Eviction Process

B. Williams/Willis

Several years ago, Council approved a plan whereby the City provides storage containers for use when a tenant is evicted and leaves behind personal property. By law, the landlord and the constable's office must remove those personal effects from the premises to a location where the tenant may retrieve them. In practical experience, such "set-outs" result in an eyesore for the neighborhood. At the request of Council Member B. J. Williams and Mayor Pro Tem John Willis, Council is requested to discuss the City's role in the set-out process and appropriate changes to the program and the applicable ordinance to make the program more efficient and effective.

g. Consultation Services Retainer Agreement

Council

At the April 15, 2013 Work Session, Council considered Dean International, Inc.'s response to the Request for Qualifications to provide public policy consulting related to transportation issues. Council directed that staff prepare a Consultation Services Retainer Agreement with Dean International, Inc. The proposed agreement is included for Council's review and approval. This item is scheduled for formal consideration at the May 7, 2013 Regular Meeting.

h. Amendment to Hotel Incentive Agreement

Glenn

Council is requested to consider amending the Function Space License Agreement with Harbor Point Hotels, L.L.C. (Atlantic Hotel Ltd.) for the development of a Holiday Inn Express Hotel on I-30 within the Harbor Point Development and entering into a shared parking agreement. In April 2011, the City entered into an Incentive Agreement with Harbor Point, L.L.C. The term of agreement outlined that the commencement date (opening date of hotel) shall occur on or before December 31, 2013. Construction of the hotel will begin later in the year; therefore, Harbor Point Hotels is requesting the commencement date be amended to December 21, 2014. If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

i. Marketing/Events Committee Report

Willis

Mayor Pro Tem John Willis, chair of the Marketing/Events Committee, will provide a committee report on the following items:

- *Online ticketing system for the Granville Arts Center*
- *Event assistance for Heroes of South Vietnam event in Garland*
- *Hotel/motel inspections*
- *Proposed historic sign ordinance*

j. Administrative Services Committee Report

Cahill

Council Member Jim Cahill, Chair of the Administrative Services Committee (ASC), will provide a committee report on the distribution boxes and stands for advertising brochures and newspapers. The ASC is recommending that Council consider a new ordinance that addresses

this issue. The proposed ordinance is included for Council review and discussion.

3. 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.

4. 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.

(10:00) 5. Adjourn

Council

(Estimated time to consider)



Policy Report

NEIGHBORHOOD VITALITY MATCHING GRANT

ISSUE

Council is requested to review the Neighborhood Vitality applications.

ALTERNATIVES

1. Approve applications as submitted.
2. Approve applications with modifications
3. Deny approval of applications

RECOMMENDATIONS

The Community Services Committee recommends approval of the six applications submitted for consideration. Unless Council directs otherwise, staff will place an item on the May 21, 2013 agenda for formal approval of these applications.

COUNCIL GOALS

Neighborhood Vitality

BACKGROUND

Proposition 6 was approved by Garland voters in May 2004 and included \$5,000,000 for the Neighborhood Vitality Matching Grant Program. Council has previously indicated that funds would be made available annually for neighborhood improvement projects. Eight applications were submitted. The Community Services Committee reviewed six applications on April 29, 2013. The remaining two applications will be presented to Council after further review. Preliminary bids obtained by the applicants total \$250,266.80. Of this amount, funding requests total \$218,103.44 with the difference of \$32,163.36 coming from matching funds provided by the applicants. Costs may vary after awards are made and final bids are received.

CONSIDERATIONS

1. According to the program guidelines, approximately \$500,000 will be available annually for the grant program. These funds will be appropriated as part of the annual Capital Improvement Program for approved Neighborhood Vitality projects.

2. Staff has reviewed the applications to ensure compliance with the program guidelines. Issues identified during the review process are indicated on the project summary sheets.

3. The Community Services Committee met on April 29, 2013 to review the applications. After discussion, members recommend funding approval of all projects. For those applications that contain a landscape element, the approval is contingent upon the North Texas Municipal Water District water restrictions remaining at Stage 2 or better. Applicants will be responsible for obtaining required permits and submittal of required project detail.

ATTACHMENTS

Project Summaries

Submitted By:

Felisa Conner
Manager, Neighborhood Vitality

Date: April 29, 2013

Approved By:

Neil Montgomery
Senior Managing Director,
Development Services

Date: April 29, 2013

William E. Dollar
City Manager

Date: April 29, 2013

Neighborhood Vitality Projects – March 2013

Applicant	Project	Eligibility	Project Cost			Council District
			Total	Fund Request	Match	
Camelot Neighborhood Association	Neighborhood Entrance Sign	Yes	\$1,125	\$1,125	Not Applicable	7
Fairways at Firewheel	Landscape Enhancement	Yes	\$35,487.55	\$28,390.04	\$7,097.51	1
Firewheel Farms	Median Landscape Enhancement	Yes	\$20,000	\$17,000	\$3,000	1
Hills at Firewheel	Masonry Wall/Sign	Yes	\$66,700	\$50,025	\$16,675	1
Place One HOA	Sidewalk & Flume Project	Yes	\$26,954.25	\$21,563.40	\$5,390.85	6
Planning/5 th & Cedar Advisory Group	5 th Street Gateway (Phase 1)	Yes	\$100,000	\$100,000	Not Applicable	2
TOTAL			\$250,266.80	\$218,103.44	\$32,163.36	

Neighborhood Vitality Matching Grant

Association/Group: Camelot Neighborhood Association

Project Name: Entryway Sign

Council District: 7

Project Cost: \$1,125

Fund Request: \$1,125

Match: Not Applicable

Project Description

The Camelot Neighborhood Association would like to install a new entryway sign at Jupiter Rd. & King Arthur

Comments

Final plans require a permit from Building Inspection and approval from Transportation.

Staff Recommendation

Eligible

Neighborhood Vitality Matching Grant

Association/Group: Fairways at Firewheel HOA

Project Name: Landscape Enhancement

Council District: 1

Project Cost: \$35,487.55

Fund Request: \$28,390.04

Match: \$7,097.51

Project Description

The Fairways at Firewheel proposes to install drought resistant landscaping in several medians within the HOA boundaries. Additionally, they would like to repair a portion of their screening wall.

Comments

Final plans require a permit from Building Inspection, approval from Transportation, and a license agreement.

Landscape enhancements are contingent upon Water Restrictions remaining at Stage 2 or better.

Staff Recommendation

Stone Wall Renovation	Not Eligible
Landscape Enhancement	Eligible

Neighborhood Vitality Matching Grant

Association/Group: Firewheel Farms HOA

Project Name: Median Landscaping

Council District: 1

Project Cost: \$20,000

Fund Request: \$17,000

Match: \$3,000

Project Description

The Firewheel Farms HOA proposes to install drought resistant landscaping in several medians within the HOA boundaries.

Comments

Final plans require a permit from Building Inspection, approval from Transportation, and a license agreement.

Staff Recommendation

Eligible

Neighborhood Vitality Matching Grant

Association/Group: Hills at Firewheel HOA

Project Name: Beautification Project

Council District: 1

Project Cost: \$66,700

Fund Request: \$50,025

Match: \$16,675

Project Description

The Hills at Firewheel HOA would like to replace a wood fence with a masonry wall, add additional identification signage, and add enhancements to existing flower beds.

Comments

Final plans require a permit from Building Inspection, approval from Transportation, and a license agreement.

Landscape enhancements are contingent upon Water Restrictions remaining at Stage 2 or better.

Staff Recommendation

Masonry Wall/Sign

Eligible

Landscape Additions/Trees

Not Eligible

Neighborhood Vitality Matching Grant

Association/Group: Place One HOA

Project Name: Sidewalk & Flume Project

Council District: 6

Project Cost: \$26,954.25

Fund Request: \$21,563.40

Match: 5,390.85

Project Description

Place One HOA plans to repair sidewalks throughout the townhome community and comply with current ADA standards.

Comments

Final plans require approval from Engineering.

Staff Recommendation

Eligible

Neighborhood Vitality Matching Grant

Association/Group: Planning & 5th and Cedar Advisory Committee

Project Name: Gateway Improvements

Project Cost: \$100,000

Council District: 2

Fund Request: \$100,000

Match: Not Applicable

Project Description

The Planning Department recently completed a neighborhood plan in the 5th & Cedar Planning Area. As part of the implementation phase, staff is proposing gateway improvements that will connect the neighborhood to the downtown revitalization efforts.

Comments

Final plans require a pre-submittal meeting with the Development Review Committee.

Staff Recommendation

Eligible



Policy Report

CONSIDER APPROVAL OF PARK, RECREATION & CULTURAL ARTS DEPARTMENT DEVELOPMENT GUIDELINES

ISSUE

At its April meeting, the Park and Recreation Board recommended the City Council consider approval of the Park, Recreation & Cultural Arts Department's update of the department's *Development Guidelines* and the priority needs for future park system improvements. The *Development Guidelines* document is included as an appendix to the department's *2013-15 Strategic Plan*. City Council approval of the *Development Guidelines* is required as part the process for any future park development grant applications made to the Texas Parks & Wildlife Department.

OPTIONS

Options available to the City Council include: 1) concur with the Park and Recreation Board's recommendation to approve the *Development Guidelines*, or 2) take no action and return the issue to the Parks and Recreation Board.

RECOMMENDATION

Per the Park and Recreation Board's recommendation, the Council is requested to consider approval of the Park, Recreation & Cultural Arts Department's update of the department's *Development Guidelines* and the priority needs for future park system improvements. If the City Council concurs, staff will bring forth a resolution for formal Council consideration at the May 21 Regular Meeting.

COUNCIL GOALS

Sustainable Quality Development and Redevelopment
Fully Informed and Engaged Citizenry

BACKGROUND

The Park, Recreation & Cultural Arts Department (PRCAD) conducted a strategic planning process in concert with a consultant to create a strategy focused organization

CONSIDER APPROVAL OF PARK, RECREATION & CULTURAL ARTS DEPARTMENT DEVELOPMENT GUIDELINES

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whose direction is aligned around a common vision. The process engaged staff, residents and citizen advisory boards in the parks, recreation, and cultural arts areas.

As a part of this strategic planning process, the department also completed an update of PRCAD's *Development Guidelines*, the document which will serve as a guide for physical development of the park system for the next decade. To successfully compete for state or federal park acquisition and development grant funds administered by Texas Parks & Wildlife Department, Garland must have a "park master plan" such as the *Development Guidelines*. This document must include a priority listing of needs for future park development. The priorities for both outdoor and indoor recreation facilities as approved by the Park and Recreation Board are listed below:

Outdoor Facilities

1. Trails
2. Specialty Parks (e.g. dog, skate, nature)
3. Sports Fields
4. Picnic Facilities
5. Parkland Acquisition
6. Playgrounds
7. Aquatic Facilities
8. Public access to Water (lakes & streams)

Indoor Facilities

1. Fitness Facilities
2. Aerobics Rooms
3. Multi-sport Courts
4. Indoor Pool
5. Game/Craft Rooms

CONSIDERATIONS

The *Development Guidelines 2012-22* incorporates citizen input and reflects existing planning documents such as *Envision Garland*, the *Dallas County Open Space Plan* and *Trail Plan*, and the *2012 Texas Outdoor Recreation Plan*.

ATTACHMENTS

Development Guidelines 2012-22

Submitted By:

Jim Stone, Managing Director
Parks, Recreation & Cultural Services

Date: April 29, 2013

Approved By:

William E. Dollar
City Manager

Date: May 6, 2013

The City of Garland's Parks, Recreation and Cultural Arts Department

2013-2015 Strategic Plan

APPENDIX A:

DEVELOPMENT GUIDELINES 2012 – 2022



GARLAND

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Introduction

Park land and Recreational Programming is an integral part of the City's municipal comprehensive plan process. The most parks master recent plan was initially developed in the 1980s and has been periodically updated. *Envision Garland*, adopted by City Council in 2012, is the City's comprehensive plan addressing the community's future through 2030.

When Garland created its last comprehensive plan, a set of five sector plans, the City was facing very different issues and opportunities than now. Today, the sector plans are simply out of date and do not address the conditions, challenges, or opportunities of the next twenty years. When the sector plans were created, the Bush Turnpike corridor was largely undeveloped; large vacant parcels for new neighborhoods, shopping centers, and businesses were plentiful. Firewheel Town Center and Harbor Point were just ideas; and DART was years from providing passenger rail service to Garland. It was necessary to reevaluate the situation and to set forth the community's plan for the future.

Garland faces "build-out" – meaning nearly all of the vacant land in the city has already been developed into neighborhoods, shopping centers, schools, parks, offices, or factories. *Envision Garland* describes the City of Garland's role as enabling and supporting reinvestment and redevelopment in a way that maintains Garland's character, but is also responsive to the changing needs and desires of residents and businesses.

Public support has been invaluable in identifying parks and recreation as an important contributor to the quality of life within Garland. Public and semi-public parkland, recreational facilities and services are not only an enjoyable and valuable amenity to Garland residents, but they have proven to be a draw to visitors from across the region and businesses looking for a location for their operations and value to their employees. The City owns and operates a variety of recreational facilities and properties and provides an array of services to the residents of Garland. Demand for facilities and services change, so periodic analysis and reevaluation of these elements is essential. The land use types described in *Envision Garland* provide opportunities and demand for new or additional parks and recreation facilities. Meeting this demand will be achieved through continued implementation of public improvement projects that integrate parks and recreational amenities into the the community framework.

The City currently stands as the twelfth largest in the State of Texas with a 2010 U.S. Census population of 226,876. The build-out population as estimated by the North Central Texas Council of Governments (NCTCOG) for the year 2030 is projected to be 241,767.

Careful ongoing research and monitoring of programming, maintenance, budgeting, and the many other essential park functions enable the agency to remain flexible in response to local trends affecting funding, operations and management of the park system. PRCAD has relied on its "Development Guidelines for Parks and Recreation 1980-1990," the update, "Development Guidelines for Parks and Recreation 1996 to 2005," and other inter-departmental and inter-agency studies and reports for guidance in park land acquisition and facility development. These guidelines provide a flexible framework for decision making that reflects the goals and objectives of Garland's citizens. The guidelines are anticipated providing a responsible plan for development for the next ten

years, and will be updated in 2017 to include accomplishments, new public input, inventory data, goals and objectives and an updated implementation plan.

Garland's citizens have increasingly caught on to the health conscious attitude, adopting more active lifestyles. Residents want and need natural and pastoral settings, but there is also a demand for more intensive and entertaining venues that incorporate those ideals of environmental and ecological spaces.. Citizens want and demand specialized facilities that offer programmed events which draw people together. They request activities that stimulate and create diversion from their stressful work day. These atypical facilities such as dog parks, skate parks, and off-road bicycle trails are venues where people can connect with both each other and the outdoors. In response to this shift in culture and demographics, Garland must continue to incorporate a public outreach, strong design and an aesthetic appeal in both park development and park re-development.

Current and Projected Population Figures

The 2010 U.S. Census documented the population of Garland at 226,876. The City has experienced a low to moderate rate of growth since the 2010 Census. The City's estimated build-out population by the year 2030 is 241,767. The following tables represent the demographic profiles for the City of Garland.

Socio-Economic Data

Household income, according to Demographics provided by the City of Garland Planning Department is shown in *Table 1*. The Median Household Income is \$50,198 per household.

Household characteristics as well as the number of family households play an important role when considering the types of programs that should be implemented. As noted in a 1997 study by American Sports Data, Inc., as per capita income rises about \$25,000 annually, the frequency of sports and recreation participation increases. Public recreation facilities are traditionally considered a service to its residents. In areas where income is lower, there must be careful consideration of facility planning and pricing to ensure that all residents are able to participate in activities.

**Table 1: Selected Economic Characteristics
2011 American Community Survey
1-Year Estimates
City of Garland, Texas**

Income Level	Number	Percentage
Less than \$10,000	3,733	5.3%
\$10,000 to \$14,999	2,012	2.8%
\$15,000 to \$24,999	8,148	11.5%
\$25,000 to \$34,999	8,423	11.9%
\$35,000 to \$49,999	12,864	18.2%
\$50,000 to \$74,999	14,496	20.5%
\$75,000 to \$99,999	8,924	12.6%
\$100,000 to \$149,999	8,358	11.7%
\$150,000 to \$199,999	2,168	3.1%
\$200,000 or more	1,672	2.4%
Total	72,107	100.0%
Source: U.S. Census Bureau, 2010 Census, 2011 American Community Survey		

Demographics: Ethnicity and Age

Table 2 illustrates the diversity of the local population. The *White/Caucasian* group comprises the largest percentage, with the “*Other*” category representing the second largest. People of Hispanic Origin, comprised of multiple races, represent a relatively large percentage of the local population as well.

Growing diversity and an aging population will have an impact on the City’s population. Growth has occurred in both the Hispanic and Asian populations. The senior citizen numbers have increased in the share of population numbers throughout the Region. In 2007, approximately 7% of the Region’s population was between 65 and 84 years old. This figure is expected to nearly double to 13% by 2030.

The number of family households and their characteristics play an important role when considering the types of programs to implement. Some areas of the City have a higher percentage of family households suggesting that more programs and facilities might be considered to encourage and support multi-generational family activities and participation. As Table 3 illustrates, 35.45% of the current population is between 30 to 54 years of age. The data found in Table 3 can be used to make a case for considering recommendations for facility priorities to accommodate the shifting demographics.

Table 2: Estimated Population Race/Ethnicity Distribution
City of Garland, Texas, 2010

Race/Ethnicity	Number	Percent
White/Caucasian	130,368	57.5%
African American	32,980	14.5%
American Indian or Aleut	1,851	0.8%
Asian/Pacific Islander	21,445	9.4%
Other ⁽¹⁾	40,232	17.8%
Total	226,876	100.0%
Hispanic Origin ⁽²⁾	85,784	37.8%

Source: City of Garland (U.S. 2010 Census, North Texas Council of Governments (NCTCOG).

⁽¹⁾ Includes “Some Other Race Alone” and “Two or More Races”.

⁽²⁾ Hispanic Origin may be of any race and may be included in any category. It is therefore not included in the total, but is separately included.

Table 3: 2010 Demographic Profile Data
City of Garland, Texas

Age Groups	Number	Percent
Under 5 years	17,284	7.6%
5 to 19 years	54,101	23.9%
20 to 29 years	30,547	13.4%
30 to 54 years	80,290	35.4%
55+ years	44,654	19.7%
Total	226,876	100.0%

Source: U.S. Census Bureau, 2010 Census. Profile of General Population and Housing Characteristics: 2010.

Development Goals and Objectives

Among the key issues facing Garland is the challenges of reaching “build out” – reaching the eventual point of having no undeveloped land in the City’, a changing demographic composition; and a need to revitalize existing parks and recreation facilities within the City.

During the City’s public outreach component of the *Envision Garland* comprehensive plan, City staff in Parks and the Planning Department analyzed citizen input related to parks, recreation, and green infrastructure throughout the City. A specific series of Action Items were developed for the City with specific goals and objectives. These goals and objectives set a basis for which to target existing funding and future funding needs in order to carry out the implementation plan during annual operating budget and capital improvements program cycles. The ongoing review of the Development Guidelines aids in the management and planning of not only the implementation plan, but also the City’s future needs. The primary purpose of this document is to take a look at current conditions and plan for future parkland, programming and facilities.

Goals developed by PRCAD recognize the needs and identify concerns and opportunities that exist within the community. The goals reinforce the City’s commitment towards creating attractive, safe and usable parks that bolster the livability of their surrounding neighborhoods.

Objectives listed below establish benchmarks by which the department can measure progress towards the realization of goals. The goals represent the City’s ongoing efforts to improve and enhance the “green infrastructure” system for its citizens:

GOAL: *Provide passive and active recreational opportunities for all citizens*

Objectives:

- Increase quality recreational opportunities for Garland citizens
- Provide year-round recreational opportunities
- Offer a wide variety of facilities, programs, and park areas to meet the recreational needs of a diverse population with various levels of ability and skill
- Provide an equitable geographic distribution of parks and recreational facilities
- Plan for infrastructure improvements
- Encourage cooperation with school districts, community organizations, and other agencies to provide cost-effective services and optimize benefits to citizens

GOAL: *Enhance the quality of life in Garland*

Objectives:

- Develop a wide range of "green" areas throughout the City ranging from landscaped medians at major thoroughfares to parks and greenbelts measuring several hundred acres in size
- Acquire land to provide for future parks and recreational facilities
- Provide open space to act as buffers and visual screens, to help maintain air and water quality, and to act as activity centers
- Enhance access to the greenbelts and major creek corridors by developing a continuous trail system
- Enhance recreational opportunities along Lake Ray Hubbard

GOAL: *To provide all citizens opportunities to experience Garland's natural setting*

Objectives:

- Develop a system of greenbelts along the major creek corridors
- Incorporate significant natural areas into the park system - woodlands, prairies, wildlife habitat, and riparian environments
- Provide opportunities to enjoy nature by cooperatively developing outdoor learning areas and interpretative nature trails

Plan Development Process

In addition to the recent public outreach process included in the City's *Envision Garland* comprehensive plan, PRCAD has received ongoing public input regarding the condition of its existing facilities as well as a list of "wants" for what might be considered "non-traditional" facilities. Beginning with the preparation for the 2004 Bond Program existing facilities were analyzed according to observation data expressing typical use. During the analysis, the PRCAD staff worked together with Dunkin, Sims and Stoffels, Inc. to gather base data inventorying the current conditions for recreational facilities and park land. The National Recreation and Parks Association (NRPA) standards were referenced to reevaluate the then-current Garland standard for each facility's use per population. The park system compared itself to other pertinent cities within the DFW Metro area. The NRPA and the 2012 Texas Outdoor Recreation Plan were referenced for trending state-wide recreational demands and priorities. In the early phases of the process, three public outreach meetings held at branch libraries and a meeting specifically targeting the Senior Citizen Advisory Commission afforded residents the opportunity to provide input on conditions and priorities. Participation numbers for league sports and activities were analyzed to determine trends and project future needs. The Park Board approved the priorities identified in this document on April 3, 2013.

Documents Referenced

Envision Garland

This document was adopted by City Council in April of 2012 to serve as a guide for physical and economic development of the City of Garland. It offers strategies and direction addressing land use, housing and neighborhoods, economic development, transportation, infrastructure, and community design needs. This community vision was developed through a collaborative effort of all interested parties including residents, business owners, property owners and others. Regardless of Garland's lag in growth rate found through economic assessment, Garland is attracting residents whose interests show a desire to be closer to the regional core. This document establishes a set of coordinated policies and strategies intended to guide the City's development and provide a resource for those seeking to invest in the community. The document is divided by the following chapters:

- Vision for 2030
- Land Use Element
- Economic Development Element
- Housing and Neighborhoods Element
- Transportation and Infrastructure Element
- Community Design Element
- Implementation

The City of Garland Recreation Centers: Strategic Facilities Plan

This plan, adopted in May 2000, evaluates the relationship between the operational needs and recreational programs of the Parks, Recreation, and Cultural Arts Department (PRCAD). The document addresses 4 major topics:

- Operational needs assessment
- Physical condition assessment
- Recreational program development
- Development packages and budgets

The following implementation strategy was presented for this plan:

- Enhance park, recreation, and cultural services through quality management and effective communication
- Increase the visibility of parks and recreation services in the community
- Encourage and accommodate citizen participation in parks, recreation and cultural services
- Ensure equitable distribution of services throughout the community
- Advocate responsible stewardship of natural resources
- Develop opportunities for parks, recreation and cultural services to enhance revenues to provide an expansion of services
- Continue to build and foster public and private partnerships
- Contribute to the community's sense of civic pride

The challenge for PRCAD is to provide services and opportunities that meet popular demand. Even if trends fade, it's important to provide enjoyable activities for all ages. One of the most challenging tasks in designing and managing parks today is creating flexible spaces, capable of accommodating a variety of changing programs and uses, while contributing to the safety, stability, and vitality of the community.

Garland Leisure and Aquatic Complex: Economic Feasibility and Conceptual Planning Study

This document from October 2001 proposes the development of two recreational and aquatic facilities: Leisure & Aquatic Center and Family Water Park. The function of this development is to serve Garland residents while offering unique features attracting users from surrounding communities. This complex is programmed as a recreation and community center with indoor and outdoor aquatics for year-round use.

Spring Creek Forest Preserve: Master Plan Development

This document from October 1992 designates the 300 acre Spring Creek Forest Preserve as an old growth bottomland hardwood community, warranting protection and preservation. Buffer zones, management plans, construction recommendations, and a trail system are presented in addition to reforestation/restoration activities intended to increase the environmental quality of peripheral lands.

Six City Trail Plan

This document, written in August 2001, proposes a trail plan between the cities of Allen, Frisco, Garland, McKinney, Plano and Richardson. This plan links the trail systems created by each individual city for the following purposes:

- Foster inter-jurisdictional planning between the area cities
- Further emphasize the regional transportation goals established by the North Central Texas Council of Governments (NCTCOG)
- Establish key corridors as a spine system between the participating cities
- Maximize the efficiency of planning funding through collaboration
- Establish uniform standards for trail segments to create consistency for traveling from one city to the next
- Create regional emphasis on trails allowing the cities to compete for recreational grant opportunities

Dallas County Open Space Plan

This document, written in 1991 with input from its cities, encompasses both short-term and long-term actions considered for phasing over time. Dallas County first began establishing an open space system in 1976. Its 21 preserves, two located in Garland, contain 3,366 acres dispersed through the county. The plan recommends land acquisition of 60,000-65,000 acres of diverse open space resources as well as urges greater coordination between public and private owners for long-range open space planning. This plan's

beneficial impacts include:

- Avoidance of degradation of resources through protection and preservation amidst Dallas' rapid urbanization
- Offer a variety of topographical, geological and environmental experiences while setting aside natural habitats where native plants, reptiles, birds and mammals can continue to thrive
- Improvements in air quality created through reforestation efforts

Dallas County Trail Plan

This document, from March of 1997 emphasizes the inventory and evaluation of current potential trail corridors in order to devise a plan for implementing a county-wide trail network with the anticipation of completion in 25 years. Recommending 335 miles of hard surface trails and 145 miles of soft surface trails, the document stimulated an early interest in agency trail plans and supported local funding efforts by the participating cities. The document includes:

- The value of trails and greenways
- Purpose of the county-wide trail plan
- Existing and programmed trail resources
- Trail needs, opportunities and evaluation criteria
- The benefits of a comprehensive trail system
- Implementing the plan

Collin County Regional Trails Master Plan

This document from May 2012 continues to support coordination and connection efforts between cities and towns to develop a county-wide system of trails. The components of this project define high-priority trail corridors that regionally link and bridge gaps between adjacent cities. This plan encourages collaborative corridor preservation as well as multi-jurisdictional implementation.

Trinity Trails Management Guide

This document, 1997-1998 is intended to provide a framework as well as to provide guidance and direction for the development, management and maintenance of the Trinity Trails System. The corridor is described as a continuous strip of land used for hiking, biking, equestrian use, and nature trails. The system serves as a link between recreational/cultural resources, encourages economic development and increases nearby property values. Upon completion the Trinity Trail System is planned to:

- Extend 250 miles along its spine, traversing 4 counties, and 18 cities/towns
- Provide recreation and alternative transportation routes
- Bring residents and visitors in contact with unique scenic, natural, historical and cultural features
- Serve as a spine for linking existing/future connector trails, local routes and pathways, and neighboring communities
- Encourage communities in sixteen counties to develop additional connecting trails and greenways

Texas Outdoor Recreational Plan

This 2012 document allows Texas to continue receiving its allotted appropriation through the Land and Water Conservation Fund (LWCF) program. As a rule, it must:

- Identify outdoor recreation issues of statewide importance
- Evaluate demand of public outdoor recreation preferences
- Evaluate the supply of outdoor recreation resources and facilities
- Provide an implementation program that identifies the state's strategies, priorities, and actions for the LWCF appointment
- Include a wetlands priority component consistent with Section 303 of the Emergency Wetlands Resources Act of 1986
- Includes governor approval

The goals of the document are to:

- Assess current statewide outdoor recreation and conservation needs and areas of concern
- Act as a guide on how to best administer Texas' apportionment of the LWCF
- Create a resource for outdoor recreation and conservation initiatives
- Align with the TPWD Land and Water Resources Conservation and Recreation Plan

The following are the goals outlined in the document:

- Promote to general public and decision makers the total economic value of parks and recreation as it relates to attracting tourism, economic development and improving the quality of life
- Seek sustainable funding and leverage resources to meet the expanding outdoor recreation and conservation needs of the growing, diverse and predominantly urban population of Texas
- Respond to prominent outdoor recreation trends
- Manage access to public waters for recreation
- Maintain the commitment to periodically review the Open Project Selection Process (OPSP) and grant administration guidelines for state and local parks to ensure they adequately reflect current statewide outdoor recreation and conservation values and trends, and are effective and easy to understand

National Recreation and Parks Association: Parks, Recreation, Open Space and Greenway Guidelines

This document, written in 1996, was created to provide a model for applying a needs-based, facility-driven, and land-measured systems approach to the planning of parks, recreation, open space, and pathways. With a focus on planning responsive, equitable, and high quality parks and recreation services, this document outlines the following approaches:

- Systems approach to park, recreation, open space, and greenway planning
- Framework for park, recreation, open space, and greenway planning
- Level of service guideline for system planning
- Classifications for parks, open space and greenways
- Facility space standards

2010 ADA Standards for Accessible Design

This document published by the Department of Justice on September 15, 2010 includes updated and revised regulations of the American with Disabilities Act of 1990. The regulations set minimum requirements for newly designed, constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities.

2012 Texas Accessibility Standards

This document, effective March 15, 2012, is enforced by the Texas Department of Licensing and Regulation. It contains scoping and technical requirements for accessibility to sites, facilities, buildings, and elements by individuals with disabilities, supporting the 2010 ADA Standards for Accessible Design. These requirements are to be applied during the design, construction, additions to, and alterations of sites, facilities, buildings, and elements to the extent required by regulations issued by the Texas Department of Licensing and Regulation under the authority of Texas Government Code, Chapter 469.

Public Input Meetings

The City of Garland solicited input through public outreach over the last ten years in its ongoing effort to educate the public to the significance of department facilities and recreational programming. Through public outreach, PRCAD measures the pulse of not only what its residents think about the park system, but also what they want. The meetings were advertised on the City's web page, in the *Garland City Press*, and on the public access channel, Garland TV. Additionally, emails were sent to coordinated citizen organizations to notify them of the meetings. The meetings were held at several locations throughout the City. Individual citizens gave their comments and/or requested additional recreational facilities. The following is a listing of facilities as requested by Garland citizens:

- Multi-Use Trails
- Playgrounds
- Picnic Facilities
- Dog Park
- Baseball Fields
- Softball Park
- Soccer Field
- Skate Park
- Mountain Bike Trails
- Open Space Preservation
- Shade Trees and Shade Structures
- BMX Park
- ATV Park
- Tennis Courts
- Remote Boats and Cars
- Disc Golf

Senior Citizen Input

On December 3, 2009 a meeting was held to specifically solicit comments from the senior citizens of Garland and to target their specific recreation input. The meeting was well-attended. Comments included senior-sensitive recreational walking trails, a Senior Center to be utilized as an indoor meeting space, and additional active recreation areas. The following items were discussed and documented:

- Multi-Use Trails
- Passive Water Recreation
- Lighted Trails
- Computer Facilities
- Walking Trails
- Picnic Tables
- Dance Hall
- Shade Areas
- Park Benches
- Senior Exercise Stations
- Fishing Opportunities
- Indoor Aquatic Facility

In order to deliver a variety of park facility types in a master planning type process, a relationship-defining system was established. Guidelines and standards recommended by the National Recreation and Park Association (NRPA) have been followed to determine a hierarchy for the parks system. The NRPA provides recommendations for delivering park and recreation services, noted in the publication, *Parks, Recreation, Open Space and Greenway Guidelines*, published in December 1995.

The following analysis utilizes the NRPA classification of parks, their description, location criteria within the community, and loosely follows their criteria for size. Only the park classifications selected specifically for Garland are defined in this section. Additionally, there are conditions where its not the acreage or park type standard that might apply but rather a direct awareness of a need. Once established, these guidelines are applicable for systematically structuring Garland's parks system on a day-to-day basis and setting up a framework to better master plan the recreational demands presented by the present and future population.

Neighborhood Park

The neighborhood park is traditionally considered to be the most important feature of a park system and is one of the major cohesive elements in neighborhood design. Its primary function is the provision of recreational space for the entire neighborhood which surrounds it. Space in the neighborhood park should be distributed between active and passive uses.

- The neighborhood park should be located near the center of a neighborhood area/park planning area and have a service area of approximately one-half mile to one-quarter mile.
- The size should be related to the service area population and the menu of activities chosen for placement in the park. Five (5) to ten (10) acres is the optimal size for this park.
- Facilities normally provided at a neighborhood park consist of:
 1. Playground equipment
 2. A multi-purpose hard surfaced play area
 3. Walking/jogging trails
 4. Playfield space for unregulated competitive games such as baseball, football, and soccer
- It is not desirable to light athletic facilities in a neighborhood environment since lighting is often objectionable to nearby residents; however, some lighting for security purposes might be incorporated into the park

Community Park

A community park is larger in size than a neighborhood park and provides service to several neighborhoods of the community. The community park offers both active and passive recreation and is oriented primarily towards providing recreational opportunities not feasible in a neighborhood park.

- A community park serves several neighborhood areas, and should therefore be conveniently accessible by automobile including provisions for off-street parking.
- Site sizes for community parks are recommended to be between 40 and 150 acres, with the optimal range being between 80 and 150 acres.
- A community park should include passive recreation facilities or natural features such as trails, natural areas, picnicking facilities, or ornamental landscapes.
- A community park should include space for active uses associated with neighborhood parks including field and court games.
- Lighted or unlighted competitive sports fields or facilities may be placed in community parks provided careful thought is given to their design and location.
- Based on use, accessibility and other requirements, the community park should be located in a non-residential area served by major thoroughfares.
- Support facilities related to a sports complex include restrooms, concessions, parking, and multi-purpose building(s)

Greenbelts and Natural Areas

This classification applies to types of land which have characteristics either identifying them as undevelopable land or suitable for use as a component linking other park areas.

- These spaces are generally natural corridors along creeks/flood prone areas or along easements containing a man-made feature.
- These areas may include trails, picnic facilities and off-street parking areas.

Specialty Parks

The classification of special or non-traditional use facilities is designated for those parks that do not fit other classifications. These areas may have uses that overlap acreage in neighborhood parks, community parks, or greenbelts. Examples of these facilities may include a disc golf course, golf course, dog park, skate park, or nature park and preserve.

