



GARLAND

AGENDA

CITY COUNCIL WORK SESSION

City of Garland

Work Session Room, City Hall

200 North Fifth Street

Garland, Texas

November 14, 2016

6:00 p.m.

DEFINITIONS:

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

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

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

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

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

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

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

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

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.

(6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.

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

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

1. Written Briefings:

a. IH-30 Corridor Catalyst Area Revitalization Plan Update

Staff has launched the IH-30 Catalyst Area Revitalization Plan and is providing an update on the study. The study is expected to conclude by the summer of 2017. No action from Council is requested at this time.

b. 2017 Legislative Agenda

The City Council is requested to begin its development of an agenda of legislative issues to be pursued in the 2017 sessions of the Texas Legislature. The 85th Legislature will be sworn into office in mid-January, 2017, but the pre-filing of bills begins even earlier. Lower-numbered bills generally have a greater chance of at least being assigned to and heard in committee bills filed later in the session. In addition, the City Council is asked to provide direction as to what position it will take on issues that are anticipated to arise during the session, such as bills that will have a negative effect on City operations.

2. Verbal Briefings:

a. 2017 Legislative Discussion

At the request of Mayor Douglas Athas, former State Representative Fred Hill will brief the Council regarding City-related issues in the upcoming 2017 State Legislative Session.

b. Transportation Update

The Transportation Director will provide a monthly briefing on the activities related to funding the Strategic Transportation Initiatives of the City of Garland.

c. Single Stream Recyclables Material Transport, Processing and Marketing Services

The current Transport, Processing and Marketing of Recyclables Material Agreement between the City of Garland (City) and Community Waste Disposal, LP (CWD) will expire on December 31, 2016. A new Agreement is needed to avoid disruption in the Transporting, Processing, and Marketing of Recyclables Material from the City's Residential/Commercial Recycling Programs, Drop-Off Recycling Center and Workplace Recycling Program. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 6, 2016 Regular Meeting.

3. Consider the Consent Agenda

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

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

5. Adjourn



GARLAND POLICY REPORT

City Council Work Session Agenda

Work Session Item 1. a.

Meeting Date: November 14, 2016

Item Title: IH-30 Corridor Catalyst Area Revitalization Plan Update

Submitted By: Nathaniel Barnett, Sr. Planner

Council Goal: Sustainable Quality Development and Redevelopment

ISSUE

Update and briefing on IH-30 Corridor Catalyst Area Revitalization Plan

OPTIONS

Briefing Only

BACKGROUND

The Envision Garland Plan, adopted in 2012, identifies seven catalyst areas for strategic reinvestment. Catalyst areas are intended to highlight key opportunities to revitalize and modernize the City's development pattern. Each area's unique character highlights the importance of area-specific redevelopment strategies. A high visibility corridor, IH-30 has the potential for reinvestment and image enhancement to attract residents, visitors, businesses, and passersby to the area. The Council approved a contract with Freese & Nichols, Inc. in the amount of \$137,500 during the regular City Council meeting on August 15, 2016 for the development of the IH-30 Corridor Catalyst Area Revitalization Plan.

There are three Targeted Investment Areas (TIA) per the Envision Garland Plan associated with this study. They are located at the intersections of Broadway Boulevard and IH-30, Rosehill Road and IH-30, and the Harbor Point area.

Having had an official kick-off meeting between the consultant, a staff technical committee and a committee of area stakeholders, as well as a tour of the area on October 13, 2016, next steps in the process include completion of developing a Catalyst Area Program, providing periodic updates to the associated committees as well as the City Council and Plan Commission, and working on the Initial Corridor Assessment and Base Economic and Real Estate Market Outlook. Staff has sent letters to the business and property owners along IH-30 notifying them of the study, and will have information regarding the study placed in various newsletters and publications. There may also be open house opportunities in 2017 for the general public so that staff can give updates and receive input from interested parties. In addition, information regarding the study will be periodically placed on the City's website. The study is expected to conclude by the summer of 2017.

CONSIDERATION

1. The Envision Garland Plan, Economic Development Goal 5, recommends an aggressive approach to encourage new development and redevelopment in select catalyst areas and to make strategic public investments to leverage private investment and reinvestment in residential, commercial, and mixed-use development.
 2. The IH-30 Corridor has many assets, including greenfield sites along a high volume interstate highway, with the potential to draw additional visitors into Garland. The IH-30 Corridor provides prime potential for reinvestment and image enhancement for Garland. Completing a plan for the area offers an opportunity to better position the City to address the impacts of development in adjacent communities.
 3. The scope of work for the IH-30 Corridor plan formalizes the Envision Garland Plan Catalyst Area program to create a sustainable physical and economic development program for the future. Project deliverables will provide a market assessment providing a base of information for the identification of market-driven opportunities along the corridor. Detailed assessments will identify both short-term and long-term strategies for implementation. Area stakeholders have been identified and are currently being engaged. A technical committee of City staff has also been formed and engaged through the process thus far.
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**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

Work Session Item 1. b.

Meeting Date: November 14, 2016

Item Title: 2017 Legislative Agenda

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

The City Council is requested to begin its development of an agenda of legislative issues to be pursued in the 2017 sessions of the Texas Legislature. The 85th Legislature will be sworn into office in mid-January, 2017, but the pre-filing of bills begins even earlier. Lower-numbered bills generally have a greater chance of at least being assigned to and heard in committee bills filed later in the session. In addition, the City Council is asked to provide direction as to what position it will take on issues that are anticipated to arise during the session, such as bills that will have a negative effect on City operations.

Recommendation/Action Requested and Justification

The City Attorney has prepared a tentative and suggested legislative agenda, a copy of which is attached. The City Council will be requested to formally adopt a legislative agenda in December at the latest.

Attachments

Tentative Legislative Program 2017

LEGISLATIVE PROGRAM FOR 2017

- Tentative and Unofficial - For Discussion Purposes Only

IH 635 - Consider an official policy statement of position (perhaps evidenced by a Council resolution) on matters of funding and scheduling.

Red Light Cameras - Endorse the continuation of a life-saving program first begun in Garland.

Revenue Caps/Tax Caps/Anti-City Legislation - Provide a statement of general position on measures that would divest the citizens of local control of municipal finances.

Police Protection Act - Proposed by Governor Abbott in the wake of the murders of Dallas police officers last summer, this bill would extend hate crime protections to law enforcement officers and increase criminal penalties for any crime in which the victim is a law enforcement officer, whether or not the crime qualifies as a hate crime.

Payday loan regulation - As one of the first cities in Texas to regulate predatory loans, the City has an interest in bills that would hamper - if not entirely preempt - the City's enforcement of its payday loan ordinances.

DPS hold (scofflaw) on license renewal for traffic violations - DPS will not hold registration renewal on vehicles because of complaints that the person in whose name the vehicle was registered "was not the driver" and should not be held accountable. The law should at least provide for a hold when the violator and the registered owner are confirmed to be the same person.

Report unpaid traffic tickets to credit reporting agencies - A surprising number of people disregard the payment of their traffic tickets even after they have been convicted of, or have pled guilty to, an offense. Providing a mechanism to report the failure to pay to credit rating agencies may prompt more interest in clearing unpaid convictions because adverse credit notes affect the ability to get credit for popular items like cell phones.

Meaningful alternatives of providing tax and budget notices - Current law requires the City to publish notices of hearings on the adoption of its tax rates and annual budget in a newspaper. The price charged for those notices is unregulated and this year went from \$300 to \$3000. The same notice could easily, more cheaply, and more meaningfully be provided by other means, such as the City's website and social media accounts.

Student threats of violence - Presently, school resource officers have only option - charging a third degree felony - when a student threatens to exhibit or use a firearm against another student or school personnel, even if the student who makes the threat is not in possession of and does not have immediate access to a firearm. That being the only option, oftentimes no charges are filed. A lesser penalty would allow for the filing of charges in the right circumstances, but not on a felony level.

“Cram down” for maintenance expenses on tax foreclosed properties - The City often ends up holding the responsibility for maintenance and upkeep on vacant, tax foreclosed properties. The other taxing entities are not responsible for those expenses and yet they have veto power over whether a property may be sold out of foreclosure. Effectively that means the City may have to continue mowing, cleaning, and securing a property with little hope of recovering those expenses, not to mention the City’s own share of unpaid taxes. A “cram-down” mechanism in the Tax Code would require the other taxing entities to share in (or assume) responsibility for maintenance expenses on a tax foreclosed property or lose unpaid taxes on the property.

Reserve marshals - State law currently does not provide for reserve (that is, unpaid) city marshals. The definition of “peace officer” in Article 2.12 Code of the Texas Code of Criminal Procedure expressly provides for reserve deputy sheriffs, reserve deputy constables, and reserve deputy police officers, but not reserve deputy marshals. Accordingly, the City has no means through which to create unpaid reserve deputy marshal positions to fill in for staffing shortages when needed.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

Work Session Item 2. a.

Meeting Date: November 14, 2016

Item Title: 2017 Legislative Discussion

Summary of Request/Problem

At the request of Mayor Douglas Athas, former State Representative Fred Hill will brief the Council regarding City-related issues in the upcoming 2017 State Legislative Session.

