



GARLAND

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

City of Garland

REMOTE MEETING

Tuesday, May 19, 2020
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.

NOTICE: Due to the COVID-19 emergency and, pursuant to Section 551.125 of the Texas Government Code and the executive orders of Governor Greg Abbott suspending provisions of the Texas Government Code and other applicable laws of the State regarding normal open meetings, the City Council will hold this meeting by internet/telephonic remote means.

The meeting will be broadcast by webinar or telephone at the following URL:

https://garlandtx.zoom.us/webinar/register/WN_ATJJS92rS9COAACu9BvKeQ

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

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

877-853-5247
888-788-0099

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

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

The Meeting ID is: 928 9857 1184

For participants (online and by phone) who wish to speak on an item on the agenda, you must use the "raise hand" feature in order to be recognized. Similarly, if you wish to provide a comment at the end of the agenda during the open public comments portion of the meeting, you must use the "raise hand" feature.

You are invited to offer a comment or make a statement on any item on the agenda as that item is called. Your comments must relate to an item on this agenda - non-germane comments are not in order. Time limits will be imposed by the Mayor as appropriate to the nature of the agenda item. Generally, public speakers are given three minutes. Due to legal restrictions, the City Council is not able to answer questions during the public comments portion of the agenda.

If the City Council adjourns into Executive Session during this meeting, the Executive Session will be conducted by teleconference between and among the members of the City Council and relevant City staff. Public access to that call is prohibited by State law.



LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

It is the custom and tradition of the members of the City Council to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the City Council and will not affect the decisions to be made during the meeting.

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the April 18 Special Session and May 5 Regular Meeting.
2. Consider approval of the following bids:
 - a. **GP&L Valve Maintenance and Repair Services** **Bid No. 0747-20**

Total Valve Systems **\$200,000.00**

This request is to provide as-needed maintenance, certification, and emergency repairs to all GP&L Olinger and Spencer Plant valves including boiler safety valves. This approval is for a Term Agreement with four optional renewals.

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

a. **Zoning File Z 20-06 Westwood Professional Services (District 5)**

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) District 13-40 for Community Retail (CR) Uses and 2) a Detail Plan for an Office/Retail Building on 1.258-acre tract of land located at 1122 West Centerville Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date.

4. **Consider a resolution authorizing the submission and acceptance of an application to the Bureau of Justice Assistance for grant under the FY 2020 Coronavirus Emergency Supplemental Grant Funding Program; and providing an effective date.**

At the May 18, 2020 Work Session, Council considered a request from the Police Department to apply for funding under the Justice Assistance Grant program for the purpose of Coronavirus Emergency Supplemental Funding. The funding will be used to purchase equipment and supplies that will be utilized to prevent, prepare for and respond to the coronavirus. Funds will be shared between the Fire Department, Health Department, Office of Emergency Management and the Police Department.

5. **An application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City's reasonable rate case expenses shall be reimbursed by the company; find that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel; providing a repealing clause; and providing an effective date.**

At the May 18, 2020 Work Session, Council was asked to consider approving a resolution denying the DCRF amendment proposed by Oncor.

6. **Consider an ordinance authorizing the issuance of "City of Garland, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2020," providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City's Water and Sewer System; providing the terms and conditions of such certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates of obligation, including the**

approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.

At the March 2, 2020 Work Session, Council considered authorizing the sale of Certificates of Obligation in the approximate amount of \$20 million to fund a portion of the approved 2020 CIP.

- 7. Consider an ordinance authorizing the issuance of “City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2020”, pledging the net revenues of the City’s electric utility system to the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement; and providing an effective date.**

At the March 2, 2020 Work Session, Council considered authorizing the refunding of approximately \$40 million of Electric Utility System Commercial Paper Notes, Series 2018 with Electric System Revenue Refunding Bonds, Series 2020. The purpose of this transaction is to refund a portion of variable rate commercial paper notes with fixed rate long-term debt.

- 8. Consider an ordinance temporarily amending Sec. 25.15(D) of Chapter 25, "Parks and Recreation" to provide a temporary limit on the number of persons allowed to be present in Windsurf Bay Park; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date and a Reverter Clause.**

At the May 18, 2020 Work Session, Council considered adopting an ordinance to temporarily amend Section 25.15(D) of Chapter 25, "Parks and Recreation" to provide a temporary limit on the number of persons allowed to be present at Windsurf Bay Park on three major holiday weekends.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

9. Hold a Public Hearing to Receive Comment on the 2020-2021 CDBG, HOME and ESG Federal Grant Allocation

A public hearing will be held to solicit comments from any interested parties relating to 2020-2021 CDBG, HOME and ESG grants.

10. Hold public hearings on:

- a. Consider the application of John Paul Khoury, requesting approval of a Specific Use Provision for Automobile Sales, New or Used on a property zoned Light Commercial (LC) District. This property is located at 1414 Forest Lane. (File No. Z 20-01, District 2)**

The applicant proposes used car sales.

- b. Consider the application of 4B2D – DFW Tea Co., LLC, requesting approval of 1) a Specific Use Provision and 2) a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 17-18 for Community Retail (CR) Uses. Approval of this item may include amendments to Planned Development (PD) District 17-18. This property is located at 3428 West Buckingham Road. (File No. Z 20-03, District 6)**

The applicant proposes the operation of an approximate 2,500 square-foot “HTeaO” (Tea) Restaurant, Drive-Through.

- c. Consider the application of Allstate Carriers LLC, requesting approval of 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage. This property is located at 4030 and 4040 Forest Lane. (File No. Z 20-08, District 6) (This item was postponed from the May 5, 2020 Regular City Council meeting.)**

The applicant proposes a five (5) year operation of a warehouse/storage distribution use with truck and bus repair, truck sales/leasing/rental, and truck bus storage on a property developed for industrial uses.

11. 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.

12. Adjourn.

All Regular Council meetings are broadcast live on CGTV, Time Warner Cable Channel 16, and Frontier FIOS TV 44. Meetings are rebroadcast at 9:00 a.m. and 7:00 p.m. on Wednesday-Sunday and at 7:30 p.m. on Thursday. Live streaming and on-demand videos of the meetings are also available online at

www.garlandtx.gov. Copies of the meetings can be purchased through the City Secretary's Office – audio CD's are \$1 each and DVD's are \$3 each.



GARLAND

City Council Regular Session Agenda

1.

Meeting Date: 05/19/2020

Item Title: Minutes April 28 and May 5

Submitted By: Rene Dowl, City Secretary, City Secretary

Summary:

Consider approval of the minutes of the April 18 Special Session and May 5 Regular Meeting.

Attachments

Minutes April 28

Minutes May 5



GARLAND

MINUTES

The City Council of the City of Garland convened in special session at 5 p.m. on Tuesday, April 28, pursuant to Section 551.045, by telephone or internet in Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Deputy Mayor Pro Tem Robert Vera
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
Assistant City Manager John Baker
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

1. Citizen Comments

Persons who desire to address the City Council on the following item will be allowed three minutes to speak. Speakers must limit comments to the posted item. Citizen comments will not be accepted after the City Council begins discussion of the item.

Rachael Brenner and Kim Thiehoff registered online, but did not speak.

2. COVID-19 RESPONSE UPDATE AND FURTHER ACTIONS

The City continues to respond to the COVID-19 emergency consistent with Council direction and good health practices. The situation remains quite fluid, not only as to containing the spread of the COVID-19 virus, but as to how the City may best direct its efforts to mitigate the effects on City operations and the public.

The City Council will be briefed on what measures have been put into place by the Governor and other local governments in response to the emergency, what effect the emergency is having on the City and its citizens, and what response measures, if any, should be added, modified or discontinued.

a. Overview - Bryan Bradford, City Manager

City Manager Bradford presented an overview on staff presentations as they relate to the Governor's Orders. The staff will walk through the options to provide a picture of stepping back into operation in phases. Staff presentations are not recommendations, but options for the Council to consider. Staff will need feedback on how slowly or aggressively the Council desires to move on opening operations.

Mr. Bradford informed Council of the need to make a decision on utility cut-off deferrals and the recommendation to move forward.

b. Health Department Department - Jason Chessher, Director

Mr. Chessher reported there were 352 positive reported cases in Garland as of 2 p.m. today and 3,240 positive cases in Dallas County. Garland is reporting 152 recoveries that meet the criteria of seven days since onset and 72 hours without fever and improvement in respiratory symptoms. Garland now has 10 confirmed deaths. City of Garland has 145 positive cases per 100k and Dallas has 123 positive cases per 100k residents.

Mr. Chessher provided the mitigation measures, it remains critical for individuals to take personal protection measures.

Council Member Aubin asked how many tests have been done on Garland residents and if the City has requested this information from Dallas County? Mr. Chessher was unable to provide that information. He further stated there is no requirement to report negative tests in the shared system. In some cases, larger labs have reported testing, but there is no way to verify the accuracy of the data. Council Member Aubin asked if the number of 24k tests for Dallas County is correct? Mr. Chessher stated the website has a limited report. Council Member Aubin asked if there has been an increase in cases. Mr. Chessher stated there has been a marked increase and suspects this is due to the increase in providers coming online. Council Member Aubin inquired about the availability of antibody tests. Mr. Chessher was aware of available tests, but was not confident in the accuracy of those tests.

c. Legal and Enforcement Issues - Brad Neighbor, City Attorney

Mr. Neighbor explained the Governor's Order GA-18 which is most relevant to the City of Garland and entails opening some businesses and commercial facilities at 25% of normal capacity. The Governor left considerations for cities to determine which facilities they can open. He mentioned the Open Texas handbook which provides information that may be more relevant to lay persons than cities. He added, there is preemptive language in the order that does not allow much room to impose additional rules.

Council Member Hedrick asked if the guidesheet on the Garland COVID webpage could be revised to include wait staff and restaurant employees in the headcount for 25% capacity? Mr. Neighbor was not aware of the posting, but stated the certificate of occupancy would determine what the 25% should be, which would include employees.

Mayor Pro Tem Smith asked if we can simplify our order by saying the Governor controls the private sector and the City controls Garland staff and facilities? He also asked if there is a legal need to extend the disaster declaration, does it have implications for GP&L or other utilities? Mr. Neighbor stated that it would not impact citizens with specific rules, but leaves in play emergency operation procedures and can a bookmark for FEMA reimbursements.

Council Member Bookhout asked if the current declaration could be amended to reflect the Governor's Order and amend the date to the end of May, revisiting the issue at a June meeting. There was additional discussion on the amendment date.

Council Member Aubin asked if the City's order can vary from the Governor's Order? Mr. Neighbor explained that the Governor's Order, under Texas Government Code, suspends both the County and City from overruling the Governor.

Mayor LeMay called for a vote to continue the Emergency Declaration, editing it to show the City is following the Governor's Order through June 1. A vote was cast to approve the continuance with **9 ayes and 0 nays**.

d. Emergency Management Presentation - Mistie Gardner

Ms. Gardner delivered the staff presentation explaining the Governor's Orders (GA-18, GA-19 and GA-20) and the initial planning related to the orders, which will take effect May 1.

Mayor Pro Tem Smith asked for an indication of the level of testing that will be reached by May 18. Ms. Gardner stated the goal is 25-30k per day. Ms. Gardner explained the Governor has a task force in place and has brought on staff for mobile testing sites. The credibility of a 50% occupancy level by May 18 will depend on the public response.

Council Member Hedrick asked about contact tracing sites. Ms. Gardner stated the Governor plans to have 3-4 thousand persons for this effort, some being the National Guard.

Council Member Aubin asked if the numbers have continued to decline? He stated that the numbers for Dallas County continue to rise. Mr. Chessher stated there is no average for positives versus the growth per day, daily numbers have gone up, but there is no information on the number of test performed.

Council Member Gibbons asked if the Dallas County hospital capacity is adequate? Ms. Gardner provided stats from the Dallas County report for occupancy at 55% and ICU beds at 66.9%. She said there are no plans to activate the convention center hospital, it is expected to be deactivated.

Council Member Nickerson asked Ms. Gardner to clarify that the stats she presented were for all beds, not only COVID-19 patients, she agreed that was correct.

Council Member Morris stated she supports extensive testing and it is her understanding there will be an increase in positives, but the baseline for success or failure of Phase I will be hospitalizations and deaths. Ms. Gardner agreed with that interpretation. Council Member Morris asked if there is a plan in Dallas County to track recoveries? Mr. Chessher had no indication that there will be tracking.

Council Member Bookhout asked for a report on the ability to test. Ms. Gardner reported Ellis Davis and the AA Center are testing 500/per day each with a mobile unit testing 160, there is a mobile unit for Long Term Care facilities testing approximately 160-200/per day and Parkland is testing 160/per day; there is no increase in available testing county-wide at this time. Ms. Gardner reported that sites are coming on board in rural areas, she has no good number on tests for private facilities coming on board. Council Member Bookhout asked if there will be testing at the Garland Parkland location? Mr. Chessher was not aware of plans for testing at this location, but will check with Parkland to see if the Garland location can be considered for a testing site.

Council Member Nickerson provided summary data on influenza and COVID-19 hospitalizations from the Dallas County hospital vital statistics site as of 4/28 at 7 p.m., pointing to a reduction of hospitalizations in the CDC information.

Mayor LeMay informed the Council that Representative Bowers contacted the Mayors of Garland, Mesquite and Rowlett, informing them of her request to Secretary Alex Azar, Health and Human Services, to bring Walgreens testing sites to her district. Representative Button also wrote a letter to Governor Abbott requesting testing sites; signed on by Representatives: Bowers, Neave and Ramos.

Mayor LeMay recessed the meeting at 6:15 p.m.

Mayor LeMay reconvened the meeting at 6:25 p.m.

3. Impacts to City Services

a. Overall Impacts to City Services - Mitch Bates, Deputy City Manager

Deputy City Manager Bates presented the staff report with an overview of current procedures and options to prepare for reopening certain facilities.

Mayor LeMay asked to begin with the discussion to reopen the libraries and move on to Code after that discussion.

Library Openings

Mayor Pro Tem Smith asked if there are enough PPE supplies for staff without taking from critical services? Mr. Bates confirmed supplies were secured for other departments and will not impact the supplies for public safety employees. Mayor Pro Tem Smith also asked if there is adequate space to set aside returned materials for three weeks until cleaning is performed? Mr. Bates confirmed there will be space for this process in unused meeting rooms.

Council Member Aubin stated he prefers the City remain under strict facility operations, trailing the Governor's Order by three weeks.

Council Member Morris stated she is receiving requests for library curbside services, but agrees with trailing the Governor's Order and not opening curbside services until next week. She asked about the use of ultraviolet light as disinfectant for library materials. She supports opening facilities first that were closed the last.

Council Member Nickerson requested plans on training for staff, the public and reopening of facilities. He has no issue with lagging behind Governor Abbott's Order.

Mayor LeMay clarified that all libraries would open at the same time to prevent overcrowding at the Central location.

Council Member Hedrick asked if employees at-risk or with underlying conditions, will be able to work from home? Mr. Bates confirmed that the City is working with all employees on individual concerns.

Mayor LeMay expressed his confidence in the staff working through these processes. Mayor LeMay asked for a vote to open curbside library service late next week. A vote was cast approving the return of curbside service, it was approved with **8 ayes, 1 nay (Council Member Aubin)**.

Code Enforcement, Building Inspections and Parking Enforcement

Deputy City Manager Bates presented the staff report on Code Enforcement, Building Inspections and Parking Enforcement. He proposed bringing staff back in a relatively short time, but beginning a process to educate citizens through warning notices, stopping short of enforcement. There was discussion by the Council.

Council Member Bookhout asked if citations could be issued without the court in operation? Mr. Bates mentioned challenges and deferred to City Attorney Neighbor, who explained there is a requirement for instant hearings and the court must be open for these walk-in requests. Council Member Bookhout expressed the need to reopen the court to address these issues.

Council Member Bookhout asked if restaurant inspections will begin, now that restaurants are open? Mr. Chessher explained there have been preliminary discussions to handle complaints; inspections will be approached with caution for staff and public safety.

Council Member Morris asked if plans are in place for employees over age 65 to comply with the Governor's Order. City Manager Bradford explained that employees' needs are being individually addressed and the philosophy is if someone is uncomfortable in a public-facing role, each manager can address that issue and provide an alternative working environment.

Council Member Gibbons expressed his disagreement with issuing citations, suggesting that this time be used to educate and coordinate with citizens to gain compliance.

Mayor Pro Tem Smith concurred with Council Member Gibbons because the adopted order forced businesses to close and the City should not expect them to maintain properties at the same time; he supports maintaining critical life functions.

Council Member Aubin concurred with Council Member Gibbons and Mayor Pro Tem Smith, stating he has received very few complaints on code compliance. He believes actions should be kept at a lower level. He would like to hear from Judge Sholden on the court plans to move forward.

Mayor LeMay asked the Council to consider holding these departments to current standards of operation and have Judges Sholden and Banuelos come to the Work Session on May 4 to discuss plans for reopening.

b. PRCAD Programs - Andy Hesser, Managing Director

Mr. Hesser presented the staff report, including a matrix to reconcile programming with the Governor's Order, operating within its guidelines, considering staff / customer safety and budget impacts. He would phase staff in as needed. Mayor LeMay asked that he address Council Member Nickerson's employee safety concerns. He expressed that employee safety is a priority with ramping up use of PPE, along with sanitizing equipment / trucks multiple times a day.

Mayor Pro Tem Smith asked if signage can be placed at outdoor facilities for social distancing. He further stated he does not support walk-ins at indoor facilities and has concern for opening indoor spaces. He does not mind opening tennis or basketball courts. Mr. Hesser explained that the pro shop will not be opened, there will be no walk-ins at recreation centers and tennis lessons will be limited to four or less; basketball back boards have been removed from parks. Mayor Pro Tem Smith would like to lag behind the State recommendation.

Council Member Gibbons asked if the 25% occupancy for theaters includes ushers, stagehands, actors and the public? Mr. Hesser said this is his understanding. Council Member Gibbons asked if the six-foot distance is required. Mr. Hesser said that is his understanding. Council Member Gibbons thought this might be a premature discussion for Cultural Arts, not taking a position, just examining the full impact of the requirements.

Council Member Morris stated she does not support live performances. Opening The Atrium for large events or indoor activities like basketball; she suggested passing on crowd events until the fall. She asked if masks can be mandated for employees? Mr. Bradford explained some employee challenges with masks for those who wear glasses (fogging), muffled voices in dispatch, cultural and masculine resistance, but wearing masks is encouraged where it makes sense. Council Member Morris suggested the use of a face shield. City Manager Bradford could not confirm if this is a viable solution for employees. She mentioned her support of continuing the nutrition programs, but does not see senior programs or gyms opening soon.

Mayor LeMay informed the group that a student from Harmony School made 100 face shields for donation to the City and he will deliver them on April 29.

Council Member Nickerson stated he does not support tournaments at the center, only practices, singles and doubles play. He supports requiring the use of masks on work sites.

Council Member Aubin suggested requiring masks for all employees that are customer facing, installing barriers and developing procedures for tennis and golf. He opposes contact sports and supports trailing the Governor's Order as procedures are developed.

Mayor LeMay reiterated that aquatics are on hold indefinitely, there will be no indoor activities at recreation centers and clarification is needed on operating summer youth camp and programs.

Mr. Neighbor suggested waiting for a period of time to determine how these options figure into the Governor's Order. Mayor LeMay stated that performing arts is unmanageable and there is a need for more information regarding how its operation relates to the Governor's Order. The Mayor asked if Mr. Hesser is asking for specific direction at this time. Mr. Hesser stated he does not require direction at this time, he is in the analysis phase.

Mayor LeMay asked is the center is allowed to open, how would the use of restrooms be handled? Mr. Hesser will visit with the contractor at the Tennis Center to see if there are actions that can be taken to mitigate concerns about use of restrooms. The Mayor reiterated that use of the center will be strictly for recreational play.

Council Member Gibbons expressed his confidence in staffs' ability to carry out programming and plans without the need for this body to legislate the processes.

Council Member Nickerson concurred with Council Member Gibbons and trusts in the staffs' ability to handle reopening facilities.

Mayor LeMay called for a vote. A vote was cast to reopen the Tennis Center, it was approved with **8 ayes and 1 nay (Deputy Mayor Pro Tem Vera)**.

Mayor LeMay recessed the meeting at 7:55 p.m.

Mayor LeMay reconvened the meeting at 8:05 p.m.

c. Firewheel Golf - Kevin Slay, Managing Director

Kevin Slay, Managing Director, gave the staff presentation. He proposed opening the Bridges course on a limited basis, as soon as the upcoming weekend. He explained the processes required to reopen the course and driving range.

Council Member Hedrick expressed his support for reopening with sensible regulations and provided some information on procedures that are being used at the Duck Creek golf course.

Council Member Gibbons mentioned other courses that are open in the metroplex with no reports of negative affects; he is supportive of opening.

Council Member Nickerson concurred with the previous comments and supports reopening of this course.

Mayor LeMay called for a vote to move forward with opening the Firewheel Bridges course and driving range. A vote was cast approving the reopening with a vote of **9 ayes and 0 nays**.

d. Streets Department - John Baker, Assistant City Manager

John Baker, Assistant City Manager, gave the staff presentation. He presented information on projects that are on-going and for staff that are currently at home. His proposal is to have employees come back for maintenance work beginning next week.

Mayor Pro Tem Smith expressed he is not prepared to support the return of these employees.

Mayor LeMay stated he was not opposed to pushing this off to Phase 2 of the Governor's timeline.

Council Member Hedrick mentioned his experience with contractors and the ability to work if separation guidelines and temperature checks are adhered to; crews should be allowed to get back to work.

Council Member Nickerson agreed with having precautions in place and that it would be beneficial to begin street work while traffic is minimal.

Council Member Aubin agreed with Mayor Pro Tem Smith, to wait a few weeks and trail the Governor's Order by two to three weeks, continuing with only projects that are emergency in nature.

Council Member Bookhout is in favor of crews going back to work.

Mayor LeMay called for a vote to allow Street crews to return to work next week. A vote was cast, it failed with **3 ayes (Council Members Bookhout, Hedrick and Nickerson) and 6 nays**.

e. Fire Operations - Mark Lee, Fire Chief

Chief Mark Lee presented an update on the Fire Department cases and reporting (seven day average) on calls per day suspected to be COVID-19; he states these calls are determined to be related to COVID-19 based on "Paramedic Intuition."

Council Member Nickerson asked for additional information on how many calls are actually COVID-19 cases to correlate with the daily averages.

Council Member Morris asked for an explanation of "Paramedic Intuition." Chief Lee explained it is similar to testing, the longer it goes, calls increase that are related to the virus; with no definite correlation to positive or negative cases. If someone is symptomatic or mildly symptomatic, paramedics include it in the numbers.

Mayor LeMay asked if the Citizens Fire Alumni Group activity can take place at Fire Administration in May? Chief Lee said he is leaning toward no.

f. Police Operations - Jeff Bryan, Chief of Police

Chief Bryan provided an update on the one officer out for COVID-19 who has returned to work. Two employees with symptoms are being monitored and employees tested last week came back negative.

Following the Governor's Order, Chief Bryan sees the need for the police department to stay ahead of the public in returning to normal operation. As of May 3, Neighborhood Police Officers will be back in the neighborhoods and Gang Units will be phased in. The Safe Streets program will be initiated this summer with additional staff from School Resource Officers. The telephone unit continues to receive calls over the phone. Provisions are being made for employees with special needs or medical concerns. Masks are mandated when employees are away from workstations. The department provides face shields and masks, but employees overwhelmingly choose masks over shields.

Council Member Nickerson stated he supports the efforts as presented.

4. Utility Disconnects

a. Update - Kevin Slay, Managing Director

City Manager Bradford opened the discussion with an overview and recommendation to Council. On March 26, the Public Utility Commission decided not to allow disconnects on low income customers for six months. There was industry reaction to the decision due to the growing number of past due accounts. In the past 30 days past due accounts for Garland have grown substantially. The PUC met again and moved from a September date for disconnects to July and allowed utilities to assess fees to recover uncollectible fees, allowing Water and Wastewater to begin disconnects after May 15. Mr. Bradford is requesting permission to turn off after May 15 to have past due customers contact customer service for payment arrangements.

Mr. Slay explained the plan is to get customers to reconnect, not to discontinue service. In April, his team assisted 2800 customers with arrangements. Call volumes haven't been down drastically because past due customers, who rely on tagging before disconnection, have not had that contact. He would like to reengage the tagging process on accounts of \$500 or greater.

Mayor Pro Tem Vera asked if Mr. Slay knows how many of these bills are for rental properties and if they could leave without paying? Mr. Slay was unsure of the number and said they often leave without paying.

Council Member Aubin asked him to clarify if this is a request to disconnect on May 15. Mr. Slay stated the request is to tag the customers home on May 1 and May 15; the second tag will indicate a disconnect date. Council Member Aubin supports reaching out and reengaging; he is not ready to support processing disconnects.

Council Member Gibbons concurred with Council Member Aubin, inquiring about the dollar amount on these account and if they are hurting the City's financial position? Mr. Slay stated there are normally 1,350 accounts totaling approximately \$136,000, it is not uncommon to have \$150-200 of exposure, currently the amount is \$567,000. Council Member Gibbons asked how much of this balance is commercial accounts? Mr. Slay responded, it is approximated \$100,000. He was asked what is the largest balance? Mr. Slay stated there are nine accounts in excess of \$1,000. Council Member Gibbons expressed his respect for staffs' judgement to move forward with actions to get customers to come forward.

Mayor LeMay suggested authorizing contact with customers who have late accounts, holding off on disconnects until the May 18 Work Session, when Mr. Slay will bring an updated report to assist in making a decision on disconnects.

Council Member Aubin asked for a report at the May 11 meeting to determine what tags will be on May 15.

Mayor LeMay revised the report date to May 11.

Council Member Nickerson asked how many connections GP&L has? Mr. Slay confirmed there are 72,000 with 3,500 at risk of disconnect because of past due billing.

Mayor LeMay called for a vote to allow Mr. Slay to begin contacts on May 1 and come back with a report on May 11. A vote was cast approving the request with **9 ayes and 0 nays**.

5. **ADJOURN:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 9:08 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, May 5, 2020, pursuant to Section 551.045, by telephone or internet in Garland, Texas, with the following members present:

Present: Mayor Scott LeMay
Mayor Pro Tem Robert John Smith
Deputy Mayor Pro Tem Robert Vera
Council Member David Gibbons
Council Member Deborah Morris
Council Member Jerry A. Nickerson
Council Member Jim Bookhout
Council Member Rich Aubin
Council Member Dylan Hedrick

Staff Present: City Manager Bryan Bradford
Deputy City Manager Mitch Bates
Assistant City Manager John Baker
City Attorney Brad Neighbor
City Secretary Eloyce René Dowl

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

It is the custom and tradition of the members of the City Council to have an invocation and recital of the Pledge of Allegiance prior to the beginning of the meeting. Members of the audience are invited to participate. However, members of the audience are not required to participate. The decision to participate is strictly a matter of personal choice and has no bearing on matters to be considered by the City Council and will not affect the decisions to be made during the meeting.

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

Motion was made by Council Member David Gibbons, and seconded by Council Member Jerry A. Nickerson Motion was made by Council Member Gibbons to approve the Consent Agenda as presented, seconded by Council Member Nickerson. Motion carried:

Vote: 9 - 0

1. **APPROVED** Consider approval of the minutes of the April 13 Special and April 21 Regular Meetings .

2. Consider approval of the following bids:

- a. **APPROVED** **Playground Replacement Program - Design Services** **Bid No. 0829-20**

MHS Planning & Design, LLC	\$636,360.00
Optional Contingency	<u>60,000.00</u>
TOTAL:	\$696,360.00

This request is to obtain professional services for the design and construction administration of replacing playground equipment at 24 public parks throughout the city. The services include planning, engineering, landscape architecture, surveying, geotechnical, and construction administration services to facilitate the construction of the playground improvements. An Optional Contingency is included for any additional services that may be required. This project is part of the 2019 Bond Program and approved in the 2020 CIP.

- b. **APPROVED** **Water and Sewer Main Improvements: Hartford Drive, Beverly Alley, and Cuero Drive** **Bid No. 0497-20**

SYB Construction Company	\$828,139.50
Optional Contingency	<u>82,813.95</u>
TOTAL:	\$910,953.45

This request is to provide water and sewer main improvements on Hartford Drive, Beverly Alley, and Cuero Drive. An Optional Contingency is included for any additional work that may be required.

- c. **APPROVED Water and Sewer Line Improvements:** **Bid No. 0425-20**
Noble, Victoria, and Lakeshore Drive

KIK Underground, LLC	\$1,597,572.00
Optional Contingency	<u>159,757.20</u>
	\$1,757,329.20

This request is to provide water and sewer line improvements on Noble, Victoria, and Lakeshore Drive. An Optional Contingency is included for any additional work that may be required.

- d. **APPROVED Sanitary Sewer Interceptor Line** **Bid No. 0771-20**
Rehabilitation

Insituform Technologies, LLC	\$1,110,808.75
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This request is to provide trenchless rehabilitation of approximately 2,415 feet of 48-inch sanitary sewer interceptor line that flows from north of Pleasant Valley Road to the Rowlett Creek Wastewater Treatment Plant.

- e. **APPROVED GP&L Vegetation Management** **Bid No. 6354-16**

Asplundh Tree Expert Company	\$85,000.00
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This request is to approve Change Order #1 for GP&L vegetation management. The additional funding is needed to continue tree trimming services until a new contract can be awarded in May.

- f. **APPROVED Wynn Joyce to Ben Davis 138kV** **Bid No. 0795-20**
Transmission Line Rebuild Construc.
Oversight

Burns & McDonnell	\$294,000.00
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This request is to obtain construction management support services for the partial rebuild of the Wynn Joyce to Ben Davis 138kV Transmission Line. This is part of the approved Wynn Joyce - Miller Road Lake Crossing CIP project.

- g. **APPROVED Professional Engineering Services for Avenue** **Bid No. 0583-18**
H Repaving

R-Delta Engineers, Inc.	\$30,000.00
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This request is to consider approval of Change Order #1 for professional engineering services associated with design for repaving of Avenue H within Central Park.

- h. APPROVED Stonewall Street Alley Improvement Construction Bid No. 0531-20**

Vescorp Construction, LLC \$419,433.50

This request is for the construction of approximately 500 LF of alley improvements from 1110 to 1134 Stonewall Street.

- i. APPROVED Drainage Improvements Study for Garvon West Industrial Park Bid No. 0825-20**

Pacheco Koch Consulting Engineers, Inc. \$124,250.00
Optional Contingency 15,000.00
TOTAL: \$139,250.00

This request is to obtain professional services for the preparation of a drainage study in the Garvon West and Innovation Industrial Parks area.

- j. APPROVED Engineering Services for Olinger to Wylie East Reconstruction Bid No. 4307-14**

R-Delta Engineers, Inc. \$60,000.00

This request is to approve Change Order #5 to provide finalized construction plans needed for the reconstruction of four (4) transmission circuits across Lake Lavon as part of the approved GP&L Olinger Wylie East Circuit CIP project.

- k. APPROVED Central Park Sports Field Lighting Bid No. 0821-20**

Musco Sports Lighting, LLC \$603,538.00
Optional Contingency 60,353.00
\$663,891.00

This request is to replace the existing football and baseball field light fixtures at Central Park Sports Fields with new LED fixtures. Utilizing LED lights results in energy savings over time and will reduce light spill and glare.

- l. APPROVED Drainage Improvements Study for Country Club Park Estates Bid No. 0826-20**

Metropolitan Infrastructure, PLLC \$108,250.00
Optional Contingency 9,500.00
TOTAL: \$117,750.00

This request is to obtain professional services for the preparation of a drainage study in the Country Club Park Estates area in and around James Good Lane and adjacent streets.

m. APPROVED Playground Construction for Eastern Hills Park and One Eleven Ranch Park Bid No. 0827-20

Whirlix Designs, Inc. \$380,824.00

This request is to furnish and install playground equipment, playground surfacing, and shade structures at Eastern Hills Park and One Eleven Ranch Park.

n. APPROVED Bottleneck Improvements Design Services Bid No. 0828-20

Teague Nall and Perkins, Inc. \$2,428,200.00
Optional Contingency 100,000.00
TOTAL: \$2,528,200.00

This request is to obtain professional services for the design of 16 intersection improvements throughout the city. The services include topographic and boundary surveying, detailed design and construction documents, right-of-way acquisition, and construction administration services to facilitate the construction of the improvements. An Optional Contingency is included for any additional services that may be required. This project is part of the 2019 Bond Program and approved in the 2020 CIP.

o. APPROVED Design Services for Rick Oden Park Bid No. 0830-20

Kimley-Horn and Associates, Inc. \$1,020,000.00
Optional Contingency 100,000.00
TOTAL: \$1,120,000.00

This request is to obtain professional services for the design and construction administration of improvements to Rick Oden Park. The services will include geotechnical investigation, hydraulic and environmental analysis, preparation of detailed design and construction documents, and construction administration services to facilitate the improvements to the park. This project will coordinate with the paving and lighting plan design adjacent to the Skate Park, which is being completed under a separate contract. An Optional Contingency is included for any additional services that may be required. This project is part of the 2019 Bond Program and approved in the 2020 CIP.

p. APPROVED Engineering Services for GP&L Lookout Substation Voltage Control Bid No. 1241-19

Siemens PTI \$27,600.00
Optional Contingency 2,400.00
TOTAL: \$30,000.00

This request is to approve Change Order #2 for Lookout Substation voltage control engineering services. At the request of ERCOT, this Change Order will allow for studies to create simulations for the phased implementation of the composite load model. An Optional Contingency is included for any additional services that may be required.

- q. **APPROVED GP&L King Mountain Switch Station Construction** **Bid No. 0882-19**

Primoris T&D Services, LLC **\$325,479.20**

This request is to approve Change Order #3 for King Mountain Switch Station construction services. This will allow for additional station testing and commissioning, construction services, and equipment rental due to project delays caused by late material deliveries and delayed outage approvals.

- r. **APPROVED King Mountain Switch Station Engineering and Project Management Services** **Bid No. 0540-19**

Power Engineers, Inc. **\$194,790.00**

This request is to approve Change Order #1 for King Mountain Switch Station engineering and project management services. Additional services include: modification to the station layout due to site topology; additional design of switch structures and motor operators; improvements to standard wiring diagrams to monitor breaker trip coils and blown fuses; enhanced modeling of the West Texas grid to ensure relay coordination; incorporating backup telecommunication requirements; revisions to conduit and cable designs drawings due to unavailable materials; troubleshooting support; and expediting materials to facilitate completion schedule.

- s. **APPROVED Grass Sod** **Bid No. 0697-20**

A & W Turf, LLC **\$144,350.00**

This request is for the purchase of grass sod for restoring vegetation in the right-of-way upon the completion of rehabilitation and/or reconstruction by Street Department crews. This approval is for a Term Agreement with four (4) optional renewals.

- t. **APPROVED GP&L Distribution System Vegetation Management** **Bid No. 0633-20**

Trees, Inc. **\$800,000.00**

This request is to provide vegetation management activities as part of the GP&L Distribution System maintenance operations. This approval is for a Term Agreement with four (4) optional renewals.

3. **APPROVED Ordinance No. 7140 adopting recommendations from the Texas Department of Transportation Speed Study for IH 30.**

Council is adopted an ordinance adopting the TxDOT speed study of IH 30 through Garland. This speed study indicates that the speed limit should be raised to 70 MPH from its current 65 MPH.

4. **APPROVED Ordinance No. 7141 amending Ordinance No. 7132, as amended, by adopting and implementing the provisions of Governor Abbott's latest executive orders.**

The City Council is adopted further revisions to Ordinance No. 7132 consistent with its discussions of this item at the May 4, 2020 Work Session.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

5. **Hold public hearing(s) on:**

- a. **APPROVED Ordinance No. 7142 amending in part Chapter 2, Land Use Matrix, of the Garland Development Code; and amending in part Chapter 7, Article 2, Land Use Matrix, of the Garland Development Code, regarding certain parking ratios.**

Council considered and adopted amendments to Chapter 2, Land Use Matrix, of the Garland Development Code; and amending in part Chapter 7, Article 2, Land Use Matrix, of the Garland Development Code, regarding parking ratios for Retail Store use and Commercial Amusement, Indoor use. The Council had an initial Work Session discussion regarding this subject matter on February 17, 2020 and staff is bringing forward the changes accordingly. A briefing item has been included on the May 4, 2020 Work Session agenda.

Motion was made by Council Member David Gibbons, and seconded by Council Member Deborah Morris to approve as presented. Motion carried:

Vote: 9 - 0

- b. **APPROVED Consider the application of Westwood Professional Services, requesting approval of an amendment to Planned Development (PD) District 13-40 for Community Retail (CR) Uses. This property is located at 1122 West Centerville Road. (File No. Z 20-06, District 5)**

The applicant requests to build an office/retail building. This item serves as the applicant's Planned Development (PD) amendment request.

The staff report was presented by Nabiha Ahmed, Development Planner. Speakers on this item were Alicia Coronilla, applicant. There was discussion by the Council.

Motion was made by Council Member Rich Aubin, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the item in accordance with staff and Plan Commission recommendation. Motion carried:

Vote: 9 - 0

- c. **APPROVED Consider the application of Westwood Professional Services, requesting approval of a Detail Plan for an Office / Retail Building. This property is located at 1122 West Centerville Road. (File No. Z 20-06, District 5)**

The applicant requests to build an office/retail building. This item serves as the applicant's Detail Plan request.

Motion was made by Council Member Rich Aubin, and seconded by Deputy Mayor Pro Tem Robert Vera to approve the item as presented. Motion carried:

Vote: 9 - 0

The staff report was presented by Will Guerin, Director of Planning. Speakers on this item were: Frances Hiner and Alicia Coronilla, applicant. There was discussion by the Council.

- d. **Consider the application of Allstate Carriers LLC, requesting approval of 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage. (File No. Z 20-08, District 6) (The applicant has requested postponement to the May 19, 2020 Regular City Council meeting.)**

The applicant proposes a five (5) year operation of a warehouse/storage distribution use with truck and bus repair, truck sales/leasing/rental, and truck bus storage on a property developed for industrial uses. The applicant has requested postponement of this request to May 19.

Motion was made by Deputy Mayor Pro Tem Robert Vera, and seconded by Council Member Rich Aubin to approve the request to postpone to May 19. Motion carried

Vote: 9 - 0

e. APPROVED Hold a public hearing for comments on Implementation of a Rental and Mortgage Assistance Program using CDBG and ESG Funding

At the May 4 2020, Work Session Meeting, City Council was provided information regarding \$648,962 in Emergency Solutions Grant funding provided through the Coronavirus Aid, Relief and, Economic Security Act and considered reprogramming \$400,000 in FY19-20 Community Development Block Grant funding to implement a Rental and Mortgage Assistance Program for eligible Garland residents.

As part of the process, a public hearing is required to solicit comments from any interested parties relating to this issue.

The staff report was presented by Becky King, Managing Director and Mona Woodard, Neighborhood Services Administrator. Speakers on this item were: Susan McMahon, Rosalba Cetz Medina and Frances Hiner. There was discussion by the Council.

Motion was made by Council Member David Gibbons, and seconded by Council Member Rich Aubin to approve the item as presented. Motion carried:

Vote: 9 - 0

6. Citizen comments: There were no speakers.

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.

7. Adjourn: There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 7:40 p.m.

Submitted By:

Scott LeMay, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2. a.

Meeting Date: 05/19/2020

Item Title: GP&L Valve Maintenance and Repair Services

Submitted By: Dan Bailey, Energy Services Director

Bid Number: 0747-20

Purchase Justification:

This request is to provide as-needed maintenance, certification, and emergency repairs to all GP&L Olinger and Spencer Plant valves including boiler safety valves. This approval is for a Term Agreement with four (4) optional renewals.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. One (1) bid was received and evaluated based on the published bid criteria. Total Valve Systems received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Total Valve Systems		All	\$200,000.00
TOTAL:			\$200,000.00

Basis for Award: Best Value

Purchase Requisition #: 43231

Fiscal Impact

Total Project/Account: N/A
Expended/Encumbered to Date: N/A
Balance: N/A
This Item: \$200,000
Proposed Balance: N/A
Account #: 451-6999
Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to GP&L Olinger & Spencer Plant operating accounts as incurred.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2019-20

Document Location: Oper. Budget - Page 232

Budget Director Approval: Ron Young

Approval Date: 05/08/2020

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 05/08/2020



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3. a.

Meeting Date: 05/19/2020

Item Title: Z 20-06 Westwood Professional Services (District 5)

Submitted By: Nabiha Ahmed, Development Planner

Summary of Request/Problem

Zoning Ordinance Z 20-06 Westwood Professional Services

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 20-06 Ordinance

Z 20-06 Exhibit A

Z 20-06 Exhibit B

Z 20-06 Exhibits C-E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING OF 1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DEVELOPMENT 13-40 FOR COMMUNITY RETAIL (CR) USES AND 2) A DETAIL PLAN FOR AN OFFICE/RETAIL BUILDING ON A 1.258-ACRE TRACT OF LAND LOCATED AT 1122 WEST CENTERVILLE ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 13th day of April, 2020, the Plan Commission did consider and make recommendations on a certain request for approval of 1) an amendment to Planned Development (PD) District 13-40 for Community Retail (CR) Uses and 2) a Detail Plan for an Office/Retail Building by **Westwood Professional Services**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving of 1) an amendment to Planned Development (PD) District 13-40 for Community Retail (CR) Uses and 2) a Detail Plan for an Office/Retail Building on 1.258-acre tract of land located at 1122 West Centerville Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

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

Section 3

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

Section 4

NOTICE OF CONDITIONS OF COMPLIANCE: Notwithstanding the provisions of any other ordinance of the City, the full, complete, and continuing compliance with all the conditions, restrictions, and regulations of Exhibit B of this Ordinance is a condition to the issuance and continuation of any permit, approval, authorization or consent by the City, including without limitation the issuance or continuation of any certificate of occupancy for any building or structure located on any portion of the property described in Exhibit A. All promises, representations, obligations and undertakings made or assumed by the applicant to the City Council at any public presentation in connection with the granting of this Ordinance are hereby incorporated into and made a part of this Ordinance as if expressly set forth herein at length. No substantial deviation from any material portion of the conditions, restrictions, and regulations contained within Exhibit B of this Ordinance are allowed except as may be provided by the City Council after a public hearing.

Section 5

That the Garland Development Code, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6

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

Section 7

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

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 20-06

BEING a 1.258-acre tract situated in the Theophalus Thomas Survey, Abstract No. 1461, in the City of the City of Garland, Dallas County, Texas, being a part of Lot 1R1, Block 1, NEW WORLD SHOPPING CENTER NO. 1, REPLAT OF LOTS 1R & 2R1, BLOCK 1, an addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 201500328954, of said Official Public Records of Dallas County, Texas.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-06

1122 West Centerville Road

- I. Statement of Purpose:** The purpose of this Planned Development is to approve a Detail Plan for one (1) office/retail building.
- II. Statement of Effect:** This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773 and Planned Development (PD) District 13-40 as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code and Planned Development (PD) 13-40 District are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**

Detail Plan: Development shall be in general conformance with the Detail Plan labeled Exhibit C through Exhibit E. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.

V. Specific Conditions:

- A. Permitted Uses:** Land Uses are permitted as in the Community Retail (CR) District.
- B. Site Plan:** The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.
- C. Landscape Plan:** Screening and landscaping shall be in general conformance with the Landscape Plan labeled Exhibit D.
- D. Elevations:** Building Elevations shall be in general conformance with the elevations labeled Exhibit E.

**CAUTION !!!
EXISTING UTILITIES**

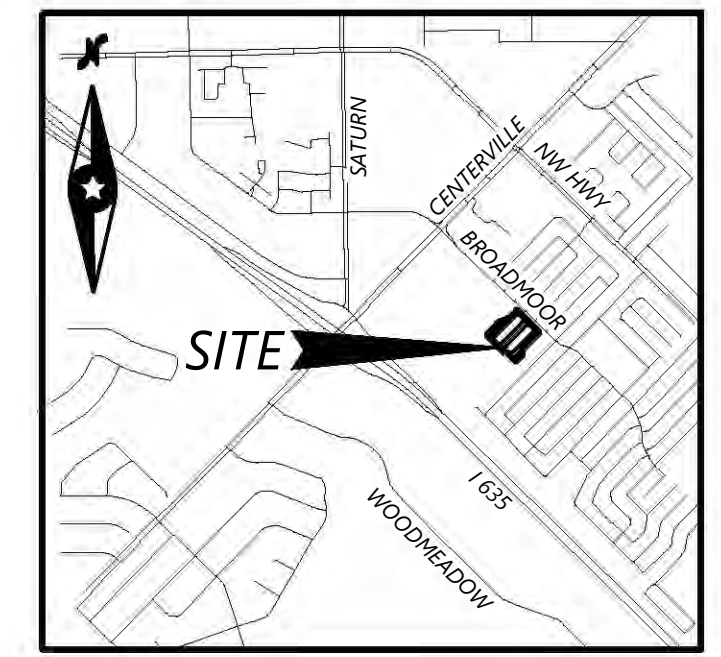
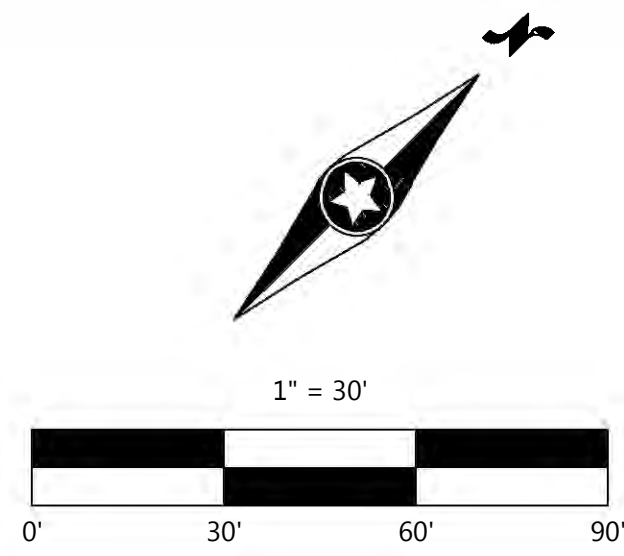
EXISTING UTILITIES AND UNDERGROUND FACILITIES INDICATED ON THESE PLANS HAVE BEEN LOCATED FROM REFERENCE INFORMATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY BOTH HORIZONTALLY AND VERTICALLY THE LOCATION OF ALL EXISTING UTILITIES AND UNDERGROUND FACILITIES PRIOR TO CONSTRUCTION. TO TAKE NECESSARY PRECAUTIONS IN ORDER TO PROTECT ALL FACILITIES ENCOUNTERED. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION.



WINCO FOODS, LLC
(INSTR. NO. 201500276904)
PART OF LOT 1R1, BLOCK 1
NEW WORLD SHOPPING
CENTER NO. 1 REPLAT OF
LOTS 1R & LOT 2R1, BLOCK 1
(INSTR. NO. 201500328954)

TRACT 2
MARKETPLACE PROPERTY, LLC
(INSTR. NO. 201800045989)
PART OF LOT 1
NEW WORLD SHOPPING CENTER NO. 1
(VOL. 69084, PG. 2108)

WINCO FOODS, LLC
(INSTR. NO. 201500276904)
PART OF LOT 1R1, BLOCK 1
NEW WORLD SHOPPING
CENTER NO. 1 REPLAT OF
LOTS 1R & LOT 2R1, BLOCK 1
(INSTR. NO. 201500328954)

VICINITY MAP
NOT TO SCALE**LEGEND**

- PROPERTY LINE
- - - EXISTING EASEMENT
- L.A. LANDSCAPE AREA
- EXISTING FIRE LANE

NOTE:
ALL DIMENSIONS ARE FROM BACK
OF CURB TO BACK OF CURB,
UNLESS OTHERWISE NOTED.

SITE DATA SUMMARY TABLE	
ITEM	LOT 1R1
GENERAL SITE DATA	
ZONING (FROM ZONING MAP)	PD 13-40
LAND USE (FROM ZONING ORDINANCE)	COMMUNITY RETAIL
USES: MEDICAL, DENTIST & GENERAL OFFICE AND RETAIL	
LOT AREA (SQUARE FEET)	54,802
LOT AREA (ACRES)	1.2581
BUILDING AREA (SF) - PROPOSED	13,583
TOTAL BUILDING AREA (SF)	13,583
BUILDING HEIGHT (#STORIES)	1
BUILDING HEIGHT (FT-DIST TO TALLEST ELEMENT)	31
BUILDING HEIGHT PERMITTED (FT)	35
LOT COVERAGE (%)	24.79%
FLOOR AREA RATIO (X.XX:1)	0.25
FINISHED FLOOR ELEVATION	556.5+/-
PARKING TABULATION	
PARKING RATIO - SEE USES ABOVE	1 SPACE PER 250 SF
PARKING REQUIRED (# OF SPACES)	55
PROPOSED PARKING	55
REGULAR SPACES	53
HANDICAPPED SPACES	2
LOADING TABULATION	
LOADING SPACE REQUIREMENT (OFFICE BUILDINGS)	1 SPACE (0-50,000 SF)
LOADING REQUIRED (# OF SPACES)	1.00
OPEN SPACE TABULATION	
TOTAL LANDSCAPE AREA REQUIREMENT	10%
REQUIRED LANDSCAPE AREA	5,480.20
PROVIDED LANDSCAPE AREA	7,939.36
TOTAL IMPERVIOUS AREA (SF)	46,863
TOTAL IMPERVIOUS AREA (%)	85.51%

APPLICANT:
WESTWOOD PROFESSIONAL SERVICES
2740 DALLAS PARKWAY SUITE #280
PLANO, TEXAS 75093
L. LYNN KADLECK
(972) 265-4860

OWNER:
RSVF GARLAND PROPERTY, LLC
519 N. DUNCANVILLE ROAD
DUNCANVILLE, TEXAS 75116
(310) 923-3787

DEVELOPER:
BARCLAY PROPERTIES LTD
P.O. BOX 1208
CEDAR HILL, TEXAS 75106
(972) 877-7307

CASE NUMBER: 190711-1

DESIGNED: _____
CHECKED: _____
DRAWN: _____
HORIZONTAL SCALE: 30'
VERTICAL SCALE: 6' or 3'

INITIAL ISSUE: XX/XX/XX
REVISIONS:
△ _____
△ _____
△ _____
△ _____
△ _____

PREPARED FOR:

BARCLAY PROPERTIESP.O. BOX 1208
CEDAR HILL, TEXAS 75106

PRELIMINARY
FOR INFORMATION ONLY
NOT TO BE USED FOR
CONSTRUCTION OR
BIDDING PURPOSES
Engineer: LYN KADLECK, P.E.
P.E. No.: A7258
Date: 02-11-2020
Westwood

MIGHTY SMILES1122 W. CENTERVILLE ROAD
GARLAND, TEXAS 75041**Westwood**

Phone (214) 473-4640 2740 Dallas Parkway, Suite 280
Fax (888) 937-5150 Plano, TX 75093
www.westwoodps.com
Westwood Professional Services, Inc.
TIFB FIRM REGISTRATION NO. F11750
TIFB FIRM REGISTRATION NO. 10074301

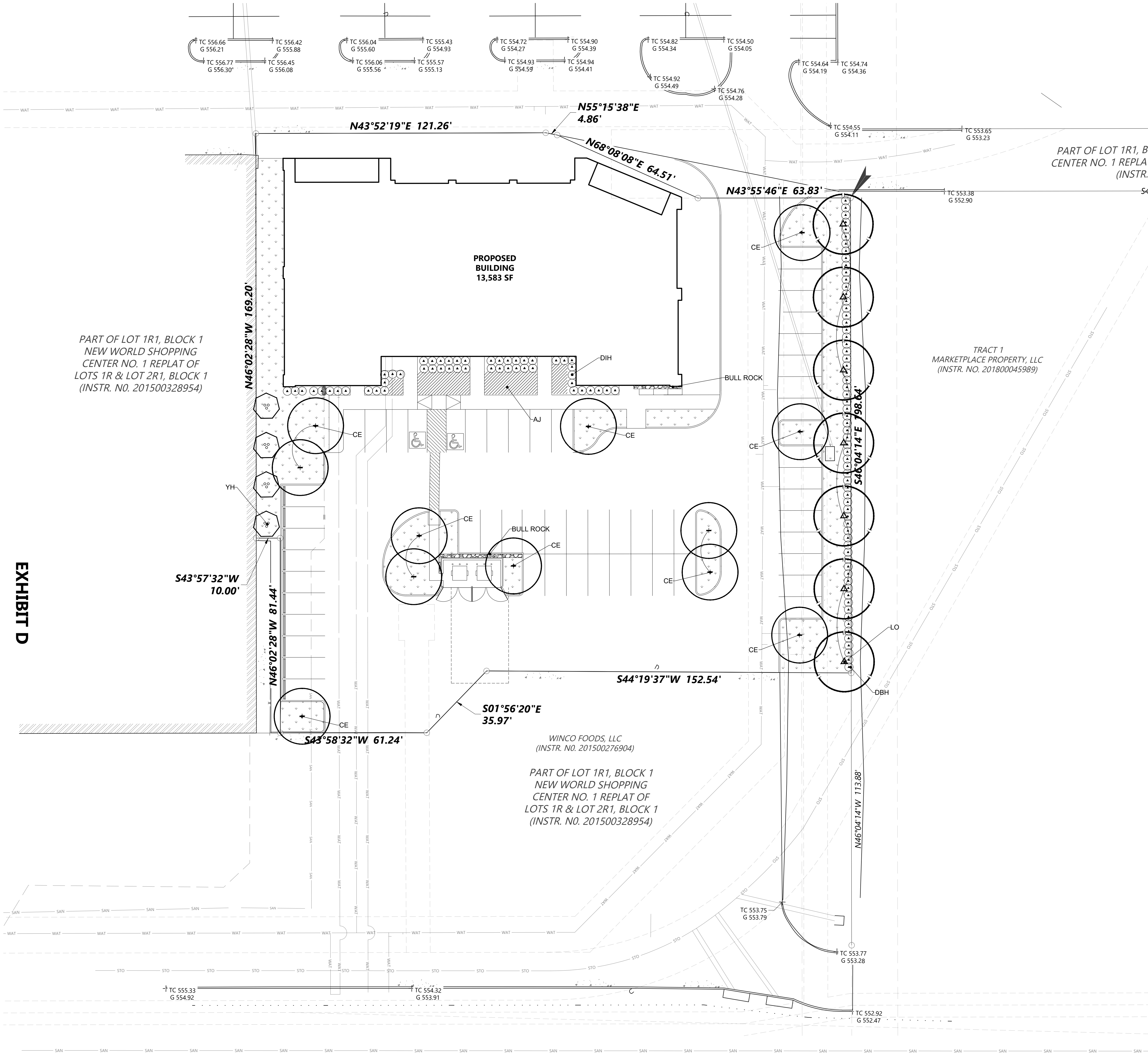
SHEET NUMBER:

SITE PLAN**1.01**

PROJECT NUMBER: 0023733.00

DATE: XX/XX/XX

EXHIBIT D



LANDSCAPE NOTES:
1. ALL BEDS SHALL BE DEFINED WITH STEEL EDGING WERE ADJOINING SOD OR AGGREGATE
2. ALL BEDS SHALL HAVE MIN. 3" COMPOST MIX TILLED INTO EXISTING GROUND
3. ALL BEDS SHALL BE TOPPED WITH MIN. 2" SHREDDED HARDWOOD MULCH
4. ALL AGGREGATE AREAS SHALL BE EXCAVATED MIN. 3" # LINED WITH FILTER FABRIC
5. ALL SOD AREAS SHALL BE TOPDRESSED WITH 1" TOPSOIL TO REACH FINAL GRADE
6. ALL SOD SHALL BE WATERED IN THOROUGHLY AND ROLLED WITH DRUM ROLLER
7. ALL TREES SHALL BE STAKED WITH METAL POST, UNLESS OTHERWISE NOTED
8. PLANT MATERIAL OF SAME SPECIES SHALL BE MATCHING IN CHARACTERISTICS
INSTALLATION NOTES:
1. UTILITY LOCATES SHALL BE CALLED IN A MIN. 48HRS IN ADVANCE OF ANY EXCAVATION
2. ALL REQUIRED PERMITS SHALL BE OBTAINED PRIOR TO COMMENCEMENT OF WORK
3. CONTRACTOR TO COORDINATE INSTALLATION WITH OTHER TRADES

LANDSCAPE REQUIREMENTS:

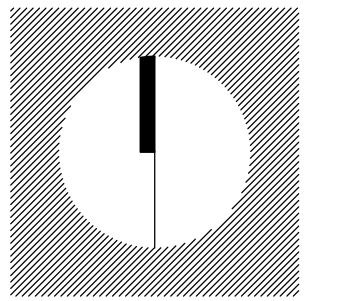
REQUIREMENTS	MIN. REQ.	PROVIDED
Total Landscape Area (54,802 SF)	10%	14%
	5,480.20 SF	7,939.36 SF
Total Site Trees		18
Total Site Shrubs		117
Total Site Groundcover		7,160 SF
Perimeter Screening Buffer		
Internal Lot	N/A	N/A
Parking Lot		
Landscape Area Coverage	5%	7%
	1,336 SF	2,002 SF
(1) Tree per (10) Parking Spaces	7	7
*No parking space is greater than 65' from a required tree		

LANDSCAPE SCHEDULE:

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE	QTY	SPACING
LO	LIVE OAK	QUERCUS VIRGINIANA	3"	7	AS SHOWN
CE	CEDAR ELM	ULMUS CRASSIFOLIA	3"	12	AS SHOWN
YH	YAUPOH HOLLY	ILEX VOMITORIA	MIN 8' HT	4	AS SHOWN
DIH	DWARF INDIAN HAWTHORN	RAPHIOLEPIS INDICA	3G	51	36" O.C.
DBH	DWARF BURFORD HOLLY	ILEX CORNUTA 'DWARF BUFORD'	24" MIN	66	36" O.C.
AJ	ASIAN JASMINE	TRACHELOPERMUM ASIATICUM	4"	1,098	9" O.C.
SOD	COMMON BERMUDA	CYNODON DACTYLON	SOD	6,648	SOLID
BULL ROCK			3"-4"	85 SF	

ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN/FREEZE SENSOR, AND SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR

NO PROTECTED TREES ON PROJECT SITE



CASE# 190711-1

LANDSCAPE PLAN

MIGHTY SMILES

1122 W. CENTERVILLE RD

GARLAND - TEXAS 75041

LANDSCAPE ARCHITECT

DAVID DAIGLE, ASLA

3212 SUGARBUSH DRIVE

CARROLLTON, TEXAS

DAIGLEASLA@VERIZON.NET

WWW.DAIGLEASLA.COM

REVISIONS:

1. 08.08.20 - SITE ARCHITECT

2.

3.

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6.

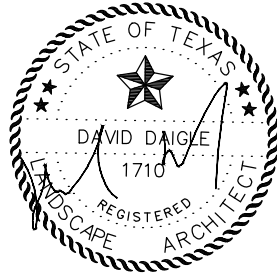
DRAWN BY: JCY

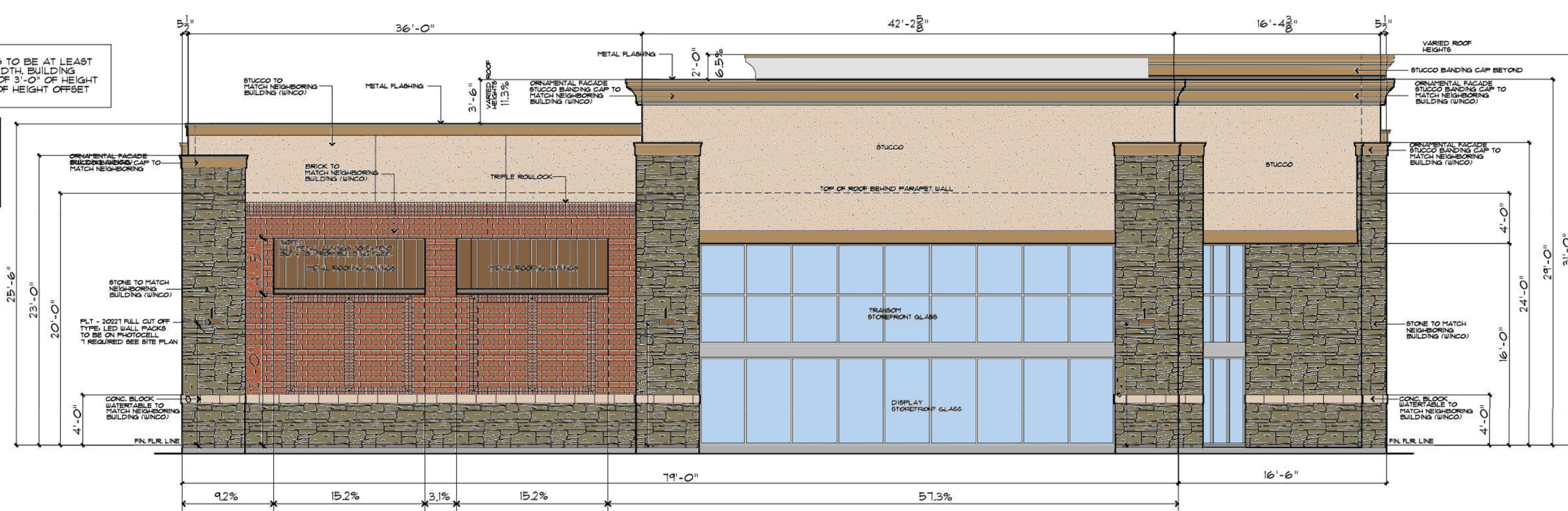
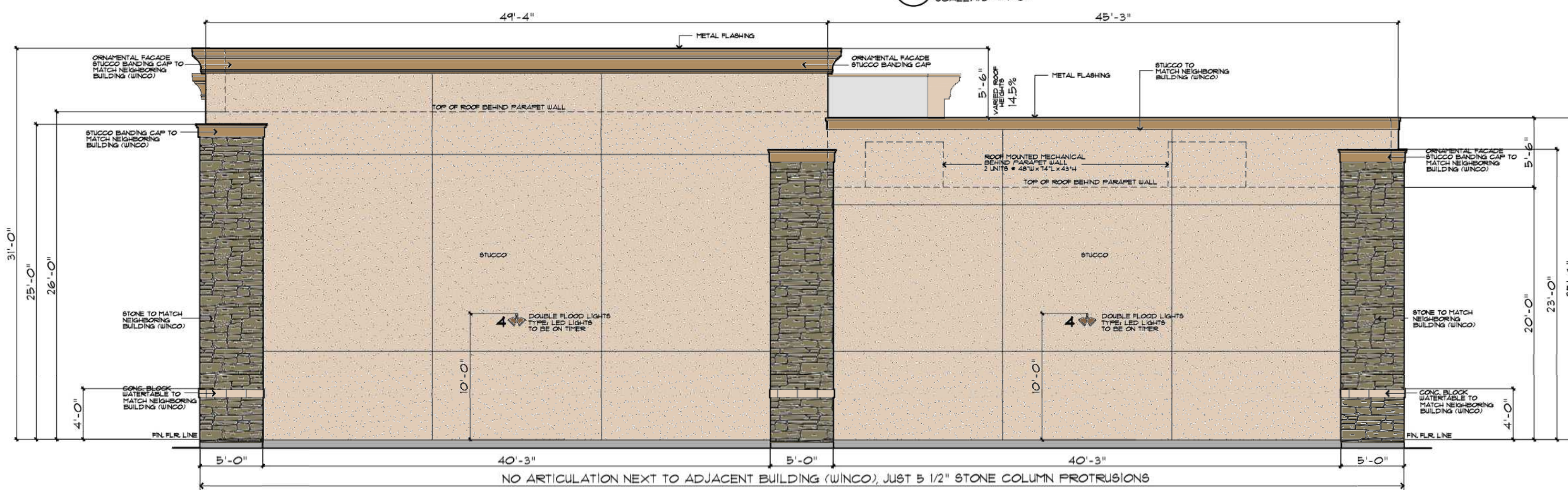
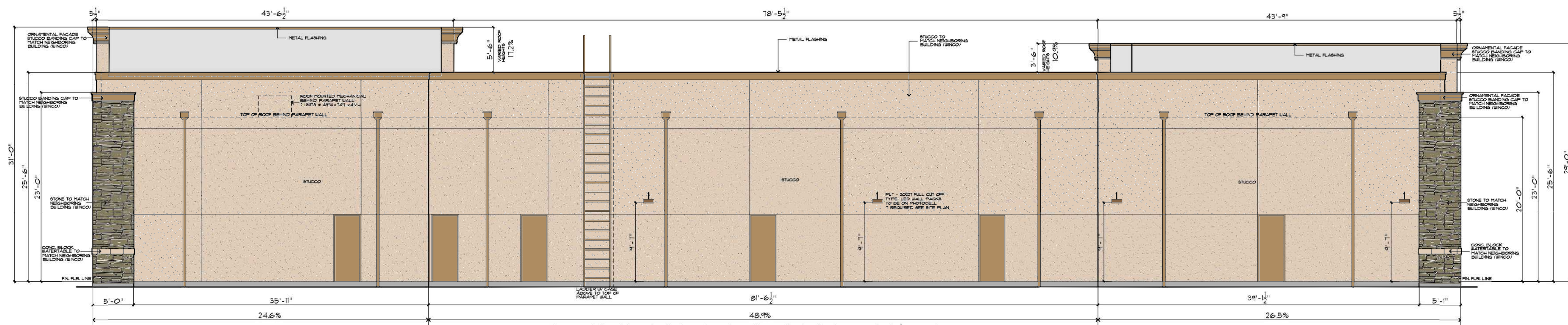
DATE: 02/21/20

NOTES:

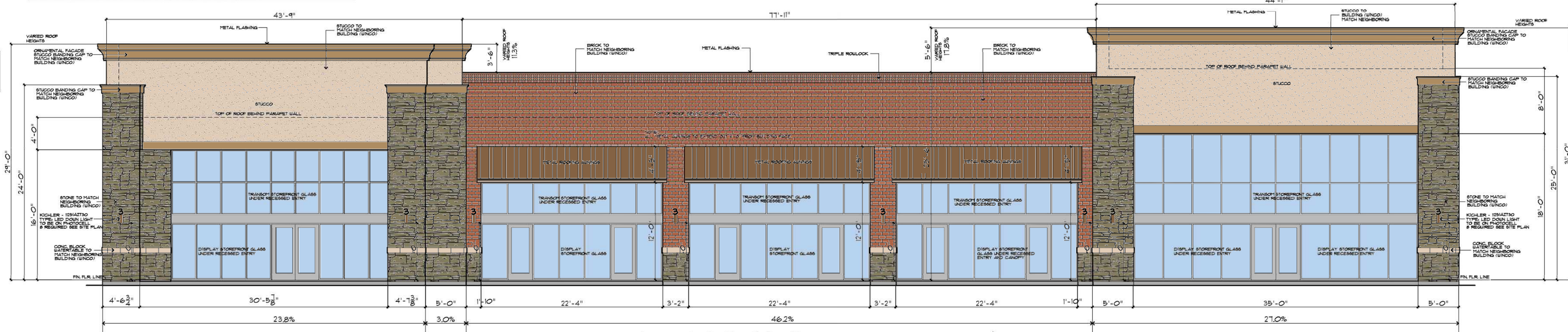
SHEET

L-1.0





1 NORTHWEST (FRONT) ELEVATION
SCALE: 1/8" = 1'-0"

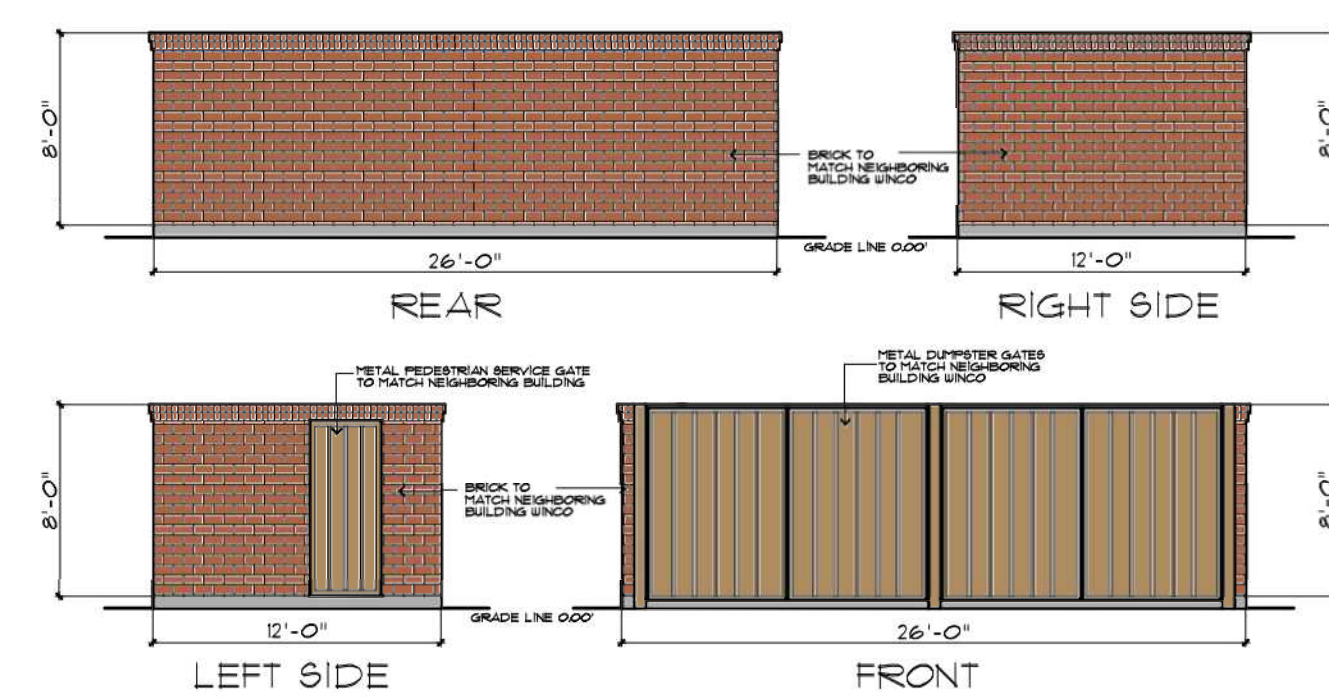


ELEVATION NOTES:

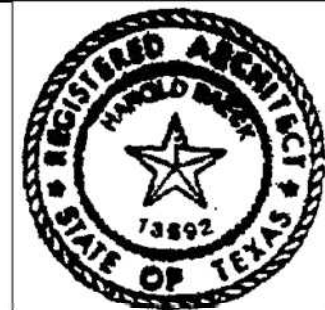
- 1) WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING
- 2) ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DEPARTMENT.
- 3) ATTIC ACCESS SHALL BE PROVIDED INTERNALLY.
- 4) FINISH FLOOR LEVEL TO BE AT LEAST 12" (1'-0") ABOVE HIGHEST ADJACENT CONTOUR LEVEL.
- 5) BUILDING SHALL BE PROVIDED WITH APPROVED ADDRESS NUMBERS OR LETTERS. BUILDING NUMBERS MUST MEET THE CITY ORDINANCE SPECIFIED BY THE FIRE CODE AMENDMENTS. THEY SHALL BE INSTALLED ON A CONTRASTING BACKGROUND AND BE PLAINLY VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING ADDRESS CAN NOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER APPROVED SIGNOR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE.
- 6) PAINTED GALVANIZED FLASHING IN ALL AREAS WHERE METAL ROOFING CONTACTS MASONRY. GALVANIZED FLASHING TO MATCH COLOR OF METAL ROOFING.
- 7) ALL GROUND-MOUNTED AND WALL-MOUNTED EQUIPMENT MUST BE SCREENED PER SECTION 4.45 AND 4.46. ALL ROOF MOUNTED EQUIPMENT IS GHOSTED IN ON THE RIGHT SIDE AND REAR ELEVATIONS.

REQUIRED ARCHITECTURAL ELEMENTS

- 1) METAL AWNINGS
- 2) DISPLAY WINDOWS
- 3) TRANSOM WINDOWS
- 4) RECESSED ENTRIES
- 5) VARIED ROOF HEIGHTS
- 6) ORNAMENTAL FACADE TRIMS



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



revisions date

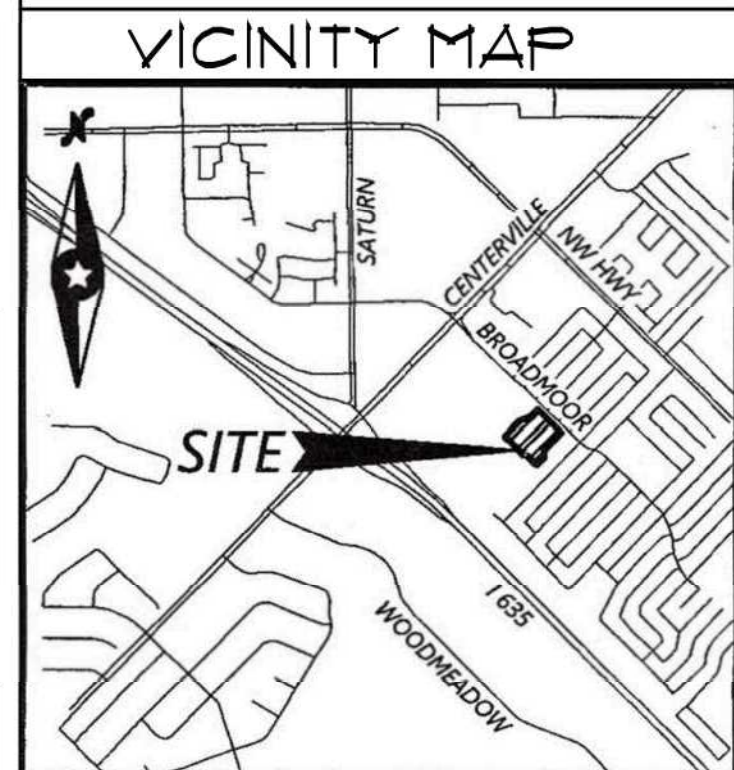
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6	
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OWNER:
RSVF GARLAND PROPERTIES, LLC
591 N. CEDAR RIDGE DRIVE
DUNCANVILLE, TEXAS 75116
PH. 310-923-3181

ARCHITECT:
HAROLD BAACK ARCHITECTS, INC.
5353 ALPHA ROAD, SUITE 200
DALLAS, TEXAS 75240
PH. 972-661-8778 FAX 972-661-8780

CIVIL ENGINEER:
WESTWOOD PROFESSIONAL SERVICES
2140 N. DALLAS PARKWAY, SUITE 280
PLANO, TEXAS 75093
PH. 214-473-4642

CONTRACTOR:
BARCLAY CONSTRUCTION GROUP
411 W. DANIELDALE ROAD
DUNCANVILLE, TEXAS 75117
PH. 972-293-1684 FAX 972-572-1464



project no. _____
scale: 1/8"=1'-0"
date: MARCH 10, 2020
file no. : _____
issue date: _____

A6-1
sheet no. 8 of 15 sheets

sheet description :
ELEVATIONS
PRE-SUBMITTAL
CASE NUMBER: 190711-1

PROPOSED DENTAL & RETAIL BUILDING
project:
MIGHTY SMILES DENTAL
1122 W. CENTERVILLE ROAD
GARLAND, DALLAS CO., TX.
PART OF LOT 1R1, BLOCK 1
NEW WORLD SHOPPING CENTER NO. 1
BEING A REPLAT OF LOTS 1R & 2R, BLOCK 1
AN ADDITION TO THE CITY OF GARLAND, TEXAS
THEOPHILUS THOMAS SURVEY,
ABSTRACT NO. 1461
DALLAS COUNTY, TEXAS



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 05/19/2020

Item Title: 2020 Justice Assistance Grant (JAG) Program Coronavirus Emergency Supplemental Funding (CESF) Grant Application

Submitted By: Jeffrey Bryan, Chief of Police

Summary of Request/Problem

At the May 18, 2020 Work Session, Council considered a request from the Police Department to apply for funding under the Justice Assistance Grant (JAG) program for the purpose of Coronavirus Emergency Supplemental Funding (CESF). The funding will be used to purchase equipment and supplies that will be utilized to prevent, prepare for and respond to the coronavirus.

Funds will be shared between the Fire Department, Health Department, Office of Emergency Management and the Police Department.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the Police Department to apply for funding under the Justice Assistance Grant (JAG) program for the purpose of Coronavirus Emergency Supplemental Funding (CESF).

Attachments

Resolution CESF Grant

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN APPLICATION TO THE BUREAU OF JUSTICE ASSISTANCE FOR GRANT UNDER THE FY 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL GRANT FUNDING PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City of Garland Police Department, by and through Police Chief Jeff Bryan, is hereby authorized to submit an application to, and subsequently accept a grant from, the Bureau of Justice Assistance under the 2020 Coronavirus Emergency Supplemental Grant Funding Program, for an estimated net amount of \$172,233.

Section 2

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

PASSED AND APPROVED this the 19th day of May, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

5.

Meeting Date: 05/19/2020

Item Title: Consider a Resolution Denying the Distribution Cost Recovery Factor Amendment
Proposed by Oncor

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

The City is an electric utility customer of Oncor Electric Delivery Company LLC (“Oncor” or “Company”). The Oncor Cities Steering Committee (“OCSC”) is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor’s service area in matters before the Public Utility Commission (“PUC” or “Commission”) and the courts.

On April 3, 2020, Oncor filed an Application to Amend its Distribution Cost Recovery Factor (“DCRF”) with each of the cities retaining original jurisdiction and with the Commission in Docket No. 50734. In the filing, the Company sought to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer’s bill).

The resolution authorizes the City to join with OCSC to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Recommendation/Action Requested and Justification

Approve the resolution denying the DCRF amendment proposed by Oncor.

Attachments

Oncor Resolution

RESOLUTION NO.

APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Garland, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the City of Garland is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with those similarly situated city members and other city participants in conducting a review of Oncor's application and hiring and directing legal counsel and consultants to prepare a common response and to negotiate with Oncor prior to getting reasonable rates and to direct any necessary litigation; and

WHEREAS, on or about April 3, 2020, Oncor filed with the Commission an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 50734, seeking to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill); and

WHEREAS, the City of Garland will cooperate with the Steering Committee in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, working with the Steering Committee to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, the Steering Committee's members and attorneys recommend that members deny Oncor's DCRF.

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

Section 1

That the City is authorized to participate with the Steering Committee in Commission Docket No. 50734.

Section 2

That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 3

That the Company shall continue to charge its existing rates to customers within the City limits.

Section 4

That as indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of the Steering Committee is authorized to hire and direct legal counsel and consultants, to negotiate with Oncor, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with any appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

Section 5

That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

Section 6

That it is officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7

That a copy of this Resolution shall be sent to Tab Urbantke, Attorney for Oncor, at Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202, and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

Section 8

That all provisions of the resolutions of the City of Garland, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution remain in full force and effect.

Section 9

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

PASSED AND APPROVED this the _____ day of May, 2020.

THE CITY OF GARLAND, TEXAS

By: _____
Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

6.

Meeting Date: 05/19/2020

Item Title: Consider an Ordinance Approving the Sale of Certificates of Obligation, Series 2020 to Fund a Portion of the Approved 2020 CIP

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

At the March 2, 2020 Work Session, Council considered authorizing the sale of Certificates of Obligation (CO) in the approximate amount of \$20 million to fund a portion of the approved 2020 CIP.

Recommendation/Action Requested and Justification

By ordinance, approve the sale of Certificates of Obligation, Series 2020 to fund a portion of the approved 2020 CIP.

Attachments

Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE authorizing the issuance of "CITY OF GARLAND, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020"; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues derived from the operation of the City's Water and Sewer System; providing the terms and conditions of such certificates of obligation and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates of obligation, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.

WHEREAS, notice of the City Council's (the "Council") intention to issue certificates of obligation in the maximum principal amount not to exceed \$20,000,000 for the purpose of paying contractual obligations to be incurred for (i) constructing, equipping and improving municipal park and recreation facilities, municipal landfill/transfer station facilities and information management services systems, (ii) constructing and improving streets, including drainage, landscaping, streetscaping, retaining walls, curbs, gutters, sidewalks, signage, traffic signalization, street noise abatement and utility system relocation incidental thereto and the acquisition of land and rights-of-way therefor, (iii) acquiring public safety and environmental waste services equipment, (iv) acquiring, constructing, renovating, improving and equipping existing municipal buildings, including HVAC replacement upgrade, roof replacement and safety upgrades, (v) constructing drainage improvements, including bridge remediation and (vi) professional services rendered in connection therewith, has been (a) duly published in *The Dallas Morning News*, a newspaper of general circulation in the City of Garland, Texas on March 24, 2020 and March 29, 2020, the date the first publication of such notice being not less than forty-six (46) days prior to the tentative date stated therein for the passage of the ordinance authorizing the issuance of such certificates and (b) duly published continuously on the City's website for at least forty-five (45) days before the tentative date stated therein for the passage of the ordinance authorizing the issuance of such certificates; and

WHEREAS, no petition protesting the issuance of the certificates of obligation described in the aforesaid notice, signed by at least 5% of the qualified voters of the City, has been presented to or filed with the City Secretary on or prior to the date of the passage of this Ordinance; and

WHEREAS, the Council hereby finds and determines that \$_____ in total principal amount of the certificates of obligation described in such notice should be authorized at this time; now, therefore,

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

SECTION 1: Authorization, Designation, Principal Amount, Purpose. Certificates of obligation of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$_____, to be designated and bear the title "CITY OF GARLAND, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020" (hereinafter referred to as the "Certificates"), for the purpose of paying contractual obligations to be incurred for: (i) constructing, equipping and improving municipal park and recreation facilities,

municipal landfill/transfer station facilities and information management services systems, (ii) constructing and improving streets, including drainage, landscaping, streetscaping, retaining walls, curbs, gutters, sidewalks, signage, traffic signalization, street noise abatement and utility system relocation incidental thereto and the acquisition of land and rights-of-way therefor, (iii) acquiring public safety and environmental waste services equipment, (iv) acquiring, constructing, renovating, improving and equipping existing municipal buildings, including HVAC replacement upgrade, roof replacement and safety upgrades, (v) constructing drainage improvements, including bridge remediation and (vi) professional services rendered in connection therewith, pursuant to authority conferred by, and in conformity with, the Constitution and laws of the State of Texas, including Texas Local Government Code, Subchapter C of Chapter 271, as amended.

SECTION 2: Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Rates - Certificate Date. The Certificates are issuable in fully registered form only; shall be dated June 1, 2020 (the "Certificate Date"); and shall be in denominations of \$5,000 or any integral multiple thereof (within a Stated Maturity), and the Certificates shall become due and payable on February 15 in each of the years and in principal amounts (the "Stated Maturities") and bear interest at the per annum rates in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount (\$)</u>	<u>Interest Rates (%)</u>
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		

The Certificates shall bear interest on the unpaid principal amounts from the date of their delivery to the initial purchasers at the rate(s) per annum shown in the above schedule (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Certificates shall be payable each February 15 and August 15, commencing February 15, 2021, until maturity or prior redemption.

SECTION 3: Payment of Certificates - Paying Agent/Registrar. The principal of, premium, if any, and interest on the Certificates due and payable by reason of maturity or

otherwise shall be payable without exchange or collection charges to the registered owner thereof, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

The selection and appointment of Zions Bancorporation, National Association, Amegy Bank Division, Houston, Texas, to serve as Paying Agent/Registrar for the Certificates is hereby approved and confirmed and the City agrees and covenants to cause to be kept and maintained at the offices in Plano, Texas of the Paying Agent/Registrar, books and records (the "Security Register") for the registration, payment, and transfer of the Certificates, all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement", substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe; and the Mayor or Mayor Pro Tem and City Secretary are authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Certificates. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Certificates are paid, and any successor Paying Agent/Registrar shall be a bank, trust company, financial institution, or other entity duly qualified and legally authorized to act as and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Certificates, the City agrees to promptly cause a written notice thereof to be sent to each registered owner of the Certificates by United States mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Both principal of, premium, if any, and interest on the Certificates, due and payable by reason of maturity, shall be payable only to the registered owners of the Certificates (hereinafter referred to as the "Holder" or "Holders") appearing on the Security Register and, to the extent permitted by law, neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary.

Principal of and premium, if any, on the Certificates shall be payable at the Stated Maturities or upon prior redemption thereof, only upon presentation and surrender of the Certificates to the Paying Agent/Registrar at its designated offices, initially in Salt Lake City, Utah, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Certificates shall be paid to the Holders whose names appear in the Security Register at the close of business on the Record Date (the last business day of the month next preceding the interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent by United States Mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record

Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4: Redemption.

(a) Optional Redemption. The Certificates having Stated Maturities on and after February 15, 2031, shall be subject to redemption prior to maturity, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2030, or on any date thereafter at the redemption price of par plus accrued interest to the date of redemption.

At least forty-five (45) days prior to an optional redemption date for the Certificates (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem Certificates, the principal amount of each Stated Maturity to be redeemed, and the date of redemption therefor. The decision of the City to exercise the right to redeem Certificates shall be entered in the minutes of the governing body of the City.

(b) Selection of Certificates for Redemption. If less than all Outstanding Certificates of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall treat such Certificates as representing the number of Certificates Outstanding which is obtained by dividing the principal amount of such Certificates by \$5,000 and shall select the Certificates to be redeemed within such Stated Maturity by lot.

(c) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Certificates, a notice of redemption shall be sent by United States mail, first class postage prepaid, in the name of the City and at the City's expense, to each Holder of a Certificate to be redeemed in whole or in part at the address of the Holder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether or not received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Certificates, (ii) identify the Certificates to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Certificates, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Certificates, or the principal amount thereof to be redeemed, shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder. If a Certificate is subject by its terms to prior redemption and has been called for redemption and notice of redemption thereof has been duly given as hereinabove provided, such Certificate (or the principal amount thereof to be redeemed) shall become due and payable and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys sufficient for the payment of such Certificate (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(d) Conditional Notice of Redemption. With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

SECTION 5: Registration - Transfer - Exchange of Certificates - Predecessor Certificates. A Security Register relating to the registration, payment, and transfer or exchange of the Certificates shall at all times be kept and maintained by the City at the Designated Payment/Transfer Office of the Paying Agent/Registrar, and the Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each Holder of the Certificates issued under and pursuant to the provisions of this Ordinance. Any Certificate may, in accordance with its terms and the terms hereof, be transferred or exchanged for Certificates of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Certificate to the Paying Agent/Registrar at the Designated Payment/Transfer Office for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon the surrender for transfer of any Certificate at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Certificates, executed on behalf of, and furnished by, the City, of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Certificate or Certificates surrendered for transfer.

At the option of the Holder, Certificates may be exchanged for other Certificates of authorized denominations and having the same Stated Maturity, bearing the same rate of interest, and of like aggregate principal amount as the Certificates surrendered for exchange upon the surrender of the Certificates to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Certificates are so surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Certificates, executed on behalf of, and furnished by the City, to the Holder requesting the exchange.

All Certificates issued upon any transfer or exchange of Certificates shall be delivered at the Designated Payment/Transfer Office of the Paying Agent/Registrar, or sent by United States mail, first class postage prepaid, to the Holder and, upon the delivery thereof, the same shall be valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Certificates surrendered in such transfer or exchange.

All transfers or exchanges of Certificates pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Certificates canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Certificates," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Certificate or Certificates registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Certificates" shall include any Certificate registered and delivered pursuant to Section 22 hereof in lieu of a mutilated, lost, destroyed, or stolen Certificate, which shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Certificate.

Neither the City nor the Paying Agent/Registrar shall be required to issue or transfer to an assignee of a Holder any Certificate called for redemption, in whole or in part, within 45 days of the date fixed for the redemption of such Certificate; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Certificate called for redemption in part.

SECTION 6: Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained in this Ordinance relating to the payment and transfer/exchange of the Certificates, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York ("DTC"), in accordance with the requirements and procedures identified in the current DTC Operational Arrangements memorandum, as amended, the Blanket Issuer Letter of Representations, by and between the City and DTC, and the Letter of Representations from the Paying Agent/Registrar to DTC (collectively, the "Depository Agreement") relating to the Certificates.

Pursuant to the Depository Agreement and the rules of DTC the Certificates shall be deposited with DTC who shall hold said Certificates for its participants (the "DTC Participants"). While the Certificates are held by DTC under the Depository Agreement, the Holder of the Certificates on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Certificate (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Certificates or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Certificates, the City covenants and agrees with the Beneficial Owners of the Certificates to cause Certificates to be printed in definitive form and provide for appropriate Certificate certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, Certificates in definitive form shall be assigned, transferred and exchanged on the appropriate Security Register maintained by the Paying Agent/Registrar, and payment of such Certificates shall be made in accordance with the provisions hereof other than this Section.

SECTION 7: Execution - Registration. The Certificates shall be executed on behalf of the City by the Mayor or Mayor Pro Tem under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signatures of said officers on the Certificates may be manual or facsimile. Certificates bearing the manual or facsimile signatures of said individuals who are or were the proper officers of the City on the Certificate Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or any of them shall cease to hold such offices prior to the delivery of the Certificates to the initial purchaser(s), and with

respect to Certificates delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Certificate shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Certificate either a certificate of registration substantially as set forth in the form of the Initial Certificate provided in Section 9(b), manually executed by the Comptroller of Public Accounts of the State of Texas or his or her duly authorized agent, or a certificate of registration substantially as set forth in the form of the definitive Certificates provided in Section 9(c), manually executed by an authorized officer, employee, or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Certificate shall be conclusive evidence, and the only evidence, that such Certificate has been duly certified, registered, and delivered.

SECTION 8: Initial Certificate. The Certificates herein authorized shall be initially issued as a single fully registered Certificate in the total principal amount as provided in Section 1 hereof with the principal amount to become due and payable as provided in Section 2 hereof and numbered T-1 (hereinafter referred to as the "Initial Certificate") and the Initial Certificate shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas, and delivered to the initial purchaser(s). Any time after the delivery of the Initial Certificate, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Certificate delivered hereunder and exchange therefor definitive Certificates of authorized denominations, Stated Maturity, principal amounts, and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9: Forms.

(a) **Forms Generally.** The Certificates, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of Registration of the Paying Agent/Registrar, and the form of Assignment to be printed on the Certificates, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends on any insured Certificates and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or be determined by the officers executing such Certificates as evidenced by their execution thereof. Any portion of the text of any Certificate may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Certificate.

The definitive Certificates shall be printed, lithographed, typewritten, engraved or produced in any other similar manner, all as determined by the officers executing such Certificates as evidenced by their execution thereof, but the Initial Certificate submitted to the Attorney General of Texas may be typewritten or photocopied or otherwise reproduced.

The City may provide (i) for issuance of one fully registered Certificate for the Stated Maturity in the aggregate principal amount of such Stated Maturity and (ii) for registration of such

Certificate in the name of a securities depository, or the nominee thereof. While any Certificate is registered in the name of a securities depository or its nominee, references herein and in the Certificates to the holder or owner of such Certificate shall mean the securities depository or its nominee and shall not mean any other person.

(b) Form of Initial Certificate.

REGISTERED
NO. T-1

PRINCIPAL AMOUNT
\$_____,000

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF GARLAND, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION
SERIES 2020

Certificate Date: June 1, 2020

Registered Owner: _____

Principal Amount: _____ MILLION _____ HUNDRED _____ THOUSAND DOLLARS

The City of Garland (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Dallas, Collin and Rockwall, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated, on February 15 in each of the years and in principal installments in accordance with the following schedule:

<u>YEAR</u>	<u>PRINCIPAL INSTALLMENTS (\$)</u>	<u>INTEREST RATE (%)</u>
-------------	--	------------------------------

(Information to be inserted from Section 2 hereof)

(or so much principal thereof as shall not have been redeemed prior to maturity) and to pay interest, computed on the basis of a 360-day year of twelve 30-day months, on the unpaid principal amounts hereof from the date of delivery to the initial purchasers at the per annum rates of interest specified above; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2021, until maturity or prior redemption. Principal installments of this Certificate are payable on the Stated Maturity dates or on a redemption date to the registered owner hereof by Zions Bancorporation, National Association, Amegy Bank Division, Houston, Texas (the "Paying Agent/Registrar"), upon its presentation and surrender at its designated offices, initially in Salt Lake City, Utah, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Certificate whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last business day of the month next preceding each interest payment date hereof, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the

city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Certificate is issued in the aggregate principal amount of \$_____ for the purpose of paying contractual obligations to be incurred for (i) constructing, equipping and improving municipal park and recreation facilities, municipal landfill/transfer station facilities and information management services systems, (ii) constructing and improving streets, including drainage, landscaping, streetscaping, retaining walls, curbs, gutters, sidewalks, signage, traffic signalization, street noise abatement and utility system relocation incidental thereto and the acquisition of land and rights-of-way therefor, (iii) acquiring public safety and environmental waste services equipment, (iv) acquiring, constructing, renovating, improving and equipping existing municipal buildings, including HVAC replacement upgrade, roof replacement and safety upgrades, (v) constructing drainage improvements, including bridge remediation and (vi) professional services rendered in connection therewith, pursuant to authority conferred by and in conformity with the Constitution and laws of the State of Texas, particularly Texas Local Government Code, Subchapter C of Chapter 271, as amended, and pursuant to an ordinance adopted by the governing body of the City (hereinafter referred to as the "Ordinance").

The Certificates maturing on and after February 15, 2031, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2030, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty (30) days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States mail, first class postage prepaid, to the Registered Owners of the Certificates to be redeemed and subject to the terms and provisions relating thereto contained in the Ordinance. If this Certificate (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Certificate (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event a portion of the principal amount of a Certificate is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Certificate to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Certificate or Certificates of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Certificate is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Certificate to an assignee of the registered owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Certificate redeemed in part.

With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

This Certificate is payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City and is additionally payable from and secured by a lien on and limited pledge of \$1,000 of the Net Revenues of the City's Water and Sewer System (the "System"), such lien and pledge, however, being junior and subordinate to the lien on and pledge of the Net Revenues securing the payment of the Prior Lien Obligations (identified and defined in the Ordinance) and the Subordinate Lien Bonds (identified and defined in the Ordinance). In the Ordinance, the City reserves and retains the right to issue Prior Lien Obligations while the Certificates are outstanding without limitation as to principal amount but subject to any terms, conditions, or restrictions as may be applicable thereto under law or otherwise and additional certificates equally and ratably secured with the Certificates by a parity lien on and pledge of the Net Revenues.

Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the Registered Owner by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of this Certificate; the properties constituting the System; the Net Revenues pledged to the payment of the principal of and interest on this Certificate; the nature, extent, and manner of enforcement of the pledge; the terms and conditions relating to the transfer or exchange of this Certificate; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Registered Owners; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which the tax levy and the liens, pledges, charges, and covenants made therein may be discharged at or prior to the maturity of this Certificate, and this Certificate is deemed to be no longer Outstanding thereunder; and for the other terms and provisions thereof. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Certificate, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by the Registered Owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Certificates of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the Registered Owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to the payment of the interest hereon, (ii) on the date of surrender of this Certificate as the owner entitled to the payment of the principal hereof at its Stated Maturity or upon its prior redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by

notice to the contrary. In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Registered Owner appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented, and covenanted that the City is a duly organized and legally existing municipal corporation under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Certificates is duly authorized by law; that all acts, conditions, and things required to exist and be done precedent to and in the issuance of the Certificates to render the same lawful and valid obligations of the City have been properly done, have happened, and have been performed in regular and due time, form, and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Certificates do not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Certificates by the levy of a tax and a limited pledge of and lien on the Net Revenues of the System as aforesated. In case any provision in this Certificate or any application thereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Certificate and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Certificate to be duly executed under the official seal of the City as of the Certificate Date.

CITY OF GARLAND, TEXAS

Mayor

COUNTERSIGNED:

City Secretary

(City Seal)

REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER
OF PUBLIC ACCOUNTS
THE STATE OF TEXAS

)
)
)

REGISTER NO. _____

I HEREBY CERTIFY that this Certificate has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____

(Social Security or other identifying number: _____)
the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the Registered Owner as it appears on the face of the within Certificate in every particular.

(c) Form of Definitive Certificates.

REGISTERED
NO. R- ____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF GARLAND, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION
SERIES 2020

Certificate Date:
June 1, 2020

Interest Rate:
_____%

Stated Maturity:
February 15, 20____

CUSIP No.:

Registered Owner:

Principal Amount:

DOLLARS

The City of Garland (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Dallas, Collin and Rockwall, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above, the Principal

Amount stated above and to pay interest on the unpaid Principal Amount stated above from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date in which case it shall bear interest from the from the date of delivery to the initial purchasers) at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15, commencing February 15, 2021, until maturity or prior redemption. Principal of this Certificate shall be payable at its Stated Maturity or on a redemption date to the Registered Owner hereof upon presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor; provided, however, while this Certificate is registered to Cede & Co., the payment of principal upon a partial redemption of the principal amount hereof may be accomplished without presentation and surrender of this Certificate. Interest shall be payable to the Registered Owner of this Certificate (or of one or more Predecessor Certificates, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last business day of the month next preceding the interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent by United States mail, first class postage prepaid, to the address of the Registered Owner, recorded in the Security Register or by such other method acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Certificate shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Certificate is one of the series specified in its title issued in the aggregate principal amount of \$_____ (herein referred to as the "Certificates") for the purpose of paying contractual obligations to be incurred for: (i) constructing, equipping and improving municipal park and recreation facilities, municipal landfill/transfer station facilities and information management services systems, (ii) constructing and improving streets, including drainage, landscaping, streetscaping, retaining walls, curbs, gutters, sidewalks, signage, traffic signalization, street noise abatement and utility system relocation incidental thereto and the acquisition of land and rights-of-way therefor, (iii) acquiring public safety and environmental waste services equipment, (iv) acquiring, constructing, renovating, improving and equipping existing municipal buildings, including HVAC replacement upgrade, roof replacement and safety upgrades, (v) constructing drainage improvements, including bridge remediation and (vi) professional services rendered in connection therewith, pursuant to authority conferred by and in conformity with the Constitution and laws of the State of Texas, particularly Texas Local Government Code, Subchapter C of Chapter 271, as amended, and pursuant to an ordinance adopted by the governing body of the City (hereinafter referred to as the "Ordinance").

The Certificates maturing on and after February 15, 2031, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar),

on February 15, 2030, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty (30) days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States mail, first class postage prepaid, to the Registered Owners of the Certificates to be redeemed and subject to the terms and provisions relating thereto contained in the Ordinance. If this Certificate (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Certificate (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event a portion of the principal amount of a Certificate is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Certificate to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Certificate or Certificates of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Certificate is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Certificate to an assignee of the registered owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Certificate redeemed in part.

With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

The Certificates are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City and are additionally payable from and secured by a lien on and limited pledge of \$1,000 of the Net Revenues of the City's Water and Sewer System (the "System"), such lien and pledge, however, being junior and subordinate to the lien on and pledge of the Net Revenues securing the payment of the Prior Lien Obligations (identified and defined in the Ordinance) and the Subordinate Lien Bonds (identified and defined in the Ordinance). In the Ordinance, the City reserves and retains the right to issue Prior Lien Obligations while the Certificates are outstanding without limitation as to principal amount but subject to any terms, conditions, or restrictions as may be applicable thereto under law or otherwise and additional certificates equally and ratably secured with the Certificates by a parity lien on and pledge of the Net Revenues.

Reference is hereby made to the Ordinance, a copy of which is on file at the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the Registered Owner by the acceptance hereof hereby assents, for definitions of terms; the

description of and the nature and extent of the tax levied for the payment of the Certificates; the properties constituting the System; the Net Revenues pledged to the payment of the principal of and interest on the Certificates; the nature, extent, and manner of enforcement of the pledge; the terms and conditions relating to the transfer or exchange of this Certificate; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Registered Owners; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which the tax levy and the liens, pledges, charges, and covenants made therein may be discharged at or prior to the maturity of this Certificate, and this Certificate deemed to be no longer Outstanding thereunder; and for the other terms and provisions thereof. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Certificate, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the Registered Owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Certificates of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the Registered Owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to the payment of the interest hereon, (ii) on the date of surrender of this Certificate as the owner entitled to the payment of the principal hereof at its Stated Maturity, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of a non-payment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Registered Owner appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented, and covenanted that the City is a duly organized and legally existing municipal corporation under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Certificates is duly authorized by law; that all acts, conditions, and things required to exist and be done precedent to and in the issuance of the Certificates to render the same lawful and valid obligations of the City have been properly done, have happened, and have been performed in regular and due time, form, and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Certificates do not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Certificates by the levy of a tax and a limited pledge of and lien on the Net Revenues of the System as aforestated. In case any provision in this Certificate or any application thereof shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Certificate and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Certificate to be duly executed under the official seal of the City as of the Certificate Date.

CITY OF GARLAND, TEXAS

Mayor

COUNTERSIGNED:

City Secretary

(City Seal)

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Certificate has been duly issued and registered under the provisions of the within mentioned Ordinance; the Certificates of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated offices of the Paying Agent/Registrar located in Salt Lake City, Utah, is the "Designated Payment/Transfer Office" for this Certificate.

ZIONS BANCORPORATION, NATIONAL
ASSOCIATION
Houston, Texas, Paying Agent/Registrar

By: _____
Authorized Signature
Amegy Bank Division

Registered this date:

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____

(Social Security or other identifying number: _____)
the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the Registered Owner as it appears on the face of the within Certificate in every particular.

SECTION 10: Definitions. For purposes of this Ordinance and for clarity with respect to the issuance of the Certificates herein authorized, and the levy of taxes and appropriation of Net Revenues therefor, the following words or terms, whenever the same appear herein without qualifying language, are defined to mean as follows:

(a) The term "Additional Certificates" shall mean combination tax and revenue certificates of obligation hereafter issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, or any similar law hereafter enacted, and payable from ad valorem taxes and additionally payable from and secured by a lien on and pledge of the Net Revenues on a parity with and of equal dignity with the lien and pledge securing the payment of the Certificates.

(b) The term "Certificates" shall mean the "City of Garland, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2020" authorized by this Ordinance.

(c) The term "Certificate Fund" shall mean the special Fund created and established under the provisions of Section 11 of this Ordinance.

(d) The term "Collection Date" shall mean, when reference is being made to the levy and collection of annual ad valorem taxes, the date the annual ad valorem taxes levied each year by the City become delinquent.

(e) The term "Fiscal Year" shall mean the annual financial accounting period used with respect to the System now ending on September 30th of each year; provided, however, the Council may change, by ordinance duly passed, such annual financial accounting period to end on another date if such change is found and determined to be necessary for accounting purposes and to be consistent with the ordinances authorizing the Prior Lien Obligations.

(f) The term "Government Securities" shall mean (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations unconditionally guaranteed or insured by an agency or instrumentality of the United States of America and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable

obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Certificates under the then applicable laws of the State of Texas.

(g) The term "Maintenance and Operating Expenses" shall mean all current expenses of operating and maintaining the System, including all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the Council, reasonably and fairly exercised, are necessary to maintain the operations and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair obligations payable from Net Revenues shall be deducted in determining "Net Revenues". Depreciation charges shall not be considered Maintenance and Operating Expenses. Maintenance and Operating Expenses shall include payments under contracts for the purchase of water supply, treatment of sewage or other materials, goods, services, or facilities for the System to the extent authorized by law and the provisions of such contract.

(h) The term "Net Revenues" shall mean, with respect to any period, all income, revenues, and receipts received from the operation and ownership of the System less Maintenance and Operating Expenses of the System during such period.

(i) The term "Outstanding" when used in this Ordinance with respect to Certificates means, as of the date of determination, all Certificates theretofore issued and delivered under this Ordinance, except:

(1) those Certificates theretofore canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Certificates for which payment has been duly provided by the City in accordance with the provisions of Section 24 hereof by the irrevocable deposit with the Paying Agent/Registrar, or an authorized escrow agent, of money or Government Securities, or both, in the amount necessary to fully pay the principal of, premium, if any, and interest thereon to maturity; and

(3) those Certificates that have been mutilated, destroyed, lost, or stolen and for which (i) replacement Certificates have been registered and delivered in lieu thereof or (ii) have been paid, all as provided in Section 22 hereof.

(j) The term "Prior Lien Obligations" shall mean all bonds or other obligations now outstanding and hereafter issued that are payable from and secured by a lien on and pledge of all or any part of the Net Revenues of the System, including but not limited to, the unpaid bonds of the following issues or series designated "City of Garland, Texas, Water and Sewer System Revenue Bonds," further identified by Series, Date, and Original Principal Amount as follows:

<u>SERIES</u>	<u>DATE</u>	<u>PRINCIPAL AMOUNT</u>
2010	04-15-2010	\$21,270,000
2011	06-15-2011	\$19,205,000
2012	06-01-2012	\$ 8,415,000
2013	05-01-2013	\$29,925,000

and (i) all bonds hereafter issued to refund any part of the aforesaid bonds or other obligations listed in this definition if the same are made payable from and secured by a lien on and pledge of the Net Revenues of the System and (ii) any obligations hereafter issued on a parity (insofar as the revenues of the System are concerned) with such Prior Lien Obligations or refunding bonds issued to refund such obligations if the same are made payable from and secured by a lien on and pledge of the Net Revenues of the System.

(k) The term “Subordinate Lien Bonds” shall mean all bonds or other obligations now outstanding and hereafter issued that are payable from and secured by a lien on and pledge of the Net Revenues of the System that is subordinate to the lien on and pledge of the Net Revenues of the System securing the Prior Lien Obligations, including but not limited to, the unpaid bonds of the following issues or series as follows:

- (i) “City of Garland, Texas, Water and Sewer System Revenue Refunding and Improvement Bonds, New Series 2014,” dated June 1, 2014;
- (ii) “City of Garland, Texas, Water and Sewer System Revenue Refunding Bonds, New Series 2016”, dated November 15, 2016;
- (iii) “City of Garland, Texas, Water and Sewer System Revenue Refunding Bonds, New Series 2017”, dated May 15, 2017;
- (iv) “City of Garland, Texas, Water and Sewer System Revenue Refunding Bonds, New Series 2018”, dated May 15, 2018;
- (v) “City of Garland, Texas, Water and Sewer System Revenue Refunding Bonds, New Series 2018A”, dated December 1, 2018;
- (vi) “City of Garland, Texas, Water and Sewer System Revenue Bonds, New Series 2019”, dated June 1, 2019; and
- (vii) “City of Garland, Texas, Water and Sewer System Revenue Refunding Bonds, New Series 2019A”, dated December 1, 2019.

(l) The term “System” shall mean the City’s combined Water and Sewer System, including all present and future additions, extensions, replacements, and improvements thereto.

SECTION 11: Certificate Fund. The City covenants that for the purpose of paying the interest on and providing a sinking fund for the payment and retirement of the Certificates, there shall be and is hereby created a special Fund to be designated “Special 2020 Combination Tax and Revenue Certificate of Obligation Fund” (hereinafter, the “Certificate Fund”) which Certificate Fund shall be kept and maintained at the City’s depository bank, and moneys deposited in the Certificate Fund shall be used for no other purpose. The Mayor, Mayor Pro Tem, City Manager, Finance Director and City Secretary of the City, individually or jointly, are hereby authorized and directed to make withdrawals from said Fund sufficient to pay the principal of and interest on the Certificates as the same become due and payable, and, shall cause to be transferred to the Paying Agent/Registrar from moneys on deposit in the Certificate Fund (on or prior to a principal and/or interest payment date) an amount sufficient to pay the amount of principal and/or interest falling due on the Certificates, such transfer of funds to the Paying Agent/Registrar to be made in such manner as will cause immediately available funds to be deposited with the Paying

Agent/Registrar on or before the last business day next preceding each interest and principal payment date for the Certificates.

Pending the transfer of funds to the Paying Agent/Registrar, money in the Certificate Fund may, at the option of the City, be invested in obligations identified in, and in accordance with the provisions of the "Public Funds Investment Act" (Texas Government Code, Chapter 2256) relating to the investment of "bond proceeds"; provided that all such investments shall be made in such a manner that the money required to be expended from said Fund will be available at the proper time or times. All interest and income derived from deposits and investments in said Certificate Fund shall be credited to, and any losses debited to, the said Certificate Fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Certificates.

SECTION 12: Tax Levy. To provide for the payment of the "Debt Service Requirements" on the Certificates being (i) the interest on said Certificates and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied, within the limitations prescribed by law, for the current year and each succeeding year thereafter while said Certificates or any interest thereon shall remain Outstanding, a sufficient tax on each one hundred dollars' valuation of taxable property in said City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be paid into the Certificate Fund. The Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay the said Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness.

The amount of taxes to be provided annually for the payment of the principal of and interest on the Certificates shall be determined and accomplished in the following manner:

(a) Prior to the date the Council establishes the annual tax rate and passes an ordinance levying ad valorem taxes each year, the Council shall determine:

(1) The amount on deposit in the Certificate Fund after (a) deducting therefrom the total amount of Debt Service Requirements to become due on Certificates prior to the Collection Date for the ad valorem taxes to be levied and (b) adding thereto the amount of the Net Revenues of the System, together with any other lawfully available revenues of the City, appropriated and allocated to pay such Debt Service Requirements prior to the Collection Date for the ad valorem taxes to be levied.

(2) The amount of Net Revenues of the System, together with any other lawfully available revenues of the City, appropriated and to be set aside for the payment of the Debt Service Requirements on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(3) The amount of Debt Service Requirements to become due and payable on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(b) The amount of taxes to be levied annually each year to pay the Debt Service Requirements on the Certificates shall be the amount established in paragraph (3) above less the sum total of the amounts established in paragraphs (1) and (2), after taking into consideration delinquencies and costs of collecting such annual taxes.

SECTION 13: Limited Pledge of Net Revenues. The City hereby covenants and agrees that subject to the prior lien on and pledge of the Net Revenues to the payment and security of the Prior Lien Obligations and the Subordinate Lien Bonds, the Net Revenues of the System in the amount of \$1,000 are hereby irrevocably pledged to the payment of the principal of and interest on the Certificates, and the pledge of Net Revenues herein made for the payment of the Certificates shall constitute a lien on the Net Revenues until such time as the City shall pay all of such \$1,000, after which time the pledge shall cease, all in accordance with the terms and provisions hereof and be valid and binding without any physical delivery thereof or further act by the City.

Texas Government Code, Chapter 1208, as amended, applies to the issuance of the Certificates and the pledge of the revenues granted by the City under this Section of this Ordinance, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Certificates are Outstanding and unpaid such that the pledge of the revenues granted by the City under this Section of this Ordinance is to be subject to the filing requirements of Texas Business and Commerce Code, Chapter 9, as amended, then in order to preserve to the Holders of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Texas Business and Commerce Code, Chapter 9, as amended, and enable a filing to perfect the security interest in said pledge to occur.

SECTION 14: System Fund. The City hereby covenants and agrees that all revenues derived from the operation and ownership of the System shall be kept separate and apart from all other funds, accounts, and moneys of the City, and shall be deposited as collected into the "Water and Sewer System Fund" (heretofore created in conjunction with the issuance of the outstanding Prior Lien Obligations and hereinafter called the "System Fund"). All moneys deposited in the System Fund shall be pledged and appropriated to the extent required for the following purposes and in the order of priority shown, to wit:

First: To the payment of the reasonable and proper Maintenance and Operating Expenses of the System as defined herein or required by statute to be a first charge on and claim against the revenues of the System.

Second: To the payment of all amounts required to be deposited in any special funds created and established for the payment, security, and benefit of any Prior Lien Obligations in accordance with the terms and provisions of any ordinance authorizing the issuance of any Prior Lien Obligations.

Third: To the payment of all amounts required to be deposited in any special funds created and established for the payment, security, and benefit of any Subordinate Lien Bonds in accordance with the terms and provisions of any ordinance authorizing the issuance of any Subordinate Lien Bonds.

Fourth: To the payment of the amounts required to be deposited in the special funds and accounts created and established for the payment of the Certificates (the Certificate Fund) and Additional Certificates.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

SECTION 15: Deposits to Certificate Fund. The City hereby covenants and agrees to cause to be deposited in the Certificate Fund the amount required to fully pay the interest and principal then due and payable on the Certificates, such deposits to pay maturing principal and accrued interest on the Certificates to be made on or before the 15th day of each August and February, beginning February 15, 2021.

The deposits to be made to the Certificate Fund, as hereinabove provided, shall be made until such time as such Fund contains an amount equal to pay the principal of and interest and premium, if any, on the Certificates to maturity. Premium, if any (to the extent it is not used to finance the projects described in Section 1), received from the Purchasers (hereinafter defined) shall be deposited to the Certificate Fund and ad valorem taxes levied, collected, and deposited in the Certificate Fund for and on behalf of the Certificates may be taken into consideration and utilized to reduce the amount of the deposits otherwise required to be deposited in the Certificate Fund from the Net Revenues of the System. In addition, any surplus proceeds from the sale of the Certificates not expended for authorized purposes shall be deposited in the Certificate Fund (or another fund created for the payment of any Certificates), and the amounts deposited to the Certificate Fund shall reduce the sums otherwise required to be deposited in said Certificate Fund from ad valorem taxes and the Net Revenues.

SECTION 16: Security of Funds. All moneys on deposit in the Funds for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested) shall be secured in the manner and to the fullest extent required by the laws of Texas for the security of public funds, and moneys on deposit in such Funds shall be used only for the purposes permitted by this Ordinance.

SECTION 17: Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in the payments to be made to the Certificate Fund, or (b) defaults in the observance or performance of any other of the covenants, conditions, or obligations set forth in this Ordinance, any Holder shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City and other officers of the City to observe and perform any covenant, condition, or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive.

SECTION 18: Special Covenants. The City hereby covenants as follows:

- (i) That it has the lawful power to pledge the Net Revenues supporting this issue of Certificates and has lawfully exercised said powers under the Constitution and laws of the State of Texas, including said power existing under Texas Local Government Code, Sections 271.041 271.063, as amended, and Texas Government Code, Chapter 1502, as amended.

(ii) That other than for the payment of the outstanding Prior Lien Obligations, outstanding Subordinate Lien Bonds, the Certificates and the City's Water and Sewer System Commercial Paper Notes, Series 2015, the Net Revenues are not in any manner pledged to the payment of any debt or obligation of the City or of the System.

(iii) That, as long as any Certificates or any interest thereon remain Outstanding and the pledge of the Net Revenues has not been fully satisfied, the City will not sell, lease, or encumber the System or any substantial part thereof, provided that this covenant shall not be construed to prohibit the sale of such machinery or other properties or equipment which has become obsolete or otherwise unsuited to the efficient operation of the System.

(iv) The City recognizes that the purchasers and owners of the Certificates will have accepted them on, and paid therefor a price which reflects, the understanding that interest thereon is excludable from federal income taxation under laws in force at the time the Certificates shall have been delivered. In this connection the City covenants to take no action or fail to take any action, which action or failure to act may render the interest on any of such Certificates subject to federal income taxation, particularly pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), nor shall the City take any action or fail to take any action, which action or failure to act, would have the effect of causing the income derived by the City from the System to become subject to federal income taxation in the hands of the City, whether or not provision shall have been made for the payment of such Certificates.

SECTION 19: Issuance of Prior Lien Obligations and Additional Certificates. The City hereby expressly reserves the right to hereafter issue Subordinate Lien Bonds, without limitation as to principal amount but subject to any terms, conditions, or restrictions applicable thereto under law or otherwise, and, also reserves the right to issue Additional Certificates payable from and secured by a lien on and pledge of the Net Revenues of equal rank and dignity, and on a parity in all respects, with the lien thereon and pledge thereof securing the payment of the Certificates.

It is the intention of this governing body and accordingly hereby recognized and stipulated that the provisions, agreements, and covenants contained herein bearing upon the management and operations of the System, and the administering and application of revenues derived from the operation thereof, shall to the extent possible be harmonized with like provisions, agreements, and covenants contained in any ordinance authorizing the issuance any Prior Lien Obligations or any Subordinate Lien Bonds, and to the extent of any irreconcilable conflict between the provisions contained herein and in any ordinance authorizing the issuance of any Prior Lien Obligations or any Subordinate Lien Bonds, the provisions, agreements, and covenants contained therein shall prevail to the extent of such conflict and be applicable to this Ordinance but in all respects subject to the priority of rights and benefits, if any, conferred thereby to the holders of any Prior Lien Obligations or any Subordinate Lien Bonds.

SECTION 20: Sale of the Certificates - Approval of Official Statement. Pursuant to a public sale for the Certificates, the bid submitted by _____ (herein referred to as the "Purchasers") is declared to be the best bid received producing the lowest true interest cost rate to the City, and the sale of the Certificates to said Purchasers at the price of par plus a cash premium of \$_____, is hereby determined to be in the best interests of the City and is approved and confirmed. Delivery of the Certificates to the Purchasers shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale. The Initial Certificate shall be registered in the name as provided in the winning bid form.

Furthermore, the use of the Preliminary Official Statement by the Purchasers in connection with the public offering and sale of the Certificates is hereby ratified, confirmed and approved in all respects. The final Official Statement, which reflects the terms of sale (together with such changes approved by the Mayor, Mayor Pro Tem, City Manager, Finance Director or City Secretary, any one or more of said officials), shall be and is hereby in all respects approved. The City hereby finds that the information and data contained in said Official Statement, dated May 19, 2020, pertaining to the City and its financial affairs is true and correct in all material respects and no material facts have been omitted which are necessary to make the statements contained in the Official Statement, in light of the circumstances under which they were made, not misleading. The use of such Official Statement in the reoffering of the Certificates by the Purchasers is hereby approved and authorized.

The Purchasers are hereby authorized to use and distribute said final Official Statement in the reoffering, sale and delivery of the Certificates to the public. The Mayor or Mayor Pro Tem and City Secretary are further authorized and directed to cause to be delivered for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers, and such final Official Statement shall be deemed to be approved by the Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 21: Cancellation. All Certificates surrendered for payment, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Certificates previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Certificates so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Certificates held by the Paying Agent/Registrar shall be returned to the City.

SECTION 22: Mutilated, Destroyed, Lost, and Stolen Certificates. If (a) any mutilated Certificate is surrendered to the Paying Agent/Registrar, or the City and the Paying Agent/Registrar receive evidence to their satisfaction of the destruction, loss, or theft of any Certificate, and (b) there is delivered to the City and the Paying Agent/Registrar such security or indemnity as may be required to save each of them harmless, then, in the absence of notice to the City or the Paying Agent/Registrar that such Certificate has been acquired by a bona fide purchaser, the City shall execute and, upon its request, the Paying Agent/Registrar shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost, or stolen Certificate, a new Certificate of the same Stated Maturity and of like tenor and principal amount, bearing a number not contemporaneously outstanding.

In case any such mutilated, destroyed, lost, or stolen Certificate has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Certificate, pay such Certificate.

Upon the issuance of any new Certificate under this Section, the City may require payment by the Holder of a sum sufficient to cover any tax or other governmental charge imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent/Registrar) connected therewith.

Every new Certificate issued pursuant to this Section in lieu of any mutilated, destroyed, lost, or stolen Certificate shall constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost, or stolen Certificate shall be at any time enforceable by

anyone, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Certificates.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost, or stolen Certificates.

SECTION 23: Covenants to Maintain Tax-Exempt Status of Interest on the Certificates.

(a) Definitions. When used in this Section, the following terms shall have the following meanings:

“Closing Date” means the date on which the Certificates are first authenticated and delivered to the initial purchasers against payment therefor.

“Code” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“Computation Date” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Gross Proceeds” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Certificates.

“Investment” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Certificates are invested and which is not acquired to carry out the governmental purposes of the Certificates.

“Rebate Amount” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Regulations” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Certificates. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and (2) the Certificates has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Certificate to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until

the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Certificate, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Certificates:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Certificates, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Certificates or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Certificates to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Certificates directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Certificates.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Certificates to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038 G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Certificates until six years after the final Computation Date.

(2) As additional consideration for the purchase of the Certificates by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States from the construction fund, the general fund, or other appropriate fund or, if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Certificate Fund, the amount that when added to the future value of previous rebate payments made for the Certificates equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(3) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Certificates, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Certificates not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager and Finance Director, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Certificates, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

SECTION 24: Satisfaction of Obligations of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Certificates, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and the Net Revenues of the System (to the extent such pledge of Net Revenues shall not have been discharged or terminated by prior payment of principal of or interest on the Certificates) and all covenants, agreements and other obligations of the City to the Holders shall thereupon cease, terminate and be discharged and satisfied.

Certificates, or any principal amount(s) thereof, shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (a) money sufficient to pay in full such Certificates or the principal amount(s) thereof at maturity, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (b) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting or consulting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Certificates, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Certificates to be treated as "arbitrage bonds" within the meaning of Section 148 of the Code or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Certificates, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Certificates and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Certificates for which such moneys were deposited and are held in trust to pay, shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

SECTION 25: Ordinance a Contract - Amendments. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Certificate remains Outstanding except as permitted in this Section and in Section 36 hereof. The City, may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of Holders owning a majority in aggregate principal amount of the Certificates then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Certificates, no such amendment, addition, or rescission shall (a) extend the time or times of payment of the principal of, premium, if any, and interest on the Certificates, reduce the principal amount thereof, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Certificates, (b) give any preference to any Certificate over any other Certificate, or (c) reduce the aggregate principal amount of Certificates required to be held by Holders for consent to any such amendment, addition, or rescission.

SECTION 26: Control and Custody of Certificates. The Mayor or Mayor Pro Tem of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Certificates, and shall take and have charge and control of the Initial Certificate pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts, and the delivery thereof to the Purchasers.

SECTION 27: Notices to Holders - Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Certificates. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 28: Bond Counsel's Opinion. The Purchasers' obligation to accept delivery of the Certificates is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Attorneys, Dallas, Texas, approving such Certificates as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for such Certificates. A true and correct reproduction of said opinion or an executed counterpart thereof is hereby authorized to be either printed on definitive printed obligations or deposited with DTC along with the global certificates for the implementation and use of the Book-Entry-Only System used in the settlement and transfer of the Certificates. The City Council confirms the continuation of the engagement of Norton Rose Fulbright US LLP as the City's bond counsel.

SECTION 29: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Certificates shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Certificates.

SECTION 30: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar, and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, and the Holders.

SECTION 31: Inconsistent Provisions. All ordinances, orders, or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 32: Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 33: Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 34: Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 35: Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551 of the Texas Government Code, as amended.

SECTION 36: Continuing Disclosure Undertaking.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“MSRB” means the Municipal Securities Rulemaking Board.

“Rule” means SEC Rule 15c2-12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year ending in or after 2020, financial information and operating data with respect to the City of the general type of information contained in Tables 1 through 5 and 7 through 14 in the Official Statement, and (2) within twelve months after the end of each fiscal year ending in or after 2020, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in Appendix B to the Official Statement, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation. If audited financial statements are not available within 12 months after the end of any fiscal year, the City will provide unaudited financial statements by the required time, and audited financial statements when and if such audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB's Internet Web site or filed with the SEC.

(c) Notice of Certain Events. The City shall provide notice of any of the following events with respect to the Certificates to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;
7. Modifications to rights of holders of the Certificates, if material;
8. Certificate calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding item 12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City and (b) the City intends the words used in the immediately preceding items

15 and 16 in this Section to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

(d) Filings with the MSRB. All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give the notice required by Subsection (c) of this Section of any Certificate calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule

to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (b) a Person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Certificates. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent an underwriter of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with Section 36(b) an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 37: Proceeds of Sale. The proceeds of sale of the Certificates, excluding amounts to pay costs of issuance, shall be deposited in a fund maintained at a depository bank of the City and used to finance the projects described in Section 1. Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in authorized investments in accordance with the provisions of Texas Government Code, Chapter 2256, as amended, including specifically guaranteed investment contracts permitted in Texas Government Code, Section 2256.015, et seq., and any investment earnings realized may be expended for such authorized projects and purposes or deposited in the Certificate Fund as shall be determined by the Council. Any investment earnings remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Certificate Fund. The premium received from the Purchasers (to the extent it is not used to finance the projects described in Section 1 hereof) will be applied to the payment of the costs of issuing the Certificates. Any surplus proceeds of sale may be deposited to the Certificate Fund or to another fund created for the payment of any Certificates.

SECTION 38: Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Finance Director and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance, sale and delivery of the Certificates. In addition, prior to the delivery of the Certificates, the Mayor, Mayor Pro Tem, City Manager, Finance Director or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in this Ordinance or such other document, or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Certificates by the Attorney General. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 39: Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 40: Incorporation of Findings and Determinations. The findings and determinations of the Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 41: Effective Date. This Ordinance shall take effect and be in full force from and after its adoption on the date shown below in accordance with Texas Government Code, Section 1201.028, as amended.

[Remainder of page left blank intentionally]

PASSED AND APPROVED, this May 19, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

7.

Meeting Date: 05/19/2020

Item Title: Bond Refunding – Electric Utility System Commercial Paper Notes

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

At the March 2, 2020 Work Session, Council considered authorizing the refunding of approximately \$40 million of Electric Utility System Commercial Paper Notes, Series 2018 with Electric System Revenue Refunding Bonds, Series 2020. The purpose of this transaction is to refund a portion of variable rate commercial paper notes with fixed rate long-term debt.

Recommendation/Action Requested and Justification

Approve the sale of Electric Utility System Revenue Refunding Bonds, Series 2020.

Attachments

Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE authorizing the issuance of "CITY OF GARLAND, TEXAS, ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BONDS, NEW SERIES 2020", pledging the net revenues of the City's electric utility system to the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement; and providing an effective date.

WHEREAS, the City Council (the "Council") of the City of Garland, Texas (the "City"), in accordance with the provisions of Texas Government Code, Chapter 1371, has heretofore authorized by ordinance and provided for the issuance of "City of Garland, Texas Electric Utility System Commercial Paper Notes, Series 2018" (the "Commercial Paper Notes") in an aggregate principal amount not to exceed \$80,000,000 for the purpose of financing additions, improvements and extensions to the City's Electric Utility System (the "System");

WHEREAS, the Council hereby finds and determines \$_____ in principal amount of the Commercial Paper Notes should be refunded and refinanced into long term obligations at this time (such Commercial Paper Notes being hereinafter collectively referred to as the "Refunded CP Notes") for the purpose of replacing such Refunded CP Notes with long-term fixed rate debt, and further finds and determines that the issuance of the bonds herein authorized is in the best interests of the City and that the manner in which the refunding of the Refunded CP Notes is being executed does not make it practicable to make the determination required by Texas Government Code, Section 1207.008(a)(2) in connection with the Refunded CP Notes;

WHEREAS, pursuant to the provisions of Texas Government Code, Chapter 1207, as amended, the Council is authorized to issue refunding bonds and deposit the proceeds of sale directly with the place of payment for the Refunded CP Notes, as appropriate, or other authorized depository, and such deposits, when made in accordance with said statutes, and ordinance authorizing the issuance of the Refunded CP Notes, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded CP Notes;

WHEREAS, the bonds to be issued pursuant to the terms and provisions of this Ordinance will be secured by a lien on and a pledge of the net revenues of the System, which is subordinate to the pledge of and lien on such net revenues associated with the Prior Lien Bonds (as hereinafter defined);

WHEREAS, the Council finds and determines that it is in the best interest of the City and its inhabitants to proceed with the issuance of bonds to provide funds for the purposes hereinafter specified; now, therefore,

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

SECTION 1. Authorization - Designation - Principal Amount - Purpose. Revenue bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of

\$_____ to be designated and bear the title “CITY OF GARLAND, TEXAS, ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BONDS, NEW SERIES 2020” (the “Bonds”), for the purpose of refunding certain outstanding obligations payable from revenues of the City’s Electric Utility System (identified in the preamble hereof as the “Refunded CP Notes”) and paying costs of issuance, all in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1207, as amended.

SECTION 2. Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Maximum Rate - Bond Date. The Bonds shall be in fully registered form, without coupons; dated June 1, 2020 (the “Bond Date”); shall be in denominations of \$5,000 or integral multiples thereof; and shall become due and payable on March 1 in each of the years in the principal amounts (the “Stated Maturities”) and bear interest at the per annum rate(s) in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount (\$)</u>	<u>Interest Rate (%)</u>
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
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2048		
2049		
2050		

The Bonds shall bear interest on the unpaid principal amounts from the date of initial delivery of the Bonds at the rate(s) per annum shown above in this Section (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Bonds shall be payable on

March 1 and September 1 of each year commencing March 1, 2021, until maturity or prior redemption.

SECTION 3. Payment of the Bonds - Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity or otherwise, shall be payable only to the registered owners or holders of the Bonds (hereinafter called the "Holders") appearing on the books and records relating to the registration, payment, exchange and transfer of the Bonds (the "Security Register") maintained by the Paying Agent/Registrar, and the payment thereof shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of Zions Bancorporation, National Association, Amegy Bank Division, Houston, Texas, to serve as Paying Agent/Registrar for the Bonds is hereby approved and confirmed. The Security Register shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement", substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor and City Secretary are hereby authorized to execute and deliver the Paying Agent/Registrar Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Bonds shall be payable at the Stated Maturities, only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its designated offices, initially in Salt Lake City, Utah, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Bonds shall be paid to the Holders whose names appear in the Security Register at the close of business on the Record Date (the fifteenth (15th) day of the month next preceding each interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent by first class United States mail, postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment of interest on one or more maturities on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment for such maturity or maturities (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five

(5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder of such maturity or maturities appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4. Redemption.

(a) Optional Redemption. The City reserves the right and option to redeem the Bonds maturing on and after March 1, 20___, in whole or in part, before their respective scheduled maturity dates, on March 1, 20___, or on any date thereafter at a price equal to the principal amount of the Bonds so called for redemption plus accrued interest from the most recent interest payment date on which interest has been paid or duly provided for to the date fixed for redemption.

At least forty-five (45) days prior to an optional redemption date for the Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to optionally redeem Bonds, the principal amount of each Stated Maturity to be optionally redeemed, and the date of redemption therefor. The decision of the City to exercise the right to optionally redeem Bonds shall be entered in the minutes of the governing body of the City.

(b) [Mandatory Redemption]. The Bonds maturing on March 1 in each of the years 20__ and 20__ (collectively, the "Term Bonds") are subject to mandatory redemption on the dates and in the principal amounts shown below at a price of par plus accrued interest to the date of redemption:

<u>Term Bonds Due March 1, 20__</u>		<u>Term Bonds Due March 1, 20__</u>	
<u>Redemption Date</u>	<u>Principal Amount (\$)</u>	<u>Redemption Date</u>	<u>Principal Amount (\$)</u>
March 1, 20__		March 1, 20__	
March 1, 20__		March 1, 20__	
March 1, 20__		March 1, 20__	
March 1, 20__		March 1, 20__	
March 1, 20__*		March 1, 20__	
		March 1, 20__*	

*maturity

Approximately forty-five (45) days prior to each mandatory redemption date for the Term Bonds, the Paying Agent/Registrar shall select by lot the numbers of the Term Bonds within the applicable Stated Maturity to be redeemed on the next following March 1 from moneys set aside for that purpose in the Bond Fund (as hereinafter defined). Any Term Bond not selected for prior redemption shall be paid on the date of their Stated Maturity.

The principal amount of the Term Bonds for a Stated Maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Bonds of like Stated Maturity which, at least fifty (50) days prior to the mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions set forth in paragraph(a) of this Section and not theretofore credited against a mandatory redemption requirement.

(c) Selection of Bonds for Redemption. If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall treat such Bonds as representing the number of Bonds Outstanding, which is obtained by dividing the principal amount of such Bonds by \$5,000, and shall select the Bonds to be redeemed within such Stated Maturity by lot.

(d) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Bonds, a notice of redemption shall be sent by United States Mail, first class postage prepaid, in the name of the City and at the City's expense, to each Holder of a Bond to be redeemed in whole or in part at the address of the Holder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Bonds, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Bonds, or the principal amount thereof to be redeemed, shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder. If a Bond is subject by its terms to prior redemption and has been called for redemption and notice of redemption thereof has been duly given as hereinabove provided, such Bond (or the principal amount thereof to be redeemed) shall become due and payable and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys sufficient for the payment of such Bond (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(e) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

SECTION 5. Registration - Transfer - Exchange of Bonds - Predecessor Bonds. A Security Register relating to the registration, payment, and transfer or exchange of the Bonds shall at all times be kept and maintained by the City at the Designated Payment/Transfer Office of the Paying Agent/Registrar, as provided herein and in accordance with the provisions of an agreement with the Paying Agent/Registrar and such rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each Holder of the Bonds issued under and pursuant to the provisions of this Ordinance, or if appropriate, the nominee thereof. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for

cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender of any Bond (other than the Initial Bond(s) referenced in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bond(s) referenced in Section 8 hereof) may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds to the Holder requesting the exchange.

All Bonds issued in any transfer or exchange of Bonds shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States Mail, first class, postage prepaid to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds cancelled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 31 hereof and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange to an assignee of the owner of the Bonds any Bond called for redemption, in whole or in part, within forty-five (45) days of the date fixed for redemption of such Bond; provided, however, such limitation of transfer shall not be applicable to an exchange by the registered Holder of the unredeemed balance of a Bond called for redemption in part.

SECTION 6. Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained in this Ordinance relating to the payment and transfer/exchange of the Bonds, the City hereby approves and authorizes the use of the "Book-Entry-Only" securities clearance, settlement, and transfer system provided by The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York ("DTC"), in accordance

with the requirements and procedures identified in the DTC Operational Arrangements memorandum, as amended, the Blanket Issuer Letter of Representations, by and between the City and DTC, and the Letter of Representations from the Paying Agent/Registrar to DTC (collectively, the "Depository Agreement") relating to the Bonds.

Pursuant to the Depository Agreement and the rules of DTC, the Bonds shall be deposited with DTC who shall hold said Bonds for its participants (the "DTC Participants"). While the Bonds are held by DTC under the Depository Agreement, the Holder of the Bonds on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Bond (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Bonds or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Bonds, the City covenants and agrees with the Holders of the Bonds to cause Bonds to be printed in definitive form and provide for the Bond certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Bonds in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Bonds shall be made in accordance with the provisions of Sections 3, 4 and 5 hereof.

If, at any time, DTC ceases to hold the Bonds as securities depository, all references herein to DTC shall be of no further force or effect.

SECTION 7. Execution - Registration. The Bonds shall be executed on behalf of the City by the Mayor under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of said officers on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Bond Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate upon any Bond duly signed shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered, and delivered.

SECTION 8. Initial Bond(s). The Bonds herein authorized shall be initially issued either (i) as a single fully registered bond in the aggregate principal amount stated in Section 1 hereof with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1, or (ii) as multiple fully registered bonds, being one bond for each year of maturity in the applicable principal amount and denomination and to be numbered consecutively from T-1 and upward (hereinafter called the "Initial Bond(s)") and, in either case, the Initial Bond(s) shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Bond(s)

shall be the Bond(s) submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond(s), the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond(s) delivered hereunder and exchange therefor definitive Bonds of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9. Form of Bonds.

(a) Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Bonds, or any maturities thereof, are purchased with insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the officers executing such Bonds as evidenced by their execution. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bond(s) shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

(b) Form of Definitive Bonds.

REGISTERED
NO. ____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF GARLAND, TEXAS
ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BOND
NEW SERIES 2020

Bond Date:	Stated Maturity:	Interest Rate:	CUSIP No.:
June 1, 2020	_____	_____ %	_____

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Garland (the "City"), in the State of Texas, for value received, hereby promises to pay to the Registered Owner named above (the "Holder") or its registered assigns, solely from the revenues hereinafter identified, on the Stated Maturity specified above, the Principal Amount

hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on such unpaid principal amount from the later of the date of initial delivery of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, semiannually on March 1 and September 1 in each year, commencing March 1, 2021, until maturity or prior redemption, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30 day months. The principal of this Bond is payable upon presentation and surrender of this Bond at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor. The interest payable on any interest payment date will be paid to the Holder of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date" for such interest, which shall be the fifteenth (15th) day of the month next preceding such interest payment date. If the date for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are required or authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which banking institutions are required or authorized by law or executive order to close, and payment on such date shall have the same force and effect as if made on the original date payment was due. All such payments may be made by the Paying Agent/Registrar by check dated as of the interest payment date and mailed to such Holder at the address appearing in the register or by such other customary banking arrangement acceptable to the Paying Agent/Registrar, requested in writing by, and at the risk and expense of, the Holder hereof. All payments of principal of, premium, if any, and interest on this Bond shall be made in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, without exchange or collection charges to the Holder of this Bond.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$_____ (herein referred to as the "Bonds") for the purpose of refunding certain outstanding obligations payable from revenues of the City's Electric Utility System (identified and defined in the Ordinance hereinafter referenced) and paying costs of issuance, all under and in strict conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1207, as amended, and an Ordinance adopted by the governing body of the City (herein referred to as the "Ordinance").

[The Bonds maturing on March 1 in each of the years 20__ and 20__ (collectively, the "Term Bonds") are subject to mandatory redemption prior to maturity with funds on deposit in the Interest and Sinking Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued interest thereon to the date of redemption, and without premium, on the dates and in the principal amounts as follows:

<u>Term Bonds Due March 1, 20__</u>		<u>Term Bonds Due March 1, 20__</u>	
<u>Redemption Date</u>	<u>Principal Amount (\$)</u>	<u>Redemption Date</u>	<u>Principal Amount (\$)</u>
March 1, 20__		March 1, 20__	
March 1, 20__		March 1, 20__	
March 1, 20__		March 1, 20__	
March 1, 20__*		March 1, 20__	
		March 1, 20__*	

*maturity

The particular Term Bonds of a stated maturity to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Term Bonds for a stated maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Bonds of like stated maturity which, at least fifty (50) days prior to the mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions appearing below and not theretofore credited against a mandatory redemption requirement.】

The Bonds maturing on and after March 1, 20__, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on March 1, 20__, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty days prior to the date fixed for any redemption of Bonds, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Bond to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Bond (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date such Bond (or the portion of its principal sum to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event a portion of the principal amount of a Bond is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Bond to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Bond or Bonds of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Bond is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Bond to an assignee of the registered owner within 45 days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Bond redeemed in part.

With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

The Bonds constitute special obligations of the City and, together any Additional Bonds, if issued, are payable solely from and equally secured by a lien on and pledge of the Net Revenues of the System, such lien and pledge, however, being junior and subordinate to the lien on and pledge of such Net Revenues of the System to the payment and security of the Prior Lien Bonds (as defined in the Ordinance). The Bonds do not constitute a legal or equitable pledge, charge, lien or encumbrance upon any property of the City or the System, except with respect to the Net Revenues.

The Holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

The City expressly reserves the right to issue additional revenue obligations in all things on a parity with the Bonds, payable solely from and equally secured by the same lien on and pledge of the Net Revenues of the System as the Bonds; provided, however, that any and all such additional obligations may be so issued only in accordance with and subject to the covenants, conditions, limitations and restrictions relating thereto which are set out and contained in the Ordinance, to which reference is hereby made for more complete and full particulars.

As provided in the Ordinance, no additional obligations will be authorized or issued on a parity with the outstanding Prior Lien Bonds; and the Bonds, together with additional obligations hereafter issued on a parity therewith, will become obligations equally secured by a first lien on and pledge of the Net Revenues of the System at such time as the principal of and interest on the Prior Lien Bonds have been fully paid or provision for the payment of said Prior Lien Bonds has been made in accordance with applicable law.

It is hereby certified and recited that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and to be done precedent to and in the issuance of the Bonds to render the same lawful and valid have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas and the Ordinance; that the Bonds do not exceed any constitutional or statutory limitation; and that provision has been made for the payment of the principal of and interest on the Bonds by irrevocably pledging the Net Revenues of the System, as hereinabove recited.

Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the Holder of this Bond by the acceptance hereof hereby assents, for (1) definitions of terms; (2) the description of and the nature and extent of the security for the payment of the Bonds; (3) the properties constituting the System; (4) the Net Revenues pledged to the payment of the principal of and interest on the Bonds; (5) the nature and extent and manner of enforcement of the lien and pledge securing the payment of the Bonds; (6) the terms and conditions for the issuance of additional revenue obligations; (7) the terms and conditions relating to the transfer or exchange of this Bond; (8) the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; (9) the rights, duties, and obligations of the City and the Paying Agent/Registrar; (10) the terms and provisions upon which the liens, pledges, charges, and covenants made therein may be discharged at or prior to the maturity of this Bond, and this Bond deemed to be no longer Outstanding thereunder; and (11) for the other terms and provisions contained therein. Capitalized terms used herein have the same meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the registered owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal hereof at its Stated Maturity, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

In case any provision in this Bond or any application thereof shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. This Bond shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City as of the Bond Date.

Mayor

COUNTERSIGNED

City Secretary

(City Seal)

(e) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____

(Social Security or other identifying number: _____)
_____ the within Bond and all rights thereunder, and hereby
irrevocably constitutes and appoints _____
attorney to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment
must correspond with the name of the
Holder as it appears on the face of the within
Bond in every particular.

(f) The Initial Bond(s) shall be in the form set forth in paragraph (b) of this Section,
except that the form of the single fully registered Initial Bond shall be modified as follows:

Heading and first paragraph shall read as follows:

REGISTERED
NO. T-1

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF GARLAND, TEXAS
ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BOND
NEW SERIES 2020

Bond Date: June 1, 2020

Registered Owner: _____

Principal Amount: _____ MILLION ____ HUNDRED ____ THOUSAND DOLLARS

The City of Garland, Texas (hereinafter referred to as the "City"), for value received, hereby promises to pay to the Registered Owner named above (the "Holder") or the registered assigns thereof, solely from the revenues hereinafter identified, on March 1 in each of the years and in principal amounts and bearing interest at per annum rates in accordance with the following schedule:

YEAR OF
MATURITY

PRINCIPAL
INSTALLMENTS (\$)

INTEREST
RATES (%)

(Information to be inserted from schedule in Section 2 hereof)

(or so much thereof as shall not have been paid upon prior redemption) and to pay interest on such unpaid principal amount from the later of the date of initial delivery of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, semiannually on March 1 and September 1 in each year, commencing March 1, 2021, until maturity or prior redemption, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months. The principal of this Bond is payable to the registered owner hereof by Zions Bancorporation, National Association, Amegy Bank Division, Houston, Texas (the "Paying Agent/Registrar"), upon its presentation and surrender, at its designated offices, initially in Salt Lake City, Utah, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office"). The interest payable on any interest payment date will be paid to the Holder of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the Record Date for such interest, which shall be the fifteenth (15th) day of the month next preceding such interest payment date. If the date for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are required or authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which banking institutions are required or authorized by law or executive order to close, and payment on such date shall have the same force and effect as if made on the original date payment was due. All such payments may be made by the Paying Agent/Registrar by check dated as of the interest payment date and mailed to such Holder at the address appearing in the register or by such other customary banking arrangement acceptable to the Paying Agent/Registrar, requested in writing by, and at the risk and expense of, the Holder hereof. All payments of principal of, premium, if any, and interest on this Bond shall be made in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, without exchange or collection charges to the Holder of this Bond.

SECTION 10. Definitions. For all purposes of this Ordinance and in particular for clarity with respect to the issuance of the Bonds and the pledge and appropriation of revenues therefor, the following definitions are provided:

(a) The term "Additional Bonds" shall mean the additional parity revenue obligations authorized to be issued in accordance with the terms and conditions prescribed in Section 21 hereof.

(b) The term "Annual Debt Service Requirements" shall mean, for any Fiscal Year, the principal of and interest on all Bonds Similarly Secured coming due at Maturity or Stated Maturity (or that could come due on demand of the owner thereof other than by acceleration or other demand conditioned upon default by the City on such Debt, or be payable in respect of any required purchase of such Debt by the City) in such Fiscal Year, and, for such purposes, any one or more of the following rules shall apply at the election of the City:

(1) Committed Take Out. If the City has entered into a Credit Agreement constituting a binding commitment within normal commercial practice to discharge any of its Debt at its Stated Maturity (or, if due on demand, at any date on which demand may be made) or to purchase any of its Debt at any date on which such Debt is subject to required purchase, all under arrangements whereby the City's obligation to repay the amounts advanced for such discharge or purchase constitutes Debt, then the portion of the Debt committed to be discharged or purchased shall be excluded from such calculation and the principal of and interest on the Debt incurred for such discharging or purchase that would

be due in the Fiscal Year for which the calculation is being made, if incurred at the Stated Maturity or purchase date of the Debt to be discharged or purchased, shall be added;

(2) Balloon Debt. If the principal (including the accretion of interest resulting from original issue discount or compounding of interest) of any series or issue of Debt due (or payable in respect of any required purchase of such Debt by the City) in any Fiscal Year either is equal to at least 25% of the total principal (including the accretion of interest resulting from original issue discount or compounding of interest) of such Debt or exceeds by more than 50% the greatest amount of principal of such series or issue of Debt due in any preceding or succeeding Fiscal Year (such principal due in such Fiscal Year for such series or issue of Debt being referred to herein as "Balloon Debt"), the amount of principal of such Balloon Debt taken into account during any Fiscal Year shall be equal to the debt service calculated using the original principal amount of such Balloon Debt amortized over the Term of Issue on a level debt service basis at an assumed interest rate equal to the rate borne by such Balloon Debt on the date of calculation;

(3) Consent Sinking Fund. In the case of Balloon Debt (as defined in clause (2) above), if the City Manager or the Finance Director or a designee of either shall deliver to the City a certificate providing for the retirement of (and the instrument creating such Balloon Debt shall permit the retirement of), or for the accumulation of a sinking fund for (and the instrument creating such Balloon Debt shall permit the accumulation of a sinking fund for), such Balloon Debt according to a fixed schedule stated in such certificate ending on or before the Fiscal Year in which such principal (and premium, if any) is due, then the principal of (and, in the case of retirement, or to the extent provided for by the sinking fund accumulation, the premium, if any, and interest and other debt service charges on) such Balloon Debt shall be computed as if the same were due in accordance with such schedule, provided that this clause (3) shall apply only to Balloon Debt for which the installments previously scheduled have been paid or deposited to the sinking fund established with respect to such Debt on or before the times required by such schedule; and provided further that this clause (3) shall not apply where the City has elected to apply the rule set forth in clause (2) above;

(4) Prepaid Debt. Principal of and interest on Bonds Similarly Secured, or portions thereof, shall not be included in the computation of the Annual Debt Service Requirements for any Fiscal Year for which such principal or interest are payable from funds on deposit or set aside in trust for the payment thereof at the time of such calculations (including without limitation capitalized interest and accrued interest so deposited or set aside in trust) with a financial institution acting as fiduciary with respect to the payment of such Debt;

(5) Variable Rate.

(i) Except as hereinafter provided in this subparagraph, the rate of interest on Variable Rate Obligations then proposed to be issued shall be deemed to be the average for the then immediately preceding five (5) years of the SIFMA Index, plus twenty (20) basis points; provided, however, that (i) if, after the issuance of the Variable Rate Obligations then proposed to be issued, more than 20% of the aggregate of the Bonds Similarly Secured Outstanding will bear interest at a variable rate and (ii) any Bond Similarly Secured is then insured by a Bond Insurer, the rate of interest on Variable Rate Obligations then proposed to be issued shall be deemed to be the greater of (x) the most recently announced thirty

(30) year Revenue Bond Index published by The Bond Buyer, a financial journal published, as of the date the Ordinance was adopted, in the City of New York, New York or (y) 1.25 times the average variable rate borne by any Variable Rate Obligations then Outstanding during the then immediately preceding twelve-month period, and

(ii) Except as hereinafter provided in this subparagraph, the rate of interest on Variable Rate Obligations outstanding at the time of such calculation shall be deemed to be the lesser of (i) the then current per annum rate of interest borne by such Variable Rate Obligations or (ii) the average per annum rate of interest borne by such Variable Rate Obligations during the then immediately preceding twelve-month period; provided, however, that for any period during which (a) more than 20% of the aggregate of the Bonds Similarly Secured then Outstanding bear interest at a variable rate and (b) any Bond Similarly Secured is then insured by a Bond Insurer, the rate of interest on such Variable Rate Obligations shall be the greater of (x) the most recently announced 30-year Revenue Bond Index published by The Bond Buyer, a financial journal published, as of the date the Ordinance was adopted, in the City of New York, New York, (y) the rate of interest then in effect with respect to such Variable Rate Obligations in accordance with their terms, or (z) 1.25 times the average variable rate borne by such Variable Rate Obligations during the then immediately preceding twelve-month period;

(6) Guarantee. In the case of any guarantee, as described in clause (2) of the definition of Debt, no obligation will be counted if the City does not anticipate in its annual budget that it will make any payments on the guarantee. If however, the City is making payments on a guarantee or anticipates doing so in its annual budget, such obligation shall be treated as Parity Bonds and calculations of annual debt service requirements with respect to such guarantee shall be made assuming that the City will make all additional payments due under the guaranteed obligation. If the entity whose obligation is guaranteed cures all defaults and the City no longer anticipates making payments under the guarantee, the guaranteed obligations shall not be included in the calculation of Annual Debt Service Requirements;

(7) Commercial Paper. With respect to any Bonds Similarly Secured issued in the form of commercial paper with maturities not exceeding 270 days, the interest on such Bonds Similarly Secured shall be calculated in the manner provided in clause (5) of this definition and the maturity schedule shall be calculated in the manner provided in clause (2) of this definition; and

(8) Credit Agreement Payments. If the City has entered into a Credit Agreement in connection with an issue of Debt, payments due under the Credit Agreement (other than payments made by the City in connection with the termination or unwinding of a Credit Agreement), from either the City or the Credit Provider, shall be included in such calculation except to the extent that the payments are already taken into account under (1) through (7) above and any payments otherwise included above under (1) through (7) which are to be replaced by payments under a Credit Agreement, from either the City or the Credit Provider, shall be excluded from such calculation.

(c) The term "Bonds" shall mean the "City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2020," dated June 1, 2020, authorized by this Ordinance.

(d) The term “Bonds Similarly Secured” shall mean, collectively, the Bonds, the Previously Issued Bonds and any Additional Bonds.

(e) The term “City” shall mean the City of Garland, Texas.

(f) The term “Consultant” shall mean an independent firm, person or corporation recognized as having expertise and with a favorable reputation for special skill and knowledge in the operations and financing of municipal electric light and power facilities and systems similar in size to the System.

(g) The term “Credit Agreement” shall mean, collectively, a loan agreement, revolving credit agreement, agreement establishing a line of credit, letter of credit, reimbursement agreement, insurance contract, commitments to purchase Bonds Similarly Secured, purchase or sale agreements, interest rate swap agreements, currency exchange agreements, interest rate floor or cap agreements, or commitments or other contracts or agreements authorized, recognized and approved by the City as a Credit Agreement in connection with the authorization, issuance, security, or payment of Bonds Similarly Secured and on a parity therewith.

(h) The term “Credit Facility” shall mean (i) a policy of insurance or a surety bond, issued by an issuer of policies of insurance insuring the timely payment of debt service on governmental obligations, provided that a Rating Agency having an outstanding rating on Bonds Similarly Secured would rate the Bonds Similarly Secured fully insured by a standard policy issued by the issuer in its two highest generic rating categories for such obligations; and (ii) a letter or line of credit issued by any financial institution, provided that a Rating Agency having an outstanding rating on the Bonds Similarly Secured would rate the Bonds Similarly Secured in its two highest generic rating categories for such obligations if the letter or line of credit proposed to be issued by such financial institution secured the timely payment of the entire principal amount of the Bonds Similarly Secured and the interest thereon; and, in any case, no lower than the rating assigned by a Rating Agency to the Bonds Similarly Secured.

(i) The term “Credit Provider” shall mean any bank, financial institution, insurance company, surety bond provider, or other entity which provides, executes, issues, or otherwise is a party to or provider of a Credit Agreement.

(j) The term “Debt” shall mean, with respect to the System, all:

(1) indebtedness incurred or assumed by the City for borrowed money (including indebtedness arising under Credit Agreements) and all other financing obligations of the City that, in accordance with generally accepted accounting principles, are shown on the liability side of a balance sheet;

(2) all other indebtedness (other than indebtedness otherwise treated as Debt hereunder) for borrowed money or for the acquisition, construction, or improvement of property or capitalized lease obligations that is guaranteed, directly or indirectly, in any manner by the City, or that is in effect guaranteed, directly or indirectly, by the City through an agreement, contingent or otherwise, to purchase any such indebtedness or to advance or supply funds for the payment or purchase of any such indebtedness or to purchase property or services primarily for the purpose of enabling the debtor or seller to make payment of such indebtedness, or to assure the owner of the indebtedness against loss, or to supply funds to or in any other manner invest in the debtor (including any agreement

to pay for property or services irrespective of whether or not such property is delivered or such services are rendered), or otherwise; and

(3) all indebtedness secured by any mortgage, lien, charge, encumbrance, pledge or other security interest upon property owned by the City whether or not the City has assumed or become liable for the payment thereof.

For the purpose of determining the "Debt" of the City, there shall be excluded any particular Debt if, upon or prior to the Maturity thereof, there shall have been deposited with the proper depository (a) in trust the necessary funds (or investments that will provide sufficient funds, if permitted by the instrument creating such Debt) for the payment, redemption, or satisfaction of such Debt or (b) evidence of such Debt deposited for cancellation; and thereafter it shall not be considered Debt. No item shall be considered Debt unless such item constitutes indebtedness under generally accepted accounting principles applied on a basis consistent with the financial statements prepared by or for the benefit of the City in prior Fiscal Years.

(k) The term "Fiscal Year" shall mean the 12 month period ending September 30th of each year; provided, however, the City may change the Fiscal Year to another period of not less than 12 calendar months, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

(l) The term "Gross Revenues" shall mean those revenues, income, and receipts derived or received by the City from the operation and ownership of the System, including interest income and earnings from the investment or deposit of money in any Fund created by the Ordinance or another ordinance or authorizing document associated with the Bonds or Additional Bonds or maintained by the City in connection with the System, and money transferred to the System Fund, other than those amounts subject to the payment of the United States of America as rebate pursuant to Section 148 of the Code. The term "Gross Revenues", however, does not include refundable meter deposits, restricted gifts, grants in aid of construction or "transition charges" or similar charges imposed pursuant to the Texas Utilities Code, Subchapter G of Chapter 39, as amended, or similar law imposed for the payment of "transition bonds".

(m) The term "Government Obligations", as used herein, shall mean (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(n) The term "Maturity" shall mean, when used with respect to any Debt, the date on which the principal of such Debt or any installment thereof becomes due and payable as therein provided, whether at the Stated Maturity thereof or by declaration of acceleration, call for redemption, or otherwise.

(o) The term “Net Revenues” shall mean for any period of time the Gross Revenues of the System less the Operation and Maintenance Expenses incurred during such period.

(p) The term “New Series 2018 Bonds” shall mean the “City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2018,” dated May 15, 2018.

(q) The term “Operation and Maintenance Expense” means the expenses of operation and maintenance of the System, including all salaries, labor, material, repairs, and extensions necessary to render efficient service, provided, however, that only such repairs and extensions, as in the judgment of the City, reasonably and fairly exercised by the passage of appropriate ordinances are necessary to render adequate service, or such as might be necessary to meet some physical accident or condition which would otherwise impair any Bonds Similarly Secured. Operation and Maintenance Expenses shall include the purchase of power. Depreciation shall not be considered as an expense of operation and maintenance.

(r) The term “Outstanding” when used in this Ordinance with respect to the Bonds means, as of the date of determination, all Bonds and Bonds Similarly Secured theretofore issued and delivered, except:

(1) those Bonds or Bonds Similarly Secured theretofore cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Bonds or Bonds Similarly Secured for which payment has been duly provided by the City in accordance with the provisions of Section 39 hereof by the irrevocable deposit with the Paying Agent/Registrar of money or Government Obligations, or both, in the amount necessary to fully pay the principal of, premium, if any, and interest thereon to maturity or redemption, as the case may be, provided that, if such Bonds or Bonds Similarly Secured are to be redeemed, notice of redemption thereof shall have been duly given pursuant to the ordinance authorizing the issuance of such Bonds or Bonds Similarly Secured or irrevocably provided to be given to the satisfaction of the Paying Agent/Registrar, or waived; and

(3) those Bonds or Bonds Similarly Secured that have been mutilated, destroyed, lost or stolen and for which replacement bonds have been registered and delivered in lieu thereof.

(s) The term “Owner,” with respect to any Bond shall mean the person in whose name such Bond is registered on the register kept by the Paying Agent/Registrar.

(t) The term “Paying Agent/Registrar” shall mean the person or entity designated as such pursuant to Section 3 of this Ordinance.

(u) The term “Previously Issued Bonds” includes (i) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2014, dated June 1, 2014, (ii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2015, dated February 1, 2015, (iii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2016A, dated November 15, 2016, (iv) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2016B, dated November 15, 2016, (v) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2018, dated May 15, 2018, (vi) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2019,

dated February 15, 2019 and (vii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2019A, dated December 1, 2019.

(v) The term "Prior Lien Bonds" includes (i) "City of Garland, Texas, Electric Utility System Revenue Bonds, Series 2011," dated June 15, 2011 and (ii) "City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, Series 2013" dated May 1, 2013.

(w) The term "Stated Maturity" shall mean, when used with respect to any Debt or any installment of interest thereon, any date specified in the instrument evidencing or authorizing such Debt or such installment of interest as a fixed date on which the principal of such Debt or any installment thereof or the fixed date on which such installment of interest is due and payable.

(x) The term "System" shall mean the City's Electric Utility System, including all present and future extensions, additions, replacements and improvements thereto.

(y) The term "Term of Issue" shall mean, with respect to any Balloon Debt, a period of time equal to the greater of (i) the period of time commencing on the date of issuance of such Balloon Debt and ending on the final maturity date of such Balloon Debt or (ii) thirty (30) years.

(z) The term "Variable Rate Obligations" shall mean Bonds Similarly Secured that bear interest at a rate per annum which is subject to adjustment so that the actual rate of interest is not ascertainable at the time such Bonds Similarly Secured are issued; provided, however, that upon the conversion of the rate of interest on a Variable Rate Obligation to a fixed rate of interest (whether or not the interest rate thereon is subject to conversion back to a variable rate of interest), such Bond Similarly Secured shall not be treated as a "Variable Rate Obligation" for so long as such Bond Similarly Secured bears interest at a fixed rate.

The City reserves the right to establish accounts within the Bond Fund for the payment of obligations, including specifically obligations incurred under a Credit Agreement or a Variable Rate Obligation; that is declared to be a Bond Similarly Secured in the ordinance authorizing the execution of such Credit Agreement or such Variable Rate Obligation.

SECTION 11. Pledge of Revenues. The City hereby covenants and agrees that, subject only to the prior lien on and pledge of the Net Revenues of the System to the payment and security of the Prior Lien Bonds (including the establishment and maintenance of the special funds created for the payment and security thereof) under the terms and conditions of the ordinances and proceedings pertaining to their authorization, the Net Revenues of the System, with the exception of those in excess of the amounts required for the payment and security of the Outstanding Bonds Similarly Secured, are hereby irrevocably pledged to the payment and security of the Outstanding Bonds Similarly Secured, including the maintenance of the special funds herein created in connection with the issuance of the Bonds, all as hereinafter provided, and it is hereby ordained that the Bonds Similarly Secured, and the interest thereon, shall be equally and ratably secured by a parity lien on and pledge of the Net Revenues of the System and be valid and binding without any filing or recording except for the filing of this Ordinance in the records of the City.

Texas Government Code, Chapter 1208, as amended, applies to the issuance of the Bonds and the pledge of the revenues granted by the City under this Section of this Ordinance, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are Outstanding and unpaid such that the pledge of the revenues granted by the City under this Section of this Ordinance is to be subject to the filing requirements of Texas Business and Commerce Code, Chapter 9, as amended, then in order to preserve to the Holders

of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Texas Business and Commerce Code, Chapter 9, as amended, and enable a filing to perfect the security interest in said pledge to occur.

SECTION 12. Rates and Charges. The City hereby covenants and agrees with the Holders of the Bonds that rates and charges for electric utility services afforded by the System will be established and maintained to provide Gross Revenues, including the money transferred to the System Fund for the sole purpose of compliance with this Section 12, sufficient at all times to:

- (a) Pay for all operation, maintenance, depreciation, replacement, and betterment charges of said System;
- (b) Maintain the Bond Fund;
- (c) Maintain the Reserve Fund at the Required Reserve Amount; and
- (d) Pay all other outstanding indebtedness against said System as and when the same becomes due.

SECTION 13. Fund Designations. The City hereby covenants and agrees that all revenues derived from the operation of the System shall be kept separate and apart from all other funds of the City, and the following Funds or Accounts shall be created and established in connection with the issuance of the Bonds (to the extent such funds are required to be established and to the extent such funds have not previously been created and established) and shall continue to be kept and maintained during the period of time any Bonds Similarly Secured are Outstanding, to wit:

(a) City of Garland, Texas Electric Utility System Fund, hereinafter called the "System Fund," which Fund is kept and maintained at a depository bank of the City.

(b) City of Garland, Texas New Series Electric Utility System Interest and Sinking Fund, hereinafter called the "Bond Fund," which Bond Fund is hereby declared to be the combined interest and sinking fund created for the payment of principal of and interest on any Outstanding Bonds Similarly Secured, and the same shall continue to be a single fund for the payment of principal of and interest on such Outstanding Bonds Similarly Secured. The Bond Fund shall be kept and maintained at a City depository, as custodian of the pledged revenues, and moneys deposited therein shall be used solely for the purpose of paying the principal of and interest on the Outstanding Bonds Similarly Secured when and as the same become due and payable.

(c) City of Garland, Texas New Series Electric Utility System Revenue Reserve Fund, hereinafter called the "Reserve Fund," which Reserve Fund, if required to be established and maintained as set forth herein or as set forth in an ordinance of the City relating to the issuance of Additional Bonds, shall be kept and maintained at a City depository, and moneys or instruments or any combination of both deposited in the Reserve Fund shall be used to pay principal of and interest on any Outstanding Bonds Similarly Secured falling due at any time when there is insufficient money available in the Bond Fund for such purpose.

It is specifically provided, however, that the City may change the custodian of the Bond Fund and the Reserve Fund without impairing the obligation of contract with the Holders of the

Bonds, if the new custodian for such Fund or Funds is a financial institution with trust powers. In no event shall a change of the custodian of either of the Bond Fund or the Reserve Fund be considered as a change in the purpose for which such Funds were created and established as provided in this Ordinance, and the City covenants that it will cause such Funds to be timely utilized for the respective purposes for which they were created.

The City reserves the right to establish and maintain additional funds and accounts in connection with payment or support of the Outstanding Bonds Similarly Secured and the money on deposit in any such fund or account on the last day of the Fiscal Year may be used for any lawful purpose related to the Outstanding Bonds Similarly Secured and any proposed obligations which would be Bonds Similarly Secured when issued, including being applied to any Net Revenue calculations associated with Additional Bonds.

SECTION 14. System Fund. The City hereby covenants and agrees that all revenues and income of every nature derived and to be derived from the operation of the System shall be deposited from day to day as collected into the System Fund, and the reasonable and proper maintenance and operation expenses of the System shall be paid therefrom. All moneys deposited therein which are not required for the payment of maintenance and operating expenses of the System shall be appropriated and used, first to the payment of any principal, interest or reserve requirements of any Outstanding Prior Lien Bonds, second, to the payment of any principal, interest or reserve requirements of any Outstanding Bonds Similarly Secured, third to the payment of any principal, interest or reserve requirements of any outstanding obligations payable from and secured by a lien on and pledge of the Net Revenues of the System subordinate to the lien on and pledge of the Net Revenues to any Outstanding Bonds Similarly Secured and fourth, for any purpose authorized by applicable law.

SECTION 15. Bond Fund. The following provisions shall govern the maintenance and use of the Bond Fund: the City covenants that from the funds in the System Fund, after paying or making provision for the payment of the necessary and reasonable expenses of operation and maintenance of the System, the City shall pay into the Bond Fund during each year in which any of the Bonds Similarly Secured are Outstanding, an amount equal to one hundred percent (100%) of the amount required to meet the principal and interest payments falling due on or before the next maturity date of the Outstanding Bonds Similarly Secured. An amount of moneys in the Bond Fund sufficient to pay principal and interest next coming due shall be transferred to the Paying Agent/Registrar on or before the principal or interest payment date.

SECTION 16. Reserve Fund. (a) Establishment. A Reserve Fund shall not be required to be established or maintained by the City for the payment of the Bonds or any other Bonds Similarly Secured so long as the Net Revenues of the System for a Fiscal Year equal or exceed one hundred fifty per cent (150%) of the annual debt service requirements of Bonds Similarly Secured due and payable in such Fiscal Year. If for any Fiscal Year such Net Revenues do not exceed 150% of the annual debt service requirements of the Bonds Similarly Secured, the City shall be obligated to establish and maintain on the books of the City a separate fund or account designated as the Reserve Fund. Upon being established and except as provided below, the amount on deposit to the credit of the Reserve Fund shall be maintained for the benefit of the owners of the Bonds Similarly Secured. The amounts deposited to the credit of the Reserve Fund shall be in a special fund maintained at a depository of the City. Monies or investments held in the Reserve Fund shall be used for the purpose of retiring the last of the Bonds Similarly Secured as they become due or paying principal of and interest on the Bonds Similarly Secured when and to the extent the amounts in the Bond Fund are insufficient for such purpose.

When a Reserve Fund is required to be established as noted above and while the same is required to be maintained, the Required Reserve Amount to be accumulated and maintained in such Fund shall be determined and re-determined as follows:

- (1) ten per cent (10%) of the average annual debt service requirement for all Bonds Similarly Secured if the Net Revenues for the previous Fiscal Year were less than 150% of the annual debt service requirement for such Fiscal Year;
- (2) twenty per cent (20%) of the average annual debt service requirement for all Bonds Similarly Secured if the Net Revenues for the previous Fiscal Year were less than 140% of the annual debt service requirement for such Fiscal Year, but greater than or equal to 130% of the annual debt service requirement for such Fiscal Year;
- (3) thirty per cent (30%) of the average annual debt service requirement for all Bonds Similarly Secured then Outstanding if the Net Revenues for the previous Fiscal Year were less than 130% of the annual debt service requirement for such Fiscal Year, but greater than or equal to 120% of the annual debt service requirement for such Fiscal Year;
- (4) forty per cent (40%) of the average annual debt service requirement for all Bonds Similarly Secured if the Net Revenues for the previous Fiscal Year were less than 120% of the annual debt service requirement for such Fiscal Year, but greater than or equal to 110% of the annual debt service requirement for such Fiscal Year; and
- (5) fifty per cent (50%) of the average annual debt service requirement for all Bonds Similarly Secured if the Net Revenues for the previous Fiscal Year were less than 110% of the annual debt service requirement for such Fiscal Year.

The City shall review the amount, if any, on deposit in the Reserve Fund within thirty (30) days of the receipt of the audited financial statements applicable to the System for the preceding Fiscal Year to determine compliance with the provisions of subparagraph (i), (ii), (iii), (iv) and (v) of subsection (a) of this Section 16. If at any time the City is required to fund the Required Reserve Amount, or to increase the Required Reserve Amount, the Required Reserve Amount or increase in the Required Reserve Amount, as applicable, shall be funded as provided in subsection (b) of this Section 16 in not more than sixty (60) substantially equal consecutive monthly deposits commencing not later than the month following the receipt of audited financial statements for the System for the preceding Fiscal Year.

(b) Funding. The Required Reserve Amount shall be established and maintained with Net Revenues of the System, transfer(s) of funds from refunded obligations, proceeds of sale of Bonds Similarly Secured, or by depositing to the credit of the Reserve Fund, to the extent permitted by law, one or more surety bonds or insurance policies issued by a company or institution which at the time of such deposit has a rating in one of the two highest rating categories by two nationally recognized rating agencies or services, or any combination thereof. The City hereby covenants and agrees to accumulate in the Reserve Fund the Required Reserve Amount either by depositing, from Net Revenues, in not more than sixty (60) substantially equal monthly payments, which initial fractional payment thereof shall be made on or before the fifteenth (15th) day of the month next following the determination that additional amounts need to be accumulated in the Reserve Fund to satisfy the Required Reserve Amount or by funding the Reserve Fund in the Required Reserve Amount from funds received from the transfer of funds from refunded obligations, from proceeds of sale of Bonds Similarly Secured, or by depositing one or more surety

bonds or insurance policies issued by a company or companies meeting the aforesaid criteria, or any combination of the foregoing.

Concurrently with the delivery of a series of Additional Bonds, the appropriate City officials shall determine the Required Reserve Amount as well as the amount then held in the Reserve Fund, and the amount of such difference shall be deposited in the said Reserve Fund (i) by depositing to the credit of the Reserve Fund (concurrently with the delivery of the then proposed Additional Bonds) cash or an additional surety bond or insurance policy or revised surety bond or revised insurance policy with coverage in an amount sufficient to provide for the new Required Reserve to be fully or partially funded, or (ii) at the option of the City, in not more than sixty (60) substantially equal consecutive monthly payments, cash, the initial payment to be made on or before the fifteenth (15th) day of the month next following the month in which such Additional Bonds are delivered (or 1/60th of the balance of the additional amount not deposited immediately in cash or provided by a surety bond or insurance policy).

When and so long as the cash and investments in the Reserve Fund and/or coverage afforded by a surety bond or insurance policy held for the account of the Reserve Fund total not less than the Required Reserve Amount, no deposits need be made to the credit of the Reserve Fund; but, if and when the Reserve Fund at any time contains less than the Required Reserve Amount (or so much thereof as shall then be required to be contained therein if Additional Bonds have been issued and the City has elected to accumulate all or a portion of the Required Reserve Amount with Net Revenues), the City covenants and agrees to cause monthly deposits to be made to the Reserve Fund on or before the fifteenth (15th) day of each month (beginning the month next following the month the deficiency in the Required Reserve Amount occurred by reason of a draw on the Reserve Fund or as a result of a reduction in the market value of investments held for the account of the Reserve Fund) from Net Revenues of the System in an amount equal to either (i) one-sixtieth (1/60th) of the Required Reserve Amount until the total Required Reserve Amount then required to be maintained in said Fund has been fully restored or (ii) the amounts to pay principal of and interest on Bonds Similarly Secured held by an insurer, or evidenced by an instrument of assignment entitling an insurer to payment of principal of and interest on Bonds Similarly Secured, as a result of payments or draws made on a surety bond or insurance policy held for the account of the Reserve Fund, and such payments will result in (x) the principal of and/or interest on such Bonds Similarly Secured to be paid and (y) the restoration and replenishment of the surety bond or insurance policy coverage representing all or a portion of the Required Reserve Amount.

During such time as the Reserve Fund contains the total Required Reserve Amount, the City may, at its option, withdraw all surplus in the Reserve Fund over the Required Reserve Amount and deposit such surplus in the System Fund. Any such amount to be withdrawn that is allocated to proceeds of Bonds Similarly Secured shall be deposited to the Bond Fund or otherwise used for only such purposes as other bond proceeds may be used.

If the Reserve Fund is required to be established as provided in (a) above, and for two consecutive Fiscal Years, the Net Revenues of the System for a Fiscal Year equal or exceed one hundred fifty per cent (150%) of the annual debt service requirements of Bonds Similarly Secured due and payable in such Fiscal Year, then the Reserve Fund does not need to be maintained and the amounts in the Reserve Fund may be deposited to the Bond Fund or otherwise used for only such purposes as other bond proceeds may be used.

SECTION 17. Deficiencies in Funds. If in any month the City shall, for any reason, fail to pay into the Bond Fund or Reserve Fund the full amounts above stipulated, amounts equivalent

to such deficiencies shall be set apart and paid into said Funds from the first available and unallocated Net Revenues of the System for the following month or months, and such payments shall be in addition to the amounts otherwise required to be paid into said Funds during such month or months.

SECTION 18. Excess Revenues. Any Net Revenues in excess of those required to establish and maintain the special Funds as herein required may be used for any other lawful purpose.

SECTION 19. Security of Funds. All moneys deposited in the Funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and shall be used only for the purposes permitted by this Ordinance and the ordinances authorizing the issuance of other Bonds Similarly Secured.

SECTION 20. No Additional Obligations to be Issued on a Parity with the Prior Lien Bonds - Obligations of Inferior Lien and Pledge. The City will not hereafter issue any additional obligations with a lien on and pledge of the Net Revenues on a parity with the lien on and pledge of the Net Revenues associated with the Prior Lien Bonds or create or issue evidences of indebtedness for any purpose possessing a lien on the Net Revenues of the System superior to that to be possessed by the Bonds Similarly Secured. The City, however, retains the right to create and issue evidences of indebtedness whose lien on and pledge of the Net Revenues of the System shall be subordinate to that possessed by the Bonds Similarly Secured.

SECTION 21. Issuance of Additional Bonds. In addition to the right to issue obligations of inferior lien as authorized by the laws of the State of Texas, the City hereby reserves the right to issue additional parity obligations. The Additional Bonds, when issued, shall be payable from and secured by a lien on and pledge of the Net Revenues of the System in the same manner and to the same extent as the Outstanding Bonds Similarly Secured, and the Outstanding Bonds Similarly Secured and any Additional Bonds shall in all respects be of equal dignity. The Additional Bonds may be issued in one or more installments, provided, however, that none shall be issued unless and until the following conditions have been met:

(a) A certificate is executed by the Mayor and Finance Director (or other officer of the City having primary responsibility for the financial affairs of the City) to the effect that no default exists in connection with any of the covenants or requirements of the ordinances authorizing the issuance of all then Outstanding Bonds Similarly Secured;

(b) A certificate is executed by the Mayor and Finance Director (or other officer of the City having primary responsibility for the financial affairs of the City) to the effect that the Bond Fund and the Reserve Fund each contains the amount then required to be on deposit therein;

(c) A certificate is executed by a certified public accountant to the effect that, in his or her opinion, the Net Revenues of the System either for the last complete Fiscal Year of the City, or for any 12 consecutive calendar month period ending not more than 90 days prior to the passage of the ordinance authorizing the issuance of such Additional Bonds were at least 1.25 times the average annual principal and interest requirements for the calculation period of all then Outstanding Prior Lien Bonds and Outstanding Bonds Similarly Secured and for the installment or series of Additional Bonds then proposed to be issued and 1.00 times the maximum annual principal and interest requirements for all then Outstanding Prior Lien Bonds and Outstanding Bonds Similarly Secured after giving effect to the issuance of the Additional Bonds then being issued. However, (i) should the certificate of the accountant certify that the Net Revenues of the

System for the period covered thereby were less than required above, and (ii) a change in the rates and charges for electric utility services afforded by the System became effective at least 60 days prior to the last day of the period covered by the accountant's certificate, and (iii) a Consultant having a favorable reputation with respect to such matters will certify that, had such change in rates and charges been effective for the entire period covered by the accountant's certificate, the Net Revenues of the System covered by the accountant's certificate would have been, in his or her opinion, equal to at least 1.25 times the average annual and 1.00 times the maximum annual principal and interest requirements (calculated on a Fiscal Year basis) of the Outstanding Prior Lien Bonds and Outstanding Bonds Similarly Secured after giving effect to the issuance of the proposed Additional Bonds, then, in such event, the coverage specified in the first sentence of this subparagraph (c) shall not be required for the period specified, and such accountant's certificate will be sufficient if accompanied by a Consultant's certificate to the above effect. The term Net Revenues, as used in this subparagraph (c), shall mean the Net Revenues of the System, but excluding and not deducting any charges or disbursements which under standard accounting practice should be charged to capital expenditures;

(d) The Additional Bonds are scheduled to mature on March 1 or September 1, or both, and the interest thereon is scheduled to be paid on March 1 and September 1, provided, however, if the City issues Variable Rate Obligations, such Variable Rate Obligations may mature and pay interest on such date or dates provided in the ordinance authorizing the issuance of such Variable Rate Obligations; and

(e) The ordinance authorizing the issuance of such Additional Bonds provides that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased by an additional amount not less than the applicable percentage of the average annual debt service requirements for the Bonds Similarly Secured, taking into account the proposed Additional Bonds and that such additional amount shall (i) be so accumulated within sixty (60) months from the date of the Additional Bonds by the deposit in the Reserve Fund of the necessary sums in substantially equal consecutive monthly installments; or (ii) be deposited therein transfers of lawfully available funds, proceeds of sale of Bonds Similarly Secured or depositing to the credit of the Reserve Fund one or more surety bonds or insurance policies as provided in this Ordinance; provided, however, that the aggregate amount to be accumulated in the Reserve Fund shall never be required to exceed the applicable percentage of the average annual debt service requirements for all Bonds Similarly Secured taking into account the series of Additional Bonds then proposed to be issued; and

(f) All calculations of maximum and average annual debt service requirements made pursuant to this Section shall be made based upon the actual rate of interest to be borne by the Additional Bonds then proposed to be issued.

Bonds Similarly Secured may be refunded (pursuant to any law then available) upon such terms and conditions as the City may deem to be in the best interest of the City and its inhabitants, and if fewer than all such Outstanding Bonds Similarly Secured are refunded, the proposed refunding bonds shall be considered as "Additional Bonds" under the provisions of this Section, and the certificate(s) required in subdivision (c) shall give effect to the issuance of the proposed refunding bonds (and shall not give effect to the Bonds Similarly Secured being refunded following their cancellation or provision being made for their payment).

SECTION 22. Maintenance and Operation - Insurance. The City covenants and agrees that the System shall be maintained in good condition and operated in an efficient manner and at reasonable cost. So long as any of the Bonds are Outstanding, the City agrees to maintain

insurance on the System of a kind, including self-insurance by the City, and in an amount not less than, customarily carried by municipal corporations in the State of Texas engaged in a similar type of business. Nothing in this Ordinance shall be construed as requiring the City to expend any funds which are derived from sources other than the operation of the System, but nothing herein shall be construed as preventing the City from doing so.

SECTION 23. Records - Accounts - Accounting Reports.

(a) The City hereby covenants and agrees that so long as any of the Bonds remain Outstanding, it will keep and maintain a proper and complete system of records and accounts pertaining to the operation of the System separate and apart from all other records and accounts of the City in accordance with accepted accounting principles prescribed for municipal corporations. The Owner of any Bond or any duly authorized agent or agents of such Owner shall have the right at all reasonable times to inspect all such records, accounts, and data relating thereto, and to inspect the System and all properties comprising same. The City further agrees that as soon as possible following the close of each Fiscal Year it will cause an audit of such books and accounts to be made by an independent firm of certified public accountants or licensed public accountants.

(b) Expenses incurred in making the audits above referred to are to be regarded as maintenance and operating expenses of the System and paid as such. Copies of the aforesaid annual audit shall be immediately furnished to the Executive Director of the Municipal Advisory Council of Texas at his or her office in Austin, Texas, and, upon written request to the Purchasers and any subsequent Owners of the Bonds.

SECTION 24. Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in payments to be made to the Bond Fund and Reserve Fund as required by this Ordinance or (b) defaults in the observance or performance of any other of the covenants, conditions or obligations set forth in this Ordinance, the Holder or Holders of any Bond shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City and other officers of the City to observe and perform any covenant, condition or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive. Notwithstanding anything in this Ordinance to the contrary, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

SECTION 25. Special Covenants. The City hereby further covenants as follows:

(a) That it has the lawful power to pledge the revenues supporting this issue of Bonds and has lawfully exercised said power under the Constitution and laws of the State of Texas, including said power existing under Texas Government Code, Chapter 1502, as amended, that the Bonds when issued, shall be ratably secured under said pledge of income in such manner that one Bond Similarly Secured shall have no preference over any other Bond Similarly Secured.

(b) That, other than for the payment of the Prior Lien Bonds, the Previously Issued Bonds and the Bonds, the Net Revenues of the System have not in any manner been pledged to the payment of any debt or obligation of the City or of the System that is on a parity with the pledge of the Net Revenues to Bonds Similarly Secured. The Net Revenues have been pledged to the City's Electric Utility System Commercial Paper Notes, Series 2018 (a portion of which are being discharged with proceeds of the Bonds), subject to the lien on and pledge of the Net Revenues to the Outstanding Prior Lien Bonds and the Outstanding Bonds Similarly Secured.

(c) That, as long as any of the Prior Lien Bonds and the Bonds Similarly Secured issued prior to the issuance of the New Series 2018 Bonds or any interest thereon remain Outstanding, the City will not sell or encumber the System or any substantial part thereof; provided that this shall not be construed to prohibit the sale of such machinery, or other properties or equipment which has become obsolete or otherwise unsuited to the efficient operation of the System; also, with the exception of the Additional Bonds expressly permitted by this Ordinance to be issued, it will not encumber the Net Revenues thereof unless such encumbrance is made subordinate to the lien on and pledge of said Net Revenues to any Prior Lien Bonds or Bonds Similarly Secured.

(d) That no free service of the System shall be allowed, and should the City or any of its agents or instrumentalities make use of the services and facilities of the System, payment of the reasonable value thereof shall be made by the City out of funds from sources other than the revenues and income of the System.

(e) At such time as there are no Outstanding Prior Lien Bonds or Bonds Similarly Secured issued prior to the issuance of the New Series 2018 Bonds, the City may sell or exchange at any time and from time to time any properties and facilities constituting the System if the City shall have received a certificate executed by the Finance Director stating that the sale or exchange of such property or facilities will not materially adversely affect the financial condition of the City or its ability to satisfy the System's rate covenants. The proceeds of any such sale or exchange shall be used by the City, at the option of the City, (i) to acquire additional System facilities; (ii) to purchase, defease, or redeem System Debt; or (iii) for any other lawful purpose. Additionally, the portion of property comprising personal property or machinery, properties, and equipment which has become obsolete or otherwise unneeded in the operation of the System may be sold or otherwise disposed in any manner deemed appropriate by the City acting through the City Manager, the Finance Director or a designee of either of such City representatives.

To the extent that it legally may, the City further covenants and agrees that, so long as any of the Bonds Similarly Secured, or any interest thereon, are Outstanding, no franchise shall be granted for the installation or operation of any competing electric utility system other than that owned by the City.

SECTION 26. Bonds are Special Obligations. The Bonds are special obligations of the City payable from the pledged Net Revenues of the System, and the Holders thereof shall never have the right to demand payment thereof out of funds raised or to be raised by taxation.

SECTION 27. Bonds are Negotiable Instruments. That each of the Bonds shall be deemed and construed to be a "security," and as such a negotiable instrument, within the meaning of Texas Business and Commerce Code, Chapter 8, as amended.

SECTION 28. Investments. Moneys in the Bond Fund and the Reserve Fund may at the option of the City be invested or reinvested from time to time in direct obligations of the United

States of America, or other obligations permitted by the Texas Public Funds Investment Act, as amended.

SECTION 29. Payment of Bond. While any of the Bonds are Outstanding, the Mayor, the Finance Director and the City Secretary, individually or jointly, are hereby authorized to transfer or cause to be transferred to the Paying Agent/Registrar therefor, from funds on deposit in the Bond Fund and, if necessary, in the Reserve Fund, amounts sufficient to fully pay and discharge promptly each installment of interest on and principal of the Bonds as the same accrue or mature or come due; such transfer of funds to be made in such manner as will cause immediately available funds to be deposited with the Paying Agent/Registrar for the Bonds on or before the date of payment for the Bonds.

SECTION 30. Registered Owners, Notices, Waiver. The City, the Paying Agent/Registrar and any agent of either of them may treat the person in whose name any Bond is registered as the Holder of such Bond for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes whatsoever, and to the extent permitted by law, neither the City, the Paying Agent/Registrar, nor any agent of either of them shall be affected by notice to the contrary.

Wherever this Ordinance provides for notice to the Holder of a Bond of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States mail, first class postage prepaid, to the address of such Holder as it appears in the register kept by the Paying Agent/Registrar at the close of business on the business day next preceding the mailing of such notice.

In any case in which notice to the Holders of the Bonds is given by mail, neither the failure to mail such notice to any Holder of a Bond, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by any Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders of the Bond shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 31. Mutilated, Destroyed, Lost, and Stolen Bonds. (a) If (i) any mutilated Bond is surrendered to the Paying Agent/Registrar or the City or the Paying Agent/Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond and (ii) there is delivered to the City and the Paying Agent/Registrar such security or indemnity as may be required by the Paying Agent/Registrar to save and hold each of them harmless, then, in the absence of notice to the City or the Paying Agent/Registrar that such Bond has been acquired by a bona fide purchaser, the City shall execute and upon its request the Paying Agent/Registrar shall register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same stated maturity and of like tenor and principal amount, bearing a number not contemporaneously outstanding.

(b) In case any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City, in its discretion may, instead of issuing a new Bond, pay such Bond if it has become due and payable, or may pay such Bond when it becomes due and payable.

(c) Upon the issuance of any new Bond under this Section, the City may require the payment by the Holder thereof of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent/Registrar) connected therewith.

(d) Every new Bond issued pursuant to this Section in lieu of any mutilated, destroyed, lost or stolen Bond shall constitute a replacement of the prior obligation of the City, whether or not the mutilated, destroyed, lost or stolen Bond shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds.

(e) The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Bonds.

SECTION 32. Cancellation. All Bonds surrendered for payment, transfer, exchange or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly cancelled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already cancelled, shall be promptly cancelled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly cancelled by the Paying Agent/Registrar. All cancelled Bonds held by the Paying Agent/Registrar shall be disposed of as directed by the City.

SECTION 33. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“*Closing Date*” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue

Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of the Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds (including property financed with Gross Proceeds of the Refunded CP Notes), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded CP Notes), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the City Secretary of the Treasury on Form 8038-G or such other form and in such place as the City Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of the construction fund, other appropriate fund or, if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Bond Fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and the rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the yield on the Bonds not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Finance Director, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

(k) Bonds Not Hedge Bonds. (1) At the time the original obligations being refunded by the Bonds were issued, the City reasonably expected to spend at least 85% of the spendable proceeds of such obligations within three years after such obligations were issued and (2) not more than 50% of the proceeds of the original obligations being refunded by the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

(l) Current Refunding. The Bonds are a current refunding of the Refunded CP Notes in that the Bonds will be issued less than 90 days before the redemption of the Refunded CP Notes.

SECTION 34. Sale of Bonds; Purchase Agreement and Official Statement Approval. The Bonds authorized by this Ordinance are hereby sold by the City to BofA Securities, Inc. and RBC Capital Markets, LLC (collectively, the "Purchasers") in accordance with the Purchase Agreement, dated May 19, 2020, substantially in the form attached hereto as **Exhibit B** and incorporated herein by reference as a part of this Ordinance for all purposes, and the City has determined and does determine that the terms of such Purchase Agreement are in the City's best interests. The Mayor or Mayor Pro Tem are hereby authorized and directed to execute said Purchase Agreement for and on behalf of the City and as the act and deed of the Council, and in regard to the approval and execution of the Purchase Agreement, the Council hereby finds, determines, and declares that the representations, warranties, and agreements of the City contained therein are true and correct in all material respects and shall be honored and performed by the City.

Furthermore, the use of the Preliminary Official Statement by the Purchasers in connection with the public offering and sale of the Bonds is hereby ratified, confirmed and approved in all respects. The final Official Statement, which reflects the terms of sale (together with such changes approved by the Mayor, Mayor Pro Tem, City Manager, Finance Director or City Secretary, any one or more of said officials), shall be and is hereby in all respects approved and the Purchasers are hereby authorized to use and distribute said final Official Statement, dated May 19, 2020, in the reoffering, sale and delivery of the Bonds to the public. The Mayor or Mayor

Pro Tem and City Secretary are further authorized and directed to cause to be delivered for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers, and such final Official Statement shall be deemed to be approved by the Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 35. Legal Opinion. The Purchasers' obligation to accept delivery of the Bonds herein authorized is subject to their being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas, approving the Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. A true and correct reproduction of said opinion or an executed counterpart thereof shall accompany the global Bonds deposited with DTC, or a reproduction thereof may be printed on or attached to the definitive Bonds in the event the book-entry only system shall be discontinued. The City Council confirms the continuation of the engagement of Norton Rose Fulbright US LLP as the City's bond counsel.

SECTION 36. Proceeds of Sale. Immediately following the delivery of the Bonds, proceeds of sale in the amount of \$_____ shall be deposited with U.S. Bank National Association (the current issuing and paying agent for the Refunded CP Notes) for the payment and discharge of the Refunded CP Notes. The balance of the proceeds of sale of the Bonds shall be expended to pay costs of issuance and any excess amount budgeted for such purpose shall be deposited in the Bond Fund.

Additionally, on or immediately prior to the date of the delivery of the Bonds, the Finance Director or other appropriate City official shall cause to be transferred in immediately available funds to the issuing and paying agent for the Refunded CP Notes from moneys on deposit in the note payment fund maintained for the payment of the Refunded CP Notes the sum of \$_____ to accomplish the refunding of the Refunded CP Notes. The Finance Director is further authorized to provide, from lawfully available funds of the City, any additional money necessary to fully discharge the Refunded CP Notes.

SECTION 37. Reserved.

SECTION 38. CUSIP Numbers. CUSIP numbers may be printed on the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect in regard to the legality thereof and neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

SECTION 39. Payment and Discharge. (a) If the City shall pay or cause to be paid or there shall otherwise be paid to the Holders of the Bonds, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of the Net Revenues of the System under this Ordinance and all covenants, agreements and other obligations of the City to the Holders of the Bonds shall thereupon cease, terminate, and become void and be discharged and satisfied.

(b) Bonds or any principal amount thereof and interest installments for which money shall have been set aside in full payment to maturity thereof and held in trust by the Paying Agent/Registrar (through deposit by the City of funds for such payment) shall be deemed to have been paid within the meaning and with the effect expressed above in this Section. All Outstanding Bonds shall be deemed to have been paid, prior to their stated maturity within the meaning and with the effect expressed above in this Section if there shall have been deposited with the Paying Agent/Registrar or an authorized escrow agent either money in an amount which shall be

sufficient, or Government Obligations which have been certified by an independent accounting or consulting firm to mature as to principal and interest in such amounts and at such times to insure the availability, without reinvestment, of sufficient money to pay when due the principal of, premium, if any, and interest to become due on such Bonds on and prior to the stated maturity. The City covenants that no deposit of moneys or Government Obligations will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or any regulations or published rulings adopted pursuant thereto. Neither Government Obligations nor moneys deposited with the Paying Agent/Registrar or an escrow agent pursuant to this Section, nor principal or interest payments on any such Government Obligations, shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, premium, if any, and interest on the Bonds. Any cash received from such principal of and interest on such Government Obligations deposited with the Paying Agent/Registrar or such escrow agent, if not needed for such purpose, shall, to the extent practicable, be reinvested in Government Obligations (which may be non-interest bearing) maturing at times and in amounts sufficient to pay when due the principal of, premium, if any, and interest on such Bonds on and prior to the stated maturity thereof, and interest earned from such reinvestments shall be paid over to the City as received by the Paying Agent/Registrar or escrow agent, free and clear of any trust, lien or pledge. Any payment for Government Obligations purchased for the purpose of reinvesting cash as aforesaid shall be made only against delivery of such Government Obligations.

(c) At such time as all of the Bonds are retired, or provision is made for their payment, money in the Bond Fund, if any, held for the payment of the Bonds may be used by the City for any lawful purpose, provided that any money held by the Paying Agent/Registrar which has been provided for the payment of interest or principal and not so utilized for any reason shall continue to be held by the Paying Agent/Registrar for a period of four calendar years, and if not claimed subject to the applicable escheat or similar laws, the same shall be returned to the City.

SECTION 40. Ordinance a Contract; Amendments. This Ordinance shall constitute a contract with the Holder of any Bond from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 42 hereof. The City, may, without the consent of or notice to any Holders of Bonds, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders of any Bond, including the curing of any ambiguity, inconsistency or formal defect or omission herein. In addition, the City may, with the written consent of the Holders of Bonds owning a majority in aggregate principal amount of the Bonds then Outstanding affected thereby, amend, add to or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Bonds, no such amendment, addition or rescission shall (a) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (b) give any preference to any Bond over any other Bond or (c) reduce the aggregate principal amount of Bonds required for consent to any such amendment, addition or rescission.

SECTION 41. Control and Custody of Bonds. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending the delivery of the Bonds, and shall take and have charge and control of the Initial Bond(s) pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

SECTION 42. Continuing Disclosure Undertaking.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“MSRB” means the Municipal Securities Rulemaking Board.

“Rule” means SEC Rule 15c2-12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning in or after 2020, financial information and operating data with respect to the City of the general type included in Tables 1 through 10 in the Official Statement and (2) within twelve months after the end of each fiscal year ending in or after 2020, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in Appendix B to the Official Statement, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not available by the required time, the City will file unaudited financial statements within such twelve-month period and audited financial statements when and if such audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB’s Internet Web site or filed with the SEC.

(c) Notice of Certain Events. The City shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with

- respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of holders of the Bonds, if material;
 - (8) Bond calls, if material, and tender offers;
 - (9) Defeasances;
 - (10) Release, substitution, or sale of property securing repayment of the Bonds, if material;
 - (11) Rating changes;
 - (12) Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
 - (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
 - (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
 - (15) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
 - (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding item (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City and (b) the City intends the words used in the immediately preceding items (15) and (16) in this Section to have the meanings ascribed to them in SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

(d) Filings with the MSRB. All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except

that the City in any event will give the notice required by subsection (c) of this Section of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City’s right to do so would not prevent underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 43. Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar, and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, and the Holders.

SECTION 44. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 45. Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 46. Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance or the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 47. Incorporation of Findings and Determinations. The findings and determinations of this Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 48. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine, or neuter gender shall be considered to include the other genders.

SECTION 49. Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Finance Director and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance, sale and delivery of the Bonds. In addition, prior to the delivery of the Bonds, the Mayor, Mayor Pro Tem, City Manager, Finance Director or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in this Ordinance or such other document, or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 50. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 51. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption on the date shown below in accordance with Texas Government Code, Section 1201.028, as amended.

[remainder of page intentionally left blank]

PASSED AND ADOPTED this May 19, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT B
PURCHASE AGREEMENT



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

8.

Meeting Date: 05/19/2020

Item Title: Consider an Ordinance Temporarily Amending Sec. 25.15(D) of Chapter 25, "Parks and Recreation"

Submitted By: Jeffrey Bryan, Chief of Police

Summary of Request/Problem

At the May 18, 2020 Work Session, Council considered adopting an ordinance to temporarily amend Section 25.15(D) of Chapter 25, "Parks and Recreation" to provide a temporary limit on the number of persons allowed to be present at Windsurf Bay Park on three major holiday weekends.

Recommendation/Action Requested and Justification

Approve the adoption of an ordinance temporarily amending Section 25.15(D) of Chapter 25, "Parks and Recreation" to provide a temporary limit on the number of persons allowed to be present at Windsurf Bay Park.

Attachments

Temporary Amendment Windsurf Bay Capacity

ORDINANCE NO.

AN ORDINANCE TEMPORARILY AMENDING SEC. 25.15(D) OF CHAPTER 25, "PARKS AND RECREATION" TO PROVIDE A TEMPORARY LIMIT ON THE NUMBER OF PERSONS ALLOWED TO BE PRESENT IN WINDSURF BAY PARK; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE AND A REVERTER CLAUSE.

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

Section 1

That Sec. 25.15(D) of Chapter 25, "Parks and Recreation" of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows during the effective period of this Ordinance as provided in Section 5, below:

" (D) In the event the Director of Parks, or his or her designee, notifies the Director of Police, or his or her designee, that at least 1000 persons are present in Windsurf Bay Park on May 23, May 24, May 25, July 3, July 4, July 5, September 5, September 6 or September 7, 2020, the Director of Police, or his or her designee, shall order that no other persons may enter the park for the remainder of the calendar day.

(1) A person commits an offense if the person enters Windsurf Bay Park after receiving notice that the park is no longer accepting persons for admission.

(2) For the purpose of this section, "notice" means oral or written communication by a police officer or other City employee with apparent authority to act on behalf of the City, or a sign or signs conspicuously posted at the main entrance to the park, reasonably likely to come to the attention of the general public, indicating that the park is no longer accepting persons for admission."

Section 2

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

Section 3

That Chapter 25, "Parks and Recreation" of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

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

Section 5

That this Ordinance shall be and become effective immediately upon and after its passage and approval and shall remain in effect until September 30, 2020 unless earlier repealed by the City Council.

Section 6

On October 1, 2020 the provisions of Sec. 25.15 of Chapter 25, "Parks and Recreation" shall be and remain in effect as provided on the date immediately preceding the adoption of this temporary Ordinance as though never amended hereby.

PASSED AND APPROVED this the 19th day of May, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED:



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

9.

Meeting Date: 05/19/2020

Item Title: 2020-2021 CDBG, HOME and ESG Federal Grant Allocation

Submitted By: Mona Woodard, Neighborhood Services Administrator

Summary of Request/Problem

At the May 18, 2020 Work Session, Council was provided background information regarding anticipated 2020-2021 CDBG, HOME and ESG entitlement funding along with summaries of submitted applications.

As part of the allocation process, a public hearing is required to solicit comments from any interested parties relating to 2020-2021 CDBG, HOME and ESG grants.

Recommendation/Action Requested and Justification

Hold a public hearing to obtain comments from any interested parties.



GARLAND PLANNING REPORT

City Council Regular Session Agenda

10. a.

Meeting Date: 05/19/2020

Item Title: Z 20-01 John Paul Khoury (District 2)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision for Automobile Sales, New or Used on a property zoned Light Commercial (LC) District.

LOCATION

1414 Forest Lane

OWNER

John Paul Khoury

PLAN COMMISSION RECOMMENDATION

On April 27, 2020 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of a Specific Use Provision for an Automobile Sales, New or Used Establishment for a period of seven (7) years. Furthermore, the Plan Commission recommended that no automobile repair (minor or major) may be allowed as part of the Specific Use Provision approval.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for Automobile Sales, New or Used on a property zoned Light Commercial (LC) District. The request is generally compatible with the existing surrounding area. However, the request is inconsistent with the Urban Neighborhoods designation of the Envision Garland Plan. Staff recommends a shorter SUP time period such as five (5) years in order to reevaluate the request, and keep future redevelopment opportunities available that align more closely with the Urban Neighborhoods designation.

BACKGROUND

This site is improved with a commercial building, hard-surfaced parking lot, and landscaped areas. The applicant is requesting approval to allow the operation of a Used Automobile Sales business on a 0.35 acre site.

SITE DATA

The site contains approximately 0.35 acres with approximately 119 lineal feet of frontage along Forest Lane, which is used as the main access point to and from the property.

USE OF PROPERTY UNDER CURRENT ZONING

The Light Commercial (LC) District is intended to provide locations for commercial and service-related establishments, such as building material and wholesale product sales, contractors' shops, automotive repair services, upholstery shops, and other similar commercial uses. The uses envisioned for the district will typically have operation characteristics that are generally not compatible with residential uses and some nonresidential uses. Convenient access to major thoroughfares and other transportation systems is a primary consideration for the types of uses that are found in the Commercial districts.

The applicant intends to use the property for sales of used cars (automobiles) outdoors. The Garland Development Code (GDC) identifies used car sales use as Automobile Sales, New or Used. This use requires a Specific Use Provision in the Light Commercial (LC) District.

CONSIDERATIONS

Specific Use Provision

1. The applicant proposes to use an existing 1,254 square-foot building on a 0.35-acre property for used car sales. The site plan (Exhibit C) shows the existing parking spaces on site. The GDC establishes a parking ratio of one (1) space for every 400 square feet of gross floor area plus one (1) parking space per employee. Five (5) parking spaces are required; the Exhibit C shows four (4) customer parking spaces and one (1) employee parking space. Additionally, the plan includes seven (7) "showroom" vehicle spaces intended for the display of automobiles for sale.
2. The design of the building complies with the applicable building design regulations of GDC.
3. Full landscaping and screening compliance is not triggered by this request. However, the applicant will maintain the existing landscaping on the site as well as provide some enhanced landscaping, such as additional shrubs along Forest Lane, reflected in the Site Plan (Exhibit C).
4. The applicant requests the SUP to be in effect for a period of twenty (20) years

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Urban Neighborhood for the subject property. Urban Neighborhoods provide higher density residential developments, but may include compatible non-residential uses.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

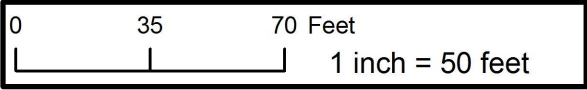
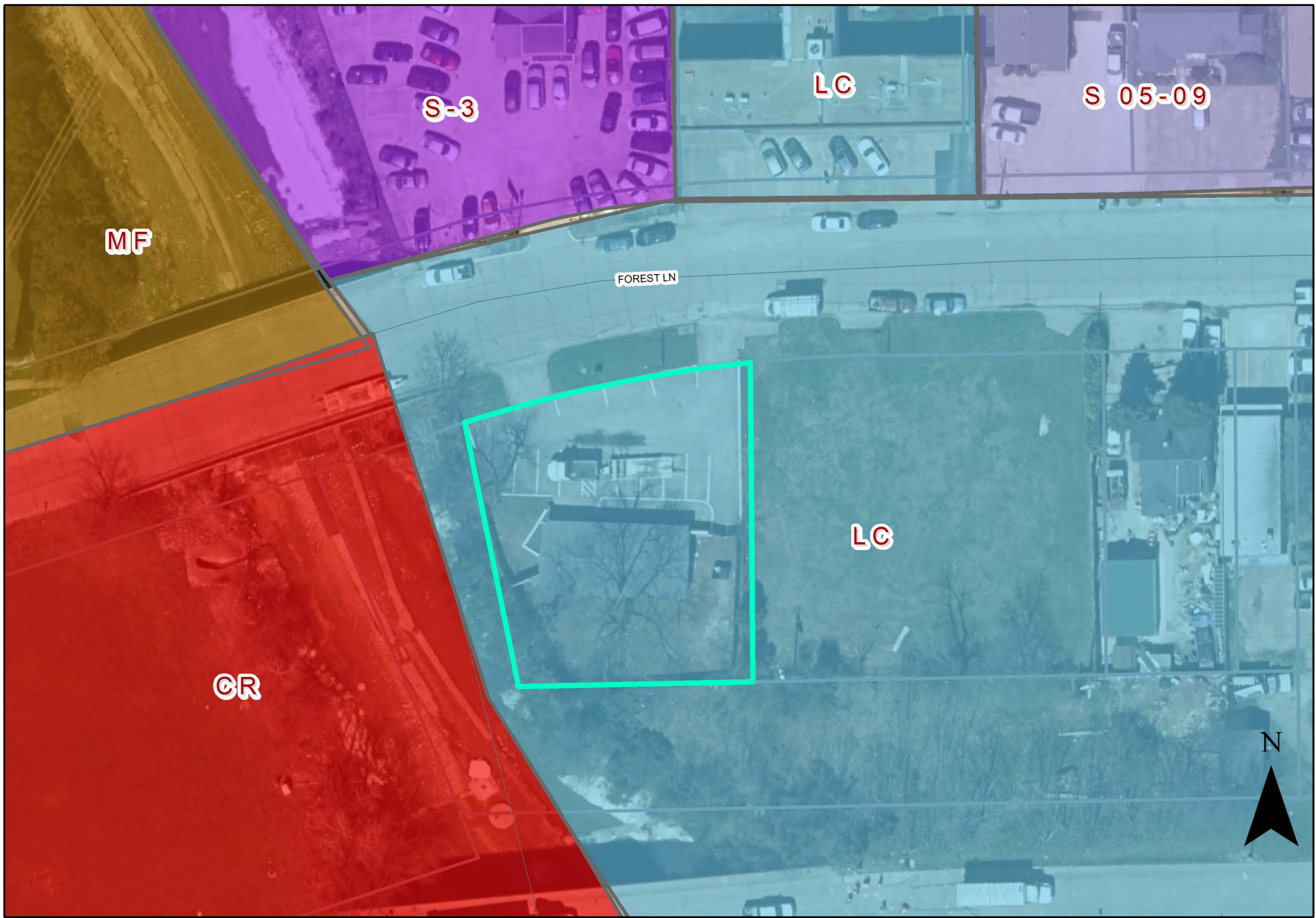
The properties to the south, east and west are zoned Light Commercial (LC) District, consisting of such uses as used automotive sales, and three (3) auto care facilities. The property to the north is zoned Industrial (IN) District, and is improved with an automobile sales use.

Attachments

Z 20-01 John Paul Khoury Attachments and Exhibits

Z 20-01 John Paul Khoury Responses

Z 20-01 Staff Presentation



Zoning Map Z 20-01



SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-01

1414 Forest Lane

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow Automobile Sales, New or Used.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Light Commercial (LC) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
A. Development is to be in general conformance with the approved site plan and building elevations labeled Exhibit C and Exhibit D. In the event of conflict between the conditions and development plans, the conditions listed below are to apply.
- V. Conditions:**
- A. Time Period: The Specific Use Provision shall be in effect for a period of seven (7) years.
- B. Site Layout: The Automobile Sales, New or Used operation shall be in conformance with the site layout in Exhibit C.
- C. Repair and Maintenance: No Minor or Major Automobile Repair/Maintenance is allowed on site.
- D. Building Elevations: Building elevations shall be in general conformance with Exhibit D.
- E. Screening and Landscaping: Screening and landscaping shall be provided as reflected on Exhibit C. Specifically, the landscape materials shall include shrubs along Forest Lane and in the front areas of the site where the plan includes round dark circles, all areas of the site not shown with building or as hard surfaced areas shall be improved and maintained with trees, shrubs and turf or grass per the Garland Development Code.

EXHIBIT B

- i. Vehicles must be parked in the designated parking spaces shown on the site plan (Exhibit C).
- ii. Parking shall be screened with low level screening along Forest Lane.

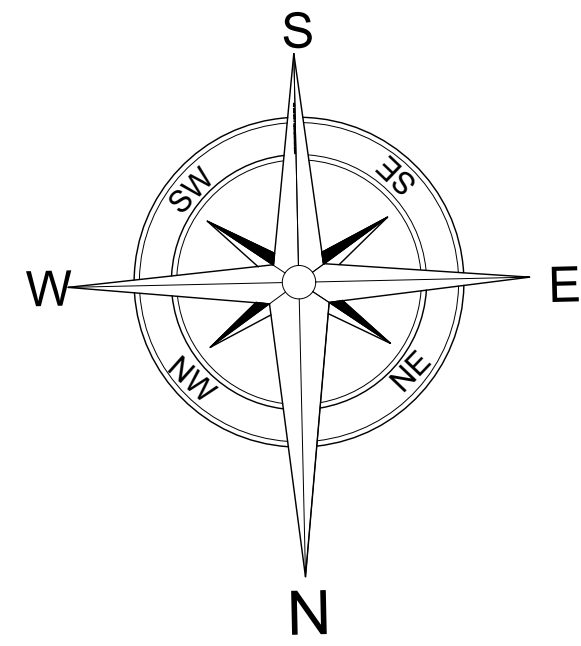
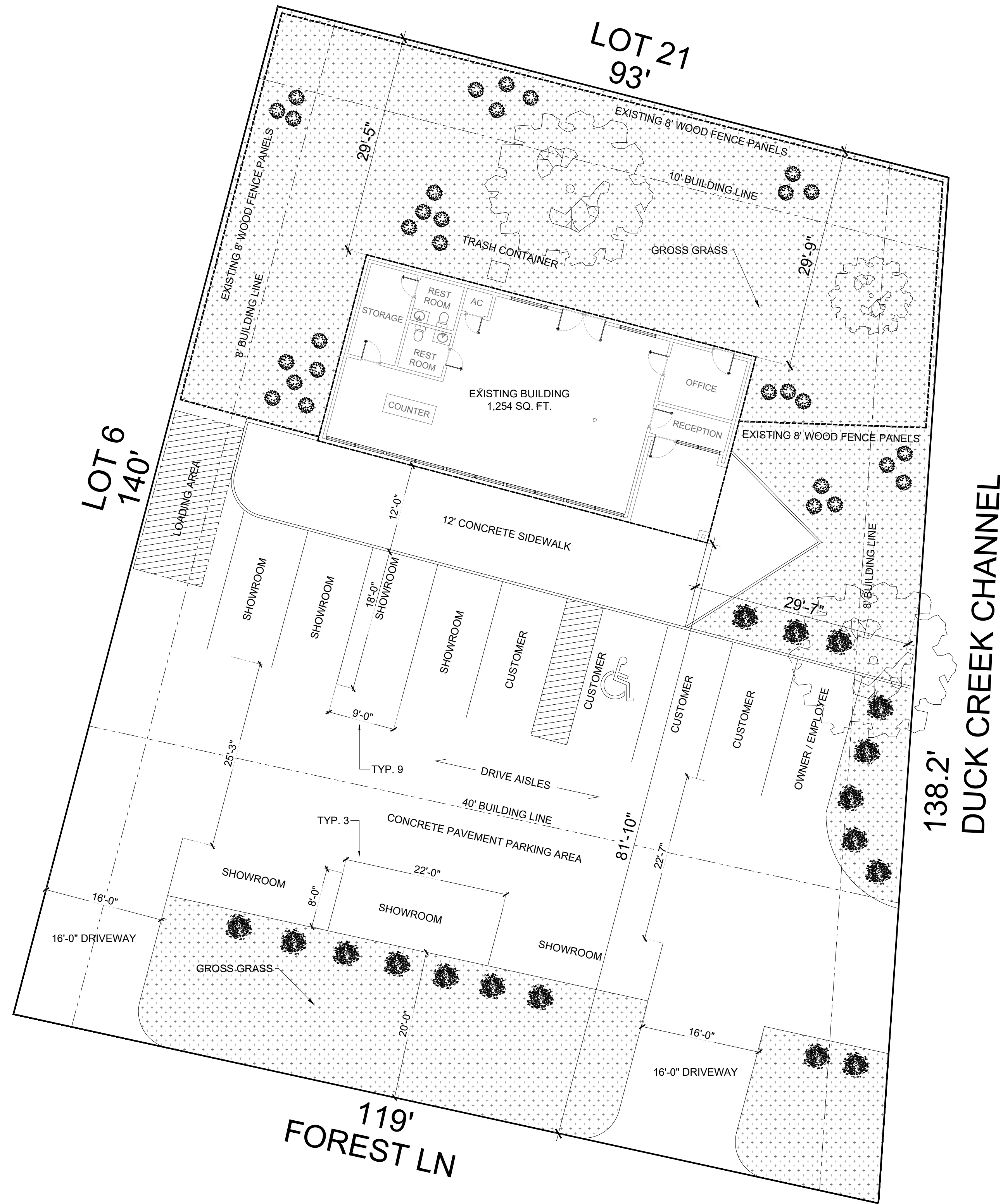
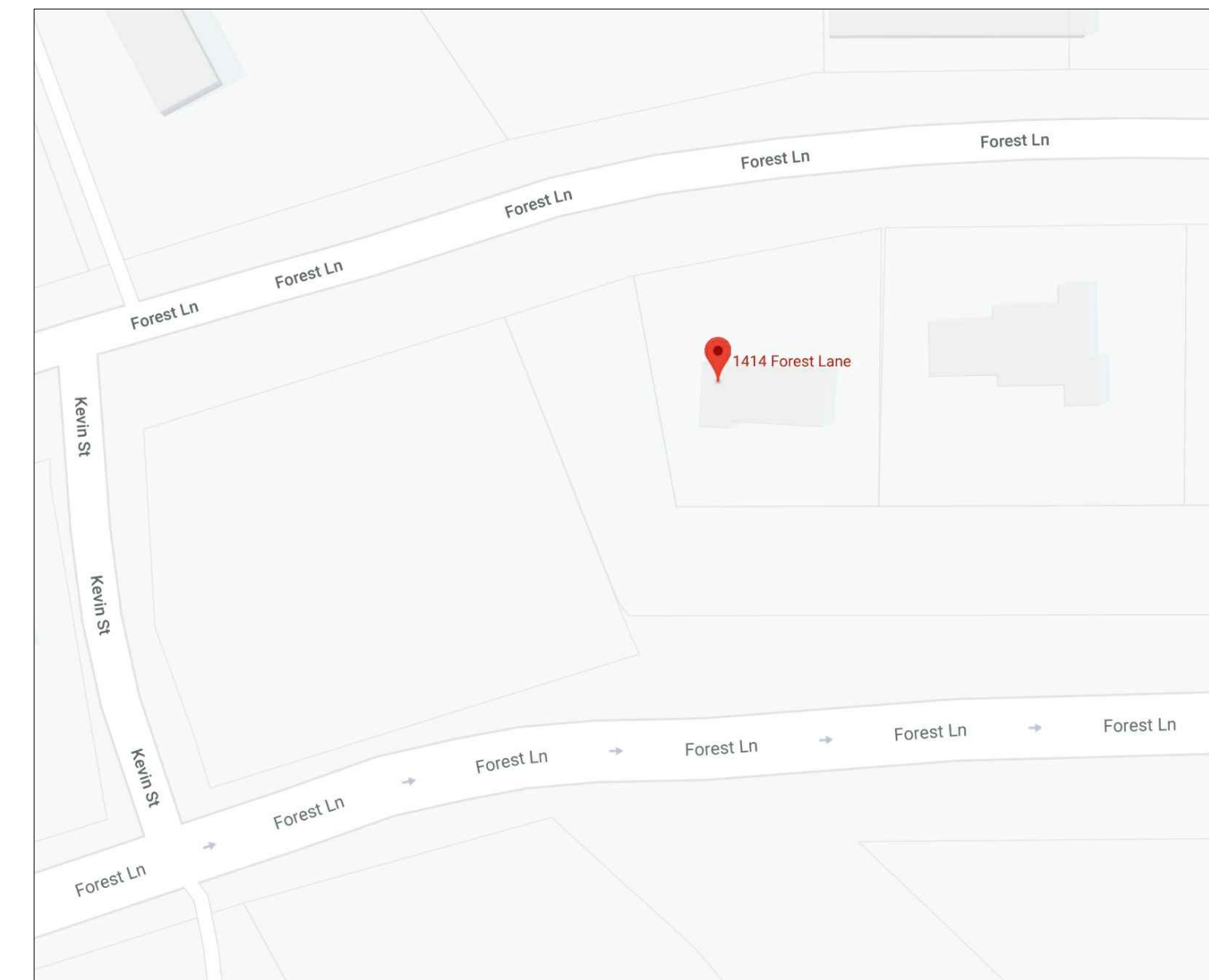


EXHIBIT C



SITE PLAN
SCALE 1" = 10'-0"



VICINITY MAP
FOR REFERENCE ONLY

AREA DISTRIBUTION	
EXISTING BUILDING. PROPOSED LIGHT COMMERCIAL ZONING	1,254 SQ. FT.
TOTAL FLOOR AREA	1,254 SQ. FT.
TOTAL LOT AREA	15,540.00 SQ. FT.
TOTAL BUILDING COVERAGE	8.00 %
TOTAL IMPERVIOUS SURFACE	6,860 SQ. FT.
TOTAL IMPERVIOUS SURFACE COVERAGE	44.14 %
BUILDING DIMENSIONS	
BUILDING MAX. HEIGHT	11'-2"
LEGAL DESCRIPTION	
1. HORACE H JAMES	
2. LT 6	
3. 93X106X115X125	
4. INT201700322725 DD11152017 CO-DC	
5. 1414 FOREST LN, GARLAND, TX. 75042	

PARKING ANALYSIS				
PROPOSED USE	RATIO	RATIO PARKING REQUIRED	PARKING REQUIRED	PARKING MATERIAL
CUSTOMER	1,254 SQ. FT.	1 SPACE / 400 SQ. FT.	4	-
EMPLOYEE	2	1 SPACE / 1 EMPLOYEE	1	-
USED AUTOMOBILE SALES / SHOWROOM	7	--	7	-
TOTAL PARKING REQUIRED			12	-
TOTAL PARKING PROVIDED			12	CONCRETE

LOADING SPACE ANALYSIS			
PROPOSED USE	RATIO	RATIO PARKING REQUIRED	LOADING REQUIRED
USED AUTOMOBILE SALES / SHOWROOM	1,254 SQ. FT.	1 SPACE / 0 - 50,000 SQ. FT.	1
TOTAL LOADING REQUIRED			1
TOTAL LOADING PROVIDED			2



PLANSANDPERMITSBARRAGAN@YAHOO.COM

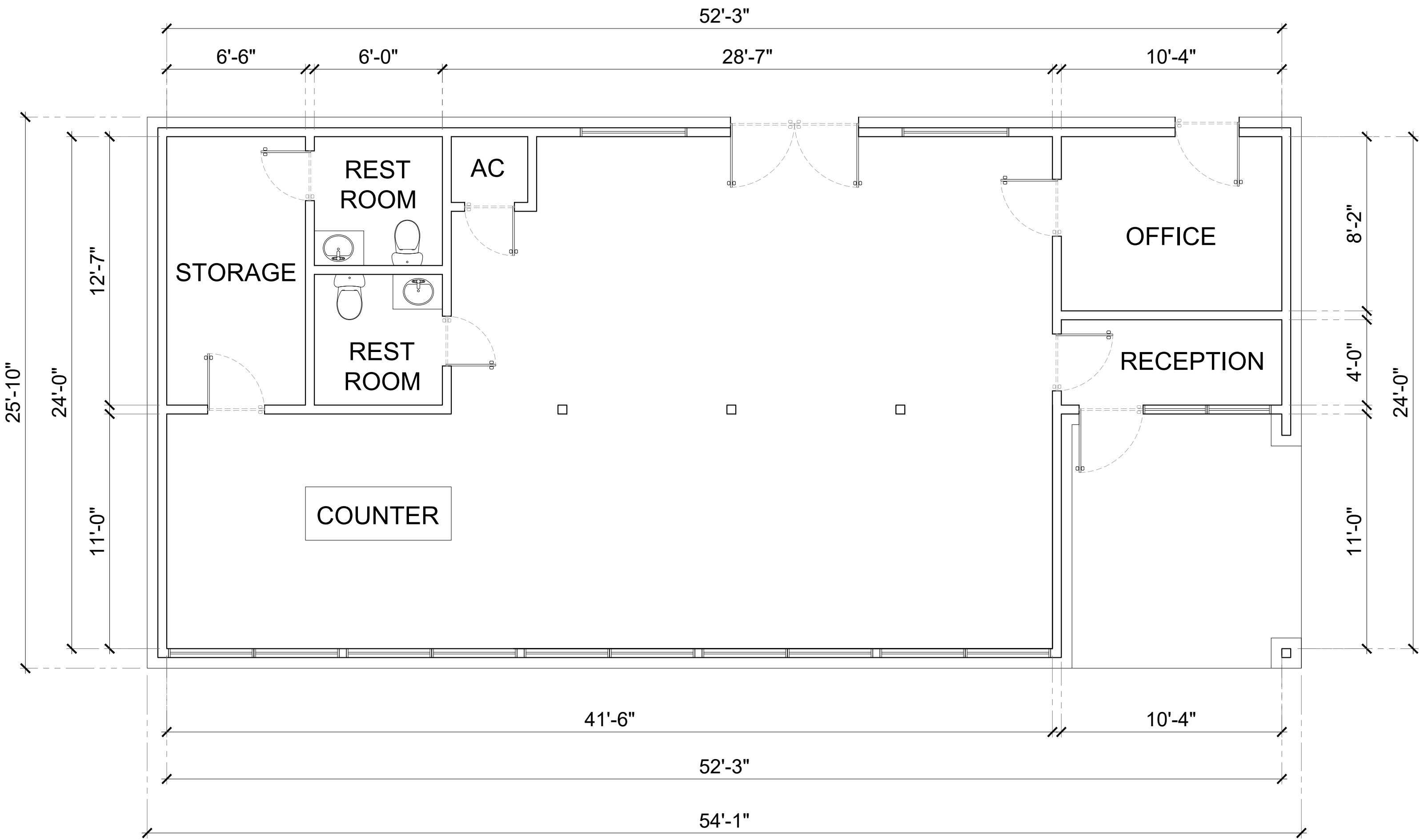
PRE-SUBMITALL #:
191126-1

ADDRESS:
1414 FOREST LN.,
GARLAND, TX.
75042

USE:
COMMERCIAL
DRAWN BY:
P&P BARRAGAN
DATE:
04/13/2020
PLAN:
SITE PLAN
SCALE:
1" = 10'-0"

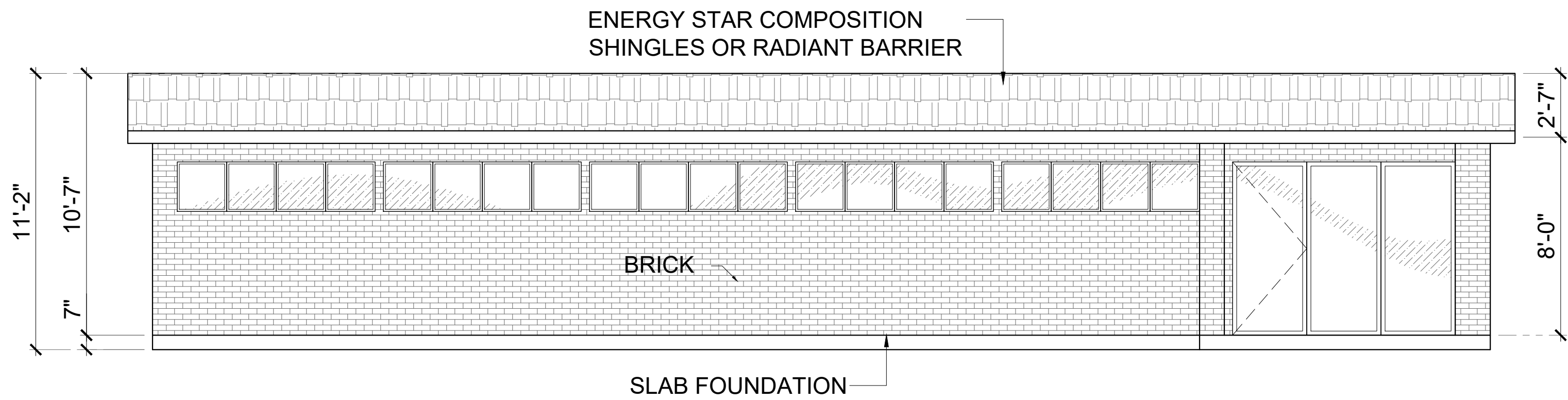
EXISTING ZONING:
COMMERCIAL
PROP. ZONING:
LIGHT COMMERCIAL
OWNER:
KHOURY JOHN & SAMIA

A02



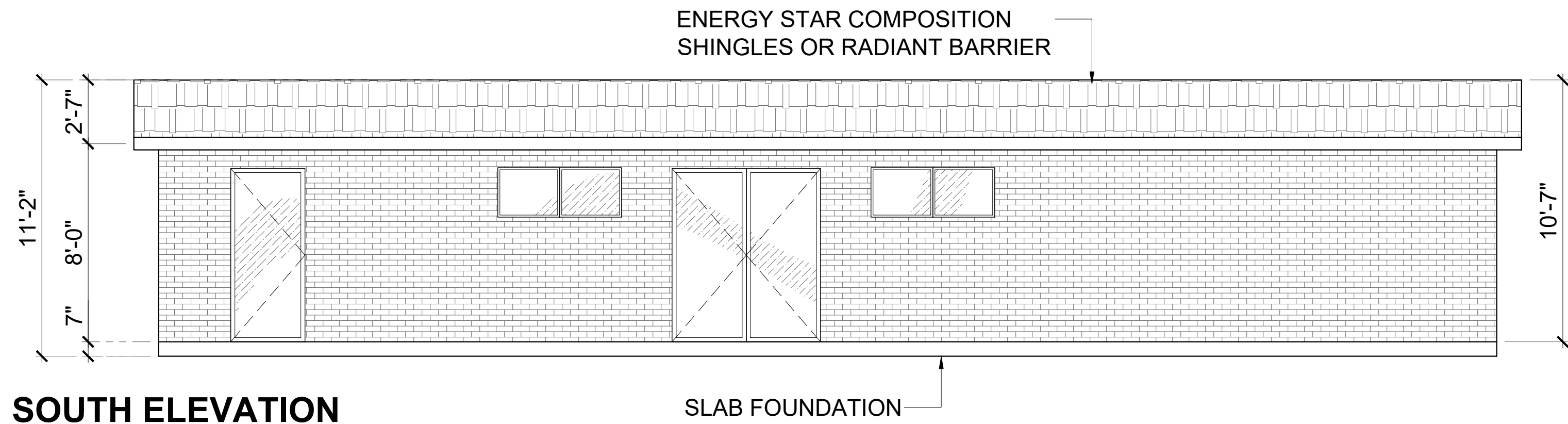
FLOOR PLAN

SCALE 1/4" = 1'-0"



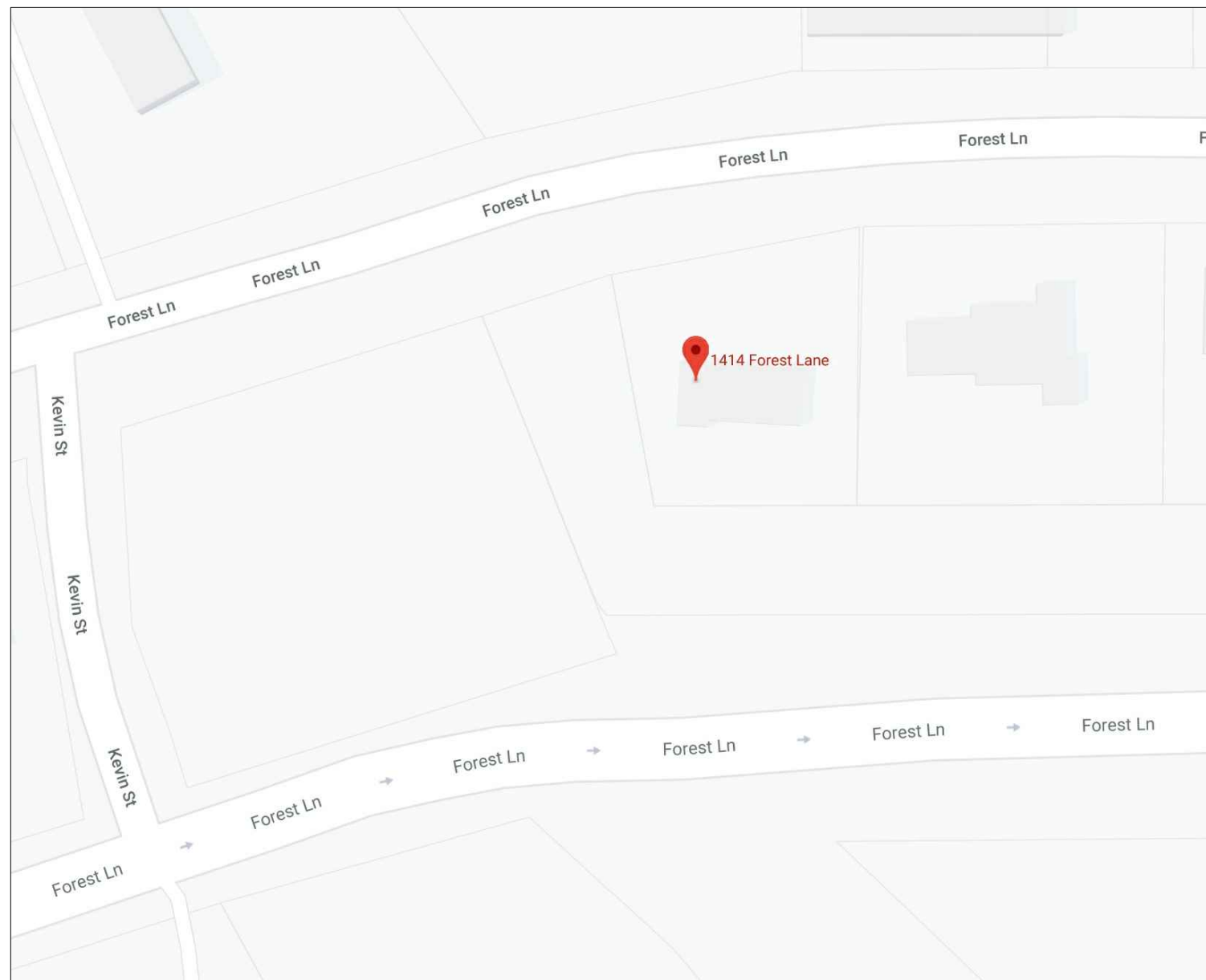
NORTH ELEVATION

SCALE 1/4" = 1'-0"

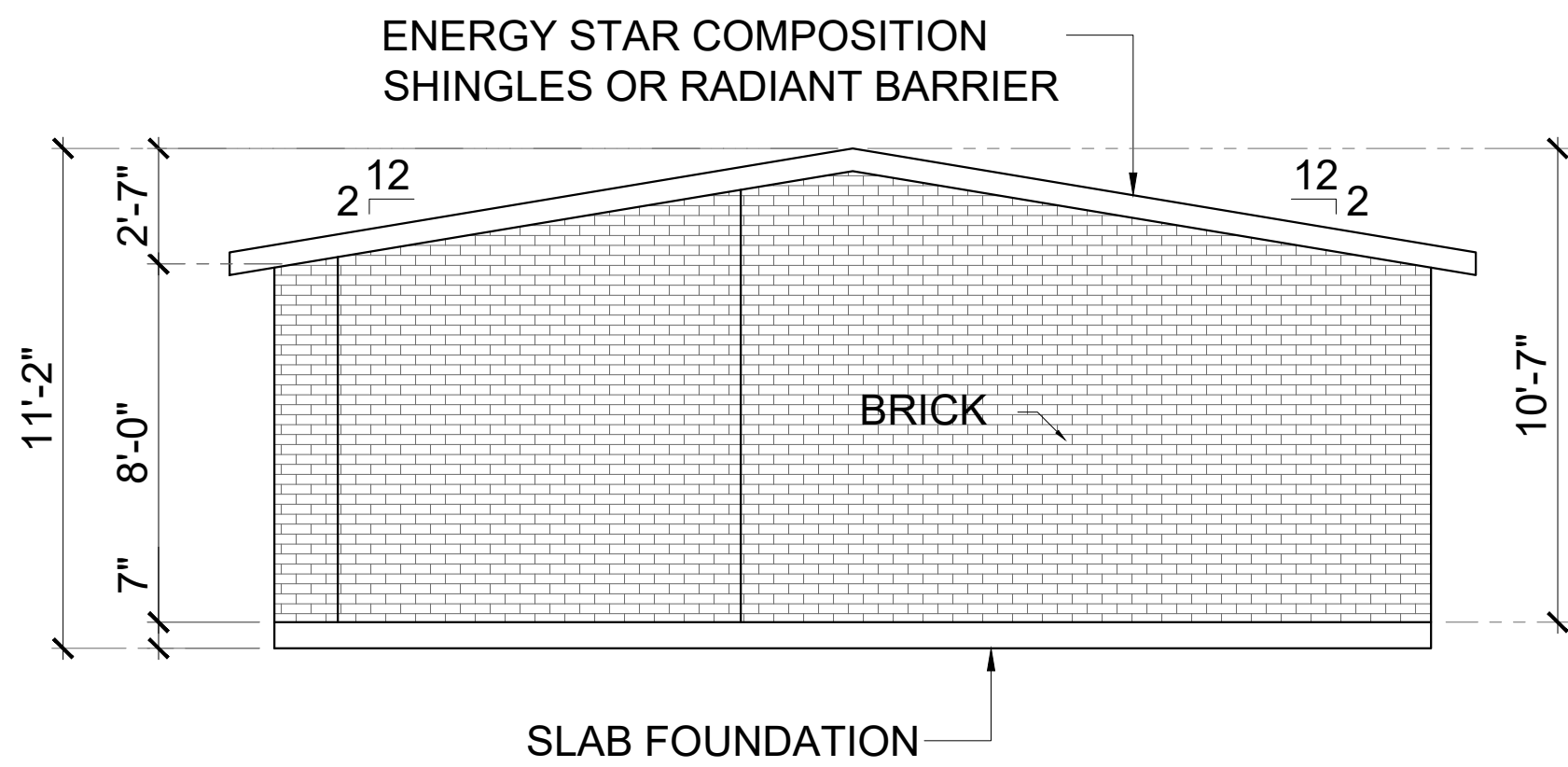
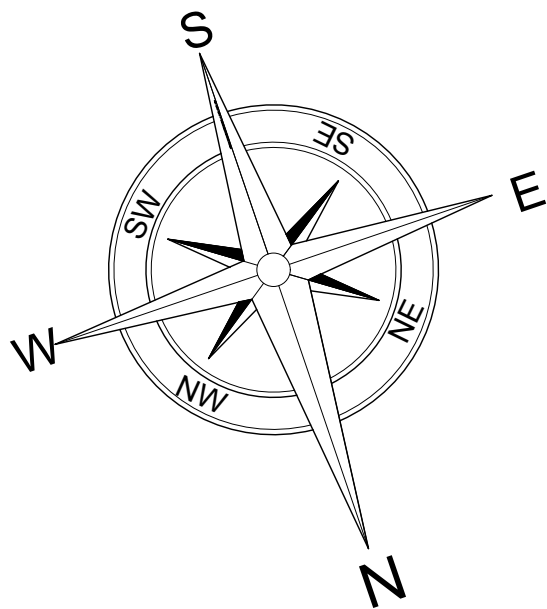


SOUTH ELEVATION

SCALE 1/4" = 1'-0"

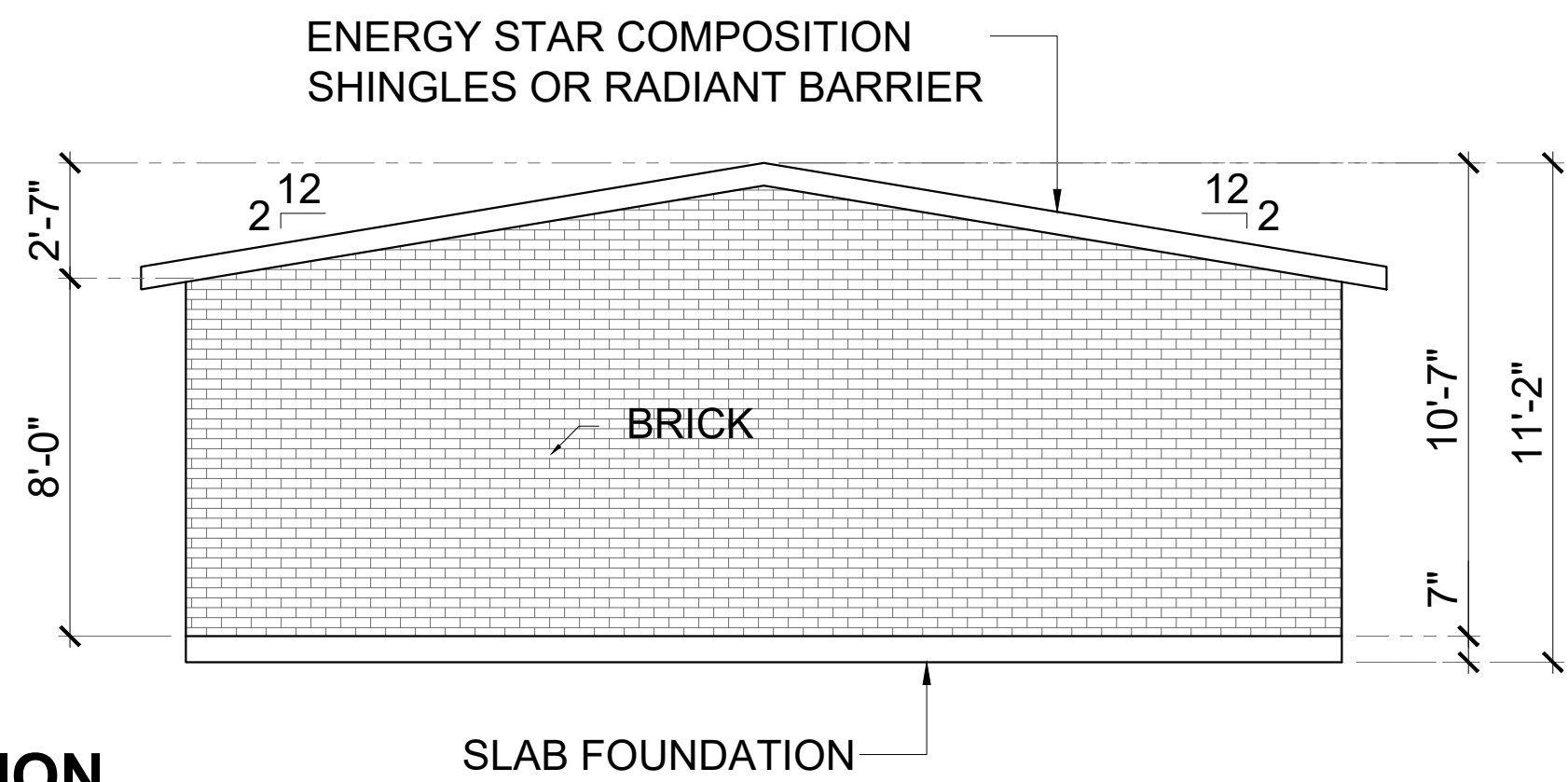


VICINITY MAP
FOR REFERENCE ONLY



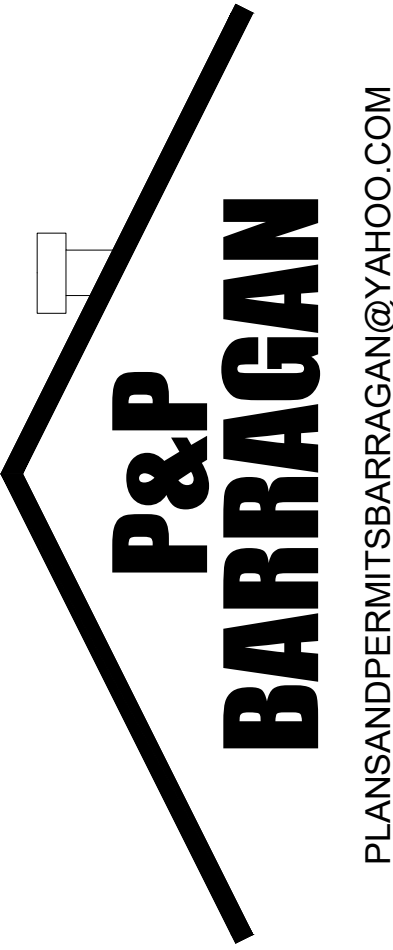
EAST ELEVATION

SCALE 1/4" = 1'-0"



WEST ELEVATION

SCALE 1/4" = 1'-0"



PRE-SUBMITALL #:
191126-1

ADDRESS:
1414 FOREST LN.,
GARLAND, TX.
75042

USE:
COMMERCIAL
DRAWN BY:
P&P BARRAGAN
DATE:
04/13/2020
PLAN:
FLOOR PLAN
SCALE:
1/4" = 1'-0"
EXISTING ZONING:
COMMERCIAL
PROP. ZONING:
LIGHT COMMERCIAL
OWNER:
KHOURY JOHN & SAMIA

A01

REPORT & MINUTES

P.C. Meeting, April 27, 2020

Consideration of the application of **John Paul Khoury**, requesting approval of a Specific Use Provision for Automobile Sales, New or Used on a property zoned Light Commercial (LC) District. This property is located at 1414 Forest Lane. (District 2) (File Z 20-01)

Kimberly Hopkins, Development Planner, presented the staff report.

The applicant John Paul Khoury, 1414 Forest Lane, Garland, Texas 75042, provided an overview of the request.

Commissioner Rose asked if any maintenance of the vehicles on the property will occur.

Mr. Khoury stated there will be no onsite vehicle maintenance, and stated he would agree to a ten (10) year Specific Use Provision.

Commissioner Williams asked if the applicant would agree to a five (5) year Specific Use Provision as recommended by staff.

Mr. Khoury stated he would agree to a ten (10) year Specific Use Provision.

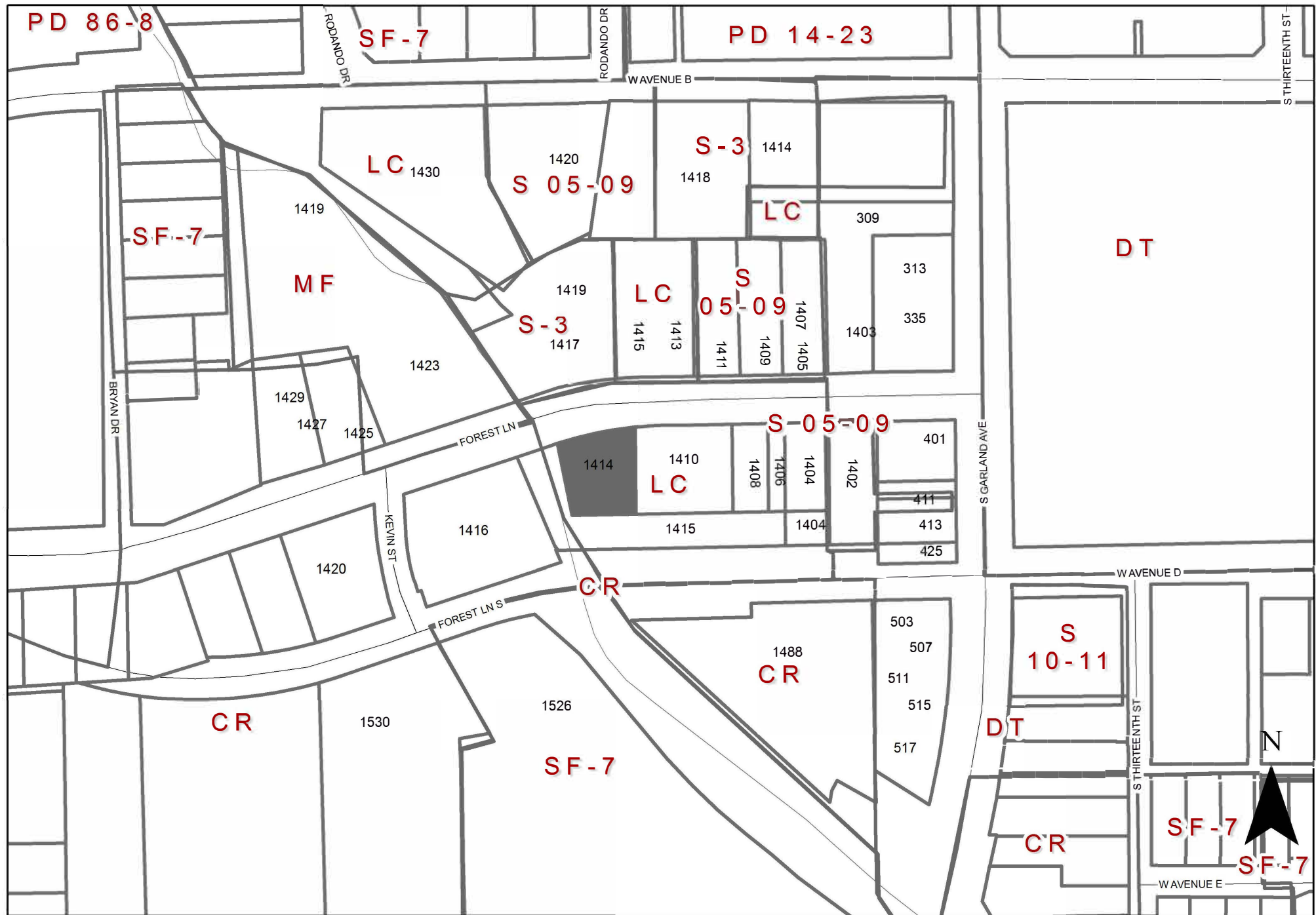
Chairman Roberts spoke of concerns regarding the request due to the existing automotive sales and inquired of staff if the zoning allows automobile maintenance.

Motion was made by Commissioner Hallman to close the public hearing and open for discussion, seconded by Commissioner Williams. **Motion carried: 8 Ayes, 0 Nays**

There was discussion among the Commissioner regarding the timeframe of the requested Specific Use Provision.

Staff clarified minor automobile repair is allowed in the Light Commercial (LC) zoning district.

Motion was made by Commissioner Hallman to **approve** the request for a seven (7) year Specific Use Provision with the provision that no major or minor automotive repair use be allowed, seconded by Commissioner Rose. **Motion carried: 8 Ayes, 0 Nays**



0 125 250 Feet 1 inch = 183 feet	Zoning Map Z 20-01	 INDICATES AREA OF REQUEST
---	-----------------------------	--



GARLAND

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

April 15, 2020

HEARING DATE/TIME: Plan Commission: April 27, 2020 – 7:00 PM

APPLICANT: John Paul Khoury

File: Z 20-01

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 27, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **John Paul Khoury**, requesting approval of a Specific Use Provision for Automobile Sales, New or Used on a property zoned Light Commercial (LC) District. The property is shown on the enclosed sketch and is described as follows:

BEING Lot 3, and Southeast corner of Lot 4, of Horace H. James Addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 9, Page 69, of the Map Records of Dallas County, Texas. **This property is located at 1414 Forest Lane. (District 2)**

The posted Plan Commission agenda on the City of Garland website (www.garlandtx.gov) will include information for accessing the meeting virtually.

Note: The applicant proposes used car sales.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the to the Planning Department c/o City Marshall at the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kim Hopkins at 972-205-2454.

Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

Outside the Notification Area

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

(Please complete the following information)

GISD-Garland High School, 310 S. Garland Avenue, Garland, TX 75040

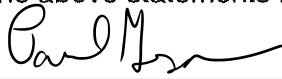
Your Property Address

Paul Gonzales

Printed Name

<u>701 N. First Street</u>	<u>Garland, TX</u>	<u>75040</u>
Address	City, State	Zip

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

<u></u>	<u>, GISD-Executive Director of Facilities & Maintenance</u>
Signature	Title

Date: 4/23/20

Z 20-01

**Approval of a Specific Use Provision for
Automobile Sales, New or Used on a Property
Zoned Light Commercial (LC) District.**

**City Council Meeting
May 19, 2020**



GARLAND

TEXAS MADE HERE

Case Information

Location: 1414 Forest Lane

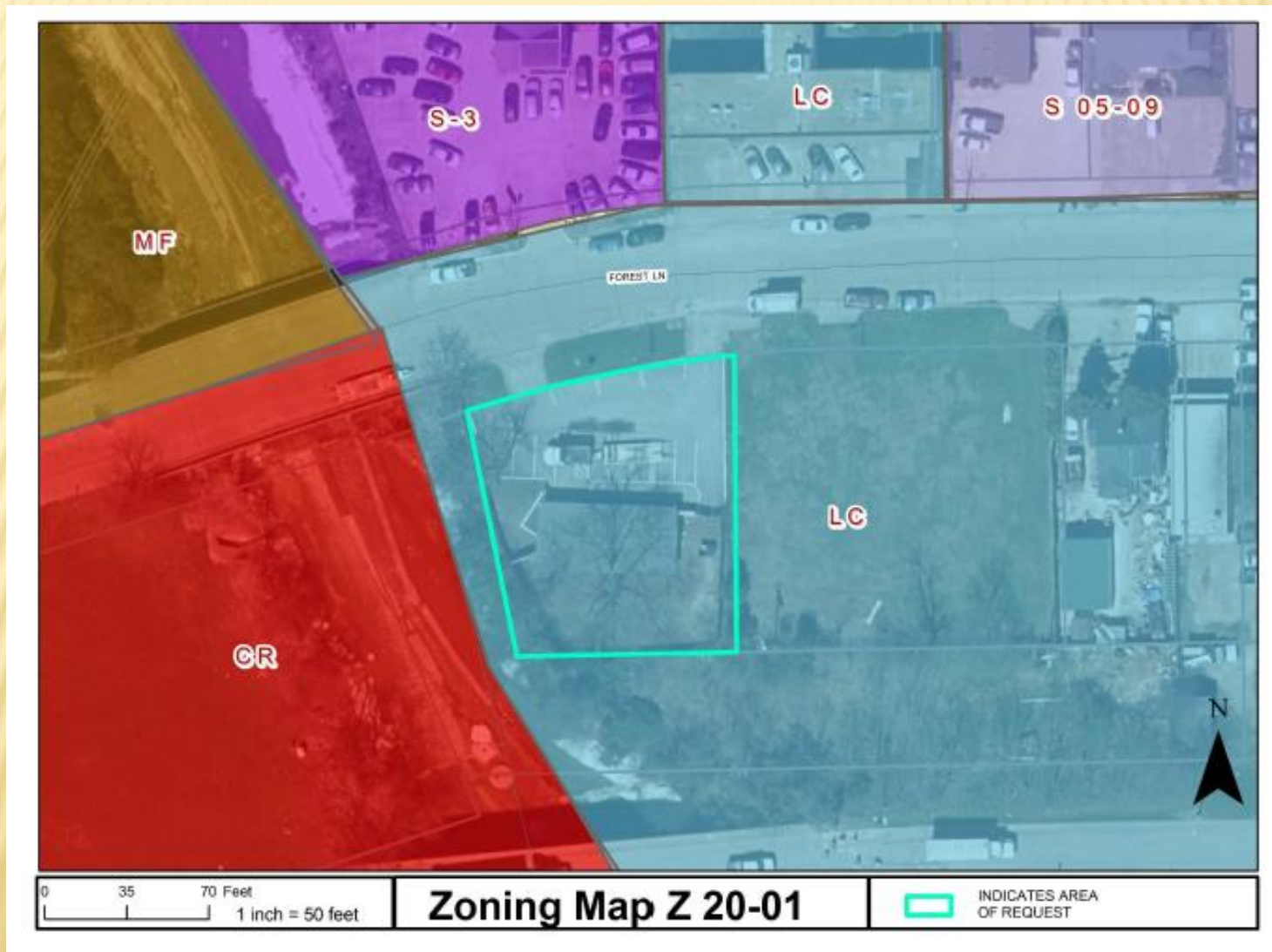
Applicant: John Paul Khoury

Owner: John Paul Khoury

Acreage: 0.35 acres

Zoning: Light Commercial (LC) District

Location Map



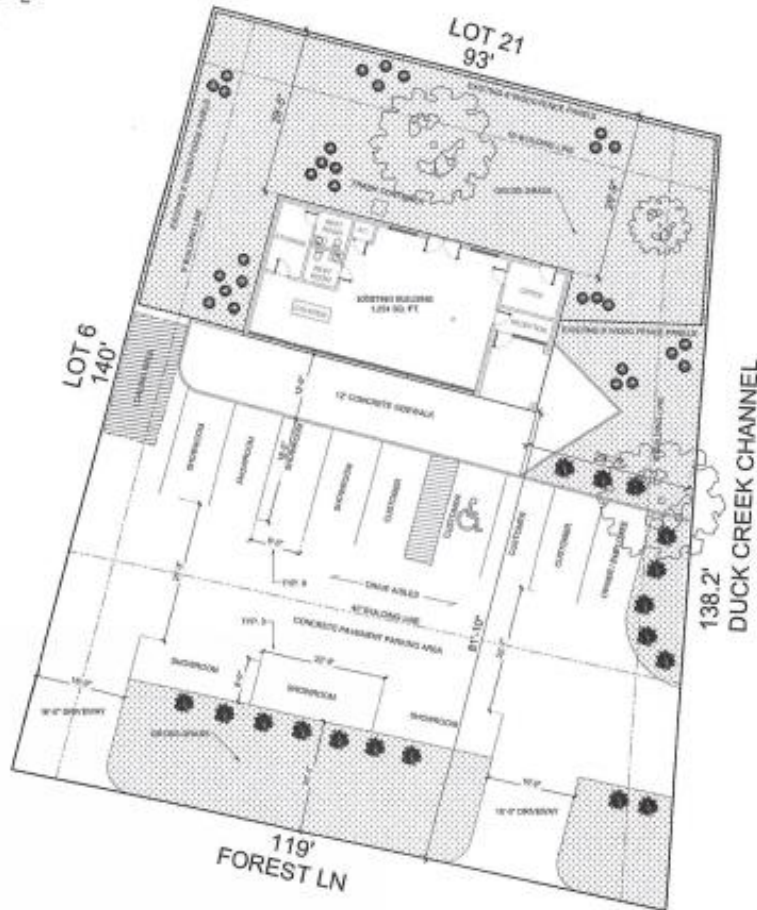
Photos





GARLAND
TEXAS MADE HERE

Site Plan



SITE PLAN

SCALE 1" = 10'-0"



VICINITY MAP
FOR REFERENCE ONLY

AREA DISTRIBUTION

EXISTING BUILDING PROPOSED LIGHT COMMERCIAL ZONING	1,254 SQ. FT.
TOTAL FLOOR AREA	1,254 SQ. FT.
TOTAL LOT AREA	16,842.99 SQ. FT.
TOTAL BUILDING COVERAGE	6.30 %
TOTAL IMPERVIOUS SURFACE	5,990 SQ. FT.
TOTAL IMPERVIOUS SURFACE COVERAGE	44.14 %

BUILDING DIMENSIONS

BUILDING MAX. HEIGHT	11'-9"
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LEGAL DESCRIPTION

1. HORACE W. JAMES
2. S.T.S.
3. 800X100X115X125
4. 10130173032725 DO1162017 00-50
5. 1414 FOREST LN. GARLAND, TX. 75042

PARKING ANALYSIS				
PROPOSED USE	RATIO	RATIO PARKING REQUIRED	PARKING REQUIRED	PARKING AVAILABLE
EXISTING USE	1.000000	1.000000	1	1
PROPOSED USE	1.000000	1.000000	1	1
TOTAL PARKING REQUIRED			2	
TOTAL PARKING AVAILABLE			2	2

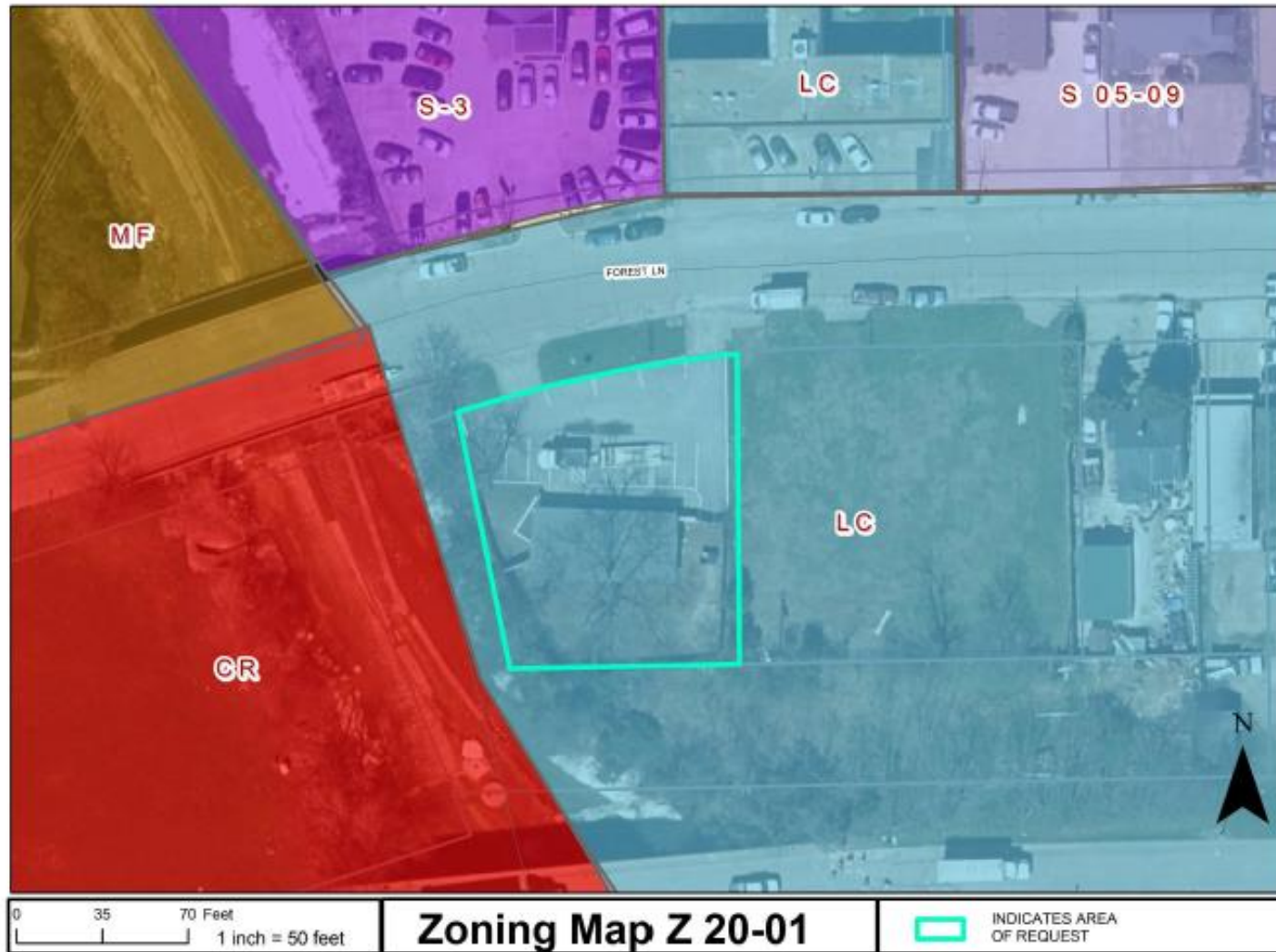
LOADING SPACE ANALYSIS				
PROPOSED USE	RATIO	RATIO PARKING REQUIRED	PARKING REQUIRED	PARKING AVAILABLE
EXISTING USE	1.000000	1.000000	1	1
PROPOSED USE	1.000000	1.000000	1	1
TOTAL PARKING REQUIRED			2	
TOTAL PARKING AVAILABLE			2	2



Considerations

The applicant is requesting a Specific Use Provision for 20 years.

Location Map





GARLAND PLANNING REPORT

City Council Regular Session Agenda

10. b.

Meeting Date: 05/19/2020

Item Title: Z 20-03 4B2D, HTeaO (District 6)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of 1) a Specific Use Provision and 2) a Detail Plan for a Restaurant, Drive-Through Use on a property zoned Planned Development (PD) District 17-18.

LOCATION

3428 West Buckingham Road

OWNER

LIDL US Operations, LLC

PLAN COMMISSION RECOMMENDATION

On April 27, 2020 the Plan Commission, by a vote of eight (8) to zero (0), recommended approval of 1) Specific Use Provision and 2) a Detail Plan for a Restaurant Drive-Through Use on a property zoned Planned Development (PD) District 17-18 for a period of twenty (20) years.

STAFF RECOMMENDATION

Approval of 1) a Specific Use Provision and 2) a Detail Plan for a Restaurant, Drive-Through Use on a property zoned Planned Development (PD) District 17-18 for a period of twenty (20) years.

BACKGROUND

The applicant is requesting approval to allow the operation of a 2,500 square-foot restaurant/drive-through building on a 0.598-acre undeveloped site. The restaurant/drive through tract is part of a larger property which is unimproved. In 1995 the subject site was zoned Planned Development (PD) District 95-34 for Shopping Center Uses. PD 95-34 was approved with a Concept Plan and requires any future development proposal to complete a Detail Plan review through a public hearing process.

The PD 95-34 Concept Plan included four pad sites and one commercial retail building. In 1997 a pharmacy/drug store (Walgreens, PD 97-10 for a Detail Plan) was approved and subsequently developed at the west side of the site on one of the PD 95-34 pad sites. The pharmacy/drug

store is the only developed tract of PD 95-34. This proposal would add a restaurant/drive-through and reduce the number of pad sites from four to two for future developments.

Subsequently, an Amended Concept Plan and Detail Plan was approved by City Council in Planned Development (PD) District 17-18 establishing a revised conceptual site layout for this pad site of the overall PD 17-18 area.

SITE DATA

The proposed Detail Plan portion of the site is approximately 0.598 acres with 133 feet of frontage along West Buckingham Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 17-18 which allows Community Retail (CR) District uses. The CR District is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A CR District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features. An example of allowed use in a CR District is a retail shopping area that may be large in scale with very limited or no outside storage. Traffic generated by uses in a CR District must be focused onto the major thoroughfare network. Development in a CR District may not be designed in a manner that increases traffic through residential areas.

The applicant intends to develop the vacant lot into a Restaurant, Drive Through (HTeaO). The proposal requires a Specific Use Provision for the drive-through and a Detail Plan as per the Planned Development (PD) District 17-18.

CONSIDERATIONS

Specific Use Provision

1. This proposal is to add a restaurant/drive-through to the regional uses already allowed. The Garland Development Code (GDC) definition for restaurant/drive-through use is:
 - RESTAURANT, DRIVE-THROUGH: An establishment at which food and beverages are prepared primarily for service to persons in vehicles, and may include consumption on the premises or curbside service. The term may include a take-out window, walk-up window, drive-through, or drive-in service bays as part of the operation.
 - The applicant brings forward the proposal of a Drive-Through Restaurant (HTeaO) to align with the Envision Garland goal of enhancing the Planned Developed (PD) District 17-18 area.
2. The applicant proposes to operate a 2,500 square-foot for an HTeaO Drive-Through Restaurant. The restaurant would operate on the following days:
 - Monday through Friday from 7:00 a.m. to 8:00 p.m.
 - Saturday 8:00 a.m. to 8:05 p.m.
 - Sunday 11:00 a.m. to 8:05 p.m.

- May – August open on the same days except the closing time would be 9:05 p.m.
- 3. The GDC establishes a parking ratio of one (1) space for every 100 square feet of gross floor area. Twenty-five (25) parking spaces are required (including handicap parking) and are located on the site serving the proposed 2,500 square-foot Restaurant, Drive-Through. (Exhibit C)
- 4. The design of the building complies with the applicable building design regulations of GDC.
- 5. The proposed building (Exhibit E) height is nineteen (19) feet to the highest decorative feature and consistent with the GDC's height requirements.
- 6. The proposed landscaping (Exhibit D) show landscaping along the perimeter of the site activity areas and meets the GDC requirements.
- 7. The applicant has not requested any deviations regarding attached/wall signage; therefore, wall signage will comply with the GDC.
- 8. The applicant requests a Specific Use Provision for a period of twenty (20) years.

COMPREHENSIVE PLAN

The Future Land Use Plan of the Envision Garland 2030 Comprehensive Plan designates this site for Compact Neighborhoods. These areas accommodate uses such as convenience retail (goods and services), office space, and public services. The architectural character and scale of these areas are compatible with adjacent residential development.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The land use pattern within the area surrounding the subject property a mixture of retail, office and residential development. The proposed use is complementary and compatible with the surrounding area and will provide more local restaurant opportunities.

Additionally, the applicant has provided a design that is contextually compatible and complimentary to the site and general area.

Attachments

Z 20-03 4B2D, HTeaO Attachments and Exhibits
Z 20-03 4B2D, HTeaO Responses
Z 20-03 4B2D, HTeaO Staff Presentation



0 75 150 Feet
1 inch = 125 feet

Zoning Map Z 20-03



INDICATES AREA
OF REQUEST

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-03

3428 West Buckingham Road

- I. Statement of Purpose:** The purpose of this Planned Development (PD) is to allow development of a Restaurant, Drive-Through.
- II. Statement of Effect:** This Planned Development (PD) shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773 and Planned Development (PD) District 17-18, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Planned Development (PD) District 17-18 and the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- A. Detail Plan: Development is to be in general conformance with the approved Detail Plan set forth in Exhibit C, Exhibit D and Exhibit E. In the event of conflict between the conditions and Detail Plan, the conditions listed below are to apply.
- V. Specific Conditions:**
- A. Site Layout: The Restaurant, Drive-Through operation shall be in conformance with the site layout in Exhibit C.
- B. Landscaping and Screening: Landscaping and screening shall be in conformance with Exhibit D.
- C. Building Elevations: Building elevations shall be in general conformance with Exhibit E.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-03

3428 West Buckingham Road

II. Statement of Purpose: The purpose of this Specific Use Provision is to allow a Restaurant, Drive-Through.

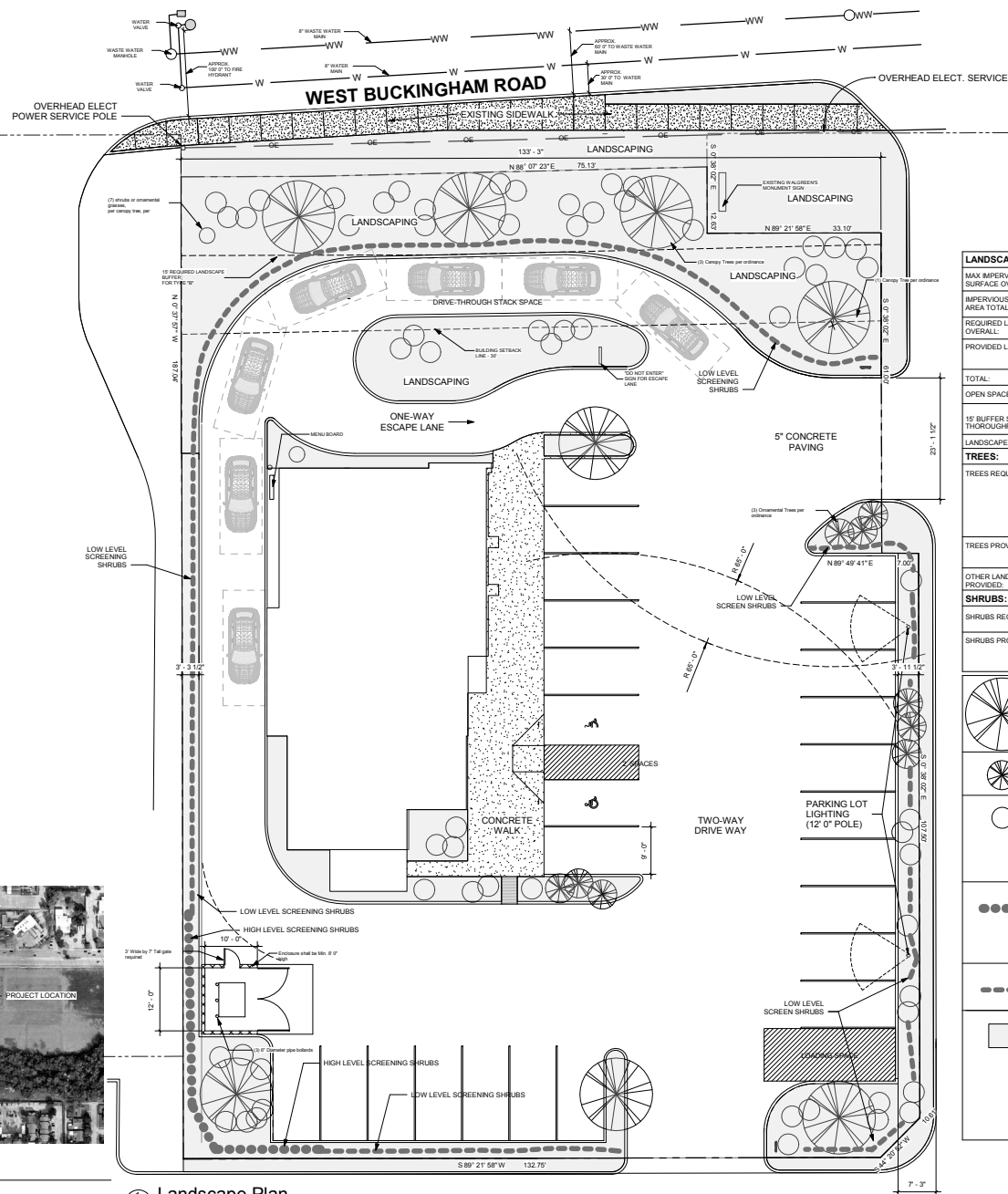
II. Statement of Effect: This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773 and Planned Development (PD) District 17-18, as amended prior to adoption of this ordinance, except as specifically provided herein.

VI. General Regulations: All regulations of the Planned Development (PD) District 17-18 and the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

VII. Specific Use Provision:

A. SUP Time Period: The Specific Use Provision for Restaurant, Drive-Through shall be in effect for a period of twenty (20) years.

1 Landscape Plan
A-104.7
1" = 10'-0"



MAX IMPERVIOUS SURFACE OVERALL:	MAX 90% of 26,065 = 23,458.5 SQUARE FEET
IMPERVIOUS SURFACE AREA TOTAL:	17,326 SQUARE FEET, 66.5% OF SITE
REQUIRED LANDSCAPE OVERALL:	MIN 10% of 26,065 = 2,607 SQUARE FEET
PROVIDED LANDSCAPE:	BETWEEN R.O.W. AND BUILDING: 3,624 SQUARE FEET ADDITIONAL: 2,301 SQUARE FEET OUTSIDE OF PROPERTY LINE: 417 SQUARE FEET
TOTAL:	5,925 SQUARE FEET, 23.5% OF SITE
OPEN SPACE:	26,065 - 2,503 = 23,562 SQUARE FEET OF OPEN SPACE

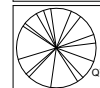
LANDSCAPE PLAN SHALL SHOW ALL PLANT LOCATIONS

TREES REQUIRED:	- 7 LARGE CANOPY TREES REQUIRED - 1 PER 30' ALONG W BUCKINGHAM RD - 1 PER 65' OF A PARKING SPACE - 1 PER PARKING ISLAND - LARGE CANOPY TREES CAN BE REPLACED BY A CLUSTER OF 3 OR MORE ORNAMENTAL TREES
-----------------	---

SUBURBS

SHRUBS REQUIRED:	- CLUSTER OF 7 SHRUBS OR ORNAMENTAL GRASSES IN LANDSCAPE BUFFER AREA PER 1 CANOPY TREE
------------------	---

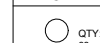
SHRUBS PROVIDED:	- 70 SHRUBS PROVIDED TOTAL - 48 SHRUBS IN LANDSCAPE BUFFER AREAS - 22 SHRUBS ON REST OF SITE IN NON-LINEAR DESIGN
------------------	---



✓ QTY: 8



QTY:



QTY:

	QTY: 8	INSTALLATION
	QTY: 9	SMALL ORNAMENTAL TREE: MIN. 1" IN CALIPER (MEASURED 4" ABOVE THE GROUND) AND 5' IN PLANTED HEIGHT AT TIME OF INSTALLATION SHRUB OR ORNAMENTAL GRASS: SHRUBS THAT ARE NOT OF THE "DWARF" VARIETY MUST BE A MIN. OF 2" IN PLANTED HEIGHT AT TIME OF INSTALLATION SHRUBS THAT ARE OF THE "DWARF" OR "MINIATURE" VARIETY MUST BE A MIN. OF 1" IN PLANTED HEIGHT AT TIME OF INSTALLATION (UNLESS THAT PARTICULAR VARIETY AND SIZE OF SHRUB IS TYPE LESS THAN 1" IN PLANTED HEIGHT IN NORTH CENTRAL TEXAS)
	QTY: 63	

	HIGH LEVEL SCREENING SHRUBS PER DEVELOPMENT CODE SECTION 4-44: OPTION 1 - PROVIDE A CONTINUOUS OR UNDUATING ROW OF SHRUBS OR ORNAMENTAL GRASSES THAT ARE A MINIMUM OF 24" IN HEIGHT, AND PROVIDE A CONTINUOUS, SOLID VISUAL SCREEN AT LEAST 36" IN HEIGHT WITHIN TWO YEARS FOLLOWING INSTALLATION. PLANT MATERIALS PER TABLE 4-3.
---	--

	LOW LEVEL SCREENING SHRUBS PER DEVELOPMENT CODE SECTION 4.44: OPTION 1. PLANT MATERIALS PER TABLE 4.4
--	---

	GROUND COVER: _____
---	------------------------

LIVING PLANT MATERIAL SUCH AS TURF GRASS (WOOD CHIPS OR GRAVEL MAY BE USED UNDER TREES, SHRUBS, AND OTHER PLANTS, BUT MUST NOT COMPRISE A SIGNIFICANT PORTION OF THE TOTAL LANDSCAPED AREA).
PROPOSED GROUND COVER WITHIN LANDSCAPE BUFFERS SHALL BE 100% TURF GRASS EXCEPT AREAS BENEATH TREES AND SHRUBS AS ALLOWED ABOVE



Owner/Applicant:
4B2D - DFW Tea Co., LLC dba HTeaO
Contact: Beau Durham
4501 102nd Street
Lubbock, Texas 79424
(806)-891-0062

Plan Preparer:
Arris Consulting LLC
Contact: Steve Fillipp
219 34th Street
Lubbock, Texas 79404
(806)-773-6763

[illegible]

HTeaO
3428 W Buckingham Rd
Garland TX, 75042

Landscape Plan

Project Number	Project Number
Date	4-15-2020

A-104.1

4/15/2020 10:43:57 AM

Architectural elevation drawing of a building facade. The drawing includes the following callouts and dimensions:

- ORNAMENTAL FACADE TRIM**: Points to the top horizontal trim.
- SCREENING FOR MECHANICAL UNITS**: Points to a brown rectangular area above the facade.
- Top of High Parapet Framing 119**: Indicated by a dashed line at the top right.
- Top of Low Parapet 115**: Indicated by a solid line below the high parapet.
- METAL CANOPY**: Points to the canopy above the display window and the entrance.
- MURAL LIGHTING**: Points to the lighting fixtures on the mural.
- MURAL**: Points to the mural panel.
- DOWNSPOUT**: Points to the vertical drainage pipes.
- DISPLAY WINDOW**: Points to the window with callout 1.
- EFS WALL MATERIAL**: Points to the textured wall area.
- EFS ACCENT BAND**: Points to the horizontal band on the wall.
- EL Finish Floor 100**: Indicated by a solid line at the bottom right.
- Dimensions**:
 - 26' - 7"
 - 24' - 5"
 - 21' - 7"

3 Wes
A-201 1/4" = 1'-0"

ORNAMENTAL FACADE TRIM

SCREENING FOR MECHANICAL UNITS

EF'S WALL MATERIAL, COLOR # 1

FENCED AREA

EF'S ACCENT BAND - COLOR # 2

"NEWTechWOOD" COMPOSITE WOOD-LIKE LAP SIDING

Top of High Parapet Farming 119

Top of Low Parapet Farming 115

EL Finish Floor 100

3' - 10"

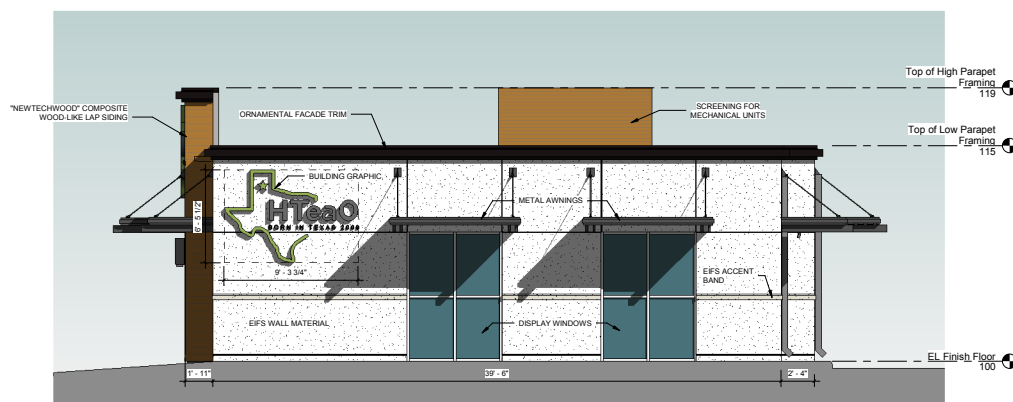
22' - 10"

11' - 4"

3' - 10"

1' - 11"

2 Sout
A-201 1/4" = 1'-0"



1 North
A-201 $1/4" = 1'-0"$

219 34th Street Lubbock, Texas
806-773-6763

Owner/Applicant:
4B2D - DFW Tea Co., LLC dba HTeaO
Contact: Beau Durham
4501 102nd Street
Lubbock, Texas 79424
(806)-891-0062

Plan Preparer:
Arris Consulting LLC
Contact: Steve Fillipp
219 34th Street
Lubbock, Texas 79404
(806)-773-6763

[illegible]

HTeaO
3428 W Buckingham Rd
Garland TX, 75042

Exterior Elevations - South,
North & West

Project Number	
----------------	--

Date

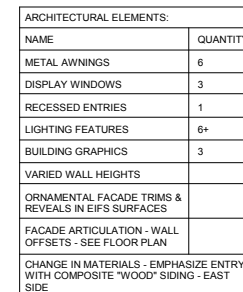
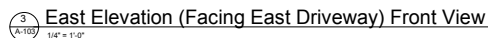
A-201



2 - 7 - 2020

Owner/Applicant:
482D - DFW Tea Co., LLC dba HTeaO
Contact: Beau Durham
4501 102nd Street
Lubbock, Texas 79424
(806)-891-0062

Plan Preparer:
Arris Consulting LLC
Contact: Steve Fillipp
219 34th Street
Lubbock, Texas 79404
(806)-773-6763



 WOOD STUD INTERIOR PARTITION
(EXTENDS TO ROOF DECK - WIDTH VARIES)

 WOOD STUD INTERIOR PARTITION
W/ BATT ACOUSTICAL INSULATION
(WIDTH VARIES - WALL EXTENDS
TO ROOF DECK, INSULATION EXTENDS
1'-0" PAST CEILING LINE)

 WOOD STUD INTERIOR PARTITION
(EXTENDS TO BOTTOM OF TRUSSES -
WIDTH VARIES)

 WOOD STUD EXTERIOR WALL



PROJECT NORTH

HTeaO Garland, TX - Floor
Plan and Front Elevation

Project Number

Date

A-103

03/00040-04 A11					
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(EXHIBIT E)

REPORT & MINUTES

P.C. Meeting, April 27, 2020

Consideration of the application of **4B2D – DFW Tea Co., LLC**, requesting approval of 1) a Specific Use Provision and 2) a Detail Plan for a Restaurant, Drive-Through on a property zoned Planned Development (PD) District 17-18 for Community Retail (CR) Uses. Approval of this item may include amendments to Planned Development (PD) District 17-18. This property is located at 3428 West Buckingham Road. (District 6) (File Z 20-03)

Kimberly Hopkins, Development Planner, presented the staff report.

The applicant Beau Durham, 5803 74th Street, Lubbock, Texas 79424 and Brad Williamson, 1322 Ranchers Legacy Trail, Fort Worth, Texas 76126, provided an overview of the request. Mr. Williamson also stated they are very community oriented and require the franchisee to put 2% back into the local community.

Chairman Roberts inquired if there would be indoor dining with this establishment and asked if they would need the parking listed.

Mr. Durham provided additional information regarding that this is a drive-up/walk-in establishment only and no indoor dining will be available, and stated they would not need all the required parking.

Motion was made by Commissioner Rose to **approve** the request per staff recommendation, seconded by Commissioner Hallman.
Motion carried: 8 Ayes, 0 Nays.

CITY OF
RICHARDSON

PD 14-05

PD 02-11

AG

SF-7

2140

CR

PD 82-82

2014

3445

3445

3417

3411

3401

3317

HEARTSIDE LN

OVERVIEW LN

PEAKWOOD DR

OVERVIEW LN

N JUPITER RD

W BUCKINGHAM RD

3432

3428

PD 1902
97-10

PD 17-18
1800

3318

MF

MF

S 96-18

SF-7

MF

SF-7

POTOMAC DR

BOBBIE LN

N

0 170 340 Feet
1 inch = 269 feet

Zoning Map Z 20-03



INDICATES AREA
OF REQUEST



GARLAND

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

April 15, 2020

HEARING DATE/TIME: Plan Commission: April 27, 2020 – 7:00 PM

APPLICANT: 4B2D – DFW Tea Co., LLC

File: Z 20-03

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 27, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **4B2D – DFW Tea Co., LLC**, requesting approval of 1) a Specific Use Provision for a Restaurant, Drive-Through and 2) a Detail Plan on a property zoned Planned Development (PD) District 17-18 for Community Retail (CR) Uses. The property is shown on the enclosed sketch and is described as follows:

Being approximately a 0.598 acre lot identified as Lot 1, of the Realeins Properties, Ltd. recorded in document number 201100113940, Deed Records of Dallas County, Texas.
The property is located at 3428 West Buckingham Road. (District 6)

The posted Plan Commission agenda on the City of Garland website (www.garlandtx.gov) will include information for accessing the meeting virtually.

Note: The applicant proposes the operation of an approximate 2,500 square-foot “HTeaO” (Tea) Restaurant, Drive-Through.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the to the Planning Department c/o City Marshall at the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kimberly Hopkins at 972-205-2454.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(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)

3318 West Buckingham Road Garland, TX

Your Property Address

LIDL US Operations, LLC

Printed Name

3500 S Clark Street Arlington, VA 22202

Address

City, State

Zip

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

Megan Signore

Signature

Director of Real Estate

Title

Date: **4/22/2020**



GARLAND

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

April 15, 2020

HEARING DATE/TIME: Plan Commission: April 27, 2020 – 7:00 PM

APPLICANT: 4B2D – DFW Tea Co., LLC

File: Z 20-03

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Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(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.

Outside the Notification Area

(Please complete the following information)

GISD-Davis Elementary School, 1621 McCallum Drive, Garland, TX 75042

Your Property Address

Paul Gonzales

Printed Name

701 N. First Street

Garland, TX

75040

Address

City, State

Zip

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



, GISD-Executive Director of Facilities & Maintenance

Signature

Title

Date: 4/23/20

Z 20-03

**Approval of 1) a Specific Use Provision and 2) a Detail Plan
for a Restaurant, Drive-Through on a property zoned Planned
Development (PD) District 17-18.**



GARLAND

TEXAS MADE HERE

**City Council Meeting
May 19, 2020**

Case Information

Location: 3428 West Buckingham Road

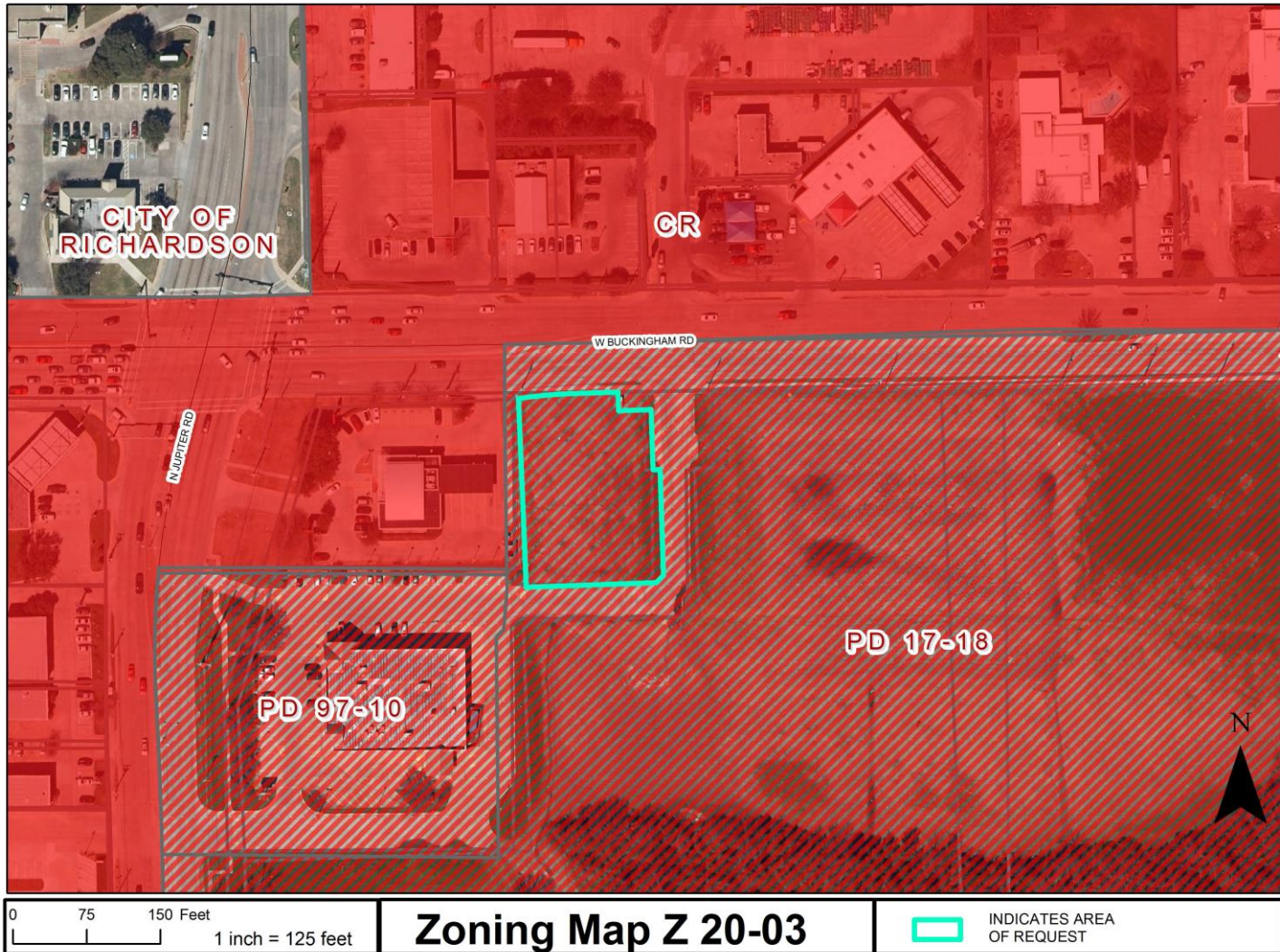
Applicant: 4B2D, HTeaO

Owner: LIDL US Operations, LLC

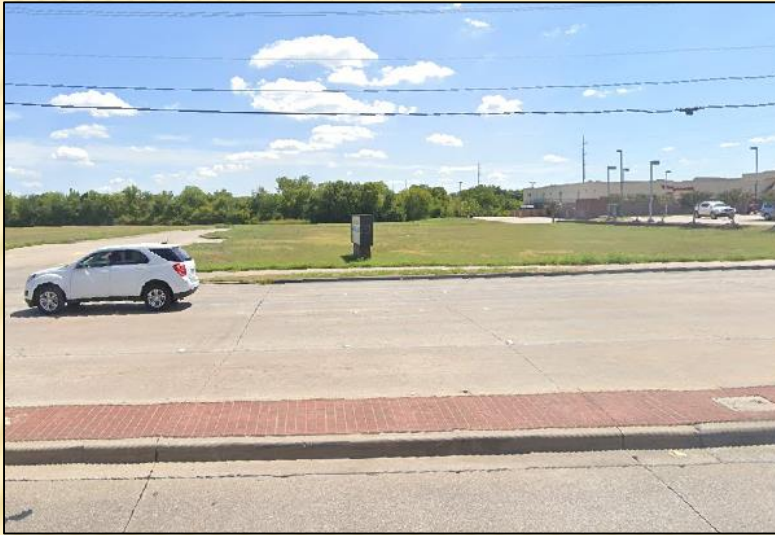
Acreage: 0.598

Zoning: Planned Development (PD) District 17-18

Location Map

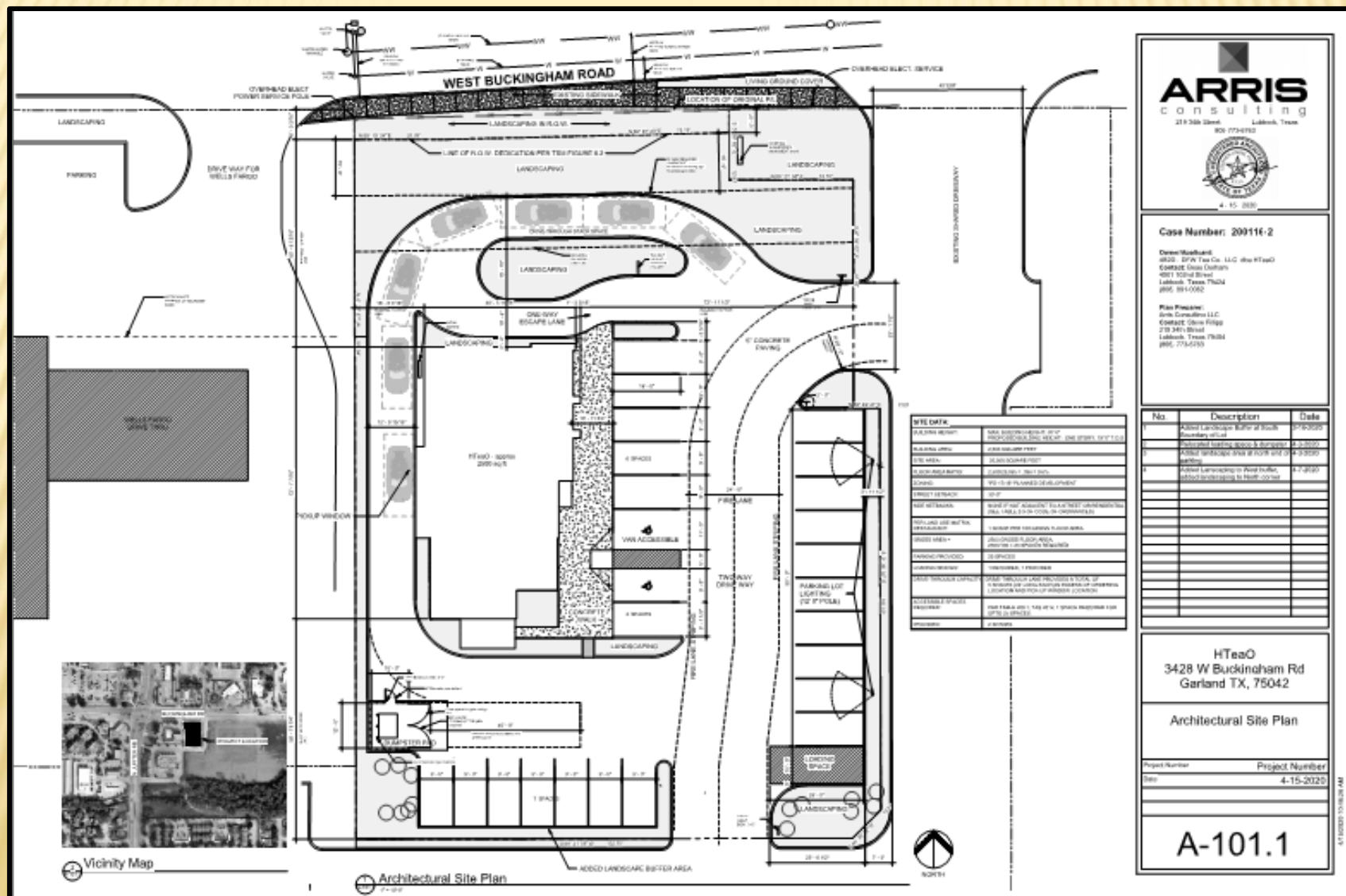


Photos





Site Plan





ARRIS
consulting



4. 9. 2009

Case Number: 200116-2

Dennis Mueller
4820 S. DFW Free Co., LLC shop RTyped
Contract: Green Oakham
4001 100th Street
Lubbock, Texas 79424
806.894.0062

Plan Prepared:
Srin Consulting LLC
Contact: Steve Filipp
2701 34th Street
Lubbock, Texas 79401
806-773-0759

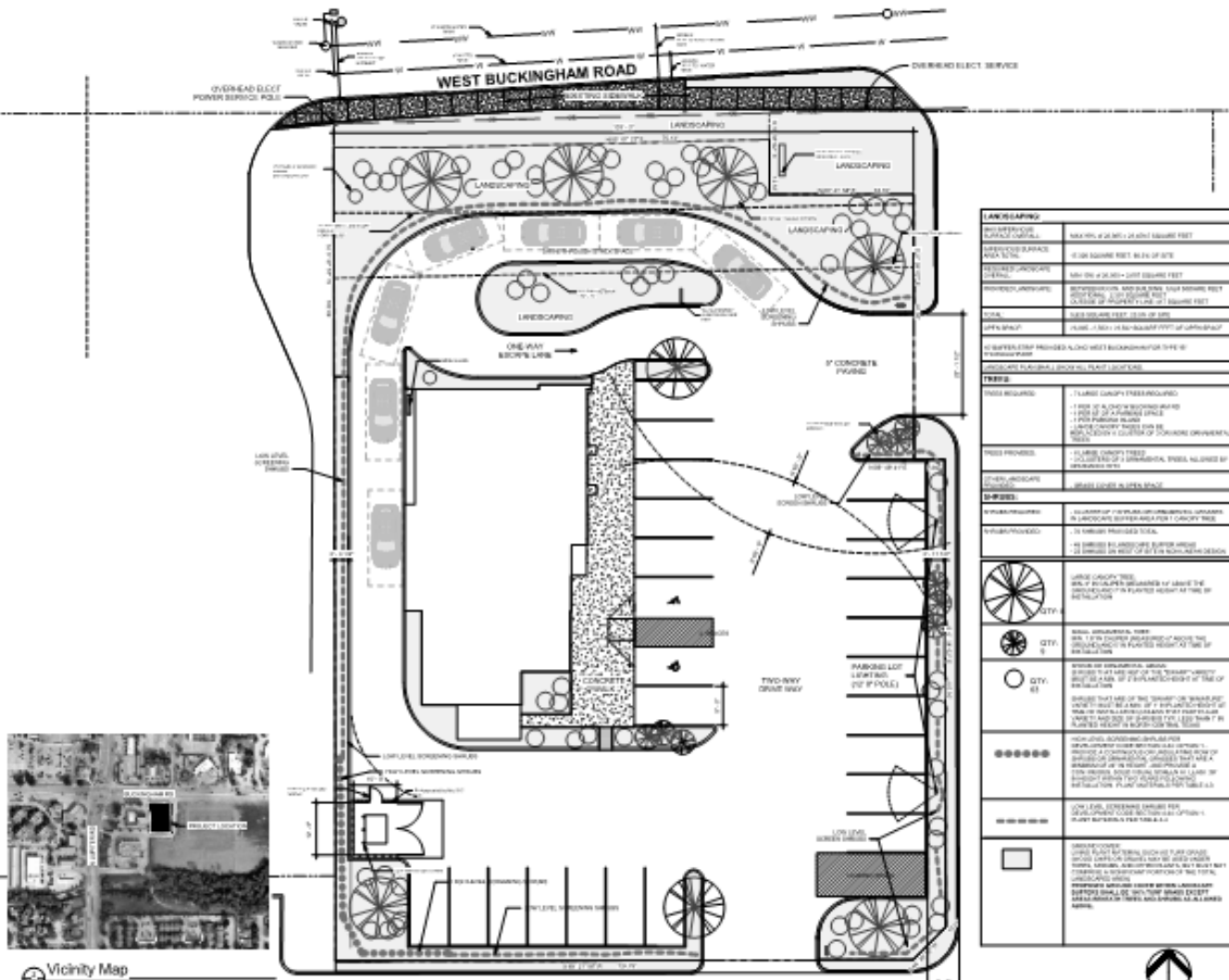
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HTeaO
3428 W Buckingham Rd
Garland TX, 75042

Landscape Plan

Project Number	Project Number
Date	4-15-2020

A-104.1

 Vicinity Map

Landscape Plan





Z 20-03



Architectural elevation drawing of the 'HITAO' booth. The drawing shows a long, low structure with a dark roof and light-colored walls. Key features include a large 'HITAO' logo on the right side, a display window, and various structural elements like trim and panels. Dimensions are provided at the bottom: 21'-0", 18'-0", 11'-0", 11'-0", and 10'-0". Labels include 'DRAMATICAL FACADE TRIM', 'CLOUTIER FOR INFORMATIONAL PANELS', 'EPOXY WALL MATERIAL', 'REFLECTANT SIGN', 'METAL HANDRAIL', 'DISPLAY WINDOW', 'RECESSED ENTRANCE', 'Top of High Panel - 110', 'Top of Low Panel - 110', and 'EL Floor Elev. 110'.

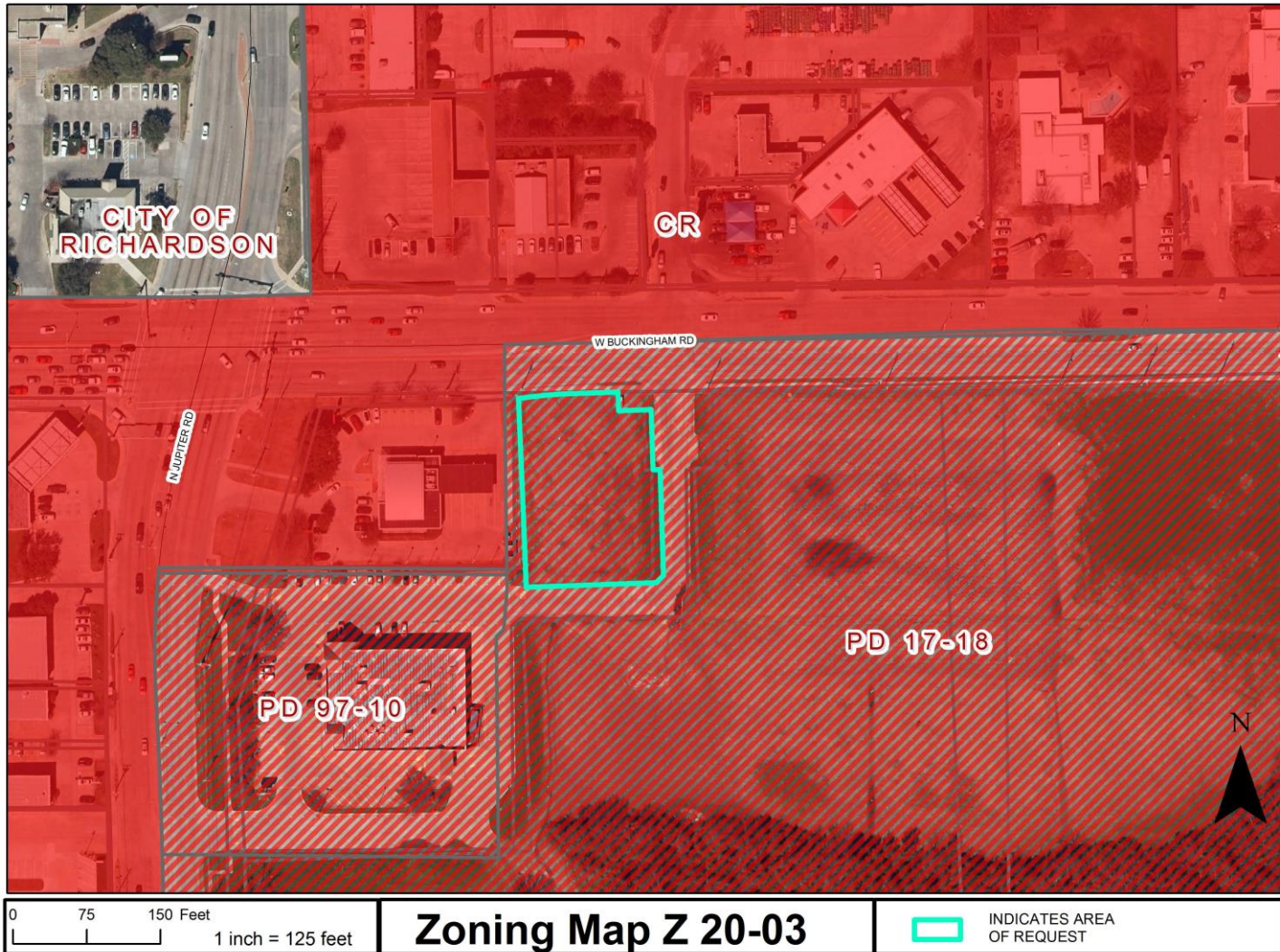
1 Annotated Floor Plan - Architectural Copy 1



Consideration

The applicant requests the Specific Use Provision (SUP) to be in effect for a period of twenty (20) years.

Location Map





GARLAND PLANNING REPORT

City Council Regular Session Agenda

10. c.

Meeting Date: 05/19/2020

Item Title: Z 20-08 Allstate Carriers LLC (District 6)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage.

LOCATION

4030 and 4040 Forest Lane

OWNER

4040 Forest Lane Partners, LLC

PLAN COMMISSION RECOMMENDATION

On April 13, 2020 the Plan Commission, by a vote of seven (7) to one (1), recommended denial of 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage.

STAFF RECOMMENDATION

Denial of the request.

BACKGROUND

The subject property is currently developed with five (5) buildings and several sheds, five hundred ten (510) heavy load vehicle parking spaces, and two hundred forty-two (242) automobile parking spaces (including four (4) accessible parking spaces). The applicant submitted the Specific Use Provision requests described below as a 30-day public hearing application.

The application was postponed from the May 5, 2020 City Council meeting to the May 19, 2020 City Council meeting upon request of the applicant.

The applicant provided response materials on May 12, 2020 for the Council's consideration, included in the attachments.

SITE DATA

The site contains approximately 47.267 acres with 1,218.38 lineal feet of frontage along Forest Lane and fifty-six (56) feet of frontage along Easy Street. Access is provided to the site from one access point on Easy Street and two active access drives on Forest Lane, and an additional unused access drive on Forest Lane.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Industrial (IN) District which allows a wide range of industrial uses that are generally not compatible adjacent to residential neighborhoods, and may or may not be compatible with some nonresidential uses. Such uses include manufacturing, processing, assembling, research and development, and warehousing and distribution. The Industrial (IN) District also accommodates support services for industrial development such as office, commercial, personal and professional services, and limited retail activities. The Industrial (IN) District regulations are designed to ensure compatibility among the various uses allowed in the district, and to protect adjacent non-industrial development from potentially incompatible uses and conditions.

All Industrial (IN) District uses (whether by right or by SUP) are indicated within the Land Use Matrix in Chapter 2 of the GDC. Parking within an Industrial (IN) District must be in compliance with Section 4.20 in Article 2, Chapter 4 of the Garland Development Code (GDC). Additionally, all other requirements of the GDC as well as referenced City Code, Technical Standards Manual, and similar referenced policy and regulatory documents are required.

Additionally, a small portion of the northwest corner of the site is zoned Community Retail (CR) District and has an existing Specific Use Provision for Retail Sales with Gas Pumps, in Z 06-65.

CONSIDERATIONS

LAND USES

1. The application proposes to establish permitted uses that exist on the site. In addition, the application includes uses that exist on the site without having been properly established in compliance with the Garland Development Code (GDC) requirements. City Code Compliance has taken action to address outstanding use and activity violations on the property. In response to Code Compliance actions, the applicant seeks to establish various uses on the site including Truck and Bus Repair; Truck Sales/Leasing/Rental; and Truck/Bus Storage. Additionally the applicant has included information that the following uses that would be operated on the property: a distribution center and a dispatching/logistics use. Considerations 2 through 7 examine these uses as proposed and as regulated by the GDC.
2. Truck/Bus Repair. The application requests "minor and major bus, truck and trailer repairs". The equivalent GDC use is Truck/Bus Repair, defined in Chapter 6 as: "An establishment that provides major and minor repairs to trucks, buses, trailers, and other heavy load vehicles for a fee. The term includes no outside storage except the parking of vehicles being repaired, which may remain on-site for no longer than ninety (90) calendar days. Further, a Specific Use Provision is required with a public hearing process.

Exhibit C shows various areas for the Allstate Truck/Bus Repair use. A truck/trailer repair

shop is shown in pink color. The area on Exhibit C in a purple color is proposed for the trailer repair setup/staging areas. The application indicates that "Units that are waiting to be repaired or to be collected may be stored on the available parking spaces provided for the building and building land area." Additionally, Exhibit C indicates the parking spaces in a flesh tone color without specifically identifying the spaces that would be used for the Truck/Bus Repair activities. Required parking spaces cannot be used for the storage of vehicles waiting repairs per GDC Chapter 4 Article 2 Section 4.2 (H) "Use of Required Parking and Loading Spaces. Required off-street parking and loading spaces may be used only for parking and loading spaces. Use for any other purpose is prohibited."

The application includes two other Truck/Bus Repair facilities on this site: Weln Truck/Trailer Repair, and C&R Trailer Repair facility, which is also a Truck/Bus Repair use. That facility was established prior to the 2015 adoption of the GDC. Other than stating the location and proposed use, the application only includes the C&R Trailer Repair facility site location, building and parking areas as shown on Exhibit C.

While this use is allowed with a Specific Use Provision in the Industrial (IN) District, this use is not allowed in the Community Retail (CR) District, which is in the northwest corner of the site.

3. Truck Sales/Leasing/Rental. This proposal includes the existing C&R Trailer/Fleet Equipment at the southwest corner of the site. The GDC defines Truck Sales/Leasing/Rental as: "The rental of new or used panel trucks, vans, and other heavy load vehicles that are in operable condition. The term does not include truck or bus repair services." There are no Special Standards associated with this use. Another use is operated by C&R on the same property, which is Truck/Bus Repair, discussed above.

While this use is allowed with a Specific Use Provision in the Industrial (IN) District, this use is not allowed in the Community Retail (CR) District, which is in the northwest corner of the site.

4. Truck/Bus Storage. The application requests Truck Parking, indicating this use is requested for both Allstate, Weln Truck/Trailer Repair and C&R Trailer/Fleet Equipment. These are shown as lease areas on Exhibit C with a solid blue line (Allstate), dashed green line (Weln) and dashed pink line (C&R). Truck Parking is identified by the GDC as Truck/Bus Storage use and it is defined as: "An area for the temporary parking or long-term storage of operable (that is, no junked, wrecked, or inoperable) trucks, buses, RVs, trailers, boats, and other types of special and heavy load vehicles, owned by others, for a fee." Detailed information regarding the Weln and C&R storage operation was not included with the application. However, the Allstate Truck/Bus Storage use is described as 248 identified and marked truck/trailer parking spaces and with more available if neighboring tenants agree to additional truck/bus storage. However, the submitted plan does not clearly identify these truck storage spaces.

While this use is allowed with a Specific Use Provision in the Industrial (IN) District, this use is not allowed in the Community Retail (CR) District, which is in the northwest corner of the site.

5. Large Distribution Center (more than ten (10) shipping truck bays) and Small Distribution Center (ten (10) or fewer shipping truck bays). The application identifies

warehouse/storage use, which is considered as either Large Distribution Center or Small Distribution Center by the Garland Development Code. The number of shipping truck bays indicates whether the use is large or small. Both types of distribution centers are allowed by right in the Industrial (IN) District. However, their operations must conform to the GDC regulations.

Two distribution centers are proposed for this site. The first, At Home, operates 450,000 square feet of the 603,795 square foot industrial building. The At Home area as shown on Exhibit C includes forty (40) shipping truck bays available for that tenant's use. Therefore, At Home is a Large Distribution Center use. The second distribution center is Allstate Carriers which is identified with 12,300 square feet in two separate buildings. Neither of these buildings have shipping truck bays. The lack of shipping truck bays calls into question whether the Allstate Carriers tenant is operating as a Small Distribution Center.

Additionally, the western-most proposed distribution building is a part of a building that was granted a Specific Use Provision for Truck/Bus Repair in Z 15-29 (Exhibit D). This application (Z 20-08) does not propose to modify the existing Specific Use Provision under Z 15-29.

Furthermore, the GDC, Chapter 2 Section 2.52 Special Standards (30), prescribes that "With the exception of parking areas, loading docks and outside scales (if provided), all large or small distribution center activities must take place entirely within an enclosed building. Outside display or outside storage is prohibited, unless such is allowed (by right or by SUP) and approved in the zoning district wherein the business is located." The application does not provide evidence that operations of loading associated with distribution centers having shipping bays will be conducted.

While this use is allowed in the Industrial (IN) District, this use is not allowed in the Community Retail (CR) District, which is in the northwest corner of the site.

6. Vehicle Dispatch & Storage. The applicant proposes dispatching/logistics, which is dispatching vehicles to locations off-site for service. The GDC identifies such use as Vehicle Dispatch & Storage, which is defined as: "A private, commercial transportation service (not operated by the City of Garland or other public entity such as DART) that specializes in the dispatch and provision of specialty non-heavy-load vehicles such as ambulances, hearses, limousines, taxis, and paratransit vehicles for a fee. The term may include facilities for accessory uses such as the storage and maintenance of such vehicles, office space, and sleeping quarters for employees who are on-call. The term only includes outside storage where allowed in the zoning district wherein the business is located and is limited to vehicles dispatched by the business unless otherwise approved by Specific Use Provision." The application does not identify further characteristics of the proposed use and the information indicates that Allstate operates heavy load vehicles rather than non-heavy load vehicles. More specifically, the applicant has verbally indicated that the operation is for the dispatch of heavy-load vehicles.

This use is only allowed for non-heavy load dispatching in the Industrial (IN) District. This use is not allowed in the Community Retail (CR) District, which is in the northwest corner of the site.

7. Parking. The GDC Chapter 2 Land Use Matrix establishes parking ratios for all uses.

Additionally, the GDC Chapter 4 Article 2 provides regulation for parking areas. Where parking spaces for multiple tenants are located on one property, the parking is calculated for the entire property. Parking for this site will need to be shared amongst the various uses. More specifically, GDC Chapter 4, Article 4.2 Section 2 (A) requires: In any district, when more than one use occurs on a site, the required off-street parking must be prorated according to the requirements of each use. Evaluation of the proposed and required parking indicates that the site, with the uses proposed may not have adequate parking. There are deficiencies in the application, resulting in the inability to calculate parking: floor areas not attributed to particular use(s), lack of clarity related to the location of parking, storage, and other spatially designated needs for the uses, and conflicting statements that identify duplicative use of storage, parking, and other areas of the site.

- The application does not identify the floor area devoted to Truck/Bus Repair uses.
- The application does not identify the floor area devoted to sales, leasing, or rental uses.
- The application does not identify the office floor area devoted to Truck/Bus Storage.
- The application assigns parking incorrectly for the Large and the Small Distribution Centers. These centers are required to park automobile parking, while the heavy load vehicles associated with distribution center uses is considered as a component of the distribution use and not automobile parking. Therefore, automobile parking spaces and heavy load vehicle (semi-trucks or other large vehicles) areas must be separately counted and provided.
- The applicant is proposing dual use of the heavy load vehicle parking, which is not allowed by the GDC.
- A use for the remainder (approximately 148,795 square feet) of the 603,795 square foot manufacturing is not identified.

Based on a best projection of the data provided, the site does not have adequate parking for the size of the buildings and the uses proposed.

COMPREHENSIVE PLAN

Industry Centers provide a cluster of trade and industry that cumulatively employ large numbers of people. Operations within this development type may require substantial infrastructure and may result in more significant negative impacts (sound, air, traffic, outdoor lighting, storage, etc.). Operations may include such elements as semi-truck traffic, loading docks, and visible outdoor storage. Overall, the architecture, character, scale, and intensity should be compatible with adjacent development types. Industry Centers are generally located along major arterial streets, and highways and at significant transit areas (bus/ rail). Site design addresses function and visual aesthetics that provide appropriate buffering at gateway corridors, between adjacent developments, and for residential neighborhoods.

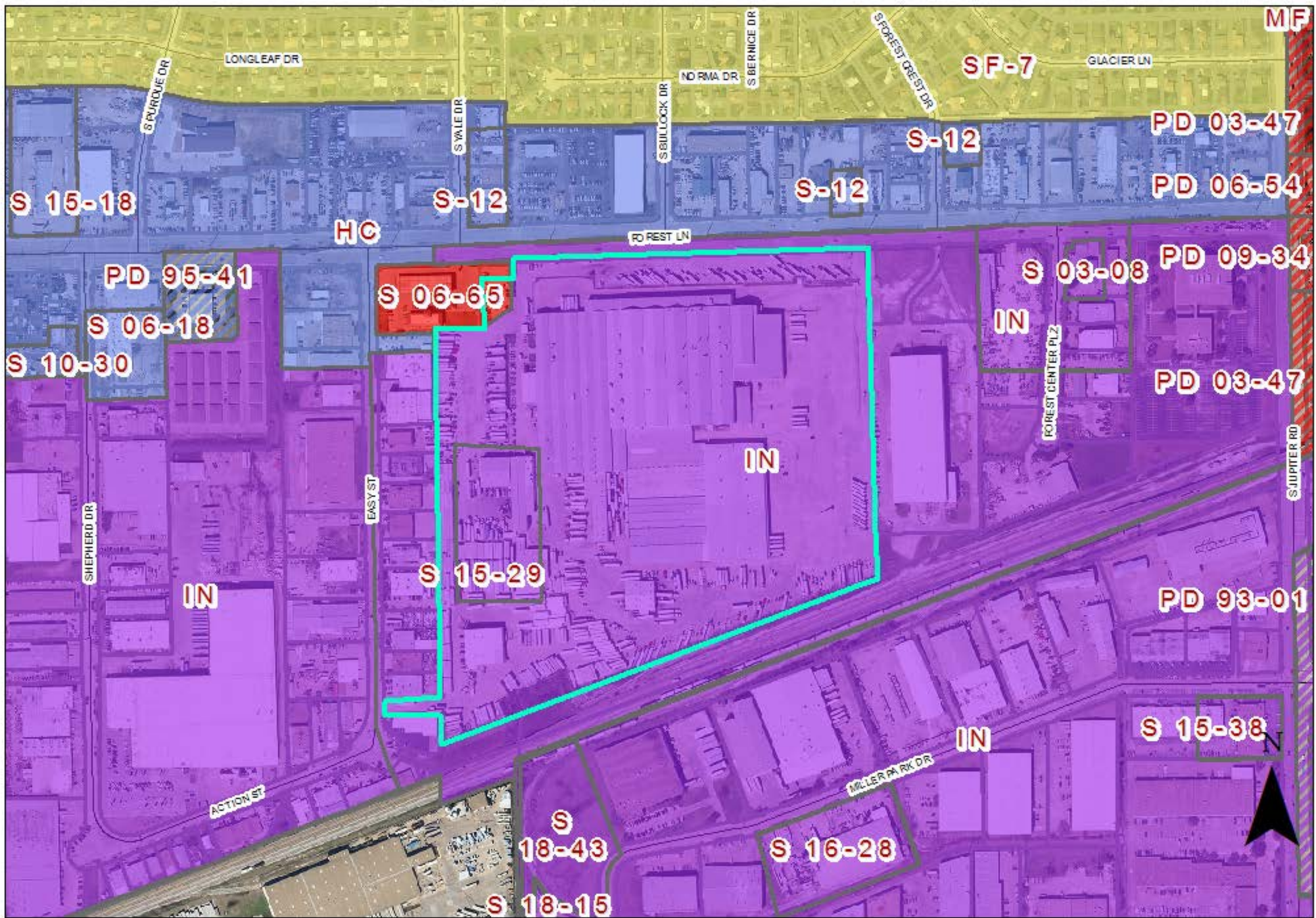
Industry Centers range in scale and intensity based on the surrounding vicinity and may consist of one or more buildings. This development type includes a variety of primary and secondary uses that support the industry employment sector.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The land use pattern within the area surrounding the subject property is a mixture of employment, commercial, and support services. The proposed uses, if arranged in a well-conceived and comprehensive manner, could be compatible with the surrounding areas.

Attachments

Z 20-08 Allstate Carriers LLC Attachment and Exhibits
Z 20-08 Applicant Response Materials 5-12-20
Z 20-08 Allstate Carriers, LLC Order of Denial Case
Z 20-08 Allstate Carriers, LLC Responses
Z 20-08 Staff Presentation



Zoning Map Z 20-08

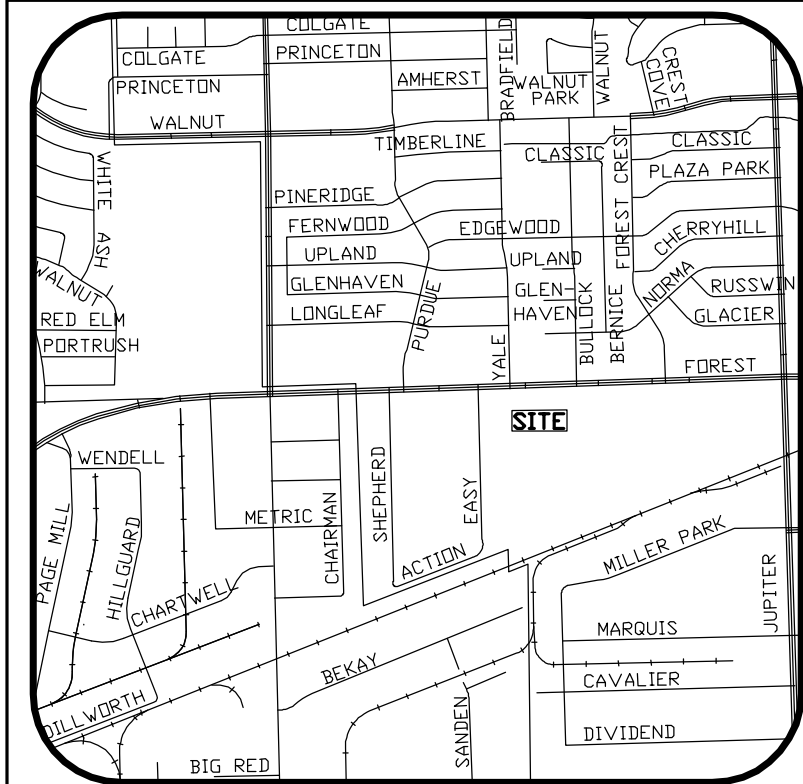
 INDICATES AREA OF REQUEST

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-08

4030 and 4040 Forest Lane

- I. Statement of Purpose:** The purpose of this Planned Development is to approve 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Industrial (IN) District as set forth in Chapter 2 of the Garland Development Code, Ordinance No. 6773, are included by reference and shall apply, except as otherwise specified in this ordinance.
- IV. Development Plans:**
- Site Plan: Development shall be in general conformance with the Site Plan labeled Exhibit C. In the event there is conflict between the approved Detail Plan and the Specific Regulations below, the Specific Regulations shall apply.
- V. Specific Conditions:**
- A. All requirements of the Garland Development Code, City Code, and the Technical Standards Manual shall apply to this site.
- B. The uses on this site require a Certificate of Occupancy no later than one-hundred and eighty (180) days of the approval of this Specific Use Provision.
- C. The Specific Use Provision shall be for a period of five (5) years.



VICINITY MAP

ITEMS CORRESPONDING TO SCHEDULE B:

- 1 The following restrictive covenants of record itemized below:
TRACT 1:
Volume 78136, Page 1383; Volume 2000031, Page 3218; Volume 2000031, Page 3246;
Volume 2000031, Page 3252 and under Clerk's File No(s). 20070089911 and 20090029339,
Deed Records, Dallas County, Texas.
TRACT 2:
Volume 729, Page 411 and Volume 853, Page 388, of the Real Property Records, Dallas
County, Texas.
TRACT 3: Volume 3093, Page 88 and Volume 3252, Page 640, of the Real Property Records,
Dallas County, Texas.
The items above do apply and affect. Items that can be depicted graphically are shown. See
individual items below for location.
- 10c The following, all according to the plat recorded under Clerk's File No. 20070373352, of the
Map Records, Dallas County, Texas:
1) Ten foot street, pedestrian, utility, drainage and traffic control easement;
2) Fifteen foot Onco easement;
3) Ten foot City of Garland electric easement;
4) Twenty foot City of Garland utility easement;
5) Twenty foot drainage easement; and
6) Ten foot utility easement.
(Tract 1)
Items 3-6 (only) apply and affect the subject property and are shown.
- 10d Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Texas Power & Light Company
Purpose: As provided in said document
Recording Date: January 10, 1916
Recording No: Volume 664, Page 383, of the Real Property Records, Dallas County, Texas.
Affects: Tracts 1 and 3
This item does not apply or affect the subject property.
- 10e Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Texas Power & Light Company
Purpose: As provided in said document
Recording Date: October 18, 1950
Recording No: Volume 3394, Page 596, of the Real Property Records, Dallas County, Texas.
Affects: Tract 1
This item may apply and affect, but was not provided to the surveyor at the time of this
survey.
- 10f The following, all according to the plat recorded Volume 729, Page 400, of the Map Records,
Dallas County, Texas:
1) 40' building line along the front; and
2) 5' foot electric and drainage easement along the rear.
(Affects Tract 3)
This item may apply and affect, but was not provided to the surveyor at the time of this
survey.
- 10g Easement(s) and rights incidental thereto, as granted in a document:
Granted to: TXU Gas Company
Purpose: As provided in said document
Recording Date: January 28, 2002
Recording No: Volume 2002019, Page 5636, of the Real Property Records, Dallas County,
Texas.
Affects: Tract 3
This item does apply and affect and is shown.
- 10h Easement(s) and rights incidental thereto, as granted in a document:
Granted to: City of Garland, Texas
Purpose: As provided in said document
Recording Date: June 27, 2007
Recording No: under Clerk's File No. 20070230895, of the Real Property Records, Dallas
County, Texas.
Affects: Tract 3
This item does apply and affect and is shown.
- 10i Easement(s) and rights incidental thereto, as granted in a document:
Granted to: United States Steel Corporation
Purpose: As provided in said document
Recording Date: June 23, 1980
Recording No: Volume 80124, Page 1725, of the Real Property Records, Dallas County,
Texas.
Affects: Tract 3
This item does not apply or affect the subject property. Abandoned in instrument
20070329259 of the Official Public Records of Dallas County, Texas

- LEGEND**
- N. North
S. South
E. East
W. West
D. Degrees
F. Feet or Minutes
I. Inches or Seconds
Sq. Square
Fl. Feet
Vol. Volume
Pg. Page
- Adjoining Boundary/ROW
Boundary
Easement
Firelane
Chainlink Fence
Wrought Iron Fence
- AC-Air Conditioner
CO-Cleanout
CM-Controlling Monument
DE-Drainage Easement
EB-Electric Box
EE-Electric Easement
EM-Electric Meter
GI-Gate Inlet
GMKR-Gas Marker
GSTP-Gas Stand Pipe
GV-Gas Valve
IRF-iron Rod Found
IRS-iron Rod Set
OE-Overhead Electric
OT-Overhead Telephone
PKF-PK Nail Found
PP-Power Pole
TKMR-Telephone Marker
TPD-Telephone Pedestal
TRA-Transformer
UE-Utility Easement
WM-Water Meter
WSTP-Water Stand Pipe
WVL-Water Vault
X2-X Found
X3-X Found
- Bollard
Fire Hydrant
Flag
Light Pole
Overhang
Power Pole
Sign
Sanitary Sewer Manhole
Storm Drain Manhole
Water Valve

ZONING INFORMATION

The surveyor was not provided with zoning information pursuant to Table A Item 6.

PARKING

238 Regular Parking Spaces
510 Truck Parking Spaces
4 Handicap Parking Spaces
752 Total Parking Spaces
40 Loading Docks

SIGNIFICANT OBSERVATIONS:

- A Wrought iron fence extends 0.3' beyond northerly boundary.
- B Wrought iron fence extends 2.0' beyond northerly boundary.
- C Chainlink fence extends 3.2' beyond easterly boundary.
- D Chainlink fence extends 1.5' beyond southeasterly boundary.
- E Chainlink fence extends 4.0' beyond southeasterly boundary.
- F Chainlink fence extends 0.8' beyond southeasterly boundary.
- G Wrought iron fence extends 1.4' beyond westerly boundary.
- H Wrought iron fence extends 0.3' beyond westerly boundary.

LAND DESCRIPTION

TRACT 1:
COMMENCING at a 3-1/4" aluminum disc (stamped "Racetrac Forest Lane Replat 2007") set with concrete base in the South right-of-way line of Forest Lane (126' right-of-way) for the Northeast corner of a right-of-way parcel described in Volume 88004, Page 1933 of the Real Property Records, Dallas County, Texas, said point being located a called distance of 16 feet easterly of the Southeast corner of intersection of said Forest Lane and Easy Street (50' right of way) and the Northwest corner of said Lot 2, Block 2, A. D. Jackson corners;
THENCE continuing along said right of way East a distance of 180.04 feet to a point;
THENCE continuing along said right-of-way N 89 deg. 15 min. 52 sec. E, a distance of 275.00 feet to a point;
THENCE leaving said right of way S 00 deg. 15 min. 00 sec. W, a distance of 56.00 feet to Point of Beginning;
THENCE continuing S 00 deg. 15 min. 00 sec. W, a distance of 165.00 feet to a point;
THENCE continuing S 60 deg. 10 min. 31 sec. W, a distance of 123.40 feet to a point;
THENCE continuing North a distance of 168.98 feet to a point;
THENCE continuing N 89 deg. 15 min 35 sec. E, a distance of 107.54 feet to POINT OF BEGINNING;
SAID PROPERTY CONTAINS 14,905 SQUARE FEET OR 0.342 acres.

TRACT 2:
The South 56 feet of Lot 12 of Access Addition, an Addition to the City of Garland, Dallas County, Texas, according to the Plat thereof recorded in Volume 729, Page 400, of the Map Records of Dallas County, Texas.

TRACT 3:
BEING a tract of land situated in the William D. Reed Survey, Abstract Number 1249, and the Thomas McCarne Survey, Abstract Number 959, City of Garland, Dallas County, Texas, and being a portion of Block A, Lot 1, U. S. Steel Subdivision, as recorded in Volume 76109, Page 24, of Deed Records Dallas County, Texas, and being all of that tract of land conveyed to SST Truck Company LLC, as recorded in Volume 97031 Page 1750, of said Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of said Block A, Lot 1, U. S. Steel Subdivision, marked by a point in the Southerly right-of-way line of Forest Lane, which point is witnessed by a 1/2 inch iron rod which bears S 00°13'04" W, 4.65 feet;

THENCE N 89°14'16" E. 1493.38 feet along said Southerly right-of-way line to an "X" cut in concrete found:

THENCE S 00°42'49" E. 1127.97 feet along the West line of Lot 1, Block "A", U. S. Steel Subdivision, an addition to the City of Dallas, recorded in Volume 86032, Page 1982, of said Deed Records to a 1/2 inch iron rod found;

THENCE S 70°13'00" W. 1608.51 feet to a point from which a 1 inch iron pipe which bears N 00°13'04" E, 0.47 feet;

THENCE N 00°13'04" E. 1652.45 feet to the POINT OF BEGINNING, and containing 48,003 acres of land, more or less.

SAVE AND EXCEPT a tract of land executed by SST Truck Company, LLC to Racetrac Petroleum, Inc., filed February 15, 2000, recorded in Volume 2000031, Page 3218, of the Real Property Records, Dallas County, Texas.

The foregoing legal descriptions describes the same property as shown in the vesting deeds, recorded at Instrument Nos. 2009-29339, 2000196-6145 and 97031-1750 and is the same property as described in Schedule A of the Title Commitment by Chicago Title Insurance Company, GF No. 4712005978, effective date June 08, 2014.

AS-SURVEYED DESCRIPTION

Being a 47.267 acre tract of land situated in the William D Reed Survey, Abstract No. 1249 and the Thomas McCarne Survey, Abstract No 959, Dallas County, Texas and being a portion of Lot 1, Block A, US Steel Subdivision as recorded in Volume 729, Page 400 of the Map Records of Dallas County, Texas and a portion of Lot 12, Access Addition, an addition to the City of Garland as recorded in Volume 729, Page 400 of the Map Records of Dallas County, Texas and a portion of Lot 1H, Block 1, Racetrac Forest Lane Replat as recorded in Instrument No. 20070373352 of the Official Public Records of Dallas County Texas and being more particularly described as follows:

BEGINNING at nail found in concrete on the westerly line of said Lot 1, US Steel Subdivision and on the easterly line of said Access Addition and the northerly line of a tract of land described in deed to Dallas Area Rapid Transit as recorded in Volume 97022, Page 5424;

THENCE North 00°13'04" East along said common line for a distance of 101.66 feet to a 1/2 inch iron rod with cap stamped "RPLS 5632" for the southeasterly corner of Lot 12 in said Access Addition;

THENCE North 89°49'09" West along said common line for a distance of 196.85 feet a 1/2 inch iron rod with cap stamped "RPLS 5632" on the easterly right-o-way line of Easy Street (50' foot right-of-way);

THENCE North 00°13'04" East along said easterly right-o-way line of Easy Street for a distance of 56.00 feet a 1/2 inch iron rod with cap stamped "RPLS 5632" to the common corner of this tract and a tract of land described in deed to Jimmy T Bird as recorded in Volume 204199, Page 2403 of the Official Public Records of Dallas County, Texas;

THENCE South 89°49'09" East departing said easterly right-o-way line of Easy Street and along the common line for a distance of 196.85 feet a 1/2 inch iron rod with cap stamped "RPLS 5632";

THENCE North 00°13'04" East along the common line of Said Access Addition and US Steel Subdivision for a distance of 1272.57 feet a 1/2 inch iron rod with cap stamped "RPLS 5632" on the southerly line of aforesaid Racetrac subdivision;

THENCE North 89°14'16" East along the common line for a distance of 168.16 feet an "X" Set;

THENCE North 00°01'36" West departing said southerly line of said Racetrac subdivision for a distance of 168.98 feet a 1/2 inch iron rod with cap stamped "RPLS 5632";

THENCE South 89°17'11" East for a distance of 107.54 feet to an "X" Found;

THENCE North 00°13'24" East for a distance of 56.00 feet to an "X" Found on the southerly line of Forest Lane (a 126 feet right-of-way);

THENCE North 89°14'16" East along said southerly line of Forest Lane for a distance of 1218.38 feet an "X" Found;

THENCE South 00°42'49" East departing said southerly line of Forest Lane for a distance of 1127.97 feet a 1/2 inch iron rod with cap stamped "RPLS 5632" on the aforesaid Dallas Area Rapid Transit tract;

THENCE South 70°13'00" West along said southerly line of Forest Lane for a distance of 1608.51 feet to the POINT OF BEGINNING

Said tract having a computed area of 2,058,964 square feet or 47.267 Acres.

The property hereon described is the same property described in Chicago Title Insurance Company, GF No. 4712005978 effective date June 8, 2014.

ALTA/NSPS LAND TITLE SURVEY

4030 Forest Lane

Garland, TX 75042

Chicago Title Insurance Company

Commitment No. 4712005978

bearing an effective date of June 8, 2014

Surveyor's Certification

To: Allstate Carriers LLC and Chicago Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6b, 7a, 7b1, 7c, 8, 9, 13, 14, 16, 17 and 18 of Table A thereof.

"PRELIMINARY-NOT TO BE RECORDED FOR ANY REASON"

Larry G. Ferguson
Registration No. 5632
In the State of Texas
Date of Survey: 01-29-2020
Date of Last Revision: 02-24-2020
Project Name or No.: 4030 Forest

case # 191031-2

LGF LAND SURVEYING, LLC

Accurate Reliable Responsive

132 PR 7869

HOLLY LAKE RANCH, TEXAS 75765

PHONE (214) 289-6804

Firm# 10148100

LGFSURVEYS.COM

Page 1 of 1

EXHIBIT C

GENERAL NOTES:

1. According to surveyor's interpretation of information shown on the National Flood Insurance Program (NFIP) "Flood Insurance Rate Map" (FIRM), Map No. 48113C0215K dated July 7, 2014. The property appears to lie within Zone "X" and does not lie within a "Special Flood Hazard Area (SFHA) inundated by 100-year flood" zone as defined by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, or the Federal Emergency Management Agency.
2. Only surface indication of utilities are shown.
3. Areas indicated hereon are the results of calculations from reported positions and are subject to the minimum standards of surveying precision.
4. Bearings are based on the southerly right of way line of Forest Lane according to the Plat thereof recorded in Lot 1, Block A, US Steel Subdivision as recorded in Volume 729, Page 400 of the Map Records of Dallas County, Texas.
5. The property has direct address and abuts to Forest Lane and Easy Street, both public rights of way, as shown.
6. The address of "4030" was observed on the monument sign as shown.
7. At the time this survey was performed no observable evidence of changes in street right-of-way lines, either completed or proposed and available from the controlling jurisdiction; street or sidewalk construction or repairs; location of cemeteries and burial grounds; earth moving, building construction or building additions (except as shown).
8. The surveyor was not provided any documentation, was not made aware and did not observe any ground markings on the surveyed property with regards to wetlands on the surveyed property.
9. Square footage of building is ground floor footprint only.
10. An As-Surveyed description was written combining three tracts into one.

Course	Bearing	Distance
L1	N00°13'04"E	101.66'
L2	N89°49'09"W	196.85'
L3	N00°13'04"E	56.00'
L4	S89°49'09"E	196.85'
L5	N89°14'16"E	168.16'
L6	N00°01'36"W	168.98'
L7	S89°17'11"E	107.54'
L8	N00°13'24"E	56.00'

POINT OF BEGINNING

As-Surveyed Description

Nail in concrete (cm)

SUP / APPLICATION SUBMITTAL
ALLSTATE CARRIERS LLC
4030 FOREST LANE, GARLAND, TX
TENANT AREAS
03/16/2020

CASE #191031-2



AT HOME (Tenant #1)
Leased Bldg. SF +/-450,000 SF
Land Area: 227,191 SF or 5.21 ACRES
Use: Warehouse/Storage/ Distribution



WELN TRUCK/TRAILER REPAIR (Tenant #2)
Leased Bldg. SF: +/-10,000 SF (including +/-1,500 SF office)
Land Area: 80,823 SF or 1.85 ACRES
Use: Truck & Trailer Repair/Truck Parking



C&R Trailer/Fleet Equipment (Tenant #3)
Leased Bldg. SF: +/-16,265 SF
Land Area: SF or +/-2.50 ACRES
Use: Truck & Trailer Repair/Truck Parking/Rental/Sales



Allstate Carriers /AllState Truck Trailer Repair (Tenant #4)
Leased Bldg. SF: +/-SF 42,700 SF (including 5,000 SF Office)
Land Area: 178,921 SF or +/- 4.11 ACRES
Use: Truck & Trailer Repair/Truck Parking/Warehouse/Storage

SUP / APPLICATION SUBMITTAL
ALLSTATE CARRIERS LLC
4030 FOREST LANE, GARLAND, TX
ALLSTATE CARRIERS LEASE BUILDING AREAS AND PARKING AREAS
03/16/2020

CASE #191031-2



Truck / Trailer Parking (4.11 ACRES)



Office Space (5,000 SF per Lease – Allstate Occupies about 1000 SF of that space)



Storage / Warehouse (12,300 SF Two Building Areas)



Truck/Trailer Repair Shop (10,000 SF Separate Building)



Truck/Trailer Repair Staging/Set Up Area



ITEMS CORRESPONDING TO SCHEDULE B:

- POINT OF BEGINNING**
As-Surveyed Description

The surveyor was not provided with zoning information pursuant to Table A Item 6.

The surveyor was not provided with zoning information pursuant to Table A Item 6.

787 Regular Parking Spaces
287 Truck Parking Spaces
4 Handicap Parking Spaces
1078 Total Parking Spaces

787 Regular Parking Spaces
287 Truck Parking Spaces
4 Handicap Parking Spaces
1078 Total Parking Spaces

- ☐ A Wrought iron fence extends 0.3' beyond northerly boundary.
- ☐ B Wrought iron fence extends 2.0' beyond northerly boundary.
- ☐ C Chainlink fence extends 3.2' beyond easterly boundary.
- ☐ D Chainlink fence extends 1.5' beyond southwesterly boundary.
- ☐ E Chainlink fence extends 4.0' beyond southeasterly boundary.
- ☐ F Chainlink fence extends 0.8' beyond southwesterly boundary.
- ☐ G Wrought iron fence extends 1.4' beyond westerly boundary.
- ☐ H Wrought iron fence extends 0.3' beyond westerly boundary.

[illegible][illegible]

To: Dolan-Flowers Realty Partners, L.L.C., a Texas limited liability company; SST Truck Company, L.L.C., a Delaware limited liability company; and Chicago Title Insurance Company.

PRELIMINARY-NOT TO BE RECORDED FOR ANY REASON

Larry G. Ferguson
Registration No.: 5632
In the State of Texas
Date of Survey: 06-12-2014
Date of Last Revision: 06-26-2014
Project Name or No.: 4030 Ford

ALTA/ACSM LAND TITLE SURVEY
4030 Forest Lane
Garland, TX 75042
Chicago Title Insurance Company
Commitment No. 4712008978
bearing an effective date of June 6, 2014

LAND SURVEYING, LLC
Accurate Reliable Responsive
 3044 Old Denton Road #111-230
 CARROLLTON, TEXAS 75007
 PHONE (214) 289-6804
 FAX (972) 212-7294
 Firm# 10148100
LGFSURVEYS.COM

Page 1 of 1

Course	Bearing	Distance
L1	N00°13'04"E	101.86'
L2	N89°49'09"W	196.85'
L3	N00°13'04"E	56.00'
L4	S89°49'09"E	196.85'
L5	N89°14'16"E	165.16'
L6	N00°01'38"W	168.98'
L7	S89°17'11"E	107.54'
L8	N00°13'24"E	56.00'

EXHIBIT D

REPORT & MINUTES

P.C. Meeting, April 13, 2020

Consideration of the application of **Allstate Carriers LLC**, requesting approval of 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage. This property is located at 4030 and 4040 Forest Lane. (District 6) (File Z 20-08)
Kira Wauwie, Principal Development Planner, presented the staff report.

Chairman Roberts asked for clarification on the classification of tractor trailers and clarified the number of trailer parking spaces being requested.

Commissioner Rose asked staff whether we could request additional landscaping of this request.

Commissioner Williams inquired to the number of tractor trailer parking spaces being requested.

Commissioner Hallman requested clarification from staff the reason for denial of this request.

Ms. Wauwie clarified the classification on tractor trailers, stated due to this being a 30-day application request, additional site work was not requested. Additionally, Ms. Wauwie clarified that the recommendation of denial is due to technical requirements having not been met of the Garland Development Code (GDC).

Representing the applicant, Rosanna Hudson, provided an overview of the request.

Commissioner Dalton asked of the applicant if the trucks and trailers will be parked on-site and location of parking spaces for the larger vehicles.

Commissioner Rose inquired as to the use of the warehouse building at this site.

Ms. Hudson clarified the tractor trailers are parked empty on-site, no distribution will be conducted on-site, spoke about the parking location of vehicles, the warehouse building on the subject

property is not part of the request and belongs to another tenant and that Allstate Carriers will be sub-leasing the property.

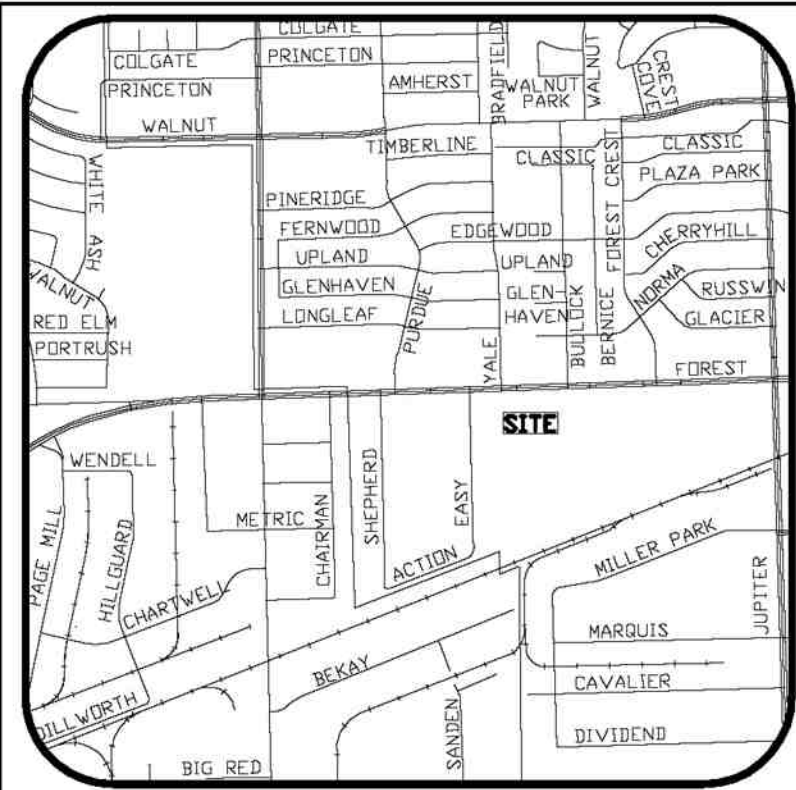
Correy Price, 105 Nursey Lane, Ste. 200, Fort Worth, TX, 76114, spoke in support of the request.

Motion was made by Commissioner Williams to close the public hearing and open for discussion, seconded by Commissioner Ott.
Motion carried: 8 Ayes, 0 Nays.

Chairman Roberts, Commissioner Ott, Dalton, Rose, spoke of concerns regarding truck parking along Forest Lane, lack of parking with the warehouse building alone, and agreement with staff on the recommendation of denial.

Commissioner Hallman spoke in support of the request.

Motion was made by Commissioner Williams to **deny** the request due to failure to meet technical requirements of the Garland Development Code, (GDC), seconded by Commissioner Dalton.
Motion carried: 7 Ayes, 1 Nay from Commissioner Hallman.



VICINITY MAP

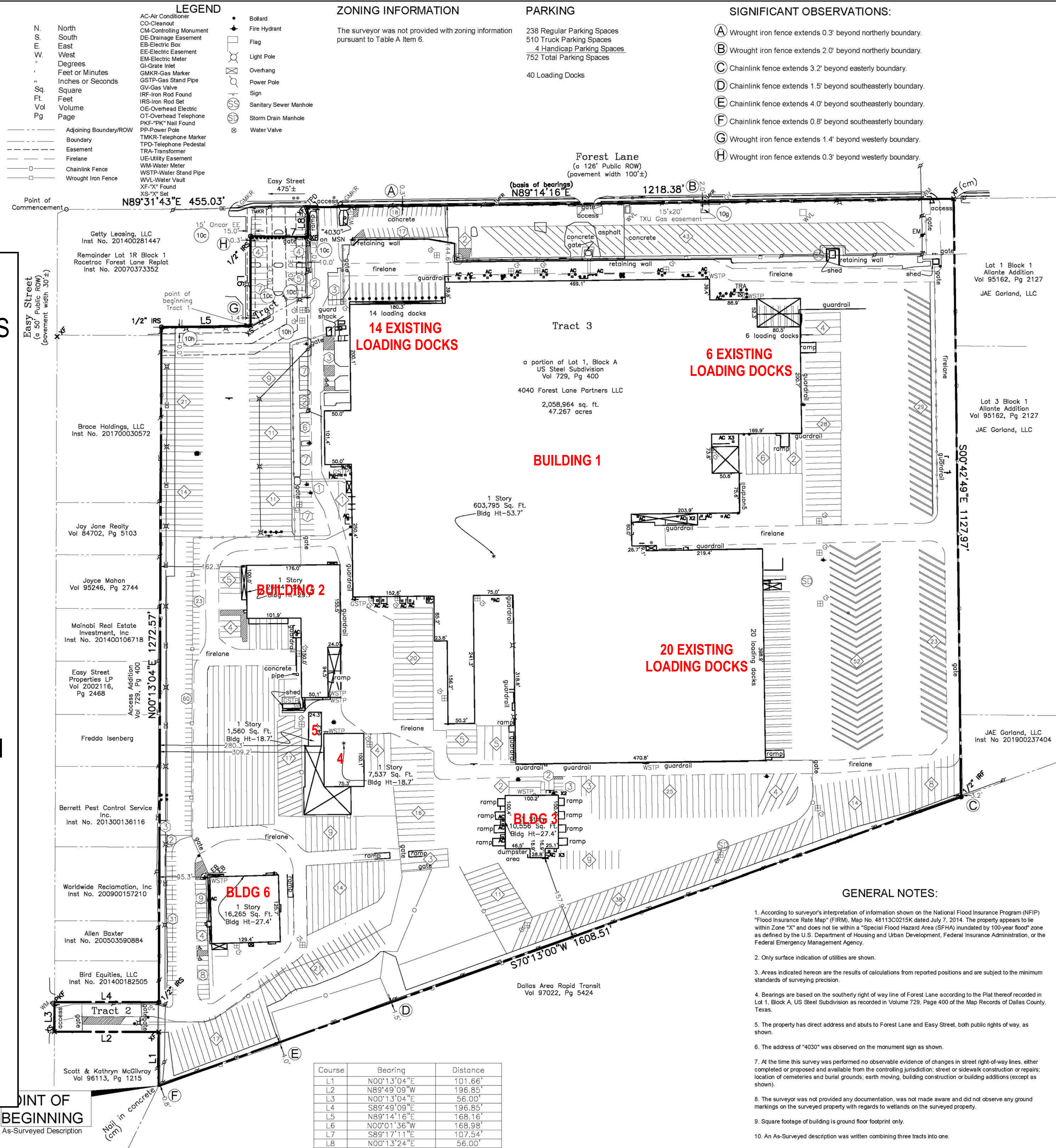
THE APPLICANT REQUESTS THE EXPANSION OF AND ADDITION OF THESE SPECIFIC USE PROVISIONS FOR THE PROPERTY:
TRUCK/BUS REPAIR
TRUCK/BUS PARKING
TRUCK SALES/LEASING/RENTAL

THE SITE HAS HOSTED THESE USES SINCE 2017

SINCE 2015, SUP'S ARE APPLIED TO PROPERTIES INSTEAD OF INDIVIDUALS.

THE PROPERTY IS ONE LOT UNDER SINGLE OWNERSHIP WITH FOUR LEASING TENANTS

CURRENT PARKING LOCATIONS HAVE BEEN ESTABLISHED BY HISTORICAL PATTERN OF USE AND AVAILABLE SPACE, NOT NECESSARILY BY EXISTING STRIPING.



ALTA/NSPS LAND TITLE SURVEY
4030 Forest Lane
Garland, TX 75042
Chicago Title Insurance Company
Commitment No. 4712005978
bearing an effective date of June 8, 2014

Surveyor's Certification

To: Allstate Carriers LLC and Chicago Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6b, 7a, 7b1, 7c, 8, 9, 13, 14, 16, 17 and 18 of Table A thereof.

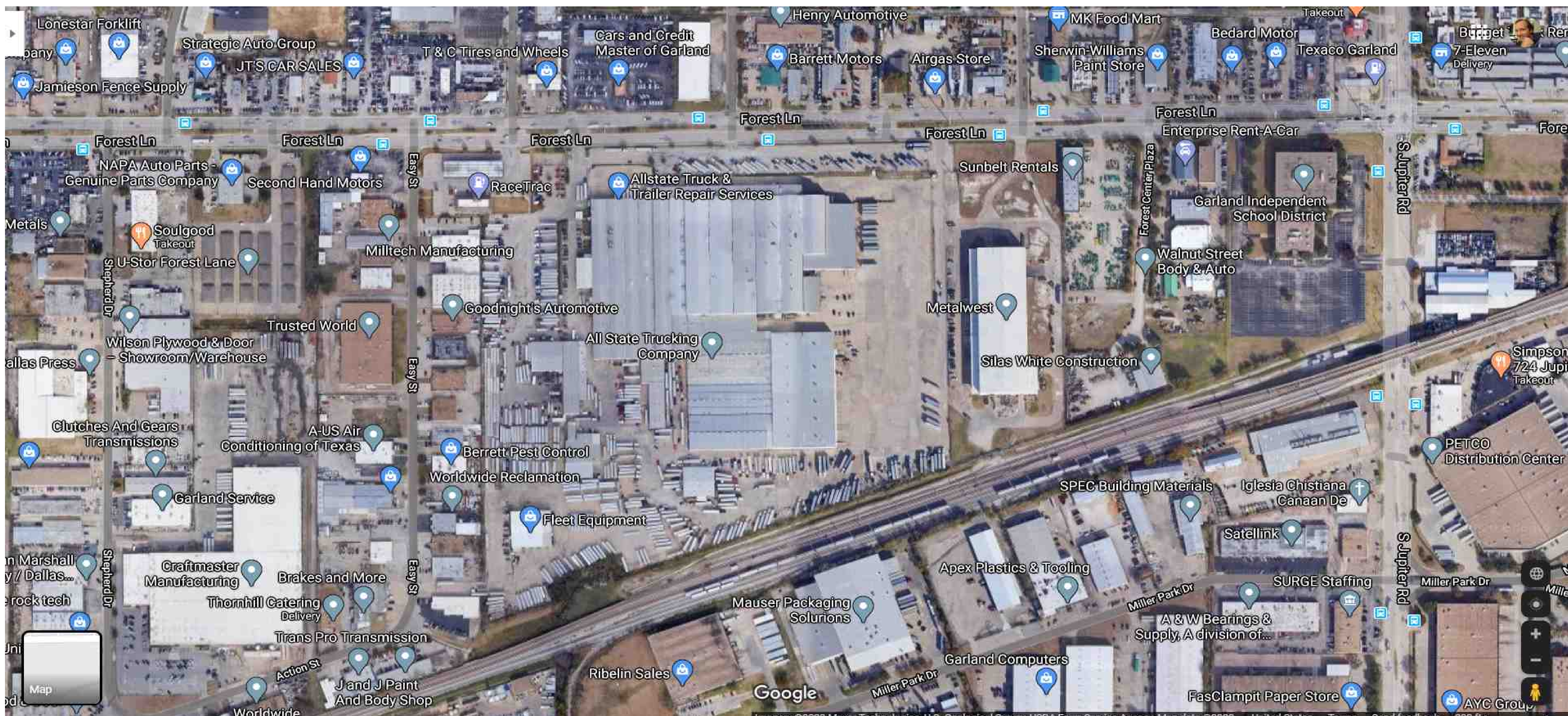
"PRELIMINARY-NOT TO BE RECORDED FOR ANY REASON"

Larry G. Ferguson
Registration No. 5632
in the State of Texas
Date of Survey: 01-29-2020
Date of Last Revision: 02-24-2020
Project Name or No.: 4030 Forest

LGF LAND SURVEYING, LLC
Accurate Reliable Responsive
132 PR 7869
HOLLY LAKE RANCH, TEXAS 75785
PHONE (214) 289-6804
Firm# 10148100

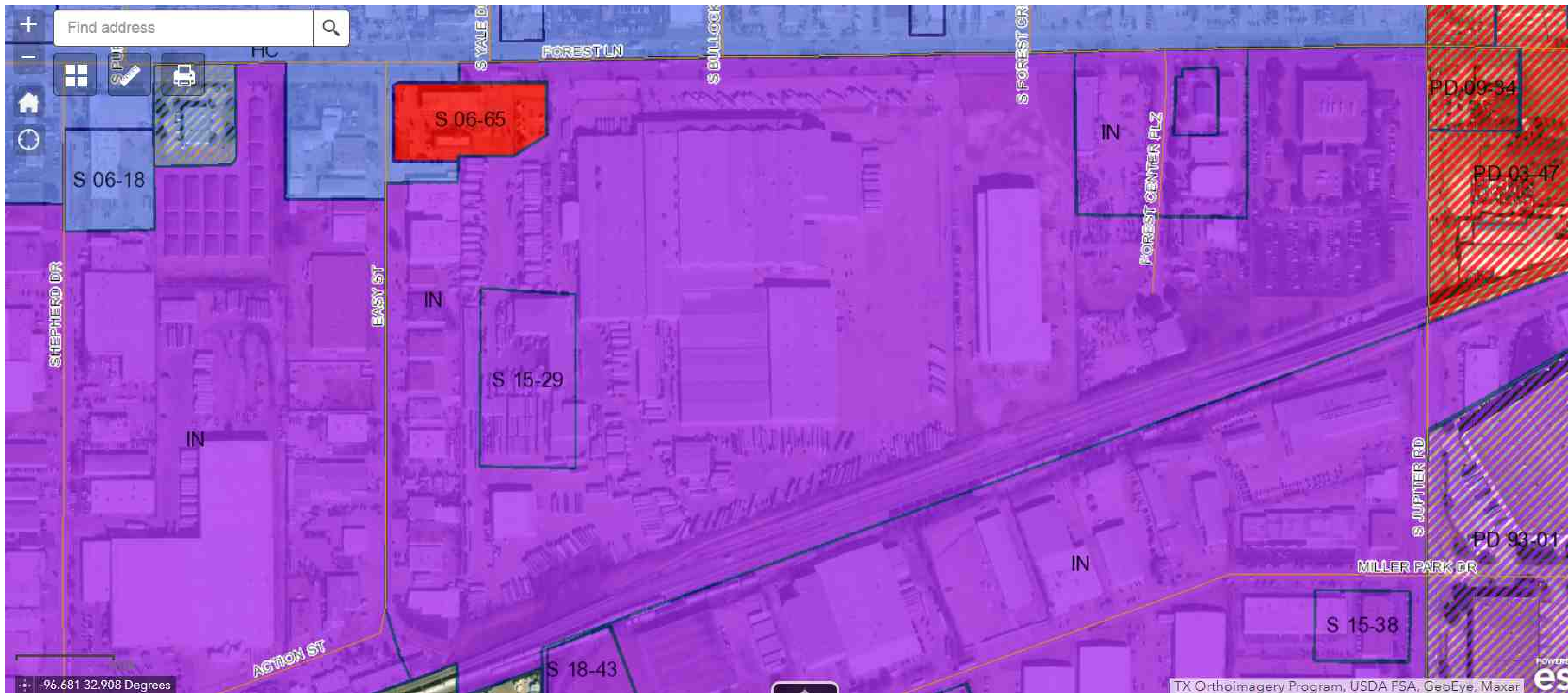
LGFSURVEYS.COM

Adjacent Uses: Auto-Related, Industrial Manufacturing and Distribution, Truck Repair



ALLSTATE CARRIERS, LLC
GARLAND CITY COUNCIL PRESENTATION
5/5/20

ZONING MAP



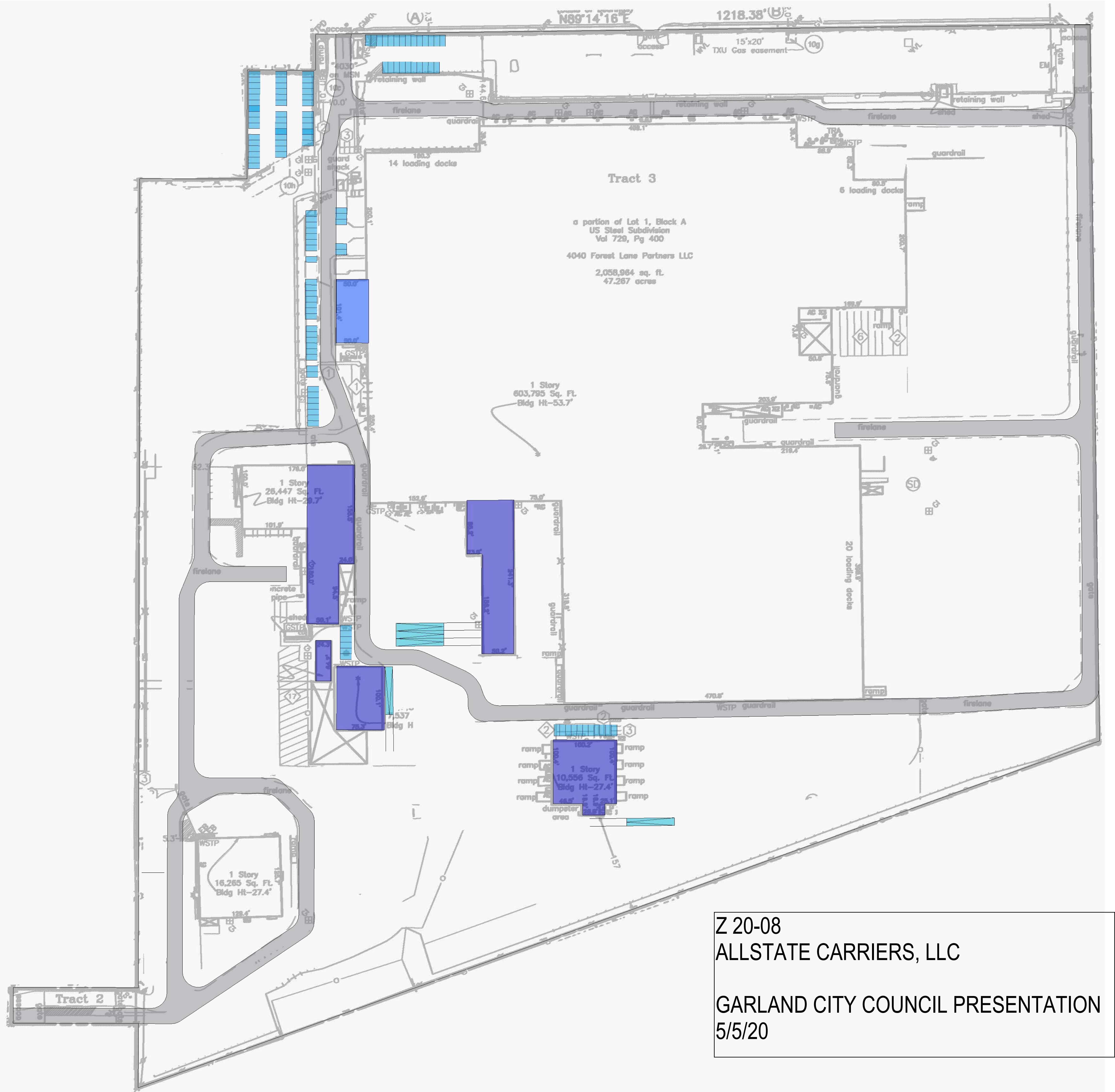
ALLSTATE CARRIERS, LLC

GARLAND CITY COUNCIL PRESENTATION
5/5/20

ALLSTATE CARRIERS, LLC

USES / BLDG SF / PARKING CALCS

Allstate Carriers, LLC	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 1 Office for Truck Storage	14,107	48	1 Space 300 Office GFA
Building 1 Truck Repair	6,201	11	1 Space per 600 GFA
Building 2 Truck Repair	16,257	28	1 Space per 600 GFA
Building 3 Truck Repair	10,556	18	1 Space per 600 GFA
Buidling 4 Truck Repair	7,537	13	1 Space per 600 GFA
Building 5 Truck Repair	1,560	3	1 Space per 600 GFA
Totals	56,218	121	
Total Provided Parking		121	
Total Required Loading		5	
Total Provided Loading		5	
Total Employees		15	
Lease Beginning Date	2017		



Z 20-08 ALLSTATE CARRIERS, LLC

GARLAND CITY COUNCIL PRESENTATION
5/5/20

ALLSTATE CARRIERS, LLC
USES / BLDG SF / PARKING CALCS

Allstate Carriers, LLC	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 1 Office for Truck Storage	14,107	48	1 Space 300 Office GFA
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Building 3 Truck Repair	10,556	18	1 Space per 600 GFA
Buidling 4 Truck Repair	7,537	13	1 Space per 600 GFA
Building 5 Truck Repair	1,560	3	1 Space per 600 GFA
Totals	56,218	121	
Total Provided Parking		121	
Total Required Loading		5	
Total Provided Loading		5	
Total Employees		15	
Lease Beginning Date	2017		

EXISTING CR COMMUNITY RETAIL ZONING DOES NOT COINCIDE WITH PROPERTY LINES AT THE NORTHWEST CORNER OF THE PROPERTY. THE ONLY PROPOSED USE IN THAT LOCATION IS FOR REQUIRED PASSENGER PARKING.

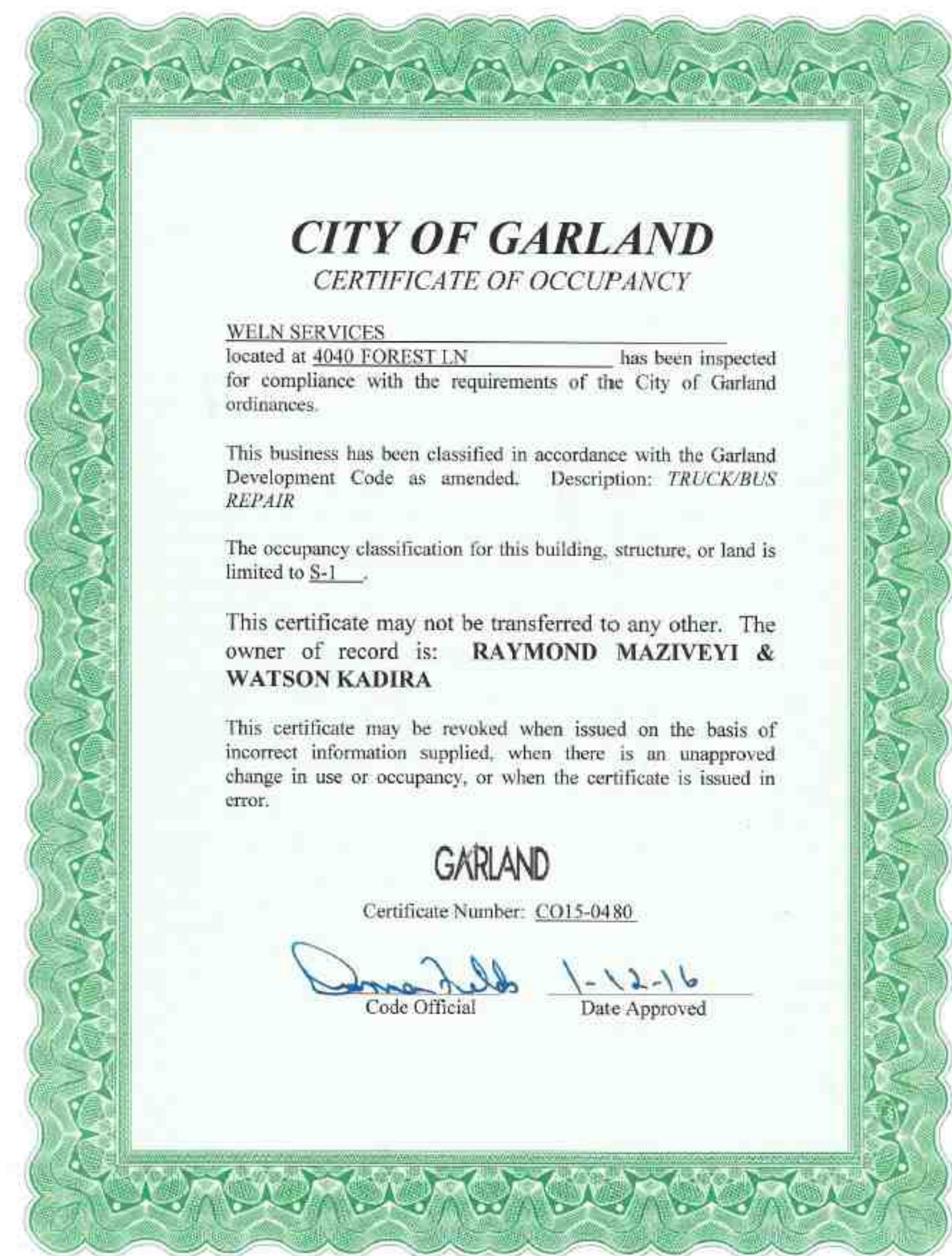
SUP 15-29 IS CONSIDERED APPURTENANT TO THE LAND AND IS INCLUDED IN THE GARLAND ZONING MAP AS A CONTINUED SUP IN FULL FORCE AND EFFECT, AS PER THE GDC.

SOME OF ALLSTATE'S CURRENT REPAIR OPERATIONS OCCUR IN BUILDINGS THAT FALL WITHIN OR PARTIALLY WITHIN THE EXIISTING SUP 15-29, WHICH CURRENTLY ALLOWS TRUCK REPAIR

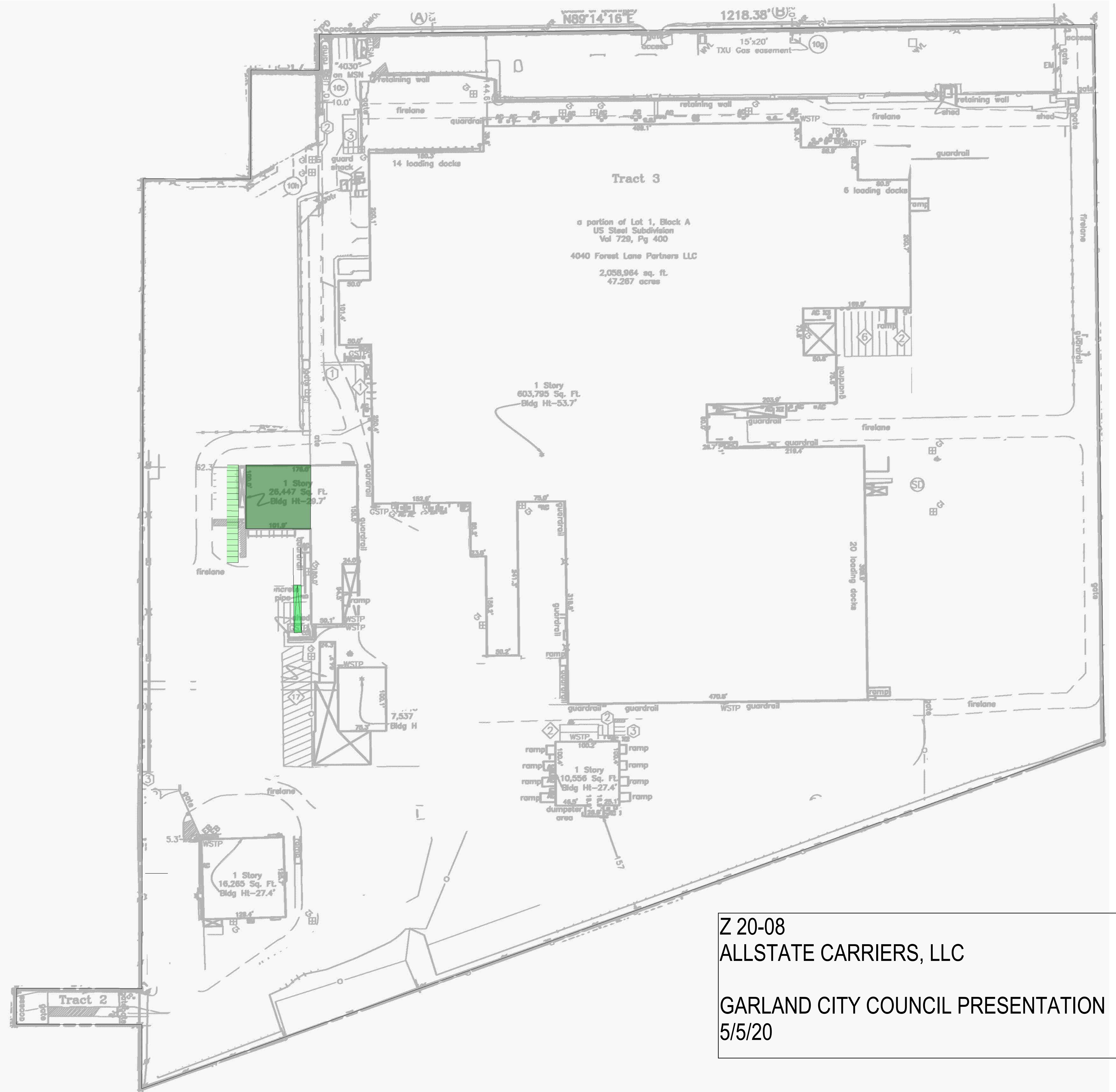


WELN SERVICES

USES / BLDG SF / PARKING CALCS



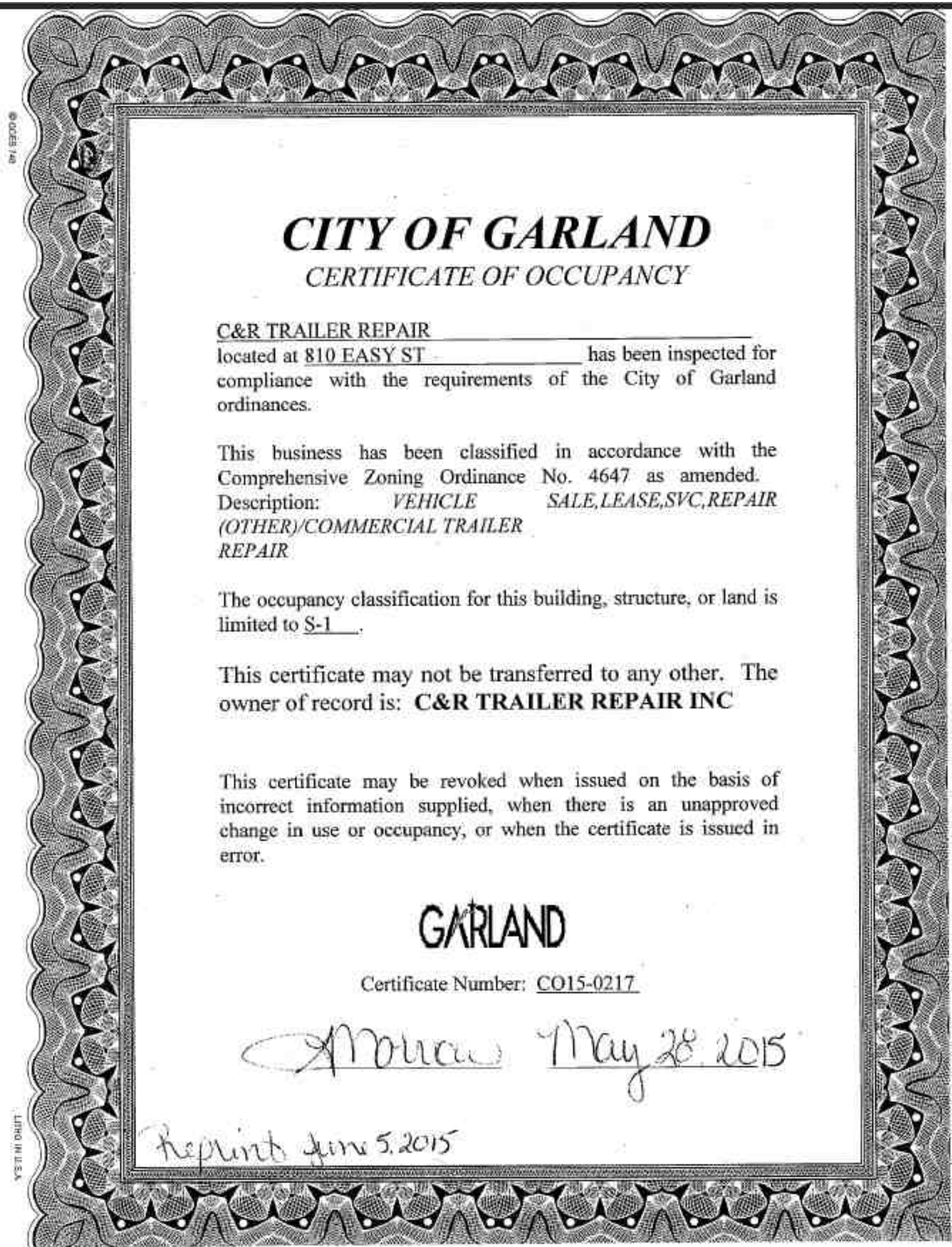
Weln	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 2 Truck Repair	10,190	17	1 Space 600 GFA
Totals	10,190	17	
Total Provided Parking		17	
Total Required Loading		1	
Total Provided Loading		1	
Total Employees		8	
Lease Beginning Date	2015		



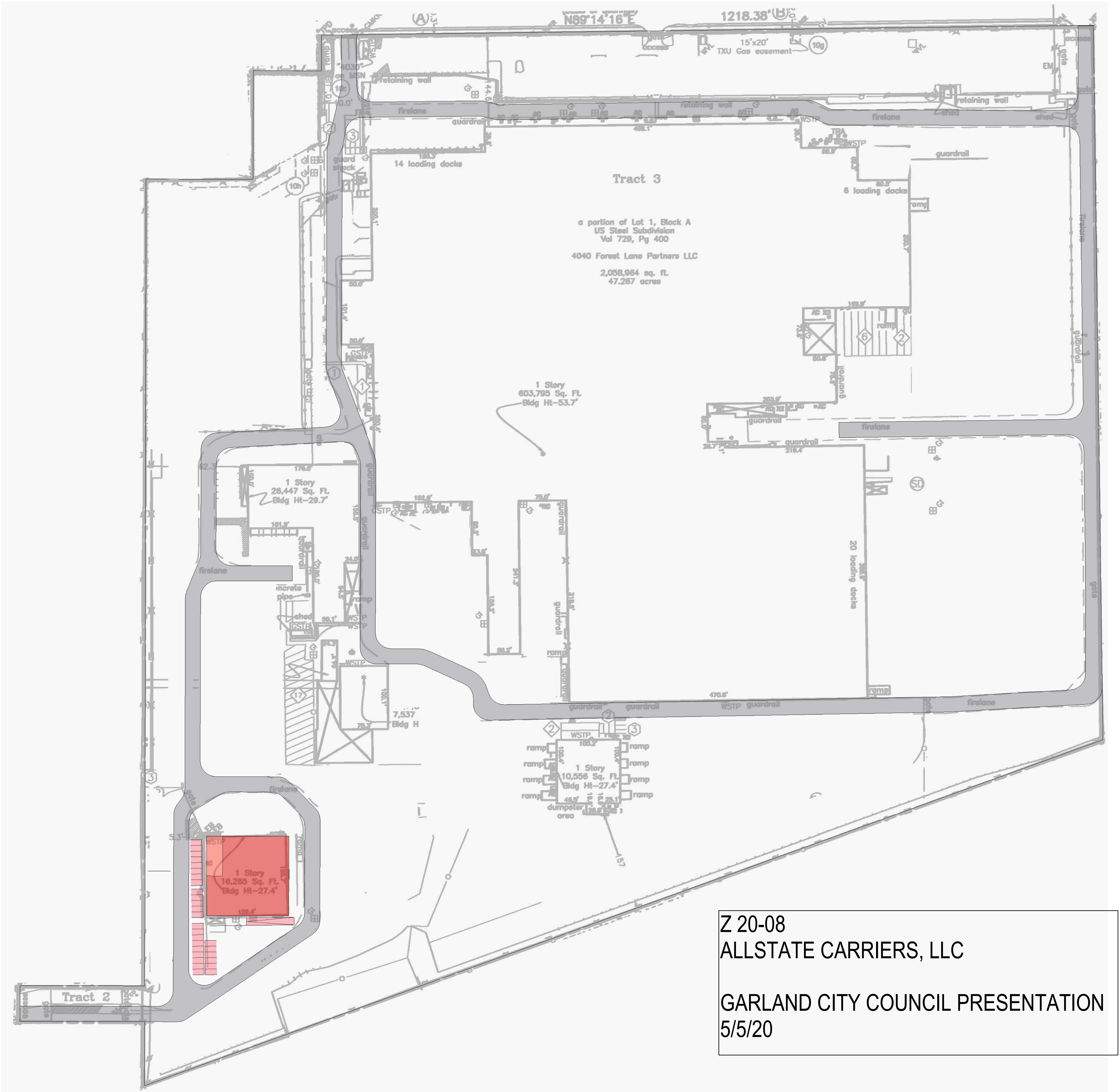
Z 20-08
ALLSTATE CARRIERS, LLC

GARLAND CITY COUNCIL PRESENTATION
5/5/20

C&R
USES / BLDG SF / PARKING CALCS



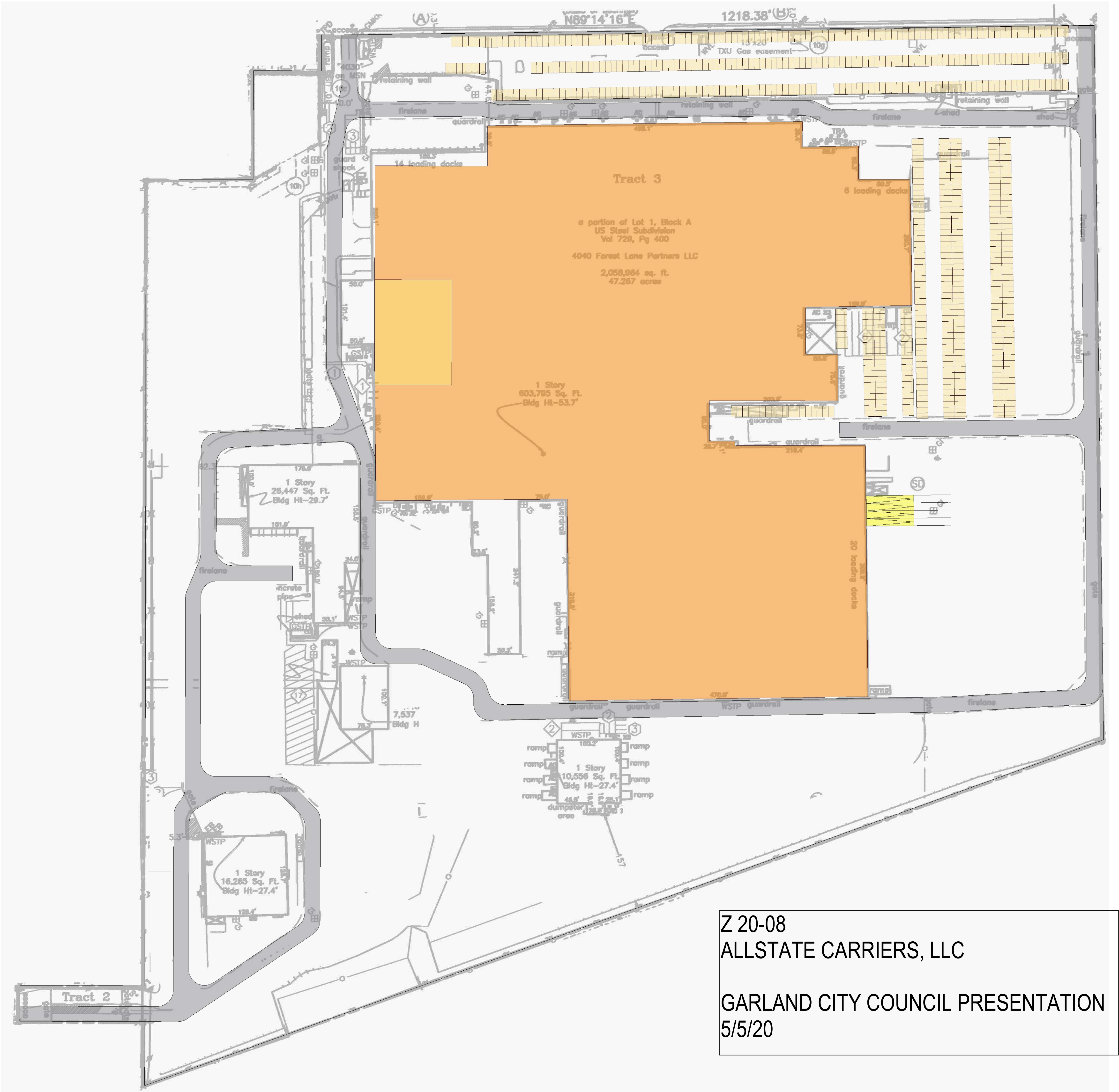
C&R	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 6 Truck Leasing	1,640	3	1 Space 600 GFA
Building 6 Truck Repair	14,694	25	1 Space 600 GFA
Totals	16,334	28	
Toral Provided Parking		28	
Total Required Loading		1	
Total Provided Loading		1	
Total Employees		10	
Lease Beginning Date	2015		



Z 20-08
ALLSTATE CARRIERS, LLC
GARLAND CITY COUNCIL PRESENTATION
5/5/20

AT HOME
USES / BLDG SF / PARKING CALCS

At Home	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 1 Office for Distribution	20000	67	1 Space 300 Office GFA
Building 1 Distribution Warehouse	563487	564	1 Space per 1000 GFA Remaining
Totals	583,487	631	
Total Provided Parking		631	
Total Required Loading		4	
Total Provided Loading		40	
Total Employees		20	
Lease Beginning Date 2016			



Z 20-08
ALLSTATE CARRIERS, LLC
GARLAND CITY COUNCIL PRESENTATION
5/5/20

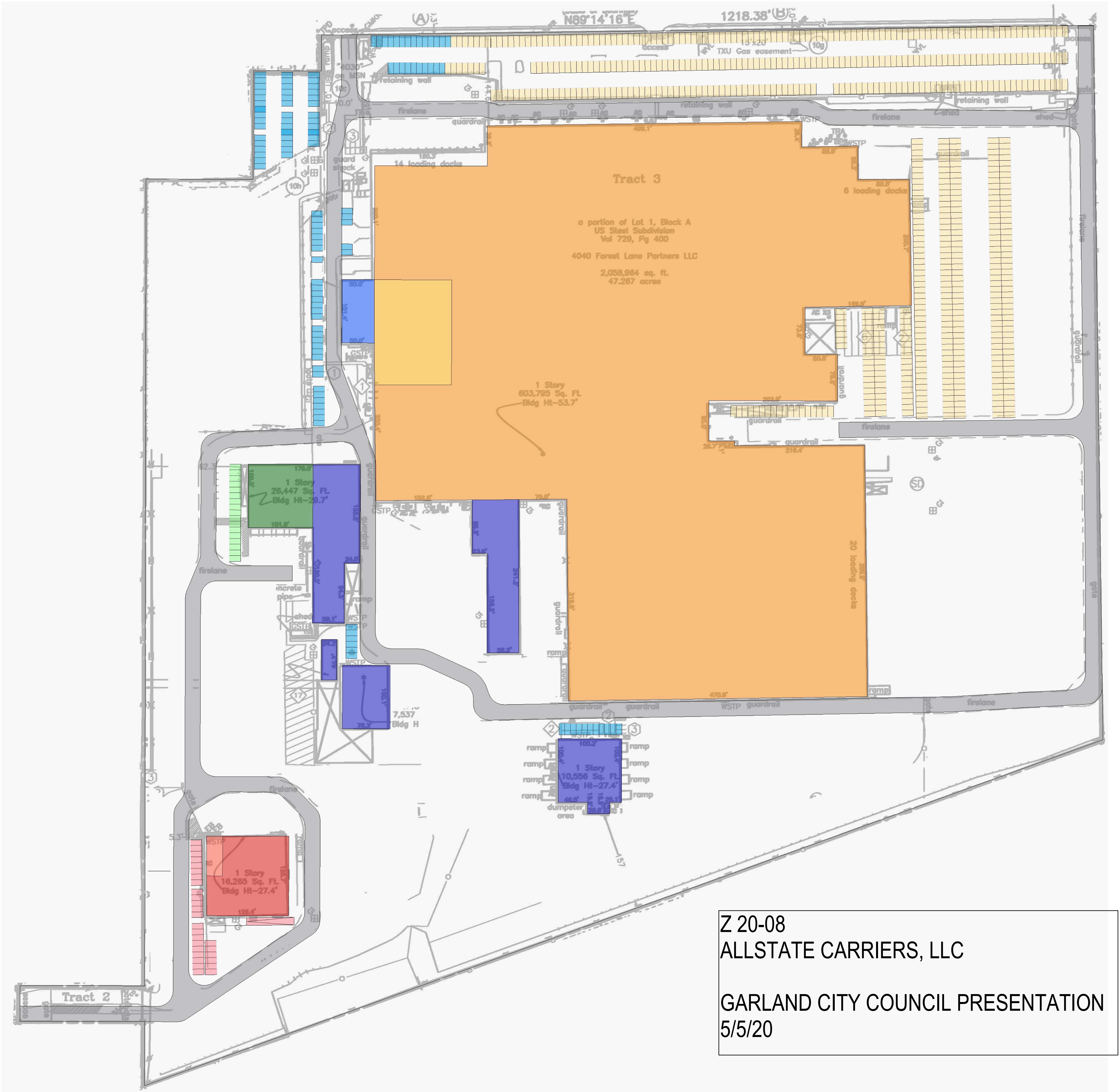
Total Site Calculated Parking Requirement	797
Total Provided Parking	797
Total Site Employees	53

Allstate Carriers, LLC	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 1 Office for Truck Storage	14,107	48	1 Space 300 Office GFA
Building 1 Truck Repair	6,201	11	1 Space per 600 GFA
Building 2 Truck Repair	16,257	28	1 Space per 600 GFA
Building 3 Truck Repair	10,556	18	1 Space per 600 GFA
Buidling 4 Truck Repair	7,537	13	1 Space per 600 GFA
Building 5 Truck Repair	1,560	3	1 Space per 600 GFA
Totals	56,218	121	
Toral Provided Parking		121	
Total Required Loading		5	
Total Provided Loading		5	
Total Employees		15	
Lease Beginning Date	2017		

At Home	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 1 Office for Distribution	23,550	79	1 Space 300 Office GFA
Building 1 Distribution Warehouse	559,937	560	1 Space per 1000 GFA Remaining
Totals	583,487	639	
Toral Provided Parking		639	
Total Required Loading		4	
Total Provided Loading		40	
Total Employees		20	
Lease Beginning Date			

Weln	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 2 Truck Repair	10,190	17	1 Space 600 GFA
Totals	10,190	17	
Toral Provided Parking		17	
Total Required Loading		1	
Total Provided Loading		1	
Total Employees		8	
Lease Beginning Date	2015		

C&R	Gross Floor Area (SF)	Required Parking	Required Parking Ratio
Building 6 Truck Leasing	1,640	3	1 Space 600 GFA
Building 6 Truck Repair	14,694	25	1 Space 600 GFA
Totals	16,334	28	
Toral Provided Parking		28	
Total Required Loading		1	
Total Provided Loading		1	
Total Employees		10	
Lease Beginning Date			

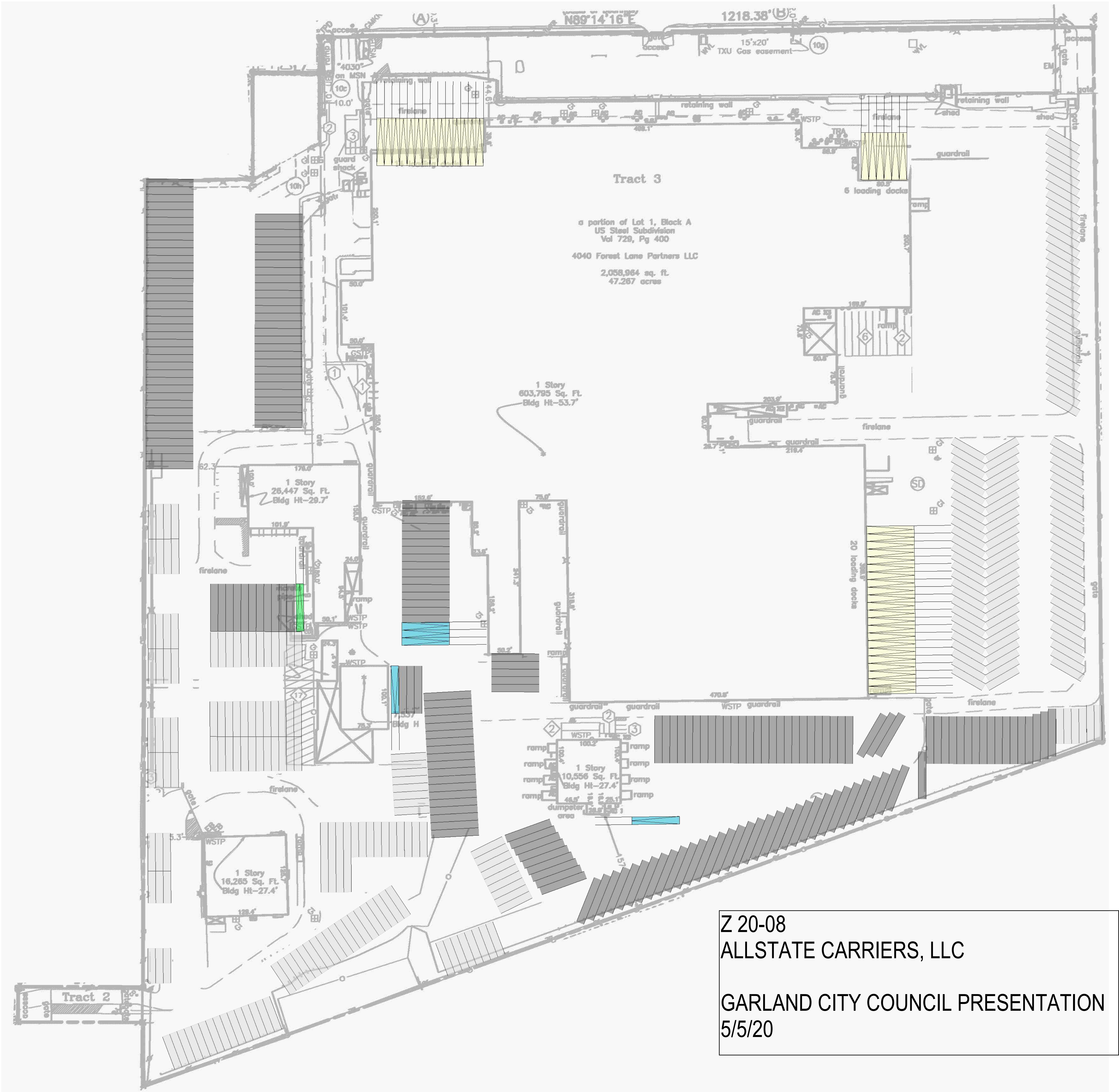


Z 20-08
ALLSTATE CARRIERS, LLC

GARLAND CITY COUNCIL PRESENTATION
5/5/20

TRUCK AND TRAILER PARKING LOCATIONS

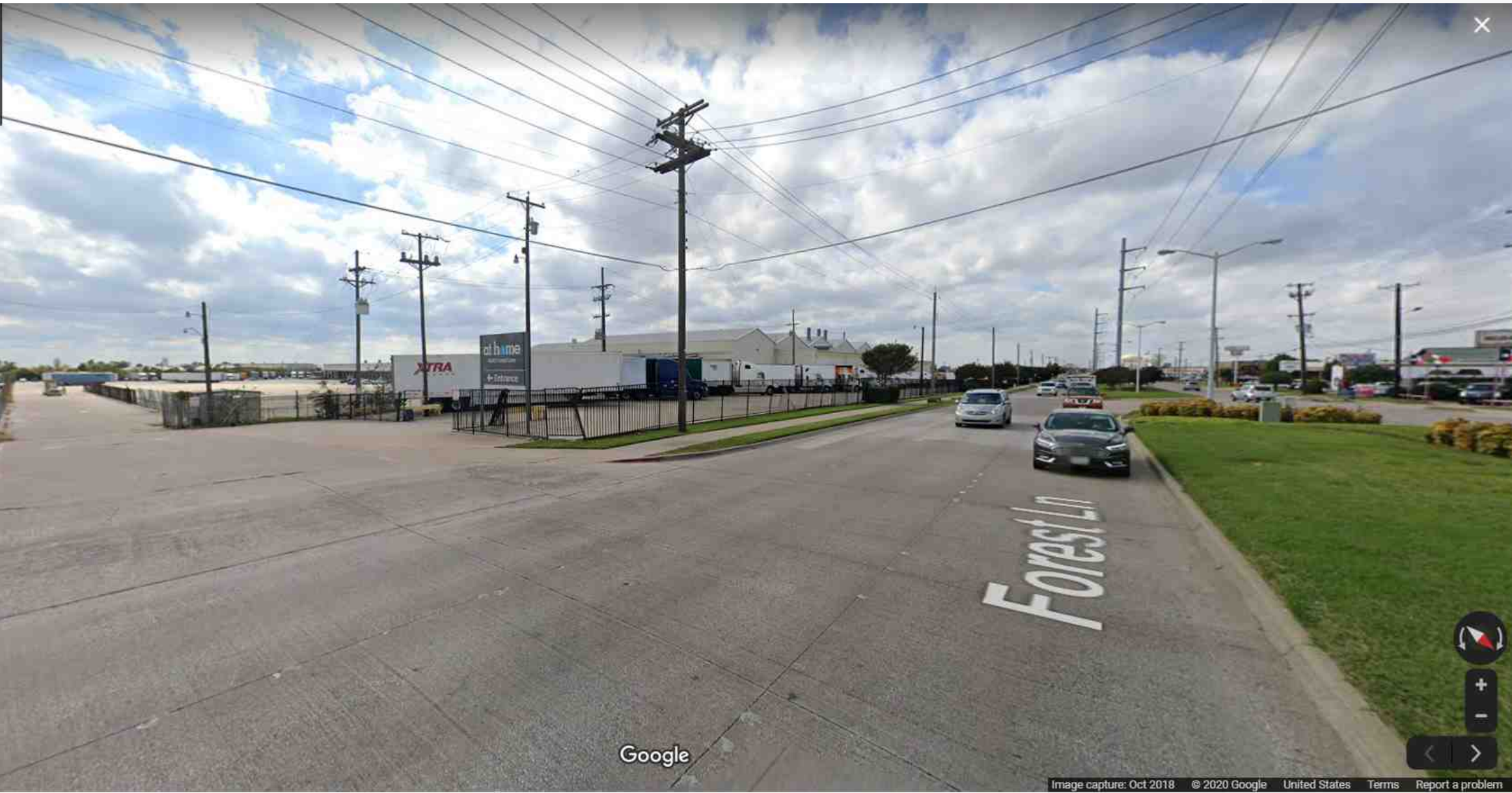
TRUCK PARKING	NUMBER OF SPACES
Tractor Trailers	268
Trailers and Cab	209
Additional Loading	42
TOTAL TRUCK PARKING SPACES	519



Z 20-08
ALLSTATE CARRIERS, LLC

GARLAND CITY COUNCIL PRESENTATION
5/5/20

LANDSCAPE EXHIBIT



PER THE GDC, NOTHING PROPOSED IN THE SUP REQUEST TRIGGERS COMPLETE OR PARTIAL COMPLIANCE WITH THE NEW LANDSCAPING REQUIREMENTS.



Z 20-08
ALLSTATE CARRIERS, LLC
GARLAND CITY COUNCIL PRESENTATION
5/5/20

**THE SUP REQUEST MEETS THE following
APPROVAL CRITERIA FOR SUP'S AS PER THE
GDC:**

ALL USES ON THE SITE CAN MEET THE
PARKING REQUIREMENTS OF THE GARLAND
DEVELOPMENT CODE.

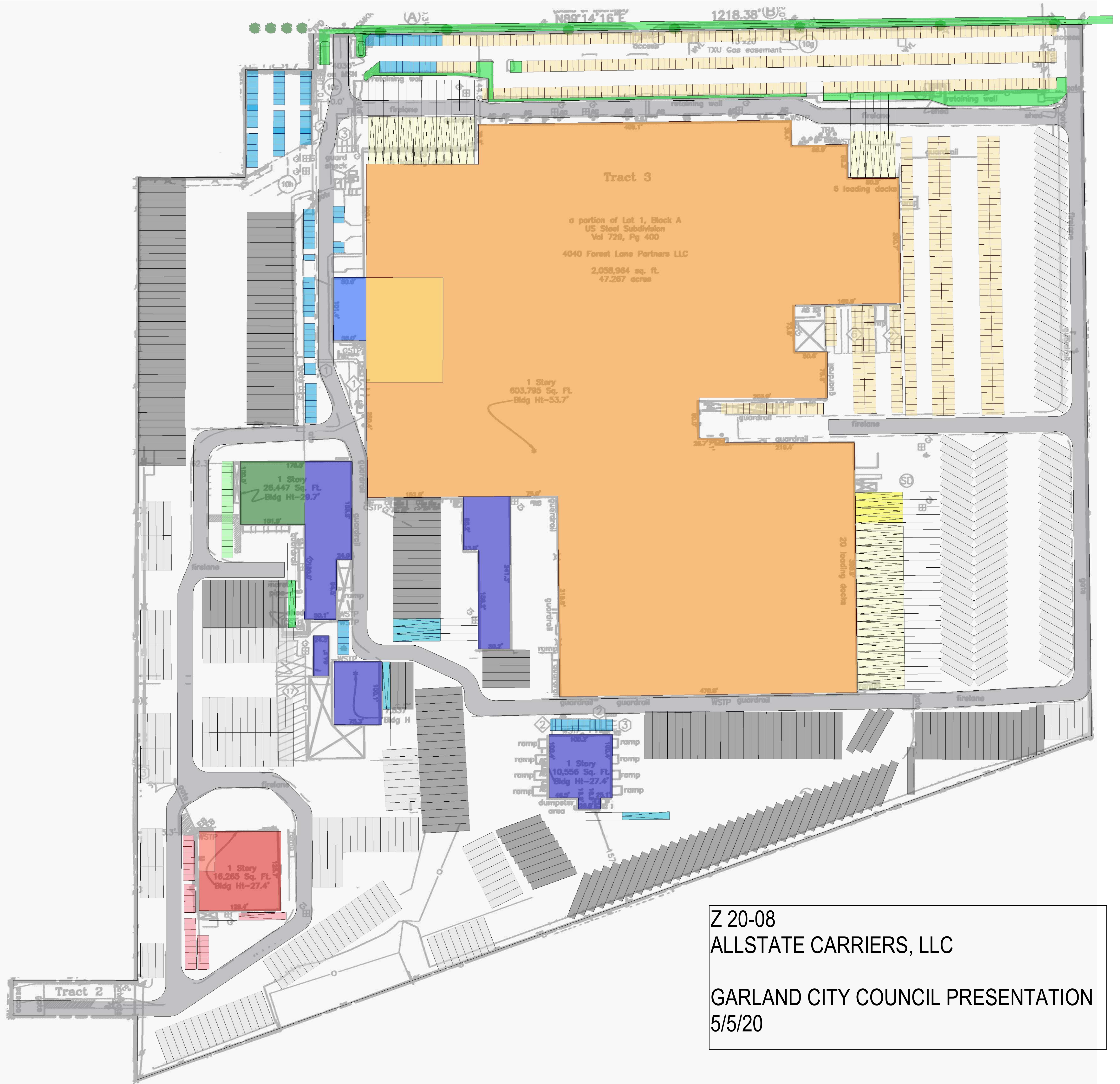
THE OPERATION, SCALE, CHARACTER, AND INTENSITY OF THE USES ARE COMPATIBLE WITH ADJACENT DEVELOPMENTS AND LONG-STANDING USES.

THE USES ARE LOCATED ALONG A MAJOR
ARTERIAL STREET NEAR A HIGHWAY AND
ALONG A RAIL-LINE.

THE PROPOSED USE IS CONSISTENT WITH THE GENERAL PURPOSES AND INTENT OF THE APPLICABLE ZONING REGULATIONS FOR INDUSTRIAL.

THE PROPOSED USE MEETS THE
DEVELOPMENT STANDARDS FOR THE ZONING
DISTRICT.

THE PROPOSED USE DOES NOT GENERATE ADDITIONAL VEHICULAR TRAFFIC, AS THE PROPOSED USES DO NOT ALTER THE EXISTING VEHICULAR COUNT OR SITE INGRESS OR EGRESS.



Z 20-08
ALLSTATE CARRIERS, LLC

GARLAND CITY COUNCIL PRESENTATION
5/5/20

ZONING FILE NO. Z 20-08

ALLSTATE CARRIERS, LLC
Applicant,

§
§
§
§

CITY COUNCIL
CITY OF GARLAND, TEXAS

ORDER DENYING SPECIFIC USE PROVISIONS

WHEREAS, on **April 13, 2020**, the Plan Commission of the City of Garland, Texas held a public hearing on the above referenced application (“Application”) regarding the 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage (“Truck Uses”);

WHEREAS, after considering Applicant’s proposed plan, testimony, and facts presented before it, the Plan Commission found and recommended that the Application be denied, based on the proposed plan not meeting technical details;

WHEREAS, based on the recommendation of the Plan Commission, Chairman Scott Roberts hereby submits this Proposed Order to the City Council pursuant to Section 2.05(F) of the Garland Development Code (“GDC”);

Scott Roberts, Chairman

WHEREAS, Section 2.17 of the GDC states in relevant part, “A Specific Use Provision is required to use or develop property within the City limits for any use designated as a specific use in the Land Use Matrix in Article 5 of this Chapter 2 for the zoning district in which the property is located;”

WHEREAS, the Applicant stated and represented that the Premises will meet all technical requirements if the Truck Uses are approved and thereafter be maintained in compliance with those requirements; and

WHEREAS, after considering the recommendation of the Plan Commission, the testimony of the witnesses, the written submissions contained in the record of this zoning file (including, without limitation, the proposed plan and other submissions from the Applicant), and all relevant facts, the City Council determines that the proposed plan does not meet technical requirements;

NOW, THEREFORE, IT IS ORDERED that the Application for the Truck Uses be **DENIED** due to the following deficiencies:

1. The application content demonstrates that the site improvements and proposed uses for the site result in too great of use intensity for the site. Specifically, the site does not have adequate parking for the size of the buildings and the uses proposed per analysis of the Garland Development Code, Chapter 2, Article 5, Land Use Matrix; and the Garland Development Code, Chapter 4, Chapter 2, Section 4.2.

2. The application content states that additional uses exist or would be established on the site, beyond those Truck Uses and include: Large Distribution Center, Small Distribution Center, and Vehicle Dispatch and Storage. As proposed, the Vehicle Dispatch and Storage use is not an allowable use in consideration of the Garland Development Code Chapter 2 Article 5 Land Use Matrix; and Chapter 6 Definitions.
3. The application presented does not formally request to amend certain existing Specific Use Provisions: File S 06-65 and File Z 15-29, resulting in an incomplete application per the Garland Development Code, Chapter 2 Article 2 Division 3.
4. The application proposes Truck Uses in a property zoned Community Retail (CR) District uses while such uses are not allowed in the Community Retail (CR) District and cannot be established through a Specific Use Provision application.

SO ORDERED this, the ____ day of _____, 2020.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



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

April 1, 2020

HEARING DATE/TIME: Plan Commission: April 13, 2020 – 7:00 PM

APPLICANT: ALLSTATE CARRIERS LLC

File: Z 20-08

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 13, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **ALLSTATE CARRIERS LLC**, requesting approval of 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage. The property is shown on the enclosed sketch and is described as follows:

BEING part of U.S. Steel Subdivision Lot 1 Block A, an Addition to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 76109, Page 0024 and part of Racetrac-Forest Lane Replat Lot 1R, Block 1, a Subdivision to the City of Garland, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20070373352 of said Official Public Records of Dallas County, Texas. **This property is located at 4030 and 4040 Forest Lane. (District 6)**

Note: The applicant proposes a five (5) year operation of a warehouse/storage distribution use with truck and bus repair, truck sales/leasing/rental, and truck bus storage on a property developed for industrial uses.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department c/o City Marshall at the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

☒ I am in favor of the request.

APR 15 '20 PM12:11

_____ 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)

3717 Miller Park
Your Property Address

Christopher Blackburn
Printed Name

1722 Reserve St Dallas Tx 75242
Address City, State Zip

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

Chris Blackburn owner
Signature Title

Date: 4-6/2020



GARLAND

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

April 1, 2020

HEARING DATE/TIME: Plan Commission: April 13, 2020 – 7:00 PM

APPLICANT: ALLSTATE CARRIERS LLC

File: Z 20-08

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Para Español, por favor contactar a Josue De La Vega 972-205-2833

(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)

613 Easy Street Garland TX 75042
Your Property Address

Pete Conley
Printed Name

3108 Hillside dr Highland Village TX 75077
Address City, State Zip

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

Pete Conley
Signature Title
Date: 3/3/20



GARLAND

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

April 1, 2020

HEARING DATE/TIME: Plan Commission: April 13, 2020 – 7:00 PM

APPLICANT: ALLSTATE CARRIERS LLC

File: Z 20-08

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Para Español, por favor contactar a Josue De La Vega 972-205-2833

(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)

4030-4040 Forest Lane, Garland, TX 75042

Your Property Address

Hunter Harrison

Printed Name

105 Nursery Lane Suite 200

Fort Worth, TX

76109

Address

City, State

Zip

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

Hunter Harrison

Hunter Harrison (Apr 6, 2020)

Signature

Title

Date: 4/6/2020



GARLAND

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

April 1, 2020

HEARING DATE/TIME: Plan Commission: April 13, 2020 – 7:00 PM

APPLICANT: ALLSTATE CARRIERS LLC

File: Z 20-08

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Para Español, por favor contactar a Josue De La Vega 972-205-2833

(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.

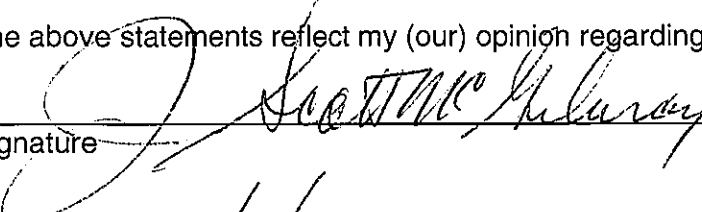
(Please complete the following information)

812 Easy St.
Your Property Address

John Scott McGilvray
Printed Name

9139 Dunmore Dr Dallas Tx 75231
Address City, State Zip

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


Signature Title owner

4/4/20
Date:

☒ I am opposed to the request.

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

The truck repairs will be too close to
the back of our property. If its
Storage and quiet less of a
problem

(Please complete the following information)

Your Property Address 706 - 702 Easy St
Printed Name Cary & Fredda Isenberg
Address 7034 Prestonside Ln City, State Dallas Texas Zip 75225

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

Signature Cary & Fredda Isenberg Title Owner

Date: 4-14



GARLAND

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

April 1, 2020

HEARING DATE/TIME: Plan Commission: April 13, 2020 – 7:00 PM

APPLICANT: ALLSTATE CARRIERS LLC

File: Z 20-08

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, April 13, 2020, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **ALLSTATE CARRIERS LLC**, requesting approval of 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage. The property is shown on the enclosed sketch and is described as follows:

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Para Español, por favor contactar a Josue De La Vega 972-205-2833

(Please Check One Below)

☒ I am in favor of the request.

Outside the notification area

_____ 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)

Garland ISD, Harris Hill Administration Building, 501 S. Jupiter Road, Garland, TX 75042

Your Property Address

Paul Gonzales

Printed Name

701 N. First Street

Garland, TX

75040

Address

City, State

Zip

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



Signature

, Executive Director of Facilities & Maintenance

Title

Date: 4/13/20

Z 20-08

Approval of 1) a Specific Use Provision for Truck and Bus Repair, 2) a Specific Use Provision for Truck Sales/Leasing/Rental, and 3) a Specific Use Provision for Truck/Bus Storage

**City Council Meeting
May 19, 2020**



GARLAND

TEXAS MADE HERE

Case Information

Location: 4030 and 4040 Forest Lane

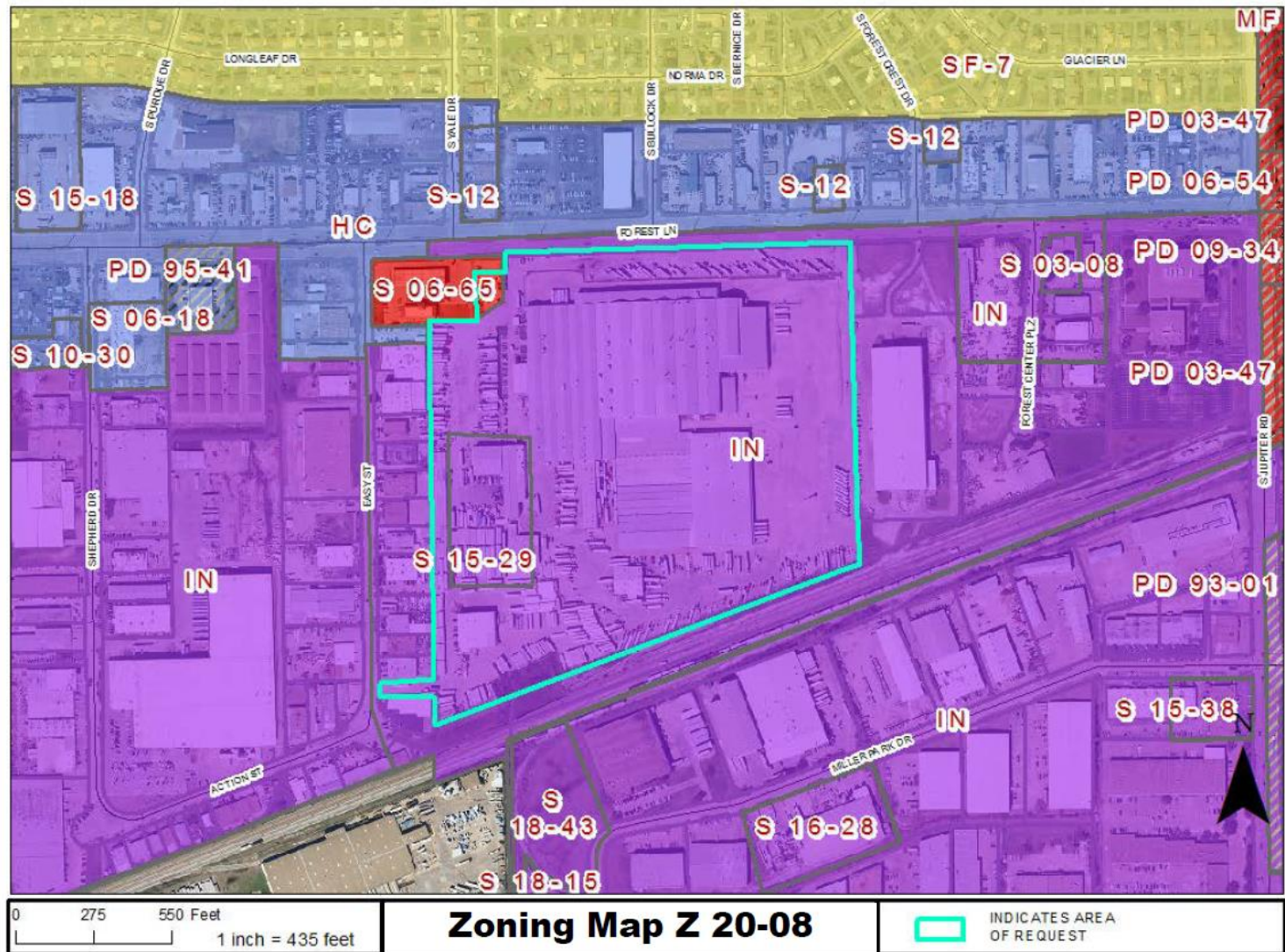
Applicant: Allstate Carriers LLC

Owner: 4040 Forest Lane Partners, LLC

Acreage: 47.26 acres

Zoning: Industrial (IN) District and Community Retail (CR)
District

Location Map



Photos



View of site looking west on Forest Lane



Midblock view of site on Forest Lane



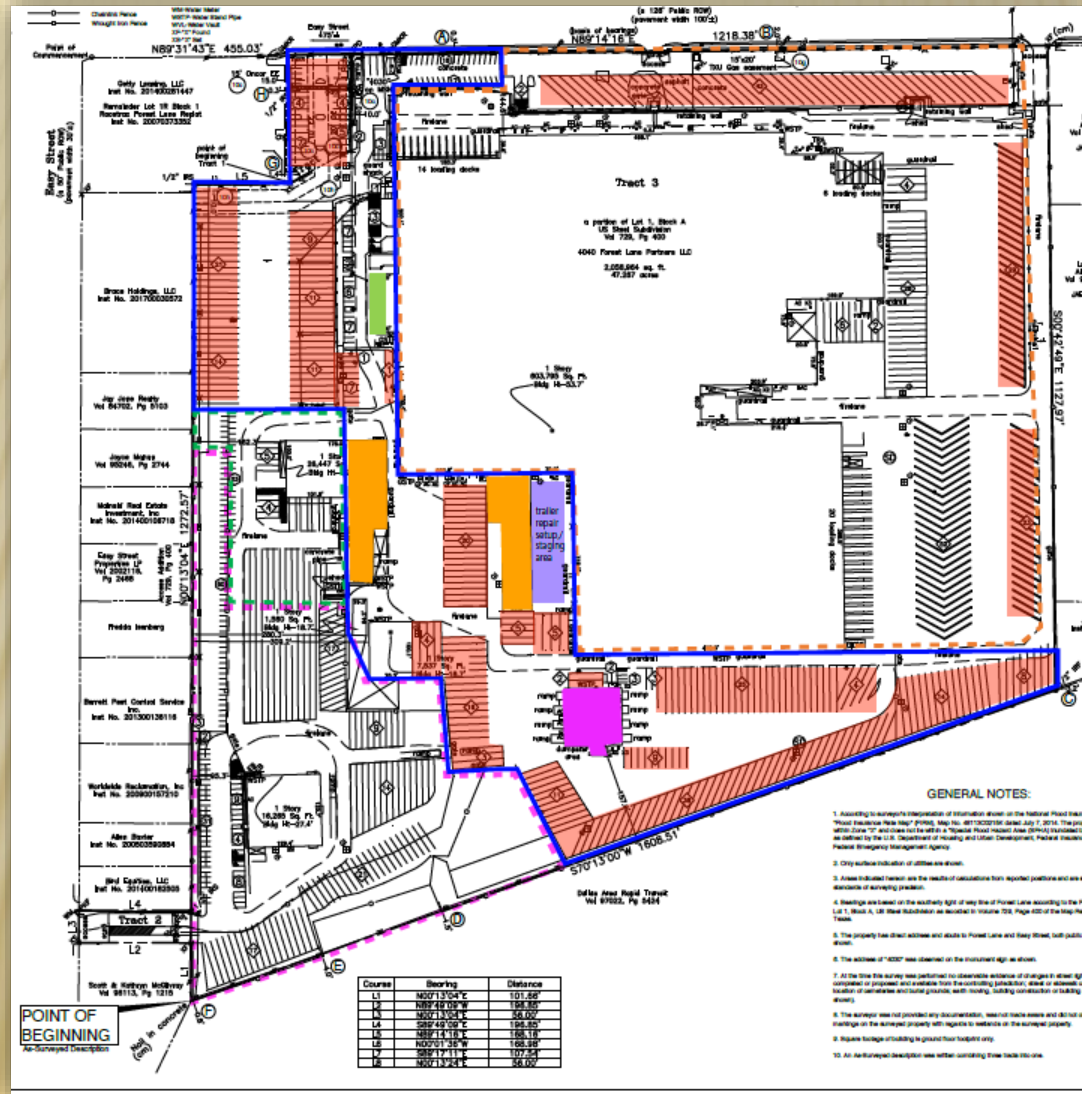
View of site at east entrance on Forest Lane



View of site at Easy Street appendage



Site Plan





Z 20-08

