



GARLAND

AGENDA

CITY COUNCIL WORK SESSION

City of Garland

Work Session Room, City Hall

William E. Dollar Municipal Building

200 North Fifth Street

Garland, Texas

Monday, December 5, 2022

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.

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

- (1) Pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.
- (2) The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.072, Tex. Gov't Code.
- (3) A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.073, Tex. Gov't Code.
- (4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.
- (5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.
- (6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.
- (7) Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:
 - generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
 - bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
 - effective fuel and purchased power agreements and fuel transportation arrangements and contracts;
 - risk management information, contracts, and strategies, including fuel hedging and storage;
 - plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and
 - customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; Tex. Gov't Code; Sec. 552.133, Tex. Gov't Code]

1. Public Comments on Work Session Items

Persons who desire to address the City Council on any item on the Work Session agenda are allowed three minutes to speak. Speakers are taken only at the beginning of the meeting, other than invited testimony.

Speakers are grouped by Work Session item and will be taken in the order of the Work Session agenda. Speakers must submit to the City Secretary a completed speaker's card before the beginning of the meeting. Speaker cards will not be accepted after the Mayor calls the meeting to order. Speaker cards are available in the lobby, at the visitor's side of the Work Session Room, and from members of staff.

Speakers are limited to addressing items on the Work Session agenda – any item relating to a Regular Session agenda item should be addressed at the Regular Session and any item not on an agenda may be addressed during the open microphone at the end of the Regular Session.

2. Consider the Consent Agenda

A member of the City Council may ask for discussion or further information on an item posted as a consent agenda item on the next Regular Meeting of the City Council. The Council Member may also ask that an item on the posted consent agenda be pulled from the consent agenda and considered for a vote separate from consent agenda items on the regular agenda. All discussions or deliberations on this portion of the work session agenda are limited to posted agenda items and may not include a new or unposted subject matter.

3. Written Briefings:

a. Ordinance Amendment - Construction Water Meter Deposit

Council is requested to increase the deposit amount from \$1,000 to \$2,000 for a high velocity water meter to cover the cost of replacing any damaged meters. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 13, 2022 Regular Meeting.

b. Ordinance Amendment - Cross-Connection Control

Council is requested to consider an ordinance amendment that would allow exceptions to the persons allowed to perform maintenance, repair or testing on fire protection systems as defined in Chapter 6003 of the Texas Insurance Code. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 13, 2022 Regular Meeting.

c. Master Interlocal Agreement with Dallas County for Maintenance on Certain Designated Roadways

Council is requested to approve a resolution which authorizes the City Manager to enter into a five-year Master Interlocal Agreement (ILA) with Dallas County for Transportation-Related Maintenance on or about certain designated roadways within the City of Garland. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 13, 2022 Regular Meeting.

4. Verbal Briefings:

a. Garland Youth Council Update

The Garland Youth Council will provide Council an update on their past projects and events.

b. Garland Senior Activity Center Update

Staff will provide Council an update on the Garland Senior Activity Center project.

c. Administrative Services Committee Update

Council Member Robert John Smith, Chair of the Administrative Services Committee, will provide a committee update on the following item:

- *Council Policy*

d. Transportation, Infrastructure and Mobility Committee Report

Council Member Dylan Hedrick, Chair of the Transportation, Infrastructure and Mobility Committee, will provide a committee report on the following items:

- *Electric Vehicle Charging Stations*

e. Community Services Committee Report

Mayor Pro Tem Deborah Morris, chair of the Community Services Committee, will provide a committee report on the following items:

1. *Funding Options for Sidewalks*
2. *Rental Property Programs and Short Term Rental Policy*

f. Development Services Committee Report

Development Services Committee Chair Dylan Hedrick will report on the following items:

- 1. Amend GDC Requirements for Replacing Existing Screening Between Commercial and Residential Uses, and Residential Development Screening along Thoroughfares*
- 2. Fire Sprinkler Requirements for Buildings*

g. Intragovernmental Affairs Committee Update

Council Member BJ Williams, Chair of the Intragovernmental Affairs Committee, will provide a committee update.

5. Discuss Appointments to Boards and Commissions

Mayor Pro Tem Deborah Morris

- Amador Castro Jr. - Senior Citizens Advisory Board

6. Announce Future Agenda Items

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

7. Council will move into Executive Session

**EXECUTIVE SESSION
AGENDA**

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:

The City Council will adjourn into executive session pursuant to Sections 551.087, 551.074, and 551.071 of the Texas Government Code to deliberate or discuss:

- 1. Economic development matters related to commercial or financial information that the City has received from one or more business prospects 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 (551.087) relating to:**
 - a. a financial or other incentive to a business prospect (551.087) interested in locating in the vicinity of LBJ Freeway and South Garland Ave; and attorney/client matters concerning privileged and unprivileged client information related to the same (551.071).**
 - b. a financial or other incentive to a business prospect (551.087) interested in locating in the vicinity of Interstate Hwy 30 and Rosehill Road; and attorney/client matters concerning privileged and unprivileged client information related to the same (551.071).**
 - c. a financial or other incentive to a business prospect (551.087) interested in locating in the vicinity of Downtown Garland; and attorney/client matters concerning privileged and unprivileged client information related to the same (551.071).**
- 2. Personnel matters related to the appointment, employment, evaluation, reassignment, duties, of public employees (551.074).**

8. Adjourn



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

3. a.

Meeting Date: December 5, 2022

Item Title: Ordinance Amendment - Construction Water Meter Deposit

Submitted By: Wes Kucera, Managing Director

Summary of Request/Problem

The current deposit for a customer to receive a high velocity water meter for construction purposes is \$1,000. This deposit will be refunded less the cost of damage to the meter when it is returned. The current deposit amount does not cover the cost to replace the meter should it be damaged beyond repair. Increasing the deposit for a high velocity water meter for construction purposes to \$2,000 will adequately cover the cost of replacing any damaged meters.

Recommendation/Action Requested and Justification

Garland Water Utilities recommends increasing the deposit amount to \$2,000 for a high velocity water meter for construction purposes. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 13, 2022 Regular Meeting.

Attachments

Sec. 50.34 - Water Meter Deposit - Redline

Ordinance Amendment - Water Meter Deposit

CHAPTER 50 UTILITY RATES AND FEES

ARTICLE II. RATES AND FEES

ARTICLE II. RATES AND FEES

Sec. 50.34 Water services rates established

(C) Construction and irrigation rates. When necessary to measure water usage with a high velocity water meter for construction purposes and at the customer's request, the water rate for that service shall be the same as the applicable commercial/industrial rate, including the prevailing monthly base charge based on a 3-inch meter size, plus the commercial/industrial volume charge per 1,000 gallons of use. A deposit in the amount of ~~\$1,000.00~~ \$2,000.00 shall be collected when the water meter is issued, which deposit shall be refunded less the cost of damage, if any, to the meter when the meter is returned. A meter that serves only an irrigation system (without an associated wastewater account) will be billed a base charge based on the meter size for the account, and a volume charge based on the class of service for the account.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 10 AND 50 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND TO (1) AMEND IN PART THE MASTER FEE AND RATE SCHEDULE OF SECTION 10.85(C) TO INCLUDE A DEPOSIT FOR THE ISSUANCE OF HIGH VELOCITY WATER METERS FOR CONSTRUCTION PURPOSES AND (2) REMOVE THE DEPOSIT AMOUNT ENUMERATED IN SECTION 50.34(c) OF THE CODE OF ORDINANCES AND REPLACE IT WITH A REFERENCE AND HYPERLINK TO THE MASTER FEE AND RATE SCHEDULE OF CHAPTER 10; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Chapter 10, "Administration," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to amend the Master Fee and Rate Schedule of Section 10.85(c) to include a deposit for the issuance of high velocity water meters for construction purposes as more fully described within Section 50.34(c) of the Code of Ordinances and to read as follows:

"ARTICLE VII. MASTER FEE AND RATE SCHEDULE

Sec. 10.85 Fees and rates

. . .

(C) Schedule of Fees and Rates:

WATER SERVICE RATES		
.
High velocity water Meter - construction	\$2,000.00 deposit	50.34 (C)
.

Section 2

That Chapter 50, "Utility Rates and Fees," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to (1) remove the express reference to a high velocity water meter deposit amount and (2) replace it with a reference and hyperlink to the newly created Master Fee and Rate Schedule of Chapter 10 within the following Sections of Chapter 50 to read as indicated in quotations below:

"Sec. 50.34 Water service rates established

. . .

(C) Construction and irrigation rates. When necessary to measure water usage with a high velocity water meter for construction purposes and at the customer's request, the water rate for that service shall be the same as the applicable commercial/industrial rate, including the prevailing monthly base charge based on a 3-inch meter size, plus the commercial/industrial volume charge per 1,000 gallons of use. A deposit in the amount set forth in the Master Fee and Rate Schedule of Chapter 10 of the Code of Ordinances shall be collected when the water meter is issued, which deposit shall be refunded less the cost of damage, if any, to the meter when the meter is returned. A meter that serves only an irrigation system (without an associated wastewater account) will be billed a base charge based on the meter size for the account, and a volume charge based on the class of service for the account.

. . ."

Section 3

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

Section 4

That Chapter 32, "Property Sanitation and Housing Services," of the Code of Ordinances of the City of Garland, Texas, as amended,

shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

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

Section 6

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

PASSED AND APPROVED this the ____ day of _____, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED:



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

3. b.

Meeting Date: December 5, 2022

Item Title: Ordinance Amendment - Cross-Connection Control

Submitted By: Wes Kucera, Managing Director

Summary of Request/Problem

An ordinance amending Article V, "Cross-Connection Control," of Chapter 51, "General Utility Provisions" of the Code of Ordinances of the City of Garland will better align the City's cross-connection control ordinance with the rules laid out in the Texas Insurance Code. The proposed amendment would allow exceptions to the persons allowed to perform maintenance, repair or testing on fire protection systems as defined in Chapter 6003 of the Texas Insurance Code.

Recommendation/Action Requested and Justification

Approve or deny the ordinance amendment. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 13, 2022 Regular Meeting.

Attachments

Cross-Connection Control - Redline

Ordinance Amendment - Cross-Connection Control

CHAPTER 51 GENERAL UTILITY PROVISIONS

ARTICLE V. CROSS-CONNECTION CONTROL*

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.60 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this article is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.

Air gap. A physical separation between the free flowing discharge end of a potable water supply piping or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other device. An approved air-gap separation shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device in no case less than one inch.

Approved fire sprinkler contractor. A person or entity holding a certificate of registration as such issued by the Texas State Fire Marshal's Office.

Atmospheric vacuum breaker backflow backflow prevention device or atmospheric vacuum breaker or AVB. A device used to prevent backsiphonage in non-health hazard conditions. This device cannot be tested and cannot prevent backpressure backflow.

Approved backflow prevention assembly or backflow assembly or assembly. An assembly to prevent backpressures or prevent backsiphonage and which is listed as an approved assembly by the University of Southern California (USC) Foundation for Cross-Connection Control and Hydraulic Research or similar rating or standards organization recognized by the Managing Director.

Backflow. A flow in a direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the public water system.

Boresight or boresight to daylight. Providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

Contamination or contaminate. The entry into or presence in a public water supply system of any substance which may be harmful to health or to the quality of the water.

Cross-connection. Any physical arrangement where a potable water supply is connected, directly or indirectly (actually or potentially), to or with any non-potable water system or source, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, evaporative coolers, air conditioner units, fire protection system, or any other assembly which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change-over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross-connections.

Customer service inspection. An inspection designed to inspect and detect any actual or potential cross-connection hazards and/or ~~exceedence~~ **exceedance** of the lead content levels in solder or flux, pipe or pipe fittings.

Degree of hazard. The hazard classification (low or high) assigned to an actual or potential cross-connection.

Double check detector backflow prevention assembly or double check detector or DCDA. An assembly composed of a line-size approved double check assembly with bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

Double check valve backflow prevention assembly or double check assembly or double check. An assembly which consists of two independently operating check valves which are spring-loaded or weighted, a gate valve on each side of the checks, and test cocks to test the checks for tightness.

~~Fireline~~ **Fire Line** tester. A tester who is employed by an Approved Fire Sprinkler Contractor and is qualified to test backflow prevention assemblies on ~~firelines~~ **fire lines**.

General tester or tester. A tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except ~~firelines~~ **fire lines**. Recognized backflow prevention assembly testers shall have completed a TCEQ Executive Director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the TCEQ Executive Director, and hold a current license as a backflow prevention assembly tester.

Health hazard. A cross-connection or potential cross-connection involving any substance that could, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects.

Inspector. A person who is recognized by the City of Garland as a licensed inspector under the provisions of this article.

Non-health. The classification assigned to an actual or potential cross-connection that may allow contamination which may be objectionable but not hazardous to health to backflow into the public water system.

Managing director. The Managing Director of Water and Wastewater Utilities or a person designated by the Managing Director or the City Manager.

Multifamily residential use. Water used by any residential customer of the water supply and include duplexes, multiplex, housing and apartments where the individual units are each on a separate meter; or, in cases where two or more units are served by one meter, the units are full-time dwellings.

Nonresidential use. Water used by any person other than a residential customer of the water supply and include all uses not specifically included in residential uses as defined in the City of Garland Comprehensive Zoning Ordinance.

Pollution hazard. An actual or potential threat to the physical properties of the water system or the potability of the public or consumer's potable water system or the consumer's potable water system but which would not constitute a health hazard. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.

Potable water. Any water supply intended or used for human consumption or other domestic use.

Premises. Any real property to which water is provided, including all improvements, buildings, mobile and other structures located on it.

Premises containment. Backflow prevention at the service connection between the public water system and the water user.

Premises isolation. Backflow prevention at the point of use internally on the customer's premises.

Public water system or system. Any public or privately owned water system which supplies water for public domestic use including all service lines, reservoirs, facilities, and any equipment used in the process of producing, treating, storing or conveying water for public consumption.

Reduced pressure principle detector backflow prevention assembly or reduced pressure detector or RPDA. An assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Residential use. Water used by any residential customer of the water supply and include single-family dwellings.

Reduced pressure principle backflow prevention assembly or reduced pressure principle assembly or RP assembly or RP. An assembly containing two independently acting approved check valves, a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve, and including properly located test cocks and tightly closing shut-off valves at each end of the assembly.

