



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
January 9, 2018
7:00 p.m.**

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

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

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made.

BRAILLE IS NOT AVAILABLE.

CITY COUNCIL GOALS 2020

(Adopted by Resolution No. 9402 on December 20, 2005)

- Sustainable quality development and redevelopment
- Financially stable government with tax base that supports community needs
- Defends rightful powers of municipalities
- Fully informed and engaged citizenry
- Consistent delivery of reliable City services
- Safe, family-friendly neighborhoods
- Embrace diversity

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 December 12, Regular Meeting and December 15, Special Meeting.
2. Consider approval of the following bids:
 - a. Customer Information System Acquisition and Implementation Bid No. 0463-17

Advanced Utility Systems	\$3,580,720.00
Advanced Utility Systems	<u>253,075.00</u>
TOTAL:	\$3,833,795.00

This request is to purchase and implement a Customer Information System for the management and billing of utility services used primarily by the Customer Service Department.

b. Wood-Grinding Services **Bid No. 0482-17**

Camo Farms, Inc. \$27,900.00

This request is to provide additional wood waste grinding services at the C.M. Hinton, Jr. Landfill.

c. Substation Power Transformers **Bid No. 0903-17**

Texas Electric Cooperative \$1,014,898.00
Optional Contingency 101,489.00
TOTAL: \$1,116,387.00

This request is to purchase two 25 MVA substation power transformers. Due to the complex nature of the project, an Optional Contingency is included for any additional work that may be required.

d. Water Line Replacement and Sanitary Sewer Repair **Bid No. 0130-18**

A&M Construction and Utilities, Inc. \$1,417,675.40

This request is to provide sanitary sewer repair on Plano Road and water and paving improvements on Justice Lane, Tynes Drive, and Tynes Way.

e. Duck Creek Siphon Replacements at Nickens and La Prada **Bid No. 1196-17**

Tri-Con Services, Inc. \$974,808.00

This request is to provide for the replacement of two existing siphons across Duck Creek at Nickens Road and La Prada Drive.

f. Landfill Gas-Monitoring Wells **Bid No. 0444-17**

Tri Con Works, L.L.C. \$50,330.00

This request is to provide for the installation of an additional sump at the C.M. Hinton, Jr., Landfill.

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

a. Zoning File No. Z 17-40, Hart, Gaugler + Associates (District 7)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas by approving 1) a Detail Plan and 2) a Specific Use Provision for Restaurant, Drive-Through on a 1.015-acre tract of land zoned Planned Development (PD) 13-28 District for Community Retail Uses and located at 2630 Arapaho 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 savings clause and a severability clause; and providing an effective date.

4. Consider an ordinance appointing Robert J. Beasley as chief judge and Sonja H. Galbraith as judge of the Municipal Court of the City of Garland, Texas and providing an effective date.

By State law the judges of the Garland Municipal Court - which is a "court of record" under the law - are appointed by the City Council to two year terms of office. The accompanying ordinance appoints Robert J. Beasley and Sonja Galbraith as the chief judge and judge, respectively, of the Garland Municipal Court, with a term of office beginning January 1, 2018.

5. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement with the North Central Texas Council of Governments to participate in a regional stormwater monitoring program; and providing an effective date.

Council is requested to approve a resolution authorizing the City Manager to execute an Interlocal Agreement with North Central Texas Council of Governments.

6. Consider a resolution authorizing the Mayor to execute an instrument abandoning a slope easement in the proposed Jefferson Woodlands subdivision; and providing an effective date.

Council is requested to consider a resolution authorizing the Mayor to execute an Abandonment Instrument that abandons the portion of the Slope Easement to the current property owner, Jefferson Woodlands, LLC.

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.

- 7. Consider by minute action the approval and ratification of a contingency contract between the City of Garland and Athos Academies, Inc., for the purchase of a 21.928 acre tract of land generally located on the northwest intersection of IH 30 and Rose Hill Road.**

Council is requested to consider the approval and ratification of a contingency contract between the City of Garland and Athos Academies, Inc., for the purchase of a 21.928 acre tract of land generally located on the northwest intersection of IH 30 and Rose Hill Road.

- 8. Hold a public hearing on:**

- a. Consider the application of Arleen Macias, requesting approval of a Specific Use Provision for a Reception Facility on a property zoned Community Retail (CR) District. This property is located at 3265 Broadway Boulevard. (File No. Z 17-44, District 4) (This item was postponed from the December 12, 2017 Regular City Council meeting).**

BEING an approximate 7.194-acre tract or parcel of land situated in the John Little League Survey, Abstract No. 761, Dallas County, Texas, same being all of Lot 10 of Block 1 of the Replat of Lot 1-RR & Lot 3-R of the BROADWAY CROSSING ADDITION, an addition to the City of Garland according to the plat thereof of record in Volume 93252, Page 2780 of the Dallas County Map Records. This property is located at 3265 Broadway Boulevard, Suite 103. The applicant seeks approval of a Specific Use Provision (SUP) to allow the operation of a Reception Facility within an existing multi-tenant building. The applicant intends to establish the separate operation of the 6,626 square-foot ballroom and live entertainment area of Suite 103 (Fat Fish Oyster Bar) from the existing restaurant use.

- 9. 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.

- 10. 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: January 9, 2018

Item Title: Minutes for the December 12 Regular Session and December 15 Special Meeting

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider approval of the minutes of the December 12, Regular Meeting and December 15, Special Meeting.

Recommendation/Action Requested and Justification

Attachments

Council Retreat Meeting Minutes

Regular Council Meeting 12.12 Minutes

Minutes of the Garland City Council Retreat

The City of Garland Council Retreat on Friday, December 15, 2017 at the Hyatt Place Garland, 5101 North President George Bush Highway, Garland, Texas, with the following members present:

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

1. **Council Priorities and Strategic Plan**

City Manager Bradford made the staff presentation on the Strategic Plan and the results of the Council priorities, reviewing the Vision Statement and Strategic Plan format.

Council asked Mr. Bradford to provide a Vision Statement prioritization for rankings (high, medium, and low) in the plan listed as A-J in the presentation.

Mr. Bradford requested direction to update, re-class, and adopt the Strategic Plan as presented. Council was asked if the plan would serve as an internal tool or if it will be communicated to the citizenry.

Mayor Athas opened the discussion stating that SH 78 is high priority in the long range planning.

Council Member Aubin believes the downtown Plaza, economic development funding, and bonds are a very high priority item. He also stated that sidewalk replacement falls under infrastructure, which will improve access.

Council Member Smith stated there should be a discussion to commit or abandon Hospital District redevelopment plan.

Council Member Gibbons stated that priority 3, Improving Street and Alley Conditions, may not require additional attention from Council, but continues to be a very high priority item. Mr. Bradford explained that staff continues to improve operationally on some of the 11 priority rankings and that only some of them require governance direction.

Mr. Bradford explained the staff and Council roles to execute priority items:

- Review resources internally, coming back to Council with a plan (staff)
- Review targets to develop a reasonable timeframe (Council)
- Developing tools to complete projects in a timely manner (staff)

Council Member LeMay referenced the Parks Master Plan as an example of a process that should be reevaluated. In light of a future bond program.

Mr. Bradford explained that process would require compartmentalization for specific projects and some element of financial planning in the master plan.

Council Member Vera requested a discussion on the Hospital District and inquiries he has received for an SUP to multi-family. Mr. Bradford stated this would be discussed during the Medical District TIF presentation.

Council Member Williams referenced page 5 of the Strategic Plan (medium/low rankings) specifically, the close relationship of residential redevelopment programs to sidewalk replacement, homeless, big box theft, incentive programs and the impact they have on residential redevelopment; suggesting combining these efforts to make

better policy decisions. Mr. Bradford stated that staff will create a strategy of Council priorities for workable goals.

Council Member Aubin asked that priorities be established for administration staff and the Council. He further stated that the top priorities be communicated to the citizens. He asked that a streets review occur more than once a year. He also stated that the Strategic Plan is a great document for directing Council. He encouraged the formation of a Council message board for increased capacity for discussion.

Council Member Nickerson believes citizens should receive regular information on progress made, projects that are executable now, e.g. the downtown plaza and the South Garland project; then move toward the long-term executable items, e.g. I-30 corridor redevelopment.

Council Member Williams requested prioritizing projects between districts to minimize pressure on the staff and departments. Mr. Bradford stated that the plan will facilitate in keeping priorities on schedule.

Council Member Aubin suggested the work session agenda items coincide with the Strategic Plan and be notated with priority rankings.

Council Member Nickerson suggested providing information on Council priorities to boards and commissions to better utilize them for involvement and input.

Mayor Athas stated he sees no need for reclassifying the priorities at this point; this is a first step to a large plan. Mr. Bradford stated that the process will be a dual track planning element. Continuing to track forward with a plan to communicate to the citizens and boards at some future date. He will be bringing a public relations tool to Council on how to tell our story.

FINANCIAL PRESENTATIONS:

2. Garland Plus Five – General Fund Forecast

Ron Young, Budget Director made the staff presentation. The presentation was a review of the General Fund items: Property Tax Base, Sales Tax Revenue, and GP&L ROI.

Council Member Gibbons asked if the City has a surplus in the 2018-19 and 2019-20 budgets that could be used to offset possible deficits in 2020-21 and 2021-22 budgets. Mr. Bradford explained that these are projections and any surpluses could be used for one-time expenses.

2018 CIP – High Level Overview

Allyson Bell, Budget Analyst made the staff presentation.

Police Evidence Building – CIP Impact

Chief Bates and Assistance Chief, Scott Vornberg made the staff presentation. Chief Bates cited the need for a new property room due to the lack of property storage space and the ability to refrigerate or freeze evidence.

Council will have to consider the following policy questions if a decision is made to build a new property room:

- Tax rate increase 3/10 of one cent for Rosehill project
- Tax rate increase 8/10 of one cent for property room
- Delay and include the request as part of a bond program

Chief Bates and Assistant Chief Vornberg will research funding mechanisms of other cities to include possible county and federal funds.

Future Bond Program – Discussion

Matt Watson, Finance Director presented the staff presentation, offering reasons for consideration and a hypothetical timetable of events.

Council Member LeMay asked if 2004 Bond items could be de-authorized. Mr. Bradford explained that de-authorizing 2004 Bond Items would require approval from the voters; items dormant over several years could be re-authorized.

Medical District Tax Increment Financing Zone – Research Report

Laura Dunn, Business Program Manager presented the staff report.

Council Member Aubin expressed a concern in moving forward to establish a TIF for the Hospital District because of the proposed closing of Baylor Medical Center.

Mr. Bradford and Council Member Nickerson provided background information on the proposed Baylor closure.

Council consensus was to continue discussion on this item after the TxDOT presentation.

DISCUSSION
POSTPONED

3.

Texas Department of Transportation – SH 78 Realignment

Seth Swaringen , CH2M Hill and Stephen Endres, Texas Department of Transportation, presented a report to Council and staff. There was discussion regarding prospective alignments for SH 78.

TxDOT is requesting input from the City, Council, interested stakeholders, and adjacent property owners for a public meeting in February. With support from the City, it was stated, the timeframe for the project could be 5-10 years.

DISCUSSION
CONTINUED

**Medical District Tax Increment Financing Zone –
Research Report**

Council Member Gibbons asked if the TIF could be established but not activated and what time is needed for a decision on the TIF. Ms. Dunn stated that staff would require at least six months preparation time to initiate a TIF.

Council Member Smith stated he supports establishing the TIF for revitalization and redevelopment.

Council consensus is to move forward on TIF, instructing Mr. Bradford to have his staff send out a press release on the TIF for the Medical District.

POSTPONED

Garland Power & Light – Executive Session

The City Council will convene in executive session under the provisions of Section 551.806 and 552.133 of the Texas Government Code to discuss, deliberate, vote on and/or take final action with regard to a competitive matter, that being a utility-related matter that is related to the City's competitive activity, relating to the disposition of certain assets of the Texas Municipal Power Agency.

ADJOURNED

The meeting was adjourned at 2:36 p.m.

CITY OF GARLAND, TEXAS

APPROVED: _____
Douglas Athas, Mayor

ATTEST: _____
Eloyce René Dowl, City Secretary

Minutes of the Garland City Council Regular Meeting

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, December 12, 2017 in the Council Chambers at City Hall, 200 North Fifth Street, Garland, Texas, with the following members present:

COUNCIL PRESENT:	Mayor	Douglas Athas
	Mayor Pro Tem	David Gibbons
	Council Member	Anita Goebel
	Council Member	Jerry A. Nickerson
	Council Member	B. J. Williams
	Council Member	Rich Aubin
	Council Member	Robert Vera
	Council Member	Scott LeMay
	Council Member	Robert Smith

STAFF PRESENT:	City Manager	Bryan Bradford
	City Attorney	Brad Neighbor
	City Secretary	Eloyce René Dowl

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

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

1. APPROVED** Approval of the Minutes of the December 5, 2017 Regular Meeting.

2a. APPROVED** Bid No. 0190-18 awarded to Brown and Gay Engineers, Inc. in the amount of \$323,600.00 for Engineering Design Services for Paving, Water, and Wastewater Improvements.

This request is to provide professional design services for the replacement of water, wastewater, and paving improvements on Glenbrook Drive from Centerville road to Carroll Drive and Glenbrook Court.

2b. APPROVED** Bid No. 0187-18 awarded to Hexagon Safety and Infrastructure in the amount of \$709,414.72 for Police Records Management System Upgrade.

This request is to upgrade the Police Department's Records Management System to current technology.

2c. APPROVED**

Bid No. 0195-18 awarded to Kimley-Horn & Associates, Inc. in the amount of \$459,710.00 for Engineering and Surveying Services for Street Replacement Design.

This request is to provide professional engineering and surveying services including detailed construction plans for the reconstruction of six streets.

3a. APPROVED**

Ordinance No. 6946 amending the Garland Development Code of the City of Garland Texas, by approving a Specific Use Provision for a Restaurant, Drive-Through on a 0.65-acre tract of land zoned Community Retail (CR) District located at 513 and 519 Rowlett Road, providing for conditions, restrictions and regulations; providing for a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a savings clause and a severability clause; and providing an effective date. Icon Consulting Engineers, Inc. (File No. Z 17-17, District 4)

3b. APPROVED**

Ordinance No. 6947 amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Change of Zoning from Planned Development (PD) 99-04 District for Community Retail Uses and Planned Development (PD) 05-54 District for Single-Family-7 Uses to Planned Development (PD) 17-45 District for Community Retail Uses, 2) a Detail Plan for a Self-Storage Facility (mini-warehouse) and 3) a Specific Use Provision for a Self-Storage Facility (mini-warehouse) on a 6.941-acre tract of land located at 5702 Bunker Hill 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 saving clause and a severability clause; and providing an effective date. Bannister Engineering (File No. Z 17-45, District 1)

4. APPROVED**

Resolution No. 10314 agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as the result of a tax sale; authorizing the Mayor to execute a deed without warranty; and providing an effective date.

Council accepted an offer and will sell the property to Ryan Z. and Associates, Inc.

5. APPROVED**

Resolution No. 10315 agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as the result of a tax sale; authorizing the Mayor to execute a deed without warranty; and providing an effective date.

Council accepted an offer and will sell the property to Ryan Z. and Associates, Inc.

6. APPROVED**

Resolution No. 10316 agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as a result of a tax sale; authorizing the Mayor to execute a deed without warranty; and providing an effective date.

Council accepted an offer and will sell the property to Ryan Z. and Associates, Inc.

7. APPROVED**

Resolution No. 10317 approving and funding the 2017-18 Cycle 1 Neighborhood Vitality Matching Grant Projects.

The Community Services Committee (CSC) met on December 11, 2017 to review five Neighborhood Vitality applications. The CSC recommended approval of the applications by Council.

8. APPROVED**

Ordinance No. 6948 amending Chapter 33, "Transportation", of the Code of Ordinances of the City of Garland, Texas; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas, providing a savings clause and a severability clause; and providing an effective date.

Council adopted the proposed parking restrictions to enhance the safety of both the school children and motorist in the vicinity of Club Hill Elementary.

9. APPROVED

Ordinance No. 6945 amending Chapter 2, Section 2.17, "Purpose, Applicability, and Effect" of the Garland Development Code of the City of Garland, Texas; providing a savings clause and a severability clause; and providing an effective date.

ITEMS FOR INDIVIDUAL CONSIDERATION

10. NO ACTION TAKEN Consider asking for a date certain for the resignation of Douglas Athas as Mayor

At the request of Council Member Anita Goebel and Council Member Robert Vera, the City Council will consider asking for a date certain for the resignation of Douglas Athas as Mayor.

There were statements made by Council Member Goebel, Council Member Vera, and Mayor Athas. The speaker on this item was Karen Nixon.

11. RESIGNATION
ACCEPTED

Consider an ordinance calling a special election for May 5, 2018 recalling Anita Goebel, Council Member for District 2

In furtherance of the discussions of the City Council at the December 5, 2017 Work Session and at the request of Mayor Douglas Athas, the City Council was scheduled to consider an ordinance calling for a recall election of Anita Goebel.

Council Member Goebel submitted a letter of resignation stating the effective date of her resignation to be May 5, 2018.

Speakers on this item were: Karen Nixon, Betsy Scott, Patrick W. Olson, Patricia Boone, Dorothy Brooks, Deborah Morris, Terry Morris, Sandra Lewis, Charlotte Brant, Elizabeth Berry, Darryl Quigley, and Mary A. Wickersham.

Mayor Athas read Council Member Goebel's letter of resignation into the record.

Brad Neighbor, City Attorney, reviewed the legal requirements for a recall election. He advised Council that acceptance of the resignation will meet the requirements of the Charter and the Council will not be required to call a recall election.

A motion was made by Council Member Aubin to accept the resignation of Council Member Goebel, seconded by Council Member Vera. Motion carried 9 ayes, 0 nays.

12a. APPROVED

Consider the application of Hart, Gaugler + Associates, requesting approval of 1) a Detail Plan for Community Retail Uses on a property zoned Planned Development (PD) 13-28 District for Community Retail Uses and 2) a Specific Use Provision for Restaurant, Drive-Through. This property is located at 2630 Arapaho Road. (File No. Z 17-40, District 7)

BEING one tract of land with approximately 1.015 acres and identified as Lot 3 on Block 1 of the ILT HS Addition, an addition to the City of Garland, as recorded in Instrument No. 201300387716, M.R.D.C.T., City of Garland, and Dallas County, Texas. The site is located at 2630 Arapaho Road. Approval of the proposal would allow the applicant to construct a two-tenant building on an undeveloped tract, with one tenant space to be built as a drive-through restaurant/coffee shop.

The staff report was presented by Josue De La Vega, Development Planner. The speaker on this item was Scott Remphrey, applicant. Motion was made by Council Member LeMay to approve the application based on Plan Commission and staff recommendation with the condition to add a 40-year time period on the Specific Use Provision, seconded by Council Member Aubin. Motion carried 9 ayes, 0 nays.

12b. POSTPONED

Consider the application of Arleen Macias, requesting approval of a Specific Use Provision for a Reception Facility on a property zoned Community Retail (CR) District. This property is located at 3265 Broadway Boulevard. (File Z 17-44, District 4) Staff requested postponement to the January 9, 2018 Regular City Council meeting.

BEING an approximate 7.194-acre tract or parcel of land situated in the John Little League Survey, Abstract No. 761, Dallas County, Texas, same being all of Lot 10 of Block 1 of

the Replat of Lot 1-RR & Lot 3-R of the BROADWAY CROSSING ADDITION, an addition to the City of Garland according to the plat thereof of record in Volume 93252, Page 2780 of the Dallas County Map Records. This property is located at 3265 Broadway Boulevard, Suite 103. The applicant seeks approval of a Specific Use Provision (SUP) to allow the operation of a Reception Facility within an existing multi-tenant building. The applicant intends to establish the separate operation of the 6,626 square-foot ballroom and live entertainment area of Suite 103 (Fat Fish Oyster Bar) from the existing restaurant use.

13. CITIZEN COMMENTS: Karen Nixon
Bob Duckworth

14. ADJOURN There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 8:33 p.m.

CITY OF GARLAND, TEXAS

APPROVED: _____
Douglas Athas, Mayor

ATTEST: _____
Eloyce René Dowl, City Secretary



GARLAND PURCHASING REPORT

City Council Regular Session Agenda

2.a.

Meeting Date: January 9, 2018

Item Title: Customer Information System Acquisition and Implementation

Submitted By: Steven Niekamp, Chief Information Officer

Bid Number: 0463-17

Purchase Justification:

The purpose of this request is to purchase and implement a Customer Information System for the management and billing of utility services used primarily by the Customer Service Department. The current system was implemented in 2007 and does not provide for the management of commercial environmental waste accounts. The current system also lacks much-needed capabilities such as customer service workforce management and mobile access. The annual maintenance will be ongoing as long as the City continues to utilize the Customer Information System. Subsequent maintenance renewals do not require additional City Council approval. Expenditures will not exceed appropriated funds.

Evaluation:

A Request for Proposals was issued in accordance with Purchasing procedures. Seven proposals were received and evaluated based on published criteria of proposer's qualifications, functional requirements, implementation services, and price. Flutengride submitted an incomplete proposal, deeming their proposal non-responsive. The three highest ranked proposers were invited to provide on-site demonstration of their respective systems. After the on-site demonstrations, the field was narrowed to the two top finalists. The evaluation committee performed site visits with current customers of the two top finalists. After the initial ranking, demonstrations, site visits, and reference checks, Advanced Utility Systems was selected as the vendor offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Advanced Utility Systems	One-Time Costs	\$3,580,720.00
Advanced Utility Systems	Annual Maintenance	253,075.00
TOTAL:		\$3,833,795.00

Basis for Award: Best Value

Purchase Requisition #: PR 39089

Fiscal Impact

Total Project/Account: \$11,599,314
Expended/Encumbered to Date: 3,387,414
Balance: \$8,211,900
This Item: 3,833,795
Proposed Balance: \$4,378,105
Account #: 415-4599-2333516-9029, 411-4513-7121

Fund/Dept/Project – Description and Comments:

IT Project Fund / Customer Information System Upgrade
Information Technology Fund / Application Services

Attachments

Bid Recap 1 of 2

Bid Recap 2 of 2

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2017-18

Document Location: Pages B-63 & D-90

Budget Director Approval: Ron Young

Approval Date: 12/27/2017

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 12/14/2017



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.b.

Meeting Date: January 9, 2018

Item Title: Wood-Grinding Services

Submitted By: Lonnie Banks, Managing Director

Bid Number: 0482-17

Purchase Justification:

The purpose of this request is to provide additional wood waste grinding services at the C.M. Hinton, Jr., Landfill. The Landfill accepts wood waste for recycling purposes from Environmental Waste Services Brush Collection crews, private waste-hauling companies, and landscaping companies. Ground wood waste is made available at no charge to Garland residents and City departments for landscaping and gardening-related projects. The overabundance of stockpiled wood waste poses safety concerns related to the potential combustion of the material.

Evaluation:

Camo Farms, Inc., was awarded the original Purchase Order 26044 in the amount of \$27,900.00. The original Bid Recap is attached for reference.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Camo Farms, Inc.	All	\$27,900.00
		TOTAL:	\$27,900.00

Basis for Award: Change Order

Purchase Requisition #: 26044

Fiscal Impact

Total Project/Account: \$159,691
Expended/Encumbered to Date: 69,036
Balance: \$90,655

This Item: 27,900
Proposed Balance: \$62,755
Account #: 100-1603-7111
Fund/Dept/Project – Description and Comments:
General Fund / Landfill (Disposal)

Change Order to PO 20644 for brush-grinding.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2017-18

Document Location: Page 191

Budget Director Approval:

Purchasing Director Approval: Gary L. Holcomb

Approval Date:

Approval Date: 12/22/2017



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.c.

Meeting Date: January 9, 2018

Item Title: Substation Power Transformers

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0903-17

Purchase Justification:

The purpose of this request is to purchase two 25 MVA substation power transformers. One of the units is needed for the scheduled rebuild of the Apollo Substation, and the other unit will be a system spare. The transformers are being ordered at this phase of the project due to a 12-month lead-time. Due to the complex nature of the project, an Optional Contingency is included for any additional work that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Twelve (12) bids were received and evaluated based on the published criteria. Texas Electric Cooperative, Inc., submitted the lowest base transformer price and received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Texas Electric Cooperative	All	\$1,014,898.00
Optional Contingency		101,489.00
TOTAL:		\$1,116,387.00

Basis for Award: Best Value

Purchase Requisition #: 38379

Fiscal Impact

Total Project/Account: N/A

Expended/Encumbered to Date: N/A

Balance: N/A

This Item: \$1,116,387

Proposed Balance: N/A

Account #: 211-1312

Fund/Dept/Project – Description and Comments:

Electric CIP Fund - Two 25 MVA transformers are being ordered now due to 12-month lead times. One is for the scheduled rebuild of the Apollo Substation, and the other will be a system spare. The transformers will be expensed into an appropriate Electric CIP account when pulled from inventory for installation. Due to the complex nature of the project, an Optional Contingency is included for any additional work that may be required.

Attachments

Bid Recap 1 of 3

Bid Recap 2 of 3

Bid Recap 3 of 3

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2017

Document Location: N/A

Budget Director Approval: Ron Young

Approval Date: 12/28/2017

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 12/22/2017

CITY OF GARLAND - BID RECAP SHEET OPENED: 08/24/17 REQ. NO. PR 38379 BID NO. 0903-17 PAGE: 1 of 3 BUYER: T. Smith				Texas Electric Cooperatives, Inc.		WEG Electric Corporation		Anixter, Inc.		J.H. Davidson & Associates, LLC	
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
			Base transformer price	\$507,449.00	\$507,449.00	\$559,200.00	\$559,200.00	\$521,917.00	\$521,917.00	\$575,422.00	\$575,422.00
			Evaluation Criteria:								
			Price for Base Transformer	Maximum=90	90.00		81.67		87.51		79.37
			Delivery Schedule	Maximum=15	15.00		15.00		15.00		15.00
			On Time Delivery (as in proposal)	Maximum=10	10.00		10.00		10.00		10.00
			Conformation to Specification	Maximum=50	50.00		50.00		40.00		40.00
			Warranty	Maximum=40	40.00		40.00		40.00		40.00
			Absence of exceptions to the specs.	Maximum=40	40.00		40.00		40.00		0.40
			Incentives	Maximum=10	0.00		0.00		0.00		0.00
			Garland experience with the manuf.	Maximum=30	30.00		30.00		30.00		0.30
			Reliability (as reported in proposal)	Maximum=40	38.00		40.00		40.00		0.40
			Short circuit performance verification	Maximum=40	40.00		40.00		40.00		0.40
			Calculated noise performance	Maximum=25	24.17		24.62		24.17		0.24
			Calculated core hot spot perform.	Maximum=25	20.42		20.42		20.42		0.19
			Manufacturer's drying system	Maximum=40	40.00		40.00		20.00		40.00
			Years of producing in the US market	Maximum=25	25.00		25.00		25.00		25.00
			Number of transformers produced	Maximum=25	25.00		25.00		25.00		25.00
			approx. same size or larger the last five years								
			US manufacturer	Maximum=30	0.00		0.00		0.00		30.00
			Quality of submitted proposal	Maximum=10	10.00		10.00		10.00		10.00
			Safety Record Questionnaire	Maximum=40	40.00		40.00		40.00		0.00
			Total	Maximum=585	537.59		531.71		507.09		506.77
			TOTAL GROSS PRICE								
			CASH DISCOUNT								
			TOTAL NET PRICE		\$507,449.00		\$559,200.00		\$521,917.00		\$575,422.00
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								
NEXT LOW: 246 IonWave Notifications LOW: 42 IonWave HUBS SAVINGS: \$0.00 7 Direct Contact HUBS 0 HUBS Responded											
All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.											



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.d.

Meeting Date: January 9, 2018

Item Title: Water Line Replacement and Sanitary Sewer Repair

Submitted By: Michael Polocek, Engineering Director

Bid Number: 0130-18

Purchase Justification:

The purpose of this request is to provide sanitary sewer repair on Plano Road and water and paving improvements on Justice Lane, Tynes Drive, and Tynes Way. The water improvements include approximately 3,400 linear feet of new 8-inch water line, approximately 380 linear feet of 6-inch water line, replacing service lines, adjusting meters, and reconnecting services. The paving improvement work consists of approximately 8,900 square yards of 4-inch sidewalk, 5-inch driveway, and 6-inch pavement replacement including all incidentals as required. The sanitary sewer work consists of replacing an existing siphon and storm sewer crossing on Plano Road. A location map is included for reference.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Ten (10) bids were received and evaluated with A&M Construction and Utilities, Inc., submitting the lowest bid. Staff believes this project is fully within their capabilities.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
A&M Construction and Utilities, Inc.	All	\$1,417,675.40
TOTAL:		\$1,417,675.40

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: PR 39192

Fiscal Impact

Total Project/Account: \$15,515,938

Expended/Encumbered to Date: 9,693,645

Balance: \$5,822,293

This Item: 1,417,676

Proposed Balance: \$4,404,617

Account #: 220-4049-3019100-9214 / 220-4049-3020700-9129 /
230-4149-3215700-9305 / 692-4699-3981800-7111

Fund/Dept/Project – Description and Comments:

Justice and Tynes Water Line Replacement and Plano Road Sanitary Sewer Repair - This request relates to a combination of CIP funding from Water, Wastewater, and Stormwater Management.

Water - \$412,952 - 220-4049-3019100-9214

Water - \$245,489 - 220-4049-3020700-9129

Wastewater - \$67,042 - 230-4149-3215700-9305

Stormwater Management - \$692,193 - 692-4699-3981800-7111

Attachments

Bid Recap 1 of 2

Bid Recap 2 of 2

Location Map

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2017

Document Location: Pages W02, W08, WW07, and M15

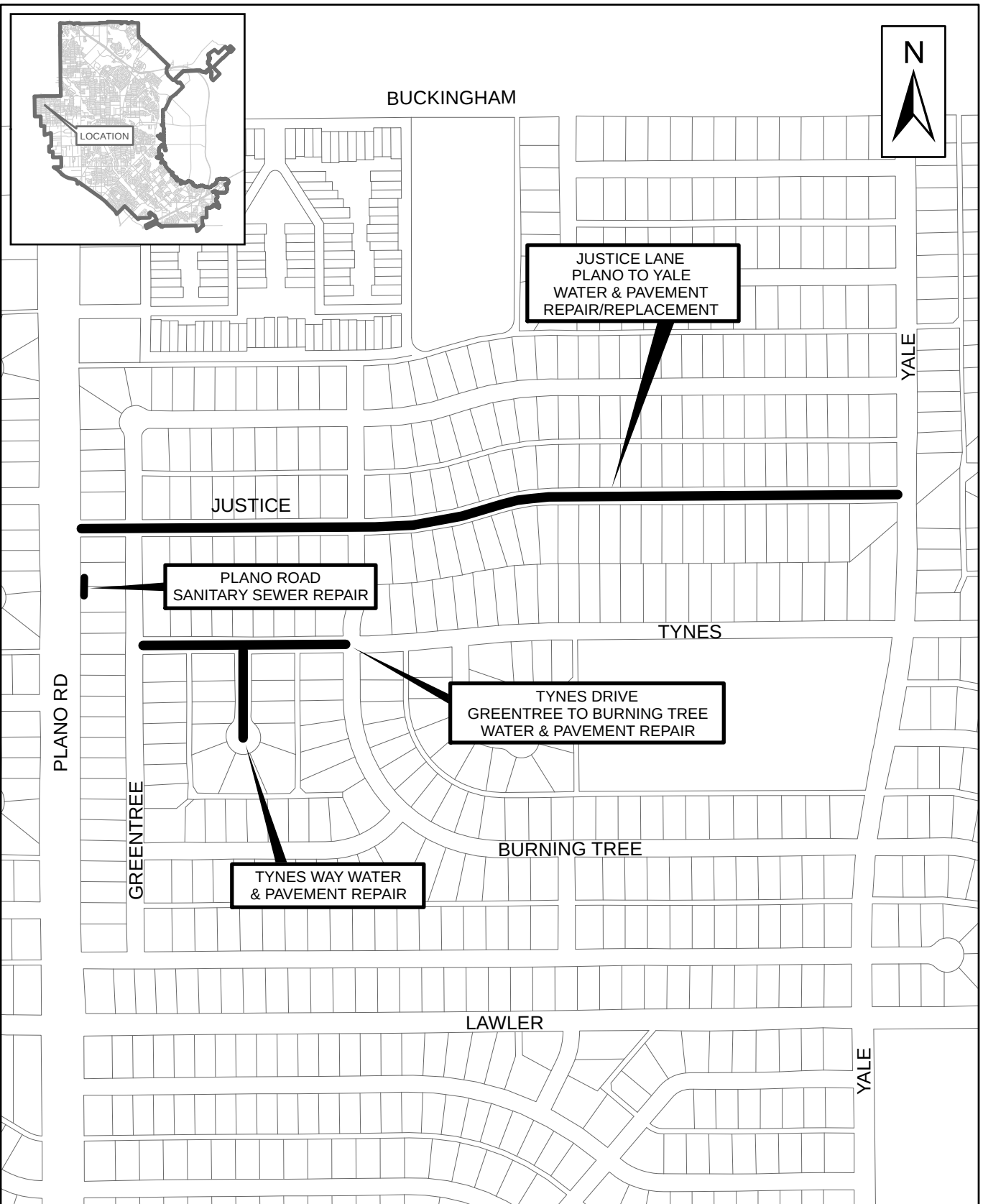
Budget Director Approval: Ron Young

Approval Date: 12/28/2017

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 12/22/2017

[illegible]



JUSTICE LN, TYNES DR & TYNES WAY
PAVEMENT REPLACEMENT
PLANO RD SANITARY SEWER REPAIR

Scale: 1"=400
File: Justice
Date: 12/21/2017
Drawn: jmk

SHEET
1
OF
1



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.e.

Meeting Date: January 9, 2018

Item Title: Duck Creek Siphon Replacements at Nickens and La Prada

Submitted By: Michael Polocek, Engineering Director

Bid Number: 1196-17

Purchase Justification:

The purpose of this request is to provide for the replacement of two existing siphons across Duck Creek at Nickens Road and La Prada Drive. Construction includes replacing double barrel siphons at two locations under Duck Creek. The Nickens Road location consists of approximately 130 feet of a 6-inch and a 10-inch siphon. The La Prada location consists of approximately 210 feet of two 6-inch siphons. Additional work includes constructing 300 linear feet of 12-inch PVC sewer, 232 linear feet of 8-inch PVC sewer, 4 siphon boxes, 4 manholes, and abandoning the existing siphons and sewer. A location map is included for reference.

Evaluation:

Requests for bids were issued in accordance with Purchasing procedures. Two (2) bids were received and evaluated with Tri-Con Services, Inc., submitting the lowest base bid. The three (3) alternate bids are not being awarded at this time. Staff believes this project is fully within their capabilities.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Tri-Con Services, Inc.	All	\$974,808.00
TOTAL:		\$974,808.00

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: PR 39200

Fiscal Impact

Total Project/Account: \$2,805,061

Expended/Encumbered to Date: 600,294

Balance: \$2,204,767

This Item: \$974,808

Proposed Balance: \$1,229,959

Account #: 237-4149-3212400-9305 / 237-4149-3214700-9301 /
237-4149-3218300-7111

Fund/Dept/Project – Description and Comments:

Duck Creek Siphon Replacements at Nickens and La Prada - This request includes funding from CIP projects in Wastewater.

Wastewater - \$456,468 - 237-4149-3212400-9305

Wastewater - \$260,000 - 237-4149-3214700-9301

Wastewater - \$258,340 - 237-4149-3218300-7111

Attachments

Bid Recap

Location Map

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2017

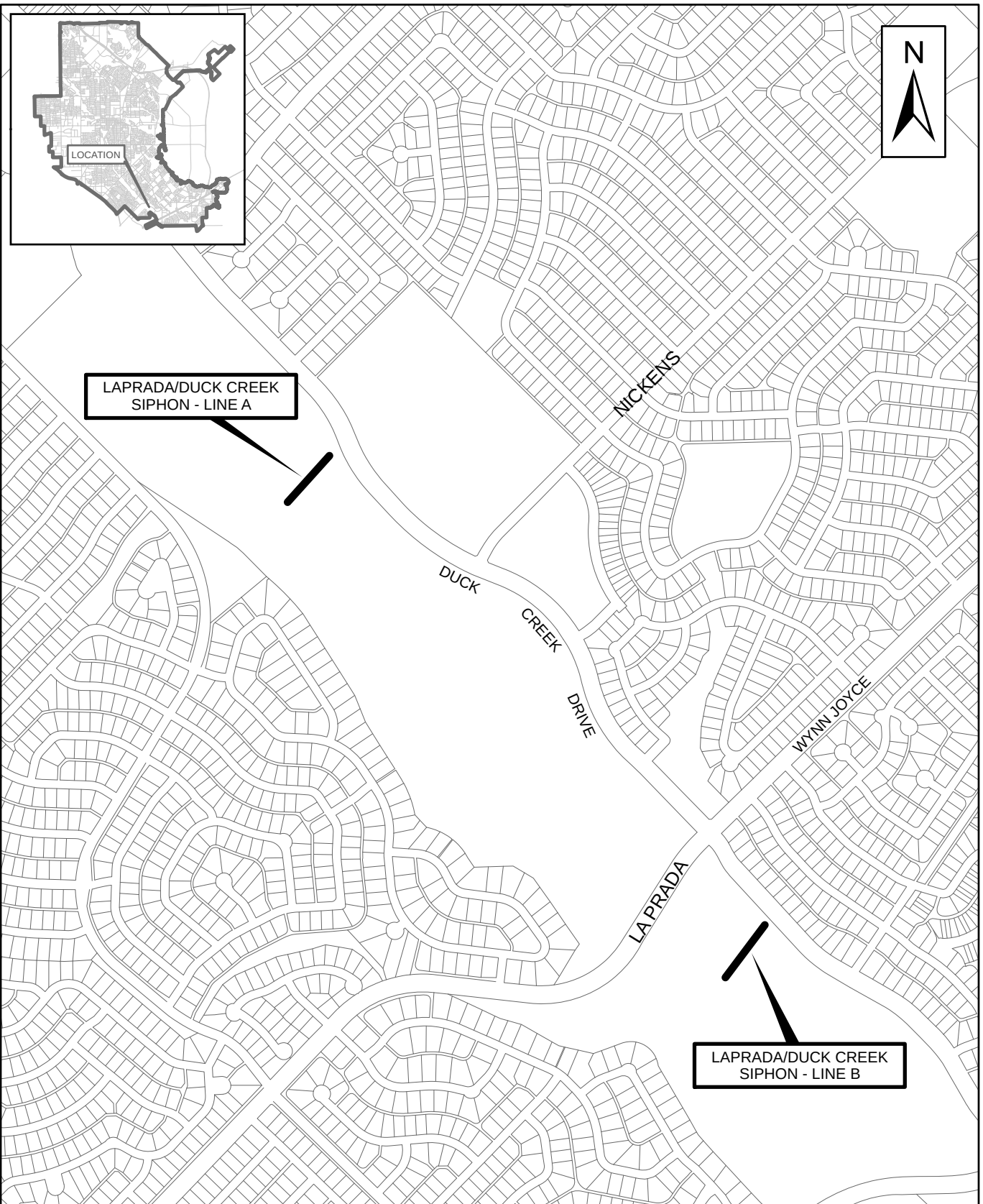
Document Location: Pages WW01, WW02, and WW12

Budget Director Approval: Ron Young

Approval Date: 12/28/2017

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 12/22/2017



DUCK CREEK SIPHON REPLACEMENTS
LAPRADA & NICKENS
DUCK CREEK SIPHONS

Scale: 1"=800
File: DuckCreek
Date: 12/22/2017
Drawn: jmk

SHEET
1
OF
1



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.f.

Meeting Date: January 9, 2018

Item Title: Landfill Gas-Monitoring Wells

Submitted By: Lonnie Banks, Managing Director

Bid Number: 0444-17

Purchase Justification:

The purpose of this request is to provide for the installation of an additional sump at the C.M. Hinton, Jr., Landfill. The additional sump is necessary due to the formation and collection of a large volume of liquid condensate after the installation of 37 additional gas-monitoring wells. Without the installation of this sump, the Landfill Gas Collection and Control System will not properly function due to excess condensate accumulation in the pipes.

Evaluation:

Tri Con Works, L.L.C., was awarded original Purchase Order 25744 in the amount of \$616,608.90 for expansion of the Landfill Gas Collection and Control System at the Hinton Landfill. (Original Bid Recap is attached for reference.) Change Order #1 for \$46,810 on PO 26292 and dated September 26, 2017, was subsequently issued, and Change Order #2 totaling \$50,330 is now requested.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Tri Con Works, L.L.C.		\$50,330.00
TOTAL:		\$50,330.00

Basis for Award: Change Order

Purchase Requisition #: 39203

Fiscal Impact

Total Project/Account: \$900,000

Expended/Encumbered to Date: 742,458

Balance: \$157,542
This Item: 50,330
Proposed Balance: \$107,212
Account #: 692-1609-1716100-9002

Fund/Dept/Project – Description and Comments:

CIP Fund 692 / EWS - Disposal / Hinton Landfill GCCS Expansion

Note: PR 39203 entered for \$50,330 as Change Order #2 to PO 25744.

Attachments

Bid Recap

Fiscal Reference:

Budget Type:

Fiscal Year: 2017

Document Location:

Budget Director Approval:

Approval Date:

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 12/22/2017



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3.a.

Meeting Date: January 9, 2018

Item Title: Z 17-40 Hart, Gaugler + Associates (District 7)

Submitted By: Josue De La Vega, Development Planner

Summary of Request/Problem

Zoning Ordinance Z 17-40 Hart, Gaugler + Associates

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 17-40 Ordinance

Z 17-40 Exhibit A

Z 17-40 Exhibit B

Z 17-40 Exhibits C-E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) A DETAIL PLAN AND 2) A SPECIFIC USE PROVISION FOR RESTAURANT, DRIVE-THROUGH ON A 1.015-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) 13-28 DISTRICT FOR COMMUNITY RETAIL USES AND LOCATED AT 2630 ARAPAHO 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 SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 27th day of November, 2017, the Plan Commission did consider and make recommendations on a certain request for approval of a Detail Plan and Specific Use Provision for a Restaurant, Drive-Through made by **Hart, Gaugler + Associates**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving 1) a Detail Plan and 2) a Specific Use Provision for Restaurant, Drive-Through on a 1.015-acre tract of land zoned Planned Development (PD) 13-28 District for Community Retail Uses and located at 2630 Arapaho Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

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

Section 3

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

Section 4

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 5

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

Section 6

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

PASSED AND APPROVED this _____ day of _____, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 17-40

Being all of Lot 3, Block 1, ILT HS Addition, an Addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded under Instrument Number 201300387716, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail found for the Northwest corner of said Lot 3, same being the Northeast corner of Lot 2, said Block 1, ILT HS Addition, same being in the southerly right-of-way line of Arapaho Road (variable width right-of-way), same being the beginning of a curve to the left, having a radius of 811.00 feet and a central angle of 02 deg. 50 min. 33 sec.;

THENCE along the common line of said Lot 3 and said Arapaho Road as follows:

Along said curve to the left, an arc distance of 40.23 feet and a chord bearing and distance of South 80 deg. 11 min. 04 sec. East, 40.23 feet to a 5/8 inch iron rod with yellow cap stamped "MMA" found for internal corner;

North 08 deg. 23 min. 39 sec. East, a distance of 7.22 feet to a PK nail found for corner, same being the beginning of a non-tangent curve to the left, having a radius of 1050.00 feet and a central angle of 06 deg. 20 min. 24 sec.;

Along said non-tangent curve to the left, an arc distance of 116.19 feet and a chord bearing and distance of South 81 deg. 50 min. 39 sec. East, 116.13 feet to a 5/8 inch iron rod with yellow cap stamped "MMA" found for the Northeast corner of said Lot 3, same being the Northwest corner of Lot 4, said Block 1, ILT HS Addition;

THENCE South 00 deg. 41 min. 11 sec. East, along the common line of said Lots 3 and 4, a distance of 238.44 feet to a 5/8 inch iron rod with yellow cap stamped "MMA" found for the Southeast corner of said Lot 3, same being the Southwest corner of said Lot 4, same being in the North line of Lot 1, said Block 1, ILT HS Addition;

THENCE South 89 deg. 18 min. 49 sec. West, along the common line of said Lots 3 and 1, a distance of 187.14 feet to a mag nail found for the Southwest corner of said Lot 3, same being the Northwest corner of said Lot 1, same being in the easterly line of aforesaid Lot 2;

THENCE along the common line of said Lots 3 and 2 as follows:

EXHIBIT A

North 00 deg. 52 min. 48 sec. West, a distance of 51.65 feet to a PK nail found for the beginning of a curve to the right, having a radius of 500.00 feet, and a central angle of 12 deg. 07 min. 00 sec.;

Along said curve to the right, an arc distance of 105.74 feet and a chord bearing and distance of North 05 deg. 10 min. 43 sec. East, 105.54 feet to a PK nail found for angle point;

North 11 deg. 14 min. 13 sec. East, a distance of 102.06 feet to the POINT OF BEGINNING and containing 44,215 square feet or 1.015 acres of computed land, more or less.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 17-40

2630 Arapaho Road

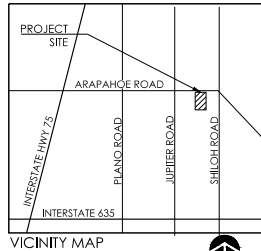
- I. Statement of Purpose:** The purpose of this Planned Development (PD) is to allow Community Retail and Restaurant, Drive-Through Uses.
- II. Statement of Effect:** This Planned Development (PD) shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the 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. Detail Plan: Development is to be in conformance with the approved Detail Plan labeled Exhibit C. In the event of conflict between the conditions and Detail Plan, the conditions listed below are to apply.
- V. Detail Plan:**
- A. Site Layout: The site shall be in conformance to the site layout reflected on Exhibit C.
- B. Screening and Landscaping: Screening and landscaping shall be in conformance to the layout reflected on Exhibit D.
- C. Building Elevations: Building elevations shall be in conformance to the elevations as approved on Exhibit E.
- D. Location of Refuse Containers: The refuse container and its masonry enclosure may be located to the side of the main building as shown on Exhibit C.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 17-40

2630 Arapaho Road

- II. 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 regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- VI. General Regulations:** All regulations of the 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.
- VII. Specific Regulations:**
- A. Tenant Space: The Specific Use Provision for Restaurant Drive-Through is limited to the 2,387 square foot tenant space as reflected on Exhibit C and shall be in effect for a period of forty (40) years.



NOT TO SCALE

PLANT SCHEDULE

QUANT.	SYM.	BOTANICAL NAME/ COMMON NAME	MIN. CAL.	MIN. HEIGHT	MIN. SPREAD	CONTAINER/ ROOTBALL	SPACING	REMARKS
TREES								
12	LI	LAGERSTROEMIA INDICA X FAURIEI 'NATCHEZ'	2.5"	10'	5'	45 GAL.	PER PLAN	SINGLE STRAIGHT TRUNK, FULL CANOPY, MATCHED
4	QV	QUERCUS VIRGINIANA LIVE OAK	3"	10'	4'	65 GAL.	PER PLAN	SINGLE STRAIGHT TRUNK, FULL CANOPY, MATCHED
4	UP	ULMUS PARVIFOLIUM LACEBARK ELM	3"	10'	4'	65 GAL.	PER PLAN	SINGLE STRAIGHT TRUNK, FULL CANOPY, MATCHED

SHRUBS / ORNAMENTAL GRASSES / GROUNDCOVERS

127	IC	ILEX CORNUTA 'DWARF BURFORD' DWARF BURFORD HOLLY	30"	24"	7 GAL.	36" O.C.		
54	JH	JUNIPERUS HORIZONTALIS 'BAR HARBOR' BAR HARBOR JUNIPER	6"	18"	1 GAL.	36" O.C.		FULL POTS, MIN. 5 RUNNERS
105	MC	MUHLENBERGIA CAPILLARIS GULF MUHLY	24"	24"	5 GAL.	36" O.C.		
255	TA	TRACHELOSPERUM ASIATICUM ASIAN JASMINE	6"	6"	4" POTS	12" O.C.		



CYNADON DACTYLON/
COMMON BERMUDA GRASS

SOLID 500 AS DESIGNATED ON PLANS

ACCESSORIES

SYMBOL	DESCRIPTION	COLOR	FINISH	REMARKS
E1	4" X 18" STEEL EDGE	GRAY/METALLIC	GALVANIZED	COL-MET, 972-494-3800
G1	COLORADO RIVER ROCK 2" - 4" DIA.	GRAY, SPECKLED	NATURAL, ROUNDED	FULL CONTINUOUS COVERS IN AREAS DESIGNATED ON PLANS 4" DEPTH W/ FILTER FABRIC

MATERIALS SCHEDULE

CONCRETE

SYMBOL	DESCRIPTION	COLOR	FINISH	REMARKS
C-1	CONCRETE PAVING	STANDARD GRAY PORTLAND	LIGHT BROOM	
C-2	CONCRETE PAVING	STANDARD GRAY PORTLAND	MEDIUM SAND BLAST	

OWNER:

2600 ARAPAHOE CROSSING LP
8117 PRESTON ROAD #300
DALLAS, TEXAS 75225
CONTACT: SCOTT D. REMPHREY

CITY OF GARLAND LANDSCAPE REQUIREMENTS

ZONING: COMMERCIAL

TOTAL LANDSCAPE AREA
REQUIRED: 10% MIN OF SITE AREA
44,215 SF X 10% = 4,421 SF
PROVIDED: 7,297 SF

LANDSCAPE BUFFERS

REQUIRED:
15' DEPTH ALONG ARAPAHOE ROAD
1 CANOPY TREE / 30 LINEAR FEET OF REQUIRED LANDSCAPE BUFFER
136 LF / 30 = 5 CANOPY TREES OR 4 CANOPY TREES & 3 ORNAMENTAL TREES
7 SHRUBS OR ORNAMENTAL GRASSES / 30 LINEAR FEET OF REQUIRED LANDSCAPE BUFFER
136 LF / 30 = 5 X 7 SHRUBS = 35 SHRUBS
MAXIMUM 75% OF LANDSCAPE BUFFER TO BE TURF, REMAINING GROUNDCOVER
TOTAL BUFFER AREA: 1,705 SF X 25% = 426 SF TO BE GROUNDCOVER

PROVIDED:

15' DEPTH ALONG ARAPAHOE ROAD
4 CANOPY TREES AND 3 ORNAMENTAL TREES
40 SHRUBS
453 SF OF GROUNDCOVER WITHIN LANDSCAPE BUFFER AREA. TYPE OF GROUNDCOVER USED
IS BAR HARBOR JUNIPER AS SELECTED FROM THE APPROVED PLANT LIST ON TABLE 4-5, PER
SECTION 4.34 (B)(3)(c).

PARKING

REQUIRED: 1 TREE AT THE TERMINUS OF EACH PARKING ROW
1 TREE WITHIN 65' OF EVERY PARKING SPACE
1 TREE FOR EVERY 10 PARKING SPACES
37 PARKING SPACES / 10 = 4 CANOPY TREES
35% OF CANOPY TREES CAN BE REPLACED WITH 3 ORNAMENTAL TREES
LIVING LANDSCAPE MATERIALS MUST COVER 5% OF OF PARKING LOT AREA
PARKING LOT AREA: 27,315 SF X 5% = 1,366 SF

PROVIDED:

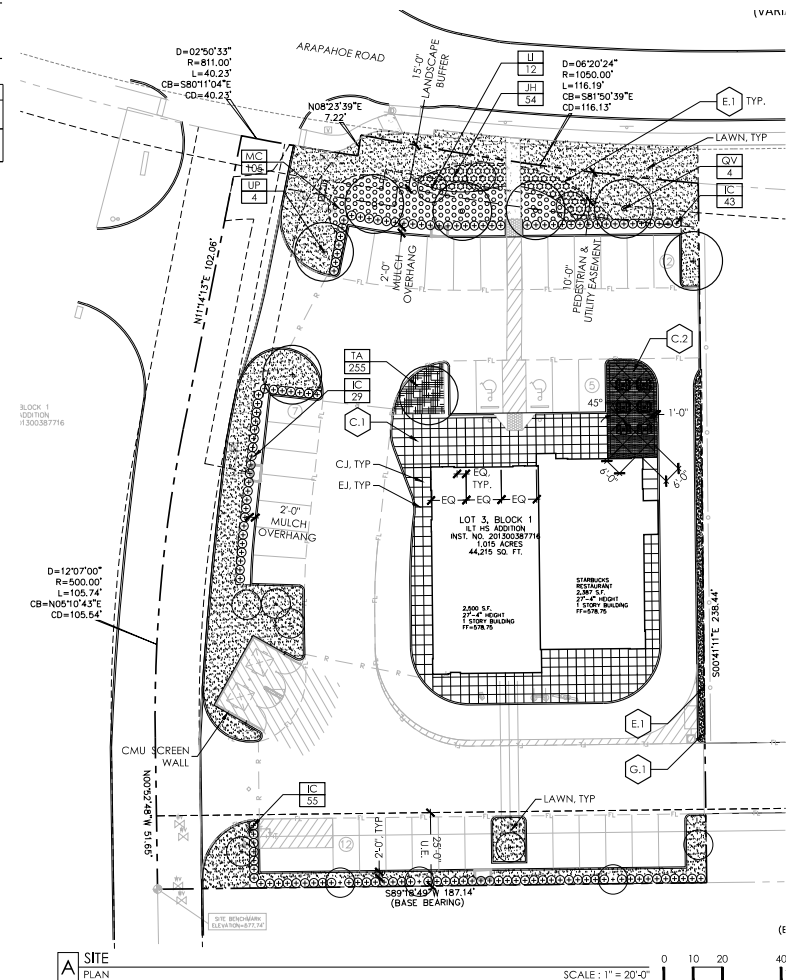
1 TREE AT THE TERMINUS OF EACH PARKING ROW
1 TREE WITHIN 65' OF EVERY PARKING SPACE
7 TREES PROVIDED (4 CANOPY TREES & 9 ORNAMENTAL TREES)
10% (2,868 SF) OF LIVING LANDSCAPE MATERIALS IN PARKING LOT AREA

SCREENING OF PARKING

REQUIRED: CONTINUOUS ROW OF SHRUBS AT 24" HEIGHT AT INSTALLATION AND WILL PROVIDE
A SOLID VISUAL SCREEN AT LEAST 3'-0" IN HEIGHT WITHIN 2 YEARS FOLLOWING INSTALLATION.
PROVIDED: CONTINUOUS ROW OF SHRUBS AT 30" HEIGHT AT INSTALLATION AND WILL
REACH A HEIGHT OF 3'-0" WITHIN 2 YEARS FOLLOWING INSTALLATION.

IRRIGATION:

ALL REQUIRED LANDSCAPE AREAS WILL RECEIVE 100% HEAD TO HEAD COVERAGE BY
AUTOMATIC UNDERGROUND IRRIGATION SYSTEM IN COMPLIANCE WITH APPLICABLE CODES
AND REGULATIONS. LAWN AREAS WILL BE IRRIGATED W/ POP-UP SPRAY HEADS, PLANTING
BEDS W/ DRIP TUBING, AND TREES W/ STREAM BUBBLERS.



A SITE
PLAN

SCALE: 1" = 20'-0"

No.	Date	Revisions



ARAPAHOE RETAIL
CITY OF GARLAND, TEXAS

LANDSCAPE PLAN
EXHIBIT D

Scale:	AS SHOWN
Designed by:	CD
Drawn by:	CD
Checked by:	CD
Date:	November 7, 2017
Project No.	210328

SHEET
L1.1



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: January 9, 2018

Item Title: Consider an ordinance appointing the chief judge and judge of the municipal court

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

By State law the judges of the Garland Municipal Court - which is a "court of record" under the law - are appointed by the City Council to two year terms of office. The accompanying ordinance appoints Robert J. Beasley and Sonja Galbraith as the chief judge and judge, respectively, of the Garland Municipal Court, with a term of office beginning January 1, 2018.

Recommendation/Action Requested and Justification

Approve the accompanying ordinance.

Attachments

judge appointment ordinance 2018

ORDINANCE NO.

AN ORDINANCE APPOINTING ROBERT J. BEASLEY AS CHIEF JUDGE AND SONJA H. GALBRAITH AS JUDGE OF THE MUNICIPAL COURT OF THE CITY OF GARLAND, TEXAS AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Robert J. Beasley and Sonja H. Galbraith are hereby respectively appointed as chief judge and judge of the Municipal Court of the City of Garland, Texas for a term of office of two years commencing January 1, 2018.

Section 2

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

PASSED AND APPROVED this the ____ day of _____, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

5.

Meeting Date: January 9, 2018

Item Title: Interlocal Agreement with the North Central Texas Council of Governments for Regional Wet Weather Characterization Program Effective October 1, 2017 through September 30, 2022

Submitted By: Michael Polocek, Engineering Director

Summary of Request/Problem

The City of Garland (City) stormwater permit issued by the Texas Commission on Environmental Quality (TCEQ) requires the City to monitor wet weather events through direct sampling and analysis. As a member of NCTCOG, the City participates in the Regional Stormwater Monitoring Program approved by the TCEQ. This program assists participating entities to maintain compliance with the TCEQ monitoring requirements. The wet weather monitoring included, provides a more efficient, consistent, and cost-effective product for the City.

NCTCOG is requesting the establishment of an Interlocal Agreement, along with other member Cities, to have all Agreements on the same renewal schedule. The agreement establishes the governing, term and financial responsibilities for each agency with respect to the Regional Wet Weather Characterization Program.

This item was considered by the Council at the December 12, 2017 Work Session.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the City Manager to execute an Interlocal Agreement with NCTCOG.

Attachments

ILA with NCTCOG

ILA Agreement Resolution with NCTCG

THE STATE OF TEXAS

THE COUNTY OF TARRANT

INTERLOCAL AGREEMENT FOR
REGIONAL WET WEATHER CHARACTERIZATION PROGRAM

THIS INTERLOCAL Agreement ("Agreement"), effective October 1, 2017 through September 30, 2022, is entered into between the **City of Garland** ("Participant"), a municipal corporation duly incorporated under the Constitution and laws of the State of Texas acting by and through its respective City Council and the North Central Texas Council of Governments ("NCTCOG"), a political subdivision of the State of Texas acting by and through its Executive Board. NCTCOG and Participant may each be referred to as a "Party", and may be collectively referred to as "Parties" to this Agreement.

WITNESSETH

WHEREAS, pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended (the "Act"), cities, counties, special districts, and other legally constituted political subdivisions of the State of Texas are authorized to enter into interlocal contracts and agreements with each other regarding governmental functions and services as set forth in the Act; and,

WHEREAS, the Parties to this Agreement are required to obtain a Texas Pollution Discharge Elimination System (TPDES) permit, from the Texas Commission on Environmental Quality (TCEQ), to discharge stormwater from their municipal separate storm sewer systems (MS4); and

WHEREAS, the Parties to this Agreement are required to comply with the TPDES stormwater monitoring requirements, including monitoring of wet weather events, through direct sampling and analysis; and,

WHEREAS, the Parties to this Agreement recognize that meeting this permit requirement can best be achieved through a regional stormwater monitoring program; and,

WHEREAS, the Parties to this Agreement have been cooperating and intend to continue cooperating with each other in the regional stormwater monitoring program and other stormwater management activities; and,

WHEREAS the NCTCOG has been authorized by its Executive Board to enter into a contract to receive professional environmental services with contractor Atkins North America, Inc. ("Consultant"); and,

WHEREAS, the Parties to this Agreement understand that entering into this Agreement in no way obligates any Party to implement any portion of the monitoring program that is not in their jurisdiction;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, and subject to the conditions herein set forth, the Parties agree and bind themselves as follows:

1. Definitions

For purpose of this Agreement:

- 1.1 Regional Monitoring Task Force (“Task Force”) The Task Force, comprised of representatives from participating entities, provides oversight and direction regarding the stormwater sampling activities conducted under the NCTCOG Regional Wet Weather Characterization Program.
- 1.2 The Regional Stormwater Management Coordinating Council (RSWMCC) is composed of twenty-two (22) representatives from participating entities who provide guidance and oversight through a regional unified approach, address state and federal stormwater quality regulations, and support regional stewardship of the urbanized surface waters of North Central Texas.

2. Purpose

The purpose of this Agreement is to allow NCTCOG to engage the services of the Consultant, on behalf of the Participant, to provide regional stormwater monitoring program assistance, in compliance with TPDES stormwater permit requirements, to the Participant, for a term of five years, from **October 1, 2017** through **Sept 30, 2022**.

3. Term

This Agreement shall take effect on October 1, 2017 and shall remain in effect until September 30, 2022, unless terminated earlier, as provided herein.

4. Duties

- 4.1 NCTCOG will be the administrative agent under the Agreement pursuant to the Act.
- 4.2 NCTCOG will oversee the Consultant(s), review and approve invoices and progress reports, and coordinate with Participant regarding meetings, schedules, deliverables, and other key project milestones and events. Communication with the Consultant(s) will be coordinated through the NCTCOG.
- 4.3 Participant will sign a separate “Letter of Authorization” for each consecutive fiscal year, from October 2017 through September 2022, for administration and implementation of stormwater-related activities included in this Agreement.
- 4.4 NCTCOG and the Participant, through the Task Force, will provide policy guidance for the cooperative program and make recommendations to the governing bodies of the Parties and the superseding RSWMCC.

5. Funding

- 5.1 The approved budget ("Exhibit A") for the Regional Wet Weather Characterization Program for the five-year permit term is \$1,822,083. The budget, approved by the Task Force, is cost-shared among Participants. The cost-share amount by year per entity can be found in "Exhibit B."
- 5.2 NCTCOG will invoice and collect payment from the Participant for the costs projected to be incurred for goods or services prior to the commencement of work to be performed by the Consultant. The Participant shall remit the amount of the invoice to NCTCOG within thirty (30) calendar days of receipt of the invoice.
- 5.3 Issuance of a Notice to Proceed to the Consultant is contingent on the receipt of a signed Letter of Authorization, funds for the corresponding fiscal year, and this Agreement from the Participant, or as otherwise mutually agreed.
- 5.4 Each Party paying for services under this Agreement must make those payments from current revenues available to the paying Party.
- 5.5 In the event that payment of invoiced goods or services is not received by the NCTCOG within thirty (30) calendar days of receipt of the accepted invoice, NCTCOG is authorized to charge the Party interest in accordance with the Prompt Payment Act. Parties that do not pay will not receive the benefits outlined in the Scope of Work, herein.
- 5.6 This Agreement and all claims, suits, or obligations arising under or related to this Agreement are subject to and limited by the receipt and availability of funds which are received from the funding agencies by NCTCOG dedicated for the purposes of this Agreement.

6. Modification, Waiver and Severability

- 6.1 This Agreement and any exhibits, which may be attached, constitute the entire Agreement among the Parties and supersedes any and all prior oral and written agreements between the parties relating to the matters herein. No waiver or modification of this Agreement shall be valid unless in writing and signed by both Parties.
- 6.2 Failure of the Parties to enforce or insist upon compliance with any of the terms and conditions of this Agreement shall not constitute a waiver or relinquishment of any such terms and conditions.
- 6.3 It is expressly understood and agreed that in the execution of this Agreement neither Party to this Agreement waives, nor shall be deemed to waive, any immunity or defense that would otherwise be available to each against claims arising in the exercise of governmental powers and functions.
- 6.4 In the event that any one or more of the provisions of this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof,

and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

- 6.5 This Agreement may be executed in any number of counterparts, each of which shall be deemed an original.

7. Miscellaneous

- 7.1 Additional political subdivisions within or serving the North Central Texas region may become parties to this Agreement by first obtaining endorsement by the Task Force and the RSWMCC. The prospective Party must also execute this agreement and provide pro-rata funding for the RSWMCC Work Program, and their portion of the cost-share amount for the permit term.
- 7.2 It is agreed that no Party to this Agreement shall be responsible for the acts of another Party to this Agreement, and each Party participating herein, to the maximum extent allowed by law, indemnifies, releases, and holds all other participating Parties harmless for all acts of its own officers, officials, agents, and employees acting hereunder.
- 7.3 To the extent that either Party to this Agreement shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such Party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the Party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds.
- 7.4 Records shall be retained by NCTCOG and the Participant for as long as administratively feasible, but not less than three (3) years, following the closure of the most recent audit report and until any outstanding litigation, audit, or claim has been resolved.
- 7.5 By entering into this Agreement, the Parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.
- 7.6 Each individual signing this Agreement on behalf of a Party warrants that he or she is legally authorized to do so and that the Party is legally authorized to perform the obligations undertaken.

IN WITNESS HEREOF, the Parties have executed this Agreement in duplicate originals on the _____ day of _____ 2017.

City of Garland

North Central Texas Council of Governments

Signature

R. Michael Eastland
Executive Director

Printed Name

Printed Name

Title

Title

Date

Date

Attch: Exhibit A – Permit Term Budget by Year per Participant (FY28-FY22)
 Exhibit B – Cost-share Distribution by Year per Participant (FY18-22)

EXHIBIT A

Regional Wet Weather Characterization Program
 Permit Term Budget by Year per Participant (FY18-FY22)

YEARLY DISTRIBUTION PER ENTITY (FY 18-22)						
Permit Term Four						
PART A: Stormwater Monitoring						
Entity	FY18	FY19	FY20	FY21	FY22	Grand Total
Arlington	\$ 68,881	\$ 57,417	\$ 61,607	\$ 57,417	\$ 26,216	\$ 271,538
Garland	\$ 80,552	\$ 75,152	\$ 81,437	\$ 75,152	\$ 29,552	\$ 341,845
Irving	\$ 68,882	\$ 57,417	\$ 61,607	\$ 57,418	\$ 26,216	\$ 271,540
Mesquite	\$ 59,773	\$ 53,028	\$ 57,218	\$ 53,028	\$ 22,307	\$ 245,354
Plano	\$ 58,492	\$ 46,355	\$ 49,498	\$ 46,355	\$ 22,593	\$ 223,293
NTTA	\$ 59,774	\$ 53,029	\$ 57,218	\$ 53,028	\$ 22,307	\$ 245,356
Dallas	\$ 13,434				\$ 5,517	\$ 18,951
Fort Worth	\$ 3,958	\$ 3,958	\$ 3,958	\$ 3,958	\$ 3,958	\$ 19,790
Total	\$ 413,746	\$ 346,356	\$ 372,543	\$ 346,356	\$ 158,666	\$ 1,637,667
PART B: Biological Monitoring						
Entity	FY18	FY19	FY20	FY21	FY22	Grand Total
Garland	\$11,104	\$12,052	\$ 12,052	\$ 12,052	\$ 6,359	\$ 53,619
Irving	\$11,104	\$12,052	\$ 12,052	\$ 12,052	\$ 8,322	\$ 55,582
Plano	\$11,104	\$12,052	\$ 12,052	\$ 12,052	\$ 8,322	\$ 55,582
Dallas					\$ 7,853	\$ 7,853
Fort Worth	\$ 2,356	\$ 2,356	\$ 2,356	\$ 2,356	\$ 2,356	\$ 11,780
Total	\$35,668	\$38,512	\$38,512	\$38,512	\$33,212	\$ 184,416
					Total	\$ 1,822,083

EXHIBIT B

Regional Wet Weather Characterization Program
Cost-Share Distribution by Year per Participant (Chemical and Biological)

YEARLY COST-SHARE DISTRIBUTION PER ENTITY (FY 18-22)					
Entity	FY18	FY19	FY20	FY21	FY22
Arlington	\$ 68,881	\$57,417	\$61,607	\$57,417	\$ 26,216
Garland	\$ 91,656	\$87,204	\$93,489	\$87,204	\$ 35,911
Irving	\$ 79,986	\$69,469	\$73,659	\$69,470	\$ 34,538
Mesquite	\$ 59,773	\$53,028	\$57,218	\$53,028	\$ 22,307
Plano	\$ 69,596	\$58,407	\$61,550	\$58,407	\$ 30,915
NTTA	\$ 59,774	\$53,029	\$57,218	\$53,028	\$ 22,307
Dallas	\$ 13,434				\$ 13,370
Fort Worth	\$ 6,314	\$ 6,314	\$ 6,314	\$ 6,314	\$ 6,314
			Grand Total: \$1,822,083		

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS TO PARTICIPATE IN A REGIONAL STORMWATER MONITORING PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Council hereby authorizes the City Manager to enter into an interlocal agreement, which is attached hereto as Exhibit A and incorporated herein by reference, with the North Central Texas Council of Governments to participate in a regional stormwater monitoring program.

Section 2

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

PASSED AND APPROVED this the _____ day of _____, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

6.

Meeting Date: January 9, 2018

Item Title: Abandonment of Portion of Slope Easement in the Proposed Jefferson Woodlands Subdivision

Submitted By: Michael Polocek, Engineering Director

Summary of Request/Problem

In 1989, the City acquired a slope easement along the northwestern right-of-way of North Garland Avenue as part of the Capital Improvement Program for paving and widening improvements of the roadway.

A new multi-family development, Jefferson Woodlands, is currently being proposed over a portion of the existing slope easement. Jefferson Woodlands, LLC (Developer) is requesting abandonment of the existing Slope Easement to provide better use of the property for their development. The Developer provided an appraisal performed by Cushman & Wakefield valuing the Slope Easement at \$52,328.

As part of fair compensation, the Developer will dedicate new street easements and has agreed to include a GP&L easement for the Electric Transmission line along N. Garland Ave. The street and electric easements to be dedicated are valued at \$64,512.

The Engineering Department recommends abandoning the portion of the Slope Easement to the current property owner, Jefferson Woodlands, LLC, in exchange for the dedication of the new street easements and GP&L Easement.

Council action is required to abandon the portion of the easement.

Recommendation/Action Requested and Justification

Approve a Resolution authorizing the Mayor to execute an Abandonment Instrument that abandons the portion of the Slope Easement to the current property owner, Jefferson Woodlands, LLC.

Attachments

Jefferson Woodlands Slope Esmt. Aband. Exhibit A

Jefferson Woodlands Esmt. Location Map

Resolution Jefferson Woodlands subdivision slope easement abandonment

EXHIBIT A

LEGAL DESCRIPTION

1.7161 ACRES

BEING a 74,754 square foot (1.7161 acres) tract of land situated in the ONEFRE Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being part of a 49.3 acre Tract 1 and 49.5 acre Tract 2 and 49.3 acre Tract 3, described in Special Warranty Deed to ALTHEC Partnership, Ltd. recorded in Volume 2002049, Page 2378, Deed Records of Dallas County, Texas, and being part of a Slope Easement described in Exhibit C, recorded in Volume 88131, Page 5292, Deed Records, Dallas County, Texas, ratified in Judgement No. CC-8811780-B, Commissioners Court Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at an "X" cut in concrete found for the east corner of a right-of-way corner clip at the intersection of the northwest right-of-way line of North Garland Avenue (a variable width right-of-way) with the northeast right-of-way line of Arapaho Road (a 100-foot right-of-way);

THENCE with said northwest right-of-way line, North 44°26'41" East, a distance of 451.62 feet to the **POINT OF BEGINNING**;

THENCE departing said northwest right-of-way line, North 45°27'41" West, a distance of 24.00 feet to a point for corner in the northwest line of said slope easement;

THENCE with said northwest line, the following courses and distances to wit:

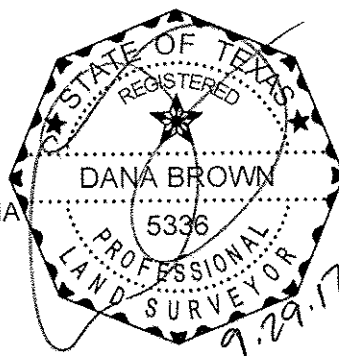
North 44°26'41" East, a distance of 248.53 feet to a point for corner;
North 36°06'03" East, a distance of 151.61 feet to a point for corner;
North 44°26'41" East, a distance of 150.73 feet to a point for corner;
North 50°09'19" East, a distance of 60.30 feet to a point for corner;
North 35°54'50" East, a distance of 40.45 feet to a point for corner;
North 44°26'41" East, a distance of 199.30 feet to a point for corner;
North 36°28'30" East, a distance of 100.55 feet to a point for corner;
North 39°35'11" East, a distance of 201.67 feet to a point for corner;
North 47°18'26" East, a distance of 200.68 feet to a point for corner;
North 44°26'41" East, a distance of 144.46 feet to a point for corner;

THENCE departing said northwest line, South 45°14'56" East, a distance of 67.00 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 3941" found in said northwest right-of-way line of North Garland Avenue;

THENCE with said northwest right-of-way line, South 44°26'41" West, a distance of 1493.67 feet to the **POINT OF BEGINNING** and containing 1.7161 acres or 74,754 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD, TWO GALLERIA
OFFICE TOWER, SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
dana.brown@kimley-horn.com



74,754 SQ. FT. (1.7162 ACRE)
SLOPE EASEMENT ABANDONMENT
ONEFRE ALVARADO SURVEY, ABSTRACT NO. 2
CITY OF GARLAND
DALLAS COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	SEP 2017	064446434	1 OF 2

LINE TABLE		
NO.	BEARING	LENGTH
L1	N45°27'41"W	24.00'
L2	N44°26'41"E	248.53'
L3	N36°06'03"E	151.61'
L4	N44°26'41"E	150.73'
L5	N50°09'19"E	60.30'
L6	N35°54'50"E	40.45'
L7	N44°26'41"E	199.30'
L8	N36°28'30"E	100.55'
L9	N39°35'11"E	201.67'
L10	N47°18'26"E	200.68'
L11	N44°26'41"E	144.46'
L12	S45°14'56"E	67.00'

NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

49.50 ACRE
ALTHEC PARTNERSHIP LTD.
VOL. 2002049, PG. 2378
D.R.D.C.T.

10' PEDESTRIAN EASEMENT
VOL. 88131, PG. 5292
D.R.D.C.T.
JUDGEMENT NO. CC-8811780-B

49.93 ACRE
ALTHEC PARTNERSHIP LTD.
VOL. 2002049, PG. 2378
D.R.D.C.T.

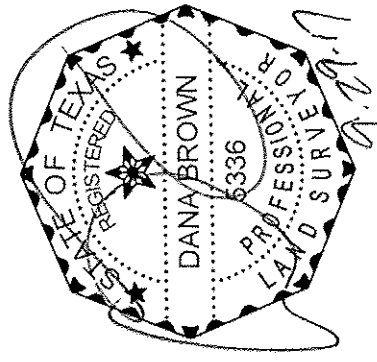
SLOPE EASEMENT
VOL. 88131, PG. 5292
D.R.D.C.T.
JUDGEMENT NO. CC-8811780-B

**SLOPE EASEMENT
ABANDONMENT
1.7161 ACRES
74,754 SQ. FT.**

SPRING CREEK WAY
(A 60-FOOT RIGHT-OF-WAY)

LEGEND
A = CENTRAL ANGLE
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
IPF = IRON PIPE FOUND
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

74,754 SQ. FT. (1.7162 ACRE)
SLOPE EASEMENT ABANDONMENT
ONEFRE ALVARADO SURVEY, ABSTRACT NO. 2
CITY OF GARLAND
DALLAS COUNTY, TEXAS

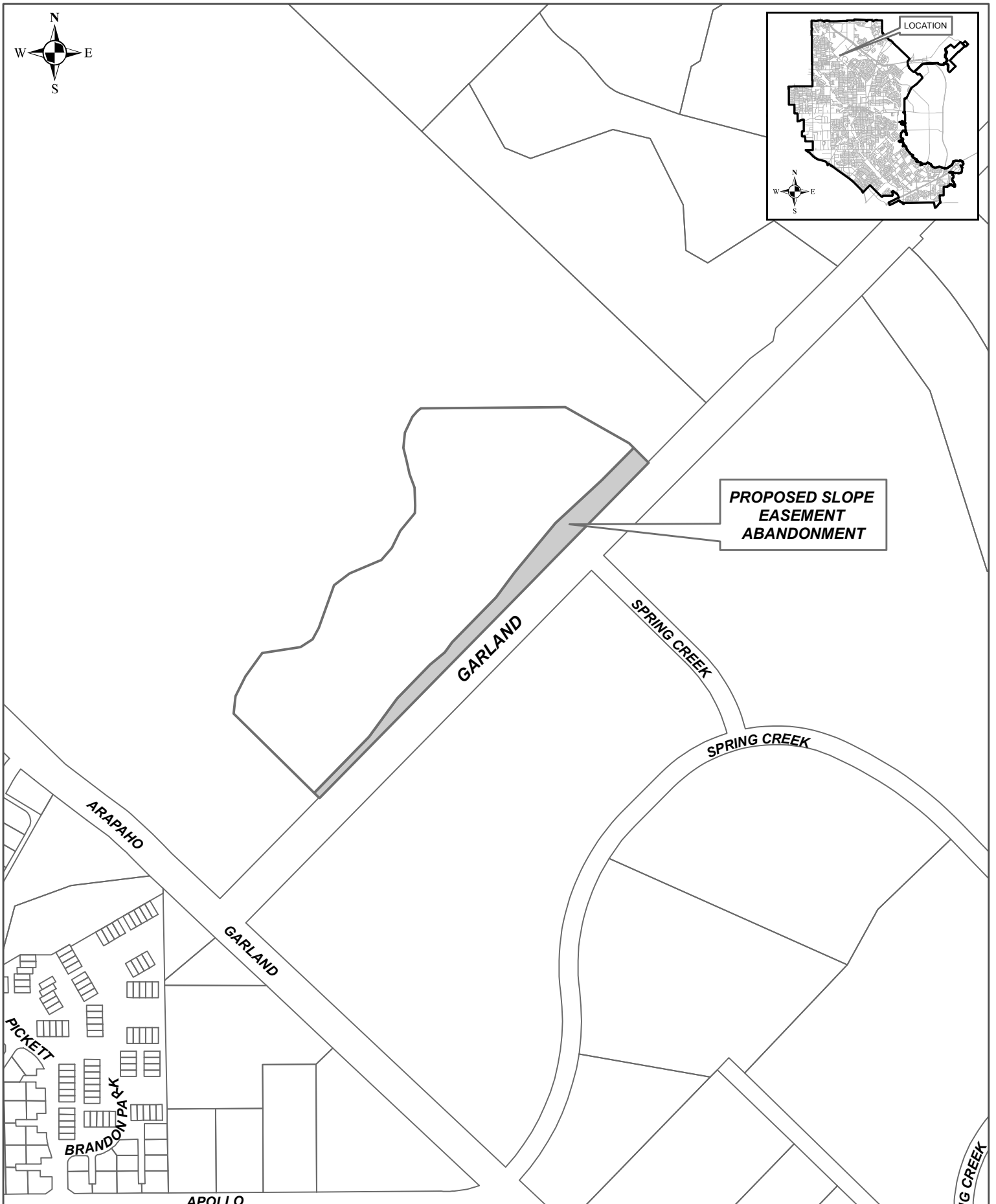
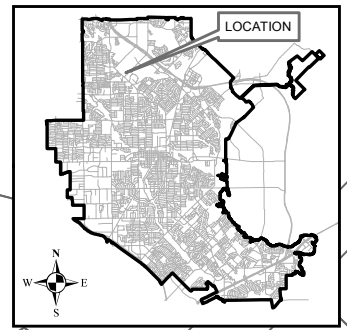


P.O.C.
ARAPAHO ROAD
(A 100-FOOT RIGHT-OF-WAY)

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240
Tel. No. (972) 770-1300
Fax No. (972) 239-3820
FIRM # 10115500

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	DWP	DAB	SEP 2017	05446434	2 OF 2



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INSTRUMENT ABANDONING A SLOPE EASEMENT IN THE PROPOSED JEFFERSON WOODLANDS SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garland obtained a certain slope easement by an instrument recorded in Volume 88131, Page 5292 of the Deed Records of Dallas County, Texas, ratified in Judgment No. CC-8811780-B, Commissioners Court Records, Dallas County, Texas (the Slope Easement); and

WHEREAS, the City of Garland has determined that the Slope Easement is no longer needed for public use and abandonment would allow for further development of the property;

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

Section 1

That the Mayor is hereby authorized to execute an instrument of abandonment in and to the Slope Easement as more particularly described in Exhibit "A" attached hereto.

Section 2

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

PASSED AND APPROVED this the ____ of January, 2018.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND PLANNING REPORT

City Council Regular Session Agenda

7.

Meeting Date: January 9, 2018

Item Title: Consider approval and ratification of a contingency contract between the City of Garland and Athos Academies, Inc., for the purchase of a 21.928 acre tract of land generally located on the northwest intersection of IH 30 and Rose Hill Road.

Submitted By: Rick Vasquez, Managing Director

REQUEST

Approve the purchase contract for 21.928 ACRES (955,196 SQUARE FEET) OF LAND LOCATED IN THE WILLIAM S. PEGUES SURVEY, ABSTRACT NO. 1158, AND THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1037, IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 32.132 ACRE TRACT AS DESCRIBED IN BARGAIN AND SALE DEED FROM WARNER C. LUSARDI, TRUSTEE OF THE WARNER C. LUSARDI FAMILY TRUST DATED JUNE 11, 1993, TO LAVENDER HILL PROPERTIES LLLP, RECORDED IN DOCUMENT NUMBER 201300387279, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (OPRDCT) AND A PART OF LOT 1, BLOCK 1, JORDAN ADDITION, AN ADDITION TO THE CITY OF GARLAND BY PLAT THEREOF RECORDED IN VOLUME 94198, PAGE 1895, PLAT RECORDS, DALLAS COUNTY, TEXAS.

PLAN COMMISSION RECOMMENDATION

N/A

STAFF RECOMMENDATION

Staff recommends approval.

BACKGROUND

Site is located within the IH30 and Rose Hill Road Catalyst planning area. City Council authorized the purchase of the land to reserve use of the site in a manner consistent with the City Council approved Catalyst area plan. Presently, the site is planned for mixed-use residential and retail land uses.

Attachments

Survey
Contract
Metes

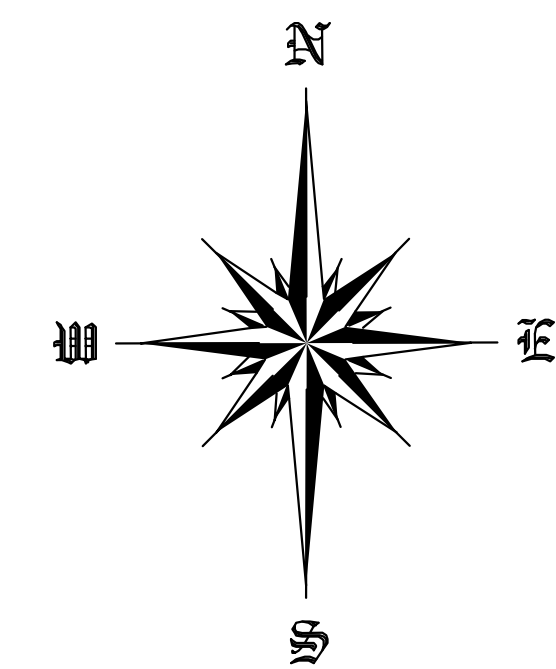
ZONE "X" - OTHER FLOOD AREAS
(0.2% ANNUAL CHANCE FLOOD)
(AS SCALED FROM FEMA PANEL
48113C0380L, REV. 7/7/14)

APPROXIMATELY 0.7 ACRES
LIES WITHIN
ZONE "AE" - SFHA, BASE FLOOD
ELEVATIONS DETERMINED
(AS SCALED FROM FEMA PANEL
48113C0380L, REV. 7/7/14)

TOTAL CALCULATED ACREAGE $\approx$ 21.93 ACRES
CALCULATED ZONE "AE" ACREAGE $\approx$ 0.7 ACRES
CALCULATED ZONE "AE" FLOODWAY ACREAGE $\approx$ 1.2 ACRES

APPROXIMATELY 1.2 ACRES
LIES WITHIN ZONE "AE" FLOODWAY
(AS SCALED FROM FEMA PANEL
48113C0380L, REV. 7/7/14)

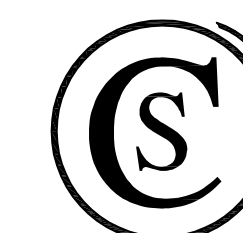
CITY OF GARLAND
MON. NO. 46
N:6,996,456.03
E:2,557,226.17
ELEV.:501.39'



ACREAGE EXHIBIT
A PORTION OF THE
MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1037
WILLIAM S. PEGUES, ABSTRACT NO. 1158
CITY OF GARLAND, DALLAS COUNTY, TEXAS

JULY, 2017
REVISED: 2017

SCALE: 1" = 60'



O'NEAL SURVEYING CO.
3111 COLE AVE., STE 103,
DALLAS TX 75204
(903) 708-2891
TBPLS FIRM # 10194132

NOTE: SURVEYOR PREPARED EXHIBIT FOR PRELIMINARY PLANNING PURPOSES
ONLY. THIS DOCUMENT DOES NOT REPRESENT AN ON THE GROUND SURVEY AND
SHALL NOT BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY.

CONTRACT OF SALE

On the terms and provision of this Contract of Sale ("Contract"), _____ ("Seller"), hereby agrees to sell to the **City of Garland, a Texas home-rule municipality** ("Purchaser"), and Purchaser hereby agrees to purchase from Seller, the following described real estate situated in Dallas County, Texas, to-wit:

BEING 21.928 ACRES (955,196 SQUARE FEET) OF LAND LOCATED IN THE WILLIAM S. PEGUES SURVEY, ABSTRACT NO. 1158, AND THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1037, IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 32.132 ACRE TRACT AS DESCRIBED IN BARGAIN AND SALE DEED FROM WARNER C. LUSARDI, TRUSTEE OF THE WARNER C. LUSARDI FAMILY TRUST DATED JUNE 11, 1993, TO LAVENDER HILL PROPERTIES LLLP, RECORDED IN DOCUMENT NUMBER 201300387279, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (OPRDCT) AND A PART OF LOT 1, BLOCK 1, JORDAN ADDITION, AN ADDITION TO THE CITY OF GARLAND BY PLAT THEREOF RECORDED IN VOLUME 94198, PAGE 1895, PLAT RECORDS, DALLAS COUNTY, TEXAS (PRDCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A," WHICH IS ATTACHED HERETO AND INCOPROPRATED HEREIN BY REFERENCE FOR ALL PURPOSES.

Together with, all and singular, all improvements thereon and all rights and appurtenances pertaining thereto, subject to the terms and conditions of this Contract, including any right and interest of Seller in and to adjacent streets, alleys, or rights-of-way, such real estate, improvements, rights and appurtenances (collectively, "Property").

This Contract is executed upon the following terms and conditions:

1. **Contingency Contract.** The Seller acknowledges that this Contract, and all terms and conditions contained herein, is contingent upon the formal approval of the City Council of the City of Garland, Texas ("City Council"). No term or condition provided herein shall constitute or be construed as a pre-commitment by the Purchaser to purchase the Property prior to the formal approval of the City Council. In the event the City Council of the City of Garland fails to approve this Contract on or before **January 9, 2018**, any earnest money paid by the Purchaser shall be refunded and disbursed to Purchaser, and the Parties will have no further rights or obligations under this Contract.

2. **Purchase Price.** The purchase price ("Purchase Price") for the Property is **\$6,410,638.00.**

3. **Earnest Money.** Within seven (7) business days of the execution of this Contract by the City Manager, or his designee, Purchaser shall deliver the sum of **\$25,000.00** ("Earnest Money") to **Alamo Title Agency, David W. Pitschmann, Sr. V.P./Co-Counsel, 1800 Bering, Suite 150, Houston, Texas 77057** ("Title Company") to be held by the Title Company as Earnest Money (herein so called) pursuant to the terms of this Contract. The Earnest Money shall be invested in an interest bearing account under Purchaser's Federal Tax I.D. number, and the interest shall be added to and become part of the Earnest Money. If this Contract is properly terminated by Purchaser pursuant to a right of termination granted to Purchaser in this Contract, the Earnest Money will be promptly refunded and disbursed to Purchaser, and the parties will have no further rights or obligations under this Contract (except for any that, by the explicit provision of this Contract, expressly survive the termination of this Contract.)

4. **Transaction Costs.** Purchaser shall pay the basic charge for the Title Policy and any new environmental reports or surveys. The Seller and Purchaser shall share all other escrow, recording, and closing costs on an equal basis.

5. **Approval Periods and Title.**

A. Purchaser shall have fifteen (15) days after the Effective Date to review the Title Binder and to deliver in writing to Seller such objections as Purchaser may have to anything contained in them. Any such item to which Purchaser shall not object shall be deemed a "Permitted Exception". If there are objections by Purchaser, Seller may, but shall not be obligated to, attempt to satisfy them prior to Closing, but Seller shall not be required to incur any cost to do so. Purchaser's failure to object within the time provided will be a waiver of the right to object. If Seller delivers written notice to Purchaser ("Seller's Title Notice") on or before the end of the Closing date that Seller is unable or unwilling to satisfy such objections (and in the event Seller fails to deliver Seller's Title Notice on or before such date, then Seller shall be deemed to have sent Seller's Title Notice on such date stating that Seller will not or cannot cure any of the objections), Purchaser may either waive such objections and accept such title as Seller is able to convey or terminate this Contract by written notice to Seller and receive the refundable portion of the Earnest Money immediately from the Title Company. Purchaser must send such notice of termination within five (5) business days from Seller's Title Notice or it shall be deemed to have waived such objections and termination right. If Purchaser does not so terminate, the waived objections shall be Permitted Exceptions. If for any reason Seller is unable to convey title in accordance with Section 7(B) below, Purchaser may either waive such objections and accept such title as Seller is able to convey at the Closing or terminate this Contract by written notice to Seller at the Closing and receive the refundable portion of the Earnest Money immediately from the Title Company. Zoning ordinances shall be deemed to be Permitted Exceptions. As used herein, the term "Permitted Exceptions" shall mean all matters described herein as being exceptions to title; all matters revealed in the Title Binder and in the Survey to which Purchaser does not timely object; and all matters revealed in the Title Binder to which Purchaser does timely object, but waives, or is deemed to have waived, the objection pursuant to this Section 4.A.

B. Inspection Period. Purchaser has the right to conduct environmental assessments of the Property within 10 days after Effective Date. Seller will provide, or will designate a person with knowledge of the use and condition of the Property to provide, information requested by Purchaser or Purchaser's agent or representative regarding the use and condition of the Property during the period of Seller's ownership of the Property. Seller will cooperate with Purchaser in obtaining and providing to Purchaser or its agent or representative information regarding the use and condition of the Property before Seller's period of ownership to the extent that the information is within Seller's possession or control. Purchaser shall have the right, and Seller shall provide Purchaser access to the Property reasonably necessary, to obtain environmental reports regarding the soils, ground water, topography, geology and other conditions of the Property, together with reliance letters of the preparers of such reports as may be required by Purchaser ("Environmental Reports"). If the Environmental Reports reveal any environmental matters adversely affecting the Property (the "Environmental Conditions"), Purchaser may notify Seller of such Environmental Conditions (the "Environmental Notice"). Upon receipt of an Environmental Notice, Seller shall have the right, but not the obligation to, cure any disapproved Environmental Conditions. If the Environmental Condition is not cured to Purchaser's reasonable satisfaction within 3 days of Closing, Purchaser shall have the right to terminate this Contract and any earnest money paid by the Purchaser shall be refunded and disbursed to Purchaser.

Phase II Environmental Assessment. In the event the Phase I environmental assessment indicates recognized environmental conditions or concerns, Closing may be delayed and the Purchaser may elect to conduct a Phase II environmental Assessment. In the event the Phase II environmental assessment reveals any Environmental Conditions, Purchaser may notify Seller of such Environmental Conditions (the "Environmental Notice"). Upon receipt of an Environmental Notice, Seller shall have the right, but not the obligation to, cure any disapproved Environmental Conditions. If the Environmental Condition is not cured to Purchaser's reasonable satisfaction within 60 days, Purchaser shall have the right to terminate this Contract and any earnest money paid by the Purchaser shall be refunded and disbursed to Purchaser.

C. Title. Seller represents and warrants to Purchaser that at the Closing Seller will have and will convey to Purchaser good and indefeasible title to the Property free and clear of any and all encumbrances except the Permitted Exceptions.

6. **Closing.**

A. The Closing of this Contract (the "Closing") shall be held on or before **January 10, 2018** or in the event Purchaser elects to do a Phase II environmental assessment pursuant to the terms and conditions of above Section 7(B), then 10 days after the completion of the Phase II environmental assessment. However, in the event the Phase II environmental assessment reveals an Environmental Condition and the Seller elects to cure the Environmental Condition(s), then the Closing Date shall be extended until 30 days after the Seller's remedial work has been completed and approved by the Purchaser. The Closing shall occur at the offices of the Title Company at its address stated above.

B. At the closing, Seller shall deliver to (1) the Title Company, all documents reasonably required by the Title Company to close this transaction, and (2) Purchaser, (i) a Special Warranty Deed conveying the Property in fee simple, subject only to the Permitted Exceptions, in form and content reasonably acceptable to both Seller and Purchaser and (ii) possession of the Property. Any tenants in possession will either be month to month or under written leases that specifically authorize termination of the lease by the Purchaser following the transaction.

C. At the closing, Purchaser shall deliver to (1) the Title Company all documents reasonably required by the Title Company to close this transaction, and (2) Seller (i) the cash portion of the Purchase Price (with the Earnest Money and any and all Extension Fees, if any, being applied thereto).

D. Taxes, ad valorem or otherwise, for the Property, if any, for the then current calendar year shall be prorated at the Closing effective as of the Closing Date. Seller shall credit against the Purchase Price the amount of Seller's pro rata portion of such taxes. If the Closing shall occur before the tax rate is fixed for the then current year, the apportionment of the taxes shall be upon the basis of the tax rate for the preceding year applied to the latest assessed valuation, and shall be final. Notwithstanding anything herein to the contrary, Seller must pay the amount of any and all rollback taxes or other taxes resulting from any change in land usage or ownership that may become due with respect to any calendar year prior to the calendar year in which Closing occurs and all such taxes for the Property with respect to the elapsed portion of the calendar year in which Closing occurs, regardless of whether such taxes become due after the date of Closing. If the Property is not a separate tax parcel, the taxes for the parcel of which the Property is a part ("Tax Parcel") shall be allocated between the Property and the remainder of the tax parcel based on the respective square footage, and the amount so allocated to the Property shall be prorated as described above. At such time as Seller or Purchaser receives the tax statement for the Tax Parcel for the year in which the Closing date occurs, the receiving party agrees to forward a copy of the statement to the other party. After the Closing and until the Property and the remainder of the Tax Parcel have been identified as separate tax parcels on the tax rolls of the applicable taxing authorities, Seller and Purchaser agree to cooperate with each other, and with any other purchaser of any portion of the Tax Parcel, in paying the taxes assessed against the Tax Parcel prior to delinquency. Purchaser and Seller shall each indemnify the other against, and shall hold the other harmless from, any losses, costs, expenses, liabilities, obligations, actions, causes of action, liens and/or damage incurred by or asserted against the other party, including, without limitation, attorneys fees and cost of court, resulting from either party failing to so cooperate. The obligations of Purchaser contained in this Section 5(E) shall survive the Closing.

E. If the Property is situated within a utility district subject to the provisions of the Texas Water Code, then at or prior to the Closing Seller agrees to give Purchaser the written notice required by the Texas Water Code and Purchaser agrees to sign and acknowledge the notice to evidence receipt thereof.

9. **Termination.** If this Contract is terminated by Purchaser in accordance with any provision of the Contract that entitles Purchaser to receive the Earnest Money, the Earnest Money shall be promptly refunded to Purchaser, and the parties shall have no further obligation or liabilities one to the other, except to the extent they expressly survive the termination of this Contract.

10. **Default.** If Seller shall fail or refuses to consummate this Contract for any reason, except Purchaser's default, Purchaser may at its option, and as its sole and exclusive remedy, (a) terminate this Contract by written notice to Seller within ten (10) days after the failure or refusal and immediately receive the refundable portion of the Earnest Money, or (b) pursue a suit for specific performance of this Contract; provided, however, if Purchaser does not file the lawsuit for specific performance within thirty (30) days after the scheduled Closing date, then Purchaser shall be deemed to have waived the right to sue for specific performance and to have elected to terminate this Contract under clause (a) above and receive the Earnest Money.

If Purchaser shall fail to consummate this Contract for any reason, except Seller's default or the termination of this Contract pursuant to a right to terminate given herein, Seller shall have the right to terminate this Contract and have the Earnest Money paid to Seller as liquidated damages for the breach of this Contract as Seller's sole and exclusive remedy. Such amount is agreed upon by and between Seller and Purchaser as liquidated damages, due to the difficulty and inconvenience of ascertaining and measuring actual damages, and the uncertainty thereof; and no other damages, rights or remedies shall in any case be collectible, enforceable or available to Seller other than as specified in this paragraph, but Seller shall accept said cash payment as Seller's total damages and relief.

11. **Commission.** Nothing contained herein shall limit, restrict, impair or diminish the rights of Purchase and Seller to amend this Contract to change the Purchase Price or modify any other terms of this Contract. In connection therewith, Seller does hereby represent and warrant that it, its officers, employees and agents, have contracted for no real estate commissions or similar fees and Seller has not acted in a manner so as to give rise to a claim for such real estate commissions or similar fee. Seller shall be solely responsible for the payment of any and all real estate commissions, claims to such commissions and/or similar type fees arising, directly or indirectly out of this transaction and based upon the actions of Seller. Seller does hereby agree to indemnify and defend Purchaser against and hold Purchaser harmless from any and all such real estate commissions, claims to such commissions or similar fees, including attorneys' fees incurred in any lawsuit regarding such commissions or fees to the extent such claims or liabilities are based upon the actions of Seller. In connection therewith, Purchaser does hereby represent and warrant that it, its officers, employees and agents, have contracted for no such real estate commissions or similar fees and, except for the fees to the above-named Brokers contemplated herein, Purchaser has not acted in a manner so as to give rise to a claim for such real estate commissions or similar fee. Purchaser does hereby agree to indemnify and defend Seller and hold Seller harmless from and against any such real estate commissions or similar fees, including costs and attorneys' fees incurred in any lawsuit regarding such commissions and fees to the extent that such claims and liabilities

are based upon actions of Purchaser. The indemnity provisions of this Section 8 shall survive the Closing or termination of this Contract.

12. Miscellaneous Provisions.

A. **Notices.** All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, postage prepaid, or sent by Federal Express, Airborne Express, or similar overnight delivery service, addressed as follows:

If to Seller:

With a copy to:

If to Purchaser:

City of Garland
Bryan L. Bradford, City Manager
200 N 5th Street
Garland, Texas 75040
Telephone: (972) 205-2373
Email: bbradford@garlandtx.gov

With a copy to:
City of Garland
Brian C. England, Deputy City Attorney
200 N 5th Street
Garland, Texas 75040
Telephone: (972) 205-2380
Email: bengland@garlandtx.gov

Any notice or communication required or permitted hereunder shall be deemed to be delivered, whether actually received or not, on the first business day following deposit of the same with Federal Express, Airborne Express, or similar overnight courier, if sent by overnight courier, and two business days after being deposited in the United States mail, postage fully prepaid, registered or certified mail, if sent by mail, addressed to the intended recipient at the address set forth above. Any address for notice hereunder may be changed by written notice so given to the other party in the manner set forth herein at least ten (10) days in advance of such change of address.

B. **Forms.** Each of the parties hereto shall reasonably endeavor to agree upon the forms of any documents required hereunder. In case of a dispute as to the form

of any document required hereunder, the current form prepared by the State Bar of Texas shall be used.

C. **Integration.** This Contract and the Exhibits and Addendum attached hereto contains the complete agreement between the parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties in connection therewith. The parties agree that there are no oral agreements, understanding, representations or warranties, which are not expressly set forth herein, and no representation, warranty, covenant, agreement or condition not expressed in this Contract shall be binding upon the parties hereto or shall affect or be effective to interpret, change or restrict the provisions of this Contract.

D. **Survival.** Any portion of this Contract not otherwise consummated at the Closing will not survive closing of this transaction as a continuing agreement by and between the parties, but shall be merged at the Closing.

E. **Binding Effect.** Each of the signatories of this Contract represents and warrants that he is authorized to execute this Contract on behalf of Seller or Purchaser, as applicable, and that this Contract constitutes a binding contract between the parties. This Contract shall inure to the benefit of and bind the parties hereto and their respective heirs, representatives, successor and assigns.

F. **Contract as Offer; Effective Date.** The "Effective Date", "the date hereof", "the date of this Contract", the "Contract Date", "the date of execution" and any other similar reference herein to the date of full execution of this Contract shall mean the date the Title Company executes this Contract to acknowledge receipt of (1) this Contract signed by Seller and Purchaser.

G. **Business Day.** The term "business day" as used herein shall mean any day, other than a Saturday or Sunday, on which Purchaser's banks in the State of Texas are open for business.

H. **Interpretation.** Where required for proper interpretation, words used herein in the singular shall include the plural, the masculine gender shall include the neuter and the feminine, and vice versa. The terms "heirs, executors, administrators and assigns" shall include "successors, legal representatives and assigns." The descriptive headings of the several Articles, Sections and Paragraphs contained in this Contract are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

I. **Enforceability.** If any term or provision of this Contract which would not deprive the parties of the benefit of the bargain shall be held to be invalid, illegal, unenforceable or inoperative as a matter of law, the remaining terms and provisions of this Contract shall not be affected thereby, but each such remaining term and provisions shall be valid and shall remain in full force and effect.

J. **Construction.** Each party hereto acknowledges that each of them has had the benefit of legal counsel of its own choice and has been afforded an opportunity to

review this Contract with its legal counsel, and that this Contract has been jointly drafted and shall be construed as having been jointly drafted by each party hereto. Accordingly, the normal rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Contract or any amendments or exhibits hereto.

K. **Jurisdiction and Venue.** Seller and Purchaser, to the fullest extent permitted by applicable law, irrevocably (i) submit to the exclusive jurisdiction of the district courts located in Dallas County, Texas and any appellate court thereof; (ii) waive any objection which either may have to the laying of venue of any proceedings brought in any such court and (iii) waive any claim that such proceedings have been brought in an inconvenient forum. Nothing in this provision shall prohibit a Party from bringing an action to enforce a money judgment in any other jurisdiction where the courts of such jurisdiction have jurisdiction over the other Party.

Executed on the dates stated below:

SELLER:

BY: _____
Name: .
Title:
Date: _____

PURCHASER:

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

By: _____
Name: Bryan L. Bradford
Title: City Manager
Date: _____

**ACKNOWLEDGEMENT OF RECEIPTED CONTRACT
AND EARNEST MONEY**

Date of Acknowledgement: _____

Riverway Title hereby acknowledges receipt of the attached Contract and Earnest Money in the amount of **\$25,000.00** for the following transaction:

Property: _____
Buyer(s): City of Garland, a Texas home-ruled municipality
Seller(s): _____
GF Number: _____

If you have any questions regarding the Receipt of this Contract, please contact your Escrow Officer and reference your GF Number.

Escrow Officer:

Contract and Earnest Money Received by:

By: _____	_____
Alamo Title Agency	Date
5 Riverway, Suite 300	
Houston, Texas 77056	
713-266-2595	



O'NEAL SURVEYING COMPANY

3111 COLE AVE., STE 103, DALLAS TX 75204

TBPLS FIRM NO.:10194132

WWW.ONEALSURVEYING.COM

O: 903.708.2891 | C: 903.804.2891

METES AND BOUNDS

BEING 21.928 ACRES (955,196 SQUARE FEET) OF LAND LOCATED IN THE WILLIAM S. PEGUES SURVEY, ABSTRACT NO. 1158, AND THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1037, IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN CALLED 32.132 ACRE TRACT AS DESCRIBED IN BARGAIN AND SALE DEED FROM WARNER C. LUSARDI, TRUSTEE OF THE WARNER C. LUSARDI FAMILY TRUST DATED JUNE 11, 1993, TO LAVENDER HILL PROPERTIES LLLP, RECORDED IN DOCUMENT NUMBER 201300387279, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (OPRDCT) AND A PART OF LOT 1, BLOCK 1, JORDAN ADDITION, AN ADDITION TO THE CITY OF GARLAND BY PLAT THEREOF RECORDED IN VOLUME 94198, PAGE 1895, PLAT RECORDS, DALLAS COUNTY, TEXAS (PRDCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF THE ABOVE MENTIONED LOT 1, BLOCK 1, SAME BEING THE MOST SOUTHERLY SOUTHWEST CORNER OF MYERS MEADOW, AN ADDITION TO THE CITY OF GARLAND BY PLAT THEREOF RECORDED IN DOCUMENT NUMBER 200600322074, (OPRDCT) AND THE EASTERLY OR NORTHEASTERLY CORNER OF LOT 1, BLOCK 1, ANDERSON ESTATES, AN ADDITION TO THE CITY OF GARLAND BY PLAT THEREOF RECORDED IN VOLUME 71159, PAGE 2433, (PRDCT), FROM WHICH A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 1 (JORDAN) AND THE SOUTHEAST CORNER OF THE ABOVE MENTIONED MYERS MEADOW ADDITION BEARS NORTH 89 DEGREES 48 MINUTES 39 SECONDS EAST, A DISTANCE OF 517.95 FEET;

THENCE SOUTH 02 DEGREES 37 MINUTES 06 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, BLOCK 1 (JORDAN), AND THE COMMON EAST LINE OF THE ABOVE MENTIONED LOT 1, BLOCK 1 (ANDERSON), AND THAT CERTAIN CALLED 11.678 ACRE TRACT AS DESCRIBED IN SPECIAL WARRANTY DEED TO THE JOHN R. WYNNE FAMILY TESTAMENTARY TRUST, RECORDED IN VOLUME 95060, PAGE 4342, DEED RECORDS, DALLAS COUNTY, TEXAS (DRDCT), A DISTANCE OF 403.33 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET FOR THE **POINT OF BEGINNING** AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED 21.928 ACRE TRACT;

THENCE NORTH 89 DEGREES 48 MINUTES 39 SECONDS EAST, LEAVING SAID COMMON LINE, A DISTANCE OF 785.42 FEET OVER AND ACROSS SAID LOT 1, BLOCK 1 (JORDAN), AND THE ABOVE MENTIONED 32.132 ACRE TRACT, TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;

THENCE NORTH 89 DEGREES 15 MINUTES 31 SECONDS EAST, CONTINUING OVER AND ACROSS SAID 32.132 ACRE TRACT, A DISTANCE OF 705.51 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE EAST LINE OF SAID 32.132 ACRE TRACT, SAME BEING THE COMMON WEST LINE OF ROSEHILL ROAD (VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MONUMENT FOUND BEARS NORTH 16 DEGREES 33 MINUTES 44 SECONDS WEST, A DISTANCE OF 26.60 FEET;

THENCE SOUTH 16 DEGREES 33 MINUTES 44 SECONDS EAST, ALONG THE EAST LINE OF SAID 32.132 ACRE TRACT AND THE COMMON WEST LINE OF THE ABOVE MENTIONED ROSEHILL ROAD, A DISTANCE OF 378.49 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;

THENCE SOUTH 23 DEGREES 11 MINUTES 14 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 44.24 FEET TO A TXDOT MONUMENT FOUND AT THE INTERSECTION OF NORTHWEST LINE OF INTERSTATE HIGHWAY 30 (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE WEST LINE OF SAID ROSEHILL ROAD;

THENCE SOUTH 63 DEGREES 27 MINUTES 44 SECONDS WEST, ALONG THE ABOVE MENTIONED NORTHWEST LINE OF INTERSTATE HIGHWAY 30, A DISTANCE OF 1239.00 FEET TO A POINT IN



O'NEAL SURVEYING COMPANY

3111 COLE AVE., STE 103, DALLAS TX 75204

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CREEK IN THE SOUTHWEST LINE OF SAID LOT 1, BLOCK 1 (JORDAN) AND THE COMMON NORTHEAST LINE OF LOT 2, BLOCK 1, CASTLEGLEN ESTATES NO. 4, AN ADDITION TO THE CITY OF GARLAND BY PLAT THEREOF RECORDED IN VOLUME 82177, PAGE 2951, (PRDCT);

THENCE ALONG THE SOUTHWEST LINE OF SAID LOT 1, BLOCK 1 (JORDAN) AND THE COMMON NORTHEAST LINE OF THE ABOVE MENTIONED LOT 2, BLOCK 1, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- (1) NORTH 17 DEGREES 26 MINUTES 33 SECONDS WEST, A DISTANCE OF 35.70 FEET TO A POINT IN CREEK;
- (2) NORTH 25 DEGREES 06 MINUTES 08 SECONDS WEST, A DISTANCE OF 693.56 FEET TO A POINT IN CREEK AT THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A DELTA ANGLE OF 40 DEGREES 15 MINUTES 02 SECONDS, A RADIUS OF 200.00 FEET AND A LONG CHORD THAT BEARS NORTH 45 DEGREES 13 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 137.63 FEET;
- (3) NORTHWESTERLY ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF 140.50 FEET TO A POINT IN CREEK;
- (4) NORTH 65 DEGREES 21 MINUTES 08 SECONDS WEST, A DISTANCE OF 84.88 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE EAST LINE OF THE ABOVE MENTIONED 11.678 ACRE TRACT AT A WEST CORNER OF SAID LOT 1, BLOCK 1 (JORDAN) AND THE NORTH CORNER OF SAID LOT 2, BLOCK 1;

THENCE NORTH 02 DEGREES 37 MINUTES 06 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, BLOCK 1 (JORDAN) AND THE COMMON EAST LINE OF SAID 11.678 ACRE TRACT, A DISTANCE OF 151.02 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 21.928 ACRES (955,196 SQUARE FEET) OF LAND, MORE OR LESS.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

8.a.

Meeting Date: January 9, 2018

Item Title: Z 17-44 Arleen Macias (District 4)

Submitted By: Isaac Williams, Development Planner

REQUEST

Approval of a Specific Use Provision for Reception Facility on a property zoned Community Retail (CR) District.

OWNER

AJ Real Estate

PLAN COMMISSION RECOMMENDATION

On December 11, 2017 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Specific Use Provision for Reception Facility for a period of ten (10) years.

The applicant concurs with a ten (10) year time period.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for Reception Facility as requested by the applicant.

BACKGROUND

The subject property is developed within an approximately 67,169 square-foot building with retail, health and fitness, restaurant and indoor athletic facility uses. The existing restaurant use contains a “ballroom” to the rear of the restaurant. The applicant has indicated that the ballroom portion of the restaurant commonly held functions such as “neighborhood functions, comedians, singers, [and] anniversary parties.” The applicant intends to separate space to create Suite 104 and expand the scope of these functions to the extent that the area must be classified as a Reception Facility.

The Garland Development Code defines Reception Facility as an establishment that is open to the general public or made available for private use, primarily for the provision of facilities for parties, dances, receptions, banquets, or similar social events.

SITE DATA

The subject property is approximately 7.194 acres, while the Specific Use Provision would apply only to proposed Suite 104. Primary access to the site is from East Kingsley Road and Broadway Boulevard; the site may also be accessed from East Centerville Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Community Retail (CR) District. The Community Retail (CR) District accommodates 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 and at the intersection of major transportation corridors. Reception Facility uses require Specific Use Provision approval for development within the Community Retail (CR) District.

CONSIDERATIONS

1. The proposed use would operate within the 6,283 square-foot “ballroom/ event space” section of the Fat Fish Restaurant [Suite 103]; the total area of the Fat Fish Restaurant [including the “ballroom/event space”] is approximately 9,783 square feet. The applicant has indicated that the ballroom portion of the restaurant commonly held functions such as “neighbor functions, comedians, singers, [and] anniversary parties.” The request to allow a Reception Facility reflects the applicant’s intent to separate the “ballroom/event space” from the restaurant establishment. The applicant does not intend to expand any portion of the existing building to accommodate the proposed use. Additional landscaping and screening standards will not be triggered by the proposed use. The facility’s hours of operation will be from 12:00 p.m. to 12:00 a.m. Monday through Wednesday; and Thursday to Sunday hours are 12:00 p.m. to 2:00 a.m.
2. A Reception Facility must comply with the following provisions:
 - a. Security must be provided at every event where alcoholic beverages are provided or served, and also for any events occurring after 6:00 p.m. Security must be provided by a qualified person(s) who is authorized to provide private security under Chapter 1702 of the Texas Occupations Code. The applicant intends to utilize “private security” for all events after 6:00 p.m. and any event that involves alcoholic beverages. The applicant has indicated that primary security will be provided by off-duty Garland Police.
 - b. Prolonged congregating or loitering of event attendees or participants outside the Reception Facility is prohibited per the Garland Development Code. Outside activities, if any, must be in compliance with the City’s noise regulations as set forth in the City Code.
 - c. The applicant must add noise mitigation materials to the existing building if determined necessary by the City to protect surrounding properties and the public health, safety, and welfare. The applicant intends to construct an interior vestibule at the northwest (side) door to mitigate any potential noise from the facility.
 - d. Any litter or debris left on the premises must be removed immediately following the event. The owner of the facility is responsible for removal of all litter and debris.
3. Reception Facility and Restaurant uses require the same amount of parking spaces per

square feet as reflected in the GDC. No additional parking is required.

4. The applicant has not proposed any signage at this time. Any signage will be subject the regulation set forth in Chapter 4, Article 5 of the Garland Development Code.
5. Additional landscape and screening standards will not be triggered by the proposed use.

COMPREHENSIVE PLAN

The Envision Garland Comprehensive Plan recommends the subject area as a Neighborhood Center. 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. The subject site is developed with uses consistent with the intent of a Neighborhood Center.

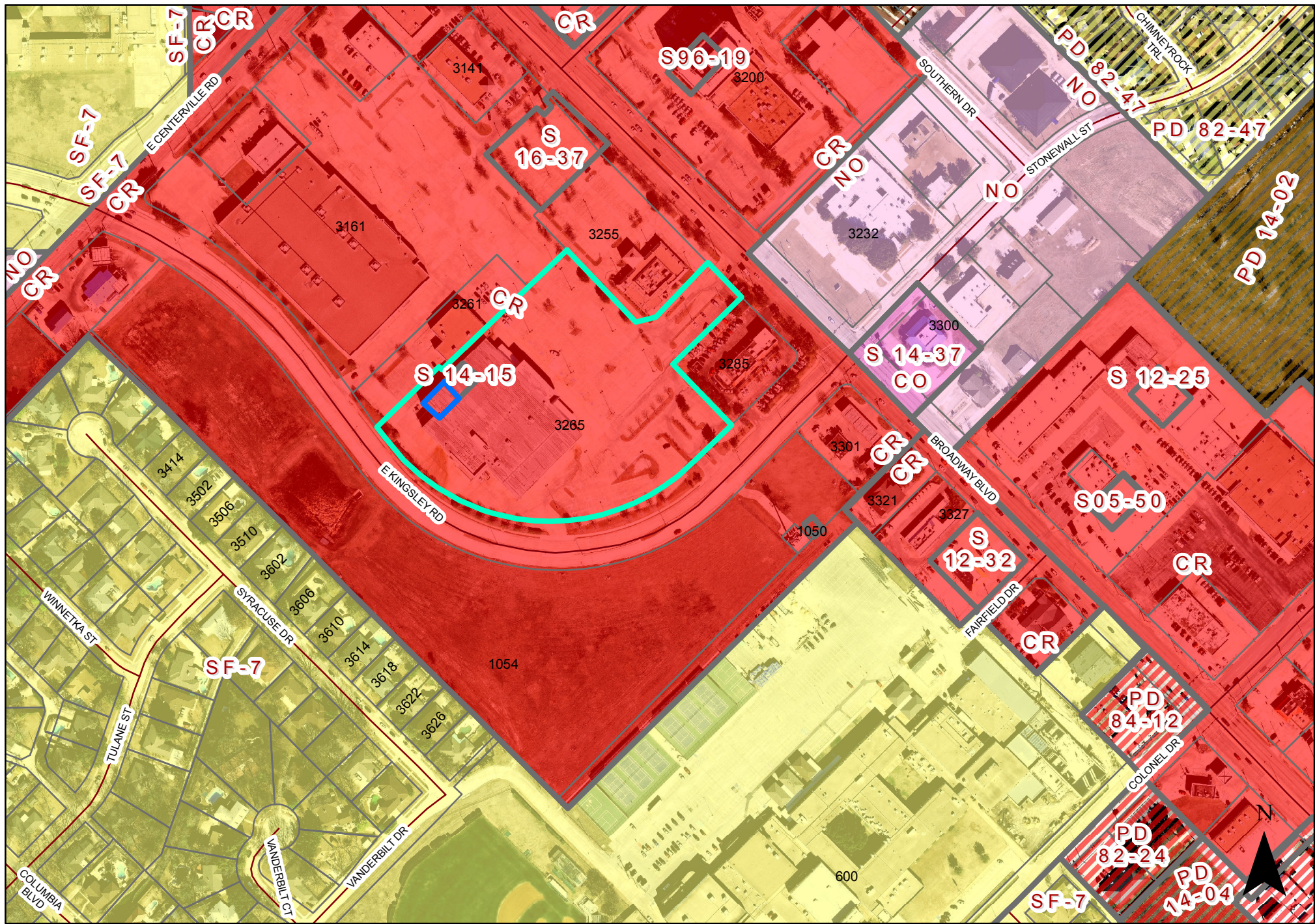
COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The land use pattern within the immediate area surrounding the subject property is a mixture of retail, commercial and amusement/recreational uses. There is residential development within the larger surrounding area, specifically southwest of the subject site across Kingsley Road. However, there is a distance of approximately 450 feet from the northwest facing side exit door of the proposed Reception Facility and the nearest residential property line. The primary entrance to the facility is from the northeast facing Broadway Boulevard.

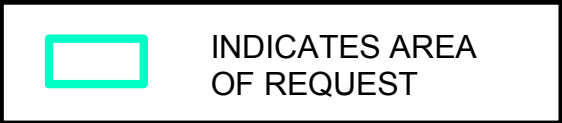
There is no indication that the proposed Reception Facility will create an adverse effect on current or future operations of the other establishments within the building or surrounding development. The applicant is the owner of the multi-tenant building and has indicated an intent to ensure the establishment is compatible with and complimentary to the uses within the multi-tenant building and surrounding area.

Attachments

Z 17-44 Location Map
Z 17-44 Exhibit B
Z 17-44 Exhibit C
Z 17-44 R&M
Z 17-44 Responses



ZONING MAP Z 17-44



SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 17-44

3265 Broadway Boulevard, Suite 104

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Reception Facility.
- 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 Community Retail (CR) District 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 Regulations:**
- A. Specific Use Provision: The Specific Use Provision shall be effective for a period of ten (10) years.
 - B. Site Layout: Reception Facility operations shall be limited to Suite 104, in accordance with the site layout as shown on Exhibit C.
 - C. Parking: Reception Facility parking shall be as provided on Exhibit C.
 - D. Hours of Operation: The Reception Facility shall be open for events only as follows: Monday through Wednesday 12:00 p.m. to 12:00 a.m., and 12:00 p.m. to 2:00 a.m. Thursday through Sunday.
 - E. Security: The Reception Facility must provide security at every event where alcoholic beverages are provided or served, and also for any events occurring after 6:00 p.m. Security must be by a qualified person(s) who is authorized to provide private security under Chapter 1702 of the Texas Occupations Code.
 - F. Noise: The Reception Facility shall comply with the City of Garland Noise Control Ordinance.

PROPOSED BALLROOM

3265 Broadway Blvd., Suite 104
Garland, Texas 75043

One Story Tilt Wall Building

ONE STORY BUILDING 7.1938 ACRES
ZONE: (CR) COMMUNITY RETAIL
OCCUPANCY TYPE: BALLROOM
PROJECT: TYPE A-2
CONSTRUCTION TYPE : TYPE II

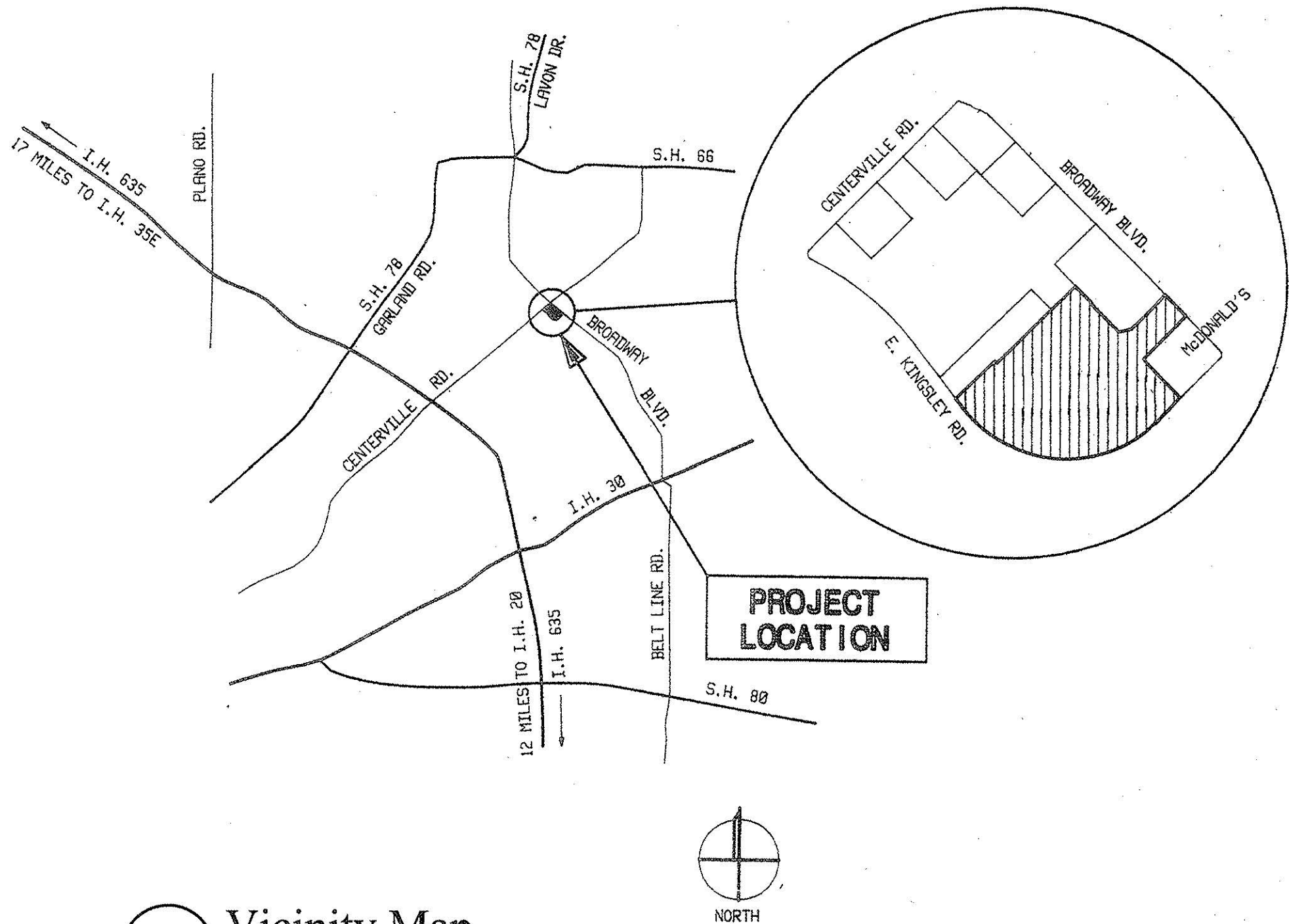
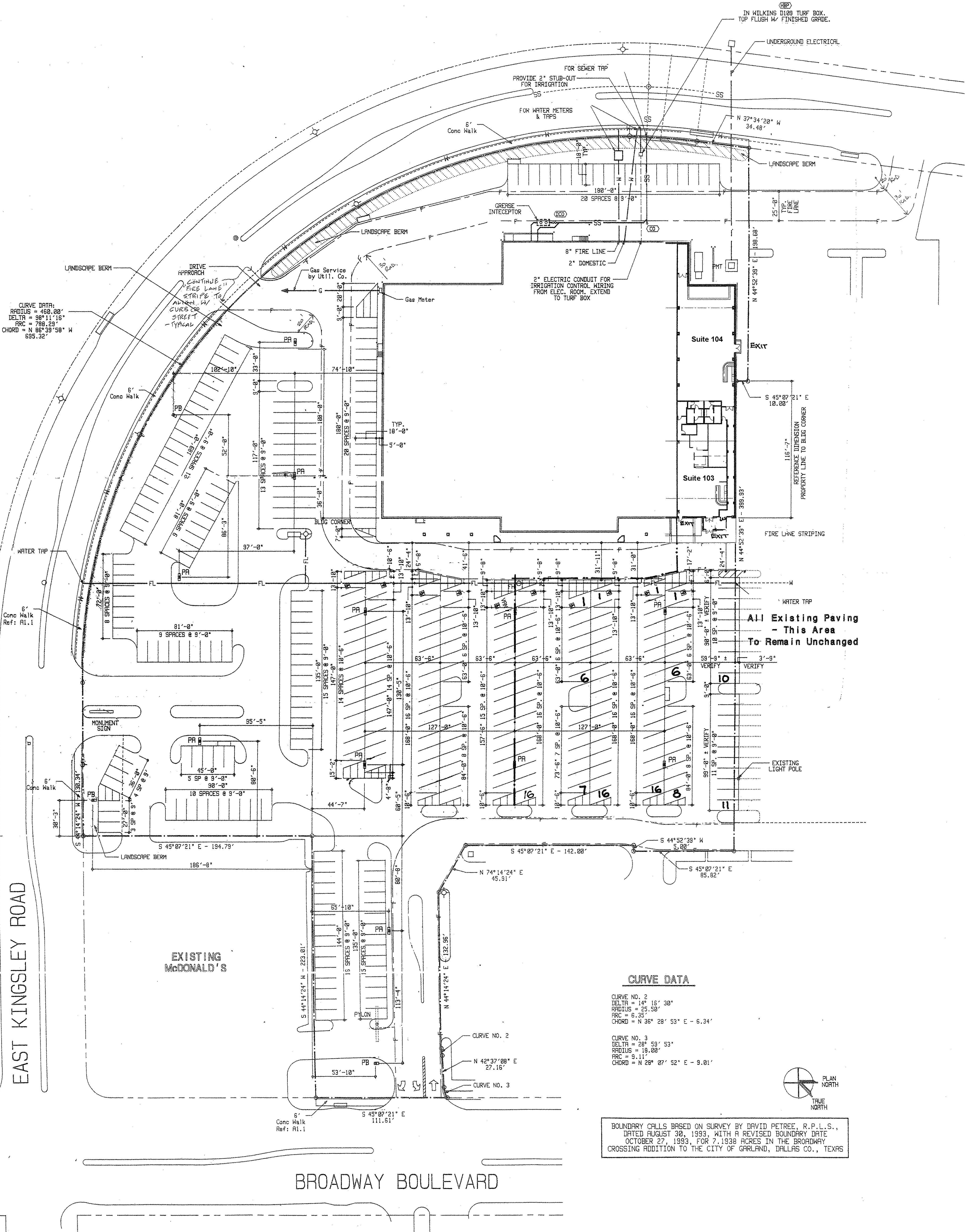
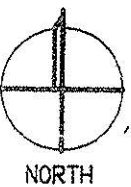
PROPOSED BALLROOM
3265 Broadway Blvd., Suite 104
Garland, Texas 75043
Exhibit C

EAST KINGSLEY ROAD

BROADWAY BOULEVARD

01 Site Plan
Scale: 1" = 40'-0"

02 Vicinity Map



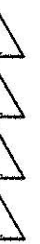
MVZ Designs
Mario V. Zambrano
Frisco, Texas 75035
Tel 469-774-7033

Arturo & Arleen
Macias
Indoor Soccer Zone
Dallas, Texas 75237
Tel 214-728-1881

Project Number: 201302.00
Drawn By: MVZ
Issue For Permit: 10-23-2017

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Revision Date



REPORT & MINUTES

P.C. Meeting, December 11, 2017

Consideration of the application of **Arleen Macias**, requesting approval of a Specific Use Provision for a Reception Facility on a property zoned Community Retail (CR) District. This property is located at 3265 Broadway Boulevard. (District 4) (File Z 17-44) (This item was postponed from the November 27, 2017 Plan Commission meeting.)

The applicant, Arleen Macias, 2022 Wynn Joyce, Garland, Texas, provided additional information regarding the cost of an acoustician, additional measures to be taken to aid in noise reduction, elaborated on the primary entry/exit points of the building and agreed to a 10 year Specific Use Provision if approved.

Commissioner Dalton asked of the applicant if the addition of an interior vestibule would adversely affect the interior of the building. He also asked if the applicant would consider additional sound deadening measures if complaints were to arise in the future.

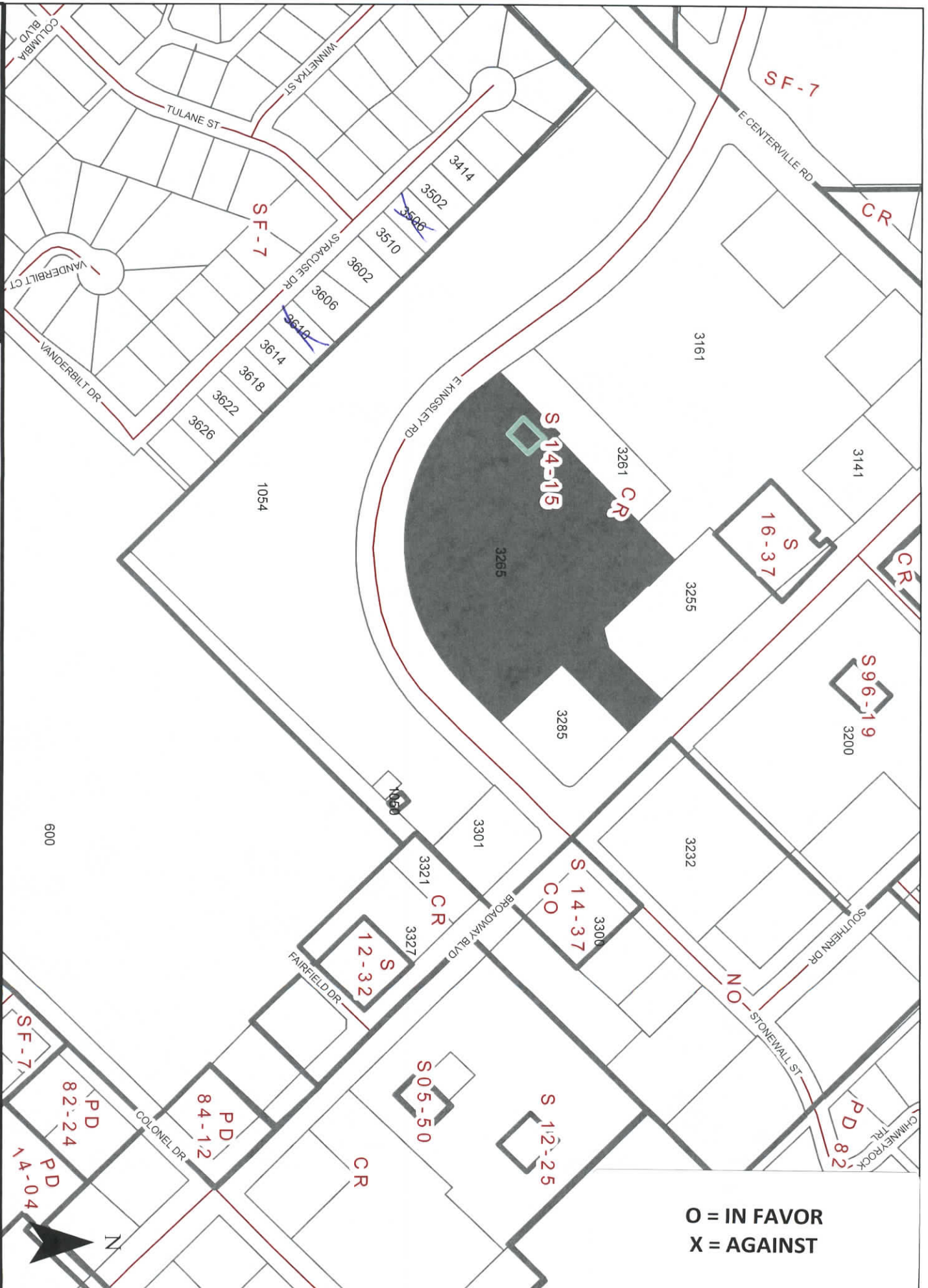
Chairman Roberts requested clarification on the primary entrance/exit of the facility.

Motion was made by Commissioner O'Hara, seconded by Commissioner Moore to **approve** the Specific Use Provision for a period of 10 years. **Motion carried: 8 Ayes, 0 Nays.**

0 200 400 Feet
1 inch = 275 feet

ZONING MAP Z 17-44

INDICATES AREA
OF REQUEST



O = IN FAVOR
X = AGAINST



GARLAND

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

November 1, 2017

HEARING DATE/TIME: Plan Commission: November 13, 2017 – 7:00 PM

APPLICANT: Arleen Macias

File Z 17-44

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, November 13, 2017, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Arleen Macias** requesting approval of a Specific Use Provision for a Reception Facility on a property zoned Community Retail (CR) District. The property is shown on the enclosed sketch and is described as follows:

BEING an approximate 7.194-acre tract or parcel of land situated in the John Little League Survey, Abstract No. 761, Dallas County, Texas, same being all of Lot 10 of Block 1 of the Replat of Lot 1-RR & Lot 3-R of the BROADWAY CROSSING ADDITION, an addition to the City of Garland according to the plat thereof of record in Volume 93252, Page 2780 of the Dallas County Map Records. This property is located at 3265 Broadway Boulevard, Suite 103. (District 4).

Note: The applicant seeks approval of a Specific Use Provision (SUP) to allow the operation of a Reception Facility within an existing multi-tenant building. The applicant intends to establish the separate operation of the 6,626 square-foot ballroom and live entertainment area of Suite 103 (Fat Fish Oyster Bar) from the existing restaurant use.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002, fax to 972-205-2474, deliver to the Planning Department at 800 East Main Street, Garland TX, or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Isaac Williams at 972-205-2445.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

The reason that I am opposed to the request for the operation of a ballroom and live entertainment (nightclub) is because I am concerned about the noise created by loud, thumping music and boisterous people that will carry over into the residential area that is in close proximity, my home included. Currently the neighborhood is quiet and peaceful, I want this to continue. It is why I recently moved here.

(Please complete the following information) Thank you for your consideration.

Your Property Address

3506 Syracuse Drive, Garland, TX 75043

Printed Name

Erica LeDoux and Kevin LeDoux

Address

City, State

Zip

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

Erica and Kevin LeDoux

Signature

Title

Date: 11/13/17

Allmendinger, Tracy

From: Erica LeDoux <ericaldx1@gmail.com>
Sent: Monday, November 13, 2017 7:42 AM
To: Planning Group
Subject: Planning Commission Hearing November 13, 2017 in consideration of the operation of a ballroom and live entertainment facility
Attachments: City of Garland Hearing_111317.pdf

To Whom it May Concern:

Please find the attached letter that opposes the operation of a ballroom and live entertainment area at 3265 Broadway Boulevard, Suite 103. Below is the reason that is included in the opposition letter:

The reason that we are opposed to the request for the operation of a ballroom and live entertainment (nightclub) is because we are concerned about the noise that will be created from this establishment from loud thumping music and boisterous people that will carryover into the residential area that is in close proximity to this facility, This residential area contains retired, elderly and hard working people who would like the peaceful and quiet to continue. It what attracted us to the neighborhood when we recently moved here.

Thank you for your consideration,

Erica and Kevin Le Doux



GARLAND

November 1, 2017

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

HEARING DATE/TIME: Plan Commission: November 13, 2017 – 7:00 PM

APPLICANT: Arleen Macias

File Z 17-44

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

Our residence area (Syracuse Dr.) does not need anymore noise pollution. a reception facility would cause extra late night loud disturbing noise.

(Please complete the following information)

Your Property Address

Eddie and Liz Walkowicz

Printed Name

3610 Syracuse

Address

Garland, Tx

City, State

75043

Zip

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

Eddie Walkowicz

Signature

Title

(Homeowner)

Date: 11/7/17

Allmendinger, Tracy

From: Teresa Sutherland <TSutherl@garlandisd.net>
Sent: Friday, November 10, 2017 11:06 AM
To: Planning Group
Subject: RESPONSE TO FILE Z17-44
Attachments: City of Garland Notice of Public Hearing on 11-13-17 - Applicant Arleen Macias File Z17-44.pdf

Please find attached Garland ISD's response to the City of Garland Notice of Public Hearing on 11-13-17 - Applicant Arleen Macias File Z17-44.

Teresa Sutherland, CEOP

Garland Independent School District

Secretary to Joel E. Falcon, Jr. | Executive Director of Facilities & Maintenance
Marvin Padgett Auxiliary Services Center | 701 N. First Street | Garland, TX 75040
and

Secretary to Jess Hudson | Director of Geographic Information Systems
Dr. Marvin D. Roden Technology Center | 410 Stadium Drive | Garland, TX 75040

tsutherl@garlandisd.net

Phone: (972)487-4101



GARLAND

November 1, 2017



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

HEARING DATE/TIME: Plan Commission: November 13, 2017 – 7:00 PM

APPLICANT: Arleen Macias

File Z 17-44

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Garland ISD

Printed name

701 N. First Street

Garland, TX

75040

Address

City, State

Zip

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

Signature

Joel Falcon

Joel Falcon, Executive Director of Facilities & Maintenance

Title

Date: 11/8/17

Outside the Notification Area

NOV 10 2017 PM 2:39

- While the proposal if approved by the Superintendent would allow the activities in the summer, it is clear to me any work after staff returns would fall under the requirements of the law. We cannot regulate the fact that members of our staff bring their children, who happen to be students, to work in the summer. We also must consider summer programs, even at the elementary campuses.