



AGENDA

SPECIAL MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
William E. Dollar Municipal Building
200 North Fifth Street
Garland, Texas
Wednesday, May 15, 2019
7:00 p.m.**

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

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

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services must contact the City Secretary's Office at (972) 205-2404 at least two working days prior to the meeting so that appropriate arrangements can be made. BRAILLE IS NOT AVAILABLE.



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 May 7, 2019 Regular Meeting.
2. Public hearings were previously conducted for the following zoning cases. Council approved the requests and instructed staff to bring forth the following ordinances for consideration.
 - a. Zoning File No. Z 19-04, Kimley-Horn (District 7)
Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amended Concept Trail Master Plan and 2) a Detail Plan for Restaurant on a 15.7169-acre tract of land zoned Planned Development (PD) District 17-28 for Mixed-Uses and located at 4595 North Garland Avenue; 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.

b. Zoning File No. Z 19-05, RPGA Design Group, Inc. (District 3)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Change in Zoning from Agricultural (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District on a 0.96-acre tract of land located at 1501 Rowlett 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.

c. Zoning File No. Z 19-06, Tavacon, LLC (District 7)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) a Detail Plan for Car Wash, Automated/Rollover and 2) a Specific Use Provision (SUP) for Car Wash, Automated/Rollover on a 0.971-acre tract of land zoned Planned Development (PD) District 13-28 for Community Retail Uses and located at 2620 Arapaho Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause and a Severability Clause; and providing an effective date.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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3. Consider an ordinance of the City of Garland, Texas canvassing the returns and declaring the results of the May 4, 2019 Bond Election.

Council is requested to consider an ordinance canvassing the returns and declaring the results of the May 4, 2019 Bond Election.

4. Amendment to the 2019 Capital Improvement Program

Council will vote on an amendment to the Adopted 2019 Capital Improvement Program in order to authorize the immediate start of selected projects approved by voters in the 2019 Bond Program. An ordinance will be prepared based on Council discussions and direction at the Monday, May 13th Council Retreat and Wednesday, May 15th Special Meeting.

5. Consider an Ordinance to Issue Tax Notes Series 2019A

Council is requested to consider an ordinance authorizing the issuance of tax notes totaling \$9,530,000.00

6. Consider an ordinance canvassing the results of an election for Mayor and a General Election for the purpose of electing candidates to the Office of City Council of the City of Garland, Texas, for an election having been held on May 4, 2019; declaring the results of that election; and providing an effective date.

Formal canvassing of the returns and declaring the results of the May 4, 2019 General Election held for the purpose of electing a Mayor and candidates to the Office of the City Council of the City of Garland for Districts 3, 6, 7 and 8.

7. Conduct the swearing in of Mayor and Council Members for Districts 3, 6, and 7 and 8.

8. Adjourn.

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GARLAND

Special Meeting

1.

Meeting Date: 05/15/2019

Item Title: Minutes May 7

Submitted By: Rene Dowl, City Secretary, City Secretary

Summary:

Consider approval of the minutes of the May 7, 2019 Regular Meeting.

Attachments

May 7 Minutes



GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7:00 p.m. on DAY, May 7, 2019, in the Goldie Locke Room at The Duckworth Building, 217 North Fifth Street, Garland, Texas, with the following members present:

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

Staff Present: City Manager Bryan Bradford
Assistant City Manager John Baker
City Attorney Brad Neighbor

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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Amy Dunphy presented the Pet of the Month.

Mayor Dodson presented a Special Recognition to Dr. Theresa Daniel, Dallas County Commissioner for her contributions to the City of Garland.

Mayor Dodson recognized winner of the Kimberlin Academy "Dinner with the Mayor" auction, Amrik Singh Gil and his family.

A Proclamation was presented by Mayor Dodson to Connor O'Brien and his parents Mike and Tammy O'Brien, proclaiming May 2019 to be Neurofibromatosis Awareness Month.

A Proclamation was presented by Mayor Dodson to Parks & Recreation staff members: Albert Montero, Recreation Services Manager, Rhonda McTyre, Recreation Services Specialist I and Jesse Johnson, Recreation Services Supervisor, proclaiming May 18, 2019 as Kids to Parks Day.

