



## **AGENDA**

**REGULAR MEETING OF THE CITY COUNCIL  
City of Garland  
Duckworth Building, Goldie Locke Room  
217 North Fifth Street  
Garland, Texas  
February 16, 2016  
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 February 2, 2016 Regular Meeting.**

- 2. Consider approval of the following bids:**

- |           |   |                        |
|-----------|---|------------------------|
| <b>a.</b> | <b>Construction of Cell #7 at the Hinton Landfill</b> | <b>Bid No. 6159-16</b> |
|-----------|---|------------------------|

<b>LD Kemp Excavating, Inc.</b>	<b>\$2,510,416.50</b>
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*This request is to construct Cell #7 for waste disposal at the Hinton Landfill. Cell #7 is a 17.2-acre cell that consists of an underdrain, 2 feet of compacted clay line, 60 mil geomembrane, drainage geocomposite, and 2 feet of protective cover soil.*

- b. GP&L Distribution Line Crossing at I.H. 30 and Belt Line Road**

<b>T&amp;D Solutions, LLC</b>	<b>\$279,070.32</b>
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*This request is to provide labor and equipment necessary for the 13.2 kV Distribution Line Crossing at I.H. 30 and Belt Line Road as part of GP&L's Overhead CIP Program.*

**c. Lookout Substation 138 kV Transmission Line Improvements** **Bid No. 6144-16**

Techline, Inc.	\$180,285.70
Optional Contingency	<u>18,000.00</u>
<b>TOTAL</b>	<b><u>\$198,285.70</u></b>

*This request is to provide materials for the 138 kV Transmission Line Improvements related to the construction of the Lookout Substation. Due to the complex nature of the project, an Optional Contingency is included for any unforeseen additional materials that may be required.*

**d. Fleet Replacement Vehicles** **Bid No. 6258-16**

Sam Pack's Five Star Ford	\$684,264.35
Caldwell Country Ford	<u>153,069.64</u>
<b>TOTAL</b>	<b><u>\$837,333.99</u></b>

*This request is for the purchase of twenty-five Fleet Replacement Trucks, Vans, and SUV's to be used by various City departments in their daily operations.*

**3. Consider approving by minute action the amended Kimley-Horn contract.**

*At the February 2, 2016 Work Session, Council was briefed on the additional invoice from Kimley-Horn due to a modified scope of services on The Eastern Hills Redevelopment Study. This invoice resulted from additional work Council requested and was performed in September and October of 2015. The additional scope amount is \$4,750.00, resulting in a total contract of \$103,145.00 which required Council approval.*

**4. Consider approving by minute action an employment agreement with Bryan L. Bradford to continue his employment in the position of City Manager.**

*Council is requested to approve an employment agreement with Bryan L. Bradford to continue his employment in the position of City Manager.*

5. **Consider approving by minute action an employment agreement with Brad Neighbor to continue his employment in the position of City Attorney.**

*Council is requested to approve an employment agreement with Brad Neighbor to continue his employment in the position of City Attorney.*

6. **Consider approving by minute action an employment agreement with Jedson Johnson in the position of City Auditor.**

*Council is requested to approve an employment agreement with Jedson Johnson to continue his employment in the position of City Auditor.*

7. **Consider an ordinance appointing Robert J. Beasley as Chief Judge and Sonja H. Galbraith as Judge of the Municipal Court.**

*Council is requested to consider the appointment of Robert J. Beasley as Chief Judge and Sonja H. Galbraith as Judge of the Municipal Court for a term of two years commencing January 1, 2016.*

8. **Consider the adoption of the 2016 Rules of Order and Procedure and City Council Policies.**

*The Administrative Services Committee has completed its review of council policies and recommends that the attached rules and policies be adopted. The City Council has been briefed on this matter on several occasions and members of the City Council were provided a draft. No comments on the draft have been received since that time. It should be noted that the attached draft contains one change from the last draft provided. That change is found (red-highlighted) in Article II, Division 1, Section 4(E) relating to Council membership in third-party organizations. It should also be noted that the Administrative Services Committee is currently considering a revision to the City's financial policies. A draft of the proposed revision will be submitted by the Administrative Services Committee in the near future.*

## 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 are 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 a request from Palladium Group regarding a Tax Credit Application.**

*The Palladium Group is considering submitting an application for a 9% housing tax credit project to the Texas Department of Housing and Community Affairs. Approval would permit a multi-family housing development of approximately 160 units on a 9 acre site located on the south side of I-30 in close proximity to Northwest Drive. The applicant is requesting formal support from the City of Garland for the proposed development. This item was presented to Council at the February 2, 2016 Work Session*

**10. Hold a public hearing to receive comment on the 2016 Proposed Capital Improvement Program (CIP).**

*A public hearing will be held on the 2016 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the proposed program. The 2016 Proposed CIP has been available for public inspection in the City's libraries, in the City Secretary's Office, and on the City's website since January 20, 2016.*

**11. Consider an ordinance approving the 2016 Capital Improvement Program.**

*On January 19, 2016 Council was presented with the Proposed Capital Improvement Program (CIP) for 2016. The following day, copies of the Proposed CIP were made available for public inspection at the City libraries, at the City Secretary's Office, and on the City's website. The City Council held a Special Budget Work Session on January 23, 2016 to review the proposed program. In addition, a Public Hearing on the proposed CIP was held on February 2, 2016.*

**12. 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.*

Council Member Tim Campbell

- Eric Barron – Community Multicultural Commission

**13. 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.*

**14. 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](http://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, February 2, 2016 in the Goldie Locke Room at The Duckworth Building, 217 North Fifth Street, Garland, Texas, with the following members present:

**COUNCIL PRESENT:**

Mayor	Douglas Athas
Mayor Pro Tem	B. J. Williams
Deputy Mayor Pro Tem	Lori Dodson
Council Member	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	Billy Mack Williams
Council Member	Scott LeMay
Council Member	James Cahill

**STAFF PRESENT:**

City Manager	Bryan L. Bradford
City Attorney	Brad Neighbor
City Secretary	Eloyce René Dowl

**CALL TO ORDER:**

The meeting was called to order by Mayor Douglas Athas. There was a moment of silence for the passing of former Mayor James Spence. Mayor Athas led the invocation and Pledge of Allegiance.

**CEREMONIALS:**

Mayor Athas and Lonnie Banks, Managing Director of Environmental Waste presented the United Way of Metropolitan Dallas with a check in the amount of \$90,455.00 for the 2015 campaign proceeds.

Mayor Athas presented a special recognition to Wayne Wilmany for his dedicated service. A floral bouquet was presented to Mrs. Wilmany by Council Member Goebel.

Massimo donated a vehicle to the Garland Fire Department. The donation was accepted by Mayor Athas, Chief Raymond Knight and Michael Van Buskirk.

**CONSENT AGENDA:**

All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Mayor Athas read those items into the record. Motion was made by Council Member Stanley to approve the agenda as presented seconded by Council Member Goebel, to approve items 1, 2a, 2b, 2c, 2d, 2e, 3, 4, 5, 6, and 7. Motion carried, 9 ayes, 0 nays.

Mayor Athas did not vote on item number 1 because he did not attend the January 19, 2016 or January 23, 2016 meetings.

1. APPROVED\*\*

Approval of the Minutes of the January 19, 2016 Regular Meeting and the Minutes of the January 23, 2016 CIP Special Meeting.

2a. APPROVED\*\*

Bid No. 6191-16 to Emergency Communications Network, Inc. in the amount of \$121,391.16 for CodeRED Emergency Notification Service.

This request is to provide emergency telephone, text, and email notification service to Garland residents who register for such notifications. The service, referred to as CodeRED, provides emergency notifications including automated severe weather warning notifications initiated by the National Weather Service. This is a Term Contract that will renew annually in accordance with the GSA contract as long as the service is required.

2b. APPROVED\*\*

Bid No. 6211-16 to Cayenta in the amount of \$181,990.00 for the Cayenta Finance System Upgrade.

This request is for Cayenta professional staff to assist the City with upgrading to the current version of the Cayenta Finance System. The scope of this project includes upgrade support, training, and post "GoLive" support.

2c. APPROVED\*\*

Bid No. 6215-16 to Alliance Geotechnical Group in the amount of \$177,364.00 for Construction Material Testing Services.

This request is to provide Professional Engineering Services associated with Construction Material Testing for the Pleasant Valley Road Bridge from Richfield Drive to Miles Road project.

2d. APPROVED\*\*

Bid No. 4987-15 to Kiser Hydro, LLC in the amount of \$262,500.00 for Lewisville Hydro Turbine Rehabilitation.

This request is to provide additional repairs for the Lewisville Hydro Turbine Rehabilitation project. The additional repairs are necessary for the replacement of runner seals that have failed in service.

2e. APPROVED\*\*

Bid No. 6064-16 to Irby Construction Company in the amount of \$2,814,867.64, which includes an optional contingency of \$281,486.76 for a total bid of \$3,096,354.40 for GP&L Lookout Substation Construction.

This request is to provide construction of the 138 kV Lookout Substation yard. This contract will include all labor, supervision, administration, and management as well as supplying all equipment, materials, and services necessary to perform the construction. Due to the complex nature of the project, an optional contingency is included for any unforeseen additional work that may be required.

3. APPROVED\*\*

Resolution No. 10234 to call \$4,000,000 of Tax Notes, Series 2015.

When Council approved the issuance of \$4,000,000 Tax Notes, Series 2015 on September 15, 2015, it was contemplated that the City would exercise the call provision to redeem the notes on March 1, 2016 prior to their scheduled maturity date of November 1, 2016. Staff requests Council consider approving an ordinance to redeem the Tax Notes, Series 2015 as contemplated.

4. APPROVED\*\*

Ordinance No. 6821 ordering and providing notice of a general election for the City of Garland, to be held on the 7<sup>th</sup> day of May, 2016 and providing an effective date.

In accordance with the charter of the City of Garland and the laws of the State of Texas, Council is requested to order and provide notice of a General Election to be held on May 7, 2016 for the purpose of electing Council members for Districts 1, 2, 4, and 5.

5. APPROVED\*\*

Resolution No. 10235 of the City Council of the City of Garland, approving the Dallas County Central Appraisal District reappraise properties in the City of Garland affected by the recent tornadoes as authorized by Texas Tax Code Section 23.02 and providing an effective date.

At the January 19, 2016 Work Session, Council considered the reappraisal of disaster area property.

6. APPROVED\*\*

Minute action authorizing the City Manager to execute an interlocal agreement with the City of Dallas for BioTel services in the amount of \$186,703.00.

At the February 2, 2016 Work Session, Council considered entering into a two-year interlocal agreement in the amount of \$186,703.00 with the City of Dallas for BioTel System services for medical control for emergency medical services.

7. APPROVED\*\*

An interlocal agreement between the City of Mesquite and the City of Forney regarding Radio Communications.

Council is requested to authorize the City Manager to execute an interlocal agreement between the City of Mesquite and the City of Forney as part of the GMRS P25 Radio System.

8. HEARING HELD

Hold a public hearing to receive comment on the 2016 Proposed Capital Improvement Program (CIP).

A public hearing will be held on the 2016 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the proposed program. The 2016 Proposed

CIP has been available for public inspection in the City's libraries, in the City Secretary's Office, and on the City's website since January 20, 2016.

Mayor Athas opened the hearing at 7:22 p.m. The speaker on this item was Matthew Watson, Budget Services Administrator. There were no other speakers on this item.

9. CITIZEN COMMENTS: George Nolan

10. ADJOURN: There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 7:27 p.m.

CITY OF GARLAND, TEXAS

/s/ Douglas Athas, Mayor

/s/ Eloyce, René Dowl, City Secretary



**GARLAND**  
PURCHASING

Bid No.: 6159-16  
Agenda Item: 2a  
Meeting: Council  
Date: 02/16/16

## Purchasing Report

### CONSTRUCTION OF CELL #7 AT THE HINTON LANDFILL OPEN MARKET

#### PURCHASE JUSTIFICATION:

The purpose of this project is to construct Cell #7 for waste disposal at the Hinton Landfill. Cell #7 is a 17.2-acre cell that consists of an underdrain, 2 feet of compacted clay line, 60 mil geomembrane, drainage geocomposite, and 2 feet of protective cover soil. In addition, a stormwater channel, access road, truck pad, east channel sediment cleaning, landfill office area resurfacing, and installation of landfill gas probes GP-4 and GP-11 are included as part of this project. Funding for this project is included in the 2016 Proposed Capital Improvement Program (CIP) and will come from cash reserves in the Landfill Sinking Fund.

#### AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
LD Kemp Excavating, Inc.	All	\$2,510,416.50
	<b>TOTAL:</b>	<b>\$2,510,416.50</b>

#### BASIS FOR AWARD:

##### Best Value

Submitted by:

Reviewed by:

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

Bryan L. Bradford  
City Manager

Date: 02/05/16

Date: 02/09/16

#### FINANCIAL SUMMARY:

Total Project/Account: \$ 3,550,000  
Expended/Encumbered to Date: -0-  
Balance: \$ 3,550,000  
This Item: 2,510,417  
Proposed Balance: \$ 1,039,583

Matt Watson 02/08/15  
Budget Analyst Date  
Ron Young 02/08/15  
Budget Director Date

Operating Budget: ☐ CIP: ☒ Year: 2016

Document Location: Page EW03

Account #: 635-1609-1715700-9002

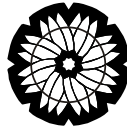
#### Fund/Agency/Project – Description:

Landfill Capital Project Fund / EWS Group -  
Disposal / Construction of Waste Cell #7

#### Comments:

Approval will commit funds included in the 2016 Proposed CIP.





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 6159-16** **Construction of Cell 7 at the Hinton Landfill**

**Recommended Vendor:**

LD Kemp Excavating, Inc.

**Total Recommended Award:**

\$2,510,416.50

**Basis for Award:**

Best Value

**Purpose:**

The purpose of this project is to construct Cell 7 for waste disposal at the Hinton Landfill. Cell 7 is a 17.2 acre cell that consists of an underdrain, 2 feet of compacted clay line, 60 mil geomembrane, drainage geocomposite, and 2 feet of protective cover soil. In addition, a stormwater channel, access road, truck pad, east channel sediment cleaning, landfill office area resurfacing, and installation of landfill gas probes GP-4 and GP-11 are included as part of this project.

**Evaluation:**

Requests for bids were issued in accordance with Purchasing procedures. Six (6) bids were received and evaluated based on the published criteria of: bid price; previous work experience; equipment and personnel; project completion schedule; pre-bid conference attendance. LD Kemp Excavating, Inc. offered the lowest overall bid and received the highest evaluated score, offering the best value to the City.

**Recommendation:**

Staff recommends awarding the construction of Cell 7 to LD Kemp Excavating, Inc.

**Funding Information:**

635-1609-1715700

**Department Director:**

Lonnie R. Banks, Managing Director Environmental Waste Services, 972-205-3424



**GARLAND**  
PURCHASING

Bid No.: 5954-16  
Agenda Item: 2b  
Meeting: Council  
Date: 02/16/16

## Purchasing Report

### GP&L DISTRIBUTION LINE CROSSING AT I.H. 30 AND BELT LINE ROAD OPEN MARKET

#### PURCHASE JUSTIFICATION:

The purpose of this bid is to provide labor and equipment necessary for the 13.2 kV Distribution Line Crossing at I.H. 30 and Belt Line Road as part of GP&L's Overhead CIP Program. 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>
T & D Solutions, LLC	All	\$279,070.32
<b>TOTAL:</b>		<b>\$279,070.32</b>

#### BASIS FOR AWARD:

##### Best Value

Submitted by:

Reviewed by:

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

Bryan L. Bradford  
City Manager

Date: 02/05/16

Date: 02/09/16

#### FINANCIAL SUMMARY:

Total Project/Account: \$	2,236,043
Expended/Encumbered to Date:	1,582,125
Balance: \$	653,918
This Item:	279,070
Proposed Balance: \$	374,848

Trent Schulze	02/08/15
Budget Analyst	Date

Ron Young	02/08/15
Budget Director	Date

Operating Budget: ☐ CIP: ☒ Year: 2015

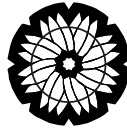
Document Location: Page #07

Account #: 215-3299-3153201-7111  
(EC-D5532-001-1-7111)

Fund/Agency/Project – Description:  
Electric CIP Fund / Distribution Lines - Overhead

Comments:





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 5954-16** **GP&L Distribution Line Crossing at IH30 and Beltline**

**Recommended Vendor:**

T & D Solutions, LLC

**Total Recommended Award:**

\$279,070.32

**Basis for Award:**

Best Value

**Purpose:**

The purpose of this bid is to provide labor and equipment necessary for the 13.2 kV distribution line crossing at IH30 and Beltline Road as part of GP&L's Overhead CIP program.

**Evaluation:**

Requests for bid were issued in accordance with Purchasing procedures. One (1) bid was received and evaluated based on the published criteria of: price; experience; qualifications; equipment; safety. T & D Solutions, LLC was within budget and met all the requirements of the specifications.

**Recommendation:**

Staff recommends awarding the bid to T & D Solutions, LLC.

**Funding Information:**

215-3299-3153201-7111 (EC-D5532-001-1-7111)

**Department Director:**

Ross Owen, Transmission & Distribution Director, 972-205-3532



**GARLAND**  
PURCHASING

Bid No.: 6144-16  
Agenda Item: 2c  
Meeting: Council  
Date: 02/16/16

## Purchasing Report

### LOOKOUT SUBSTATION 138 kV TRANSMISSION LINE IMPROVEMENTS OPEN MARKET

#### PURCHASE JUSTIFICATION:

The purpose of this bid is to provide materials for the 138 kV Transmission Line Improvements related to the construction of the Lookout Substation. Due to the complex nature of the project, an Optional Contingency is included for any unforeseen additional materials 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>
Techline, Inc.	All	\$180,285.70
Optional Contingency		18,000.00
<b>TOTAL:</b>		<b>\$198,285.70</b>

#### BASIS FOR AWARD:

##### Lowest Responsible Bid

Submitted by:

Reviewed by:

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

Bryan L. Bradford  
City Manager

Date: 02/04/16

Date: 02/09/16

#### FINANCIAL SUMMARY:

Total Project/Account: \$ 484,000

Expended/Encumbered to Date: -0-

Balance: \$ 484,000

This Item: 198,286

Proposed Balance: \$ 285,714

Trent Schulze 02/05/15  
Budget Analyst Date

Ron Young 02/05/15  
Budget Director Date

Operating Budget: ☐ CIP: ☒ Year: 2015

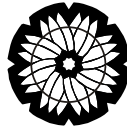
Document Location: Page E10

Account #: 210-3599-3142601-6051  
(EC-T0426-001-16051 \$179,761.12)  
(EC-D5532-001-16051 524.58)

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

Comments:





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 6144-16**

### **Lookout Substation 138kV Transmission Line Improvements**

**Recommended Vendor:**

Techline, Inc.

**Total Recommended Award:**

\$198,285.70

**Basis for Award:**

Lowest Responsible Bid

**Purpose:**

The purpose of this bid is to provide materials for the 138kV transmission line improvements related to the construction of the Lookout Substation.

**Evaluation:**

Requests for bids were issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated. Techline, Inc. offered the lowest total bid price and met all requirements of the specifications.

**Recommendation:**

Staff recommends awarding the bid to Techline, Inc. as the lowest responsible bidder.

**Funding Information:**

210-3599-3142601-6051

**Department Director:**

Ross Owen, Transmission & Distribution Director, 972-205-3532



**GARLAND**  
PURCHASING

Bid No.: 6258-16  
Agenda Item: 2d  
Meeting: Council  
Date: 02/16/16

## Purchasing Report

### FLEET REPLACEMENT VEHICLES OPEN MARKET

#### PURCHASE JUSTIFICATION:

This request is for the purchase of twenty-five (25) Fleet Replacement Trucks, Vans, and SUVs to be used by various City departments in their daily operations. These vehicles are being provided through the BuyBoard Purchasing Cooperative Contracts 430-13 and 460-13, the State of Texas TxSmartBuy Cooperative Contract 071-072-AT2014, and the Tarrant County Purchasing Cooperative Contract 2015-107. Funding was approved in the 2015-16 Equipment Replacement Fund and other operating funds.

#### AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Sam Pack's Five Star Ford	All	\$684,264.35
Caldwell Country Ford	All	153,069.64
<b>TOTAL:</b>		<b>\$837,333.99</b>

#### BASIS FOR AWARD:

##### Cooperative Purchase

Submitted by:

Reviewed by:

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

Bryan L. Bradford  
City Manager

Date: 02/04/16

Date: 02/10/16

#### FINANCIAL SUMMARY:

Total Project/Account: \$ 3,263,524

Expended/Encumbered to Date: 829,378

Balance: \$ 2,434,146

This Item: 837,334

Proposed Balance: \$ 1,596,812

Operating Budget: ☒ CIP: ☐ Year: 2015-16

Document Location: Pages 120, 165, and 210

Account #: (See attached Executive Summary)

Fund/Agency/Project – Description:  
Equipment Replacement Fund –  
Various Departments

Comments: This purchase includes vehicles that were approved but not purchased in FY 2014-15 and will, therefore, be included on Budget Amendment No. 1 for FY 2015-16.

Budget Analyst Date

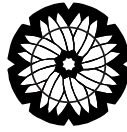
Ron Young 02/09/15

Budget Director Date

CITY OF GARLAND - BID RECAP SHEET OPENED: 02/06/16 REQ. NO. Various BID NO. 6258-16 PAGE: 1 of 3 BUYER: T. Smith				Sam Pack's Five Star Ford		Caldwell Country Ford					
I T E M	QTY	U N I T	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	ea	New Ford Explorer, no brake controller	\$25,184.00	\$25,184.00						
2	1	ea	New Ford Explorer with OEM rearview camera, 4x4	\$27,082.90	\$27,082.90						
3	1	ea.	New Ford Transit Connect Cargo van. 2.5L 14, bin racks 32" full length drivers side, wire partition, glass pass side and rear	\$23,864.00	\$23,864.00						
4	1	ea.	New Ford Transit Connect Cargo van, 2.5L 14, rear camera, reverse sensing, bin racks both sides, wire partition	\$24,159.00	\$24,159.00						
5	2	ea.	New Ford F-350-SD w/service body 696J, Knapheide	\$34,634.00	\$69,268.00						
6	3	ea.	New Ford F450 cab/chassis 9' service body, 3200 crane	\$65,509.72	\$196,529.16						
7	1	ea.	New, Ford F-250 Crew Cab, SRW 4x4 w/ skid plates	\$31,689.67	\$31,689.67						
			TOTAL GROSS PRICE	\$397,776.73							
			CASH DISCOUNT								
			TOTAL NET PRICE	\$397,776.73							
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								
NEXT LOW:				N/A # IonWave Notifications				All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.			
LOW:				N/A # IonWave HUBS							
SAVINGS:				N/A # Direct Contact HUBS							
				0 # HUBS Responded							

<b>CITY OF GARLAND - BID RECAP SHEET</b> OPENED: 02/06/16 REQ. NO. Various BID NO. 6258-16 PAGE: 2 of 3 BUYER: T. Smith				Sam Pack's Five Star Ford		Caldwell Country Ford					
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
8	1	ea.	New, F-150 Extended Cab Pickup	\$26,016.20	\$26,016.20						
9	4	ea.	New, F-150 Extended Cab, 5.0L V8	\$25,750.83	\$103,003.32						
10	1	ea.	New, F-250 Super Cab Pickup 6.2L gas engine	\$27,199.67	\$27,199.67						
11	1	ea.	New, Ford F-250 Super Cab Pickup 6.2L gasoline engine	\$28,131.67	\$28,131.67						
12	1	ea.	New, F-250 Super Cab Pickup 6.2L gasoline	\$27,926.67	\$27,926.67						
13	1	ea.	New, F-250 Regular Cab Pickup 6.2L gasoline, with Tommygate lift	\$26,791.94	\$26,791.94						
14	1	ea.	New, F-150 Pickup, 3.7L V6	\$22,851.00	\$22,851.00						
15	1	ea.	New, F-150 Extended Cab Pickup non-ouvered	\$24,167.15	\$24,167.15						
16	1	ea.	Buyboard Fee	\$400.00	\$400.00						
TOTAL GROSS PRICE				\$286,487.62							
CASH DISCOUNT											
TOTAL NET PRICE				\$286,487.62							
F.O.B.				DELIVERED		DELIVERED		DELIVERED		DELIVERED	
DELIVERY											
<b>NEXT LOW:</b> <b>LOW:</b> _____ <b>SAVINGS:</b> \$0.00				N/A # IonWave Notifications N/A # IonWave HUBS N/A # Direct Contact HUBS 0 # HUBS Responded		All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. <u>The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.</u>					

CITY OF GARLAND - BID RECAP SHEET OPENED: 02/06/16 REQ. NO. Various BID NO. 6258-16 PAGE: 3 of 3 BUYER: T. Smith				Sam Pack's Five Star Ford		Caldwell Country Ford					
I T E M	QTY	U N I T	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
17	1	ea.	New, Ford F-350 Extended Cab 4x4 Pickup, 6.2LI V8 Gas,6-spd automatic			\$47,485.00	\$47,485.00				
18	2	ea.	New, F-350 SRW Extended Cab Pickup, 4x4 w/service body,6.2L V8 gas, 6-spd automatic w/ Knapheide 6108JI Body			\$42,404.47	\$84,808.94				
19	1	ea.	New, Ford Escape, S Model, 6-spd automatic, 2.5L 14			\$20,375.70	\$20,375.70				
20	1	ea.	Buyboard Fee			\$400.00	\$400.00				
			TOTAL GROSS PRICE	\$684,264.35		\$153,069.64					
			CASH DISCOUNT								
			TOTAL NET PRICE	\$684,264.35		\$153,069.64					
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								
NEXT LOW:				N/A # IonWave Notifications				All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.			
LOW:				N/A # IonWave HUBS							
SAVINGS:				N/A # Direct Contact HUBS							
\$0.00				0 # HUBS Responded							



# **GARLAND**

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## **PURCHASING**

### **Executive Summary Bid 6258-16 Fleet Replacement Vehicles**

**Recommended Vendors:**

Sam Pack's Five Star Ford	\$684,264.35
Caldwell Country Ford	<u>\$153,069.64</u>

**Total Recommended Award:** \$837,333.99

**Basis for Award:**

Cooperative Purchase

**Purpose:**

The purpose of this contract is to purchase twenty-five (25) fleet replacement trucks, vans, and SUV's to be used by various City Departments in their daily operations.

**Evaluation:**

These vehicles are being provided through the BuyBoard purchasing cooperative contracts 430-13 and 460-13, the State of Texas TxSmartBuy cooperative contract 071-072-AT2014, and the Tarrant County purchasing cooperative contract 2015-107.

**Recommendation:**

Staff recommends awarding the purchase of these vehicles to Five Star Ford and Caldwell Country Ford.

**Funding Information:**

444-1603-9009; 444-1711-9009; 444-1811-9009; 444-4012-9009; 444-4032-9009;  
444-4121-9009; 444-4651-9009; 444-4931-9009; 444-1403-9009; 444-1812-9009;  
444-4022-9009; 444-4033-9009; 444-4123-9009; 444-2361-9009; 444-3711-9009;  
444-4721-9009; 444-4903-9009; 444-3226-9009; 211-3523-9009

**Department Director:** Terry Anglin, Director of Fleet, 972-205-3524



# City Council Item Summary Sheet

☐ Work Session

Date: February 16, 2016

☒ Agenda Item

## Kimley-Horn Contract Amount Approval

### Summary of Request/Problem

At the February 2, 2016 Work Session, Council was briefed on the additional invoice from Kimley-Horn due to a modified scope of services on The Eastern Hills Redevelopment Study. This invoice resulted from additional work Council requested and was performed in September and October of 2015. The additional scope amount is \$4,750, resulting in a total contract of \$103,145 which requires Council approval.

### Recommendation/Action Requested and Justification

Consider by minute action the approval of the amended Kimley-Horn contract.

Submitted By:

Will Guerin  
Director of Planning

Approved By:

Bryan L. Bradford  
City Manager

CITY OF GARLAND  
ATTN: NEIL MONTGOMERY  
PLANNING AND COMMUNITY DEVELOPMENT  
800 MAIN STREET  
GARLAND, TX 75040

Invoice No: 063551017-1215  
Invoice Date: Dec 31, 2015  
Invoice Amount: \$5,374.80  
  
Project No: 063551017  
Project Name: GARLAND EASTERN HILLS  
Project Manager: BOWERS, MARK

Please send payments to:  
KIMLEY-HORN AND ASSOCIATES, INC.  
P.O. BOX 951640  
DALLAS, TX 75395-1640

Client Reference:  
22767

For Services Rendered through Dec 31, 2015

Federal Tax Id: 56-0885615

## LUMP SUM

KHA Ref # 063551017.1-7367733

Description	Contract Value	% Complete	Amount Earned to Date	Previous Amount Billed	Current Amount Due
PHASE I PROJECT MANAGEMENT	9,756.00	100.00%	9,756.00	9,756.00	0.00
PHASE II STRATEGIC ASSESSMENT SESSION	19,132.00	100.00%	19,132.00	19,132.00	0.00
PHASE III DEVELOPMENT ALT SESSION	42,419.00	100.00%	42,419.00	42,419.00	0.00
PHASE IV PREFERRED DEVELOPMENT SESSION	14,592.00	100.00%	14,592.00	14,592.00	0.00
PHASE V STUDY COMPLETION	12,496.00	100.00%	12,496.00	11,871.20	624.80
AMENDMENT 1	4,750.00	100.00%	4,750.00	0.00	4,750.00
Subtotal	103,145.00	100.00%	103,145.00	97,770.20	5,374.80
Total LUMP SUM					5,374.80

**Total Invoice: \$5,374.80**

# City Council Item Summary Sheet



☐ Work Session

☒ Agenda Item

Date: February 16, 2016

## City Manager Employment Agreement

### Summary of Request/Problem

Council is requested to approve an employment agreement with Bryan L. Bradford to continue his employment in the position of City Manager.

### Recommendation/Action Requested and Justification

Consider approving by minute action an employment agreement with Bryan L. Bradford to continue his employment as City Manager.

Submitted By:

Approved By:

Bryan L. Bradford  
City Manager

# City Council Item Summary Sheet



☐ Work Session

☒ Agenda Item

Date: February 16, 2016

## City Attorney Employment Agreement

### Summary of Request/Problem

Council is requested to approve an employment agreement with Brad Neighbor to continue his employment in the position of City Attorney.

