



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
Tuesday, April 7, 2020
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.

NOTICE is hereby given that, pursuant to Sections 551.125 and 551.045 of the Texas Government Code, the City Council will hold an emergency telephone or internet meeting on Tuesday, April 7, 2020, at 7:00 p.m.

The meeting will be broadcast by webinar or telephone at the following URL (registration is required):

https://zoom.us/webinar/register/WN_y2aLj7nAQ1y0IL8DqaeOqQ

Registration is limited but the meeting will be available to the public by an audible broadcast at City Hall, 200 N. Fifth Street, City Council Chambers, Garland, Texas. The meeting will also be recorded and made available online at www.garlandtx.gov.

An urgent public necessity exists requiring immediate action of the City Council due to an imminent threat to public health and safety arising from the COVID-19 pandemic. The City

continues to respond to the COVID-19 emergency consistent with Council direction and good health practices.



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 March 17 Regular Meeting and March 12, 23, 24 and 25 Special Meetings of the City Council.

2. Consider approval of the following bids:

- a. Replacement of Galvanized Water Mains

Bid No. 0312-20

Muniz Construction, Inc.	\$644,963.50
Optional Contingency	<u>64,496.35</u>
TOTAL:	\$709,459.85

This request is to replace galvanized water lines on Ninth Street (Austin to State), Glenbrook Drive (Austin to State), Brookside Drive (Morningside to Nash), First-Barger (Avenue B to Avenue D) and water loop along S. Garland Avenue to Avenue D. An Optional Contingency is included for any additional work that may be required.

- b. **Professional Services Amendment for Rick Oden Park** **Bid No. 1193-19**

Kimley-Horn & Associates **\$49,500.00**

This request is to approve Change Order #1 for professional design services associated with site and utility design for park areas immediately surrounding the proposed skate park.

- c. **Toughbook Laptop Computers** **Bid No. 0670-20**

GTS Technology Solutions **\$120,651.60**

This request is to purchase twenty-nine (29) replacement Toughbook laptop computers for Code Compliance to use for field work and inspection processes.

- d. **GP&L Spencer Unit #5 Cooling Tower Water Pretreatment** **Bid No. 0648-20**

Evoqua Water Technologies **\$106,725.00**

This request is for the pretreatment of cooling tower water for GP&L Spencer Unit #5 so that it can be properly discharged to the City of Denton wastewater treatment plant.

- e. **Design Services for Transportation Maintenance and Operations Facility** **Bid No. 0698-20**

MPI Architects **\$132,900.00**

This request is to provide professional design services for interior and minor exterior renovations to the Transportation Maintenance and Operations facility.

- f. **GP&L Dent Road Switch Station Construction Management Services** **Bid No. 0562-19**

Burns & McDonnell **\$120,000.00**

This request is to approve Change Order #1 for the Dent Road Switch Construction Management Services. This Change Order will extend the construction oversight services by five months to cover the extended construction schedule.

- g. **GP&L Limestone to Gibbons Creek Transmission Line Relocation Engineering Services** **Bid No. 0658-20**

Power Engineers

\$188,511.00

This request is to obtain engineering design services for the relocation of the Limestone to Gibbons Creek 345kV transmission line to accommodate a widening of State Highway 21 by the Texas Department of Transportation (TxDOT).

**h. GP&L Nevill Road to Greasewood 345kV
Transmission Line Construction**

Bid No. 0525-20

NorthStar Energy Solutions

\$3,942,237.14

Optional Contingency

394,223.00

TOTAL:

\$4,336,460.14

This request is for the construction of the Nevill Road to Greasewood 345kV Transmission Line as part of the approved Nevill to Greasewood 345kV Transmission CIP project. An Optional Contingency is included for any additional work that may be required.

**i. Gibbons Creek Transient Recovery Voltage
Material**

Bid No. 0465-20

KBS Electrical Distributors, Inc.

\$418,217.00

This request is for the purchase of transient recovery voltage materials as part of the approved TMPA Gibbons Creek Add TRV Capacitor CIP project.

j. GP&L Nevill Road Switch Station Construction

Bid No. 0552-20

Primoris T&D Services

\$4,098,253.68

Optional Contingency

409,825.00

TOTAL:

\$4,508,078.68

This request is for the construction of the Nevill Road Switch Station as part of the approved Nevill Road Switch Station CIP project. An Optional Contingency is included for any additional work that may be required.

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

a. **Zoning File No. Z 19-33, Wier and Associates, Inc. (District 7)**

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 05-22 for Community Office (CO) Uses and 2) a Detail Plan for Community Office (CO) Uses on a 1.563-acre tract of land located at 5500 North Shiloh Road; 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 Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

4. **Consider an ordinance authorizing an amendment to the 2019-20 Operating Budget (Budget Amendment No. 2), providing for supplemental appropriation of funds in the Infrastructure Repair & Replacement Fund, the Information Technology Fund, the Hotel/Motel Tax Fund, the Downtown TIF Fund, the Economic Development Fund, the Safelight Fund, the Narcotic Seizure Fund, the Environmental Waste Services Fund, the Equipment Replacement Fund, and various funds associated with purchase order encumbrances; and providing an effective date.**

At the March 16, 2020 Work Session, Council reviewed a Policy Report recommending an amendment to the 2019-2020 Adopted Budget. The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open Purchase Orders from the 2018-19 fiscal year, and (3) expenditures not anticipated in the 2019-2020 Adopted Budget.

5. **Consider a resolution in support of the Duck Creek South Extension Trail Transportation Alternatives Project; providing confirmations and acknowledgments in support thereof; and providing an effective date.**

At the April 6, 2020 Work Session, Council considered funding a resolution for a federal grant application in support of the development of the Duck Creek South Extension trail project in accordance with the guidelines set forth by the NCTCOG 2020 Transportation Alternatives Call for Projects.

6. **Consider a resolution approving and ratifying the assignment of that certain retail property contract between the Garland Foundation for Development, Inc. and HSB Holdings, Inc. to the City of Garland; and providing an effective date.**

During the March 17, 2020 Executive Session, Council was briefed on the acquisition of 74± acres near the C.M. Hinton Jr. Regional Landfill.

7. **Consider a resolution approving the assignment and assumption agreement between the Garland Foundation for Development, Inc. ("Foundation") and the City of Garland for the assignment of that certain real property contract of March 13, 2020, between the Foundation and Ace Investments, Inc., Poynter Investment Company, LTD., and Scifres Investment Company, LTD.; authorizing the City Manager to purchase the property describes therein; and providing an effective date.**

Consider the adoption of a resolution authorizing the approval of an assignment and assumption agreement between the Garland Foundation for Development, Inc. and the City of Garland, wherein the Foundation is assigning, and the City is assuming, all of the Foundations rights, interests, and obligations into that certain real property contract to purchase land for the future construction of Fire Station No. 6.

8. **Consider a resolution authorizing the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation; and providing an effective date.**

Consider authorizing the City Manager to enter into an Advance Funding Agreement (AFA) with Texas Department of Transportation (TXDOT) for the construction of the MGR Bikeway (Duck Creek Trail Connections Segments I and II) at Centerville Road/Glenbrook Drive and IH-30/Greenbelt Parkway.

9. **Consider an ordinance of the City of Garland, Texas, amending Ordinance No. 7132[AMENDED] and continuing a State of Disaster and Public and Public Health Emergency in the City of Garland because of the impact of COVID-19; confirming and ratifying an amended emergency proclamation issued by the Mayor and ratified by the City Council in response to the emergency; adopting and approving certain rules to protect the health of persons in the City; providing rules for the use of electronic and digital signatures during the emergency; providing a Savings Clause and a Severability Clause; and providing an effective date.**

Council is requested to adopt the attached ordinance amending Ordinance No. 7132 [Amended].

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 a public hearing to receive comment for the Youth Programs Standards of Care

A public hearing will be held for the Youth Programs Standards of Care to meet requirements of the Texas Human Resources Code, Section 42.041(b)(14) to exempt recreational programs for children operated by municipalities from state child care licensing. Council will take public input and then consider an ordinance adopting Standards of Care for Youth Programs offered by the City of Garland Parks, Recreation, Cultural Arts Department; directing that a copy of this ordinance, the Adopted Standards of Care, and other program information be delivered to the State; and providing an effective date.

11. Hold public hearings on:

- a. Consider the application of Pegasus Link Constructors, requesting approval of an amendment to Planned Development (PD) District 08-52 for Shopping Center Uses to add Temporary Off-Site Construction Campus Use. This property is located at 3159 South Garland Avenue. (File No. Z 20-05, District 5)**

The applicant proposes a temporary, five (5) year operation of an off-site construction yard for the IH 635 (Lyndon B. Johnson Freeway) reconstruction project. The construction yard would include construction offices, outdoor storage of materials and supplies, a batch plant, bulk fuel storage (fuel farm), a wash down facility for trucks, and shipping storage containers. This item serves as the applicant's Planned Development (PD) amendment request.

- b. Consider the application of Pegasus Link Constructors, requesting approval of a Detail Plan for Temporary Off-Site Construction Campus Use. This property is located at 3159 South Garland Avenue. (File No. Z 20-05, District 5)**

The applicant proposes a temporary, five (5) year operation of an off-site construction yard for the IH 635 (Lyndon B. Johnson Freeway) reconstruction project. The construction yard would include construction offices, outdoor storage of materials and supplies, a batch plant, bulk fuel storage (fuel farm), a wash down facility for trucks, and shipping storage containers. This item serves as the applicant's Detail Plan request.

- c. Consider amending in part Chapter 2, Article 5, Section 2.52, "Special Standards for Certain Uses," of the Garland Development Code; amending in part Chapter 2, Article 5, Land Use Matrix, of the Garland Development Code; and amending in part Chapter 7, Article 2, Land Use Matrix, of the Garland Development Code, regarding regulations for residential buildings and lots being used for nonresidential purposes and amending certain parking ratios in the Land Use Matrices.**

The City Council directed the Development Services Committee to review the current GDC regulations related to residential buildings and lots used for nonresidential purposes. The Committee has recommended amendments that include additional

regulations. An ordinance, as drafted by the City Attorney's Office and recommended by the Development Services Committee as well as the Plan Commission, is being presented.

12. 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.

13. 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. 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 Regular Session Agenda

1.

Meeting Date: 04/07/2020

Item Title: March Meeting Minutes

Submitted By: Rene Dowl, City Secretary, City Secretary

Summary:

Consider approval of the minutes of the March 17 Regular Meeting and March 12, 23, 24 and 25 Special Meetings of the City Council.

Attachments

March 17 Minutes

March 12 Special Meeting Minutes

March 23 Minutes

March 24 Minutes

March 25 Minutes



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, March 17, 2020, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Deputy Mayor Pro Tem Robert Vera
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

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CONSENT AGENDA

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Motion was made by Deputy Mayor Pro Tem Robert Vera, and seconded by Council Member Dylan Hedrick to approve the Consent Agenda as presented:
Motion carried:

Vote: 9 - 0

1. **APPROVED** Consider approval of the minutes of the March 3, 2020 Regular Meeting.

2. **Consider approval of the following bids:**

a. **APPROVED** Roll-Off Truck for Wastewater Department **Bid No. 0608-20**

Grande Truck Center **\$ 196,995.00**

This request is for the purchase of a replacement roll-off truck for thre Wastewater Department.

b. **APPROVED** Telephone Equipment **Bid No. 0606-20**

Black Box Network Services **\$ 253,556.75**

This request is for the purchase of new Voice Over IP (VoIP) telephone desk sets and conference room sets that will be deployed throughout the organization.

c. **APPROVED** GP&L 138kV Transmisson Line Monopoles **Bid No. 0210-20**

Techline, Inc. **\$ 412,099.00**

This request is to purchase thirteen (13) steel monopoles for the Wynn Joyce to Miller Road Lake Crossing Project.

d. **APPROVED** Naaman School Road Engineering and Construction Management Services **Bid No. 0618-20**

Teague Nall and Perkins, Inc. **\$ 2,273,800.00**

This request is to obtain engineering services associated with the Naaman School Road project between East Brand Road and State Highway 78.

e. APPROVED Replacement Vehicles for Various Departments Bid No. 0607-20

Sam Pack's Five Star Ford \$ 862,092.46

This request is for the purchase of twenty-one (21) replacement vehicles for various City departments.

**f. APPROVED GP&L Shiloh Road to McCree 138kV Transmission Line Bid No. 0601-20
Reconstruction Engineering Services**

R-Delta Engineers, Inc. \$ 442,000.00

This request is to obtain engineering services associated with the Shiloh Road to McCree 138kV transmission reconstruction project.

**g. APPROVED GP&L College to Brand Road 138 kV Transmission Line Bid No. 0600-20
Reconstruction Engineering Services**

R-Delta Engineers, Inc. \$ 958,000.00

This request is to obtain engineering services associated with the College to Brand Road 138kV transmission line reconstruction project.

h. APPROVED GP&L Nevill Road Switch Steel Structures Bid No. 0457-20

SAE Towers, Ltd. \$ 1,156,485.64

This request is to purchase steel structures for the Nevill Road Switch Station. An Optional Contingency is included for any additional material that may be required.

i. APPROVED Asphalt Road Materials Bid No. 0204-18

Oldcastle Materials Texas, Inc./TexasBit \$ 1,564,750.00

Austin Asphalt LP 1,564,750.00

TOTAL: \$ 3,129,500.00

This request is for the purchase of asphalt road surfacing products for patching potholes and overlaying throughout the city.

3. APPROVED IH 635 Project Traffic Signal Equipment Reimbursement and Maintenance Agreement with TxDOT

Authorized the City Manager to execute an agreement with TxDOT regarding the IH 635 Project Traffic Signal Equipment Reimbursement and Maintenance Agreement. The agreement details how TxDOT will reimburse the City of Garland for these costs up to \$636,562.00.

4. **APPROVED Minute Action approving the Use of Narcotic Seizure Funding for Rifle Replacement Program**

At the March 2, 2020 Work Session, Council considered authorizing the use of narcotic seizure funds for the replacement of patrol rifles. Council is requested to consider approving the use of narcotic seizure funds for the replacement of patrol rifles.

5. **APPROVED Resolution No. 10431 Authorizing Publication of a Notice of Intent to Issue Certificates of Obligation**

At the March 2, 2020 Work Session, Council considered authorizing the publication of a Notice of Intent to Issue Certificates of Obligation in an amount approximately \$20 million to fund a portion of the CIP and pay related issuance costs of approximately \$150,000. Council is requested to approve a Resolution authorizing publication of a Notice of Intent to Issue Certificates of Obligation.

6. **APPROVED Resolution No. 10432 of the City of Garland, Texas, authorizing the Chief of Police to submit a grant application for a crime scene and forensics lab equipment project for FY-2021; and providing an effective date.**

Council approved a resolution authorizing the Chief of Police to submit a grant application for a crime scene and forensics lab equipment project for FY-2021.

7. **APPROVED Ordinance No. 7130 amending Chapter 24, "Municipal Court and Administrative Adjudication" 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 approved an amendment to Sec. 24.49 (I) of the Code of Ordinances.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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8. **Hold public hearings on:**

- a. **APPROVED Consider the application of Weir and Associates, Inc.; requesting approval of an amendment to Planned Development (PD) District 05-22 for Community Office (CO) Uses. This property is located at 5500 North Shiloh Road. (File No. Z 19-33, District 7) (formerly Item 9a)**

The applicant requests to build five (5) office buildings. This item serves as the applicant's Planned Development (PD) amendment request.

Will Guerin, Director of Planning, presented the staff report. Speaker on this item was Randall Eardley, applicant. There was discussion by the Council.

Motion was made by Council Member Dylan Hedrick, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the item with the condition to require a property ownership agreement. Motion carried:

Vote: 9 - 0

- b. APPROVED Consider the application of Wier and Associates, Inc.; requesting approval of a Detail Plan for Community Office (CO) Uses. This property is located at 5500 North Shiloh Road. (File No. Z 19-33, District 7) (formerly Item 9b)**

The applicant requests to build five (5) office buildings. This item serves as the applicant's Detail Plan request.

Motion was made by Council Member Dylan Hedrick, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the item with the condition to require a property ownership agreement. Motion carried:

Vote: 9 - 0

- 9. APPROVED Ordinance No. 7131 declaring a state of disaster and emergency because of the impact of COVID-19, confirming and ratifying an emergency proclamation, and adopting, approving and ratifying certain rules to protect the health of persons in the City.**

Council considered formal action with respect to responding to the COVID-19 emergency.

The staff report was presented by Jason Chessher, Health Director, presenting an update on COVID-19.

Speakers on this item were: Cary Hodson, President, Downtown Business Association, Jim Griffin; Jerry DeFeo, David Harris, Bleachers Sports Grill; Patti Craft, Texas Skatium; Randi Johnson, Texas Skatium; Darren Luna, Darren's American Grill; Leslie Luna, Luna 23; Jeff Bass, Dickie's Barbecue; Oliver Valdez, Chips & Salsa; Ashley Weaver, Millhouse Pizza; Sam Parks, Parks Place; and Dr. Heather Bass, Baylor Scott & White (McKinney). David Nerdyke did not speak, but submitted a position to mandate closures and declaring a state of emergency. There was discussion by the Council.

Mayor LeMay opened the floor for Council Members to relay information that was delivered to them from constituents. Council Member Aubin read constituent comments into the record.

Mayor LeMay requested Brad Neighbor, City Attorney, provide an overview of the Dallas County order and its authority as it relates to home-rule cities. He explained the jurisdictional authority provided to the Council when the Ordinance declaring a state of disaster and emergency, confirming and ratifying the emergency proclamation, (signed by Mayor LeMay on March 16, 2020) is adopted. He further explained how jurisdictional conflicts are resolved based on the State Constitution. He informed the Council the ordinance could be amended at its discretion.

Mr. Chessher provided additional information to Council on dine-in and carryout from a health perspective. He was not aware of any specific health requirements that are necessary, absent physical changes of adding a drive-thru window. He explained which COVID-19 tests are sent to the Garland Health Department. He further stated that he is unaware of any private tests that were performed on Garland residents; laboratories are required by law to notify the City of positive diagnoses. His staff is researching other metrics, beyond testing, to determine the number of cases.

Mayor LeMay read the staff recommendation to adopt the declaration of a state of disaster and emergency issued on Monday, March 16, 2020, be amended to be consistent with the restrictions issued by Dallas County on Monday, March 16, 2020.

Mayor LeMay announced the Council's Special Meeting on Tuesday, March 24, 2020 at 6 p.m. with the ability to respond earlier if necessary. Council Members presented suggestions for edits to the ordinance.

Mayor LeMay called for a recess at 8:57 p.m.

Mayor LeMay reconvened the meeting at 9:10 p.m.

Council Member Aubin played a video by Dr. Mike Ryan, World Health Organization, Director of Emergency Response. There was additional discussion by the Council regarding appropriate actions to take and those enacted by other jurisdictions.

Motion was made by Council Member David Gibbons, and seconded by Council Member Rich Aubin to adopt the Dallas County model with provisions and restrictions given by Judge Jenkins. Other provisions for gathering limits, long-term care facilities, exclusion of sick persons and anti-hoarding provisions would remain as stated in the current document. Motion carried:

Vote: 5 - 4

10.

Consider appointments to Boards and Commissions.

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

Council Member Morris presented the nomination of Kymberlaine Banks for the Community Multicultural Commission. A vote was cast and Ms. Banks was confirmed 9 ayes, 0 nays.

Council Member Deborah Morris

- Kymberlaine Banks - Community Multicultural Commission

Vote: 9 - 0

11.

Citizen comments: There were speakers on this item.

12.

Adjourn: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 9:44 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



GARLAND

MINUTES

The City Council of the City of Garland convened in special session at 6:00 p.m. on Tuesday, March 12, 2020, in the Council Chambers at the William E. Dollar Municipal Building, 200 North Fifth Street, Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Deputy Mayor Pro Tem Robert Vera
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

NOTICE is hereby given that, pursuant to Section 551.045 of the Texas Government Code, the City Council will hold an emergency meeting on Thursday, March 12, 2020, at 6:00 p.m., in the Council Chambers located at Garland City Hall, 200 N. Fifth Street, Garland, Texas.

An urgent public necessity exists requiring immediate action of the City Council due to an imminent threat to public health and safety arising from the COVID-19 pandemic. Immediate action by the City Council is necessary to determine appropriate community mitigation measures to protect the public from further spread of the virus or the overwhelming of public health facilities, with particular emphasis on at-risk populations, including appropriate social distancing such as closures of City facilities or the rescheduling of City functions, and entering such other directives as may be necessary to protect the public health and welfare of the City and its residents.

CERTIFIED as posted at 10:15 a.m. on March 12, 2020.

1. Mayor LeMay opened the meeting at 6 p.m.

The following departments presented staff reports on operational updates, current preventive measures for COVID-19 and contingency planning :

Jason Chessher, Health Director and Misty Gardner, Emergency Manager, presented an update on testing, symptoms, special populations and measures initiated at the federal, state and local level.

Brad Neighbor, City Attorney, presented the staff report on Council authority.

Chief Mark Lee and Chief Jeff Bryan presented the staff reports for Fire and Police.

Andy Hesser presented the staff report for Parks and recreation .

Kevin Slay, Managing Director of Customer Service, presented the staff reports for Customer Service, Firewheel Golf and Municipal Court; Judge Sholden provided additional information to the Council on the Court.

Karen Archibald, Director of Libraries, presented the staff report.

The Council addressed the on-going schedule for their meetings and the direction for all Boards and Commissions.

Mayor LeMay recessed the meeting at 7:05 p.m.

Mayor LeMay reconvened the meeting at 7:20 p.m.

There was extensive discussion by the Council and questions directed to staff that would assist in making the appropriate decisions to ensure continuation of the essential functions of government.

Mayor LeMay opened the floor for citizens to address the Council. There were no speakers who addressed the Council.

2. Casting vote(s) to close or continue operations at various City facilities:

a. Senior Activity Centers

Motion was made by Council Member Aubin to take aggressive action closing various City facilities, asking Municipal Court to lower volume by delay of some cases and to consider other measures on April 15; the motion did not receive a second and Council Member Aubin withdrew the motion.

Motion was made by Council Member Aubin to close both Senior Centers until April 15 or further direction from Council, seconded by Mayor Pro Tem Smith.

Council Member Hedrick asked for clarification from Mr. Neighbor if there was a declaration of emergency by the City or County. Mr. Neighbor stated he was not aware of a declaration at this time, but it may occur by area cities or the County.

Mayor Pro Tem Smith asked to confirm the continuation of meal service by staff; it was confirmed by Deputy City Manager Bates that staff would coordinate with Meals on Wheels and reallocate, with City staff making deliveries.

Council Member Nickerson asked for the implementation date, Deputy City Manager Bates presumed that deliveries would begin March 16.

Motion carried: 7 ayes, 2 nays (Council Members Bookhout and Morris).

b. Recreation Centers

Motion was made by Council Member Aubin to close all recreation centers for a period of time until April 15, or until otherwise directed by Council, seconded by Mayor Pro Tem Smith.

Andy Hesser, Parks and Recreation Director and D'Lee Williams responded to Mr. Bookhout's inquiry regarding potential unintended consequences; Mr. Neighbor provided information on the issue(s) associated with reservations. There was discussion by the Council.

Motion failed: 3 ayes (Mayor LeMay, Mayor Pro Tem Smith and Council Member Aubin) 6 nays

c. Plaza Theatre, Granville Arts Center and The Atrium

Motion was made by Council Member Aubin to close the Plaza, Granville and The Atrium until April 15, seconded by Mayor Pro Tem Smith. Motion failed: 3 ayes (Mayor LeMay, Mayor Pro Tem Smith and Council Member Aubin), 6 nays.

d. City Sponsored Events in Excess of 25 People

Motion was made by Council Member Aubin to cancel any City sponsored events with attendance in excess of 25 people, seconded by Mayor Pro Tem Smith. Motion failed: 4 ayes (Mayor LeMay, Mayor Pro Tem Smith, Council Member Morris and Council Member Aubin), 5 nays.

e. Libraries

Motion was made by Council Member Aubin to close all libraries until April 15, subject to other direction by Council, seconded by Mayor Pro Tem Smith.

Mayor Pro Tem Smith requested clarification on level of service that could be provided.

Motion failed: 2 ayes (Mayor LeMay and Council Member Aubin), 7 nays.

f. Municipal Court

Motion was made by Council Member Aubin to direct Judge Sholden to delay non-essential cases by 60 days, seconded by Mayor Pro Tem Smith. Motion failed: 2 ayes (Mayor LeMay and Council Member Aubin), 7 nays.

g. Boards and Commissions

Motion was made by Mayor Pro Tem Smith to suspend meetings of non-essential boards and commissions, (including Council Ad hoc committees) at the discretion of the chair, second by Council Member Aubin. Motion carried: 5 ayes, 4 nays (Council Members: Bookhout, Hedrick, Nickerson and Vera).

Council Member Bookhout requested direction from Mr. Chessher at the March 16 Work Session, for further actions that may be needed.

Council Member Nickerson requested Mr. Chessher come back with information on a program for education. He requested the Library come back with additional detail for off-site services.

3. ADJOURN:

There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:58 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



GARLAND

MINUTES

The City Council of the City of Garland convened in special session at 6:00 p.m. on Tuesday, March 23, 2020, pursuant to Sections 551.125 and 551.045 of the Texas Government Code, the City Council will hold an emergency telephone or internet meeting, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Deputy Mayor Pro Tem Robert Vera
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick
Deputy City Manager Mitch Bates

Absent: Council Member David Gibbons

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

1. COVID-19 RESPONSE UPDATE AND FURTHER ACTIONS

The City continues to respond to the COVID-19 emergency consistent with Council direction and good health practices. The situation remains quite fluid, not only as to containing the spread of the COVID-19 virus, but as to how the City may best direct its efforts to mitigate the effects on City operations and the public.

The City Council will be briefed on what measures have been put into place by the Governor and other local governments in response to the emergency, what effect the emergency is having on the City and its citizens, and what response measures, if any, should be added, modified or discontinued.

a. Chamber Presentation of a Resolution of Support for Small Businesses

Mr. Robert Smith read a resolution of support into the record. Paul Mayer, CEO, Garland Chamber of Commerce, provided a summary of Chamber actions to support Garland businesses as they navigate the challenges presented by COVID-19.

b. Situation Update (Chessher / Gardner)

Jason Chessher, Health Director, provided numbers for cases of COVID-19 at the state and local level. He reviewed the individual measures that should be practiced by the general public.

Mistie Gardner, Emergency Manager, presented the staff report on testing locations and the restrictions that apply to those locations:

1. American Airlines Center: No flu or strep testing required, no order from a physician, symptoms should be temperature 99.6 or greater, cough or shortness of breath.
2. Ellis Davis Field House: No flu or strep testing required, no order from a physician, symptoms should be temperature 99.6 or greater, cough or shortness of breath.
3. Parkland: location is for first responders, requires negative strep or flu testing, symptoms should be 100.4 temperature or greater and other upper respiratory issues. Parkland is using rapid screening with 24-48 hour return on test.

Ms. Gardner reviewed Governor Abbott's Executive Order from March 22 that is effective through April 21; she summarized the Dallas County Amended order from March 22.

Mr. Chessher provided the Health Department Hotline for citizen questions: (972) 205-3900. He stated that many local providers are testing with private labs and citizens should contact their primary care physician for information.

c. Report on Central Functions of the City (Bradford)

City Manager Bradford presented the staff report to Council, stating that all core business functions are in place. All face to face transactions have moved to drop box or online. There is no change in environmental waste or water services, they are operating as normal, with staff members throughout the workforce practicing social distancing.

Council Member Morris inquired about staff safety in processing recyclables.

Mr. Bradford explained that staff is not exposed to hazards that may exist during the recycling process, because a third party vendor sorts and resales recyclables. He further stated that any medical waste is sorted in separate containers and marked as such.

Mayor Pro Tem Smith inquired about the chlorination process that will be done by the North Texas Municipal Water District (NTMWD). Mr. Bradford explained this is an annual process increasing chlorination to kill bacteria in the water supply; the water is continually tested during chlorination and this process is unrelated to COVID-19.

Council Member Nickerson inquired about the possibility of reopening the Tennis Center.

Mr. Bradford explained that all venues that may cause gatherings, like Firewheel Golf and the Tennis Center, were closed to discourage all recreational activities.

d. Public Safety Department Updates (Chief(s) Lee / Bryan)

Fire Chief Mark Lee presented the staff report on procedures that have changed since the last meeting and provided information on ambulance capacity/usage.

Police Chief Jeff Bryan presented the staff report on procedures that have changed since the last meeting.

e. City Assistance Options for Utilities (Slay / Bradford)

Kevin Slay, Managing Director, presented the staff report on measures implemented to assist citizens during the pandemic, which include the following:

- Closed all lobby operations and moved to the drive-thru
- Implemented steps to assist customers with economic hardships
 - Suspending all water and electric disconnections for non-payment
 - Suspending all utility bill and property tax collections efforts
 - Suspending credit bureau reporting
 - Extending payment due dates and deferring account balances
 - Examining removal of income restrictions for non-profits and other social agencies for utility bill assistance
- Extend and waive payments
- Evaluating requests for assistance on a case by case basis
- Evaluating possibility of returning utility deposits
- Several payment options for customers (drop box, mail, bank draft, pc banking, drive-thru, authorized locations and website/phone payments)
- Contact center is still open for business (972) 205-2671

There was discussion by and questions from the Council. Mr. Slay requested Council approval or changes to the measures. Mr. Bradford stated the measures could be set for 30 days and extended as needed. He provided further direction on how to handle payment extensions and deferrals. Mr. Slay requested continuing suspension of utility disconnects for a prolonged period for all customers. He stated customer service is working with customers on a case by case basis to waive late fees.

Council Member Morris inquired about property tax abatements. City Manager Bradford explained that the abatement would have to be in future years, it is highly regulated by the State and flexibility is extremely limited. Currently, suspending collection efforts would only represent about two percent of monies uncollected.

Council Member Morris inquired if the \$250k annual grant to non-profits for utilities could be increased or if restrictions could be loosened.

Council Member Nickerson asked if staffing levels were adequate to perform these duties. Mr. Slay confirmed that current staffing levels are sufficient to handle changes that have been implemented.

Council Members Nickerson and Bookhout were in favor of a deferment process, with a review in 30-45 days.

Deputy Mayor Pro Tem Vera inquired about actions on evictions. City Manager Bradford informed him the County has placed a stay on evictions.

Mayor LeMay stated he is comfortable with Mr. Slay moving forward with the payment arrangements on a case by case basis as it pertains to late fees and extentions. He stated additional measures will require details to move forward. The Council consensus was to have staff come back on March 30, with several options to consider on additional measures.

Mayor LeMay called for a recess at 7:25 p.m.

Mayor LeMay reconvened the meeting at 7:40 p.m.

f. Supreme Court Stay on Evictions and Staff Report on Parking Enforcement (Neighbor)

City Attorney Neighbor informed the Council of the Supreme Court order to stay evictions from March 19 through April 19, unless extended by the Chief Justice of the Supreme Court.

City Attorney Neighbor informed the Council that issues will arise with parking enforcement as families adhere to the stay at home orders; more cars will be at each residence. There will also be staff reductions due to illness or assisting the Police Department to fill in for reassigned officers. His recommendation is to move away from parking enforcement at this time; it requires a court hearing based on the ordinance and Municipal Court offices are closed. He suggests continuing to report complaints on parking and code compliance through the e-Assist portal.

g. City Ordinance Expanding COVID-19 Measures (Neighbor)

City Attorney Neighbor reviewed the history leading up to consideration of a Garland Stay at Home order. He stated the Mayoral proclamation is still in place and enforceable. He further stated he has included conceptual substance from the County ordinance that is appropriate, enforceable and defensible. He attempted to incorporate in the proposed ordinance some of the language from Ordinance No. 7131, the Disaster Declaration. He directed the Council to review Section 4A (page 4) for the City of Garland Stay at Home Declaration, which will include a matrix to detail essential businesses by industry. Council Member Aubin assisted in drafting an initial matrix, which is subject to amendments.

Council Member Aubin presented details on a chart (matrix) to be considered for determining essential businesses. He requested the Mayor consider establishing an Ad hoc committee to meet daily for a period of time to change the order, if needed, stating this allows for immediate response to change requests from businesses.

Council Member Bookhout requested copies of the matrix, copies were provided and there was additional discussion by the Council on the order and matrix. Mr. Neighbor provided additional guidance to the Council regarding the order and suggested the Council could change the ordinance to a Mayoral Proclamation to buy some time to come back and adopt an ordinance or other alternatives. He directed the Council to changes in the ordinance on page 5, subsection C and page 6 Section 7. Council Member Nickerson suggesting developing a policy and process to have City Administration decide on the details of subsection C. Mr. Neighbor continued the discussion with an explanation of Section 7. Mr. Neighbor requested the Council consider a termination date of the ordinance before them, with most orders using April 2, which could be shortened, extended or repealed.

There were comments from Council Member Morris on the prospect of a Mayoral Proclamation, proposed changes to the ordinance and Garland Chamber input. The was dicussion to have additional time to review the proposed matrix. Mr. Neighbor suggested narrowing some of the County definitions for the time being. Council Member Bookhout recommended April 7 for the cancelation date and revising the ordinance to have the City Manager address variances in Section 4C. Mr. Bookhout proposed adopting the ordinance as it is presented. Mr. Neighbor explained the land use matrix is not attached and therefore, not enforceable. Mr. Neighbor suggested taking County concepts and placing them in Section 4A, (page 4), delete Section B and renumber other sections appropriately. There was Council discussion.

A motion was made by Council Member Bookhout to change: 4B - from Exhibit A to the Dallas County order, 4C - "the City shall" to " the City Manager shall" and termination date being April 7, 2020. Motion failed due to lack of a second.

Mayor Pro Team Smith expressed concerns regarding Section 7. Mr. Neighbor opined on the reason for using the actions detailed in Section 7.

Council Member Aubin described the Grand Prairie summary order and suggested adopting it as Exhibit A. He did not want to assign decisions on variances to the City Manager, suggesting a conference call by the Council to address variances. He suggested removing Section 4 E, Toilet Paper. He explained his support of Section 7 in the ordinance and asked for options to amend, but retain this section.

Mayor Pro Tem Smith suggested amending Section 7 to change "suspend or revoke" to "temporarily suspend", he could then support it. Mr. Neighbor suggested "temporarily suspend" and leave out the revocation.

Council Member Hedrick asked for the variance process to have open meetings with a small committee to make decisions on those issues; he expressed his willingness to participate as a member of the committee.

Council Member Aubin suggested an amendment to the Council Policies to include video conferencing for committee meetings through Zoom. He requested the Mayor appoint a three person committee with the Mayor serving as an ex officio member; the committee could have a standing daily meeting to deal with issues.

Mr. Neighbor provided copies of the synopsis, mentioned earlier by Council Member Aubin. Mr. Neighbor stated this synopsis could be used as Exhibit A for adoption of the ordinance. There was discussion by the Council regarding amendments to the ordinance, Grand Prairie synopsis and use of Zoom webinars for Ad hoc committee and/or City Council meetings.

Motion was made by Council Member Bookhout to accept amendments (leaving welders, heating a/c, appointing a committee for due process, no change to daycare and adding manufacturing to Section 6) to the ordinance, including the language changes in Section 4C (change to Council Committee), removing 4E, revising Section 7 (adding temporary suspend, removing revoke), adopting Exhibit A and having a cancellation date of April 7, seconded by Council Member Aubin. Motion carried: 8 ayes, 0 nays. **Adopting Ordinance No. 7132.**

Mayor LeMay recessed the meeting at 9:27 p.m.

Mayor LeMay reconvened the meeting at 9:40 p.m.

Mayor LeMay opened the discussion to decide formation of an Ad hoc Committee to make decisions related to COVID-19. There was discussion on which members would comprise the group. He asked if there were members who could not participate on the committee, Mr. Nickerson confirmed he is unable to serve on the committee. Mayor LeMay appointed the following members: Mayor Pro Tem Smith, Deputy Mayor Pro Tem Vera and Council Member Aubin; there was no opposition to the appointments.

2. MOVING THE DATE OF THE MAY 2, 2020 GENERAL ELECTION

On March 18, 2020, Governor Greg Abbott issued a proclamation suspending Section 41.0052(a) and (b) of the Texas Election Code to the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. The Governor also suspended Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of his proclamation.

Council is requested to consider amending the general election order, issued as Ordinance No. 7122 on February 4, 2020 by moving the election date called in that order to November 3, 2020 and adjusting the dates for run-off elections and early voting accordingly.

The staff report was presented by City Attorney Neighbor and City Secretary Dowl. It is the staff's recommendation to move the May 2 election to November 3. Mr. Neighbor explained there is no legal requirement for the candidates (Council Members Morris and Bookhout) to be recused from this action. Council Member Morris recused herself from the discussion and left the Chamber. There was discussion by the Council.

Motion was made by Mayor Pro Tem Smith to adopt to **Ordinance No. 7133** moving the May 2 election to November 3, amending the date and times for early voting, and providing for other matters relating thereto . Motion carried: 5 ayes, 2 nays (Council Members Bookhout and Aubin); Council Member Morris recused herself from the vote.

3. Discussion on future meetings

Mayor LeMay opened the discussion. Council Member Morris returned to the dais. He stated the next Council Meeting would be March 30 at 6 p.m.

There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 10:05 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



GARLAND

MINUTES

The Garland City Council COVID-19 Ad hoc Committee convened a telephone/internet meeting at 4:00 p.m. on Tuesday, March 24, 2020, with the following members present:

Present: Mayor - Ex Officio Member Scott LeMay
Chair COVID-19 Ad hoc Committee Robert John Smith
COVID-19 Ad hoc Committee Member Robert Vera
COVID-19 Ad hoc Committee Member Rich Aubin
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
City Attorney Brad Neighbor
First Assistant City Attorney Brian England
City Secretary Eloyce René Dowl

Attendees: Paul Mayer

NOTICE is hereby given that, pursuant to Sections 551.125 and 551.045 of the Texas Government Code, the COVID-19 Ad Hoc Committee of the City Council will hold an emergency telephone or internet meeting on Tuesday, March 24, 2020, at 4:00 p.m. The meeting will be broadcasted by webinar or telephone at the following URL (registration is required):

https://us04web.zoom.us/webinar/register/WN_fTAsXY3KTfm_5b7OL9vfzw

Registration is limited but the meeting will also be available to the public by an audible broadcast at **City Hall, 200 N. Fifth Street, City Council Chambers, Garland, Texas**. The meeting will also be recorded and placed on the website of the City of Garland.

An urgent public necessity exists requiring immediate action of the COVID -19 Ad Hoc Committee of the City Council due to an imminent threat to public health and safety arising from the COVID-19 pandemic. The City continues to respond to the COVID-19 emergency consistent with Council direction and good health practices. The situation remains quite fluid, not only as to containing the spread of the COVID-19 virus, but as to how the City may best direct its efforts to mitigate the effects on City operations and the public.

1. COVID-19 RESPONSE AND RECOMMENDED ACTIONS

The COVID-19 Ad Hoc Committee of the City Council will discuss and deliberate the emergency response measures that have been put into place by the Governor, the City of Garland, and other local governments in response to the COVID-19 emergency, what effect the emergency is having on the City and its citizens, and what response measures, if any, should be added, clarified, modified or discontinued, and consider amendments to exhibit A of the emergency health order passed by the City Council on March 23, 2020.

a. Call to Order and Opening Discussion

Chair Smith opened the meeting at 4 p.m. and explained the content of Exhibit A (matrix). The committee is tasked with determining which items in the matrix will be Essential Businesses in the City of Garland and provide the revised list to Mayor LeMay. He further explained that Dallas County is currently enforcing directives within the City limits.

b. Discussion and review of Exhibit A

Chair Smith recapped the review of items that were presented at the March 23 meeting: 1) The County Order, 2) Pennsylvania Matrix and 3) Guidance from the manufacturing community, providing Department of Homeland Security Guidelines.

Chair Smith began the discussion by reading through the County Order and reviewing specifics of the Pennsylvania order.

Chair Smith asked Member Aubin to discuss weaknesses in the County Order. Member Aubin opined that the County Order deals with people and not businesses, further explaining that the committee needs to deal with both people and businesses. The committee discussed individuals legally traveling to businesses that are not under our order(s) and are open for business; it was the consensus of the committee to recommend this travel to be legal.

There was discussion on medical and diagnostic items on the matrix list. Because essential government functions were spread throughout the list, it was the consensus of the committee to review the matrix from top to bottom. The committee began the process of reviewing the itemized list. The committee decided to keep the format of the this matrix and eliminate items that do not apply to Garland.

Chair Smith checked (4:29 p.m.) the "Chat" function and responded to questions.

The committee reviewed and revised the section on Natural Resources and Mining.

Chair Smith raised the issue of continuing current construction projects to a state of completion. Member Aubin suggested continuing work to a place to prevent deterioration. Member Vera mentioned the Riverset project that is underway and the need to meet their deadlines. Member Aubin mentioned this would qualify under force majeure under the contract.

During the discussion, Council Member Gibbons informed the committee that construction activities are occurring in District 1 that involve moving dirt and there is one project where proceeds for the project are tied to the construction start. He explained this is for information only and he has no intent to impact decisions made on construction.

There was discussion by the commission on the transmission rate of the virus as it relates to what is an essential business and which activities would prevent flattening the curve. Chair Smith answered Member Vera's inquiry regarding Dallas County currently allowing residential,

commercial and public works construction; there are no state-wide restrictions. The proposal is to allow construction sufficient to protect the viability of a structure, no new projects will be allowed, only finishing projects that have started. Member Vera expressed agreement with the position of Member Aubin. Chair Smith asked if this will be applied to public works? Member Aubin mentioned this may include more than buildings and stopping construction on projects. The committee agreed emergency repairs should be permitted and construction of medical facilities. Chair Smith inquired about halting street repair projects, City Manager Bradford confirmed continuation of projects by the City. The committee consensus was to discontinue street repairs. The committee agreed that telecommunication and data services should continue, agreeing that finishing work by speciality contractors should not continue.

The committee agreed to keep all food manufacturing operations equal to that of the County Order, minus tobacco manufacturing.

Chair Smith mentioned approval of operations for businesses converting over to uses for Personal Protective Equipment, which is anticipated in the County Order. Member Aubin is in support of businesses converting to PPE processing. Paul Mayer, Garland Chamber of Commerce, CEO was asked to provide information on textile/apparel, paint and other manufacturing businesses; with the possibility of manufacturing PPE. Chair Smith discussed his concern regarding the committee being qualified to review the list and determine which businesses are essential, asking if there is an over-arching policy that can cover the selection process? He stated the County Order does not address specific items on the list. Member Aubin said there may be businesses the committee are unaware of, possibly considering the Homeland Security list for adoption.

Chair Smith recessed the meeting at 5:10 p.m.

Chair Smith reconvened them meeting at 5:20 p.m.

Member Aubin suggested using Department of Homeland Security recommendations, converting their document to a new form that addresses businesses.

Member Vera asked Pauly Mayer, CEO, Garland Chamber, to comment on paint manufacturing companies. Mr. Mayer provided information, particularly, on Valspar's process that impacts the food supply chain. There was discussion by the committee. The committee continued reviewing individual sections of the matrix for core manufacturing components (i.e. apparel, non-metallic, non-ferrous metals, chemical, paint, mining machinery, commercial service industry machinery, ventilation, and engine turbine manufacturing).

2. Citizens Comments:

Chair Smith took a break from the committee discussion for questions from citizens. Speakers were: Marc Alldridge and James Brown.

Chair Smith asked for a recommendation from the attorney regarding the County Order. Brian England, First City Attorney, explained the City of Garland's legal team is not in a position to give legal advice on how the County is going to interpret its order. He suggested looking over the County Order and interpreting it or call the County if there are questions. He cautioned City employees and Council members avoid interpreting the County Order and applying it to individual circumstances. Mr. England provided a staff contact name: Katie Womble, Attorney at the County; he speculated she may have been involved with the drafting of the order. He did not have a contact number for Ms. Womble. Chair Smith requested staff to research County contact information and send through all public relations channels.

Member Aubin read an excerpt from the document endorsed by the Chamber. There was

discussion by the committee.

Chair Smith asked for citizen comments from Catherine Blake, who could not connect at this time.

Chair Smith recessed the meeting at 6:35 p.m.

Chair Smith reconvened the meeting at 7:00 p.m.

Chair Smith updated the group on the County's decision to enforce its order, explaining that the Council cannot defend businesses if the County enforces the order.

Chair Smith asked Catherine Blake to comment. There was discussion by the committee.

Chair Smith announced an Emergency Meeting of the Council on March 25 at 6:00 p.m. to discuss the latest County actions.

Chair Smith adjourned the meeting at 7:20 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



GARLAND

MINUTES

The City Council of the City of Garland convened an Emergency Meeting at 4:00 p.m. on Tuesday, March 25, 2020, pursuant to Sections 551.125 and 551.045 of the Texas Government Code, the City Council will hold an emergency telephone or internet meeting, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Deputy Mayor Pro Tem Robert Vera
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Attorney Mitch Bates
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

1. The City Council will adjourn into executive session pursuant Section 551.071 of the Texas Government Code to deliberate or discuss:

Pending or contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in regard to the City's authority to respond to the COVID-19 pandemic and related matters.

2. Citizen Comments:

Mayor LeMay called the Emergency meeting to order at 5:25 p.m. and stated the meeting is being held to clean up Council orders and eliminate differences between the City Directives and County Order.

Citizens were allowed three minutes to comment on this item.

Speakers on this item were: John Hamulak, Mark Ulrich, Dianna Isbell, and Rachael Brenner. Written submissions on the item were from: Michelle Stuyvesant, Coach Tracy Starkey-Payne,

Mark Hamulak and Dulce Martinez.

3. Amended Ordinance No. 7132, declaring a continued state of disaster and emergency because of the impact of COVID-19, confirming and ratifying an emergency proclamation, and adopting, approving and ratifying certain rules to protect the health of persons in the City.

Council considered formal action with respect to responding to the COVID-19 emergency by adopting an ordinance amending certain rules and regulations relating to the public health, safety, and welfare.

Brad Neighbor, City Attorney, provided a review of the proposed ordinance for consideration, amending the original Ordinance No. 7132, adopted on March 23. The Council will be adopting the Dallas County Order only as guidelines to keep families safe.

Mayor LeMay referenced the consensus to adopt the ordinance in Executive Session. He opened the floor for comments from each council member:

- Council Member Gibbons - Supports the amended ordinance as presented by the City Attorney and including amendments discussed in Executive Session.
- Council Member Morris - Supports the amended Ordinance No. 7132 with amendments discussed.
- Council Member Nickerson - Supports the ordinance as discussed in the Executive Session.
- Council Member Bookhout - Supports the amendments to the ordinance as discussed.
- Council Member Aubin - Supports the thin ordinance, requesting due process and email address(es) for questions about closures.
- Deputy Mayor Pro Tem Vera - Supports the ordinance.
- Council Member Hedrick - Supports the ordinance and acting with a unified voice.
- Mayor Pro Tem Smith - Supports the ordinance, requesting the County provide opportunity for input from member cities. He asked when the ordinance would be released; the City Attorney plans to have it completed tonight.
- Mayor LeMay - Supports with items discussed in Executive Session.

Before the motion was made Council Member Aubin clarified that the Council will not be determining the status on Essential Services.

Motion was made by Council Member Aubin to approve the amended order, to include items from the Executive Session, seconded by Deputy Mayor Pro Tem Vera. Mayor LeMay conducted a roll call vote, the motion carried: 9 ayes and 0 nays.

Council Member Aubin asked to speak on other items; the Council was limited in scope to addressing only Ordinance No. 7132, as stated by City Attorney Neighbor. Council Member Aubin requested a status update at the March 30 meeting for all City operations, to confirm the City is in compliance with the Shelter in Place Order for all businesses, including government.

There were final encouraging comments from Mayor LeMay.

There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 6:17 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. a.

Meeting Date: 04/07/2020

Item Title: Replacement of Galvanized Water Mains

Submitted By: Wes Kucera, Managing Director

Bid Number: 0312-20

Purchase Justification:

This request is to replace galvanized water lines on Ninth Street (Austin to State), Glenbrook Drive (Austin to State), Brookside Drive (Morningside to Nash), First-Barger (Avenue B to Avenue D) and water loop along S. Garland Avenue to Avenue D. An Optional Contingency is included for any additional work that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Nine (9) bids were received and evaluated with Muniz Construction, Inc., submitting the Straight Low Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Muniz Construction, Inc.	All	\$644,963.50
Optional Contingency		64,496.35
TOTAL:		\$709,459.85

Basis for Award: Straight Low Bid

Purchase Requisition #: 42730

Fiscal Impact

Total Project/Account:	\$3,380,000
Expended/Encumbered to Date:	1,400,784
Balance:	\$1,979,216
This Item:	709,460
Proposed Balance:	\$1,269,756
Account #:	220-4049-3020700-9129

Fund/Dept/Project – Description and Comments:Water Utility CIP / Upgrade Undersized Water Mains

Attachments

Bid Recap 1 of 2

Bid Recap 2 of 2

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2020

Document Location: CIP - Page 217

Budget Director Approval: Ron Young

Approval Date: 03/17/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/16/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. b.

Meeting Date: 04/07/2020

Item Title: Professional Services Amendment for Rick Oden Park

Submitted By: Andy Hesser, Managing Director

Bid Number: 1193-19

Purchase Justification:

This request is to approve Change Order #1 for professional design services associated with site and utility design for park areas immediately surrounding the proposed skate park.

Evaluation:

Kimley-Horn and Associates was awarded the original PO 28952 in the amount of \$97,200.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Kimley-Horn and Associates	All	\$49,500.00
TOTAL:		\$49,500.00

Basis for Award: Change Order

Purchase Requisition #: 43151

Fiscal Impact

Total Project/Account: \$5,222,000
Expended/Encumbered to Date: 4,006,552
Balance: \$1,215,448
This Item: 49,500
Proposed Balance: \$1,165,948
Account #: 692-2499-1834512-7101

Fund/Dept/Project – Description and Comments:

Park CIP / Park System Parking and Park Roads Program - Skating/Skateboard Facility at Rick Oden Park

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2020

Document Location: CIP - Page 69

Budget Director Approval: Ron Young

Approval Date: 03/27/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/26/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. c.

Meeting Date: 04/07/2020

Item Title: Toughbook Laptop Computers

Submitted By: Steven Niekamp, Chief Information Officer

Bid Number: 0670-20

Purchase Justification:

This request is to purchase twenty-nine (29) replacement Toughbook laptop computers for Code Compliance to use for field work and inspection processes.

Evaluation:

These computers are available from GTS Technology Solutions through the State of Texas Department of Information Resources (DIR) Cooperative Purchasing Agreement DIR-TSO-4025.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
GTS Technology Solutions	All	\$120,651.60
TOTAL:		\$120,651.60

Basis for Award: Cooperative Purchase

Purchase Requisition #: 43253

Fiscal Impact

Total Project/Account: \$933,953
Expended/Encumbered to Date: 236,227
Balance: \$697,726
This Item: 120,652
Proposed Balance: \$577,074
Account #: 413-4511-6011
Fund/Dept/Project – Description and Comments:

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Page 311

Budget Director Approval: Ron Young

Approval Date: 03/23/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/19/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. d.

Meeting Date: 04/07/2020

Item Title: GP&L Spencer Unit #5 Cooling Tower Water Pretreatment

Submitted By: Dan Bailey, Energy Services Director

Bid Number: 0648-20

Purchase Justification:

This request is for the pretreatment of cooling tower water for GP&L Spencer Unit #5 so that it can be properly discharged to the City of Denton wastewater treatment plant. In order to get the water discharged in time for summer peak operating season, the water will need to be treated and brought to City of Denton wastewater standards.

Evaluation:

Evoqua Water Technologies will be performing these services as an Emergency purchase to preserve or protect City property.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Evoqua Water Technologies	All	\$106,725.00
TOTAL:		\$106,725.00

Basis for Award: Emergency

Purchase Requisition #: 43232

Fiscal Impact

Total Project/Account: \$690,575
Expended/Encumbered to Date: 300,243
Balance: \$390,332
This Item: 106,725
Proposed Balance: \$283,607
Account #: 211-3453-7111
Fund/Dept/Project – Description and Comments:

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Oper. Budget - Page 232

Budget Director Approval: Ron Young

Approval Date: 03/27/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/25/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. e.

Meeting Date: 04/07/2020

Item Title: Design Services for Transportation Maintenance and Operations Facility

Submitted By: Rick Galceran, Capital Project Management Director

Bid Number: 0698-20

Purchase Justification:

This request is to provide professional design services for interior and minor exterior renovations to the Transportation Maintenance and Operations facility. The design firm will provide five (5) basic phases of services including Pre-Design/Site Investigation, Schematic Design, Construction Documents, Bidding and Construction Contract Administration. This project contains a reserved contingency of 10% for any additional services that may be required. This project is part of the 2019 Bond Program and approved in the 2020 CIP.

Evaluation:

MPI Architects was selected as the Most Qualified firm for this project from RFQ 0484-17.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	MPI Architects	All	\$132,900.00
		TOTAL:	\$132,900.00

Basis for Award: Most Qualified

Purchase Requisition #: 43282

Fiscal Impact

Total Project/Account:	\$212,000
Expended/Encumbered to Date:	0
Balance:	\$212,000
This Item:	132,900
Proposed Balance:	\$79,100

Account #: 657-1429-1610619-710120

Fund/Dept/Project – Description and Comments:

Municipal Facilities & Misc. Tax Supported / Transportation Maintenance and
Operations Facility Renovation - 2019 Bond Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2020

Document Location: CIP - Page 175

Budget Director Approval: Ron Young

Approval Date: 03/27/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/25/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. f.

Meeting Date: 04/07/2020

Item Title: GP&L Dent Road Switch Station Construction Management Services

Submitted By: Steve Martin, Transmission Director

Bid Number: 0562-19

Purchase Justification:

This request is to approve Change Order #1 for the Dent Road Switch Construction Management Services. This Change Order will extend the construction oversight services by five months to cover the extended construction schedule.

Evaluation:

Burns & McDonnell was awarded the original PO 28429 in the amount of \$341,000 at the 03/19/2019 City Council Meeting.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Burns & McDonnell	All	\$120,000.00
TOTAL:		\$120,000.00

Basis for Award: Change Order

Purchase Requisition #: 43240

Fiscal Impact

Total Project/Account: \$4,594,901
Expended/Encumbered to Date: 1,119,492
Balance: \$3,475,409
This Item: 120,000
Proposed Balance: \$3,355,409
Account #: 210-3799-3177401-7111
Fund/Dept/Project – Description and Comments:

Electric CIP / Substations Upgrades Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2020

Document Location: CIP - Page 270

Budget Director Approval: Ron Young

Approval Date: 03/27/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/25/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. g.

Meeting Date: 04/07/2020

Item Title: GP&L Limestone to Gibbons Creek Transmission Line Relocation Engineering Services

Submitted By: Steve Martin, Transmission Director

Bid Number: 0658-20

Purchase Justification:

This request is to obtain engineering design services for the relocation of the Limestone to Gibbons Creek 345kV transmission line to accommodate a widening of State Highway 21 by the Texas Department of Transportation (TxDOT). This project will be reimbursed by TxDOT at 100%.

Evaluation:

Power Engineers was selected as the Most Qualified firm for this project from RFQ 0753-19.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Power Engineers	All	\$188,511.00
		TOTAL:	\$188,511.00

Basis for Award: Most Qualified

Purchase Requisition #: 43252

Fiscal Impact

Total Project/Account:	\$2,110,000
Expended/Encumbered to Date:	0
Balance:	\$2,110,000
This Item:	188,511
Proposed Balance:	\$1,921,489
Account #:	215-3599-3145001-7111

Fund/Dept/Project – Description and Comments:

Electric CIP / Transmission Lines Program - TxDOT Reimbursement

AttachmentsBid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2020

Document Location: CIP - Page 264

Budget Director Approval: Ron Young

Approval Date: 03/27/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/25/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. h.

Meeting Date: 04/07/2020

Item Title: GP&L Nevill Road to Greasewood 345kV Transmission Line Construction

Submitted By: Steve Martin, Transmission Director

Bid Number: 0525-20

Purchase Justification:

This request is for the construction of the Nevill Road to Greasewood 345kV Transmission Line as part of the approved Nevill to Greasewood 345kV Transmission CIP project. An Optional Contingency is included for any additional work that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Eleven (11) bids were received and evaluated based on the published criteria. NorthStar Energy Solutions received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
NorthStar Energy Solutions	All	\$3,942,237.14
Optional Contingency		394,223.00
TOTAL:		\$4,336,460.14

Basis for Award: Best Value

Purchase Requisition #: 43040

Fiscal Impact

Total Project/Account:	\$11,963,000
Expended/Encumbered to Date:	6,394,819
Balance:	\$5,568,181
This Item:	4,336,460
Proposed Balance:	\$1,231,721
Account #:	210-3599-3144501-7111

Fund/Dept/Project – Description and Comments:Electric CIP / 2020 Transmission Lines Program

Attachments

Bid Recap 1 of 3

Bid Recap 2 of 3

Bid Recap 3 of 3

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2020

Document Location: CIP - Page 264

Budget Director Approval: Ron Young

Approval Date: 03/27/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/25/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. i.

Meeting Date: 04/07/2020

Item Title: Gibbons Creek Transient Recovery Voltage Material

Submitted By: Steve Martin, Transmission Director

Bid Number: 0465-20

Purchase Justification:

This request is for the purchase of transient recovery voltage materials as part of the approved TMPA Gibbons Creek Add TRV Capacitor CIP project. This is a TMPA project and will be reimbursed at 100%.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Four (4) bids were received and evaluated with KBS Electrical Distributors, Inc., submitting the Lowest Responsible Bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
KBS Electrical Distributors, Inc.	All	\$418,217.00
TOTAL:		\$418,217.00

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: 42980

Fiscal Impact

Total Project/Account:	\$768,211
Expended/Encumbered to Date:	57,305
Balance:	\$710,906
This Item:	418,217
Proposed Balance:	\$292,689
Account #:	215-3542-3126901-6051

Fund/Dept/Project – Description and Comments:

Electric CIP / TMPA Transmission Lines Program

AttachmentsBid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2020

Document Location: CIP - Page 264

Budget Director Approval: Ron Young

Approval Date: 03/27/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/25/2020



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. j.

Meeting Date: 04/07/2020

Item Title: GP&L Nevill Road Switch Station Construction

Submitted By: Jeff Janke, Administration

Bid Number: 0552-20

Purchase Justification:

This request is for the construction of the Nevill Road Switch Station as part of the approved Nevill Road Switch Station CIP project. An Optional Contingency is included for any additional work that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Seven (7) bids were received and evaluated based on the published criteria. Primoris T&D Services received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Primoris T&D Services	All	\$4,098,253.68
Optional Contingency		409,825.00
TOTAL:		\$4,508,078.68

Basis for Award: Best Value

Purchase Requisition #: 43091

Fiscal Impact

Total Project/Account:	\$18,374,740
Expended/Encumbered to Date:	10,050,962
Balance:	\$8,323,778
This Item:	4,508,079
Proposed Balance:	\$3,815,699
Account #:	210-3799-3178201-7111

Fund/Dept/Project – Description and Comments:Electric CIP / Substations Upgrades Program

Attachments

Bid Recap 1 of 2

Bid Recap 2 of 2

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2020

Document Location: CIP - Page 270

Budget Director Approval: Ron Young

Approval Date: 03/30/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 03/25/2020



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. a.

Meeting Date: 04/07/2020

Item Title: Z 19-33 Wier and Associates, Inc. (District 7)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 19-33 Wier and Associates, Inc.

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 19-33 Ordinance

Z 19-33 Exhibit A

Z 19-33 Exhibit B

Z 19-33 Exhibit C

Z 19-33 Exhibit D

Z 19-33 Exhibit E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 05-22 FOR COMMUNITY OFFICE (CO) USES AND 2) A DETAIL PLAN FOR COMMUNITY OFFICE (CO) USES ON A 1.563-ACRE TRACT OF LAND LOCATED AT 5500 NORTH SHILOH ROAD; 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 NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 24th day of February, 2020, the Plan Commission did consider and make recommendations on a certain request for approval of 1) an amendment to Planned Development (PD) District 05-22 for Community Office (CO) Uses and 2) a Detail Plan for Community Office (CO) Uses by **Wier and Associates, Inc.**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving 1) an amendment to Planned Development (PD) District 05-22 for Community Office (CO) Uses and 2) a Detail Plan for Community Office (CO) Uses on a 1.563-acre tract of land located at 5500 North Shiloh Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

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

Section 3

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

Section 4

NOTICE OF CONDITIONS OF COMPLIANCE: Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of Exhibit B of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit A. All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within Exhibit B of this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

That the Garland Development Code, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6

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 7

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

ZONING FILE NO. Z 19-33

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

ZONING FILE Z 19-33

BEING A TRACT OF LAND LOCATED IN THE THOMAS MONTGOMERY SURVEY, ABSTRACT NO. 962, DALLAS COUNTY, TEXAS, BEING ALL OF LOT 2, BLOCK 1, AUTUMN LEAVES ADDITION, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NUMBER 200503564110, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A "X" CUT FOUND IN THE EAST RIGHT-OF-WAY LINE OF NORTH SHILOH ROAD (A VARIABLE WIDTH RIGHT-OF-WAY), BEING THE NORTHWEST CORNER OF SAID LOT 2 AND THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF SAID AUTUMN LEAVES ADDITION;

THENCE N 89°00'03" E, ALONG THE NORTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 110.01 FEET TO A "X" CUT FOUND, BEING AN ANGLE POINT THE NORTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF SAID LOT 1;

THENCE S 57°24'27" E, CONTINUING ALONG THE NORTH LINE OF SAID LOT 2 AND THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 181.85 FEET TO A 1/2" IRON ROD FOUND, BEING THE NORTHEAST CORNER OF SAID LOT 2, THE SOUTHEAST CORNER OF SAID LOT 1, AND IN THE WEST LINE OF AN ALLEY AS SHOWN ON THE PLAT FOR WOOD GLEN ADDITION NO. 1, AN ADDITION TO THE CITY OF GARLAND, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 86052, PAGE 5225, DEED RECORDS, DALLAS COUNTY, TEXAS (D.R.D.C.T.);

THENCE S 32°40'04" W, ALONG THE EAST LINE OF SAID LOT 2 AND THE WEST LINE OF SAID ALLEY, 379.69 FEET TO A POINT, BEING THE SOUTHEAST CORNER OF SAID LOT 2, IN THE WEST LINE OF LOT 27R, BLOCK 1 OF SAID WOOD GLEN ADDITION NO. 1, AND IN THE EAST RIGHT-OF-WAY LINE OF SAID NORTH SHILOH ROAD;

THENCE S 89°00'10" W, ALONG THE SOUTH LINE OF SAID LOT 2 AND THE EAST RIGHT-OF-WAY LINE OF SAID NORTH SHILOH ROAD, 51.01 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "WIER & ASSOC INC", BEING THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE N 00°59'57" W, ALONG THE WEST LINE OF SAID LOT 2 AND THE EAST RIGHT-OF-WAY LINE OF SAID NORTH SHILOH ROAD, 416.62 FEET TO THE PLACE OF BEGINNING CONTAINING 1.563 ACRES (68,067 SQUARE FEET) OF LAND, MORE OR LESS.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 19-33

5500 North Shiloh Road

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for five (5) office buildings.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773 and Planned Development (PD) 05-22 District as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Office (CO) District as set forth in Chapter 2 of the Garland Development Code and Planned Development (PD) 05-22 District are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.

V. Specific Conditions:

- A. Permitted Uses: Land Uses are permitted as in Planned Development (PD) District 05-22.
- B. Building Setback: The minimum building setback from the eastern property line (adjacent to the residential zoning district) shall be seventy-eight (78) feet.
- C. Site Plan: The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- D. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.
- E. Elevations: Building and Sign Elevations shall be in

general conformance with the elevations labeled Exhibit E.

F. Maximum Height: The maximum height for all buildings shall be thirty (30) feet.

G. Property Owners Association ("POA"): In the event the Planned Development, or any portion thereof, is subdivided, conveyed, or sold to another party and there is no longer unity of ownership of the entire property described in Exhibit A, ("Premises") a POA must be lawfully created and maintained with each property owner being a mandatory member. The POA shall adopt bylaws establishing a system of payment of dues; a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member; and other provisions as deemed appropriate to secure a sound and stable association.

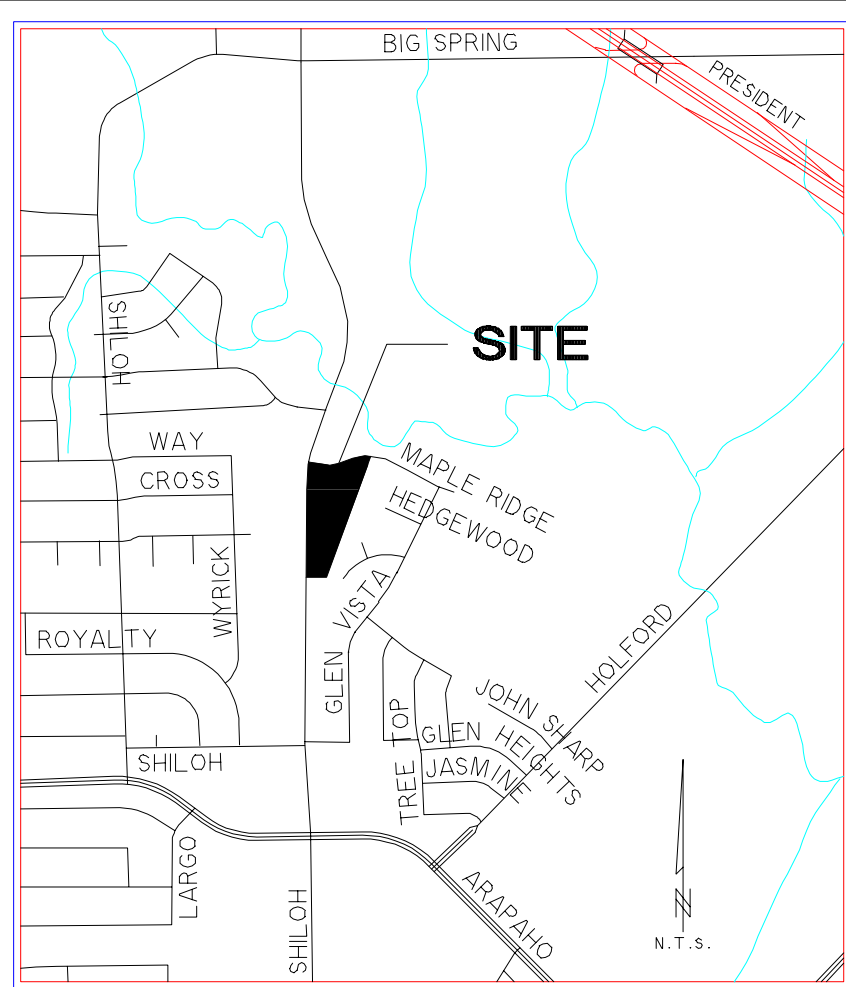
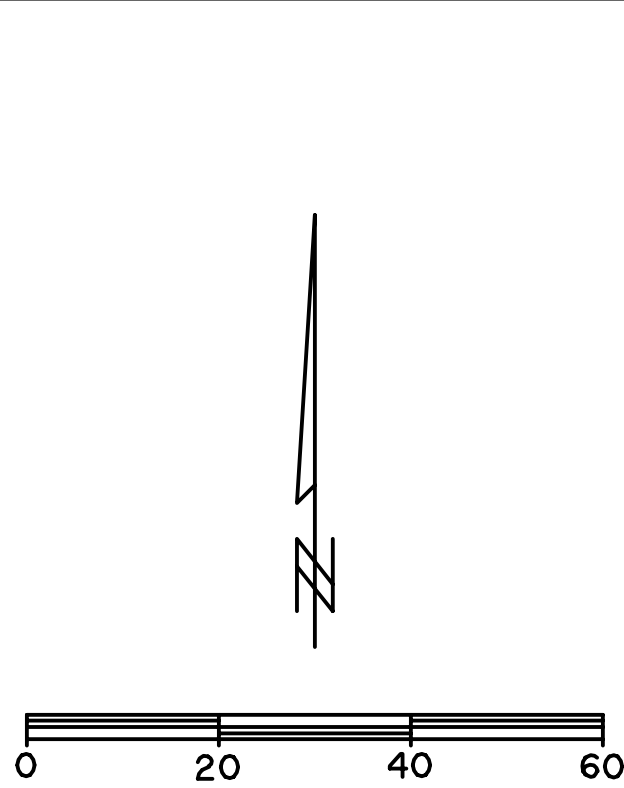
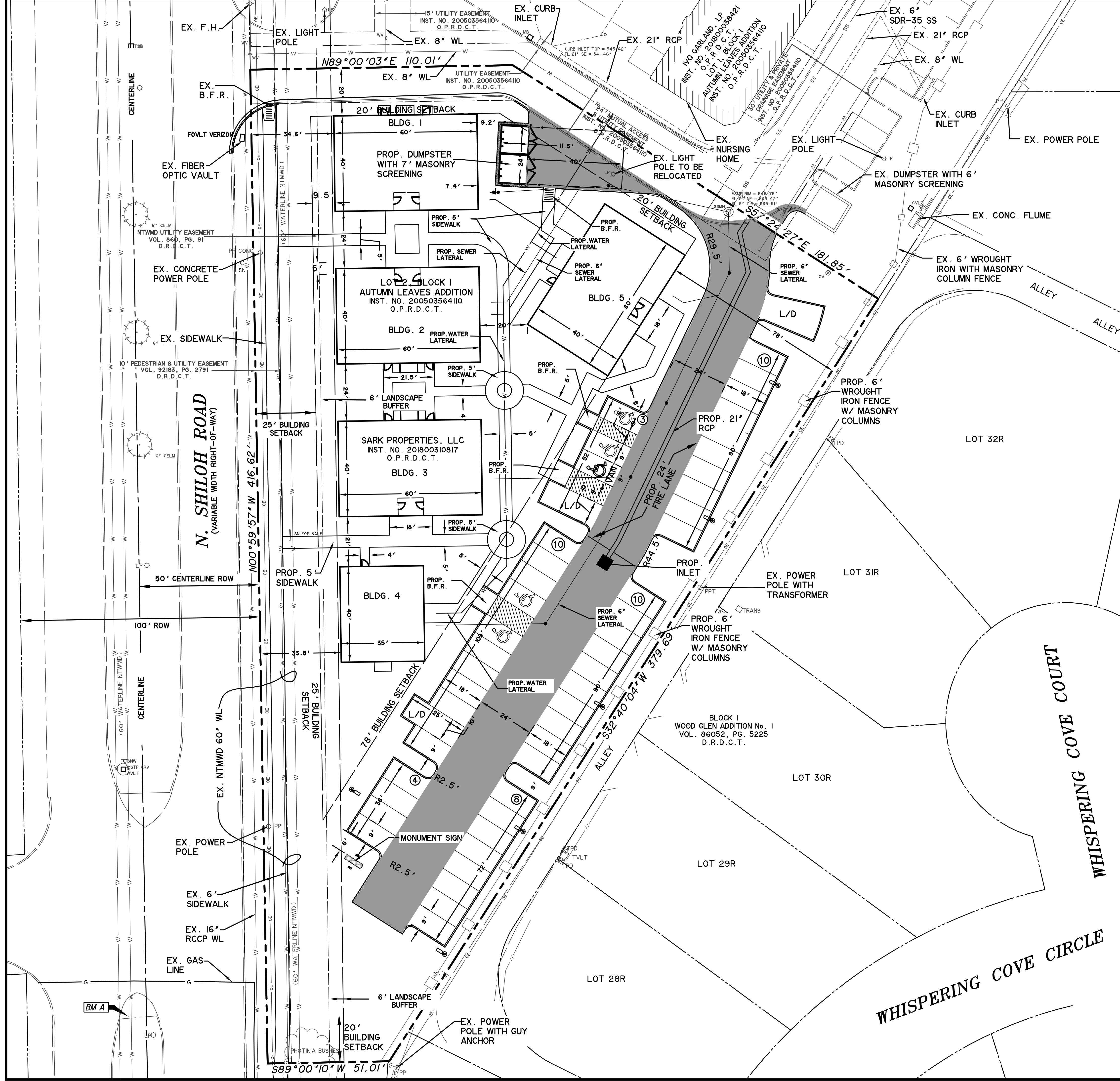
H. Maintenance Requirements: Maintenance of Open/Common Space, Landscaped Areas, Entry Features, Access Easements, Screening Walls/Fences In POA Lots or Wall/Fence Maintenance Easements And Amenities In POA Lots: The individual property owner(s) and the POA, where applicable, of the Premises shall be jointly and severally liable for the following maintenance requirements of individual lots, open/common space, landscaped areas, entry features, access easements, screening walls/fences in POA lots or wall/fence maintenance easements and amenities in POA lots, including but not limited to the following:

- 1) Landscaping must be regularly maintained in a healthy growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner and the POA (where applicable) is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and

ameliorates objectionable dust conditions.

2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan within sixty (60) days after receipt of notification by the City. In the event the property owner(s) or POA, where applicable, fail to remedy a violation of any landscaping maintenance regulation within sixty (60) days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold or revoke city permits, approvals, consents, licenses and/or certificates for the Premises.

3) Screening and paving must be installed and regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner(s) and the POA, where applicable, are jointly and severally responsible for regular maintenance of all screening and paving as needed. In the event the property owner(s) or POA, where applicable, fail to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and certificates for the Premises.



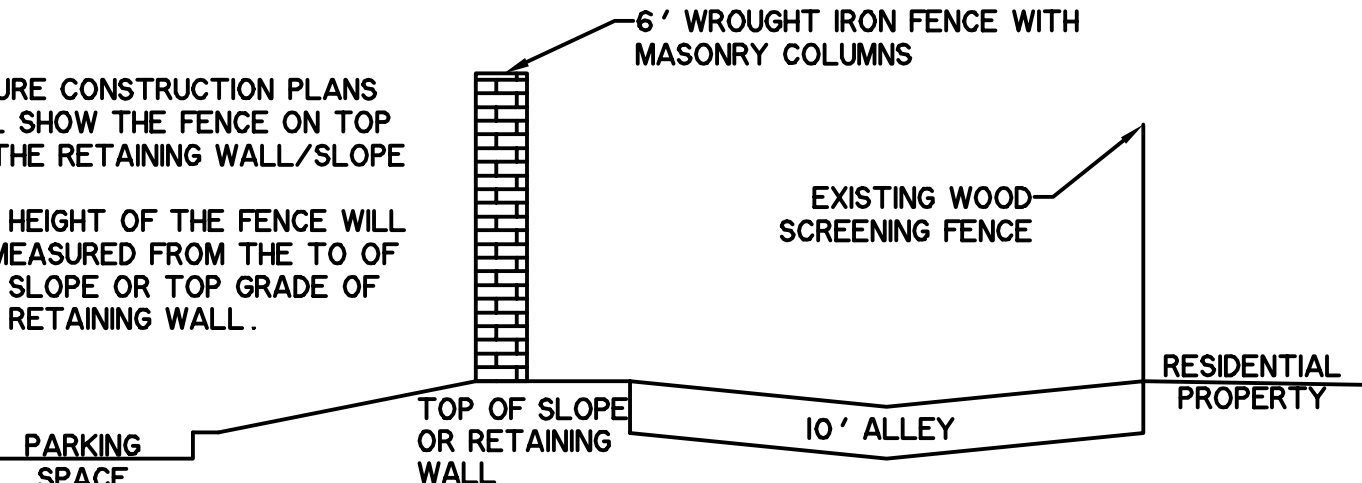
VICINITY MAP

LEGEND	
	PROPOSED 6' CLASS 'C' CONCRETE
	PROPOSED WATER LINE
	PROPOSED SEWER LATERAL
	PROPOSED STORM DRAIN
	PROPOSED HANDICAP PARKING STALL
	EXISTING WATER LINE
	EXISTING SEWER LINE
	EXISTING STORM DRAIN
	BARRIER FREE RAMP
	LOADING DELIVERY SPACES
	SIGHT LIGHT POLE

SITE DATA TABLE	
TOTAL SITE AREA	68,067 S.F. (1.563 ACRES)
TOTAL FLOOR AREA RATIO	0.16:1
TOTAL IMPERVIOUS COVER	36,259 S.F. (53%)
TOTAL BUILDING COVERAGE	11,000 SQUARE FEET
PARKING CALCULATION	S.F./250 (44 TOTAL SPACES REQUIRED)
PARKING PROVIDED	45
LOADING CALCULATION	5 SPACES REQUIRED
LOADING PROVIDED	3 LOADING SPACES PROVIDED *
OPEN SPACE REQUIRED	27,227 S.F.
OPEN SPACE PROVIDED	31,808 S.F.
	BLDG. 1BLDG. 2BLDG. 3BLDG. 4BLDG. 5
BUILDING HEIGHT PERMITTED	30'30'30'30'30'
BUILDING HEIGHT PROPOSED	21'-4"21'-4"21'-4"20'-11"21'-4"
NUMBER STORIES PERMITTED	11111
NUMBER STORIES PROPOSED	11111
GROSS SQUARE FOOTAGE	24002400240014002400
PROPOSED USE	MEDICAL OFFICE./ MEDICAL OFFICE./ MEDICAL OFFICE./ MEDICAL OFFICE./ MEDICAL OFFICE./
	GENERAL OFFICE GENERAL OFFICE GENERAL OFFICE GENERAL OFFICE GENERAL OFFICE
GROSS SQUARE FOOTAGE PER USE	24002400240014002400
GROSS SQUARE FOOTAGE PER FLOOR	24002400240014002400
PROVIDED PARKING PER BUILDING	10101010610
APPROX FINISHED FLOOR ELEVATION	550.4552.6552.4552.75550.65

NOTE,

- 1) FUTURE CONSTRUCTION PLANS WILL SHOW THE FENCE ON TOP OF THE RETAINING WALL/SLOPE
- 2) THE HEIGHT OF THE FENCE WILL BE MEASURED FROM THE TO OF THE SLOPE OR TOP GRADE OF THE RETAINING WALL.



TYPICAL FENCE SECTION

NOTA

CAUTION !!

EXISTING UTILITIES ARE INDICATED ON THE PLANS FROM AVAILABLE INFORMATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL UTILITIES, TO NOTIFY ALL UTILITY COMPANIES OF THE CONTRACTORS OPERATIONS, TO PROTECT ALL UTILITIES FROM DAMAGE, TO REPAIR ALL UTILITIES DAMAGED DUE TO THE CONTRACTORS OPERATIONS, AND TO NOTIFY THE ENGINEER PROMPTLY OF ALL CONFLICTS OF THE WORK WITH EXISTING UTILITIES.

ENGINEER:
WIER & ASSOCIATES, INC.
2201 E. LAMAR BLVD., STE 200E
ARLINGTON, TEXAS 76006
PHONE: (817) 467-7700
CONTACT: RANDY EARDLEY, P.E.

OWNER:
SARK PROPERTIES, LLC
PO BOX 130094
SPRING, TX 77393
PHONE: (713) 208-4440
CONTACT: ROBERT McDANIEL

APPLICANT:
SARK PROPERTIES, LLC
PO BOX 130094
SPRING, TX 77393
PHONE: (713) 208-4440
CONTACT: ROBERT McDANIEL

PREPARED BY:
WIER & ASSOCIATES, INC.
ENGINEERS SURVEYORS LAND PLANNERS
2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76006 METRO (817) 467-7700
Texas Firm Registration No. F-2776 www.WierAssociates.com

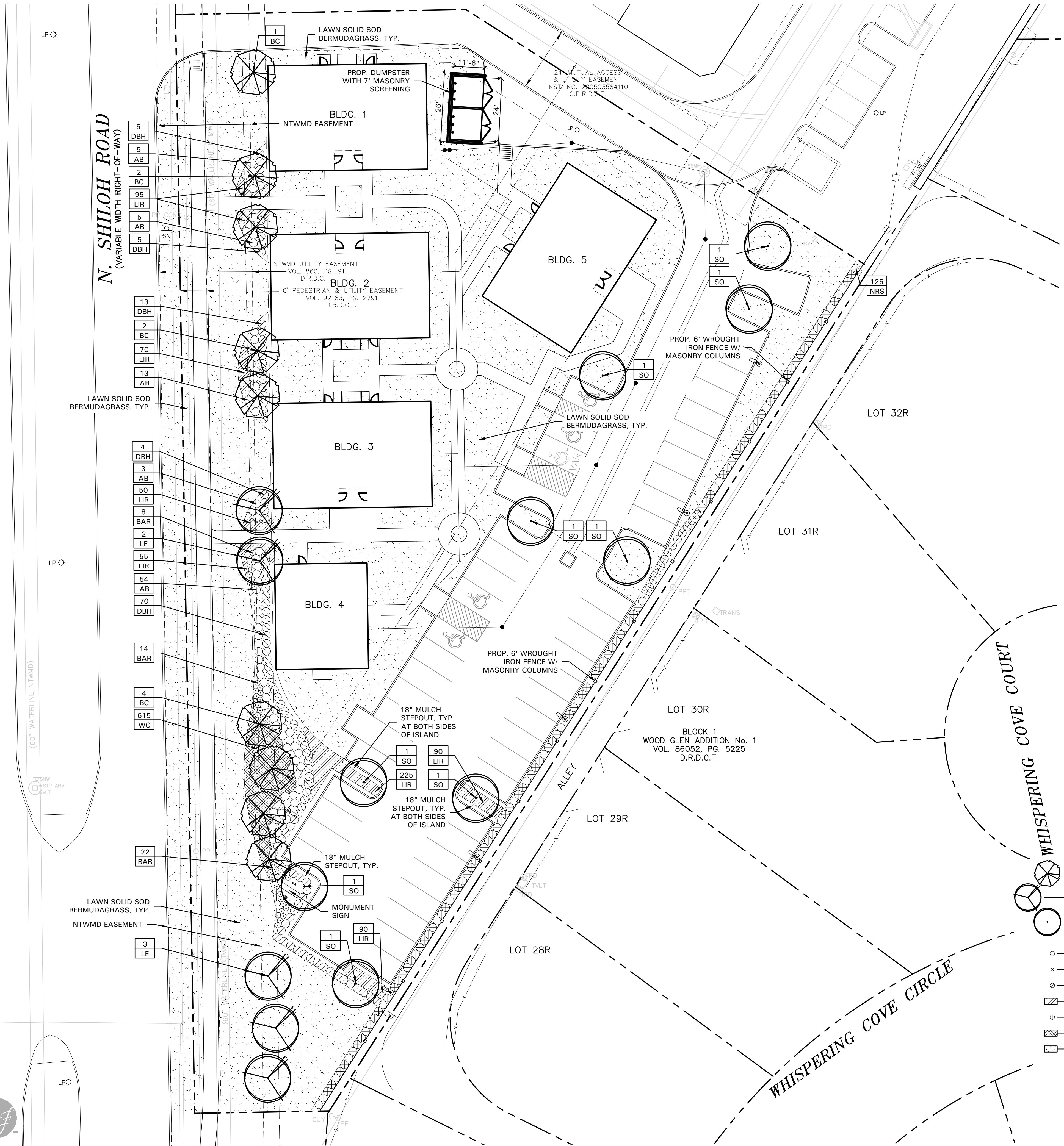
RAM OFFICE PARK
LOT 2, BLOCK 1
CITY OF GARLAND,
DALLAS COUNTY, TX

SITE PLAN
CASE # 190110-2

PRELIMINARY PLANS
FOR PROJECT REVIEW.
NOT FOR
CONSTRUCTION
BIDDING OR PERMIT
PURPOSES
Prepared By/Or Under
Direct Supervision Of
Randall Eardley, PE
Texas Registration
No. 104957 On
Date Shown Below.

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WIER & ASSOCIATES, INC.
LAST SHEET EDIT
DATE 2/28/2020
WA# 05030.02

SHEET NO.
1



LANDSCAPE NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
- CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
- ALL PLANTING BEDS AND LAWN AREAS SHALL BE SEPARATED BY STEEL EDGING. NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALKS, OR CURBS. CUT STEEL EDGING AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND CURBS.
- TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
- ALL LAWN AREAS SHALL BE SOLID SOD BERMUDAGRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FREEZE SENSORS AND EVAPOTRANSPIRATION (ET) WEATHER-BASED CONTROLLERS AND SAID IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR.
- CONTRACTOR SHALL PROVIDE BID PROPOSAL LISTING UNIT PRICES FOR ALL MATERIAL PROVIDED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.

MAINTENANCE NOTES

- THE OWNER, TENANT AND THEIR AGENT, IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE.
- ALL LANDSCAPE SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
- ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THIS PLAN.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR.
- ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER VALUE.
- CONTRACTOR SHALL PROVIDE SEPARATE BID PROPOSAL FOR ONE YEAR'S MAINTENANCE TO BEGIN AFTER FINAL ACCEPTANCE.

LANDSCAPE TABULATIONS

THE CITY OF GARLAND, TEXAS

TOTAL LANDSCAPE AREA

- 10% of site to be landscaped.

Total Site: 68,068 s.f.	Provided
Required	29,406 s.f. (43%)
6,807 s.f. (10%)	

LANDSCAPE BUFFERS

- 20' landscape buffer and one (1) tree and seven (7) shrubs per 30 l.f. adjacent to AA thoroughfare or larger.
- 10' landscape buffer and one (1) tree per 30 l.f. adjacent to all other street types.
- 75% max. turf in landscape buffer area.

SHILOH ROAD: 417 l.f.

Landscape Buffer: 13,706 s.f.	Provided
Required	22' landscape buffer
20' landscape buffer	(14) trees, 3" cal.
(14) trees, 3" cal.	(14) trees, 3" cal.
(98) shrubs	(132) shrubs
10,280 s.f. (75%)	8,685 s.f. (63%)

PARKING AREA LANDSCAPING

- 5% of parking area covered in living landscape.
- One (1) large canopy tree within 65 feet of all parking spaces.
- One (1) large canopy tree per 10 spaces.
- Screen parking with a continuous row of shrubs.

Parking Area: 16,769 s.f.	Provided
Parking spaces: 45	1,622 s.f. (10%)
Required	(5) trees, 3" cal.
839 s.f. (5%)	(5) trees, 3" cal.

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
BC	<i>Taxodium distichum</i>	Bald Cypress	9	3" cal.	container grown, 12" ht., 4" spread, 4' branching ht., matching
LE	<i>Ulmus parvifolia 'Sempervirens'</i>	Lacebark Elm	5	3" cal.	container grown, 12" ht., 4" spread, 4' branching ht., matching
SO	<i>Quercus shumardi</i>	Shumard Red Oak	9	3" cal.	container grown, 12" ht., 4" spread, 4' branching ht., matching
SHRUBS/GROUND COVER					
AB	<i>Abelia grandiflora 'Edward Goucher'</i>	Dwarf Abelia 'Edward Goucher'	80	5 gal.	container full, 24" spread, 36" o.c.
BAR	<i>Berberis thunbergii 'Reserglow'</i>	Rose Glow Barberry	44	5 gal.	container full, 20" spread, 24" o.c.
DBH	<i>Ilex cornuta 'Dwarf Burford'</i>	Dwarf Burford Holly	97	5 gal.	container full, 24" spread, 36" o.c.
LIR	<i>Liriope muscari 'Big Blue'</i>	Liriope 'Big Blue'	675	4" pots	container full top of container, 12" o.c.
NRS	<i>Ilex spp. 'Nellie R. Stevens'</i>	Nellie R. Stevens Holly	125	7 gal.	container full to base, 36" ht., 36" o.c.
WC	<i>Euonymus fortunei 'Coloratus'</i>	Wintercreeper	615	4" pots	container (3) 12" runners min., 12" o.c.
SN	<i>Cynodon dactylon</i>	Common Bermudagrass			solid sod, refer to Solid Sod Notes

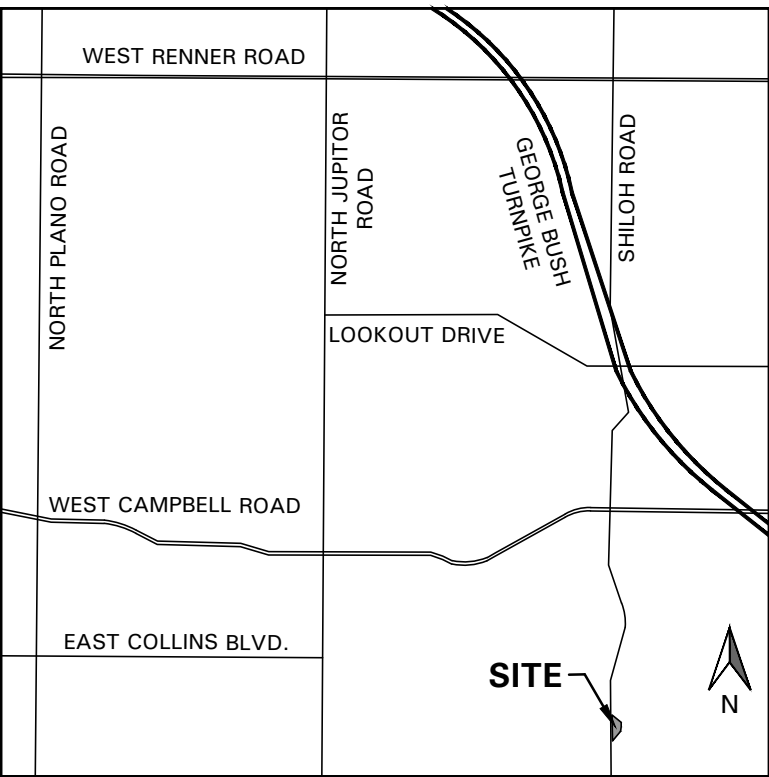
NOTE: ALL TREES SHALL HAVE STRAIGHT TRUNKS AND BE MATCHING WITHIN VARIETIES. PLANT LIST IS AN AID TO BIDDERS ONLY. CONTRACTOR SHALL VERIFY ALL QUANTITIES ON PLAN. ALL HEIGHTS AND SPREADS ARE MINIMUMS. ALL PLANT MATERIAL SHALL MEET OR EXCEED REMARKS AS INDICATED.

CASE #: 190110-2

SCALE: 1" = 20'-0"

VICINITY MAP

NOT TO SCALE



GENERAL LAWN NOTES

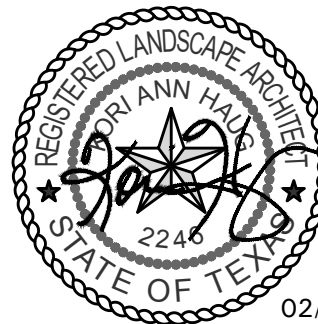
- CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOPSOIL WITH ON-SITE CONSTRUCTION MANAGER.
- CONTRACTOR SHALL LEAVE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
- CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED ON CIVIL PLANS. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAND.
- ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR LANDSCAPE ARCHITECT PRIOR TO LAWN INSTALLATION.
- CONTRACTOR SHALL REMOVE ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPOILS, ETC. PRIOR TO PLACING TOPSOIL AND LAWN INSTALLATION.
- CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO: MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
- CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.

SOLID SOD NOTES

- PLANT SOD BY HAND TO COVER INDICATED AREAS COMPLETELY. ENSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
- ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS.
- WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
- IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, OVER-SEED BERMUDAGRASS SOD WITH WINTER RYEGRASS, AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.



4245 North Central Expy
Suite 501
Dallas, Texas 75205
214.865.7192 office



RAM
OFFICE
PARK

Lot 2, Block 1
Garland, Texas

Project Number: 19096
Issue Date: 08.20.2019
Drawn By: NAY
Checked By: KAH

Revisions	No.	Date:	Detail:
	2	11.22.19	City Comments
	3	01.15.20	City Comments
	4	02.05.20	City Comments
	5	02.13.20	City Comments
	6	02.28.20	City Comments

Sheet Title:

LANDSCAPE
PLAN

Sheet Number:

L1.01



A SOUTH (FRONT) ELEVATION
1/4"=1'-0"



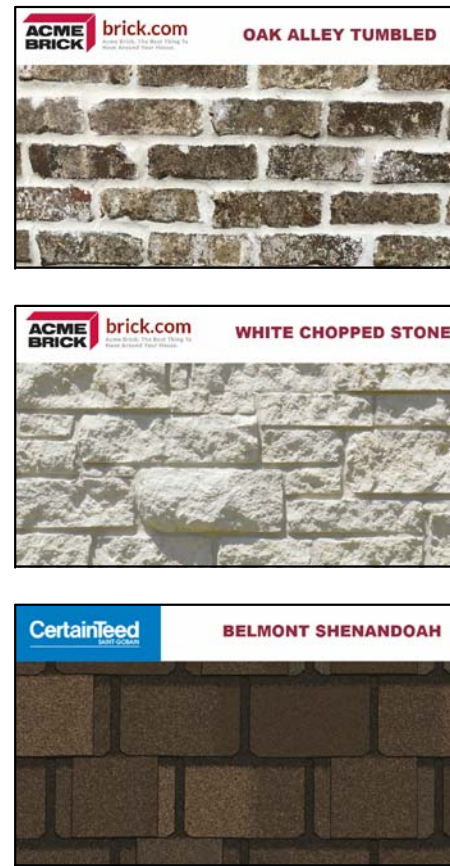
B EAST ELEVATION
1/4"=1'-0"



D WEST ELEVATION
1/4"=1'-0"



C NORTH ELEVATION
1/4"=1'-0"



ELEVATION FINISHING NOTES

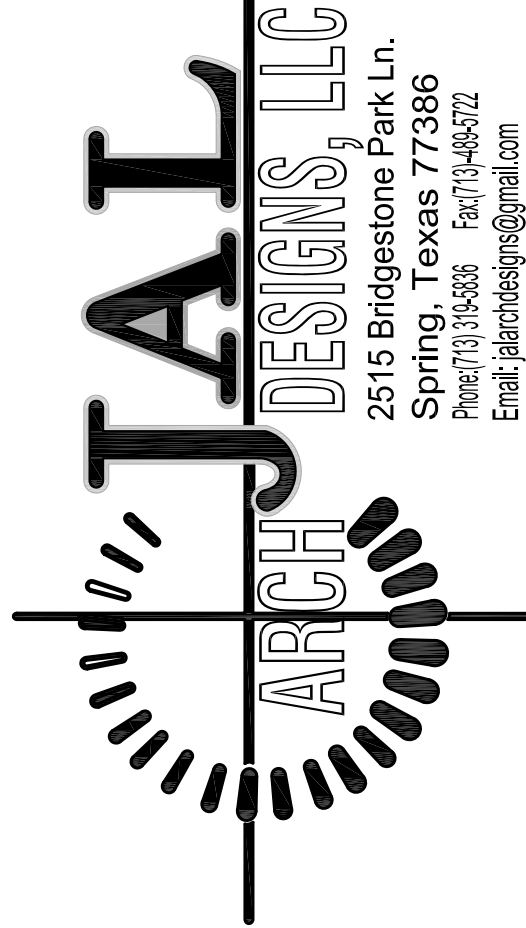
- A ACME BRICK OAK ALLEY TUMBLED WITH WHITE MORTAR
LIFE TIME WARRANTY BY ACME BRICK.
- B ACME BRICK - WHITE CHOPPED STONE WITH WHITE MORTAR
LIFE TIME WARRANTY BY ACME BRICK.
- C ACME BRICK - MANUFACTURED WHITE PRECAST STONE
LINTELS, WINDOW SURROUND TRIMS, ARCH TRIM AND SILL
WHITE MORTAR, LIFE TIME WARRANTY BY ACME BRICK.
- D CERTANTEED - BELMONT SHENANDOAH LANDMARK PREMIUM
SHINGLE ROOFING, WARRANTY PERIOD LIFE TIME, SURE
START PERIOD 10 YEARS, WIND WARRANTY MILES PER HOUR
110 MPH, ALGAE RESISTANT WARRANTY PERIOD 15 YEARS.

ARCHITECTURAL
RESIDENTIAL ELEMENTS

- 1 DIVIDED LIGHT WINDOWS
- 2 TRANSOM WINDOWS OR PRECAST STONE ARCH
- 3 RECESSED ENTRY (main entry doors are located
on perpendicular walls left & right, ref. floor plan)
- 4 ORNAMENTAL WINDOW LINTEL - PRECAST STONE LINTEL.
- 5 VARIED ROOF HEIGHTS.
- 6 ORNAMENTAL FACADE WINDOW - PRECAST
STONE TRIMS.

BUILDING # 1 & 3
2x1,200 S.F. LEASE SPACE OFFICE

CITY OF GARLAND PLANNING DEPARTMENT
File No. : Z 19-33 / Case Number 190110-2



SARK PROPERTICES, LLC
N. SHILOH RD. BUSINESS PARK
5500 N. SHILOH ROAD
GARLAND, TEXAS 75044

ELEVATION
RENDERINGS

ISSUED FOR: ZONING SUBMITTAL

1	0/0/00	-
2	0/0/00	-
3	0/0/00	-
4	0/0/00	-

REVISION NUMBER, DATE & CONTENT

DATE DRAWN	02/11/20
CHECKED BY	JAL
DRAWN BY	JOHN. A. LOPEZ
PROJECT NO.	JAL01-022619
CAD FILENAME	N. SHILOH RD. BUSINESS PARK
SHEET NO.	A.03.2



A NORTH (FRONT) ELEVATION
1/4"=1'-0"



B EAST ELEVATION
1/4"=1'-0"

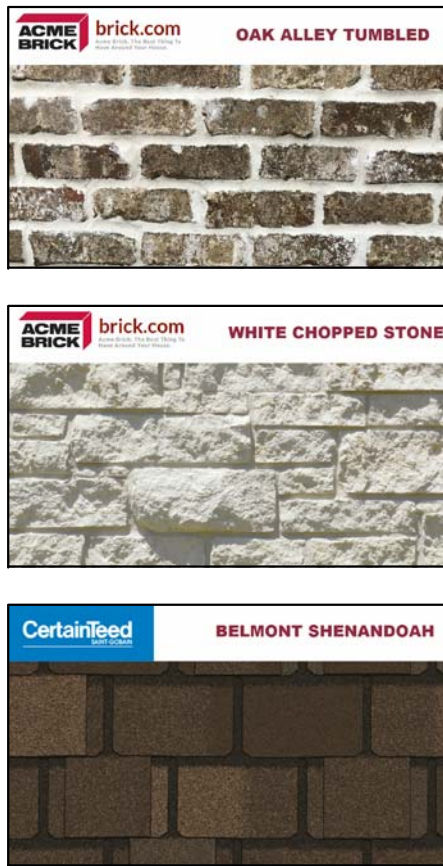


D WEST ELEVATION
1/4"=1'-0"



C SOUTH ELEVATION
1/4"=1'-0"

BUILDING # 2
2x1,200 S.F. LEASE SPACE OFFICE



ELEVATION FINISHING NOTES

- A ACME BRICK OAK ALLEY TUMBLED WITH WHITE MORTAR. LIFE TIME WARRANTY BY ACME BRICK.
- B ACME BRICK - WHITE CHOPPED STONE WITH WHITE MORTAR. LIFE TIME WARRANTY BY ACME BRICK.
- C ACME BRICK - MANUFACTURED WHITE PRECAST STONE LINTELS, WINDOW SURROUND TRIMS, ARCH TRIM AND SILL. WHITE MORTAR, LIFE TIME WARRANTY BY ACME BRICK.
- D CERTANTEED - BELMONT SHENANDOAH LANDMARK PREMIUM SHINGLE ROOFING, WARRANTY PERIOD LIFE TIME, SURE START PERIOD 10 YEARS, WIND WARRANTY MILES PER HOUR 110 MPH, ALGAE RESISTANT WARRANTY PERIOD 15 YEARS.

ARCHITECTURAL
RESIDENTIAL ELEMENTS

- 1 DIVIDED LIGHT WINDOWS
- 2 TRANSOM WINDOWS OR PRECAST STONE ARCH
- 3 RECESSED ENTRY (main entry doors are located on perpendicular walls left & right, ref. floor plan)
- 4 ORNAMENTAL WINDOW LINTEL - PRECAST STONE LINTEL.
- 5 VARIED ROOF HEIGHTS.
- 6 ORNAMENTAL FACADE WINDOW - PRECAST STONE TRIMS.

ELEVATION
RENDERINGS

ISSUED FOR: ZONING SUBMITTAL

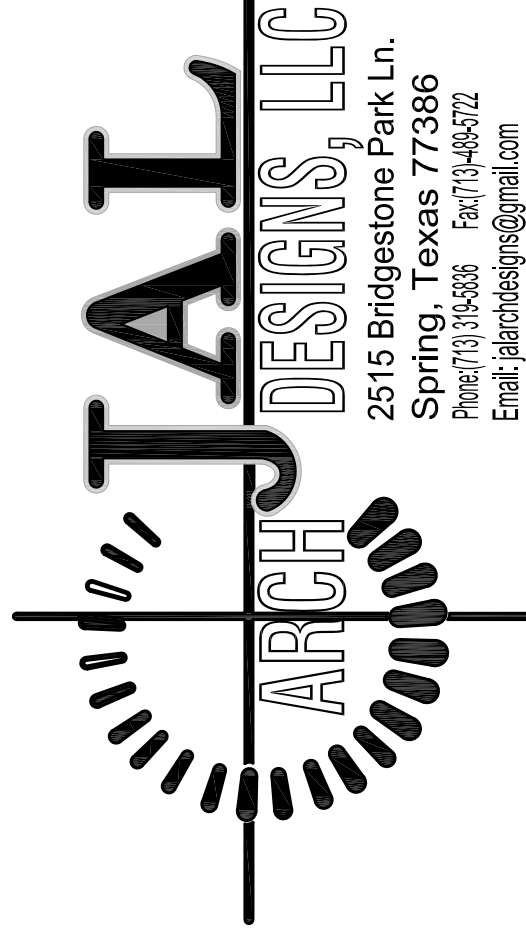
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REVISION NUMBER, DATE & CONTENT

DATE DRAWN	02/11/20
CHECKED BY	JAL
DRAWN BY	JOHN. A. LOPEZ
PROJECT NO.	JAL01-022619
CAD FILENAME	N. SHILOH RD. BUSINESS PARK
SHEET NO.	A.03.2

CITY OF GARLAND PLANNING DEPARTMENT
File No. : Z 19-33 / Case Number 190110-2

SARK PROPERTICES, LLC
N. SHILOH RD. BUSINESS PARK
5500 N. SHILOH ROAD
GARLAND, TEXAS 75044



2515 Bridgestone Park Ln.
Spring, Texas 77386
Phone: 713-936-5208 Fax: 713-936-5272
Email: jalarchdesigns@gmail.com



A EAST (FRONT) ELEVATION
1/4"=1'-0"



B SOUTH ELEVATION
1/4"=1'-0"

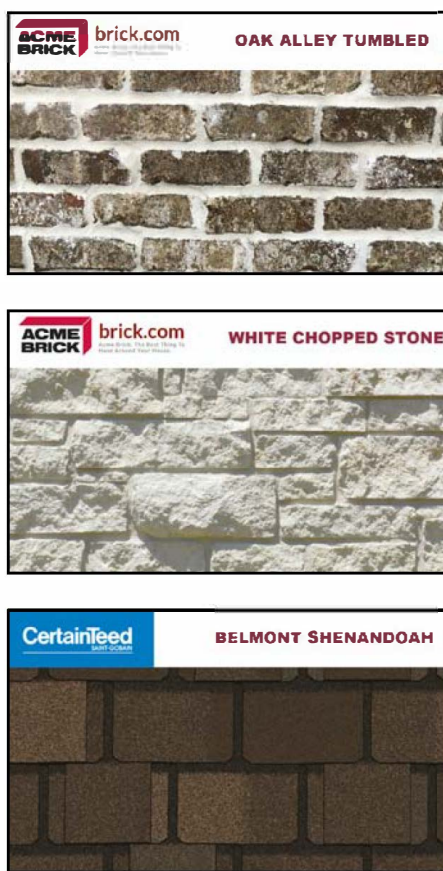


D NORTH ELEVATION
1/4"=1'-0"



C WEST ELEVATION
1/4"=1'-0"

BUILDING # 5
2,400 S.F. LEASE SPACE OFFICE

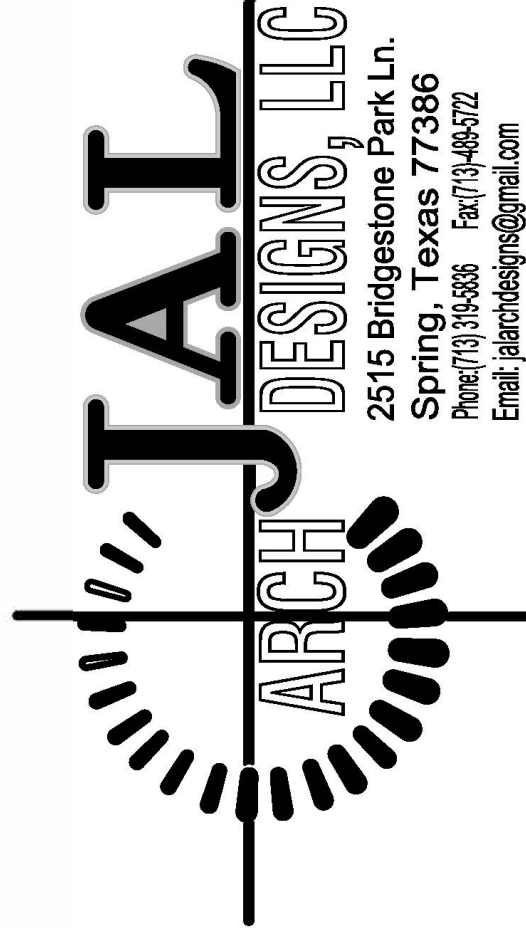


ELEVATION FINISHING NOTES

- (A) ACME BRICK OAK ALLEY TUMBLED WITH WHITE MORTAR
LIFE TIME WARRANTY BY ACME BRICK.
- (B) ACME BRICK - WHITE CHOPPED STONE WITH WHITE MORTAR
LIFE TIME WARRANTY BY ACME BRICK.
- (C) ACME BRICK - MANUFACTURED WHITE PRECAST STONE
LINTELS, WINDOW SURROUND TRIMS, ARCH TRIM AND SILL
WHITE MORTAR, LIFE TIME WARRANTY BY ACME BRICK.
- (D) CERTAINTED - BELMONT SHENANDOAH LANDMARK PREMIUM
SHINGLE ROOFING, WARRANTY PERIOD LIFE TIME, SURE
START PERIOD 10 YEARS, WIND WARRANTY MILES PER HOUR
110 MPH, ALGAE RESISTANT WARRANTY PERIOD 15 YEARS.

ARCHITECTURAL
RESIDENTIAL ELEMENTS

- (1) DIVIDED LIGHT WINDOWS
- (2) TRANSOM WINDOWS OR PRECAST STONE ARCH
- (3) RECESSED ENTRY (main entry door location,
ref. floor plan)
- (4) ORNAMENTAL WINDOW LINTEL - PRECAST STONE LINTEL.
- (5) VARIED ROOF HEIGHTS.
- (6) ORNAMENTAL FACADE WINDOW - PRECAST
STONE TRIMS.



SARK PROPERTICES, LLC
N. SHILOH RD. BUSINESS PARK
5500 N. SHILOH ROAD
GARLAND, TEXAS 75044

ELEVATIONS
RENDERINGS

ISSUED FOR: ZONING SUBMITTAL

1	0/0/00	-
2	0/0/00	-
3	0/0/00	-
4	0/0/00	-

REVISION NUMBER, DATE & CONTENT

DATE DRAWN 02/27/2020

CHECKED BY JAL

DRAWN BY JOHN. A. LOPEZ

PROJECT NO. JAL01-022619

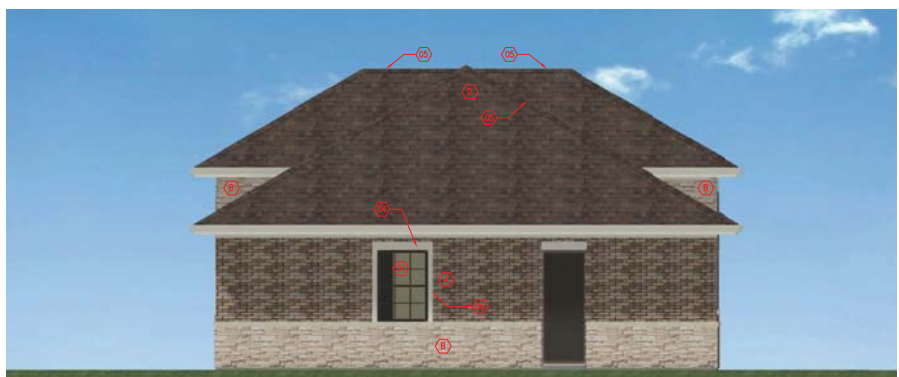
CAD. FILENAME N. SHILOH RD. BUSINESS PARK

SHEET NO.

CITY OF GARLAND PLANNING DEPARTMENT
File No. : Z 19-33 / Case Number 190110-2



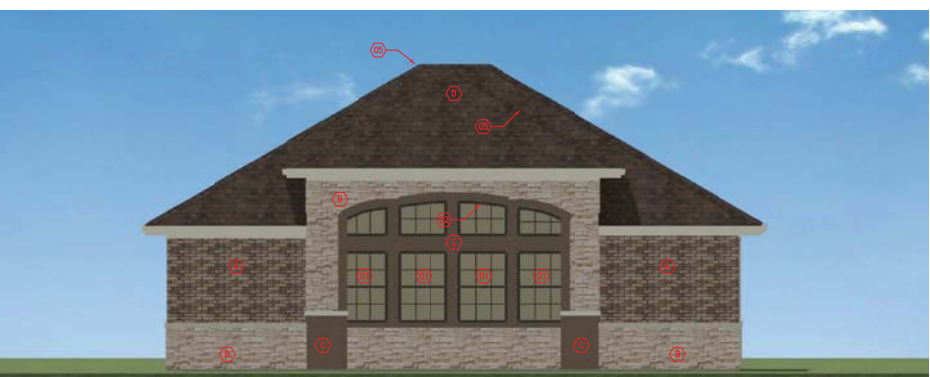
A EAST (FRONT) ELEVATION
1/4"=1'-0"



B NORTH ELEVATION
1/4"=1'-0"



D SOUTH ELEVATION
1/4"=1'-0"



C WEST ELEVATION
1/4"=1'-0"



- ELEVATION FINISHING NOTES**
- (A) ACME BRICK OAK ALLEY TUMBLED WITH WHITE MORTAR. LIFE TIME WARRANTY BY ACME BRICK.
 - (B) ACME BRICK - WHITE CHOPPED STONE WITH WHITE MORTAR. LIFE TIME WARRANTY BY ACME BRICK.
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 - (D) CERTANTERO - BELMONT SHENANDOAH LANDMARK PREMIUM SHINGLE ROOFING. WARRANTY PERIOD LIFE TIME, SURE START PERIOD 10 YEARS, WIND WARRANTY 140 MPH PER HOUR 110 MPH, ALGAE RESISTANT WARRANTY PERIOD 15 YEARS.

- ARCHITECTURAL RESIDENTIAL ELEMENTS**
- (1) DIVIDED LIGHT WINDOWS
 - (2) TRANSOM WINDOWS OR PRECAST STONE ARCH
 - (3) RECESSED ENTRY (main entry door, ref. floor plan)
 - (4) ORNAMENTAL WINDOW LINTEL - PRECAST STONE LINTEL
 - (5) VARED ROOF HEIGHTS.
 - (6) ORNAMENTAL FACADE WINDOW - PRECAST STONE TRIMS.

BUILDING # 4
1,400 S.F., SATELLITE OFFICE

CITY OF GARLAND PLANNING DEPARTMENT
File No.: Z 19-33 / Case Number 190110-2



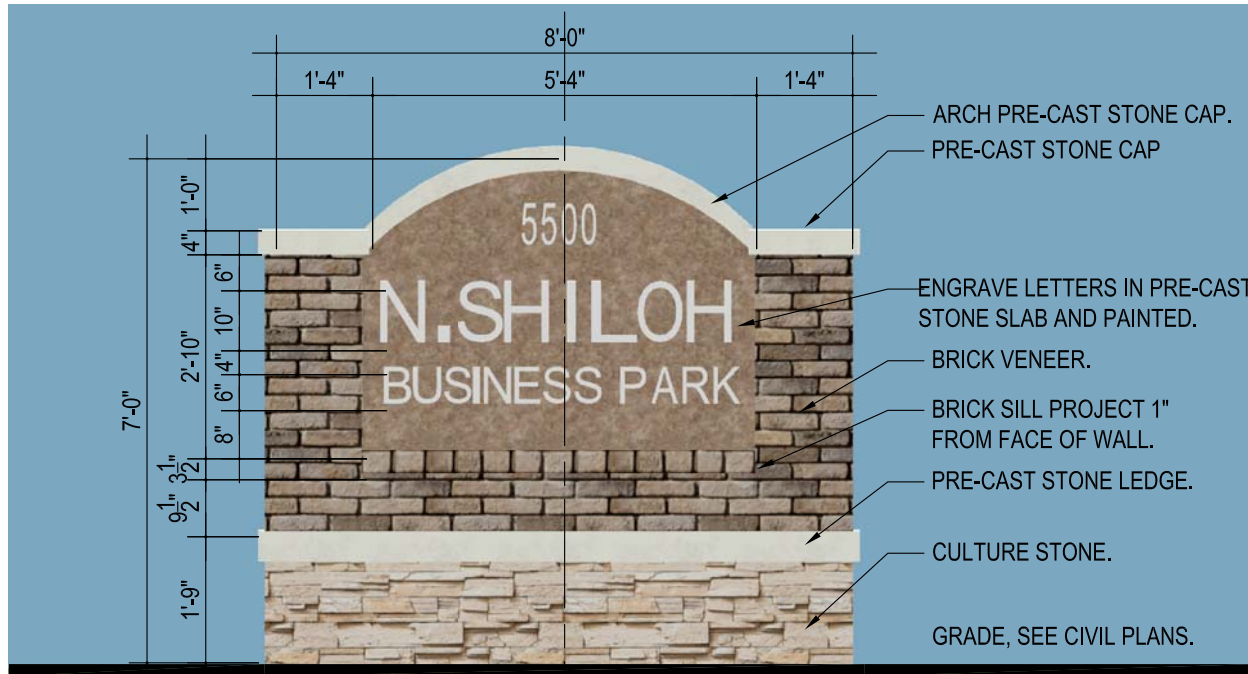
SARK PROPERTIES, LLC
N. SHILOH RD. BUSINESS PARK
5500 N. SHILOH ROAD
GARLAND, TEXAS 75044

ELEVATIONS RENDERINGS

ISSUED FOR: ZONING SUBMITTAL

1/4"=1'-0"	-
1/4"=1'-0"	-
1/4"=1'-0"	-
1/4"=1'-0"	-

REVISION NUMBER, DATE & CONTENT	
DATE DRAWN	02/28/2020
CHECKED BY	JAL
DRAWN BY	JOHN A. LOPEZ
PROJECT NO.	JAL01-022619
CAD FILENAME	N. SHILOH RD. BUSINESS PARK
SHEET NO.	



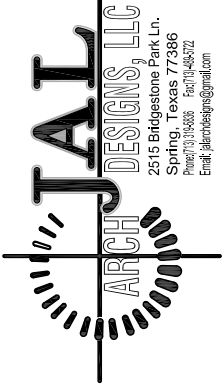
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A01.3

MONUMENT SIGN RENDERED ELEVATION

NOTE TO SCALE

PROPERTY SIGN

CITY OF GARLAND PLANNING DEPARTMENT
File No. : Z 19-33 / Case Number 190110-2



SARK PROPERTICES, LLC

N. SHILOH RD. BUSINESS PARK

5500 N. SHILOH ROAD

GARLAND, TEXAS 75044

MONUMENT SIGN RENDERING

ISSUED FOR: ZONING SUBMITTAL

①	0/0/00	-
②	0/0/00	-
③	0/0/00	-
④	0/0/00	-

REVISION NUMBER, DATE & CONTENT

DATE DRAWN 01/13/20

CHECKED BY JAL

DRAWN BY JOHN. A. LOPEZ

PROJECT NO. JAL01-022619

CAD FILENAME
N. SHILOH RD. BUSINESS PARK

SHEET NO.

A01.1B



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 04/07/2020

Item Title: 2019-2020 Budget Amendment No. 2

Submitted By: Ron Young, Budget Director

Summary of Request/Problem

At the March 16, 2020 Work Session, Council reviewed a Policy Report recommending an amendment to the 2019-2020 Adopted Budget. The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open Purchase Orders from the 2018-19 fiscal year, and (3) expenditures not anticipated in the 2019-2020 Adopted Budget.

All funds required to cover the increases in appropriations are in the respective fund balances. As a result, Budget Amendment No. 2 has no financial impact to the City.

Recommendation/Action Requested and Justification

Consider approval of the Ordinance amending the 2019-2020 Adopted Budget.

Attachments

FY 2019-20 Budget Amendment #2 Policy Report

Schedule of Open Encumbrances being Rolled Forward

Schedule of Proposed Amendments by Fund

FY 2019-20 Budget Amendment No. 2 Ordinance



GARLAND POLICY REPORT

City Council Work Session Agenda

Work Session Item . 0.

Meeting Date: March 16, 2020
Item Title: 2019-20 Budget Amendment No. 2
Submitted By: Ron Young, Budget Director
Strategic Focus Areas: Sound Governance and Finances

ISSUE

Amend the 2019-20 Adopted Budget in order to appropriate available funds for the following:

1. Projects approved in last year's Budget but not completed by the fiscal year-end.
2. Rollover of open Purchase Orders from the 2018-19 fiscal year.
3. Expenditures not anticipated in the 2019-20 Adopted Budget.

OPTIONS

- A. Approve Budget Amendment No. 2 as proposed.
- B. Approve portions of Budget Amendment No. 2.
- C. Do not approve Budget Amendment No. 2.

RECOMMENDATION

Option (A) – Approve Budget Amendment No. 2 as proposed. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the April 7, 2020, Regular Meeting.

BACKGROUND

1. Carryover of 2018-19 Incomplete Projects

a. Rolled-Forward Funds for Street Upgrades

The FY 2018-19 Revised Budget for the Infrastructure Repair & Replacement Fund included \$2,930,000 for Street Pavement Improvements that was not spent prior to the end of FY 2018-19. Budget Amendment No. 2 proposes to increase FY 2019-20 operating appropriations by \$2,930,000 to complete various concrete street replacement projects.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

b. Rolled-Forward Funds in the Information Technology Replacement Fund

The FY 2018-19 Revised Budget for the Information Technology (IT) Replacement Fund included \$641,171 for replacement equipment that was not purchased by the close of the

fiscal year. Budget Amendment No. 2 proposes to increase FY 2019-20 appropriations by \$641,171 in the IT Replacement Fund to purchase previously approved equipment.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

c. Rolled-Forward Funds in the Hotel/Motel Tax Fund for the Heritage Tourism Program

The FY 2018-19 Revised Budget for the Hotel/Motel Tax Fund included \$195,500 for the Heritage Tourism Program that was not spent or committed prior to the end of FY 2018-19. Budget Amendment No. 2 proposes to increase FY 2019-20 operating appropriations by \$195,500 in the Hotel/Motel Tax Fund to promote Downtown Garland as a visitor destination with additional wayfinding and gateway signage.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

d. Rolled-Forward Funds in the Downtown TIF Fund for the Downtown TIF Project and Financing Plan

The FY 2018-19 Revised Budget for the Downtown TIF Fund included \$525,048 for the Downtown Development Office that was not spent or committed prior to the end of FY 2018-19. Budget Amendment No. 2 proposes to increase FY 2019-20 operating appropriations by \$525,048 in the Downtown TIF Fund to continue implementing the Downtown TIF Project and Financing Plan.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

e. Rolled-Forward Funds in the Economic Development Fund for the Image Management Initiative

The FY 2018-19 Revised Budget for the Economic Development Fund included \$137,172 for the Image Management Initiative that was not spent or committed prior to the end of FY 2018-19. Budget Amendment No. 2 proposes to increase FY 2019-20 operating appropriations by \$137,172 in the Economic Development Fund to continue the "Make Your Mark" advertising campaign.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

f. Rolled-Forward Funds in the Safelight Fund

The FY 2018-19 Revised Budget for the Safelight Fund included \$203,891 for the completion of traffic safety programs led by the Transportation Department. Programs include traffic signal retiming, supplemental crossing guard signage, replacement of flashing crosswalks, fluorescent school signs and other signs, and a safety audit. Budget Amendment No. 2 proposes to increase the FY 2019-20 operating appropriations by \$203,891 to complete these programs.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

2. Rolled-Forward Encumbrances from Fiscal Year 2018-19

When an order is placed for goods or services, a Purchase Order is issued that encumbers the budgeted funds. This has the effect of reserving the funds for future payment of the items covered in the Purchase Order. Every year on September 30, when the fiscal year ends, there are open Purchase Orders related to goods or services that have been ordered but not yet received. Accordingly, the funds reserved for these open Purchase Orders are still in the year-end fund balances since the transactions are not yet completed.

Because the purchase of these open items was authorized by Council in the previous fiscal year (2018-19), the City's practice has been to roll these encumbrances forward into the current fiscal year (2019-20). This has the effect of increasing the current year's appropriation by the amount of the open Purchase Orders or encumbrances. The funding to cover the expenditures is available in the fund balance since payment was not made before the close of the fiscal year.

The projected fund balance for the current fiscal year is unaffected by the "roll forward" because it was assumed in the 2019-20 Adopted Budget that the expenditures would be completed in the prior year. The presence of the funds in the fund balance is above and beyond what the Budget assumes for the 2019-20 year-end balance.

Budget Amendment No. 2 proposes that encumbrances totaling \$7,738,568 be rolled forward to 2019-20. Of the total rollover amount, \$850,024 is related to the General Fund. Attachment A provides a detailed listing by fund of individual outstanding encumbrances over \$25,000.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

3. Expenditures Not Anticipated in the 2019-20 Adopted Budget

a. Rifle Replacement Program

Narcotic Seizure Fund requests approval of an additional \$35,000 to purchase rifle replacements for the Police Patrol Division. The replacement of Patrol rifles was first discussed with City Council by the Police Chief during budget presentations in FY 2018-19 regarding the use and expenditure of Narcotic Seizure Funds. In FY 2018-19, Council approved \$27,500 for the replacement of 25 rifles. Additional Narcotic Seizure funds have been awarded by State and/or Federal courts. The Patrol Division is requesting to replace 33 rifles that are beginning to experience mechanical failures. This is Year 2 of a three to four-year process to replace 140 Patrol rifles.

Budget Amendment No. 2 proposes to increase the Narcotic Seizure Fund's FY 2019-20 operating appropriation by \$35,000 to purchase rifle replacements for the Police Patrol Division. Funding for the program will come from fund balance reserves in the Narcotic Seizure Fund.

b. Recycling Partnership Contract - FCC Environmental Services

City Council, at the November 19, 2019, Regular Meeting, authorized the City Manager to execute an amendment to the Single Stream Recyclable Materials Transport, Processing and Marketing Agreement between the City of Garland and Fomento de Construcciones y Contratas, Inc. (FCC). Due to continued decreasing recyclables commodity values and increasing operational costs, our current Agreement with FCC has been amended to include an additional \$300,000 to pay costs for transporting recyclable materials. FCC transports

recyclables from the City's Recyclable Drop-Off Center to their Materials Recovery Facility in Dallas, Texas, where the materials are processed and sold.

Budget Amendment No. 2 proposes to increase the Environmental Waste Services Fund's FY 2019-20 operating appropriations by \$300,000 to pay for transportation fees. Funding for this request will come from excess fund balance reserves.

c. Replacement of Police Department Tahoes & Motorcycles

City Council, at the November 19, 2019, Regular Meeting, approved the purchase of 40 replacement Tahoes and peripheral equipment for the Police Department. Due to increasing time out of service and maintenance costs, the Tahoes were identified for replacement out of the Equipment Replacement Fund (ERF) after the FY 2019-20 Adopted Budget. City Council, at the December 17, 2019, Regular Meeting, approved the purchase of six (6) replacement motorcycles for the Police Department. An additional appropriation of \$1,935,051 for the Police Tahoes and \$165,869 for the Police Motorcycles is required in FY 2019-20 for a total increase of \$2,100,920.

Budget Amendment No. 2 proposes to increase the Equipment Replacement Fund's FY 2019-20 operating appropriations by \$2,100,920 for the replacement of 40 Police Tahoes and 6 Police Motorcycles. Funding for this request will come from excess fund balance reserves.

CONSIDERATION

The Street pavement improvements, IT replacement equipment, Heritage Tourism Program, Downtown TIF Project and Financing Plan, Image Management Initiative, traffic safety programs, and outstanding Purchase Orders carried forward were fully funded in the FY 2018-19 Budget, and the funds required to cover these expenditures remain within each fund's respective fund balance. As a result, there is no financial impact from approval of these items. The additional expenses in the Narcotic Seizure Fund, Equipment Replacement Fund, and Environmental Waste Services Fund will be funded out of excess fund balance reserves in each respective fund.

Budget Amendment No. 2 proposes to appropriate funds as follows:

<u>Infrastructure Repair & Replacement Fund</u>	
Street Repair and Replacement Projects	\$ 2,930,000
<u>IT Replacement Fund</u>	
Equipment Purchases	641,171
<u>Hotel/Motel Tax Fund</u>	
Heritage Tourism Program	195,500
<u>Downtown TIF Fund</u>	
Downtown Development Office	525,048
<u>Economic Development Fund</u>	
Image Management Initiative	137,172
<u>Safelight Fund</u>	
Continuation of Traffic Safety Programs	203,891
<u>Narcotic Seizure Fund</u>	
Rifle Replacement Program	35,000

<u>Environmental Waste Services Fund</u>	
Recycling Partnership Contract - FCC Environmental	300,000
<u>Equipment Replacement Fund</u>	
Vehicle Replacement - Police Department	2,100,920
<u>Various Funds</u>	
Rollover of Purchase Order Encumbrances	7,738,568
TOTAL SUPPLEMENTAL APPROPRIATION	\$14,807,270

Attachments

PO Rollover list
BA #2 - Financial Summary

ATTACHMENT A
2018-19 Rollover
(With Detail of PO's Over \$25,000)

<i>Fund/Department</i>	<i>PO Description</i>	<i>Amount Outstanding 9/30/2019</i>
<u>General Fund</u>		
Environmental Waste Services - Disposal	Strategic Business Planning	\$84,820
Fire	Fire Hose	32,772
Human Resources	Employee Service Awards & Recognition	46,000
Library	Furniture	81,000
Parks, Recreation & Cultural Arts	Bike/Pedestrian Plan	87,358
	Professional Services	50,500
	One Ford F-250 Truck	26,383
	Playground Surface Material	33,048
Various	PO's Under \$25,000	408,143
Sub-Total General Fund		<u>\$850,024</u>
<u>Customer Service</u>		
	Revenue Protection Software	\$40,000
	PO's Under \$25,000	13,012
Sub-Total Customer Service Fund		<u>\$53,012</u>
<u>Economic Development Fund</u>		
	Image Management Advertising Campaign	\$34,640
Sub-Total Economic Development Fund		<u>\$34,640</u>
<u>Electric Utility Fund</u>		
	Professional Engineering Services	\$127,521
	Caterpillar Safety Services	53,330
	SSP Lifecycle Implementation	290,843
	GIS Software Annual Maintenance Contract	34,267
	Installation of Overpressurization Device	135,563
	Temporary Replacement Vehicle	46,088
	Spare & Replacement Capacitors	31,481
	OSI Hardware and Software Upgrade	168,718
	Day Ahead/Realtime Market Data Service	25,526
	PO's Under \$25,000	186,351
Sub-Total Electric Utility Fund		<u>\$1,099,688</u>
<u>Environmental Waste Services Fund</u>		
	Recycling Carts	\$53,673
	PO's Under \$25,000	59,785
Sub-Total Environmental Waste Services Fund		<u>\$113,458</u>
<u>Equipment Replacement Fund</u>		
Police	One 2019 Chevrolet Express Cargo Van	\$30,975
Animal Services	One 2019 Ford F-150 Extended Cab Truck	54,743
Parks, Recreation & Cultural Arts	One 2020 Ford Explorer	29,154
Library	One 2019 Ford E350 Box Truck	41,966

ATTACHMENT A
2018-19 Rollover
(With Detail of PO's Over \$25,000)

<u>Fund/Department</u>	<u>PO Description</u>	<u>Amount Outstanding 9/30/2019</u>
<u>Equipment Replacement Fund</u> <i>(Continued)</i>		
Garland Power & Light	Two Freightliner Bucket Trucks	482,947
Garland Power & Light	One Articulating Aerial Truck	137,705
Garland Power & Light	One 2019 Silverado 3500 Truck	58,992
EWS - Delivery	One 2019 Ford F-350 Truck	36,715
Information Technology	Two 2019 Ford F-150 Trucks	\$71,003
Information Technology	One 2020 Ford Explorer	28,754
	PO's Under \$25,000	39,507
Sub-Total Equipment Replacement Fund		\$1,012,461
<u>Facilities Management Fund</u>		
	Access Control Systems	\$39,898
	PO's Under \$25,000	54,078
Sub-Total Facilities Management Fund		\$93,976
<u>Fleet Services Fund</u>		
	Hydraulic System Repairs	\$121,392
Sub-Total Fleet Services Fund		\$121,392
<u>Hotel/Motel Tax Fund</u>		
	Consulting Services	\$34,559
	PO's Under \$25,000	32,796
Sub-Total Hotel/Motel Tax Fund		\$67,355
<u>Information Technology Fund</u>		
	Service Contracts	\$114,050
	Consulting Services	39,340
	PO's Under \$25,000	17,450
Sub-Total Information Technology Fund		\$170,840
<u>Information Technology Replacement Fund</u>		
	Computer Replacements	\$115,865
	PO's Under \$25,000	8,258
Sub-Total Information Technology Replacement Fund		\$124,123
<u>Infrastructure Repair & Replacement Fund</u>		
	Paving Services	\$1,797,363
	Engineering Services	68,391
	Two Dump Trucks	129,961
Sub-Total Infrastructure Repair & Replacement Fund		\$1,995,715

ATTACHMENT A
2018-19 Rollover
(With Detail of PO's Over \$25,000)

<i>Fund/Department</i>	<i>PO Description</i>	<i>Amount Outstanding 9/30/2019</i>
<u>SafeLight Fund</u>		
	Crash Summary Report	\$32,076
	Replacement Fluorescent Signs	41,137
	PO's Under \$25,000	19,400
Sub-Total SafeLight Fund		<u>\$92,613</u>
<u>Stormwater Management Fund</u>		
	Engineering Services	\$312,032
Sub-Total Stormwater Management Fund		<u>\$312,032</u>
<u>Wastewater Utility Fund</u>		
	Professional Services	\$735,427
	Sludge Hauling Contract	81,550
	Pump Maintenance	78,251
	Service Contract	49,200
	PO's Under \$25,000	48,598
Sub-Total Wastewater Utility Fund		<u>\$993,026</u>
<u>Water Utility Fund</u>		
	Professional Services	\$472,734
	PO's Under \$25,000	19,214
Sub-Total Water Utility Fund		<u>\$491,948</u>
<u>All Other Funds</u>	PO's Under \$25,000	<u>\$112,265</u>
<u>TOTAL OUTSTANDING PO's</u>		<u><u>\$7,738,568</u></u>

ATTACHMENT B

Proposed Budget Amendment FY 2019-20 Operating Budget

	<u>BA #2</u>	<u>BA #2 PO Rollover</u>	<u>Total Budget Amendments</u>
REVENUES AND EXPENDITURES			
Sources of Funds:			
Fund Balance - Prior Year	\$7,068,702	\$7,738,568	\$14,807,270
Total Funds Provided	<u>\$7,068,702</u>	<u>\$7,738,568</u>	<u>\$14,807,270</u>
Use of Funds - Expenditures:			
General Fund (See Detail in Notes)	\$0	\$850,024	\$850,024
Electric Utility Fund	0	1,099,688	1,099,688
Water Utility Fund	0	491,948	491,948
Wastewater Utility Fund	0	993,026	993,026
Environmental Waste Services Fund	300,000	113,458	413,458
Infrastructure Repair & Replacement Fund	2,930,000	1,995,715	4,925,715
Stormwater Management Fund	0	312,032	312,032
Firewheel Fund	0	5,410	5,410
Recreation Performance Fund	0	30,771	30,771
Hotel/Motel Tax Fund	195,500	67,355	262,855
SafeLight Fund	203,891	92,613	296,504
Economic Development Fund	137,172	34,640	171,812
Downtown TIF Fund	525,048	29,494	554,542
Group Health Insurance Fund	0	13,952	13,952
Narcotic Seizure Funds	35,000	0	35,000
Equipment Replacement Fund	2,100,920	1,012,461	3,113,381
Self Insurance Fund	0	31,638	31,638
Customer Service Fund	0	53,012	53,012
Facilities Management Fund	0	93,976	93,976
Fleet Services Fund	0	121,392	121,392
Information Technology Fund	0	170,840	170,840
IT Replacement Fund	641,171	124,123	765,294
Warehouse Fund	0	1,000	1,000
Total Expenditures	<u>\$7,068,702</u>	<u>\$7,738,568</u>	<u>\$14,807,270</u>
Notes:			
General Fund -			
City Secretary	\$0	\$3,659	\$3,659
Code Compliance	0	454	454
Emergency Management	0	27,764	27,764
Engineering	0	857	857
EWS - Disposal	0	106,800	106,800
Fire	0	122,247	122,247
Health	0	7,156	7,156
Human Resources	0	49,150	49,150
Library	0	95,698	95,698
Municipal Court	0	20,953	20,953
Parks, Recreation & Cultural Arts	0	290,499	290,499
Planning & Community Development	0	492	492
Police	0	49,756	49,756
Purchasing	0	5,840	5,840
Transportation	0	8,215	8,215
Non-Departmental	0	60,484	60,484
Sub-Total General Fund	<u>\$0</u>	<u>\$850,024</u>	<u>\$850,024</u>

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2019-20 OPERATING BUDGET (BUDGET AMENDMENT NO. 2), PROVIDING FOR SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE INFRASTRUCTURE REPAIR & REPLACEMENT FUND, THE INFORMATION TECHNOLOGY REPLACEMENT FUND, THE HOTEL/MOTEL TAX FUND, THE DOWNTOWN TIF FUND, THE ECONOMIC DEVELOPMENT FUND, THE SAFELIGHT FUND, THE NARCOTIC SEIZURE FUND, THE ENVIRONMENTAL WASTE SERVICES FUND, THE EQUIPMENT REPLACEMENT FUND, AND VARIOUS FUNDS ASSOCIATED WITH PURCHASE ORDER ENCUMBRANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the 2019-20 Operating Budget and appropriated the necessary funds out of the general revenues, grants, and other revenues for the maintenance and operation of various departments, activities, and improvements of the City;

WHEREAS, the City Charter provides that the City Council may approve any amendments and supplements to the budget as deemed necessary; and

WHEREAS, Council has reviewed and concurred with a Policy Report that establishes the need for changes to appropriations in the Infrastructure Repair & Replacement Fund, the Information Technology Replacement Fund, the Hotel/Motel Tax Fund, the Downtown TIF Fund, the Economic Development Fund, the SafeLight Fund, the Narcotic Seizure Fund, the Environmental Waste Services Fund, the Equipment Replacement Fund, and various funds associated with purchase order encumbrances from the 2018-19 fiscal year;

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

Section 1

The City Council of the City of Garland, Texas, hereby authorizes and approves an amendment to the 2019-20 Operating Budget (Budget Amendment No. 2) for the purposes and in the amounts as shown in Exhibit A (Policy Report), attached hereto and incorporated herein by reference.

Section 2

The City Council of the City of Garland, Texas, hereby amends Ordinance No. 7084, Section 1, adjusting operating appropriations

in the Infrastructure Repair & Replacement Fund, the Information Technology Replacement Fund, the Hotel/Motel Tax Fund, the Downtown TIF Fund, the Economic Development Fund, the SafeLight Fund, the Narcotic Seizure Fund, the Environmental Waste Services Fund, the Equipment Replacement Fund, and various funds associated with Purchase Order encumbrances from the 2018-19 fiscal year, in the amounts and for the purposes specified in Exhibit A (Policy Report), attached hereto.

Section 3

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

PASSED AND APPROVED this the ____ day of April, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND POLICY REPORT

City Council Regular Session Agenda

5.

Meeting Date: 04/07/2020

Item Title: NCTCOG TA Call for Projects - Duck Creek South Extension

Submitted By: Andy Hesser, Managing Director

Strategic Focus Areas: Enhanced Quality of Life through Amenities, Arts, and Events

ISSUE

This item is to request a funding resolution for a federal grant application in support of development of the Duck Creek South Extension trail project in accordance with the guidelines set forth by the NCTCOG 2020 Transportation Alternatives Call for Projects. The application requires a funding resolution that indicates support by the City of Garland for the minimum 20% matching funds associated with construction only of the trail. The project account is funded adequately to provide the matching funds at this time.

OPTIONS

Provide support and a funding resolution.

Do not provide support or a funding resolution.

RECOMMENDATION

Staff recommends that Council supports this endeavor and provides a funding resolution with a date.

BACKGROUND

The proposed extension of this trail in South Garland would create a regional connection among the cities of Garland, Mesquite, and Sunnyvale, providing an alternative transportation option for many residents in the three communities. This trail is also located on NCTCOG's designated Regional Veloweb, indicating the regional importance of the proposed trail for active transportation. The proposed trail extension will provide safe crossings at major roadways like Belt Line Road. The trail will also connect to a trail segment that will be built in Mesquite and Garland that travels under Interstate 30 to connect to the existing Duck Creek Trail to the north as well as a DART transfer center located along Greenbelt Parkway. Finally, the trail would provide connections to Ablon Park and Toler Elementary School, giving students a designated safer route to school.

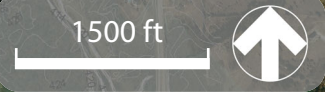
Attachments

Map

NCTCOG Duck Creek South Extension Resolution



Duck Creek South Extension



RESOLUTION NO.

A RESOLUTION IN SUPPORT OF THE DUCK CREEK SOUTH EXTENSION TRAIL TRANSPORTATION ALTERNATIVES PROJECT; PROVIDING CONFIRMATIONS AND ACKNOWLEDGMENTS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments and the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Regional Transportation Council will award funding on September 10, 2020 for Active Transportation and Safe Routes to School projects through the Transportation Alternatives Call for Projects; and,

WHEREAS, the City of Garland intends to submit a Transportation Alternatives project application for the Duck Creek South Extension Trail Project to the North Central Texas Council of Governments prior to the May 15, 2020 deadline; and,

WHEREAS, the Regional Transportation Council requires the submittal of a resolution as part of the Transportation Alternatives Call for Projects application submission.

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

Section 1

(A) The City of Garland supports the Duck Creek South Extension Trail Project as applied for in the 2020 Transportation Alternatives Call for Projects application.

(B) The City of Garland will serve as the Project Sponsor and lead project contact on this project. The City of Garland agrees to designate a single point of contact for the project.

(C) The City of Garland commits to fund or pass through funds from other sources for a minimum local match of 20% of the construction costs.

(D) The City of Garland confirms that it, and not the Regional Transportation Council, will be responsible for any cost overruns.

(E) The City of Garland understands and acknowledges that all awarded funding is provided on a reimbursement basis.

(F) The City of Garland confirms the project timeline is realistic and commits that if the project is selected for funding, an agreement with TxDOT will be executed within one year of project selection (by September 2021) and will obligate funds by the end of Fiscal Year 2023.

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, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

6.

Meeting Date: 04/07/2020

Item Title: Property Acquisition

Submitted By: Jason Chessher, Health Director

Summary of Request/Problem

Council was briefed on the acquisition of 74± acres near the C.M. Hinton Jr. Regional Landfill during an Executive Session on March 17, 2020.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the purchase of property adjacent to the C.M. Hinton Jr. Regional Landfill.

Attachments

Purchase Resolution

RESOLUTION NO. _____

A RESOLUTION APPROVING AND RATIFYING THE ASSIGNMENT OF THAT CERTAIN REAL PROPERTY CONTRACT BETWEEN THE GARLAND FOUNDATION FOR DEVELOPMENT, INC. AND HSB HOLDINGS, INC. TO THE CITY OF GARLAND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the _____ day of April, 2020, the Garland Foundation for Development ("Foundation") entered into that certain real property purchase agreement ("Purchase Agreement") with HSB Holdings, Inc. to purchase real property generally located at 2720 Elm Grove Road, Sachse, Dallas County, Texas ("Property");

WHEREAS, on the _____ day of April, 2020, the City of Garland ("City") and the Foundation entered into that certain assignment agreement, assigning all of the Foundation's rights, obligations, and interests into the Purchase Agreement to the City ("Assignment Agreement");

WHEREAS, the Purchase Agreement provides for a feasibility period in which the purchaser has 90 days to determine whether the Property is suitable for the Purchaser's intended use; and

WHEREAS, the City Council has determined that the Purchase Agreement and the Assignment Agreement, and the respective terms and conditions thereof, are beneficial to the City of Garland;

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

Section 1

That the Purchase Agreement and the Assignment Agreement, a copy of each being attached hereto as Exhibit "A", are hereby ratified 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 ____ day of _____, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

7.

Meeting Date: 04/07/2020

Item Title: Fire Station No. 6 - Land Acquisition

Submitted By: Rick Galceran, Capital Project Management Director

Summary of Request/Problem

As part of the 2019 Bond Program, land needs to be purchased for the future construction of Fire Station No. 6.

Recommendation/Action Requested and Justification

Consider the adoption of a resolution authorizing the approval of an assignment and assumption agreement between the Garland Foundation for Development, Inc. and the City of Garland, wherein the Foundation is assigning, and the City is assuming, all of the Foundations rights, interests, and obligations into that certain real property contract to purchase land for the future construction of Fire Station No. 6.

Attachments

Resolution - Fire Station No. 6 Land Purchase

Assignment and Assumption Agreement

RESOLUTION NO. _____

A RESOLUTION APPROVING THE ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE GARLAND FOUNDATION FOR DEVELOPMENT, INC. ("FOUNDATION") AND THE CITY OF GARLAND FOR THE ASSIGNMENT OF THAT CERTAIN REAL PROPERTY CONTRACT OF MARCH 13, 2020, BETWEEN THE FOUNDATION AND ACE INVESTMENTS, INC., POYNTER INVESTMENT COMPANY, LTD., AND SCIFRES INVESTMENT COMPANY, LTD.; AUTHORIZING THE CITY MANAGER TO PURCHASE THE PROPERTY DESCRIBED THEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 13th day of March, 2020, the Garland Foundation for Development, Inc. entered into that certain real property contract with Ace Investments, Inc., Poynter Investment Company, Ltd., and Scifres Investment Company (collectively, "Seller"), Ltd ("Contract") for the purchase of real property located in the vicinity of State Highway 190, Big Springs Road, and Ferris Dr., and being more particularly described in the Contract ("Property"), which is attached hereto as Exhibit "A", for the purchase price of \$1,552,173.00, for the purchase price of \$1,552,173.00;

WHEREAS, subsequent to the complete execution of the Contract by Seller and Foundation, the City and Foundation entered into an assignment and assumption agreement ("Assignment") whereby the Foundation assigned, and the City assumed, all of the Foundation's rights, interests, and obligation into the Contract; and

WHEREAS, the City, as assignee, has until the end of the 60-day feasibility period to determine whether the Property is suitable for the City's intended use, in which event the City may terminate the Contract with no further obligation or liability to the Seller.

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

Section 1

That the Assignment of the Contract from the Foundation to the City is hereby approved.

Section 2

That the City Manager is hereby authorized to purchase the Property under the terms and conditions of the Contract.

Section 3

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

PASSED AND APPROVED this the ____ day of _____, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Ace Investments, Inc.

Poynter Investment Company, Ltd.

Scifres Investment Company, Ltd.

March 13, 2020

To Whom It May Concern:

As you are aware, Ace Investments, Inc., Poynter Investment Company, Ltd., and Scifres Investment Company, Ltd. and the Garland Foundation for Development, Inc. ("Foundation") entered into that certain real property purchase contract of the 12th day of March, 2020 ("Agreement"). This letter is notice that pursuant to Section 18 of the Agreement, the Foundation has assigned all of its rights and interests in the Agreement to the City of Garland, Texas. For your records, I have attached the Assignment and Assumption Agreement between the Foundation and the City of Garland. Your contact person(s) for the purchase will be:

Marty Neilon
Senior Vice President
CBRE Land Services Group
2100 McKinney Avenue, Suite 700
Dallas, TX 75201
214-979-6134
marty.neilon@cbre.com

Laura Dunn
Strategic Projects and Capital Portfolio Manager
City of Garland, Project Management Office
P.O. Box 469002
Garland, TX 75046-9002
972-205-2132
ldunn@garlandtx.gov

Best regards,



John E. Baker

Executive Director

Garland Foundation for Development, Inc.

ASSIGNMENT AND ASSUMPTION AGREEMENT

This ASSIGNMENT AND ASSUMPTION AGREEMENT (“**Assignment**”) is dated as of the 13 day of MARCH, 2020, by and between the Garland Foundation for Development, Inc., a Texas local government corporation (“**Assignor**”) and THE CITY OF GARLAND, TEXAS, a Texas home-rule municipality (“**Assignee**”).

WITNESSETH

WHEREAS, Assignor and **Ace Investments, Inc., Poynter Investment Company, Ltd., and Scifres Investment Company, Ltd.** entered into that certain real property purchase agreement of the 12 day of MARCH, 2020 (“**Agreement**”), which is attached hereto as Exhibit “A” and incorporated herein by reference for all purposes;

WHEREAS, Assignor desires to assign to Assignee the Agreement, and Assignee desires to assume the obligations of the Agreement, pursuant to the terms and conditions set forth herein; and

WHEREAS, Assignor and Assignee desire that all of the terms and conditions of the Agreement, and Assignor’s rights, obligations, and liabilities thereunder, be assigned to Assignee, and that all of Assignor’s rights, obligations, and liabilities under the Assigned Documents be assumed by Assignee.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, agree as follows:

1. Assignor hereby assigns to Assignee, subject to the provisions hereinafter set forth, all of Assignor’s right, title, and interest in and to the Agreement.
2. Assignee assumes all obligations and liabilities of Assignor under the Agreement. Assignee ratifies, accepts, and agrees to be bound by all terms and conditions of the Agreement. Assignor is hereby released from all obligations and liabilities under the Agreement.
3. To the extent allowed by law, Assignee hereby binds itself, its successors and assigns, to indemnify and hold Assignor and its employees, agents, representatives, and successors and assigns (collectively, “**Indemnitees**”), harmless from any and all claims, demands, and causes of action of any kind or character (“**Claims**”) asserted against the Indemnitees to the extent that any such Claims arise out of or relate to the Agreement or actions taken thereunder. Notwithstanding the foregoing, in no event shall Assignee be responsible for indemnifying or holding harmless any Indemnitee for the portion of any claims caused by the gross negligence or willful misconduct of any Indemnitee. In connection with the foregoing, Assignor represents to Assignee that, as of the date hereof, to

Assignor's actual knowledge: (a) Assignor is not in material default under any of the Agreement; (b) no facts or circumstances exist which, with the passage of time or the giving of notice or both, would constitute a material default or material breach by Assignor of the Agreement; (c) Assignor has performed all of its material obligations under the Agreement required to be performed on or before the date hereof; and (d) there are no legal proceedings (including actions under the bankruptcy or similar laws of the United States or any state) pending or that have been threatened in writing against or affecting Assignor that are reasonably expected to have a material adverse effect on the ability of Assignee to perform its obligations under the Agreement.

4. This Assignment shall be governed by, and construed in accordance with, the laws of the State of Texas.

5. This Assignment may be executed in any number of counterparts, each of which is an original, but all of which together constitute one and the same assignment. Delivery of an executed counterpart of a signature page of this Assignment by facsimile or other electronic means will for all purposes be treated as the equivalent of delivery of a manually executed counterpart of this Assignment.

6. Each party hereby agrees that it will, at any time and from time to time, and without further consideration, take all such further actions, and execute and deliver all such further instruments or documents, as may be reasonably requested by any other party to effectuate the purposes of this Assignment.

7. Assignee hereby stipulates, agrees and acknowledges as follows: (i) this Assignment is a written contract stating the essential terms of the Assignment for providing goods or services to Assignee that is properly executed on behalf of Assignee under Section 271.151(2)(A) of the Texas Local Government Code; (ii) in addition to any other rights and remedies available at law or in equity to Assignor (including mandamus, quantum meruit or other equitable remedies), to the extent authorized by Section 271.153 of the Texas Local Government Code or other applicable law, Assignor shall have the right to seek a monetary award in an adjudication against Assignee for breach of this Assignment; (iii) the amounts to be paid by Assignee under this Assignment (including, but not limited to, under Section 4) constitute the balance due and owed by Assignee under this Assignment and not consequential or exemplary damages; and (iv) any monetary award or damages to be paid by Assignee pursuant to this Assignment shall be paid from Assignee's net transmission income or other legally available revenues (but expressly excluding tax revenues).

[signature page follows]

IN WITNESS WHEREOF, the undersigned, intending to be legally bound, have executed this Assignment as of the date first above written.

ASSIGNOR:

**GARLAND FOUNDATION FOR
DEVLEOPMENT, INC.**

By: John Baker

Name: JOHN BAKER

Title: Executive Director

ASSIGNEE:

CITY OF GARLAND, TEXAS

By: Bryl. Bradford u

Name: CITY MANAGER

Title: BRYAN L. BRADFORD

EXHIBITS:

Exhibit A – Real Property Purchase Agreement

EXHIBIT A

Real Property Purchase Agreement

REAL PROPERTY CONTRACT

This Real Property Contract ("Contract") is made and entered into by and between **Ace Investments, Inc., Poynter Investment Company, Ltd., and Scifres Investment Company, Ltd. ("Seller")** and the **Garland Foundation for Development, Inc. ("Buyer")** (collectively, "Parties").

WITNESSETH:

For and in consideration of the respective undertakings and agreements of Seller and Buyer set forth herein, the sufficiency of which are hereby mutually acknowledged, Seller and Buyer hereby agree as follows:

1. Property. Seller hereby agrees to sell and convey and Buyer hereby agrees to purchase and take from Seller, upon and subject to all of the terms and conditions set forth hereinafter all of that property located in Dallas County, Texas, commonly known as **±2.741 combined acres located at 1240 Big Springs Rd, 1611 Ferris Dr, and 6450 N. George Bush Pkwy, Garland, Dallas County, Texas, and more particularly described as,**

Being all those certain lots, tracts or parcels of land lying and being situated in the County of Dallas, State of Texas, and being described as P.H. Rice Abstract 1241, Page 415, Tracts 9.2, 18 & 19, an Addition to the City of Garland, Texas.

2. Purchase Price. The total consideration for the sale of the Property (the "Purchase Price") shall be **One-Million Five-Hundred Fifty-Two Thousand One-Hundred Seventy-Three and 00/100 U.S. Dollars (\$1,552,173.00)**. The Purchase Price is to be paid at closing on the closing date. If a current survey of the Property reveals a different total acreage from Seller's existing survey, the exact Purchase Price at Closing shall equal the product of **Thirteen and 0/100 U.S. Dollars (\$13.00)**, multiplied by the total number of square feet and fractional portion thereof contained within the Property as certified in the current survey.

3. Title Company; Escrow Account. Parties agree that the Title Company shall be **Meredith Williams, Republic Title Company of Dallas, 2626 Howell Street, 10th Floor, Dallas, Texas 75024, Phone 214-855-8888 ("Title Company")**. Within five (5) business days of the Effective Date, Buyer shall deposit with Title Company the sum of **Twenty Thousand and 00/100 U.S. Dollars (\$20,000.00)** as earnest money hereunder ("Earnest Money"). Buyer, at Buyer's sole discretion, may terminate this Contract at any time prior to the expiration of the Feasibility Period and receive a refund of the Earnest Money, minus the sum of **One-Hundred and 00/100 U.S. Dollars (\$100.00)** which shall be retained by Seller as independent consideration. Upon the expiration of the Feasibility Period, and if Buyer has not terminated this Contract, all Earnest Money shall become non-refundable to Buyer for any reason other than Seller default. All Earnest Money shall be fully applied to the Purchase Price at Closing. Parties agree that Buyer shall pay Purchase Price at closing, which is to be placed in an escrow account with the Title Company.

The Title Company shall disburse to each Seller per the percentages provided on the signature page of this Contract

Once funds have been received by Title Company from Buyer, ~~each Seller agrees that funds are to be disbursed equally, share and share alike, to each individual Seller as named herein, unless otherwise agreed upon in writing between the individual Sellers.~~

JS
3/12/2020

4. **Appraisal/Survey.** Buyer shall be responsible for the cost of any appraisal or survey ("Appraisal"). Seller agrees to provide full and unlimited access to the surveyor performing the Survey.

JS
3/12/20

5. **Title Binder.** Within thirty (30) days following the date when this Contract is fully executed, Buyer has the option, at Buyer's sole cost and expense, to obtain a title binder or commitment to issue a title insurance policy in the amount of the total Purchase Price of the Property by the Title Company (the "Title Binder"). If Buyer exercises its option, Buyer shall, within ten (10) days after receipt of the Title Binder and legible copies of all exceptions shown on the Title Binder and the Survey, advise Seller in writing of any and all objections to title, encumbrances, encroachments or other matters shown on the Title Binder or the Survey. If Buyer timely objects to such matters, then Seller shall have a reasonable time after the date of receipt of Buyer's objections, but in no event to exceed thirty (30) days, within which to cure any and all objections in that notice. If Buyer timely objects to such matters, Seller shall use its ^{reasonable} best efforts to cure such objections but in no event shall Seller be obligated to engage in litigation in effecting such curative work. If Buyer fails to object within such time period, it shall be conclusively presumed that Buyer has no objections to any matters shown on the Title Binder or the Survey.

JS
3/12/2020

JS
3/12/2020

6. **Encumbrances and Exceptions.** Seller agrees to convey to Buyer by means of a special warranty deed, good and indefeasible title to the Property, free and clear of all liens and encumbrances which will not be satisfied out of the sales proceeds except as set forth in this Paragraph 6. The Property shall be conveyed to Buyer, and Buyer shall accept title subject only to those exceptions to title shown on the Title Binder or the Survey as to which Buyer fails to timely raise any objections as required in Paragraph 5 above or any exceptions to title shown on the Title Binder or the Survey if waived by Buyer as provided in Paragraph 7 below (all of such matters being hereinafter collectively referred to as the "Permitted Exceptions"). As used in this Contract, the term "Permitted Exceptions" shall include the standard printed exceptions contained in Schedule B of the Title Binder for (i) standby fees, taxes, and assessments; (ii) discrepancies, conflicts, shortages in area or boundary lines, encroachments or protrusions, or overlapping improvements; (iii) marital rights; and (iv) waters, tidelands, beaches, streams and related matters. Notwithstanding anything else contained in this Contract, Buyer shall not have to object in writing or otherwise to any monetary lien affecting the Property or to any of the matters contained in Schedule C of the Title Binder, all of which shall be deemed objectionable for purposes of this Agreement.

JS
3/12/20

7. **Failure to Cure Objections to Title Binder.** If, within fifteen (15) days from the date of receipt by Seller of Buyer's written objections to matters shown on the Title Binder or the Survey (other than the Permitted Exceptions), Seller notifies Buyer in writing that Seller is unable to cure such objections then, unless Buyer notifies Seller in writing within ten (10) days of such written notice

JS

to Buyer that Buyer waives all such uncured objections to the Title Binder or the Survey, whereupon all parties shall be released from all further obligations hereunder.

8. Title Policy. At the closing, as hereinafter defined, the Title Company shall issue to Buyer an Owner's Policy of Title Insurance on the Property in face amount equal to the Purchase Price subject only to the Permitted Exceptions, with the exception for taxes being limited to the year of closing and subsequent years endorsed "Not Yet Due and Payable". At Buyer's sole option and expense, the survey exception may be deleted except for "Shortages in Area".

9. Seller's Representations and Warranties. Seller represents and warrants to Buyer (which representations and warranties shall survive closing) that:

- for a period of 12 months*
- (A) Seller has good and indefeasible title to the Property.
- (B) There is no action, suit or proceeding pending or, to Seller's actual knowledge, threatened against or affecting the Property or any portion thereof or relating to or arising out of the ownership or use of the Property or any portion thereof in any court or before any administrative body or governmental authority.
- (C) There are no adverse or other parties in possession of the Property.
- (D) Neither the entering into of this Contract nor the consummation of the transaction contemplated hereby will constitute a violation or breach by Seller of (i) any contract or other instrument to which Seller is a party, or to which Seller is subject or by which any of Seller's assets or properties may be affected, or (ii) any judgment, order, writ, injunction or decree issued against or imposed upon Seller, nor result in a violation of any applicable law, order, rule or regulation of any governmental authority affecting Seller.
- (E) Seller is not a "foreign person" as such term is used in Section 1445 of the Internal Revenue Code.
- (F) Except *as actually* as disclosed in writing attached to this Contract as Exhibit "C", to the best of Seller's knowledge: (1) the Property does not presently contain any Hazardous Materials (as defined below) in an amount, condition, location, manner of storage, degree or concentration in violation of any Environmental Laws (as defined below); (2) neither the Property nor Seller are currently in violation of or subject to any existing, pending or threatened investigation or inquiry by any governmental authority or any remedial obligations under any Environmental Laws; (3) Seller is not aware of any condition that could create liability to any party, public or private, of any environmental nature relating to the Property or due to the presence of any Hazardous Material on the Property; (4) Seller is in compliance with all applicable Environmental Laws with respect to the Property; (5) Seller is not aware of any release, spill, leak, discharge, disposal of, pumping, pouring, emitting, emptying, injecting, leaching, dumping or escape into or through the environment of any Hazardous Materials at, on, to or from the Property that is or could be a violation of any Environmental Law. In this Contract, the term "Environmental Laws" includes, but is

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not limited to, (a) with respect to federal law, CERCLA, the Hazardous Materials Transportation Act (49 U.S.C. §§ 1801 *et seq.*), the Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 *et seq.*), the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*), the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), the Toxic Substances Control Act (15 U.S.C. §§ 2601 *et seq.*), the Oil Pollution Act (33 U.S.C. §§ 2701 *et seq.*), the Emergency Planning and Community Right-to-Know Act (42 U.S.C. §§ 11001 *et seq.*), the Occupational Safety and Health Act (29 U.S.C. §§ 651 *et seq.*), the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*), the Surface Mine Conservation and Reclamation Act (30 U.S.C. §§ 1251-1279), and regulations adopted pursuant thereto, and counterpart state and local laws, regulations adopted pursuant thereto; and (b) with respect to Texas law the Solid Waste Disposal Act (TEX. HEALTH & SAFETY CODE, Chap. 361 *et seq.*), the Texas Clean Air Act (TEX. HEALTH & SAFETY CODE, Chap. 382 *et seq.*), the Texas Water Code (TEXAS WATER CODE, Chap. 1 *et seq.*) and the regulations promulgated pursuant thereto. The term "Hazardous Materials" shall mean any hazardous, toxic or dangerous waste, substance, contaminant or material defined as such in any of the foregoing statutes and also includes lead-based paint, asbestos, radioactive materials, urea formaldehyde insulation or other substance considered to be hazardous by a reasonably prudent purchaser of real property.

- (G) This Contract constitutes the legal, valid and binding agreement of Seller, enforceable against Seller in accordance with its terms, and Seller has full power and authority to execute and deliver this Contract and to consummate the transactions contemplated hereby. The execution and delivery of this Contract and the consummation of the transactions contemplated hereby have been duly and validly authorized by all necessary corporate, partnership, trust or other action required on the part of Seller and this Contract has been duly and validly executed and delivered by Seller.

10. Conditions Precedent to Buyer's Obligation. The following matters shall constitute absolute conditions precedent to Buyer's obligation to purchase the Property:

- (A) Seller's representations and warranties shall be true and correct as of the closing date.
- (B) The Property is in the same or similar condition as it was when this Contract was fully executed.
- (C) Title to the Property shall remain as initially approved by Buyer in the Title Binder and on the Survey as set forth in the provisions of this Contract such that good and indefeasible title shall be conveyed to Buyer at closing.

In the event that the conditions set forth above are not satisfied at closing, then Buyer may waive in writing the nonfulfillment of such condition and purchase the Property pursuant to the terms and provisions hereof without any reduction in the Purchase Price.

11. Feasibility Period: Remediation of Hazardous Wastes.

(A) Buyer shall have the right for a period of sixty (60) ^{calendar} days (the "Feasibility Period") after the effective date (as provided below) of this Contract to enter onto the Property and to have full access the Property for the purpose of conducting such inspections, investigations, studies and tests as Buyer may deem fit. On or before the commencement of the Feasibility Period, Seller shall furnish Buyer with a copy of any hazardous waste reports or other environmental assessments, audits or test results obtained by Seller relative to any portion of the Property. In the event that Buyer determines, in its sole discretion, based upon its inspections, investigations, studies or tests, that the Property is not satisfactory for Buyer's purposes or is not suitable for Buyer's intended use, then Buyer shall deliver written notice of such determination to Seller on or before the expiration of the Feasibility Period. In the event of such termination, and provided that Buyer is not otherwise in default of any provision of this Contract, thereafter this Contract shall terminate and neither party shall have any further obligation or liability to the other under this Contract.

JB
3/12/2020

WAF DS
3/12/20

(B) Buyer, in Buyer's sole discretion, may extend the Feasibility Period for one (1) period of thirty (30) ^{calendar} days by depositing an additional Ten Thousand and 00/100 U.S. Dollars (\$10,000.00) of Earnest Money with Title Company prior to expiration of the Feasibility Period.

JB
3/12/2020

WAF DS
3/12/20

(C) If Buyer's inspections, investigations, studies or tests disclose the existence of any Hazardous Materials in, on or under the Property, then Buyer may either:

(1) Terminate this Contract (neither party shall have any further obligation or liability to the other under this Contract); or

(2) Waive, in writing, its objections to the existence of Hazardous Materials and proceed to closing without adjustment of the Purchase Price.

12. Closing.

(A) The closing of the purchase and sale of the Property shall take place on or before the tenth (10th) ^{calendar} day following the expiration of the Feasibility Period, unless extended by written agreement or necessitated by unplanned circumstances. The closing shall take place at the offices of the Title Company or at such other place as the parties may mutually agree.

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3/12/2020

WAF DS
3/12/20

(B) At the closing, Seller shall deliver to Buyer:

(1) One or more special warranty deeds, in the form of attached exhibit "A" conveying title to the Property to Buyer, its successors and assigns, duly executed and acknowledged by Seller; and

(with metes and bounds description of Property per the new survey)

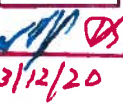
JB
3/12/2020

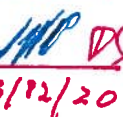
WAF DS
3/12/20

- (2) All such other instruments of assignment, transfer or conveyance as shall, in the reasonable opinion of Buyer and its counsel, be necessary to transfer to Buyer the Property in accordance with this Agreement and where necessary or desirable in recordable form.

At the closing, exclusive possession of the Property shall be delivered to Buyer in accordance with the terms hereof on the date of closing.

13. Closing Adjustments and Prorations.

- (A) Real Estate Taxes. Real estate taxes and assessments for the calendar year of closing shall be prorated between Seller and Buyer as of the date of closing. If the amount of such taxes for the year of closing is not yet available, the proration shall be based upon the amount of such taxes for the previous year *and such proration shall be final.*  3/12/2020
- (B) Recording Fees. Buyer shall pay all recording fees and any similar fees or assessments imposed by state or local law and payable in respect of the sale or transfer of the Property.  3/12/20
- (C) Title Insurance. Buyer shall pay all premiums and other costs respecting the Title Binder and the Owner's Policy of Title Insurance. Buyer shall pay any additional premium due for the deletion of the survey exception from the Owner's Policy of Title Insurance.
- (D) Escrow Fees. Seller *and Buyer each* shall pay equally any escrow or closing fee charged by the Title Company.  3/12/2020

3/12/20
14. Brokerage Commission. At Closing, Seller shall *pay* ~~provide~~ a real estate commission to Davidson Bogel Real Estate, LLC per a separate written agreement, and shall *pay* ~~provide~~ a real estate commission to CBRE, Inc. in the amount of three percent (3%) of the Purchase Price. The Title Company is authorized to disburse this real estate commission from the Seller's proceeds at Closing. Buyer and Seller hereby represent and warrant that no real estate brokers other than Davidson Bogel Real Estate, LLC and CBRE, Inc. have been involved in this transaction, nor shall any real estate brokers other than those specifically mentioned above be entitled to receive a brokerage commission herein.  3/12/2020  3/12/20

15. Time, Calculation. Time is of the essence in this Contract. If the final date in any provision of this Contract falls on a Saturday, Sunday or legal holiday (when national banks are closed), then, and in such event, the duration of such period shall be extended so that it shall end on the next succeeding day that is not a Saturday, Sunday or legal holiday.

16. Real Estate License Act of Texas. Buyer acknowledges that, in accordance with the terms of the Real Estate License Act of Texas, it has been advised that it should have an abstract covering the Property examined by an attorney of Buyer's selection or that Buyer should be furnished with or obtain a policy of title insurance.

DS

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

JB
3/12/2020

email permitted with 'read receipt'

18. **Assignment.** Parties shall have the right to assign their interest in this Contract without the prior written consent of the other party.

3/12/20

19. **Severability.** If any term or provision of this Contract is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Contract 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 Contract a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

20. **Waiver.** Either Seller or Buyer shall have the right to waive any requirement contained in this Contract 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 and specifically identifying the provision or provisions being waived. No waiver of any breach or violation of any term of this Contract 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.

21. **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.

22. **Paragraph Headings; Construction.** The paragraph headings contained in this Contract 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 Contract and this Contract shall not be construed either more or less strongly against or for either party.

23. **Binding Effect.** Except as limited herein, the terms and provisions of this Contract 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.

DS

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

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

26. Entire Agreement. It is understood and agreed that this Contract 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 Contract exist. This Contract cannot be changed or terminated orally and may be modified only by a written document signed by an authorized representative both parties.

27. Relationship of Parties; No Third-Party Beneficiaries. Nothing contained in this Contract 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 Contract 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 Contract. There are no third-party beneficiaries to this Contract and no third-party beneficiaries are intended by implication or otherwise.

[Signature Page to Follow]

EXECUTED on the dates indicated below but deemed to be effective as of the 12 day of MARCH, 2020 ("Effective Date").

SELLER(S):

ACE INVESTMENTS, INC. (54%)

By: Steve La Forge (AL)

Name: Steve La Forge

Title: President

BUYER:

GARLAND FOUNDATION FOR DEVELOPMENT, INC.

By: John E. Baker

Name: John E. Baker

Title: Executive Director

POYNTER INVESTMENT COMPANY, LTD. (20%)

By: _____

Name: Jim Poynter

Title: General Partner

SCIFRES INVESTMENT COMPANY, LTD. (10%)

By: _____

Name: Dennis Scifres

Title: General Partner

ADDRESS FOR NOTICE:

SELLERS

Ace Investments, Inc.
2808 S. 4th Street
Chickasha, Oklahoma 73018
steve4@laforgeproperties.com
Poynter Investment Company, Ltd.
2307 Castle Rock
Arlington, TX 76006
j.poynter@poynterscifres.com

Scifres Investment Company, Ltd.

4013 W. 5th Street
Ft Worth, TX 76107
rdscifres@poynterscifres.com

BUYER

Garland Foundation for Development, Inc.
John E. Baker
PO Box 469002
Garland, Texas 75046-9002

email: Marty.Neilon@cbre.com

EXHIBITS: Exhibit "A" - Form of Special Warranty Deed

EXECUTED on the dates indicated below but deemed to be effective as of the 12 day of MARCH, 2020 ("Effective Date").

SELLER(S):

ACE INVESTMENTS, INC. (54%)

By: _____

Name: Steve LaForge

Title: President

BUYER:

GARLAND FOUNDATION FOR
DEVELOPMENT, INC.

By: John Baker

Name: John E. Baker

Title: Executive Director

POYNTER INVESTMENT COMPANY, LTD. (20%)

By: J. Poynter

Name: J. Poynter

Title: General Partner

SCIFRES INVESTMENT COMPANY, LTD. (10%)

By: Dennis Scifres

Name: Dennis Scifres

Title: General Partner

ADDRESS FOR NOTICE:

SELLERS

Ace Investments, Inc.

2808 S. 4th Street

Chickasha, Oklahoma 73018

steve4@laforgeproperties.com

Poynter Investment Company, Ltd.

2307 Castle Rock

Arlington, TX 76006

j.poynter@poynterscifres.com

Scifres Investment Company, Ltd.

4013 W. 5th Street

Fort Worth, TX 76107

rdscifres@poynterscifres.com

BUYER

Garland Foundation for Development, Inc.

John E. Baker

PO Box 469002

Garland, Texas 75046-9002

email Marty.Neilon@cbre.com

EXHIBITS: Exhibit "A" - Form of Special Warranty Deed

EXHIBIT "A"
FORM OF SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

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

That _____ (whether one or more, hereinafter referred to as "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 **Garland Foundation for Development, Inc.** ("Grantee"), has **GRANTED, SOLD AND CONVEYED**, and by these presents does **GRANT, SELL AND CONVEY** unto Grantee all that certain lot, tract, or parcel of land situated in the County of Dallas, State of Texas, commonly known as _____ **Street, Garland, Dallas County, Texas**, and more particularly described as,

Being all that certain lot, tract or parcel of land lying and being situated in the County of Dallas, State of Texas, and Being Lot _____ in Block _____ of _____, an Addition to the City of Garland, Texas, according to the Map thereof recorded in Vol. _____, Page _____, Map Records of Dallas County, Texas. (the "Property")

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, its successors and assigns forever; and Grantor binds Grantor and Grantor's heirs and successors to **WARRANT AND FOREVER DEFEND** all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through or under Grantor but not otherwise.

[Signature Page to Follow]

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 2020.

GRANTOR:

<NAME>

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

The foregoing instrument was acknowledged before me on the ____ day of _____, 2020,
by _____.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

**Grantee's Address:
Garland Foundation for Development, Inc.
PO Box 469002
Garland, Texas 75046-9002**



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

8.

Meeting Date: 04/07/2020

Item Title: Advance Funding Agreement for MGR Bikeway (Duck Creek Trail Connections)

Submitted By: Paul Luedtke, Transportation Director

Summary of Request/Problem

Consider authorizing the City Manager to enter into an Advance Funding Agreement (AFA) with Texas Department of Transportation (TXDOT) for the construction of the MGR Bikeway (Duck Creek Trail Connections Segments I and II) at Centerville Road/Glenbrook Drive and IH-30/Greenbelt Parkway.

Recommendation/Action Requested and Justification

Authorize the City Manager to enter into an Advance Funding Agreement with TxDOT for the construction of the MGR Bikeway.

Attachments

Ordinance

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF
TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.**

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

Section 1

That the City Council hereby authorizes the City Manager to enter into an Advance Funding Agreement with Texas Department of Transportation for the construction of the MGR Bikeway (Duck Creek Trail Connections Segments I and II) at Centerville Road/Glenbrook Drive and IH-30/Greenbelt Parkway, as set out in the agreement 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, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

9.

Meeting Date: 04/07/2020

Item Title: Extension of COVID-19 Disaster Declaration

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

Council has considered on a number of occasions over the past few weeks the proper means of addressing the COVID-19 emergency insofar as the issuance of orders and regulations by the City will help in that regard. This ordinance is not intended to revive the debates over those matters. However, the last ordinance adopted by Council with respect to the COVID-19 emergency expires by its own terms on April 7, 2020. There are provisions in the disaster declarations issued thus far - aside from orders and regulations - that should remain in effect for the duration of the emergency so that the City may have access to emergency resources and continue to operate under its emergency management plans. Additionally, since the time of the adoption of the last COVID-19 ordinance on March 25, 2020, the Governor has issued an executive order relating to and restricting certain local government regulations. Indications are that further executive orders will be issued in that regard.

The legal situation with respect to local COVID-19 regulations remains in a flux. For the time being, it appears the best course is to keep the last ordinance adopted by Council generally in place and without an expiration date. If the Council believes that terminating the declaration is necessary, it may be repealed at any time. The attached ordinance does not attempt to impose any new or additional regulations, but acknowledges that it is subject to the Governor's executive orders. The attached ordinance continues to urge Garland citizens to abide by all applicable regulations and guidelines.

Recommendation/Action Requested and Justification

Council is requested to adopt the attached ordinance amending Ordinance No. 7132 [Amended].

Attachments

COVID-19 extension 4-20-20

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GARLAND, TEXAS, AMENDING ORDINANCE NO. 7132[AMENDED] AND CONTINUING A STATE OF DISASTER AND PUBLIC HEALTH EMERGENCY IN THE CITY OF GARLAND BECAUSE OF THE IMPACT OF COVID-19; CONFIRMING AND RATIFYING AN AMENDED EMERGENCY PROCLAMATION ISSUED BY THE MAYOR AND RATIFIED BY THE CITY COUNCIL IN RESPONSE TO THE EMERGENCY; ADOPTING AND APPROVING CERTAIN RULES TO PROTECT THE HEALTH OF PERSONS IN THE CITY; PROVIDING RULES FOR THE USE OF ELECTRONIC AND DIGITAL SIGNATURES DURING THE EMERGENCY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the COVID-19 emergency as described previously in other ordinances and statements regarding the state of the City remains and will apparently continue for some time into the future;

WHEREAS, on March 9, 2020, Mayor LeMay issued a Declaration of Disaster relating to the COVID-19 emergency, and on March 21, 2020, issued an amended Declaration of Disaster imposing additional measures to address the spread of COVID-19;

WHEREAS, through Ordinance No. 7132, as amended, the City Council confirmed, renewed, and ratified those declarations;

WHEREAS, by its terms, Ordinance No. 7132, as amended, was set to expire April 7, 2020;

WHEREAS, in the intervening weeks, Governor Greg Abbott issued several executive orders relating to the COVID-19 emergency affecting the regulations that may be imposed by local governments; and

WHEREAS, consistent with and as acknowledged by the Governor's executive orders, as a home-rule city, the City of Garland has the authority and jurisdiction to issue rules and to make law within its municipal limits in times of emergency;

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

Section 1

Pursuant Section 418.108, TEX. GOV'T CODE, the City Council continues the a state of disaster and emergency in the City of Garland as a result of the impact of COVID-19.

Section 2

The declarations of local disaster signed, executed, and issued by the Mayor on March 9, 2020 and March 21, 2020, are hereby confirmed, renewed, and continued as provided in Section 418.108, TEX. GOV'T CODE to the extent consistent with this Ordinance and the executive orders of the Governor.

Section 3

Pursuant to Sections 121.003 and 122.006 of the Texas Health and Safety Code, Section 418.108 of the Texas Government Code, and such other powers the City may have under the City Charter and other laws, the City Council adopts and approves the following rules, to have the force and effect of law and enforceable under the terms of this Ordinance:

(A) Effective immediately, all persons residing within the City of Garland, Texas are ordered to shelter in place by remaining at their residence except when engaging in otherwise essential and other lawful activities consistent with the executive orders of Governor Greg Abbott.

(B) The Garland City Council encourages its citizens and others within Garland to abide by the rules as expressed in the amended order(s) of Dallas County Judge Clay Jenkins; all proclamations and executive orders of Texas Governor Greg Abbott; and the guidelines, directives, and orders of the President of the United States issued with respect to the COVID-19 emergency.

(C) If a person in a household has tested positive for COVID-19, all persons within the household are ordered to isolate at home. Members of the household may not go to work, school, or any other community function, or receive visitors or in-home services until cleared by a medical professional but may seek or receive medical services as needed from medical personnel and facilities.

(D) That this Ordinance authorizes the use of all lawfully available enforcement measures; provided that, all City restrictions on delivery hours for transport to or from any essential activity are suspended until May 31, 2020.

Section 4

(A) This declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and

shall be filed promptly with the City Secretary, pursuant to Sec. 418.108(c) of the Texas Government Code.

(B) The City's Emergency Operations Plan is and remains activated and implemented, pursuant to Sec. 418.108(d) of the Texas Government Code.

(C) This Ordinance authorizes the City to take possession of or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements and Constitutional limits, pursuant to Sec. 418.020(c) of the Texas Government Code.

(D) This Ordinance authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules, pursuant to Sec. 122.006 of the Health and Safety Code.

Section 5

That the following rules and procedures are approved for use during the pendency of the COVID-19 emergency:

Electronic signatures and digital signatures, an automated function that replaces a handwritten signature with a system generated signature statement, and electronic records may be utilized as a means for authentication or execution of City documents, computer generated City documents consistent with these rules. City personnel use electronic and digital signatures in accordance with this Ordinance, state and federal regulations, and directives issued by the City Manager regarding same.

- (A) Subject to subsection (C), the following list sets forth the acceptable usages of electronic signatures:
 - (1) For city policies, laws, regulations, and rules requiring a signature;
 - (2) For transactions where the parties agree to conduct the transaction electronically. Consent may be implied from the circumstances, except where information is required by law to be in paper or hardcopy form; and
 - (3) When the electronic signature contains the elements required by law or City Manager directive, if applicable.

- (B) The use of an electronic or digital signature shall have the same force and effect as the use of a “wet” or manual signature if:
 - (1) The signature is capable of verification;
 - (2) The signature is under the sole control of the person using it; and
 - (3) The signature is linked to the data in such a manner that it is readily ascertainable if the data is changed after the signature is applied.
- (C) The City Manager may determine the programs, protocols, and elements that are required for compliance with Section (B) of this ordinance. An electronic or digital signature may not be used:
 - (1) For any transaction involving an obligation of more than \$100,000, unless the amount has been approved by the City Council and the City Manager determines the means and methods employed in the electronic or digital transaction comply with industry-standard best practices for the use of electronic or digital signatures; and
 - (2) For any ordinance that imposes a criminal penalty.”

Section 6

That Ordinance No. 7132, 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 April, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

10.

Meeting Date: 04/07/2020

Item Title: Youth Programs Standards of Care

Submitted By: D'Lee Williams, Recreation Director

Summary of Request/Problem

Council is requested to adopt an ordinance with public comments for Youth Programs Standards of Care to meet requirements of Texas Human Resource Code, Section 42.041(b)(14) to exempt recreational programs for children operated by municipalities from state child care licensing.

In order to receive exempt status for elementary age (ages 5-13) and teen recreation programs, a municipality must adopt a youth programs standards of care ordinance after a public hearing. Parks, Recreation and Cultural Arts Department staff has formulated standards of care for youth programs that includes staffing ratios, minimum staff, qualifications, minimum facilities, health and safety standards, and a mechanism for monitoring and enforcing the local standards; and further provides for notifying parents that the program is not licensed by the state and that the program may not be advertised as a day care facility.

This item was considered by Council at the March 16, 2020 Work Session.

Recommendation/Action Requested and Justification

Adopt an ordinance with public comments for Youth Programs Standards of Care.

Attachments

Youth Programs Standards of Care Ordinance

Youth Programs Standards of Care

ORDINANCE NO.

AN ORDINANCE ADOPTING STANDARDS OF CARE FOR YOUTH PROGRAMS OFFERED BY THE CITY OF GARLAND PARKS, RECREATION, CULTURAL ARTS DEPARTMENT; DIRECTING THAT A COPY OF THIS ORDINANCE, THE ADOPTED STANDARDS OF CARE, AND OTHER PROGRAM INFORMATION BE DELIVERED TO THE STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 42.041(b)(14) of the Texas Human Resource Code, establishes requirements to exempt recreational programs operated by municipalities for children from required child care licensing provisions;

WHEREAS, in order to receive exempt status for an elementary age (ages 5-13) recreation program, the governing body of the municipality must adopt a standards of care ordinance after a public hearing for the program; the standards must provide staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; a copy of the standards must be provided to the parents of each program participant; the parents must be informed that the program is not licensed by the state; and the program may not be advertised as a child-care facility; and

WHEREAS, the City Council after conducting a public hearing and affording a full and fair hearing to all citizens has concluded that the attached standards of care should be approved;

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

Section 1

The City of Garland, Texas, hereby adopts the standards of care for an elementary age recreation program, attached as Exhibit "A" and incorporated herein by reference, pursuant to Section 42.041(b)(14), Texas Human Resource Code.

Section 2

That the Managing Director of Parks, Recreation, and Cultural Arts shall cause a copy of the standards, a notice of the public hearing for the program, a copy of the program, and a copy of this Ordinance

adopting the standards to be delivered to the State in accordance with the applicable regulations.

Section 3

This Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



City of Garland

Youth Program Standards of Care

The following Youth Program Standards of Care (“Standards of Care”) allow for exemption from state licensing by the City of Garland, Texas pursuant to Texas Human Resources Code §42.041(b)(14). The Standards of Care are intended to be minimum standards by which the City of Garland Parks, Recreation and Cultural Arts Department will operate the City's Youth Programs. The programs operated by the City are recreational in nature and are not day care programs.

GENERAL ADMINISTRATION

1) Organization

- A. The governing body of the Programs is the City Council.
- B. Implementation of the Standards of Care is the responsibility of the Director and Department employees.
- C. These Standards of Care apply to all Programs.
- D. Each Garland recreation center will have available for public review a current copy of the Standards of Care.
- E. Parents will be provided access to a current copy of the Standards of Care through the City's web site.
- F. Criminal background checks will be conducted on prospective Program employees ages 18 and older. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) a felony or a misdemeanor classified as an offense against a person or family;
 - (2) a felony or misdemeanor classified as public indecency;
 - (3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) any offense involving moral turpitude; or
 - (5) any offense that would potentially put youth participants or the City at risk.

2) Definitions

As used in these Standards of Care, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning:

- A. *City*: City of Garland, a Texas home rule municipality located in Dallas County, Texas.
- B. *City Council*: City Council of the City of Garland.
- C. *Department*: City's Parks, Recreation and Cultural Arts Department.
- D. *Director*: The Recreation Director of the Department or their designee.
- E. *Employee(s)*: Term used to describe people who have been hired to work for the City and have been assigned responsibility for managing, administering, or implementing some portions of the

Programs.

F. *Parent(s)*: This term will be used to represent one or both parent(s) or adults who have legal custody and authority to enroll their child(ren) in Programs.

G. *Participant*: A youth whose parent(s) have completed all required registration procedures and determined to be eligible for a Program.

H. *Program* or *Youth Program*: City recreation programs consisting of the Standing Tall and Reaching for Success (STARS) Camp, the Duck Creek Adventure Camp, Fields Recreation Center Summer Camp and such other recreation programs operated from time to time by the Department where the participants are Youth.

I. *Program Leader* or *Leader*: A Department part-time employee who has been assigned responsibility to implement the Programs.

J. *Program Manual*: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Programs.

K. *Program Site*: The recreation center where program is located.

L. *Program Supervisor* or *Supervisor*: The Department's full-time Specialist who has been assigned administrative responsibility for one or more of the Programs.

M. *Recreation Center*: One of six facilities operated by the City of Garland.

N. *Youth*: A child who is at least five (5) years of age but not older than thirteen (13) years of age.

O. *Recreation Manager*: The Recreation Manager of the Department or their designee.

3) Inspections/Monitoring/Enforcement

A. The Director or Recreation Manager will make visual inspections of the Program based on the following schedule:

(1) The STARS, Duck Creek Adventure, Fields Recreation Center camps will be inspected twice during its summer schedule.

(2) Programs scheduled during winter break and spring break will be inspected once.

(3) The inspection schedule of other Programs shall be determined when established and will be based on the duration of the Program.

B. Complaints regarding enforcement of the Standards of Care will be directed to the Supervisor. The Supervisor will be responsible to take the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Supervisor. Serious complaints regarding enforcement of the Standards of Care will be addressed by the Director and the complaint and the resolution will be noted.

4) Participation

A. Before a Youth can participate, a Parent must sign registration forms that contain:

(1) The name, address, phone number of the Youth;

(2) The name, address, and phone number of the Youth's Parent;

(3) The names and phone numbers of people to whom the Youth can be released;

(4) A statement/description of the Youth's special problems or needs;

(5) Emergency medical authorization;

(6) Proof of residency when appropriate; and

(7) A liability waiver.

5) Suspected Abuse

Program employees will report suspected child abuse or neglect in accordance with the Texas Family

Code. In the case where a City employee is involved in an incident with a Youth that could be construed as child abuse, the incident must be reported immediately to the Recreation Manager or the Director. The Recreation Manager or Director will immediately notify the Police Department and any other agency as may be appropriate. Texas state law requires the staff of the Programs to report any suspected abuse or neglect of a child to the Texas Department of Protective and Regulatory Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

STAFFING - RESPONSIBILITIES AND TRAINING

6) Youth Program Supervisor Qualifications

A. Supervisors will be full-time, professional employees of the City assigned to the Department and will be required to have all Program Leader qualifications as outlined in Section 7 of these Standards of Care.

B. Supervisors must be at least 21 years old

C. Supervisors must have a bachelor's degree from an accredited college or university or equivalent work experience.

Acceptable degrees include:

(1) Recreation Administration or General Recreation;

(2) Physical Education; or

(3) Any other comparable degree plan that would lend itself to working in a public recreation environment.

D. Supervisors must have one years' experience planning and implementing recreational activities or 2 years without a degree.

E. Supervisors must pass a background investigation including testing for illegal substances.

F. Supervisors must have successfully completed a course in first aid, Cardio Pulmonary Resuscitation (CPR), and AED based on either American Heart Association or American Red Cross standards.

7) Supervisor's Responsibilities

A. Supervisors are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.

B. Supervisors are responsible to recommend for hire, supervise, and evaluate Leaders.

C. Supervisors are responsible to plan, implement, and evaluate programs.

8) Youth Program Leader Qualifications

A. Leaders will be part-time or temporary employees of the City assigned to the Department.

B. Leaders working with Youth must be age 18 or older; however, each age group will have at least one employee 18 years old or older present at all times.

C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with Youth.

D. Leaders must relate to Youth with courtesy, respect, tolerance, and patience.

E. Leaders must have successfully completed a course in first aid, CPR, and AED based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each site, and that person shall successfully complete a first aid and CPR course within four weeks of starting work.

G. Leaders must pass a background investigation including testing for illegal substances.

9) Leader Responsibilities

- A. Leaders will be responsible for providing Participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to the Youth Programs.
- C. Leaders must ensure that Participants are released only to a Parent or an adult designated in writing by the Parent. A copy of the Department-approved plan to verify the identity of a person authorized to pick up a Participant if that person is not known to the Leader will be on file at the Recreation Center.

10) Training/Orientation

- A. The Department is responsible for providing training and orientation to Program employees working with children and for specific job responsibilities. Supervisors will provide each Leader with a Program manual specific to Youth Programs.
- B. Program employees must be familiar with the Standards of Care as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures, provision of recreation activities, safety issues, child psychology, and organization.
- F. Program employees will be required to sign an acknowledgement that they received the required training.

OPERATIONS

11) Staff-Participant Ratio

- A. The standard ratio of Participants to Leaders in the Programs will be 15 to 1. In the event a Leader is unable to report to work, a replacement will be assigned.
- B. Each Participant shall have a Program employee who is responsible for the Participant and who is aware of the Participant's habits, interests, and any special problems as identified by the Participant's Parent(s) during the registration process.

12) Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There must be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the Parent(s) of Participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program Manual may result in a Participant being suspended from the Program.
- F. In instances where there is a danger to Participants or Program staff, offending Participants will be removed from the Program Site as soon as possible.

13) Programming

A. Program employees will attempt to provide activities for each group according to the Participants' ages, interests, and abilities. The activities must be appropriate to Participants' health, safety, and well-being. The activities also must be flexible and promote the Participants' emotional, social, and mental growth.

B. Program employees will attempt to provide time periods that include:

- (1) Alternating active and passive activities;
- (2) opportunity for individual and group activities, and
- (3) outdoor time each day as weather permits.

C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.

(1) During trips, Program employees supervising Participants must have immediate access to emergency medical forms and emergency contact information for each Participant.

(2) Program employees must have a written list of the Participants in the group and must check the roll frequently.

(3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.

14) Communication

A. Each age group will have communication availability to allow the age group to be contacted by Recreation Center personnel.

B. The Supervisor will make available the following phone numbers adjacent to a phone accessible to all Program employees at the Recreation Center:

- (1) Garland ambulance or emergency medical services
- (2) Garland Police Department
- (3) Garland Fire Department
- (4) Recreation Center
- (5) Numbers at which Parents may be reached
- (6) The phone number for the Program Site itself

15) Transportation

A. Before a Participant may be transported to and from the Program Site or other location by means of transportation provided by the City, a transportation form, completed by the Parent, must be filed with the Supervisor.

B. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport Participants.

FACILITY STANDARDS

16) Safety

A. Program employees will inspect Program areas daily to detect sanitation and safety concerns that might affect the health and safety of the Participants.

B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the Participants.

C. Program equipment and supplies must be safe for the Participants' use.

- D. Program employees must have first aid supplies readily available in a designated location at each Program Site, during transportation to an off-site activity, and for the duration of any off-site activity. Program employees must have an immediately accessible guide to first aid and emergency care.
- E. Air conditioners, electric fans, and heaters at the Program Site must be mounted out of Participants' reach or have safeguards that keep Participants from being injured.
- F. Porches and platforms more than 30 inches above the ground at the Program Site must be equipped with railings Participants can reach.
- G. All swing seats at Program Sites must be constructed of durable, lightweight, relatively pliable material.

17) Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the Participants to a designated safe area.
- B. The Program Site will have an annual fire inspection and the resulting report will detail any safety concerns observed. The report will be forwarded to the Director who will review and establish deadlines and criteria for compliance.
- C. All Program employees will be trained in the proper use of fire extinguishers as well as locations of fire extinguishers throughout the Recreation Center.
- D. Fire drills will be initiated at the Recreation Center based on the following schedule:
 - (1) STARS and Duck Creek Adventure Camp: A fire drill twice during the summer sessions.
 - (2) Winter and spring break camps: A fire drill once during the winter and spring sessions.
 - (3) Other Programs: The time and frequency will be determined at the time the Program is established and will be based on the duration of the Program.

18) Health

A. Illness or Injury

- (1) A Participant who is considered to be a health or safety concern to other Participants or Program employees will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all Participants and Program employees.
- (3) Program employees will follow plans to provide emergency care for injured Participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any Participant after a communicable disease.

B. Administration of Medication

Program employees will administer medication to a Participant only if:

- (1) Parent(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages.
- (2) Prescription medications are in the original containers labeled with the Participant's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the Participant's name and the date the medication was brought to the Program. Nonprescription medication must be in the

original container. Program employees will administer it only according to label direction.

(4) Medication dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.

(5) Program employees must ensure medications are inaccessible to Participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

(1) The Program site will have inside toilets located and equipped so children can use them independently and Program staff can supervise as needed.

(2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but they must not exceed 50% of the total number of toilets.

(3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

(1) Each Program Site must have adequate light, ventilation, and heat.

(2) Each Program Site must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a sanitary manner.

(3) Program employees must see that garbage is removed from buildings daily.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

11. a.

Meeting Date: 04/07/2020

Item Title: Z 20-05 Pegasus Link Constructors - Zoning (District 5)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of an amendment to Planned Development (PD) District 08-52 for Shopping Center Uses, adding Temporary Off-Site Construction Campus Use.

LOCATION

3159 South Garland Avenue

OWNER

The Garland Foundation for Development Inc.

PLAN COMMISSION RECOMMENDATION

On March 9, 2020 the Plan Commission, by a vote of seven (7) to one (1), recommended approval of an amendment to Planned Development (PD) District 08-52 for Shopping Center Uses, adding Temporary Off-Site Construction Campus Use.

STAFF RECOMMENDATION

Approval of an amendment to Planned Development (PD) District 08-52 for Shopping Center Uses to add Temporary Off-Site Construction Campus Use.

BACKGROUND

The subject property is currently undeveloped. In 2008, the City Council approved Planned Development (PD) District 08-52 for Shopping Center Uses with the purpose of future development of compatible retail, personal service, and entertainment uses subject to an overall development plan to be approved through a public hearing process. In 2018, the former "Hypermart" building located on the subject property was demolished.

The applicant requests to use the property for a Temporary Off-Site Construction Campus Use and has included a Detail Plan with their application. The proposed use would support the reconstruction of IH 635 (Lyndon B. Johnson Freeway) from Greenville Avenue to the IH-30 Interchange (LBJ-East) for the Texas Department of Transportation (TxDOT). The intent is to use the site for a temporary period of five (5) years.

SITE DATA

The site contains approximately 24.34 acres with 456 lineal feet of frontage along South Shiloh Road; 932 feet along the frontage of West Kingsley Road; and 624 feet of frontage along South Garland Avenue. Along South Shiloh Road the site has one access point. There are two access points along West Kingsley Road and along South Garland Avenue.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 08-52 for Shopping Center Uses. In 2015, the Comprehensive Zoning Ordinance was amended with the adoption of the Garland Development Code and the Shopping Center (SC) District was converted to the Community Retail (CR) District. Further, the PD 08-52 District limitations on certain uses remains as adopted in PD 08-52 with the following uses not permitted: Minor Automobile Repair, Indoor Equipment Leasing, Sales/Repair/Maintenance of Office Equipment, Tire Dealer (no outside storage), Temporary Used Goods or Products Collection Point, and Wrecker Service. Additionally, the following uses were included in PD 08-52 as permitted uses: Indoor Commercial Amusement, Full Service Hotel; and the following uses are permitted subject to the approval of a Specific Use Provision: Outdoor Commercial Amusement, and Limited Service Hotel.

CONSIDERATIONS

1. **Use:** The proposed use is for Temporary Off-Site Construction Campus Use. The following are the specific activities of the proposed use:
 - a. Field offices (construction offices) consisting of several multi-trailer office complexes and parking for the offices. Field offices provide office space for the supervisory and construction staff. Each office complex is proposed to be less than 5,000 square feet of building area.
 - b. Outdoor storage of materials and supplies. This includes parking of tool trailers, concrete mixer trucks, water trucks, and other types of wheeled vehicles, and material handling equipment to support the operations.
 - c. A batch plant. The proposal would place the batch plant on the southern portion of the site.
 - d. Bulk fuel storage (fuel farm).
 - e. A wash down facility for trucks.
 - f. Shipping storage containers for storage of tools and material.
2. **Detail Plan:** The proposed Detail Plan (Exhibit C in the Detail Plan agenda item) shows the site layout and various activity areas for the above listed uses.
3. **Site Access and Circulation:** The site would be accessed from the adjacent streets. Primary truck access would be from two existing driveways onto South Garland Avenue. The access at West Kingsley Road is proposed for light vehicle/pickup truck access to the site. Fire lanes will be marked with Garland Fire Department and Garland Environmental Waste Services recommendations.
4. **Perimeter Fencing:** The applicant proposes to install an eight (8) foot high chain link perimeter fence with screening fabric and access gates around the property in use. Gates would be set back to allow adequate spacing for vehicles so as not to obstruct public rights-of-way. The gates would be located at the driveways along South Garland Avenue

and West Kingsley Road, and adjacent to the Leon Road bypass. Common easements shared with adjacent properties would remain open to traffic, including the Leon Road bypass.

5. Proposed Heights: This proposal includes:

- Twenty-five (25) foot high stockpiles,
- Sixteen (16) foot high shipping containers (these are proposed to be stacked two on top of one another, each individual shipping container is eight (8) feet high), and
- A sixty (60) foot high batch plant silo.

6. Building Setbacks: The temporary buildings are shown on the proposed Detail Plan along South Garland Avenue at the Leon Road bypass. Other temporary improvements on the site are shown on the plan either adjacent to the property lines or set back away from the property line.

7. Screening and Landscaping: The Detail Plan shows trees along the perimeter of the site activity areas that will remain; other trees would need to be removed to accommodate the proposed use.

8. Hours of Operation: The proposed use would operate six (6) days a week, with day and night operations, and occasional Sunday work.

9. Lighting: The application indicates that temporary lighting will be used for the property, including the batch plant during nighttime operations. The lighting would be oriented away from residential neighborhoods.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates this site as Business Center. Additionally, the site is located within the South Garland Avenue Catalyst Area and is identified as a Targeted Investment Area. The site is located in a key commercial corridor and gateway to the community.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

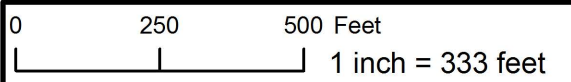
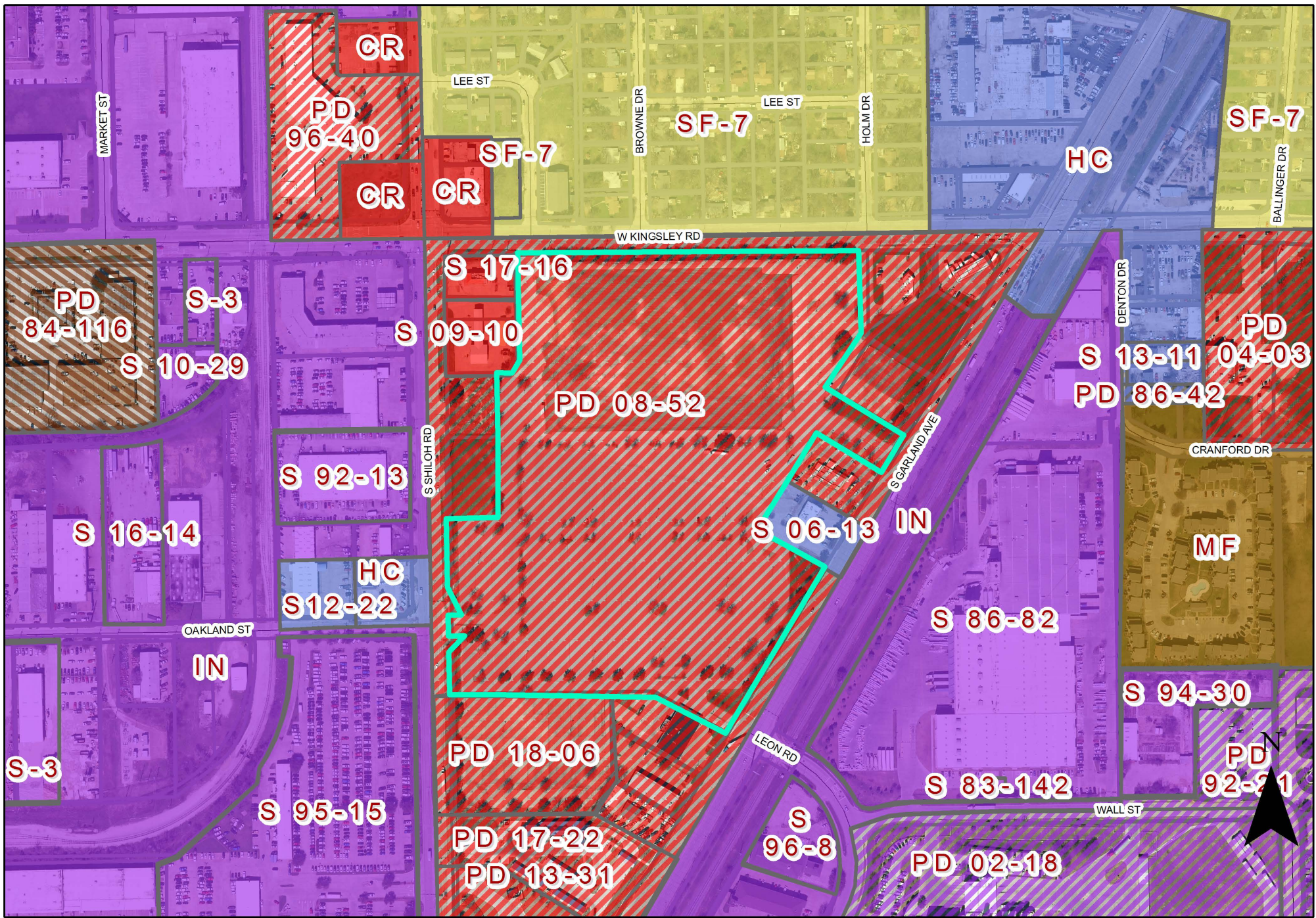
The land use pattern within the area surrounding the subject property a mixture of employment, support services, and residential development. The proposed use will be temporary and will support needed public infrastructure improvements which benefit the citizens and businesses of Garland. Additionally, the applicant has provided a design that is contextually sensitive to the site and general area.

Attachments

Z 20-05 Pegasus Link Constructors Attachments

Z 20-05 Pegasus Link Constructors Responses

Z 20-05 Pegasus Link Constructors Staff Presentation



Zoning Map Z 20-05

 INDICATES AREA OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-05

3159 South Garland Avenue

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for a Temporary Off-Site Construction Campus.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773 and Planned Development (PD) 08-52 District as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code and Planned Development (PD) 08-52 District are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.

V. Specific Conditions:

- A. Permitted Uses:** Land Uses are permitted as in Planned Development (PD) District 08-52 and include Temporary Off-Site Construction Campus Use, including the following:
- a. Field offices (construction offices) consisting of several multi-trailer office complexes and parking for the offices.
 - b. Outdoor storage of materials and supplies.
 - c. A batch plant.
 - d. Bulk fuel storage (fuel farm).
 - e. A wash down facility for trucks.
 - f. Shipping storage containers for storage of tools and material.
- B. Detail Plan:** The site layout shall be in general conformance with the approved Detail Plan labeled Exhibit C.

- C. Landscaping: Landscaping shall be as shown on the approved Detail Plan labeled Exhibit C.
- D. Setbacks: The minimum setbacks shall be as shown on the Detail Plan labeled Exhibit C.
- E. Perimeter Fencing: An eight (8) foot high chain link perimeter fence with screening fabric and access gates shall be provided around the perimeter of the site.

REPORT & MINUTES

P.C. Meeting, March 9, 2020

Consideration of the application of **Pegasus Link Constructors**, requesting approval of an amendment to Planned Development (PD) District 08-52 for Shopping Center Uses to add Temporary Off-Site Construction Campus Use. This property is located at 3159 South Garland Avenue. (District 5) (File Z 20-05)

The applicant Robert Weber, 1129 Prospect Drive, Flower Mound, Texas provided an overview of the request, provided additional information regarding night time operations and dust mitigation. The applicant also provided additional information regarding the water system and chemical suppressants.

Commissioner Dalton inquired as to the number of staff that will be working onsite each day during this operation, asked location of the stacked Conex's, and inquired about pre-casting of beams onsite.

Mr. Weber stated 30-40 staff members each day, information on the Conex stacking locations, and that no pre-casting will be done at this location.

Residents speaking in favor of the request:

John Willis, 2116 Patricia Lane
Frances Hiner, 1113 Intervale Drive, Garland

Residents spoke in support of the project citing the necessity for long-term redevelopment of the subject site.

Others who spoke in support of the request:

Cathy West Dougherty, 1405 Chestnut Drive, Rowlett, spoke in support of the project and elaborated on what will be required of the applicant to adhere to environmental safety requirements.

Residents speaking in opposition of the request:

Darlene Brimmage, 3012 Browne, Garland
Brent Jones, 2219 English Drive, Garland
Phillip Lathrop, 2921 South Garland Avenue, Garland
Stephen Yearout, 2135 Stonehenge, Garland

Juana Espinoza, 1717 Axe Drive, Garland
Jesus Velasquez, 2309 Standford Court, Garland

Residents raised concerns regarding excess dust, air quality, respiratory issues, noise levels from night operations, proposed location, environmental concerns, and home values.

Residents present and registered their opposition:

Jason Cain, 22601 S. Glenbrook Drive
Linda Orr, 2608 Scotswood Drive
Diana Holland, 2426 Royal Drive
Marlene Wildes, 2900 Browne

Chairman Roberts inquired to the usage of the water system when not in use.

Motion was made by Commissioner Welborn to close the public hearing and open for discussion, seconded by Commissioner Williams. **Motion carried: 8 Ayes, 0 Nays.**

Commissioner Rose spoke in support of the request and commented on the possible improvement of ingress and egress within the area.

Commissioner Hallman spoke in support of the request.

Commissioner Williams spoke in support of the request with concern regarding that the applicant follow proper guidelines.

Commissioner Dalton, Ott, and Edwards spoke in support of the request and the need to complete this project for redevelopment of the area.

Chairman Roberts spoke in opposition to the request regarding the zoning running with the land for this site.

Brian England, First Assistant City Attorney, provided information regarding consequences if the applicant does not follow proper Environmental Protection Agency guidelines, and also provided information regarding the proposed land use being requested.

Motion was made by Commissioner Welborn to **approve** the Planned Development request per staff recommendation, seconded by Commissioner Rose. **Motion carried: 7 Ayes, 1 Nay** from Chairman Roberts.



Zoning Map Z 20-05

☒ I am opposed to the request.

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

CONCRETE mix site will generate too much dust. Construction trucks dump trucks Cement mixers etc. are too much to deal with at this location, traffic is deadlocked now at Peak times. Surely another location could be used, closer to LBS.

(Please complete the following information)

3008 Browne ST.

Your Property Address

Donald K. Woodard

Printed Name

3008 Browne

Address

GARLAND TX

City, State

75041

Zip

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

Donald Woodard

Signature

Homeowner

Title

Date: 3-5-20

MAR 05 2020



GARLAND

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

February 26, 2020

HEARING DATE/TIME: Plan Commission: March 9, 2020 – 7:00 PM

APPLICANT: Pegasus Link Constructors

File: Z 20-05

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 9, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Pegasus Link Constructors**, requesting approval of 1) an Amendment to Planned Development (PD) District 08-52 for Shopping Center Uses to add Temporary Off-Site Construction Campus Use and 2) a Detail Plan. The property is shown on the enclosed sketch and is described as follows:

BEING Lot 12R, of Wal-Mart Super Center 2 Addition, an Addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 87068, Page 1639, of the Map Records of Dallas County, Texas. **This property is located at 3159 South Garland Avenue. (District 5)**

Note: The applicant proposes a temporary, five (5) year operation of an off-site construction yard for the IH 635 (Lyndon B. Johnson Freeway) reconstruction project. The construction yard would include construction offices, outdoor storage of materials and supplies, a batch plant, bulk fuel storage (fuel farm), a wash down facility for trucks, and shipping storage containers.

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 Main Street, Garland TX; or email 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 Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

_____ I am in favor of the request.

☒ I am opposed to the request.

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

I have asthma & am concerned about
air quality & noise
I do NOT want a concrete producing
facility == this close to my HOME!

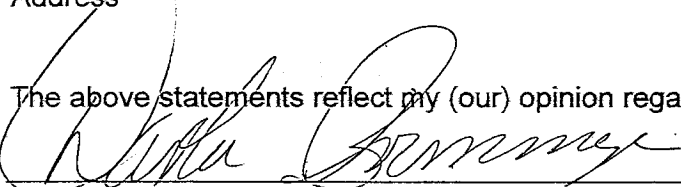
(Please complete the following information)

3012 Browne Dr
Your Property Address

Darlene Brimmage
Printed Name

3012 Browne Dr Garland TX 75041
Address City, State Zip

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

 Ms
Signature Title

Date: 3/5/2020

MAR 05 2020

X I am opposed to the request.

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

I am the last one to want to stand in the way of progress, but I hate noise and I hate extra traffic. Please put this thing somewhere else.

(Please complete the following information)

3013 Browne Dr. Garland TX 75041
Your Property Address

Delbern L Graven
Printed Name

3013 Browne Dr. Garland, TX 75041
Address City, State Zip

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

Delbern L Graven
Signature

Owner
Title

Date: 9 March 2020

3/9/20
PC mtg

☒ I am opposed to the request.

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

FOR YEARS OUR BUSINESS HAS BEEN SUFFERING FROM THE
VACANCY OF WALMART. WITH THE RECENT DEMOLITION OF
THE BUILDING WE WERE IN HOPE OF BETTERING NOT ONLY THE
BUSINESSES BUT THE COMMUNITY AS A WHOLE WITH AN ECONOMIC-
ALLY EXPANDING PROJECT WHICH THIS IS NOT. I'VE BEEN PAYING YEARS
OF TAXES HOPING FOR A BETTER BUSINESS IN THE AREA THAT WOULD
BRING GROWTH NOT DETRIMENT AS A CONSTRUCTION SITE. THIS IS AN
ABSOLUTE SETBACK! (Please complete the following information)
The current expansion of Kingsley & Shiloh is already
devastating to many business owners and increasing projects such as this
will undoubtedly hurt business & communities
beyond repair!!!

3125 S. Garland Ave.

Your Property Address

James A. Reza Khani

Printed Name

2518 W Kingsley X #115, Garland, TX

Address

City, State

75041

Zip

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

James A. Reza Khani

Signature

Owner

Title

Date: 03-02-2020

☒ I am opposed to the request.

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

We just got rid of the homeless problem by demolishing the old Walmart Super Center. This proposal would bring that issue back. Also, it isn't beneficial for any business development in the area. It will be an eyesore and therefore attract people from supporting surrounding businesses.

(Please complete the following information)

3205 S. GARLAND AVE.

Your Property Address

McDonald's RESTAURANT / LISA DRIBBEN

Printed Name

935 W. RALPH HALL PKWY #101 BOCKWILL, TX 75032

Address - OFFICE

City, State

Zip

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

Lisa Dribben

Signature

Owner of the McDonald's Restaurant

Title

Date:

2/29/20

February 26, 2020

Z 20-05

Page 2 of 2

X I am opposed to the request.

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

The proposed use of Lot 12R of Wal-Mart Super Center 2 Addition to the City of Garland as a 5-year off-site construction yard will be an eyesore, source of noise and debris for the duration of its operation. The site is currently zoned for retail operations and should be used only for that purpose. Adjacent to that site are residences and retail operations. The presence of a construction yard will have a negative effect on property values in its vicinity due to the noise and debris factors.

(Please complete the following information)

3014 S. Shiloh Road Garland TX 75041 (Claremont Place 2, BLK 9, ACS 0.195)

Your Property Address

Mr. Renji John

Printed Name

922 Myers Meadow Dr

Garland, TX

75043

Address

City, State

Zip

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

Signature

Retail Building Owner/Operator

Title

Date: March 6, 2020

February 26, 2020

Z 20-05

Page 2 of 2

☒ I am opposed to the request.

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

We are operating a Car Wash on the adjacent property. The Dust from a concrete Batch Plant next door would be detrimental to our business.

We thought this area was part of the South Garland Catalyst area, and was one of the cities Key commercial corridors. This use is not consistent with the transformation of the site into a viable
(Please complete the following information) employment/training center.

3120 S Shiloh

Your Property Address

LJ Erickson

Printed Name

7500 San Jacinto

Address

Plano, TX

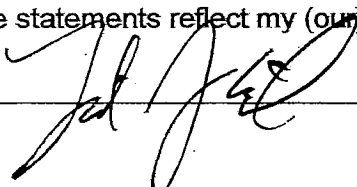
City, State

75024

Zip

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

Signature



owner
Title

Date:

3/2/2020

MAR 6 '20 AM 8:58

February 26, 2020

Z 20-05

Page 2 of 2

X I am opposed to the request.

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

The proposed use of Lot 12R of Wal-Mart Super Center 2 Addition to the City of Garland as a 5-year off-site construction yard will be an eyesore, source of noise and debris for the duration of its operation. The site is currently zoned for retail operations and should be used only for that purpose. Adjacent to that site are residences and retail operations. The presence of a construction yard will have a negative effect on property values in its vicinity due to the noise and debris factors. The property 2321 Kingsley Rd W. Claremont Place 2 BLK 9 Lot 4 is zoned for Day Care Center

(Please complete the following information)

2321 Kingsley Rd, W Garland TX 75041

Your Property Address

Mr. Renji John

Printed Name

922 Myers Meadow Dr

Garland, TX

75043

Address

City, State

Zip

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

Signature

Property Owner/Operator

Title

Date: March 6, 2020

Allmendinger, Tracy

From: Dawn Coleman <dawnc2518@yahoo.com>
Sent: Thursday, March 12, 2020 11:45 AM
To: Allmendinger, Tracy
Subject: Re: Hypermart site

Dawn Coleman
2518 Robin Lane
Garland TX 76041

Thank You

On Thursday, March 12, 2020, 08:39:59 AM CDT, Allmendinger, Tracy <tallmend@garlandtx.gov> wrote:

Good morning Dawn,

Please provide your complete address for recording purposes.

Thank you,

Tracy Allmendinger

Development Services Coordinator II

Planning & Community Development

P: (972) 205-2447 | F: (972) 205-2474

tallmend@garlandtx.gov | GarlandTx.gov

*Outside the notification
area*

From: Dawn Coleman <dawnc2518@yahoo.com>
Sent: Wednesday, March 11, 2020 11:58 PM
To: Planning Group <Planning@garlandtx.gov>
Subject: Hypermart site

We already have a cement plant on Wood-why need another one. and we were promised something else there. WHY does Garland think we are stupid. There has to be land somewhere to use as this ????

I have lived in this area for over 50 years and I can not get to the meetings so please mark me as another one against this site used for this.

It stood vacant for so long and now a dumping site-why not something needed? I would suggest maybe a Hospital or senior apartments.

Let's do a good thing for our community.

This area has been on construction for some time now and is almost winding down

Walmart did us no favors when they moved. This area is a tucking sleep area and now a concrete plant? Please think of us the homeowners. Garland father's have dragged their feet so long on street repairs,

that now they have become major issues.

Dawn Coleman

Ridgecrest-English Estates

☒ I am opposed to the request.

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

City of McKinney - 2018 Had Multiple Problems
ALL READY 2 FACTORYS NEARBY NOISY, TRAFFIC, DAILY MAPPING
1) ALL POLLUTANT 2) PARTICULATE EMISSIONS, CARBON MONOXIDE
Nitrogen oxides etc - ^{Particulate} affect heart, lungs cause increased RISK of
heart attack
3) NOISE - ARRIVE BEFORE DAWN, Backup warning sounds on trucks
4 TRAFFIC
5) Polluted waste water run off

(Please complete the following information)

2900 BROWNE GARLAND TX 75041
Your Property Address

MARLENE WILDES
Printed Name

2900 BROWNE GARLAND TX 75041
Address City, State Zip

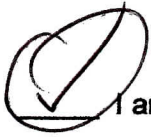
The above statements reflect my (our) opinion regarding the proposed request(s).

Marlene Wildes 3/5/20
Signature Title

Date: 3/5/20

MAR 05 2020

Outside the Notification Area



I am opposed to the request.

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

① I'm worried about dust/debris, fill dirt, and other powdery materials creating slippery conditions + other safety hazards. ② I'm worried about nails, screws, bolts, and other sharp objects littering the road and puncturing tires. ③ It's hard enough to get out of here in the mornings w/ the construction zone that surrounds our neighborhood. Now we have to deal w/ a construction Highway? NO. ④ That lot is a Retail commercial lot. I think of a construction company as an industrial commercial lot. There should be a distinction considering the filth that this company will produce.

(Please complete the following information)

2904 Browne Dr. Garland, TX 75041
Your Property Address

Jacob M. Verbe
Printed Name

2904 Browne Dr. Garland, TX 75041
Address City, State Zip

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

Jacob M. Verbe Mr.
Signature Title

Date: 3/8/2020

Outside of notification area

3/9/20
PC mtg

Allmendinger, Tracy

From: Grace Read <gracemread@gmail.com>
Sent: Tuesday, March 10, 2020 1:31 PM
To: Allmendinger, Tracy
Subject: Case # Z20-05

To the Plan Commission of Garland,

I am Grace Read, from Patricia Ln. Garland, Texas. I have lived here for 14 years. I was unable to make the Plan Commission for case number Z20-05 meeting yesterday due to work and college classes. I want to put my vote on the Pegasus Link Construction being built on the intersection of Garland and Kingsley. My vote is No, I do not want the Pegasus Link Construction cement factory to be built in this area. I do not want a factory because:

- It would cause too much air and noise pollution.
- There would be too much traffic for the next five years in the area due to construction.
- The air pollution would cause health problems to the nearby elementary schools and middle schools.
- The air pollution would affect my dermatitis, diabetes, asthma, (or whatever health problem you have)
- The pollution would cause long term health problems to everyone in the community, including the young children and elderly.
- This is an act of environmental racism because you are putting the factory in a predominantly minority community.
- A park would be better use of the area.
- It is unsafe to build a factory near an elementary and middle school.
- Other)

-Grace Read

no address given

2513 Patricia Lane

Outside of Notification Area

Allmendinger, Tracy

From: Cecille Lopez <birthdaycecille@gmail.com>
Sent: Tuesday, March 10, 2020 3:22 PM
To: Allmendinger, Tracy
Subject: My Vote for the Case#Z20-05

To the Plan Commission of Garland,

I am Cecille Lopez from Axe Dr. Garland, Texas. I have lived here for 15 years. I was unable to make the Plan Commission for case number Z20-05 meeting yesterday due to my college class schedule. I want to put my vote on the Pegasus Link Construction being built on the intersection of Garland and Kingsley. My vote is no, I do not want the Pegasus Link Construction cement factory to be built in this area. I do not want a factory because it would cause too much air and noise pollution and the air pollution would affect my dermatitis. In addition, the pollution the factory would produce would cause long term health problems to everyone in the community, including the young children and elderly.

Thank you for taking the time to read and count my vote in this matter. Please contact me for any questions. Please email me with the final results of this matter.

-Cecille Lopez

no address given

1544 Axe Drive

Outside of notification area

Allmendinger, Tracy

From: Erica <mendoza25erica@gmail.com>
Sent: Wednesday, March 11, 2020 12:48 PM
To: Allmendinger, Tracy
Subject: Pegasus Link Construction

To the Plan Commission of Garland,

I am 19, from 5429 Kentcroft Dr, Garland, Texas. I have lived here for almost 10 years. I was unable to make the Plan Commission for case number Z20-05 meeting due to work. I want to put my vote on the Pegasus Link Construction being built on the intersection of Garland and Kingsley. My vote is No, I do not want the Pegasus Link Construction cement factory to be built in this area. I do not want a factory because there would be too much traffic for the next five years in the area due to construction. The pollution created from this cement plant will cause health problems for young kids and the elderly as well as people who suffer from conditions such as asthma, diabetes, dermatitis, etc. This factory is being placed so close to 2 schools, an elementary and middle school. This is not acceptable. Also, this factory is environmental racism because of where this factory is being placed. This factory is being placed in a community where the majority of its residents are minorities and low-income people.

- Erica Mendoza

Outside the notification area

Allmendinger, Tracy

From: Mariana Hernandez <marcely43@gmail.com>
Sent: Wednesday, March 11, 2020 9:56 AM
To: Allmendinger, Tracy
Subject: My vote

I am Mariana, from Broadway Garland, Texas. I have lived here for 18 years. I was unable to make the Plan Commission for case number Z20-05 meeting yesterday due to work. I want to put my vote on the Pegasus Link Construction being built on the intersection of Garland and Kingsley. My vote is No, I do not want the Pegasus Link Construction cement factory to be built in this area. I do not want a factory because

- It would cause too much air and noise pollution.
- There would be too much traffic for the next five years in the area due to construction.
- The air pollution would cause health problems to the nearby elementary schools and middle schools.
- The air pollution would affect people with dermatitis, diabetes, or asthma.
- The pollution would cause long term health problems to everyone in the community, including the young children and elderly.
- This is an act of environmental racism because you are putting the factory in a predominantly minority community.
- A park would be better use of the area.
- It is unsafe to build a factory near an elementary and middle school.

- Mariana

NO address given
522 Tacoma Drive

Outside of notification area



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

February 26, 2020

HEARING DATE/TIME: Plan Commission: March 9, 2020 – 7:00 PM

APPLICANT: Pegasus Link Constructors

File: Z 20-05

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 9, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Pegasus Link Constructors**, requesting approval of 1) an Amendment to Planned Development (PD) District 08-52 for Shopping Center Uses to add Temporary Off-Site Construction Campus Use and 2) a Detail Plan. The property is shown on the enclosed sketch and is described as follows:

BEING Lot 12R, of Wal-Mart Super Center 2 Addition, an Addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 87068, Page 1639, of the Map Records of Dallas County, Texas. **This property is located at 3159 South Garland Avenue. (District 5)**

Note: The applicant proposes a temporary, five (5) year operation of an off-site construction yard for the IH 635 (Lyndon B. Johnson Freeway) reconstruction project. The construction yard would include construction offices, outdoor storage of materials and supplies, a batch plant, bulk fuel storage (fuel farm), a wash down facility for trucks, and shipping storage containers.

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 Main Street, Garland TX; or email 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 Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

 X I am in favor of the request.

MAR 6 '20 AM 8:58

_____ I am opposed to the request.

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

This use will accelerate the 635 East project, benefiting this part of Garland.

The additional employees and workers on the 635 East project who are stationed

here will spend money here, benefitting area businesses. On-site 24 hour security

will serve to reduce crime.

(Please complete the following information)

2116 Patricia Lane

Your Property Address

John Willis

Printed Name

2116 Patricia Lane, Garland, Texas 75041

Address

City, State

Zip

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

John Willis

Signature

Title

Date: 3/3/2020

Outside the Notification Area

Allmendinger, Tracy

From: Traci Litts <tracilitts@yahoo.com>
Sent: Tuesday, March 10, 2020 3:14 PM
To: Planning Group
Subject: Concerned Resident - Hypermart Projected Development

Attn: Planning Department of Garland,

As the City of Garland's neighborhood programs actively engage residents in a community partnership promoting the vitality and desirability of Garland's neighborhoods. This division oversees the development of the City's Strategy for Vital Neighborhoods and neighborhood planning initiatives.

I am writing this letter as a concerned citizen of Garland Texas. In recent news I was made aware of the proposed development of the demolition-ed sight formerly Hypermart. My concerns are around the open air industrial site plans for this location. This project will not only destroy the economic development needed for the city of Garland to grow its offerings for the tax paying citizens but can lend to future pollution of the air and water provided to the citizens of Garland and surrounding areas. This is a gateway to the city of Garland as stated in news articles in 2015.

In 2015, Garland buys nation's original Hypermart for \$6.3 million, says property will become a city gateway. As outlined in the cities improvement program of 2019 this site would be used as followed.

*In October 2017, the City of Garland bought the 24-acre, 235,000-square-foot Hypermart building, which had sat vacant for 12 years. The building's demolition marked an important milestone for the site – a key gateway to the City and a major investment anchor site along the Garland Road economic corridor. **This acquisition is key to the South Garland Avenue Corridor Study. South Garland Avenue is a gateway into the community, providing direct access into Downtown and the city's primary employment center. Completing a study of the area offers an opportunity to draw additional visitors into Garland from I.H. 635 and encourages reinvestment that enhances the image of the community. Additionally, the approval by TxDOT of the \$1.8 billion LBJ East expansion project will provide enhanced connectivity and energize reinvestment.***

As a tax paying citizen I vote NO on any industrial projects on this site because it will not align with *encouraging reinvestment that enhance the image of the community.*

Signed concerned Mother & tax payer of Garland.

Traci Litts

no address given

Outside the notification area

Phillips, Denise

From: Wauwie, Kira
Sent: Monday, March 16, 2020 7:49 AM
To: Phillips, Denise
Subject: Z 20-05 Response FW: Old Hypermart useage

FYI

From: Claudia Trachier [mailto:cloudyline@msn.com]
Sent: Sunday, March 15, 2020 11:27 AM
To: Planning Group <Planning@garlandtx.gov>
Subject: Old Hypermart useage

I am very concerned about the air pollution that a concrete plant would generate in our city, and so bear my home. In addition to the noise and traffic this proposed 24 hours a day operation will detract from our community and it's quality of life. I would much prefer this area be redeveloped as a housing area with shops like Richardson has done for their Spring Valley area. Something upscale and not more dirty industry. Thank you. Claudia Trachier 75041

Get [Outlook for Android](#)

Need address

Outside the notification area

Z 20-05

**Approval of an Amendment to Planned Development (PD)
District 08-52 for Shopping Center Uses to add Temporary
Off-Site Construction Campus Use.**

**Approval of a Detail Plan for a Temporary Off-Site
Construction Campus Use.**

**City Council Meeting
April 7, 2020**



GARLAND

TEXAS MADE HERE

Case Information

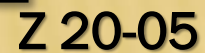
Location: 3159 South Garland Avenue

Applicant: Pegasus Link Constructors

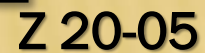
Owner: The Garland Foundation for Development Inc.

Acreage: 24.34 acres

Zoning: Planned Development (PD) District 08-52 for Shopping Center Uses



[illegible]



Photos



View along Kingsley Road looking west; site is on the left side of the photo



View along Kingsley Road looking east; site is on the right side of the photo



View along South Shiloh Road looking north near intersection of Leon Road Bypass



View along South Garland Avenue looking north near intersection of Leon Road Bypass



GARLAND PLANNING REPORT

City Council Regular Session Agenda

11. b.

Meeting Date: 04/07/2020

Item Title: Z 20-05 Pegasus Link Constructors - Detail Plan (District 5)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of a Detail Plan for Temporary Off-Site Construction Campus Use.

LOCATION

3159 South Garland Avenue

OWNER

The Garland Foundation for Development Inc.

PLAN COMMISSION RECOMMENDATION

On March 9, 2020 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Detail Plan for Temporary Off-Site Construction Campus Use.

STAFF RECOMMENDATION

Approval of a Detail Plan for Temporary Off-Site Construction Campus Use.

BACKGROUND

The subject property is currently undeveloped. In 2008, the City Council approved Planned Development (PD) District 08-52 for Shopping Center Uses with the purpose of future development of compatible retail, personal service, and entertainment uses subject to an overall development plan to be approved through a public hearing process. In 2018, the former "Hypermart" building located on the subject property was demolished.

The applicant requests to use the property for a Temporary Off-Site Construction Campus Use and has included a Detail Plan with their application. The proposed use would support the reconstruction of IH 635 (Lyndon B. Johnson Freeway) from Greenville Avenue to the IH-30 Interchange (LBJ-East) for the Texas Department of Transportation (TxDOT). The intent is to use the site for a temporary period of five (5) years.

SITE DATA

The site contains approximately 24.34 acres with 456 lineal feet of frontage along South Shiloh Road; 932 feet along the frontage of West Kingsley Road; and 624 feet of frontage along South Garland Avenue. Along South Shiloh Road the site has one access point. There are two access points along West Kingsley Road and along South Garland Avenue.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 08-52 for Shopping Center Uses. In 2015, the Comprehensive Zoning Ordinance was amended with the adoption of the Garland Development Code and the Shopping Center (SC) District was converted to the Community Retail (CR) District. Further, the PD 08-52 District limitations on certain uses remains as adopted in PD 08-52 with the following uses not permitted: Minor Automobile Repair, Indoor Equipment Leasing, Sales/Repair/Maintenance of Office Equipment, Tire Dealer (no outside storage), Temporary Used Goods or Products Collection Point, and Wrecker Service. Additionally, the following uses were included in PD 08-52 as permitted uses: Indoor Commercial Amusement, Full Service Hotel; and the following uses are permitted subject to the approval of a Specific Use Provision: Outdoor Commercial Amusement, and Limited Service Hotel.

CONSIDERATIONS

1. **Use:** The proposed use is for Temporary Off-Site Construction Campus Use. The following are the specific activities of the proposed use:
 - a. Field offices (construction offices) consisting of several multi-trailer office complexes and parking for the offices. Field offices provide office space for the supervisory and construction staff. Each office complex is proposed to be less than 5,000 square feet of building area.
 - b. Outdoor storage of materials and supplies. This includes parking of tool trailers, concrete mixer trucks, water trucks, and other types of wheeled vehicles, and material handling equipment to support the operations.
 - c. A batch plant. The proposal would place the batch plant on the southern portion of the site.
 - d. Bulk fuel storage (fuel farm).
 - e. A wash down facility for trucks.
 - f. Shipping storage containers for storage of tools and material.
2. **Detail Plan:** The proposed Detail Plan (Exhibit C) shows the site layout and various activity areas for the above listed uses.
3. **Site Access and Circulation:** The site would be accessed from the adjacent streets. Primary truck access would be from two existing driveways onto South Garland Avenue. The access at West Kingsley Road is proposed for light vehicle/pickup truck access to the site. Fire lanes will be marked with Garland Fire Department and Garland Environmental Waste Services recommendations.
4. **Perimeter Fencing:** The applicant proposes to install an eight (8) foot high chain link perimeter fence with screening fabric and access gates around the property in use. Gates would be set back to allow adequate spacing for vehicles so as not to obstruct public rights-of-way. The gates would be located at the driveways along South Garland Avenue and West Kingsley Road, and adjacent to the Leon Road bypass. Common easements shared with adjacent properties would remain open to traffic, including the Leon Road

bypass.

5. Proposed Heights: This proposal includes:

- Twenty-five (25) foot high stockpiles,
- Sixteen (16) foot high shipping containers (these are proposed to be stacked two on top of one another, each individual shipping container is eight (8) feet high), and
- A sixty (60) foot high batch plant silo.

6. Building Setbacks: The temporary buildings are shown on the proposed Detail Plan along South Garland Avenue at the Leon Road bypass. Other temporary improvements on the site are shown on the plan either adjacent to the property lines or set back away from the property line.

7. Screening and Landscaping: The Detail Plan shows trees along the perimeter of the site activity areas that will remain; other trees would need to be removed to accommodate the proposed use.

8. Hours of Operation: The proposed use would operate six (6) days a week, with day and night operations, and occasional Sunday work.

9. Lighting: The application indicates that temporary lighting will be used for the property, including the batch plant during nighttime operations. The lighting would be oriented away from residential neighborhoods.

COMPREHENSIVE PLAN

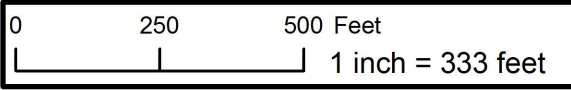
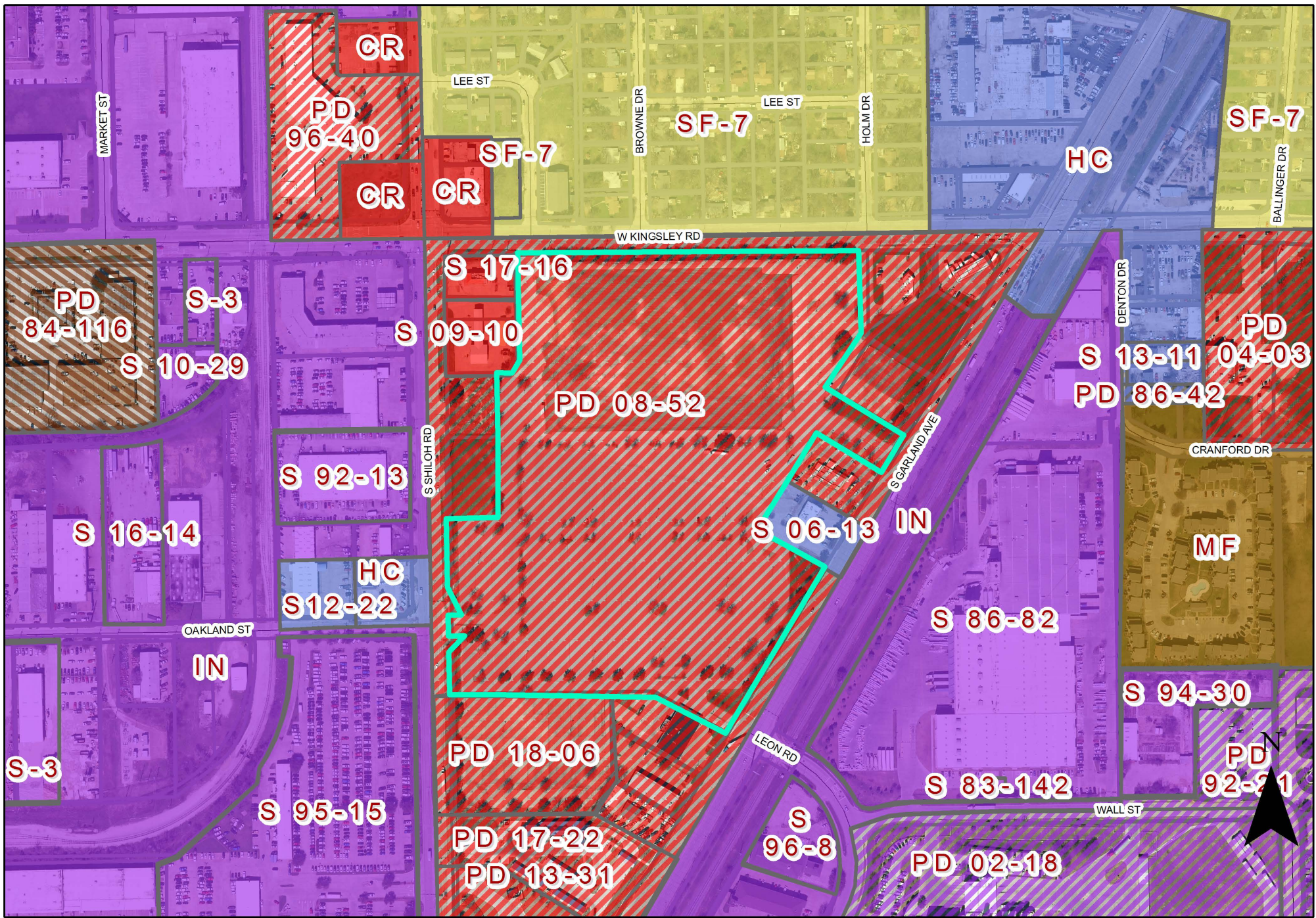
The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates this site as Business Center. Additionally, the site is located within the South Garland Avenue Catalyst Area and is identified as a Targeted Investment Area. The site is located in a key commercial corridor and gateway to the community.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The land use pattern within the area surrounding the subject property a mixture of employment, support services, and residential development. The proposed use will be temporary and will support needed public infrastructure improvements which benefit the citizens and businesses of Garland. Additionally, the applicant has provided a design that is contextually sensitive to the site and general area.

Attachments

Z 20-05 Pegasus Link Constructors Attachments
Z 20-05 Pegasus Link Constructors Responses
Z 20-05 Staff Presentation



Zoning Map Z 20-05

 INDICATES AREA OF REQUEST

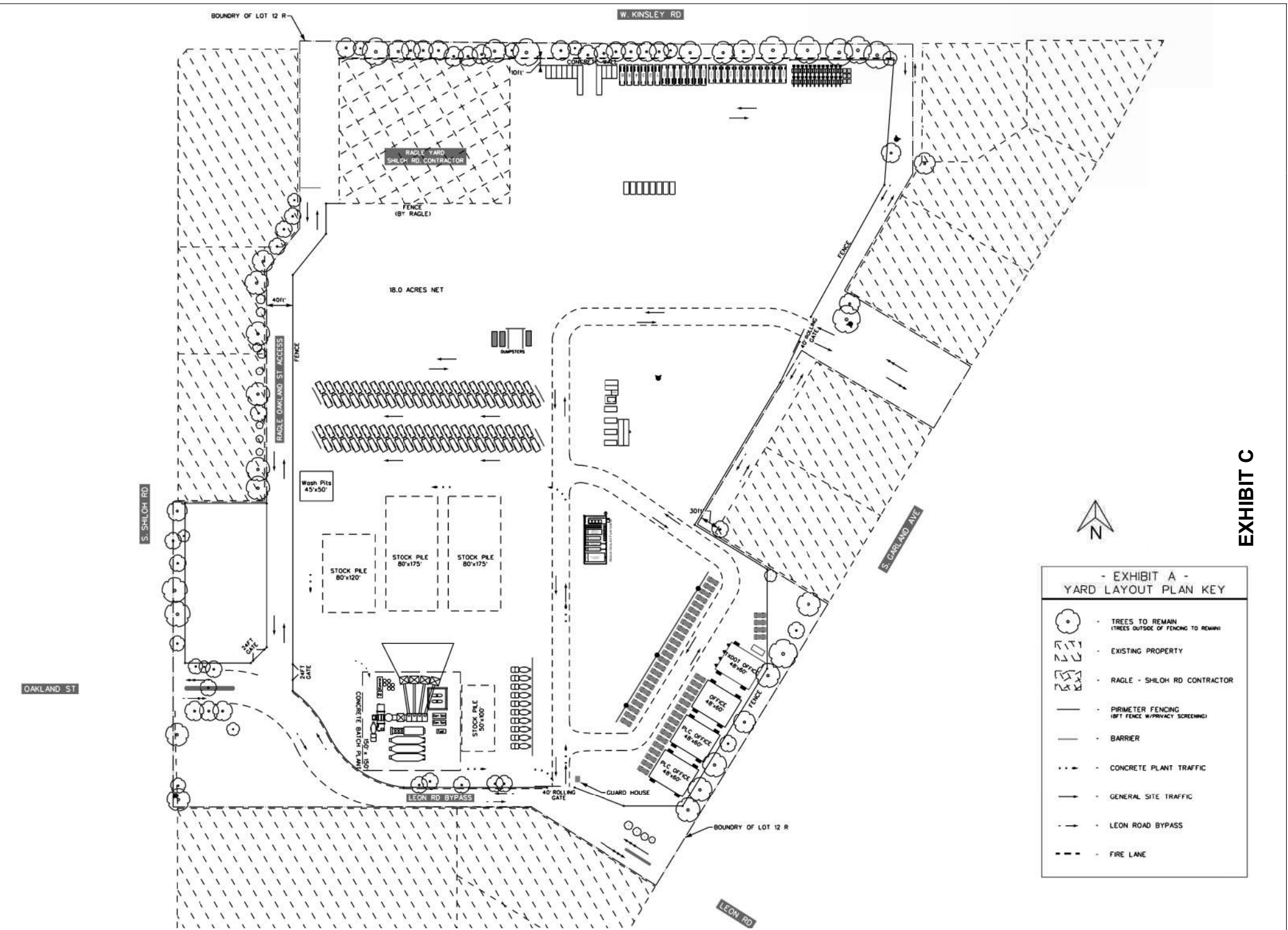


EXHIBIT C

REPORT & MINUTES

P.C. Meeting, March 9, 2020

Consideration of the application of **Pegasus Link Constructors**, requesting approval of a Detail Plan for Temporary Off-Site Construction Campus Use. This property is located at 3159 South Garland Avenue. (District 5) (File Z 20-05)

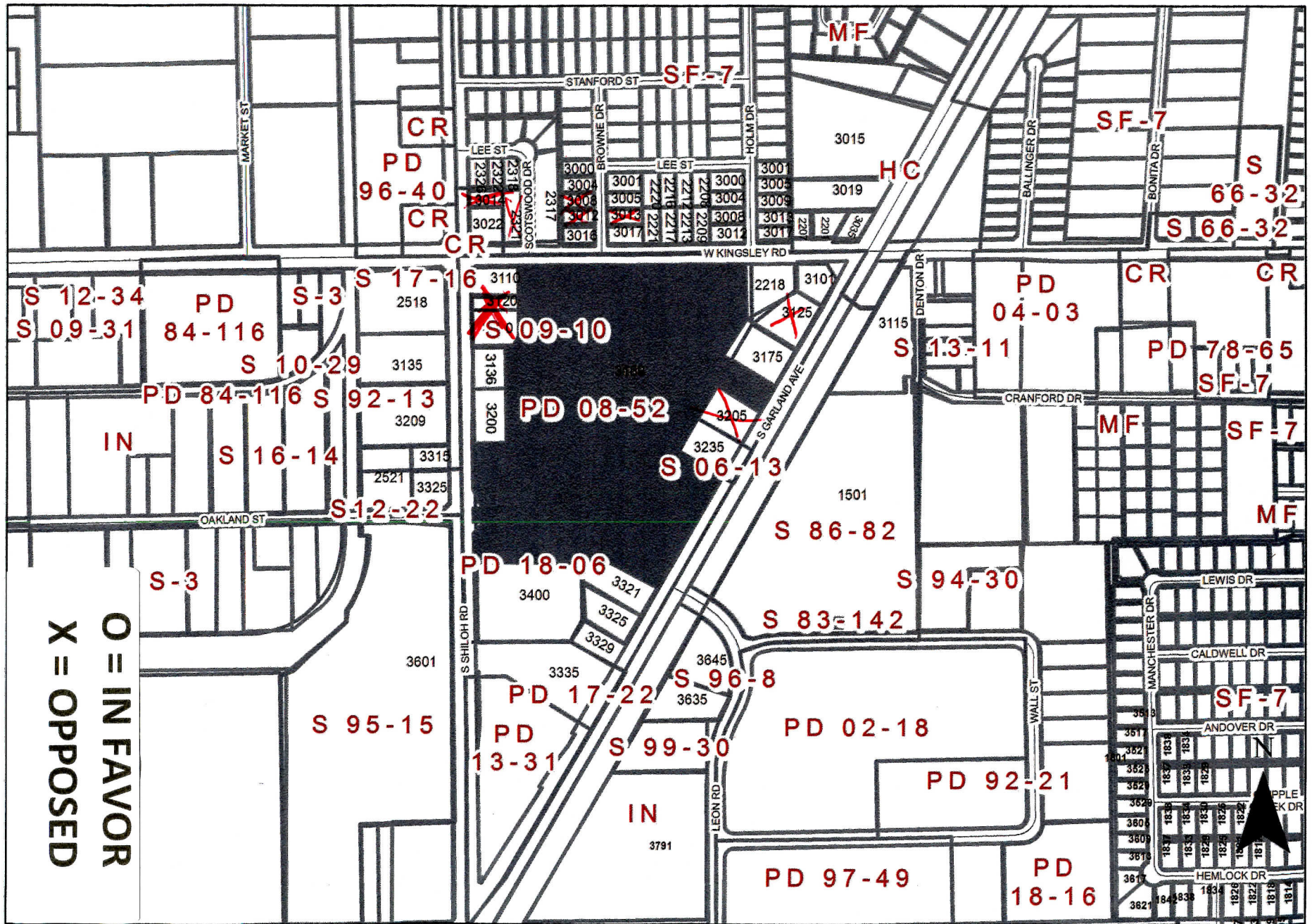
Residents present and registering their position in favor:

Cathy West Dougherty, 1405 Chestnut Drive, Rowlett
John Willis, 2116 Patricia Lane
Frances Hiner, 1113 Intervale Drive, Garland

Residents present and registering their position as opposed:

Stephen Yearout, 2135 Stonehenge
Phillip Lathrop, 2921 South Garland Avenue, Garland

Motion was made by Commissioner Rose to **approve** the Detail Plan per staff recommendation, seconded by Commissioner Williams. **Motion carried: 8 Ayes, 0 Nays.**



Zoning Map Z 20-05

INDICATES AREA OF REQUEST

☒ I am opposed to the request.

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

CONCRETE mix site will generate too much dust. Construction trucks dump trucks Cement mixers etc. are too much to deal with at this location, traffic is deadlocked now at Peak times. Surely another location could be used, closer to LBS.

(Please complete the following information)

3008 Browne ST.

Your Property Address

Donald K. Woodard

Printed Name

3008 Browne

Address

GARLAND TX

City, State

75041

Zip

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

Donald Woodard

Signature

Homeowner

Title

Date: 3-5-20

MAR 05 2020



GARLAND

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

February 26, 2020

HEARING DATE/TIME: Plan Commission: March 9, 2020 – 7:00 PM

APPLICANT: Pegasus Link Constructors

File: Z 20-05

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 9, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Pegasus Link Constructors**, requesting approval of 1) an Amendment to Planned Development (PD) District 08-52 for Shopping Center Uses to add Temporary Off-Site Construction Campus Use and 2) a Detail Plan. The property is shown on the enclosed sketch and is described as follows:

BEING Lot 12R, of Wal-Mart Super Center 2 Addition, an Addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 87068, Page 1639, of the Map Records of Dallas County, Texas. **This property is located at 3159 South Garland Avenue. (District 5)**

Note: The applicant proposes a temporary, five (5) year operation of an off-site construction yard for the IH 635 (Lyndon B. Johnson Freeway) reconstruction project. The construction yard would include construction offices, outdoor storage of materials and supplies, a batch plant, bulk fuel storage (fuel farm), a wash down facility for trucks, and shipping storage containers.

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 Main Street, Garland TX; or email 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 Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

_____ I am in favor of the request.

☒ I am opposed to the request.

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

I have asthma & am concerned about
air quality & noise
I do NOT want a concrete producing
facility == this close to my HOME!

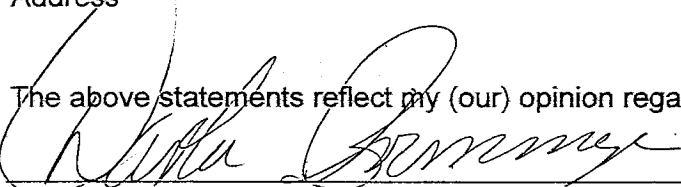
(Please complete the following information)

3012 Browne Dr
Your Property Address

Darlene Brimmage
Printed Name

3012 Browne Dr Garland TX 75041
Address City, State Zip

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

 Ms
Signature Title

Date: 3/5/2020

MAR 05 2020

X I am opposed to the request.

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

I am the last one to want to stand in the way of progress, but I hate noise and I hate extra traffic. Please put this thing somewhere else.

(Please complete the following information)

3013 Browne Dr. Garland TX 75041
Your Property Address

Delbern L Graven
Printed Name

3013 Browne Dr. Garland, TX 75041
Address City, State Zip

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

Delbern L Graven
Signature

Owner
Title

Date: 9 March 2020

3/9/20
PC mtg

☒ I am opposed to the request.

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

FOR YEARS OUR BUSINESS HAS BEEN SUFFERING FROM THE
VACANCY OF WALMART. WITH THE RECENT DEMOLITION OF
THE BUILDING WE WERE IN HOPE OF BETTERING NOT ONLY THE
BUSINESSES BUT THE COMMUNITY AS A WHOLE WITH AN ECONOMIC-
ALLY EXPANDING PROJECT WHICH THIS IS NOT. I'VE BEEN PAYING YEARS
OF TAXES HOPING FOR A BETTER BUSINESS IN THE AREA THAT WOULD
BRING GROWTH NOT DETRIMENT AS A CONSTRUCTION SITE. THIS IS AN
ABSOLUTE SETBACK! (Please complete the following information)
The current expansion of Kingsley & Shiloh is already
devastating to many business owners and increasing projects such as this
will undoubtedly hurt business & communities
beyond repair!!!

3125 S. Garland Ave.

Your Property Address

James A. Reza Khani

Printed Name

2518 W Kingsley X #115, Garland, TX

Address

City, State

75041

Zip

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

James A. Reza Khani

Signature

Owner

Title

Date: 03-02-2020

☒ I am opposed to the request.

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

We just got rid of the homeless problem by demolishing the old Walmart Super Center. This proposal would bring that issue back. Also, it isn't beneficial for any business development in the area. It will be an eyesore and therefore attract people from supporting surrounding businesses.

(Please complete the following information)

3205 S. GARLAND AVE.

Your Property Address

McDonald's RESTAURANT / LISA DRIBBEN

Printed Name

935 W. RALPH HALL PKWY #101 BOCKWILL, TX 75032

Address - OFFICE

City, State

Zip

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

Lisa Dribben

Signature

Owner of the McDonald's Restaurant

Title

Date:

2/29/20

X I am opposed to the request.

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

The proposed use of Lot 12R of Wal-Mart Super Center 2 Addition to the City of Garland as a 5-year off-site construction yard will be an eyesore, source of noise and debris for the duration of its operation. The site is currently zoned for retail operations and should be used only for that purpose. Adjacent to that site are residences and retail operations. The presence of a construction yard will have a negative effect on property values in its vicinity due to the noise and debris factors.

(Please complete the following information)

3014 S. Shiloh Road Garland TX 75041 (Claremont Place 2, BLK 9, ACS 0.195)

Your Property Address

Mr. Renji John

Printed Name

922 Myers Meadow Dr

Garland, TX

75043

Address

City, State

Zip

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

Signature

Retail Building Owner/Operator

Title

Date: March 6, 2020

February 26, 2020

Z 20-05

Page 2 of 2

☒ I am opposed to the request.

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

We are operating a Car Wash on the adjacent property. The Dust from a concrete Batch Plant next door would be detrimental to our business.

We thought this area was part of the South Garland Catalyst area, and was one of the cities Key commercial corridors. This use is not consistent with the transformation of the site into a viable
(Please complete the following information) employment/training center.

3120 S Shiloh

Your Property Address

LJ Erickson

Printed Name

7500 San Jacinto

Address

Plano, TX

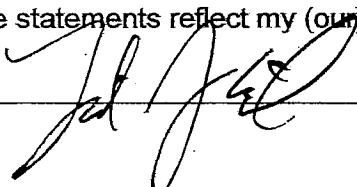
City, State

75024

Zip

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

Signature



owner
Title

Date:

3/2/2020

MAR 6 '20 AM 8:58

February 26, 2020

Z 20-05

Page 2 of 2

X I am opposed to the request.

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

The proposed use of Lot 12R of Wal-Mart Super Center 2 Addition to the City of Garland as a 5-year off-site construction yard will be an eyesore, source of noise and debris for the duration of its operation. The site is currently zoned for retail operations and should be used only for that purpose. Adjacent to that site are residences and retail operations. The presence of a construction yard will have a negative effect on property values in its vicinity due to the noise and debris factors. The property 2321 Kingley Rd W. Claremont Place 2 BLK 9 Lot 4 is zoned for Day Care Center

(Please complete the following information)

2321 Kingsley Rd, W Garland TX 75041

Your Property Address

Mr. Renji John

Printed Name

922 Myers Meadow Dr

Address

Garland, TX

City, State

75043

Zip

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

Signature

Property Owner/Operator

Title

Date: March 6, 2020

Allmendinger, Tracy

From: Dawn Coleman <dawnc2518@yahoo.com>
Sent: Thursday, March 12, 2020 11:45 AM
To: Allmendinger, Tracy
Subject: Re: Hypermart site

Dawn Coleman
2518 Robin Lane
Garland TX 76041

Thank You

On Thursday, March 12, 2020, 08:39:59 AM CDT, Allmendinger, Tracy <tallmend@garlandtx.gov> wrote:

Good morning Dawn,

Please provide your complete address for recording purposes.

Thank you,

Tracy Allmendinger

Development Services Coordinator II

Planning & Community Development

P: (972) 205-2447 | F: (972) 205-2474

tallmend@garlandtx.gov | GarlandTx.gov

*Outside the notification
area*

From: Dawn Coleman <dawnc2518@yahoo.com>
Sent: Wednesday, March 11, 2020 11:58 PM
To: Planning Group <Planning@garlandtx.gov>
Subject: Hypermart site

We already have a cement plant on Wood-why need another one. and we were promised something else there. WHY does Garland think we are stupid. There has to be land somewhere to use as this ????

I have lived in this area for over 50 years and I can not get to the meetings so please mark me as another one against this site used for this.

It stood vacant for so long and now a dumping site-why not something needed? I would suggest maybe a Hospital or senior apartments.

Let's do a good thing for our community.

This area has been on construction for some time now and is almost winding down

Walmart did us no favors when they moved. This area is a tucking sleep area and now a concrete plant? Please think of us the homeowners. Garland father's have dragged their feet so long on street repairs,

that now they have become major issues.

Dawn Coleman

Ridgecrest-English Estates

☒ I am opposed to the request.

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

City of McKinney - 2018 Had Multiple Problems
ALL READY 2 FACTORYS NEARBY NOISY, TRAFFIC, DAILY MAPPING
1) ALL POLLUTANT 2) PARTICULATE EMISSIONS, CARBON MONOXIDE
Nitrogen oxides etc - ^{Particulate} affect heart, lungs cause increased RISK of
heart attack
3) NOISE - ARRIVE BEFORE DAWN, Backup warning sounds on trucks
4 TRAFFIC
5) Polluted waste water run off

(Please complete the following information)

2900 BROWNE GARLAND TX 75041
Your Property Address

MARLENE WILDES
Printed Name

2900 BROWNE GARLAND TX 75041
Address City, State Zip

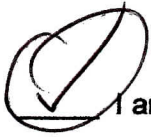
The above statements reflect my (our) opinion regarding the proposed request(s).

Marlene Wildes 3/5/20
Signature Title

Date: 3/5/20

MAR 05 2020

Outside the Notification Area



I am opposed to the request.

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

① I'm worried about dust/debris, fill dirt, and other powdery materials creating slippery conditions + other safety hazards. ② I'm worried about nails, screws, bolts, and other sharp objects littering the road and puncturing tires. ③ It's hard enough to get out of here in the mornings w/ the construction zone that surrounds our neighborhood. Now we have to deal w/ a construction Highway? NO. ④ That lot is a Retail commercial lot. I think of a construction company as an industrial commercial lot. There should be a distinction considering the filth that this company will produce.

(Please complete the following information)

2904 Browne Dr. Garland, TX 75041
Your Property Address

Jacob M. Verbe
Printed Name

2904 Browne Dr. Garland, TX 75041
Address City, State Zip

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

Jacob M. Verbe Mr.
Signature Title

Date: 3/8/2020

Outside of notification area

3/9/20
PC mtg

Allmendinger, Tracy

From: Grace Read <gracemread@gmail.com>
Sent: Tuesday, March 10, 2020 1:31 PM
To: Allmendinger, Tracy
Subject: Case # Z20-05

To the Plan Commission of Garland,

I am Grace Read, from Patricia Ln. Garland, Texas. I have lived here for 14 years. I was unable to make the Plan Commission for case number Z20-05 meeting yesterday due to work and college classes. I want to put my vote on the Pegasus Link Construction being built on the intersection of Garland and Kingsley. My vote is No, I do not want the Pegasus Link Construction cement factory to be built in this area. I do not want a factory because:

- It would cause too much air and noise pollution.
- There would be too much traffic for the next five years in the area due to construction.
- The air pollution would cause health problems to the nearby elementary schools and middle schools.
- The air pollution would affect my dermatitis, diabetes, asthma, (or whatever health problem you have)
- The pollution would cause long term health problems to everyone in the community, including the young children and elderly.
- This is an act of environmental racism because you are putting the factory in a predominantly minority community.
- A park would be better use of the area.
- It is unsafe to build a factory near an elementary and middle school.
- Other)

-Grace Read

no address given

2513 Patricia Lane

Outside of Notification Area

Allmendinger, Tracy

From: Cecille Lopez <birthdaycecille@gmail.com>
Sent: Tuesday, March 10, 2020 3:22 PM
To: Allmendinger, Tracy
Subject: My Vote for the Case#Z20-05

To the Plan Commission of Garland,

I am Cecille Lopez from Axe Dr. Garland, Texas. I have lived here for 15 years. I was unable to make the Plan Commission for case number Z20-05 meeting yesterday due to my college class schedule. I want to put my vote on the Pegasus Link Construction being built on the intersection of Garland and Kingsley. My vote is no, I do not want the Pegasus Link Construction cement factory to be built in this area. I do not want a factory because it would cause too much air and noise pollution and the air pollution would affect my dermatitis. In addition, the pollution the factory would produce would cause long term health problems to everyone in the community, including the young children and elderly.

Thank you for taking the time to read and count my vote in this matter. Please contact me for any questions. Please email me with the final results of this matter.

-Cecille Lopez

no address given

1544 Axe Drive

Outside of notification area

Allmendinger, Tracy

From: Erica <mendoza25erica@gmail.com>
Sent: Wednesday, March 11, 2020 12:48 PM
To: Allmendinger, Tracy
Subject: Pegasus Link Construction

To the Plan Commission of Garland,

I am 19, from 5429 Kentcroft Dr, Garland, Texas. I have lived here for almost 10 years. I was unable to make the Plan Commission for case number Z20-05 meeting due to work. I want to put my vote on the Pegasus Link Construction being built on the intersection of Garland and Kingsley. My vote is No, I do not want the Pegasus Link Construction cement factory to be built in this area. I do not want a factory because there would be too much traffic for the next five years in the area due to construction. The pollution created from this cement plant will cause health problems for young kids and the elderly as well as people who suffer from conditions such as asthma, diabetes, dermatitis, etc. This factory is being placed so close to 2 schools, an elementary and middle school. This is not acceptable. Also, this factory is environmental racism because of where this factory is being placed. This factory is being placed in a community where the majority of its residents are minorities and low-income people.

- Erica Mendoza

Outside the notification area

Allmendinger, Tracy

From: Mariana Hernandez <marcely43@gmail.com>
Sent: Wednesday, March 11, 2020 9:56 AM
To: Allmendinger, Tracy
Subject: My vote

I am Mariana, from Broadway Garland, Texas. I have lived here for 18 years. I was unable to make the Plan Commission for case number Z20-05 meeting yesterday due to work. I want to put my vote on the Pegasus Link Construction being built on the intersection of Garland and Kingsley. My vote is No, I do not want the Pegasus Link Construction cement factory to be built in this area. I do not want a factory because

- It would cause too much air and noise pollution.
- There would be too much traffic for the next five years in the area due to construction.
- The air pollution would cause health problems to the nearby elementary schools and middle schools.
- The air pollution would affect people with dermatitis, diabetes, or asthma.
- The pollution would cause long term health problems to everyone in the community, including the young children and elderly.
- This is an act of environmental racism because you are putting the factory in a predominantly minority community.
- A park would be better use of the area.
- It is unsafe to build a factory near an elementary and middle school.

- Mariana

NO address given
522 Tacoma Drive

Outside of notification area



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

February 26, 2020

HEARING DATE/TIME: Plan Commission: March 9, 2020 – 7:00 PM

APPLICANT: Pegasus Link Constructors

File: Z 20-05

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 9, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Pegasus Link Constructors**, requesting approval of 1) an Amendment to Planned Development (PD) District 08-52 for Shopping Center Uses to add Temporary Off-Site Construction Campus Use and 2) a Detail Plan. The property is shown on the enclosed sketch and is described as follows:

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Note: The applicant proposes a temporary, five (5) year operation of an off-site construction yard for the IH 635 (Lyndon B. Johnson Freeway) reconstruction project. The construction yard would include construction offices, outdoor storage of materials and supplies, a batch plant, bulk fuel storage (fuel farm), a wash down facility for trucks, and shipping storage containers.

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 Main Street, Garland TX; or email 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 Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

 X I am in favor of the request.

MAR 6 '20 AM 8:58

_____ I am opposed to the request.

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

This use will accelerate the 635 East project, benefiting this part of Garland.

The additional employees and workers on the 635 East project who are stationed

here will spend money here, benefitting area businesses. On-site 24 hour security

will serve to reduce crime.

(Please complete the following information)

2116 Patricia Lane

Your Property Address

John Willis

Printed Name

2116 Patricia Lane, Garland, Texas 75041

Address

City, State

Zip

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

John Willis

Signature

Title

Date: 3/3/2020

Outside the Notification Area

Allmendinger, Tracy

From: Traci Litts <tracilitts@yahoo.com>
Sent: Tuesday, March 10, 2020 3:14 PM
To: Planning Group
Subject: Concerned Resident - Hypermart Projected Development

Attn: Planning Department of Garland,

As the City of Garland's neighborhood programs actively engage residents in a community partnership promoting the vitality and desirability of Garland's neighborhoods. This division oversees the development of the City's Strategy for Vital Neighborhoods and neighborhood planning initiatives.

I am writing this letter as a concerned citizen of Garland Texas. In recent news I was made aware of the proposed development of the demolition-ed sight formerly Hypermart. My concerns are around the open air industrial site plans for this location. This project will not only destroy the economic development needed for the city of Garland to grow its offerings for the tax paying citizens but can lend to future pollution of the air and water provided to the citizens of Garland and surrounding areas. This is a gateway to the city of Garland as stated in news articles in 2015.

In 2015, Garland buys nation's original Hypermart for \$6.3 million, says property will become a city gateway. As outlined in the cities improvement program of 2019 this site would be used as followed.

*In October 2017, the City of Garland bought the 24-acre, 235,000-square-foot Hypermart building, which had sat vacant for 12 years. The building's demolition marked an important milestone for the site – a key gateway to the City and a major investment anchor site along the Garland Road economic corridor. **This acquisition is key to the South Garland Avenue Corridor Study. South Garland Avenue is a gateway into the community, providing direct access into Downtown and the city's primary employment center. Completing a study of the area offers an opportunity to draw additional visitors into Garland from I.H. 635 and encourages reinvestment that enhances the image of the community. Additionally, the approval by TxDOT of the \$1.8 billion LBJ East expansion project will provide enhanced connectivity and energize reinvestment.***

As a tax paying citizen I vote NO on any industrial projects on this site because it will not align with *encouraging reinvestment that enhance the image of the community.*

Signed concerned Mother & tax payer of Garland.

Traci Litts

no address given

Outside the notification area

Phillips, Denise

From: Wauwie, Kira
Sent: Monday, March 16, 2020 7:49 AM
To: Phillips, Denise
Subject: Z 20-05 Response FW: Old Hypermart useage

FYI

From: Claudia Trachier [mailto:cloudyline@msn.com]
Sent: Sunday, March 15, 2020 11:27 AM
To: Planning Group <Planning@garlandtx.gov>
Subject: Old Hypermart useage

I am very concerned about the air pollution that a concrete plant would generate in our city, and so bear my home. In addition to the noise and traffic this proposed 24 hours a day operation will detract from our community and it's quality of life. I would much prefer this area be redeveloped as a housing area with shops like Richardson has done for their Spring Valley area. Something upscale and not more dirty industry. Thank you. Claudia Trachier 75041

Get [Outlook for Android](#)

Need address

Outside the notification area

Z 20-05

**Approval of an Amendment to Planned Development (PD)
District 08-52 for Shopping Center Uses to add Temporary
Off-Site Construction Campus Use.**

**Approval of a Detail Plan for a Temporary Off-Site
Construction Campus Use.**

**City Council Meeting
April 7, 2020**



GARLAND

TEXAS MADE HERE

Case Information

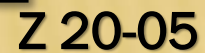
Location: 3159 South Garland Avenue

Applicant: Pegasus Link Constructors

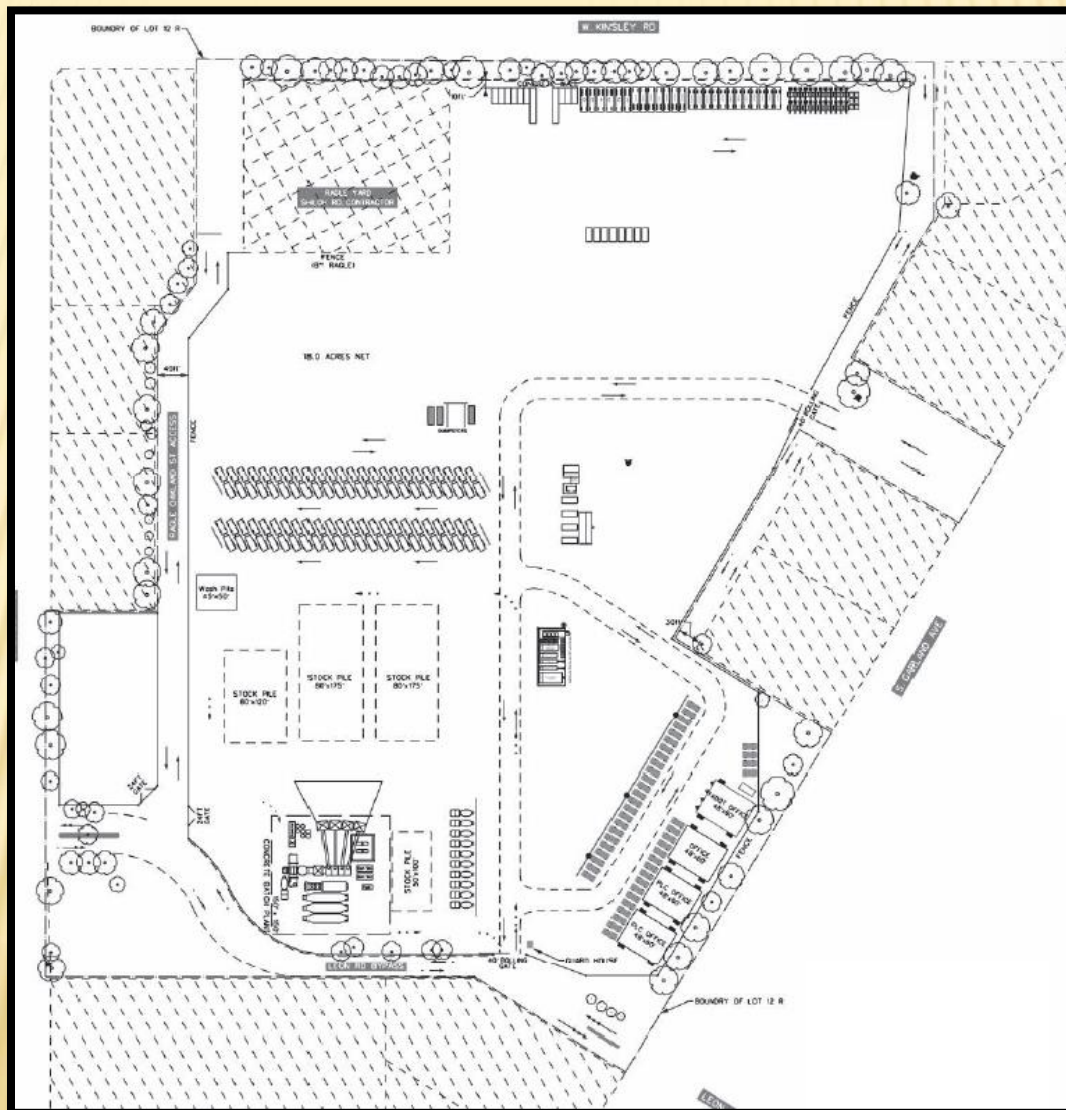
Owner: The Garland Foundation for Development Inc.

Acreage: 24.34 acres

Zoning: Planned Development (PD) District 08-52 for Shopping Center Uses

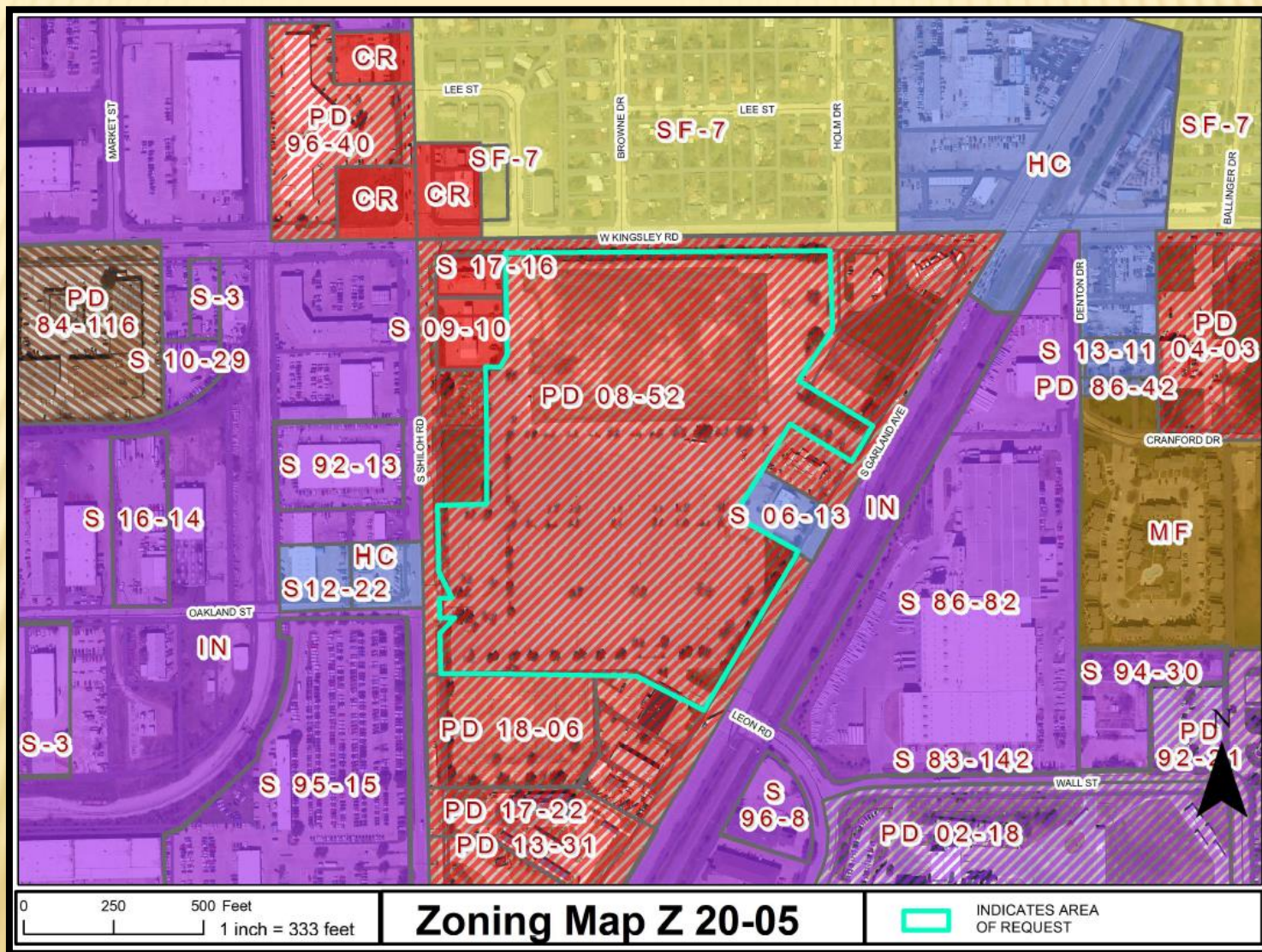


Detail Plan





Z 20-05



Photos



View along Kingsley Road looking west; site is on the left side of the photo



View along Kingsley Road looking east; site is on the right side of the photo



View along South Shiloh Road looking north near intersection of Leon Road Bypass



View along South Garland Avenue looking north near intersection of Leon Road Bypass



GARLAND PLANNING REPORT

City Council Regular Session Agenda

11. c.

Meeting Date: 04/07/2020

Item Title: Garland Development Code Amendments Regarding Regulations for Residential Buildings and Lots Being Used for Nonresidential Purposes and Amending Certain Parking Ratios in the Land Use Matrices

Submitted By: Will Guerin, Planning Director

REQUEST

Consider amending in part Chapter 2, Article 5, Section 2.52, "Special Standards for Certain Uses," of the Garland Development Code; amending in part Chapter 2, Article 5, Land Use Matrix, of the Garland Development Code; and amending in part Chapter 7, Article 2, Land Use Matrix, of the Garland Development Code.

PLAN COMMISSION RECOMMENDATION

During their March 9, 2020 meeting, the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of the draft ordinance, amending in part Chapter 2, Article 5, Section 2.52, "Special Standards for Certain Uses," of the Garland Development Code; amending in part Chapter 2, Article 5, Land Use Matrix, of the Garland Development Code; and amending in part Chapter 7, Article 2, Land Use Matrix, of the Garland Development Code.

STAFF RECOMMENDATION

Approval of the draft ordinance, amending in part Chapter 2, Article 5, Section 2.52, "Special Standards for Certain Uses," of the Garland Development Code; amending in part Chapter 2, Article 5, Land Use Matrix, of the Garland Development Code; and amending in part Chapter 7, Article 2, Land Use Matrix, of the Garland Development Code.

BACKGROUND

The City Council directed the Development Services Committee to review the current GDC regulations related to House Conversions. The Committee has recommended amendments that include additional regulations. The ordinance, as drafted by the City Attorney's Office and recommended by the Development Services Committee as well as the Plan Commission, is reflected in the attachment. Some notable changes are highlighted in the Considerations below.

CONSIDERATIONS

1. The proposal would eliminate any off-site parking, including on-street parking, for employees, volunteers, or guests or patrons attending functions on the converted house premises, unless a shared parking agreement is secured with a non-residentially-zoned property within one-hundred fifty (150) [proposed to be amended from 250] feet of the subject site.
2. The proposed amendments would require the provision of off-street parking at a parking load factor of 100 (one parking space for every 100 square feet of habitable living space in the converted residential building).

In addition, amendments to the Chapter 2 and Chapter 7 Land Use Matrices are proposed for the parking ratio for Church or Place of Worship. Specifically, assemblies under one hundred (100) persons shall park at a ratio of 1 parking space per 100 square feet. The current parking ratio for all Churches/Places of Worship is 1 parking space per 4 seats.

3. Proposed is an occupancy load factor of 100 (one person for every 100 square feet of habitable living space).
4. The proposed hours of operation limitations are 7:00am to 9:00pm.
5. In the proposal, a nonresidential use in a residential building may not have a freestanding sign unless the subject site has a minimum of one hundred fifty (150) linear feet of frontage along the street.
6. The proposed amendments would prohibit persons from residing, whether on a temporary or permanent basis or staying overnight, within any portion of a building that has been converted to a nonresidential use.
7. In the proposed amendments a nonresidential use in a residential building located within a residential zoning district shall be no less than fifty (50) feet from any other structure used for residential purposes that are located upon adjoining lots or tracts of land.
8. The Building Official may approve House Conversions in residential or non-residential zoning districts provided all applicable City codes are met. In the proposed amendments, appeals may be heard by the Board of Adjustment.
9. The draft ordinance is attached for the Council's review and consideration.

Attachments

GDC Amendment Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING IN PART CHAPTER 2, ARTICLE 5, SECTION 2.52, "SPECIAL STANDARDS FOR CERTAIN USES," OF THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS; AMENDING IN PART CHAPTER 2, ARTICLE 5, THE LAND USE MATRIX; AMENDING IN PART CHAPTER 7, ARTICLE 2, THE DOWNTOWN LAND USE MATRIX; 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 Section 2.52(A)(4) of the Garland Development Code of the City of Garland, Texas, is hereby amended in its entirety to read as follows:

"(4) Residential Buildings - Use or Conversion of Existing Building, Dwelling, Industrialized Housing Units. To protect the residential character of neighborhoods, no building or portion of a building that is designed, constructed, or used as a residence may be converted to a nonresidential use of any type unless it meets the following standards and conditions:

(a) In a Residential Zoning District. The proposed use, the residential building being converted to a nonresidential use, and the lot on which the building is located shall conform to all applicable provisions of this GDC, including but not limited to the following:

(i) Offsite Parking. To provide for safe and efficient circulation of pedestrian and vehicular traffic in residential neighborhoods, the proposed nonresidential use may have no off-site parking on public streets for employees, volunteers, or guests or patrons attending small gatherings, assemblies, or meetings on the premises. Offsite parking pursuant to a lease or license agreement with the owner of private property located in a nonresidential zoning district and within 150 feet of the premises is permitted. The distance shall be measured from the property line of the premises,

along the property lines of street fronts, and diagonally across intersections to the property line of the tract on which off-site parking is being provided.

(ii) Parking Ratio. A nonresidential use in a residential building being converted to a nonresidential use must provide off-street parking at a parking load factor of 100 (one parking space for every 100 square feet of habitable living space in the converted residential building). The off-site minimum parking requirements must be met pursuant to a lease or license agreement as authorized above.

(iii) Occupancy Load. A nonresidential use in a residential building shall have an occupancy load factor of 100 (one person for every 100 square feet of habitable living space).

(iv) Hours of Operation. A non-residential use in a residential building may only operate between the hours of 7:00 a.m. and 9:00 p.m.

(v) Signs. A nonresidential use in a residential building may not erect or maintain a free-standing sign unless the lot or tract of land on which it is located has a minimum of 150 linear feet of frontage along the street to which the front door of the building is facing.

(vi) Residency. No person shall reside, whether on a temporary or permanent basis, or stay overnight within any portion of a building that has been converted to a nonresidential use.

(vii) Residential Character of Building. There may be no substantial modifications to the building such that would unduly impair any future re-conversion of the building to a residential use.

(viii) Minimum Distance from other Residential Buildings. A nonresidential use in a residential building (or upon the lot or tract of land) located within a residential zoning district shall be no less than 50 feet from any other structure used for

residential purposes that are located upon adjoining lots or tracts of land.

(ix) Approval Letter. The Building Official may approve the conversion after determining the application is in compliance with this Section 2.52 and all other applicable codes and state law. The Building Official shall issue a letter approving the conversion, approving the conversion with conditions, or denying the conversion.

(x) Expiration of Approval Letter. Once the Building Official issues a letter approving the conversion, or approving the conversion with conditions, the applicant shall have 365 calendar days from the date the Building Official sends the approval letter to the applicant to apply for all required site or building permits and commence site or building improvements. The approval letter shall also expire 365 calendar days following the date of the most recent inspection if there has not been substantive progress on the site or building improvements.

(b) In a Nonresidential Zoning District. Once the Building Official determines that the proposed conversion is in compliance with all provisions of this GDC and all other applicable codes and state law, the Building Official shall have the authority to issue a Certificate of Occupancy for a nonresidential use in a residential building located within a nonresidential zone."

(c) In the event the Building Official approves an application for conversion and the applicant completes all work necessary to be in compliance with the approval letter, this GDC, and all other applicable codes and state law, including the payment of all fees, the Building Official shall issue a Certificate of Occupancy, with any reasonable conditions the Building Official determines necessary to carry out the intent of this Section 2.52, for the nonresidential use of a residential building located within a residential zone.

(d) Appeal to the Board of Adjustment. In the event the Building Official denies an application for conversion or approves it with conditions, the applicant shall have

30 calendar days to appeal the decision of the Building Official by submitting a written request for appeal to the Building Inspection Department before the close of the 30th calendar day following the date of the approval letter."

Section 2

That the Land Use Matrix of Chapter 2, Article 5 of the Garland Development Code of the City of Garland, Texas, is hereby amended in part, specifically "Institutional and Educational Uses," so that the parking requirements for churches or places of worship are as follows:

"1/4 seats for buildings designed or constructed to accommodate assemblies of 100 persons or greater; 1/100 sq. feet for buildings designed or constructed to accommodate small assemblies under 100 persons."

Section 3

That the Downtown Land Use Matrix of Chapter 7, Article 2 of the Garland Development Code of the City of Garland, Texas, is hereby amended in part, specifically "Institutional and Educational Uses," so that the parking requirements for churches or places of worship are as follows:

"1/4 seats for buildings designed or constructed to accommodate assemblies of 100 persons or greater; 1/100 sq. feet for buildings designed or constructed to accommodate small assemblies under 100 persons."

Section 4

That Chapter 7 of the Garland Development Code of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5

That the terms and provisions of this Ordinance are severable and are governed by Sec. 1.07 of the Garland Development Code of the City of Garland, Texas.

Section 6

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

PASSED AND APPROVED this the _____ day of _____, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary