

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
200 North Fifth Street
Garland, Texas
May 21, 2013
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) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. BRAILLE 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
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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 May 7, 2013 Regular Meeting.

2. Consider approval of the following bids:

a. City of Garland Summer Food Service Program Bid No. 3401-13

PepsiCo Food Service \$177,443.25

This request is to provide meal service for the City of Garland's Summer Food Service Program.

b. Scaffolding Services Bid No. 3495-13

Safeway Services \$150,000.00

This request is to provide scaffolding services on an as-needed basis for system maintenance on plant equipment at the Olinger and Spencer Power Plants.

c. Steel Structures – 138kV Nevada Switchyard Bid No. 3504-13
Construction

Stuart Irby \$254,950.00

This request is for the purchase of steel structures required for construction of the 138 kV Nevada Switchyard.

d. Rosehill Road Distribution System Improvements **Bid No. 3510-13**

Tri-Con Services	\$425,000.00
Contingency	<u>43,000.00</u>
TOTAL	<u>\$468,000.00</u>

This request is to provide system improvements to the Rosehill distribution line, including the installation of three manholes, 350' of 30" steel casing bore under IH-30, and approximately 1,700' of 6" line duct work.

e. Bunker Renovations for Firewheel Golf Park **Bid No. 3518-13**

Fleetwood Services, LLC	\$165,000.00
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This request is to provide for the complete renovation of bunkers on the 18-hole Lakes Course at Firewheel Golf Park.

f. City Hall Uninterrupted Power Supply Replacement **Bid No. 3566-13**

Hill & Wilkinson General Contractors	\$851,502.00
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This request is for a Guaranteed Maximum Price for Construction Manager at Risk Services for the City Hall Uninterrupted Replacement and Electric Service Upgrade package.

g. Environmental Waste Services and Landfill Trucks **Bid No. 3568-13**

Crane Carrier	\$241,916.00
Heil of Texas	213,286.00
Bond Equipment Company, Inc.	165,192.00
Southwest International Trucks, Inc.	154,773.89
Freightliner Group, LLC	<u>139,836.00</u>
TOTAL	<u>\$915,003.89</u>

This request is for the purchase of six replacement cab and chassis with various bodies to be used by the Environmental Waste Services Delivery and Environmental Waste Services Disposal (Landfill) Departments in their daily operations.

3. **A public hearing was previously conducted for the following zoning case. Council approved the request and instructed staff to bring forth the following ordinance for consideration.**

Zoning File No. 13-6, Atlantic Hotels

Consider an ordinance amending the zoning laws of the City of Garland by approving an amendment to Planned Development (PD) 08-26 for Freeway Uses and an amended Detail Plan on 2.569-acre tract of land located at 4412 Bass Pro Drive.

4. **Consider a resolution approving the Park, Recreation & Cultural Arts Department's update of the department's Development Guidelines and the priority needs for future park system physical improvements.**

At the May 6, 2013 Work Session, Council considered a recommendation by the Park and Recreation Board for approval of the Park, Recreation & Cultural Arts Department's update of the department's Development Guidelines and the priority needs for future park system improvements.

5. **Consider a resolution approving and funding the 2013 – Cycle 1 Neighborhood Vitality Matching Grants Projects.**

At the May 6, 2013 Work Session, Council considered recommendations from the Community Services Committee and Staff for approval of six Neighborhood Vitality Grant applications.

6. **Consider a resolution authorizing the Mayor to sell City-owned property located at 1113 Mill River Drive and execute a deed without warranty conveying the property to Crackpot Realty, LLC.**

At the May 6, 2013 Work Session, Council considered authorizing the sale of residential property at 1113 Mill River Drive to Crackpot Realty, LLC for \$20,000. This property was struck off to the City of Garland pursuant to delinquent taxes.

7. **Consider a resolution authorizing the Mayor to sell the City-owned property located at 5706 Marina Drive, Unit 3, Building A, to Dr. Robert Milstein.**

At the May 6, 2013 Work Session, Council considered authorizing the sale of residential property at 5706 Marina, Unit 3, Building A, to Dr. Robert Milstein for \$28,500. This property was struck off to the City of Garland pursuant to delinquent taxes.

- 8. Consider an ordinance amending Section 25.04, Park Names, of the Code of Ordinances naming Central Park Field Number 5 for Don Koerner.**

At the May 6, 2013 Work Session, Council considered a recommendation by the Park and Recreation Board to name baseball field No. 5 in Central Park for a longtime youth baseball volunteer, Don Koerner.

- 9. Consider approval by minute action authorizing the Mayor to execute an amendment to the Function Space License Agreement with Harbor Point Hotels, L.L.C. (Atlantic Hotels, Ltd.)**

At the May 6, 2013 Work Session, Council considered amending the Function Space License Agreement with Harbor Point Hotels, L.L.C. (Atlantic Hotel, Ltd.) for the development of a Holiday Inn Express Hotel on I-30 within the Harbor Point Development and entering into a shared parking agreement.

- 10. Consider an ordinance amending Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland; repealing Sec. 30.198 of Chapter 30, "Building Inspection" of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland.**

At the May 6, 2013 Work Session, the Administrative Services Committee recommended that Council consider a new ordinance that addresses distribution boxes and stands for advertising brochures and newspapers.

- 11. Consider approval by minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$63,700 to the Guaranteed Maximum Price contract with Hill & Wilkinson General Contractors.**

At the May 20, 2013 Work Session, Council was scheduled to consider Change Order No. 1 in the amount of \$63,700 to the Guaranteed Maximum Price contract with Hill & Wilkinson General Contractors for the "Heritage Park Relocations and Southwest Quadrant of Walnut Pedestrian Corridor". This change order will provide the temporary relocation of the Lyles and Pace Houses in order to provide an opportunity to explore additional options for the disposition of the houses.

- 12. Consider approval by minute action authorizing the Mayor to execute a Special Warranty Deed conveying title of undeveloped property for use as a utility easement adjacent to 1234 Rowlett Road owned by James L. and Lana J. Benson to the City of Garland.**

A new aerial 13.2 kV electrical distribution line is proposed along Country Club Road from the Rosehill Substation to a tie in point located north of Rowlett Road. A seven-foot wide electrical utility easement is needed for line construction at undeveloped property owned by James and Lana Benson adjacent to 1234 Rowlett Road. In lieu of monetary compensation, the Bensons requested that the City exchange existing excess Country Club Road right-of-way adjacent to 1234 Rowlett Road for the requested easement. This item was scheduled for Council consideration at the May 20, 2013 Work Session.

- 13. Consider a resolution approving the sale of designated tax foreclosed real property, 212 Southwood, to Habitat for Humanity; authorizing a deed conveying the property to the buyer.**

At the May 20, 2013 Work Session, Council was scheduled to consider the sale of a single-family home located at 212 Southwood that was struck off to the City of Garland pursuant to delinquent taxes. The deteriorated structure was a health and safety concern and was demolished by the City. Habitat for Humanity has offered to purchase this lot for \$15,000, which is the same as the current market value.

- 14. Consider approval by minute action authorizing the City Manager to execute a change order with Advanced Communications in the amount of \$32,331.00.**

At the May 20, 2013 Work Session, Council was scheduled to consider a Change Order in the amount of \$32,331 to the original contract with Advanced Communications. During the fiber expansion project, it was discovered that there was no path for fiber through the Centerville and First Street intersection. A path is needed in order to provide fiber network connectivity to Fire Station No. 9 and signalized intersections located at Centerville Road and First Street, Centerville Road at Glenbrook Drive and Center Road at O'Banion.

- 15. Consider an ordinance amending Chapter 21, "Fire Prevention and Protection" and Chapter 30, "Building Inspection" of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland.**

At the May 6, 2013 Work Session, Council considered modifying Section R319.1 of the 2009 International Residential Code and Section 505.1 of the 2009 International Fire Code dealing with street address number requirements. The Codes need to be modified to eliminate conflicting requirements.

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.

16. Hold a public hearing and consider the following regarding an economic incentive agreement for Sundance Behavioral Healthcare.
 - a. Consider an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain finding thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone.
 - b. Consider an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2302, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, nominating RCR Healthcare, LLC (Sundance Behavioral Healthcare) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank as an enterprise project.
 - c. Consider a resolution authorizing the City Manager to execute a tax abatement agreement.

Sundance Behavioral Healthcare is planning to invest over \$15 million to purchase and remodel Vista Hospital, a vacant building for the past two years that is located at 2696 W. Walnut Street. This project is estimated to create 100 jobs and add \$9.1 million in Real Estate value and \$150,000 in Business Personal Property value. At the May 6, 2013 Work Session, the Garland Economic Development Partnership recommended that Council provide the following: 1) general support for the project, 2) support of the SUP request and expedited permit process, 3) support of a 50% City Tax Abatement on incremental Real Estate value and Business Personal Property value for five years - \$162,939, 4) nomination of Texas Enterprise Zone - \$250,000, 5) waiver of development permits - \$14,000, and 6) support of Workforce Skills Development Fund Training Grant - \$142,000.

- 17. Consider an ordinance canvassing the results of the General Election held for the purpose of electing candidates to the Office of the City Council of the City of Garland, Texas for an election having been held on May 11, 2013; declaring the results of that election; and providing an effective date.**

Formal canvassing of the returns and declaring results of the May 11, 2013 General Election held for the purpose of electing candidates to the Office of the City Council of the City of Garland for Mayor, Council Member Districts 3, 6, 7, and 8 will be conducted.

Conduct the Swearing In of Mayor and Council Members for Districts 3, 6, 7, 8.

- 18. Hold a public hearing on the following zoning case:**

Consider the application of North Garland Children's Childcare & Academy, requesting approval of a Specific Use Permit for Child Care Center on property zoned Single Family (SF/10/C/3) District. The property is located at 5840 North Garland Avenue. (File 13-18)

The proposal is for the approval of a Specific Use Permit for operating a daycare within an existing church building. At the April 22, 2013 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the Specific Use Permit for a term of 15 years tied to North Garland Children's Childcare & Academy as recommended by staff.

- 19. 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.

- 20. Adjourn.**

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

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, May 7, 2013, in the Council Chambers at City Hall with the following members present:

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

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

CALL TO ORDER: The meeting was called to order by Mayor Ronald Jones. Mayor Pro Tem John Willis led the Invocation. Girl Scout Troop No. 8724 led the Pledge of Allegiance. Mayor Jones also recognized visiting Boy Scout Troop No. 440.

CEREMONIALS: Mayor Jones introduced Brad Griggs, President of the Texas Recreation & Park Society recognizing the City of Garland Parks Recreation & Cultural Arts Departments for state-wide awards received at the recent Texas Recreation & Park Society Annual Institute. Mayor Jones provided special recognition to City of Garland Neighborhood Vitality Manager Felisa Conner for providing excellent service to Garland Neighborhoods. Mayor Jones offered a proclamation declaring May as Asian American Heritage Month in the City of Garland

CONSENT AGENDA: The following items were pulled from the Consent Agenda: 2b; 9; and 13.

All items marked with asterisks (**) on the Consent Agenda were voted on in a single motion at the beginning of the meeting. A motion was made by Mayor Pro Tem Willis, seconded by Councilwoman Dodson, to approve Items: 1; 2a; 2c; 2d; 2e; 2f; 2g; 2h; 2i; 2j; 2k; 2l; 3a; 3b; 3c; 3d; 4; 5; 6a; 6b; 6c; 7; 8; 10; 11; and 12 as presented. A vote was cast and the motion carried with 9 Ayes; 0 Nays.

1. Approved** City Council Meeting minutes of the April 16, 2013 Regular Meeting.

- 2a. Approved** Award of Bid No. 3233-13 to MPI Architects in the amount of \$186,800.00 for a professional services contract for the design of renovations and expansion to the Rowlett Creek Wastewater Treatment Plant Operations Center.
- 2c. Approved** Award of Bid No. 2715-12 to Cascade Engineering in the amount of \$625,946.60 for the purchase of 12,500 automated recycling containers for Phase II of the Environmental Waste Services Residential Automated Collection Single Stream Recycling Program.
- 2d. Approved** Award of Bid No. 3342-13 to L.D. Kemp, Inc. in the amount of \$2,378,667.58 with a contingency amount of \$356,800.14 for a total amount of \$2,735,467.72 for the excavation and construction of the 17-acre cell #6 for waste disposal at the Hinton Landfill.
- 2e. Approved** Award of Bid No. 3351-13 to United Mechanical (Primary) in the amount of \$250,000.00 and Berger Engineering (Secondary) in the amount of \$150,000.00 for a total amount of \$400,000.00 to provide HVAC maintenance, repair, and replacement services throughout the City on an as-needed basis.
- 2f. Approved** Award of Bid No. 3429-13 to Concord Commercial Services, Inc. in the amount of \$250,000.00 to provide plumbing maintenance, repair, and replacement services throughout the City on an as-needed bases.
- 2g. Approved** Award of Bid No. 3465-13 to John Burns Construction Co., Inc. in the amount of \$897,019.00 for the removal of the Club Creek Lift Station and construction of approximately 4,211 linear feet of sanitary sewer to connect to the Windridge Lift Station. Lyons II improvements consist of upgrading approximately 2,940 linear feet of existing sanitary sewer mains.
- 2h. Approved** Award of Bid No. 3474-13 to Techline, Inc. in the amount of \$214,612.23 with a contingency amount of \$25,000.00 for a total amount of \$239,612.23 for the purchase of three galvanized steel transmission monopoles and associated apparatus required for the 138kV transmission line connection to the Nevada Substation.
- 2i. Approved** Award of bid No. 3534-13 to Williams Scotsman, Inc. in the amount of \$112,000.00 for the purchase of a modular office

system for the GIS and Workforce Management groups of Garland Power & Light.

2j.Approved**

Award of Bid No. 3546-13 to Dell Marketing, LP in the amount of \$393,117.02 for the renewal of the ongoing Microsoft Enterprise Agreement as required for the City's use of Microsoft products.

2k.Approved**

Award of Bid No. 3553-13 to Dell Marketing in the amount of \$135,502.20 for the replacement of aged computers that are used by Garland Power & Light's mobile workforce.

2l.Approved**

Award of Bid No. 3483-13 to System 3, Inc. in the amount of \$1,453,757.83 with a contingency fee of \$220,000.00 for a total amount of \$1,673,757.83 to provide the necessary labor, equipment, and materials for the construction of the Nevada 138kV Switchyard Upgrade.

3a.Approved**

Ordinance No. 6604 amending the zoning laws of the City of Garland by approving a change in zoning from Planned Development (PD) District 70-52 for Apartments, Retail and Townhomes to a Planned Development (PD) District for Single Family Uses and a Concept Plan on a 38.34-acre tract of land located north of East Miller Road and east of East Centerville Road. (Zoning File No. 13-01, Douglas Properties, Inc.)

3b.Approved**

Ordinance No. 6605 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Contractor Equipment and Storage on a 0.278-acre tract of land zoned Commercial 2 (C-2) District located at 3120 Denton Drive. (Zoning File No. 13-11, Vincent de Jesus)

3c.Approved**

Ordinance No. 6606 amending the zoning laws of the City of Garland by approving a Specific Use Permit for Medical Office/Clinic on a 2.40-acre of land zoned Industrial 1 (I-1) District located at 900 North Shiloh Road. (Zoning File No. 13-12, CBRE Healthcare Services)

3d.Approved**

Ordinance No. 6607 amending the zoning laws of the City of Garland by approving a change in zoning from Planned Development (PD) District 06-79 for Freeway Uses to a Planned Development for Multi-family Uses (Independent Living Facility) and a Concept Plan on a 4.00-acre tract of land located within the 5100 block of North George Bush Highway, west of 5101 North George Bush Highway. (Zoning File No. 13-14, Firewheel Welcome, Ltd.)

4. Approved** Resolution No. 10101 adopting the Forest Jupiter Transit-Oriented Redevelopment Plan.
5. Approved** Resolution No. 10102 authorizing the Mayor to execute deeds without warranty, bills of sale, assignments of easements and other documents necessary to the conveyance of certain electric transmission facilities to the City of Bryan, Texas and Brazos Electric Power Cooperative.
- 6a. Approved** Ordinance No. 6608 authorizing the issuance of “City of Garland, Texas Water and Sewer System Revenue Refunding and Improvement Bonds, Series 2013”, pledging net revenues of the City’s Water and Sewer System to the security of and the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Special Escrow Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement.
- 6b. Approved** Ordinance No. 6609 authorizing the issuance of “City of Garland, Texas, General Obligation Refunding Bonds, Series 2013”; specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; providing for the redemption of certain outstanding obligations of the City; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and an Escrow Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement.
- 6c. Approved** Ordinance No. 6610 authorizing the issuance of “City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, Series 2013”, pledging the net revenues of the City’s electric utility system to the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Special Escrow Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement.

7. Approved** Ordinance No. 6611 authorizing the issuance of “City of Garland, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013”; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City’s Water and Sewer System; providing the terms and conditions of such payment, security, sale and delivery of said certificates of obligation, including the approval and execution of a Payment Agent/Registrar Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto.
8. Approved** Approve by minute action authorizing the City Manager to execute an earnest money contract Funding for a new water storage tower was included in the approved 2013 Capital Improvement Program as part of the West Pressure Plane project. Acquisition of the property at 2200 McCree Road is required before the design can be started for the tank construction. After preliminary negotiations, the City and property owner agreed to a land value of \$4.94 per square foot of property. The exact size of parcel is yet to be determined, but is expected to be approximately 54,000 square feet for a total of \$266,700.
10. Approved** Approve by minute action authorizing the City Manager to execute a change order to VAI Architects, Inc. At the April 15, 2013 Work Session, Council considered authorizing a change order in the amount of \$261,800 for additional services with VAI Architects, Inc. for the design of additional site improvements for the City Center Project.
11. Approved** Resolution No. 10103 adopting and approving the Consolidated Plan – One Year Plan of Action including a revised Statement of Uses of Funds for the 2013-14 Community Development Block Grant, HOME Investment Partnership and Emergency Solutions Grant Programs.
12. Approved ** Resolution No. 10104 authorizing the acceptance of a Texas Department of Transportation Selective Traffic Enforcement Program – Click It or Ticket It Grant in the amount of \$8,999.92.

ITEMS FOR INDIVIDUAL CONSIDERATION:

2b. Approved

Approve Award of Bid No. 3537-13 to Hill & Wilkinson General Contractors in the amount of \$1,528,308.80 for a guaranteed maximum price contract for Construction Manager at Risk services for Heritage Park relocation and the southwest quadrant of Walnut pedestrian corridor as part of the Downtown redevelopment project.

Martin Glenn provided background information regarding the proposed bid award.

The following persons registered a position related to the item: Brenda Gardner; David Gardner; Jackie Mumaw; Ron Leslie; Barb Stauffer; Betty Edwards; Ann McCuen; Margaret Lancaster; Kay Moore; Scala Byers; Joann Nelson; Paul Nelson; and Janice Black. The following persons provided public comment: Roberts Smith; Jessica Acosta; Ted Mumaw; Jerry Flook; Louis Moore; Annie Dickson; Cleo Holdon; and Mike Hayslip.

Recess

City Council recessed at 9:12 p.m.

Reconvene

City council reconvened at 9:26 p.m.

Councilwoman Goebel made a motion, seconded by Mayor Pro Tem Edwards, to approve the contract as presented. Discussion was held among Councilmembers. Councilman Campbell moved to amend the motion to approve the contract and direct the City Manager to deliver a change order with a plan for salvage of the Pace and Lyles historic homes at the next City Council meeting. Councilman Campbell withdrew the motion to amend. Councilman Cahill, seconded by Councilwoman Dodson, made a motion to approve the award of Bid No. 3537-13 to Hill & Wilkinson General Contractors in the amount of \$1,528,308.80 for a Guaranteed Maximum Price contract for Construction Manager at Risk services for the Heritage Park relocation and the quadrant of Walnut pedestrian corridor as part of the Downtown redevelopment project with the stipulation that the City Manager not permit demolition of the Lyles and Pace homes houses but instead make arrangements for the salvage and temporary storage of the homes until a future change order is approved and arrangements for the homes are finalized. A vote was cast and the motion carried with 9 ayes, 0 nays.

9. Approved

Councilwoman Dodson made a motion, seconded by Councilman Cahill, to establish a penalty of \$75 for each

violation for proposed ordinance No. 6612. A vote was cast and the motion carried with 9 ayes, 0 nays.

Approved 2nd Motion

Councilwoman Dodson made a motion, seconded by Councilwoman Dodson, to approve Ordinance No. 6612 amending Chapter 33, "Transportation," and Chapter 24, "Municipal Court and Administrative Adjudication" of the Code of Ordinances of the City of Garland providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland

13. Approved

Councilman R. Williams made a motion, seconded by Mayor Pro Tem Edwards, to not authorize the City Manager to enter into a Consultation Services Retainer Agreement with Dean International, Inc. for transportation consulting services. A vote was cast. The motion failed with 1 aye, 8 nays (Jones; Willis; Edwards; Campbell; Goebel; B.J. Williams; Dodson; and Cahill).

The following persons spoke regarding the item: Gail Belton; and Claud George. The following person registered a position: Lucian Giambasu.

Mayor Pro Tem Willis made a motion, seconded by Councilwoman Lori Dodson, to approve by minute action authorizing the City Manager to enter into a Consultation Services Retainer Agreement with Dean International, Inc. for transportation consulting services as clarified by the City Attorney.

Councilman B.J. Williams offered a motion to amend as reflected the changes noted in paragraph five on the handout. The motion to amend died on the floor due to lack of a second. A vote was cast on the original motion. The motion to approve by minute action authorizing the City Manager to enter into a Consultation Services Retainer Agreement with Dean International, Inc. for transportation consulting services as clarified by the City Attorney carried with 8 ayes, 0 nays (R.Williams).

14. Appointment

Councilman R. Williams nominated Don Gardner to represent Garland on the North Texas Municipal Water District Board of Directors for reappointment of a two-year term from June 1, 2013 – May 31, 2015. A vote was cast and the motion carried with 9 ayes and 0 nays.

15. Held & Approved

Mayor Jones opened the public hearing to hear the application of Atlantic Hotels, Ltd, requesting approval of 1) amendments to Planned Development (PD) District 08-26) an amended Detail Plan, and 3) a shared offsite parking agreement. The property is located at 4412 Bass Pro Drive (Zoning File-13-16)

Assistant Director of Planning Anita Russelmann provided background information regarding the application. The following persons spoke during the public hearing: Richard King, Applicant; and Shannon Phillips.

Mayor Pro Tem Edwards made a motion, seconded by Councilwoman Anita Goebel, to approve the application as recommended by the Plan Commission at the April 8, 2013 Meeting and direct staff to bring forth an ordinance for formal consideration with a provision for a variance for 5 parking spaces. A vote was cast and the motion carried with 9 ayes, 0 nays.

16. Citizen Comments

None.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 11:03 p.m.

CITY OF GARLAND

Signed:

Mayor Ronald Jones

Attest:

Lisa Palomba, City Secretary



GARLAND
PURCHASING

Bid No.: 3401-13
Agenda Item: 2.a
Meeting: Council
Date: 05/21/13

Purchasing Report

CITY OF GARLAND SUMMER FOOD SERVICE PROGRAM OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this Contract is to provide meal service for the City of Garland's Summer Food Service Program (SFSP). The meal service includes breakfast at selected sites and lunch at all sites. The 2013 program will provide alternating hot and cold meals. Funding is provided through the Texas Department of Agriculture.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
PepsiCo Food Service	All	\$177,443.25
TOTAL:		\$177,443.25

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: 05/08/13

Date: 05/15/13

FINANCIAL SUMMARY:

Total Project/Account: \$	242,500
Expended/Encumbered to Date:	-0-
Balance: \$	242,500
This Item: \$	177,443
Proposed Balance: \$	65,057

Ron Tiffany	05/08/13
Budget Analyst	Date
Ron Young	05/08/13
Budget Director	Date

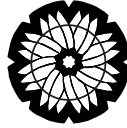
Operating Budget: ☒ CIP: ☐ Year: 2012-13

Document Location: Page 112

Account #: 826-8241-7111

Fund/Agency/Project – Description:
Summer Food Service Program

Comments:



GARLAND

PURCHASING

Executive Summary **Bid 3401-13** **City of Garland Summer Food Service Program**

Recommended Vendor:

PepsiCo Food Service

Total Recommended Award:

\$177,443.25

Basis for Award:

Straight Low Bid

Purpose:

The purpose of this contract is to provide meal service for the City of Garland's Summer Food Service Program (SFSP). The meal service includes breakfast at selected sites and lunch at all sites. The 2013 program will provide alternating hot and cold meals. Funding is provided through the Texas Department of Agriculture.

Evaluation:

Requests for bids were issued in accordance with Purchasing procedure. Three (3) bids were received and evaluated with PepsiCo Foodservice submitting the lowest offer.

Recommendation:

Staff has reviewed the qualifications and capacity of PepsiCo Foodservice and recommends awarding the SFSP contract to them.

Funding Information:

The contract is funded in account 826-8241-7111. Grant funds are based on anticipated average daily participation as submitted in the grant application to Texas Department of Agriculture.

Department Director:

Priscilla Wilson, Senior Managing Director, Human Resources, 972-205-2476
Jose Alvarado, Fair Housing / Summer Nutrition Program Administrator, 972-205-3316



GARLAND
PURCHASING

Bid No.: 3495-13
Agenda Item: 2b.
Meeting: Council
Date: 05/21/13

Purchasing Report

SCAFFOLDING SERVICES TERM CONTRACT

PURCHASE JUSTIFICATION:

The purpose of this Contract is to provide scaffolding services on an as-needed basis for system maintenance on plant equipment at the Olinger and Spencer Power Plants. This is a Term Contract with four (4) options for renewal. The quantity is estimated and may be more or less depending on actual needs. The unit pricing will remain firm for the first year. Any subsequent price increases must be justified and mutually agreed upon.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Safeway Services	All	\$150,000.00

TOTAL: \$150,000.00

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: 05/09/13

Date: 05/15/13

FINANCIAL SUMMARY:

Total Project/Account: \$ N/A

Expended/Encumbered to Date: N/A

Balance: \$ N/A

This Item: 150,000

Proposed Balance: \$ N/A

Trent Schulze 05/13/13

Budget Analyst Date

Ron Young 05/13/13

Budget Director Date

Operating Budget: ☒ CIP: ☐ Year: FY 2012-13

Document Location: Page 207

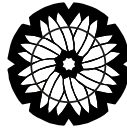
Account #: 451-6999
(Will be expensed in Orgs 3400 & 3450)

Fund/Agency/Project – Description:

Term Contract – Provide Scaffolding Services on an As-Needed Basis for System Maintenance on Plant Equipment at Olinger and Spencer Power Plants

Comments:

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



GARLAND

PURCHASING

Executive Summary **Bid 3495-13** **Term Contract for Scaffolding Services**

Recommended Vendor:

Safway Services

Total Recommended Award:

\$150,000.00

Basis for Award:

Straight Low Bid

Purpose:

The purpose of this contract is to provide scaffolding services on an as needed basis for system maintenance on plant equipment at the Olinger and Spencer Power Plants. The contract is for one (1) term with four (4) optional renewals. The terms will renew either annually or upon expenditure of funds, whichever occurs first.

Evaluation:

Requests for Bids were issued in accordance with Purchasing procedures. Although 459 bid notifications were issued, only one bid was received due to the specialized nature of the contract. Safway Services was evaluated and determined qualified to fulfill all the requirements of the contract.

Recommendation:

Staff recommends awarding the contract to Safeway Services.

Funding Information:

451-6999 Blanket Account, Funding will be appropriated to Olinger and Spencer operating accounts at invoice entry.

Department Director:

Dan Bailey, Garland Power & Light Production Director, 972-205-2203



GARLAND
PURCHASING

Bid No.: 3504-13
Agenda Item: 2c.
Meeting: Council
Date: 05/21/13

Purchasing Report

STEEL STRUCTURES – 138 kV NEVADA SWITCHYARD CONSTRUCTION OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this Contract is to purchase the steel structures required for construction of the 138 kV Nevada Switchyard. This purchase is an approved Capital Improvement project. Expenditures will not exceed appropriated funding.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Stuart Irby	All	\$254,950.00

TOTAL: \$254,950.00

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: 05/08/13

Date: 05/15/13

FINANCIAL SUMMARY:

Total Project/Account: \$	2,737,000
Expended/Encumbered to Date:	2,392,604
Balance: \$	344,396
This Item:	254,950
Proposed Balance: \$	89,446

Trent Schulze	05/13/13
Budget Analyst	Date

Ron Young	05/13/13
Budget Director	Date

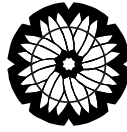
Operating Budget: ☐ CIP: ☒ Year: 2013

Document Location: Page E11

Account #: 210-3799-3175101-6051
(EC-S0751-00116051)

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

Comments:
Contract to purchase steel structures required for construction of 138 kV Nevada Switchyard.



GARLAND

PURCHASING Executive Summary Bid 3504-13

Steel Structures - 138 kV Nevada Switchyard Construction

Recommended Vendor:

Stuart Irby

Total Recommended Award:

\$254,950.00

Basis for Award:

Straight Low Bid – Vendor Lowest on all Items

Purpose:

This purpose of this contract is to purchase the steel structures required for construction of the 138 kV Nevada Switchyard.

Evaluation:

Requests for bids were issued in accordance with Purchasing Procedures. Three (3) bids were received and evaluated

Stuart Irby was selected as the straight low bid on all items.

Recommendation:

Stuart Irby is the recommended straight low bidder meeting all requirements of the specification.

Funding Information:

Nevada Substation Project CIP 210-3799-3175101-7111

Department Director:

Tommy Weathersbee, Transmission and Distribution Director, 972-205-3532



GARLAND
PURCHASING

Bid No.: 3510-13
Agenda Item: 2d.
Meeting: Council
Date: 05/21/13

Purchasing Report

ROSEHILL ROAD DISTRIBUTION SYSTEM IMPROVEMENTS OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this Contract is to provide for system improvements to the Rosehill distribution line, including the installation of three (3) manholes, 350' of 30" steel casing bore under I.H. 30, and approximately 1,700' of 6" line duct work. Due to the size and complexity of the project, an optional contingency is included for unforeseen additional work that may be required. Funding for this project was approved in the 2013 Capital Improvement Program.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Tri-Con Services	All	\$425,000.00
Contingency		43,000.00
TOTAL:		\$468,000.00

BASIS FOR AWARD:

Best Value

Submitted by:

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

Reviewed by:

William E. Dollar
City Manager

Date: 05/09/13

Date: 05/15/13

FINANCIAL SUMMARY:

Total Project/Account: \$ 1,046,500
Expended/Encumbered to Date: 316,982
Balance: \$ 729,518
This Item: 468,000
Proposed Balance: \$ 261,518

Trent Schulze 05/13/13
Budget Analyst Date

Ron Young 05/13/13
Budget Director Date

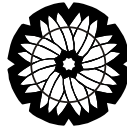
Operating Budget: ☐ CIP: ☒ Year: 2013

Document Location: Page E08

Account #: 210-3299-3162401-7111

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

Comments: Contract provides for system improvements to Rosehill distribution line, including manholes, steel bore casing, and duct work. Amount includes optional contingency.



GARLAND

PURCHASING

Executive Summary **Bid 3510-13** **Rosehill Road Distribution System Improvements**

Recommended Vendor:

Tri-Con Services

Total Recommended Award:

\$468,000.00

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide system improvements for the Rosehill Distribution Line including the installation of three (3) manholes, 350' of 30" steel casing bore under I-30 and approximately 1,700' of 6" line duct work.

Evaluation:

Requests for bids were issued in accordance with Purchasing procedures. Five (5) bids were received and evaluated based on the published criteria of: price; timeline to complete project; experience with similar projects; contractor safety program; past relationship with GP&L. Tri-Con Services, Inc. received the highest evaluated score of 86.33 out of a possible 100, offering the best value for the City.

Recommendation:

Staff recommends awarding the contract to Tri-Con Services.

Funding Information:

210-3299-3162401-7111

Department Director:

Tommy Weathersbee, Transmission and Distribution Director, 972-205-3532



GARLAND
PURCHASING

Bid No.: 3518-13
Agenda Item: 2e.
Meeting: Council
Date: 05/21/13

Purchasing Report

BUNKER RENOVATIONS FOR FIREWHEEL GOLF PARK OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this Contract is to provide for the complete renovation of bunkers on the 18-hole Lakes Course at Firewheel Golf Park. Funding for this project was approved in the 2013 Capital Improvement Program.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Fleetwood Services, LLC	All	\$165,000.00

TOTAL: \$165,000.00

BASIS FOR AWARD:

Best Value

Submitted by:

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

Reviewed by:

William E. Dollar
City Manager

Date: 05/08/13

Date: 05/15/13

FINANCIAL SUMMARY:

Total Project/Account: \$	1,241,491
Expended/Encumbered to Date:	819,966
Balance: \$	421,525
This Item:	165,000
Proposed Balance: \$	256,525

Matt Watson 05/08/13
Budget Analyst Date

Ron Young 05/08/13
Budget Director Date

Operating Budget: ☐ CIP: ☒ Year: 2013

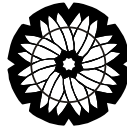
Document Location: Page MF11

Account #: 256-4419-3653011-9002

Fund/Agency/Project – Description:
Firewheel Golf CIP / Firewheel Golf Park Improvements

Comments:

[illegible]



GARLAND

PURCHASING

Executive Summary **Bid 3518-13** **Bunker Renovations for Firewheel Golf Park**

Recommended Vendor:

Fleetwood Services, LLC

Total Recommended Award:

\$165,000.00

Basis for Award:

Best Value

Purpose:

The purpose of this contract is to provide for the complete renovation of bunkers on the 18 hole Lakes Course at Firewheel Golf Park.

Evaluation:

Request for bids were issued per Purchasing procedures. Five (5) bids were received and evaluated based on the stated criteria of: price; contract duration; experience with similar projects; equipment list; prior experience with the City. Fleetwood Services, LLC received the highest score and was the lowest bidder on the project.

Recommendation:

Staff recommends that Fleetwood Services, LLC be awarded the project and feel that they have the experience and the capabilities to perform this renovation to the standards required by Firewheel Golf Park.

Funding Information:

256-4419-3653113-9002

Department Director:

Don Kennedy, Director, 972-205-2797



GARLAND
PURCHASING

Bid No.: 3566-13
Agenda Item: 2f.
Meeting: Council
Date: 05/21/13

Purchasing Report

CITY HALL UNINTERRUPTED POWER SUPPLY REPLACEMENT OPEN MARKET

PURCHASE JUSTIFICATION:

This Contract is to award a Guaranteed Maximum Price for Construction Manager at Risk Services for the City Hall UPS Replacement and Electric Service Upgrade package. This was included in the funding request for the Downtown Catalyst Area as part of improvement to City facilities. Expenses will not exceed appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Hill & Wilkinson General Contractors	All	\$851,502.00

TOTAL: \$851,502.00

BASIS FOR AWARD:

Most Qualified

Submitted by:

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

Reviewed by:

William E. Dollar
City Manager

Date: 05/10/13

Date: 05/15/13

FINANCIAL SUMMARY:

Total Project/Account: \$ 5,775,573

Expended/Encumbered to Date: 80,716

Balance: \$ 5,694,857

This Item: 851,502

Proposed Balance: \$ 4,843,355

Matt Watson 05/13/13

Budget Analyst Date

Ron Young 05/13/13

Budget Director Date

Operating Budget: ☐ CIP: ☒ Year: 2013

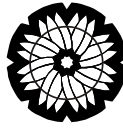
Document Location: Pages M12, MF14, & ED10

Account #: 416-4749-2305812-9002 \$207,575.00
416-4749-2305813-9002 77,271.24
103-1178-1608701-9002 341,281.31
692-1509-1050201-9002 225,374.45

Fund/Agency/Project – Description:

MIS CO Funds / UPS Upgrade
PEG Fee-Funded CIP / CGTV - Upgrades /
Sound Stage
CO-Funded CIP / City Center Project

Comments:



GARLAND

PURCHASING

Executive Summary **Bid 3566-13**

Uninterrupted Power Supply Replacement and Electric Service Upgrade

Recommended Vendor:

Hill & Wilkinson General Contractors

Total Recommended Award:

\$851,502.00

Basis for Award:

Most Qualified

Purpose:

Award a Guaranteed Maximum Price contract to Hill & Wilkinson General Contractors for Construction Manager at Risk services for the City Hall UPS Replacement and Electric Service Upgrade Package in the amount of \$851,502.00.

Evaluation:

The UPS supports the City's technology systems in the event of a power surge or failure. The current UPS has exceeded its useful service life and requires replacement due to the lack of repair parts. The new equipment will be placed inside City Hall in a secure location and the existing equipment will be removed. While the UPS is being replaced, contractors will also upgrade the primary electric service for City Hall from 2,500 amps to 4,000 amps to allow for additional electric/power demands in the building. The existing electric service at City Hall is at its maximum capacity and cannot support any additional power demands.

Recommendation:

Staff recommends award of contract to Hill & Wilkinson General Contractors.

Funding Information:

The contract is funded from the CIP Project Accounts: 416-4749-23058-12-9002, 692-1509-10502-01-9002, 416-4749-23058-13-9002 and 103-1178-16087-01-9002

Department Director:

Ginny Holliday, Director of Facilities Management, 972-205-3225



Purchasing Report

ENVIRONMENTAL WASTE SERVICES AND LANDFILL TRUCKS OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of six (6) replacement cab and chassis with various bodies to be used by the Environmental Waste Services Delivery and Environmental Waste Services Disposal (Landfill) Departments in their daily operations. These trucks are being purchased through the State of Texas Contract 072-A1 and the Buyboard Purchasing Cooperative Contracts 357-10 and 358-10. Funding was approved in the 2013 Capital Improvement Program.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Southwest International Trucks, Inc.	1	\$154,773.89
Freightliner Group, LLC	2	139,836.00
Heil of Texas	3 & 4	213,286.00
Crane Carrier	5	241,916.00
Bond Equipment Company, Inc.	6	165,192.00
	TOTAL:	\$915,003.89

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: 05/10/13

Date: 05/15/13

FINANCIAL SUMMARY:

Total Project/Account: \$ 937,862

Expended/Encumbered to Date: -0-

Balance: \$ 937,862

This Item: 915,004

Proposed Balance: \$ 22,898

Matt Watson 05/13/13

Budget Analyst Date

Ron Young 05/13/13

Budget Director Date

Operating Budget: ☐ CIP: ☒ Year: 2013

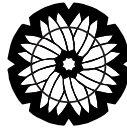
Document Location: pp. M06, M01, M05, and EW03

Account #: 246-4319-2105913-9009
692-1609-1714713-9009
246-4319-2105413-9009
246-4319-2105813-9009

Fund/Agency/Project – Description:
EWS CO-Funded CIP / Service Delivery &
Disposal – Various Cab & Chassis for EWS

Comments:

[illegible]



GARLAND

PURCHASING

Executive Summary **Bid 3568-13** **Environmental Waste Services and Landfill Trucks**

Recommended Vendors:

Southwest International Trucks, Inc.	\$154,773.89
Freightliner Group, LLC	\$139,836.00
Heil of Texas	\$213,286.00
Crane Carrier	\$241,916.00
Bond Equipment Company, Inc.	<u>\$165,192.00</u>

Total Recommended Award: \$915,003.89

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase six (6) replacement cab and chassis with various bodies to be used by the Environmental Waste and Landfill departments in their daily operations.

Evaluation:

These cabs and chassis with various bodies are being provided by the above suppliers through the State of Texas Contract 072-A1 and Buyboard Purchasing Cooperative contracts 357-10 and 358-10.

Recommendation:

Staff recommends awarding the contract for EWS and Landfill trucks to Southwest International Trucks, Inc., Freightliner Group, LLC, Heil of Texas, Crane Carrier, and Bond Equipment Company, Inc.

Funding Information:

246-4319-2105913-9009, 692-1609-1714713-9009, 246-4319-2105413-9009, 246-4319-2105813-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524



City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 13-16 – Atlantic Hotels, Ltd.

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) 08-26 FOR FREEWAY USES AND AN AMENDED DETAIL PLAN ON A 2.569-ACRE TRACT OF LAND LOCATED AT 4412 BASS PRO DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 8th day of April, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Atlantic Oil & Gas Ltd.**; 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 an amendment to Planned Development (PD) 08-26 for Freeway Uses and an amended Detail Plan on a 2.569-acre tract of land located at 4412 Bass Pro Drive, 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.

FILE NO. 13-16

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

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 13-16

Being all of Lot 4R, Block 1, Harbor Point, Second Replat, in the City of Garland, Dallas, County, Texas, approximately 2.569 acres. This property is located at 4412 Bass Pro Drive, south of IH 30 and east of Chaha Road within the Harbor Point development.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 13-16

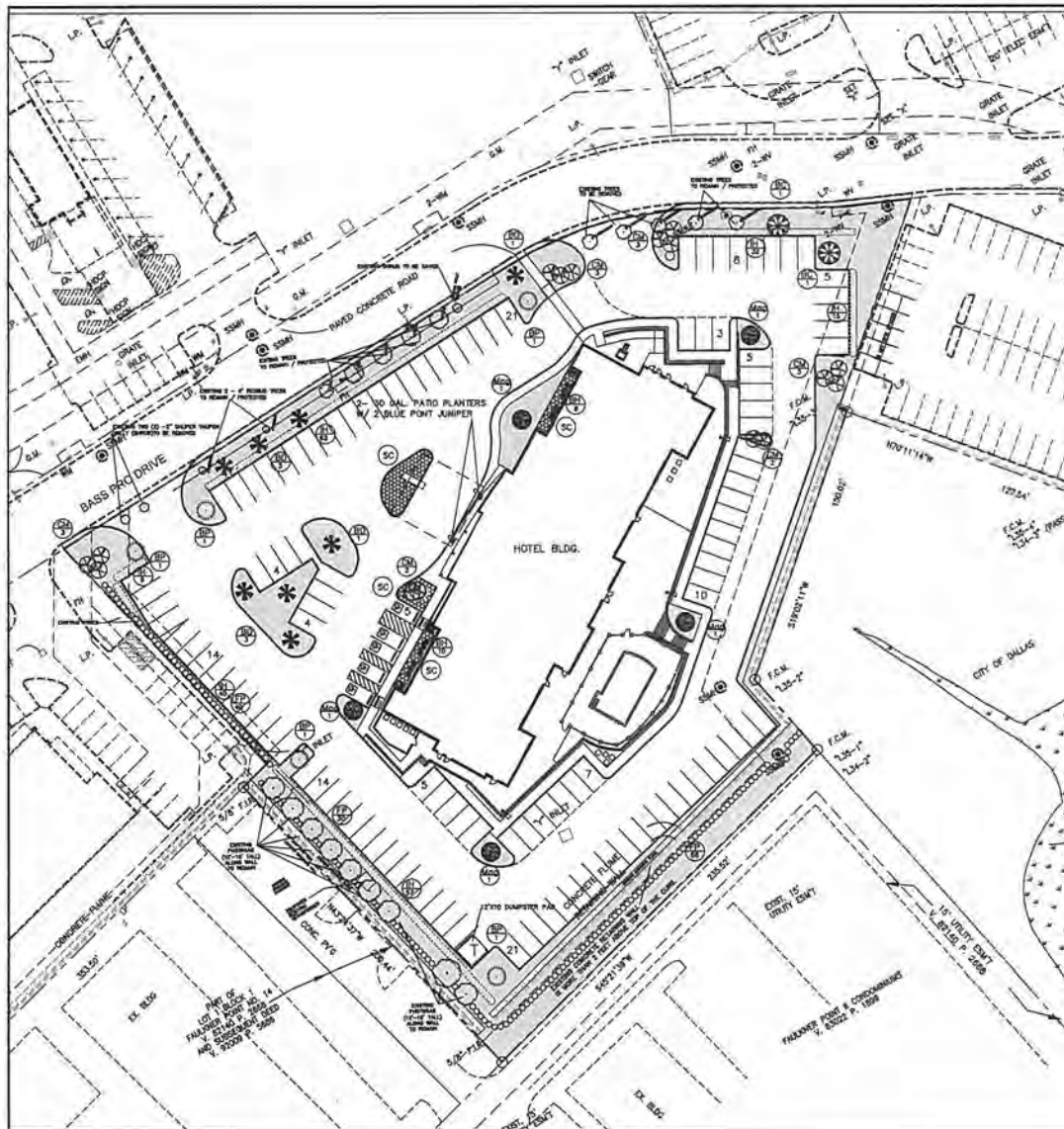
Atlantic Hotels, Ltd.

4412 Bass Pro Drive, south of IH 30 and east of Chaha Road

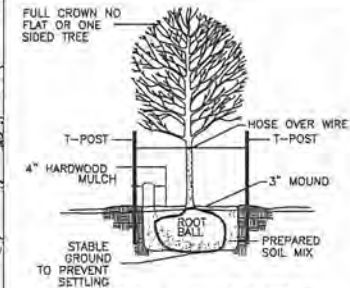
- I. **Statement of Purpose:** The purpose of this Planned Development District is to develop a Limited Service Hotel on the property subject to conditions.
- II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance. Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Freeway (FW) District set forth in Sections 31, 32, 33 and 48 of the Comprehensive Zoning Ordinance, Ordinance 4647, as well as the IH-30 Development Standards are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**

Detail Plan: Development shall be in general conformance with the approved Detail Plan set forth in Exhibit C. However, in the event of conflict between the Detail Plan and the conditions, the conditions shall prevail.
- V. **Specific Regulations:**
 - A. Screening and Landscape Requirements: Screening from the adjacent residential districts shall consist of six (6) foot tall evergreen shrubs planted three (3) feet on center to form continuous screening. Landscape shall be in general conformance with the approved landscape plan labeled Exhibit D.
 - B. Building Elevations: Building elevations and exterior wall materials shall be in general conformance with the approved elevations labeled Exhibit E.
 - C. Building Placement: The building shall be allowed to have an average setback of a minimum of 85 feet from the contiguous residential district located to the west of the subject site.
 - D. Parking: The subject property shall have a minimum of 126 on-site parking spaces and approximately 39% of the required parking shall be permitted in front of the building.

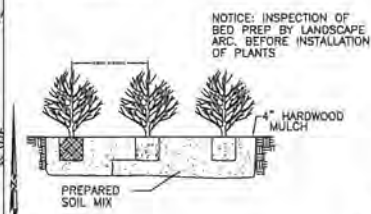
- E. Signage: Two (2) freestanding signs shall be permitted on the subject property: a monument sign with a height of seven (7) feet and twenty (20) square feet in area and a pole sign with a height of fifty (50) feet and two hundred thirty-one (231) square feet in area. Attached signage shall follow the requirements of the IH 30 Development Standards.
- F. Development Standards: The site shall be required to comply with the IH-30 Development Standards, the Freeway (FW) District development regulations, as well as all other applicable codes and ordinances unless otherwise specified in these conditions.



TOTAL TO BE REMOVED: 3 RED CEDARS
TOTAL CALIPER TREE TO BE REMOVED: 20 INCHES



01 TREE PLANTING DETAIL
SCALE: NONE



LANDSCAPE AREA TABULATION:
1. Total Site Area = 111,800.00 s.f.
1. 10% of Site Area = 11,180.00 s.f.
1. Overall Landscape Area Provided = 25,202.00 s.f.
1. Total Parking Area = 57,887.63 s.f.
1. 5% of Parking Area = 2,835.50 s.f.
1. Parking Area Landscape Provided = 5,410.00 s.f.

Ground Cover Note:
All landscape ground covers to be Buffalo Grass.

02 DUMPSTER PAD DETAIL
SCALE: NONE

PLANTING SCHEDULE (LARGE TREES)						
SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE/ CAL.	HEIGHT	SPACING
	2	BALD CYPRESS	<i>Taxodium distichum</i>	4"	10' MIN.	AS-SHOWN
	6	BUR OAK	<i>Quercus macrocarpa</i>	4"	10' MIN.	AS-SHOWN
	5	MAGNOLIA	<i>Magnolia grandiflora</i>	3"	10' MIN.	AS-SHOWN

PLANTING SCHEDULE (SMALL ORNAMENTAL TREES)						
SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE/ CAL.	HEIGHT	SPACING
	19	GRAPE HYDRANGEA (RED)	<i>Lopentostemon indica</i>	1 1/2" MULTI-TRUNK	8' MIN.	AS SHOWN
	5	BRADFORD PEAR	<i>Pyrus Calleryana "Bradford"</i>	3"	10' MIN.	AS-SHOWN

PLANTING SCHEDULE (SHRUBS)						
SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE/ CAL.	HEIGHT	SPACING
	138	FRASER'S PHOTINIA	<i>Photinia fraseri</i>	3 GAL.	8"	3' O.C.
	18	BURFORD HOLLY	<i>Ilex cornuta "Burfordii"</i>	3 GAL.	24"	3' O.C.
	213	DWARF INDIAN HAWTHORN	<i>Rhodolepis indica</i>	3 GAL.	24"	3' O.C.

PLANTING SCHEDULE (SEASONAL COLOR PLANTS)						
SYMBOL	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE/ CAL.	HEIGHT	SPACING
	N/A	SEASONAL COLOR PLANTS	—	4" POTS	—	—

NOTE: ALL LANDSCAPING AND IRRIGATION SYSTEM SHALL BE IN ACCORDANCE WITH THE CITY OF GARLAND STANDARDS.

Holiday Inn
Hotel & Suites
BASS PRO
GARLAND, TEXAS

JAHVANI CONSULTING ENGINEERS, INC.
2333 CRYSTAL CIRCLE
GARLAND, TEXAS 75040
TEL: (214) 718-9469
jahvani@earthlink.net

REVISIONS	DATE



DWG. TITLE:
LANDSCAPE PLAN

PROJECT #:
DRAWN BY: HJ
CHECKED BY: HJ
FILE: LANDSCAPE-PLAN

DATE: 4-22-2013

L-1
SHEET NUMBER

EXHIBIT D



GENERAL NOTES

- EIFS DRAINAGE EFFICIENCY OF 90% IS REQUIRED PER ASTM E2273 TEST (REFER IBC - 2009)

EXTERIOR MATERIAL LEGEND

1. MASONRY

MATERIAL: EXTERIOR GRADE PORCELAIN TILE
MANUFACTURER: FANTHOM - ENCORE LBS 0-15 SERIES, DIRECT APPLIED METHOD
SIZE: 15"x15" NOMINAL SIZE
TEXTURE: SMOOTH FACE

2. EXTERIOR INSULATED FINISH SYSTEM (EIFS)

MATERIAL: CLASS B EIFS WITH DRAINAGE
MANUFACTURER: BUNT, SUNDY AND BORDA (OR EQUAL)
COLOR: AS INDICATED IN THE DRAWINGS
FINISH: CHROMA HIGH PERFORMANCE WITH HIGH PERFORMANCE COLORANT

3. FRONT METAL CANOPY (PORTE COUCHETTE)

MATERIAL: METAL PANEL AND WALL SYSTEM
MANUFACTURER: CENTRIA ARCHITECTURAL METAL WALL SYSTEMS
COLOR: AS INDICATED IN THE DRAWINGS
SIZE: REFER TO ARCHITECTURAL DRAWINGS

4. CURTAIN WALL

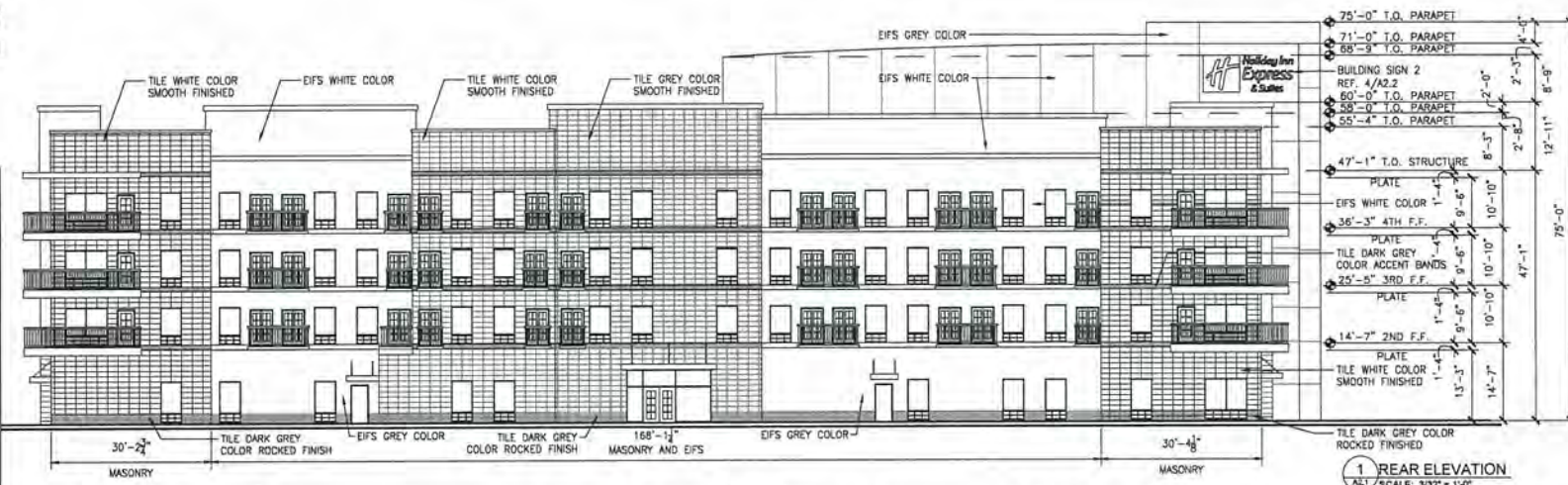
MATERIAL: ALUMINUM CURTAIN WALL SYSTEM
MANUFACTURER: KAMMEER ALUMINUM CURTAIN WALL 1600 UT SYSTEM (OR EQUAL)
COLOR: TO BE DETERMINED
GLAZING WITH 1" DOUBLE LAYER GLAZING
WALKON DEPTH: 7.5" FRONT GLAZED
REINFORCEMENT: AS NEEDED WITH STEEL

5. STOREFRONT SYSTEM

MATERIAL: ALUMINUM TRIFAB 400 STOREFRONT SERIES
FRAME SIZE: 1-3/4" x 4", FRONT GLAZED
GLAZING WITH 1" DOUBLE LAYER GLAZING
COLOR: TO BE DETERMINED
GLAZING WITH 1" DOUBLE LAYER GLAZING

6. WINDOWS AND DOORS

INCLUDING PATIO DOORS WITH LITE FOR JALISCITE BALCONIES, BALCONY DOORS, OPERABLE CAJONET WINDOW, FIXED WINDOWS
MATERIAL: ALUMINUM FRAME WITH DOUBLE PANE LOW-E, TINTED GLASS
MANUFACTURER: CLAUER, GRANDVIEW SERIES AND PRO PERFORMANCE SERIES
SIZE: REFER TO ELEVATION DRAWINGS



EXTERIOR MATERIALS CALCULATIONS EXCLUDING WINDOWS AND DOORS

ELEV		EIFS	MASONRY	GLASS	TOTAL
FRONT	AREA (SF)	4,185	7,245	-	11,430
	%	36.6	63.4	-	100
REAR	AREA (SF)	4,603	5,409	-	10,012
	%	46	54	-	100
SIDE LEFT	AREA (SF)	1,301	3,286	-	4,587
	%	28.4	71.62	-	100
SIDE RIGHT	AREA (SF)	1,662	3,359	-	5,021
	%	33.1	66.9	-	100
TOTAL	AREA (SF)	11,751	19,299	-	31,050
	%	37.8	62.2	-	100

EJES

1000 NORTH CENTRAL EXPRESSWAY
SUITE 100
DALLAS, TEXAS 75241
(214) 524-0108
(214) 524-0388

Holiday Inn Express & Suites

BASS PRO DRIVE - GARLAND



03/28/13
EJES, INC.
TBAE REGISTRATION #10307-7

DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY
3/15/13	PD ZONING SUBMITTAL				
3/20/13	PD ZONING SUBMITTAL REVISION 1				
3/28/13	PD ZONING SUBMITTAL REVISION 2				
	PD ZONING 08-26				

PROJECT NAME: GARLAND HOLIDAY INN EXPRESS & SUITES
SHEET TITLE: FRONT AND REAR ELEVATIONS

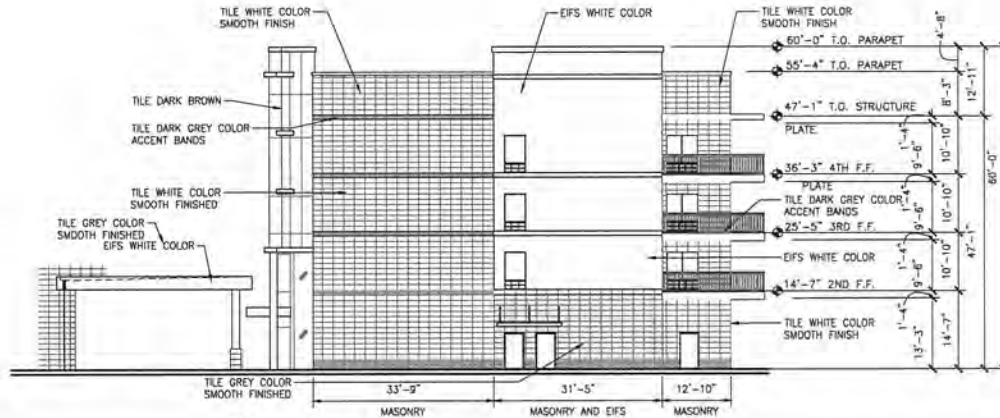
PROJECT NO: 009-01
SCALE: AS NOTED

DRAWN BY:
CHECKED BY:

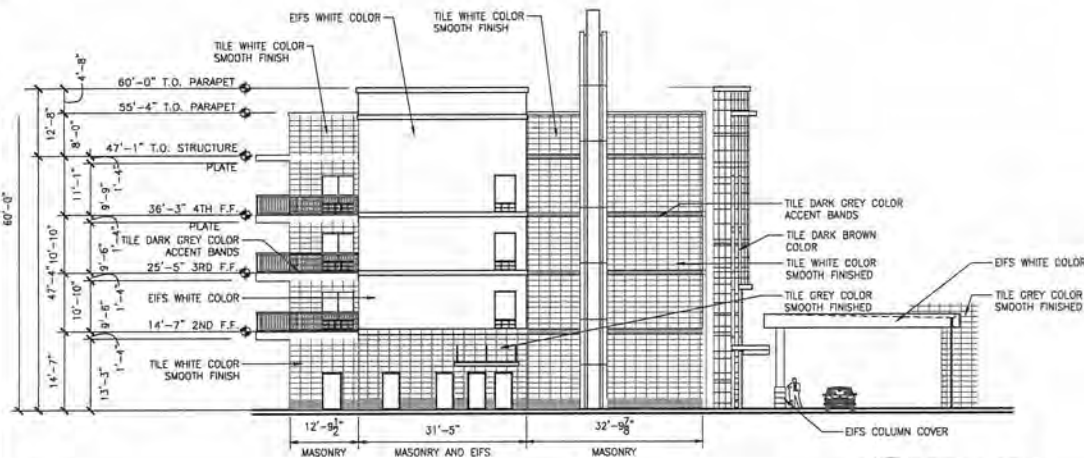
ISSUED FOR: PD-REVIEW
DATE: MARCH 28, 2013

SHEET NO:
A2.1

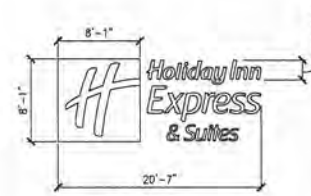
SCALE(S) AS NOTED ON THIS SHEET ARE BASED ON A FULL SIZE 24 X 36 SHEET.




4 LEFT ELEVATION
A2.2 SCALE: 3/32" = 1'-0"



3 RIGHT ELEVATION
A2.2 SCALE: 3/32" = 1'-0"



SIGN MODEL XL-SLM-8	
AREA OF SIGN 1	166.38 SF
AREA OF SIGN 2	166.38 SF
TOTAL AREA OF SIGNAGE	332.76 SF


HOLIDAY INN SIGN
 SCALE: NTS

GENERAL NOTES

- * EIFS DRAINAGE EFFICIENCY OF 90% IS REQUIRED PER ASTM E2273 TEST (REFER IBC - 2009)

MATERIAL LEGEND

1. MASONRY

MATERIAL: EXTERIOR GRADE PORCELAIN TILE
MANUFACTURER: PANTHEON—ENDURE URB 0-15 SERIES, DIRECT APPLIED METHOD
SIZE: 12"x24" NOMINAL SIZE
TEXTURE: SMOOTH FACE

2. EXTERIOR INSULATED FINISH SYSTEM (EIFS)

MATERIAL: CLASS B EPS WITH DRAINAGE
MANUFACTURED: ORMT, SYNERGY AND BORA (OR EQUAL)
COLOR: AS INDICATED IN THE DRAWINGS
FINISH: CHROMA HIGH PERFORMANCE WITH HIGH PERFORMANCE COLORANT

3. FRONT METAL CANOPY (PORTE COUCHETTE)

MATERIAL: METAL PANEL AND WALL SYSTEM
MANUFACTURER: CERNITRA ARCHITECTURAL METAL WALL SYSTEMS
COLOR: AS INDICATED IN THE DRAWINGS
SIZE: REFER TO ARCHITECTURAL DRAWINGS

4. CURTAIN WALL

MATERIAL: ALUMINUM CURTAIN WALL SYSTEM
MANUFACTURER: KAMNEER ALUMINUM CURTAIN WALL 1600 UT SYSTEM (OR EQUAL)
COLOR: TO BE DETERMINED
GLAZING: WITH 1" DOUBLE LAYER GLAZING
MULLION DEPTH: 7.5", FRONT GLAZED
REINFORCEMENT: AS NEEDED WITH STEEL

5. STOREFRONT SYSTEM

MANUFACTURED: KAMNEER TRIFAB 400 STOREFRONT SERIES
FRAME SIZE: 1-3/4" x 4", FRONT GLAZED
GLAZING WIDTH: WITH 1" DOUBLE LAYER GLAZING
COLOR: TO BE DETERMINED
GLAZING: WITH 1" DOUBLE LAYER GLAZING

8. WINDOWS AND DOORS

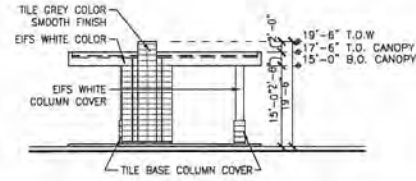
INCLUDING PATIO DOORS WITH LITE FOR JULIETTE BALCONIES, BALCONY DOORS, OPERABLE CASIMENT
WINDOWS, FIXED WINDOWS
MATERIAL: ALUMINUM FRAME WITH DOUBLE PANE LOW-E, TINTED GLASS
MANUFACTURER: QUAKER, GRANDEUR SERIES AND PRO PERFORMANCE SERIES
SIZE: REFER TO ELEVATION DRAWINGS

EXTERIOR MATERIALS CALCULATIONS
EXCLUDING WINDOWS AND DOORS

ELEV		EIFS	MASONRY	GLASS	TOTAL
FRONT	AREA (SF)	4,185	7,245	—	11,430
	%	36.6	63.4	—	100
REAR	AREA (SF)	4,603	5,409	—	10,012
	%	46	54	—	100
SIDE LEFT	AREA (SF)	1,301	3,286	—	4,587
	%	28.4	71.62	—	100
SIDE RIGHT	AREA (SF)	1,662	3,359	—	5,021
	%	33.1	66.9	—	100
TOTAL	AREA (SF)	11,751	19,299	—	31,050
	%	37.8	62.2	—	100

PORTE COCHERE
MATERIALS CALCULATION

ELEV		MASONRY	EFS	TOTAL
FRONT	AREA (SF)	168	100	268
	%	62.6	37.4	100
SIDE LEFT	AREA (SF)	146	109	255
	%	57.3	42.7	100
SIDE RIGHT	AREA (SF)	146	109	255
	%	57.3	42.7	100
TOTAL	AREA (SF)	460	318	778
	%	59.2	40.8	100



1 POTICO CHERE FRONT ELEVATION
A2.2 SCALE: 3/32" = 1'-0"

EJES
INCORPORATED

12655 NORTH CENTRAL EXPRESSWAY SUITE 500 DALLAS, TEXAS 75242 (F) 214-343-1216 (F) 214-343-5883	7504 MOSELY VIEW CT. SUITE 104 FORTWORTH, TEXAS 76116 (F) 817-284-2849 (F) 817-284-2847
--	---

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**Holiday Inn
Express
& Suites**
BASS PRO DRIVE - GARLAND

03/28/13
EYES, INC.
TBAE REGISTRATION #10307-7

DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY
3/15/13	PD ZONING SUBMITTAL				
3/20/13	PD ZONING SUBMITTAL REVISION 1				
3/28/13	PD ZONING SUBMITTAL REVISION 2				
	PD ZONING 08-26				

PROJECT NAME: GARLAND HOLIDAY INN EXPRESS & SUITES	
SHEET TITLE : SIDE ELEVATIONS	
PROJECT NO: 009-01	DRAWN BY:
SCALE: AS NOTED	CHECKED BY:
	ISSUED FOR: PD-REVIEW
	DATE: MARCH 28, 2013

SHEET NO:
A2.2



Front Elevation



Side Elevation



Holiday Inn Express and Suites

Bass Pro, Garland TX

SUBMITTED FOR:	PD ZONING
DATE:	03/15/2013
PROJECT NO.:	009-01
PD ZONING CASE:	PD 08-26





Rear Elevation



Side Elevation



Holiday Inn Express and Suites

Bass Pro, Garland TX

SUBMITTED FOR: PD ZONING
DATE: 03/15/2013
PROJECT NO.: 009-01
PD ZONING CASE: PD 08-26





City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

CONSIDER APPROVAL OF PARK, RECREATION & CULTURAL ARTS DEPARTMENT DEVELOPMENT GUIDELINES

Summary of Request/Problem

At its April meeting, the Park and Recreation Board recommended the City Council consider approval of the Park, Recreation & Cultural Arts Department's update of the department's *Development Guidelines* and the priority needs for future park system physical improvements. The *Development Guidelines* document is included as an appendix to the department's 2013-15 *Strategic Plan*. City Council approval of the *Development Guidelines* is required as part the application process for any future state or federal park development grant requests made to the Texas Parks & Wildlife Department.

The City Council was briefed on this item at their May 6, 2013 Work Session and directed staff to bring forth a resolution for consideration approving the Park, Recreation & Cultural Arts Department *Development Guidelines*.

ATTACHMENT: Resolution

Recommendation/Action Requested and Justification

Per the Park and Recreation Board's recommendation, the Council is requested to consider approval of the attached resolution for adoption of the Park, Recreation & Cultural Arts Department *Development Guidelines* update.

Submitted By:

**Jim Stone, Managing Director
Parks, Recreation & Cultural Services**

Approved By:

**William E. Dollar
City Manager**

RESOLUTION NO.

A RESOLUTION APPROVING THE PARK AND RECREATION DEVELOPMENT GUIDELINES 2012-22; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the *Development Guidelines 2012-22*, attached hereto as Exhibit A, is approved.

Section 2

That the *Development Guidelines 2012-22* is for guiding future parkland acquisition and recreation facility improvements.

Section 3

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

PASSED AND APPROVED this the ____ day of _____, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: 05/21/13

☒ Agenda Item

Resolution and Funding the 2013 - Cycle 1 Neighborhood Vitality Matching Grant Projects.

Summary of Request/Problem

Consider a resolution approving and funding the 2013 – Cycle 1 Neighborhood Vitality Matching Grant Projects.

At the May 6, 2013 Work Session, City Council considered recommendations from the Community Services Committee and Staff for approval of six Neighborhood Vitality Grant applications.

Recommendation/Action Requested and Justification

Adopt the attached resolution.

Submitted By:

**Neil Montgomery
Senior Managing Director of
Development Services**

Approved By:

**William E. Dollar
City Manager**

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND FUNDING THE 2013 CYCLE 1
NEIGHBORHOOD VITALITY MATCHING GRANT PROJECTS.**

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

Section 1

The Neighborhood Vitality Matching Grant Applications attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted and approved according to the program guidelines. These funds will be appropriated as part of the annual Capital Improvement Program.

Section 2

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

PASSED AND APPROVED this the 21st day of May, 2013.

THE CITY OF GARLAND, TEXAS

BY: _____
Mayor

ATTEST:

City Secretary

EXHIBIT A

2013 NEIGHBORHOOD VITALITY MATCHING GRANT APPLICATIONS

Applicant	Project	Fund Request	Council District
Camelot Neighborhood Association	Neighborhood Entrance Sign	\$1,125	7
Fairways at Firewheel	Landscape Enhancement	\$28,390.04	1
Firewheel Farms	Median Landscape Enhancement	\$17,000	1
Hills at Firewheel	Masonry Wall/Sign	\$50,025	1
Place One HOA	Sidewalk & Flume Project	\$21,563.40	6
Planning/5 th & Cedar Advisory Group	5 th Street Gateway (Phase 1)	\$100,000	2



City Council Item Summary Sheet

☐ Work Session

Date: 5/21/2013

☒ Agenda Item

Sale of City Property to Crackpot Realty, LLC- 1113 Mill River Drive

Summary of Request/Problem

At the May 6, 2013 Work Session, Council considered the sale of City owned property at 1113 Mill River Drive to Crackpot Realty, LLC. Council approval is required to authorize the Mayor to execute a deed without warranty conveying the property to the buyer.

Recommendation/Action Requested and Justification

Approve a Resolution authorizing the Mayor to sell the property and execute a deed without warranty conveying the property to Crackpot Realty, LLC.

Submitted By:

Michael C. Polocek
Director of Engineering

Approved By:

William E. Dollar
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SALE OF REAL PROPERTY, 1113 MILL RIVER DRIVE (THE "PROPERTY"); AUTHORIZING THE MAYOR OF THE CITY OF GARLAND TO EXECUTE A DEED CONVEYING THE PROPERTY TO CRACKPOT REALTY, LLC ("THE BUYER"); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City acquired certain real property, commonly known as 1113 Mill River Drive, through tax foreclosure proceedings in Cause No. TX07-41673 in the 14th Judicial District Court, Dallas County, Texas;

WHEREAS, the Buyer has offered to purchase the Property for \$20,000.00 ("Purchase Price");

WHEREAS, Dallas County, pursuant to the Commissioners Court of Dallas County Court Order No. 2013-0425, consented to the sale of the Property to the Buyer for the Purchase Price;

WHEREAS, Garland Independent School District, pursuant to a resolution passed and approved on the 26th day of February, 2013, consented to the sale of the Property to the Buyer for the Purchase Price;

WHEREAS, the City has determined that selling the property is in the public's best interest because it allows the Buyer to redevelop the Property and it eliminates the City's expenses associated with maintaining the Property.

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

Section 1

That the sale and conveyance of real property, 1113 Mill River Drive, by the City of Garland to the Buyer is hereby approved.

Section 2

That the Mayor is hereby authorized to execute a Deed Without Warranty, the form and substance of which is attached as Exhibit "A" and incorporated herein by reference, conveying the Property to the Buyer.

Section 3

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

PASSED AND APPROVED this the ____ day of February, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

DEED WITHOUT WARRANTY

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Crackpot Realty, LLC**, a Texas limited liability company, ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **1113 Mill River Drive**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

BEING LOT 28, BLOCK 7, MONTCLAIR NO.2 ADDITION,
AN ADDITION TO THE CITY OF GARLAND, DALLAS
COUNTY, TEXAS ACCORDING TO THE DEED RECORDED
IN VOLUME 73222, PAGE 187 OF THE DEED RECORDS OF
DALLAS COUNTY, TEXAS (the "Property").

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including,

without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in **Cause No. TX07-41673 in the 14th Judicial District Court, Dallas County, Texas**, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 2013.

GRANTOR:

CITY OF GARLAND, a Texas home-rule municipality

By: _____
Mayor, City of Garland

THE STATE OF TEXAS §

§

COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the _____ day of _____, 2013, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:



City Council Item Summary Sheet

☐ Work Session

Date: 5/21/13

☒ Agenda Item

Sale of City Property to Dr. Robert Milstein-5706 Marina

Summary of Request/Problem

At the May 6, 2013 Work Session, Council considered the sale of City owned property at 5706 Marina Drive, Unit 3 Building A, to Dr. Robert Milstein. Council approval is required to authorize the Mayor to execute a deed without warranty conveying the property to the buyer.

Recommendation/Action Requested and Justification

Approve a Resolution authorizing the Mayor to sell the property and execute a deed without warranty conveying the property to Dr. Robert Milstein.

Submitted By:

Michael C. Polocek
Director of Engineering

Approved By:

William E. Dollar
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SALE OF REAL PROPERTY, 5706 MARINA DRIVE (THE "PROPERTY"); AUTHORIZING THE MAYOR OF THE CITY OF GARLAND TO EXECUTE A DEED CONVEYING THE PROPERTY TO DR. ROBERT MILSTEIN ("THE BUYER"); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City acquired certain real property, commonly known as 5706 Marina Drive, through tax foreclosure proceedings in Cause No. TX-08-40116-T-I in the 162nd Judicial District Court, Dallas County, Texas.

WHEREAS, the Buyer has offered to purchase the Property for greater than the full judgment amount of the tax suit.

WHEREAS, the City has determined that selling the property is in the public's best interest because it allows the Buyer to develop the Property and it eliminates the City's expenses associated with maintaining the Property.

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

Section 1

That the sale and conveyance of real property, 5706 Marina Drive, by the City of Garland to the Buyer is hereby approved.

Section 2

That the Mayor is hereby authorized to execute a Deed Without Warranty, the form and substance of which is attached as Exhibit "A" and incorporated herein by reference, conveying the Property to the Buyer.

Section 3

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

PASSED AND APPROVED this the ____ day of February, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

DEED WITHOUT WARRANTY

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Dr. Robert Milstein** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **5706 Marina Drive**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

**BEING UNIT 3, BUILDING A, CAPTAIN'S QUARTERS
2/CROW'S NEST ADDITION, AN ADDITION TO THE CITY
OF GARLAND, DALLAS COUNTY, TEXAS ACCORDING TO
THE PLAT THEREOF RECORDED IN VOLUME 73188,
PAGE 1657 OF THE DEED RECORDS OF DALLAS COUNTY,
TEXAS (the "Property").**

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including,

without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX-08-40116-T-I in the 162nd Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 2013.

GRANTOR:

CITY OF GARLAND, a Texas home-rule municipality

By: _____

Title: _____

THE STATE OF TEXAS §

§

COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the ____ day of _____, 2013, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:



City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

CONSIDER PARK FACILITY NAME

Summary of Request/Problem

At their May meeting, the Park and Recreation Board recommended for City Council consideration the naming of baseball field number 5 in Central Park for long time youth baseball volunteer Don Koerner as requested by the South Garland Little League.

The City Council was briefed on this item at their May 6, 2013 Work Session and staff was directed to bring forth an ordinance for Council consideration at the following Regular Meeting.

Recommendation/Action Requested and Justification

It is requested the City Council approve the recommendation from the Park and Recreation Board by approving an ordinance amending *Section 25.04, Park Names*, of the *Code of Ordinances* with the following park facility name:

Don Koerner
(Baseball Field No. 5)

1251 S. Glenbrook Drive
(Central Park)

Submitted By:

**Jim Stone, Managing Director
Parks, Recreation & Cultural Services**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 25.04, OF CHAPTER 25, "PARKS AND RECREATION", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, 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. 25.04 of Chapter 25 "Parks and Recreation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding the following to the list of park names and facilities:

Don Koerner
(Baseball Field No. 5)

XXXX Glenbrook Drive
(Central Park)

Section 2

That Chapter 25, "Parks and Recreation", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 3

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

Section 4

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

PASSED AND APPROVED this the ____ day of _____, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

Amendment to Hotel Incentive Agreement

Summary of Request/Problem

At the May 6, 2013 Work Session, Council considered amending the Function Space License Agreement with Harbor Point Hotels, L.L.C. (Atlantic Hotel Ltd.) for the development of a Holiday Inn Express Hotel on I-30 within the Harbor Point Development and entering into a shared parking agreement.

In April 2011, the City entered into an Incentive Agreement with Harbor Point, LLC. The term of agreement outlined in Section 2 states that the commencement date (opening date of hotel) shall occur on or before December 31, 2013. Construction of the hotel will begin later in the year; therefore, Harbor Point Hotels is requesting the commencement date be amended to December 31, 2014.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the Mayor to execute an amendment to the Function Space License Agreement with Harbor Point Hotels, L.L.C. (Atlantic Hotel, Ltd.).

Submitted By:

Martin E. Glenn
Deputy City Manager

Approved By:

William E. Dollar
City Manager

AMENDMENT TO FUNCTION SPACE LICENSE AGREEMENT

For and in consideration of the mutual promises and obligations contained herein and in that certain Function Space License Agreement by and between the City of Garland, Texas (the "City") and Harbor Point Hotels, LLC (the "Hotel") dated April 20, 2011(the "Agreement"), the City and the Hotel agree as follows:

1. Section 2 of the Agreement is amended to read as follows:

"Section 2. Term. The term of this Agreement shall commence upon the opening of the Hotel for business (the "Commencement Date") and shall extend for a period of sixty months after that date, unless sooner terminated as provided herein. In the event that the Commencement Date fails to occur on or before December 31, 2014, this Agreement shall be null and void."

2. The Agreement, as amended, shall be and remain in full force and effect save and except as amended herein.

SIGNED this the ____ day of _____, 2013.

CITY:

By: _____

Title: _____

HOTEL:

By: _____

Title: _____



City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

News Racks on Public Streets

Summary of Request/Problem

At the May 6, 2013 Work Session, the Administrative Services Committee recommended that Council consider a new ordinance that addresses distribution boxes and stands for advertising brochures and newspapers.

Recommendation/Action Requested and Justification

Approve an ordinance amending Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland; repealing Sec. 30.198 of Chapter 30, "Building Inspection" of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland.

Submitted By:

Approved By:

William E. Dollar
City Manager

DRAFT

- For Discussion Purposes Only -

Additions are indicated by double-underlining
Deletions are indicated as ~~strike-throughs~~

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 33, "TRANSPORTATION" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; REPEALING SEC. 30.198 OF CHAPTER 30, "BUILDING INSPECTION" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Article XI of Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

ARTICLE XI. ~~AVIATION~~ * NEWSRACKS ON PUBLIC STREETS

~~Sec. 33.120 Administration~~

~~The operation and administration of the City heliport shall be under the authority of the Director of Transportation. The director shall perform such duties and functions as directed by the City Manager and shall have full and complete control over all regulations within the boundaries of the heliport, unless otherwise required or prohibited by law.~~

~~Sec. 33.121 Use of heliport~~

~~Unless otherwise authorized by section 33.122, it shall be unlawful for any person to land or take off in a helicopter or cause, allow, or permit the landing or taking off of a helicopter within the corporate limits of the City except at a designated public heliport authorized under this article.~~

~~Sec. 33.122 Landing for special events~~

~~(A) The City Manager is authorized to issue permits for the operation of helicopter activities for exhibition or special occasion operations within the City, subject to compliance with all~~

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~~existing provisions of this Code, and further subject to compliance with the following conditions and stipulations.~~

- ~~— (1) The permit request shall be submitted at least ten (10) days prior to the requested operation.~~
- ~~— (2) The permit request shall be submitted to the City Secretary for recording.~~
- ~~— (3) A certificate of insurance in favor of the City and all persons or property which may be damaged will be filed with the City Secretary prior to issuance of the permit with liability insurance coverage in at least the amount of \$100,000.00/\$300,000.00 for bodily injury and \$10,000.00 property damage.~~
- ~~— (4) A proposed flight plan for takeoffs and landings will be filed with the application.~~
- ~~— (5) The antinoise and nuisance ordinances of the City are applicable and are incorporated into this section by reference.~~

~~(B) Nothing contained herein shall be construed to permit the landing, takeoff, or taxiing of any aircraft from, to, or on any public street, highway, roadway, or alley.~~

~~Sec. 33.123 Minimum altitude~~

~~(A) It shall be unlawful for any person to operate or fly any aircraft over the City at a lower altitude than twenty-five hundred (2,500) feet from the earth's surface. This section shall not apply to aircraft during the final approach for landing and normal climb for takeoff.~~

~~(B) On special occasions and for exhibition or educational purposes or for photographer's work, the City Council may authorize aircraft exhibitions or flights at lower altitudes than specified in this section to be conducted under the direction of the Council.~~

~~Sec. 33.124 Departure and approach paths~~

~~All departure and approach paths at the City heliport shall be as~~

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~~approved and described on the City FAA-approved master plan.~~

*NOTE: Federal law preempts the regulation of aircraft operations.

"Sec. 33.120 Purpose and intent

A person may place and maintain a newsrack on a public street in accordance with the provisions of this article whether the newsrack will be used for the distribution of non-commercial or commercial speech, or both. The purpose of this article is not to regulate the content of any speech but to recognize that the use of public streets for public uses is always paramount and to provide a means for citizens to engage in speech through the use of newsracks placed on public streets, provided that such structures:

- (1) do not by their placement, location, size, maintenance or other physical attributes create a hazard to persons or property;
- (2) do not interfere with pedestrian or vehicular traffic;
- (3) are kept neat, clean, and in good repair; and
- (4) are actively used and not abandoned in place, thereby needlessly occupying public property to the exclusion of others or other uses.

Nothing contained in this article is intended to grant a license or property right in or to any public property.

Sec. 33.121 Definitions

As used in this article, unless the context requires a different meaning:

- (1) *Block* means an area bounded by streets on all sides. If a street deadends, the terminus of the dead-end street will be treated as an intersecting street.
- (2) *Blockface* means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street deadends, the terminus of the dead-end street will be treated as an intersecting street.

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(3) *Crosswalk* has the meaning given that term in Section 541.302 of the Texas Transportation Code, as amended.

(4) *Director* means the director of Code Compliance or a person designated by the director.

(5) *Newsrack* means any self-service or coin-operated container, rack, or structure used or maintained for the display, distribution, or sale of newspapers, periodicals, or other publications. Inasmuch as this article only applies to newsrack located on public property, a reference in this article to "newsrack" necessarily means a newsrack located on public property, not a newsrack located entirely on private property.

(6) *Non-vehicular right-of-way* means that portion of a street or highway that is not open or used for vehicular traffic.

Sec. 33.122 Newsracks in streets and on public property

(A) This article applies only to a street owned or controlled by the City. It does not authorize the placement of newsracks at any other location. A person who desires to install, operate or maintain a newsrack on other public property or on private property must obtain the consent of the governmental body that owns or controls that property or, in the case of private property, the owner of the private property.

(B) Nothing contained in this article constitutes authorization to install, operate or maintain a newsrack on any portion of the State highway system or any interstate highway. The placement of any newsrack under the authority of this article is subject to the rights of the City (including public utilities and utility franchisees) to make changes to the grade, direction, width, path or closure of any street or highway within the City. No person who installs, operates, or maintains a newsrack pursuant to this article shall have any claim against the City for damages the person might suffer by reason of the installation, construction, reconstruction, operation, or maintenance of any public facility within, upon or over a street or highway within the City.

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Sec. 33.123 Conditions of use

(A) A person who installs, operates or maintains a newsrack shall permanently affix to the newsrack in legible characters within a space no less than three inches by four inches the name, address, working telephone number, and email address if any, of the owner or person in charge of the newsrack. A post office box number is not acceptable.

(B) By installing, operating or maintaining a newsrack pursuant to this article, the owner and person in charge of the newsrack agree to defend, indemnify, and hold whole and harmless the City and its officers, agents, representatives or employees against any and all claims, lawsuits, judgments, costs, or expenses (including attorney's fees) for bodily injury, property damage, or other harm arising out of, or in any way related to the placement, installation, operation or maintenance of the newsrack.

(C) If the City is made a defendant in any cause of action, directly or indirectly, based upon the placement, installation, operation, or maintenance of any newsrack, the City may implead the owner or its successors and assigns.

(D) The owner or person in charge of the newsrack shall, before installation of the newsrack, procure and keep in full force and effect at all times while the newsrack is located on public property commercial general liability insurance coverage (including, but not limited to, premises/operations, independent contractors, and contractual liability) insuring the City against any and all claims for damages to persons or property resulting from or arising out of the owner's occupancy, maintenance, or use of public property, with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 for each occurrence and \$500,000 annual aggregate. The insurance policy must be written by an insurance company approved by the State of Texas and acceptable to the City and issued in a standard form approved by the Texas Department of Insurance. The policy must name the City and its officers and employees as additional insureds and shall provide for 30 days written notice to the director of cancellation, non-renewal, or material change in the insurance policy. The owner or person in charge of the newsrack shall provide proof of current coverage to the City upon reasonable request.

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(E) A newsrack may not be abandoned. A newsrack is presumed to be abandoned if the newsrack is empty of publications for more than thirty consecutive days. A newsrack is also presumed to be abandoned if the newsrack is empty of publications and does not have affixed to the newsrack indicia of ownership, such as the ownership information required by subsection (A).

Sec. 33.124 Standards for installation, operation, and maintenance

(A) A newsrack shall not remain continuously empty of publications for more than 30 consecutive days.

(B) A newsrack shall not display advertising other than logo or other trade information identifying the publication contained in an area not to exceed six inches high and 20 inches wide on the front, back, and sides of the newsrack, instructions for coin operation if any, and the identifying information required by Sec. 33.123(A).

(C) A newsrack shall be maintained in a neat and clean condition and in good repair such that:

- (1) the newsrack is reasonably free of dirt, grease, graffiti and similar extraneous markings, and accumulations of trash;
- (2) the newsrack is reasonably free of chipped, faded, peeling, and cracked paint in the visible painted areas;
- (3) the newsrack is reasonably free of rust and corrosion in the visible unpainted metal areas;
- (4) any clear plastic or glass parts through which publications dispensed by the newsrack are viewed are unbroken and reasonably free of cracks, dents, blemishes, and discoloration;
- (5) any paper or cardboard parts or inserts are reasonably free of tears, peeling, or fading;
- (6) no structural parts are broken or excessively misshapen;

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- (7) a newsrack shall be of sufficient weight to prevent the newsrack from tipping over in a wind of thirty miles per hour or less;
 - (8) a newsrack may not be anchored to the ground, sidewalk, trees, posts, poles, or streetscape furniture;
 - (9) if the newsrack sells publications by requiring the payment of money at the newsrack, the newsrack shall be equipped means of providing a refund (such as a coin return) at the point of sale in the event of malfunction, which device shall be maintained in proper working order; and
 - (10) a newsrack may only be installed, operated or maintained on the non-vehicular right-of-way of a street.
- (D) A newsrack must be freestanding. The maximum height of a newsrack shall be fifty inches. The maximum width and depth of a newsrack shall be twenty-four inches.

Sec. 33.125 Location requirements and restrictions

- (A) No newsrack may be located in a manner that:
- (1) impairs or interferes with:
 - (a) pedestrian traffic;
 - (b) the ability to fully open a door to any building;
 - (c) the loading or unloading of passengers from a bus or light rail vehicle; or
 - (d) emergency ingress to or egress from a building or property by public safety or emergency services;
 - (2) obstructs the visibility of a fire hydrant, fire department inlet connection, fire protection system control valve, fire call box, police call box, traffic control signal box, or other emergency or public facility so that the emergency or public facility cannot be clearly seen from a public street or roadway open to

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motor vehicular traffic or readily accessed;

- (3) endangers the safety of persons or property;
- (4) reduces the clear, unimpeded sidewalk width to less than five feet.

(B) On each blockface, newsracks must be placed together in groups, with not more than four newsracks in each group. No newsrack may be located nearer the curb or pavement edge of a street than any other newsrack in the group. A distance of at least fifty feet must separate each group of newsracks located on the same blockface.

(C) No more than two newsracks on any block may dispense the same publication, and only one newsrack on any blockface may dispense the same publication.

(D) A newsrack may not be located within:

- (1) any median or traffic island;
- (2) the minimum sight line area proscribed by Sec. 33.66 of this code;
- (3) the area contained within the projection of the width of a mid-block crosswalk to the back of an adjacent sidewalk;
- (4) the area contained within the projection of the width of a building's doorway to the curb face or pavement edge of any public street open to vehicular traffic;
- (5) two feet of a curb face or pavement edge of any public street open to motor vehicular traffic if the newsrack opens away from the curb face or pavement edge, except that if the curb face or pavement edge is adjacent to a designated no parking zone or area, then the newsrack may not be located within 1-1/2 feet of the curb face or pavement edge;
- (6) three feet of:

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- (a) any mailbox, water feature, art, monument, planter, kiosk, trash receptacle, drinking fountain, streetscape bench, or parking meter;
 - (b) a fire hydrant, fire department inlet connection, fire protection system control valve, fire call box, police call box, traffic control signal box, or other emergency or public facility such as a manhole or conduit box; or
 - (c) a bench, shelter, informational sign, or ticketing equipment of a light rail system;
- (7) five feet of a curb face or pavement edge of a public street open to motor vehicular traffic if the newsrack opens towards the curb face or pavement edge;
 - (8) five feet of a bicycle rack, bus stop sign, bus stop bench, or bus stop shelter; or
 - (9) 15 feet of the centerline of rail of any light rail system track.

Sec. 33.126 Compliance

(A) A newsrack that is not installed, operated or maintained in accordance with this article is subject to removal and disposal. If the director has reasonable cause to believe that a newsrack is not in compliance with the requirements of this article, the director shall send a notice of violation by personal service or by certified mail, return receipt requested, to the address of the owner or person in charge of the newsrack at the address provided on newsrack as required under Sec. 33.123(A). The notice must state the violation or violations that constitute the basis for the proposed removal of the newsrack and suggest corrective action if applicable. If a newsrack fails to display the identifying information required by Sec. 33.123(A), the director may deliver notice to the owner or person in charge of the newsrack by affixing a notice to the newsrack.

(B) The owner or person in charge of the newsrack may request a hearing by submitting a written request for a hearing to the director within fifteen days of delivery of the notice. A written

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request for a hearing shall set forth the reason or reasons why the newsrack should not be removed. If a hearing is timely requested, the director shall promptly hold a hearing at which the director shall hear evidence and determine whether the newsrack complies with this article. If a hearing is not timely requested or if, at the hearing, it is determined that a newsrack is not in compliance with this article, the director may order the newsrack to be removed or otherwise brought into compliance. The decision of the director may be appealed to the city manager by filing with the city manager a written notice of appeal which shall set forth the reasons why the director's decision should not be upheld. If the newsrack has not been removed or brought into compliance with this article within ten days after the date of the hearing or, if an appeal is filed, within ten days after the date of the city manager renders a decision, the City may remove the newsrack and recover the costs of notice, removal, and storage from the owner or person in charge of the newsrack.

(C) The director may summarily remove or order a newsrack removed if it creates an imminent danger of personal injury or property damage or if the newsrack has been abandoned. Promptly following the summary removal, the director shall notify the owner or person in charge of the newsrack, if the owner or person in charge can be determined, of the removal, the reason for the removal, and the right to a post-removal hearing in accordance with the provisions of subsection (B). The owner or person in charge of the newsrack may recover any newsrack summarily removed upon reimbursement to the City for the costs of removal and storage. Any coins or publications contained in the newsrack will be returned to the owner or person in charge when the newsrack is returned. The owner or person in charge may return the newsrack to its original location upon correction of the violation unless the location constituted a violation.

(D) A newsrack that has been removed by the City and not claimed within ten days after removal may be disposed of by the city as unclaimed property."

Section 2

That Sec. 30.198 of Chapter 30, "Building Inspection" of the Code of Ordinances of the City of Garland, Texas is hereby repealed.

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Section 3

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

Section 4

That Chapter 33, "Transportation" and Chapter 31, "Building Inspection" of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

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

Section 6

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

PASSED AND APPROVED this the _____ day of _____, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☒ **Work Session**

Date: May 20, 2013

☒ **Agenda Item**

May 21, 2013

Heritage Park Relocations – Change Order No. 1

Summary of Request/Problem

Council is requested to consider Change Order No. 1 in the amount of \$63,700 to the Guaranteed Maximum Price contract with Hill & Wilkinson General Contractors for the “Heritage Park Relocations and Southwest Quadrant of Walnut Pedestrian Corridor.” This change order will provide the temporary relocation of the Lyles and Pace Houses in order to provide an opportunity to explore additional options for the disposition of the houses.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$63,700 to the Guaranteed Maximum Price contract with Hill and Wilkinson General Contractors.

Submitted By:

Approved By:

William E. Dollar
City Manager



AIA® Document G701™ – 2001

Change Order

PROJECT (Name and address):	CHANGE ORDER NUMBER: 001	OWNER: <input type="checkbox"/>
City Center - Heritage Park and Walnut Pedestrian Corridor	DATE: 5/10/13	ARCHITECT: <input type="checkbox"/>
393 N. Sixth Street		CONTRACTOR: <input type="checkbox"/>
Garland, TX 75040		FIELD: <input type="checkbox"/>
TO CONTRACTOR (Name and address):	ARCHITECT'S PROJECT NUMBER: 12004.000	OTHER: <input type="checkbox"/>
Hill & Wilkinson General Contractors	CONTRACT DATE: Award Date: 5/7/13	
2703 Telecom Parkway	CONTRACT FOR: General Construction	
Suite 120		
Richardson, TX 75082		

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Temporary relocation and storage of Pace and Lyles Houses by trailering not to exceed six (6) months per Architect's Supplemental Instructions (ASI) #1:

Pace House - place on trailer and storage for two (2) months:	\$22,800.00
Pace House - storage for an additional four (4) months @ \$1,200.00 per month:	\$4,800.00
Lyles House - place on trailer and storage for two (2) months:	\$31,300.00
Lyles House - storage for an additional four (4) months @ \$1,200.00 per month:	\$4,800.00
Total:	\$63,700.00

The original Contract Sum was	\$	1528308
The net change by previously authorized Change Orders	\$	0
The Contract Sum prior to this Change Order was	\$	1,528,308.00
The Contract Sum will be increased by this Change Order in the amount of	\$	63700
The new Contract Sum including this Change Order will be	\$	1,592,008.00

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is unchanged.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

VAI Architects Incorporated	Hill & Wilkinson General Contractors	City of Garland
ARCHITECT (Firm name)	CONTRACTOR (Firm name)	OWNER (Firm name)
16000 North Dallas Parkway	2703 Telecom Parkway	PO Box 469002
Suite 200	Suite 120	Garland, TX 75046-9002
Dallas, TX 75248	Richardson, TX 75082	
ADDRESS	ADDRESS	ADDRESS
BY (Signature)	BY (Signature)	BY (Signature)
Clint Ashworth	Steve Camp	
(Typed name)	(Typed name)	(Typed name)
DATE	DATE	DATE



val architects Incorporated
16000 north dallas parkway · suite 200
dallas · texas 75248
(972) 934-8888 · (972) 458-2323 fax

ARCHITECT'S SUPPLEMENTAL INSTRUCTIONS

OWNER ☒ ARCHITECT ☒ CONSULTANT ☒ CONTRACTOR ☒ FIELD ☐

Project: Garland City Center – Historic Relocation Architect's Supplemental
Owner: City of Garland Instruction No.: 001
To: Hill-Wilkinson, Inc. Date of Issuance: May 10, 2013
Architect's Project No.: 12004.000
Owner PN: _____

The work shall be carried out in accordance with the following supplemental instructions in accordance with the Contract Documents without change in Contract Sum or Contract time. Prior to proceeding in accordance with these instructions, indicate your acceptance of these instructions for minor change to the Work as consistent with the Contract Documents and return a copy to the Architect.

Description:

In lieu of demolition of the wood-framed Building identified as the Lyles House, anchorage and utilities shall be disconnected and the structure secured to allow for placement upon a moving trailer. The structure shall then be transferred to a specific location, as identified by the City of Garland, and temporarily stored at this location for a period of not more than six (6) months. The specified location shall be within the vicinity of the parking area and flood plain just east of the Granville Performing Arts Center.

In lieu of relocation of the wood-framed Building identified as the Pace House to Central Park as identified in the drawings, anchorage and utilities shall be disconnected and the structure secured to allow for placement upon a moving trailer. The structure shall then be transferred to a specific location, as identified by the City of Garland, and temporarily stored at this location for a period of not more than six (6) months. The specified location shall be within the vicinity of the parking area and flood plain just east of the Granville Performing Arts Center.

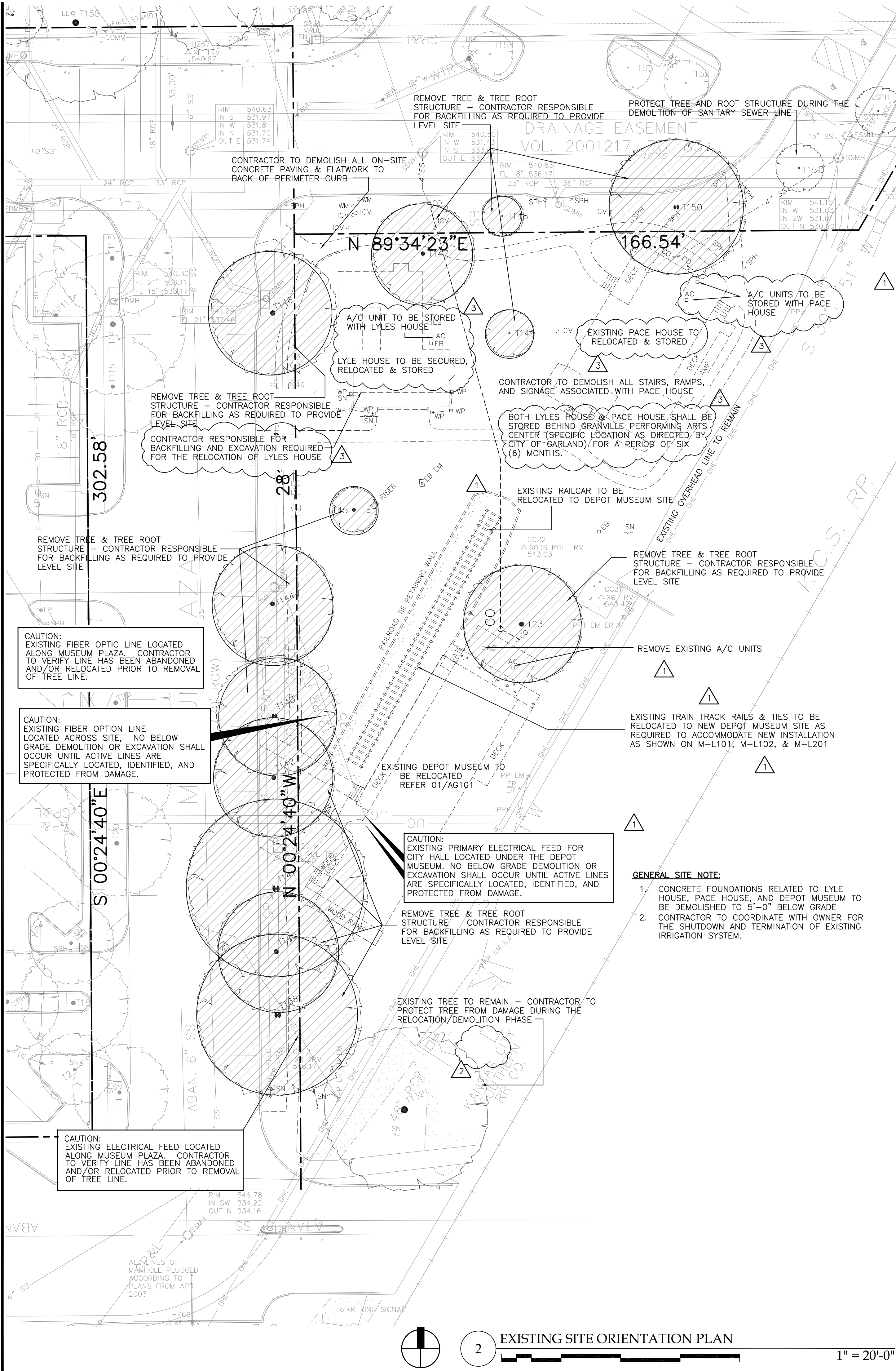
Replace Sheet AG101 dated April 19, 2013 with Revised Sheet AG101 dated May 10, 2013.

DELETE Sheets P-C2.01, P-C2.02, P-C3.01, P-C3.02, P-C5.01, P-S1.01, P-S2.01, P-S3.01, P-S3.02, P-A1.01, P-A2.01, P-A2.02, P-MEP 0.01, and P-MEP 1.01 dated February 8, 2013 in their entirety.

Attachments:

Sheet AG101, dated April 25, 2013

Issued by: VAI Architects 5/10/2013
Architect Date



PROJECT NOTES

- SHOP DRAWINGS AND/OR FULLY DESCRIPTIVE CATALOG DATA SHALL BE SUBMITTED AND APPROVED PRIOR TO FABRICATION OR ORDERING OF ANY MATERIALS. DATA SHALL INCLUDE DIMENSIONS, TECHNICAL INFORMATION, AND OTHER DATA NECESSARY TO EVALUATE THE PROPOSED MATERIALS.
- MAINTAIN THE INTEGRITY OF ALL EXISTING STRUCTURES. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND INSTALLING MATERIALS WHICH COMPLY WITH ALL APPLICABLE FIRE AND BUILDING CODES. INCLUDE DOCUMENTATION WITHIN PRODUCT DATA SUBMITTAL..
- ALL SUB-CONTRACTORS SHALL RECEIVE A COMPLETE SET OF CONSTRUCTION DOCUMENTS AND SPECIFICATIONS AND SHALL BE RESPONSIBLE FOR THEIR SPECIFIC AREA OF WORK. IT IS THE RESPONSIBILITY OF THE SUBCONTRACTOR TO REVIEW ALL DOCUMENTS FOR A FULL DEFINITION OF THEIR REQUIRED SCOPE.
- CONTRACTOR SHALL FIELD VERIFY ALL CONDITIONS PRIOR TO SUBMITTING BID. CONTRACTOR SHALL PROVIDE ALL NECESSARY MATERIAL, EQUIPMENT, LABOR, AND SUPERVISION NECESSARY TO ACCOMPLISH THE WORK AS REQUIRED BY THE PLANS AND SPECIFICATIONS.
- OWNER SHALL DESIGNATE ALL ON-SITE STAGING AREAS, ENTRANCES AND PARKING FOR CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL COORDINATE AND SCHEDULE ALL DEMOLITION AND RELOCATION ACTIVITIES WITH OWNER IN ADVANCE OF WORK, AND SHALL AVOID DISRUPTION OF OWNER'S ONGOING OPERATIONS EXCEPT AS AGREED UPON WITH OWNER.
- CONTRACTOR SHALL REPORT IN WRITING ANY DISCREPANCIES, OMISSIONS OR INCONSISTENCIES IN THE CONTRACT DOCUMENTS TO THE ARCHITECT FOR VERIFICATION BEFORE STARTING CONSTRUCTION. DO NOT PROCEED WITH CONSTRUCTION UNTIL DISCREPANCIES ARE RESOLVED.
- CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY IF CONFLICTS ARISE WITH ANY EXISTING SERVICE LINES. ARCHITECT WILL ISSUE SUPPLEMENTAL INSTRUCTIONS IF REQUIRED..
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY AND ADEQUACY OF HIS PLANT, APPLIANCES, AND METHODS. HE SHALL ERECT AND MAINTAIN AT ALL TIMES PROPER SAFEGUARDS AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK FOR THE PROTECTION OF WORKMEN, OWNER, AND OWNER'S PROPERTY, AND SHALL POST DANGER WARNINGS AGAINST HAZARDS CREATED BY THE CONSTRUCTION OPERATIONS. HE SHALL DESIGNATE A RESPONSIBLE MEMBER OF HIS ORGANIZATION ON THE WORK, WHOSE DUTY SHALL BE THE PREVENTION OF ACCIDENTS. IN ABSENCE OF NOTICE TO THE CONTRARY, FILED IN WRITING TO THE OWNER, THIS PERSON WOULD BE THE SUPERINTENDENT OF THE CONTRACTOR.
- EXISTING CONSTRUCTION SHALL BE CUT, ALTERED, REMOVED OR TEMPORARILY REMOVED, OR REPLACED AS NECESSARY FOR PERFORMANCE OF WORK UNDER THIS CONTRACT. CONSTRUCTION THAT IS REPLACED SHALL MATCH SIMILAR EXISTING ADJACENT CONSTRUCTION. STRUCTURAL MEMBERS SHALL NOT BE CUT OR ALTERED, EXCEPT WHERE NOTED ON DRAWINGS, WITHOUT AUTHORIZATION OF THE OWNER. WORK REMAINING IN PLACE WHICH IS DAMAGED OR DE-FACED DURING THIS WORK SHALL BE RESTORED TO THE CONDITION EXISTING AT TIME OF AWARD OF CONTRACT.
- WHERE REPAIRS TO EXISTING SURFACES ARE REQUIRED DUE TO CONSTRUCTION ACTIVITIES, PATCH TO PRODUCE SURFACES SUITABLE FOR NEW MATERIALS. RESTORE FINISHED SURFACES INTO ADJOINING SURFACES IN A MANNER THAT ELIMINATES EVIDENCE OF PATCHING AND REFINISHING.
- CONTRACTOR SHALL COORDINATE REMOVAL AND CLEANUP OF ALL DEBRIS CAUSED BY HIS WORK DURING CONSTRUCTION AND THE STORAGE OF ALL BUILDING MATERIALS WITH OWNER. CLEAN ALL AREAS TO "AS IS" CONDITIONS AT THE END OF EACH WORKDAY.

GENERAL DEMOLITION NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO BIDDING WORK. IF FIELD CONDITIONS VARY, THE OWNER SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES.
- OWNER HAS MARKED AND/OR TAGGED ITEMS TO BE MOVED. OWNER SHALL MOVE/ REMOVE ANY MOVABLE / FREESTANDING FURNISHINGS AND ACCESSORIES PRIOR TO START OF CONSTRUCTION. CONTRACTOR SHALL NOTIFY OWNER IF ADDITIONAL ITEMS ARE REQUIRED TO BE MOVED PRIOR TO THE START OF CONSTRUCTION.
- THE OWNER HAS FIRST RIGHTS OF SALVAGE OF ALL DEMOLISHED ITEMS INCLUDING BUT NOT LIMITED TO FIXTURES, EQUIPMENT AND BUILDING MATERIALS, ETC. REMOVED AS PART OF THE DEMOLITION. REMOVE ALL OTHER DEBRIS AND WASTE FROM THE SITE AND DISPOSE OF PROPERLY, IN ACCORDANCE WITH ANY FEDERAL, STATE, AND LOCAL REGULATIONS. PRIOR TO START OF DEMOLITION, SECURE FROM THE OWNER A LIST OF EXISTING BUILDING COMPONENTS TO BE SALVAGED AND DELIVERED TO THE OWNER. EXERCISE SUFFICIENT CARE IN SALVAGE OPERATIONS SUCH THAT SALVAGED COMPONENTS ARE DELIVERED TO THE OWNER IN THEIR EXISTING CONDITION.

STRUCTURAL INTEGRITY

- PROVIDE SHORING, BRACING AND SUPPORTS ADEQUATE TO MAINTAIN STRUCTURAL INTEGRITY OF THE EXISTING WALLS AND CEILINGS DURING RELOCATION..
- CONTRACTOR IS RESPONSIBLE TO MAINTAIN STRUCTURAL INTEGRITY OF EXISTING STRUCTURES WHILE PREPARING FOR RELOCATION, DURING RELOCATION, AND PLACEMENT OF STRUCTURE. EXISTING CONSTRUCTION SHOULD BE VERIFIED PRIOR TO PROCEEDING WITH RELOCATION AND/OR DEMOLITION OF STRUCTURES. REVIEW EXISTING ANY AS-BUILT DOCUMENTS THAT MAY BE AVAILABLE TO VERIFY EXTENT OF EXISTING STRUCTURAL ELEMENTS. CONTRACTOR RESPONSIBLE FOR DESIGN AND CONSTRUCTION OF STRUCTURAL MODIFICATIONS REQUIRED IF REINFORCEMENT OR OTHER STRUCTURAL MEMBER IS CUT.

CUTTING AND PATCHING

- ANY EXISTING CONSTRUCTION THAT IS TO BE REMOVED, SHALL BE REMOVED CAREFULLY SO AS NOT TO DAMAGE ANY EXISTING CONSTRUCTION THAT IS TO REMAIN. WALLS AND CEILINGS ARE TO BE PATCHED (IN

HAZARDOUS MATERIAL

- HAZARDOUS MATERIALS MAY BE ENCOUNTERED AT SUBJECT CONSTRUCTION SITE. REFER TO ANY EXISTING HAZARDOUS MATERIALS REPORT PRIOR TO CONSTRUCTION. IF UNFORESEEN HAZARDOUS MATERIALS ARE ENCOUNTERED DURING WORK, STOP WORK IMMEDIATELY AND NOTIFY OWNER OF HAZARDOUS MATERIAL.



architect



vai architects incorporated
16000 north dallas parkway, suite 200
dallas, texas 75248
972.934.8881 • 972.458.2323 f
www.valarchitects.com

consultant

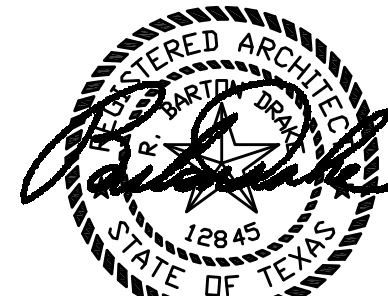
CIVIL ENGINEER
Pacheco Koch
6000 Western Place, suite 625
Fort Worth, Texas 76107-4654
817.412.7155 f 817.412.7156 f
www.pkco.com

STRUCTURAL ENGINEER
Ponce-Fuess Engineering
3333 Lee Parkway, Suite 475
Dallas, Texas 75219
469.310.2850t
www.ponce-fuess.com

MEP ENGINEER

Jordan & Skala Engineers
17855 north dallas parkway, suite 320
dallas, texas 75287
469.385.1616 f 469.385.1615 f
www.jordanskala.com

seal / disclaimer



05/10/2013

client / owner

City of Garland



project

City of Garland
Historic
Structure
Relocation

revision no: Issue date:

- ADD. NO. 1 2/18/2013
- CITY CMTS 4/19/2013
- ASI 001 5/10/2013

issue date:
FEBRUARY 8, 2013

vai project no.:
12004.000

drawn by: checked by:
CA CA

issue title:
FINAL CONST. PKG.

sheet title:
Relocation
Plan / Overall
Site
Demolition
Plan

sheet no:

AG101

CASE NOS. 120913-2



City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

AGREEMENT TO EXCHANGE EXCESS RIGHT-OF-WAY FOR GP&L EASEMENT

Summary of Request/Problem

A new aerial 13.2 kV electrical distribution line is proposed along Country Club Road from the Rosehill Substation to a tie in point located north of Rowlett Road. This work is proposed to utilize new distribution feeder capabilities from the Rosehill Substation upgrade currently under construction. A seven (7) foot wide electrical utility easement is needed for line construction at undeveloped property owned by James L. and Lana J. Benson adjacent to 1234 Rowlett Road. In lieu of monetary compensation, the Bensons requested that the City of Garland exchange existing access County Club Road right-of-way adjacent to 1234 Rowlett Road for the requested easement. City Council authorization is required to authorize the Mayor to execute the necessary Special Warranty Deed conveying title to the Bensons.

Recommendation/Action Requested and Justification

GP&L recommends that the Council authorize the Mayor to execute the Special Warranty Deed for the property exchange.

Submitted By:

Jeff Janke
Electric Utility Director

Approved By:

William E. Dollar
City manager

RESOLUTION NO. _____

A RESOLUTION APPROVING THE EXCHANGE OF REAL PROPERTY LOCATED NEAR THE INTERSECTION OF SOUTH COUNTRY CLUB ROAD AND ROWLETT ROAD, AND ABUTTING 1234 ROWLETT ROAD (THE "PROPERTY") BETWEEN THE CITY AND JAMES L. AND LANA J. BENSON (COLLECTIVELY, "THE BUYER"); AUTHORIZING THE MAYOR OF THE CITY OF GARLAND TO EXECUTE A DEED CONVEYING THE PROPERTY TO THE BUYER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Buyer is the owner of undeveloped real property located within the remainder of a 4.04 acre and all of a 0.035 acre tract, in the J.L. Anderson Survey, Abstract No. 25, adjacent to South Country Club Road, City of Garland, Dallas County, Texas ("Country Club Tract");

WHEREAS, the City is the owner of that certain tract of real property originally purchased during a right-of-way acquisition for South Country Club Road ("City Tract"), located at the southerly corner of the intersection of South Country Club Road and Rowlett Road, City of Garland, Dallas County, Texas, and abutting 1234 Rowlett Road, real property owned by Buyer;

WHEREAS, the City desires to acquire an utility easement across over, under, upon, across and within a portion of the Country Club Tract;

WHEREAS, the Buyer desires to acquire the Property, a portion of the City Tract which is no longer needed for the South Country Club Road right-of-way, being more particularly described and depicted on Exhibit B, attached hereto and incorporated herein by reference; and

WHEREAS, the Buyer and the City desire to exchange real property interests to portions of the City Tract and the Country Club Tract under the terms of that certain Land Exchange Agreement dated May 6, 2013.

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

Section 1

That the exchange of Property between the City of Garland and the Buyer is hereby approved.

Section 2

That the Mayor is hereby authorized to execute a Special Warranty Deed, the form and substance of which is attached as Exhibit "A" and incorporated herein by reference, conveying the Property to the Buyer.

Section 3

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

PASSED AND APPROVED this the ____ day of May, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the **City of Garland, a Texas home-rule municipality**, hereinafter referred to as "Grantor," for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS cash, and other good and valuable consideration to Grantor in hand paid by **James L. Benson**, hereinafter referred to as "Grantee," whose mailing address is 1306 Rowlett Road, Garland, Texas 75043, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee the following described property situated in Dallas County, Texas, to-wit:

Being a 4,628 square foot tract of land out of the 0.1685-acre tract of land conveyed to the City of Garland by Virginia Lucille Ward, et al by deed as recorded in Volume 88046, Page 2902 of the Deed Records of Dallas County, Texas, and being more particularly described and set forth on Exhibit B, attached hereto and incorporated herein by reference (the "Property").

This conveyance is made and accepted subject to any all valid and subsisting restrictions, easements, rights of way, reservations, maintenance charges together with any lien securing said maintenance charges, zoning laws, ordinances of municipal and/or other governmental authorities, conditions and covenants, if any, applicable to and enforceable against the above-described property as shown by the records of the County Clerk of Dallas County.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, Grantee's successors and assigns forever and Grantor does hereby bind itself and its successors and assigns, to Warrant and Forever Defend, all and singular, the Property unto Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

BY THE ACCEPTANCE OF THIS DEED, GRANTEE TAKES THE PROPERTY "AS IS", EXCEPT FOR THE WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN AND EXCEPT AS SET FORTH BELOW. GRANTOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, OF HABITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, SUBJECT TO SELLER'S REPRESENTATIONS AND WARRANTIES SET FORTH IN THAT CERTAIN LAND EXCHANGE AGREEMENT DATED EFFECTIVE _____, 2013 (THE "CONTRACT"), TO THE EXTENT, AND FOR THE LIMITED PERIOD THAT, SUCH REPRESENTATIONS AND

WARRANTIES SURVIVE THE CLOSING OF THE CONTRACT PURSUANT TO THE TERMS OF THE CONTRACT.

RELEASE. SUBJECT TO GRANTOR'S REPRESENTATIONS AND WARRANTIES SET FORTH IN THE CONTRACT, AND SUBJECT TO THE WARRANTY OF TITLE AS PROVIDED AND LIMITED HEREIN, WITHOUT LIMITING THE FOREGOING DISCLAIMERS BY GRANTOR, AND NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THE CONTRACT, GRANTEE HEREBY RELEASES GRANTOR AND (AS THE CASE MAY BE) GRANTOR'S EMPLOYEES, MANAGERS, REPRESENTATIVES, AND AGENTS FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS, AND EXPENSES (INCLUDING ATTORNEYS' FEES WHETHER THE SUIT IS INSTITUTED OR NOT) WHETHER KNOWN OR UNKNOWN, LIQUIDATED OR CONTINGENT (HEREINAFTER COLLECTIVELY CALLED THE "CLAIMS") ARISING FROM OR RELATING TO ANY DEFECT OR OTHER CONDITIONS, SPECIFICALLY INCLUDING ENVIRONMENTAL AND OTHER PHYSICAL CONDITIONS, AFFECTING THE PROPERTY WHETHER THE SAME ARE A RESULT OF NEGLIGENCE OR OTHERWISE. THE RELEASE SET FORTH IN THIS SECTION INCLUDES, WITHOUT LIMITATION, ANY CLAIMS (INCLUDING INDEMNITY AND CONTRIBUTION CLAIMS) UNDER ANY ENVIRONMENTAL LAWS OF THE STATE OF TEXAS, OR ANY POLITICAL SUBDIVISION THEREOF, AS ANY OF THOSE LAWS MAY BE AMENDED FROM TIME TO TIME AND ANY REGULATIONS, ORDERS, RULES OF PROCEDURES OR GUIDELINES PROMULGATED IN CONNECTION WITH SUCH LAWS, REGARDLESS OF WHETHER THEY WERE IN EXISTENCE ON THE DATE OF THE CONTRACT, BUT SPECIFICALLY EXCLUDES ANY WARRANTIES OR REPRESENTATIONS SET FORTH IN THIS DEED OR OTHER DOCUMENTS DELIVERED BY GRANTOR AT CLOSING. GRANTEE ACKNOWLEDGES THAT GRANTEE HAS BEEN REPRESENTED BY INDEPENDENT LEGAL COUNSEL OF GRANTEE'S SELECTION AND GRANTEE IS GRANTING THIS RELEASE OF ITS OWN VOLITION. THE FOREGOING WAIVER IS LIMITED TO GRANTOR AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, MANAGERS, REPRESENTATIVES, AND AGENTS, AND IT DOES NOT APPLY TO ANY PRIOR OWNERS IN THE CHAIN OF TITLE TO THIS PROPERTY, NOR TO THEIR RESPECTIVE OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, MANAGERS, REPRESENTATIVES OR AGENTS.

When the context requires, singular nouns and pronouns include the plural.

[SIGNATURE PAGE TO FOLLOW]

EXECUTED to be effective as of the _____ day of _____, 2013.

City of Garland/Benson SWD

GRANTOR:

CITY OF GARLAND, a Texas home-rule municipality

By: _____
Name: _____
Title: Mayor

GRANTEE ACKNOWLEDGEMENT:

James L. Benson

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2013, by _____, Mayor of the City of Garland, Texas.

My Commission Expires: _____

Notary Public in and for the State of Texas

(Typed or Printed Name of Notary)

EXHIBIT B

General Notes to accompany the following field notes:

1. Bearings of lines in the following description reference Grid North of the Texas Coordinate System of 1983, North Central Zone derived from conventional survey measurements to legacy monuments GPS-269 (X=2,555,989.62 feet, Y=6,998,681.49 feet) and GPS-270 (X=2,556,877.29 feet, Y=6,999,607.13 feet) published by the City of Garland.
The convergence (mapping) angle at the point of beginning is: 1° 02' 42"
2. Reported distances are horizontal surface distances measured in U.S. Survey Feet computed using a combined factor of 0.999853769 by the formula:
Surface Distance = Grid Distance/0.999853769.
3. Coordinate values reported herein are in U.S. Survey Feet referenced to The Texas Coordinate System of 1983, North Central Zone.

BEING a 4,628-square-foot tract of land situated in the City of Garland in the J. L. Anderson Survey, Abstract No. 25, Dallas County, Texas, and being a portion of a 0.1685-acre tract described in the deed from Virginia Lucille Ward, et al to The City of Garland dated the 4th day of March, 1988, and recorded in Volume 88046, at Page 2902 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8-inch steel rod found for the west corner of said 4,628-square-foot City of Garland tract, the same being the south corner of a 1,399-square-foot tract of land styled PARCEL No. 151, County Project No. 375 Awarded to Dallas County, Texas, in the Condemnation Proceeding No. CC-74-750-b dated the 7th day of February, 1974, and recorded in Volume 74049, at Page 1594 of the Deed Records of Dallas County, Texas, said 3/8-inch steel rod having coordinates of:

X = 2,556,878.24 feet

Y = 6,999,530.70 feet

THENCE N 44°54'41"E with the southeasterly line of said 1,399-square-foot tract for a distance of 52.13 feet to a 5/8-inch steel rod 18 inches in length set in concrete and capped with a center-punched cross on a 3-1/4-inch aluminum disk and bearing the inscriptions "CITY OF GARLAND", "DO NOT DISTURB", "RIGHT OF WAY", "SURVEY MONUMENT" and having coordinates of:

X = 2,556,915.04 feet

Y = 6,999,567.62 feet

said capped steel rod also marking the beginning of a curve concave to the southwest having a radius of 844.74 feet, a central angle of 7°09'10", and a chord that bears S 42°23'50"E for a distance of 105.39 feet;

THENCE in a southeasterly direction with the arc of said curve for a distance of 105.46 feet to a 5/8-inch steel rod 18 inches in length set in concrete and capped with a center-punched cross on a 3-1/4-inch aluminum disk and bearing the inscriptions "CITY OF GARLAND", "DO NOT DISTURB", "RIGHT OF WAY", "SURVEY MONUMENT"

and having coordinates of:

X = 2,556,986.09 feet

Y = 6,999,489.80 feet

and being in the southeasterly line of said 0.1685-acre tract and also being in the northwesterly line of a 4.04-acre tract of land described in the deed from Clyde Anderson to James L. Benson and wife, Lana J. Benson dated the 20th day of April, 1973 and recorded in Volume 73087, at Page 1373 of the Deed Records of Dallas County, Texas;

THENCE S 45°32'37"W with common line between said 0.1685-acre tract and the last mentioned 4.04-acre Benson tract for a distance of 33.75 feet to a 1/2-inch steel rod found marking the south corner of said 0.1685-acre tract and the east corner of a 0.29-acre tract of land described in the deed from Annie Lee Simmons to James L. Benson and wife, Lana Joyce Benson, dated the 24th day of June 1991, and recorded in Volume 91124, at Page 2718 of the Deed Records of Dallas County, Texas;

THENCE N 52°23'10"W with the common line between said 0.1685-acre tract and said 0.29-acre tract for a distance of 105.76 feet to the POINT OF BEGINNING and containing 4,628 square feet or 0.106 acres of land.



Sheet 1 of 2

4,628-SF TRACT

APRIL 2013

Project No.: 1189-DA

R-DELTA

ENGINEERS, INC.

ENGINEERS • LAND PLANNERS • LAND SURVEYORS

618 MAIN STREET GARLAND, TEXAS 75040

Tel (972) 494-5031 On the Web at www.rdelta.com

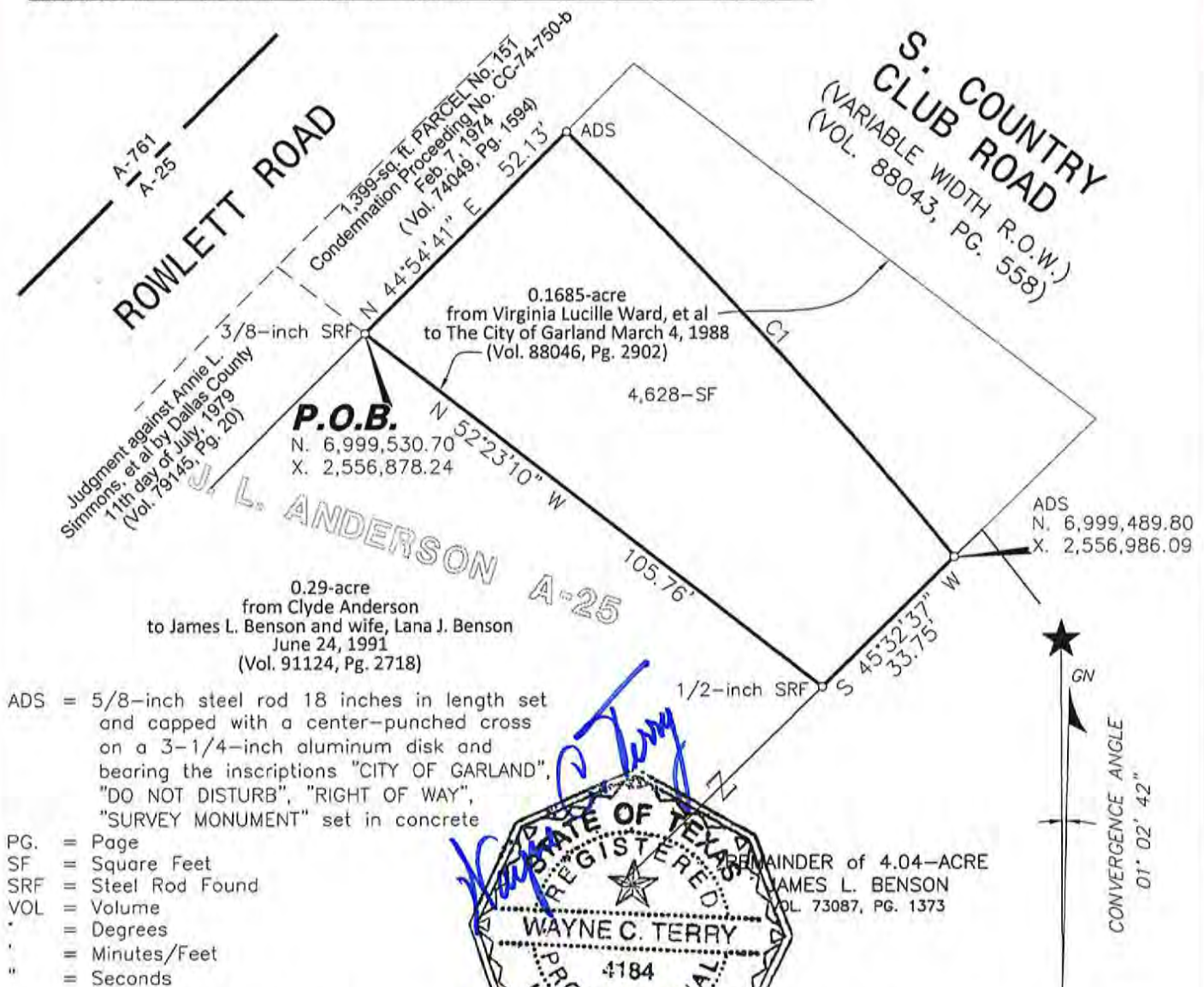
EXHIBIT B

4,628-SF TRACT

J. L. ANDERSON SURVEY, ABST. No. 25

CITY OF GARLAND, DALLAS COUNTY, TEXAS

	DELTA	RADIUS	TANGENT	LENGTH	CHORD BEARING	CHORD DIST.
C1	07°09'10"	844.74'	52.80'	105.46'	S. 42°23'50" E.	105.39'

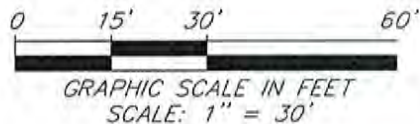


ADS = 5/8-inch steel rod 18 inches in length set and capped with a center-punched cross on a 3-1/4-inch aluminum disk and bearing the inscriptions "CITY OF GARLAND", "DO NOT DISTURB", "RIGHT OF WAY", "SURVEY MONUMENT" set in concrete

PG. = Page
SF = Square Feet
SRF = Steel Rod Found
VOL = Volume
' = Degrees
" = Minutes/Feet
" = Seconds

Notes for the following field notes:

- Bearings of lines in the following description reference Grid North of the Texas Coordinate System of 1983, North Central Zone derived from conventional survey measurements to legacy monuments GPS-269 (X=2,555,989.62 feet, Y=6,998,681.49 feet) and GPS-270 (X=2,556,877.29 feet, Y=6,999,607.13 feet) published by the City of Garland.
The convergence (mapping) angle at the point of beginning is: 1° 02' 42"
- Reported distances are horizontal surface distances measured in U.S. Survey Feet computed using a combined factor of 0.999853769 by the formula:
Surface Distance = Grid Distance/0.999853769.
- Coordinate values reported herein are in U.S. Survey Feet referenced to The Texas Coordinate System of 1983, North Central Zone.



Sheet 2 of 2

4,628-SF TRACT	
APRIL 2013	Project No.: 1189-DA
R-DELTA	ENGINEERS, INC.
ENGINEERS • LAND PLANNERS • LAND SURVEYORS	
618 MAIN STREET GARLAND, TEXAS 75040	
Tel (872) 494-5031 On the Web at www.rdelta.com	



City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

Sale of Property to Habitat for Humanity

Summary of Request/Problem

Council was briefed on this item at the May 20, 2013 Work Session. Habitat for Humanity has offered to purchase the property at 212 Southwood Drive for the DCAD current assessed value of \$15,000. The property was struck off to the City of Garland in 2009; both GISD and Dallas County have consented to the sale.

Recommendation/Action Requested and Justification

Approve the attached resolution.

Submitted By:

**Mona Woodard
Development Services**

Approved By:

**William E. Dollar
City Manager**

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SALE OF DESIGNATED TAX FORECLOSED REAL PROPERTY, 212 SOUTHWOOD (THE "PROPERTY") TO HABITAT FOR HUMANITY (THE "BUYER"); AUTHORIZING A DEED CONVEYING THE PROPERTY TO THE BUYER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garland received the property as a result of Sheriff's Deed in September 2009.

WHEREAS, Habitat for Humanity, a nonprofit organization, has offered to purchase the property from the City of Garland to use the property in a manner that promotes a public purpose-building and providing affordable housing.

WHEREAS, the City has determined that selling the property is in the public's best interest because it allows the buyer to develop the property and provide affordable housing, and it eliminates the City's expenses associated with maintaining the property.

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

Section 1

That the sale and conveyance of real property, 212 Southwood Drive, by the City of Garland to Habitat for Humanity is hereby approved.

Section 2

That the Mayor is hereby authorized to execute a Deed Without Warranty, the form which is hereby attached as Exhibit "A" and incorporated herein by reference, conveying the Property to the Buyer.

Section 3

That this resolution shall be and become effective immediately upon and after it's adoption and approval.

PASSED AND APPROVED this the 21st day of May 2013.

THE CITY OF GARLAND, TEXAS

BY: _____
Mayor

ATTEST:

City Secretary

EXHIBIT A – DEED WITHOUT WARRANTY

DEED WITHOUT WARRANTY

THE STATE OF TEXAS '
 ' KNOW ALL MEN BY THESE
PRESENTS:
COUNTY OF DALLAS '

That the **City of Garland, a Texas home-rule municipality**, hereinafter referred to as “Grantor”, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS cash, and other good and valuable consideration to Grantor in hand paid by the _____, hereinafter referred to as “Grantee”, the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee all of that property located in Dallas County, Texas, commonly known as _____ and more particularly described as,

Being Lot ____, Block ____, _____ Addition,
an addition to the City of Garland, Texas according to the
plat thereof recorded in Volume __, Page ____, of the
Map Records of Dallas County, Texas, also known as
_____, City of Garland, Dallas County, Texas (the
“Property”).

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING—WITHOUT LIMITATION—ANY WARRANTIES ARISING UNDER COMMON LAW OR UNDER SECTION 5.023 OF THE TEXAS PROPERTY CODE OR OTHER STATUTE. BY ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES THAT THE LAND IS CONVEYED “AS IS—WHERE IS, WITH ALL FAULTS”.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be
EFFECTIVE on the _____ day of _____ 2012.

GRANTOR:

CITY OF GARLAND, TEXAS

By: _____

Mayor, City of Garland

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the _____ day of
_____, 2012, by Ronald E. Jones, Mayor of the City of Garland, Texas, on
behalf of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:



City Council Item Summary Sheet

☐ Work Session

Date: 5/21/2013

☒ Agenda Item

Fiber Expansion Contract Change Order

Summary of Request/Problem

At the May 20 work session Council was asked to consider an addition to the scope of the fiber expansion project, which results in the need for a change request of \$32,331 to the contract with Advanced Communications. Funding for this change request is available in the fiber expansion project fund.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to execute a change order with Advanced Communications in the amount of \$32,331.

Submitted By:

Steve Niekamp
Chief Information Officer

Approved By:

William E. Dollar
City Manager

CHANGE ORDER REQUEST

PURPOSE: TO COVER OUT OF SCOPE SITE SURVEYS AND PIPE PROOFING ACTIVITIES

DATE: 5/1/2013

ITEM #	DESCRIPTION	UNIT	PRICE	CHANGE ORDER QUANTITY	CHANGE ORDER COST
CHO2	SITE SURVEY AND OUT OF SCOPE PIPE PROOFING	HRS.	\$160.00	50	\$8,000.00
CH03	REMOVE AND REPLACE CONCRETE	SQ. FT	\$25.00	363	\$9,075.00
CH04	SAW CUT CONCRETE	LINEAR FT	\$ 9.00	84	\$756.00
CH05	R&R VAULTS	EA.	\$ 725.00	20	\$14,500.00

TOTAL CHANGE ORDER

\$32,331.00

PROJECT MANAGER - NX UTILITIES, LLC.

DATE

CITY OF GARLAND REPRESENTATIVE

DATE

*HOURS CHARGED SHOULD NOT EXCEED 50 HRS INDICATED PLUS 40HRS FROM CHANGE ORDER 01 (CH01) FOR A
TOTAL OF 90HRS FOR THE PROJECT*



City Council Item Summary Sheet

☒ **Work Session**

Date: May 20, 2013

☐ **Agenda Item**

House Number Requirements

Summary of Request/Problem

At the May 6, 2013 Work Session, Council considered modifying Section R319.1 of the 2009 International Residential Code and Section 505.1 of the 2009 International Fire Code dealing with street address number requirements. The Codes needed to be modified to eliminate conflicting requirements.

Recommendation/Action Requested and Justification

Approve an ordinance amending Chapter 21, "Fire Prevention and Protection" and Chapter 30, "Building Inspection" of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland.

Submitted By:

**Martin E. Glenn
Deputy City Manager**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 21, "FIRE PREVENTION AND PROTECTION" AND CHAPTER 30, "BUILDING INSPECTION" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Chapter 21, "Fire Prevention and Protection" of the Code of Ordinances of the City of Garland, Texas, is hereby amended by restating the amendment to Section 505.1 of the International Fire Code, 2009 Edition, to read as follows:

"Section 505.1 is amended to read as follows:

505.1 Address Identification. The correct address number of a premises shall be attached to all new and existing buildings or structures in a place and position as to be plainly visible and legible from the street fronting the premises and from the rear alley of the premises, if an alley is present. If a building or structure does not immediately front a street, the building or structure shall be addressed by building number and apartment or suite number.

Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke shall be 0.5 inches. Address numbers shall be a minimum six inches in height except for R-3 single-family occupancies for which the minimum is four inches and individual suite or apartment numbers for which the minimum is three inches. The numbers shall be of a color contrasting with the background. Numerals or addresses shall be posted on a minimum 20-inch by 30-inch background.

Where access is by means of a private road and the building cannot be viewed from the public way, a monument or other sign or means shall be used to identify the building."

Section 2

That Chapter 30, "Building Inspection" of the Code of Ordinances of the City of Garland, Texas, is hereby amended by restating the amendment to Section R319.1 of the International Residential Code, 2009 Edition, to read as follows:

"Section R319.1 is amended to read as follows:

R319.1 Premises Identification. Street address numbers no less than four inches in height must be attached to all new and existing buildings or structures on the front of the building or structure in such a manner as to be visible and legible from the street, alley or private drive or designated fire lane. In addition, numbers must be displayed on a property so as to identify the address from the rear of the property. All required numbers must be installed prior to the final building inspection.

Address numbers shall be Arabic numerals or alphabet letters. The minimum stroke width shall be 0.5 inches.

Exception: If there is no access to the rear of the property from a street, alley, public way, common area or easement, address posting is required on the front of the structure only."

Section 3

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

Section 4

That Chapter 21, "Fire Prevention and " and Chapter 30, "Building Inspection" of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

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

Section 6

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

PASSED AND APPROVED this the _____ day of _____, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

Sundance Behavioral Healthcare Economic Incentive Agreement

Summary of Request/Problem

Sundance Behavioral Healthcare is planning to invest over \$15 million to purchase and remodel Vista Hospital, a vacant building for the past two years that is located at 2696 W. Walnut Street. This project is estimated to create 100 jobs and add \$9.1 million in Real Estate value and \$150,000 in Business Personal Property value.

As part of the Garland Economic Development Partnership (GEDP) attraction program of encouraging quality development in the City of Garland, the GEDP Steering Committee recommends that Council provide:

- General support for the project
- Support of the SUP request and expedited permit process
- Support of a 50% City Tax Abatement on incremental Real Estate value and Business Personal Property value for five years - \$162,939
- Nomination of Texas Enterprise Zone - \$250,000
- Waiver of development permits - \$14,000
- Support of Workforce Skills Development Fund Training Grant - \$142,000

This item was considered by Council at the May 6, 2013 Work Session.

Recommendation/Action Requested and Justification

1) Approve an ordinance designating an area as a reinvestment zone for commercial/industrial tax abatement; making certain findings thereon; authorizing the City Manager to execute an agreement with the applicant regarding the reinvestment zone; 2) approve an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, nominating RCR Healthcare, LLC (Sundance Behavioral Healthcare) to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank as an enterprise project, 3) approve a resolution authorizing the City Manager to execute a tax abatement agreement.

Submitted By:

Martin E. Glenn
Deputy City Manager

Approved By:

William E. Dollar
City Manager

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING AN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; MAKING CERTAIN FINDINGS THEREON; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE APPLICANT REGARDING THE REINVESTMENT ZONE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the area described in Exhibit "A," attached hereto and incorporated herein by reference, is hereby designated as a reinvestment zone by the City of Garland pursuant to the provisions of Chapter 312 of the Texas Tax Code, as amended. It is expressly provided, however, that no tax abatement shall occur unless and until an appropriate agreement, as directed in Section 3 of this Ordinance, is executed by the City Manager and the applicant.

Section 2

That in connection with the foregoing designation, the City Council makes the following findings:

- (1) The reinvestment zone designated and established by this Ordinance is reasonably likely, as a result of the designation, to contribute to the retention and expansion of primary employment and to attract major investment in the zone that will benefit the property and contribute to the economic development of the City of Garland, Texas;
- (2) The area within the reinvestment zone is not within an improvement project financed by tax increment bonds;
- (3) The improvements and development which are sought to take place within the reinvestment zone will conform to the comprehensive zoning ordinance of the City of Garland;
- (4) None of the property located within the reinvestment zone is owned or leased by a member of the City Council or the Plan Commission; and
- (5) The improvements and development sought are feasible and practical and will benefit the land included in the

reinvestment zone and the City after the agreement provided in Section 3 of this Ordinance has expired.

- (6) Notice of the hearing at which this Ordinance was adopted was published and delivered in accordance with the law more than seven days prior to the hearing as required by Section 312.201(d) of the Texas Tax Code and as evidence by Exhibit "B" and "C."

Section 3

That the City Manager is hereby directed to execute an agreement with the applicant in accordance with the provisions of Subchapter B, Chapter 312 of the Texas Tax Code in the form attached hereto as Exhibit "D."

Section 4

That this Ordinance shall be and become effective immediately after its passage and adoption according to law.

PASSED AND APPROVED this the _____ day of _____, 2013.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary

Exhibits

Exhibit "A" - Reinvestment Zone Description

Exhibit "B" - Notice by Publication of Hearing

Exhibit "C" - Notice to the Presiding Officer of Each Taxing
Unit That Includes In Its Boundaries Real Property
in the Proposed Reinvestment Zone

Exhibit "D" - Form Tax Abatement Agreement

EXHIBIT A

Reinvestment Zone: Block 1, Lots 1-4 of the Garland Hospital and Clinic Replat Addition to the City of Garland, Dallas County, Texas commonly known as 2692 W. Walnut Street, Garland, Texas 75042

EXHIBIT B

EXHIBIT C

EXHIBIT D

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (THE "ACT"), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, NOMINATING RCR HEALTHCARE, LLC (SUNDANCE BEHAVIORAL HEALTHCARE) TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM ("EDT") THROUGH THE ECONOMIC DEVELOPMENT BANK (THE "BANK") AS AN ENTERPRISE PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Garland, Texas desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in certain areas of the City and to provide employment to residents of such area; and

WHEREAS, the project or activity is located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, SHAPE CORP. has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that RCR HEALTHCARE, LLC (SUNDANCE BEHAVIORAL HEALTHCARE) meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at a qualified business site, and will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this Ordinance was held by the City Council on MAY 21, 2013;

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

Section 1

The City nominates RCR HEALTHCARE, LLC (SUNDANCE BEHAVIORAL HEALTHCARE) for enterprise project status.

Section 2

The following local incentives, at the election of the City Council, are or will be made available to the nominated project or activity of the qualified business:

- A. The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of Garland Tax Abatement Policy, and with qualified employee being defined by the Act.
- B. The City may provide the programs to improve and increase the value of real estate and new investment, including:
 - 1) local sales tax refund;
 - 2) tax increment financing;
 - 3) freeport exemption; or
 - 4) chapter 380 grants.
- C. The City may provide regulatory relief to businesses, including:
 - 1) zoning changes or variances;
 - 2) exemptions from impact fees, or inspection fees; or
 - 3) streamlined permitting.
- D. The City may provide enhanced municipal services to businesses, including:
 - 1) improved police and fire protection; or
 - 2) institution of community crime prevention programs.
- E. The City may provide improvements in community facilities, including:
 - 1) capital improvements in water and sewer facilities; or
 - 2) road repair.
- F. The City may provide improvements to housing, including:

- 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) transfer of abandoned housing to individuals or community groups.
- G. The City may provide businesses and industrial development services, including:
- 1) low-interest loans and grants for businesses;
 - 2) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - 3) promotion and marketing services.
- H. The City, through its funding of other agencies, may provide job training and employment services to businesses, including:
- 1) retraining programs;
 - 2) literacy and employment skills programs;
 - 3) vocational education; or
 - 4) customized job training.

Section 3

The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Section 4

The City Council hereby directs and designates its Deputy City Manager as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in the enterprise zone or affected by an enterprise project.

Section 5

The City Council finds that RCR HEALTHCARE, LLC (SUNDANCE BEHAVIORAL HEALTHCARE) meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- B. RCR HEALTHCARE, LLC (SUNDANCE BEHAVIORAL HEALTHCARE) is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone in the governing body's jurisdiction and at least twenty-five (25%) of the business' new employees will be residents of an Enterprise Zone or economically disadvantaged individuals;
- C. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area;
- D. The designation of RCR HEALTHCARE, LLC (SUNDANCE BEHAVIORAL HEALTHCARE) as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6

The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on MAY 21, 2018.

Section 7

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

PASSED AND APPROVED this the _____ day of _____, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX ABATEMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Council hereby authorizes the City Manager to execute a tax abatement agreement with RCR Healthcare, LLC (Sundance Behavioral Healthcare) in the form and substance of that attached hereto.

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 _____, 2013.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

TAX ABATEMENT AGREEMENT

The City of Garland, in the County of Dallas, State of Texas (the “City”) and RCR Healthcare, LLC, which will be doing business in Dallas County, Texas (the “Company”), enter into this Tax Abatement Agreement (the “Agreement”) in accordance with the following terms and conditions:

RECITALS

WHEREAS, the Property Redevelopment and Tax Abatement Act, Section 312.001 et. Seq., TEX.TAX CODE, as amended, (the “Act”) authorizes the City Council of the City (the “City Council”) to create a reinvestment zone for commercial/industrial tax abatement purposes; and

WHEREAS, the City Council has adopted a Resolution establishing guidelines and criteria governing tax abatement and electing to become eligible to participate in tax abatement pursuant to the requirements of the Act, which Resolution is incorporated herein by reference thereto for all purposes; and

WHEREAS, on May 21, 2013, the City Council did enact and adopt Ordinance No. [NOT YET ENACTED] designating as a reinvestment zone (the “Zone”) an area within the City as more particularly described in Exhibit “A,” all pursuant to the Act, which Ordinance is incorporated herein by reference thereto for all purposes; and

WHEREAS, the Zone is not an improvement project financed by tax increment bonds; and

WHEREAS, the City Council finds that the terms of this Agreement and the property subject to this Agreement meet the applicable guidelines and criteria governing tax abatement previously adopted; and

WHEREAS, the City and the Company desire to enter into this Agreement to exempt from taxation a portion of the value of the real property (the “Property”) or of tangible business personal property located on the Property described in Exhibit “A” for a term as hereinafter set forth, all pursuant to: (i) the Act; (ii) Ordinance No. [NOT YET ENACTED], (iii) The Comprehensive Policy Statement on Tax Abatement; and (iv) the terms and conditions herein set forth;

NOW, THEREFORE, and in consideration of the mutual covenants and agreements herein contained, the City and the Company agree as follows:

1. Incorporation of Recitals. The determinations recited and declared in the preambles to this Agreement are hereby restated, repeated and incorporated herein as part of this Agreement.

2. **Term.** The term of this Agreement shall commence on January 1, 2014 (the "Commencement Date") and shall terminate on the anniversary of the Commencement Date five (5) years thereafter.

3. **Improvements.** Company agrees to build, construct, place, install, and thereafter maintain, occupy, and operate in the Zone the proposed improvements or repairs of the kind, number and in the location as listed in Exhibit "A" (the "Improvements").

4. **Abatement of Property Taxes.** The City agrees to exempt from taxation those portions of the value of the Property and, if applicable and subject to the following, those portions of the tangible personal property located on the Property as specified in and in accordance with the provisions of Exhibit "A." The exemption provided by this Agreement shall pertain only to the Property, the Improvements and other permanent fixtures within the Zone. Unless specifically provided in Exhibit "A," the terms "the Property" and "the Improvements" do not include personal property of any sort, including machinery, equipment, trade fixtures, inventory or supplies. The exemption for taxable real property provided by this Agreement applies only to the extent the value of that real property for the respective year covered by this Agreement exceeds its value for the year in which this Agreement was executed. The exemption for tangible personal property provided by this Agreement, if any, applies only to tangible personal property that was located on the Property after the Commencement Date and related to the Improvements. Further, the exemption from taxes shall be 50% of the increased value of the Property and the Improvements.

5. **Access to Property.** The Company agrees that the City shall, at reasonable times and upon reasonable notice, have access to the Property and the Company authorizes employees and agents of the City to inspect the Property to ensure that the Improvements are being made and maintained in accordance with the terms and conditions of this Agreement and utilized in accordance with Paragraph 6 of this Agreement. The Company further agrees that prior to the construction or placement of the Improvements, site plans of such Improvements shall first be submitted to the City in order that the City may determine that the Improvements are of the design, character and construction as described in Exhibit "A."

6. **Limitation on Uses.** The Company agrees that no change in use of the Property, for the duration of this tax abatement, shall be made without the prior consent of the City. The use of the Property shall conform with the comprehensive plan and zoning ordinances of the City.

7. **Certification of Compliance.** The Company shall annually provide a written certification to the City, on or before each anniversary date of the Commencement Date and on a form to be provided by the City, that the Company is in compliance with each of the provisions of this Agreement.

8. **Recapture of Property Taxes.** The Company agrees that if the Company fails (1) to make the Improvements as set forth in Exhibit "A"; (2) to create all of the number of new jobs

provided in Exhibit "A"; or (3) to maintain and operate the Improvements and the Property as an ongoing business at any time during the term of this Agreement, then the City shall have the right, in addition to any other available remedy, after giving notice and opportunity to cure as hereinafter set forth, to recapture all property tax revenue lost as a result of this Agreement. The City shall notify the Company, in writing, of a default by the Company in complying with the terms and provisions of this Agreement. In the event that the Company has failed to cure the default(s) within thirty (30) days of receipt of the notice of default [or has failed to commence and diligently pursue such cure within such thirty (30) day period if cure cannot be completed within such thirty (30) day period], the Company shall promptly reimburse the City for all property tax revenue lost as a result of this Agreement and the City may, without further notice to the Company, immediately cause all tax abatement to cease on the Property and Improvements subject to this Agreement. Failure on the part of the City to exercise any right contained in this Agreement shall not constitute a waiver of any right in the event of any subsequent default, and no waiver shall be effective unless in writing, executed by both the City and the Company.

9. Use of City Services. The Company agrees to use during the term of this Agreement, electric services, commercial sanitation services and landfill services provided or offered by the City so long as such services are similar in cost for such services in the Dallas area.

10. Miscellaneous.

A. Assignment. No party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.

B. Modifications. At any time before the expiration of the term of this Agreement, this agreement may be modified by the mutual action of the parties hereto to include other provisions that could have been included in the original agreement. Any such modification shall be in writing and signed by authorized representatives of all the parties hereto and made by the same procedure by which this Agreement was approved and executed. In no event may this Agreement be modified so as to extend the term of this agreement beyond ten (10) years from the effective date of this Agreement.

C. Notices. Any notice required or desired to be given to or 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 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 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.

D. 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 hereby, 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.

E. Governing Law. 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.

F. Paragraph Headings. 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.

G. 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 hereto relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of the Agreement exist. This Agreement cannot be changed or terminated orally.

H. 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.

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

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

K. 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.

L. Gender. Within this Agreement, words or 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.

M. Construction. 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. Company acknowledges that it has obtained legal counsel to assist in the preparation warranty or representation by the City, that the tax abatement contemplated by this agreement is available in all respects.

EXECUTED this the _____ day of _____, 2013.

CITY OF GARLAND, TEXAS:

By: _____

Name: _____

Title: _____

Address for Notice:

City of Garland
200 North Fifth Street
P.O. Box 469002
Garland, Texas 75046-9002
Attn: City Manager

With a Copy to its City Attorney

RCR HEALTHCARE, LLC

By: _____

Name: _____

Title: _____

Address for Notice:

RCR Healthcare, LLC
7000 U.S. 287 Frontage Road
Arlington, TX 76001

EXHIBIT “A”

Owner

RCR Healthcare, LLC (the “Company”)

Description of Property

Block 1, Lots 1-4 of the Garland Hospital and Clinic Replat Addition to the City of Garland, Dallas County, Texas commonly known as 2692 W. Walnut Street, Garland, Texas 75042

Description of Improvements

The Company will purchase and remodel the vacant Vista Hospital located at 2692 W. Walnut Street, Garland, Texas 75042. The Company will also add new medical equipment and other taxable business personal property.

Investment

The Company will add \$9.1 million in real estate value to the City of Garland. The Company will also add \$150,000 in business personal property value to the City of Garland.

Abatement Schedule

Tax abatement granted to the Company will be equal to 50% of the real estate tax and 50% of the business personal property tax for a 5 year period to the extent the value of the Property exceeds its value for the year in which the Agreement is executed.

City real estate tax. The exemption for real estate tax provided by this Agreement applies only to repair and improvement to the Property occurring after the Commencement Date, *i.e.*, the Property’s incremental value.

City business personal property tax. The exemption for business personal property provided in this Agreement applies only to business personal property that was located on the Property after the Commencement Date.



City Council Item Summary Sheet

☐ Work Session

Date: May 21, 2013

☒ Agenda Item

Canvassing the Results of the General Election

Summary of Request/Problem

Formal canvassing of the returns and declaring results of the May 11, 2013 General Election held for the purpose of electing candidates to the Office of the City Council of the City of Garland for Mayor, Council Member District 3, Council Member District 6, Council Member District 7, and Council Member District 8.

Recommendation/Action Requested and Justification

Approve an ordinance canvassing the results of the General Election held May 11, 2013 and declaring results of that election.

Submitted By:

**Lisa Palomba
City Secretary**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE CANVASSING THE RESULTS OF THE GENERAL ELECTION HELD FOR THE PURPOSE OF ELECTING CANDIDATES TO THE OFFICE OF CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, FOR AN ELECTION HAVING BEEN HELD ON MAY 11, 2013; DECLARING THE RESULTS OF THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 21st of May, 2013, at a meeting of the City Council of the City of Garland, Texas, members of the City Council canvassed the results of the election held on the 11th of May, 2013 for the purpose of electing candidates to the office of City Council of the City of Garland, Texas, such election having been duly ordered by the Mayor and City Council, under the authority of the Constitution and laws of the State; and

WHEREAS, the City Council has determined that the election officials of the voting districts of the City have, in compliance with the law, made returns to the City Council in the time and manner required, and the City Council having canvassed the votes from each of those districts, does find the total number of votes cast for each candidate is as follows:

NAMES OF CANDIDATES	TOTAL VOTES	PERCENTAGE OF VOTES
----------------------------	--------------------	----------------------------

MAYOR

Larry Jeffus	1,941	27.55%
Douglas Athas	3,901	55.37%
Delores Elder-Jones	1,061	15.06%
Harry J. Hickey	142	2.02%

COUNCILMEMBER, DISTRICT 3

Charles C. Egan	247	30.46%
Stephen W. Stanley	564	69.54%

COUNCILMEMBER, DISTRICT 6

Lori Dodson	317	100%
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NAMES OF CANDIDATES	TOTAL VOTES	PERCENTAGE OF VOTES
---------------------	-------------	---------------------

COUNCILMEMBER, DISTRICT 7

Scott LeMay	640	54.28%
Manju Shrivastava	39	3.31%
John Kirby	500	42.41%

DISTRICT 8

JIM Cahill	815	100%
------------	-----	------

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

Section 1

That the election, having been duly called, and that notice of the election having been given in accordance with the law, these candidates were elected to the following positions:

MAYOR

Douglas Athas

COUNCILMEMBER DISTRICT 3

Stephen W. Stanley

COUNCILMEMBER DISTRICT 6

Lori Barnett Dodson

COUNCILMEMBER DISTRICT 7

Scott LeMay

COUNCILMEMBER DISTRICT 8

Jim Cahill

and that the foregoing persons are hereby declared elected to office subject to his/her taking of the oath of office, as provided by the Constitution of the State of Texas.

Section 2

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

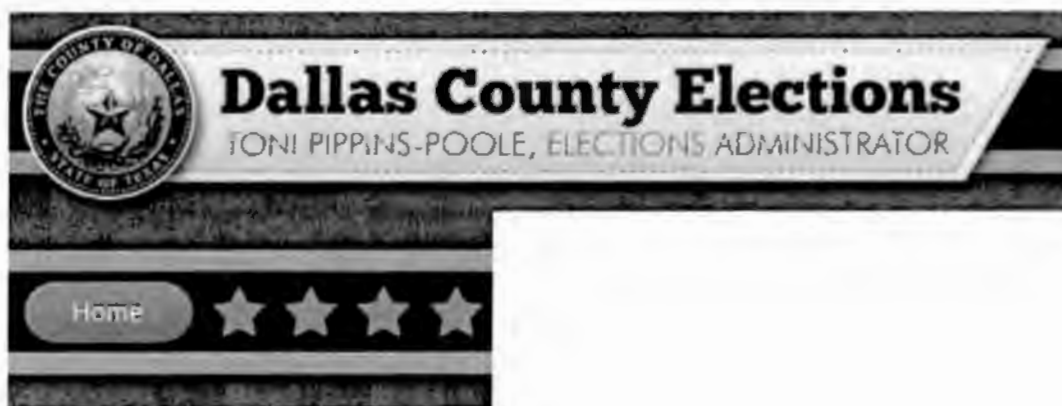
PASSED AND APPROVED this 21st day of May, 2013

CITY OF GARLAND

Mayor

ATTEST:

City Secretary



Joint Election

May 11, 2013

Website last updated: 5/16/2013

5:45:13 PM CDT

Registered Voters: 1,191,557

Ballots Cast: 89,746

Voter Turnout: 7.53 %

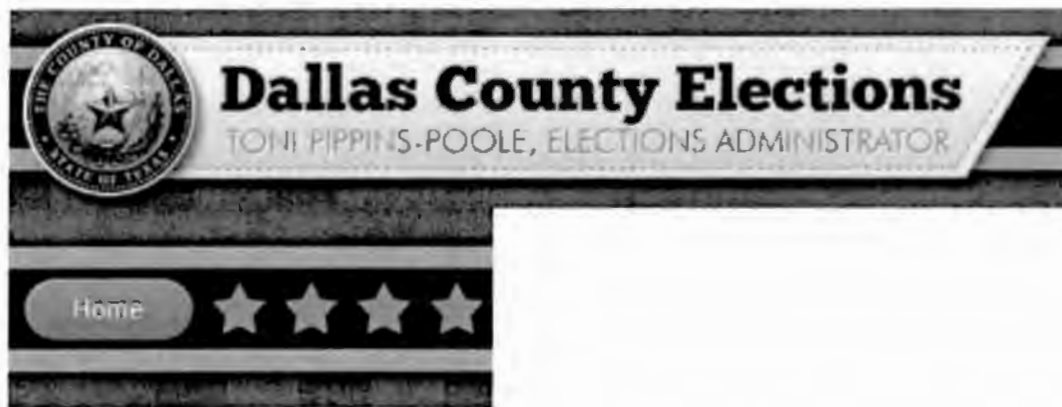
Precincts Completely Reported: 1029 of 1029

Unofficial Final Cumulative Results

[Summary](#) > Vote Type Summary
Powered by - [SOE Software](#)

Garland-Mayor (Vote for 1)

Choice	Early Voting in Person	Early Voting by Mail	Election Day	Prov EV/ED	Election Day ADA	Total	Percent
Larry Jeffus	674	158	1,107	2	0	1,941	27.55%
Douglas Athas	1,315	536	2,049	1	0	3,901	55.37%
Delores Elder-Jones	396	74	591	0	0	1,061	15.06%
Harry J. Hickey	36	40	66	0	0	142	2.02%



Joint Election

May 11, 2013

Website last updated: 5/16/2013

5:45:13 PM CDT

Registered Voters: 1,191,557

Ballots Cast: 89,746

Voter Turnout: 7.53 %

Precincts Completely Reported: 1029 of 1029

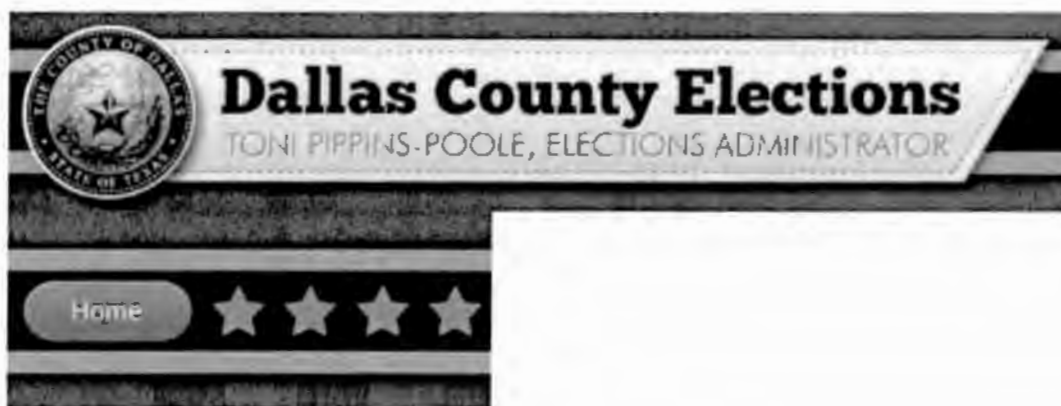
Unofficial Final Cumulative Results

[Summary](#) > Vote Type Summary

Powered by - SOE Software

Garland District 03 (Vote for 1)

Choice	Early Voting in Person	Early Voting by Mail	Election Day	Prov EV/ED	Election Day ADA	Total Percent
Charles C. Egan		98	29	120	0	0 247 30.46%
Stephen W. Stanley		171	71	322	0	0 564 69.54%



Joint Election

May 11, 2013

Website last updated: 5/16/2013

5:45:13 PM CDT

Registered Voters: 1,191,557

Ballots Cast: 89,746

Voter Turnout: 7.53 %

Precincts Completely Reported: 1029 of 1029

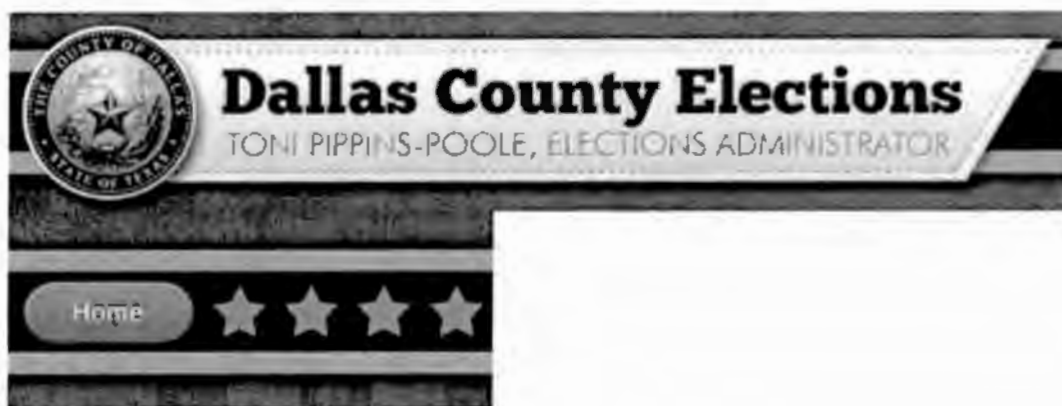
Unofficial Final Cumulative Results

[Summary](#) > Vote Type Summary

Powered by - SOE Software

Garland District 06 (Vote for 1)

Choice	Early Voting in Person	Early Voting by Mail	Election Day	Prov EV/ED	Election Day ADA	Total	Percent
Lori Barnett Dodson	111	58	148	0	0	317	100.00%



Joint Election

May 11, 2013

Website last updated: 5/16/2013

5:45:13 PM CDT

Registered Voters: 1,191,557

Ballots Cast: 89,746

Voter Turnout: 7.53 %

Precincts Completely Reported: 1029 of 1029

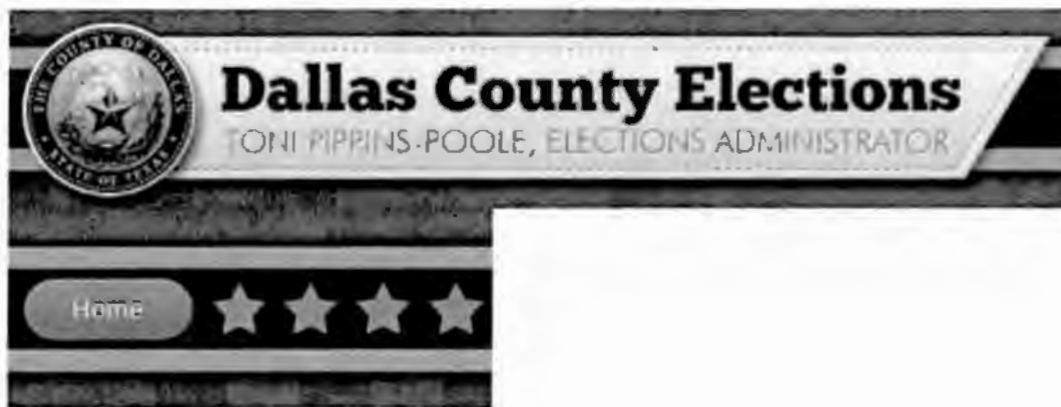
Unofficial Final Cumulative Results

[Summary](#) > Vote Type Summary

Powered by - SOE Software

Garland District 07 (Vote for 1)

Choice	Early Voting in Person	Early Voting by Mail	Election Day	Prov EV/ED	Election Day ADA	Total	Percent
Scott LeMay	189	73	378	0	0	640	54.28%
Manju Shrivastava	13	5	21	0	0	39	3.31%
John Kirby	160	81	259	0	0	500	42.41%

**Joint Election****May 11, 2013****Website last updated:** 5/16/2013

5:45:13 PM CDT

Registered Voters: 1,191,557**Ballots Cast:** 89,746**Voter Turnout:** 7.53 %**Precincts Completely Reported:** 1029 of 1029

Unofficial Final Cumulative Results

[Summary](#) > [Vote Type Summary](#)

Powered by - SOE Software

Garland District 08 (Vote for 1)

Choice	Early Voting in Person	Early Voting by Mail	Election Day	Prov EV/ED	Election Day ADA	TotalPercent
Jim Cahill	328	85	402	0	0	815 100.00%



Planning Report

North Garland Children's Childcare & Academy

5840 North Garland Avenue

REQUEST

Approval of a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on property zoned Single Family (SF-10) District and in the SH 190 Overlay.

OWNER

North Garland Baptist Fellowship

PLAN COMMISSION RECOMMENDATION

On April 22, 2013 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Permit for a Kindergarten, Preschool, or Child Care Center on property zoned Single Family (SF-10) District and in the SH 190 Overlay, for a period of fifteen (15) years tied to North Garland Children's Childcare & Academy.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for Child Care Center for a period of 15 years and tied to North Garland Children's Childcare & Academy. The proposed child care center will be located along North Garland Avenue, a major thoroughfare, allowing the applicant to provide a valuable and conveniently located service to nearby residents and patrons within the area.

BACKGROUND

The applicant seeks approval of a Specific Use Permit to operate a child care center within the existing church building. The church will continue to operate concurrently with the proposed child care center; however, the church services and the proposed child care center operations will not coincide.

SITE DATA

The subject property was developed in 1994 with a church building. The site contains approximately 9.847 acres and has frontage of approximately 640 linear feet along North Garland Avenue and 610 linear feet along West Muirfield Road. The property has two access points along North Garland Avenue.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Single Family (SF-10) District which provides for a variety of single family housing in safe and comfortable neighborhood environments. Single Family (SF-10) District also permits the establishment of appropriate institutions and community facilities necessary to create an integral residential environment.

The proposed child care center is in line with the type of services typically found in a residential district. A child care center is a fundamental service for those residents that live in the nearby neighborhoods.

CONSIDERATIONS

1. The applicant is proposing to operate a child care center from an existing church building. The child care center will operate from 6:30 a.m. to 6:30 p.m. Monday through Friday. The school expects an enrollment of 35 children ranging in age from 6 weeks old to 13 years old. Parents will be required to escort children into the building; the entrance to the child care center is located on the south side of the building. Parking for parents will be served by any of the parking spaces on the site.
2. The applicant is not proposing any building additions and is not adding any new signage.
3. The parking requirement for a Kindergarten, Preschool or Child Care Center is 1 parking space for every 10 students; for a Church is 1 parking space for every 4 seats. The church has 191 seats and the expected student enrollment for the child care center is 35 students; therefore, the overall parking demand for the entire site is 52 parking spaces. The site contains 174 parking spaces.
4. Per Section 10-304.2 of the Comprehensive Zoning Ordinance No. 4647 the outdoor recreational area for a child care center 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 6-foot tall wrought iron fence.
5. The applicant is requesting the Specific Use Permit for a period of 15 years tied to **North Garland Children's Childcare & Academy**.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Compact Neighborhoods for the subject site. Compact neighborhoods provide areas for moderate increase in residential density, including single-family attached and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns.

These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments.

These areas accommodate uses such as convenience retail (goods and services), office space, and public services.

Child care centers are an integral part of residential neighborhoods and as such the proposed child care center is in agreement with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north are zoned Planned Development (PD) District 86-36 for Single-Family Uses; these properties are developed with single family residences. The property to the east is zoned Single Family (SF-7) District and Planned Development (PD) District 88-25 for Single Family Uses; this property is developed with an elementary school. The properties to the south and to the west are zoned Freeway (FW) District and Agriculture (AG) District respectively, both properties are undeveloped.

The proposed child care center is compatible with the surrounding uses. A child care center does not pose an increase in commercial activity; on the contrary, it represents a valuable service to the nearby residents and patrons; hence, the importance of its proximity to the surrounding residential communities and commercial centers. The traffic generated by the proposed child care center will be insignificant and less than the traffic generated during the church services which will not be held simultaneously with the child care center operations. Furthermore, since the only access to the subject property is from North Garland Avenue, the local streets will not be impacted by the traffic generated by the proposed child care center.

The proposed child care center will offer before and after school care, providing a convenient service to residents whose children attend the elementary school located on the adjacent property.

Prepared By:

Josue De La Vega
Development Planner

Date: May 9, 2013

Reviewed By:

Neil Montgomery
Director of Planning

Date: May 10, 2013

Reviewed By:

William E. Dollar
City Manager

Date: May 14, 2013



ZONING

Z 13-18

INDICATES AREA
OF REQUEST

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 13-18

5840 North 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 Single Family (SF-10) District set forth in Section 15, 18, 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 15 year time period and tied to **North Garland Children's Childcare & Academy.**
 - B. Days and Hours of Operation: The child care center will operate from 6:30 a.m. to 6:30 p.m. Monday through Friday.
 - C. Parking Requirement: Should the enrollment of students increase, parking for the child care center shall meet the parking ratio established by the Comprehensive Zoning Ordinance.

REPORT & MINUTES

P.C. Meeting, April 22, 2013 (9 Members Present)

Consideration of the application of North Garland Children's Childcare & Academy, requesting approval of a Specific Use Permit for Child Care Center on property zoned Single Family (SF/10/C/3) District. The property is located at 5840 North Garland Avenue. (File 13-18)

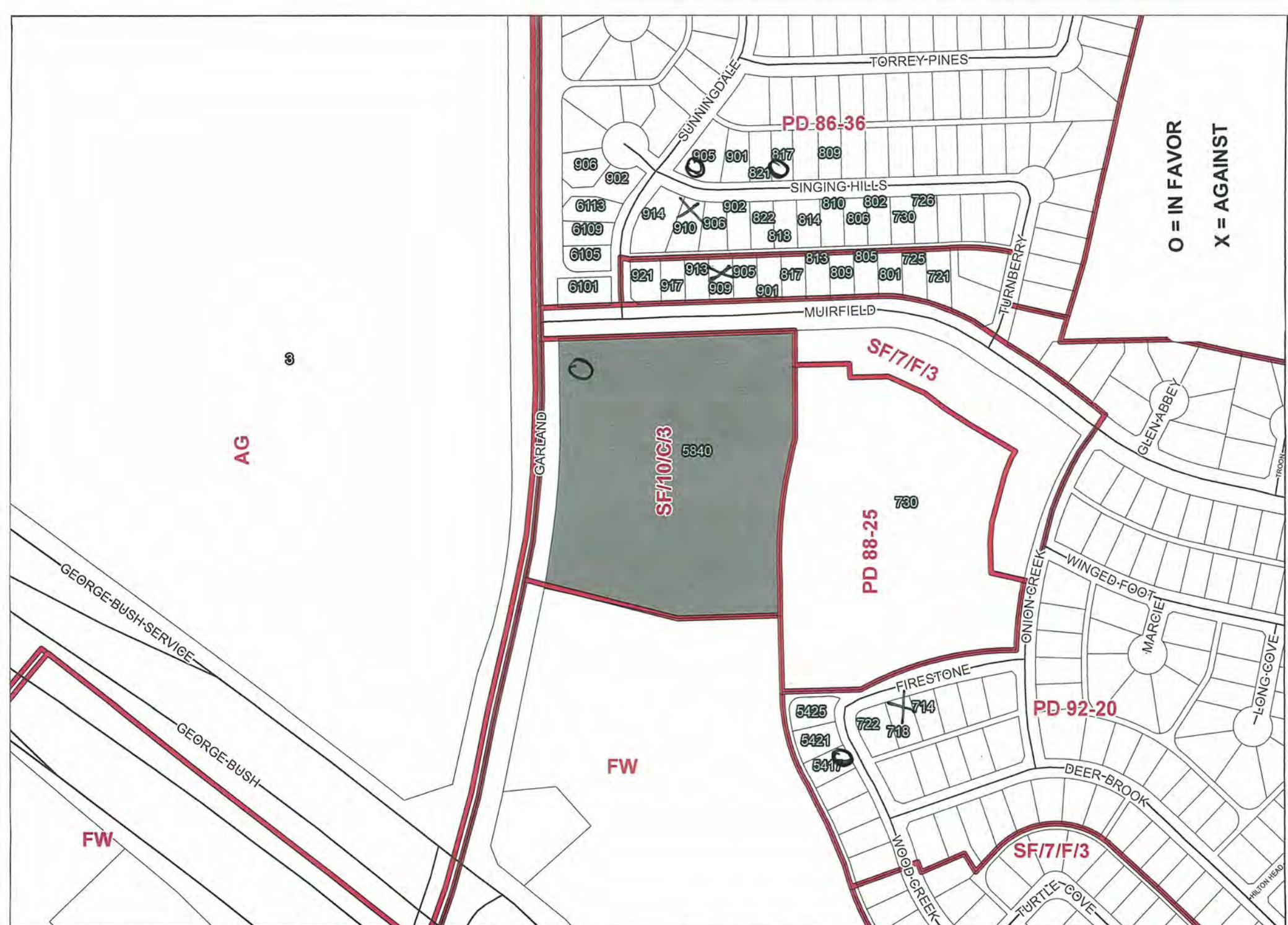
Representing the applicant and available for questions was Elizabeth Coleman, 2801 Denton Tap Road, #313, Texas. There were no questions of this speaker.

Homeowner, Erma Sendrowski, 909 W Muirfield Road, Garland spoke in opposition to the request. She had concerns regarding the effects of bringing this business to the neighborhood. Also her husband, Joe Sendrowski, 909 W Muirfield Road, Garland spoke in opposition. He had concerns regarding the additional traffic problems the child care center might cause.

Selmore Haines, 5840 N Garland Avenue, Garland, the church Business Manager, spoke in favor of the request. The church previously had a child care center several years ago and is ideal for this type of business that would not be open during the hours that the church conducts services.

Motion was made by Commissioner Luckie, seconded by Commissioner Vera to **approve** the request as recommended by staff with a change to a term of 15 years for the Specific Use Permit for a Child Care Center tied to **North Garland Children's Childcare & Academy**. Motion carried: 9 Ayes, 0 Nays.

O = IN FAVOR
X = AGAINST



0 150 300 Feet

ZONING Z 13-18

INDICATES AREA OF REQUEST



GARLAND

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

April 11, 2013

HEARING DATE/TIME: Plan Commission: April 22, 2013 – 7:00 PM

APPLICANT: North Garland Children's Childcare & Academy

File Z 13-18

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, April 22, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **North Garland Children's Childcare & Academy** requesting approval of a Specific Use Permit for Child Care Center on property zoned Single Family (SF-10) District and within the SH 190 Overlay. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 9.847-acre parcel shown as Lot 1, Block 1, Trinity Evangelical Church Addition, an addition to the City of Garland, Dallas County, Texas. The subject property is located at 5840 North Garland Avenue. (District 1)

Note: The applicant requests approval of a Specific Use Permit to operate a daycare within an existing 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 or by fax to 972-205-2474**. Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

 X 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.

Our pastor and deacons are very much in favor of leasing the required square footage to NGCCA. We ask that you approve this request. Thanks

(Please complete the following information)

Your Property Address

Selmore Haines

Printed Name

5840 N. Garland Ave

Garland TX

75044

Address

City, State

Zip

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

Selmore Haines

Signature

Bus. Mgr.

Title

Date:

4/12/13



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

April 11, 2013

HEARING DATE/TIME: Plan Commission: April 22, 2013 – 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.

THE CHURCH HAS BEEN A GOOD NEIGHBOR
FOR PAST 15 YEARS. THE CHURCH RAN AN ACADEMY
FOR YEARS WITH NO ISSUES. HOPEFULLY THE CHURCH
& SCHOOL WILL PREVENT BUILDINGS GREATER THAN 2 STORIES
(Please complete the following information)
Your Property Address 5417 WOOD CREEK
Printed Name ANDREW JOHNSON
Address 5417 WOOD CREEK W. GARLAND, TX 75044
City, State Zip

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

Andrew Johnson Signature Homeowner Title

Date: 4/12/2013



GARLAND

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

April 11, 2013

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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

905 Singing Hills Dr. Garland, TX 75044

Printed Name

Lee & Rita Nixon

Address

City, State

Zip

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

Lee Nixon Rita Nixon

Signature

Title

Date: 4/15/2013



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

April 11, 2013

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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

Rachel Wagner

Printed Name

910 Gingsing Mills

Address

Garland TX 75044

City, State

Zip

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

Rachel Wagner

Signature

Home Owner

Title

Date:

4-15-2013



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

April 11, 2013

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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:

4-13-13

**GARLAND**

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

Victor Alessandra

Address

817 Singing Hills Dr. Garland, Tx 75044

City, State

Zip

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

Signature

Victor Alessandra

Texas Instruments Financial Analyst

Title

Date:

4/18/13



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.

• ABBOTT ELEMENTARY SCHOOLS ON MURFIELD ROAD, THERE IS ALREADY A BACK-UP OF TRAFFIC AT MURFIELD & NORTH GARLAND ROAD AT 8AM & 3PM MONDAY-FRIDAY. THERE IS NO TRAFFIC LIGHT AT

MURFIELD ROAD & GARLAND ROAD.

• THERE ARE NO STREET LIGHTS ON MURFIELD ROAD BETWEEN N. GARLAND ROAD AND ABBOTT ELEMENTARY SCHOOL.

(Please complete the following information)

Your Property Address

JOSEPH S. SENDROWSKI

Printed Name

909 W. MURFIELD ROAD, GARLAND, TX 75044

Address

City, State

Zip

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

Signature

Title

Date:

4/18/13