



AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
200 North Fifth Street
Garland, Texas
May 20, 2014
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**

MAYORAL PROCLAMATIONS, RECOGNITIONS, AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

CONSENT AGENDA

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

1. **Consider approval of the minutes of the May 6, 2014 Regular Meeting.**

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

a. Zoning File No. 14-04, Masterplan

Consider an ordinance amending the zoning laws of the City of Garland by approving a change of zoning from Planned Development District 95-42 and Planned Development District 06-38, both for General Business Uses, to a Planned Development District for Limited General Business Uses and Self-Storage Units and a Detail Plan for Self-Storage Units on a 3.53-acre tract of land located on the south side of Broadway Boulevard, approximately 500 linear feet southeast from the intersection of Colonel Drive and Broadway Boulevard.

b. Zoning File No. 14-10, Jaime Pineda

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Contractor Equipment and Storage on a 0.2-acre tract of land zoned Commercial 2 District and located at 200 Rayburn Street.

c. Zoning File No. 04-11, Merriwood Ranch

Consider an ordinance amending the zoning laws of the City of Garland by approving an amendment to Planned Development Districts 04-10 and 02-03 for Single Family Uses, Design Center, Stables and Barns, and a Detail Plan for a Riding Academy/Stables and Day Camp, on a 29.95-acre tract of land located southeast of the intersection of East Miller Road and East Centerville Road.

d. Zoning File No. 14-12, Capital Telecom

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for an Antenna, Commercial Type 2 on a 0.0599-acre tract of land zoned Planned Development District 97-23 for Shopping Center Uses and located approximately 450 feet northeast of the intersection of Crist Road and Naaman School Road, behind the Home Depot located at 3261 North President George Bush Highway.

e. Zoning File No. 14-14, Spiars Engineering, Inc.

Consider an ordinance amending the zoning laws of the City of Garland by approving an amended Detail Plan and Specific Use Permit for Retail Sales with Gas Pumps on a 2.4-acre tract of land zoned Planned Development District 13-32 for Freeway Uses and located at 6421 Broadway Boulevard.

f. Zoning File No. 14-15, Indoor Soccer Zone

Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Reception Facility on a 7.194-acre tract of land located at 3265 Broadway Boulevard.

- 3. Consider an ordinance authorizing the issuance of “City of Garland, Texas Water and Sewer System Revenue Refunding and Improvement Bonds, New Series 2014”, 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, a Purchase Agreement and an Escrow Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement.

At the May 5, 2014 Work Session, Council considered authorizing a Water & Sewer Utility System Revenue Bond sale. The sale of approximately \$19 million of bonds to fund a portion of the approved 2014 Capital Improvement Program will be combined with the sale of approximately \$24 million of bonds to refund the Water & Sewer Utility System Revenue Bonds, Series 2004A.

- 4. Consider an ordinance authorizing the issuance of “City of Garland, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014”; 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 certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates of obligation, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.**

At the May 5, 2014 Work Session, Council considered authorizing a Certificates of Obligation bond sale in the approximate amount of \$14.2 million to fund a portion of the approved 2014 Capital Improvement Program.

- 5. Consider an ordinance denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division (Company) under the Company’s 2014 annual rate review mechanism filing in all cities exercising original jurisdiction; requiring the Company to reimburse Cities’ reasonable ratemaking expenses pertaining to review of the RRM; authorizing the City’s participation with the Atmos Cities Steering Committee in any appeal filed at the Railroad Commission of Texas by the Company; requiring the Company to appeal to the Railroad Commission; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; and requiring delivery of this ordinance to the Company and the Steering Committee’s legal counsel.**

At the May 19, 2014 Work Session, Council was scheduled to consider a request to deny an Atmos Energy Mid-Tex Division rate increase as recommended by the Atmos Cities Steering Committee (ASCS). The City of Garland is a member of the ASCS, a coalition of over 164 cities served by Atmos Energy Mid-Tex.

6. **Consider a resolution adopting the Centerville Marketplace Repositioning Strategy.**

At the May 5, 2014 Work Session, Council was briefed on the process of preparing the Centerville Marketplace Repositioning Strategy for the purpose of creating a framework for the public and private sector to partner on transforming an important commercial district into a vibrant mixed-use district that capitalizes on its existing assets and anticipates new trends in the marketplace.

7. **Consider a resolution adopting and approving the Consolidated Plan – One Year Plan of Action including a revised Statement of Uses of Funds for the 2014-15 Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant Programs.**

A public hearing was held on April 15, 2014 to provide an opportunity to obtain comments from any interested parties regarding funding for the 2014-15 Community Development Block Grant, HOME Investment Partnership, and Emergency Solutions Grant programs. At the May 4, 2014 Work Session, Council discussed the funding allocations.

8. **Consider by minute action authorizing the City Manager to decrease Purchase Order No. 21567 by \$73,450.**

On December 17, 2013, Council approved an emergency purchase order for the purchase of a Caterpillar D8T Track Type Tractor for the Landfill. The trade-in of \$85,000 and the purchase of the Fire Suppression System for the unit in the amount of \$11,550 were not included in the original bid award. The amount of Purchase Order No. 21567 needs to be decreased by \$73,450 to reflect the trade-in and addition of the Fire Suppression System.

9. **Consider a resolution designating an area known generally as Travis College Hill as historically significant; endorsing the voluntary preservation guidelines adopted by the owners of properties within the Travis College Hill Historic District.**

At the May 5, 2014 Work Session, Council considered a request to designate the Travis College Hill Addition as a historic district.

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.

10. **Consider by minute action the appointment of a City of Garland representative to the North Texas Municipal Water District Board of Directors.**

At the May 19, 2014 Work Session, Council was scheduled to interview candidates interested in being appointed as the City of Garland's representative to the North Texas Municipal Water District Board of Directors for a two-year term beginning June 1, 2014.

11. **Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Recycling Center on a 0.712-acre tract of land zoned Industrial 1 District and located at 828 East Walnut Street.**

At the May 6, 2014 Regular Meeting, Council approved this request by a vote of 6 to 3. Section 34-351 of the Comprehensive Zoning Ordinance provides that, "A favorable vote of three-fourths of all members of the City Council shall be required to approve any change in zoning when written objections are received which comply with the provisions of the state laws commonly referred to as the twenty percent rule." Because the owners of more than twenty percent of the land within 200 feet of the subject property submitted written objection to this request, the ordinance adopting the zoning change must be approved by at least a three-fourths (7 to 2) vote of the Council. (Zoning File No. 14-13, Alloy Right Recyclers)

12. **Hold a public hearing and consider the following regarding an economic incentive agreement for Nutri Biotech Co., Ltd.**
 - a. **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.**

- b. 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, nominating Nutri Biotech Co., Ltd. to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank as an enterprise project.**
- c. Approve a resolution authorizing the City Manager to execute a tax abatement agreement.**

Nutri Biotech is seeking a location for its U. S. headquarters and a manufacturing facility. The total investment will be over \$40 million in building upgrades, construction of new buildings, machinery, and equipment over the next four years. This project will bring in a total of over \$667,000 to the City annually. At the May 5, 2014 Work Session, Council considered a recommendation by the Garland Economic Development Partnership Steering Committee that Council provide: 1) general support for the project, 2) support of a 50% City tax abatement on new Real Estate and Business Personal Property Value for five years – maximum of \$440,375 and 3) support of nomination for Texas Enterprise Zone Project – potential benefits of \$500,000.

13. Hold a public hearing and consider the following regarding an economic incentive agreement for Mapei Corporation.

- a. 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.**
- b. Approve a resolution authorizing the City Manager to execute a tax abatement agreement with Mapei Corporation.**

Mapei Corporation is proposing a warehouse expansion of 55,000 square feet and additional new production equipment which will create an additional \$5.5 million Real Estate and \$1.5 million Business Personal Property Value in Garland. This will bring in a total of \$49,000 to the City annually. At the May 5, 2014 Work Session, Council considered a recommendation by the Garland Economic Development Partnership Steering Committee that Council provide 1) general support of the project and 2) support of a 50% city tax abatement on new Real Estate and Business Personal Property Value for five years – maximum of \$123,305.

14. Hold a public hearing and consider the following regarding an economic incentive agreement for Huntington Industrial Partners.
- a. Consider a resolution authorizing the City Manager to execute an economic development agreement with Huntington Industrial Partners.

Huntington Industrial Partners is under contract to purchase approximately 10.2 acres on Distribution Drive to build a 169,000 sq. ft. Leadership in Energy and Environmental Design (LEED) certified project. This project will be the first LEED certified industrial building in Garland. At the May 5, 2014 Work Session, Council considered a recommendation by the Garland Economic Development Partnership Steering Committee that Council provide 1) general support of the project and 2) provide a Chapter 380 grant in the maximum amount of \$160,000.

15. Consider an ordinance canvassing the results of the General Election held for the purpose of electing a candidate to the office of Council member for District 5 of the City Council of the City of Garland, for an election having been held on May 10, 2014; declaring the results of that election.

Council will formally canvas the returns and declare the results of the May 10, 2014 General Election held for the purpose of electing a candidate to the Office of the City Council of Garland for District 5. The Council previously cancelled the election for unopposed candidates for Council Districts 1, 2, and 4 and declared them elected to office.

CONDUCT THE SWEARING IN

16. Consider approval of the following bids:

- a. **TMPA Gibbons Creek Breaker Replacement** **Bid No. 4235-14**

Stuart Irby	\$180,215.57
Optional Contingency	<u>18,000.00</u>
TOTAL	<u>\$198,215.57</u>

This request is to provide all materials associated with the TMPA Gibbons Creek 138kV and 345kV Breaker Replacement Project.

b. Gibbons Creek Substation Potential Transformers Bid No. 4293-14

ALSTOM Grid, Inc.	\$335,295.00
Optional Contingency	<u>33,530.00</u>
TOTAL	<u>\$368,825.00</u>

This request is for the purchase of nine potential transformers for the Gibbons Creek Substation as part of the TMPA Breaker Replacement Capital Improvement Project. Due to the complex nature of the project, an optional contingency is included for unforeseen changes that may be required.

c. Wylie-Nevada Transmission Line Reconductor Bid No. 4333-14

Techline, Inc.	\$136,676.02
Optional Contingency	<u>13,667.00</u>
TOTAL	<u>\$150,343.02</u>

This request is to provide cable and connector materials for the Wylie-Nevada Transmission Line Reconductor Project. Due to the complexity of the project, an optional contingency is included for unforeseen changes in the requirements.

d. Pulsar Network Communications Upgrade Bid No. 4401-14

AMETEK Power Instruments	\$251,975.00
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This request is to provide a Pulsar Network Communications Upgrade for GP&L Substations.

e. Professional Services for Rowlett Creek Wastewater Treatment Plant Bid No. 4428-14

Gupta & Associates	\$197,861.00
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This request is to provide professional engineering and design services to replace the two 700-horsepower source drives and make electrical improvements at the Rowlett Creek Wastewater Treatment Plant.

17. 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.

18. 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 convened in regular session at 7:00 p.m. on Tuesday, May 6, 2014, in the Council Chambers at City Hall, 200 North Fifth Street, Garland, Texas, with the following members present:

Mayor	Douglas Athas
Mayor Pro Tem	Lori Barnett Dodson
Council Member	Marvin 'Tim' Campbell
Council Member	Anita Goebel
Council Member	Stephen Stanley
Council Member	B. J. Williams
Council Member	John Willis
Council Member	Scott LeMay
Council Member	Jim Cahill

STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	Recording Secretary	Courtney Vanover

CALL TO ORDER: The meeting was called to order by Mayor Douglas Athas. Council Member Stephen Stanley led the Invocation and the Pledge of Allegiance.

CEREMONIALS: Mayor Athas acknowledged visiting members of Boy Scout Troup 360 and the ladies of the Red Hat Society.

Elizabeth Berry provided information regarding the new Garland Community Garden located at 4022 Naaman School Road. Ms. Berry indicated additional information regarding the garden may be found by visiting www.lovinggarlandgreen.org. Ms. Berry presented a shovel to Council in recognition of the opening of the garden. Ms. Berry also announced that a summer solstice celebration will be held June 21 at 9:30 a.m.

ANNOUNCEMENTS: Mayor Athas commented on the following: 1) Board and commission meetings which normally meet at City Hall are relocating this month. City Council and Plan Commission meetings will relocate to the Duckworth Building in June. More details are available on the City's website and in the current issue of the Garland City Press. 2) Election Day is Saturday, May 10. Garland residents in District 5 will vote for a new council member. School board candidates are also on the ballot. City Hall is not a voting location. All residents must vote at their assigned polling location. Citizens may visit www.dallascountyvotes.org or contact the Garland City Secretary's Office for election related information. 3) Garland Heritage Celebration will be held Saturday, May 31 at which time Garland will celebrate the

reopening of the Landmark Museum and the dedication of Heritage Crossing. For more information visit www.garlandtx.gov as well as the Garland City Press. 4) Applications for the 2014-15 Garland Youth Council are now available for any Garland resident who will be in grades 9 through 12 during the 2014-15 school year. Applications are due May 16, 2014. Visit www.GarlandYouthCouncil.org to download an application packet or call 972-205-2875 for additional information.

- CONSENT AGENDA: All items marked with asterisks (**) on the consent agenda were voted on at the beginning of the meeting. Mayor Athas noted that Item 2d was pulled from the Consent Agenda, as requested by Council Member Williams, for individual consideration. A motion was made by Council Member Stanley and seconded by Council Member Goebel to approve items 1; 2a; 2b; 2c; 2e; 2f; 2g; 2h; 2i; 3; 4; 5; 6; 7; and 8 as presented. The motion carried with a vote of 9 Ayes and 0 Nays.
1. APPROVED** Minutes of the April 15, 2014 Regular Meeting.
 - 2a. APPROVED** Bid No. 4198-14 to Infratech Corporation in the amount of \$456,941.00 with a contingency in the amount of \$50,000.00 for a total award of \$506,941 to provide labor and equipment for the construction related to the replacement of underground cable on five loops for Garland Power & Light's maintenance operations.
 - 2b. APPROVED** Bid No. 4290-14 to GT Distributors in the amount of \$149,425.89 for the purchase of ammunition for the training of Garland Police Officers in the use of firearms to perform their duties.
 - 2c. APPROVED** Bid No. 4261-14 to Travis Body Trailer, Inc. in the amount of \$132,580 for the purchase of two aluminum solid waste transfer trailers for use by the City of Garland Landfill.
 - 2d. PULLED Item was pulled from the Consent Agenda for individual consideration.
 - 2e. APPROVED** Bid No. 4350-14 to RCC Consultants, Inc. in the amount of \$365,027.41 to provide a shared radio infrastructure for the City of Garland and the City of Mesquite.

- 2f. APPROVED** Bid No. 4353-14 in the amount of \$91,400 including an optional contingency in the amount of \$9,140 for a total award of \$100,540 to Black & Veatch to provide professional engineering and design services for the Olinger-Swindell-Pruitt fiber relay upgrade.
- 2g. APPROVED** Bid No. 4354-14 in the amount of \$385,825 to Mythics, Inc. for the purchase of additional licenses that are necessary to maintain compliance with Oracle's licensing requirements.
- 2h. APPROVED** Bid No. 4372-14 in the amount of \$153,379 to Caldwell Country Ford and to Reliable Chevrolet in the amount of \$24,782.60 for a total award of \$178,161.60 for the purchase of six Ford Escapes, two Ford Fusions, and one Chevrolet pickup to be used by various City departments.
- 2i. APPROVED** Bid No. 4375-14 in the amount of \$301,939.74 to DFW Communications, Inc. to provide the peripheral equipment, including lights, sirens, cages, and mounted consoles for the new Chevrolet Caprice police patrol vehicles.
3. APPROVED ** Ordinance No. 6688 amending the zoning laws of the City of Garland by approving a Detail Plan for a Bank or Financial Institution on a 1.060-acre tract of land zoned Planned Development (PD) District for Limited Shopping Center Uses located on the northeast corner of Arapaho Road and Shiloh Road. Zoning File No. 14-09, D. R. Rankin.
4. APPROVED ** Resolution No. 10137 authorizing the acceptance of a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) – Click It or Ticket grant in the amount of \$4,997.21.
5. APPROVED ** Resolution No.10138 relating to increasing the Texas Municipal Power Agency commercial paper credit facility capacity.
6. APPROVED ** Resolution No. 10139 approving the sale of real property, 310 Parker Drive; authorizing the Mayor to execute a deed conveying the property to Fortune Ezeoha.
7. APPROVED ** Resolution No. 10140 approving the sale of real property, 118 W. Marguerita Drive; authorizing the Mayor to execute a deed conveying the property to Philip Muchnick.

8. APPROVED ** Resolution No. 10141 adopting and authorizing an addendum to the Centerville Marketplace Repositioning Strategy contract with Ricker/Cunningham.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 2d. APPROVED Managing Director of Parks and Recreation Jim Stone provided information to Council. Council Member Williams, seconded by Council Member Stanley, moved to approved Bid No. 4328-14 to BRW Architects in the amount of \$275,000 for professional design services for the renovation of the former Texas Air National Guard Station as part of the relocation of the Park Maintenance Operations Division. The motion carried with 9 ayes, 0 nays.

9. APPROVED Director of Planning Anita Russelmann provided background information to staff relating to the request by Apollo Beer & Wine, Inc. to reconsider approval of a Specific Use Permit for a Convenience Store on property zoned Planned Development (PD) District 87-15 for General Business Uses and in the SH-190 Overlay. This property is located at 7602 North Jupiter Road, Suite 200. Zoning File No. 14-06. Gunjan Tanna and Hank Gaines spoke on behalf of the applicant. Discussion was held among Council Members. Council Member Williams made a motion, seconded by Council Member Stanley, to approve the request for reconsideration of a Specific Use Permit. A vote was cast and the motion carried with 6 Ayes and 3 Nays. (Campbell, Willis and Cahill)

- 10a. APPROVED Director of Planning Anita Russelmann presented the staff report relating to the application of Jaime Pineda requesting approval of a Specific Use Permit for Contractor Equipment and Storage on property zoned Commercial 2 (C-2) District. The property is located at 200 Rayburn Street. Zoning File No. 14-10, District 2.

Mayor Athas opened the public hearing to accept comment. The applicant was not present and there were no speakers on this item. Council Member Goebel made a motion, seconded by Mayor Pro Tem Dodson, to close the public hearing and to approve the application. A vote was cast and the motion carried with 9 Ayes and 0 Nays.

10b. APPROVED

Director of Planning Anita Russelmann presented the staff report relating to the application of Masterplan requesting approval of 1) a change of zoning from Planned Development (PD) District 95-42 and Planned Development (PD) District 06-38, both for General Business Uses, to a Planned Development (PD) District for Limited General Business Uses and Self-Storage Units, 2) a Detail Plan for Self-Storage Units, and 3) a variance to Section 25-500 of the Zoning Ordinance regarding lot coverage. The property is located on the south side of Broadway Boulevard, approximately 500 linear feet southeast from the intersection of Colonel Drive and Broadway Boulevard; Zoning File No. 14-04, District 4.

Mayor Athas opened the public hearing to allow comment. The following persons spoke during the public hearing: Dallas Cothrum representing the applicant and Jim Medley spoke in favor of the request. Andy Cummings and Larry Newman spoke against the request. Mayor Athas stated for the record that David Jenkins submitted an email to the Planning Department in favor of the request. Discussion was held among Council Members. Council Member Williams made a motion, seconded by Council Member Wills, to close the public hearing and to approve the request. A vote was cast and the motion to approve carried with 9 Ayes and 0 Nays.

10c. APPROVED

Director of Planning Anita Russelmann presented the staffreport relating to the application of Merriwood Ranch requesting approval of 1) amendments to Planned Development Districts (04-10 and 02-03) for Single Family Uses, Design Center, Stables and Barns and 2) a Detail Plan for a Riding Academy/Stables and Day Camp. This property is located southeast of the intersection of East Miller Road and East Centerville Road. Zoning File No. 4-11, District 3.

Mayor Athas opened the public hearing and the following persons spoke: Applicant Tracy Evans and Robert Whitworth spoke in favor of the request. Discussion was held among Council Members. Council Member Stanley made a motion, seconded by Council Member Goebel, to close the public hearing and to approve the request. A vote was cast and the motion to approve carried with 9 Ayes and 0 Nays.

10d. APPROVED

Mayor Athas recused himself from Item 10d and Mayor ProTem Dodson presided. Director of Planning Anita Russelmann presented the staff report relating to the application of Capital Telecom requesting approval of 1) a Specific Use Permit for an Antenna, Commercial Type 2 on property zoned Planned Development (PD) District 97-23 for Shopping Center Uses and in the SH-190 Overlay and 2) variances to Sections 10-306.4(C) and 24-432 of the Zoning Ordinances regarding the minimum required distance between two cell towers and the minimum required setback from the public right-of-way. The property is located at 3261 North President George Bush Highway. Zoning File No. 14-12, District 1.

Mayor Pro Tem Dodson opened the public hearing to allow comment. The following person spoke during the public hearing: Bebb Francis, the applicant. Discussion was held among council members. Council Member Campbell made a motion, seconded by Council Member Stanley, to close the public hearing and to approve the request. A vote was cast and the motion to approve carried with 7 Ayes and 1 Nay (Willis). Mayor Athas rejoined the meeting.

10e. APPROVED

Director of Planning Anita Russelmann presented the staff report relating to the application for Alloy Right Recyclers requesting approval of a Specific Use Permit for a Recycling Center on property zoned Industrial (I-1) District. The property is located at 828 East Walnut Street. Zoning File No. 14-13, District 2.

Mayor Athas opened the public hearing to invite comment. The following person spoke during the public hearing: Applicant Alfonso Vasquez. Discussion was held among Council Members. Council Member Goebel, seconded by Mayor Pro Tem Dodson, made a motion to close the public hearing and to deny the request. A vote was cast and the motion to deny failed with 3 Ayes and 6 Nays (Athas, Campbell, Stanley, Williams, Willis and Cahill). Additional discussion was held. Council Member Willis made a motion, seconded by Council Member Cahill, to approve the application for the Specific Use Permit. A vote was cast and the motion to approve carried with 6 Ayes and 3 Nays (Dodson, Goebel and LeMay).

10f. APPROVED

Director of Planning Anita Russelmann presented the staff report relating to the application of Spiars Engineering Inc. requesting approval of an amended Detail Plan and Specific Use Permit for Retail Sales with Gas Pumps on property zoned Planned Development (PD) District 13-32 for Freeway Uses. The property is located at 6421 Broadway Boulevard. Zoning File No. 14-14, District 4.

Mayor Athas opened the public hearing. The following person spoke during the public hearing: Applicant Dallas Cothrum. Discussion was held among Council Members. Council Member Williams made a motion, seconded by Council Member Stanley, to close the public hearing and to approve the request. A vote was cast and the motion to approve carried with 9 Ayes and 0 Nays.

10g. APPROVED

Director of Planning Anita Russelmann presented the staff report relating to the application of Indoor Soccer Zone requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is located at 3265 Broadway Boulevard, Suite 101. Zoning File No. 14-15, District 4.

Mayor Athas opened the public hearing. The following person spoke: Arleen Macias, the applicant. Discussion was held among council members. Council Member Williams made a motion, seconded by Mayor Pro Tem Dodson, to close the public hearing and to approve the request. A vote was cast and the motion to approve carried with 9 Ayes and 0 Nays.

10h. POSTPONED

Director of Planning Anita Russelmann presented the staff report related to the application of Firewheel Senior Living Center LLC requesting approval of 1) a change of zoning from Agriculture (AG) District to a Planned Development (PD) District for Multifamily Uses on property in the SH-190 Overlay 2) a Detail Plan for an Assisted Living Facility, and 3) a Specific Use Permit for Assisted Living Facility. The property is located on the north side of West Campbell Road, approximately 500 feet west of the Intersection of West Campbell Road and Holford Road, between 1401 and 1601 Campbell Road. Zoning File No. 14-16, District 1.

Mayor Athas opened the public hearing. The following persons spoke: Vinay Sedey and Shaye Donica, both representing the applicant; Cindi Hatton submitted a speaker card representing the applicant but did not speak; Karen Wilson submitted a speaker card in favor of the item. Discussion was held among council members and planning staff (Neil Montgomery and Anita Russelmann). Due to the variance request not being advertised in accordance with the Open Meetings Act, Council Member Campbell made a motion, seconded by Council Member Williams, to postpone this item until June 30, 2014. A vote was cast and the motion to postpone carried with 9 Ayes and 0 Nays.

11. COMMENTS: The following persons spoke: Sue Watson; Mary Wickersham, and Marsha Hubbell.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 11:10 p.m.

CITY OF GARLAND

Signed:

Douglas Athas, Mayor

ATTEST:

Lisa Palomba, City Secretary



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-04 Masterplan

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT 95-42 AND PLANNED DEVELOPMENT (PD) DISTRICT 06-38, BOTH FOR GENERAL BUSINESS USES, TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR LIMITED GENERAL BUSINESS USES AND SELF-STORAGE UNITS AND A DETAIL PLAN FOR SELF-STORAGE UNITS ON A 3.53-ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF BROADWAY BOULEVARD, APPROXIMATELY 500 LINEAR FEET SOUTHEAST FROM THE INTERSECTION OF COLONEL DRIVE AND BROADWAY BOULEVARD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 14th day of April, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Masterplan**; and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a change of zoning from Planned Development (PD) District 95-42 and Planned Development (PD) district 06-38, both for General Business Uses, to a Planned Development (PD) District for Limited General Business Uses and Self-Storage Units and a Detail Plan for Self-Storage Units on a 3.53-acre tract of land located on the south side of Broadway Boulevard, approximately 500 linear feet southeast from the intersection of Colonel Drive and Broadway Boulevard, 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.

FILE NO. 14-04

Section 4.

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

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-04

Being approximately a 3.53 tract of land and identified as all of Lot 5, Block 4, Colonial Acres No. 3 Replat of Lot 4, Block 4 and all of Lot 3R, Block 4, Replat of part of Lot 3, Block 4 Colonial Acres No. 3, two additions to the City of Garland, Texas according to the final plats recorded in instrument No. 200600275736 and at Volume 2005003, Page 105 of the Dallas County Clerk's Records. The property is located on the south side of Broadway Boulevard, approximately 500 linear feet southeast from the intersection of Colonel Drive and Broadway Boulevard, Garland, TX.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 14-04

On the south side of Broadway Boulevard, approximately 500 linear feet southeast from the intersection of Colonel Drive and Broadway Boulevard

- I. **Statement of Purpose:** The purpose of this Planned Development is to allow for self storage units 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 General Business (GB) District set forth in Section 25 and 32 of the Comprehensive Zoning Ordinance, Ordinance No. 4647, are included by reference and shall apply, except as specified in this ordinance.
- IV. **Development Plans:**
 - A. Detail Plan: Development shall be in conformance with the approved Detail Plan set forth in Exhibit C.
- V. **Specific Regulations:**
 - A. Permitted Uses: Self-Storage Units and all the Uses as permitted in the General Business District with the exception of the following Uses:
 - Ambulance Service
 - Animal Clinic
 - Bingo Hall
 - Convention Facility
 - Flea Market, Indoor
 - B. Screening and Landscaping: Screening and landscaping shall be in general conformance with Exhibit D.
 - C. Screening from Residential Districts: The screening of side and rear yards from adjacent residential districts shall be accomplished with an alternative method consisting of the exterior elevations of the buildings, masonry walls, 1 large tree every 30 linear feet and shrubs planted on a 20-foot landscape buffer along the exterior of the screen; the minimum height of this screen shall be at least 12 feet.
 - D. Lot Coverage: The maximum allowable lot coverage is 55 percent.
 - E. Building Height, Number of Stories: All buildings are limited to one story with the exception of Building "C" and Building "D". Building "C" and Building "D" may be two stories in height provided the exterior building material on the second story is comprised of a minimum of

90% primary masonry materials, excluding fenestration. Both the second story of the northeast and southwest elevations of Building "C" and Building "D" must have the architectural elements and differing exterior masonry materials as generally provided on the exterior building elevations plan. Building "C" and Building "D" must be located a minimum of 70 feet from the southwest property line and 110 feet from the southeast property line.

- F. Exterior Elevations: Exterior elevations shall be constructed as generally shown on Exhibit E.
- G. Outdoor Storage: The storage of automobiles, trucks or recreational vehicles, or equipment on the temporary patron and staff parking area is prohibited.

REVISION	NO

EW FACILITY
STORAGE
LVD (@ COLONEL DR.)
XAS

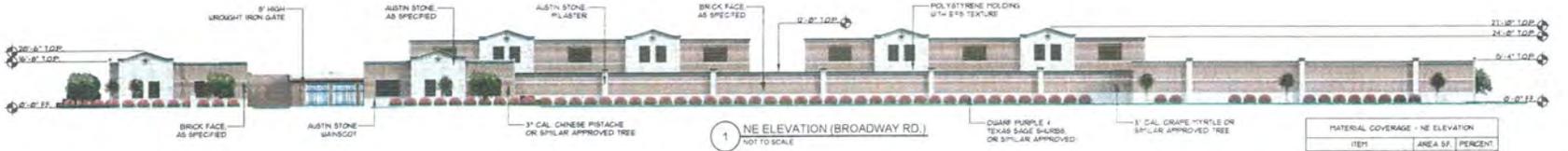
EXHIBIT E

131119-2
PROJECT NO. 131119-2
DATE: 04-09-2014
CASE: 0117528-00
WWW.JULBUILDINGSYSTEMS.COM



ELEVATIONS	
Date	04-09-2014
Scale	As Noted
Drawn	JL
Job	13551
Sheet	A1

PRELIMINARY - NOT FOR CONSTRUCTION



1 NE ELEVATION (BROADWAY RD.)
NOT TO SCALE

MATERIAL COVERAGE - NE ELEVATION		
ITEM	AREA SF	PERCENT
ELEVATION AREA	8954	
DOORS + WINDOWS (CED.)	752	
ACCOUNTABLE AREA	9207	100%
MASONRY (STONE)	7978	86%
MASONRY (BRICK FACE)	436	5%
EPS BANDS + HOLDING	887	9%



2 SW ELEVATION (ALLEY)
NOT TO SCALE

MATERIAL COVERAGE - SW ELEVATION		
ITEM	AREA SF	PERCENT
ELEVATION AREA	5630	
DOORS + WINDOWS (CED.)	436	
ACCOUNTABLE AREA	5984	100%
MASONRY (STONE)	2344	39%
MASONRY (BRICK FACE)	6300	86%
EPS BANDS + HOLDING	750	9%



3 SE ELEVATION (ALLEY)
NOT TO SCALE

MATERIAL COVERAGE - SE ELEVATION		
ITEM	AREA SF	PERCENT
ELEVATION AREA	6471	
DOORS + WINDOWS (CED.)	0	
ACCOUNTABLE AREA	6471	100%
MASONRY (STONE)	1311	20%
MASONRY (BRICK FACE)	4920	76%
EPS BANDS + HOLDING	540	8%

BUILDING + MASONRY FENCE HEIGHTS		
ITEM	HEIGHT	MAX. HEIGHT
BUILDING A	10'-0"	20'-0"
BUILDING B	10'-0"	20'-0"
BUILDING C	24'-0"	27'-0"
BUILDING D	24'-0"	27'-0"
BUILDING E	3'-4"	16'-8"
BUILDING F	0'-0"	0'-4"
BUILDING G	0'-0"	3'-4"
BUILDING H	0'-0"	3'-4"
MASONRY FENCE + BLDG. B + F	0'-0"	0'-0"
MASONRY FENCE + BLDG. E + F	0'-0"	0'-0"
MASONRY FENCE + BLDG. E + G	0'-0"	3'-4"
MASONRY FENCE + BLDG. G + H	0'-0"	0'-0"
MASONRY FENCE + BLDG. H + A	0'-0"	0'-0"

MATERIAL COVERAGE - NW ELEVATION		
ITEM	AREA SF	PERCENT
ELEVATION AREA	6471	
DOORS + WINDOWS (CED.)	208	
ACCOUNTABLE AREA	8269	100%
MASONRY (STONE)	1334	16%
MASONRY (BRICK FACE)	4390	53%
EPS BANDS + HOLDING	545	7%



4 NW ELEVATION
NOT TO SCALE

CASE NUMBER: 131119-2



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-10 Jaime Pineda

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR CONTRACTOR EQUIPMENT AND STORAGE ON A 0.2-ACRE TRACT OF LAND ZONED COMMERCIAL 2 (C-2) DISTRICT AND LOCATED AT 200 RAYBURN STREET; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 24th day of March, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Jaime Pineda**; and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Contractor Equipment and Storage on a 0.2-acre tract of land zoned Commercial 2 (C-2) District and located at 200 Rayburn Street 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.

FILE NO. 14-10

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-10

Being approximately a 0.2-acre lot identified as Lot 11, Block C, Cooper's Addition, an addition to the City of Garland as shown on the Plat recorded in Volume 7, Page 423 of the Map Records of Dallas County, Texas. The property is located at 200 Rayburn Street, Garland, TX.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-10

200 Rayburn Street

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit the use of Contractor Equipment and Storage.
- II. **Statement of Effect:** The Specific Use Permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Commercial-2 (C-2) District set forth in Section 26 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a period of 5 years and shall apply to **Jaime Pineda**.
 - B. Storage: All contractor equipment, material and vehicles shall be stored within the building.



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-11 Merriwood Ranch

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

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) DISTRICTS 04-10 AND 02-03 FOR SINGLE FAMILY USES, DESIGN CENTER, STABLES AND BARNs, AND A DETAIL PLAN FOR A RIDING ACADEMY/STABLES AND DAY CAMP, ON A 29.95-ACRE TRACT OF LAND LOCATED SOUTHEAST OF THE INTERSECTION OF EAST MILLER ROAD AND EAST CENTERVILLE ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 14th day of April, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Merriwood Ranch**, 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 Districts (04-10 and 02-03) for Single Family Uses, Design Center, Stables and Barns, and a Detail Plan for Riding Academy/Stables and Day Camp, on a 29.95-acre tract of land located southeast of the intersection of East Miller Road and East Centerville Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-11

BEING a 29.95-acre tract of land, being all of Lots 1-16, Block 1, Chiesa Ranch, an Addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 2004180, Page 107 of the Map Records of Dallas County, Texas and a 2.88-acre tract of land situated in the John Little Abstract No. 764, Volume 2002219, Page 645 of the Deed Records of Dallas County, Texas. This property is located southeast of the intersection of East Miller Road and East Centerville Road.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 14-11

South of East Miller Road and east of Centerville Road Tract 1- Single Family Subdivision

- I. **Statement of Purpose:** The purpose of this PD (Planned Development) District is to permit the development of a single family subdivision. The residential subdivision shall be an integral part of the of the Planned Development (PD) District which also permits the development of a stables, a barn, and accessory uses.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647 as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the SF/16/A/1 (Single Family Dwelling) District set forth at Sections 18, and 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. **Development Plans:**
 - A. Detail Plan: Prior to development on Tract 1 of the subject property or portion thereof, a Detail Plan and conditions shall be approved through the public hearing process.
- V. **Specific Regulations:**
 - A. Permitted Uses: Only single family detached residential homes shall be permitted on the property.
 - B. Minimum Lot Size: The minimum lot size shall be 27,000 square feet.
 - C. Minimum Dwelling Unit Size: The minimum dwelling unit size shall be 2,800 square feet.
 - D. Minimum Lot Width: The minimum lot width shall be 70 feet measured at the front building line setback.
 - E. Minimum Front Yard Setback: The minimum front yard setback shall be 50 feet.
 - F. Minimum Interior Rear Yard Setback: The minimum rear yard setback shall be 20 feet.
 - G. Minimum Rear Yard Setback Adjacent to a Street: The minimum rear yard setback adjacent to a street shall be 30 feet.
 - H. Building Materials: Materials used for the exterior walls and chimney construction of

each residential unit is proposed to be 80% brick, stone, or stucco.

- I. Garages: A minimum 2-car garage shall be provided for each house. The driveways shall be J-drives or swing drives so that no garage faces the street.
- J. Lot Coverage: The maximum lot coverage shall be 50%.
- K. Homeowners Association: A homeowners association shall be incorporated and each lot/homeowner shall be a mandatory member. The bylaws of the association shall establish a system of payment of dues; a system of enforcement of its rules and regulations; shall establish a clear and distinct definition of the responsibility of each member; and other provisions as deemed appropriate to secure a sound and stable association. The Bylaws for this association shall be submitted to the Director of Planning for review and approval prior to commencement of construction of any infrastructure improvements within the subdivision.
- L. Maintenance of Private Streets, Landscape Areas, Entry Features, Screening Walls and Other Amenities: Maintenance of the private street, landscaped medians, entry features, screening wall, irrigation, and other amenities shall be the responsibility of the homeowners association.
- M. Alleys: Alleys shall be waived for the residential development.
- N. Sidewalks: Sidewalks internal to the subdivision shall be waived.
- O. Screening Features: A minimum 6-foot high masonry stone wing wall shall be installed along the entryway of the residential development. The stone wing wall shall transition into a PVC rail fence along the common area lot adjacent to Miller, which shall transition into a 6-foot high thin brick wall along the rear property line of the residential lots. Tree planting shall be provided adjacent to the screen walls along Miller Road. A minimum 6-foot high wood privacy fence shall be permitted along the west and southwest perimeter of the property. A privacy fence shall also be permitted along the interior yards. Those lots contained within the view corridor of the lake and the nature area (Lots 8-12) shall be permitted 6-foot high privacy fences transitioning into 4-foot high fences in order to maximize the view of Lake Ray Hubbard and the Woodland Basin Nature Area to the south of the property. The fencing shall consist of wrought iron or PVC rail fencing or a fence material which is similar in appearance.
- P. Street Design Specifications: The street would be constructed to public street standards with a minimum of 60 feet dedicated for street, utility, access easement. The minimum pavement width shall be 27 feet and shall be constructed with concrete in accordance with City standards. Curb and gutter shall not be required.
- Q. Landfill Issues: The applicant shall be required to satisfy the City of Garland Health Department, TCEQ and TNRCC requirements prior to disturbing the landfill or issuance of a site permit and/or building permit.

EXHIBIT B

R. Information Clause: The applicant shall be required to inform all prospective developers and homeowners that the subject property is located on or near a closed landfill and that there are no written records available on the type of materials buried on the site.

PLANNED DEVELOPMENT REQUIREMENTS

ZONING FILE 14-11

South of East Miller Road and east of Centerville Road Tract 2 – Riding Academy/Stables, Day Camp, Barns, Stables and One Single Family Home

- I. **Statement of Purpose:** The purpose of this PD (Planned Development) District is to permit the development of a riding academy/stables, day camp, barns and accessory uses. In addition, one single family residence shall be located on the subject property.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Office 1 (O-1) District set forth at Sections 20, and 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified in this ordinance, to the Clubhouse, Day Camp, Barn and Riding Academy/Stables development. The single family residence shall be required to comply with the Single Family Dwelling (SF/16/A/1) District set forth in Section 18-100 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified in the this ordinance.

IV. **Development Plans:**

Detail Plan: Development shall be in general conformance with the Detail Plan as set forth in Exhibit C.

V. **Specific Regulations:**

A. Permitted Uses: Only the following uses shall be permitted;

- Riding Academy/Stables
- Day Camp
- One Single Family Residence

The structures permitted in conjunction with the permitted uses include:

- Clubhouse
- Two Barns
- Three Loafing Sheds
- Four Shade Structures

B. Minimum Dwelling Unit Area: The minimum dwelling unit area of the single family home shall be 1,100 square feet.

EXHIBIT B

C. Exterior Elevation Requirements:

Clubhouse: The elevations of the design center shall consist of wood siding with either a composition or standing seam metal roof.

Barn: The elevations of the barn shall consist of architecturally designed metal.

One New Single Family Residence: The elevations of the single family home shall consist of siding with a composite shingle roof.

D. Signage: Attached and freestanding signage shall be in compliance with residential signage requirements as specified in the City of Garland Sign Ordinance.

E. Screening and Landscaping: Screening and Landscaping shall comply with the City of Garland Screening and Landscaping Standards. In addition, a minimum 6-foot high wrought iron fence has been provided along a portion of the west property line, where the new home is located and transition into a 4-foot high wrought iron/PVC/Pipe rail fence up to the wood fence abutting the residential portion of the Planned Development. A wrought iron fence/PVC/Pipe rail fence or a fence similar in appearance is being proposed along the interior perimeter of the property. The general location of the fencing shall be as reflected on the Detail Plan labeled Exhibit C.

F. Sidewalks: Sidewalks shall be waived for this portion of the development.

G. Lighting: The development would be required to comply with the City of Garland Glare and Illumination Ordinance.

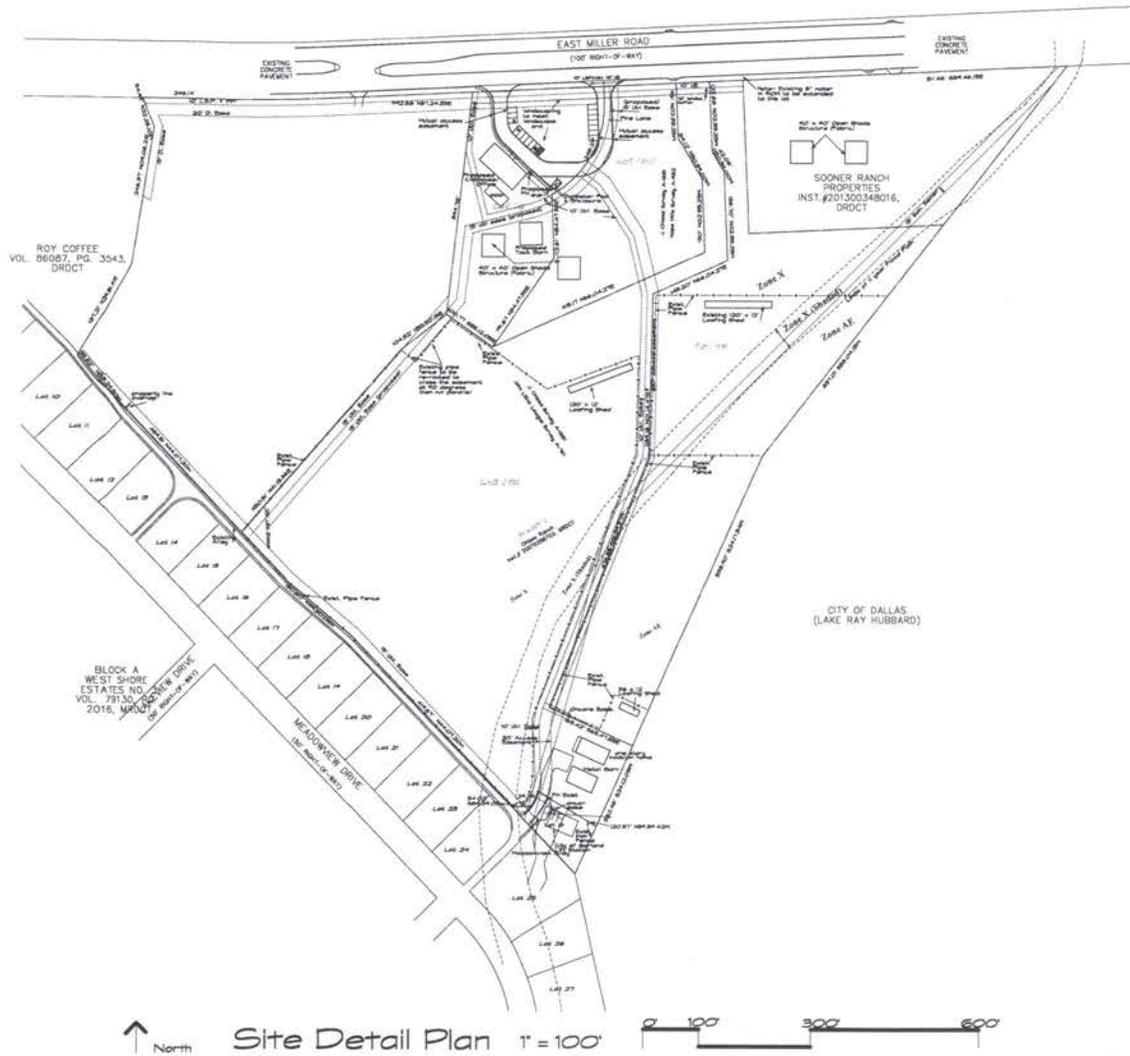
H. Landfill Issues: The applicant shall be required to resolve the City of Garland Health Department, TCEQ, and TNRCC requirements prior to disturbing the landfill or issuance of a site permit and/or building permit.

I. Screening Requirements:

Single Family Residences: A minimum 6-foot high wood fence is being proposed along a portion of the west property line. The wood fence shall transition into a minimum 4-foot high wrought iron fence along the west property line up to the wood fence abutting the residential portion of the Planned Development. A wrought iron fence shall be provided along the interior perimeter of the properties.

J. Lift Station: The Detail Plan reflects the existing lift station along the eastern interior perimeter of Tract 2.

K. Animals Housed on Site: The applicant shall coordinate efforts with the Health Department to verify which animal species shall be permitted on site (Tract 2).



Tract Plan no scale

Data

SITE:	
Existing Zoning	PD 02-03
	PD 04-10
Site Area x	30.18 Acres
AREAS	
New Buildings Tract 5	
Barn	1,600
Office/Club	1,950
TOTAL	3,550 square feet
Permitted Buildings Tract 2	
House	1,314
Hay Barn	1,500
TOTAL	2,814 square feet
PARKING REQUIRED:	
Office/Clubhouse, 1/2000ft.	7 spaces
Riding Academy/Stables (no stalls)	0 spaces
Office/Club, 1 per 20 campers	3 spaces
10 Spaces Required - 16 spaces provided	
House:	2 spaces
Hay Barn (no stalls)	0 space
2 Spaces Required - 3 spaces provided	
Maximum Building Height : 30 feet	
Maximum Coverage x 40% Actual Coverage 16%	

Legal Description

EXHIBIT A
LEGAL DESCRIPTION
ZONING FILE 04-10
Being of that certain lot, tract or parcel of land situated in the John Little League Survey, Abstract No. 164, Dallas County, Texas, and being a part of that certain tract of land conveyed to Ben Chiss and recorded in Volume 78, Page 540, in the Dead Records of Dallas County, Texas and being more particularly described as follows:
BEGINNING at a concrete monument found for the most southerly corner of this, and being a point on the City of Dallas "take line" for Lake Roy Hubbard, and being on the Northeast line of West Shore Estates; THENCE North 44 degrees 07 minutes 19 seconds West, departing said "take line" along and near a fence on the Northeast line of West Shore Estates; 230.23 feet to a 1 1/2 inch iron rod found for corner; THENCE North 24 degrees 31 minutes 41 seconds East, 171.85 feet to a 1 1/2 inch iron rod found for corner; THENCE North 04 degrees 08 minutes 21 seconds East, 248.97 feet to a 1/2 inch iron rod found for corner; THENCE North 22 degrees 25 minutes 10 seconds West, 248.31 feet to the South line of Miller Road (100' ROW); a 1/2 inch iron rod found for corner; THENCE North 24 degrees 55 minutes 43 seconds East along said South right-of-way; 40.00 feet to a 1/2 inch iron rod set for corner; THENCE South 44 degrees 22 minutes 34 seconds East, departing said right-of-way; 319.40 feet to a concrete monument found for corner, said point being on the City of Dallas "take line"; THENCE South 24 degrees 22 minutes 09 seconds West, along said "take line"; 474.00 feet to the Place of Beginning and containing 13.06 acres of land.

Being of that certain lot, tract or parcel of land situated in the John Little League Survey, Abstract No. 76, the J. Chiss Survey, Abstract No. 480, and the Hope Mills Survey, Abstract No. 482, Dallas County, Texas, and being a part of that certain 45 acre tract of land allocated to Mrs. Emma Drum and described as "Tract" of six tracts in a partition deed dated September 11, 1918, and recorded in Volume 78, Page 540 in the Dead Records of Dallas County, Texas and being more particularly described as follows:
BEGINNING at a 1 1/2 inch iron rod set in concrete found, said point being on the South ROW line of Miller Road (100' ROW), and being a point set for the City of Dallas as part of the "take line" for Lake Roy Hubbard; THENCE South 56 degrees 04 minutes 55 seconds West, departing said ROW of Miller Road with said "take line", along and near a fence; 864.24 feet to a 1 1/2 inch iron rod, set in concrete found for corner; THENCE South 24 degrees 17 minutes 24 seconds West, continuing on with said "take line" and along said fence; 559.40 feet to a 1 1/2 inch iron rod set in concrete found for corner; THENCE North 44 degrees 22 minutes 14 seconds West, departing said "take line" along and near a fence; 318.40 feet to a 1/2 inch iron rod set for corner, said point being on the South ROW line of Miller Road; THENCE North 07 degrees 55 minutes 45 seconds East, along said South ROW; 1609.82 feet to the Place of Beginning and containing 17.64 acres of land. Site and except that tract conveyed to the City of Dallas in Deed recorded in Volume 220-080, Page 4014, Dead Records, Dallas County, Texas.

Owner:
Sooner Ranch Properties
9 Hob Hill Lane
Lucas Texas 75002
214-212-5887

revisions:
Revised 4-3-14
Adjusted Easements
4-B-14

Merrimood Ranch
Garland, Texas



creativearchitects
scott b. roberts, architect

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garland, Texas 75044
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www.creative-architect.com
scott@ca-arch.com

al

2014719
march 18, 2014
© creative architects



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-12 Capital Telecom

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR AN ANTENNA, COMMERCIAL TYPE 2 ON A 0.0599-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 97-23 FOR SHOPPING CENTER USES AND LOCATED APPROXIMATELY 450 FEET NORTHEAST OF THE INTERSECTION OF CRIST ROAD AND NAAMAN SCHOOL ROAD, BEHIND THE HOME DEPOT LOCATED AT 3261 NORTH PRESIDENT GEORGE BUSH HIGHWAY; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 14th day of April, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Capital Telecom**; and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for an Antenna, Commercial Type 2 on a 0.0599-acre tract of land zoned Planned Development (PD) District 97-23 for Shopping Center Uses and located approximately 450 feet northeast of the intersection of Crist Road and Naaman School Road, behind the Home Depot located at 3261 North President George Bush Highway 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.

FILE NO. 14-12

Section 4.

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

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-12

BEING a tract of land situated in the Daniel Crist Survey, Abstract No. 226, Dallas County, Texas, also being out of and a portion of an 11.661 acre tract, Lot 1, Block 1 of The Crossing At Valley Creek No. 1 Addition, an addition to the City of Garland, Dallas County, Texas, recorded in Volume 96203, Page 01355, Plat Records, Dallas County, Texas, and conveyed to HD Development Properties, L.P., as Tract 1, an 11.661 acre tract of land, according to that Warranty Deed dated July 9, 1999, and recorded in Volume 99133, Page 5404, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the most south southwest corner of said 11.661 acre tract, same being the most east southeast corner of Lot 5, Block 1 of said The Crossing At Valley Creek No. 1 Addition (a 2.231 acre tract), also being in the north right-of-way line of Crist Road, from which a Brass Disk marked City of Garland found at the northeasterly right-of-way line of Naaman School Road bears South 45 degrees 40 minutes 34 seconds East, a distance of 27.82 feet, North 89 degrees 23 minutes 02 seconds East, a distance of 21.21 feet, North 44 degrees 23 minutes 02 seconds East, a distance of 92.01 feet to a point on a curve to the right having a radius of 330.99 feet, an arc distance of 265.48 feet, through a central angle of 45 degrees 57 minutes 18 seconds, and whose chord bears North 67 degrees 21 minutes 41 seconds East, a distance of 258.42 feet, South 89 degrees 39 minutes 41 seconds East, a distance of 10.59 feet;

THENCE along the north right-of-way line of said Crist Road, same being the south line of said 11.661 acre tract, South 89 degrees 39 minutes 41 seconds East, a distance of 32.23 feet to a Point;

THENCE departing the north right-of-way line of said Crist Road, through the interior of said 11.661 acre tract, the following three (3) courses;

1. North 00 degrees 20 minutes 19 seconds East, a distance of 41.90 feet to a Point, same being the point of commencing of a curve to the right;
2. Along said curve to the right having a radius of 70.43 feet, an arc distance of 26.86 feet, through a central angle of 21 degrees 51 minutes 01 seconds, and whose chord bears North 20 degrees 43 minutes 42 seconds East, a distance of 26.69 feet to the Point of termination of said curve to the right;
3. South 78 degrees 28 minutes 37 seconds East, a distance of 41.68 feet to a 5/8" iron rod set with cap marked "WEBB-4125" at the most North Northwest corner of the herein described Lease Area for the POINT OF BEGINNING hereof, same point being in the east line of an existing 30.00 foot wide access and utility easement;

THENCE continuing through the interior of said 11.661 acre tract the following five (5) courses:

1. South 78 degrees 28 minutes 37 seconds East, a distance of 112.85 feet to a 5/8" iron rod set with cap marked "WEBB-4125" at the Northeast corner of the herein described Lease Area, same point being in the northerly line of an existing 10.00 foot wide utility easement, same being the point of commencing of a non-tangent curve to the right;
2. Along the northerly line of said existing utility easement, along said curve to the right having a radius of 245.00 feet, an arc distance of 76.84 feet, through a central angle of 17 degrees 58 minutes 12 seconds, and whose chord bears South 81 degrees 21 minutes 15 seconds West, a distance of 76.53 feet to a 5/8" iron rod set with cap marked "WEBB-4125" at an interior corner of the herein described Lease Area at the point of termination of said curve to the right;
3. North 89 degrees 39 minutes 41 seconds West, a distance of 49.31 feet to a 5/8" iron rod set with cap marked "WEBB-4125" at the Southwest corner of the herein described Lease Area, same point being in the east line of said existing access and utility easement;
4. North 00 degrees 20 minutes 19 seconds East, along the east line of said existing access and utility easement, a distance of 13.39 feet to a 5/8" iron rod set with cap marked

"WEBB-4125" at the most West Northwest corner of the herein described Lease Area, same being the point of commencement of a curve to the right;

5. Along said curve to the right having a radius of 34.43 feet, an arc distance of 25.47 feet, through a central angle of 42 degrees 23 minutes 07 seconds, and whose chord bears North 35 degrees 05 minutes 05 seconds East, a distance of 24.89 feet to the POINT OF BEGINNING hereof and containing 0.0599 acres or 2,611 square feet of land, more or less.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-12

Approximately 450 feet northeast of the intersection of Crist Road and Naaman School Road, behind the Home Depot located at 3261 North President George Bush Highway

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow Antenna, Commercial Type 2 subject to conditions.
- 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 in Section 10-306.4 and the Shopping Center (SC) District as set forth in Section 24 and 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a period of 30 years from the date of passage.
 - B. Antenna Tower (Exhibit D):
 1. Height: Maximum height of the antenna tower shall be 140 feet.
 2. Antenna Type: The only type antenna tower authorized by this Specific Use Permit is a stealth "flagless flag pole" cell tower.
 - C. Site Plan: Development of the antenna tower shall be in accordance with the site plan on Exhibit C.
 - D. Distance Between Two Cell Towers: The proposed cell tower shall not be closer than 870 feet from the nearest existing cell tower, see Exhibit E.
 - E. Setback From The Public Right-Of-Way: The setback between the public right-of-way on Crist Road and the masonry wall enclosing the cell tower site cannot be less than 25 feet.

APPROVALS

SAC MGR:	
SAC:	
OPER:	
PM:	
RF:	
CONST:	
A & E:	

NO.	DATE	REVISION
3	4/25/14	ISSUED FOR FINAL
2	4/2/14	REVISED FOR REVIEW
1	1/21/14	ZONING

W
W-T COMMU
DESIGN GR
731 Valley Forge
Lansdale, Pa
PH: (610) 281-0101 FAX:
www.wtdesign.com
Issue Form Registration No. F
COPYRIGHT © 2014 W-T COMMU

EXHIBIT C

PROJECT NO: _____

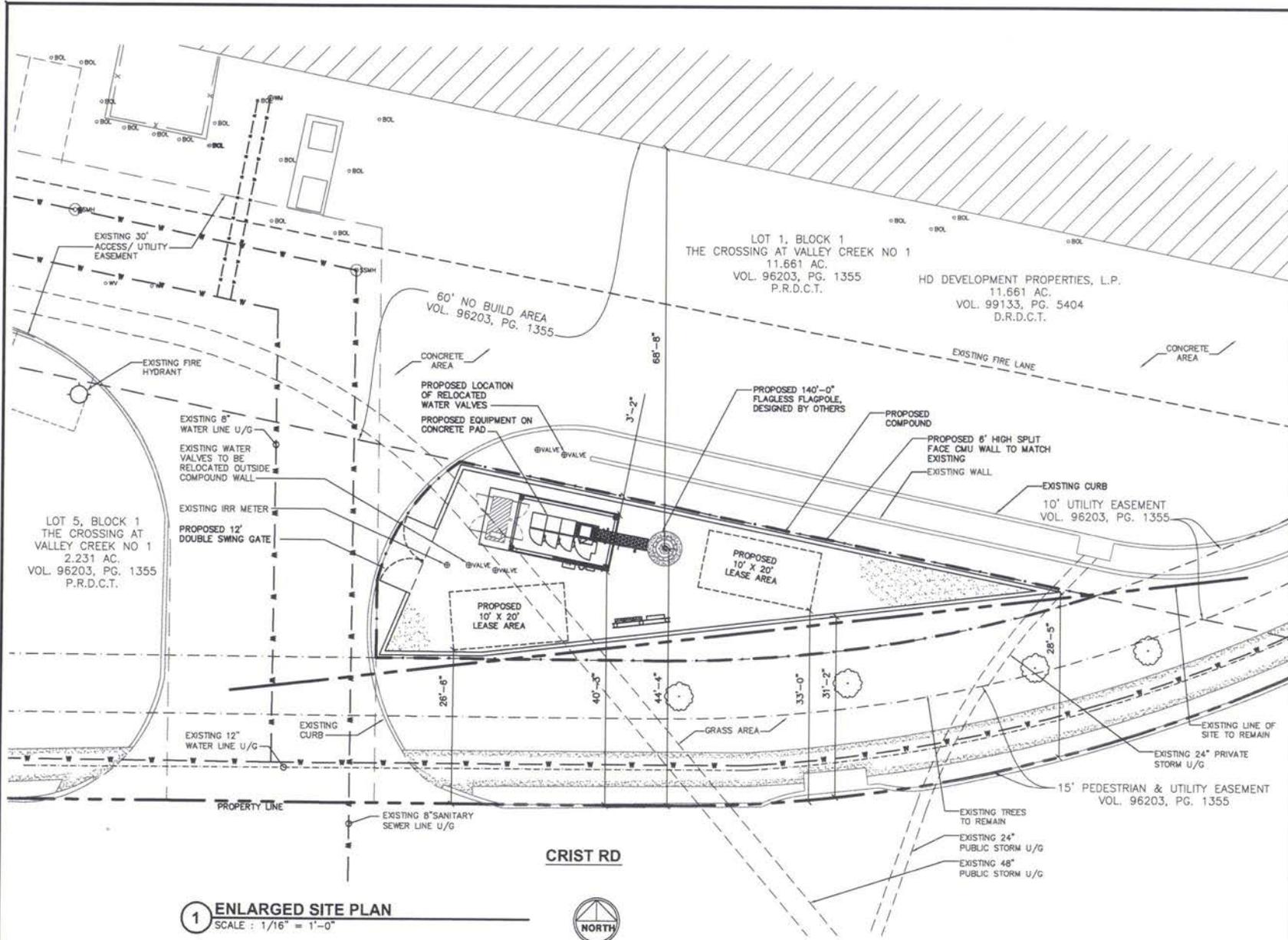
DRAWN BY: SXC

CHECKED BY: AG

**SITE NAME: GARLAND, TX
GEORGE BUSH HWY
3001 CRIST ROAD
GARLAND, TX 75040
THE CROSSING AT VALLEY
CREEK NO.1 LOT 1 BLOCK 1**

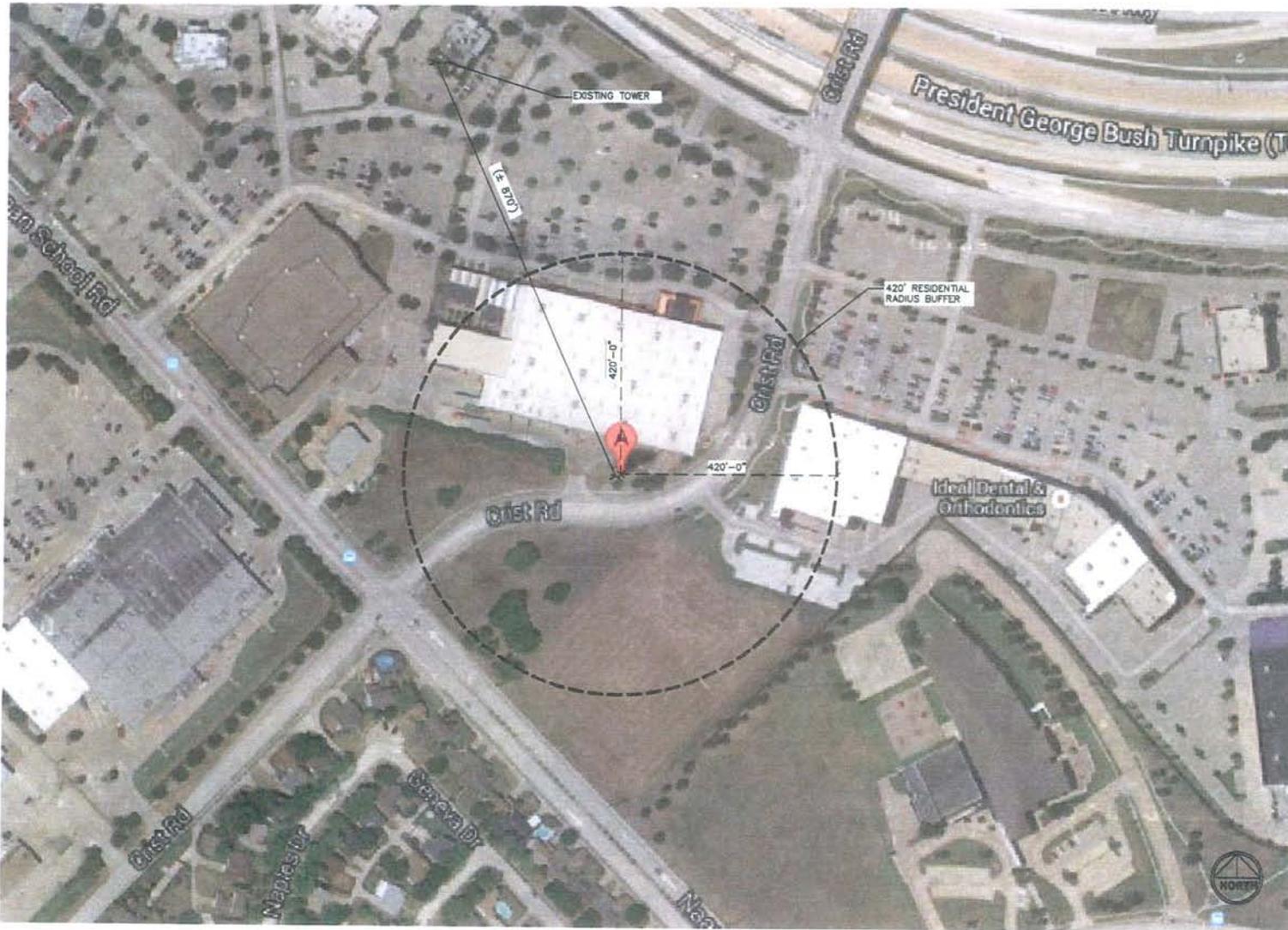
SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
C-2



1 ENLARGED SITE PLAN
SCALE : 1/16" = 1'-0"





CAPITAL
TELECOM

CAPITAL TELECOM ACQUISITION, LLC
1500 MT. KEMBLE, SUITE 203
MORRISTOWN, NJ 07960
PH: (973) 425-0626 FAX: (973) 425-1616

APPROVALS

SAC MGR: _____
SAC: _____
OPER: _____
PM: _____
RF: _____
CONST: _____
A & E: _____

NO.	DATE	REVISION
2	4/2/14	REVISED
1	1/21/14	ZONING P

W-T

W-T COMMUN
DESIGN GROU
WIRELESS INFRA
1311 Wilson Parkway
Lubbock, Texas
PH: (807) 786-5111 FAX:
www.wtcomm.com
Data from Esri/ArcGIS, Inc. © 2014 W-T COMMUN

EXHIBIT E

PROJECT NO: T133374

DRAWN BY: SXC

CHECKED BY: AG

SITE NAME: GARLAND, TX
GEORGE BUSH HWY
3001 CRIST ROAD
GARLAND, TX 75040
THE CROSSING AT VALLEY
CREEK NO.1 LOT 1 BLOCK 1

SHEET TITLE
RESIDENTIAL RADIUS BUFFER

SHEET NUMBER
Z-4



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-14 Spiars Engineering, Inc.

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AN AMENDED DETAIL PLAN AND SPECIFIC USE PERMIT FOR RETAIL SALES WITH GAS PUMPS ON A 2.4-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 13-32 FOR FREEWAY USES AND LOCATED AT 6421 BROADWAY BOULEVARD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 14th day of April, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Spiars Engineering, Inc.**; 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 amended Detail Plan and Specific Use Permit for Retail Sales with Gas Pumps on a 2.4-acre tract of land zoned Planned Development (PD) District 13-32 for Freeway Uses and located at 6421 Broadway Boulevard 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.

FILE NO. 14-14

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-14

Being approximately a 2.40-acre tract of land known as Lot 2, Block 2, Beltline 30 Shopping Center No. 3 Replat, an addition to the City of Garland as shown on the Plat recorded in Volume 80033, Page 1907 of the Plat Records of Dallas County, Texas. The property is located at 6421 Broadway Boulevard, Garland, TX.

PLANNED DEVELOPMENT REQUIREMENTS

ZONING FILE 14-14

6421 Broadway Boulevard

- I. **Statement of Purpose:** The purpose of this Planned Development District is to amend the Detail Plan for Lot 9 of Planned Development (PD) 13-32.
- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of Planned Development (PD) District 13-32 for Freeway Uses, and all regulations of the Freeway (FW) District set forth in Sections 31, 32, 33 and 48 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Development Plans:**

Concept Plan: Refer to Planned Development (PD) 13-32 for the approved Concept Plan that contains this lot.

Detail Plan: Development shall be in general conformance with the approved Detail Plan set forth in Exhibit E. However, in the event of conflict between the Detail Plan and the conditions, the conditions shall prevail.

V. **Specific Regulations:**

- A. Development Requirements: Refer to Planned Development (PD) 13-32 for development requirements and general conditions.
- B. Permitted Uses: Permitted uses are as stated below:

Restaurant
Restaurant, Drive-Through*
Retail Sales with Gas Pumps*

*Allowed by Specific Use Permit only

- C. Specific Use Permit: Development of the subject property must be in conformance with the requirements and exhibits of the associated Specific Use Permit for Retail Sales with Gas Pumps set forth in Exhibit C.

SPECIFIC USE PERMIT CONDITIONS

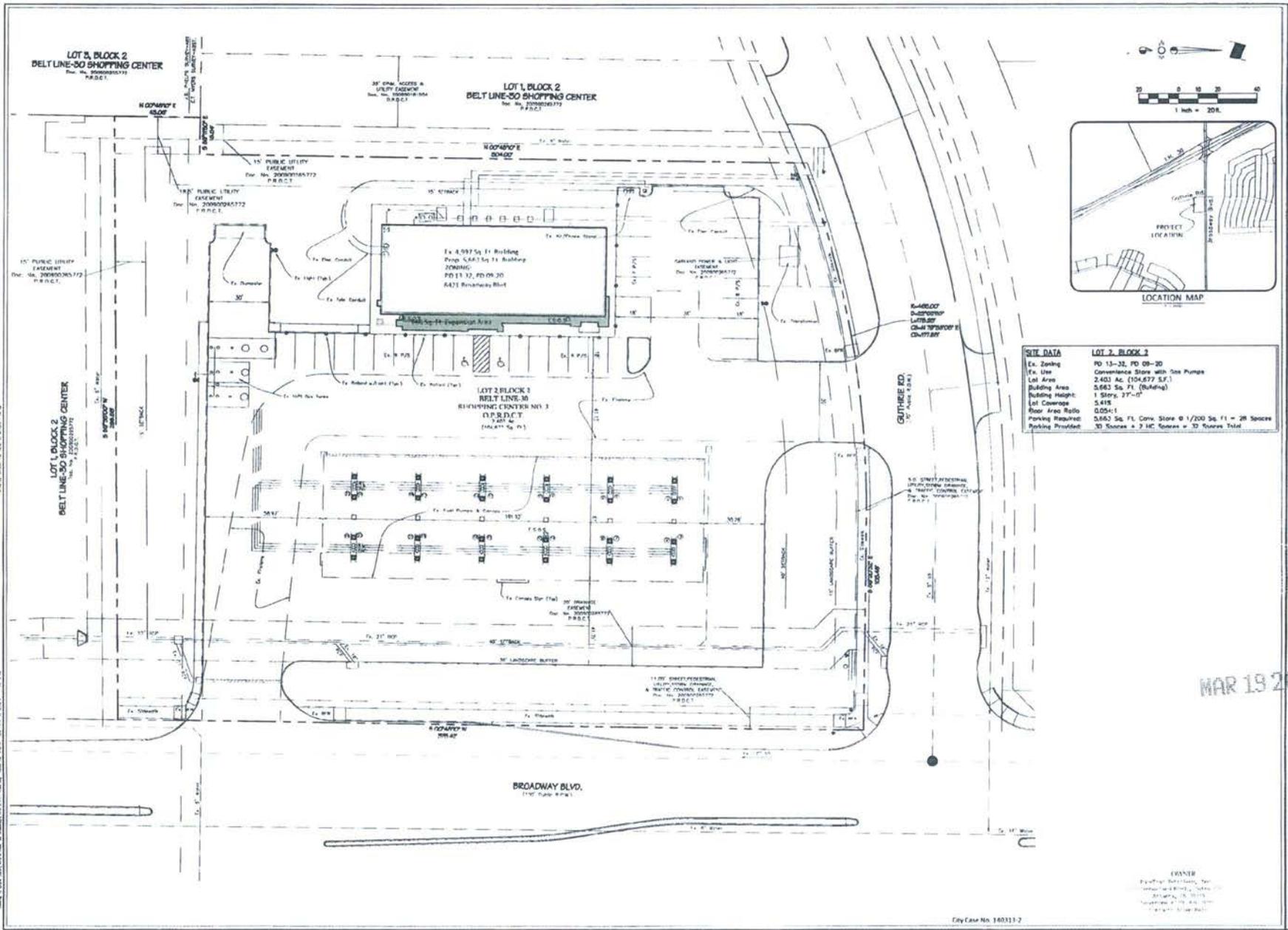
ZONING FILE 14-14

6421 Broadway Boulevard

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Retail Sales with Gas Pumps subject to conditions.
- 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 Freeway (FW) District set forth in Section 31, 33 and 48 of the Comprehensive Zoning Ordinance shall apply, except as otherwise specified in this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall apply to **RaceTrac Petroleum, Inc.** for a period of 30 years.
 - B. Site Plan: Development shall be in conformance with the approved Site Plan labeled Exhibit E. The approved site plan shall also serve as the Detail Plan.
 - C. Landscape Plan: Landscaping shall be in general conformance with the Landscape Plan labeled Exhibit F. The varied placement and type of trees are permitted as shown on the plan.
 - D. 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.
 - E. Building Elevations: The convenience store/retail center shall be constructed with a minimum of 75 percent face brick on all elevations. The canopy columns shall be constructed with the same face brick as the building elevations. Building elevations shall be in general conformance with the approved elevations labeled Exhibit G.
 - F. Signage:
 - i. Freestanding signage shall comply with the requirements of the City of Garland Sign Ordinance, the IH-30 Development Standards and the Retail Sales with Gas Ordinance.
 - ii. Attached signage shall be permitted as shown on Exhibit G, not to exceed a total of 367 square feet inclusive of all signage attached to the building and canopy, and marketing sign cases.

EXHIBIT C

- G. Surety Bond: The owner/operator shall provide a \$40,000 surety bond or similar security to the City of Garland to ensure the removal of all buildings, equipment, above-ground and underground storage tanks and/or other improvements in the event the business operations (retail sales with gas pumps) ceases operations for a period of two or more years. (Section 10-309(C) of the Comprehensive Zoning Ordinance)



SITE DATA	
Ex. Zoning	PD 15-2E, PD 09-2D
Ex. Use	Convenience Store with Gas Pumps
Lot Area	2.403 Ac. (104,877 S.F.)
Building Area	5,862 Sq. Ft. (Building)
Building Height	1 Story, 37'-0"
Lot Coverage	5.41%
Floor Area Ratio	0.024:1
Parking Required	5,862 Sq. Ft. Conv. Store @ 1/200 Sq. Ft. = 29 Spaces
Parking Provided	30 Spaces + 2 HC Spaces = 32 Spaces Total

piars
ENGINEERS

1100 West 10th Street, Suite 100, Fort Worth, TX 76102
Phone: 817.335.1100

EXHIBIT E

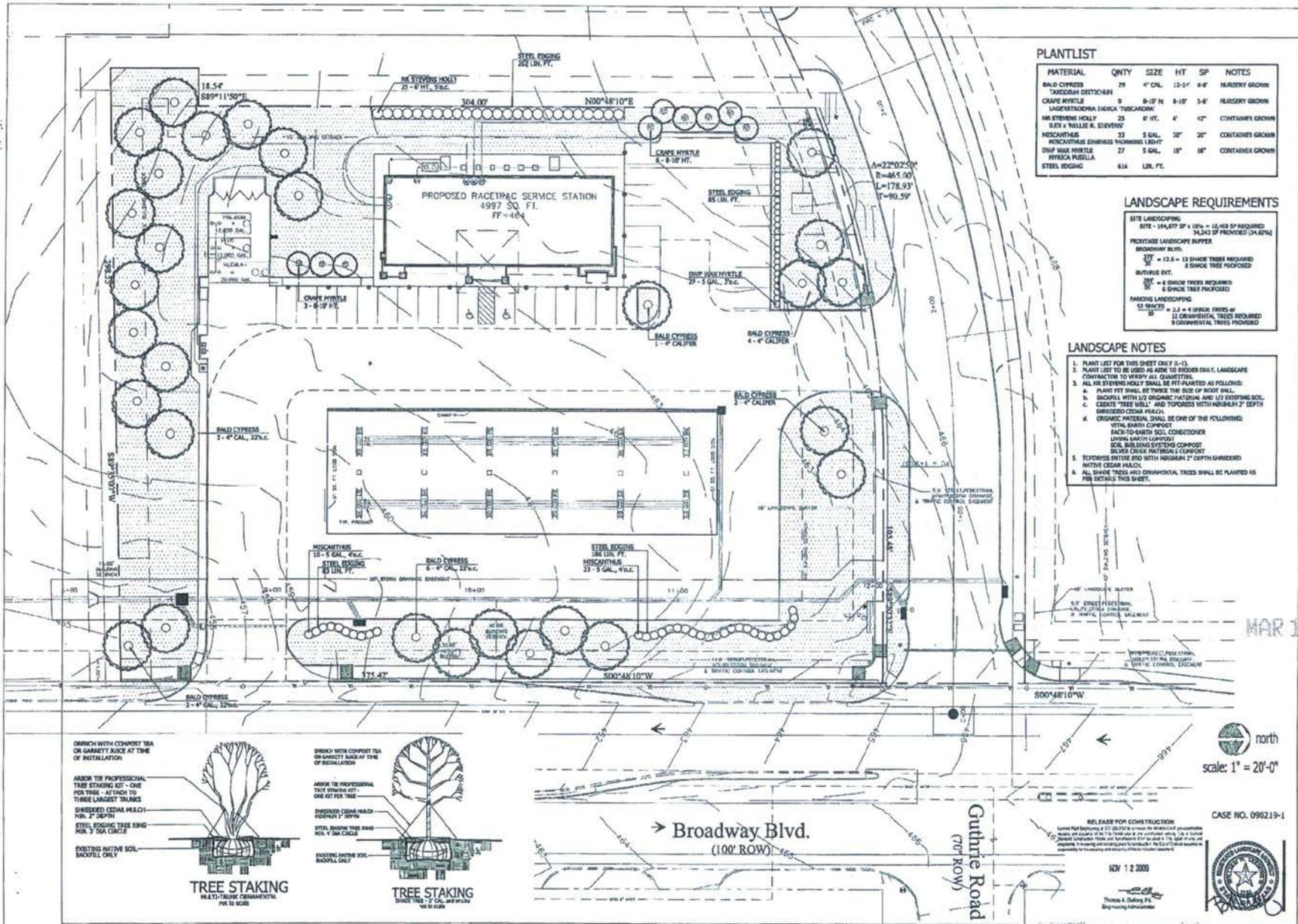
RaceTrac
1100 WEST 10TH STREET, SUITE 100
FORT WORTH, TEXAS 76102
PHONE: 817.335.1100

SITE PLAN	
RACE TRAC SHOPPING CENTER NO. 1	
BELL LINE 50 BLOCK 2 LOT 2	
CITY OF DALLAS AND DALLAS COUNTY TEXAS	
SCALE	DATE
1"=20'	10/20/2014
DRAWN	JOB NO.
BLA	38-112018

OWNER
RaceTrac, Inc.
1100 West 10th Street, Suite 100
Fort Worth, TX 76102
Phone: 817.335.1100

DATE: MAR 19 2015 1:31

City Case No. 140331-2



PLANTLIST

MATERIAL	QNTY	SIZE	HT	SP	NOTES
BALD CYPRESS	29	4" CAL.	12-14'	4-F'	NURSERY GROWN
TAXODIUM DISTICHUM	1	12-14"	6-F'		
CRAPE MYRTLE	9	8-10" N.	8-10'	5-F'	NURSERY GROWN
LAGENSTROEMIA INDICA 'TUSCANY'					
MISCANTHUS	25	8" HT.	6"	4-F'	CONTAINER GROWN
ALEX A WALLIE K. STEVENO'					
MISCANTHUS	33	5 GAL.	30"	20"	CONTAINER GROWN
MISCANTHUS SHIMMUS 'WINDMILL LIGHT'					
DWARF WAX MYRTLE	27	5 GAL.	18"	18"	CONTAINER GROWN
HYDRIC PUELLIA					
STEEL EDGING	416	LIN. FT.			

LANDSCAPE REQUIREMENTS

SITE LANDSCAPING
 SITE = 194,677 SF ± 10% = 10,458 SF REQUIRED
 34,343 SF PROVIDED (34.60%)

FRONTAGE LANDSCAPE BUFFER
 BROADWAY BLVD.
 127' ± 12.5' = 12 SHADE TREES REQUIRED
 8 SHADE TREE PROVIDED

OUTSIDE EYE
 100' ± 6 SHADE TREES REQUIRED
 8 SHADE TREE PROVIDED

PARKING AREA
 12 SPACES = 12 ± 4 SHADE TREES AT
 11 ORNAMENTAL TREES REQUIRED
 9 ORNAMENTAL TREES PROVIDED

- LANDSCAPE NOTES**
- PLANT LIST FOR THIS SHEET ONLY (1-1).
 - PLANT LIST TO BE USED AS GUIDE TO ORDER ONLY. LANDSCAPE CONTRACTOR TO VERIFY ALL QUANTITIES.
 - ALL FRUITING BODIES SHALL BE FIT-FINISHED AS FOLLOWS:
 - PLANT FIT SHALL BE TRIMMED TO THE BASE OF ROOT BALL.
 - BACKFILL WITH 1/2 ORGANIC PLANTATION AND 1/2 EXISTING SOIL. CREATE TREE WELLS AND TOPDRESS WITH 4000LBS 2" DEPTH SHREDDED CEDAR MULCH.
 - ORGANIC MATERIAL SHALL BE ONE OF THE FOLLOWING:
 - VITAL EARTH COMPOST
 - BACK-TO-EARTH SOIL CONDITIONER
 - LIVING MARCH COMPOST
 - SOIL BUILDING SYSTEMS COMPOST
 - SHADE COVER MATERIAL COMPOST
 - TOPDRESS ENTIRE BIRD WITH 4000LBS 2" DEPTH SHREDDED NATIVE CEDAR MULCH.
 - ALL SHADE TREES AND ORNAMENTAL TREES SHALL BE PLANTED AS PER DETAILS ON THIS SHEET.



RaceTrac Petroleum, Inc.
 2004.015.009
 (713) 612-2111

Baird, Hampton & Brown, Inc.
 Engineering & Surveying
 10000 North Loop West, Suite 1000, Houston, Texas 77037

LANDSCAPE PLAN
 RaceTrac Service Station
 Broadway Boulevard & Guthrie Road
 Garland, Texas

EXHIBIT F

REVISIONS

NO.	DESCRIPTION	DATE	BY	DATE
1	ISSUE FOR PERMIT	05/28/09		
2	REVISION	07/02/09		

DATE 05/28/09
DATE 07/02/09

CASE NO. 090219-1

THIS PROJECT NO. 2004.015.009
SHEET NO. L-2

NOV 12 2009

Thomas A. Dooling, P.E.
 Registered Professional Engineer

BUILDING ELEVATIONS - 6421 BROADWAY BLVD.

CITY CASE #140313-2

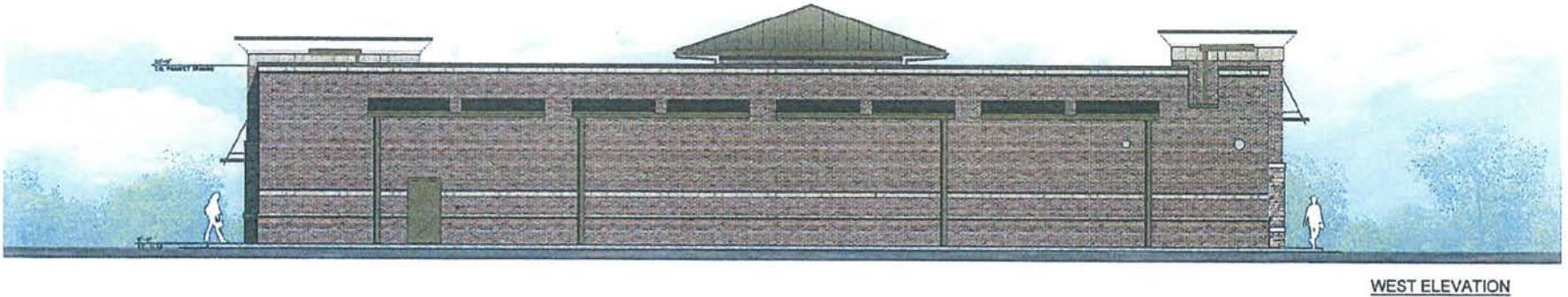
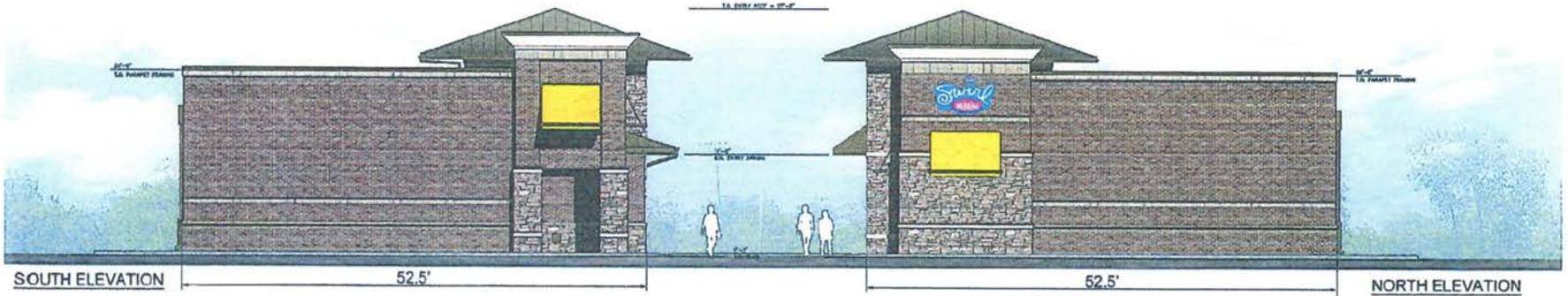


EXHIBIT G

Elevation	East (Front)		South (Left)		West (Rear)		North (Right)		Total	
Brick	1095	75%	932	91%	2111	98%	843	78%	4981	87%
Stone	358	25%	88	9%	33	2%	236	22%	715	13%

MAR 19 2014 PM 1:28



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-15 Indoor Soccer Zone

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR A RECEPTION FACILITY ON A 7.194-ACRE TRACT OF LAND LOCATED AT 3265 BROADWAY BOULEVARD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 14th day of April, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Indoor Soccer Zone**, and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for a Reception Facility, on a 7.194-acre tract of land located at 3265 Broadway Boulevard, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

FILE NO. 14-15

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-15

BEING a 7.194-acre tract of land known as Lot 10, Block 1, Broadway Crossing Addition Replat of Lot 1-RR and Lot 3R, an addition to the City of Garland, Dallas County, Texas according to the map of the plat recorded in Volume 81, Page 2780, of the Plat Records of Dallas County, Texas. This property is located at 3265 Broadway Boulevard.

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 14-15

3265 Broadway Boulevard, Suite 101

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Reception Facility subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the SC (Shopping Center) District set forth in Section 24 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a 10 year time period.
 - B. Reception Facility: The reception facility shall operate within the space designated as the indoor volleyball facility and shall be limited to 5,757 square feet.
 - C. Security: Security shall be provided at every event where alcohol is provided. Security will be provided by a person authorized to provide private security under Chapter 1702 of the Texas Occupations Code.
 - D. Loitering: No congregation or loitering will be allowed to occur outside the facility.



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Bond Sale – Water & Sewer Utility System Revenue Bonds

Summary of Request/Problem

At the May 5, 2014 Work Session, Council considered authorizing a Water & Sewer Utility System Revenue Bond sale. The sale of approximately \$19 million of bonds to fund a portion of the approved 2014 CIP will be combined with the sale of approximately \$24 million of bonds to refund the Water & Sewer Utility System Revenue Bonds, Series 2004A.

Recommendation/Action Requested and Justification

Approve the sale of Water & Sewer Utility System Revenue Refunding and Improvement Bonds, New Series 2014 to fund a portion of the approved 2014 CIP and refund Water & Sewer Utility System Revenue Bonds, Series 2004A.

Submitted By:

**David Schuler
Managing Director**

Approved By:

**William E. Dollar
City Manager**



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Bond Sale – Certificates of Obligation

Summary of Request/Problem

At the May 5, 2014 Work Session, Council considered authorizing a Certificates of Obligation (CO) bond sale in the approximate amount of \$14.2 million to fund a portion of the approved 2014 CIP.

Recommendation/Action Requested and Justification

Approve the sale of Certificates of Obligation, Series 2014 to fund a portion of the approved 2014 CIP.

Submitted By:

**David Schuler
Managing Director**

Approved By:

**William E. Dollar
City Manager**



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Deny Atmos Rate Increase

Summary of Request/Problem

At the May 19, 2014 Work Session, Council was scheduled to consider a request to deny an Atmos Energy Mid-Tex Division rate increase as recommended by the Atmos Cities Steering Committee (ASCS). The City of Garland is a member of the ASCS, a coalition of over 164 cities served by Atmos Mid-Tex.

Recommendation/Action Requested and Justification

Approve an Ordinance to deny Atmos Mid-Tex gas rate change as recommended by the Atmos Cities Steering Committee.

Submitted By:

**David Schuler
Managing Director**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE THE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garland, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM tariff; and

WHEREAS, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years; and

WHEREAS, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years; and

WHEREAS, the RRM renewal tariff contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications; and

WHEREAS, on or about February 28, 2014, the Company filed with the City its second annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$45.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex's RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to investigate issues identified by ACSC in the Company's RRM filing; and

WHEREAS, ACSC attorneys and consultants have concluded that the Company is unable to justify a rate increase of the magnitude requested in the RRM filing; and

WHEREAS, ACSC's consultants determined the Company is only entitled to a \$19 million increase, approximately 42% of the Company's request under the 2014 RRM filing; and

WHEREAS, the Company would only be entitled to approximately \$31 million if it had a GRIP case; and

WHEREAS, the Company's levels of operating and maintenance expense have dramatically risen without sufficient justification; and

WHEREAS, the Company has awarded its executives and upper management increasing and unreasonable levels of incentives and bonuses, expenses which should be borne by shareholders who received a 23% total return on investment in 2013; and

WHEREAS, the Company requested a drastically high level of medical expense that is unreasonable and speculatively based upon estimates; and

WHEREAS, ACSC and the Company were unable to reach a compromise on the amount of additional revenues that the Company should recover under the 2014 RRM filing; and

WHEREAS, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities deny the requested rate increase; and

WHEREAS, the Company's current rates are determined to be just, reasonable, and in the public interest.

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

Section 1

That the findings set forth in this Ordinance are hereby in all things approved.

Section 2

That the City Council finds that Atmos Mid-Tex was unable to justify the appropriateness or the need for the increased revenues requested in the 2014 RRM filing, and that existing rates for natural gas service provided by Atmos Mid-Tex are just and reasonable.

Section 3

That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's RRM application.

Section 4

That in the event the Company files an appeal of this denial of rate increase to the Railroad Commission of Texas, the City is hereby authorized to intervene in such appeal, and shall participate in such appeal in conjunction with the ACSC membership. Further, in such event Atmos Mid-Tex shall reimburse the reasonable expenses of the ACSC Cities in participating in the appeal of this and other ACSC City rate actions resulting from the 2014 RRM filing.

Section 5

That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6

That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7

That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this _____ day of _____, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Centerville Marketplace Repositioning Strategy

Summary of Request/Problem

At the May 5, 2014 Work Session, Council was briefed on the process of preparing the Centerville Marketplace Repositioning Strategy for the purpose of creating a framework for the public and private sector to partner on transforming an important commercial district into a vibrant mixed-use district that capitalizes on its existing assets and anticipates new trends in the marketplace.

Recommendation/Action Requested and Justification

Approve a resolution adopting the Centerville Marketplace Repositioning Strategy.

Submitted By:

**Neil Montgomery
Senior Managing Director**

Approved By:

**William E. Dollar
City Manager**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GARLAND, TEXAS, ADOPTING THE CENTERVILLE MARKETPLACE REPOSITIONING STRATEGY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garland, Texas, has engaged in the process of preparing the Centerville Marketplace Repositioning Strategy for the purpose of creating a framework for the public and private sector to partner on transforming an important commercial district into a vibrant mixed-use district that capitalizes on its existing assets and anticipates new trends in the marketplace; and

WHEREAS, preparation of the Centerville Marketplace Repositioning Strategy was identified as an implementation item by the Envision Garland 2030 Comprehensive Plan; and

WHEREAS, the Centerville Marketplace Repositioning Strategy was initiated in 2011 as a result of a grant award to the City by the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the planning process included numerous public engagement opportunities with property owners, business owners, nearby residents, developers, neighborhood-based organizations within Garland and Dallas, educational institutions, and Dallas Area Rapid Transit (DART); and in a series of public workshops, interviews, focus groups, and public meetings, input from these stakeholders was solicited and used to shape the vision for the study area; and

WHEREAS, an overview of the planning process and strategy was presented to the Plan Commission during its April 28, 2014 pre-meeting; and

WHEREAS the Centerville Marketplace Repositioning Strategy was presented to the City Council during its May 5, 2014, work session;

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

Section 1

That the Centerville Marketplace Repositioning Strategy is hereby approved and adopted in a substantially similar form as attached Exhibit A, which is incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the _____ day of May, 2014.

THE CITY OF GARLAND, TEXAS

BY: _____
Mayor

ATTEST:

City Secretary



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

2014-2015 CDBG, HOME and ESG Funding

Summary of Request/Problem

Attached is the Resolution approving the one year action plan for 2014-2015 CDBG, HOME and ESG Budget Allocations. Council conducted a Public Hearing at the April 15, 2014 meeting and discussed the allocations at the May 4, 2014 Work Session.

Recommendation/Action Requested and Justification

Adopt the attached Resolution.

Submitted By:

**Mona Woodard
Housing and Community Services**

Approved By:

RESOLUTION NO. _____

A RESOLUTION ADOPTING AND APPROVING THE CONSOLIDATED PLAN - ONE YEAR PLAN OF ACTION INCLUDING A REVISED STATEMENT OF USES OF FUNDS FOR THE 2014/2015 COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP AND EMERGENCY SOLUTIONS GRANT PROGRAMS; AND APPROVING AN EFFECTIVE DATE.

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

Section 1

That the Consolidated Plan - One Year Action Plan, which includes the Statement of Community Development Objectives and Projected Use of Funds for the 2014-2015 Community Development Block Grant, HOME Investment Partnership Program and Emergency Solutions Grant programs, attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted and approved.

Section 2

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

PASSED AND APPROVED this the 20th day of May, 2014.

THE CITY OF GARLAND, TEXAS

BY: _____
Mayor

ATTEST:

City Secretary

**HOME
2014 - 2015**

ADMINISTRATION

HOME Administration	50,139
TOTAL	\$50,139

CHDO ACTIVITIES

Housing and Community Services CHDO Infill Housing	75,209
TOTAL	\$75,209

HOME PROJECTS

Housing and Community Services Infill Housing	336,044
Housing and Community Services Downpayment Assistance	40,000
TOTAL	\$376,044

TOTAL HOME FUNDING **\$501,392**

**EMERGENCY SOLUTIONS GRANT FUNDS
2014 - 2015**

SHELTER SERVICES

New Beginning Center	49,590
TOTAL	\$49,590

ESG PREVENTION

Mount Hebron Urban Community Housing	31,647
TOTAL	\$31,647

ESG RAPID RE-HOUSING

Mount Hebron Urban Community Housing	13,335
New Beginning Center	13,335
TOTAL	\$26,670

DATA COLLECTION

Metro Dallas Homeless Alliance	28,525
TOTAL	\$28,525

ESG ADMINISTRATION

Grants Management	11,062
TOTAL	\$11,062

TOTAL ESG FUNDING

\$147,494



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Decrease to Purchase Order No. 21567

Summary of Request/Problem

On December 17, 2013, Council approved an emergency purchase order for a Caterpillar D8T Track Type Tractor for the Landfill. The trade-in of \$85,000 and the purchase of the Fire Suppression System for the unit in the amount of \$11,550 were not included in the original bid award. The amount of Purchase Order No. 21567 needs to be decreased by \$73,450 to reflect the trade-in and addition of the Fire Suppression System.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to decrease Purchase Order No. 21567 by \$73,450.

Submitted By:

**Terry Anglin
Director of Fleet Services**

Approved By:

**William E. Dollar
City Manager**



CITY OF GARLAND FLEET SERVICE
PO BOX 469002 - GARLAND, TEXAS 75046-9002

November 25, 2013

Attention: TERRY ANGLIN

Thank you for this opportunity to quote Caterpillar products for your business needs. We are pleased to quote the following for your purchase consideration. This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact Chris Simon @ 972.313.5537.

One (1) New CATERPILLAR INC Model: D8T Track Type Tractors with all standard equipment in addition to the additional specifications listed below:

STANDARD EQUIPMENT

POWERTRAIN - C15 ACERT diesel engine with EU1 - (Electronic Unit Injection) - EPA/ARB Tier 4 Interm and EU Stage - IIIB Certified Engine with - aftertreatment - 24-volt electric start - High performance single - plane cooling system - Aftercooler, air-to-air (ATAAC) - Air filter, with electronic service - indicator - Coolant, extended life - Fan, suction, hydraulically driven - Fuel priming pump, electric - Sound attenuated exhaust system - Parking brake, electronic - Precleaner, strata-tube dust ejector - Prescreener - Shift management - Automatic directional and downshift - Controlled-throttle, load-compensated - Enhanced Autoshift - Starting aid, automatic ether - Torque divider - Transmission, electronically-controlled - powershift, 3F/3R speed - Four planet, double-reduction - planetary final drives - Transmission control module, electronic - Turbocharger - Water separator

UNDERCARRIAGE - Rollers and idlers, lifetime lubricated - Sprocket rim segments, replaceable - Suspension-type undercarriage - 8-roller tubular track roller frame - (Carrier roller ready) - Track adjusters, hydraulic - Track guide - 26 inch (660 mm) PPR moderate service - grouser with sealed and lubricated - track (44 section) - Two-piece master links

HYDRAULICS - Hydraulics, independent steering and - work tool pumps - Hydraulics, electronically controlled, - load-sensing dozer lift and tilt - Electronically enabled quick drop valve

STARTERS, BATTERIES, AND ALTERNATORS - Alternator, 150 amp - Batteries, heavy duty - Starting receptacle, auxiliary

ELECTRICAL - Alarm, back-up - Converter, 24V to 12V - Diagnostic connector - Horn, forward warning

OPERATOR ENVIRONMENT - Rops mounted air conditioner - Armrest, adjustable - Advisor operator interface - Electronic monitoring system - Diagnostic service information - Operator preferences - Cab, ROPS/FOPS, sound suppressed - Deactivation switch, hydraulic controls - Access\ egress lighting - with shutdown timer - Decelerator pedal - Governor switch, electronic - Heater and ventilation - Mirror, rearview - Radio-ready - Provision for wire passage in/out of cab - Interior LED courtesy lights - Seat, cloth, air-suspension - Seatbelt, retractable - Steering control, direction and speed - control thumb switches with recall - button - Wipers, two speed

OTHER STANDARD EQUIPMENT - CD ROM Parts Book - Engine enclosures - Equalizer bar, pinned - Front pull device - Guards, bottom hinged - HVAC box - corrosive resistant - Mounting, lift cylinders - Oil cooler, hydraulic - Product link ready - S.O.S. sampling ports - Steering, electronically controlled - power differential - Vandalism protection for fluid - compartments - Engine compartment service light - Six lights package

MACHINE SPECIFICATIONS

Description	Reference No
D8T TRACTOR WASTE HANDLING ARRANGEMENT	379-0250
STRIKER BARS, REAR AND FRONT	209-5100
COUNTERWEIGHT, REAR AND ADDITIONAL	217-3648
GUARD, FAN DEBRIS AND FUEL TANK	238-9658
SEAT, CLOTH, AIR SUSPENSION, WINDOW SHADES	341-8561
RADIATOR, 6.35 FPI, DEBRIS	350-0217
PRODUCT LINK, CELLULAR PL522	351-2351
ENGINE, THERMAL SHIELD	379-0261
CONTROL, BASIC, SINGLE TILT	379-0268
UNDERCARRIAGE, PPR, GUARDED	379-0277
VISIBILITY AR, SINGLE CAMERA	379-0285
FAN, SINGLE TILT, REVERSING	380-2386
CAB, ENHANCED DUAL PANE GLASS	382-9560
TRACK, 660MM / 26" ES,TRAP PPR	384-2971
ALTERNATOR, 150AMP, DUCTED	384-4447
PRECLEANER, TURBINE W/SCREEN	384-4453
FINAL DRIVE, STANDARD, GUARDED	384-4604
LIGHTS, PREMIUM, STROBE LIGHT AND MOUNT	384-6494
8 SU/U DOZER, SNGL TILT GUARD	385-2596
BLADE, 8U LANDFILL WEAR PLATE	385-2625
BOTTOM GUARDS,SEALED and POWERED	386-7008
FRAME, POWERED BOTTOM GRD	390-9840

Total List Price - \$910,788 – Minimum BuyBoard discount of 16% off list price.

Sell Price	\$725,526
Ext Warranty – 60 months / 10,000 hour PT&H Warranty	\$ 34,430
All State Fire Suppression System	\$ 11,550
Trade in – Caterpillar D8 – KPZ00889	- \$ 85,000
Quote Total	\$686,506

Holt repurchase – 60 months / 12,500 hours\$ 125,000

"HOLTCAT does not provide Warranty or service for Fire Suppression Systems installed on Caterpillar Equipment. As a subcontractor ALL STATE FIRE SUPPRESSION will provide all warranty for the Fire Suppression according to the Fire Suppression Warranty included with this quote. To qualify for the Warranty it will be the responsibility of the City of Garland to contract service on the fire suppression system through an authorized service vendor (such as ALL STATE). HOLTCAT recognizes that a Fire Suppression system is a necessary piece of safety equipment on a landfill. HOLTCAT defines a fire suppression system, as a system that is intended to suppress a fire until such time as an operator can dismount a machine. The purpose of a fire suppression system is not to extinguish a fire."



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Travis College Hill Addition

Summary of Request/Problem

At the May 5, 2014 Work Session, Council considered a request to designate the Travis College Hill Addition as a historic district.

Recommendation/Action Requested and Justification

Approve a resolution designating an area known generally as Travis College Hill as historically significant; endorsing the voluntary preservation guidelines adopted by the owners of properties within the Travis College Hill Historic District.

Submitted By:

Approved By:

RESOLUTION NO.

A RESOLUTION DESIGNATING AN AREA KNOWN GENERALLY AS TRAVIS COLLEGE HILL AS HISTORICALLY SIGNIFICANT; ENDORSING THE VOLUNTARY PRESERVATION GUIDELINES ADOPTED BY THE OWNERS OF PROPERTIES WITHIN THE TRAVIS COLLEGE HILL HISTORIC DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Travis College Hill Addition is one of the oldest extant subdivisions in the City of Garland, having been in existence for over 100 years;

WHEREAS, the Travis College Hill Addition's main street, currently known as South 11th Street, was originally named Garland Avenue and was the first street in Garland to bear that name;

WHEREAS, the cluster of eleven remaining homes on South 11th Street between West Avenues B and D represents one of the best collections of historic homes in Garland, including six that date to the 1915-1918 era and several homes built in the arts and crafts (or "craftsman") architectural style;

WHEREAS, the area that includes those homes figures prominently in the history of Garland in terms of heritage and culture, historic events, significant persons, architecture, and historic context, all as more fully described in Exhibit "A", attached hereto; and

WHEREAS, the owners of the properties within the area desire to protect and preserve for posterity their unique and special neighborhood and have requested recognition of the area as being of historic significance to Garland;

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

Section 1

That the City Council hereby designates as historically significant those homes situated on the properties located on both sides of South 11th Street between West Avenue A and West Avenue B, which area shall be known and established as the Travis College Hill Historic Area.

Section 2

That the City Council hereby, as voluntary guidelines only, the preservation guidelines described in Exhibit "B", attached hereto, and encourages the owners of all properties located within the Travis College Hill Historic Area to abide by those guidelines now and in the future.

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 _____, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

EXHIBIT "A"

HISTORY OF THE TRAVIS COLLEGE HILL AREA

Garland's South 11th Street (the first Garland Avenue): a former prominent byway worthy of special recognition

Today the name Garland Avenue represents a stretch of road that extends to the President George Bush Freeway at one of its ends and passes White Rock Lake (after the street becomes Garland Road in Dallas) on another.

But a century ago, Garland Avenue was a thoroughfare situated in a totally different location than is the current byway of that name. Only a few blocks long, the first Garland Avenue was a wide residential street that housed some of Garland's finest homes and some of its most prominent citizens. The remaining two-block portion of the street produced three Garland mayors, a GISD school-board president, and five city councilmen (or aldermen, as they were called until 1956), as well as some of the city's best-known civic, political, and religious leaders.

Garland residents from the early part of the last century recall it as Garland's silk-stocking district.^{1,2} It was believed to be the first street in town to have concrete sidewalks.³ Its dwellings represented some of the finest examples of that day's architecture—definitely a coveted spot for families of that era to make their homes. The fact that the first Garland Avenue was titled to bear the name of its city hints of the street's preeminence.

Today this street is known to Garland citizens as South 11th Street. Although only a few of those grand homes of a former day exist, many of these almost 100-year-old structures have been painstakingly maintained and restored. If they could talk, they would tell of their owners' hosting weddings and wedding receptions, the lying-in-state of deceased loved ones, countless teas and club meetings, and parties honoring current and future political leaders, including both former Presidents George W. and George H.W. Bush when they were making early runs for office.

This report will explain why this street and the surrounding addition became so prominent and will examine the historic context in which the addition was created. It also will give a summary of each dwelling in the remaining intact two-block area and will demonstrate why this rare collection of Garland residences from bygone eras merits special recognition that acknowledges their distinction.

The context:

Garland was formed from the merger of two settlements—Embree and Duck Creek. A rivalry had ensued as the area began to grow around the Santa Fe Railroad depot. To settle a dispute about which town should have the post office, postal officials opted to move the post office between the two towns and name it Garland, to honor U.S. Attorney General A.H. Garland.⁴ No vote was ever taken by either township to merge with the other, says Garland historian Mike Hayslip. The merger simply began occurring after the post office issue and a parallel court suit were settled. With mail to both Duck Creek and Embree now addressed to Garland, other official government records, such as the federal census, began to follow suit in using the name Garland for both areas. In 1891 the City of Garland was formally incorporated, marking the official beginning of the City of Garland, he says. Before that neither Embree nor Duck Creek had been legally incorporated and officially recognized.⁵

Two decades after the legal incorporation of Garland, townspeople of the new Texas city of Garland continued their efforts toward fashioning a consolidated community that would have a separate identity from either of its former antecedent towns.

In 1910, Garland was a stand-alone, small rural town of 804 people. By 1920 the city's population almost doubled to 1,421.⁶ Only decades later would anyone even begin to fathom this tiny community as

becoming the fifth largest city in the huge, world-class Dallas-Fort Worth Metroplex.⁷

That crucial decade between 1910 and 1920 was formative not only for the city's growth but also for the new city's identity and future.

In this tumultuous decade, which saw the nation plunge into World War I and emerge as a leading world power:

1. Garland's business center served rural residents from miles around who arrived in their horse-drawn carriages and wagons for their weekly shopping and other activities. The hub of economic activity was the downtown area formed around the city's new "Square", which was deeded to the city in 1899 after the "great fire" destroyed much of the town's commercial center.⁸ The people who operated these centers of commerce lived either close by in the countryside or within the new city's limits.

2. The migration from farm to city that was beginning to occur all across America focused the attention of local farmers on Garland as a place for better educational and advancement opportunities for their children and better socialization means for their entire families. During this decade some built "second" homes in Garland to take advantage of the opportunities the new city afforded and others moved their families entirely to the new city.⁹

3. Garland found itself swept up in the nation's shift from the old "horse-and-buggy" days to the modern era of electric trolleys and gasoline-driven automobiles. Garland was targeted to become a major stop on the new Interurban electric trolley line linking Dallas to Greenville. The Interurban was somewhat akin to the DART rail system of today that links Dallas with its suburbs.¹⁰

Amid the excitement of the era, those with a keen eye for development began to look for ways to help Garland grow by creating "additions" (now called subdivisions) that would house newcomers. One of these new additions, which was among the larger ones, was the Interurban Land Company's Travis College Hill Addition, which was legally platted and incorporated on January 3, 1913, utilizing farm land on the western "outskirts" of Garland, 11 now part of that which is designated by current Garland planners as "Uptown Garland".¹²

Travis College Hill Addition was carved out of a 73 1/3-acre tract owned at the time by early Garland pioneers Richard C. and Sallie F. Walker Wyatt. The tract originally was part of the Letter Patent No. 245 of the Nacogdoches District of Dallas County from Texas Governor E. M. Pease to James L. Blue on June 2, 1854.¹³

Developer R.O. Travis joined with Garland landowner and community leader Wyatt to inaugurate the Travis College Hill Addition on Wyatt's property on the western edge of town that abutted the planned route of the new Interurban trolley line.

Uncertainty exists in directly linking the Interurban Land Company, which developed the addition, with the Eastern Traction Company, which planned and owned the Interurban. However, a stated goal of the Eastern Traction Company was to increase the populations of city-stops along the Interurban route by at least 25 percent in order to make the Interurban more profitable. Thus, the land company's actions meshed with the Eastern Traction Company's goal.¹⁴

Landowner Wyatt was a brother-in-law to Eastern Traction Company stockholder and Garland civic leader A.J. Beaver. Wyatt's family home was situated on the northern end of what is now 11th Street, slightly north of the boundaries of the new Travis College Hill Addition.¹⁵

A.J. Beaver and his nephew, farmer James Beaver, and James' wife, Edith (for whom Garland ISD's Edith Beaver Elementary School was later named), became some of the first homeowners and residents in the new addition.¹⁶

The Travis College Hill Addition would have been particularly attractive to buyers because the Interurban railway was designed to provide a means for residents to quickly get to and from downtown Dallas and/or

downtown Greenville and all spots in between. Eastbound travelers were supposed to travel quickly to such cities as Rockwall, Royse City, and Greenville. The westbound route was to run straight from Garland to downtown Dallas. Garland was viewed as a major hub for this particular Interurban line. At the time similar Interurban trolleys were developing all across Texas to link major cities and their neighbors. 17

In that day on the eve of Henry Ford's expansion of the automobile few people had private cars; most people still traveled by horse and buggy. Although it is not known exactly where railcar stops were planned in Garland, the proposed route of the Interurban was to travel directly up and down Mewshaw Avenue (now Avenue D), which was the local link to the main road to Dallas. Mewshaw formed the southern boundary of the new Travis College Hill Addition¹⁸; very likely a stop near the addition would have been contemplated.

Thus, a property owner could have been attracted to buy a piece of property in the Travis College Hill Addition with the enticement of being only a stone's throw from an Interurban stop.

The new addition also held a number of other conveniences that added to its appeal.

The original 42 lots in Travis College Hill were either (depending on their location) 50- or 65-feet wide by either 190- or 175-feet in length. 19 The lot sizes were adequate not only for houses but also water wells, outhouses, chicken coops, small barns, gardens, and small orchards, all of which flourished in the early days of the addition. Evidence of these elements remain today in the yards and homes of some of the current addition residents.

Property owners in the new Travis College Hill Addition not only would have enjoyed close proximity to shopping around Garland's "Square" but also an easy walk to the city's four Protestant churches-Baptist, Methodist, Presbyterian, and Christian (Disciples)-that formed the nucleus of Garland's bustling religious life in that day. 20

The new addition also had adjacent to its northeast corner the sole educational institution in town. At that time Garland had only one school, which was situated between what was then "Hill Street" and "Thorpe Street" at "First Street" (today's Avenues A and B and 9th Street). The school accommodated all grades. Previously it had been known as Garland College, a subscription school founded in 1887. Its curriculum covered primary, high school and college levels, thus the name "college". Voters in 1901 approved a school district, today known as the Garland ISD, and held public classes in the Garland College building. 21 At some point the college curriculum was dropped, but no records seem to exist of the exact date; it could have occurred around the time of the 1901 election and decision for the school district to take over the school building. GISD was never intended to include college-level curriculum, Hayslip says. 22

According to topographical maps, the school also sat on the crest of one of the higher elevations in the original city. 23 Perhaps this was the reason Avenue A was originally named "Hill Street", although some have wondered whether the street was named for Confederate General A.P. Hill, who had no connection with Garland except through Southern history.

Thus the Addition's name likely was derived from:

1. R.O. Travis, the developer
2. Its proximity to the school, once known as a "college", and
3. The location of the "college" on the "hill".

At the heart of the Travis College Hill addition was the very first Garland Avenue, a name that would continue to be used repeatedly throughout the city's history for other thoroughfares. The fact that the present 11th Street was originally named Garland Avenue hints of its preeminence in the addition and thus in the 21-year-old city as well.

Because of everything already mentioned, the new addition began attracting-and would continue to do

so-many of Garland's civic, religious, commercial, and educational leaders. Later in this document we will identify by name and date the collection of mayors, city council members, school officials, and civic, business, and religious leaders who lived on one stretch of old Garland Avenue.

As the decade progressed, the Eastern Traction Company slipped into bankruptcy and then oblivion after citizens, including Garland stockholders, began to question how their dollars were being spent to build the new railway. The Interurban never ran between Dallas and Garland or Garland to Greenville. The Interurban dream was soon demolished by the upheaval of World War I and the arrival of Henry Ford's mass-produced Model T automobile. Over the next two decades other Interurban lines across Texas deteriorated and faded from history, too. 24

While urban archaeologists have much difficulty even finding remnants of the construction sites for the Eastern Traction Company's trolley line through Garland, the Travis College Hill Addition still exists as a historical monument to Garland's life a century ago and the dream of an electric-car line that never was.

In the intervening 101 years most of the historic homes in the original Travis College Hill Addition have been destroyed and the land on which they sat used for church buildings and church parking lots. Today only a tiny core of the old addition remains, centered mostly on that which lies between the current Avenues B and D along South 11th Street (the old Garland Avenue).

The six most historic homes, which date to 1915-1918, in the two-block strip being recommended to become Garland's first Historic Residential Neighborhood sat on two or three lots each. Except for the property at 313 S. 11th St., over the years the combined lots for the other five homes were subdivided to make way for the five additional homes, built between the 1930s and 2001, and for road expansions (Avenues B and D, today a.k.a. State Highways 78 and 66). 25

The homes:

301 South 11th Street-Perhaps one of the most significant residences in the two-block area, this yellow one-story is an extremely fine representation of the Craftsman-style home that was popular in the early 1900s. Andrew Jackson Beaver built the house. He was a grocer whose store was situated on the town square's north side near where Jones Hardware now stands. Beaver was a Garland alderman and was married to the former Ella Walker, who had moved to Texas from Tennessee and was a sister to Sallie F. Walker Wyatt (mentioned in the earlier paragraph about Travis College Hill.) Built in 1915, it housed the Beavers and their two children who still lived at home-Ilma and Ralph. Beaver obtained plans for the house from his wife's cousin, Slater B. Wyatt, a Plano doctor who had built an almost identical one on Plano's 16th Street in 1908 (the Wyatt house remains standing in Plano and bears a historical marker). 301 South 11th backed up to a cotton field in the area currently occupied by the Garland High School campus (high school was still being conducted in a building on 9th Street; the current high-school site was farm land until the new campus was finished in 1936).

Originally painted gray in color, the spacious front porch with its distinctive Craftsman-style columns was the scene of the 1919 wedding of the Beavers' daughter, Ilma Hortense, to Samuel Robert Weir, who operated a drugstore on the north side of the square, where Baker Furniture is today. The Weirs and their daughter, Hortense, born a year later, lived in the dwelling alongside the Beavers until 1924, when they moved to a house of their own. However, after A.J. Beaver (who also served as Garland school board president) died in 1935, the Weirs moved back in to take care of Mrs. Beaver until her passing a few months later in 1936. Sam Weir died in 1963, but Mrs. Weir lived on in the house almost until the time of her passing at age 91 in 1988. (The Weirs' daughter Virginia and granddaughter Elizabeth Ann had their wedding receptions on the site as well.)

Now beautifully maintained by current residents Dale and Hillary Adams, 301 South 11th Street is painted butter yellow with a red front door. The current Avenue B, which passes the dwelling on its north side, did not exist in the house's early days and was the home's driveway, which the city expanded for constructing a street when the new high school opened in 1936. 26

309 South 11th Street-This one-story frame cottage once was the home of Fred Holmes and his wife, Willie Kate Holmes. Fred was a printer for the Garland Daily News and later for other papers in the U.S.; Willie Kate was a clubwoman from Garland's early days and organized the Willie Kate Holmes Preschool Mothers Club. She was daughter of Will Asa Holford, longtime editor of the Garland Daily News. Her son, Bill Holmes, and her daughter, Sue Holmes Watkins, both have had lifetimes of civic involvement in Garland; Sue worked for the Garland Daily News and still writes a column about Garland for the Neighbors Go section of the Dallas Morning News. Bill wrote an article of memoirs about growing up on 11th Street as he lived at the 309 South 11th Street address.. 27

The home currently is owned by Louis and Kay Wheeler Moore and is maintained as investment property.

311 South 11th Street-Carl "Mac" McCarty and wife Ann, who lived in 309 South 11th Street after the Holmes family relocated and while their three children attended Garland High School in the late 1950s and early 1960s, built this one-story tan brick structure on a portion of the original 309 S. 11th St. property after their children were grown. Then they sold the 309 property. As a widow Ann McCarty remained in the home almost up until her passing in 2007. The three McCarty children-Jerry, Carolyn Eads, and Carl-currently own the home. Carl, an engineer, is the house's present occupant. 28

313 South 11th Street-This one-story, Prairie-style frame home dates to 1916 and originally was the home of James E. and Edith Lola McCollum Beaver. Jim Beaver was a farmer; Edith managed the school cafeteria when all 12 grades met beneath one roof on 9th Street before the current high school was built in 1936. The family donated some of its farmland off Jupiter near Buckingham so the school district could build Edith Beaver Elementary, named for Mrs. Beaver and opened in 1960. Jim was a nephew to A.J. Beaver, mentioned earlier as having built the house at 301 S. 11th. 29

Shortly after Jim Beaver passed in 1938, H.A. (Bud) and Evelyn Walker purchased the home and lived in it until the early 1960s. Bud Walker was president of Garland's First National Bank and became a Garland councilman and later mayor. Evelyn was a long-time Garland elementary-school teacher. In a major renovation in the early 1950s the Walkers removed the large L-shaped front porch to build an additional bedroom, greatly expanded the living and dining rooms, and added closets in the master bedroom, which had none.³⁰

Current owners and occupants of the house are Louis and Kay Wheeler Moore. Kay grew up down the street at 412 South 11th and remembers bringing her homework papers to 313 to give to Mrs. Walker, her 2nd-grade teacher. The Moores have reinstated a large front porch, added a music room, converted an enclosed breezeway and old garage into an office suite, built a new two-car garage inside a gated courtyard, and have added a two-story crafts studio in a separate building in the back yard, among many other updates. 31

317 South 11th Street-This new lot was created in 2013 when the Garland City Council voted unanimously to close West Avenue C from South 11th Street to the alley between the homes on the street and Garland High School and sell the right of way to Louis and Kay Wheeler Moore, who own both sides of that street segment. Once mostly used as a driveway for the 401 S. 11th property, the street segment in recent years was nicknamed by the neighborhood "Marijuana Avenue" because of the rampant illegal drug activity that occurred there on almost all school days. After the Moores obtained ownership of the right of way, they merged 20 feet from their 401 S. 11th investment property with the 40-foot right of way to create in a replat a new 60-foot-by-190-foot lot that meets today's city standards for development.³² The Moores intend either to secure an historic home similar in style and period to the neighborhood and have the house moved on to the new lot or to build a new home that would be a replica of their home at 313 S. 11th as it existed before the renovations of Mr. and Mrs. Walker and other later owners after the 1950s.

401 South 11th Street-Early physician Dr. Clarence S. Brown built this white-frame residence in the airplane-bungalow Craftsman style. It features an oversized 48-inch wide front door, common in vintage homes to ensure that caskets could pass through the door when a loved one lay in state after passing. Dr. Brown delivered children in prominent families including A.R. Davis Jr. in 1911. ³³ Somewhere between about 1928 and 1932 the owners applied a "horizontal slice" to the dwelling and removed the top story

(or pop-up story of one or two rooms) to relocate it in an adjacent lot as a separate dwelling. This was not uncommon in the Depression Era as families sought ways to generate income and could sell or rent the smaller portion as a separate residence. Among other original owners were J.M. and Allie Hamilton, whose daughter Allie Merle married Claude Shugart and taught for many years in Garland schools. Allie Merle's daughter, Dr. Jill Shugart, is a former superintendent of the Garland Independent School District.

In latter years it became the home of Leo Alphonsus Whitman and his wife, Irene Mary Dvoracek Whitman. Both were from families that were part of the early settlement of Rowlett, a community east of Garland.³⁴

Louis and Kay Wheeler Moore now own the home and use it as investment property.

403 South 11th Street-This modern brick one-story replaced the frame "horizontal-slice" layer that formerly was the top pop-up story of the Hamilton home at 401. In 2001 Tom Cooper of Cooper Concrete Co. razed the frame dwelling that had been moved onto the lot and had the current brick house built for his mother-in-law, Sue Harbor.³⁵

411 South 11th-The walls of this spacious, expansive two-story frame hold memories of political receptions that saw both Presidents Bush and First Lady Barbara Bush, as well as countless other Republican Party hopefuls and office-holders, as honorees. GOP volunteers Charles and Winifred Stokes presided over gathering after gathering in this gracious home, which could accommodate large numbers of guests. As a child Charles had visited in the home of his aunt and uncle, who lived across Avenue D from 401 South 11th. Later he recalled gazing longingly at the commanding residence, with a large screened-in porch that faced Avenue D, and hoping that some day it might be his home. ³⁶ Ultimately he and Winifred did purchase it and therein reared their four children, which include former Dallas County State District Judge Charles A. Stokes and daughter Nell Stokes Moser, a Washington D.C. architect who helped design the Pentagon restoration after the 9/11 attacks.

Another long-term owner was G. Lester Davis, of Hudson Davis and later Cole & Davis Dry Goods on the Garland Square. G. Lester Davis was an early-day president of the Garland Chamber of Commerce and was a Garland mayor.

Contractor Jim Bird and his wife, Cindy, purchased the home from the Stokes family after Charles and Winifred moved to care facilities. Jim and Cindy Bird, who have done extensive work to maintain the grandeur of this historic home, also own 1010 West Avenue D, which fronts onto South 11th and is the former home of longtime Garland Daily News publisher and former Garland mayor William Henry Bradfield. ³⁷

416 South 11th-Longtime residents of this white frame one-story were Rev. James McCabe Hunt and his wife Emma L. Crozier Hunt. Members of the Hunt family lived in this house from 1937 until the passing of the last Hunt child, Mary Hunt Brown, in 2002. Rev. Hunt was pastor of Antioch Baptist Church (predecessor to Garland's First Baptist Church) from 1909 to 1914 and is credited with helping the sparring Antioch and the existing First Baptist congregations mend fences and reunite. He later held pastorates in Killeen, Grapevine, and McKinney, among others, before he and Mrs. Hunt returned to Garland in retirement. He was active as pastor emeritus at First Baptist, just down the street. Mrs. Hunt was a gifted hostess; the large living room of the home often was lined with participants in women's study clubs and other organizations of which Mrs. Hunt and her daughter Louise were members. Louise, who remained single and who lived in the home to care for her parents, was longtime typing teacher at Garland High School and sponsor of the Owl's Nest. "Brother" Hunt died in 1957 and Mrs. Hunt in 1973.³⁸

When Mary Hunt Brown passed away, the family donated the dwelling to First Baptist Church to be used to house missionaries on stateside assignment. Rev. Hunt's sister, Bertha Hunt, had been a missionary to Brazil, so the family wanted to honor her memory with this gift. The home was used actively as a missionary residence for several years but has been vacant for nearly four years. ³⁹

Jim and Cindy Bird are actively seeking to purchase the home from First Baptist and are eager to restore it to its former grandeur.

412 South 11th-Originally the tract of land on which this salmon-colored brick one-story was built was a part of the Hunt property at 416, where it was used as Rev. Hunt's prolific fruit orchard. In 1951 J.D. and Mable Wheeler approached the Hunt family with a desire to purchase the orchard property for constructing their residence. After initial hesitation, the Hunts ultimately agreed to subdivide the land. On the tract, which extends to a full one-block depth, the Wheelers first built a miniscule, one-bedroom frame cottage that faced 10th street and lived in it for eight years until 1960, when they built the three-bedroom, brick one-story that faces 11th.

James Doyce Wheeler had arrived in Garland in 1939 to work as the clerk at the Garland post office when Garland was a town of less than 2,000. In 1941 he married Mable Evelyn Miller of Delta County and brought her to Garland as his bride. Their first home was a rented room in the home of Mrs. Texie Tomlinson on north 11th Street. Ultimately J.D. became assistant postmaster under F. Ben Crush and then acting postmaster, while Mable first was secretary to the Garland schools superintendent and later ran a public mailing and addressing service. After he retired from the post office, J.D. had a long career in Garland real estate and printing.

Mable was a leading Garland clubwoman, with involvements in the Story League, and Garland Federation of Women's Clubs and a founder of the Garland Women's Activities Building. Together with J.D. she helped put the Republican Party on the map in Garland and was precinct chairman, worked for candidates, and helped hold elections. Their daughter, Kay Wheeler Moore, is a veteran Texas journalist, a Pulitzer Prize nominee, and an author. After J.D. passed away in 1993, Mable remained in her home until a month before her passing in 2005.

Mable's granddaughter, Dr. Catharine Moore Welch, had as her fondest wish that she could hold her wedding reception in the back yard of her grandmother's home, which was resplendent with flowers in the spring. Although Mable was deceased in 2007 at the time of the wedding, Louis and Kay Moore continue to own the property for investment purposes. So on May 26, 2007, as Catharine married Casey Welch, once again 11th Street was the scene of wedding festivities as it had been in the 1920s and 1930s.⁴⁰

404 South 11th-This one-story white frame bungalow was the longtime home of Claude Talmadge Kenney and his wife, Nora Mae Ramsey Kenney. Nora was the daughter of Garland physician Dr. Frank Lafayette Ramsey, the first doctor to practice in Rose Hill and who later had an office in the Garland bank building.
41

From the front room of her 11th Street home Nora taught piano for decades despite being immensely physically challenged. Countless Garland youngsters learned piano under Mrs. Kenney's tutelage. Claude was a landscaper for private homes. Interestingly, since the Kenneys' deaths, Ron Bush, a landscape man who has a private business, and his family have owned the home.

400 South 11th-Another home of the "airplane-bungalow" Craftsman style, this dwelling was the longtime residence of Curtis Crossman Sr. and his wife, Dixie Tucker Crossman. As with the Stokes and Wheeler residences, the Crossman home was the scene of more club functions and political receptions than anyone could count. Dixie was the quintessential Southern hostess; an invitation to her home was a coveted experience, to be sure.⁴²

Interestingly Dixie had grown up down the street as one of many daughters in the home of Elihu Henderson Tucker and his wife, Aurelia, at 201 South 11th. Charming stories abound of the Tucker daughters marrying in the flower-bedecked garden of the Tucker home.⁴³ Curtis was the son of Garland pioneer and mayor George W. Crossman, who was born in South America and arrived in Garland as a college-educated man who edited the Embree newspaper. ⁴⁴ Curtis Crossman Sr. operated an insurance agency on the Garland Square and was a city councilman.

Current owners are Greg and Becky Baxter, who have renovated the home as well as built a highly visible outdoor kitchen and living area in the backyard. The Baxters' daughter, Ivy, married in a ceremony on the house's front lawn; both Ivy and the Baxters' son, Grant, had their wedding receptions held in the backyard.

Former homes on South 11th:

Although only memories remain of the four grand homes that previously occupied the east side of South 11th between Avenues B and C, they deserve brief sketches of mention, since they also housed important Garlandites who played a key role in this community.

316 South 11th Street-Early residents were Walter W. Gulley, who had a Ford business in town, and his wife, Ada.⁴⁵ This home, built in about 1919, was almost a twin in design to the Crossman home at 400 South 11th. Later, in the 1950s, it belonged to the Robert Riker family. A Riker daughter, Sylvia Mitchell, kept the home in the family and lived in it until it was torn down.⁴⁶

308 South 11th Street-Home of Ray and Gretchen Goodson. Ray was an architect and owned a lumberyard. The house was a white brick structure with a porch across its front. ⁴⁷

304 South 11th Street-Home of Willis Carney Jamison and wife, Myrtle Alabama Brown Jamison. ⁴⁸ Originally from Grayson County, W.C. Jamison moved to Garland in the early 1920s and quickly established himself as a city leader, as he served four consecutive terms as an alderman from 1924 to 1929 and then mayor of Garland in 1930-31 and 1934-35. He was a sales manager of the cottonseed breeding plant.

Before the Jamisons the home belonged to Ben Jackson, the longtime Chevrolet dealer and Garland alderman. ⁴⁹

300 South 11th Street-A two-story belonging to Charles Mason, a well-known Garland carpenter, and his wife Fannie. Kids in the neighborhood loved to play around in the wood-shavings in his workshop and admire the wood products and the tools to shape them. This home was finished in 1919. ^{50, 51}

The properties that comprised this square block in March 1992 were sold according to Dallas County records to Garland's First Presbyterian Church, which then tore the homes down and built a parking lot on the north side and maintains the southern half of the block as a green space awaiting future church expansion. Starting in the 1980s, Garland's First Presbyterian Church and First Baptist Church purchased many of the other historic homes in Travis College Hill and tore them down for new buildings and parking lots. An effort in the 1990s by First Baptist Church to secure most of the remaining houses was unsuccessful after a strong backlash from Preservationist-oriented owners in the existing neighborhood.

Conclusion:

Residents of what remains of Travis College Hill Addition today are proud of their neighborhood's history and its legacy of influence on the life of Garland for more than a century. Because of its important and fascinating history and its strong ties to Garland's long-ago life, the residents request that Garland City Council designate their remnant of the Travis College Hill Addition that lies along South 11th Street from West Avenue B to West Avenue D as Garland's First Historic Residential Neighborhood and that the street in the district be symbolically renamed "Old Garland Avenue".

Resources:

1. Interview with Hortense Weir Smith (September 28, 2013), who grew up on 11th Street in the 1920s
2. Interview with Margaret McDaniel Branham (November 2002), who spent a portion of her married life as an 11th Street resident.
3. Smith interview

4. Garland: A Contemporary History, by Richard Abshire (a publication of the Garland Chamber of Commerce,) San Antonio: Historical Publishing Network, 2009) 5
5. Interview with noted Garland historian Michael R. Hayslip (January 9, 2014)
6. U.S. Decennial Census, Texas Almanac 1850-2000, http://en.wikipedia.org/wiki/Garland,_Texas, accessed 1/7/2014.
7. http://en.wikipedia.org/wiki/Dallas-Fort_Worth_metroplex, accessed 1/7/2014
8. (<http://www.garlandhistorical.org/documents/deed-to-the-square-city-of-garland>) accessed 1/7/2014)
9. Smith interview
10. Eastern Texas Traction Company, A Greenville to Dallas Interurban Railway 1913, by Jerry L. Brewer, November 14, 1989
11. Dallas Abstract No. 60241
12. New proposed Garland Development Code map, 2014
13. Dallas County Abstract 60228
14. Eastern Texas Traction Company, 6
15. Smith interview
16. Smith interview
17. Eastern Texas Traction Company, 1
18. Eastern Texas Traction Company, map, 22
19. The addition's original plat, 1913
20. Garland: A Contemporary History, 55
21. Ibid.
22. Hayslip interview
23. Nagle, Witt, Rollins Engineering Co.' "Datum Mean Sea Level" topographical map dated 1922 showing the elevations in Garland in that era. Email from Jerry Flook of Preservation Garland, November 18, 2013
24. Eastern Texas Traction Company, 12
25. Dallas County deeds and records for the properties in the neighborhood
26. Smith interview
27. Interview with Bill Holmes (September 28, 2013), who grew up on 11th Street
28. Various conversations with Carl McCarty and Carolyn McCarty Eads
29. Smith interview
30. Conversations with Walker family members over various years.
31. The Moores are the authors of this report.
32. Garland City Council minutes August 13, 2013 and November 19, 2013)
33. Interview with Michael R. Hayslip, October 29, 2013
34. Smith interview
35. Moore
36. Stokes family conversations
37. Recollections of Louis and Kay Wheeler Moore, who previously owned the home at 1010 West Avenue D
38. Recollections of Kay Wheeler Moore, who grew up next door to the Hunts
39. Conversations with Crozier Brown, Mary Brown's surviving son
40. "In the Garden Alone", Way Back in the Country Garden, Kay Wheeler Moore (Garland, TX: Hannibal Books, 2010), 37-43
41. "Rose Hill's Pioneer Doctor", Leola Searles, Proud Heritage III, Pioneer Families of Dallas County Vol. III (Dallas County Pioneer Association), 314-315
42. Recollections of Kay Wheeler Moore, who grew up living near the Crossman family
43. Branham interview
44. Hayslip interview, September 18, 2013
45. Smith interview
46. Kay Wheeler Moore recollections
47. Smith interview
48. Smith interview
49. Smith interview

50. Smith interview
51. Holmes interview

EXHIBIT "B"

VOLUNTARY PRESERVATION GUIDELINES FOR THE TRAVIS COLLEGE HILL HISTORIC OVERLAY DISTRICT IN GARLAND, TEXAS, USA

1.0 GENERAL

1.1 Because the Interurban Land Company's Travis College Hill Addition has such great historic significance to the City of Garland, dating to the Addition's legal formation on January 3, 1913, the City of Garland recognizes the remnant remaining of that Addition that is situated between West Avenues B and D along South 11th Street as an Historic District that needs to be preserved and protected.

1.2 To protect the area as an Historic District, the City of Garland desires to create the Travis College Hill Historic Overlay District. An overlay district is defined generally as "a specific geographic area upon which additional land use requirements are applied, on top of the underlying zoning code, in order to promote a specified goal. Regulations or incentives are attached to the overlay district to protect a specific resource or guide development within a special area."

1.3 The purpose of the Travis College Hill Historic Overlay District is to preserve the character and distinctiveness of this district but without causing undue expense or hardship on the current homeowners.

1.4 The period of historic significance for this district is the period from 1915 to 1960. Ten of the 11 existing houses in the district date to that time frame.

1.5 The historic architectural style, which is characteristic of this district and is consistent with preservation criteria, is that of the Arts and Crafts (a.k.a. "Craftsman) Architectural Style. The Arts and Crafts style refers to an eclectic American architectural style that generally originated simultaneously in New York State and in Southern California and flourished across the United States during the period between 1895 and 1930. The Travis College Hill Overlay Historic District contains excellent examples of this style.

1.6 A single, folk house within this historic district reflects some Tudor influence. The Tudor Architectural Style refers to an eclectic American architectural style that flourished across the United States from 1890 to 1940 and is based on a style popular in 16th century England.

1.7 The effective date of this Historic District is June 1, 2014.

2.0 PRESERVATION CRITERIA

2.1 Currently all demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with the regulations contained in the City of Garland zoning ordinance for Historic Downtown Garland. In the event of a conflict between that downtown zoning ordinance, or its successors, and this ordinance creating this Historic District, the preservation criteria outlined in this ordinance are to prevail.

2.2 Each home in the Overlay district reflects the style, materials, construction techniques, and personality of residents who built and maintained these historic homes. Unlike modern subdivisions, no two homes in the Historic Overlay District are exactly alike. Therefore, standards of repair, expansion, maintenance, and renovation are unique to each individual home and vary from home to home. All existing City of Garland regulations pertaining to homes in this Historic District and interpreters of City of Garland ordinances hereinafter must recognize and take into account this fact.

2.3 The guiding principle in this Overlay district is: whatever is done to repair, expand, maintain, or renovate each of these homes must be in keeping with the home's history and style. While utilizing

materials such as those originally purchased to build these homes is ideal, in some cases such original materials may not be available today or may be prohibitive in cost to current homeowners to duplicate. Homeowners are to use their best judgments to find cost-effective and similar-looking substitutes that maintain the historic style and look of the neighborhood.

2.4 While homeowners are encouraged to maintain their homes as close to their original design as possible, under no conditions are homeowners to be penalized for alterations or repairs made before the date the Historic District was formed or be required to undo any legally made alterations or repairs made before the date the Historic District was formed.

2.5 Because one of the purposes of this Overlay Historic District is to preserve these historic homes for posterity, a person or institution may not demolish or remove any house in this district without first obtaining the signatures of 90 percent of the homeowners in the District and receiving a vote of 75 percent of the members of the Garland City Council.

2.6 If at all possible, existing garages, outbuildings, and other structures in the District also should be repaired or preserved. If a homeowner in the District determines this is not possible, the homeowner shall obtain a simple majority of the signatures of the homeowners in this District to gain approval to demolish the structure.

2.7 When signatures of homeowners are required, each home is entitled to one signature, except when individuals own multiple homes. In that case, owners of multiple homes are entitled to only one signature. In the case of a home with multiple owners, the owners of each property are to decide among themselves how their one signature is to be determined.

3.0 MAINTENANCE

3.1 All structures in this district are to be preserved against deterioration and kept free from structural defects.

3.2 No homeowner shall allow a structure in this district to deteriorate through "demolition by neglect". Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure.

3.3 Aluminum siding, stucco, vinyl cladding, and synthetic or cementitious siding materials are not recommended in the District unless existing on contributing structures on the date the Historic District officially begins.

3.4 Every effort needs to be made to preserve historic or existing paint colors in the District. Otherwise, color schemes are recommended to be appropriate and compatible with the architectural style of the district. Colors such as bright purple, bright orange, neon colors, and colors not presently in the neighborhood or not associated with historic structures are discouraged.

3.5 Exposing and restoring historic elements in the District is suggested but not required.

3.6 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.

3.7 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate and otherwise comply with City of Garland codes and ordinances.

3.8 Window screens with wooden frames and other details generally compatible with those typical during the period of significance are acceptable. Dark screening material, solar screens, and overall appearance of window screens that presents an homogenous very dark or black appearance or which

otherwise obscures perception of the historic window form and detailing are prohibited on protected facades.

3.9 Mechanical equipment, skylights, and solar panels on the roof must not be visible to a person standing at ground level in the adjacent right-of-way of South 11th Street.

4.0 BUILDING SITE AND LANDSCAPING

4.1 New driveways, sidewalks, steps, and walkways in the District are recommended to be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, asphalt, and outdoor carpet in front and side yards are not recommended.

4.2 Circular driveways and parking areas are not recommended in a front yard.

4.3 It is suggested that carports or garages should be located only in rear or side yards.

4.4 Homeowners are encouraged to screen from view air-conditioning units and other mechanical equipment in side yards that can be viewed from the street in front of the house.

4.5 Landscaping

a. Homeowners are encouraged to maintain their yards in an attractive and clean fashion.

b. Outdoor lighting should be appropriate and should enhance the structure.

c. Landscaping needs to be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.

d. It is recommended but not mandated that landscaping reflect the historic landscape design where possible or known. Historically the neighborhood's flowers included items such as irises, peonies, daylilies, cannas, and roses.

e. Existing trees are protected, except that unhealthy or damaged trees may be removed. Trees also may be removed if doing so is deemed best for the benefit of the neighborhood. Pecan, Crape Myrtle, and Magnolia trees were the primary trees in the neighborhood historically. Various fruit trees, such as peach, apple, and pear were often planted in the side and back yards of homes. Homeowners are encouraged but not mandated to replace dead or dying trees in their front yards with one of the three primary types of trees or with the same type of tree as is currently in place.

f. Landscaping, when mature, ought not to obscure more than 40 percent of the front or corner side façade of a home.

4.6 Fences

a. Existing fences are protected.

b. Fences are not permitted in the front yard.

c. Interior side fences and fences in rear yards should not exceed eight feet in height.

d. Fences should be constructed of brick, cast stone, iron, stone, wood, a combination of these materials, or other appropriate materials in keeping with the look and appearance of the District.

5.0 Roofs

5.1 The historic slope, massing, configuration, and materials of the roof are to be preserved and maintained.

5.2 The following roofing materials are recommended: clay tiles, composition shingles, slate tiles, terra-cotta tiles, and wood shingles. The following roofing materials are not recommended: built-up, metal, single-ply membrane, synthetic wood shingle, and synthetic clay tile. Prohibited materials may be utilized if evidence can be shown that the prohibited material was used in the same location during the period of significance.

5.3 It is recommended that historic eaves, coping, cornices, dormers, parapets, and roof trim be retained. When possible and economically feasible, repairs with material matching in size, finish, module, and color are recommended.

6. PORCHES AND BALCONIES

6.1 Historic porches and balconies on protected facades are protected.

6.2 Historic columns, detailing, railings, and trim on porches and balconies are protected.

6.3 Porch floors must be brick, concrete, stone, or wood. Wood floors must be painted or stained. A clear sealant is acceptable on porch floors.

7. NEW CONSTRUCTION AND ADDITIONS

7.1 New construction on unimproved lots, or for replacement of structures lost because of fire or natural disaster, shall generally reflect the predominant architectural style and existing setbacks of the district. Such new construction shall contain elements of the Arts and Crafts (a.k.a "Craftsman") Architectural Style.

7.2. New construction and additions should be compatible in size, materials, and color with existing structures.

7.3. The height of new construction and additions may exceed the height of the historic structure when the new construction and additions is in keeping with the style of the historic house.

7.4. The setback of new construction and additions must conform to the setback of adjacent historic structures.

8. NON-CONTRIBUTING BUILDINGS AND NEW STRUCTURES

8.1 Non-contributing buildings and structures that existed at the time of the adoption of these preservation criteria shall conform to the requirements of these preservation criteria. Where the pre-existing, non-contributing building exhibits an architectural style that is different from those recognized as typical for the historic district, additions and alterations to the main building and its appurtenant features need not exhibit the characteristics of the district but shall instead reflect the recognized architectural style of the non-contributing building, if any, and shall generally be compatible with the district.

8.2 Non-contributing buildings and structures that are moved into the historic district shall have all additions and alterations reflect and be compatible with the original recognized architectural style of the building itself and shall generally be compatible with the district.

8.3 Moved-in buildings that were constructed during or before the period of significance, while non-contributing, shall conform to the requirements of these preservation criteria for contributing structures, with the exception that all additions and alterations shall reflect the recognized architectural style of the moved-in building, even if that style differs from the styles recognized by these criteria.

9.0 SIGNS

9.1 Signs may be erected if appropriate.

9.2 All signs except those listed in 9.3 must comply with the provisions of the City of Garland sign requirements.

9.3 Due to the nature of the Historic District, signs designating houses, locations, and other aspects of the District's history should generally conform to the standards used for historic buildings throughout Texas.

10.0 ENFORCEMENT

10.1 Since the Travis College Hill Historic Overlay District is a voluntary recommendation by consent of current residents and owners and the District's desire is a community working together for the common good, no legal penalties may be imposed on current residents or owners due to a violation of any of the standards set forth in these guidelines.



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Appointment to the North Texas Municipal Water District Board

Summary of Request/Problem

At the May 19, 2014 Work Session, Council was scheduled to interview candidates interested in being appointed as the City of Garland's representative to the North Texas Municipal Water District for a two-year term beginning June 1, 2014.

Recommendation/Action Requested and Justification

Consider by minute action the appointment of a City of Garland representative to the North Texas Municipal Water District Board of Directors.

Submitted By:

Approved By:

William E. Dollar
City Manager



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Zoning Ordinance

Summary of Request/Problem

Zoning Ordinance 14-13 Alloy Right Recyclers

This request was approved by City Council on May 6th by a vote of 6 to 3. Section 34-351 of the Comprehensive Zoning Ordinance provides that "A favorable vote of three-fourths of all members of the City Council shall be required to approve any change in zoning when written objections are received which comply with the provisions of the state laws commonly referred to as the "twenty (20) percent rule." Because the owners of more than 20 percent of the land within 200 feet of the subject property did submit written objection to this request, the ordinance adopting the zoning change must be approved by at least a three-fourths (7 to 2) vote of the Council.

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Submitted By:

**Anita Russelmann
Director of Planning**

Approved By:

**William E. Dollar
City Manager**

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR RECYCLING CENTER ON A 0.712-ACRE TRACT OF LAND ZONED INDUSTRIAL 1 (I-1) DISTRICT AND LOCATED AT 828 EAST WALNUT STREET; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 14th day of April, 2014, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Alloy Right Recyclers**; and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a Specific Use Permit for Recycling Center on a 0.712-acre tract of land zoned Industrial 1 (I-1) District and located at 828 East Walnut Street 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.

FILE NO. 14-13

Section 5.

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

PASSED AND APPROVED this _____ day of _____, 2014.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 14-13

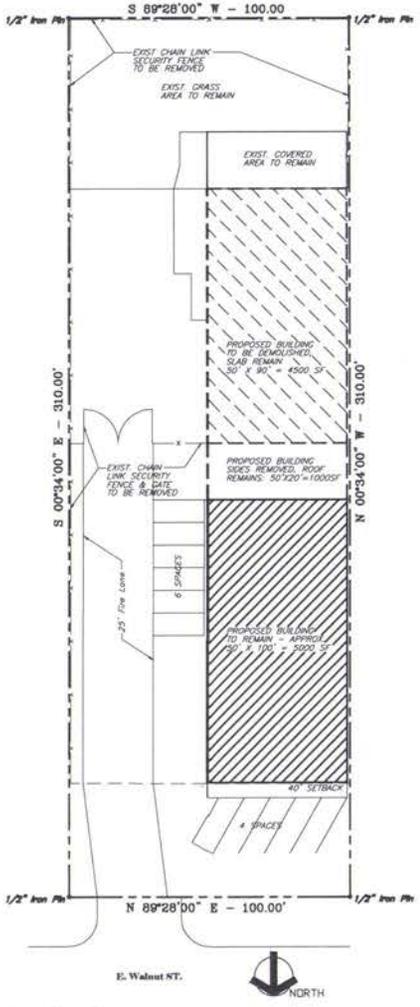
Being approximately a 0.712-acre portion of Lot 4, Block H, Garvon Addition No. 10, an addition to the City of Garland as shown on the Plat recorded in Volume 81, Page 2085 of the Plat Records of Dallas County, Texas. The property is located at 828 East Walnut Street, Garland, TX.

SPECIFIC USE PERMIT CONDITIONS

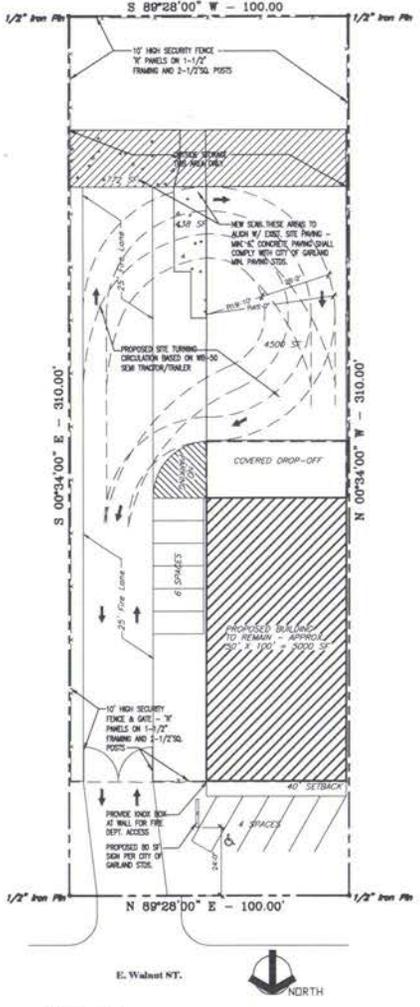
ZONING FILE 14-13

828 East Walnut Street

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Recycling Center subject to conditions.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Industrial-1 (I-1) District set forth in Sections 29 and 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Specific Regulations:**
 - A. Time Period: The Specific Use Permit shall be in effect for a fifteen (15) year time period.
 - B. Site Plan: The site plan shall be in general conformance with Exhibit C.
 - C. Outdoor Processing and Storage: All processing of materials shall occur within the building. Outdoor storage shall be permitted only in the area so designated on Exhibit C, and only in conformance with the paving requirements of the Comprehensive Zoning Ordinance. Materials stored outdoors shall not exceed the height of the fencing.
 - D. Freestanding Signage: One pole sign with a maximum height of 30 feet and maximum sign area of 80 square feet shall be permitted as shown on Exhibit C.
 - E. Maintenance of Property: Site must comply with all applicable City Ordinances regarding littering and property maintenance.



01 Existing Site Plan
SCALE: 1" = 20'-0"



02 Proposed Site Plan
SCALE: 1" = 20'-0"

PROJECT SITE SUMMARY	
EXISTING SITE AREA	31,000 SF
EXISTING BUILDING AREA	15,500 SF
PROPOSED BUILDING AREA	5,000 SF
ENCLOSED	1,000 SF
CONCRETE	5,000 SF
TOTAL	21,500 SF
PROPOSED NEW SITE PAVING AREA	1,210 SF
PROPOSED BUILDING FLOOR CONVERTED TO SITE PAVING AREA	4,500 SF
EXISTING PAVED SITE AREA	15,500 SF
PERCENTAGE PAVED SITE AREA ADDED	7.8%
LANDSCAPE PLAN NOT REQUIRED	YES
	NO
	THROUGH
PARKING SPACES REQUIRED:	
BUILDING SITE AREA 1 SPACE PER 1,000 SF: 5,000 SF/1000 = 5.0	5
PROPOSED SITE AREA 1 SPACE PER 300 SF: 750 SF/300 = 2.5	2
TOTAL REQUIRED	7
PARKING SPACES PROVIDED:	
STANDARD SPACES	7
BARRELS	1
TOTAL PROVIDED	8

ARCHITECT/ENGINEER

821 N RIVERFRONT BLVD SUITE 710
DALLAS, TEXAS 75207
TEL: 214-613-0960 FAX: 469-730-3341

SEAL
REGISTERED ARCHITECT
STATE OF TEXAS

04/04/2014

ARCHITECTURAL PROJECT NO. 888.00

ALLOY RIGHT RECYCLERS
828 E. WALNUT STREET
GARLAND, TX 75040

ISSUED FOR PERMIT & CONSTRUCTION XX.XX.2014

NO.	REVISIONS	DATE

TRUST REVIEW/ISSUE DATE	03.08.2014
HEALTH DEPT. REVIEW/ISSUE DATE	04.08.2014
LANDLORD REVIEW/ISSUE DATE	03.08.2014
NO. ISSUE DATE	03.08.2014
CONSTRUCTION ISSUE DATE	03.08.2014

DRAWING TITLE
SITE PLANS

DRAWING NUMBER
A1.0

ISSUED FOR PERMIT & CONSTRUCTION XX.XX.2014



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Economic Development Incentive – Nutri Biotech Co., Ltd.

Summary of Request/Problem

Nutri Biotech Co., Ltd., headquartered in South Korea, has steadily grown since its establishment in 2002 with an aim to enhance the health and happiness of the aging population through preventative medicine. The Company manufactures health and dietary supplements which are sold in over 20 countries.

Nutri Biotech is seeking a location for its U.S. headquarters and a manufacturing facility. The total investment will be over \$40 million in building upgrades, construction of new buildings, machinery and equipment over the next four years. This project will bring in a total of over \$667,000 to the City annually.

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

- General support for the project
- Support of a 50% City Tax Abatement on new Real Estate and Business Personal Property Value for five years – maximum of \$440,375
- Support of nomination for Texas Enterprise Zone Project – potential benefits of \$500,000

This item was considered by Council at the May 5, 2014 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, nominating Nutri Biotech Co., Ltd. to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank as an enterprise project; and, 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 _____, 2014.

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

**Block 3R, Lot 1B of the Spar 83 Business Park Addition of the City of
Garland, Dallas County, Texas commonly known as 3366 Miller Park South,
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 NUTRI BIOTECH CO., LTD. ("NUTRI BIOTECH") 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 outside of an enterprise zone; and

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

WHEREAS, the City finds that Nutri Biotech 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 20, 2014;

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

Section 1

The City nominates Nutri Biotech 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 the director of economic development of the Garland Economic Development Partnership 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 Nutri Biotech meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- A. Nutri Biotech 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 within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals;

- B. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area;
- C. The designation of Nutri Biotech 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 five (5) years from the effective date.

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 _____, 2014.

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 Nutri Biotech Co., Ltd. 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 _____, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

TAX ABATEMENT AGREEMENT

The City of Garland (the “City”), located in Dallas County, Texas, and Nutri Biotech Company, Ltd. (the “Company”), which will be doing business in Dallas County, Texas, 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 20, 2014, the City Council did enact and adopt Ordinance No. **[TBD]** 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. **[TBD]**; (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, 2015 (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.
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.

DRAFT

EXECUTED this the _____ day of _____, 2014.

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

NUTRI BIOTECH COMPANY, LTD.

By: _____

Name: **[TBD]**

Title: **[TBD]**

Address for Notice:

Attn: **[TBD]**
Nutri Biotech Company, Ltd.
3366 Miller Park South
Garland, Texas 75042

DRAFT

EXHIBIT "A"

Company

Nutri Biotech Company, Ltd.

Description of Property

Block 3R, Lot 1B of the Spar 83 Business Park Addition of the City of Garland, Dallas County, Texas commonly known as 3366 Miller Park South, Garland, Texas 75042

Description of Improvements

New real estate improvements. The company will upgrade and expand the existing facility at 3366 Miller Park South, Garland, Texas. The Company will also construct a new manufacturing facility at 3366 Miller Park South, Garland, Texas. The Company's new facility must be completed on or before December 31, 2018. Completion will be demonstrated by a City-issued Certificate of Occupancy.

New business personal property. New production line equipment will also be installed. Installation must occur as follows:

- (a) \$3 million in new equipment installed by December 31, 2015;
- (b) an additional \$5 million in new equipment installed by December 31, 2016;
- (c) an additional \$5 million in new equipment installed by December 31, 2017; and
- (d) an additional \$10 million in new equipment installed by December 31, 2018.

Investment

By the expiration of this Agreement, the new real estate improvements will add an additional \$20 million in real estate value to the City of Garland. Also, by the expiration of this Agreement, the new business personal property will add an additional \$23 million in business personal property value to the City of Garland.

Abatement Schedule

The tax abatement granted to the Company will be equal to 50% of both the real estate and business personal property tax for a 5 year period. The abatement provided by this Agreement applies only to improvements located on the Property after the Commencement Date. The maximum amount the City agrees to abate from taxation per this Agreement shall not exceed \$440,375.



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Economic Development Incentive – Mapei Corporation

Summary of Request/Problem

Mapei Corporation has been in Garland since 1992 and currently has a 160,000 sq. ft. facility and 160 employees locally. Worldwide, Mapei has always been an innovative company in the development of flooring installation and concrete restoration products.

Mapei is proposing a warehouse expansion of 55,000 sq. ft. and additional new production equipment which will create an additional \$5.5 million Real Estate and \$1.5 million Business Personal Property Value in Garland. This will bring in a total of \$49,000 to the City annually.

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

- General support for the project
- Support of a 50% City Tax Abatement on new Real Estate and Business Personal Property Value for five years – maximum of \$123,305

This item was considered by Council at the May 5, 2014 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 and 2) approve a resolution authorizing the City Manager to execute a tax abatement agreement with Mapei Corporation.

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 _____, 2014.

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

**Block 1, Lot 1 of the Mapei Addition of the City of Garland, Dallas County,
Texas commonly known as 1501 Wall Street, Garland, Texas 75041**

EXHIBIT B

EXHIBIT C

EXHIBIT D

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 Mapei Corporation 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 _____, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

TAX ABATEMENT AGREEMENT

The City of Garland (the “City”), located in Dallas County, Texas, and Mapei Corporation (the “Company”), which will be doing business in Dallas County, Texas, 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 20, 2014, the City Council did enact and adopt Ordinance No. **[TBD]** 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. **[TBD]**; (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, 2015 (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.
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.

DRAFT

EXECUTED this the _____ day of _____, 2014.

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

MAPEI CORPORATION

By: _____

Name: Ed Ford

Title: Director of Operations

Address for Notice:

Attn: Ed Ford
Mapei Corporation
1501 Wall Street
Garland, Texas 75041

DRAFT

EXHIBIT "A"

Company

Mapei Corporation

Description of Property

Block 1, Lot 1 of the Mapei Addition of the City of Garland, Dallas County, Texas commonly known as 1501 Wall Street, Garland, Texas 75041.

Description of Improvements

New real estate improvements. The Company will expand its existing warehouse facility at 1501 Wall Street, Garland, Texas with the construction of an additional 55,000 sq. ft. of warehouse space.

New business personal property. New production line equipment will also be installed.

Investment

The new real estate improvements will add an additional \$5.5 million in real estate value to the City of Garland. The new business personal property will add an additional \$1.5 million in business personal property value to the City of Garland.

Abatement Schedule

The tax abatement granted to the Company will be equal to 50% of both the real estate and business personal property tax for a 5 year period. The abatement provided by this Agreement applies only to improvements located on the Property after the Commencement Date. The maximum amount the City agrees to abate from taxation per this Agreement shall not exceed \$123,305.



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Economic Development Incentive – Huntington Industrial Partners

Summary of Request/Problem

Huntington Industrial Partners is under contract to purchase approximately 10.2 acres on Distribution Drive to build a 169,000 sq. ft. Leadership in Energy and Environmental Design (LEED) certified project. If this project occurs, it will be the first LEED certified industrial building in Garland. This high quality, cross doc, 32 ft. clear height building will provide an opportunity to attract Fortune 500 companies as well as high quality local tenants that will have a positive impact on growth in employment base and tax base and overall economic development of Garland.

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

- General support for the project
- Chapter 380 Finance Grant – total of \$160,000

This item was considered by Council at the May 5, 2014 Work Session.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the City Manager to execute an economic development agreement with Huntington Industrial Partners.

Submitted By:

**Martin E. Glenn
Deputy City Manager**

Approved By:

**William E. Dollar
City Manager**

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ECONOMIC DEVELOPMENT AGREEMENT WITH HUNTINGTON INDUSTRIAL PARTNERS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Manager is hereby authorized to execute an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code with Huntington Industrial Partners ("Huntington") for the construction of a new industrial building at 3838 West Miller Road, Garland, Texas.

Section 2

That the maximum dollar value of the grant will be \$160,000.00.

Section 3

That the economic development grant will be payable to Huntington upon the issuance of a Certificate of Occupancy for a 169,000 square foot industrial building at 3838 West Miller Road, Garland, Texas that is Leadership in Energy and Environmental Design ("LEED") certified.

Section 4

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

PASSED AND APPROVED this the ___ day of _____, 2014.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

HUNTINGTON[®]

INDUSTRIAL PARTNERS

May 13, 2014

The Honorable Douglas Athas, Mayor of Garland
And Members of the Garland City Council
Garland City Hall
200 N. Fifth Street
Garland, TX 75040

Re: Request for Chapter 380 Grant
Distribution Drive Facility

Dear Mayor Athas and Members of the City Council:

The purpose of this letter is to request a Chapter 380 grant of \$160,000 to build the first Leeds Certified industrial building in Garland. It is our opinion that the Leeds Certification will assist Huntington Industrial Partners in obtaining a high quality tenant for our new facility on Distribution Drive in Garland. Although high quality tenants desire a Leeds Certified facility, we must also be competitive on a lease rate basis with other buildings, not only in Garland, but also in Richardson and Plano. Thus, the need for this request.

The planned building is a 169,105 square foot cross dock facility which will have 185 foot truck courts on both sides of the building to allow trailer storage on the site and keep the trailers off the street. In addition, should a light manufacturing or assembly tenant need a facility, we can provide 419 employee parking spaces. Not only will the building be Leeds Certified but it will also be a state of the art building with 32 foot clear height, ESFR sprinkler systems, heavy landscaping, etc.

Huntington Industrial Partners is an industrial real estate company with a focus on acquiring and developing industrial properties. Huntington has purchased five buildings in Dallas; and the Garland facility will be the third development started by Huntington in the Dallas area this year. Our other developments are in Flower Mound and Fort Worth. Huntington also has operations in Atlanta, Denver and Southern California. Each of the principals of Huntington has over thirty years of industrial real estate experience with Trammell Crow Company and Prologis before starting Huntington Industrial.

Thank you for considering our request; and we look forward to commencing our new development in Garland. Please do not hesitate to contact me with any questions you may have regarding our new development.

Sincerely,



Steven K. Meyer
Partner

cc: Ayako Schuster, Economic Development
Garland Chamber of Commerce



City Council Item Summary Sheet

Work Session

Date: May 20, 2014

Agenda Item

Canvassing the Results of the General Election

Summary of Request/Problem

Formal canvassing of the returns and declaring results of the May 10, 2014 General Election held for the purpose of electing a candidate to the Office of the City Council of the City of Garland for District 5.

Votes cast for each District 5 candidate are as follows:

Terry G. Kaliney 84 Votes

Billy Mack Williams 531 Votes

The Council previously cancelled the election for unopposed candidates for Council Districts 1,2, and 4 and declared the following unopposed candidates within those districts elected to office as follows:

Council Member District 1: Marvin F. "Tim" Campbell

Council Member District 2: Anita Goebel

Council Member District 4 : B.J. Williams

Recommendation/Action Requested and Justification

Approve an ordinance canvassing the results of the General Election held May 10, 2014 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 A CANDIDATE TO THE OFFICE OF COUNCIL MEMBER FOR DISTRICT 5 OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, FOR AN ELECTION HAVING BEEN HELD ON MAY 10, 2014; DECLARING THE RESULTS OF THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 20th of May, 2014, 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 10th of May, 2014 for the purpose of electing a candidate to the office of Council Member for District 5 of the 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, in accordance with the Texas Election Code and the Garland City Charter, the City Council cancelled the election to be held May 10, 2014 for unopposed candidates for City Council Districts 1, 2, and 4 and declared the unopposed candidates within those districts elected to office as follows:

Council Member District 1: Marvin F. "Tim" Campbell
Council Member District 2: Anita Goebel
Council Member District 4: B.J. Williams

WHEREAS, for the contested election of candidates for Council District 5, the City Council has determined that the election officials 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, finds the votes cast for each candidate were as follows;

NAMES OF CANDIDATE	TOTAL VOTES
Terry G .Kaliney	84
Billy Mack Williams	531

Section 1

That the election, having been duly called, and that notice of the election having been given in accordance with law, the following person was elected to the following position:

Council Member District 5

Billy Mack Williams

and that the foregoing person is hereby declared elected to office subject to his 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 20th day of May, 2014

CITY OF GARLAND

Mayor

ATTEST:

City Secretary



Joint Election - May 10, 2014

Website last updated: 5/10/2014
10:53:26 PM CDT

Registered Voters: 901,265
Ballots Cast: 47,507
Voter Turnout: 5.27 %

Precincts Completely Reported: 725 of 725

Unofficial Cumulative Results

[Summary](#) > Vote Type Summary

Powered by - [SOE Software](#)

Garland District 05									
Choice	Early Voting in Person	Early Voting by Mail	Election Day	Prov EV/ED	Election Day ADA	Total Percent			
Terry G. Kaliney	31	30	23	0	0	84	13.66%		
Billy Mack Williams	131	129	271	0	0	531	86.34%		

Unofficial Cumulative Results

Joint Election - May 10, 2014

Website last updated: 5/10/2014 10:53:26 PM CDT

Garland District 05

✓ = Precinct Reporting

Dallas Precinct Detail

	Precinct	Terry G. Kaliney	Billy Mack Williams	Total
✓	1707-5482	0	0	0
✓	1707-5483	0	0	0
✓	1711-5498	0	2	2
✓	1713-5503	7	63	70
✓	1714-5504	16	82	98
✓	1715-5508	3	8	11
✓	1718-5517	12	105	117
✓	1719-5519	9	48	57
✓	1725-5540	5	57	62
✓	1726-5542	18	102	120
✓	1727-5544	3	5	8
✓	1728-5546	11	57	68
✓	1729-5550	0	2	2
	Total:	84	531	615

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Purchasing Report

TMPA GIBBONS CREEK BREAKER REPLACEMENT OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide all materials associated with the TMPA Gibbons Creek 138 kV & 345 kV Breaker Replacement project. Due to the complex nature of the project, an optional contingency is included for any unforeseen additional work that may be required. This is an approved Capital Improvement project and expenditures will not exceed appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Stuart Irby	All	\$180,215.57
Optional Contingency		18,000.00
	TOTAL:	\$198,215.57

BASIS FOR AWARD:

Lowest Responsible Bid

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.

Director of Purchasing

William E. Dollar

City Manager

Date: 05/09/14

Date: 5/12/14

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$	4,407,603
Expended/Encumbered to Date:	1,818,642
Balance: \$	2,588,961
This Item:	198,216
Proposed Balance: \$	2,390,745
Trent Schulze	05/09/14
Budget Analyst	Date
Ron Young	05/09/14
Budget Director	Date

Operating Budget: <input type="checkbox"/>	CIP: <input checked="" type="checkbox"/>	Year: <u>2014</u>
Document Location: <u>Page E01</u>		
Account #: 215-3542-3175301-6051 (EC-S5753-002-1-6051)		
Fund/Agency/Project – Description: Electric CIP – Transmission Lines		
Comments: Provides all materials associated with the TMPA Gibbons Creek 138 kV & 345 kV Breaker Replacement project and includes an optional contingency for any unforeseen additional work that may be required. Expenditures will not exceed appropriated funds.		



GARLAND

PURCHASING

Executive Summary **Bid 4235-14** **TMPA Gibbons Creek Breaker Replacement**

Recommended Vendor:

Stuart Irby

Total Recommended Award:

\$198,215.57

Basis for Award:

Lowest Responsible Bid

Purpose:

The purpose of this contract is to provide all materials associated with the TMPA Gibbons Creek 138kV & 345kV Breaker Replacement Project.

Evaluation:

Requests for bids were issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated. Techline Inc. was the apparent low bidder but did not bid on all of the required materials. Due to materials scheduling and coordination, it is advantageous for the City to award the entire bill of materials to a single supplier.

Recommendation:

Staff recommends awarding the contract to Stuart Irby as the lowest responsible bidder meeting all the requirements of the specifications and bidding all materials.

Funding Information:

TMPA Breaker Replacement CIP 215-3542-3175301-6051 (EC-S5753-002-1-6051)

Department Director:

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



Purchasing Report

GIBBONS CREEK SUBSTATION POTENTIAL TRANSFORMERS OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this bid is to purchase nine (9) potential transformers for the Gibbons Creek Substation as part of the TMPA Breaker Replacement Capital Improvement project. Due to the complex nature of the project, an optional contingency is included for unforeseen changes that may be required.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
ALSTOM Grid, Inc.	1	\$335,295.00
Optional Contingency		33,530.00
	TOTAL:	\$368,825.00

BASIS FOR AWARD:

Best Value

Submitted by:

Reviewed by:

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

William E. Dollar
 City Manager

Date: 05/09/14

Date: 5/12/14

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$	4,407,603
Expended/Encumbered to Date:	2,016,858
Balance: \$	2,390,745
This Item:	368,825
Proposed Balance: \$	2,021,920
Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: 2014	
Document Location: Page E01	
Account #: 215-3542-3175301-6051 (EC-S5753-002-1-67051)	
Fund/Agency/Project – Description: Electric CIP – Transmission Lines	
Comments: Provides for the purchase of nine (9) potential transformers for the Gibbons Creek Substation as part of the TMPA Breaker Replacement project and includes an optional contingency for unforeseen changes that may be required.	
Trent Schulze	05/09/14
Budget Analyst	Date
Ron Young	05/09/14
Budget Director	Date

CITY OF GARLAND - BID RECAP SHEET OPENED: 04/17/14 REQ. NO. 32795 BID NO. 4293-14 PAGE: 1 of 1 BUYER: R. Berger			JH Davidson & Associates	ALSTOM Grid Inc.	Stuart Irby	
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ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	9	EA	Potential Transformer	\$24,619.00	\$221,571.00	\$37,255.00	\$335,295.00	\$38,450.00	\$346,050.00		
			Disqualified								
			Evaluation Criteria:								
			Price	Maximum = 50		50			48.4		
			Experience	Maximum = 20							
			Delivery Schedule	Maximum = 20							
			Technical Resources & References	Maximum = 10							
			Total Score:	Maximum = 100							

TOTAL GROSS PRICE					\$335,345.00		\$346,098.40		
CASH DISCOUNT									
TOTAL NET PRICE					\$335,295.00		\$346,050.00		
F.O.B.			DELIVERED		DELIVERED		DELIVERED		DELIVERED
DELIVERY									

NEXT LOW: \$346,050.00 LOW: \$335,295.00 SAVINGS: \$10,755.00	877 # BidSync Notifications 0 # BidSync HUBS 0 # Direct Contact HUBS 0 # HUBS Responded	All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. <u>The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.</u>
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GARLAND

PURCHASING

Executive Summary **Bid 4293-14** **Gibbons Creek Substation Potential Transformers**

Recommended Vendor:

ALSTOM Grid, Inc.

Total Recommended Award:

\$368,825.00

Basis for Award:

Best Value

Purpose:

The purpose of this bid is to purchase nine (9) potential transformers for the Gibbons Creek Substation as part of the TMPA Breaker Replacement Capital Improvement Project.

Evaluation:

Requests for bids were issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated based on the published criteria of price, experience, delivery and technical resources. J. H. Davidson was the apparent low bidder, but their product did not meet the required dimensions. This would not only require modifications to existing structures, but also pose an electrical hazard.

Recommendation:

Staff recommends awarding the bid to ALSTOM Grid, Inc. as the highest evaluated vendor meeting all requirements of the specifications.

Funding Information:

TMPA CIP Breaker Replacement project 215-3542-3175301-6051
(EC-S5753-002-1-67051)

Department Director:

Ross Owen, Transmission & Distribution Director, 972-205-3533



Purchasing Report

WYLIE-NEVADA TRANSMISSION LINE RECONDUCTOR OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this bid is to provide cable and connector materials for the Wylie-Nevada Transmission Line Reconductor project. Due to the complexity of the project, an optional contingency is included for unforeseen changes in the requirements. This is an approved GP&L Capital Improvement project. Expenditures will not exceed appropriated funds.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Techline, Inc. Optional Contingency	All	\$136,676.02 13,667.00
	TOTAL:	\$150,343.02

BASIS FOR AWARD:

Lowest Responsible Bid

Submitted by:

Reviewed by:

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

William E. Dollar
City Manager

Date: 05/09/14

Date: 5/12/14

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$	<u>821,513</u>
Expended/Encumbered to Date:	<u>36,264</u>
Balance: \$	<u>785,249</u>
This Item:	<u>150,343</u>
Proposed Balance: \$	<u>634,906</u>
Trent Schulze	05/12/14
Budget Analyst	Date
Ron Young	05/12/14
Budget Director	Date
Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: <u>2014</u> Document Location: <u>Page E01</u> Account #: <u>210-3591-3141301-6051</u> (EC-T0413-006-1-6051) Fund/Agency/Project – Description: Electric CIP – Transmission Lines Comments: Provides cable and connector materials for the Wylie-Nevada Transmission Line Reconductor project and includes an optional contingency for any unforeseen changes in requirements. Expenditures will not exceed appropriations.	

CITY OF GARLAND - BID RECAP SHEET
 OPENED: 05/01/2014
 REQ. NO. 32860
 BID NO. 4333-14
 PAGE: 1 of 1
 BUYER: R.Berger

Techline Inc.

Doubletree Systems

Stuart Irby

I T E M	QTY	U N I T	DESCRIPTION	Techline Inc.		Doubletree Systems		Stuart Irby	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	lt	Refundable expense not evaluated		\$14,400.00		\$0.00		\$17,700.00
2	1	lt	795 ACSR 26/7 conductor		\$100,050.00		\$98,118.00		\$115,920.00
3	1	lt	Armor rods, 3/8" EHS steel		\$191.60		\$367.20		\$196.00
4	1	lt	Armor rods, 795 ACSR		\$4,920.00		\$5,791.20		\$3,955.20
5	1	lt	3/8" Aluminum suspension clamp		\$774.80		\$1,138.40		\$797.60
6	1	lt	Bronze parallel connector		\$263.20		\$358.40		\$271.60
7	1	lt	Aluminum suspension clamp		\$7,684.80		\$9,477.60		\$7,464.00
8	1	lt	Jumper cable		\$571.62		\$748.56		\$590.94
9	1	lt	3/8" EHS steel sheild wire		\$7,820.00		\$6,440.00		\$7,682.00
TOTAL EVALUATION PRICE					\$122,276.02		\$122,439.36		\$136,877.34
CASH DISCOUNT									
TOTAL NET PRICE					\$122,276.02		\$122,439.36		\$136,877.34
F.O.B.				DELIVERED		DELIVERED		DELIVERED	
DELIVERY				DELIVERED		DELIVERED		DELIVERED	

NEXT LOW: \$122,439.36
LOW: \$122,276.02
SAVINGS: \$163.34

739 # BidSync Notifications
 0 # BidSync HUBS
 23 # Direct Contact HUBS
 0 # HUBS Responded

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.



GARLAND

PURCHASING

Executive Summary **Bid 4333-14** **Wylie-Nevada Transmission Line Re-Conductor**

Recommended Vendor:

Techline, Inc.

Total Recommended Award:

\$150,343.02

Basis for Award:

Lowest Responsible Bid

Purpose:

This purpose of this bid is to providing cable and connector materials for the Wylie-Nevada Transmission Line Re-conductor Project.

Evaluation:

Requests for bids were issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated. The refundable reel deposit was not considered for evaluation purposes, because it is the intent of the City to return the empty reels. While Techline, Inc. was not low on every item, they offered the lowest bid for the entire bill of materials. Due to materials scheduling and coordination, it is advantageous for the City to award the entire bill of materials to a single supplier.

Recommendation:

Staff recommends awarding the contract to Techline, Inc. as the lowest responsible bidder meeting all the requirements of the specifications.

Funding Information:

CIP 217-3591-31413-01-6051 (EC-T7413-006-1-6051)

Department Director:

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



Purchasing Report

PULSAR NETWORK COMMUNICATIONS UPGRADE OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide a Pulsar Network Communications Upgrade for GP&L Substations. AMATEK Power Instruments is the sole source provider for this upgrade due to patents and copyrights. This is an approved GP&L Capital Improvement project.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
AMETEK Power Instruments	All	\$251,975.00
TOTAL:		\$251,975.00

BASIS FOR AWARD:

Sole Source

Submitted by:

Reviewed by:

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

William E. Dollar
 City Manager

Date: 05/09/14

Date: 5/12/14

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$	288,000
Expended/Encumbered to Date:	-0-
Balance: \$	288,000
This Item:	251,975
Proposed Balance: \$	36,025
Trent Schulze	05/09/14
Budget Analyst	Date
Ron Young	05/09/14
Budget Director	Date

Operating Budget: <input type="checkbox"/>	CIP: <input checked="" type="checkbox"/>	Year: 2014
Document Location: Page E02		
Account #: 210-3799-3176201-6051 (EC-S0762-002-1-6051)		
Fund/Agency/Project – Description: Electric CIP – Communications Upgrades/ Improvements		
Comments: Provides for a Pulsar Network Communications Upgrade for GP&L Substations.		



GARLAND

PURCHASING

Executive Summary **Bid 4401-14** **Pulsar Network Communications Upgrade**

Recommended Vendor:

AMETEK Power Instruments

Total Recommended Award:

\$251,975.00

Basis for Award:

Sole Source

Purpose:

The purpose of this contract is to provide a Pulsar Network Communications Upgrade for GP&L Substations.

Evaluation:

AMATEK Power Instruments is the sole source provider for this upgrade due to patents and copyrights.

Recommendation:

Staff recommends purchasing the Pulsar Network Communications Upgrade from AMETEK Power Instruments as the sole source provider.

Funding Information:

CIP 210-3799-3176201-6051 (EC-S0702-002-1-6051)

Department Director:

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



Purchasing Report

PROFESSIONAL SERVICES FOR ROWLETT CREEK WWTP OPEN MARKET

PURCHASE JUSTIFICATION:

The purpose of this contract is to provide Professional Engineering and Design Services to replace the two (2) 700-horsepower source drives and make electrical improvements at the Rowlett Creek Wastewater Treatment Plant. These 25-year-old source drives operate the final effluent pumps and are no longer supported by the manufacturer due to age.

AWARD RECOMMENDATION:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Gupta & Associates	All	\$197,861.00
TOTAL:		\$197,861.00

BASIS FOR AWARD:

Most Qualified

Submitted by:

Reviewed by:

Gary L. Holcomb, CPPO, C.P.M.

 Director of Purchasing

William E. Dollar

 City Manager

Date: 05/12/14

Date: 5/12/14

<u>FINANCIAL SUMMARY:</u>	
Total Project/Account: \$ 2,020,000	Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: 2014
Expended/Encumbered to Date: 73,990	Document Location: Page WW16
Balance: \$ 1,946,010	Account #: 235-4229-3302900-7101
This Item: 197,861	Fund/Agency/Project – Description: Wastewater Cash-Funded CIP / Rowlett Creek WWTP Replacements/Modifications
Proposed Balance: \$ 1,748,149	Comments: Professional Engineering and Design Services to replace two (2) 700-horsepower source drives at Rowlett Creek Wastewater Treatment Plant.
Matt Watson 05/12/14 Budget Analyst Date	
Ron Young 05/12/14 Budget Director Date	



GARLAND

PURCHASING

Executive Summary **Bid 4428-14** **Professional Services for Rowlett Creek WWTP**

Recommended Vendor:

Gupta & Associates

Total Recommended Award:

\$197,861.00

Basis for Award:

Most Qualified

Purpose:

The purpose of this contract is to provide professional engineering and design services to replace the two (2) 700 horsepower source drives and make electrical improvements at the Rowlett Creek Wastewater Treatment Plant. These twenty-five year old source drives operate the final effluent pumps, and are no longer supported by the manufacturer due to age.

Evaluation:

Gupta & Associates was selected as the most qualified firm for this project from a shortlist of consulting firms evaluated and ranked by published criteria in RFQ 3691-13.

Recommendation:

Staff recommends awarding professional services contract to Gupta & Associates.

Funding Information:

CIP Project Account 235-4229-3302900-7101

Department Director:

Wes Kucera, Director of Wastewater, 972-205-2874