

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

Council Chambers, City Hall

200 North Fifth Street, Garland, Texas

September 4, 2012

7:00 p.m.

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

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2403 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRILLE IS NOT AVAILABLE.**

CITY COUNCIL GOALS 2020

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

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the August 14, 2012 Special Meeting and August 21, 2012 Regular Meeting.

2. Consider approval of the following bids:

- a. One-Ton Trucks Bid No. 3032-12

Randall Reed's Prestige Ford \$159,877.00

This request is for the purchase of four one-ton replacement trucks for various departments to be used in daily operations.

- b. Overhead Maintenance and Construction Bid No. 3045-12

T & D Solutions \$500,000.00

This request is to provide all labor and equipment necessary to remove and replace electric overhead facilities for maintenance or construction purposes for Garland Power & Light.

- c. Upgrade Turbine Supervisory System Bid No. 3047-12

Metrix Instrument Company \$110,075.00

This request is for the upgrade of the Turbine Supervisory System (TSI) at Ray Olinger Unit 3 Turbine. The current TSI is unreliable and repair parts are no longer available.

d. Replacement of Cisco Network Equipment

Bid No. 3094-12

INX, Inc.

\$243,674.86

This request is for the purchase of the necessary Cisco network equipment to support the replacement of aging network routers and switches at various locations in the City.

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

a. Zoning File No. 12-34, Illiana Rojas

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Reception Facility on property zoned Industrial 1 (I-1) on a 6.803-acre tract located at 2800 West Kingsley Road, Suites 100 and 101.

b. Zoning File No. 12-37, Provence @ Firewheel

Consider an ordinance amending the zoning laws of the City of Garland by approving an amendment to Planned Development (PD) District 04-19 for Single Family Uses regarding regulation of garages on thirteen lots not served by an alley on a 138.51-acre tract of land known as Provence @ Firewheel located west of Lavon Drive/SH 78, southeast of Talley Road, and east of Brand Road.

- 4. Consider a resolution authorizing the City Manager to execute an engineering services agreement with R-Delta Engineers, Inc.**

The engineering services agreement with R-Delta Engineers, Inc. is for completing the limited topographic surveying and mapping, electrical engineering, civil engineering, structural engineering, and municipal planning and permitting coordination necessary to expand Rosehill Substation for a total not-to-exceed amount of \$106,000 (includes \$10,320 contingency for unforeseen design requirements).

5. **Consider a resolution authorizing the City Manager to execute an engineering services agreement with R-Delta Engineers, Inc.**

The engineering services agreement with R-Delta Engineers, Inc. is for completing the topographic surveying and mapping, electrical engineering, civil engineering, structural engineering, geotechnical engineering, landscape architecture, landscape irrigation design, and municipal planning and permitting coordination necessary to demolish and reconstruct Wynn Joyce Substation for a total not-to-exceed amount of \$354,000 (includes \$32,240 contingency for unforeseen design requirements).

6. **Consider an ordinance amending the tax roll of the City of Garland.**

Council annually amends the tax roll to reflect uncollected ad valorem taxes. Amendment of the tax roll is necessary to meet generally accepted accounting principles, avoid overstatement of accounts receivable on the balance sheet and avoid risk of a qualified audit opinion from the external auditors. Although the tax roll is reduced by this action, collection efforts continue unless the costs of those efforts exceed potential revenues. This item was considered by Council at the August 20, 2012 Work Session.

7. **Consider a resolution accepting a Texas Department of Transportation Selective Traffic Enforcement Program – Single Year – 2013 Comprehensive Grant in the amount of \$507,651.97.**

At the September 4, 2012 Work Session, Council was requested to consider authorizing the acceptance of a Texas Department of Transportation – Selective Traffic Enforcement Program (STEP) – Comprehensive Grant to be used to save lives, reduce motor vehicle crashes and injuries, and change behavior related to driving habits. This will be accomplished by aggressively enforcing the laws of the State of Texas related to (1) red light and intersection violations, (2) seat belt violations, (3) speed violations, and (4) driving while intoxicated violations.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

- 8. Hold a public hearing regarding the 2012-13 Proposed Budget and Tax Rate.**

Section 5, Article VII, of the City Charter requires that a public hearing be held on the Proposed Budget for the coming fiscal year. At the public hearing, all interested persons shall be given an opportunity to be heard for or against any proposed item in the Budget, including the proposed tax rate. The Proposed Budget for 2012-13 has been available for public inspection in the City libraries, in the City Secretary's Office, and on the City's website since August 8, 2012.

- 9. Consider an ordinance adopting the operating budget for fiscal year 2012-13, providing budgetary appropriations for the various funds of the City, amending the current budget as revised, authorizing the City Manager to make adjustments.**

In accordance with the City Charter, the City Manager presented his recommended Budget for fiscal year 2012-13 to the Council on August 7, 2012. Copies were made available for public inspection at City libraries, at the City Secretary's Office, and on the City's website. Public hearings were held on August 21 and 30, 2012.

- 10. Consider an ordinance fixing the tax rate and tax levy for the City of Garland for the fiscal year 2012-13 upon all taxable property in the City of Garland in conformity with the laws of the State of Texas and the**

Charter provisions and ordinances of the City of Garland; repealing all ordinances, or parts of ordinances, in conflict therewith.

Council has considered an ad valorem tax rate of 70.46 cents per \$100 of valuation for the fiscal year beginning October 1, 2012. All meetings, notices, and public hearing requirements related to the adoption of the tax rate have been met in accordance with State law. Public hearings were held on the proposed tax rate on August 21 and 30, 2012.

- 11. Consider an ordinance amending various sections of Section 50, "Utility Rates and Fees" of the Code of Ordinances of the City of Garland, relating to fees charged for various services provided by the City.**

In considering the 2012-13 Proposed Budget, Council reviewed the creation of certain rates and fees, and adjustments to existing rates and fees. Revenue estimates included in the 2012-13 Proposed Budget are based on these actions.

- 12. Consider an ordinance establishing Civil Service classifications within the Police and Fire Departments; prescribing the number of positions in each classification; prescribing the base salary and types of pay for those classifications.**

Pursuant to Title 5, Chapter 143 of the Local Government Code of Texas, the Council must establish the civil service classifications in the Police and Fire Departments, the number of positions in each classification, the base salary, and the types of incentive pays for each classification.

- 13. Hold a public hearing to consider the application of Oscar Heydari, requesting approval of a variance to Section XII.4 of the Downtown Development Standards regarding required parking lot landscaping on property zoned Commercial (C-2) District. The property is located at 119 Main Street. (File DD 12-01)**

The proposal is for approval of a variance to the Downtown Development Standards requiring a minimum of 5% of the parking area to be landscaped and one large tree for every ten parking spaces. At the August 13, 2012 meeting, the Plan Commission (by an 8 to 1 vote) recommended approval of the variance as requested by the applicant.

14. Hold public hearings on the following zoning cases:

- a. Consider the application of Tiffany Enriquez requesting approval of a Specific Use Permit for Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses. The property is located at 2121 Northwest Highway, Suites 116 and 117. (File 12-38)**

The proposal is for approval of a Specific Use Permit for a Child Care Center on property zoned Planned Development 78-87. At the August 13, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 10 years tied to Tiffany Enriquez, as recommended by staff.

- b. Consider the application of Cornerstone United Methodist Church requesting approval of a Specific Use Permit for Child Care Center on property zoned Agriculture (AG) District. The property is located at 7502 North Garland Avenue. (File 12-39)**

The proposal is for approval of a Specific Use Permit for a Child Care Center on property zoned Agriculture and the site of a church. At the August 13, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the Specific Use Permit for a period of 20 years tied to Cornerstone United Methodist Church as recommended by staff.

15. Consider appointments to Boards and Commissions.

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

- *Manjula Shrivastava – Citizens Environmental and Neighborhood Advisory Committee (R. Williams)*

16. Citizen comments.

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

17. Adjourn.

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

**Minutes of the City Council
Special Meeting
August 14, 2012**

The City Council of the City of Garland convened in a special emergency called meeting at 3:00 p.m. on Tuesday, August 14, 2012, in the Council Chambers at City Hall, 200 North Fifth Street, Garland, Texas, with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	John Willis
Deputy Mayor Pro Tem	Preston Edwards
Council Member	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	B. J. Williams
Council Member	Rick Williams
Council Member	Jim Cahill

ABSENT:	Council Member	Lori Barnett Dodson
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STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	Interim City Secretary	Elaine Simpson

CALL TO ORDER:	The meeting was called to order by Mayor Ronald E. Jones at 3:00 p.m.
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1. Approved	Resolution No. 10065 - Mayor Jones read the Resolution caption into the record:
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A RESOLUTION DECLARING A LOCAL STATE OF DISASTER BECAUSE OF AN IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY DUE TO A SEVERE OUTBREAK OF WEST NILE VIRUS WITHIN THE LIMITS OF THE CITY OF GARLAND, TEXAS; PROVIDING THE CONSENT OF THE CITY COUNCIL TO THE CONTINUATION OR RENEWAL OF THE DECLARATION OF EMERGENCY BEYOND A PERIOD OF SEVEN DAYS FOLLOWING THE EFFECTIVE DATE OF THIS RESOLUTION; PROVIDING AUTHORITY FOR THE CITY OF GARLAND, TEXAS TO PARTICIPATE IN AERIAL SPRAYING FOR THE PURPOSE OF MOSQUITO ERADICATION; AND PROVIDING AN EFFECTIVE DATE.

Richard Briley, Managing Director of Health, briefed Council on this item.

The following person completed a speaker card, but did not provide testimony: Herlinda Ramirez

Speaking on this item were:

Charlie Hinton
Mike Jaramillo
William Olive
Andrew Wesley
Chad Blount
Dawn West
Jerry Flook
Amanda Griffin
Valerie Atwood
Jenny Land, Concerned Citizens for Safer Mosquito Control
Leea Thompson Fudge
Vannessa Van Gilder
Robyn Slagle
Joanne Rhone

Motion was made by Mayor Pro Tem Willis, and seconded by Deputy Mayor Pro Tem Edwards, to approve the resolution as presented. Motion carried: 6 Ayes; 2 Nays (Cahill, R. Williams); 0 Abstentions.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 4:55 p.m.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Interim City Secretary

**Minutes of the City Council
Regular Meeting
August 21, 2012**

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, August 21, 2012, in the Council Chambers at City Hall, 200 North Fifth Street, Garland, Texas, with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	John Willis
Deputy Mayor Pro Tem	Preston Edwards
Council Member	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	B. J. Williams
Council Member	Lori Barnett Dodson
Council Member	Rick Williams
Council Member	Jim Cahill

STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	Interim City Secretary	Elaine Simpson
	Recording Secretary	Yvonne Naser

CALL TO ORDER: The meeting was called to order by Mayor Ronald E. Jones. Mayor Pro Tem John Willis led the invocation and the pledge of allegiance.

CEREMONIALS: Mayor Jones presented a proclamation to Mr. Kai Chung, President of Greater Dallas Taiwanese Chamber of Commerce as Ambassador-at-Large – International Trade and Relations.

CONSENT AGENDA: All items marked with asterisks (**) on the consent agenda were voted on at the beginning of the meeting. Motion was made by Mayor Pro Tem Willis and seconded by Council Member Rick Williams to approve items 2a, 2b, 3, 4, 5, and 6 as presented. Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved Minutes of the August 7, 2012 Regular Meeting.

as amended

Motion was made by Mayor Pro Tem Willis to approve the minutes of August 7, 2012 meeting as revised. Motion was seconded by Deputy Mayor Pro Tem Edwards. Motion carried: 9 Ayes; 0 Nays; 0 Abstentions.

- 2a. Approved ** Bid No. 2948-12 to Bruckner Truck Sales in the amount of \$319,061.64.
- 2b. Approved ** Bid No. 2984-12 to T & D Solutions in the amount of \$1,500,000.
- 2c. Approved ** Bid No. 3003-12 to Techline, Inc. in the amount of \$785,476.43 with a contingency in the amount of \$164,523.57 for a total of \$950,000.
- 2d. Approved ** Bid No. 3075-12 to Rush Truck Center, Houston in the amount of \$109,072.
- 2e. Approved ** Bid No. 3508-12 to Techline, Inc. in the amount of \$1,046,406 with a contingency in the amount of \$53,594 for a total of \$1,100,000.
- 3. Approved ** Ordinance No. 6561 amending the zoning laws of the City of Garland by approving an amendment to Planned Development District 12-08 for Freeway Uses regarding regulation of freestanding signs on a 170-acre tract of land located northeast of the intersection of State Highway 78/Lavon Drive and State Highway 190. Zoning File No. 12-36, Firewheel Master Partnership
- 4. Approved ** Resolution No. 10066 changing the date of the first regular meeting of October 2012.
- 5. Approved ** Resolution No. 10067 authorizing the City Manager to execute a prepayment agreement among and between the City of Bryan, City of Denton, City of Garland, and City of Greenville regarding an elective program of prepayment of fixed cost power purchase payments to the Texas Municipal Power Agency.
- 6. Approved ** Minute action authorizing the City Manager to execute an Amendment Agreement No. 3 to the Automated Red Light Enforcement Service Agreement (SafeLight Program).
- 7a. Approved Public hearing to consider the application of Illiano Rojas requesting approval of a Specific Use Permit for Reception Facility on property zoned Industrial 1 (I-1) District. The property is located at 2800 West Kingsley Road, Suite 100 and 101. On July 23, 2012, the Plan Commission

recommended approval of the Specific Use Permit for a period of five years tied to Illiana Rojas as recommended by staff. (File No. 12-34)

Neil Montgomery, Senior Managing Director of Development Services, presented the staff report.

Mayor Jones opened the public hearing at 7:14 p.m.

There were no speakers on this item.

Mayor Pro Tem Willis made a motion to close the public hearing at 7:15 p.m. and approve in accordance with staff and the Plan Commission recommendation. Motion was seconded by Council Member Dodson. Motion carried: 9 Ayes; 0 Nays; 0 Abstentions.

7b. Approved

Public hearing to consider the application of Provence @ Firewheel, L.P. requesting approval of an amendment to Planned Development District 04-19 for Single Family Uses regarding regulation of garages on lots not served by an alley. The properties are located at 909 and 917 Chumley Road; 810 and 818 Rimes Drive; 809 Sharp Court; and 1210, 1206 1114, 1002, 914, 910, 906, and 902 Means Farm Road. On July 23, 2012, the Plan Commission recommended approval of the amendment as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services, presented the staff report.

Mayor Jones opened the public hearing at 7:18 p.m.

Speaking on this item were David Siciliano, David Sutton, and Chris Luna.

Council Member Tim Campbell made a motion to close the public hearing at 7:54 p.m. and approve in accordance with staff and the Plan Commission recommendation. Motion was seconded by Council Member Goebel.

A motion was made by Council Member Dodson, and seconded by Council Member Goebel, to amend the motion to require the garage door facing the street to be made of

wood. Motion to amend failed: 1 Aye; 8 Nays (Goebel, B. J. Williams, Cahill, Willis, Jones, Edwards, R. Williams, Campbell); 0 Abstentions

The main motion carried: 8 Ayes; 1 Nay (Dodson); 0 Abstentions.

8. Public Hearing Public Hearing held regarding the 2012-13 Proposed Budget.

Mayor Jones opened the public hearing at 7:55 p.m.

Speaking on this item were:

Allison Lewis
Elizabeth Berry
Gladys Denham
John Clary
Emmy Campbell
Sharra McRae
Janice Kuebler
Barbara Chick

Mayor Jones closed the public hearing at 8:24 p.m.

9. Public Hearing Public hearing held regarding the 2012-13 Proposed Tax Rate.

Mayor Jones opened the public hearing at 8:25 p.m.

Speaking on this item was Mary Ehlenfeldt.

Mayor Jones closed the public hearing at 8:29 p.m. and made the following announcement: The tax rate is scheduled for adoption on Tuesday, September 4, 2012, at 7:00 p.m. in the Council Chambers of Garland City Hall.

10. Approved Ordinance No. 6562 amending Chapter 10, "Administration," of the Code of Ordinances of the City of Garland.

The following completed a speaker card, but did not provide testimony: Karen Nixon, Fay N. Heddin

Speakers on this item were: Lawrence B. Jones III and Steve Miller.

Motion was made by Council Member Rick Williams, and seconded by Council Member B. J. Williams, to approve the ordinance as presented. Motion carried: 7 Ayes; 2 Nays (Dodson, Goebel); 0 Abstentions.

11. Approved

Minute action appointing members to the Garland Housing Finance Board of Directors.

Motion made by Council Member Rick Williams, and seconded by Council Member Dodson, to appoint Ed Jackson and Chris Liebrum to the Garland Housing Finance Corporation Board of Directors. Motion carried: 9 Ayes; 0 Nays; 0 Abstentions.

12. Approved

Appointments to Boards and Commissions:

Mayor Jones called for nominations on the following:

- Kenneth R. Puckett – Building and Fire Codes Board (Willis)
- Thomas Jerry Redden – Library Board (Cahill)
- Minerva I. Moreno – Community Multicultural Commission (Goebel)
- Gregory B. Davis – Parks and Recreation Board (Dodson)
- Debbie Starling – Housing Standards Board (R. Williams)

Mayor Jones called for the vote. Motion carried: 9 Ayes; 0 Nays; 0 Abstentions.

12.

Citizen comments.

Steve Miller

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:53 p.m.

CITY OF GARLAND

Signed:

Mayor Ronald E. Jones

Attest:

Interim City Secretary



GARLAND
PURCHASING

Bid No.: 3032-12
Agenda Item: 2a
Meeting: Council
Date: 09/04/12

Purchasing Report

ONE TON TRUCKS OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of four (4) one ton replacement trucks for various departments in the City of Garland to be used in daily operations. These units were approved in the 2011-12 Equipment Replacement Fund.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Randall Reed's Prestige Ford	All	\$159,877.00

TOTAL: \$159,877.00

BASIS FOR AWARD:

Straight Low Bid

Submitted by:

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

Reviewed by:

William E. Dollar
City Manager

Date: 08/23/12

Date: 08/27/12

FINANCIAL SUMMARY:

Total Project/Account: \$	453,241
Expended/Encumbered to Date:	212,405
Balance: \$	240,836
This Item:	159,877
Proposed Balance: \$	80,959

Ron Tiffany 08/24/12
Budget Analyst Date

Ron Young 08/24/12
Budget Director Date

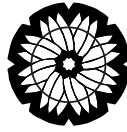
Operating Budget: ☒ CIP: ☐ Year: 2011-12

Document Location: Page 118

Account #: 444-4032-9009
444-4031-9009
444-2412-9009

Fund/Agency/Project – Description:
Equipment Replacement Fund / Water and
Parks, Recreation & Cultural Arts Departments /
Four (4) One-Ton Replacement Trucks

Comments:



GARLAND

PURCHASING

Executive Summary Bid 3032-12 OneTon Trucks

Recommended Vendor:

Randall Reed's Prestige Ford

Total Recommended Award:

\$159,877.00

Basis for Award:

Straight Low Bid

Purpose:

The purpose of this contract is to purchase four (4) one ton replacement trucks for various departments within the City of Garland for their daily use.

Evaluation:

Request for bids were issued per Purchasing procedures. Two (2) bids were received from Randall Reed's Prestige Ford and Baby Jack II Automotive LTD.

Recommendation:

Staff recommends awarding the bid for one ton trucks to Randall Reed's Prestige Ford.

Funding Information:

444-4032-9009, 444-4031-9009, 444-2412-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524



GARLAND
PURCHASING

Bid No.: 3045-12
Agenda Item: 2b
Meeting: Council
Date: 09/04/12

Purchasing Report

OVERHEAD MAINTENANCE AND CONSTRUCTION TERM CONTRACT

PURCHASE JUSTIFICATION:

This is a Term Contract with two (2) renewal options for labor and equipment necessary to perform electric overhead maintenance and construction for Garland Power & Light. The total amount of the contract is estimated and may be renewed annually or upon the expenditure of funds. Expenses will be committed to accounts as incurred. Expenditures will not exceed appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
T & D Solutions	All	\$500,000.00
TOTAL:		\$500,000.00

BASIS FOR AWARD:

Best Value

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 08/23/12

Date: 8/27/12

FINANCIAL SUMMARY:

Total Project/Account:	\$	N/A
Expended/Encumbered to Date:		N/A
Balance:	\$	N/A
This Item:		500,000
Proposed Balance:	\$	N/A

Trent Schulze	08/27/12
Budget Analyst	Date
Ron Young	08/27/12
Budget Director	Date

Operating Budget: ☒ CIP: ☐ Year: 2011-12

Document Location: Page 208

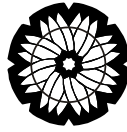
Account #: 451-6999

Fund/Agency/Project – Description:

Term Contract – Labor and Equipment Necessary for All Overhead Maintenance or Construction Purposes for the City

Comments:

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



GARLAND

PURCHASING

Executive Summary **Bid 3045-12** **Overhead Maintenance and Construction**

Recommended Vendor:

T&D Solutions

Total Recommended Award:

\$500,000.00

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide all labor and equipment necessary to remove and replace electric overhead facilities for maintenance or construction purposes for Garland Power & Light. The Contract is for a period of one year or expenditure of funds, whichever comes first, with two (2) optional renewals.

Evaluation:

Notification of a pending Request for Bids was issued per purchasing procedure. Three (3) bids were received and evaluated base on the published criteria of: price; experience; work completed by primary contractor; hourly rates for emergency work; safety and training programs; past relationship with the City. T&D Solutions scored the highest with 85 points out of a possible 100, offering the Best Value for the City. T&D Solutions also submitted the lowest evaluated price.

Recommendation:

Staff recommends awarding the Contract to T&D Solutions.

Funding Information:

This purchase is funded under the Term Contract Account #451-6999. Proper departmental expenditure account numbers will be applied as work is performed.

Department Director:

Art Martinez, Acting Director of Transmission and Distribution, 972-205-2669



GARLAND
PURCHASING

Bid No.: 3047-12
Agenda Item: 2c
Meeting: Council
Date: 09/04/12

Purchasing Report

UPGRADE TURBINE SUPERVISORY SYSTEM (TSI) OPEN MARKET

PURCHASE JUSTIFICATION:

This purchase is for the upgrade of the TSI at Ray Olinger Unit 3 Turbine. The current TSI is unreliable, and repair parts are no longer available. The upgrade will increase the accuracy and reliability of the turbine monitoring for vibration, speed, eccentricity, and shell expansion. This improved monitoring will give Operators more control and reduce major turbine damage.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Metrix Instrument Company	ALL	\$110,075.00
TOTAL:		<u>\$110,075.00</u>

BASIS FOR AWARD:

Straight Low Bid

Submitted by:

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

Reviewed by:

William E. Dollar
City Manager

Date: 08/16/12

Date: 08/27/12

FINANCIAL SUMMARY:

Total Project/Account: \$	751,073
Expended/Encumbered to Date:	444,621
Balance: \$	306,452
This Item:	110,075
Proposed Balance: \$	196,377

Trent Schulze	08/24/12
Budget Analyst	Date
Ron Young	08/24/12
Budget Director	Date

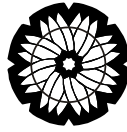
Operating Budget: ☒ CIP: ☐ Year: FY 2011-12

Document Location: Page 208

Account #: 211-3434-6051

Fund/Agency/Project – Description:
GP&L – Upgrade TSI at Olinger Unit 3 Turbine

Comments:
Current TSI is unreliable and parts unavailable. Upgrade will give Operators more control and reduce major turbine damage.



GARLAND

PURCHASING

Executive Summary **Bid 3047-12** **Upgrade of the Turbine Supervisory System (TSI)**

Recommended Vendor:

Metrix Instrument Company

Total Recommended Award:

\$110,075.00

Basis for Award:

Straight Low Bidder

Purpose:

The purpose of this contract is to replace the TSI for Ray Olinger Unit 3 Turbine. The current TSI is non-reliable and parts are no longer available. This upgrade will increase the accuracy and reliability of turbine monitoring for vibration, speed, eccentricity, and shell expansion. This improved monitoring will give operators more control and reduce major turbine damage.

Evaluation:

Request for proposal was issued per purchasing procedures. Four hundred seventy-eight (478) invitations were sent. Due to the specialized nature of the equipment, only proposal was received and evaluated from Metrix Instrument Company. The project is within budget and within Metrix Instrument Company's capabilities.

Recommendation:

Staff recommends awarding the contract to Metrix Instrument Company.

Funding Information:

211-3434-6051

Department Director:

Aubrey Harris, Power Plant Director, 972-485-6540



GARLAND
PURCHASING

Bid No.: 3094-12
Agenda Item: 2d
Meeting: Council
Date: 09/04/12

Purchasing Report

REPLACEMENT OF CISCO NETWORK EQUIPMENT OPEN MARKET

PURCHASE JUSTIFICATION:

Purchase of this equipment is to support the replacement of the aging network routers and switches at various locations in the City. The unit pricing will remain consistent with the Department of Information Resources (DIR) Contract DIR-SDD-1386. Expenditures will not exceed the appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
INX, Inc	ALL	\$243,674.86
TOTAL:		\$243,674.86

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 08/24/12

Date: 8/28/12

FINANCIAL SUMMARY:

Total Project/Account: \$ 336,580

Expended/Encumbered to Date: 85,579

Balance: \$ 251,001

This Item: 243,675

Proposed Balance: \$ 7,326

Matt Watson 08/27/12
Budget Analyst Date

Ron Young 08/27/12
Budget Director Date

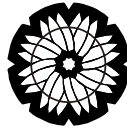
Operating Budget: ☒ CIP: ☐ Year: 2011-12

Document Location: Page 133

Account #: 413-1211-9029

Fund/Agency/Project – Description:
IT Replacement Fund / Police / Replacement
of Aging Network Routers and Switches

Comments:



GARLAND

PURCHASING

Executive Summary **Bid 3094-12** **Replacement of Cisco Network Equipment**

Recommended Vendor:

INX, Inc.

Total Recommended Award:

\$243,674.86

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase the necessary Cisco network equipment to support the replacement of aging network routers and switches at various locations in the City.

Evaluation:

The replacement Cisco network equipment is available from INX, Inc. through the Department of Information Resources (DIR) Contract DIR-SDD-1386.

Recommendation:

Staff recommends purchasing the replacement Cisco network equipment from INX, Inc.

Funding Information:

413-1211-9029

Department Director:

Steve Niekamp, Chief Information Officer, 972-781-7205



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: September 4, 2012

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 12-34 – Iliana Rojas

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Submitted By:

Neil Montgomery
Senior Managing Director of Development
Services

Approved By:

William E. Dollar
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR A RECEPTION FACILITY ON PROPERTY ZONED INDUSTRIAL 1 (I-1) ON A 6.803-ACRE TRACT LOCATED AT 2800 WEST KINGSLEY ROAD, SUITES 100 and 101; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 23rd day of July, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Illiana Rojas**, and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Reception Facility on property zoned Industrial 1 (I-1) District on a 6.803-acre tract located at 2800 West Kingsley Road, Suites 100 and 101 and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 12-34

Being described as Lot 3 of McCasland Addition No. 2, Lot 4 of McCasland Addition No. 3, and Lot 5, Block 1 of McCasland Addition No.6, Additions to the City of Garland, TX as recorded in Volume 72061, Page 2765; Volume 70098, Page 1637; and Volume 83124, Page 3528, respectively, of the Plat Records of Dallas County, Texas and containing 6.803 acres. This property is located at 2800 West Kingsley Road, Suites 100 and 101.

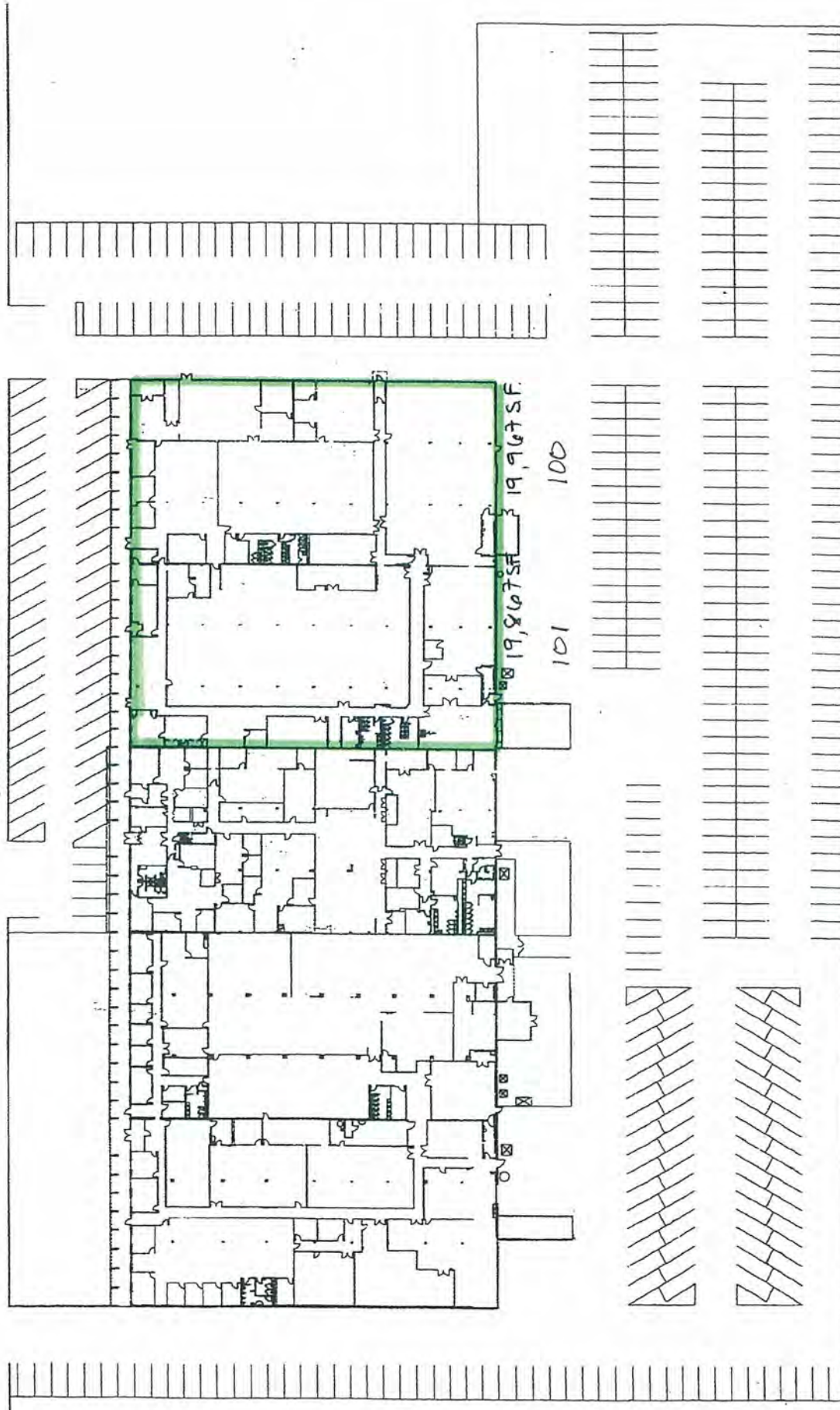
SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-34

2800 W. Kingsley Road, Suites 100 and 101

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Reception Facility subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Industrial 1 (I-1) District set forth in Section 29 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a 5 year time period and shall be tied to **Illiana Rojas**.
 - B. Parking: The applicant shall stripe 191 additional parking spaces as reflected on the site plan (Exhibit C) for a total of 461 parking spaces for the entire site before a certificate of occupancy is issued. There shall be a minimum of 321 parking spaces allocated to the reception facility in Suites 100 and Suite 101.
 - C. Security: Security shall be provided at every event where alcohol is provided. Security will be provided by a person authorized to provide private security under Chapter 1702 of the Texas Occupations Code.
 - D. Loitering: No congregation or loitering will be allowed to occur outside the facility.

2300 W KINGSLEY



Site Plan
Scale: 1:20 = 1'-0"



EXHIBIT C



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: September 4, 2012

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 12-37 – Provence @ Firewheel

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Submitted By:

Neil Montgomery
Senior Managing Director of Development
Services

Approved By:

William E. Dollar
City Manager

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 04-19 FOR SINGLE FAMILY USES REGARDING REGULATION OF GARAGES ON THIRTEEN LOTS NOT SERVED BY AN ALLEY ON A 138.51-ACRE TRACT OF LAND KNOWN AS PROVENCE AT FIREWHEEL, LOCATED WEST OF LAVON DRIVE/SH 78, SOUTHEAST OF TALLEY ROAD AND EAST OF BRAND ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 23rd day of July, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Provence @ Firewheel, L.P.**; and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving amended Conditions on property zoned Planned Development (PD) District 04-19 for Single Family Uses on a 138.51-acre tract of land known as Provence at Firewheel located west of Lavon Drive/SH 78, southeast of Talley Road and east of Brand Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 12-37

Being described as all of Provence at Firewheel No. 1 and Provence at Firewheel No. 2 Replat, Additions to the City of Garland, TX as recorded in Volume 2005131, Page 00030 and Volume 20070275660, respectively, of the Plat Records of Dallas County, Texas and containing 138.51 acres. This property is located west of Lavon Drive/SH 78, southeast of Talley Road, and east of Brand Road.

ZONING FILE 12-37

Provence At Firewheel; Located West Of Lavon Drive/SH 78, Southeast Of Talley Road And East Of Brand Road

PLANNED DEVELOPMENT REQUIREMENTS

- I. **Statement of Purpose:** The purpose of this Planned Development District is to amend certain requirements regarding garages facing a street on thirteen lots within the Provence at Firewheel No. 1 and 2 subdivisions.

Statement of Effect: This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

General Regulations: All regulations of Planned Development (PD) District 04-19 for Single Family Uses, and all regulations of the SF/7/D/3 (Single Family Dwelling) District set forth in Sections 17-510, 18, 18-300 and 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

II. **Specific Regulations:**

A. Garages: Each dwelling unit shall have a minimum two-car garage. A J-entry, side entry or swing drive shall be provided for the two-car garage on these lots, which are not served by an alley. A third-car garage may face the street provided the garage door is set back behind the two-car garage a minimum of 36 feet from the front property line.

This condition shall apply only to the following lots within the Provence at Firewheel No. 1 and 2 subdivisions: Lot 1, Block 1 and Lot 31, Block 2 of Provence at Firewheel No. 1; Lots 10, 12 and 17 of Block 14 and Lots 4, 5, 9, 16, 17, 18, 19 and 20 of Block 15 of Provence at Firewheel No. 2. These lots are located at 909 and 917 Chumley Road; 810 and 818 Rimes Drive; 809 Sharp Court; and 1210, 1206, 1114, 1002, 914, 910, 906 and 902 Means Farm Road. All other lots shall comply with Condition I. of PD 04-19.



City Council Item Summary Sheet

- ☐ Work Session
☒ Agenda Item

Date: September 4, 2012

ENGINEERING SERVICES AGREEMENT TO R-DELTA ENGINEERS, INC. ON ROSEHILL SUBSTATION IMPROVEMENTS

Summary of Request/Problem

The purpose of this request is to approve a resolution for issuing an Engineering Services Agreement to R-Delta Engineers, Inc. for completing the limited topographic surveying and mapping, electrical engineering, civil engineering, structural engineering, and municipal planning and permitting coordination necessary to expand Rosehill Substation for a total not-to-exceed amount of \$106,000. (includes \$10,320 Contingency for unforeseen design requirements).

The engineering and design provides for a consistent delivery of reliable City services and a sustainable quality development and redevelopment to support growth in Garland, Texas.

Recommendation/Action Requested and Justification

Authorize the City Manager, or his representative, to execute an Engineering Services Agreement to R-Delta Engineers, Inc. in the amount not-to-exceed \$106,000.00 (includes \$10,320.00 for Contingency).

Submitted By:

Jeff Janke
GP&L Managing Director

Approved By:

William E. Dollar
City Manager

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS REPRESENTATIVE TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH R-DELTA ENGINEERS, INC.; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Manager or his representative is hereby authorized to execute an Engineering Services Agreement with R-Delta Engineers, Inc., for a not-to-exceed amount of \$106,000.

Section 2

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

PASSED AND APPROVED this the _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

**GARLAND POWER & LIGHT
ENGINEERING SERVICES AGREEMENT
ENGINEERING SERVICES ON ROSEHILL SUBSTATION IMPROVEMENTS
SCOPE OF WORK #COG111**

This Engineering Services Agreement ("Agreement") is made and entered by and between the City of Garland, Texas, (the "City") a home rule municipality with an electric department operating an electric system (the "System") known as Garland Power & Light ("GP&L") and **R-Delta Engineers, Inc.** ("Engineer").

Section 1. Engineering Agreement - Scope of Work.

The City retains Engineer to provide surveying, limited topographic surveying & mapping, municipal planning and permitting coordination, and engineering services necessary for improvements consisting of the expansion of the existing Rosehill Substation ring bus to accommodate a new transformer and additional distribution feeders for a fixed fee of **\$95,680.00** amount per the attached R-Delta Engineers, Inc. Proposal dated August 21, 2012.

The substation expansion will generally include the following: one 138kV circuit breaker, three (3) 138kV gang operated switches, one 3-phase 138kV-15kV transformer (existing WEG), one 34kV switch, one 15kv metal enclosed switchgear, new buswork, modification of existing buswork, additional lightning shielding, ground grid expansion, modification of existing feeder duct lines, and construction of three new distribution feeder duct lines.

Section 2. Services to be Provided; Responsibilities of Parties.

(A) Unless expressly limited or excluded by the Scope of Work, Engineer shall provide, at a minimum, the following services and have the following responsibilities in connection with each Scope of Work approved by the City. In that connection, the Engineer shall:

(1) See the attached R-Delta Engineers, Inc. proposal dated August 21, 2012.

(2) Determine what, if any, additional engineering or drawings are required.

(3) Commence work under the scope of Work no more than fourteen (14) days of after receipt of notice to proceed from the City.

(B) City shall:

(1) Provide such pertinent details and information as may be within the possession of the City to the Engineer in the performance of the requested Scope of Work.

(2) Provide assistance and input as required at appropriate times in order for the Engineer to complete tasks as assigned.

Section 3. Compensation.

(A) *Basic Services:* The City shall pay Engineer only in accordance with the rates and the not-to-exceed limitations contained in the Scope of Work on a time and materials basis.

The City shall not be obligated to pay Engineer for any services, expenses, reimbursables, or other costs in excess of the not-to-exceed amount specified in the Scope of Work unless Engineer has obtained the express, written consent of the City prior to the commencement of services or incurring the expenses claimed. Unless otherwise provided in the Scope of Work, the anticipated submittal of all Project deliverables is immediately upon completion of the Project.

The total cost of this Agreement is for a **total fixed cost of NINETY-FIVE THOUSAND SIX HUNDRED EIGHTY DOLLARS (\$95,680.00)** without further discussion/approvals of City (GP&L) staff. Any revisions to work after commencement of engineering design necessitated by changes will be per Section 4 and the Engineer's hourly published rates dated August 2012.

The Total Agreement is comprised of the following:

Base Expansion Design:	\$ 84,180.
Offsite Duct Line Design:	\$ 11,200.
Estimated costs):	\$ <u>300.</u>
Fixed Fee Amount:	\$ 95,680.
CONTINGENCY Amount:	\$ <u>10,320.</u>
Total Agreement Amount:	\$106,000.

CONTINGENCY: Contingency amount is for unforeseen changes of services necessary to complete the project, and is to be authorized at the sole discretion of the City (GP&L).

The "CONTINGENCY" expenditures must be approved in writing by City (GP&L) staff prior to starting that work.

(B) *Billing Period:* The Engineer may submit monthly, or less frequent, an

invoice for payment based on the estimated completion of the described tasks and approved work schedule. Engineer shall reference the "Scope of Work" number (e.g. **COG111**) on each invoice submitted to GP&L for payment. Subject to Chapter 2251, Texas Government Code (the "Prompt Payment Act") payment is due within thirty (30) days of the City's receipt of the invoice. Interest on overdue payments shall be calculated in accordance with the Prompt Payment Act. **[NOTE: Engineer shall notify GP&L, in writing, when ninety percent (90%) of the total not-to-exceed amount has been invoiced.]**

(C) *Reimbursable Expenses:* City agrees to pay the actual, necessary and reasonable expenses incurred by Engineer in performing services under this Agreement, or to reimburse Engineer for such expenses, as the case may be, for those expenses that the City has given prior approval such as long distance telephone and fax, postage and courier costs, copying costs, out-of-area travel, and related business expenses (such expenses not to exceed \$100.00 without the prior approval of the City).

(D) *Special Services:* Compensation for "special services" shall be based on the Engineer's established hourly rates which shall be stated in or attached to the Scope of Work. Statements for special services may only be submitted on a monthly basis. Engineer shall advise the City in advance if the Engineer contends that a particular service falls into the "special services" category. No service shall be compensated as a special service unless and until approved by the City. The

City shall promptly determine whether a service constitutes a special service so that work shall not be unreasonably delayed. As used in this Agreement, the term "special services" means:

(1) Preparation of any special reports required for the marketing of bonds or certificates of obligation.

(2) Appearances before regulatory agencies other than the City.

(3) Assistance to the City as an expert witness in any litigation with third parties arising from the development or construction of the Project and not involving the alleged fault of the Engineer.

(4) Special investigations involving detailed consideration of operation, maintenance and overhead expenses; preparation of rate schedules, earnings, and expense statements; preparation of special feasibility studies, appraisals, valuations, and material audits or inventories required for certification of force account construction performed by the City.

(5) Detailed mill, shop, and laboratory inspection of materials or equipment.

(6) Preparation of estimates and engineer's rolls necessary for special assessments.

(7) Additional copies of reports and specifications (over the agreed number specified in the Scope of Work) and additional blueprint copies of drawings (over the agreed number specified in the Scope of Work).

(8) Preparation of applications and supporting documents for government grants or planning advances for public works projects.

(9) Preparation of environmental statements and assistance to the City in preparing for and attending public hearings on environmental impact statements.

(E) *Records of Expenses:* Engineer shall maintain reasonably detailed records of all work done on behalf of the City under this Agreement (and any Scope of Work issued pursuant to this Agreement) and of all expenses incurred for which Engineer seeks payment or reimbursement. Engineer shall promptly provide such records to the City upon request for inspection, copying, and audit.

Section 4. Changes to the Project Work; Additional Work.

(A) *Changes to Work:* Engineer shall make such revisions to any work that has been completed as are necessary to correct any errors or omissions as may appear in such work. If the City finds it necessary to make changes to previously satisfactorily completed work or parts thereof, the Engineer shall make such revisions if requested and as directed by the City and such services will be considered as additional work and paid for as specified under following paragraph.

(B) *Additional Work:* Work that is clearly not within the general description of the Scope of Work and does not otherwise constitute special services under this Agreement must be

approved in writing by the City by supplemental agreement before the additional work is undertaken by the Engineer. If the Engineer is of the opinion that any work is beyond that contemplated in this Agreement and the Scope of Work governing the project and therefore constitutes additional work, the Engineer shall promptly notify the City of that opinion, in writing. If the City agrees that such work does constitute additional work, then the City and the Engineer shall execute a supplemental agreement for the additional work and the City shall compensate the Engineer for the additional work on the basis of the rates contained in the Scope of Work. The not-to-exceed fee shall be adjusted if additional work is approved by the City and performed by the Engineer.

Section 5. Time of Completion.

The prompt completion of the Project to which a Scope of Work relates is critical to the reliability and functionality of the System and is of the essence to the performance of this Agreement. Unnecessary delays in providing services under a Scope of Work shall be grounds for dismissal of the Engineer and termination of this Agreement without any or further liability to the City other than a prorated payment for necessary, timely, and conforming work done by Engineer prior to the time of termination. The Scope of Work shall provide, in either calendar days or by providing a final date, a time of completion prior to which the Engineer shall have completed all tasks and services described in the Scope of Work.

SCHEDULE: As outlined in the

attached Proposal dated August 21, 2012 Engineer proposes a project design schedule of seventy (70) calendar days with early release of switchgear specifications, structural steel, foundations, and other project components to meet the City's (GP&L) construction scheduling requirements.

Section 6. Professional Liability Insurance.

Before commencing work under any Scope of Work, Engineer shall obtain, and furnish to the City evidence of, standard comprehensive professional liability insurance coverage in an amount of at least \$1,000,000.00 aggregate per year, covering the services provided under this Agreement. Engineer shall maintain such coverage during all phases of work provided under this Agreement and for a period of at least one (1) year after substantial completion of the Scope of Work. The City shall be issued a certificate of coverage that shall provide for a thirty (30) day notice to the City, by certified or registered mail, of cancellation, non-renewal or material alteration in the stated provisions of the policy.

Section 7. Dispute Resolution.

In accordance with the provisions of Subchapter I, Chapter 271, Texas Local Government Code, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this Agreement, the parties will first attempt to resolve the dispute by taking the following steps: (i) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other

party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute; (ii) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute; (iii) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

Section 8. Miscellaneous Provisions.

(A) *Subletting.* The Engineer shall not sublet or transfer any portion of the work under this Agreement or any Scope of Work issued pursuant to this Agreement unless specifically approved in writing by the City, which approval shall not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work. The approval or acquiescence of the City in the subletting of any work shall not relieve the Engineer of any responsibility for work done by such subcontractor.

(B) *Ownership of Documents.* Upon completion or termination of this Agreement, all documents prepared by the Engineer or furnished to the Engineer by the City shall be delivered to and become the property of the City. All drawings, charts, calculations,

plans, specifications and other data prepared under or pursuant to this Agreement shall be made available, upon request, to the City without restriction or limitation on the further use of such materials PROVIDED, HOWEVER, THAT SUCH MATERIALS ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY THE CITY OR OTHERS. ANY REUSE WITHOUT PRIOR VERIFICATION OR ADAPTATION BY THE ENGINEER FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE CITY'S SOLE RISK AND WITHOUT LIABILITY TO THE ENGINEER. Where applicable, Engineer shall retain all pre-existing proprietary rights in the materials provided to the City but shall grant to the City a non-exclusive, perpetual, royalty-free license to use such proprietary information solely for the purposes for which the information was provided. The Engineer may, at Engineer's expense, have copies made of the documents or any other data furnished to the City under or pursuant to this Agreement.

(C) *Engineer's Seal.* The Engineer shall place the Texas Professional Engineer's seal of endorsement of the principal engineer on all documents and engineering data furnished by the Engineer to the City. All work and services provided under this Agreement will be performed in a good and workmanlike fashion and shall conform to the accepted standards and practices of the engineering profession. The plans, specifications and engineering data provided by Engineer shall be adequate and sufficient to enable those performing the actual construction of the work to perform the work as and within the time contemplated by the

City and Engineer. The City acknowledges that Engineer has no control over the methods or means of construction nor the costs of labor, materials or equipment. Unless otherwise agreed in writing, any estimates of construction costs by the Engineer are for informational purposes only and are not guarantees.

(D) *Compliance with Laws.* The Engineer shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of this Agreement, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Engineer shall furnish the City with satisfactory proof of compliance.

(E) *Independent Contractor.* Engineer acknowledges that Engineer is an independent contractor of the City and is not an employee, agent, official or representative of the City. Engineer shall not represent, either expressly or through implication, that Engineer is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Engineer.

(F) *Non-Collusion.* Engineer represents and warrants that Engineer has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the

work to be provided to the City under this Agreement. Engineer further agrees that Engineer shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City under or pursuant to this Agreement) for any of the services performed by Engineer under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Engineer, Engineer shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Engineer under or pursuant to this Agreement.

(G) *Force Majeure.* If the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (which circumstances may include, without limitation, pending litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [such as, by way of illustration and not of limitation, severe rain storms or below freezing temperatures, or tornados] labor action, strikes or similar acts, moratoriums or regulations or actions by governmental authorities), the time for such performance shall be extended by the amount of time of such delay, but no longer than the amount of time reasonably occasioned by the delay. The party claiming delay of performance as a result of any of the foregoing "force majeure" events shall deliver written notice of the

commencement of any such delay resulting from such force majeure event not later than seven (7) days after the claiming party becomes aware of the same, and if the claiming party fails to so notify the other party of the occurrence of a "force majeure" event causing such delay and the other party shall not otherwise be aware of such "force majeure" event, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this subsection.

Section 9. Termination.

(A) This Agreement (which shall include any Scope of Work issued pursuant to this Agreement) may be terminated:

(1) By the mutual agreement and consent of both Engineer and City;

(2) By either party, upon the failure of the other party to fulfill its obligations as set forth in either this Agreement or a Scope of Work issued under this Agreement;

(3) By the City, immediately upon notice in writing to the Engineer, as consequence of the failure of Engineer to perform the services contemplated by this Agreement in a timely or satisfactory manner;

(4) By the City, at will and without cause upon not less than thirty (30) days written notice to the Engineer.

(B) If the City terminates this Agreement pursuant to Section 5 or subsection 8(A)(2) or (3), above, the Engineer shall not be entitled to any

fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination and only then for those services that have been timely and adequately performed by the Engineer considering the actual costs incurred by the Engineer in performing work to date of termination, the value of the work that is nonetheless usable to the City, the cost to the City of employing another engineer to complete the work required and the time required to do so, and other factors that affect the value to the City of the work performed at time of termination. In the event of termination not the fault of the Engineer, the Engineer shall be compensated for all basic, special, and additional services actually performed prior to termination, together with any reimbursable expenses then due.

Section 10. Indemnification.
Engineer agrees to indemnify and hold the City of Garland, Texas and all of its present, future and former agents, employees, officials and representatives harmless in their official, individual and representative capacities from any and all claims, demands, causes of action, judgments, liens and expenses (including attorney's fees, whether contractual or statutory), costs and damages (whether common law or statutory), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, for injuries to persons (including death) or to property (both real and personal) created by, arising from or in any manner relating to the services or goods performed or provided by

Engineer – expressly including those arising through strict liability or under the constitutions of the United States or Texas – BUT ONLY TO THE EXTENT ALLOWABLE BY SEC. 271.904(a) OF THE TEXAS LOCAL GOVERNMENT CODE.

Section 11. Notices. Any notice required or desired to be given from one party to the other party to this Agreement shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

Section 12. No Assignment. Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

Section 13. Severability. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this

Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 14. Waiver. Either City or the Engineer shall have the right to waive any requirement contained in this Agreement that is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 15. Governing Law; Venue. This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Dallas County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Dallas County, Texas.

Section 16. Paragraph Headings; Construction. The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have

participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party.

Section 17. Binding Effect. Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 18. Gender. Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Section 19. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 20. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 21. Entire Agreement. It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement

cannot be changed or terminated orally.

Section 22. Relationship of Parties.

Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

Section 23. Right To Audit. City shall have the right to examine and audit after reasonable notice any and all books and records of Seller/Contractor that may relate to this agreement including, without limitation, the performance of Seller/Contractor, its employees, agents, and subcontractors. Such books and records will be maintained in accordance with generally accepted accounting principles and shall, upon request and at City's request, be made available at a location designated by City. Seller/Contractor shall, except for copying costs, otherwise bear all costs of producing such records for examination and copying by City. Unless otherwise agreed by the parties, such records must be made available to City within five business days. The provisions of this paragraph shall survive the termination of this agreement. **(Revised 11/2008)**

Section 24. Nondisclosure. Engineer agrees that any reports, data, documentation or other information given to, prepared by or reviewed by Engineer or its employees and agents under or in connection with this Agreement may be proprietary, competitive and confidential information of the City. Engineer shall make every reasonable effort to maintain the confidentiality of such information and shall not sell, license, display, distribute, disclose or otherwise make available such information to any third party nor use

such information except as authorized by this Agreement, upon written consent of City or unless authorized or required by law, court order, or pursuant to a subpoena; provided, however, that Engineer may not release information pursuant to a subpoena without first providing the City notice of the subpoena and a opportunity to contest (at the City's sole expense) the release of the information.

ATTACHMENT:

(1) R-Delta Engineers, Inc. proposal dated August 21, 2012.

EXECUTED on this the _____ day of _____, 2012.

CITY:

By: _____
Name: Art Martinez
Title: Acting GP&L T&D Director
Date: _____

By: _____
Name: Jeff Janke
Title: GP&L Managing Director
Date: _____

By: _____
Name: William E. Dollar
Title: City Manager
Date: _____

ADDRESS FOR NOTICE:

CITY

Garland Power & Light
GP&L Managing Director
217 N. Fifth Street
P.O. Box 469002
Garland, Texas 75046 – 9002
ATTN: Jeff Janke

ENGINEER:

By: _____
Name: Frank A. Polma, J.R., P.E.
Title: Vice President of Operations
Date: _____

ENGINEER

R-Delta Engineers, Inc.
618 Main Street
Garland, Texas 75040



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: September 4, 2012

ENGINEERING SERVICES AGREEMENT TO R-DELTA ENGINEERS, INC. ON WYNN JOYCE SUBSTATION IMPROVEMENTS

Summary of Request/Problem

The purpose of this request is to approve a resolution for issuing an Engineering Services Agreement to R-Delta Engineers, Inc. for completing the topographic surveying and mapping, electrical engineering, civil engineering, structural engineering, geotechnical engineering, landscape architecture, landscape irrigation design, and municipal planning and permitting coordination necessary to demolish and reconstruct Wynn Joyce Substation for a total not-to-exceed \$354,000.00 (includes \$32,240.00 Contingency for unforeseen design requirements).

The engineering and design provides for a consistent delivery of reliable City services and a sustainable quality development and redevelopment to support growth in Garland, Texas.

Recommendation/Action Requested and Justification

Authorize the City Manager, or his representative, to execute an Engineering Services Agreement to R-Delta Engineers, Inc. in the amount not-to-exceed \$354,000.00 (includes \$32,240.00 Contingency).

Submitted By:

Jeff Janke
GP&L Managing Director

Approved By:

William E. Dollar
City Manager

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS REPRESENTATIVE TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH R-DELTA ENGINEERS, INC.; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Manager or his representative is hereby authorized to execute a Engineering Services Agreement with R-Delta Engineers, Inc., for a not-to-exceed amount of \$354,000.

Section 2

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

PASSED AND APPROVED this the _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

**GARLAND POWER & LIGHT
ENGINEERING SERVICES AGREEMENT
ENGINEERING SERVICES ON WYNN JOYCE SUBSTATION IMPROVEMENTS
SCOPE OF WORK #COG112**

This Engineering Services Agreement ("Agreement") is made and entered by and between the City of Garland, Texas, (the "City") a home rule municipality with an electric department operating an electric system (the "System") known as Garland Power & Light ("GP&L") and **R-Delta Engineers, Inc.** ("Engineer").

Section 1. Engineering Agreement - Scope of Work.

The City retains Engineer to provide surveying, limited topographic surveying & mapping, geotechnical engineering, landscape architecture, landscape irrigation design, and municipal planning and permitting coordination, and engineering services necessary for improvements of the existing Wynn Joyce Substation into a three ring bus configuration for a fixed fee of **\$321,760.00** amount per the attached R-Delta Engineers, Inc. Proposal dated August 21, 2012.

The substation demolition and reconstruction will generally include the following: five 138kV circuit breaker, nine (9) 138kV potential transformers, fifteen (15) 138kV gang operated switches, two 3-phase 138kV-15kV transformer (reuse existing), two 34kV switches, two 48v DC batteries and chargers, two DC panels, one AC panel two 15kv metal enclosed switchgear, and lightning shielding.

Section 2. Services to be Provided; Responsibilities of Parties.

(A) Unless expressly limited or

excluded by the Scope of Work, Engineer shall provide, at a minimum, the following services and have the following responsibilities in connection with each Scope of Work approved by the City. In that connection, the Engineer shall:

(1) See the attached R-Delta Engineers, Inc. proposal dated August 21, 2012.

(2) Determine what, if any, additional engineering or drawings are required.

(3) Commence work under the scope of Work no more than fourteen (14) days of after receipt of notice to proceed from the City.

(B) City shall:

(1) Provide such pertinent details and information as may be within the possession of the City to the Engineer in the performance of the requested Scope of Work.

(2) Provide assistance and input as required at appropriate times in order for the Engineer to complete tasks as assigned.

Section 3. Compensation.

(A) *Basic Services:* The City shall pay Engineer only in accordance with the rates and the not-to-exceed limitations contained in the Scope of Work on a time and materials basis. The City shall not be obligated to pay

Engineer for any services, expenses, reimbursables, or other costs in excess of the not-to-exceed amount specified in the Scope of Work unless Engineer has obtained the express, written consent of the City prior to the commencement of services or incurring the expenses claimed. Unless otherwise provided in the Scope of Work, the anticipated submittal of all Project deliverables is immediately upon completion of the Project.

The total cost of this Agreement is for a **total fixed cost of THREE HUNDRED TWENTY-ONE THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$321,760.00)** without further discussion/approvals of City (GP&L) staff. Any revisions to work after commencement of engineering design necessitated by changes will be per Section 4 and the Engineer's hourly published rates dated August 2012.

The Total Agreement is comprised of the following:

Base Substation Design:	\$288,560.
Offsite Duct Line Design:	\$ 19,500.
Geotech. Investigation:	\$ 7,500.
Landscape/Irrigat. Design:	\$ 5,500.
Estimated costs:	<u>\$ 700.</u>
Fixed Fee Amount:	\$321,760.
CONTINGENCY Amount:	<u>\$ 32,240.</u>
Total Agreement Amount:	\$354,000.

CONTINGENCY: Contingency amount is for unforeseen changes of services necessary to complete the project, and is to be authorized at the sole discretion of the City (GP&L).

The "CONTINGENCY" expenditures must be approved in writing by City (GP&L) staff prior to starting that work.

(B) *Billing Period:* The Engineer may submit monthly, or less frequent, an invoice for payment based on the estimated completion of the described tasks and approved work schedule. Engineer shall reference the "Scope of Work" number (e.g. **COG112**) on each invoice submitted to GP&L for payment. Subject to Chapter 2251, Texas Government Code (the "Prompt Payment Act") payment is due within thirty (30) days of the City's receipt of the invoice. Interest on overdue payments shall be calculated in accordance with the Prompt Payment Act. **[NOTE: Engineer shall notify GP&L, in writing, when ninety percent (90%) of the total not-to-exceed amount has been invoiced.]**

(C) *Reimbursable Expenses:* City agrees to pay the actual, necessary and reasonable expenses incurred by Engineer in performing services under this Agreement, or to reimburse Engineer for such expenses, as the case may be, for those expenses that the City has given prior approval such as long distance telephone and fax, postage and courier costs, copying costs, out-of-area travel, and related business expenses (such expenses not to exceed \$100.00 without the prior approval of the City).

(D) *Special Services:* Compensation for "special services" shall be based on the Engineer's established hourly rates which shall be stated in or attached to the Scope of Work. Statements for special services may only be submitted on a monthly basis. Engineer shall advise the City in advance if the Engineer contends that a particular service falls into the "special services" category. No service shall be

compensated as a special service unless and until approved by the City. The City shall promptly determine whether a service constitutes a special service so that work shall not be unreasonably delayed. As used in this Agreement, the term "special services" means:

(1) Preparation of any special reports required for the marketing of bonds or certificates of obligation.

(2) Appearances before regulatory agencies other than the City.

(3) Assistance to the City as an expert witness in any litigation with third parties arising from the development or construction of the Project and not involving the alleged fault of the Engineer.

(4) Special investigations involving detailed consideration of operation, maintenance and overhead expenses; preparation of rate schedules, earnings, and expense statements; preparation of special feasibility studies, appraisals, valuations, and material audits or inventories required for certification of force account construction performed by the City.

(5) Detailed mill, shop, and laboratory inspection of materials or equipment.

(6) Preparation of estimates and engineer's rolls necessary for special assessments.

(7) Additional copies of reports and specifications (over the agreed number specified in the Scope of Work) and additional blueprint copies

of drawings (over the agreed number specified in the Scope of Work).

(8) Preparation of applications and supporting documents for government grants or planning advances for public works projects.

(9) Preparation of environmental statements and assistance to the City in preparing for and attending public hearings on environmental impact statements.

(E) *Records of Expenses:* Engineer shall maintain reasonably detailed records of all work done on behalf of the City under this Agreement (and any Scope of Work issued pursuant to this Agreement) and of all expenses incurred for which Engineer seeks payment or reimbursement. Engineer shall promptly provide such records to the City upon request for inspection, copying, and audit.

Section 4. Changes to the Project Work; Additional Work.

(A) *Changes to Work:* Engineer shall make such revisions to any work that has been completed as are necessary to correct any errors or omissions as may appear in such work. If the City finds it necessary to make changes to previously satisfactorily completed work or parts thereof, the Engineer shall make such revisions if requested and as directed by the City and such services will be considered as additional work and paid for as specified under following paragraph.

(B) *Additional Work:* Work that is clearly not within the general description of the Scope of Work and

does not otherwise constitute special services under this Agreement must be approved in writing by the City by supplemental agreement before the additional work is undertaken by the Engineer. If the Engineer is of the opinion that any work is beyond that contemplated in this Agreement and the Scope of Work governing the project and therefore constitutes additional work, the Engineer shall promptly notify the City of that opinion, in writing. If the City agrees that such work does constitute additional work, then the City and the Engineer shall execute a supplemental agreement for the additional work and the City shall compensate the Engineer for the additional work on the basis of the rates contained in the Scope of Work. The not-to-exceed fee shall be adjusted if additional work is approved by the City and performed by the Engineer.

Section 5. Time of Completion.

The prompt completion of the Project to which a Scope of Work relates is critical to the reliability and functionality of the System and is of the essence to the performance of this Agreement. Unnecessary delays in providing services under a Scope of Work shall be grounds for dismissal of the Engineer and termination of this Agreement without any or further liability to the City other than a prorated payment for necessary, timely, and conforming work done by Engineer prior to the time of termination. The Scope of Work shall provide, in either calendar days or by providing a final date, a time of completion prior to which the Engineer shall have completed all tasks and services described in the Scope of Work.

SCHEDULE: As outlined in the attached Proposal dated August 21, 2012 Engineer proposes a project design schedule of two hundred (200) calendar days with early release of switchgear specifications, structural steel, foundations, and other project components to meet the City's (GP&L) construction scheduling requirements.

Section 6. Professional Liability Insurance.

Before commencing work under any Scope of Work, Engineer shall obtain, and furnish to the City evidence of, standard comprehensive professional liability insurance coverage in an amount of at least \$1,000,000.00 aggregate per year, covering the services provided under this Agreement. Engineer shall maintain such coverage during all phases of work provided under this Agreement and for a period of at least one (1) year after substantial completion of the Scope of Work. The City shall be issued a certificate of coverage that shall provide for a thirty (30) day notice to the City, by certified or registered mail, of cancellation, non-renewal or material alteration in the stated provisions of the policy.

Section 7. Dispute Resolution.

In accordance with the provisions of Subchapter I, Chapter 271, Texas Local Government Code, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this Agreement, the parties will first attempt to resolve the dispute by taking the following steps: (i) A written notice substantially describing the

nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute; (ii) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute; (iii) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

Section 8. Miscellaneous Provisions.

(A) *Subletting.* The Engineer shall not sublet or transfer any portion of the work under this Agreement or any Scope of Work issued pursuant to this Agreement unless specifically approved in writing by the City, which approval shall not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work. The approval or acquiescence of the City in the subletting of any work shall not relieve the Engineer of any responsibility for work done by such subcontractor.

(B) *Ownership of Documents.* Upon completion or termination of this Agreement, all documents prepared by the Engineer or furnished to the Engineer by the City shall be delivered

to and become the property of the City. All drawings, charts, calculations, plans, specifications and other data prepared under or pursuant to this Agreement shall be made available, upon request, to the City without restriction or limitation on the further use of such materials PROVIDED, HOWEVER, THAT SUCH MATERIALS ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY THE CITY OR OTHERS. ANY REUSE WITHOUT PRIOR VERIFICATION OR ADAPTATION BY THE ENGINEER FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE CITY'S SOLE RISK AND WITHOUT LIABILITY TO THE ENGINEER. Where applicable, Engineer shall retain all pre-existing proprietary rights in the materials provided to the City but shall grant to the City a non-exclusive, perpetual, royalty-free license to use such proprietary information solely for the purposes for which the information was provided. The Engineer may, at Engineer's expense, have copies made of the documents or any other data furnished to the City under or pursuant to this Agreement.

(C) *Engineer's Seal.* The Engineer shall place the Texas Professional Engineer's seal of endorsement of the principal engineer on all documents and engineering data furnished by the Engineer to the City. All work and services provided under this Agreement will be performed in a good and workmanlike fashion and shall conform to the accepted standards and practices of the engineering profession. The plans, specifications and engineering data provided by Engineer shall be adequate and sufficient to enable those performing the actual construction of

the work to perform the work as and within the time contemplated by the City and Engineer. The City acknowledges that Engineer has no control over the methods or means of construction nor the costs of labor, materials or equipment. Unless otherwise agreed in writing, any estimates of construction costs by the Engineer are for informational purposes only and are not guarantees.

(D) *Compliance with Laws.* The Engineer shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of this Agreement, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Engineer shall furnish the City with satisfactory proof of compliance.

(E) *Independent Contractor.* Engineer acknowledges that Engineer is an independent contractor of the City and is not an employee, agent, official or representative of the City. Engineer shall not represent, either expressly or through implication, that Engineer is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Engineer.

(F) *Non-Collusion.* Engineer represents and warrants that Engineer has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or

other consideration to any person as an inducement to or in order to obtain the work to be provided to the City under this Agreement. Engineer further agrees that Engineer shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City under or pursuant to this Agreement) for any of the services performed by Engineer under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Engineer, Engineer shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Engineer under or pursuant to this Agreement.

(G) *Force Majeure.* If the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (which circumstances may include, without limitation, pending litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [such as, by way of illustration and not of limitation, severe rain storms or below freezing temperatures, or tornados] labor action, strikes or similar acts, moratoriums or regulations or actions by governmental authorities), the time for such performance shall be extended by the amount of time of such delay, but no longer than the amount of time reasonably occasioned by the delay. The party claiming delay of performance as a result of any of the

foregoing "force majeure" events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven (7) days after the claiming party becomes aware of the same, and if the claiming party fails to so notify the other party of the occurrence of a "force majeure" event causing such delay and the other party shall not otherwise be aware of such "force majeure" event, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this subsection.

Section 9. Termination.

(A) This Agreement (which shall include any Scope of Work issued pursuant to this Agreement) may be terminated:

(1) By the mutual agreement and consent of both Engineer and City;

(2) By either party, upon the failure of the other party to fulfill its obligations as set forth in either this Agreement or a Scope of Work issued under this Agreement;

(3) By the City, immediately upon notice in writing to the Engineer, as consequence of the failure of Engineer to perform the services contemplated by this Agreement in a timely or satisfactory manner;

(4) By the City, at will and without cause upon not less than thirty (30) days written notice to the Engineer.

(B) If the City terminates this Agreement pursuant to Section 5 or

subsection 8(A)(2) or (3), above, the Engineer shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination and only then for those services that have been timely and adequately performed by the Engineer considering the actual costs incurred by the Engineer in performing work to date of termination, the value of the work that is nonetheless usable to the City, the cost to the City of employing another engineer to complete the work required and the time required to do so, and other factors that affect the value to the City of the work performed at time of termination. In the event of termination not the fault of the Engineer, the Engineer shall be compensated for all basic, special, and additional services actually performed prior to termination, together with any reimbursable expenses then due.

Section 10. Indemnification.
Engineer agrees to indemnify and hold the City of Garland, Texas and all of its present, future and former agents, employees, officials and representatives harmless in their official, individual and representative capacities from any and all claims, demands, causes of action, judgments, liens and expenses (including attorney's fees, whether contractual or statutory), costs and damages (whether common law or statutory), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, for injuries to persons (including death) or to property (both real and personal) created by, arising from or in any

manner relating to the services or goods performed or provided by Engineer – expressly including those arising through strict liability or under the constitutions of the United States or Texas – BUT ONLY TO THE EXTENT ALLOWABLE BY SEC. 271.904(a) OF THE TEXAS LOCAL GOVERNMENT CODE.

Section 11. Notices. Any notice required or desired to be given from one party to the other party to this Agreement shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

Section 12. No Assignment. Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

Section 13. Severability. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the

legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 14. Waiver. Either City or the Engineer shall have the right to waive any requirement contained in this Agreement that is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 15. Governing Law; Venue. This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Dallas County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Dallas County, Texas.

Section 16. Paragraph Headings; Construction. The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or

meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party.

Section 17. Binding Effect. Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 18. Gender. Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Section 19. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 20. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 21. Entire Agreement. It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises

or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

Section 22. Relationship of Parties.

Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

Section 23. Right To Audit. City shall have the right to examine and audit after reasonable notice any and all books and records of Seller/Contractor that may relate to this agreement including, without limitation, the performance of Seller/Contractor, its employees, agents, and subcontractors. Such books and records will be maintained in accordance with generally accepted accounting principles and shall, upon request and at City's request, be made available at a location designated by City. Seller/Contractor shall, except for copying costs, otherwise bear all costs of producing such records for examination and copying by City. Unless otherwise agreed by the parties, such records must be made available to City within five business days. The provisions of this paragraph shall survive the termination of this

agreement. **(Revised 11/2008)**

Section 24. Nondisclosure. Engineer agrees that any reports, data, documentation or other information given to, prepared by or reviewed by Engineer or its employees and agents under or in connection with this Agreement may be proprietary, competitive and confidential information of the City. Engineer shall make every reasonable effort to maintain the confidentiality of such information and shall not sell, license, display, distribute, disclose or otherwise make available such

information to any third party nor use such information except as authorized by this Agreement, upon written consent of City or unless authorized or required by law, court order, or pursuant to a subpoena; provided, however, that Engineer may not release information pursuant to a subpoena without first providing the City notice of the subpoena and a opportunity to contest (at the City's sole expense) the release of the information.

ATTACHMENT:

(1) R-Delta Engineers, Inc. proposal dated August 21, 2012.

EXECUTED on this the _____ day of _____, 2012.

CITY:

By: _____
Name: Art Martinez
Title: Acting GP&L T&D Director
Date: _____

By: _____
Name: Jeff Janke
Title: GP&L Managing Director
Date: _____

By: _____
Name: William E. Dollar
Title: City Manager
Date: _____

ADDRESS FOR NOTICE:

CITY

Garland Power & Light
GP&L Managing Director
217 N. Fifth Street
P.O. Box 469002
Garland, Texas 75046 – 9002
ATTN: Jeff Janke

ENGINEER:

By: _____
Name: Frank A. Polma, J.R., P.E.
Title: Vice President of Operations
Date: _____

ENGINEER

R-Delta Engineers, Inc.
618 Main Street
Garland, Texas 75040



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: September 4, 2012

Tax Roll Amendment

Summary of Request/Problem

Council annually amends the tax roll to reflect uncollected ad valorem taxes. Amendment of the tax roll is necessary to meet generally accepted accounting principles, avoid overstatement of accounts receivable on the Balance Sheet and avoid risk of a qualified audit opinion from the external auditors. Although the tax roll is reduced by this action, collection efforts continue unless the costs of those efforts exceed potential revenues. This item was considered by Council at the August 20, 2012 Work Session.

Recommendation/Action Requested and Justification

Approve an ordinance to amend the tax roll of the City for ad valorem tax amounts that have remained uncollected for a period of at least four years (two years for bankruptcy settlements).

Submitted By:

Kevin Slay
Managing Director
Tax, Municipal Court, Customer Service

Approved By:

William E. Dollar
City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TAX ROLL OF THE CITY OF GARLAND, TEXAS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article IX, Section 3, of the Charter of the City of Garland, Texas, grants the City Council the power "to cancel any uncollectible taxes upon the tax rolls"; and

WHEREAS, the taxes indicated on the attachments to this Ordinance are uncollectible by virtue of Sec. 33.05, Tex. Tax Code or other law;

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

Section 1

That the tax roll of the City of Garland, Texas is amended by cancellation of the amounts and for the reasons set out in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein by reference.

Section 2

That this Ordinance shall become effective on and after its approval and adoption.

PASSED AND APPROVED this the ____ day of September, 2012.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST

City Secretary

**EXHIBIT A
ADJUSTMENTS TO TAX ROLL
PERSONAL PROPERTY**

YEAR	ACCOUNT NUMBER	NAME	AMOUNT	REASON
2009	99060118110000000	Circuit City Corp	\$697.75	Bankruptcy Settlement
2009	99060118800000000	LNT West Inc/Linens N Things	\$9,905.41	Bankruptcy Settlement
2008	99060118800000000	LNT West Inc/Linens N Things	\$3,521.93	Bankruptcy Settlement
2008	99820130000175450	Advance Cabinet Technology	\$4,154.92	Bankruptcy Settlement
2007	99200408300381000	4530 FSBO LLC/Global Realty	\$35.12	Statute of Limitations Expired
2007	99070208830000000	A Electric	\$20.66	Statute of Limitations Expired
2007	99051215930000000	A1 Plaster and Stucco	\$17.22	Statute of Limitations Expired
2007	99060201210000000	AAA Testing Center	\$100.40	Statute of Limitations Expired
2007	99200324700200550	Abatehan Ketema/Mr. Jims Pizza	\$61.35	Statute of Limitations Expired
2007	99061023170000000	Abels Able Services	\$172.15	Statute of Limitations Expired
2007	99982160000159100	Adeniji Joke/J Libra Beauty Supply	\$117.27	Statute of Limitations Expired
2007	99060215460000000	Advance Medical Supply	\$41.32	Statute of Limitations Expired
2007	99820130000175450	Advanced Cabinet Technology	\$1,884.82	Bankruptcy Settlement
2007	99061221780000000	Ahorrar Inc	\$65.14	Statute of Limitations Expired
2007	99061211160000000	Al Favez Randa B/Randa Islamic Fashion	\$36.77	Statute of Limitations Expired
2007	99943120000027950	Alavi Hamid Nabil Nakaainah/Durango Motors	\$25.34	Statute of Limitations Expired
2007	99051019700000000	Alcalan Rene/Texas Construction Tools	\$292.66	Statute of Limitations Expired
2007	99061206180000000	Aldridge Sonya/Sonyas Place	\$46.62	Statute of Limitations Expired
2007	9920032470011220	Allen Renee/Obees	\$220.01	Statute of Limitations Expired
2007	99200029800227250	Allsup Jed & Maggie/Paintball Doctor	\$199.28	Statute of Limitations Expired
2007	99060828140000000	All-Tec Group Services Inc	\$461.36	Statute of Limitations Expired
2007	99061018330000000	Almendavez Gerson	\$91.93	Statute of Limitations Expired
2007	99061220350000000	Ameriasian Staffing	\$137.72	Statute of Limitations Expired
2007	99200029800121750	American Best Collision Center	\$266.49	Statute of Limitations Expired
2007	99070123710000000	American Voice Data	\$358.07	Statute of Limitations Expired
2007	99061220400000000	Anderstrom Jay/LMI Funding	\$17.83	Statute of Limitations Expired
2007	99940730000021050	Arc En Ciel Restaurant Inc	\$72.30	Statute of Limitations Expired
2007	99060906460000000	Arcibar Erik/America Restoration	\$62.32	Statute of Limitations Expired
2007	99200324700111750	Art Signs & Neon Inc	\$278.88	Statute of Limitations Expired
2007	99200208600006750	Artistic Illusions	\$17.22	Statute of Limitations Expired

2007	99060215610000000	Atwood Patrick/SBC Skate Shop	\$44.76	Statute of Limitations Expired
2007	99P45874000000000	Auto Ace Enterprises Inc	\$0.03	Statute of Limitations Expired
2007	99061019400000000	Backbone Investment Real Estate	\$55.09	Statute of Limitations Expired
2007	99060201750000000	Badmus Taoreed/BDS Technologies	\$63.35	Statute of Limitations Expired
2007	99992310000089650	Bagwell Steve/CSI	\$81.53	Statute of Limitations Expired
2007	99200408300143600	Ballaveres German/Hollywood Banquet Hall	\$179.04	Statute of Limitations Expired
2007	99813640000472800	Bartley Bruce/Texas Film Cassette Co	\$48.75	Statute of Limitations Expired
2007	99060130220000000	Beadles Patti/Downtown Design & Consign	\$92.96	Statute of Limitations Expired
2007	99200324700164000	Beauchamp Mile/Cole Enterprises	\$476.79	Statute of Limitations Expired
2007	99051220710000000	Belitere John/Mr Jims Pizza	\$325.57	Statute of Limitations Expired
2007	99061002410000000	Bell Chris/Smokin Chris	\$184.13	Statute of Limitations Expired
2007	99L062796000000000	Bill Willard	\$1,797.25	Statute of Limitations Expired
2007	99200029800121400	Binh Tran/Vn Japanese Auto	\$57.02	Statute of Limitations Expired
2007	99200324700472900	Black Lori A	\$16.53	Statute of Limitations Expired
2007	99070412300000000	Blue Diamond	\$68.86	Statute of Limitations Expired
2007	99P540340000000000	Boivin Gilles/West Motorsports	\$34.43	Statute of Limitations Expired
2007	99963520000040850	Bp Hazel Co Inc/TNT Welding	\$164.51	Statute of Limitations Expired
2007	99051215830000000	Broadway Beer & Wine Inc	\$244.45	Statute of Limitations Expired
2007	99200324700202950	Bryan John/Honest Johns Car Co	\$20.31	Statute of Limitations Expired
2007	99051213350000000	BSM Financial Lp/Banksource Mortgage	\$106.73	Statute of Limitations Expired
2007	99061228140000000	Bulldog Logistics & Moving Inc	\$213.47	Statute of Limitations Expired
2007	99050517270000000	Butcher Melvin & Mullins Barbara/Man & Woman	\$42.69	Statute of Limitations Expired
2007	99200229500056450	C & M Used Cars	\$17.22	Statute of Limitations Expired
2007	99060518118000000	Cabrar Francisco	\$10.33	Statute of Limitations Expired
2007	99071114200000000	Calverley Mark/Eprint Files Inc	\$338.10	Statute of Limitations Expired
2007	99942070000150650	Cameron Frederick/CCC Auto Repair Center	\$20.45	Statute of Limitations Expired
2007	99060913300000000	Ces Drive Away Inc	\$102.12	Statute of Limitations Expired
2007	99060519360000000	CFC Refimax LLC	\$20.66	Statute of Limitations Expired
2007	99051019120000000	Chang Lees Taekwondo	\$160.37	Statute of Limitations Expired
2007	99200408300016600	Chavez Ricky/Rickys Auto Care	\$55.09	Statute of Limitations Expired
2007	99200408300125400	Chico Jesus/Exchange Auto Repair & Sales	\$49.58	Statute of Limitations Expired
2007	99000000216688750	Childs Derrell CPA	\$39.25	Statute of Limitations Expired
2007	99060130800000000	Chris Yi Enterprise/Hobbis Bar B Que	\$289.07	Statute of Limitations Expired
2007	99070404490000000	Christmasdepot Com	\$103.29	Statute of Limitations Expired
2007	99061220370000000	Chung Hai Owner/Gold Needle Sewing	\$89.52	Statute of Limitations Expired
2007	99060905330000000	Church of the Acts Temple	\$13.77	Statute of Limitations Expired
2007	99200121400001900	CMA Delivery & Moving	\$21.07	Statute of Limitations Expired
2007	99200121400075550	CN Enterprise	\$264.77	Statute of Limitations Expired
2007	99200408300168150	Collection Center Inc	\$92.82	Statute of Limitations Expired

2007	99060209114000000	Colombo Allan/Miles Event Rental	\$75.88	Statute of Limitations Expired
2007	99200324700201450	Comunidade Crista Brasileira	\$10.33	Statute of Limitations Expired
2007	99200408300158150	Cross Ronald D	\$25.48	Statute of Limitations Expired
2007	99903060000057500	Cruz Abel/Damys Laundry	\$25.82	Statute of Limitations Expired
2007	99200334600299600	CT Pure Water	\$137.72	Statute of Limitations Expired
2007	99200212700039400	Curt Lindberg	\$151.49	Statute of Limitations Expired
2007	99071108900000000	Custom Insulating	\$284.19	Statute of Limitations Expired
2007	99930540000059100	Dallas Popcorn Distributors In	\$274.82	Statute of Limitations Expired
2007	99870970000052300	Danback Dolois/Danback Insurance Agency	\$8.95	Statute of Limitations Expired
2007	99200324700203450	Daniel Daniel/Preferred Quality Medical Serv	\$82.15	Statute of Limitations Expired
2007	99882910000222450	Darwell Integrated Technologie	\$564.93	Statute of Limitations Expired
2007	99962560000214700	Davis Jeffery Craig/Burgertime	\$71.13	Statute of Limitations Expired
2007	99200408300106200	Dawson Fullfillment LLC	\$378.87	Statute of Limitations Expired
2007	99030410095404640	Desantos Mark	\$19.28	Statute of Limitations Expired
2007	99050517250000000	Desilets Sylvia	\$30.99	Statute of Limitations Expired
2007	99060215119000000	Dinh Henry/VNA Furniture	\$614.16	Statute of Limitations Expired
2007	99061228700000000	Display Etc	\$344.30	Statute of Limitations Expired
2007	99061018170000000	Dizon Sunny Le/LC Mortgage	\$36.15	Statute of Limitations Expired
2007	99200334600030650	Dollar Universe Inc/Sams Dollar	\$1,105.20	Statute of Limitations Expired
2007	99912830000111050	Dollars Inc/Money Mart	\$5.03	Statute of Limitations Expired
2007	99060125400000000	Doughty Adam/Xtreme Cycle	\$85.73	Statute of Limitations Expired
2007	99070412350000000	Drinkwater	\$68.86	Statute of Limitations Expired
2007	99050929300000000	Dubon Carlos/Dubon Auto Repair	\$19.97	Statute of Limitations Expired
2007	99200408300450300	Duncan Buddy	\$34.43	Statute of Limitations Expired
2007	99070426170000000	Dunn James	\$3.44	Statute of Limitations Expired
2007	99850350000153900	Dupre Industries Inc	\$6,791.73	Statute of Limitations Expired
2007	99200108500013800	Eatzis Texas Holding Corp	\$47.72	Statute of Limitations Expired
2007	99061221710000000	Ecu American Moving Company LL	\$51.09	Statute of Limitations Expired
2007	99060128800000000	Ednas Beauty Salon	\$28.23	Statute of Limitations Expired
2007	99051220520000000	El Torito	\$68.86	Statute of Limitations Expired
2007	99061016540000000	Elegance Magazine	\$10.33	Statute of Limitations Expired
2007	99992310000215500	Emilio Eddie/Sols Nieto Fajitas	\$64.11	Statute of Limitations Expired
2007	99200324700146350	Enterprises of Toby/Allstate Transmissions	\$222.56	Statute of Limitations Expired
2007	99060124370000000	Equinox Property Investments	\$105.36	Statute of Limitations Expired
2007	99070418101000000	Estrada Alex/My Studio	\$34.43	Statute of Limitations Expired
2007	99200408300042450	Exclusive Cars	\$66.11	Statute of Limitations Expired
2007	99070222550000000	Express 1 Mortgage	\$51.65	Statute of Limitations Expired
2007	99060201280000000	Family Nutrition	\$126.91	Statute of Limitations Expired
2007	99200334600029700	Fastrak Mailing Shipping & More	\$53.30	Statute of Limitations Expired

2007	990605094600000000	Fejeran Stacy/Seventh Moon The	\$65.42	Statute of Limitations Expired
2007	990612125000000000	Fields Tracy/Camaro World	\$163.82	Statute of Limitations Expired
2007	990601313500000000	Fifield Shannon Hamilton/On Trac Motors	\$11.16	Statute of Limitations Expired
2007	99200301800063250	Figg Simon/Auto Supreme	\$6.20	Statute of Limitations Expired
2007	99P470430000000000	Figg Simon/Auto Supreme	\$46.49	Statute of Limitations Expired
2007	990601301200000000	Floor N Tile Solutions Inc	\$1,518.02	Statute of Limitations Expired
2007	990704189300000000	Flores Alex/New Truck	\$41.32	Statute of Limitations Expired
2007	99200408300044200	Flores Felix/Phoenix Collision Center	\$166.57	Statute of Limitations Expired
2007	990606126000000000	Flores Larry	\$13.77	Statute of Limitations Expired
2007	990612131000000000	Frederick David/Bath & Kitchen Concepts	\$386.44	Statute of Limitations Expired
2007	99200324700111100	Furniture Etc Enterprises Inc	\$360.28	Statute of Limitations Expired
2007	99992310000139250	Gallagher Gred/Collingsworth Car Care	\$1,186.60	Statute of Limitations Expired
2007	99P557300000000000	Garcia Anabel Juarez/A & I Auto Sales	\$99.17	Statute of Limitations Expired
2007	990609121300000000	Garcia Areli/Giannis Clothing Store	\$52.06	Statute of Limitations Expired
2007	990702085300000000	Garcia Lorenzo/Garcia Iron Works	\$210.02	Statute of Limitations Expired
2007	99962560000211050	Garland Broadcasters Investors/Cadco Sys	\$1,011.48	Statute of Limitations Expired
2007	99200324700414800	Garland Pest Management	\$3.44	Statute of Limitations Expired
2007	990512203700000000	Gatewood Enterprises Inc/Heavenly Gate	\$550.88	Statute of Limitations Expired
2007	990601251130000000	Givens Larry/Lone Star Mattress	\$82.63	Statute of Limitations Expired
2007	990702088200000000	Global Relocation Services	\$20.66	Statute of Limitations Expired
2007	99030820090104145	Goforth Plumbing Inc	\$289.21	Statute of Limitations Expired
2007	990512272000000000	Gomez Maribel/Luigis Italian Kitchen	\$82.63	Statute of Limitations Expired
2007	990605181250000000	Gomez Rosa	\$10.33	Statute of Limitations Expired
2007	990610172400000000	Gonzalez Moises and Samuel Car/Uncle Sams	\$341.13	Statute of Limitations Expired
2007	990610123900000000	Gonzalez Sonja/Ethereal Day Spa & Salon	\$13.77	Statute of Limitations Expired
2007	99200408300032450	Gordon Asja/Designers Rack	\$48.20	Statute of Limitations Expired
2007	99P481530000000000	Gordon Kim/Auto Express	\$433.00	Statute of Limitations Expired
2007	990612205300000000	Graham Chelsea/Amerispec	\$52.54	Statute of Limitations Expired
2007	990610109000000000	Great Wraps	\$360.55	Statute of Limitations Expired
2007	99030318081904640	H S Floral Distributors Inc	\$37.60	Statute of Limitations Expired
2007	99200229500216800	Haddon Rodney/Haddon Irrigation	\$17.22	Statute of Limitations Expired
2007	990602085500000000	Hair Salon Buena Vista	\$63.01	Statute of Limitations Expired
2007	99992170000019100	Hamilton Mac/Affordable Business Machine	\$27.96	Statute of Limitations Expired
2007	99952150000201300	Harrell Linda/CCM Enterprises	\$30.44	Statute of Limitations Expired
2007	990505181100000000	Heathman Christine V	\$4.13	Statute of Limitations Expired
2007	99200334600272600	Hernandez Elsa/My Special Day	\$58.53	Statute of Limitations Expired
2007	990701035700000000	Hispanic Public Services	\$31.61	Statute of Limitations Expired
2007	990610165100000000	Hoefer Management Co/Whites Floor Co	\$368.75	Statute of Limitations Expired
2007	99L072826000000000	Honda Lease Trust	\$179.17	Statute of Limitations Expired

2007	99070319170000000	Hopkins Karen/Anoited Skill Barber & Beauty	\$17.22	Statute of Limitations Expired
2007	99200334600384700	Horizon Open MRI of Garland	\$272.13	Statute of Limitations Expired
2007	99942070000487950	Horn Michelle/Duck Creek School	\$317.72	Statute of Limitations Expired
2007	99200029800092750	Hospitality Co Cred Trust	\$50.75	Statute of Limitations Expired
2007	99972800000216500	Hsiu Yu Corp/Shop & Sack	\$195.70	Statute of Limitations Expired
2007	99200334600182950	Huerta Jose/Huertas Western Wear	\$162.65	Statute of Limitations Expired
2007	99200408300016800	Huynh Kinh Ngoc/K A K Sales Company	\$6.89	Statute of Limitations Expired
2007	99070305140000000	Ice Cream Y Frutas Diego	\$55.78	Statute of Limitations Expired
2007	99200324700201500	Iglesia Apostolica Asamblea	\$100.60	Statute of Limitations Expired
2007	99P49757000000000	Ilkhani Hossein/Mojdehi Michae/Car Corp	\$135.24	Statute of Limitations Expired
2007	99P52007000000000	Impex Auto Sales Inc	\$34.43	Statute of Limitations Expired
2007	99060131490000000	Impex Auto Sales Inc	\$5.51	Statute of Limitations Expired
2007	99992310000005900	Independent Area Publishers In	\$75.20	Statute of Limitations Expired
2007	99060206100000000	Infinity Spas	\$5,697.41	Statute of Limitations Expired
2007	99200225200187300	Inflatable Giants	\$122.68	Statute of Limitations Expired
2007	99200408300116900	Innovative Recovery Solutions	\$281.78	Statute of Limitations Expired
2007	99061016560000000	Instacash Tax Svc	\$10.33	Statute of Limitations Expired
2007	99070509260000000	International Marketing Specia	\$337.41	Statute of Limitations Expired
2007	99200334600336500	Irugas Socorro/Buena Vista Hair Salon	\$65.42	Statute of Limitations Expired
2007	99P57088000000000	Itani Mohamad Ali	\$0.02	Statute of Limitations Expired
2007	99P52605000000000	J & J Auto LLC	\$153.68	Statute of Limitations Expired
2007	99200334600143950	J B Homebuyers Inc	\$5.51	Statute of Limitations Expired
2007	99200301800015800	Japanese Engine Sales & Services	\$136.62	Statute of Limitations Expired
2007	99051004150000000	Jefferson Ace D/Southwest Funding	\$44.97	Statute of Limitations Expired
2007	99060518105000000	Jennings Annette	\$10.33	Statute of Limitations Expired
2007	99200225200078700	Jerrys Transmission	\$111.55	Statute of Limitations Expired
2007	99200324700164200	Jet Press Co	\$30.02	Statute of Limitations Expired
2007	99061220240000000	Jimenez Jose/Joses Mexican Café	\$339.48	Statute of Limitations Expired
2007	99992310000027400	Jimenez Phippipe/Maestros	\$534.49	Statute of Limitations Expired
2007	99051213320000000	John Nye	\$17.22	Statute of Limitations Expired
2007	99060518104000000	Johonson Jacqueline/Baskets Siver	\$10.33	Statute of Limitations Expired
2007	99051215980000000	Jolynne Spurgeon/Consolidated Life & Health	\$22.93	Statute of Limitations Expired
2007	99000000086760000	Jones Judy/Judys Beauty Salon	\$34.98	Statute of Limitations Expired
2007	99061114670000000	Jose Calzada/CNB Automotive	\$7.71	Statute of Limitations Expired
2007	99982160000045150	Joy Auto Body & Paint	\$94.20	Statute of Limitations Expired
2007	99030407083610600	Joyce Brad	\$41.32	Statute of Limitations Expired
2007	99050928270000000	Justice James/Justice & Associates	\$10.81	Statute of Limitations Expired
2007	99199929900198650	Kevlin Leasing	\$2,005.27	Statute of Limitations Expired
2007	99882910000143850	Khan Murad/M K Engineers	\$107.35	Statute of Limitations Expired

2007	99200324700202500	Kheirgouyan Kamran/Cardinal Auto Sales	\$12.39	Statute of Limitations Expired
2007	99060410134000000	Kiros	\$137.72	Statute of Limitations Expired
2007	99070517900000000	Krispy Kreme	\$66.11	Statute of Limitations Expired
2007	99061023210000000	Ksvac Electric & AC	\$137.72	Statute of Limitations Expired
2007	99070509120000000	L N White Co	\$337.41	Statute of Limitations Expired
2007	99199929900132300	Labreque Mark/Temp Sat Mechanical Co	\$27.20	Statute of Limitations Expired
2007	99942070000127150	Lakdawala Saleem/Highland Food Store	\$291.48	Statute of Limitations Expired
2007	99060612220000000	Lakdawala Saleem	\$13.77	Statute of Limitations Expired
2007	99200334600258100	Landmark Financial Corp	\$72.30	Statute of Limitations Expired
2007	99061002320000000	Laton Gentry/Unique Techniques	\$64.93	Statute of Limitations Expired
2007	99060518930000000	Launano Erica Nimrod/East Coast Fashions	\$10.33	Statute of Limitations Expired
2007	99060907330000000	Law Offices of Joseph T Bui PC	\$65.42	Statute of Limitations Expired
2007	99050912160000000	Lawyer Denson Productions	\$34.43	Statute of Limitations Expired
2007	99070418102000000	Leana Christina/Amigo Money Transfer	\$34.43	Statute of Limitations Expired
2007	99971150000066300	Lease One	\$295.75	Statute of Limitations Expired
2007	99070222240000000	Lending Specialist LLC	\$206.58	Statute of Limitations Expired
2007	99200324700025200	Lesley I Korogianos	\$26.37	Statute of Limitations Expired
2007	99200301800063950	Licos Construction Co	\$35.81	Statute of Limitations Expired
2007	99200324700476300	Littlejohn Betty	\$4.34	Statute of Limitations Expired
2007	99200408300091600	Long L/First Street Generator Shop	\$37.18	Statute of Limitations Expired
2007	99962560000213500	Long Vu B DC/Blue Sky Chiropractic	\$24.31	Statute of Limitations Expired
2007	99060518114000000	Lopez Erika/Gennesys Boutique	\$10.33	Statute of Limitations Expired
2007	99200334600386250	Lowe Ken	\$12.95	Statute of Limitations Expired
2007	99990220000065700	Lube Center Management LTD	\$246.86	Statute of Limitations Expired
2007	99200225200102950	Luna Welding	\$39.04	Statute of Limitations Expired
2007	99051228800000000	Maeng Carl/Taquipollo	\$84.01	Statute of Limitations Expired
2007	99200408300143550	Magana Sara/Dulceria Brenda & Alex	\$24.10	Statute of Limitations Expired
2007	99200324700331150	Marcap Vendor Fin Corp	\$52.54	Statute of Limitations Expired
2007	99200121400002200	Mariscos El Marinero	\$248.38	Statute of Limitations Expired
2007	99060124490000000	Marquee Realtors	\$77.12	Statute of Limitations Expired
2007	99050517260000000	Martinelli Ronald	\$30.99	Statute of Limitations Expired
2007	99060518121000000	Martinez Jaime	\$10.33	Statute of Limitations Expired
2007	99200408300124950	Martinez Mario/Marios Auto Repair	\$5.85	Statute of Limitations Expired
2007	99200408300125250	Maximum Minerals Inc	\$10.33	Statute of Limitations Expired
2007	99200408300032100	McCord Carl	\$55.09	Statute of Limitations Expired
2007	99061213210000000	McDonald Michael/Main Street Bar & Grill	\$337.14	Statute of Limitations Expired
2007	999625600000011000	McGregor Mike/Protective Services	\$43.73	Statute of Limitations Expired
2007	99060518112000000	Mendoza Maria/Vivians Creations	\$10.33	Statute of Limitations Expired
2007	99P443330000000000	Merrett Bill/Mr Bills Auto Sales	\$182.41	Statute of Limitations Expired

2007	99050901168000000	Meyer Sue	\$10.33	Statute of Limitations Expired
2007	99200334600336100	Mi Ran An/Young Ladies	\$55.09	Statute of Limitations Expired
2007	99070418980000000	Mijangos Araceli/Andrea Shoes	\$34.43	Statute of Limitations Expired
2007	99200021600171200	Millennium Notary Service	\$28.09	Statute of Limitations Expired
2007	99200121400113200	Miracles & Blessings Learning Center	\$44.35	Statute of Limitations Expired
2007	99060518119000000	Mirand Azucena/Ardyss & Home Interior	\$10.33	Statute of Limitations Expired
2007	99200334600387050	Mondragon Ramiro & Yami/N Dallas Transport	\$24.65	Statute of Limitations Expired
2007	99060207310000000	Monica Cervants/Los Primos Taqueoa	\$55.09	Statute of Limitations Expired
2007	99070412170000000	Montes USA Inc	\$68.86	Statute of Limitations Expired
2007	99061206280000000	Moreno Ismal/Auto Repair	\$38.08	Statute of Limitations Expired
2007	99P555330000000000	Mrina Peter Erick/Dee Pee Auto Sales	\$13.89	Statute of Limitations Expired
2007	99030910094105126	Mujanovic Insurance Services L	\$78.84	Statute of Limitations Expired
2007	99030407083210600	Munoz Lila	\$41.32	Statute of Limitations Expired
2007	99200324700341550	Nair Krishnan MD	\$79.81	Statute of Limitations Expired
2007	99060518123000000	Najera Ana B	\$10.33	Statute of Limitations Expired
2007	99P144950000000000	Nakawah Nabil M & A Hamid/Durango Motors	\$546.86	Statute of Limitations Expired
2007	99060208410000000	Nasamu Friday/Capitol Insurance	\$39.94	Statute of Limitations Expired
2007	99200029800233700	NBI Insurance Agency of Texas	\$33.19	Statute of Limitations Expired
2007	99200408300044400	NDG Cabinet Co	\$47.51	Statute of Limitations Expired
2007	99200225200246400	Needham Elbert/T & K Auctioneers	\$205.82	Statute of Limitations Expired
2007	99200225200103650	New World Nails	\$27.54	Statute of Limitations Expired
2007	99200324700200700	Nghiem Thuy/QT Sewing	\$144.67	Statute of Limitations Expired
2007	99992310000233250	Nguyen Hieu/Pakks Auto Solutions	\$115.82	Statute of Limitations Expired
2007	99051227140000000	Nino Pedro/Discoteca El Pederegal	\$41.32	Statute of Limitations Expired
2007	99060125680000000	Nugent Justin/Smoothies Paradise Yogurt	\$334.32	Statute of Limitations Expired
2007	99200324700164250	Nwosu Ben/Bendex Print & Copy	\$36.29	Statute of Limitations Expired
2007	99200021600169150	Nye John/Auditax	\$9.09	Statute of Limitations Expired
2007	99200126700167050	Oharamsi Ekraum/Pyramid Cleaners	\$23.14	Statute of Limitations Expired
2007	99051227120000000	Ojeda Jose M/Ojeda Cellular Service	\$55.09	Statute of Limitations Expired
2007	99060201230000000	Ojonugwa Geaorge/Instant Tax Service	\$33.05	Statute of Limitations Expired
2007	99051207270000000	Okashan Mike/999 Shoes	\$55.09	Statute of Limitations Expired
2007	99200408300012900	Omely Graphics	\$63.35	Statute of Limitations Expired
2007	99992310000180100	One Stop Landscape & Construction	\$322.88	Statute of Limitations Expired
2007	99051220120000000	Onoviran Philomena/Rose of Sharson Fashion	\$41.18	Statute of Limitations Expired
2007	99051026200000000	Outsource Technologies Inc	\$432.44	Statute of Limitations Expired
2007	99P053560000000000	Partners Auto Sales Inc	\$40.63	Statute of Limitations Expired
2007	99200334600383900	Pascual Ochoa/Falcon Auto Repair	\$12.74	Statute of Limitations Expired
2007	99060927240000000	Patel Nalin/American Signal Corporation	\$34.43	Statute of Limitations Expired
2007	99200408300167900	Peck David L/Garland Therapy Associates Inc	\$240.73	Statute of Limitations Expired

2007	99050607176000000	Pen Graphx Inc/Dallas Motorcycles	\$159.41	Statute of Limitations Expired
2007	99060103350000000	Pena Karla/Don Pepe Taco King	\$172.84	Statute of Limitations Expired
2007	99P51435000000000	Pep Boys Manny Moe & Jack of D	\$0.11	Statute of Limitations Expired
2007	99061130550000000	Perez Carpet Supply	\$68.86	Statute of Limitations Expired
2007	99061026230000000	Perez Electric	\$13.77	Statute of Limitations Expired
2007	99061214110000000	Perez Horacio/HP Services	\$277.85	Statute of Limitations Expired
2007	99070103660000000	Pham Tuien/Fiery Gems	\$1,058.93	Statute of Limitations Expired
2007	99200324700047300	Phom Savants/Sun Satellete	\$34.43	Statute of Limitations Expired
2007	99200408300124900	Pinata Jose	\$19.97	Statute of Limitations Expired
2007	99970440000015500	Positive Health Mgt Inc/Positive Pain Mgt Inc	\$175.73	Statute of Limitations Expired
2007	99972800000029850	Priscilla Rodriguez/Martinez Mexican Food	\$97.09	Statute of Limitations Expired
2007	99060518910000000	Probeck Larry	\$10.33	Statute of Limitations Expired
2007	99060605630000000	Puttgolf Com Online	\$113.62	Statute of Limitations Expired
2007	99070514300000000	Quezada Mathias/Quezada Tires	\$69.20	Statute of Limitations Expired
2007	99061219450000000	Quijada David/Papasas Mama Tita	\$160.99	Statute of Limitations Expired
2007	99200408300177800	Quiznos Sub	\$292.66	Statute of Limitations Expired
2007	99200334600052400	R & R Motors	\$31.68	Statute of Limitations Expired
2007	99200021600169450	Ragisdale Pamela/Best Rate Auto Insurance	\$40.97	Statute of Limitations Expired
2007	99200408300177750	Ragsdale Johnathan/Wings N Things	\$501.99	Statute of Limitations Expired
2007	99061219120000000	Raider Phyllis/On the Go Express	\$1,269.43	Statute of Limitations Expired
2007	99860020000874450	Raj Enterprises Inc/Ricks Bedrooms	\$29.49	Statute of Limitations Expired
2007	99070116340000000	Ramos Marta Rosa/Carolina Sala De Belleza	\$33.74	Statute of Limitations Expired
2007	99060518103000000	Rean Joey D	\$10.33	Statute of Limitations Expired
2007	99051206550000000	Red Dot	\$2,118.00	Statute of Limitations Expired
2007	99061213420000000	Reds Que Shack	\$37.74	Statute of Limitations Expired
2007	99051219730000000	Reeco Unlimited Group	\$41.32	Statute of Limitations Expired
2007	99060518970000000	Reeves Richard	\$3.79	Statute of Limitations Expired
2007	99200324700201200	Remax Northeast	\$65.42	Statute of Limitations Expired
2007	99070417240000000	Rhodes Paul Jr/T & C Tires & Wheels	\$24.10	Statute of Limitations Expired
2007	99200029800053050	Roach Jerry/Mail Concepts Inc	\$3,292.89	Statute of Limitations Expired
2007	99050517360000000	Roach Ronald/Doll House	\$15.84	Statute of Limitations Expired
2007	99200221200056000	RR Corporation/Garland Fina	\$683.44	Statute of Limitations Expired
2007	99091221800000000	Ruby Janes Retro Fabric & More	\$32.02	Statute of Limitations Expired
2007	99200225200183000	Saigon Video	\$233.23	Statute of Limitations Expired
2007	99200408300011750	Salon Mexico	\$14.46	Statute of Limitations Expired
2007	99061024230000000	Salud Y Nutricion	\$6.89	Statute of Limitations Expired
2007	99061212140000000	Samaro Mohammad/Furniture 4 U	\$400.97	Statute of Limitations Expired
2007	99050927470000000	Sanchez Enrique/Enrique Car Service	\$44.76	Statute of Limitations Expired
2007	99200001000189300	Sanchez Joe D	\$5.51	Statute of Limitations Expired

2007	99873640000053700	Sandefur Jackie/Parkcrest Barbers	\$17.63	Statute of Limitations Expired
2007	99P53393000000000	Satar Khalid/Euros Auto Sales	\$0.03	Statute of Limitations Expired
2007	99943120000021400	Schefer Evanor/Schefer Remodeling	\$70.72	Statute of Limitations Expired
2007	99200225200204500	Schonfeld Lonny J/The Famous Insurance Agency	\$10.88	Statute of Limitations Expired
7676	99200001000198450	Shanks Thomas A	\$43.38	Statute of Limitations Expired
2007	99P359680000000000	Sheikh Zia Uliah/Quick Cash Wholesale	\$47.79	Statute of Limitations Expired
2007	99200334600385050	Shiloh Truck & Trailer Repair	\$105.08	Statute of Limitations Expired
2007	99200334600336600	Shin Man Su/OK Mens Wear	\$60.05	Statute of Limitations Expired
2007	99200225200098250	Slovak and Associates	\$3.44	Statute of Limitations Expired
2007	99200408300139300	Smiley Pharmacy	\$616.30	Statute of Limitations Expired
2007	99060928560000000	Smith Buddy/B S Fabrication LLC	\$287.83	Statute of Limitations Expired
2007	99070426250000000	Soderlund Johanna	\$3.44	Statute of Limitations Expired
2007	99P394890000000000	Sosanya Foley/Aflar Motors	\$1.38	Statute of Limitations Expired
2007	99200225200096850	Southern Way Insurance Agency	\$17.90	Statute of Limitations Expired
2007	99200021600204200	Southwest Corrosion Technologies	\$616.57	Statute of Limitations Expired
2007	99200334600205000	SP Automotive Repair & Service	\$26.51	Statute of Limitations Expired
2007	99980280000183000	Spectronics Inc	\$98.40	Statute of Limitations Expired
2007	99060518116000000	Stanton Maria/Sister Maria	\$10.33	Statute of Limitations Expired
2007	99060202510000000	Statewide Investigations Inc	\$20.66	Statute of Limitations Expired
2007	99200021600162900	Statewide Motors	\$8.19	Statute of Limitations Expired
2007	99P441560000000000	Statewide Motors Inc	\$143.42	Statute of Limitations Expired
2007	99060123380000000	Stout Jason/Cybertown Pizza	\$1,021.68	Statute of Limitations Expired
2007	99060605380000000	Strive 4 Fitness LLC	\$113.62	Statute of Limitations Expired
2007	99970440000150650	Structural Constructions Sys Inc	\$15.42	Statute of Limitations Expired
2007	99051012110000000	Studio 190	\$109.83	Statute of Limitations Expired
2007	99200225200097200	Studio 7 Hairworks	\$4.13	Statute of Limitations Expired
2007	99200324700027550	Susan Thomas	\$61.01	Statute of Limitations Expired
2007	99942070000153550	Switzer Petroleum/Kingsley C Store	\$29.27	Statute of Limitations Expired
2007	99200108500108200	T Speed Broadband Communication	\$33.33	Statute of Limitations Expired
2007	99070405500000000	Tagger	\$344.30	Statute of Limitations Expired
2007	99200408300123400	Taqueria Diana	\$68.86	Statute of Limitations Expired
2007	99860020000930150	Taub Greg/Gunslinger Pest Control	\$176.35	Statute of Limitations Expired
2007	99200208600007100	Texas Best Express Inc	\$103.29	Statute of Limitations Expired
2007	99051222100000000	Texas Medical Supplies & Rehab Work	\$181.17	Statute of Limitations Expired
2007	99200408300125050	Thanh Huong T Quach/Studio Nails	\$42.00	Statute of Limitations Expired
2007	99070426340000000	Thayer Sue	\$3.44	Statute of Limitations Expired
2007	99061220290000000	The Ark of God Church	\$137.72	Statute of Limitations Expired
2007	99061011370000000	The Wireless Store	\$99.57	Statute of Limitations Expired
2007	99200408300368050	Thompson Tammy/Construction Solutions Grp	\$25.62	Statute of Limitations Expired

2007	99960920000085750	Tinischi Mary/Marys Dressmaker	\$4.13	Statute of Limitations Expired
2007	99952150000209000	Toff Liners Inc	\$1,106.58	Statute of Limitations Expired
2007	99060104740000000	Torres Luis/T & T Auto Repair	\$38.01	Statute of Limitations Expired
2007	99060124800000000	Total Outdoor Services	\$20.66	Statute of Limitations Expired
2007	99200225200103250	Triple L Auto Sales Inc	\$3.44	Statute of Limitations Expired
2007	99970440000017250	Truong Vanha/Lucky Transmissions	\$116.03	Statute of Limitations Expired
2007	99882910000220150	Tulley Walt/Castle Mortgage	\$29.33	Statute of Limitations Expired
2007	99060104360000000	Udemba Stella/Queens Banquet Hall	\$358.07	Statute of Limitations Expired
2007	99200334600299550	Ulises Alvillar Cedillo/EI Rencuentro	\$160.37	Statute of Limitations Expired
2007	99070418720000000	Underground Sound	\$68.86	Statute of Limitations Expired
2007	99200334600496450	United Life & Health Underwrit	\$5.72	Statute of Limitations Expired
2007	99900030000190500	Unlimited Construction Inc	\$33.60	Statute of Limitations Expired
2007	99070222280000000	Uptown Medical Supplies	\$110.18	Statute of Limitations Expired
2007	99P484370000000000	Vargas Victor/All American Acceptance Comp	\$234.45	Statute of Limitations Expired
2007	99200408300167800	Vargas Victor/All American Acceptance Comp	\$94.68	Statute of Limitations Expired
2007	99200021600169750	Veloz Jose/Lagos Auto Repair	\$25.48	Statute of Limitations Expired
2007	99061019380000000	Vencinos	\$34.43	Statute of Limitations Expired
2007	99200225200038950	Vertex Medical Supply Inc	\$48.20	Statute of Limitations Expired
2007	99060208590000000	Villalobos Christina/Multiservice Amigoo	\$35.67	Statute of Limitations Expired
2007	99P449050000000000	Villalua Jose Luis/Cars 4 U Auto Sales	\$32.64	Statute of Limitations Expired
2007	99973350000067250	Votaw Robert & Joan/Uniform Central	\$472.52	Statute of Limitations Expired
2007	99970440000020150	Vu Huong Nguyen/Nu Image Hair Salon	\$13.91	Statute of Limitations Expired
2007	99200229500216350	W M Auto Service	\$13.77	Statute of Limitations Expired
2007	99050927790000000	Wabuge Christopher/Mobile Tech Auto Engine	\$34.09	Statute of Limitations Expired
2007	99000000169855000	Walden Richard/Waldens Cabinet	\$68.86	Statute of Limitations Expired
2007	99932280000110950	Walters Management Co/Money Mart	\$288.94	Statute of Limitations Expired
2007	99060103400000000	Warren Steve/Streams Dry Cleaners & Tuxedo	\$10.33	Statute of Limitations Expired
2007	99933490000136050	Weidler Jonathan/Jons Windshield	\$44.28	Statute of Limitations Expired
2007	99982160000185250	Wiggins Don/Hair Elegance	\$37.53	Statute of Limitations Expired
2007	99942070000478650	Wilburn Electric Inc	\$356.42	Statute of Limitations Expired
2007	99972050000114750	Wilson Joe Race Cars	\$106.53	Statute of Limitations Expired
2007	99200408300127950	Winegard Energy	\$116.58	Statute of Limitations Expired
2007	99060222110000000	Wing Chun Kung Fu	\$53.71	Statute of Limitations Expired
2007	99060130260000000	Witten Evan/Ec Electrical	\$124.84	Statute of Limitations Expired
2007	99060201390000000	Wonderly Elena/Servi-Mex	\$125.81	Statute of Limitations Expired
2007	99060208360000000	Wonderly Elena/Titulos Sticker & Placas	\$9.23	Statute of Limitations Expired
2007	99070103300000000	Woods Volney/Geppettos	\$37.94	Statute of Limitations Expired
2007	99061220430000000	Word Church International The	\$137.72	Statute of Limitations Expired
2007	99050912180000000	Word of God Deliverance Christ	\$6.89	Statute of Limitations Expired

2007	99922160000217450	Wright Arluster/Wright Way	\$13.77	Statute of Limitations Expired
2007	99200334600386350	Wroblski Jim/Jims Trim Shop	\$15.56	Statute of Limitations Expired
2007	99000000177755000	Yandrys Machine Product Inc	\$2,462.50	Statute of Limitations Expired
2007	99050928500000000	Young Robert & Deborah/Wildcatter Production	\$52.68	Statute of Limitations Expired
2007	99200029800000150	Yu Woon/Zan Flowers & Gifts	\$53.50	Statute of Limitations Expired
2007	99060208520000000	Zamudio Enrique/Multiservicos Latinos	\$25.62	Statute of Limitations Expired
2007	99061205800000000	Zee Investments/Payless Mart	\$151.63	Statute of Limitations Expired
2007	99060129800000000	Zegiri Lea/AAA Mortgage Processing	\$10.33	Statute of Limitations Expired
2007	99850770000007750	Zeigler Ron Phd Inc/Garland Psychological	\$16.32	Statute of Limitations Expired
2007	99060129900000000	Zeqiri Lea/1st Capital Investment Co LLC	\$85.94	Statute of Limitations Expired

TOTAL

\$92,578.27

EXHIBIT B
ADJUSTMENTS TO TAX ROLL
REAL PROPERTY

YEAR	ACCOUNT NUMBER	NAME	AMOUNT	REASON
1991	26060500060410000	Anthony Company Inc The 2918 O'Henry Dr	\$ 342.22	Statute of Limitation Expired
1991	65115759710010100	Byrne Development Co 820 IH 30	\$ 312.13	Statute of Limitation Expired
1991	65095209010010000	Cambridge Consolidated 2901 Centerville Rd	\$ 5,829.90	Statute of Limitation Expired
1991	26596000010010000	Cascade Ppties Inc 202 IH 30	\$ 639.13	Statute of Limitation Expired
1991	6507613701002D600	Clover Virginia Gatewood 5218 Duck Creek Dr	\$ 840.51	Statute of Limitation Expired
1991	65006247510290000	Dal Gar Properties Inc 2500 S Garland Ave	\$ 4,842.54	Statute of Limitation Expired
1991	65054254010180000	Edwards V P & Mary 4100 Naaman School Rd	\$ 65.96	Statute of Limitation Expired
1991	26178420010012500	Empire S & L Assn of Mesq 3500 Easton Meadows Dr	\$ 102.35	Statute of Limitation Expired
1991	26040750010010200	Foose C W Trustee .0475 acres E IH 30 Frwy	\$ 22.34	Statute of Limitation Expired
1991	65148315070160000	Fuller Betty Allen 238 E Ave B	\$ 76.69	Statute of Limitation Expired
1991	26100500040050000	Garland City of 421 Ford St	\$ 47.24	Statute of Limitation Expired

1991	26100500050030000	Garland City of 434 Ford St	\$ 47.24	Statute of Limitation Expired
1991	26101500080100000	Garland City of 300 Hart St	\$ 47.24	Statute of Limitation Expired
1991	26126500010060000	Garland City of 1833 Freemont Dr	\$ 180.33	Statute of Limitation Expired
1991	26128500010020000	Garland City of 2000 N 1st St	\$ 775.71	Statute of Limitation Expired
1991	26128500010030000	Garland City of 111 E Buckingham St	\$ 310.90	Statute of Limitation Expired
1991	26128500010040000	Garland City of 121 E Buckingham St	\$ 309.04	Statute of Limitation Expired
1991	26142500020040200	Garland City of 116 S 4th St	\$ 151.63	Statute of Limitation Expired
1991	26178650010010000	Garland City of 6120 Marvin Loving Dr	\$ 370.10	Statute of Limitation Expired
1991	26178690010040000	Garland City of 1504 E IH 30	\$ 407.60	Statute of Limitation Expired
1991	26178730010010000	Garland City of 4345 Bass Pro Dr	\$ 1,895.87	Statute of Limitation Expired
1991	26240500050070000	Garland City of 228 Loma Dr	\$ 216.83	Statute of Limitation Expired
1991	26461500150240000	Garland City of 1510 High Meadow Dr	\$ 58.32	Statute of Limitation Expired
1991	65022762610200000	Garland City of 1101 Dairy Rd	\$ 143.88	Statute of Limitation Expired

1991	65032895020460000	Garland City of 220 S Third St	\$ 290.49	Statute of Limitation Expired
1991	65032895020470000	Garland City of 214 S Third St	\$ 309.91	Statute of Limitation Expired
1991	65032895020480000	Garland City of 212 S Third St	\$ 316.33	Statute of Limitation Expired
1991	65076138510060000	Garland City of 405 Little Ln	\$ 239.11	Statute of Limitation Expired
1991	65095209110040000	Garland City of 2000 Commerce St	\$ 233.28	Statute of Limitation Expired
1991	65095209110060000	Garland City of 3000 E Centerville Rd	\$ 4,045.02	Statute of Limitation Expired
1991	65095209110060100	Garland City of 2501 E Centerville Rd	\$ 1,858.83	Statute of Limitation Expired
1991	65148315070080000	Garland City of 424 Hopkins St	\$ 26.24	Statute of Limitation Expired
1991	65148315070090200	Garland City of 414 Hopkins St	\$ 167.96	Statute of Limitation Expired
1991	26101500090050000	Garland City of et al 417 Hicks St	\$ 23.62	Statute of Limitation Expired
1991	26101500090060000	Garland City of et al 413 Hicks St	\$ 23.62	Statute of Limitation Expired
1991	26101500090070000	Garland City of et al 409 Hick St	\$ 23.62	Statute of Limitation Expired
1991	26100500040070000	Garland City of et al 417 Ford St	\$ 67.24	Statute of Limitation Expired

1991	65032447010120000	Garland I S D 916 N Country Club Rd	\$ 326.71	Statute of Limitation Expired
1991	65079157410600000	Garland I S D 5409 Marina Dr	\$ 254.04	Statute of Limitation Expired
1991	65158248010030100	Garland I S D 6500 Beltline Rd	\$ 4,424.16	Statute of Limitation Expired
1991	65158248010030400	Garland I S D 2306 Guthrie Rd	\$ 122.12	Statute of Limitation Expired
1991	65109912010280000	Hallauer W C & E Lassen 3400 W Walnut St	\$ 503.01	Statute of Limitation Expired
1991	26101500090100000	Hart Louella 430 Hart St	\$ 47.24	Statute of Limitation Expired
1991	65074215010120000	Hennig Charles C 326 E Kingsley Rd	\$ 124.10	Statute of Limitation Expired
1991	65074215010250000	Kerri Inv Corp 502 E Kingsley Rd	\$ 52.49	Statute of Limitation Expired
1991	26095500040260000	Lehew Don 1816 W Walnut St	\$ 110.81	Statute of Limitation Expired
1991	26468500050240000	Lewis Jacob & Selayne 517 Parker Cir	\$ 294.28	Statute of Limitation Expired
1991	26126500030050000	Morris Joy C 217 Seneca St	\$ 196.19	Statute of Limitation Expired
1991	6507613701002D500	Nichols Mary Gatewood 5218 Duck Creek Dr	\$ 840.51	Statute of Limitation Expired
1991	26085500070430000	Oliver Gustine 348 Arborview Dr	\$ 209.60	Statute of Limitation Expired

1991	65094502510110100	Shiloh Springs Ptnshp 2545 Collins Blvd	\$ 79.32	Statute of Limitation Expired
1991	6507613701002D700	Shipman Katherine D 5218 Duck Creek Dr	\$ 840.51	Statute of Limitation Expired
1991	26468500060010000	Stephens Marilyn G 726 Parker Cir	\$ 67.07	Statute of Limitation Expired
1991	26468500060120000	Stephens Marilyn G 610 Parker Cir	\$ 67.07	Statute of Limitation Expired
1991	26629500010010100	Thurman & Associates Inc 414 S Barnes Dr	\$ 189.02	Statute of Limitation Expired
1991	26178710030030100	Wildflower Dev Co 5700 Marvin Loving Dr	\$ 331.78	Statute of Limitation Expired
1991	26124500110080000	Williams Sophie T 1520 Elizabeth Dr	\$ 253.23	Statute of Limitation Expired
TOTAL			\$ 34,994.23	



City Council Item Summary Sheet

☐ Work Session

Date: September 4, 2012

☒ Agenda Item

2012-2013 Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Single Year Comprehensive Grant

Summary of Request/Problem

Council is requested to adopt a resolution authorizing the City Manager to accept a State of Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Grant consisting of four enforcement modules: Speed Enforcement, Intersection/Red Light Enforcement, Occupant Protection – Safety Restraint Enforcement, and Driving While Intoxication Enforcement in the amount of \$507,651.97. The required enforcement period will be Fiscal Year 2012 –2013. The Grant will be utilized to provide an even greater level of traffic safety for the citizenry of the City of Garland by potentially changing the driving habits of those who violate the laws related to the aforementioned enforcement modules and by reducing the number of motor vehicle accidents, injuries and fatalities.

This item was scheduled for Council consideration at the September 4, 2012 Work Session.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the City Manager to accept the State of Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) Grant for FY 2012 - 2013 in the amount of \$507,651.97.

Submitted By:

Mitchel L. Bates
Chief of Police

Approved By:

William E. Dollar
City Manager

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) - SINGLE YEAR - 2013 COMPREHENSIVE GRANT IN THE AMOUNT OF \$507,651.97; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the Garland City Council hereby accepts a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program - Single Year - 2013 Comprehensive Grant in the amount of \$507,651.97, for the purpose of enforcing red light and intersection violations, seatbelt and child restraint violations, speed violations, and driving while intoxicated violations during FY 2012-2013.

Section 2

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

PASSED AND APPROVED this the _____ day of _____, 2012.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: September 4, 2012

☒ Agenda Item

Public Hearing – 2012-13 Proposed Budget and Tax Rate

Summary of Request/Problem

Section 5, Article VII, of the City Charter requires that a public hearing be held on the Proposed Budget for the coming fiscal year. At the public hearing, all interested persons shall be given an opportunity to be heard for or against any proposed item in the Budget, including the proposed tax rate. The Proposed Budget for 2012-13 has been available for public inspection in the City libraries, in the City Secretary's Office, and on the City's website since August 8, 2012.

Public hearings were previously held on August 21 and August 30, 2012.

Recommendation/Action Requested and Justification

Open public hearing on Proposed Budget for 2012-13.

Receive public comment.

Close public hearing.

Submitted By:

Ron Young
Director of Budget and Research

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

- ☐ Work Session
☒ Agenda Item

Date: September 4, 2012

Adoption of 2012-13 Budget

Summary of Request/Problem

Adoption of the Budget for 2012-13. In accordance with the City Charter, the City Manager presented his recommended Budget for fiscal year 2012-13 to the City Council on August 7th, 2012. Copies were made available for public inspection at City libraries, at the City Secretary's Office, and on the City's website. Public hearings were held on August 21 and August 30, 2012.

An ordinance reflecting final decisions regarding the Budget for 2012-13 and revised budgets will be prepared for the Mayor's signature upon final direction from the City Council.

Recommendation/Action Requested and Justification

Approve the Budget for the City of Garland for fiscal year 2012-13.

Submitted By:

Ron Young
Director of Budget and Research

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: September 4, 2012

Adoption of 2012-13 Property Tax Rate

Summary of Request/Problem

The City Council has considered an ad valorem tax rate of 70.46 cents per \$100 of valuation for the fiscal year beginning October 1, 2012. All meetings, notices, and public hearing requirements related to the adoption of the tax rate have been met in accordance with State law.

	<u>Current</u>	<u>Change</u>	<u>Proposed</u>
O&M	39.40	0.0	39.40
Debt Service	<u>31.06</u>	<u>0.0</u>	<u>31.06</u>
Total Tax Rate	<u>70.46</u>	<u>0.0</u>	<u>70.46</u>

Public hearings were previously held on the proposed tax rate on August 21 and August 30, 2012.

The proposed ad valorem tax rate does not exceed the effective tax rate of 71.48 cents or the rollback rate of 74.23 cents. As a result, there is no required language that must be included in the motion to adopt.

Recommendation/Action Requested and Justification

Move to set the tax rate at 70.46 cents per \$100 of valuation.
Vote.

Submitted By:

Ron Young
Director of Budget and Research

Approved By:

William E. Dollar
City Manager

ORDINANCE NO.

AN ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF GARLAND, TEXAS, FOR THE FISCAL YEAR 2012-13, UPON ALL TAXABLE PROPERTY IN THE CITY OF GARLAND, TEXAS, IN CONFORMITY WITH THE LAWS OF THE STATE OF TEXAS AND THE CHARTER PROVISIONS AND ORDINANCES OF THE CITY OF GARLAND, TEXAS; REPEALING ALL ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That there shall be and the same is hereby levied and shall be assessed and collected for the fiscal year 2012-13 an ad valorem tax of Seventy and Forty-Six Hundredths of a Cent (\$0.7046) on each One Hundred Dollars (\$100.00) assessed value of property located within the present city limits of the city of Garland, made taxable by law, which taxes, when collected, shall be appropriated among the funds and departments of the City of Garland for the purposes set forth as follows:

For the General Fund - Operations and Maintenance	\$0.3940
For the Purpose of Paying the Accrued Interest and to Provide a Sinking Fund for General Obligation Bonds and Certificates of Obligation	<u>0.3106</u>
TOTAL	<u>\$0.7046</u>

Section 2

That the ad valorem tax rate of Seventy and Forty-Six Hundredths of a Cent (\$0.7046) as set forth in Section 1 above is hereby levied and shall be assessed and collected on each One Hundred Dollars (\$100.00) assessed value of property located within the city of Garland, as valued by the Dallas Central Appraisal District of the County of Dallas and the Collin Central Appraisal District of Collin County and made taxable to the City of Garland by law. Assessed value, as used herein, means 100% of market value less the 8% Homestead Exemption.

Section 3

THAT THIS TAX RATE WILL NOT RAISE MORE TAXES FOR OPERATIONS AND MAINTENANCE THAN LAST YEAR'S TAX RATE.

MARKET VALUE

ASSESSED VALUE

\$100,000

\$92,000

TAX: $(\$92,000/\$100) \times \$0.7046$

\$648.23

Section 4

That the Tax Manager of the City of Garland is hereby directed to assess, extend, and enter upon the tax rolls of the City of Garland, Texas, for the current taxable year, the amounts and rates herein levied and to keep a current account of same and, when so collected, the same to be deposited in the depository of the City of Garland to be distributed in accordance with this Ordinance.

Section 5

That all ordinances, or parts of ordinances, in conflict herewith are expressly repealed.

Section 6

That this Ordinance shall take effect on October 1, 2012.

PASSED AND APPROVED by the affirmative record vote of a majority of the City Council of the City of Garland, Texas, at a regular meeting held at City Hall in the City of Garland on the 4th day of September, 2012.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: 9/4/12

☒ Agenda Item

Rate and Fee Changes for 2012-13

Summary of Request/Problem

In considering the 2012-13 Proposed Budget, the City Council reviewed the creation of certain rates and fees and adjustments to existing rates and fees. Revenue estimates included in the 2012-13 Proposed Budget are based on these actions.

Area	Fees Being Added or Adjusted
Water Utility Fund	Rates for Service (Impact of \$3.30 per month for typical residential user)
Wastewater Utility Fund	Rates for Service (No impact to residential user)
Environmental Waste Services Fund	Rates for Service (Impact of \$1.00 per month for typical residential user)

An ordinance will be prepared for the Mayor's signature once final direction has been given by the City Council.

Recommendation/Action Requested and Justification

Approve an ordinance making certain rate adjustments and establishing an effective date of October 1, 2012, for Water and Environmental Waste Services rates and November 1, 2012, for Wastewater rates.

Submitted By

Ron Young
Director of Budget and Research

Approved By:

William E. Dollar
City Manager

-- DRAFT --

ORDINANCE NO.

AN ORDINANCE AMENDING VARIOUS SECTIONS OF SECTION 50, "UTILITY RATES AND FEES" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS, RELATING TO FEES CHARGED FOR VARIOUS SERVICES PROVIDED BY THE CITY; 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 Sec. 50.34 (1) of Chapter 50, "Utility Rates and Fees," of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(1) Residential, commercial and industrial rates.

(a) Residential.

Volume Charge

First 3,000 gallons or less (per thousand)	\$ 3.02
Next 12,000 gallons (per thousand)	3.97
All over 15,000 gallons (per thousand)	6.14

(b) Commercial and industrial

Volume charge per 1,000 gallons	\$ 4.00
---------------------------------	---------

(c) Customer charge per month for residential, commercial, and industrial customers will be based on meter size:

<u>Meter Size</u>	<u>Rate</u>
5/8 inch	\$ 10.20
3/4 inch	13.25
1 inch	14.00
1 1/2 inch	15.50
2 inches	20.50

3 inches	53.50
4 inches	66.25
6 inches	94.75
8 inches	127.75”

SECTION 2

That Section 50.35 (H) of Chapter 50, “Utility Rates and Fees,” of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

“(H) Customer cities and major commercial-industrial users, specific wastewater treatment; surcharge; review procedures. The wastewater treatment charges for customer cities shall be as follows:

Customer	Rate Per 1,000 Gallons
Dallas	\$2.46
Richardson	\$2.39
Rowlett	\$2.48
Sachse	\$2.55
Sunnyvale	\$2.48

These charges will be based on one hundred (100) percent of the metered volume of actual wastewater discharged into the City of Garland. These rates do not abrogate any provisions under existing contracts between the City of Garland and the individual customer cities, but are supplemental to said contracts.

And further, the wastewater treatment rates for the individual industrial subclasses are to be:

Customer	Rate Per 1,000 Gallons
Kraft Foods	\$ 8.98
Sherwin-Williams	\$ 4.48
General Dynamics	\$ 4.48
Raytheon	\$ 4.48
Baylor Medical Center	\$ 4.48
Carroll Company	\$11.01

Economics Lab	\$10.70
Valspar Chemical Corp.	\$ 4.48
Texas Precision	\$ 4.48
L3 Communications	\$ 4.48
Daisy Brand	\$11.19
Ona Polymers	\$17.36

This sewerage effluent will be based on eighty (80) percent of the water volume unless the customer has installed a City-approved flow-measuring device, in which case the total flow will be used.

A commercial-industrial surcharge will be applied if a user exceeds the quality loading data (weighted average biochemical oxygen demand (BOD) and weighted average total suspended solids (TSS)) used in the development of its user charge by fifty (50) percent. When this excess is encountered, a surcharge will be computed which will be the actual cost of additional treatment. This surcharge will be computed by the following formula:

$$S = ((V \times (BOD_A - BOD_R)) \times 0.0001041) + ((V \times (TSS_A - TSS_R)) \times 0.0000648)$$

Where:

S = Surcharge in dollars.

V = Monthly volume in thousand gallons for the period in which the surcharge is to be applied.

BOD_A = Actual BOD measurement in milligrams per liter for the period being sampled.

BOD_R = BOD measurement used to calculate original annual rate.

TSS_A = Actual TSS measurement in milligrams per liter for the period being sampled.

TSS_R = TSS measurement used to calculate the original annual rate.

In the event a customer places pretreatment equipment in the business process or for any other reason improves the quality of effluent, a review process may be requested by the industrial customer. To obtain this review, all of the following steps must be taken:

(1) The customer must make a formal written request to the City Council through the City Secretary for this rate to be examined.

(2) Formal assurances must be supplied that a change in the effluent due to sewerage pretreatment, product manufacturing change, or any other reason must be expected to remain in effect for at least twelve (12) months or until the next scheduled rate review and change.

(3) The customer must agree that the cost of sampling by City staff (or an independent party at the City's election) to determine the new loading factors, plus the cost of two (2) more samples to be taken at the City's own discretion, will be prepaid by the customer. In the event the City elects not to take additional samples or if the next samples are part of the regularly scheduled sampling plan, the cost of the prepaid samples will be refunded by the City to the customer. The cost of samplings will be seventy-five dollars (\$75.00) each, for a total of two hundred twenty-five dollars (\$225.00).

The City shall have forty-five (45) days from the date the written request is received by the City Secretary to take action. This will be in the form of a resolution acted upon by the City Council. The effective date of the credit shall be the regular bill to the customer subsequent to the approved resolution by the Council. A rate credit may be in order to be approved by the City Council. The credit shall remain in effect until the next regular rate schedule has been put into effect by the City Council unless the user's effluent increases significantly, in which case the provisions set forth above concerning surcharges shall apply. Should the customer be deemed entitled to a rate reduction, the maximum amount of the reduction to be allowed would be the variable costs associated with the new effluent loadings. This credit will be computed in the same manner as the surcharge as defined above. The City Council may take any action it deems equitable with respect to the customer's rate, but until such action is taken, the customer's obligation to pay rates previously established shall not be relieved unless this subsection is amended by proper Council action.

Prior to the implementation of the proposed rates for each budget year, each customer will have the right to an administrative review of the cost allocations. Computer calculations, work papers and sampling data shall be available for public review during normal business hours.

Nothing in this subsection shall be construed to supersede or abolish the industrial waste ordinance controlling allowable discharges (codified herein as section 22.140 et seq.) and associated penalties."

SECTION 3

That Section 50.50 of Chapter 50, "Utility Rates and Fees," of the Code of Ordinances of the City of Garland, Texas is hereby amended to read as follows:

“The following schedule of monthly charges for residential sanitation services shall apply within the corporate limits of the City:

- (1) One-family residence: \$17.58
- (2) Two-family residence on one water meter: \$35.16
- (3) Two-family residence on separate water meters, each unit: \$17.58
- (4) Apartment house units with cooking facilities provided, each unit: \$17.58
- (5) One-family residence and single apartment with cooking facilities on one water meter: \$35.16
- (6) Residents may obtain up to two (2) additional solid waste automated residential containers by paying a monthly service charge of \$6.10 for each additional solid waste container. No residence shall have more than three (3) solid waste automated containers. All solid waste containers shall remain the property of the City.

SECTION 4

That Chapter 50, “Utility Rates and Fees,” of the Code of Ordinances of the City of Garland, Texas shall 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 Section 10.06 of the Code of Ordinances of the City of Garland, Texas, as amended.

SECTION 6

That this Ordinance shall become effective on October 1, 2012, save and except for Section 2 of this Ordinance, which shall become effective on November 1, 2012.

PASSED AND APPROVED on this the _____ day of _____, 2012.

CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: September 4, 2012

Civil Service Actions

Summary of Request/Problem

Pursuant to Title 5, Chapter 143 of the Local Government Code of Texas, the City Council must establish the civil service classifications in the Police and Fire Departments, the number of positions in each classification, the base salary, and the types of incentive pays for each classification. Exhibit A reflects the positions and compensation recommended in the 2012-2013 budget.

An ordinance reflecting final decisions regarding the proposed salary schedule, incentive plans, and staffing levels will be prepared for the Mayor's signature upon final direction from the Council.

Recommendation/Action Requested and Justification

Approve an ordinance authorizing all civil service classifications, number of positions, base salary and types of incentive pay for classified positions.

Submitted By:

Priscilla S. Wilson
Senior Managing Director

Approved By:

William E. Dollar
City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GARLAND, TEXAS, ESTABLISHING CIVIL SERVICE CLASSIFICATIONS WITHIN THE POLICE AND FIRE DEPARTMENTS; PRESCRIBING THE NUMBER OF POSITIONS IN EACH CLASSIFICATION; PRESCRIBING THE BASE SALARY AND TYPES OF PAY FOR THOSE CLASSIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 143 of the Texas Local Government Code, the City Council shall establish certain classifications and shall prescribe the number of positions in each of these classifications by ordinance, and

WHEREAS, the City Council has reviewed and approved a budget for the City for the fiscal year beginning October 1, 2012, and ending September 30, 2013, and

WHEREAS, such budget contains a program of planned expenditures for the police and fire departments, including changes to the operations and human resources of those departments,

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

Section 1

That the City Council of the City of Garland, Texas, hereby establishes the classifications and number of authorized positions within each classification and the base salary and types of pay for those classifications as specified on "Exhibits A-1 through A-4" attached hereto and made a part hereof as if fully set forth herein.

Section 2

That this Ordinance shall take effect on October 1, 2012.

PASSED AND APPROVED this the _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By: _____
Ronald Jones,
Mayor

ATTEST:

Elaine Simpson,
City Secretary (Interim)

EXHIBIT "A-1"

CIVIL SERVICE

**2012/2013
Budgeted Positions**

POLICE

Total: 323

Classification	Number of Positions Effective 10-01-2012
Police Officer	274
Police Supervisor	36
Police Captain	8
Assistant Chief	4
Police Chief (Managing Director)	1
Total	323

FIRE

Total: 255

Classification	Number of Positions Effective 10-01-2012
Firefighter*	121
Driver	71
Lieutenant	14
Captain	38
Battalion Chief	7
Assistant Chief	3
Fire Chief (Managing Director)	1
Total	255

* Includes six (6) Firefighter positions funded by the 2010 SAFER Grant

EXHIBIT "A-2"

CIVIL SERVICE
2012/2013
Salary Schedules

Police

Years	Step	Classification	Hourly	Annual	Spread
Hire	1	Recruit	\$23.3587	\$48,586	
6 months	2	Officer 2	\$24.5264	\$51,015	5%
1 year	3	Officer 3	\$25.7529	\$53,566	5%
2 year	4	Officer 4	\$27.0409	\$56,245	5%
3 year	5	Officer 5	\$28.3928	\$59,057	5%
4 year	6	Officer 6	\$29.8125	\$62,010	5%
5 year	7	Officer 7	\$31.3029	\$65,110	5%
10 years	8	Officer 8	\$32.2418	\$67,063	3%
12 years	9	Officer 9	\$33.2091	\$69,075	3%
Year 1	1	Supervisor 1	\$41.5918	\$86,511	
Year 2	2	Supervisor 2	\$43.6712	\$90,836	5%
Year 1	1	Captain 1	\$48.1904	\$100,236	
Year 2	2	Captain 2	\$50.6000	\$105,248	5%
Year 1	1	Assistant Chief 1	\$56.4471	\$117,410	
Year 2	2	Assistant Chief 2	\$59.2707	\$123,283	5%

Fire

Years	Step	Classification	Staff*	Shift**	Annual	Spread
Hire	1	Recruit 1	\$22.2880	\$15.9200	\$46,359	
6 months	2	Recruit 2	\$23.4024	\$16.7160	\$48,677	5%
1 year	3	Firefighter 3	\$24.8067	\$17.7190	\$51,598	6%
2 year	4	Firefighter 4	\$26.2950	\$18.7821	\$54,694	6%
3 year	5	Firefighter 5	\$27.8726	\$19.9090	\$57,975	6%
5 years	6	Firefighter 6	\$29.5449	\$21.1035	\$61,453	6%
7 years	7	Firefighter 7	\$30.7268	\$21.9477	\$63,912	4%
8.5 years	8	Firefighter 8	\$31.6484	\$22.6060	\$65,829	3%
Year 1	1	Fire Driver 1	\$32.7473	\$23.3909	\$68,114	
Year 2	2	Fire Driver 2	\$34.3852	\$24.5608	\$71,521	5%
Year 1	1	Lieutenant 1	\$36.6717	\$26.1941	\$76,277	
Year 2	2	Lieutenant 2	\$38.5053	\$27.5038	\$80,091	5%
Year 1	1	Captain 1	\$40.7020	\$29.0729	\$84,660	
Year 2	2	Captain 2	\$42.7376	\$30.5268	\$88,894	5%
Year 1	1	Battalion Chief 1	\$46.6800	\$33.3428	\$97,094	
Year 2	2	Battalion Chief 2	\$49.0141	\$35.0101	\$101,949	5%
Year 1	1	Assistant Chief 1	\$56.3497	\$40.2498	\$117,207	
Year 2	2	Assistant Chief 2	\$59.1671	\$42.2622	\$123,067	5%

* Staff - hourly rate calculated from 2080 hours per year

** Shift - hourly rate calculated from 2912 hours per year

EXHIBIT "A-3"

POLICE DEPARTMENT

**2012/2013
INCENTIVE PAY PLANS**

ELIGIBILITY:

1. Must be a full time, paid, duly sworn peace officer in the Garland Police Department.
2. Must have more than one year of service as a peace officer in the department.

CERTIFICATION AND EDUCATIONAL INCENTIVE PAY:

1. Certification Incentive

Description	Amount Per Month
Advanced Certification	\$75 per month
Master Certification	\$95 per month

2. Education Incentive

Description	Amount Per Month
Bachelor Degree	\$125 per month
Masters or Doctoral Degree	\$150 per month

ASSIGNMENT PAY:

Description	Amount Per Month
Officers designated by the Chief of Police as Field Training Officers (FTO) shall receive FTO Pay in compensation for this job assignment. This job assignment is of a temporary nature and can be removed at the discretion of the Chief of Police.	\$100 per month

Note: The above is a synopsis of these special pay plans. Details of these plans are available from the Director of Civil Service or Chief of Police.

EXHIBIT "A-4"

FIRE DEPARTMENT

**2012/2013
INCENTIVE PAY PLANS**

ELIGIBILITY:

Must be a Certified Texas Firefighter

CERTIFICATION AND EDUCATIONAL INCENTIVE PAY:

1. Certification Incentive

Description	Amount Per Month
a) Intermediate: Available to Firefighter and Driver/Engineer classifications.	\$25 per month
b) Advanced: Available to Firefighters, Driver/Engineer, and Lieutenant classifications.	\$50 per month
c) Master: Available to Firefighter, Driver/Engineer, Lieutenant, and Captain classifications.	\$100 per month

2. Education Incentive

a) Eligibility

Education must be of demonstrated use to department. Applicability of education to the job will be determined by the Fire Chief.

b) Incentive Pay

Description	Amount Per Month
1. Battalion Chief: 90 College Credit Hours - Job Related Bachelor's Degree	\$150 per month \$200 per month
2. Assistant Chief (Prerequisite of 90 college credit hours that are job-related) Bachelor's Degree	\$200 per month

EXHIBIT "A-4" (Continued)

ASSIGNMENT PAY:

Assignment Pay Incentive - Available to Firefighter, Driver/Engineer, Lieutenant and Captain classifications.

Description	Amount Per Month
a) Intermediate Instructor	\$25 per month
b) Advanced Instructor Must be assigned full time to Training Division Not eligible for Intermediate Instructor incentive pay	\$100 per month
c) Paramedic Must be certified by the State, and be accepted by the City Medical Control Director and approved by the Fire Chief.	\$100 per month
d) Paramedic Paramedics who staff an ambulance receive an additional \$30 per shift.	\$30 per shift
e) Fire Inspector Class A Must be certified and assigned to Inspection Section of Fire Prevention Bureau	\$100 per month
f) Fire/Arson Investigator Must be certified and assigned to the Investigation Section of Fire Prevention Bureau.	\$100 per month

Note: The above is a synopsis of these special pay plans. Details of these plans are available from the Director of Civil Service or Fire Chief.



Planning Report

DD 12-01/District 2
Agenda Item:
Meeting: City Council
Date: September 4, 2012

OSCAR HEYDARI

119 Main Street

REQUEST

Approval of a variance to Section XII.4 of the Downtown Development Standards regarding required parking lot landscaping.

OWNER

Oscar Heydari

PLAN COMMISSION RECOMMENDATION

On August 13, 2012 the Plan Commission, by a vote of eight (8) to one (1), recommended approval of the requested variance.

STAFF RECOMMENDATION

Denial of the variance to Section XII.4 of the Downtown Development Standards regarding parking lot landscaping. The required landscape island and one large shade tree can be accommodated on the site by shifting the building location slightly to the rear without encroaching into the utility easement or necessitating a loss of a parking space. Furthermore, Main Street serves as a primary gateway into Downtown from the east and from the Lavon Drive/SH 190 corridor. Compliance with current development standards as properties are redeveloped is critical to enhancing the appearance of this portion of Downtown.

BACKGROUND

The property under consideration is located in the Commercial 2 (C-2) District and is undeveloped. The applicant is proposing to construct an 1800 square foot office/retail building on the subject lot. The property is located within the area governed by the Downtown Development Standards. The applicant seeks relief from the Standards' 5% parking lot landscaping requirement and the requirement that one large shade tree be planted for each 10 parking spaces.

CONSIDERATIONS

1. The 0.24-acre property has approximately 88 feet of frontage along Main Street. The applicant proposes construction of an 1,800 square foot office/retail building on the undeveloped lot. As illustrated on the exhibit, there would be 9 parking spaces located in front of the building. Nine spaces are required based on the size and anticipated use of the building.
2. Section XII.4 of the Standards requires that a minimum of 5% of the total parking area be landscaped, and that such landscaping be located and distributed within the parking area in medians or islands. One (1) large shade tree shall be provided for each 10 parking spaces. Given the proposed site design, this would require a landscaped island approximately 160 square feet

in size with one large tree planted within it. The applicant is requesting a variance from these requirements. The landscape plan is in compliance with the required 5' wide landscape buffer and associated tree plantings along Main Street, and with the required 24" high screening of the parking area from view of adjacent public streets (Main Street).

3. The applicant has indicated that providing the required landscape island and one large shade tree within the parking area would cause the elimination of a parking space, thereby limiting the use of the property. The building is being designed to accommodate retail or office uses; if occupied by retail, 9 spaces would be required. If occupied by office, 6 spaces would be required. The applicant would like to retain the flexibility to meet either the retail or office parking requirement, thereby requiring 9 spaces as shown on the site plan.

The required landscape island, which is approximately the size of one parking space, could be provided, however, simply by shifting the location of the building slightly to the rear. There is no rear yard setback requirement, as the Commercial 2 District only requires such adjacent to a street or residential district. There is also no fire lane required around the building given the small size of the lot. There is a 5' utility easement along the rear property line; however the building is currently proposed to be setback 20' from the rear property line. By shifting the building slightly on the lot the required landscape island could be accommodated without encroaching into the utility easement or into any required setback.

4. The subject property is located along the primary gateway to the Downtown core from the east and from the Lavon Drive/SH 190 corridor. As properties are redeveloped and improved along this important gateway compliance with current development standards is necessary where feasible to the overall enhancement of the Downtown area. Furthermore, the recently adopted Envision Garland Plan identifies Downtown, including the subject property, as one of seven catalyst areas within which public and private investment should be targeted. Enhancement of this section of Main Street is important to achieving the overall goals for Downtown redevelopment and revitalization.

Prepared By:

Anita Russelmann
Assistant Director of Planning

Date: August 20, 2012

Reviewed By:

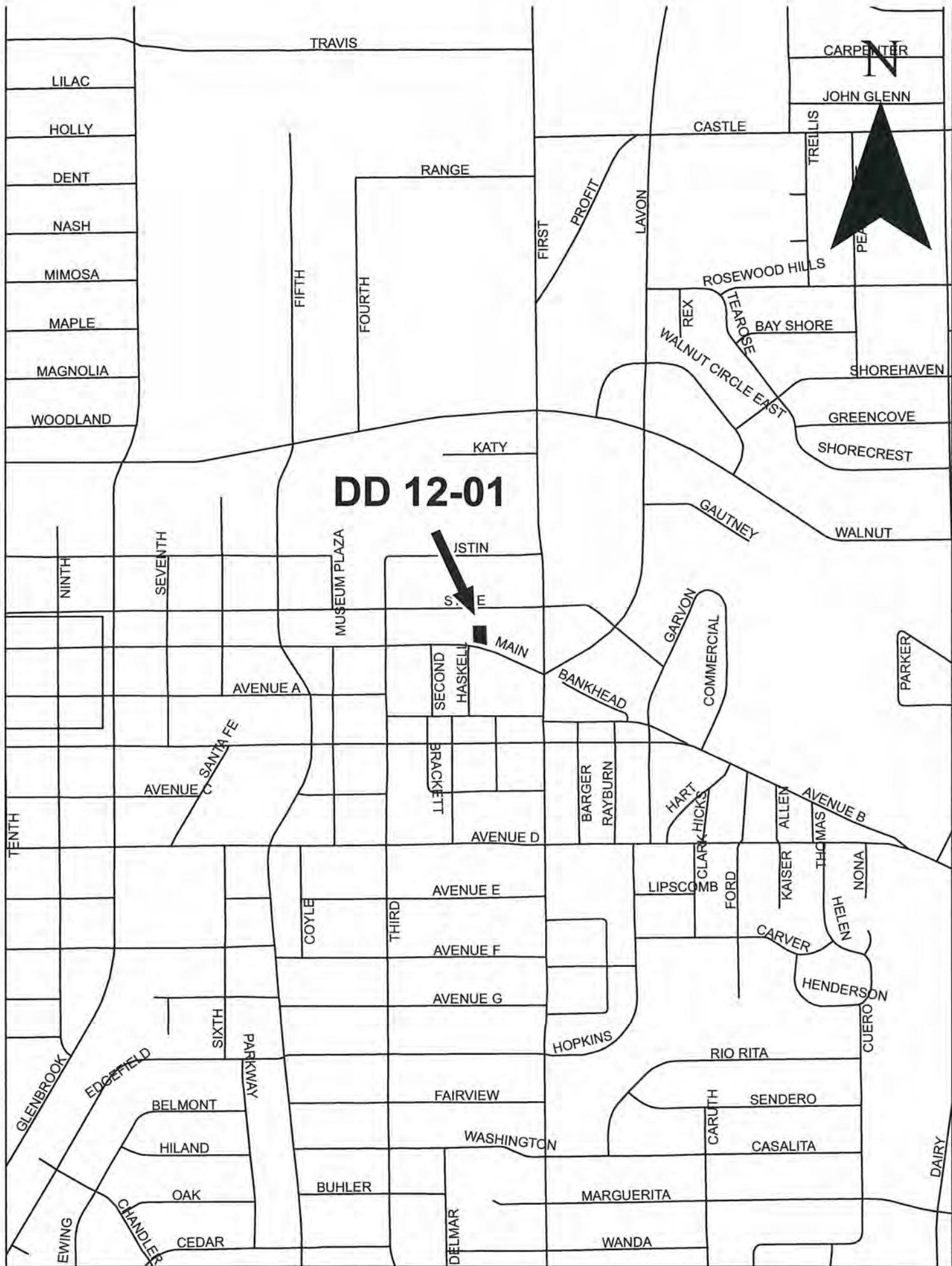
Neil Montgomery
Director of Planning

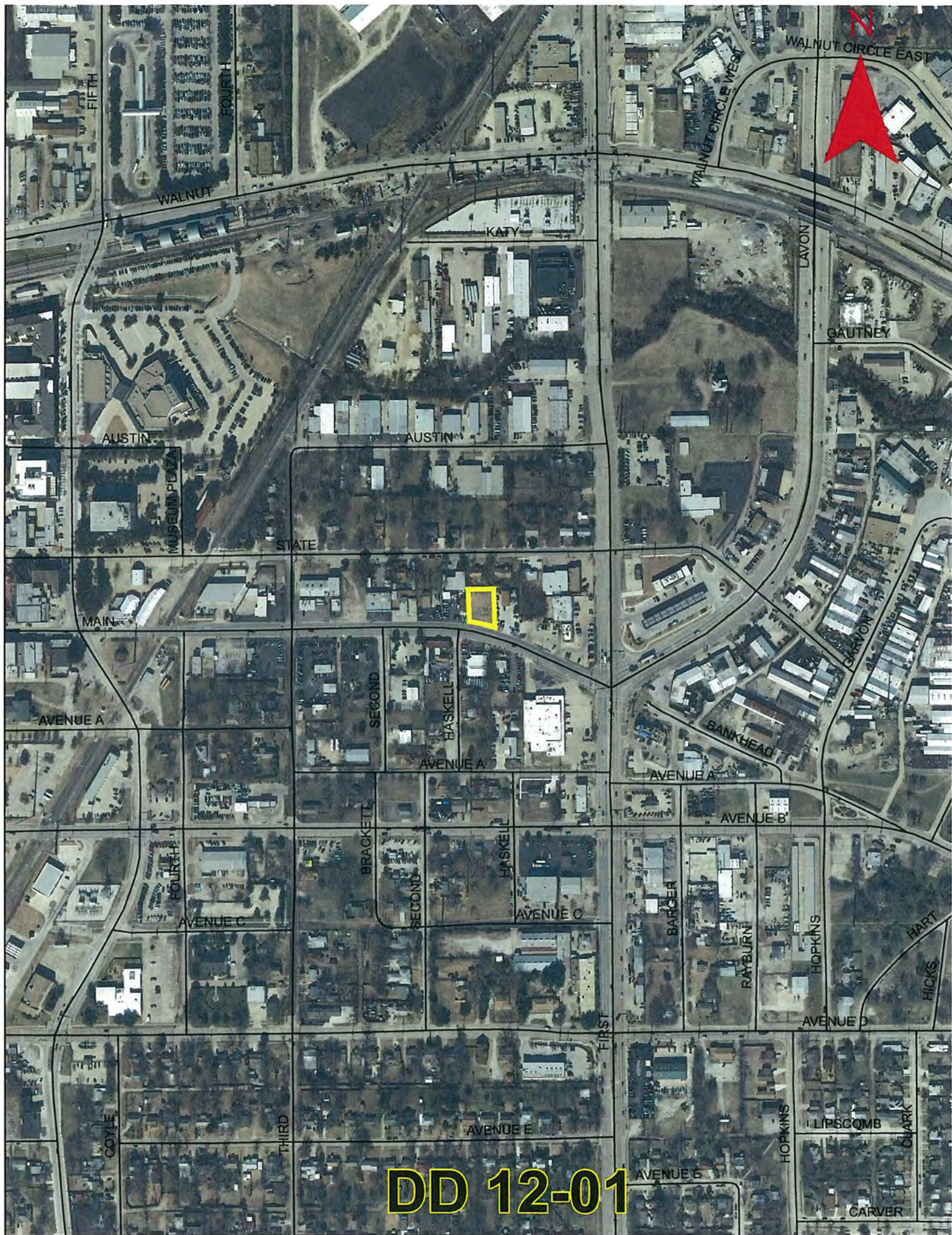
Date: August 24, 2012

Reviewed By:

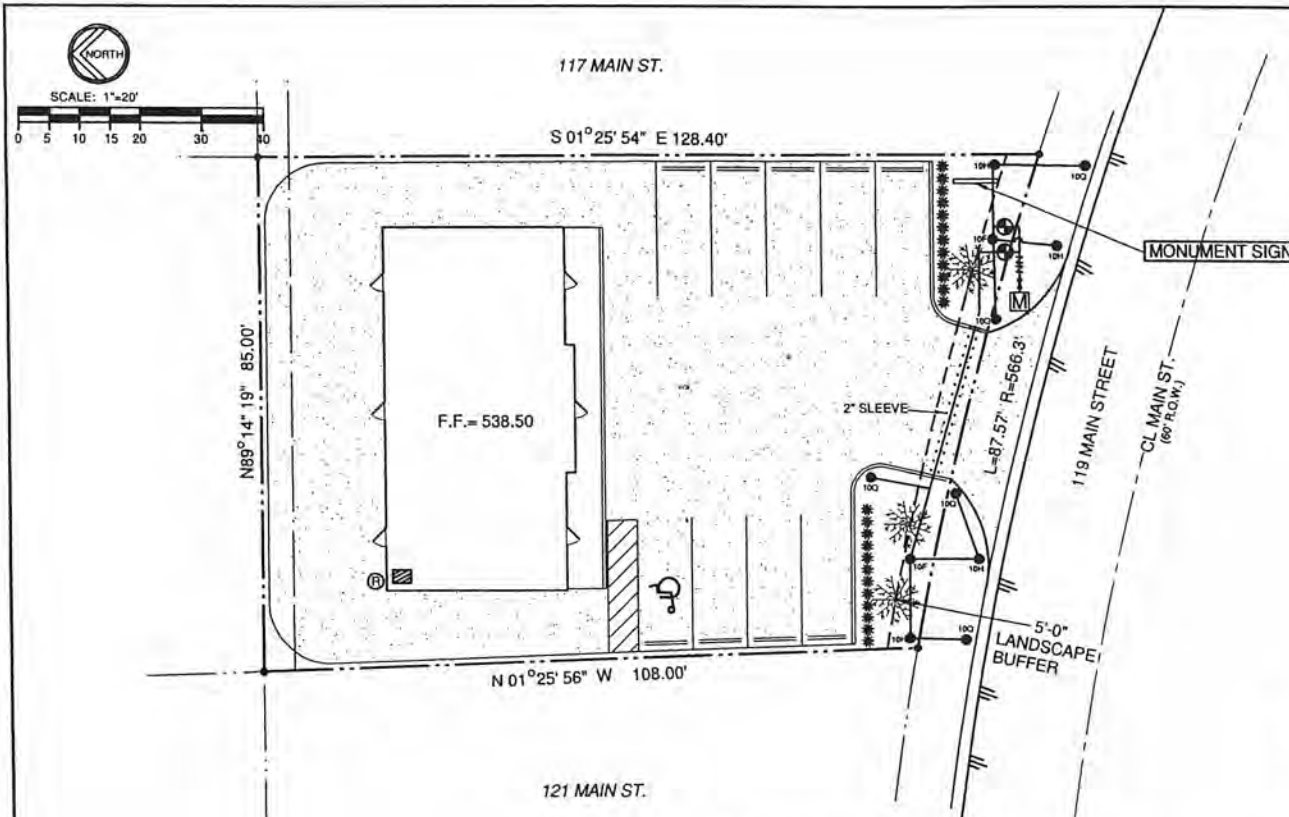
William E. Dollar
City Manager

Date: August 27, 2012





DD 12-01



FRONT YARD AREA
(NOT WITHIN LANDSCAPE BUFFER)

LEFT OF DRIVE = 215 SQ.FT.
RIGHT OF DRIVE = 242 SQ.FT.
TOTAL AREA = 457 SQ.FT.

- IRRIGATION LEGEND**
- POP-UP SPRAY HEAD
 - M WATER METER
 - ISOLATION VALVE
 - APPROVED BACKFLOW DEVICE
 - ⊕ REMOTE STATION VALVE
 - ▨ WALL MOUNT CONTROLLER
 - Ⓡ RAIN/FREEZE SENSOR
- LINE SIZES:
3/4" DIA. SUPPLY TO VALVE
1/2" DIA. VALVE TO HEADS

NOTE:
ALL LANDSCAPING SHOWN TO BE WATERED BY AN
AUTOMATICALLY CONTROLLED IRRIGATION SYSTEM.
SYSTEM DESIGNED AND INSTALLED BY A LICENSED
IRRIGATOR.

LANDSCAPE LEGEND

QUANTITY	SYMBOL	SIZE	COMMON NAME	BOTANICAL NAME
3		2-1/2"	LIVE OAK	QUERCUS VIRGINANA
24		1 GAL 2' C-to-C	DWARF BURFORD HOLLY	ILEX CORNUTA 'BURFORDI NANA'



REPORT & MINUTES

P.C. Meeting, August 13, 2012 (9 Members Present)

Consideration of the application of Oscar Heydari, requesting approval of a variance to Section XII.4 of the Downtown Development Standards regarding required parking lot landscaping on property zoned Commercial (C-2) District. The property is located at 119 Main Street. (File DD 12-01)

The applicant, Oscar Heydari, PO Box 831083, Richardson, TX 75083, outlined his request and answered questions from the Commission.

Motion was made by Commissioner Dalton, seconded by Commissioner LeMay to **approve** the request as presented by the applicant. **Motion carried: 8 Ayes, 1 Nay** by Commissioner Welborn.



O = IN FAVOR
X = AGAINST

SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES
AREA OF REQUEST

LANDSCAPE VARIANCE
DD 12-01



GARLAND

August 2, 2012

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Oscar Heydari

File LS 12-03

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

CITY OF GARLAND
RECEIVED

AUG 13 2012

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Oscar Heydari** requesting approval of a variance to section XII(4) of the Downtown Development Standards regarding landscaping of off-street parking areas on property zoned Commercial 2 (C-2) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 0.24-acre parcel shown as Lot 16 of C B McCallums Home Subdivision, an addition to the City of Garland. The property is located at 119 Main Street. (District 2)

Note: The applicant requests approval of a variance to section XII(4) of the Downtown Development Standards requiring a minimum of 5% of the parking area to be landscaped and 1 large tree for every 10 parking spaces.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

However, I would like a continuation
of the wooden privacy fence, that
is on 117. This is a property protection +
reduces the (Please complete the following information) commercial noise

Your Property Address

Printed Name Laura M. Dixon
Address 117 W. State St. Garland, TX 75040
City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature Mr & Mrs Dixon Title owner

Date: 8-13-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Oscar Heydari

File LS 12-03

Dear Property Owner:

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Note: The applicant requests approval of a variance to section XII(4) of the Downtown Development Standards requiring a minimum of 5% of the parking area to be landscaped and 1 large tree for every 10 parking spaces.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

138 Main St GARLAND TX 75040

Printed Name

SHAGHAYEGH RASSAF 6701 LARAMIE DR, Plano 75083

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Shaghayegh Rassaft

Signature

Title

owner

Date:

8-7-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Oscar Heydari

File LS 12-03

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

125 Main St. Garland TX 75040

Printed Name

Ochoa Motorcars

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Title

owner

Date:

08-06-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

Printed Name

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Title

Date:

STATEN'S APPLICANT
132 MAIN ST. GARLAND, TX 75040
[Signature]
8.6.12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Oscar Heydari

File LS 12-03

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address 117 MAIN ST Garland TX 75040
JOS A BOITRAGE

Printed Name
118 W Main street Garland TX 75040
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

[Signature]
Signature

OWNER
Title

Date: 08/06/12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

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File LS 12-03

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(Please Check One Below)



I am in favor of the request.



I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

121 main st GARLAND TX 75040

Printed Name

Oscar HAJ HEYDARI

Address

P.O. Box 831083 City, State RICHARDSON, TX Zip 75080

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

OWNER

Title

Date:

8-6-2012



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

121 main st Garland TX 75040

Printed Name

Jose funes

Address

5402 KIRKIRIDGE P. City, State Garland TX Zip 75044

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Title

owner - manager

Date:

8-8-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address EL-Bethel House of Worship
124 AUSTIN STREET

Printed Name PRÉETAM HENRIC

Address 1110 WOODWAY DR. City, State Garland TX Zip 75042

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature [Signature]

Title PRESIDENT

Date: 8/9/12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address EL - Bethel House of Worship
129 STATE ST.

Printed Name PREETAM HENRI

Address 1110 WOODWAY DR. City, State Garland TX Zip 75042

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Signature [Signature]

Title PRESIDENT

Date: 8/9/12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address EL-Bethel Home of Worship
128, AUSTIN STREET

Printed Name PREETAM HENRIC

Address 1110 WOODWAY DR City, State Garland Tx Zip 75042

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature [Signature]

Title PRESIDENT

Date: 8/9/12



GARLAND

August 2, 2012

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(Please Check One Below)



I am in favor of the request.

I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

105 HASKEI ST GARLAND TX 75040

Printed Name

SHAGHAYEGH KASSAB 6701 LARAMIE DR PLANO TX 75023

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Shaghayegh Kassar

Signature

owner

Title

Date:

8-7-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

117 Main St. Garland, TX 75040

Printed Name

Ben Yustana, I and G LLC

Address

117 Main St City, State Zip
Garland TX 75040

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

owner

Title

Date: 8-8-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

103 HASKELL ST GARLAND TX 75040

Printed Name

SHAGHAYEGH RASSEFI 6701 LARNIE DR PLANO TX
Address City, State Zip 75023

The above statements reflect my (our) opinion regarding the proposed request(s).

Shaghayegh Rassefi Owner
Signature Title

Date: 8-9-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

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(Please Check One Below)



I am in favor of the request.

I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

107 Waskell St Garland TX 75040

Printed Name

Shaghayegh Rassaf 6701 Laramie Dr Plan TX 75023

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Shaghayegh Rassaf

Signature

owner

Title

Date:

8-7-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

Printed Name _____
Address 116 State St City, State Garland Tx Zip 75046

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature Cynthia Rose Title Owner

Date: 8-9-12



File No. 12-38/District 5

Agenda Item:

Meeting: City Council

Date: September 4, 2012

Planning Report

Tiffany Enriquez

2121 Northwest Highway, Suite 116 and 117

REQUEST

Approval of a Specific Use Permit for a Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses in the IH 635 Overlay District.

OWNER

L2Y2 LLC

PLAN COMMISSION RECOMMENDATION

On August 13, 2012 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Permit for Child Care Center per staff recommendation.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Child Care Center for a period of 10 years and tied to **Tiffany Enriquez** provided the number of students is limited to 60. The existing shopping center is able to accommodate the proposed use provided the number of students does not exceed 60. The child care center could provide a convenient support service to nearby residents and commuters departing from South Garland Transit Center.

BACKGROUND

The applicant is requesting approval of a Specific Use Permit to operate a child care center Suites 116 and 117. Both suites (shown as Suite 116 on site plan) are located in a multi-tenant shopping center; together they encompass 4,939 square feet. Suite 117 was previously occupied by two different child care centers. The outdoor play area utilized by the previous child care centers remains in place behind Suite 117 and the applicant has the intention to continue the use of the existing play area.

SITE DATA

The subject property was developed in 1984 with a multi-tenant shopping center. The site contains approximately 4.65 acres and has a frontage of approximately 250 linear feet along Millay Boulevard, a second frontage of 420 linear feet along Towngate Boulevard, and a third frontage of 100 linear feet along Northwest

Highway. The property can be accessed from Towngate Boulevard and Northwest Highway.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) 78-87 District for Retail Uses and tied to the regulations of the General Business (GB) District. The General Business (GB) District accommodates a variety of retail, service and business establishments. Although the General Business (GB) District allows Child Care Center outright, within the IH 635 Overlay it is permitted only with approval of a Specific Use Permit.

SURROUNDING ZONING AND LAND USES

- North: Properties to the north are zoned Planned Development (PD) 97-12 for Industrial Uses, Planned Development (PD) 71-7 for Single Family, Townhouse, Office and Retail Uses, Single Family (SF-7) District, and Planned Development (PD) 86-71 for Townhouse Uses. These properties are developed with single family residences, townhouses and their associated amenity facilities with the exception of the property zoned Planned Development (PD) 97-12 which is vacant, with remnants of a parking lot associated with a previous use.
- East: Properties to the east are zoned Planned Development (PD) 85-11 and Planned Development (PD) 94-35, both Planned Development Districts for Shopping Center Uses. These properties are developed with a shopping center and two stand alone buildings that are occupied with a restaurant and a convenience store.
- South: Properties to the south are zoned Shopping Center (SC) District, Planned Development (PD) 11-13 and Planned Development (PD) 07-02, both for Planned Developments for General Business Uses. These properties are developed with an auto repair shop, a bank, a gas station, a Pep Boys and a Family Dollar store.
- West: Properties to the west are zoned Planned Development (PD) 00-21 for Freeway Uses, Planned Development (PD) 79-46 and Planned Development (PD) 69-54 for Light Industrial Uses. These properties are developed with two restaurants, an auto repair shop, an auto dealership, and a hotel.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends transit-oriented centers for the subject property due to its proximity to the South Garland Transit Center. Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. In addition, the Envision Garland Plan identifies seven catalyst areas for public and private reinvestment and redevelopment. The subject property is located within the South Garland Avenue Catalyst Area. The

proposed child care center is consistent with the long-term vision set forth by the Envision Garland Plan and could provide a valuable service to those residents using public transportation to commute to work.

CONSIDERATIONS

1. The applicant is proposing to operate a child care center from Suites 116 and 117 in a multi-tenant shopping center. The child care center will operate Monday through Friday from 6:00 a.m. to 8:00 p.m. Enrollment would be open to children ranging in age from 6 months old to 12 years old. There will be no drop-off area, as parents will be required to escort children into the building. The entrance to the child care center is on the south side of the building. Parking for parents will be served by any of the parking spaces on the site.
2. The parking requirement for a Kindergarten, Preschool or Child Care Center is 1 parking space for every 10 students. Since the parking area is shared by all the tenants in the shopping center, it is necessary to take into account the cumulative parking demand of all the tenants to determine the number of parking spaces available for the proposed child care center which consequently determines the maximum number of students allowed in the child care center. The parking demand for the entire shopping center without the proposed child care center is 256 parking spaces; there are 262 parking spaces on the site, leaving the remaining 6 parking spaces to be allocated to the child care center. The applicant is proposing to have a maximum of 88 children; however, the 6 available parking spaces limit the maximum number of children to 60.
3. Per Section 10-304.2 of the Comprehensive Zoning Ordinance No. 4647 the outdoor recreational area shall be enclosed at all times with a fence which shall be built and maintained with a minimum height of 4 feet. The existing outdoor play area is enclosed with an 8-foot chain link fence.
4. The applicant is requesting the Specific Use Permit for a period of 10 years tied to **Tiffany Enriquez**.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The proposed child care center would be located in a multi-tenant shopping center that is located between the residential area to the north and the more intense commercial activities found along Northwest Highway to the south. This particular location allows the proposed child care center to serve both as a support service to nearby residential neighborhoods and residents commuting from the South Garland Transit Center who are in need of child care services nearby; and second, as a buffer/transitional use between the residential area to the north and the more intense commercial activities to the south.

Prepared By:

Josue De La Vega
Development Planner

Date: August 21, 2012

Reviewed By:

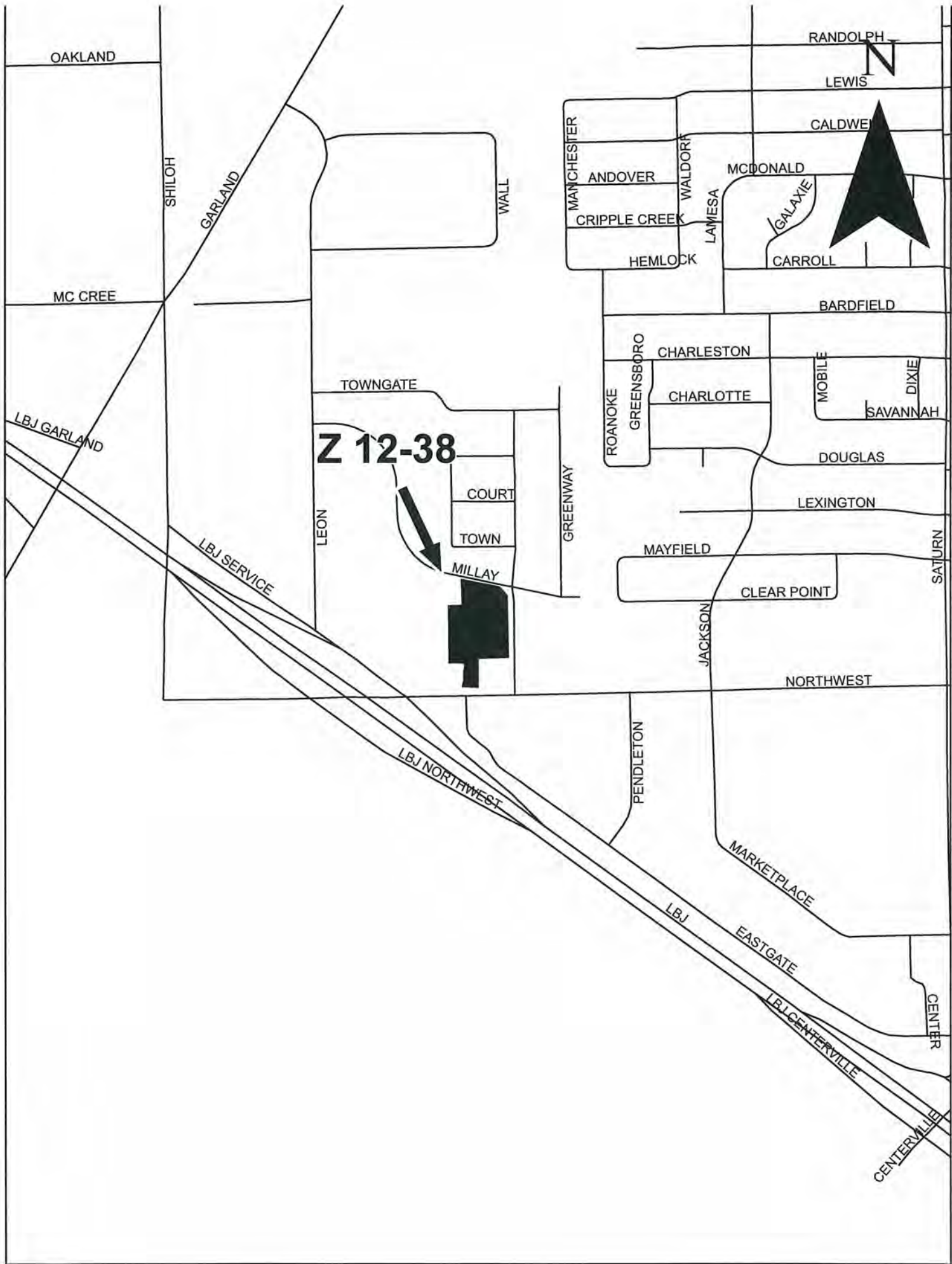
Neil Montgomery
Director of Planning

Date: August 23, 2012

Reviewed By:

William E. Dollar
City Manager

Date: August 28, 2012





Z 12-38

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-38

2121 Northwest Highway, Suite 116 and 117

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a Kindergarten, Preschool or Child Care Center on the subject property.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the General Business (GB) District set forth in Section 25, 33, and 47 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a 10 year time period and tied to **Tiffany Enriquez**.
 - B. Days and Hours of Operation: The child care center will only operate Monday through Friday from 6:00 a.m. to 8:00 p.m.
 - C. Maximum Number of Students: The maximum allowable number of students is 60.
 - D. Parking Requirement: A minimum of 6 parking spaces are required for the Child Care Center.

NORTHWEST HIGHWAY

LOT 1 - BLOCK 1
FREEWAY INDUSTRIAL PARK NO. 3
ADDITION

20' UTILITY EASEMENT

50' DRAINAGE EASEMENT

CITY OF DALLAS
SURVEY, JUNE 1981
VOL. 804, PG. 247

ONE STORY
MASONRY BUILDING

#100 #102 #103 #104 #106 #107 #109

CAR WASH
CANOPY

CAR WASH
CANOPY

BLOCK 1
EAST NO. 2

OPEN AREA

OPEN AREA

S 09°35'00" E - 213.00'

LOT 1 - BLOCK 1
EAST NO. 1
ADDITION
VOL. 86213 PG. 4363

ONE STORY
MASONRY BUILDING

4.7464 ACRES

YAMAMOTO ENTERPRISES, INC.
PART OF LOT 2 - BLOCK 1
EAST NO. 2
ADDITION
VOL. 82091 PG. 2728
M.R.D.C.T.

LOT 2 - BLOCK 1
EAST NO. 2
ADDITION
VOL. 84194 PG. 2284
M.R.D.C.T.

#112

#114

#115

#116

#119

S 17°00' E - 254.00'

MILLAY BOULEVARD

OPEN AREA

TOWNGATE BOULEVARD

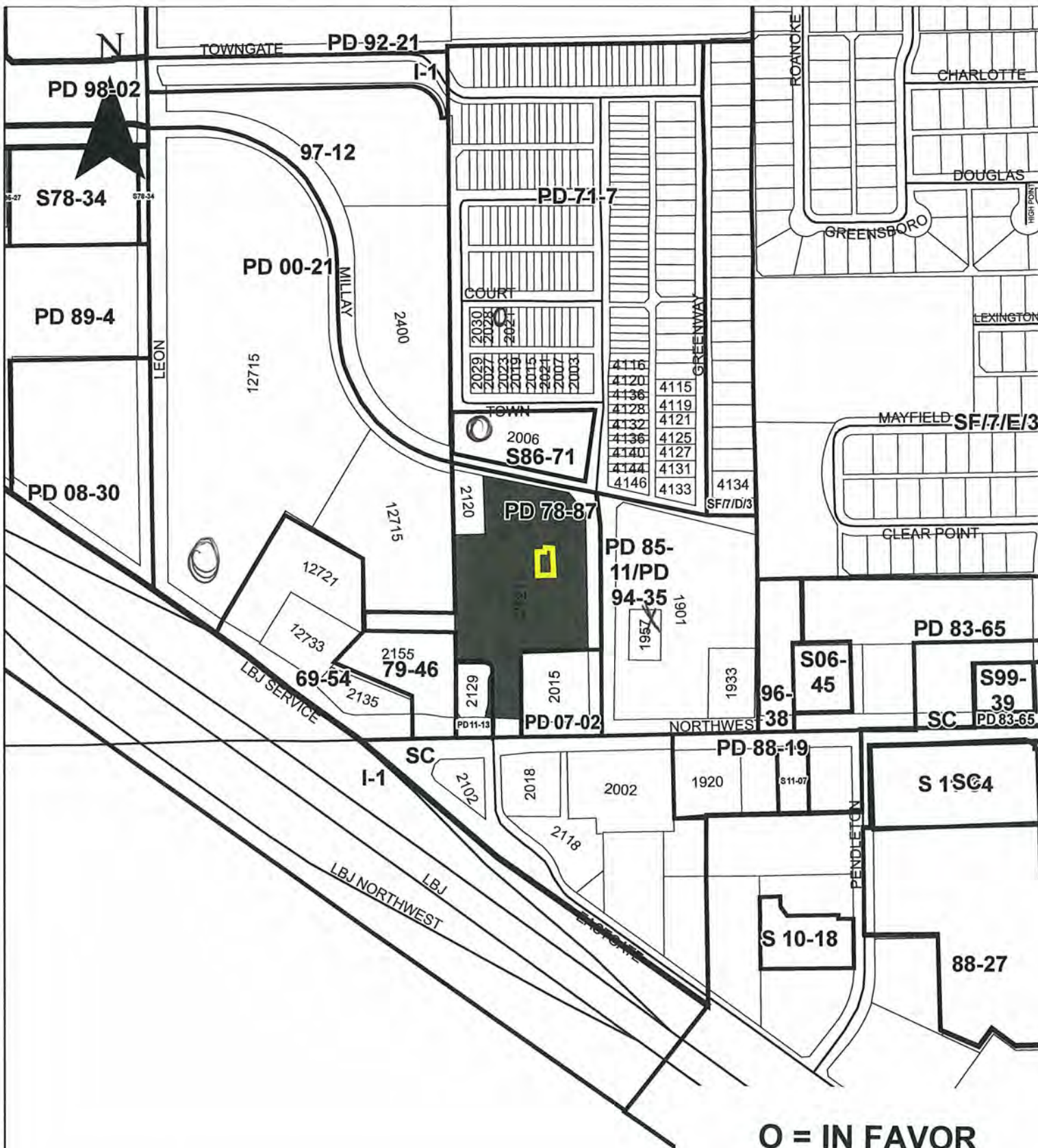
REPORT & MINUTES

P.C. Meeting, August 13, 2012 (9 Members Present)

Consideration of the application of Tiffany Enriquez, requesting approval of a Specific Use Permit for Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses. The property is located at 2121 Northwest Highway, Suite 116 and 117. (File 12-38)

Tiffany Enriquez, the applicant, 4434 Point Blvd, Ste 107, Garland, was available for questions.

Motion was made by Commissioner Welborn, seconded by Commissioner O'Hara to **approve** the Specific Use Permit for a period of 10 years tied to Tiffany Enriquez per staff recommendation. **Motion carried: 9 Ayes, 0 Nays.**



O = IN FAVOR
X = AGAINST

SCALE IN FEET

0 200 400 Feet

1" = 400'



INDICATES
AREA OF REQUEST

ZONING
Z 12-38



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Tiffany Enriquez

File Z 12-38

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Tiffany Enriquez** requesting approval of a Specific Use Permit for Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses and in the IH 635 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 4.65-acre parcel shown as Lot 2 Block 1 of L.B.J. East No. 2, an addition to the City of Garland. The property is located at 2121 Northwest Highway, Suite 116 and 117. (District 5)

Note: The applicant requests approval of a Specific Use Permit to operate a child care center on a property that is developed with a multi-tenant commercial building.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

I think this would be a very positive addition to this community. Young ^{working} families depend on these services.

(Please complete the following information)

Your Property Address 572024 COURT PLACE, GARLAND
(MS) FRAN MATHERS

Printed Name 3902 TALLY HO DR., IRVING, TX. 75062-3820
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Fran Mather Signature Property Owner of 2024 Court Place Title GARLAND

Date: AUG. 3, 2012



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Tiffany Enriquez

File Z 12-38

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Tiffany Enriquez** requesting approval of a Specific Use Permit for Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses and in the IH 635 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 4.65-acre parcel shown as Lot 2 Block 1 of L.B.J. East No. 2, an addition to the City of Garland. The property is located at 2121 Northwest Highway, Suite 116 and 117. (District 5)

Note: The applicant requests approval of a Specific Use Permit to operate a child care center on a property that is developed with a multi-tenant commercial building.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

Previous business in that location were daycare. No reason not to allow another

(Please complete the following information)

Your Property Address

Longgate Homeowners Assoc

Printed Name

2006 Town of Garland, Tx 75041

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Title

Date:

8/8/12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Tiffany Enriquez

File Z 12-38

Dear Property Owner:

RECEIVED

AUG 08 2012

Real Estate Dept.

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Tiffany Enriquez** requesting approval of a Specific Use Permit for Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses and in the IH 635 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 4.65-acre parcel shown as Lot 2 Block 1 of L.B.J. East No. 2, an addition to the City of Garland. The property is located at 2121 Northwest Highway, Suite 116 and 117. (District 5)

Note: The applicant requests approval of a Specific Use Permit to operate a child care center on a property that is developed with a multi-tenant commercial building.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

CarMax, Inc.

Printed Name

12715 LBJ Freeway Garland, TX 75041

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

[Signature]

Signature

R. Douglass Moyers
Vice President

Title

Date: 8.9.2012



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Tiffany Enriquez

File Z 12-38

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Tiffany Enriquez** requesting approval of a Specific Use Permit for Child Care Center on property zoned Planned Development (PD) 78-87 District for Retail Uses and in the IH 635 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 4.65-acre parcel shown as Lot 2 Block 1 of L.B.J. East No. 2, an addition to the City of Garland. The property is located at 2121 Northwest Highway, Suite 116 and 117. (District 5)

Note: The applicant requests approval of a Specific Use Permit to operate a child care center on a property that is developed with a multi-tenant commercial building.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

Pros = easy access to employees around that area.
Cons = more traffic of pedestrians on a multi-tenant commercial building.

(Please complete the following information)

Your Property Address

Cuquita's Restaurant

Printed Name

1957 Northwest

Garland, Tx

75041

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature *J. C. Muniz*

Title *Secretary*

Date: 8/8/12



Planning Report

File No. 12-39/District 1

Agenda Item:

Meeting: City Council

Date: September 4, 2012

Cornerstone United Methodist Church

7502 N. Garland Avenue

REQUEST

Approval of a Specific Use Permit for a Child Care Center on property zoned Agriculture (AG) District in the SH 190 Overlay District.

OWNER

Cornerstone United Methodist Church

PLAN COMMISSION RECOMMENDATION

On August 13, 2012 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Permit for Child Care Center per staff recommendation.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Child Care Center for a period of 20 years tied to **Cornerstone United Methodist Church**. The existing church facility is able to accommodate the proposed use in a manner compatible with surrounding zoning and land use patterns, providing a support service to nearby residential neighborhoods.

BACKGROUND

The applicant is requesting approval of a Specific Use Permit to continue operating a child care center within an existing church building. The child care center has operated at this location since 2004. The applicant has indicated they were unaware that an SUP was required. The age of the children ranges from 12 months to 12 years. The applicant is licensed to have a maximum number of 46 children. The child care center operates Monday through Friday from 6:00 a.m. to 6:00 p.m.

SITE DATA

The subject property contains approximately 4.42 acres and nearly 475 feet of frontage along North Garland Avenue. The property has two driveway entrances connected by a driveway that loops around the property. The site can only be accessed from North Garland Avenue.

USE OF PROPERTY UNDER CURRENT ZONING

The Agriculture District is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, and land which has been newly annexed into the City of Garland. This district functions as a temporary "holding zone" for land until development patterns warrant more intensive urban use. At that time, it is anticipated that Agriculture Districts will be changed to an appropriate permanent zoning classification. The development of the church did not require a change in zoning since churches are allowed by right in any of the zoning districts. However, Ordinance No. 5228 for the SH 190 Overlay stipulates that Child Care Centers on property zoned Agriculture are only allowed by Specific Use Permit.

SURROUNDING ZONING AND LAND USES

The subject property is surrounded by properties zoned for residential uses and developed with single family subdivisions; with the exception of the properties beyond the residential subdivision immediately to the south. These properties are zoned Planned Development (PD) 08-40 for Neighborhood Services and Planned Development (PD) 05-40 for Office Uses and are developed with an animal clinic and a dental office. The residential subdivision to the north is located within the City of Richardson.

COMPREHENSIVE PLAN

The Envision Garland Plan identifies this location as within the Traditional Neighborhoods Building Block. Traditional Neighborhoods provide areas for low to moderate density single-family detached housing and accommodate convenience retail, office and public services. The child care center provides a convenient and compatible support service to the surrounding neighborhood.

CONSIDERATIONS

1. The subject property will continue to operate as a church on the weekends and as a gathering place at certain times during the week while the child care center will operate Monday through Friday from 6:00 a.m. to 6:00 p.m. Enrollment is open to students ranging in age from 1 year old to 12 years old. The drop-off and pick-up area is located on the northwest side of the building; however, parents are required to escort students into the building. Parking for parents is served by any of the parking spaces on the site.
2. The parking requirement for a Kindergarten, Preschool or Child Care Center is 1 parking space for every 10 students. The church is required to have 69 parking spaces; the site plan reflects 87 parking spaces, leaving 18 parking spaces for the child care center. The applicant is proposing to have a maximum of 46 students; therefore, the current parking count is adequate to meet the demand of both the church and the child care center.
3. Per Section 10-304.2 of the Comprehensive Zoning Ordinance No. 4647 the outdoor recreational area shall be enclosed at all times with a fence which shall be built and maintained with a minimum height of 4 feet. The existing outdoor play area is enclosed with a 4-foot wrought iron fence.

4. The applicant is requesting the Specific Use Permit for a period of 20 years tied to **Cornerstone United Methodist Church**.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The site of the child care center is surrounded by residential subdivisions with the exception of an animal clinic and a dental office located further south. Given that the subject property is adjacent to Garland Avenue which is a major thoroughfare and the only street from which the property can be accessed, the traffic generated by the child care center will not impact the capacity of the local and collector streets in the surrounding residential neighborhoods. The child care center is considered a low intensity use which provides a compatible support service to the surrounding single family neighborhoods. The site and church are suitable for the child care center given the location, surrounding land use, and the facilities provided by the existing building.

Prepared By:

Josue De La Vega
Development Planner

Date: August 21, 2012

Reviewed By:

Neil Montgomery
Director of Planning

Date: August 23, 2012

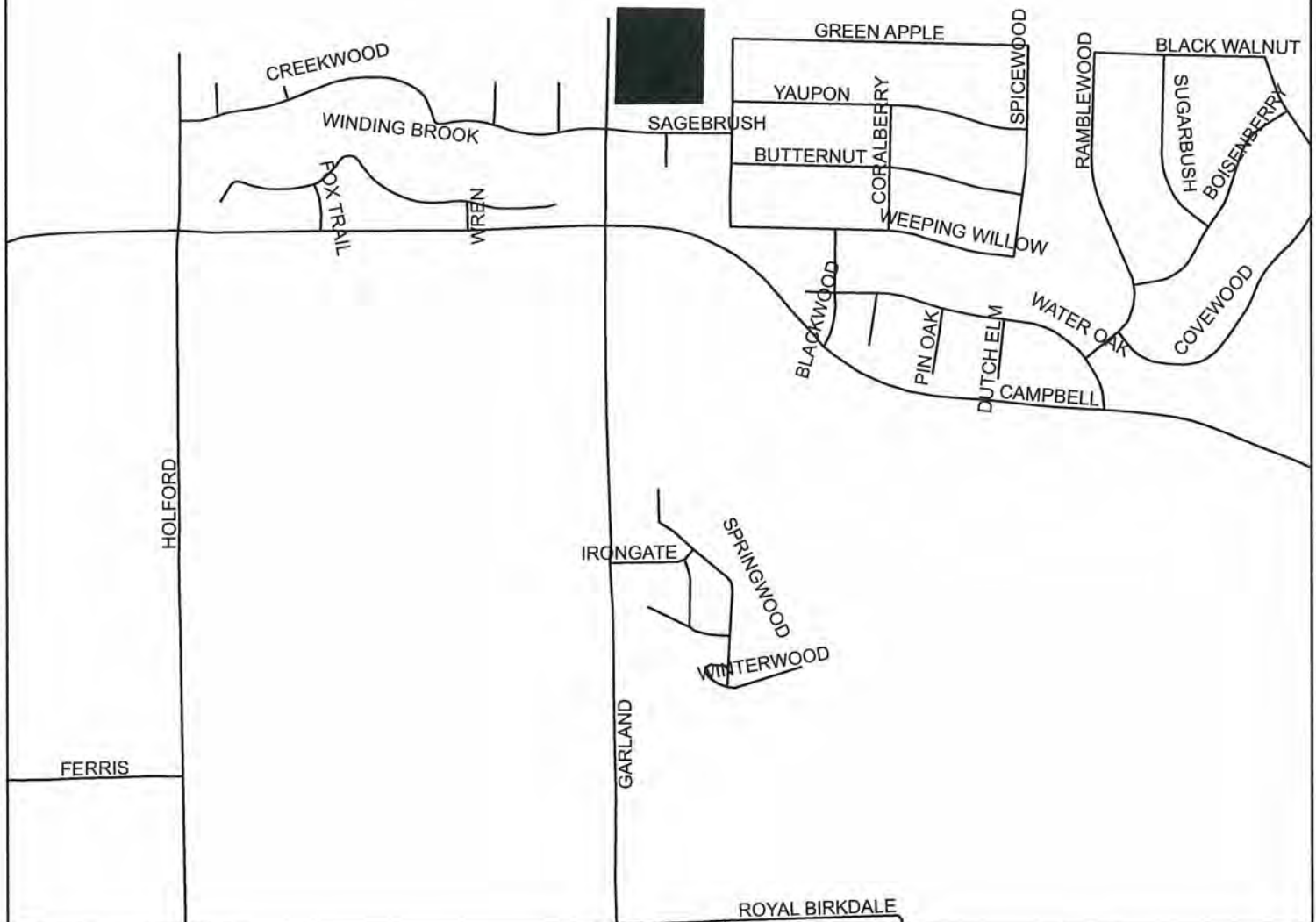
Reviewed By:

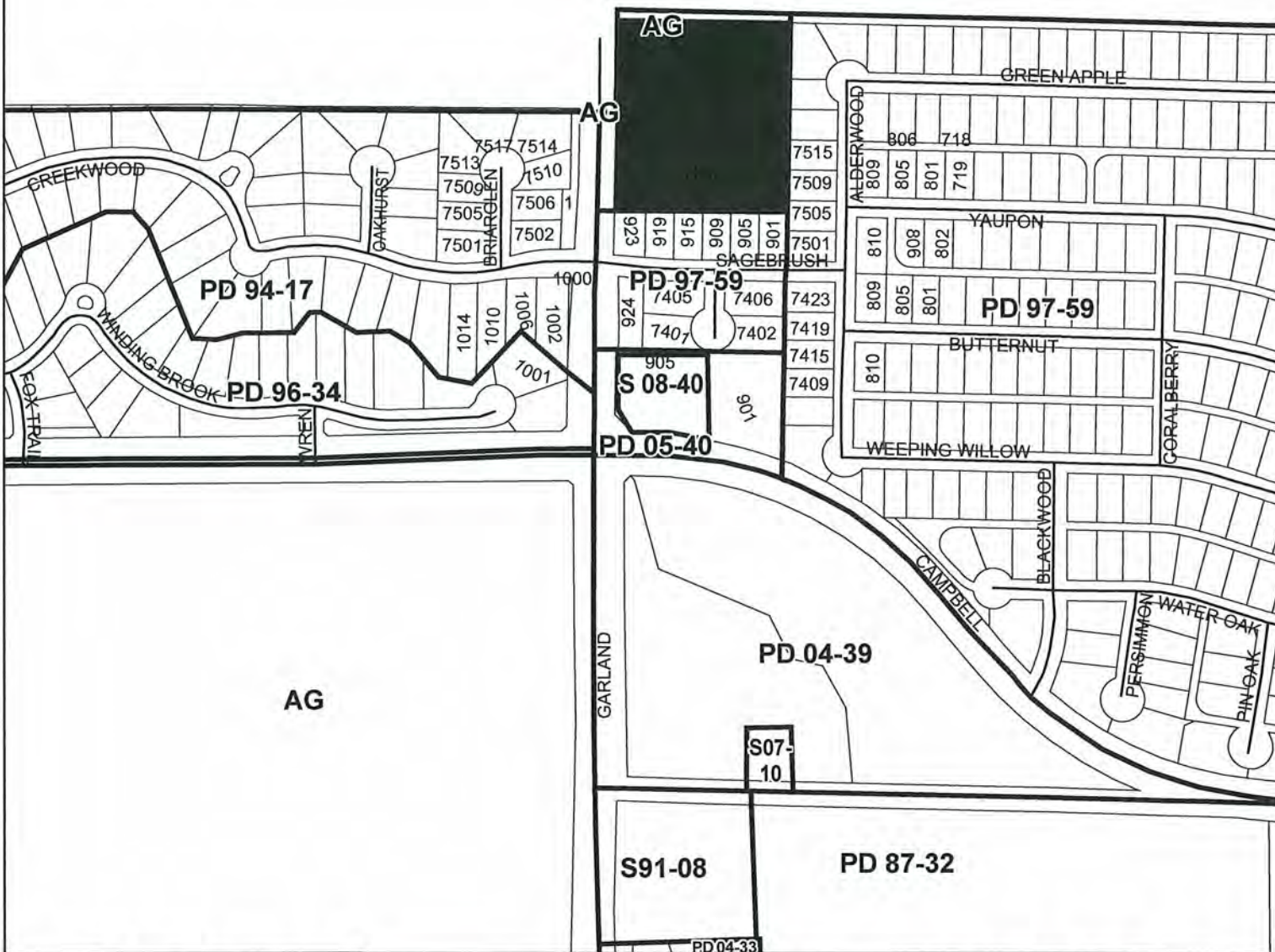
William E. Dollar
City Manager

Date: August 28, 2012



Z 12-39





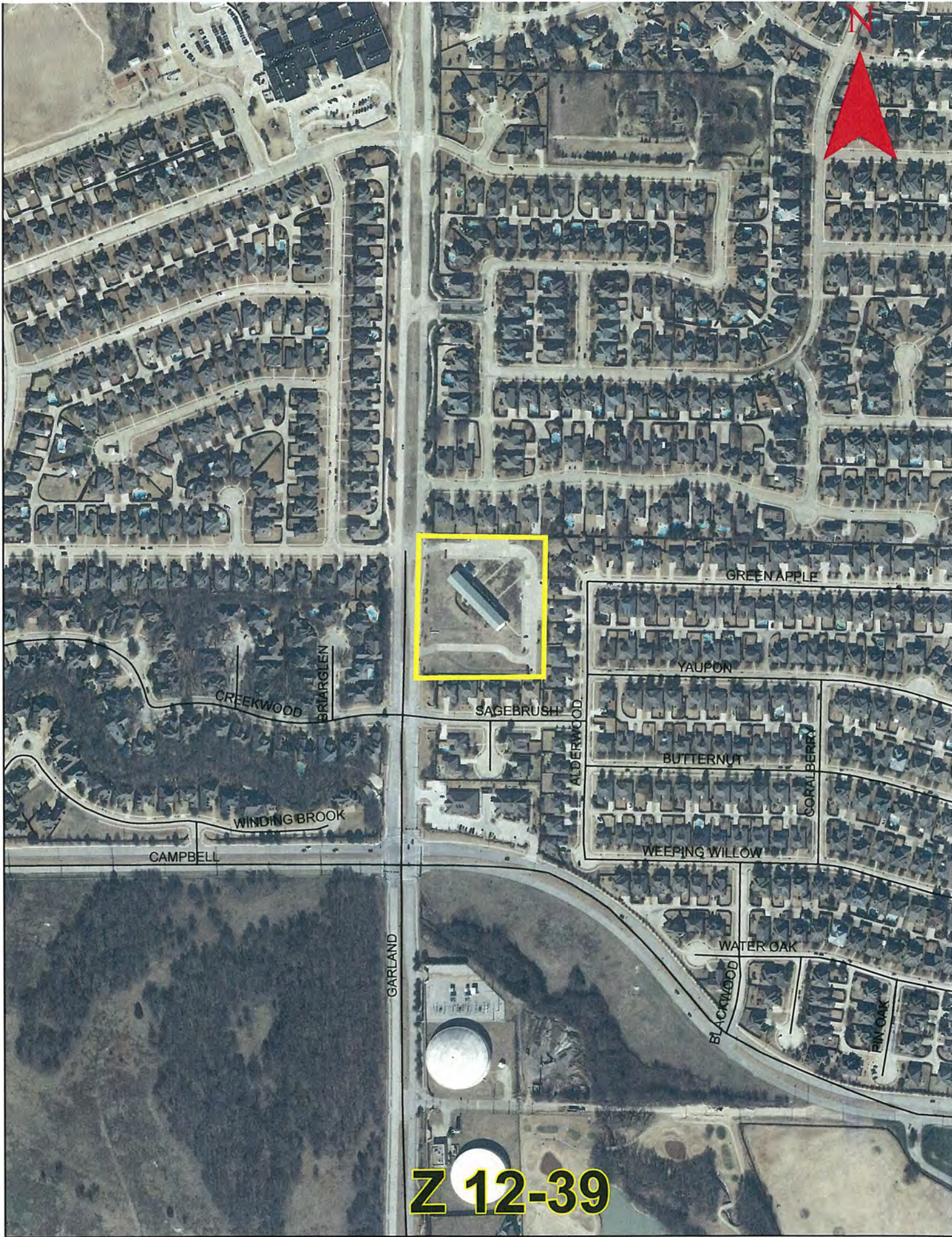
SCALE IN FEET

0 200 400 Feet

1" = 400'

INDICATES
AREA OF REQUEST

ZONING
Z 12-39



SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-39

7502 N. Garland Avenue

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a Kindergarten, Preschool or Child Care Center on the subject property.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Agriculture (AG) District set forth in Section 14, 33, and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a 20 year time period and tied to **Cornerstone United Methodist Church**.
 - B. Days and Hours of Operation: The child care center will only operate Monday through Friday from 6:00 a.m. to 6:00 p.m.
 - C. Maximum Number of Students: The maximum allowable number of students is 46.
 - D. Parking Requirement: A minimum of 5 parking spaces are required for the Child Care Center.

N. Garland Ave.

DRIVEWAY

DRIVEWAY

PARKING

Drop Off
Pick Up

PLAY
GROUND

PARKING

• 87 Parking Spaces

1 site dimensions & sidewalk paving plan



not to a scale

REPORT & MINUTES

P.C. Meeting, August 13, 2012 (9 Members Present)

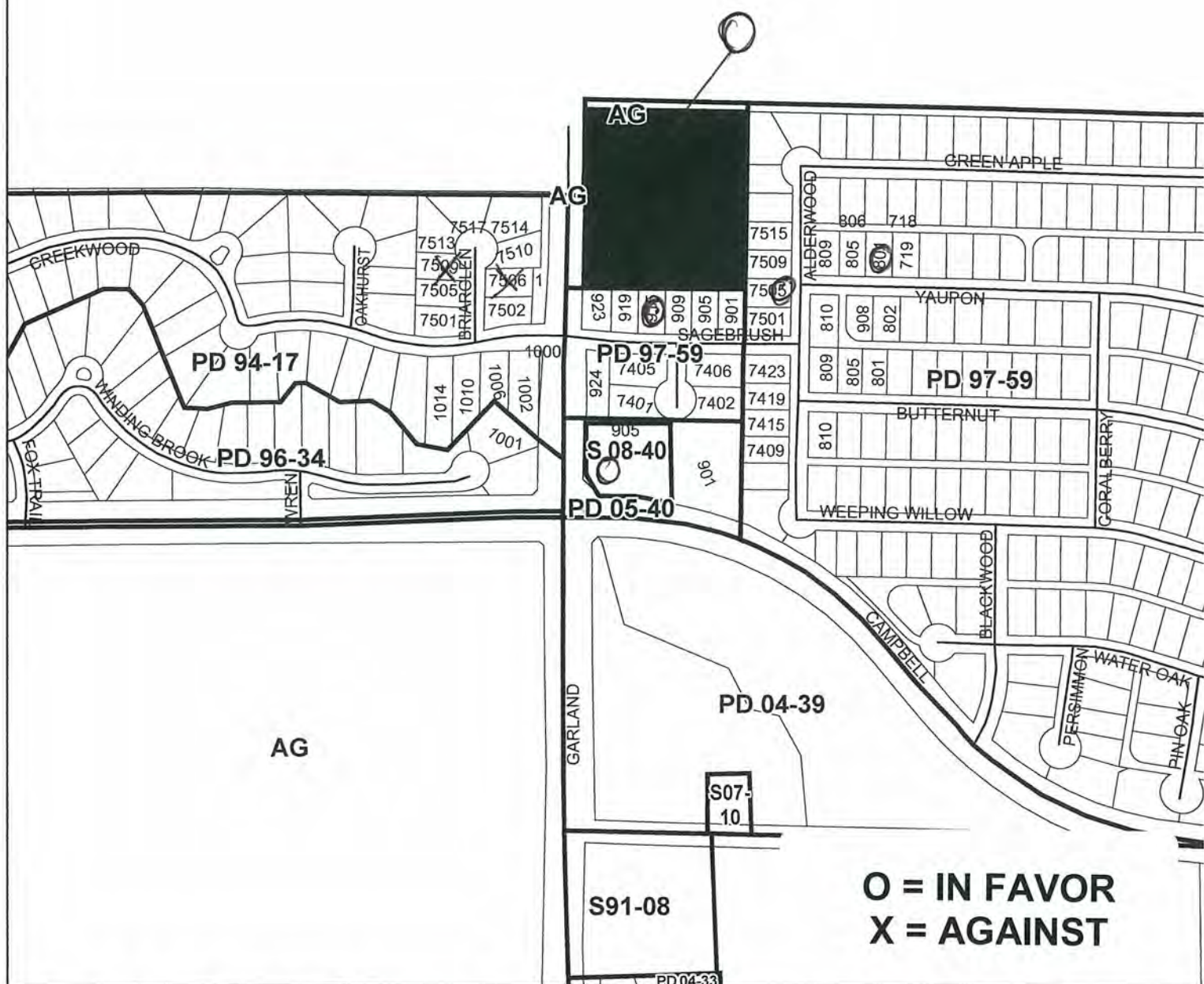
Consideration of the application of Cornerstone United Methodist Church, requesting approval of a Specific Use Permit for Child Care Center on property zoned Agriculture (AG) District. The property is located at 7502 North Garland Avenue. (File 12-39)

Representing the applicant and available for questions was the Director, Anna England, 7502 N Garland Ave, Garland.

Terry Blair, 7509 Briarglen Court, Garland, a nearby resident, had questions regarding the number of students that would be allowed and how this might affect traffic in the area.

The child care center would continue to operate as they are currently. They have 40 students and are licensed by the state for a maximum of 46.

Motion was made by Commissioner Luckie, seconded by Commissioner LeMay to **approve** the Specific Use Permit for a period of 20 years tied to Cornerstone United Methodist Church as recommended by staff. **Motion carried: 9 Ayes, 0 Nays.**



O = IN FAVOR
X = AGAINST

SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES
AREA OF REQUEST

ZONING
Z 12-39



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Cornerstone United Methodist Church

File Z 12-39

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Cornerstone United Methodist Church** requesting approval of a Specific Use Permit for Child Care Center on property zoned Agriculture (AG) District and in the IH 190 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 4.42-acre parcel shown as Lot 1 Block 1 of Cornerstone United Methodist Church Addition, an addition to the City of Garland. The property is located at 7502 N. Garland Avenue. (District 1)

Note: The applicant requests approval of a Specific Use Permit to operate a child care center within a church building.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

Michelle Runyan

Printed Name

801 YANPON DR GARLAND, TX

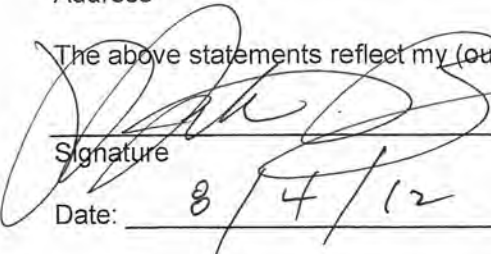
Address

City, State

75044

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).


Signature

Title

Date: 8/4/12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Cornerstone United Methodist Church

File Z 12-39

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Cornerstone United Methodist Church** requesting approval of a Specific Use Permit for Child Care Center on property zoned Agriculture (AG) District and in the IH 190 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 4.42-acre parcel shown as Lot 1 Block 1 of Cornerstone United Methodist Church Addition, an addition to the City of Garland. The property is located at 7502 N. Garland Avenue. (District 1)

Note: The applicant requests approval of a Specific Use Permit to operate a child care center within a church building.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

Campbell Park Animal Hospital Inc
Printed Name
905 W. Campbell Rd Garland TX 75044
Address City, State Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Donald W. Brubaker Sr. Owner / Hospital Director
Signature Title

Date: 8/7/12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Cornerstone United Methodist Church

File Z 12-39

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Cornerstone United Methodist Church** requesting approval of a Specific Use Permit for Child Care Center on property zoned Agriculture (AG) District and in the IH 190 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 4.42-acre parcel shown as Lot 1 Block 1 of Cornerstone United Methodist Church Addition, an addition to the City of Garland. The property is located at 7502 N. Garland Avenue. (District 1)

Note: The applicant requests approval of a Specific Use Permit to operate a child care center within a church building.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☐ I am in favor of the request.

☒ ~~I am~~ ^{WE ARE} opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

Child Care Center? Will this be a separate entity? Or in the present church Building? What are the specifics? Like size, location? How many children are there now? How many is this being proposed for?

(Please complete the following information)

Your Property Address

DOLORES CONKLIN BLAIR & TERRY LEE BLAIR

Printed Name

7509 BRIARGLEN COURT

GARLAND TX.

75044

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Dolores Conklin Blair
Signature

Terry Lee Blair
Title

Date: August 6, 2012

HOMEOWNERS

Parents picking up children ^{in vehicles} will cause Traffic noise & Backups on N. Garland & Campbell. What about child noise? Large number of children can create a lot of noise.



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Cornerstone United Methodist Church

File Z 12-39

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, August 13, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Cornerstone United Methodist Church** requesting approval of a Specific Use Permit for Child Care Center on property zoned Agriculture (AG) District and in the IH 190 Overlay District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 4.42-acre parcel shown as Lot 1 Block 1 of Cornerstone United Methodist Church Addition, an addition to the City of Garland. The property is located at 7502 N. Garland Avenue. (District 1)

Note: The applicant requests approval of a Specific Use Permit to operate a child care center within a church building.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below

- concerned about added traffic, noise & back up on N Garland
- concerned about added noise from playground as our house backs directly to the church. I'm a teacher w/ 4 kids, but we bought this house for peace & quiet & playground noise will be unpleasant after 85 hrs w/ kids all day

Your Property Address

Printed Name

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Date:

working & unable to make meeting could you email our HOA Pres.

oaks at stone creek hoo@yahoo.com
oaks at stone creek hoo@gmail.com

Scott & Shelby Craft

1506 Brianglen Court Garland TX 75044

8-8-12

Homeowners directly facing church across N. Garland in Oaks at Stone Creek



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Cornerstone United Methodist Church

File Z 12-39

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(Please Check One Below)



I am in favor of the request.

_____ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

Printed Name

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Title

Date:

Susan Moore
7505 Briarglen Garland Tx 75044
Susan Moore Owner
8-7-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

(Please complete the following information)

Your Property Address

Printed Name

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Title

Date:

(7500 N. Garland)
915 N. Jupiter Rd, Garland 75042

Tung Oh Kim

[Signature]

pastor

8-10-12



GARLAND

August 2, 2012

CITY OF GARLAND
PLANNING DEPARTMENT
P.O. BOX 469002
GARLAND, TX 75046-9002

HEARING DATE/TIME: Plan Commission: August 13, 2012 – 7:00 PM

APPLICANT: Cornerstone United Methodist Church

File Z 12-39

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Please include any comments you wish to provide supporting your position in the space provided below.

The church building can benefit for parents looking for a place to watch and take care of their child while they're busy

(Please complete the following information)

Your Property Address

915 Sagebrush Trl

Printed Name

~~Joshua De~~ Anh-Hung Le

Garland, TX

75044

Address

City, State

Zip

The above statements reflect my (our) opinion regarding the proposed request(s).

Signature

Mr.

Title

Date: 8/19/12



City Council Item Summary Sheet

☐ Work Session

☒ Agenda Item

Date: September 4, 2012

Boards and Commissions

Summary of Request/Problem

Council is requested to consider appointments to Boards and Commissions.

Recommendation/Action Requested and Justification

Submitted By:

Approved By:

William E. Dollar
City Manager

GARLAND

Board & Commission Application

Please Print or Type. **PLEASE DO NOT SEND RESUME.**

Return completed application to: City Secretary's Office, 200 North Fifth Street, Garland, Texas 75040

Board or Commission of first, second, and third choice: (Utility Advisory Board has a separate application)

☐ Board of Adjustment

☐ Building and Fire Codes Board

☐ Citizens Environmental and Neighborhood Advisory Committee

☒ Community Multicultural Commission

☐ Electrical Board

☐ Garland Cultural Arts Commission

☒ Garland Youth Council

☐ Housing Standards Board

☒ Library Board

☐ Parks and Recreation Board

☐ Plan Commission *

☐ Plumbing and Mechanical Codes Board

☒ Senior Citizens Advisory Committee

CITY OF GARLAND
RECEIVED

JUN 13 2012

CITY SECRETARY

Full Name: MANJULA (manju) SHRIVASTAVA

Home Address: 2427 CENTAURUS DR Bus. Address: _____

City, State, Zip: GARLAND

City, State, Zip: TX 75044 (75044)

Home Phone: 972-495-0868

Phone (Other): mobile - 972-900-4828

Email Address: Manjush_1@yahoo.com

"manjush_1@yahoo.com"

Resident of Garland for 34 years

Resident of Texas for 36 years

Are you a registered voter in Dallas County? ☒ Yes ☐ No

Voter Registration No. 1081160000 Precinct No. _____ City Council District No. 7

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.

I am citizen of Garland for 34 yrs, familiar with some of rules & regulations. I am using library, paying taxes. I was providing CPR class free for Garland residents. I care for senior citizens & help lot of old people.

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

I am sorry, never served as a board, but I would like to serve now.

I attended multicultural meetings.

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

What is your educational background?

I am master in science in Nursing (MSN), Nursing Teacher

What is your occupational experience?

Nursing. I am assistant professor in college of Nursing (TWH) in Texas women's university

* Plan Commission members must own property within the city.

I hereby affirm that all statements herein are true and correct.

Manjula Shrivastava
Signature of Applicant

FOR OFFICE USE ONLY

Ad Valorem Tax Status

Current ☒

Past Due ☐

Status of Utility Accounts

Current ☒

Past Due ☐

Suit/Claim Filed in City Secretary's Office

Yes ☐

No ☒

Date Appointed _____

Appointed By Williams

Date Notified _____

Date Disclosure Form Filed _____

Signatures
[Signature] Tax Clerk
[Signature] Accounting Clerk
[Signature] City Secretary