Inventory of Recreation Areas, Parks and Facilities

	NAME & LOCATION	ACREAGE	CLASS	FACILITIES
1	ABLON, ARNOLD AND CAROL 3850 Ablon Trail Drive 3678 Guthrie	82.75	Community	Playground Picnic area* Off-street parking Paved trail (0.9 mile) Casual play backstops (2) Fishing Pond Casual play soccer goals
2	ALAMO 1906 Santa Anna	4.93	Neighborhood	Playground Picnic area, Paved trail (0.3 mile)
3	ARMSTRONG, John W. (Col.) 1126 Birchwood	3.72	Neighborhood	Playground Paved trail (0.25 mile)
4	AUDUBON, JOHN J. 342 Oates <i>Surf and Swim Aquatic Facility,</i> 440 Oates Road <i>Carter Softball Complex,</i> 550 Oates Road <i>Audubon Recreation Center,</i> 342 Oates Road <i>Audubon Soccer Complex,</i> 720 Oates Road	126.98	Community	Playground Picnic area Off-street parking Paved trail (1.6 mile) Recreation center Park restrooms Softball fields (5) Soccer fields (10) Surf & Swim wave action pool and splash pad Disc golf (18 basket course)
5	BISBY, HAROLD R. 3114 Pinewood	5.70	Neighborhood	Playground Multi-purpose court Casual play backstop
6	BRADFIELD BRANCH 1451 Morrison Drive	9.03	Greenbelt and Natural Area	Undeveloped
7	BRADFIELD. WM. H. 1146 Castle Drive <i>Bradfield Aquatic Facility</i> 1150 Castle Drive <i>Bradfield Baseball Complex</i> 1220 Castle Drive	46.49	Community	Playground Picnic areas Off-street parking Multi-purpose court Recreation center Tennis courts (2) 50 meter swimming pool and splash pad Baseball fields (4) Football field (unlighted) Park restrooms (2)

* Reservations available

² Cooperative joint-use agreement with Garland Independent School District

³ Operated by concessionaire

NAME & LOCATION		ACREAGE	CLASS	FACILITIES
8	BUNKER HILL 4949 Bunker Hill Road	31.28	Community	Undeveloped Park Operation's tree nursery
9	CENTRAL 1310 Avenue F <i>Granger Annex Bldg.,</i> 1302 W. Avenue F <i>Granger Recreation Center,</i> 1310 W. Ave. F <i>Ball field/Concession Building,</i> 1251 S. Glenbrook <i>Historical Pace House</i> 1280 W. Avenue F	60.69	Community	Playground Picnic area Off-street parking Multi-purpose court Recreation center Tennis courts (4) Recreation Annex* Pace House* Park restrooms Baseball fields (5) Football field Sand volleyball courts (4) Vietnam War Memorial
10	COOMER, ROLAND E. 534 Apollo Rd. 634 Apollo Rd. <i>McKnight Park Administration Building,</i> 634 Apollo Road	11.76	Neighborhood	Playground Picnic area Off-street parking Paved trail (0.5 mile)
11	CROSSMAN, GEORGE W. 5135 Heatherglen	5.95	Neighborhood	Off-street parking Tennis courts (2) at O'Banion Middle School ² Softball fields (2)
12	CULLOM, JOHN J. 1310 Travis	10.51	Neighborhood	Playground Picnic area Off-street parking Multi-purpose court Tennis courts (2) Softball field
13	DALLAS/GARLAND FRIENDSHIP 575 Forest Ridge (Leased to the City of Dallas)	5.00	Neighborhood	Picnic area Paved trail (0.25 mile)
14	DORFMAN, LOUIS AND MARK 701 Springlake	1.19	Neighborhood	Playground
15	DOUGLAS, VIRGIL M. 420 Carver	3.93	Neighborhood	Playground Picnic area Paved trail (0.2 mile)

NAME & LOCATION		ACREAGE	CLASS	FACILITIES
19	EMBREE, K.H. 1515 Dairy Road <i>Gale Fields Recreation Center,</i> 1701 Dairy Road	12.36	Neighborhood	Playground Off-street parking Multi-purpose court Paved trail (0.5 mile) Casual play backstops (2) Recreation center
20	FREEDOM 335 Clover Lane	7.16	Neighborhood	Playground Picnic area
21	GLENBROOK PARKWAY 1902 Glenbrook <i>Edgefield Tract</i>	11.93	Greenbelt and Natural Area	Undeveloped
22	GRAHAM, BUDDY 1826 Clearpoint	2.40	Neighborhood	Playground
23	GRISSOM, VIRGIL 1130 Sleepy Hollow	1.03	Neighborhood	Multi-purpose half-court
24	GROVES, NORMAN 1510 Bobbie Lane	14.32	Neighborhood	Off-street parking Tennis courts (2) Park restrooms Baseball fields (3)
25	HALL, ROBERT “BOB” JR. 1301 Rivercrest Lane	4.82	Neighborhood	Playground Paved trail (0.25 mile)
26	HAYES, JACK M. AT ROSEHILL <i>(Charter)</i> 4646 Country Club 4700 Iris	85.16	Special Use	Natural area Leased to GISD ²
27	HILL, ANITA C., PARK at INDIAN LAKE 1202 Briarhollow	2.89	Neighborhood	Picnic area Pond
28	HOLFORD 2420 North Shiloh Road <i>Holford Recreation Center</i> 2314 Homestead Place <i>Holford Swimming Pool</i> 2322 Homestead Place <i>Holford Baseball Complex</i> 2420 N. Shiloh Rd.	30.22	Community	Playground Picnic area Off-street parking Multi-purpose court Paved trail (0.875 mile) Casual play backstop Recreation center Baseball fields (4) Football field 25 meter swimming pool

NAME & LOCATION		ACREAGE	CLASS	FACILITIES
29	HOLLABAUGH, HARRIS <i>Hollabaugh Recreation Center</i> 3925 W. Walnut Street	6.24	Neighborhood	Playground Picnic area Off-street parking Multi-purpose court covered Paved trail (0.4 mile) Recreation center
30	HUFF, LOU 515 East Avenue 'B'	17.03	Community	Playground Off-street parking Multi-purpose court Tennis court Softball field
31	INDEPENDENCE 201 Georgetown	2.20	Neighborhood	Playground Picnic area
32	JAMES, GEORGE W. 1213 Highmeadow	5.87	Neighborhood	Playground Picnic area
33	JONES, JOHN PAUL 4099 Zion Road 3201 Zion Road, Chaha Boat Ramp	8.50	Special Use	Picnic area Off-street parking Paved trail (0.5 mile) Fishing Park restrooms Public boat ramp
34	KINGSLEY RD. 1817 Kingsley Road	3.03	Neighborhood	Playground
35	LAKE RAY HUBBARD GREENBELT State Highway 66 to Sunnyvale city limits (Leased from City of Dallas) <i>Lake Ray Hubbard Parkway,</i> 5454 Lake Ray Hubbard Parkway	23.65	Special Use	Lakeshore access Off-street parking Fishing
36	MEADOWCREEK BRANCH 301 Rollingridge Lane	9.80	Neighborhood	Playground Picnic area
37	MONTGOMERY, P. O. B. 2905 Edgewood	5.09	Neighborhood	Playground Picnic area Casual play soccer goals Paved trail (0.00 miles)
38	OAKS BRANCH GREENBELT 5815 Robin Glen Lane	18.17	Greenbelt and Natural Area	Playground Picnic area

* Reservations available

² Cooperative joint-use agreement with Garland Independent School District

³ Operated by concessionaire

NAME & LOCATION		ACREAGE	CLASS	FACILITIES
39	ODEN, RICK <i>Jack Coleman Tennis Center</i> 1010 W. Miller Road	36.78	Community	Playground Picnic area Off-street parking Multi-purpose court Tennis courts (13) Park restrooms Baseball fields (5)
40	ONE ELEVEN RANCH 2121 Brand Road	28.94	Community	Playground Picnic area* Off-street parking Park restrooms
41	PEAVY, W. E. 1510 Warwick	2.20	Neighborhood	Playground
42	QUAIL CREEK PARKWAY 1301 S. Country Club	13.20	Neighborhood	Picnic area
43	RIVERCREST BRANCH 1713 Bosque, Riley Burch Section	23.38	Neighborhood	Picnic area Paved trail (0.25 mile)
44	ROSS, BETSY 1818 Wynn Joyce Drive	3.29	Neighborhood	Playground
45	ROWLETT CREEK GREENBELT <i>Rowlett Creek Preserve,</i> 2525 Castle (Leased from Dallas County) <i>Carl and Cecil Cooper Section,</i> 2088 Northeast Parkway	574.94	Greenbelt and Natural Area	Picnic area Off-street parking Natural surface trails (14 miles of stacked loop mountain bike trails)
46	SPRING CREEK PARK PRESERVE 1787 Holford Road (Leased from Dallas County)	33.41	Greenbelt and Natural Area	Picnic area Off-street parking Natural surface trail (0.8 mile)
47	SPRING CREEK FOREST PRESERVE 1770 Holford Road (Leased from Dallas County) 4848 N. Garland Ave. (Leased from Dallas County)	68.82	Greenbelt and Natural Area	Off-street parking Paved trail (0.6 mile) Paved nature trail (0.3 mile) Natural surface trail (1.8 miles) Outdoor classroom Park restroom

NAME & LOCATION		ACREAGE	CLASS	FACILITIES
48	SPRING CREEK GREENBELT <i>Fred E. Harris Section,</i> 6006 N. Shiloh Road 2393 Mapleridge Drive at Glen Vista 4847 N. Garland Avenue (Stoneleigh Apartments on Spring Creek) <i>M.H. Halff Park</i> 4695 Ranger Drive <i>Maureen Halff Greenbelt Section,</i> 4100 Three Oaks Drive	130.33	Greenbelt and Natural Area	Playground Picnic area Off-street parking Paved trail (0.8 mile) Casual play backstop Fishing Pond Natural area
49	TINSLEY, WM. A. 2617 Anita	14.32	Neighborhood	Playground Picnic area
50	TUCKERVILLE PARK 1801 State Highway 66	62.50	Community	Undeveloped
51	WATSON, LOTTIE 3910 Lawler Road	7.42	Neighborhood	Playground Picnic area Multi-purpose court Casual play backstops
52	WHITE, EDWARD 1117 Ravencroft	0.98	Neighborhood	Multi-purpose half-court
53	WINDSURF BAY PARK 5556 Locust Grove Road	42.58	Community	Playground Picnic area* Off-street parking Multi-purpose half-court Casual play backstop Casual play soccer goals Sand volley ball court Lakeshore beach area
54	WINTERS, W. CECIL <i>Winters Soccer Complex,</i> 1601 Spring Creek Dr. <i>Winters Softball Complex,</i> 1330 Spring Creek Dr. <i>Roach Garden Center,</i> 1221 Spring Creek Drive <i>Winters Park Amphitheater,</i> 1333 Spring Creek Dr. <i>Hawaiian Falls Aquatic Facility,</i> 4550 Garland Avenue	125.72	Community	Playground Picnic area Off-street parking Tennis courts (2) Softball fields (3) Soccer fields (12) Hawaiian Falls Waterpark ³ Park restroom

* Reservations available

² Cooperative joint-use agreement with Garland Independent School District

³ Operated by concessionaire

NAME & LOCATION		ACREAGE	CLASS	FACILITIES
55	WOODLAND 815 Walnut	0.89	Neighborhood	Playground Picnic area Multi-purpose court
56	WOODLAND BASIN NATURE AREA 2332 Miller Road	49.02	Greenbelt and Natural Area	Off-street Parking Fishing Canoe launch
57	WYNNE, LON L. 3858 S. Glenbrook 101 Centerville <i>Wynne Swimming Pool</i> 3802 S. Glenbrook	16.85	Community	Playground Picnic area Off-street parking Multi-purpose court Paved trail (0.00 mile) 25 meter swimming pool
58	WYNN-JOYCE 2678 Wynn Joyce Road	22.97	Greenbelt and Natural Area	Fishing
59	YARBOROUGH, VIVIAN 401 Tina	3.52	Neighborhood	Playground Picnic area Multi-purpose court
60	SENIOR ACTIVITY CENTER 600 West Avenue A	3.08	Special Use	Off-street parking Recreation center Veterans Tribute Garden
61	GEORGE W. CARVER SENIOR ACTIVITY CENTER 222 Carver		Special Use	Off-street parking Recreation center
	Park Acreage Total	2,242.48		
62	FIREWHEEL AT GARLAND <i>Old Course, Lakes Course,</i> 600 W. Campbell Road <i>Bridges at Firewheel,</i> 1535 E. Brand Road		Special Use	36-hole golf course 27-hole golf course
	Total Park Acreage (Including Golf Course)	2,878.64		

Through the establishment of standards or guidelines, the City of Garland can plan for projected populations, needed land acquisition and facility development. The analysis process for assessing needs uses inventory data of existing facilities and park land to evaluate usage. Standards are developed through inventory data, current demand, and national or state standard resources. National and State-level survey reports reflecting needs and trends were referenced for the development of City standards. The results are used to determine the appropriate number of facilities to meet demands.

Demand-Based Approach

The demand-based approach compares data using a formula including participation numbers, time of day that facilities are used, and number of times per day that facilities are used. This analysis only includes fields for competitive game play. The participation numbers for this analysis are from the Spring 2012 season.

Column heading definitions for Table 4:

<i>Games Per Week Per Field Capacity:</i>	The number of league games played by each team as scheduled by the league.
<i>Teams Per Field Per Week:</i>	The number of games a single field supports based on length of game and age of participant.
<i>Number of Teams:</i>	The number of teams each league reports to the City for the Spring 2012 season.
<i>Number of League Fields:</i>	The number of league fields available in the City of Garland's inventory.
<i>Number of Regulation Equivalent Fields:</i>	The available game space in the City of Garland's Park Facility Inventory considering the number of lighted fields versus unlighted fields.

The following matrix (*Table 4*) evaluates individual sports against existing field capacity. In this evaluation, the age of the participant, length of games, and the number of games per week normally played by a league have been taken into consideration.

TABLE 4: Sports League Field Demand Analysis
City of Garland

Game/ League Fields	Games Per Week Per Field Capacity	Teams Per Field Per Week	Number of Teams, Single Season ⁽¹⁾	Number of League Fields	Number of Regulation Equivalent Fields ⁽²⁾
Youth Baseball ⁽⁵⁾	12	24	116	21	19
Youth Fast-Pitch Softball	10	20	43	3	3
Adult Softball	24 ⁽⁴⁾	48	51	5	2
Football ⁽³⁾	14	28	70	2.5	2.5
Soccer	14	28	216	21	16
Cricket	5	10	3	.5	.5
⁽¹⁾ Data reflect numbers of Spring 2012 league teams, single season; football data reflect the 2012 season. ⁽²⁾ Lighted league fields. Unlighted league fields counted as 1/2 field. ⁽³⁾ Football calculations do not include adult flag-football leagues. ⁽⁴⁾ Games Per Week Per Field Capacity calculation: four games per night, six nights per week = 24 games per week per field. ⁽⁵⁾ City does not currently have a regulation size senior little league baseball field.					

Table 4, Sports League Field Demand Analysis, illustrates the typical field demand per sport for a single season. The table reflects data from the Spring 2012 season. The table does not account for "rain-out" or make-up games in the formula of games per week per field. Rain-out and make-up games must be rescheduled, depending on climatic conditions within any given year.

Standard-Based Approach

The standard-based approach compares data from National and State-level survey reports reflecting trends, inventory data, and current demand. This data is used to determine park land availability for current and future recreational needs. By assessing the quantity of park land and the number of facilities that are required to meet the needs of the population, the Parks, Recreation and Cultural Arts Department can better formulate its local City standards for current and projected use.

The National Recreation and Park Association (NRPA) serves as a primary source for standards. The NRPA standards function as a guide for park planners to develop park facility standards, park development and open space needs implemented in a community. From community to community, differences are found in the socio-economic, cultural characteristics, and climatic conditions.

Not every community can provide a comparable level of service in every commodity for every resident. Therefore, the range of demands and preferences for recreational activities vary. NRPA states that their data is to be used only as a guide for the development of local standards. Therefore, the NRPA provides information towards the formation of local standards.

The following matrices (*Tables 5 and 6*) describe the projected facility and acreage needs for the anticipated build-out population of 241,767 of the year 2030. The acreage required per 1,000 persons varies for each park classification. For long range planning, this is a useful tool for determining future facility development and park land acreage acquisition.

TABLE 5: Park Facility Standard Analysis Ratio
City of Garland, Texas

Facility	Existing Inventory (League Sport Fields)	NRPA Population per Facility ⁽⁷⁾	Garland Standard ⁽⁴⁾	Current Demand, per Garland Standard ⁽⁵⁾	Build-Out Demand, per Garland Standard ⁽⁶⁾
Multi-purpose/ Basketball	16	1/5,000	1/15,000	15	16
Tennis Courts	34	1/4,375	1/7,000	32	34
Diamond Fields (Baseball, Softball)	31.5	1/2,900	1/10,000	24	24
Cricket	.5	1/20,000	1/75,000	3	3
Football	2.5	1/20,000	1/75,000	3	3
Soccer	21	1/10,000	1/10,000	22	24
Playgrounds ⁽¹⁾	51	1/3,400	1/4,000	59	60
Aquatic Facilities	5 ⁽³⁾	1/20,000	1/50,000	4	5
Volleyball	6	NS	1/25,000	9	10
Trails	21 miles ⁽²⁾	NS	N/A*	N/A*	N/A*

Table assumes lighted facilities.

NS = No Standard.

NRPA = National Recreation and Parks Association.

* As many as possible in order to provide a comprehensive system of natural surface, paved, paddle, and ATV trails that connect residential areas to parks, schools and open space.

⁽¹⁾ Existing inventory includes 16 playgrounds at elementary schools with public access.

⁽²⁾ Includes paved and natural trails.

⁽³⁾ Municipal aquatic facilities and Hawaiian Falls Waterpark (operated by concessionaire).

⁽⁴⁾ Based on the 2012 Texas Outdoor Recreation Plan, 2012 NRPA Parks and Recreation National Database Report, and existing facility demand analysis.

⁽⁵⁾ Based on 2010 Estimated Population Characteristics; 2010 U.S. Census, North Texas Council of Governments (NCTCOG).

⁽⁶⁾ Based on 2030 Demographic Forecast; Claritas, Inc., North Texas Council of Governments (NCTCOG), City of Garland projected year 2030 build-out population of 241,767.

⁽⁷⁾ Where applicable, the 2013 NRPA Parks and Recreation Special Report, Median Jurisdiction Population per Facility was used.

Table 5, Park Facility Standard Analysis Ratio, considers a 2012 population of 226,876, and the projected facility needs for an anticipated build-out population of 241,767 of the year 2030.

TABLE 6: Park Land Acreage Analysis
City of Garland, TX

Park Type	NRPA Standard, Acres per 1,000 Persons ⁽¹⁾	Existing Garland Park Acreages	Current Demand, Acres per NRPA Standard ⁽²⁾	Build-Out Demand, per NRPA Standard ⁽³⁾
Neighborhood	2.5	305.4	567.2	604.4
Community	5.0	786.9	1134.4	1208.8
Greenbelts/ Natural Areas	6.0 to 8.0	1006.1	1588.1	1692.4
Specialty Parks	2.0	878.9	453.8	483.5
Total Acres:	17.5	2977.3	3743.5	3989.1

⁽¹⁾ NRPA = National Recreation and Parks Association.

⁽²⁾ Based on 2010 Estimated Population Characteristics; US Census, North Texas Council of Governments (NCTCOG), City of Garland year 2010 estimated population of 226,876.

⁽³⁾ Based on 2030 Demographic Forecast; Claritas, Inc., North Texas Council of Governments (NCTCOG), City of Garland projected year 2030 build-out population of 241,767.

⁽⁴⁾ The 63-hole Firewheel Golf Course is included in this document as a specialty park; however, its acreage impacts the build-out demand standard.

Table 6, Park Land Acreage Analysis, is analyzed by Garland's current population. The acreage required per 1,000 persons varies for each park classification. For long range planning, this is a useful tool for determining future park land acreage acquisition.

Plan Implementation and Prioritization of Needs

The estimated build-out population from the North Central Texas Council of Governments (NCTCOG) for the year 2030 is projected to be approximately 241,767. As documented in the 2010 U.S. Census, the City has a population of 226,876. Based on this data, Garland is within 14,891 people of the projected build-out population for the year 2030. Park standards, park equipment, recreational trends and recreational activities are continuously changing.

The size and composition of a park system matter to the residents. More park acreage is often what everyone is looking for. Areas need to be accommodated for competitive and non-competitive play. Non-competitive play varied widely between nature activities, dog parks, fishing, play areas or activities that are based on “green infrastructure” varies widely and includes a broad range of experiences. Before analyzing how much park land we should have we need to consider facilities. Competitive sports fields are easier to count than walking trails. We must consider the creative flexibility and relationships between park size and the type and facilities it can adequately sustain.

