

# **AGENDA**

## **REGULAR MEETING OF THE CITY COUNCIL**

**City of Garland  
Council Chambers, City Hall  
200 North Fifth Street  
Garland, Texas  
August 6, 2013  
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) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. **BRILLE 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**

## MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

The Mayor may present proclamations and recognize attendees or award winners, and may make announcements regarding upcoming City events and matters of interest to citizens. There will be no Council deliberations or votes on these matters.

## CONSENT AGENDA

All items under this section are recommended for approval by a single motion of Council, without discussion. Council has 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 July 16, 2013 Regular Meeting.

2. Consider approval of the following bids:

a. Relay and SCADA Equipment Upgrade Bid No. 3592-13

Schweitzer Engineering Laboratories	\$558,275.00
Optional Contingency	<u>55,827.00</u>
TOTAL	<u>\$614,102.00</u>

*This request is to provide for the purchase of replacement relay and SCADA equipment for the Texas Municipal Power Agency's Bryan East, Dansby, Greenville Steam Interchange and McCree Substations.*

b. Electric Motor Repair and Maintenance Bid No. 3599-13

Brandon & Clark, Inc.	\$125,000.00
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*This request is to provide electronic motor repair and maintenance for Garland Power & Light Production Plans on an as needed basis. This is a one year initial contract with four options for renewals.*

**c. Cleaning and Video Inspection of Sewer Lines**

**Bid No. 3687-13**

**RKM Utility Services, Inc.**

**\$300,000.00**

*This request is to provide cleaning and video inspection of sewer lines throughout the City. This contract is for a one year term with three renewal options.*

**3. A public hearing was previously conducted for the following zoning case.**

**Zoning File No. 13-25, Color Build In**

*Consider an ordinance amending the zoning laws of the City of Garland by approving a Specific Use Permit for Automobile and Motorcycle Sales, Leasing Services and Repair (Used) on a 0.92-acre tract of land zoned Industrial-1 (I-1) District and located at 410 South Kirby St. providing for conditions, restrictions, and regulations.*

**4. Consider approval by minute action authorizing the City Manager to execute Change Order No. 1 to the contract with ARK Contracting Services, LLC in the amount of \$70,545.92.**

*At the August 5, 2013 Work Session, Council was scheduled to consider authorizing Change Order No. 1 to the contract with ARK Contracting Services, LLC in the amount of \$70,545.92. It was determined during the construction project that the existing manhole in the middle of the intersection for Shiloh and Miller Roads was in very poor condition and required full replacement with a larger manhole.*

**5. Consider a resolution authorizing the Mayor to execute an amendment to the Power Sales Contract ("The Power Sales Contract") between and among the City of Bryan, Texas, the City of Denton Texas, the City of Garland, Texas, the City of Greenville, Texas and the Texas Municipal Power Agency.**

*At the July 16, 2013 Work Session, Council considered amending Section 19 of the Texas Municipal Power Agency (TMPA) Power Sales Contract to better specify the date by which a Member City must provide notice to TMPA of its intent to receive services for the useful life of the TMPA System.*

6. **Consider an ordinance amending the civil service classifications within the Garland Fire Department for the Fiscal Year 2012-2013 by adding an additional Driver position and eliminating a Firefighter position; and prescribing the number of positions in each classification.**

*At the July 16, 2013 Work Session, Council considered authorizing the creation of a Driver position in exchange for a Firefighter position. This would increase the number of Driver positions from 71 to 72 and decrease the number of Firefighter positions from 121 to 120. The Fire Marshal's Office has an opening due to the retirement of a Fire Inspector. If approved, a Firefighter holding the rank of Driver would be transferred to Fire Inspections.*

7. **Consider an ordinance amending Chapter 51, "General Utility Provisions", of the Code of Ordinances of the City of Garland.**

*This item was considered by Council at the July 16, 2013 Work Session and was scheduled for consideration at the July 16, 2013 Regular Meeting. The item was pulled from the July 16, 2013 Regular Meeting Agenda and postponed for future consideration. On July 8, 2013, the City implemented a new watering schedule for both its residential and business customers. Customers will be allowed to water their lawns just once per week based on residential trash pickup schedules. Garland businesses will base their watering day on the residential schedule at their specific location(s).*

8. **Consider a resolution authorizing the City Manager to execute an Engineering Services Agreement with R-Delta Engineers, Inc. in an amount not to exceed \$107,569.00 including a \$9,779.00 contingency fee.**

*Council is requested to authorize an Engineering Services Agreement with R-Delta Engineers, Inc. for facility surveying and mapping, electrical engineering, civil engineering, planning & design, permitting and review coordination and equipment and material specifications for acquisition and construction associated with the proposed installation of emergency (Blackstart) generators at G P & L facilities.*

9. **Consider a resolution supporting the seamless interconnectivity of high-speed rail into the operational terminal areas of the Dallas/Fort Worth International Airport.**

*This item was scheduled for consideration at the August 5, 2013 Work Session. The Transportation and Commerce Committee is recommending that Council consider supporting the seamless interconnectivity of high-speed rail into the operational terminal areas of the Dallas/Fort Worth International Airport.*

### **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.**

10. **Hold public hearings on the following zoning cases:**
  - a. **Consider the application of Oaks Properties LLC, requesting approval of 1) a change of zoning from Central Area 1 (CA-1) District to a Planned Development (PD) District for Central Area 1 Uses, 2) a Detail Plan, and 3) variances to Section 27-442 and 27-452 of the Comprehensive Zoning Ordinance regarding building setbacks. The property is located at the southeast corner of North Fifth Street and Austin Street and 203 North Fifth Street, west of North Fifth Street and north of State Street. (Zoning File 13-26)**

*The proposal is for approval of a Planned Development (PD) District for Central Area 1 Uses and a Detail Plan to develop the property with a multi-family residential development known as the Garland City Center Project. At the July 8, 2013 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval as recommended by staff.*

- b. **Consider the application of The Charter School Fund II, requesting approval of a Specific Use Permit for a Charter School on property**

**zoned Single Family (SF/7F/3) District. The property is located at 2256 Arapaho Road. (Zoning File 13-27)**

*The proposal is for approval of a Specific Use Permit for a Charter School on property zoned Single Family (SF/7F/3) District to temporarily locate a Charter School within an existing church facility. At the July 8, 2013 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval of the request for a Specific Use Permit for 1 year.*

- c. Consider the application of The Charter School Fund II, requesting approval of 1) a change of zoning from Shopping Center (SC) District and Office 1 (O-1) District to a Planned Development (PD) District for Shopping Center Uses and Multi-Family Uses, 2) a Concept Plan, 3) a Detail Plan, 4) a Specific Use Permit for Charter School, 5) a Specific Use Permit for Boarding School, and 6) variances to Sections 19-421 and 24-600 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required rear and side setbacks and the maximum allowable building height. The property is located at 4413 North Shiloh Road. (Zoning File 13-28)**

*The proposal is for approval of Planned Development (PD) District for Shopping Center Uses and Multi-Family Uses, a Concept Plan, a Detail Plan, and Specific Use Permits for a Charter School and a Boarding School to develop the property with a Charter School. At the July 8, 2013 meeting, the Plan Commission (by an 8 to 0 vote) recommended approval per staff recommendation.*

- d. Consider the application of Oak Ridge Investments requesting approval of 1) a change in zoning from Agriculture (AG) District to Planned Development (PD) District for Single Family Uses and 2) a Detail Plan for approximately 43 single family homes. (Zoning File 13-22)**

*The applicant requests postponement to the September 3, 2013 City Council Meeting. At the July 8, 2013 meeting, the Plan Commission (by a 7 to 1 vote) denied the request. (Nay by Commissioner Fisher)*

- 11. Consider the request of Holt Lunsford Commercial for a waiver of Roadway Impact Fees.**

*Based on the proposed size, location and use of the building, roadway impact fees in the amount of \$407,317 would be due. The applicant is requesting a waiver of this fee to mitigate development costs.*

**12. The City Manager will formally present his Proposed Budget for Fiscal Year 2013-14.**

*In accordance with the City Charter, the City Manager shall submit to the City Council, prior to August 15, a Proposed Budget for the coming fiscal year. Following the presentation to Council, copies of the Proposed Budget will be placed in each City library, in the Office of the City Secretary, and on the City's website for public review and inspection.*

**13. Consider placing an action item calling the adoption of the ad valorem tax rate on the September 3, 2013 Regular City Council Agenda.**

*In accordance with Chapter 26 of the State Property Tax Code, the Council must vote to place on the agenda of a future meeting an action item calling for the adoption of the ad valorem tax rate. This vote must be recorded and must specify the desired rate. This action is required as part of "Truth in Taxation" legislation surrounding setting ad valorem tax rates and does not commit Council to adopting the proposed ad valorem tax rate.*

**14. 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.*

*Preston Sanderson – Garland Youth Council (Athas)  
Michael Graham – Garland Youth Council (Campbell)  
Devin Brown – Garland Youth Council (Stanley)  
Ocean Davis – Garland Youth Council (Williams)  
Sarahi Salazar – Garland Youth Council (Dodson)  
Simran Bains – Garland Youth Council (Dodson)*

**15. Council will appoint a Mayor Pro Tem, and if Council so chooses, a Deputy Mayor Pro Tem.**

*In accordance with City Council Policy OPNS-30, "Who Shall Act As Mayor," Council will appoint a Mayor Pro Tem from its members. Council may also appoint a Deputy Mayor Pro Tem at its discretion.*

**16. 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.*

**17. 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](http://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, July 16, 2013, in the Council Chambers at City Hall with the following members present:

Mayor	Douglas Athas
Mayor Pro Tem	John Willis
Councilmember	Marvin 'Tim' Campbell
Councilmember	Anita Goebel
Councilmember	Stephen W. Stanley
Councilmember	B.J. Williams
Councilmember	Lori Barnett Dodson
Councilmember	Scott LeMay
Councilmember	Jim Cahill

STAFF PRESENT:	City Manager	William E. Dollar
	City Attorney	Brad Neighbor
	City Secretary	Lisa Palomba

CALL TO ORDER: The meeting was called to order by Mayor Douglas Athas. District 1 Councilman Tim Campbell led the Invocation. The Pledge of Allegiance was led by members of Sunnyvale Boy Scout Troop No. 595 accompanied by the American Heritage Girls.

CEREMONIALS: Jerry Nichols, on behalf of State Representative Angie Chen Button, spoke regarding Senior Awareness Day. Mayor Athas welcomed City of Mesquite Mayor Monaco who provided comments regarding the donation of a fire rehabilitation vehicle to the Garland Fire Department.

MAYOR'S ANNOUNCEMENTS: Mayor Athas commented on the following: Scheduled watering days will now coincide with trash/recycling collection day; watering restrictions; Mayor's Evening Out to be held at the South Garland Library July 23, 2013 from 5 to 7 p.m.; and downtown parking limitations. Mayor Pro Tem Willis provided information regarding the 16<sup>th</sup> Annual Transportation & Infrastructure Summit to be held in Irving August 6-9, 2013; citizens are welcome to attend.

CONSENT AGENDA: All items marked with asterisks (\*\*) on the Consent Agenda were voted on in a single motion at the beginning of the meeting. Mayor Athas announced that Item 6 was removed from the Consent Agenda for further consideration and Item 7 was removed from the agenda until a future meeting. A motion was made by Councilman Campbell, seconded by Councilwoman Goebel, to approve Items: 1; 2a; 2b; 2c; 3a;

3b; 4; and 5. A vote was cast and the motion carried with 9 Ayes; 0 Nays.

1. Approved\*\*  
City Council minutes of the July 2, 2013 Regular Meeting.
- 2a. Approved\*\*  
Award of Bid No. 3532-13 to MSB Government Services in the amount of \$150,000 to provide for the collection of outstanding fines and fees generated from outstanding warrants for Municipal Courts.
- 2b. Approved\*\*  
Award of Bid No. 3598-13 to ABC Professional Tree Services, Inc. in the amount of \$118,360.00 with an optional contingency fee of \$12,000.00 for a total award amount of \$130,360.00 to provide vegetation management and right-of-way clearing for approximately 45 miles of Texas Municipal Power Agency (TMPA) 345kV.
- 2c. Approved\*\*  
Award of Bid No. 3536-13 to Stuart Irby in the amount of \$177,507.73 with an optional contingency fee of \$17,750.27 for a total award of \$195,258.00 to provide the materials necessary for the 138kV electrical upgrade to the Denton Loop.
- 3a. Approved\*\*  
Ordinance No. 6626 amending the zoning laws of the City of Garland, Texas by approving a Specific Use Permit for Retail Sales with Gasoline Pumps on a 1.55-acre tract of land located on the north corner of Broadway Boulevard and East Centerville Road. (Zoning File No. 13-21; Applicant Jamal Premjee).
- 3b. Approved\*\*  
Ordinance No. 6627 amending the zoning laws of the City of Garland by approving a change in zoning from Planned Development (PD) District 97-31 for Health Services Uses to Health Services (HS) District and a Specific Use Permit for Care of Alcoholic, Drug Dependent or Psychiatric Patients, Institutionalized on a 17.14-acre tract of land located at 2696 West Walnut Street; south of West Walnut Street and west of North Shiloh Road; (Zoning File 13-23; Sundance Behavioral Health).
4. Approved\*\*  
Resolution No. 10114 authorizing the submission and acceptance of an application to the Bureau of Justice Assistance for Grant Under the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program for an estimated amount of \$26,872.63.

5. Approved\*\* Approve by minute action authorizing the City Manager to execute Change Order No. 1 in the amount of \$58,173.15 with Cooper Concrete Company.

ITEMS FOR INDIVIDUAL CONSIDERATION:

6. Approved Deputy City Manager Martin Glenn provided background information and answered related questions. The following persons submitted speaker cards and provided comment regarding this item: Jerry Flook and Cleo Holden.

Councilwoman Goebel, seconded by Councilman Stanley, moved to approve by minute action authorizing the City Manager to execute all necessary documents for the purchase of 102-108 N. Sixth Street from the Garland Civic Theatre. The legal description includes Lots 2 and 3 of Block 2, and Part of Lot 1, in the Embree Addition. A vote was cast and the motion carried with 9 ayes, 0 nays.

8. Held & Approved Planning Director Anita Russelmann provided background information regarding the application of Color Build In requesting approval of a specific Use Permit for Automobile and Motorcycle Sales, Leasing Services and Repair (Used) on property zoned Industrial-1 (I-1) District. The property is located at 410 South Kirby. (Zoning File No. 13-25).

Mayor Athas opened the public hearing to accept public input. No one spoke during the public hearing.

Councilwoman Dodson made a motion, seconded by Councilman LeMay, to close the public hearing and to approve the application of Color Build In requesting approval of a Specific Use Permit for Automobile and Motorcycle Sales, Leasing Services and Repair (Used) on property zoned Industrial-1 (I-1) District. The property is located at 410 South Kirby. (Zoning File No. 13-25). A vote was cast and the motion carried with 9 ayes, 0 nays.

9. Board & Commission Appointments:

The following names were placed in nomination for positions on the Garland Youth Council: Morgan Manning (Athas); Elizabeth Sinclair (Cahill); and James Austin Grimes (Cahill). A vote was cast and the nominations carried with 9 ayes, 0 nays.

10. Citizen Comments                    The following citizens spoke: Elizabeth Berry and Wayne Everett.

There being no further business to come before the City Council, Mayor Athas adjourned the meeting at 7:34 p.m.

CITY OF GARLAND

Signed:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Secretary



## Purchasing Report

### RELAY AND SCADA EQUIPMENT UPGRADE OPEN MARKET

**PURCHASE JUSTIFICATION:**

The purpose of this bid is to provide for the purchase of replacement relay and SCADA equipment for the Texas Municipal Power Agency's Bryan East, Dansby, Greenville Steam Interchange, and McCree Substations. Due to the complex nature of the project, an optional contingency is included for any unforeseen additional materials that may be needed.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Schweitzer Engineering Laboratories	All	\$558,275.00
Optional Contingency		55,827.00
	<b>TOTAL:</b>	<b>\$614,102.00</b>

**BASIS FOR AWARD:**

**Best Value**

Submitted by:

Reviewed by:

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

William E. Dollar  
 City Manager

Date: 07/23/13

Date: 07/29/13

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$ 1,986,978	Operating Budget: <input type="checkbox"/> CIP: <input checked="" type="checkbox"/> Year: 2013
Expended/Encumbered to Date: 0	Document Location: Page E01
Balance: \$ 1,986,978	Account #: 215-3542-3175401-6051
This Item: 614,102	Fund/Agency/Project – Description: GP&L CIP – Transmission
Proposed Balance: \$ 1,372,876	Comments: Bid provides for the purchase of replacement relay and SCADA equipment for TMPA's Bryan East, Dansby, Greenville Steam Interchange, and McCree Substations. An optional contingency is included for any unforeseen additional materials possibly needed.
Trent Schulze 07/29/13 Budget Analyst Date	
Ron Young 07/29/13 Budget Director Date	

CITY OF GARLAND - BID RECAP SHEET			SCHWEITZER ENGINEERING LABORATORIES (SEL)	CROWN TECHNICAL SYSTEMS	RSI GLOBAL, INC.	CENTRAL ELECTRIC MFG. CO.	CG AUTOMATION SOLUTIONS USA					
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
1	1	LS	Total cost of all 21 panels		\$558,275.00		\$561,426.00		\$640,046.00		\$666,312.00	\$817,741.00
			Evaluation Criteria:									
			Price	Maximum = 50	50.00	49.70	42.70	40.30	\$26.80			
			Delivery schedule	Maximum = 20	14.20	14.20	14.20	14.20	\$20.00			
			Experience w/similar projects	Maximum = 15	15.00	15.00	15.00	15.00	\$15.00			
			Reputation & Qualifications	Maximum = 10	10.00	10.00	10.00	10.00	\$10.00			
			Previous experience w/COG	Maximum = 5	5.00	0.00	0.00	0.00	\$0.00			
			Total Score:	Maximum = 100	94.20	88.90	81.90	79.50	\$71.80			
TOTAL GROSS PRICE					\$558,275.00	\$561,426.00	\$640,046.00	\$666,312.00	\$817,741.00			
CASH DISCOUNT												
TOTAL NET PRICE					\$558,275.00	\$561,426.00	\$640,046.00	\$666,312.00	\$817,741.00			
F.O.B.					DELIVERED	DELIVERED	DELIVERED	DELIVERED	DELIVERED			
DELIVERY												
NEXT LOW: \$561,426.00			723 # BidSync Notifications			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.						
LOW: \$558,275.00			32 # BidSync HUBS									
SAVINGS: \$3,151.00			11 # Direct Contact HUBS									
			0 # HUBS Responded									

CITY OF GARLAND - BID RECAP SHEET

Davis, Inc.

Muller Electric Co.

DELIVERED

DELIVERED

DELIVERED



# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 3592-13** **Relay and SCADA Equipment Upgrade**

**Recommended Vendor:**

Schweitzer Engineering Laboratories (SEL)

**Total Recommended Award:**

\$614,102.00

**Basis for Award:**

Best Value

**Purpose:**

This purpose of this bid is to provide for the purchase of replacement relay and SCADA equipment for the Texas Municipal Power Agency's Bryan East, Dansby, Greenville Steam Interchange and McCree Substations.

**Evaluation:**

Requests for Bids were issued per Purchasing procedures. Five (5) bids were received and evaluated based on the published criteria of: price; delivery schedule; experience; reputation/qualifications; previous experience with City of Garland.

Schweitzer Engineering Laboratories (SEL) submitted the lowest total price and received the highest evaluated score of a 94.2 out of a possible 100, offering the best value for the City.

**Recommendation:**

Staff recommends awarding the bid to SEL as the best value provider for the City.

**Funding Information:**

TMPA CIP project 215-3542-3175401-6051

**Department Director:**

Tommy Weathersbee, Transmission and Distribution Director, 972-205-3532



## Purchasing Report

### ELECTRIC MOTOR REPAIR AND MAINTENANCE TERM CONTRACT

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide electric motor repair and maintenance for the Garland Power & Light Production Plants on an as-needed basis. This will be a one (1) year initial contract with four (4) optional renewals. Renewals will occur either annually or upon the expenditure of funds, whichever comes first. Expenditures will not exceed appropriated funds. Funds will be committed at time of invoiced payments.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Brandon & Clark, Inc.	All	\$125,000.00
	<b>TOTAL:</b>	<b>\$125,000.00</b>

**BASIS FOR AWARD:**

**Best Value**

Submitted by:

Reviewed by:

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

William E. Dollar  
 City Manager

Date: 07/25/13

Date: 07/29/13

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	N/A
Expended/Encumbered to Date:	N/A
Balance: \$	N/A
This Item:	125,000
Proposed Balance: \$	N/A
Trent Schulze	07/26/13
Budget Analyst	Date
Ron Young	07/27/13
Budget Director	Date

<b>Operating Budget:</b> <input checked="" type="checkbox"/> <b>CIP:</b> <input type="checkbox"/> <b>Year:</b> FY 2012-13 <b>Document Location:</b> Page 207 <b>Account #:</b> 451-6999  <b>Fund/Agency/Project – Description:</b> Term Contract – GP&L Production - Provides electric motor repair and maintenance at GP&L's plants on as as-needed basis. One-year initial contract with four optional renewals.  <b>Comments:</b> Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.
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<b>CITY OF GARLAND - BID RECAP SHEET</b> OPENED: 07/02/2013 REQ. NO. PR 31559 BID NO. 3599-13 PAGE: 1 of 1 BUYER: W.Newcomer			BRANDON & CLARK	EVANS	SHERMCO INDUSTRIES	
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ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	1	lot	Bid Price for Evaluation of service rates provided.		\$125,000.00		\$206,750.22		\$231,106.87		
			Evaluation Criteria:								
			Price	Maximum = 50	50.00	30.00	30.00	27.00	27.00		
			Compliance to specification	Maximum = 10	10.00	10.00	10.00	10.00	10.00		
			Capability of Bidder	Maximum = 10	10.00	10.00	10.00	10.00	10.00		
			Location within DFW area	Maximum = 30	30.00	30.00	30.00	30.00	30.00		
			Total Score:	Maximum = 100	100.00	80.00	80.00	77.00	77.00		

TOTAL GROSS PRICE	\$125,000.00	\$206,750.22	\$231,106.87
CASH DISCOUNT			
TOTAL NET PRICE			
F.O.B.	DELIVERED	DELIVERED	DELIVERED
DELIVERY			

<b>NEXT LOW: \$206,750.22</b> <b>LOW: \$125,000.00</b> <b>SAVINGS: \$81,750.22</b>	496 # BidSync Notifications 8 # BidSync HUBS 5 # Direct Contact HUBS 0 # HUBS Responded	All bids submitted for the designated project are reflected on this bid tab sheet. However, the listing of a bid on this sheet should not be construed as a comment on the responsiveness of such bid or as any indication that the city accepts such bid as responsive. <u>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.</u>
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# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 3599-13** **Term Contract for Electric Motor Repair & Maintenance**

**Recommended Vendor:**

Brandon Clark, Inc.

**Total Recommended Award:**

\$125,000.00

**Basis for Award:**

Best Value

**Purpose:**

The purpose of this contract is to provide for electric motor repair and maintenance for the Garland Power & Light Production Plants on an as needed basis. This will be a one (1) year initial contract with four (4) optional renewals.

**Evaluation:**

Requests for bids were issued in accordance with Purchasing procedures. Three (3) bids were received and evaluated on the criteria of price, compliance with specifications, capability of bidder and location of bidder.

Brandon Clark, Inc. received the highest evaluated score of 100 and was the lowest overall bidder, offering the best value for the City

**Recommendation:**

Staff recommends awarding the contract to Brandon Clark, Inc. as the best value provider meeting all requirements of the specification.

**Funding Information:**

451-6999 Blanket Account. This will be funded as needed out of the GP&L Production Operating and Maintenance accounts.

**Department Director:**

Dan Bailey, Energy Services Director, 972-205-2669



## Purchasing Report

### **CLEANING AND VIDEO INSPECTION OF SEWER LINES TERM CONTRACT**

**PURCHASE JUSTIFICATION:**

The purpose of this contract is to provide cleaning and video inspection of sewer lines throughout the City. The contract will be for a one (1) year term with three (3) renewal options. This bid is awarded by unit price that will remain firm for the first year. Any subsequent price adjustments must be justified and mutually agreed upon. Expenditures will not exceed appropriated funds.

**AWARD RECOMMENDATION:**

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
RKM Utility Services, Inc	All	\$300,000.00
<b>TOTAL:</b>		<u>\$300,000.00</u>

**BASIS FOR AWARD:**

**Straight Low Bid**

Submitted by:

Reviewed by:

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

William E. Dollar  
 \_\_\_\_\_  
 City Manager

Date: 07/26/13

Date: 07/29/13

<b><u>FINANCIAL SUMMARY:</u></b>	
Total Project/Account: \$	<u>N/A</u>
Expended/Encumbered to Date:	<u>N/A</u>
Balance: \$	<u>N/A</u>
This Item:	<u>300,000</u>
Proposed Balance: \$	<u>N/A</u>
Matt Watson	<u>07/26/13</u>
Budget Analyst	Date
Ron Young	<u>07/26/13</u>
Budget Director	Date

Operating Budget: <input checked="" type="checkbox"/>	CIP: <input type="checkbox"/>	Year: <u>2012-13</u>
Document Location:	<u>Page 90</u>	
Account #:	<u>451-6999</u> <u>(231-4122-7111)</u>	
Fund/Agency/Project – Description:	<u>Term Contract – Wastewater/Sewer Maintenance</u>	
Comments:	<u>Term Contract sets price but does not commit funds. Expenses will be charged to accounts as incurred.</u>	





# **GARLAND**

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## **PURCHASING**

### **Executive Summary** **Bid 3687-13** **Cleaning and Video Inspection of Sewer Lines**

**Recommended Vendor:**

RKM Utility Services, Inc.

**Total Recommended Award:**

\$300,000.00

**Basis for Award:**

Straight Low Bid

**Purpose:**

The purpose of this contract is to provide cleaning and video inspection of sanitary sewer lines throughout the City. This is a term contract with three (3) optional renewals.

**Evaluation:**

Requests for bids were issued in accordance with Purchasing procedures. Due to the specialized nature of this service, only one bid was received. RKM Utility Services, Inc. was awarded the previous contract in 2011 and has performed satisfactorily.

**Recommendation:**

Staff recommends awarding the contract to RKM Utility Services, Inc.

**Funding Information:**

Blanket Account 451-6999

**Department Director:**

John Baker, Managing Director, 972-205-3283



# City Council Item Summary Sheet

Work Session

Date: August 6, 2013

Agenda Item

## Zoning Ordinance

### Summary of Request/Problem

Zoning Ordinance 13-25 - Color Build In

### Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

**Submitted By:**

**Neil Montgomery**  
Senior Managing Director of  
Development Services

**Approved By:**

**William E. Dollar**  
City Manager

FILE NO. 13-25

**ORDINANCE NO.**

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PERMIT FOR AUTOMOBILE AND MOTORCYCLE SALES, LEASING, SERVICE AND REPAIR (USED) ON A 0.92 ACRE TRACT OF LAND ZONED INDUSTRIAL-1 (I-1) DISTRICT AND LOCATED AT 410 SOUTH KIRBY STREET; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; AND PROVIDING FOR A PENALTY AND AN EFFECTIVE DATE.