Recommendation/Action Requested and Justification

Council discussion.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

Work Session Item 2. b.

Meeting Date: November 14, 2016

Item Title: Transportation Update

Submitted By: Paul Luedtke, Transportation Director

Summary of Request/Problem

The Transportation Director will provide a monthly briefing on the activities related to funding the Strategic Transportation Initiatives of the City of Garland.

Recommendation/Action Requested and Justification

Information only.

Attachments

Transportation Update

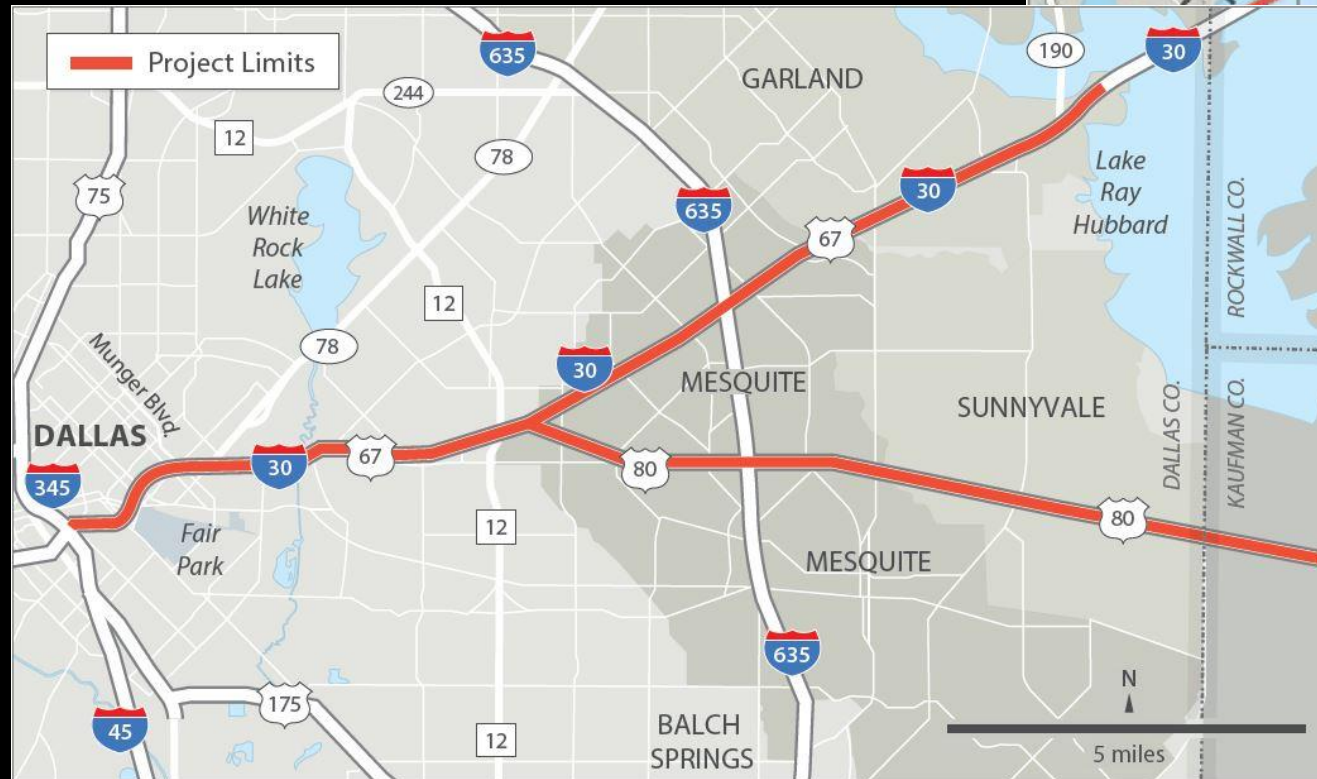
Transportation Update

November 14, 2016

Transportation Update

- ◆ IH 30
- ◆ IH 635 East
- ◆ Texas 85th Legislative Session

IH 30



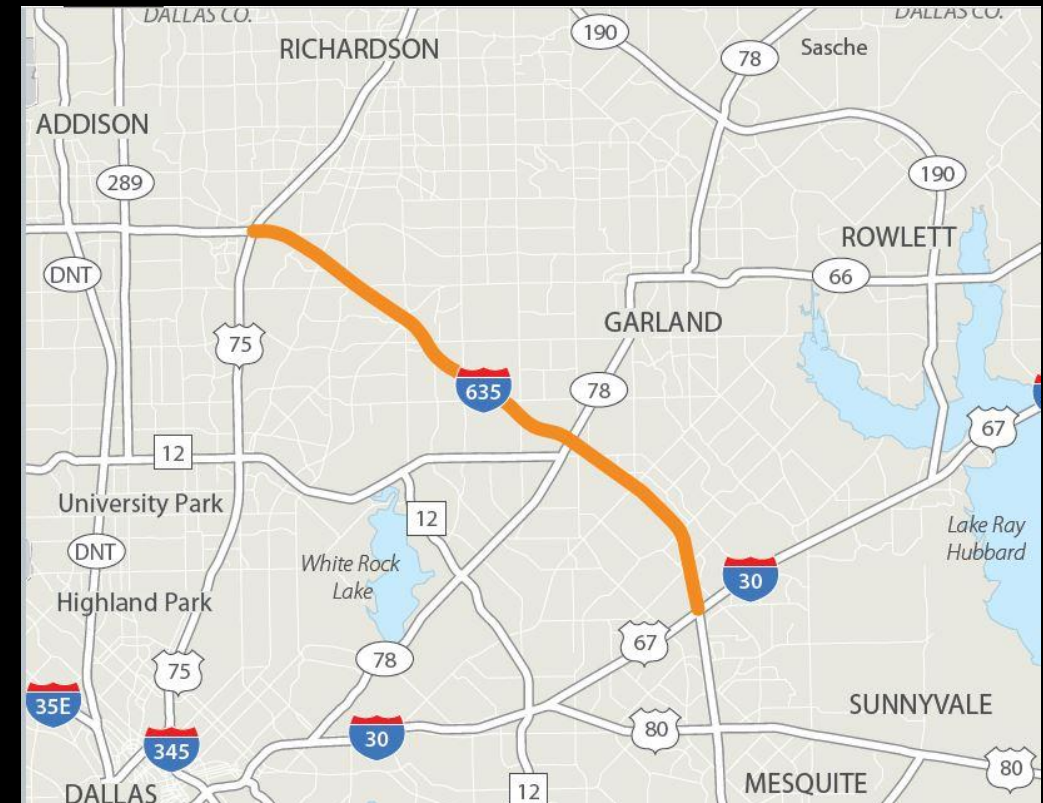
IH 635 East – Current Project

- ◆ Current Projects
 - ◆ Sound Wall
 - ◆ Completion by December
 - ◆ HOV/Express Lane
 - ◆ Open!