Service connection. The point of delivery at which the public water system connects to the private supply line or lateral of a water user.

Spill-resistant pressure vacuum breaker or SVB. An assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

Thermal expansion. The natural change in volume of a confined quantity of water as a result of the raising of the temperature of that water.

TCEQ. Texas Commission on Environmental Quality.

Used water. Water supplied by a public water system to a water user's system after it has passed through the service connection.

Water use survey. A survey conducted or caused to be conducted by the local authority designed to identify any possible **source's sources** of contamination to the potable water supply.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.61 Backflow prevention assembly requirements

(A) With the approval of the Managing Director, a licensed cross-connection tester employed by or under contract or registered with the City shall determine the type and location of any **backflow backflow** assembly to be installed within the City's water service area. The assembly shall be required in each of the following circumstances, but the inspector is in no way limited to the following circumstances:

(1) When the nature and extent of any activity at a premises, or the materials or equipment used in connection with any activity at a premises, or materials stored at a premises, could present a health hazard upon entry into the public water system.

(2) When a premises has one or more cross-connections.

- (3) When internal cross-connections are present that are not correctable.
 - (4) When intricate plumbing arrangements are present that make it impractical to ascertain whether cross-connections exist.
 - (5) When a premises has a repeated history of cross-connections being established or re-established.
 - (6) When entry to a premises is restricted so that inspections for cross-connections cannot be made with sufficient thoroughness or frequency to assure that cross-connections do not exist.
 - (7) When materials are being used such that, if backflow should occur, a health hazard could result.
 - (8) When installation of an approved backflow prevention assembly is determined by an inspector to be necessary to accomplish the purpose of these regulations.
 - (9) When an appropriate Cross-Connection **Report-Survey** Inspection Form **(CST-CCSI)** has not been filed with the Managing Director.
 - (10) On all multistory buildings or any building with a booster pump or elevated storage tank.
 - (11) For any used water return system that has received approval from the Managing Director.
- (B) In all new nonresidential construction, the Managing Director has the authority to require an approved backflow assembly at the service connection. The type of the assembly will correspond to the degree of hazard as determined by the Managing Director. At any residence or establishment where an actual or potential contamination hazard exists and an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required.
- (C) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building. The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes.
- (D) If a point-of-use assembly has not been tested or repaired as required by this article, the installation of a reduced pressure principle assembly will be required at the service connection.
- (E) If an inspector determines that additions or rearrangements have been made to the plumbing system of a premises without the proper permits as required by the Plumbing Code, premises containment shall be required.

(F) Retrofitting shall be required on all point-of-use health hazard connections and wherever else the Managing Director determines that retrofitting is necessary due to circumstances that indicate that cross-connection is likely to occur unless a back-flow prevention assembly is installed.

(G) An approved double detector check valve assembly shall be the minimum protection on all new fire sprinkler systems. An RP assembly shall be installed if any solution other than potable water can be introduced into the sprinkler system. Retrofitting shall be required on all high hazard systems, where improper maintenance has occurred, and wherever an inspector determines that such measures are necessary under the conditions found by the inspector.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.62 Fire protection systems

(A) Commercial.

(1) All new and existing fire protection systems which utilize the City's potable water supply shall have installed an approved backflow prevention device according to the degree of hazard.

(2) An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assembly (RPDA) shall be the minimum protection for fire sprinkler systems. A RPDA must be installed if any solution other than potable water can be introduced into the sprinkler system.

(3) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the City in writing of the change. Notification shall be sent to the attention of the Managing Director. All costs associated with this article and the purchase, installation, testing and repair of a (DCDA) or (RPDA) device is the responsibility of the property owner and persons in charge of any premises. Only approved **fireline fire line** testers registered with the City of Garland are authorized to test **fireline fire line** devices.

(4) Upon the approved installation of the DCDA or RPDA device, a cross-connection test report completed by a **fireline Fire Line** Tester shall be sent to the attention of the Managing Director and include the information required by this article.

(5) Retrofitting shall be required:

(a) When the water supply in a certain area has been contaminated;

(b) The fire protection system has contributed to the contamination; and

(c) When an authority having jurisdiction to protect the potable water supply mandates a fail-safe system.

(6)

~~Any person performing maintenance, repair or testing on fire lines shall be a full-time employee of an Approved Fire Sprinkler Contractor. Approved Fire Sprinkler Contractors shall verify in writing that each tester is a full-time employee and that the company carries general liability insurance.~~ Except as provided in Texas Insurance Code Chapter 6003, any person performing maintenance, repair or testing on fire lines shall be a full-time employee of an Approved Fire Sprinkler Contractor. Approved Fire Sprinkler Contractors shall verify in writing that each tester is a full-time employee and that the company carries general liability insurance as required by state law.

(B) Residential.

(1) All new and existing fire protection systems which utilize the City's potable water supply shall have installed an approved backflow prevention device according to the degree of hazard.

(2) An approved double check valve backflow prevention assembly (DC) or reduced pressure principle backflow prevention assembly (RP) shall be the minimum protection for the fire sprinkler systems. A RP must be installed if any solution other than potable water can be introduced into the sprinkler system.

(3) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the City in writing of the change. Notification shall be sent to the attention of the Managing Director. All costs associated with this article and the purchase, installation, testing and repair of a DC or RP device is the responsibility of the property owner and persons in charge of any premises. Only approved ~~Fireline~~ **Fire Line** Testers registered with the City of Garland are authorized to test ~~fireline~~ **fire line** devices.

(4) Upon the approved installation of the DC or RP device, a cross-connection test report completed by a ~~Fireline~~ **Fire Line** Tester shall be sent to the attention of the Managing Director and include the information required by this article.

(5) Retrofitting shall be required

(a) When the water supply in a certain area has been contaminated;

(b) The fire protection system has contributed to the contamination; and

(c) When an authority having jurisdiction to protect the potable water supply mandates a fail-safe system.

(6)

~~Any person performing maintenance, repair or testing on fire lines shall be a full-time employee of an Approved Fire Sprinkler Contractor. Approved Fire Sprinkler Contractors shall verify in writing that each tester is a full-time employee and that the company carries general liability insurance.~~ Except as provided in Texas Insurance Code Chapter 6003, any person performing maintenance, repair or testing on fire lines shall be a full-time employee of an Approved Fire Sprinkler Contractor. Approved Fire Sprinkler Contractors shall verify in writing that each tester is a full-time employee and that the company carries general liability insurance as required by state law.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.63 Fire hydrant protection

- (A) A reduced pressure assembly (RPD) shall be the minimum protection for fire hydrant water meters used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply.
- (B) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant water meter rentals shall meet the current requirements as provided for by the City.
- (C) Only City of Garland fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the City limits.
- (D) A refundable deposit in the amount specified in section [50.34](#)(2) is required to insure the return of all water meters and backflow assemblies to the City. Failure to return the assemblies can result in the forfeiture of deposit and enforcement action being taken against the responsible party, as allowed for in the enforcement section in this article.
- (E) All non-approved fire hydrant meters which are found to be in use in the City of Garland will be confiscated and enforcement action may be taken against the responsible party, as allowed for in the enforcement section in this article.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.64 Mobile units

The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an approved backflow prevention assembly. Prior approval and annual device testing of any backflow prevention assembly must be received from the City before connecting to any potable water system. (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.65 Plumbing code

As a condition of water service, a customer shall install, maintain, and operate the customer's piping and plumbing systems in accordance with the Plumbing Code provisions adopted by the City of Garland. In the event of a conflict between this article and the Plumbing Code, the more restrictive provision shall apply. (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.66 Thermal expansion

It shall be the responsibility of the premises owner to provide for the possibility of damage or injury which might be caused by thermal expansion, if a closed system has been created by the installation of a backflow assembly. (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.67 Pressure loss

Any water pressure drop caused by the installation of a backflow assembly shall be the responsibility of the premises owner and not the City. The City may provide reasonable assistance to a premises owner regarding information on adequate sizing of assemblies and proper plumbing practices to provide for required pressure and flows but shall not be obligated to provide assistance or alternative measures to increase water pressure. (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.68 Compliance for landscape irrigation

For all landscape irrigation system installations a permit shall be required. Such permit shall be issued by the Building Inspection Department. Installation requirements for any device or

equipment to be installed must comply with the current City plumbing code and the guidelines and requirements of this article. Interconnections of the potable water supply with an alternate water source are prohibited unless appropriate backflow protection is installed. Health hazard backflow protection devices must be installed if any mechanical injection stations are used with the irrigation system and shall conform to the device testing requirements as provided in this article. (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.69 Rainwater harvesting

An approved backflow prevention assembly must be installed to prevent nonpotable water from entering the potable system. All piping that contains nonpotable water must be labeled (Untreated Rainwater - Do Not Drink) and an air gap or reduced-pressure principle backflow prevention assembly be installed to protect the water system. (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.70 Residential service connections

A residential premises that has been determined to have an actual or potential cross-connection shall be equipped with an approved backflow prevention assembly installed in accordance with this article. This device can be required to be installed either at the customer meter or at the point-of-use at the expense of the owner/occupant and shall conform to the device testing requirements as provided in this article. (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.71 Customer service inspection

(A) A customer service inspection (CSI) is an examination of water distribution facilities for the purposes set forth in section [51.60](#) of this article. Permanent water service to a new facility will not be granted until the water facilities pass a customer service inspection.

(B) A customer service inspection certification form shall be completed and filed with the Managing Director under each of the following circumstances:

(1) New construction.

(2) Material improvement, correction, or addition to the private water distribution system (defined as plumbing work that requires a permit and involves a major modification to the private water distribution system). The private water system refers to the facilities on the owner's side of the meter.

(3) When the Managing Director believes that a cross-connection or other potential contamination hazard exists. In this instance, the Managing Director shall notify the customer that an inspection will be conducted and will identify the threat that is believed to exist prior to discontinuation of water service.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.72 Certification of customer service inspectors

(A) A person who performs customer service inspections or who prepares customer service inspection certification forms shall be registered as a licensed customer service inspector with the City and shall meet all the requirements of Rule 290.46(j)(1) of the TCEQ Rules and Regulations of Public Water Systems for accreditation as a customer service inspector. The Building Inspection Department conducts all customer service inspections for the City of Garland; however, the City reserves the right to outsource these inspections.

(B) In order to perform the customer service inspections, the City of Garland may:

(1) Provide a list of certified inspectors to the customer, from which list the customer may select and hire an inspector;

(2) Provide qualified employees to perform the inspections at a cost to the customer in order to complete the state required inspection; or

(3) Hire independent, qualified contractors to perform the inspections.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.73 Certification of backflow prevention assembly testers

(A) All testers operating within the City shall be licensed in accordance with all applicable regulations of TCEQ and this article. No person shall operate as a backflow prevention assembly tester within the City without being annually registered with the Managing Director of the City.

(B) Persons licensed as backflow prevention assembly testers shall meet the following requirements: obtain and maintain TCEQ approved certification as a backflow prevention assembly tester and confined-space entry training certification.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.74 Licensed backflow prevention assembly tester responsibilities

(A) Only approved TCEQ licensed backflow prevention assembly testers that are registered with the City in accordance with this article can test backflow prevention assemblies in the City of Garland.

(B) An annual licensed backflow assembly tester registration shall remain in effect so long as:

(1) The tester maintains eligibility for registration and certification as provided in this article including continued certification by the TCEQ and timely payment of the annual registration fee;

(2) The Managing Director has not revoked the registration.

(C) Upon recertifying with TCEQ, a tester shall renew the tester's registration with the Managing Director.

(D) An applicant for registration shall:

(1) Demonstrate to the Managing Director that the applicant has available the necessary tools and equipment to properly test backflow prevention assemblies;

(2) Provide evidence to the Managing Director that the applicant has successfully completed a TCEQ accredited 8 hour hands on "permit confined-space entry training" as specified by the occupational safety and health administration (29 CFR 1910.146) within the past 5 years. Non-TCEQ accredited "confined space entry training" will need to be verified and approved by the managing director; Additionally, TCEQ accredited 8 hours "online confined-space entry training," successfully completed within the previous twelve (12) months, will also need to be verified and approved by the managing director.

(3) Identify all test gauges the applicant will use in testing backflow prevention assemblies. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association Recommended Practice for Backflow Prevention and Cross-connection Control (Manual M14). Testers shall include test gauge serial numbers on "Test and Maintenance" report forms and demonstrate that gauges tested for accuracy; and

(4) Testers must register annually with the City, provide proof of TCEQ licensing, and pay an annual, non-refundable tester registration fee.

(E) A registered backflow prevention assembly tester shall:

(1) File the serial number of each of the tester's test kits with the Managing Director;

(2) Annually have each recorded test kit tested for accuracy and calibrated to maintain a plus or minus 2% accuracy factor;

(3) Perform competent and accurate certifications of each backflow prevention assembly tested and submit complete reports thereof to the Managing Director;

(4) List registered serial numbers of test gauges on tests and maintenance reports prior to submitting the reports to the Managing Director.

(F) A registered backflow prevention assembly tester shall not change the design or operating characteristics of a backflow prevention assembly.

(G) After notice and hearing, the Managing Director may revoke a registration if the Managing Director determines that the tester:

(1) Has made false, incomplete, or inaccurate assembly testing reports;

(2) Has used inaccurate gauges;

(3) Has used improper testing procedures;

(4) Is not in compliance with safety regulations;

(5) Has failed to register the serial numbers of the tester's test kits or has failed to calibrate gauges annually; or

(6) Has violated any other provision of this article.

(7) Upon the discretion of the Managing Director upon notice that inappropriate testing activities have taken place.

(Ordinance 6393, sec. 1, adopted 4/20/10; Ordinance 6857, sec. 7, adopted 9/6/16)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.75 Tester registration fee

Testers shall pay an annual registration fee in the amount set forth in [section 50.38](#) of the Code of Ordinances. Payment shall be made upon initial application for registration and annually thereafter on or before January 1st of each succeeding calendar year. (Ordinance 6393, sec. 1, adopted 4/20/10; Ordinance 6428, sec. 1, adopted 9/21/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.76 Testing of assemblies

(A) All multifamily residential use and nonresidential use backflow prevention assemblies shall be inspected and tested or caused to be inspected and tested by the City in each of the following circumstances:

- (1) Immediately after installation;
- (2) A minimum of once a year or as required by the Managing Director;
- (3) Immediately after repair;
- (4) When premises that have been vacated and unoccupied for one year, prior to re-occupancy;
- (5) Whenever the assembly is moved.