A Proclamation was presented by Mayor Dodson to Andrew Hall and Diane Atwell with the U.S. Coast Guard Auxiliary Flotilla 081-05-10 at Lake Ray Hubbard, proclaiming May 18-24, 2019 as National Boating Safety Week.

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 to Approve the Consent Agenda as presented by Council Member Smith, seconded by Mayor Pro Tem Aubin

Vote: 9 - 0

1. Consider approval of the minutes of the April 16, 2019 Regular Meeting.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

2. Consider approval of the following bids:

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

a. Dent Road 138kV Switch Station Construction

Bid No. 0532-19

Sayers Construction, LLC

\$861,725.05

This request is for construction of the Dent Road Transmission Switch Station to provide 138kV sources to the Greenville Electric Utility transmission system.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

b. GP&L McCree Substation Phase I Upgrades Bid No. 0778-19

Black & Veatch \$422,40000

This request is to provide professional engineering services for the McCree Substation Phase I upgrades which include an additional autotransformer.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

c. Fleet Services Building Exterior Renovations Bid No. 0823-19

Concord Commercial Services	\$249,710.15
Optional Contingency	<u>15,000.00</u>
TOTAL:	\$264,710.15

This request is to provide exterior renovations of the Fleet Services building metal panels, which have deteriorated over time. An Optional Contingency is included for any unforeseen additional work that may be required.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

d. Golf Carts and Beverage Carts Bid No. 0820-19

Mission Golf Cars \$375,650.00

This request is to purchase one hundred thirty golf carts and two beverage carts for the Firewheel Golf Course.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

e. Wynn Joyce to Ben Davis 138kV Transmission Line Rebuild Bid No. 0838-19

Burns & McDonnell \$576,500.00

This request is to provide professional engineering design services for the partial rebuild of the Wynn Joyce to Ben Davis 138kV transmission line.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

- f. Stroud Lane Street Replacement, Water Main Replacement, and Storm Sewer Extension Bid No. 0652-19**

GRod Construction, LLC \$1,323,557.70

This request is to provide street replacement for Stroud Lane as well as water main replacement and storm sewer extension from Valley Mills Drive to Chestnut Place.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

- 9. Design Services for Paving Reconstruction at Various Railroad Crossings Bid No. 0843-19**

R-Delta Engineers, Inc. \$117,300.00

This request is to provide professional engineering design, surveying, and permitting services for paving construction at various railroad crossings.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

- 3. Ordinance Nos. 7052 and 7055 amending Chapter 31, "Engineering" of the Code of Ordinances of the City of Garland, Texas, to harmonize Chapter 31 with the Garland Development Code; amending multiple provisions; repealing multiple provisions; providing a Savings Clause; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Severability Clause; and setting an effective date.**

At the April 15, 2019 Work Session, Council considered adopting a resolution authorizing the proposed amendments to Chapter 31 of the Code of Ordinances and Chapters 1, 3 and 4 of the Garland Development Code.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

4. Ordinance No. 7053 amending Chapter 10, "Administration," of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.

Council is requested to approve an ordinance amending Sec. 10.33 of the Code of Ordinances revising the name of the Citizens Environmental and Neighborhood Advisory Committee to the Environmental and Community Advisory Board and making technical and conforming changes to that section.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

5. Resolution No. 10388 of the City Council of the City of Garland, Texas, supporting the U.S. Census Bureau 2020; and providing an effective date.

Council is requested to approve a resolution supporting the partnership with the U.S. Census Bureau and the Community Multicultural Commission's role as the Complete Count Committee.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

6. Resolution No. 10389 of the City of Garland finding that Oncor Electric Delivery Company, LLC's application for approval of a Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code 25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; requiring notice of this resolution to the company and legal counsel; and setting an effective date.

On April 8, 2019, Oncor Electric Delivery Company LLC ("Oncor" or "Company") filed an Application for Approval to Amend its Distribution Cost Recover Factor ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$29,433,804.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin Motion to Approve

Vote: 9 - 0

ITEMS FOR INDIVIDUAL CONSIDERATION

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7. **Ordinance No. 7054 amending Article II of Chapter 40, "Taxation," of the Code of Ordinances of the City of Garland, Texas; amending Chapter 32; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Savings Clause and a Severability Clause; and providing an effective date.**

Council is requested to consider amendments to the Code of Ordinances relating to hotel taxes and lodging establishments, in particular amendments relating to short term rentals. At the April 15, 2019 Work Session, the City Attorney briefed Council on the amendments, explaining that most of the text of the draft ordinance (1) makes technical and conforming changes to the Code of Ordinances to bring the City's hotel tax program into line with current state law and, (2) updates provisions relating to multifamily and lodging establishment permits.

Motion was made by Council Member Robert John Smith, and seconded by Mayor Pro Tem Rich Aubin as presented.

Motion was made by Council Member Deborah Morris, and seconded by Council Member Robert John Smith to exclude short-term rentals to family members from being subject to licensing and tax collection requirements.

There was a question from Council Member Bookhout to Brad Neighbor, City Attorney, regarding the impact of amendments to the ordinance.

A vote was cast on the amendment, motion carried.

Vote: 8 - 1

A vote was cast on the original motion. Motion carried.

Vote: 9 - 0

8. **Resolution No. 10390 of the City of Garland, Texas finding and determining that the public necessity and convenience require the acquisition of property rights for the construction and operation of a high voltage transmission line in Hunt County, Texas for the Dent Road to Shelby 138kV Transmission Line Project (Parcels 702, 703, 704, 705, 706, 707, 708, 709, 710, 713, 714, 715, 716, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728); providing authorizations to acquire such property rights by purchase or condemnation and making certain findings pertaining thereto; providing further authorizations as may be necessary to carry out the purposes of this resolution; and providing an effective date.**

This matter was submitted to the Council by written briefing on the April 15, 2019 Work Session agenda. Garland Power & Light was authorized and directed by the Texas Public Utility Commission to construct a 5.7 mile transmission line in Hunt County, Texas connecting the Greenville load area to an endpoint owned by Rayburn Electric Coop. The routing of the line was agreed to by the participating parties as part of the Public Utility Commission's approval of the line. It is believed that most of the necessary property interests will be acquired through negotiation. For those easements that cannot be purchased the City will need to use its powers of eminent domain. Public convenience and necessity require the acquisition of property rights necessary to build this electric transmission project, which will provide greater reliability for the ERCOT electric grid and the Greenville area in particular.

Motion was made by Council Member David Gibbons, and seconded by Mayor Pro Tem Rich Aubin to approve that the City Council of the City of Garland, Texas, acting by and through Garland Power and Light, authorize the use of the power of eminent domain to acquire the following properties located in Greenville, Hunt County, Texas:

- 6.975 acres, located West of Dent Road at the Northern terminus of Lafayette Drive;
- 3.822 acres, located East of State Hwy. 34 and North of FM 1570;
- 0.586 acres, located at 8917 Wesley Street;
- 0.817 acres, located at 2800 Rodeo Road;
- 1.775 acres, located Southwest of the intersection of IH-30 and State Hwy. 34;
- 4.161 acres, located West of State Hwy. 34, and North of Rodeo Drive;
- 1.945 acres, located at State Hwy. 34 at the Western terminus of Rodeo Drive;
- 4.015 acres, located at the Northwest corner of FM 1570 and State Hwy. 34;
- 0.825 acres, located on the North side of County Road 2126, East of Monty Stratton Pkwy;
- 1.459 acres, located on the South side of County Road 2126, East of Monty Stratton Pkwy;
- 2.282 acres, located on the South side of County Road 2126, East of Hallmark Street;
- 5.172 acres, more or less, located on the North side of County Road 2126, West of Monty Stratton Pkwy.;
- 1.044 acres, located on the Southwest side of IH-30 and West of Hallmark Street;
- 14.386 acres, located on the Northwest side of IH-30 and East of FM 1570;
- 4.528 acres, located South of the intersection of Ablowich Drive and Mason Street;
- 5.152 acres, located at the northwest corner of Gussie Nell Davis Drive and Mason Street;
- 3.977 acres, located on the West side of Mason Street, South of County Road 2100;
- 3.825 acres, located on the East side of Mason Drive, South of County Road 2100;
- 1.525 acres, located South of the intersection of County Road 2100, the Old Dallas Hwy, and County Road 2102; and
- 5.553 acres, located at the Northwest corner of the intersection of Ablowich Drive and Mason Street.

for the construction and operation of the Dent Road to Shelby 138kV electric transmission line.

My motion includes approval of the proposed resolution and intends that the record vote on this matter applies to all units of property to be condemned.

Vote: 8 - 1

9. Hold public hearings on:

- a. Consider the application of Kimley-Horn, requesting approval of 1) an amended Concept Trail Master Plan and 2) a Detail Plan for Restaurant on a property zoned Planned Development (PD) District 17-28 for Mixed Uses with Restaurant Use on Tract 5. This property is located at 4595 North Garland Avenue. (File No. Z 19-04, District 7)**

BEING an approximate 15.7-acre tract of land situated in the Onefre Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being part of a called 141.653-acre tract described in Special Warranty Deed with Vendors Lien to The Woodlands of Spring Creek, LP, recorded in Instrument No. 201700226933, Official Public Records of Dallas County, Texas. The applicant proposes to develop a restaurant on an undeveloped tract of land.

The staff report was presented by Josue De La Vega, Sr. Development Planner. Speaker on this item was Joe Fraccaro, Civil Engineer for the applicant. There was discussion by the Council.

Motion was made by Deputy Mayor Pro Tem Scott LeMay, and seconded by Council Member Jerry A. Nickerson

Vote: 9 - 0

- b. **Consider the application of RPGA Design Group, Inc., requesting approval of a Change in Zoning from Agriculture (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District. This property is located at 1501 Rowlett Road. (File No. Z 19-05, District 3)**

BEING a 0.96-acre tract of land situated in the John Little Survey, Abstract Number 761 in the City of Garland, Dallas County, Texas, same being that tract of land conveyed to Excelsior SG Investments, LLC, a Texas Limited Liability Company, by deed recorded in Instrument Number 20070290629, Official Public Records, Dallas County, Texas. The applicant requests to rezone an unimproved site to allow commercial uses with Community Retail (CR) District zoning.

The staff report was presented by Kira Wauwie, Principal Development Planner and Will Guerin, Director of Planning. Speaker on this item was Brett Oaks, RPGA Design Group.

There was discussion by the Council.

Motion was made by Council Member Jerry A. Nickerson, and seconded by Council Member Jim Bookhout to deny the application. Motion Failed.

Vote: 4 - 5

Motion was made by Deputy Mayor Pro Tem Scott LeMay, and seconded by Council Member Robert John Smith to approve the application. Motion carried.

Vote: 5 - 4

- c. **Consider the application of Tavacon, LLC, requesting approval of 1) a Detail Plan for Car Wash, Automated/Rollover and 2) a Specific Use Provision (SUP) for Car Wash, Automated/Rollover on a property zoned Planned Development (PD) District 13-28 for Community Retail Uses. This property is located at 2620 Arapaho Road. (File No. Z 19-06, District 7)**

BEING an approximate 0.97-acre tract of land identified as Lot 4, Block 1, of the ILT HS Addition, an addition to the City of Garland, as recorded in Instrument No. 201300387716, M.R.D.C.T., City of Garland, Dallas County, Texas. The applicant proposes to develop an automated/rollover car wash on an undeveloped tract of land.

The staff report was presented by by Josue De Le Vega, Sr. Development Planner. Speaker on this item was Vincent Jarrad, applicant.

There was discussion by the Council.

Motion was made by Deputy Mayor Pro Tem Scott LeMay, and seconded by Council Member Robert Vera .

Vote: 9 - 0

10. Consider appointments to Boards and Commissions.

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

Council Appointment

- North Texas Municipal Water District

Council Member David Gibbons

- Christopher Alvarez - Community Multicultural Commission

Deputy Mayor Pro Tem placed Don Gordon in nomination for the North Texas Municipal Water District.

Motion was made by Council Member Jim Bookhout, and seconded by Mayor Pro Tem Rich Aubin to postpone the appointment indefinitely.

There was discussion by the Council.

Mayor Dodson called for a recess at 8:50 p.m.

Mayor Dodson reconvened the meeting at 9:00 p.m.

A vote was cast on the motion to postpone indefinitely. Motion failed.

Vote: 6 - 3

A vote was cast on the main motion to appoint Don Gordon to the North Texas Municipal Water District. Motion carried.

Vote: 9 - 0

Council Member Gibbons nominated Mr. Christopher Alvarez to the Community Multicultural Commission.

A vote was cast on the nomination for Mr. Alvarez. Nomination carried.

Vote: 9 - 0

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.

Michael McGregor
Michele Hreha

12. Adjourn: There being no further business to come before the City Council, Mayor Dodson adjourned the meeting at 9:11 p.m.

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Submitted By:

Lori Barnett Dodson, Mayor

Eloyce René Dowl, City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

Special Meeting

2.a.

Meeting Date: 05/15/2019

Item Title: Z 19-04 Kimley-Horn (District 7)

Submitted By: Josue De La Vega, Sr. Development Planner

Summary of Request/Problem

Zoning Ordinance Z 19-04 Kimley Horn

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 19-04 Ordinance

Z 19-04 Exhibit A

Z 19-04 Exhibit B

Z 19-04 Exhibits C-G

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) AN AMENDED CONCEPT TRAIL MASTER PLAN AND 2) A DETAIL PLAN FOR RESTAURANT ON A 15.7169-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 17-28 FOR MIXED-USES AND LOCATED AT 4595 NORTH GARLAND AVENUE; 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 8th day of April, 2019, the Plan Commission did consider and make recommendations on a certain request for approval of 1) an amended Concept Trail Master Plan and 2) a Detail Plan for Restaurant by **Kimley-Horn**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving 1) an amended Concept Trail Master Plan and 2) a Detail Plan for Restaurant on a 15.7169-acre tract of land zoned Planned Development (PD) District 17-28 for Mixed-Uses and located at 4595 North Garland Avenue 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.

ZONING FILE NO. Z 19-04

Section 7

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

PASSED AND APPROVED this _____ day of _____, 2019.

CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 19-04

BEING a 15.7169-acre tract of land situated in the Onefre Alvarado Survey, Abstract No. 2, City of Garland, Dallas County, Texas, and being part of a called 141.653-acre tract described in Special Warranty Deed with Vendors Lien to The Woodlands of Spring Creek, LP, recorded in Instrument No. 201700226933, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with plastic cap stamped "RPLS 3941" found in the northwest line of North Garland Avenue (a variable width right-of-way) and being the northeast corner of Lot 1, Block 1, of Jefferson Woodlands Addition, an addition to the City of Garland, Texas according to the plat thereof receded in Instrument No. 201800082094, Official Public Records, Dallas County, Texas;

THENCE leaving said northwest right-of-way line of North Garland Avenue and with the northeast line of said Lot 1, Block 1, the following courses and distances, to wit:

North 45°14'56" West, a distance of 87.25 feet to a 5/8-inch iron rod with aluminum cap stamp "Jefferson Woodlands"

found; North $60^{\circ}27'41''$ West, a distance of 232.64 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found;

South $89^{\circ}32'19''$ West, passing at a distance of 359.38 feet a mag nail found for reference and continuing a total distance of 459.38 feet to a point for corner in the center of a creek;

THENCE with the meanders of said creek, the following courses and distances to wit:

North $51^{\circ}20'41''$ East, a distance of 20.26 feet to a point for corner;

North $36^{\circ}15'46''$ East, a distance of 48.81 feet to a point for corner;

North $32^{\circ}34'41''$ West, a distance of 56.94 feet to a point for corner;

North $2^{\circ}35'46''$ West, a distance of 29.35 feet to a point for corner;

North $55^{\circ}10'30''$ East, a distance of 37.34 feet to a point for corner;

North $70^{\circ}14'40''$ East, a distance of 48.23 feet to a point for corner;

North $60^{\circ}45'43''$ East, a distance of 59.86 feet to a point for corner;

North $55^{\circ}04'43''$ East, a distance of 69.88 feet to a point for corner;

North $14^{\circ}01'24''$ East, a distance of 92.88 feet to a point for corner;

EXHIBIT A

North 14°01'16" East, a distance of 8.79 feet to a point for corner;

North 21°34'51" East, a distance of 34.40 feet to a point for corner;

North 62°00'14" East, a distance of 48.30 feet to a point for corner;

North 27°20'12" East, a distance of 43.52 feet to a point for corner;

North 0°01'15" West, a distance of 41.32 feet to a point for corner;

North 31°33'36" West, a distance of 68.81 feet to a point for corner;

North 14°24'38" West, a distance of 53.66 feet to a point for corner;

North 34°48'53" East, a distance of 37.35 feet to a point for corner;

North 62°05'08" East, a distance of 51.28 feet to a point for corner;

North 24°25'46" East, a distance of 40.26 feet to a point for corner;

North 5°29'46" West, a distance of 48.87 feet to a point for corner;

North 1°43'43" East, a distance of 67.22 feet to a point for corner in the center of Spring Creek and being a west corner of a 3.443 acre tract dedicated to the City of Garland and shown on plat of Stoneleigh on Spring Creek, No. 2, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 2001185, Page 26, Deed

EXHIBIT A

Records, Dallas County, Texas;

THENCE with the centerline of said Spring Creek and the southwest line of said 3.443 acre tract and southwest line of a 4.849 acre tract dedicated to the City of Garland and shown on plat of Stoneleigh on Spring Creek, No. 1, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 99137, Page 17, Deed Records, Dallas County, Texas, the following courses and distances, to wit:

North 70°18'16" East, a distance of 276.96 feet to a point for corner;

South 76°55'39" East, a distance of 122.02 feet to a point for corner and being the most westerly southwest corner of said 4.849 acre tract;

South 26°24'07" East, a distance of 235.00 feet to a point for corner;

South 3°24'07" East, a distance of 145.00 feet to a point for corner;

South 60°04'07" East, a distance of 80.00 feet to a point for corner;

North 57°35'53" East, a distance of 250.00 feet to a point for corner;

South 54°17'51" East, a distance of 247.51 feet to a point for corner in said northwest right-of-way of North Garland Avenue;

THENCE with said northwest right-of-way line of North Garland Avenue, the following courses and distances:

South 44°26'41" West, a distance of 357.54 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 3491" found;
South 45°33'18" East, a distance of 19.99 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 3491" found;
South 44°26'41" West, a distance of 490.94 feet to the **POINT OF BEGINNING** and containing 15.7169 acres or 684,629 square feet of land.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 19-04

4595 North Garland Avenue

I. Statement of Purpose: The purpose of this Planned Development is to approve a Detail Plan for Restaurant and an amended Concept Trail Master Plan.

II. Statement of Effect: This Planned Development shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.

III. General Regulations: All regulations of the Community Office (CO) District as set forth in Chapter 2 of the Garland Development Code are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. Development Plans:

Concept Trail Master Plan: Development of the six (6) foot wide concrete trail shall be in general conformance to the Concept Trail Master Plan set forth in Exhibit G.

Detail Plan: Development shall conform to the Detail Plan set forth in Exhibits C, D, E and F; however, in the event of conflict between the Detail Plan and the written conditions, the written conditions shall apply.

V. Specific Regulations:

A. Permitted Uses: All uses are prohibited except Restaurant.

B. Site Layout: The site shall be in conformance to the layout reflected on Exhibit C.

C. Screening and Landscaping: Screening and landscaping shall be in conformance to the layout reflected on Exhibit D.

D. Maintenance Requirements:

1) Landscaping must be regularly maintained in a healthy growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

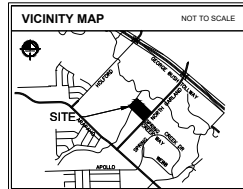
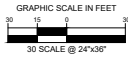
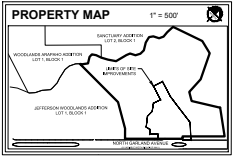
2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan within sixty (60) days after receipt of notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold or revoke city permits, approvals, consents, licenses and/or certificates for the property.

3) Screening and paving must be installed and regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after of the City sending notice,, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and certificates for the property .

E. Landscape Buffers: Landscape buffers, as prescribed in Section 4.34 of the Garland

Development Code (GDC), shall not be required outside the limits of the site improvements areas. Furthermore, landscape buffers within the limits of the site improvements areas shall not be required to provide the plant materials prescribed in Section 4.34 of the Garland Development Code (GDC).

- F. Screening of Parking Areas: Parking areas adjacent to public streets shall be screened as shown on Exhibit F in lieu of the screening methods prescribed in Section 4.44 of the Garland Development Code (GDC).
- G. Location of Refuse Containers: The location of the refuse container and its masonry enclosure shall be permitted on the street side of the main building as shown on Exhibit C.
- H. Elevations: Elevations shall be in conformance to the elevations reflected on Exhibit E.
- I. Building Façade Materials: Galvanized metal siding shall be permitted on the solid wall portions of the building's facades.
- J. Location of Loading Space: The location of the loading space and associated overhead/roll-up door shall be permitted on the street side of the main building as shown on Exhibit C.



LEGEND	
PROPERTY LINE	
APPROXIMATE LIMIT OF FEMA FLOODWAY ZONE A6	
LIMITS 100-YEAR PRE-PROJECT WATER SURFACE ELEVATION PER FLOOD STUDY BY KIMLEY-HORN DATED 03/20/2018	
LIMITS 100-YEAR POST-PROJECT WATER SURFACE ELEVATION PER FLOOD STUDY BY KIMLEY-HORN DATED 03/20/2018	
RETAINING WALL ZONE	

- NOTES**
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 2. ALL CURB RADI ARE 2' UNLESS OTHERWISE NOTED.
 3. CONTRACTOR TO ADJUST EXISTING SANITARY SEWER MANHOLES, ELECTRICAL MANHOLES, FIRE HYDRANTS, VALVE BOXES, WATER METERS, ETC. TO MATCH PROPOSED FINISHED GRADES IF NECESSARY.
 4. CONTRACTOR TO PROVIDE SMOOTH TRANSITION BETWEEN EXISTING AND PROPOSED SIDEWALKS.
 5. NO LANDSCAPING SUCH AS TREES, BUSHES, ROSES, AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHIN ANY UTILITY EASEMENTS AND RIGHT-OF-WAY.
 6. ALL SIGNAGE SHALL COMPLY WITH THE APPLICABLE STANDARDS OF THE GARLAND DEVELOPMENT CODE.

SITE DATA SUMMARY TABLE	
TOTAL LOT AREA (LIMITS OF SITE IMPROVEMENTS)	2.57 ACRES (111,742 SF)
PROPOSED USE	RESTAURANT
TOTAL BUILDING AREA	9,780 SF
BUILDING HEIGHT (NUMBER OF STORIES AND HEIGHT)	1 STORY MAXIMUM HEIGHT 32'
FINISHED FLOOR ELEVATION	517.0'
TOTAL PARKING REQUIRED	15 GFA X 9,780 SF = 98
PARKING PROVIDED	98
ADA PARKING PROVIDED	3 (INCLUDING 1 VAN)
IMPERVIOUS AREA (LIMITS OF IMPROVEMENTS)	65,867 SF
% IMPERVIOUS COVER (LIMITS OF IMPROVEMENTS)	58.96% (65,867/111,742)

DETAIL SITE PLAN
WOODLANDS QUARRY RESTAURANT

CITY CASE #181016-3
4595 NORTH GARLAND AVENUE
CITY OF GARLAND, DALLAS COUNTY, TEXAS

OWNER: THE WOODLANDS ON SPRING CREEK, LP
1414 N. DALLAS PARKWAY
DALLAS, TEXAS 75244
CONTACT: MICHAEL HOLGAN

ENGINEER/SURVEYOR: KIMLEY-HORN AND ASSOCIATES, INC.
1365 N. DALLAS PARKWAY, SUITE 700
DALLAS, TEXAS 75244
PHONE: 972.775-1300
CONTACT: JOE FRACCARO, P.E.