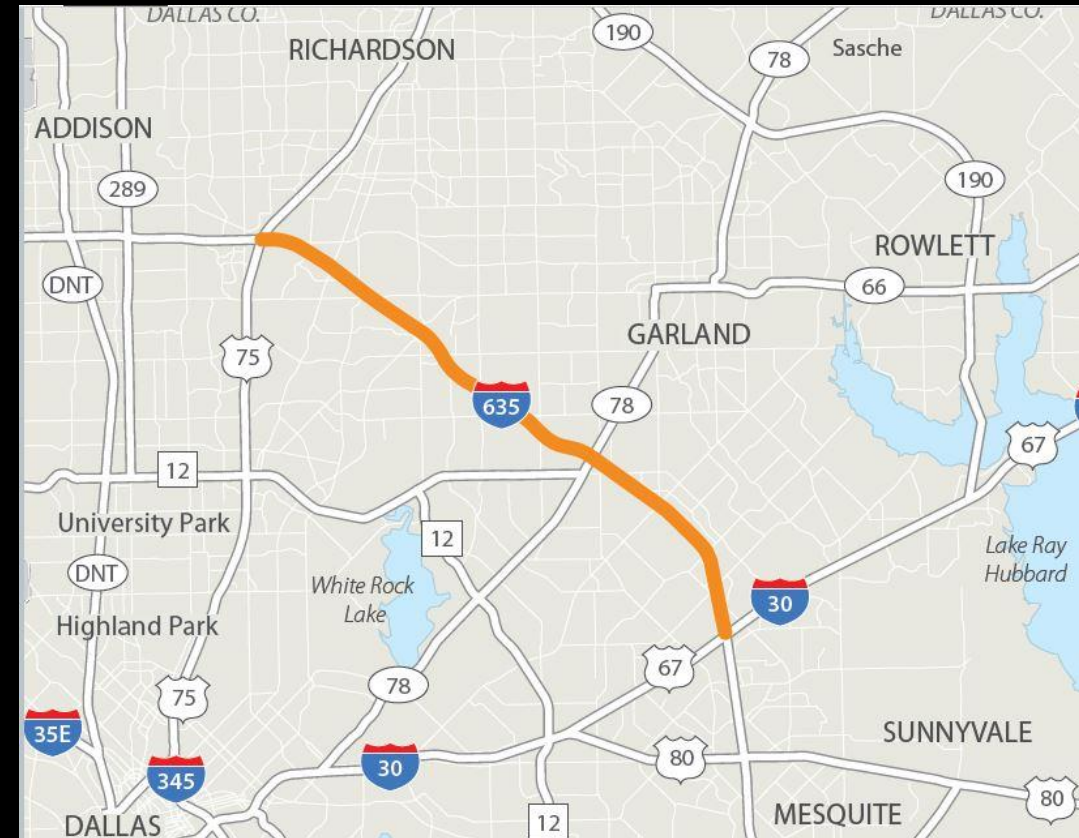
IH 635 East – Engineering Status

- ◆ Ultimate Project
 - ◆ Still Number 1
 - ◆ TxDOT Activity
 - ◆ Construction Plans
 - ◆ Traffic and Revenue study
 - ◆ Public Hearing
 - ◆ Environmental
 - ◆ Construction 2018



IH 635 East – Other Activities

- ◆ Legislative Efforts
 - ◆ Transportation Symposium – College Station
 - ◆ DRMC
 - ◆ RTC





GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

Work Session Item 2. c.

Meeting Date: November 14, 2016

Item Title: Single Stream Recyclables Material Transport, Processing and Marketing Services

Submitted By: Lonnie Banks, Managing Director

Summary of Request/Problem

The current Transport, Processing and Marketing of Recyclables Material Agreement between the City of Garland (City) and Community Waste Disposal, LP (CWD) will expire on December 31, 2016. A new Agreement is needed to avoid disruption in the Transporting, Processing, and Marketing of Recyclables Material from the City's Residential/Commercial Recycling Programs, Drop-Off Recycling Center and Workplace Recycling Program.

Recommendation/Action Requested and Justification

Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 6, 2016 Regular Meeting.

Attachments

