



# **GARLAND**

## **AGENDA**

### **REGULAR MEETING OF THE CITY COUNCIL**

**City of Garland  
Council Chambers, City Hall  
William E. Dollar Municipal Building  
200 North Fifth Street  
Garland, Texas  
April 17, 2018  
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.**

**Garland City Hall and Council Chambers is wheelchair accessible. Special parking is available on the east side of City Hall and on Austin & State Street west of City Hall.**

**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.**

### **Strategic Focus Areas**

**In November 2017, Council adopted ten Key Focus Areas reflecting the attributes they want to accurately describe the Garland community.**

- Growing Economic Base**
- Commercially Thriving Downtown**
- Well-Maintained City Infrastructure**
- Enhanced Quality of Life Through Amenities, Arts, and Events**
- Safe Community**
- Vibrant Neighborhoods and Commercial Centers**
- Reliable, Cost Efficient Utility Services**
- Customer-Focused City Services**
- Sound Governance and Finances**
- Future-Focused City Organization**

## **LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE**

It is the custom and tradition of the members of the City Council to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the City Council and will not affect the decisions to be made during the meeting.

## **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 had the opportunity to review each of 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 April 3, 2018 Regular Meeting.
2. Consider approval of the following bids:
  - a. Replacement Golf Carts Bid No. 0501-18  
  
Mission Golf Cars & Industrial Vehicles \$633,390.00  
  
*This request is to replace the golf carts used at the Bridges Course.*
  - b. Justice Complex Chiller Replacement Bid No. 0556-18  
  
Trane \$221,750.00  
  
*This request is to replace one of the two chillers that services the Justice Complex buildings.*

**c. Police Department Explosive Ordinance  
Disposal (EOD) Robot**

**Bid No. 0598-18**

**Northrop Grumman, Remotec, Inc.**

**\$297,063.00**

*This request is to purchase an EOD Robot to assist the Police Department's Bomb Unit in conducting investigations related to Chemical, Biological, Radiological, and Nuclear (CBRNE) events.*

**d. Image Initiative Advertising Campaign  
Production**

**Bid No. 0582-17**

**Pyro Agency**

**\$250,000.00**

*This request is to implement production of the selected advertising campaign developed by Pyro Agency. This item was considered at the April 16, 2018 Work Session.*

- 3. Consider a resolution adopting and approving the One Year Plan of Action for the 2018/2019 Community Development Block Grant, Home Investment Partnership and, Emergency Solutions Grant Programs; and approving an effective date.**

*Council is requested to adopt the resolution approving the One Year Plan of Action for the 2018-2019 Community Development Block Grant, HOME Infill Partnership Grant and Emergency Solutions Grant programs and funding.*

- 4. Consider a resolution authorizing the City Manager to execute a waiver agreement relating to the Global Settlement Agreement between and among the Texas Municipal Power Agency, the City of Bryan, Texas, the City of Denton, Texas, the City of Garland, Texas, and the City of Greenville, Texas; and providing an effective date.**

*Council is requested to approve the waive agreement to extend the date for which the TMPA Member Cities will commence paying directly for wholesale transmission postage stamp delivery charges that are currently paid through TMPA. This item was considered at the April 2, 2018 Work Session.*

- 5. Consider an ordinance amending Chapter 33, "Transportation," of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a savings clause and a severability clause; and providing an effective date.**

*Council is requested to approve the revised speed limits as follows: increase the*

*speed limit from Gautney Street to 520 feet north of Castle from 40 MPH to 45 MPH  
Reduce the speed limit from PGBT to 350 feet north of Firewheel Parkway from 55  
MPH to 50 MPH. This item was considered at the April 2, 2018 Work Session.*

- 6. Consider a resolution authorizing the Mayor to execute a Deed without Warranty to the State of Texas and providing an effective date.**

*TxDOT is making improvements to the intersection of SH 78 and Miller Road. City owned right of way is needed for this project and TxDOT has offered to purchase this property. Council is requested to authorize the Mayor to sell the parcel to TxDOT for the sum of \$236,142.00. This item was considered at the April 2, 2018 Work Session.*

- 7. Consider an ordinance amending Sections 2.51, 2.52, 6.03, and Table 7-1 of the Garland Development Code (Ordinance 6773, as amended) relating to the creation of a zoning classification for Breweries, Wineries, and Distilleries, providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.**

*Council is requested to approve amendments to the Garland Development Code (GDC) regarding the allowance of Wineries, Breweries, and Distilleries. A Public Hearing for this item was conducted at the April 3, 2018 Regular Meeting.*

- 8. Proposed Property Exchange - 400-500 Block of Avenue A**

*The Council is asked to consider authorizing the City Manager to execute the agreement by Minute Action. This item was considered at the April 16, 2018 Work Session.*

- 9. Appointment to the Animal Services Advisory Committee**

*Council is requested to appoint Oswaldo Rodriguez to the Animal Services Advisory Committee.*

## **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 are 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. Hold public hearings on:**



- a. **Consider the application of TEKA Investment, Inc., requesting approval of a variance to Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code regarding the distance to a church, public school, or public hospital from an establishment that sells or serves alcoholic beverages. The property is located at 901 Belt Line Road. (File No. BW 18-01, District 8)**

*BEING a tract of land containing 1.6377 acres of land situated in the Onofre Alvarado Survey, Abstract No. 2, Dallas County, Texas, and being part of Lot 1, Block 1 of the GLENBROOK SHOPPING CENTER, an addition to the City of Garland, according to the file plat recorded in Volume 83187, Page 6123, of the Map Records of Dallas County, Texas. Approval of the request would allow the sale of alcoholic beverages (beer and wine) within the required distance of 300 feet to a church. The proposed convenience store and existing church are located within the same multi-tenant commercial building.*

- b. **Consider the application of Star Plus, Inc., requesting approval of a Specific Use Provision for Food Processing and Storage on a property zoned Industrial (IN) District. The property is located at 3925 Miller Park Drive. (File No. Z 18-15, District 6)**

*BEING a 2.23-acre tract of land and being all of Lot 3, Block 3 Garland West Industrial Park, an addition to the City of Garland, Dallas County, Texas according to the plat thereof recorded in County Clerk's Instrument number 201600351809 of the Official Public Records of Dallas County, Texas. Approval of the request would allow the operation of a Food Processing Facility within an existing 35,900 square-foot industrial building.*

**11. 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.*

**12. Adjourn.**

*All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Frontier 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](http://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.*



**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**1.**

**Meeting Date:** April 17, 2018

**Item Title:** Minutes April 3

**Submitted By:** Rene Dowl, City Secretary

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**Summary of Request/Problem**

**Consider approval of the minutes of the April 3, 2018 Regular Meeting.**

**Recommendation/Action Requested and Justification**

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**Attachments**

Minutes April 3

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## Minutes of the Garland City Council Regular Meeting

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, April 3, 2018 in the Council Chambers at City Hall, 200 North Fifth Street, Garland, Texas, with the following members present:

|                  |                |                  |
|------------------|----------------|------------------|
| COUNCIL PRESENT: | Mayor          | Douglas Athas    |
|                  | Mayor Pro Tem  | David Gibbons    |
|                  | Council Member | Anita Goebel     |
|                  | Council Member | Jerry Nickerson  |
|                  | Council Member | B. J. Williams   |
|                  | Council Member | Rich Aubin       |
|                  | Council Member | Robert Vera      |
|                  | Council Member | Scott LeMay      |
|                  | Council Member | Robert Smith     |
| STAFF PRESENT:   | City Manager   | Bryan Bradford   |
|                  | City Attorney  | Brad Neighbor    |
|                  | City Secretary | Eloyce René Dowl |

CALL TO ORDER: The meeting was called to order by Mayor Douglas Athas.

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on at the beginning of the meeting. Mayor Athas read those items into the record. Motion was made by Council Member Vera to approve the Consent Agenda as presented, seconded by Council Member LeMay, to approve items 1, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2j, 2k, and 2l, 3a, 3b, 3c, 3d, 3e, 4, 5, 6, 7, 8, 9, 10. Motion carried, 9 ayes, 0 nays.

1. APPROVED\*\* Approval of the Minutes of the March 20, 2018 Regular Meeting.

2a. APPROVED\*\* Bid No. 0534-18 awarded to Evoqua Water Technologies, LLC in the amount of \$669,888.00 for Internal Screw Pump Replacement for Rowlett Creek Wastewater Treatment Plant.

This request is to replace two internal screw pumps used at Rowlett Creek Wastewater Treatment Plant for pumping return activated sludge.

2b. APPROVED\*\* Bid No. 0410-18 awarded to American Fence Company, Inc. in the amount of \$118,000.00 for Security Fence for Duck Creek Wastewater Treatment Plant.

This request is to replace the 35-year-old security fence surrounding the Duck Creek Wastewater Treatment Plant.

2c. APPROVED\*\*

Bid No. 5719-15 awarded to Dewberry Architects, Inc. in the amount of \$11,800.00 for the Library RFID Architectural Services Change Order #1.

This request is to provide additional architectural services for the Library RFID project.

2d. APPROVED\*\*

Bid No. 0544-18 awarded to Stryker Sales Corp. in the amount of \$332,864.70 for Ambulance Cots and Related Accessories.

This request is to provide ambulance equipment, including cots and related accessories, used for patient handling and transportation.

2e. APPROVED\*\*

Bid No. 0445-17 awarded to Municipal Emergency Services, Inc. in the amount of \$138,805.00 for Self-Contained Breathing Apparatus (SCBA) and Repair Parts.

This request is to provide additional Self-Contained Breathing Apparatus (SCBA) and related components as part of the Personal Protective Equipment (PPE) used by Firefighters in training and emergency responses.

2f. APPROVED\*\*

Bid No. 0401-18 awarded to DPC Industries, Inc. in the amount of \$328,455.00 for Chlorine and Sulfur Dioxide.

This request is to provide liquid chlorine and sulfur dioxide for the City of Garland's Wastewater Treatment Plants.

2g. APPROVED\*\*

Bid No. 0428-18 awarded to Lee Engineering, Inc. in the amount of \$105,955.00 for Traffic Engineering Services for Citywide Vehicle Crash Study.

This request is to provide professional traffic engineering services to assist the Transportation Department in analyzing and evaluating traffic crash data and assist in pursuing reduction programs in the City.

2h. APPROVED\*\*

Bid No. 4314 to 4316-14 awarded to Hill & Wilkinson in the amount of \$906,475.04 for the City Center Program Closeout.

Phase 2 of the Downtown Revitalization initiative kicked off in early 2013. This phase, commonly referred to as the City Center program, included 16 different but interrelated projects with the final projects now ready for close-out. The overall program consisted of several specific construction contracts that have distinct administration and accounting records. With the completion of the actual work on the program, a series of contract change orders are necessary to make final accounting changes and to make final payments to the contractors. No additional funds are being requested as actual funding has been provided through the approved 2018 Capital Improvement Program.

2i. APPROVED\*\*

Bid No. 0425-17 awarded to CORE Construction in the amount of \$2,363,611.00, which includes an optional contingency of \$236,389.00, for a total of \$2,600,000.00 for Carver Center Renovations.

This request is to provide needed renovations to the Carver Center Complex. Due to the complex nature of the project, an optional contingency is included for any unforeseen additional repairs that may be required.

2j. APPROVED\*\*

Bid No. 0536-18 awarded to Scarborough Engineers, Inc., in the amount of \$226,708.00, which includes an optional contingency of \$22,670.80, for a total of \$249,378.80 for Engineering Services for Relocation of TMPA's Transmission Facilities.

2k. APPROVED\*\*

Bid No. 0543-18 awarded to Scientel Solutions, LLC in the amount of \$140,265.40 for Wastewater SCADA Network Security Upgrade.

This request is to provide SCADA network upgrades for Rowlett Creek and Duck Creek Wastewater Treatment Plants.

2l. APPROVED\*\*

Bid No. 0195-18 awarded to Kimley-Horn and Associates in the amount of \$133,000.00 for 2018 Street Replacement Design.

This request is to provide additional designs for the 2018 Street Replacement Design project.

3a. APPROVED\*\*

Ordinance No. 6970 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 08-52 for Community Retail Uses, 2) a Concept Plan, and 3) a Detail Plan for Automobile Repair, Minor and located at 3300 South Shiloh Road; providing for conditions, restrictions and regulations; providing for a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date. (File No. Z 18-06, Calvert & CO/Architects, Inc., District 6)

3b. APPROVED\*\*

Ordinance No. 6971 amending the Garland Development Code of the City of Garland, Texas, by approving 1) Amendments to Planned Development (PD) 06-08 District for Community Retail Uses, 2) a Detail Plan for Hotel/Motel, Limited Service and 3) a Specific Use Provision for Hotel/Motel, Limited Service and located at 4002 Easton Meadows Drive; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date. (File No. Z 17-26 NH Consulting, District 3)

3c. APPROVED\*\*

Ordinance No. 6972 amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a contractor's office/storage yard with outside display and storage greater than fifty (50) percent of the total enclosed building square footage on property zoned Industrial (IN) District on a 7.46-acre tract of land located at 2660 Market Street; providing for conditions, restrictions and regulations; providing a penalty under the provisions of Sec.

10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date. (File No. Z 17-13, Icon Consulting Engineers, Inc., District 5)

3d. APPROVED\*\*

Ordinance No. 6973 amending the Garland Development Code of the City of Garland, Texas, by approving Medical/Dental Office use on a property zoned Planned Development (PD) District 06-58 for Community Office (CO) Use and located at 6650 Naaman Forest Boulevard; providing for conditions, restrictions and regulations; providing for a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date. (File No. Z 18-04, Claymoore Engineering, District 7)

3e. APPROVED\*\*

Ordinance No. 6974 amending the Garland Development Code of the City of Garland, Texas, by approving a Detail Plan for General Office Uses on a property zoned Planned Development (PD) 13-32 and located west of the intersection of Guthrie Road and Broadway Boulevard; providing for conditions, restrictions and regulations; providing for a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date. (File No. Z 17-33, ADI, Inc., District 4)

4. APPROVED\*\*

Ordinance No. 6975 amending Section 33.52 of Chapter 33, "Transportation," of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.

Council adopted an ordinance that restricts parking on the north side of Creekview Drive between Duck Creek and 350 feet east of Duck Creek; also, prohibit parking for an additional 170 feet on the south side of Creekview Drive to improve safety at school driveways.

5. APPROVED\*\*

Resolution No. 10329 approving and authorizing publication of Notice of Intention to Issue Certificates of Obligation.

At the April 2, 2018 Work Session, Council considered authorizing the publication of a Notice of Intent to Issue Certificates of Obligation in an amount of approximately \$33.8 million to fund a portion of the CIP and pay related issuance costs of approximately \$150,000.

6. APPROVED\*\*

Resolution No. 10330 agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as the result of a tax sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.

Council accepted the offer and sell the property to Mr. De Luis. This property has been held by the City of Garland since 2014 and pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with approval of the governing body.

7. APPROVED\*\*

Resolution No. 10331 agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as the result of a tax sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.

Council accepted the offer and sell the property to Mrs. Ramirez. This property has been held by the City of Garland since 2013 and pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with approval of the governing body.

8. APPROVED\*\*

Resolution No. 10332 agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as the result of a tax sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.



Council accepted the offer and sell the property to Mrs. Whitlock. This property has been held by the City of Garland since 2009 and pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with approval of the governing body.

9. APPROVED\*\*

Resolution No. 10333 agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as the result of a tax sale; authorizing the Mayor to execute a Deed without Warranty; and providing an effective date.

Council is requested to consider accepting the offer and sell the property to Mr. Hernandez. This property has been held by the City of Garland since 2011 and pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with approval of the governing body.

10. APPROVED\*\*

Resolution No. 10334 approving a proposal from the Rockwall Central Appraisal District to renovate certain property for continued use by the District and providing an effective date.

A portion of the Garland city limits extends into Rockwall County as an artifact of an old strip annexation that formerly ran from the general city limits, through northeast Dallas County, into Rockwall County, and then onward through Collin County, ending at the City's Olinger power plant located on Lake Lavon. The strip annexation consisted mostly of a 100' wide strip that generally followed the City's transmission lines connecting the Olinger power plant to the City's load centers. The portion of the Garland city limits still located with Rockwall County is minimal, stills generally consists of the City's transmission lines, contains no known population, and has a virtually non-existent taxable value. Nonetheless, the City's presence in Rockwall County makes it a "taxing unit" under the law and hence a "member" as such of the Rockwall Central Appraisal District.

Council approved a proposal from the Rockwall Central Appraisal District to renovate certain property for continued use by the District and providing an effective date.

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

### **11. PUBLIC HEARING HELD**

Hold a public hearing to obtain comments from interested parties regarding the creation of the Tax Increment Financing Zone #3, its boundaries, or the concept of tax increment financing.

At the March 20, 2018 Work Session, Council was provided information to initiate the creation of a Tax Increment Financing Reinvestment Zone #3. Staff provide an overview of the proposed zone boundaries and the preliminary financing plan (a requirement to establish the zone). Council directed staff to proceed with the public hearing.

Mayor Athas opened the public hearing. There were no speakers on this item.

### **12. APPROVED**

Consider an ordinance of the City of Garland, Texas designating a certain area for a Tax Increment Financing District to be known as, Tax Increment Financing Reinvestment Zone Number 3, City of Garland, Texas; establishing the boundaries thereof; establishing a Board of Directors for the reinvestment zone; and other matters related thereto.

Motion was made by Council Member Smith to approve the ordinance for creation of Tax Increment Zone #3, seconded by Council Member LeMay. Motion carried 9 ayes, 0 nays, approving Ordinance No. 6976.

13. APPROVED

Consider Proposed Changes to the Smoking Ordinance

Council is asked to consider proposed changes to Article IV, Chapter 22 (Smoking Ordinance). The specific changes will reflect discussions by the Council at the April 2, 2018 Work Session.

Mayor Athas opened the public hearing. Speakers supporting the amended ordinance and private club exemption were: Larry Simmons, Albert Lesley Dunning, Jr., Scott Binkley, owner Scooters, David Harris, owner Bleachers, Steve Parker, Wes Briggs, Richard Reed, Melisa Dotson, Shannon George, Henry Davis, Shelly Parks, and Terry Kaliney.

Registering a position supporting the amended ordinance and private club exemption, but not testifying: Gary Williams, Wesley Phillips, Janet Jackson, Layne Pegues, Keith H. Weirich, Lorrie Holmes, Erin Weirich, Donald Bersterman, Thomas Kealhofer, Tabby Puckett, Kathy Laughlin, Laura Knight, David Collins, Geoffrey Griner, Jeffrey Burns, Robert Tamez, E. H. Renner III, Amy Wensley, Lisa Lide, Tandy Braymen, Courtney Randolph, Justin Loyd, Tim Smith, Creg Monitto, Tannen Rowson, Pennie Brown, Lisa Curtis, Alida Jones, and Jennifer Sehabaker.

Speakers for a comprehensive smoking ban were: Eric Roberts, Leonard Freeman, Aschelle Morgan, American Heart Association, and Kay Kamm, Cancer Action Network.

Registering a position for a comprehensive smoking ban, but not testifying: Shelia George, Tessa Barlow Covin, Hannah Lundeen, and B. J. Oduze.

Brad Neighbor, City Attorney, provided advice to the Council regarding suggested changes to the ordinance by Kay Kamm, Cancer Action Network. Jason Chessher, Health Director, gave the staff report and provided additional information on private clubs in the metroplex. There was discussion by the

Council. Motion was made by Council Member LeMay to move forward with the draft ordinance allowing private clubs, private place, bingo halls, and public golf course exemptions, seconded by Council Member Aubin.

Council Member Gibbons made a motion to amend the motion to include a provision that the exemption set forth is only for currently operating private clubs and bingo halls that allow smoking as of this date and will become null and void upon the expiration of the current certificate of occupancy or expiration of the current private club license, seconded by Council Member Goebel. Motion carried 7 ayes, 2 nays (Council Members: Nickerson and Smith).

A vote was taken on the main motion, to include the amendment by Mayor Pro Tem Gibbons. Motion carried 6 ayes, 3 nays (Mayor Athas and Council Members: Nickerson and Smith), approving Ordinance No. 6977.

RECESS

Mayor Athas recessed the meeting at 8:27 p.m. for five minutes.

RECONVENE

Mayor Athas reconvened the meeting at 8:32 p.m.

14. PUBLIC HEARING  
HELD

Amendments to the Garland Development Code (GDC)  
Regarding the Allowance of Wineries, Breweries, and  
Distilleries

Public Hearing and Consideration of amendments to Chapter 2: Zoning Regulations, Article 5, Division 2 – Land Use Matrix, Section 2.51 of the Garland Development Code (GDC) regarding the allowance of “Breweries/Wineries/Distilleries”; Chapter 2 Section 2.52(A) to add Special Standards for “Breweries/Wineries/Distilleries”; Chapter 6 Section 6.03 to define “Breweries/Wineries/Distilleries”; and to Chapter 7: Downtown District, Article 2, Section 7.05(B (3), Table 7-1: Downtown District Land Use Matrix of the Garland Development Code (GDC) regarding the allowance of

“Breweries/Wineries/Distilleries” in certain Downtown (DT) District sub-districts.

The staff report was presented by Will Guerin, Director of Planning. Speakers on this item were: Thomas Gallagher and Ashli Martinez. There was discussion by the Council. Motion was made by Council Member Goebel to approve Amendments to the Garland Development Code (GDC) Regarding the Allowance of Wineries, Breweries, and Distilleries based on staff and Plan Commission recommendation, seconded by Council Member Robert Smith. Motion carried 9 ayes, 0 nays.

15. CITIZEN COMMENTS: Grant Laird, Jr.  
Karen Nixon  
Frances Hiner

16. ADJOURN                      There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 8:55 p.m.

CITY OF GARLAND, TEXAS

/s/ Douglas Athas, Mayor

/s/ Eloyce René Dowl, City Secretary



**GARLAND  
PURCHASING REPORT**

**City Council Regular Session Agenda**

**2.a.**

**Meeting Date:** April 17, 2018

**Item Title:** Replacement Golf Carts

**Submitted By:** Doug Swenson, Operations Financial Coordinator

**Bid Number:** 0501-18

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**Purchase Justification:**

The purpose of this request is to replace the golf carts used at the Bridges Course. Golf carts have historically been replaced every three years to ensure not only reliability but also patron safety. This request is to replace 110 carts that have been in service since 2014 and add an additional 10 carts to accommodate the increase of patrons golfing on weekends. The replacement carts utilize new maintenance-free battery technology and are warranted for 5 years instead of the typical 3-year period. This request also includes the replacement of maintenance cart haulers which are used in the day-to-day operation of maintaining the golf course. The current maintenance cart-hauler fleet is over 7 years old with some units out of service.

**Evaluation:**

These replacement golf carts and haulers are being provided through the BuyBoard Purchasing Cooperative Contract 0529-17. We are trading in 103 golf carts for a cost savings of \$206,000.00. This item was originally approved at the March 20, 2018, City Council Meeting; however, the recommended vendor was unable to fulfill the order.

**Award Recommendation:**

| <u><i>Vendor</i></u>                    | <u><i>Item</i></u> | <u><i>Amount</i></u> |
|-----------------------------------------|--------------------|----------------------|
| Mission Golf Cars & Industrial Vehicles | All                | \$633,390.00         |
| <b>TOTAL:</b>                           |                    | <hr/> \$633,390.00   |

**Basis for Award:** Cooperative Purchase

**Purchase Requisition #:** 39533

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**Fiscal Impact**

**Total Project/Account:** \$638,000  
**Expended/Encumbered to Date:** 539  
**Balance:** \$637,461  
**This Item:** 633,390  
**Proposed Balance:** \$4,071  
**Account #:** 256-4419-3653118-9007

**Fund/Dept/Project – Description and Comments:**

Municipal Facilities and Miscellaneous Tax Supported / Firewheel Golf Park Cart  
Replacements

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**Attachments**

Bid Recap

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**Fiscal Reference:**

**Budget Type:** CIP

**Fiscal Year:** 2018

**Document Location:** Page MF11

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**Budget Director Approval:** Ron Young

**Approval Date:** 04/06/2018

**Purchasing Director Approval:** Gary L. Holcomb

**Approval Date:** 04/04/2018







**GARLAND  
PURCHASING REPORT**

**City Council Regular Session Agenda**

**2.b.**

**Meeting Date:** April 17, 2018

**Item Title:** Justice Complex Chiller Replacement

**Submitted By:** Ginny Holliday, Facilities Management Director

**Bid Number:** 0556-18

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**Purchase Justification:**

The purpose of this request is to replace one of the two chillers that services the Justice Complex buildings. The chiller has deteriorated beyond the point of repair and must be replaced. This request includes the purchase and installation of the equipment.

**Evaluation:**

The chiller is being provided and installed by Trane through the US Communities Purchasing Cooperative Contract 15-JLP-023.

**Award Recommendation:**

|  | <u><b>Vendor</b></u> | <u><b>Item</b></u> | <u><b>Amount</b></u> |
|--|----------------------|--------------------|----------------------|
|  | Trane                | All                | \$221,750.00         |
|  |                      | <b>TOTAL:</b>      | <b>\$221,750.00</b>  |

**Basis for Award:** Cooperative Purchase

**Purchase Requisition #:** 39635

---

**Fiscal Impact**

|                                                      |                       |
|------------------------------------------------------|-----------------------|
| <b>Total Project/Account:</b>                        | \$1,804,360           |
| <b>Expended/Encumbered to Date:</b>                  | 1,236,891             |
| <b>Balance:</b>                                      | \$567,469             |
| <b>This Item:</b>                                    | 221,750               |
| <b>Proposed Balance:</b>                             | \$345,719             |
| <b>Account #:</b>                                    | 692-4749-1603707-9007 |
| <b>Fund/Dept/Project – Description and Comments:</b> |                       |

**Attachments**

Bid Recap

---

**Fiscal Reference:**

**Budget Type:** CIP

**Fiscal Year:** 2018

**Document Location:** Page MF01

---

**Budget Director Approval:** Ron Young

**Approval Date:** 04/05/2018

**Purchasing Director Approval:** Gary L. Holcomb

**Approval Date:** 04/04/2018





**GARLAND  
PURCHASING REPORT**

**City Council Regular Session Agenda**

**2.c.**

**Meeting Date:** April 17, 2018

**Item Title:** Police Department Explosive Ordinance Disposal (EOD) Robot

**Submitted By:** Mitch Bates, Chief of Police

**Bid Number:** 0598-18

---

**Purchase Justification:**

The purpose of this request is to purchase an EOD Robot to assist the Police Department's Bomb Unit in conducting investigations related to Chemical, Biological, Radiological, and Nuclear (CBRNE) events. The Remotec FX robotic platform is a significant upgrade to the equipment that is currently in service. The current equipment utilizes decade-old technology and does not meet the capabilities available in a modern robot. The Remotec FX includes the ability to climb stairs and on top of vehicles for better assessment of potential hazards. Additionally, the Remotec FX uses camera technology with infrared and zoom functions that allow the Unit to see in daytime and nighttime conditions. This enhanced technology will allow the Unit to perform EOD operations in all environments and assist the Garland Police SWAT team, Fire Department, and Health Department with any calls related to CBRNE events.

**Evaluation:**

Northrop Grumman, Remotec, Inc., is the manufacturer and Sole Source distributor of the Remotec FX robot.

**Award Recommendation:**

| <u><i>Vendor</i></u>            | <u><i>Item</i></u> | <u><i>Amount</i></u> |
|---------------------------------|--------------------|----------------------|
| Northrop Grumman, Remotec, Inc. | All                | \$297,063.00         |
| <b>TOTAL:</b>                   |                    | <b>\$297,063.00</b>  |

**Basis for Award:** Sole Source

**Purchase Requisition #:** 39683

---

**Fiscal Impact**

**Total Project/Account:** \$475,595

**Expended/Encumbered to Date:** 83,274

**Balance:** \$392,321

**This Item:** 297,063

**Proposed Balance:** \$95,258

**Account #:** 921-9211-9007, 871-1052-1003919-9007,  
871-1052-10023-9007

**Fund/Dept/Project – Description and Comments:**

The Explosive Ordinance Disposal Robot for the Bomb Unit will be funded in the FY 2017-18 Revised Operating Budget by the Narcotic Seizure Fund and Public Safety Grant Funds.

- \$26,798.00 will be funded in Narcotic Seizure in the FY 2017-18 Revised Budget.
- \$59,265 has been submitted for the UASI grant, with expectation of funding being released in FY 2018-19. The grant will reimburse the Public Safety Grant Fund. If the grant is not awarded, \$59,265 will come from the Narcotic Seizure Fund.
- \$211,000 in MMRS 2001 Contract is available in fund balance to be budgeted for this item in the FY 2017-18 Revised Budget.

---

**Attachments**

Bid Recap

---

**Fiscal Reference:**

**Budget Type:** Operating Budget

**Fiscal Year:** 2017-18

**Document Location:** Pages 122 and 123

---

**Budget Director Approval:** Ron Young

**Approval Date:** 04/06/2018

**Purchasing Director Approval:** Gary L. Holcomb

**Approval Date:** 04/05/2018





**GARLAND  
PURCHASING REPORT**

**City Council Regular Session Agenda**

**2.d.**

**Meeting Date:** April 17, 2018

**Item Title:** Image Initiative Advertising Campaign Production

**Submitted By:** Becky King, Managing Director

**Bid Number:** 0582-17

---

**Purchase Justification:**

The purpose of this request is to implement production of the selected advertising campaign developed by Pyro Agency. The campaign is designed to support the Image Management Initiative's goal of improving Garland's image and increasing competitiveness in the Dallas/Fort Worth area. This Change Order is to provide additional photography, video, and design services necessary to produce print, digital, and other advertising materials.

**Evaluation:**

Pyro Agency was originally selected as the Best Value provider at the June 6, 2017, City Council meeting. This item was considered at the April 16, 2018 Work Session.

**Award Recommendation:**

| <u>Vendor</u> | <u>Item</u> | <u>Amount</u>       |
|---------------|-------------|---------------------|
| Pyro Agency   | All         | \$250,000.00        |
| <b>TOTAL:</b> |             | <b>\$250,000.00</b> |

**Basis for Award:** Change Order

**Purchase Requisition #:** 39706

---

**Fiscal Impact**

**Total Project/Account:** \$417,938  
**Expended/Encumbered to Date:** 162,412  
**Balance:** 255,526  
**This Item:** 250,000  
**Proposed Balance:** \$5,526  
**Account #:** 104-1522-7613  
**Fund/Dept/Project – Description and Comments:**

**Attachments**

Bid Recap

---

**Fiscal Reference:**

**Budget Type:** Operating Budget

**Fiscal Year:** 2017-18

**Document Location:** Page 179

---

**Budget Director Approval:** Ron Young

**Approval Date:** 04/05/2018

**Purchasing Director Approval:** Gary L. Holcomb

**Approval Date:** 04/04/2018







**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**3.**

**Meeting Date:** April 17, 2018

**Item Title:** Approval and Adoption of 2018-2019 CDBG, HOME and ESG Grant Funding

**Submitted By:** Mona Woodard, Neighborhood Services Administrator

---

**Summary of Request/Problem**

Attached is the Resolution approving the One Year Plan of Action for 2018-2019 Community Development Block Grant, HOME Infill Partnership Grant and Emergency Solutions Grant programs and funding.

**Recommendation/Action Requested and Justification**

Adopt the attached resolution.

---

**Attachments**

Federal Grant Resolution

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING AND APPROVING THE ONE YEAR PLAN OF ACTION FOR THE 2018/2019 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 One Year Action Plan, which includes the Statement of Community Development Objectives and Projected Use of Funds for the 2018-2019 Community Development Block Grant, HOME Investment Partnership Program and Emergency Solutions Grant programs, is hereby adopted and approved.

**Section 2**

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

**PASSED AND APPROVED this the 17th day of April, 2018.**

**THE CITY OF GARLAND, TEXAS**

**BY: \_\_\_\_\_**  
**Mayor**

**ATTEST:**

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





**GARLAND**  
**CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**4.**

**Meeting Date:** April 17, 2018

**Item Title:** TMPA Waiver Agreement

**Submitted By:** Jeff Janke, Administration

---

**Summary of Request/Problem**

In 2009, the Texas Municipal Power Agency ("TMPA") and the cities of Bryan, Denton, Garland, and Greenville ("Member Cities") entered into the Global Settlement Agreement to resolve outstanding legal disputes amongst TMPA and the Member Cities. As part of this Agreement, effective September 1, 2018, the wholesale transmission postage stamp delivery charges paid by TMPA would move to the Member Cities. However, because the Public Utility Commission of Texas ("PUCT") adopts wholesale transmission charges on a calendar basis, changing payment responsibilities on September 1, 2018 will create accounting difficulties and may prove impracticable. Given this, TMPA and the Member Cities desire that the payment responsibility change be waived until the PUCT adopts its 2019 ERCOT wholesale transmission charge matrix.

Council is asked to decide whether to approve a waiver agreement relating to the Global Settlement Agreement to extend the date for which the Member Cities will commence paying directly for wholesale transmission postage stamp delivery charges that are currently paid through TMPA.

**Recommendation/Action Requested and Justification**

Staff requests approving by resolution the waiver amendment to extend the date for which the TMPA Member Cities will commence paying directly for wholesale transmission postage stamp delivery charges that are currently paid through TMPA. This item was considered at the April 2, 2018 Work Session.

---

**Attachments**

TMPA Waiver Agreement

Resolution - TMPA Waiver Agreement

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**WAIVER AGREEMENT RELATING TO THE  
GLOBAL SETTLEMENT AGREEMENT**

**BETWEEN**

**TEXAS MUNICIPAL POWER AGENCY**

**AND**

**CITY OF BRYAN, TEXAS**

**CITY OF DENTON, TEXAS**

**CITY OF GARLAND, TEXAS**

**CITY OF GREENVILLE, TEXAS**

This Waiver Agreement Relating to the Global Settlement Agreement (the “Waiver Agreement”) is made and entered into by and between the Texas Municipal Power Agency (the “Agency”), a municipal corporation and political subdivision of the State of Texas established pursuant to the provisions of Chapter 163 of the Texas Utilities Code, and the City of Bryan, the City of Denton, the City of Garland, and the City of Greenville, Texas, each of which cities is a municipal corporation of the State of Texas and a home rule city (herein collectively “Cities” or individually “City”) (collectively, the “Parties”), to be effective as of the Effective Date set forth in the recitals below.

**RECITALS**

The Parties have previously entered into the Global Settlement Agreement, effective December 17, 2009, as amended by Amendment No. 1 to the Global Settlement Agreement, effective September 15, 2016 (“Amendment No. 1”). Amendment No. 1 is no longer of any force or effect because the proposed asset purchase agreement contemplated by Amendment No. 1 was not executed and did not close.

The Global Settlement Agreement provides that, commencing after September 1, 2018, the Agency will discontinue paying the postage stamp delivery charges associated with the sale of power and energy from Gibbons Creek, and that, also after such date, the Cities will become responsible for paying such charges directly to transmission providers (such date, the “Delivery Charges Date”).

Because the PUC approved transmission rates are adopted on a calendar year basis, designating September 1, 2018, as the Delivery Charges Date will create accounting difficulties and may prove impracticable and, accordingly, the Parties desire to waive the requirement that the Delivery Charges Date occur on September 1, 2018, to enable TMPA to charge the rates set by the

PUC for calendar year 2018 as final rates until December 31, 2018, and beyond, on an interim basis and subject to refund or surcharge, in accordance with the terms of the order setting such rates, until but not beyond the date upon which final matrix rates set by the PUC for 2019 become effective.

The “Effective Date” of this Waiver Agreement shall be the date that this Waiver Agreement is approved and executed by the last Party to approve this Waiver Agreement.

**NOW, THEREFORE**, in consideration of the recitals set forth above, the mutual covenants, benefits, agreements and obligations of the Parties, as set forth herein, the Agency and each City, each intending to be legally bound, agree as follows:

**Section 1.** For purposes of this Waiver Agreement:

“2019 Matrix Date” means the date on which final rates as set by the PUC in its order adopting the ERCOT wholesale transmission charge matrix for calendar year 2019 become effective.

**Section 2.** The Parties hereby waive the requirement that the Delivery Charges Date occur on September 1, 2018, and agree to extend such date to the 2019 Matrix Date, so that TMPA may charge wholesale transmission charges for delivery of Gibbons Creek-supplied power and energy in accordance with the PUC’s order adopting the 2018 matrix until the 2019 Matrix Date. Effective with the 2019 Matrix Date, TMPA shall exclude transmission costs from any rates charged to the Cities for power or energy, and each City shall pay individually all wholesale transmission costs associated with delivery of power from Gibbons Creek to each City’s points of delivery, shall be responsible for paying such charges directly to transmission providers, and shall not seek reimbursement of such costs from TMPA.

**Section 3.** In the event the PUC’s 2019 Matrix order is not adopted by January 1, 2019, the Agency shall continue to bill for transmission service in accordance with the 2018 Matrix Order, and shall be responsible for and make such surcharges and/or refunds as may be required by the PUC, such that the Agency shall have paid 100% of such refunds or surcharges for payments made in 2019 under the 2018 Matrix Order, in accordance with the PUC’s 2018 and 2019 matrix orders. Similarly, each City shall be responsible for and pay such refunds or surcharges as may be required of each City for transmission services provided in 2019, but initially billed on an interim basis under the 2018 Matrix Order, in accordance with the PUC’s 2019 Matrix Orders, such that each City shall have paid 100% of such charges for delivery of power and energy from TMPA to each City effective as of the 2019 Matrix Date.

**Section 4.** OTHER AGREEMENTS.

(a) All other terms and conditions of the Global Settlement Agreement shall remain in full force and effect.

(b) Each Party warrants that all necessary actions have been taken to make this a binding agreement, including Board or Council action, as applicable.

(c) This Waiver Agreement may be executed in multiple counterparts, each of which shall constitute an original but both or all of which, when taken together, shall constitute but one instrument. This Waiver Agreement may be delivered by the exchange of signed signature pages by facsimile transmission or by attaching a pdf copy to an email, and any printed or copied version of any signature page so delivered shall have the same force and effect as an originally signed version of such signature page.

IN WITNESS WHEREOF, the Parties have executed this Waiver Agreement, to be effective on the Effective Date set forth in the Recitals.

TEXAS MUNICIPAL POWER AGENCY

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Counsel for Texas Municipal Power Agency

CITY OF BRYAN, TEXAS

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Counsel for the City of Bryan, Texas



CITY OF DENTON, TEXAS

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Counsel for the City of Denton, Texas

CITY OF GARLAND, TEXAS

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

CITY OF GREENVILLE, TEXAS

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

GEUS, acting on behalf of the City of Greenville pursuant to its Charter

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Chair of the Board of Trustees of the Electric Utility Board

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A WAIVER AGREEMENT RELATING TO THE GLOBAL SETTLEMENT AGREEMENT BETWEEN AND AMONG THE TEXAS MUNICIPAL POWER AGENCY, THE CITY OF BRYAN, TEXAS, THE CITY OF DENTON, TEXAS, THE CITY OF GARLAND, TEXAS, AND THE CITY OF GREENVILLE, TEXAS; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1**

That the City Manager is hereby authorized to execute a waiver agreement relating to the global settlement agreement between and among the Texas Municipal Power Agency, the City of Bryan, Texas, the City of Denton, Texas, the City of Garland, Texas, and the City of Greenville, Texas in substantially 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 April, 2018.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**5.**

**Meeting Date:** April 17, 2018

**Item Title:** SH 78 (Lavon Dr.) Speed Limit Modifications

**Submitted By:** Paul Luedtke, Transportation Director

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**Summary of Request/Problem**

The Transportation Department has worked with TxDOT to revise speed limits on SH 78 (Lavon Dr.) and is requesting approval from the City Council.

**Recommendation/Action Requested and Justification**

Approve the revised speed limits as follows: Increase the speed limit from Gautney Street to 520 feet north of Castle from 40 MPH to 45 MPH Reduce the speed limit from PGBT to 350 feet north of Firewheel Parkway from 55 MPH to 50 MPH. This item was considered at the April 2, 2018 Work Session.

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**Attachments**

Current Speed Limits

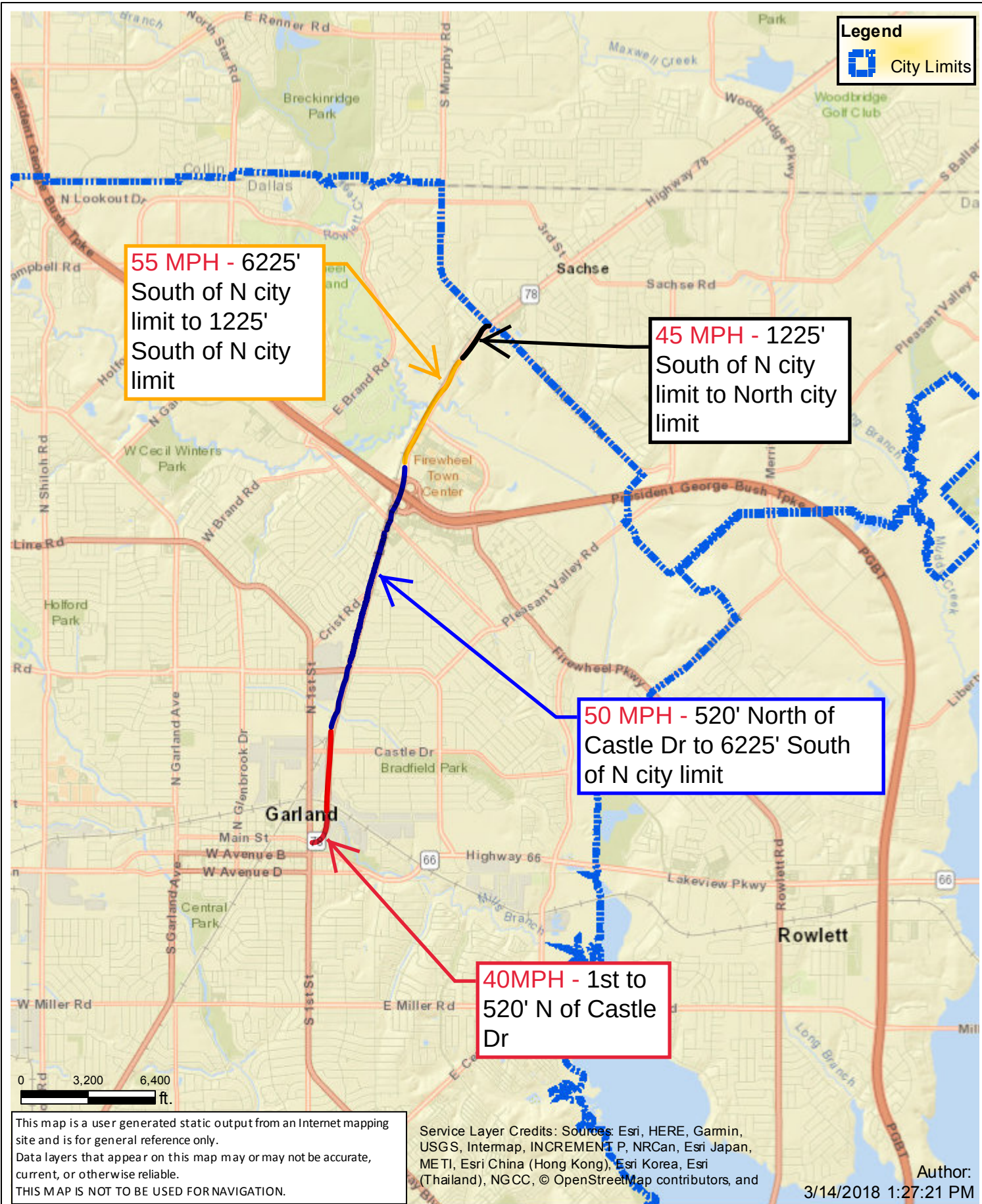
Proposed Speed Limits

Speed Change - Lavon Drive Ordinance

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# SH 78 current Speed Limits as per city Ordinance

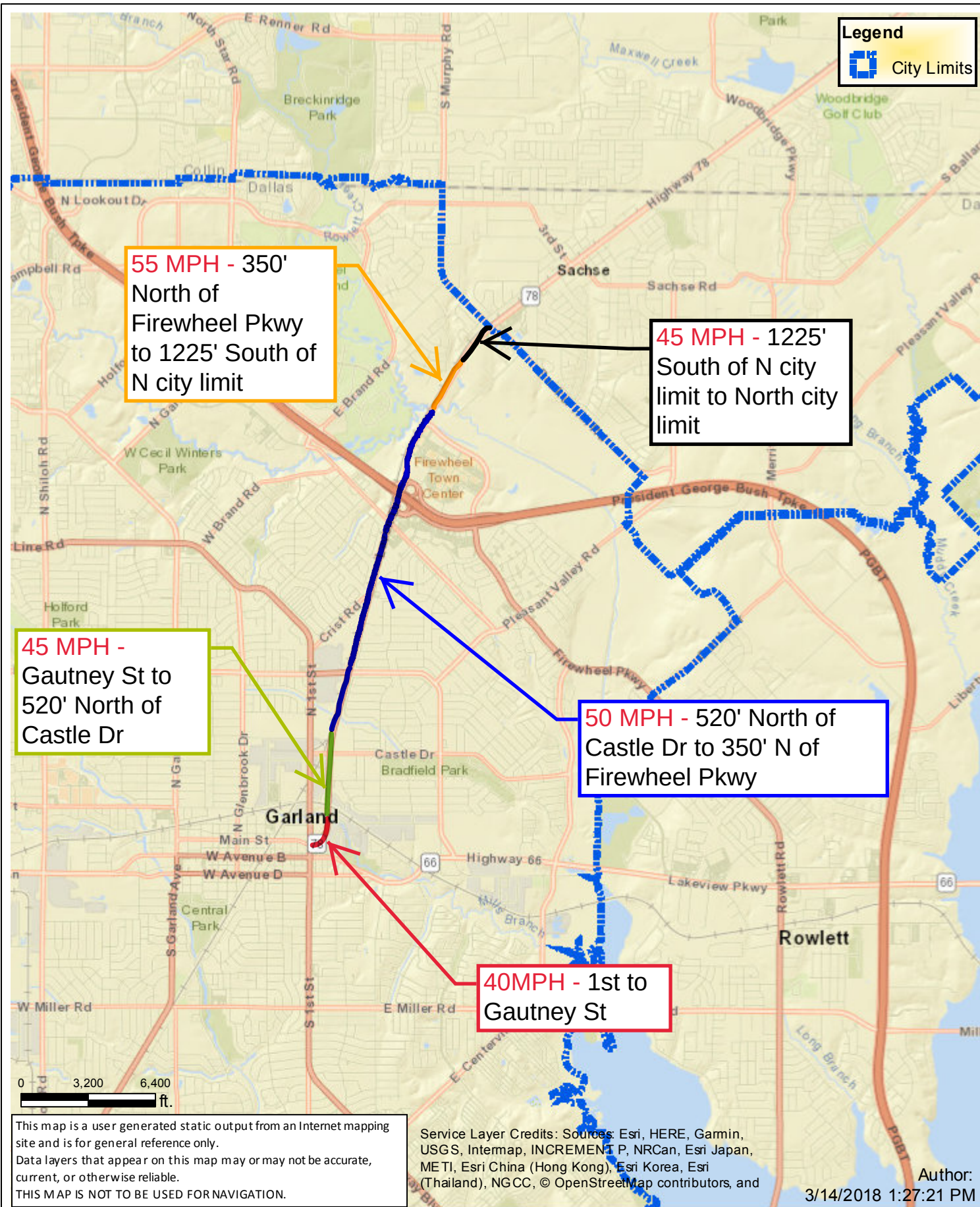
N





# SH 78 proposed Speed Limits

N



**ORDINANCE NO.**

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

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

**Section 1**

That Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by the change to Section 33.30 "Same - Forty miles per hour", of Article III, "Speed Regulations" to read as follows:

**"Street"**

Lavon Drive

**Extent**

First Street to Gautney Street"

**Section 2**

That Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by the addition to Section 33.31 "Same - Forty-five miles per hour", of Article III, "Speed Regulations" to add the following:

**"Street"**

Lavon Drive

**Extent**

Gautney Street to 520 feet north of Castle Drive"

**Section 3**

That Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by the change to Section 33.32 "Same - Fifty miles per hour", of Article III, "Speed Regulations" to read as follows:

**"Street"**

Lavon Drive

**Extent**

From 520 feet north of Castle Drive to 350 feet north of Firewheel Parkway"

**Section 4**

That Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by the change to Section

33.33 "Same - Fifty-five miles per hour", of Article III, "Speed Regulations" to read as follows:

**Street**

Lavon Drive

**Extent**

From 350 feet north of Firewheel Parkway to 1,225 feet south of the north City limit"

**Section 5**

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

**Section 6**

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

**Section 7**

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

**Section 8**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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





**GARLAND  
CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**6.**

**Meeting Date:** April 17, 2018

**Item Title:** Sale of ROW to TxDOT

**Submitted By:** Paul Luedtke, Transportation Director

---

**Summary of Request/Problem**

TxDOT is making improvements to the intersection of SH 78 and Miller Road. City owned right of way is needed for this project and TxDOT has offered to purchase this property.

**Recommendation/Action Requested and Justification**

Authorize the city manager to sell the parcel to TxDOT for the sum of \$236,142.00. This item was considered at the April 2, 2018 Work Session.

---

**Attachments**

Resolution

---

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY TO THE STATE OF TEXAS AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1**

That the Mayor is hereby authorized to execute deed without warranty in substantially the form and substance of that attached hereto conveying a tract or tracts of land to the State of Texas for use in connection with the improvement of SH 78.

**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 \_\_\_\_\_, 2018.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



**GARLAND**  
**CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**7.**

**Meeting Date:** April 17, 2018

**Item Title:** Garland Development Code Amendments regarding Breweries, Wineries, and Distilleries

**Submitted By:** Will Guerin, Planning Director

---

**Summary of Request/Problem**

Consider amending Sections 2.51, 2.52, 6.03 and Table 7-1 of the Garland Development Code (Ordinance 6773, as amended) relating to the creation of a zoning classification for Breweries, Wineries, and Distilleries.

**Recommendation/Action Requested and Justification**

Approval of the attached ordinance. A Public Hearing for this item was conducted at the April 3, 2018 Regular Meeting.

---

**Attachments**

GDC Breweries, Wineries, Distilleries Ordinance

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## **ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTIONS 2.51, 2.52, 6.03, AND TABLE 7-1 OF THE GARLAND DEVELOPMENT CODE (ORDINANCE 6773, AS AMENDED) RELATING TO THE CREATION OF A ZONING CLASSIFICATION FOR BREWERIES, WINERIES, AND DISTILLERIES; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

### **Section 1**

That the schedule of uses contained in the land use matrix in Section 2.51 of the Garland Development Code is hereby amended by:

(1) Adding, as a land use allowed under the division "Industrial Uses" a land use for "Breweries/Wineries/Distilleries";

(2) Designating Breweries/Wineries/Distilleries in the land use matrix as allowed by right ["P"] in the Industrial-IN zoning district and as allowed by specific use provision ["S"] in the following zoning districts:

- Heavy Commercial (HC)
- Light Commercial (LC)
- Community Retail (CR)
- Urban Business (UB) [Mixed Use District]
- Urban Residential (UR) [Mixed Use District];

(3) Providing, in the "Parking Requirements" column of the land use matrix, a parking ratio of 1/1000 gross floor area (gfa), plus 1 space per employee at maximum shift and a parking ratio of 1/100 gfa for dining/tasting areas; and

(4) Providing, in the "Cross-Reference(s) for Special Standards" column of the land use matrix, a reference to Sec. 2.52(A)(35).

### **Section 2**

That 2.52, "Special Standards for Certain Uses" of the Garland Development Code is hereby amended by adding subsection 2.52(A)(35) to read as follows:

“(35) Breweries, Wineries, and Distilleries. Breweries, wineries, and distilleries are subject to all requirements applicable to the zoning district in which any such use may be located, including all applicable screening and loading requirements.

(a) Manufacturing and production activities must be conducted wholly indoors. An outdoor seating area may be provided for samplings and tasting, if otherwise allowed under the Texas Alcoholic Beverage Code, or as a food service area if the facility is operated as a restaurant as defined in this GDC and under this section.

(b) The facility may not emit dust, odor, smoke, gas, fumes, or vibrations beyond the boundary line of the premises on which the facility is located and shall comply with the noise limits contained in the Code of Ordinances.

(c) Outdoor storage of materials or products is prohibited except in the Industrial (IN) District or when allowed under the terms of a specific use provision.

(d) A facility may provide food service and, if so, shall be considered and may operate under this GDC as a restaurant if the facility derives thirty-five percent or more of its gross revenues from food sales so long as the facility otherwise complies with the provisions of this section. Drive-through food service is not allowed at a brewery, winery or distillery operating under the provisions of this section.

(e) The regulations on alcoholic beverages, including distance limitations, contained in this GDC apply to breweries, wineries, and distilleries. The on premise consumption of alcoholic beverages is allowed if so allowed under the Texas Alcoholic Beverage Code and the person operating the facility holds a valid, current license or permit from the Texas Alcoholic Beverage Commission.

### **Section 3**

That Section 6.03 of the Garland Development Code is amended by adding a definition for Breweries, Wineries, and Distilleries to read as follows:

**“BREWERIES, WINERIES, AND DISTILLERIES:** A facility that manufactures in commercial quantities alcoholic beverages from raw materials or blends of raw and processed materials or by mixing, rectifying or distilling processed materials. The term does not include a warehouse or bulk storage facility.”

#### **Section 4**

That the schedule of uses contained in the land use matrix in Table 7-1 of the Garland Development Code is hereby amended by:

(1) Adding, as a land use allowed under the division "Industrial Uses" a land use for "Breweries/Wineries/Distilleries";

(2) Designating Breweries/Wineries/Distilleries in the land use matrix in Table 7-1 as allowed by specific use provision ["S"] in the following zoning districts:

- Downtown Historic
- Uptown
- Suburban Corridor;

(3) Providing, in the "Parking Requirements" column of the land use matrix, a parking ratio of 1/1000 gross floor area (gfa), plus 1 space per employee at maximum shift and a parking ratio of 1/100 gfa for dining/tasting areas; and

(4) Providing, in the "Cross-Reference(s) for Special Standards" column of the land use matrix, a reference to Sec. 2.52(A)(35).

#### **Section 5**

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

#### **Section 6**

That the Garland Development Code (Ordinance No. 6773, as amended), shall be and remain in full force and effect save and except as amended by this Ordinance.

#### **Section 7**

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

**Section 8**

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



**GARLAND**  
**CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**8.**

**Meeting Date:** April 17, 2018

**Item Title:** Proposed Property Exchange - 400-500 Block of Avenue A

**Submitted By:** John Baker, Assistant City Manager

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**Summary of Request/Problem**

The Council was briefed at the December 12, 2017 Work Session regarding a proposed property exchange with the Foundry Church in the 400-500 block of Avenue A. A property exchange contract has been developed for the Council's review.

**Recommendation/Action Requested and Justification**

The Council is asked to consider authorizing the City Manager to execute the agreement by Minute Action. This item was considered at the April 16, 2018 Work Session.

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**Attachments**

Foundry 380 Agreement  
Exhibit A - Foundry Special Warranty Deed to Garland  
Land Swap Church to City of Garland  
Exhibit B - Garland Special Warranty Deed to Foundry  
Land Swap City of Garland to Church  
Plat Exhibit Draft  
Foundry Church Exhibits

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## **ECONOMIC DEVELOPMENT AGREEMENT**

THIS ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT (“Agreement”) is entered into by and between the City of Garland, a Texas home-rule municipality of Dallas County, Texas (“City”), and The Foundry Church, a Texas non-profit corporation (“Owner”). The Owner and the City may be referred to jointly herein as the “Parties” and individually as “Party.”

### **RECITALS:**

The City and Owner each acknowledge and agree that the following recitals are true and correct and that the same are a material part of this Agreement:

**WHEREAS**, the City desires to further the public interest and welfare and to induce the investment of private resources in productive business enterprises located in historic areas of the City in order to increase tax revenue for real and business personal property within the City, promote tourism in the historic downtown district through the restoration of historic structures to a substantially similar design and appearance of that of late 19<sup>th</sup> century and early 20<sup>th</sup> century architecture, and promote or develop new business enterprises; and

**WHEREAS**, Owner intends to redevelop, and make substantial real property improvements (“Project”) to a certain historical tract of land (“Property”) located in the historic downtown district of the City of Garland, Dallas County, Texas, commonly known as 525 West Avenue A, Garland, Texas, and more particularly described as:

Being Lot 7R, Block 9, of the Martinville Addition, an addition to the City of Garland, Texas, according to the plat thereof, recorded in Volume 98215, Page 13, of the Official Public Records of Dallas County, Texas (“Property”).

**WHEREAS**, Owner and City recognize the architectural value and significance of the Property located in the historic downtown district, and have the common purpose of conserving and preserving the architectural value and significance of the Property’s façade to promote tourism to the area;

**WHEREAS**, the Project will result in (1) increased economic development in the City, including increases in the number of visitors to the historic downtown area, (2) further development in the area by attracting quality retailers, (3) increased retail shopping traffic and contribute to the revitalization of the historic downtown square, and (4) an increase in tax revenues because of investments in neighboring real property, business personal property, and taxable sales within the City;

**WHEREAS**, the Project will have a direct and positive economic benefit to City; and

**WHEREAS**, Owner has advised the City that a contributing factor inducing Owner to redevelop the Property is an agreement by the City to provide an economic development grant to Owner as set forth herein; and

**WHEREAS**, the City is authorized by Article 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code to provide a program for economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, the City wishes to provide incentives to Owner to assist in the economic development of the City, including participating in a “land swap” with Developer (“Economic Development Incentives”); and

**WHEREAS**, the City has determined, based on information presented to it by Owner, that making an economic development incentive grant to Owner in accordance with this Agreement furthers the City’s economic development goals and will: (i) promote the economic development objectives of the City; (ii) benefit the City and the City’s inhabitants; and (iii) advance local economic development and stimulate business and commercial activity in the City; and

**WHEREAS**, the City hereby finds that this Agreement embodies an eligible Program (defined below) and clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and further, is in the best interests of the City;

**NOW, THEREFORE**, Owner and the City make and enter into this Agreement in consideration of the mutual covenants and agreements contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both Owner and the City, and agree as follows:

## **TERMS AND CONDITIONS**

The term of this Agreement shall begin upon the execution hereof by both Parties and end upon the later of complete performance of all obligations and conditions precedent by parties to this Agreement or ten years from the date on which the Property is first open to the general public, unless sooner terminated in writing in accordance with this Agreement.

### **1. Obligations and Duties of the Owner.**

- a. Grant of Easement. As part of the consideration for the Economic Development Incentives, Owner agrees to grant to the City, substantially in the form and substance attached hereto in Preliminary Plat Exhibit XXX, a XXX square foot exclusive and perpetual right-of-way easement along the northern boundary of the Property (“Easement”).
- b. Property Conveyance to the City. As part of the consideration for the Economic Development Incentives, Owner agrees to grant and convey to the City in fee a

4,908 square foot portion of the Property along the Property's eastern boundary, substantially in the form and substance attached hereto as **Exhibit A** and incorporated herein by reference for all purposes. The conveyance of the portion of the Property from the Owner to the City shall take place within 180 days from the execution of this Agreement.

- c. Opposition to Alcohol Sales. Owner recognizes that as a result of their intended use of the property as a church, Owner may obtain various rights under state or local law to protest or otherwise object to the sale or service of alcoholic beverages at neighboring establishments based on the proximity of such sales to the Property. In further consideration for the Economic Development Incentives, Owner agrees that Owner will not oppose, protest, or otherwise raise objections to attempts by any such neighboring establishments seeking approval to sell or serve alcoholic beverages at their establishments. Owner further agrees not to oppose, protest, or otherwise object to any governing or regulatory body's proceedings regarding review of or the granting of any form of permission or variance allowing for the sale and/or service of alcoholic beverages in areas near the Property.

## 2. **Obligations and Duties of the City.**

- a. Dedication of Alley. The City shall dedicate for public use a **XXX** square foot tract of land owned by the City, more particularly described in Preliminary Plat Exhibit **XXX**. Such dedication shall be for the purpose of extending the existing alleyway along the north boundary of the Property and connecting said alley to Fifth Street.
  - b. Property Conveyance to the Owner. As part of the consideration for the Economic Development Incentives, City agrees to conduct a "land swap" with Owner by granting and conveying to the Owner in fee an approximate 597 square foot portion of land owned by the City along the Property's eastern boundary, substantially in the form and substance attached hereto as **Exhibit B** and incorporated herein by reference for all purposes, in exchange for the real property interests conveyed to the City from the Owner pursuant to above Section 1. The conveyance of the portion of the Property from the City to the Owner shall take place within 180 days from the execution of this Agreement.
3. Default and Recapture. The City shall notify the Owner, in writing, of a default by the Owner in complying with the terms and provisions of this Agreement. In the event that the Owner 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), Owner shall promptly reimburse the City an amount equal to one-tenth (1/10<sup>th</sup>) of the Reimbursement Payment for each calendar year in which an uncured default has occurred, up to 10 years (not including the calendar year in which the Reimbursement Amount was paid by the City) following the payment of the Reimbursement Amount by the City to the Owner.

4. Indemnification. OWNER HEREBY AGREES TO PAY, PROTECT, INDEMNIFY, HOLD HARMLESS AND DEFEND AT ITS OWN COST AND EXPENSE, THE CITY, ITS AGENTS, DIRECTORS, OFFICIALS, AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITIES, EXPENSES, COSTS, DAMAGES, LOSSES, AND EXPENDITURES (INCLUDING REASONABLE ATTORNEY'S FEES AND DISBURSEMENTS HEREAFTER INCURRED) ARISING OUT OF OR IN CONNECTION WITH INJURY TO OR DEATH OF ANY PERSON; PHYSICAL DAMAGE TO PROPERTY; THE PRESENCE OR RELEASE IN, ON, OR ABOUT THE PROPERTY, AT ANY TIME, OF ANY SUBSTANCE NOW OR HEREAFTER DEFINED, LISTED, OR OTHERWISE CLASSIFIED PURSUANT TO ANY LAW, ORDINANCE, OR REGULATION AS A HAZARDOUS, TOXIC, POLLUTING, OR CONTAMINATING SUBSTANCE; OR OTHER INJURY OR OTHER DAMAGE OCCURRING ON OR ABOUT THE PROPERTY, INCLUDING WITH THE EASEMENT AREA. IN THE EVENT THAT OWNER IS REQUIRED TO INDEMNIFY THE CITY PURSUANT TO THE TERMS OF THIS PARAGRAPH, THE AMOUNT OF SUCH INDEMNITY, UNTIL DISCHARGED, SHALL CONSTITUTE A LIEN ON THE PROPERTY WITH THE SAME EFFECT AND PRIORITY AS A MECHANIC'S LIEN. PROVIDED, HOWEVER, THAT NOTHING CONTAINED HEREIN SHALL JEOPARDIZE THE PRIORITY OF ANY RECORDED LIEN OF MORTGAGE OR DEED OF TRUST GIVEN IN CONNECTION WITH A PROMISSORY NOTE SECURED BY THE PROPERTY.
5. Notwithstanding any provision located herein to the contrary, the City is not warranting or otherwise making any promises, agreements, or covenants which grant Owner the authority or right to redevelop the Property. Any subsequent redevelopment of the Property is to be controlled by all applicable laws, regulations, development standards, and ordinances.
6. Limitation of Liability. NOTWITHSTANDING ANY PROVISION CONTAINED HEREIN TO THE CONTRARY, TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL LIABILITY, IN THE AGGREGATE, OF CITY, ITS OFFICERS, EMPLOYEES, OR AGENTS, TO OWNER, AND ANYONE CLAIMING BY, THROUGH, OR UNDER OWNER FOR ANY CLAIMS, LOSSES, COSTS, OR DAMAGES WHATSOEVER ARISING OUT OF, RESULTING FROM OR IN ANY WAY RELATED TO THIS PROJECT OR AGREEMENT FROM ANY CAUSE OR CAUSES, INCLUDING BUT NOT LIMITED TO INTENTIONAL TORTS, NEGLIGENCE, PREMISES DEFECTS, STRICT LIABILITY, BREACH OF CONTRACT, OR BREACH OF WARRANTY, SHALL NOT EXCEED THE REIMBURSEMENT AMOUNT.
7. Severability. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

8. Waiver. Either the City or Owner shall have the right to waive any requirement contained in this Agreement, which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.
9. Assignment. This Agreement may not be assigned by Owner without the City's written consent.
10. Governing Law; Venue. This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Dallas County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Dallas County, Texas.
11. 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. 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.
12. 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.
13. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
14. Entire Agreement. It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally and no written modification of this Agreement shall be effective unless executed by both parties.
15. Relationship of Parties; No Third Party Beneficiaries. 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. There are no third-party beneficiaries to this Agreement and no third-party beneficiaries are intended by implication or otherwise.

16. Dispute Resolution. In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this Agreement, the parties will first attempt to resolve the dispute by taking the following steps:

- a. A written notice (the "Notice of Dispute") substantially describing the nature of the dispute shall be delivered by the dissatisfied party (the "Dissatisfied Party") to the other party (the "Responding Party"), which Notice of Dispute shall request a written response (the "Response") which attempts to resolve the dispute; and
- b. If the Responding Party fails to deliver the Response within ten (10) days after its receipt of the Notice of Dispute, either party may proceed to institute any lawsuit or proceeding arising from this Agreement. If the Responding Party timely delivers the Response to the Dissatisfied Party and the Response does not reasonably resolve the dispute in the opinion of the Dissatisfied Party, the Dissatisfied Party shall deliver written notice to that effect (the "Notice of Continuing Dispute") to the Responding Party. Within thirty (30) days after the Responding Party's receipt of the Notice of Continuing Dispute, an individual appointed by the Dissatisfied Party having authority over the activities of the Dissatisfied Party and an individual appointed by the Responding Party having authority over the activities of the Responding Party shall meet in person at a time and location mutually acceptable to the parties in an effort to resolve the dispute. In the event that the Dissatisfied Party and the Responding Party are unable to agree on the time and location of such meeting, or after such meeting a dispute remains, either party may proceed to institute any lawsuit or proceeding arising from this Agreement.

17. Notices. All notices required to be given under this Agreement shall be in writing and shall be given by either Party or its counsel in person, via an express mail service or via courier or via receipted facsimile transmission (but only if duplicate notice is also given via express mail service or via courier or via certified mail) or certified mail, return receipt requested, to the respective parties at the below addresses (or at such other address as a party may hereafter designate for itself by notice to the other party as required hereby). All notices given pursuant to this paragraph shall be deemed effective, as applicable, on the date such notice may be given in person or next business day following the date on which such communication is transferred via facsimile transmission, or as applicable, when deposited with the express mail service, courier, or in the United States mails. Any party may change its address for notices under this Agreement by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address.

If to City:

City of Garland  
200 N. Fifth Street  
PO Box 469002  
Garland, Texas 75046-9002

If to Owner:

The Foundry Church,  
XXXXXXXXXXXXX  
Garland, Texas 75XXX

Attn: City Manager

Attn:

Phone: (972) 205-2000

Phone :

With a required copy to:

With a required copy to:

City Attorney  
200 N. Fifth Street  
PO Box 469002  
Garland, Texas 75046-9002

Phone: (972) 205 - 2380

18. Time of the Essence. Time is of the essence in the performance of this Agreement. If any deadline contained herein ends on a Saturday, Sunday or a legal holiday generally recognized by banks in the State of Texas, such deadline shall automatically be extended to the next day that is not a Saturday, Sunday or legal holiday.
19. Employment of Undocumented Workers. During the Term of this Agreement the Owner agrees not to knowingly employ any undocumented workers and if convicted of a violation under 8 U.S.C. Section 1324a (f), the Owner shall repay the amount of the Incentive actually paid to and received by Owner from by the City as of the date of such violation within 120 business days after the date the Owner is notified by the City of such violation, plus interest at the rate of 6% compounded annually from the date of violation until paid. The Owner is not liable for a violation of this Section in relation to any workers employed by a subsidiary, affiliate, or franchisee of the Owner or by a person with whom the Owner contracts.
20. Governmental Powers; Waiver of Immunity. By its execution of this Agreement, the City does not waive or surrender any of its governmental powers, immunities, or rights that would otherwise be available to it by law. Nothing in this Agreement is intended to delegate or impair the performance by the City of its governmental functions.
21. Effective Date. The effective date of this Agreement shall be the date on which this Agreement is approved by the Garland City Council.

**OWNER:**

**The Foundry Church,** a Texas non-profit corporation

By: \_\_\_\_\_  
Name:  
Title:

**CITY:**

**City of Garland, Texas,** a home-rule municipality

By: \_\_\_\_\_  
Bryan Bradford  
City Manager

Date Executed: \_\_\_\_\_

Date Executed: \_\_\_\_\_



**DEED WITHOUT WARRANTY**

STATE OF TEXAS                   §  
                                             §  
COUNTY OF DALLAS           §

**KNOW ALL BY THESE PRESENTS:**

That **The Foundry Church**, a Texas non-profit corporation ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **The City of Garland, Texas**, a Texas home-rule municipal corporation ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain 0.044 acre lot, tract, or parcel of land situated in the City of Garland, County of Dallas, State of Texas as more particularly described in Exhibit "A", attached hereto (**the "Property"**).

This Deed without Warranty is subject to:

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

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

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

Exhibit "A"

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

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**GRANTOR:**

The Foundry Church, a Texas non-profit corporation

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

THE STATE OF TEXAS           §  
                                          §  
COUNTY OF DALLAS         §

The foregoing instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, in his capacity as \_\_\_\_\_ of the Foundry Church.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

**EXHIBIT A**  
**4,908-SQUARE-FOOT TRACT OF LAND**  
**Part of**  
**LOT 7R, BLOCK 9 OF**  
**MARTINVILLE ADDITION**  
**AND EMBRACING PART OF**  
**Avenue A and a Platted 20-foot Alley**  
**Situated in the Joel Crumpacker Survey, A-328**  
**THE CITY OF GARLAND, DALLAS COUNTY, TEXAS**

BEING a 4,908-square-foot tract of land situated in the Joel Crumpacker Survey, Abstract Number 328, Dallas County, Texas, and also being in City of Garland, and embracing a portion of Lot 7R, Block 9, of Martinville Addition, as said lot appears on the plat thereof recorded in Volume 98215, at Page 13 of the Deed Records of Dallas County, Texas, and also embracing a portion of a 25-foot-wide strip of land commonly known as Santa Fe Street running parallel with and northwest of the Gulf, Colorado & Santa Fe Railway according to the plat of Embree recorded in Volume 77, at Page 441 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a X set on a concrete slab on the prolongation of the apparent northerly right-of-way line of Avenue A at N 89°37'23"E a distance of 10.00 feet from the southeast corner of Lot 7R, Block 9 of the aforementioned Martinville Addition from which a 5/8-inch steel rod with an orange plastic cap stamped "SOUTH TEXAS SURVEYING INC" bears S 56-3/4' W a distance of 0.27 feet, and said beginning point having coordinates of:

X = 2,540,194.63 feet,  
Y = 7,019,746.28 feet;

THENCE N 00°12'22"W at a distance of 45.09 feet pass the northwesterly line of a 25-foot-wide strip of land as it appears on the aforementioned plat of Embree and that is commonly known as Santa Fe Street, and continuing on the same course for an additional distance of 80.02 feet for a total distance of 125.11 feet to a 5/8-inch steel rod set with an orange plastic cap stamped "R-DELTA FIRM#10155000" on the southerly right-of-way line of the aforementioned 20-foot alley;

THENCE N 89°47'38"E with the southerly right-of-way line of said 20-foot alley at a distance of 46.93 feet pass the northeast corner of said Lot 7R, Block 9, the same being at the northwesterly line of said Santa Fe Street and continue on the same course with the prolongation of said southerly right-of-way line of the 20-foot alley for an additional distance of 28.98 feet for a total distance of 75.91 feet to a point on the southeast right-of-way line of said Santa Fe Street, 200.0 feet measured perpendicular from the centerline of the Gulf, Colorado & Santa Fe Railway's main line railroad tracks;

THENCE S 30°10'51"W running parallel with and 200.0 feet northwest of the centerline of the Gulf, Colorado & Santa Fe Railway main line railroad tracks, at a distance of 144.42 feet pass 0.35 feet southeast of an X found on a concrete slab marking the southwesterly corner of Lot 1, Block 1 of Fifth Street Addition No. 2, according to the plat thereof recorded in Volume 2002201, at Page 77 of the Deed Records of Dallas County, Texas, and continue for an additional distance of 0.61 feet for a total distance of 145.03 feet to a point on the prolongation of the apparent northerly right-of-way line of Avenue A;

THENCE S 89°37'23"W with the prolongation of the apparent northerly right-of-way line of Avenue A, a distance of 2.55 feet to the POINT OF BEGINNING and containing 4,908 square feet of land of which 3,255 square feet is within the right-of-way of the 25-foot strip known as Santa Fe Street leaving a net of 1,653 square feet of land.

A graphical exhibit of even date accompanies this exhibit.

The coordinates and bearings shown hereon are NAD83 (CORS 96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202),

The ties to the published control monuments were made using conventional survey methods. The convergence angle at P.O.B. is +1 degree 00 minutes 58 seconds. All distances are reported as horizontal surface measurements. To convert reported distances to the projection plane apply the combined factor of 0.999853290.

*Wayne C. Terry*  
  
*March 30, 2018*

|                                                        |  |                                               |                    |
|--------------------------------------------------------|--|-----------------------------------------------|--------------------|
| <b>rdelta</b>                                          |  | 618 Main Street                               | www.rdelta.com     |
| <b>ENGINEERS</b>                                       |  | Garland, TX 75040                             | TBPE No. F-1515    |
|                                                        |  | Ph. (972) 494-5031                            | TBPLS No. 10155000 |
|                                                        |  | Fax (972) 487-2270                            |                    |
| <b>ENGINEERS, LAND PLANNERS<br/>AND LAND SURVEYORS</b> |  |                                               |                    |
| DRAWN BY:<br>WCT/WAL                                   |  | CHECKED BY:<br>WCT                            | 1"=20'             |
| DATE:<br>MAR 2018                                      |  | RDE No. 2577-18<br>Foundry to City of Garland |                    |



# EXHIBIT A

## 4,908-SQUARE-FOOT TRACT OF LAND

### Part of

## LOT 7R, BLOCK 9 OF

## MARTINVILLE ADDITION

## AND EMBRACING PART OF

## Avenue A and a Platted 20-foot Alley

## Situated in the Joel Crumpacker Survey, A-328

## THE CITY OF GARLAND, DALLAS COUNTY, TEXAS

Wayne C. Terry

STATE OF TEXAS

REGISTERED

★

WAYNE C. TERRY

4184

PROFESSIONAL

LAND SURVEYOR

March 30, 2018

A land description of even date accompanies this exhibit.

The coordinates and bearings shown hereon are NAD83 (CORS 96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202),

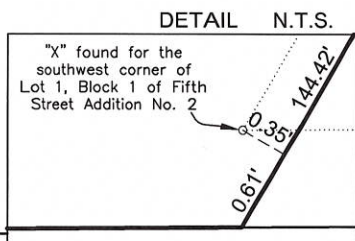
20-foot Public Alley  
(Embree Vol. 77, Pg. 441)

The ties to the published control monuments were made using conventional survey methods. The convergence angle at Point of Beginning is +1 degree 00 minutes 58 seconds. All distances are reported as horizontal surface measurements. To convert reported distances to the projection plane apply the combined factor of 0.999853290.



**LEGEND:** 1 inch = 20 feet

- CSRF - 5/8-inch STEEL ROD WITH ORANGE CAP  
STAMPED "SOUTH TEXAS SURVEYING INC" FOUND
- D.R.D.C.T. - DEED RECORDS OF DALLAS COUNTY, TEXAS
- RDS - 5/8-INCH STEEL ROD WITH ORANGE CAP  
STAMPED "R-DELTA FIRM#10155000" SET
- PG. - PAGE
- SF - SQUARE FEET
- VOL. - VOLUME
- XS - X Set



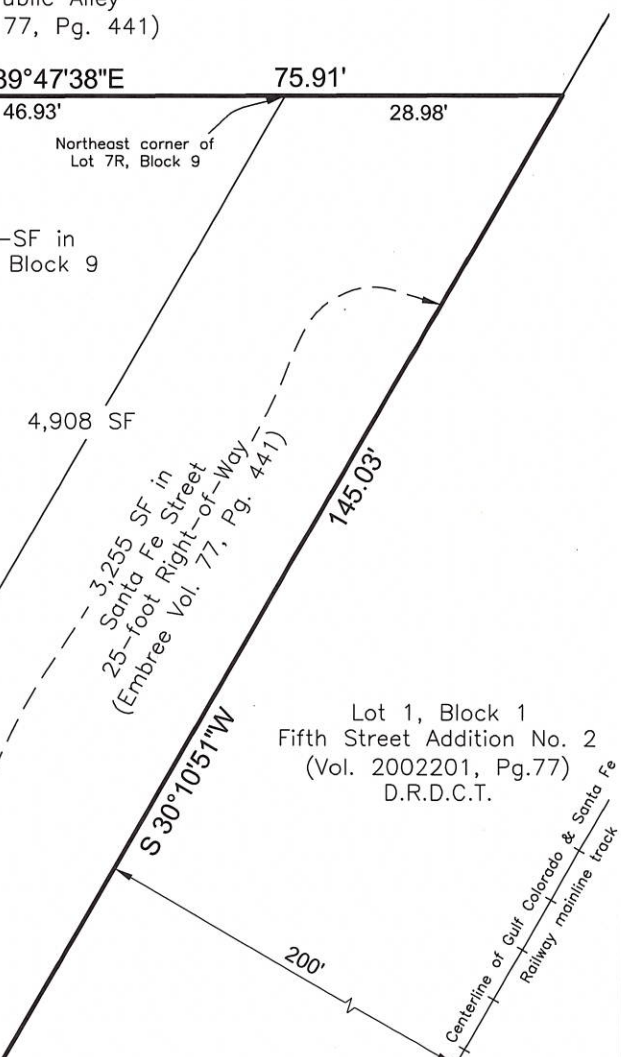
Point of Beginning  
X= 2,540,194.63'  
Y= 7,019,746.28'

bears S 56-3/4° W ~ 0.27'

Avenue A  
(Variable width Right-of-Way)

N 89°37'23"E 10.00'  
Apparent North Right-of-Way

S 89°37'23"W 2.55'



**rdelta**  
ENGINEERS

618 Main Street www.rdelta.com  
Garland, TX 75040 TBPE No. F-1515  
Ph. (972) 494-5031 TBPLS No. 10155000  
Fax (972) 487-2270

ENGINEERS, LAND PLANNERS  
AND LAND SURVEYORS

DRAWN BY:  
WCT/WAL

CHECKED BY:  
WCT

1"=20'

DATE:  
MAR 2018

RDE No. 2577-18  
Foundry to City of Garland

**DEED WITHOUT WARRANTY**

**STATE OF TEXAS**                   §  
                                                 §  
**COUNTY OF DALLAS**           §

**KNOW ALL BY THESE PRESENTS:**

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **The Foundry Church**, a Texas non-profit corporation ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain 0.008 acre lot, tract, or parcel of land situated in the City of Garland, County of Dallas, State of Texas as more particularly described in Exhibit "A", attached hereto (**the "Property"**).

This Deed without Warranty is subject to:

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

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

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

Exhibit "B"

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

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**GRANTOR:**

CITY OF GARLAND, a Texas home-rule  
municipality

\_\_\_\_\_  
Mayor

THE STATE OF TEXAS           §  
                                          §  
COUNTY OF DALLAS         §

The foregoing instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, in his capacity as Mayor of the City of Garland.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS



**EXHIBIT B**  
**597-SQUARE-FOOT TRACT OF LAND**  
**Part of**  
**LOT 7R, BLOCK 9 OF**  
**MARTINVILLE ADDITION**  
**AND EMBRACING PART OF**  
**Avenue A and a Platted 20-foot Alley**  
**Situated in the Joel Crumpacker Survey, A-328**  
**THE CITY OF GARLAND, DALLAS COUNTY, TEXAS**

BEING a 597-square-foot tract of land situated in the Joel Crumpacker Survey, Abstract Number 328, Dallas County, Texas, and also being in City of Garland, and embracing a portion of Lot 7R, Block 9, of Martinville Addition, as said lot appears on the plat thereof recorded in Volume 98215, at Page 13 of the Deed Records of Dallas County, Texas, and also embracing a portion of a 25-foot-wide strip of land commonly known as Santa Fe Street running parallel with and northwest of the Gulf, Colorado & Santa Fe Railway according to the plat of Embree recorded in Volume 77, at Page 441 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a X set on a concrete slab on the prolongation of the apparent northerly right-of-way line of Avenue A at N 89°37'23"E a distance of 10.00 feet from the southeast corner of Lot 7R, Block 9 of the aforementioned Martinville Addition from which a 5/8-inch steel rod with an orange plastic cap stamped "SOUTH TEXAS SURVEYING INC" bears S 56-3/4° W a distance of 0.27 feet, and said beginning point having coordinates of:

X = 2,540,194.63 feet,  
Y = 7,019,746.28 feet;

THENCE S 89°37' 23" W with the apparent northerly right-of-way line of Avenue A (a variable width right-of-way) at a distance of 10.00 feet pass the aforementioned southeast corner of said Lot 7R, and continuing with the apparent northerly right-of-way line of Avenue A and with the southerly line of said Lot 7R, for an additional distance of 16.49 feet for a total distance of 26.49 feet to a point on the northwesterly line of a 25-foot-wide strip of land as it appears on the aforementioned plat of Embree and that is commonly known as Santa Fe Street, said point is 225.00 feet measured perpendicular from the centerline of the Gulf, Colorado & Santa Fe Railway's main line railroad tracks;

THENCE N 30°10' 51" E with the northwesterly line of the aforementioned Santa Fe Street, and running parallel with and 225.0 feet northwest of the centerline of the Gulf, Colorado & Santa Fe Railway main line railroad tracks, at a distance of 32.43 feet pass an angle point in the easterly line of the last mentioned Lot 7R, Block 9, from which a 5/8-inch steel rod found with an orange plastic cap stamped "SOUTH TEXAS SURVEYING INC" bears N 2-3/4° W a distance of 1.16 feet, and continuing on the same course and with the easterly line of said Lot 7R for an additional distance of 19.93 feet for a total distance of 52.36 feet;

THENCE S 00°12' 22" E at a distance of 44.39 feet pass 2.55 feet west of an "X" found on a concrete slab marking the southwesterly corner of Lot 1, Block 1 of Fifth Street Addition No. 2, according to the plat thereof recorded in Volume 2002201, at Page 77 of the Deed Records of Dallas County, Texas, and continue for an additional distance of 0.70 feet for a total distance of 45.09 feet to the POINT OF BEGINNING and containing 597 square feet of land of which 230 square feet is within the aforementioned Lot 7R, Block 1 of Martinville Addition and 367 square feet of land in a 10-foot-wide strip of land to the east of said lot.

A graphical exhibit of even date accompanies this exhibit.

The coordinates and bearings shown hereon are NAD83 (CORS 96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202),

The ties to the published control monuments were made using conventional survey methods. The convergence angle at P.O.B. is +1 degree 00 minutes 58 seconds. All distances are reported as horizontal surface measurements. To convert reported distances to the projection plane apply the combined factor of 0.999853290.

*Wayne C. Terry*  
  
*March 30, 2018*

|                                                |  |                                       |                                   |
|------------------------------------------------|--|---------------------------------------|-----------------------------------|
| <b>rdelta</b>                                  |  | 618 Main Street<br>Garland, TX 75040  | www.rdelta.com<br>TBPE No. F-1515 |
| <b>ENGINEERS</b>                               |  | Ph. (972) 494-5031 TBPLS No. 10155000 |                                   |
|                                                |  | Fax (972) 487-2270                    |                                   |
| ENGINEERS, LAND PLANNERS<br>AND LAND SURVEYORS |  |                                       |                                   |
| DRAWN BY:<br>WCT/WAL                           |  | CHECKED BY:<br>WCT                    | 1"=20'                            |
| DATE:<br>MAR 2018                              |  | 2577-18<br>City of Garland to Foundry |                                   |



Wayne C. Terry

STATE OF TEXAS  
REGISTERED  
★  
WAYNE C. TERRY  
4184  
PROFESSIONAL  
LAND SURVEYOR

028  
TEXAS

March 22, 2018

**rdelta**  
**E N G I N E E R S**

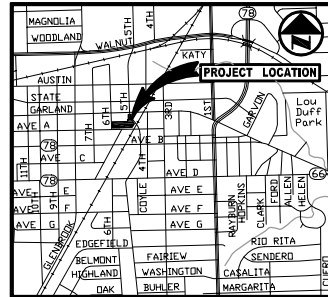
618 Main Street  
 Garland, TX 75040  
 Ph. (972) 494-5031  
 Fax (972) 487-2270

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 TBPE No. F-1515  
 TBPLS No. 10155000

ENGINEERS, LAND PLANNERS  
 AND LAND SURVEYORS

|                      |                                       |          |
|----------------------|---------------------------------------|----------|
| DRAWN BY:<br>WCT/WAL | CHECKED BY:<br>WCT                    | 1" = 20' |
| DATE:<br>MAR 2018    | 2577-18<br>City of Garland to Foundry |          |





VICINITY MAP  
NOT TO SCALE

**SIXTH STREET**  
(FORMERLY FOURTH STREET)  
(70-FOOT RIGHT-OF-WAY)  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)

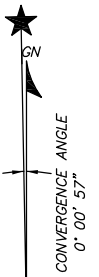
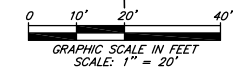
**MAIN STREET**  
(FORMERLY NORTH STREET)  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)

Quit Claim to  
The City of Garland  
July 25, 1990  
(Vol. 90186, Page 2289)

VARIABLE WIDTH  
RIGHT-OF-WAY  
RESERVATION

Quit Claim to  
The City of Garland  
September 6, 1955  
(Vol. 4399, Page 598)

CITY OF GARLAND  
April 11, 2005  
(Vol. 2005083, Page 1534)



CARLOS AND JODIE PORRAS  
December 8, 2015  
(CC# 201500324299)

LOT 5, BLOCK 9  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)

LOT 4, BLOCK 9  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)

SUZANNE McFADDEN, MARILOU  
COX AND BARBARA VELLA  
June 7, 1999  
(Vol. 99121, Pg. 894)  
June 13, 2000  
(Vol. 2000124, Pg. 2660)

LOT 3, BLOCK 9  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)

BAKER HERITAGE  
INVESTMENTS, LTD.,  
December 30, 1998  
(Vol. 99004, Pg. 870)

LARRY AND SUZANE HISHMEH  
October 13, 2017  
(CC# 201700292296)

KERRY AND NANCY PEAVEY  
April 25, 2013  
(CC# 201300137738)

KERRY AND NANCY PEAVEY  
April 25, 2013  
(CC# 201300137740)

KERRY AND NANCY PEAVEY  
May 12, 1993  
(Vol. 93100, Pg. 5091)

LOT 1, BLOCK 9  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)

KERRY AND NANCY PEAVEY  
April 25, 2013  
(CC# 201300137739)

N 00°19'09"W  
20.62'

N 00°19'09"W  
101.80'

N 30°10'51"E  
24.66'

N 30°10'51"E  
1.48'

N 89°47'38"E  
59.90'

S 30°10'51"W  
57.36.1'

S 32°10'21"E

**FIFTH STREET**  
ORDINANCE No. 1936  
June 3, 1971  
(Vol. 71126, Page 1964)

**GC&SF RAILROAD**  
(100-FOOT RIGHT-OF-WAY)  
April 24, 1886  
(Vol. 75, Page 111)

**20' ALLEY**  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)

5.00'  
ALLEY RIGHT-OF-WAY  
DEDICATION

25.00'  
ALLEY RIGHT-OF-WAY  
RESERVATION

N 00°12'22"W  
125.43'

LOT 6, BLOCK 9  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)

LOT 1

LOT 7R, BLOCK 9  
MARTINVILLE ADDITION  
November 2, 1998  
(Vol. 98215, Page 13)

LOT 1, BLOCK 1  
FIFTH STREET ADDITION No. 2  
September 9, 2002  
(Vol. 2002201, Page 77)

5' EASEMENT FOR STREET  
RIGHT-OF-WAY, DRAINAGE,  
PEDESTRIAN TRAFFIC AND  
UTILITIES  
(Vol. 2002201, Page 77)

S 30°11'55"W  
88.69'

S 89°30'31"W  
57.41'  
N 00°22'37"W  
4.00'

S 89°37'23"W  
89.30'

S 00°22'37"E  
3.50'

S 89°37'23"W

264.60'

**AVENUE A**  
(FORMERLY HILL STREET)  
(VARIABLE WIDTH RIGHT-OF-WAY)  
TOWN OF EMBREE  
September 13, 1886  
(Vol. 77, Page 441)



PROPOSED  
RIGHT-OF-WAY

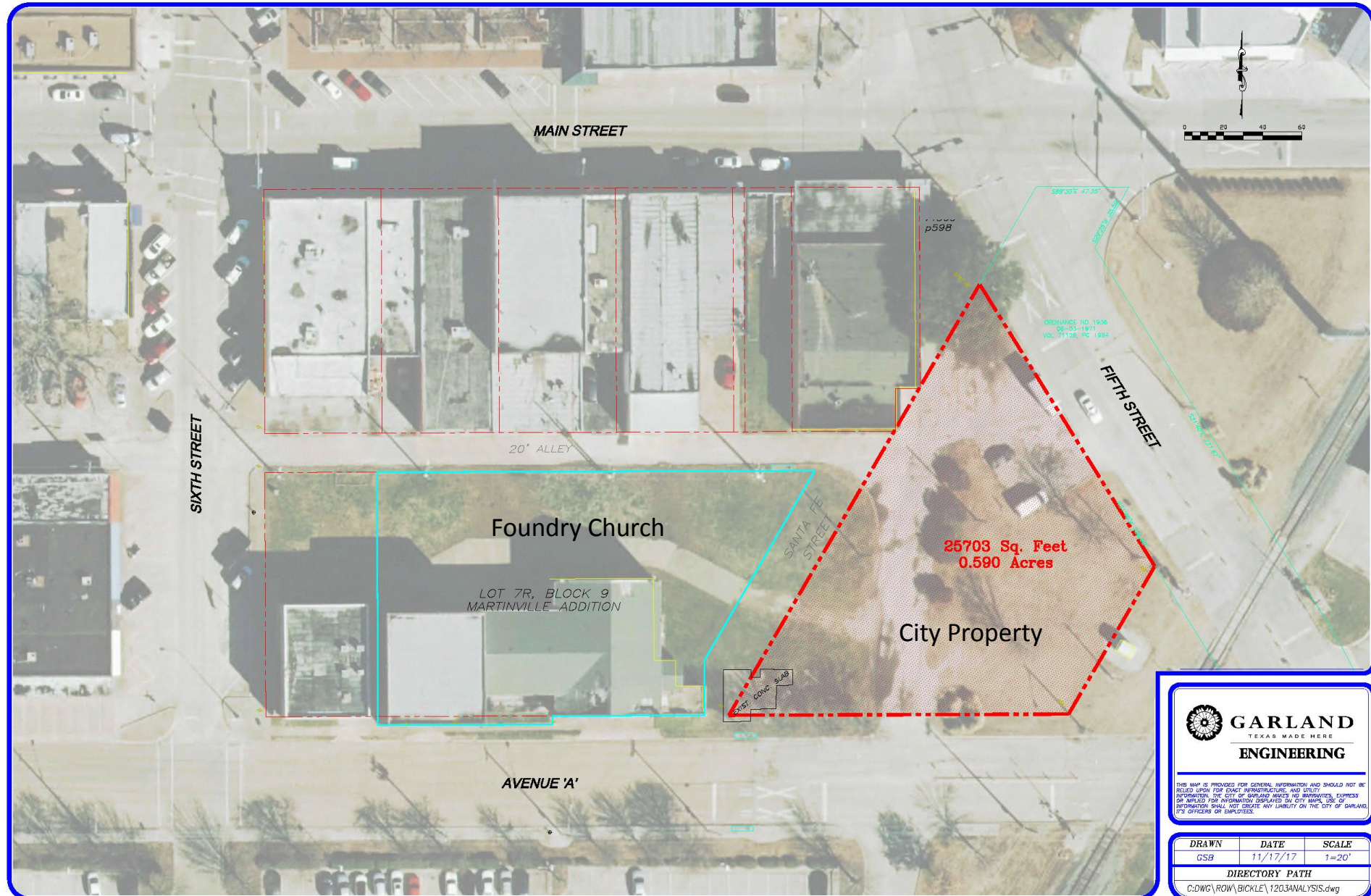
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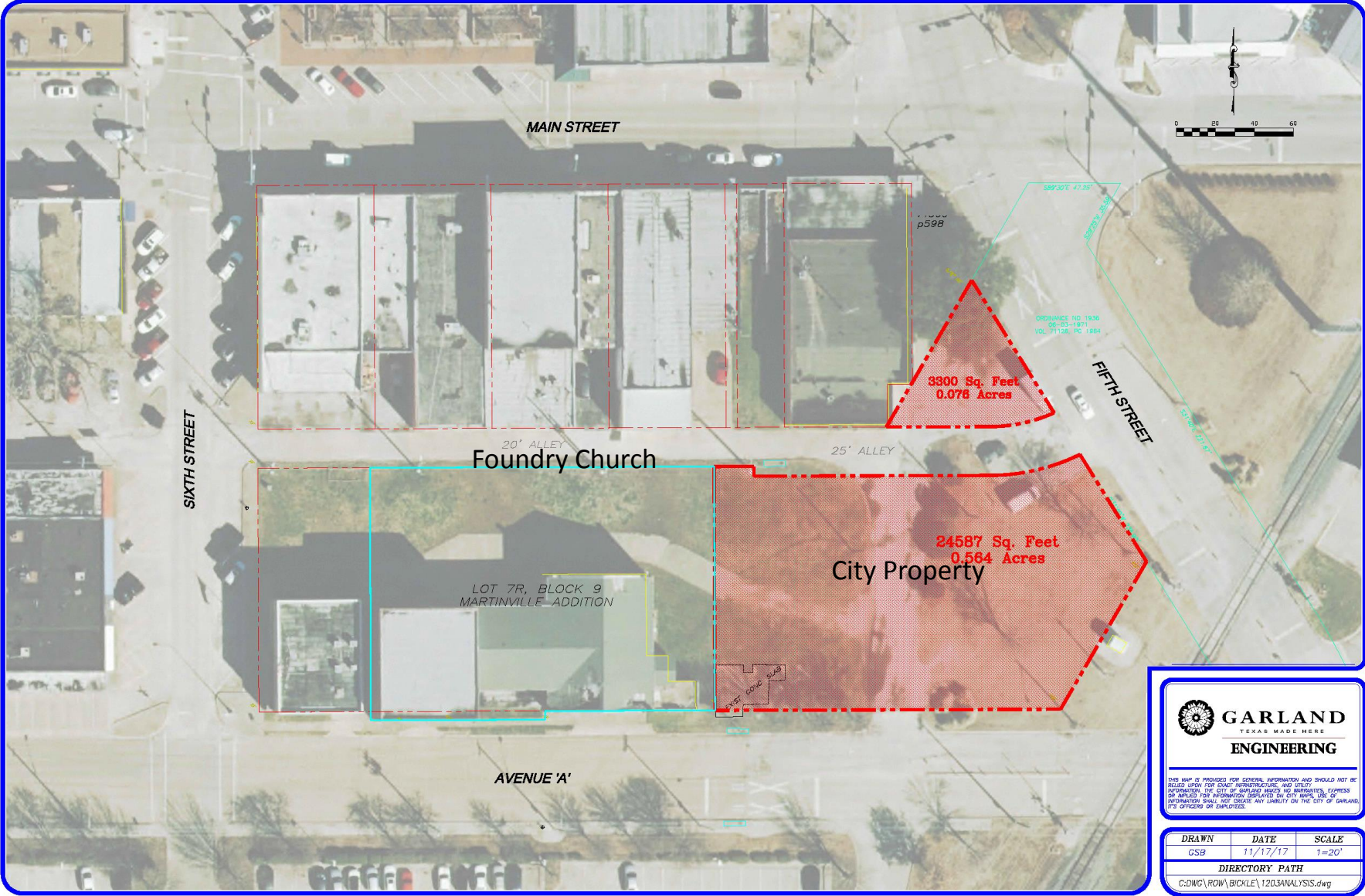
|                   |                         |        |
|-------------------|-------------------------|--------|
| DRAWN BY: WCT     | CHECKED BY: WCT         | 1"=40' |
| DATE:<br>APR 2018 | 2577-18<br>Plat Exhibit |        |

# Existing Property Configuration





Property Configuration After Property  
Exchange  
(Approximate SF)





**GARLAND**  
**CITY COUNCIL ITEM SUMMARY SHEET**

**City Council Regular Session Agenda**

**9.**

**Meeting Date:** April 17, 2018

**Item Title:** Appointment to the Animal Services Advisory Committee

**Submitted By:** Jason Chessher, Health Director

---

**Summary of Request/Problem**

Oswaldo Rodriguez's application was presented to Council at the Work Session on Monday, April 2, 2018, for consideration for appointment to the Animal Services Advisory Committee in the position designated for a county or municipal official.

**Recommendation/Action Requested and Justification**

Appoint Oswaldo Rodriguez to the Animal Services Advisory Committee.

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**Attachments**

Oswaldo Rodriguez Boards & Commission Application

---



# GARLAND

TEXAS MADE HERE

## Application for City of Garland Boards/Commissions/Committees

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

Please Type or Print Clearly: Date: 1-25-18

Name: Oswaldo Rodriguez Phone: 972-485-6420

(Home)

Address: 10702 James A Forster Phone: 972-475-5787

(Other)

City, State, Zip: Rowlett, TX 75089 Email: orodrigu@garlandtx.gov

Resident of Garland for 10 years Resident of Texas for 42 years

Dallas County Voter Registration Number \_\_\_\_\_ Garland City Council District Number \_\_\_\_\_

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

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

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

I am currently a manager with Garland Code Compliance. I understand the duties Animal Services has.

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

No previous service.

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

Board member with the Garland Girls Softball Association for the past 7 years.

What is your educational background?

Bachelors in Public Administration (March 2018)

What is your occupational experience?

I have 12 years of supervisory experience with the City. Before that I was a computer technician.

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

*[Signature]*

Board or Commission of first, second, and third choice:

- |                                                                                     |                                                           |                                                              |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Board of Adjustment                                        | <input type="checkbox"/> Garland Cultural Arts Commission | <input type="checkbox"/> Parks and Recreation Board          |
| <input type="checkbox"/> Building and Fire Codes Board                              | <input type="checkbox"/> Garland Youth Council *          | <input type="checkbox"/> Plan Commission                     |
| <input type="checkbox"/> Citizens Environmental and Neighborhood Advisory Committee | <input type="checkbox"/> Property Standards Board         | <input type="checkbox"/> Plumbing and Mechanical Codes Board |
| <input type="checkbox"/> Community Multicultural Commission                         | <input type="checkbox"/> Library Board                    | <input type="checkbox"/> Senior Citizens Advisory Committee  |
| <input type="checkbox"/> Electrical Board                                           |                                                           |                                                              |

\* Garland Youth Council has a separate application

### FOR OFFICE USE ONLY

Ad Valorem Tax Status  
Utility Account Status

Current \_\_\_\_\_ Past Due \_\_\_\_\_  
Current \_\_\_\_\_ Past Due \_\_\_\_\_

CSO Suit/Claim Filed  
Clerk Signature & Date \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Date Appointed \_\_\_\_\_

Appointed By \_\_\_\_\_

Date Notified \_\_\_\_\_

Disclosure Form Filed \_\_\_\_\_

Revised 03/2017





## **GARLAND PLANNING REPORT**

### **City Council Regular Session Agenda**

**10.a.**

**Meeting Date:** April 17, 2018

**Item Title:** BW 18-01 TEKA Investment, Inc. (District 8)

**Submitted By:** Will Guerin, Planning Director

---

### **REQUEST**

Variance to reduce the minimum separation requirement between an establishment that sells alcoholic beverages and a church.

### **OWNER**

Village Park 3 LP & Rockglen LTD

### **BACKGROUND**

Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code (GDC) states that an establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet of a church, public school or public hospital. However, Section 2.55(C) allows for a variance process through the City Council. The applicant proposes to sell beer and wine at a proposed convenience store on the subject property, 901 Belt Line Road, within the westernmost suite [Suite 100-101]. There is an existing church, Nu-Life Ministries/Street Church leasing a tenant space [Suite 108] within the same building and is located approximately 112 feet away. In order to receive a wine and beer retailer's off-premise permit through the Texas Alcoholic Beverage Commission (TABC), the City of Garland must first give approval.

### **SITE DATA**

The subject property contains approximately 1.64 acres fronting approximately 435 feet along Belt Line Road. The subject property is zoned Community Retail (CR).

### **CONSIDERATIONS**

1. The subject property is developed with a multi-tenant commercial building; the applicant representing the proposed convenience store [Suite 100-101] is in the process of applying for a permit with the Texas Alcoholic Beverage Commission (TABC).
2. As mentioned above, Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code (GDC) states that an establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet to a church, public school or public hospital. The measured distance between the proposed alcohol-selling use and the tenant space occupied by the church, from front door to front door, is approximately 112 feet. It should

be noted that the measurement between the two uses when measuring along the property line of the street-front and from front door to front door is approximately 324 feet. However, in this request the two tenant spaces are located on the same platted property and within the same building; in consultation with the City Attorney's Office, a more direct front door to front door measurement between the two establishments is appropriate.

3. Chapter 2, Article 5, Section 2.55(C) of the Garland Development Code (GDC) states that "The City Council may grant a variance to the distance regulations provided by this Section if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community."
4. The pastor of Nu-Life Ministries/Street Church is aware of the applicant's request and, per a written letter from the pastor dated February 8, 2018, does not oppose the request.

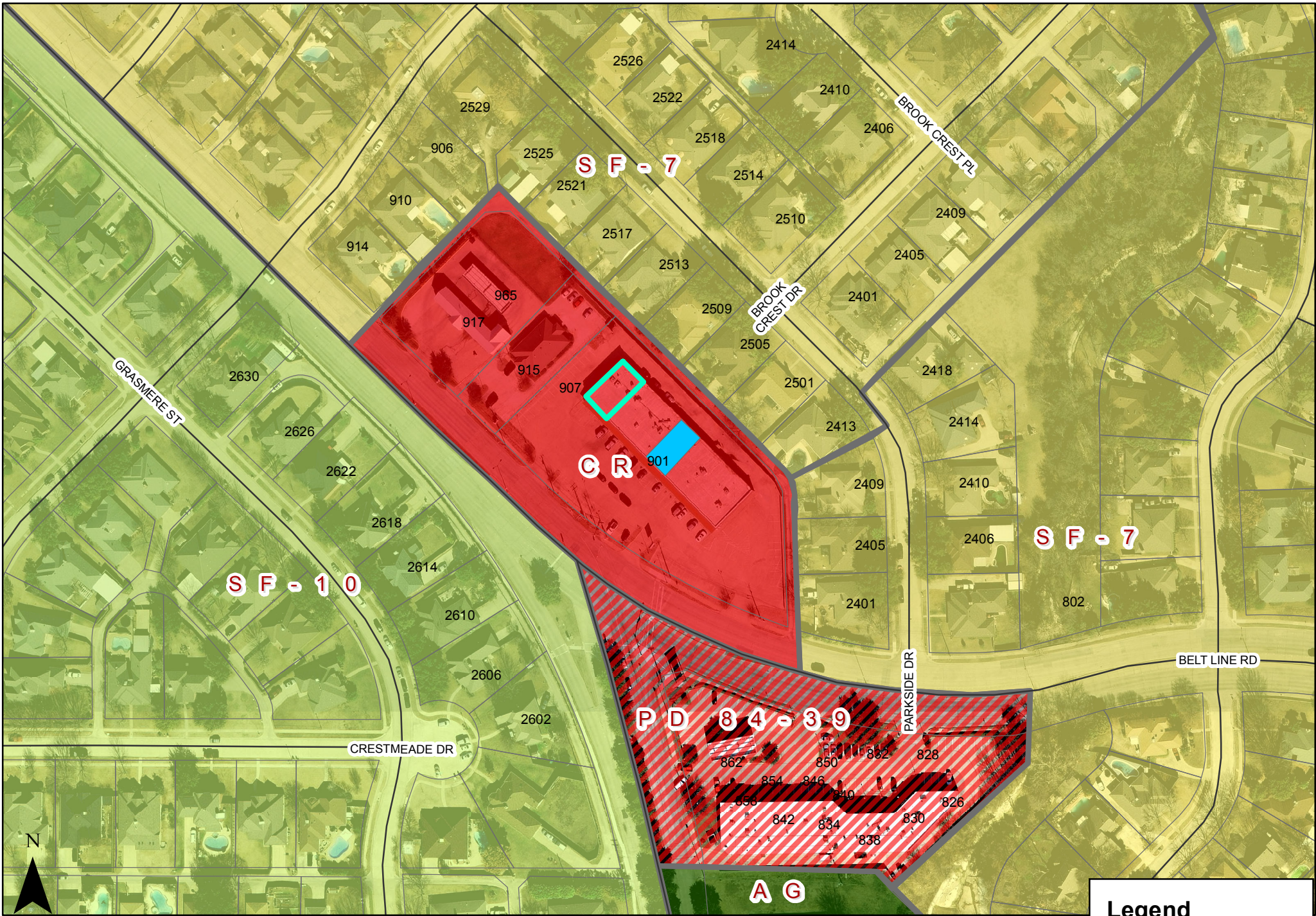
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### **Attachments**

BW 18-01 Location Map  
BW 18-01 Responses  
BW 18-01 Staff Presentation

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0 100 200 Feet  
1 inch = 155 feet

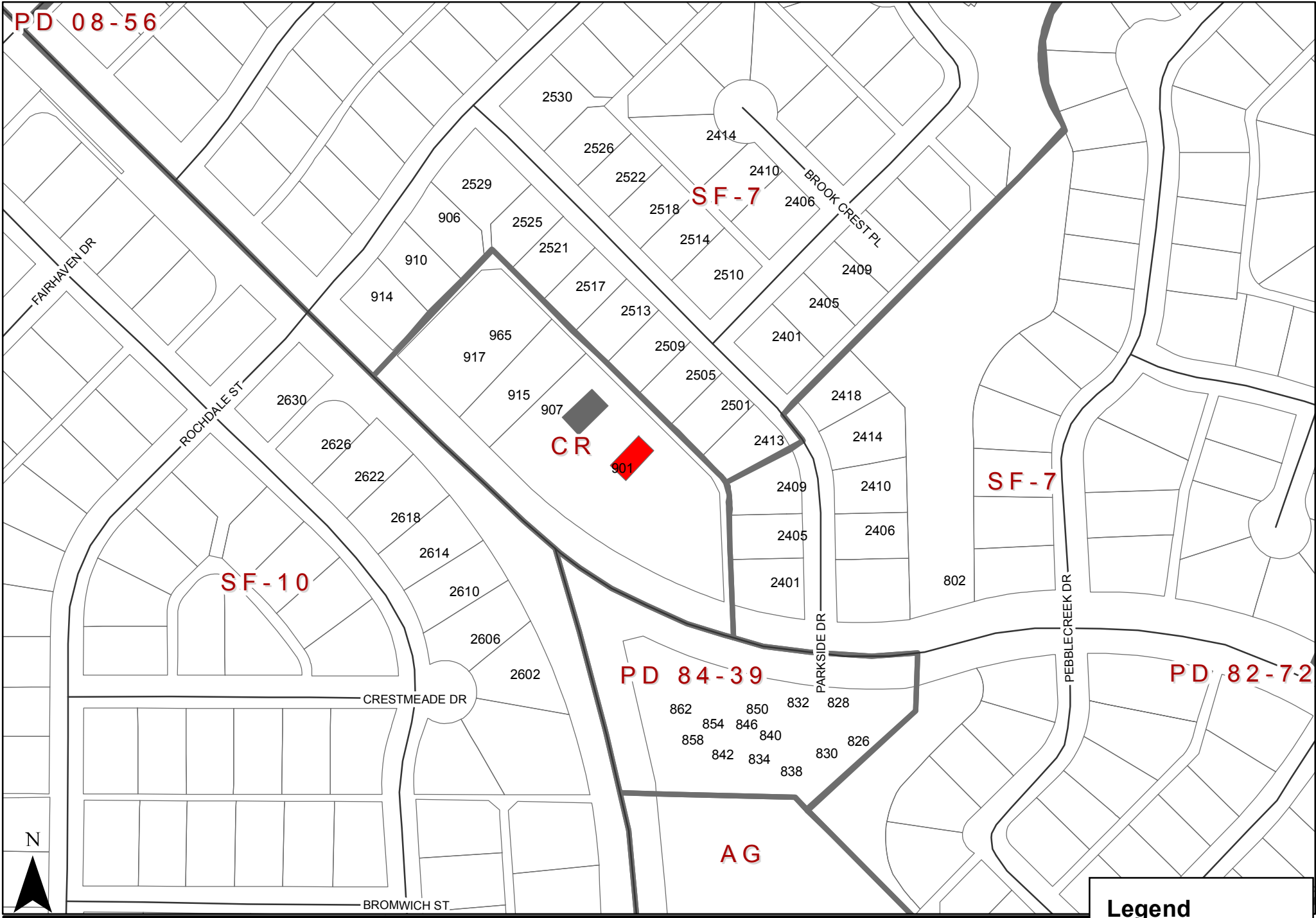
# BEER & WINE DISTANCE VARIANCE

BW 18-01

**Legend**

- Church\_Property
- Subject\_Property





0 100 200 Feet

1 inch = 194 feet

# BEER & WINE DISTANCE VARIANCE

## BW 18-01

**Legend**

Church

Subject Property

We did not receive any responses for this case.

**BW 18-01**

**Approval for a variance to Section 2.55 of the Garland Development Code regarding the distance to a church, public school, or public hospital from an establishment that sells or serves alcoholic beverages.**

**City Council Meeting  
April 17, 2018**



**GARLAND**

**TEXAS MADE HERE**

# Case Information

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Location: 901 Belt Line Road

Applicant: TEKA Investment, Inc.

Owner: Village Park 3 LP & Rockglen LTD

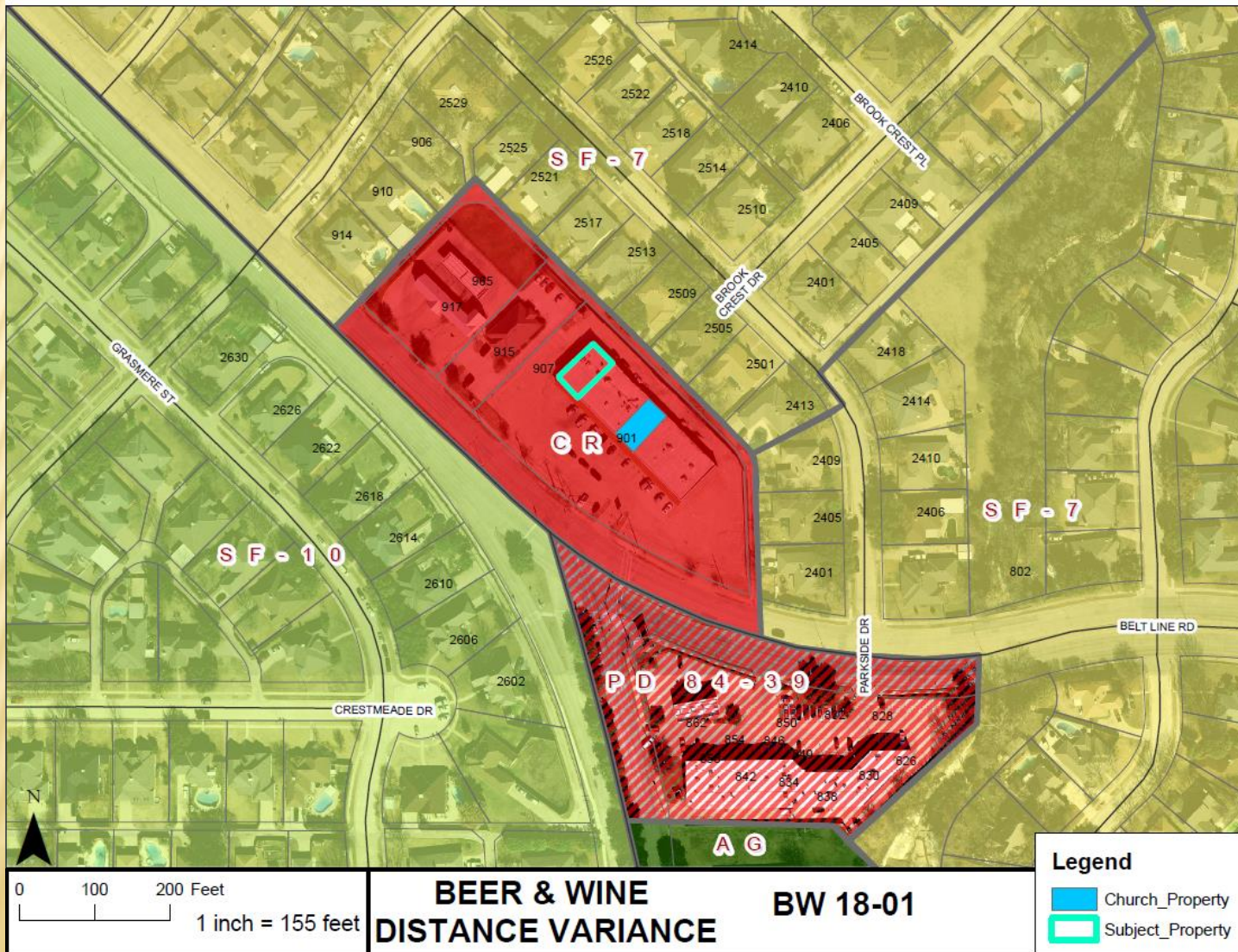
Zoning: Community Retail (CR)





**GARLAND**  
TEXAS MADE HERE

# Location Map



**BW 18-01**

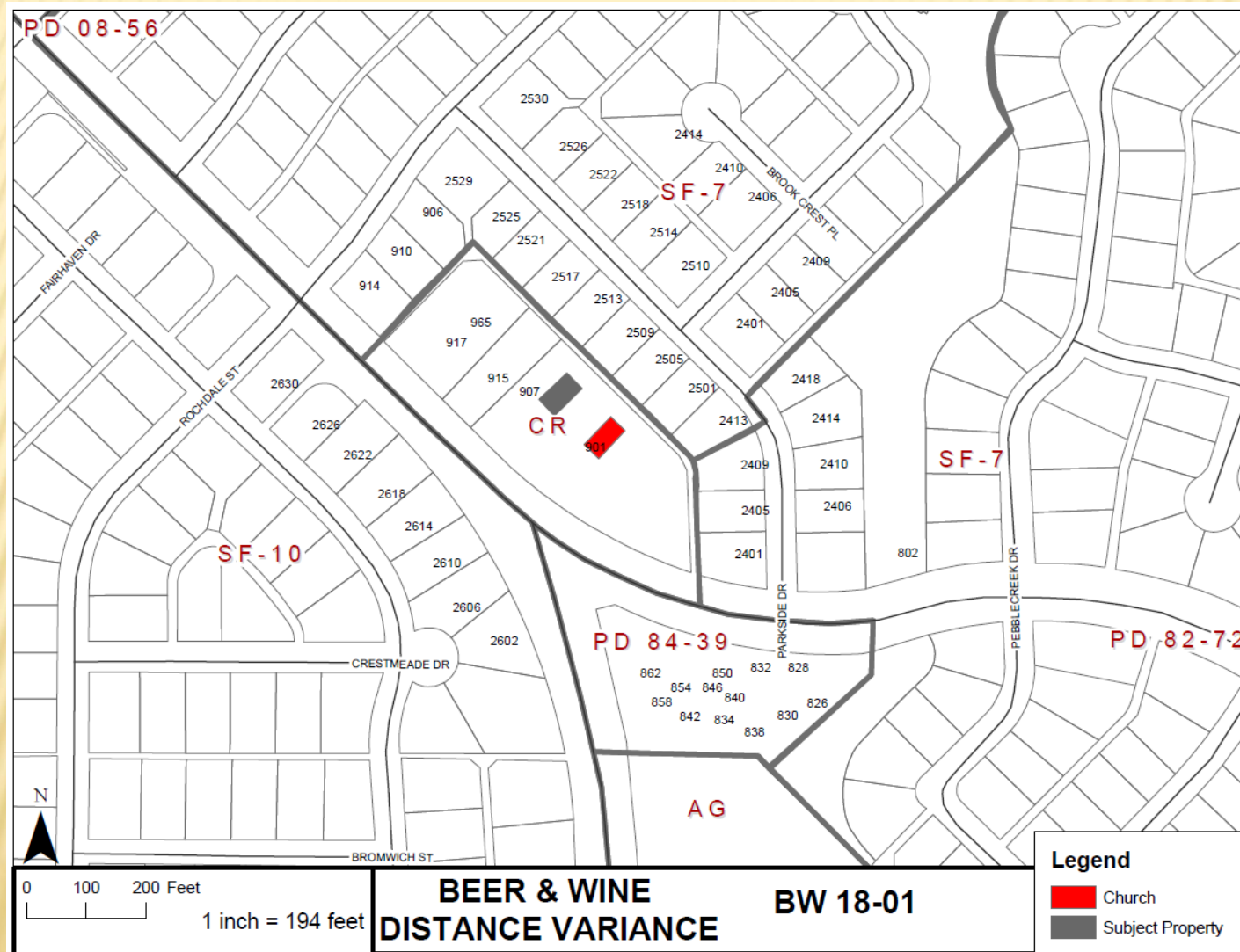






**GARLAND**  
TEXAS MADE HERE

# Location Map



**BW 18-01**





## **GARLAND PLANNING REPORT**

### **City Council Regular Session Agenda**

**10.b.**

**Meeting Date:** April 17, 2018

**Item Title:** Z 18-15 Star Plus, Inc. (District 6)

**Submitted By:** Kira Wauwie, Principal Development Planner

---

### **REQUEST**

Approval of 1) a Specific Use Provision for Food Processing and Storage on property zoned Industrial (IN) District.

### **OWNER**

Star Plus, Inc.

### **PLAN COMMISSION RECOMMENDATION**

On March 26, 2018 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Specific Use Provision for Food Processing and Storage for a period of thirty-five (35) years

In addition, the Plan Commission approved a Variance to Chapter 4, Article 3, Section 4.45 of the Garland Development Code (GDC) regarding the design and screening of refuse containers.

### **STAFF RECOMMENDATION**

Approval of 1) a Specific Use Provision for a Food and Storage Processing Use for a period of thirty-five (35) years.

### **BACKGROUND**

The applicant is seeking approval of a Specific Use Provision to convert the existing 35,900 square foot industrial warehouse building on the subject property into a Food Processing and Storage facility. The applicant intends to remodel the interior portions of the existing building including removal of some truck bays to facilitate the interior operations and refuse storage. The applicant has indicated that all operations will be internal to the existing building and no building expansion is proposed at this time.

### **SITE DATA**

The subject property is an approximately 2.23-acre site with approximately 308 feet of frontage along Miller Park Drive; access to the site will be provided from Miller Park Drive.

### **USE OF PROPERTY UNDER CURRENT ZONING**

The Industrial (IN) District is intended to provide for a wide range of industrial uses that are generally not compatible adjacent to residential neighborhoods, and may or may not be compatible with some nonresidential uses. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. The Industrial (IN) District also accommodates support services for industrial development such as office, commercial, personal and professional services, and limited retail activities. The Industrial (IN) District regulations are designed to ensure compatibility among the various uses allowed in the district, and to protect adjacent non-industrial development from potentially incompatible uses and conditions. A Specific Use Provision is required for Food Processing and Storage uses in the Industrial (IN) District.

## **CONSIDERATIONS**

1. The proposed Food Processing and Storage operations will provide large volume eggroll production for national food service companies and local food distributors. The approximately 39,500 square-foot building will be compartmented for areas containing administrative offices, food processing operations including freezer, fryer and cooler, dry [food] storage, and assembly.

The Site Plan indicates no changes to the existing pavement and the site will provide forty-seven (47) parking spaces which meets the parking requirements set forth in Chapter 2, Section 2.51 of the GDC.

2. The applicant has not proposed any signage at this time. Any signage will be subject the regulations set forth in Chapter 4, Article 5 of the Garland Development Code.
3. The applicant requests approval of the Specific Use Provision for a period of thirty-five (35) years.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Industry Center for the subject property. Industry Centers provide a cluster of trade and industry that cumulatively employ large numbers of people. Operations may include such elements as semi-truck traffic, loading docks, and outdoor storage. Overall, the architecture, character, scale, and intensity should be compatible with adjacent development types. Industry Centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses that support the industry employment sector.

The proposed use is consistent with industrial operations within the Industry Center.

## **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

The subject property is located within an area that is zoned Industrial (IN) District and developed with buildings that are currently utilized for light industrial and heavy industrial uses.

The applicant has indicated that the operations of the proposed use will not create any negative impacts from odors, smoke or noise. In addition, the applicant has indicated that shipping quantities are not likely to exceed three truckloads per week. The food processing operation is compatible with the surrounding area and consistent with uses found in industrial zoning

districts.

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**Attachments**

Z 18-15 Location Map

Z 18-15 Exhibit B

Z 18-15 Exhibit C

Z 18-15 Exhibit D

Z 18-15 R&M

Z 18-15 Responses

Z 18-15 Staff Presentation

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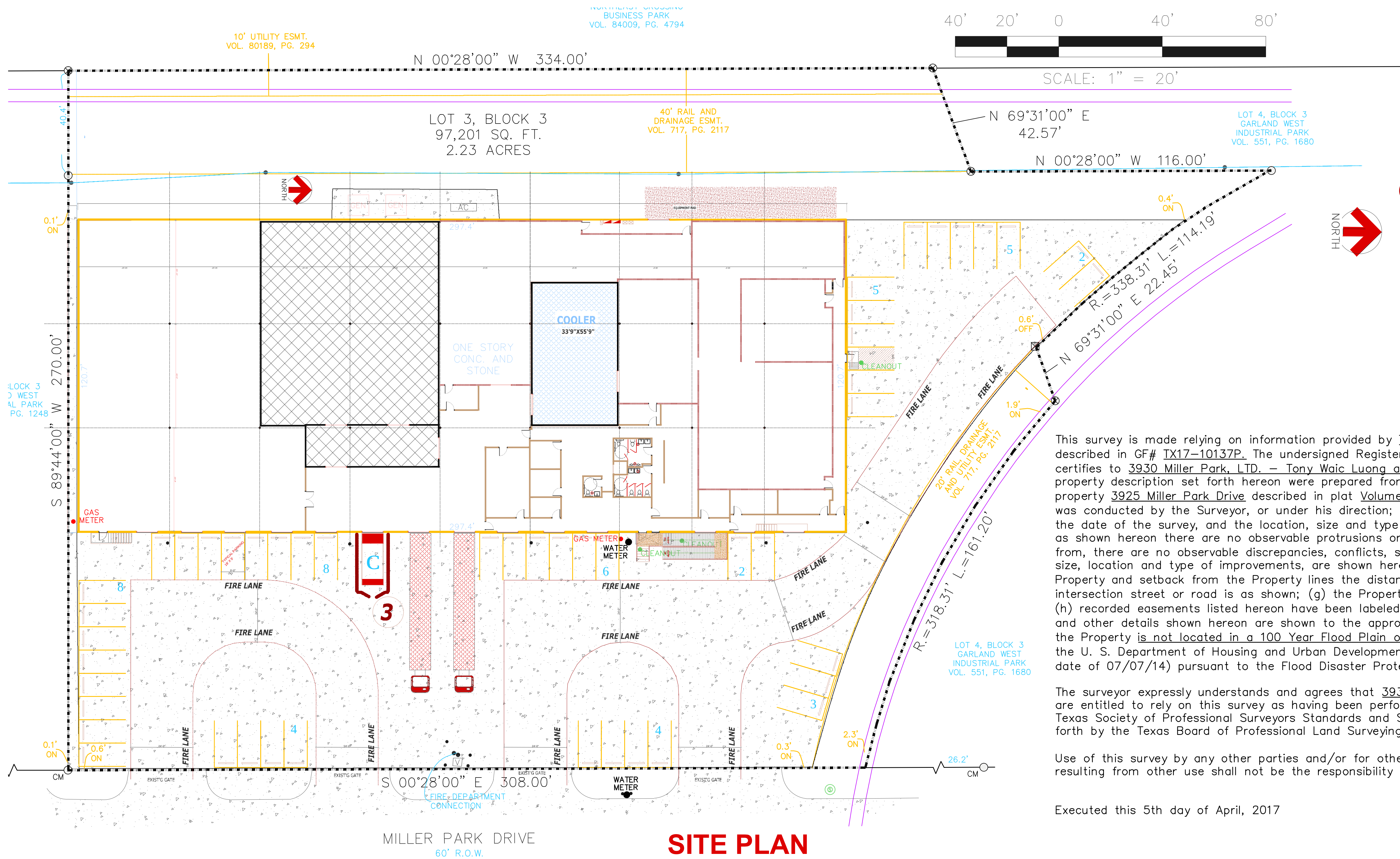


**SPECIFIC USE PROVISION CONDITIONS**

**ZONING FILE Z 18-15**

**3925 Miller Park Drive**

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to permit a Food Processing and Storage Use subject to conditions.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Industrial (IN) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. Specific Regulations:**
- A. Time Period: The Specific Use Provision shall be in effect for a period of thirty-five (35) years.
- B. Site Plan: Development shall be in general conformance with the Site Plan labeled Exhibit C and Refuse Plan labeled Exhibit D.



- SUP CASE # 180125-2**
- EXISTING WAREHOUSE BUILDING TO BE BUILT INTO A USDA FOOD PROCESSING PLANT**
- 1, NO RE-PLAT.
  - 2, EXISTING CONCRETE PAVING FOR FIRE LANE AND PARKING PER PLAN, NEW STRIPPING.
  - 3, NEW COMPACTOR WITH TRUCK ACCESS. WITH 6'H CMU WALL AND DOUBLE STEEL GATES.
  - 4, EXISTING CHAIN LINK FENCE TO REMAIN.
  - 5, EXISTING SITE HAS NO TREE
  - 6, EXISTING ABANDONED RAILROAD TRACKS
  - 7, FOOD PROCESSING HAS NO ODOR, NO SMOKE & NO NOISE.
  - 8, NEW ADA RAMP PER PLAN
  - 9, NEW CONCRETE PAD AT BACK FOR MECHANICAL
  - 10, NO NEW UTILITY TAPS.
  - 11, BUILDING PERMIT BEING REVIEWED FOR FINISH OUT WORK.
  - 12, EXISTING ELECTRIC SERVICE TO REMAIN. TO ADD NEW ELECTRICAL SERVICE FOR THE NEW OPERATION.

This survey is made relying on information provided by Tiago Title in connection with the transaction described in GF# TX17-10137P. The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies to 3930 Miller Park, LTD. — Tony Waic Luong and Tiago Title that, (a) this plat of survey and the property description set forth hereon were prepared from an actual on-the-ground survey of the real property 3925 Miller Park Drive described in plat Volume 551, Page 1691, and shown hereon; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; (d) except as shown hereon there are no observable protrusions on to the Property or observable protrusions there from, there are no observable discrepancies, conflicts, shortages in area or boundary line conflicts; (e) the size, location and type of improvements, are shown hereon, and all are located within the boundaries of the Property and setback from the Property lines the distances indicated; (f) the distance from the nearest intersection street or road is as shown; (g) the Property has apparent access to and from a public roadway; (h) recorded easements listed hereon have been labeled and platted hereon; (i) the boundaries, dimensions and other details shown hereon are shown to the appropriate accuracy standards of the State of Texas; (j) the Property is not located in a 100 Year Flood Plain or in an identified "Flood Prone Area" as defined by the U. S. Department of Housing and Urban Development (Flood Insurance Rate Map No. 48113C0215K, with a date of 07/07/14) pursuant to the Flood Disaster Protection Act of 1973.

The surveyor expressly understands and agrees that 3930 Miller Park, LTD. — Tony Waic Luong and Tiago Title are entitled to rely on this survey as having been performed to the appropriate standards of the current Texas Society of Professional Surveyors Standards and Specifications for a Texas Land Title Survey as set forth by the Texas Board of Professional Land Surveying.

Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned.

Executed this 5th day of April, 2017

Bryan Connally  
Registered Professional Land Surveyor No. 5513

## PARKING ANALYSIS

WAREHOUSE BUILDING, 35,900 SF., AT 1000 SF PER, NEED 36 PARKING  
WAREHOUSE EMPLOYEE, 10, AT ONE EMPLOYEE PER, NEED 10 PARKING  
TOTAL PARKING NEEDED, 36 + 10 = 46 PARKING SPACES  
TOTAL PARKING PROVIDED, 47 SPACES > 46, OK

## SITE PLAN

SCALE 1"=20.0'



**C.B.G. Surveying, Inc.**  
12025 Shiloh Rd. Suite 230  
Dallas, Texas 75228  
P 214-349-9485 F 214-349-2216  
Firm No. 10168800  
[www.cbgsurveying.com](http://www.cbgsurveying.com)

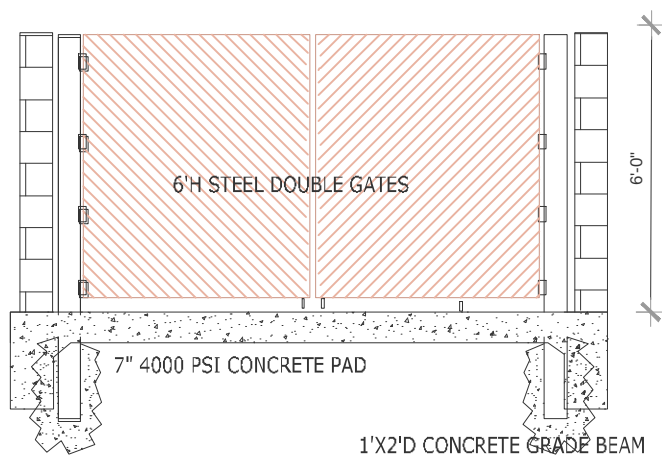
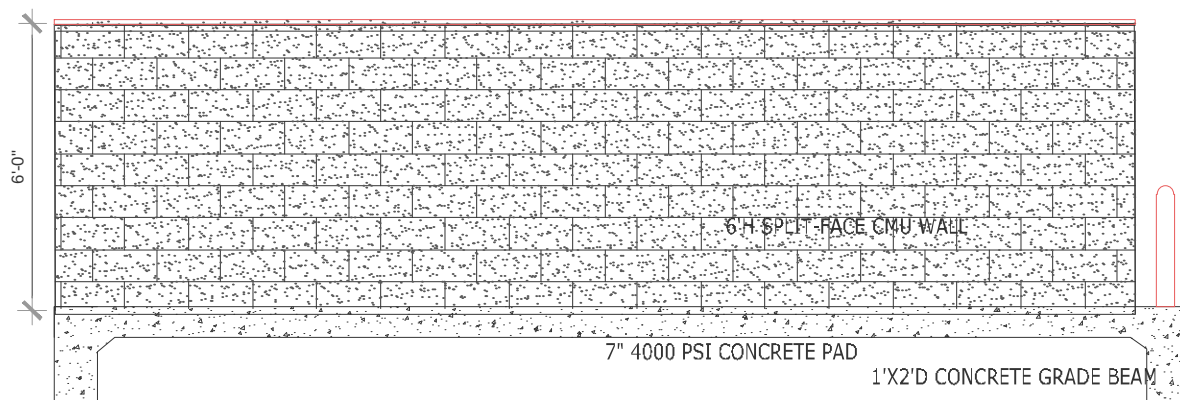
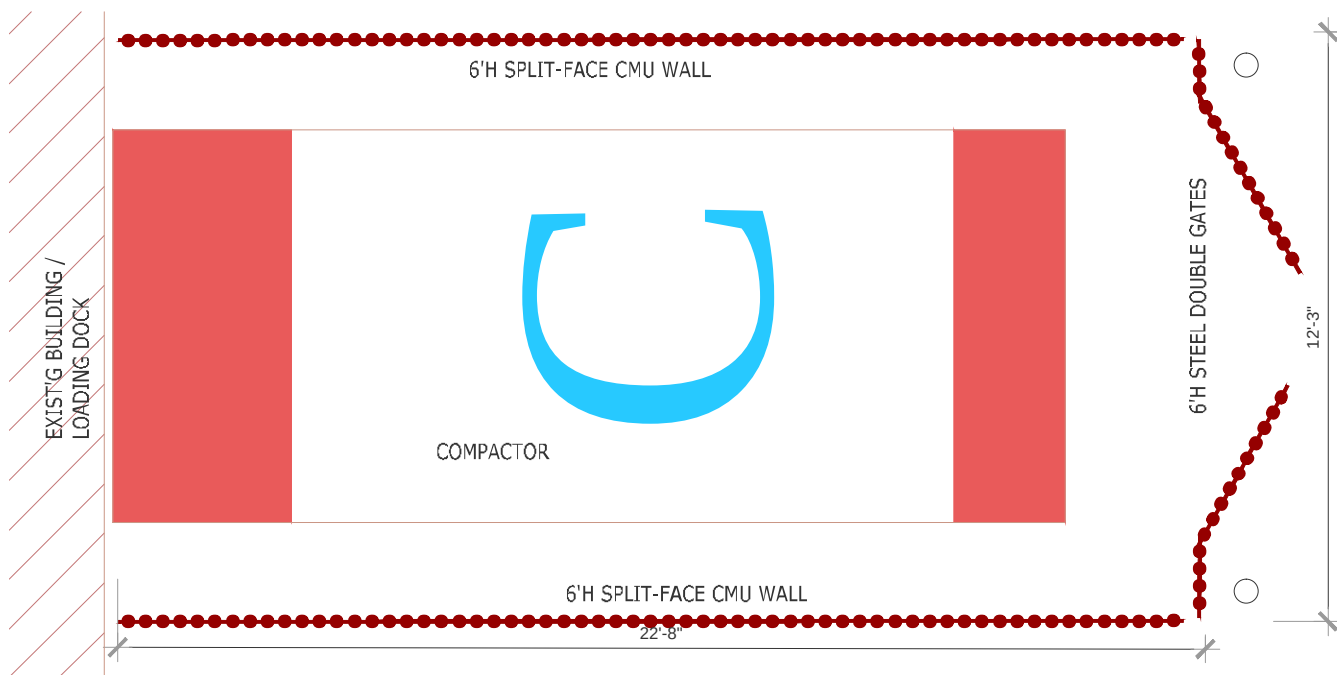
| SCALE  | DATE     | JOB NO. | G.F. NO.  | DRAWN |
|--------|----------|---------|-----------|-------|
| 1"=40' | 04/05/17 | 1703302 | X17-10137 | R.G.  |

**SUP CASE # 180125-2 03/12/2018**

**Star Plus Inc.** 3925 Miller Park Dr.,  
Garland, TEXAS 75042

**CHAUCER DESIGN STUDIO FIRM # 12335**  
949 SIMON DRIVE, PLANO, TX. 75025  
TEL: 972.849.6848 E-MAIL: [chaucerdesign@gmail.com](mailto:chaucerdesign@gmail.com)





## Scope Of Work:

1. INSTALL 7", 4000 PSI CONCRETE PAD W/ GB AROUND
2. INSTALL 6'H SPLIT-FACE CMU ENCLOSURE
3. INSTALL 6" STEEL BOLLARD & DOUBLE STEEL GATES
4. COLOR TO MATCH EXISTING BUILDING

**SUP** CASE # 180125-2

**Star Plus Inc.**

3925 Miller Park Dr.,  
Garland, TEXAS 75042



## REPORT & MINUTES

### P.C. Meeting, March 26, 2018

Consideration of the application of **Star Plus, Inc.**, requesting approval of a 1) Specific Use Provision for Food Processing and Storage and 2) a Variance to Chapter 4, Article 3, Section 4.45 of the Garland Development Code (GDC) regarding the design and screening of refuse containers on property zoned Industrial (IN) District. This property is located at 3925 Miller Park Drive. (District 6) (Z 18-15)

The applicant was available for questions. There were no questions of this applicant.

Representing the Garland Chamber of Commerce, Paul Mayer, 520 North Glenbrook, Garland, Texas 75040, spoke in support of the request.

**Motion** was made by Commissioner Williams, seconded by Commissioner O'Hara to **approve** the request per staff recommendation. **Motion carried: 8 Ayes, 0 Nays**



O = IN FAVOR  
 X = AGAINST

**GARLAND**

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

March 14, 2018

HEARING DATE/TIME: Plan Commission: March 26, 2018 – 7:00 PM

APPLICANT: Star Plus, Inc.

File: Z 18-15

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, March 26, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Star Plus, Inc.**, requesting approval of a 1) Specific Use Provision for Food Processing and Storage and 2) a Variance to Chapter 4, Article 3, Section 4.45 of the Garland Development Code (GDC) regarding the design and screening of refuse containers on property zoned Industrial (IN) District. The property is shown on the enclosed sketch and is described as follows:

BEING a 2.23-acre tract of land and being all of Lot 3, Block 3 Garland West Industrial Park, an addition to the City of Garland, Dallas County, Texas according to the plat thereof recorded in County Clerk's Instrument number 201600351809 of the Official Public Records of Dallas County, Texas. The site is located at 3925 Miller Park Drive. (District 6)

**Note: The applicant seeks approval of a Specific Use Provision (SUP) to allow the operation of a Food Processing Facility within an existing 35,900 square foot industrial building. The applicant also seeks a variance from section 4.45 to allow 1) the placement of a refuse container in front of the main building and 2) relief from construction of a minimum six-foot tall masonry screening wall on three sides of the container.**

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002, fax to 972-205-2474, deliver to the Planning Department at 800 East Main Street, Garland TX. or email [Planning@Garlandtx.gov](mailto:Planning@Garlandtx.gov). It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Isaac Williams at 972-205-2459.  
(Please Check One Below)

☒ I am in favor of the request.  
☐ I am opposed to the request.

MAR 16 2018

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

It Already Smells Bad

(Please complete the following information)

Your Property Address

Printed Name

Address

City, State

Zip

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

Signature

Title

Date:

3-26-18

Ribelin Sales Inc

Donette Hughes

3857 Miller Park Dr

Garland TX

75010

Donette Hughes

Project Mgr

# **Z 18-15**

**Approval of 1) a Specific Use Provision for Food Processing on property zoned Industrial (IN) District.**

**City Council Meeting  
April 17, 2018**



# **GARLAND**

**TEXAS MADE HERE**





# Case Information

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Location: 3925 Miller Park Drive

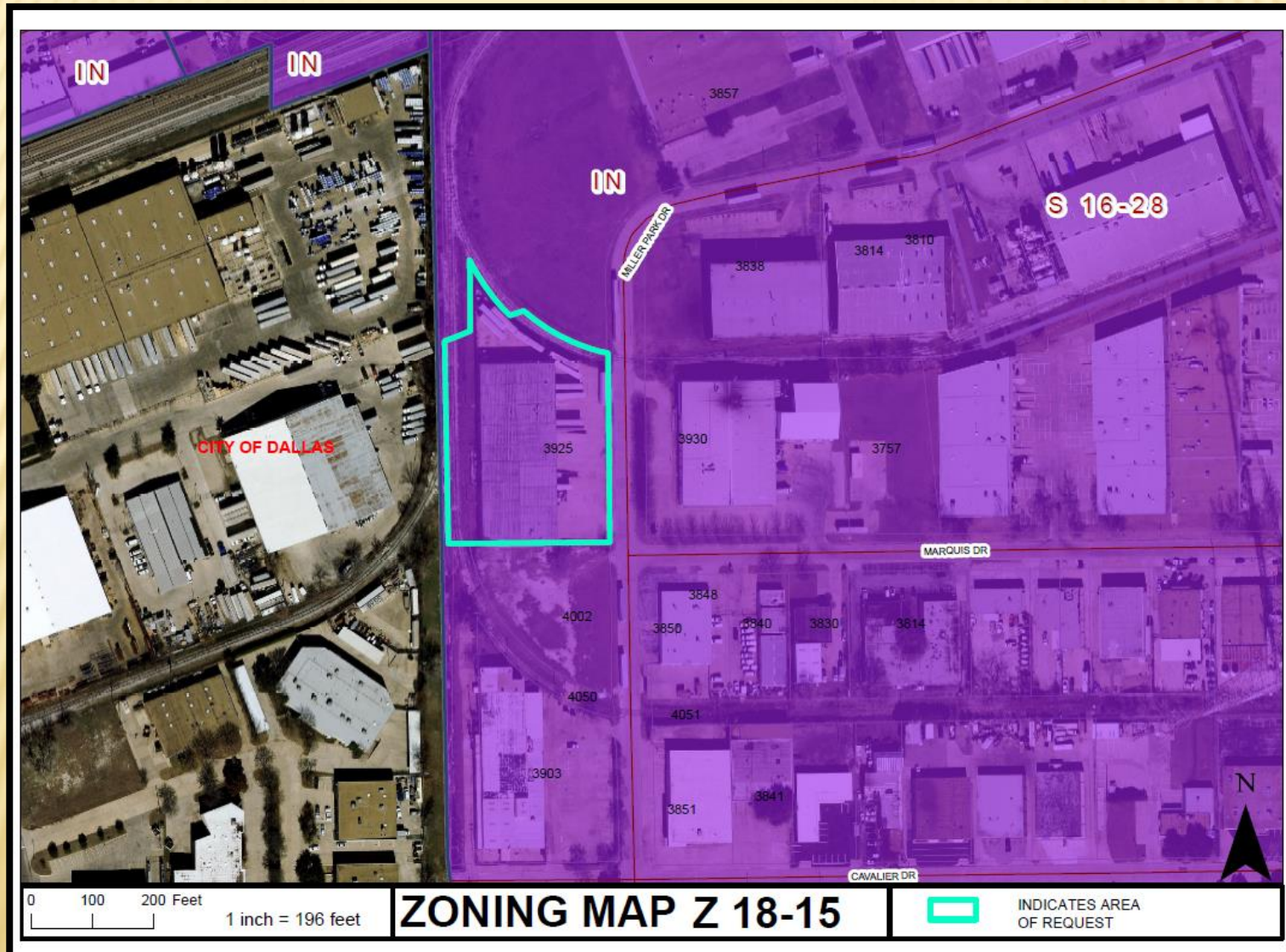
Applicant: Star Plus, Inc.

Owner: Star Plus, Inc.

Acreage: 2.23 Acres

Zoning: Industrial (IN) District

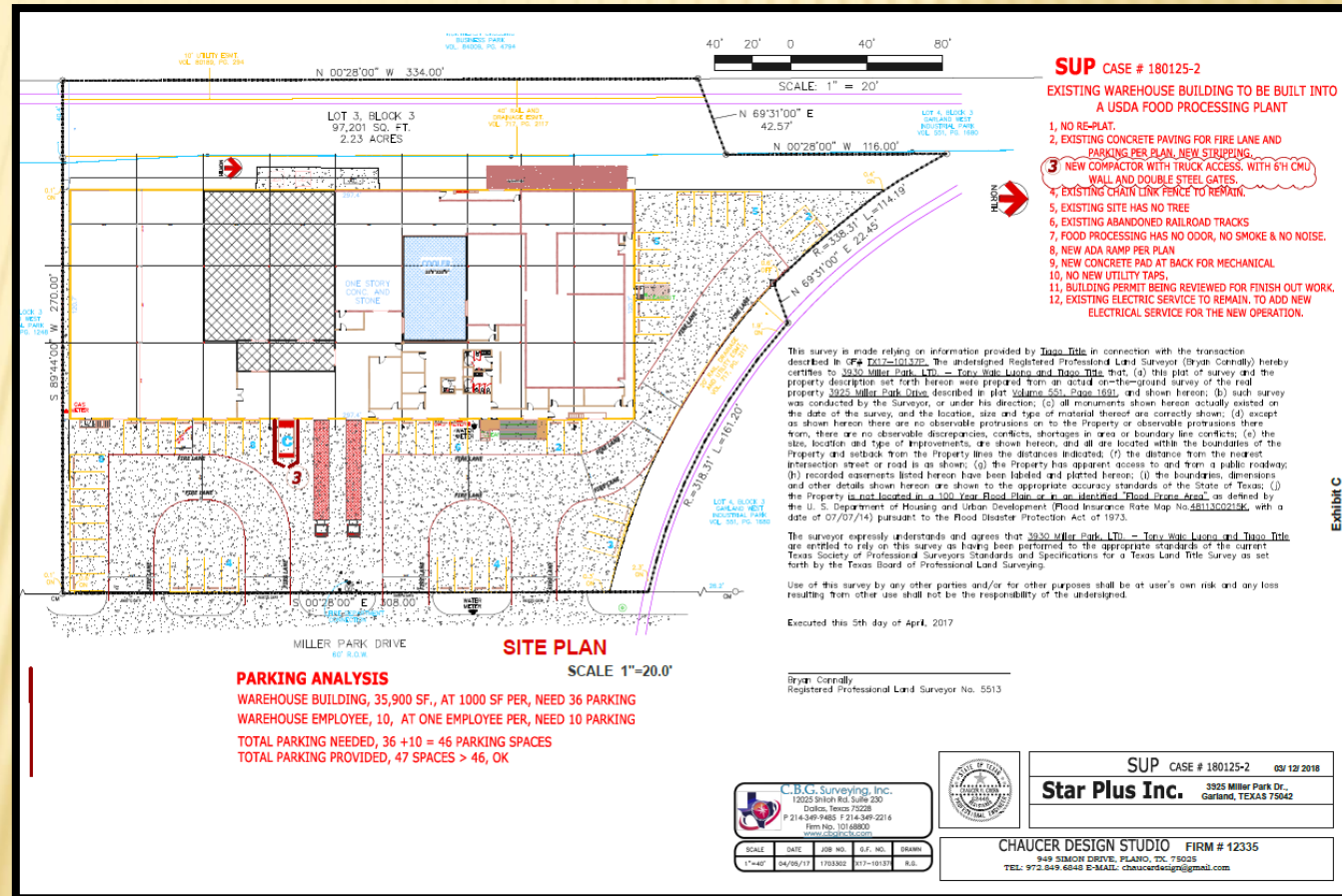
# Considerations





# Background

- Specific Use Provision to convert the existing 35,900 square foot industrial warehouse building into a Food Processing and Storage facility. The applicant intends to remodel the interior portions of the existing building including removal of some truck bays to facilitate the interior operations and refuse storage.



# Considerations

## Comprehensive Plan Recommendation: Industry Center

Industry Centers provide a cluster of trade and industry that cumulatively employ large numbers of people. Operations may include such elements as semi-truck traffic, loading docks, and outdoor storage. Industry Centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses that support the industry employment sector.

## Surrounding Properties