**WHEREAS**, at its regular meeting held on the 24th day of June, 2013, the City Plan Commission did consider and make recommendations on a certain request for zoning change made by **Color Build In** 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 Specific Use Permit for Automobile and Motorcycle Sales, Leasing, Service and Repair (used) on a 0.92 acre tract of land zoned Industrial-1 (I-1) District and located at 410 South Kirby Street, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

**Section 2.**

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

**Section 3.**

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. 13-25

**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 \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

By:

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

Published:

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Zoning File 13-25**

Being Lots 6 and 7, Block A, Forest Lane Industrial Park Addition, City of Garland, Dallas County, Texas and containing approximately 0.92-acres.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-25

#### 410 South Kirby Street

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow Automobile and Motorcycle Sales, Leasing, Service and Repair (used) 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 Industrial-1 (I-1) District set forth in Section 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 five (5) year time period and shall be tied to **Color Build In**.
  - B. Used Vehicle Sales: Used vehicles for sale shall only be stored and/or displayed along the western and southern property lines, as shown on the approved site plan (see Exhibit C). The maximum number of used vehicles for sale, at any one time, shall be limited to seventeen (17).





# City Council Item Summary Sheet

Work Session

Date: August 6, 2013

Agenda Item

## Change Order – Jupiter Shiloh VI Relief Sewer

### Summary of Request/Problem

At the August 5, 2013 Work Session, Council was scheduled to consider authorizing Change Order No. 1 to the contract with ARK Contracting Services, LLC in the amount of \$70,545.92. During the construction project, it was determined that the existing manhole in the middle of the intersection of Shiloh and Miller Roads was in very poor condition and required full replacement with a larger manhole.

### Recommendation/Action Requested and Justification

Approve by minute action authorizing the City Manager to execute Change Order No. 1 with ARK Contracting Services, LLC in the amount of \$70,545.92.

**Submitted By:**

**Michael C. Polocek**  
Director of Engineering

**Approved By:**

**William E. Dollar**  
City Manager

**CITY OF GARLAND - ENGINEERING DEPARTMENT**  
**CONTRACT CHANGE ORDER**

**To:** ARK Contracting Services, LLC  
420 S. Dick Price Road  
Kennedale, Texas 76060

**Change Order No.:** 1  
**P.O. No.:** 19532  
**Account No.:**  
**Page:** 1 of 1

**RE:** Jupiter Shiloh VI Relief Sewer  
Sanitary Sewer Improvements

**Effective Date:** July 22, 2013

You are hereby authorized to make the changes described below in connection with your contract dated March 12, 2012 for Jupiter Shiloh VI Relief Sewer

The changes described herein are to be performed subject to the same conditions in the above mentioned original contract as fully as if such conditions were repeated in this Change Order.

**Description of Changes:**

1. Construct a new 8-foot diameter manhole at Shiloh Road at Miller Road

**Monetary Consideration:**

<u>Item</u>	<u>Description</u>	<u>Price</u>
1.	Construct a new 8-foot diameter manhole at Shiloh Road at Miller Road	\$70,545.92

**TOTAL**                      **\$70,545.92**

**Contract Summary:**

	<u>\$ Amount</u>	<u>Work Days</u>
Original Contract Amount:	\$2,068,928.00	150
Previous Contract Adjustments:	\$0.00	38
Amount of this Change Order:	<u>\$70,545.92</u>	0
Total Adjusted Contract:	<u>\$2,139,473.92</u>	188

Change Order No. 1 represents a 3.41 % increase to original contract amount.

**Accepted:**

Pricing Based on proposal submitted by  
ARK Contracting Services, LLC.  
\_\_\_\_\_  
(Contractor)

\_\_\_\_\_  
(Director of Engineering)

Date: 7/22/2013

Date:



# City Council Item Summary Sheet

Work Session

Date: August 6, 2013

Agenda Item

## Amendment to Section 19 of the TMPA Power Sales Contract

### Summary of Request/Problem

At the July 16, 2013 Work Session, Council considered authorizing the amendment of Section 19 of the TMPA power Sales contract to better specify the date by which a Member City must provide notice to TMPA of its intent to receive services for the useful life of the TMPA system. Under the current interpretation of the contract, if a Member City chooses to exercise the option to continue receiving service for the useful life of the TMPA system, it must provide written notice to TMPA at least five years prior to the scheduled termination date of the contract. The contract is currently scheduled to expire on September 1, 2018; therefore, the deadline for exercising this option under this interpretation would be September 1, 2013.

### Recommendation/Action Requested and Justification

Staff recommends that Council approve an amendment to the Contract to extend the September 1, 2013 deadline for written notice to September 30, 2016 to allow Member Cities time to develop a consensus with respect to TMPA following the expiration of the Power Sales Contract.

**Submitted By:**

**Jeff Janke**  
GP&L Sr. Managing Director

**Approved By:**

**William E. Dollar**  
City Manager

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE POWER SALES CONTRACT ("THE POWER SALES CONTRACT") BETWEEN AND AMONG THE CITY OF BRYAN, TEXAS, THE CITY OF DENTON, TEXAS, THE CITY OF GARLAND, TEXAS, THE CITY OF GREENVILLE, TEXAS AND THE TEXAS MUNICIPAL POWER AGENCY; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1**

That the City Council hereby authorizes the Mayor to execute an amendment to the Power Sales Contract in substantially the form and substance attached hereto.

**Section 2**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**AMENDMENT TO POWER SALES CONTRACT  
BETWEEN  
TEXAS MUNICIPAL POWER AGENCY  
AND  
CITY OF BRYAN, TEXAS  
CITY OF DENTON, TEXAS  
CITY OF GARLAND, TEXAS  
CITY OF GREENVILLE, TEXAS**

This Amendment to Power Sales Contract (this “Amendment”), made and entered into as of the Amendment Date (as hereinafter defined), by and between the Texas Municipal Power Agency, a municipal corporation and political subdivision of the State of Texas and herein referred to as the “Agency” and the City of Bryan, Texas, the City of Denton, Texas, the City of Garland, Texas and the City of Greenville, Texas, each of which cities is a municipal corporation of the State of Texas and a home rule city, and herein collectively called the “Cities” and individually called “City.”

**WHEREAS**, the Agency and the Cities are the parties to that certain Power Sales Contract (the “Power Sales Contract”) made and entered into as of the September 1, 1976, which Power Sales Contract was amended by and between the Agency and the Cities as of September 1, 1976, November 5, 1997 and June 24, 2010 (such amendments together with the Power Sales Contract being herein called the “Contract”); and

**WHEREAS**, Section 19 of the Contract provides that following the termination date of the Contract each City not electing to withdraw from the Agency shall have the right to the continued performance of services provided under the provisions of the Contract for the useful life of the System by giving written notice to that effect to the Agency at least 5 years prior to the scheduled termination of the Contract (the “Future Services Notice”); and

**WHEREAS**, as of the Amendment Date, taking into account all outstanding Bonds and Subordinated Indebtedness of the Agency, the Contract is scheduled to terminate on September 1, 2018; and

**WHEREAS**, the Agency and the Cities desire to amend the Contract to modify the notice requirements of said Section 19 of the Contract to allow the Future Services Notice to be given by a City to the Agency by not later than September 30, 2016; and

**WHEREAS**, the Agency and the Cities mutually agree to the amendment of the Contract for the purposes and upon the terms hereinafter provided; and

**WHEREAS**, the Agency has obtained the consents and given the notices required to be obtained or given prior to entering into this Amendment; and

**WHEREAS**, the “Amendment Date” shall be, assuming the approval and execution of this Amendment by the Agency and each of the Cities, the date that this Amendment is executed

by the last party to execute this Amendment; and

**WHEREAS**, all other capitalized terms used herein but not defined herein shall have the meanings set forth for such terms in the Contract or in the Bond Resolution (as defined in the Contract); and

**WHEREAS**, the modification effected to the Contract by this Amendment does not modify in any respect the obligation of each City and the Agency to perform their respective obligations under the terms of the Contract to the date of the scheduled termination thereof, and the amendment to the Contract effected hereby does not modify the termination date of the Contract; and

**WHEREAS**, the modification effected to the Contract by this Amendment does not affect, and in particular does not adversely affect, the rights and interests of any of the bondholders, noteholders, insurers, credit banks and other beneficiaries or interested persons or entities having interests in the Agency's outstanding Bonds or Subordinated Indebtedness (collectively, the "Interested Parties") and, more specifically, no modification effected by this Amendment adversely affects the security of the Interested Parties by lessening the amount to be paid to the Agency by the Cities or any other person or entity under the Contract, or by changing the source or nature of such payment; and

**WHEREAS**, the Cities hereby reaffirm their respective commitments to the Agency and to the holders of the outstanding Bonds or Subordinated Indebtedness to provide the payments required under the Contract to assure that the obligations of the Agency are timely paid in accordance with the provisions of the Contract;

**NOW, THEREFORE**, in consideration of the mutual undertakings herein contained, the Agency and each of the Cities hereby agree as follow:

## **ARTICLE I**

Section 1.1. Section 19 of the Contract is hereby amended to read as follows:

**Section 19: Continuation of Services.** A City, unless it elects an option under Section 13 or withdraws under Section 16, shall have the right to the continued performance of services provided under the provisions of this Contract for the useful life of the System by giving written notice to the Agency by not later than September 30, 2016. Such City shall be obligated to continue paying its proportionate share of the Annual System Costs.

## **ARTICLE II**

Section 2.1. All other terms, provisions, conditions and obligations of the Contract shall remain in full force and effect, and said Contract, as amended hereby, shall be construed together as a single contractual agreement.

Section 2.2. The Amendments made hereby shall be effective upon the Amendment Date.  
[Signature pages follow.]

**TEXAS MUNICIPAL POWER  
AGENCY**

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

**CITY OF BRYAN, TEXAS**

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

**CITY OF DENTON, TEXAS**

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

**CITY OF GARLAND, TEXAS**

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

**CITY OF GREENVILLE, TEXAS**

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

**GEUS, ACTING ON BEHALF OF THE  
CITY OF GREENVILLE PURSUANT  
TO  
ITS CHARTER**

By: \_\_\_\_\_

David Dreilling  
Chairman, Board of Trustees of  
Electric Utility Board

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_



# City Council Item Summary Sheet

Work Session

Date: August 6, 2013

Agenda Item

## Creation of a Driver Position in the Fire Department

### Summary of Request/Problem

At the July 16, 2013 Work Session, Council considered authorizing the creation of a Driver position in exchange for a Firefighter position. This would increase the number of Driver positions from 71 to 72 and decrease the Firefighter positions from 121 to 120. The Fire Marshal's Office has an opening due to the retirement of a Fire Inspector. A Firefighter holding the rank of Driver would be transferred to Fire Inspections.

### Recommendation/Action Requested and Justification

Approve an ordinance amending the civil service classifications within the Garland Fire Department for the fiscal year 2012-13 by adding an additional Driver position and eliminating a Firefighter position.

**Submitted By:**

**Raymond Knight  
Fire Chief**

**Approved By:**

**William E. Dollar  
City Manager**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF GARLAND, TEXAS, AMENDING THE CIVIL SERVICE CLASSIFICATIONS WITHIN THE GARLAND FIRE DEPARTMENT FOR THE FISCAL YEAR 2012-2013 BY ADDING AN ADDITIONAL DRIVER POSITION AND ELIMINATING A FIREFIGHTER POSITION; PRESCRIBING THE NUMBER OF POSITIONS IN EACH CLASSIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 143 of the Texas Local Government Code, the City Council shall establish certain classifications and shall prescribe the number of positions in each of these classifications by ordinance, and

**WHEREAS**, by Ordinance Number 6569, as amended, the City Council has established the civil service classifications and the number of positions within each classification for the Garland Fire Department for the fiscal year beginning October 1, 2012, and ending September 30, 2013, and

**WHEREAS**, due the assignment of a firefighter holding the rank of Driver from the Operations Division to the Fire Marshal's Office, another position within the Driver classification is needed, but not currently authorized, for Operations; and

**WHEREAS**, the creation of the new Driver position and the corresponding elimination of a firefighter position will effect economy and efficiency in operations; and

**WHEREAS**, the City Council desires to amend the civil service classifications within the Garland Fire Department for the fiscal year beginning October 1, 2012, and ending September 30, 2013 by adding an additional Driver position and eliminating a Firefighter position

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

**Section 1**

That the City Council of the City of Garland, Texas, hereby amends the classifications and authorized positions within each classification within the Garland Fire Department for the fiscal year beginning October 1, 2012, and ending September 30, 2013 as specified on "Exhibit A-1 hereto and made a part hereof as if fully set forth herein.

**Section 2**

That this Ordinance shall take effect upon its passage and approval.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**EXHIBIT "A-1"**

**CIVIL SERVICE**

**2012/2013  
Budgeted Fire Positions**

**FIDE** → **Total: 255**

Classification	Number of Positions Effective 11-06-2012
Firefighter*	120
Driver	72
Lieutenant	13
Captain	38
Battalion Chief	8
Assistant Chief	3
Fire Chief (Managing Director)	1
Total	255

\* Includes six (6) Firefighter positions funded by the 2010 SAFER Grant



# City Council Item Summary Sheet

Work Session

Date: August 6, 2013

Agenda Item

## Revisions to Watering Schedule

### Summary of Request/Problem

On July 8, 2013, the City implemented a new watering schedule for both its residential and business customers. Between April 1 and October 31 of each year, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to one day per week on the day designated for residential trash pickup in the customer's area; and from November 1 to March 31 the irrigation of landscaped areas, foundations, trees, and lawns with hose-end sprinklers or automatic irrigation systems is limited to one day every other week on the day designated for collection of recyclable materials in the customer's area. Garland businesses will base their watering day on the residential schedule at their specific location(s).

This item was considered by Council at the July 16, 2013 Work Session and Regular Meeting.

### Recommendation/Action Requested and Justification

Approve an ordinance amending Chapter 51, "General Utility Provisions," of the Code of Ordinances of the City of Garland.

**Submitted By:**

**John Baker**  
Managing Director of Public Utilities

**Approved By:**

**William E. Dollar**  
City Manager

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 51, “GENERAL UTILITY PROVISIONS”, OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1**

That Section 51.93 (3)(g)(i) of Chapter 51, “General Utility Provisions”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

- “(i) Between April 1 and October 31 of each year, irrigation of landscape areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigations systems is limited to one day per week on the day designated for residential trash pickup in customer’s area; and from November 1 to March 31 the irrigation of landscaped areas, foundations, trees and lawns with hose-end sprinklers or automatic irrigation systems is limited to one day every other week on the day designated for collection of recyclable materials in customer’s area.”

**SECTION 2**

That, except as otherwise provided in this Ordinance, 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. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

**SECTION 3**

That Chapter 51, "General Utility Provisions", 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 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**

The City Manager or his designee is hereby directed to file a copy of this Ordinance with the Texas Commission on Environmental Quality, and to provide a copy of the ordinance to the Chairman of the Region C Water Planning Group and the Texas Water Development Commission.

**SECTION 6**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY OF GARLAND, TEXAS**

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Mayor

**ATTEST:**

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City Secretary



# City Council Item Summary Sheet

Work Session

Date: August 6, 2013

Agenda Item

## ENGINEERING AGREEMENT FOR EMERGENCY (BLACKSTART) GENERATORS FOR GARLAND POWER & LIGHT FACILITIES

### Summary of Request/Problem

Council is requested to consider authorizing an Engineering Services Agreement with R-Delta Engineers, Inc. for facility surveying and mapping, electrical engineering, civil engineering, structural engineering, planning & design coordination, permitting & review coordination, and equipment & material specifications for acquisition & construction associated with the proposed installation of emergency (Blackstart) generators at GP&L facilities.

The improvements will provide consistent delivery of reliable City services.

### Recommendation/Action Requested and Justification

Staff recommends that Council approve a resolution authorizing the City Manager, or his representative, to execute an Engineering Services Agreement to R-Delta Engineers, Inc. in the amount not to exceed \$107,569.00 (includes \$9,779.00 Contingency).

#### Submitted By:

**Jeff Janke**  
GP&L Sr. Managing Director

#### Approved By:

**William E. Dollar**  
City Manager

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH R-DELTA; AND PROVIDING AN EFFECTIVE DATE.**

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

**Section 1**

That the City Manager, or his representative, is hereby authorized to execute an Engineering Services Agreement with R-Delta for a lump sum amount of \$107,569.

**Section 2**

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

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2013

**THE CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**GARLAND POWER & LIGHT  
ENGINEERING SERVICES AGREEMENT  
EMERGENCY (BLACKSTART) GENERATORS  
FOR GARLAND POWER & LIGHT FACILITIES  
SCOPE OF WORK #COG121**

This Engineering Services Agreement (“Agreement”) is made and entered by and between the City of Garland, Texas, (the “City”) a home rule municipality with an electric department operating an electric system (the “System”) known as Garland Power & Light (“GP&L”) and **R-Delta Engineers, Inc.** (“Engineer”).

**Section 1. Engineering Agreement - Scope of Work.**

The City retains Engineer to provide engineering and professional services to include facility surveying and mapping, electrical engineering, civil engineering, structural engineering, planning & design coordination, permitting & review coordination, and equipment & material specifications for acquisition & construction associated with the proposed installation of emergency (Blackstart) generators for the following GP&L facilities:

- Ray Olinger Power Plant Substation
- Ben Davis Substation
- Crist Road Substation
- Brand Road Substation
- Castle Drive Substation
- Naaman School Road Substation
- Substation Office (521 E. Avenue B)

for a cost “not-to-exceed” **\$97,790.00** per the attached R-Delta Engineers, Inc. Proposal dated July 17, 2013.

**Section 2. Services to be Provided; Responsibilities of Parties.**

(A) Unless expressly limited or excluded by the Scope of Work, Engineer shall provide, at a minimum, the following services and have the following responsibilities in connection with each Scope of Work approved by the City. In that connection, the Engineer shall:

(1) See the attached R-Delta Engineers, Inc. proposal dated July 17, 2013.

(2) Determine what, if any, additional engineering or drawings are required.

(3) Commence work under the scope of Work no more than fourteen (14) days of after receipt of notice to proceed from the City.

(B) City shall:

(1) Provide such pertinent details and information as may be within the possession of the City to the Engineer in the performance of the requested Scope of Work.

(2) Provide assistance and input as required at appropriate times in order for the Engineer to complete tasks as assigned.

**Section 3. Compensation.**

(A) *Basic Services:* The City shall pay Engineer only in accordance with the rates and the not-to-exceed limitations contained in the Scope of Work on a time and materials basis. The City shall not be obligated to pay Engineer for any services, expenses, reimbursables, or other costs in excess of the not-to-exceed amount specified in the Scope of Work unless Engineer has obtained the express, written consent of the City prior to the commencement of services or incurring the expenses claimed. Unless otherwise provided in the Scope of Work, the anticipated submittal of all Project deliverables is immediately upon completion of the Project.

The cost of this Agreement without further discussion/approvals of City (GP&L) staff is a lump sum amount of **NINETY SEVEN THOUSAND SEVEN HUNDRED AND NINETY DOLLARS (\$97,790.00).**

The Total Agreement Cost is comprised of the following:

Agreement Base Amount: \$ 97,790.  
CONTINGENCY Amount: \$ 9,779.  
Total Agreement Amount: \$107,569.

**CONTINGENCY:** Contingency amount of \$9,779.00 is for unforeseen changes or additional items of work to complete the project, authorized at the **sole discretion** of the City (GP&L).

The “contingency” expenditures must be approved in writing by CITY (GP&L) staff prior to starting work.

Any revisions to work after commencement of engineering design necessitated by changes will be per Section 4 and the Engineer’s hourly published rates dated July 2013.

This fee does not include the resolution of title issues that may arise or be discovered by the survey itself. If additional work is required to solve those issues, an addendum to this proposal will be executed and approved by City (GP&L) staff prior to starting that work.

(B) *Billing Period:* The Engineer may submit monthly, or less frequent, an invoice for payment based on the estimated completion of the described tasks and approved work schedule. Engineer shall reference the “Scope of Work” number (e.g. **COG121**) on each invoice submitted to GP&L for payment. Subject to Chapter 2251, Texas Government Code (the “Prompt Payment Act”) payment is due within thirty (30) days of the City’s receipt of the invoice. Interest on overdue payments shall be calculated in accordance with the Prompt Payment Act. **[NOTE: Engineer shall notify GP&L, in writing, when ninety percent (90%) of the total not-to-exceed amount has been invoiced.]**

(C) *Reimbursable Expenses:* City agrees to pay the actual, necessary and reasonable expenses incurred by Engineer in performing services under this Agreement, or to reimburse Engineer for such expenses, as the case may be, for those expenses that the City has given prior approval such as long distance telephone and fax, postage and courier costs, copying

costs, out-of-area travel, and related business expenses (such expenses not to exceed \$100.00 without the prior approval of the City).

(D) *Special Services:* Compensation for "special services" shall be based on the Engineer's established hourly rates which shall be stated in or attached to the Scope of Work. Statements for special services may only be submitted on a monthly basis. Engineer shall advise the City in advance if 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. The City shall promptly determine whether a service constitutes a special service so that work shall not be unreasonably delayed. As used in this Agreement, the term "special services" means:

(1) Preparation of any special reports required for the marketing of bonds or certificates of obligation.

(2) Appearances before regulatory agencies other than the City.

(3) Assistance to the City as an expert witness in any litigation with third parties arising from the development or construction of the Project and not involving the alleged fault of the Engineer.

(4) Special investigations involving detailed consideration of operation, maintenance and overhead expenses; preparation of rate schedules, earnings, and expense statements; preparation of special feasibility studies, appraisals, valuations, and material audits or

inventories required for certification of force account construction performed by the City.

(5) Detailed mill, shop, and laboratory inspection of materials or equipment.

(6) Preparation of estimates and engineer's rolls necessary for special assessments.

(7) Additional copies of reports and specifications (over the agreed number specified in the Scope of Work) and additional blueprint copies of drawings (over the agreed number specified in the Scope of Work).

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

(9) Preparation of environmental statements and assistance to the City in preparing for and attending public hearings on environmental impact statements.

(E) *Records of Expenses:* Engineer shall maintain reasonably detailed records of all work done on behalf of the City under this Agreement (and any Scope of Work issued pursuant to this Agreement) and of all expenses incurred for which Engineer seeks payment or reimbursement. Engineer shall promptly provide such records to the City upon request for inspection, copying, and audit.

#### **Section 4. Changes to the Project Work; Additional Work.**

(A) *Changes to Work:* Engineer shall

make such revisions to any work that has been completed as are necessary to correct any errors or omissions as may appear in such work. If the City finds it necessary to make 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 that is clearly not within the general description of the Scope of Work and does not otherwise constitute special services under this Agreement must be approved in writing by the City by supplemental agreement before the additional work is undertaken by the Engineer. If the Engineer is of the opinion that any work is beyond that contemplated in this Agreement and the Scope of Work governing the project and therefore constitutes additional work, the Engineer shall promptly notify the City of that opinion, in writing. If the City agrees that such work does constitute additional work, then the City and the Engineer shall execute a supplemental agreement for the additional work and the City shall compensate the Engineer for the additional work on the basis of the rates contained in the Scope of Work. The not-to-exceed fee shall be adjusted if additional work is approved by the City and performed by the Engineer.

#### **Section 5. Time of Completion.**

The prompt completion of the Project to which a Scope of Work relates is critical to the reliability and functionality of the System and is of the

essence to the performance of this Agreement. Unnecessary delays in providing services under a Scope of Work shall be grounds for dismissal of the Engineer and termination of this Agreement without any or further liability to the City other than a prorated payment for necessary, timely, and conforming work done by Engineer prior to the time of termination. The Scope of Work shall provide, in either calendar days or by providing a final date, a time of completion prior to which the Engineer shall have completed all tasks and services described in the Scope of Work.

SCHEDULE: As outlined in the attached Proposal dated February 26, 2013 Engineer proposes to submit engineering plans for first review by GP&L within twenty one (21) calendar days of contract execution and receipt of a detailed site plan for the City Center Development.

#### **Section 6. Professional Liability Insurance.**

Before commencing work under any Scope of Work, Engineer shall obtain, and furnish to the City evidence of, standard comprehensive professional liability insurance coverage in an amount of at least \$1,000,000.00 aggregate per year, covering the services provided under this Agreement. Engineer shall maintain such coverage during all phases of work provided under this Agreement and for a period of at least one (1) year after substantial completion of the Scope of Work. The City shall be issued a certificate of coverage that shall provide for a thirty (30) day notice to the City, by certified or registered mail, of

cancellation, non-renewal or material alteration in the stated provisions of the policy.

**Section 7. Dispute Resolution.**

In accordance with the provisions of Subchapter I, Chapter 271, Texas Local Government Code, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this Agreement, the parties will first attempt to resolve the dispute by taking the following steps: (i) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute; (ii) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party 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 dispute; (iii) If those persons cannot or do not resolve the dispute, 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 dispute.

**Section 8. Miscellaneous Provisions.**

(A) *Subletting.* The Engineer shall not sublet or transfer any portion of the work under this Agreement or any Scope of Work issued pursuant to this Agreement unless specifically approved

in writing by the City, which approval shall not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work. The approval or acquiescence of the City in the subletting of any work shall not relieve the Engineer of any responsibility for work done by such subcontractor.

(B) *Ownership of Documents.* Upon completion or termination of this Agreement, 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 drawings, charts, calculations, plans, specifications and other data prepared under or pursuant to this Agreement shall be made available, upon request, to the City without restriction or limitation on the further use of such materials PROVIDED, HOWEVER, THAT SUCH MATERIALS ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY THE CITY OR OTHERS. ANY REUSE WITHOUT PRIOR VERIFICATION OR ADAPTATION BY THE ENGINEER FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE CITY'S SOLE RISK AND WITHOUT LIABILITY TO THE ENGINEER. Where applicable, Engineer shall retain all pre-existing proprietary rights in the materials provided to the City but shall grant to the City a non-exclusive, perpetual, royalty-free license to use such proprietary information solely for the purposes for which the information was provided. The Engineer may, at Engineer's expense, have copies made of the documents or any other data furnished to the City under or pursuant to this Agreement.

(C) *Engineer's Seal.* 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. All work and services provided under this Agreement will be performed in a good and workmanlike fashion and shall conform to the accepted standards and practices of the engineering profession. The plans, specifications and engineering data provided by Engineer shall be adequate and sufficient to enable those performing the actual construction of the work to perform the work as and within the time contemplated by the City and Engineer. The City acknowledges that Engineer has no control over the methods or means of construction nor the costs of labor, materials or equipment. Unless otherwise agreed in writing, any estimates of construction costs by the Engineer are for informational purposes only and are not guarantees.

(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, administrative, or regulatory bodies in any matter affecting the performance of this Agreement, 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) *Independent Contractor.* Engineer acknowledges that Engineer is an independent contractor of the City and

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 Agreement. 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 or pursuant to this Agreement) for any of the services performed by Engineer under or related to this Agreement. 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 or pursuant to this Agreement.

(G) *Force Majeure.* If the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (which circumstances may include, without limitation, pending litigation, acts of

God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [such as, by way of illustration and not of limitation, severe rain storms or below freezing temperatures, or tornados] labor action, strikes or similar acts, moratoriums or regulations or actions by governmental authorities), the time for such performance shall be extended by the amount of time of such delay, but no longer than the amount of time reasonably occasioned by the delay. The party claiming delay of performance as a result of any of the foregoing "force majeure" events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven (7) days after the claiming party becomes aware of the same, and if the claiming party fails to so notify the other party of the occurrence of a "force majeure" event causing such delay and the other party shall not otherwise be aware of such "force majeure" event, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this subsection.

**Section 9. Termination.**

(A) This Agreement (which shall include any Scope of Work issued pursuant to this Agreement) may be terminated:

(1) By the mutual agreement and consent of both Engineer and City;

(2) By either party, upon the failure of the other party to fulfill its obligations as set forth in either this Agreement or a Scope of Work issued

under this Agreement;

(3) 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 Agreement in a timely or satisfactory manner;

(4) By the City, at will and without cause upon not less than thirty (30) days written notice to the Engineer.

(B) If the City terminates this Agreement pursuant to Section 5 or subsection 8(A)(2) or (3), above, 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 and only then for those services that have been timely and adequately performed by the Engineer considering the actual costs incurred by the Engineer in performing work to date of termination, the value of the work that is nonetheless 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 that affect the value to the City of the work performed at time of termination. In the event of termination not the fault of the Engineer, the Engineer shall be compensated for all basic, special, and additional services actually performed prior to termination, together with any reimbursable expenses then due.

**Section 10. Indemnification.**  
**Engineer agrees to indemnify and hold the City of Garland, Texas and all of its present, future and former agents, employees, officials and representatives harmless in their**

**official, individual and representative capacities from 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), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, for 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 – expressly including those arising through strict liability or under the constitutions of the United States or Texas – BUT ONLY TO THE EXTENT ALLOWABLE BY SEC. 271.904(a) OF THE TEXAS LOCAL GOVERNMENT CODE.**

**Section 11. Notices.** Any notice required or desired to be given from one party to the other party to this Agreement 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 12. 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 13. 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 14. Waiver.** Either City or the Engineer shall have the right to waive any requirement contained in this Agreement that 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 Agreement 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 15. Governing Law; Venue.** This Agreement and all of the

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

**Section 16. Paragraph Headings; Construction.** 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. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party.

**Section 17. 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 18. 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 19. Counterparts.** This Agreement 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 20. Exhibits.** All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

**Section 21. Entire Agreement.** It is understood and agreed that this Agreement 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 Agreement exist. This Agreement cannot be changed or terminated orally.

**Section 22. 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 independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

**Section 23. Right To Audit.** City shall have the right to examine and audit after reasonable notice any and all books and records of Seller/Contractor that may relate to this agreement including, without limitation, the performance of Seller/Contractor, its employees,

agents, and subcontractors. Such books and records will be maintained in accordance with generally accepted accounting principles and shall, upon request and at City's request, be made available at a location designated by City. Seller/Contractor shall, except for copying costs, otherwise bear all costs of producing such records for examination and copying by City. Unless otherwise agreed by the parties, such records must be made available to City within five business days. The provisions of this paragraph shall survive the termination of this agreement. **(Revised 11/2008)**

**Section 24. Nondisclosure.** Engineer agrees that any reports, data, documentation or other information given to, prepared by or reviewed by Engineer or its employees and agents under or in connection with this

Agreement may be proprietary, competitive and confidential information of the City. Engineer shall make every reasonable effort to maintain the confidentiality of such information and shall not sell, license, display, distribute, disclose or otherwise make available such information to any third party nor use such information except as authorized by this Agreement, upon written consent of City or unless authorized or required by law, court order, or pursuant to a subpoena; provided, however, that Engineer may not release information pursuant to a subpoena without first providing the City notice of the subpoena and a opportunity to contest (at the City's sole expense) the release of the information.

**ATTACHMENT:**

- (1) R-Delta Engineers, Inc. proposal dated July 17, 2013.
- (2) R-Delta Hourly Rate Schedule dated July 2013.

**EXECUTED** on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**CITY:**

By: \_\_\_\_\_  
Name: Jeff Janke  
Title: GP&L Managing Director  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: William E Dollar  
Title: City Manager  
Date: \_\_\_\_\_

**ENGINEER:**

By: \_\_\_\_\_  
Name: Frank A. Polma, J.R., P.E.  
Title: President  
Date: \_\_\_\_\_

**ADDRESS FOR NOTICE:**

**CITY**

Garland Power & Light  
GP&L T&D Director  
1755 Gasoline Alley  
P.O. Box 469002  
Garland, Texas 75040  
ATTN: Tommy Weathersbee, Director T&D

**ENGINEER**

R-Delta Engineers, Inc.  
618 Main Street  
Garland, Texas 75040



# City Council Item Summary Sheet

Work Session

Agenda Item

Date: August 5, 2013  
August 6, 2013

## Support of High-Speed Rail

### Summary of Request/Problem

The Transportation and Commerce Committee is recommending that Council consider supporting the seamless interconnectivity of high-speed rail into the operational terminal areas of the Dallas/Fort Worth International Airport.

### Recommendation/Action Requested and Justification

Approve a resolution supporting the high-speed rail.

Submitted By:

Approved By:

William E. Dollar  
City Manager

## **RESOLUTION NO.**

### **A RESOLUTION OF THE GARLAND CITY COUNCIL SUPPORTING THE SEAMLESS INTERCONNECTIVITY OF HIGH-SPEED RAIL IN TO THE OPERATING TERMINAL AREAS OF THE DALLAS/FORT WORTH INTERNATIONAL AIRPORT, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the decisions surrounding the implementation, alignments, and stations for true high-speed intercity passenger rail service in the State of Texas and specifically the Dallas/Fort Worth Metroplex (the “Metroplex”) are some of the most important decisions our generation faces; and

**WHEREAS**, high-speed rail intercity passenger rail, in excess of 220 miles per hour, properly implemented through private sector funding initiatives - not sharing already congested freight rail corridors, decreasing the speed, efficiency, and safety of the endeavor - will mitigate congestion, create economic development incentives, and open up the State to new opportunities; and

**WHEREAS**, the Dallas/Fort Worth International Airport is the third busiest airport in the world, with thousands of developer acres, and is the greatest regional economic engine benefiting all citizens, businesses and municipalities throughout the region and Texas; and

**WHEREAS**, DFWIA has over 150,000 passengers per day passing through on route to other destinations, many of them traveling to cities that would be served by the Texas High-Speed Rail System, the presence of the HSR terminal at the airport would provide an additional traveling option for them, thus increasing the ridership which will further ensure the success of the High-Speed Rail venture; and

**WHEREAS**, the 2014 expiration of the Wright Amendment governing air travel in the Metroplex will likely usher in significant reductions in short-haul air travel services, it becomes imperative to build and complete the High-Speed Rail system at the earliest possible date; and

**WHEREAS**, the City of Garland indirectly benefits from the influence and impact of the DFW International Airport and the investments into the area, being located in the eastern portion of the Metroplex and along I-30 where potential high-speed rail investment would greatly increase commerce along the corridor and where commuters to and from the airport would frequent I-30 and the rail connecting the region further east and the Dallas/Fort Worth International Airport; and

**WHEREAS**, cities, counties, the Metroplex, the State of Texas, and the Federal Government have spent billions of dollars investing in projects of regional significance to maximize the connectivity of the region to the airport, including but not limited to the DFW Connector Project, the SH 183 CDA, the LBJ Express Project, the President George Bush Turnpike the North Tarrant Express Project, the TRE Commuter Rail Service, the DART Orange Line, and the forthcoming TEX Rail and Cotton Belt projects; and

**WHEREAS**, the direct connection of high-speed rail to the central terminal if the Dallas/Fort Worth International Airport and other airports around the state will enhance the transportation system of the region and Texas; and

**WHEREAS**, the HSR will be a new venture for the Texas traveling community, providing more options to help make the system economically viable and thus succeed for the long term, it is imperative that business risks be minimized by installing the system at the lowest possible cost, with access to the greatest number of potential passengers; and

**WHEREAS**, Texas State Senators representing the Dallas/Fort Worth Metroplex have stated strongly their position in favor of having the Dallas/Fort Worth International Airport be the regional hub for all modes of transportation through the seamless connection of high-speed rail to the airport, as the station for the region; and

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

**Section 1**

That the City of Garland fully supports and applauds the efforts of Senator Bob Deuell, Senator John Carona, Senator Jane Nelson, Senator Ken Paxton, and Senator Kelly Hancock to make the right decision for the region by having the connection of high-speed rail for the region be at the Dallas/Fort Worth International Airport.

**Section 2**

That the Dallas/Fort Worth Metroplex should be connected to the State of Texas through the seamless interconnection of high-speed rail to the terminal areas A and B of the Dallas/Fort Worth International Airport, thereby providing seamless intermodal connectivity not only to the airlines served by the Airport, but also the regional rail system.

**Section 3**

That the Board of Directors, Management, and Owner Cities of the Dallas/Fort Worth International Airport make every effort to insure that high-speed rail connects to the terminal area A and B of the airport, along the SH 360 corridor from south to north, and take a leadership position in greater regional and statewide discussion concerning high-speed rail service, alignments, and station placement.

**Section 4**

That the Texas Department of Transportation Commission, Management, and Staff, as well as the North Texas Regional Tollway Authority, the Dallas Area Rapid Transit, the Fort Worth Transportation Authority, and the Regional Transportation Council, should make every effort, through existing high-speed rail study funds, to insure direct high-speed rail connection to the terminal areas of the Dallas/Fort Worth International Airport and supply a truly regional transportation system.

**Section 5**

That this resolution be adopted and circulated to the Texas Congressional Delegation, the Governor of Texas, members of the Texas Legislature, the Texas Transportation Commission, the Texas Department of Transportation, Cities, Counties, Chambers of Commerce, Economic Development Corporations and Metropolitan Planning Organizations along the federally designated South Central and Gulf Coast High-Speed Rail Corridors, and to the media and others, as is accordingly so ordered.

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**THE CITY OF GARLAND, TEXAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary



# Planning Report

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## **Oaks Properties LLC**

**Southeast of the intersection of Austin Street and North Fifth Street and  
203 North Fifth Street, west of North Fifth Street and north of State Street**

### **REQUEST**

Approval of 1) a change of zoning from Central Area 1 (CA-1) District to a Planned Development (PD) District for Central Area 1 Uses, 2) a Detail Plan, and 3) variances to Section 27-442 and 27-452 of the Comprehensive Zoning Ordinance regarding building setbacks.

### **OWNER**

City of Garland

### **PLAN COMMISSION RECOMMENDATION**

On July 8, 2013 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of 1) a change of zoning from Central Area 1 (CA-1) District to a Planned Development (PD) District for Central Area 1 Uses, 2) a Detail Plan, and 3) variances to Section 27-442 and 27-452 of the Comprehensive Zoning Ordinance regarding building setbacks. Plan Commission also approved a variance to Section 10-311 of the Comprehensive Zoning Ordinance regarding the use of metal as a building material.

### **STAFF RECOMMENDATION**

Approval of 1) a change of zoning from Central Area 1 (CA-1) District to a Planned Development (PD) District for Central Area 1 Uses, 2) a Detail Plan and 3) variances to Section 27-442 and 27-452 of the Comprehensive Zoning Ordinance regarding building setbacks. The overall development plan is consistent with the vision for downtown and key element in the revitalization of the downtown core. The addition of residential units will provide the needed patrons for the support of existing and future businesses within the area and creating a vibrant downtown.

### **BACKGROUND**

The Downtown Redevelopment Implementation Plan, approved in 2005, identified the need to revitalize downtown by introducing a mixture of uses, particularly high density residential, in the area. The residential infill area is intended to accommodate full-time residents that provide a critical mass of uses to keep the area active and vibrant, in addition to adding visual interest to the pedestrian experience principally along Fifth Street and along Austin Street. The Plan emphasizes the immediate importance of re-developing an area designated for residential infill, starting with properties along Fifth Street. The applicant requests approval of a Planned Development for Central Area 1 Uses, a Detail

Plan for multi-family (approximately 149 dwelling units) and variances to the Comprehensive Zoning Ordinance regarding setbacks.

## **SITE DATA**

The subject lot contains two tracts approximately 2.182 acres and 0.142 acres. The larger tract, adjacent to City Hall, has frontage along Austin Street, Fifth Street and State Street. As a result of the proposed development and relocation of the Lyles House, Pace House and Depot Museum, Museum Plaza will be abandoned. The smaller tract has frontage along Fifth Street and State Street.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The Central Area-1 District encompasses the core of the downtown business area. The Central Area-1 District allows a broad range of office, retail, commercial, residential and institutional activities. District regulations are designed to accommodate a diversity of land uses located in a more densely developed environment. Special provisions are made for off-street parking, lot coverage and setback requirements since this district is largely comprised of older structures which predate contemporary development concepts and standards. The Central Area-1 District allows for a mix of uses including multi-family. The property is developed with City Hall and parking on the majority of the larger tract. A portion of the property, east of the existing Museum Plaza, was occupied with the Depot Museum, Lyles House and Pace House have been relocated. The smaller tract is currently developed with a building used by the city as office space and storage.

## **CONSIDERATIONS**

1. The applicant requests approval of the Planned Development (PD) District for Central Area 1 Uses and the Detail Plan to create a unified set of standards for the development and addressing any deviations to the Comprehensive Zoning Ordinance through variances, if approved, added as conditions to the Planned Development. The permitted uses within the Planned Development will remain those allowed under Central Area 1 District.
2. The Detail Plan allows for the development of four multi-family buildings: two, four-story buildings and two, three-story buildings. The two, four story buildings, that front Austin Street, are connected to the three story buildings by a parking garage. The parking garage will be constructed prior to the proposed multi-family development and will house public parking as well as designated residential parking. There will be two levels of residential units above the parking garage entrance along Austin Street. There will be a paseo between the two, four-story buildings to allow pedestrians to access City Hall from Austin Street.

The development would provide 149 residential units (106 one-bedroom units, 43 two-bedroom units). The applicant proposes two landscaped courtyards, fitness center, an amenity room and dog park for residents. The smaller tract will be included as a part of the Planned Development but no specific development plan is included at this time. If the future development is in general conformance with the conditions proposed within the Planned Development, no Detail Plan shall be required.

3. Building Setback: Section 27-442 of the Comprehensive Zoning Ordinance requires a minimum setback of ten (10) feet adjacent to streets for new construction. The applicant requests a variance to reduce the building setback from the required 10 feet to a varying depth as small as zero feet to maintain historic design of the downtown core while integrating the building into the street interface. The entrances to the first floor residences directly from the street, activates the sidewalk with pedestrians and creates an active streetscape. Section 27-450 requires a setback for each four (4) feet of height above thirty-six feet for yards not adjacent to a street. The applicant requests a variance to the provision to allow the building to encroach into this required setback along the east and south property line. Staff is in favor of approving the variances to gain the desired look and feel of the development.
4. Parking: Based on the Comprehensive Zoning Ordinance uses located in the Central Area-1 District are not required to provide parking. It should be known, the Detail Plan reflects that 339 parking spaces would be provided in the parking garage. The parking garage will also have public parking available. The on-street parking surrounding City Hall will be modified with this development and other improvements to the area but will also be accessible for use. The parking garage, while used by the development, is to be designed in conjunction with the improvements to City Hall.
5. Building Design/Exterior Building Materials: The tallest portion of the buildings will be the corner element housing the amenity and fitness centers which will be approximately 54 feet in height. The buildings are designed in a comparable manner to the existing Fifth Street Crossing mixed use development west of Fifth Street. Additionally, renovations will be made to City Hall to strengthen the building massing along Fifth Street. Elements of both Fifth Street Crossing and proposed renovations to City Hall were included in the proposed development to provide a consistent aesthetic for redevelopment within the downtown core.

The Downtown Development Standards requires a minimum of 80% masonry for each exterior building elevation of non-residential uses. The masonry products permitted by the Standards includes brick, stone, manufactured stone, split-face CMU block, EIFS, stucco and polished block or tile. Smooth painted CMU block is a prohibited material. While not subject to the Downtown Development Standards, the proposed building materials of brick, stucco and cementitious siding are consistent with those standards.

Plan Commission approved a variance to Section 10-311 of the Zoning Ordinance to allow a metal product on the corner element facades facing Fifth Street and Austin Street. The metal panels will not exceed 8% of the building facades.

6. Screening and Landscaping: Since the property is located in the downtown core and the building is located proximate to the street, landscape buffers are not required. To enhance the pedestrian experience, trees, shrubs, other plantings, and special pavers will be provided in the parkway and streetscape areas around the site but are not a part of the Detail Plan. Those elements will be designed in coordination with the other improvements proposed for Fifth Street and Austin Street as a part of the ongoing downtown revitalization efforts. The interior courtyard between building IA and City Hall

will be viewed by pedestrians traversing the walkway from Austin Street. The other proposed courtyard between buildings IB and IC is only accessible by residents.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Community Centers and Transit Oriented Development for the subject property. Community centers are areas with compact development, primarily non-residential, serving a collection of neighborhoods. This type of development consists of a mix of uses, including retail, services, office use, multi-family residential, and entertainment. Transit-oriented centers are areas of concentrated activity and increased density with maximum access to public transportation options. This type of center should be developed as mixed-use with live/work/play/shop opportunities. Transit-oriented development is characterized by moderate to high density residential greater than twelve dwelling units per acre. As proposed, the development would be consistent with Envision Garland and the overall redevelopment plan for downtown.

## **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

The property is surrounded by Central Area 1 District and primarily developed with city facilities: the Patty Granville Performing Arts Center to the north, Charles Duckworth Utility Services Building to the west and City Hall to the south. Phase one of downtown redevelopment efforts were realized with the construction of Fifth Street Crossing located northwest of the subject property. This project is a much anticipated impetus for phase two of downtown revitalization efforts to provide places where people can live, work, shop and enjoy food and other entertainment during traditional work and non-work hours. The multi-family development is most appropriate given its centrality in the downtown core between key individual downtown locations and the DART Rail Line. The development itself will fill in a void of residential options, particularly improve the streetscape and pedestrian experience on its adjoining streets, and provide continuity between the DART node and the central part of the core.

Prepared By:

Chasidy Allen, AICP  
Principal Planner

Date: July 22, 2013

Reviewed By:

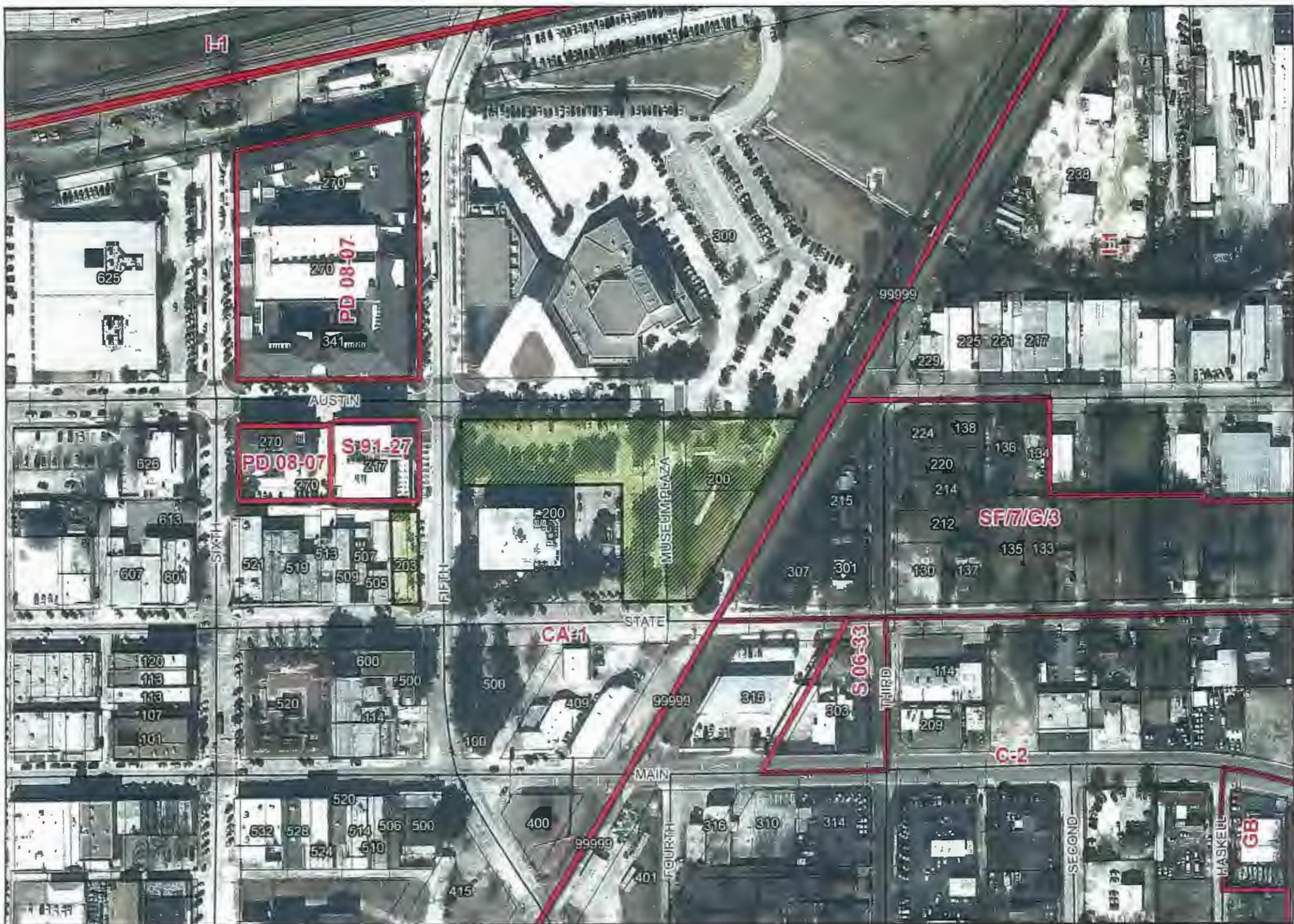
Anita Russelmann  
Director of Planning

Date: July 22, 2013

Reviewed By:

William E. Dollar  
City Manager

Date: July 24, 2013



0 100 200 Feet

# ZONING Z 13-26

 INDICATES AREA OF REQUEST

## PLANNED DEVELOPMENT CONDITIONS

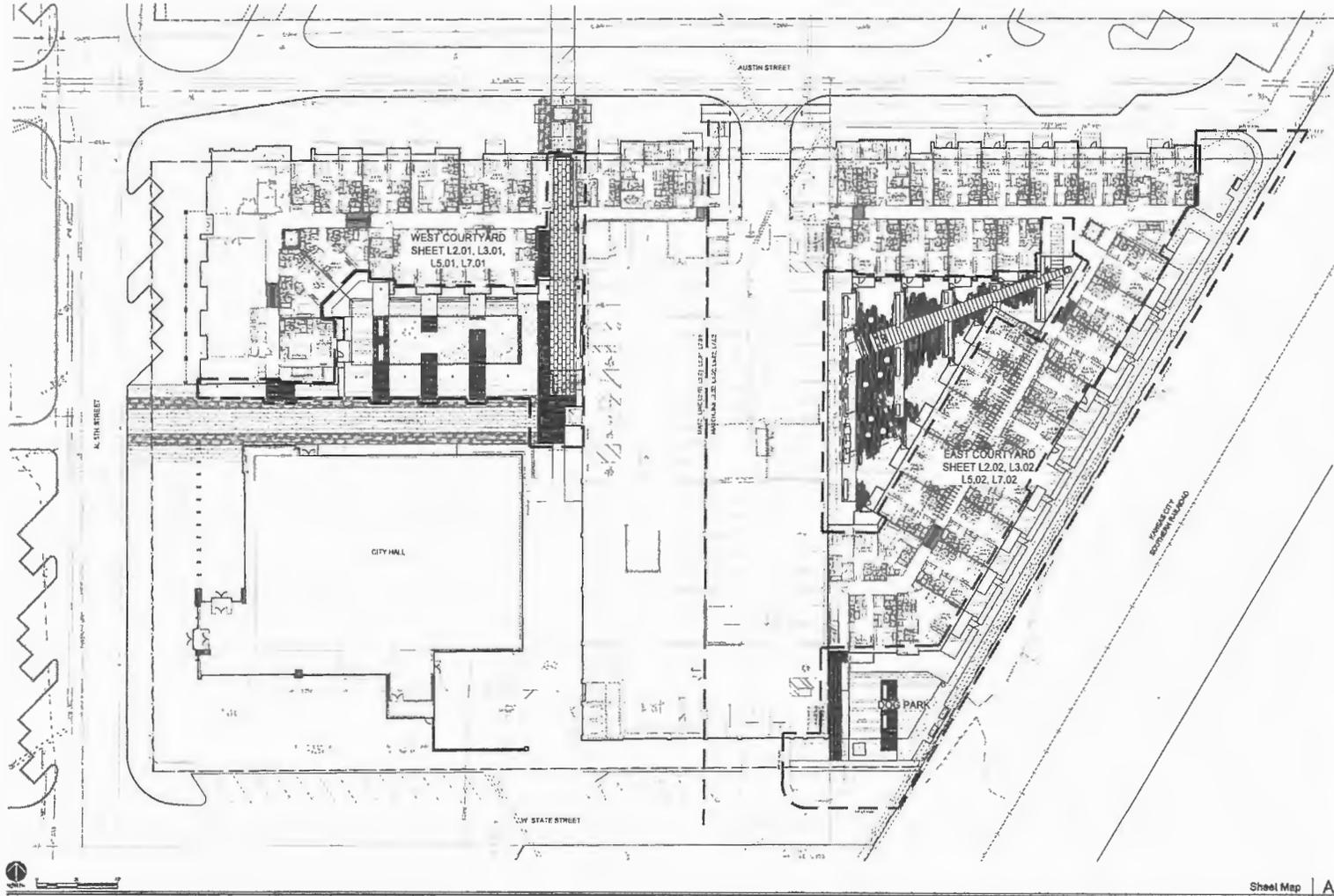
### ZONING FILE 13-26

#### **Southeast of the intersection of Austin Street and North Fifth Street and 203 North Fifth Street, west of North Fifth Street and north of State Street**

- I. **Statement of Purpose:** The purpose of this Planned Development District is to permit the development of a Central Area 1 Uses (multi-family development) 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 Central Area-1 (CA-1) District set forth in Sections 27, 32 and 50 of the Comprehensive Zoning Ordinance, Ordinance No. 4647, are included by reference and shall apply, except as specified in this ordinance.
- IV. **Development Plans:**
  - A. Detail Plan: Development shall be in conformance with the approved Detail Plan set forth in Exhibit C. In the event of a conflict between the Detail Plan and the conditions, the conditions shall prevail.
- IV. **Specific Regulations:**
  - A. Permitted Uses: All uses permitted within the Central Area 1 (CA-1) District shall be allowed.
  - B. Future Phases: No Detail Plan is required for future phases on the property west of Fifth Street if the development is in general conformance with the Planned Development conditions and consistent in design and scope of the overall development as determined by the Director of Planning.
  - C. Landscape Plan: Landscaping shall be in general conformance with the approved Landscape Plan set forth in Exhibit D.
  - D. Elevations: Elevations shall be in general conformance with the approved elevations set forth in Exhibit E. Metal is permitted on the façade facing Austin Street and Fifth Street as indicated on Exhibit E.
  - E. Building Setbacks: There shall be no required building setback along property lines adjacent to a street and the building setback adjacent to the west and south property lines shall be as shown on Exhibit C.



EXHIBIT D



**JHP**

JHP Architecture / Urban Design  
8110 Meadow Road Suite 100  
Dallas, Texas 75231  
Telephone 214.654.5400  
Fax 214.799.9395

THESE DOCUMENTS ARE  
FORWARDING AND MAY BE USED ONLY  
FOR INDICATORY APPROVAL  
PURPOSES OR CONSTRUCTION.  
MULTIPLE PRINT  
LANDSCAPE ARCHITECTURE  
TEXAS REG. #

studioOutside  
824 Exposition Avenue, Ste. 5  
Dallas, Texas 75205  
214.654.7100  
214.654.7102

Garland City Center  
Garland, Texas

SHEET MAP

Project Number: 2012037  
Drawn By: [Name]  
Date: 06.27.2013  
Title: CONSTRUCTION DOCUMENTS  
6.2013 rev  
All materials, methods, and construction details are subject to change without notice. The client may not reproduce, distribute, or otherwise use any part of these documents without the prior written consent of the architect.

Revisions

Revisions	Date
▲	
▲	
▲	
▲	
▲	

Sheet Map A  
L2.00

L2.00

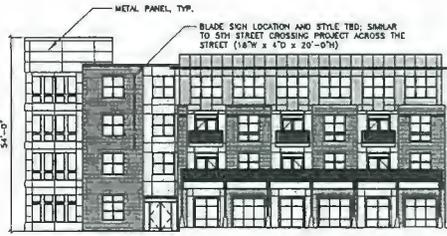




FOR REGULATORY  
 APPROVAL; NOT FOR  
 CONSTRUCTION.

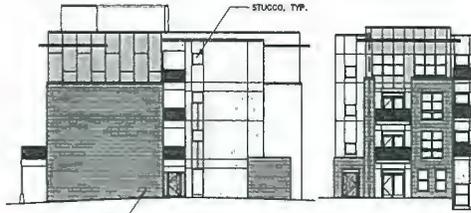
J. MARK WOLF

Registered Architect of the State of TEXAS  
 Registration Number: 9129



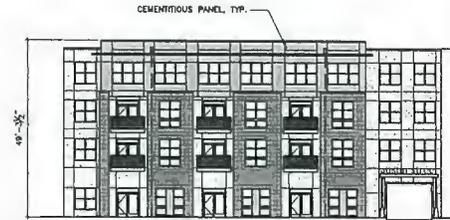
01 Elevation - West  
 Scale: 1/16" = 1'-0"

MTL. 583 SF  
 BRICK 1,807 SF  
 STUCCO 832 SF  
 PANEL 755 SF  
 TOT. 3,887 SF



03 Elevation - South  
 Scale: 1/16" = 1'-0"

MTL. 0 SF  
 BRICK 1,339 SF  
 STUCCO 1,015 SF  
 CEMENT. 537 SF  
 TOT. 3,087 SF

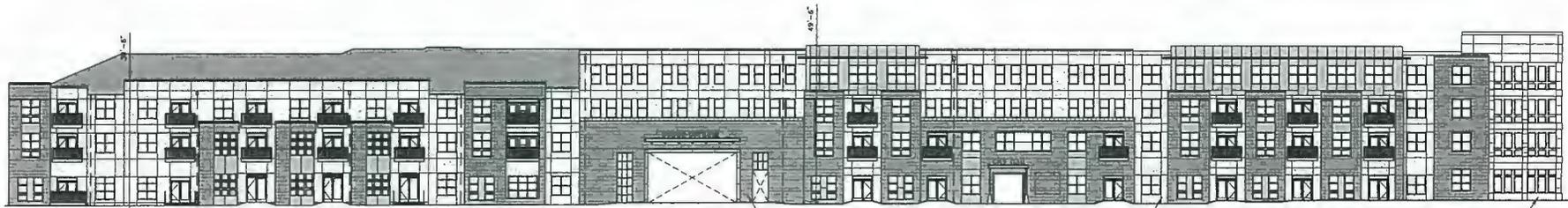


04 Elevation - East  
 Scale: 1/16" = 1'-0"

MTL. 0 SF  
 BRICK 420 SF  
 STUCCO 701 SF  
 CEMENT. 240 SF  
 TOT. 1,361 SF

05 Elevation - South  
 Scale: 1/16" = 1'-0"

MTL. 0 SF  
 BRICK 1,136 SF  
 STUCCO 1,001 SF  
 CEMENT. 779 SF  
 TOT. 2,916 SF

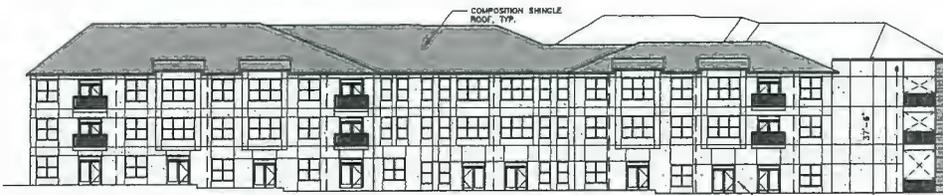


07 Elevation - North  
 Scale: 1/16" = 1'-0"

MTL. 843 SF  
 BRICK 6,117 SF  
 STUCCO 6,715 SF  
 CEMENT. 1,621 SF  
 TOT. 15,296 SF

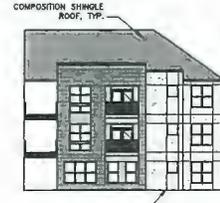
EXHIBIT E

Garland City Center  
 Garland, TX



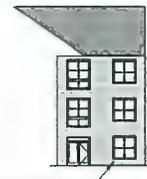
12 Elevation - South East  
 Scale: 1/16" = 1'-0"

MTL. 0 SF  
 BRICK 611 SF  
 STUCCO 5,411 SF  
 CEMENT. 28 SF  
 TOT. 5,470 SF



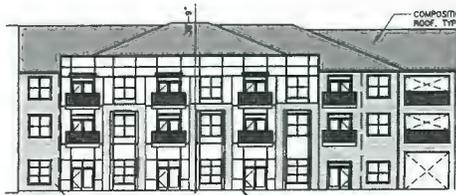
14 Elevation - South  
 Scale: 1/16" = 1'-0"

MTL. 0 SF  
 BRICK 411 SF  
 STUCCO 557 SF  
 CEMENT. 133 SF  
 TOT. 1,101 SF



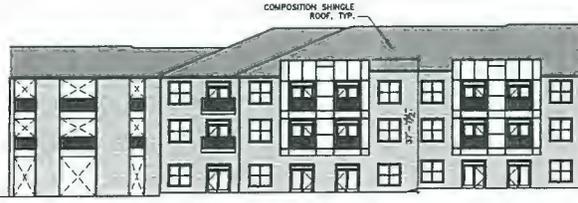
15 Elevation - North  
 Scale: 1/16" = 1'-0"

MTL. 0 SF  
 BRICK 0 SF  
 STUCCO 0 SF  
 CEMENT. 406 SF  
 TOT. 406 SF



16 Elevation - South  
 Scale: 1/16" = 1'-0"

SIDING PANEL 1,302 SF  
 1,812 SF  
 TOT. 3,214 SF



18 Elevation - North West  
 Scale: 1/16" = 1'-0"

PANEL 938 SF  
 SIDING 2,781 SF  
 TOT. 3,697 SF

PUBLIC FACED MATERIAL PERCENTAGES (ELEVATIONS 01, 07)

METAL PANEL	8%
BRICK	40%
STUCCO	40%
CEMENTITIOUS PANEL	12%
TOTAL	100%

SEMI-PUBLIC MATERIAL PERCENTAGES (ELEVATIONS 03, 04, 05, 12, 14)

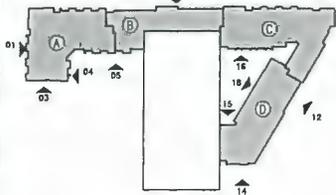
BRICK	24%
STUCCO	63%
CEMENTITIOUS PANEL	13%
TOTAL	100%

COURTYARD MATERIAL PERCENTAGES (ELEVATIONS 15, 16, 18)

CEMENTITIOUS PANEL	40%
CEMENTITIOUS SIDING	60%
TOTAL	100%

TOTAL PROJECT MATERIAL PERCENTAGES

METAL PANEL	8%
BRICK	28%
STUCCO	40%
CEMENTITIOUS SIDING	12%
CEMENTITIOUS PANEL	12%
TOTAL	100%



20 Key Plan  
 Scale: 1/16" = 1'-0"



Project Number: 2012007  
 Drawn By: LA  
 Issue For: Revised Plan Approval 06.27.2013

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Revision	Date
▲	
▲	
▲	
▲	
▲	

Sheet:  
**DP-02**



SCHEMATIC DESIGN PACKAGE

GARLAND CITY CENTER MULTIFAMILY  
GARLAND, TX

2012007.00  
APR.03.2013

**JHP**  
Architecture/Urban Design



- 1 GFR Stucco
- 2 Brick Unit Masonry ( King Size)
- 3 Metal Panels (Flush Joint)
- 4 Cement Board Panel
- 5 MTL. Awning
- 6 COMP. Shingle Roof
- 7 Stainless Steel Handrail
- 8 Decorative Steel Handrail/Balcony
- 9 Residential Window/Door
- 10 Storefront
- 11 Board Formed Concrete

**JHP**

Garland City Center  
Garland, TX



5th Street  
Persepective

APR.03.2013	2012007.00	JB/ND
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- 1 GFR Stucco
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**JHP**

Garland City Center  
Garland, TX



Austin Street  
Perspective

APR.03.2013	2012007.00	JB/ND
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- 1 GFR Stucco
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**JHP**

Garland City Center  
Garland, TX



Austin Street  
Perspective

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- 1 GFR Stucco
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**JHP**

Garland City Center  
Garland, TX



Austin Street  
Elevation

APR.03.2013	2012007.00	JB/ND
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- 1 GFR Stucco
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- 9 Residential Window/Door
- 10 Storefront
- 11 Board formed Concrete



Paseo Entry



Storefront at the Fitness



Entry Stoops

**JHP**

Garland City Center  
Garland, TX



5th Street Elevation &  
Perspective Vignettes

APR.03.2013	2012007.00	IB/ND
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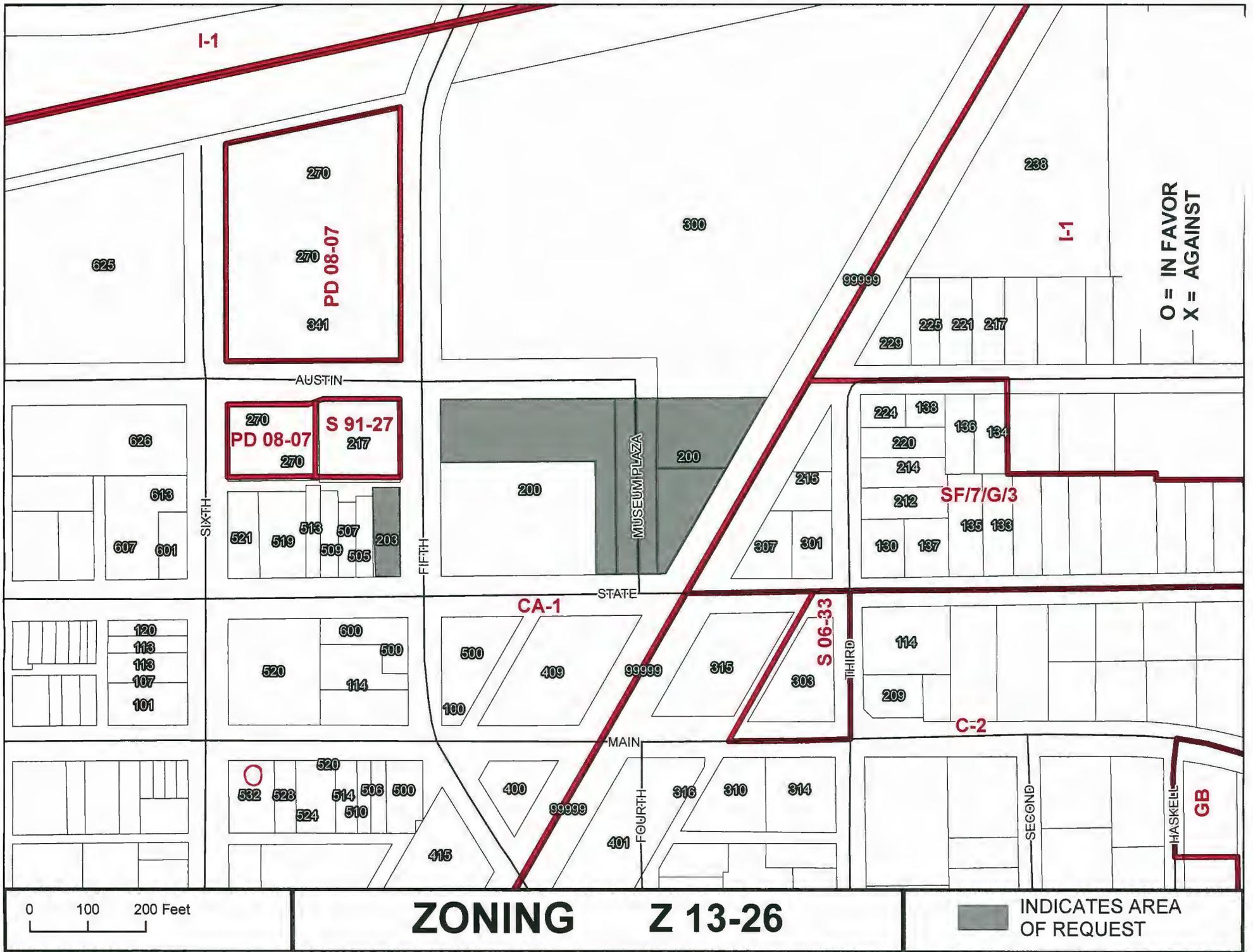
## REPORT & MINUTES

**P.C. Meeting, July 8, 2013 (8 Members Present)**

**Consideration of application for Oaks Properties LLC requesting approval of 1) a change of zoning from Central Area 1 (CA-1) District to a Planned Development (PD) District for Central Area 1 Uses, 2) a Detail Plan, 3) variances to Section 27-442 and 27-452 of the Comprehensive Zoning Ordinance regarding building setbacks and 4) a variance to Section 10-311 of the Comprehensive Zoning Ordinance regarding the use of metal as a building material. The properties are located southeast of the intersection of Austin Street and North Fifth Street and 203 North Fifth Street, west of North Fifth Street and north of State Street. (File 13-26)**

Representing the applicant, J. Mark Wolf, 8340 Meadow Road, Suite 150 Dallas, TX 75231, presented detailed renderings with further clarification on the terminology use of multiple buildings and the metal that is being requested for exterior use.

**Motion** was made by Commissioner Dalton, seconded by Commissioner O'Hara to close the Public Hearing and **approve** the request as recommended by staff. **Motion carried: 8 Ayes, 0 Nays.**





# GARLAND

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

June 27, 2013

HEARING DATE/TIME: Plan Commission: July 8, 2013 – 7:00 PM

APPLICANT: Oaks Properties LLC

**File 13-26**

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, July 8, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **Oaks Properties LLC**, requesting approval of 1) a change of zoning from Central Area 1 (CA-1) District to a Planned Development (PD) District for Central Area 1 Uses, 2) a Detail Plan, 3) variances to Section 27-442 and 27-452 of the Comprehensive Zoning Ordinance regarding building setbacks and 4) a variance to Section 10-311 of the Comprehensive Zoning Ordinance regarding the use of metal as a building material. The property is shown on the enclosed sketch and is described as follows:

Being 2.182 acre and 0.142 acre tracts described as all of Lots 1-3, Block 14, Duck Creek Addition, a portion of Lots 1-15, Block 13, Duck Creek Addition, and a portion of Lots 6-10, Block 12, Duck Creek Addition, additions to the City of Garland, Dallas County Texas as recorded in Volume 82, Page 352, Dallas County, Plat Records. The properties are located southeast of the intersection of Austin Street and North Fifth Street and 203 North Fifth Street, west of North Fifth Street and north of State Street. (District 2)

**Note: The applicant requests approval of a change in zoning to Planned Development (PD) District for Central Area 1 Uses and a Detail Plan to develop the property with a multi-family residential development.**

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 or by fax to 972-205-2474**. Should you have any questions, please contact Chasidy Allen 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

D. Cecil Williams II, President ANUBIS MANAGEMENT, LLC

Printed Name

532 MAIN STREET GARLAND, TX 75040

Address

City, State

Zip

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

[Signature]

Signature

PRESIDENT

Title

Date: 7/3/2013



**File No. 13-27/District 7**

**Agenda Item:**

**Meeting: City Council**

**Date: August 6, 2013**

# Planning Report

---

## The Charter School Fund II

**2256 Arapaho Road**

### **REQUEST**

Approval of a Specific Use Permit for a Charter School on property zoned Single Family (SF/7F/3) District.

### **OWNER**

Arapaho Road Baptist Church

### **PLAN COMMISSION RECOMMENDATION**

On July 8, 2013 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Specific Use Permit for a Charter School on property zoned Single Family (SF/7/F/3) District for a period of one (1) year tied to The Charter School Fund II.

### **STAFF RECOMMENDATION**

Approval of a Specific Use Permit for a Charter School on property zoned Single Family (SF/7/F/3) District for a period of one (1) year. A charter school does not pose an increase in commercial activity to the subject property but rather adds an educational use to an existing institutional use. The thorough traffic management plan will help to mitigate the impact of vehicles on the surrounding area.

### **BACKGROUND**

The applicant requests approval of a Specific Use Permit to use three of the existing buildings currently occupied by Arapaho Baptist Church for a Charter School. The Charter School would be for grades ninth and tenth and is intended to be a temporary location until a new facility could be constructed. Charter Schools require approval of a Specific Use Permit through the public hearing process in all zoning districts.

### **SITE DATA**

The subject lot contains 8.539 acres with approximately 671 feet of frontage along Arapaho Road. The property is developed with multiple buildings with the proposed Charter School occupying the education building, fellowship hall, and a portion of the worship center.

## **USE OF PROPERTY UNDER CURRENT ZONING**

The Single Family (SF) Districts provide for a variety of single-family housing in safe and comfortable neighborhood environments. The district regulations are designed to further protect the character of residential neighborhoods by excluding incompatible activities and avoiding overcrowding of land. The Single-Family Districts also permit the establishment of appropriate institutions and community facilities necessary to create an integral residential environment. The existing church has occupied the subject property since 2000. The Single Family District requires a Specific Use Permit for a Charter School.

## **CONSIDERATIONS**

1. The proposed charter school will be operated as the International Leadership of Texas and is intended to be a temporary location until a new facility can be constructed. This location will house grades ninth and tenth with a maximum enrollment of 384 students. This enrollment consists of 288 local students and a maximum of 96 foreign students. Each foreign student will live with a host family of a local student also attending the school. The hours of operation would be during the traditional school year Monday through Friday 8:00am to 4:00pm.
2. The proposed charter school will occupy the 28,900 square foot fellowship hall, the 28,000 square foot worship center and the 5,720 square foot education building. The existing rooms will be utilized as classrooms, offices, library, gym and other needs of the school. The entirety of each building will not be used.
3. The parking requirement for a Charter School is based on the grade level and number of students. One parking space is required for each 3 high school students. The parking required is 128 spaces and the site has 222 parking spaces.
4. Based on the enrollment size of the Charter School and the location, the Transportation Department requested a Traffic Management Plan be submitted by the applicant to analyze the traffic impacts on Arapaho Road and surrounding area. Additionally, the purpose of the Traffic Management Plan is to display the ability for the traffic to be circulated efficiently during drop-off and pick-up times. The Traffic Management Plan reflects a single drive for entry with dual lanes and designated pick up and drop off areas identified with signs. The plan will be included in the adopted ordinance, should the Specific Use Permit for the Charter School be approved. Any deviation from the approved pick up/drop off procedure will require approval from the Transportation Department.
5. There is no building expansion or parking additions proposed, therefore no additional Screening and Landscape Standards are required. There is no screening wall or landscaping around the subject property adjacent to the surrounding single family residential districts. There is no direct vehicular access from the subject property to the adjacent subdivisions. Given the temporary nature of the request, Staff does not see the need for additional screening. However, if the Specific Use Permit is approved and the time

period extended in the future, the need to reevaluate a screening mechanism around the subject property is warranted.

6. The applicant is proposing a temporary sign to identify the property as being used for the charter school. The temporary sign shall be required to meet all provisions of the Sign Ordinance regarding temporary signs including limited time period, number and location.
7. There are established residential dwellings immediately surrounding the subject property. The existing church will continue to operate and the addition of the charter school will not change the established use of the property as a non-residential use and will be negligible in its impact on the surrounding properties.

The applicant is requesting approval of the Specific Use Permit for a one year time period to The Charter School Fund II. The intent of the applicant is to construct a new facility for grades ninth through twelfth and to use the subject property while pursuing a permanent facility on the southwest corner of Arapaho Road and North Shiloh Road.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan recommends Traditional Neighborhoods for the subject property. Traditional neighborhoods provide areas for low to moderate density single-family detached residential housing. Traditional neighborhoods also accommodate convenience retail (goods and services), office space, and public services. The Traditional Neighborhood development type is primarily characterized as low density, single-family detached (between one and six dwelling units per acre). The proposed request is consistent with the recommendation of Envision Garland by providing a public service to the surrounding neighborhoods.

## **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

The properties adjacent to the subject property to the southwest, south and east are all zoned Single Family (SF) Districts and developed with single family residences. The property to the northwest is zoned Planned Development (PD) District 08-45 for Office-2 Uses and is undeveloped. The property to the north, across Arapaho Road, is zoned Agriculture (AG) District and is undeveloped. The added use of the property for an educational use would be appropriate given the service it provides to nearby residents and access to a major thoroughfare that can handle any traffic impacts. The use of the subject property for the Charter School would be a compatible use with the surrounding zoning and land uses.

Planning Report  
File No. 13-27  
Page 4

Prepared By:

Chasidy Allen, AICP  
Principal Planner

Date: July 22, 2013

Reviewed By:

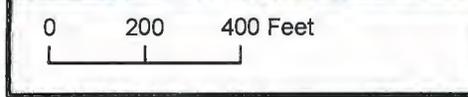
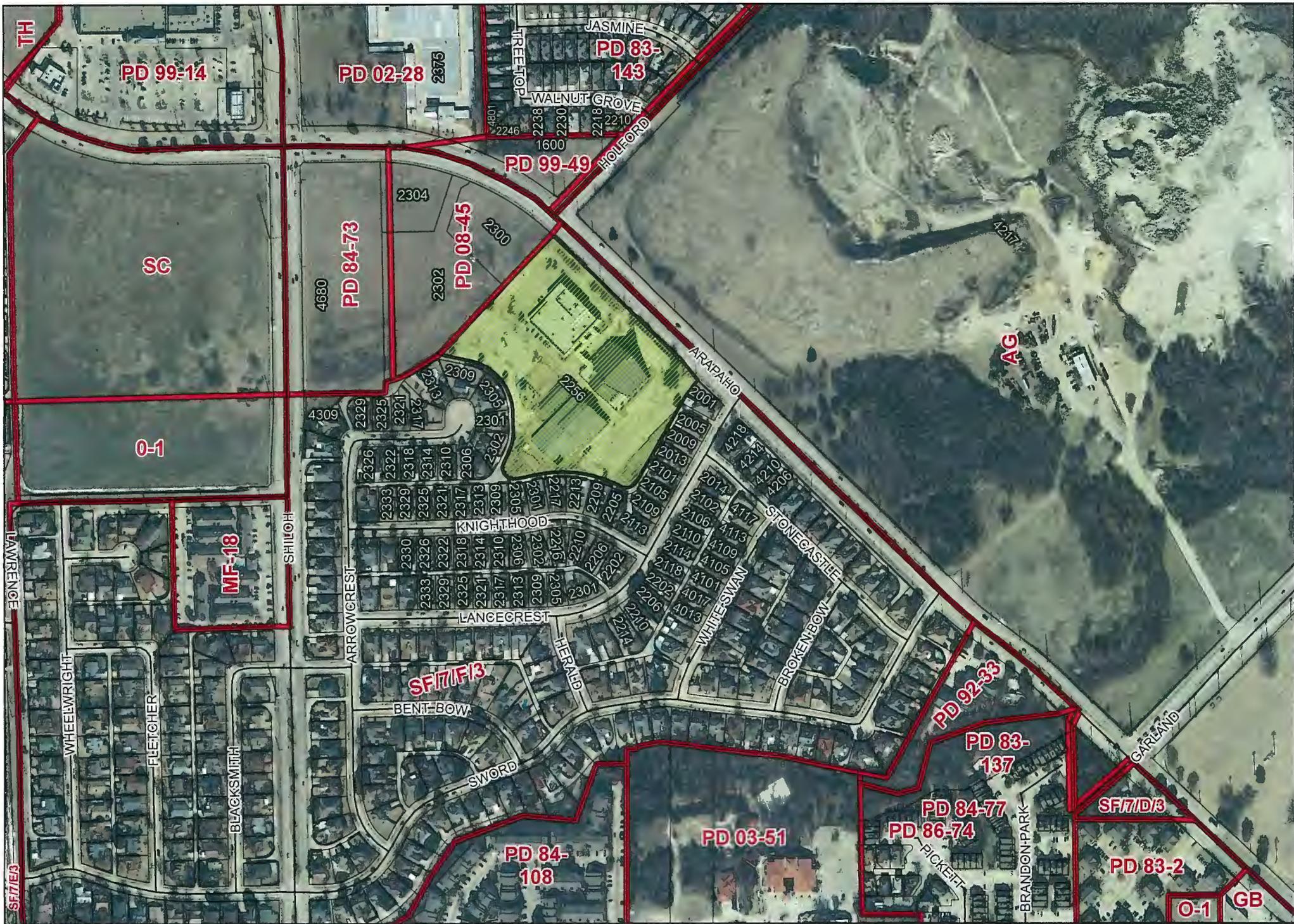
Anita Russelmann  
Director of Planning

Date: July 23, 2013

Reviewed By:

William E. Dollar  
City Manager

Date: July 24, 2013



# ZONING Z 13-27

INDICATES AREA OF REQUEST

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-27

### 2256 Arapaho Road

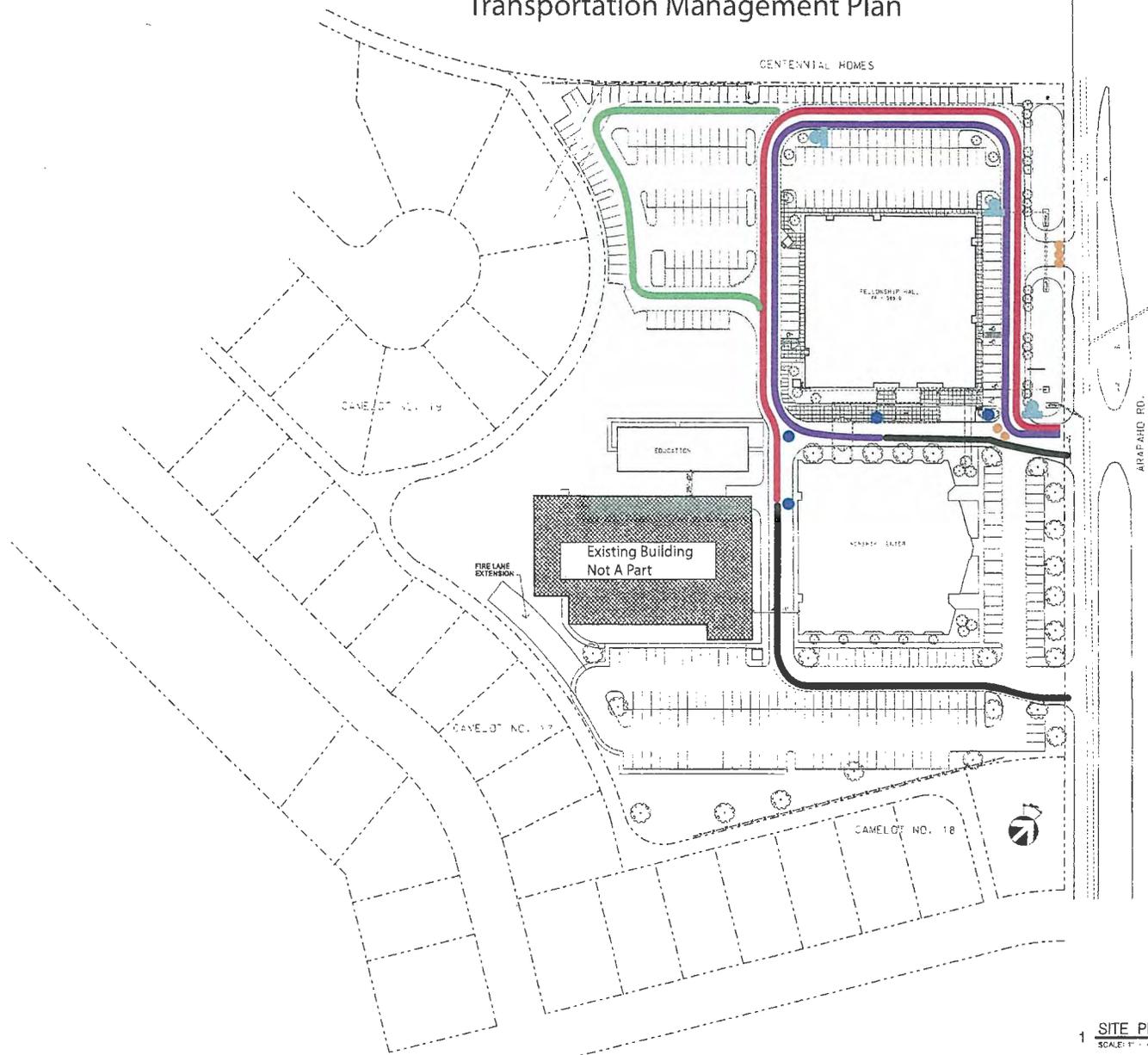
- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to permit a Charter School on the subject property.
- II. **Statement of Effect:** This permit shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.
- III. **General Regulations:** All regulations of the Single Family (SF-7) District set forth in Section 15, 18, and 33 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 one (1) year time period and tied to **The Charter School Fund II**.
  - B. Days and Hours of Operation: The charter school will operate from 8:00 a.m. to 4:00 p.m. Monday through Friday.
  - C. Fire Protection: The Charter School Fund II, shall, prior to occupancy of the building for school purposes, install an operating fire protection system approved by the Fire Marshal.
  - D. Traffic Management Plan: The traffic management plan (Exhibit C) shall remain in effect during the operation of the charter school. Any deviation from the approved pick up/drop off procedure will require approval from the Transportation Department.

# Transportation Management Plan

HOLFORD RD.

CENTENNIAL HOMES

- 814 LF
- 746 LF
- Exit Route
- Alternative Storage Route
- Staff Monitors
- School pick-up/  
drop-off signs
- Traffic Cones



ARAPAHO RD.

CAMELOT NO. 19

CAMELOT NO. 17

CAMELOT NO. 18

EXHIBIT C

09/23/2003  
09/23/2003  
1:10:10 AM

1 SITE PLAN  
SCALE: 1" = 40'-0"

THIS DRAWING IS FILED UNDER THE AUTHORITY OF BRUCE E. MOODY, TEXAS REGISTRATION NUMBER 8-25-83 WHO MAINTAINS THE ORIGINAL DRAWING. THIS DRAWING IS INCOMPLETE AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION.



ARAPAHO ROAD  
BAPTIST CHURCH  
CHILDREN'S EDUCATION BUILDING  
2255 ARAPAHO RD., GARLAND, TX 75044

0910 09-22-03

SCHEMATIC DESIGN  
SITE PLAN

S1

Site Plan—SUP 2256 Arapaho Rd  
International Leadership of Texas  
Garland High School

CENTENNIAL HOMES

HOLFORD RD.

High School

- Grades: 9-10
- Max. Enrollment 384 students
- Zoning: SF7/F/3 (Single Family-7)
- Site: Appr. 6.75± acres
- Parking: 367
  - Fellowship Hall: 222
  - Worship Center: 145
- Required: 128 (1/3 students)

— Temporary sign - High School

THIS DRAWING IS RELEASED UNDER THE AUTHORITY OF BRUCE E. MOODY, TEXAS REGISTRATION NUMBER 04458, ON 8-25-03 WHO MAINTAINS THE ORIGINAL DRAWINGS. THIS DRAWING IS INCOMPLETE AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION.

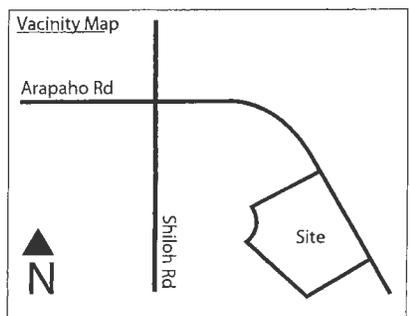


ARAPAHO ROAD  
BAPTIST CHURCH  
CHILDREN'S EDUCATION BUILDING  
2256 ARAPAHO RD., GARLAND, TX 75044

0510 09-22-03

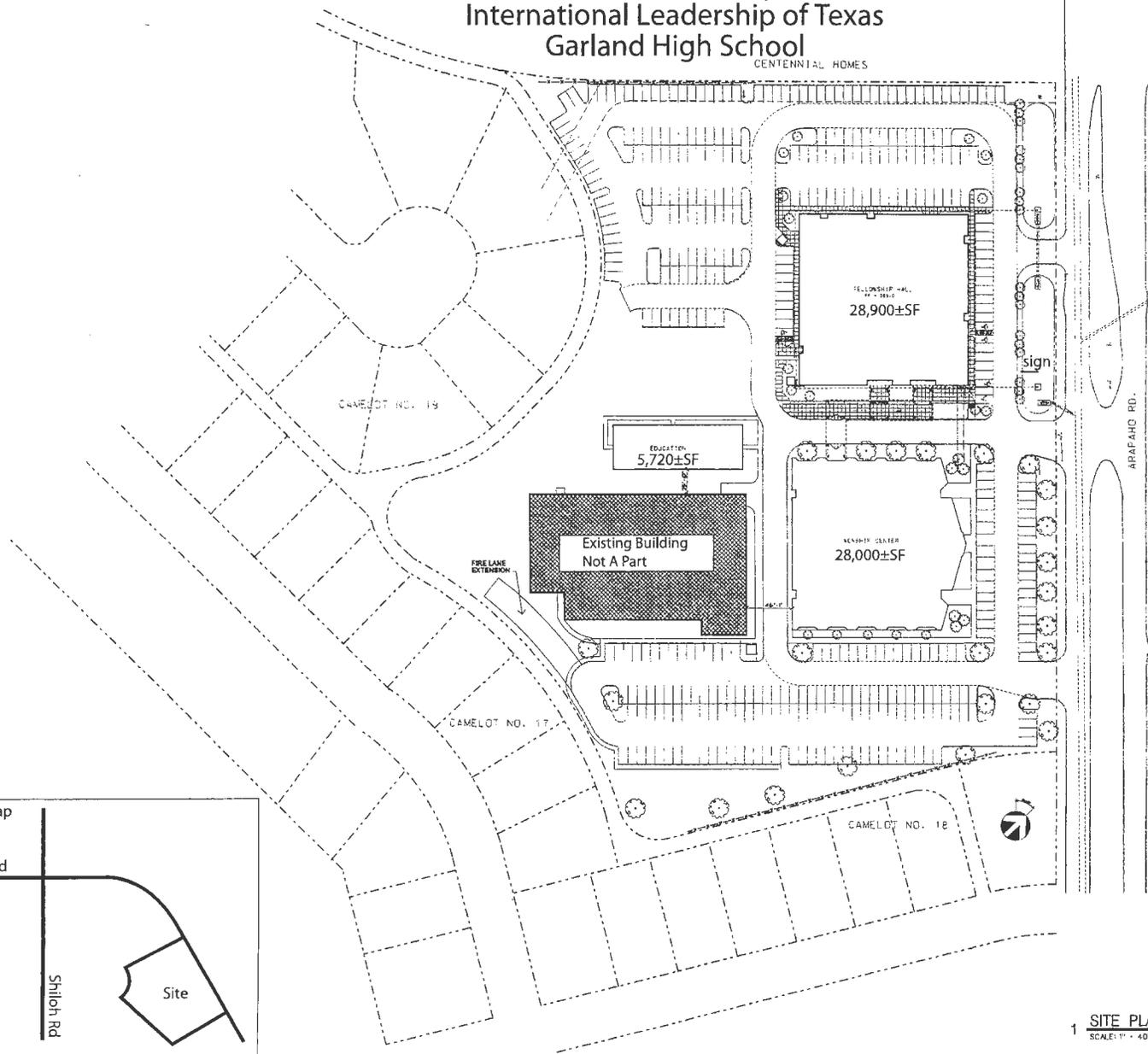
SCHEMATIC DESIGN  
SITE PLAN

S1



04/19/03  
08:25:50 AM  
04/27/03  
10/17/03 11:52:46 AM

1 SITE PLAN  
SCALE: 1" = 40'-0"



## REPORT & MINUTES

### P.C. Meeting, July 8, 2013 (8 Members Present)

**Consideration of the application of The Charter School Fund II, requesting approval of a Specific Use Permit for a Charter School on property zoned Single Family (SF/7/F/3) District. This property is located at 2256 Arapaho Road, south of Arapaho Road and east of North Shiloh Road (File 13-27)**

The applicant, Brian Huffaker, 855 W. Broad Street, #300, Boise, ID 83702 gave a presentation regarding the request for a Specific Use Permit with further clarification on the traffic flow and hours of operation.

Nearby residents that spoke in support of the applicant were:

J.D. Gonzalez, 5851 Martel Avenue, Dallas, TX

Nearby residents present and in support of the applicant were:

Eddie Conger, 2085 Garden Crest Drive, Rockwall, TX  
Maria Garcia, 7711 Calypso Drive, Rowlett, TX  
Jason Kotter 855 Bread St., #300, Boise, ID  
Ken Cox, 5214 Palomar Lane, Dallas, TX 75229  
Angela Moran, 1702 White Road, Heath, TX 75032  
Chris Florance, 4633 Steeple Chase  
Ryan VanAlta, 2411 N. Biscayne Pl  
Douglas Cooper, 200 E. Abram  
Myrna Apodaca, 6046 Palo Pinto

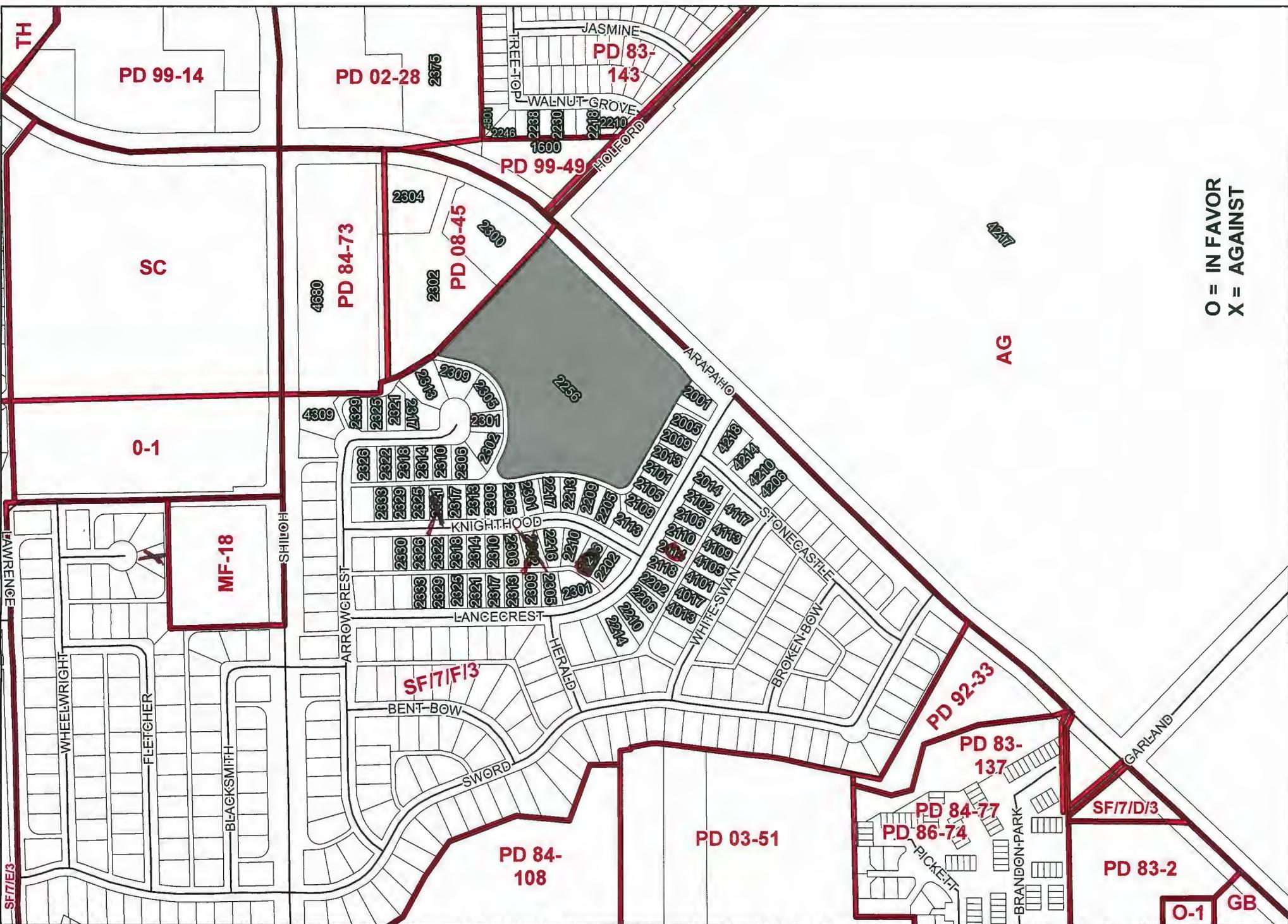
Residents that spoke in opposition were:

John Kirby, 2434 Richview Ct., Garland, TX 75044

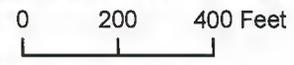
Residents present and registering their position as opposed were:

Sherrie Tootle, 4602 Largo Trail, Garland, TX 75044

**Motion** was made by Commissioner Fisher, seconded by Commissioner Vera to close the Public Hearing and **approve** the request for a Specific Use Permit for 1 year. **Motion carried: 8 Ayes, 0 Nays.**



O = IN FAVOR  
X = AGAINST



# ZONING Z 13-27

INDICATES AREA OF REQUEST



# GARLAND

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

June 26, 2013

**HEARING DATE/TIME:** Plan Commission: July 8, 2013 – 7:00 PM

**APPLICANT:** The Charter School Fund II

**File 13-27**

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, July 8, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **The Charter School Fund II**, requesting approval of a Specific Use Permit for a Charter School on property zoned Single Family (SF/7/F/3) District. The property is shown on the enclosed sketch and is described as follows:

Being described as Lot 1RR, Block 1, Second Replat of Arapaho Baptist Church No. 1, an addition to the City of Garland, TX as recorded in Volume 96092, Page 2974 of the Plat Records of Dallas County, Texas and containing 8.539 acres. This property is located at 2256 Arapaho Road, south of Arapaho Road and east of North Shiloh Road. (District 7)

**Note: The applicant requests approval of a Specific Use Permit to occupy three of the existing buildings with a charter school for approximately 384 students in grades ninth and tenth.**

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 or by fax to 972-205-2474**. Should you have any questions, please contact Chasidy Allen 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.

ARAPAHO RD. IS A MAJOR THROUGHFARE N+W OF GARLAND RD. ON WEEKDAYS. A SCHOOL

ZONE AND SPECIFICALLY "DROP OFF" AND "PICKUP" CONGESTION WOULD CREATE A MAJOR DISRUPTION

ACCESS AFFECTING OUR NEIGHBORHOOD, SINCE 9TH & 10TH GRADERS DO NOT DRIVE. (ALSO DART DOES NOT SERVE THIS SECTION OF ARAPAHO RD.)

(Please complete the following information)

Your Property Address

2321 KNIGHTHOOD LN. JERRY DEALEY

Printed Name

2321 KNIGHTHOOD LN. GARLAND TX 75044

Address

City, State

Zip

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

Signature

Title

Date: 6-30-13



# GARLAND

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

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

*It is good plan to do good thing for the community*

(Please complete the following information)

Your Property Address

*2206 KNIGHTHOOD Ln. GARLAND, TX 75044*

Printed Name

*Feng RAO*

Address

City, State

Zip

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

Signature

Title

Date: *06/30/2013*



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

# GARLAND

June 27, 2013

**HEARING DATE/TIME:** Plan Commission: July 8, 2013 – 7:00 PM

**APPLICANT:** The Charter School Fund II

**File 13-28**

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, July 8, 2013, in the Council Chambers of City Hall, 200 North Fifth Street, to consider the application of **The Charter School Fund II**, requesting approval of 1) a change of zoning from Shopping Center (SC) District and Office 1 (O-1) District to a Planned Development (PD) District for Shopping Center Uses and Multi-Family Uses, 2) a Concept Plan, 3) a Detail Plan, 4) a Specific Use Permit for Charter School, 5) a Specific Use Permit for Boarding School, 6) variances to Sections 19-421 and 24-600 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required rear and side setbacks and the maximum allowable building height, and 7) a sidewalk waiver. The property is shown on the enclosed sketch and is described as follows:

BEING a 21.603 acre tract of land located in the F. Moss Survey, Abstract No. 941, in the City of Garland, Dallas County, Texas, being a portion of a called 91.91 acre tract of land, as described in the Warranty Deed with Vendor's Lien to William F. Callejo, filed for record in Volume 576, Page 1326, Deed Records, Dallas County, Texas (DRDCT). This property is located on the southwest corner of Arapaho Road and Shiloh Road. (District 7)

**Note: The applicant proposes to develop the subject property with a charter high school, a dormitory to house students and faculty, and associated athletic facilities. Furthermore, the applicant requests variances to place the dumpster enclosure within the required side and rear setbacks and to exceed the maximum allowable building height for the charter school building. A portion of the site fronting Arapaho Road will remain undeveloped until a Shopping Center Use is proposed.**

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 or by fax to 972-205-2474.** 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.

**SEE ATTACHED SHEET**

(Please complete the following information)

Your Property Address

**ROBERT B DRAKE**  
Printed Name  
**2501 WHEELWRIGHT PLACE GARLAND TX**  
Address City, State  
**75044** <sup>ip</sup> **6362**

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

**Mrs & Mr Robert A Drake**  
Signature Title  
**22. 9.12** *outside of notification area*

**COMMENTS REGARDING ZONING CHANGE REQUEST:**

- **What happens to disposition of passage of bonds in 1985 for road improvement to Lawrence Street from Shiloh Road to Apollo Road?**
- Increase in traffic will create need for traffic signals to be placed @ Arapaho Road & Largo and Shiloh Road & Lawrence Street
- Loss use of sidewalks
- Increased traffic use of alley for Largo Street -- cause hardship for home owners -- these homes have garages that open from the alley
- Impact to DART bus stops on Shiloh Road near NW corner of Arapaho & Shiloh and NW corner of Shiloh and Lawrence
- Impact of increased traffic flow on Arapaho Road -- both East & West bound
- Impact of increased traffic flow on Shiloh Road -- both North & South bound
- A new Charter school is near completion near Belt Line Road on Shiloh Road
- There are 18 (eighteen + / - ) schools located 2 tenths of a mile to 3 miles from this location -- Pre-schools, elementary schools, middle schools, private schools, church schools, including 2 ( two ) high schools
- Ingress & egress from Arapaho or Shiloh will cause traffic flow congestion
- Problems with athletic field traffic
- Increase in parking problems -- many caused with increase from teenaged drivers
- Increase in dumping of trash in neighborhoods



# GARLAND

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

June 26, 2013

HEARING DATE/TIME: Plan Commission: July 8, 2013 – 7:00 PM

APPLICANT: The Charter School Fund II

**File 13-27**

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

---

---

(Please complete the following information)

Your Property Address

2302 KNIGHTHOOD LANE LOWELL R. SATCHEL

Printed Name

2302 KNIGHTHOOD LN

GARLAND

75044

Address

City, State

Zip

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

Lowell R. Satchel  
Signature

Citizen  
Title

Date: 7-1-2013



# GARLAND

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

June 26, 2013

HEARING DATE/TIME: Plan Commission: July 8, 2013 – 7:00 PM

APPLICANT: The Charter School Fund II

**File 13-27**

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

Schools cannot be just in buildings. This area has never been developed for schools. You cage the students, and they will become animals. AND this area is not a zoo!

Your Property Address

~~2114 Lancecrest Dr.~~ Dr. Robert Shih

Printed Name

2114 Lancecrest Dr. @ Garland, TX

Address

City, State

75044

Zip

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

Signature

Date: June 30, 2013

Title



# Planning Report

---

## The Charter School Fund II

### Southwest corner of Arapaho Road and Shiloh Road

#### REQUEST

Approval of 1) a change of zoning from Shopping Center (SC) District and Office 1 (O-1) District to a Planned Development (PD) District for Shopping Center Uses and Multi-Family Uses, 2) a Concept Plan, 3) a Detail Plan, 4) a Specific Use Permit for Charter School, 5) a Specific Use Permit for Boarding School, and 6) variances to Sections 19-421 and 24-600 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required rear and side setbacks and the maximum allowable building height.

#### OWNER

Callejo, William F.

#### PLAN COMMISSION RECOMMENDATION

On July 8, 2013 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of the request per staff recommendation with the following conditions:

- Limiting the allowable uses on Lot 2 to Boarding School.
- Limiting the height of any lighting for the outdoor athletic fields to 15 feet and the type of lighting fixtures to hooded light fixtures and/or down lighting fixtures. The applicant concurs with this condition.

Additionally, the Plan Commission approved a sidewalk waiver along Lawrence Drive.

#### STAFF RECOMMENDATION

1. Approval of a change of zoning from Shopping Center (SC) District and Office 1 (O-1) District to a Planned Development (PD) District for Shopping Center Uses on Lot 1, 3, 4, and 5 and Multi-Family Uses on Lot 2, provided a condition be added limiting the allowable uses on Lot 2 to Boarding School. It is important to note that the review and evaluation of the proposed development on Lot 2 was solely based on the boarding school (dormitory) brought forward by the applicant.

2. Approval of a Concept Plan as the guiding document for the area encompassed by the proposed Planned Development (PD) District for Shopping Center Uses and Multi-Family Uses which consists of Lot 1, 2, 3, 4 and 5.

3. Approval of a Detail Plan which will serve as an important component of the regulations guiding the development of Lot 1 with a charter high school and Lot 2 with a dormitory.
4. Approval of a Specific Use Permit for Charter School on Lot 1 for a 30 year period tied to The Charter School Fund II. The proposed charter high school is consistent with the recommendation of the Comprehensive Plan and compatible with the surrounding uses.
5. Approval of a Specific Use Permit for Boarding School on Lot 2 for a 30 year period tied to The Charter School Fund II. The proposed dormitory is a component of the proposed charter high school and as such it is compatible with the surrounding land uses.
6. Approval of a variance to Section 19-421 of the Comprehensive Zoning Ordinance No. 4647 regarding the required 15-foot setback of any structure to the southern property line of Lot 2. The purpose of the required 15-foot setback is to minimize any negative impact a structure could have on an adjacent property. However, Lot 2 shares the southern property line with Lot 1, both lots being the site of the proposed charter high school and its associated dormitory; hence, making the required 15-foot setback unnecessary.
7. Approval of a variance to Section 24-600 of the Comprehensive Zoning Ordinance No. 4647 regarding maximum allowable height of 30 feet for the charter school building. Some of the architectural elements of the 1-story building exceed the maximum allowable height resulting in total building height of 42 feet and 3 inches; however, the building is setback several hundred feet from the nearest single family residential development; hence, its height does not pose a negative visual impact on these residential properties.

## **BACKGROUND**

The applicant proposes to subdivide a 21.603-acre tract of land into 5 lots, develop Lot 1 (14.181 acres) with a charter high school with outdoor athletic fields, and Lot 2 (3.989 acres) with a dormitory building, classified as Boarding School and associated with the charter school, to house international students and faculty. Lots 3, 4, and 5, which front Arapaho Road and consist of 3.002 acres, will be retained by the current owner and will remain undeveloped until a Shopping Center Use is proposed.

## **SITE DATA**

The area encompassed by the Concept Plan consists of 21.171 acres and has a frontage of approximately 805 linear feet along Arapaho Road, 1,040 linear feet along Shiloh Road, and 830 linear feet along Lawrence Drive. The area captured by the Detail Plan consists of 18.17 acres; this area has approximately 280 linear feet of frontage along Arapaho Road, 810 linear feet of frontage along Shiloh Road, and 830 linear feet of frontage along Lawrence Drive. The area reflected in the Detail Plan will have 1 access point from Arapaho Road, 1 access point from Shiloh Road, and 2 access points from Lawrence Drive.

## **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 (SC) District accommodates shopping center development having a neighborhood or community service area. 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.

Charter School requires approval of a Specific Use Permit through the public hearing process in all zoning districts. Outside the Central Area Districts, the Multifamily Districts are the only districts where a boarding school can be located, upon approval of a Specific Use Permit.

## **CONSIDERATIONS**

### Concept Plan:

1. The subject property is currently zoned Shopping Center (SC) District and Office 1 (O-1) District. The applicant proposes to subdivide the property into 5 lots and rezone the property to Planned Development (PD) District for Shopping Center Uses on Lots 1, 3, 4, and 5 and Multifamily Uses for Lot 2. The proposed Concept Plan includes all of the area of the proposed Planned Development (PD) District as well as drives, buildings, parking areas, and uses of buildings and land.

Outside the Central Area Districts, Multifamily Districts are the only districts where Boarding School (e.g. the proposed dormitory associated with the proposed charter high school) can be located, provided a Specific Use Permit is granted; hence, the proposed Planned Development District for Multifamily Uses on Lot 2. However, the compatibility of the proposed development on Lot 2 with the surrounding uses, which are predominantly single family residences, has been evaluated solely on the premise that Lot 2 will be developed with a dormitory to house foreign students and faculty members associated with the proposed charter high school on Lot 1. The development of an apartment complex on Lot 2 is not appropriate; therefore, Staff recommends limiting the allowable uses on Lot 2 to Boarding School.

The proposed Concept Plan also demonstrates the development potential of the remaining undeveloped portion of the property, illustrated as Lots 3 through 5, as office and retail.

### Detail Plan:

2. The proposed Detail Plan serves as a component of the regulating guidelines to develop a 1-story charter high school with athletic fields on Lot 1 and a 2-story dormitory on Lot 2.
3. The proposed 75,771-square foot charter school will be comprised of grades 9-12, with approximately 768 students. It will be operated as the

International Leadership of Texas, with 24 classrooms and specific rooms for music, art, library, and special education. The curriculum will include Mandarin Chinese classes that will be taught to every student that attends. The charter high school facilities include an indoor gymnasium, weight training room, and outdoor athletic fields to the west and north of the building. The athletic fields, which will be utilized during school hours, evenings, and weekends, will not be illuminated; however, in the event illumination is installed, it shall comply with the Glare and Lighting Standards. The athletic fields will also serve as a storm retention system to assist with the impact of storm water on the site. The charter high school would operate as any traditional school, Monday through Friday, 7 a.m. to 3:45 p.m. The applicant requests approval of a Specific Use Permit for a 30 year period tied to The Charter School Fund II.

4. The applicant proposes the construction of a 56,608-square foot dormitory on Lot 2 that will consist of a welcome center and 40 dwelling units that will house 192 Chinese students and 24 visiting Chinese faculty members that will teach at the charter high school proposed on Lot 1 and the charter middle school previously approved near the intersection of Shiloh Road and Belt Line Road. The applicant requests approval of a Specific Use Permit for a boarding school for a 30 year period tied to The Charter School Fund II. Section 38 of the Comprehensive Zoning Ordinance defines a boarding school as an educational institution that has a curriculum for elementary or secondary education and that contains facilities for lodging and meals for students.
5. A Traffic Impact Analysis has been provided to the Transportation Department. It should be noted; however, that the Traffic Impact Analysis was prepared assuming that all 768 students were local students requiring vehicles to arrive and depart from the school, as well as assuming that the dormitory was occupied by non-school occupants generating peak hour traffic equivalent to a typical apartment complex. In reality, the actual traffic generation will be much less than the conservative assumptions made in the Traffic Impact Analysis. The Traffic Impact Analysis also considered the prospective development of office and retail for Lots 3, 4, and 5 in calculating the total trips generated. The thorough analysis provided the Transportation Department with the necessary information to require the following measures to minimize the impact on the adjacent thoroughfares and surrounding area.
  - 150 feet of storage length for the left turn lane on Arapaho plus 100 feet transition
  - An additional 10-foot pick-up/drop-off lane along the south side of the charter school building and athletic field for additional queuing

The applicant has revised the plans to meet the aforementioned conditions from the Transportation Department. The applicant is also providing a right turn deceleration lane on Arapaho Road at the driveway to access the dormitory site, a right turn lane at the corner of Shiloh Road and Lawrence Drive, and a traffic light at the intersection of Shiloh Road and Lawrence Drive.

6. Section 19-421 of the Comprehensive Zoning Ordinance No. 4647 states that all structures not more than 1 story in height and 75 feet or less in projected

length located on a site zoned Planned Development (PD) District for Multifamily Uses are required to be setback at least 12 feet from lot lines not adjacent to streets and not adjacent to a Single Family District. The applicant seeks a variance from the above regulation to place a dumpster enclosure on Lot 2 approximately 5 feet from the south property line bordering Lot 1.

Staff recommends approval of the variance request. Both Lot 1 and 2 will be developed with associated uses, the charter school and its dormitory; therefore, eliminating the need for the required setback.

7. Section 24-600 of the Comprehensive Zoning Ordinance No. 4647 stipulates a maximum building height of 30 feet. The applicant requests a variance to the above section to allow the charter high school building to have a height of 42 feet and 3 inches.

Staff recommends approval of the variance request. The proposed charter school building will be located approximately 465 linear feet from the nearest single family residential development and no usable spaces within the charter school building will be more than 30 feet in height as the only elements of the building exceeding 30 feet in height are the cornices and pediments located along the central axis of the building. Consequently, the height of the building as proposed will not pose a negative visual impact on the adjacent single family subdivision and there will not be visibility from the charter school building into the private yards of the surrounding residences.

8. The parking requirement for a charter high school is 1 parking space for every 3 students. The applicant estimates an enrollment of 768 students, requiring 256 parking spaces on Lot 1. 298 parking spaces will be provided on Lot 1.
9. The parking requirement for a boarding school is 1 parking space for 10 students. The proposed dormitory on Lot 2 will house 192 foreign students and 24 visiting teachers, requiring 22 parking spaces. 96 parking spaces will be provided on Lot 2.
10. The facades of the proposed charter high school consist of stucco and brick veneer. The facades are articulated with classical architectural elements such as columns, architraves and pediments that identify various entrances and, in conjunction with the symmetry attained on the front façade, help achieve an academic appearance appropriate for the proposed use.
11. The facades of the proposed dormitory are compatible with the materials, colors, and design of the proposed charter high school. Furthermore, the façade materials, which consist of stucco and brick veneer, are in compliance with the masonry construction requirements of the Multifamily Districts.
12. The landscape plan is in compliance with the Screening and Landscape Standards including the 6 foot tall shrubs contained within Lot 1 by a 6 foot tall chain link fence and within Lot 2 by a 6 foot tall ornamental fence which will serve to screen the proposed development from the adjacent residential district to the west.
13. The applicant is proposing two free standing signs: 1 programmable free standing sign on Lot 1 along Shiloh Road to identify the proposed the charter

high school and 1 monument sign on Lot 2 along Arapaho Road to identify the proposed dormitory. Both signs are in compliance with the Sign Ordinance. The site is allowed to have a total of 4 freestanding signs.

## **COMPREHENSIVE PLAN**

The Future Land Use Map of the Envision Garland Plan designates the subject property as Compact Neighborhood. Compact neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas accommodate uses such as convenience retail (goods and services), office space, and public services. Developing Lots 1 and 2 with a charter high school and a dormitory while Lots 3 to 5 remain available for future office/retail development will provide a coherent transition from the residential development located south and west of the subject property to the shopping center development, gas station, and self-storage units established north of Arapaho Road.

## **COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES**

North: The properties immediately to the north of the subject property are zoned Townhouse (TH) District, Planned Development (PD) District 99-14 for Shopping Center Uses, and Planned Development (PD) District 02-28 for Shopping Center Uses including Self Storage Units; these properties are developed self-storage units, a financial institution, a gas station, a shopping center containing a grocery store, retail sales/personal services and a restaurant. The properties further north are zoned Single Family (SF-7) District, Planned Development (PD) District 97-60, Planned Development (PD) District 86-35, and Planned Development (PD) District 83-143; all three Planned Development (PD) Districts for Single Family Uses. These properties are developed with single family residences.

East: The properties to the east are zoned Single Family (SF-7) District, Planned Development (PD) District 84-73, Planned Development (PD) District 08-45, and Planned Development (PD) District 99-49; all three Planned Development (PD) Districts for Office Uses. These properties are developed with single family residences and a church building.

South: The properties to the south are zoned Multifamily (MF-18) District and Single Family (SF-7) District; these properties are developed with an apartment complex and single family residences.

West: The properties to the west are zoned Single Family (SF-7) District and developed with single family residences.

Developing part of the subject property with a charter high school and a dormitory would be appropriate given that the properties west, south and east of the subject property are predominantly developed with single family residences. The existing Shopping Center (SC) District allows Shopping Center uses adjacent to the single family residences; the proposed Planned Development,

Concept Plan and Detail Plan offer a site layout that provides a more gradual and coherent transition from single family residences located west and south from the subject property to the Shopping Center Uses that could potentially be developed along Arapaho Road.

Prepared By:

Josue De La Vega  
Development Planner

Date: July 25, 2013

Reviewed By:

Anita Russelmann  
Director of Planning

Date: July 25, 2013

Reviewed By:

William E. Dollar  
City Manager

Date: July 30, 2013



# ZONING Z 13-28

 INDICATES AREA OF REQUEST

## PLANNED DEVELOPMENT CONDITIONS

### ZONING FILE 13-28

#### Southwest corner of Arapaho Road and Shiloh Road

- I. **Statement of Purpose:** The purpose of this Planned Development is to allow a charter high school, a boarding school (dormitory), and Shopping Center Uses on the subject property 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 Shopping Center (SC) District and Multifamily (MF-12 and MF-18) Districts set forth in Section 19, 24 and 32 of the Comprehensive Zoning Ordinance are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. **Development Plans:**
  - A. Concept Plan: Development shall be in general conformance with the approved Concept Plan labeled as Exhibit C.
  - B. Detail Plan: Development shall be in conformance with the approved Detail Plan labeled Exhibit D. A Detail Plan shall be submitted for approval through the public hearing process before any development takes place on Lots 3, 4, and 5.
- V. **Specific Regulations:**
  - A. Permitted Uses:
    - Shopping Center Uses on Lots 1, 3, 4, and 5, as specified by Section 10-100 of the Comprehensive Zoning Ordinance No. 4647.
    - Permitted Uses on Lot 2 shall be limited to Boarding School, upon approval of a Specific Use Permit.

In the event of conflict between the conditions and Detail Plan, the conditions listed below shall prevail.

- VI. **Detail Plan:**
  - A. Landscape Plan: Screening and Landscaping shall be in general conformance with the approved Landscape Plan labeled as Exhibit E.
  - B. Building Elevations: Exterior building elevations shall be in general conformance with the approved elevations labeled as Exhibit F.

- C. Rear Setback on Lot 2: The dumpster enclosure located on Lot 2 shall have a minimum setback of 5 feet to the southern lot line.
- D. Maximum Building Height: The height of the charter school on Lot 1 shall not exceed 43 feet. The majority of the building shall comply with the maximum height of 30 feet, except the cornices and pediments located along the central axis of the building.
- E. Illumination Of The Outdoor Athletic Fields: Any lighting for the outdoor athletic fields shall be limited to a height of 15 feet and the type of lighting fixtures to hooded light fixtures and/or down lighting fixtures.
- F. Signs: One (1) programmable free standing sign on Lot 1 along Shiloh Road to identify the charter high school and one (1) monument sign on Lot 2 along Arapaho Road to identify the dormitory. The signs shall be in general conformance with the approved signs labeled Exhibit G.
- G. Sidewalk Waiver: The applicant has secured a sidewalk waiver to forego the sidewalk requirement along the north side of Lawrence Drive. The applicant shall pay to the city an amount equal to the estimated cost of constructing a standard width sidewalk on straight and level terrain, equal to the linear footage waived.

**PROJECT DESCRIPTION**  
NEW CHARTER HIGH SCHOOL

**CURRENT ZONING**  
OFFICE (O-1) AND SHOPPING CENTER (SC)

**PROPOSED ZONING**  
PLANNED DEVELOPMENT (PD) FOR DORMITORY AND SHOPPING CENTER USES WITH CONCEPT PLAN

**DEVELOPER**  
THE CHARTER SCHOOL FUND II, LLC  
855 BROAD STREET, SUITE 300  
BOISE, IDAHO, 83702  
TEL: 208-908-9509  
FAX: 208-433-4054  
CONTACT: BRIAN HUFFAKER  
bhuffaker@csfaii.com

**OWNER**  
WELIAM F. CALLEJO-BORGES, TRUSTEE  
4314 NORTH CENTRAL EXPY.  
DALLAS, TEXAS 75208

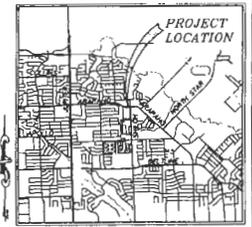
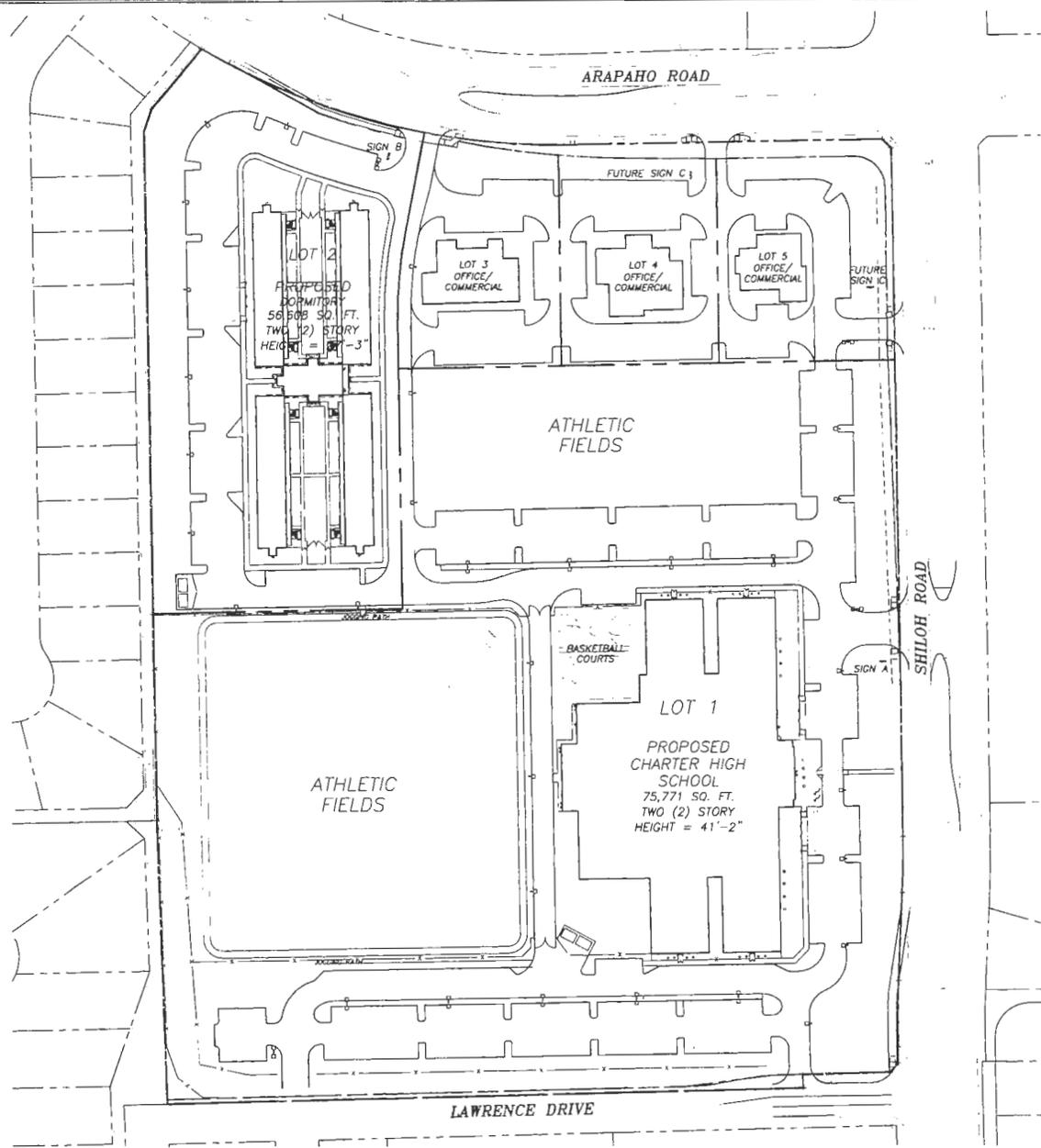
**CIVIL ENGINEER / LANDSCAPE ARCHITECT**  
MYCOSKIE MCINNIS ASSOCIATES  
200 E. AUBURN  
ARLINGTON, TEXAS 76010  
TEL: 817-459-1671  
FAX: 817-2748757  
CONTACT: JACOB SUMPTER  
jsumpster@mniatexas.com

**ARCHITECT**  
BRS ARCHITECTS  
1010 S. ALLANTE PLACE, STE. 100  
BOISE, IDAHO 83708  
CONTACT: DOUG RACINE, AIA  
doug@brsarchitects.com

**LEGAL DESCRIPTION**  
BEING A 21.603 ACRE TRACT OF LAND LOCATED IN THE F. MOSS SURVEY, ABSTRACT NO. 941, IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS.

**SITE DATA TABLE**

LOT	USE	AREA
1	CHARTER SCHOOL	14,181 AC
2	DORMITORY	3,989 AC
3	OFFICE/COMMERCIAL	1,014 AC
4	OFFICE/COMMERCIAL	0,969 AC
5	OFFICE/COMMERCIAL	1,019 AC
N/A	RIGHT-OF-WAY	0.431
TOTAL		21.603 AC



VICINITY MAP  
NO SCALE

**INTERNATIONAL LEADERSHIP OF TEXAS - GARLAND HIGH SCHOOL**  
 CONCEPT PLAN  
 GARLAND, TEXAS

PROJECT TITLE:  
INTERNATIONAL LEADERSHIP OF TEXAS HIGH SCHOOL

**mimja**  
mycoskie mcinnis associates  
220 EAST AUBURN  
ARLINGTON, TEXAS 76010  
817-459-1671  
1001-817-2748-8343  
www.mniatexas.com

PROJECT NUMBER	2889-00-01
PROJECT MANAGER	J. SUMPTER
CREATED BY	C. MYCOSKIE
CHECKED BY	C. MYCOSKIE
ISSUE DATE	06/28/2013

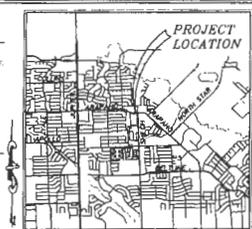
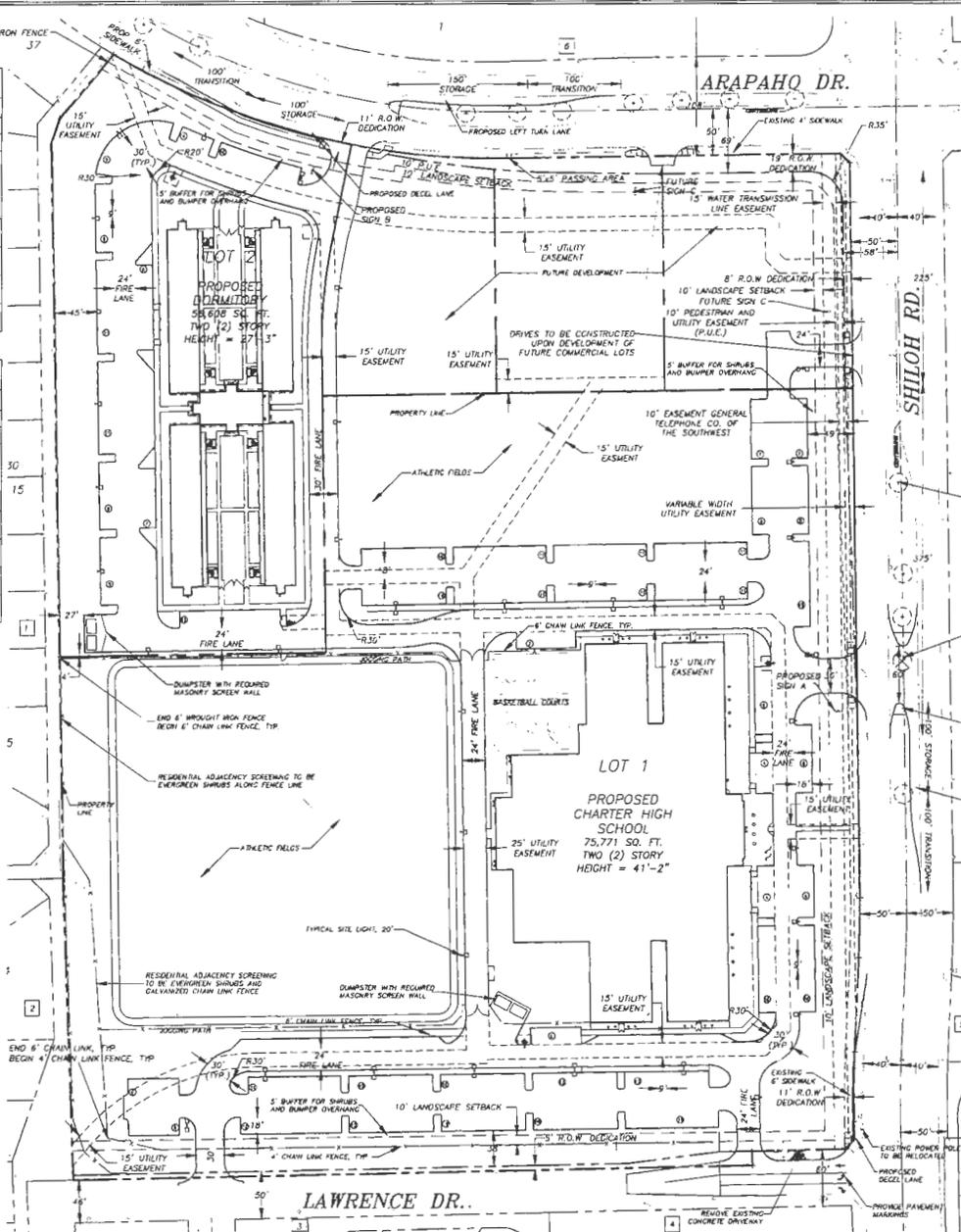
REV.	DATE	DESCR.	BY
Z	13-28	CONCEPT PLAN	

SITE DATA - LOT 1, SCHOOL		
ELEMENT	REQUIRED	PROVIDED
LOT AREA	N/A	617,739.17 SQ. FT. (14.181 ACRES)
BUILDING S.F.	N/A	75,771 SQ. FT.
PARKING	1 PER 3 STUDENTS 788 STUDENTS / 3 = 258 SPACES REQUIRED	298 PARKING SPACES PROVIDED
BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT ALLOWED: 30'	41'-2"
LOT COVERAGE	LOT COVERAGE ALLOWED: 40% = 125,547 S.F.	LOT COVERAGE PROVIDED: 12.3% (75,771 S.F.)
OCCUPANCY CLASSIFICATION	N/A	E - CHARTER SCHOOL
F.A.R.	N/A	0.33

SITE DATA - LOT 2, DORMITORY		
ELEMENT	REQUIRED	PROVIDED
LOT AREA	N/A	173,785.88 SQ. FT. (3.989 ACRES)
BUILDING S.F.	N/A	56,608 SQ. FT.
PARKING	1 PER 10 RESIDENTS (BOARDING SCHOOL) 202 RESIDENTS / 10 = 20 SPACES REQ'D	96 PARKING SPACES PROVIDED
BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT ALLOWED: 30'	27'-3"
LOT COVERAGE	LOT COVERAGE ALLOWED: 60% = 104,271 S.F.	LOT COVERAGE PROVIDED: 17.1% (29,687 S.F.)
OCCUPANCY CLASSIFICATION	N/A	E - CHARTER SCHOOL
F.A.R.	N/A	0.12

**ADJACENT PROPERTY OWNER INFORMATION**

- |   |  |   |   |
|---|--|---|---|
| 1 | BLOCK 15<br>ARAPAHO EAST<br>VOL. 73004, PG. 283<br>MRDCT         | 4 | LOT 39, BLOCK 3<br>CAMELOT NO. 16<br>VOL. 82151, PG. 591<br>MRDCT   |
| 2 | BLOCK 1<br>APOLLO ESTATES NO. 1<br>VOL. 77234, PG. 2487<br>MRDCT | 5 | BLOCK 1<br>CAMELOT NO. 15<br>VOL. 82083, PG. 4740<br>MRDCT          |
| 3 | CAMELOT NO. 14<br>VOL. 81625, PG. 448<br>MRDCT                   | 6 | BLOCK 1<br>SHILOH/ARAPAHO ADDITION<br>VOL. 98205, PG. 2252<br>MRDCT |



**VICINITY MAP**  
NO SCALE

**PROJECT DESCRIPTION**  
NEW CHARTER HIGH SCHOOL

**CURRENT ZONING**  
OFFICE (O-1) AND SHOPPING CENTER (SC)

**PROPOSED ZONING**  
PLANNED DEVELOPMENT (PD) FOR DORMITORY AND SHOPPING CENTER USES WITH CONCEPT PLAN

**DEVELOPER**  
THE CHARTER SCHOOL FUND P, LLC  
855 BROAD STREET, SUITE 300  
BOISE, IDAHO, 83702  
TEL: 208-908-5505  
FAX: 208-439-4934  
CONTACT: BRIAN HERRIKEN  
bherriken@csfc.com

**OWNER**  
WILLIAM F. CALLEJO-BORGES, TRUSTEE  
4314 NORTH CENTRAL EXPY.  
DALLAS, TEXAS 75206

**CIVIL ENGINEER / LANDSCAPE ARCHITECT**  
MYCOSKE MCINNIS ASSOCIATES  
200 E. ABRAM  
ARLINGTON, TEXAS 76001  
TEL: 817-469-1671  
FAX: 817-274-8757  
CONTACT: JACOB SUMPTER  
jsumpster@mycoske.com

**ARCHITECT**  
BRS ARCHITECTS  
1010 S. ALLAN PLACE, STE. 100  
ROST, TX 75070  
CONTACT: DOUG RADTKE, AIA  
Doug@brsarchitects.com

**LEGAL DESCRIPTION**  
BEING A 21.803 ACRE TRACT OF LAND LOCATED IN THE F MOSS SURVEY, ABSTRACT NO. 841, IN THE CITY OF GARLAND, DALLAS COUNTY, TEXAS

**INTERNATIONAL LEADERSHIP OF TEXAS - GARLAND HIGH SCHOOL**  
PD - SITE PLAN  
GARLAND, TEXAS

PROJECT TITLE  
INTERNATIONAL LEADERSHIP OF TEXAS HIGH SCHOOL

**mima**  
mycoske mcinnis associates  
No. registration number: 1-1388  
708 WEST 4TH STREET  
ARLINGTON, TEXAS 76010  
817-469-1671  
www.mimapro.com

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF REVIEW UNDER THE AUTHORITY OF GUARANTEE NUMBER PL 14 NO. 2071 ON 6/12/21 AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

PROJECT NUMBER:	2889-00-01
PROJECT MANAGER:	J. SUMPTER
DRAWN BY:	B. JONKER
CHECKED BY:	C. WYCKOFF
ISSUE DATE:	06/28/2023

REV. DATE. DESCN. BY  
SHEET CONTENT:  
Z 13-28  
SITE PLAN

SHEET NO: 1  
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EXHIBIT D

# INTERNATIONAL LEADERSHIP OF TEXAS - GARLAND HIGH SCHOOL PD - LANDSCAPE PLAN GARLAND, TEXAS

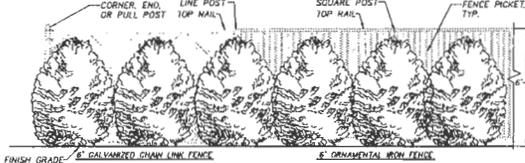
EXHIBIT E

### PLANT LEGEND, LOT 1, SCHOOL

TREES	CODE	COMMON NAME / BOTANICAL NAME	CONT	CAL	SIZE	QTY	REMARKS
(1)	CC	CEM CYPRESS / UNKUS CRASSIFOLIA	8" B & B OR CONTAINER	3" CAL	8'-10" HT.	31	
(2)	LC	LACINIAELEM / UNKUS PARVIFLORA "LACINIAELEM"	8" B & B OR CONTAINER	3" CAL	8'-10" HT.	15	
(3)	LD	LEAFY OAK / QUERCUS LAEVOGAMA	8" B & B OR CONTAINER	3" CAL	10'-12" HT.	4	
(4)	RD	SHAWBLOOM RED OAK / QUERCUS SHAWBLOOM	8" B & B OR CONTAINER	3" CAL	10'-12" HT.	21	
(5)	SH	SHAWBLOOM HOLLY / ILEX Y. ATTENDAS "SHAWBLOOM"	60 GAL.		8'-10" HT.	4	
(6)	SM	SHAWBLOOM RED OAK / QUERCUS SHAWBLOOM	8" B & B OR CONTAINER	3" CAL	10'-12" HT.	7	
(7)	CM	FLORIDA CHAMP WATTLE / LACINIAELEM X "FLORIDA"	60 GAL.		8'-10" HT.	22	
(8)	RD	SHAWBLOOM HOLLY / ILEX Y. ATTENDAS "SHAWBLOOM"	3 CAL.		8'-10" HT.	8	MIN. 36" AT PLANTING
(9)	DM	DMYAR BURFORD HOLLY / ILEX Y. ATTENDAS "BURFORD"	3 CAL.		8'-10" HT.	18	
(10)	LD	LEAFY OAK / QUERCUS LAEVOGAMA	3 CAL.		8'-10" HT.	51	
(11)	MS	MELLE R. STEVENS HOLLY / ILEX Y. ATTENDAS "MELLE R. STEVENS"	3 CAL.		8'-10" HT.	133	MIN. 36" AT PLANTING
(12)	PK	PINK SKULLCAP / SCUTELLARIA BURNINGSTEMS	1 CAL.		8'-10" HT.	130	
(13)	EP	SEVER ELAEGNUS / ELAEGNUS PLUMOSUS	3 CAL.		8'-10" HT.	89	MIN. 36" AT PLANTING
(14)	CD	COMMON BERBERIS / BERBERIS THUNBERGII	4" POSTS		8'-10" HT.	1,401	
(15)	CD	COMMON BERBERIS / BERBERIS THUNBERGII	SOLID 3000		8'-10" HT.	63,576	
(16)	CD	COMMON BERBERIS / BERBERIS THUNBERGII	4" POSTS		8'-10" HT.	304	

### PLANT LEGEND, LOT 2, DORMITORY

TREES	CODE	COMMON NAME / BOTANICAL NAME	CONT	CAL	SIZE	QTY	REMARKS
(1)	CC	CEM CYPRESS / UNKUS CRASSIFOLIA	8" B & B OR CONTAINER	3" CAL	8'-10" HT.	12	
(2)	LC	LACINIAELEM / UNKUS PARVIFLORA "LACINIAELEM"	8" B & B OR CONTAINER	3" CAL	8'-10" HT.	17	
(3)	SH	SHAWBLOOM HOLLY / ILEX Y. ATTENDAS "SHAWBLOOM"	60 GAL.		8'-10" HT.	4	
(4)	SM	SHAWBLOOM RED OAK / QUERCUS SHAWBLOOM	8" B & B OR CONTAINER	3" CAL	10'-12" HT.	7	
(5)	CM	FLORIDA CHAMP WATTLE / LACINIAELEM X "FLORIDA"	60 GAL.		8'-10" HT.	22	
(6)	RD	SHAWBLOOM HOLLY / ILEX Y. ATTENDAS "SHAWBLOOM"	3 CAL.		8'-10" HT.	8	MIN. 36" AT PLANTING
(7)	DM	DMYAR BURFORD HOLLY / ILEX Y. ATTENDAS "BURFORD"	3 CAL.		8'-10" HT.	18	
(8)	LD	LEAFY OAK / QUERCUS LAEVOGAMA	3 CAL.		8'-10" HT.	51	
(9)	MS	MELLE R. STEVENS HOLLY / ILEX Y. ATTENDAS "MELLE R. STEVENS"	3 CAL.		8'-10" HT.	133	MIN. 36" AT PLANTING
(10)	PK	PINK SKULLCAP / SCUTELLARIA BURNINGSTEMS	1 CAL.		8'-10" HT.	130	
(11)	EP	SEVER ELAEGNUS / ELAEGNUS PLUMOSUS	3 CAL.		8'-10" HT.	89	MIN. 36" AT PLANTING
(12)	CD	COMMON BERBERIS / BERBERIS THUNBERGII	4" POSTS		8'-10" HT.	1,401	
(13)	CD	COMMON BERBERIS / BERBERIS THUNBERGII	SOLID 3000		8'-10" HT.	63,576	
(14)	CD	COMMON BERBERIS / BERBERIS THUNBERGII	4" POSTS		8'-10" HT.	304	



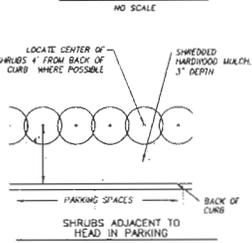
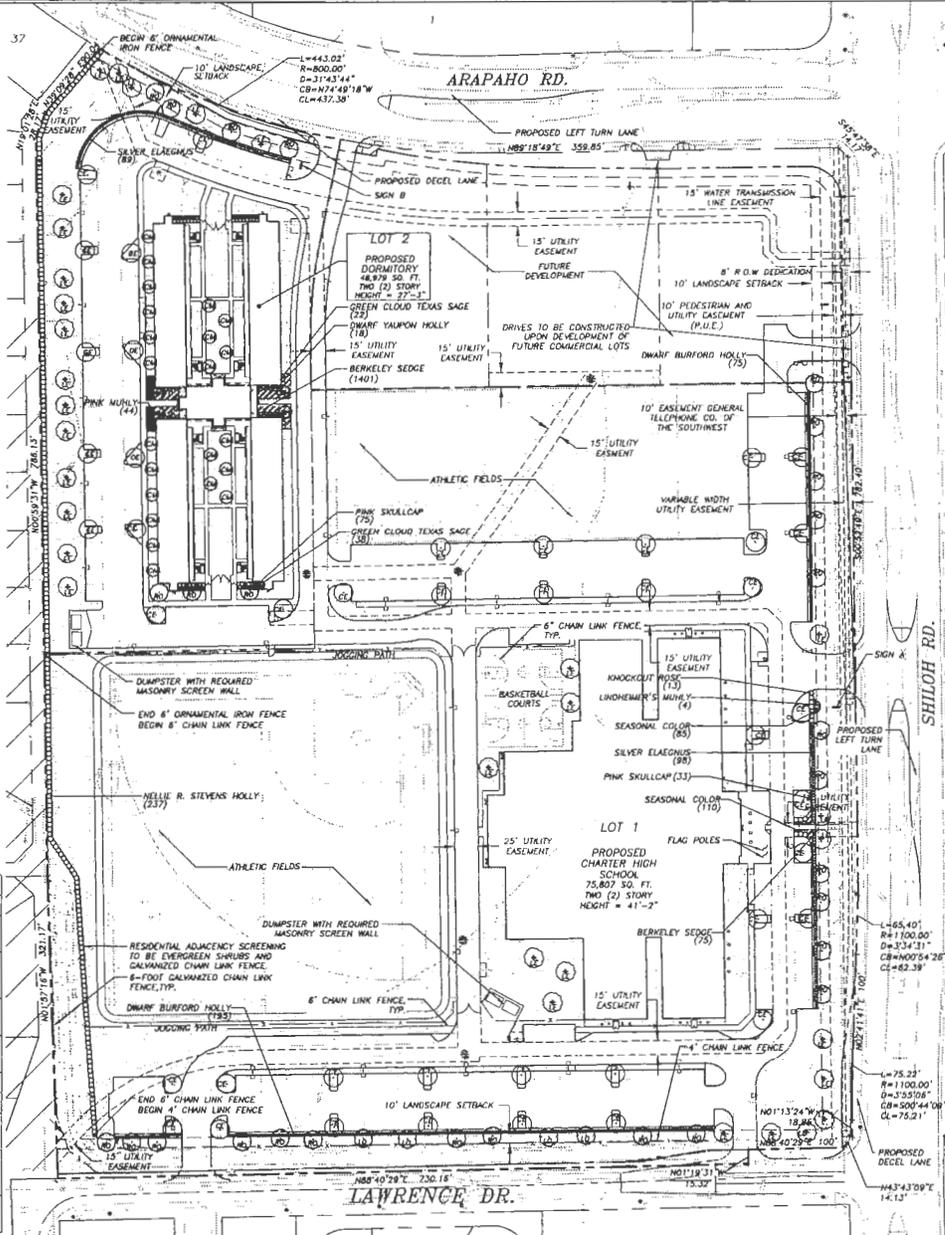
FENCE AND LIVE SCREEN ELEVATIONS  
NOT TO SCALE

### LANDSCAPE AND SCREENING DATA, LOT 1

ELEMENT	REQUIRED	PROVIDED
LANDSCAPE BUFFER AT R.O.W. ADJACENCY	10'-FOOT LANDSCAPE BUFFER WITH ONE (1) LARGE TREE OR THREE (3) ORNAMENTAL TREES PER 500 S.F.	10' LANDSCAPE BUFFER AT SHAW RD., ARAPAHO RD. AND LAWRENCE DR. (2) LARGE TREES OR THREE (3) ORNAMENTAL TREES PER 500 S.F. PROVIDED. LAMENING ON BUFFER = 8,289 S.F., 4,343/500 = 17 TREES PROVIDED.
PARKING LOT TREES	ONE (1) TREE PER 10 SPACES, WITH NO SPACE FURTHER THAN 100' AWAY FROM A REQUIRED TREE. 50 SPACES / 10 = 5 TREES REQUIRED.	NUMBER OF PARKING LOT TREES PROVIDED: 31 ALL SPACES ARE WITHIN 100' OF A REQUIRED TREE.
PARKING LOT LANDSCAPE AREA	5% OF PARKING AREA TO BE PROVIDED AS LANDSCAPE AREA.	PARKING AREA = 152,247 SQ. FT. 5% OF 152,247 = 7,612 SQ. FT. PARKING LOT LANDSCAPE AREA REQUIRED. 14,710 SQ. FT. OF PARKING LOT LANDSCAPE PROVIDED. 9.7% OF PARKING AREA.
SCREENING AT RESIDENTIAL ADJACENCY	5' SCREEN REQUIRED.	EVERGREEN SHRUBS, 3 GALLON, ALONG ADJACENT RESIDENTIAL PROPERTY LINE WITH GALVANIZED CHAIN LINK FENCE.

### LANDSCAPE AND SCREENING DATA, LOT 2

ELEMENT	REQUIRED	PROVIDED
LANDSCAPE BUFFER AT R.O.W. ADJACENCY	10'-FOOT LANDSCAPE BUFFER WITH ONE (1) LARGE TREE OR THREE (3) ORNAMENTAL TREES PER 500 S.F.	10' LANDSCAPE BUFFER AT ARAPAHO RD. AND LAWRENCE DR. (2) LARGE TREES OR THREE (3) ORNAMENTAL TREES PER 500 S.F. PROVIDED.
PARKING LOT TREES	ONE (1) TREE PER 10 SPACES, WITH NO SPACE FURTHER THAN 100' AWAY FROM A REQUIRED TREE. 87 SPACES / 10 = 8.7 TREES REQUIRED.	NUMBER OF PARKING LOT TREES PROVIDED: 13 ALL SPACES ARE WITHIN 100' OF A REQUIRED TREE.
PARKING LOT LANDSCAPE AREA	5% OF PARKING AREA TO BE PROVIDED AS LANDSCAPE AREA.	PARKING AREA = 55,588 SQ. FT. 5% OF 55,588 = 2,780 SQ. FT. PARKING LOT LANDSCAPE AREA REQUIRED. 3,374 SQ. FT. OF PARKING LOT LANDSCAPE PROVIDED. 6.1% OF PARKING AREA.

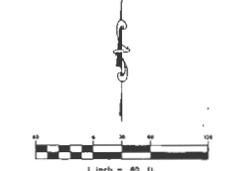


### PLANT MATERIAL NOTES:

- ALL TREES TO BE UNIFORM BY SPECIES WITH STRAIGHT TRUNKS, MATCHING CHARACTER, AND FULL BRANCHING STRUCTURE.
- ALL SHRUBS TO BE FULL AND UNIFORM BY SPECIES WITH MATCHING CHARACTER AND BRANCHING STRUCTURE.
- ALL PLANT VARIETIES MUST COME FROM A SAME SOURCE SUPPLIER IN ORDER TO MAINTAIN A CONSISTENT APPEARANCE.
- ALL 80% TREES MUST BE OF NURSERY STOCK CONDITION.
- ALL CONTAINER GROWN MATERIAL MUST BE OF NURSERY STOCK CONDITIONS, WITH A WELL-ESTABLISHED ROOT SYSTEM REACHING THE SIDES OF THE CONTAINER TO MAINTAIN A FIRM BALL WHEN THE CONTAINER IS REMOVED, BUT NOT SHALL HAVE EXCESSIVE ROOT GROWTH ENCODING THE INSIDE OF THE CONTAINER.
- ALL PLANTS MATERIAL SHALL COMPLY WITH THE MINIMUM REQUIREMENTS AS SET FORTH BY THE AMERICAN ASSOCIATION OF NURSERMEN, TEXAS ASSOCIATION OF NURSERMEN STANDARDS AND/OR AS STATED IN THE PLANT SCHEDULE, WHICHEVER IS MORE STRINGENT.

### GENERAL UTILITY NOTES:

- ALL EXISTING UTILITY DATA IS PROVIDED FOR INFORMATION ONLY. ALTHOUGH THIS DATA IS SHOWN AS ACCURATELY AS POSSIBLE, THE CONTRACTOR IS CAUTIONED THAT THE OWNER AND THE ENGINEER NEITHER ASSUMES NOR IMPLIES ANY RESPONSIBILITY FOR THE ACCURACY OF THIS DATA. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY AFFECTED AND VERIFY THESE LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION.
- CALL 1-800-344-8377 (DIG-TESS) OR OTHER UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION ACTIVITY. MYTOSCOPE, INC. IS NOT RESPONSIBLE FOR KNOWING ALL EXISTING UTILITIES OR DETERMINING EXACT LOCATIONS OF UTILITIES ON DRAWINGS.



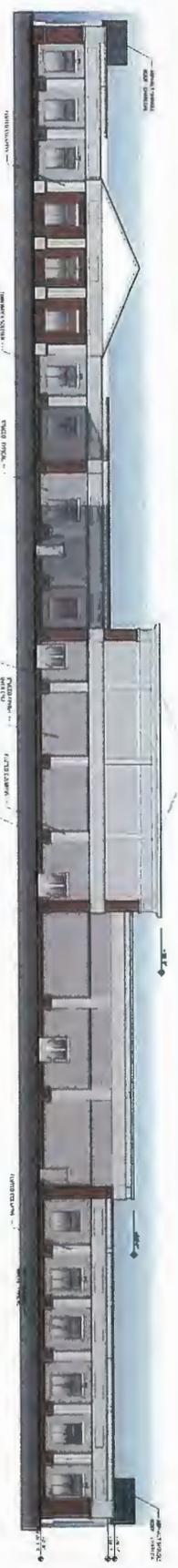
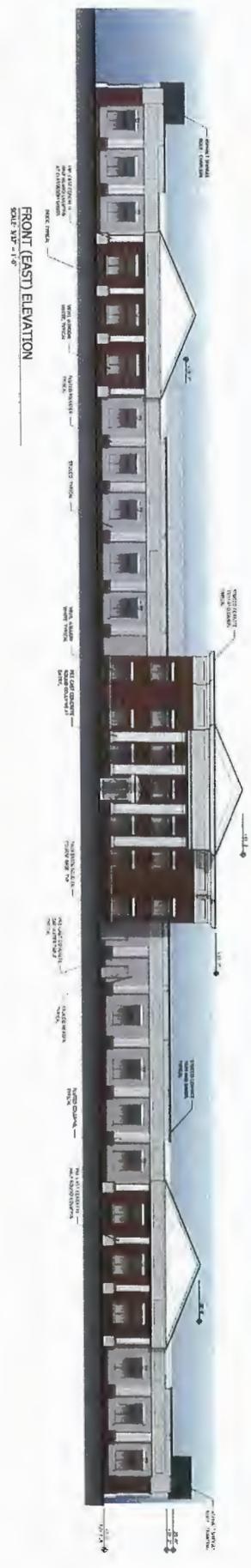
PROJECT TITLE: INTERNATIONAL LEADERSHIP OF TEXAS HIGH SCHOOL

**mlmja**  
myoskie+mcinnis+associates  
INCORPORATED  
288 WEST 10TH  
DALLAS, TEXAS 75201  
817-228-1211  
817-228-1212  
817-228-1213

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF REVIEW UNDER THE AUTHORITY OF DOWNEY JONES, P.L.L.C. ON 06/28/2013 AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

PROJECT MANAGER	J. SHAPIRO
PROJECT MANAGER	J. SHAPIRO
CHECKED BY	C. SHAPIRO
DATE	06/28/2013

REV DATE DISCRP BY  
SHEET CONTENT  
Z 13-28  
LANDSCAPE  
PLAN  
SHEET NO.  
2  
COPYRIGHT © 2013, MIA, INC.



COLOR LEGEND



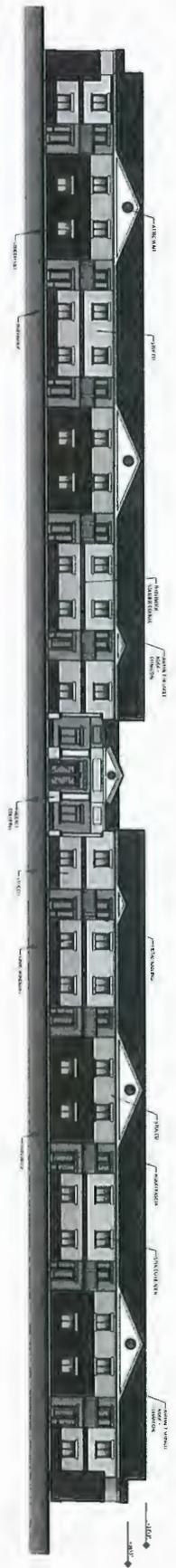
DATE	
REVISION	

EXHIBIT F

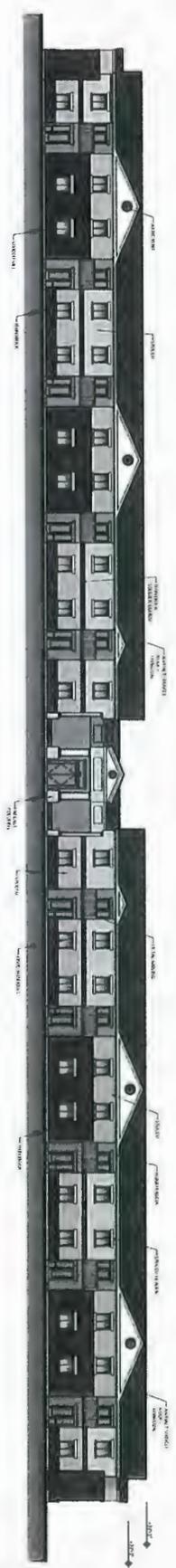
PROPOSED DEVELOPMENT FOR  
**ATHLOS LEADERSHIP ACADEMY**  
 4 THRU 6 CHARLES SCHOOL  
 2000 W. HAYWARD ROAD & BROADWAY, GARLAND, TX

SHEET TITLE  
 KEY PLAN

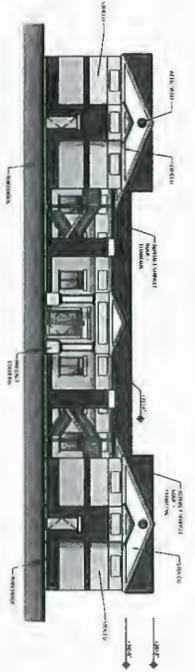
DESIGN DEVELOPMENT  
 DD1



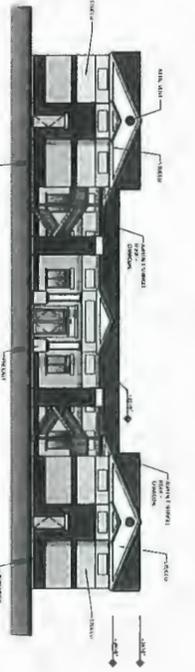
FRONT ENTRY (WEST) ELEVATION  
SCALE: 3/8" = 1'-0"



REAR (EAST) ELEVATION  
SCALE: 3/8" = 1'-0"



END (NORTH) ELEVATION  
SCALE: 3/8" = 1'-0"



END (SOUTH) ELEVATION  
SCALE: 3/8" = 1'-0"



END (NORTH) ELEVATION W/ FENCING & GATES  
SCALE: 3/8" = 1'-0"



END (SOUTH) ELEVATION W/ FENCING & GATES  
SCALE: 3/8" = 1'-0"

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10
BRICK	CONCRETE	WOOD	GLASS	STEEL	ASPH/FLT	ROOFING	PAINT	LANDSCAPE	MOBILE HOME

REVISION	DATE

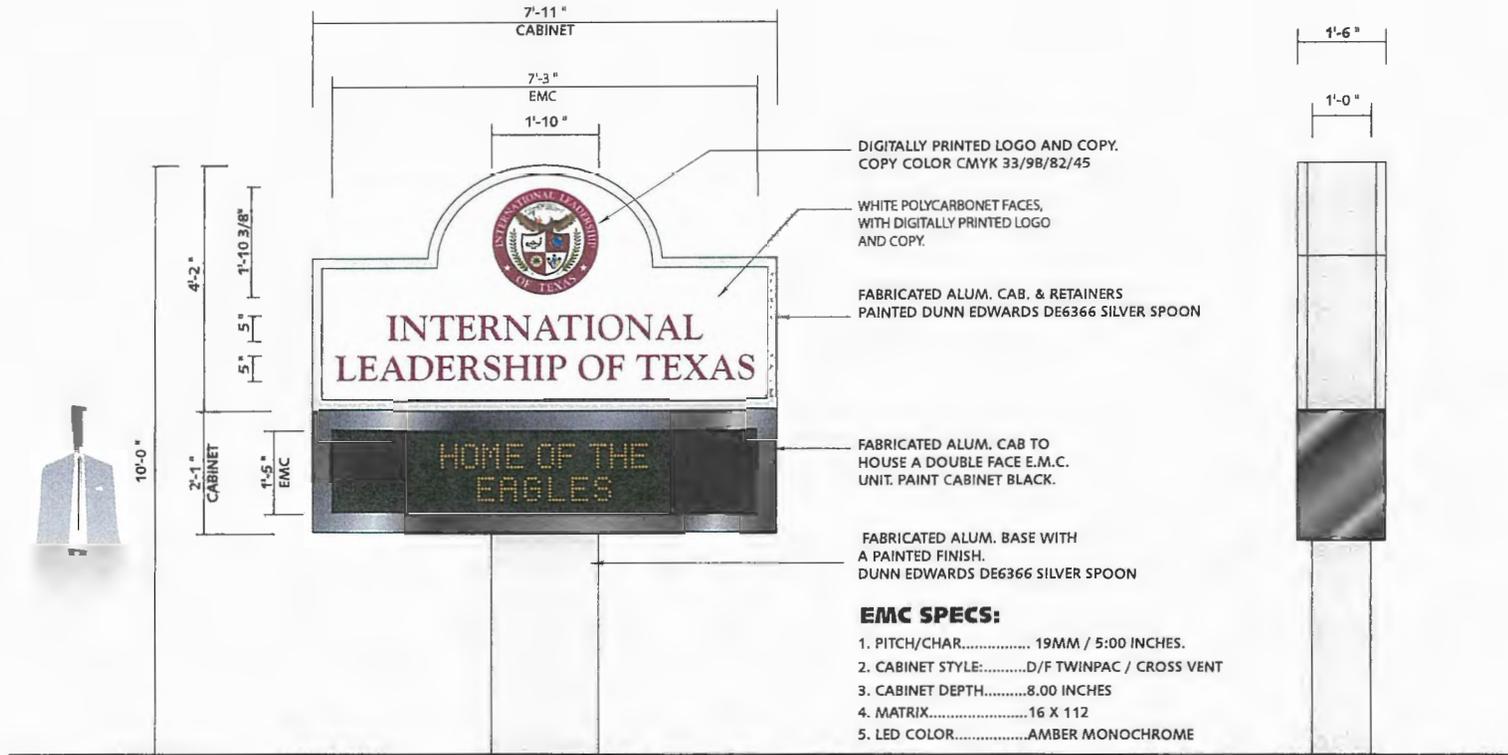
**EXHIBIT F**

PROPOSED DEVELOPMENT FOR:  
**ATHLOS LEADERSHIP ACADEMY  
 STUDENT APARTMENTS**  
10044 HORTON & GORDON DRIVE, GARLAND, TX

**SHEET TITLE**

**KEY PLAN**

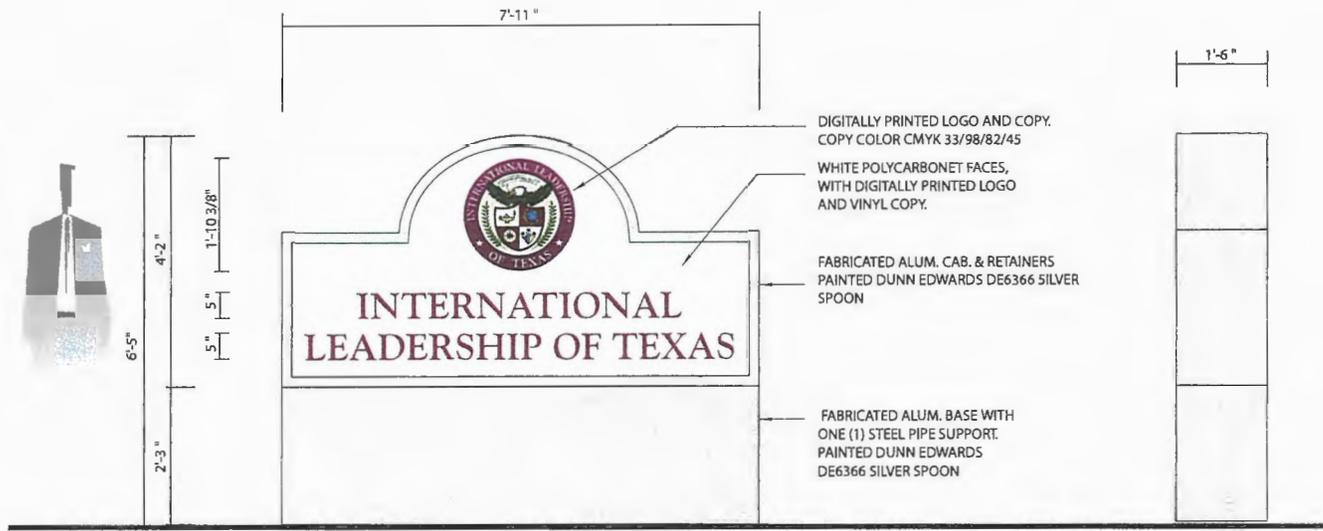
OWNER	AKS
DATE	06-20-13
DESIGNED BY	AKS
DRAWN BY	AKS
CHECKED BY	AKS
SCALE	AS SHOWN
<b>EL2.1</b>	



**A SHILOH RD SIGN** SCALE: 1/2" = 1'-0"  
 MFG. & INSTALL ONE (1) D/F ILLUM. MONUMENT SIGN.

**End View**

EXHIBIT G



**B** **ARAPAHO RD** SCALE: 1/2"=1'-0"  
MFG. & INSTALL ONE (1) D/F ILLUM. MONUMENT SIGN.

End View

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-28

#### South of Arapaho Road, west of Shiloh Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a Charter High School on Lot 1 with the approved Detail Plan attached to Planned Development (PD) 13-28.
- 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 Shopping Center (SC) District set forth in Section 24 and 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 thirty (30) year time period and shall be tied to **The Charter School Fund II.**
  - B. Grade levels: Only grades 9-12 shall be permitted.

## SPECIFIC USE PERMIT CONDITIONS

### ZONING FILE 13-28

#### South of Arapaho Road, west of Shiloh Road

- I. **Statement of Purpose:** The purpose of this Specific Use Permit is to allow a dormitory on Lot 2 on the approved Detail Plan attached to Planned Development (PD) 13-28 and associated to a charter high school.
- 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 Multifamily (MF-12 and MF-18) Districts set forth in Section 19 and 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 thirty (30) year time period and shall be tied to **The Charter School Fund II.**

## REPORT & MINUTES

### **P.C. Meeting, July 8, 2013 (8 Members Present)**

**Consideration of the application of The Charter School Fund II, requesting approval of 1) a change of zoning from Shopping Center (SC) District and Office 1 (O-1) District to a Planned Development (PD) District for Shopping Center Uses and Multi-Family Uses, 2) a Concept Plan, 3) a Detail Plan, 4) a Specific Use Permit for Charter School, 5) a Specific Use Permit for Boarding School, 6) variances to Sections 19-421 and 24-600 of the Comprehensive Zoning Ordinance No. 4647 regarding the minimum required rear and side setbacks and the maximum allowable building height, and 7) a sidewalk waiver. This property is located on the southwest corner of Arapaho Road and Shiloh Road (File 13-28)**

The applicant, Brian Huffaker, 855 W. Broad Street, #300, Boise, ID 83702 gave a presentation that explained the organization and curriculum of International Leadership of Texas. He further explained the Concept Plan, traffic flow and dormitory layout and security measures.

Nearby residents that spoke in support of the applicant were:

J.D. Gonzalez, 5851 Martel Avenue, Dallas, TX

Nearby residents present and in support of the applicant were:

Angela Moran, 1702 White Road, Heath, TX 75032  
Ken Cox, 5214 Palomar Lane, Dallas, TX 75229  
Eddie Conger, 2085 Garden Crest Drive, Rockwall, TX  
Chris Florance, 4633 Steeple Chase  
Ryan VanAlta, 2411 N. Biscayne Pl  
Myrna Apodaca, 6046 Palo Pinto  
Douglas Cooper, 200 E. Abram  
Maria Garcia, 7711 Calypso Drive, Rowlett, TX  
Jason Kotter 855 Bread St., #300, Boise, ID

Residents that spoke in opposition were:

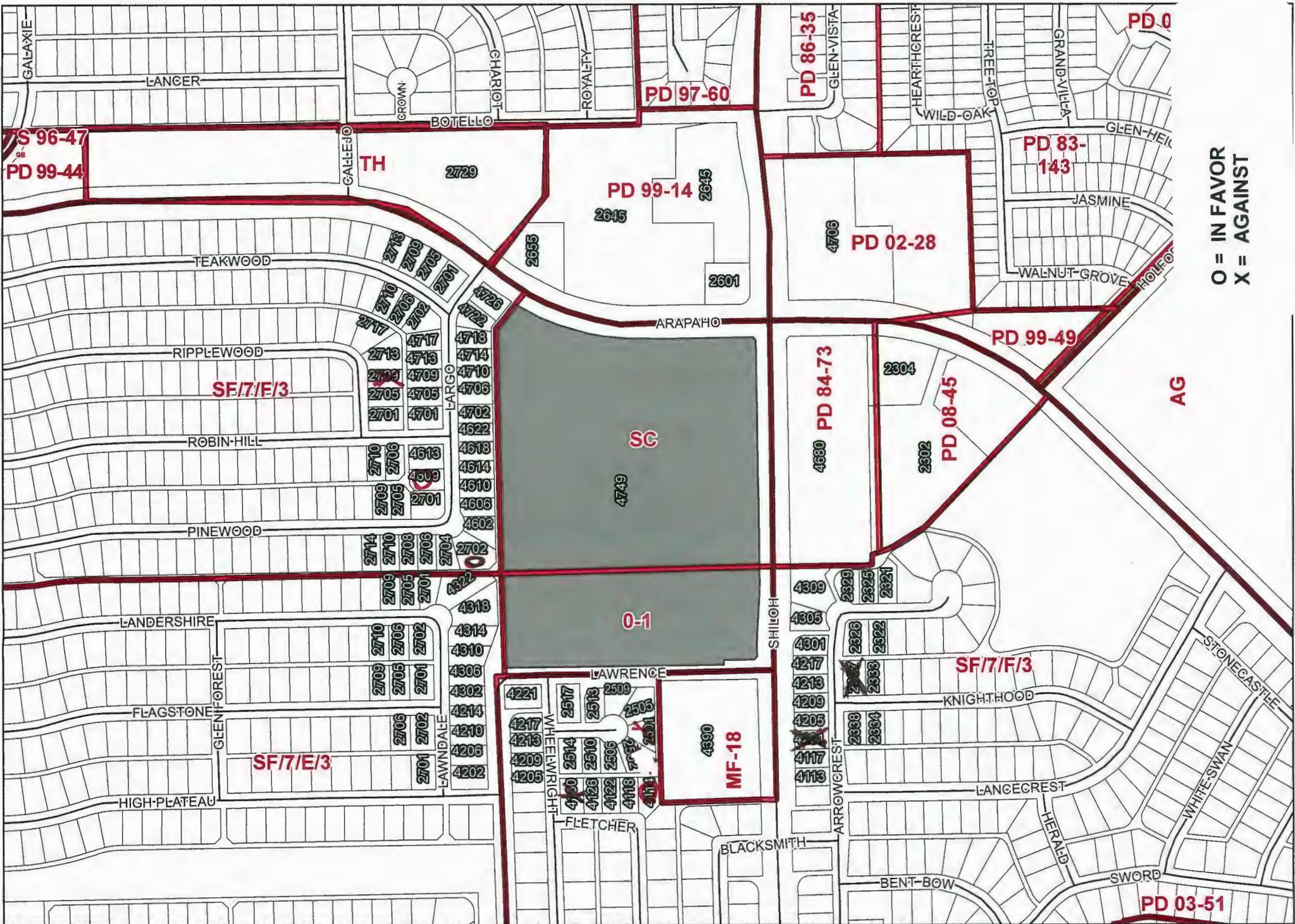
RoseMary Drake 2501 Wheelwright Pl, Garland, TX.

Residents present and registering their position as opposed were:

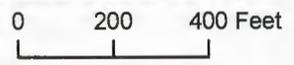
Sherrie Tootle, 4602 Largo Trail, Garland, TX 75044  
Debra Sands, 4213 Wheelwright Drive, Garland, TX

**Motion** was made by Commissioner Fisher, seconded by Commissioner Luckie to close the Public Hearing. **Motion carried: 8 Ayes, 0 Nays**

**Motion** was made by Commissioner Fisher, seconded by Commissioner Vera to **approve** per staff recommendation with allowable height to 43' and to limit any lighting of the athletic fields to a maximum height of 15' and required to be hooded and/or down lighting. **Motion carried: 8 Ayes, 0 Nays**



O = IN FAVOR  
 X = AGAINST



# ZONING Z 13-28

INDICATES AREA OF REQUEST



# GARLAND

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

June 27, 2013

HEARING DATE/TIME: Plan Commission: July 8, 2013 – 7:00 PM

APPLICANT: The Charter School Fund II

**File 13-28**

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**Note: The applicant proposes to develop the subject property with a charter high school, a dormitory to house students and faculty, and associated athletic facilities. Furthermore, the applicant requests variances to place the dumpster enclosure within the required side and rear setbacks and to exceed the maximum allowable building height for the charter school building. A portion of the site fronting Arapaho Road will remain undeveloped until a Shopping Center Use is proposed.**

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 or by fax to 972-205-2474**. 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.

*I am concerned about traffic congestion @ shiloh +*

*Arapaho - It is already heavy. Also there is a charter school already @ shiloh + Beltline. Also it will distract from the quiet*

Neighborhood & (Please complete the following information)

Your Property Address

*Henry L. Turner*

Printed Name

*4201 Arrowcrest Ln Garland, TX 75044-6015*

Address

City, State

Zip

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

*Henry L. Turner*

Signature

Title

*7-1-13*



# GARLAND

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

June 27, 2013

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(Please Check One Below)

- I am in favor of the request.
- I am opposed to the request.

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

① Extreme traffic congestion. ② Extreme by pass lanes increase. Decreases quality of life for homeowners. ③ Already a problem accessing Shiloh & Charter one. Two Charter Schools in such close isn't completed. ④ Proximity is too much in place of traffic setbacks + parking which is a health problem.

Your Property Address

2337 KNIGHTHOOD LANE, GARLAND, TX 75044

Printed Name

JUDITH A. SHOMETTE

Address

City, State

Zip

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

Judith A. Shomette Very concerned Homeowner  
Signature Title

Date: July 1, 2013



# GARLAND

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

June 27, 2013

**HEARING DATE/TIME:** Plan Commission: July 8, 2013 – 7:00 PM

**APPLICANT:** The Charter School Fund II

File 13-28

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(Please Check One Below)

- I am in favor of the request.
- I am opposed to the request.

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

*I would much prefer a school be built on this property as opposed to an apartment complex. Apartments bring crime & trash.*

(Please complete the following information)

Your Property Address

*Amber M. Escobedo*

Printed Name

*4609 Largo Trl*

Address

*Garland, TX*

City, State

*75044*

Zip

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

*Amber M. Escobedo*

Signature

Title

Date: *7-7-2013*



# GARLAND

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

June 27, 2013

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(Please Check One Below)

- I am in favor of the request.
- I am opposed to the request.

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

---



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(Please complete the following information)

Your Property Address 2702 pine wood dr

Printed Name GETACHEW MEKONEN

Address 2702 pine wood dr City, State Garland, TX Zip 75044

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

Signature [Signature] Title \_\_\_\_\_

Date: 07-5-13







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

# GARLAND

June 27, 2013

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

*see comments on back -*

(Please complete the following information)

Your Property Address

*4130 Fletcher Dr*

Printed Name

*Tianne Strombeck*

Address

*Garland*

City, State

*TX*

Zip

*75044*

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

Signature

*[Handwritten Signature]*

Title

*Tax Payer*

Date:

*July 1 2013*

*(and 9/ vote!)*

*Long Time Resident*



# GARLAND

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

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(Please Check One Below)

- I am in favor of the request.
- I am opposed to the request.

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

*We are a quiet adult community that doesn't need the noise, traffic and/or any other added drama that comes with teenagers. Our area has served its due diligence with all that.* (over)

Your Property Address

*Robbie Montgomery*  
 Printed Name  
*3902 Wheelwright Dr. GARLAND, TX 75044*  
 Address City, State Zip

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

*Josue Montgomery*  
 Signature Title

Date: *7-8-13*

*Out of notification area*



# GARLAND

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

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(Please Check One Below)

I am in favor of the request.

I am opposed to the request.

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

**SEE ATTACHED SHEET**

(Please complete the following information)

Your Property Address

**ROBERT B DRAKE**

Printed Name

**2501 WHEELWRIGHT PLACE GARLAND TX**

Address

City, State

**75044<sup>ip</sup>. 6362**

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

**Mrs & Mr Robert B Drake**

Signature

Title

Date: **7.3. 2013**

## COMMENTS REGARDING ZONING CHANGE REQUEST:

- **What happens to disposition of passage of bonds in 1985 for road improvement to Lawrence Street from Shiloh Road to Apollo Road?**
- Increase in traffic will create need for traffic signals to be placed @ Arapaho Road & Largo and Shiloh Road & Lawrence Street
- Loss use of sidewalks
- Increased traffic use of alley for Largo Street -- cause hardship for home owners -- these homes have garages that open from the alley
- Impact to DART bus stops on Shiloh Road near NW corner of Arapaho & Shiloh and NW corner of Shiloh and Lawrence
- Impact of increased traffic flow on Arapaho Road -- both East & West bound
- Impact of increased traffic flow on Shiloh Road -- both North & South bound
- A new Charter school is near completion near Belt Line Road on Shiloh Road
- There are 18 (eighteen + / - ) schools located 2 tenths of a mile to 3 miles from this location -- Pre-schools, elementary schools, middle schools, private schools, church schools, including 2 ( two ) high schools
- Ingress & egress from Arapaho or Shiloh will cause traffic flow congestion
- Problems with athletic field traffic
- Increase in parking problems -- many caused with increase from teenaged drivers
- Increase in dumping of trash in neighborhoods



**File No. 13-22/District 1**

**Agenda Item:**

**Meeting: City Council**

**Date: August 6, 2013**

# Planning Report

---

## **Oak Ridge Investments**

### **Northwest of the intersection of West Campbell Road and Callejo Road**

#### **REQUEST**

Approval of 1) a change in zoning from Agriculture (AG) District to Planned Development (PD) District for Single Family Uses and 2) a Detail Plan for approximately 43 single family homes.

#### **OWNER**

MLWR Investments

The applicant requests postponement to the September 3, 2013 City Council meeting.



Meeting: Regular Meeting

Date: August 6, 2013

# Policy Report

---

## ROADWAY IMPACT FEE WAIVER FOR HOLT LUNSFORD COMMERCIAL

### ISSUE

Holt Lunsford Commercial is requesting a waiver of the roadway impact fee for development of property at the southeast corner of Jupiter Road and Wood Drive.

### OPTIONS

1. Provide a full or partial waiver of the roadway impact fee.
2. Do not waive the roadway impact fee for the proposed development.

### RECOMMENDATION

As an incentive to facilitate the development of this project, waiver of the roadway impact fee is recommended.

### COUNCIL GOAL

Sustainable Quality Development and Redevelopment

### BACKGROUND

Holt Lunsford Commercial has preliminary plans to develop a 435,000 square foot distribution facility on approximately 25 acres at the southeast corner of Jupiter Road and Wood Drive. It would be a spec building in that there is no tenant identified as the end user at this time. Attached is a letter from the applicant with additional information regarding possible number of jobs created and estimates of tax revenue to the City. Based on the proposed size, location and use of the building, roadway impact fees in the amount of \$407,317 would be due. The applicant is requesting a waiver of this fee to mitigate development costs.

**CONSIDERATION**

Section 31.165 of the City of Garland's Impact Fee Ordinance, Ordinance No. 5852, provides for a waiver of impact fees "If the City Council determines that a waiver of impact fees for the new development will result in significant economic benefits for the City that substantially exceed the likely amount of impact fees that would otherwise be payable by providing an incentive for capital investment in the city and the creation or retention of jobs".

**ATTACHMENT(S)**

Letter from David Cartwright, Partner, Holt Lunsford Commercial

Submitted By:

Neil Montgomery  
Senior Managing Director

Date: July 24, 2013

Approved By:

William E. Dollar  
City Manager

Date: July 29, 2013



July 30, 2013

Ms. Anita Russelmann  
Director of Planning  
800 Main St  
Garland, TX 75040

Dear Anita,

My firm, Holt Lunsford Commercial, a real estate company in Addison, TX wishes to build a 435,000 square foot building on a 25 acre landsite in Garland, TX at the intersection of Jupiter Rd & Wood Drive. We have learned that Garland will require a road impact fee to develop this site. This fee is prohibitive to development given the economics of the land purchase and construction costs. We would like to move forward with this project, however, we are asking the city to waive the road impact fee in order for us to close. Please consider the following factors.

- After improvements, the land and building are estimated to be worth about \$18.7 million in taxable value. At a millage rate of .7046 this would create a revenue stream for the City of about \$130,000 annually.
- Additionally, when comparing like tenants and buildings in the surrounding area, the new building is estimated to bring between 250 – 500 jobs to the local area as well as a Business Personal Property Tax to the City of about \$68,000 annually.
- Moreover, the Roadway Impact Fee is not directly contributing to the project and Holt Lunsford Commercial is not requesting that the City contribute to development of the site.

With these considerations in mind and the understanding that the city will receive the same amount of revenue over the next two years through taxes if the site is developed, we request a waiver for the Roadway Impact Fee. If beneficial, I am available to discuss this matter and would like to work together with the city to help move this deal forward. I am available this week at (972)-280-8320 and look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "David Cartwright".

David Cartwright  
Partner



# City Council Item Summary Sheet

Work Session

Date: 8/6/13

Agenda Item

## Proposal to Vote on Tax Rate for 2013-14

### Summary of Request/Problem

In accordance with Chapter 26 of the State Property Tax Code, the Council must vote to place on the agenda of a future meeting an action item calling for the adoption of the ad valorem tax rate. This vote must be recorded and must specify the desired rate. This action is required as part of "Truth in Taxation" legislation surrounding setting ad valorem tax rates and does not commit Council to adopting the proposed ad valorem tax rate. Two public hearings will be held prior to the adoption of the proposed tax rate.

Please refer to the specific actions outlined below as required by "Truth in Taxation" legislation.

### Recommendation/Action Requested and Justification

#### Requested Actions:

- (1) **Council Member** – Call for a motion to place a proposal to adopt a tax rate of 70.46 cents per \$100 of valuation on the agenda of the September 3<sup>rd</sup>, 2013, regular Council meeting. **(Required motion wording is included in Attachment (A).)**
- (2) Vote on above motion.
- (3) **Mayor** – Call for public hearings. **(Required wording is included in Attachment (A).)**

**Submitted By:**

**Ron Young  
Director  
Budget & Research**

**Approved By:**

**William E. Dollar  
City Manager**

**Proposal to Vote on Proposed Tax Rate for 2013-14  
Attachment (A)**

**(1) Required Motion Wording**

“Mayor, I move that an item be placed on the Council agenda for September 3, 2013, calling for the adoption of a tax rate equaling 70.46 cents per \$100 of valuation for the fiscal year beginning October 1, 2013.”

**(2) Motion Seconded**

**(3) Council Votes**

**(4) Required Wording for Call for Public Hearings**

Mayor:

“I call for two Public Hearings to be held on the proposed ad valorem tax rate of 70.46 cents per \$100 of valuation – which is scheduled for adoption on September 3, 2013, at 7:00 P.M. in the City Council Chambers at Garland City Hall. The Public Hearings will be held on:

(1) Tuesday, August 20, 2013, at 7:00 P.M. at Garland City Hall

(2) Thursday, August 29, 2013, also at 7:00 P.M. at Garland City Hall“



# City Council Item Summary Sheet

Work Session

Date: August 6, 2013

Agenda Item

## Presentation of the 2013-14 Proposed Budget

### Summary of Request/Problem

In accordance with the City Charter, the City Manager shall submit to the City Council, prior to August 15, a Proposed Budget for the coming fiscal year. The City Manager will formally present his Proposed Budget for 2013-14. Following the presentation to Council, copies of the Proposed Budget will be placed in each City library, in the Office of the City Secretary, and on the City's website for public review and inspection.

### Recommendation/Action Requested and Justification

City Manager's presentation of the 2013-14 Proposed Budget.

**Submitted By:**

**Ron Young  
Director of Budget & Research**

**Approved By:**

**William E. Dollar  
City Manager**



# City Council Item Summary Sheet

Work Session

Agenda Item

Date: August 6, 2013

## 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

Mayor  
Aug 4, 2013

## Application 2013-14

Name: Preston SandersonAddress: 509 Butternut dr.City Council District: 1 Home Phone: 972-414-1366Cell Phone: 214-704-2522Parent/Guardian Cell Phone: 214-704-0097Email: sandersonpreston@hotmail.comParent/Guardian Email: sandersonstevan@hotmail.comGrade level in 2013-14 school year: 9 School: Lakeview

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?

Boy Scouts, Order of the Arrow, I'm involved with church and I'm in honors band.

How did you hear about the Garland Youth Council?

When I completed my eagle scout project, I was told.

Why do you want to serve on the Garland Youth Council?

I want to be able to serve my community and have a positive voice.

What are some challenges you feel Garland youth face in our community?

Bullying and peer pressure in many places.

What do you see as positives for youth living in Garland?

It's a beautiful clean city that gives hope and opportunity for work and education.

D-1  
8-6-13



**GARLAND**  
**GARLAND YOUTH COUNCIL**

**Application 2013-14**

Name: Michael Graham

Address: 619 Lochness Lane Garland, Tx 75044

City Council District: 1 Home Phone: 972) 278-7034

Cell Phone: 972) 757-6823

Parent/Guardian Cell Phone: 972) 948-4076

Email: migraham618@gmail.com

Parent/Guardian Email: dgraham410@msd.com

Grade level in 2013-14 school year: 12 School: Rowlett

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?

How did you hear about the Garland Youth Council?

Why do you want to serve on the Garland Youth Council?

What are some challenges you feel Garland youth face in our community?

What do you see as positives for youth living in Garland?

D-3  
8-6-13



**GARLAND**  
**GARLAND YOUTH COUNCIL**

**Application 2013-14**

Name: Devin Brown

Address: 6206 McCourtney

City Council District: 3 Home Phone: 972-226-6659

Cell Phone: 214-663-1785

Parent/Guardian Cell Phone: 469-525-7983

Email: dmbxee@gmail.com

Parent/Guardian Email: sbrown@garland.tx.gov

Grade level in 2013-14 school year: 11 School: North Garland

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?

Orchestra, bible study, and MST

How did you hear about the Garland Youth Council?

I heard about it via the Garland information channel on TV.

Why do you want to serve on the Garland Youth Council?

To gain experience, ~~that~~ improve my resume, and to serve my city.

What are some challenges you feel Garland youth face in our community?

There aren't many outlets to express ourselves like skate parks.

What do you see as positives for youth living in Garland?

Garland is a beautiful city with wonderful citizens.

D-4  
8-6-13



**GARLAND**  
GARLAND YOUTH COUNCIL

**Application 2013-14**

Name: Ocean Davis

Address: 5414 Sundown Lane 75043

City Council District: 4 Home Phone: 214-715-1659

Cell Phone: 214-715-1659

Parent/Guardian ~~Cell Phone:~~ 214-984-4866  
Cell Phone:

Email: ocean\_davis@rocketmail.com

Parent/Guardian Email: ustext1@aol.com

Grade level in 2013-14 school year: Junior School: Lakeniew Centennial HS

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?  
I volunteer at the Dallas Zoo and at the Aquarium in Fairpark. And I have a job at Braums.

How did you hear about the Garland Youth Council?  
from my mom her friend forwarded it to her

Why do you want to serve on the Garland Youth Council?  
I believe it'd be a great opportunity to meet some new people and learn about how Garland works.

What are some challenges you feel Garland youth face in our community?  
avoiding drug use, staying motivated to get good grades and get into college, littering has gotten to be a very serious issue.

What do you see as positives for youth living in Garland?  
the police officers are nice, and understanding and they're not just trying to get their paycheck they actually care about the people in their city and the people are pretty nice.



**Application 2013-14**

Name: sarahi salazar

Address: 1104 Brookside Dr

City Council District: 8 Garland Home Phone: 214-705-3707

Cell Phone: 2WNS no phone

Parent/Guardian Cell Phone: 469-226-9074

Email: zizr158@gmail.com

Parent/Guardian Email: \_\_\_\_\_

Grade level in 2013-14 school year: 10<sup>th</sup> School: North Garland High school  
11<sup>th</sup>

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?  
school organization: AVID, spanish honor society  
community organization: Garland PAWS abilities

How did you hear about the Garland Youth Council?  
a classmate

Why do you want to serve on the Garland Youth Council?  
contribute by creative talents & ideas

What are some challenges you feel Garland youth face in our community?

a part of the youth aren't given opportunities or understood in order for them to graduate and escape ~~poverty~~, low living standards  
What do you see as positives for youth living in Garland?  
the community seems to be diverse & modernizing

Distle  
8-6-13



**GARLAND**  
GARLAND YOUTH COUNCIL

**Application 2013-14**

Name: SIMRAN BAINS

Address: 1805 ANN MARIE CT

City Council District: GARLAND Home Phone: 972-530-0746

Cell Phone: 214-680-4187

Parent/Guardian Cell Phone: 214-606-0895

Email: sandeepbains 67 C Yahoo.com

Parent/Guardian Email: sandeepbains 67 @ yahoo.com

Grade level in 2013-14 school year: 10<sup>th</sup> School: NORTH GARLAND HIGH SCHOOL

Please answer the following questions. Feel free to type your answers on a separate paper and attach to the application.

In what activities/organizations do you participate in school, church or in the community?

How did you hear about the Garland Youth Council?

Why do you want to serve on the Garland Youth Council?

What are some challenges you feel Garland youth face in our community?

What do you see as positives for youth living in Garland?

ANSWERS  
TYPED ON  
NEXT PAGE.



# City Council Item Summary Sheet

Work Session

Date: August 6, 2013

Agenda Item

## Appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem

### Summary of Request/Problem

Council is requested to appoint a Mayor Pro Tem from among its members. In accordance with City Council Policy OPNS-30, "Who Shall Act As Mayor," Council may also appoint a Deputy Mayor Pro Tem at its discretion.

### Recommendation/Action Requested and Justification

Appoint a Mayor Pro Tem and, if Council so chooses, a Deputy Mayor Pro Tem from among its members.

Submitted By:

Approved By:

**William E. Dollar**  
City Manager