Single Stream Recyclables Material Transport, Processing and Marketing Services Proposals

Single Stream Recyclables Material Transport, Processing and Marketing Services Proposals

City of Garland, Texas

November 14, 2016



Presentation Overview

- ▶ Overview of Services Requested in the Request for Proposals
- ▶ Burns & McDonnell Overview
- ▶ Current Perspective on Recycling
- ▶ Trends in Recycling Processing Contracts
- ▶ Financial Analysis of Proposals Received by the City of Garland
- ▶ DFW Metroplex Recycling Market Update
- ▶ Request for City Council Direction

Overview of Services Requested in the Request for Proposals (RFP)

Current Program Overview

- ▶ City staff collect single-stream recyclables from residents and deliver to compactors at the City's transfer station
- ▶ Contractor needed to provide the following services
 - Transport the compactors to a Material Recovery Facility (MRF)
 - At the MRF, sort the materials into individual materials to be marketed
 - Sell the processed recyclables to end-markets



Compactor Units



MRF



Material Ready for Sale

Status of Current Contract

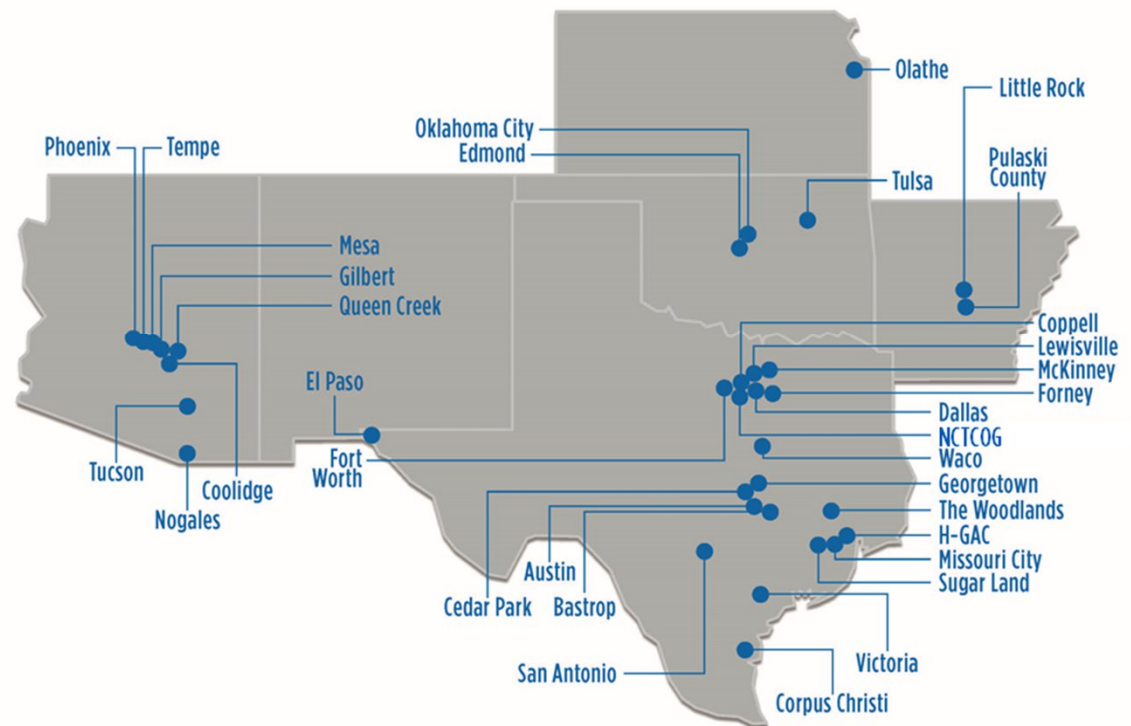
- ▶ Existing contract with Community Waste Disposal (CWD) expires on December 31, 2016
- ▶ The City issued an RFP to request proposals

