



AGENDA

**REGULAR MEETING OF THE CITY COUNCIL
City of Garland
Duckworth Building, Goldie Locke Room
217 North Fifth Street
Garland, Texas**

**June 17, 2014
7:00 p.m.**

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

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

CITY COUNCIL GOALS 2020

(Adopted by Resolution No. 9402 on December 20, 2005)

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

MAYORAL PROCLAMATIONS, RECOGNITIONS, AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the June 3, 2014 Regular Meeting.
2. Consider approval of the following bids:

a. Microsoft CRM Support

Bid No. 3621-13

Webfortis

\$150,000.00

This request is to provide ongoing maintenance and support services for Microsoft CRM projects.

b. Oracle Licenses

Bid No. 4354-14

SHI, Inc.

\$385,825.00

Recent IT-related updates and upgrades have created changes in the system architecture for several enterprise systems that use Oracle database or application products. As a result of these changes, additional licenses are necessary to maintain compliance with Oracle's licensing requirements.

**c. Wynn Joyce Substation Control
Building and Switchgear**

Bid No. 4402-14

Powell Electrical Systems	\$1,174,009.00
Contingency	<u>117,500.00</u>
TOTAL	<u>\$1,291,509.00</u>

This request is to provide the substation control building and switchgear as part of the Wynn Joyce Substation Rebuild project. Due to the complexity of this project, an optional contingency is included for any unforeseen additional work that may be required.

3. Public hearings were previously conducted for the following zoning cases. Council approved the requests and instructed staff to bring forth the following ordinances for consideration.

a. Zoning File No. 14-16, Firewheel Senior Living, LLC

Consider an ordinance amending the zoning laws of the City of Garland by approving a change of zoning from Agriculture District to a Planned Development District for Multifamily Uses on property in the SH-190 Overlay, a Detail Plan for an Assisted Living Facility, and a Specific Use Permit for Assisted Living Facility on a 6.96-acre tract of land located on the north side of West Campbell Road, approximately 500 feet west of the intersection of West Campbell Road and Holford Road.

b. Zoning File No. 14-20, Troy Crosson

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Reception Facility on a 0.25-acre tract of land located at 620 Main Street.

4. Consider an ordinance amending Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland by adopting an amended Flood Insurance Study.

At the June 3, 2014 Work Session, Council considered adopting a new Flood Insurance Study and accompanying Flood Insurance Rate Map as issued by the Federal Emergency Management Agency for use in the City's floodplain management activities and the revision of the City's Code of Ordinances Sec. 31.100 through Sec. 31.107.

5. **Consider a resolution approving the City of Garland Housing Agency Administrative Plan for the Housing Choice Voucher Program.**

At the June 3, 2014 Work Session, Council considered adopting the updated Administrative Plan. The U. S. Department of Housing and Urban Development requires each Housing Agency to develop and adopt an Administrative Plan identifying the policies the agency will follow to administer the Housing Choice Voucher Program Funds (better known as Section 8).

6. **Consider a resolution adopting and approving the Garland Housing Agency's Fourth Year Update on the 2010-2014 Five-Year Plan.**

At the June 3, 2014 Work Session, Council considered adopting the accomplishments presented in the fourth year annual performance plan update for submission to the U. S. Department of Housing and Urban Development.

7. **Consider a resolution authorizing the submission and acceptance of an application to the Bureau of Justice Assistance for Grant under the 2014 Edward Byrne Memorial Justice Assistance Grant Program.**

At the June 16, 2014 Work Session, Council was scheduled to consider a request from the Police Department to apply for the 2014 Edward Byrne Memorial Justice Assistance Grant program. The estimated net award to the City of Garland will be approximately \$28,052.24. The funds can be used to implement a wide variety of Police Department programs to reduce crime and improve public safety.

8. **Consider a resolution supporting transportation funding for Texas.**

At the June 3, 2014 Work Session, Council considered a resolution supporting Proposition 1 that will be on the November 4, 2014 ballot and known as the Transportation Funding Proposition.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

9. **Consider an ordinance amending Chapter 50, "Utility Rates and Fees", of the Code of Ordinances of the City of Garland, relating to fees for various services provided by the City.**

At the June 16, 2014 Work Session, Council was scheduled to reconsider a request to increase the Environmental Waste Services Residential Rate to be effective July 1, 2014. A proposed residential rate increase was planned for FY 2014-15 when operating costs were anticipated to increase due primarily to equipment replacement and the expansion of the Single Stream Recycling Program. However, the ice storm that occurred in December 2013 resulted in significant operating costs which will cause the Environmental Waste Services Fund to drop below its 45-day balance requirement.

10. **Consider the appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem.**

Council is requested to appoint a Mayor Pro Tem from among its members. In accordance with City Council Policy OPNS-30, "Who Shall Act As Mayor," Council may also appoint a Deputy Mayor Pro Tem at its discretion.

11. **Consider appointments to Boards and Commissions.**

Board members are selected for two-year terms by the City Council in August. Terms are usually staggered whereby at least half of the membership has board experience. Board members are appointed based on qualifications.

- *Simran Bains – Garland Youth Council (Dodson, District 6)*
- *Sarahi Salazar – Garland Youth Council (Dodson, District 6)*

12. Citizen comments.

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

13. Adjourn.

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

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, June 3, 2014, in the Goldie Locke Room, 217 North Fifth Street, Garland, Texas, with the following members present:

Mayor Pro Tem	Lori Barnett Dodson
Council Member	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	B. J. Williams
Council Member	John Willis
Council Member	Scott LeMay
Council Member	Jim Cahill

MEMBERS ABSENT: Mayor Douglas Athas

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

CALL TO ORDER: The meeting was called to order by Mayor Pro Tem Lori Dodson. Council Member Billy Mack Williams led the Invocation and the Pledge of Allegiance.

ANNOUNCEMENTS: Mayor Pro Tem Dodson commented on the following: 1) The City of Garland will host a Transportation Plan Town Hall Meeting on Thursday, June 5, 2014 at the Central Library in Downtown Garland from 5:30 to 7:30 p.m. Citizens are encouraged to attend and share thoughts and suggestions about transportation issues in Garland. Additional details are available at garlandtx.gov. 2) The Garland Health Department continues to gather public input as part of its Comprehensive Health Assessment. An online survey is available at garlandtx.gov. A paper survey is available at all City libraries, recreation centers, senior centers and the Health Department.

CONSENT AGENDA: All items marked with asterisks (**) on the consent agenda were voted on at the beginning of the meeting. Mayor Pro Tem Dodson noted that Item 6 is pulled from the Consent Agenda as requested by Council Members Goebel and LeMay. Item 1 is also pulled at the request of Council Member Campbell. A motion was made by Council Member Billy Mack Williams, seconded by Council Member LeMay, to approve items: 2a; 2b; 2c; 2d; 2e; 2f; 3; 4; and 5 as presented. The motion carried with a vote of 8 Ayes and 0 Nays. (Athas, absent)

1. PULLED Minutes of the May 15, 2014 Special Meeting and May 20, 2014 Regular Meeting. This item was pulled from the Consent Agenda for individual consideration.
- 2a. APPROVED ** Bid No. 4320-14 in the amount of \$177,999.50 to Onyx Services, LLC to provide all labor, equipment, and materials to perform the cleaning, measurement, and inspection of Garland Power & Light's natural gas pipeline to meet requirements of the Texas Railroad Commission.
- 2b. APPROVED ** Bid No. 4335-14 in the amount of \$2,000,599 to Tri Con Services, Inc. to construct water and sanitary sewer improvements along with all associated paving and incidentals. The total amount of the award is estimated based on unit pricing and may be more or less depending on actual needs.
- 2c. APPROVED** Bid No. 4352-14 in the amount of \$138,350 to Industrial Disposal Supply Co. for the purchase of a pedestal mounted crane to be used by Environmental Waste Services for loading solid waste transfer trailers.
- 2d. APPROVED ** Bid No. 4369-14 in the amount of \$170,000 to DMC Power, Inc. for a term contract with four renewal options for bus connectors, cables connectors, grounding connectors, and tools required for substation construction and maintenance.
- 2e. APPROVED** Bid No. 4377-14 in the amount of \$213,285 to Stuart Irby with an optional contingency in the amount of \$22,000 for a total award of \$235,285 for the purchase of steel structures for the Wynn Joyce Substation as part of the approved Wynn Joyce Substation Rebuild CIP project.
- 2f. APPROVED** Bid No. 4447-14 in the amount of \$109,043.68 to EST Group to add blade servers to the City's existing VMware virtual infrastructure in order to host production and test database virtual servers.
3. APPROVED** Ordinance No. 6702 approving and authorizing the issuance of "City of Garland Electric Utility System Commercial Paper Notes, Series 2014", in an aggregate principal amount at any one time outstanding not to exceed \$66,657,535 to provide interim financing to pay project costs for eligible projects and to refund obligations issued in connection with an eligible project; authorizing such short term obligations to be issued,

sold and delivered in various forms, including commercial paper notes and bank notes, and prescribing the terms, features and characteristics of such instruments; approving and authorizing certain authorized officers and employees of the City to act on behalf of the City in the selling and delivery of such short term obligations, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; providing for the payment of the commercial paper notes and bank notes; resolving other matters incident and related to the issuance, sale, security, and delivery of commercial paper notes, including the approval of an Issuing and Paying Agent Agreement, a Reimbursement Agreement and a Dealer Agreement; approving the use of an offering memorandum in connection with the sale from time to time of such short term obligations.

4. APPROVED**

Ordinance No. 6703 authorizing the issuance of “City of Garland Electric Utility System Revenue Refunding Bonds, New Series 2014”, pledging the net revenues of the City’s electric utility system to the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale, and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement.

5. APPROVED**

Ordinance No. 6704 authorizing an amendment to the 2013-14 Operating Budget (Budget Amendment No. 2) providing for supplemental appropriation of funds in the General Fund, the Equipment Replacement Fund, the Public Safety Grant Fund, the Infrastructure Repair and Replacement Fund, the Storm Water Management Fund, the Wastewater Utility Fund, the Environmental Waste Services Fund, and various funds associated with the Group Health Insurance adjustment.

6. PULLED

Consider an ordinance amending Chapter 50, “Utility Rates and Fees,” of the Code of Ordinances relating to fees for various services provided by the City. This item was pulled from the Consent Agenda for individual consideration.

ITEMS FOR INDIVIDUAL CONSIDERATION

1. APPROVED Council Member Campbell requested Council Member Cahill review the minutes of the May 15, 2014 Special Meeting. Council Member Cahill affirmed that the final motion of the May 15, 2014 Special Meeting should be amended to read as follows: "Council Member Cahill moved to keep the current standing committees, and composition thereof, until new Council committee members are appointed." The vote result on the motion was also corrected to 7 ayes, 2 nays. Councilman Campbell, seconded by Council Member Cahill, moved to approve the minutes and vote count as corrected. A vote was cast and the motion carried with 8 ayes, 0 nays. (Athas, absent)

6. DENIED Assistant City Manager Bryan Bradford provided background information and answered questions from Council regarding consideration of an ordinance amending Chapter 50, "Utility Rates and Fees," of the Code of Ordinances relating to fees for various services provided by the City.

COMMENTS The following citizens spoke against raising proposed utility rates: Annie Dickson and Karen Nixon.

Council Member Cahill made a motion, seconded by Council Member Campbell, to approve authorizing an increase of the Residential Solid Waste Collection rate by \$1.60 to be effective on July 1, 2014. Council discussion followed.

A vote was cast and the motion failed with 4 ayes, 4 nays. (Dodson, LeMay, Goebel, Williams) (Athas, absent)

7. NO ACTION Director of Planning Anita Russelmann provided information regarding the request by Alloy Right Recyclers (File 14-13) to reconsider a request for a Specific Use Permit for a Recycling Center on property located at 828 East Walnut Street. Russelmann further explained Council Policy DEV-03 which sets forth the criteria and procedures for reconsideration, upon request by the applicant, of zoning requests which have been denied. A motion to grant reconsideration may only be made by a council member who voted to deny the original request. No action was taken.

8a. DENIED

Director of Planning Anita Russelmann provided background information and responded to questions from Council regarding the application of Apollo Beer and Wine requesting approval of a Specific Use Permit for a Convenience Store on property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH-190 Overlay. The property is located at 7602 North Jupiter Road, Suite 100. (File 14-06, District 1)

Mayor Pro Tem Dodson opened the public hearing and the following persons spoke in favor of the request: Applicant Pinesh Tanna; Alfonso Vasquez; Joe Duncan, II; Hank Gaines; and Bill Mansfield. The following persons spoke in opposition to the request: Kristen Heironymus; Terrie Keeper; Lee Lutz; and Clark Dowell. The following persons registered a position in opposition: Katheryn Litz; Frances Dowell; Ginger Hubbard; Starr Scobee; and Pat Marchman.

Council Member Campbell, seconded by Council Member Cahill, moved close the public hearing and to deny the request. A vote was cast and the motion to deny carried with 7 ayes, 1 nay. (LeMay) (Athas, absent)

8b. APPROVED

Director of Planning Anita Russelmann provided background information regarding the application of Firewheel Senior Living LLC requesting approval of 1) a change of zoning from Agriculture (AG) District to a Planned Development (PD) District for Multifamily Uses on property in the SH-190 Overlay, 2) a Detail Plan for an Assisted Living Facility, 3) a Specific Use Permit for Assisted Living Facility, and 4) a variance to Section 34.51 (B)(3)(b) of the Development Standards for Senior Living and Related Facilities regarding common storage. The property is located on the north side of West Campbell Road, approximately 500 feet west of the intersection of West Campbell Road and Holford Road, between 1401 and 1601 Campbell Road. (File 14-16, District. 1) Russelmann provided additional detailed information regarding the request for a reduction in square footage to 1,200 square feet of required common storage area.

Mayor Pro Tem Dodson opened the public hearing. The following persons spoke in favor of the request: Venay Sedey; Shaye Donica. Karen Wilson also spoke regarding the topic.

Council Member Campbell, seconded by Council Member Cahill, moved to approve the request including the request for 1,200 square feet of common storage. A vote was cast and the motion carried with 8 ayes, 0 nays. (Athas, absent)

8c. APPROVED

Director of Planning Anita Russelmann provided background information regarding the application of Troy Crosson requesting approval of a Specific Use Permit for a Reception Facility on property zoned Central Area 1 (CA-1) District. The property is located at 620 Main Street. (File 14-20, District 2)

Mayor Pro Tem Dodson opened the public hearing to invite public input. The following persons spoke in favor of the request: Applicant Tony Crosson and Karen Nixon. The following person spoke against the request: Carlos Porras. Council Member Goebel, seconded by Council Member Lemay, made a motion to close the public hearing and approve the request. A vote was cast and the motion carried with 8 ayes, 0 nays. (Athas, absent)

9. APPROVED

Preston Sanderson's name was placed in nomination for consideration of appointment to the Garland Youth Council. A vote as cast the nomination carried with 8 ayes, 0 nays. (Athas, absent)

10. COMMENTS

The following persons spoke regarding Garland Animal Shelter concerns: Lee Lutz; Michelle Ferrer; Terrie Keeper; Karen Nixon; Melinda Miranda; and Mary Ann Wickersham. Don Howard, III spoke regarding utility fees, noise, unfinished street repairs; and difficulty doing business in Garland.

There being no further business to come before the City Council, Mayor Pro Tem Dodson adjourned the meeting at 11:01p.m.

CITY OF GARLAND

Signed:

Lori Barnett Dodson, Mayor Pro Tem

ATTEST:

Lisa Palomba, City Secretary



GARLAND
PURCHASING

Bid No.: 3621-13
Agenda Item: 2a
Meeting: Council
Date: 06/17/14

Purchasing Report

MICROSOFT CRM SUPPORT TERM CONTRACT

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide ongoing maintenance and support services for Microsoft CRM projects. This will be a Term Contract with four (4) optional renewals. The contract will renew either annually or upon expenditure of funds, whichever occurs first. The City may renegotiate for additional terms at the end of the contract.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Webfortis	All	\$150,000.00
TOTAL:		\$150,000.00

BASIS FOR AWARD:

Best Value

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 06/04/14

Date: 6/6/14

FINANCIAL SUMMARY:

Total Project/Account: \$	N/A
Expended/Encumbered to Date:	N/A
Balance: \$	N/A
This Item:	150,000
Proposed Balance: \$	N/A

Matt Monedero	06/05/14
Budget Analyst	Date
Ron Young	06/05/14
Budget Director	Date

Operating Budget: ☒ CIP: ☐ Year: 2013-14

Document Location: Page 134

Account #: 451-6999
Various Accounts

Fund/Agency/Project – Description:
Term Contract – Code System Implementation

Comments:
Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.



GARLAND

PURCHASING

Executive Summary **Bid 3621-13** **Term Contract for Microsoft CRM Support**

Recommended Vendor:

Webfortis

Total Recommended Award:

\$150,000.00

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide ongoing maintenance and support services for Microsoft CRM Projects. This will be a term contract with four (4) optional renewals. The City may renegotiate for additional terms at the end of the contract.

Evaluation:

Requests for proposals were issued in accordance with Purchasing procedures. Four (4) proposals were received and evaluated on the published criteria of: experience and capability; methodology; fee structure; references. Webfortis had the lowest priced proposal and was the highest evaluated vendor, offering the best value for the City.

Recommendation:

Staff recommends awarding a term contract for ongoing CRM maintenance and support services to Webfortis.

Funding Information:

This will be funded as needed from Operating and CIP accounts.

Department Director:

Steven Niekamp, Chief Information Officer, 972-781-7216



GARLAND
PURCHASING

Bid No.: 4354-14
Agenda Item: 2b
Meeting: Council
Date: 06/17/14

Purchasing Report

PURCHASE OF ORACLE LICENSES OPEN MARKET

PURCHASE JUSTIFICATION:

Recent IT-related updates and upgrades have created changes in the system architecture for several enterprise systems that use Oracle database or application products. As a result of these changes, additional licenses are necessary to maintain compliance with Oracle's licensing requirements. The additional software licenses are available from SHI, Inc., through the State of Texas Department of Information Resources (DIR) cooperative purchase agreement.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
SHI, Inc.	All	\$385,825.00

TOTAL: \$385,825.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 06/04/14

Date: 6/6/14

FINANCIAL SUMMARY:

Total Project/Account: \$ 1,804,889

Expended/Encumbered to Date: 1,124,737

Balance: \$ 680,152

This Item: 385,825

Proposed Balance: \$ 294,327

Matt Monedero 06/05/14

Budget Analyst Date

Ron Young 06/05/14

Budget Director Date

Operating Budget: ☒ CIP: ☐ Year: 2013-14

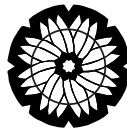
Document Location: Pages 134 and 135

Account #: 415-4599-2325710-9029 \$ 56,700.00
413-4511-9029 269,000.00
413-4511-6011 60,125.00

Fund/Agency/Project – Description:

IT Project and IT Replacement Funds –
Additional Licenses Required for Oracle
Database

Comments:



GARLAND

PURCHASING

Executive Summary Bid 4354-14 Purchase of Oracle Licenses

Recommended Vendor:

SHI Government Solutions

Total Recommended Award:

\$385,825.00

Basis for Award:

Cooperative Purchase

Purpose:

Recent IT related updates and upgrades have created changes in the system architecture for several enterprise systems that use Oracle database or application products. As a result of these changes, additional licenses are necessary to maintain compliance with Oracle's licensing requirements. Oracle's licensing model is based on a number of factors including number of processor cores available in the host server or server cluster and user licenses.

Evaluation:

This purchase was originally approved for Mythics, Inc. at the May 06, 2014 City Council Meeting. This request is being resubmitted because Mythics, Inc.'s Department of Information Resources (DIR) contract expired before the purchased licenses could be delivered. The licenses are available from SHI Government Solutions through the current DIR cooperative purchase agreement.

Recommendation:

Staff recommends awarding the purchase of additional Oracle software licenses to SHI Government Solutions.

Funding Information:

Funding is available in the current IT budget.

Department Director:

Steven Niekamp, Chief Information Officer, 972-781-7216



GARLAND
PURCHASING

Bid No.: 4402-14
Agenda Item: 2c
Meeting: Council
Date: 6/17/14

Purchasing Report

WYNN JOYCE SUBSTATION CONTROL BUILDING AND SWITCHGEAR OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this bid is to provide the Substation Control Building and Switchgear as part of the Wynn Joyce Substation Rebuild project. Due to the complexity of this project, an optional contingency is included for any unforeseen additional work that may be required. This is an approved Capital Improvement project, and expenditures will not exceed appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Powell Electrical Systems	ALL	\$1,174,009.00
Contingency		117,500.00
TOTAL:		\$1,291,509.00

BASIS FOR AWARD:

Best Value

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.

William E. Dollar

Director of Purchasing

City Manager

Date: 6/6/14

Date: 6/6/14

FINANCIAL SUMMARY:

Total Project/Account: \$ 2,120,000

Expended/Encumbered to Date: 425,406

Balance: \$ 1,694,594

This Item: 1,291,509

Proposed Balance: \$ 403,085

Trent Schulze 06/06/14

Budget Analyst Date

Ron Young 06/06/14

Budget Director Date

Operating Budget: ☐ CIP: ☒ Year: 2014

Document Location: Page E11

Account #: 210-3799-3174801-6051
(EC-S0748-001-1-6051)

Fund/Agency/Project – Description:
Electric CIP – Substations Upgrades

Comments: Provides Substation Control Building and Switchgear as part of the Wynn Joyce Substation Rebuild project and includes an optional contingency for any unforeseen work that may be required. Expenditures will not exceed appropriations.



GARLAND

PURCHASING

Executive Summary **Bid 4402-14**

Wynn Joyce Substation Control Building & Switchgear

Recommended Vendor:

Powell Electric Systems

Total Recommended Award:

\$1,291,509.00

Basis for Award:

Best Value

Purpose:

The purpose of this bid is to provide the control building and switchgear as part of the approved Wynn Joyce Substation Rebuild Capital Improvement Project.

Evaluation:

Request for bid was issued in accordance with Purchasing procedure. Two (2) bids were received. The apparent low bid, Electro-Tech Industries did not meet the ISO 9001 certification listed in the bid specifications. Powell Electrical Systems was evaluated based on price, delivery schedule, reputation of goods and services and past experience with the City and was determined as the best value bidder having met all the requirements and specifications of the bid.

Recommendation:

Staff recommends awarding the bid to Powell Electrical Systems as Best Value to the City.

Funding Information:

This will be funded from the approved Wynn Joyce Substation Rebuild Capital Improvement Project. 217-3799-3174801-6051 (EC-S0748-001-1-7051)

Department Director:

Ross Owen, T&D Director 972-205-3532



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-16 Firewheel Senior Living, LLC

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE OF ZONING FROM AGRICULTURE (AG) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR MULTIFAMILY USES ON PROPERTY IN THE SH 190 OVERLAY, A DETAIL PLAN FOR AN ASSISTED LIVING FACILITY, AND A SPECIFIC USE PERMIT FOR ASSISTED LIVING FACILITY, ON A 6.96-ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF WEST CAMPBELL ROAD, APPROXIMATELY 500 FEET WEST OF THE INTERSECTION OF WEST CAMPBELL ROAD AND HOLFORD ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 14th day of April, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Firewheel Senior Living, LLC.**; and

WHEREAS, The City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a change of zoning from Agriculture (AG) District to a Planned Development (PD) District for Multifamily Uses on property in the SH 190 Overlay, a Detail Plan for an Assisted Living Facility, and a Specific Use Permit for Assisted Living Facility, on a 6.96-acre tract of land located on the north side of West Campbell Road, approximately 500 feet west of the intersection of West Campbell Road and Holford Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

Development shall be in conformance with the conditions, restrictions, and regulations set forth in Exhibit B, attached hereto and made a part hereof.

Section 3.

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

Section 4.

Violation of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances, City of Garland, Texas.

Section 5.

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-16

Being an approximate 6.96-acre tract of land situated in the Henry McCullough Survey, Abstract No. 901, City of Garland, Dallas County, Texas, being all of that certain tract of land conveyed to Firewheel Senior Living, LLC, by General Warranty Deed recorded in Instrument No. 201300391504, Official Public, Records, Dallas County, Texas. The property is located on the north side of Campbell Road, approximately 500 feet west of the intersection of Campbell Road and Holford Road, Garland, TX.

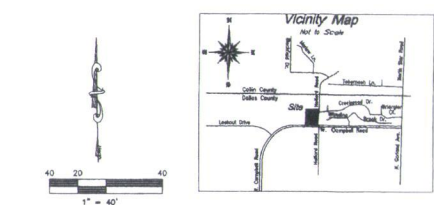
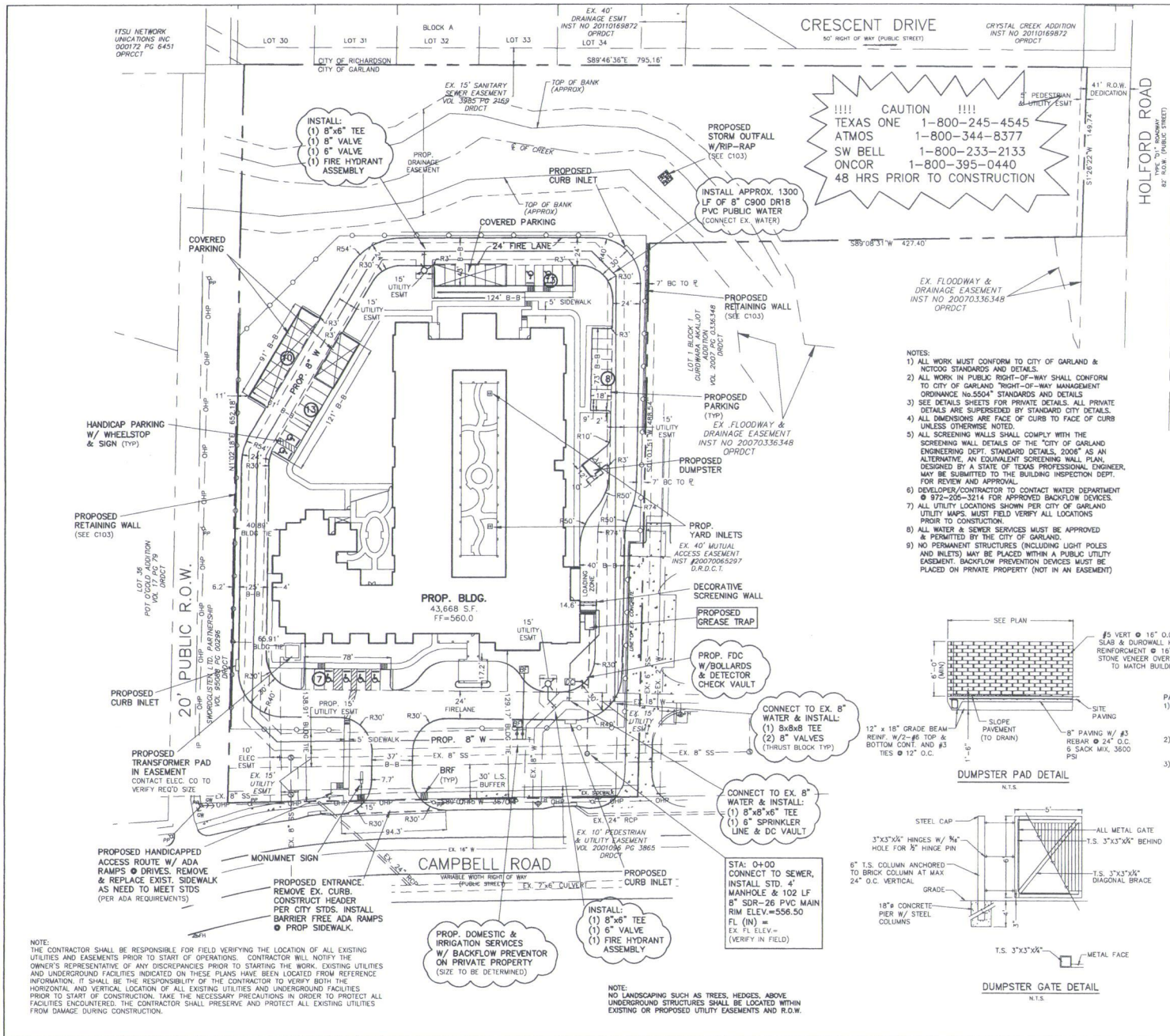
PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 14-16

On the north side of West Campbell Road, approximately 500 feet west of the intersection of West Campbell Road and Holford Road

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the construction of an assisted living facility subject to conditions.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All development shall comply with Ordinance No. 5410, Senior Living and Related Facilities. All regulations of the Multi-Family District set forth in Section 19, 32, and 33 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
 - A. Detail Plan: Development shall be in general conformance with the approved Detail Plan set forth in Exhibit C; however, in the event of conflict between the Detail Plan and the conditions, the conditions shall prevail.
- V. **Specific Regulations:**
 - A. Permitted Uses: No uses shall be permitted except for an Assisted Living Facility.
 - B. Specific Use Permit: The Specific Use Permit shall be effective for a period of 30 years.
 - B. Architectural Standards and Building Façade: Exterior elevations shall be in conformance with the approved elevations (Exhibit E).
 - C. Landscaping: The perimeter fencing and evergreen shrubs are not required along the northernmost 240 feet section of the western property line, the entire length of the north property line, the property line along Holford Road and the property line connecting the eastern property line and Holford Road. Landscaping shall be in general conformance with the approved Landscape Plan (Exhibit D).
 - D. Signage: One monument sign shall be permitted on the subject property with the size and setback in compliance with the Senior Living Standards.

- E. Common Storage Area: The square footage of the common storage area shall not be less than 1,200 square feet.
- F. Storage Space Within Memory Care Dwelling Units: The area and volume of the storage spaces in the memory care dwelling units shall not be less than 10 square feet and 90 cubic feet.



SITE DATA:
 LOT AREA: 6.98 Acres, 303,258 sq. ft.
 LOT COVERAGE: 14.4%
 FLOOR TO AREA RATIO: 6.94:1
 BUILDING AREA: 43,668 sq.ft.
 BUILDING HEIGHT: XX' (One Story)
 BUILDING SETBACKS: Front: 30', Rear & Side: 15'
 PROPOSED USE: Assisted Living IMPERVIOUS AREA (including buildings): 226,662 sq.ft.
 ZONING: Existing: AG Proposed: PD-XX
 PARKING: Required: 1 space/3 units (59/3) = 20, 1 space/1 employee = 20, Total Required = 40
 Provided: Standard= 43, Handicapped Required = 3, Handicapped Provided = 8, Total Provided = 51
 LANDSCAPE AREA: Required: 75,084 sq.ft., Provided: 76,636 sq.ft.

LEGEND

---	PROPERTY LINE
---	EX. WATER
---	EX. SANITARY SEWER
---	EX. SS MANHOLE
---	EX. GAS METER
---	EX. WATER METER
---	EX. WATER VALVE
---	EX. POWER POLE
---	EX. FIRE HYDRANT
---	EXIST. or EX.
---	EASEMENT
---	LANDSCAPE
---	BACK OF CURB
---	BACK OF CURB TO BACK OF CURB
---	CENTERLINE
---	PROP. FIRE HYDRANT
---	COVERED PARKING
---	EX. CONCRETE
---	BARRIER FREE ADA RAMP (BFR)

ONLY DRAWINGS STAMPED "RELEASED FOR CONSTRUCTION" BY THE CITY OF GARLAND TO BE USED FOR CONSTRUCTION.



CASE #130912-2
SITE & UTILITY PLAN
FIREWHEEL SENIOR LIVING

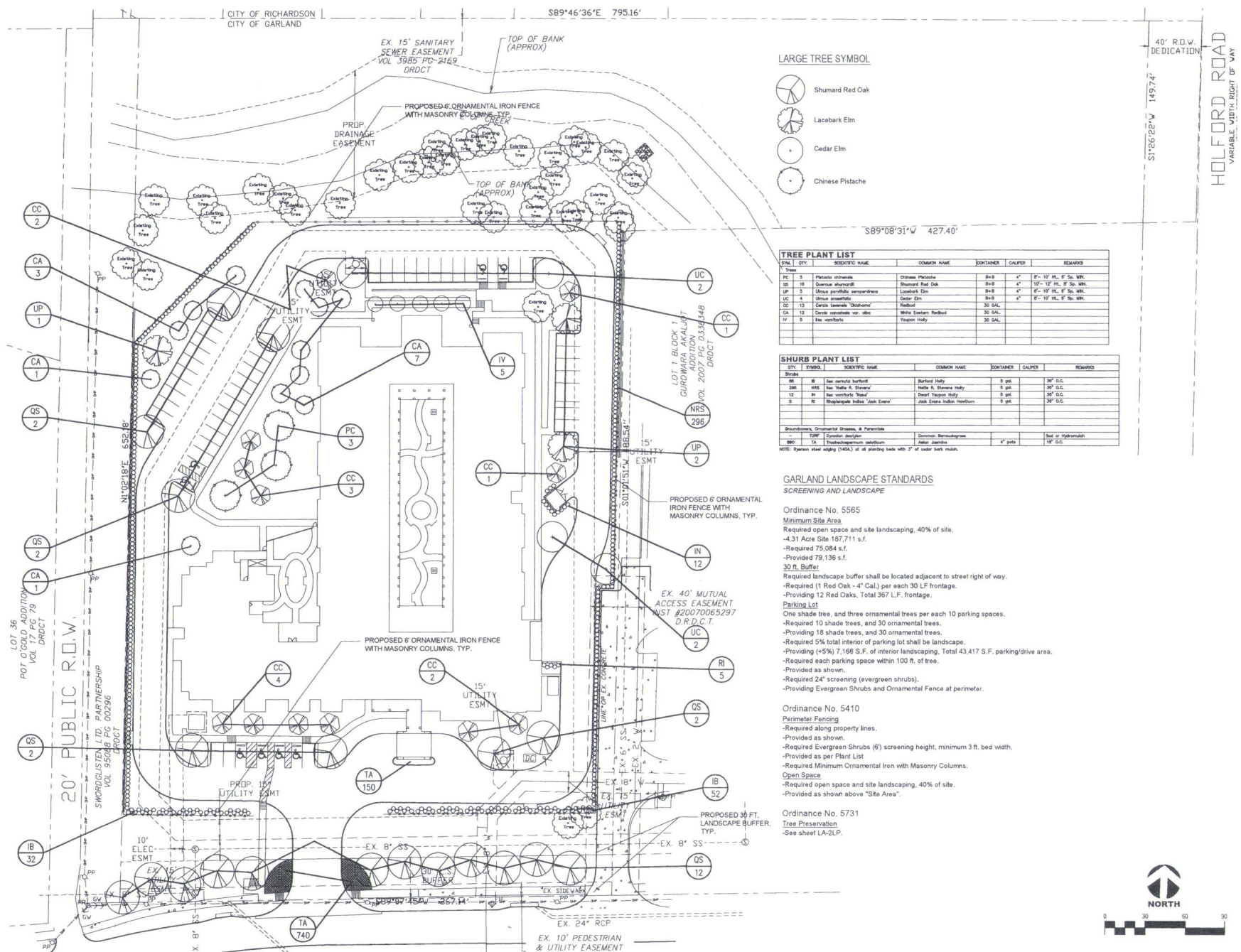
CAMPBELL ROAD
 POPS PROPERTY V. LTD, LLP
 HENRY McULLOUGH SURVEY, ABSTRACT NO. 901
 City of Garland, Dallas County, Texas

FIREWHEEL SENIOR LIVING, LLC
 107 N. McKinney St., Richardson, Texas 75080
 Contact: Vinny Seldy 972-744-3537
 vrs@popsproperty.com

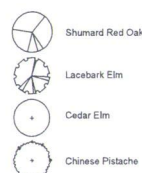
WORK CONSULTING ENGINEERS
 1200 N. State Street, Garland, Texas 75040
 972-272-1763 Fax 972-272-8761

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 PROJECT NO.: 2013-16 REC. NO.: F-2567
 date: 5/15/14 scale: 1"=40' sheet: **C101**

EXHIBIT C



LARGE TREE SYMBOL



TREE PLANT LIST

QTY.	SYMBOL	SCIENTIFIC NAME	COMMON NAME	CONTAINER	GALPER	REMARKS
PC 5		Platanus albertana	Chinese Platanus	8-B	4"	8'-10' Ht., 8" Sp. Wk.
IB 15		Quercus shumardii	Shumard Red Oak	3-B	4"	10'-12' Ht., 8" Sp. Wk.
UP 3		Ulmus parvifolia, semperparva	Lancebark Elm	8-B	4"	8'-10' Ht., 8" Sp. Wk.
UC 4		Ulmus americana	Cedar Elm	8-B	4"	8'-10' Ht., 8" Sp. Wk.
CC 13		Cercis canadensis 'Vermilion'	Redbud	20 GAL		8'-10' Ht., 8" Sp. Wk.
CA 12		Cercis canadensis var. alba	White Eastern Redbud	20 GAL		
RI 5		Rosa multiflora	Yapoon Holly	20 GAL		

SHRUB PLANT LIST

QTY.	SYMBOL	SCIENTIFIC NAME	COMMON NAME	CONTAINER	GALPER	REMARKS
BB 15		Barberry	Barberry	5 gal.		20" O.C.
IB 15		Quercus shumardii	Shumard Red Oak	5 gal.		20" O.C.
UP 3		Ulmus parvifolia, semperparva	Lancebark Elm	5 gal.		20" O.C.
CC 13		Cercis canadensis 'Vermilion'	Redbud	5 gal.		20" O.C.
CA 12		Cercis canadensis var. alba	White Eastern Redbud	5 gal.		20" O.C.

GARLAND LANDSCAPE STANDARDS

SCREENING AND LANDSCAPE

Ordinance No. 5565

Minimum Site Area

- Required open space and site landscaping, 40% of site.
- 4.31 Acre Site 187,711 s.f.
- Required 75,084 s.f.
- Provided 79,138 s.f.

30 ft. Buffer

- Required landscape buffer shall be located adjacent to street right of way.
- Required (1 Red Oak - 4" Cal.) per each 30 LF frontage.
- Providing 12 Red Oaks, Total 367 L.F. frontage.

Parking Lot

- One shade tree, and three ornamental trees per each 10 parking spaces.
- Required 10 shade trees, and 30 ornamental trees.
- Providing 18 shade trees, and 30 ornamental trees.
- Required 5% total interior of parking lot shall be landscape.
- Providing (+5%) 7,196 S.F. of interior landscaping, Total 43,417 S.F. parking/drive area.
- Required each parking space within 100 ft. of tree.
- Provided as shown.
- Required 24" screening (evergreen shrubs).
- Providing Evergreen Shrubs and Ornamental Fence at perimeter.

Ordinance No. 5410

Perimeter Fencing

- Required along property lines.
- Provided as shown.
- Required Evergreen Shrubs (6" screening height, minimum 3 ft. bed width).
- Provided as per Plant List
- Required Minimum Ornamental Iron with Masonry Columns.

Open Space

- Required open space and site landscaping, 40% of site.
- Provided as shown above "Site Area".

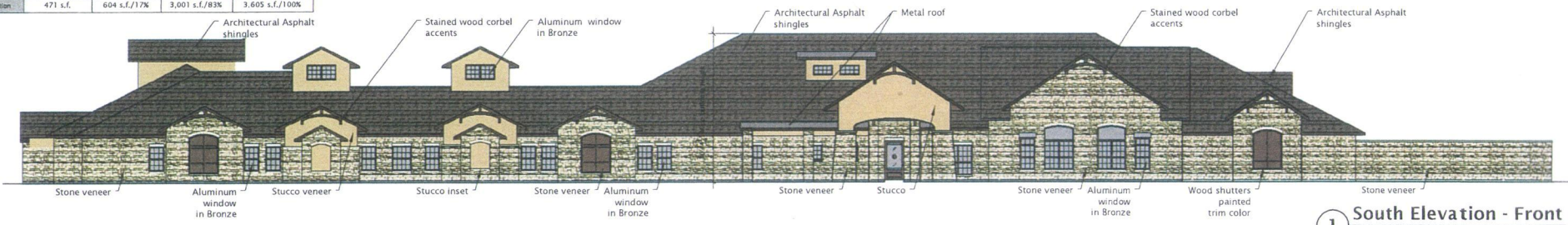
Ordinance No. 5731

Tree Preservation

- See sheet LA-2LP.

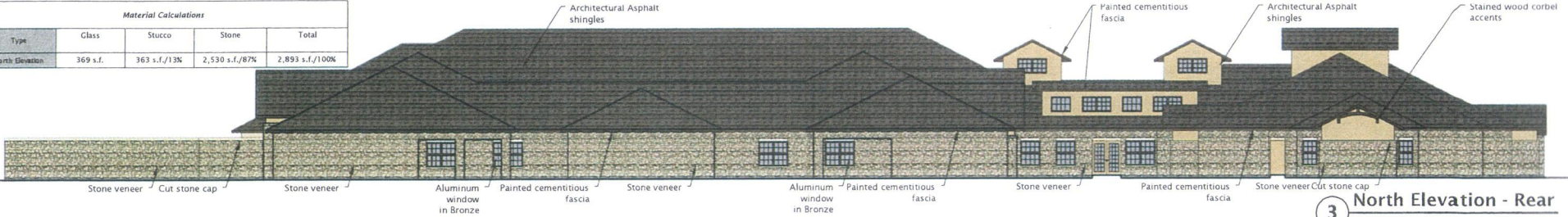


Material Schedule				
Type	Glass	Stucco	Stone	Total
South Elevation	471 s.f.	604 s.f./17%	3,001 s.f./83%	3,605 s.f./100%



1 South Elevation - Front

Material Calculations				
Type	Glass	Stucco	Stone	Total
North Elevation	369 s.f.	363 s.f./13%	2,530 s.f./87%	2,893 s.f./100%



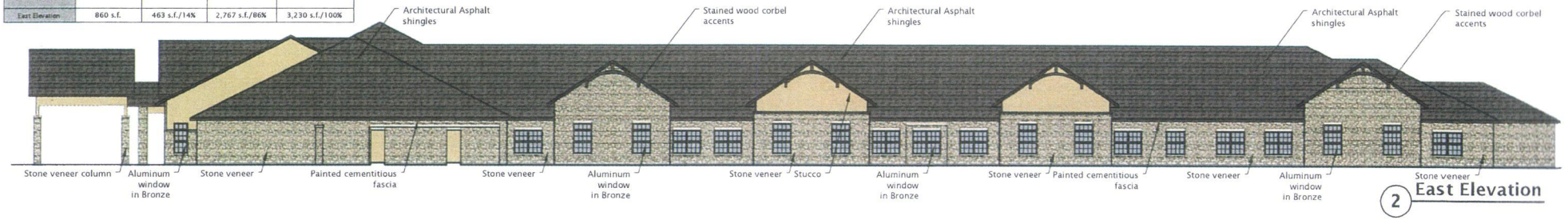
3 North Elevation - Rear

Material Calculations				
Type	Glass	Stucco	Stone	Total
West Elevation	549 s.f.	474 s.f./15%	2,714 s.f./85%	3,188 s.f./100%



4 West Elevation

Material Calculations				
Type	Glass	Stucco	Stone	Total
East Elevation	860 s.f.	463 s.f./14%	2,767 s.f./86%	3,230 s.f./100%





City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-20 Troy Crosson

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR A RECEPTION FACILITY ON A 0.25-ACRE TRACT OF LAND LOCATED 620 MAIN STREET; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 12th day of May, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Troy Crosson**, and

WHEREAS, The City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Reception Facility, on a 0.25-acre tract of land located at 620 Main Street, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

Development shall be in conformance with the conditions, restrictions, and regulations set forth in Exhibit B, attached hereto and made a part hereof.

Section 3.

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

Section 4.

Violation of this Ordinance shall be a misdemeanor punishable in accordance with Section 10.05 of the Code of Ordinances, City of Garland, Texas.

Section 5.

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

FILE NO. 14-20

PASSED AND APPROVED this_____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-20

BEING an approximately 0.25-acre tract known as a portion of Lots 4 and 5, Block 8, Embree Addition, an addition to the City of Garland, Dallas County, Texas. This property is located at 620 Main Street.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-20

620 Main Street

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Reception Facility subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Central Area 1 (CA-1) District set forth in Section 27 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a 10 year time period.
 - B. Security: Security shall be provided at every event where alcohol is provided. Security will be provided by a person authorized to provide private security under Chapter 1702 of the Texas Occupations Code.
 - C. Expansion of Reception Facility: A new Specific Use Permit shall be required if the reception facility extends into the adjoining restaurant as the primary use.



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Ordinance Revision – Chapter 31, “Engineering” Sections 31.100 - 31.107

Summary of Request/Problem

At the June 3, 2014 Work Session, the Engineering Department presented proposed modifications to the existing City Ordinance, Sections 31.100 - 31.107, Flood Damage Prevention. The Ordinance is modified to reflect the following:

1. Citation of Statutory Authorization added to Section 31.100.
2. Severability and enforcement provisions added to Section 31.104.
3. Definitions to added Section 31.101.
4. Revised Section 31.102 B and C to update the new Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) dates.
5. Paragraphs added to Section 31.104 B concerning recreational vehicles in the Special Flood Hazard Area (SFHA).

Council action is required to adopt the ordinance.

Recommendation/Action Requested and Justification

Approve the ordinance reflecting the proposed changes.

Submitted By:

Michael C. Polocek
Director of Engineering

Approved By:

William E. Dollar
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 31, "ENGINEERING", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS BY ADOPTING AN AMENDED FLOOD INSURANCE STUDY; 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 VII of Chapter 31, "Engineering", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"ARTICLE VII. FLOOD DAMAGE PREVENTION"

Sec. 31.100 Preamble

(A) Statutory Authorization

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Garland, Texas does ordain as follows:

(B) Findings of fact

(1) The special flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which cause an increase in flood heights and velocities. Uses that are inadequately elevated, anchored, floodproofed or otherwise protected from flood damage also contribute to the flood loss.

(C) Statement of purpose. It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;
- (7) To provide a means whereby potential buyers and adjacent property owners may be notified that property is in an area of special flood hazard and to attempt to insure that property one foot above the base flood elevation is not imposed with flood hazard by development of the area;
- (8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (9) To provide a uniform procedure by which all alterations to the floodway and floodway fringe will be documented, reviewed, inspected and maintained within guidelines herein established.

(D) Methods of reducing flood losses. In order to accomplish its purposes, this article uses the following methods and provisions for:

- (1) Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling and regulating the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters.
- (4) Controlling and regulating filling, grading, dredging, and other development which may increase flood damage.
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other lands.

Sec. 31.101 Definitions

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

- (1) Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.
- (2) Area of shallow flooding means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (3) Area of special flood hazard is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. (Also commonly referred to as the area inundated by the 100-year flood.) After publication of the FIRM, the area usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
- (4) Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the 100-year flood)
- (5) Base Flood Elevation (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year – also called the Base Flood.
- (6) Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- (7) Development means any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- (8) Elevated building means a nonbasement building (a) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated

floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.

- (9) Existing construction means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”
- (10) Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (11) Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (12) Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland and tidal waters;
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (13) Flood insurance rate map (FIRM) means the official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (14) Flood insurance study is the official report provided by the Federal

Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

- (15) Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of flooding).
- (16) Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (17) Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (18) Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (19) Flood fringe means the area between the floodway and the boundary of the base or 100-year flood.
- (20) Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include longterm storage or related manufacturing facilities.
- (21) Habitable floor means any floor usable for the following purposes; which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."
- (22) Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (23) Historic Structure means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing

maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
 - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior or (b) directly by the Secretary of the Interior in states without approved programs.
-
- (24) Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
 - (25) Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
 - (26) Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.
 - (27) Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

- (28) Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (29) Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
- (30) New construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.
- (31) Recreational Vehicle means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projections, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (32) Start of construction (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- (33) Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure can also mean any physical body which is capable of diverting floodwaters.
- (34) Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(35) Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(36) Variance is a grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article. (For full requirements, see section 60.6 of the National Flood Insurance Program regulations.)

(37) Violation means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

(38) Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 31.102 General provisions

(A) Lands to which this article applies. This article shall apply to all locations in or near areas of special flood hazards within the jurisdiction of the City, as delineated in the last published National Flood Insurance Program maps and all letters of map amendment or

revision thereto.

(B) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in scientific and engineering reports entitled "The Flood Insurance Study for the Dallas County, Texas and Incorporated Areas," "The Flood Insurance Study for Collin County, Texas and Incorporated Areas," and "The Flood Insurance Study for Rockwall County, Texas and Incorporated Areas," with accompanying Flood Insurance Rate Maps (FIRM), dated July 7, 2014, June 2, 2009, and September 26, 2008, respectively, and any amendments/revisions thereto are hereby adopted by reference and declared to be a part of this article.

(C) The following FIRM maps and associated Flood Insurance Study (FIS), as approved by FEMA on the dates listed in subsection (B) above, and any amendments or revisions thereto, are hereby effective and adopted for use and shall supersede any FIRM maps or FIS previously adopted for their specific coverage:

48113C0210 L

48113C0215 L

48113C0220 L

48113C0230 L

48113C0235 L

48113C0240 L

48113C0360 L

48113C0380 L

48113C0385 L

48085C0510 J

48085C0530 J

48085C0535 J

48397C0010 L

(D) Establishment of development permit. A development permit shall be required to ensure conformance with the provisions of this article.

(E) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(F) Abrogation and greater restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(G) Interpretation. In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(H) Warning and disclaimer or liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On occasion, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

Sec. 31.103 Administration

(A) Designation of the floodplain administrator. The Director of Engineering is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(B) Duties and responsibilities of the floodplain administrator. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether proposed building site will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by this article.
- (4) Review permits for proposed development to determine that all necessary

permits have been obtained from those federal, state, or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator may make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state water development board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 31.102(B), the floodplain administrator may obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of section 31.104.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30, and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(C) Permit procedures.

- (1) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.
 - (b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

- (c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 31.104(B)(2).
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - (e) Maintain a record of all such information in accordance with subsection (B)(1).
- (2) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
- (a) The danger to life and property due to flooding or erosion damage.
 - (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (c) The danger that materials may be swept onto other lands to the injury of others.
 - (d) The compatibility of the proposed use with existing and anticipated development.
 - (e) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.
 - (g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (h) The necessity to the facility of a waterfront location, where applicable.
 - (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - (j) The relationship of the proposed use to the comprehensive plan for that area.

(D) Variance procedures

- (1) The City Council may hear and render judgment on requests for variances from the requirements of this article.
- (2) The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (3) Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.
- (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection (C)(2) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this article, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Prerequisites for granting variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (b) Variances shall only be issued upon:
 - (i) Showing a good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (10) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (a) The criteria outlined in subsection (D)(1) through (9) are met; and
 - (i) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 31.104 Provisions for flood hazard reduction

(A) General standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(B) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 31.102(B), section 31.103(B)(8), or subsection (C)(3), the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated two (2) feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 31.103(C)(1)(a), is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated two (2) feet above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or the

coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

- (a) All manufactured homes to be placed within zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- (b) All manufactured homes shall be elevated in compliance with subsection (B)(1).
- (c) All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE on the FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is two (2) feet above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of subsection (B)(4)(a) of this article.

(5) Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the Flood Insurance Rate Maps either (1) be on the site for fewer than 1809 consecutive days, or (2) be fully licensed and ready for highway use, or (3) meet the permit requirements of Section 31.103 (C)(1) and the elevation and anchoring requirements for “manufactured homes in paragraph (4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(6) Lowest finished floor elevations. Any requirement contained in this article regarding the certification of the lowest finished floor elevation of a building or structure shall mean the as-built elevation of the building or structure. A certification based upon construction plans shall only be valid during the course of construction and an as-built certification shall be submitted upon the completion of construction. The certification shall be in the form prescribed by the Federal Emergency Management Agency under the National Flood Insurance Program.

(C) Standards for subdivision proposals.

- (1) All subdivision proposals, including manufactured home parks and subdivisions

shall be consistent with section 31.100(A), (B), and (C) of this article.

- (2) All proposals for the development of subdivisions, including manufactured home parks and subdivisions, shall meet development permit requirements of section 31.102(D); section 31.103(C); and the provisions of this section.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions, which contain greater than 30 lots or 3 acres, whichever is less, if not otherwise provided pursuant to section 31.102(B) or section 31.103(B)(8) of this article.
- (4) All subdivision proposals, including manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals, including manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(D) Standards for areas of shallow flooding (AO/AH zones). Located within the areas of special flood hazard, established in section 31.102(B), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures:
 - (a) Shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified); or
 - (b) Together with attendant utility and sanitary facilities shall be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 31.103(C)(1)(a), are satisfied.

- (4) Within zones AH or AO adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(E) Floodways. Portions of the areas of special flood hazard, established in section 31.102(B), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) The placement of any manufactured home within the floodways is prohibited. Other encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(F) Severability. If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

(G) Penalties for non-compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each violation and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Garland from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 31.105 Inspection by City

The City may make inspections of construction or development within any area of special flood hazard established in section 31.102(B). Records shall be maintained of as-built elevations and the location of the development with reference to the floodway limits. Costs of subsequent inspections required by noncomplying construction or development may be billed directly to the developer requesting the final inspection at current standard industry rates.

Sec. 31.106 Special development regulations for the Rowlett and Spring Creek 100-year floodplains

(A) The following provisions shall apply to all proposed development within the Rowlett and Spring Creek 100-year floodplains, as more particularly described on the Albert H. Halff Associates, Inc., series April 1987 topographical maps, Project AVO-8470, Sheets 6-7, 18-20, 31-34, 45-57, 59-66 and 72-78:

(1) Base flood elevations (BFE) for the 100-year flood event that reflect ultimate development land use throughout the watershed shall be used for design and planning of floodplain development.

(2) Development within the floodplain shall be permitted only if it can be demonstrated that there will be no rise in the base flood elevation.

(3) Fill volumes shall be balanced (+/- 15%) by excavation volumes to preserve overall valley storage within the floodplain. Areas excavated shall be landscaped to restore a natural cover.

(4) The bed and banks of Rowlett and Spring Creeks shall be left in a natural state to control erosive velocities, prevent excessive downstream discharges and preserve the natural effect of the stream. Exceptions are permitted for major bridge crossings, public welfare and safety.

(5) Increases to existing average velocities shall be allowed to a maximum average velocity of no greater than six (6) feet per second.

(6) Significant stands of trees and other environmental features within the floodplain shall be preserved.

(B) The provisions of this article (sections 31.100–section 31.105) shall apply, and remain in full force and effect, as to all development covered by this section. However, where this section and other provisions of this article conflict, then the provisions of this section shall control.

Sec. 31.107 Floodplain fees assessed for elevation certificates and letters of map amendments

(A) Federal Emergency Management Agency (FEMA) elevation certificate. Upon request by a property owner, the Engineering Department may prepare a FEMA-compliant elevation certificate for the property. This will include any necessary field survey work required to obtain information for the elevation certificate. The property owner shall pay the City a nonrefundable fee in the amount of \$325.00 for single-family residential property. For property other than single-family residential, the fee will be \$325.00 per structure on the property. The fee is due before the City begins work. The work will be accomplished within the City's typical operating schedule.

(B) Federal Emergency Management Agency (FEMA) letter of map amendment (LOMA). Upon request by a property owner, the Engineering Department may prepare a FEMA compliant LOMA for the individual property. The property owner will provide the City with a FEMA-compliant elevation certificate or retain the City to provide the elevation certificate as described in subsection (A) above. The property owner shall pay the City a nonrefundable fee in the amount of \$100.00 for single-family residential property. For property other than single-family residential, the fee will be \$100.00 per structure on the property. The fee is due before the City begins work. The work will be accomplished within the City's typical operating schedule."

Section 2

That Chapter 31, General Utility Provisions, 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 3

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 4

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

PASSED AND APPROVED this the ____ day of _____, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Garland Housing Agency's Administrative Plan

Summary of Request/Problem

The U.S. Department of Housing and Urban Development (HUD) requires each Housing Agency to develop and adopt an Administrative Plan that identifies the policies the agency will follow to administer the Housing Choice Voucher Program Funds (better known as Section 8). At the June 3, 2014 Work Session, Council considered adopting the updated Administrative Plan.

Recommendation/Action Requested and Justification

Approve a resolution adopting the Garland Housing Agency's Administrative Plan for the Housing Choice Voucher Program.

Submitted By:

Steven Fitch
Interim Housing Administrator

Approved By:

William E. Dollar
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING THE CITY OF GARLAND HOUSING AGENCY ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Garland Housing Agency has been designated as the Public Housing Agency (PHA) and is authorized to operate the Section 8 Housing Choice Voucher Program within the City of Garland; and

WHEREAS, a PHA which operates the Section 8 Housing Choice Voucher Program must adopt an Administrative Plan which states local policies on matters for which the PHA has discretion; and

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

Section 1

That the Garland City Council hereby approves the City of Garland Housing Agency Administrative Plan for the Housing Choice Voucher Program, in the form and substance attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the 17th day of July, 2014.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Annual Performance Update on Garland Housing Agency

Summary of Request/Problem

As part of the Quality Housing and Work Responsibility Act of 1998, the City of Garland Housing Agency (GHA) is required by the U.S. Department of Housing and Urban Development (HUD) to submit an annual performance progress report on their five-year plan. At the June 3, 2014 Work Session, Council considered adopting the accomplishments presented in the fourth year annual performance plan update for submission to HUD.

Recommendation/Action Requested and Justification

Approve a resolution adopting the Garland Housing Agency fourth year on the five-year plan for submission to HUD.

Submitted By:

Steven Fitch
Interim Housing Administrator

Approved By:

William E. Dollar
City Manager

RESOLUTION NO. _____

A RESOLUTION ADOPTING AND APPROVING THE GARLAND HOUSING AGENCY'S FOURTH YEAR UPDATE ON THE 2010-2014 FIVE-YEAR PLAN; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, an annual update on the 2010-2014 five-year plan is required by the Department of Housing and Human Services (HUD) to examine the progress of the Garland Housing Agency in meeting the needs of those being served by housing assistance; and

WHEREAS, a Public Housing Agency that operates a Section 8 Housing Choice Voucher Program must adopt a Five-Year and Annual Plan every five years; and

WHEREAS, the Garland Housing Authority has prepared a fourth year update to the 2010-2014 five year plan for adoption and approval of the City Council, and the City Council desires to adopt and approve the plan.

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

Section 1

That the Garland City Council hereby adopts and approves the City of Garland Housing Agency's fourth year update on the Five-Year Annual Plan, in the form and substance attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

2014 Edward Byrne Memorial Justice Assistance Grant

Summary of Request/Problem

At the June 16, 2014 Work Session, Council was scheduled to consider a request from the Police Department to apply for the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) program for reducing crime and improving public safety.

The Police Department is requesting Council's approval to apply for the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG). The Director of the Bureau of Justice Assistance (BJA) has made funds available to units of local government under the 2014 Edward Byrne Memorial Justice Assistance Grant program for the purpose of reducing crime and improving public safety.

The Garland Police Department is eligible to apply to BJA for an estimated direct award of \$43,091.00 under this grant program. However, the Attorney General of the State of Texas has "certified" Garland as a disparate jurisdiction, thereby requiring us to enter into an agreement to share a portion of these funds with Dallas County. Currently, the agreement is for the City of Garland to share 30%, or approximately \$12,927.30, with Dallas County, which results in an award to the City of Garland in the amount of approximately \$30,163.70. From this amount, there will be a mandated 7% Administration Fee which is to be paid to the City of Dallas as they have designated as the area grant manager for all involved entities. The resulting estimated net award to the City of Garland will be approximately \$28,052.24. The Funds can be used to implement a wide variety of Police Department programs to reduce crime and improve public safety.

This grant program does not require matching funds or contributions.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the Police Department to apply for the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) program.

Submitted By:

Mitchel L. Bates
Police Chief

Approved By:

William E. Dollar
City Manager

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR GRANT UNDER THE 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City of Garland Police Department, by and through Police Chief Mitch Bates, is hereby authorized to submit and application to, and subsequently accept a grant from, the Bureau of Justice Assistance under the 2014 Edward Byrne Memorial Justice Assistance Grant Program, for an estimated net amount of \$28,052.24.

Section 2

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

PASSED AND APPROVED this the 17th day of June, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Proposition 1

Summary of Request/Problem

At the June 3, 2014 Work Session, Council considered a resolution supporting Proposition 1 that will be on the November 4, 2014 ballot and known as the Transportation Funding Proposition.

Recommendation/Action Requested and Justification

Approve a resolution supporting transportation funding for Texas.

Submitted By:

Approved By:

William E. Dollar
City Manager

RESOLUTION NO.

A RESOLUTION SUPPORTING TRANSPORTATION FUNDING FOR TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, fifty years ago, the leadership of the United States had the foresight and commitment to invest in our nation's transportation infrastructure, creating a backbone for the economic success and prosperity that the nation enjoys today;

WHEREAS, the nation's transportation system is no longer adequately funded to properly maintain and expand the system to meet the growing needs of the increasing population;

WHEREAS, state and federal gas tax receipts are no longer sufficient to fund the needs of the deteriorating transportation system;

WHEREAS, the population of the State of Texas continues to grow exponentially - potentially doubling by the year 2050 - and TxDOT has a demonstrable need to adequately maintain and add capacity to the transportation system;

WHEREAS, the DFW Metroplex is the fastest growing large metropolitan area that is not on a major waterway in the United States, with the Dallas TxDOT District alone having over \$30 billion in transportation projects in development;

WHEREAS, the City of Garland has several major transportation projects, including IH-635 East, IH-30, and SH 78, that are in development and need funding to expand capacity, enhance access, increase safety, and promote economic development for the City;

WHEREAS, following the passage of House Bill 1 (HB 1) during the Third Called Special Session of the 83rd Texas Legislative Session, the City of Garland recognizes and celebrates the leadership of the Members of the Texas Senate and House that labored to secure additional funding for the State's transportation system; and

WHEREAS, proposition for a constitutional amendment contained on the ballot on November 4, 2014 and known as the Transportation Funding Proposition will generate between \$1.2 to \$1.6 billion annually for transportation projects around the State;

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

Section 1

(A) The City of Garland supports transportation funding opportunities for the State of Texas including those expressed in HB 1;

(B) The City of Garland encourages the leadership of the State of Texas to continue to find innovative solutions for sufficiently funding the transportation system; and

(C) The City of Garland encourages its citizens to vote in the November 4, 2014 election on the propositions for amendments to the Texas Constitution.

Section 2

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

PASSED AND APPROVED this the ____ day of _____, 2014.

CITY OF GARLAND, TEXAS

—

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Environmental Waste Services Residential Rate Increase

Summary of Request/Problem

At the June 16, 2014 Work Session, Council was scheduled to reconsider a request to increase the Environmental Waste Services Residential Rate to be effective July 1, 2014. A proposed residential rate increase was planned for FY 2014-15 when operating costs were anticipated to increase due primarily to equipment replacement and the expansion of the Single Stream Recycling Program. However, the ice storm that occurred in December 2013 resulted in significant operating costs which will cause the Environmental Waste Services Fund to drop below its 45-day fund balance requirement.

Council previously considered this item at the May 19, 2014 Work Session and June 3, 2014 Regular Meeting.

Recommendation/Action Requested and Justification

At the direction of Council, approve an ordinance amending Chapter 50, "Utility Rates and Fees," of the Code of Ordinances of the City of Garland, relating to fees for various services provided by the City.

Submitted By:

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem

Summary of Request/Problem

Council is requested to appoint a Mayor Pro Tem from among its members. In accordance with City Council Policy OPNS-30, "Who Shall Act As Mayor," Council may also appoint a Deputy Mayor Pro Tem at its discretion.

Recommendation/Action Requested and Justification

Appoint a Mayor Pro Tem and, if Council so chooses, a Deputy Mayor Pro Tem from among its members.

Submitted By:

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☐ Work Session

Date: June 17, 2014

☒ Agenda Item

Appointments to Boards and Commissions

Summary of Request/Problem

Council is requested to consider appointments to Boards and Commission.

Recommendation/Action Requested and Justification

Submitted By:

Approved By:

William E. Dollar
City Manager



GARLAND
GARLAND YOUTH COUNCIL

Application 2014-15

Name: SIMRAN BAINS.

Address: 1805 ANNMARIE CT.

City Council District: Garland Home Phone: 972-530-0746.

Cell Phone: 214-680-4187.

Parent/Guardian Cell Phone: 214-606-0895

Email: simranbains29@gmail.com

Parent/Guardian Email: sandeepbains67@yahoo.com.

Grade level in 2014-15 school year: 11th School: NORTH GARLAND HIGH SCHOOL

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?

How did you hear about the Garland Youth Council?

Why do you want to serve on the Garland Youth Council?

What are some challenges you feel Garland youth face in our community?

What do you see as positives for youth living in Garland?



GARLAND
GARLAND YOUTH COUNCIL

Application 2014-15

Name: sarahi salazar

Address: 1104 Brookside Dr

City Council District: 8 Home Phone: 214 703 3707

Cell Phone: N/A

Parent/Guardian Cell Phone: 469 226 9074

Email: 212r158@gmail.com

Parent/Guardian Email: N/A

Grade level in 2014-15 school year: 12 School: North Garland HS

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?

I am involved in AVID Club, Garland possibilities, and I am an officer for NG Strong.

How did you hear about the Garland Youth Council?

Through Kelsey

Why do you want to serve on the Garland Youth Council?

offer my help to people in the community who are indigent.

What are some challenges you feel Garland youth face in our community?

Lack of ambition, and concern for their community

What do you see as positives for youth living in Garland?

High level of confidence, very diverse, and are affable.