Ongoing assessment of each park within the park system and evaluation of the existing park uses and capacity should be considered every 5 years in order to update the completion of priorities and shift those yet uncompleted on the priority ranking to determine provision of adequate and current recreation opportunities.

Example of Park Land Analysis and Facility Use Evaluation

An example of this evaluation is William “Bill” Cody Park located within the flood plain of the Duck Creek Greenbelt. The park has one lighted multi-use softball/baseball field and a parking lot. There are numerous baseball/softball fields and complexes throughout Garland to accommodate league and tournament play. With Cody Park, the City provides grounds maintenance, field lighting, and electricity for a single field. As an alternative to this, Cody Park could be renovated into a trail head parking area for the Duck Creek Trail and other passive uses such as picnicking and playgrounds. This would be an example of readapted use of an existing park.

By readapting William “Bill” Cody Park, the property is regenerated as passive open space responding to the existing wildlife corridor and meeting current demands.

Park Land Acquisition

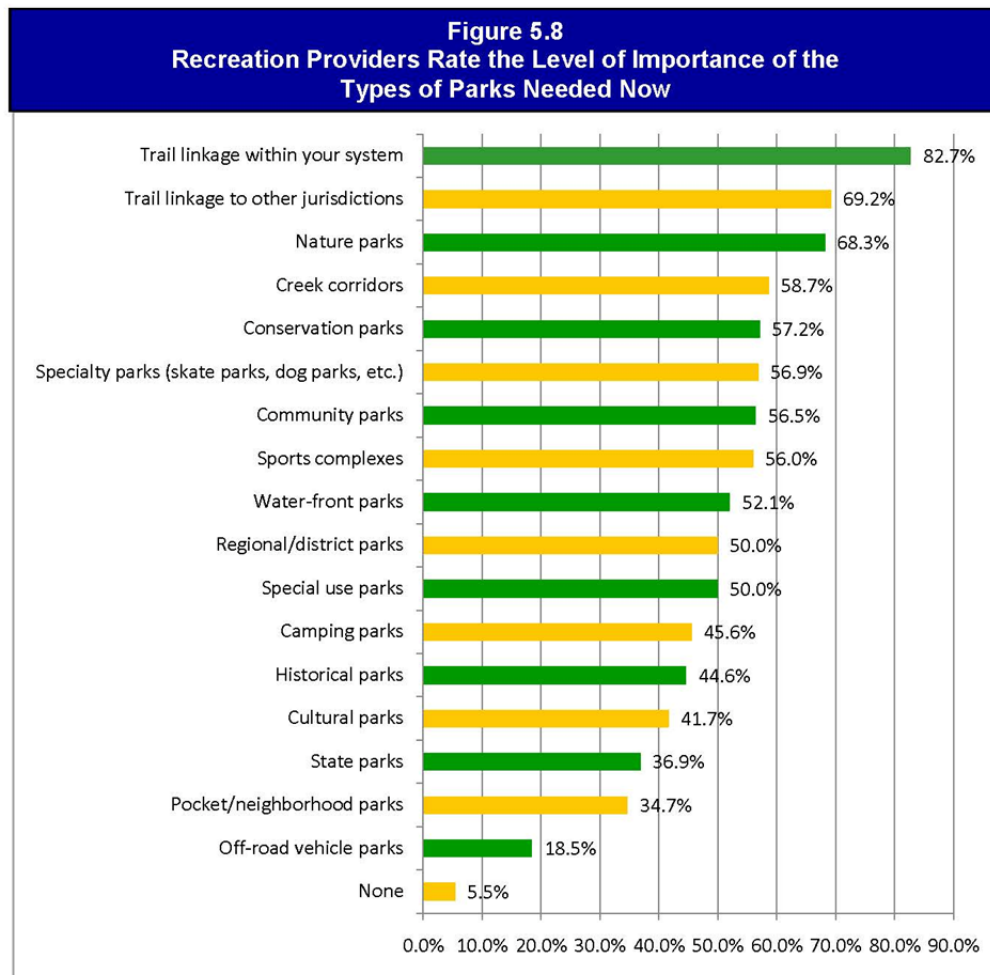
The objective of park land acquisition is to acquire adequate land to support the projected needs identified in the priority listing, preserve greenbelts, and acquire open space. Park land acquisition should also provide a geographically equitable distribution of parks to serve the citizens of Garland.

Analysis of existing park land indicates adequate acreage of park land available for public use. To address future facility needs, the City will need to acquire additional park land. Special needs in developed areas of Garland will be reviewed individually.

Acquisition of greenbelts and flood plains to preserve open space, develop trail systems, and provide park linkages is important to any park system. The City should acquire this acreage either through donation, dedication, or purchase as property develops adjacent to the flood plains.

The following excerpts are taken from 2012 Texas Outdoor Recreation Plan:

Recreation providers were asked to rate the importance of the types of park needs that they are currently facing in their park system. Trail linkages within their own park system rated significantly higher in importance than the next category of trail linkages with other jurisdictions (Figure 5.8).



The City of Grapevine has utilized its many resources to develop more than twenty-two (22) miles of hard-surface trails and four (4) miles of soft-surface trails. Grapevine will eventually have approximately 34 miles of trails within its city limits.

As in numerous other agency plans, including previous SCORP submissions, trails still rank highest as the top facilities needed now. Trails account for three of the five top needs.

Table 5.14 Top 5 Facilities Needed Now by Recreation Providers	
Paved trails for walking, hiking, skating or biking	54.2%
Natural park area/open space	30.4%
Nature/interpretive trails	29.2%
Unpaved trails for walking and hiking	27.4%
Dog parks	25.0%

Table 5.1	
Active recreation facilities (courts, fields, playgrounds, trails)	63.4%
Support facilities (restrooms, benches, trash cans)	51.3%
Passive recreation facilities (natural features, gardens, outdoor education, park interpretation)	47.3%

Respondents were also asked to identify the facilities currently needed in their local park. Table 5.19 identifies the top five facilities.

Table 5.19 Top 5 Facilities Needed Now In Local Parks by Texas Citizens	
Unpaved trails for walking and hiking	43.6%
Natural park area/open space	31.8%
Mountain bike trails	31.4%
Paved trails for walking, hiking, biking, skating	30.1%
Wildlife/nature observation sites	27.8%

End of excerpts taken from 2012 Texas Outdoor Recreation Plan.

Indoor and Outdoor Recreation Facility Priorities

According to the City of Garland Recreation Centers Strategic Facilities Plan, the plan essentially evaluates the relationship between the operational needs and recreational programs of the Garland Parks and Recreation Department and the physical structures to accommodate them. The document attempts to align the demographics with appropriate needs for recreational programs and facilities. Proposed enhancements of recreational programs will require significant building renovations and additions. Due to the substantial scale of improvements, partnering with other agencies, along with the Garland Independent School District may provide an opportunity for both the private and public sectors to promote health and recreation activities. The plan provides guidelines against which to measure implementation. Periodically, the plan will need adjustment, reacting to changing factors in order to remain relevant, but it gives a clear vision to promote civic pride in a fiscally responsible manner.

Three workshops were conducted by BRW Architects and the Sports Management Group to assist the Parks and Recreation Department to define services and develop potential programs to compare with to their recreation centers. The workshop topics included the following: market analysis and program goals; program development and facility design; and operational costs and revenue potential.

As a result of these workshops and facility observations, the following tables of priorities were established.

Table 7: Indoor Recreation Facility Priorities City of Garland, Texas				
Priority	Facility	Timing	Estimated Cost	Possible Funding Sources
1.	Fitness Facilities	2012 - 2022	Varies	Bonds, Grants, City Funds
2.	Aerobics Rooms	2012 - 2022	Varies	Bonds, Grants, City Funds
3.	Multi-Sport Courts	2012 - 2022	Varies	Bonds, Grants, City Funds
4.	Indoor Pool	2012 - 2022	Varies	Bonds, Grants, City Funds
5.	Game Rooms (Computer)/ Craft Rooms	2012 - 2022	Varies	Bonds, Grants, City Funds

Table 7, The Indoor Recreation Facility Priorities, as outlined in *Table 7* represent the priorities of the *Development Guidelines 2012-2022*.

Table 8: Outdoor Recreation Facility Priorities City of Garland, Texas				
Priority	Facility	Timing	Estimated Cost	Possible Funding Source
1.	Trails	2012 - 2022	\$24,000 per mile	Bonds, Grants, City Funds
2.	Specialty Parks: Dog Parks, Skate Parks, Nature Parks, Disc Golf Course	2012 - 2022	TBD	Bonds, Grants, City Funds
3.	Sports Fields, Diamond Fields, Soccer, Cricket	2012 - 2022	\$450,000 to \$800,000 per field	Bonds, Grants, City Funds
4.	Picnic Facilities (Covered, Uncovered)	2012 - 2022	TBD	Bonds, Grants, City Funds
5.	Land Acquisition	2012 - 2022	TBD	Bonds, Grants, City Funds
6.	Playgrounds	2012 - 2022	\$200,000 to \$700,000	Bonds, Grants, City Funds
7.	Aquatic Facilities	2012 - 2022	TBD	Bonds, Grants, City Funds
8.	Public Access to Water	2012 - 2022	TBD	Bonds, Grants, City Funds

Table 8, The *Outdoor Recreation Facility Priorities*, as outlined in *Table 8* represent the priorities of the *Development Guidelines 2012-2022*.

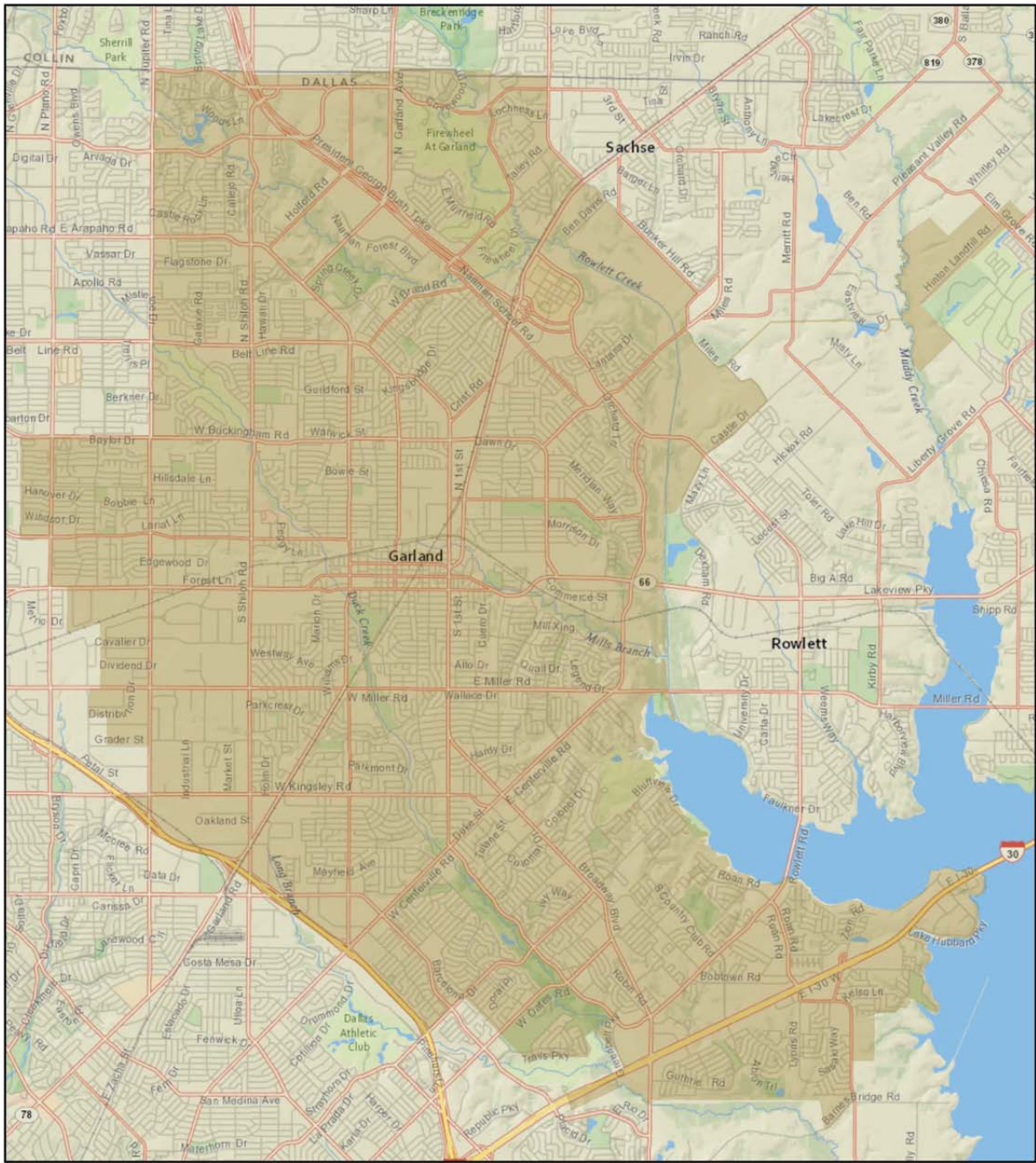
Plan Summary

In summary, the City of Garland's Parks, Recreation and Cultural Arts Department has created this Appendix A to its Strategic Plan 2013-2015 as guidance in its planning and implementation of park improvement projects. The department will continue its ongoing public outreach, listening to what its residents have to say about their park system and continue to identify alternative funding sources for development. Continuously making improvements, maximizing facility use and ensuring high-quality and well-maintained facilities allows the department to better meet changing public demands. This document is to be reviewed annually during the capital improvements process program to record facilities that have been constructed and update the priority rankings as facilities are completed.



GARLAND

CITY LIMITS



1.5 0.75 0 1.5 Miles

City Limits

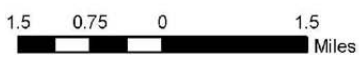
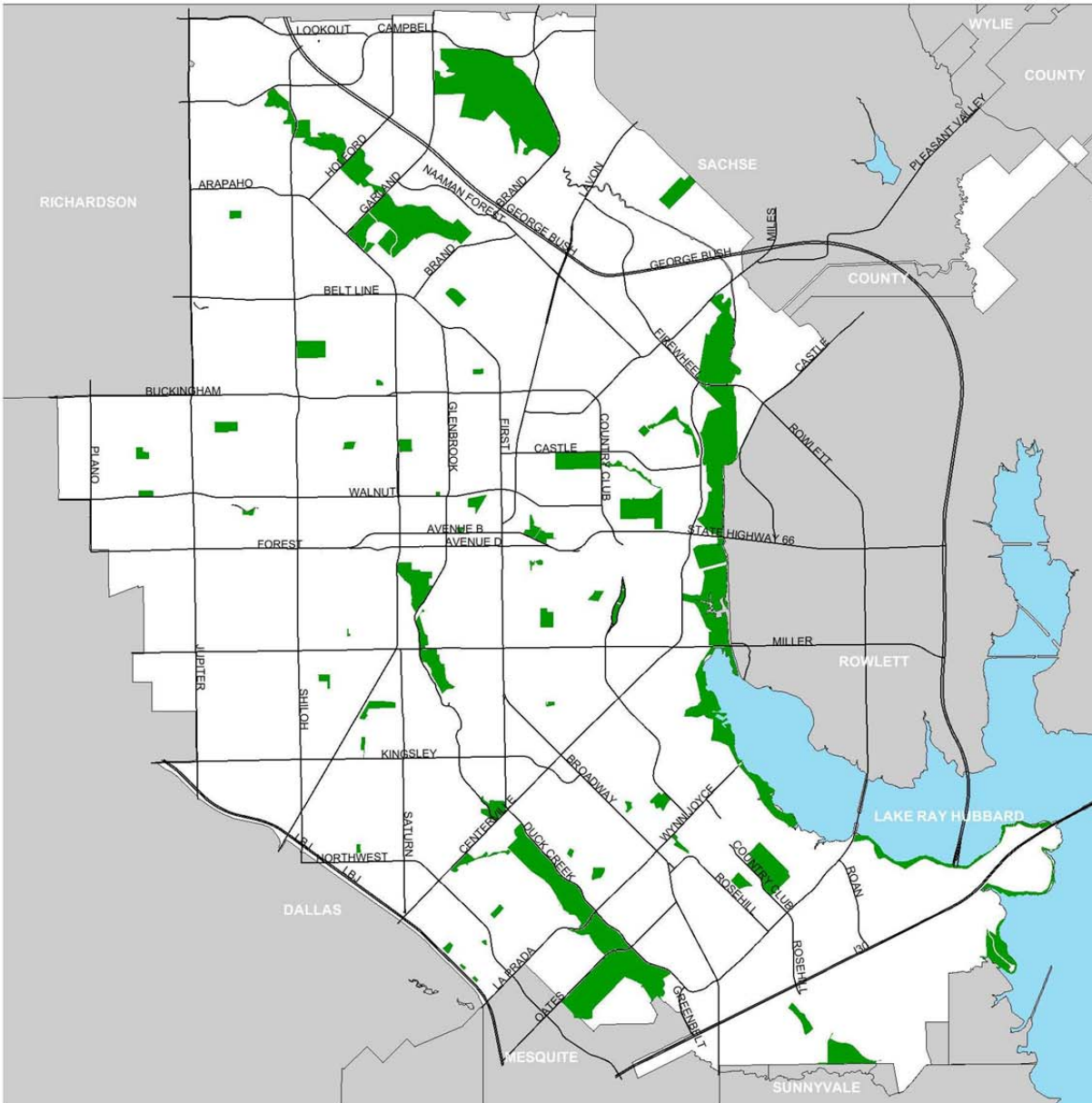
Last updated: 20 March 2012





GARLAND

CITY LIMITS



 City Limits

Last updated: 20 March 2012





Policy Report

CONVEYANCE OF CERTAIN ELECTRIC TRANSMISSION FACILITIES TO THE CITY OF BRYAN, TEXAS AND BRAZOS ELECTRIC POWER COOPERATIVE

ISSUE

In 1991 and 1992, the Texas Municipal Power Agency (TMPA) entered into contracts for the administration of a contract for the sale of power between the Member Cities (Cities of Bryan, Denton, Garland, and Greenville) and the cities of Bowie, Bridgeport, and College Station. As part of these contracts, TMPA constructed certain transmission facilities ("Off-System Sales Facilities") and acquired certain transmission rights of way ("Off-System Sales Transmission Rights of Way") in order to support the sales under these contracts. Under the terms of the contracts, the Member Cities are entitled to have TMPA convey the Off-System Sales Facilities and Off-System Sales Transmission Rights of Way to the Member Cities.

In recognition of the operational conditions and compliance provisions associated with the Off-System Sales Facilities the Member Cities, through TMPA, maintain a potential regulatory liability with continued ownership of these facilities. Due to current operational processes, as well as their geographical position, the assets are best conveyed to the City of Bryan and the Brazos Electric Power Cooperative.

All legal documents for the conveyances have been prepared and reviewed by attorneys for Brazos Electric Power Cooperative, TMPA, and the Member Cities. In addition, the Brazos Electric Power Cooperative Board of Directors has authorized acceptance of the Bowie and Bridgeport assets. Actions that remain to be completed for conveyance include (i) obtaining Member City governing body approval and (ii) closing the transactions.

OPTIONS

- (1) Approve authorizing the Mayor, or his representative to execute the documents necessary for conveyance of the Off-System Sales Facilities and the Off-System Sales Transmission Rights of Way to the City of Bryan, Texas and Brazos Electric Power Cooperative.
- (2) Take no action.

RECOMMENDATION

Staff recommends that Council consider approval of option number one authorizing the Mayor to execute the documents necessary for the conveyance of the Off-System Sales Facilities and the Off-System Sales Transmission Rights of Way to the City of Bryan, Texas and Brazos Electric Power Cooperative. This item is scheduled for formal approval at the May 7, 2013 Regular Meeting.

COUNCIL GOAL

Consistent Delivery of Reliable City Services

CONSIDERATION

The approval reduces the Member Cities', including the City of Garland's, regulatory liability associated with these transmission lines.

All legal documents for the conveyances have been prepared and reviewed by attorneys for Brazos Electric Power Cooperative, TMPA, and the Member Cities.

Submitted By:

Jeff Janke,
GP&L Managing Director

Date: April 29, 2013

Approved By:

William E. Dollar
City Manager

Date: April 29, 2013



Policy Report

TEXAS DEPARTMENT OF TRANSPORTATION'S S.T.E.P – “CLICK IT OR TICKET” GRANT

ISSUE:

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

OPTIONS:

1. Accept TX-DOT STEP Grant Funding. If the City Council concurs, the City Manager will execute the contracts.
2. Do Not Accept TX-DOT STEP Grant Funding.

RECOMMENDATION:

Accept TXDOT Grant Funding for the Selective Traffic Enforcement Program “Click it or Ticket” for increased safety belt compliance, May 20, 2013 – June 2, 2013. This item is scheduled for formal consideration at the May 7, 2013 Regular Meeting.

COUNCIL GOAL

Safe, Family-Friendly Neighborhoods – By accepting the STEP Grant the City Council will augment the ability of the Garland Police Department to provide an even greater level of traffic safety for the citizenry of the City of Garland by potentially changing the driving habits of those who violate the laws related to vehicle occupant protection enforcement.

Financially Stable Government - 100% of the grant funding is provided by The Texas Department of Transportation (TXDOT).

BACKGROUND:

The Garland Police Department has successfully participated in STEP enforcement grants for many years. The purpose of this grant is to save lives by increasing occupant restraint use in all passenger vehicles and trucks by conducting intense occupant protection enforcement as well as public information and education efforts during

**TEXAS DEPARTMENT OF TRANSPORTATION SELECTIVE TRAFFIC
ENFORCEMENT COMPREHENSIVE GRANT**

Page 2

enforcement period. Enforcement of these efforts will be focused throughout the City of Garland.

CONSIDERATION:

If accepted, the \$8,999.92 grant will provide 100% salary reimbursement for officers conducting CIOT enforcement during the enforcement period, May 20, 2013 – June 2, 2013. The grant is fully funded by the Texas Department of Transportation (TXDOT). The City of Garland is not required to provide matching funds.

ATTACHMENT:

None

Submitted By:

Mitchel L. Bates
Chief of Police

Date: April 29, 2013

Approved By:

William E. Dollar
City Manager

Date: April 29, 2013



Policy Report

SALE OF CITY PROPERTY TO CRACKPOT REALTY, LLC

ISSUE

Consider the sale of a residential property at 1113 Mill River Drive in the City of Garland to Crackpot Realty, LLC for \$20,000.

OPTIONS

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

RECOMMENDATION

Sell the subject property to Crackpot Realty, LLC. If Council concurs with this recommendation, staff will submit a resolution for consideration at the May 21, 2013 Regular Meeting.

COUNCIL GOAL

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

BACKGROUND

On February 1, 2011, the property located at 1113 Mill River Drive was struck off to the City of Garland pursuant to delinquent tax suit No. TX09-40561, City of Garland and Garland ISD vs. Heirs and Unknown Heirs of Raymond L. Wade, et al. The property was struck off for \$67,910. The most recent appraisal district market value is \$75,240. Crackpot Realty, LLC has offered to purchase this property for \$20,000.

CONSIDERATION

Since the purchase offer is less than either the Judgment amount or market value, all taxing jurisdictions must consent to the sale. Dallas County and GISD have consented by Court Order and Resolution respectively. Net court costs and costs of sale amount to \$3,681.18. In addition, the City is entitled to reimbursement for its costs in the amount of \$1,500.00, leaving \$14,818.82 to be distributed to the City of Garland, Garland ISD, and Dallas County based on the pro rata percentages of the total judgment for taxes. Garland will receive \$3,625.41, with \$8,189.62 distributed to GISD and \$3,003.79 distributed to Dallas County.

Total Distribution:

Court Costs	\$ 3,681.18
City of Garland	\$ 5,125.41
GISD	\$ 8,189.62
Dallas County	<u>\$ 3,003.79</u>
	\$20,000.00

ATTACHMENTS

1. Letter offering to purchase the property.
2. Court Order from Dallas County.
3. Resolution from GISD.
4. Sheriff's Deed

Submitted By:

Michael C. Polocek, P.E.
Director of Engineering
Engineering Department

Date: April 30, 2013

Approved By:

William E. Dollar
City Manager

Date: April 30, 2013

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WILLIAM J. ROBERTS +
JENNIFER T. PETTIT
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♦ BOARD CERTIFIED -- CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

+ATTORNEY - MEDIATOR

January 23, 2013

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

Via electronic-mail

Re: Offer by Crackpot Realty, LLC to purchase 1113 Mill River Dr., Garland, Texas

Dear Ms. Clark:

The above referenced property was struck off to the City of Garland on February 1, 2011 at a Sheriff's Sale pursuant to delinquent tax suit No. TX09-40561, City of Garland and Garland ISD vs. Heirs and Unknown Heirs of Raymond L. Wade, et al. The property was struck off for the adjudged value of the property, \$67,910.00. Crackpot Realty, LLC has offered to purchase this property for \$20,000.00. The property is currently assessed by the Dallas Central Appraisal District at \$75,240.

The costs and distribution of net proceeds are:

Court Costs		\$1,511.91
Sheriff's Costs of Sale		\$1,866.77
Publication Fees		\$302.50
Net Court Costs and Costs of Sale		<u>\$3,681.18</u>
Personnel and Overhead		<u>\$1,500.00</u>
Total City Reimbursement		<u>\$1,500.00</u>
City of Garland	24.5%	\$3,625.41
Garland ISD	55.3%	\$8,189.62
Dallas County	20.2%	\$3,003.79
Total Tax Distribution		<u>\$14,818.82</u>
Net Court Costs and Costs of Sale		\$3,681.18
Total City Reimbursement		\$1,500.00
Total Tax Distribution		<u>\$14,818.82</u>
Total Sale Price		<u>\$20,000.00</u>

C. Clark
January 23, 2013
Page Two

Because the purchase price is less than either the Judgment amount of taxes and court costs, \$79,378.38, or the market value as stated in the judgment, \$67,910.00, all jurisdictions included in the judgment must consent to the sale. Our office will obtain the necessary consent for the sale to proceed.

If the City Council approves this transaction, please forward to me the executed Deed. I will contact Crackpot Realty, LLC to complete the transaction.

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

Yours truly,

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a loop and a long horizontal stroke.

J. Douglas Burnside
Attorney at Law

Re-sale Disbursement Worksheet
City of Garland

CAD Acct #:	26365500070280000
Property address:	1113 Mill River Drive
Prior Owner:	Raymond L. Wade
Cause No.:	TX09-40561
Judgment Date:	June 10, 2010
Sheriff's Sale Date:	February 1, 2011
Judgment amount:	GISD \$38,942.32
	City \$17,239.13
	County \$14,283.29
Court costs:	\$1,511.91
Sheriff's fees for sale:	\$1,866.77
Publication fees for sheriff's sale, paid by Gay & McCall:	\$302.50

Checks to be disbursed as follows:

1.	Dallas County District Clerk	\$1,511.91
2.	Dallas County Sheriff	\$1,866.77
3.	Gay, McCall, Isaacks, Gordon & Roberts	\$302.50
4.	City of Garland Admin Fee	\$1,500.00
4.	City of Garland Taxes	\$3,625.41
5.	Garland ISD	\$8,189.62
6.	John Ames, Dallas County Tax Assessor	\$3,003.79
	TOTAL	\$20,000.00

The cause number and Dallas Central Appraisal District tax account number should be on all checks.

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COURT ORDER

ORDER NO 2013 0425

DATE: MARCH 5, 2013

STATE OF TEXAS §

COUNTY OF DALLAS §

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Dallas County, Texas, held on the 5th day of March, 2013, on motion made by Dr. Elba Garcia, Commissioner of District 4 and seconded by John Wiley Price, Commissioner of District 3, the following order was adopted:

WHEREAS, this matter was briefed to the Commissioners Court on February 26, 2013; and

WHEREAS, the improved property at 1113 Mill River Drive, Garland, Texas, DCAD Account No. 26365500070280000 was struck off to the City of Garland, et al on February 1, 2011 at a Sheriff's Sale pursuant to delinquent tax suit No. TX-09-40561, City of Garland and Garland I.S.D. vs. Heirs and Unknown Heirs of Raymond L. Wade, et al. (the "Property"); and

WHEREAS, pursuant to Section 34.01(c) of the Tax Code the City of Garland holds the Property in trust for all the taxing jurisdictions party to the judgment, e.g., City of Garland, Garland I.S.D., Dallas County, Dallas County Community College District, Parkland Hospital District, and Dallas County School Equalization Fund; and

WHEREAS, the taxing jurisdictions desire to resell the Property in an expeditious manner pursuant to Tax Code Section 34.05; and

WHEREAS, the City has received an offer from Crackpot Realty, LLC to purchase the Property for \$20,000; and

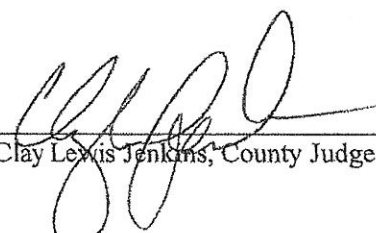
WHEREAS, Dallas County desires to consent to the sale of the Property to Crackpot Realty, LLC and to authorize the City of Garland, as trustee, to act on behalf of Dallas County, Dallas County Community Collect District, Parkland Hospital District, and the Dallas County School Equalization Fund in the execution of the conveyance deed; and

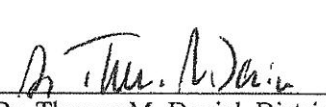
WHEREAS, sale of the Property is consistent with Vision 5 (Dallas County is the destination of choice for residents and businesses) of the County's Strategic Plan in partnering with the City of Garland in selling tax foreclosure property to interested purchasers thereby returning tax exempt property to the tax roll increasing tax revenue for the Taxing Authorities; and

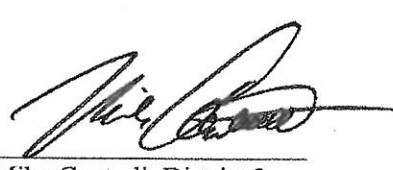
WHEREAS, the Director of Public Works has reviewed the offer and recommends acceptance.

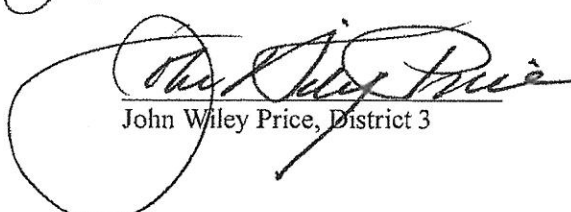
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Dallas County Commissioners Court: (1) consent to the sale of the Property at 1113 Mill River Drive, Garland, Texas, to Crackpot Realty, LLC for \$20,000, even if the amount tendered is less than the market value of the land specified in the judgment of foreclosure or the total amount of the judgment against the property in compliance with Section 34.05(i) of the Texas Property Tax Code, and (2) authorize the City of Garland, as trustee, to act and sign on behalf of Dallas County, the Dallas County Community College District, the Parkland Hospital District and the Dallas County School Equalization Fund in the sale, use, and disposition of the property listed herein, acquired by tax foreclosure, which has been jointly vested in the name of the City of Garland, Garland I.S.D., and Dallas County.

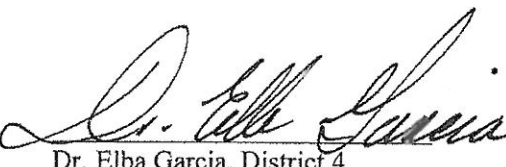
DONE IN OPEN COURT, this the 5th day of March, 2013.


Clay Lewis Jenkins, County Judge



Dr. Theresa M. Daniel, District 1


Mike Cantrell, District 2


John Wiley Price, District 3


Dr. Elba Garcia, District 4

Recommended by:


Alberta L. Blair, P.E.
Director of Public Works

PAE:pc:SC
K:/Property/dtax/Consents-OtherTaxingUnits/COOfferCityofGarl-Gay,McCall,Isaacks,Gordon&Roberts.MillRiver1113

Sale of Tax Foreclosed Property Located in District 1
1113 Mill River Dr., Garland, Texas Mapsco 39C



**Dallas Central
Appraisal District**
www.dallascad.org

DISCLAIMER

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

RESOLUTION

A RESOLUTION CONSENTING TO THE SALE BY THE CITY OF GARLAND OF 1113 MILL RIVER DRIVE TO CRACKPOT REALTY, LLC FOR \$20,000.00

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF GARLAND INDEPENDENT SCHOOL DISTRICT, GARLAND, TEXAS:

Section 1

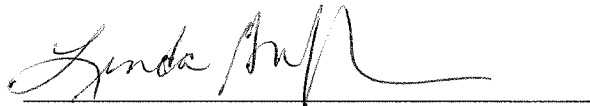
That the Board of Trustees hereby consents to the sale of 1113 Mill River Drive to Crackpot Realty, LLC for \$20,000.00 by the City of Garland.

Section 2

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

PASSED AND APPROVED this the 26th day of February, 2013.

GARLAND INDEPENDENT SCHOOL DISTRICT



President, Board of Trustees
Garland Independent School District

ATTEST:



Secretary, Board of Trustees
Garland Independent School District

Sheriff's Deed

020111-43

The State of Texas,
County of Dallas.



KNOW ALL MEN BY THESE PRESENTS:



201100088836

SHERIFF DEED 1/2

NOTICE OF CONFIDENTIALITY RIGHTS: "IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

THAT, WHEREAS, By virtue of a certain Order of Sale, issued out of the Honorable 95th Judicial District Court, Dallas County, State of Texas, on 30th day of September, A. D. 2010 in and for Dallas County, Styled CITY OF GARLAND AND GARLAND ISD, Plaintiff, -versus- HEIRS AND UNKNOWN HEIRS OF RAYMOND L. WADE, ET AL, Case #TX-09-40561. On a certain judgment and Decree of Foreclosure rendered on the 21st day of June, A.D. 2010, by said Court and directed and delivered to me as Sheriff of Dallas County, Texas, commanding me to seize and sell the real property described in said Order of Sale, I, Lupe Valdez, Sheriff, aforesaid, did upon the 14th day of Dec., A.D., 2010, execute said property described in said Order of Sale, by having notice of the time and place of such sale published in the English language, once a week for three consecutive weeks, preceding such sale, in the DAILY COMMERCIAL RECORD a newspaper published in said County, the first of said publications appearing not less than twenty days immediately preceding the day of said sale, and by MAILING a written notice of such sale to HEIRS & UNK. HEIRS OF RAYMOND L. WADE, ETAL, JOAN TARPLEY, DEBRA S. WADE, AND MARVIN WADE, Defendant(s) and on the 1st Tuesday in February, A.D. 2011 it being the 1st day of the month, within the hours prescribed by law, (10:00 A.M.) sold said real property at public auction in the County of Dallas at the Courthouse door thereof, at which sale the real property herein after described was struck off to City of Garland on it's behalf and Trustee for Dallas County, Garland ISD, for the sum of \$67,910.00 Dollars as there were no bids taken on that property therefore.

NOW, THEREFORE, in consideration of the premises aforesaid and of the payment to me of the said sum of \$67,910.00 Dollars, the receipt of which is hereby acknowledged, I, Lupe Valdez, Sheriff as aforesaid, have SOLD and CONVEYED, and by these presents do SELL and CONVEY unto the said City of Garland on it's behalf and Trustee for, Dallas County, Garland ISD, all of the estate, right, title and interest which the said Defendant had on the 21st day of June, A.D. 2010 or at any time afterwards, in and to the following described real property, same being also described in the said Order of Sale, all that certain lot, tract or parcel of land, lying in being situated in Dallas County, TX and being more particularly described as follows:

PROPERTY ADDRESS: 1113 MILL RIVER DR., CITY OF GARLAND, DALLAS COUNTY, TEXAS. BEING LOT 28, BLOCK 7, MONTCLAIR 2 ADDITION, AKA 1113 MILL RIVER DR., CITY OF GARLAND, DALLAS COUNTY, TEXAS.

TO HAVE AND TO HOLD The above described premises, together with all and singular, the rights and Appurtenances thereto in anywise belonging, unto the said City of Garland heirs and assigns, forever as fully and as absolutely as I, a Sheriff aforesaid, can convey by virtue of said Order of Sale.

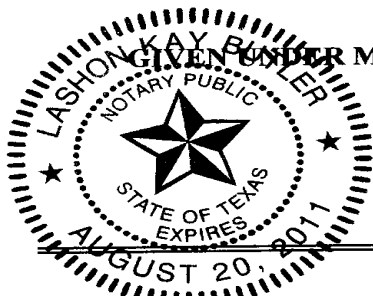
IN TESTIMONY WHEREOF, I have hereunto set my hand, this 2nd day of February, A.D. 2011.

LUPE VALDEZ, SHERIFF,
DALLAS, COUNTY, TEXAS

by [Signature] #329
Deputy Tim Davis #276, Deputy J.T. Wilson #329

The State of Texas}
County of Dallas

BEFORE ME, Lashon Kay Butler, A Notary Public on this day personally appeared Deputy Tim Davis, #276, Deputy J.T. Wilson #329 Deputy Sheriff of Dallas County, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purpose and consideration therein expressed, and in his capacity as Deputy Sheriff therein set forth.



GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 2nd day of February, A.D. 2011.

[Signature]
Notary Public, State of Texas
Commission Expires 08-20-2011

The State of Texas, }
County of Dallas

I _____ County Clerk of said County, do hereby certify that the above instrument of writing, together with its Certificate of Authentication was filed for record in my office on the _____ day of _____ A.D. 2011, at _____ o'clock _____ M., and duly recorded the _____ day of _____ A.D., 2011, in Volume _____, Page _____ of the Records of Deeds, etc., of said County.

WITNESS MY HAND AND OFFICIAL SEAL This _____ of _____ A.D.2011.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
04/07/2011 09:41:47 AM
\$20.00

County Clerk Dallas County, Texas.

By _____
Deputy

201100088836

Send This Deed To: City of Garland, Attn: SYDNA H. GORDON, 1919 S. SHILOH RD, SUITE 310 LB 40, GARLAND, TEXAS 75042





Policy Report

SALE OF CITY PROPERTY TO DR. ROBERT MILSTEIN

ISSUE

Consider the sale of a residential property at 5706 Marina, Unit 3, Building 'A', in the City of Garland to Dr. Robert Milstein for \$28,500.

OPTIONS

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

RECOMMENDATION

Sell the subject property to Dr. Robert Milstein. If Council concurs with this recommendation, staff will submit a resolution for consideration at the May 21, 2013 Regular Meeting.

COUNCIL GOAL

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

BACKGROUND

On April 6, 2010, the property located at 5706 Marina, Unit 3, Building 'A', was struck off to the City of Garland pursuant to delinquent tax suit No. TX08-40116, Garland ISD vs. Citibank, N.A. The property was struck off for \$28,276.23. The most recent appraisal district market value is \$54,760. Dr. Robert Milstein has offered to purchase this property for \$28,500.

CONSIDERATION

Since the purchase offer is more than total amount due under the Judgment amount, this sale does not require the consent of the other taxing units. Net court costs and costs of sale amount to \$2,456.94. In addition, the City is entitled to reimbursement for its costs in the amount of \$1,500.00, leaving \$23,743.06 that will be distributed to the City of Garland, Garland ISD, and Dallas County based on the pro rata percentages of the total judgment for taxes. Garland will receive \$5,885.38, with \$15,124.85 distributed to Gisd and \$2,732.83 distributed to Dallas County.

Total Distribution:

Court Costs	\$ 2,456.94
HOA	\$ 800.00
City of Garland	\$ 7,385.38
Gisd	\$15,124.85
Dallas County	<u>\$ 2,732.83</u>
	\$28,500.00

ATTACHMENTS

1. Letter offering to purchase the property.
2. Sheriff's Deed

Submitted By:

Michael C. Polocek, P.E.
Director of Engineering
Engineering Department

Date: April 30, 2013

Approved By:

William E. Dollar
City Manager

Date: April

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

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS

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

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

♦ BOARD CERTIFIED -- CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

+ATTORNEY - MEDIATOR

April 8, 2013

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

Via electronic-mail

Re: Offer by Dr. Robert Milstein to purchase 5706 Marina, Garland, Texas

Dear Ms. Clark:

The above referenced property was struck off to the City of Garland on April 6, 2010 at a Sheriff's Sale pursuant to delinquent tax suit No. TX08-40116, Garland I.S.D. vs. Citibank, N.A. The property was struck off for the total amount of the judgment, \$28,276.23. Dr. Milstein has offered to purchase this property for \$28,500.00. The property is currently assessed by the Dallas Central Appraisal District at \$54,760.

The costs and distribution of net proceeds are:

Court Costs		\$780.00
Sheriff's Costs of Sale		\$1,388.19
Publication Fees		\$288.75
Net Court Costs and Costs of Sale		<u>\$2,456.94</u>
Homeowner's Association Assessments		\$800.00
Personnel and Overhead		\$1,500.00
Total Ownership Expenses		<u>\$2,300.00</u>
City of Garland	24.8%	\$5,885.38
Garland ISD	63.7%	\$15,124.85
Dallas County	11.5%	\$2,732.83
Total Tax Distribution		<u>\$23,743.06</u>
Net Costs		\$3,256.94
Total City Reimbursement		\$1,500.00
Total Tax Distribution		<u>\$23,743.06</u>
Total Sale Price		<u>\$28,500.00</u>

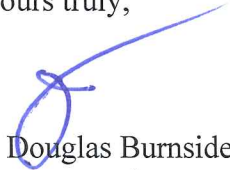
C. Clark
April 8, 2013
Page Two

Because the sale price is greater than the total amount due under the Judgment, this sale meets the criteria of §34.05(h) and does not require the consent of the other taxing units in the Judgment.

If the City Council approves this transaction, please forward to me the executed Deed. I will contact Dr. Milstein to complete the transaction.

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

Yours truly,



J. Douglas Burnside
Attorney at Law

Re-sale Disbursement Worksheet
City of Garland

CAD Acct #:	26126750010030000
Property address:	5706 Marina Drive
Prior Owner:	First Texas Savings Association
Cause No.:	TX08-40116
Judgment Date:	July 29, 2009
Sheriff's Sale Date:	April 6, 2010
Judgment amount:	GISD \$15,193.66
	City \$5,912.16
	County \$1,185.20
Court costs:	\$780.00
Sheriff's fees for sale:	\$1,388.19
Publication fees for sheriff's sale, paid by Gay & McCall:	\$288.75

Checks to be disbursed as follows:

1.	Dallas County District Clerk	\$780.00
2.	Dallas County Sheriff	\$1,388.19
3.	Gay, McCall, Isaacks, Gordon & Roberts	\$288.75
4.	Crow's Nest, Inc.	800.00
5.	City of Garland Admin Fee	\$1,500.00
6.	City of Garland Taxes	\$5,885.38
7.	Garland ISD	\$15,124.85
8.	John Ames, Dallas County Tax Assessor	\$2,732.83
	TOTAL	\$28,500.00

The cause number and Dallas Central Appraisal District tax account number should be on all checks.

DEED WITHOUT WARRANTY

Date: _____, 2013

Grantor: CITY OF GARLAND

Grantor's Mailing Address (including county):

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

Grantee: Dr. Robert Milstein

Grantee's Mailing Address (including county):

Dallas County

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

Property (including any improvements):

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

This Deed Without Warranty is subject to:

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

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

without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the property.

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

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

The intent of this Deed Without Warranty is to transfer the property foreclosed on by the Grantor taxing jurisdictions in Cause No. TX08-40116-T-I in the 162ND Judicial District Court, Dallas County, Texas, and no more.

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

ATTEST:

CITY OF GARLAND

By: _____
Title: _____

(Acknowledgment)

THE STATE OF TEXAS §

COUNTY OF DALLAS §

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

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

Notary's commission expires: _____

EXHIBIT A

BEING UNIT 3, BUILDING A, CAPTAIN'S QUARTERS 2/CROW'S NEST ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 88219, PAGE 2197 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AKA 5706 MARINA DRIVE.

2546

Sheriff's Deed

040610-13

The State of Texas,
County of Dallas.



KNOW ALL MEN BY THESE PRESENTS:



201000098917

SHERIFF DEED 1/2

NOTICE OF CONFIDENTIALITY RIGHTS: "IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

THAT, WHEREAS, By virtue of a certain Order of Sale, issued out of the Honorable 162nd Judicial District Court, Dallas County, State of Texas, on 18th day of December, A. D. 2009 in and for Dallas County, Styled GARLAND ISD, Plaintiff, -versus- CITIBANK NA, Case #TX-08-40116.

On a certain judgment and Decree of Foreclosure rendered on the 29th day of July, A.D. 2009, by said Court and directed and delivered to me as Sheriff of Dallas County, Texas, commanding me to seize and sell the real property described in said Order of Sale, I, Lupe Valdez, Sheriff, aforesaid, did upon the 15th day of February, A.D., 2010, execute said property described in said Order of Sale, by having notice of the time and place of such sale published in the English language, once a week for three consecutive weeks, preceding such sale, in the DAILY COMMERCIAL RECORD a newspaper published in said County, the first of said publications appearing not less than twenty days immediately preceding the day of said sale, and by MAILING a written notice of such sale to CITIBANK NA, CITIBANK NA W. JEFF PARADOWSKI, CROW'S NEST, INC. ATTN: BILLY NELSON, AND MICHAEL ZALSTEIN, Defendant(s) and on the 1st Tuesday in April, A.D. 2010 it being the 6th day of the month, within the hours prescribed by law, (10:00 A.M.) sold said real property at public auction in the County of Dallas at the Courthouse door thereof, at which sale the real property herein after described was struck off to City of Garland on it's behalf and Trustee for Garland ISD, Intervenor, Dallas County, for the sum of \$28,276.23 Dollars as there were no bids taken on that property therefore.

NOW, THEREFORE, in consideration of the premises aforesaid and of the payment to me of the said sum of \$28,276.23 Dollars, the receipt of which is hereby acknowledged, I, Lupe Valdez, Sheriff as aforesaid, have SOLD and CONVEYED, and by these presents do SELL and CONVEY unto the said City of Garland on it's behalf and Trustee for Garland ISD, Intervenor, Dallas County, all of the estate, right, title and interest which the said Defendant had on the 29th day of July, A.D. 2009 or at any time afterwards, in and to the following described real property, same being also described in the said Order of Sale, all that certain lot, tract or parcel of land, lying in being situated in Dallas County, TX and being more particularly described as follows:

PROPERTY ADDRESS: 5706 MARINA DR., CITY OF GARLAND, DALLAS COUNTY, TEXAS. BEING LOT 3, BLOCK 1, CAPTAINS QUARTERS 2/CROWS NEST ADDITION, AKA 5706 MARINA DR., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOL. 88219, PAGE 2197, OF THE DALLAS COUNTY DEED RECORDS.

TO HAVE AND TO HOLD The above described premises, together with all and singular, the rights and Appurtenances thereto in anywise belonging, unto the said City of Garland heirs and assigns, forever as fully and as absolutely as I, a Sheriff aforesaid, can convey by virtue of said Order of Sale.

IN TESTIMONY WHEREOF, I have hereunto set my hand, this 8th day of April, A.D. 2010.

LUPE VALDEZ, SHERIFF,
DALLAS, COUNTY, TEXAS

by [Signature]
Deputy Tim Davis #276, Deputy J.T. Wilson #329

The State of Texas}

County of Dallas

BEFORE ME, Lashon Kay Butler, A Notary Public on this day personally appeared Deputy Tim Davis, #276, Deputy J.T. Wilson #329 Deputy Sheriff of Dallas County, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purpose and consideration therein expressed, and in his capacity as Deputy Sheriff therein set forth.



GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 8th day of April, A.D. 2010.

[Signature]

Notary Public, State of Texas

Commission Expires 08-20-2011

The State of Texas, }

County of Dallas

I, _____ County Clerk of said County, do hereby certify that the above instrument of writing, together with its Certificate of Authentication was filed for record in my office on the _____ day of _____ A.D. 2010, at _____ o'clock _____ M., and duly recorded the _____ day of _____ A.D., 2010, in Volume _____, Page _____ of the Records of Deeds, etc., of said County.

WITNESS MY HAND AND OFFICIAL SEAL This _____ of _____ A.D.2010.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
04/21/2010 10:20:30 AM
\$20.00

County Clerk Dallas County, Texas.

By _____
Deputy



201000098917

Send This Deed To: City of Garland



Policy Report

Report No:

Agenda Item:

Meeting: Work Session

Date: May 6, 2013

CONSIDER PARK FACILITY NAME

ISSUE

At their May meeting, the Park and Recreation Board recommended for City Council consideration the naming of baseball field number 5 in Central Park for long time youth baseball volunteer Don Koerner.

OPTIONS

Options available to the City Council include: 1) concur with the Board's park facility naming recommendation, or 2) take no action and return the issue to the Parks and Recreation Board.

RECOMMENDATION

It is requested the City Council approve the recommendation from the Park and Recreation Board for the naming of baseball field number 5 in Central Park for long time youth baseball volunteer Don Koerner.

If the Council concurs, staff will prepare an ordinance for consideration at the May 21 Regular Meeting amending *Section 25.04, Park Names*, of the *Code of Ordinances* with the following park facility name:

Don Koerner
(Baseball Field No. 5)

1251 S. Glenbrook Drive
(Central Park)

COUNCIL GOALS

- Fully Informed and Engaged Citizenry

BACKGROUND

The request was initiated by the South Garland Little League organization board to recognize Mr. Koerner's longtime youth baseball volunteer efforts at their home field in Central Park. Mr. Koerner has been involved with SGLL for the past 18 years as a coach and/or board member, and for the past 8 years he has served as the league's

president. During his time of volunteer service, the Central Park baseball complex used by SGLL at 1251 S. Glenbrook Drive has seen significant improvements, including the total rebuilding of field number 5, the renovation of the backstop and dugouts at field number one, and the construction of a new park restroom facility. The league has seen increased participation and has become Garland's largest youth baseball organization, registering over 400 youth per season on teams that have produced a total of 24 Little League District 8 Championships.

CONSIDERATIONS

This request meets the Parks and Recreation Board policy for naming parkland and follows the precedent set with the naming of other Garland park system sports fields to recognize the efforts and valuable contributions of citizen volunteers.

ATTACHMENTS

None

Submitted By:

Jim Stone, Managing Director
Parks, Recreation & Cultural Services

Date: April 29, 2013

Approved By:

William E. Dollar
City Manager

Date: April 29, 2013



Meeting: Work Session

Date: May 6, 2013

Policy Report

HOUSE NUMBERING REQUIREMENTS

ISSUE

The 2009 International Residential Code, Section R319.1, and the 2009 International Fire Code, Section 505.1, both deal with street address number requirements. The Codes need to be modified to eliminate conflicting requirements.

OPTIONS

1. Modify the 2009 International Residential Code, Section R319.1, and the 2009 International Fire Code, Section 505.1, to eliminate conflicting requirements.
2. Take no action at this time.

RECOMMENDATION

Staff recommends Option 1. If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

COUNCIL GOAL

Consistent Delivery of Reliable City Services

BACKGROUND

At the September 17, 2012 Work Session, the issue of house numbering requirements was assigned to the Development Services Committee for review. The Committee reviewed the 2009 International Residential Code and the 2009 International Fire Code Sections related to residential street addressing requirements.

The review of the two codes revealed:

- The required minimum height of street address numbers was inconsistent – 3.5” vs. 4”.
- Different terms used between the two codes.
- General requirements inconsistent.

CONSIDERATION

Modifications to both codes are proposed in order to eliminate conflicting requirements.

ATTACHMENT

Draft of proposed:

- 2009 International Residential Code, Section R319.1
- 2009 International Fire Code, Section 505.1

Submitted By:

Martin E. Glenn
Deputy City Manager

Date: May 2, 2013

Approved By:

William E. Dollar
City Manager

Date: May 2, 2013

DRAFT

2009 Edition International Residential Code Section R319.1

R319.1 Premises Identification. Street address numbers no less than 4 inches in height must be attached to all new and existing buildings or structures on the front of the structures in such a manner as to be visible and legible from the street, alley or private drive or designated fire lane. In addition, numbers must be displayed on a property so as to identify the address from the rear of the property. All required numbers must be installed prior to the final building inspection.

Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke width shall be 0.5 inches.

Exception: If there is no access to the rear of the property from a street, alley, public way, common area or easement, address posting is required on the front of the structure only.

2009 Edition International Fire Code Section 505.1

505.1 Address Identification. Approved numerals of a minimum six (6) inches in height and of a color contrasting with the background designating the address shall be attached on all new and existing buildings or structures in a position as to be plainly visible and legible from the street or road fronting the property and from all rear alleyways.

Where buildings do not immediately front a street, approved six (6) inch height building numerals or addresses and three (3) inch height suite / apartment numerals of a color contrasting with the background of the building shall be placed on all new and existing buildings or structures. Numerals or addresses shall be posted on a minimum 20-inch by 30-inch background.

Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke shall be 0.5 inches.

Where access is by means of a private road and the building cannot be viewed from the public way, a monument or other sign or means shall be used to identify the structure.

Exception: R-3 Single-Family occupancies shall have approved numerals of a minimum 4 inches in height and a color contrasting with the background clearly and legibly from the street fronting the property and rear alleyway where such alleyway exists.



City Council Item Summary Sheet

☒ **Work Session**

Date: May 6, 2013

☐ **Agenda Item**

Appointment to the North Texas Municipal Water District Board

Summary of Request/Problem

The North Texas Municipal Water District (NTMWD) notified the City that Don Gordon's term of office as a NTMWD Board Member expires on May 31, 2013. NTMWD has requested that Council reappoint Mr. Gordon or appoint another Director to serve a two-year term from June 1, 2013 to May 31, 2015.

Information was posted on the City's website for 14 days regarding the qualifications of the NTMWD Board Member in order to provide an opportunity for citizens to apply for the position. Qualified applicants were requested to submit a letter of interest and resume to the City Manager's Office by 5:00 p.m. on April 30, 2013. Letters of interest and resumes were received from Don Gordon, Ken Johnson, and Tony Torres.

Recommendation/Action Requested and Justification

Council will interview each of the three applicants.

Submitted By:

Approved By:

William E. Dollar
City Manager



**NORTH TEXAS MUNICIPAL
WATER DISTRICT**

Regional Service Through Unity

March 21, 2013

Mr. Bill Dollar, City Manager
City of Garland
P. O. Box 469002
Garland, Texas 75046-9002

RE: NTMWD BOARD MEMBER APPOINTMENT

Dear Mr. Dollar:

This is your official notification that Mr. Don Gordon's term of office as an NTMWD Board Member expires May 31, 2013. The City Council, by a majority vote, should reappoint Mr. Gordon or appoint another Director to serve a term from June 1, 2013, to May 31, 2015.

In accordance with the statute creating the District (Article 8280-141), the qualifications of a Director include the following: "No person shall be appointed a Director unless he resides in and owns taxable property in the city from which he is appointed. No member of a governing body of a city, and no employee of a city, shall be appointed as a Director." Under other state law, no other government official that receives compensation could be appointed.

The cities served by the NTMWD appreciate the work and effort expended by the appointed Directors. It is my practice to visit with new Directors in an orientation session prior to their first meeting; therefore, please notify my office in writing when the City Council has appointed a Director for the new term. Should you have any questions or need additional information, please do not hesitate to contact my office.

Sincerely,



JAMES M. PARKS
Executive Director

JMP/mcf

cc: Mr. Don Gordon
City Secretary

Don Gordon

1309 Carriage Lane, Garland, TX 75043

Phone: (972) 412-1200

Cell: (214) 957-1711

April 12, 2013

Dear Mayor and City Council:

I recently received a copy of a letter dated March 21, 2013, sent to Mr. Bill Dollar, City Manager, City of Garland, Texas, from Mr. James M. Parks, Executive Director, of NTMWD. The letter was official notification of the expiration of my two year term as one of Garland's two representatives to the NTMWD Board of Directors. Please consider this letter as my official response.

I would respectfully ask to be considered for and appointed to another two year term. Water is a very important part of our lives and since NTMWD is our only source of wholesale water, it is very important the decisions made by the Board of Directors are well thought out and in the best interest of all member and customer cities but especially my home town the City of Garland. My first four years were a learning experience and I not only learned a lot, I had a chance to network with the other Board members and NTMWD staff. These relationships are very important. I am currently on the Board's Finance and Audit, Legislative and Wastewater committee and I will more than likely continue to be on these committees should I be returned to the Board in June. I would like to be reappointed to the board.

Thank you for your consideration.

Regards,

Don Gordon

From: Ken Johnson <txkenjohn@yahoo.com>
Sent: Friday, April 26, 2013 7:59 AM
To: Smith, Cindy
Subject: North Texas Municipal Water District board application
Attachments: Johnson Kenneth E resume.docx

Please accept this email and the attached resume as my application to represent the city of Garland on the North Texas Municipal Water District board. I have lived and owned property in Garland since 1989, I do not serve on a governing body in Garland, nor am I a city employee. In addition, my 30+ years as a Business Analyst gives me the experience necessary to deal with an issue this complex. My background in biology gives me some additional perspective for an issue that goes far beyond economics.

Why I want to be on the board is really simple; this is an issue that interests me, it is extremely important and I think I can help. My interest in water management traces back college days studying ecology and continues with current hobbies of scuba diving, kayaking and wildlife management. The importance is obvious, but also compounded by the extremely long planning cycle for water projects. I am at a stage in my life with my children grown and out on their own where I have the time to invest in a project like this. I think I can help and hope you do as well.

If you need and additional information my cell phone (214) 926-0317 is the easiest way to reach me.

Thank you for considering my application.

Ken Johnson

3321 Sunrise Drive
Garland, TX 75043
972.240.4564 (Home)
214.926.0317 (Mobile)
txkenjohn@yahoo.com

KENNETH E. JOHNSON

EDUCATION

VIRGINIA POLYTECHNIC INSTITUTE & STATE UNIVERSITY, Blacksburg, VA
Masters of Business Administration in Finance

COLLEGE OF WILLIAM AND MARY, Williamsburg, VA.
Bachelors of Science in Biology

EXPERIENCE

MetroPCS, Richardson, TX
Senior Business Analyst
2008 to Present

- Responsible for developing/maintaining Access databases, Excel amortization schedules and processes necessary to provide timely payments for leases at over 15,000 sites.
- Involved entire team in a continuous improvement program which has resulted in a reduction of our monthly close cycle from 7 days to 3 days.
- Added validation reports to processes so errors are discovered before payments are made.
- Provide support for reports and spreadsheets for several departments in addition to Lease Accounting.

THOUSAND TRAILS, LP, Frisco, TX
Senior Analyst, Supporting Sales and Marketing
2004 to 2008

- Responsible for analysis of sales / marketing data and processes, reporting of sales / marketing results and calculating marketing commissions.
- Built SQL queries to calculate Marketing metrics for management reporting.
- Used data mining to identify marketing opportunities and potential process improvements.
- Built an Excel budget model which provided full park level detail and allowed what-if modeling on all variables.
- Created a culture of empirical based marketing, resulting in Sales and Marketing contribution growth exceeding 100% per year.
- Established interactive, on-line reporting for marketing managers to track programs.

COCHRAN UNDERSEA TECHNOLOGY, Richardson, TX
Senior Customer Service Representative
2003 to 2004

- Responsible for processing new orders, handling customer complaints, receiving and triaging returned or defective products and tracking products through the repair process.
- Certified as an Internal Auditor for ISO9000 compliance.
- Established automated reporting of metrics for repair processes.
- Validated inventory reporting, responsible for all shipping.

NORTEL NETWORKS, Richardson, TX
1983 to 2002

Compensation Systems and Process Manager
2001 to 2002

- Responsible for data integrity, audit reporting, and long term process improvement for the sales compensation system.

- Established efficient procedures for validating data load processes. Designed process to reconcile compensation system to the general ledger.
- Provided consulting services for data warehousing project while providing user support for legacy sales and marketing databases.
- Data error percentage decreased from 5% to .05% as a result of changes in process.

Data Warehouse Manager

2000 to 2001

- Provided business analysis for a highly visible project to build a prototype data warehouse.
- Roles included data analysis and reconciliation, warehouse architecture, hierarchy design and Business Objects report design.
- Provided ongoing user support and functionality enhancements for the prototype while working on the project to design and build a permanent data warehousing solution.

Marketing Operations Support Manager

1998 to 2000

- Provided business analysis in support of Sales, Marketing and Finance US PBX division.
- Improved sales reporting and other internal processes in support of division initiatives.

Marketing Systems Manager

1993 to 1998

- Developed interim processes to meet reporting needs of compensation, sales and marketing while permanent systems were under development.
- Developed procedures for a PBX Pricing Committee and was part of a reengineering team to reduce the time necessary to set prices and communicate new prices to distributor sales teams.
- Instituted process for measuring and compensating for improvements in end user customer satisfaction.

Market Planning Analyst

1987 to 1993

- Analyzed sales projections and forecast shipment requirements for the US PBX manufacturing division.
- Worked with external consultants to establish the first tracking process for US PBX market share based on manufacturer validated sales.
- Combined this information with internal data to develop a market segmentation model which helped identify market opportunities and measure effectiveness of sales and marketing initiatives. Participated in sales and marketing initiatives which contributed to improved margins and an increase from #3 to #1 in market share.

Financial Analyst

1983 to 1987

- Responsible for budgets and forecasts for PBX orders, revenue and costs.
- Developed a management tool which integrated human resources records with financial results to facilitate resource planning.

COMPUTER SKILLS

Application Desktop Integrator, Business Objects, Microsoft Access, Microsoft Excel, Oracle General Ledger, SQL, SQLPLUS, Unix

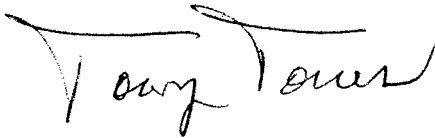
April 26, 2013

City Manager

City of Garland

Bill, this will serve as my letter of interest for the position on the North Texas
Municipal Water District Board.

Sincerely,

A handwritten signature in black ink that reads "Tony Torres". The signature is written in a cursive style with a large, stylized "T" at the beginning.

Tony Torres

RESUME: Jesus A. (Tony) Torres

Education:

Bachelor's Degree in Accounting

Master's Degree in Public Administration

Business and Professional Experience:

Served 37 years in the Federal Service with three different agencies in the fields of accounting, auditing, contract administration and management. I received my accreditation as a Certified Professional Contract Administrator during this tenure. I also operated a business in Garland, Texas for 25 years.

Civic and Community Service:

Former Board Member of City of Garland Utility Advisory Board (two terms).

Graduate of Leadership Garland Class XI

Former Board Member of Garland Habitat for Humanity

Former Board Member of Garland Crime Stoppers

Former Board Member of the New Beginning Center

GISD Partner in Education

Garland 2000 Vision Commission

Former Member of the U.S. District Court appointed Multi-Ethnic Committee for GISD

Founding President of the Garland Association for Hispanic Affairs

Charter member of the DART for Garland coalition

Currently serving on Advisory Panel for State Representative Angie Chen Button



City Council Item Summary Sheet

☒ **Work Session**

Date: May 6, 2013

☐ **Agenda Item**

Sundance Behavioral Healthcare Economic Incentive Agreement

Summary of Request/Problem

Sundance Behavioral Healthcare is planning to invest over \$15 million to purchase and remodel Vista Hospital, a vacant building for the past two years that is located at 2696 W. Walnut Street. This project is estimated to create 100 jobs and add \$9.1 million in Real Estate value and \$150,000 in Business Personal Property value.

As part of the Garland Economic Development Partnership (GEDP) attraction program of encouraging quality development in the City of Garland, the GEDP Steering Committee recommends that Council provide:

- General support for the project
- Support of the SUP request and expedited permit process
- Support of a 50% City Tax Abatement on incremental Real Estate value and Business Personal Property value for five years - \$162,939
- Nomination of Texas Enterprise Zone - \$250,000
- Waiver of development permits - \$14,000
- Support of Workforce Skills Development Fund Training Grant - \$142,000

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Martin E. Glenn
Deputy City Manager

Approved By:

William E. Dollar
City Manager

GARLAND ECONOMIC DEVELOPMENT STEERING COMMITTEE

Project Recommendation to the Garland City Council

March 28, 2013

Project Sundance Hospital

Sundance Behavioral Healthcare was established in 2005 in Ft. Worth to provide intensive outpatient psychiatric services to children, adolescents, and families in a safe and secure environment. Sundance Hospital in Arlington was established in 2010 in response to a need of providing a continuum of care; it opened with 56 beds and added 60 beds in 2012. Since the Sundance Hospital in Arlington quickly filled to capacity and became a premier provider of services to other communities as well, an additional outpatient location was opened called Sundance Center Arlington.

Sundance Behavioral Healthcare is planning to invest over \$15 million to purchase and remodel Vista Hospital, a vacant building for the past 2 years located at 2696 W. Walnut Street. This project will create 100 jobs and is estimated to add \$9.1 million in Real Estate value and \$150,000 in Business Personal Property value.

As part of GEDP's attraction program of encouraging quality development in the City of Garland, the GEDP's EDSC recommends to the Garland City Council the following supports:

- General support for the project
- Support of the SUP request and expedited permit process
- Support of a 50% City Tax Abatement on incremental Real Estate value and Business Personal Property value for 5 years – \$162,939
- Nomination of Texas Enterprise Zone - \$250,000
- Waiver of development permits – \$14,000
- Support of Workforce Skills Development Fund Training Grant - \$142,000

Committee Member Attendees: Mayor Ronald Jones, City Council Tim Campbell, City Council BJ Williams, City Manager Bill Dollar, GISD President Linda Griffin, GISD Assistant Secretary Rick Lambert, GISD Superintendent Dr. Bob Morrison, Chamber Chair Elect Phil Elmore, Chamber CEO Paul Mayer

*** Approved unanimously**

ECONOMIC IMPACT ANALYSIS

Sundance Hospital							
							Points
ECONOMIC IMPACTS:	Full-time jobs	Annual Payroll	RE Value	BPP Value	Sales Tax	GP&L (KWH/yr)	
Phase I (120 beds)	100	\$ 4,600,000	\$ 9,100,000	\$ 150,000	\$ -	2,741,120	
Total Points:	10	46	81	0	0	55	192
City Property Tax Revenue							
Property Tax Revenue	\$ 64,119						
BPP Tax Revenue	\$ 1,057						
City Sales Tax	\$ -						
Total City Tax Revenues	\$ 65,176						

current market value: \$2.4 million
after purchase and remodel: \$11.5 million

current market value: \$2.4 million
after purchase and remodel: \$11.5 million

*Minimum of 100 points generally required for tax abatement consideration

Staff Recommendation: 50% abatement on the new RE & BPP value			
RE & BPP Value	50% abatement	5 years	
\$ 65,176	\$ 32,588	\$	162,939



City Council Item Summary Sheet

☒ Work Session

Date: May 6, 2013

☐ Agenda Item

Garland Youth Council Update

Summary of Request/Problem

The Garland Youth Council will provide a recap of its 2012-13 activities.

Recommendation/Action Requested and Justification

Submitted By:

Dorothy White
Public & Media Relations Director

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☒ **Work Session**

Date: May 6, 2013

☐ **Agenda Item**

Stage 3 Drought Contingency and Emergency Plan

Summary of Request/Problem

Council will be briefed on the recent announcement by the North Texas Municipal Water District regarding the Stage 3 Drought Contingency and Emergency Response Plan for their Member and Customer Cities.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

John Baker
Managing Director

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☒ **Work Session**

Date: May 6, 2013

☐ **Agenda Item**

Rowlett Creek Wastewater Treatment Plant

Summary of Request/Problem

Council will be briefed on the current odor assessments and future improvements at the Rowlett Creek Wastewater Treatment Plant.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

John Baker
Managing Director

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☒ **Work Session**

Date: May 6, 2013

☐ **Agenda Item**

Home Eviction Process

Summary of Request/Problem

Several years ago, the City Council approved a plan whereby the City provides storage containers for use when a tenant is evicted and leaves behind personal property. By law, the landlord and the constable's office must remove those personal effects from the premises to a location where the tenant may retrieve them. In practical experience, such "set-outs" result in an eyesore for the neighborhood.

At the request of Council Member B. J. Williams and Mayor Pro Tem John Willis, Council is requested to discuss the City's role in the set-out process and appropriate changes to the program and the applicable ordinance to make the program more efficient and effective.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☒ Work Session

☒ Agenda Item

Date: May 6, 2013
May 7, 2013

Consultation Services Retainer Agreement

Summary of Request/Problem

At the April 15, 2013 Work Session, Council considered Dean International, Inc.'s response to the Request for Qualifications to provide public policy consulting related to transportation issues. Council directed that staff prepare a Consultation Services Retainer Agreement with Dean International, Inc. The proposed agreement is included for Council's review and approval.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to enter into a Consultation Services Retainer Agreement with Dean International, Inc. for transportation consulting services.

Submitted By:

Approved By:

William E. Dollar
City Manager

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- For Discussion Purposes Only -

CONSULTATION SERVICES RETAINER AGREEMENT

This Agreement is made and entered into between the City of Garland, Texas ("City"), and Dean International, 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.

(A) For the term of this Agreement, the City agrees to retain Consultant, and Consultant agrees to provide, transportation consulting services as more particularly described in the scope of services attached hereto as Exhibit A. Consultant shall provide such services and those incident services diligently, to the best of its abilities, and in the promotion of the best interests of the City.

(B) Consultant will prepare and submit monthly summaries and quarterly briefings to the City regarding the accomplishments, results, and efforts relating to the services described in the scope of services. Consultant agrees to submit each monthly summary by the tenth day of the following month. Quarterly briefings to the City Council should display the accomplishments, results and efforts from the prior quarter.

(C) The City recognizes that nothing in this Agreement and nothing in the Consultant's statements to the City will be construed as a promise or a guarantee concerning the outcome of the Consultant's undertakings or efforts on behalf of the City and that the Consultant's comments about the outcome of the City's matters represent an expression of opinion only. The City acknowledges that (i) Consultant cannot and does not make any such promises or guarantees; and (ii) that Consultant's entitlement to payment of fees and expenses is not contingent upon the results obtained or the final disposition of the services for which the Consultant has been retained. The City also acknowledges that Consultant represents other clients in similar matters and agrees that if such representation results in an actual or potential conflict, the City will, upon reasonable request by Consultant, waive such conflicts by written waiver agreement. Consultant agrees and represents that it will exercise ordinary care in representing the interests of the City in the matters subject to this Agreement.

2. Compensation.

(A) City shall pay Consultant for the services of Consultant a fee of \$20,000 per month.

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(B) City will pay or reimburse, as the case may be, documented, actual, necessary, and reasonable non-routine out-of-pocket expenses incurred by Consultant in performing services under this Agreement for the City. Non-routine expenses include long-distance telephone and long-distance fax charges, postage, outside copying charges, travel/lodging expenses, and similar business-related expenses (other than usual office overhead, the cost of which is included in the fee specified in 2(A)). Such reimbursable expenses may not exceed \$30,000.00 annually without the prior written approval of the City.

3. Records; Reports and Work Product; Billing.

(A) Consultant shall produce, maintain, and keep records of all work done by Consultant on behalf of the City. Unless otherwise approved in writing by the City, payment of expenses incurred by Consultant shall be based upon actual expenses, without mark-up, and shall be supported by receipts, vouchers or other acceptable proof of payment. The City may review, during business hours and upon reasonable notice, all records kept and maintained by Consultant in relation to this Agreement. Consultant shall retain such records for a period of not less than three years following completion of the work performed or the date of payment or reimbursement of the expense incurred.

(B) Consultant may invoice City for services performed and expenses incurred no more frequently than once per month. Bills for Consultant's expenses are payable within fifteen (15) days of receipt by the City provided that Consultant has timely submitted the bill(s) for reimbursement or payment. An overdue payment that is not disputed by the City shall bear interest at the rate of one percent per month. The parties specifically agree that the terms of this Agreement supersede the applicability of the Prompt Payment Act. Interest on an overdue payment stops accruing on the date the City mails or electronically transmits payment.

4. Status of Consultant.

(A) Consultant acknowledges that Consultant is an independent contractor of the City and that neither the Consultant nor any of its employees or independent contractors is an employee, agent, borrowed servant, official or representative of the City. Consultant shall not represent, either expressly or through implication, that it or any of its employees, agents or independent contractors is an employee, agent, borrowed servant, official or representative of the City. Income taxes, self-employment taxes, social security taxes, workers compensation coverage or insurance and the like are the sole responsibility of the Consultant.

(B) Consultant acknowledges and agrees that, as an independent contractor, Consultant shall

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have no authority for:

(1) The hiring, evaluation, assignment, scheduling, promotion, discipline, or termination of any City employee;

(2) The supervision, direction, or control of work or work activities of City employees, or the determination of work methods or processes to be followed by City employees; or

(3) The execution of any agreements on behalf of the City, or in any other manner binding or committing financial or other resources of the City without written authorization from the City Manager.

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 party. During the initial term of this Agreement, 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. 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. After the initial term and not less than sixty (60) days prior to the anniversary date of this Agreement, is Agreement may be renewed for an additional period of twelve (12) consecutive months 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.

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.

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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.

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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 or arising from 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. Confidentiality; Fiduciary Obligations.

(A) Consultant acknowledges that, in the course of providing its services to the City under this Agreement, Consultant and its employees will be given highly-sensitive, proprietary, and competitive information ("Confidential Information"). Such Confidential Information includes all documents, software, reports, data, records, forms and other materials obtained by Consultant from the City in the course of performing the services (including, but not limited to, client records and information): (i) that have been marked as confidential; (ii) whose confidential nature has been made known by City to Consultant; or (iii) that due to their character and nature, a reasonable person under like circumstances would treat as confidential. Consultant shall not, without the express written consent of the City, disclose any such information to any third party or in any other manner that may compromise the interests of the City. Consultant shall retain all Confidential Information in the strictest confidence.

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(B) Consultant is providing its services and is receiving compensation for those services in a fiduciary capacity under this Agreement. Therefore, Consultant agrees that it shall not use Confidential Information for any purpose other than in furtherance of the purposes described in this Agreement; that is, in furtherance of its professional obligations and services to the City. Neither Consultant nor any of its employees shall be engaged in any competitive or conflicting activity without the express written consent of the City Council nor shall Consultant or its employees accept any employment, enter into any agreement, or engage in any activity that could conflict with Consultant's fiduciary obligations to the City. Consultant shall exercise extreme care to avoid conflicts, unintended or otherwise, which may arise in the future. Consultant shall disclose any other dealings that Consultant may have with others that in any manner relate to the activities, functions or operations of the City.

[Signature page follows]

DRAFT
- For Discussion Purposes Only -

EXECUTED this ____ day of _____, 2013 (the “Effective Date”).

CITY:

CONSULTANT:

CITY OF GARLAND, TEXAS

DEAN INTERNATIONAL, INC.

William E. Dollar
City Manager

David A. Dean
President and CEO

ADDRESS FOR NOTICE:

CITY

CONSULTANT

City of Garland
200 N. Fifth Street
P. O. Box 469002
Garland, Texas 75046-9002
Attn: City Manager

Dean International, Inc.
8080 Park Lane, Suite 600
Dallas, Texas 75231

With a copy to:

City Attorney
200 N. Fifth St.
P.O. Box 469002
Garland, Texas 75046-9002

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Exhibit A
Scope of Work

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

A. Assist the City in the creation, development and preparation of 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 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 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 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 Client and Firm will actively pursue the following projects being worked into the STEP as well as specifically outlined goals and objectives agreed to by Client and Firm:

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; assist in IH-635 east of US-75 to IH-30 being included in legislation authorizing the Texas Department of Transportation (TxDOT) to enter into a Comprehensive Development Agreement to rebuild and improve the section of IH-635 in an upcoming legislative session; examine the feasibility of the creation of a corridor coalition of municipalities and interested organizations and businesses along IH-635 with the purpose of bettering the corridor.

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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.

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.

B. 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; and

C. Assist the City in the development and implementation of a legislative strategy designed to enhance funding allocations for the above-referenced transportation projects, and the organization and implementation of legislative and congressional days.

D. Assist Client in any other service mutually agreed upon by Client and Firm in writing and subject to additional remuneration.



City Council Item Summary Sheet

☒ **Work Session**

Date: May 6, 2013

☐ **Agenda Item**

Amendment to Hotel Incentive Agreement

Summary of Request/Problem

Council is requested to consider amending the Function Space License Agreement with Harbor Point Hotels, L.L.C. (Atlantic Hotel Ltd.) for the development of a Holiday Inn Express Hotel on I-30 within the Harbor Point Development and entering into a shared parking agreement.

In April 2011, the City entered into an Incentive Agreement with Harbor Point, LLC. The term of agreement outlined in Section 2 states that the commencement date (opening date of hotel) shall occur on or before December 31, 2013. Construction of the hotel will begin later in the year; therefore, Harbor Point Hotels is requesting the commencement date be amended to December 31, 2014.

If Council concurs, this item will be scheduled for formal consideration at the May 21, 2013 Regular Meeting.

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Martin E. Glenn
Deputy City Manager

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☒ **Work Session**

Date: May 6, 2013

☐ **Agenda Item**

Marketing/Events Committee Report

Summary of Request/Problem

Mayor Pro Tem John Willis, chair of the Marketing/Events Committee, will provide a committee report on the following items:

- Online ticketing system for the Granville Arts Center
- Event assistance for Heroes of South Vietnam event in Garland
- Hotel/motel inspections
- Proposed historic sign ordinance

Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☒ **Work Session**

Date: May 6, 2013

☐ **Agenda Item**

Administrative Services Committee Report

Summary of Request/Problem

Council Member Jim Cahill, Chair of the Administrative Services Committee (ASC), will provide a committee report on the distribution boxes and stands for advertising brochures and newspapers. The ASC is recommending that Council consider a new ordinance that addresses this issue. The proposed ordinance is included for Council review and discussion.

Recommendation/Action Requested and Justification

Council discussion and direction.

Submitted By:

Approved By:

William E. Dollar
City Manager

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ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 33, "TRANSPORTATION" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; REPEALING SEC. 30.198 OF CHAPTER 30, "BUILDING INSPECTION" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Article XI of Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

ARTICLE XI. ~~AVIATION~~ * NEWSRACKS ON PUBLIC STREETS

~~Sec. 33.120 Administration~~

~~The operation and administration of the City heliport shall be under the authority of the Director of Transportation. The director shall perform such duties and functions as directed by the City Manager and shall have full and complete control over all regulations within the boundaries of the heliport, unless otherwise required or prohibited by law.~~

~~Sec. 33.121 Use of heliport~~

~~Unless otherwise authorized by section 33.122, it shall be unlawful for any person to land or take off in a helicopter or cause, allow, or permit the landing or taking off of a helicopter within the corporate limits of the City except at a designated public heliport authorized under this article.~~

~~Sec. 33.122 Landing for special events~~

~~(A) The City Manager is authorized to issue permits for the operation of helicopter activities for exhibition or special occasion operations within the City, subject to compliance with all~~

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~~existing provisions of this Code, and further subject to compliance with the following conditions and stipulations.~~

- ~~— (1) The permit request shall be submitted at least ten (10) days prior to the requested operation.~~
- ~~— (2) The permit request shall be submitted to the City Secretary for recording.~~
- ~~— (3) A certificate of insurance in favor of the City and all persons or property which may be damaged will be filed with the City Secretary prior to issuance of the permit with liability insurance coverage in at least the amount of \$100,000.00/\$300,000.00 for bodily injury and \$10,000.00 property damage.~~
- ~~— (4) A proposed flight plan for takeoffs and landings will be filed with the application.~~
- ~~— (5) The antinoise and nuisance ordinances of the City are applicable and are incorporated into this section by reference.~~

~~(B) Nothing contained herein shall be construed to permit the landing, takeoff, or taxiing of any aircraft from, to, or on any public street, highway, roadway, or alley.~~

~~Sec. 33.123 Minimum altitude~~

~~(A) It shall be unlawful for any person to operate or fly any aircraft over the City at a lower altitude than twenty-five hundred (2,500) feet from the earth's surface. This section shall not apply to aircraft during the final approach for landing and normal climb for takeoff.~~

~~(B) On special occasions and for exhibition or educational purposes or for photographer's work, the City Council may authorize aircraft exhibitions or flights at lower altitudes than specified in this section to be conducted under the direction of the Council.~~

~~Sec. 33.124 Departure and approach paths~~

~~All departure and approach paths at the City heliport shall be as~~

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~~approved and described on the City FAA-approved master plan.~~

*NOTE: Federal law preempts the regulation of aircraft operations.

"Sec. 33.120 Purpose and intent

(A) A person may place and maintain a newsrack on a public street in accordance with the provisions of this article whether the newsrack will be used for the distribution of non-commercial or commercial speech, or both. The purpose of this article is not to regulate the content of any speech but to provide a means for citizens to engage in speech through the use of newsracks placed on public streets, provided that such structures do not by their placement, location, size, maintenance or other physical attributes create a hazard to persons or property, do not interfere with pedestrian or vehicular traffic, are kept neat, clean, and in good repair and, by ensuring that a newsrack is actively used, prevent the newsrack structure itself from unlawfully occupying public property to the exclusion of others or other uses, bearing in mind that the use of public streets for public uses is always paramount. Nothing contained in this article is intended to grant a license or property right in or to any public property.

Sec. 33.121 Definitions

As used in this article, unless the context requires a different meaning:

(1) Block means an area bounded by streets on all sides. If a street deadends, the terminus of the dead-end street will be treated as an intersecting street.

(2) Blockface means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street deadends, the terminus of the dead-end street will be treated as an intersecting street.

(3) Crosswalk has the meaning given that term in Section 541.302 of the Texas Transportation Code, as amended.

(4) Director means the director of Code Compliance or a person designated by the director.

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(5) Newsrack means any self-service or coin-operated container, rack, or structure used or maintained for the display, distribution, or sale of newspapers, periodicals, or other publications. Inasmuch as this article only applies to newsrack located on public property, a reference in this article to "newsrack" necessarily means a newsrack located on public property, not a newsrack located entirely on private property.

(6) Non-vehicular right-of-way means that portion of a street or highway that is not open or used for vehicular traffic.

Sec. 33.122 Newsracks in streets and on public property

(A) A person commits an offense if the person:

- (1) installs, operates or maintains a newsrack on a public street in the City other than on a non-vehicular right-of-way; or
- (2) installs, operates or maintains a newsrack on public property that is not used as a street or highway without the consent of the governmental body (including the City, as the case may be) that owns or controls that property.

(B) This article applies only to a street or highway owned or controlled by the City. Nothing contained in this article constitutes authorization to install, operate or maintain a newsrack on any portion of the State highway system or any interstate highway. The placement of any newsrack under the authority of this article is subject to the rights of the City (including public utilities and utility franchisees) to make changes to the grade, direction, width, path or closure of any street or highway within the City. No person who installs, operates, or maintains a newsrack pursuant to this article shall have any claim against the City for damages the person might suffer by reason of the installation, construction, reconstruction, operation, or maintenance of any public facility within, upon or over a street or highway within the City.

Sec. 33.123 Conditions of use

(A) A person who installs, operates or maintains a newsrack shall affix to the newsrack in legible characters within a space no less

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than three inches by four inches the name, address, working telephone number, and email address if any, of the owner or person in charge of the newsrack. A post office box number is not acceptable.

(B) By installing, operating or maintaining a newsrack pursuant to this article, the owner and person in charge of the newsrack agree to defend, indemnify, and hold whole and harmless the City and its officers, agents, representatives or employees against any and all claims, lawsuits, judgments, costs, or expenses (including attorney's fees) for bodily injury, property damage, or other harm arising out of, or in any way related to the placement, installation, operation or maintenance of the newsrack.

(C) If the City is made a defendant in any cause of action, directly or indirectly, based upon the placement, installation, operation, or maintenance of any newsrack, the City may implead the owner or its successors and assigns.

(D) The owner or person in charge of the newsrack shall, before installation of the newsrack, procure and keep in full force and effect at all times while the newsrack is located on public property commercial general liability insurance coverage (including, but not limited to, premises/operations, independent contractors, and contractual liability) insuring the City against any and all claims for damages to persons or property resulting from or arising out of the owner's occupancy, maintenance, or use of public property, with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 for each occurrence and \$500,000 annual aggregate. The insurance policy must be written by an insurance company approved by the State of Texas and acceptable to the City and issued in a standard form approved by the Texas Department of Insurance. The policy must name the City and its officers and employees as additional insureds and shall provide for 30 days written notice to the director of cancellation, non-renewal, or material change in the insurance policy. The owner or person in charge of the newsrack shall provide proof of current coverage to the City upon reasonable request.

(E) A newsrack may not be abandoned. A newsrack is considered to be abandoned if the newsrack is empty of publications and does not have the identifying information required under subsection (A)

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affixed to the newsrack.

Sec. 33.124 Standards for installation, operation, and maintenance

(A) A newsrack shall not remain continuously empty of publications for more than 30 consecutive days.

(B) A newsrack shall not display advertising other than logo or other trade information identifying the publication contained in an area not to exceed six inches high and 20 inches wide on the front, back, and sides of the newsrack, instructions for coin operation if any, and the identifying information required by Sec. 33.123(A).

(C) A newsrack shall be maintained in a neat and clean condition and in good repair such that:

- (1) the newsrack is reasonably free of dirt, grease, graffiti and similar extraneous markings, and accumulations of trash;
- (2) the newsrack is reasonably free of chipped, faded, peeling, and cracked paint in the visible painted areas;
- (3) the newsrack is reasonably free of rust and corrosion in the visible unpainted metal areas;
- (4) any clear plastic or glass parts through which publications dispensed by the newsrack are viewed are unbroken and reasonably free of cracks, dents, blemishes, and discoloration;
- (5) any paper or cardboard parts or inserts are reasonably free of tears, peeling, or fading;
- (6) no structural parts are broken or excessively misshapen;
- (7) a newsrack shall be of sufficient weight, or be anchored in a manner approved by the director to a heavy metal plate of sufficient weight, to prevent the newsrack from tipping over in a wind of more than 10 miles per hour;
- (8) a newsrack may not be anchored to the ground, sidewalk,

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trees, posts, poles, or streetscape furniture; and

(9) if the newsrack sells publications by requiring the payment of money at the newsrack, the newsrack shall be equipped means of providing a refund (such as a coin return) at the point of sale in the event of malfunction, which device shall be maintained in proper working order.

(D) A newsrack must be freestanding. The maximum height of a newsrack shall be fifty inches. The maximum width and depth of a newsrack shall be twenty-four inches.

Sec. 33.125 Location requirements and restrictions

(A) No newsrack may be located in a manner that:

(1) impairs or interferes with:

(a) pedestrian traffic;

(b) the ability to fully open a door to any building;

(c) the loading or unloading of passengers from a bus or light rail vehicle; or

(d) emergency access to a building or property by public safety or emergency services;

(2) obstructs the visibility of a fire hydrant, fire department inlet connection, fire protection system control valve, fire call box, police call box, traffic control signal box, or other emergency or public facility so that the emergency or public facility cannot be clearly seen from a public street or roadway open to motor vehicular traffic or readily accessed;

(3) endangers the safety of persons or property;

(4) reduces the clear, unimpeded sidewalk width to less than five feet.

(B) On each blockface, newsracks must be placed together in groups, with not more than four newsracks in each group. No

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newsrack may be located nearer the curb or pavement edge of a street than any other newsrack in the group. A distance of at least fifty feet must separate each group of newsracks located on the same blockface.

(C) No more than two newsracks on any block may dispense the same publication, and only one newsrack on any blockface may dispense the same publication.

(D) A newsrack may not be located within:

- (1) any median or traffic island;
- (2) the minimum sight line area proscribed by Sec. 33.66 of this code;
- (3) the area contained within the projection of the width of a mid-block crosswalk to the back of an adjacent sidewalk;
- (4) the area contained within the projection of the width of a building's doorway to the curb face or pavement edge of any public street open to vehicular traffic;
- (5) two feet of a curb face or pavement edge of any public street open to motor vehicular traffic if the newsrack opens away from the curb face or pavement edge, except that if the curb face or pavement edge is adjacent to a designated no parking zone or area, then the newsrack may not be located within 1-1/2 feet of the curb face or pavement edge;
- (6) three feet of:
 - (a) any mailbox, water feature, art, monument, planter, kiosk, trash receptacle, drinking fountain, streetscape bench, or parking meter;
 - (b) a fire hydrant, fire department inlet connection, fire protection system control valve, fire call box, police call box, traffic control signal box, or other emergency or public facility such as a manhole or conduit box; or

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- (c) a bench, shelter, informational sign, or ticketing equipment of a light rail system;
- (7) five feet of a curb face or pavement edge of a public street open to motor vehicular traffic if the newsrack opens towards the curb face or pavement edge;
- (8) five feet of a bicycle rack, bus stop sign, bus stop bench, or bus stop shelter; or
- (9) 15 feet of the centerline of rail of any light rail system track.

Sec. 33.126 Compliance

(A) A newsrack that is not installed, operated or maintained in accordance with this article is subject to removal and disposal. If the director has reasonable cause to believe that a newsrack is not in compliance with the requirements of this article, the director shall send a notice of violation by personal service or by certified mail, return receipt requested, to the address of the owner or person in charge of the newsrack at the address provided on newsrack as required under Sec. 33.123(A). The notice must state the violation or violations that constitute the basis for the proposed removal of the newsrack and suggest corrective action if applicable. The notice must specify the date, time, and place for a hearing to be held before removal. If a newsrack is considered abandoned pursuant to Sec. 33.123(E), the director shall provide notice to the owner or person in charge of the newsrack by affixing a notice to the newsrack.

(B) The hearing must be held not less than ten days following service of notice. Prior to the hearing, the licensee may correct the violation or may file a written statement setting forth the reason or reasons why the newsrack should not be removed. At the hearing, the director shall hear evidence and determine whether the newsrack complies with this article. If it is determined that a newsrack is not in compliance with this article, the newsrack must be removed or otherwise brought into compliance. The decision of the director may be appealed to the city manager in accordance with subsection (D). If, within ten days after the date of the hearing or, if an appeal is filed, within ten days after the date of the city manager renders a decision, the licensee has not removed the

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newsrack or otherwise come into compliance with this article, the City may remove the newsrack and recover the costs of notice, removal, and storage from the owner or person in charge of the newsrack.

(C) The director may summarily remove or order a newsrack removed if it creates an imminent danger of personal injury or property damage. Promptly following the summary removal, the director shall notify the owner or person in charge of the newsrack by personal service or by certified mail, return receipt requested, of the removal, the reason for the removal, and the right to appeal the action to the city manager in accordance with subsection (D). The owner or person in charge of the newsrack may recover any newsrack summarily removed upon reimbursement to the City for the costs of removal and storage. Any coins or publications contained in the newsrack will be returned to the owner or person in charge when the newsrack is returned. The owner or person in charge may return the newsrack to its original location upon correction of the violation unless the location constituted a violation.

(D) If the director orders removal of a newsrack or summarily removes a newsrack under subsection (C), the order or removal is final unless, within ten days after the receipt of notice of the director's action, the owner or person in charge of the newsrack files with the city manager a written appeal. Within fifteen days after the appeal is filed, the city manager or the city manager's designee shall consider all the evidence in support of and against the action appealed and render a decision sustaining, modifying, or reversing all or part of the director's action. The formal rules of evidence do not apply to an appeal hearing under this subsection, and the city manager or the city manager's designee shall make a ruling on the basis of a preponderance of the evidence presented at the hearing. The decision of the city manager is final as to administrative remedies.

(E) If an order of removal is administratively final by default or by the exhaustion of administrative remedies, a newsrack that has been removed by the City and not claimed within ten days after removal may be disposed of by the city as unclaimed property."

Section 2

That Sec. 30.198 of Chapter 30, "Building Inspection" of the Code

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of Ordinances of the City of Garland, Texas is hereby repealed.

Section 3

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

Section 4

That Chapter 33, "Transportation" and Chapter 31, "Building Inspection" of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

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

Section 6

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

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

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary