



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, February 15, 2022
7:00 p.m.

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

The meeting will be open to the public and the presiding official will be physically present at the above stated location. The meeting will also be broadcast by webinar or telephone at the following URL:

https://garlandtx.zoom.us/webinar/register/WN_jRCQXukuSqWPjtERiGHoyA

Registration for the online meeting is required. The meeting will be recorded and will be available for viewing the next day at www.garlandtx.gov.

For those without internet access to the meeting, a dial-in option is available. The numbers are:

Additionally, the meeting may be accessed by phone at the following number:

346-248-7799
470-250-9358
470-381-2552

The Meeting ID is: 867 4593 5133

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.



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 February 1, 2022, Regular Meeting
2. Consider approval of the following bids:
 - a. **Shelf-Ready Audiovisual Library Materials** **Bid No. 0250-22**
Midwest Tape, LLC **\$220,000.00**

This request is to support the Library's selection and purchase of audiovisual materials to meet customer needs.
 - b. **Ablon Park Drainage Infrastructure and Fishing** **Bid No. 0170-22**
Pier Construction
J.B. and Co. LLC **\$592,845.00**

This request is to construct two new drainage structures and one new fishing pier at the pond in Ablon Park.

c. GP&L Elm Grove Substation Expansion Steel Structures Bid No. 0286-22

Grid Structures	\$293,433.00
Optional Contingency	<u>29,343.00</u>
TOTAL:	\$322,776.00

This request is for the purchase of steel structures for the Elm Grove Substation expansion. An Optional Contingency is included for any additional materials that may be required.

d. GP&L Olinger to Ben Davis 138kV Transmission Line Rebuild Engineering Service Bid No. 4693-14

R-Delta Engineers	\$281,000.00
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This request is to approve a Change Order for additional engineering services associated with the rebuild of the GP&L Olinger to Ben Davis 138kV Transmission Line. R-Delta Engineers will provide additional engineering services to accommodate project delays, residential development and infrastructure changes in the project area.

e. GP&L Elm Grove Substation Construction Materials Bid No. 0285-22

Techline, Inc.	\$111,823.45
Optional Contingency	<u>11,182.00</u>
TOTAL:	\$123,005.45

This request is for the purchase of construction materials for the Elm Grove Substation expansion. An Optional Contingency is included for any additional materials that may be required.

f. Scale House Remodel Bid No. 0999-21

Tegrity Contractors, Inc.	\$150,000.00
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This request is to approve a Change Order for the CM Hinton Landfill scale house remodel due to unforeseen structural faults encountered during the demolition stage.

g. Backhoe Loader Bid No. 0417-22

Caterpillar, Inc.	\$138,945.00
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This request is for the replacement purchase of a new Backhoe Loader Tractor to be utilized by the Duck Creek Wastewater Treatment Plant.

- h. Asbestos Abatement & Demolition of Las Brisas Retirement Community** **Bid No. 0435-22**
- | | |
|-------------------------------------|-------------------------|
| Intercon Environmental, Inc. | \$219,771.24 |
| Optional Contingency | <u>20,000.00</u> |
| TOTAL: | \$239,771.24 |

This request is for the asbestos abatement and demolition of the recently-acquired Las Brisas Retirement Community in preparation for redevelopment.

- i. Traffic Signal Installation and Modernization** **Bid No. 0261-21**
- | | |
|---------------------------|---------------------|
| Mel's Electric, LP | \$286,478.25 |
|---------------------------|---------------------|

This request is to approve a Change Order for Traffic Signal Installation and Modernization Services.

- j. Shade Structures at Various Parks** **Bid No. 0430-22**
- | | |
|--|---------------------|
| USA Shade & Fabric Structures | \$740,346.07 |
|--|---------------------|

This request is to fabricate and install shade structures at Central Park, Bradfield Park, Holford Park, Norman Groves Park and Carter Softball Complex.

- k. Rick Oden Park Playground Equipment** **Bid No. 0434-22**
- | | |
|-----------------------------|---------------------|
| Whirlix Design, Inc. | \$490,649.00 |
|-----------------------------|---------------------|

This request is for the purchase of playground equipment at Rick Oden Park.

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

- a. Zoning File No. Z 21-44, Amro Issa – Crown Castle (District 5)**

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for Antenna, Commercial Use on a 1.94-acre tract of land located at 3209 South 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; providing a Savings Clause and a Severability Clause; and providing an effective date.

b. Zoning File No. Z 21-58, Summit Designs (District 3)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Change in Zoning from Agricultural (AG) District to Single-Family Estate (SF-E) District on a 0.9962-acre tract of land located at 5809 Lyons 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; providing a Savings Clause and a Severability Clause; and providing an effective date.

c. Zoning File No. Z 21-61, Via Bayou, Inc. (District 3)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a 1) an amendment to Planned Development (PD) District 20-13 to allow Cabins And Recreational Vehicles in a portion of Phase 2 and 2) a Detail Plan for Cabins And Recreational Vehicles on a 1.0165-acre tract of land located at 3926 Zion 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; providing a Savings Clause and a Severability Clause; and providing an effective date.

4. Approve by minute action the appointment of Dr. Terrance Joseph Wickman for three years to the Civil Service Commission.

At the January 31, 2022 Work Session, Council considered approving the City Manager's appointment Dr. Terrance Joseph Wickman.

5. Consider a resolution authorizing the City Manager to execute an Election Services Contract with Dallas County by and through the Dallas County Elections Administrator, and a Joint General and Special Election Services Contract with Collin County by and through the Collin County Elections Administrator; adopting certain designated voting systems for use in the 2022 Garland General Election; and providing an effective date.

Council is requested to approve a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 7, 2022, General Election.

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.

6. **Consider a resolution of the City Council of the City of Garland, Texas confirming a proposed development to be funded with Texas Department of Housing and Community Affairs 2022 Competitive 9% Housing Tax Credits; authorizing a reduction of certain fees; authorizing the certification of this resolution to the Texas Department of Housing and Community Affairs; and providing an effective date.**

At the January 31, 2022 and February 14, 2022 Work Sessions, Council considered resolutions for proposed Texas Department of Housing and Community Affairs Low Income Housing 9% Tax Credit Program proposed multifamily developments.

7. **Consider an ordinance ordering a General Election for the City of Garland, Texas to be held on the 7th day of May, 2022, for the purpose of electing Council Members to Districts 1, 2, 4 and 5; providing a date for a run-off election; providing for a process to determine position of names on ballots; providing for locations of polling places; providing for early voting dates, providing for authorization for the City Manager and City Secretary to enter into Election Agreements with Dallas and Collin County Elections Departments; providing for notice, publication and posting of this order; and providing an effective date.**

Council is requested to approve an ordinance ordering and providing notice of a General Election for the City of Garland to be held on the 7th day of May 2022.

8. **Hold a Public Hearing on the 2022 Proposed Capital Improvement Program**

A public hearing will be held on the 2022 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the Proposed CIP Program. The 2022 Proposed CIP has been available for public inspection in the City's libraries and the City Secretary's Office and has been on the City's website since January 19, 2022.

9. Consider an Ordinance Adopting the 2022 Capital Improvement Program

An ordinance reflecting the 2022 CIP for the City of Garland, as proposed by the City Manager and as amended by the City Council, was prepared based on direction received at the Monday, February 14, 2022, City Council Work Session.

10. Consider a resolution of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquisition of various property rights located along Naaman School Road, from Brand Road to State Highway 78, in the City of Garland, County of Dallas, Texas, said property interests being more particularly described below; providing authorizations to acquire such property rights by purchase or condemnation and making certain findings pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of this resolution; and providing an effective date.

Council is requested to approve a resolution authorizing the acquisition of the property rights described in the proposed resolution. The City has been able to negotiate with whole take property owners and with some strips and clips property owners in the project area to acquire the necessary property interests. However, the City has not been able to successfully negotiate a final purchase price with one strips and clips property owner. The owner is named in the proposed resolution. State law requires particular wording to be used in a motion to adopt a resolution authorizing the initiation of condemnation proceedings. The City Attorney will provide in written form the appropriate wording of the motion. Council was briefed on requirements for land acquisition on the Naaman School Road project on February 1, 2021 and April 5, 2021 in Executive Session.

11. Consider a resolution of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquisition of various property rights located along Naaman School Road, from Brand Road to State Highway 78, in the City of Garland, County of Dallas, Texas, said property interests being more particularly described below; providing authorizations to acquire such property rights by purchase or condemnation and making certain findings pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of this resolution; and providing an effective date.

Council is requested to approve a resolution authorizing the acquisition of the property rights described in the proposed resolution. This item is scheduled for formal consideration at the February 15, 2022 Regular Meeting.

12. Hold public hearings on:

- a. Consider a Specific Use Provision (SUP) request by 7LC, LLC, for a tea/coffee shop with a drive-through. This property is located at 519 North Jupiter Road in District 6.**

Consideration of the application of Z 21-25 7LC, LLC, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District. This property is located at 519 North Jupiter Road (File Z 21-25, District 6)

- b. Consider a Site Plan request by 7LC, LLC for a tea/coffee shop with a drive-through. This property is located at 519 North Jupiter Road in District 6.**

Consideration of the application of Z 21-25 7LC, LLC, requesting a Plan for a Restaurant, Drive-Through Use. This property is located at 519 North Jupiter Road. (File Z 21-25, District 6)

- c. Consider a Zoning Change request by Realty Capital Management, to revise the zoning boundary lines of Planned Development (PD) District 15-40 for Multi-Family Use to incorporate two (2) additional acres. There are no improvements proposed at this time. The property is located at 4425 Bunker Hill Road in District 1.**

Consideration of the application of Z 21-60 Realty Capital Management, requesting approval of a Change of Zoning from Planned Development (PD) District 15-40 and Agricultural (AG) District to a Planned Development (PD) District for Multi-Family Uses. This property is located at 4425 Bunker Hill Road. (File Z 21-60, District 1)

13. 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.

14. 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 ITEM SUMMARY SHEET**

City Council Regular Session Agenda

1.

Meeting Date: 02/15/2022

Item Title: Minutes February 1

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider approval of the minutes of the February 1, 2022, Regular Meeting.

Recommendation/Action Requested and Justification

Attachments

Minutes February 1



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, February 1, 2022, 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 Dylan Hedrick
Deputy Mayor Pro Tem B. J. Williams
Council Member Jeff Bass
Council Member Deborah Morris
Council Member Ed Moore
Council Member Rich Aubin
Council Member Robert Vera
Council Member Robert John Smith

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
Assistant City Manager Judson Rex
City Attorney Brian England
City Secretary Eloyce René Dowl

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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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.

Amy Dunphy, Community Outreach Coordinator, Animal Services, presented the Pet of the Month.

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.

Motion was made by Council Member Moore to approve the Consent Agenda, with the exception of Item 2b, which was pulled by Cecile Lopez (virtual attendee), seconded by Council Member Bass. Motion carried:

Vote: 9 ayes, 0 nays

1. **APPROVED** Consider approval of the minutes of the January 18, 2022, Regular Meeting.

2. Consider approval of the following bids:

a. **APPROVED** Fire Station No. 1 Design Services **Bid No. 0313-22**
Brown Reynolds Watford Architects, \$1,110,220.00
Inc.

This request is to obtain professional architectural and engineering design services for Fire Station No. 1 and site planning assistance for the area around the new station known as the Triangle.

- This request is to upsize the existing 8" water lines to 12" lines along the eastbound and westbound Interstate 30 Service Roads from Bobtown Road to Zion Road. An Optional Contingency is included for any additional work that may be required.

- This request is for the purchase of a control enclosure to be installed at the Elm Grove Substation. An Optional Contingency is included for any additional work that may be required.

- This request is for the replacement of the security cameras at the City of Garland Detention Center.

- This request is for the purchase of conduit, control cable and other associated materials needed for the expansion of the Elm Grove Substation.

- This request is to obtain engineering services to determine the feasibility of providing cross-tie connectivity of the Ray Olinger Power Station Unit 1 circulating water pumps to the Unit 2 and Unit 3 circulating water systems.

- # 3

TOTAL: \$151,444.23

This request is for the purchase of 3,520 gallons of hydraulic oil, labor and equipment needed to perform a hydraulic oil flush on the Olinger 4 Gas Turbine unit. An Optional Contingency is included for any additional work that may be required.

- i. **APPROVED** **TMPA Keith Switch to Steep Hollow** **Bid No. 0479-20**
138kV Transmission Line Rebuild
Engineering Design Services Addendum
M&S Engineering, LLC \$58,500.00

This request is to approve Change Order #3 to Engineering Services Agreement COG002 to M&S Engineering.

- j. **APPROVED** **Police Station Security Improvements -** **Bid No. 0364-22**
Design Services
MPI Architects \$106,700.00

This request is for professional architectural and engineering design services for improvements to the Garland Police Department building.

- k. **APPROVED** **GP&L Interconnection Study** **Bid No. 0358-22**
DNV Energy USA, Inc. \$100,000.00

This request is to obtain engineering services associated with a full interconnection study in response to a Generation Interconnection Request with ERCOT.

- l. **APPROVED** **Fire Station No. 6 Additional Design** **Bid No. 0754-20**
Services
Brown Reynolds Watford Architects, \$125,375.00
Inc.

This request is to approve Change Order #2 for design services for Fire Station No. 6.

- m. **APPROVED** **Transformers for Warehouse Inventory** **Bid No. 0162-22**
Techline, Inc. \$145,756.00

This request is for the purchase of electrical transformers for Warehouse inventory.

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. **APPROVED Zoning File No. Z 21-42, Lars Andersen & Associates, Inc. (District 1)**

Ordinance No. 7288 amending the Garland Development Code of the City of Garland, Texas, by approving a 1) an amendment to Planned Development (PD) District 97-23 for Community Retail (CR) uses and 2) a Detail Plan for a building expansion and outdoor rentals of vehicles and equipment on a 11.661-acre tract of land located at 3261 North President George Bush Turnpike; 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; providing a Savings Clause and a Severability Clause; and providing an effective date.

4. **APPROVED Ordinance No. 7289** amending Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Section 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause; providing a Severability Clause; and setting an effective date.

Parking on Scott Drive by patrons of the adjacent business have resulted in congestion at this intersection. Council is requested to restrict parking on Scott Drive from Miller Road to 185 feet south.

5. **APPROVED Ordinance No. 7290** reappointing Rick Schimmel as an Associate Judge of the Municipal Court of the City of Garland, Texas; appointing Sonja Galbraith as as Associate Judge of the Municipal Court of the City of Garland, Texas and providing an effective date.

The City of Garland Municipal Court utilizes, by contract, associate judges to provide such things as magisterial duties, warrant application review and issuance and related services as a back-up to the two full-time judges. Appointments to associate judge positions are made by ordinance. Associate Judges Rick Schimmel and Sonja Galbraith have served their two-year term of office. In order to continue utilizing their services, the City Council must reappoint each to the position.

6. **APPROVED Minute action for the approval of a purchase agreement negotiated to date with the property owner, in the amount of \$723,144.**

As part of the 2019 Bond Program, voters approved expanding Holford Road Segment B (from Naaman Forest Boulevard to PGBT) from a two-lane asphalt street to a divided concrete street with curbs and dedicated bike lanes and trails. This requires additional land/right-of-way and staff has been working with consultants to acquire the necessary property. Council has previously been briefed on multiple occasions regarding the need for right-of-way for the Holford Road Segment B (Naaman Forest Boulevard to PGBT) project. One additional purchase agreement has been successfully negotiated with a property owner for the acquisition of land needed to move forward with the project.

7. **APPROVED Minute action for the approval of a purchase agreement negotiated to date with the property owner in the amount of \$181,968.**

As part of the 2019 Bond Program, voters approved reconstruction of Naaman School Road (from Brand Road to State Highway 78/Lavon) from a two-lane roadway into a four-lane divided street. This project will alleviate road congestion by providing twice the number of travel lanes in each direction and alleviate flooding issues during significant rainfall. This requires additional land/right-of-way and staff has been working with consultants to acquire the necessary property. Council has previously been briefed on multiple occasions regarding the need for right-of-way for the Naaman School Road (from Brand Road to State Highway 78/Lavon) project. One additional purchase agreement has been successfully negotiated with a property owner for the acquisition of land needed to move forward with the project.

8. **APPROVED Resolution No. 10527** authorizing the submission of a grant application to the Office of the Governor of the State of Texas for certain public safety, law enforcement and homeland security projects; and providing an effective date.

The Department of Homeland Security Grant Program (HSGP) is managed, at the state level, by the Texas Office of the Governor (OOG). One of the mandates by OOG, in order to receive HSGP funding requires jurisdictions applying for HSGP funding to have a council approved resolution each year prior to receiving HSGP awarded funds, which identifies the Authorized Official who will perform administration of the grant as well as a list of current year submitted projects.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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2b. APPROVED Landfill Cell No. 9 Construction

Bid No. 0168-22

4X Construction Group, LLC

\$5,825,000.00

This request is to provide an additional area to maintain sufficient trash burial at Hinton Landfill.

Motion was made by Council Member Moore to approve Item 2b, seconded by Deputy Mayor Pro Tem Williams. Motion carried:

Vote: 9 ayes, 0 nays

9. **PUBLIC HEARING HELD:** **Hold a Public Hearing on the 2022 Proposed CIP**
- A public hearing will be held on the 2022 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the Proposed CIP Program. The 2022 Proposed CIP is available for public inspection in the City's libraries and the City Secretary's Office and has been on the City's website since January 19, 2022.

Mayor LeMay opened the public hearing at 7:14 p.m. There were no speakers on this item; the Mayor closed the public hearing and stated there would be additional Capital Improvement Program meetings on February 14 and 15.

10. **Hold public hearings on:**

- a. **APPROVED Consider a Specific Use Provision (SUP) renewal request by Amro Issa – Crown Castle for an existing cell tower. This property is located at 3209 South Shiloh Road in District 5.**

Consideration of the application of Amro Issa – Crown Castle, requesting approval of a Specific Use Provision renewal for an Antenna, Commercial on a property zoned Industrial (IN) District. This property is located at 3209 South Shiloh Road. (File Z 21-44, District 5)

The staff report was presented by William Guerin, Director of Planning.

There was no additional discussion by the Council.

Motion was made by Council Member Aubin to approve the Specific Use Provision (Item 10a) and Detail Plan (Item 10b) as presented, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 nays

- b. **APPROVED Consider a Site Plan request by Amro Issa – Crown Castle for an existing cell tower. This property is located at 3209 South Shiloh Road in District 5.**

Consideration of the application of Amro Issa – Crown Castle, requesting approval of a Plan for the continued use of an Antenna, Commercial on a property zoned Industrial (IN) District. This property is located at 3209 South Shiloh Road. (File Z 21-44, District 5)

- c. **APPROVED Consider a Zoning Change request by Summit Designs, from Agricultural (AG) District to Single-Family Estate (SF-E) District to allow for the construction of a single-family home. This site is located at 5809 Lyons Road located in District 3.**

Consideration of the application of Summit Designs, requesting approval for a Change in Zoning from Agricultural (AG) District to Single-Family Estate (SF-E) District. This property is located at 5809 Lyons Road. (File Z 21-58, District 3)

The staff report was presented by William Guerin, Director of Planning.

Motion was made by Council Member Moore to approve the request as presented, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

- d. **APPROVED** Consider a Zoning request by Via Bayou, Inc., to add Recreational Vehicles (RV's) to the Phase 2 area of the Lakeshore RV Resort previously approved for Cabins, thus allowing both Cabins and Recreational Vehicles. This site is located at 3926 Zion Road in District 3.

Consideration of the application of Via Bayou, Inc., requesting approval of an amendment to Planned Development (PD) District 20-13 to add Recreational Vehicles to the Phase 2 area previously approved for Cabins, thus allowing both Cabins and Recreational Vehicles. This property is located at 3926 Zion Road. (File Z 21-61, District 3)

The staff report was presented by William Guerin, Director of Planning. Speakers on this item were Craig Turner, applicant, Sean Davis and Cecile Lopez (virtual).

There was extensive discussion and questioning on this item with Craig Turner and Sean Davis.

Motion was made by Council Member Moore to approve the Zoning request (Item 10d) based on Plan Commission recommendation (cabins only in spaces one through five, mixed use in spaces six through 18 and no Specific Use Provision), Detail Plan (Item 10e) and landscaping changes, seconded by Council Member Morris. Motion carried:

Vote: 9 ayes, 0 nays

- e. **APPROVED** Consider a Detail Plan request by Via Bayou, Inc. to allow Cabins and Recreational Vehicles in the Phase 2 area of the Lakeshore RV Resort. This site is located at 3926 Zion Road in District 3.

Consideration of the application of Via Bayou, Inc., requesting approval of a Detail Plan to allow Cabins and Recreational Vehicles in Phase 2 of Planned Development (PD) District 20-13. This property is located at 3926 Zion Road. (File Z 21-61, District 3)

11. **Citizen comments:** Joshua Garcia

12. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 9:30 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. a.

Meeting Date: 02/15/2022

Item Title: Shelf-Ready Audiovisual Library Materials

Submitted By: Karen Archibald, Library Director

Bid Number: 0250-22

Purchase Justification:

This request is to support the Library's selection and purchase of audiovisual materials to meet customer needs. This request includes cataloging, inventorying and physical processing so that materials arrive shelf-ready. This approval is for a Term Agreement that will renew annually provided that funding is approved in the budget and Midwest Tape, LLC, is available under an approved Cooperative Purchasing Contract.

Evaluation:

Midwest Tape, LLC, will be providing these materials through the Tx SmartBuy Cooperative Purchasing Contract 715-M2.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Midwest Tape, LLC	All	\$220,000.00
TOTAL:		\$220,000.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 46470

Fiscal Impact

Total Project/Account: N/A
Expended/Encumbered to Date: N/A
Balance: N/A
This Item: \$220,000
Proposed Balance: N/A
Account #: 100-2504-9023
Fund/Dept/Project – Description and Comments:

Library Shelf-Ready Audiovisual Materials

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

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2021-22

Document Location: Page 129

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/02/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. b.

Meeting Date: 02/15/2022

Item Title: Ablon Park Drainage Infrastructure and Fishing Pier Construction

Submitted By: Andy Hesser, Managing Director

Bid Number: 0170-22

Purchase Justification:

This request is to construct two (2) new drainage structures and one (1) new fishing pier at the pond in Ablon Park. The existing inflow and outflow drainage structures have been compromised as a result of years of soil erosion around and under the trail and headwall structures. The erosion has caused the pond to drain at a level lower than originally designed, and the proposed improvements should result in greater storage capacity of the pond. Additionally, the fishing pier is no longer repairable and needs to be replaced due to its age and condition. The new fishing pier will be constructed from wood and will improve the park users' experience while fishing.

Evaluation:

A request for proposal was issued in accordance with Purchasing procedures. Two (2) proposals were received with J.B. and Co. LLC submitting the Straight Low Bid.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
J.B. and Co. LLC	All	\$592,845.00
	TOTAL:	\$592,845.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 46372

Fiscal Impact

Total Project/Account:	\$1,657,000
Expended/Encumbered to Date:	139,894
Balance:	\$1,517,106
This Item:	592,845
Proposed Balance:	\$924,261

Account #: 692-2499-1835417-9002

Fund/Dept/Project – Description and Comments:

Parks CIP / Greenbelt Drainage Improvements

Ablon Park Drainage Infrastructure and Fishing Pier Construction

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: Page 72

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/02/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. c.

Meeting Date: 02/15/2022

Item Title: GP&L Elm Grove Substation Expansion Steel Structures

Submitted By: Steve Martin, GP&L Transmission Director

Bid Number: 0286-22

Purchase Justification:

This request is for the purchase of steel structures for the Elm Grove Substation expansion. This is part of the approved Elm Grove Substation Expansion CIP project. An Optional Contingency is included for any additional materials that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Six (6) bids were received and evaluated with Grid Structures submitting the Straight Low Bid.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Grid Structures	All	\$293,433.00
Optional Contingency		29,343.00
TOTAL:		\$322,776.00

Basis for Award: Straight Low Bid

Purchase Requisition #: 46554

Fiscal Impact

Total Project/Account: \$5,373,265
Expended/Encumbered to Date: 2,673,783
Balance: \$2,699,482
This Item: 322,776
Proposed Balance: \$2,376,706
Account #: 210-3799-3179701-6051
Fund/Dept/Project – Description and Comments:

Electric CIP / Substations Upgrades Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: Page 290

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/02/2022



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. d.

Meeting Date: 02/15/2022

Item Title: GP&L Olinger to Ben Davis 138kV Transmission Line Rebuild Engineering Service

Submitted By: Steve Martin, GP&L Transmission Director

Bid Number: 4693-14

Purchase Justification:

This request is to approve a Change Order for additional engineering services associated with the rebuild of the GP&L Olinger to Ben Davis 138kV Transmission Line. R-Delta Engineers will provide additional engineering services to accommodate project delays, residential development and infrastructure changes in the project area.

Evaluation:

R-Delta Engineers was awarded the original PO 22276 in the amount of \$368,700.00 at the September 2, 2014, City Council Meeting.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
R-Delta Engineers	All	\$281,000.00
TOTAL:		\$281,000.00

Basis for Award: Change Order

Purchase Requisition #: 46697

Fiscal Impact

Total Project/Account: \$9,701,778
Expended/Encumbered to Date: 113,263
Balance: \$9,588,515
This Item: 281,000
Proposed Balance: \$9,307,515
Account #: 210-3599-3142201-7111
Fund/Dept/Project – Description and Comments:

Electric CIP / Transmission Lines Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: Page 284

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/03/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. e.

Meeting Date: 02/15/2022

Item Title: GP&L Elm Grove Substation Construction Materials

Submitted By: Steve Martin, GP&L Transmission Director

Bid Number: 0285-22

Purchase Justification:

This request is for the purchase of construction materials for the Elm Grove Substation expansion. This is part of the approved Elm Grove Substation Expansion CIP project. An Optional Contingency is included for any additional materials that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Four (4) bids were received and evaluated. KBS Electrical Distributors quoted several unapproved alternates, deeming their bid nonresponsive. DIS-TRAN Packaged Substations, LLC, did not provide a schedule of unit prices, deeming their bid nonresponsive. Texas Electric Cooperatives, Inc., modified line items which resulted in pricing errors, deeming their bid nonresponsive. Techline, Inc., submitted the Lowest Responsible Bid, meeting all requirements of the specifications.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Techline, Inc.	All	\$111,823.45
Optional Contingency		11,182.00
	TOTAL:	\$123,005.45

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: 46552

Fiscal Impact

Total Project/Account:	\$5,373,265
Expended/Encumbered to Date:	2,550,778
Balance:	\$2,822,487
This Item:	123,005
Proposed Balance:	\$2,699,482

Account #: 210-3799-3179701-6051

Fund/Dept/Project – Description and Comments:

Electric CIP / Substations Upgrades Program

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: Page 290

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/02/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. f.

Meeting Date: 02/15/2022

Item Title: Scale House Remodel

Submitted By: Christopher Hoofnagle, EWS Disposal Operations Director

Bid Number: 0999-21

Purchase Justification:

This request is to approve a Change Order for the CM Hinton Landfill scale house remodel due to unforeseen structural faults encountered during the demolition stage. This Change Order corrects ceiling height, ductwork, plumbing defects and structural deficiencies. Additionally, a revised design will fully utilize the office area to accommodate a more efficient workspace than originally designed.

Evaluation:

Tegrity Contractors, Inc., was awarded the original PO 32470 in the amount of \$225,777.00 at the October 19, 2021, City Council meeting.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Tegrity Contractors, Inc.	All	\$150,000.00
	TOTAL:	\$150,000.00

Basis for Award: Change Order

Purchase Requisition #: 46751

Fiscal Impact

Total Project/Account: \$621,000
Expended/Encumbered to Date: 545,909
Balance: \$75,091
This Item: 150,000
Proposed Balance: \$(74,909)*
Account #: 692-1609-1710818-9002
Fund/Dept/Project – Description and Comments:

Landfill CIP / Landfill Entry Safety and Efficiency Improvements

Safety and efficiency improvements to the scale house.

* At the January 31, 2022, City Council Work Session, staff presented a proposed change to the 2022 CIP to appropriate an additional \$150,000 to the Landfill Entry Safety and Efficiency Improvements project, which is required to fund this change order.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2022

Document Location: Prop. CIP - Page 228

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/02/2022

OPENED: 08/19/2021
REQ. NO. PR 46751
BID NO. 0999-21
PAGE: 1 of 1
BUYER: T. Dabney

Tegrity Contractors

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. g.

Meeting Date: 02/15/2022

Item Title: Backhoe Loader

Submitted By: Terry Anglin, Fleet Services Director

Bid Number: 0417-22

Purchase Justification:

This request is for the replacement purchase of a new Backhoe Loader Tractor to be utilized by the Duck Creek Wastewater Treatment Plant. The Backhoe had an unexpected increase in maintenance costs, and Fleet Services recommended to replace the unit rather than repair it.

Evaluation:

The Backhoe Loader Tractor is available from Caterpillar, Inc., through the Sourcewell Cooperative Purchasing Contract 032119-CAT.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Caterpillar, Inc.	All	\$138,945.00
TOTAL:		\$138,945.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 46755

Fiscal Impact

Total Project/Account: \$88,645
Expended/Encumbered to Date: 88,645
Balance: \$0
This Item: 138,945
Proposed Balance: \$(138,945)*
Account #: 444-4233-9009
Fund/Dept/Project – Description and Comments:

Equipment Replacement Fund / Wastewater Utility
Replacement of Unit #420-0211

* This piece of equipment has been fully depreciated in the Equipment Replacement Fund, but it was not budgeted for replacement in FY 2021-22. Fleet is recommending the emergency replacement of this unit. Additional funding will be included in the FY 2021-22 Revised Budget.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2021-22

Document Location: Page 279

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/02/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. h.

Meeting Date: 02/15/2022

Item Title: Asbestos Abatement & Demolition of Las Brisas Retirement Community

Submitted By: Ginny Holliday, Facilities Management Director

Bid Number: 0435-22

Purchase Justification:

This request is for the asbestos abatement and demolition of the recently-acquired Las Brisas Retirement Community in preparation for redevelopment.

Evaluation:

Intercon Environmental, Inc., will be providing these services through the TIPS Cooperative Purchasing Contract RCSP 200201.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Intercon Environmental, Inc.	All	\$219,771.24
Optional Contingency		20,000.00
TOTAL:		\$239,771.24

Basis for Award: Cooperative Purchase

Purchase Requisition #: 46778

Fiscal Impact

Total Project/Account: \$500,000
Expended/Encumbered to Date: 5,315
Balance: \$494,685
This Item: 239,771
Proposed Balance: \$254,914
Account #: 656-1509-1023419-7111
Fund/Dept/Project – Description and Comments:

Economic Development CIP / Neighborhood Vitality Program
Las Brisas Retirement Community - Asbestos Abatement and Demolition

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2022

Document Location: Prop. CIP - Page 184

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/03/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. i.

Meeting Date: 02/15/2022

Item Title: Traffic Signal Installation and Modernization

Submitted By: Paul Luedtke, Transportation Director

Bid Number: 0261-21

Purchase Justification:

This request is to approve a Change Order for Traffic Signal Installation and Modernization Services. The Term Agreement contains 112 individual line items for materials and labor that can be used for various traffic signal construction and maintenance activities. Due to current and ongoing market conditions, the vendor has requested a 23.42 percent increase upon renewal of the Term Agreement. Based on information available from the Bureau of Labor and Statistics (BLS), the requested increase is acceptable.

Evaluation:

Mel's Electric, LP, was awarded the original BL 8375 in the amount of \$1,223,432.25 at the January 12, 2021, City Council meeting.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Mel's Electric, LP	All	\$286,478.25
	TOTAL:	\$286,478.25

Basis for Award: Change Order

Purchase Requisition #: 46714

	Fiscal Impact
Total Project/Account:	N/A
Expended/Encumbered to Date:	N/A
Balance:	N/A
This Item:	\$286,478
Proposed Balance:	N/A
Account #:	451-6999
Fund/Dept/Project – Description and Comments:	

Transportation CIP

Term Contract sets price but does not commit funds. Expenses will be charged to the New Traffic Signal Installation, Traffic Control System, Traffic Signal Equipment Modernization, and Emergency Services Signal Equipment programs' accounts as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2021

Document Location: CIP - Pages 117, 119 and 120

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/02/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. j.

Meeting Date: 02/15/2022

Item Title: Shade Structures at Various Parks

Submitted By: Rick Galceran, Capital Project Management Director

Bid Number: 0430-22

Purchase Justification:

This request is to fabricate and install shade structures at Central Park, Bradfield Park, Holford Park, Norman Groves Park and Carter Softball Complex. A portion of this project is part of the 2019 Bond Program and based on the 2022 Proposed CIP.

Evaluation:

The fabrication and installation will be provided by USA Shade & Fabric Structures through the BuyBoard Cooperative Purchasing Contract 592-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
USA Shade & Fabric Structures	All	\$740,346.07
TOTAL:		\$740,346.07

Basis for Award: Cooperative Purchase

Purchase Requisition #: 46768

Fiscal Impact

Total Project/Account: \$1,135,000
Expended/Encumbered to Date: 80,000
Balance: \$1,055,000
This Item: 740,346
Proposed Balance: \$314,654
Account #: 654-1429-1844519-9002, 654-1429-1844419-9002,
654-1429-1844719-9002, & 691-2499-1859400-9002
Fund/Dept/Project – Description and Comments:

Park CIP / Shade Structure for Dog Park, Carter Complex, and Other Parks Project & Sports Field/Park Renovation Program

Sports Field/Park Reno. Program / Central Park Shade	\$151,651.15
Sports Field/Park Reno. Program / Bradfield Park Shade	100,789.50
Sports Field/Park Reno. Program / Holford Park Shade	25,675.45
Shade Structures Project / Holford Park Shade	139,777.67
Shade Structures Project / Norman Groves Park Shade	90,222.33
Shade Structures Project / Carter Softball Complex Shade	232,229.97
Total	\$740,346.07

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2022

Document Location: Prop. CIP - Pages 78 and 84

Budget Director Approval: Allyson Bell Steadman

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/03/2022

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. k.

Meeting Date: 02/15/2022

Item Title: Rick Oden Park Playground Equipment

Submitted By: Rick Galceran, Capital Project Management Director

Bid Number: 0434-22

Purchase Justification:

This request is for the purchase of playground equipment at Rick Oden Park. This project is part of the 2019 Bond Program and included in the 2022 Proposed CIP.

Evaluation:

This equipment is being provided by Whirlix Design, Inc., through the BuyBoard Cooperative Purchasing Contract 592-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Whirlix Design, Inc.	All	\$490,649.00
TOTAL:		\$490,649.00

Basis for Award:

Purchase Requisition #: 46780

Fiscal Impact

Total Project/Account:	\$7,445,000
Expended/Encumbered to Date:	8,831,302
Balance:	\$(1,386,302)*
This Item:	490,649
Proposed Balance:	\$(1,876,951)*
Account #:	692-2499-1833800-9002, 654-1429-1835819-9002
Fund/Dept/Project – Description and Comments:	

Park CIP / Playground Replacement Program & Rick Oden Park Improvements Project

* Additional continuation funding is included in the 2022 Capital Improvement Program, which is scheduled for adoption on February 15, 2022.

Attachments

Bid Recap

Fiscal Reference:

Budget Type:

Fiscal Year:

Document Location:

Budget Director Approval:

Approval Date: 02/04/2022

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 02/03/2022



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. a.

Meeting Date: 02/15/2022

Item Title: Z 21-44 Amro Issa-Crown Castle (District 5)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 21-44 Amro Issa-Crown Castle

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 21-44 Ordinance

Z 21-44 Exhibit A

Z 21-44 Exhibit B

Z 21-44 Exhibits C & D

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR ANTENNA, COMMERCIAL USE ON A 1.94-ACRE TRACT OF LAND LOCATED AT 3209 SOUTH 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; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 10th day of January 2022, the Plan Commission did consider and make recommendations on a certain request for a Specific Use Provision for Antenna, Commercial Use made by **Amro Issa-Crown Castle**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving a Specific Use Provision for Antenna, Commercial Use on a 1.94-acre tract of land located at 3209 South 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 the Garland Development Code.

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 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 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.

FILE NO. Z 21-44

PASSED AND APPROVED this _____ day of _____,
2022.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 21-44

BEING a tract of land lying and being situated in the W.W. KEEN SURVEY, Abstract No. 740, in the City of Garland, Dallas County, Texas, and being McCasland Addition No. 5 an Addition to the city of Garland as recorded in Volume 74055, Page 1101, of the Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the West line of Shiloh Road, said point being North 248 feet from the North line of Oakland Street, an iron stake for corner;

THENCE West 349.50 feet to a point in the East line of the M.K.T. Railroad ROW an iron stake for corner;

THENCE North along the East line of said Railroad ROW 242 feet to an iron stake for corner;

THENCE East 349.50 feet to an iron stake for corner;

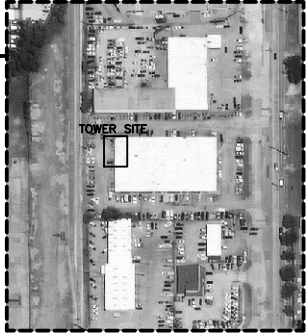
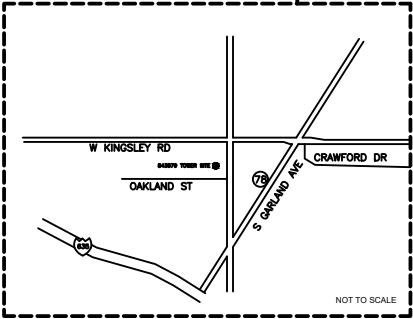
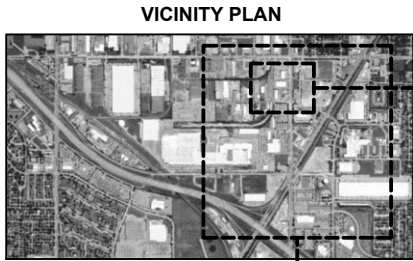
THENCE South along the West line of Shiloh Road 242 feet to the POINT OF BEGINNING and containing 84,579 square feet of land.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 21-44

3209 South Shiloh Road

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow an Antenna, Commercial Use.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Industrial (IN) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Specific Use Provision:**
 - A. Site Plan:** The site layout shall be in general conformance with the approved Site Plan labeled Exhibit C.
 - B. Height:** The maximum height of the pole with antenna shall be seventy five (75) feet, ten (10) inches. The monopole used shall be galvanized.
 - C. Elevations:** Building Elevations shall be in general conformance with the elevations labeled Exhibit D.
 - D. SUP Time Period:** The Specific Use Provision shall be in effect for twenty (20) years.

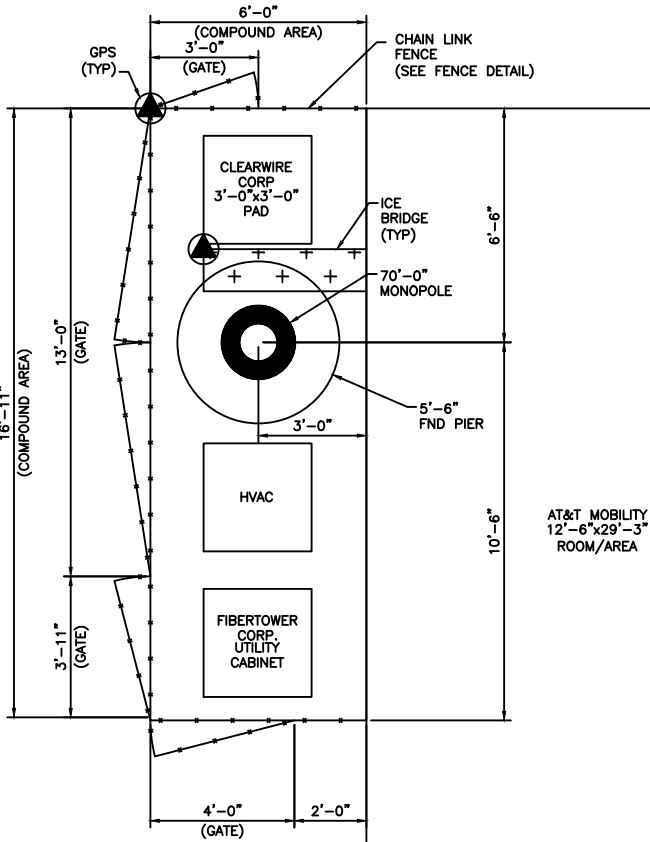


PROPERTY LEGAL DESCRIPTION

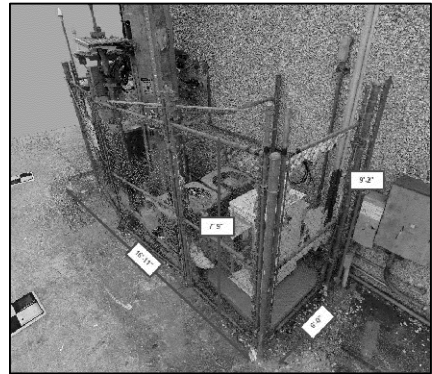
BEING a tract of land lying and being situated in the W.W. KEEN SURVEY, Abstract No. 740, in the City of Garland, Dallas County, Texas, and being McCasland Addition No. 5 an Addition to the city of Garland as recorded in Volume 74055, Page 1101, of the Map Records, Dallas County, Texas, and being more particularly described as follows:
BEGINNING at a point in the West line of Shiloh Road, said point being North 248 feet from the North line of Oakland Street, an iron stake for corner;
THENCE West 349.50 feet to a point in the East line of the M.K.T. Railroad ROW an iron stake for corner;
THENCE North along the East line of said Railroad ROW 242 feet to an iron stake for corner;
THENCE East 349.50 feet to an iron stake for corner;
THENCE South along the West line of Shiloh Road 242 feet to the POINT OF BEGINNING and containing 84,579 square feet of land.

Site Data Table

LATITUDE	32° 52' 38.27"
LONGITUDE	-96° 39' 59.87"
TOWER TYPE	GALVANIZED MONOPOLE
TOWER HEIGHT	70 FT
TOWER STATUS	EXISTING
SF OF AREA	468 SF
COUNTY	DALLAS
JURISDICTION	CITY OF GARLAND, TX
ZONING DISTRICT	IN



SITE PLAN
SCALE: 3/16"=1'-0"



FENCE STATUS	EXISTING
CHAIN LINK MATERIAL	GALVANIZED COATED STEEL WIRE
SUPPORT POST MATERIAL	STEEL TUBE
FENCE HEIGHT	7'-9"
SUPPORT POST HEIGHT	9'-2"

8020 KATY FREEWAY
HOUSTON, TX 77024
EMERGENCY PHONE #: 800-788-7011
crownccastle.com

REVISIONS	NO.	DATE	WORK ORDER #	DESCRIPTION
	1	11/02/21	N/A	1ST SUBMITAL

SITE NAME

SHILOH/KINGSLEY

BUSINESS UNIT NUMBER

843579

CASE NUMBER

210914-3

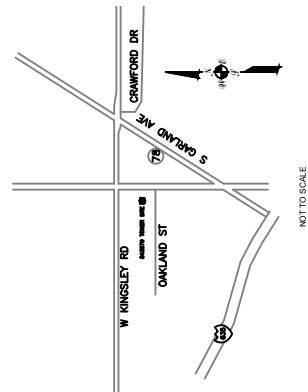
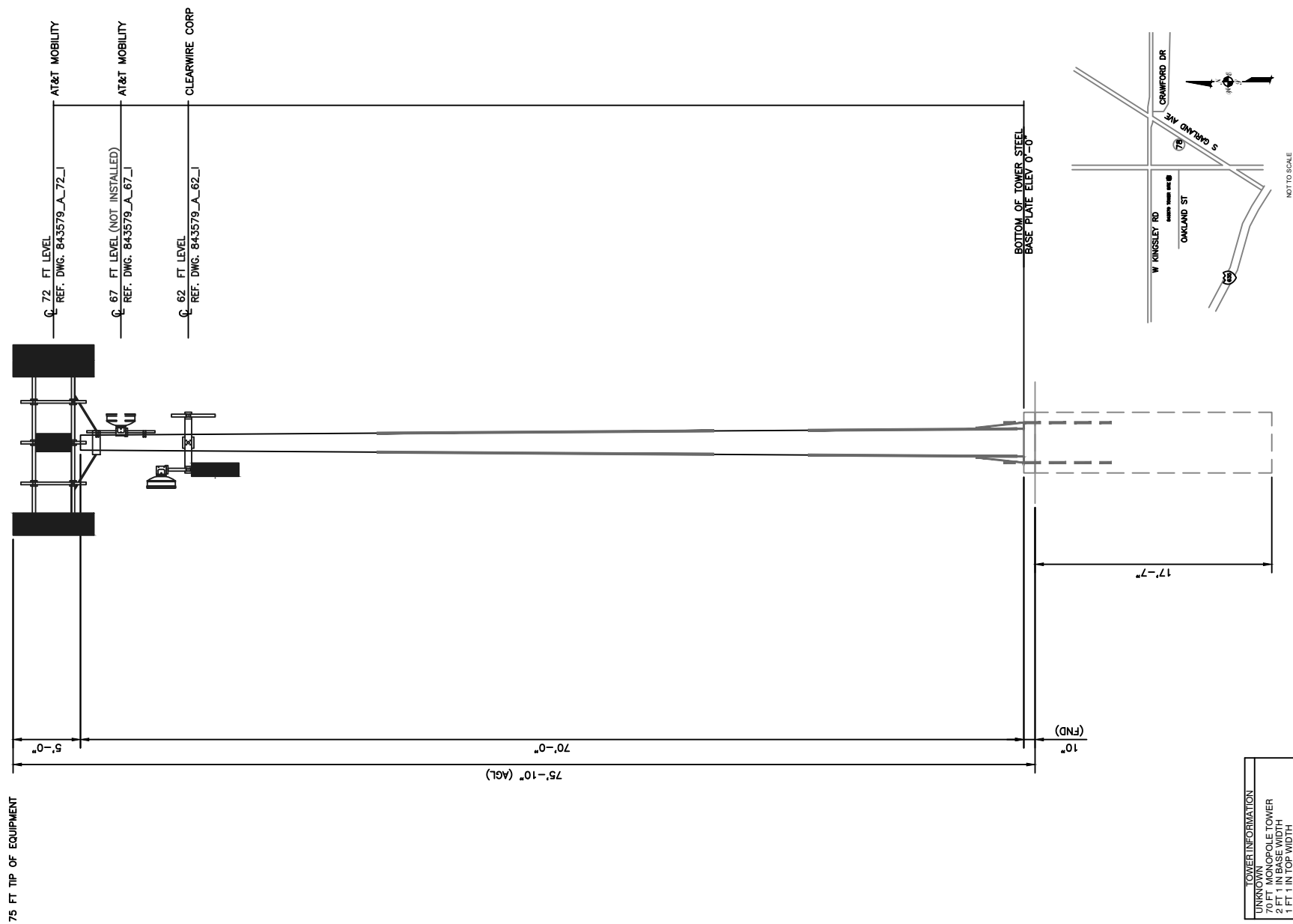
SITE ADDRESS

3209 SHILOH
GARLAND, TX 75041
DALLAS COUNTY

SHEET TITLE

SITE PLAN

EXHIBIT D



NOT TO SCALE

ELEVATION SCALE: 3/32"=1'-0"



8020 KATY FREEWAY
HOUSTON, TX 77024
EMERGENCY PHONE #:
800-788-7011
crowncastle.com

[illegible]

SITE NAME

SHILOH/KINGSLEY

BUSINESS UNIT NUMBER

843579

CASE NUMBER

210914-3

SITE ADDRESS

3209 SHILOH
CARLAND, TX 75041

DALLAS COUNTY

SHEET TITLE

ELEVATION



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. b.

Meeting Date: 02/15/2022

Item Title: Z 21-58 Summit Designs (District 3)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 21-58 Summit Designs

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 21-58 Ordinance

Z 21-58 Exhibit A

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING OF A CHANGE IN ZONING FROM AGRICULTURAL (AG) DISTRICT TO SINGLE-FAMILY ESTATE (SF-E) DISTRICT ON A 0.9962-ACRE TRACT OF LAND LOCATED AT 5809 LYONS 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; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 10th day of January 2022, the Plan Commission did consider and make recommendations on a certain request for a Change in Zoning from Agricultural (AG) District to Single-Family Estate (SF-E) District made by **Summit Designs**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving a Change in Zoning from Agricultural (AG) District to Single-Family Estate (SF-E) District on a 0.9962-acre tract of land located at 5809 Lyons 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 the Garland Development Code.

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 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 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.

FILE NO. Z 21-58

PASSED AND APPROVED this _____ day of _____,
2022.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 21-58

BEING ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND LYING IN THE COUNTY OF DALLAS, AND STATE OF TEXAS, BEING OUT OF THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT No. 1036, AND BEING PART OF LAND CONVEYED BY MRS. LILLIE M LYONS ET AL TO JOE LYONS BY DEED DATED MARCH 21, 1922, AND RECORDED IN VOLUME 931 PAGE 494, OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS TO -WIT:

BEGINNING AT A 1" METAL IRON PIPE FOUND FOR CORNER IN THE WEST LINE OF JOHN HENRY LYONS TRACT ABOVE REFERRED TO, SAME BEING THE SOUTH EAST CORNER OF THE INTERSECTION OF LYONS ROAD (60.0' R.O.W.) AND A 30.0 FOOT PRIVATE ROAD;

THENCE SOUTH 00 DEGREES 21 MINUTES 16 SECONDS (SOUTH BY DEED) ALONG THE WEST LINE OF SAID LYONS ROAD FOR A DISTANCE OF 184.56 FOOT (185.00 FOOT BY DEED) TO A CHAIN LINK FENCE POST FOR CORNER, SAME BEING THE NORTHEAST CORNER OF TRACT 22.1 AS CONVEYED TO GEORGE AND SHARON R. WORTH AS RECORDED IN VOLUME 2000067, PAGE 3457, OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 14 MINUTES 55 SECONDS WEST (WEST BY DEED) ALONG THE NORTH LINE OF SAID TRACT 22.1 FOR A DISTANCE OF 235.10 FEET (235.46 FEET BY DEED) TO A WOOD FENCE POST, SAME BEING A POINT IN THE EAST LINE OF TRACT 23 AS CONVEYED TO RONALD J KEARNEY AS RECORDED (NO DEED FOUND);

THENCE NORTH 00 DEGREES 27 MINUTES 52 SECONDS WEST (NORTH BY DEED) ALONG THE EAST LINE OF SAID TRACT 23 FOR A DISTANCE OF 184.31 (185.00 FEET BY DEED) TO A POINT AT THE BASE OF A TREE, SAME BEING WITHIN SAID 30.0 FOOT PRIVATE ROAD;

THENCE NORTH 89 DEGREES 11 MINUTES 23 SECONDS EAST (EAST BY DEED) ALONG SAID SOUTH LINE OF SAID 30.0' PRIVATE ROAD FOR A DISTANCE OF 235.46 FEET (235.46 FEET BY DEED) TO THE POINT OF BEGINNING AND CONTAINING 43,393.17 SQUARE FEET OR 0.9962 ACRES OF LAND, MORE OR LESS.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

3. c.

Meeting Date: 02/15/2022

Item Title: Z 21-61 Via Bayou, Inc. (District 3)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 21-61 Via Bayou, Inc.

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 21-61 Ordinance

Z 21-61 Exhibit A

Z 21-61 Exhibit B

Z 21-61 Exhibits C-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 20-13 TO ALLOW CABINS AND RECREATIONAL VEHICLES IN A PORTION OF PHASE 2 AND 2) A DETAIL PLAN FOR CABINS AND RECREATIONAL VEHICLES ON A 1.0165-ACRE TRACT OF LAND LOCATED AT 3926 ZION 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; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 10th day of January 2022, the Plan Commission did consider and make recommendations on a certain request for 1) an amendment to Planned Development (PD) District 20-13 to allow Cabins and Recreational Vehicles in a portion of Phase 2 and 2) a Detail Plan for Cabins and Recreational Vehicles made by **Via Bayou, Inc.** and

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

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

Section 1

The Garland Development Code is hereby amended by approving 1) an amendment to Planned Development (PD) District 20-13 to allow Cabins and Recreational Vehicles in a portion of Phase 2 and 2) a Detail Plan for Cabins and Recreational Vehicles on a 1.0165-acre tract of land located at 3926 Zion 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 the Garland Development Code.

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 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 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.

FILE NO. Z 21-61

PASSED AND APPROVED this _____ day of _____,
2022.

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 21-61

BEING a 1.0165-acre tract of land situated in the James Loving Survey, Abstract No. 791 and in the R. Bateman Survey, Abstract No. 89, City of Garland, Dallas County, Texas and being the same called 1.0165-acre tract of land as conveyed to Via Bayou, Inc., a Texas corporation by deed recorded in Instrument No. 201600054794, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron pin found on the southeast right-of-way line of Zion Road (variable width R.O.W.) for the west corner of said 1.0165-acre tract and the north corner of a 12.8151-acre tract of land conveyed to Via Bayou, Inc. by deed recorded in Instrument No. 201500220999, Official Public Records, Dallas County, Texas;

THENCE, North 54°48'54" East, along the southeast right-of-way line of Zion Road and the northwest line of said 1.0165-acre tract of land, a distance of 122.29 feet to a ½" iron pin found for the north corner of said 1.0165-acre tract and the west corner of a tract of land conveyed to Jo Ann Stanley by deed recorded in Instrument No. 201600141731, Official Public Records, Dallas County, Texas;

THENCE, South 45°01'35" East, along the northeast line of said 1.0165-acre tract and the southwest line of said Stanley tract, a distance of 370.68 feet to a 1" iron pin found on the northwest line of Lot 1, Block 1, of The Terrace, an addition to the City of Garland, according to the plat thereof recorded in Volume 83170, Page 895, Deed Records, Dallas County, Texas and for the east corner of said 1.0165-acre tract and the south corner of said Stanley tract;

THENCE, South 54°09'52" West, along the southeast line of said 1.0165-acre tract and the northwest line of said Lot 1, a

Zoning File No. Z 21-61

distance of 119.49 feet to a 2" metal fence post found on the northeast line of said 12.8151-acre tract and for the south corner of said 1.0165-acre tract and the west corner of said Lot 1, said post being North 89°41'44" East, a distance of 2.35 feet from a ½" iron pin found;

THENCE, North 45°25'00" West, along the southwest line of said 1.0165-acre tract and the northeast line of said 12.8151-acre tract, a distance of 372.51 feet to the POINT OF BEGINNING and containing 44,277 square feet or 1.016 acres of land.

EXHIBIT B

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 21-61

3926 Zion Road

- I. Statement of Purpose:** The purpose of this Planned Development District is to amend the Planned Development (PD) District 20-13 to allow Recreational Vehicles on a portion of Phase II (Cabins and RV's) of a Recreational Vehicle Park subject to conditions.
- 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) District 20-13, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations as set forth in Planned Development (PD) District 20-13 and the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance. To the extent of any conflict between this ordinance and the Garland Development Code, the more restrictive provision shall control.
- IV. Development Plan:**
- A. Detail Plan: Development shall conform to the Detail Plan set forth in Exhibits C; and incorporated herein by reference. To the extent of any conflict between the approved Detail Plan and the Specific Regulations below, the more restrictive provision shall control.
- V. Specific Regulations:**
- A. Permitted Uses: All uses are prohibited except as follows:
- (1) Recreational Vehicle Park for Cabins and RV's on Phase 2. However, Recreational Vehicles (RV's) are prohibited on Pads 1, 2, 3, 4, and 5 as shown on the site plan for Phase 2.
 - (2) Collectively, the Recreational Park for Recreational Vehicles (Phase 1 located west of the Phase 2 site) and the Recreational Vehicle

Park for Cabins and RV's (Phase 2) may be referred to as the "Recreational Park".

VI. Specific Regulations:

A. Site Layout: The site shall be in conformance to the layout reflected on Exhibit C.

B. Maintenance requirements:

- (1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this 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 is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces in the Recreational Park 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 and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty 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 and the certificate of occupancy for the recreational vehicle park. See Section 4 of the granting ordinance.

Screening and paving must be installed and continuously maintained in compliance with this ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is

responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty days 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 the certificate of occupancy for the Recreational Park.

C. Length of stay limitation:

- (1) Nothing contained in this ordinance is intended or may be construed to authorize the use of the property as a permanent residence for any person. Users of the Recreational Park including licensees, guests, or other occupants of the Recreational Park shall not occupy, rent, or use any portion of the Recreational Park for periods greater than either of the following:

- (a) Sixty (60) consecutive calendar days; or
- (b) One hundred eighty (180) calendar days within a one-year period.

In the event a person stays for a period of 60 consecutive days, such person shall not occupy, rent, or use any portion of the Recreational Park for a minimum of five days following the date the person checked out of the park.

- (2) Motor vehicles, boats, trailers, or temporary structures shall not remain in the Recreational Park for periods greater than the occupancy periods established by above subsection (H)(1).
- (3) Check-in and check-out days shall be included in the occupancy period calculation.
- (4) Access to and occupancy of the Recreational Park shall be offered as a license only, creating no tenancy rights, and may only be licensed by the day or the week (subject to the occupancy periods in subsection (1)).

D. Water and wastewater systems:

- (1) Adequately sized circulating looped water lines approved by the City shall be installed and connected to the City system, at the owner's expense, for domestic use and fire protection.
- (2) Adequately sized sanitary sewer lines approved by the City to dispose of sanitary wastes shall be installed and connected to the City sanitary sewer system at the owner's expense.

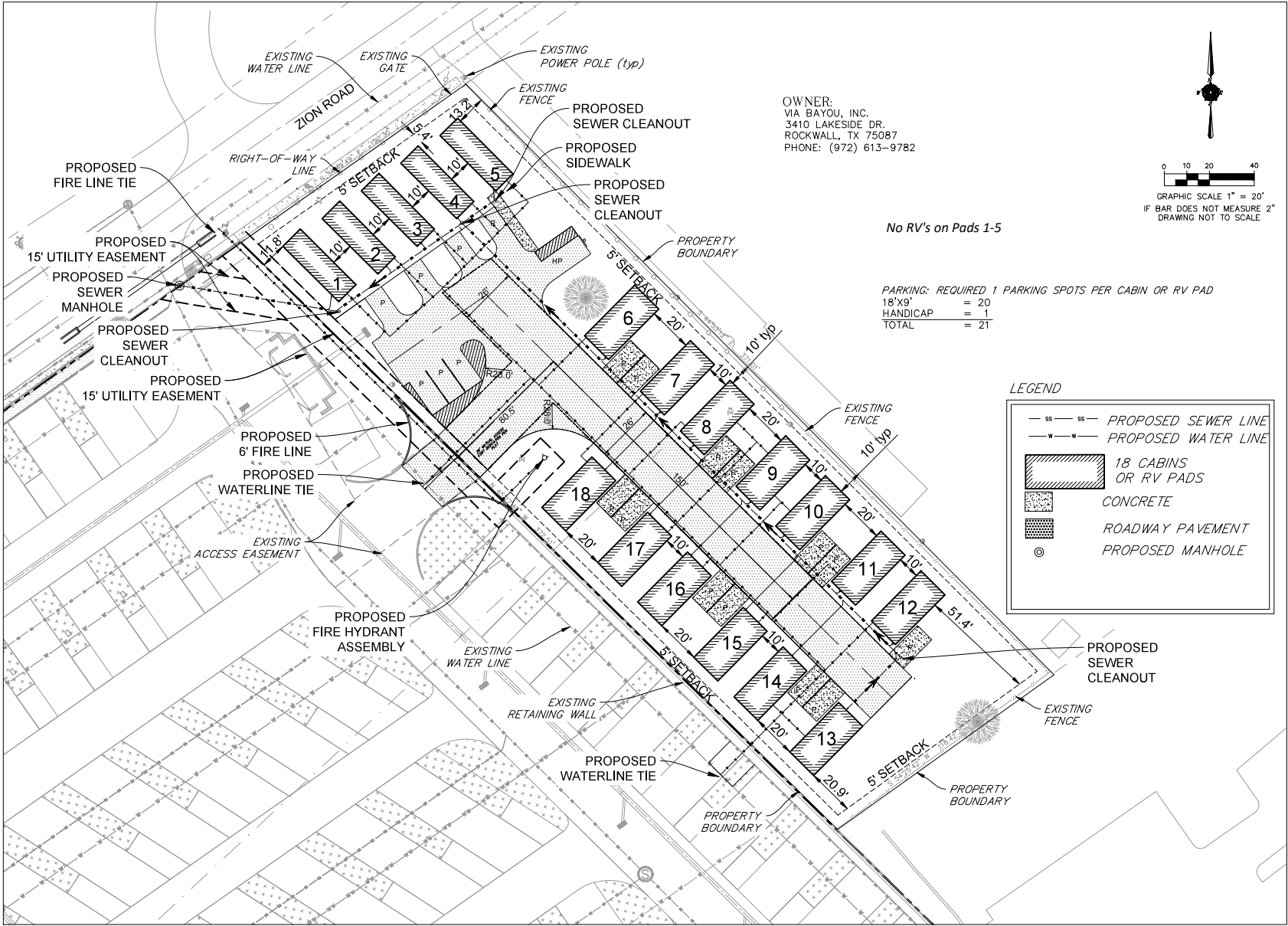
E. Driveways and interior roads:

- (1) General requirements. The Recreational Park shall provide safe and convenient vehicular access from abutting public streets or roads to the internal parking area or cabin sites. All drives, parking areas, and internal streets shall be constructed of reinforced concrete and designed and constructed in accordance with the *City's Technical Standards*.
- (2) Lighting. Driveways, interior roadways, and cabin sites shall be illuminated with uniform lighting units in conformance with a lighting plan submitted pursuant to Section 4.88 of the Garland Development Code and in compliance with the provisions of Chapter 4, Article 7 of the Garland Development Code.

F. Vehicles:

- (1) All vehicles on-site must be registered and in operable condition.

EXHIBIT C



CASE NO. 200409-2

12/13/2021

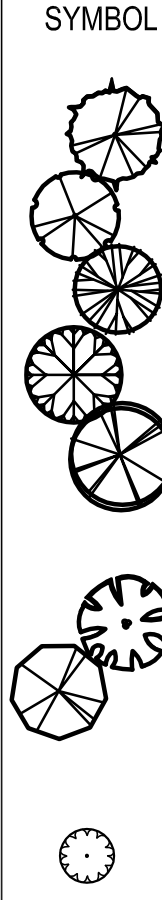
ERIC L. DAVIS ENGINEERING, INC.
P-3987
120 East Main Street
Rockwall, Texas 75087
972/564-0592 • Fax 972/564-6523
E-Mail: eric.davis@eidengineering.com

LAKESHORE RV PARK
PHASE II
SITE PLAN
ENGINEERED FOR
VIA BAYOU, INC.

BUILDER: VIA BAYOU, INC.	PLAN: SITE PLAN
	ELD JOB NO.: 2073
	DRAWN BY: JPH
	FIRM REGISTRATION #: 3987
ADDRESS: 1233 INTERSTATE 30 LOT: 1 BLOCK: 1	
	CITY: GARLAND, TX

SCALE: 1" = 20'

SHEET



PLANT SCHEDULE					
ABB	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	NOTES
Shade Trees					
BC	Taxodium distichum	Bald Cypress	5 EA.	#65, 3" cal. Min., 14' Ht. min., 6' Spread min.	Container, Single trunk, Well branched with Central Leader, 6' branching height
CE	Ulmus crassifolia	Cedar Elm	4 EA.	#65, 3" cal. Min., 14' Ht. min., 6' Spread min.	Container, Single trunk, Well branched with Central Leader, 6' branching height
Cma	Acer saccharum var. caddo	Caddo Maple	2 EA.	#65, 3" cal. Min., 14' Ht. min., 6' Spread min.	Container, Single trunk, Well branched with Central Leader, 6' branching height
LO	Quercus virginiana	Live Oak	1 EA.	#65, 3" cal. Min., 14' Ht. min., 6' Spread min.	Container, Single trunk, Well branched with Central Leader, 6' branching height
RO	Quercus shumardii	Shumard's Red Oak	2 Ea.	#65, 3" cal. Min., 14' Ht. min., 6' Spread min.	Container, Single trunk, Well branched with Central Leader, 6' branching height
Ornamental Trees					
CM	Lagerstroemia indica 'Watermelon Red'	Crapemyrtle - Watermelon Red	3 EA.	#15, 6 Ft. min. Ht., 3 Ft. min. spread	Container, Multi-trunk, 3 to 5 canes, 1" cal. Cane. Min., Well Branched
TY	Ilex vomitoria	Tree Yaupon Holly	3 EA.	#15, 6 Ft. min. Ht., 3 Ft. min. spread	Container, Multi-trunk, 3 to 5 canes, 1" cal. Cane. Min., Well Branched, Berried
Screening Plants					
NRS	Ilex 'Nellie R. Steven'	Nellie R. Stevens Holly	60 EA.	#15, 48" min. Ht., 36" min. spread	Container, Well branched full to ground, Speciman, Plant 8 Ft. O.C.
Groundcover					
LS	Liriope spicata	Creeping Liriope	615 EA.	4" Pots	Container, Full, 3 -12" Long Bibbs minimum, Plant 12" O.C.
Lawn Grasses					
BG	Cynodon dactylon	Bermuda Grass	22,330 Sq. Ft.	Hydromulch	Apply at rate of 4 lbs. per 1,000 sq. ft. with tackifier

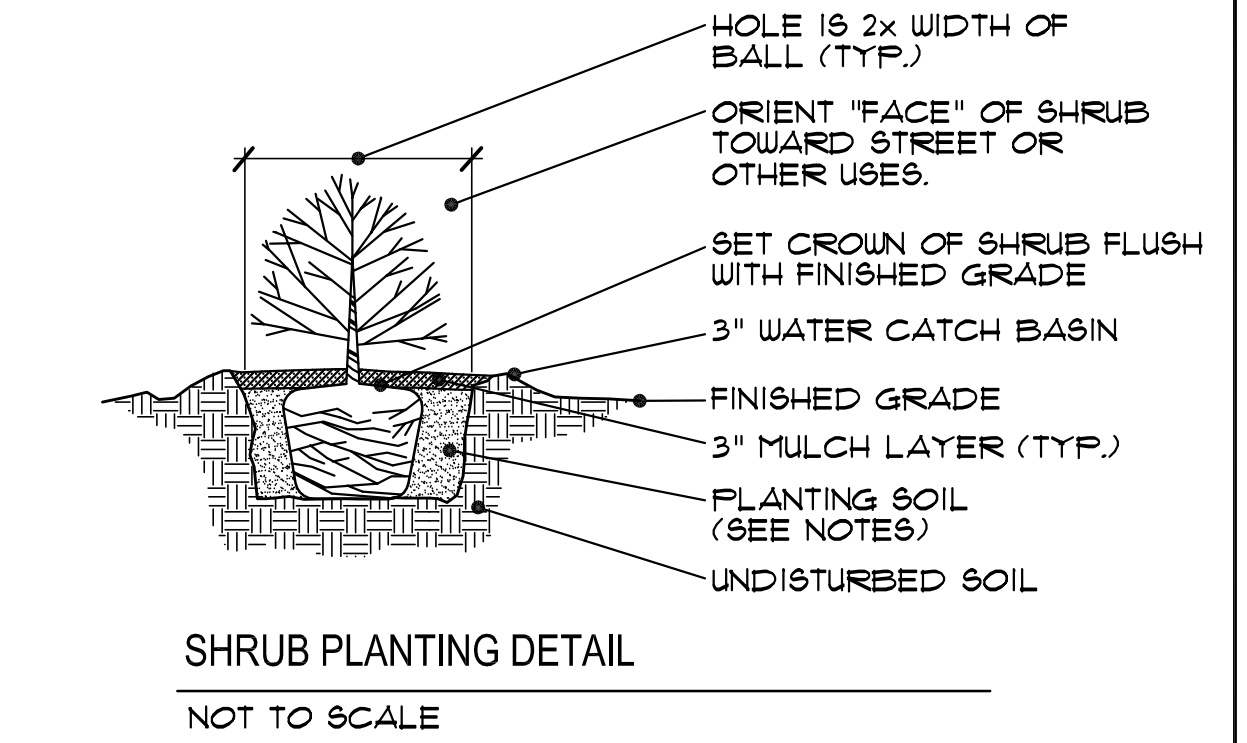
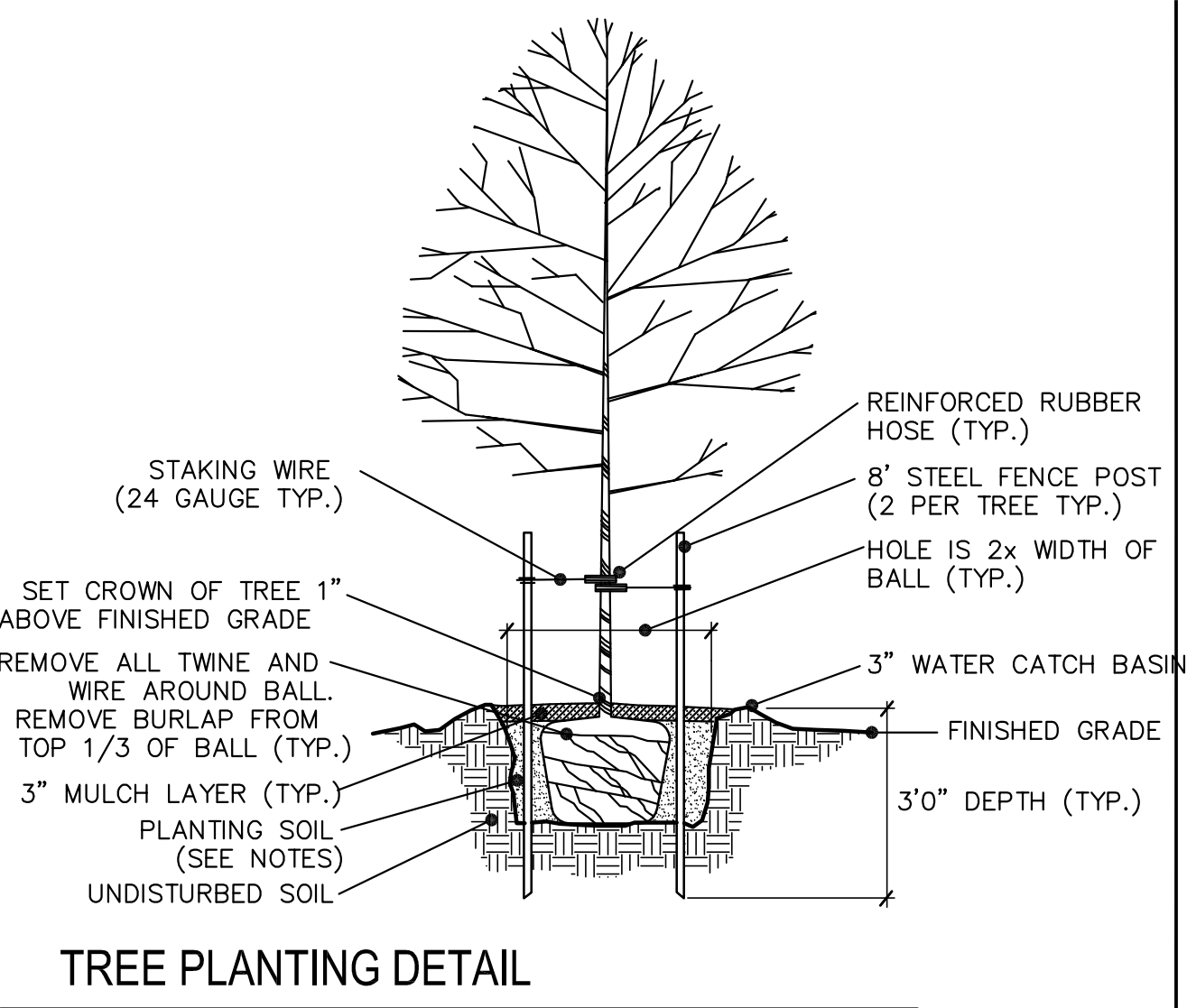
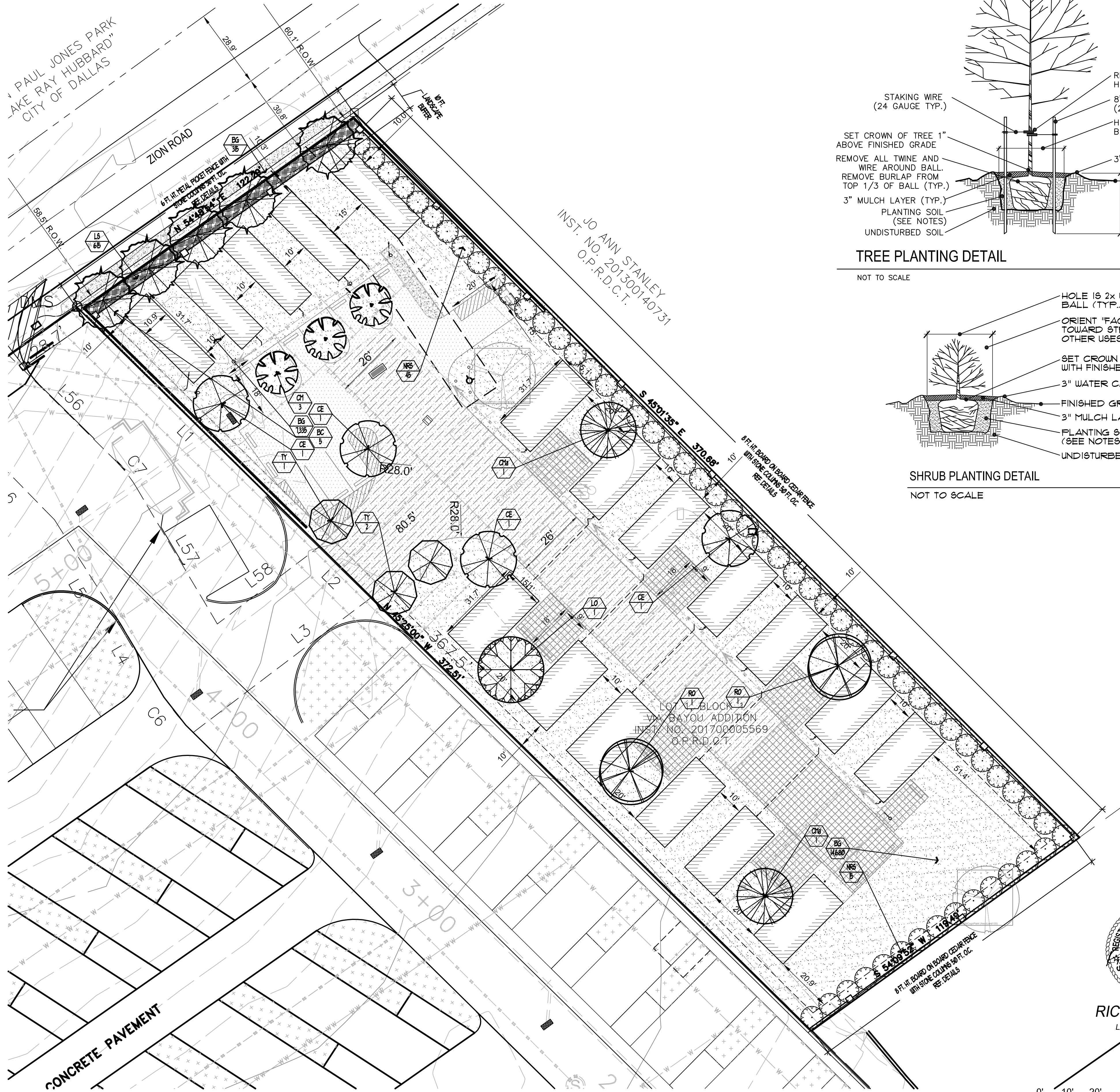
Landscape Requirements		
ITEM	REQUIRED	PROVIDED
Total Landscape Area		
Landscape Area: 10% of Site (44,277.2 Sq. Ft.)	4,427.8 Sq. Ft.	23,015 Sq. Ft.
Landscape Buffer		
Zion Road	5 Ft. Width	5 Ft. Width
1 Canopy Tree per 30 Ln. Ft. (122.29 Ln. Ft.)	4 Ea.	5 Ea.
East and South	5 Ft. Width	5 Ft. Width
Screening Plants	Yes	Yes with Eastern Red Cedar and Nellie R. Stevens Holly
Parking Area Landscape		
1 Canopy Tree within 65 ft. of every parking space	Yes	Yes
1 Canopy Tree per 10 Parking Spaces (21 Ea.)	3	9
Screening		
Zion Road: 6 Ft. Ht. Metal Picket Fence w/ Stone Columns at 50 Ft. O. C.	Yes	Yes
East and South: 8 Ft. Ht. Board on Board Solid Cedar Fence w/ Stone Columns at 50 Ft. O. C.	Yes	Yes

PLANTING NOTES:

- Submit a construction schedule of work to be approved by Landscape Architect and Owner. Failure to submit schedule may result in Landscape Architect stopping construction until submitted. No extensions of time will be considered for failure to promptly submit schedule.
- Notify Landscape Architect 48 hours in advance of commencement of work to coordinate project inspection schedules.
- Locate existing underground utilities and obstructions prior to commencing work. Repair damage to utilities resulting from the installation of the work at no additional cost to Owner.
- Notify Landscape Architect immediately upon encountering any unknown obstructions, grade differences or conditions not indicated on drawings. Make necessary revisions as required to conform to plans and specifications due to failure to give such notification.
- Coordinate with other trades and subcontractors as required to accomplish the planting operation.
- Plant material shall be tagged or approved at site by Landscape Architect prior to installation. Install plant material free of pest and diseases. Guarantee plant material for a period of 365 calendar days from date of issuance of final acceptance by Landscape Architect.
- Layout proposed planting beds and receive Landscape Architect's approval prior to installation. Notify Landscape Architect of layout conflicts. Failure to notify Landscape Architect will result in Contractor's liability to relocate materials at no additional expense to Owner.
- Excavate bed areas to a depth of 4 inches, backfill with 4 inches of Acid Gro Complete mix as manufacture by Soil Building Systems and rototill to a depth of 12 inches producing a homogeneous mixture.
- Final locations of plant material shall be subject to approval by Landscape Architect. Install groundcover 12 inches from the edge of shrubs and tree root balls and 4 inches from edge of paving, walls and other structures.
- Backfill tree and shrub pits with one part compost as manufactured by Soil Building Systems and two parts existing soil.
- Stake tree locations and acquire written approval from Landscape Architect prior to installation of irrigation system. Do not locate tree(s) within 10 feet of any irrigation rotary spray head. Install tree(s) in areas covered by irrigation system. Provide supplemental watering as required until final acceptance by Landscape Architect. Locate tree(s) 4 feet minimum from walls, headers, property lines and other trees within project. Notify Landscape Architect of location conflicts for resolution. Failure to notify Landscape Architect will result in Contractor's liability to relocate trees at no additional expense to Owner.
- Stake tree(s) immediately upon installation and within same day as planted.
- Mulch planting beds and tree pits with shredded hardwood mulch.
- Provide full service maintenance of landscape within project scope for a period of four (4) months, 120 calendar days, from date of issuance of final acceptance by Landscape Architect. Failure to properly maintain landscape and irrigation system will result in extending the guarantee and maintenance period at no additional expense to Owner.
- All landscape areas to be watered by an automatic landscape irrigation system.

NOTES:

- Public Right of Way, easements and common areas must be stabilized with perennial vegetation cover, fully established with 100% coverage, or other approved stabilization method.
- No landscaping such as trees, hedges, above and underground structures shall be located within existing or proposed utility easements and right of way without approved City's Real Property Improvement Authorization form or City's License Agreement.



RICKY D. PETTY
LANDSCAPE ARCHITECT
7720 ALTO CARO DRIVE
DALLAS, TEXAS 75248
PHONE: (214) 543-6265
e-mail: rdpetty1954@att.net

0' 10' 20' 40'

SCALE: 1"=20'-0"

LANDSCAPE PLAN

CITY CASE NO.: 200409-2

REVISED: 2/04/2022 - OWNER COMMENTS
04/30/2020

ERIC L. DAVIS ENGINEERING, INC.
F-3987
120 East Main Street
Forney, Texas 75126
972/564-0592 Fax 972/564-6523
E-Mail ericdavis@eldengineering.com

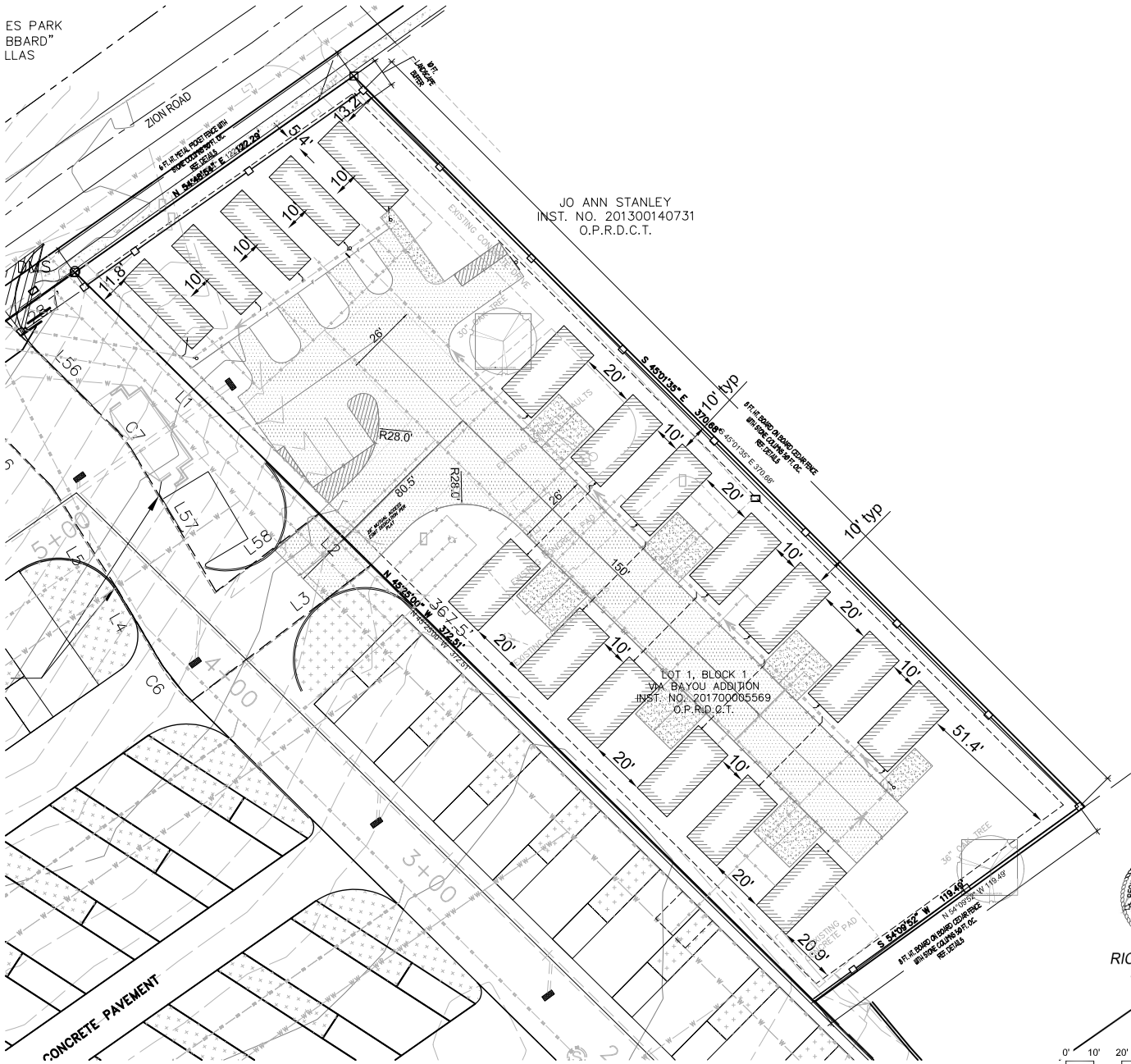
**LAKESHORE RV PARK
PHASE II
LANDSCAPE PLAN**
ENGINEERED FOR:
VIA BAYOU, INC.

BUILDER: VIA BAYOU, INC.	PLAN: LANDSCAPE PLAN
ADDITION: LAKESHORE RV RESORT	ELD JOB NO.: 2073
ADDRESS: 1233 INTERSTATE 30	DRAWN BY: RDP
LOT: 1 BLOCK: 1	CHECKED BY: RDP
CITY: GARLAND, TX	

SCALE: 1"=20'

SHEET L2

EXHIBIT D



04/30/2020



ERIC L. DAVIS ENGINEERING, INC.
F-3987
120 East Main Street
Forney, Texas 75126
972/564-0392 • Fax 972/564-6523
E-Mail: ericdavis@eldengineering.com

LAKESHORE RV PARK
PHASE II
TREE PRESERVATION PLAN
ENGINEERED FOR:
VIA BAYOU, INC.

PLAN: SCREENING FENCE PLAN
ELD JOB NO.: 2073
DRAWN BY: RDP
CHECKED BY: RDP

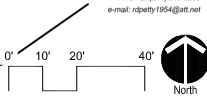
BUILDER: VIA BAYOU, INC.
ADDRESS: LAKESHORE RV RESORT
ADDRESS: 1233 INTERSTATE 30
LOT: 1 BLOCK: 1
CITY: GARLAND, TX

SCALE: 1"=20'

SHEET L3

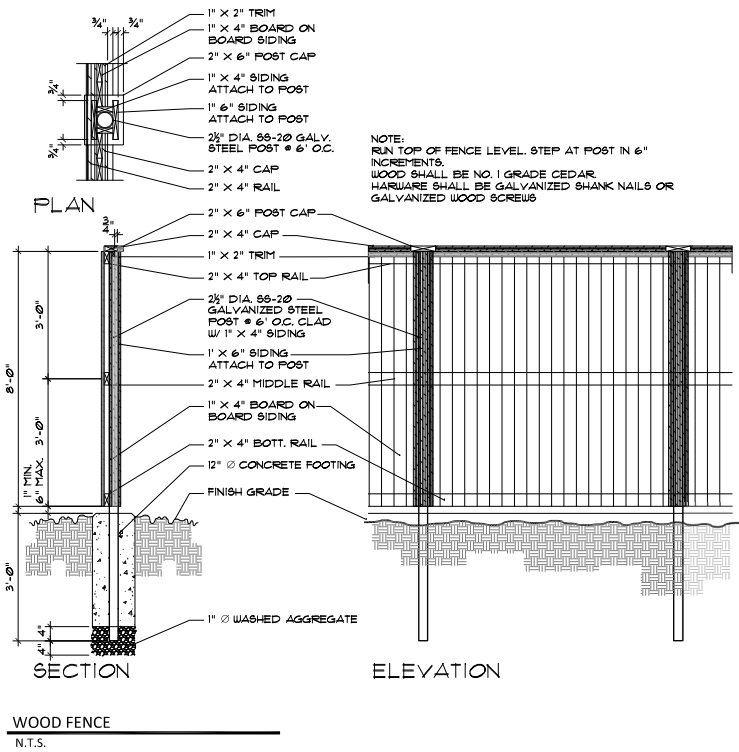
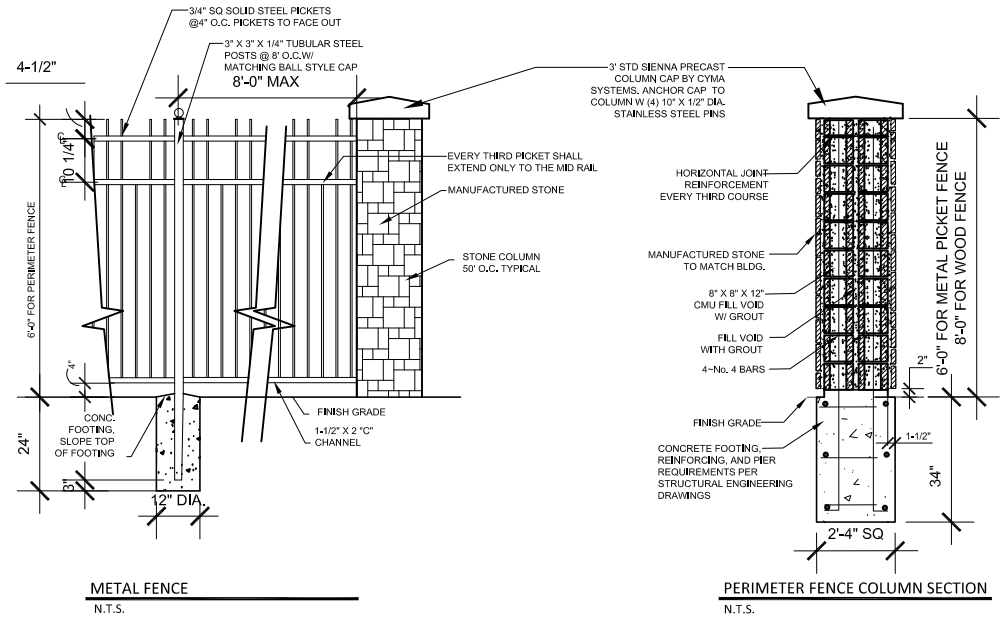


RICKY D. PETTY
LANDSCAPE ARCHITECT
7720 ALTO CARO DRIVE
DALLAS, TEXAS 75249
PHONE: (214) 543-5265
e-mail: rdpetty1954@aol.net



SCALE: 1"=20'-0"
SCREENING FENCE
PLAN

EXHIBIT D



RICKY D. PETTY
LANDSCAPE ARCHITECT
7720 ALTO CARO DRIVE
DALLAS, TEXAS 75248
PHONE: (214) 543-5260
e-mail: rdpetty1954@aol.net

FENCE DETAILS

04/30/2020



ERIC L. DAVIS ENGINEERING, INC.
F-3987
120 East Main Street
Forney, Texas 75126
972/564-0392 • Fax 972/564-6523
E-Mail: ericdavis@eldengineering.com

LAKESHORE RV PARK
PHASE II
TREE PRESERVATION PLAN
ENGINEERED FOR:
VIA BAYOU, INC.

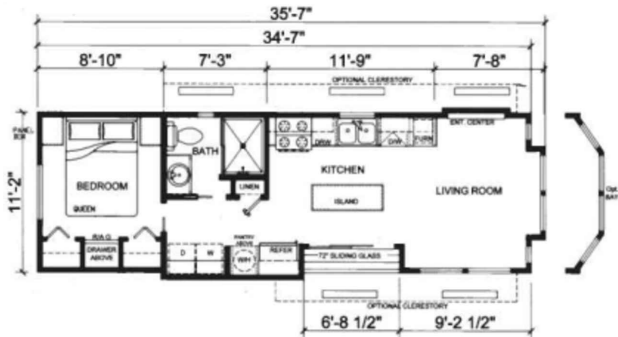
PLAN: FENCE DETAILS	
BUILDER: VIA BAYOU, INC.	
ADDN: LAKESHORE RV RESORT	
ADDRESS: 1233 INTERSTATE 30	
LOT: 1 BLOCK: 1	
CITY: GARLAND, TX	
ELD JOB NO.: 2073	
DRAWN BY: RDP	
CHECKED BY: RDP	

SCALE: 1"=20'

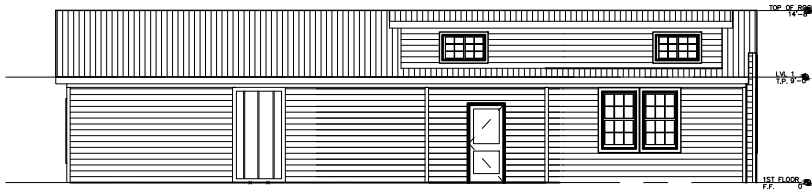
SHEET L4

EXHIBIT E

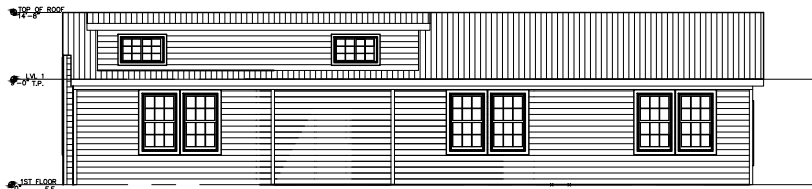
- NOTES:
- 1. ALL BUILDINGS WILL COMPLY WITH ALL BUILDING CODE REQUIREMENTS.
 - 2. PLUMBING AND HVAC PLANS ARE TO BE HANDLED BY THE CONTRACTOR. EACH MUST COMPLY WITH ALL BUILDING CODE REQUIREMENT.



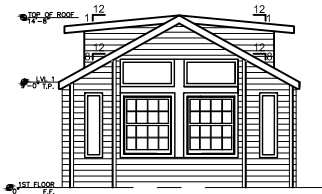
FLOOR PLAN
SCALE = N.T.S. 390 SF



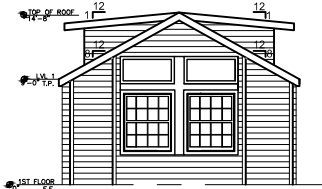
WEST ELEVATION
SCALE = 1"= 5'



EAST ELEVATION
SCALE = 1"= 5'



FRONT ELEVATION
SCALE = 1"= 5'



SOUTH ELEVATION
SCALE = 1"= 5'



IMAGE SCANNED FROM PLATINUM COTTAGES BROCHURE

CASE NO. 200409-2

7/7/2020



ERIC L. DAVIS ENGINEERING, INC.
P-3987
120 East Main Street
Forney, Texas 75126
972/564-0592 Fax 972/564-6523
E-Mail ericdavis@eldengineering.com

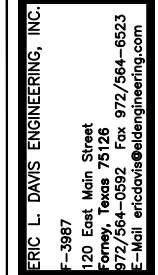
LAKESHORE RV PARK
PHASE II
SITE PLAN
ENGINEERED FOR
VIA BAYOU, INC.

BUILDER: VIA BAYOU, INC.	PLAN: SITE PLAN
ADDRESS: 1233 INTERSTATE 30	ELD JOB NO.: 2073
LOT: 1 BLOCK: 1	DRAWN BY: JPH
CITY: GARLAND, TX	FIRM REGISTRATION #: 3987

SCALE: 1"=50'

SHEET 01

OPTION 1
BUILDING ELEVATIONS AND ISOMETRIC COLOR RENDERING



LAKE SHORE RV PARK
PHASE II
SITE PLAN
ENGINEERED FOR:
VIA BAYOU, INC.

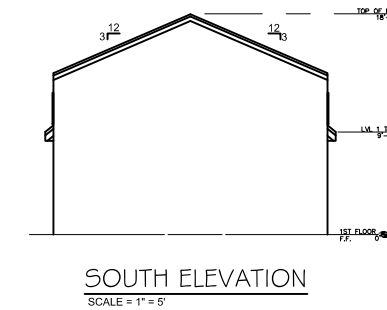
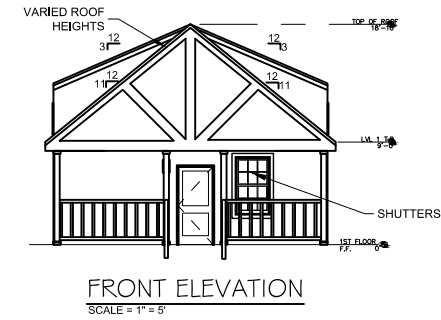
BUILDER: VIA BAYOU, INC.	PLAN: SITE PLAN
	ELD JOB NO.: 2073
ADDRESS: 1233 INTERSTATE 30	DRAWN BY: JPH
LOT: 1 BLOCK: 1	FIRM REGISTRATION #: 3987
CITY: GARLAND, TX	

SCALE: 1"=50'

SHEET 01

OPTION 2 BUILDING ELEVATIONS AND ISOMETRIC COLOR RENDERING

EXHIBIT E



1. ALL BUILDINGS WILL COMPLY WITH ALL BUILDING CODE REQUIREMENTS.
2. PLUMBING AND HVAC PLANS ARE TO BE HANDLED BY THE CONTRACTOR. EACH MUST COMPLY WITH ALL BUILDING CODE REQUIREMENT.

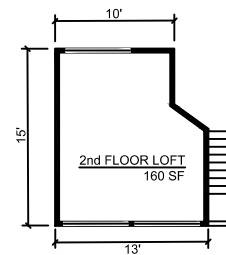


IMAGE SCANNED FROM PLATINUM COTTAGES BROCHURE



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 02/15/2022

Item Title: Volunteer Appointment - Civil Service Commission

Summary of Request/Problem

At the January 31, 2022 Work Session, Council considered approving the City Manager's appointment Dr. Terrance Joseph Wickman.

Recommendation/Action Requested and Justification

Approve by minute action the appointment of Dr. Terrance Joseph Wickman for three years to the Civil Service Commission.

Attachments

Dr. Terrance Joseph Wickman

Attachment A

Dr. Terrance Joseph Wickman

Residence

6110 Hillside Lane
Garland, Texas 75043
Council District 4

Leased Space

Wickman Agency LLC
Allstate Insurance
3200 Broadway Blvd., Suite #150
Garland, Texas 75043

Qualifications/Experience

- Associate Chief of Staff Education and Operations- Veterans Administration Dallas (Budget authority of approx. \$5 million)
- Chief of Staff 807th Medical Command (responsible for 12,800 soldiers and civilian employees)
- Professor Dallas College (full-time)

Education

- BA - University of Northern Iowa
- MS - Abilene Christian University
- PhD. - University of North Texas
- Post Graduate work in Mathematics- UNT and Texas Women's University

Prior Board Service

- Eastfield College Faculty Hiring Board
- U.S. Army Promotion Boards
- Chief of Army Personnel (807th Medical Command)

Other Relevant Experience

- Recipient of Legion of Merit for distinguished contributions to U.S. Army
- Sustainability Coordinator Eastfield College
- Dallas College Sustainability Advisory Member
- Active Church Volunteer



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

5.

Meeting Date: 02/15/2022

Item Title: Joint Election Contracts

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council is requested to approve a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 7, 2022, General Election.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the Mayor, City Manager, and City Secretary to enter into a Joint Election Contract and Election Services Agreement with Dallas and Collin County Elections and other participating County Entities.

Attachments

2022 Dallas County Elections Contract

Collin County Joint Election Contract

**ELECTION SERVICES CONTRACT ("Election Services Contract" or "Contract")
BETWEEN
DALLAS COUNTY ON BEHALF OF THE DALLAS COUNTY ELECTIONS ADMINISTRATOR
AND**

Town of Addison
Town of Highland Park
Town of Sunnyvale
City of Balch Springs
City of Combine
City of Carrollton
City of Cockrell Hill
City of DeSoto
City of Duncanville
City of Farmers Branch
City of Garland
City of Grand Prairie
City of Hutchins
City of Irving
City of Lancaster
City of Lewisville
D.C. Park Cities Municipal
Utilities District
City of Rowlett
City of Sachse
City of Seagoville
City of University Park
City of Wilmer
City of Wylie
Town of Addison
Town of Highland Park
Town of Sunnyvale
Coppell ISD
Carrollton-Farmers Branch ISD
Cedar Hill ISD
Dallas College
Dallas ISD
DeSoto ISD
Duncanville ISD
Garland ISD
Grand Prairie ISD
Highland Park ISD
Irving ISD
Mesquite ISD

Richardson ISD

DRAFT - Subject to Change - Not for Signature

**FOR THE CONDUCT OF A CONSTITUTIONAL AMENDMENT & JOINT ELECTION
TO BE HELD SATURDAY, MAY 7, 2022
TO BE ADMINISTERED BY THE DALLAS COUNTY ELECTIONS DEPARTMENT**

1) STATUTORY AUTHORITY FOR AND PARTIES TO THIS ELECTION SERVICES CONTRACT

- a) Michael Scarpello is the duly appointed County Elections Administrator (“Elections Administrator”) of Dallas County, Texas (“County”) and the Department Head of the Dallas County Elections Department (“DCED”). As such, Michael Scarpello is the County’s Voter Registrar and the Election Officer of Dallas County, Texas and is authorized by Subchapter D of Chapter 31 of Title 3 and Chapter 271 of Title 16 of the Texas Election Code upon approval of the Dallas County Commissioners Court to enter into this Election Services Contract (“Election Services Contract” or “Contract”) with the contracting authorities of the Participating Political Subdivisions listed in “Attachment F” of this Election Services Contract. DCED acts at the direction of the Elections Administrator. The County Elections Administrator, DCED, and the Participating Political Subdivisions together may be referred to collectively as “Parties” or individually as “Party.”
- b) The contracting authorities of the Participating Political Subdivisions that are participating in this Election Services Contract are listed on the face page of this agreement and in “Attachment F” of this Election Services Contract and are hereby participating with each other in this **Constitutional Amendment and Joint Election to be held in Dallas County, Texas on Saturday, May 7th, 2022** under Chapter 271 of Title 16 of the Texas Election Code (“Joint Election”); and are hereby contracting with the Elections Administrator of Dallas County, Texas to perform the election services set forth in this Election Services Contract under Subchapter D of Chapter 31 of Title 3 of the Texas Election Code. The Participating Political Subdivisions acknowledge that they are participating in this Joint Election with each other to the extent that they have candidates and/or propositions on the ballot in this Joint Election. The terms and conditions of this Elections Services Contract also apply to any run-off election or re-count related to this Joint Election, unless otherwise agreed in writing.
- c) The Elections Administrator will coordinate, supervise, and handle all aspects of administering this Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this Election Services Contract. Each contracting authority of each Participating Political Subdivision will pay its share of the Election Costs to the Elections Administrator for the equipment, supplies, services, and administrative costs outlined in this Election Services Contract. The Elections Administrator will administer the election; however, each Participating Political Subdivision will be responsible for the duties directly administered by the Participating Political Subdivision. Pursuant to Texas Election Code §§ 31.093, and 31.098, the Elections Administrator may enter into a contract to furnish the election services requested within this Election Services Contract.
- d) If applicable and in the event a runoff election is necessary, the date of the runoff for this Joint election would be **June 18, 2022**. This Elections Services Contract and its terms will

be automatically extended to cover the Joint Runoff Election, unless a Participating Political Subdivision states in writing **on or before May 20, 2022** that it does not wish to participate in a joint runoff election contemplated herein. DCED will provide each Participating Political Subdivision to which this Section 1(d) applies an estimated cost required to be deposited into a special and separate Joint Runoff Election account. The funds must be deposited within seven (7) days after DCED provides uncertified results.

- 2) **ATTACHMENTS** The following attachments are hereby incorporated into this Election Services Contract as if set forth herein in their entirety. The Participating Political Subdivisions acknowledge that the following attachments are subject to reasonable changes by the Dallas County Elections Administrator before, during, and after Election Day and any runoff election(s), if any runoff election(s) are required by law to be held.
- a) **“Attachment A”** is an itemized list of the estimated election expenses for this Joint Election and the amounts that each Participating Political Subdivision must deposit with the Dallas County Elections Department. It also includes the Deposit Detail for each entity. The Elections Administrator will amend “Attachment A” to reflect the changing estimates of election expenses that are caused by changing circumstances and by the withdrawal of Participating Political Subdivision(s), if any, from this Election Services Contract.
 - b) **“Attachment B”** is a list of the early voting polling places for this Joint Election. (“early voting vote center(s), or “early voting polling place(s)”
 - c) **“Attachment C”** is a list of the Election Day Countywide polling places (“vote center(s)”) for this Joint Election.
 - d) **“Attachment D”** is a list of the people that the Dallas County Elections Administrator will appoint as deputy early voting clerks for this Joint Election.
 - e) **“Attachment E”** is a list of the presiding election judges and alternate election judges for Election Day for this Joint Election.
 - f) **“Attachment F”** is a list of the Participating Political Subdivisions that will be holding elections in Dallas County election precincts and sub-precincts and the number of registered voters in each of those election precincts or partial election precincts. “Attachment F” will be amended if any of the Participating Political Subdivisions withdraw from this Election Services Contract. “Attachment F” will be amended to reflect the number of registered voters in each election precinct and sub-precinct as of the statutory deadline of **April 7, 2022** for voters to submit applications to register to vote or changes of address in this Joint Election.
 - g) **“Attachment G”** is a list of the Participating Political Subdivisions & Ballot Details
 - h) **“Attachment H”** will contain, for each Participating Political Subdivision, the full name of the person serving as a point of contact, the physical address, the mailing address, a facsimile number, and an email address. “Attachment H” will be amended if any of the Participating Political Subdivisions withdraw from this Election Services Contract.

- i) Within five (5) business days after any of the foregoing attachments are amended by the Elections Administrator, the Elections Administrator will send each Participating Political Subdivision an amended version of the amended attachment by email to the email address provided by each Participating Political Subdivision in "Attachment F."

3) LEGAL DOCUMENTS

- a) Each Participating Political Subdivision will prepare, adopt, and publish all legally required election orders, resolutions, notices, and other documents that are required by, or of, their governing bodies. Each Participating Political Subdivision must send the Elections Administrator a copy of any election order, resolution, or notice related to this Joint Election within three (3) business days of publishing, adopting, or ordering it. Such documents can be sent to the attention of: **Michael Scarpello, Elections Administrator at 1520 Round Table Drive, Dallas, Texas 75247; or, emailed to DCECommunications@dallascounty.org, with a copy sent to Michael.Scarpello@dallascounty.org on all communications related to legal documents and questions regarding this election.**
- b) Each Participating Political Subdivision is responsible for having its own election orders, resolutions, notices, or official ballot wording translated into the Spanish and Vietnamese languages.

4) VOTING SYSTEMS

- a) Each Participating Political Subdivision agrees that, during this Joint Election, voters will cast their ballots on the following voting systems, that are approved by the Texas Secretary of State in accordance with the Texas Election Code and the Texas Administrative Code: the ES&S ExpressVote Universal Voting System Ballot Marking Devices ("BMD(s)"), and the ES&S DS200 Digital Vote Center Scanner ("Tabulators"). Each of these systems are accessible to voters with physical disabilities. **On March 23, 2022, beginning at 10:00 A.M.**, until completed, at the County Elections Department at 1520 Round Table Drive, Dallas, Texas 75247, the Elections Administrator will test the BMDs and Tabulators used for counting ballots at the central counting station. At least 48 hours before the date and hour of each test, the Elections Administrator will publish a newspaper notice with the date, hour, and place of the testing.

- b) The Elections Administrator will provide Electronic Poll Books, BMDs, Tabulators, and any other necessary equipment for this Joint Election. For Early Voting and on Election Day, the Elections Administrator will allocate voting equipment to the vote centers in amounts reasonably sufficient for the anticipated turnout of voters.
- c) The itemized list of the estimated election expenses for this Joint Election are in "Attachment A," which includes, but may not be limited to the number of Electronic Poll Books, BMDs, Tabulators, and any other necessary equipment.

5) POLLING PLACES/VOTE CENTERS

- a) The Elections Administrator will select and arrange for the use of and payment for all of the early voting vote centers listed in "Attachment B" and the Election Day vote centers listed in "Attachment C". Early voting polling places and vote centers identified in Attachments "B" and "C" cannot be changed by a Participating Political Subdivision, but the Elections Administrator may consider changes requested by a Participating Political Subdivision. Any changes to vote centers are subject to the procedures outline in Section 43.007 of the Texas Election Code. The Elections Administrator will finalize the vote centers as soon as possible before this joint election.
- b) Whenever possible, previously used vote centers that voters are accustomed to using will be used in this Joint Election; however, the Participating Political Subdivisions acknowledge that sometimes previously used vote centers are not available or appropriate for every election. Accessibility under the Americans with Disabilities Act is an important consideration for all vote centers in this Joint Election.
- c) In accordance with Section 43.007(o) of the Texas Election Code, the Elections Administrator will post a notice at each vote center the four nearest vote centers by driving distance. The Participating Political Subdivisions shall be responsible for any notices required under Section 43.062 of the Texas Election Code.

6) PRESIDING ELECTION JUDGES, ALTERNATE PRESIDING ELECTION JUDGES, ELECTION CLERKS, AND OTHER ELECTION DAY PERSONNEL

- a) In accordance with Sections 32.002 and 32.005 of the Texas Election Code, the Parties are responsible for the appointment of the presiding election judges and alternate election judges listed in "Attachment E" for each vote center listed in "Attachment C" subject to the eligibility requirement found in the Texas Election Code Subchapter C, Chapter 32 and Subchapter A, Chapter 83. The Parties acknowledge that approval of this Election Services Contract by the Participating Political Subdivisions shall constitute approval and appointment of the Judges and Alternate Judges listed in "Attachment E" by the Participating Political Subdivisions. The Elections Administrator will be responsible for the administration of the of the election judges listed in "Attachment E".
- b) **[This provision is intentionally deleted].**
- c) If a person appointed as a presiding election judge or alternate election judge becomes ineligible to serve as such in this Joint Election, then the Election Administrator will name a replacement presiding election judge or alternate election judge, amend "Attachment

E” accordingly, and send each Participating Political Subdivision the amended “Attachment E” by email within five (5) business days after naming a replacement presiding judge or alternate presiding judge..

- d) If a person is unable or unwilling to serve as a presiding election judge or an alternate election judge, then the Elections Administrator will name a replacement presiding election judge or send each Participating Political Subdivision the amended “Attachment E” by email within five (5) business days after naming a replacement presiding judge or alternate presiding judge.
- e) The Elections Administrator will provide county training programs, in keeping with Section 32.114 of the Texas Election Code, for all of the presiding election judges, alternate election judges, and election clerks for this Joint Election. Pursuant to Section 32.114(b), the training programs will be open to the public free of charge.
- f) To serve in this Joint Election, each presiding election judge and alternate election judge must have attended either an online or in-person training class which includes information regarding recent law changes, court rulings, Voter ID laws, Poll Watcher rules, Election Equipment, election procedures, and COVID-19 safety procedures. New judges and election clerks must attend an in-person training class.
- g) The Elections Administrator will notify the Participating Political Subdivisions by email and post on the DCED’s website the dates, times, and locations of training classes for both Early Voting and Election Day Workers.
- h) To comply with the Federal Voting Rights Act of 1965, as amended, vote centers are required to have interpreter assistance. If a presiding election judge of such a vote center is not bilingual and is unable to hire a bilingual election clerk, the Elections Administrator may recommend an individual to provide interpreter assistance. If the Elections Administrator is unable to recommend an individual to provide interpreter assistance for such a vote center, the Elections Administrator will notify the Participating Political Subdivision and request assistance in identifying an interpreter. In the event that a bilingual election clerk is hired by the Elections Administrator for a vote center required to have interpreter assistance, the bilingual clerk will be paid according to a rate set by the Elections Administrator. The Elections Administrator will charge that expense to the funds deposited with the Dallas County Elections Department for the conduct of the elections listed in this Election Services Contract. A Participating Political Subdivision may pay more money to a bilingual clerk than the rate set by the Elections Administrator, however that expense will be borne by that Participating Political Subdivision individually and that extra expense will not be charged to the funds deposited with the Dallas County Elections Department for the conduct of the elections listed in this Election Services Contract.
- i) The Elections Administrator will notify all presiding election judges and alternate election judges about the eligibility requirements of Subchapter C of Chapter 32 of Title 3 of the Texas Election Code and Section 271.005 of the Texas Election Code. The Elections Administrator will take the necessary steps to ensure that all of the presiding election

judges, and alternate election judges appointed to serve during this Joint Election are eligible to serve and qualified to serve in this Joint Election. Under Section 32.031 of the Texas Election Code, the presiding election judge for each vote center shall appoint the election clerks to assist the presiding election judge in the conduct of the election at the vote center served by the presiding election judge on Election Day.

- j) The presiding election judges are responsible for picking up election supplies at the time and place determined by the Elections Administrator, which will be set forth in the letter to the presiding election judges requesting service for this election. Payments for the presiding election judge will be specified in "Attachment A."
- k) Any Participating Political Subdivision electing to pay their election workers for attending a training class must bear that expense separately from the funds deposited into this Joint Election account.
- l) The Elections Administrator will employ and or contract for other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of services, supplies, and equipment, during the period of Early Voting and on Election Day, and for the efficient tabulation of ballots at the central counting station.

7) SUPPLIES AND PRINTING

- a) The Elections Administrator will obtain and distribute all of the election supplies and election printing necessary for this Joint Election, including, but not limited to, all forms, signs, and other materials used by the presiding election judges and clerks at the vote centers.
- b) The Elections Administrator will provide maps, if necessary, instructions, and other information that the presiding election judges need to conduct this Joint Election.
- c) Each Participating Political Subdivision must deliver a list to the Elections Administrator of candidates and propositions for their elections. The list must be in English, Spanish, and Vietnamese. The list must include the ballot positions for the candidates and the propositions. The list must include the correct spelling of each candidate's name and the precise wording of all the propositions. The Elections Administrator will email each Participating Political Subdivision a form for their use to create the required list. As soon as possible after each Participating Political Subdivision has determined its ballot positions for the candidates and propositions in its election, the Participating Political Subdivision must email the completed form to the Elections Administrator. The Elections Administrator will use the forms received from the Participating Political Subdivisions to create the ballot styles for this Joint Election. The Elections Administrator will deliver the proposed ballots to the Participating Political Subdivisions for approval. Each Participating Political Subdivision will be responsible for proofreading the proposed ballots and notifying the Elections Administrator of any corrections that are required for their particular ballots. The Elections Administrator is responsible for implementing the corrections made by the Participating Political Subdivisions to their ballots and then

producing the ballots for this Joint Election.

8) OPTICAL SCAN CARD BALLOTS

- a) The Elections Administrator will supply a sufficient number of ballots to assure that there will be more than enough ballots for the expected turnout for the Joint Election. The ballots will be allocated based on an analysis of voter turnout for comparable elections at each vote center.
- b) Ballot usage shall be monitored by the Elections Administrator during early voting and on Election Day and additional ballots will be allocated if necessary.

9) RETURNS OF ELECTIONS

- a) The County and the Elections Administrator will establish a central counting station to receive and tabulate ballots cast in this Joint Election under Chapter 127 of Title 8 of the Texas Election Code. The Participating Political Subdivisions will designate the central counting station established by the County and Elections Administrator in accordance with Section 127.001(b) of the Texas Election Code.
- b) The County and the Elections Administrator hereby, in accordance with Sections 127.002, 127.003 and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Central Count Station Manager: **Michael Scarpello**, Dallas County Elections Administrator

Tabulation Supervisor: **Danielle Grant**, Central Count Station Manager

Assistant Tabulation Supervisor: **Angelica Munoz** Central Count Station Lead Clerk

The Parties hereby, in accordance with Sections 127.005 of the Texas Election Code, appoint the following central counting station officials:

Presiding Judge: **TBD**, Appointed by the Parties

Alternate Presiding Judge: **TBD**, Appointed by the Parties

- c) The Central Count Station Manager or their representative will deliver timely, cumulative reports of the election results as vote centers are tabulated. The Central Count Station Manager will be responsible for releasing cumulative totals and vote center election returns from the election to the Participating Political Subdivisions, candidates, press, and the general public by the distribution of hard copies or electronic transmittals (where

accessible). The Elections Administrator will operate an election result center to release election results in the **Dallas County Elections Operations Facility, 1520 Round Table Dr., Dallas, Texas 75247.**

- d) The Elections Administrator will link to any Participating Political Subdivision's website to DCED's website. Participating Political Subdivisions that want such website linkage should deliver their website address to the Tabulation Supervisor at DCED.
- e) The Elections Administrator will prepare the unofficial canvass report after the results from all vote centers have been counted, and will email a copy of the unofficial canvass to each Participating Political Subdivision as soon as possible after all returns, provisional ballots, and late overseas ballots have been tabulated, but no later than **May 18, 2022.** All Participating Political Subdivisions will be responsible for the official canvass of their respective elections.
- f) The Elections Administrator will be responsible for conducting the post-election manual recount, unless the Texas Secretary of State grants a waiver under Section 127.201 of the Texas Election Code. If no such waiver is given, the Elections Administrator will provide notice and copies of the recount to each Participating Political Subdivision and the Secretary of State's Office. Each Participating Political Subdivision must notify the Elections Administrator if such a waiver has been granted or denied as soon as possible, but no later than five (5) calendar days before Election Day.

10) ELECTION EXPENSES

- a) The Participating Political Subdivisions agree to share the costs of administering this Joint Election as specified in "Attachment A." The Election Administrator will charge a general supervisory fee not to exceed ten (10%) percent of the total cost of this Joint Election as authorized by Section 31.100 of the Texas Election Code. In no event will the ten (10%) percent general supervisory fee be refunded to any Participating Political Subdivision. If the ballot, candidates, or propositions supplied by the Participating Political Subdivision are changed after their initial programming and/or printing by the Elections Administrator due to a court order from a court of competent jurisdiction, the affected Participating Political Subdivision(s) agrees to pay all expenses associated with re-printing and re-programming the ballots pursuant to a court order including expenses for expedited services and "Attachment A" will be amended by the Election Administrator.
- b) Allocation of costs among the Participating Political Subdivisions will be according to a formula based on the total cost of the Joint Election multiplied by the Participating Political Subdivision's percentage of the total current, and active registered voters for the Joint Election ("Election Costs"). Any Participating Political Subdivision that requests additional vote centers, personnel, or equipment that exceeds the Election Costs will be billed directly for any excess expenditures (e.g. supplies, equipment, personnel, etc.). **The cost of any special request from a Participating Political Subdivision, which is not agreed upon by all Participating Political Subdivisions, will be borne by the Participating**

Political Subdivision making the special request.

- c) The expenses for early voting by mail and personal appearance will be paid by each Participating Political Subdivision as set forth in "Attachment A."
- d) The Elections Administrator will determine the final election expenses to the extent practicable within one hundred and eighty (180) business days after the final canvass of this Joint Election or the runoff election, if any. The Elections Administrator will provide each Participating Political Subdivision with a final, written accounting of all money that was deposited into, and payments that were made from, the Joint Election account(s) maintained by the Dallas County Elections Department for this Joint Election and the runoff election, if any.
- e) If the Elections Administrator requires additional money to perform their obligations under this Election Services Contract, then the Elections Administrator will bill each Participating Political Subdivision using the same method used to determine each Participating Political Subdivision's required deposit in "Attachment A" of this Election Services Contract ("Final Bill"). The Participating Political Subdivision shall pay the Final Bill within thirty (30) days of receipt except for any amount the Participating Political Subdivision files a timely good faith dispute under Section 17 of this Election Services Contract. After all of the expenses of this Joint Election are paid and disputes, if any, resolved, any monies that remain in the account maintained by the Dallas County Elections Department for this Election Services Contract will be refunded to the Participating Political Subdivisions (the "Refund") as soon as practicable.

11) DEPOSIT OF FUNDS

- a) Attachment A: Cost Audit details the cost and expenses anticipated for this election; Participating Political Subdivisions will initially receive an estimate cost audit. The Final Bill will be distributed as soon as all cost and expenses for the election can be determined. Each Participating Political Subdivision hereby agrees to deposit with the Dallas County Elections Department one hundred (100%) percent of the full balance of money listed for their entity in "**Attachment A: Deposit of Funds Detail**" of this Election Services Contract by the due date of (on or before) **February 18, 2022**. The Dallas County Elections Department will place the money deposited by the Participating Political Subdivisions in a Joint Election account.
- b) The deposit of funds by each Participating Political Subdivision is an express condition precedent to the participation of each Participating Political Subdivision in this Election Services Contract. A Participating Political Subdivision may seek an extension from the Elections Administrator as to the due date for the deposit of funds. Such an extension must be sought in writing and prior to due date for such deposit by the Participating Political Subdivision. Any decision(s) made by the Elections Administrator will be provided in writing to the Participating Political Subdivision. The Elections Administrator, however, shall not be required to grant an extension for the deposit of funds by a Participating Political Subdivision. For any Participating Political Subdivision that fails to

deposit the total amounts specified in "Attachment A" by the dates specified in this Election Services Contract or any extension granted by the Elections Administrator, the Elections Administrator will be relieved from the responsibility to perform under this Election Services Contract for such Participating Political Subdivision.

- c) The Elections Administrator will only draw money from this Joint Election account to pay for election expenses that are included in "Attachment A" to this Election Services Contract and for other expenses that the Participating Political Subdivisions agree to in writing.
- d) If a Participating Political Subdivision withdraws completely from this Joint Election by **March 4, 2022**, then the Elections Administrator will refund (as soon as practicable) that Participating Political Subdivision's deposit, less any money already expended before the withdrawal and less the general supervisory fee authorized by Section 31.100 of the Texas Election Code. In the event of a partial withdrawal from this Joint Election, deposits will not be refunded to the Participating Political Subdivisions.
- e) The Elections Administrator will not make partial refunds to a Participating Political Subdivision if any candidate(s) or propositions do not appear on the ballot for that Participating Political Subdivision.
- f) Deposits should be made out to Dallas County Elections Department and delivered within the mandatory time frame to:

Michael Scarpello
Dallas County Elections Administrator
1520 Round Table Drive
Dallas, Texas 75247

In the "memo" section of check place Election Escrow Account: **TBD**

12) RECORDS OF THE ELECTION

- a) The Elections Administrator is hereby appointed the general custodian of the voted ballots and all election records of this Joint Election to the extent authorized by Sections 31.094, 31.095, 31.096, and 31.097 of the Texas Election Code.
- b) Access to the election records will be available to each Participating Political Subdivision as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the **Dallas County Elections Department, 1520 Round Table Drive, Dallas, Texas 75247** at any time during normal business hours. The Elections Administrator will ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container. However, access to election records that contain confidential information that must be redacted pursuant to federal or state law may be provided at the offices of the Civil Division of the Criminal District Attorney's Office of Dallas County, Texas at 411 Elm Street, 5th Floor, Dallas, Texas.
- c) Pursuant to Section 66.058 of the Texas Election Code, the Elections Administrator will retain the election records at the Elections Administrator's main offices and Elections

Warehouse for **sixty (60) days** after the date of this Joint Election. **Sixty (60) days** after the date of this Joint Election, the Elections Administrator may arrange for transport of this Joint Election's records to the Dallas County Record Storage facility. If so, the Joint Election's records will then become the responsibility of Dallas County Record Storage for the remainder of the **twenty-two (22) month** preservation period. Dallas County Record Storage will be responsible for the destruction of this Joint Election records after the preservation period. The Participating Political Subdivisions agree the Elections Administrator may destroy the records from this Joint Election after the **twenty-two (22) month** preservation period without further notice to the Participating Political Subdivisions, unless the events in Section 12 (d) occur.

- d) The Participating Political Subdivisions must notify the Elections Administrator in writing within three (3) business days after any official or employee of any Participating Political Subdivision becomes aware of any election contest in connection with this Joint Election. In accordance with Section 1.013 of the Texas Election Code, the election records must be preserved until any election contest is completed and a judgment, if any, becomes final. Also, the election records will be maintained by the Elections Administrator if there is an active criminal investigation, proceeding, or a pending request for public information, related to the election records until such investigation, proceeding, or request for public information is finally concluded.
- e) The Participating Political Subdivisions acknowledge and agree that the Elections Administrator reserves the right to intervene in any election contest or litigation in connection with this Joint Election in order to preserve any available remedies at law, and to preserve the Elections Administrator's obligations under this Contract and the Texas Election Code.
- f) If the Participating Political Subdivisions have changed their single member districts since their last election, the Subdivisions must submit new boundaries by **February 4, 2022**.
- g) The Elections Administrator will provide each Participating Political Subdivision records that indicate the jurisdictional boundaries of each Participating Political Subdivision by **February 21, 2022**. Each Participating Political Subdivision will have until **February 25, 2022** to verify in writing that the jurisdictional boundaries provided by the Elections Administrator are correct.

13) EARLY VOTING

- a) Under Sections 31.094 and 271.006 of the Texas Election Code, the Participating Political Subdivisions hereby appoint the Elections Administrator to be the early voting clerk for all of the political subdivisions participating in this Joint Election. The deputy early voting clerks that will be appointed by the Elections Administrator are listed in "Attachment D."
- b) **[This provision is intentionally deleted]**
- c) Any qualified voter for this Joint Election may vote early by personal appearance at the main early voting polling place or at one of the early voting branch polling places listed in Attachment B. Early voting will be conducted as follows:

Monday-Friday, April 25-29 2022 from 8:00 a.m. to 5:00 p.m.

Saturday, April 30, 2022 from 8:00 a.m. to 5:00 p.m.

Sunday, May 1, 2022 from 12:00 p.m. to 6:00 p.m.

Monday-Tuesday, May 2-3 from 7:00 a.m. to 7:00 p.m.

- d) All requests for early voting ballots by mail that are received by a Participating Political Subdivision must be transported by runner on the day of receipt to the Dallas County Elections Department, Elections Operations Facility at 1520 Round Table Drive, Dallas, Texas 75247 for processing. Persons voting by mail must send their voted ballots to the Dallas County Elections Department.
- e) All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed under Subchapter A of Chapter 87 of the Texas Election Code. The Parties agree to submit one individual for consideration by the presiding judge to be appointed as a member of the Early Voting Ballot Board and will notify DCED of the individual's name, telephone number, mailing address, and email address, if any, no later than _____, 2022. The Parties agree to appoint **Chaka Terrell** as the presiding judge and **Patty Clapp** as alternate judge of the Early Voting Ballot Board. In accordance with Section 87.002(c) of the Texas Election Code, the presiding judge will appoint at least one or more members to the Early Voting Ballot Board. A list of Early Voting Ballot Board members will be furnished to each Participating Political Subdivision.
- f) A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each Participating Political Subdivision.
- g) The presiding judge of the Early Voting Ballot Board shall deliver notices of rejected ballots in compliance with Section 87.0431, Texas Election Code.

14) CRIMINAL BACKGROUND CHECKS

The Elections Administrator, their agent or assignee will conduct a criminal background check (in accordance with statutory requirements) of any person who is expected to or scheduled to serve or work in this Joint Election at either the Elections Department or an Early Voting location. Any person that does not satisfactorily pass the criminal background check will be ineligible to serve or work in this Joint Election. Failure to obtain a criminal background check does not release the participating entity's obligation to pay for service rendered in good faith. Additionally, DCED will conduct a review of all poll workers against the Texas Public Sex Offender Registry and provide the results to the Parties.

15) ELECTION REPORTS

During the early voting period for this Joint Election, the Elections Administrator will deliver daily reports to each Participating Political Subdivision of the Early Voting Location Turnout Totals and Early Voting Roster. The day after the early voting period ends, the

Elections Administrator will deliver to each Participating Political Subdivision, a Daily Early Voting Roster by vote center report that includes the entire Early Voting period. Pursuant to the Texas Election Code Section 87.121, the Elections Administrator will deliver these election reports by providing a link to a website posting.

16) WITHDRAWAL FROM CONTRACT

- a) No deposits will be refunded after the deadline to withdraw from this Election Services Contract has passed.
- b) In order to withdraw from this Election Services Contract, a Participating Political Subdivision must deliver to the Elections Administrator any certifications and declarations that are required under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code.
- c) The Elections Administrator will bill any Participating Political Subdivision that withdraws from this Election Services Contract for any expenses incurred prior to the Elections Administrator receiving copies of the certifications and declarations that are required under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code.
- d) If there are any withdrawals from this Joint Election, within ten (10) business days after the deadline for Participating Political Subdivisions to make declarations under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code, said deadline being **March 4, 2022**, the Elections Administrator will amend the attachments to this Election Services Contract as appropriate and provide updated copies of the amended attachments to all of the remaining Participating Political Subdivisions.
- e) The general supervisory fee authorized by Section 31.100 of the Texas Election Code will not be refunded.

17) AUDITING AND PROHIBITION ON WITHHOLDING OF DEPOSITS

- a) The Dallas County Auditor will conduct a review of the deposits and expenditures related to this Election Services Contract before the Final Bill or Refund is submitted to the Participating Political Subdivisions. Refunds will be submitted as soon as practicable.
- b) The Participating Political Subdivisions may request a financial audit of the Final Bill or Refund or dispute the Final Bill or Refund under this Section, if: 1) the Final Bill exceeds ten percent (10%) of the amount of the Participating Political Subdivision's initial deposit as required in "Attachment A" to this Election Services Contract; or 2) the accounting accompanying the Refund is ten percent (10%) less than the amount the Participating Political Subdivision determines, should be refunded, after its good faith review. The request for a financial audit or dispute must be done in accordance with Section 17 (d) below.
- c) Should the events in Section 17 (b) occur, in lieu of an audit or dispute, the Participating Political Subdivision may make a request that the Elections Administrator ask the Dallas County Auditor to review the cost allocation methodology for the Participating Political Subdivision's Final Bill or Refund ("Review Request"). Participating Political Subdivisions

must submit a Review Request to the Elections Administrator within five (5) business days of receipt of the Final Bill or the Refund, whichever is later. The Review Request must set forth, in detail, the basis for any challenge to the Final Bill or Refund. Corrections to the Participating Political Subdivision's Final Bill or the Refund, based on a Review Request, will be determined at the sole discretion of the Elections Administrator. A Review Request does not extend the timeframe in Section 17(d).

- d) Should the circumstances giving rise to an audit or dispute in Section 17 (b) occur, the Participating Political Subdivision may send a formal written notice of dispute of the Final Bill or Refund ("Dispute Notice") to the Elections Administrator. This Dispute Notice must be received by the Elections Administrator no later than thirty (30) calendar days from the date the Participating Political Subdivision receives the Final Bill or Refund. This Dispute Notice must provide: 1) an itemization of the disputed charge(s) by the Participating Political Subdivision; 2) the basis for the dispute; 3) the methodology showing how the Participating Political Subdivision arrived at the amount disputed; and 4) documentation in support thereof. The Participating Political Subdivision will have no right to withhold any undisputed amounts set forth in this Election Services Contract or reflected in the Final Bill. Payment of undisputed amounts in the Final Bill must be made by the Participating Political Subdivision as set forth in Section 10 (e) of this Election Services Contract.
- e) Failure of the Participating Political Subdivision to submit a timely Dispute Notice, as set forth in Section 17(d), shall waive any and all disputes, claims, or challenges to the Final Bill or Refund by the Participating Political Subdivision. The entire amount of the Participating Political Subdivision's Final Bill shall be due immediately; or, any estimated refund amounts will become final.
- f) If the Participating Political Subdivision files a timely Dispute Notice in compliance with Section 17(d), the Participating Political Subdivision will have the right to conduct a good faith financial audit ("Financial Audit") for the deposits and expenditures related to this Elections Services Contract. In conducting the Financial Audit, the Participating Political Subdivision will have no greater right to demand access to or copies of the County's governmental or election records than those rights specified in the Texas Election Code and the Texas Public Information Act. The cost of any Financial Audit conducted by the Participating Political Subdivision shall be borne by the requesting Participating Political Subdivision and may not be paid for with funds deposited with the Dallas County Elections Department under this Election Services Contract. Further, the Participating Political Subdivision conducting the Financial Audit shall pay the Elections Administrator the reasonable costs for time expended and copies provided in order to perform the Financial Audit. If the Financial Audit identifies overcharges by the Elections Administrator of more than ten percent (10%) of the initial deposit amount required by "Attachment A", the Elections Administrator will review and assess the findings of the Financial Audit and will negotiate, in good faith, to resolve any disputes for overcharges with the Participating Political Subdivision. The Elections Administrator shall not be bound by the findings or recommendations of the Participating Political Subdivision's Financial Audit. The financial records will be retained at the County Election Administrator's office until the conclusion

of the Financial Audit and resolution of all outstanding audit disputes.

- g) In the event the representatives of the Participating Political Subdivision and the Elections Administrator cannot agree on the amount of the disputed Final Bill as set forth in this Section, then the Parties may agree to submit to non-binding mediation. If mediation is acceptable to both parties to resolve a dispute concerning the disputed Final Bill, the Parties will agree to use a mutually agreed-upon mediator. Unless the Parties come to a written agreement at mediation, the mediation will not constitute a final and binding resolution of the dispute.
- h) The Participating Political Subdivision acknowledges that the practical effect of the Participating Political Subdivision withholding undisputed funds that are required under this Election Services Contract would result in breach of this Elections Services Contract and the other Participating Political Subdivisions' taxpayers subsidizing the withholding Participating Political Subdivision's election expenses.

18) NOTICE

Any addendum to, change/modification of, clarification of, and/or withdrawal from this contract requires written notice to and written approval by Dallas County. Whenever this Election Services Contract requires any consent, approval, notice, request, or demand, it must be in writing to be effective and must be delivered to the party intended to receive it as shown below:

Address for notice to the Elections Administrator:

Michael Scarpello
Dallas County Elections Administrator
1520 Round Table Drive
Dallas, Texas 75247
(214) 819-6334 telephone
(214) 819-6301 facsimile

and, to the physical addresses and facsimile numbers for notice to the Participating Political Subdivisions are in "Attachment F" to this Election Services Contract. Any written notice required under this Contract shall be deemed to have been given when personally delivered, or if mailed, seventy-two (72) hours after deposit of the same in the United States Mail, postage prepaid, certified, or registered, return receipt requested, properly addressed to the contact person shown at the respective addresses set forth above, or at such other addresses as shall be specified by written notice delivered in accordance this notice section.

19) LIABILITY FOR NEGLIGENCE

ALL PARTIES TO THIS ELECTION SERVICES CONTRACT AGREE TO BE RESPONSIBLE, IN ACCORDANCE WITH APPLICABLE STATE OR FEDERAL LAW, EACH FOR THEIR OWN

NEGLIGENT ACTS OR OMISSIONS, OR OTHER TORTIOUS CONDUCT IN THE COURSE OF PERFORMANCE OF THIS ELECTION SERVICES CONTRACT WITHOUT WAIVING ANY SOVEREIGN IMMUNITY, GOVERNMENTAL IMMUNITY, STATUTORY IMMUNITY, OR OTHER DEFENSES AVAILABLE TO THE PARTIES UNDER FEDERAL OR STATE LAW. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, IN OR TO ANY THIRD PERSONS OR ENTITIES. ALL PARTIES AGREE THAT ANY SUCH LIABILITY OR DAMAGES OCCURRING DURING THE PERFORMANCE OF THIS ELECTION SERVICES CONTRACT CAUSED BY THE JOINT OR COMPARATIVE NEGLIGENCE OF THE PARTIES, OR THEIR EMPLOYEES, AGENTS OR OFFICERS WILL BE DETERMINED IN ACCORDANCE WITH COMPARATIVE RESPONSIBILITY LAWS OF TEXAS, BUT ONLY TO THE EXTENT SUCH LAWS ARE APPLICABLE TO THE PARTY.

TO THE EXTENT PERMITTED BY LAW, IF LEGAL ACTION IS FILED AGAINST A PARTY TO THIS ELECTION SERVICES CONTRACT, THAT PARTY SHALL BE SOLELY RESPONSIBLE FOR THEIR OWN RESPECTIVE COSTS AND DEFENSE OF THAT SUIT.

20) CHOICE OF LAW

This Election Services Contract will be governed and interpreted by the laws of the State of Texas.

21) VENUE AND JURISDICTION

The courts of the State of Texas and the United States of America that are physically located in Dallas, Dallas County, Texas are the exclusive jurisdiction and venue for any lawsuit, cause of action, temporary restraining order, temporary injunction, injunction, petition for extraordinary relief, mandamus, or any other legal proceeding or claim arising out of the performance of this Election Services Contract.

22) SEVERABILITY

If any term of this Election Services Contract is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms of this Election Services Contract will remain in full force and effect and will in no way be affected, impaired, or invalidated.

23) ENTIRE CONTRACT

This Election Services Contract, including any exhibits or attachments, contains the entire agreement between the Elections Administrator and the Participating Political Subdivisions concerning the duties required by this Election Services Contract. The Elections Administrator of Dallas County, Texas and each Participating Political Subdivision hereby expressly warrant and represent that they are not relying on any promises or agreements that are not contained in this Election Services Contract concerning any of the terms in this Election Services Contract. Except otherwise specified in this Election Services Contract, no modification, amendment, novation, renewal, or other alteration of this Election Services Contract shall be effective unless mutually agreed upon in writing and executed by the Parties hereto.

24) PLURALITY, GENDER, AND HEADINGS

In this Election Services Contract, words in the singular number include the plural, and those in the plural include the singular. Words of any gender also refer to any other gender. Headings in this Election Services Contract are terms of inclusion, not exclusion.

25) RELATIONSHIP OF PARTIES

The Participating Political Subdivisions, including their agents, or employees, are independent contractors and not an agent, servant, joint enterpriser, joint venturer, or employee of the County Elections Administrator, the County or DCED, and are responsible for their own acts, forbearance, negligence and deeds, and for those of their agents, or employees in conjunction with the performance of services covered under this Election Services Contract. The Participating Political Subdivisions represent that they have, or will secure at their own expense, all personnel and consultants required in performing the Services herein. Such personnel and consultants shall not be employees of or have any contractual relationship with the County, the County Elections Administrator, or DCED.

26) FORCE MAJEURE

No Party shall be in default or responsible for delays or failures in performance resulting from causes beyond its control. Such causes include but are not limited to acts of God, fire, storm, flood, earthquake, natural disaster, pandemic, epidemic, nuclear accident, strike, air traffic disruption, lockout, riot, freight embargo, public regulated utility, or governmental statutes, orders, or regulations superimposed after the fact. Any Party delayed by force majeure shall as soon as reasonably possible give the other Party written notice of the delay. The Party delayed shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the Party delayed shall immediately give the other Parties written notice thereof and shall resume performance under this Election Services Contract as soon as practicable. The date of delivery or of performance shall be extended for at least a minimum time period equal to the time lost by reason of the delay.

27) DEFAULT/CUMULATIVE RIGHTS/MITIGATION.

It is not a waiver of default if the non-defaulting Party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Election Services Contract are cumulative, and no Party's use of any right or remedy will preclude or waive its right to any other remedy. These rights and remedies are in addition to any other rights the Parties may have by law, statute, ordinance or otherwise. All Parties have a duty to mitigate damages.

28) CONTRA PROFERENTEM

The legal doctrine of contra proferentem will not apply to this Election Services Contract. Consequently, any ambiguity that may exist in this Election Services Contract will not be construed against the Party who drafted this Election Services Contract.

29) ORDER OF PRECEDENCE

Any inconsistencies in this Election Services Contract will be resolved by reviewing and

considering this Election Services Contract and Attachments A through G to this Election Services Contract together in context with each other.

30) SIGNATORY WARRANTY

Dallas County and the Elections Administrator of Dallas County, Texas and all of the contracting authorities of all of the Participating Political Subdivisions listed in "Attachment F" of this Election Services Contract represent that each has the full right, power and authority to enter into and perform this Election Services Contract in accordance with all of its terms and conditions, and that the execution and delivery of this Election Services Contract has been made by authorized representatives of the Participating Political Subdivisions to validly and legally bind the Participating Political Subdivisions to all terms, performances, and provisions set forth in this Election Services Contract.

31) COUNTERPARTS.

This Election Services Contract may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

[Signatures on following page]

WITNESS HEREOF, the parties hereto have executed in triplicate originals this Election Services Contract on this _____ day of _____ 2022. ("Effective Date")

DALLAS COUNTY:

CLAY JENKINS
DALLAS COUNTY JUDGE

RECOMMENDED AND APPROVED:

MICHAEL SCARPELLO
COUNTY ELECTIONS ADMINISTRATOR
DALLAS COUNTY, TEXAS

APPROVED AS TO FORM*

James R. Palomo
ASSISTANT DISTRICT ATTORNEY,
DISTRICT ATTORNEY
DALLAS COUNTY CRIMINAL ATTORNEY'S
OFFICE, CIVIL DIVISION

*By law, the Criminal District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACCEPTED TO AND AGREED TO BY THE _____:

APPROVED

[INSERT NAME AND POSITION]

JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT
("Election Services Contract")

ELECTION SERVICES AGREEMENT

BETWEEN

THE COLLIN COUNTY ELECTIONS ADMINISTRATOR
("Contracting Election Officer")

AND THE BELOW LISTED POLITICAL SUBDIVISIONS
("Participating Political Subdivisions")

CITY OF ALLEN
CITY OF ANNA
CITY OF BLUE RIDGE
CITY OF CARROLLTON
CITY OF CELINA
CITY OF FAIRVIEW
CITY OF FARMERSVILLE
CITY OF FRISCO
CITY OF GARLAND
CITY OF LUCAS
CITY OF MELISSA
CITY OF MURPHY
CITY OF NEVADA
TOWN OF NEW HOPE
CITY OF PARKER
CITY OF PROSPER
CITY OF SACHSE
TOWN OF SAINT PAUL

CITY OF WYLIE
ALLEN INDEPENDENT SCHOOL DISTRICT
ANNA INDEPENDENT SCHOOL DISTRICT
CELINA INDEPENDENT SCHOOL DISTRICT
COMMUNITY INDEPENDENT SCHOOL DISTRICT
FRISCO INDEPENDENT SCHOOL DISTRICT
LOVEJOY INDEPENDENT SCHOOL DISTRICT
MELISSA INDEPENDENT SCHOOL DISTRICT
PROSPER INDEPENDENT SCHOOL DISTRICT
ROCKWALL INDEPENDENT SCHOOL DISTRICT
WHITEWRIGHT INDEPENDENT SCHOOL DISTRICT
COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 5
MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1
MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 2
BEAR CREEK SPECIAL UTILITY DISTRICT
NORTH COLLIN SPECIAL UTILITY DISTRICT
SEIS LEGOS SPECIAL UTILITY DISTRICT
WESTMINSTER SPECIAL UTILITY DISTRICT

FOR THE CONDUCT OF A JOINT ELECTION

TO BE HELD ON SATURDAY, MAY 7, 2022

TO BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR

- (1) Equipment includes the rental of ExpressVote Universal voting machines, ExpressTouch curbside voting machines, ADA compliant headphones and keypads, DS200 ballot counters, voting signs and election supply cabinets.
 - (2) Supplies include paper ballot cards, Early Voting and Election Day supply kits, provisional ballot kits, security seals, pens, tape, markers, etc.
- 3) The Contracting Election Officer, Bruce Sherbet, shall be appointed the Early Voting Clerk.
 - a) The Contracting Election Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.
 - b) The Contracting Election Officer shall select the Early Voting Polling Locations and arrange for the use of each.
 - c) Early Voting by personal appearance for the Participating Political Subdivision shall be conducted during the early voting dates and times and at the locations listed in Exhibit "A" attached and incorporated by reference into this Election Services Contract.
 - d) All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office located at 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.
 - i) Applications for mail ballots erroneously mailed to the Participating Political Subdivisions shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Election Officer for proper retention.
 - ii) All Federal Post Card Applications (FPCA) will be sent a mail ballot. No postage is required.
 - e) All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for counting by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The Contracting Officer shall appoint the presiding judge of this Board.
- 4) The Contracting Election Officer shall select the Election Day Vote Centers and arrange for the use of each.
 - a) The Participating Political Subdivisions shall assume the responsibility of remitting their portion of cost of all employee services required to provide access, provide security or provide custodial services for the Vote Centers.
 - b) The Election Day Vote Centers are listed in Exhibit "B", attached and incorporated by reference into this Election Services Contract.
- 5) The Contracting Election Officer shall be responsible for establishing and operating the Central Count Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. The Central Count Station Manager shall be Bruce Sherbet. The Central Count Station Judge shall be Kathi-Ann Rivard. The Tabulation Supervisor shall be Brian Greisbach.
 - a) The Tabulation Supervisor shall prepare, test and run the county's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Election Officer.
 - b) The Public Logic and Accuracy Test of the electronic voting system shall be conducted in accordance with Election Law. The Contracting Election Officer will post the required Notice of Logic and Accuracy testing.
 - c) Election night reports will be available to the Participating Political Subdivisions at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with state law.
 - d) The Contracting Election Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the unofficial canvass to the Participating Political Subdivisions as soon as possible after all returns have been tallied.
 - e) The Contracting Election Officer shall be appointed the custodian of the voted ballots and shall retain all election materials for a period of 22 months.

f) GENERAL PROVISIONS

- i) Nothing contained in this Election Services Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the Participating Political Subdivision's May 7, 2022, Joint General and Special Election is to be filed, or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.**
- ii) Upon request, the Contracting Election Officer will provide copies of all invoices and other charges received in the process of running said election for the Participating Political Subdivision.**
- iii) A Participating Political Subdivision canceling their election pursuant to Section 2.053 of the Texas Election Code shall pay the Contracting Officer a contract preparation fee of \$75.00 and will not be liable for any further costs incurred by the Contracting Officer.**
- iv) The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.**

WITNESS BY MY HAND THIS ____ DAY OF _____ 2022.

Bruce Sherbet, Elections Administrator
Collin County, Texas

WITNESS BY MY HAND THIS ____ DAY OF _____ 2022.

By: _____
Bryan L Bradford, City Manager
City of Garland

Attest: _____
Eloyce R Dowl, City Secretary
City of Garland

**Joint General and Special Election
Collin County Early Voting Locations, Dates and Hours**

Polling Place			Address		City	
Collin County Elections - Main			2010 Redbud Blvd, Ste. 102		McKinney 75069	
Allen ISD Service Center			1451 North Watters Road		Allen 75002	
Allen Municipal Courts Facility			301 Century Parkway		Allen 75013	
Anna City Hall			111 N. Powell Pkwy.		Anna 75409	
Blue Ridge ISD Administration Building			318 West School Street		Blue Ridge 75424	
Carpenter Park Rec Ctr			6701 Coit Road		Plano 75024	
Christ United Methodist Church			3101 Coit Road		Plano 75075	
Collin College Celina Campus			2505 Kinship Parkway		Celina 75009	
Collin College Farmersville Campus			501 S. Collin Parkway		Farmersville 75442	
Collin College Frisco Campus			9700 Wade Blvd.		Frisco 75035	
Collin College Higher Education Center			3452 Spur 399		McKinney 75069	
Collin College McKinney Campus			2200 University Drive		McKinney 75071	
Collin College Plano Campus			2800 Spring Creek Parkway		Plano 75074	
Collin College Wylie Campus			391 Country Club Road		Wylie 75098	
Community ISD Board Room			611 FM 1138 North		Nevada 75173	
Frisco Fire Station #8			14700 Rolater Road		Frisco 75034	
Gay Library			6861 W. Eldorado Pkwy		McKinney 75070	
Haggard Library			2501 Coit Road		Plano 75075	
Hunt Middle School			4900 Legendary Dr.		Frisco 75034	
Josephine City Hall			201 Main Street		Josephine 75173	
Lavon City Hall			120 School Road		Lavon 75166	
Lovejoy ISD Administration Bldg			259 Country Club Road		Allen 75002	
Lucas Community Center			665 Country Club Road		Lucas 75002	
Maus Middle School			12175 Coit Road		Frisco 75035	
McKinney Fire Station #5			6600 W Virginia Parkway		McKinney 75070	
McKinney Fire Station #7			861 Independence Parkway		McKinney 75070	
McKinney Fire Station #9			4900 Summit View Drive		McKinney 75071	
McKinney Fire Station #10			1150 Olympic Crossing		McKinney 75071	
Melissa City Hall			3411 Barker Avenue		Melissa 75454	
Michael J Felix Community Center			3815-E Sachse Road		Sachse 75048	
Murphy Community Center			205 N. Murphy Road		Murphy 75094	
New Hope Town Hall			121 Rockcrest Road		New Hope 75071	
Old Settlers Recreation Center			1201 E Louisiana St		McKinney 75069	
Parker City Hall			5700 E. Parker Road		Parker 75002	
Parr Library			6200 Windhaven Parkway		Plano 75093	
Plano ISD Administration Center			2700 W. 15th Street		Plano 75075	
Princeton Public Works			255 Monte Carlo Blvd		Princeton 75407	
Prosper Town Hall			250 W. First St.		Prosper 75078	
Wylie Senior Recreation Center			800 Thomas Street		Wylie 75098	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
24-Apr	25-Apr Early Voting 8am – 5pm	26-Apr Early Voting 8am – 5pm	27-Apr Early Voting 8am – 5pm	28-Apr Early Voting 8am – 5pm	29-Apr Early Voting 8am – 5pm	30-Apr Early Voting 7am – 7pm
1-May	2-May Early Voting 7am – 7pm	3-May Early Voting 7am – 7pm	4-May	5-May	6-May	7-May

May 7, 2022

Exhibit "B"

**Joint General and Special Election
Collin County Election Day Vote Centers 7am - 7pm**

Polling Place	Address	City
Aldridge Elementary School	720 Pleasant Valley Lane	Richardson 75080
Allen ISD Service Center	1451 North Watters Road	Allen 75002
Allen Municipal Courts Facility	301 Century Parkway	Allen 75013
Anna City Hall	111 N. Powell Pkwy.	Anna 75409
Armstrong Middle School	3805 Timberline Drive	Plano 75074
Blue Ridge ISD Admin Bldg	318 West School Street	Blue Ridge 75424
Bowman Middle School	2501 Jupiter Road	Plano 75074
Carpenter Middle School	3905 Rainier Road	Plano 75023
Carpenter Park Recreation Center	6701 Coit Road	Plano 75024
Christ United Methodist Church	3101 Coit Road	Plano 75075
Clark High School	523 W. Spring Creek Pkwy	Plano 75023
Collin College Celina Campus	2505 Kinship Parkway	Celina 75009
Collin College Farmersville Campus	501 S. Collin Parkway	Farmersville 75442
Collin College Frisco Campus	9700 Wade Blvd	Frisco 75035
Collin College Higher Education Center	3452 Spur 399	McKinney 75069
Collin College McKinney Campus	2200 University Drive	McKinney 75071
Collin College Plano Campus	2800 Spring Creek Pkwy	Plano 75074
Collin College Wylie Campus	391 Country Club Road	Wylie 75098
Collin County Elections Office	2010 Redbud Blvd, Ste. 102	McKinney 75069
Community ISD Board Room	611 FM 1138 North	Nevada 75173
Dowell Middle School	301 Ridge Road	McKinney 75070
Fairview Town Hall	372 Town Place	Fairview 75069
First Baptist Church Branch	7011 FM 546	Princeton 75407
Frisco Fire Station #8	14700 Rolater Road	Frisco 75034
Gay Library	6861 W Eldorado Pkwy	McKinney 75070
Haggar Elementary School	17820 Campbell Road	Dallas 75252
Haggard Library	2501 Coit Road	Plano 75075
Hunt Middle School	4900 Legendary Drive	Frisco 75034
Josephine City Hall	201 Main Street	Josephine 75173
Lavon City Hall	120 School Road	Lavon 75166
Lovejoy ISD Administration Bldg	259 Country Club Road	Allen 75002
Lowry Crossing City Hall	1405 S. Bridgefarmer Road	Lowry Crossing 75069
Lucas Community Center	665 Country Club Road	Lucas 75002
Maus Middle School	12175 Coit Road	Frisco 75035
McKinney Fire Station #5	6600 W Virginia Parkway	McKinney 75070
McKinney Fire Station #7	861 Independence Pkwy	McKinney 75070
McKinney Fire Station #9	4900 Summit View Drive	McKinney 75071
McKinney Fire Station #10	1150 Olympic Crossing	McKinney 75071
Melissa City Hall	3411 Barker Avenue	Melissa 75454
Michael J Felix Community Center	3815-E Sachse Road	Sachse 75048
Miller Elementary School	5651 Coventry Drive	Richardson 75082
Murphy Community Center	205 N. Murphy Road	Murphy 75094
New Hope Town Hall	121 Rockcrest Road	New Hope 75071
Old Settlers Recreation Center	1201 E Louisiana St	McKinney 75069

Collin County Election Services Estimate
May 7, 2022 General and Special Election

City of Garland

Registered Voters

174

Percentage

0.01%

Category	Cost Per Unit	Estimated Election Expenses	Estimated Entity Expenses
Early Voting by Mail			
Kits - Mail Ballots	\$ 1.15	\$ 4,370.00	\$ 0.62
Postage	\$ 0.88	\$ 3,344.00	\$ 0.48
Paper Ballot Printing Services	\$ 0.31	\$ -	\$ -
Paper Ballot Shipping (per box)	\$ 30.00	\$ -	\$ -
Ballot Stock - BOD	\$ 0.10	\$ 380.00	\$ 0.05
Category Subtotal		\$ 8,094.00	\$ 1.16
General Election Expenses			
Mileage	Per Election	\$ 500.00	\$ 0.07
Van / Car Rental	Per Election	\$ 18,000.00	\$ 2.57
Election Night Receiving Cover	Per Election	\$ 3,359.20	\$ 0.48
Polling Place Rental	Per Election	\$ 2,110.80	\$ 0.30
Notice of Election	Per Election	\$ 18,600.00	\$ 2.65
Security - EV	Per Election	\$ 1,122.30	\$ 0.16
Security - ED	Per Election	\$ 1,253.75	\$ 0.18
Early Voting Ballot Board	Per Election	\$ 5,310.87	\$ 0.76
FICA - Election Workers	Per Election	\$ 21,671.94	\$ 3.09
County Employee/IT Overtime - EV	Per Election	\$ 29,765.78	\$ 4.25
Process Pollworker Checks - EV	\$ 1.50	\$ 468.00	\$ 0.07
Process Pollworker Checks - ED	\$ 1.50	\$ 696.00	\$ 0.10
Process Election Judge Notices	\$ 1.50	\$ 145.50	\$ 0.02
Drayage Per Location - ED	\$ 180.00	\$ 20,880.00	\$ 2.98
Drayage Per Location - EV	\$ 180.00	\$ 14,040.00	\$ 2.00
Category Subtotal		\$ 137,924.14	\$ 19.68
Programming			
Coding Services	25 Days	\$ 41,250.00	\$ 5.89
Balotar Programming	Per Election	\$ 893.00	\$ 0.13
Category Subtotal		\$ 42,143.00	\$ 6.01
Early Voting by Personal Appearance			
Election Judge OT - EV	\$ 21.00	\$ 20,795.25	\$ 2.97
Alternate Judge OT - EV	\$ 19.50	\$ 16,171.55	\$ 2.31
Clerk OT - EV (5 per location)	\$ 18.00	\$ 30,986.10	\$ 4.42
ES&S Support Staff / Field Techs - EV	28 Days	\$ 24,960.00	\$ 3.56
Equipment Assembly - EV	\$ 50.00	\$ 1,950.00	\$ 0.28
Category Subtotal		\$ 94,862.90	\$ 13.54
Election Day			
ES&S Support Staff/Field Techs - ED	7 Days	\$ 3,840.00	\$ 0.55
Equipment Assembly - ED	\$ 50.00	\$ 2,900.00	\$ 0.41
Category Subtotal		\$ 6,740.00	\$ 0.96
Tabulation			
Election Night Vendor Support	5 Days	\$ 22,625.00	\$ 3.23
Notice of Inspection/Tabulation Test	Per Election	\$ 3,000.00	\$ 0.43
Category Subtotal		\$ 25,625.00	\$ 3.66

May 7, 2022 General and Special Election Services

Political Subdivision	Registered Voters	Share Percentage
City of Allen	68155	5.59%
City of Anna	10917	0.90%
City of Blue Ridge	528	0.04%
City of Carrollton	345	0.03%
City of Celina	11395	0.93%
Town of Fairview	8341	0.68%
City of Farmersville	2084	0.17%
City of Frisco	69881	5.73%
City of Garland	174	0.01%
City of Lucas	5847	0.48%
City of Melissa	9764	0.80%
City of Murphy	13942	1.14%
City of Nevada	971	0.08%
Town of New Hope	505	0.04%
City of Parker	4140	0.34%
Town of Prosper	16926	1.39%
City of Sachse	6327	0.52%
Town of St. Paul	778	0.06%
City of Wylie	32434	2.66%
Collin County	666726	54.68%
Allen Independent School District	71136	5.83%
Anna Independent School District	13141	1.08%
Celina Independent School District	10213	0.84%
Community Independent School District	10011	0.82%
Frisco Independent School District	105394	8.64%
Lovejoy Independent School District	12375	1.01%
Melissa Independent School District	12363	1.01%
Prosper Independent School District	40498	3.32%
Rockwall Independent School District	5	0.00%
Whitewright Independent School District	55	0.00%
Collin County Municipal Utility District No. 5	0	0.00%
McKinney Municipal Utility District No. 1	2940	0.24%
McKinney Municipal Utility District No. 2	250	0.02%
Bear Creek Special Utility District	4289	0.35%
North Collin Special Utility District	3954	0.32%
Seis Legos Special Utility District	1466	0.12%
Westminster Special Utility District	1061	0.09%
Total	1219331	



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

6.

Meeting Date: 02/15/2022

Item Title: Texas Department of Housing and Community Affairs 9% Tax Credit Application
Resolutions of Support

Submitted By: Mona Woodard, Neighborhood Services Administrator

Summary of Request/Problem

Consideration of resolutions from the City for proposed Texas Department of Housing and Community Affairs Low Income Housing 9% Tax Credit Program proposed multifamily developments. McDowell Housing Partners and OM Housing, LLC presented project presentations during the January 31, 2022 Work Session and Council discussed this item during the February 14, 2022 Work Session.

Recommendation/Action Requested and Justification

Staff is requesting Council to issue a formal decision regarding support or denial of the proposed developments.

Attachments

Tax Credit Support 2022 Campbell Pointe Resolution

Tax Credit Support 2022 Capriccio at OBanion

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS CONFIRMING A PROPOSED DEVELOPMENT TO BE FUNDED WITH TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS 2022 COMPETITIVE 9% HOUSING TAX CREDITS; AUTHORIZING A REDUCTION OF CERTAIN FEES; AUTHORIZING THE CERTIFICATION OF THIS RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a number of applicants have proposed various developments for affordable rental housing to be located within the City of Garland, Texas;

WHEREAS, those applicants have advised that they intend to submit an application to the Texas Department of Housing and Community Affairs for 2022 Competitive 9% Housing Tax Credits for the development being proposed by the respective applicant;

WHEREAS, the City Council desires to evidence its support of certain of those applications by adopting this Resolution;

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

Section 1

That the City, by and through its City Council, hereby confirms that it supports the proposed development presented to the City Council by GL Campbell Pointe Housing, LP ("Applicant") as "Campbell Pointe," southwest corner of Mansions Street and State Highway 190, Garland, Texas (TDHCA #22307) ("Development") and that formal action by way of the adoption of this Resolution has been taken to put on record the opinion of support for the Development expressed by the City as of the effective date of this Resolution.

Section 2

That the City Manager or his designee may issue a letter confirming that the City will provide a reduction of fees in an amount not to exceed \$500.00 for the benefit of the Development so that the Applicant may receive one point under the applicable Texas Administrative Code regulations for the contribution.

Section 3

That, for and on behalf of the City Council, the City Secretary is hereby authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs.

Section 4

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

PASSED AND APPROVED this the _____ day of February, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS CONFIRMING A PROPOSED DEVELOPMENT TO BE FUNDED WITH TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS 2022 COMPETITIVE 9% HOUSING TAX CREDITS; AUTHORIZING A REDUCTION OF CERTAIN FEES; AUTHORIZING THE CERTIFICATION OF THIS RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a number of applicants have proposed various developments for affordable rental housing to be located within the City of Garland, Texas;

WHEREAS, those applicants have advised that they intend to submit an application to the Texas Department of Housing and Community Affairs for 2022 Competitive 9% Housing Tax Credits for the development being proposed by the respective applicant;

WHEREAS, the City Council desires to evidence its support of certain of those applications by adopting this Resolution;

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

Section 1

That the City, by and through its City Council, hereby confirms that it supports the proposed development presented to the City Council by MHP Garland, LLC ("Applicant") as "Capriccio at O'Banion," 4300 O'Banion Road, Garland, Texas (TDHCA #22006) ("Development") and that formal action by way of the adoption of this Resolution has been taken to put on record the opinion of support for the Development expressed by the City as of the effective date of this Resolution.

Section 2

That the City Manager or his designee may issue a letter confirming that the City will provide a reduction of fees in an amount not to exceed \$500.00 for the benefit of the Development so that the Applicant may receive one point under the applicable Texas Administrative Code regulations for the contribution.

Section 3

That, for and on behalf of the City Council, the City Secretary is hereby authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs.

Section 4

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

PASSED AND APPROVED this the _____ day of February, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

7.

Meeting Date: 02/15/2022

Item Title: May 7 General Election Ordinance

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider an ordinance ordering a general election for the City of Garland to be held on May 7, 2022, for the purpose of electing one Council Member each to respectively represent Districts 1, 2, 4, and 5 providing for a run-off election if needed; and providing for other matters relating to the conduct of the election.

Recommendation/Action Requested and Justification

Approve an ordinance ordering and providing notice of a General Election for the City of Garland to be held on the 7th day of May 2022.

Attachments

May 7 2022 Election Ordinance

ORDINANCE NO.

AN ORDINANCE ORDERING OF A GENERAL ELECTION FOR THE CITY OF GARLAND, TEXAS TO BE HELD ON THE 7TH DAY OF MAY, 2022, FOR THE PURPOSE OF ELECTING COUNCILMEMBERS TO DISTRICTS 1, 2, 4, and 5; PROVIDING A DATE FOR A RUN-OFF ELECTION; PROVIDING FOR A PROCESS TO DETERMINE POSITION OF NAMES ON BALLOTS; PROVIDING FOR LOCATIONS OF POLLING PLACES; PROVIDING FOR AUTHORIZATION FOR THE CITY MANAGER AND CITY SECRETARY TO ENTER INTO ELECTION AGREEMENTS WITH DALLAS AND COLLIN COUNTY ELECTION DEPARTMENTS; PROVIDING FOR NOTICE, PUBLICATION, AND POSTING OF THIS ORDER; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

ELECTION ORDER FOR JOINT ELECTION AND NOTICE OF ELECTION

There is hereby ordered a general election to be participated in by the qualified voters of the City of Garland, Texas, to be held on Saturday, May 7, 2022, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing one Councilmember each to respectively represent Districts 1, 2, 4, and 5.

Candidates for Districts 1, 2, 4, and 5 must reside in the respective District which that candidate intends to represent. Every qualified voter within Districts 1, 2, 4, and 5 may cast one vote for a candidate for the respective district within which such voter resides.

The candidate for each respective office who shall receive a majority of all votes cast for the office for which that person is a candidate shall be declared elected.

Section 2

JOINT ELECTION AND ELECTION SERVICES AGREEMENT

The election shall be held as a joint election pursuant to the joint election agreements by and between the City of Garland, Dallas County, Collin County, and such other political subdivisions as may be participating in the joint election. Pursuant to the joint election agreements, the Dallas County and Collin County Election Administrators shall serve as election administrators for the election for their respective counties, and shall appoint such election officials as may be required by law, according to the terms of the law and the joint election agreement. For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the joint

election agreements.

The Central Counting Stations for the tabulation and counting of ballots for this election shall be located at the following locations:

For Garland residents residing in Dallas County:

Dallas County Elections Administration
1520 Round Table Drive
Dallas, Texas 75247

For Garland residents residing in Collin County:

Collin County Elections Department
2010 Redbud Blvd.
Suite 102
McKinney, TX 75069

The Manager, Tabulation Supervisor, Presiding Judge, and Alternate Presiding Judge at such Central Counting Stations shall be determined, appointed, and designated in accordance with the joint election agreements. The Manager and Presiding Judge of such Central Counting Stations may appoint clerks to serve at such Central Counting Station, as provided by Texas Election Code, Section 127.006, as amended.

The voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by a personal appearance, by mail, and for election day voting.

Section 3 RUN-OFF ELECTION

In the event any candidate fails to receive a majority of all votes cast for the office for which that person is a candidate, a run-off election shall be held on June 18, 2022, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of resolving the run-off for each office for which a candidate did not receive a majority of all votes cast at the general election.

Section 4 POSITIONS OF NAMES OF CANDIDATES ON BALLOTS

The positions of the names of the candidates for the general election and, if necessary, for the run-off election, shall be determined by

lot in an open meeting to be held at the offices of the City Secretary located at Garland City Hall. The City Secretary shall notify each candidate of the time of the meeting to draw lots and shall preside at the drawing.

Section 5 ELECTION PRECINCTS AND POLLING PLACES

The election precincts and the polling places for the election shall be those established by the Dallas County Elections Administrator, for Dallas County residents, and by the Collin County Elections Administrator, for Collin County residents, by virtue of the joint election agreements.

Residents may use the below websites to locate the polling places and obtain other election information.

All Garland residents
<https://www.garlandtx.gov/256/Elections>

For Garland residents residing within Dallas County
<https://www.dallascountyvotes.org/elections-office/>

For Garland residents residing within Collin County
<https://www.collincountytx.gov/elections/Pages/default.aspx>

Section 6 EARLY VOTING

For Garland residents residing within Dallas County, the main early voting place is the **George L. Allen, Sr. Courts Building, 600 Commerce Street, Dallas, Texas 75202**, or such other location as may be authorized and established by the Dallas County Elections Administrator.

For Garland residents residing within Collin County, the main early voting place is **2010 Redbud Blvd., Suite 102, McKinney, Texas 75069**, or such other location as may be authorized and established by the Collin County Elections Administrator.

For all Garland residents, early voting by personal appearance within the City of Garland may be conducted locally at Richland College - Garland Campus, 675 W. Walnut Street, Garland, Texas 75040 or the South Garland Library, 4845 Broadway Blvd., Garland, Texas 75043.

An application for ballot by mail or for information on obtaining an application for ballot may be obtained by contacting the voting clerk

of the resident's county. The official mailing address and other contact information for each county's clerk is listed here.

For Garland Residents residing within Dallas County:

By writing:

Michale J. Scarpello - Early Voting Clerk
Dallas County Elections
1520 Round Table Dr.
Dallas, TX 75247

By email: evapplications@dallascounty.org

By telephone: 214-819-6359

By fax: 214-819-6303

For Garland Residents residing within Collin County:

By writing:

Collin County Elections Department - Early Voting
Clerk 2010 Redbud Blvd.
Suite 102
Mckinney, TX 75069

By email: absenteemailballoting@collincountytexas.gov;

By telephone: 972-547-1990

By fax: 972-547-1996

Applications for ballots by mail for the election must be received no later than the close of business on the 11th day before election day.

Section 7

AUTHORIZATION FOR THE CITY MANAGER AND CITY SECRETARY TO ENTER INTO ELECTION AGREEMENTS

This City Manager and the City Secretary are authorized to execute an agreement for an Election with the Dallas County and Collin County Election Departments and other entities that will provide for all election appointments, early voting by mail, the voting locations within the City of Garland, payments for election officials, necessary election arrangements, and a runoff election (if applicable).

Section 8

NOTICE OF ELECTION; PUBLICATION AND POSTING

This election order shall constitute a notice of election and this

notice shall be:

(1) published at least once, not earlier than the 30th day or later than the 10th day before the general election day, which publication shall include a complete listing of all polling places; and

(2) posted on the bulletin board used for posting notices of the meetings of the City Council, which copy shall also include a complete listing of all polling places, not later than the 21st day before the general election.

Section 9
EFFECTIVE DATE

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

PASSED AND APPROVED this the ____ day of February 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Posted: _____



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

8.

Meeting Date: 02/15/2022

Item Title: 2022 Proposed Capital Improvement Program Public Hearing

Submitted By: Allyson Bell Steadman, Budget Director

Summary of Request/Problem

A public hearing will be held on the 2022 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the Proposed CIP Program. The 2022 Proposed CIP has been available for public inspection in the City's libraries and the City Secretary's Office and has been on the City's website since January 19, 2022.

Recommendation/Action Requested and Justification

Receive public comment.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

9.

Meeting Date: 02/15/2022

Item Title: Adoption of 2022 Capital Improvement Program

Submitted By: Allyson Bell Steadman, Budget Director

Summary of Request/Problem

On January 18, 2022, the City Council was presented with the Proposed Capital Improvement Program (CIP) for 2022. The 2022 Proposed CIP has been available for public inspection in the City's libraries and the City Secretary's Office and has been on the City's website since January 19, 2022. The City Council held a Special Budget Work Session on January 22, 2022, to review the proposed program. In addition, Public Hearings on the Proposed CIP were held on February 1, 2022, and February 15, 2022.

An ordinance reflecting the 2022 CIP for the City of Garland, as proposed by the City Manager and as amended by the City Council, was prepared based on direction received at the Monday, February 14, 2022, City Council Work Session.

Recommendation/Action Requested and Justification

Approve, by ordinance, the 2022 Capital Improvement Program.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

10.

Meeting Date: 02/15/2022

Item Title: Use of Eminent Domain Authority for Property Related to Reconstruction of Naaman School Road

Submitted By: Crystal Owens, Managing Director

Summary of Request/Problem

As part of the 2019 Bond Program, voters approved reconstruction of Naaman School Road from a two-lane roadway into a four-lane divided street stretching from Brand Road to State Highway 78 (Lavon Drive). This project will alleviate road congestion by providing twice the number of travel lanes in each direction and alleviate flooding issues during significant rainfall. Because the City does not already own all the property upon which the project will be constructed, the City has engaged in an effort to acquire the necessary easements and right of way. While the whole take properties have been negotiated, negotiations continue with property owners for the necessary strips and clips. The City has been able to negotiate with some strips and clips owners in the area to acquire the necessary property interests. However, the City has not been able to successfully negotiate a final purchase price with all property owners. The City continues to negotiate with additional landowners. If these negotiations are unsuccessful, we may need to seek to add additional properties to a future resolution.

Council was briefed on requirements for land acquisition on the Naaman School Road project on February 1, 2021 and April 5, 2021 in Executive Session.

Recommendation/Action Requested and Justification

Council is requested to approve a resolution authorizing the acquisition of the property rights described in the proposed resolution. The City has been able to negotiate with whole take property owners and with some strips and clips property owners in the project area to acquire the necessary property interests. However, the City has not been able to successfully negotiate a final purchase price with one strips and clips property owner. The owner is named in the proposed resolution. State law requires particular wording to be used in a motion to adopt a resolution authorizing the initiation of condemnation proceedings. The City Attorney will provide in written form the appropriate wording of the motion.

The motion and resolution will authorize the acquisition of property interests in the following property located in Garland, Dallas County, Texas:

4129 Naaman School Road, being a tract of land located in the City of Garland, Dallas County, Texas, commonly known as 4129 Naaman School Road and situated in the Onofre Alvarado

Survey, Abstract No. 2, Dallas County, and being that certain tract of land described as 2.008 acres with 0.445 contained in 40' roadway, leaving 1.563 net acres, in General Warranty Deed from Jerry W. McNiel to Vuong Tran, as recorded in County Clerk File No. 202100377080, of the Official Public Records of Dallas County, Texas.

Attachments

Naaman School Road - Condemnation Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GARLAND, TEXAS FINDING AND DETERMINING THAT THE PUBLIC NECESSITY AND CONVENIENCE REQUIRE THE ACQUISITION OF VARIOUS PROPERTY RIGHTS LOCATED ALONG NAAMAN SCHOOL ROAD, FROM BRAND ROAD TO STATE HIGHWAY 78, IN THE CITY OF GARLAND, COUNTY OF DALLAS, TEXAS, SAID PROPERTY INTERESTS BEING MORE PARTICULARLY DESCRIBED BELOW; PROVIDING AUTHORIZATIONS TO ACQUIRE SUCH PROPERTY RIGHTS BY PURCHASE OR CONDEMNATION AND MAKING CERTAIN FINDINGS PERTAINING THERETO; PROVIDING FURTHER AUTHORIZATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Garland, ("Garland"), has found and determined the need to acquire property rights necessary to reconstruct Naaman School Road, which will necessitate the acquisition of property from Brand Road to State Highway 78 ("Project");

WHEREAS, public convenience and necessity requires acquisition of the Property described below (referred to as "Property"), which an exhibit is attached hereto and incorporated herein by reference, for the construction, operation, and maintenance of the Project;

WHEREAS, Garland is required to make an initial offer as defined by, and in compliance with, Texas Property Code §21.0111 ("Initial Offer"), and a bona fide offer, as defined by, and in compliance with, Texas Property Code §21.0113 ("Final Offer") to acquire the Property for public use from the Property Owner (as hereinafter defined) voluntarily before beginning the acquisition of the Property through a condemnation proceeding;

WHEREAS, the Property is located in the City of Garland, Dallas County, Texas as described below, and the fee owner of the Property is as follows:

Vuong Tran: 4129 Naaman School, a tract of land located in the City of Garland, Dallas County, Texas, commonly known as 4129 Naaman School Road and situated in the Onofre Alvarado Survey, Abstract No. 2, Dallas County, and being that certain tract of land described as 2.008 acres with 0.445 contained in 40' roadway, leaving 1.563 net acres, in General Warranty Deed from Jerry W. McNiel to Vuong Tran, as recorded in County Clerk File No. 202100377080, of the Official Public Records of Dallas County, Texas;

Amount Offered: \$9,848;

WHEREAS, an independent professional appraisal report of the Property has been submitted to the City as required by Chapter 21 of the Texas Property Code, and the City Manager or his designee has established a certain amount determined to be just compensation for the Property based on the appraisal and fair market value of the Property and any applicable fees necessary to acquire the Property;

WHEREAS, Garland, through agents or representatives employed by or contracted with Garland, has entered into good faith negotiations with the owner of the Property in order to acquire necessary property rights on the Property for the Project, and has been unsuccessful in acquiring the necessary property rights on the Property; and

WHEREAS, in conjunction with the enactment of this Resolution, Garland authorized the initiation of eminent domain proceedings to acquire property rights to the Property at a public meeting by a record vote, and the notice for the public meeting included all required information, including the consideration of the use of eminent domain to condemn property as an agenda item;

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

Section 1

That Garland, its staff, and its attorneys are specifically authorized to purchase property rights of the Property; that the public convenience and necessity requires the acquisition of certain property rights on the Property for the public purpose of the Project; that Garland has made a good faith effort to negotiate a voluntary acquisition of certain property rights on the Property; that it appears to Garland that further negotiations to purchase certain property rights on the Property voluntarily would be futile; that the public necessity requires the condemnation of Property for the Project; and that Garland, its staff, and its attorneys are hereby authorized and directed to institute proceedings in eminent domain against the owner of the Property, and against all other owners, lienholders, or holders of an interest in the Property, in order to acquire certain property rights on the Property.

Section 2

That Garland, its staff, and its attorneys are hereby authorized to do all things necessary and proper to carry out the intent and

purpose of this Resolution, including determination of the property rights that are proper and necessary for the Project.

Section 3

It is the intent of the City Council that this Resolution authorize the City Manager and City Attorney, or their designees, to perform all steps necessary to obtain the Property necessary for the Project, whether through negotiation or condemnation, including the expenditure of funds.

Section 4

It is the intent of the City Council that this Resolution authorize the condemnation of all property required for the construction, improvement, maintenance, and reconstruction of Naaman School Road on the property in an area along Naaman School Road, from Brand Road to State Highway 78 located in the City, to serve the public and citizens of the City.

Section 5

If it is determined that there are scrivener errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions, the City Attorney or his designee is authorized to have such errors corrected or revisions made without the necessity of obtaining a new City Council Ordinance authorizing condemnation of the corrected or revised property.

Section 6

Following an award by the Special Commissioners or a judgment of a court of competent jurisdiction on appeal from a Special Commissioners' award, the City Manager or his designee, is hereby authorized to make payment in an amount not to exceed the Special Commissioners' award or the judgment of a court of competent jurisdiction, to enable the City to take possession of the Property without further action of the City Council. However, nothing contained herein shall be interpreted to limit the spending authority of the City Manager granted by Council Resolution or Policy. It is the intent of the City Council that this Resolution grants the City Manager the authority, in addition to the authority granted by Council policy, to settle disputes related to the value of the Property.

Section 7

That this Resolution shall take effect immediately from and after its adoption.

PASSED AND APPROVED this the _____ day of February, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

EXHIBIT "A"

CITY UTILITY, DRAINAGE, AND SLOPE EASEMENT
NAAMAN SCHOOL ROAD
1,110 SQUARE FEET, OR 0.025 ACRES
JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL

Being a 1,110 square foot or 0.025 of an acre tract of land located in the Orofee Alvarado Survey, Abstract Number 2, Dallas County, Texas and being a portion of a called 2.008 acre tract of land conveyed by Deed of Trust to Jerry Wayne McNeil and Cheryl Gay McNeil as recorded in Volume 78106, Page 1749, Deed Records, Dallas County, Texas and being more particularly described as follows;

COMMENCING at a 3/8 inch iron rod found on the southwest right-of-way line of Naaman School Road (a variable width right-of-way), the north corner of a tract of land conveyed by a General Warranty Deed to Martin E. Gilby and wife, Sherri L. Gilby as recorded in Instrument Number 20080180494, Official Public Records, Dallas County, Texas, and the east corner of a called 0.238 acre tract of land conveyed by Warranty Deed to Kimberly K. Flanagan Vaden as recorded in Instrument Number 20170022128, Official Public Records, Dallas County, Texas;

THENCE North 45 degrees 43 minutes 41 seconds West along the southwest right-of-way line of said Naaman School Road and the northeast line of said Vaden tract, a distance of 107.60 feet to a 3/8 inch iron rod found for the north corner of said Vaden tract and the POINT-OF-BEGINNING;

THENCE South 55 degrees 03 minutes 57 seconds West departing the southwest right-of-way line of said Naaman School Road, along the northwest line of said Vaden tract and the southeast line of said 2.008 acre tract, a distance of 2.40 feet to a point for corner;

THENCE departing the northwest line of said Vaden tract and the southeast line of said 2.008 acre tract, over and across said 2.008 acre tract, the following three (3) calls and distances:

North 73 degrees 55 minutes 49 seconds West, a distance of 82.97 feet to a point for corner;

North 16 degrees 04 minutes 11 seconds East, a distance of 15.00 feet to a point for corner;

South 73 degrees 55 minutes 49 seconds East, a distance of 60.84 feet to a point for corner, said corner being on the southwest right-of-way line of said Naaman School Road and the northeast line of said 2.008 acre tract;

THENCE South 44 degrees 50 minutes 16 seconds East along the southwest right-of-way line of said Naaman School Road and the northeast line of said 2.008 acre tract, a distance of 27.02 feet to the POINT-OF-BEGINNING containing 1,110 square feet or 0.025 acre of land.



NOTES:

A drawing of even date accompanies this description

Brian J. Maddox II
Brian J. Maddox II, R.P.L.S., No. 6659



**CITY UTILITY, DRAINAGE,
AND SLOPE EASEMENT**
JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

PROJECT INFORMATION

Project No.: GLD 20139
Date: June 15, 2021
Drawn By: JJ
Scale: 1"=50'

teague nall & perkins

820 Watters Creek Boulevard, Suite M300
Allen, Texas 75013
214.461.9867 ph www.tnpinc.com
T.B.P.L.S. Firm No. 10194381

EXHIBIT "A"

CITY UTILITY, DRAINAGE, AND SLOPE EASEMENT
NAAMAN SCHOOL ROAD
1,110 SQUARE FEET, OR 0.025 ACRES
JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL

tnp



SCALE IN FEET
1" = 50'

JAMES HOWARD SURVEY
ABSTRACT NO. 542

OROFEE ALVARDEO SURVEY
ABSTRACT NO. 2

NAAMAN SCHOOL ROAD

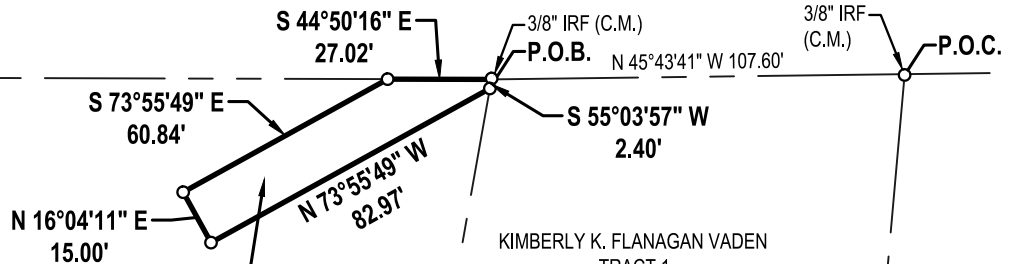
APPROXIMATE LOCATION
ABSTRACT LINE

(VARIABLE WIDTH R.O.W.)

BRAND NEW BUSH, LTD.
TRACT 3
A CALLED 7.791 ACRES
INST No. 201600209715
O.P.R.D.C.T.

CITY UTILITY, DRAINAGE,
AND SLOPE EASEMENT
1,110 SF
0.025 AC

JERRY WAYNE MCNEIL AND
CHERYL GAY MCNEIL
A CALLED 2.008 ACRES
VOL 78106, PG. 1749
D.R.C.C.T.



KIMBERLY K. FLANAGAN VADEN
TRACT 1
A CALLED 0.238 ACRES
INST No. 201700022128
O.P.R.D.C.T.

KIMBERLY K. FLANAGAN VADEN
TRACT 2
INST. NO. 201700022128
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MARTIN E. GILBY AND WIFE,
SHERRI L. GILBY
A CALLED 0.319 ACRES
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NOTES:

Bearings are referenced to Grid North of the Texas Coordinate System of 1983 North Central Zone; (4202) and based on the City of Garland's Geodetic Control Network. An average combined factor of 1.000136506 was used to scale grid coordinates and distances to surface at 0.0. All distances shown are reported as horizontal surface measurements.

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A description of even date accompanies this drawing

LEGEND

P.O.B. - Point of Beginning
P.O.C. - Point of Commencement
ADF - 5/8 inch iron rod with 3-1/4 inch aluminum disk stamped "City of Garland R.O.W." found
R.O.W. - Right-of-Way
C.M. - Controlling Monument
SF - Square feet
AC - Acres
VOL. - Volume
PG. - Page
INST. NO. - Instrument Number



Brian J. Maddox II, R.P.L.S., No. 6659



PROJECT INFORMATION

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CITY UTILITY, DRAINAGE, AND SLOPE EASEMENT

JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

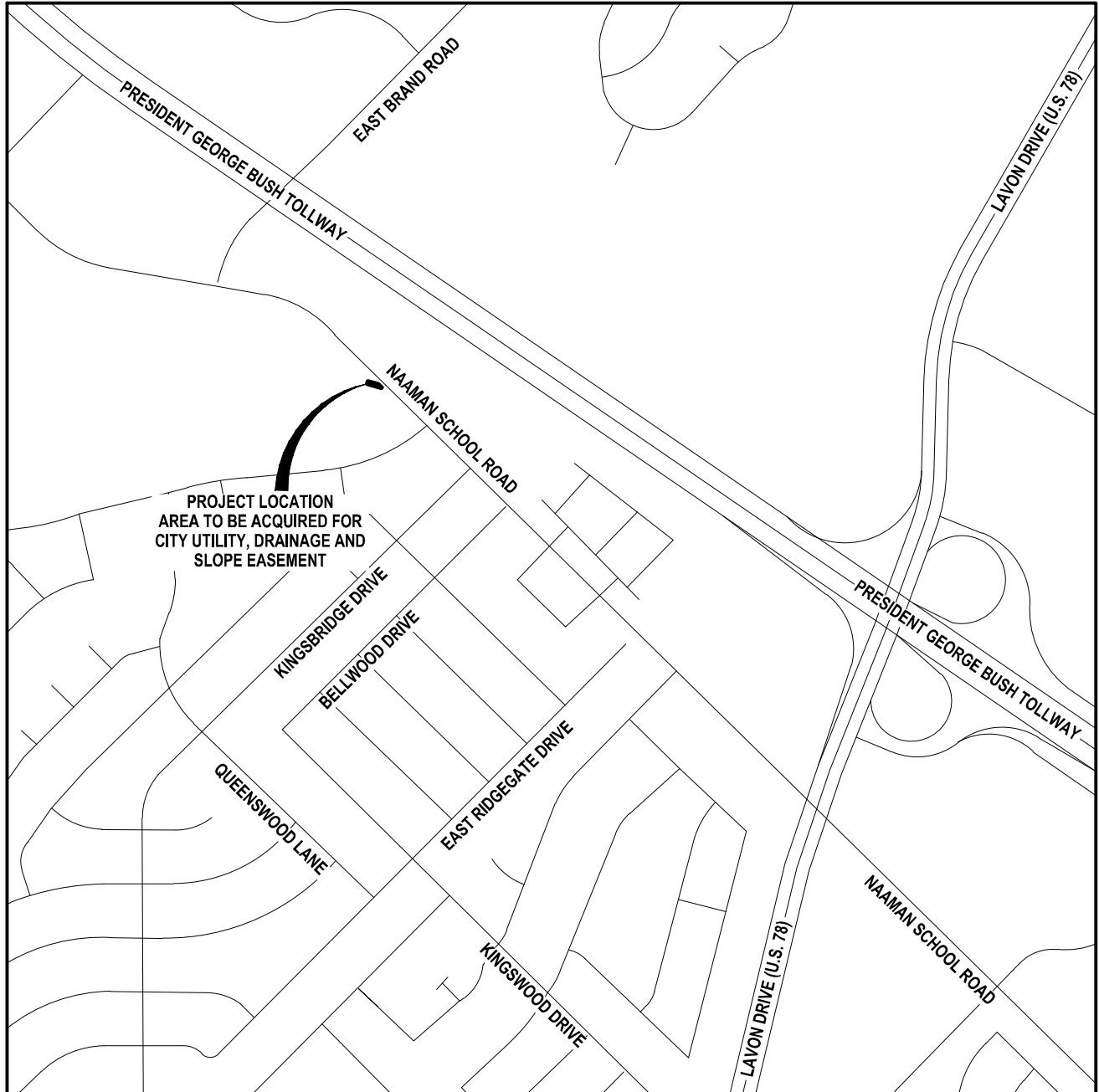
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EXHIBIT "A"
VICINITY MAP

tnp

"NOT TO SCALE"



**CITY UTILITY, DRAINAGE,
AND SLOPE EASEMENT**

JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

PROJECT INFORMATION

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EXHIBIT "A"

DRAINAGE AND SLOPE EASEMENT
NAAMAN SCHOOL ROAD
13,587 SQUARE FEET, OR 0.312 ACRES
JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL

Being a 13,587 square feet or 0.312 of an acre tract of land located in the Orofee Alvarado Survey, Abstract Number 2, Dallas County, Texas and being a portion of a called 2.008 acre tract of land conveyed by Deed of Trust to Jerry Wayne McNeil and Cheryl Gay McNeil as recorded in Volume 78106, Page 1749, Deed Records, Dallas County, Texas and being more particularly described as follows;

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THENCE North 45 degrees 43 minutes 41 seconds West along the southwest right-of-way line of said Naaman School Road and the northeast line of said Vaden tract, a distance of 107.60 feet to a 3/8 inch iron rod found for the north corner of said Vaden tract;

THENCE South 55 degrees 03 minutes 57 seconds West departing the southwest right-of-way line of said Naaman School Road, along the northwest line of said Vaden tract and the southeast line of said 2.008 acre tract, a distance of 2.40 feet to the POINT-OF-BEGINNING;

THENCE South 55 degrees 03 minutes 57 seconds West along the northwest line of said Vaden tract and the southeast line of said 2.008 acre tract, a distance of 70.55 feet to a point for corner;

THENCE departing the northwest line of said Vaden tract and the southeast line of said 2.008 acre tract, over and across said 2.008 acre tract, the following two (2) calls and distances:

North 51 degrees 34 minutes 46 seconds West, a distance of 157.82 feet to an angle point;

North 31 degrees 21 minutes 57 seconds West, a distance of 30.03 feet to a point for corner, said corner being on the northwest line of said 2.008 acre tract and the southeast line of a called 7.791 acre tract of land conveyed by a Special Warranty Deed to Brand New Bush, LTD. as recorded in Instrument Number 201600209715, Official Public Records, Dallas County, Texas;

THENCE North 61 degrees 17 minutes 37 seconds East along the northwest line of said 2.008 acre tract and the southeast line of said 7.791 acre tract, a distance of 86.81 feet to a point for corner, said corner being the north corner of said 2.008 acre tract, the east corner of said 7.791 acre tract and on the southwest right-of-way line of said Naaman School Road;

THENCE South 44 degrees 50 minutes 16 second East along the northeast line of said 2.008 acre tract and the southwest right-of-way line of said Naaman School Road, a distance of 147.34 feet to a point for corner;

THENCE departing the northeast line of said 2.008 acre tract and the southwest right-of-way line of said Naaman School Road, over and across said 2.008 acre tract, the following three(3) calls and distances:

North 73 degrees 55 minutes 49 seconds West, a distance of 60.87 feet to a point for corner;

South 16 degrees 04 minutes 11 seconds West, a distance of 15.00 feet to a point for corner;

South 73 degrees 55 minutes 49 seconds East, a distance of 82.97 feet to the POINT-OF-BEGINNING containing 13,587 square feet, or 0.312 acres of land.



NOTES:

A drawing of even date accompanies this description

DRAINAGE AND SLOPE EASEMENT

JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

PROJECT INFORMATION

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Date: June 15, 2021
Drawn By: JJ
Scale: 1"=50'

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EXHIBIT "A"

DRAINAGE AND SLOPE EASEMENT
NAAMAN SCHOOL ROAD
13,587 SQUARE FEET, OR 0.312 ACRES
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tnp

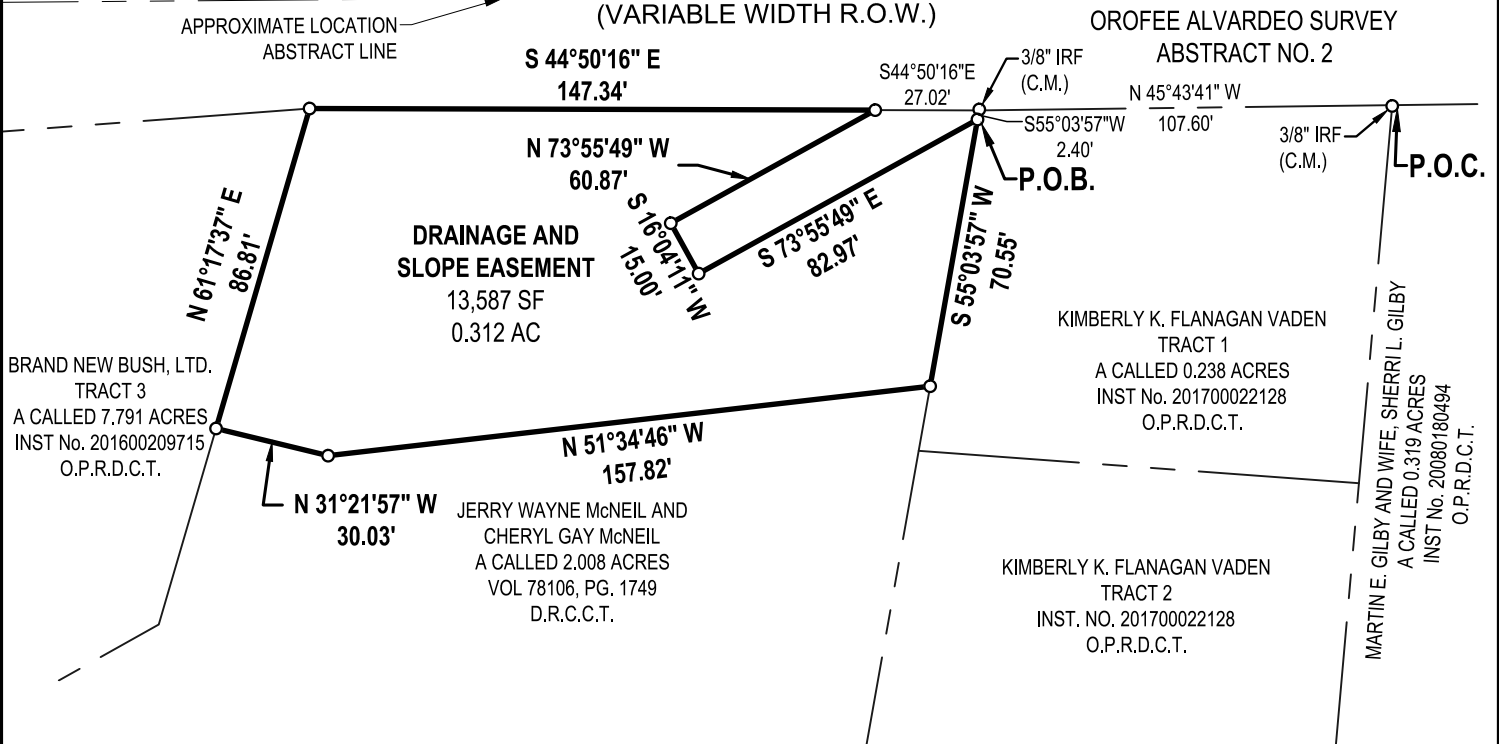
50 25 0 50

SCALE IN FEET
1" = 50'

NAAMAN SCHOOL ROAD (VARIABLE WIDTH R.O.W.)

JAMES HOWARD SURVEY
ABSTRACT NO. 542

OROFEE ALVARDEO SURVEY
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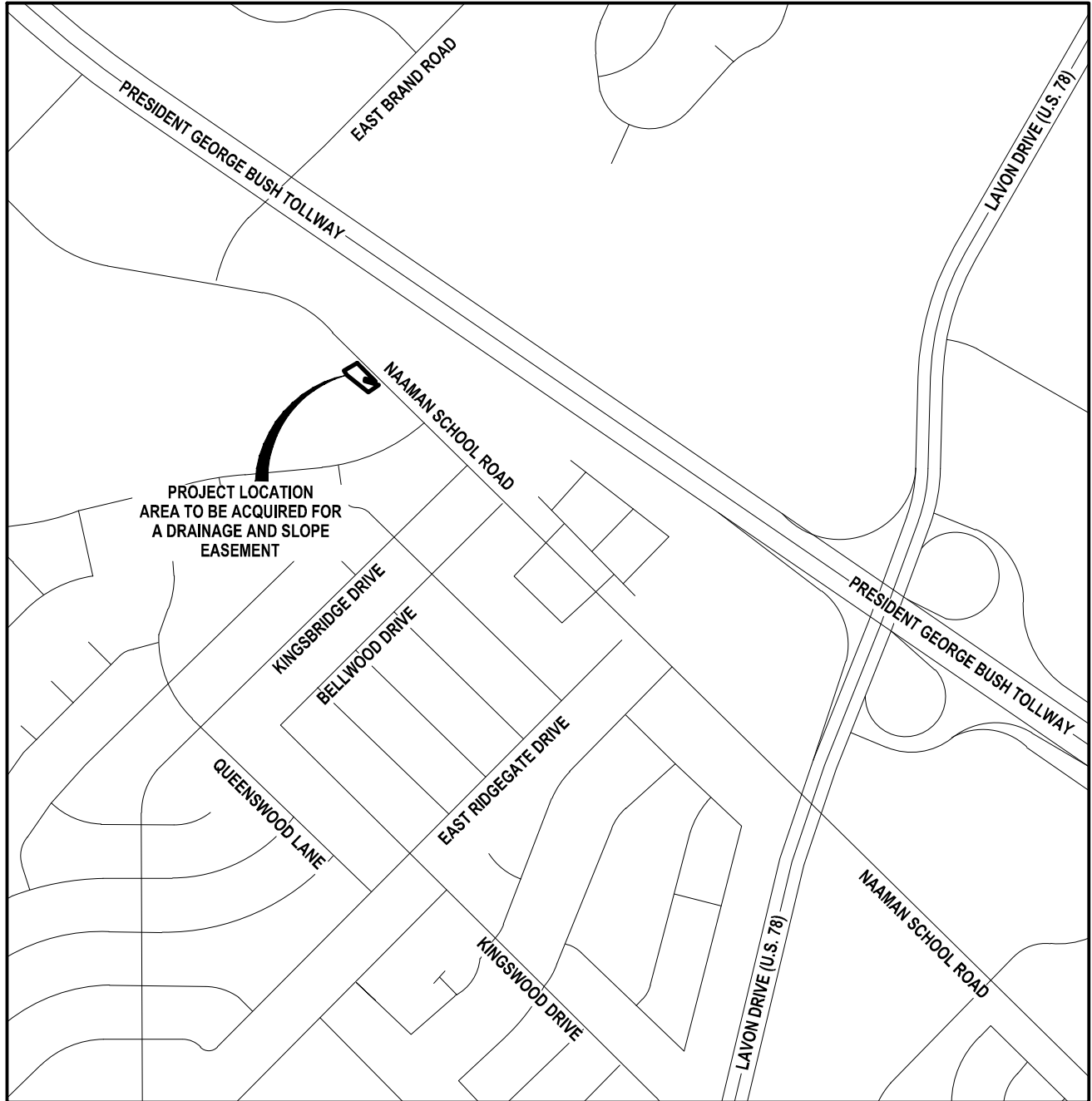
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VICINITY MAP

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DRAINAGE AND SLOPE EASEMENT

BRAND NEW BUSH, LTD.

CITY OF GARLAND, DALLAS COUNTY, TEXAS



PROJECT INFORMATION

Project No.: GLD 20139
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GARLAND POLICY REPORT

City Council Regular Session Agenda

11.

Meeting Date: 02/15/2022

Item Title: Naaman School Road - Condemnation

Submitted By: Rick Galceran, Capital Project Management Director

Strategic Focus Areas: Well-Maintained City Infrastructure

ISSUE

As part of the 2019 Bond Program, voters approved Proposition A, an authorization for the City to issue obligation bonds for street improvements, including, among other things, the acquisition of property for the reconstruction of Naaman School Road. Because the City does not already own all the property upon which the project will be constructed, the City has engaged in an effort to acquire the necessary easements and right of way (strips and clips, where a portion of a parcel is required).

OPTIONS

1. Approve a resolution authorizing the use of eminent domain where necessary to acquire the strips and clips needed for Naaman School Road. The property owner will be duly compensated.
2. Do not approve the resolution.

RECOMMENDATION

Council is requested to approve a resolution authorizing the acquisition of the property rights described in the proposed resolution. This item is scheduled for formal consideration at the February 15, 2022 Regular Meeting.

BACKGROUND

In May 2019, Garland Voters approved Proposition A, an authorization for the City to issue obligation bonds for, among other things, the acquisition of property for the reconstruction of Naaman School Road.

The Naaman School Road project will alleviate road congestion by providing twice the number of travel lanes in each direction and alleviate flooding issues during significant rainfall. The remaining property rights required for the project are strips and clips, for which negotiations are currently underway. Due to the construction schedule, the easement and right of way acquisitions are becoming critical. Staff is seeking authorization to pursue eminent domain for one property where an agreement has not been reached. The City continues to negotiate with additional landowners. If these negotiations are unsuccessful, we may need to seek to add

additional properties to a future resolution.

Council was briefed on requirements for land acquisition on the Naaman School Road project on February 1, 2021 and April 5, 2021 in Executive Session.

CONSIDERATION

Initiating condemnation is part of the negotiation process, and staff makes every reasonable effort to find resolution before initiating condemnation. Due to the lack of agreements reached with one property owner, pursuing the use of eminent domain is currently the method necessary for gaining the property rights required for the project.

Attachments

Naaman School Road - Condemnation Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GARLAND, TEXAS FINDING AND DETERMINING THAT THE PUBLIC NECESSITY AND CONVENIENCE REQUIRE THE ACQUISITION OF VARIOUS PROPERTY RIGHTS LOCATED ALONG NAAMAN SCHOOL ROAD, FROM BRAND ROAD TO STATE HIGHWAY 78, IN THE CITY OF GARLAND, COUNTY OF DALLAS, TEXAS, SAID PROPERTY INTERESTS BEING MORE PARTICULARLY DESCRIBED BELOW; PROVIDING AUTHORIZATIONS TO ACQUIRE SUCH PROPERTY RIGHTS BY PURCHASE OR CONDEMNATION AND MAKING CERTAIN FINDINGS PERTAINING THERETO; PROVIDING FURTHER AUTHORIZATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Garland, ("Garland"), has found and determined the need to acquire property rights necessary to reconstruct Naaman School Road, which will necessitate the acquisition of property from Brand Road to State Highway 78 ("Project");

WHEREAS, public convenience and necessity requires acquisition of the Property described below (referred to as "Property"), which an exhibit is attached hereto and incorporated herein by reference, for the construction, operation, and maintenance of the Project;

WHEREAS, Garland is required to make an initial offer as defined by, and in compliance with, Texas Property Code §21.0111 ("Initial Offer"), and a bona fide offer, as defined by, and in compliance with, Texas Property Code §21.0113 ("Final Offer") to acquire the Property for public use from the Property Owner (as hereinafter defined) voluntarily before beginning the acquisition of the Property through a condemnation proceeding;

WHEREAS, the Property is located in the City of Garland, Dallas County, Texas as described below, and the fee owner of the Property is as follows:

Vuong Tran: 4129 Naaman School, a tract of land located in the City of Garland, Dallas County, Texas, commonly known as 4129 Naaman School Road and situated in the Onofre Alvarado Survey, Abstract No. 2, Dallas County, and being that certain tract of land described as 2.008 acres with 0.445 contained in 40' roadway, leaving 1.563 net acres, in General Warranty Deed from Jerry W. McNiel to Vuong Tran, as recorded in County Clerk File No. 202100377080, of the Official Public Records of Dallas County, Texas;

Amount Offered: \$9,848;

WHEREAS, an independent professional appraisal report of the Property has been submitted to the City as required by Chapter 21 of the Texas Property Code, and the City Manager or his designee has established a certain amount determined to be just compensation for the Property based on the appraisal and fair market value of the Property and any applicable fees necessary to acquire the Property;

WHEREAS, Garland, through agents or representatives employed by or contracted with Garland, has entered into good faith negotiations with the owner of the Property in order to acquire necessary property rights on the Property for the Project, and has been unsuccessful in acquiring the necessary property rights on the Property; and

WHEREAS, in conjunction with the enactment of this Resolution, Garland authorized the initiation of eminent domain proceedings to acquire property rights to the Property at a public meeting by a record vote, and the notice for the public meeting included all required information, including the consideration of the use of eminent domain to condemn property as an agenda item;

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

Section 1

That Garland, its staff, and its attorneys are specifically authorized to purchase property rights of the Property; that the public convenience and necessity requires the acquisition of certain property rights on the Property for the public purpose of the Project; that Garland has made a good faith effort to negotiate a voluntary acquisition of certain property rights on the Property; that it appears to Garland that further negotiations to purchase certain property rights on the Property voluntarily would be futile; that the public necessity requires the condemnation of Property for the Project; and that Garland, its staff, and its attorneys are hereby authorized and directed to institute proceedings in eminent domain against the owner of the Property, and against all other owners, lienholders, or holders of an interest in the Property, in order to acquire certain property rights on the Property.

Section 2

That Garland, its staff, and its attorneys are hereby authorized to do all things necessary and proper to carry out the intent and

purpose of this Resolution, including determination of the property rights that are proper and necessary for the Project.

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Section 7

That this Resolution shall take effect immediately from and after its adoption.

PASSED AND APPROVED this the _____ day of February, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

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NOTES:

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Brian J. Maddox II
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**CITY UTILITY, DRAINAGE,
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JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

PROJECT INFORMATION

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VOL 78106, PG. 1749
D.R.C.C.T.

S 44°50'16" E
27.02'
S 73°55'49" E
60.84'
N 16°04'11" E
15.00'
N 73°55'49" W
82.97'

3/8" IRF (C.M.)
P.O.B. N 45°43'41" W 107.60'

S 55°03'57" W
2.40'

KIMBERLY K. FLANAGAN VADEN
TRACT 1
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A description of even date accompanies this drawing

LEGEND

P.O.B. - Point of Beginning
P.O.C. - Point of Commencing
ADF - 5/8 inch iron rod with 3-1/4 inch aluminum disk stamped "City of Garland R.O.W." found
R.O.W. - Right-of-Way
C.M. - Controlling Monument
SF - Square feet
AC - Acres
VOL. - Volume
PG. - Page
INST. NO. - Instrument Number

CITY UTILITY, DRAINAGE, AND SLOPE EASEMENT

JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

PROJECT INFORMATION

Project No.: GLD 20139
Date: June 15, 2021
Drawn By: JJ
Scale: 1"=50'

teague nall & perkins

820 Watters Creek Boulevard, Suite M300
Allen, Texas 75013
214.461.9867 ph. www.tnpsc.com
T.B.P.L.S. Firm No. 10194381



Brian J. Maddox II, R.P.L.S., No. 6659

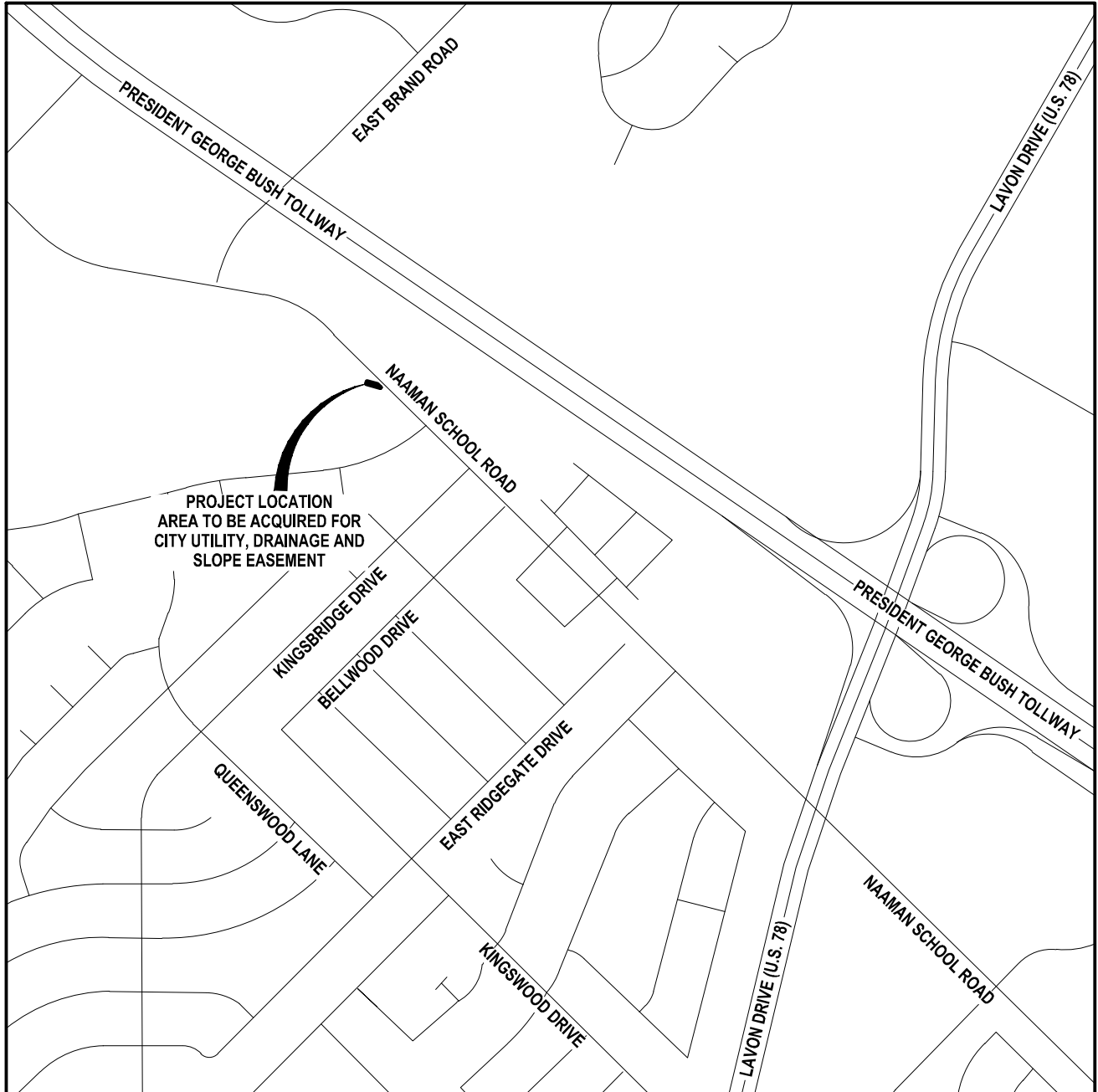


EXHIBIT "A"

VICINITY MAP

tnp

"NOT TO SCALE"



CITY UTILITY, DRAINAGE, AND SLOPE EASEMENT

JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

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EXHIBIT "A"

DRAINAGE AND SLOPE EASEMENT
NAAMAN SCHOOL ROAD
13,587 SQUARE FEET, OR 0.312 ACRES
JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL

Being a 13,587 square feet or 0.312 of an acre tract of land located in the Orofee Alvarado Survey, Abstract Number 2, Dallas County, Texas and being a portion of a called 2.008 acre tract of land conveyed by Deed of Trust to Jerry Wayne McNeil and Cheryl Gay McNeil as recorded in Volume 78106, Page 1749, Deed Records, Dallas County, Texas and being more particularly described as follows;

COMMENCING at a 3/8 inch iron rod found on the southwest right-of-way line of Naaman School Road (a variable width right-of-way), the north corner of a tract of land conveyed by a General Warranty Deed to Martin E. Gilby and wife, Sherri L. Gilby as recorded in Instrument Number 20080180494, Official Public Records, Dallas County, Texas, and the east corner of a called 0.238 acre tract of land conveyed by Warranty Deed to Kimberly K. Flanagan Vaden as recorded in Instrument Number 20170022128, Official Public Records, Dallas County, Texas;

THENCE North 45 degrees 43 minutes 41 seconds West along the southwest right-of-way line of said Naaman School Road and the northeast line of said Vaden tract, a distance of 107.60 feet to a 3/8 inch iron rod found for the north corner of said Vaden tract;

THENCE South 55 degrees 03 minutes 57 seconds West departing the southwest right-of-way line of said Naaman School Road, along the northwest line of said Vaden tract and the southeast line of said 2.008 acre tract, a distance of 2.40 feet to the POINT-OF-BEGINNING;

THENCE South 55 degrees 03 minutes 57 seconds West along the northwest line of said Vaden tract and the southeast line of said 2.008 acre tract, a distance of 70.55 feet to a point for corner;

THENCE departing the northwest line of said Vaden tract and the southeast line of said 2.008 acre tract, over and across said 2.008 acre tract, the following two (2) calls and distances:

North 51 degrees 34 minutes 46 seconds West, a distance of 157.82 feet to an angle point;

North 31 degrees 21 minutes 57 seconds West, a distance of 30.03 feet to a point for corner, said corner being on the northwest line of said 2.008 acre tract and the southeast line of a called 7.791 acre tract of land conveyed by a Special Warranty Deed to Brand New Bush, LTD. as recorded in Instrument Number 201600209715, Official Public Records, Dallas County, Texas;

THENCE North 61 degrees 17 minutes 37 seconds East along the northwest line of said 2.008 acre tract and the southeast line of said 7.791 acre tract, a distance of 86.81 feet to a point for corner, said corner being the north corner of said 2.008 acre tract, the east corner of said 7.791 acre tract and on the southwest right-of-way line of said Naaman School Road;

THENCE South 44 degrees 50 minutes 16 second East along the northeast line of said 2.008 acre tract and the southwest right-of-way line of said Naaman School Road, a distance of 147.34 feet to a point for corner;

THENCE departing the northeast line of said 2.008 acre tract and the southwest right-of-way line of said Naaman School Road, over and across said 2.008 acre tract, the following three(3) calls and distances:

North 73 degrees 55 minutes 49 seconds West, a distance of 60.87 feet to a point for corner;

South 16 degrees 04 minutes 11 seconds West, a distance of 15.00 feet to a point for corner;

South 73 degrees 55 minutes 49 seconds East, a distance of 82.97 feet to the POINT-OF-BEGINNING containing 13,587 square feet, or 0.312 acres of land.



NOTES:

A drawing of even date accompanies this description

DRAINAGE AND SLOPE EASEMENT

JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

PROJECT INFORMATION

Project No.: GLD 20139
Date: June 15, 2021
Drawn By: JJ
Scale: 1"=50'

teague nall & perkins

820 Watters Creek Boulevard, Suite M300
Allen, Texas 75013
214.461.9867 ph www.tnpinc.com
T.B.P.L.S. Firm No. 10194381



Brian J. Maddox II, R.P.L.S., No. 6659

EXHIBIT "A"

DRAINAGE AND SLOPE EASEMENT
NAAMAN SCHOOL ROAD
13,587 SQUARE FEET, OR 0.312 ACRES
JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL

tnp

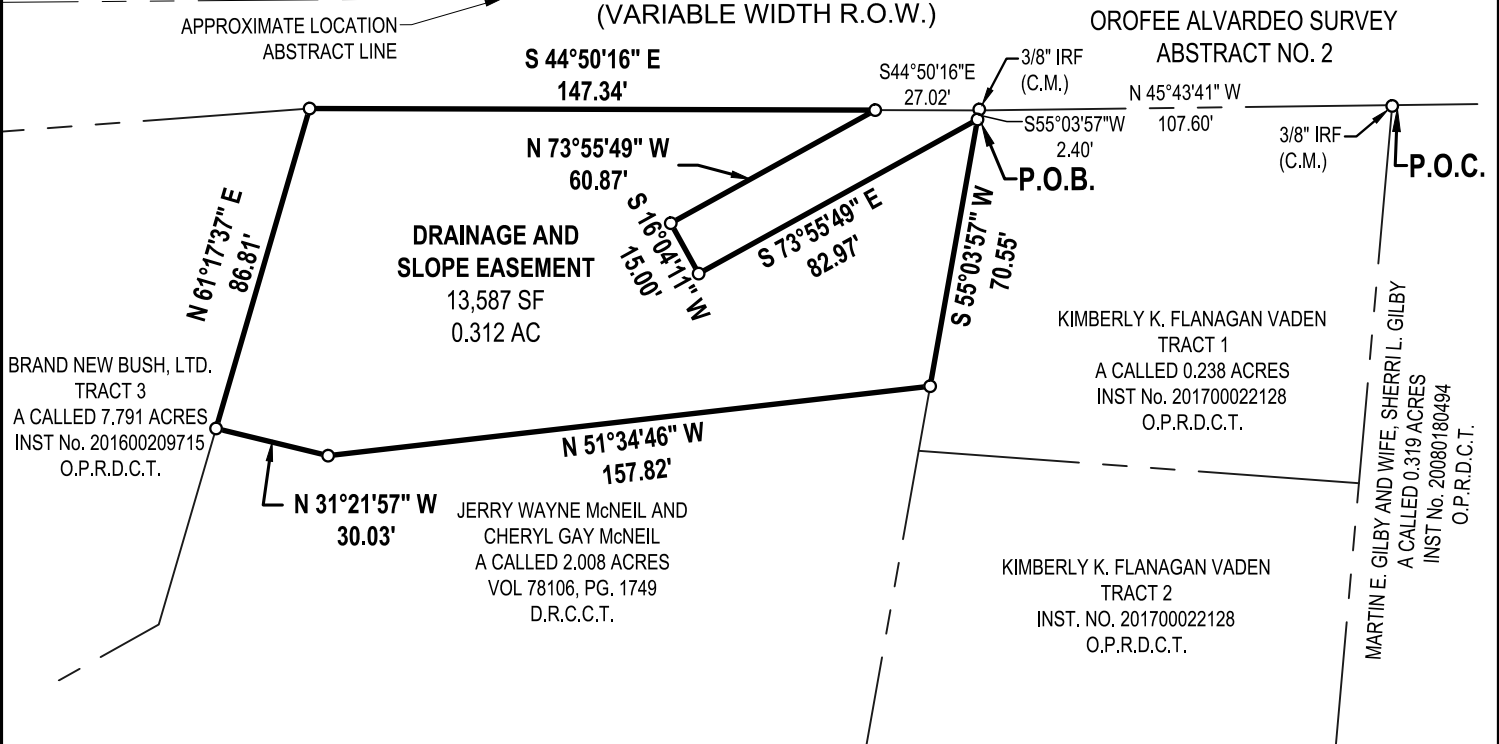
50 25 0 50

SCALE IN FEET
1" = 50'

NAAMAN SCHOOL ROAD (VARIABLE WIDTH R.O.W.)

JAMES HOWARD SURVEY
ABSTRACT NO. 542

OROFEE ALVARDEO SURVEY
ABSTRACT NO. 2



NOTES:

Bearings are referenced to Grid North of the Texas Coordinate System of 1983 North Central Zone; (4202) and based on the City of Garland's Geodetic Control Network. An average combined factor of 1.000136506 was used to scale grid coordinates and distances to surface at 0.0. All distances shown are reported as horizontal surface measurements.

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Brian J. Maddox II, R.P.L.S., No. 6659



DRAINAGE AND SLOPE EASEMENT
JERRY WAYNE MCNEIL AND CHERYL GAY MCNEIL
CITY OF GARLAND, DALLAS COUNTY, TEXAS

PROJECT INFORMATION

Project No.: GLD 20139
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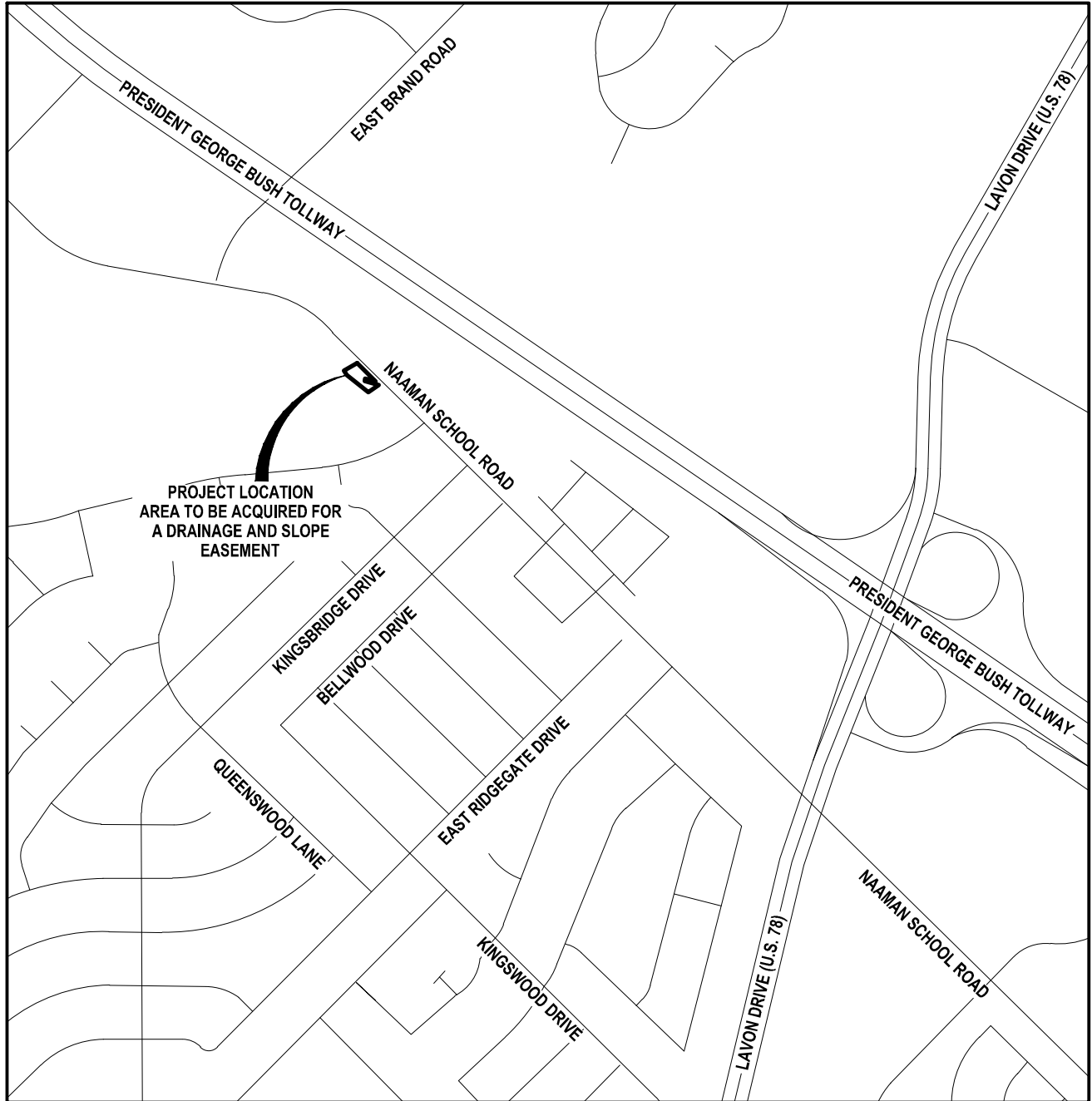
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EXHIBIT "A"
VICINITY MAP

tnp

"NOT TO SCALE"



DRAINAGE AND SLOPE EASEMENT

BRAND NEW BUSH, LTD.

CITY OF GARLAND, DALLAS COUNTY, TEXAS



PROJECT INFORMATION

Project No.: GLD 20139
Date: June 15, 2021
Drawn By: JJ
Scale: 1"=50'

teague nall & perkins

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Allen, Texas 75013
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T.B.P.L.S. Firm No. 10194381



GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. a.

Meeting Date: 02/15/2022

Item Title: Z 21-25 7LC, LLC - Specific Use Provision (District 6)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District.

Approval of a Plan for a Restaurant, Drive-Through Use.

LOCATION

519 North Jupiter Road

OWNER

7LC, LLC

PLAN COMMISSION RECOMMENDATION

On January 24, 2022 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Restaurant, Drive-Through Use.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District.

Approval of a Plan for a Restaurant, Drive-Through Use.

BACKGROUND

The subject property is part of an overall shopping center. The applicant proposes a tea/coffee shop with a drive-through in an existing 1,804 square-foot building.

SITE DATA

The subject property consists of approximately 0.50 acres and the overall shopping center site is 11.71 acres. The site has approximately 75 linear feet of frontage along North Jupiter Road. The primary access is from North Jupiter Road to the site. However, the site can be accessed from West Walnut Road and Lariat Lane through mutual access easements.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 89-30 which allows truck rentals in addition to all the used permitted in the Community Retail (CR) District. The Community Retail (CR) District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A Community Retail (CR) District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features. An example of allowed use in a Community Retail (CR) District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a Community Retail (CR) District must be focused onto the major thoroughfare network. Development in a Community Retail (CR) District may not be designed in a manner that increases traffic through residential areas.

CONSIDERATIONS

1. Site Plan

The applicant proposes a drive-through to operate a tea/coffee shop in an existing 1,804 square-foot building. The proposed use is classified as a Restaurant, Drive-Through as per the GDC. In addition, Restaurant, Drive-Through use in the Community Retail (CR) District requires approval of a Specific Use Provision.

2. Parking

Per the GDC calculation, nineteen (19) spaces are required. The applicant is providing twenty (20) parking spaces shown on the site plan. Therefore, the subject property meets the GDC parking requirements.

3. Screening and Landscaping

The request does not trigger full GDC landscaping compliance; however, the applicant is providing new landscaping on site.

4. Building Design

The applicant will remodel the existing building and maintain the same building footprint. The building (Exhibit E) complies with the applicable building design standards from the Garland Development Code (GDC).

5. Signage

No deviations have been requested for signage. Therefore, signage will meet the GDC requirements.

6. Specific Use Provision

The applicant requests the Specific Use Provision to be in effect for twenty-five (25) years, which aligns with the SUP Time Period Guide.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

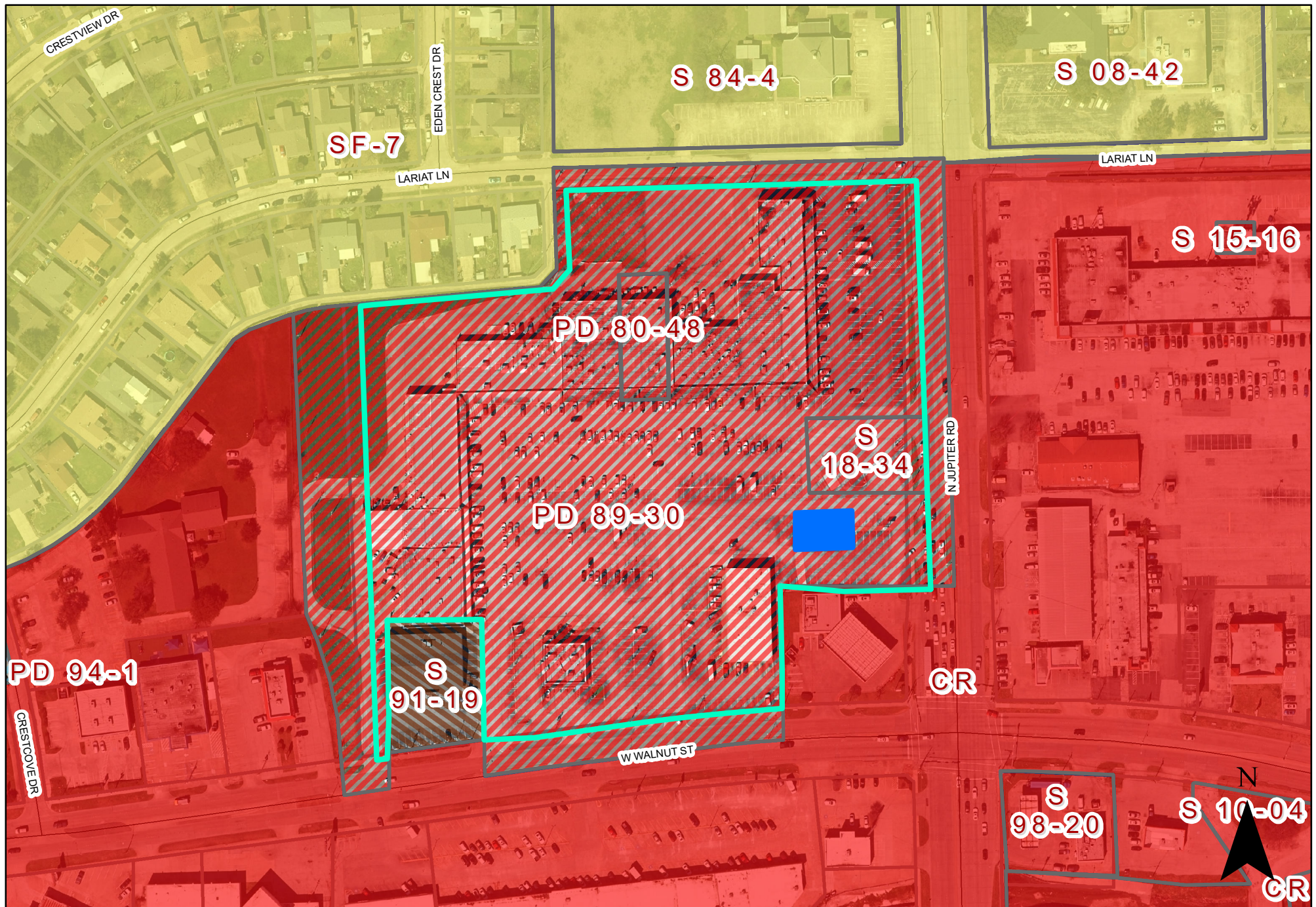
The properties to the west are all zoned Planned Development (PD) 80-48 District and Planned Development (PD) 89-30 District; they are developed with a variety of retail uses. The property to the north is zoned Planned Development (PD) 89-30 District with a Specific Use Provision 18-34; this site is developed with drive-through coffee shop (Scooter's). The property to the south is zoned Community Retail (CR) District and is developed with a gas station. The properties to the east, across North Jupiter Road, are zoned Community Retail (CR) District and are developed with a variety of uses.

Attachments

Z 21-25 7LC, LLC Attachments (Specific Use Provision)

Z 21-25 7LC, LLC Responses

Z 21-25 7LC, LLC Staff Presentation



0 110 220 Feet
1 inch = 170 feet

Zoning Map Z 21-25

 SUBJECT SITE

 INDICATES AREA OF REQUEST

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 21-25

519 North Jupiter Road

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Restaurant, Drive-Through.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulations found in the Garland Development Code, Ordinance No. 6773 and Planned Development(PD) District 89-30, as amended prior to the adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) 89-30 District and Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
 - A. Development is to be in general conformance with the approved site plan, landscape plan, and elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and development plans, the conditions listed below are to apply.
- V. Specific Use Provision:**
 - A. Site Plan: The site shall be in conformance with the site layout in Exhibit C.
 - B. Screening and Landscaping: Screening and Landscaping shall conform to Exhibit D.
 - C. Building Elevations: Building elevations shall be in general conformance with Exhibit E.
 - D. Signage: All signage shall comply with the Garland Development Code signage requirements.
 - E. SUP Time Period: The Specific Use Provision for Restaurant, Drive-Through shall be in effect for twenty-five (25) years.

REPORT & MINUTES

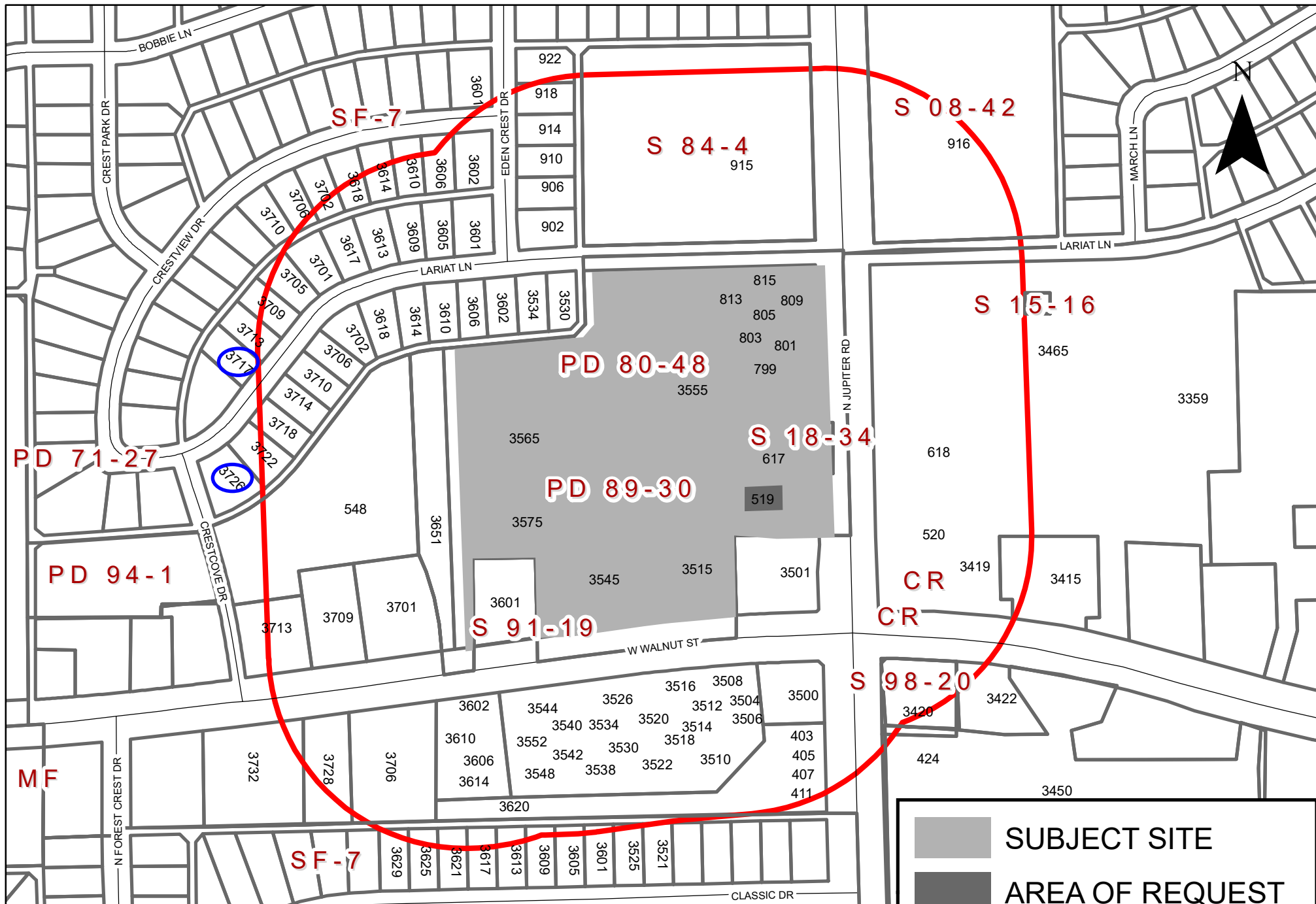
P.C. Meeting, January 24, 2022

Consideration of the application of **7LC, LLC**, requesting approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District. This property is located at 519 North Jupiter Road. (District 6) (File Z 21-25 – Specific Use Provision)

The applicant Danny Bui, 4663 Driftwood Drive, Frisco, Texas, was available for questions.

There was a brief discussion between Commissioner Williams and the applicant. Mr. Bui explained there would be indoor seating available, and the menu would consist mainly of tea, coffee, and a few select food items.

Motion was made by Commissioner Williams to close the public hearing and **approve** the request as presented. Seconded by Commissioner Ott. **Motion carried: 7 Ayes, 0 Nays.**



Comment Form

Case Z 21-25

Z 21-25 7LC, LLC. The applicant proposes a tea/coffee shop with a drive-through in an existing 1,804 square-foot building. This site is located at 519 North Jupiter Road. (District 6)

Z 21-25 7LC, LLC. El solicitante propone una tienda de té/café con un servicio de autoservicio en un edificio existente de 1,804 pies cuadrados. Este sitio está ubicado en 519 North Jupiter Road. (Distrito 6)

Z 21-25 7LC, LLC. Người nộp đơn đề xuất một quán trà / cà phê có đường lái xe qua trong một tòa nhà hiện có rộng 1,804 foot vuông. Địa điểm này nằm ở 519 North Jupiter Road. (Quận 6)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới



For / A Favor / Đồng ý



Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

LAN TRAN Owner

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

3717 Lariat Ln

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland TX

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã Bưu Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới



For / A Favor / Đúng



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Charles Mullens

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

3726 Lariat Ln

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Garland, TX

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã B u Chính

CM Mullens

Signature / Firma / Chữ ký

1-16-22

Date / Fecha / Ngày

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Z 21-25

The applicant proposes a tea/coffee shop with a drive-through in an existing 1,804 square-foot building.

[Specific Use Provision and a Plan for a Restaurant with a Drive-Through on a property zoned Planned Development (PD) 89-30 District.

**City Council Meeting
February 15, 2022**



GARLAND

TEXAS MADE HERE

CASE INFORMATION

Location: 519 North Jupiter Road

Applicant: 7LC, LLC

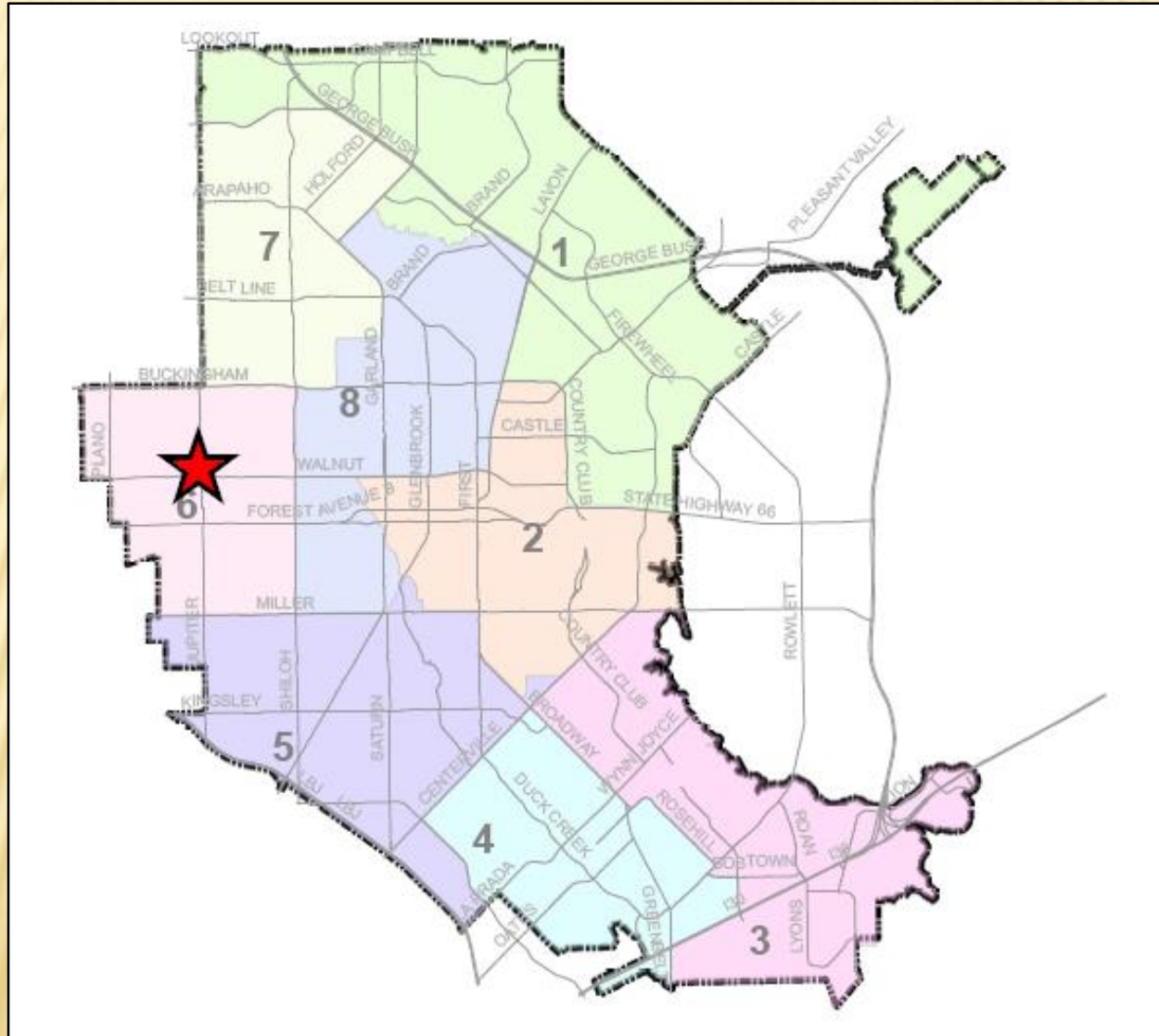
Owner: Brixmor Holdings 12 SPE LLC

Acreage: 0.50 acres

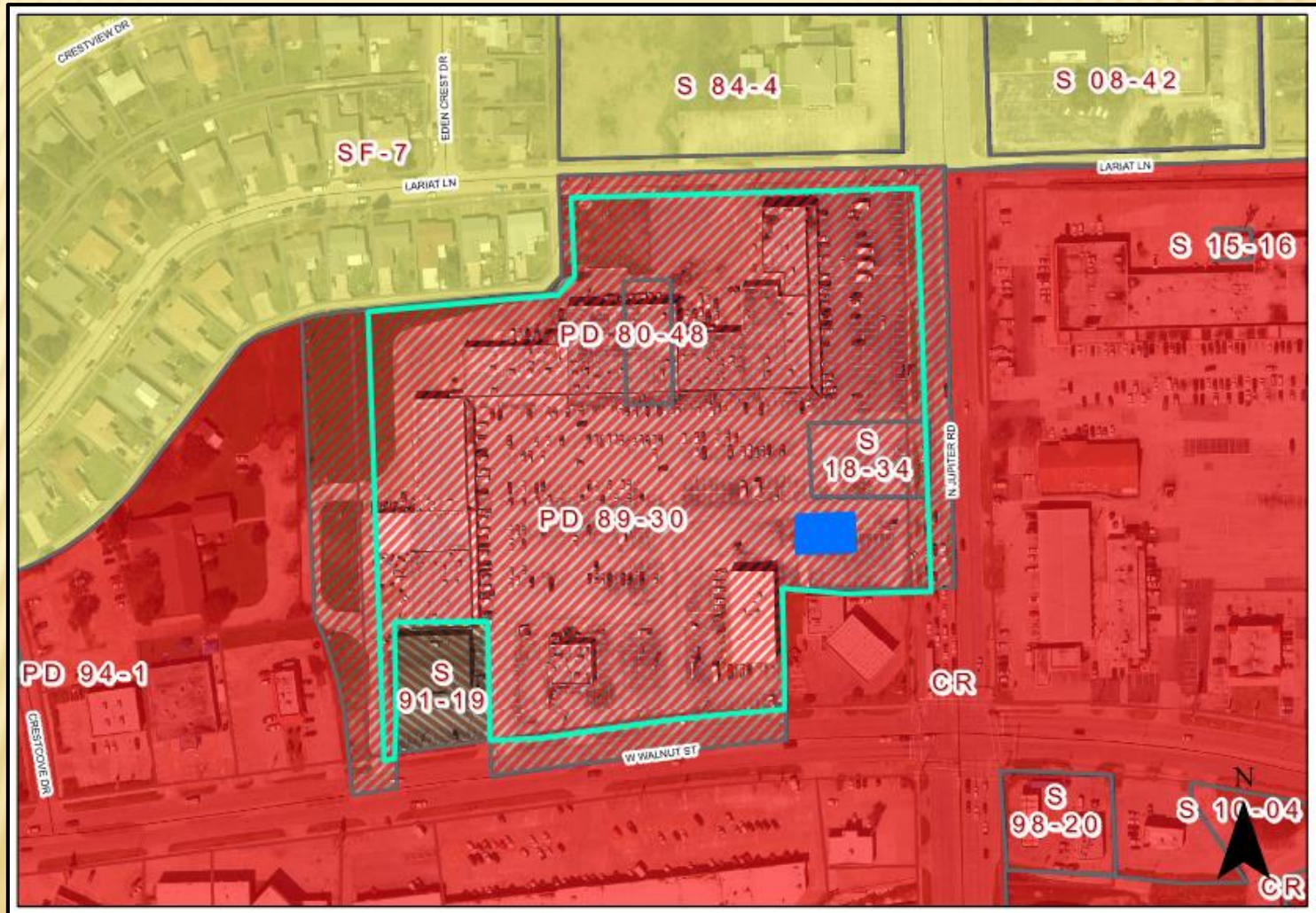
Zoning: Planned Development (PD) 89-30 District

Z 21-25

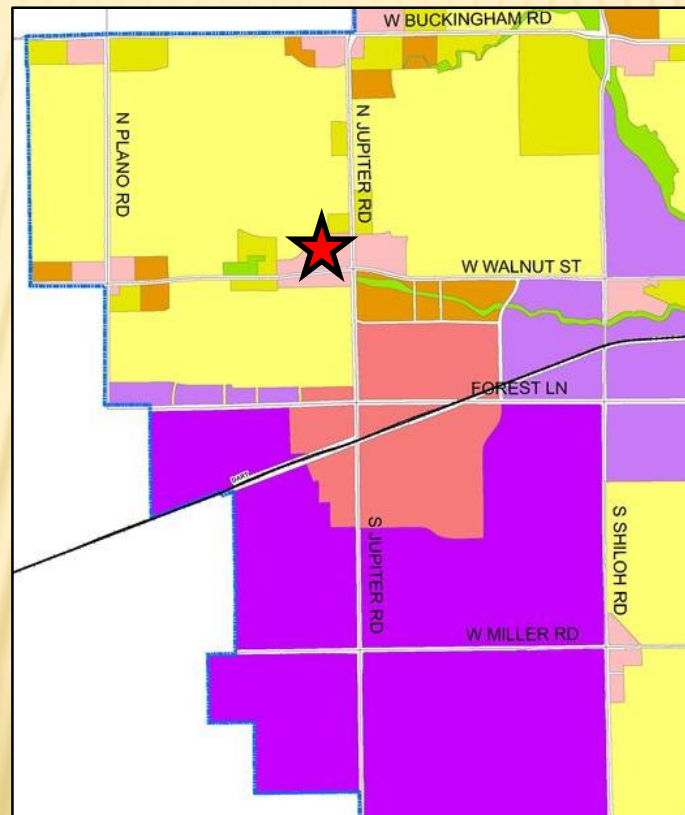
CITYWIDE LOCATION MAP



LOCATION MAP



COMPREHENSIVE PLAN

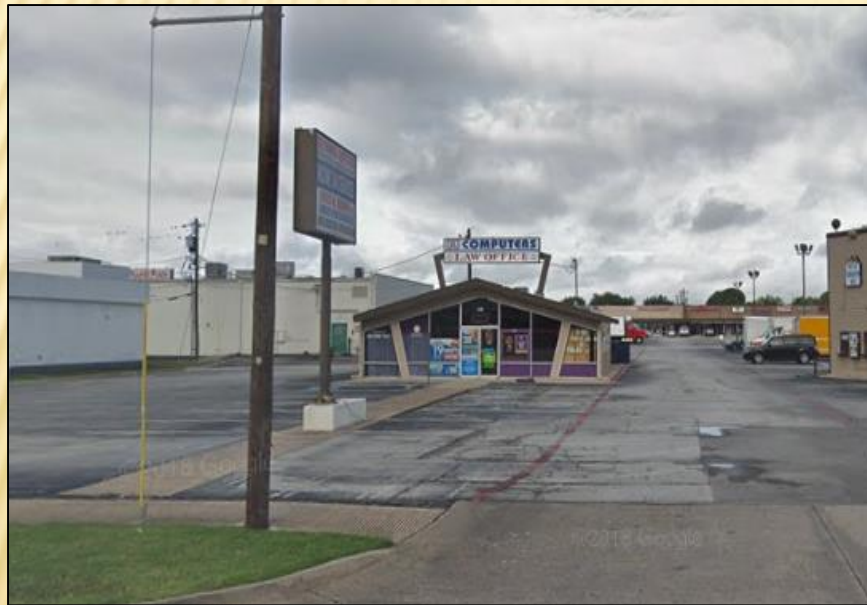




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This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

PHOTOS

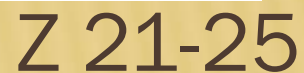


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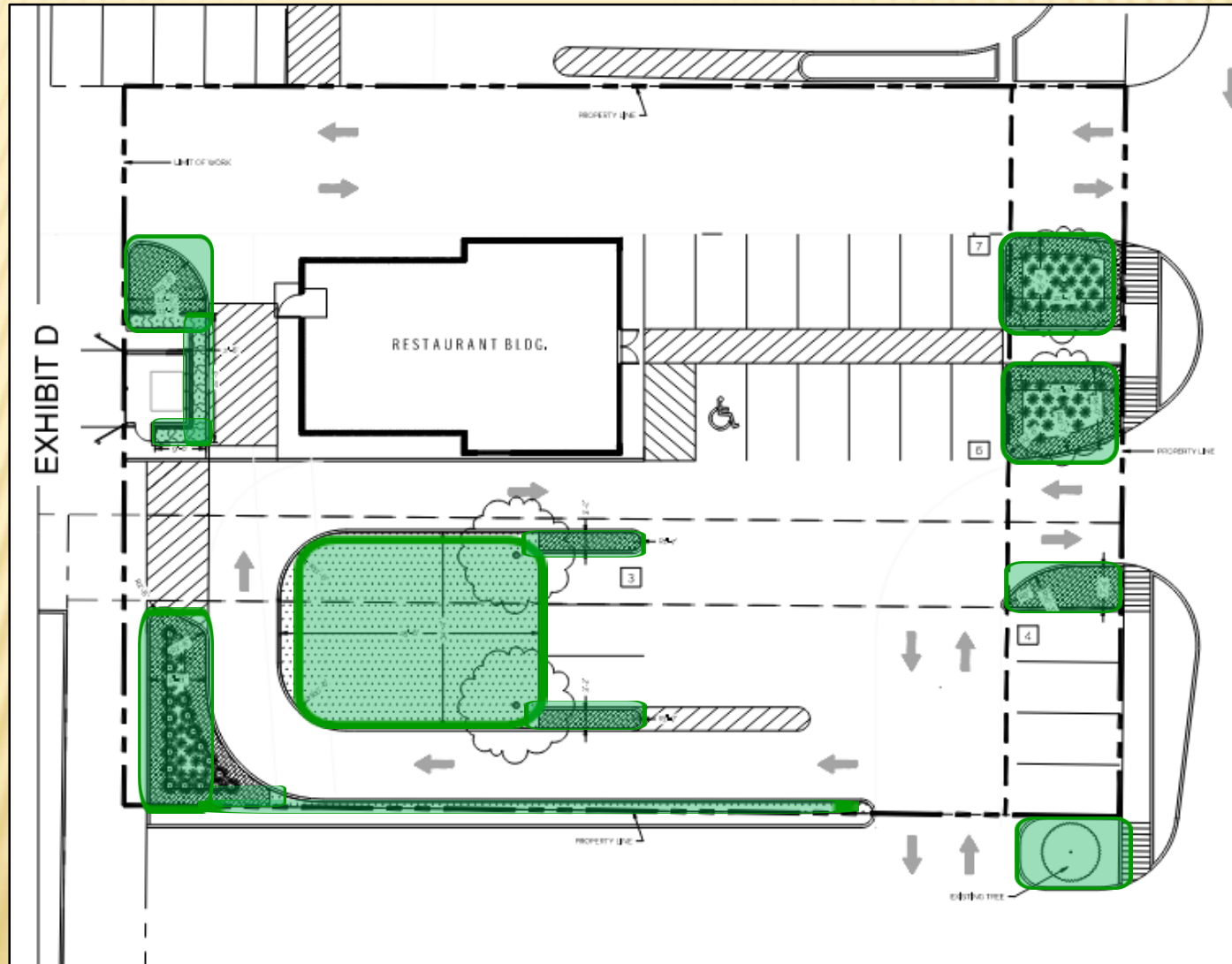




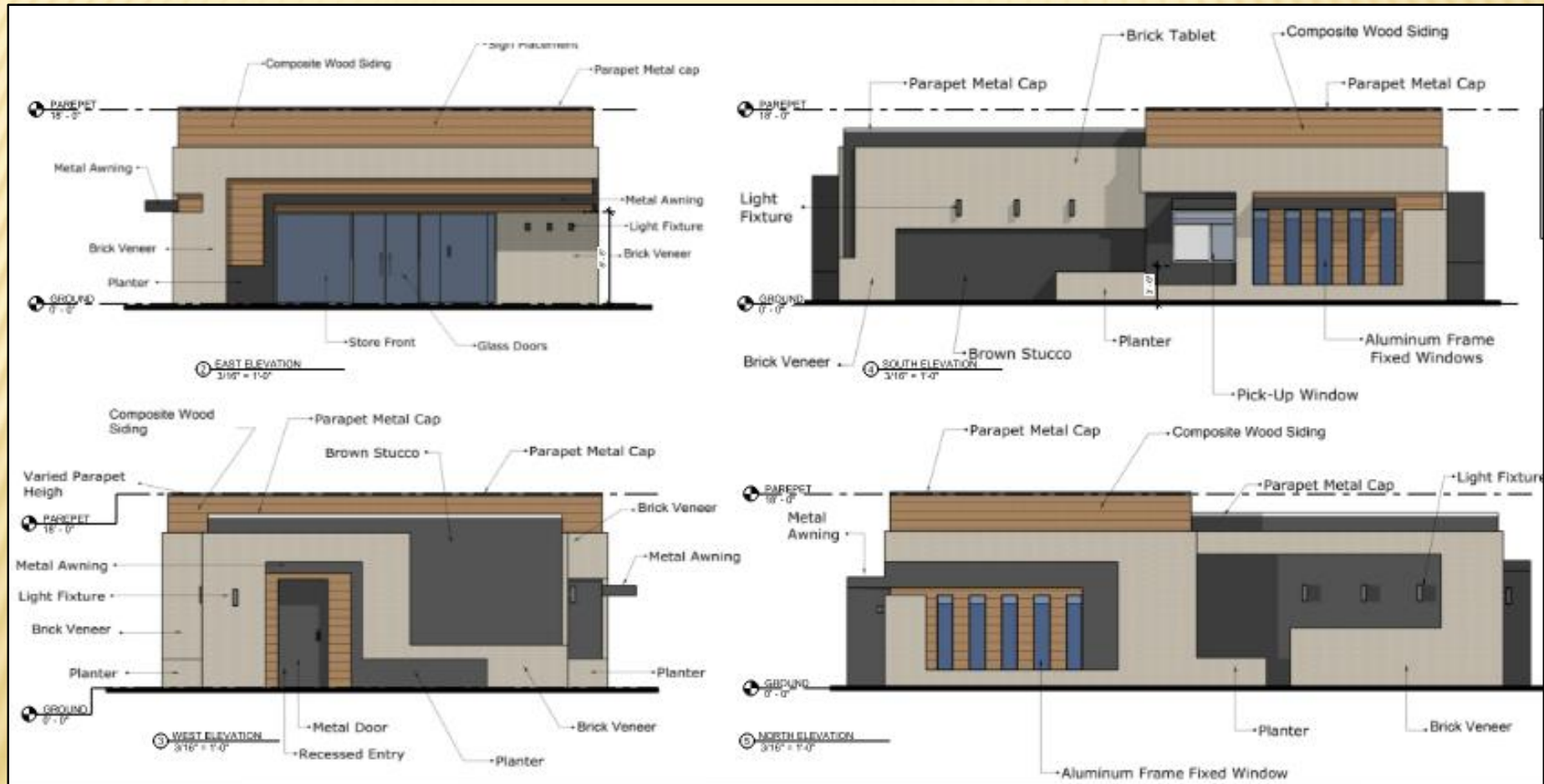
2015 RELEASE



LANDSCAPE PLAN



BUILDING ELEVATIONS



SPECIFIC USE PROVISION

The applicant requests the Specific Use Provision to be in effect for twenty-five (25) years, which aligns with the SUP Time Period Guide.

No deviations have been requested with this application.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District

Approval of a Plan for a Restaurant, Drive-Through Use.



PLAN COMMISSION RECOMMENDATION

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The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Restaurant, Drive-Through Use.





GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. b.

Meeting Date: 02/15/2022

Item Title: Z 21-25 7LC, LLC - Plan (District 6)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District.

Approval of a Plan for a Restaurant, Drive-Through Use.

LOCATION

519 North Jupiter Road

OWNER

7LC, LLC

PLAN COMMISSION RECOMMENDATION

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STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District.

Approval of a Plan for a Restaurant, Drive-Through Use.

BACKGROUND

The subject property is part of an overall shopping center. The applicant proposes a tea/coffee shop with a drive-through in an existing 1,804 square-foot building.

SITE DATA

The subject property consists of approximately 0.50 acres and the overall shopping center site is 11.71 acres. The site has approximately 75 linear feet of frontage along North Jupiter Road. The primary access is from North Jupiter Road to the site. However, the site can be accessed from West Walnut Road and Lariat Lane through mutual access easements.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 89-30 which allows truck rentals in addition to all the used permitted in the Community Retail (CR) District. The Community Retail (CR) District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A Community Retail (CR) District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features. An example of allowed use in a Community Retail (CR) District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a Community Retail (CR) District must be focused onto the major thoroughfare network. Development in a Community Retail (CR) District may not be designed in a manner that increases traffic through residential areas.

CONSIDERATIONS

1. Site Plan

The applicant proposes a drive-through to operate a tea/coffee shop in an existing 1,804 square-foot building. The proposed use is classified as a Restaurant, Drive-Through as per the GDC. In addition, Restaurant, Drive-Through use in the Community Retail (CR) District requires approval of a Specific Use Provision.

2. Parking

Per the GDC calculation, nineteen (19) spaces are required. The applicant is providing twenty (20) parking spaces shown on the site plan. Therefore, the subject property meets the GDC parking requirements.

3. Screening and Landscaping

The request does not trigger full GDC landscaping compliance; however, the applicant is providing new landscaping on site.

4. Building Design

The applicant will remodel the existing building and maintain the same building footprint. The building (Exhibit E) complies with the applicable building design standards from the Garland Development Code (GDC).

5. Signage

No deviations have been requested for signage. Therefore, signage will meet the GDC requirements.

6. Specific Use Provision

The applicant requests the Specific Use Provision to be in effect for twenty-five (25) years, which aligns with the SUP Time Period Guide.

COMPREHENSIVE PLAN

The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

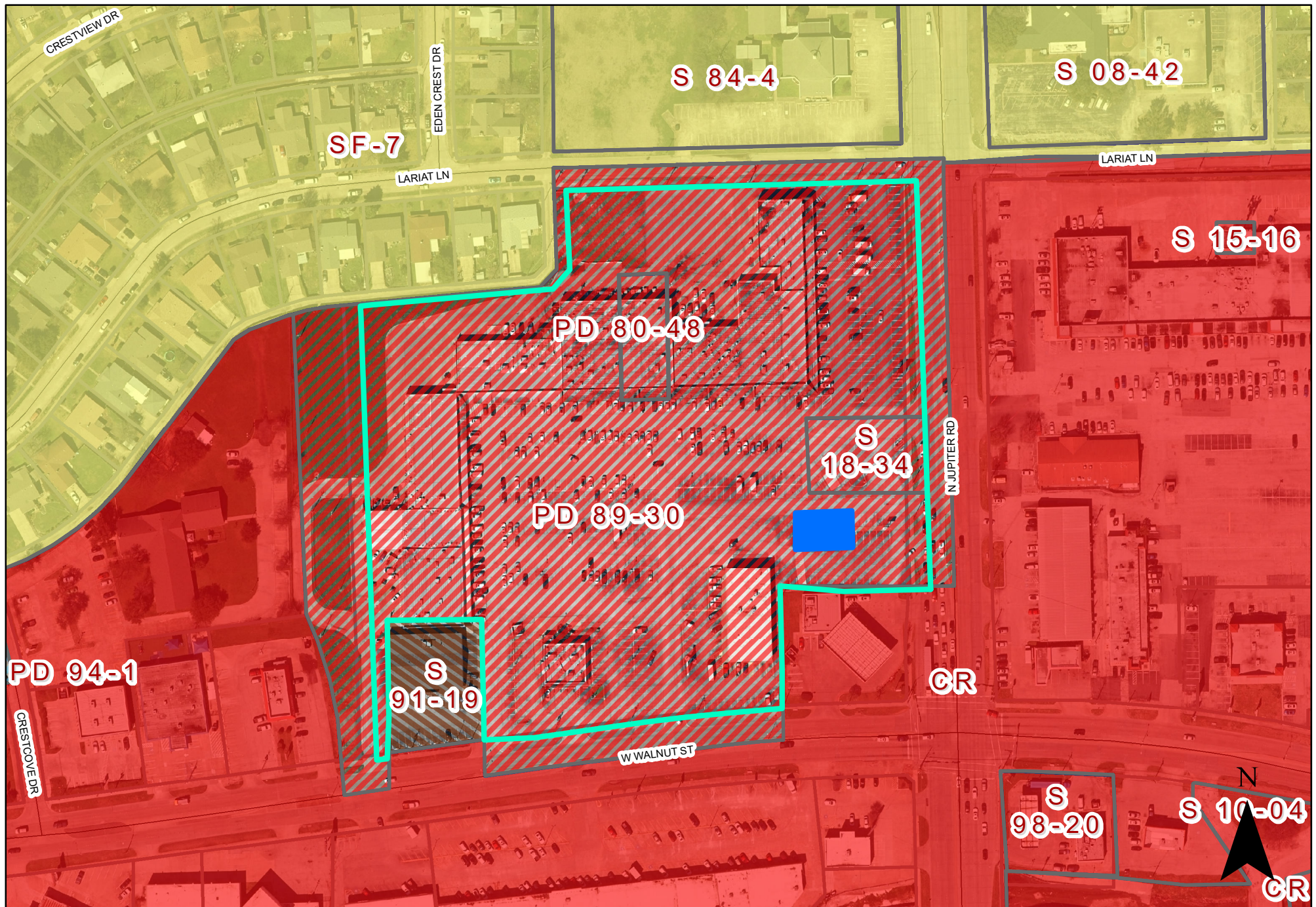
This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the west are all zoned Planned Development (PD) 80-48 District and Planned Development (PD) 89-30 District; they are developed with a variety of retail uses. The property to the north is zoned Planned Development (PD) 89-30 District with a Specific Use Provision 18-34; this site is developed with drive-through coffee shop (Scooter's). The property to the south is zoned Community Retail (CR) District and is developed with a gas station. The properties to the east, across North Jupiter Road, are zoned Community Retail (CR) District and are developed with a variety of uses.

Attachments

Z 21-25 7LC, LLC Attachments (Plan)
Z 21-25 7LC, LLC Responses
Z 21-25 7LC, LLC Staff Presentation



0 110 220 Feet
1 inch = 170 feet

Zoning Map Z 21-25

 SUBJECT SITE

 INDICATES AREA OF REQUEST



PERSPECTIVE

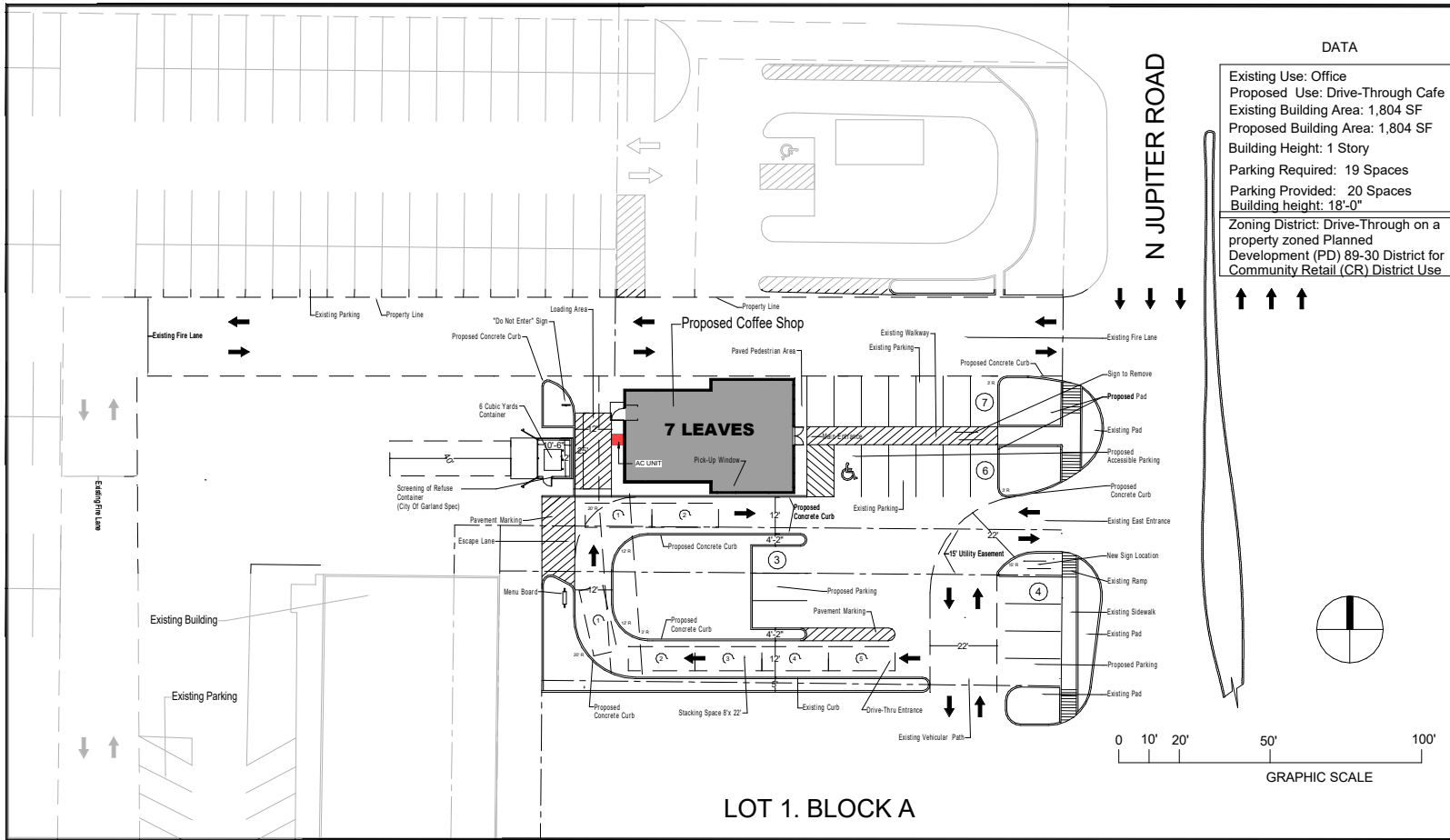
CASE # 210504-2

Existing Block A Lot 1
Cresk Park No. 1,
Second Sec

VINCINITY MAP

adi
ARCHITECT | INTERIOR

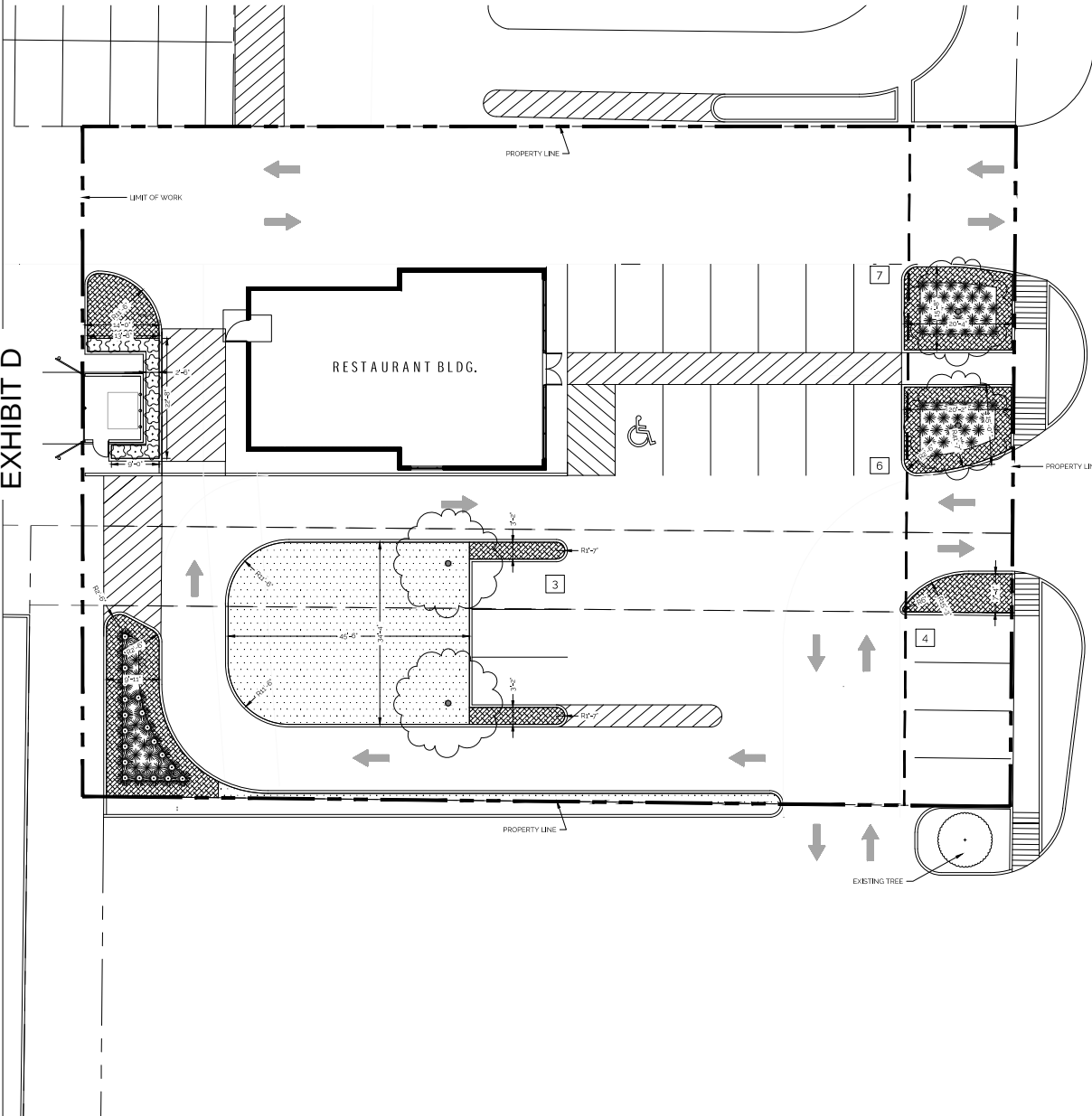
6402 LAUREL VALLEY ROAD, DALLAS, TX 75248



Issue	Issue Name	Date

7 LEAVES CAFE
519 NORTH
JUPITER RD.
GARLAND, TEXAS
75042

Sheet Name	SITE PLAN
Original Issue	
Sheet Number	A100
Project #	Project Number
Drawing Date	08/04/21

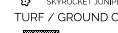


PLANT SYMBOL LEGEND

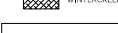
CANOPY TREES



ORNAMENTAL GRASSES



TURF / GROUND COVER



PLANT MATERIAL SCHEDULE

QUANTITY	COMMON NAME	BOTANICAL NAME	CAL.	HT.	SPREAD	CONT.	REMARKS
TREES							
7	MONTEREY OAK	QUERCUS MONTEREYANA	48"	24"	24"	40 GAL.	PLUG & MATURED, STRAIGHT TRUNK
SHRUBS & LANDSCAPE TREES							
50	LITTLE BLUESTEM	SCIRPUS PALMISODORUM	-	12"	12"	5 GAL.	48" OCT. TERMINUS LANDING OR 40" RADIATED OR PLANT
20	GULF MUHLY	PAUSANERIS CANADENSIS	-	12"	12"	5 GAL.	48" OCT. TERMINUS LANDING OR 40" RADIATED OR PLANT
10	SKYROCKET JUNIPER	JUNIPERUS SCOPULORUM	-	12"	12"	5 GAL.	-
SMALL PERENNIALS & GROUND COVER							
800 SF	WINTERCREEPER	EUONYMUS FORSTERI	-	-	-	5 GAL.	-
TURF GRASS							
1000 SF	BERMUDA GRASS SEED	CYNODON DACTYLON	-	-	-	-	HYDROSEED APPLICATION

PROJECT LANDSCAPE DATA TABLE

CITY LANDSCAPE REQUIREMENTS

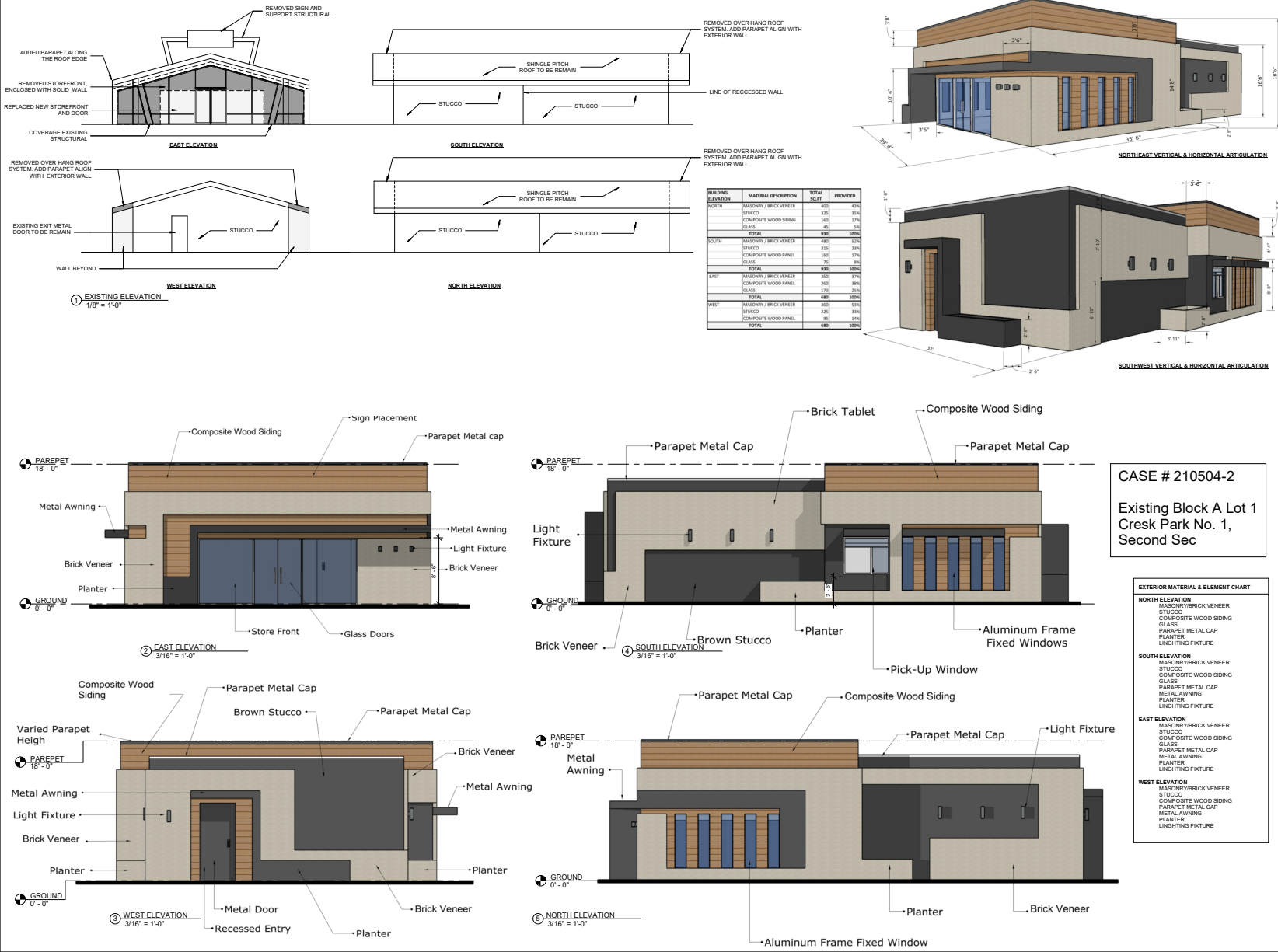
TYPE	REQUIREMENT	AREA / MEASUREMENT	REQUIRED	PROVIDED
GENERAL	10% OF THE STREET YARD SHALL BE PERMANENT LANDSCAPE AREA.	2,593.58 SF	394.64 SF	603.54 SF
	MINIMUM OF 10% OF ENTIRE SITE SHALL BE DEVOTED TO LIVING LANDSCAPE.	22,330 SF	2,234 SF	3,154 SF
STREET TREES	ONE CANOPY TREE PER 40 LF OF STREET FRONTAGE.	100 LF	4 TREES	3 TREES
BUFFER	MINIMUM 20' LANDSCAPE BUFFER ADJACENT TO THE RIGHT-OF-WAY OF ANY MAJOR THOROUGHFARE.	-	YES	YES
	EVERGREEN SHRUBS (ACCEPTABLE FOR 8'-10' FOOT SCREENING) SHALL BE PROVIDED AROUND QUINSTER SCREENING WALLS AND THE PLANT MATERIALS MUST BE A MINIMUM OF THREE (3) FEET IN HEIGHT AT THE TIME OF PLANTING UNLESS NOT VISIBLE FROM PUBLIC RIGHT-OF-WAY OR PUBLIC USE AREA.	-	YES	YES
PARKING LOT LANDSCAPING	TERMINUS ISLANDS WITH A MINIMUM OF ONE (1) CANOPY TREE SHALL BE PROVIDED AT THE END OF EACH PARKING ROW.	5 TERMINUS ISLANDS	5 TREES	4 TREES
	LANDSCAPE ISLANDS WITH A MINIMUM OF ONE TREE SHALL BE PROVIDED WITHIN 80' OF EVERY PARKING SPACE.	-	YES	YES
	PARKING LOT LANDSCAPE AREAS SHALL INCLUDE A MINIMUM OF 50 PERCENT OF ITS AREA DEDICATED TO LIVING PLANT MATERIAL AND NOT HAVING MORE THAN 50 PERCENT OF ITS AREA COVERED WITH BARK MULCH OR DECOMPOSED GRANITE MATERIAL.	-	YES	YES
	IN PARKING LOTS WITH MORE THAN 20 SPACES, A MINIMUM OF ONE (1) TREE SHALL BE PLANTED IN THE PARKING AREA FOR EVERY 10 PARKING SPACES WITHIN THE PARKING LOT.	-	2 TREES	4 TREES

LANDSCAPE PLAN



No.	Date	Description

10/27/2021 7:19:20 AM A102 ELEVATIONS

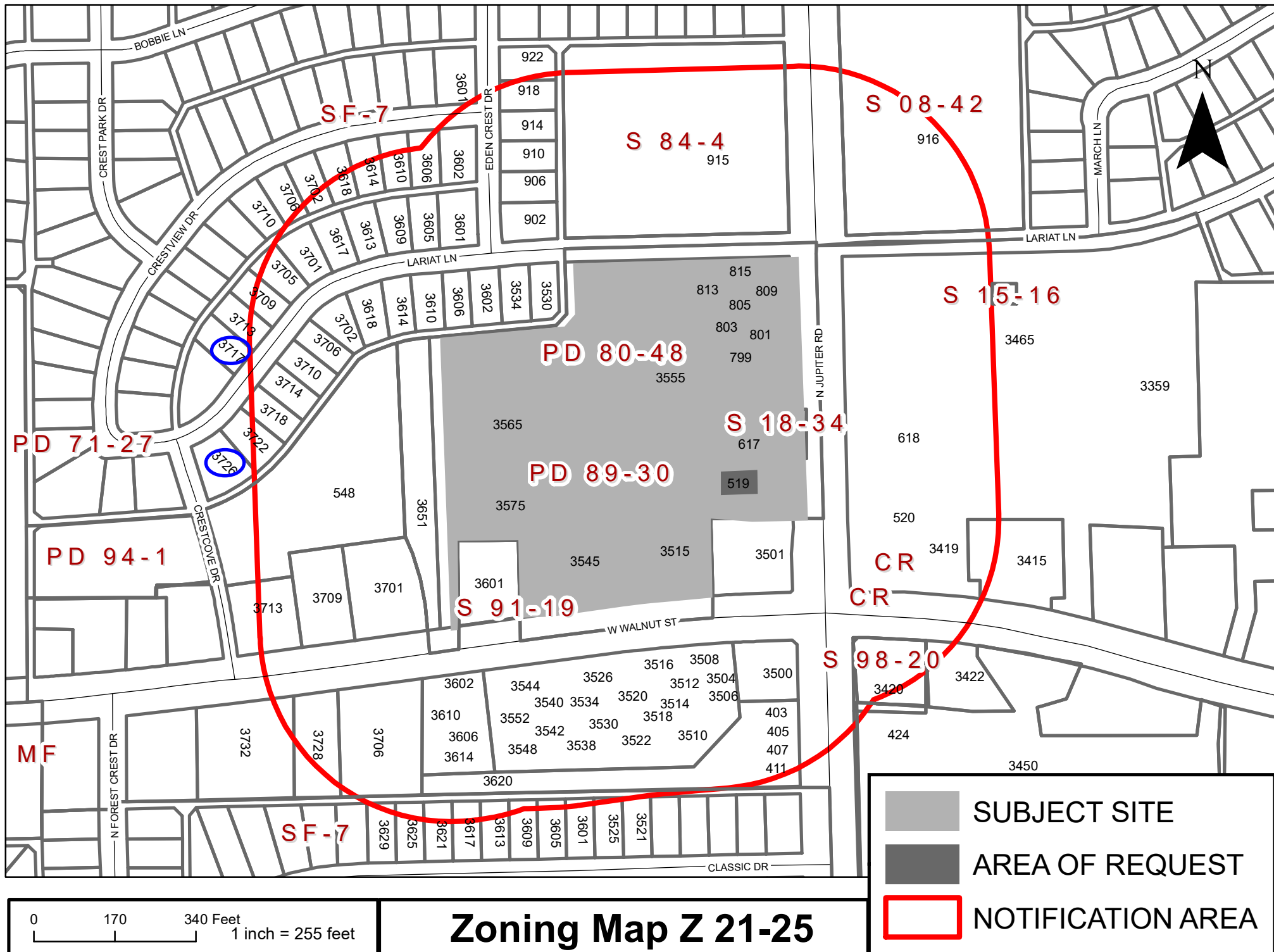


REPORT & MINUTES

P.C. Meeting, January 24, 2022

Consideration of the application of **7LC, LLC**, requesting approval of a Plan for a Restaurant, Drive-Through Use. This property is located at 519 North Jupiter Road. (District 6) (File Z 21-25 - Plan)

Motion was made by Commissioner Williams to close the public hearing and **approve** the request as presented. Seconded by Commissioner Ott. **Motion carried: 7 Ayes, 0 Nays.**



Zoning Map Z 21-25

519 North Jupiter Road

Comment Form

Case Z 21-25

Z 21-25 7LC, LLC. The applicant proposes a tea/coffee shop with a drive-through in an existing 1,804 square-foot building. This site is located at 519 North Jupiter Road. (District 6)

Z 21-25 7LC, LLC. El solicitante propone una tienda de té/café con un servicio de autoservicio en un edificio existente de 1,804 pies cuadrados. Este sitio está ubicado en 519 North Jupiter Road. (Distrito 6)

Z 21-25 7LC, LLC. Người nộp đơn đề xuất một quán trà / cà phê có đường lái xe qua trong một tòa nhà hiện có rộng 1,804 foot vuông. Địa điểm này nằm ở 519 North Jupiter Road. (Quận 6)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới



For / A Favor / Đồng ý



Against / En Contra / Không

Please complete the following information and email the form to Planning@garlandtx.gov; deliver to the Planning Department at 800 Main Street Garland, TX; or mail to City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Por favor Complete la siguiente información y envíe el formulario por correo electrónico a Planning@garlandtx.gov; entregar al Departamento de Planificación en 800 Main Street Garland, TX; o envíelo por correo a City of Garland, Planning Department, P.O. Box 469002 Garland, TX 75406-9002./ Vui lòng điền đầy đủ thông tin sau và gửi biểu mẫu qua email tới Planning@garlandtx.gov; giao cho Phòng Kế hoạch tại 800 Main Street Garland, TX; hoặc gửi thư đến Thành phố Garland, Sở Kế hoạch, P.O. Hộp 469002 Garland, TX 75406-9002.

LAN TRAN Owner

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

3717 Lariat Ln

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland TX

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã Bưu Chính

Signature / Firma / Chữ ký

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

Comment Form

Case Z 21-25

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Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới



For / A Favor / Đúng



Against / En Contra / Không

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Charles Mullens

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

3726 Lariat Ln

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã B u Chính

CM Mullens

Signature / Firma / Chữ ký

1-16-22

Date / Fecha / Ngày

(Providing email address and phone number is optional. / La dirección de correo electrónico y el número de teléfono son opcionales. / Địa chỉ email và số điện thoại là tùy chọn.)

Z 21-25

The applicant proposes a tea/coffee shop with a drive-through in an existing 1,804 square-foot building.

[Specific Use Provision and a Plan for a Restaurant with a Drive-Through on a property zoned Planned Development (PD) 89-30 District.

**City Council Meeting
February 15, 2022**



GARLAND

TEXAS MADE HERE

CASE INFORMATION

Location: 519 North Jupiter Road

Applicant: 7LC, LLC

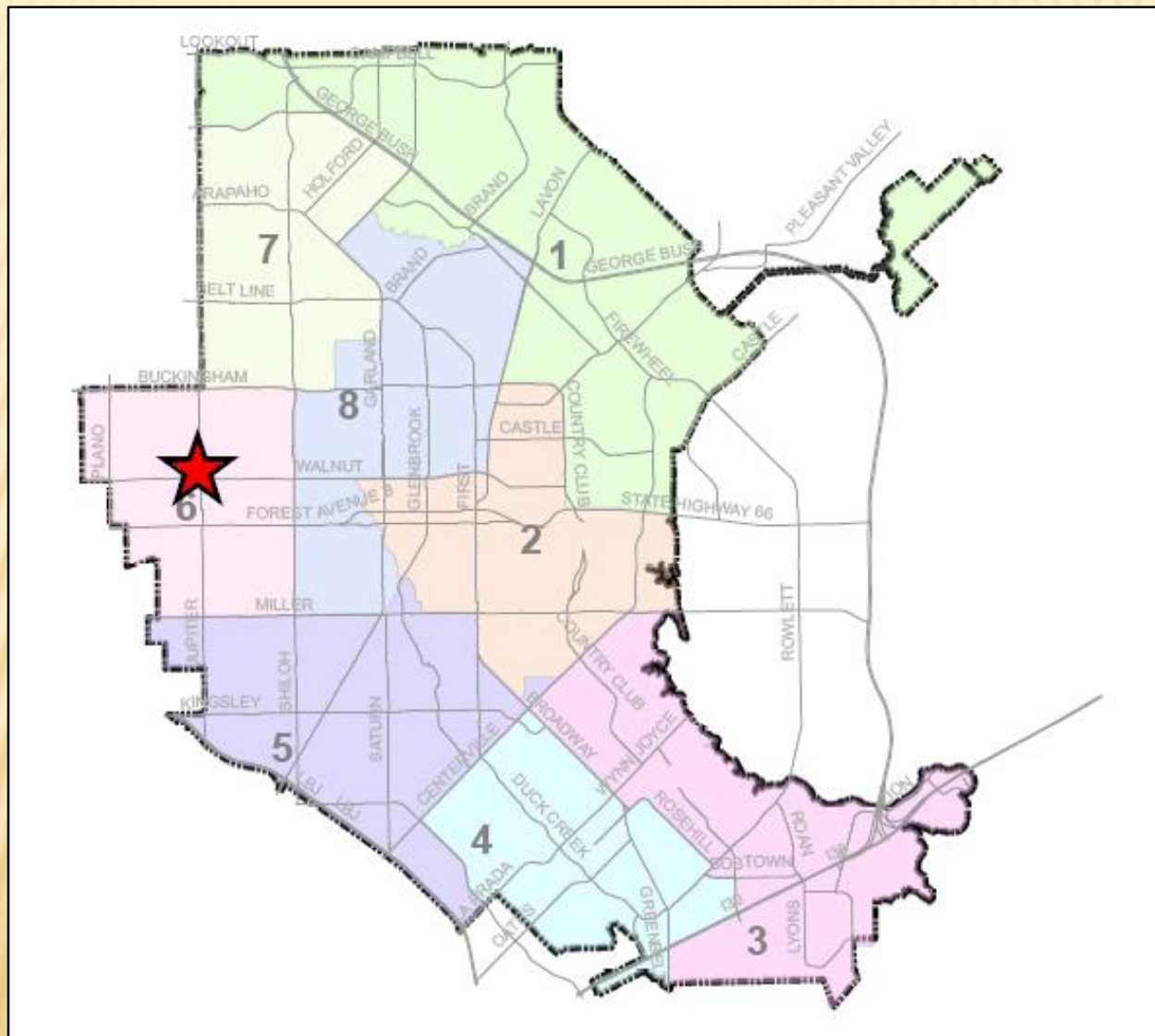
Owner: Brixmor Holdings 12 SPE LLC

Acreage: 0.50 acres

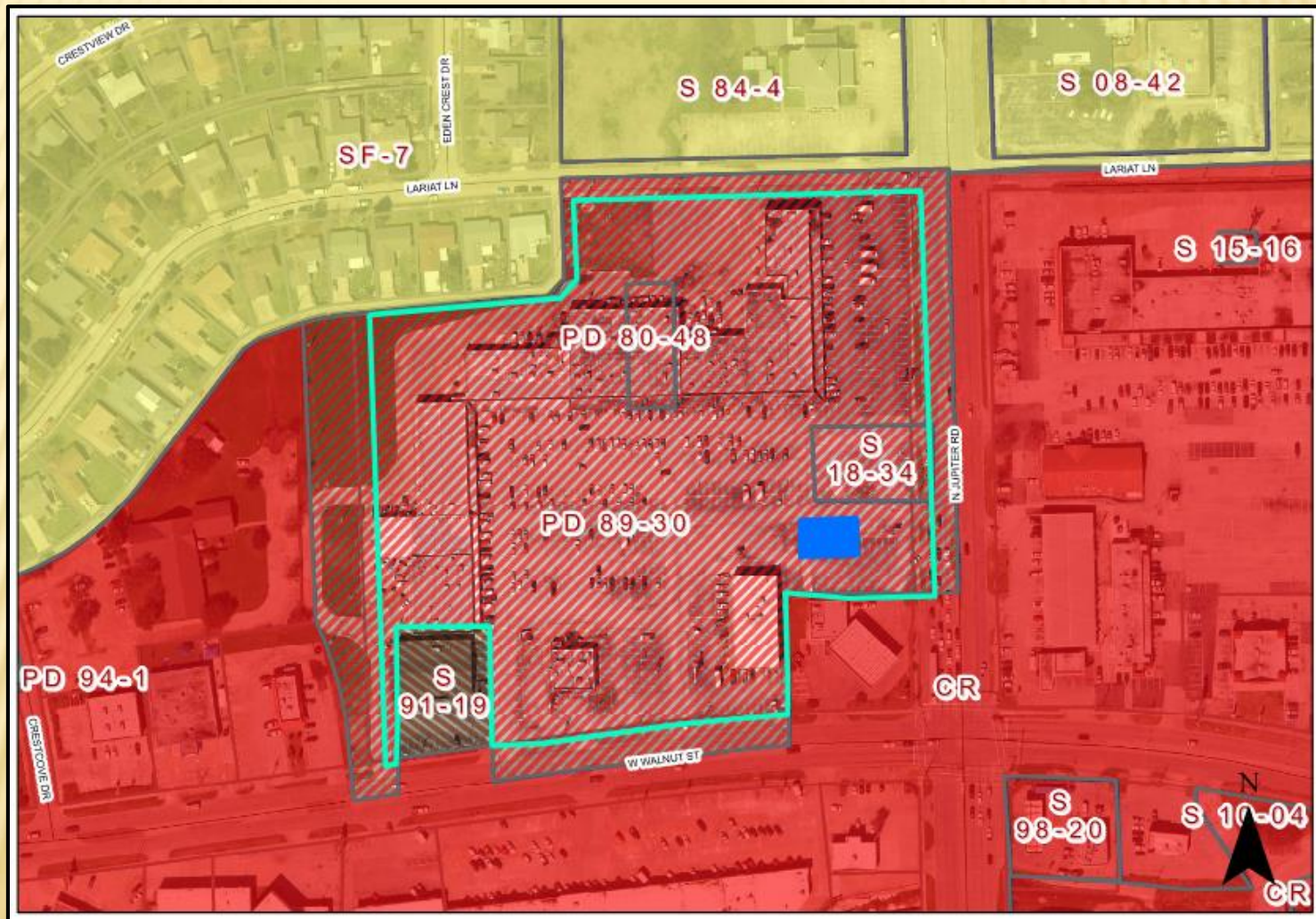
Zoning: Planned Development (PD) 89-30 District

Z 21-25

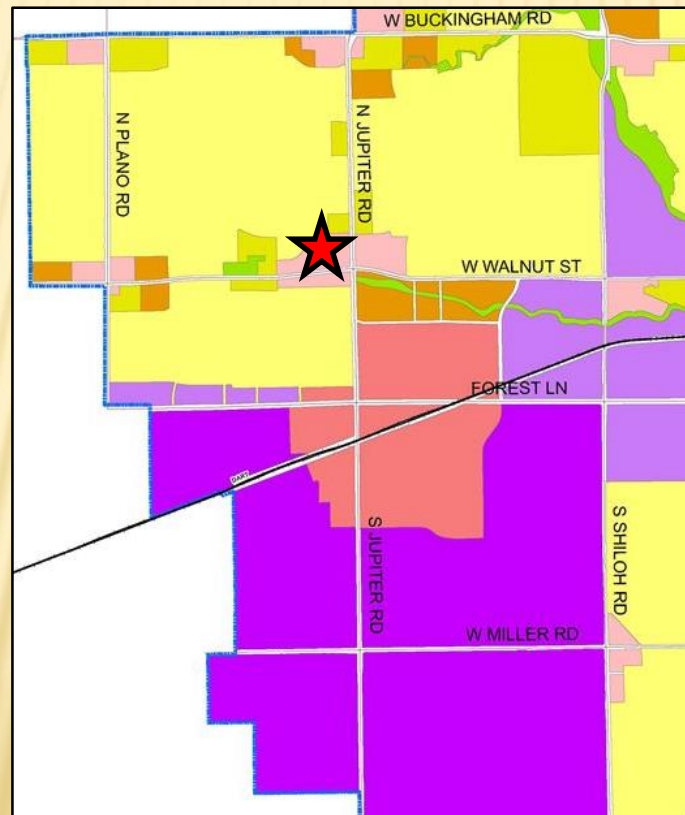
CITYWIDE LOCATION MAP



LOCATION MAP



COMPREHENSIVE PLAN

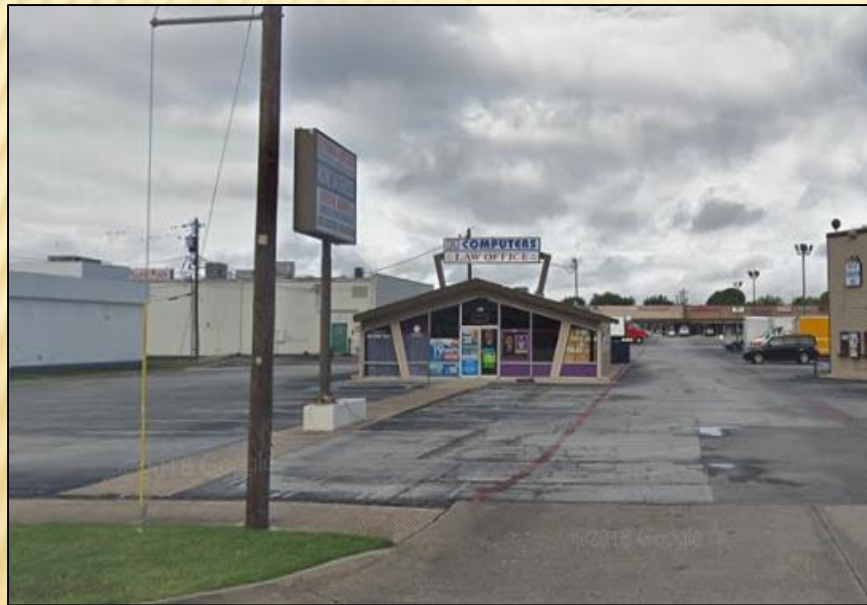




The Envision Garland Plan designates the subject property as Neighborhood Centers. Neighborhood centers provide a mix of retail, services and community gathering places. This center should be appropriately scaled to adjacent residential areas. This type of center is predominantly, but not exclusively, non-residential. Neighborhood centers are served by local roads and transit routes.

This use is supportive to the surrounding area and compatible with the Comprehensive Plan.

PHOTOS

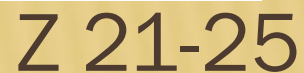


PHOTOS

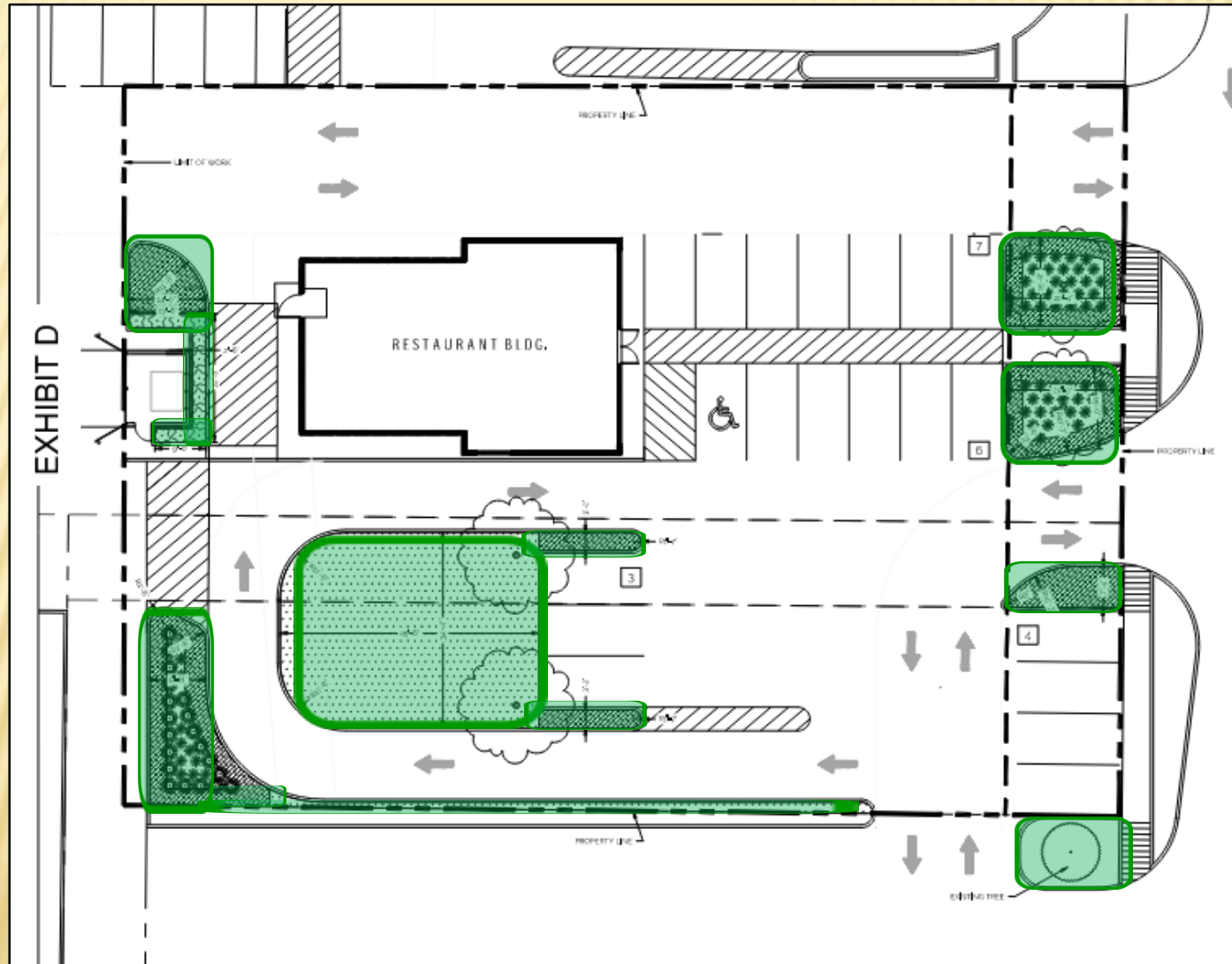




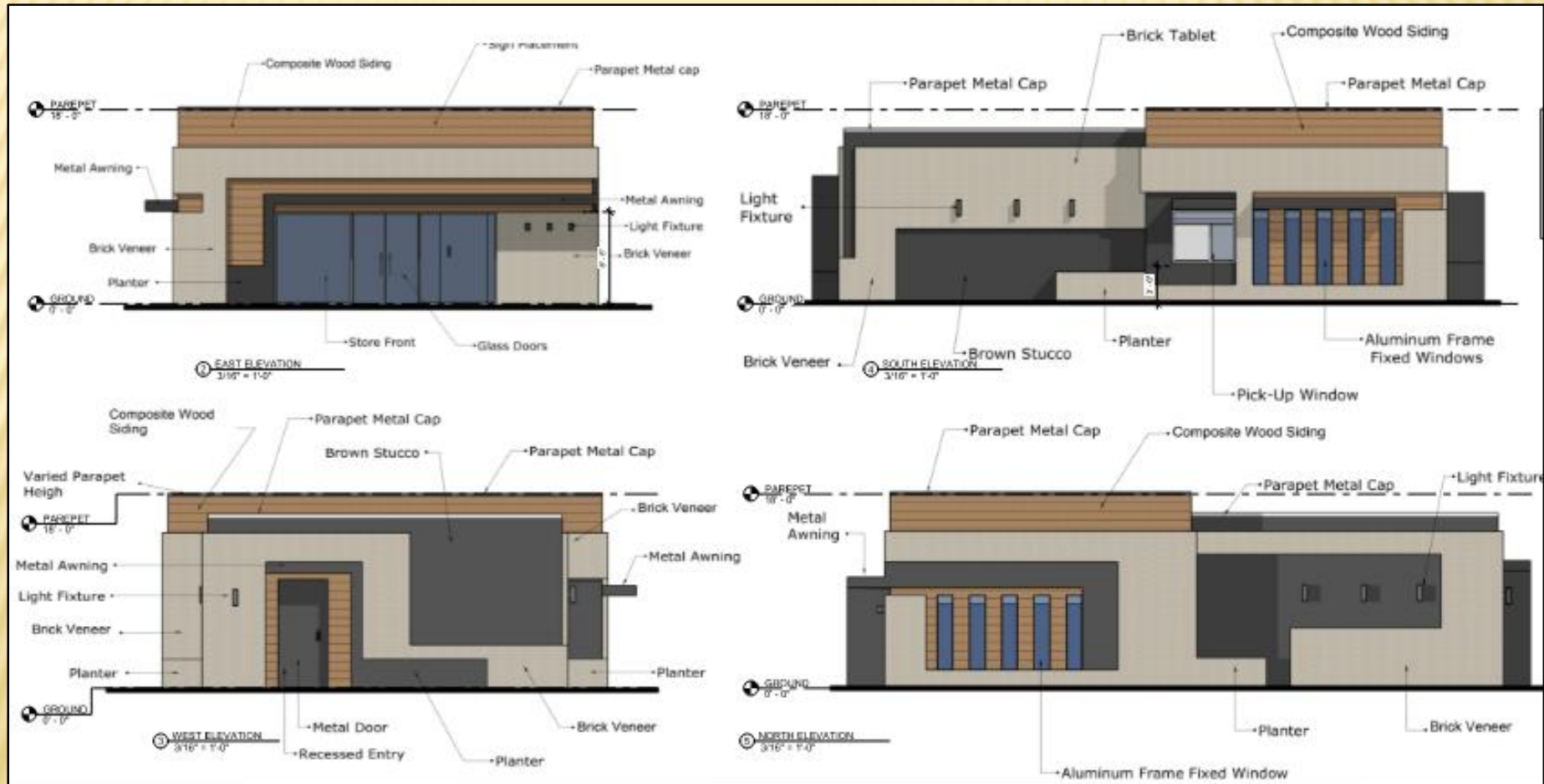
2015 RELEASE



LANDSCAPE PLAN



BUILDING ELEVATIONS



SPECIFIC USE PROVISION

The applicant requests the Specific Use Provision to be in effect for twenty-five (25) years, which aligns with the SUP Time Period Guide.

No deviations have been requested with this application.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for a Restaurant, Drive-Through on a property zoned Planned Development (PD) 89-30 District

Approval of a Plan for a Restaurant, Drive-Through Use.



PLAN COMMISSION RECOMMENDATION

On January 24, 2022 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Specific Use Provision for a Restaurant, Drive-Through on a zoned Planned Development (PD) 89-30 District.

The Plan Commission, by a vote of seven (7) to zero (0), also recommended approval of a Plan for a Restaurant, Drive-Through Use.





GARLAND PLANNING REPORT

City Council Regular Session Agenda

12. c.

Meeting Date: 02/15/2022

Item Title: Z 21-60 Realty Capital Management (District 1)

Submitted By: Nabiha Ahmed, Lead Development Planner

REQUEST

Approval of a Change of Zoning from Planned Development (PD) District 15-40 and Agricultural (AG) District to a Planned Development (PD) District for Multi-Family Uses.

LOCATION

4425 Bunker Hill Road

OWNER

RCM Firewheel

PLAN COMMISSION RECOMMENDATION

On January 24, 2022 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Change of Zoning from Planned Development (PD) District 15-40 and Agricultural (AG) District to a Planned Development (PD) District for Multi-Family Uses.

STAFF RECOMMENDATION

Approval of a Change of Zoning from Planned Development (PD) District 15-40 and Agricultural (AG) District to a Planned Development (PD) District for Multi-Family Uses.

BACKGROUND

In November 2015, the City Council approved a Concept Plan for a three-phased multi-family development. The area under consideration for the zoning change was limited to the northern fifty (50) acres contiguous with Bunker Hill Road.

In May 2016, the City Council approved a Detail Plan for the first phase of the multi-family development (Domain at The One Forty). The second phase of the multi-family development (PDG Bunker Hill) was approved in October 2021.

In November 2021, a Detail Plan application was submitted for the third phase. The application is still in review.

The applicant intends to revise the zoning boundary lines to incorporate two (2) additional acres

for a potential fourth phase.

SITE DATA

The site consists of approximately 13.255 acres with 431.83 lineal feet of frontage along Bunker Hill Road.

USE OF PROPERTY UNDER CURRENT ZONING

The site is zoned Planned Development (PD) District 15-40 and Agricultural (AG) District.

Planned Development (PD) District 15-40 allows multi-family uses and the Agricultural (AG) District is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, land which due to its topography or location within a floodplain or other undevelopable area is not anticipated to be developed for more intense use, and land which has been newly annexed into the City of Garland. Land that has been newly annexed into the City is initially zoned Agricultural until it is zoned another more permanent zoning classification in the future.

CONSIDERATIONS

1. The applicant requests to revise the zoning boundary lines of Planned Development (PD) District 15-40 to include two (2) additional acres. The revised boundaries will cover the land that is planned to be reclaimed. With the reclamation of additional land, there will be a total of 13.255 acres within Phase IV.
2. There are no improvements proposed at this time. However, the fourth phase will follow the underlying zoning, Planned Development (PD) District 15-40, which permits multi-family developments. Any new development will require approval of a Detail Plan.

COMPREHENSIVE PLAN

The Future Land Use Plan of the Envision Garland 2030 Comprehensive Plan designates this site for Parks and Open Space and Compact Neighborhoods.

Compact neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments.

Public Parks and Open Space areas include the vast array of park, recreation, and open space lands. This can range from small neighborhood playgrounds to community parks with outdoor picnic areas, hike and bike trails, and play fields and tennis courts to community recreation centers with swimming pools or indoor gymnasiums; as well as natural areas and floodplains.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

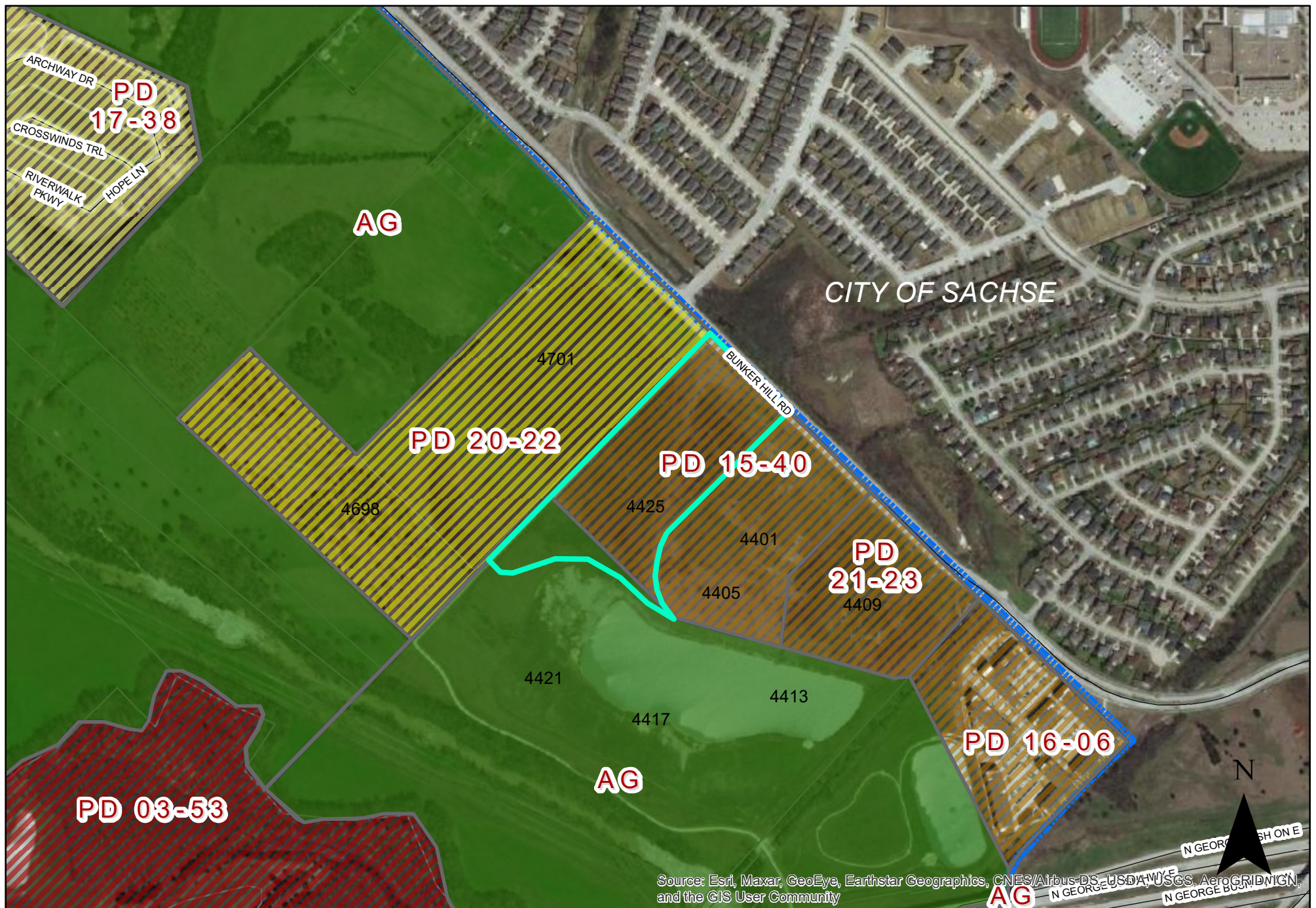
The area to the north, across Bunker Hill Road, are residential neighborhoods located in the City of Sachse. The property to the east is zoned Planned Development (PD) District 15-40; the property is in the entitlement process for multi-family development. The property to the south is zoned Agricultural (AG) District; this property is vacant. The property to the west is zoned Planned Development (PD) District 20-22 for single-family homes.

Attachments

Z 21-60 Realty Capital Management Attachments

Z 21-60 Realty Capital Management Responses

Z 21-60 Realty Capital Management Staff Presentation



0 380 760 Feet
1 inch = 579 feet

ZONING MAP Z 21-60

 INDICATES AREA OF REQUEST

4425 Bunker Hill Rd.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 21-60

4425 Bunker Hill Road

- I. Statement of Purpose:** The purpose of this Planned Development is to revise the zoning boundary lines for Planned Development (PD) District 15-40.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Multi-Family (MF) District as set forth in Chapter 2 of the Garland Development Code and Planned Development (PD) District 15-40 are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- Detail Plan: New development shall be required to obtain a Detail Plan approval through the public hearing process.
- V. Specific Conditions:**
- A. Permitted Uses:** Land Uses are only permitted as in Planned Development (PD) District 15-40.

- Found Monument (Size and Type as Noted)
- Set 1/2" iron rod with a plastic cap stamped MTX Surveying
- Point For Corner
- PK Nail Set W/Metal Washer stamped MTX Surveying

- Telephone Junc. Box
- Covered Concrete
- Power Pole

- Fence (Type as Noted)
- Gas Pipeline
- Overhead Electric Line
- Fiber Optic Line

- PC - Plastic Cap
- PFC-Point For Corner
- IPF - Iron Pipe Found
- IPFC - Iron Pipe W/Crimped Top Found
- IRF - Iron Rod Found
- IRS - Set 1/2" Iron Rod w/PC Stamped "MTX Surveying"

- D.C.O.P.R. - Dallas County Official Public Records
- D.C.D.R. - Dallas County Deed Records
- D.C.C.F. - Dallas County Clerks File
- D.C.P.R. - Dallas County Plat Records

D. CRIST SURVEY, A-226

DALLAS COUNTY, TEXAS



EXHIBIT C

Liberty Bankers Life Insurance Company,
an Oklahoma Life Insurance Company
Called 26.54 Acres
"Tract 2"
Document No. 2018-00311256
D.C.O.P.R.

Liberty Bankers Life Insurance Company,
an Oklahoma Life Insurance Company
Called 16.003 Acres
"Tract 1"
Document No. 2018-00311256
D.C.O.P.R.

Notes

This is NOT a boundary survey. This should only be used for planning and zoning purposes.

All bearings are based upon Grid North and referenced to the Texas State Plane Coordinate System (NAD 83) North Central Zone as derived from GPS observations.

According to Texas Local Government code, Chapter 212.004 and 212.005, dividing any tract or lot into two or more parts without benefit of a subdivision plat approved and recorded with the county clerk, is a violation of city ordinance and/or state law, subjecting the violator to fines and/or the withholding of utilities and building permits.

This plot is prepared for the parties involved in this transaction only. MTX Surveying will not be liable for any copies made after 90 days of the date shown or alterations made without the expressed written authorization of MTX Surveying



4901 E End Blvd
South, Marshall, Tx
75672
www.mtxsurveying.com
903.471.8391
TBPELS Firm No.
10194253

PLANNING AND ZONING DISTRICT BOUNDARY
SURVEY OF 13.255 ACRES OF LAND BEING PART
OF A CALLED 135.89 ACRE TRACT, DESCRIBED
IN DEED TO RCM FIREWHEEL, LLC, A TEXAS
LIMITED LIABILITY COMPANY, RECORDED IN
DOCUMENT NUMBER 2012-00379857, D.C.O.P.R.,
AND LOCATED WITHIN THE D. CRIST SURVEY,
A-226, DALLAS COUNTY, TEXAS

PRELIMINARY, THIS DOCUMENT SHALL
NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED
OR VIEWED OR RELIED UPON AS
FINAL SURVEY DOCUMENT

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	290.00'	354.08'	332.49'	S 21°31'13" E	69°57'24"

LINE	BEARING	DISTANCE
L1	S 13°27'32" W	153.81'
L2	N 64°49'29" W	146.37'
L3	N 48°23'42" W	178.02'
L4	N 65°44'07" W	112.72'
L5	N 82°00'24" W	182.25'
L6	S 78°24'39" W	265.07'
L7	S 87°24'06" W	57.91'
L8	N 44°37'17" W	49.99'
L9	N 45°45'45" W	656.05'

REPORT & MINUTES

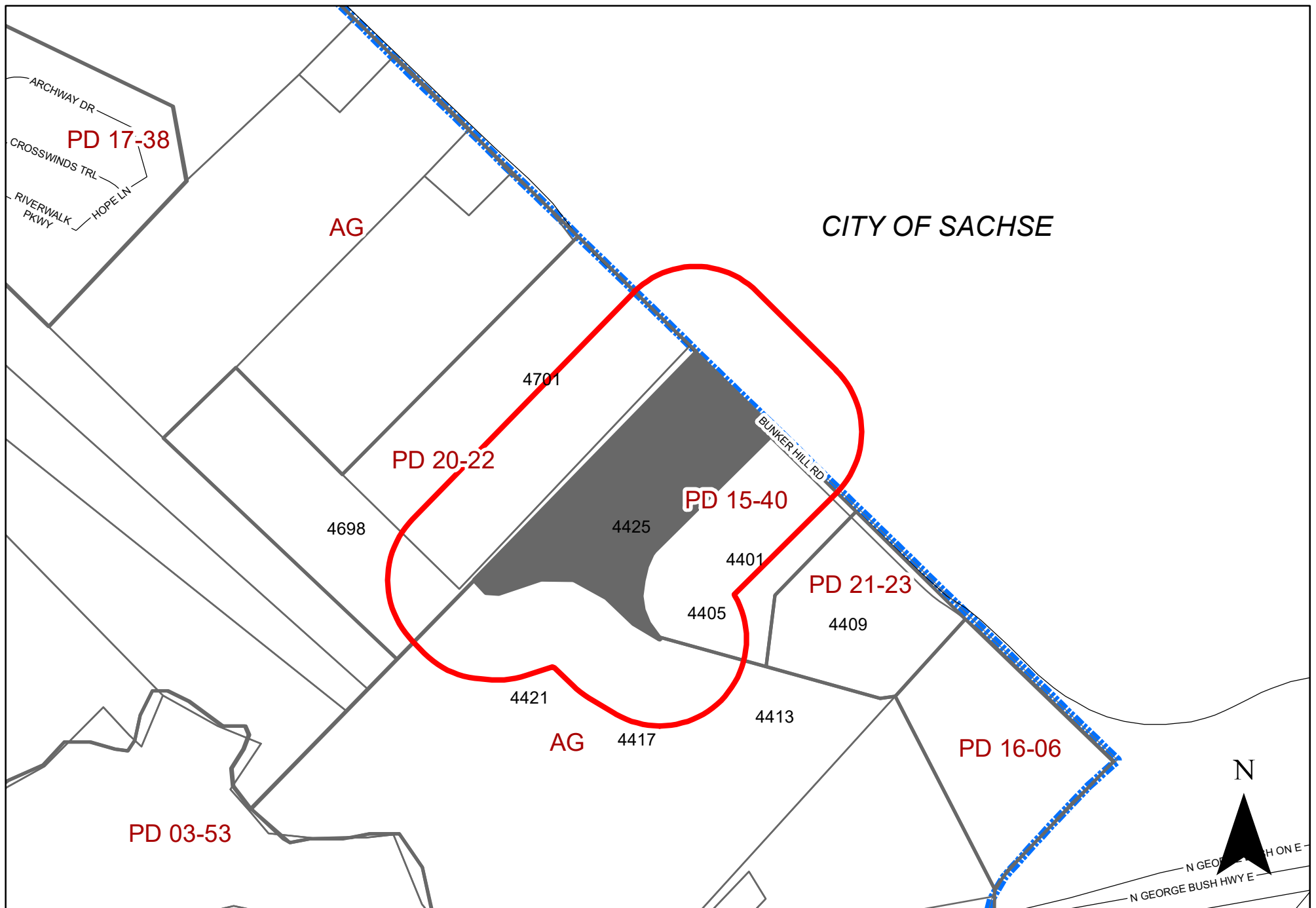
P.C. Meeting, January 24, 2022

Consideration of the application of **Realty Capital Management**, requesting approval of a Change of Zoning from Planned Development (PD) District 15-40 and Agricultural (AG) District to a Planned Development (PD) District for Multi-Family Uses. This property is located at 4425 Bunker Hill Road. (District 1) (File Z 21-60)

The applicant, Mason Orradre, 909 Lake Carolyn Parkway, Suite 150, Irving, Texas, provided a brief overview of the request and remained available for questions.

There were no questions for this applicant.

Motion was made by Commissioner Paris to close the public hearing and **approve** the application. Seconded by Commissioner Williams.
Motion carried: 7 Ayes, 0 Nays.



0 380 760 Feet
1 inch = 579 feet

ZONING MAP Z 21-60

INDICATES AREA OF REQUEST
INDICATES NOTIFICATION AREA

4425 Bunker Hill Rd.

To date we have not received any responses for this case.

Z 21-60

The applicant requests to revise the zoning boundary lines of Planned Development (PD) District 15-40 for Multi-Family Use to incorporate two (2) additional acres. There are no improvements proposed at this time.

[Zoning Change from Planned Development (PD) District 15-40 and Agricultural (AG) District for Multi-Family Uses]

**City Council Meeting
February 15, 2022**



GARLAND

TEXAS MADE HERE

Location: 4425 Bunker Hill Road

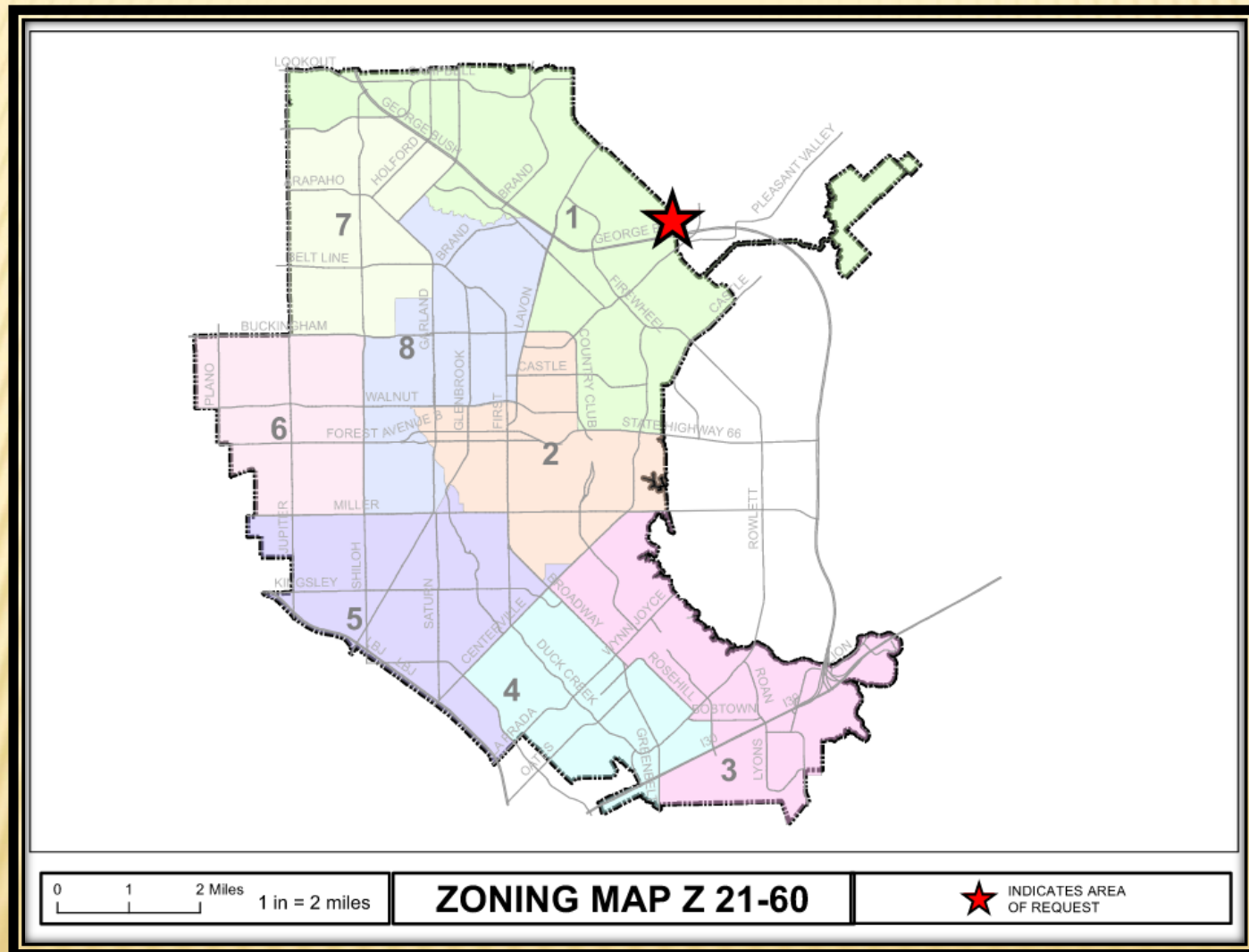
Applicant: Realty Capital Management

Owner: RCM Firewheel

Acreage: 13.2 acres

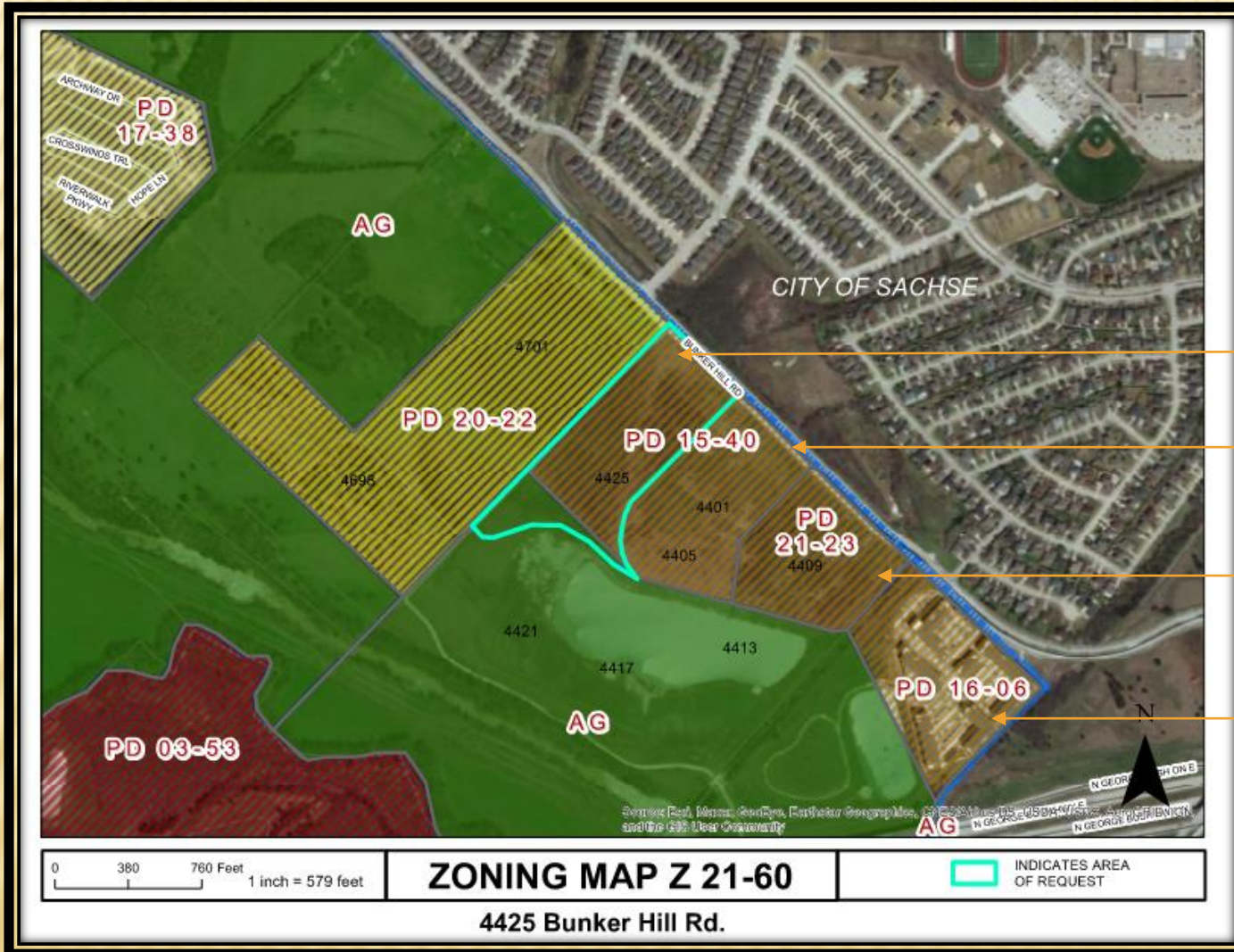
Zoning: Planned Development (PD) District 15-40
and Agricultural (AG) District

CITYWIDE LOCATION MAP



Z 21-60

LOCATION MAP



Phase 4

Phase 3

Phase 2

Phase 1

Z 21-60

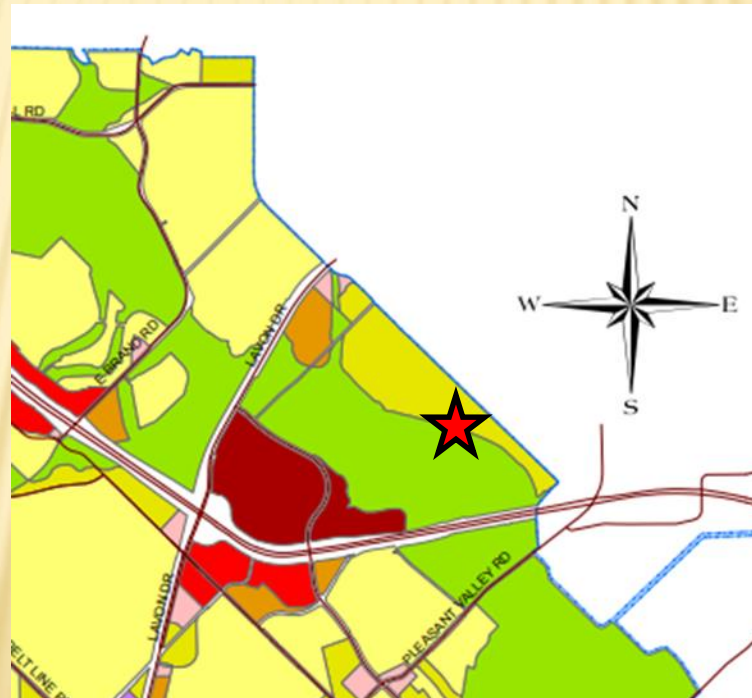
COMPREHENSIVE PLAN



Compact Neighborhoods



Parks & Open Space (Public & Private)



Z 21-60



COMPREHENSIVE PLAN

- The Envision Garland Plan designates the subject property as Parks and Open Space and Compact Neighborhoods
- Compact neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. It expands housing options through infill and redevelopment, while continuing walkable development patterns. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments.
- Public Parks and Open Space areas include the vast array of park, recreation, and open space lands. This can range from small neighborhood playgrounds to community parks with outdoor picnic areas, hike and bike trails, and play fields and tennis courts to community recreation centers with swimming pools or indoor gymnasiums; as well as natural areas and floodplains.



GARLAND
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PHOTOS



View of the subject property from Bunker Hill Rd



Looking north of the subject property



Looking east of the subject property



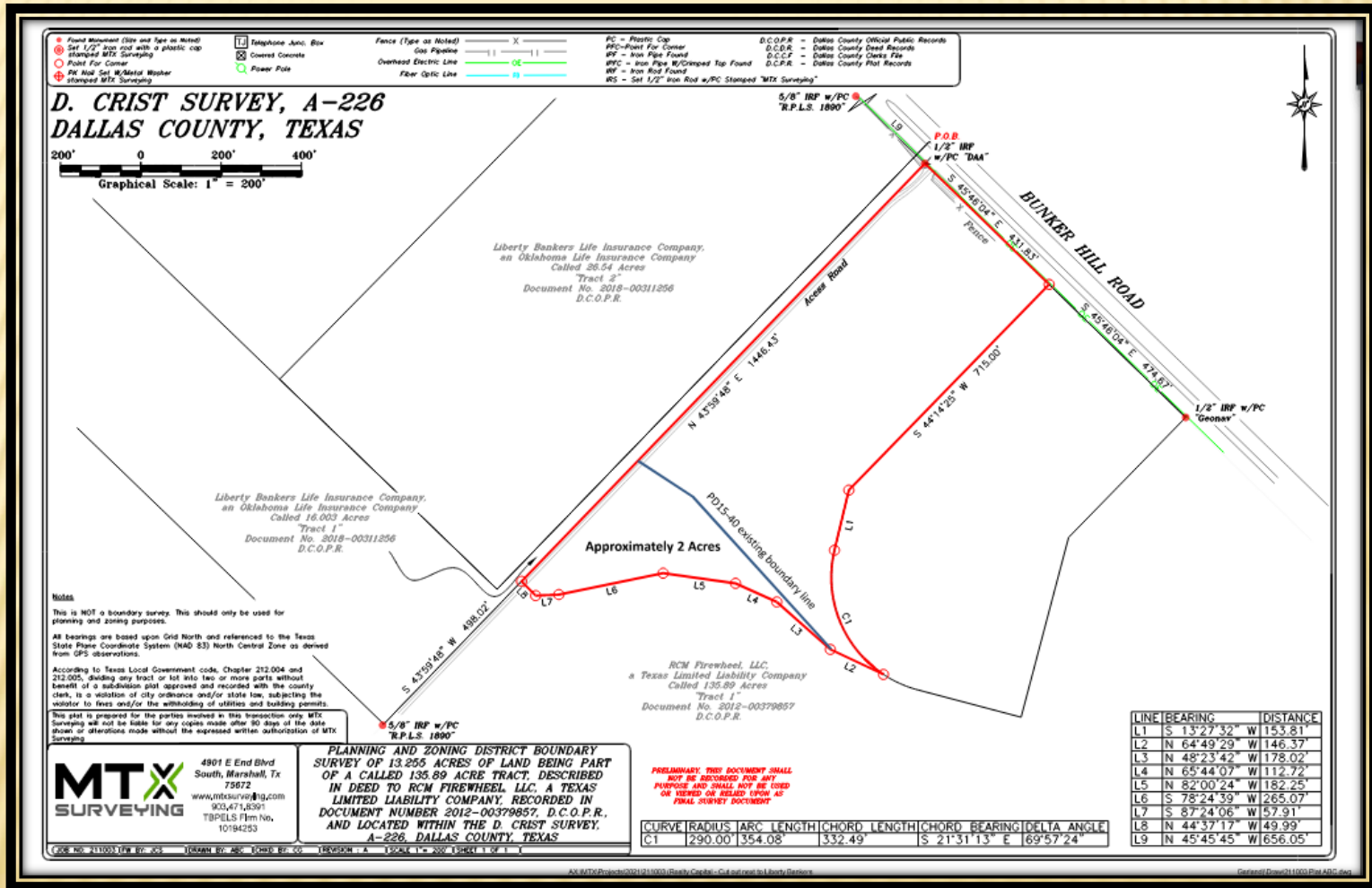
Looking west of the subject property

Z 21-60



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BOUNDARY SURVEY



Z 21-60

STAFF RECOMMENDATION

Approval of a Change of Zoning from Planned Development (PD) District 15-40 and Agricultural (AG) District to a Planned Development (PD) District for Multi-Family Uses.



PLAN COMMISSION RECOMMENDATION

On January 24, 2022 the Plan Commission, by a vote of seven (7) to zero (0), recommended approval of a Change of Zoning from Planned Development (PD) District 15-40 and Agricultural (AG) District to a Planned Development (PD) District for Multi-Family Uses.

Z 21-60