

# **AGENDA**

**CITY COUNCIL WORK SESSION  
City of Garland  
Work Session Room, City Hall  
200 North Fifth Street, Garland, Texas  
May 1, 2012**

**6:00 p.m.**

## **DEFINITIONS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

**(6:00) 1. Written Briefings:**

**a. 2012 Edward Byrne Memorial Justice Assistance Grant**

*Council is requested to authorize the Police Department to apply to the Bureau of Justice Assistance (BJA) for an estimated direct award of \$47,697 under the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) program for the purpose of reducing crime and improving public safety. The Attorney General has certified Garland as a disparate jurisdiction, requiring Garland to enter into an agreement to share a portion of these funds with Dallas County. The resulting estimated net award to the City of Garland will be approximately \$31,050.75. This item is scheduled for formal consideration at the May 1, 2012 Regular Meeting.*

**b. Miller Road Bridge Project and Woodland Basin Nature Area/Rowlett Creek Greenbelt**

*The Dallas County project for the construction of a new Miller Road roadway and bridge at Rowlett Creek needs the use of a very small portion of the Woodland Basin Nature Area adjacent to the existing right-of-way for roadway and bridge improvements. This will require a public hearing and a finding by the Council to meet the requirements of Chapter 26 of the Texas Parks and Wildlife Code. If Council concurs, a public hearing and formal Council consideration of this item will be scheduled at the May 15, 2012 Regular Meeting.*

Item	Key Person
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**2. Verbal Briefings:**

**a. Audit Committee Report**

**Williams**

*Council Member Rick Williams, Chair of the Audit Committee, will provide a committee report on the following items:*

- *FY 2011 Deloitte External Audit*
- *Wastewater Audit*
- *Chamber of Commerce Audit Report*

**b. Drought Restrictions**

**Dodson/Cahill**

*At the request of Council Members Lori Dodson and Jim Cahill, Council is requested to discuss drought restrictions regarding:*

- *One day a week watering designated on Saturday only (Dodson)*
- *Going to Stage 2 twice a week watering (Cahill)*

**3. Discuss Appointments to Boards and Commissions**

**Council**

- *Monica Reyes – Community Multicultural Commission (Willis)*

**4. Consider the Consent Agenda**

**Council**

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

**5. Announce Future Agenda Items**

**Council**

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

**(6:45) 6. Adjourn**

**Council**

**(Estimated time to consider)**



Meeting: Work Session

Date: May 1, 2012

# Policy Report

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## 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

### ISSUE

The Director of the Bureau of Justice Assistance (BJA) has made funds available to units of local government under the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) program for the purpose of reducing crime and improving public safety.

The Garland Police Department is eligible to apply to BJA for an estimated direct award of \$47,697.00 under this grant program. However, the Attorney General of the State of Texas has “certified” Garland as a disparate jurisdiction, thereby requiring us to enter into an agreement to share a portion of these funds with Dallas County. Currently, the agreement is for the City of Garland to share 30%, or approximately \$14,309.10, with Dallas County, which results in an award to the City of Garland in the amount of approximately \$33,387.90. From this amount, there will be a mandated 7% Administration Fee which is to be paid to the City of Dallas as they have designated as the area grant manager for all involved entities. The resulting estimated net award to the City of Garland will be approximately \$31,050.75.

This Justice Assistance Grant replaced the Local Law Enforcement Block Grant (LLEBG). JAG does not require any matching funds or contributions.

### OPTIONS

1. Authorize submission of the grant application, which if approved by the federal government will pay an estimated \$31,050.75.
2. Disapprove submission of the grant application.

### RECOMMENDATION

Staff recommends that Council approve submission of the application to the Bureau of Justice Assistance. This item is scheduled for formal consideration at the May 1, 2012 Regular Meeting.

### COUNCIL GOAL

Safe, Family-Friendly Neighborhoods

## **BACKGROUND**

This will be the sixth year that the Garland Police Department has applied for funds under the new JAG program. The Bureau of Justice Assistance (BJA) has replaced the Edward J. Byrne Memorial State (Byrne Formula) and the Local Law Enforcement Block Grant (LLEBG) with the Justice Assistance Grant. The joining of the two grants allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The Garland Police Department received the following grant awards from JAG over the past five years:

- 2006 - \$29,072.36
- 2007 - \$46,150.69
- 2008 - \$14,090.90
- 2009 - \$51,369.76
- 2010 - \$51,111.96
- 2011 - \$42,553.92

## **CONSIDERATION**

Pending negotiations with Dallas County, the Justice Assistance Grant should provide \$31,050.75 in funding. The grant will be for a 48-month period. At the conclusion of that time period, any unallocated funds must be returned to the federal government.

Funds must be used to supplement existing funds for program activities and cannot replace, or supplant, nonfederal funds that have been appropriated for the same purpose.

## **Purpose**

JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for criminal justice for any one or more of the following purpose areas:

- Law Enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, technology improvement programs
- Crime victim and witness programs (other than compensation)

Submitted By:

Mitchel L. Bates  
Chief of Police

Date: April 23, 2012

Approved By:

William E. Dollar  
City Manager

Date: April 23, 2012



Meeting: Work Session

Date: May 1, 2012

# Policy Report

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## MILLER ROAD BRIDGE PROJECT & WOODLAND BASIN NATURE AREA/ROWLETT CREEK GREENBELT

### ISSUE

The Dallas County project for the construction of a new Miller Road roadway and bridge at Rowlett Creek needs the use of a very small portion of the Woodland Basin Nature Area adjacent to the existing right-of-way for roadway and bridge improvements. This will require a public hearing and a finding by the City Council to meet the requirements of Chapter 26 of the Texas Parks and Wildlife Code,

### OPTIONS

Since there is insufficient existing right-of-way to accommodate the proposed Dallas County roadway and bridge replacement project improvements, options are limited to the proposed course of action.

### RECOMMENDATION

It is requested the Council concur with the staff recommendation that there is no feasible and prudent alternative to the use of a small portion of the parkland for the proposed roadway and bridge replacement project, and direct staff to schedule the public hearing and formal Council consideration of this issue for the May 15 Regular Meeting.

### COUNCIL GOAL

Sustainable Quality Development and Redevelopment  
Fully Informed and Engaged Citizenry

### BACKGROUND

Woodland Basin Nature Area, 2332 Miller Road, is located where Rowlett Creek enters Lake Ray Hubbard and covers approximately 50 acres of the more than 600 hundred acres of greenbelt parkland along Rowlett Creek.

Dallas County Public Works, working in conjunction with the cities of Garland, Rowlett and Dallas, is replacing the existing two lane asphalt roadway and old bridge with a new four-lane roadway and bridge to match the existing Miller Road east of Centerville Road in Garland and extending into Rowlett.

A small portion of the parkland will be used to accommodate construction of the new roadway and bridge. The resulting impact to the park will not be significant and improvements will also be made to the park area.

To meet the requirements of *Chapter 26, Protection of Public Parks and Recreational Lands, Texas Parks and Wildlife Code*, the Council must conduct a public hearing and determine 1) that there is no feasible and prudent alternative, and 2) that all reasonable planning has been done to minimize harm to the park.

## **CONSIDERATIONS**

Although the road and bridge will actually displace 0.24 of an acre of parkland located adjacent to the existing right-of-way, there will be no loss of recreational opportunities and Woodland Basin will receive significant improvements. The existing Woodland Basin parking lot, which is continually inaccessible due to flooding and mud, will be rebuilt in a location less susceptible to this problem. Also to be constructed is a new concrete park drive and a new concrete trail to the new reconstructed water access point (canoe/kayak launch) on Rowlett Creek. A 10' wide concrete trail to be constructed along the south side of Miller Road roadway and bridge will connect Woodland Basin with parkland in Rowlett.

The Texas Parks & Wildlife Department reviewed and approved, in April 2011, the proposed alteration of Woodland Basin Nature Area, and the U.S. Army Corps of Engineers, in March 2012, authorized the construction associated with the project under Section 404 of the Clean Water Act.

## **ATTACHMENTS**

Location Map  
Draft Resolution  
Notice of Public Hearing

Submitted By:

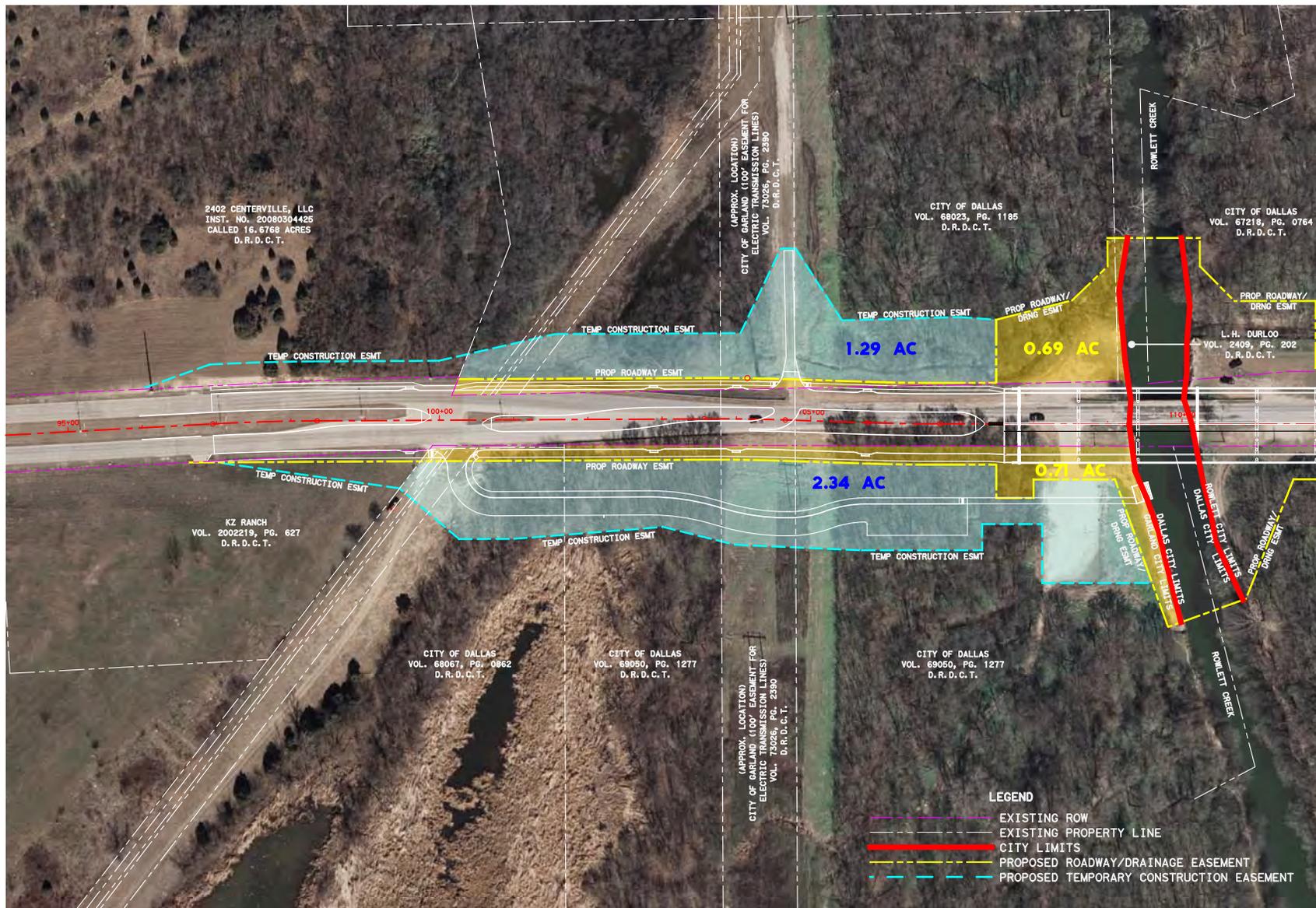
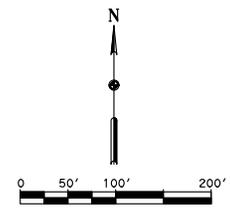
Jim Stone, Managing Director  
Parks, Recreation & Cultural Services

Date: April 23, 2012

Approved By:

William E. Dollar  
City Manager

Date: April 23, 2012



- LEGEND**
- EXISTING ROW
  - EXISTING PROPERTY LINE
  - CITY LIMITS
  - PROPOSED ROADWAY/DRAINAGE EASEMENT
  - PROPOSED TEMPORARY CONSTRUCTION EASEMENT

NO.	REVISION	BY	DATE
<b>COUNTY OF DALLAS, TEXAS</b> <b>DEPARTMENT OF PUBLIC WORKS</b> <b>ROWLETT CREEK ROW/EASEMENT EXHIBIT</b> <b>MILLER ROAD</b> <b>FROM GARLAND EAST CITY LIMITS TO ROWLETT WEST CITY LIMITS</b> <b>PAVING &amp; DRAINAGE IMPROVEMENTS</b>			
DESIGNED- TLC	DRAWN- CCG	DATE- 04-23-12	PROJECT- MCIP NO. 27501
APPROVED- CCG	CHECKED- TLC	SCALE-	SHEET 1 OF 1

FILENAME: RFL00004  
 PLOTTED: 4/20/2012

RESOLUTION NO. \_\_\_\_\_ (Draft)

**A RESOLUTION FINDING AND DETERMINING THE NECESSITY AND FEASIBILITY OF USING A PARCEL OF PROPERTY WITHIN WOODLAND BASIN NATURE AREA FOR THE IMPROVEMENT OF MILLER ROAD; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Dallas County Public Works Department proposes to improve a section of Miller Road from a 25-foot wide asphalt pavement to four 12-foot wide concrete travel lanes with a new 1,200-foot long bridge spanning both Rowlett Creek and Old Rowlett Creek; and

**WHEREAS**, in order to accommodate the proposed project, based upon clearly enunciated local preferences, a portion of the Woodland Basin Nature Area will be used for the roadway improvements; and

**WHEREAS**, the existing Woodland Basin Nature Area parking lot and drive will be relocated and replaced with a new concrete parking lot and drive, a new park sign installed, a new concrete trail installed to the reconstructed canoe/kayak launch on Rowlett Creek, and a new 10-foot wide concrete trail constructed on the south side of the roadway and bridge that will connect Garland and Rowlett park areas; and

**WHEREAS**, the Texas Parks & Wildlife Department reviewed and approved, in April 2011, the proposed alteration of Woodland Basin Nature Area, and the U.S. Army Corps of Engineers, in March 2012, authorized the construction associated with the project under Section 404 of the Clean Water Act;

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

**Section 1**

That the City Council of the City of Garland, Texas, makes the following findings with respect to that portion of the Woodland Basin Nature Area used for roadway improvements:

1. There is no feasible and prudent alternative to the use of such portion;

2. The Miller Road project includes all reasonable planning to minimize harm to the open space area resulting from use of such portion;
3. The foregoing findings were made after notice and a public hearing as providing by law.

**Section 2**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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

**NOTICE OF PUBLIC HEARING**  
Miller Road Bridge Replacement Project  
From Garland East City Limits to Rowlett West City Limits

The Dallas County Public Works Department and City of Garland will conduct a Public Hearing on Tuesday, May 15, 2012 at the Council Chambers, City Hall; 200 North Fifth Street, Garland, Texas at 7:00 pm. The purpose of the Hearing is to present the planned improvements to Miller Road in the cities of Dallas, Garland, and Rowlett.

Within the proposed project limits, Miller Road merges from a 4-lane divided roadway to a 25-foot wide asphalt pavement with two 11-foot wide undivided travel lanes. There are two existing 2-lane bridges crossing Rowlett Creek and Old Rowlett Creek (120-foot and 480-foot pan girder structures at 40-foot spans, respectively). The existing right-of-way (ROW) width is approximately 100 feet.

The proposed project would consist of four 12-foot wide travel lanes, a 32-foot wide raised median, two 15-foot wide parkways, and curb and gutter. The parkway would consist of a 10-foot wide sidewalk along the south side of Miller Road and a 5-foot wide sidewalk along the north side of Miller Road. The proposed 10-foot wide sidewalk along Miller Road would provide connectivity from the Woodland Basin Nature Area (Garland) to the Rowlett Creek Greenbelt (Rowlett). A designated 10-foot wide left turn lane at Dexham Road is proposed. The proposed bridge is 1,200 feet long (15~80-foot spans) and would span both Rowlett Creek and Old Rowlett Creek. The existing Woodland Basin Nature Area parking lot and park sign would be removed and replaced with a new park driveway, parking lot and park sign approximately 100 feet west of the existing parking lot. An 8' concrete trail will connect the proposed parking lot to the reconstructed fishing platform and canoe launch. The existing Rowlett Creek Main Channel will be widened and armored to protect the creek banks and reduce erosion.

Approximately 4.42 acres of proposed Roadway Easement and 5.15 acres of construction easement would be required for the proposed project. There would be no displacements associated with the proposed project. To accommodate the proposed roadway widening, bridge replacement, and creek improvements, approximately 0.71 acre of the Woodland Basin Nature Area property will be utilized as roadway easement. Because a portion of the proposed project impacts dedicated public park land, a public hearing regarding the project is required.

In April 2011, Texas Parks and Wildlife Department approved the proposed alteration of the Woodland Basin Nature Area. In March 2012, the US Army Corps of Engineers authorized the construction associated with the project under Section 404 of the Clean Water Act. Impacts to 3 jurisdictional waters of the U.S. and associated wetlands would total approximately 969 linear feet of streams and 1.60 acres of wetlands. The proposed project would cross the 100-year floodplain.

The proposed improvements would eliminate a bottleneck that is created by the two-lane facility from 0.25 mile east of Centerville Road to Dexham Road. The roadway is a four-lane facility outside the proposed project limits. Schematics depicting the proposed improvements will be displayed at the public hearing and at the City of Garland Engineering Department; telephone – (972) 205-2170, Michael Polocek, P.E.

All interested citizens are invited to attend this Public Hearing. Verbal and written comments from the public regarding this project are requested. Written comments may be submitted either in person or by mail to the City of Garland Engineering Department - 800 Main Street, Garland, TX 75040; telephone – (972) 205-2170, Michael Polocek, P.E., or to the Dallas County Public Works Department, 411 Elm Street, 4th floor, Dallas, TX 75202; telephone – (214) 653-6407, John Mears, P.E. Comments must be received on or before May 15, 2012 in order to become part of the official hearing record.

The Public Hearing will be conducted during the Garland City Council meeting in English. Persons interested in attending the hearing who have special communication or accommodation needs or need an interpreter are encouraged to contact the City of Garland at (972) 205-2170. Requests should be made at least 72 hours prior to the public hearing. Every reasonable effort will be made to accommodate those needs.



# City Council Item Summary Sheet

Work Session

Agenda Item

Date: May 1, 2012

## Audit Committee Report

### Summary of Request/Problem

Council Member Rick Williams, Chair of the Audit Committee, will provide a committee report on the following items:

- FY 2011 Deloitte External Audit
- Wastewater Audit
- Chamber of Commerce Audit Report

### Recommendation/Action Requested and Justification

Council information and discussion.

Submitted By:

Approved By:

William E. Dollar  
City Manager



# City Council Item Summary Sheet

Work Session

Date: May 1, 2012

Agenda Item

## Drought Restrictions

### Summary of Request/Problem

At the request of Council Members Lori Dodson and Jim Cahill, Council is requested to discuss drought restrictions regarding:

- One day a week watering designated on Saturday only (Dodson)
- Going to Stage 2 twice a week watering (Cahill)

### Recommendation/Action Requested and Justification

Council discussion.

Submitted By:

Approved By:

William E. Dollar  
City Manager

## Should Garland Go To Stage 2 Water Restrictions?

(Submitted by Council Member Rick Williams)

### (1) Lake Levels

Name	Percent	Level 4/20/12	Level 4/20/11	Difference
Lavon	30%	492.77	486.53	6.24'
Jim Chapman	15%	439.13	431.49	7.64'
Texoma	25%	616.91	613.54	Not Applicable
Tawakoni	7%	437.10	434.16	2.94'
Wetland & Other	23%	See note*	See note*	Better than 2011
Total H <sub>2</sub> O	100%**			16.82' more H <sub>2</sub> O

\*Note: "Wetland" has no measurement like a lake level, as the water comes from wastewater plants like our Rowlett and Duck Creek plants. "Other" would include a small lake like Bonham which is 1' higher than this time last year..

\*\* "The percentage changes based on rainfall and demand. The following is the general percentages we use for each source." Mike Rickman NTMWD. 4/23/12

- (2) Long-term weather forecast is better than last year (NTMWD).
- (3) Aug 2011 – Mar 2012 water consumption for Garland is 8.0 billion gallons compared to 8.4 billion for comparable time a year before (per NTMWD) despite twice/week allowable under the old Garland water stages 2 and 3.
- (4) Credibility of water restriction stages: Despite the Texoma Zebra mussel issue, Garland citizens see water being released from Lavon and wonder why Stage 3?
- (5) Neighborhoods/quality of life: Twice a week watering will mean nicer looking yards and less dead lawn/landscape areas.
- (6) Does stage 2 twice a week watering make that much difference? Many citizens will water twice on their one day per week in stage 3.
- (7) 2011 was the "perfect storm"—Record heat, low rainfall. Highly unlikely again.

If Stage 2 now, then what?

- (1) We would issue a press release essentially saying that although we are sensitive to the water availability issue in NTMWD, based on lake levels, Garland's historic low per capita use of water, and the better long-term weather forecast for 2012, we are going to stage 2 effective mm/dd/yy.
- (2) We will carefully monitor lake levels.
- (3) We will carefully monitor consumption.
- (4) We will carefully monitor rain/heat.
- (5) And, we will implement Stage 3 if/when appropriate. (Note: In 2011, Garland went to Stage 2 on August 24 and Stage 3 on November 1.)

Concerns?

We might be viewed as outliers and not "team players" with the other NTMWD cities. But, other cities can do their own independent thinking, and in Garland Stage 2 makes sense for many reasons (see above). Further, such a decision is consistent with Garland's history of independence from directives when we believe we have a better thought. (see hand-held devices in school zones)

**NTMWD Member Cities**  
**Comparison of GPCD and Stage 3 Watering**  
**(GPCD = Gallons Per Capita per Day)**  
4/26/2012

<u>Member City</u>	<u>Average GPCD</u>	<u>Times Per Week Watering</u>
Allen	190	1
Farmersville	130	1
Forney	98	1
Frisco	207	1
Garland	161	1
Mesquite	125	1
McKinney	196	1
Plano	240	1
Princeton	89	1
Richardson	228	1
Rockwall	163	1
Royse City	121	1
Wylie	121	1

**Special Notes:**

GPCD figures were submitted by the member cities to North Texas  
Municipal Water District.  
GPCD figures include both residential and non-residential consumption