



GARLAND

AGENDA

CITY COUNCIL WORK SESSION

City of Garland

Work Session Room, City Hall

William E. Dollar Municipal Building

200 North Fifth Street

Garland, Texas

Monday, December 2, 2019

6:00 p.m.

DEFINITIONS:

Written Briefing: Items that generally do not require a presentation or discussion by the staff or Council. On these items the staff is seeking direction from the Council or providing information in a written format.

Verbal Briefing: These items do not require written background information or are an update on items previously discussed by the Council.

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

(1) Pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct. Sec. 551.071, Tex. Gov't Code.

(2) The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.072, Tex. Gov't Code.

(3) A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Sec. 551.073, Tex. Gov't Code.

(4) Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Sec. 551.074, Tex. Gov't Code.

(5) The deployment, or specific occasions for implementation of security personnel or devices. Sec. 551.076, Tex. Gov't Code.

(6) Discussions or deliberations regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City and with which the City is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect of the sort described in this provision. Sec. 551.087, Tex. Gov't Code.

(7) Discussions, deliberations, votes, or other final action on matters related to the City's competitive activity, including information that would, if disclosed, give advantage to competitors or prospective competitors and is reasonably related to one or more of the following categories of information:

- generation unit specific and portfolio fixed and variable costs, including forecasts of those costs, capital improvement plans for generation units, and generation unit operating characteristics and outage scheduling;
- bidding and pricing information for purchased power, generation and fuel, and Electric Reliability Council of Texas bids, prices, offers, and related services and strategies;
- effective fuel and purchased power agreements and fuel transportation arrangements and contracts;
- risk management information, contracts, and strategies, including fuel hedging and storage;
- plans, studies, proposals, and analyses for system improvements, additions, or sales, other than transmission and distribution system improvements inside the service area for which the public power utility is the sole certificated retail provider; and
- customer billing, contract, and usage information, electric power pricing information, system load characteristics, and electric power marketing analyses and strategies. Sec. 551.086; Tex. Gov't Code; Sec. 552.133, Tex. Gov't Code]

1. Public Comments on Work Session Items

Persons who desire to address the City Council on any item on the Work Session agenda are allowed three minutes to speak. Speakers are taken only at the beginning of the meeting, other than invited testimony.

Speakers are grouped by Work Session item and will be taken in the order of the Work Session agenda. Speakers must submit to the City Secretary a completed speaker's card before the beginning of the meeting. Speaker cards will not be accepted after the Mayor calls the meeting to order. Speaker cards are available in the lobby, at the visitor's side of the Work Session Room, and from members of staff.

Speakers are limited to addressing items on the Work Session agenda – any item relating to a Regular Session agenda item should be addressed at the Regular Session and any item not on an agenda may be addressed during the open microphone at the end of the Regular Session.

2. Consider the Consent Agenda

A member of the City Council may ask for discussion or further information on an item posted as a consent agenda item on the next Regular Meeting of the City Council. The Council Member may also ask that an item on the posted consent agenda be pulled from the consent agenda and considered for a vote separate from consent agenda items on the regular agenda. All discussions or deliberations on this portion of the work session agenda are limited to posted agenda items and may not include a new or unposted subject matter.

3. Written Briefings:

a. Consider a resolution adopting a revised Tax Credit Application and Score Sheet.

Council is requested to consider a revised Low Income Housing Tax Credit process for Resolutions of Support for the Texas Department of Housing and Community Affairs Tax Credit Applications. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 17, 2019 Regular Meeting.

b. Sale of Property - 726 Parker Circle

Council is requested to approve the sale of 726 Parker Circle. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 17, 2019 Regular Meeting.

4. Verbal Briefings:

a. DART Update

Council will be updated on DART's services, activities, programs and projects within Garland.

b. 2019 Bond Program Status Update

Staff will brief Council on progress and planning related to the implementation of the 2019 Bond Program.

c. At the request of Council Member Morris, Council will review the propriety of her handling of matters related to 920 West Avenue D

Councilmember Deborah Morris asked that a Work Session Item be added to review, in an open forum, the propriety of her handling of matters related to 920 West Avenue D. The item was seconded by Councilman Rich Aubin. As requested, Council will discuss the matter.

5. Announce Future Agenda Items

A member of the City Council, with a second by another member, or the Mayor alone, may ask that an item be placed on a future agenda of the City Council or a committee of the City Council. No substantive discussion of that item will take place at this time.

6. Council will move into Executive Session

**EXECUTIVE SESSION
AGENDA**

NOTICE: The City Council may recess from the open session and convene in a closed executive session if the discussion of any of the listed agenda items concerns one or more of the following matters:

a. The City Council will adjourn into executive session pursuant to Sections 551.074, 551.086, 551.071, and 551.072 of the Texas Government Code to deliberate or discuss:

1. Personnel matters related to the appointment of municipal court judges; and
2. Matters concerning the Dent Road To Shelby Transmission Line. More specifically, public power utility competitive matters (551.086), attorney-client

matters concerning pending or contemplated litigation (551.071) or settlement offers and the value of real property (551.072).

7. Adjourn



GARLAND POLICY REPORT

City Council Work Session Agenda

3. a.

Meeting Date: December 2, 2019
Item Title: 2020 Low Income Tax Credit Application and Scoring Criteria
Submitted By: Mona Woodard, Neighborhood Services Administrator
Strategic Focus Areas: Vibrant Neighborhoods and Commercial Centers

ISSUE

Following the recent Disaster Declaration for Dallas County, the City of Garland has received numerous inquiries from developers seeking to submit an application for Low Income Housing Tax Credits. The existing Low Income Tax Credit Application and Scoring Criteria need to be reviewed to ensure consistency with the current City Council policy regarding multifamily rezoning requests and redevelopment.

A revision of the City Council adopted Low Income Housing Tax Credit process for Resolutions of Support for the Texas Department of Housing and Community Affairs Tax Credit Applications is presented for Council consideration. The amendment would require that only proposed properties located in currently zoned multifamily areas be considered for Resolutions of Support for new construction of multifamily housing. An exception to this zoning requirement would be for proposals where a parcel is within an approved redevelopment plan area that includes new construction of multifamily housing as a supportive use.

OPTIONS

1. Adopt the Tax Credit Application and Score Sheet amendment.
2. Reject the Tax Credit Application and Score Sheet amendment.

RECOMMENDATION

Adopt the revised Tax Credit Application and Score Sheet attached.

BACKGROUND

The Low-Income Housing Tax Credit (LIHTC) program is the largest federal resource for creating affordable housing in the United States. The tax credits are an attractive housing development tool as the credits provide a dollar-for-dollar reduction in a taxpayer's federal income tax, whereas a tax deduction only provides a reduction in taxable income.

The Texas Department of Housing and Community Affairs (TDHCA) is the only entity in the State of Texas authorized to allocate tax credits under this program. TDHCA must develop a

plan for the selection of eligible developments; this plan is known as the Qualified Allocation Plan and Rules (QAP). The QAP defines a series of point-based selection criteria to ensure the housing proposed in the application is consistent with the program's goal. The QAP is revised annually and is formalized for the following year when signed by the Governor.

Texas' Tax Credits are allocated on a regional basis. The State is divided into 13 state service regions; each of the state service regions is then further divided into Rural and Urban/Exurban areas each of which is targeted to receive a pre-determined amount of tax credits each year. The amount of tax credits per area is based on a regional allocation formula (RAF) which is created by the TDHCA.

Attachments

Revised Tax Credit Application
Revised Score Sheet v.2



Housing Tax Credit Resolution Application Packet

Revision: 10/2019



GARLAND

Low Income

Housing Tax Credit (LIHTC) Resolution Process

Texas Department of Housing and Community Affairs (TDHCA) offers non-competitive 4% and competitive 9% LIHTC application processes. Non-competitive LIHTC applications may be received year round and are evaluated as received. Competitive 9% LIHTC applications follow a different process which typically begins in January of each year. Below is the timeline and application process for developers seeking resolutions for their Garland LIHTC TDHCA application:

City of Garland Application Timeline

Applications must be submitted to the Department of Housing and Community Services 30 days prior to the date the applicant is requesting delivery of the Resolution.

Support Resolution Requirements

Staff will use the information submitted by the developer along with the application (see attached) to determine whether a Resolution of Support (17 TDHCA application points) or a Resolution of No Objection (14 TDHCA application points) will be recommended to City Council.

Required Documentation

1. Completed application packet
2. Fee: \$10.00 per proposed unit.
3. A letter from the Planning Department is required to be submitted confirming the current zoning on the property.
4. Preference shall be given to tax credit proposals in the following order:
 - a. Demolition and Reconstruction of an existing substandard multi-family development.
 - b. Rehabilitation of an existing multi-family development.
 - c. **New Construction on property currently zoned as multifamily. An exception to this zoning requirement would only be given for proposals submitted where a parcel is located in an area with an approved, current redevelopment plan that includes new construction of multifamily housing identified specifically as a supportive use.**
 - d.
 - e. Preference will be given to senior citizen age restricted projects.
 - f. The application **must** address a housing need or problem identified in the City of Garland's Consolidated Plan.
5. Points provided for Developers that have demonstrated experience with the TDHCA tax credit programs from several municipalities.
6. Points are provided for locations within ½ mile of Dart station or stop.
7. Preference shall be given to mixed-income developments where at least 30% of the units are market-based.
8. Points shall be given for developments utilizing land currently zoned multifamily. The location/height and density of the development must be compatible with the surrounding neighborhood.
9. The project solicit community support from residents within a 400 foot radius of the project.
10. Points are provided to tax credit projects that provided full-time on-site management.
11. Points are provided to tax credit projects that provide a complete market analysis which demonstrates the ability of the market to absorb the new dwelling units.
12. Preference shall be given to tax credit projects that are³ in the best interest of the City of Garland.



GARLAND

9% Housing Tax Credit
Resolution of Support Application



GARLAND

**9 % Low Income Housing Tax Credit
Application**

All applications must be submitted along with all materials listed in the appropriate checklist. Housing and Community Services staff is available to advise you on any requirements.

Project Name: _____

Property Information

Property Address:
Legal Description:
Zoning District:
Do you intend to request funding for your project through the City of Garland Grant Process? YES ☐ NO ☐
Do you intend to request additional funding from the City for development? YES ☐ NO ☐

Applicant Information (property owner or authorized agent) Applicant will be used as the City's Official Contact

Name:	
Address:	
City/State/Zip:	
Work Phone:	Cell Phone:
Email:	
Do you have site control or owner's consent to apply for LIHTC funding on this site? YES ☐ NO ☐	

Property Owner Information

Owner Name:	
Address:	
City/State/Zip:	DUNS Number:
Work Phone:	Cell Phone:
Email:	

Applicant Signature:	
Printed Name:	Date:
By signing this form, the owner of the property authorizes the City of Garland to begin proceeding in accordance with the process for this request. The owner further acknowledges that submission of an application does not in any way obligate the City of Garland to approve the application and that although City Staff may make certain recommendations regarding this applications, the decision making authority may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.	



9 % Low Income Housing Tax Credit / Resolution of Support Checklist

This Checklist is intended to provide the information and data that is necessary to assess the merits of the project proposal.

Incomplete applications cannot be accepted for review. If all the information noted in the "Items Required for Submittal" section of this checklist is not provided, the application may not be accepted for processing.

Items Required for Submittal	
Application Form with required fees	☐
All required City of Garland documentation on page 2 of this packet	☐
Proposed Development name, Developer/Applicable owner(s) and/or Program name to be referenced in the City Resolution	☐
If a 501(c)3 organization, a copy of the IRA Letter of Determination	☐
Letter of Project Intent with Detailed Information listed below:	☐
Detailed Information	
Location Map of the Property	☐
Site Development:	☐
• <i>List the number of units.</i>	☐
• <i>List the breakdown of rental rates by unit and income restrictions.</i>	☐
• <i>Will rental rates change over time and how are they determined?</i>	☐
• <i>How many accessible units are included?</i>	☐
• <i>If the development includes market-rate units, do these units differ from the income-restricted units in any way?</i>	☐
• <i>List the amenities included in individual units as well as those for the entire site</i>	☐
• <i>Describe energy efficiency components that will be installed</i>	☐
	☐
Background of the development company and management company	☐
• <i>Have there been any changes in company names or reorganizations?</i>	☐
• <i>History of similar projects and complexes managed</i>	☐
• <i>How many tax credit and/or HOME projects have you developed and managed?</i>	☐
	☐
Financial:	☐
• <i>List the funding sources to be used</i>	☐
• <i>List any past or current funding programs (state or federal) for which the property is under contract (USDA, Section 8, Etc.)</i>	☐
• <i>Provide the anticipated breakdown of the development costs.</i>	☐
• <i>Will the site be tax exempt after development?</i>	☐
• <i>What is the affordability period required for this project?</i>	☐
• <i>Provide a Pro Forma statement for the project.</i>	☐
• <i>Will this development require extensive capital improvements?</i>	☐
Please list any additional information or letters that you will be requesting from the City of Garland for the TDHCA application requirements.	☐
	☐



4% Low-Income Housing Tax Credit
Resolution of Support Application



GARLAND

4 % Low Income Housing Tax Credit Resolution of Support Application

All applications must be submitted along with all materials listed in the appropriate checklist. Housing and Community Services staff is available to advise you on any requirements.

Project Name: _____

Property Information

Property Address:
Legal Description:
Zoning District:
Do you intend to request funding for your project through the City of Garland Grant Process? YES ☐ NO ☐
Do you intend to request additional funding from the City for development? YES ☐ NO ☐

Applicant Information (property owner or authorized agent) Applicant will be used as the City's Official Contact

Name:	
Address:	
City/State/Zip:	
Work Phone:	Cell Phone:
Email:	
Do you have site control or owner's consent to apply for LIHTC funding on this site? YES ☐ NO ☐	

Property Owner Information

Owner Name:	
Address:	
City/State/Zip:	DUNS Number:
Work Phone:	Cell Phone:
Email:	

Applicant Signature:	
Printed Name:	Date:
By signing this form, the owner of the property authorizes the City of Garland to begin proceeding in accordance with the process for this request. The owner further acknowledges that submission of an application does not in any way obligate the City of Garland to approve the application and that although City Staff may make certain recommendations regarding this applications, the decision making authority may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.	



4 % Low Income Housing Tax Credit / Resolution of Support Checklist

This Checklist is intended to provide the information and data that is necessary to assess the merits of the project proposal.

Incomplete applications cannot be accepted for review. If all the information noted in the "Items Required for Submittal" section of this checklist is not provided, the application may not be accepted for processing.

Items Required for Submittal	
Application Form with required fees	☐
All required City of Garland documentation on page 2 of this packet	☐
Proposed Development name, Developer/Applicable owner(s) and/or Program name to be referenced in the City Resolution	☐
If 501(c) 3 organization, a copy of the IRS letter of Determination	☐
Letter of Project Intent, with detailed information listed below:	☐
Detailed Information	
Location Map of the Property	☐
Site Development:	☐
• <i>List the number of units.</i>	☐
• <i>List the breakdown of rental rates by unit and income restrictions.</i>	☐
• <i>Will rental rates change over time and how are they determined?</i>	☐
• <i>How many accessible units are included?</i>	☐
• <i>If the development includes market-rate units, do these units differ from the income-restricted units in any way?</i>	☐
• <i>List the amenities included in individual units as well as those for the entire site</i>	☐
• <i>Describe energy efficiency components that will be installed</i>	☐
	☐
Background of the development company and management company	☐
• <i>Have there been any changes in company names or reorganizations?</i>	☐
• <i>History of similar projects and complexes managed</i>	☐
• <i>How many tax credit and/or HOME projects have you developed and managed?</i>	☐
	☐
Financial:	☐
• <i>List the funding sources to be used</i>	☐
• <i>List any past or current funding programs (state or federal) for which the property is under contract (USDA, Section 8, Etc.)</i>	☐
• <i>Provide the anticipated breakdown of the development costs.</i>	☐
• <i>Will the site be tax exempt after development?</i>	☐
• <i>What is the affordability period required for this project?</i>	☐
• <i>Provide a Pro Forma statement for the project.</i>	☐
• <i>Will this development require extensive capital improvements?</i>	☐
Please list any additional information or letters that you will be requesting from the City of Garland for the TDHCA application requirements.	☐
	☐

Scoring for Low Income Housing Tax Credit Application

2020 Low Income Tax Credit Applications

Developer Name: _____

Project Location: _____

Number of Units: _____

Percentage Affordable: _____

Age Restricted: _____

Market Rate Percentage _____

Scoring Criteria

Applications are scored per category. There are 10 different scoring categories. A minimum of 55 points is required to be scored in order to be considered for Resolution of Support.

Maximum Points: _____ 100

Development Type - Maximum 45 points

*Acquisition/Demolition/Redevelopment of Existing
Complex = 45 points*

*Rehabilitation of Existing Multifamily Complex
= 20 points*

*New Construction of Multifamily on Property currently
zoned for multifamily unless the parcel proposed is
located in an area with an approved, current
redevelopment plan that includes new construction of
multifamily housing identified as a supportive use.
= 10 points*

Addresses a Housing Need Identified in the Consolidated Plan - Maximum 5 Points

TDHCA Tax Credit Experience with Multiple Developments - Max 5 points

Access to DART Transportation - Max 5 points

0 - .50 miles = 5 points

.51 - 1 miles = 2 points

Over 1 mile = 0 points

Mixed Income Developments - Max 5 points

33% or more Market Rate Units = 5 points

Less than 33% = 0 points

**Location/Height/Density Compatible with
Neighborhood - Max 5 points**

Yes = 5 points

No = 0 points

**Development Provides Onsite Management -
Max 5 points**

Yes = 5 points

No = 0 points

Age Restricted Development - Max 5 points

Senior 55+ = 5 points

Non age restricted = 2 points

Community Support - Max 10 points

Received Council Person Support = 5 points

Conducted Community Meetings = 2 points

No community support = 0 points

Complete Market Analysis Provided - Max 5 points

Yes = 5 points

No = 0 points

TOTAL Points

0



GARLAND POLICY REPORT

City Council Work Session Agenda

3. b.

Meeting Date: December 2, 2019
Item Title: Sale of Property - 726 Parker Circle
Submitted By: Corey Worsham, Tax Administrator
Strategic Focus Areas: Vibrant Neighborhoods and Commercial Centers
Sound Governance and Finances

ISSUE

The City of Garland has received an unsolicited offer from Habitat for Humanity of Greater Garland, Inc. related to the purchase of City owned property obtained through a Sheriff's Sale. This property is located at 726 Parker Circle. Habitat for Humanity of Greater Garland, Inc. has presented an offer of \$25,500.00 for the property. The purchaser has also agreed to pay the post-judgment taxes at closing. The post-judgment taxes are approximately \$2,198.17 which will result in the total amount received at closing of approximately \$27,698.17. If approved, the City of Garland will receive sale proceeds totaling \$6,348.79.

OPTIONS

The City Council may:

1. Approve the sale of 726 Parker Circle and provide an executed deed without warranty, or
2. Deny the offer presented by Habitat for Humanity

RECOMMENDATION

Staff recommends that the City Council accept the offer and sell the property to Habitat for Humanity of Greater Garland, Inc. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the December 17, 2019 Regular Meeting.

BACKGROUND

The property was struck off to the City of Garland at the Dallas County Sheriff's Sale on January 2, 2019. In accordance with Section 34.05 of the Texas Property Tax Code, the offer meets the minimum bid requirements and does not require the consent of other taxing entities. If the sale is approved, the City of Garland will accept payment on behalf of all entities and disperse all sale proceeds.

CONSIDERATION

This property has been held by the City of Garland since January of 2019. Pursuant to Section 34.05 of the Texas Property Tax Code it may be resold to a private entity with the approval of the governing body.

Attachments

726 Parker Circle Deed

726 Parker Circle Resolution

726 Parker Circle Offer

726 Parker Circle Map and Picture

DEED WITHOUT WARRANTY

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

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Habitat for Humanity of Greater Garland, Inc., 2909 Broadway Blvd., Garland, TX 75041** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **726 Parker Circle**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

**LOT 1, BLOCK 6, RAINBOW ESTATES NO. 5 ADDITION, aka
726 PARKER CIR., CITY OF GARLAND, DALLAS COUNTY,
TEXAS, AS RECORDED IN VOL. 82022, PAGE 2232, OF THE
DALLAS COUNTY DEED RECORDS (the "Property").**

This Deed Without Warranty is subject to:

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

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

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

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX16-02077 combined with TX99-40721 and TX97-40849 in the 298th Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

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

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 20__.

GRANTOR:

CITY OF GARLAND, a Texas home-rule municipality

By: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the _____ day of _____, 20__, by _____, in his capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:

RESOLUTION NO. _____

A RESOLUTION 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.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 298th Judicial District Court of Dallas County, Texas in cause number TX99-40721 and TX97-40849, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

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

Section 1

That City does hereby consent to the sale of property commonly known as 726 Parker Circle, situated in the City of Garland, County of Dallas, State of Texas to wit:

LOT 1, BLOCK 6, RAINBOW ESTATES NO. 5 ADDITION, aka 726 PARKER CIR., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOL. 82022, PAGE 2232, OF THE DALLAS COUNTY DEED RECORDS (the "Property").

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

Section 3

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

PASSED AND APPROVED this the ____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



J. DOUGLAS BURNSIDE
Attorney at Law
1919 S. Shiloh Rd, Ste 310, LB 40
Garland, Texas 75042
p: 972-278-8282
f: 972-278-8222
w: www.pbfcmlaw.com

November 13, 2019

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Habitat for Humanity of Greater Garland, Inc. to purchase
726 Parker Circle, Garland, Texas

Dear Mr. Worsham:

Habitat for Humanity of Greater Garland, Inc. has offered to purchase 726 Parker Circle, Garland, Texas (LOT 1, BLOCK 6, RAINBOW ESTATES NO. 5 ADDITION, aka 726 PARKER CIR., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN VOL. 82022, PAGE 2232, OF THE DALLAS COUNTY DEED RECORDS) for \$25,500.00. In addition to that amount, all post-judgment taxes for the years 2017-2019 will be paid at closing. The total amount of post-judgment taxes will be approximately \$2,198.17 of which the City of Garland will receive approximately \$561.12.

This property was sold at a Sheriff's Sale on January 2, 2019 pursuant to delinquent tax collection suit number TX16-02077 combined with TX99-40721 and TX97-40849. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions. The property was struck off for the assessed value in the judgment, \$25,500.00.

The property's most recent value according to the Appraisal District is \$25,500.00. The total judgment amount was \$68,419.97, which includes taxes, penalties and interest, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those expenses and costs total \$9,538.60. The remainder would be distributed to the taxing jurisdictions pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the sale price is equal to the assessed value of the property in the Judgment, this sale meets the criteria of §34.05(h) and does not require the consent of the other taxing units in the Judgment.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written over a light blue rectangular background.

J. Douglas Burnside

Enclosure

Exhibit A
Re-sale Disbursement Worksheet

CAD Acct #:	26468500060010000
Property address:	726 Parker Circle
Cause No.:	TX16-02077 w/ TX99-40721 & TX97-40849
Offer Amount:	\$25,500.00
DCAD Value:	\$25,500.00
Judgment Date:	July 20, 2017
Sheriff's Sale Date:	January 2, 2019
Judgment amount:	GISD 1986-2016 taxes \$11,622.80 (51.3%)
	City 1986-2016 taxes \$6,081.44 (26.9%)
	County 1986-2016 taxes \$4,934.70 (21.8%)
Total Judgment for Taxes:	\$22,638.94
City Abatement Liens:	\$20,478.04
Court costs:	\$5,819.34
Sheriff's fees for sale:	\$1,610.26
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$609.00
Total Costs:	\$8,038.60

Funds to be disbursed as follows:

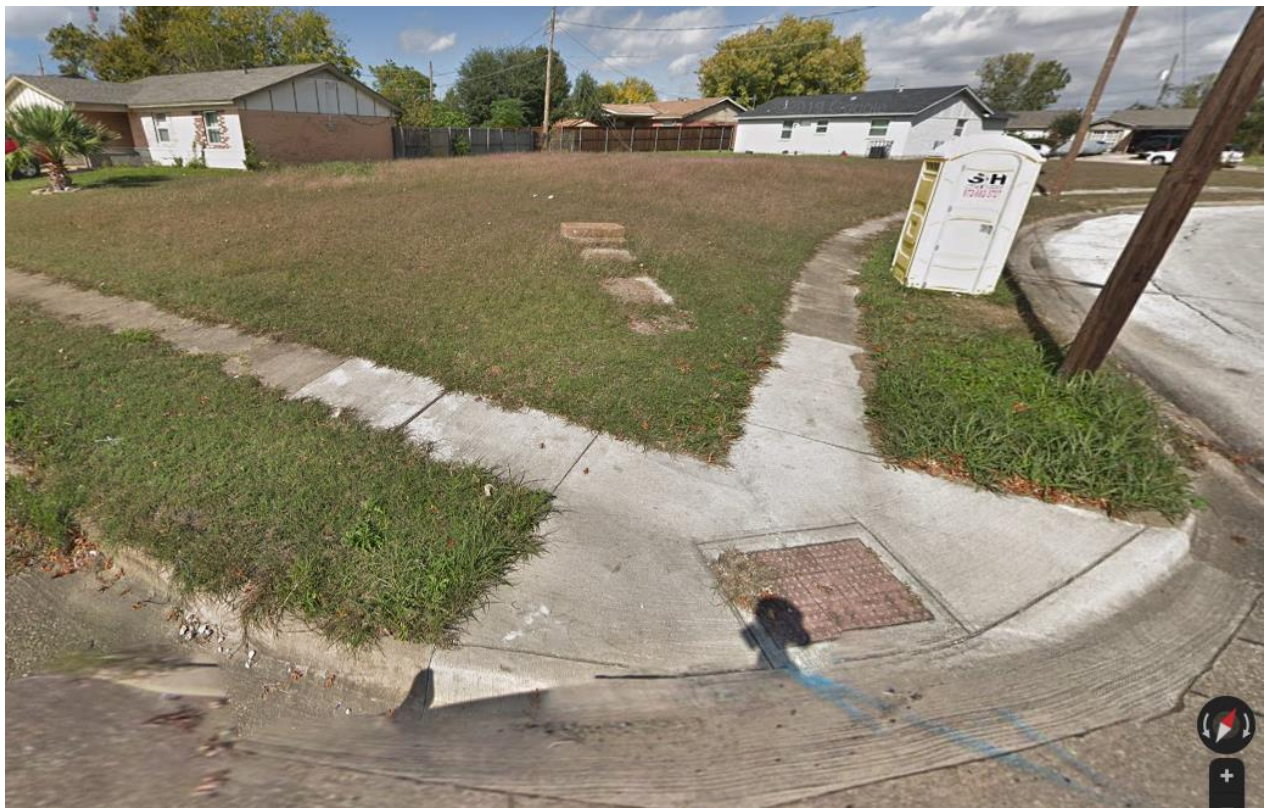
1.	Dallas County District Clerk	\$5,819.34
2.	Dallas County Sheriff	\$1,610.26
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$609.00
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$4,287.67
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$8,194.56
7.	Dallas County (Pro-rata Judgment tax year distribution)	\$3,479.17
	TOTAL Judgment Distribution	\$25,500.00

Post Judgment Distribution:

8.	City of Garland (Post Judgment tax year distribution)	\$561.12
9.	Garland ISD (Post Judgment tax year distribution)	\$1,114.18
10.	Dallas County (Post Judgment tax year distribution)	\$522.87
	TOTAL Post Judgment Distribution	\$2,198.17

	TOTAL Distribution	\$27,698.17
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726 Parker Circle Map and Picture





**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

4. a.

Meeting Date: December 2, 2019

Item Title: DART Update

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council will be updated on DART's services, activities, programs and projects within Garland.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

DART Briefing



DART Briefing to the Garland City Council

Jonathan Kelly

DART Board of Directors

December 2, 2019



Agenda

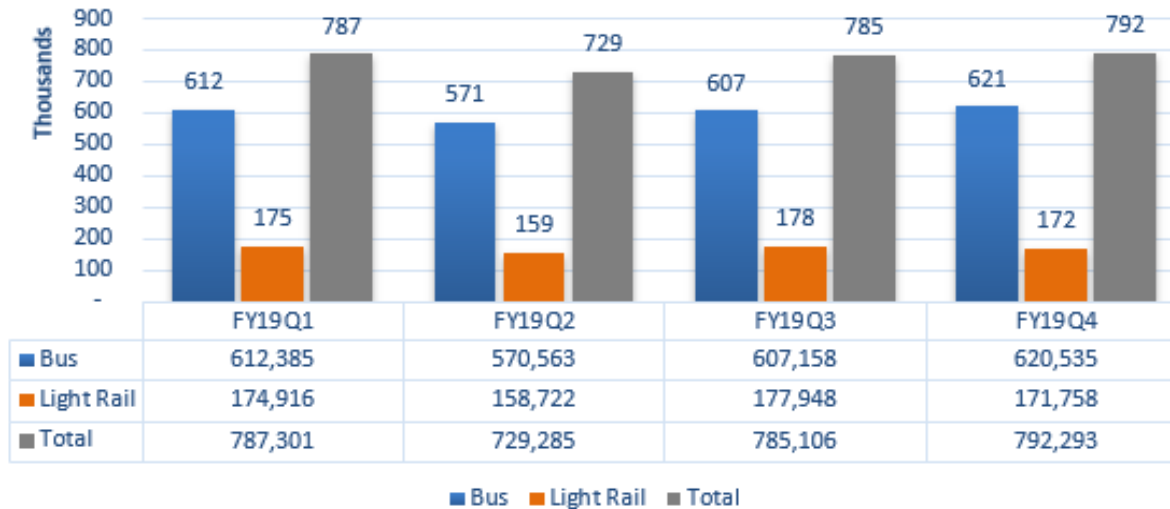
- Ridership Update
- Capital Projects Updates
 - Silver Line Corridor
 - Dallas Central Business District (CBD) Second Alignment D2
- Bus Service Plan
- Transit Oriented Development (TOD) Opportunities in Garland
- Board Questions / Responses
- New Board Officers



Ridership Update

CITY OF GARLAND

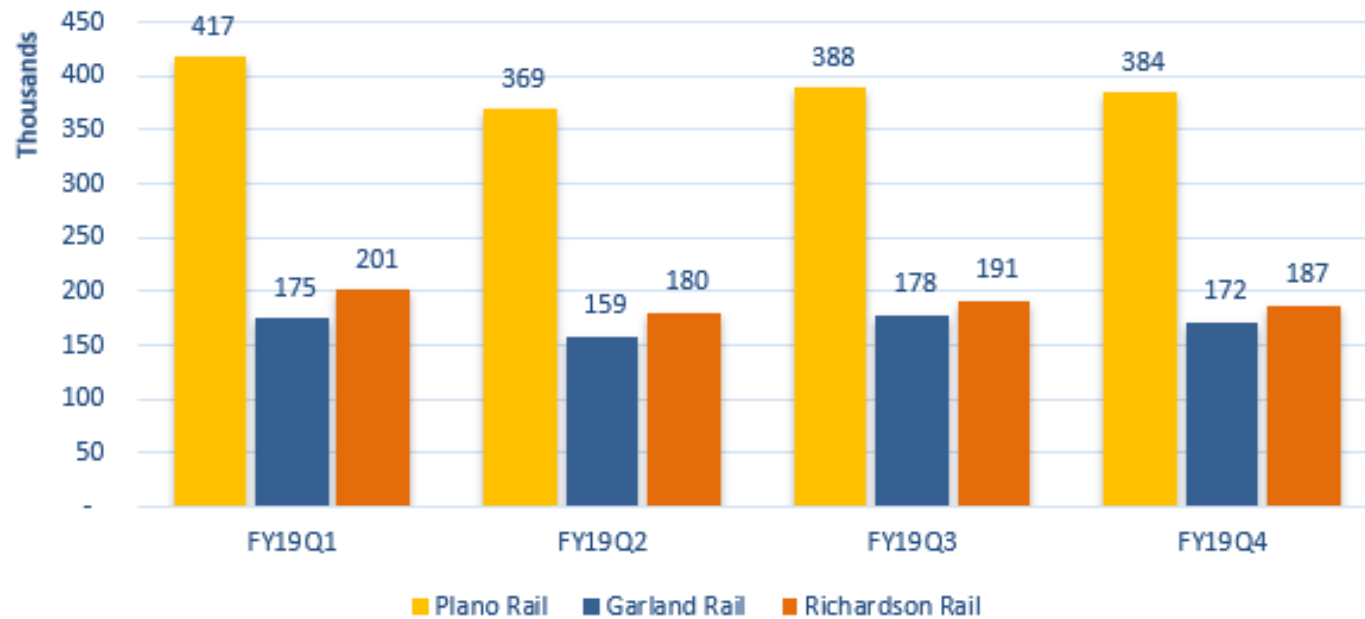
Total Ridership by Quarter (FY19Q1 - FY19Q4)



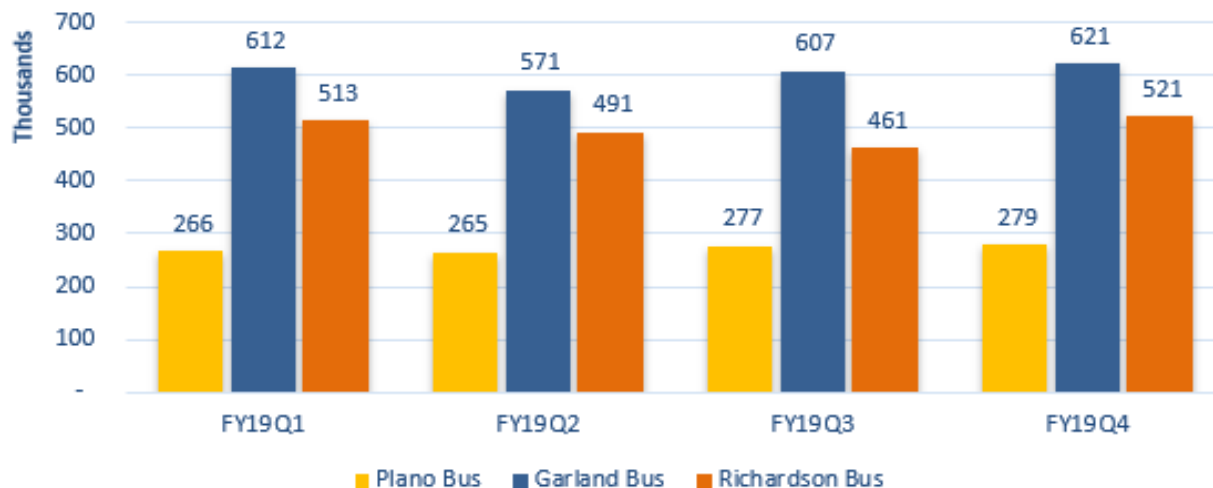
City of Garland FY 2019 Total Ridership

FY 2019	FY'19, Q1	FY'19, Q2	FY'19, Q3	FY'19, Q4	Grand Total
Bus	612,385	570,563	607,158	620,535	2,410,641
Light Rail	174,916	158,722	177,948	171,758	683,344
Total	787,301	729,285	785,106	792,293	3,093,985

Rail Ridership Comparison Among Selected Cities For FY 2019



Bus Ridership Comparison Among Selected Cities For FY 2019



Ridership Comparison

	FY'19, Q1	FY'19, Q2	FY'19, Q3	FY'19, Q4
Plano Bus	265,972	264,851	276,636	279,237
Garland Bus	612,385	570,563	607,158	620,535
Richardson Bus	513,330	490,758	461,215	521,350
Plano Rail	416,950	368,734	388,498	384,394
Garland Rail	174,916	158,722	177,948	171,758
Richardson Rail	201,328	179,647	191,331	187,416



Capital Projects Updates Silver Line Corridor

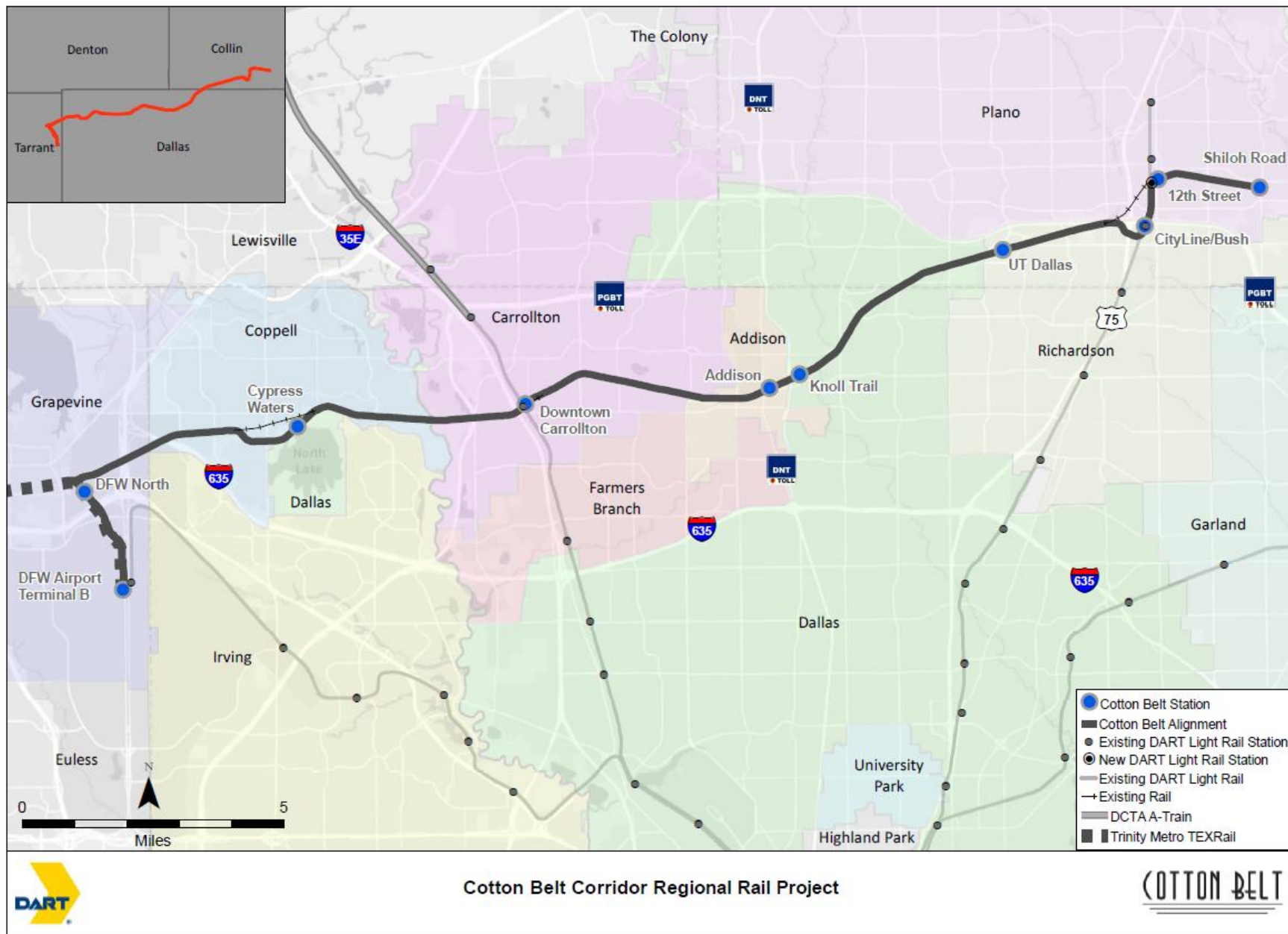
Silver Line Groundbreaking Events

Groundbreaking Events:

- Addison
- Carrollton
- Dallas
- Plano
- Richardson



Silver Line Corridor Regional Rail Project



Silver Line Project Status

- 12/20/18—DART closed RRIF loan awarded contract to Archer Western Herzog Joint Venture (AWH) for design and construction of the Silver Line
- 2/12/19—DART Board of Directors authorized modification to contract with design-build contractor (AWH) to double track corridor
- 2/21/19—DART provided AWH with right to access DART ROW for purpose of preconstruction surveys and data collection
- 5/28/19—DART Board of Directors authorized award of contract for vehicles and design of Equipment Maintenance Facility (EMF) to Stadler US
- 9/9/19—Cotton Belt Groundbreaking Events

Silver Line Project Status

- Since February 2019, Archer Western Herzog (AWH) has been working on design and is on track to complete 30% civil design for guideway and track by January 2020
- Beginning in March 2019, DART conducted a series of meetings with stakeholders, jurisdictional authorities and public to define betterments and coordinate design development
- AWH will begin construction activities on November 18, 2019 for utility relocation work and removal of existing rail where freight rail activity has been abandoned

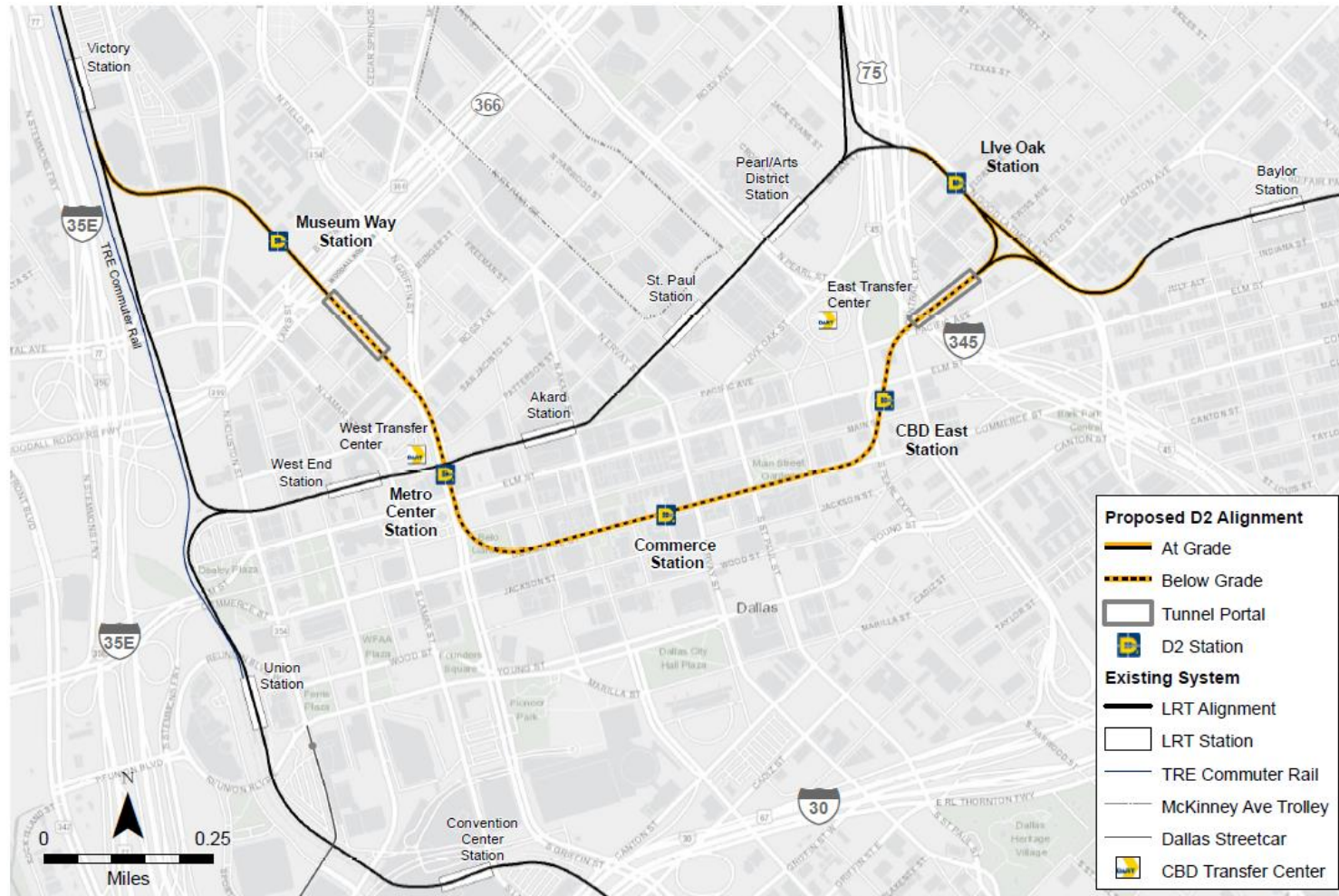
Silver Line Project Status

- Since June 2019, Stadler has been working on preliminary design for the vehicles and is on track to complete design in September 2020
- Stadler will complete 30% design for the Equipment Maintenance Facility (EMF) in December 2019
- Anticipated Revenue Service date is December 2022

A background image of a city street in Dallas, showing a tram on tracks, modern glass buildings, and a street sign for Akard. The image is overlaid with a semi-transparent blue filter and a yellow rectangular border around the text.

Dallas Central Business District Second Alignment (D2)

D2 Subway Alignment



Next Steps

- Continue to advance towards 20% design and Supplemental Draft Environmental Impact Statement (EIS)
 - Providing draft chapters to Federal Transit Administration (FTA) for review through end of year
 - City workshop being planned for early December to discuss key elements of design and construction
- Key issues
 - Corridor preservation along entire alignment
 - I-345 interface early resolution/agreement
- Strategy and preparation for request to enter FTA Engineering phase in early 2020

Federal Transit Administration Coordination

- D2 received MEDIUM-HIGH ratings in 2015 – 2017
- Project refined as subway in September 2017
- Federal Transit Administration (FTA) deadline for Project Ratings in 2019 was August 23
- DART provided letter to Federal Transit Administration (FTA) with project update and key milestones for next phase
- Early 2020, begin coordination to enter Engineering
- August 2020 – DART will request rating



Bus Service Plan

2020 Bus Network Plan

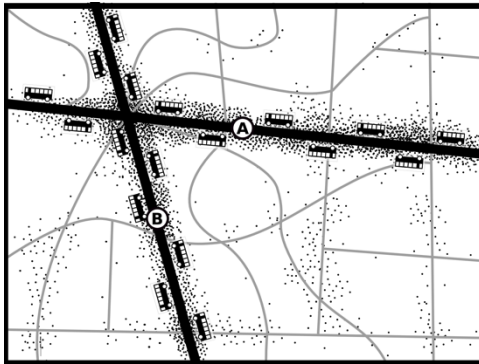
- DART will initiate a major effort to “re-imagine” its future bus service and GoLink network in FY 2020
- Planning efforts will require extensive community and stakeholder participation
- The final plan is scheduled to be implemented in late 2020 or early 2021
- The plan will guide major bus and GoLink service changes that will follow in late 2021 or early 2022

The Core Issue Facing DART

The core bus network design question that DART must answer in this planning effort is:

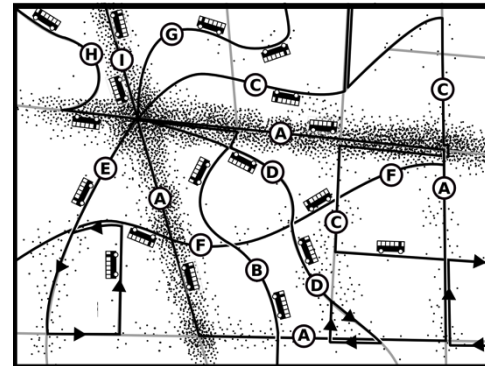
- “Does DART focus its financial resources on transit services that build ridership primarily, or insure its resources provide coverage to all areas?”

Ridership vs. Coverage Goal Decision



Ridership
Goal

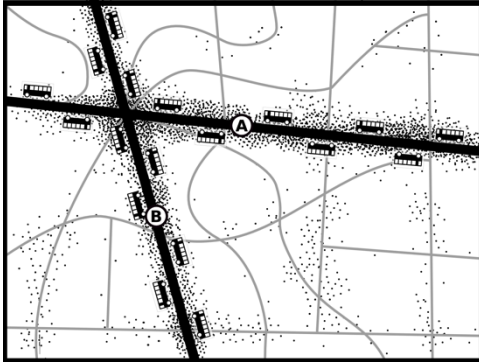
- “Think like a business”
- Low subsidy, high farebox return
- Support dense and walkable development
- Maximum vehicle miles travelled (VMT) reduction
- Protect economy from congestion



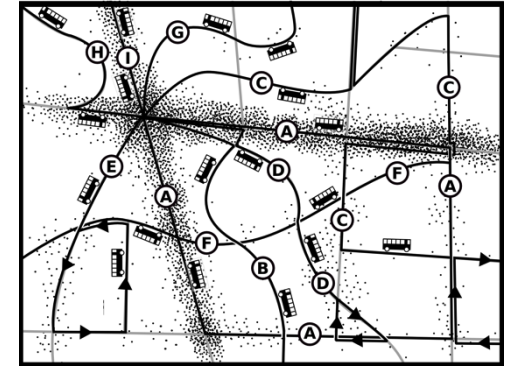
Coverage
Goal

- “Access for all”
- Support suburban low-density development
- Lifeline access for everyone, no matter where they live
- Service to every political district or neighborhood

DART's Current System



Ridership Goal



Coverage Goal



DART's Existing
Bus Network

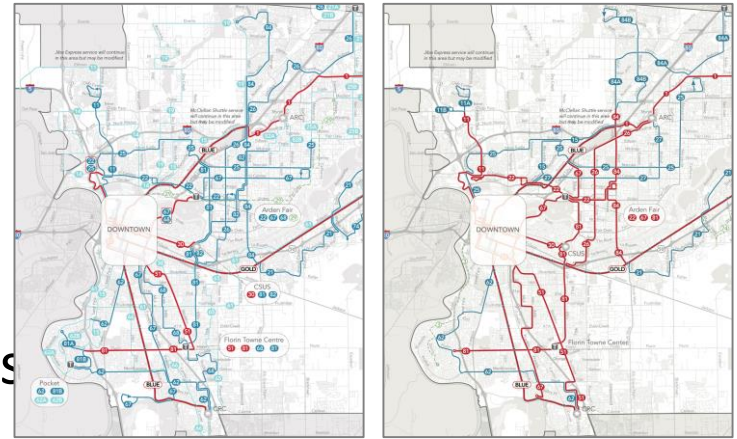
~ 55% ridership
goal

The existing system's budget is spent about 55% towards a ridership goal, and the balance towards coverage goals

55% of the service is where it would be if ridership were the only goal

Key Steps

1. Assess existing conditions and choices
2. Develop “concepts” or “alternatives”
3. Seek public, rider, stakeholder, and Board input
4. Develop draft Plan
5. Develop final Plan
6. Future implementation of service changes based upon the Plan



How Can Garland Help DART?

- Staff involvement in the Core Network Design Forum in January
 - Seven day intensive effort involving DART and all DART City Staff
- Recommendation of community members and stakeholders to participate in several “community forums” to provide input prior to developing the network alternatives

Garland Street Repair and PASS Fund Balances

Funding Category	Garland's Remaining Balances
Street Repair	\$276,757
Principal Arterial Streets	\$2,926,076
Total	\$3,202,835

- On May 14th DART approved Garland's Street Repair-PASS Funding Agreement
- Garland City Council approved the agreement
- Garland and DART staff have executed the agreement

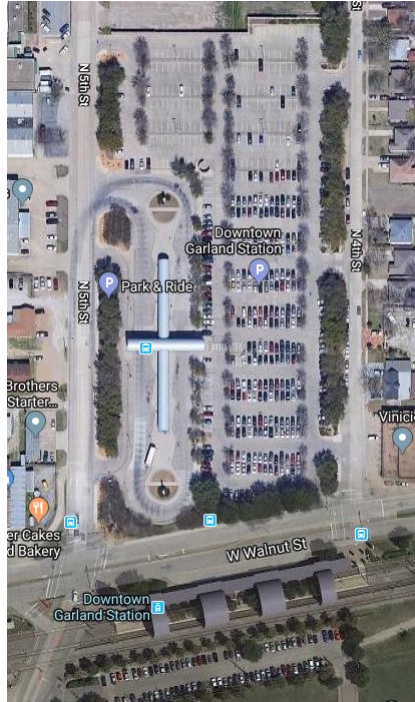
Garland Street Repair Agreement

- Garland's agreement identifies 28 intersections used by DART buses
- Garland staff has initiated a traffic engineering study to identify recommended improvements to candidate intersections to prioritize construction choices
- DART has already made one payment for engineering services
- Garland staff will select the priority intersections for improvement once the engineering study has been completed

A yellow and black bus with the number 41041 is parked on a city street. The bus has a large advertisement on its side. In the background, there are several tall, modern buildings with glass facades. The sky is blue with some clouds. The entire image has a light blue overlay.

TOD Opportunities in Garland

Parking Lot Occupancy Rates



Downtown Garland Station



Forest/Jupiter Station



Lake Ray Hubbard Transit Center



South Garland Bus Transit Center

Downtown Garland Station— 63% parking utilization

Forest/Jupiter Station— 18% parking utilization

Lake Ray Hubbard Transit Center— 40% parking utilization

South Garland Transit Center— 8% parking utilization

DOWNTOWN GARLAND STATION

#21
SCORE 63



Station Name	City	Address	Size (Acres)	Rail/Bus	Walk Score	TIF District	Parking Spaces Provided	Average Usage
Downtown Garland Station	Garland	430 W. Walnut St.	8.19	LRT/Bus	51	Downtown TIF District (Garland)	540	63%

FOREST/JUPITER STATION

#23
SCORE 63



Station Name	City	Address	Size (Acres)	Rail/Bus	Walk Score	TIF District	Parking Spaces Provided	Average Usage
Forest/Jupiter Station	Garland	3232 Forest Lane	12.61	LRT/Bus	65	Downtown TIF District (Garland)	563	18%

City-owned Properties Near DART Rail Stations



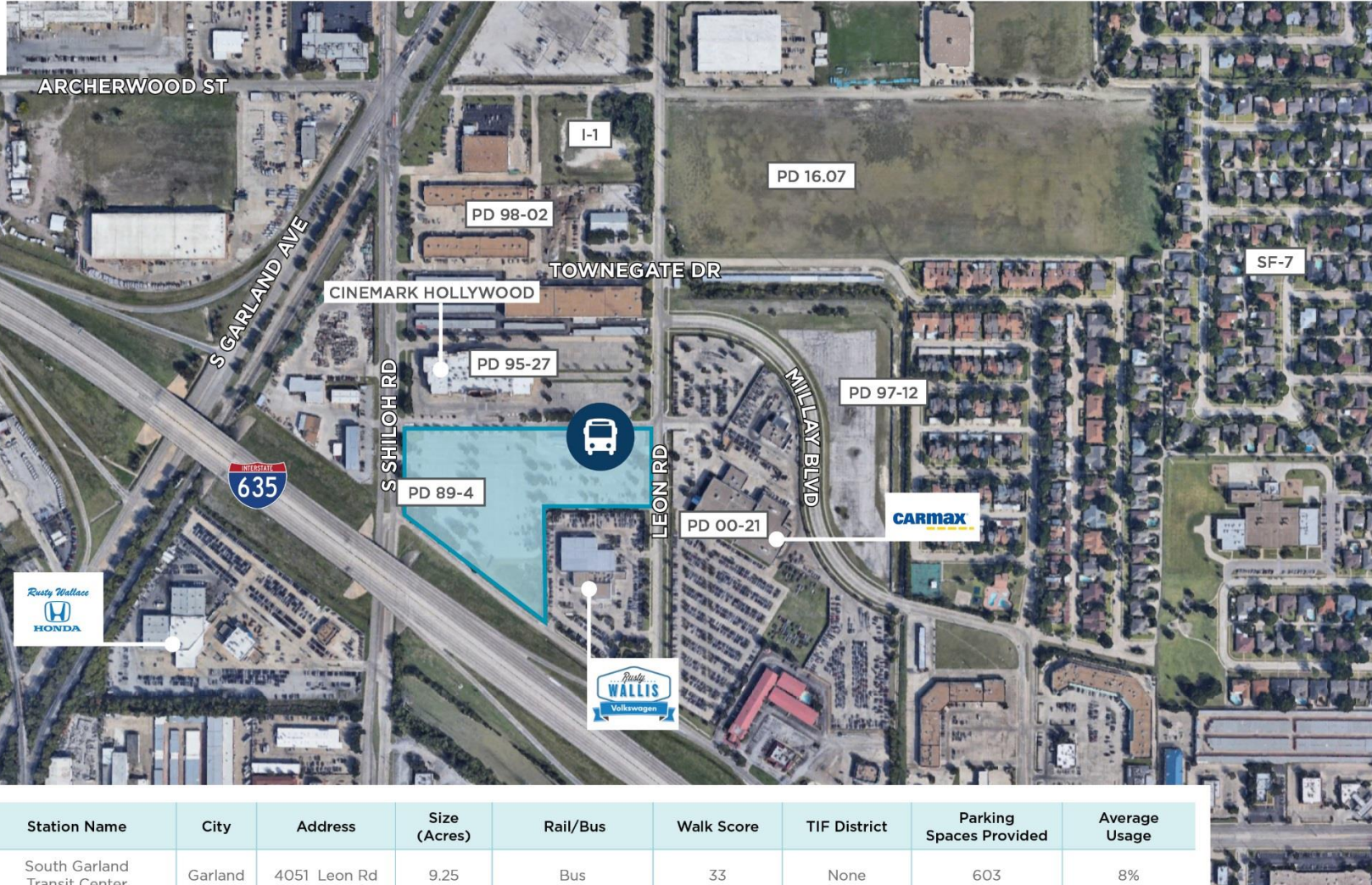
LAKE RAY HUBBARD TRANSIT CENTER

#38
SCORE 53



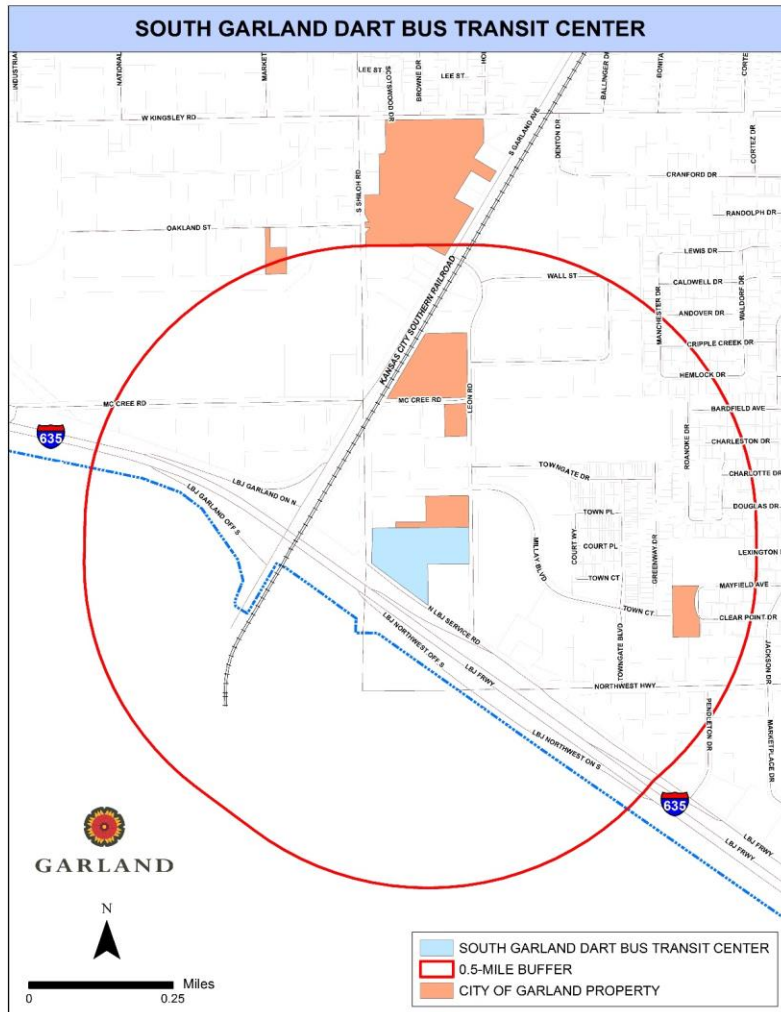
SOUTH GARLAND TRANSIT CENTER

#43
SCORE 47



Station Name	City	Address	Size (Acres)	Rail/Bus	Walk Score	TIF District	Parking Spaces Provided	Average Usage
South Garland Transit Center	Garland	4051 Leon Rd	9.25	Bus	33	None	603	8%

City-owned Properties Near South Garland and Lake Ray Hubbard Bus Transit Centers



Station Area Planning with City of Garland

- DART works in close partnership with the cities in its service area to identify and implement opportunities to promote quality Transit Oriented Development (TOD) on or near the DART system
- DART continues to work with its service area cities, local communities, and the private sector to develop comprehensive development and station area TOD plans both on and off DART properties
- DART coordinates with service area cities early on in the design process to plan for station areas that will complement the facility, circulation, and access



Board Questions / Responses

Garland Board Member Responses/Resolutions - 2019

- 7 Board Responses/Resolutions in 2019, including:
 - Citizen Concerns
 - Landscape and Maintenance Development
 - Security Concerns



A yellow and white bus with the number 41041 is parked on a city street. The bus has a large advertisement on its side. In the background, there are several tall, modern skyscrapers under a blue sky with some clouds. A semi-transparent blue rectangle with a yellow border is overlaid on the image, containing the text "New Board Officers".

New Board Officers

New Board Officers



Paul N. Wageman

Chair, DART Board of Directors
City of Plano



Michele Wong Krause

Vice Chair, DART Board of Directors
City of Dallas



Jonathan R. Kelly

Secretary, DART Board of Directors
City of Garland



Ray Jackson

Assistant Secretary,
DART Board of Directors
City of Dallas

Questions?



DART.org



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Work Session Agenda

4. b.

Meeting Date: December 2, 2019

Item Title: 2019 Bond Program Status Update

Submitted By: Rick Galceran, Capital Project Management Director

Summary of Request/Problem

Staff will brief Council on progress and planning related to the implementation of the 2019 Bond Program.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

Bond Status Update



Bond Program 2019

Project Schedules

City Council Work Session

December 2019

Briefing Topics

.....

- Program Management Structure
- Program Management Activity
- Explanation of Program/Project Elements
- How Program/Project Schedules are Developed
- Status of 2019 Bond Program Projects Underway
- 2004 Bond Program Project Schedule
- Proposed 2019 Bond Program Project List
- Future Updates

Bond Program Overview

.....

Seven (7) year implementation schedule



PROPOSITION A:
Streets
\$122,250,000



PROPOSITION E:
Libraries
\$21,000,000



PROPOSITION B:
Public Safety
\$51,350,000



PROPOSITION F:
Economic Development
\$46,000,000



PROPOSITION C:
Storm Drainage
\$47,350,000



PROPOSITION G:
Municipal Facilities
\$6,000,000



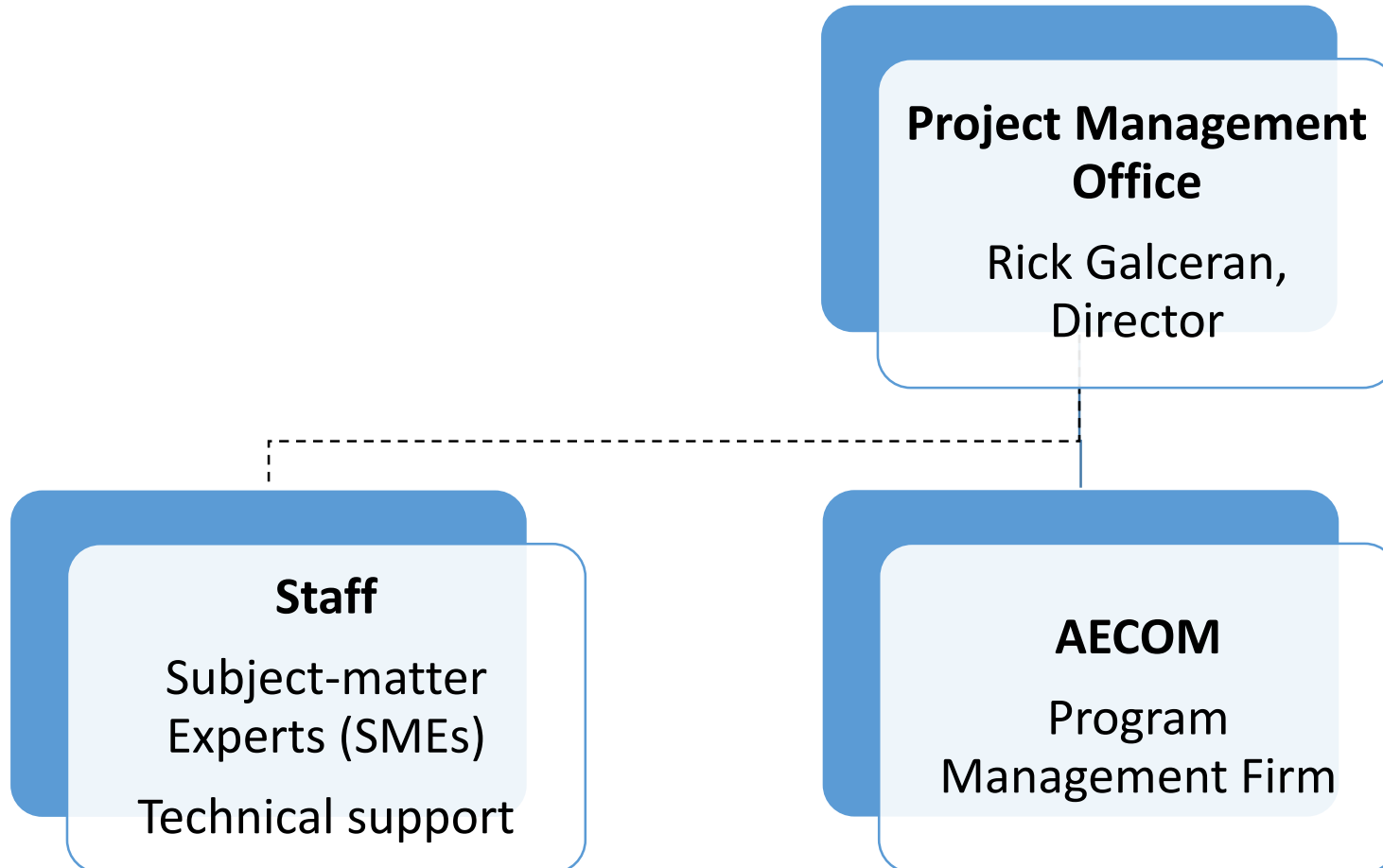
PROPOSITION D:
Parks and Recreation
\$117,750,000



PROPOSITION H:
Animal Shelter
\$12,000,000

Creating a Project Management Office

.....



Transition to PMO (from Staff-led)

.....

- Sustaining momentum is key
- Some projects started before Program Management Firm on-boarded in September 2019; transitioning tasks at logical points
- Transitioning coordination to PMO (centralization) with continued support from SMEs
- Delineation of which bond projects/programs will be managed through the PMO vs. departments

AECOM Accomplishments to Date

•••••

- Assembling Team and Resources
- Review of Bond Program Preparation Documents
 - Scope Review
 - Cost/Budget Validation
- Schedule Development
- Establishing and Standardizing Processes & Tools
- Cash Flow Analysis

Program Schedule Considerations

.....

- Established priorities
- Financial capacity
- Sequencing / project dependencies
- Construction delivery method
- Achieve economies of scale
- Maximizing city-wide impact
- Available resources – people and skills; workload balancing is critical to delivery

Types of Projects in the Bond Program

.....

- Facilities / Buildings - vertical construction
- Infrastructure – horizontal construction
- Programs –
 - Continuation of programs from 2004
 - Comprised of projects, identified over time based upon current needs and technical criteria
 - Catalyst Area Programs
- Economic Development

Project Schedule Milestones



INFRASTRUCTURE (Props A, C, D*)

1. Alignment Study

- Utility Analysis
- Environmental/Hydrologic
- ROW Acquisition

2. Design

- Community Involvement
- Plan Submittals & Review by SMEs

3. Bidding / Procurement

4. Construction

- Bidding
- Create/Maintain Safe Work Site
- Utility Relocations
- Traffic Control
- Complete Work, Open for Service

5. Post-Construction

- Punchlist & Closeout

FACILITY (Props B, D*, E, G, H)

1. Concept Plan / Site Plan

- Utility Analysis
- Environmental/Hydrologic
- Land Acquisition

2. Design

- Community Involvement
- Progress Milestones
- Input from SMEs

3. Bidding / Procurement

4. Construction

- Bidding
- Create/Maintain Safe Work Site
- Utility Relocations
- Relocation of Occupants
- Complete Work, CO, Move-In

5. Post-Construction

- Punchlist & Closeout

Example of Process / Milestones

•••••

Project Phase	Year 1				Year 2				Year 3				Year 4			
	1 Qtr	2 Qtr	3 Qtr	4 Qtr	1 Qtr	2 Qtr	3 Qtr	4 Qtr	1 Qtr	2 Qtr	3 Qtr	4 Qtr	1 Qtr	2 Qtr	3 Qtr	4 Qtr
1. Concept Plan / Site Plan																
Utility Analysis																
Environmental/Hydrologic																
Land Acquisition																
2. Design																
Community Involvement																
Progress Milestones																
Input from SMEs																
3. Bidding / Procurement																
4. Construction																
Create Safe Work Site																
Utility Relocations																
Relocation of Occupants																
Complete Work, CO, Move-In																
5. Post-Construction																
Punchlist & Closeout																



Council Discussion

Program Schedule



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Work Session Agenda

4. c.

Meeting Date: December 2, 2019

Item Title: Discussion of 920 West Avenue D

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council Women Deborah Morris asked that a Work Session Item be added to review, in an open forum, the propriety of her handling of matters related to 920 West Avenue D. The item was seconded by Councilman Rich Aubin. As requested, Council will discuss the matter.

Recommendation/Action Requested and Justification

Discussion only.

Attachments

920 W Ave D

"Real Leadership Begins With Listening"

Pregnancy Center or Church?



920 W. Ave D

The background story of this proposed house conversion on W. Ave D from Residential Use to Non-Residential Use as a church has been a contentious one. This is the short story.

A young couple, Cole and Raven Hensen, founders of a 501(c)3 religious nonprofit hoping to operate as a pregnancy center, bought a 101-year-old house in Historic Embree, a SF-7 zoned neighborhood in old downtown. After living in the house for seven months, they applied for rezoning to Downtown District/Uptown Sub-District. Slightly over half the Embree neighborhood welcomed the idea of the pregnancy center, but the other half voiced two main objections: First that such a zoning change would open the door to future unwelcome commercial intrusions into the neighborhood, making possible a "domino effect" where Ave D would go the way of Main Street or State Street; second, that parking would intrude on the neighborhood.

Only a few people at that time objected primarily to the actual nature of the proposed use as a small-scale religious pregnancy resource center.

The Plan Commission voted to delay their decision, and to instead create a PD (Planned Development) which they'd consider for recommendation to Council rather than the DT/U zoning. It would be very similar to the zoning of another home in the neighborhood already operating as a B&B—in that case a commercial business but entirely residential in appearance. The PD zoning would enable the underlying zoning to remain SF-7 while defining narrowly the specific uses which would be allowed.

Before that recommendation got back to the Plan Commission, the Hensens changed course, withdrew their zoning request, and announced that they would instead be proceeding as a church.

That's where the drama started. They were without question a religious ministry, but had not previously presented themselves as a "house of worship". Cole Hensen stated for the first time that he was an ordained minister (later determined to be an instant ordination via email), and said that they would start holding Friday night worship services. The planned "caretakers cottage" was relabeled a "parsonage". They said they'd have a maximum of 16 church members.

I am told that both federal and state religious freedom laws ([RLUIPA](#) and [RFRA](#)) do not allow municipalities to judge whether a claim such as this is valid or not. That is a decision fought out in higher courts. There is a very high burden of proof to disprove a religious claim.

The Plan Commission heard the new case—no longer rezoning, but a technical case for **House Conversion**. Like a replat application, a house conversion is black and white; either it

meets technical criteria or not. The Plan Commission unanimously approved it, but with recommended orders that restricted certain uses, including stating that "no practice of medicine will be allowed as defined by the Texas Medical Practice Act". That was the recommendation which came to us on Council on November 19th.

Council heard the case on Nov 19th and voted 7-2 to approve the House Conversion as requested, along with the Plan Commission's 10 Proposed Orders (to be amended by the City Attorney), plus an additional 11th Order recommended by the City Attorney to require the house "footprint" to remain unchanged.

Meanwhile, one person, enraged by the Hensens' sudden claim to be a church, accused me of having coached them in how to reinvent themselves as a church. He requested records of all my correspondence with the Hensens (which I provided). From that point forward, he has used selective quotes to post an unending stream of public accusations.

The FAQ below is an attempt to set the record straight on at least few of those claims.

Q. Do you (or did you) support the Shiloh Pregnancy Center and/or Church?

A. I did originally support the Shiloh Pregnancy Center (and still do support the concept of such community services). I tried, for some time, to help the Hensens make their very best case to the neighborhood--not by lobbying for them, but by advising them to meet the neighbors, to be responsive to their concerns, and to tread lightly with their eventual zoning request. My personal support rapidly eroded, however, after their announcement in early October that they'd be rebranding their ministry as a church/ house of worship, with the proposed pregnancy center being relabeled as a "secondary" rather than primary use. Although it was apparently my own comments in a text exchange that gave them the idea, our GDC description of "church/house of worship" use seemed a clear mismatch with their original statements and plans. The subsequent changes in their plans felt forced.

Q. Did you tell the Hensens to claim to be a church? Or coach them in how to pass for a church?

A. No. My only conversation with the Hensens on this topic prior to their announcement was a text exchange (attached) where I explored two by-right uses in SF-7 zoning that several different people had specifically asked about in relation to the proposed pregnancy center. One was Home Occupation, or a home-based business. The Hensens' plans to have more than one volunteer onsite and to require additional parking disqualified them as a home-based business. The other by-right use, Church/House of Worship, was less clear. (At that time, I erroneously assumed "church" use was as crisply defined as all our other land uses.) The GDC description of Church/House of Worship referenced various "religious accessory services" that sounded somewhat similar to the Hensens' plans, so I urged them to check with Planning & Zoning just in case their ministry might fit—which could leave the current zoning unchanged. When I checked with P&Z that afternoon, however, the "house of worship" description clearly did not apply to stand-alone services like the pregnancy center the Hensens were proposing. In a concurrent text conversation that same afternoon with Councilman Smith, I texted:

"Okay, read GDC re: churches, nope. They're a "religious organization' but not a house of worship. Leaving the SF-7 zoning alone and adding a PD is the lightest-touch path forward."

The next morning I texted the Hensens:

"Keeping the SF-7 underlying zoning and adding the limited PD does indeed seem to be the best (and only) path forward for you aside from the unwelcome DT/U zoning change."

Q. Why did you suggest that the Hensens consider other "by right" alternatives in the middle of the PD process?

A. The main objection of those who opposed the initial zoning request was that the Downtown District/Uptown Sub-District zoning would open the door for unwelcome future uses (like convenience stores or apartments), leaving Ave D vulnerable to going the way of Main Street. At that time, a slight majority of the neighborhood was expressing support for the pregnancy center, although not necessarily for the DT/U zoning. In considering that, I wanted to double-check that the PD wouldn't be another excessive zoning request; while more narrowly defined, a PD would still be a permanent zoning change for the neighborhood.

Q. Did you know in advance that they would be making the "church" announcement?

A. No. Cole Hensen emailed the city staff first, then forwarded his announcement to me in the wee hours of Sep 30th. I had already scheduled a neighborhood meeting the next week to discuss the proposed PD, and had gone to a lot of trouble to write up basic zoning process information for the neighborhood. I also invited two Plan Commissioners to come to answer questions about PDs & zoning in general. I was far from happy and immediately scheduled a meeting with our legal dept., planning department, and the Hensens. Cole's statement that he was an ordained minister was yet another surprise. I called the Executive Director (non-voting position/unpaid) of Shiloh Pregnancy Care only to learn that she'd resigned earlier in the year and was no longer affiliated with it, but I asked if she knew that Cole was an ordained minister. She said no. I asked if the Hensens had ever spoken of their ministry as a church, and she again said no.

Q. Did you and your husband originally offer to help fund an upgrade to a refurbished 3D ultrasound someday for this nonprofit?

A. Yes, although it wasn't tied to the Ave D location. Our offer was no secret, nor was it in any way illegal, unethical, or immoral. (In retrospect it was *politically* unwise, but if you haven't figured out by now that I'm not a polished politician, you haven't been paying attention. I will, however, try to do better in the future about considering the worst possible interpretation that might be applied to my personal actions.) It would have been a very different story, of course, if I had accepted any benefit whatsoever from *them*. Unfortunately, later events left us less comfortable with this particular nonprofit, and we eventually withdrew our offer.

Q. Are City Council members allowed to openly support personal causes?

A. Of course. In fact, City Council members are often elected specifically *because* of their personal leanings or convictions on certain issues. This is not a judicial position, and there is no expectation that we should always publicly present as neutral. You'll find that few (if any) Council Members do. While I don't publicly lobby for/against upcoming cases--and didn't in this case--I do attempt to provide enough detailed information in advance (posts and Agenda Notes) for constituents to consider the issues and respond to me with their views. More about that below:

Q. How do you decide how to vote?

A. On Council, each of us has our own way of determining where we stand and how we will vote on issues coming before us. My practice has been to post and email detailed work session & regular meeting Agenda Notes twice a month, highlighting District 2-specific issues in advance of the meetings. In each set of notes I've shared my current thoughts on each item and my tentative voting position (if I've formed one). I've also specifically invited feedback from constituents in case I've missed something or am viewing it wrongly. I greatly value the collective wisdom of the district and have sought to be guided by it. Never once, in the year and a half I've served, have I voted over the district's heads in order to please myself. I'm crystal clear on the difference between what I personally support and my voting position on Council.

Q. Was this vote unusual in any way?

A. This vote was unusual in almost *every* way. For starters, the neighborhood's first responses came in roughly equal--very rare in zoning cases. Inside the 400' notification area the written responses were, I believe, 10/13 (for/against by households), while the wider neighborhood, including the notification area, was initially 20/19 (by formal and informal responses I gathered). However, I later learned that some neighbors owned additional properties in the neighborhood, and when I adjusted the larger total to reflect that, it shifted to 25/23 (for/against). One informal "yes" at that time was for Terry's and my house, but I didn't count our 6 other houses in the neighborhood for fear of skewing the results. (None of our houses were inside the notification area.) Removing our vote entirely left us at 24/23. As a result, I started puzzling over my best approach to determining my upcoming voting position. You can read the attached materials to see my real-time thought process re: "weighting" votes by proximity to the house in question. I eventually decided that if the neighborhood remained evenly split, my vote by default would have to be "no". As it turned out, the vote that actually came before us was for House Conversion rather than rezoning. I moved to approve the House Conversion, as there was no legal basis to deny it, but also to include all 11 Proposed Orders which defined specific limitations. This was in keeping with the neighborhood's directive by that time.

Subject:Neighborhood Meeting Re: 920 W. Ave D (Zoning Case)

Date:Fri, 27 Sep 2019 16:01:24 -0500

From:Councilwoman Deborah Morris <deborah@morris.net>

Reply-To:DMorris@GarlandTx.gov

Organization:Garland City Council, District 2

To:Morris, Councilwoman Deborah <dmorris@garlandtx.gov>

Dear Embree & 11th Street Neighbors,

I'm calling a neighborhood meeting so we can informally discuss the upcoming **zoning case related to 920 W. Ave D**, located directly across the street from First Baptist Church's McDonald Activity Center. The house was on and off the market last year and offered "as-is" due to its badly deteriorated condition. A young couple, the Hensens, purchased it last December in hopes of rehabbing it and using it for a home-based nonprofit pregnancy resource center--a use that almost, but not quite, fits into the normal use "by rights" of any residential home. The Hensens and their baby plan to continue to live onsite.

We'll meet next Friday, October 4th, at 6:30 pm, at the Castle (1010 W. Ave E). I'll provide light snacks. Mary Brumbach requests that everyone RSVP.

The process for something like this involves first the **City's Planning & Zoning Department review** and recommendations, then a **hearing before the Plan Commission**, and finally a **hearing and decision by the City Council**. Prior to the Plan Commission hearing the City mails out formal notifications to all property owners located within 400' of the site. (State law requires a 200' notification; Garland doubles it.) In this case that meant that notifications went out a couple weeks ago to some or all property owners on the 900 & 1000 blocks of W. Ave D, the 400 block of 11th Street, the 800, 900 & 1000 blocks of W. Ave E, and the 800, 900 & 1000 blocks of W. Ave F (north side only). The rest of the neighborhood, and portions of some of those blocks, fell outside those boundaries.

The Plan Commission reviewed the case early this week, and voted to postpone the decision until their next meeting. They directed staff to draft a different alternative to the original zoning application, which would retain the existing SF-7 (single family residential) zoning and add a restrictive Planned Development to the property to allow limited use as a pregnancy resource center. In my opinion, and apparently in the Plan Commission's opinion as well, the original zoning

proposal was unacceptable. It would have opened the door to some undesirable future uses within our neighborhood.

That's where we are now. I'd like to provide more details about the direction this seems to be going with the Plan Commission, at least, and address some of the personal offenses and concerns that I've heard voiced in the neighborhood. I'd also like to make sure everyone knows what's coming next and how the process works. I am not yet committed to a position for the very practical reason that my job is to represent YOU, collectively, and at the moment the neighborhood's opinion is divided. Like many of you I look favorably on the general idea of a nonprofit pregnancy center convenient to Garland High School and downtown, but Terry and I also have a lot of our financial eggs in the Embree basket, with 7 residential properties in the neighborhood (including our own home). I don't take your concerns lightly.

So please plan to attend this meeting (remembering to RSVP!). Our neighborhood is far too wonderful to let conflicts, especially ones based on rumors or faulty information, to create divisions. We don't all have to agree, but we can at least make sure we're on the same page.

At your service,

Deborah Morris

City Councilwoman, District 2

200 N Fifth St Garland, TX 75040

(214) 273-4387

DMorris@GarlandTX.gov

Instagram: [deborahmorris2230](#)

<https://www.facebook.com/deborahmorrisforcouncil>

If you do not wish to receive future District 2 alerts (usually twice a month), please respond with "REMOVE".

If this alert has been forwarded to you and you would like to receive alerts directly from now on, please respond with "Include Me". If you receive a duplicate, please respond with "DUPLICATE" so it won't happen again. Thanks!

TEXT EXCHANGES: RJS & DM

Sep 23 4:07 pm

Deborah:

Not knowing the battle count on each side of this issue, I'm thinking through how I'll approach the process.

Logically, it seems I should give most weight to those in the notification area, since presumably they're in the position to experience the greatest impact. Disregarding, of course, purely political opinions.

Then reviewing responses in rings/ripples moving outward. I'd like to gain as accurate a feel as I can re: a consensus.

From what I've heard and seen so far (I toured the place and looked at the FL facility they're modeling after), I'm in favor of letting it happen. STDs are skyrocketing in Dallas County (highest increase in the nation last year), and free testing and referrals with both STDs and pregnancies is good.

TEXT EXCHANGES: DM & LM

Sep 27 12:29 pm

Deborah:

Okay, Sheesh. Well, I'm counting on the neighborhood meeting to bring clarity as far as my position. I'm keeping track of pros, cons, and proximities to their house. I'm 100% pro-life, and the location near downtown would make sense, but I have to accurately represent those most impacted. If, that is, I can determine a directive.

TEXT EXCHANGES: RJS & DM

Sep 29 10:41 pm

Deborah:

I like SUPs that can be timed out or pulled.

That was my thought early on with 920.

Sep 29 10:42 pm

Robert:

Right

Sep 29 10:42pm

Deborah:

Don't have enough P&Z zoning depth to know why we couldn't do that here.

I mean, we could with a Neighborhood Services Zoning but I want it to stay SF7.

Sep 29 10:51 pm

Deborah:

May all be moot. If Friday night shows a hardening of the pro/con positions, I'll start quietly preparing the pros for disappointment. If the change to a PD gives most of the scared ones what they need I'll count houses, wait for the second wave of notifications to go out, and see where we end up.

The default will be "no". A yes will take the neighborhood approving it by a significant margin.

TEXT EXCHANGES: RJS & DM

Sep 25, 2019

Sep 25 11:22 am

Robert:

Philosophically, does city need drive land use discussions? It's a good point. That was one of the makerspace arguments- taking a less than optimal land use to fill a perceived void.

Is there a reason that a church facility would be unusable for this type of activity?

Because they could simply form a 501c religious org and offer the counseling as a ministry.

Sep 25 11:32 am

Deborah:

They are already a 501(c). But they offer more than counseling. Ultrasounds are expensive and a huge deal. Pregnancy & STD tests are labs. The baby boutique (clothes, diapers, formula) & maternity clothes are material resources. Parenting classes, childbirth classes, etc are educational offerings, along with personal counseling.

It's a big undertaking, but the FL model has flourished.

Churches don't have this kind of space available.

Sep 25 1:21 pm

Robert:

I'm trying to figure out what the line is for home based businesses- what is okay and what isn't

[Brief text exchange about allowed & disallowed home businesses]

Sep 25 1:32 pm

Robert:

So why did they try and get this place permitted to begin with? The sign?

Sep 25 1:34 pm

Deborah:

I assume they assumed they'd need something, and when they went to P&Z the staff seems to have gotten excited about moving the DD line across the street. Overreach.

The sign would need a major waiver, and because they're not in DD they'd need something to allow them to occupy the caretaker's cottage.

Now the sign is moot.

Sep 25 1:35 pm

Robert:

Right

Sep 25 1:35 pm

Deborah:

HOME OCCUPATION: Any activity conducted by a resident of a dwelling unit on the premises of the residence. It includes, without limitation, any activity that results in the manufacturing, repair, or provision of goods or services.

Section 2.61 Home Occupations

(A) Definition. A Home Occupation may be lawfully conducted only as a secondary, accessory use.

(B) General Prohibition. A Home Occupation is prohibited, unless: (i) it is conducted entirely indoors, only by a person residing in the home; (ii) it offers no goods for sale or display on the premises; and (iii) it does not require the delivery or shipment of goods from the residence.

(C) Criteria. It is an affirmative defense to prosecution under Section 2.61(B) above, that the Home Occupation meets each of the following criteria:

(1) Only one person, other than occupants of the residence, is engaged in the Home Occupation at the residence regardless whether that person is a volunteer, an employee or is otherwise compensated;

(2) There is no outside storage of materials connected with the Home Occupation;

(3) There is not more than one vehicle used in connection with the Home Occupation located on the premises or on an adjacent street. A vehicle used in the operation of the home occupation may be no larger than a passenger van or pick-up truck;

(4) There is no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation, and no use of a sign, including any sign on a vehicle parked on the premises or on an adjacent street, to advertise the Home Occupation;

(5) There is no substantial increase in traffic and no need for additional parking;

(6) The Home Occupation does not create noxious conditions to abutting or neighboring property such as noise, odor, light, or smoke; and

(7) The business is conducted completely indoors, except where the business activities conducted outdoors do not inconvenience or interfere with the peace, enjoyment, comfort or tranquility of any neighboring property. (D) Prohibited Activities. Notwithstanding any other provision of this Section 2.61, the following are hereby expressly prohibited as home occupations: (1) Vehicle sales; (2) Vehicle repairs; (3) Wrecker service; (4) Limousine or taxi service; (5) Animal breeding; and (6) Contracting lawn care, or construction services, that require the storage of construction equipment or vehicles.

[See concurrent text conversation between DM & CH on topic of Home Occupation requirements/rule-outs.]

Sep 25 2:03 pm

Deborah:

Okay, several things put them just outside the lines. Two volunteers, even a small placard sign, and at least some extra parking needed (at least for the volunteers). Close but not close enough.

[See concurrent text conversation between DM & CH + concurrent email conversation with P&Z about GDC/by-right Church use definition]

Sep 25 5:24 pm

Deborah:

Okay, read GDC re: churches, nope. They're a "religious organization" but not a house of worship. Leaving the SF-7 zoning alone and adding a PD is the lightest-touch path forward. P&Z should never have directed them to the DD/Uptown rezoning. The Hansons had no idea there was a lesser option. The PD would've caused a lot less drama.

of 10 hours. They don't outreach to men nor do they provide post abortion care. Not to mention they are extremely hard to reach. We've attempted to call them during their business hours on a few occasions and weren't successful at reaching anyone.

Sep 25 1:38 pm Text: DM to CH
Great, thanks.

BEGINNING OF ZONING/CHURCH CONVERSATION

Sep 25 1:39 pm Text: DM to CH
Meanwhile I'm puzzling over why you even NEED a zoning change to do what you're doing.

Here's our Home Occupation Ordinance:

HOME OCCUPATION: Any activity conducted by a resident of a dwelling unit on the premises of the residence. It includes, without limitation, any activity that results in the manufacturing, repair, or provision of goods or services.

Section 2.61 Home Occupations

- (A) Definition. A Home Occupation may be lawfully conducted only as a secondary, accessory use.
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 - (2) There is no outside storage of materials connected with the Home Occupation;
 - (3) There is not more than one vehicle used in connection with the Home Occupation located on the premises or on an adjacent street. A vehicle used in the operation of the home occupation may be no larger than a passenger van or pick-up truck;
 - (4) There is no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation, and no use of a sign, including any sign on a vehicle parked on the premises or on an adjacent street, to advertise the Home Occupation;
 - (5) There is no substantial increase in traffic and no need for additional parking;
 - (6) The Home Occupation does not create noxious conditions to abutting or neighboring property such as noise, odor, light, or smoke; and
 - (7) The business is conducted completely indoors, etc

Sep 25 1:42 pm Text: DM to CH

You're very close to fitting between the lines. I'm wondering how you wound up with the DT zoning request, which was way way overkill.

Sep 25 1:47 pm Text: DM to CH

Will you have more than one volunteer?

At a time, I mean?

Sep 25 1:42 pm Text: CH to DM

We reviewed the home occupation at length with the city staff to conclude

that we did not meet the criteria to operate as a home occupation

Sep 25 1:43 pm Text: CH to DM

Yes we will have multiple volunteers at a time

Sep 25 1:44 pm Text: CH to DM

Understood, I was not aware of a PD as an option nor was It proposed by any city staff

Sep 25 1:44 pm Text: DM to CH

Okay. So close but not close enough. Too bad. If you were a church, it would change the rules to allow various types of ministry.

Sep 25 1:45 pm Text: CH to DM

That's interesting that you bring it up as being a church, because as a nonprofit we are registered as a religious organization

Sep 25 1:45 pm Text: CH to DM

So from reading the development code it appeared that rezoning to downtown district was the only option and have the best precedent with adjacent properties

Sep 25 1:49 pm Text: DM to CH

Well, clearly that wasn't accurate. It would indeed open the door for a whole bunch of undesirable future uses. I don't think it will fly on Plan, and frankly I couldn't support a DT rezoning on Council.

Hopefully keeping the underlying SF-7 zoning with a PD will give you what you need. That's what Lucille's B&B has (since 2001) and what another property in the 300 block of 9th (at B) has had since 1988.

Sep 25 1:50 pm Text: DM to CH

If you wanted to stop and re-approach as a church facility—which is allowed by right in SF-7 zoning—you should explore that with P&Z.

Sep 25 1:53 pm Text: DM to CH

I think it's defined as a "house of worship". I don't know what all that would entail. I've wondered if Paul Burns might somehow make your house an extended outreach, like Friendship House is for FBC. Still not sure that would qualify as a house of worship.

Sep 25 1:53 pm Text: CH to DM

I agree that a PD is definitely the route to go as planned commission recommended instead of the downtown zoning

Sep 24 1:54 pm Text: DM to CH

Since you're registered as a religious org, it's worth exploring. Quickly.

Sep 25 1:55 pm Text: DM to CH

I am concerned that Council may be a hard climb.

Sep 25 2:07 pm Text: CH to DM

I will look into this although we likely won't fully qualify

Sep 25 2:08 pm Text: DM to CH

Probably not but leave no stone unturned.

Sep 25 2:10 pm Text: DM to CH

I can ask P&Z for the guidelines if you'd like

From: "Morris, Councilwoman Deborah" <DMorris@garlandtx.gov>

Date: September 25, 2019 at 2:20:53 PM CDT

To: "Guerin, Will" [REDACTED]

Subject: One more question...😊

Will,

Thank you for your patience. You're partly working through this annoying zoning case and partly educating me, which I appreciate.

I read through our home occupation ordinances for the first time in a while, and groaned at how close the Hensons came to being able to just do what they planned (aside from needing a sign and the backyard cottage).

Can you please send me the applicable language that addresses churches' use of residential properties in providing services or ministries? I can't imagine it would apply to the Hensons; they are registered as a religious 501(c) organization, but do not seem to be opening a "house of worship". I'd just like to add that information to my list.

Sep 25 2:23 pm Text: DM to CH

I did just request that information. Won't hurt to read through it.

Sep 25 2:39 pm Text: DM to CH

Below are the Special Standards for Churches from the GDC which includes some clarification on the residence question, and the actual definition for Churches in the GDC. In the Land Use Matrix of the GDC churches are listed as permitted by right in every zoning district, which is in accordance with Federal law.

Special Standards (from Chapter 2):

(29) Church, or Place of Worship. Any religious accessory activities and services (including, but not limited to, meal service, charitable food and goods distribution, recreational and entertainment functions, retail sales, and residential quarters) must be oriented toward the primary non-profit mission of the establishment and may not be for profit. Residential uses are limited to a rectory or parsonage residence for ministers, priests, nuns, or rabbis on the premises, which may not be sold or rented out to any entity who is not directly employed by the establishment, and that are allowed as an accessory use or structure on the same premises. Bible study and other similar activities which occur in a person's primary residence do not fall under the definition of Church or Place of Worship.

Sep 26 8:39 am Text: DM to CH

Keeping the SF-7 underlying zoning and adding the limited PD does indeed seem to be the best (and only) path forward for you aside from the unwelcome DT/UT zoning change.

There are some good arguments for approving this PD, but it is always-always-always a fight to change the use of a residential home to anything else. If you can get FBC to lease you spaces in the large lot across 9th St (SE corner of 9th & Ave D) it would be very helpful. It would also possibly allow you to

put up parking signs there saying "Shiloh Pregnancy Center Parking" that would help advertise your presence nearby.

END OF PRE-ANNOUNCEMENT TEXT EXCHANGE

Sep 26 9:24 am Text: DM to CH

I will caution yet again re: passing out brochures talking about the center as a sure thing and saying "Opening in 1st Quarter 2020". Presumption in your messaging has already created opposition in the neighborhood, and you haven't stood before Council yet. Given the level of opposition, including from a former Councilman (John Willis), I have no idea how Council will vote.

Primarily because of presumptuous messaging, rumors are now flying that this is already a "done deal", that "backroom deals" have been cut, etc. That is both ugly and, as you know, untrue, but it harms your case. Please be very clear with people that this is NOT a sure thing.

I do wish you well in this.

Sep 26 9:26 am Text: CH to DM

Agree. Did you see anything publicly posted that says Opening First Quarter 2020? If so we can remove and describe it as proposed.

Sep 26 9:33 am Text: DM to CH

Just the printed brochures you were handing out at the open house. Your original FB event invitation also said that, I believe. People remember, and it makes them suspicious and defensive, like they have no voice.

Sep 26 9:34 am Text: DM to CH

It wouldn't help you to have someone present that brochure to Council.

Sep 26 9:56 am Text: DM to CH

I can't emphasize enough how important humility is when you face Council. Even powerful, rich developers don't come with an overconfident or assertive attitude. They say things like, "If you allow us, we'd like to..."

I'm telling you this to prepare you, not to frighten you.

Sep 26 12:15 pm Text: DM to CH

You can request copies of all the responses from P&Z. They'll be sorted as in-notification area and outside-notification area.

Sep 26 12:52 pm Text: DM to CH

Upon further consideration, I think off-street parking along 10th would still cause problems. It would look "commercial". Given the neighborhood's objections, I think keeping it residential in appearance would provide your best chance for success.

Sep 26 1:04 pm Text: CH to DM

Understood. I will adjust the plan moving forward to maintain a residential look for parking on site

Sep 26 7:02 pm Text: DM to CH

Trying to set up a neighborhood meeting about 920 next Fri Oct 4th at the Castle on Ave E. Can you come? It will be my meeting, as Council, to discuss this with the neighborhood.

Sep 26 7:11 pm Text: CH to DM

Yes that should work. What timeframe?

Sep 26 7:12 pm Text: DM to CH

6:30-8

Sep 26 7:21 pm Text: CH to DM

Wonderful

Sep 27 8:31 am Text: DM to CH

More questions. They're nosy and you absolutely don't have to answer; they're just things people have asked me:

1. Did you buy the house with an escape clause if you couldn't get zoning to open the center?
2. What condition was the house in when you bought it? What repairs/rehabs have you done since taking ownership? (General question, no need for details.)
3. How long was the house on the market before you bought it?
4. If you don't get the zoning you need, will you still live there? If not, what will you do with the house?
5. Have you considered living in part of the "big house" and using the cottage for several of the counseling rooms or other SPC rooms?

Sep 27 12:08 pm Text: DM to CH

Okay, never mind on the questions. If they come up at the meeting you can answer (or not) directly.

Sep 27 1:34 pm Email: DM to Embree Neighborhood, cc: CH/RH

On Fri, Sep 27, 2019 at 1:34 PM Councilwoman Deborah Morris
[REDACTED] wrote:

Dear Embree & 11th Street Neighbors,

I'm calling a neighborhood meeting so we can informally discuss the upcoming zoning case related to 920 W. Ave D, located directly across the street from First Baptist Church's McDonald Activity Center. The house was on and off the market last year and offered "as-is" due to its badly deteriorated condition. A young couple, the Hensens, purchased it last December in hopes of rehabbing it and using it for a home-based nonprofit pregnancy resource center--a use that almost, but not quite, fits into the normal use "by rights" of any residential home. The Hensens and their baby plan to continue to live onsite.

We'll meet next Friday, October 4th, at 6:30 pm, at the Castle (1010 W. Ave E). I'll provide light snacks. Mary Brumbach requests that everyone RSVP.

The process for something like this involves first the City's Planning & Zoning Department review and recommendations, then a hearing before the Plan Commission, and finally a hearing and decision by the City Council. Prior to the Plan Commission hearing the City mails out formal notifications to all property owners located within 400' of the site. (State law requires a 200' notification; Garland doubles it.) In this case that meant that notifications went out a couple weeks ago to some or all property owners on the 900 & 1000 blocks of W. Ave D, the 400 block of 11th Street, the 800, 900 & 1000 blocks of W. Ave E, and the 800, 900 & 1000 blocks of W. Ave F (north side only). The rest of the neighborhood, and portions of some of those blocks, fell outside those boundaries.

The Plan Commission reviewed the case early this week, and voted to postpone the decision until their next meeting. They directed staff to draft a different alternative to the original zoning application, which would retain the existing SF-7 (single family residential) zoning and add a restrictive Planned Development to the property to allow limited use as a pregnancy resource center. In my opinion, and apparently in the Plan Commission's opinion as well, the original zoning proposal was unacceptable. It would have opened the door to some undesirable future uses within our neighborhood.

That's where we are now. I'd like to provide more details about the direction this seems to be going with the Plan Commission, at least, and address some of the personal offenses and concerns that I've heard voiced in the neighborhood. I'd also like to make sure everyone knows what's coming next and how the process works. **I am not yet committed to a position for the very practical reason that my job is to represent YOU, collectively, and at the moment the neighborhood's opinion is divided. Like many of you I look favorably on the general idea of a nonprofit pregnancy center convenient to Garland High School and downtown, but Terry and I also have a lot of our financial eggs in the Embree basket, with 7 residential properties in the neighborhood (including our own home). I don't take your concerns lightly.**

So please plan to attend this meeting (remembering to RSVP!). Our neighborhood is far too wonderful to let conflicts, especially ones based on rumors or faulty information, to create divisions. We don't all have to agree, but we can at least make sure we're on the same page.

COLE'S FIRST ANNOUNCEMENT RE: CHURCH CHANGE, FOLLOW-UP EXCHANGE

Sep 30, 1:45 am Email: CH to DM

On Sep 30, 2019, at 1:45 AM, Cole Henson

<[REDACTED]> wrote:

Greetings Deborah,

Your comment regarding operating as a religious organization (place of worship) provided quite the revelation to me this weekend. After reviewing all of the codes and requirements on the subject, I am 100% convinced that we can move forward with Shiloh Pregnancy Care BY RIGHT in SF-7!!!! Please see below for my email to city staff.

Good morning Kira and team,

It was brought to my attention this weekend that we do not need to proceed forward with the rezoning request due to our faith-based nonprofit being a religious organization (place of worship) and therefore allowed by right within SF-7! This is great news and quite the revelation (which I admit I neglected to consider prior to our rezoning request) because it greatly simplifies our requirements to move forward. Please see below for a detailed explanation clarifying why we are able to withdraw from the rezoning case and proceed as a by-right place of worship:

According to Section 2.36 of the GDC, a church or place of worship is allowed by right in SF-7.

Shiloh Pregnancy Care is a 501c3 faith-based non-profit (religious organization) and currently occupies the home at 920 W Ave D as a tenant of the property owner, Brian Cole Henson. Cole also resides on the property and is an ordained minister. The primary use of Shiloh Pregnancy Care is for religious worship. The secondary and incidental uses include:

Pregnancy & Prenatal Care, Sexual Risk Education, Pregnancy Test, Limited Ultrasound, Adoption Information, Family Planning, Limited STI testing, Referrals to Community Resources, Parenting Skill Training, Baby Supplies, Decision Coaching, Educational Classes and Fatherhood Coaching.

The above listed primary and secondary uses are religious accessory activities & services and therefore in compliance with the definitions set forth in Sec. 2.52(A) (29) of the GDC and also protected by the RLUIPA (Religious Land Use and Institutionalized Persons Act). Residential use will be limited to a minister on the premises, occupying the accessory dwelling, in accordance with Sec. 2.52(A) (29) of the GDC.

No new construction or remodeling is proposed for the main structure (existing house) and therefore no building permit is required. An interior remodel is proposed for the accessory dwelling. A minor waiver for signage shall be proposed for the center.

Please call me at your earliest convenience tomorrow morning to discuss further. For reference, I have attached our Articles of Incorporation, filed with the State, outlining our function as a religious organization. Thank-you again for all of your time and attention to our needs.

Sincerely,

Cole Henson, AIA, CDT
Principal, Main Street Architecture

Sep 30 5:11 am Email: DM to CH/cc:RH

From: "Morris, Councilwoman Deborah" <DMorris@garlandtx.gov>
Date: September 30, 2019 at 5:11:03 AM CDT
To: Cole Henson [REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: Re: Neighborhood Meeting Re: 920 W. Ave D (Zoning Case)

Cole,

I explored this a bit with P&Z last week, but your proposed uses did not seem to meet the requirements. Please, before you make any plans or announcements, let the city attorneys & staff review what you sent and confirm (or not) that you qualify. It's very much a legal question.

The neighborhood can't bear much more drama. In all these years I've never seen such conflict here. It's sad.

Sep 30 9:40 am Email: DM to CH/cc:RH

From: "Morris, Councilwoman Deborah"
<DMorris@garlandtx.gov<<mailto:DMorris@garlandtx.gov>>>
Date: September 30, 2019 at 9:40:05 AM CDT
To: Cole Henson <[REDACTED]>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: Neighborhood Meeting Re: 920 W. Ave D (Zoning Case)

Until I hear a definitive opinion from Legal about the church option, I will continue to work toward neighborhood reconciliation and the possibility of the PD approval.

TEXT EXCHANGE: DM & LM

Oct 1 4:16 pm

LM:

Ok. Just wanted to be sure you weren't going to be surprised later.

Oct 1 4:17 pm

DM:

Thanks! It's easy to miss things in the midst of the whirlwind these days. Terry & I have offered to fund a 3D ultrasound (refurbished) if they get approved, but it's looking like a longer and longer shot.

I'll vote as directed by the neighborhood, however that works out, but if it remains a split vote the default will be "no". I'm not going to force something on our neighborhood.