### Recommendation/Action Requested and Justification

Consider approving by minute action an employment agreement with Brad Neighbor to continue his employment as City Attorney.

Submitted By:

Approved By:

Bryan L. Bradford  
City Manager

# City Council Item Summary Sheet



☐ Work Session

☒ Agenda Item

Date: February 16, 2016

## City Auditor Employment Agreement

### Summary of Request/Problem

Council is requested to approve an employment agreement with Jedson Johnson in the position of City Auditor.

### Recommendation/Action Requested and Justification

Consider approving by minute action an employment agreement with Jedson Johnson to continue his employment as City Auditor.

Submitted By:

Approved By:

Bryan L. Bradford  
City Manager



# City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: February 16, 2016

## Appointment of Municipal Judges

### Summary of Request/Problem

Council is requested to consider the appointment of Robert J. Beasley as Chief Judge and Sonja H. Galbraith as Judge of the Municipal Court for a term of two years commencing January 1, 2016.

### Recommendation/Action Requested and Justification

Consider an ordinance appointing Robert J. Beasley as Chief Judge and Sonja H. Galbraith as Judge of the Municipal Court.

Submitted By:

Approved By:

Bryan L. Bradford  
City Manager

**ORDINANCE NO.**

**AN ORDINANCE APPOINTING ROBERT J. BEASLEY AS CHIEF JUDGE AND SONJA H. GALBRAITH AS JUDGE OF THE MUNICIPAL COURT OF THE CITY OF GARLAND, TEXAS AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1**

That Robert J. Beasley and Sonja H. Galbraith are hereby respectively appointed as chief judge and judge of the Municipal Court of the City of Garland, Texas for a term of office of two years commencing January 1, 2016.

**Section 2**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

## STATEMENT OF ELECTED/APPOINTED OFFICER

I, Robert J. Beasley, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

---

Robert J. Beasley

SWORN TO and subscribed before me by Robert J. Beasley on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

[Seal]

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Notary Public for the State of Texas

CHIEF JUDGE  
MUNICIPAL COURT OF THE CITY OF GARLAND, DALLAS COUNTY,  
TEXAS

**In the name and by the authority of  
the State of Texas**

**OATH OF OFFICE**

I, Robert J. Beasley, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Associate Judge of the Municipal Court of the City of Garland, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

\_\_\_\_\_  
Robert J. Beasley

SWORN TO and subscribed before me by Robert J. Beasley on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

[Seal]

\_\_\_\_\_  
Notary Public for the State of Texas

CHIEF JUDGE  
MUNICIPAL COURT OF THE CITY OF GARLAND, DALLAS COUNTY,  
TEXAS

**STATEMENT OF ELECTED/APPOINTED OFFICER**

I, Sonja H. Galbraith, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

\_\_\_\_\_  
Sonja H. Galbraith

SWORN TO and subscribed before me by Sonja H. Galbraith on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

[Seal]

\_\_\_\_\_  
Notary Public for the State of Texas

JUDGE  
MUNICIPAL COURT OF THE CITY OF GARLAND, DALLAS COUNTY,  
TEXAS

**In the name and by the authority of  
the State of Texas**

**OATH OF OFFICE**

I, Sonja H. Galbraith, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Associate Judge of the Municipal Court of the City of Garland, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

\_\_\_\_\_  
Sonja H. Galbraith

SWORN TO and subscribed before me by Sonja H. Galbraith on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

[Seal]

\_\_\_\_\_  
Notary Public for the State of Texas

JUDGE  
MUNICIPAL COURT OF THE CITY OF GARLAND, DALLAS COUNTY,  
TEXAS



# City Council Item Summary Sheet

☐ Work Session

Date: February 16, 2016

☒ Agenda Item

## Consider the Adoption of the 2016 Rules of Order and Procedure and City Council Policies

### Summary of Request/Problem

The Administrative Services Committee has completed its review of council policies and recommends that the attached rules and policies be adopted. The City Council has been briefed on this matter on several occasions and members of the City Council were provided a draft. No comments on the draft have been received since that time. It should be noted that the attached draft contains one change from the last draft provided. That change is found (red-highlighted) in Article II, Division 1, Section 4(E) relating to Council membership in third-party organizations. It should also be noted that the Administrative Services Committee is currently considering a revision to the City's financial policies. A draft of the proposed revision will be submitted by the Administrative Services Committee in the near future.

### Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

Bryan L. Bradford  
City Manager

**2016  
CITY COUNCIL  
of the  
CITY OF GARLAND, TEXAS**

**RULES OF ORDER AND  
PROCEDURE  
AND  
CITY COUNCIL POLICIES**

**ARTICLE I.**

**CITY COUNCIL RULES OF ORDER AND PROCEDURE**

**Section 1     Authority under the City Charter**

Article III, Section 9 of the City Charter provides that the City Council shall determine its own rules of order of business and procedures for meetings. These rules shall be in effect upon adoption by the City Council and until such time as amended, suspended or new rules are adopted in the manner provided.

**Section 2     General rules for conducting Council meetings**

**(A)     Regular meetings**

Article III, Section 8 of the City Charter provides that regular meetings of the City Council shall be held at least twice each month. Section 10.14 of the Code of Ordinances establishes the first and third Tuesdays of each month as the time for those regular meetings. The City Council may otherwise prescribe the date for such meetings by ordinance or resolution. The meetings are generally held in the City Council chamber or

at another public building within the city limits as designated by the City Council in the meeting notice.

(1) *Other locations.* The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with provisions of State law and the City Charter.

(2) *Location during a local emergency.* If by reason of fire, flood or other emergency, it is unsafe to meet in the City Council chamber, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Manager.

(B) Pre-council meeting work session

Prior to each regular City Council meeting, the City Council may conduct a work session in order to allow the City Council to informally review items of interest that may be scheduled for formal presentation at future City Council meetings, or that are strictly informational in nature. The City Council may not take formal action on items presented at the work session, unless specified in the posted agenda.

(C) Special meetings and emergency meetings

Pursuant to Article III, Section 7 of the City Charter, special meetings may be called at any time by the Mayor or by two or more members of the City Council. The City Secretary shall post notice thereof as provided by State law. Special meetings may be held at any location as long as such meetings are conducted in accordance with State law and the City Charter. In case of emergency or urgent public necessity (which shall be expressed in the notice of the meeting), an emergency meeting may be called by the Mayor or by two members of the City Council, and it shall be sufficient if the notice is posted two hours before the meeting is convened. Diligent effort to notify all Councilmembers shall be made prior to the emergency meeting. (Texas Government Code, Sec. 551.045)

(D) Adjourned meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

(E) Executive sessions

The City Council may meet in executive session during any regular or special meeting, or anytime otherwise authorized by State law, to consider, hear or decide any matter which is authorized by State law to be heard or considered in executive session. The City Council

may exclude from any such executive session any person or persons which it is authorized by State law to exclude from such sessions. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Councilmembers are prohibited from disclosing the nature of discussion from a closed session unless required by law.

(F) Notice of meetings

Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary on the City's website and official bulletin board pursuant to the requirements of the Texas Open Meetings Act. (Texas Government Code, Section 551)

(G) Quorum

Article III, Section 6 of the City Charter provides that five members of the nine member City Council shall constitute a quorum to do business and the affirmative vote of five of those present shall be necessary to adopt any ordinance or resolution, except as required by City Charter or State law.

(H) Chair

Article III, Section 4 of the City Charter provides that the Mayor shall preside at all meetings of the City Council. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall be required to vote as a member on legislative and other matters. The Mayor shall have the authority to preserve order at all City Council meetings, to enforce the rules of the City Council, and to determine the order of business under the rules of the City Council. The Mayor shall also have the power to administer oaths.

(1) *Absence of Mayor.* Article III, Section 4 of the City Charter provides that the City Council shall elect from among the Councilmembers a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor. The City Council may elect from among the Councilmembers a Deputy Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor and Mayor Pro Tem.

(2) *Absence of Mayor and Mayor Pro Tem.* When the Mayor and Mayor Pro Tem are absent from any meeting of the City Council, the Deputy Mayor Pro Tem, if one has been elected, shall act as Mayor Pro Tem. If all three are absent, the members present shall choose another member to act as Mayor Pro Tem and that person shall, for the duration of the meeting, have the powers of the Chair.

(I) Attendance by the public

Article III, Section 10 of the City Charter requires that all meetings of the City Council shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act, except executive sessions or closed meetings allowed by State law. Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

(J) Minutes

In accordance with the provisions of Article III, Section 9, and Article IV, Section 5 of the City Charter, minutes of City Council meetings will be kept. Minutes will include final motions with votes. The minutes will also reflect the names of public speakers.

(1) *City Council approval of minutes.* Minutes of meetings are generally submitted to the City Council within two weeks for approval.

(2) *Recording of meetings.* Tape recordings of proceedings, other than executive session proceedings, are maintained by the City Secretary as required by law. Tape recordings of executive session proceedings shall be maintained by the City Attorney.

### **Section 3 Order of business at meetings of the City Council**

(A) General order of proceedings

City Council meetings will be generally conducted in the following order, unless otherwise specified. An executive session may be held at any time during a meeting pursuant to applicable State law.

#### ***WORK SESSION AGENDA***

- Executive session (if any)
- Written briefings
- Verbal briefings
- Questions regarding regular agenda items
- Discuss committee reports/assignments
- Discuss consent agenda
- Identify future agenda items
- Adjourn

## ***REGULAR MEETING AGENDA***

- Pledge of allegiance/invocation
- Mayoral proclamations, recognitions, and announcements
- Consent agenda/approval of minutes
- Regular agenda
- Consider appointments to boards and committees
- Citizen comments (“open mike”)
- Executive session (as needed)
- Adjournment

### **(B) Numbering and indexing of agenda items**

All items of any nature shall be numbered consecutively for purposes of consideration on the agenda. Upon passage, the City Secretary shall separately index all ordinances and resolutions.

### **(C) Consent agenda**

The consent agenda shall contain routine, non-controversial items that require City Council action but need little or no City Council deliberation. Any item on the consent agenda may be removed from the consent agenda and thereby be made subject to discussion and deliberation by any member of the City Council, staff or a person in attendance at the meeting. Agenda item(s) removed from the consent agenda by the request of a Councilmember, citizen or staff will be considered after approval of the remaining consent agenda.

## **Section 4 Rules of procedure for conducting Council business**

### **(A) General procedure**

These rules, consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, City Council proceedings shall follow the rules of procedure set out in Roberts Rules of Order, Newly Revised, published by Persus Publishing, (hereinafter “RONR”) a copy of which shall be retained by the City Secretary and made available for inspection by the public during normal business hours.

(B) Authority of the chair

The Chair shall make decisions on questions of procedure subject to review by the City Council as a whole. The Chair, with the consent of the City Council, may appoint a parliamentarian from outside the City Council to assist the Chair in interpreting the rules of procedure governing City Council meetings, and shall offer advice to the Chair as requested by the Chair or any member of the City Council. The Chair, shall, upon request of a member of the City Council, inform the City Council as to the advice given by the parliamentarian. Following a decision of the Chair on a question of procedure, any two members of the City Council shall be entitled to appeal the decision of the Chair by the making, and seconding of, an appeal. See RONR.

(C) Council deliberation and order of speakers

The Chair has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon in the order of the request to speak. With the concurrence of the Chair, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

(D) Limit deliberations to item at hand

After an agenda is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion being currently considered by the City Council. All discussions shall be germane to a posted agenda item.

(E) Obtaining the floor

Except as provided in RONR, any member of the City Council wishing to speak shall first obtain the floor by registering in the cue electronically and thereafter being recognized by the Chair. If the electronic cue is inoperative, members of the City Council shall obtain the floor by making a verbal request for the floor to the Chair. The Chair shall recognize any Councilmember who seeks the floor when appropriately entitled to do so.

(F) Motions

Motions may be made by any member of the City Council, other than the Chair. Any member of the City Council, other than the Chair and the person offering the motion, may second a motion.

(G) Procedures for motions

The following is the general procedure for making motions:

- (1) Before a motion can be considered or debated, it shall be seconded.
- (2) A Councilmember who wishes to make a motion, except as provided in RONR, shall first obtain the floor.
- (3) A Councilmember who wishes to second a motion shall do so through a verbal request to the Chair.
- (4) Unless otherwise required or provided by law, a motion (other than a procedural motion) made and seconded, unless stated otherwise, shall include, without necessity of reference, a motion to close the public hearing on the matter if the matter is one which includes a public hearing. A Councilmember wishing to continue the public hearing shall move to continue the public hearing, and if seconded shall be voted upon before the main motion. No discussion shall be permitted on a motion to continue the public hearing.
- (5) Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair.

(H) Motions to amend

When a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject different from that under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

(I) Abstention or recusal

- (1) If a Councilmember abstains because of a legal conflict that Councilmember is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present,” unless otherwise required by law.
- (2) When a Councilmember has a legal conflict and is required to abstain or be recused from a portion of a City Council meeting, the Councilmember shall complete the necessary affidavit regarding the conflict.

(3) Pursuant to Article III, Section 6 of the Charter, a Councilmember who is present and not required by law to abstain from voting shall vote on every measure for which a vote is called; a refusal to vote constitutes a vote of “no” on the measure.

(J) Special Charter or statutorily-mandated voting requirements

Some actions taken by the City Council require more than a simple majority vote for approval as required by either the Charter or State law, including:

(1) *Charter amendments — Two-thirds vote:* An ordinance submitting a proposed Charter amendment must be adopted by at least a two-thirds vote of the full City Council. (Texas Local Government Code, Section 9.002(a), Article XI, Section 5, Texas Constitution).

(2) *Changing paving assessment plan — Two-thirds vote:* Changes in plans for paving assessments require a two-thirds vote of the full City Council. (Texas Transportation Code, Section 313.053).

(3) *Protested changes in zoning ordinance — Three-fourths vote:* If a proposed change to a zoning regulation or boundary is protested by owners of twenty percent or more of the area of the lots or land included in such proposed change, or of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet therefrom, the affirmative vote of at least three-fourths of the full City Council is required for the proposed change to take effect. (Texas Local Government Code, Sec. 211.006(d); Garland Development Code; Council Policy, Article II, below.)

## **Section 5 Public hearings**

(A) The City Council procedure for the conduct of public hearings is generally as follows:

(1) Staff presents its report.

(2) Councilmembers may ask questions of staff.

(3) The Chair opens the public hearing.

(4) The applicant or appellant then has the opportunity to present comments, testimony, oral arguments. In the case of an appeal when the appellant is different from the applicant, the appellant shall be called upon first to provide comments or testimony. The applicant or appellant may have a total of fifteen minutes for a presentation when recognized by the Chair. The initial comments or presentation shall be limited to ten

minutes and the rebuttal or concluding comments shall be limited to five minutes.

(5) Councilmembers may ask questions of the applicant/appellant.

(6) Members of the public are provided with the opportunity for comments and testimony in accordance with these Rules, including without limitation Sections 7 and 8, below.

(7) The appellant or the applicant is given the opportunity for closing comments.

(8) The City Council deliberates on the issue.

(9) If the City Council raises new issues through deliberation and a majority of the City Council seeks additional public testimony, additional public comment and testimony is permitted in accordance with these Rules.

(10) The City Council deliberates and takes action.