Burns & McDonnell Overview

Burns & McDonnell: Extensive Procurement Experience Provides Understanding of Key Issues

Our Team's Solid Waste and Recycling Procurement Experience

- ▶ Multiple procurements, negotiations and evaluations
- ▶ Authored best management practice manual for solid waste and recycling procurement
- ▶ Published articles and conducted workshops on procurements

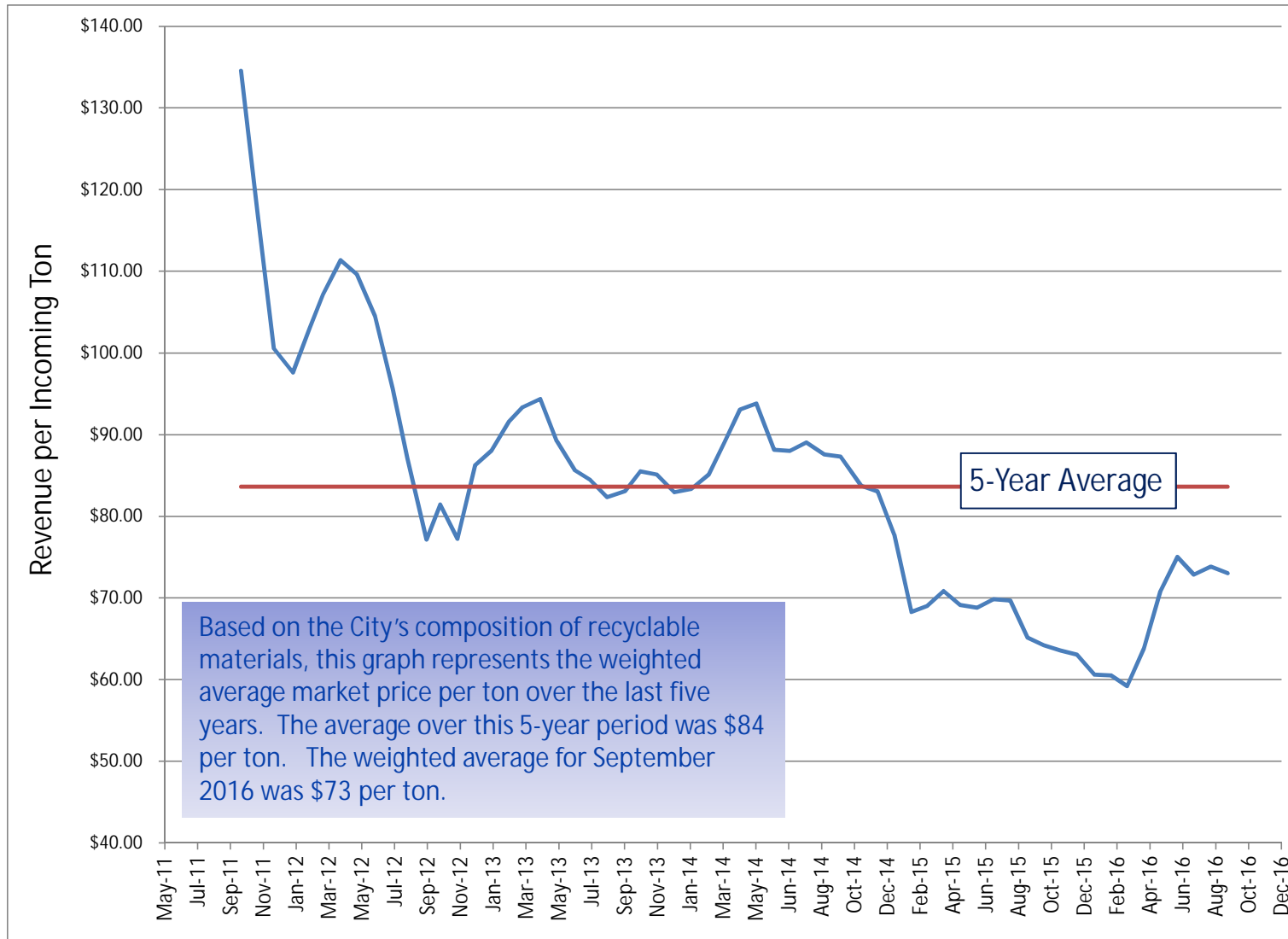


Current Perspective on Recycling

2008-2009 Market Crash: Long-term Financial Impact

- ▶ Commodity values plummeted from all time highs to historic lows in a matter of weeks
- ▶ Crisis drove recycling processors to reconsider their financial approach to allocate more risk to local governments
- ▶ Financial benefits to local governments have decreased due to lower trending commodity values and higher processing fees
- ▶ Other factors such as China, value of the US dollar, oil prices and recovering economy impact commodity prices

Historical Commodity Values (Weighted Average)



Even with Diminished Financial Benefits, Many Texas Cities More Focused than Ever on Increasing Recycling

City	On-going Programs to Increase Diversion
Arlington	Recent change to cart-based single stream
Austin	Zero waste goal and multiple implementation projects
Corpus Christi	Recent change to single stream recycling with 25% recycling goal
Dallas	Resource recovery planning and long-term 60% recycling goal
Denton	40% recycling goal and multiple implementation projects, including commercial recycling and organics
El Paso	Increased recycling rate from 1.5% to over 20% in 5 years
Fort Worth	On-going planning efforts and multiple implementation projects
Garland	Phased implementation approach for citywide single stream recycling collection program (5 of 6 phases implemented)
Houston	Implemented citywide single-stream recycling
San Antonio	60% recycling goal and multiple implementation projects

Trends in Recycling Processing Contracts

Structure Contracts to Share Market Risk

- ▶ Cyclical nature of pricing in the past reflects variable commodity pricing in the future
- ▶ Critical to develop financial terms that are fair in “good” and “bad” markets
- ▶ Financial terms include a processing fee and revenue share
 - **Processing fees increasing:** compensate processors for cost to provide service, typical range of \$60–80 per ton
 - **Revenue share increasing:** Based on market prices for recyclable materials, typical range of 40–90 percent

Financial Analysis of Proposals Received by the City of Garland

Unit Based Pricing Requested from Proposers: Key Terms

- ▶ **Processing Fee:** Cost per ton to separate materials and prepare for sale to end markets
- ▶ **Revenue Share:** Percentage of revenue from the sale of processed materials that is shared with the City
- ▶ **Hauling Fee:** Cost on a per load (pull) basis to haul materials from the Drop-off Recycling Center to the recycling processing facility
- ▶ **Floor Pricing:** Proposers had the option to provide a minimum amount to be paid to the City in the event commodity pricing decreases below a certain level

Unit Based Pricing Results: Processing and Hauling Fees and Revenue Sharing

	FCC	FCC – Alternate	Waste Mgmt – With Glass	Waste Mgmt – Without Glass
Processing Fee (per ton)	\$76.00	\$65.00	\$95.00	\$90.00
Revenue Share	60%	60%	70%	70%
Hauling Fee (per pull)	\$195.50	\$184.00	\$188.00	\$188.00
Floor Pricing Offered	Yes ¹	Yes ²	No	No

1. In the FCC base proposal, the City would never pay FCC a fee, even if the processing fee and transportation fee exceeds the revenue from sale of material.
2. In the FCC alternate proposal, the City would pay a fee if the processing fee and transportation fee exceeds the revenue from the sale of material, but the amount would be capped at \$15 per ton. For the alternate proposal, the City could realize lower costs and more revenue, but commodity pricing would need to be higher to benefit the City.

Annual Financial Impact of Proposals:

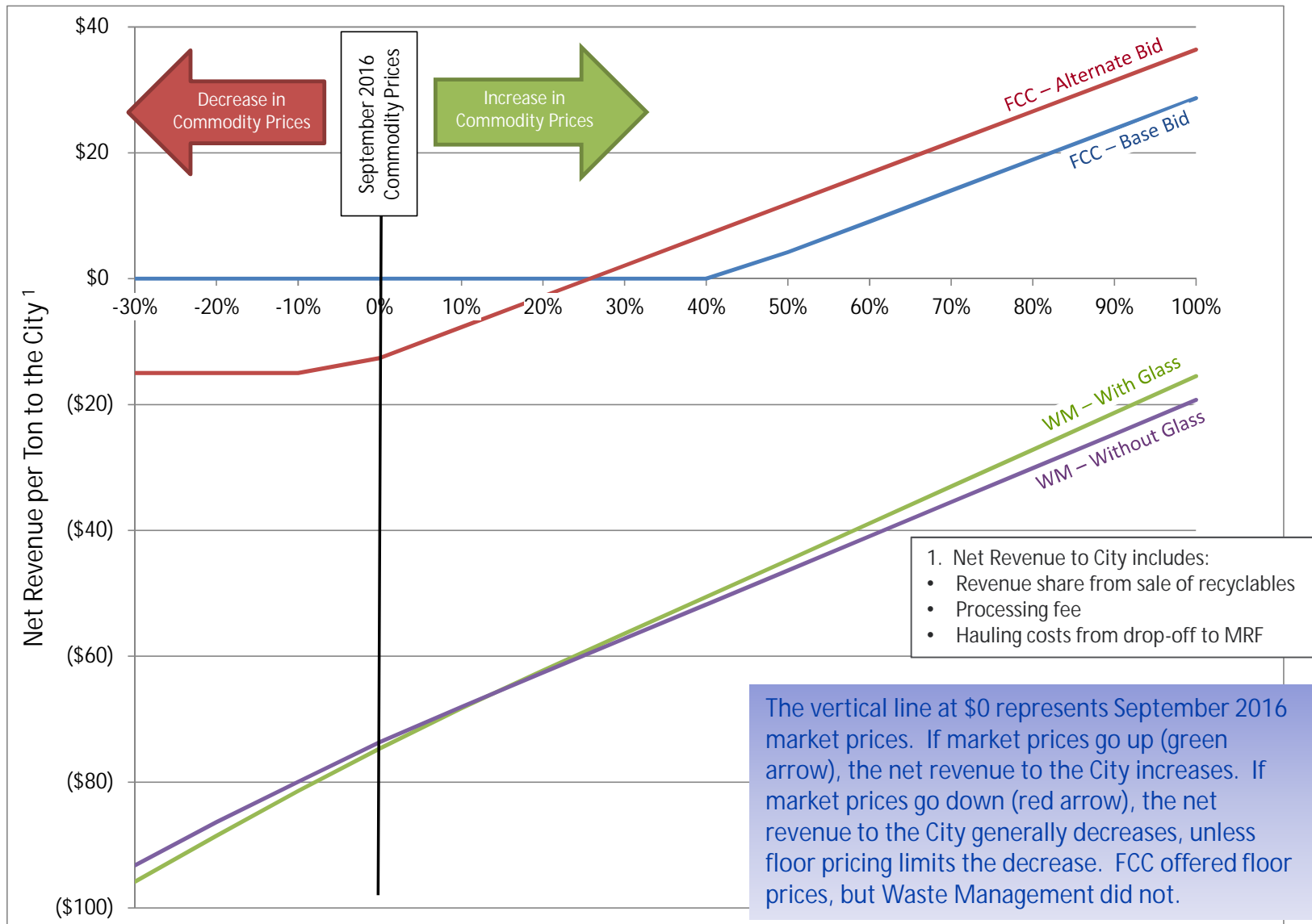
Based on Unit Pricing from Prior Slide, 9,500 Annual Tons and Sept 2016 Market Pricing

Company	Total Annual Financial Impact	Comments
FCC – Base Proposal	\$0	Amount is zero due to FCC agreeing to not charge the City if the net amount is negative.
FCC – Alternate Proposal	(\$119,846)	The City is charged for transportation and processing costs, but the amount is capped at \$15 per ton
Waste Management – With Glass	(\$709,291)	Since WM took exception to not charging the City when the net amount is negative, the City would pay the negative amount
Waste Management – Without Glass	(\$646,484)	

FCC's Base Proposal Compares Favorably to the City's Current Terms with CWD

- ▶ Over the past year (October 2015 – September 2016), the City has paid CWD \$6,600
- ▶ Assuming low market conditions, the City would have paid FCC \$0 over the same time period based on FCC's proposal

Impact of Commodity Prices on Financial Proposals



DFW Metroplex Recycling Market Update

New FCC Processing Facility Provided Best Value

- ▶ FCC is building new state of the art material recovery facility (MRF) via a public-private partnership with the City of Dallas
- ▶ MRF is expected to be operating by January 2, 2017



Request for City Council Direction

Questions?

Scott Pasternak

Burns & McDonnell

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