AGENDA

REGULAR MEETING OF THE CITY COUNCIL
City of Garland
Council Chambers, City Hall
200 North Fifth Street, Garland, Texas
June 5, 2012
7:00 p.m.

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

The Garland City Hall and Council Chambers are wheelchair accessible. Special parking is available on the north side of City Hall and the building may be accessed by a sloped ramp from the parking area to the door facing Fifth Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2403 at least two working days prior to the meeting so that appropriate arrangements can be made. BRAILLE IS NOT AVAILABLE.

CITY COUNCIL GOALS 2020
(Adopted by Resolution No. 9402 on December 20, 2005)

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

CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has been briefed on these items at a previous work session and approval of the consent agenda authorizes the City Manager to implement each item. The Mayor will announce the agenda and provide an opportunity for members of the audience and the City Council to request that an item be removed and considered separately.

1. **Consider approval of the minutes of the May 15, 2012 Regular Meeting and May 22, 2012 Special Meeting.**

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

   a. **EMS Supplies** — **Bid No. 2845-12**

Bound Tree Medical		**$215,629.01**
Midwest Medical Supply		**109,155.85**
	TOTAL	**$324,784.86**

This request is for the purchase of supplies for the Fire Department to be used to diagnose and treat patients in a pre-hospital environment.

   b. **Water and Sanitary Sewer Improvements - Second Street, Haskell Drive, Avenue G, and Hopkins Street** — **Bid No. 2880-12**

ARK Contracting Services, LLC — **$710,657.00**

This request is for the construction of new residential service lines, removal of the existing lines from an undersized main, and the connection to a new larger main. The existing sanitary sewer main will also be replaced.

   c. **Environmental Waste Trucks** — **Bid No. 2904-12**

Southwest International Trucks		**$375,348.19**
Heil of Texas		**205,076.00**
Bond Equipment		**162,109.00**
East Texas Mack Sales		**133,496.32**
	TOTAL	**$876,029.51**

This request is for the purchase of seven replacement trucks, truck bodies, and cab and chassis for the Environmental Waste Services Department to be used in daily operations.

d. Tractor/Transfer Trucks **Bid No. 2942-12**

Fort Worth Freightliner **$392,982.00**

This request is for the purchase of three tractor/transfer trucks for the Hinton Landfill to be used in daily operations.

e. Various Fleet Vehicles – Vans and Trucks **Bid No. 2859-12**

Sam Pack's Five Star Ford	**$613,349.00**
Randall Reed's Prestige Ford	**49,986.00**
Baby Jack II Automotive, LTD	**16,966.00**
TOTAL	**$680,301.00**

This request is for the purchase of 30 replacement vehicles for various City departments to be used in daily operations.

f. Hydraulic Excavator **Bid No. 2902-12**

HoltCat **$317,534.00**

This request is for the purchase of a 336EL Hydraulic Excavator for the Hinton Landfill to be used in daily operations.

g. Bucket Trucks **Bid No. 2906-12**

Altec Industries, Inc. **$618,048.00**

This request is for the purchase of five replacement bucket trucks to be used by the Transportation Department and GP&L in daily operations.

h. Caterpillar Model 973D Track Loader **Bid No. 2949-12**

HoltCat **$486,713.00**

This request is for the purchase of a Caterpillar Model 973D Tract Loader for the Hinton Landfill to be used in daily operations.

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

a. Zoning File No. 12-16, Winkelmann & Associates

Consider an ordinance amending the zoning laws of the City of Garland by approving a change in zoning from Planned Development (PD) District 81-61 to a Planned Development (PD) District for General Business Uses with a Specific Use Permit (SUP) for Restaurant, Drive-Through on a 7.088-acre tract of land located south of Marketplace Drive, east of Saturn Road and northwest of Centerville Road.

b. Zoning File No. 12-19, Columbus Realty Partners Ltd.

Consider an ordinance amending the zoning laws of the City of Garland by approving amendments to the Planned Development conditions and approval of a Detail Plan on a 3.998-acre tract of land zoned in Planned Development (PD) District 02-25 for Freeway Uses located south of Firewheel Parkway and east of Lavon Drive.

c. Zoning File No. 12-20, Barclay Construction

Consider an ordinance amending the zoning laws of the City of Garland by approving amendments to the Planned Development conditions and approval of a Detail Plan on a .8161-acre tract of land zoned in Planned Development (PD) District 03-22 for Office Uses located at the northeast corner of Jupiter Road and Collins Boulevard.

4. Consider by minute action authorizing the City Manager to execute an engineering services contract with BW2 Engineers, Inc.

The 2012 approved Capital Improvement Program includes funding to design and construct a bikeway from the north city limits to the south city limits. A contract has been negotiated with a local firm, BW2 Engineers, Inc., to design the off-road portions of the bikeway for an estimated amount of $181,400. The improvements will include a concrete bikeway complete with two bridge crossings over Duck Creek.

5. **Consider an ordinance authorizing the issuance of "City of Garland Water and Sewer System Revenue Bonds, Series 2012", pledging net revenues of the City's Water and Sewer System to the security of and the payment of the principal of and interest on such obligations; providing for the sale and delivery thereof, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement, and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; enacting provisions incident and related to the purposes and subject of this ordinance.**

   Consider an ordinance authorizing the issuance of "City of Garland Combination Tax and Revenue Certificates of Obligation, Series 2012"; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City's Water and Sewer System; providing the terms and conditions of such certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates of obligation, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto.

   On February 21, 2012, Council approved the 2012 Capital Improvement Program (CIP) which contemplated the sale of Certificates of Obligation in the amount of $6.8 million, and Water and Sewer Revenue Bonds in the amount of $8.4 million, excluding debt issuance cost. At the May 14, 2012 Work Session, Council considered authorizing the sale of debt to fund the approved CIP.

6. **Consider a resolution adopting an amended investment policy of the City of Garland.**

   At the May 14, 2012 Work Session, Council considered authorizing revisions to three sections of City Council Policy FIN-06, Statement of Investment Policy.

7. **Consider a resolution authorizing the City Manager to enter into a banking services and depository agreement with JP Morgan Chase Bank.**

   At the May 14, 2012 Work Session, Council considered authorizing a depository bank contract with JP Morgan Chase, a financial institution that

has been selected through a Request for Application process to meet the City's banking needs in accordance with City Council Policy FIN-06.

8. Consider a resolution reappointing Jamie Ratliff to the Board of Directors of the Texas Municipal Power Agency.

At the May 15, 2012 Work Session, Council was notified that Jamie Ratliff's term as a member of the Texas Municipal Power Agency (TMPA) Board of Directors will expire on July 18, 2012. Information was posted on the City's website for 14 days in order to provide an opportunity for citizens to apply for the position. Mr. Ratliff was the only citizen to respond.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

Anyone wishing to speak for, against, or on agenda items must fill out a speaker card and give it to the City Secretary before speaking (cards located at the entrance to the Council Chambers). The Mayor will recognize speakers; he may impose a time limit and may provide for rebuttal. All comments and testimony are to be presented from the podium.

9. Hold a public hearing to consider an ordinance amending Chapter 22, "Health", of the Code of Ordinances of the City of Garland; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland.

Health Department staff proposes that Section 22.39(E) of the Code of Ordinances be modified by removing paragraphs (2) and (3). The removal of paragraph (2) will eliminate the prohibition of conveying food from mobile food preparation vehicles to "walk-up" and "drive-up" customers. The removal of paragraph (3) will remove the restriction of mobile food preparation vehicles operating at one location no longer than one hour. The easing of movement and sales constraints will permit the new niche of "gourmet food trucks" to operate on private property within Garland. The proposed draft ordinance was presented to Council by the Marketing/Events Committee Chair at the May 14, 2012 Work Session.

10. Hold public hearings on the following zoning cases:

a. Consider the application of Wes Parnell requesting approval of 1) a change of zoning from Office 1 (O-1) District to General Business

(GB) District and 2) a Specific Use Permit for a Restaurant with Drive-Through. The property is located at 3300 Broadway Boulevard. (File 12-15)

The proposal is for approval of a change in zoning from Office 1 to General Business and a Specific Use Permit for a Restaurant with Drive-Through. At the April 9, 2012 meeting, the Plan Commission (by a 5 to 4 vote) recommended denial of the request. At the May 1, 2012 meeting, City Council approved a motion to change the zoning and a Specific Use Permit. At the May 15, 2012 meeting, the City Council directed this case be set for a new public hearing.

b. Consider the application of United Towing & Transport Dallas requesting approval of a Specific Use Permit for a Wrecker Service on property zoned Commercial 2 (C-2) District and Industrial 1 (I-1) District. The property is located at 2521 Oakland Street. (File 12-22)

The proposal is for approval of a Specific Use Permit for a Wrecker Service. At the May 14, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

c. Consider the application of Loveth/Tony requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is located at 3338 Broadway Boulevard Suite 302/304. (File 12-25)

The proposal is for approval of a Specific Use Permit for a reception facility in a shopping center. At the May 14, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request for a period of 10 years tied to the applicant, Loveth/Tony.

11. Consider appointments to Boards and Commissions.

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

Guy W. Hull II – Board of Adjustment (Willis)

12. Citizen comments.

Persons wishing to address issues not on the agenda may have three minutes to address Council at this time. Council is prohibited from discussing any item not posted according to the Texas Open Meetings Act.

13. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Verizon FIOS TV 44. Meetings are rebroadcast at 9:00 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are $1 each and DVD's are $3 each.

The City Council of the City of Garland, Texas convened in regular session at 7:00 PM on Tuesday, May 15, 2012, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	Preston Edwards
Councilmember	Laura Perkins Cox
Councilmember	Larry Jeffus
Councilmember	John Willis
Councilmember	Lori Barnett Dodson
Councilmember	Rick Williams
Councilmember	Jim Cahill
Councilmember	Douglas Athas

STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	Interim City Secretary	Elaine Simpson
	Recording Secretary	Yvonne Naser

CALL TO ORDER: The meeting was called to order by Mayor Ronald E. Jones. Councilmember Rick Williams led the invocation and the pledge.

CEREMONIALS: Texas State Representative Angie Chen Button of District 112 and Texas State Representative Cindy Burkett of District 101 presented Resolutions from the State of Texas House of Representatives in honor of outgoing members of council. Councilmember Doug Athas, Councilmember Laura Perkins Cox and Councilmember Larry Jeffus were honored.

Mayor Ron Jones also presented the outgoing members of council with Special Recognitions in honor of their service.

Mayor Ron Jones presented a Special Recognition in honor of the late Claudia Jenkins.

Mayor Ron Jones presented a Proclamation for Asian-American Heritage Month and for Safe Boating Month.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were

voted on at the beginning of the meeting. Motion was made by Councilmember Williams and second by Councilmember Dodson to approve Consent Agenda Item #'s: 1, 2, 3.a., 3.b., 4., 5., and 6 Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

1. Approved** — Consider approval of the minutes of the May 1, 2012 Regular Meeting.

2. Approved** — Consider Bid No. 2846-12 - City Center Project to VAI Architects, Inc. for $ 1,025,200.00 for professional architectural services for the design and coordination of the City Center Project including the new parking structure and City Hall façade.

3.a. Approved** — Consider Ordinance. 6540 for Martin Eagle Oil Co. - Zoning File No. 12-11- amending the zoning laws of the City of Garland by approving a Specific Use Permit for Retail Sales with Gasoline Pumps on property zoned Commercial 1 (C-1) District and PD (Planned Development) District 85-27 for Shopping Center Uses on a .48-acre tract located at 2902 Lavon Drive.

3.b. Approved** — Consider Ordinance #6541 - Responsive Education Solutions, Zoning File No. 12-14, amending the zoning laws of the City of Garland by approving a Specific Use Permit for a Charter School on property zoned PD (Planned Development) District 05-08 for Church and Industrial Uses on a 37.72-acre tract located at 1600 West Campbell Road.

3.c. Postponed — Consider Ordinance for Chicken Express - Zoning File No. 12-15, Chicken Express amending the zoning laws of the City of Garland by approving a change in zoning from Office 1 (O-1) District to Office 2 (O-2) District, and a

Specific Use Permit for Restaurant, Drive-Through on a 1.09-acre tract of land located at 3300 Broadway Boulevard.

Mayor recognized Dr. Lisa Garner to speak. She expressed concerns that the proposed Ordinance as written tonight did not reflect the motion as was passed at the May 1, 2012 City Council meeting. At the previous meeting the SUP was supposed to be 'tied' specifically to applicant Wes Parnell, and in this Ordinance, as presented, it is tied to Chicken Express. Also, she noted concerns with the ingress and egress onto Stonewall.

The following citizens registered their positions as 'against' the Ordinance upon speaker cards, but did not speak: David H. Merchant, Cecilia Fisher and Dr. Phillipp Dunn.

Neil Montgomery, Senior Managing Director of Development Services explained that it is usually the business name, and not the name of the individual applicant, that is tied to the SUP.

Councilmember Jeffus made a motion and Councilmember Willis seconded, to postpone consideration of this until June. Substitute motion by Councilmember Cox, second by Councilmember Cahill, to direct staff to process needed paperwork and to publish notice for a new public hearing to be held at the first meeting in June. Motion carries 8 Ayes; 1 Nay and 0 Abstentions.
Ayes: Athas, Cox, Edwards, Jeffus, Willis, Cahill, Williams and Jones.
Nay: Dodson.

4. Approved**

Consider Resolution #10051 authorizing the City Manager to execute a Drainage Improvement District agreement with the SpringPark Homeowners Association, Inc., for construction of erosion protection improvements adjacent to the 6700 block of Lakeshore Drive. Both the Homeowners Association and City staff have been working to develop an agreement to design and construct erosion protection

improvements along Spring Creek within SpringPark. The City routinely participates with homeowners, property owners and associations to share in the cost of mitigating impacts from erosion in accordance with the provisions contained in the Drainage Improvement District Ordinance. The drainage category of the Capital Improvement Program includes funding for these types of projects. This item was discussed at the May 14, 2012 Work Session.

5. Approved**

Consider Resolution #10052 accepting a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) – Click It or Ticket grant in the amount of $9,000. At the May 14, 2012 Work Session, Council discussed authorizing the City Manager to accept a fully funded TxDOT STEP – "Click It or Ticket" grant in the amount of $9,000 for conducting intense vehicle occupant protection enforcement. The required enforcement period will be May 21 – June 3, 2012.

6. Approved**

Consider Ordinance #6543 denying Atmos Energy Corp., Mid-Tex Division's requested rate change; requiring the company to reimburse the City's reasonable ratemaking expenses and requiring notice of this resolution to the Company and ACSC's legal counsel. Atmos Energy Corp. Mid-Tex Division filed an application with the City to increase natural gas rates pursuant to the Rate Review Mechanism. This was discussed by Council at their May 14, 2012, Work Session.

7. Approved

Consider by minute action authorizing the City Manager to execute a consulting agreement with Ray Schwertner. At the January 3, 2012 City Council Executive Session meeting, Council discussed the reassignment of Ray Schwertner, the Managing Director of Electric Utility, to a consulting basis. At the March 20, 2012 Regular Meeting, Council reviewed a

draft agreement and authorized the City Manager to execute the draft agreement with Mr. Schwertner in substantially the form and substance of that presented to Council. At the request of Ray Schwertner, substantial revisions have been made to the draft agreement that require Council's approval.

Motion by Councilmember Dodson to postpone consideration of this item until TMPA issues could be considered by Council.

Motion died for lack of a second.

Motion was made by Councilmember Jeffus, second by Councilmember Williams, to approve the agenda item as presented. Motion carried with 7 Ayes; 2 Nays and 0 Abstentions.
Ayes: Athas, Williams, Jeffus, Jones, Willis, Cahill, Edwards
Nays: Cox and Dodson

ITEMS FOR INDIVIDUAL CONSIDERATION

8. Held and Approved

Hold a public hearing and consider Resolution # 10053 finding and determining the necessity and feasibility of using a parcel of property within Woodland Basin Nature Area for the improvement of Miller Road. The Dallas County project for the construction of a new Miller Road roadway and bridge at Rowlett Creek requires the use of a very small portion of the Woodland Basin Nature Area adjacent to the existing right-of-way for roadway and bridge improvements. This requires a public hearing and a finding by Council to meet the requirements of Chapter 26 of the Texas Parks and Wildlife Code. At their May 2, 2012 meeting, the Park and Recreation Board concurred with the finding that there is no feasible and prudent alternative to the use of a small portion of the parkland for the proposed roadway and bridge replacement project and that all reasonable planning has been done to minimize harm to the park. This item was also discussed by Council at the May 1, 2012 Work Session.

Motion was made by Councilmember Williams, second by Councilmember Dodson, to close the public hearing and to approve the Resolution as presented.
Motion carried by unanimous vote of 9 Ayes; 0 Nays and 0 Abstentions.

9. a. Held and Approved

Consider the application of Winkelmann & Associates requesting approval of 1) a change of zoning from PD (Planned Development) District 81-61 to a Planned Development District for General Business Uses, 2) a Detail Plan for Athletic Club/Instruction, 3) a Specific Use Permit for Restaurant, Drive-Through, 4) a Detail Plan for Restaurant, Drive-Through and Medical Office/Clinic, 5) a variance to Section 10-200 of Comprehensive Zoning Ordinance No. 4647 regarding number of required parking spaces and 6) a variance to Section 25-600 of Comprehensive Zoning Ordinance No. 4647 regarding maximum building height. This property is located south of Marketplace Dr., east of Saturn Rd. and northwest of Centerville Rd. (Z File 12-16, City Council District #5, Councilmember John Willis) The proposal is for approval of a change of zoning, Detail Plans, Specific Use Permit and variances to develop a fitness center, drive-through restaurant and medical office. At the April 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services presented the staff report and explained plans are for the old Mervyns building to be taken out and replaced with a building that will house an L.A. Fitness. There will be a Starbucks coffee shop that will require the drive-through. All other proposed uses in this project are allowed by right, such as the dental office.

Mr. Michael Clark spoke on behalf of the applicant. He asked that Garland Eastgate II, L.P. be listed as holder of the

SUP.

Councilmember Willis made a motion, second by Councilmember Jeffus, to close the public hearing and to approve 1) a change of zoning from PD (Planned Development) District 81-61 to a Planned Development District for General Business Uses, 2) a Detail Plan for Athletic Club/Instruction, 3) a Specific Use Permit for Restaurant, Drive-Through, 4) a Detail Plan for Restaurant, Drive-Through and Medical Office/Clinic, 5) a variance to Section 10-200 of Comprehensive Zoning Ordinance No. 4647 regarding number of required parking spaces, and 6) a variance to Section 25-600 of Comprehensive Zoning Ordinance No. 4647 regarding maximum building height as recommended by staff and by the Plan Commission, but to strike the following from the list of allowed uses: Tire Dealer, Transit Station and Wrecker Service. Motion carried unanimously by a vote of 9 Ayes; 0 Nays and 0 Abstentions.

9b. Held and Approved

Consider the application of Columbus Realty Partners Ltd, requesting approval of 1) a Detail Plan for Multi-Family Uses; 2) amendments to the Planned Development (PD) District conditions; and 3) a variance to the Zoning Ordinance Section 10-200 regarding minimum parking requirements for multifamily uses. The property is located at the northeastern corner of River Fern Avenue and Horseshoe Drive. (File Z # 12-19, City Council District #1, Councilmember Douglas Athas) The proposal is for approval of a Detail Plan, amendments to the Planned Development conditions and variances to develop a second phase of multifamily units at Firewheel Town Center. At the April 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services gave the staff report and explained

that this is the second phase of residential as started five years ago for this project and that it complements the existing residential. This will add 281 residential units.

Mr. J. Mark Wolf and Mr. David Meyers spoke for the applicant, Columbus Realty Partners.

Councilmember Athas made a motion and Councilmember Cox seconded, to close the public hearing and to approve request for 1) a Detail Plan for Multi-Family Uses; 2) amendments to the Planned Development (PD) District conditions; and 3) a variance to the Zoning Ordinance Section 10-200 regarding minimum parking requirements for multifamily uses, as recommended by the Plan Commission and by staff. Motion carried unanimously by a vote of 9 Ayes; 0 Nays and 0 Abstentions.

9c. Held and Approved

Consider the application of Barclay Construction requesting approval of 1) a Detail Plan for Medical Office/Clinic and 2) amendments to the conditions in PD (Planned Development) District 03-22. The property is located at 3475 Collins Boulevard. (File Z # 12-20, City Council District #7, Councilmember Rick Williams) The proposal is for approval of a Detail Plan for Medical Office/Clinic and amendments to the conditions in PD 03-22. At the April 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended approval of the request as recommended by staff.

Neil Montgomery, Senior Managing Director of Development Services gave the staff report.

Motion was made by Councilmember Williams, second by Councilmember Dodson, to close the public hearing and to approve 1) a Detail Plan for Medical Office/Clinic and 2) amendments to the conditions in PD (Planned Development) District 03-22 as recommended by Plan Commission and staff. Motion carried unanimously by vote of 9 Ayes; 0 Nays; 0 Abstentions.

9.d. Held and denied

Consider the application of Joe Pokawa requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is located at 3420 Broadway Boulevard, Suite 125. (Z File 12-21 –Council District #3, MPT Edwards) The proposal is for approval of a Specific Use Permit for a Reception Facility in a Shopping Center. At the April 23, 2012 meeting, the Plan Commission (by a 9 to 0 vote) recommended denial of the request as recommended by staff. The applicant is appealing the Plan Commission's recommendation.

Neil Montgomery, Senior Managing Director of Development Services gave the staff report explaining that this item received a negative recommendation from Plan Commission due to noise concerns because of proximity of site to a residential area. There is also an assisted living center which is being built now in close proximity of this shopping center.

Mr. Patrick Saucedo spoke in favor of the request, and noted that there is a high wall behind the shopping center which will act as a noise buffer between the reception facility and the neighborhood behind it.

Mr. Joe Pokawa, applicant, spoke in favor of the request stating that the previous use in this space was a dance school and he did not think that the reception hall would make more noise than the dance school did. This facility will be used for meetings, receptions, etc. The receptions will be held toward the front of the building, not toward the back.

Motion was made by MPT Edwards, second by Councilmember Cox, to close the public hearing and to deny the application of Joe Pokawa requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District as recommended by Plan Commission. Motion carried unanimously by a vote of 9 Ayes; 0 Nays and 0 Abstentions.

10. Citizen comments.

There were no citizen comments.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 8:59 pm.

CITY OF GARLAND

Signed:

_____

Mayor Ronald E. Jones

Attest:

_____

Elaine Simpson, Interim City Secretary

The City Council of the City of Garland, Texas convened in special session at 6:00 PM on Tuesday, May 22, 2012, in the Council Chambers at City Hall with the following members present:

Mayor	Ronald E. Jones
Mayor Pro Tem	Preston Edwards
Councilmember	Douglas Athas
Councilmember	Laura Perkins Cox
Councilmember	John Willis
Councilmember	Lori Dodson
Councilmember	Rick Williams
Councilmember	Jim Cahill
Councilmember	Larry Jeffus

STAFF PRESENT:	City Manager	Bill Dollar
	City Attorney	Brad Neighbor
	Interim City Secretary	Elaine Simpson
	Recording Secretary	Yvonne Naser

CALL TO ORDER: The meeting was called to order at 6:08 p.m. by Mayor Ronald E. Jones who also gave the invocation and led the pledge.

1. Consider Ordinance # 6543 canvassing the results of a General Election held for the purpose of electing a candidate to the office of City Council of the City of Garland, Texas, for an election having been held on May 12, 2012 and declaring the results of that election.

Motion was made by Councilmember Jeffus and second by Councilmember Cox to approve Ordinance #6543 canvassing the results of a General Election held for the purpose of electing a candidate to the office of City Council of the City of Garland, Texas, for an election having been held on May 12, 2012 and declaring B.J. Williams elected as Councilmember for District 4 . Motion carried: 9 Ayes; 0 Nays; and 0 Abstentions.

2. At this time the newly elected Councilmembers were sworn in.

For District 1, Marvin F. "Tim" Campbell was given the Oath of Office by his wife, Jane.

Councilmember District 4, B.J. Williams was given the Oath of Office by his daughter, Dr. Chonda Williams.

Councilmember District 5, John Willis was sworn in by his wife Dana and his daughter, Lauren.

Each member made a few brief remarks thanking their families and supporters.

3. At this time there was recognition for outgoing Council Members.

Texas State Representative Angie Chen Button from District #112 commended the outgoing Council members for their exemplary service for the past six years.

Mayor Jones presented outgoing Councilmember District 1, Douglas Athas, with a plaque and City flag in recognition of his service on the Council.

Mayor Jones presented outgoing Councilmember District 4, Larry Jeffus, with a plaque and City flag in recognition of his service on the Council.

Mr. Athas and Mr. Jeffus gave brief remarks thanking their families and supporters.

There being no further business to come before the City Council, Mayor Jones adjourned the meeting at 6:35 pm.

CITY OF GARLAND

Signed:

_____

Mayor Ronald E. Jones

Attest:

_____

Elaine Simpson, Interim City Secretary

GARLAND
PURCHASING

Bid No.: 2845-12
Agenda Item:
Meeting: Council
Date: 06/05/12

Purchasing Report

EMS SUPPLIES FOR GARLAND FIRE DEPARTMENT
TERM CONTRACT

PURCHASE JUSTIFICATION:

This is a Term Contract with two (2) renewal options for EMS supplies used to diagnose and treat patients in a pre-hospital environment. This contract is awarded by the unit price which will remain firm for the first year. Any subsequent changes must be justified and mutually agreed upon. Expenditures will not exceed the appropriated funds.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
Bound Tree Medical	1, 4, 7, 10	$215,629.01
Midwest Medical Supply	2, 3, 5, 6, 8, 9	$109,155.85
	TOTAL:	$324,784.86

BASIS FOR AWARD:

Lowest Responsible Bidders

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 05/18/12

Reviewed by:

William E. Dollar
City Manager

Date: 05/30/12

FINANCIAL SUMMARY:

Total Project/Account: $ N/A

Expended/Encumbered to Date: N/A

Balance: $ N/A

This Item: 324,784.86

Proposed Balance: $ N/A

Budget Analyst Date

Budget Director Date

Operating Budget: ☐ **CIP:** ☐ **Year:**

Document Location:

Account #: 451-6999

Fund/Agency/Project – Description:
Term Contract –

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

CITY OF GARLAND - BID RECAP SHEET
OPENED: 04/04/12
REQ. NO. PR29852
BID NO. 2845-12
PAGE: 1 of 2
BUYER: Wil Newcomer

				Bound Tree Medical Supply		Henry Schein		Midwest Medical Supply		Moore Medical		QuadMed	
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	Lot	**Injection**	$41,949.69	$41,949.69	$67,032.69	$44,704.41	Incomplete	$0.00	Incomplete	$0.00	Incomplete	$0.00
2	1	Lot	**Sanitation**	$3,722.00	$3,722.00	$3,565.50	$3,565.50	$3,664.50	$3,664.50	$5,610.50	$5,610.50	Incomplete	$0.00
3	1	Lot	**EKG**	$70,572.30	$70,572.30	$71,561.20	$71,561.20	$66,075.00	$66,075.00	$72,706.50	$72,706.50	Withdrawn	$0.00
4	1	Lot	**Airway**	$133,105.80	$133,105.80	$148,849.67	$148,849.67	Incomplete	$0.00	Incomplete	$0.00	Withdrawn	$0.00
5	1	Lot	**Bandage & Splinting**	$6,235.85	$6,235.85	$5,566.00	$5,566.00	$4,852.25	$4,852.00	Incomplete	$0.00	$5,674.55	$5,674.55
6	1	Lot	**O.B.**	$352.75	$352.75	$306.75	$306.75	$341.00	$341.00	$387.50	$387.50	$268.50	$268.50
7	1	Lot	**Infection Control**	$2,647.52	$2,647.52	$2,940.42	$2,940.42	$2,787.64	$2,787.64	Incomplete	$0.00	Incomplete	$0.00
8	1	Lot	**Diagnostic**	$3,510.05	$3,510.05	$3,265.40	$3,265.40	$2,973.45	$2,973.45	Incomplete	$0.00	$3,426.15	$3,426.15
9	1	Lot	**Misc. Medical**	$33,517.70	$33,517.70	$31,951.63	$31,951.63	$31,249.90	$31,249.90	$37,205.70	$37,205.70	Withdrawn	$0.00
10	1	Lot	**Extrication/Immobilization**	$37,926.00	$37,926.00	$42,364.20	$42,364.20	$47,810.80	$47,810.80	$47,240.00	$47,240.00	$47,291.00	$47,291.00
			TOTAL GROSS PRICE		$333,539.66		$355,075.18		N/A		N/A		N/A
			CASH DISCOUNT										
			TOTAL NET PRICE		$333,539.66		$355,075.18		N/A		N/A		N/A
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY										

NEXT LOW:	**$333,539.66**	641	#of inquires sent out
LOW:	**$324,784.86**	7	# of HUBS from CMBL
SAVINGS:	**$8,754.80**	20	# of HUBs notified

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

GARLAND

PURCHASING

Executive Summary
Bid 2845-12
EMS Supplies for Garland Fire Department

Recommended Vendors:

Bound Tree Medical	$215,629.01
Midwest Medical Supply	$109,155.85
Total Recommended Award:	$324,784.86

Basis for Award:

Lowest Responsible Bidders

Purpose:

These supplies are used by paramedics and EMTs of the Fire Department to diagnose and treat patients in a pre-hospital environment. This is an annual contract with two (2) renewal options.

Evaluation:

All bids received were evaluated by the Purchasing Department and Fire Department to determine the best value to the City based on price, delivery and specification conformance.

For evaluation and ordering purposes, the bids were broken down into ten (10) specific product categories. Bids categories that were substantially incomplete or withdrawn due to pricing errors are identified on the Bid Recap Sheet.

Recommendation:

Staff recommends awarding the contract to Bound Tree Medical and Midwest Medical Supplies.

Funding Information:

Fire Department Operating Fund

Department Director:

Chief Raymond Knight, 972-781-7101

GARLAND
PURCHASING

Bid No.:	2880-12
Agenda Item:	2b
Meeting:	Council
Date:	06/05/12

Purchasing Report

WATER AND SANITARY SEWER IMPROVEMENTS – SECOND STREET, HASKELL DRIVE, AVENUE G, AND HOPKINS STREET
OPEN MARKET

PURCHASE JUSTIFICATION:

This purchase is for the construction of new residential water service lines, the removal of existing ones from an undersized main, and the connection to a new larger main. The existing sanitary sewer main will also be replaced. Funding for this project was approved in the 2012 Capital Improvement Program. The total amount of the award is estimated based on unit pricing, and actual expenditures may be more or less depending on actual needs. Funds will be committed at time of invoicing, and expenditures will not exceed funds appropriated.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
ARK Contracting Services, LLC	All	$710,657.00
	TOTAL:	$710,657.00

BASIS FOR AWARD:

Straight Low Bid

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 05/21/12

Reviewed by:

William E. Dollar
City Manager

Date: 05/30/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 4,967,121
Expended/Encumbered to Date:	708,020
Balance:	$ 4,259,101
This Item:	710,657
Proposed Balance:	$ 3,548,444

Matt Watson	05/22/12
Budget Analyst	Date
Ron Young	05/22/12
Budget Director	Date

Operating Budget: ☐ **CIP:** ☒ **Year:** 2012

Document Location: Pages W08 and WW05

Account #: 227-4049-3020700-9129
237-4149-3214900-9305

Fund/Agency/Project – Description:
Water and Wastewater CIP Funds / Upgrades to Water and Collection Mains

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED: 05/10/2012
REQ. NO. PR 29947
BID NO. 2880-12
PAGE: 1 of 1
BUYER: T. Smith

ITEM	QTY	UNIT	DESCRIPTION	ARK Contracting Services, LLC UNIT PRICE	ARK Contracting Services, LLC TOTAL	Tri-Con Services, Inc. UNIT PRICE	Tri-Con Services, Inc. TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	Lt.	**Water and Sanitary Sewer**	$710,657.00	$710,657.00	719,428.40	$719,428.40				
			Improvements: Second St.,								
			Haskell Dr., Avenue G. and								
			Hopkins St.								
			TOTAL GROSS PRICE		$710,657.00		$719,428.40				
			CASH DISCOUNT								
			TOTAL NET PRICE		$710,657.00		$719,428.40				
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW:	**$719,428.40**	2942	#of inquires sent out
LOW:	**$710,657.00**	22	# of HUBS from CMBL
SAVINGS:	**$8,771.40**	76	# of HUBs notified

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

GARLAND

PURCHASING

Executive Summary
Bid 2880-12
Water and Sanitary Sewer Improvements – Second St., Haskell Dr., Avenue G, and Hopkins St.

Recommended Vendor:

ARK Contracting Services, LLC

Total Recommended Award:

$710,657.00

Basis for Award:

Straight Low Bid

Purpose:

The purpose of this contract is to construct new residential water service lines, remove the existing from an undersized main and connect to a new larger main. The existing sanitary sewer main will also be replaced.

Evaluation:

A total of two (2) bids were received for this project. Bids were received from ARK Contracting Services, LLC and Tri-Con Services. ARK Contracting Services, LLC was the lowest bidder.

Recommendation:

Staff recommends awarding the project to ARK Contracting Services, LLC.

Funding Information:

227-4049-3020700-9129/CW-207-RB-1-9129 and
237-4149-3214900-9305/CS2149-RB-1-9305

Department Director:

Michael C. Polocek, P.E., Engineering Director, 972-205-2178

GARLAND
PURCHASING

Bid No.:	2904-12
Agenda Item:	2c
Meeting:	Council
Date:	06/05/12

Purchasing Report

ENVIRONMENTAL WASTE TRUCKS
OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of seven (7) replacement trucks, truck bodies, and cab and chassis for the Environmental Waste Services Department to be used in daily operations. These units were approved in the Capital Improvement Fund. They are being purchased from the Purchasing Cooperative BuyBoard and Houston-Galveston Area Council, Contracts 358-10, 357-10, and HT11-09A.

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
Southwest International Trucks	1 & 2	$375,348.19
East Texas Mack Sales	3	133,496.32
Heil of Texas	4 & 5	205,076.00
Bond Equipment	6	162,109.00
	TOTAL:	$876,029.51

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 05/21/12

Reviewed by:

William E. Dollar
City Manager

Date: 5/30/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 904,403
Expended/Encumbered to Date:	--
Balance:	$ 904,403
This Item:	876,030
Proposed Balance:	$ 28,373

Matt Watson	05/22/12
Budget Analyst	Date
Ron Young	05/22/12
Budget Director	Date

Operating Budget: ☐ **CIP:** ☒ **Year:** 2012

Document Location: Pages M04 – M07

Account #: 246-4319-2105112-9009
246-4319-2105212-9009
246-4319-2105312-9009
246-4319-2105012-9009

Fund/Agency/Project – Description:
Environmental Waste Services - Delivery
CO-Funded CIP

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED 05/11/2012
REQ. NO. PR 29969, 29970,29966,29968
BID NO. Ref. 2904-12
PAGE 1 of 1
BUYER T. Smith

ITEM	QTY	UNIT	DESCRIPTION	Southwest International Trucks (Buyboard Purchase) UNIT PRICE	TOTAL	East Texas Mack Sales (HGAC Purchase) UNIT PRICE	TOTAL	Heil Of Texas (Buyboard Purchase) UNIT PRICE	TOTAL	Bond E (Buyboar UNIT PRICE
1	2	ea.	**International 7400 Hood Boom**	148,717.58	**$297,435.16**					
			7000 Texoma Body Dump							
			Knuckleboom Trucks							
2	1	ea.	**International 4400 cab and**	77,913.03	**$77,913.03**					
			chassis w/wet kit							
3	1	ea.	**Mack cab and chassis**			133,496.32	**$133,496.32**			
4	1	ea.	**Front Loader Body**					102,046.00	**$102,046.00**	
5	1	ea.	**22yd Heil Rapid Rail Body**					103,030.00	**$103,030.00**	
6	1	ea.	**Crane Carrier LET 2-26**							162,109.00
			TOTAL GROSS PRICE	$375,348.19		$133,496.32		$205,076.00		
			CASH DISCOUNT							
			TOTAL NET PRICE							
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DEL
			DELIVERY							

NEXT LOW
LOW _____
SAVINGS

#of inquires sent out
# of No Bids returned
# of Hub's invited

All bids submitted for the designated project are reflected on this bid tab sheet. Howeve on this sheet should not be construed as a comment on the responsiveness of such bid indication that the city accepts such bid as responsive.The City will notify the successful award of the contract and, according to the law, all bids received will be available for ins

GARLAND

PURCHASING

Executive Summary
Bid 2904-12
Environmental Waste Trucks

Recommended Vendors:

Southwest International Trucks	$375,348.19
East Texas Mack Sales	$133,496.32
Heil of Texas	$205,076.00
Bond Equipment	$162,109.00
Total Recommended Award:	$876,029.51

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase seven (7) replacement trucks, truck bodies and cab and chassis for the Environmental Waste Department to be used in daily operations.

Evaluation:

These trucks are provided through the BuyBoard Purchasing Cooperative contract 358-10, 357-10 and the HGAC Purchasing Cooperative contract HT11-09A.

Recommendation:

Staff recommends awarding the Environmental Waste trucks to Southwest International Trucks, East Texas Mack Sales, Heil of Texas and Bond Equipment accordingly.

Funding Information:

246-4319-2105-1129-009; 246-4319-2105-2129-009; 246-4319-2105-3129-009; 246-4319-2105-0129-009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524

GARLAND
PURCHASING

Bid No.:	2942-12
Agenda Item:	2d
Meeting:	Council
Date:	06/05/12

Purchasing Report

TRACTOR/TRANSFER TRUCKS
OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of three (3) tractor/transfer trucks for the City of Garland Hinton Landfill to be used in daily operations. The funding for these units was approved in the 2012 Capital Improvement Program in addition to the Self Insurance Fund. They are being purchased from the State of Texas Contract 072-A1.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
Fort Worth Freightliner	All	$392,982.00
	TOTAL:	$392,982.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 05/22/12

Reviewed by:

William E. Dollar
City Manager

Date: 05/30/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 392,982
Expended/Encumbered to Date:	--
Balance:	$ 392,982
This Item:	392,982
Proposed Balance:	$ -0-

Matt Watson	05/24/12
Budget Analyst	Date
Ron Young	05/24/12
Budget Director	Date

Operating Budget: ☒ **CIP:** ☒ **Year:** Oper. Budget – 2011-12 / CIP – 2012

Document Location: Oper. – p. 119 / CIP – p. EW04

Account #:

405-1192-7503	$130,994
692-1609-1714212-9009	261,988

Fund/Agency/Project – Description:
Self Insurance Fund (Operating Budget)
CO-Funded CIP / EWS - Disposal / Replacement of Tractor Trucks

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED: 05/22/12
REQ. NO. PR 30017
BID NO. 2942-12
PAGE: 1 of 1
BUYER: T. Smith

Fort Worth Freightliner

(State of Texas Contract)

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	3	ea.	**Western Star 4900SF Tractor/**	$130,994.00	$392,982.00						
			Transfer trucks								
			TOTAL GROSS PRICE		$392,982.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$392,982.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW:
LOW: _____
SAVINGS: **$0.00**

#of inquires sent out
# of HUBS from CMBL
# of HUBs notified

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

GARLAND

PURCHASING

Executive Summary
Bid 2942-12
Tractor/Transfer Trucks

Recommended Vendor:

Fort Worth Freightliner

Total Recommended Award:

$392,982.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase three (3) Tractor/Transfer replacement trucks for the Hinton Landfill for use in their daily operations.

Evaluation:

These trucks are provided through the State of Texas Contract 072-A1.

Recommendation:

Staff recommends awarding the bid for tractor/transfer trucks to Fort Worth Freightliner.

Funding Information:

405-1192-7503 and 692-1609-1714212-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524

GARLAND
PURCHASING

Bid No.:	2859-12
Agenda Item:	2e
Meeting:	Council
Date:	06/05/12

Purchasing Report

VARIOUS FLEET VEHICLES – VANS AND TRUCKS
OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of thirty (30) replacement vehicles for various City departments to use in their daily operations. These units were approved in the 2011-12 Equipment Replacement Fund and Operating Budget.

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
Sam Pack's Five Star Ford	1-4, 6-11, 14, 15	$613,349.00
Baby Jack II Automotive, LTD.	5	16,966.00
Randall Reed's Prestige Ford	13	49,986.00
	TOTAL:	$680,301.00

BASIS FOR AWARD:

Lowest Responsible Bidder

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 05/18/12

Reviewed by:

William E. Dollar
City Manager

Date: 05/30/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 2,339,947
Expended/Encumbered to Date:	1,285,441
Balance:	$ 1,054,506
This Item:	680,301
Proposed Balance:	$ 374,205

Ron Tiffany — 05/22/12
Budget Analyst — Date

Ron Young — 05/22/12
Budget Director — Date

Operating Budget: ☒ **CIP:** ☐ **Year:** 2011-12

Document Location: Pages 118 and 237

Account #: Various ERF Accounts
100-2352-9009 (1)

Fund/Agency/Project – Description:
30 Replacement Vans and Trucks –
29 Via ERF and 1 Via General Fund

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED: 04/16/12
REQ. NO. Various
BID NO. 2859-12
PAGE: 1 of 2
BUYER: T. Smith

ITEM	QTY	UNIT	DESCRIPTION	Sam Pack's Five Star Ford UNIT PRICE	Sam Pack's Five Star Ford TOTAL	Randall Reed's Prestige Ford UNIT PRICE	Randall Reed's Prestige Ford TOTAL	Baby Jack II Automotive LTD UNIT PRICE	Baby Jack II Automotive LTD TOTAL	Philpott Motors LTD UNIT PRICE	Philpott Motors LTD TOTAL
1	1	ea.	New, 2012 LPG fueled 3/4 ton	$32,858.00	$32,858.00	$24,050.00	$24,050.00	$35,744.00	$35,744.00	$33,068.58	$33,068.58
			cargo van, 2wd			(no fuel kit)					
2	1	ea.	New, 2012 1/2 ton, 8 passenger	$31,330.00	$31,330.00	$21,685.00	$21,685.00	$32,744.00	$32,744.00	$32,708.58	$32,708.58
			full size van, rwd w/ dedicated			(no fuel kit)					
			Roush Clean Tech LPG system								
			installed								
3	1	ea.	New, 2012 Ford Transit cargo	$20,899.00	$20,899.00	$21,375.00	$21,375.00	$21,240.00	$21,240.00	$20,999.00	$20,999.00
			van, fwd								
4	1	ea.	New 2012 1/2 ton 8-passenger	$19,820.00	$19,820.00	$20,785.00	$20,785.00	$20,288.00	$20,288.00	$20,999.00	$20,999.00
			full size van, rwd								
5	1	ea.	New 2012 Chevrolet Colorado	no bid	no bid	no bid	no bid	$16,966.00	$16,966.00	no bid	no bid
			pickup, 2wd, regular cab and bed								
6	5	ea.	New 2012, 1/2 ton pickup, 2wd,	$15,846.00	$79,230.00	$16,560.00	$82,800.00	$16,198.00	$80,990.00	$16,362.72	$81,813.60
			regular cab, 6 foot bed								
7	2	ea.	New 2012, 1/2 ton pickup, 2wd,	$15,086.00	$30,172.00	$16,825.00	$33,650.00	$16,464.00	$32,928.00	$15,836.72	$31,673.44
			regular cab, 8 ft. regular bed								
8	1	ea.	New, 2012 1/2 ton pickup, 4x4,	$22,039.00	$22,039.00	$23,260.00	$23,260.00	$22,822.00	$22,822.00	$22,721.72	$22,721.72
			extended cab, short bed								
			TOTAL GROSS PRICE								
			CASH DISCOUNT								
			TOTAL NET PRICE								
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW:	**$635,519.48**	818	#of inquires sent out
LOW:	**$613,349.00**	2	# of HUBS from CMBL
SAVINGS:	**$22,170.48**	13	# of HUBs notified

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

CITY OF GARLAND - BID RECAP SHEET
OPENED: 04/16/12
REQ. NO. Various
BID NO. 2859-12
PAGE: 2 of 2
BUYER: T. Smith

ITEM	QTY	UNIT	DESCRIPTION	Sam Pack's Five Star Ford UNIT PRICE	Sam Pack's Five Star Ford TOTAL	Randall Reed's Prestige Ford UNIT PRICE	Randall Reed's Prestige Ford TOTAL	Baby Jack II Automotive LTD UNIT PRICE	Baby Jack II Automotive LTD TOTAL	Philpott Motors LTD UNIT PRICE	Philpott Motors LTD TOTAL
9	7	ea.	New 2012 3/4 ton pickup, 4x4,	$24,714.00	$172,998.00	$26,696.00	$186,872.00	$26,784.00	$187,488.00	$26,595.00	$186,165.00
			extended cab, short bed								
10	1	ea.	New 2012, 3/4 ton pickup,	$22,734.00	$22,734.00	$23,860.00	$23,860.00	$23,442.00	$23,442.00	$23,996.58	$23,996.58
			extended cab, 8 foot bed								
11	1	ea.	New 2012, 3/4 ton pickup, 4x4	$23,527.00	$23,527.00	$24,285.00	$24,285.00	$24,182.00	$24,182.00	$24,138.00	$24,138.00
			extended cab, 8 foot bed								
12	2	ea.	New 2012 3/4 ton cab and	$18,617.00	$37,234.00	$19,384.00	$38,768.00	$19,744.00	$39,488.00	$19,359.58	$38,719.16
			chassis, single axle								
13	2	ea.	New 2012 3/4 ton pickup, 2wd,	$26,764.00	$53,528.00	$24,993.00	$49,986.00	$25,042.00	$50,084.00	$27,364.58	$54,729.16
			heavy duty, reg cab, stake bed								
14	1	ea.	New 2012 3/4 ton pickup, ext. cab	$31,438.00	$31,438.00	$22,796.00	$22,796.00	$21,576.00	$21,576.00	$21,632.58	$21,632.58
			short bed w/dedicated 91G			(no fuel kit)		(no fuel kit)		(no fuel kit)	
			propane pkg.								
15	3	ea.	new 2012 3/4 ton pickup, 2wd	$29,690.00	$89,070.00	$19,840.00	$59,520.00	$19,584.00	$58,752.00	$19,739.58	$59,218.74
			heavy duty, reg. cab, long bed			(no fuel kit)		(no fuel kit)		(no fuel kit)	
			w/ dedicated 91g propane pkg.								
					$613,349.00		$49,986.00		$16,966.00		
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW:	**$635,519.48**	818	#of inquires sent out
LOW:	**$613,349.00**	2	# of HUBS from CMBL
SAVINGS:	**$22,170.48**	13	# of HUBs notified

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

GARLAND

PURCHASING

Executive Summary
Bid 2859-12
Various Fleet Vehicles – Vans and Trucks

Recommended Vendors:

Sam Pack's Five Star Ford	613,349.00
Randall Reed's Prestige Ford	49,986.00
Baby Jack II Automotive, LTD.	16,966.00
Total Recommended Award:	$680,301.00

Basis for Award:

Lowest Responsible Bidder

Purpose:

The purpose of this contract is to purchase replacement vehicles for various City departments for use in their daily operations.

Evaluation:

Request for bids were issued per Purchasing procedures. Four (4) bids were received and evaluated.

Randall Reed's Ford was apparent low bidder on items 1 and 2, but did not include the required propane fuel conversion kit. Randall Reed, Baby Jack and Philpott were apparent low bidders on items 14 and 15, but did not include the required propane fuel conversion kit.

Recommendation:

Staff recommends awarding the bid to Sam Pack's Ford, Randall Reed's Prestige Ford and Baby Jack II Automotive.

Funding Information:

Equipment Replacement Fund and 100-2352-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524

GARLAND
PURCHASING

Bid No.:	2902-12
Agenda Item:	2f
Meeting:	Council
Date:	06/05/12

Purchasing Report

HYDRAULIC EXCAVATOR
OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of a 336EL Hydraulic Excavator for the City of Garland Landfill to be used in daily operations. This unit was approved in the 2011-12 Capital Improvement Program. It is being purchased through the BuyBoard Purchasing Cooperative Contract 345-10.

AWARD RECOMMENDATION:

Vendor	*Item*	*Amount*
HoltCat	1	$317,534.00
	TOTAL:	$317,534.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 05/17/12

Reviewed by:

William E. Dollar
City Manager

Date: 05/30/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 340,000	**Operating Budget:** ☐ **CIP:** ☒	**Year:** 2012
Expended/Encumbered to Date:	-0-	**Document Location:**	Page EW03
Balance:	$ 340,000	**Account #:**	692-1609-1713912-9009
This Item:	317,534		
Proposed Balance:	$ 22,466	**Fund/Agency/Project – Description:**	CO-Funded CIP / Replacement of Excavator
Matt Watson, Budget Analyst	05/22/12 Date	**Comments:**	
Ron Young, Budget Director	05/22/12 Date		

CITY OF GARLAND - BID RECAP SHEET
OPENED 05/04/12
REQ. NO. PR 30016
BID NO. Ref. 2902-12
PAGE 1 of 1
BUYER T. Smith

HoltCat

(Buyboard Purchase)

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE
1	1	ea.	**336EL Hydraulic Excavator**	317,534.00	$317,534.00					
			TOTAL GROSS PRICE		**$317,534.00**					
			CASH DISCOUNT							
			TOTAL NET PRICE							
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DEL
			DELIVERY							

NEXT LOW
LOW _____
SAVINGS

#of inquires sent out
# of No Bids returned
# of Hub's invited

All bids submitted for the designated project are reflected on this bid tab sheet. Howeve on this sheet should not be construed as a comment on the responsiveness of such bid indication that the city accepts such bid as responsive.The City will notify the successful award of the contract and, according to the law, all bids received will be available for ins

GARLAND

PURCHASING

Executive Summary
Bid 2902-12
Hydraulic Excavator

Recommended Vendor:

HoltCat

Total Recommended Award:

$317,534.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase a new replacement 336EL Hydraulic Excavator for the Landfill to use in their daily operations.

Evaluation:

This excavator is provided by HoltCat through the BuyBoard Purchasing Cooperative contract 345-10.

Recommendation:

Staff recommends purchasing the Hydraulic Excavator from HoltCat.

Funding Information:

692-1609-171-3912-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524

GARLAND
PURCHASING

Bid No.:	2906-12
Agenda Item:	2g
Meeting:	Council
Date:	06/05/12

Purchasing Report

BUCKET TRUCKS
OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of five (5) replacement bucket trucks to be utilized by Transportation and Garland Power and Light in their daily operations. These units were approved in the 2011-12 General Fund and Equipment Replacement Fund. These units are being purchased through the BuyBoard Purchasing Cooperative 308-08.

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
Altec Industries, Inc.	All	$618,048.00
	TOTAL:	$618,048.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 05/18/12

Reviewed by:

William E. Dollar
City Manager

Date: 05/30/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 1,528,238
Expended/Encumbered to Date:	382,775
Balance:	$ 1,145,463
This Item:	618,048
Proposed Balance:	$ 527,415

Ron Tiffany	05/22/12
Budget Analyst	Date
Ron Young	05/22/12
Budget Director	Date

Operating Budget: ☒ **CIP:** ☐ **Year:** 2011-12

Document Location: Pages 118 and 265

Account #: 100-1711-9009 (1)
444-3226-9009 (3)
444-3711-9009 (1)

Fund/Agency/Project – Description:
5 Replacement Bucket Trucks –
4 Via ERF and 1 Via General Fund

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED: 05/07/12
REQ. NO. PR 30043
BID NO. Ref. 2906-12
PAGE: 1 of 1
BUYER: T. Smith

Altec Industries, Inc.

(Buyboard Purchase)

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	ea.	Altec Model AT40P	$124,744.00	$124,744.00						
2	1	ea.	Altec Model AT40M	$134,703.00	$134,703.00						
3	1	ea.	Altec Model AT40M	$127,741.00	$127,741.00						
4	1	ea.	Altec Model AT40S	$114,043.00	$114,043.00						
4	1	ea.	Altec Model AT40S	$114,043.00	$114,043.00						
5	1	ea.	Altec 201 Model TA50 (body only)	$116,817.00	$116,817.00						
			TOTAL GROSS PRICE		$618,048.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$618,048.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW:
LOW: _____
SAVINGS: **$0.00**

#of inquires sent out
# of HUBS from CMBL
# of HUBs notified

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

GARLAND

PURCHASING

Executive Summary
Bid 2906-12
Bucket Trucks

Recommended Vendor:

Altec Industries, Inc.

Total Recommended Award:

$618,048.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase five (5) replacement bucket trucks to be used by the Transportation and Garland Power and Light departments for use in their daily operations.

Evaluation:

These bucket trucks are provided through the BuyBoard Purchasing Cooperative contract 308-08.

Recommendation:

Staff recommends awarding the bid for bucket trucks to Altec Industries, Inc.

Funding Information:

100-1711-9009; 444-3226-9009; 444-3711-9009; 444-3226-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524

GARLAND
PURCHASING

Bid No.:	2949-12
Agenda Item:	2g
Meeting:	Council
Date:	06/05/12

Purchasing Report

CATERPILLAR MODEL 973D TRACK LOADER
OPEN MARKET

PURCHASE JUSTIFICATION:

This request is for the purchase of a Caterpillar Model 973D Track Loader for the City of Garland Hinton Landfill for use in their daily operations. Funding for this unit was approved in the 2012 Capital Improvement Program. This unit is being purchased from the Purchasing Cooperative, BuyBoard 345-10.

AWARD RECOMMENDATION:

Vendor	***Item***	***Amount***
HoltCat	1	$486,713.00
	TOTAL:	$486,713.00

BASIS FOR AWARD:

Cooperative Purchase

Submitted by:

Gary L. Holcomb, CPPO, C.P.M.
Director of Purchasing

Date: 05/22/12

Reviewed by:

William E. Dollar
City Manager

Date: 05/30/12

FINANCIAL SUMMARY:

Total Project/Account:	$ 487,698
Expended/Encumbered to Date:	-0-
Balance:	$ 487,698
This Item:	486,713
Proposed Balance:	$ 985

Matt Watson	05/29/12
Budget Analyst	Date
Ron Young	05/29/12
Budget Director	Date

Operating Budget: ☐ **CIP:** ☒ **Year:** 2012

Document Location: Page EW02

Account #: 692-1609-1713812-9009

Fund/Agency/Project – Description:
CO-Funded CIP / EWS - Disposal / Replacement of Track Loader

Comments:

CITY OF GARLAND - BID RECAP SHEET
OPENED: 05/22/12
REQ. NO. PR 30095
BID NO. 2949-12
PAGE: 1 of 1
BUYER: T. Smith

	HoltCat (BuyBoard Purchase)								
ITEM	**QTY**	**UNIT**	**DESCRIPTION**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**
1	1	ea.	**Caterpillar Inc. Model 973D**	$486,713.00	$486,713.00						
			Track Loader								
			TOTAL GROSS PRICE		$486,713.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$486,713.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW:
LOW: _____
SAVINGS: **$0.00**

#of inquires sent out
# of HUBS from CMBL
# of HUBs notified

All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. The City will notify the successful bidder upon award of the contract and, according to the law, all bids received will be available for inspection at that time.

GARLAND

PURCHASING

Executive Summary
Bid 2949-12
973D Track Loader

Recommended Vendor:

HoltCat

Total Recommended Award:

$486,713.00

Basis for Award:

Cooperative Purchase

Purpose:

The purpose of this contract is to purchase a replacement Caterpillar model 973D Track Loader for the Hinton Landfill for use in their daily operations.

Evaluation:

This piece of equipment is provided through the BuyBoard Purchasing Cooperative, contract 345-10.

Recommendation:

Staff recommends awarding the bid for the Caterpillar model 973D Track Loader to HoltCat.

Funding Information:

692-1609-1713812-9009

Department Director:

Terry Anglin, Fleet Director, 972-205-3524

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 12-16 – Winklemann & Associates

Recommendation/Action Requested and Justification
Consider adoption of the attached ordinance.

Submitted By:	**Approved By:**
Neil Montgomery **Senior Managing Director of Development Services**	**William E. Dollar** **City Manager**

FILE NO. 12-16

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE IN ZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT 81-61 TO A PLANNED DEVELOPMENT (PD) DISTRICT FOR GENERAL BUSINESS USES WITH A SPECIFIC USE PERMIT (SUP) FOR RESTAURANT, DRIVE-THROUGH ON A 7.088-ACRE TRACT OF LAND LOCATED SOUTH OF MARKETPLACE DRIVE, EAST OF SATURN ROAD AND NORTHWEST OF CENTERVILLE ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 23rd day of April, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning change, variances and detail plans made by **Winkelmann & Associates** and

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving a change in zoning from Planned Development (PD) District 81-61 to a Planned Development (PD) District for General Business Uses on a 7.088-acre tract of land located south of Marketplace Drive, east of Saturn Road and northwest of Centerville Road, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

Ordinance No. 4647, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 4.

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

Section 5.

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

PASSED AND APPROVED this_____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 12-16

Being a 7.088-acre tract of land identified as Lot 2-A, Block A of Plaza South Addition as recorded in Volume 811252, Page 1274, of the Deed Records of Dallas County, Texas. The property is located south of Marketplace Drive, east of Saturn Road and northwest of Centerville Road.

ZONING FILE 12-16

South of Marketplace Drive, East of Saturn Road and Northwest of Centerville Road

Planned Development Conditions

I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of General Business Uses subject to conditions.

II. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations of the General Business (GB) District set forth in Section 25, 32 and 47 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Development Plans:**

A. Detail Plan: Development of Lots 3 and 4 shall be in general conformance with the Detail Plan identified as Exhibit C. Should there be any conflict between the Detail Plan and the written conditions below, the conditions shall prevail.

Approval of a Detail Plan is required for development of Lots 1 and 2, prior to issuance of a permit for construction.

V. **Specific Regulations:**

A. Permitted Uses: Permitted uses are allowed as provided by the General Business District of the IH 635 Overlay, except the following uses shall not be permitted:

Tire Dealer, No Outside Storage
Transit Station
Wrecker Service (one)

Specific Use Permit: A Specific Use Permit for a Restaurant with Drive-Through is granted for Starbuck's (Lot 4) as depicted on the Detail Plan.

B. Parking: The off-street parking requirement for the Athletic Club/Instruction (Lot 3) shall be 334 spaces. A total of 159 spaces may be provided in front of the building as depicted on the Detail Plan. Parking for development on Lots 1, 2 and 4 shall be provided as required in Zoning Ordinance 4647 and as depicted on the Detail Plan (Lot 4).

EXHIBIT B

C. Building Elevations: Building design and materials shall be in conformance with the elevations for LA Fitness (Exhibit D) and Starbuck's/Monarch (Exhibit E).

1. The LA Fitness building elevations shall be permitted up to 32% non-masonry material (textured tilt panel) as shown on Exhibit D.

2. The number of permitted primary building facade materials shall be allowed to exceed two, and shall be as shown on Exhibits D and E.

D. Location of Dumpster Enclosures: Dumpster enclosures shall be placed on Lots 3 and 4 as shown on the Detail Plan.

E. Attached Signage: A total of 700 square feet of attached signage shall be permitted on the LA Fitness building, as depicted on the elevations (Exhibit D). Attached signage for the Starbuck's/Monarch building shall be in conformance with the IH 635 Development Standards.

F. Freestanding Signage: One monument sign shall be allowed on the LA Fitness site (Lot 3) in the location along Saturn Road depicted on the Detail Plan, and of a size and height that conforms with the IH 635 Development Standards. The existing pole sign on the Starbuck's/Monarch site (Lot 4) shall be allowed to remain and be refaced.

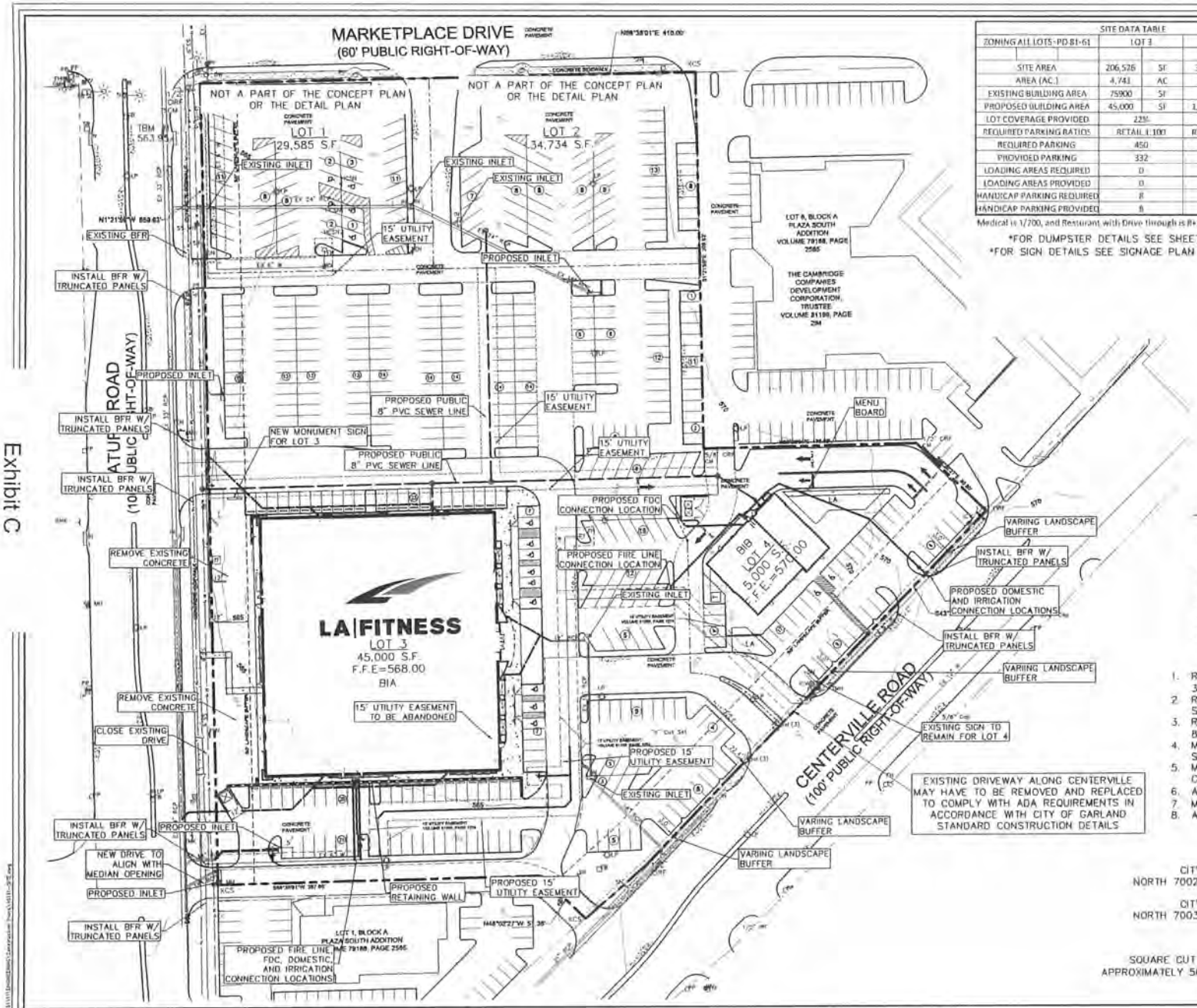
G. Landscape Buffer: The landscape buffer and buffer plantings required along both Saturn Road and Centerville Road shall be as shown on the Landscape Plan (Exhibit F).

H. Building Height: Maximum building height of the LA Fitness building shall be 45 feet. Building height for all buildings shall be in conformance with the building elevations (Exhibits D and E).

I. IH 635 Development Standards: The site shall comply with all regulations found in the IH 635 Development Standards Ordinance 5565 unless otherwise noted in these PD conditions.

EXHIBIT B

Exhibit C



SITE DATA TABLE				
ZONING ALL LOTS-PD 81-61	LOT 3		LOT 4	
SITE AREA	206,526	SF	36,683	SF
AREA (AC.)	4.741	AC	0.842	AC
EXISTING BUILDING AREA	75900	SF	0	SF
PROPOSED BUILDING AREA	45,000	SF	1,800 SF	3,200 SF
LOT COVERAGE PROVIDED	22%		34%	
REQUIRED PARKING RATIOS	RETAIL 1:100		REST DR-THU/MEDICAL	
REQUIRED PARKING	450		20	16
PROVIDED PARKING	332		36	
LOADING AREAS REQUIRED	0		0	
LOADING AREAS PROVIDED	0		0	
HANDICAP PARKING REQUIRED	8		2	
HANDICAP PARKING PROVIDED	8		2	

Medical is 1/200, and Restaurant with Drive through is 8+1/50 seated area

*FOR DUMPSTER DETAILS SEE SHEET A202
*FOR SIGN DETAILS SEE SIGNAGE PLAN ATTACHED

N

SCALE 1:40

VICINITY MAP
NOT TO SCALE

LEGEND

PP	Power Pole	IRF	Iron Rod Found
GW	Guy Wire	IRS	Iron Rod Set
MH	Manhole	SS	Sanitary Sewer
WV	Water Valve	SW	Storm Sewer
TP	Telephone Pedestal	TF	Transformer
WM	Water Meter	GM	Gas Meter
FH	Fire Hydrant	GMK	Gas Marker
LP	Light Pole	TSN	Traffic Sign
IV	Irrigation Valve	UGC	Underground Cable Marker
CO	Clean Out	LA	Landscape Area
AC	Air Conditioner	IN	Storm Inlet
TV	Cable Box	BFR	Barrier Free Ramp
SB	Signal Box		
SP	Signal Pole		
SN	Sign		

VARIANCES REQUIRED

1. REDUCE REQUIRED LANDSCAPE BUFFERS FROM 30' TO DIMENSIONS SHOWN ON ALL STREETS
2. REDUCE REQUIRED DRIVEWAY THROAT DEPTH AS SHOWN
3. REDUCE MINIMUM ISLAND END CAP WIDTH FROM 8' TO THOSE SHOWN
4. MODIFY REQUIRED DRIVEWAY SPACING ON SATURN AS SHOWN
5. MODIFY REQUIRED DRIVEWAY SPACING ON CENTERVILLE AS SHOWN.
6. ALLOW MARKETPLACE DRIVE ROW TO REMAIN 60'
7. MAX BUILDING HEIGHT ON LOT 3 TO BE 45'
8. APPROVE PARKING PROVIDED AS SHOWN

BENCHMARKS

CITY OF GARLAND GPS MONUMENT #38
NORTH 7002959.02 EAST 2534690.61 ELEVATION 569.23

CITY OF GARLAND GPS MONUMENT #39
NORTH 7003762.01 EAST 2538207.25 ELEVATION 548.27

TBM #1

SQUARE CUT IN CURB INLET EAST SIDE OF SATURN ROAD APPROXIMATELY 50'± SOUTH OF PLAZA DRIVE. ELEVATION = 563.95

No.	DATE	REVISION	APPROV
3.	5-2-12	DELETE MON SIGN ALONG CENTERVILLE RD.	MCB
2.	4-27-12	CITY COMMENTS	MCB
1.	4-02-12	CITY COMMENTS	MCB

THESE CONSTRUCTION PLANS WERE PREPARED UNDER THE SUPERVISION OF MARK C. BONILLA-NICHOLS TX REGISTERED PROFESSIONAL ENGINEER NO. 110106

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MARK C. BONILLA-NICHOLS P.E. #110106

STATE OF TEXAS
MARK C. BONILLA-NICHOLS
110106
LICENSED
PROFESSIONAL ENGINEER
01-30-2012

BENJAMIN F. DAVIS SURVEY, ABSTRACT NO. 413
CITY OF GARLAND
DALLAS COUNTY, TEXAS

PROVIDENT REALTY ADVISORS
5400 LBJ FRWY, 975 ONE LINCOLN CENTER
DALLAS, TEXAS 75240

Winkelmann & Associates, Inc.
ENGINEERING DEVELOPMENT CONSULTANTS
2000 NORTH MIDDLE DRIVE
PEARL STREET, SUITE 100
GARLAND, TEXAS 75040
(972) 495-7500 FAX

FOR REVIEW ONLY

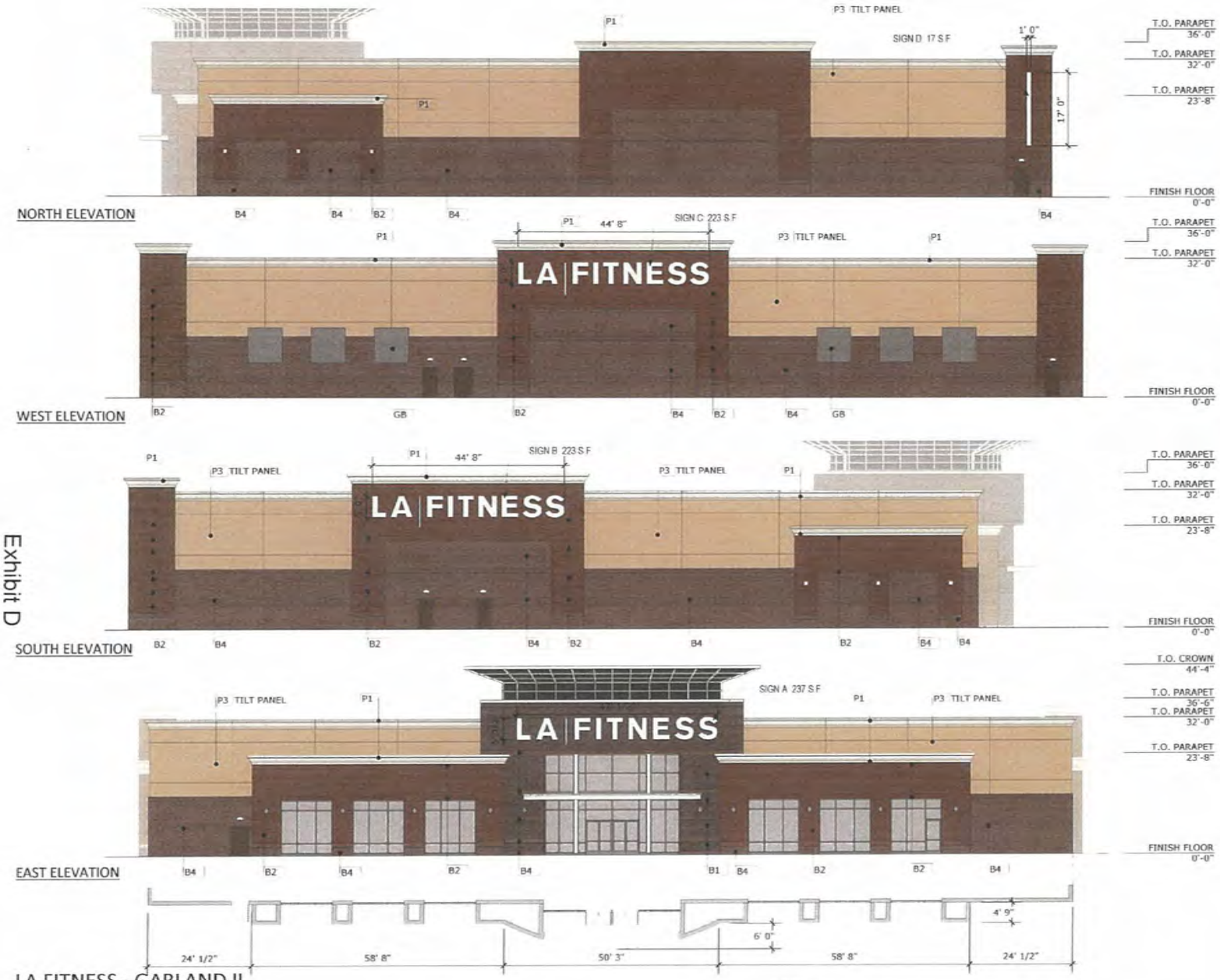
SITE PLAN
PLAZA SOUTH ADDITION
GARLAND, TEXAS

Scale: 1:40
Date: 03-14-12
File: 45111-SITE.DWG
Project No.: 45111

SHEET
C-3

110929-2

Exhibit D



LA FITNESS - GARLAND II
1201 W. CENTERVILLE ROAD
GARLAND, TEXAS

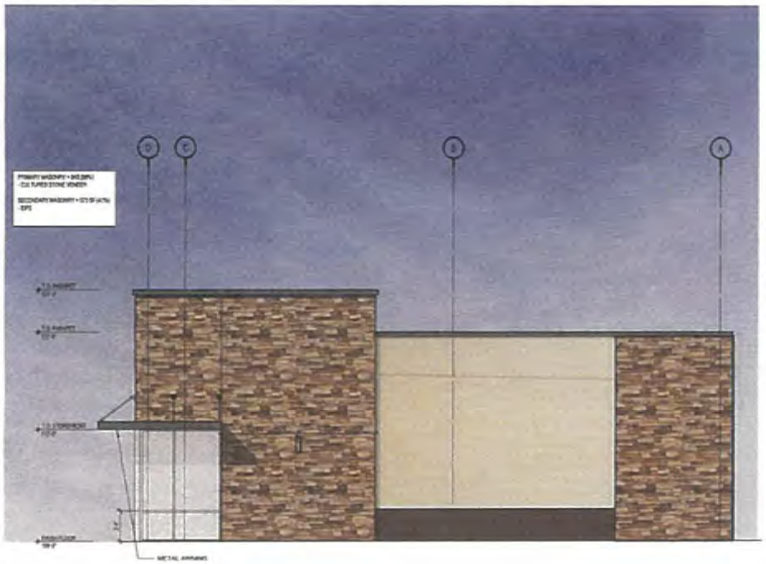
5-2-2012
NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.
ROBERT R. HOLTON #14938

HEIGHTS VENTURE ARCHITECTS, LLP

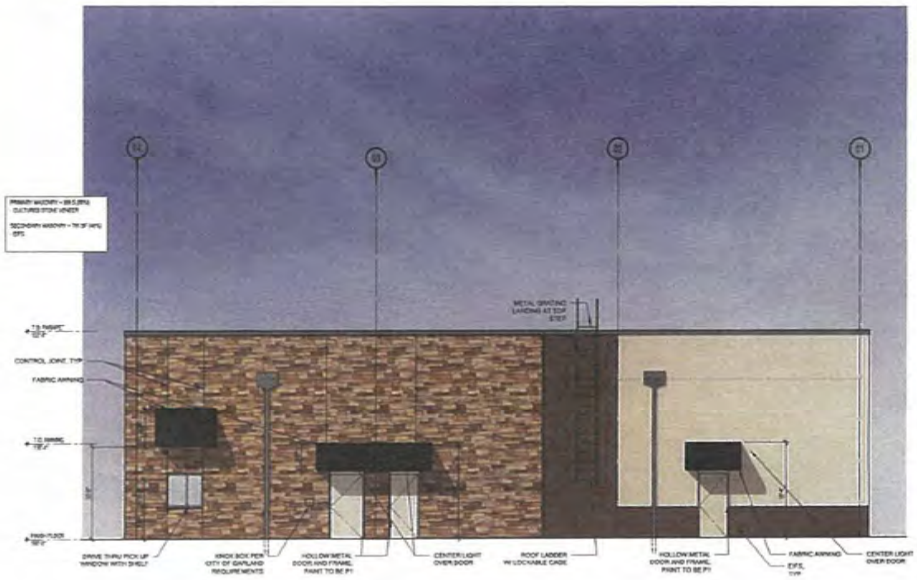
EXHIBIT E

FINISH SCHEDULE

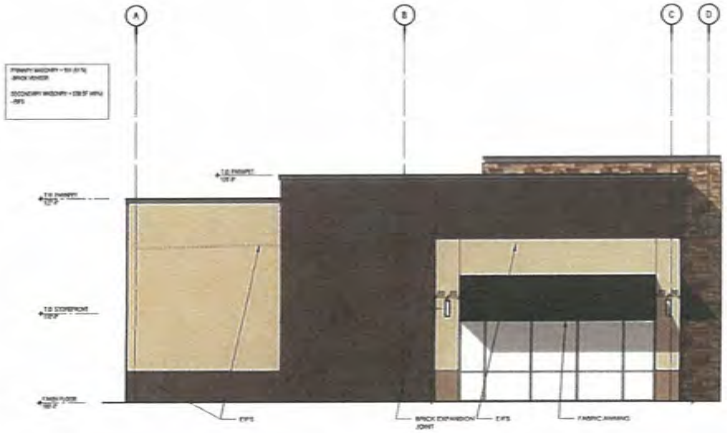
- BRICK - HANSON V180
- STONE - BOULDER CREEK S6170-5 SOUTHEASTERN LEDGESTONE ALLEGHENY
- EIFS PAINT COLOR: SHERMAN WILLIAMS DIVERSE BEIGE LRV
- EIFS PAINT COLOR: DARK BEIGE LRV
- SUNBRELLA AWNING - COLOR CHARCOAL GREY
- STANDING SEAM AWNING



04 NORTH-EAST ELEVATION



03 NORTH-WEST ELEVATION



02 SOUTH-WEST ELEVATION

01 SOUTH-EAST ELEVATION

Good Fulton & Farrell Architects
2808 Fairmount Street
Suite 300
Dallas, Texas 75201
214.303.1500/Tel
214.303.1512/Fax
www.gff.com

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MARKETPLACE EAST
1201 WEST CENTERVILLE ROAD
GARLAND, TEXAS 75401

ISSUE FOR PERMIT AND CONSTRUCTION

No.	Date	Item

REVISIONS

Drawn
Checked
Approved

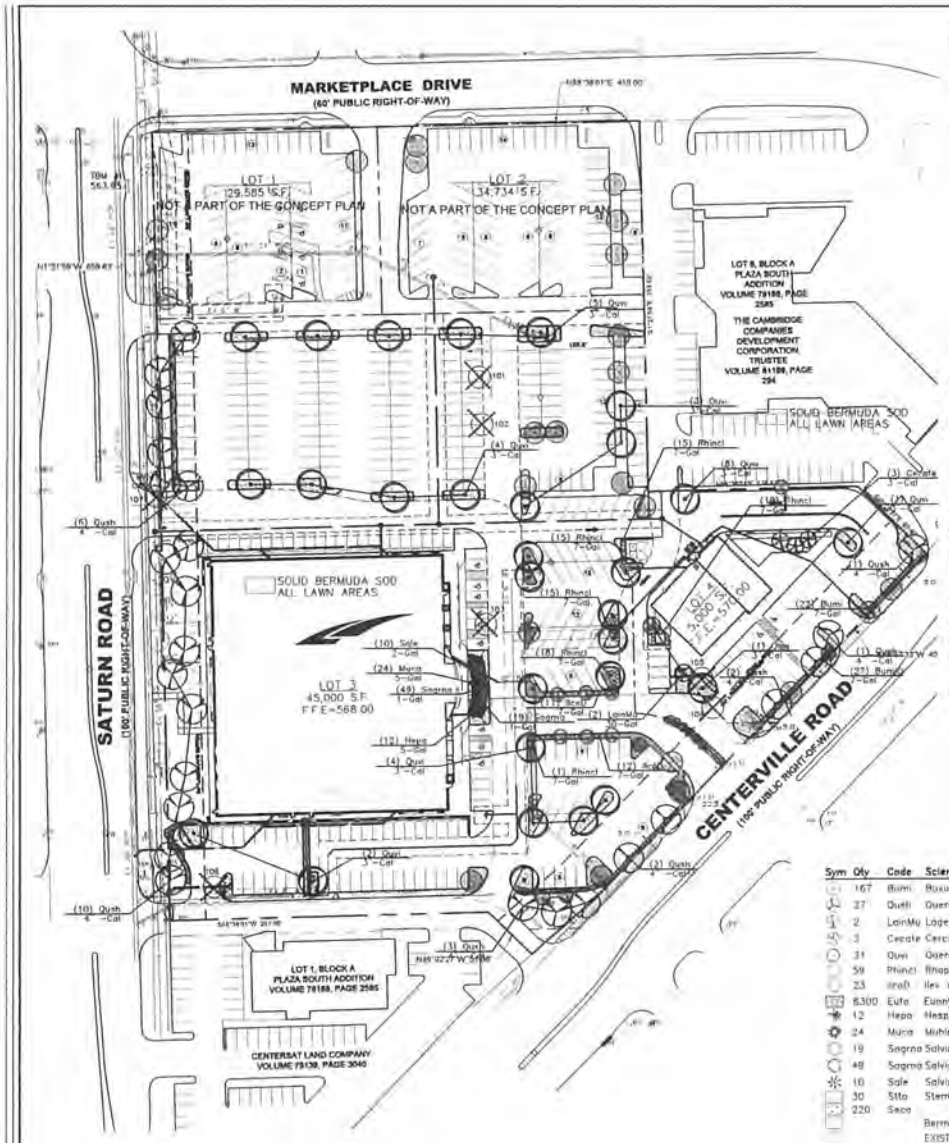
ELEVATIONS

DRAWING PER CITY OF GARLAND REQUEST, NOT FOR CONSTRUCT

Project No.	12005.00
Date	04.06.2012
Last Revision	

A2.01

Exhibit F



REFERENCE SHEET L-2 FOR NOTES AND DETAILS

GARLAND LANDSCAPE CALCULATIONS – LOT 3, LA FITNESS

LANDSCAPE BUFFER @ CENTERVILLE RD – TYPE B	
REQUIRED 30' LANDSCAPE BUFFER 1 SHUMARD OAK (4" CAL.) PER 30 LF TOTAL LF = 230 LF/30 LF = 8 TREES REQUIRED LANDSCAPE BUFFER = 6,900 SF	PROVIDED 5 (4" CAL.) SHUMARD RED OAK + 3 EXISTING CANOPY VARIANCE REQUESTED LANDSCAPE BUFFER PROVIDED = 3,350 SF VARIANCE REQUESTED
LANDSCAPE BUFFER @ SATURN RD – TYPE C	
REQUIRED 35' LANDSCAPE BUFFER 1 SHUMARD OAK (4" CAL.) PER 30 LF TOTAL LF = 505 LF/30 LF = 17 TREES REQUIRED LANDSCAPE BUFFER = 15,000 SF	PROVIDED 17 (4" CAL.) SHUMARD RED OAK LANDSCAPE BUFFER PROVIDED = 9,824 SF VARIANCE REQUESTED
PARKING LOT SCREENING	
REQUIRED – CENTERVILLE ROAD 24" MINIMUM HEIGHT SCREEN OF ALL PARKING LOTS	PROVIDED 24" EVERGREEN SCREEN
REQUIRED – SATURN ROAD 24" MINIMUM HEIGHT SCREEN OF ALL PARKING LOTS	PROVIDED 24" EVERGREEN SCREEN
INTERIOR PARKING LOTS	
TOTAL PARKING LOT AREA = 114,950 SF REQUIRED LANDSCAPE AREA = 5,748 SF (5% OF TOTAL PARKING LOT)	PROVIDED 8,293 SF LANDSCAPE AREA
REQUIRED 50% OF REQUIRED LANDSCAPE TO BE PLANTED IN SHRUBS/GROUNDCOVER 9,083 x .5 = 2,874 SF	PROVIDED 5,570 SF GROUNDCOVER
TOTAL PARKING SPACES = 332 FOR EVERY 10 SPACES = 1 LARGE AND/OR 3 SMALL 332/10 = 34 TREES	PROVIDED EXISTING 10 TREES + 10 (3) SMALL TREES NEW - 25 (3" CAL.) TREES
MIN. 50% OF TREES TO BE PRIMARY LARGE CANOPY TREES = 17 LIVE OAKS	PROVIDED 23 NEW LIVE OAKS + 10 EXISTING LIVE OAKS
SITE LANDSCAPING	
TOTAL SITE = 205,203 SF REQUIRED LANDSCAPE AREA = 20,521 SF (10% OF TOTAL SITE)	PROVIDED 33,125 SF LANDSCAPE AREA

GARLAND LANDSCAPE CALCULATIONS – LOT 4, STARBUCKS

LANDSCAPE BUFFER @ CENTERVILLE RD – TYPE B	
REQUIRED 30' LANDSCAPE BUFFER 1 SHUMARD OAK (4" CAL.) PER 30 LF TOTAL LF = 245 LF/30 LF = 8 TREES REQUIRED LANDSCAPE BUFFER = 7,350 SF	PROVIDED 4 (4" CAL.) SHUMARD RED OAK + 3 EXISTING CANOPY VARIANCE REQUESTED LANDSCAPE BUFFER PROVIDED = 1,550 SF VARIANCE REQUESTED
PARKING LOT SCREENING	
REQUIRED – CENTERVILLE ROAD 24" MINIMUM HEIGHT SCREEN OF ALL PARKING LOTS	PROVIDED 24" EVERGREEN SCREEN
INTERIOR PARKING LOTS	
TOTAL PARKING LOT AREA = 11,157 SF REQUIRED LANDSCAPE AREA = 1,116 SF (15% OF TOTAL PARKING LOT)	PROVIDED 2,345 SF LANDSCAPE AREA
REQUIRED 50% OF REQUIRED LANDSCAPE TO BE PLANTED IN SHRUBS/GROUNDCOVER 1,116 X .5 = 558 SF	PROVIDED 915 SF GROUNDCOVER
TOTAL PARKING SPACES = 36 FOR EVERY 10 SPACES = 1 LARGE AND/OR 3 SMALL 36/10 = 4 TREES	PROVIDED EXISTING 3 (1) SMALL TREES NEW - 2 (3" CAL.) TREES 3 (1) SMALL TREES
MIN. 50% OF TREES TO BE PRIMARY LARGE CANOPY TREES = 2 LIVE OAKS	PROVIDED 2 NEW LIVE OAKS
SITE LANDSCAPING	
TOTAL SITE = 37,572 SF REQUIRED LANDSCAPE AREA = 3,758 SF (10% OF TOTAL SITE)	PROVIDED 4,600 SF LANDSCAPE AREA

NOTES:
AT THE TIME OF PERMITTING, A FULLY AUTOMATIC IRRIGATION SYSTEM DESIGNED BY LICENSED IRRIGATOR WILL BE PROVIDED. IRRIGATION SYSTEM SHALL COMPLY TO ALL CODES AND ORDINANCES

PLANT LIST

Sym	Qty	Code	Scientific Name	Common Name	Planting Size	Comments
	167	Buma	Buxus microphylla japonica	Japanese boxwood	7-Gal	36" O.C., Min 24" Ht
	27	Qush	Quercus shumardii	Shumard oak	4" -Cal	B & B
	2	LainMu	Lagerstroemia indica 'Muskogee'	'Muskogee' crape myrtle	30-Gal	3 or 5 Canes
	3	Cecate	Cercis canadensis 'Texensis'	Texas redbud	3"-Cal	B & B
	31	Quvi	Quercus virginiana	Southern live oak	3"-Cal	B & B
	59	Rhinci	Rhapiolepsis indica 'Clara'	Indian hawthorn 'Clara'	7-Gal	36" O.C.
	23	IlexD	Ilex cornuta 'Dwarf Burford'	Dwarf Burford holly	7-Gal	36" O.C.
	8,300	Eufo	Euonymus fortunei colorata	Purple wintercreeper	4" pot	12" O.C.
	12	Hepa	Hesperaloe parviflora	Red yucca	5-Gal	48" O.C.
	24	Muca	Muhlenbergia capillaris	Gulf muhly	5-Gal	36" O.C.
	19	Sagra	Salvia greggii 'Navajo Dark Purple'	Navajo Dark Purple autumn sage	1-Gal	24" O.C.
	48	Sagra	Salvia greggii 'Navajo White'	Navajo White autumn sage	1-Gal	24" O.C.
	10	Sale	Salvia leucantha	Mexican sage	2-Gal	36" O.C.
	30	Stta	Stemodia tomentosa	Woolly stemodia	4" pots	24" O.C.
	220	Seco		Seasonal color	4" pots	12" O.C.
			Bermuda sod			
			EXISTING CANOPY TREE – NOT ON PROPERTY			
			EXISTING CANOPY TREE			
			EXISTING ORNAMENTAL TREE			
			EXISTING SHRUBS			

VICINITY MAP
NOT TO SCALE

N

0 25 50' 100
Scale 1:50

1656 DENOTES TREE TO BE REMOVED

1657 DENOTES TREE TO BE PRESERVED

LOCATION OF PROTECTIVE FENCE

NO.	CALIPER	SPECIES	STATUS
101	8"	SWEETGUM	REMOVE
102	6"	SWEETGUM	REMOVE
103	9"	SWEETGUM	REMOVE
104	11"	SWEETGUM	REMOVE
105	12"	OAK	REMOVE
106	12"	OAK	REMOVE
108	17"	OAK	REMOVE

TREE MITIGATION NOTES:
1 75" REQUIRED MITIGATION
2 242" PRESERVED
3 27 X 4" NEW TREES = 108"
4 31 X 3" = 93"
5 201" TOTAL ADDED

NOTE:
NO LANDSCAPE PLANTINGS WITHIN 18" OF PARKING LOT CURBS WHEN POSSIBLE.

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. SOD TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS.

CAUTION!
BEFORE YOU DIG...

DFL Group, LLC
PARKS + OPEN SPACE PLANNING • LANDSCAPE ARCHITECTURE

TEXAS LANDSCAPE ARCHITECT REGISTRATION BOARD
STATE OF TEXAS
03/30/12

No.	DATE	REVISION	APPROV

Winkelmann & Associates, Inc.

BENJAMIN F. DAVIS SURVEY, ABSTRACT NO. 413
CITY OF GARLAND
DALLAS COUNTY, TEXAS
PROVIDENT REALTY ADVISORS
5400 LBJ FRWY., 975 ONE LINCOLN CENTER
DALLAS, TEXAS 75240

LANDSCAPE PLAN
LOTS 3 AND 4, BLOCK A
PLAZA SOUTH ADDITION

Date: 03.08.12
Scale: 1:50
File: 45111-LAN
Project No.: 45111

SHEET
L-1

G:\45111\ENGINEERING\Construction Plans\45111-LAN.dwg

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 12-19 – Columbus Realty Partners Ltd.

Recommendation/Action Requested and Justification
Consider adoption of the attached ordinance.

Submitted By:	**Approved By:**
Neil Montgomery **Senior Managing Director of Development Services**	**William E. Dollar** **City Manager**

FILE NO. 12-19

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AMENDMENTS TO THE PLANNED DEVELOPMENT CONDITIONS AND APPROVAL OF A DETAIL PLAN ON A 3.998 ACRE TRACT OF LAND ZONED IN PLANNED DEVELOPMENT (PD) DISTRICT 02-25 FOR FREEWAY USES, LOCATED SOUTH OF FIREWHEEL PARKWAY AND EAST OF LAVON DRIVE; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 23rd day of April, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning amendments, variances, and detail plan made by **Columbus Realty Partners, Ltd.;** and,

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving amendments to the Planned Development District conditions, variances and a Detail Plan for Multi-Family Uses on a 3.998 acre tract of land zoned Planned Development (PD) District for Freeway Uses located south of Firewheel Parkway and east of Lavon Drive, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

Ordinance No. 4647, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 4.

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

FILE NO. 12-19

Section 5.

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

PASSED AND APPROVED this_____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 12-19

Being a 3.998-acre tract of land identified as Lot 1R, Block 8 and Lot 2R, Block 1 of Firewheel Center Addition, an addition to the City of Garland, Dallas County, Texas as recorded in Volume 2003247, Page 355, of the Deed Records of Dallas County, Texas. The property is located south of Firewheel Parkway and east of Horseshoe Drive.

PLANNED DEVELOPMENT REQUIREMENTS

File 12-19

I. **Statement of Purpose:** The purpose of this Planned Development District is to permit a multifamily development in conjunction with the Firewheel Town Center regional shopping mall and complementary peripheral development, subject to approval of a Detail Plan with conditions consistent with this ordinance.

II. **Development Design Intent:** The intent in the design is to create a mixed use development containing multifamily uses in conjunction with the existing regional destination shopping, dining, and entertainment center. The design intent of the mixed use development and town center as a whole is as follows.

A. An open-air, town center atmosphere at the core of the development will create a unique, pedestrian-oriented, mixed-use style of development that will set it apart from other shopping centers in the area.

B. The core of the development will feature pedestrian-friendly sidewalks, convenient parking, and carefully placed public areas such as courtyards and plazas that are capable of serving as gathering spots and display areas.

C. The core of the development will be linked through clearly legible vehicular and landscaped pedestrian pathways that connect to peripheral development within the district and are carefully integrated into the existing transportation systems and the surrounding environment.

D. The relationships between the pedestrian-oriented core, town-center and peripheral buildings, interconnected street and pathway systems, and surrounding community will be carefully planned and easily legible.

E. There will be a unifying architectural theme with respect to massing, façade details, materials and roof details, as well as language of design elements that will apply to all development within the District.

F. Convenient parking at the front of stores along the pedestrian-oriented, main-street area and elsewhere throughout the development will be landscaped and designed so as not to dominate the development, with comfortable and continuous pedestrian pathways connecting to all buildings and community gathering places within the development.

G. Landscaping within the development shall create and shape comfortable public spaces and traffic circulation patterns, but never to act as a barrier to pedestrian connections.

III. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to the adoption of this ordinance, except as specifically provided herein.

EXHIBIT B

IV. General Regulations: All regulations of the FW (Freeway) District as set forth in Sections 31 and 46 of the Comprehensive Zoning Ordinance, Ordinance No. 4647, are included by reference and shall apply except as otherwise specified in this ordinance.

V. Development Plans:

A. Detail Plan: Development shall be in conformance with the Detail Plan (Exhibit C) set forth by these requirements (File 12-19), including all attachments referenced herein.

B. The Director of Planning shall have authority to review models, mockups, paint and finish colors, and materials selection for the entire development prior to, during construction, and after completion, and require changes as necessary and appropriate.

VI. Development Design Principles and Guidelines:

A. Design Principles

1. Mixed-Use: The town center district shall provide a mixed-use development containing multifamily, retail, and restaurant uses to accompany the variety of shopping, dining, entertainment, and other commercial functions of the town center development. Uses within the town center development should be compatible and complementary with one another in scale and relationship to the street. Uses that serve both community and regional demand may be established. Uses may change within a building both horizontally and vertically.

2. Public Space: The streets are the most important public space within the development and the building massing and orientation shall reinforce and enhance the streetscape by creating quality public spaces and pedestrian corridors.

3. Street Walls/Facades: To achieve a quality public space, the buildings along a street shall compose a suitable street wall. Building facades shall be articulated to create a human scale and provide visual interest. A distinction between ground floors and upper floors shall be established. The street façade shall be permeable, with accessible pedestrian paths into and through buildings, providing access from the Main Street Area and any other parking areas.

4. Street Aesthetics: The Main Street Area of the town center development should be recognized as the primary public space. Its design and appearance shall reflect the importance of this space through the use of materials, street trees, lighting, signs and information systems, landscaping, furnishings, furniture and parking.

5. Street Pattern: The street pattern shall be highly connected within the development and to the surrounding street pattern. Continuous, clearly legible, vehicular and pedestrian pathways shall

be established from the perimeter to the core of the district. Buildings, plazas, squares, traffic calming devices and other landmarks shall be used to provide legibility and character to the street pattern within the District.

6. Parking Areas: Parking areas shall be designed to mitigate conflicts with adjacent streets, to manage traffic circulation into and throughout the parking area, to avoid large expanses of pavement, and to provide safe and comfortable pedestrian pathways through and around parking areas. Internal circulation shall be well defined. Large parking areas shall provide adequate pedestrian circulation within the site.

B. Design Guidelines

1. Building Design:

- There shall be a unified architectural theme used for all buildings within the Core Building Area of the town center development.
- Buildings in the peripheral development area of the town center shall be architecturally compatible with the theme of the Core Building Area.
- Buildings shall incorporate "four sided" architectural designs.
- Blank walls shall be avoided within the District.

2. Building Orientation:

- Buildings shall create coherent and well shaped public space next to it.
- Buildings shall also be placed to shield large parking areas from interior streets.
- Entries of buildings shall be directly connected to the street and large parking areas.

3. Building Materials:

- Exterior building materials and colors must be aesthetically pleasing and in keeping with a unified architectural theme within the District.
- Buildings shall be constructed of durable and long lasting materials.

4. Building Height and Roof Line:

- Building height and roof lines shall be in keeping with a unified architectural theme within the District.

- Roof lines shall be variable in terms of shape, pitch, materials, and height in order to avoid long expanses of flat, similar roof lines.

5. Building Lines and Set Backs:

   - Buildings shall be placed to create well-shaped pedestrian spaces and a sense of continuity and unity along a street.

6. Public Spaces:

   - Public spaces shall be well designed and prominently located in close proximity to buildings within the District.
   - Public spaces shall be designed for the comfort of pedestrians.
   - Public spaces may be designed as terminal views for streets and pedestrian pathways.

7. View Corridors:

   - Buildings and streets shall be designed so that views are maintained of landmarks and distinctive buildings in the District from adjoining perimeter roads.

8. Parking Areas:

   - Parking areas shall be subdivided so as to avoid large expanses of pavement.
   - Parking areas shall be provided with direct pedestrian connections to buildings and streets.
   - Parking areas shall be attractively landscaped.

9. Paving Materials:

   - Paved surfaces shall be constructed of durable and long lasting materials.
   - Paving materials shall be in keeping with a unified architectural theme within the District.
   - Paving shall be articulated through changes in surface materials.

10. Street Trees:

    - Street trees shall be placed to provide comfortable pedestrian pathways and to help define streets and other vehicular pathways.
    - Street trees shall be a type that provides height and shade.

EXHIBIT B

11. Pedestrian Pathways:

- Sidewalks, pedestrian and other pathways shall be comfortable, continuous, connected and wide enough to allow pedestrian passage between street amenities and building face.

12. Screening:

- Screening of loading and docking facilities, trash receptacles, outdoor storage areas and other accessory uses shall be done in keeping with a unified architectural theme within the District.

13. Landscaping:

- Landscaping within the District is an important element in the unified design theme of the district.
- Landscaping shall be used to manage and guide vehicles and pedestrians and to create aesthetically pleasing public spaces.

14. Lighting:

- Parking lot lighting shall be designed and placed to provide safety and comfort while preventing the upward diffusion of light.
- The specifications of light fixture shall be uniform in streets and parking areas and compatible with the architectural theme of the District.
- The use of accent lighting is encouraged on all buildings and amenities

15. Signs:

- Signs within the District are an important element in the unified design theme of the District.
- Signs shall be designed so as to safely and effectively direct the movement of vehicles and pedestrians within the District.
- Signs shall be designed and placed within the District to provide a minimum disruption of views into and within the District.

VII. Specific Regulations:

A. Permitted Uses: Only the following uses shall be permitted:

Multi-Family Dwelling
Ancillary uses to the multi-family dwelling, including but not limited to: parking structures, leasing office, amenity spaces, swimming pools, and related outdoor areas.

EXHIBIT B

B. Multi-Family Component

1. The proposed multi-family development shall be permitted no more than 282 residential units at a maximum density of 71 units per acre. No more than 32 of the units shall be efficiency units.

   The one-bedroom apartments shall be a minimum of 600 square feet. The two-bedroom apartments shall be a minimum of 1,050 square feet. The efficiency units shall be a minimum of 495 square feet. All units shall be apartments for rent.

2. The minimum roof pitch ratio shall be 4:12.

3. The maximum height of the multi-family buildings shall be 65 feet from finish floor elevation.

4. The minimum required parking for the multi-family component shall be at a ratio of one (1) space per bedroom.

5. Roof mounted air conditioning equipment shall be permitted and screened accordingly with these Planned Development Conditions and SH 190 Development Standards. Roof mounted air conditioning equipment shall be on the interior slope of the courtyards, not visible from any public right-of-way or area.

6. The multifamily complex shall not be required to provide an enclosed storage facility for each dwelling unit which has direct access provided from the unit. The storage facilities that are provided shall be no less than 2,300 square feet, total, as shown on the Detail Plan. These units shall be conveniently accessible to residents.

7. Each dwelling unit shall not be required to have individual security systems; however, all entry and exit points shall be controlled access.

8. The multi-family building shall be placed at an angle of 90 degrees to all four property lines. The multi-family building shall have elevation enhancements to minimize the appearance of a long monotonous building alignment. The exterior building elevations shall be as illustrated in Exhibit E, Elevations.

C. Building Materials

1. A mixture of masonry, including brick and cast stone, as well as stucco and cementitious panels or boards, for the exterior of the structures. In total, the buildings' perimeter façade shall be no less than 45 percent masonry. Stucco, cast stone, and cementitious panels or boards will make up the remainder of the exterior. Exterior building elevations and materials are illustrated in Exhibit E, Elevations.

2. There shall be no less than two and no more than four basic materials in addition to glass used on any single building, one of which shall be masonry. The requirement regarding the maximum

number of building materials shall not apply to the store front of a building. The store front is generally defined as the primary public entrance, but can include expanses of adjacent walls that are similarly treated.

3. The use of painted block (standard or split face) is prohibited on exterior building walls and on screening walls. These provisions shall apply to any wall surface which is not screened from ground level public view.

4. If the wall of a building is screened from ground level public view, requirements regarding building materials shall not apply. If the building wall is partially screened, tilt wall construction may be permitted subject to approval of the Planning Director. The use of landscaping as a screen will be considered subject to approval of the Planning Director.

C. Building Design

1. All buildings shall have the working drawings required for a building permit prepared by an architect registered in the State of Texas.

2. All building improvements constructed within the property shall employ "four-sided architecture"; comparable materials shall be used on all exposed sides of a building and no lesser quality materials shall be used for the rear or any side of a building unless such side is screened from ground level view from a street or parking lot by another building or building wing or a screening wall of sufficient height to screen nonconforming materials.

3. All rooftop equipment shall be screened from ground level public view by locating the equipment on the interior slope of the roof, facing the internal courtyards, with screening. The equipment and screening shall not project above the roof ridge.

4. Architectural designs should incorporate the use of pilasters, quoins, projected awnings (plastic, high gloss or backlit awnings are prohibited), solid canopies, bay windows, towers or other architectural features which encourage diversity and articulation of wall surfaces; roof lines should be in keeping with the coordinated architectural theme and variable in terms of shape, pitch, materials and height, in order to avoid long expanses of flat similar roof lines.

5. No outdoor trash containers or freestanding trash container enclosures shall be permitted on the tract. All trash containers shall be contained within the parking garage structure.

6. Buildings shall incorporate lighting and changes in mass, surface, or finish to give emphasis to entrances.

7. Balconies may project over pedestrian walkways and setbacks.

8. The top floor of any building shall contain a distinctive finish, consisting of a cornice or other architectural termination, as illustrated in Exhibit E, Elevations.

EXHIBIT B

9. The back of a building may not face Firewheel Parkway unless said building is designed with four-sided architecture.

D. Building Setbacks

1. All buildings shall be setback a minimum of 30 feet from the south property line, a minimum of 20 feet from the north property line, and a minimum of 10 feet from the east and west property lines, as illustrated in the Detail Plan. The applicant requests a variance from Section 34.19 to allow for the placement of the structure within the above setbacks and as shown on the Detail Plan.

2. All other setbacks shall be as set forth in the Comprehensive Zoning Ordinance and the S.H. 190 Development Standards.

E. Signage

1. Detached signage, including but not limited to monument and pylon signs, shall not be permitted on the site. Awning and blade (projecting) signs are permitted.

2. No temporary (other than for lease/tenant announcement) or painted sign, paper sign, flag, banner or streamer shall be permitted at any time.

3. Attached signage shall be allowed on no more than three sides of a building and shall be limited to one per street frontage for the purpose of property identification.

4. Attached signage is limited to the first story only. Supplemental decorative second story (or above) signage shall not be permitted.

5. An attached sign shall have a maximum sign area of one-half times the width of the building width with a maximum area of thirty-five (35) square feet.

F. Glare and Illumination

1. The color and style of all poles and fixtures shall be uniform and compatible with the architecture of the buildings on-site and within the Town Center as a whole.

2. Lighting levels shall be a minimum maintained value of 1.5 foot-candles anywhere within paved surface areas of parking lots. The maximum maintained value anywhere within paved surface areas of parking lots shall not exceed 15 foot-candles. There shall be no minimum for areas which are not paved surfaces of parking lots. Illumination shall be uniformly distributed throughout the lighted area at a maximum-to-minimum uniformity of 5:1. Illumination from building mounted luminaries and façade floodlighting luminaries shall not be included in determining foot-candle values. Requirements only apply during hours of operation.

G. Parking and Loading Areas

1. Section 34.23 (B)(a) of the Development Standards for S.H. 190 shall not apply. Driveway design shall be as shown on the Detail Plan.

2. The required parking spaces for the multi-family use shall be regulated by the ratio of one (1) parking space per bedroom. Parking shall be provided as set forth in the Detail Plan. No less than 341 spaces shall be provided within a structured parking garage and 28 angled street spaces shall be provided.

3. Wheel stops shall not be used within this Planned Development except within handicapped parking stalls or other incidental uses.

4. The loading areas indicated on the south portion of the property shall consist of a surface loading area of concrete or other appropriate paving material, delineated by unique color, pattern, material, or design. The applicant requests a variance from the screening requirements contained in Section 34.20 of the S.H. 190 Development Standards to eliminate the requirement for screening of these loading areas.

H. Height Restrictions

1. The maximum height of shall be 65 feet from finish floor elevation.

2. Private yards located along Firewheel Parkway may be enclosed with decorative metal fencing not to exceed five feet (5') in height.

I. Paving Materials

1. The parking areas may be constructed with asphalt pavement.

2. Sidewalks and pedestrian crossings shall be provided as illustrated on the Detail Plan. All paving shall meet applicable city codes with regard to construction.

3. All sidewalks and pedestrian scale amenities shall be treated in a uniform manner consistent with the theme of the core of the town center throughout the property and the Town Center as a whole.

K. Lot Coverage

The maximum coverage by buildings for any lot within this development shall be 65 percent.

L. Screening and Landscaping

1. Screening and landscaping shall conform to that illustrated on the Landscaping Plan, Exhibit D. The landscape buffer along Firewheel Parkway shall be a minimum of 20 feet in width from back of curb. A public pedestrian sidewalk and private fenced yard may extend into the landscaping buffer.

2. Street tree plantings are required along the perimeter of the tract, with a staggered row of trees along Firewheel Parkway. The trees shall be placed at a maximum of fifty (50) feet on center. Street trees shall not be placed within the public right-of-way without a License Agreement. Street trees shall meet the standards for Street Trees found within the SH 190 Overlay Standards.

3. All landscape plans shall be prepared by a landscape architect licensed to practice in the State of Texas.

4. The required screening for all on-site parking areas shall be a minimum of two (2) feet in height at the time of installation and shall be maintained in a manner to ensure that the maximum height of this screening shall be no more than four (4) feet.

M. Alternative Compliance

Where unique natural features such as soil characteristics, topography, geological characteristics, water features, and significant vegetation; or peculiarly-shaped building sites; or location of existing structures and other built features on the site inhibit creative site design or pose unnecessary constraints to appropriate development as a result of strict compliance with the requirements set forth herein, the Director of Planning may approve alternative plans upon determining that such plan meets the intent of these standards and meets or exceeds a plan in strict compliance. If the Director of Planning determines that alternative compliance is not applicable, a request for an exception or variance will be handled as an amendment to the Planned Development, subject to the procedures outlined in Section 34 of the Comprehensive Zoning Ordinance.

Exhibit C

ITEM	Lot 1R, Block 8 AND Lot 2R, Block 1
GENERAL SITE DATA	
Existing Zoning	PD 02-25
Proposed Zoning	PD 12
Existing Land Use	Vacant
Proposed Land Use	Planned Development
Total Lot Area (SF and AC)	124,163 SF - 2.848 AC
Building Footprint Area (SF)	35,960 SF
Total Building Area (SF)	390,000 SF
Building Height (# stories)	65' (4)
Lot Coverage (percent X.XX%)	55.1%
Floor Area Ratio (ratio X.XX:1)	2.94 :
PARKING	
Parking Ratio (from zoning ordinance)	1.0 per Bedroom
Required Parking (# spaces)	304
Provided Garage Parking	341
Provided Surface Parking	28
Provided Parking (# spaces)	369
Accessible Parking Required (# spaces)	8
Accessible Parking Provided (# spaces)	8
OPEN SPACE AREA	
Open Space Area (Not including landscaping or turf areas)	61,893 SF
TOTAL OPEN SPACE AREA (SF)	64,897 SF = 1.49 AC
IMPERVIOUS AREA	
Building Footprint Area (SF)	35,960 SF = 0.82 AC
Area of Sidewalks, Pavement & other Impervious Flatwork (SF)	10,944 SF = 0.25 AC
TOTAL IMPERVIOUS AREA (SF)	106,904 SF
Unit	Number of Units
Efficiency	32 (MAX.)
One Bedroom	165
Two Bedroom	83
Total Number of Units	284
Net Lot Acreage (Total Acreage - Open Space) 3.998 AC - 1.49 AC = 2.51 AC	2.51 Acres
Density on Gross Site	70.3 Units per Acre

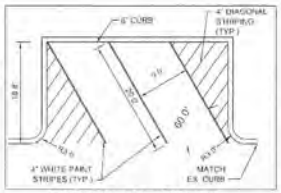
BENCH MARK LIST

BM 1: CITY OF GARLAND MONUMENT 151, 2" BRASS DISK STAMPED 151 LOCATED ON MEDIAN NOSE ON FIREWHEEL PARKWAY AT LAVON DRIVE, 175 NORTH OF FIREWHEEL PARKWAY SOUTH BOUND LANE CENTERLINE AND 81± SOUTHEAST OF LAVON DRIVE CENTERLINE.
ELEVATION

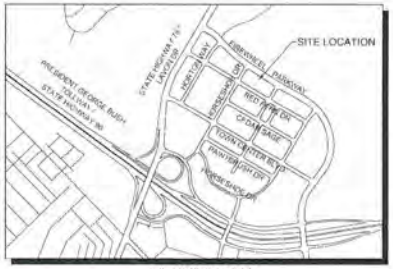
BM 2: CITY OF GARLAND MONUMENT 152, 2" BRASS DISK STAMPED 152 LOCATED IN CENTERLINE MEDIAN NOSE ON LAVON DRIVE 73± SOUTH OF THE CENTERLINE INTERSECTION OF LAVON DRIVE AND TOWN CENTER.
PUBLISHED ELEVATION 21
ACTUAL ELEVATION 57

BM 3: 1/2" SET ON SOUTHEAST CORNER OF CURB INLET AT NORTHWEST CORNER OF SUBJECT PROPERTY ON SOUTHWEST ROAD OF FIREWHEEL PARKWAY.
ELEVATION 01

BM 4: 1/2" SET ON NORTHEAST CORNER OF CURB INLET 48± NORTHWEST OF THE SOUTHEAST CORNER OF SUBJECT PROPERTY.
ELEVATION 06



TYPICAL ON-STREET PARKING
29 ON SITE PARKING SPACES



VICINITY MAP
N.T.S.

LEGEND

- EXISTING ASPHALT PAVEMENT
- EXISTING BRICK PAVEMENT
- EXISTING CONCRETE PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- TRAFFIC FLOW
- (C.M.) CONTROLLING MONUMENT
- IRSC 5/8" IRON ROD W/ "KHA" CAP SET
- IRFC IRON ROD WITH CAP FOUND
- XS "X" CUT IN CONCRETE SET
- XF "X" CUT IN CONCRETE FOUND

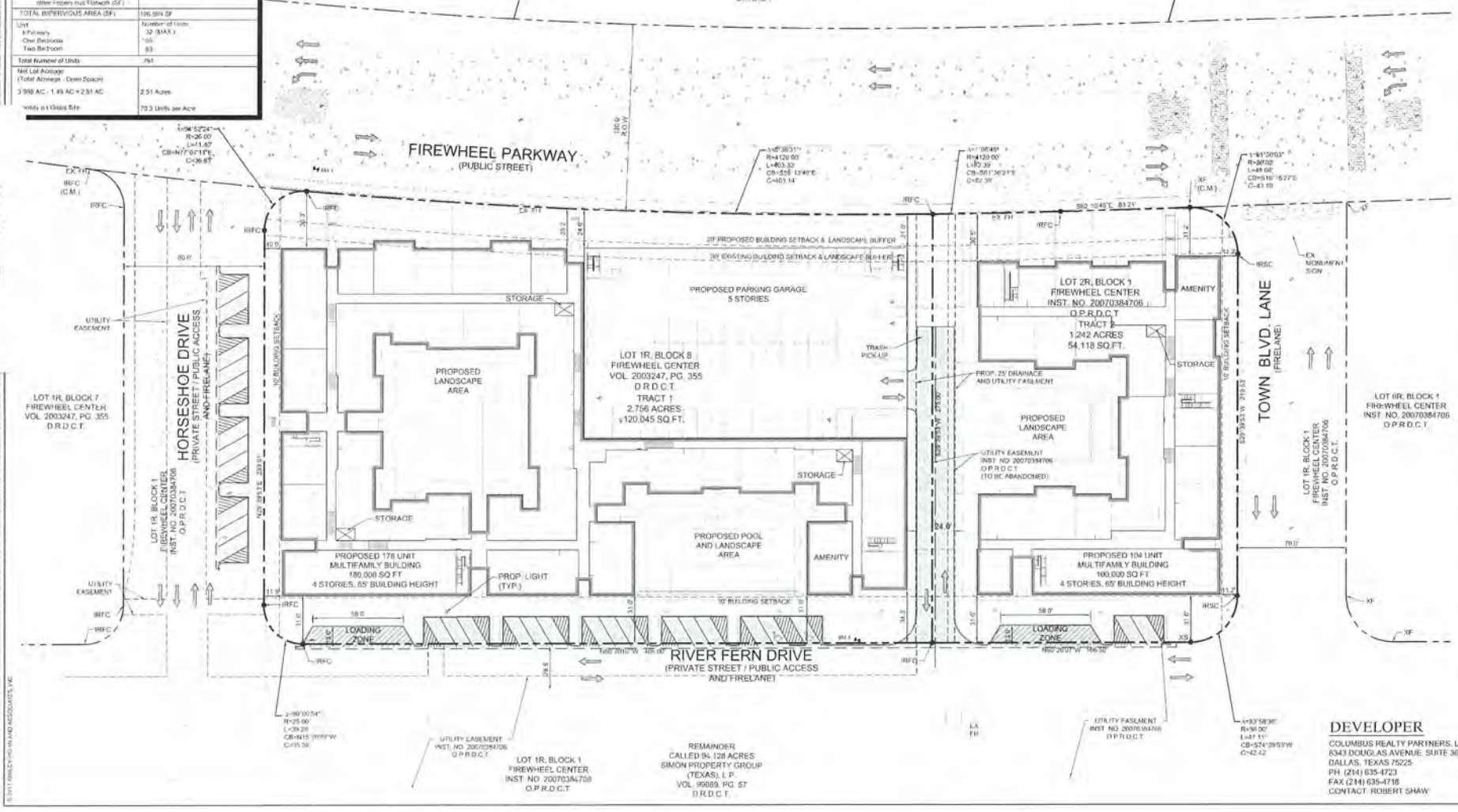
NORTH

GRAPHIC SCALE IN FEET
0 15 30 60

LOT 1, BLOCK 1
G. P. & L. BEN DAVIS ADDITION
VOL. 2003244, PG. 211
D.R.D.C.T.

25% UNDIVIDED INTEREST TO PETER W. BALDWIN
75% UNDIVIDED INTEREST TO L&S LAND COMPANY, LTD.
VOL. 99053, PG. 1338
D.R.D.C.T.

25% UNDIVIDED INTEREST TO PETER W. BALDWIN
75% UNDIVIDED INTEREST TO L&S LAND COMPANY, LTD.
VOL. 98230, PG. 5598
D.R.D.C.T.



DEVELOPER

COLUMBUS REALTY PARTNERS, LTD.
8343 DOUGLAS AVENUE, SUITE 360
DALLAS, TEXAS 75225
PH. (214) 635-4723
FAX (214) 635-4716
CONTACT: ROBERT SHAW

CASE NUMBER 120216-1

Kimley-Horn and Associates, Inc.
12200 PARK CENTRAL DRIVE, SUITE 1800, DALLAS, TEXAS
PHONE: 972-770-1300 FAX: 972-770-1332
TEXAS REGISTERED ENGINEERING FIRM F-928

No.	REVISIONS	DATE	BY

PROJECT # 064190109
DATE APRIL 19, 2012
SCALE AS SHOWN
DESIGNED BY JLP
DRAWN BY HCR
CHECKED BY DBM

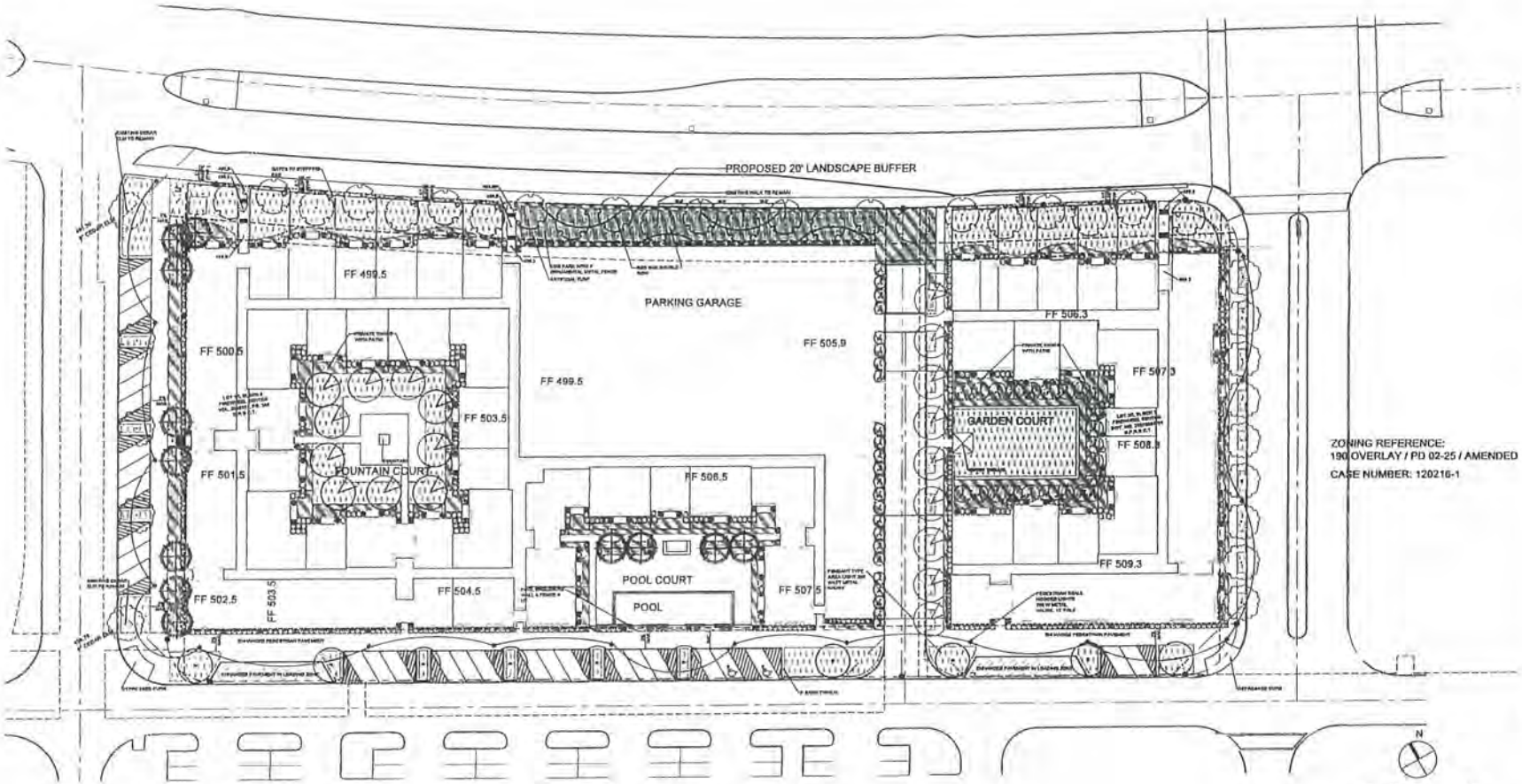
PARKSIDE AT FIREWHEEL PHASE II
CITY OF GARLAND, TEXAS
LOT 1R, BLOCK 8 & LOT 2R, BLOCK 1
FIREWHEEL CENTER

DETAIL PLAN

SHEET NUMBER
C-02

© 2011 KIMLEY-HORN AND ASSOCIATES, INC.

Exhibit D



01 LANDSCAPE ZONING PLAN

SCALE: 1 to 30

SPACE BETWEEN
Design Studio

2916 Westdale St.
Dallas, Texas 75219
P: 817-347-8226

Firewheel Phase II
Garland, Texas
Zoning Landscape Set

COLUMBUS

Project Number:	10-010
Drawn By:	
Issued for Zoning	03.28.20

Revision: Date

LANDSCAP PLAN

LP 10.00

Exhibit E-1

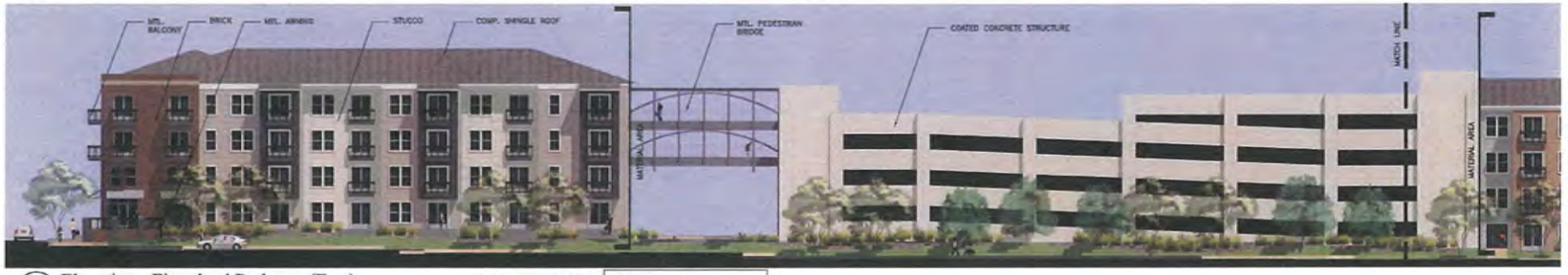
01 Elevation - River Fern Drive (West)
Scale: 1/16" = 1'-0"

MATERIAL PERCENTAGES:
MASONRY – 30%
STUCCO – 65%
CEMENTITIOUS PANEL – 5%

06 Elevation - River Fern Drive (East)
Scale: 1/16" = 1'-0"

08 Elevation - Town Blvd Lane
Scale: 1/16" = 1'-0"

MATERIAL PERCENTAGES:
MASONRY – 35%
STUCCO – 59%
CEMENTITIOUS PANEL – 6%



11 Elevation - Firewheel Parkway (East)
Scale: 1/16" = 1'-0"

MATERIAL PERCENTAGES:
MASONRY – 17%
STUCCO – 81%
CEMENTITIOUS PANEL – 2%

16 Elevation - Firewheel Parkway (West)
Scale: 1/16" = 1'-0"

MATERIAL PERCENTAGES:
MASONRY – 25%
STUCCO – 73%
CEMENTITIOUS PANEL – 2%

18 Elevation - Horseshoe Drive
Scale: 1/16" = 1'-0"

MATERIAL PERCENTAGES:
MASONRY – 92%
CEMENTITIOUS PANEL – 8%

ARCHITECTURAL ELEVATIONS

JHP

JHP Architecture / Urban Design
8340 Meadow Road Suite 150
Dallas, Texas 75231
Telephone: 214-363-5687
Fax: 214-363-9563

NOT FOR PERMIT, OR CONSTRUCTION.

J. Mark Wolf

Registered Architect of the State of Texas
Registration Number: 9129

Parkside at Firewheel Phase 2

Garland, Texas

COLUMBUS
REALTY PARTNERS, LTD.

Project Number: 2011067.00
Drawn By: JB / MD
Issued: 04.12.2012

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NOTES:

1. Material area percentage is exclusive of door, window and entry openings.
2. Masonry includes Face Brick & Cast Stone

Sheet:

A101

Exhibit E-2

FIREWHEEL PHASE II

COLUMBUS REALTY PARTNERS

RIVER FERN DRIVE - BUILDING & POOL SCREEN ELEVATION

GARLAND, TX

SPACE BETWEEN
Design Studio

APRIL 12, 2012

Exhibit E-2

01 **Bridge Height Graphic**

JHP

Parkside at Firewheel Phase 2
Garland, Texas

COLUMBUS
REALTY PARTNERS, LTD.

04.12.2012	2011067.00 JB

Copyright © JHP 2012 214.363.5687
Not for Regulatory Approval, Permit or Construction: J. Mark Wolf
Registered Architect of State of Texas, Registration No. 9129

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Zoning Ordinance

Summary of Request/Problem
Zoning Ordinance 12-20 – Barclay Construction

Recommendation/Action Requested and Justification
Consider adoption of the attached ordinance.

Submitted By:	**Approved By:**
Neil Montgomery **Senior Managing Director of Development Services**	**William E. Dollar** **City Manager**

FILE NO. 12-20

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING AMENDMENTS TO THE PLANNED DEVELOPMENT CONDITIONS AND APPROVAL OF A DETAIL PLAN ON A .8161 ACRE TRACT OF LAND ZONED IN PLANNED DEVELOPMENT (PD) DISTRICT 03-22 FOR OFFICE USES, LOCATED AT THE NORTHEAST CORNER OF JUPITER ROAD AND COLLINS BOULEVARD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 23rd day of April, 2012, the City Plan Commission did consider and make recommendations on a certain request for zoning amendments and a detail plan made by **Barclay Construction;** and,

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

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

Section 1.

Ordinance No. 4647 is hereby amended by approving amendments to the Planned Development District conditions and a Detail Plan on a .8161 acre tract of land zoned Planned Development (PD) District for Office Uses located at the northeast corner of Jupiter Road and Collins Boulevard, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2.

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

Section 3.

Ordinance No. 4647, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 4.

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

FILE NO. 12-20

Section 5.

This Ordinance shall become and be effective on and after its adoption and publication as required by law.

PASSED AND APPROVED this_____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File 12-20

Being a 35,551 square feet or a 0.816 acre tract of land situated in the D. Crumpaker Survey, Abstract No. 258, City of Garland, Dallas County, Texas, said tract being part of Lot 2, Block 1 of Heritage Square Animal Center Addition, an addition to the City of Garland, Dallas County, Texas according to the map thereof recorded in Volume 2003220, Page 149, Deed Records of Dallas County, Texas and said tract conveyed to Han Korn Scales JV deed recorded in Volume 84035, Page 1824, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for a corner at the intersection of the east line of N. Jupiter Road (a 100 foot right of way) with the north line of Collins Boulevard (a variable width right of way), said point being the southwest corner of said Lot 2;

THENCE, N 00°22'00" W, with the east line of N. Jupiter Road, a distance of 140.00 feet to a point for a corner;

THENCE, N 89°38'00" E, departing the east line of N. Jupiter Road and crossing said Lot 2, a distance of 264.80 feet to a point for a corner in the east line of said Lot 2, said point being in the west line of Lot 1, Block 1 of Springs Meadow Phase 3 as recorded in Volume 86100, Page 2553, Deed Records of Dallas County, Texas;

THENCE, the following courses and distances with the common line of said Lot 2 and Lot 1:

- S31°45'00" E, a distance of 40.36 feet to a point for a corner;
- S 27°39'00" W, a distance of 57.60 feet to a point for a corner;
- S 53°22'00" W, a distance of 45.90 feet to a point for a corner;
- S 35°21'00" W, a distance of 26.47 feet to a point for a corner in the north line of Collins Boulevard, said point being the southeast corner of said Lot 2 and the beginning of a non-tangent curve to the right with a central angle of 09°04'04", a radius of 484.16 feet, a chord bearing of S 85°06'03" W and a chord distance of 76.54 feet;

THENCE, Southwesterly, with the north line of Collins Boulevard and along said curve, an arc distance of 76.62 feet to the point of tangency;

THENCE, S 89°38'00" W, continuing with the north line of Collins Boulevard, a distance 130.00 feet to the Point of Beginning.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE 12-20

North Corner of Jupiter Road and Collins Boulevard

I. **Statement of Purpose:** The purpose of this Planned Development District is to permit a Medical Office/Clinic subject to conditions.

II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations of the Office-1 (O-1) District as set forth in Section 20 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Development Plans:**

A. Detail Plan: Development shall be in general conformance with the Detail Plan. (Exhibit C)

V. **Specific Regulations:**

A. Permitted Uses: No uses shall be permitted except for the uses listed under the Office-1 (O-1) District in Section 20 of the Comprehensive Zoning Ordinance.

B. Screening and Landscaping: Screening and landscaping shall be in general conformance with the approved landscape plan labeled Exhibit D. The landscaping shall comply with the Screening and Landscape Standards, with the exception of the landscape buffer along Jupiter Road which shall have a minimum depth of seven feet.

C. Exterior Elevations: The exterior elevations of the building shall be provided as generally shown on the exterior elevations plan. (Exhibit E).

D. Signage: The monument sign shall be provided as generally shown on the landscape plan labeled Exhibit D.

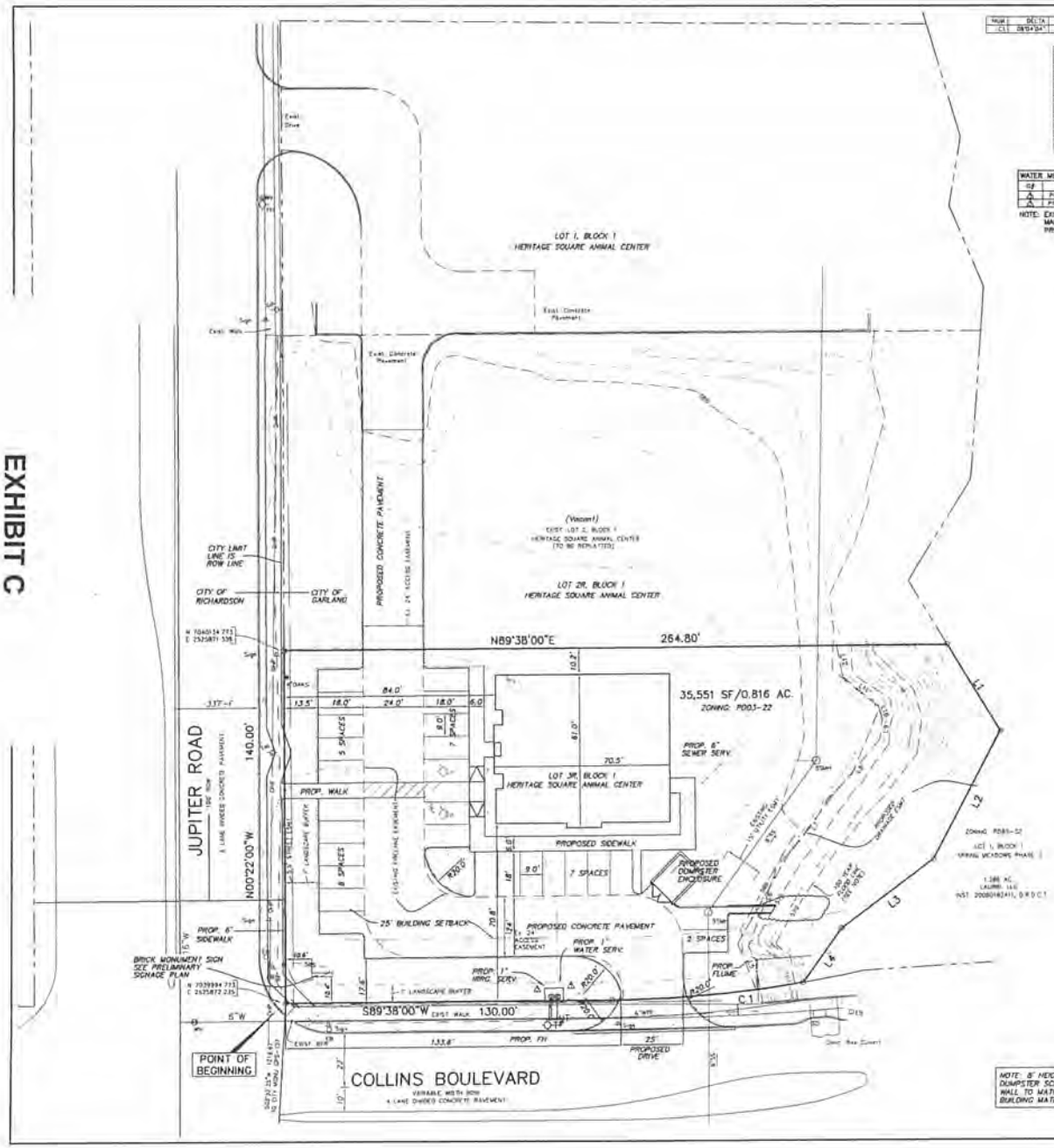
E. Screening: No screening shall be required along the east property line due to the natural vegetation along the creek accomplishing the intent of Section 6.1.1 of the Screening and Landscape Standards.

F. Pedestrian and Utility Easement: The ten-foot pedestrian and utility easement required by Section 1.3.1.1 of the Traffic Management Standards along Jupiter Road shall not be required.

G. Utilities: All utilities on site shall be underground.

EXHIBIT B

EXHIBIT C



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	09°04'04"	76.62	484.16'	N85°06'03"E	76.54'

NUM	BEARING	DISTANCE
L1	S31°45'00"E	40.36'
L2	S27°39'00"W	57.80
L3	S53°22'00"W	45.90
L4	S35°21'00"W	26.47'
L5	N21°42'34"W	19.75
L6	N29°51'06"E	41.63
L7	N37°02'13"E	28.61'
L8	N46°28'26"E	27.88
L9	N07°08'18"E	8.13
L10	N18°11'24"W	5.14'
L11	N50°37'25"W	18.89'
L12	N10°52'15"W	12.49

WATER METER & SANITARY SEWER SCHEDULE			
ID#	SIZE	NO	SANITARY SEWER
A	PROP. DOMESTIC	1"	6"
A	PROP. IRRIGATION	1"	

NOTE: EXISTING WATER AND SANITARY SEWER MAINS ARE ADEQUATELY SIZED TO PROVIDE SERVICE TO THIS PROPERTY.

SITE STATISTICS

ZONING:	"O-1 w/PD Conditions
SITE AREA:	35,551 SQ. FT. (0.816 ACRES)
BUILDING AREA (FOOTPRINT)	4,072 SQ. FT.
LOT COVERAGE: ALLOWED/PROVIDED:	—%/11.5%
FLOOR AREA RATIO	1:8.7
BUILDING HEIGHT: REQUIRED/PROVIDED:	30'/30'
LANDSCAPE AREA REQUIRED/PROVIDED:	777/19,362 SF
PROPOSED USES & PARKING REQUIREMENTS:	
MEDICAL OFFICE 4072 SQ. FT. (1 PER 200)	21 SPACES
PARKING REQUIRED:	21 SPACES
PARKING PROVIDED:	
PROVIDED – REGULAR	25 SPACES
PROVIDED – V/A HANDICAP (1 PER 25)	2 SPACES
TOTAL PROVIDED:	27 SPACES

PROJECT INFORMATION

PROJECT NAME: MEDICAL OFFICE

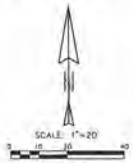
LOCATION: 5900 JUPITER ROAD
GARLAND, DALLAS COUNTY, TEXAS

OWNER: HON KORN SCALES JV
ROD SCALES G.P.
7625 CARTA VALLEY DR.
DALAS, TEXAS 75248
972-233-6054

CIVIL ENGINEER: KADLECK & ASSOCIATES
2000 N. CENTRAL EXPY. SUITE 113
PLANO, TEXAS 75074
(972) 881-0771

ARCHITECT:

VICINITY MAP



LEGEND

AC	Air Conditioner
FIR	Found Iron Rod
W	Water
FH	Fire Hydrant
WM	Water Meter
WV	Water Valve
SS	Sanitary Sewer
MH	Manhole
TSL	Traffic Signal Light
FB	Electric Box
--580--	Existing Contour
--600--	Proposed Contour

LEGAL DESCRIPTION

Being a 35,551 square feet or a 0.816 acre tract of land situated in the G. Crumpaker Survey, Abstract No.258, City of Garland, Dallas County, Texas, said tract being part of Lot 2, Block 1 of Heritage Square Animal Center Addition, an addition to the City of Garland, Dallas County, Texas according to the map thereof recorded in Volume 2003220, Page 149, Deed Records of Dallas County, Texas and said tract conveyed to Hon Korn Scales JV deed recorded in Volume 84035, Page 1824, Deed Records of Dallas County, Texas, and being more particularly described as follows:

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- S 27°39'00" W, a distance of 57.80 feet to a point for a corner;
- S 53°22'00" W, a distance of 45.90 feet to a point for a corner;
- S 35°21'00" W, a distance of 26.47 feet to a point for a corner in the north line of Collins Boulevard, said point being the southeast corner of said Lot 2 and the beginning of a non-tangent curve to the right with a central angle of 09°04'04", a radius of 484.16 feet, a chord bearing of S 85°06'03" W and a chord distance of 76.54 feet;

THENCE, Southwestwly, with the north line of Collins Boulevard and along said curve, an arc distance of 76.62 feet to the point of tangency;

THENCE, S 89°38'00" W, continuing with the north line of Collins Boulevard, a distance 130.00 feet to the Point of Beginning.

BM: CITY GPS MONUMENT 107, BRASS DISK STAMPED 107 LOCATED ON BACK OF CURB OF MEDIAN ON JUPITER ROAD APPROX. 68 FEET SOUTH OF THE CENTERLINE OF JUPITER AND CASTLE ROCK INTERSECTION & APPROX. 20 FEET EAST OF CENTERLINE OF SOUTHBOUND JUPITER ROAD.

ELEVATION 592.63

NOTE: 8' HEIGHT DUMPSTER SCREENING WALL TO MATCH BUILDING MATERIAL.

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF L. Lynn Kadleck, P.E. 47258 Date: April 9, 2012

PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
2000 N. CENTRAL EXPY. SUITE 113
(972) 881-0771 PLANO, TX 75074
TBPE Reg. No. F-4480/TBPLS Reg. No. 10055-06

CASE NUMBER: 120301-01

SITE PLAN

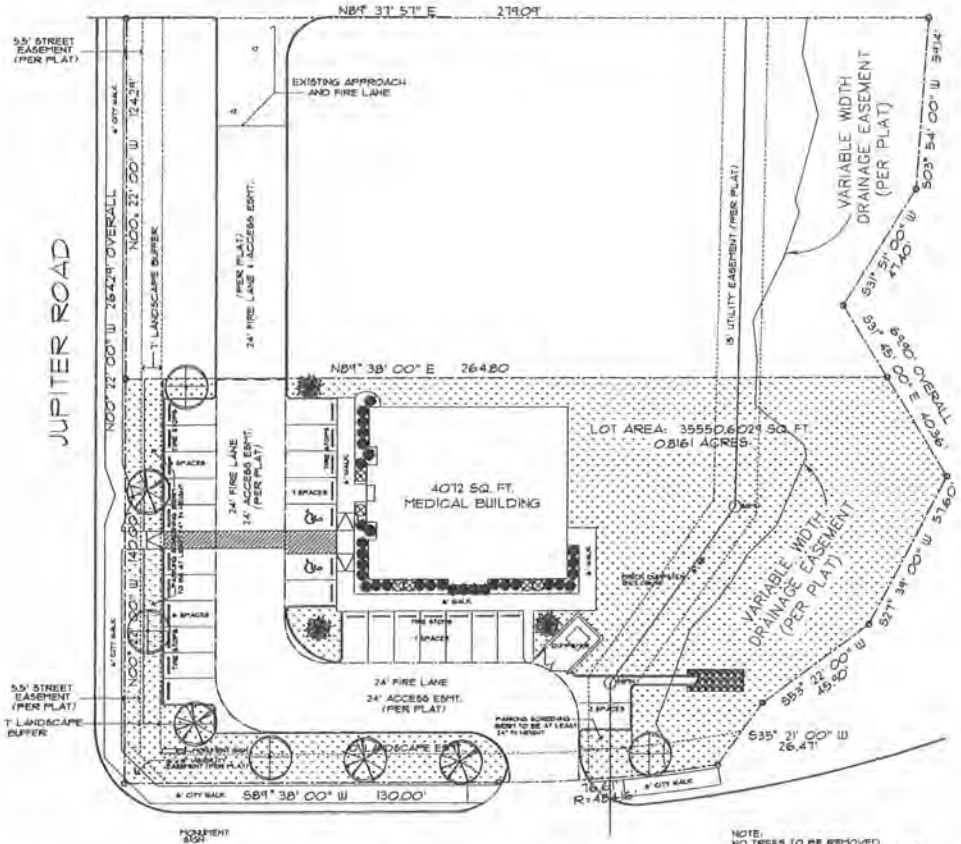
0.816 ACRE TRACT
BLOCK 1, LOT 3R
HERITAGE SQUARE ANIMAL CENTER

PROJECT NAME: MEDICAL OFFICE

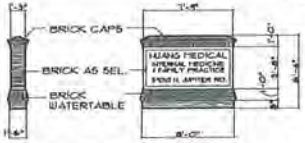
CITY OF GARLAND, DALLAS COUNTY, TEXAS

DESIGN	DRAWN	DATE	SCALE	NOTES	PROJECT NO.
K&A	K&A	MAR 2012	1"=20'		K&A #12667

EXHIBIT D



NOTE:
NO TREES TO BE REMOVED.
ALL EXISTING TREES ARE LOCATED BEYOND THE SANITARY SEWER EASEMENT AND IN THE FLOOD PLAIN WHERE NO CONSTRUCTION WILL TAKE PLACE.



② MONUMENT SIGN

① LANDSCAPE PLAN

SCALE: 1" = 20'-0"

LOT 2, BLOCK 1, OF HERITAGE SQUARE ANIMAL CENTER
VOLUME 2003220, PAGE 149,
GARLAND, DALLAS CO., TEXAS

ZONING: PD 03-22

NORTH

LANDSCAPE LEGEND

COMMON NAME	BOTANICAL NAME	REQ'D	EXISTING	TO BE PLANTED	QUAN.	SIZE	SPACING	SYMBOL
LIVE OAK	QUERCUS VIRGINIANA	4	0	4	4	3" CAL.	SEE PLAN	
SHUMARD RED OAK	QUERCUS SHUMARDII	4	0	4	4	3" CAL.	SEE PLAN	
CREPE MYRTLE	LAGERSTROEMIA NANA	3	0	3	3	10 GAL.	SEE PLAN	
DWARF BURFORD HOLLY	ILEX BURFORDI NANA	25	0	25	25	5 GAL.	3' OC.	
DWARF YAUPON HOLLY	ILEX VOMITORIA NANA	0	0	9	9	5 GAL.	SEE PLAN	
COMPACT NANDINA	N. DOMESTICA COMPACTA	0	0	6	6	5 GAL.	3' OC.	
EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	0	0	0	0	3" CAL.	SEE PLAN	
EXISTING TREES		0	0	0	0	0	SEE PLAN	
BERMUDA COTTON	DACTYLON CYNODON	SOD SOLID	0		SOD SOLID	SOD SOLID	SOD SOLID	

SITE STATISTICS

SITE AREA: 35550.6029 SQ / 0.8161 ACRES)

SITE COVERAGE:	
BUILDING AREA (FOOTPRINT)	4072 SQ. FT.
WALKWAYS	1133 SQ. FT.
VEHICULAR USE AREA	10,984 SQ. FT.
TOTAL IMPERVIOUS AREA	16,189 SQ. FT. (45.6%)
LANDSCAPE WITHIN PARKING AREAS	4444 SQ. FT.
LANDSCAPE AREA	14,918 SQ. FT.
TOTAL LANDSCAPE AREA	19,362 SQ. FT. (54.4%)
TOTAL	35551 SQ. FT.
PARKING:	
REQUIRED (4072 S.F. 1 / 200)	21 SPACES
PROVIDED - REGULAR	25 SPACES
PROVIDED - HANDICAP (1 PER 25)	2 SPACES
TOTAL	27 SPACES

SITE ZONING: PD 03-22

PROJECT INFORMATION

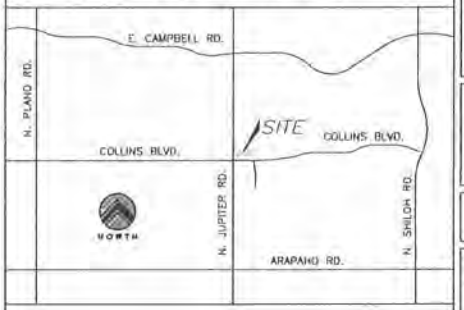
PROJECT NAME: DR. HUANG MEDICAL OFFICE

LOCATION: 5900 JUPITER ROAD
GARLAND, DALLAS CO.,
TEXAS

OWNER: DR. WENTIAN HUANG, M.D.
2825 BELT LINE ROAD, SUITE 103
GARLAND, DALLAS CO.,TEXAS 75044

CIVIL ENGINEER: KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
555 REPUBLIC DR., SUITE 115

VICINITY MAP



PART OF LOT 2, BLOCK 1, OF HERITAGE SQUARE ANIMAL CENTER
D. CRUMPAKER SURVEY, ABSTRACT NO. 258
VOLUME 2003220, PAGE 149,
GARLAND, DALLAS CO., TEXAS
LOT AREA: 35550.6029 SQ. FT.
0.8161 ACRES

harold leeck architects
5353 alpha road suite 200
dallas, texas 75240
phone: 972 991-8778
fax: 972 991-8780

REGISTERED ARCHITECT HAROLD LEECK 7899 STATE OF TEXAS

revisions	date
1	
2	
3	
4	
5	
6	
7	
8	
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11	
12	

NOTES:

1. HANDICAP SIGNAGE ON POST & STRIPING TO BE INCLUDED IN PROJECT.

project no.	
scale:	1" = 20'-0"
date:	MARCH 27, 2012
file no. :	
issue date:	

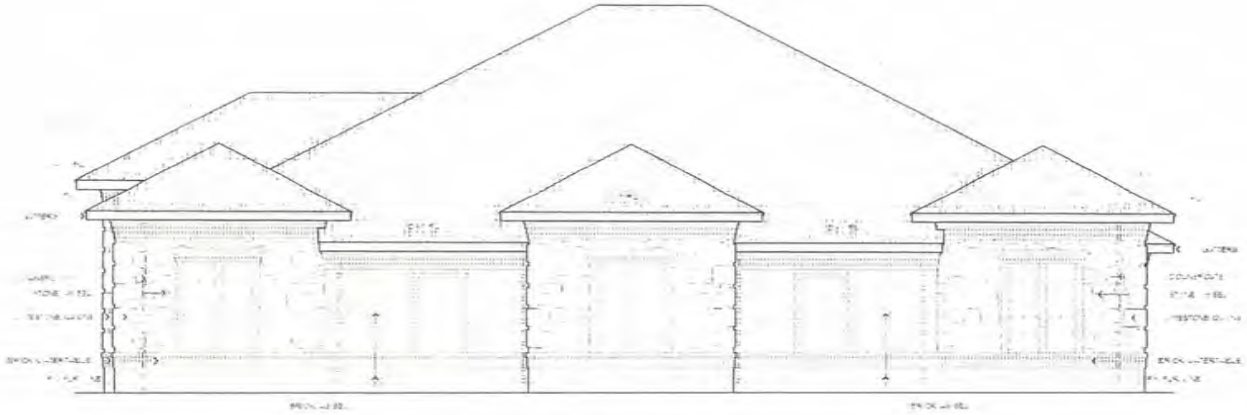
L1-0
sheet no. 10 of 16 sheets

sheet description :

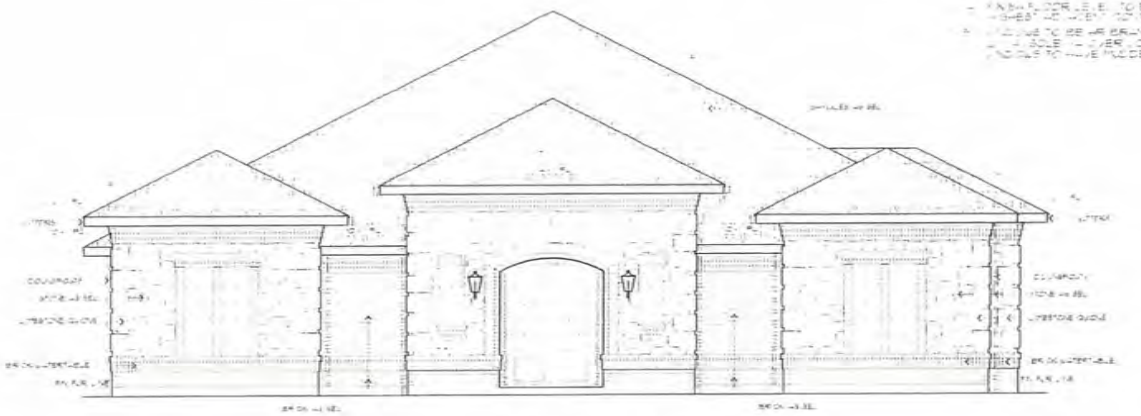
PROPOSED OFFICE BUILDING

project:
DR. HUANG MEDICAL OFFICE
PART OF LOT 2, BLOCK 1, OF HERITAGE SQUARE ANIMAL CENTER
D. CRUMPAKER SURVEY, ABSTRACT NO. 258
VOLUME 2003220, PAGE 149,
GARLAND, DALLAS CO., TEXAS

EXHIBIT E



2 SOUTH ELEVATION



1 WEST ELEVATION

hbd

harold beeck architects
5353 alpha road suite 200
dallas, texas 75240
phone: 972 661-8778
fax: 972 661-8780

revisions date

1
2
3
4
5
6
7
8
9
10
11
12

NOTES:
ALL WORK TO COMPLY WITH ADA CODE REQUIREMENTS.

project no.	
scale:	1/4" = 1'-0"
date:	MARCH, 20, 2012
file no.	
issue date:	

A5-0

sheet no. 7 of 27 sheets

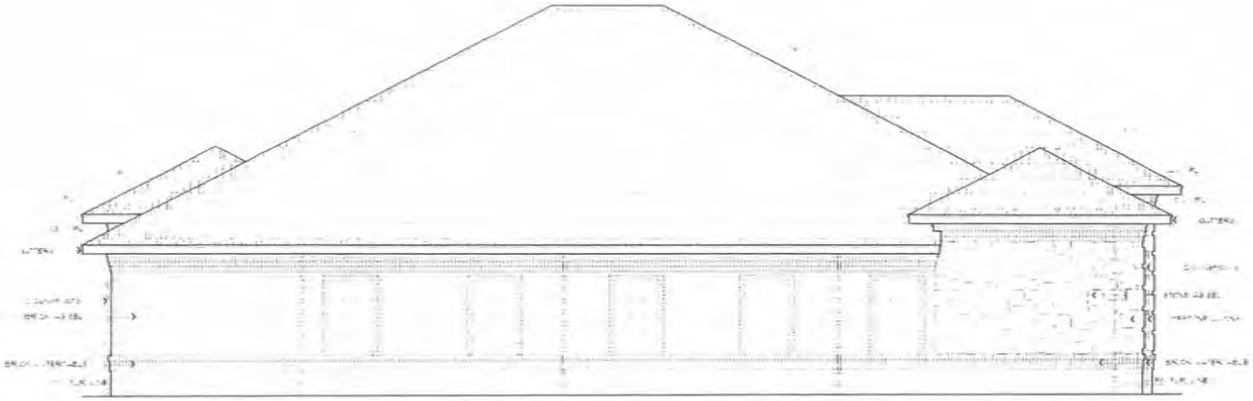
sheet description :

PROPOSED OFFICE BUILDING

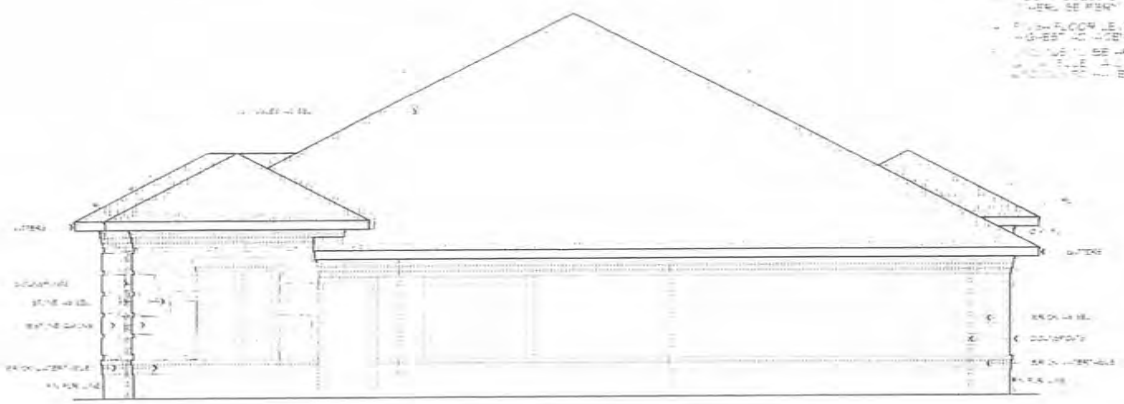
project:
DR. HUANG MEDICAL OFFICE

PART OF LOT 2, BLOCK 1, OF HERITAGE SQUARE ANIMAL CENTER
D. CRUMPAKER SURVEY, ABSTRACT NO. 258
VOLUME 2003220, PAGE 149,
GARLAND, DALLAS CO., TEXAS

EXHIBIT E



2 NORTH ELEVATION



1 EAST ELEVATION

hba
harold baeck architects
5353 alpha road suite 200
dallas, texas 75240
phone: 972 661-8778
fax: 972 661-8780

revisions date

1
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6
7
8
9
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11
12

NOTES:
ALL WORK TO COMPLY WITH ADA CODE REQUIREMENTS.

project no.
scale: 1/4" = 1'-0"
date: MARCH, 20, 2012
file no.
issue date:

A5-1
sheet no. 7 of 27 sheets

sheet description :

PROPOSED OFFICE BUILDING

project:
DR. HUANG MEDICAL OFFICE

PART OF LOT 2, BLOCK 1, OF HERITAGE SQUARE ANIMAL CENTER
D. CRUMPAKER SURVEY, ABSTRACT NO. 258
VOLUME 2003220, PAGE 149,
GARLAND, DALLAS CO., TEXAS

City Council Item Summary Sheet

☐ **Work Session**

Date: **June 5, 2012**

☒ **Agenda Item**

North-South Bikeway – CIP
Engineering Services Contract

Summary of Request/Problem

The 2012 approved Capital Improvements Program includes funding to design and construct a bikeway from the north city limits to the south city limits.

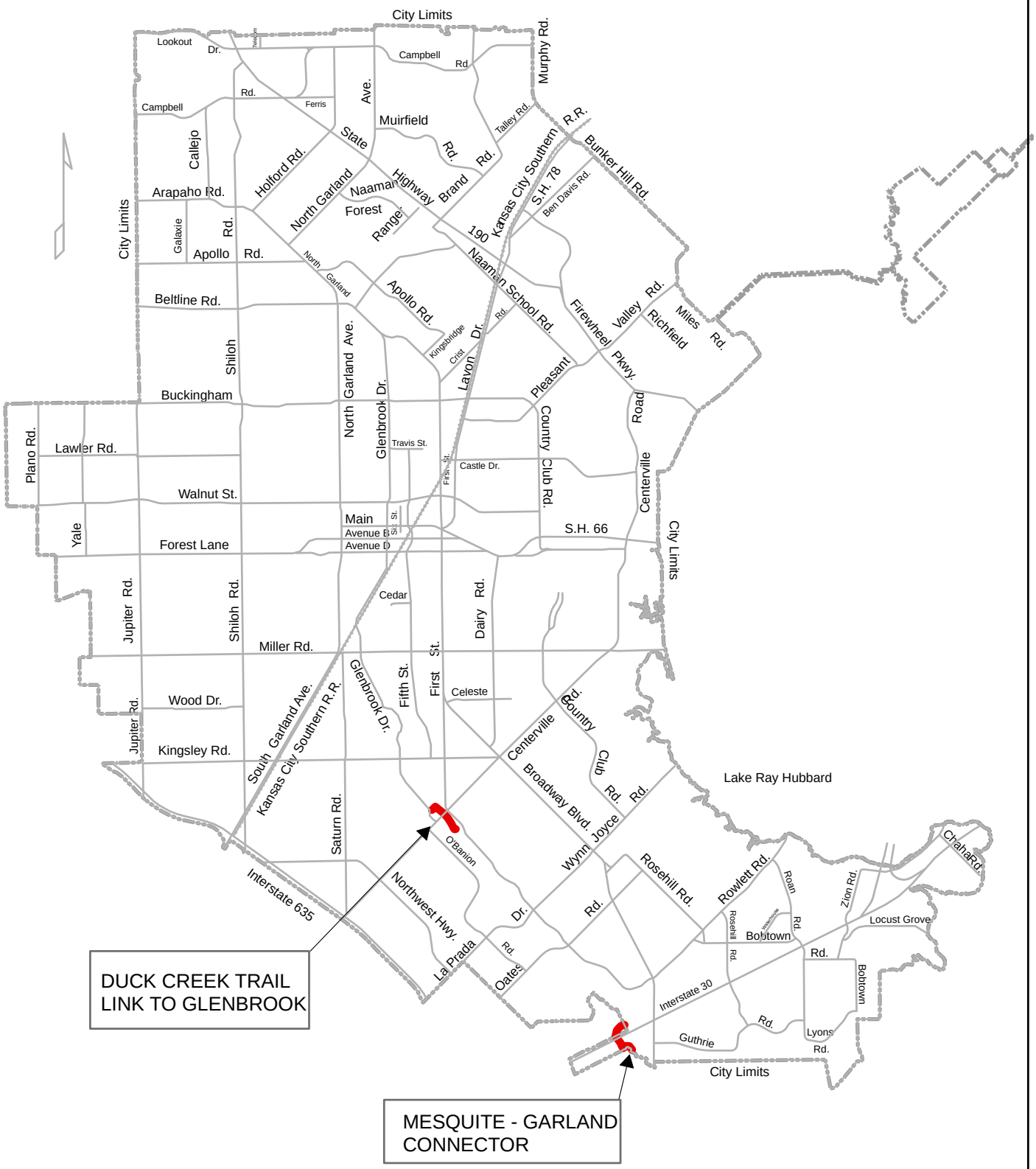
Staff has negotiated a contract with a local firm, BW2 Engineers, Inc., to design the off-road portions of the bikeway for an estimated amount of $181,400.

The improvements will include a concrete bikeway complete with two (2) bridge crossings over Duck Creek.

Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to execute the proposed contract.

Submitted By:	**Approved By:**
Michael Polocek, P.E. **Director of Engineering**	**William E. Dollar** **City Manager**



GARLAND
ENGINEERING

BIKE ROUTE

Scale: N/A	SHEET
File: BIKE.mxd	1
Date: 05/2012	OF
Drawn: COG	1

ENGINEERING SERVICES CONTRACT
Duck Creek Trail Connections Project

This Engineering Services Contract ("Contract") is made and entered by and between the City of Garland, Texas (the "City") and BW2 Engineers, Inc. (the "Engineer")

Section 1. Scope of Project.

Provide Professional Engineering Design services for the construction of a concrete multi-purpose recreational trail, designed to AASHTO standards, complying with Texas Accessibility Standards, and meeting those conditions as outlined by the City with regard to North Central Texas Council of Governments Regional Toll Revenue funding agreement.

This trail project has two distinct segments. The first segment is referred to as the "Garland-Mesquite Connector". This trail is approximately 2,400 feet in length and generally traverses from the northwest corner of westbound IH-30 frontage road and Greenbelt Parkway southerly under the IH-30 bridge over Duck Creek, and then crosses Duck Creek south of IH-30. The Duck Creek crossing will include an approximate 100-foot long pedestrian bridge.

The second project segment is referred to as the "Duck Creek Drive - Glenbrook Connector". This trail is approximately 2,000 feet in length and generally traverses from Duck Creek Drive (south of Centerville), northerly and crosses over Duck Creek south of Centerville, then meanders northerly to Glenbrook and terminates at Lon Wynne Park. The Duck Creek Crossing will include an approximate 200 feet long pedestrian bridge with a center span support.

Estimated Design Fee: $181,400

Section 2. Description of Services.

BASIC SERVICES

(A) Conceptual Layout Phase:

For the Conceptual Layout Phase of the project, Engineer shall:

(1) Attend a preliminary conference with the City to review the anticipated alignment of the project, potential issues affecting design, cost impacts, coordination issues, etc.

(2) Perform a field visit of each project location, review existing site conditions, and take site photographs.

(3) Utilizing aerial maps provided by the City, prepare a conceptual layout of the anticipated trail alignment for each of the two project locations. Include two alternative alignments for each project.

(4) Review property ownerships and available tax records in relation to the anticipated trail alignments and adjust alignments as needed.

(5) Evaluate feasibility of each alternative for each project and prepare a summary of issues, impacts and other evaluation criteria for review.

(B) Preliminary Phase:

For the Preliminary Phase of the Project, Engineer shall:

(1) Arrange and attend preliminary conferences with interested parties regarding the project including, but not limited to, the various utility services of the City, including but not limited to Atmos Energy, ONCOR Electric, AT&T, Verizon, Garland Power and Light, North Texas Municipal Water District, Time Warner, and GISD as necessary to complete the preliminary design.

(2) Review previously prepared construction plans, land records, or other pertinent documents on file in the Engineering Department of the City and other appropriate agencies.

(3) Utilize the conceptual layout prepared in the Conceptual Layout Phase, add general utilities and drainage structure locations, property lines and owners and submit in City approved Autocad or MicroStation format as well as a hard copy.

(4) Prepare a preliminary engineering report for the project in sufficient detail to indicate generally the problems involved and alternate solutions available to the City. The report shall include, but not be limited to, the items contained in the Project Checklist included in Appendix "A" of this contract. A copy of the completed Project Checklist must be included in the preliminary engineering report. The report shall contain schematic layouts, sketches, or conceptual design criteria with appropriate exhibits, all in sufficient detail to indicate clearly the considerations involved including, but not limited to, construction cost, existing and proposed rights-of-way or easements, constructability, significant stands of trees or other natural features, floodplain locations, city and franchise utility locations, investigation and analysis of all federal and state permits, and maintenance of traffic flow or other City services during construction. The report shall also include opinions of probable costs for the project and the recommendations of the Engineer. Include in the preliminary engineering report, a preliminary drainage area map showing drainage areas, run-off coefficients in accordance with the type of City zoning, major points of concentration, size of area in acres, and the calculated quantity of run-off at each point of concentration in cubic feet per second.

(5) Furnish the City two (2) copies of the preliminary data, including preliminary layouts and cost estimates.

(6) Recommend to the City in determining a final alternative for the design phase. Following the submittal of the preliminary engineering report, a plan review conference will be held to discuss and review the report. The Engineer will make necessary corrections and revisions resulting from the plan review conference and submit two (2) sets of Preliminary Plans to the City for review for substantial completion.

(C) Surveying Phase for Design and Construction:

In preparing and executing surveys for the design and construction of the project, the Engineer shall:

(1) Establish permanent monumentation for horizontal and vertical project control. The project shall be tied to the North Central Zone (4202) Texas Coordinate System of 1983, (NAD83 96, EPOCH 2002.000), using City established control monuments. NAVD88 datum shall be utilized for vertical control using National Geodetic Survey/Continuously Operating Reference Station (NGS/CORS) monuments or City of Garland geodetic monuments as specified and directed by the City Surveyor. At the discretion of the City Surveyor, static GPS control may be approved.

A) Locate right-of-way lines and corners, property lines and corners, buildings, fence lines, trees 3 inches in diameter and larger, edges of pavements and all other visible surface features with respect to the project control baseline. Existing utility structures shall be located and referenced by utility name (e.g. ONCOR Electric, TXU Gas, Verizon, Etc.)

B) Vertical topographic information tying pavement, drives, walls, manholes (top and inverts), storm drain inlets (top and inverts), and other improvements as needed within the project areas for the design.

C) Include additional topographic creek cross sections of Duck Creek (up to 4 per project location) as required by hydraulic engineer for use in hydraulic modeling of Duck Creek for pedestrian bridge.

(2) Research City, County, State, or other documents as necessary, and establish the location of existing boundary lines and easements for the project. Furnish copies of all real estates documents to the City.

(3) In cooperation with the City and other franchised utilities, determine the locations and elevations of existing underground utilities. In particular, locations of major underground franchise facilities shall be shown in all profiles.

(4) Incorporate aerial, topographic, and planimetric survey data provided by the City.

(D) Design Phase:

For the design phase of the project, Engineer shall:

(1) Establish the scope of any soil foundation investigations or any special surveys and tests which, in the opinion of the Engineer, may be required for a proper design of the project and arrange for such work to be done, after approval by the City, at the City's expense.

(2) Furnish to the City the engineering data necessary for applications for routine permits by local, state, and federal authorities (as distinguished from detailed applications and supporting documents for government grant-in-aid or for planning advances).

(3) Prepare detailed specifications and contract drawings for the project. This may include, but shall not be limited to, separate sheets for the following:

Title Sheet with Index and Project Location
Project Layout

R.O.W. Map indicating all existing and proposed R.O.W. & prepare a right-of-way deed map showing the existing right-of-way, lot numbers, subdivision names, volume and page of recorded instruments, street names, and existing proposed rights-of-way and easements easements for the project.
Typical Sections
Prepare Control/Geometric Layout indicating monuments found and set, the relationship of the project baseline or centerline to the monuments, and the benchmarks used and/or set.
Demolition Plan **(if needed)**
Bid Item Quantities listed by sheet number and project total
Earthwork Summary
Roadway Plan & Profile
Intersection Layouts **(N/A)**
Construction Sequencing and Traffic Control (Utilities) **(if needed)**
Construction Sequencing and Traffic Control (Paving) **(if needed)**
Final Pavement Markings
Storm Water Pollution Prevention or Erosion Control Plans
Water Line Plan; and Profile (12" or larger) **(N/A)**
Sanitary Sewer Plan and Profile **(N/A)**
Drainage Area Map
Run-off Computations
Inlet and Storm Sewer Computations
Storm Sewer Plan & Profile
Culvert Layouts (Plan & Profile)
Storm Lateral Profiles
Drainage Details
Technical Specifications and/or Special Provisions for the project
Retaining Wall Layouts & Details
Roadway Cross-Sections at 50 feet intervals and the centerline of driveways.
Channel Cross-Sections **(as required for hydraulic modeling)**
Horizontal and vertical utility locations **(if needed)**
All Construction Details

All contract drawings shall be submitted on 22" x 34" ('D' size) film mylar sepias **and** in City approved Autocad or Microstation format. Prior to the start of design, the City should approve the format. The Engineer shall correlate pay items on drawings with City of Garland Standard pay items in the contract proposal.

(4) During development of specifications the Engineer shall place primary reliance on the Standard Specifications for Public Works Construction -North Central Texas - issued by the North Central Texas Council of Governments, and the City's "Public Works Design Guidelines". During development of contract drawings, the Engineer shall place primary reliance on City approved standard drawings and bid items, (copies of which are available at the Engineering Department, the Texas Manual on Uniform Traffic Control Devices, and the Storm Water Quality Best Management Practices for Construction Activities as supplied by the North Central Texas Council of Governments). The Engineer shall develop the specifications and contract drawings in accordance with all Federal, State, or City specifications or regulations.

(5) A Registered Professional Land Surveyor (RPLS) must prepare, seal and sign the project Right-Of-Way Map(s) with a certification stating that the survey conforms to the minimum standards set forth by the Texas Board of Professional Land Surveying. All monuments located within the project corridor during the course of the survey must be illustrated on the right-of-way map with a project station and offset or coordinates that relate to the project control, whether or not such monuments are used for analysis and/or construction of the project Right-Of-Way. All monuments placed or perpetuating found objects must be reported to the minimum technical standards of the Texas Board of Professional Land Surveying ("TBPLS").

(6) Prepare all necessary property descriptions and 8 1/2 X 11-inch exhibits for needed additional right-of-way and easements. All descriptions and exhibits must conform to the minimum technical standards of the TBPLS and the requirements of the City Surveyor. Right-of-way and easements shall be delineated on and cross-referenced to the appropriate plans and profile sheets. The plan and profile sheets shall clearly indicate all private property that is in conflict with the proposed construction. Two (2) copies of each document sealed by a Texas Registered Professional Land Surveyor shall be submitted. For this project, the number of right-of-way or easement parcels to be compensated for under Basic Services, Section 5(A), shall not exceed five (5). Parcel descriptions beyond this number will be compensated at a rate of $800 per parcel.

(7) Submit four (4) sets of preliminary plans to the City.

(8) Prepare and include in plans detailed construction signing and barricade plans for traffic control and safety (if needed). Primary reliance shall be placed in the Texas Manual for Uniform Traffic Control Devices. Provisions for construction phasing shall be included.

(9) Prepare and Include Storm Water Pollution Prevention Plan (SWPPP) in accordance with the "Storm Water Quality Best Management Practices for Construction Activities" Manual as distributed by the North Central Texas Council of Governments.

(10) Include appropriate provisions for trench safety as determined by a soil investigation report prepared by separate geotechnical engineers.

(11) Revise and resubmit copies as needed upon review and comment by the City.

(12) Prepare a detailed Opinion of Probable Cost.

(13) Prepare and furnish to the City a mylar copy and five (5) prints of approved plans, specifications and proposal forms using City-approved documents.

(14) Attend Pre-Bid and Pre-Construction Conferences and assist the owner as needed to interpret, clarify, or expand the bid documents. Issue addenda as needed.

(15) Provide computer disks of the completed project files in approved Autocad or MicroStation format to the City.

(16) Submit all necessary documentation for review/approval required by any federal and/or state agency and obtain any permits that may be required.

Federal and state agencies may include but not be limited to Texas Department of Licensing and Regulation, Texas Department of Transportation, Federal Emergency Management Agency, Texas State Historical Society, Environmental Protection Agency, Texas Commission for Environmental Quality, etc. Assist the City in obtaining approval under any federal or state general permits that may apply.

(17) Right-of-Way strip map is subject to review by the City Surveyor.

(E) Construction Phase:

For the construction phase of the project, Engineer shall:

(1) Provide complete horizontal and vertical control, which, in the opinion of the City, is adequate for the eventual contractor to re-establish the horizontal and vertical control network for the project.

(2) Provide limited construction phase engineering assistance. When requested by the City, the Engineer will visit the site and consult with the City and the contractor to resolve unusual or unexpected construction problems. The Engineer shall conduct a final project inspection with the City and prepare recommendations concerning items that the Engineer observes during the final inspection that require additional work or adjustment. Provide written responses to request for information on clarifications.

(3) Review the contractor's shop drawings and related submittals with respect to the applicability of the detailed work, when complete, to be a properly functioning integral element of the project designed by the Engineer.

(4) ***After final acceptance of construction by the City, and at the discretion of the City, the Engineer shall require an RPLS:***

(a) ***Establish "permanent" survey monumentation for control throughout the project***
(b) ***Establish right-of-way corridor permanent monumentation at all control points, points of intersection or deflection, points of curvature, points of tangency and intersecting street/block corners.***

(5) ***Definitions:***
(a) ***"Permanent" survey monumentation is described as a 3-1/4" aluminum domed top disc for 5/8" rebar (Berntsen #RBD5325) set in concrete per City specifications.***
(b) ***Control monumentation shall bear the inscription "CONTROL".***
(c) ***Right-of-Way monumentaion shall bear the inscription"RIGHT-OF-WAY".***

(6) Prepare Record Drawings based upon mark-ups and information provided by the City Inspector. Submit the Record Drawings with the as-built changes noted and the date and signature of the Engineer in PDF format to the City Inspector. The page size shall be 22" x 34" with a minimum resolution of 300 dpi. The PDF's must be free from objectionable background, rotated properly and stored in a separate folder on the CD/DVD. The submittal shall also include the record drawings in an Autocad or Microstation format

ADDITIONAL SERVICES

(E) Hydraulic Engineering:

Floodplain hydraulic modeling services to be performed by subconsultant, Nathan D. Maier Consulting Engineers. These services will generally include:

- Pre-project analysis to include acquiring the effective hydraulic model for Duck Creek, updating the effective models using newly acquired topographic data, preparation of a floodplain work map, development of a post-project hydraulic model that reflects the proposed bridges and preparation of a letter report.
- LOMR Application to include review of the as-built conditions of the project to determine if any remedial grading is required and developing the necessary documents, forms and exhibits for a LOMR-F request. Coordinate with the City and FEMA.

(F) Geotechnical Engineering:

Geotechnical investigations services are to be performed by subconsulant, STL Engineers. These services will generally include:

- Provide labor and equipment to drill and sample two borings at each bridge location (total of 4) to a depth of 40 feet or 10 feet into competent limestone.
- Visually classify samples and perform laboratory tests to determine engineering characteristics.
- Prepare a report of test results and foundation recommendations.

(G) Environmental Engineering:

Environmental investigations services are to be performed by subconsulant, IES Consulting Engineers. These services will generally include:

- Completion of necessary research, meetings, site visits, documentation, responses and surveys to comply with NCTCOG Environmental Review for this RTR-Funded "Off-System" project.

Section 3. Time of Completion.

The prompt completion of this project is critical to the progress of the City of Garland Capital Improvements Program. Unnecessary delays to the project shall be grounds for dismissal of the Engineer and termination of this Contract without any or further liability to the City other than a prorated payment for necessary, timely and conforming work done on the project prior to the time of termination. Engineer proposes to complete the Preliminary Phase, Surveying and Design Phases for the entire project within 270 calendar days. Exhibit "A" is a Bar Graph Schedule showing a breakdown of the major tasks and associated time frames for completion. Upon receiving the notice to proceed, the engineer will submit a new Bar Graph Schedule and submittal dates shown. Upon request by the City, the engineer will prepare a revised schedule.

Section 4. Professional Liability Insurance.

Prior to the commencement of the design phase under this Contract, Engineer shall obtain standard comprehensive professional liability insurance coverage in an amount of at least $500,000.00 aggregate per year, covering the services provided under this Contract, including contractual liability as provided by Section 9 of this Contract. Engineer shall maintain such coverage during all phases of engineering services under this Contract and for one (1) year after substantial completion of the project. The City shall be supplied with a certificate of such coverage, which shall provide for a thirty- (30) day notice to the City, by certified or registered mail, of cancellation, non-renewal, or material alteration.

Section 5. Compensation.

(A) Basic Services:

The Engineer's percentage rate for computation of compensation for the Preliminary Phase, the Surveying Phase, the Design Phase, and the Construction Phase will be based on the negotiated Base Fee between the City and the Engineer as depicted below.

At the date of execution of this contract, the estimated design fees are as follows:

Base Fee:	$ 113,500
• Conceptual Layout Phase	
• Preliminary Phase	
• Surveying Phase	
• Design Phase	
• Construction Phase	
Additional Services:	
• Hydraulic Engineering *(Nathan D. Maier Engineering)*	$ 20,500
• Geotechnical Engineering *(STL Engineers)*	$ 11,500
• Environmental Engineering *(IES Consulting)*	$ 20,900
Unforeseen Items:	$ 15,000
Total Fee:	$ 181,400

The fee amount identified as Unforeseen Items shall be used at the discretion of the City to pay the Engineer for unforeseen Special Services (Section 5(B)) or Additional Work (Section 6(B)) necessary for the proper design of the construction documents in accordance with the intent of this contract. No portion of this item shall be paid to the Engineer, nor shall the Engineer perform extra work, without written authorization from the City. The City shall retain all Unforeseen Items funds not authorized during the design of the project.

Compensation shall be paid as follows:

1. Upon acceptance of Conceptual, Preliminary and Surveying Phases, 40% of the total compensation, less unforeseen item cost.

2. Upon acceptance of Preliminary Plans, 45% of total compensation, less unforeseen item cost. (Cumulative compensation equal to 85%).

3. Upon acceptance of Final Plans, 10% of total compensation, less unforeseen item cost. (Cumulative compensation equal to 95%).

4. The City shall retain the final 5% of total compensation, less unforeseen item cost, until completion of the final inspection of the Construction Phase of this contract ***and "permanent" monumentation has been established*** as described in Section ***(2(D)4)*** of this contract.

The Engineer may submit monthly, or less frequent, requests for payment based on the estimated completion of the described tasks and approved work schedule. This fee covers all typical cost associated with the project administration, design & development, including, but not limited to, mileage, copies, phone, labor, overhead, maintenance, printing, copying, and all other incidental costs. The Engineer must submit their request for payment using the City's forms as shown in Appendix "B" of this contract, or in a format approved by the City.

(B) Special Services:

The Engineer's compensation for "special services" shall be based on the "Engineer's Established Hourly Rates" (a copy of which is attached hereto as Exhibit "B"). Statements for special services may only be submitted on a monthly basis. The Engineer shall advise the City in advance when the Engineer contends that a particular service falls into the "special services" category. No service shall be compensated as a special service unless and until approved by the City. As used in this Contract, the term "special services" means:

1. Preparation of any traffic signalization plans including street lights and underground or overhead conduit plans.

2. Preparation of a conditional letter of map revision (CLOMR), if required.

3. Additional land surveys to establish project boundaries that require the surveyor to access properties beyond those adjacent to the project.

4. Preparation of any special reports required for marketing of bonds.

5. Appearances before regulatory agencies other than the City.

6. Assistance to the City as an expert witness in any litigation with third parties arising from the development or construction of the Project.

7. Special investigations involving detailed consideration of operation, maintenance and overhead expenses; preparation of rate schedules; earnings and expense statements; special feasibility studies, appraisals, valuations, and material audits or inventories required for certification of force account construction performed by the Owner.

8. Soil and foundation investigations, including field and laboratory tests, borings, related engineering analyses, and recommendations.

9. Detailed mill, shop and laboratory inspection of materials or equipment.

10. Preparation of estimates and Engineer's rolls necessary for assessments.

11. Additional copies of reports and specifications (over agreed number) and additional blueprint copies of drawings (over agreed number).

12. Preparation of applications and supporting documents for government grants or planning advances for public works projects.

13. Preparation of environmental statements and assistance to the City in preparing for and attending public hearings.

14. As a result of the creation of new right-of-way, the surveyor shall establish and monument right-of-way geometry and new property corners for adjoining parcels upon completion of project. New monumentation shall conform to the minimum technical standards of the Texas Board of Professional Land Surveying, or as specified by the City. A Registered Professional Land Surveyor must certify the following on the face of the project "As-Built" Right-Of-Way Map:

    A survey has been completed for the additional right-of-way shown on the accompanying map; and as of [insert completion date of survey here], all monuments found or placed defining the right-of-way geometry or right-of-way parcels have been field verified as to their existence and location as originally found or have been reset (if unstable/disturbed or destroyed) in accordance with the minimum technical standards of the Texas Board of Professional Land Surveying.

15. On projects where no new right-of-way is acquired, upon completion of the project the surveyor shall, verify existence of, or reset, found right-of-way monumentation and property corners for adjoining parcels. New monumentation shall conform to the minimum technical standards of the TBPLS and City specifications. A Registered Professional Land Surveyor must certify the following on the face of the project "As-Built" Right-Of-Way Map:

    A retracement survey has been completed of the right-of-way shown on the accompanying map; and as of [insert completion date of survey here], all monuments found or placed defining the right-of-way geometry or existing adjoining parcels have been field verified as to their existence and location as originally found or have been reset (if unstable/disturbed or destroyed) in accordance with the minimum technical standards of the Texas Board of Professional Land Surveying.

16. Acquisition of individual federal or state permits that may be required. (Note: This does not apply to federal or state general permits.)

17. Easements or parcel descriptions in addition to those specified in Section 2(C)(6).

(C) Records of Expenses:

Engineer shall maintain reasonably detailed records of all work done on behalf of the City under this Contract and of all expenses incurred for which Engineer seeks payment or reimbursement and shall promptly provides such records to the City upon request.

Section 6. Changes to the Project and Additional Compensation.

(A) Changes to Work:

The Engineer shall make such revisions in the work included in this Contract, which has been completed as are necessary to correct any errors when required to do so by the City. No additional compensation shall be paid for such work. If the City finds it necessary to request changes to previously satisfactorily completed work or parts thereof, the Engineer shall make such revisions if requested and as directed by the City and such services will be considered as additional work and paid for as specified under following paragraph.

(B) Additional Work:

Work not within the description of the "Scope of Services" to be provided by the Engineer under this Contract and not otherwise constituting special services must be approved by supplemental agreement to this Contract by the City before the Engineer undertakes it. If the Engineer is of the opinion that any work is beyond the scope of this Contract and constitutes additional work, the Engineer shall promptly notify the City of that opinion, in writing. In the event the City finds that such work does constitute additional work, then the City shall so advise the Engineer, in writing, and shall provide extra compensation to the Engineer for the additional work on the same basis as covered under "Compensation" and as provided under a supplemental agreement. The fixed fee shall be adjusted if additional work is approved by supplemental agreement and performed by the Engineer.

Section 7. Miscellaneous Provisions.

(A) Subletting:

The Engineer shall not sublet or transfer any portion of the work under this Contract unless specifically approved in writing by the City. Subcontractors shall comply with all provisions of this Contract. The approval or acquiescence of the City in the subletting of any work under this Contract shall not relieve the Engineer of any responsibility for work done under this Contract.

(B) Ownership of Documents:

Upon completion or termination of this Contract, all documents prepared by the Engineer or furnished to the Engineer by the City shall be delivered to and become the property of the City. All sketches, charts, calculations, plans, specifications and other data prepared under this Contract shall be made available, upon request, to the City without restriction or limitation on the further use of such materials. The Engineer may, at the expense of the Engineer, have copies made of the documents or any other data furnished to the City under this Contract.

(C) Engineer's Seal; Warranty:

The Engineer shall place the Texas Professional Engineer's seal of endorsement of the principal engineer on all documents and engineering data furnished by the Engineer to the City. Engineer warrants that all work and services provided under this Contract will be performed in a good and workmanlike fashion and shall conform to the accepted standards and practices of the engineering profession.

(D) Compliance with Laws:

The Engineer shall comply with all Federal, State and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies in any matter affecting the performance of this Contract, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Engineer shall furnish the City with satisfactory proof of compliance.

(E) Status of Engineer:

Engineer acknowledges that Engineer is an independent contractor of the City and that Engineer is not an employee, agent, official or representative of the City. Engineer shall not represent, either expressly or through implication, that Engineer is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Engineer.

(F) Non-Collusion:

Engineer represents and warrants that Engineer has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work to be provided to the City under this Contract. Engineer further agrees that Engineer shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City under this Contract) for any of the services performed by Engineer under or related to this Contract. If any such gift, bonus, commission, money, or other consideration is received by or offered to Engineer, Engineer shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Engineer under this Contract.

(G) Right To Audit:

The City shall have the right to examine and audit the books and records of the Contractor at any reasonable time. Such books and records will be maintained in accordance with generally accepted principles of accounting and will be adequate to enable determination of: 1) the substantiation and accuracy of any payment required to be made under this agreement; and 2) compliance with the provisions of this agreement.

Section 8. <u>Termination of Contract</u>. This Contract may be terminated:

1. By mutual agreement and consent of both Engineer and City.

2. By the City, immediately upon notice in writing to the Engineer, as consequence of the failure of Engineer to perform the services contemplated by this Contract in a timely or satisfactory manner and within the limits provided, with proper allowances being made for circumstances beyond the control of the Engineer.

3. By either party, upon the failure of the other party to fulfill its obligations as set forth in the "Scope of Services".

4. By the City for reasons of its own and not subject to the mutual consent of the Engineer, upon not less than thirty- (30) days written notice to the Engineer.

5. By satisfactory completion of all services and obligations described herein.

Should the City terminate this Contract, the Engineer shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination. In determining the value of the work performed by the Engineer prior to termination, the City shall be the sole judge. Payment for work at termination will be based on work satisfactorily completed at the time of termination.

If the Engineer defaults in performance of this Contract or if the City terminates this Contract for fault on the part of the Engineer, the City will give consideration to the actual costs incurred by the Engineer in performing work to date of default, the value of the work which is usable to the City, the cost to the City of employing another engineer to complete the work required and the time required to do so, and other factors which affect the value to the City of the work performed at time of default.

If the termination of this Contract is due to the failure of the Engineer to fulfill a contract obligation, the City may take over the project and prosecute the work to completion by contract or otherwise. In such case, the Engineer shall be liable to the City for any additional cost incurred by the City in completing such work.

Section 9. Indemnification

Engineer agrees to indemnify, hold harmless, and defend the City of Garland, Texas and all of its present, future and former agents, employees, officials and representatives in their official, individual and representative capacities from and against any and all claims, demands, causes of action, judgments, liens and expenses (including attorney's fees, whether contractual or statutory), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, due to or arising from injuries to persons (including death) or to property (both real and personal) created by, arising from, or in any manner relating to the services or goods performed or provided by Engineer to the fullest extent BUT ONLY TO THE EXTENT allowed under Sec. 271.904(a) of the Texas Government Code.

Section 10. Notices

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

Section 11. No Assignment

Neither party shall have the right to assign that party's interest in this Contract without the prior written consent of the other party.

Section 12. Severability

If any term or provision of this Contract is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Contract shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Contract a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 13. Waiver

Either City or the Engineer shall have the right to waive any requirement contained in this Contract which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Contract shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 14. Governing Law; Venue

This Contract and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Contract are performable in Dallas County, Texas such that exclusive venue for any action arising out of this Contract shall be in Dallas County, Texas.

Section 15. Paragraph Headings; Construction

The paragraph headings contained in this Contract are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Contract and this Contract shall not be construed either more or less strongly against or for either party.

Section 16. Binding Effect

Except as limited herein, the terms and provisions of this Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 17. Gender

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

Section 18. Counterparts

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

Section 19. Exhibits

All exhibits to this Contract are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 20. Entire Agreement

It is understood and agreed that this Contract contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Contract exist. This Contract cannot be changed or terminated orally.

Section 21. Relationship of Parties

Nothing contained in this Contract shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Contract nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Contract.

Section 22. Dispute Resolution.

Pursuant to subchapter I, Chapter 271, TEXAS LOCAL GOVERNMENT CODE, Contractor agrees that, prior to instituting any lawsuit or other proceeding arising from any dispute or claim of breach under this Agreement (a "Claim"), the parties will first attempt to resolve the Claim by taking the following steps: (i) A written notice substantially describing the factual and legal basis of the Claim shall be delivered by the Contractor to the City within one-hundred eighty (180) days after the date of the event giving rise to the Claim, which notice shall request a written response to be delivered to the Contractor not less than fourteen (14) business days after receipt of the notice of Claim; (ii) If the response does not reasonably resolve the Claim, in the opinion of the Contractor, the Contractor shall give notice to that effect to the City whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the Claim; (iii) If those persons cannot or do not resolve the Claim, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the Claim.

EXECUTED on the dates indicated below but deemed to be effective as of the _____day of _____, **2012**.

CITY:

By:_____
Name:_____
Title:_____
Date:_____

ENGINEER:

By:_____
Name: **Jim Waldbauer**
Title: **President**
Date:_____

ADDRESS FOR NOTICE:

CITY:

City of Garland
Engineering Department
P.O. Box 469002
Garland, Texas 75046-9002
(972) 205-2170

ENGINEER:

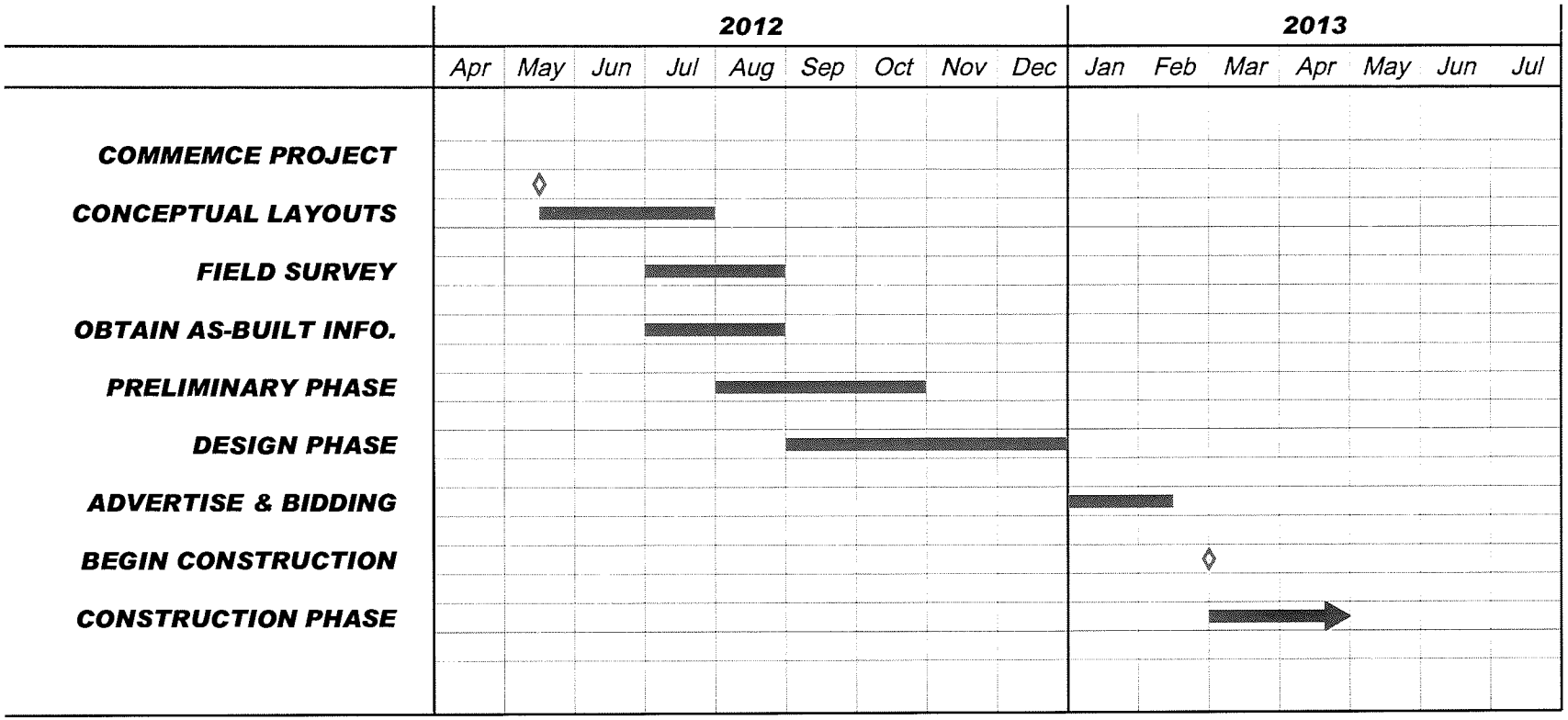
BW2 Engineers, Inc.
1919 S. Shiloh Road
Suite 500, LB 27
Garland, Texas 75042
(972) 864-8200

BW2

GARLAND

DUCK CREEK TRAIL CONNECTIONS PROJECT

TENTATIVE PROJECT SCHEDULE



* SCHEDULE DOES NOT INCLUDE CITY REVIEW TIME, HYDRAULIC AND ENVIRONMENTAL REVIEW TIME OR PERMITTING APPROVALS BY OTHER ENTITIES.

Date: 11-Apr-12

BW2 Engineers, Inc.

City of Garland
Garland/Mesquite Trail Connector
ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

Description:
This estimate consist of a 2,400 linear feet of a 12' wide reinforced concrete trail including a 100' long pedestrian bridge.

ITEM	QTY	UNIT	DESCRIPTION	UNIT COST	TOTAL
1	1	LS	Mobilization, bonds and insurance	$ 50,000.00	$50,000.00
2	1	LS	All traffic control measures, including, but not limited to, construction sequencing, barricading, traffic control design, panels, signs, temporary pavement markings and temporary asphalt pavement	$ 7,500.00	$7,500.00
3	1	LS	Temporary erosion control including operational control of SW3P	$ 15,000.00	$15,000.00
4	1.2	AC	Prepare right-of-way, complete per unit	$ 6,000.00	$7,200.00
5	45	SY	Remove and dispose of concrete apron, complete per unit	$ 30.00	$1,350.00
6	800	CY	Unclassified Excavation, complete in place, per unit	$ 20.00	$16,000.00
7	3,200	SY	5" 3600 PSI reinforced concrete trail pavement, complete in place, per unit	$ 45.00	$144,000.00
8	160	LF	24" Class III RCP, complete in place, per unit	$ 80.00	$12,800.00
9	120	LF	30" Class III RCP, complete in place, per unit	$ 100.00	$12,000.00
10	2	EA	Storm Sewer Manholes, complete in place, per unit	$ 3,500.00	$7,000.00
11	8	EA	S.E.T. Headwalls, complete in place, per unit	$ 2,000.00	$16,000.00
12	45	EA	Concrete apron, complete in place, per unit	$ 100.00	$4,500.00
13	100	CY	Gabion Matress, complete in place, per unit	$ 300.00	$30,000.00
14	100	LF	Steel Truss Pedestrian Bridge, complete in place, per unit	$ 1,400.00	$140,000.00
15	2	EA	Bridge abutments/peirs, complete in place, per unit	$ 20,000.00	$40,000.00
16	2	EA	Pipe Bollards, complete in place, per unit	$ 1,000.00	$2,000.00
17	1,100	SY	Bermuda Block Sod, complete in place, per unit	$ 10.00	$11,000.00

Sub-Total:	**$516,350.00**
Contingency (15%)	$77,452.50
Engineer's Opinion of Construction Cost:	**$593,802.50**

Notes:
1. *Does not include any right-of-way, easement or property costs.*
2. *Does not include engineering or administrative fees.*
3. *Does not include any permitting or mitigation costs.*

Date: 11-Apr-12

BW2 Engineers, Inc.

City of Garland
Duck Creek Glenbrook Trail Connector
ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

Description:
This estimate consist of a 2,000 linear feet of a 12' wide reinforced concrete trail including a 200' long pedestrian bridge.

ITEM	QTY	UNIT	DESCRIPTION	UNIT COST	TOTAL
1	1	LS	Mobilization, bonds and insurance	$ 50,000.00	$50,000.00
2	1	LS	All traffic control measures, including, but not limited to, construction sequencing, barricading, traffic control design, panels, signs, temporary pavement markings and temporary asphalt pavement	$ 10,000.00	$10,000.00
3	1	LS	Temporary erosion control including operational control of SW3P	$ 15,000.00	$15,000.00
4	1.0	AC	Prepare right-of-way, complete per unit	$ 6,000.00	$6,000.00
5	700	CY	Unclassified Excavation, complete in place, per unit	$ 20.00	$14,000.00
6	2,700	SY	5" 3600 PSI reinforced concrete trail pavement, complete in place, per unit	$ 45.00	$121,500.00
7	2	EA	Barrier Free Ramps, complete in place, per unit	$ 1,500.00	$3,000.00
8	250	CY	Gabion Matress, complete in place, per unit	$ 300.00	$75,000.00
9	200	LF	Steel Truss Pedestrian Bridge, complete in place, per unit	$ 1,300.00	$260,000.00
10	3	EA	Bridge abutments/peirs, complete in place, per unit	$ 20,000.00	$60,000.00
11	4	EA	Pipe Bollards, complete in place, per unit	$ 1,000.00	$4,000.00
12	1	LS	Traffic Signal Modifications, complete in place, per unit	$ 40,000.00	$40,000.00
13	900	SY	Bermuda Block Sod, complete in place, per unit	$ 10.00	$9,000.00

Sub-Total:	**$667,500.00**
Contingency (15%)	$100,125.00
Engineer's Opinion of Construction Cost:	**$767,625.00**

Notes:
1. *Does not include any right-of-way, easement or property costs.*
2. *Does not include engineering or administrative fees.*
3. *Does not include any permitting or mitigation costs.*

APPENDIX “A”

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

ENGINEERING DEPARTMENT

- ❑ **TxDOT Requirements**
  - ❑ **Environmental Assessment or Categorical Exclusion**
    Comments:_____
    _____
  - ❑ **Noise Walls**
    Comments:_____
    _____
  - ❑ **Driveway Permit**
    Comments:_____
    _____
  - ❑ **Utility Permit**
    Comments:_____
    _____
- ❑ **Corps of Engineers**
  - ❑ **Nationwide Permit**
    Comments:_____
    _____
  - ❑ **Individual Permit**
    Comments:_____
    _____
  - ❑ **Letter of Permission**
    Comments:_____
    _____
- ❑ **Existing Utility Facilities (known)**
  - ❑ **Water**
    Comments:_____
    _____
  - ❑ **Sanitary Sewer**
    Comments:_____
    _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ❑ **GP&L**
  Comments: _____
  _____
- ❑ **TXU Electric**
  Comments: _____
  _____
- ❑ **ONCOR Gas**
  Comments: _____
  _____
- ❑ **Verizon**
  Comments: _____
  _____
- ❑ **SBC**
  Comments: _____
  _____
- ❑ **North Texas Municipal Water District**
  Comments: _____
  _____
- ❑ **Comcast Cable**
  Comments: _____
  _____

❑ **Drainage**

- ❑ **New Storm Sewer**
  Comments: _____
  _____
- ❑ **Off-Site Storm Sewer**
  Comments: _____
  _____
- ❑ **Channelization**
  Comments: _____
  _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ☐ **Flood Study, FEMA Submittal (CLOMR/LOMR)**
  Comments: _____
  _____
- ☐ **Halff Study Modification**
  Comments: _____
  _____
- ☐ **Detention**
  Comments: _____
  _____

☐ **Railroad Crossing**
Comments: _____
_____

☐ **Environmental Aspects**

- ☐ **Park Property**
  Comments: _____
  _____
- ☐ **Forest Preserve**
  Comments: _____
  _____

☐ **ROW/Easements**

- ☐ **Assessments**
  Comments: _____
  _____
- ☐ **GPS / Survey Monuments / Benchmarks**
  Comments: _____
  _____
- ☐ **Obstructions in existing or proposed ROW/Easements (sheds, fences, trees, etc)**
  Comments: _____
  _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

TRANSPORTATION DEPARTMENT

- ☐ **Right turn lanes**
  Comments: _____

- ☐ **Sidewalks**
  - ☐ **One Side**
    Comments: _____
  - ☐ **Both**
    Comments: _____

- ☐ **Additional ROW**
  Comments: _____

- ☐ **Sight Distance Triangles**
  Comments: _____

- ☐ **Pedestrian and Utility Easements**
  Comments: _____

- ☐ **Signalization (Loops, pull boxes, conduit, etc…)**
  Comments: _____

- ☐ **Temporary Signalization (Loops, pull boxes, conduit, etc…)**
  Comments: _____

- ☐ **School Zone flashers**
  Comments: _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ☐ **Lane markings**
  - ☐ **Striping**
    Comments: _____
  - ☐ **Buttons**
    Comments: _____
  - ☐ **Directional Indicators**
    Comments: _____

STREET DEPARTMENT

- ☐ **Coordinate Scheduled Replacements/Repairs**
  Comments: _____

PARKS DEPARTMENT

- ☐ **Adjacent to Parks Property**
  Comments: _____
- ☐ **Irrigation in Medians**
  Comments: _____
- ☐ **Landscaping**
  Comments: _____

WATER DEPARTMENT

- ☐ **New water main installation**
  Comments: _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

- ❑ **Water main replacement**
  Comments:_____
  _____

- ❑ **New sanitary sewer installation**
  Comments:_____
  _____

- ❑ **Sanitary sewer replacement**
  Comments:_____
  _____

- ❑ **Off-Site Extension**
  Comments:_____
  _____

TELECOMMUNICATIONS DEPARTMENT

- ❑ **New fiber optic facilities**
  Comments:_____
  _____

GARLAND POWER AND LIGHT (GP&L)

- ❑ **New facilities**
  Comments:_____
  _____

- ❑ **Replace Facilities**
  Comments:_____
  _____

TXU ELECTRIC

- ❑ **New facilities**
  Comments:_____
  _____

- ❑ **Replace Facilities**
  Comments:_____
  _____

PROJECT CHECKLIST

PROJECT NO: _____
PROJECT NAME: _____
FROM: _____
TO: _____

ONCOR GAS

❑ **New facilities**
Comments: _____
_____

❑ **Replace Facilities**
Comments: _____
_____

COMCAST CABLE

❑ **New facilities**
Comments: _____
_____

❑ **Replace Facilities**
Comments: _____
_____

VERIZON

❑ **New facilities**
Comments: _____
_____

❑ **Replace Facilities**
Comments: _____
_____

SBC

❑ **New facilities**
Comments: _____
_____

❑ **Replace Facilities**
Comments: _____
_____

APPENDIX "B"

COMPANY LOGO

INVOICE

Name of Engineer
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

Invoice No.: ####

Date: Month, Date, and Year

Project No.: ####

Project:

Invoice Summary: From 00/00/0000 to 00/00/0000
****

BASIC SERVICES:

Base Fee *(Excludes Additional Services)*		$000,000.00
Total Due This Invoice	$000,000.00	
Total Previous Invoices	$000,000.00	
Total Billed To Date		$000,000.00
Less Payments/Credits	($000,000.00)	
Amount Due This Invoice >>>>>>		**$000,000.00**

****

Unforeseen Items *(Must be approved by City)*		$000,000.00
Total Due This Invoice	$000,000.00	
Total Previous Invoices	$000,000.00	
Total Billed To Date		$000,000.00
Less Payments/Credits	($000,000.00)	
Amount Due This Invoice >>>>>>		**$000,000.00**

SPECIAL SERVICES: **$000,000.00**

(Must be approved by City)

Total Due This Invoice	$000,000.00	
Total Previous Invoices	$000,000.00	
Total Billed To Date		$000,000.00
Less Payments/Credits	($000,000.00)	
Amount Due This Invoice >>>>>>		**$000,000.00**

****

ADDITIONAL SERVICES: **$000,000.00**

(Must be approved by City)

Total Due This Invoice	$000,000.00	
Total Previous Invoices	$000,000.00	
Total Billed To Date		$000,000.00
Less Payments/Credits	($000,000.00)	
Amount Due This Invoice >>>>>>		**$000,000.00**

****

TOTAL AMOUNT BILLED TO DATE: $000,000.00

TOTAL PERCENTAGE BILLED TO DATE: ##%
(Less unforeseen items fees)

TOTAL AMOUNT DUE THIS INVOICE: $000,000.00

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Proposed Debt Sale

Summary of Request/Problem
On February 21, 2012, Council approved the 2012 Capital Improvement Program (CIP), which contemplated the sale of Certificates of Obligation in the amount of $6.8 million and Water & Sewer Revenue Bonds in the amount of $8.4 million, excluding debt issuance cost. Staff requests Council consideration of two ordinances to authorize the sale of debt to fund the approved CIP.

Recommendation/Action Requested and Justification
Approve the sale of Certificates of Obligation and Water & Sewer Revenue Bonds to fund a portion of the approved 2012 CIP.

Submitted By:	**Approved By:**
David Schuler **Managing Director of Financial Services**	**William E. Dollar** **City Manager**

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Investment Policy Revisions

Summary of Request/Problem
By written policy, revisions to City Council Policy FIN-06, Statement of Investment Policy are approved by the City Council. Staff is recommending revisions to three sections of the Statement of Investment Policy. The revisions were presented to Council at the May 14, 2012 Work Session.

Recommendation/Action Requested and Justification
It is recommended that Council approve a resolution indicating their approval of revisions to City Council Policy FIN-06.

Submitted By:	**Approved By:**
David Schuler **Managing Director for Financial Services**	**William E. Dollar** **City Manager**

RESOLUTION NO.

A RESOLUTION ADOPTING AN AMENDED INVESTMENT POLICY OF THE CITY OF GARLAND; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Public Funds Investment Act (Chapter 2256, Tx. Govt. Code)("PFIA"), requires the City to adopt a written investment policy and, as part of the investment policy, to adopt a separate investment strategy for each of the funds or groups of funds under its control; and

WHEREAS, the City has previously adopted Council Policy FIN-06 (investment policy) and Council Policy FIN-05 (investment strategy); and

WHEREAS, the City Council has reviewed the investment policy and desires to adopt an amended Council Policy FIN-06 (investment policy) as attached hereto, which investment policy as adopted shall record any changes made to the investment policy.

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

Section 1

That the Garland City Council hereby adopts Council Policy FIN-06, in the form and substance as attached hereto and incorporated herein by reference.

Section 2

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

PASSED AND APPROVED this the _____ day of _____, 2012.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

_____
City Secretary

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Depository Bank Contract

Summary of Request/Problem
At the May 14, 2012 Work Session, Council considered authorizing a depository bank contract with a financial institution that has been selected through a Request for Application process to meet the City's banking needs in accordance with City Council Policy FIN-06.

Recommendation/Action Requested and Justification
It is recommended that Council approve a resolution indicating their approval to execute a depository bank contract and related agreements with JP Morgan Chase for the period July 1, 2012 through June 30, 2014. The depository bank contract contains three one-year extension options effective July 1, through June 30, 2017.

Submitted By:	**Approved By:**
David Schuler **Managing Director for Financial Services**	**William E. Dollar** **City Manager**

Attachment A

BANKING SERVICES AND DEPOSITORY AGREEMENT

This Banking Services and Depository Agreement ("Agreement") is made and entered into between the City of Garland, Texas (the "City") and JPMorgan Chase Bank, NA (the "Bank").

WHEREAS, the City desires to obtain banking services and a depository for its funds and to provide for those funds the highest level of safety, liquidity and return while receiving suitable banking services at a reasonable charge; and

WHEREAS, the Bank is willing to provide such banking services and to act as a depository for City funds while providing full collateral suitable to the City;

NOW, THEREFORE, for and in consideration of the premises and the agreements contained herein, the City and the Bank agree as follows:

Section 1. Banking Services.

The Bank agrees to provide the City banking services of the types and for the charges and credits as specified in Exhibit "A" attached hereto.

Section 2. Security.

(A) All deposits of the City in the Bank in excess of $250,000 shall be secured by the Bank in an amount equal to at least 100 percent (100%) of the deposits in excess of $250,000, including accrued interest, by pledging collateral in the form of any of the following securities (the "Pledged Securities"), but not others:

(i) United States Treasury Notes, Bills or Bonds or obligations fully and unconditionally guaranteed as to principal and interest by the full faith and credit of the United States; or

(ii) Obligations of the Agencies and Instrumentalities of the United States, including, but not limited to: Federal Home Loan Bank, Federal Home Loan Mortgage Corporation and Federal National Mortgage Association; or

(iii) Mortgage-Backed Securities issued by the United States and its Agencies and Instrumentalities, including but not limited to Government National Mortgage Association; or

(iv) The use of a Federal Home Loan Bank issued Letter of Credit to meet the required collateral requirements may be proposed by the financial institution for consideration by the City.

(B) The Bank shall place the Pledged Securities for safekeeping in a custodial account at a state or national bank domiciled in Texas, Federal Home Loan Bank, or Federal Reserve Bank or a branch of a Federal Reserve Bank not owned nor controlled by the Bank or its holding company, JPMorgan Chase Bank, NA, or JPMorgan Chase Bank, NA affiliates or subsidiaries. The Pledged Securities will be released from the custodial account only in accordance with the terms and conditions of a Continuing Deposit Security Agreement to be executed between the Bank and the City, in the form attached hereto as Exhibit "B".

(C) The Bank shall be in default (i) upon its failure to pay any funds which the City has on deposit therein in accordance with the terms of this Agreement; or (ii) if a receiver is appointed for the Bank; or (iii) if the Bank is ruled or becomes insolvent or otherwise "failed" under applicable federal banking regulations.

(D) In the event of a default as defined herein, the City shall give the Bank written notice of such default. In the event the default is not cured within ten (10) business days of receipt of written notice of default from the City, the Director of Financial Services of the City, (or a duly authorized representative) may then direct the Custodian to sell the Pledged Securities. Out of the proceeds of sale, the Custodian may pay to the City such actual damage and losses sustained by the City, (excluding any punitive, indirect, consequential, or special damages or losses), together with reasonable expenses incurred by the City and Custodian on account of such default and sale of the Pledged Securities. The Bank shall be paid the remainder of the proceeds, and the City shall provide the Bank an accounting of all transactions associated with such sale.

Any sale by the Custodian made of such Pledged Securities, or any par thereof, may be in any market for such Pledged Securities, and the Bank may bid at such sale. Written notice to the Bank of any sale must be provided, and must be received by the Bank at least three (3) business days prior to such sale.

(E) The Bank shall furnish to the City a statement describing the Pledged Securities held in safekeeping by the Custodian on at least a monthly basis commencing on July 1, 20012. The statement shall set forth the par value, market value, interest rate and maturity date of each of the Pledged Securities.

(F) The Bank may not substitute or exchange like securities for the Pledged Securities without the prior written consent (or oral consent followed by written acknowledgment) of the City, which consent shall not be unreasonably withheld. A written notice stating the type of security, par value, interest rate, maturity date and market value at the date of substitution shall be sent to the

City by the Bank within five (5) business days of any such substitution or exchange.

(G) The Bank shall provide to the City a statement of its financial position on at least a quarterly basis. The Bank shall also provide to the City its annual financial statements audited by an independent public accountant as to its "fair presentation."

Section 3. Disbursements.

(A) The City maintains one or more deposit accounts as listed by style and number on Exhibit "C" ("Disbursing Account") at JPMorgan Chase Bank, NA, San Angelo ("Control Bank"). The City also maintains a deposit account at the Bank with the style and account number as set forth on Exhibit "D" ("Funding Account"). The City requests that the Bank from time to time transfer funds from the Funding Account to the Disbursing Account. Such transfers may be effected by any reasonable means acceptable to the Bank.

(B) Every banking business day (Monday through Friday, excluding holidays), items drawn on a Disbursing Account which have been presented for payment before 10:30 A.M. Central Time (the "deadline") will be totalled (the "Daily Total"). The City authorizes the Bank to transfer funds as of the same banking business day from the Funding Account to each Disbursing Account in an amount equal to the Daily Total for such Disbursing Account. Each banking business day, the City may obtain the Daily Total for each Disbursing Account by accessing the Bank's information reporting service

(C) Items drawn on a Disbursing Account which are presented for payment at the Control Bank after the deadline may be dishonored or payment on such items may be refused or delayed unless the City has a sufficient available balance of collected funds in such Disbursing Account to cover payment of such items. If the Control Bank pays an item presented after the deadline, such item will be included in the Daily Total for the appropriate Disbursing Account on the next banking business day.

(D) The City agrees to maintain a sufficient balance of collected funds in the Funding Account to allow the Bank to make transfers in the amount of the Daily Totals as contemplated in subsection B. If the Funding Account does not contain sufficient collected funds to cover the transfers of the Daily Totals to the Disbursing Accounts, the Bank shall not be required to make any transfer of funds from the Funding Account which would create an overdraft of such account. The City acknowledges that in such event, the Control Bank may dishonor or refuse payment of all or some of the items drawn on a Disbursing Account which have been presented for payment.

(E) The City acknowledges and agrees that each of the Disbursing Accounts is subject to a deposit agreement between the City and the Control Bank only. The City agrees to contact the Control Bank in matters related to the Disbursing Account, such as, for example, the issuance of a stop payment order on an item drawn on a Disbursing Account.

(F) The City agrees that it will promptly examine bank statements for the Disbursing Account

and the Funding Account. The City agrees to report any discrepancies (i) between the statements for the Disbursing Account and the transfers shown on the statement for the Funding Account; or (ii) between the City's records and any of the statements, in writing to the Bank within thirty (30) days after the statement date.

(G) The City agrees to promptly pay the Bank the fees shown on Exhibit "A". The City agrees that the Bank may reimburse itself for fees due hereunder by debits to the City's Funding Account. If the Funding Account does not have a sufficient collected balance to cover such charges and fees, the Bank may reimburse itself from any other account maintained by the City at the Bank. The City agrees to reimburse the Bank upon demand for any of such charges and fees which remain unpaid. The Bank may, at its option, require advance payment of such charges or fees or a deposit to cover such charges and fees.

(H) From time to time, upon not less than 30 days' prior written notice to the City and written consent from the City, the Bank may change any procedures without prior notice to the City where an immediate change in items or conditions is necessary to maintain or restore the security of a funds transfer system or any deposit account.

(I) If the City notifies the Bank of any error or omission by the Bank in any transfer under this Agreement, the Bank shall undertake to correct such error or omission within a reasonable time, by preparing and processing appropriate transfers, provided that the City shall ensure that sufficient funds of the City are available in the Disbursing Account and/or Funding Account involved.

Section 4. <u>Transfer of Funds</u>.

(A) Specific requests from the City to the Bank for funds transfers are to be made by the City's authorized representatives ("Authorized Representatives") listed on the List of Authorized Representatives furnished by the City to the Bank from time to time in the form attached hereto as Exhibit "E". Elimination of any name from such List shall be made effective immediately upon receipt of written notice by the Bank. The Bank has no liability for transfers made by a person on the List of Authorized Representatives before the Bank is notified in writing that such person has been removed from the List. Only an Authorized Representative of the City may authorize one or more funds transfers. Requests for transfers may be made by telephone, telex, telegraph, orally, in writing or by any other signal or means of communication.

(B) The City may authorize the Bank to make the requested funds transfers by any means for the transmission of funds and also to make transfers by internal means. Transfers of funds to the City's account(s) from third parties shall be received subject to the Bank's published deadlines. The City shall be notified thirty (30) days in advance of any change in those deadlines. The Bank shall cancel a requested transfer if the Bank receives the City's request for cancellation, given by an Authorized Representative on the affected account, in such time and in such manner as to allow the Bank a reasonable opportunity to act.

(C) (i) For their mutual benefit, the City and the Bank shall adhere to the security procedures contained in this Agreement and in any implementing instructions which the Bank may issue regarding the processing of funds transfers. Any request for transfer of funds shall be accepted and honored from any person identifying himself or herself as an Authorized Representative of the City and providing the correct Authorization Code (the "Code"), which shall be established by the City and the Bank. When a person calls in a funds transfer order on behalf of the City representing that he or she is an Authorized Representative, the Bank may at its option terminate this call, call back the City, and ask for the person so identified to confirm with the person with whom the Bank is connected that he or she placed the order. The Bank shall mail to the City at the address indicated below by certified mail, return receipt requested, one or more codes for use by the City in communicating funds transfer orders to the Bank. The City's receipt of the Code will be established by the return of the signed return receipt indicating postal delivery to the City. If the return receipt is not received back by the Bank within ten (10) banking days from the time of mailing, the Bank will telephone the City to inquire whether the Code has been received. No funds transfer order will be accepted without the correct Code. At the City's request, or on its own initiative, the Bank will change the Code from time to time by mailing the new Code to City in the same manner as the original Code. The Bank shall not be liable for its good faith reliance upon the City's instructions received from a person identifying himself or herself as an Authorized Representative in accordance with this Agreement and providing the correct Authorization Code.

(ii) The Bank shall furnish to the City a confirming notification of funds transfer after it is made, in the form of a periodic account statement. The City shall examine such account statement to detect the presence or absence of any discrepancies between the City's records and the statement sent by the Bank, and shall report any such discrepancies to the Bank within thirty (30) days after the day that the Bank sends the account statement. The City shall notify the Bank promptly of any funds transfer errors in the City's favor and agrees to avoid being unjustly enriched as a result.

(iii) The Bank will confirm in writing transfers from the City's account(s) to accounts of third parties at other financial institutions.

(iv) The Bank may, at its option, elect to record electronically any telephone instructions regarding funds transfers. The City expressly consents to such recordings. A signal in the telephone will indicate that the telephone message is being recorded.

(v) At the Bank's request, the City will provide written confirmation of any request for or receipt of a transfer of funds.

Section 5. <u>Account Balances</u>.

The Bank shall not be obligated to make any funds transfer if the amount of such transfer exceeds the immediately available funds on deposit by the City with the Bank. The City agrees to maintain

sufficient balances in appropriate accounts to affect funds transfers. The Bank may, at its option and in its sole discretion, honor or refuse to honor a funds transfer order from a City account which will result in the account being overdrawn. In the event that the execution of a funds transfer results in an overdraft that continues for more than one (1) business day, the Bank shall be entitled to interest on the amount overdrawn at a rate based upon prime rate plus 2% from the day the City's account was first overdrawn until the account is no longer overdrawn.

Section 6. Confidentiality and Safeguarding.

All data relating to the City's business provided to the Bank by the City pursuant to this Agreement will be treated confidentially and safeguarded by the Bank, using the same care and discretion that it uses with data that the Bank designates as confidential, and the Bank shall safeguard all funds and investments of the City while such funds or investments are in the possession of or under the control of the Bank.

Section 7. Representations.

The Bank covenants, represents and warrants to the City:

(i) That JPMorgan Chase Bank, NA (the "Bank"), or another subsidiary bank of JPMorgan Chase Bank, NA is the legal and actual owner of the Pledged Securities and that the Bank has full power and authority to pledge the Pledged Securities to the City;

(ii) That no other security interest has been, or will be, granted in the Pledged Securities; and,

(iii) That the Bank is insured by the FDIC for $250,000 for all City Demand Deposits which is separate from the $250,000 FDIC insurance provided on all interest-bearing City accounts.

Section 8. Notices.

Any notice required or desired to be given to either party hereto shall be deemed to be delivered: (i) on the date of delivery, if hand delivered; (ii) one (1) day after sending, if sent by overnight courier; or (iii) if sent by mail, three (3) days after the same is posted in a U.S. mail receptacle, postage prepaid, to the address of the applicable party set out below such party's signature hereinbelow. Either party hereto may designate another address within the United States of America for notice, but until written notice of such change by the other party, the last address of such party designated for notice shall remain such party's address for notice.

Section 9. Attorneys' Fees.

Should either party to this Agreement commence legal proceedings against the other to enforce the

terms and provisions of this Agreement, the party losing in such legal proceeding shall pay the reasonable attorneys' fees and expenses of the party prevailing in such legal proceedings.

Section 10. **No Assignment**.
Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

Section 11. Severability.

If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 12. Waiver.

Either the City or the Bank shall have the right to waive any requirement contained in this Agreement, which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended.

Section 13. Governing Law.

This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas.

Section 14. Paragraph Headings.

The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof.

Section 15. Complete Agreement.

This Agreement contains the entire agreement between the City and the Bank with respect to the matters set forth herein.

Section 16. Binding Effect.

Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 17. Gender.

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

Section 18. Counterparts.

This Agreement has been executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 19. Exhibits.

All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 20. Relationship of Parties.

Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of City and Bank as those terms are understood herein.

Section 21. Term, Renewal and Termination.

This Agreement shall commence July 1, 2012. This Agreement may be renewed on July 1, 2014 for a one (1) year period, on July 1, 2015 for a one (1) year period and on July 1, 2016 for a one (1) year period subject to the approval of the Garland City Council and the Bank. The service charges described in Exhibit "A" apply to the agreement commencing July 1, 2012 and to each one year renewal. Either party may terminate this Agreement either for or without cause upon ninety (90) days written notice to the other party.

EXECUTED this _____ day of _____, 2012.

JPMorgan Chase Bank, NA	**The City of Garland, Texas**
By: _____	By: _____

Title: _____

Title: City Manager

Address for Notice:

JPMorgan Chase Bank, NA
2200 Ross Avenue
Dallas, Texas 75201

Address for Notice:

The City of Garland
200 N. Fifth Street
P.O. Box 469002
Garland, Texas 75046-9002

Exhibit A

City of Garland Comprehensive Fee Schedule

Bank shall waive six (6) months of service fees during the two-year period July 1, 2012 through June 30, 2014.

Bank shall waive one (1) month service fees during each one-year extension period.

Bank shall provide to the City check stock and deposit bags during the two-year period and during each of the one-year extension periods.

City of Garland Comprehensive Fee Schedule

Service Description	AFP Service Code	Unit Price
ACCOUNT SERVICES		
1005 - ACCOUNT MAINTENANCE	010000	$5.0000
1006 - ACCT MAINT-INT	010010	$5.0000
1010 - STATEMENT CYCLES	010307	$0.0000
1014 - ACCOUNT STATEMENT - PAPER	010310	$0.0000
1073 - LARGE DOLLAR CHECK REVIEW	150299	$0.0000
1076 - AUDIT CONFIRMATIONS	010630	$0.0000
1304 - ARP PAID ITEM RETURN CREDIT	010101	$0.0000
3499 - POST NO CHECKS MAINTENANCE	1500ZZ	$0.0000
7634 - CREDIT POSTED- ELECTRONIC	010101	$0.2000
7635 - DEBIT- POSTED ELECTRONIC	010100	$0.2000
7856 - CASH CONCENTRATION MAINTMASTE	010020	$0.0000
7857 - CASH CONCENTRATION MAINT SUB	010021	$5.0000
AUTOMATED CLEARING HOUSE		
2695 - ACH MAINTENANCE	250000	$0.0000
2700 - CREDIT ORIGINATED	250101	$0.0300
2705 - DEBIT ORIGINATED	250100	$0.0300
2710 - ACH DELETION	250620	$10.0000
2716 - CREDIT RECEIVED	250201	$0.0000
2717 - DEBIT RECEIVED	250200	$0.0000
2720 - RETURN ITEM	250302	$1.0000
2722 - NOTIFICATION OF CHANGE	251070	$1.0000
2729 - ACH RETURN-VIA ONLINE RPTNG	250400	$0.0000
2732 - ACH RECEIVER SVCS-DATA TRANS	259925	$5.0000
2735 - ACH REVERSALS	250640	$10.0000
2740 - RETURN ITEM REDEPOSIT	250310	$1.0000
2742 - CREDIT ORIGINATED - JPM ACCESS	250101	$0.0500
2744 - DEBIT ORIGINATED - JPM ACCESS	250100	$0.0500
2746 - JPM ACCESS ACH MAINTENANCE	250000	$0.0000
2765 - FILE PROCESSING	250501	$5.0000
2796 - ADDENDA RECORD	250120	$0.0300
2809 - ACH EMAIL NOC	251070	$0.0000
2810 - ACH RETURN EMAIL NOTIFICATION	250400	$0.0000
2812 - NOTIFICATION OF CHANGE - FAX	251071	$0.0000
2814 - ACH NOC TRANSMISSION REPORTING	251070	$0.5000
2818 - RETURN ITEM NOTIF-TRANSMISSION	250400	$0.5000
2821 - RETURN ITEM NOTIF - FAX	250401	$0.0000
2860 - DEBIT BLOCK MAINTENANCE	251050	$0.0000
2861 - ACH ADA AUTHORIZED ID	251051	$0.0000
5489 - ACH RECEIVER SVCS-MAINTENANCE	050030	$0.0000
5490 - ACH RECEIVER SVCS-TRANSACTION	050300	$0.1000
5491 - ACH RECEIVER SVCS-REFORMAT	050311	$0.0000
BANKING CENTER SERVICES		
1306 - BRANCH CREDITS POSTED	100000	$0.3000
1314 - BRANCH DEPOSIT-IMMEDIATE VERIF	100000	$0.0017
1316 - BRANCH COIN DEP PAR OR MIX BAG	100012	$5.0000
1318 - BRANCH ORDER - COIN ROLL	100044	$0.0600
1319 - BRANCH ORDER CURRENCY STRAP	10004A	$0.3000

City of Garland Comprehensive Fee Schedule

Service Description	AFP Service Code	Unit Price
1320 - BRANCH DEPOSIT IN NON STD BAG	100099	$2.0000
1327 - BRANCH DEPOSIT - POST VERIF	100007	$0.0011
1333 - BRANCH ORDER PROCESSED	100040	$0.0000
DEPOSIT INSURANCE		
35 - DEPOSIT INSURANCE FEE	000230	FDIC Passthrough
DEPOSITORY SERVICES		
501 - CHECK DEPOSITED-ON US	100220	$0.0150
513 - CHECK DEPOSITED-TRANSIT	100224	$0.0400
519 - IMAGE GROUP ONE	999999	$0.0500
520 - ON-US STANDARD	999999	$0.0300
521 - IRD PERIOD ONE	999999	$0.0500
522 - IRD PERIOD TWO	999999	$0.0500
524 - FILE TRANSMISSION REC.- VPN	999999	$7.5000
526 - IMAGE GROUP TWO	999999	$0.0350
527 - IRD SELECT	999999	$0.0500
528 - IMAGE GROUP TWO - TIER 2	999999	$0.0350
704 - DEPOSIT CORRECTION	100230	$1.0000
746 - ON US PREMIUM	999999	$0.0500
747 - IRD PERIOD THREE	999999	$0.0700
748 - ICL DEPOSIT LATE	100200	$2.0000
751 - IMAGE GROUP ONE - PERIOD TWO	999999	$0.0550
752 - IMAGE GROUP ONE - PERIOD THREE	999999	$0.1200
756 - ICL DEPOSIT STANDARD	100200	$1.5000
757 - IMAGE QUALITY SUSPECT ITEMS	999999	$0.2500
759 - ICL DEPOSIT EARLY	100200	$0.2500
760 - ACH ELIGIBILITY TESTING/FILTER	999999	$0.0030
1305 - CREDITS POSTED	010101	$0.2500
1433 - DATA KEYING RETURN ITEM	100430	$0.6000
1435 - RETURN ITEM	100400	$1.0000
1437 - RETURN MULTIPLE LOCATIONS	100430	$0.6000
1438 - RETURN ALTERNATE ADDRESS	100401	$3.0000
1448 - RETURN DETAIL REPORTING	100411	$0.3000
1450 - RETURN ITEM REDEPOSIT	100402	$1.0000
1452 - RETURN - EMAIL NOTIFICATION	100419	$1.0000
1457 - REQUALIFICATION OF RETURN ITEM	100401	$2.0000
4606 - RETURN CHARGE ALTERNATE ACCT	100401	$0.2500
DISBURSEMENT SERVICES		
1321 - CHECK CASHING NON-ACCT HOLDER	150501	$0.0000
2205 - CONTROLLED DISB ACCT MAINT	150000	$15.0000
2210 - CONTROLLED DISB CHECK POSTED	150110	$0.0800
2285 - CHECK / DEBIT POSTED	010100	$0.0800
2338 - STOP PAYMENT AUTOMATIC RENEWA	150510	$2.0000
3495 - IMAGE STORAGE PER ITEM	159999	$0.0100
5234 - CONTROLLED DISB FUNDING	010112	$0.0000
6618 - PWS CHECK INQUIRY MAINTENANCE	999999	$5.0000
6620 - PWS RECON REPORT/STMT MAINT	999999	$0.0000
6621 - PWS IMAGING MAINTENANCE	151350	$25.0000
6636 - PWS RPP EXCEPT REVIEW MAINT	209999	$30.0000

City of Garland Comprehensive Fee Schedule

Service Description	AFP Service Code	Unit Price
6639 - STOP PAYMENT - ELECTRONIC	999999	$5.0000
6641 - DATA DOWNLOAD	200201	$20.0000
6645 - IMAGE RETRIEVAL PER RETRIEVE	151352	$1.0000
FUNDS TRANSFER SERVICES		
5822 - ELECTRONIC BOOK DEBIT S/T	350124	$2.0000
5823 - ELECTRONIC BOOK DEBIT REPAIR	350124	$6.5000
5824 - ELECTRONIC FED DEBIT S/T	350104	$3.0000
5825 - ELECTRONIC FED DEBIT REPAIR	350104	$7.5000
5826 - ELECTRONIC CHIP DEBIT S/T	350113	$3.0000
5827 - ELECTRONIC CHIP DEBIT REPAIR	350112	$7.5000
5882 - REPETITIVE INSTRUCTION STORAGE	350551	$0.0000
5883 - FED TRANSFER FEE	350531	$0.0000
5884 - CHIPS MESSAGE FEE	350532	$0.0000
5886 - BOOK CREDIT	350320	$0.0000
5887 - FED CREDIT S/T	350300	$3.0000
5888 - FED CREDIT REPAIR	350300	$7.0000
5889 - CHIPS CREDIT S/T	350310	$3.0000
5890 - CHIPS CREDIT REPAIR	350310	$7.0000
5927 - MAIL DEBIT ADVICE	350412	$1.0000
5928 - MAIL CREDIT ADVICE	350412	$1.0000
5964 - INVESTIGATION	350560	$40.0000
5967 - RETURNED PAYMENT INVESTIGATION	350560	$0.0000
5971 - SOLUTION CENTER PHONE INQUIRY	350530	$0.0000
JPMORGAN ACCESS		
6067 - ACCOUNT MAINT - 45 DAY HISTORY	400699	$5.0000
6068 - ACCOUNT MAINT - 90 DAY HISTORY	400699	$10.0000
6075 - ACCESS ACCOUNT TRANSFER MAINT	400699	$0.0000
6076 - ACCT TRANSFER ITEM	400699	$1.0000
6079 - TRANSACTION REPORTED	400699	$0.0200
6084 - JPMORGAN ACCESS LICENSE FEE	400699	$0.0000
6090 - JPMORGAN ACCESS CLIENT MAINT	400699	$0.0000
6099 - SPECIAL REPORT FEE	406999	$0.0000
7357 - JPM ACCESS MONTHLY MAINT	400699	$0.0000
OTHER CHARGES AND CREDITS		
8809 - RESEARCH ADJUSTMENT CREDIT	999999	$0.0000
8810 - RESEARCH ADJUSTMENT DEBIT	999999	$0.0000
PAYROLL RELATED SERVICES		
3467 - PAY CARD CLASSIC MAINTENANCE	069999	$100.0000
RECEIPTSTREAM/ENH REC SVCS		
2631 - EDI DETAIL REPORT-JPM ACCESS	300524	$2.0000
RECONCILIATION SERVICES		
3205 - FULL RECONCILEMENT - PER ITEM	200110	$0.0500
3207 - FULL RECONCILEMENT - MAINT	200010	$0.0000
3228 - PAYEE NAME VERIFICATION	150122	$0.0100
3262 - POSITIVE PAY MAINTENANCE	150030	$0.0000

City of Garland Comprehensive Fee Schedule

Service Description	AFP Service Code	Unit Price
3263 - EXCEPTION ITEM	209999	$1.0000
3271 - ISSUE INPUT FILE WITH RECON	200201	$0.0000
3272 - CHECK EXCEPTION RETURN	150320	$0.0000
3290 - INPUT FILE TRANSMITTAL REPORT	209999	$3.0000
3291 - OUTPUT FILE	200301	$30.0000
3293 - EXCESSIVE ARP REJECTS	200210	$1.0000
3384 - CD ROM	151353	$50.0000
3385 - CD ROM MAINTENANCE	159999	$50.0000
3386 - IMAGE CAPTURE PER ITEM	151351	$0.0300
VAULT SERVICES		
1310 - VAULT DEPOSIT	100100	$0.0000
1459 - VAULT DEPOSIT PER $1,000	10011Z	$0.9000
1468 - VAULT EMAIL NOTIFICATION	100154	$0.5000
1475 - VAULT DEPOSIT ROLLED COIN	100110	$0.2000
1476 - VAULT ORDER COIN ROLLS	100144	$0.1000
1477 - VAULT ORDER - COIN ROLL BOX	100146	$0.0500
1482 - VAULT DEPOSIT STD STRAP - NOTE	100115	$0.0000
1486 - VAULT DEP NON STD STRAP - NOTE	100114	$0.0000
1493 - VAULT DEPOSIT IN NON STD BAG	100199	$1.0000
1495 - VAULT STANDARD ORDERS	100141	$1.0000
1497 - VAULT ORDER CURRENCY STD STRA	10014A	$0.2500
1498 - VAULT EXPEDITED SPECIAL ORDERS	100143	$5.0000
1499 - VAULT ORDER CURR NON STD STRAF	100148	$0.0250
1506 - VAULT DEP PARTIAL OR MIXED BAG	100111	$7.5000
1525 - VAULT DEPOSIT STD COIN BAG	100113	$2.0000
1535 - VAULT ENVELOPE DEPOSIT VERIF	100104	$0.7500
1545 - VAULT ACTIVITY REPORT FAXED	100199	$25.0000
1617 - VAULT DEPOSIT ADJUSTMENT	100501	$1.0000
1618 - VAULT DEPOSIT ADJUSTMENT NOTIF	100520	$1.0000
1620 - SMART SAFE MAINTENANCE	100199	$25.0000
1621 - SMART SAFE ADVANCE CREDIT	100199	$2.0000
1622 - WEB CUR SVCS-CASH FORECASTING	100199	$10.0000
1624 - WEB CUR SVCS-DEPOSIT DETAILS	100199	$8.0000

CONTINUING DEPOSIT SECURITY AGREEMENT

THIS AGREEMENT is entered into as of July 1, 2007, by and between the City of Garland, Texas ("Customer"), and **JPMorgan Chase Bank, NA** ("the Bank').

RECITALS

A. From time to time Customer, for investment and business purposes, makes deposits of money with the Bank; and

B. Although such deposits are generally eligible for FDIC insurance coverage, such coverage is limited for the funds of each public unit, as that term is defined by applicable law.

C. In consideration of the deposits made by Customer with the Bank, Customer and the Bank desire to enter this Agreement granting Customer a security interest in certain Collateral hereinafter defined to afford Customer greater protection.

NOW, THEREFORE, in consideration of the Customer's depositing its funds with the Bank and as security for the repayment of those deposits, the parties agree as follows:

1. OBLIGATIONS. The obligations subject to this Agreement, hereinafter referred to as "Obligations", are the accounts held in the following name: City of Garland, Texas.

2. GRANT OF SECURITY INTEREST - COLLATERAL. To secure the Obligations described above, the Bank hereby grants to the Customer security interest in and assigns and pledges assets, hereinafter referred to as ("Collateral"). The Bank represents that its Board of Directors has passed a resolution authorizing and approving the execution and delivery of contracts with the United States, individual states, and any political subdivisions thereof ("Public Units") providing for the deposit of public funds with the Bank and the pledge of collateral by the Bank to the Public Unit and further authorizing and approving the execution and delivery of all related contracts between the Public Units and the Bank, including without limitation, assignments, pledge agreements and security agreements; that such resolution is reflected in the Minutes of the Bank's Board of Directors; and that a copy of this Continuing Deposit Security Agreement shall be maintained as an official record of the Bank.

3. LOCATION OF COLLATERAL. The Bank agrees to deliver and place the Collateral with the Federal Reserve Bank, hereinafter referred to as "Trustee", as a book entry item in the name of the Customer as the secured party. Evidence of such transaction will be forwarded to the Customer immediately

after the transaction occurs, in no event later than one (1) week from the execution of this Agreement.

4. BANK REPRESENTATIONS, WARRANTIES AND PROMISES. The Bank further represents, warrants and agrees:

   a) The Bank has full power and authority to enter into this Agreement.

   b) The Bank is the owner of the Collateral, or if the Bank is not the owner, the owner has agreed to execute a Hypothecation Agreement granting a security interest in the Collateral in consideration of the Customer's deposits.

   c) The Bank agrees that the total aggregate market value of the Collateral pledged to the Customer, pursuant to this Agreement, shall be continually maintained at the amount equal to or greater than the Obligations of the Bank to the Customer which exceed the sum of the Federal Deposit Insurance Corporation's Insurance limitation. Customer shall notify Bank of significant changes in the amount of Customer's deposits, at which time Bank will pledge additional or release excess securities. (Bank will voluntarily monitor the market value of pledged securities on a daily basis.)

   d) If the Bank shall desire to sell or otherwise dispose of any one or more of the securities constituting part of the Collateral deposited with the Trustee, it may substitute for any one or more such securities other securities of the same current par and of the character authorized herein. Such right of substitution shall remain in full force and may be exercised by the Bank as often as it is desired; provided, however, that the aggregate market value of all Collateral pledged hereunder shall be at least equal to the amount of Collateral required hereunder.

   e) The Bank shall be entitled to income on securities held by the Trustee, and the Trustee may dispose of such income as directed by the Bank without approval of the Customer, provided a breach of contract does not exist.

   f) This Agreement will continuously, from the time of its execution, remain part of the official records of the Bank.

5. EVENTS OF BANK DEFAULT. The Bank shall be in default under this Agreement upon the occurrence of any one or more of the following events or conditions which continue to exist for a period of ten (10) days after Customer has served the Bank with a notice generally describing said defaults:

   a) Failure to comply with any of the requirements of Subparagraph 4 above or any other provisions of this Agreement:

   b) Non-payment of any of the Obligations when due or non-performance of any promises made by the Bank in this Agreement:

   c) Insolvency of the Bank

   d) The appointment of a receiver for any part of the Bank.

6. RIGHT OF CUSTOMER UPON BANK'S DEFAULT. In the event of a default by the Bank, in addition to all the rights and remedies provided in Article 9 of the Uniform Commercial code and any other applicable law, the Customer may (but is under no obligation to the Bank to do so) sell, assign and deliver the whole, or any part of the Collateral or any substitutes thereof or additions thereto, in a commercially reasonable manner and with right to purchase the Collateral at any public sale. Out of the proceeds of any such sale Customer may deduct its actual damages and reasonable costs and expenses of sale incurred as a result of Bank's default, accounting to Bank for the remainder, if any, of such proceeds or collateral remaining unsold.

7. CUSTOMER REPRESENTATIONS, WARRANTIES, AND PROMISES. Customer further represents, warrants and agrees:

   a) Customer has full power and authority to enter into this Agreement.

   b) Customer will comply with the terms of any other agreements it may have with the Bank which govern the Obligations.

   In the event that Customer fails to comply with any of its promises herein, or any of its representations is untrue or any of its warranties is breached, or if any of the Obligations are subjected to service of process, including but not exclusively, a writ of execution, then Bank may immediately terminate this Agreement.

8. LAW GOVERNING. This Agreement and the rights and obligations of the parties hereunder shall be construed and interpreted in accordance with the laws of the State of Texas applicable to agreements made and to be wholly performed in such state.

9. TERMINATION OF THE AGREEMENT. Customer or the Bank may terminate this Agreement by giving written notice of termination to the other party which notice is effective when received by the other party. The rights and liabilities of the parties under this Agreement survive any termination of the Agreement until all Obligations have been satisfied in full.

10. NOTICES. All notices and other communications shall be sent to the

CUSTOMER:

Name: _____

Address: _____

_____

City/State: _____

BANK:

Name: **JPMorgan Chase Bank, NA**

Address: _____

_____

City/State: _____

11. ASSIGNS. This Agreement and all rights and liabilities hereunder and in and to any and all Collateral shall insure to the benefit of Customer and the Bank and their respective successors and assigns. No portion of this Agreement may be assigned without the expressed written consent of the other party, and any assignment must comply with all provisions of Paragraph 4c.

IN WITNESS WHEREOF the parties have signed this Agreement as of this day and year first above written.

CUSTOMER:

List of Accounts:

_____

BY: _____

_____

Title

BANK:

JPMorgan Chase Bank, NA

BY: _____

_____

Title

Exhibit C

Disbursing Account Style

City of Garland Treasury Fund

Account number 580001055

Exhibit D

Funding Account Style

City of Garland Treasury Fund

Account Number 90001199

Exhibit E

Authorized Representatives for Wire Transfers

The following persons may authorize wire transfers on behalf of City of Garland.

Name	Title
David Schuler	Managing Director for Financial Services
Steve Anderson	Cash & Debt Administrator
Kathryn Ritchie	Accounting Administrator

The City shall add or delete any names from the List of Authorized Representatives in accordance with the Bank's maintenance procedures.

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Appointment to the TMPA Board of Directors

Summary of Request/Problem

At the May 15, 2012 Work Session, Council was notified that Jamie Ratliff's term as a member of the Texas Municipal Power Agency (TMPA) Board of Directors will expire on July 18, 2012.

Information was posted on the City's website for 14 days beginning April 30, 2012 in order to provide an opportunity for citizens to apply for the position. Qualified applicants were requested to submit a letter of interest and resume to the City Manager's Office. Jamie Ratliff was the only citizen to respond.

Recommendation/Action Requested and Justification

Approve a resolution of the City Council reappointing Jamie Ratliff to the Board of Directors of the Texas Municipal Power Agency for a two year term commencing on July 18, 2012..

Submitted By:	**Approved By:** **William E. Dollar** **City Manager**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL REAPPOINTING JAMIE RATLIFF TO THE BOARD OF DIRECTORS OF THE TEXAS MUNICIPAL POWER AGENCY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Jamie Ratliff is currently serving on the Board of Directors of the Texas Municipal Power Agency ("TMPA") on behalf of the City of Garland; and

WHEREAS, his appointment will expire on July 18, 2012; and

WHEREAS, the City Council desires to reappoint Mr. Ratliff to the TMPA Board of Directors upon the expiration of his current term;

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

Section 1

The City Council hereby reappoints Jamie Ratliff to the TMPA Board of Directors for a two year term commencing July 18, 2012.

Section 2

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

PASSED AND APPROVED this the _____ day of June, 2012.

CITY OF GARLAND, TEXAS

_____
Mayor

ATTEST:

_____
City Secretary

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Proposed Changes to Section 22.39(E) regulating Mobile Food Preparation Vehicles

Summary of Request/Problem

Health Department staff proposes that Section 22.39 (E) of the Code of Ordinances be modified by removing paragraphs (2) and (3).

The removal of paragraph (2) will eliminate the prohibition of conveying food from mobile food preparation vehicles to “walk-up” and “drive-up” customers. The removal of paragraph (3) will remove the restriction of mobile food preparation vehicles operating at one location no longer than one hour. The easing of movement and sales constraints will permit the new niche of “gourmet food trucks“ to operate on private property within Garland.

The proposed draft ordinance was presented to the City Council by the Marketing/Events Committee Chair at the May 14, 2012 Work Session.

Recommendation/Action Requested and Justification

Hold a Public Hearing to receive citizen input regarding the modifications to Chapter 22.39(E) and consider an ordinance adopting the proposed changes.

Submitted By:	**Approved By:**
Richard Briley **Managing Director of Health & Code Compliance**	**William E. Dollar** **City Manager**

DRAFT

- For Discussion Purposes Only -

Additions are indicated by double-underlining
Deletions are indicated as ~~strike-throughs~~

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 22, "HEALTH", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Sec. 22.39(E) of Chapter 22, "Health", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(E) Other requirements.

(1) Mobile food preparation vehicles shall operate only where the written permission of the property owner or authorized agent of the property owner has been granted to allow the operation of the mobile food preparation vehicle and to allow lawful inspection of the vehicle while on the premises. A copy of such written permission shall be maintained in the vehicle at all times.

~~(2) The sale or conveyance of food from mobile food preparation vehicles shall be limited to the employees, agents and invitees of the business or agency operating the property on which the vehicle has legal permission to operate. All sales or conveyance of food to drive-up customers shall be prohibited.~~

~~(3) A mobile food preparation vehicle shall remain at one location no more than one (1) hour per stop, and no more than three (3) total hours at the same location in any twenty-four-hour period.~~

(~~4~~2) All invoices and receipts for food supplies shall be maintained on the vehicle for inspection by the health authority."

DRAFT

- For Discussion Purposes Only -

Additions are indicated by double-underlining

Deletions are indicated as ~~strike-throughs~~

Section 2

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

Section 3

That Chapter 22, “Health”, of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

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

Section 5

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

PASSED AND APPROVED this the _____ day of _____, 2012.

CITY OF GARLAND, TEXAS

_____

Mayor

ATTEST:

_____

City Secretary

ordinances/

Planning Report

File No. 12-15/District 3

Agenda Item:

Meeting: City Council

Date: June 5, 2012

Wes Parnell

3300 Broadway Boulevard

REQUEST

Approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for Restaurant, Drive-Through.

Note: On May 1, 2012 City Council approved a change of zoning from Office 1 (O-1) to Office 2 (O-2) and a Specific Use Permit for Restaurant, Drive-through tied to Chicken Express for a period of 25 years, and directed an ordinance be prepared for adoption on May 15th. At the May 15th meeting City Council voted instead to call public hearing for June 5, 2012 to give further consideration to this request.

OWNER

Michael Rampulla

PLAN COMMISSION RECOMMENDATION

On April 9, 2012 the Plan Commission, by a vote of 5 to 4, recommended denial of the request for a change of zoning and a Specific Use Permit.

STAFF RECOMMENDATION

Approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for Restaurant, Drive-Through.

BACKGROUND

The applicant requests approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for Restaurant, Drive-Through. The subject property is currently zoned Office 1 (O-1) District which neither permits by right nor by Specific Use Permit the operation of a restaurant with a drive-through. The subject property was developed in 1976 as an office building and was previously occupied by a bank. The applicant is proposing to renovate the existing building for use as a Chicken Express restaurant.

SITE DATA

The subject property contains 1.09 acres with approximately 167 feet of frontage along Broadway Boulevard and 160 feet of frontage along Stonewall Street. The subject property is located at the corner of Broadway Boulevard and Stonewall; the site can be accessed from both streets.

USE OF PROPERTY UNDER CURRENT ZONING

Development of this property is restricted to only the uses permitted in the Office 1 (O-1) District. The Office 1 (O-1) District provides for low-rise office and professional service development. This District is appropriately located adjacent to residential districts and may be used as a transition or buffer between residential uses and more intensive nonresidential activity. District regulations are designed to ensure compatibility with residential development by establishing maximum height, lot coverage and setback requirements. The Office 1 (O-1) District neither permits by right nor by Specific Use Permit the operation of a restaurant with a drive-through.

SURROUNDING ZONING AND LAND USES

North: Properties to the north across Stonewall Street are zoned Office 1 (O-1) District and are developed with medical office buildings.

East: Properties to the east are zoned Office 1 (O-1) District and are developed with offices.

South: Properties immediately to the south are zoned Office 1 (O-1) District and are developed with medical office buildings. The property beyond the medical office buildings is zoned Shopping Center (SC) District and is developed with a multi-tenant commercial building and a pad site building.

West: Properties to the west and southwest across Broadway Boulevard are zoned Shopping Center (SC) District and General Business (GB) District. These properties are developed with a McDonald's restaurant, a Valero gas station, a medical office, a Sonic restaurant, and a vacant building.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property. Neighborhood centers provide a mix of retail, services and community gathering places appropriately scaled to adjacent residential areas. This type of center is predominately, but not exclusively non-residential and typically serves a three mile radius trade area within a 5-10 minute drive time, and a population of 3,000 to 40,000.

CONSIDERATIONS

1. The applicant is proposing a Chicken Express restaurant on the subject property by utilizing the existing bank building. The exterior and the interior of the building will be remodeled; however, the footprint of the building will remain the same. The building is approximately 4,225 square feet including the area under the drive-through canopy. The applicant proposes to preserve the existing brick veneered facades. The applicant also proposes to install a parapet that will be continuous on four sides.

2. Signage: The applicant proposes to install one 48 square foot oval sign and one 32 square foot rectangular LED sign on the existing sign pole that is located 22 feet from Broadway Boulevard and Stonewall Street. The overall height of the proposed freestanding sign will be 18.5 feet. The applicant proposes to install two menu board signs; one 38 square feet and the other 10 square feet in area. Neither sign will exceed 8 feet in height. The applicant proposes to install one 30 square foot sign on three of the sides of the parapet, for a total sign area of approximately 90 square feet. All of the proposed freestanding, menu boards and attached signage is in compliance with the requirements of the Sign Ordinance.

3. Parking: The parking ratio as specified in Section 10-200 of the City of Garland Comprehensive Zoning Ordinance requires a minimum of 8 parking spaces plus 1 parking space for every 50 square feet of dining area for a Restaurant with Drive Through. The applicant has indicated that the dining area would be approximately 408 square feet, requiring 9 parking spaces. Therefore, the total required parking for the site would be 17 parking spaces. The site plan indicates that a total of 17 parking spaces will be provided.

4. The applicant is requesting approval of the Specific Use Permit for a period of 25 years tied to **Chicken Express.**

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

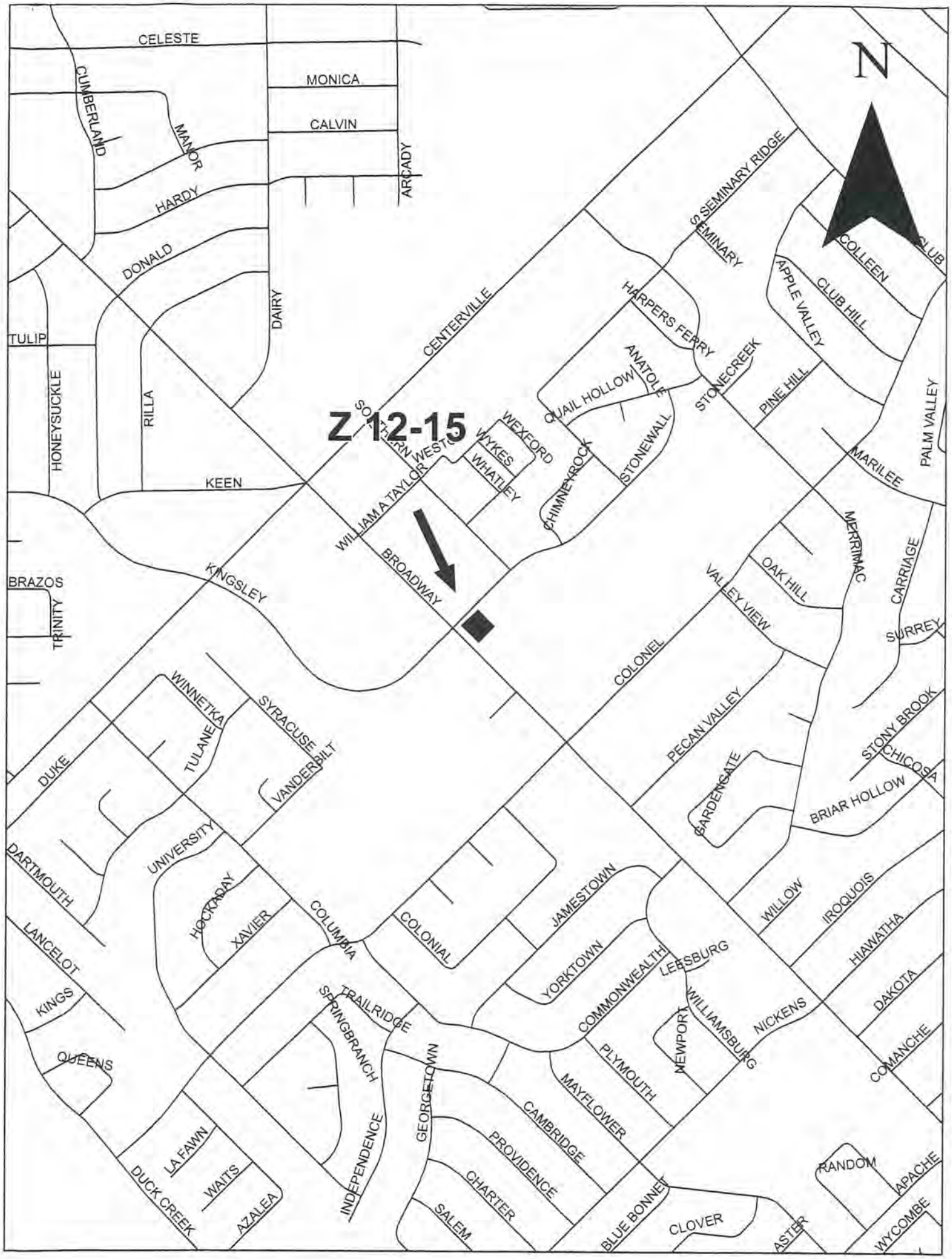
Chicken Express will occupy a building that is currently vacant. A Restaurant, Drive-Through will provide a compatible service to nearby residential neighborhoods, retail and shopping centers, and offices located in the surrounding area.

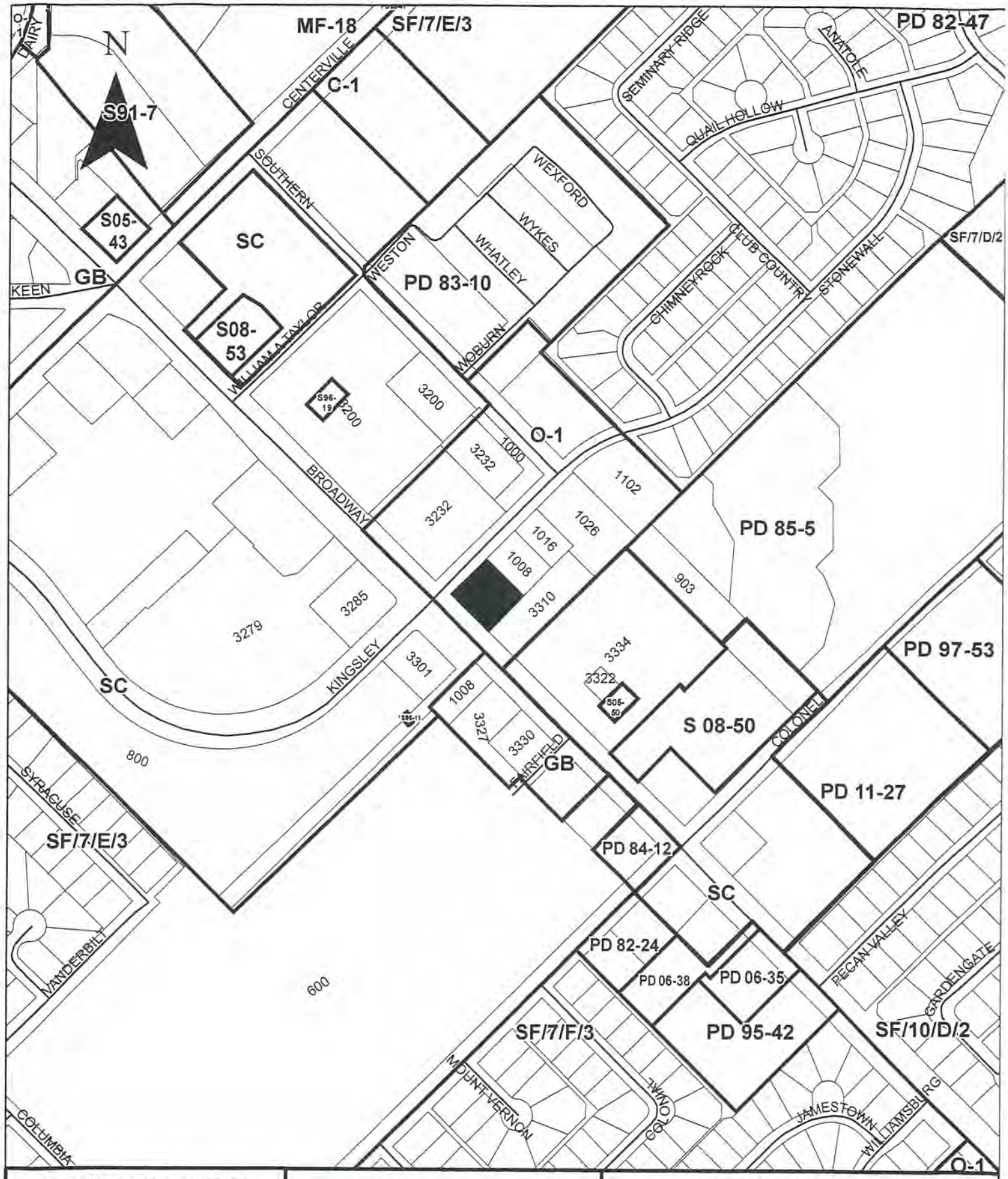
Prepared By:	Reviewed By:
Josue De La Vega Development Planner	Neil Montgomery Director of Planning
Date: May 23, 2012	Date: May 24, 2012

Reviewed By:

William E. Dollar
City Manager

Date: May 25, 2012


Z 12-15
N
CELESTE
MONICA
CALVIN
CUMBERLAND
MANOR
ARCADY
HARDY
DONALD
DAIRY
TULIP
HONEYSUCKLE
RILLA
KEEN
CENTERVILLE
SOUTHERN WESTON
WILLIAM A TAYLOR
BROADWAY
WEXFORD
WYKES
WHATLEY
QUAIL HOLLOW
ANATOLE
CHIMNEYROCK
STONEWALL
HARPERS FERRY
STONECREEK
SEMINARY RIDGE
SEMINARY
APPLE VALLEY
CLUB HILL
COLLEEN
CLUB
PINE HILL
PALM VALLEY
MARILEE
MERRIMAC
CARRIAGE
SURREY
OAK HILL
VALLEY VIEW
COLONEL
PECAN VALLEY
GARDENGATE
STONY BROOK
CHICOSA
BRIAR HOLLOW
BRAZOS
TRINITY
KINGSLEY
WINNETKA
TULANE
SYRACUSE
VANDERBILT
DUKE
UNIVERSITY
DARTMOUTH
HOCKADAY
XAVIER
COLUMBIA
COLONIAL
JAMESTOWN
YORKTOWN
COMMONWEALTH
LEESBURG
WILLIAMSBURG
NEWPORT
WILLOW
IROQUOIS
HIAWATHA
DAKOTA
COMANCHE
NICKENS
LANCELOT
KINGS
QUEENS
TRAILRIDGE
SPRINGBRANCH
GEORGETOWN
PLYMOUTH
MAYFLOWER
CAMBRIDGE
PROVIDENCE
CHARTER
SALEM
INDEPENDENCE
LA FAWN
WAITS
AZALEA
DUCK CREEK
BLUE BONNET
CLOVER
ASTER
RANDOM
APACHE
WYCOMBE



SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES AREA OF REQUEST

ZONING
Z 12-15

N
CENTERVILLE
WILLIAM A. TAYLOR
BROADWAY
SOUTHERN
WEXFORD
WYKE
CLUB COUNTRY
STONEWALL
KINGSLEY
FAIRFIELD
SYRACUSE
VANDERBILT
COLONIAL
COLONEL
PECAN VALLEY
COLUMBIA
MONTICELLO
JAMESTOWN
YORKTOWN
WILLIAMSBURG
Z 12-15

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-15

3300 Broadway Boulevard

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow for Restaurant, Drive-Through subject to conditions.

II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.

III. **General Regulations:** All regulations of the General Business (GB) District set forth in Section 25, 33 and 34 of the Comprehensive Zoning Ordinance, Ordinance No. 4647 are included by reference and shall apply, except as otherwise specified in this ordinance.

IV. **Specific Regulations:**

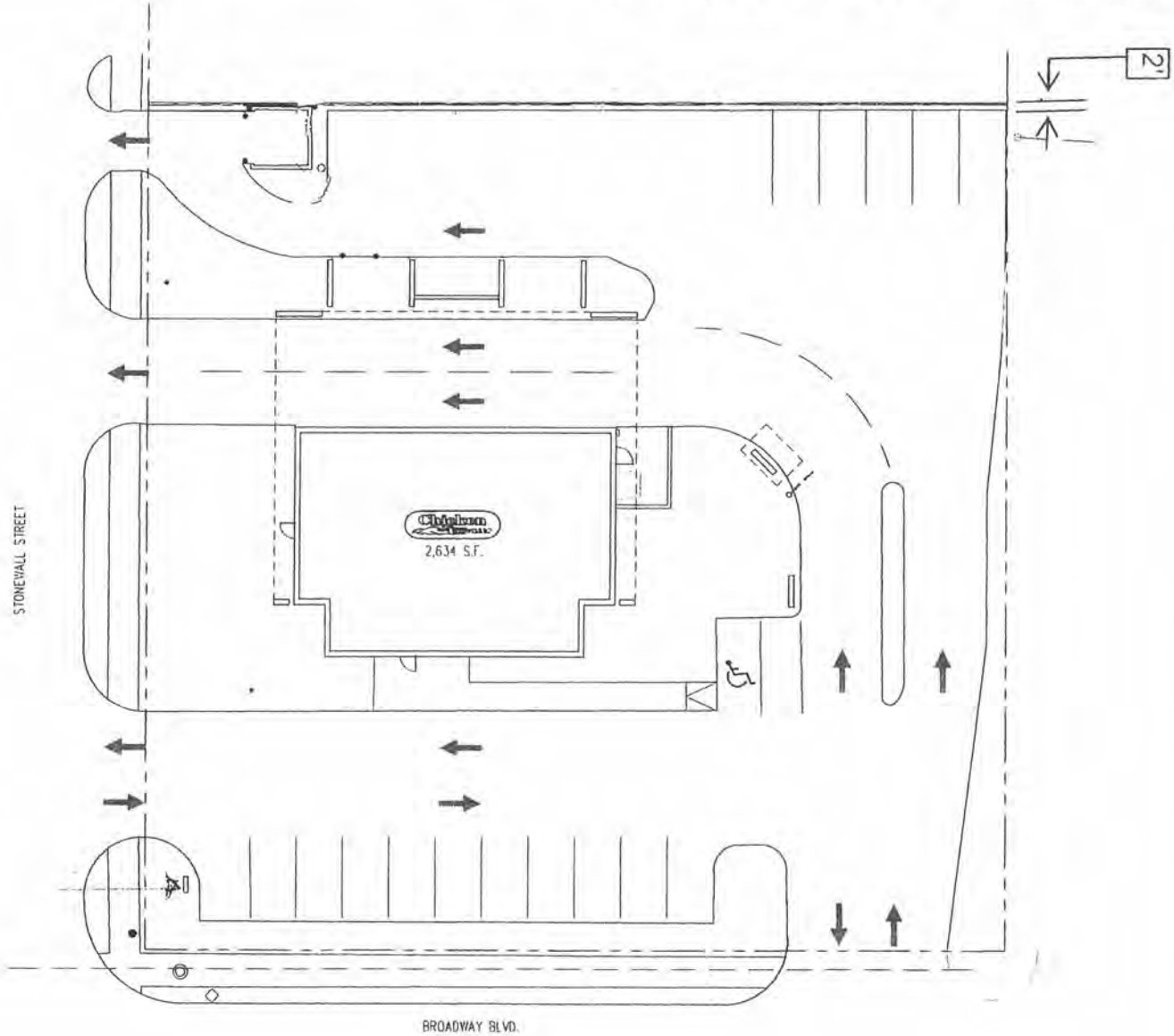
A. Time Period: The Specific Use Permit shall be in effect for a 25 year time period and tied to **Chicken Express.**

B. Site Plan: Subject property shall remain in conformance with site plan labeled Exhibit C.

C. Signage: LED sign(s) shall not flash, change its illumination or copy, rotate, more or create an illusion of movement. LED sign(s) shall be in full compliance with Section 30.104 of Chapter 30, "Building Inspection", of the Code of Ordinances.

EXHIBIT B

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION



1 SITE PLAN
SCALE: 1"=10'

EXHIBIT C

CHASE BANK REMODEL
3300 BROADWAY BLVD.
GARLAND, TEXAS

PROJECT:	CE201204
DATE:	03/06/12
DRAWN BY:	SS
CHECKED BY:	JH
FILE:	CE2012-A0.1

REVISIONS

SHEET TITLE
SITE PLAN
SITE DETAILS

SHEET
A0.1

Uses Permitted in the O-1 (Office 1) District

Analytical Laboratory*
Antenna, Commercial Type 1*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities*
Athletic Club/Instruction, Outdoor Facilities*
Batching Plant, Temporary
Charitable Boarding, Temporary*
Charter School*
Church
Civic Club/Fraternal Lodge
College or University*
Commercial School
Convention Facility*
Drug Store/Pharmacy**
Electric Generating Plant*
Electric Substation*
Financial Institution
Kindergarten, Preschool or Child Care Center*
Library
Massage Therapy
Medical and Surgical Appliances**
Medical Laboratory
Medical Office/Clinic
Mining*
Museum or Art Gallery
Neighborhood Assistance Center
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary**
Printer, Small Scale**
Radio, TV, Recording Studio*
Sanitary Landfill*
School, Public and Private
Sewage Treatment Plant*
Stadium, Arena, Athletic Field*
Water Reservoir or Well*
Water Treatment Plant*
Wind Generator*

* Allowed by Specific Use Permit only.
** Allowed as a Secondary Use only.

Uses Permitted in the O-2 (Office 2) District

Analytical Laboratory*
Antenna, Commercial Type 1*
Antenna, Private
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities*
Batching Plant, Temporary
Charitable Boarding, Temporary*
Charter School*
Church
Civic Clubs/Fraternal Lodge
College or University*
Commercial School
Convenience Store*
Convention Facility*
Drug Store/Pharmacy**
Dry Cleaner**
Electric Generating Plant*
Electric Substation*
Financial Institution
Helipad*
Hotel/Motel, Full Service
Hotel/Motel, Limited Service*
Kindergarten, Preschool or Child Care Center*
Laundromat**
Library
Massage Therapy
Medical and Surgical Appliances**
Medical Laboratory
Medical Office/Clinic
Mining*
Museum or Art Gallery
Neighborhood Assistance Center
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary**
Parking Garage or Lot, Commercial
Printer, Small Scale
Radio, TV, Recording Studio
Restaurant
Restaurant, Drive-Through*
Retail Sales/Personal Service*
Sanitary Landfill*
School, Public and Private
Sewage Treatment Plant*
Stadium, Arena, Athletic Field*
Water Reservoir or Well*
Water Treatment Plant*
Wind Generator*

* Allowed by Specific Use Permit only.
** Allowed as a Secondary Use only.

Uses Permitted in the GB (General Business) District

Ambulance Service
Animal Clinic
Antenna, Commercial Type 1
Antenna, Commercial Type 2*
Antenna, Private
Arcade*
Athletic Club/Instruction, Indoor Facilities
Athletic Club/Instruction, Outdoor Facilities
Automobile Repair, Minor
Batching Plant, Temporary
Bingo Hall*
Car Wash
Care of Alcoholic, Drug Dependent or Psychiatric Patients - Institutionalized*
Charitable Boarding, Temporary*
Charter School*
Church
Civic Club/Fraternal Lodge
College or University*
Commercial Amusement, Indoor
Commercial Amusement, Outdoor*
Commercial School
Convenience Store
Convention Facility
Custodial Quarters*
Drug Store/Pharmacy
Dry Cleaner
Electric Generating Plant*
Electric Substation*
Equipment Leasing, Indoor
Financial Institution
Firewood Bulk Sales*
Flea Market, Indoor*
Furniture and Appliance Sales
Furniture and Upholstery Cleaning and Repair/Reupholstering*
Grocery/Supermarket
Home Improvement Center
Kindergarten, Preschool or Child Care Center
Landscape Nursery
Laundromat
Library
Massage Therapy
Medical Laboratory
Medical Office/Clinic
Medical or Surgical Appliances
Mining*
Mortuary/Funeral Home
Movie Theater/Theater
Museum or Art Gallery
Neighborhood Assistance Center
Office Equipment Sales, Repair and Maintenance*
Office, General
Optical Dispensary

Parking Garage or Lot, Commercial
Pet Sales and Grooming
Printer, Small Scale
Produce Stand, Outdoor
Radio, TV, Recording Studio
Reception Facility*
Recycling Center*
Repair and Service Shop
Restaurant
Restaurant, Drive-Through*
Retail Sales/Personal Service
Retail Sales with Gas Pumps*
Sanitary Landfill*
School, Public or Private
Sewage Treatment Plant*
Shooting Range, Indoor*
Stadium, Arena, Athletic Field*
Tattooing/Body Piercing Establishment*
Tire Dealer, No Outside Storage
Transit Station
Used Goods or Products Collection Point, Temporary*
Water Reservoir or Well*
Water Treatment Plant*
Wind Generator*
Wrecker Service (one)

* Allowed by Specific Use Permit only.

REPORT & MINUTES

P.C. Meeting, April 9, 2012 (9 Members Present)

Consideration of the application of Wes Parnell, requesting approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for Restaurant, Drive-Through. The property is located at 3300 Broadway Boulevard. (File 12-15)

The applicant, Wes Parnell, 5540 Ledgestone, Dallas, TX 75214, made a brief presentation and was available for questions.

He feels this is the perfect location with a double drive-thru (80% of business is handled in the drive-thru) and the economics of redeveloping a building rather than constructing a new building.

There were 3 nearby property owners that spoke in opposition to the request. They were:
Dr. Phillip Dunn, 1016 Stonewall St, Garland
Dr. Lisa Garner, 3310 Broadway, Garland
Denece Hodges, 2909 Anatole, Garland
The concerns included:
Lower property values
Trash from restaurant patrons
Increased crime due to increased nightly activity
Traffic congestion - traffic entrance/exit close to a very busy intersection will cause a lot of problems
Existing professional office area should be maintained
Alternative sites (vacant restaurants) exist

The applicant gave a response to these concerns. He stated that they will be open 7 days a week from 10:30am to 10:00pm and employees will be on site from 8:30am to midnight. They have more parking spaces planned than required and trash is cleared from the property early each day. He cited a traffic study that was performed by Buxton that found the site to have good access. The vacant restaurants do not meet their needs regarding size and drive-thru.

Motion was made by Commissioner Dalton, seconded by Commissioner Welborn to **deny** the request for 1) a change of zoning to General Business (GB) and 2) a Specific Use Permit for a Restaurant with Drive-Through. **Motion carried: 5** Ayes, 4 Nays by Commissioners Moore, Vera, LeMay and Ott.

Exert from City Council Meeting Minutes for May 1, 2012

Public Hearing and application of Wes Parnell requesting approval of 1) a change of zoning from Office 1 (0-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant with Drive-Through for property located at 3300 Broadway Boulevard. (Council District #3, File Z 12-15)

At the April 9, 2012 meeting, the Plan Commission (by a 5 to 4 vote) recommended denial of the request. Neil Montgomery, Senior Managing Director of Development Services presented the staff report explaining that this is a request to put a Chicken Express restaurant with a drive through at corner of Broadway and Stonewall at the site of the old Chase Bank. The Planning Commission recommended denial of the request.

Mayor Jones opened the public hearing at 7:21 pm.

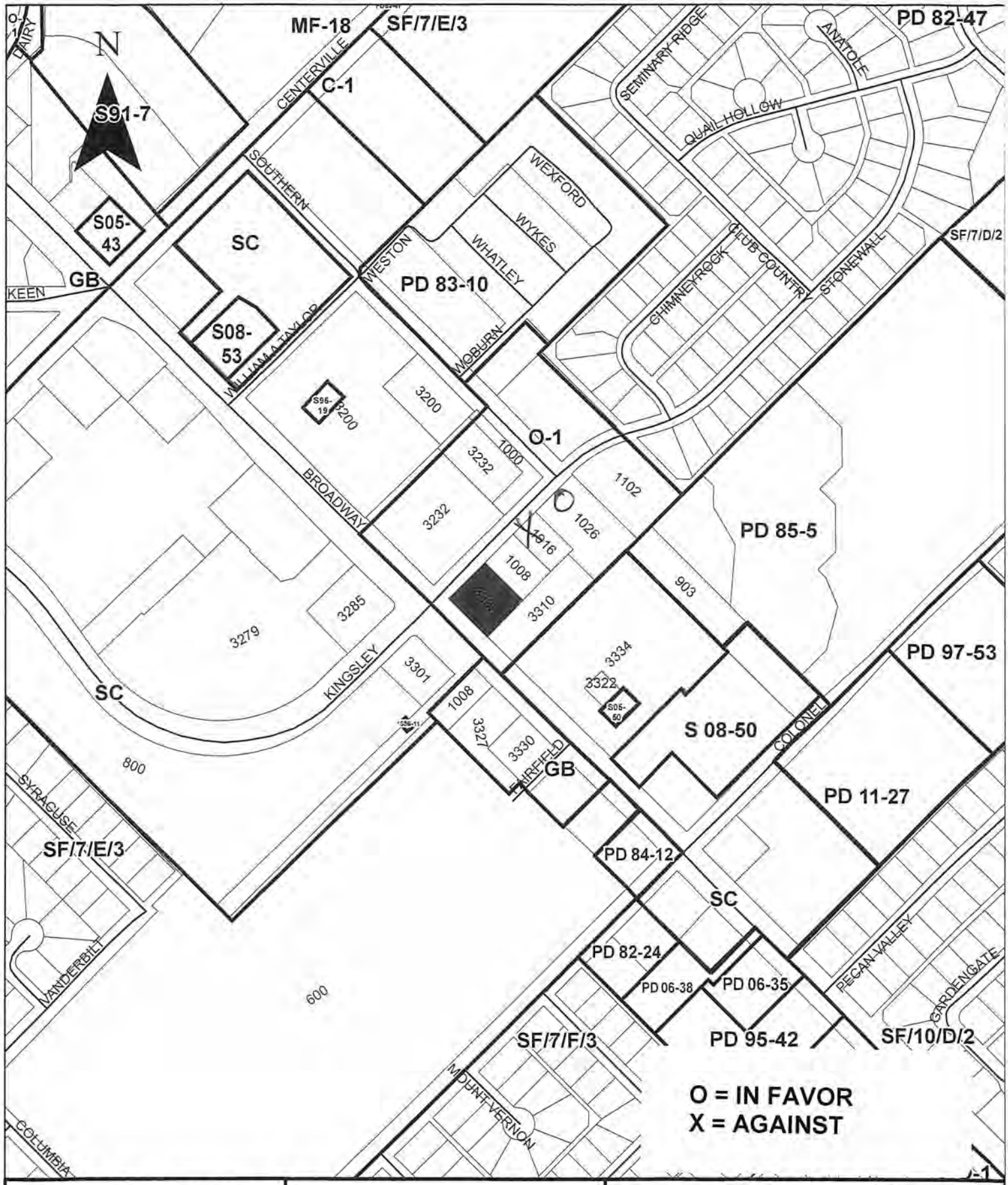
The following citizens spoke during the public hearing:
1. Wes Parnell applicant- in favor.
2. Lonnie Holliday property appraiser working with applicant - in favor.
3. Philipp Dunn, DDS- against
4. Eddie Liebman - in favor
5. Dr. Lisa Garner - against
6. Jeffrey English - against
7. Jason Curtis - in favor
8. Appointed
9. Held

Council members questioned Mr. Parnell, the applicant, regarding the Stonewall turn-around area and the concerns regarding the traffic congestion on Stonewall. Mr. Parnell also explained that he has high standards for cleanliness of his restaurants and the parking lots around it.

Council clarified with Mr. Montgomery that if the motion was made to change the underlying zoning to Office 2, instead of General Business, this would eliminate some concerns regarding allowable uses. The SUP would still be tied to the applicant, Mr. Parnell, so other restaurants with drive-through lanes could not come in without also securing an SUP.

The Council clarified with Mr. Parnell that the empty restaurant building across the street (formerly Schlotzsky's Deli) was not a workable location for the Chicken Express, because it did not have room around the building for the drive through lanes.

Mayor Pro Tern Edwards made a motion to close the public hearing at 8:14 p.m., second by Councilmember Dodson, and to approve 1) a change of zoning from Office 1 (0-1) District to Office 2 (0-2) District and 2) a Specific Use Permit for a Restaurant with Drive-Through tied to applicant Wes Parnell for 25 years, for property at 3300 Broadway Boulevard. Motion carried by a vote of 5 Ayes, 4 Nays and 0 Abstentions. Ayes: Athas, Cox, Edwards, Dodson and Jones Nays: Jeffus, Willis, Cahill and Williams



SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES AREA OF REQUEST

ZONING
Z 12-15

De la Vega, Josue

From: Wes Parnell <wes.parnell@yahoo.com>
Sent: Tuesday, April 10, 2012 3:08 PM
To: De la Vega, Josue
Subject: Appeal

Josue,

I would like to appeal the decision by the planning commission to deny the zoning change from office 1 district to general business and for the specific use permit for a drive-through restaurant for the commercial property located at 3300 Broadway. If you have any questions, please give me a call.

Thanks

Wes Parnell

GARLAND

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

March 29, 2012

HEARING DATE/TIME: Plan Commission: April 9, 2012 – 7:00 PM

APPLICANT: Wes Parnell.

File Z 12-15

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 9, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of Wes Parnell requesting approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant, Drive-Through. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 1.0893-acre parcel shown as Lot 3 Block A of South Garland Professional Development No.3 Addition, an addition to the City of Garland, Dallas County, Texas. The property is located at 3300 Broadway Boulevard. (District 3)

Note: The applicant requests approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant, Drive-Through.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002.** Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

_____ I am in favor of the request.

✓ I am opposed to the request.

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

1) Stonewall / Broadway intersection is already a safty hazzard & more traffic will make it dangerous. 2) Further decrease in property Values 3) Smell & trash in professional office area. 4) Late nite crowds will increase Break-ins @ offices.

(Please complete the following information)

Your Property Address

Philipp M. Dunn
Printed Name

1016 Stonewall St. Garland, TX 75043
Address City, State Zip

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

Philipp M. Dunn Dentist
Signature Title

Date: 4/3/2012

P.S. I have spoken to Dr Lisa Gartner (3310 Broadway) Dr Kerbel & many other

GARLAND

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

March 29, 2012

HEARING DATE/TIME: Plan Commission: April 9, 2012 – 7:00 PM

APPLICANT: Wes Parnell.

File Z 12-15

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 9, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of Wes Parnell requesting approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant, Drive-Through. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 1.0893-acre parcel shown as Lot 3 Block A of South Garland Professional Development No.3 Addition, an addition to the City of Garland, Dallas County, Texas. The property is located at 3300 Broadway Boulevard. (District 3)

Note: The applicant requests approval of 1) a change of zoning from Office 1 (O-1) District to General Business (GB) District and 2) a Specific Use Permit for a Restaurant, Drive-Through.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002.** Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

✓ I am in favor of the request.

_____ I am opposed to the request.

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

(Please complete the following information)

Your Property Address
1026 STONEWALL ST

Printed Name
WRITE-WAY PRISON MINISTRIES RODGER TURLEY

Address: 1026 STONEWALL ST
City, State: GARLAND TX
Zip: 75043

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

Rodger Turley
Signature

DIRECTOR
Title

Date: 4/2/12

Planning Report

File No. 12-22/District 5

Agenda Item:

Meeting: City Council

Date: June 5, 2012

United Towing & Transport Inc.

2521 Oakland Street

REQUEST

Approval of a Specific Use Permit for a Wrecker Service on property zoned Commercial 2 (C-2) District and Industrial 1 (I-1) District.

OWNER

United Towing & Transport Inc.

PLAN COMMISSION RECOMMENDATION

On May 14, 2012 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of the Specific Use Permit for a Wrecker Service for 30 years tied to United Towing & Transport, Inc.

STAFF RECOMMENDATION

Approval of a Specific Use Permit for a Wrecker Service for 30 years tied to United Towing & Transport, Inc. The proposed wrecker service will be compatible with the surrounding area and will not increase the intensity of the industrial and auto-based commercial activity found in the area.

BACKGROUND

The applicant proposes to operate a Wrecker Service within an existing building located within a fenced lot approximately 1.1 acres in area. The Wrecker Service will operate in conjunction with an Automobile Repair, Minor business that is already in existence. Automobile Repair, Minor is allowed by right in both the Commercial 2 (C-2) and Industrial 1 (I-1) Districts.

SITE DATA

The subject property contains a total of approximately 1.1 acres and 210 feet of frontage along Oakland Street. The site can only be accessed from Oakland Street.

USE OF PROPERTY UNDER CURRENT ZONING

The Commercial 2 (C-2) District allows a broad range of commercial sales, service and repair activities, many of which are not appropriate in a retail or office environment. The Industrial 1 (I-1) District provides for a wide range of industrial uses which generate few objectionable conditions. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. The Industrial 1 (I-1) District also accommodates support services for industrial development such as office, commercial, personal and professional services, and limited retail activities.

SURROUNDING ZONING AND LAND USES

North: Properties to the north to Kingsley Road are zoned Industrial 1 (I-1) District with one of these properties having a Specific Use Permit (S92-13) for a Commercial Type 2 Antenna. These properties are developed with auto repair shops and a gas station.

East: Properties to the east are zoned Commercial 2 (C-2) District, Industrial 1 (I-1) District and PD (Planned Development) 08-52 District for Shopping Center Uses. The property immediately to the east is developed with a car dealership. The properties across Shiloh Road are developed with an alternative financial institution, a car wash, a fire station, and the vacant Wal-Mart building that sits amid a large parking lot.

South: Properties to the south across Oakland Street are zoned Industrial 1 (I-1) District with a Specific Use Permit (S95-15) for New and Used Vehicle Sales, Repair, and Leasing. These properties are developed with a car dealership and industrial buildings.

West: Properties to the west are zoned Industrial 1 (I-1) District. These properties are developed with industrial buildings, a church, and vacant buildings designed for industrial and warehouse uses. The subject property is separated from these properties by railroad tracks along the western boundary.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Industry Centers for the subject property. Industry Centers provide a cluster of trade and industry that cumulatively employ large numbers of people. Operations within this development type may require substantial infrastructure and may result in more significant negative impacts (sound, air, traffic, outdoor lighting, storage, etc.). Operations may include such elements as semi-truck traffic, loading docks, and visible outdoor storage. Overall the architecture, character, scale and intensity should be compatible with adjacent development types.

CONSIDERATIONS

1. The applicant proposes to operate the wrecker service within a building that is approximately 11,750 square feet. The wrecker service will operate 24 hours a day, Monday through Sunday, in conjunction with the existing minor auto repair shop. The existing building contains office space and two large storage spaces with twenty bay doors. The property was developed in 1966.

2. According to the applicant, United Towing & Transport Inc. will provide emergency roadside service for AAA. Stranded vehicles will be serviced at different locations and if necessary taken to a different location for storage. Serviced vehicles will only be brought to the subject site for minor repairs such as replacement of batteries, alternators, and starters.

Serviced vehicles will not be stored, either temporarily or permanently, at the subject site. The subject site will not operate as a vehicle pound.

3. The company's 13 trucks will be stored indoors; therefore, screening and landscaping requirements will not apply.

4. Section 10-200 of the Comprehensive Zoning Ordinance No. 4647 states that the minimum parking requirement for Wrecker Service is 1 for every 300 square feet of office plus 1 for each wrecker. The site must also meet the minimum parking requirement for Automobile Repair, Minor since such use will be operated simultaneously with the proposed Wrecker Service. The subject site is required to have a total of 30 parking spaces. According to the site plan submitted by the applicant, the site will have 30 parking spaces.

5. The applicant is proposing 2 attached signs with a cumulative area of 39 square feet, which is in compliance with the Sign Ordinance. No additional site improvements are being proposed.

6. The applicant is requesting approval of the Specific Use Permit for a Wrecker Service for a 30 year period tied to United Towing & Transport Inc.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The proposed Wrecker Service Use would be located in an area with properties that are mainly zoned Industrial 1 (I-1) District and predominantly developed with auto repair shops, car dealerships and buildings designed for industrial and warehouse uses. Considering the surrounding zoning and land uses and the fact that the company's trucks will be kept indoors, the proposed Wrecker Service will be compatible with the surrounding area.

Prepared By:

Josue De La Vega
Development Planner

Date: May 24, 2012

Reviewed By:

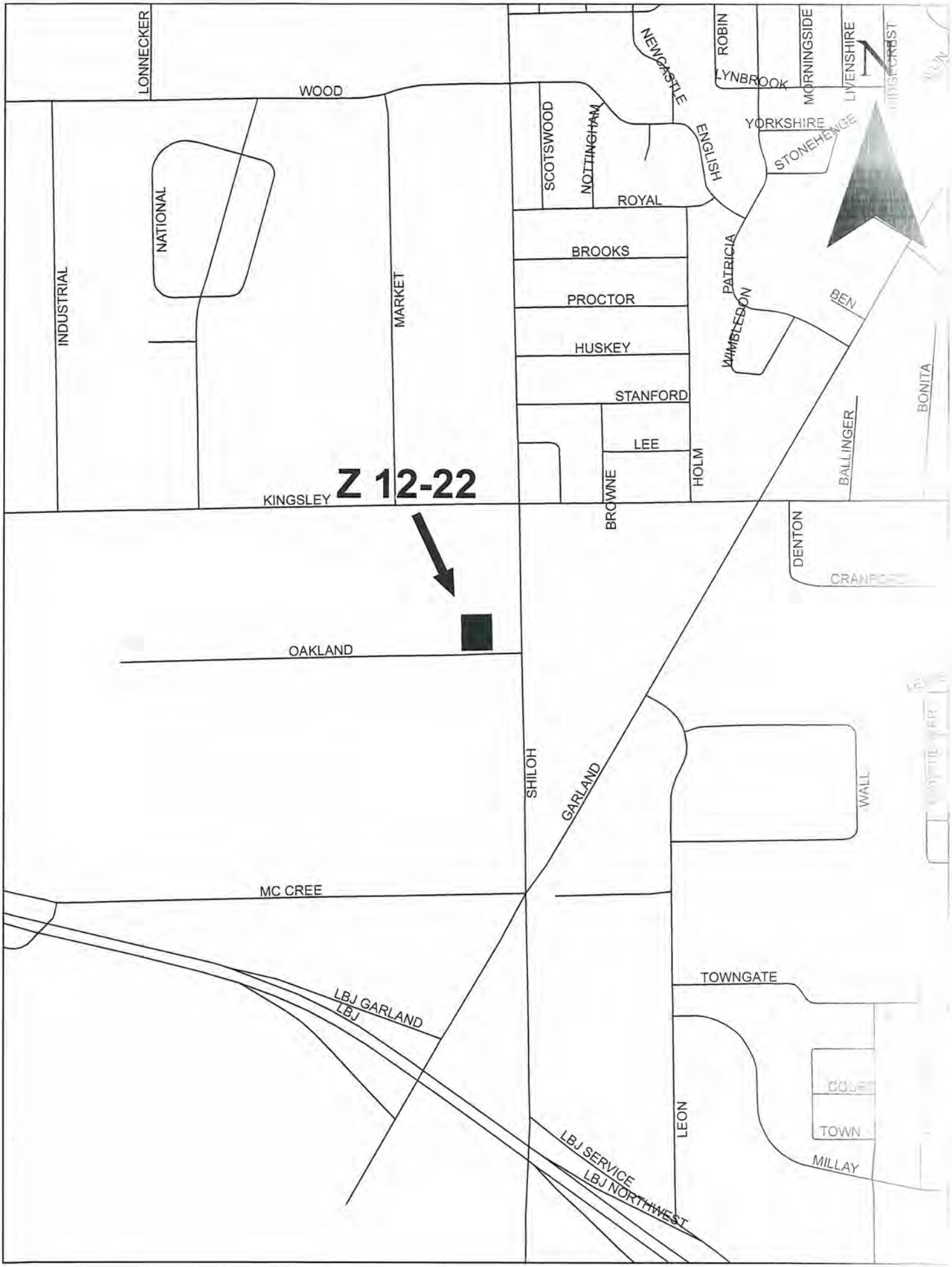
Neil Montgomery
Director of Planning

Date: May 25, 2012

Reviewed By:

William E. Dollar
City Manager

Date: May 25, 2012


Z 12-22
LONNECKER
WOOD
NATIONAL
INDUSTRIAL
MARKET
KINGSLEY
OAKLAND
MC CREE
SHILOH
GARLAND
LBJ GARLAND
LBJ
LBJ SERVICE
LBJ NORTHWEST
LEON
TOWNGATE
TOWN
MILLAY
WALL
DENTON
CRANFORD
BALLINGER
BONITA
BEN
PATRICIA
WIMBLEDON
HOLM
BROWNE
LEE
STANFORD
HUSKEY
PROCTOR
BROOKS
ROYAL
SCOTSWOOD
NOTTINGHAM
NEWCASTLE
ENGLISH
YORKSHIRE
STONEHENGE
LYNBROOK
ROBIN
MORNINGSIDE
LIVENSHIRE
N

SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES AREA OF REQUEST

ZONING
Z 12-22

N
HUSKEY
HOLM
STANF
LEE
LEE
SCOTSWOOD
BROWNE
MARKET
KINGSLEY
SHILOH
OAKLAND
GARLAND
WALL
WALL
LEON
MC CREE
MC CREE
Z 12-22

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-22

2521 Oakland Street

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Wrecker Service subject to conditions.

II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations of the Commercial 2 (C-2) District and Industrial 1 (I-1) District set forth in Section 26, 29 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

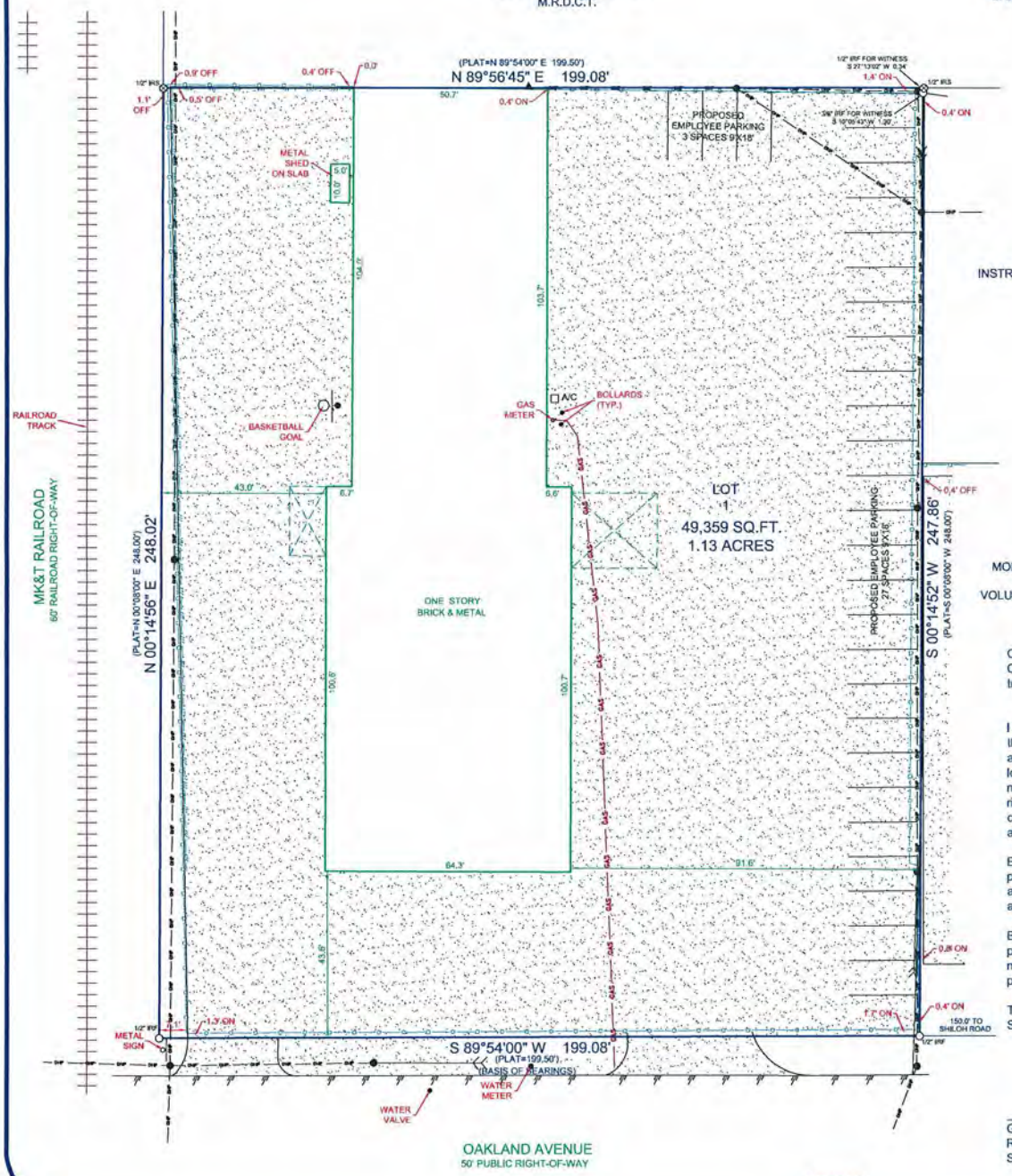
IV. **Specific Regulations:**

A. Time Period: The Specific Use Permit shall be in effect for a 30 year time period and shall be tied to **United Towing & Transport Inc**.

B. Parking: There shall be a minimum of 30 parking spaces available on the subject site.

C. Storage of serviced vehicles: Serviced vehicles shall not be stored either temporarily or permanently on the subject site.

EXHIBIT B



PROPERTY DESCRIPTION

Being Lot 1, Block B of OAKLAND INDUSTRIAL, an Addition to the City of Garland, Dallas County, Texas, according to the Map or Plat thereof recorded in/under Volume 877, Page 7 of the Map Records of Dallas County, Texas.

SURVEYOR'S CERTIFICATE

Certify To: BBM Properties, LLC, Myers Courtesy Ford, Inc., a Delaware Corporation and Chicago Title Insurance Company in connection with the transaction described in G.F. No. CTDAL09-CT0000060473

I hereby certify that on the 13th day of September, 2011, this survey was made on the ground as per the field notes shown on this survey and is true, correct, and accurate as to the boundaries and areas of the subject property and the size, location, and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way and of all rights-of-way, easements, and any other matters of record, or of which I have knowledge or have been advised, whether or not of record, affecting the subject property, and the location of all curb cuts and driveways, if any.

Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets, or alleys by any improvements on the subject property, and there are no conflicts or discrepancies.

Both vehicular and pedestrian ingress to and egress from the subject property is provided by Oakland Avenue, same being a paved, dedicated public right-of-way maintained by The City of Garland, which abuts the subject property, and is physically open and being used.

This survey complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

STATE OF TEXAS REGISTERED GARY E. JOHNSON 5299 PROFESSIONAL LAND SURVEYOR

Gary E. Johnson
Registered Professional Land Surveyor No. 5299
State of Texas

ACCEPTED BY:_____ ACCEPTED BY:_____ DATE:_____

REVISIONS

No.	Revision/Issue	Date
1	ADDED PROPOSED PARKING SPACES	05/01/2012
2	ADDED ADDITIONAL PARKING SPACES	05/08/2012

LEGEND

- HANDICAPPED SPACE
- PARKING SPACE
- IRON ROD FOUND
- IRON ROD SET
- IRON PIPE FOUND
- FENCE POST CORNER
- "X" FOUND / SET
- SANITARY SEWER MANHOLE COVER
- LIGHT POLE
- POWER POLE
- BRICK COLUMN
- AC AIR CONDITIONING
- FIRE HYDRANT
- ELECTRIC METER
- ASPHALT PAVING
- CHAIN LINK FENCE
- WOOD FENCE
- WIRE FENCE
- IRON FENCE
- PIPE FENCE
- COVERED PORCH, DECK OR CARPORT
- CONCRETE PAVING
- GRAVEL/ROCK ROAD OR DRIVE
- GAS — UNDERGROUND GAS LINE
- OHP — OVERHEAD POWER LINE
- SS — SANITARY SEWER LINE

GENERAL NOTES

1) According to the F.I.R.M. No. 48113C0220 K, the subject property lies in Zone X and does not lie within a Flood Prone Hazard Area.

2) Bearings are based on recorded plat thereof.

3) Property is subject to Easement to the City of Garland recorded in Volume 4049, Page 522, Deed Records, Dallas County, Texas. (Blanket in Nature)

TEXAS HERITAGE SURVEYING, LLC

10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com

CATEGORY 1A, CONDITION II SURVEY
2521 OAKLAND AVENUE
LOT 1, BLOCK B OF
OAKLAND INDUSTRIAL PARK
GARLAND, DALLAS COUNTY, TX

Task No. 1102047-2	
Drawn BY EDDIE	
Date 05/1/2012	
Scale 1"=20'	Gary E. Johnson Registered Professional Land Surveyor No. 5299

REPORT & MINUTES

P.C. Meeting, May 14, 2012 (9 Members Present)

Consideration of the application of United Towing & Transport Dallas, requesting approval of a Specific Use Permit for a Wrecker Service on property zoned Commercial 2 (C-2) District and Industrial 1 (I-1) District. The property is located at 2521 Oakland Street. (File 12-22)

Representing the applicant and available for questions was Gary Douglas, 2521 Oakland St., Garland.

He was asked if he was aware that no storage of vehicles (other than tow trucks) would be permitted on the site and he said he was.

Motion was made by Commissioner Welborn, seconded by Commissioner O'Hara to **approve** the request as recommended by staff. **Motion carried: 9** Ayes, 0 Nays.

SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES AREA OF REQUEST

ZONING
Z 12-22

GARLAND

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

May 3, 2012

HEARING DATE/TIME: Plan Commission: May 14, 2012 – 7:00 PM

APPLICANT: United Towing & Transport Inc.

File Z 12-22

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, May 14, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **United Towing & Transport Inc.** requesting approval of a Specific Use Permit for a Wrecker Service on property zoned Commercial 2 (C-2) District and Industrial 1 (I-1) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 1.1-acre parcel shown as Lot 1 Block B of Oakland Industrial Tract, an addition to the City of Garland. The property is located at 2521 Oakland Street. (District 5).

Note: The applicant requests approval of a Specific Use Permit to operate a wrecker service along with minor automotive repair services.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002.** Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

_____ I am in favor of the request.

X I am opposed to the request.

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

(Please complete the following information)

Your Property Address 3159 S Garland Ave. Garland, Tx. 75041

Printed Name Richard Malouf

Address 4961 LBJ Frwy Ste. 200, City, State Dallas, TX, Zip 75244

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

Signature _____ Title Owner

Date: 5-8-2012

GARLAND

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

May 3, 2012

HEARING DATE/TIME: Plan Commission: May 14, 2012 – 7:00 PM

APPLICANT: United Towing & Transport Inc.

File Z 12-22

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, May 14, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **United Towing & Transport Inc.** requesting approval of a Specific Use Permit for a Wrecker Service on property zoned Commercial 2 (C-2) District and Industrial 1 (I-1) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 1.1-acre parcel shown as Lot 1 Block B of Oakland Industrial Tract, an addition to the City of Garland. The property is located at 2521 Oakland Street. (District 5).

Note: The applicant requests approval of a Specific Use Permit to operate a wrecker service along with minor automotive repair services.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002.** Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

✓ I am in favor of the request.

_____ I am opposed to the request.

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

We need all the business we can get in Garland.

(Please complete the following information)

Your Property Address: KEN MONTGOMERY MOTORS

Printed Name: 3325 S. Shiloh Road GARLAND, TX 75041

Address City, State Zip

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

Donald D. Montgomery President

Signature Title

Date: 5/4/2012

Planning Report

File No. 12-25/District 3

Agenda Item:

Meeting: City Council

Date: June 5, 2012

Loveth/Tony

3338 Broadway Boulevard, Suites 302 and 304

REQUEST

Approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District.

OWNER

Huynh Investments L.P.

PLAN COMMISSION RECOMMENDATION

On May 14, 2012 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of the Specific Use Permit for a Reception Facility for a period of ten (10) years, tied to the applicant.

STAFF RECOMMENDATION

Approval of the Specific Use Permit for a Reception Facility for a period of twenty (20) years, tied to Loveth and Tony Okwilagwe. Given the location of the reception facility within a shopping center located on a major thoroughfare, its distance from the developed senior living facility and the characteristics of the adjacent office uses, the proposed facility would be compatible with surrounding zoning and land uses. Furthermore, a reception facility has operated at this location for many years with no apparent conflict.

BACKGROUND

The Reception Facility use is described by the Zoning Ordinance as a facility that is open to the general public or made available for private uses, designed and used for social events, which may include but are not limited to parties, dances, receptions, banquets or similar social events. A Reception Facility is allowed only by Specific Use Permit, in a range of non-residential zoning districts including the Shopping Center (SC) District. The subject property was developed in 1973 as a multi-tenant shopping center and pad site which is currently occupied by a variety of retail, restaurant, office and personal service establishments, including a reception facility. The applicant is proposing to join Suites 302 and 304 and operate a 7,950 square foot reception facility.

SITE DATA

The subject property is a 7,950 square foot tenant space located within a multi-tenant shopping center on a 5.0 acre site. The site has approximately 425 feet of frontage along Broadway Boulevard. The site can be accessed from Broadway Boulevard and from Colonel Drive through a shared access driveway.

USE OF PROPERTY UNDER CURRENT ZONING

The Shopping Center (SC) District provides for the establishment of convenient retail and personal service activities by grouping compatible uses in a single center which is designed in an integrated manner according to an overall site plan. The Shopping Center District accommodates shopping center development having a neighborhood or community service area.

SURROUNDING ZONING AND LAND USES

Northwest: Properties to the northwest to Stonewall Street are zoned Office 1 (O-1) District and are developed with office buildings and a vacant bank building (subject of current request for Chicken Express, File #12-15)

Northeast: The properties immediately to the northeast are zoned PD (Planned Development) District 85-5 for Complex for the Elderly. The three lots closest to the subject property are currently undeveloped and the lot furthest to the northeast is developed with an independent and assisted senior living facility.

Southeast: Properties immediately adjacent to the subject site are zoned Shopping Center (SC) District and are developed with a shopping center and a multi-tenant pad site center. These buildings are a continuation of the development on the subject property. The properties across Colonel Drive are zoned PD (Planned Development) District 11-27 for Multi-Family Uses (Assisted Living) and Shopping Center (SC) District. The property zoned PD (Planned Development) District 11-27 is currently undeveloped; however, the assisted living development is currently going through the permit process. The property zoned Shopping Center (SC) District is developed with a multi-tenant shopping center and restaurant pad site.

Southwest: Properties to the southwest across Broadway Boulevard are zoned Shopping Center (SC) District, General Business (GB) District, Single Family Dwelling (SF-7) District and PD (Planned Development) District 84-12 for General Business Uses. The properties fronting Broadway Boulevard are developed with a gas station, a restaurant with a drive-through, an office building, a vacant building, an animal clinic, a fire station, and a multi-tenant shopping center. The property behind the lots fronting Broadway Boulevard is developed with South Garland High School.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property. Neighborhood Centers provide a mix of retail, services and community gathering places appropriately scaled to adjacent residential areas. This type of center is predominately, but not exclusively, non-residential.

CONSIDERATIONS

1. The applicant proposes to operate a 7,950 square foot reception facility within Suites 302 and 304. Suite 302 is currently occupied by a bridal store that is operated by the applicant. Suite 304 is occupied by a reception facility which is a legal non-conforming use, having been established prior to the requirement for approval of a Specific Use Permit for Reception Facility in 2005. If the request is approved, Suites 302 and 304 will operate as one single tenant space combining both uses and divided only by a folding panel partition. The applicant has indicated that the reception facility will generally operate from 8:00 p.m. to 2:00 a.m. on Friday, Saturday, and Sunday.

2. The applicant has stated that there will not be sales of alcoholic beverages. However, in the case that alcoholic beverages are served or consumed during the events, security will be provided at the premise. The City Attorney's Office has indicated that State law identifies who can provide private security under Chapter 1702 of the State Occupations Code. The Attorney's Office recommends that security be provided as allowed under the State law as shown in the conditions. This security provision has been required with recently approved reception facilities.

3. Section 2.4 of the Reception Facility Ordinance (Ordinance 5873) states that required parking for a Reception Facility Use is 1 parking space for each 100 square feet of gross floor area. Based upon the information supplied by the applicant, the proposed reception facility will occupy approximately 7,950 square feet of lease space. The parking requirement for the proposed reception facility is 80 parking spaces and the parking requirement for the entire site is 239 parking spaces. The site, based on the plans provided by the applicant, has 298 parking spaces.

4. The proposed reception facility would be located adjacent to properties zoned PD (Planned Development) District 85-5 for Complex for the Elderly. One of these adjacent properties is developed with an independent and assisted living facility; however it is located approximately 650 feet from the subject site. The shopping center in which the suites are located is adjacent to a developed office district to the northeast. The reception facility will not operate during the times when the offices are open. Given the location of the reception facility within a shopping center located on a major thoroughfare, and given the characteristics of the adjacent properties and land uses, negative impacts are not anticipated.

5. There have been several requests for Specific Use Permits for Reception Facility in the immediately surrounding area, as follows:

   In 2005, the City Council approved a request for a Specific Use Permit in the tenant space (Suite 202) adjacent to the subject property. This suite was never occupied as such, however. In 2008, the City Council denied a request for a Specific Use Permit at a location six tenant spaces from the subject property within the same shopping center. On May 15, 2012, the City Council denied a request for a Specific Use Permit at 3420 Broadway Boulevard, Suite 125, located in the multi-tenant shopping center across Colonel Drive.

6. The applicant is requesting approval of the Specific Use Permit for a 20 year period tied to **Loveth and Tony Okwilagwe**

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The proposed reception facility would be located in an existing multi-tenant shopping center with adequate parking. The proposed facility would operate at times when adjacent professional offices are not open. Although the location of the proposed reception facility is contiguous to an area that is zoned PD (Planned Development) District 85-5 for Complex for the Elderly, the developed portion of that district is approximately 650 feet away from the suites which would be occupied by the reception facility.

Prepared By:

Josue De La Vega
Development Planner

Date: May 23, 2012

Reviewed By:

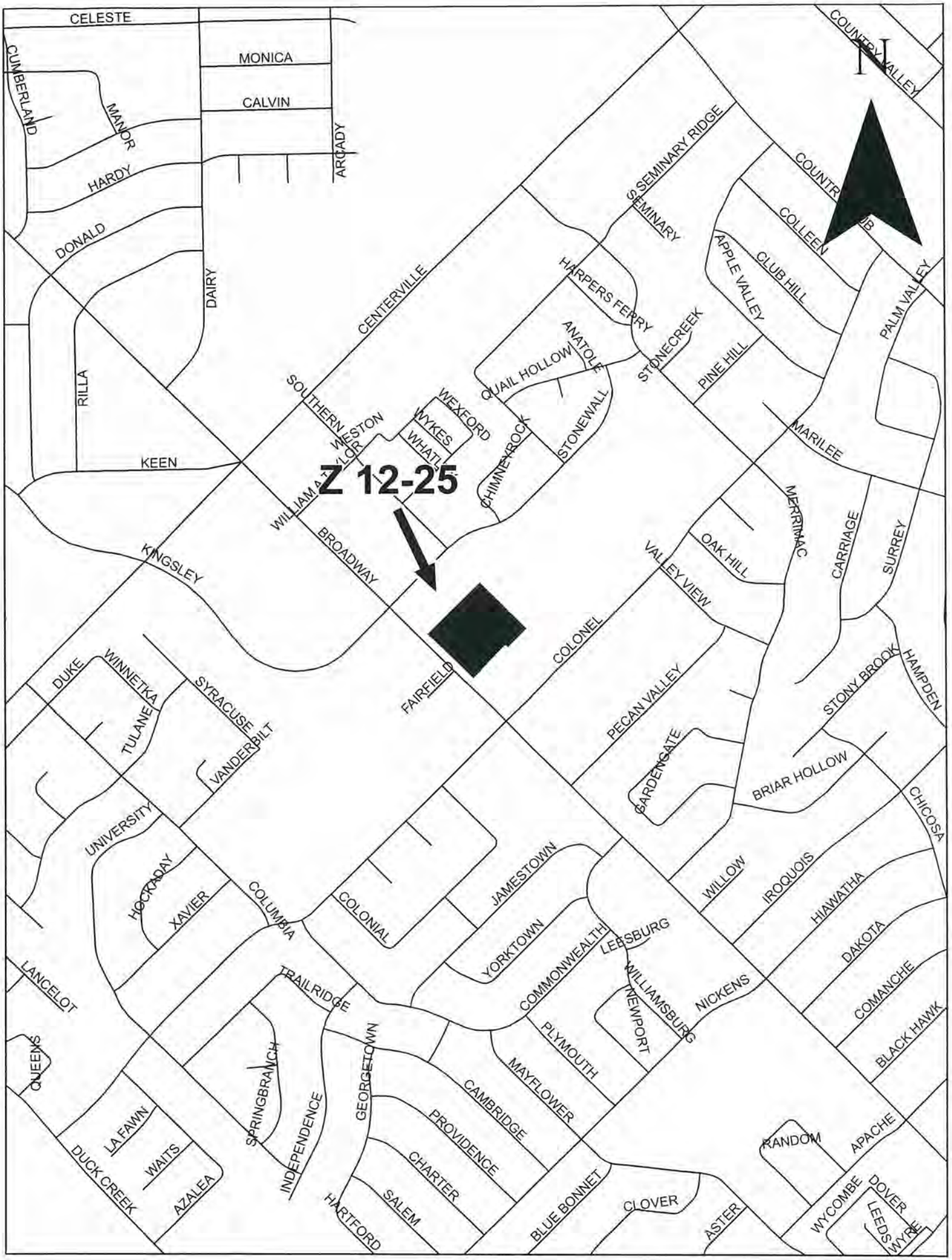
Neil Montgomery
Director of Planning

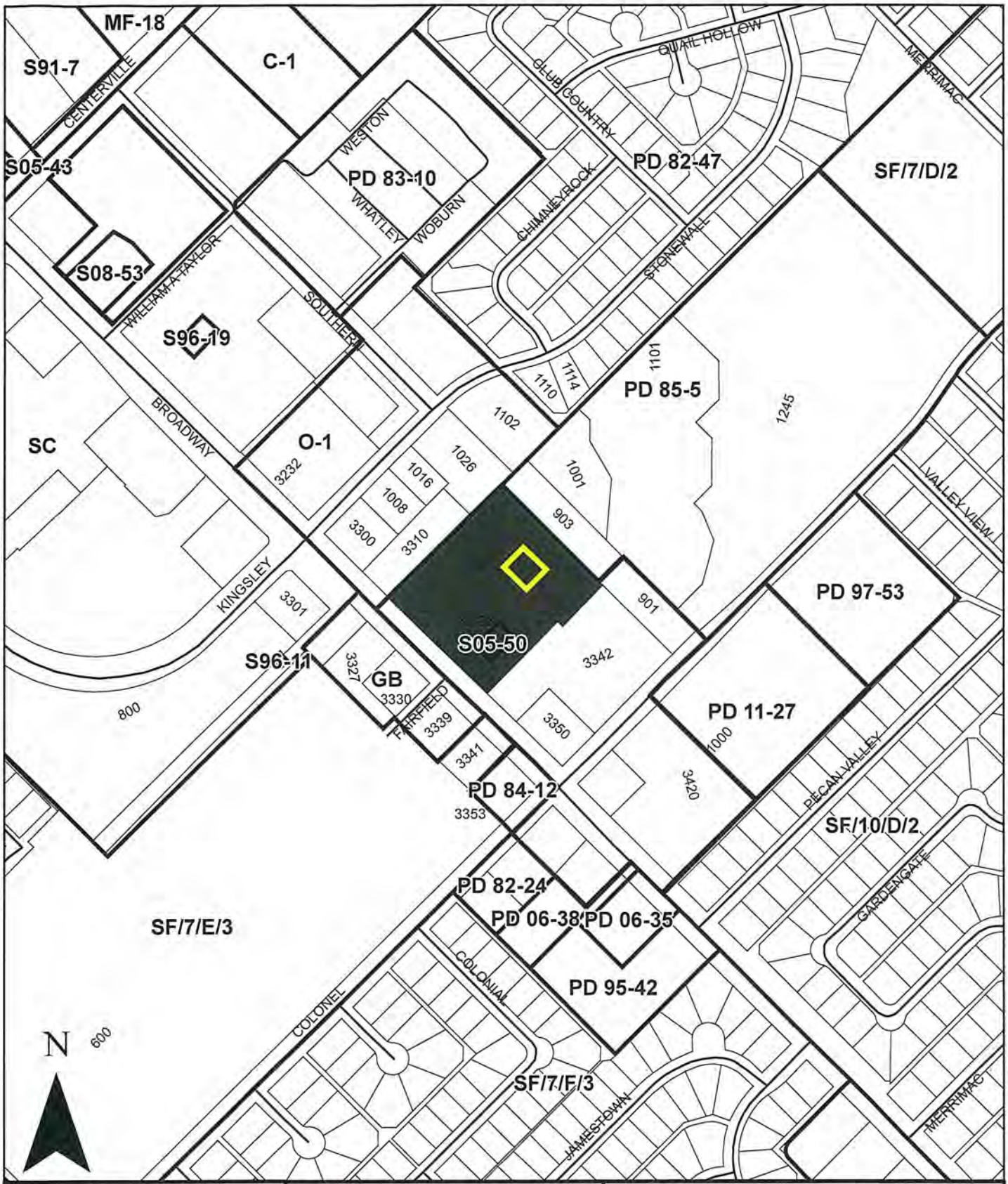
Date: May 24, 2012

Reviewed By:

William E. Dollar
City Manager

Date: May 25. 2012


Z 12-25
N
CELESTE
MONICA
CALVIN
CUMBERLAND
MANOR
HARDY
DONALD
ARCADY
DAIRY
RILLA
KEEN
CENTERVILLE
SOUTHERN
WESTON
WEXFORD
WYKES
WHATLEY
WILLIAMS
BROADWAY
KINGSLEY
SEMINARY RIDGE
SEMINARY
HARPERS FERRY
ANATOLE
QUAIL HOLLOW
CHIMNEYROCK
STONEWALL
STONECREEK
PINE HILL
APPLE VALLEY
CLUB HILL
COLLEEN
COUNTRY CLUB
COUNTRY VALLEY
PALM VALLEY
MARILEE
MERRIMAC
CARRIAGE
SURREY
OAK HILL
VALLEY VIEW
COLONEL
FAIRFIELD
PECAN VALLEY
GARDENGATE
BRIAR HOLLOW
STONY BROOK
HAMPDEN
CHICOSA
DUKE
WINNETKA
TULANE
SYRACUSE
VANDERBILT
UNIVERSITY
HOCKADAY
XAVIER
COLUMBIA
COLONIAL
JAMESTOWN
YORKTOWN
COMMONWEALTH
LEESBURG
WILLIAMSBURG
NEWPORT
NICKENS
WILLOW
IROQUOIS
HIAWATHA
DAKOTA
COMANCHE
BLACK HAWK
LANCELOT
TRAILRIDGE
QUEENS
SPRINGBRANCH
INDEPENDENCE
GEORGETOWN
PLYMOUTH
MAYFLOWER
CAMBRIDGE
PROVIDENCE
CHARTER
SALEM
HARTFORD
LA FAWN
WAITS
AZALEA
DUCK CREEK
BLUE BONNET
CLOVER
ASTER
RANDOM
APACHE
WYCOMBE
DOVER
LEEDS
WYRE



SCALE IN FEET
0 200 400 Feet
1" = 400'

INDICATES AREA OF REQUEST

ZONING
Z 12-25

N
CENTERVILLE
WILLIAM A. TAYLOR
WESTON
WYKE
WEXFORD
WALLEY
WOBURN
SEMINARY RD
ANATOLE
QUAIL HOLLOW
CLUB COUNTRY
CHIMNEYROCK
STONEWALL
MERRIMAC
SOUTHERN
BROADWAY
KINGSLEY
FAIRFIELD
VALLEY VIEW
PECAN VALLEY
GARDENGATE
COLONEL
MONTICELLO
COLONIAL
JAMESTOWN
WILLIAMSBURG
YORKTOWN
COLUMBIA
Z 12-25

SPECIFIC USE PERMIT CONDITIONS

ZONING FILE 12-25

3338 Broadway Boulevard, Suite 302 and 304

I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Reception Facility subject to conditions.

II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 4647, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. **General Regulations:** All regulations of the SC (Shopping Center) District set forth in Section 24 and Section 33 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Specific Regulations:**

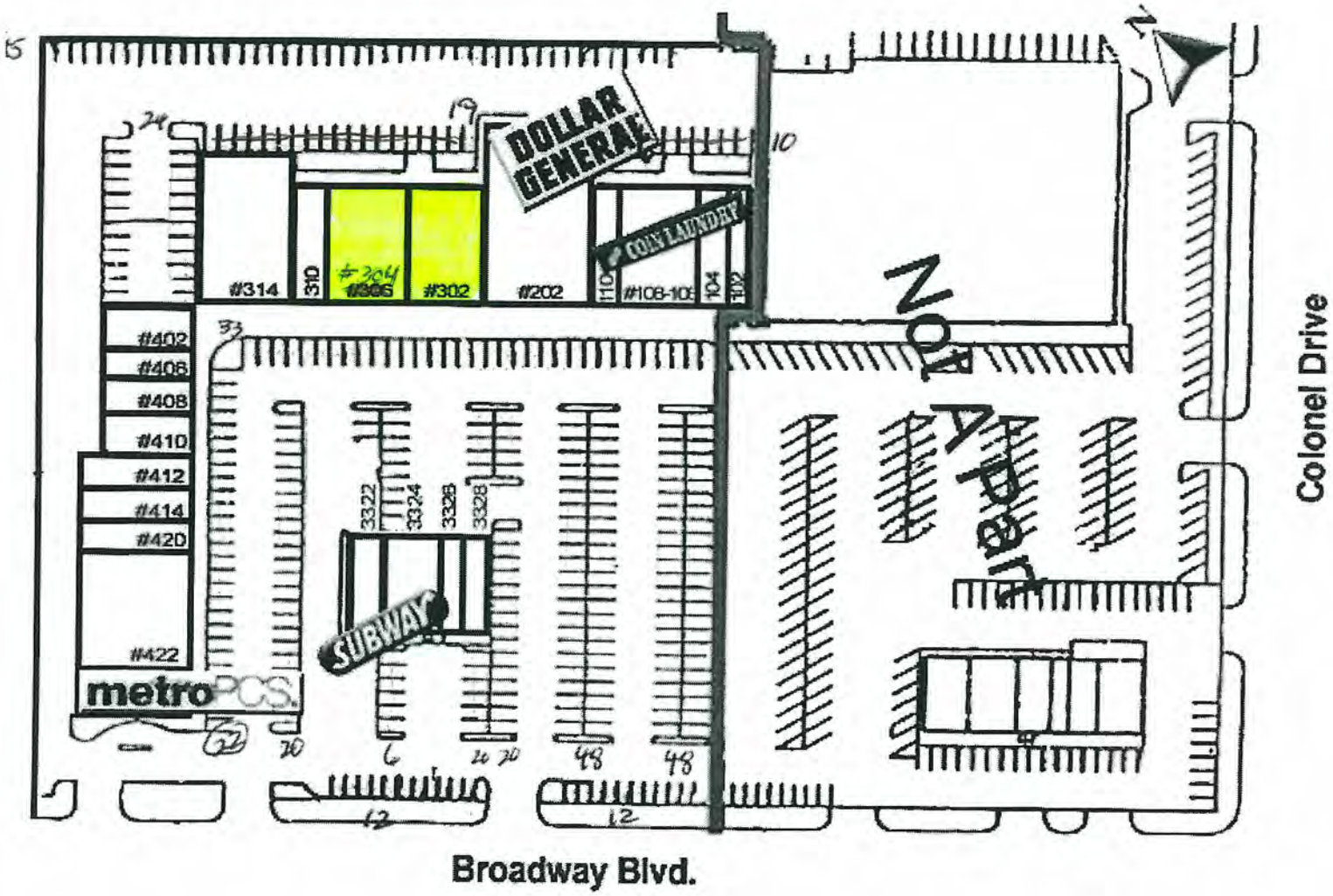
A. Time Period: The Specific Use Permit shall be in effect for a 20 year time period and shall be tied to **Loveth and Tony Okwilagwe**.

B. Parking: There shall be a minimum of 80 parking spaces available for Reception Facility patrons and staff.

C. Security: Security shall be provided at every event where alcohol is provided. Security will be provided by a person authorized to provide private security under Chapter 1702 of the Texas Occupations Code.

D. Loitering: No congregation or loitering will be allowed to occur outside the facility.

EXHIBIT B


DOLLAR GENERAL
COIN LAUNDRY
#314
310
#304
#306
#302
#202
110
#108-105
104
102
#402
#406
#408
#410
#412
#414
#420
#422
3322
3324
3328
3328
SUBWAY
metroPCS
Vacant
Colonel Drive
Broadway Blvd.

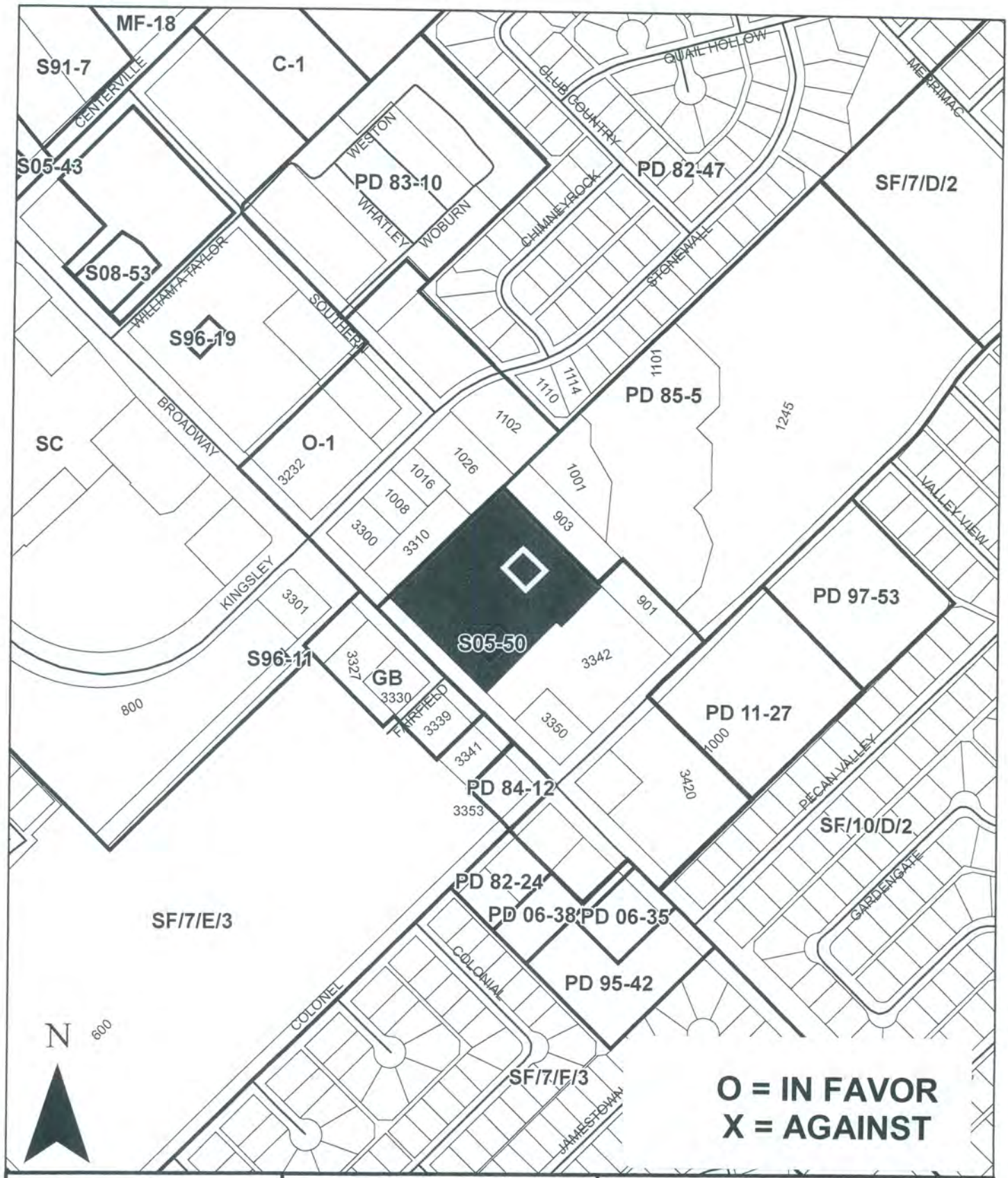
REPORT & MINUTES

P.C. Meeting, May 14, 2012 (9 Members Present)

Consideration of the application of Loveth/Tony, requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is located at 3338 Broadway Boulevard Suite 302/304. (File 12-25)

Both of the applicants, Tony and Loveth Okwilagwe, 3338 Broadway, Garland were present to outline their request and answer questions.

Motion was made by Commissioner Dalton, seconded by Commissioner Moore to **approve** the request for a Specific Use Permit for a Reception Facility for a period of 10 years tied to Loveth/Tony. **Motion carried: 9** Ayes, 0 Nays.



SCALE IN FEET 0 200 400 Feet 1" = 400'	INDICATES AREA OF REQUEST	**ZONING** **Z 12-25**

O = 1616 Merimac Trail (not on notification map

GARLAND

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

May 3, 2012

HEARING DATE/TIME: Plan Commission: May 14, 2012 – 7:00 PM

APPLICANT: Loveth/Tony

File Z 12-25

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, May 14, 2012, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Loveth/Tony** requesting approval of a Specific Use Permit for a Reception Facility on property zoned Shopping Center (SC) District. The property is shown on the enclosed sketch and is described as follows:

Being an approximate 5.0-acre parcel shown as Lot 2 Block 1 of Safeway Addition No.1, an addition to the City of Garland. The property is located at 3338 Broadway Blvd. (District 3).

Note: The applicant requests approval of a Specific Use Permit to operate a reception facility within suite 302 and 304.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return to **City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002.** Should you have any questions, please contact Josue De La Vega at 972-205-2445.

(Please Check One Below)

✓ I am in favor of the request.

_____ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

Julie Tapia
Printed Name

1616 merrimac Dr — Garland Texas — 75043
Address — City, State — Zip

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

Julie Tapia — Owner.
Signature — Title

Date: 5/10/12

City Council Item Summary Sheet

☐ **Work Session**

☒ **Agenda Item**

Date: **June 5, 2012**

Boards and Commissions

Summary of Request/Problem
Council is requested to consider appointments to Boards and Commissions.

Recommendation/Action Requested and Justification

Submitted By:	**Approved By:** **William E. Dollar** **City Manager**

GARLAND

Board & Commission Application

Please Print or Type. PLEASE DO NOT SEND RESUME.

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

CITY OF GARLAND RECEIVED MAY 24 2012 CITY SECRETARY

Board or Commission of first, second, and third choice: (Utility Advisory Board has a separate application)

- X Board of Adjustment
- ___ Building and Fire Codes Board
- ___ Citizens Environmental and Neighborhood Advisory Committee
- ___ Community Multicultural Commission
- ___ Electrical Board
- ___ Garland Cultural Arts Commission
- ___ Garland Youth Council
- ___ Housing Standards Board
- ___ Library Board
- ___ Parks and Recreation Board
- ___ Plan Commission *
- ___ Plumbing and Mechanical Codes Board
- ___ Senior Citizens Advisory Committee

Full Name: Guy W. Hull II / Guy W. Hull II, J.D. Attorney

Home Address: 2521 S. Glenbrook Dr. Bus. Address: 629 W. Centerville Rd., Suite 202

City, State, Zip: Garland, Texas 75041 City, State, Zip: Garland, TX 75041

Home Phone: 972/2780382 Phone (Other): 972/271 0266

Email Address: ghull@guyhullllawfirm.com

Resident of Garland for 52 years Resident of Texas for 66 years

Are you a registered voter in Dallas County? X (Yes) ___ No

Voter Registration No. 1080094193 Precinct No. 1713 City Council District No. 5

Have you ever been convicted of a felony? ___ Yes X (No)

Have you ever been convicted of a Class A misdemeanor? ___ Yes X (No)

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

Home Owner, Investment Real Estate Owner (Residential & Commercial)
Attorney, Counselor & Litigator in area of Real Estate & Business

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

City of Garland, Civic Center Bond Study Committee 1973

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

GISD - Multi Ethnic Committee, Garland Kiwanis Club (Distinguished President, Lt. Gov.)
Established Kiwanis Teen Power of Garland (Jobs for Teens)

What is your educational background?

Univ. of Texas at Arlington - BBA 1968
Baylor Univ. - Law School - JD - 1970; College of State Bar; Advanced Mediator Training

What is your occupational experience?

Owned & Operated Professional Service Business for 42 years (Law Office)

* *Plan Commission members must own property within the city.*

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

Signature of Applicant

FOR OFFICE USE ONLY

			Signatures
Ad Valorem Tax Status	Current ✓	Past Due ___	Laura - E.S. 5/25/12 *Tax Clerk*
Status of Utility Accounts	Current ✓	Past Due ___	Diane - E.S. 5/25/12 *Accounting Clerk*
Suit/Claim Filed in City Secretary's Office	Yes ___	No ✓	Elaine Simpson *City Secretary*

Date Appointed _____
Appointed By _____
Date Notified _____
Date Disclosure Form Filed _____

Revised 4/2008