(11) The Chair announces the final decision of the City Council.

(B) Any public hearing being held, noticed or ordered to be held by the City Council may, by order, notice or motion, be continued to any subsequent meeting subject to the provisions of the Texas Open Meetings Act.

## **Section 6 Public testimony at meetings**

(A) Determining whether speakers are present

When a matter comes before the City Council, the Chair will open the public hearing. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall determine if speaker's cards have been submitted by persons who intend to speak or register a position or the Mayor may inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.

(B) Public member request to speak

Any person wishing to address the City Council regarding a matter on the agenda shall complete and present a speaker's card to the City Secretary before or as soon as reasonably possible after the close of the vote on the matter. Prior to speaking, the speaker shall complete the speaker's card and sign the card under penalty of perjury, or shall, if so allowed by the Chair, be sworn by the City Attorney or other person authorized to administer oaths. Upon being recognized by the Chair, the person may speak or present testimony relevant to the matter being heard. No person may speak without first being recognized by the Chair. Each person wishing to speak on the matter shall be limited to three minutes. Speakers are advised to obtain all information necessary for their presentations prior to the meeting: The opportunity to speak is given to provide testimony rather than to question the City Council or staff. The Chair may call a speaker out of order if the speaker presents questions or requests for information that will unduly delay the transaction of business at the meeting.

(C) Identification of speaker

When called upon, the person to speak shall come to the podium and state his or her name and address. If speaking for an organization or other group, the speaker shall identify the group represented. A person who does not wish to testify may nonetheless register a position on an agenda item by completing a speaker's card. The person's position on the matter shall be read into the record but the person is not required to address the City Council.

(D) Time limits

The Chair, with the concurrence of the City Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.

(E) Designation of spokesperson

To expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of individuals wishes to address the City Council on the same subject matter, those individuals are encouraged to designate a spokesperson. Any person present at the meeting may, in lieu of speaking, designate a spokesperson by indicating the designation on his or her speaker's card. With the consent of the City Council, the Chair may extend the time allocation for a designated spokesperson. In this regard, three or more speakers may yield their time to a single speaker and such speaker shall be given two minutes per speaker up to a maximum of ten minutes provided that each of the persons who have agreed to yield their time to the designated spokesperson have completed a speaker's card and have indicated thereon the

person's consent to the designation. The designating person's position on the matter shall be read into the record.

(F) Comments addressed to City Council

All remarks shall be addressed to the City Council as a whole and not to individual members or other speakers. Questions, if any, shall be directed to the Chair who will determine whether, or in what manner, an answer will be provided. Questions shall not be addressed to individual members or to other speakers.

(G) Questions of speakers

Members of the City Council who wish to ask questions of a speaker or each other during the public hearing portion may do so, but only after first being recognized by the Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue.

(H) Motion to extend a speaker's time to speak

In fairness to all speakers, a question may not be presented solely for the purpose of providing the speaker with more than the allotted time for the speaker unless a motion is made and approved extending the time for the speaker.

(I) Materials for public record

All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks. All such evidence presented will be retained by the City Secretary as part of the record of the hearing, in accordance with the requirements of State law.

(J) Germane comments

No person will be permitted to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the Chair, but may be appealed to the full City Council.

## **Section 7 Staff presentations**

Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.

## **Section 8     Appointments to boards and commissions**

Appointments to boards and commissions shall, unless otherwise required by law, be made by minute action reflecting the unanimous consent of the City Council, unless a Councilmember requests that the appointment be deliberated by the City Council.

## **Section 9     Citizens' comments – "Open Microphone"**

(A)     A portion of the regular City Council meeting is set aside for members of the public to address the City Council on any item of City business that is not formally scheduled on the agenda. Members of the public shall complete a speaker card prior to the close of the citizens' comment period and present it to the City Secretary.

(B)     Citizens' comments are generally permitted at the end of the regular City Council meeting, as specified on the agenda. A speaker's comments shall be limited to three minutes and the citizens' comment period shall not exceed thirty minutes. Speakers shall be allowed to speak on a first-come, first-to-speak basis as determined by the order in which the City Secretary receives the speaker's card. If at the end of the citizens' comment period all speakers who are still present and willing to speak are not offered an opportunity to speak at the meeting, those who have been allowed to speak at that meeting may not speak during the citizens' comment period at the next following meeting at which a citizens' comment period is offered until all other speakers have been allowed to speak. A speaker who was present and willing to speak at a meeting, but who was unable to speak because time ran out will be given priority in the order of speakers at the following citizens' comment opportunity regardless of the order in which the City Secretary receives the speaker's card.

(C)     In compliance with the Texas Open Meetings Act, the City Council may not question, deliberate or vote on any matter raised in citizens' comments. The City Manager may request staff to provide information requested by a speaker or investigate a matter raised by the speaker.

## **Section 10    Rules of decorum**

(A)     Speakers shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting their oral comments. A speaker shall not present argument on a matter previously considered by the City Council at the same session.

(B)     Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from

making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a loud and raucous manner calculated to disturb the meeting.

(C) Visitors attending City Council meetings may not bring food or drink into the City Council chamber.

(D) No person shall display or cause to be displayed any sign, placard, poster or banner within the City Council chamber in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting. A sign, placard, poster or banner may not exceed more than six square feet in surface area and may not be attached to any stick, pole or other appurtenance that could be used as a club or deadly weapon.

(E) Only one person at a time may stand at the speaker's podium, unless the speaker is a child or requires an interpreter or other special assistance or unless the person is appearing as a group receiving a recognition or award presented by the Mayor or City Council.

(F) No person may approach nearer the City Council than the front of the speaker's podium without leave of the Chair. A speaker may not bring to the podium any bag or other container. Recording equipment (including cameras, microphones, tripods and supporting equipment) may not be used within any seating area or aisle in such a manner as to impede the use of the aisles or exits, interfere with the use of the seating area or obstruct the view of another, but may be set up behind the public seating area or at the sides of the City Council chamber to the front of the public seating area, no nearer to the podium than the edge of the raised portion of the City Council seating area. For safety purposes, standing or sitting in any aisle used for ingress or egress into the City Council chamber is not allowed. The maximum occupancy limitation for the City Council chamber will be enforced by the Chair. Overflow crowds may stand in the public area outside the City Council chamber provided that hallways, exits, and elevator areas must remain unobstructed.

## **Section 11 Waiver of rules**

As referenced in RONR, certain procedural rules contained in federal law, state law or the City Charter cannot be suspended. As referenced in RONR, certain rules of order can only be suspended by two-thirds vote. Other rules may be waived or suspended by a majority vote of the Councilmembers present (but not less than five votes) when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

## **Section 12    Non-exclusive rules**

The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

## **Section 13    Non-observance of rules**

Rules adopted by the City Council are solely to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

## **ARTICLE II.**

### **CITY COUNCIL POLICIES AND COUNCIL DIRECTIVES**

#### **Division 1. COUNCIL OPERATING PROCEDURES**

##### **Section 1 Placing items on an agenda**

(A) Other than matters nominated for discussion during the “Future Agenda Items” segment of the regular agenda (as provided below), the Mayor, individually, or any two or more members of the City Council may request in writing (which includes email) that an item be placed on an agenda for consideration by the City Council as a whole. The request shall be made to the City Manager. If the request is made by a Councilmember, the member shall provide the City Manager the name or names of the member(s) who seconds the request. Unless otherwise specified by the requestor, the City Manager shall cause the item to be placed on the next available agenda of the type designated by the requestor (that is, a work session or regular agenda). The requestor must provide adequate detail of the request to the City Manager to allow proper posting of the matter under the Open Meetings Act and to provide other members of the City Council with sufficient information about the request to prepare to discuss the matter. Unless the matter is of such urgency as to constitute an emergency within the meaning provided by the Texas Open Meetings Act, or if the item requires the calling of a special meeting, the matter must be submitted not later than the close of business one week before the next meeting of the City Council.

(B) Each work session agenda prepared by the City Manager shall include a segment entitled “Future Agenda Items”. During the future agenda items segment, a member of the City Council may offer a matter for future consideration by the City Council. The suggested topic must obtain a second from one or more members of the City Council in order to be placed on a future agenda. If a second is obtained, the Mayor will direct the City Manager to place the matter on a subsequent agenda or, with the concurrence of the City Council, refer the matter to a committee.

(C) Other than routine matters placed on an agenda by staff (such as bid approvals, zoning requests, and the like) and emergency items, no matter that requires official action by the City Council will be considered without first having been discussed at a work session.

##### **Section 2 Political and other endorsements by members of the City Council**

A member of the City Council may endorse a candidate or a cause by using the Councilmember’s name and position, such as the term “Mayor, Garland, Texas”,

“Councilmember, District \_\_, Garland, Texas” or similar phrasing. A member of the City Council may not, in an endorsement, imply that the City of Garland - as an entity - has endorsed any such candidate or cause unless the City Council has formally voted as a body to provide that endorsement. In that regard, the City Council is generally constrained by law from endorsing a candidate or cause in an election. A member of the City Council may not use a City or departmental logo or trademark in providing an endorsement of a candidate or cause, nor may the member use City personnel or supplies to do so.

### **Section 3 Council committees**

#### **(A) Purpose**

Due to the complexity and diversity of City government issues, a closer view of some issues is required by the City Council. In order to provide a mechanism for continuous evaluation and discussion of these various issues beyond the limited time available at regularly scheduled work sessions, the City Council adopts this policy regarding the set up and use of Council committees.

#### **(B) Assignment to committees**

Agenda items may be assigned to a committee by the Mayor, with the consent of the City Council, or by the City Council.

#### **(C) Standing committees**

The City Council shall have the following standing committees, aligned with the management responsibilities assigned to City staff by the City Manager:

- Administrative Services Committee
- Audit Committee
- Community Services Committee
- Development Services Committee
- Public Safety Committee

Each committee, after receiving an assignment from the Council, will consider policy decisions and actions; study issues; evaluate options; and develop recommendations. The committees shall serve in an advisory capacity only, and no committee shall have any authority to make final decisions regarding the merits or resolution of any matter assigned to or considered by it.

(D) Standing committee responsibilities

The standing committees identified below shall have the following general responsibilities:

**Administrative Services Committee**

Items that may typically be directed to the Administrative Services Committee include, but are not limited to:

- Additions/revisions to Council policies.
- Review of local, state and national legislative changes.
- Updates on internal procedural modifications.
- Specific budget items.

**Audit Committee**

The Audit Committee shall assist the City Council in fulfilling the Council's oversight responsibilities for the Internal Audit Department, reporting practices, internal control, and compliance with laws, regulations and ethics within the limits described in the City Charter. The Internal Audit Department shall have access to all information necessary to perform its functions under the City Charter (to the extent permitted by law), and shall operate independently of management and free of organizational impairments.

The Audit Committee will consist of seven members, three of whom shall be members of the City Council appointed by the Mayor, and three of whom shall be appointed by the City Manager. The Internal Auditor shall serve as a member and provide staff support to the committee. Only Councilmembers may vote.

The Audit Committee shall meet at least quarterly, or more frequently as needed, and shall:

- Review and approve the Internal Audit Charter
- Approve the Internal Audit Department Annual Plan
- Receive and consider special written requests for audits from Councilmembers and the City Manager
- Adjust the Annual Audit Plan as necessary to accommodate changes in the operating environment.
- Review the results and performance of the Internal Audit Department on a quarterly and annual basis
- Review proposed Internal Audit budget in light of available resources
- Review summary of findings and recommendations of audit reports
- Review the annual external audit results and findings

## **Community Services Committee**

Items that may typically be directed to the Community Services Committee include, but are not limited to:

- Creating new or modifying existing codes and ordinances related to parks and recreation, public health and code compliance
- Reviewing grant program applications
- Considering incentive programs for neighborhood revitalization

## **Development Services Committee**

Items that may typically be directed to the Development Services Committee include, but are not limited to:

- Creation of new, or modification to existing codes and ordinances related to zoning, platting and building, engineering and transportation standards and requirements

## **Public Safety Committee**

Items that may typically be directed to the Public Safety Committee include, but are not limited to:

- Additions and revisions to Council policies as they relate to public safety
- Review of local, state and national legislative changes as they relate to or may affect public safety
- Updates on policy modifications relating to public safety

### **(E) Ad hoc committees**

Ad hoc committees may be created by the Mayor, with the consent of the City Council, or by the City Council, and its members appointed by the Mayor for a specific purpose, project or issue. The committee shall continue until the project is completed, at which time it will be dissolved, unless earlier dissolved by the Mayor, with the consent of the City Council. To the extent not inconsistent with the nature of ad hoc committees, ad hoc committees shall comply with the rules applicable to standing committees.

### **(F) Committee recommendation and Council consideration**

Each committee shall prepare reports and make recommendations to the City Council at a work session regarding every matter assigned to or considered by the committee.

(G) Composition of committees

Each committee shall be composed of three members of the City Council. The Mayor shall serve as an ex officio member on each committee with the right to discuss any matter that is under consideration, but the Mayor shall have no vote nor serve as chair at the committee level. Any member of the City Council may attend any committee meeting, but only appointed members may participate in deliberations and voting. Testimony from someone not on the committee is permitted at the pleasure of the Chair.

(H) Appointments and vacancies

After the annual City Council election, a Council Committee Interest Form (see sample attached) shall be completed by each member of the City Council. Following that, appointments to committees will be made by the Mayor, with the consent of the City Council, as soon as practicable after the annual City Council election. The Mayor shall make new appointments as needed to fill vacancies in order to assure continuity on the committees.

(I) Term of office

The term of office of any member of a standing committee shall begin upon appointment by the Mayor and confirmation by the City Council. The term shall continue until a replacement is appointed or until a committee member no longer holds a position on the City Council.

(J) Chair

The Chair of each committee shall be selected by the Mayor.

(K) Convening meetings

The committee Chair shall have the responsibility for convening the committee as necessary.

(L) Minutes of meetings

Committees shall keep minutes of their meetings. The minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those persons present at committee meetings. When completed, the minutes shall be signed by the Chair and filed with the City Secretary and promptly posted on the City's website.

(M) Agenda postings

Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act. Such notices shall be posted in a manner that contemplates the attendance of a quorum of the City Council.

(N) Recommendation regarding the continuation of committees

The Mayor shall annually review the activity of existing committees to identify inactive committees and provide a report to the Council recommending which committees should be continued and which dissolved.

**Section 4 Appointments by the City Council to outside organizations of which the City is a member**

(A) Under State law or by reason of contract or other arrangement, the City is represented in the affairs of certain organizations that exist independently of the City. The City appoints representatives to those organizations who serve as voting members of the governing bodies of those organizations. Those persons are charged with representing the interests of the City. Currently, those organizations consist of the (1) Texas Municipal Power Agency; (2) North Texas Municipal Water District; and (3) Dallas Area Rapid Transit Authority. If an organization is created subsequent to the adoption of this policy to which the City is entitled to appoint a representative to the governing body of the organization, this policy shall apply until specifically amended to apply to the organization.

(B) The terms of office for representatives to those organizations vary, but are generally for two years. It is the intent of the City Council that the term of service is “at will” such that the representative may be removed without cause. If, by law, an appointment is for a definite period and an appointed representative may not be removed at will, controlling law shall prevail.

(C) In order to provide for timely appointments to the organizations, the City Council shall be advised at least 45 days in advance of the expiration of a representative’s term of office. The City Manager shall cause a notice to be placed on the City’s website for a minimum of 14 days in order to provide citizens the opportunity to apply for the position. At the close of the 14-day period, applications for the position will be presented to the City Council to allow the City Council to interview candidates for the position. At the close of the interview process, if one is held, the City Council shall make its appointment by minute action or resolution, as prescribed by law.

(D) Persons appointed by the City Council shall provide periodic, but not less than annual, updates to the City Council regarding the activities of the organization to which they have been appointed.

(E) The Mayor and members of the City Council may be asked, or may desire, to join outside organizations to promote the interests of the City. In such cases, unless membership in the organization has already been approved by policy (see, for example, Article II, Division 1, Section 6 relating to membership in the Texas Municipal League and its affiliates), the City Council shall be provided with a brief description of the organization, what it does, what benefits to the City membership in the organization will promote, frequency of meetings, and an estimate of annual costs of membership (including dues, conference fees, and travel costs). The City Council may approve membership in the organization by consensus and, if so approved, shall budget funds for associated costs. The City Council shall annually review City Council memberships in outside organizations during the operating budget approval process.

## **Section 5 State and Federal legislation and rule-making proceedings**

(A) The City Attorney, with the assistance of the City Manager, shall apprise the City Council of pending matters of legislation or rule-making that may affect the interests of the City. The Mayor or any two members of the City Council may request that a legislative or rule-making initiative be presented to the City Council for a formal determination by the City Council of endorsement or opposition. The City Attorney may, in the exercise of his professional discretion, determine to take action on or intervene in support of or opposition to a legislative or rule-making matter subject always, however, to the prerogatives of the City Council as the policy-making body of the City.

(B) This policy is not intended to prohibit or restrict a member of the City Council acting as a private citizen, and not on behalf of the City, from participating in legislative or rule-making matters provided the Councilmember does not in any way imply that the position of the Councilmember is the official position of the City unless the City Council has so decided. A member of the City Council may accurately represent himself or herself as an elected official and as a member of the City Council, but may not use City resources, staff, letterhead, official email, or any City-approved logo in doing so.

## **Section 6 Council travel and business expenses**

(A) Funds shall be provided in the City's budget for City Council travel and business expenses so that members of the City Council may attend the following:

- Annual meeting of the Texas Municipal League and affiliates
- Texas Municipal League newly-elected officials orientation (for newly-elected members of the City Council)
- National League of Cities and affiliates annual meeting - Washington, D.C.
- National League of Cities annual Congress of Cities (various locations)

- Other meetings as designated and approved by the Mayor or the City Council
- Attendance to committee or association functions related to the Texas Municipal League, the National League of Cities, or other organizations as approved by the Mayor or the City Council
- Attendance by the Mayor at the annual meeting of the U.S. Conference of Mayors

For purposes of this policy, “attendance” includes the payment of applicable membership fees for the Councilmember and the allowable expenses as described below. A member of the City Council may not commit to membership or participation in, or attendance at, meetings of organizations not listed in subsection (A) without the approval of the Mayor or the City Council except in the Councilmember’s individual capacity and at the Councilmember’s sole expense.

(B) A Councilmember who seeks to incur, or obtain reimbursement for, expenses allowed under this policy shall file with the Mayor an approval request or reimbursement request, as the case may be. An accounting of City-paid expenses (which may include a request for reimbursement) shall be made on the City’s standard expense report form (as promulgated by the City Manager for City employees) and must be submitted to the Mayor not later than twenty business days after completing the travel or incurring the expenses reflected in the expense report. A pre-approval request must be submitted as soon as practical prior to incurring travel or other authorized expenses. Travel arrangements should be made through the office of the City Manager and, unless otherwise authorized by the Mayor, may not be made by a Councilmember individually. The Mayor shall review and approve by signature, if appropriate, expense reports submitted by a Councilmember and the Mayor Pro Tem shall review and approve by signature, if appropriate, expense reports submitted by the Mayor.

(C) Allowable expenses include registration and necessary membership fees (provided that membership and registration should be completed through the office of the City Manager in advance, when possible).

(D) Councilmembers may select the appropriate mode of transportation. Payment or reimbursement of transportation expenses, however, will be based upon the most economical mode of transportation that is reasonable under the circumstances.

(1) If a Councilmember drives a personal vehicle on City business, reimbursement will be made at the lower of either the current mileage reimbursement rate published by the United States Internal Revenue Service or the most economical airline rate to and from the destination. A mileage accounting shall be filed using the City’s standard personal mileage trip sheet form and shall have attached thereto a calculation of mileage as determined by an on-line trip mileage calculator.

(2) Airline reservations should be made well in advance of the trip in order to

take advantage of any discounted fares.

(3) Rental vehicles are authorized, but only when the amount of travel when at the destination will make a rental vehicle more economical than a shared ride, complimentary shuttle or taxi service. If a rental vehicle is used, all supplemental car rental insurance and damage waivers should be declined. Car rental reservations must be made through the office of the City Manager.

(4) The City will pay for meals up to the current published U.S. General Services Administration (GSA) allowance for the destination if the purchase of meals is directly attributable to the conduct of City business. GSA allowance rates are available on-line at [www.gsa.gov](http://www.gsa.gov). If the destination city is not listed in the GSA tables, the standard rate will be used. The GSA allowance will be reduced pro-rata for meals provided at a conference, seminar or social event related to the travel and for meals provided as part of the airfare or purchase price of other authorized modes of travel. For less than complete days spent on authorized travel, the GSA allowance will be prorated as follows: Breakfast - 20% of GSA allowance; Lunch - 30% of GSA allowance; Dinner - 50% of GSA allowance. Unused portions of the GSA allowance may not be accumulated or carried over into a following day.

(5) The City will pay for lodging accommodations through the duration of the meeting, seminar or business travel event. If accompanied by a family member or others, the Councilmember will pay any difference between the single and double- or multiple-occupancy rates, if any, for the accommodation.

(6) Reasonable baggage handling, parking, tolls, service and similar gratuities and expenses are allowed (receipts are not required but the amount must be reflected on the expense report). Other travel-related expenses not specifically covered in this policy require the approval of the Mayor.

(7) Disallowed expenses: The following expenses will not be paid or reimbursed by the City:

- Trip or travel insurance
- Expenses attributable to family or companions
- Premium or first-class lodging, transportation or meals
- Airfare or rental car expenses not purchased through the office of the City Manager (except as otherwise approved by the Mayor)
- Alcoholic beverages
- In-room movies, games or other entertainment
- In-room meal service fees (the meal is reimbursable if otherwise allowed under this policy)

- Valet service, with the exception of required valet parking
- Laundry service for stays of less than seven days
- Gratuities in excess of 20%

(E) If a Councilmember is owed more than \$100.00 in reimbursement, the office of the City Manager shall process an accounts payable request through the City's accounts payable system. If less than \$100.00 is owed, reimbursement may be made from an appropriate petty cash fund. If the Councilmember owes the City money, the Councilmember must reimburse the City within twenty business days after completing travel or incurring the expense. A check payable to the City shall be attached to the original, signed expense report. If a completed, signed expense report is not timely submitted or, if a completed expense report appears to contain non-allowed or disallowed expenses, the office of the City Manager shall report the same to the Mayor (or to the Mayor Pro Tem if the report pertains to the Mayor). A late report or a report that contains non-allowed or disallowed expenses shall be discussed by the Mayor or Mayor Pro Tem directly with the Councilmember who incurred the expenses. If the matter is not resolved within ten days, the matter will be referred to the City Council for resolution. The City Council is responsible for enforcing this policy.

## **Section 7 Council requests for information or services**

(A) By Charter, the people of Garland have chosen a council-manager form of government. In keeping with that form of government, the City Charter specifically provides:

Neither the City Council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager or by any of his subordinates. However, the Council may consult and advise with the City Manager, make inquiry regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the City Manager, the Council and its members shall deal solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Willful violation of the foregoing provisions of this Charter by any member of the Council shall constitute official misconduct and shall authorize the Council, by a vote of a majority of its membership, to expel such offending member from the Council, if found guilty after public hearing, and thereby create a vacancy in the place held by such member.

(B) The City receives thousands of service requests, information requests, and complaints each month. Some of those requests and complaints are received through members of the City Council and some may be initiated by a member of the City Council. For requests and

complaints received or initiated by a member of the City Council, this policy is intended to provide for an expeditious and thorough means of resolving such requests and complaints by providing access to the appropriate level of City management without violating the prohibition on interference contained in the City Charter.

(C) Requests and complaints received through or initiated by members of the City Council generally fall into three categories. Requests and complaints may be made either verbally or in writing, including email. The following guidelines will apply when processing requests or complaints:

<b>SERVICE REQUESTS</b>	
<b>TYPE:</b>	<b>REFER TO:</b>
First time request for routine service when a response to the Councilmember is not desired. A department representative will contact the requestor if necessary.	Department service line Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Second or third time for routine service request when a response to the Councilmember is not desired. The department head or a representative will contact the requestor.	Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Routine service request involving more than one department when a response to the Councilmember is not desired.	Responsible department heads or managing directors Assistant City Manager or Deputy City Manager City Manager
Routine service request when the Councilmember desires a response.	Responsible managing director Assistant City Manager or Deputy City Manager City Manager

<b>SERVICE REQUESTS</b>	
Service request that is not routine or that involves a major resource allocation. A response shall be provided to the Councilmember.	Assistant City Manager or Deputy City Manager City Manager

<b>INFORMATION REQUESTS</b>	
Information that is readily available (on file or that can be provided verbally).	Responsible department head Assistant City Manager or Deputy City Manager City Manager
Information that is available but that requires compilation or interpretation.	Assistant City Manager or Deputy City Manager City Manager
Information that involves more than one department and that requires compilation or interpretation.	Assistant City Manager or Deputy City Manager City Manager

<b>COMPLAINTS</b>	
Routine service complaints regarding quality or quantity of service when no response to the Councilmember is desired.	Responsible department head or managing director Assistant City Manager or Deputy City Manager City Manager
Service complaints regarding quality or quantity of service when a response to the Councilmember is requested.	Assistant City Manager or Deputy City Manager City Manager
Complaints regarding the conduct or performance of a City employee.	City Manager

<b>COMPLAINTS</b>	
Complaints involving a City policy, procedure, or ordinance.	Assistant City Manager or Deputy City Manager City Manager City Council

(D) Information regarding the submission or resolution of a service request, information request or complaint is generally public and may be shared with other members of the City Council. A member of the City Council has no expectation of secrecy regarding the submission or resolution of a service request, information request or complaint. Information received from or given to a member of the City Council is information that may be given to all members of the City Council.

## **Section 8 Who shall act as Mayor**

The City Charter provides, “In case of the absence or disability of both the Mayor and the Mayor Pro Tempore, the remaining members of the Council shall elect one of the members to act as Mayor.” Because there may not be time to assemble a quorum to elect a person as mayor under such circumstances, and in order to increase the efficiency of government, the City Council may choose to elect a deputy mayor pro tempore to act as mayor when the Mayor and the Mayor Pro Tem are absent or disabled. If the City Council chooses to have a deputy mayor pro tempore, the election for the position shall be held at the first regular meeting of the City Council that follows the annual goal-setting retreat. The City Manager shall place an item on an agenda for consideration by the City Council each year.

## **Section 9 Communications on behalf of the City by members of Boards and Commissions**

(A) Boards and commissions, whether established by reason of State law, the Charter, by ordinance or on an ad hoc basis, are an integral part of the municipal government process. The citizens who serve on City boards and commissions provide an important service to the citizens of Garland. Boards and commissions, and the members of those boards and commissions, do not, however, speak for the City on larger issues of City governance. The City Council is responsible for all aspects of the City’s governance and it is the legislative and policy-making body for the City.

(B) If a board or commission desires to communicate to others a position on any matter of public concern, the board or commission shall first seek approval from the City Council before engaging in such communication. The City Council will speak for the City. The City Council will determine whether and what will be the official position of the City on

the issue presented by the board or commission.

## **Section 10 Appointments to boards and commissions**

Generally, appointments to boards and commissions shall be made by the City Council annually during the month of August. The general term of office for a council appointee begins on September 1 and expires on August 31 in the year in which the term of office of the member of the City Council who made the appointment expires. If a vacancy occurs before a term is completed, the Councilmember representing the district in which the vacancy occurs shall be responsible for nominating a replacement.

## **Section 11 Annual performance and compensation review of council appointees**

(A) The City Council appoints the City Manager, the City Attorney, the City Secretary, the Internal Auditor, and the judges of the Municipal Court. Except for the chief presiding judge and the associate judge of the Municipal Court (whose terms of office are prescribed by State law), council appointees are employed under contract, the term of which shall not exceed one year. The performance of and compensation afforded to council appointees shall be reviewed and evaluated by the City Council annually.

(B) The City Manager shall cause the Managing Director of Human Resources to provide the City Council with:

(1) The current compensation paid and salary ranges applicable to officials with similar duties and comparable responsibilities employed by comparable municipalities in Texas; and

(2) Information regarding applicable municipal populations, departmental or functional staff support personnel, years of experience of each official in that official's present position, and benefits or perquisites provided.

(C) A copy of the information gathered by the Managing Director of Human Resources shall be forwarded to the respective appointee. The appointee may submit to the City Council comments regarding the information considered relevant for review.

(D) The City Council shall, in executive session:

(1) Meet to review the applicable performance-related goals and objectives, if any, established for each individual appointee for the preceding review period and define those goals and objectives to be considered for the next review period;

(2) Meet with each appointee individually to discuss the appointee's performance and achievements;

(3) Discuss and evaluate the appointee's performance during the preceding review period and, if applicable, the goals and objectives to be established for the next review period; and

(4) Determine the compensation, benefits, and perquisites to be afforded to the appointee.

(E) The Mayor shall notify each appointee of the compensation and benefits determinations made by the City Council and discuss with the appointee any additional comments or suggestions made by the City Council regarding such appointee. Follow-up sessions to clarify the evaluation or review progress with the City Council may be scheduled if necessary. The City Attorney shall be directed to prepare an appropriate employment agreement for each appointee who is employed under contract and that is reflective of the directions given by the City Council for that appointee. The employment agreements shall be placed on an agenda for formal approval by the City Council. Municipal judges are appointed for two year terms without contract, but compensation may be adjusted annually by the City Council. Note: Part-time associate judges are hired under informal contract by the presiding chief judge of the Municipal Court and are compensated in accordance with funds allocated for such purposes in the annual budget as approved by the City Council.

(F) After final approval by the City Council, the City Manager shall inform the Managing Director of Human Resources of the compensation adjustments that need to be implemented, as applicable, and shall cause the Managing Director of Human Resources to promptly prepare and process all the documentation necessary to implement the compensation determinations of the City Council as directed.

## **Division 2. LAND USE, ZONING, AND DEVELOPMENT PROCEDURES**

### **Section 1 Appeals from recommendations of the Plan Commission**

(A) Certain matters decided by the Plan Commission are subject to the right of appeal to the City Council. If an appealable decision is rendered by the Plan Commission, the Department of Planning shall notify the affected applicant of the decision in writing or by electronic communication. The notification shall advise the applicant that the applicant may file an appeal from the decision within the time provided in this policy.

(B) Subject to the provisions of the Garland Development Code, an applicant who is aggrieved by a decision of the Plan Commission may appeal to the City Council, if an appeal to the City Council is provided by the applicable ordinance, by filing a written notice of appeal. Unless a different procedure is specified in the Garland Development Code, the notice of appeal shall be filed not later than the time provided in the applicable

ordinance for the filing of an appeal or, if no such time is provided by ordinance or other law, not later than fifteen days after the date of the Plan Commission decision being appealed. Upon receipt of a timely notice of appeal, the Director of Planning shall set the matter for hearing with the City Council on the earliest available agenda setting.

## **Section 2     Procedures and deadline for the filing of objections to zoning changes (the “20% rule”)**

(A)     Section 211.006, TEX. LOCAL GOV’T CODE provides that a proposed zoning change must receive the affirmative vote of not less than three-fourths of the members of the City Council if the change is protested by 20% or more of the owners of the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. That provision is generally referred to as the “20% rule”.

(B)     For purposes of clarity: (1) the area to be included in a calculation as to the applicability of the 20% rule is the 200 feet provided by State law, not the extended 400 foot notification area provided by the Garland Development Code; and (2) the three-fourths votes required means 6 affirmative votes, not merely three-fourths of the membership present and voting. For the latter reason, if less than all members of the City Council are present at a meeting on a zoning change in which the application of the 20% rule may be invoked, the City Council may postpone without further debate the hearing on the change.

(C)     A protest must be made in writing and timely received by the City in order to be included in the calculation whether the 20% rule has been invoked. A written protest must be filed by each protesting owner – inclusion of an owner’s name on a petition or other collective protest not actually signed by the owner or an authorized representative of the owner will not be counted in the calculation.

(D)     A protest will not be considered timely, unless it has been submitted in writing prior to the close of public comments on the proposed change. A protest may be submitted by email or other electronic communication form recognized by the City for the receipt of official correspondence, but a protest so submitted must be received no later than noon on the day of the first public hearing at which the zoning change will be considered.

(E)     If a zoning change is approved by a majority of the City Council but nonetheless disapproved by operation of the 20% rule and a motion to reconsider has been granted, a new protest must be filed by the affected owner in order to invoke the 20% rule for the zoning change being reheard. If the zoning change is disapproved by a majority of the City Council regardless of the application of the 20% rule and a motion for reconsideration is granted, a written protest timely filed in the initial zoning change case will be carried over and applicable to the case on rehearing.

### **Section 3      Reconsideration of zoning change denials**

(A)    The applicant for a change in zoning may request the reconsideration of a denial of a change in zoning. A motion for reconsideration must be filed with the Director of Planning, in writing. The motion must be filed before the close of business not more than five business days following the meeting at which the zoning change request was denied.

(B)    The motion for reconsideration must demonstrate that new considerations not known or discoverable at the time of the original hearing constitute good cause for reconsidering the request. The following circumstances generally do not justify the granting of a motion to reconsider:

          (1)    Failure of the applicant to appear at the hearing of the City Council at which the request was denied;

          (2)    Failure of the applicant to be adequately prepared for presentation of the request to the City Council; or

          (3)    Absence of one or more members of the City Council from the meeting at which the request was considered or denied.

Additionally, modifications of a request to address matters identified in the planning report for the zoning change request as reasons for a recommendation of denial are a disfavored basis of reconsideration. Nonetheless, the City Council retains the authority to review each motion for reconsideration on its merits in order to determine if a reconsideration of a request is in the best interest of the public.

(C)    A request for reconsideration will be heard by the City Council at the next meeting immediately following the denial of the zoning change request. A motion to grant reconsideration may only be made by a member of the City Council who voted in favor of denial of the request. A motion to grant reconsideration may be seconded by any member of the City Council. A vote of not less than five members of the City Council then present, is required to grant a motion for reconsideration. If a motion for reconsideration is granted, the case shall be re-advertised and placed on the next appropriate agenda of the City Council. A denial of a motion for reconsideration may include a motion to waive the one year rule provided in the Garland Development Code that prohibits the consideration of a zoning change request within one year of the denial of a request for a change in zoning for the affected tract of land. A denial of a change in zoning may also be made “without prejudice” to re-filing for the same purpose.

### **Section 4      Citizen-initiated street name changes**

(A)    Street name changes may be initiated either by the City or by citizen request. A

street name change request initiated by citizen request will be considered only if 80% or more of the owners of property that will be directly affected by the street name change favor the request. A street name change request may be approved; if the City Council determines that the change is in the public interest and that the name will not cause confusion, continuity or way-finding problems or otherwise adversely affect the public interest.

(B) A request to change a street name must be in writing. The application for a street name change must indicate the proposed name change, the limits (by block number) of the name change, and the reasons for the change in name. A fee of \$500 shall be submitted with the written application for change in name to cover the cost of reviewing the proposal. If an initial determination is made that the change in name will cause confusion, continuity or way-finding problems or otherwise adversely affects the public interest, the applicant(s) shall be notified by the City and the initial application fee shall be refunded. If the proposed name is not acceptable, the applicant(s) shall be given an opportunity to propose another name before the application is disapproved. If the proposed name change is recommended for consideration to the City Council, the applicant(s) shall pay an additional fee based upon the actual costs of research of and notification to addresses that will be directly affected by the proposed name change. If the proposed name change is recommended for consideration to the City Council, the applicant(s) must obtain the written approval (an adequately descriptive petition is acceptable) of at least 80% of the affected property owners.

(C) Upon confirming that written approval has been obtained from the requisite number of affected property owners and payment of estimated sign replacement costs by the applicant(s), a public hearing shall be held by the City Council to consider the proposed name change. A name change may be made only by ordinance. If the name change is disapproved, the estimated sign replacement costs shall be refunded to the applicant(s).

## **Section 5 Private streets**

(A) Private streets are an allowed option under the Garland Development Code. The private street option may be chosen in order to provide a means of limiting access into a development (for example, in private, gated communities), in order to maximize the amount of non-public area within a development, or for other development reasons. The City has no responsibility for any expenses related to the construction, maintenance or repair of a private street.

(B) In recognition of the possibility that a street constructed as a private street may eventually be, and occasionally are, after a period of time, turned over for public use as a public street and to ensure that private streets are built to the same standards and quality of public streets, the following standards apply:

(1) A private street is not allowed within a development without the prior approval of the City Council either through zoning approval or by separate development agreement.

(2) A private street must be designed, constructed, and maintained in accordance with the standards for public streets of the type and capacity most like the proposed private street, including width, turning radii, pedestrian ways and sidewalks, street lighting, and utility facilities.

(3) Private streets are allowed only in residential developments. Streets within a commercial or industrial development must be public. If, however, access to the proposed street will be restricted (such as by gates or security personnel) the streets must be private. Limited access public streets are not allowed.

(4) The City is not responsible for the construction or maintenance of any aspect of a private street, including repairs or other maintenance. Accordingly, some perpetual funding source (such as an assessment-levying capable homeowners' association) for repairs must be provided for all maintenance of a private street.

(5) Only the City Council has authority to accept the public dedication of a street formerly constructed or used as a private street, and the City Council will only do so under the following conditions:

(a) The street meets all City requirements as to design and construction standards - upgrades to meet current City standards must be completed prior to the acceptance of the dedication;

(b) The area to be dedicated as a public street includes adequate room for sidewalks, street lighting, and utilities;

(c) The street provides adequate accessibility for emergency vehicles; and

(d) All gates and other limits to accessibility have been or will be removed without cost to the City prior to the acceptance of the dedication.

(C) Design plans for all proposed private streets shall be submitted for approval to the Department of Engineering in the same manner that plans for public streets are submitted. Approval or disapproval by the Department of Engineering will be determined in reference to this policy. A request for a variance from the requirements of this policy must be submitted to the City Council for approval or disapproval.

## **Section 6     Additional public notification of City activities**

(A) In order to encourage public awareness of and participation in City matters, timely prior notification to the public must be given in addition to that contemplated by the Texas Open Meetings Act or other laws relating to specific notifications such as zoning changes, tax rates, and budget approval. This policy is intended to supplement the notifications required by law, including those contained in the Charter, the Code of Ordinances, and the Garland Development Code.

(B) The City shall endeavor to provide notice of the following matters at the earliest practical opportunity but, of course, no later than otherwise required by law:

- Adoption or amendment of the City's comprehensive plan
- Changes to the thoroughfare plan
- Changes to the City's municipal boundaries (whether by annexation or dis-annexation or by boundary adjustment agreement with another municipality)
- Changes to the City's territorial jurisdiction
- Amendments to the Garland Development Code
- Adoption or amendment of the annual City budget
- Adoption or amendment of the capital improvements budget
- Revisions to flood insurance rate maps and flood boundary-floodway maps affecting the City
- Special paving or drainage assessment projects

(C) In addition to posting, publication, and delivery of notice as required by law, the City shall endeavor to provide notice by mail, by email, or by other electronic delivery means to homeowners' associations and civic groups that have previously registered with the City Secretary for such purposes. An association or group must register in writing on a form or in a format provided by the City Secretary and shall provide at minimum a mailing address, an email address, and the phone number for the person designated to be the point of contact for the association or group.

## **Division 3. FINANCIAL AND FISCAL INTEGRITY PROCEDURES**

### **Section 1     Rotation of outside auditing firms for annual audits**

The City is required by Charter and State law to have performed annually an independent audit of accounts and other financial transactions of the City by an outside auditor. The integrity and quality of the audit is of paramount concern to the City, to its citizens, and to those considering investments in or transactions with the City. The Audit Committee and staff shall review the outside audit each year to determine whether the City Council should consider a change in the firm conducting the outside audit or a change in the senior auditor

in keeping with the goals stated in this policy.

## **Section 2     Financial policy; statement of investment strategy; statement of investment policy**

The City Council shall annually adopt, by resolution or minute action, a financial policy, a statement of investment strategy, and a statement of investment policy as required by and in conformance with State law.

## **Section 3     Detecting, investigating, and preventing fraud, waste, and abuse**

(A)    For purposes of this section:

“Fraud” includes, without limitation:

- Forgery, alteration, or unauthorized negotiation or presentment of a check, warrant, bank draft, or any other financial document of the City or its affiliates including electronic transfer of funds
- Theft of City property, including money or other thing of value
- Misappropriation of City funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transaction
- Profiteering as a result of insider knowledge of City operations
- Disclosing to another for improper gain and without authorization any confidential or proprietary information of the City
- The receipt of kick-backs, bribes or improper gifts
- Sabotage or other acts of intentional damage to City resources, including improper access or damage to a City database

“Waste” means the loss or misuse of City resources that result from deficient practices, system controls or decisions. A non-exclusive example of waste includes a violation of the City’s non-idle policy, that is, waste of fuel by needlessly allowing a vehicle to idle.

“Abuse” means the intentional, wrongful or improper use of resources or misuse of rank, position or authority that causes the loss or misuse of City property or resources such as tools, vehicles, computers, fuel, or employee time. Non-exclusive examples of abuse include using City equipment or supplies to conduct personal business and using non-confidential information to get new customers for an employee’s outside business.

(B)    The City Manager shall be primarily responsible for preventing and detecting fraud, waste, and abuse involving City employees. The City Manager shall require his managerial employees to be responsible for initiating preventive measures where appropriate, to be familiar with the types of improprieties that might occur within the

managerial employee's area of responsibility, and to be alert for any indication of fraud, waste or abuse. The City Manager shall establish by directive rules for City employees regarding fraud, waste, and abuse consistent with the provisions of this policy. The directives shall apply to all employees of the City Manager and without regard to a suspected employee's length of service or position. The directives shall require that any employee who detects or suspects an incident of fraud, waste or abuse shall immediately report the same to the next higher level of supervision in the employee's chain of command. If the person in the next higher level of supervision is also suspected of fraud, waste or abuse, the employee shall report the fraud, waste or abuse to the Managing Director responsible for the department to which the employee is assigned. The directives shall allow an employee to by-pass the chain of command by reporting suspected fraud, waste or abuse to the hotline described below.

(C) The provisions of this policy apply to persons doing business with the City.

(D) The Internal Auditor shall establish and operate, with the cooperation of the City Manager, a "hotline" phone number or on-line intake system to which a person may anonymously report fraud, waste or abuse. A fraud, waste, and abuse hotline poster shall be developed by the City Manager and the Internal Auditor and shall be displayed at prominent locations throughout City buildings. The poster shall include information as to how an allegation may be reported through the hotline system.

(E) As a general rule, the Internal Auditor has primary responsibility to investigate allegations of fraud and the City Manager has primary responsibility to investigate allegations of waste and abuse. No definitive rule is established by this policy, however, due to the unique circumstances of any given case. Some allegations of fraud - the theft of minor office supplies, for example - while serious, are matters to be addressed through the City Manager for appropriate action. An allegation of abuse or waste, on the other hand, may involve a criminal offense or have such substantial consequences to the interests of the City that the Internal Auditor should have the primary responsibility for investigation. An allegation that relates to an employment dispute (disagreement with management decisions or style, workers compensation issues, claims of discrimination or workplace grievances and such) shall be referred to the Managing Director of Human Resources to be handled in accordance with controlling law and City policies. The City Manager, the Internal Auditor, and the City Attorney are directed to cooperate in determining the best means of protecting the City's interests.

(F) When the Internal Auditor receives an allegation of fraud, waste or abuse, the Internal Auditor shall:

(1) Determine whether the Internal Auditor or the City Manager has primary responsibility over the allegation as provided in this policy and proceed accordingly;

(2) If the Internal Auditor has primary responsibility, perform an initial investigation to determine whether the complaint alleges reasonable cause to continue with an investigation; and

(3) If the complaint alleges a serious instance of fraud, waste or abuse under this policy, refer the complaint to the Fraud, Waste, and Abuse Committee (as described below) for further discussion and direction.

(G) The Fraud, Waste, and Abuse Committee consists of the Chair of the Audit Committee, the Internal Auditor, the City Manager, the City Attorney, and the Managing Director of Human Resources. The Chief of Police may be made a member of the committee if an allegation includes conduct that may constitute a crime or the standing committee may refer a matter to the Chief of Police for criminal investigation.

(H) The Internal Auditor, in coordination with the Fraud, Waste, and Abuse Committee, shall report serious incidents to the City Council either directly or through a report to the Audit Committee, which shall then report the matter to the City Council. The report generally should not include the names of persons involved in the incident. Minor or non-serious incidents are generally internal management issues and reports of such to the City Council are not appropriate. The director of the department in which the incident arose shall, however, provide a written report to the City Manager regarding what actions were taken in response and what corrective actions will be taken to prevent recurrences.

#### **Section 4      Qualifications for doing business with the City**

(A) For purposes of this policy, “person” includes: (1) an individual; (2) a majority owner or principal of a corporation, partnership, association, or limited liability company; (3) shareholders in a business entity with five or fewer shareholders; and (4) majority owned affiliates of the foregoing.

(B) It is the policy of the City Council that the City not engage in business with a person who has been convicted of any state or federal felony offense. The City shall not, except as provided in this policy, enter into or renew a contract to purchase, sell, or lease goods or services to or from any person who has been: (1) convicted of a state or federal felony; or (2) convicted or fined in excess of \$50,000 on certain state or federal discrimination offenses. A conviction includes a probated sentence, a deferred adjudication, or similar disposition. Discrimination charges include only those brought for discrimination based on race, gender or religion.

(C) This policy does not apply when:

(1) At least three years have elapsed between the conviction and the approval of the contract;

- (2) The contract does not require City Council approval;
  - (3) Anything of value is paid or given to a person as an informant or participant in a crime stopper program; or
  - (4) The City Council determines that application of this policy to a proposed contract would cause financial hardship to the City by its application (in which event the City Council may waive the application of this policy by the affirmative vote of not less than six members of the City Council).
- (D) For bid applications that may result in a contract award by the City Council, the bidder shall include a certification in the offer that the bidder is not disqualified by the application of this policy.

#### **Division 4. STANDARD OPERATING PROCEDURES AND HOUSEKEEPING RULES**

##### **Section 1 National Night Out**

National Night Out is an event recognized throughout the United States and Canada and held annually on the first Tuesday in August (October in Texas). It is designed to heighten crime and drug prevention awareness, generate support for and participation in local anti-crime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know that neighborhoods are organized and fighting back. Because the scheduled National Night Out often conflicts with the regularly scheduled first regular council meeting in October, a rescheduling of that meeting is necessary. Therefore, the first regular meeting of each October, normally held on the first Tuesday of the month, shall be rescheduled either to the first Monday of the month or to the second Tuesday of the month, when there are five Tuesdays in the month. The City Manager shall advise the City Council of scheduling options in order that the City Council may take action to reschedule the meeting not later than the second regular meeting in September.

##### **Section 2 Board and commission appointments**

(A) In April of every year, the City will, through the Garland City Press or similar distributions, include information for the public that explains the purpose and function of every board and commission appointed by the City Council. The information will solicit applications from interested citizens. Applications for appointment must be delivered to the City Secretary and shall be submitted on a form provided by the City Secretary for that purpose. Upon receipt of an application, the City Secretary shall check the applicant's qualifications against the requirements for appointment to the office for which appointment

is sought. The deadline for submitting an application is July 1. Following the filing deadline, the City Secretary shall forward applications, including those submitted by incumbents who wish to be reappointed to a position, to the City Council for consideration. The City Council shall also be provided with an attendance report detailing the number of absences of each current board member for the preceding reporting period and a report on current vacancies.

(B) Councilmembers should review applications submitted for the position to be filled and select for nomination the person determined by the Councilmember to be most qualified for the position. Appointments will be made on nomination at the second regular meeting of the City Council in August.

### **Section 3 Assistance to non-profit organizations for special events**

(A) A non-profit organization that intends to sponsor a special event within the City may request in-kind (non-monetary) assistance from the City by submitting a written request to the City Manager. A request for assistance must be made for each event - standing or continuing requests are not allowed. A request for assistance must specify what benefits will accrue to the City as a result of the event and must specify with reasonable particularity what City services are being requested. A request for assistance must include a completed Special Events Assistance Program Application (see attached form). The request and application must be filed not less than 45 days prior to the date of the event. A request for assistance does not constitute an application for a special events permit under Chapter 30 of the Code of Ordinances unless so determined by the Building Official.

(B) In order to be approved, a request for assistance must meet the following criteria:

(1) The sponsoring organization must provide evidence that the organization is an established civic, cultural, educational, religious or service group that is nationally- or state- chartered and that its membership is open to all citizens of Garland;

(2) The organization must provide proof of non-profit status under Section 501(c) of the Internal Revenue Code;

(3) The event must be of economic benefit to the community or contribute to the quality of life in Garland;

(4) An expense and revenue report for any previous year's event(s) must be included with the application;

(5) If the applicant has not previously obtained City assistance for the event, a projected expense and revenue report must be included with the application; and

- (6) The event must be open for participation by the public.
- (C) The City Manager may approve a request that meets the criteria established in this policy up to a maximum of \$5000.00 per event, within available budgeted funds. Requests shall generally be considered on a first-come, first approved basis.
- (D) The amount, if any, to be made available for assistance under this policy will be determined by the City Council on an annual basis as part of the annual operating budget.
- (E) The City Manager shall timely notify the City Council of any upcoming special events for which assistance under this policy has been approved.

#### **Section 4 City equipment provided to members of the City Council**

- (A) The following items will be provided to members of the City Council:
  - (1) A laptop computer or tablet with Wi-Fi or other remote access capabilities;
  - (2) A building access/ID card;
  - (3) Business cards; and
  - (4) A cell phone or a cell phone stipend, payable monthly.
- (B) The City Council shall annually budget sufficient funds to provide the items and expenses described in subsection (A). Ordering and delivery of equipment must be coordinated with the Office of the City Manager in order to insure consistency of equipment capabilities and cost control. Equipment problems shall be referred to the Office of the City Manager. Each member of the City Council is responsible for promptly returning all City-provided equipment, access/ID cards, and keys (if any) to City facilities upon completion of the member's term of office. A Councilmember may, on completion of the member's term of office, purchase the laptop computer or tablet provided to that member for not less than fair market value if the device is considered obsolete and will be replaced by an upgraded device. Fair market value for the device will be determined by the City's IT department.

#### **Section 5 Periodic Charter review**

The City Attorney shall periodically advise the City Council whether, due to changes in the law, a necessity exists for a change in the Charter. If the City Council determines that a change in the Charter should be considered, it shall timely appoint a Charter Review Committee in accordance with the Charter.

## **Section 6     Election day political sign moratorium**

(A) Traditionally, persons who support (or oppose) a candidate or a measure in an election often urge voters arriving at a polling place on election day to vote in the manner endorsed by those supporters through various means of electioneering, including personal contacts, and by displaying signs near the polling place. Under the City's general sign regulations, the placement of political signs on City property and streets is prohibited. This policy is intended to provide for a one-day moratorium on the placement of political signs at a polling place on the official date of an election.

(B) The City Manager is directed to hold in abeyance the enforcement of those provisions of the Code of Ordinances and the Garland Development Code for the premises of a polling place and the immediately adjoining, contiguous public street front of the polling place for a period commencing at 7:00 p.m. the day before the official date of an election and ending at 7:00 a.m., the day following the election. The abeyance provided hereby shall apply only to signs containing a political message and only applies if the sign: (a) is no larger than six square feet in area and weighs no more than one pound; (b) is mounted to the ground by means of a stake or stakes, a pedestal, or other temporary, ground mounted, self-supporting means; and (c) does not encroach on the distance barrier prescribed by Sec. 63.100, Texas Election Code.

(C) Nothing contained in this policy shall be construed as allowing the placement or attachment of any sign on any tree, pole, building or other sign or damaging in any manner any City property. This policy is not intended to limit in any manner the authority of the State or election officials regarding electioneering and the placement of signs, and this policy does not require the owner of a polling place not owned by the City to allow the placement of signs on that property. No sign may be placed so as to encroach upon or obstruct any street, driveway, parking space, fire lane, sidewalk or pathway.

(D) If the sign contains a political message, this policy applies, and the City Manager does not have discretion to determine whether the viewpoint expressed on the sign falls within or without the moratorium authorized by this policy. No member of the City Council shall demand that a sign be removed or that any provision of the City's sign regulations otherwise be enforced with respect to any political sign covered by this policy.

## **Division 5.   CEREMONIAL AND HONORARY PROCEDURES**

### **Section 1     Building dedication plaques**

Dedication plaques may be placed on new City buildings, City buildings that have undergone major rehabilitation, and on other major capital improvement projects. The dedication plaques, if commemorating members of the City Council, shall include only the names of the mayor and the members of the city council who initially approved the project.

The names of members of the City Council who approved preliminary matters (such as the capital improvements plan) or subsequent matters (such as change orders) need not be included.

## **Section 2     Outgoing appreciation commemoratives**

(A)    The City shall recognize the service of outgoing members of the City Council by presenting the member with a City flag and a commemorative memento that displays the City of Garland seal and the name and years of service of the Councilmember. An example is attached. The design and form of the memento shall be coordinated through the Office of the City Manager in order to provide consistency and cost control. The City Council shall budget funds necessary and appropriate for such purposes.

(B)    In recognition of the services provided by the citizens who serve as appointees to boards and commissions, the City Council shall budget for an annual appreciation function to be held in the Fall for all members of boards and commissions who have served during the preceding year. At that time, members who are retiring will be presented with a commemorative recognition of appreciation for service to the City in a form provided by the City Manager.

## **Section 3     Ceremonial documents**

Certain ceremonial documents may be issued by the Mayor including proclamations, special recognitions, resolutions of honor, honorary citizenships, and official greetings. A member of the City Council may request the preparation of certificates of appreciation for presentation to citizens who the Councilmember wishes to recognize for outstanding service to Garland. All requests for ceremonial documents shall be made in writing to the Office of the Mayor. The request shall describe the occasion or person to be commemorated, the value of that person or occasion to Garland, and how the proposed commemoration relates to the citizens of Garland. The Mayor shall determine whether to approve the request and, if approved, what form of commemoration will be given and whether the commemoration will be presented at a meeting of the City Council.

## **Section 4     Meritorious service awards**

On occasion, a citizen or employee of the City may perform an act of heroism or provide service to the citizens of Garland beyond the call of duty. The City Council may recognize such acts and service by issuing a City Council “Medal of Honor” to deserving recipients. A nomination for the award of a meritorious service award may be submitted to the City Council by any member or, if the nomination is made by a citizen, by forwarding the nomination to the Mayor.

## **Division 6. COUNCIL DIRECTIVES TO MANAGEMENT**

### **Section 1 Public use of City Hall**

The City Manager shall develop a program to allow for the use of the Council Chambers and the 1st Floor meeting rooms in City Hall by non-profit groups. The program shall be consistent with current security protocols and shall recognize the public use of City Hall for public business as paramount.

### **Section 2 Compensation of City employees**

It is the policy of the City Council that, within the City's financial and budgetary limits, all City employees will be compensated at a level that is competitive with the compensation paid to employees within the City's employment market area. The City Manager is directed to have annual compensation surveys conducted within the City's employment market area to determine whether employment compensation for City employees is competitive for such purposes, and to perform occasional job evaluations to determine what compensation adjustments should be made for persons already employed by the City.

### **Section 3 Homeowner's association by-law review**

Some homeowners' associations within the City must submit the by-laws (or amendments to the bylaws) of the association to the City for review and approval. The City Manager shall designate a department for such purposes and shall cause the review to be limited to a determination whether the proposed bylaws, including any proposed amendment, adequately provides a source of funds and a means of obtaining those funds (such as through mandatory homeowners' association assessments) to pay for the upkeep, repair, and maintenance of any improvements owned by the association including public improvements such as screening walls, subdivision entry features, and the like.

### **Section 4 Right of way acquisition and waiver of special assessments**

The City Manager is hereby authorized to offer, in exchange for a dedication of right of way necessary for the completion of a street improvement project, the waiver of special assessments that will or may be assessed against the owners of real property that abuts the project.

### **Section 5 Restrictions on the representation of third-parties by former City employees ("revolving door policy")**

A former employee of the City who was employed as a departmental director, managing director, senior managing director, or as the City Manager may not make any communication to or appearance before the City Council before the second anniversary of

the date the former employee ceased to be employed by the City if the communication or appearance is made: (1) with the intent to influence the City Council; (2) is made or done on behalf of any person other than the former employee in an individual capacity, and; (3) is made or done in connection with any matter on which the former employee seeks official action.

## **Section 6 “Over-hiring” of civil-service positions for police and fire**

The City Council recognizes that, when a vacancy occurs in an entry-level civil service position, the process of recruiting and training a replacement may take more than a year. Due to the time lag, the rigors of training, and other factors beyond the City’s control, a class of potential recruits may decrease in size by half or more during the recruitment and training process. The City Council also recognizes that the expected vacancy rate for the Police and Fire departments can be reasonably calculated. It is the desire of the City Council that staffing of civil service positions remain as close as possible to 100% of authorized strength. Accordingly, the City Manager is authorized to estimate the potential vacancies within the Police and Fire departments that are reasonably likely to occur within the future and, based on that estimate, hire a sufficient number of recruits for those positions so that, accounting for anticipated and historical attrition rates, the staffing level of civil service positions will likely be as close as possible to 100% of authorized strength.

## **Section 7 Doing business with delinquent account holders**

It is the policy of the City Council that the City not do business with a person (including a business entity of any sort) who is delinquent on an account to the City. Examples of delinquent accounts include taxes, impact fees, special assessments, utility bills, and EMS fees. The City Manager shall cause the affected departments within the City (including Purchasing, Engineering, Planning, and GP&L) to be provided with sufficient information to enforce the provisions of this policy.

## **Section 8 Payroll deductions under Sec. 141.008, TEX. LOCAL GOV’T CODE**

Membership dues payable to a bona fide employee’s association named by a requesting employee may be deducted from the requesting employee’s salary or wages provided that: (1) the requesting employee is an active, full-time employee; (2) participation by the requesting employee in the payroll deduction program is voluntary; (3) the requesting employee submits to the City a written request stating the amount to be deducted each month from the employee’s salary or wages; and (4) the written request specifies the employees’ association to which the deducted funds will be transferred. The City is under no obligation to incur any expense in the administration of an employee payroll deduction program.

**ATTACHMENTS:**

Council Committee Interest Form

Special Events Assistance Program Application

## COUNCIL COMMITTEE INTEREST FORM

Council Member: \_\_\_\_\_

Please identify the Committee(s) you would prefer to serve on, "1" being your first choice.  
Indicate at least two choices.

- \_\_\_\_\_ Audit
- \_\_\_\_\_ Administrative Services
- \_\_\_\_\_ Community Services
- \_\_\_\_\_ Development Services
- \_\_\_\_\_ Public Safety Services

Please check one of the following if you are interested in serving:

Garland Economic Development Partnership	_____ YES	_____ NO
North Central Texas Council of Governments	_____ YES	_____ NO
Dallas Regional Mobility Council	_____ YES	_____ NO



# GARLAND

TEXAS MADE HERE

## Special Event Assistance Application

Date Submitted \_\_\_\_\_  
(Must be minimum 45 days prior to event)

### SECTION 1: Event Information

Event title: \_\_\_\_\_

Organization: \_\_\_\_\_

Event location: \_\_\_\_\_

Event date(s): \_\_\_\_\_ Start time: \_\_\_\_\_ End time: \_\_\_\_\_

Load in date/time: \_\_\_\_\_ Load out date/time: \_\_\_\_\_

Event description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Is this a new event?    Yes    No    If no, # years event has been held prior to current year: \_\_\_\_\_

Attendance last time: \_\_\_\_\_ Estimated attendance this year: \_\_\_\_\_

What is the purpose of this event? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

How will this event benefit the Garland community? \_\_\_\_\_

How will the proceeds of this event be used? \_\_\_\_\_

\_\_\_\_\_

### SECTION 2: Event Sponsor Information    Organization tax ID #:

Event contact 1: \_\_\_\_\_

Address: \_\_\_\_\_

Event contact 2: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_

\_\_\_\_\_  
Email: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_

Non-Profit Status:      501(c)3      501(c)4      Neither

***NOTE: Upon approval of the event application, and at least ten (10) days prior to the event, the event sponsor shall provide the City with evidence of public event liability insurance in the amount of \$500,000 per occurrence for bodily injury and property damage arising from the Event. The insurance shall be written with an insurance company authorized to transact business in the State of Texas and have a current rating of "A" or better by A.M. Best Key Rating Guide.***

## SECTION 3: Event Logistics

Listed below are logistical elements that may be a part of your event. "Services available through City" indicates what the City of Garland may be able to provide through the Special Event Assistance Program. The "Applicant's Responsibilities" section refers to logistical elements which may be a part of your event, but that are typically provided by the event sponsor or producer. Please check all in both sections that apply to your event:

### Services available through City Responsibility

### Applicant's

- |  |                                      |   |
|--|--------------------------------------|---|
| <input type="checkbox"/> Police security                                     |                                      | <input type="checkbox"/>  |
| Concessions/health permits   |                                      |   |
| <input type="checkbox"/>   | Street                               | closures  |
| <input type="checkbox"/> Portable restrooms                                  |                                      |   |
| <input type="checkbox"/>   |                                      | Barricades  |
| <input type="checkbox"/> Stage/grandstand                                    |                                      |   |
| <input type="checkbox"/>   | Traffic/crowd                        | control   |
| <input type="checkbox"/> Tents   |                                      |   |
| <input type="checkbox"/> Trash/recycling containers                          |                                      | <input type="checkbox"/>  |
| Amusement rides  |                                      |   |
| <input type="checkbox"/> Running water (if available at site)                |                                      | <input type="checkbox"/>  |
| Temporary fencing  |                                      |   |
| <input type="checkbox"/> Electrical power (if available at site)             |                                      | <input type="checkbox"/> Signs, banners (City signage ordinances apply) |
| <input type="checkbox"/> Park use (must be approved by Parks Dept. Director) |                                      | <input type="checkbox"/>  |
| Merchandising  |                                      |   |
| <input type="checkbox"/> Preparation of City-owned facility/property         |                                      | <input type="checkbox"/> Sound  |
| amplification  |                                      |   |
| <input type="checkbox"/> Animals (contact Animal Services Dept.)             |                                      |   |
| <input type="checkbox"/> Overnight security                                  |                                      |   |
|  | <input type="checkbox"/> Open flames |   |
|  | <input type="checkbox"/> Generators  |   |
| <input type="checkbox"/> Off-site parking and transportation                 |                                      |   |
| <input type="checkbox"/> Event insurance                                     |                                      |   |
| <input type="checkbox"/> Clean up of facility or event area                  |                                      |   |

## SECTION 4: Supplemental Application Materials

Listed below are additional documents that are required in order to complete the application for event assistance. Each item is due at the time the application is submitted, unless otherwise indicated.

- ☐ Copy of proposed event site plan (fairs, festivals and carnivals) and/or route plan (parades/runs)
- ☐ Proof of 501(c)3 or 501(c)4 status (official IRS letter)
- ☐ Temporary Activity Permit application
- ☐ Copy of the group's insurance declarations page, listing City of Garland as additional insured (due no later than 10 days prior to the event date)

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I certify that the event for which this application has been prepared will be open to all citizens, and that attendance will not be limited by age, sex race, physical impairment, or other means. I further certify that this event is sponsored by a non-profit organization. On behalf of the event producer or sponsor, I agree to abide by the Special Events Guidelines provided with this Application. I further certify that the facts contained in this Application are accurate.

The event sponsor/producer does hereby fully release, discharge and Indemnify the City of Garland and its officers,

agents, servants, and employees from and against any and all claims from injuries, damage or loss which might occur during the special event set forth in this Application, regardless of cause and even if caused by the City of Garland.

\_\_\_\_\_  
Signature of organization representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print name of organization representative

## PRE-EVENT BUDGET

Budget must be submitted on this form or in this format for review. If applying as a pre-existing event, applicant must submit final total profit/loss from the previous year's event as well.

### PROJECTED REVENUE

Admission fees/ticket sales Booth	_____
sales/rental Souvenir/merchandise	_____
sales Concession sales	_____
Donations	_____
Sponsorships	_____
Other _____	_____
<b>Total projected revenue</b>	_____

### PROJECTED EXPENSE

Administrative Expenses:	
Staff	
Facility rental	_____
Supplies	_____
	_____
Operating Expenses:	
Entertainment	_____
Portable restrooms	_____
Generators Tent	_____
Stage/sound/lighting	_____
Food, lodging	_____
Decorations/signage	_____
Rental expense (tables, chairs, etc.)	_____
Other _____	_____
Advertising/Promotion Expenses:	
Posters/flyers (design & printing)	_____
Brochures (design & printing)	_____ Print ads
Radio/television ads	_____
<b>Total projected expense</b>	_____
 <b>PROJECTED PROFIT OR (LOSS)</b>	 _____



# CITY COUNCIL POLICY

POLICY NO.: FIN-04

Date of Adoption: 7/11/00

Date Of Revision: 10/2/07

Title: **Financial Policy**

Page 1 of 4

## **I. Purpose and Need for Policy**

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

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

## **II. Policy**

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

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

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

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

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

### **Operating Condition**

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

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

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

### **Debt Management**

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

### **Financial Condition**

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

## City Council Policy

TITLE:  
Financial Policy

Page: 3 of 4

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Finance

NO.  
FIN-04

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

### **Asset Maintenance**

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

### **Accounting, Auditing, and Financial Reporting**

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

# City Council Policy

TITLE:  
Financial Policy

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

### III. Responsibility and Authority

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

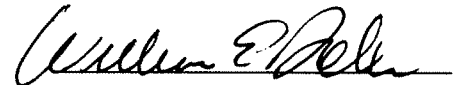
The City Manager is authorized to approve and execute by and on behalf of the City, purchases and/or contracts requiring expenditures up to and including the amount of \$99,999.99. The Purchasing Director, as directed by the City Manager, shall have the authority to purchase or contract for all goods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

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

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

Prepared by: George Kauffman,  
Managing Director –  
Finance

Reviewed by: William E. Dollar,  
City Manager



APPROVED BY CITY COUNCIL: Resolution 9744

  
Mayor

Date: 10-15-07



# CITY COUNCIL POLICY

POLICY NO.: FIN-05

Date of Adoption: 2/17/98

Date Of Revision: 9/17/02

Title: **Statement of Investment Strategy**

Page 1 of 4

## I. Purpose and Need for Policy

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

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

## II. Policy

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

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

## III. Procedure to Accomplish Policy

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

### A. Operating Funds

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

<p align="center"><b>City Council Policy</b></p>	<p>TITLE: Statement of Investment Strategy</p>	<p>Page: 2 of 4</p>
	<p>SUBJECT: Finance</p>	<p>NO. FIN-05</p>

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

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

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

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

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

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

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

#### B. Debt Service Funds

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

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

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

<p><b>City Council Policy</b></p>	<p>TITLE: Statement of Investment Strategy</p>	<p>Page: 3 of 4</p>
	<p>SUBJECT: Finance</p>	<p>NO. FIN-05</p>

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

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

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

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

#### C. Reserve Funds

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

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

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

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

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

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

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

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

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

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

Reviewed by: William E. Dollar,  
City Manager

**APPROVED BY CITY COUNCIL RESOLUTION \_\_\_\_\_:**

\_\_\_\_\_  
Mayor

Date: 12/13/2011 (only change was  
update of Managing Director and City  
Manager. The Policy remains  
unchanged from 9-17-2002)

<p style="text-align: center;"><b>CITY COUNCIL POLICY</b></p>		POLICY NO.:	FIN-06
		Date of Adoption:	11/17/87
		Date of Revision:	11/19/2013
Title:	Statement of Investment Policy		Page 1 of 10

## **I. Purpose and Need for Policy**

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

## **II. Policy**

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

## **III. Procedure To Accomplish Policy**

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

### **A. Objectives**

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

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

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

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

<p style="text-align: center;"><b>CITY COUNCIL POLICY</b></p>		POLICY NO.:	FIN-06
		Date of Adoption:	11/17/87
		Date of Revision:	11/19/2013
Title:	Statement of Investment Policy		Page 2 of 10

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

### **B. Investment Authority**

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

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

### **C. Internal Controls**

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

<p style="text-align: center;"><b>CITY COUNCIL POLICY</b></p>		POLICY NO.:	FIN-06
		Date of Adoption:	11/17/87
		Date of Revision:	11/19/2013
Title:	Statement of Investment Policy		Page 3 of 10

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

#### **D. Standard of Care**

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

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

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

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

#### **E. Instruments**

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

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

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

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

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

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

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

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

(a) And such Certificates of Deposit are:

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

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

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

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

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

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

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

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

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

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#### **F. Investment Strategies**

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

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

#### **G. Safekeeping and Custody**

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

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

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

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

#### **H. Other Investment Guidelines**

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

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

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

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

#### **I. Diversification**

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

1. Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.

2. To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements.

3. Risks of market price volatility shall be controlled through maturity diversification.

4. The placement of investment transactions and the gathering of market information shall be diversified among all authorized brokers.

#### **J. Selection of Depository**

A qualified financial institution shall be selected to serve as the City's primary depository through a bank services procurement process, which shall include a formal

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request for application issued at least every five years. In selecting a depository, the City shall consider various criteria as specified prior to the issuance of the request for application. Financial institutions located outside of the city boundaries may be considered to participate in the request for application process provided the City has adopted a policy permitting it.

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

Eligible securities as defined in Chapter 2257 and identified below shall be deposited with a third party custodian prior to the deposit of City funds. The City reserves the right to accept or reject any form of collateral, at its discretion. The pledged collateral must be maintained at all times during the term of the depository contract at required levels. In order to perfect the City's security interest in the pledged collateral under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), it is required that a collateral agreement between the City and the Depository be signed by both parties prior to the deposit of City funds. The collateral agreement must be approved by the Board of Directors or its Loan Committee, which approval shall be reflected in the minutes of said Board or Committee. The signed collateral agreement, Board resolution, and minutes certifying the approval of the collateral agreement must be presented to the City prior to the deposit of City funds.

The following securities are approved as collateral for City funds:

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

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

#### **K. Selection of Security Broker/Dealer**

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

Before engaging in investment transactions with the City, a prospective securities broker/dealer must provide a written instrument certifying that the securities broker/dealer has received and has thoroughly reviewed the City's Statement of Investment Policy and has implemented reasonable procedures and controls in an effort to preclude conducting investment transactions that are not authorized by the City's Statement of Investment Policy, except to the extent that this authorization is dependent upon the portfolio over which the broker/dealer has no control or knowledge. A prospective securities broker/dealer must provide evidence of FINRA registration and State of Texas Securities Commission certification. Qualified broker/dealers authorized to engage in investment transactions with the City are required to regularly submit their most recent audited financial statements to the City.

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

#### **L. Management Reports**

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

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

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

#### **M. Ethics and Conflicts of Interest**

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

#### **N. Responsibility and Authority**

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

Prepared by: David Schuler Managing  
Director - Finance

Reviewed by: William E. Dollar, City  
Manager

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# City Council Item Summary Sheet

☐ Work Session

Date: February 16, 2016

☒ Agenda Item

## Housing Tax Credit Application

### Summary of Request/Problem

The Palladium Group is considering submitting an application for a 9% housing tax credit project to the Texas Department of Housing and Community Affairs. Approval would permit a multi-family housing development of approximately 160 units on a 9 acre site located on the south side of I-30 in close proximity to Northwest Drive. The applicant is requesting formal support from the City of Garland for the proposed development. This item was presented to Council at the February 2, 2016 Work Session.

As proposed, 10% of the living units would be market rate and the remaining would be affordable units.

In order to move forward with the application, formal support for the project and application is requested from the City. Deadline for application to Texas Department of Housing and Community Affairs is February 27, 2016.

### Recommendation/Action Requested and Justification

The Council has three options:

- 1) Approve a Resolution of Support
- 2) Approve a Resolution of No Objection
- 3) Take no action

**Submitted By:**

**Mona Woodard  
Manager of Housing and Community  
Services**

**Approved By:**

**Bryan L. Bradford  
City Manager**

**A RESOLUTION OF THE CITY OF GARLAND, TEXAS IN SUPPORT OF A PROPOSED HOUSING TAX CREDIT MULTI-FAMILY DEVELOPMENT.**

**WHEREAS**, Palladium USA has proposed a development for affordable rental housing on the south side of Interstate 30 in the Garland, Texas and

**WHEREAS**, Palladium USA has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2016 Competitive 9% Housing Tax Credits for a development located on a 9 acre tract on the south side of Interstate 30 in Garland, Texas; and

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

**SECTION ONE**, that the City of Garland Texas hereby has supports the proposed development located on the south side of Interstate 30 and that this formal action has been taken to put on record the opinion expressed by the City of Garland on \_\_\_\_\_, and

**SECTION TWO**, that for and on behalf of the City of Garland, Mayor Douglas Athas is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs

**SECTION THREE**, This Resolution shall become effective immediately upon its passage.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of February 2016.

**THE CITY OF GARLAND, TEXAS**

**BY:** \_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Secretary**

**A RESOLUTION OF NO OBJECTION FROM THE CITY OF GARLAND, TEXAS FOR  
A PROPOSED HOUSING TAX CREDIT MULTI-FAMILY DEVELOPMENT.**

**WHEREAS,** Palladium USA has proposed a development for affordable rental housing on the south side of Interstate 30 in the Garland, Texas and

**WHEREAS,** Palladium USA has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2016 Competitive 9% Housing Tax Credits for a development located on a 9 acre tract on the south side of Interstate 30 in Garland, Texas; and

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

**SECTION ONE,** that the City of Garland Texas hereby confirms that is has no objection to a proposed development located on the south side of Interstate 30 and that this formal action has been taken to put on record the opinion expressed by the City of Garland on \_\_\_\_\_, and

**SECTION TWO,** that for and on behalf of the City of Garland, Mayor Douglas Athas is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs

**SECTION THREE,** This Resolution shall become effective immediately upon its passage.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of February 2016.

**THE CITY OF GARLAND, TEXAS**

**BY:** \_\_\_\_\_

**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Secretary**



# City Council Item Summary Sheet

☐ Work Session

Date: February 16, 2016

☒ Agenda Item

## 2016 Proposed CIP Public Hearing

### Summary of Request/Problem

A public hearing will be held on the 2016 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the Proposed program. The 2016 Proposed CIP has been available for public inspection in the City's libraries, in the City Secretary's Office, and on the City's website since January 20, 2016.

A public hearing was also held on February 2, 2016.

### Recommendation/Action Requested and Justification

Receive public comment.

**Submitted By:**

**Ron Young  
Director of Budget and Research**

**Approved By:**

**Bryan L. Bradford  
City Manager**



# City Council Item Summary Sheet

☐ Work Session

Date: February 16, 2016

☒ Agenda Item

## Adoption of 2016 Capital Improvement Program

### Summary of Request/Problem

On January 19, 2016 Council was presented with the Proposed Capital Improvement Program (CIP) for 2016. The following day, copies of the Proposed CIP were made available for public inspection at the City libraries, at the City Secretary's Office, and on the City's website. The City Council held a Special Budget Work Session on January 23, 2016, to review the proposed program. In addition, a Public Hearing on the Proposed CIP was held on February 2, 2016.

An ordinance reflecting the 2016 CIP for the City of Garland, as proposed by the City Manager and as amended by the City Council, will be prepared based on direction received at the Monday, February 15, 2016, City Council Work Session.

### Recommendation/Action Requested and Justification

Approve by ordinance the 2016 Capital Improvement Program.

**Submitted By:**

**Ron Young**  
**Director of Budget and Research**

**Approved By:**

**Bryan L. Bradford**  
**City Manager**



# City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: February 16, 2016

## Boards and Commissions

### Summary of Request/Problem

Council is requested to consider appointments to Boards and Commission.

### Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

Bryan L. Bradford  
City Manager