(B) Duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property for the purpose of enforcing this article. Persons and occupants of the property which are provided water service by the City, either directly or indirectly, shall allow the City or its representatives ready access at all reasonable times to all parts of the property for the purpose of inspection, testing, records examination, or in the performance of their duties. When persons or occupants of the property have security measures in force which would require proper identification and clearance before entry into the property, the persons and occupants of the property shall make necessary arrangements with their security personnel so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(C) The City shall not be liable for damage to an assembly that occurs during testing.

(D) A water use survey may be conducted at any establishment located in the City which is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this article and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued.

(E) It is the responsibility of the person who owns or controls property to have all assemblies tested in accordance with this article. Assemblies may be required to be tested more frequently if the City deems necessary.

(F) All results from assembly testing by a licensed backflow prevention assembly tester shall be placed on a form designated by the City.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.77 Maintenance of assemblies

A person who owns, operates, or manages a premises in which a required backflow prevention assembly is installed shall maintain such assemblies in proper working order at all times, including such repairs as may be necessary to keep the assembly in proper working order. The maintenance and repair of all assemblies shall be done in accordance with the applicable regulations of the TCEQ and this article. A backflow prevention assembly shall be maintained in a manner that allows the assembly to be tested by a method that has been approved by TCEQ.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.78 General installation requirements

A backflow prevention assembly shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:

(1) A backflow prevention assembly shall be installed in accordance with current TCEQ rules and this article. The assembly installer shall obtain the required plumbing permits prior to installation and shall have the assembly inspected by the City.

(2) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. If a double check valve assembly is installed in a vault, brass plugs shall be maintained in the test ports at all times and adequate drainage shall be provided.

(3) At facilities which require a backflow prevention assembly to be installed at the point of delivery of the water supply, installation of the assembly must be before any branch in the line and on private property located just inside the boundary between the City's right-of-way and the landowner's property. The Managing Director may authorize other areas for installation of the

assembly. Assemblies that must be installed in or are located in City rights-of-way are the responsibility of the business or entity that the water line is serving.

- (4) The assembly shall be protected from freezing and other severe weather conditions.
- (5) All backflow prevention assemblies shall be of a type and model approved by the Managing Director.
- (6) All vertical installations of backflow prevention assemblies shall be approved in writing by the Managing Director prior to installation.
- (7) An assembly installed five (5) feet or higher above floor level shall be equipped with a rigid and permanently installed scaffolding acceptable to the Managing Director which shall contain a platform for use by testing and maintenance personnel. The installation shall meet all applicable requirements of the U.S. Occupational Safety and Health Administration and State occupational safety and health laws.
- (8) Upon completion of the installation, the premises owner shall notify the Managing Director and schedule the inspection and testing of all assemblies. The premises owner shall register all backflow assemblies with the Managing Director by providing the date of installation, the manufacturer, model and serial number of the backflow prevention assembly, and the initial test report for the assembly.
- (9) The premises owner assumes all responsibility for any damages resulting from installation, operation, and maintenance of a backflow assembly. The owner shall also see that any vault in which a backflow prevention assembly is contained is kept free of silt and debris that may interfere with the proper operation, inspection or testing of the assembly.
- (10) Lines shall be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.
- (11) Bypass lines are prohibited. Pipefittings which could be used for connecting a bypass line must not be installed.
- (12) Premises with two assemblies installed in parallel shall be sized in such a manner that either assembly will provide the maximum flow required.
- (13) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type and size so that testing, repair and maintenance can be performed.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.79 Reduced pressure principle backflow prevention assemblies

RPs shall be utilized at any premises where a substance is handled that could be hazardous to the public health if introduced into the potable water system. In addition to the provisions of section [51.76](#), an RP shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:

- (1) RPs shall be sized to provide an adequate supply of water and pressure for the premises being served.
- (2) On premises where non-interruption of water supply is critical, two assemblies of the same type installed in parallel shall be provided. The assemblies shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.
- (3) Bypass lines are prohibited. Pipe fittings that could be used for connecting a bypass line shall not be installed.
- (4) The assembly shall be readily accessible for testing and maintenance and shall be located in an area where water damage to buildings or furnishings will not occur from relief valve discharge. An approved air gap funnel assembly may be used to direct minor discharges away from the assembly provided the air gap funnel assembly will not control flow in a continuous relief situation. Daylight drain ports shall be provided to accommodate full pressure discharge from the assembly.
- (5) All RP assemblies larger than two (2) inches shall have a minimum of twelve (12) inches clearance on the back side, twenty-four (24) inches clearance on the test cock side, and the relief valve opening shall be at least twelve (12) inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six (6) feet is required in vaults without a fully removable top. A minimum access opening of twenty-four (24) inches square is required on all vault lids. All RP assemblies two (2) inches and smaller shall have at least a six-inch clearance on all sides. RP assemblies may be installed in a vault only if relief valve discharge can be drained to a free and unrestricted space through a boresight type drain. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
- (6) An approved air gap shall be located at the relief valve orifice of RP assemblies. The air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one (1) inch.
- (7) No deviations from this section shall be permitted without prior written approval of the Managing Director.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.80 Double check valve backflow prevention assembly

Double check valve assemblies may be utilized at a premises where a substance is handled that could be objectionable - but not hazardous to health - if the substance is introduced into the potable water system. In addition to the provisions of section [51.76](#), a DC shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:

- (1) DCs shall be sized to provide an adequate supply of water and pressure for the premises being served.
- (2) On premises where non-interruption of water supply is critical, two assemblies of the same type installed in parallel shall be provided. The assemblies shall be sized in such a manner that either assembly will provide the minimum water requirements, while the two together will provide the maximum flow required.
- (3) Bypass lines are prohibited. Pipe fittings that could be used for connecting a bypass line shall not be installed.
- (4) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade provided all test cocks are fitted with brass pipe plugs. All vaults containing a DC shall be well drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.
- (5) DC assemblies two (2) inches and smaller shall have at least a three-inch clearance below and on both sides of the assembly, and if located in a vault, the bottom of the assembly shall be not more than twenty-four (24) inches below grade. All DC assemblies larger than two (2) inches shall have a minimum clearance of twelve (12) inches on the back side, twenty-four (24) inches on the test cock side, and twelve (12) inches below the assembly. Headroom of six (6) feet is required in vaults without a fully removable top. A minimum access opening of twenty-four (24) inches square is required on all vault lids.
- (6) Vertical installations are allowed on sizes up to and including four (4) inches that meet the following requirements:
 - (a) The DC assembly shall contain internally spring-loaded check valves;
 - (b) Flow is upward through assembly;
 - (c) The assembly manufacturer specifies that the assembly can be used in a vertical position; and
 - (d) The Managing Director authorizes the vertical installation of the DC assembly.

- (7) No deviations shall be permitted without prior written approval of the Managing Director.
- (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.81 Double detector check valve assembly

Double detector check valve assemblies may be utilized in any installation that requires a double check valve assembly and detector metering. DDCs shall comply with the installation requirements applicable for double check valve assemblies (DCs). (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.82 Pressure vacuum breaker assembly

(A) Pressure vacuum breaker (“PVB”) assemblies may be utilized at point-of-use protection only and only if a substance is handled at the premises where the assembly is installed that could be objectionable but not hazardous to health - if the substance introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.

(B) In addition to the provisions of section [51.76](#), a PVB shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:

- (1) The assembly shall be installed a minimum of twelve (12) inches above the highest use outlet or overflow level downstream from the assembly.
 - (2) A PVB shall not be installed in an area subject to flooding or where damage could occur from water discharge.
 - (3) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of twelve (12) inches all around the assembly. PVBs shall be located between twelve (12) inches and sixty (60) inches above ground level.
 - (4) No deviations shall be permitted without prior written approval of the Managing Director.
- (Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.83 Atmospheric vacuum breaker

Atmospheric vacuum breakers (“AVB”) provide minimal protection and are approved for very low hazard application only. AVBs protect against backsiphonage only and are prohibited where there is potential for backpressure. In addition to the provisions of section [51.76](#), an AVB shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:

- (1) The AVB assembly shall be installed a minimum of six (6) inches above the highest use outlet or overflow level downstream from the assembly.
- (2) Shutoff valves downstream from the assembly are prohibited.
- (3) An AVB shall not be used on any application where there is more than twelve (12) hours per day continuous use.
- (4) An AVB shall not be installed in an area subject to flooding or where damage may occur from water discharge.
- (5) AVBs shall be allowed for point-of-use protection only, in accordance with the plumbing code.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.84 Air gap separation

Air gap separations provide maximum protection from backflow hazards and shall be utilized at all locations where health hazard substances are at risk of entering the potable water system when applicable.

- (1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel, and in no case less than one (1) inch. If splashing may occur, tubular screens may be attached or the supply line may be cut at a 45° angle. The air gap distance shall be measured from the bottom of the angle. Hoses shall not be allowed.
- (2) Air gap separations shall not be altered in any way without prior approval from the Managing Director and must be available for inspection at all reasonable times.

(3) The effective opening shall be the minimum cross-sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two or more lines supply one outlet, the effective opening shall be the sum of the cross-connectional areas of the individual supply lines or the area of the single outlet, which is smaller.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.85 Right-of-way encroachment

(A) No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way except as allowed by this section.

(B) The Managing Director, with the concurrence of the Director of Engineering, may grant a license to install a backflow prevention assembly required by this article upon or within a City right-of-way only if the owner demonstrates to their satisfaction that there is no other feasible location for installing the assembly, and that installing it in the right-of-way will not interfere with traffic, utilities or any other public use of the right-of-way. The City retains the right to approve the location, height, depth, enclosure and other requisites of the assembly prior to its installation.

(C) Any person performing work in the City rights-of-way shall obtain all permits and inspections required by the Code of Ordinances.

(D) The assembly shall be installed below or flush with the surrounding grade except when it is not practical to install it in this manner. Any backflow prevention assembly or portion of an assembly which extends above ground must have final approval from the Managing Director. RPs, AVBs and SVBs are not allowed to be installed below grade.

(E) The owner of a backflow prevention assembly that has been installed upon or within a City right-of-way as provided by this section shall, at the request of the City and at the owner's sole expense, relocate the assembly when such relocation is necessary for street or utility construction or repairs or for purposes of public safety or convenience.

(F) The City shall not be liable for any damage done to or caused by an assembly installed in the right-of-way.

(G) A person commits an offense if he fails to relocate a backflow prevention assembly located in or upon any City right-of-way after receiving a written order to do so from the Managing Director.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.86 Emergency suspension of utility service

(A) The customer to whom water service is provided at a premises within the City shall be responsible for the installation, testing, maintenance and repair of all backflow prevention assemblies serving that customer. The Managing Director may, without prior notice, suspend water service to any premises when such suspension is necessary to prevent or stop an actual or threatened backflow which:

(1) Presents or may present imminent and substantial danger to the environment or to the health or welfare of any person; or

(2) Presents or may present imminent and substantial danger to the City's public water supply.

(B) As soon as is practicable after the suspension of service, the Managing Director shall notify the customer of the suspension in person or by certified mail, return receipt requested, and shall order such person to correct the cross-connection that allowed the backflow to occur.

(C) The Managing Director shall not reinstate suspended water service until:

(1) The customer presents proof, satisfactory to the Managing Director, that the backflow has been eliminated and its cause determined and corrected;

(2) The customer pays the City for all costs the City incurred in responding to the backflow or threatened backflow; and

(3) The customer pays the City for all costs the City will incur in reinstating service.

(D) Failure on the part of a customer to discontinue the use of a cross-connection and to physically separate a cross-connection is sufficient cause for the immediate discontinuance of public water service to the premises.

(E) A customer whose service has been suspended may appeal such suspension to the Managing Director, in writing, within ten working days of notice of the suspension.

(F) A person commits an offense if the person, without the prior written approval of the Managing Director, reinstates water service to a premises for which water service has been suspended pursuant to this section.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.87 Non-emergency termination of water supply

(A) The Managing Director may terminate, after written notice and opportunity for a hearing, the water service of any customer who:

- (1) Fails or refuses to install a reduced pressure principle assembly when required by this article;
- (2) Fails or refuses to install and maintain backflow prevention assemblies in compliance with this article; or
- (3) Fails or refuses to install, maintain, and operate the customer's piping and plumbing systems in accordance with the plumbing code.

(B) The Managing Director shall notify the customer of the proposed termination of water service at least ten working days before the proposed termination. The customer may request a hearing on the proposed termination by filing a written request for a hearing with the Managing Director not more than ten days after receipt of notice of the proposed termination.

(C) If water service is terminated, the Managing Director shall not reinstate water service until:

- (1) The customer presents proof, satisfactory to the Managing Director, that the backflow has been eliminated and its cause determined and corrected; and
- (2) The customer pays the City for all costs the City will incur in reinstating service.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.88 Access to premises

(A) A commercial water service customer may, in lieu of the mandatory installation of a backflow prevention assembly, provide the City access during reasonable business hours to the customer's premises for the purpose of determining compliance with the provisions of this article. Such access shall be unobstructed and safely accessible.

(B) A commercial water service customer who fails or refuses to provide the optional access shall install and maintain a reduced pressure principle assembly at the water service connection to the premises.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ARTICLE V. CROSS-CONNECTION CONTROL*

Sec. 51.89 Enforcement

- (A) This article shall be enforced by the Managing Director.
- (B) The City shall inspect and initially test, or cause to be tested, all backflow prevention assemblies installed pursuant to the requirements of this article. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the City shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The City shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.
- (C) Violations.
 - (1) A person commits an offense if there is failure to maintain backflow prevention assemblies in compliance with this section.
 - (2) A person commits an offense if there is failure to comply with a repair order issued by the City.
 - (3) A person commits an offense if backflow from premises owned, operated or managed by the person enters the public water supply system.
 - (4) A person commits an offense if there is a failure to pay any fees required by this article.
 - (5) A person commits an offense by violating any section of this article.
 - (6) A person commits an offense if discontinued or disconnected water service to premises under this article is reinstated except as directed by the City.
 - (7) A person in charge of any facility commits an offense by allowing an unregistered tester to perform testing work at their establishment.
 - (8) A person commits an offense by testing backflow prevention assembly within the City without being registered with the City.
 - (9) A person commits an offense by testing backflow prevention assembly within the City without being licensed by the TCEQ.

- (10) A person commits an offense by using non-approved fire hydrant meters.
- (11) A person commits an offense by testing ~~fireline~~ **fire line** backflow devices without the proper license as stated in the State Fire Code.
- (D) Sanction for failure to pay inspection fees.
- (1) In addition to sanctions provided for by this article, the City is entitled to exercise sanctions provided for by other ordinances of the City.
- (E) A licensed tester's registration may be reviewed and revoked by the City if it is determined that the tester:
- (1) Has falsely, incompletely, or inaccurately reported assembly reports;
 - (2) Has used inaccurate gauges;
 - (3) Has used improper testing procedures;
 - (4) Has created a threat to public health or the environment;
 - (5) Is not in compliance with safety regulations;
 - (6) Has failed to register the serial numbers of the tester's test kits or has failed to calibrate gauges annually;
 - (7) Has violated any other provision of this article; or
 - (8) Upon the discretion of the Managing Director upon notice that inappropriate testing activities have taken place.

(Ordinance 6393, sec. 1, adopted 4/20/10)

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE V, "CROSS-CONNECTION CONTROL, OF CHAPTER 51, "GENERAL UTILITY PROVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

Section 1

That Section 51.60, "Definitions," of Article V, "CROSS-CONNECTION CONTROL," of Chapter 51, "General Utility Provisions," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 51.60 Definitions

...

Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB. A device used to prevent backsiphonage in non-health hazard conditions. This device cannot be tested and cannot prevent backpressure backflow.

Approved backflow prevention assembly or backflow assembly or assembly. An assembly to prevent backpressures or prevent backsiphonage and which is listed as an approved assembly by the University of Southern California (USC) Foundation for Cross-Connection Control and Hydraulic Research or similar rating or standards organization recognized by the Managing Director.

...

Customer service inspection. An inspection designed to inspect and detect any actual or potential cross-connection hazards and/or exceedance of the lead content levels in solder or flux, pipe or pipe fittings.

...

Fire Line tester. A tester who is employed by an Approved Fire Sprinkler Contractor and is qualified to test backflow prevention assemblies on fire lines.

General tester or tester. A tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except fire lines. Recognized backflow prevention assembly testers shall have completed a TCEQ Executive Director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the TCEQ Executive Director, and hold a current license as a backflow prevention assembly tester.

...

Water use survey. A survey conducted or caused to be conducted by the local authority designed to identify any possible sources of contamination to the potable water supply."

Section 2

That Section 51.61, "Backflow prevention assembly requirements," of Article V, "CROSS-CONNECTION CONTROL," of Chapter 51, "General Utility Provisions," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 51.61 Backflow prevention assembly requirements

- (A) With the approval of the Managing Director, a licensed cross-connection tester employed by or under contract or registered with the City shall determine the type and location of any backflow assembly to be installed within the City's water service area. The assembly shall be required in each of the following circumstances, but the inspector is in no way limited to the following circumstances:

...

- (9) When an appropriate Cross-Connection Survey

Form (CCSI) has not been filed with the
Managing Director.

..."

Section 3

That Section 51.62 "Fire protection systems," of Article V, "CROSS-CONNECTION CONTROL," of Chapter 51, "General Utility Provisions," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 51.62 Fire protection systems

(A) Commercial.

...

(3) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the City in writing of the change. Notification shall be sent to the attention of the Managing Director. All costs associated with this article and the purchase, installation, testing and repair of a (DCDA) or (RPDA) device is the responsibility of the property owner and persons in charge of any premises. Only approved fire line testers registered with the City of Garland are authorized to test fire line devices.

(4) Upon the approved installation of the DCDA or RPDA device, a cross-connection test report completed by a Fire Line Tester shall be sent to the attention of the Managing Director and include the information required by this article.

...

(6) Except as provided in Texas Insurance Code Chapter 6003, any person performing

maintenance, repair, or testing on fire lines shall be a full-time employee of an Approved Fire Sprinkler Contractor. Approved Fire Sprinkler Contractors shall verify in writing that each tester is a full-time employee and that the company carries general liability insurance as required by state law.

(B) Residential.

...

(3) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the City in writing of the change. Notification shall be sent to the attention of the Managing Director. All costs associated with this article and the purchase, installation, testing and repair of a DC or RP device is the responsibility of the property owner and persons in charge of any premises. Only approved Fire Line Testers registered with the City of Garland are authorized to test fire line devices.

(4) Upon the approved installation of the DC or RP device, a cross-connection test report completed by a Fire Line Tester shall be sent to the attention of the Managing Director and include the information required by this article.

...

(6) Except as provided in Texas Insurance Code Chapter 6003, any person performing maintenance, repair, or testing on fire lines shall be a full-time employee of an Approved Fire Sprinkler Contractor. Approved Fire Sprinkler Contractors shall verify in writing that each tester is a full-time employee and that the company carries general liability insurance as

required by state law."

Section 4

That Section 51.74 "License backflow prevention assembly tester responsibilities," of Article V, "CROSS-CONNECTION CONTROL," of Chapter 51, "General Utility Provisions," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 51.74 Licensed backflow prevention assembly tester responsibilities

...

(D) An applicant for registration shall:

...

(2) Provide evidence to the Managing Director that the applicant has successfully completed a TCEQ accredited 8-hour hands-on "permit confined-space entry training," as specified by the occupational safety and health administration (29 CFR 1910.146) within the past 5 years. Non-TCEQ accredited "confined space entry training" will need to be verified and approved by the managing director. Additionally, a TCEQ accredited 8 hours "online confined-space entry training," successfully completed within the previous twelve (12) months, will also need to be verified and approved by the managing director;

..."

Section 5

That Section 51.82 "Pressure vacuum breaker assembly," of Article V, "CROSS-CONNECTION CONTROL," of Chapter 51, "General Utility Provisions," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 51.82 Pressure vacuum breaker assembly

(A) Pressure vacuum breaker ("PVB") assemblies may

be utilized at point-of-use protection only and only if a substance is handled at the premises where the assembly is installed that could be objectionable but not hazardous to health - if the substance introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.

..."

Section 6

That Section 51.83 "Atmospheric vacuum breaker," of Article V, "CROSS-CONNECTION CONTROL," of Chapter 51, "General Utility Provisions," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 51.83 Atmospheric vacuum breaker

Atmospheric vacuum breakers ("AVB") provide minimal protection and are approved for very low hazard application only. AVBs protect against backsiphonage only and are prohibited where there is potential for backpressure. In addition to the provisions of section [51.76](#), an AVB shall be installed in accordance with the following requirements in order to ensure the proper operation of and accessibility to the assembly:

..."

Section 7

That Section 51.89 "Enforcement," of Article V, "CROSS-CONNECTION CONTROL," of Chapter 51, "General Utility Provisions," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 51.89 Enforcement

...

(C) Violations.

...

- (11) A person commits an offense by testing fire line backflow devices without the proper

license as stated in the State Fire Code.
..."

Section 8

That Chapter 51 of the Code of Ordinances for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 9

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

Section 10

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

Section 11

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

PASSED AND APPROVED this the _____ day of _____,
2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

PUBLISHED:

City Secretary



GARLAND POLICY REPORT

City Council Work Session Agenda

3. c.

Meeting Date: December 5, 2022

Item Title: Master Interlocal Agreement with Dallas County for Maintenance on Certain Designated Roadways

Submitted By: Steve Oliver, Streets Director

Strategic Focus Areas: Well-Maintained City Infrastructure
Sound Governance and Finances

ISSUE

Consider entering into a five-year Master Interlocal Agreement (ILA) with Dallas County (County) for Transportation-Related Maintenance on or about certain designated roadways within the City of Garland.

OPTIONS

1. Approve a resolution which authorizes the City Manager to execute the attached Master ILA with Dallas County.
2. Take no action.

RECOMMENDATION

Approve Option 1. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 13, 2022 Regular Meeting.

BACKGROUND

In November 2017, the City Council adopted a resolution authorizing the City Manager to enter into a five-year Master ILA with Dallas County covering the years 2018 - 2022. That Master ILA was subsequently approved by the Dallas County Commissioners Court in January 2018. The Master ILA expires at the end of 2022, and a new agreement covering the years 2023 - 2027 must be executed before any additional Project Specific Agreements can be executed. The agreement provides for a 50/50 cost share program between the County and City to participate in maintenance/repairs of designated roadways and bridges. The agreement also establishes the governing and general financial responsibilities of each agency with respect to individual projects.

The City has benefitted significantly from the most recent Master ILA. During the most recent five-year period, the County has participated on a 50/50 cost share basis for street repair projects on Arapaho Road, Pleasant Valley Road/Elm Grove Road (the route to the Hinton

Landfill that the City maintains), Shiloh Road, Duck Creek Drive, Oates Road and several bridge remediation projects.

CONSIDERATION

City Council action is required to authorize the City Manager to execute the Master ILA with the County. The Master ILA has been reviewed by the City Attorney's Office and is attached for Council's review.

Attachments

Master Interlocal Agreement

Dallas County Master Maintenance Agreement Resolution

**MASTER INTERLOCAL AGREEMENT
BETWEEN DALLAS COUNTY AND THE CITY OF GARLAND
PERTAINING TO ROAD AND BRIDGE TRANSPORTATION-RELATED
IMPROVEMENTS AND/OR MAINTENANCE ON OR ABOUT CERTAIN
DESIGNATED ROADWAYS SITUATED WITHIN THE TERRITORIAL
LIMITS OF THE CITY OF GARLAND**

This Master Interlocal Agreement is made by and between Dallas County, Texas, hereinafter (“County”) and the City of Garland, Texas, a Texas home rule city (hereinafter (“City/Town” refers to the applicable City or Town, which is a party to this Master Interlocal Agreement) acting by and through their duly authorized representatives and officials, which desire to enter into an Interlocal Agreement, hereinafter (“Master Agreement”) for the purpose of transportation improvements and/or maintenance on roads inside Dallas County.

WHEREAS, pursuant to Court Order _____, dated _____, County Commissioners Court approved participation in transportation projects within the City/Town of _____;

WHEREAS, Chapter 791 of the Texas Government Code and Chapters 251 and 472 of the Texas Transportation Code provide authorization for local governments to contract amongst themselves for the performance of governmental functions and services;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type A” roadways and bridges, which are situated within the unincorporated portions of the County that are on public right-of-way;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type B” roadways and bridges, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type C” roadways, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of the City/Town retaining and authorizing the County, through its Road & Bridge forces, to improve and/or maintain various “Type E” roadways, alleys, streets, bridges and drainage facilities, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of the City/Town authorizing and retaining the County, through its Road & Bridge forces, to perform minor transportation-related improvements and/or

maintenance services, including but not limited to pothole repair; cleaning and clearing of drainage culverts; roadway debris removal; and the like, which services do not fall squarely within the purview of “Type B” or “Type E” roadway projects, such projects are to be performed on or about public roadways and alleyways, which are situated wholly within the territorial limits of the City/Town; and

WHEREAS, this collaboration between the County and the City/Town is consistent with the County’s Administrative Plan as the County is a proactive regional partner in that it fosters partnerships between the County and local cities therein on local transportation projects. This collaboration between the County and the City/Town is also consistent with the County’s Vision Statement to improve people’s lives.

NOW THEREFORE, THIS MASTER AGREEMENT is hereby made and entered into between the County and the City/Town for the mutual consideration stated herein:

ARTICLE I. PURPOSE

City/Town has requested in the past, and will likely request in the foreseeable future (1) that the County provide funding of certain roadway and/or bridge improvements and/or maintenance projects (“projects”) within the unincorporated portions of the County that are on public right-of-way, which projects shall be duly qualified “Type A” Roadway Projects; (2) that the County participate in the funding of certain roadway improvements and/or maintenance projects (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type B” Roadway Projects; (3) that County participate in the funding of certain roadway improvements and/or maintenance projects (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type C” Roadway Projects; (4) that the County provide certain roadway improvements and/or maintenance services (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type E” Projects on streets, alleys, roads, bridges and drainage facilities for the City/Town; or (5) that the County, through its Road & Bridge forces, perform certain minor transportation-related improvements and/or maintenance services on or about the City/Town’s streets, alleys, and roads, which do not fall squarely within the collaborations contemplated by the aforementioned. The terms and conditions set forth herein provide the cooperative framework for the County and the City/Town to undertake one or more of these transportation-related improvements and/or maintenance projects upon public roadways that are situated wholly within the incorporated and territorial jurisdiction of the City/Town, said roadways being of significance and benefit to the County.

Each roadway improvements and/or maintenance project commenced hereunder shall be fully and specifically set forth and described in a separate Project Specific Agreement hereinafter (“PSA”), and shall be approved by specific order of the Commissioners Court of Dallas County, as well as the governing body of the City/Town.

Projects undertaken pursuant to this Master Agreement are for the benefit of the City/Town and the County, and not the purposeful benefit of any third parties. It is the express intention of the City/Town and the County that any person or entity, other than the City/Town or the County, receiving services or benefits hereunder shall be deemed incidental beneficiaries only.

Nothing herein shall be construed so as to prevent the County and the City/Town from collaborating and working jointly, without prior and formal approval of their respective governing bodies, in cases of national, state or local emergencies or natural disasters. See Tex. Gov't Code Ann. § 791.027 (West 1991). See also Dallas County Code Chapter 102, Section 102-5 (e) regarding minor maintenance in response to emergency road conditions or for purposes of natural disaster relief requested by other governmental jurisdictions.

ARTICLE II. DEFINITIONS

The following definitions for the types of roads listed below are incorporated by reference into this Master Agreement for all purposes.

1. Type A: Improvements and maintenance of roads and bridges located within the unincorporated portions of the County that are on public right-of-way. This includes roads within court-approved subdivisions in which the improvements and rights-of-way have been dedicated to the County and accepted by the Commissioners Court.
2. Type B: Improvements and maintenance of thoroughfares and bridges of major cross-county importance which are either existing or proposed. The Regional Thoroughfare Plan for North Central Texas Council of Governments and Dallas County Mobility Plan will be used as a guide to determine which thoroughfares are of major cross-county importance.
3. Type C: Improvements and maintenance of thoroughfares which are affected by state highway programs, planning and policies, including right-of-way, curb and gutter, and storm sewer projects that participate with state department of highways and public transportation as designated by the state as being part of the state highway system.
4. Type E: Improvements and maintenance of streets, alleys, roads, bridges and drainage facilities for a local governmental entity as defined under Chapter 791 of the Tex. Gov't Code Ann. (West 1999).

ARTICLE III. PERIOD/TERM OF THE MASTER AGREEMENT

This Master Agreement becomes effective when signed by the last party whose signing makes the respective Master Agreement fully executed (the "Effective Date"). This Master Agreement shall expire December 31, 2027, unless terminated in accordance with Article IV. of this Master Agreement.

ARTICLE IV. TERMINATION AND FORCE MAJEURE

A. TERMINATION

- a. This Master Agreement may be terminated by any of the following conditions:
 1. By expiration of the Period/Term of the Master Agreement.

2. By either party, by providing written notice of termination for any reason with ninety (90) days written notice to the other party pursuant to Article XIII., Paragraph E. of this Master Agreement.
- b. Either party shall have the right to retain copies of all data, information, engineering, studies, or other items produced to the date of termination.
- c. Provisions a. through c. of this Article IV, Section A, shall survive the termination of this Master Agreement.

B. FORCE MAJEURE

Neither County nor City/Town shall be in default or responsible for delays or failures in performance resulting from causes reasonably beyond its control and not attributable to its neglect. Such acts include but are not limited to acts of God, fire, storm, pandemic, epidemic, flood, earthquake, natural disaster, nuclear accident, strike, air traffic disruption, invasion, insurrection, lockout, stoppage of labor, riot, freight embargo, public regulated utility, or governmental statutes, orders, or regulations superimposed after the fact. Any party delayed by force majeure shall as soon as reasonably possible give the other party written notice of the delay. If reasonably practical, the party claiming the suspension shall give notice of such impediment or delay in performance to the other party within ten (10) days of the knowledge of such occurrence. The party delayed shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the party delayed shall immediately give the other party written notice thereof and shall resume performance under this Master Agreement as soon as practicable. In the event of such an occurrence, the time for performance of such obligations or duty shall be suspended until such time that such inability to perform, shall be removed. Each party shall make all reasonable efforts to mitigate the effects of any suspension. The provisions of this Article IV, Section B, shall survive the termination of this Master Agreement.

ARTICLE V. IMMUNITY AND LIABILITY FOR ACTS AND OMISSIONS

County and City/Town agree that no provision of this Master Agreement is in any way intended to constitute a waiver of any immunities from suit or liability, or a waiver of any tort limitation, that the parties have by operation of law, or otherwise. County and City/Town agree that both County and City/Town shall each be responsible for their own negligent acts or omissions or other tortious conduct in the course of performance of this Master Agreement without waiving any governmental/sovereign immunity available to the County or the City/Town or their respective officials, officers, employees or agents under Texas or other law and without waiving any available defenses under Texas or other law. In the event of joint and concurrent negligence of the parties to this Master Agreement, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without waiving any defenses, including governmental/sovereign immunity, or other defenses available to the parties under federal or Texas law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities. The provisions of this Article V. shall survive the termination, expiration, or cancellation of this Master Agreement, or any determination

that this Master Agreement or any portion hereof is void, voidable, invalid, or unenforceable.

ARTICLE VI. CITY/TOWN'S FUNDING CONTRIBUTION

For "Type A" projects, the City/Town shall be responsible for zero percent (0%) of the funding and payment for the roadway and/or bridges improvements and/or maintenance services.

For duly qualified "Type B" and "Type C" projects contemplated hereunder, the City/Town shall be responsible for the total funding and payment for the roadway improvements and/or maintenance services, less any amounts contributed by the County, which contributions, if any by the County, may not exceed fifty percent (50%) of the actual total project costs, and may be made through commitment of financial resources or in-kind services, i.e., use of County's labor, equipment and/or materials.

For "Type E" projects and all other projects contemplated hereunder, the City/Town shall be responsible for one hundred percent (100%) of the funding and payment for services provided in whole or in part through the use of County Road & Bridge personnel, equipment and/or materials.

Pursuant to § 791.011(d)(3) of the Texas Government Code, each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. All expenditures herein undertaken by the City/Town and/or the County for the performance of these governmental functions or services shall be made from current revenues available to them.

ARTICLE VII. CITY/TOWN'S OBLIGATIONS

Prior to the commencement of any project hereunder, the City/Town shall clearly detail the location and type of project, along with the scope and nature of the services to be performed in a document other than an interlocal agreement ("Master Agreement"). Should the City/Town desire that the County, through deployment of its Road & Bridge workforces, perform such services, the County shall prepare a written and detailed proposal for the City/Town's consideration and approval, indicating all work to be performed by the County, and at what costs and expense to the City/Town. Before any such work commences on a project, the City/Town and the County must have a clear and mutual understanding of the scope of services and/or funding to be provided by the County and the City/Town, describe the type of project to be undertaken; identify the project's location; the costs associated with such project; and be approved by the Commissioners Court of the County. Said mutual understanding between the County and the City/Town shall be evidenced by written documentation in a document other than the interlocal agreement, i.e. in a Project Specific Agreement, which shall only be binding once approved by the Commissioners Court of County and the governing body of the City/Town. The County may not accept and the City/Town may not offer payment for a project undertaken without approval of the Commissioners Court of the County and the governing body of the City/Town, and shall only be binding once approved by the County and the governing body of the City/Town.

For all projects wherein the County is obligated to provide improvements and/or maintenance services, once approved by the Commissioners Court of the County and immediately upon the County's commencement of work duly authorized by them, the City/Town shall set aside, segregate and escrow for the County's benefit, the total estimated amount of the project for each project undertaken. County may elect to bill against segregated funds on a monthly basis for services performed during the course of the month, or it may bill against the segregated funds in full once a project is completed. In either event, the County shall be paid promptly, and in full once the project is completed.

Where required by the nature of the projects undertaken, the City/Town, at its own expense, shall be responsible for the following: (1) informing the public of the proposed improvements, maintenance or construction activity regarding the project; (2) acquiring any right-of-way necessary to complete the project under consideration; (3) locating all manholes, water valves, and other utilities within the project; (4) making or causing to be made, all utility relocations or adjustments necessary for the execution and completion of the project; (5) remediating any hazardous or regulated materials, or other environmental hazards on or near the project site; and (6) where necessary, providing appropriate traffic control support, including but not limited to flagging, cones, barricades, shadow vehicles, arrow boards, signage, police presence, etc., to enable the project to be completed in a timely and safe manner. City/Town agrees to accomplish these functions, if required by the project under consideration, in a timely and efficient manner to ensure that such activity will not delay the County's timely performance of its improvements and/or maintenance activities.

City/Town agrees to permit the County, at the County's expense, to conduct routine special studies of traffic conditions within the City/Town, which studies may include traffic counts, measurements of speeds, delays, congestion, etc.

City/Town agrees to comply with Chapter 251 of the Tex. Transp. Code Ann. (West 1995) and the current Dallas County Code, (1-19-2021, Chapter 102 Road and Bridge District, Article III, Section 102-71 through Section 102-107, regarding road/street names/address policy and guidelines. This Master Agreement references the most current edition of the Dallas County Code. Amendments, updates, additions, or supplements may be issued by Dallas County, which may be provided to the city/town on an as-needed basis, during the term of this Master Agreement.

ARTICLE VIII. COUNTY'S CONTRIBUTION

For all projects contemplated hereunder, the County shall contribute as follows:

1. For "Type A" roadways and bridges, the County shall be responsible for one hundred percent (100%) of the funding and payment for the roadway and bridges improvements and/or maintenance services.
2. For all duly qualified "Type B" and "Type C" roadway projects, the County shall contribute an amount not to exceed fifty percent (50%) of the total actual project costs, which contribution may be through pledge and commitment of County Road

and Bridge funds, use of County Road and Bridge personnel and/or equipment, or a combination of the two.

- 3 For “Type E” roadway projects and all other duly qualified projects, the County’s contribution hereunder shall be limited solely to supplying labor, materials and/or equipment necessary to provide improvements and/or maintenance services, all of which shall be provided at the City/Town’s, or another funding source’s, expense at one hundred percent (100%).

ARTICLE IX. COUNTY’S OBLIGATIONS

County shall not undertake performance of any project hereunder, until such time as same has been specifically approved per the protocols set forth in Article I. as listed above and incorporated herein by reference. Once so approved, if called upon to do so, the County shall perform all services contemplated hereunder in a good and workmanlike manner. Further, the County shall not assign its rights, or delegate its duties and obligations hereunder to any third party without prior written approval of the City/Town and formal approval by the governing body of each party. Nothing herein shall be construed to prohibit the County from using subcontractors, where reasonably necessary, to aid in the completion of projects.

Should the County, in executing any project contemplated hereunder, encounter adverse conditions unforeseen by the City/Town or the County, the County shall immediately bring same to the attention of the City/Town, and await direction and guidance from the City/Town on the resolution of same. Where reasonably required by nature of the unknown condition, the County may cease performance hereunder until such time as adverse conditions are rectified or remedied by the City/Town, and such delay shall not constitute a material breach of this Master Agreement.

ARTICLE X. FISCAL FUNDING

Notwithstanding anything to the contrary herein, this Master Agreement is expressly contingent upon the availability of County funding for each item and obligation contained herein. City/Town shall have no right of action against the County as regards this Master Agreement, specifically including any funding by County of the Project in the event that the County is unable to fulfill its obligations under this Master Agreement as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this Master Agreement or failure of any funding party to budget or authorize funding for this Master Agreement during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the County, at its sole discretion, may provide funds from a separate source or terminate this Master Agreement. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791 of the Texas Government Code.

Notwithstanding anything to the contrary herein, this Master Agreement is expressly contingent upon the availability of City/Town funding for each item and obligation contained herein. County shall have no right of action against the City/Town as regards this Master Agreement, specifically including any funding by City/Town of the Project in the event that the City/Town is

unable to fulfill its obligations under this Master Agreement as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this Master Agreement or failure of any funding party to budget or authorize funding for this Master Agreement during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the City/Town, at its sole discretion, may provide funds from a separate source or terminate this Master Agreement. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791 of the Texas Government Code.

ARTICLE XI. ORPHAN ROAD POLICY

- A. Orphan road shall mean all or part of a street or road right-of-way, which is outside the incorporated limits of a municipality/municipalities and the incorporated area of the municipality/municipalities abuts or extends into the right-of-way. Type “A” improvements and maintenance of roads and bridges located within the unincorporated portions of the County that are on public right-of-way, which includes roads within court-approved subdivisions in which the improvements and rights-of-way have been dedicated to the county and accepted by the County’s Commissioners Court. These roadway segments have, in effect, been “orphaned” by the abutting City/Town (or cities) that they serve in that they have been left unincorporated. Thus, the County has primary responsibility for maintenance, operation, enforcement, police and/or emergency services within these unincorporated rights-of-way.
- B. The County encourages all Cities adjacent to orphan roads in the County to develop, commit to and submit a plan to the County for completing the annexation of the orphan road segments and assuming full responsibility for these roadways. In instances where two cities abut the same orphan road segment, the County encourages the two cities to jointly develop a plan for the annexation of that segment. The County offers its assistance to the cities in developing such plans.
- C. The County, at the discretion of the Commissioners Court, may give additional selection value to projects in Cities that have submitted a specific plan for the annexation of orphan roads when the County selects, approves, and schedules projects for road and bridge district participation in funding (“Type B” work). Such preference may also be given in approving projects for funding in the County’s major capital improvement program (“MCIP”).
- D. The County, at the discretion of the Commissioners Court, may also refuse to participate in discretionary projects, such as road and bridge district projects or MCIP projects, in a City that elects not to pursue the annexation of orphan road segments that abut its boundaries. Failure to notify the County of the City’s intent to annex and/or failure to submit a plan for annexation in a timely manner shall be construed by the County as the City’s election not to pursue annexation.
- E. The County, at the discretion of the Commissioners Court, may select specific orphan road segments for improvement when a City commits to annexation of the segment upon completion of the project. However, the specific plan for annexation of orphan roads submitted by the City will not be limited to annexation upon completion of improvements by the County. The County improvements may be made as road and bridge projects or as MCIP Projects (subject to other MCIP criteria, including but not

limited to the Regional Thoroughfare Plan for North Central Texas Council of Governments and the Dallas County Mobility Plan designation and City cost participation).

- F. This policy application is prospective and projects selected by the County and approved by the Commissioners Court prior to the date of the adoption of this policy shall not be impacted by this policy.
- G. The County shall provide written notification of the adoption of, and future revisions of, this policy to the cities abutting orphan road segments.
- H. The Director of the County's Public Works Department shall maintain a listing of orphan roads and the city or cities they abut and shall provide updates to the Commissioners Court and to the cities as changes occur. The listing and changes to the listing shall be based on municipal boundary and annexation information provided to the County's Public Works Department by the cities as required by Tex. Loc. Gov't Code, § 242.001(c).
- I. The provisions of this Article XI of this Master Agreement shall survive the termination of this Master Agreement.

(Dallas County Code, Chapter 102, Article IV, Sec. 102-131 - 102-133, 1-19-2021).

ARTICLE XII. SMALL WATERSHED DAMS

Small watershed dam/dams shall mean floodwater retarding structures that were constructed by the United States Department of Agriculture ("USDA") Natural Resources Conservation Service ("NRCS"), formerly named the Soil Conservation Service ("SCS"), in watersheds less than 250,000 acres under the authority of the Flood Control Act of 1944 and the Watershed Protection and Flood Prevention Act of 1954. These structures typically have earthen embankments with principal and auxiliary spillways.

The County encourages all cities/towns adjacent to small watershed dams maintained by the County to develop, commit to and submit a plan to the County for assuming full responsibility for the operations and maintenance of these dams. In instances where more than one city/town abuts a small watershed dam, the County encourages the cities/towns to develop a plan for operation and maintenance of the dam. The County offers its assistance to the cities/towns in developing such plans.

- A. The County, at the discretion of the Commissioners Court, may refuse to participate in road and bridge district projects or MCIP projects in a City/Town that elects not to pursue accepting full responsibility for the operations and maintenance of small watershed dams within their jurisdiction. Failure to notify the County of the City/Town's intent to submit a plan for operations and maintenance of small watershed dams in a timely manner shall be construed by the County as the City/Town's election not to pursue operations and maintenance of these dams.
- B. Projects selected by the County and approved by the Commissioners Court prior to the Effective Date of the adoption of this policy, shall not be impacted by this policy.

C. The County shall provide written notification of the adoption of, and future revisions of, this policy to the cities abutting small watershed dams.

D. The provisions of this Article XII shall survive the termination of this Master Agreement.

ARTICLE XIII. MISCELLANEOUS PROVISIONS

A. **Applicable Law and Venue.** This Master Agreement and all matters pertinent thereto shall be construed and enforced in accordance with the laws of the State of Texas. Exclusive venue for any legal action regarding this Master Agreement and all matters pertinent thereto filed by either the County or the City/Town shall be in Dallas County, Texas. Notwithstanding anything herein to the contrary, this Master Agreement is expressly made subject to the County's and the City/Town's governmental and/or sovereign Immunity, pursuant to Title 5 of Texas Civil Practice and Remedies Code, and all applicable State of Texas and federal laws.

B. **Entire Agreement.** This Master Agreement constitutes the entire agreement between the parties respecting the subject matter contained herein, and supersede all prior and contemporaneous understandings and agreements, whether oral or in writing, between the parties respecting the same, and may not be modified except by an instrument in writing executed by the parties hereto as herein provided.

C. **Severability.** If one or more provisions in this Master Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this Master Agreement to be invalid, illegal or unenforceable, but this Master Agreement shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this Master Agreement, which shall remain in full force and effect.

D. **Amendment.** This Master Agreement may be supplemented and/or amended at any time through the mutual consent of both the County and the City/Town. Any supplement or amendment must be in writing and approved by the parties' respective governing bodies through either a Court Order from the Commissioners Court of the County or a Resolution from the City/Town Council.

E. **Notice.** All notices, requests, demands, and other communication under this Master Agreement shall be tendered in writing and shall be deemed to have been duly given when either delivered in person, or via certified mail, postage prepaid, return receipt requested to the respective parties as follows:

COUNTY:
Director of Public Works
Records Building
500 Elm Street, Suite 5300
Dallas, Texas 75202

CITY/TOWN:
Director of Streets
P.O. Box 469002
Garland, TX 75046

Either party may change its address for notice by giving the other party written notice thereof.

- F. **Counterparts.** This Master Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- G. **Headings.** The headings and titles used herein are for sake of convenience only, and are not intended to affect the interpretation or construction of such provisions.
- H. **Default/Waiver/Mitigation.** It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this Master Agreement does not preclude pursuit of other remedies in this Master Agreement or as provided by law.
- I. **Assignment.** This Master Agreement may not be assigned or transferred by either party without the prior written consent of the other party and formal approval by the governing body of each party.
- J. **Binding Agreement, Parties Bound.** When this Master Agreement has been duly executed and delivered by both parties, this Master Agreement shall constitute a legal, valid, and binding obligation of the parties, their successors, and permitted assigns.
- K. **Number and Gender.** Words of any gender used in this Master Agreement shall be held and construed to include any other gender, and words in the singular shall include the plural and vice versa, unless the text clearly requires otherwise.
- L. **Effective Date.** This Master Agreement becomes effective when signed by the last party whose signing makes the respective Master Agreement fully executed (the “Effective Date”).
- M. **No Joint Enterprise/Venture.** City/Town and County agree that neither party is an agent, servant, or employee of the other party. The parties, including their agents, servants, or employees, are independent contractors, and not an agent, servant, joint enterprise/venture, or employee of any other party, and are responsible for their own acts, forbearance, negligence, and deeds, and for those of their agents, servants, or employees in conjunction with this Master Agreement. No joint enterprise/venture exists between the City/Town and County.
- N. **Contingent.** This Master Agreement is expressly contingent upon formal approval by the Commissioners Court of Dallas County and the governing body of the City/Town of Garland, Texas, a Texas home-rule municipality.

(the remainder of this page intentionally left blank)

The City of Garland, State of Texas, a Texas home-rule municipality, has executed this Master Agreement pursuant to duly authorized City/Town Council Action on the ____ day of _____, 2022.

The County of Dallas, State of Texas, has executed this Master Agreement pursuant to Commissioners Court Order Number _____ and passed on the ____ day of _____, 2022.

CITY OF GARLAND:

COUNTY OF DALLAS:

BRIAN BRADFORD
CITY MANAGER

CLAY LEWIS JENKINS
COUNTY JUDGE

Date: _____

Date: _____

ATTEST:

CITY/TOWN SECRETARY

APPROVED AS TO FORM:

APPROVED AS TO FORM:*

JOHN CREUZOT
DISTRICT ATTORNEY

Brian England
City Attorney

Jana Prigmore Ferguson
Assistant District Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER AGREEMENT WITH DALLAS COUNTY FOR TRANSPORTATION RELATED MAINTENANCE ON DESIGNATED ROADWAYS WITHIN THE CITY OF GARLAND, DALLAS COUNTY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Manager is hereby authorized to execute a Master Agreement with Dallas County for transportation related maintenance on certain designated roadways, attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the _____ of _____, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. a.

Meeting Date: December 5, 2022

Item Title: Garland Youth Council Update

Summary of Request/Problem

The Garland Youth Council will provide Council an update on their past projects and events.

Recommendation/Action Requested and Justification

Information only.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

4. b.

Meeting Date: December 5, 2022

Item Title: Garland Senior Activity Center Update

Submitted By: D'Lee Williams, Recreation Director

Summary of Request/Problem

Staff will provide Council an update on the Garland Senior Activity Center project.

Recommendation/Action Requested and Justification

Council discussion.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. c.

Meeting Date: December 5, 2022

Item Title: Administrative Services Committee Update

Summary of Request/Problem

Council Member Robert John Smith, Chair of the Administrative Services Committee, will provide a committee update on the following item:

- Council Policy

Recommendation/Action Requested and Justification

Council discussion.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. d.

Meeting Date: December 5, 2022

Item Title: Transportation, Infrastructure and Mobility Committee Report

Summary of Request/Problem

Council Member Dylan Hedrick, Chair of the Transportation, Infrastructure and Mobility Committee, will provide a committee report on the following items:

- Electric Vehicle Charging Stations

Recommendation/Action Requested and Justification

Council discussion.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. e.

Meeting Date: December 5, 2022

Item Title: Community Services Committee Report

Submitted By: Kevin Slay, Managing Director

Summary of Request/Problem

Mayor Pro Tem Deborah Morris, chair of the Community Services Committee, will provide a committee report on the following items:

1. Funding Options for Sidewalks
2. Rental Property Programs and Short Term Rental Policy

Recommendation/Action Requested and Justification

Council discussion.

Attachments

Sidewalk Cost Share Program

Short Term Rental Ordinance



Sidewalk Cost Share Program

Options For Sidewalk Bond Fund Expenditures

City Council Work Session

December 5, 2022

Sidewalk Cost Share Program



Bond Program Funding

- Available Funds
 - 2004 Bond Program - \$265,000
 - 2019 Bond Program - \$5,000,000
 - Total \$5,265,000
- Projected Funding Stream (in Thousands)

<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027+</u>
\$903	\$668	\$684	\$706	\$736	\$1,568
- Average Funding per year – approximately \$750K

Sidewalk Cost Share Program



Sidewalk Bond Funding – Options for Expenditures

- 50/50 Cost Share Program – Plus additional discounts providing up to 90% City funding
- Arterial Repairs – 100% City funded
- Partner with Neighborhood Vitality to Participate in “Where the Heart Is” Program
- Repairs In Conjunction with Street Repairs

Sidewalk Cost Share Program



Sidewalk Cost Share Program Requests

- 261 requests since October 1, 2020 (as of 11/17/22)
 - 248 (95%) - Met requirements for replacement and letters sent by Revenue Recovery
 - 13 (5%) - Did not meet requirements for replacement – closed in system and residents notified
 - 112 residents have paid to participate in sidewalk repairs (45% of those that met requirements)
- Average total cost per sidewalk repair - \$2,779

Sidewalk Cost Share Program



FY 22/23 Where the Heart Is Neighborhood

- Western Heights Neighborhood
 - Bounded by Shiloh Road, Walnut Street, Lawson Drive, Western Drive
- 9745 feet of Sidewalk Need Replacement
- Cost to Replace Sidewalks Based on Existing Contract - \$450,435 (\$46.22/L.F.)
- Streets Excluded Due to Future Reconstruction (Construction Scheduled in 2024)
 - King Lane – Maple to Walnut
 - Lawson Drive – Walnut to Western
 - Maydelle Lane – Walnut to Western

Sidewalk Cost Share Program



Funding Targets For Annual Sidewalk Bond Funding Expenditures

- 50/50 Cost Share Program – 30%
- Arterial Repairs – 25%
- “Where the Heart Is” Program – 25%
- In Conjunction with Street Repairs – 20%

Sidewalk Cost Share Program



Sidewalk Rating System

- Sidewalks to be evaluated while the inspector does scheduled street inspections.
- Evaluation will note number of sidewalk defects and note missing sidewalks.
- Sidewalk ratings to be developed in the Street Department's Cartegraph System.
- Cartegraph System will develop a numerical rating similar to those for streets and alleys.
- Currently, all streets and alleys are evaluated on an 18-month cycle. Adding sidewalks to the evaluation will likely extend the cycle to 24 months or more.

Sidewalk Cost Share Program



Sidewalk Reconstruction/Repair Scenarios

- Street OCI 0 to 30 – Street Reconstruction Candidates
 - Sidewalk would not be reconstructed/repared independently
 - Complete sidewalk reconstruction as part of street reconstruction project
- Street OCI 30 to 70 – Asphalt Overlay Candidates
 - ADA ramps and significant sidewalk failures repaired in conjunction with overlay
 - Sidewalk repairs completed as part of the cost share program – determined by sidewalk rating
- Street OCI 70 to 100 – Concrete Slab Repair Candidates
 - Sidewalk repairs completed as part of neighborhood sidewalk repairs – determined by sidewalk rating
 - Sidewalk repairs completed as part of the cost share program – determined by sidewalk rating
- “Where the Heart Is” Program
 - Sidewalk repairs made on all streets except for streets scheduled for reconstruction



Sidewalk Cost Share Program

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Questions?

Sec. 32.01 Definitions

In this article:

Approved means complying with all applicable federal, state and local laws, regulations and ordinances. In the absence of such laws, regulations or ordinances, “approved” shall mean in conformance with applicable nationally recognized standards or specifications.

Approved repairs means such repairs as may be necessary to attain compliance with the requirements of this Code, performed in a good and workmanlike manner, and done in accordance with generally accepted standards and by using materials and methods commonly used by persons engaged in the making of such repairs in a professional manner.

Board means the Building and Standards Commission, known as the Property Standards Board, as established under [section 32.25](#).

City shall mean the City of Garland, acting through its City Manager or his designee.

Clean means free from dirt, impurities or multiple stains; hygienic conditions and practices that serve to promote or preserve health.

Comfortable temperature zone means no less than 68 degrees Fahrenheit and no more than 81 degrees Fahrenheit.

Communicable disease means an illness that occurs through the transmission of an infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment.

Comprehensive premises inspection means the inspection of all dwelling units, laundries, storage rooms, club houses, meeting rooms, offices, building exteriors, swimming pools and grounds of a multifamily dwelling.

Dwelling unit means a building or structure designed or occupied as a residence for humans.

Easily cleanable means surfaces that are readily accessible, and made of such materials and finishes and so fabricated that residue may be effectively removed by normal cleaning methods.

Equipment means any items used in connection with the operation of a lodging establishment including but not limited to any washer, dryer, ice machine, fans, air-conditioning units, heaters, refrigerators, or cooking units.

Excessive means more than a usual, multiple or an unreasonable number.

Extended stay means guests that stay for a week or longer in length.

Fixtures means any sinks, bathtubs, showers, toilet fixtures, or any other such items used in connection with the operation of a lodging establishment.

Furnishings means any bedding, furniture, lamps, carpeting, floor coverings, wall coverings, ceiling tiles, or similar items furnished or used in connection with the operation of a lodging establishment.

Guest means any person who occupies a guest room in a lodging establishment.

Habitable means the space, floor area or room in a dwelling unit used for living, sleeping, cooking and eating but excludes bathrooms, laundry rooms, pantries, closets and other storage space, foyers, hallways and utility rooms.

Hot water means water heated to a temperature of at least 110 degrees Fahrenheit measured at the faucet outlet.

Improper means not approved, inadequate, deteriorated, defective, insufficient or not in operating condition.

Linens means the sheets, top sheets, and pillow covers for a bed, excluding coverlets and comforters.

Lodging establishment means any building, complex of buildings, trailer, or any other facility in which the public may, for a consideration, obtain sleeping accommodations. The term includes hotels, motels, tourist homes, houses or courts, lodging houses, cabins, inns, rooming houses, trailer houses, trailer motels, dormitories where bed space is rented, apartments not occupied by permanent residents, short-term rentals, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term “hotel” does not include hospitals, sanitariums, nursing homes, jails, prisons or detention centers, dormitories or housing facilities of the type described in section 156.001(2) of the Texas Tax Code or an oilfield portable unit, as defined by section 152.001 of the Texas Tax Code. For purposes of this article, the term “lodging establishment” does not include a short-term rental if the premises are occupied by the owner as the primary, permanent residence of the owner and the premises are not used as a short-term rental for more than five days consecutive days in any 30 day period, or for more than 30 days in any calendar year. The term “lodging establishment” does not include a residence or portion of a residence rented to a member of the resident's family.

Lodging room means any room where sleeping accommodations are regularly offered to the public.

Multifamily dwelling means a building or buildings containing three or more dwelling units.

Operating condition means free of leaks, safe, sanitary and in good working order.

Owner means subject to the provisions of [section 10.05\(C\)](#) of this Code, a person in whom is vested the ownership or title of real property, including, but not limited to:

- (1) The holder of fee simple title;
- (2) The holder of a life estate;
- (3) The holder of a leasehold estate for an initial term of five years or more;

- (4) After the third year of the buyer's occupancy, the buyer in a contract for deed;
- (5) A mortgagee, receiver, executor, or trustee in control of real property; and
- (6) The named grantee in the last recorded deed; but not including the holder of a leasehold estate or tenancy for an initial term of less than five years.

Premises means a lot, tract or parcel of real property, or portion thereof, including any buildings and structures on the land in a residential or nonresidential zone.

Property manager means a person who, for any form of consideration, has managing control of a premises.

Required means mandated by federal, state or local law, regulation or ordinance or necessary in order to place into operating condition.

Short-term rental means a land use located within a residential zoning district or within 200 feet of a residential zoning district, which has been (1) advertised as available for rent, lease, license, or use for a period of less than 30 calendar days, or (2) rented, leased, or licensed to a person other than an Owner, for a period of less than 30 calendar days. *Single service articles or utensils* means cups, containers, ice bucket liners, stirrers, paddles, straws, napkins, doilies, wrapping materials and similar articles intended to be used one time and then discarded.

Violation categories are defined as follows:

- (1) *Life safety violation.* A violation of the nuisance code, health code, Fire Code, or Building Code that represents an imminent threat of death or injury to persons on the premises of a single-family or multifamily dwelling.
- (2) *Critical violation.* A minimum housing standard violation or a health code violation that is capable of causing or contributing to injury or illness of occupants.
- (3) *Noncritical violation.* A minimum housing standard or minor health code violation that:
 - (a) Represents defects, damage, or deterioration in or on a structure; or
 - (b) Creates a decrease in general sanitation or hygiene.

Sec. 32.09 Single-family rental permits

(A) Permit required. No person shall rent a single-family dwelling unit, or portion thereof, without first obtaining a single-family permit issued under the provisions of this section. It shall be unlawful to submit a false or fraudulent application for a single-family permit. A person who rents a single-family dwelling knowing that a permit has not been issued for that dwelling or

who knows that the permit issued for that dwelling has been revoked commits an offense each day the dwelling is occupied by a tenant.

(B) Eligibility; Application; form. An applicant for a single-family rental permit shall not be eligible for a permit if the applicant has claimed or received a homestead exemption on more than one residential property in or outside of the state of Texas. An applicant for a single-family rental permit shall file with the City a written application, on the form provided for that purpose, signed by the owner (or the owner's authorized agent) of the single-family dwelling to be permitted. An applicant who owns more than one single-family residential dwelling shall file a separate application for each dwelling.

(C) Form; contents. The application shall include:

- (1) The name, physical street address, telephone number, and driver's license or other government-issued identification number of the owner, and the name, street address, and telephone number of any property manager of the property for which an application is being submitted;
- (2) If the owner is other than an individual, the legal name, all trade names, and the registered agent, managing partner, or other person authorized to accept service of process on behalf of the owner; and
- (3) a statement as to whether the property will be used as short-term rental facility;
- (4) a statement as to whether the owner is using the property as the owner's principal residence;
- (5) a statement as to whether the owner has claimed a homestead exemption on the property;
- (6) a statement as to whether the owner has claimed a homestead exemption on another residence homestead in or outside of Texas; and
- (7) The name and telephone number of the tenant or lessee that is responsible for the dwelling, if available, at the time of application.

(D) Agent for service. An applicant may designate on the application an agent for service of process who shall be the authorized agent for purposes of notice and other communications provided in this section. If an owner designates an agent for service as provided in this subsection, service of any notice under this Code on the designated agent shall constitute service upon the owner unless the Director of Code compliance receives actual notice from the owner that the designated agent is no longer authorized to accept service on behalf of the owner.

(E) Smoke alarm and occupancy limits certification. The applicant shall certify that the single-family dwelling for which the application is submitted is equipped with properly working smoke alarms in accordance with the provisions of [section 32.03\(3\)](#) and that the single-family dwelling will not violate the occupancy limits established by [section 32.04](#).

(F) Accessibility of permit; replacement. A single-family rental permit issued pursuant to this section shall be maintained by the City, with a copy provided to the permittee.

(G) Permit nonassignable; surrender. A permit issued under this section is not assignable or transferable. A permit is valid only for the premises for which it is issued. It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a permit. A permit may be canceled upon written request of the owner(s) and surrender of the permit itself to the Director of Code compliance. The surrender of a permit shall be effective immediately upon its filing in the office of the director.

(H) Inspection. The premises for which the application is submitted or for which a permit has

been previously issued shall be inspected for compliance with the provisions of the minimum housing standards contained in this Code as follows:

(1) Change in tenancy. A single-family rental dwelling shall be fully inspected each time there is a change in tenancy in the dwelling. The applicant or permittee (if a permit has previously been issued for the dwelling) may request that the inspection be conducted by the City. Alternatively, the applicant or permittee may submit with the application a certification of compliance. The certification of compliance shall be signed by a person who holds a current and valid license to perform real estate inspections issued by the state real estate commission under the provisions of chapter 1102 of the Texas Occupations Code. The person signing the certification of compliance shall certify that the premises for which the application is being made complies with the minimum housing standards contained in this Code. The certification of compliance must be dated no more than 30 days before the date of the application. Nothing contained in this section shall be construed to prohibit an inspection at the request of a tenant.

(2) Reinspection as necessary to determine compliance. A reinspection will not be necessary if the owner (or property manager) submits sufficient proof to the City from which the City is able to determine that all noted violations have been appropriately repaired. Sufficient proof shall include an affidavit stating that the repairs have been completed, a copy of the receipt for materials used in the repair or a receipt for the work done to make the repair, and photographs of the repair(s). No permit shall be issued, and no release of utilities shall be given if, as a result of an inspection, it is determined that the premises does not comply with the minimum housing standards contained in this Code.

(3) Release of utilities. A release of utilities may be provided upon application for utilities pending a change in tenancy inspection under subsection (H)(1). A release for utility services shall not be issued unless:

- (a) The inspection reveals that the premises contains no life safety violations or critical violations; or
- (b) The City has been requested to inspect the premises and failed to inspect the premises within two complete business days of the City's receipt of the request for inspection without good cause and through no fault of the applicant.

(I) Permit term and fee.

(1) Each single-family rental permit issued under this section shall be valid for one year from its date of issuance, unless suspended or revoked.

(2) Applications for permit shall include an annual permit fee of sixty-five dollars (\$65.00).

(J) Short-term rentals; Temporary tenancies.

(1) *Short-term rentals.* The owner, agent, or representative of a Short-term rental, as defined in above Section 32.01, may elect to be exempt from the provisions and requirements of subsection (H) "Inspection," and subsection (O) "Certified rental properties" of this Section 32.09. However, a single-family dwelling must be fully inspected by the City prior to a single-family permit being issued by the City for use as a short-term rental.

(2) *Temporary tenancies.* It shall be an affirmative defense to prosecution under subsection (A) that the single-family residential dwelling was rented or leased for a period of less than sixty (60) days to a person who was the immediate past owner of the

dwelling or who shall be the immediate next owner of the dwelling.

(K) Suspension of permit.

(1) A single-family rental permit may be temporarily suspended by the City:

(a) If a life safety violation exists on the premises of the permitted single-family dwelling;

(b) If, after notice and a period of correction as provided by [section 32.02\(F\)](#), a critical violation remains on the premises of the permitted single-family [dwelling]; or

(c) If, after a change in tenancy, not including Short-term rentals, the City has not received a request for inspection or a certification of compliance within 60 days of application for utilities.

(d) If the Garland Police Department is requested by a member of the public, other than the owner, manager, organizer or sponsor of a Short-term rental, to respond to the premises of the Short-term rental more than three times within a 6-month period because of alleged Prohibited Conduct (as defined in Article VI, Chapter 26, of this Code) occurring on the Premises and the responding officers determine that there is probable cause to believe Prohibited Conduct has occurred or is occurring;

(e) If the property is receiving a homestead exemption and:

(i) there is probable cause to believe that the property is not the owner's principal residence; or

(ii) the owner of the property is receiving a homestead exemption on another property located in or outside the state of Texas.

(f) Failure to timely pay hotel occupancy taxes owed, where applicable, pursuant to Chapter 40, Article II, of this Code of Ordinances;

(2) City shall notify the holder of the permit in writing, stating the reasons for which the permit is subject to suspension and stating that the permit shall remain suspended until such time as the property owner:

(a) prevails in an appeal of the suspension to the Property Standards Board; or

(b) meets with the Director of Code Enforcement, pays all outstanding fines or taxes, enters into a compliance agreement with the City, and satisfies the terms and conditions of the compliance agreement.

(3) The compliance agreement shall, among other things, address inspections, parties, prohibited hours for outside activities, and any other violations that were the basis for the suspension.

(L) Reinstatement of suspended permit. A person whose permit has been suspended may, at any time, make written application for a reinspection for the purpose of reinstating the permit. Within ten (10) days following receipt of a request, which shall include a statement signed by the applicant that in the applicant's opinion, all of the violations that caused suspension of the permit have been corrected, the City shall make a reinspection. Upon reinspection, if all life safety, critical, and noncritical violations have been corrected, the permit shall be reinstated.

(M) Revocation of permit. A single-family rental permit may be permanently revoked after the City has provided an opportunity for a hearing for the following reasons:

- (1) For serious or repeated violations of any of the requirements of this article;
- (2) for interference with the City or any of its agents in the performance of their duties; or
- (3) Three or more criminal convictions for Prohibited Conduct, or offenses related to the operation of a Short-term rental, under Article VI, Chapter 26 of this Code, or activities thereon, within a 12-month period.

Prior to revocation, the City shall notify the holder of the permit in writing, stating the reasons for which the permit is subject to revocation and stating that the permit shall be permanently revoked at the end of ten (10) days from the service of such notice unless a request for a hearing is filed with the City, by the permit holder, within such ten-day period. A permit shall be suspended for cause pending its revocation or a hearing relative thereto.

(N) Hearings. The hearings provided for in this section shall be conducted, at the option of the owner (or property manager), by either the Property Standards Board or a hearing officer appointed under the provisions under [section 24.25](#) of this Code, at a time and place designated by the board or the hearing officer, as the case may be. Based on the record, the board or the hearing officer shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the City.

(O) Certified rental properties.

(1) Notwithstanding the provisions of subsection (H) and (I) of this section, a permit for a single-family rental dwelling shall be issued for a period of three (3) years, and the dwelling shall not be subject to reinspection or re-certification even in the event of a change in tenancy during that three-year term, if:

- (a) The owner (or the property manager for the dwelling) of the dwelling has completed a certification training course provided by the director; and
- (b) The permit for the dwelling has not been suspended or revoked during the three-year term of the extended permit authorized by this subsection.

(2) After the three-year term of the initial permit, the dwelling shall not be subject to reinspection or re-certification if no enforcement action has been commenced during the previous permit period against the permit holder or the permitted property for a violation of a provision of this chapter that has resulted in one or more of the following:

- (a) A conviction for the violation;
- (b) The issuance of an abatement action work order by the City to correct the violation; or
- (c) An action regarding the violation has been presented to the Housing Standards Board.

(3) Upon expiration of the permit period, if an enforcement action as described in subsection (2) has been taken against a certified property or the owner of a certified property, the property shall revert to an annual permit unless, upon inspection of the property and verification of compliance with this chapter, the Director determines that the public interest will be served by re-permitting the property as a certified property for a three year permit interval.

(P) Termination of utilities.

(1) The City may terminate the utilities of a Premises being operated as a short-term rental after a revocation or suspension of the single-family permit pursuant to above subsection (M).

(2) In the event the City terminates utilities pursuant to this subsection (P), the utilities shall not be reinstated until:

(a) such time as the property owner prevails in an appeal of the termination of utilities to the Property Standards Board; and

(b) such time as the property owner meets with the Director of Code Enforcement, pays any and all outstanding fees and fines, enters into a compliance agreement with the City, and satisfies the terms and conditions of the compliance agreement.

(3) The compliance agreement shall, among other things, address the unlawful use of the premises as a short-term rental and any other violations that were the basis for the suspension

(4) A premises shall no longer be eligible to be used as a Short-term rental if the City has terminated utilities of the premises pursuant to this chapter and the Property Standards Board has not overturned the City's decision.

CHAPTER 26

ARTICLE VI SHORT-TERM RENTALS

Sec. 26.60 Definitions

In this article:

"Minor" means any person under 17 years of age.

"Owner" means any person who has a property interest in the Short-term rental or the Premises.

"Premises" means a property, lot, or tract of land, including but not limited to any structure, building, walkway, pool, yard, patio, or deck situated thereon, being used as a Short-term rental, excluding any property, lot, or tract of land that is zoned for use as a hotel or motel, as defined by the GDC.

“Prohibited conduct” means any of the conduct described in Section 26.64 below.

"Responsible party" means:

(A) Any Owner of a Short-term rental;

(B) Any person who rents, leases, or uses a Premises for Short-term rentals; or

(C) Any person who organizes, manages, sponsors, or hosts an event, party, or gathering at a Short-term rental.

"Short-term rental” means a land use located within a residential zoning district or within 200 feet of a residential zoning district, which has been (1) advertised as available for rent, lease, license, or use for a period of less than 32 calendar days, or (2) rented, leased, or licensed to a person other than an Owner, for a period of less than 32 calendar days.

Sec. 26.61 Single-family permit required.

No person shall rent, lease, use, or license a single-family premises, or portion thereof, for a Short-term rental without first obtaining a single-family permit issued under the provisions of Article I, Chapter 32, Section 32.09 of this Code.

Section 26.62 Landline required.

A Premises being used as a Short-term rental shall have a functioning telephone and an operational landline having the telephone number that the Owner provided to the Garland Police Department. The number of the landline shall be posted in a conspicuous place on or near the front door of the Premises at all times while the Premises are being used as a Short-term rental.

Section 26.63 Contact information provided to neighbors.

An Owner shall provide each owner of immediately adjoining properties, including properties located across alleys and streets, with written notice on an annual basis that the Premises will be used as a Short-term rental. The notice shall contain the full names and current telephone numbers of all Owners and property managers, which are to be monitored by the respective owner or manager 24 hours per day during the term of a rental, lease, or license. Notice shall be deemed to have been given if mailed to each property owner by certified or registered mail on the third business day after the date on which it is mailed. An Owner shall attach the certified mail return receipts, or USPS Tracking information, as proof of proper notice to neighbors to the registration form required in Section 32.09, “Single-family permits” of this Code.

Section 26.64 Prohibited conduct.

(A) The following conduct is Prohibited Conduct by an Owner, manager, operator, host, resident, guest, patron, invitee, or client of the Short-term rental while on the Premises:

- (1) A violation of Chapter 26, Section 26.09, “Sound Amplification on vehicles,” of this Code of Ordinances on or within 50 feet of a property line of the Premises where the violating vehicle is owned, controlled, or operated by a resident, patron, guest, sponsor, invitee, or client of the Short-term rental;
- (2) A violation of Chapter 22, Article V., “Noise Control,” of this Code of Ordinance;
- (3) A violation of Chapter 26, Section 26.14, “Fireworks prohibited,” of this Code of Ordinance;
- (4) A violation of Chapter 32, Article II., “Property Maintenance and Nuisance Abatement,” of this Code of Ordinance;
- (5) Any violation of Sections 106.05 (Possession of Alcohol by Minor) or 106.06 (Furnishing Alcohol to Minor) of the Texas Alcoholic Beverage Code;
- (6) Any violation of state or federal law that is classified as a class B misdemeanor or higher; or

(B) In the event a guest, patron, invitee, or client of the Short-term rental engages in conduct which the resident, person in charge of the Premises, or the organizer or sponsor could not reasonably foresee and the conduct is an isolated instance of an invited guest of the Premises violating the law which the resident, person in charge of the Premises, or the organizer or sponsor is unable to reasonably control without the intervention of a peace officer and the resident, person in charge of the Premises, or organizer or sponsor is the person who calls the police, the unlawful conduct of the guest, patron, invitee, or client shall not be attributable to the Owner, resident, person in charge of the premises, or the organizer or sponsor for the purpose of determining whether the event constitutes Prohibited conduct that may negatively impact the Short-term rental’s permit.

(C) There shall be a presumption that the same type of Prohibited conducted occurring on the Premises by any guest, patron, invitee, or clients of the Short-term rental more than three times within a 6-month period is reasonably foreseeable and is not an isolated occurrence.

Section 26.65 Minors.

Premises being used as Short-term rentals shall be treated as an “Establishment” under Section

26.10, “Curfew hours for minors,” of this Code of Ordinances. Minors present on the Premises during the term of a Short-term rental shall be subject to the curfew provisions of Section 26.10 of the Code of Ordinances, and except as otherwise provided therein must be accompanied by a “Parent” during “Curfew hours.”

Section 26.66 Criminal Offenses.

(A) An Owner commits an offense if he allows, suffers, or operates a Short-term rental without a valid Single-family permit for the Premises on which the Short-term rental use occurs.

(B) An Owner commits an offense if he allows, suffers, or operates a Short-term rental and fails to provide the City of Garland with accurate and up-to-date registration information required by Section 32.09 in a timely manner.

(C) A Responsible Party commits an offense if he violates, allows, or suffers a violation of any provision of this Article by a manager, host, resident, guest, patron, invitee, or client of a Short-term rental.

(D) A person commits an offense if he is a guest, invitee, patron, or manager, host, or client of a Short-term rental and commits, participates in, allows, or suffers any Prohibited Conduct on the Premises of a Short-term rental, or in the case of a violation of Chapter 33, Article IV., “Stopping, standing, and Parking,” or Chapter 26, Section 26.09, “Sound amplification on vehicles,” on or within 500 feet of the property lines of the Premises.”



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. f.

Meeting Date: December 5, 2022

Item Title: Development Services Committee Report

Summary of Request/Problem

Development Services Committee Chair Dylan Hedrick will report on the following items:

1. Amend GDC Requirements for Replacing Existing Screening Between Commercial and Residential Uses, and Residential Development Screening along Thoroughfares
2. Fire Sprinkler Requirements for Buildings

Recommendation/Action Requested and Justification

Council discussion.

Attachments

Draft Screening Changes

Section 4.39 Perimeter Screening Between Nonresidential, Multifamily, Single-Family Development

~~Nonresidential, multifamily, single-family attached, and residential developments must comply with the following perimeter screening provisions, as applicable:~~

(A) ~~Nonresidential, and Multifamily, and Senior Living~~ Developments. Nonresidential, **Senior Living**, and Multifamily developments that are located adjacent to single-family (whether attached or detached) and two-family residential district boundary lines must provide screening in the form of one of the options listed below:

(1) Option 1 - Brick or Stone Masonry Wall. A minimum six-foot tall, and maximum eight-foot tall, masonry wall is required along all common property lines. The wall must be constructed of brick or stone, in accordance with the City's *Technical Standards*, or a simulated product with the appearance of hand-laid brick or stone with the same structural integrity of the City's standard screening wall details. In addition to the screening wall, one large canopy tree for every twenty-five linear feet, or portion thereof, is required and must be equally spaced for the entire length of the wall on the development's side of the wall. A masonry wall composed of color-intrinsic stucco or highly articulated (such as split-faced) masonry may be used in lieu of the brick or stone masonry wall, provided that the wall is offset at least one foot for at least twenty-five feet for every one hundred foot section of wall.

(2) Option 2 - Ornamental Metal Fence. A minimum five-foot tall ornamental metal fence with masonry columns, spaced with a maximum of fifty feet between the centers of each column, is required along all common property lines. A continuous row of evergreen high-level screening shrubs (see [Table 4-3](#) in Division 7 of this Article 3) are required along all portions of the fence that are not opaque masonry. All landscaping must be located on the development's side of the fence.

(3) Option 3 - Earthen Berms. An earthen berm (see [Section 4.33\(L\)](#)), or an undulating series of berms, with a living screen may be used provided that each berm is a minimum of six feet in height upon installation for at least eighty percent of the screening length, and provided that each berm and landscaping provides continuous, mostly opaque, screening within three hundred and sixty-five calendar days following installation. Large canopy trees are required for every fifty lineal feet, or portion thereof, of the berm screening (on top of, beside, or meandering in and out of berms). Up to twenty-five percent of the required large canopy trees may be substituted in accordance with [Section 4.34\(B\)\(3\)\(d\)](#) in this Article 3.

(B) Replacement of Existing Screening. Replacements of existing screening devices between nonresidential and multifamily developments that are located adjacent to single-family (whether attached or detached) and two-family residential district boundary lines must provide a similar, or more opaque, level of screening to what was previously provided and must be constructed of the same or substantially similar building material.

(BC) Alternative Screening Options. Alternative designs to meet screening requirements may be submitted for consideration, and possible approval, for expansion, rehabilitation, or redevelopment projects using the alternative compliance process outlined in [Article 1, Division 2 of this Chapter 4](#). However, replacement of existing screening devices must follow the requirements in Section. 4.39 (B).

Section 4.40 Perimeter Screening Between Single-Family (Attached and Detached) and Two-Family Residential Development & Thoroughfares

(A) General. Single-Family (Attached and Detached) and Two-Family Residential development adjacent to Type D or larger thoroughfares, as designated on the City's adopted *Major Thoroughfare Plan*, must be screened from the thoroughfares ~~with one of the options as~~ listed below:

(1) ~~Option 1—~~Brick or Stone Masonry Wall. A masonry wall is required in accordance with [Section 4.39\(A\)\(1\)](#) (except large canopy trees may be at maximum fifty-foot centers) and is subject to the following requirements:

- (a) The trees and screening wall are located within a minimum eight-foot wide landscape buffer, dedicated to a required Homeowners' Association for maintenance, on the street side of the screening wall; and
- (b) Trees may be placed within City right-of-way provided that:
 - i. The drip line of all trees (at maturity) is located no closer than the ultimate planned street curb alignment;
 - ii. There are no conflicts with utility lines; and
 - iii. The applicant enters into a License Agreement with the City (through the Engineering Department).

~~(2) —Option 2— Ornamental Metal Fence. An ornamental metal fence is required, in accordance with [Section 4.39\(A\)\(2\)](#), and must comply with the following:~~

- ~~(a) —Large canopy trees are required at maximum fifty foot centers;~~
- ~~(b) —All shrubs, trees and the fence must be located within a minimum five-foot wide landscape buffer, dedicated to a required Homeowners' Association for maintenance, on the street side of the screening fence; and~~
- ~~(c) —Trees may be placed within City right-of-way subject to Subsections 4.40(A)(1)(b)(i) through 4.40(A)(1)(b)(iii) above.~~

~~(B) —Perimeter Screening Between Multifamily Residential or Senior Living Developments and Single-Family Residential or Two-Family Districts. Multifamily and senior living developments that are located adjacent to single-family (whether attached or detached) and two-family residential~~

~~district boundary lines must provide screening in the form of either Option 1 or Option 2 above, except these types of developments are not required to provide the large canopy trees cited in Option 1. Chain-link fencing does not satisfy this requirement.~~

(B) Ornamental Metal Fencing. A minimum five-foot tall ornamental metal fence with masonry columns, spaced with a maximum of fifty feet between the centers of each column, may be used in combination with the masonry wall to provide a view to a landscape feature such as a landscaped median, common area or cul-de-sac.

Section 4.83 Nonresidential & Multifamily Building Materials & Design

(A) Architectural Elements.

(1) ~~Except as provided for Industrial (IN) districts in Subsections 4.83(G) and 4.83(H) below, a~~All nonresidential and multifamily buildings must incorporate design elements which create character or reflect regional architecture by including at least six of the following elements, photos and examples of which are provided below:

- (a) Awnings or canopies;
- (b) Display windows;
- (c) Divided light windows;
- (d) Transoms;
- (e) Shutters;
- (f) Alcoves/porticos;
- (g) Recessed entries;
- (h) Ornamental window headers/lintels;
- (i) Quoins;
- (j) Distinctive lighting features;
- (k) Planters or fountains;
- (l) Benches for outdoor seating;
- (m) Dormers;
- (n) Varied roof heights;

- (o) Ornamental facade trims;
- (p) Bay windows; and
- (q) Gable windows.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. g.

Meeting Date: December 5, 2022

Item Title: Intragovernmental Affairs Committee Update

Summary of Request/Problem

Council Member BJ Williams, Chair of the Intragovernmental Affairs Committee, will provide a committee update.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

2023 City of Garland Legislative Agenda



GARLAND

2023 STATE LEGISLATIVE AGENDA

GARLAND'S HIGHEST PRIORITY

The City of Garland's highest priority is to preserve its ability to govern effectively and efficiently for its residents, businesses, and visitors. Therefore, the City will support legislation that will protect local governance and decision-making, and oppose legislation that will, erode current municipal authority, impose unfunded mandates, further impact revenue, or otherwise negatively affect the City's residents.

FISCAL and FINANCIAL STRENGTH

- Oppose legislation imposing further revenue caps that would impair the growth and economic stability of the City of Garland, including provisions that negatively impact the City's strategic use of short-term debt:
- Support legislation designed to provide municipalities the ability to issue certificate of obligations or bonds to pay for needed public services/projects.
- Support legislation that is designed to allow municipalities and other entities to encourage economic development, including Chapter 380 and 313 tools.
- Oppose legislation limiting the City's ability to control and manage its taxpayer invested Right-of-Ways and public infrastructure.
- Support legislation that makes confidential and not subject to disclosure under the Public Information act certain information related to a city's cybersecurity technology.
- Support the ability of the city to lobby or hire representatives with public funds to lobby on issues that would impact our city or its residents.

DEVELOPMENT

- Support legislation that seeks to make amendments to the "building materials bill" that benefit the City.
- Support legislation that seeks to make amendments to the "30 day shot clock bill" that benefit the City.
- Support legislation that seeks to provide additional funding to the Texas Department of Transportation for transportation projects that would benefit Garland.

GARLAND SPECIFIC LEGISLATION

- A bill that will give the City the option to create alcoholic beverage zones.
- A bill that will give the City the flexibility to use change orders to increase the value of an original contract more than 25% so long as the total contract price does not exceed \$50k.
- Support bills that may be future forms of HB1818 (87th legislature), Retail Pet Stores.
- Support bills that allow cities the option of using the City website to publish legal notices.
- Support bills that allow cities to submit electronic requests for an AG letter under PIA.



GARLAND

City Council Work Session Agenda

Meeting Date: December 5, 2022

Item Title: Board and Commission Appointment

Submitted By: Courtney Vanover, Department Coordinator I, City Secretary

Summary:

Mayor Pro Tem Deborah Morris

- Amador Castro Jr. - Senior Citizens Advisory Board
-

Attachments

Amador Castro Jr.



GARLAND

TEXAS MADE HERE

CITY OF GARLAND
RECEIVED
NOV 18 2022
CITY SECRETARY

Application for City of Garland Boards/Commissions/Committees

Return completed application to City Secretary's Office, 200 N. Fifth St., Garland, Texas 75040 | Email: RDowl@GarlandTX.gov

Please Type or Print Clearly:

Date: 11-17-22

Name: AMADOR CASTRO JR Phone: _____

Address: 825 MONICA DR Phone: _____

City, State, Zip: GARLAND TX 75041 Email: _____

Resident of Garland for 53 years Resident of Texas for 70 years

✓ Dallas County Voter Registration Number _____ and City Council District Number 2

Have you ever been convicted of a felony? ____ Yes ☒ No

Have you ever been convicted of a Class A misdemeanor? ____ Yes ☒ No

Please list any experience that qualifies you to serve in the areas you have indicated.

COACH youth SOFTBALL + UMPIRE ALSO
BEEN ON GCPMA BOARD OF DIRECTORS FOR 10 YRS
IN A ROW

If you have previously served on a City Board or Commission, please specify and list dates of service.

NO

List civic or community endeavors with which you have been involved.

NEIGHBOR WATCH IN MONICA PARK

What is your educational background? High school

What is your occupational experience? RETIRED FOR RAYTHEON AND
BORCOY STORE MGR

I hereby affirm that all statements herein are true and correct. YES Signature of Applicant

Board or Commission of first, second and third choice:

____ Board of Adjustment

____ Citizens Environmental and Neighborhood Advisory Committee

____ Civil Service Commission

____ Community Multicultural Commission

____ Garland Cultural Arts Commission

☒ ~~Garland Youth Council~~ **

____ Library Board

____ Property Standards Board

____ Parks and Recreation Board

____ Plan Commission *

☒ Senior Citizens Advisory Committee

____ Unified Building Standards Commission

** Garland Youth Council has a separate application

FOR OFFICE USE ONLY

Ad Valorem Tax Status

Utility Account Status

CSO Suit/Claim Filed

Clerk Signature & Date

Current ☒

Current ☒

Yes ☒ No ☒

Yes ☒ No ☒

Past Due _____

Past Due _____

Date Appointed _____

Appointed By _____

Date Notified _____

Disclosure Form Filed _____

Courtney Vanover
11-22-22