Kimley-Horn

1365 N. DALLAS PARKWAY, SUITE 700
DALLAS, TEXAS 75244
PHONE: 972.775-1300
WWW.KIMLEY-HORN.COM TX F-028
© 2018 KIMLEY-HORN AND ASSOCIATES, INC.

PROJECT NO.	181016-3
DATE	03/20/2018
SCALE	AS SHOWN
DESIGNED BY	JAM
DRAWN BY	JAM
CHECKED BY	JAM

WOODLANDS QUARRY RESTAURANT
PREPARED FOR
JAMP
CITY CASE #181016-3
CITY OF GARLAND, TEXAS

DETAIL SITE PLAN
(1 of 2)

SHEET NUMBER
SP-01

Exhibit C

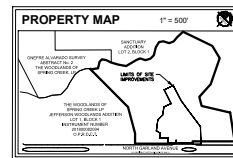
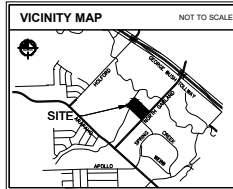
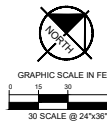
NOTES:
1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE LANDSCAPE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.
3. THE LANDSCAPE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.
4. THE LANDSCAPE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.
5. THE LANDSCAPE ARCHITECT HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	CAL	SIZE	REMARKS
QV	1	1	QUERCUS VIRGINIANA / LIVE OAK	B&B	4" CAL	10-15' HT.	FULL
TD	4	4	TAXODIUM DISTICHUM / BALD CYPRESS	B&B	3" CAL	14-16' HT.	STRONG CENTRAL LEADER, FULL
UC	4	4	ULMUS CRASSIFOLIA / CEDAR ELM	B&B	3" CAL	14-16' HT.	STRONG CENTRAL LEADER, FULL
UD	4	4	ULMUS PARVIFOLIA / DRAKE / DRAKE ELM	B&B	3" CAL	14-16' HT.	STRONG CENTRAL LEADER, FULL AND MATCHING
SHRUBS	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	SIZE	SPACING	REMARKS
HP	64	64	HESPERALOE PARVIFLORA / RED YUCCA	CONT.	24" HT.	30" O.C.	FULL AND MATCHING
IL	11	11	ILEX X 'NELLIE R. STEVENS' / NELLIE R. STEVENS HOLLY	CONT.	36" HT.	72" O.C.	FULL AND MATCHING
LG	18	18	LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD' TM / GREEN CLOUD TEXAS RANGER	CONT.	24" HT.	48" O.C.	FULL AND MATCHING
ML	64	64	MUHLENBERGIA CAPILLARIS 'WHITE CLOUD' / WHITE CLOUD MUHLY GRASS	CONT.	24" HT.	30" O.C.	FULL AND MATCHING



GROUND COVERS	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	SIZE	SPACING	REMARKS
LM	49	49	LIROPE MUSCARI 'BIG BLUE' / BIG BLUE LILY TURF	1 GAL	9-12" HT.	18" O.C.	5 BBB MIN. FULL
NT	162	162	NASSELLA TENNISIMA / MEXICAN FEATHERGRASS	1 GAL	12" HT.	18" O.C.	FULL
BD	30,743 SF		CYNODON DACTYLON / COMMON BERBERA GRASS	N/A	N/A	N/A	800 TO HAVE TIGHT, SAND FILLED JOINTS AND BE FREE OF WEEDS.



Garland Development Code - Chapter 4, Article 3 - Screening & Landscaping		
	REQUIRED	PROVIDED
TOTAL LANDSCAPE AREA REQUIREMENT	10% (11,175 SF)	30% (33,408 SF)
LANDSCAPE MATERIALS MUST COVER A MINIMUM OF 10% OF TOTAL SITE AREA (11,175 SF OF A 10% = 11,175 SF)	YES	YES
NO MORE THAN 50% OF TOTAL TREES TO BE ONE SPECIES (4 BALD CYPRESS, 4 CEDAR ELM, 4 LACINCA ELM, 1 LIVE OAK = 13 TREES x 50% = 6.5 AND MORE THAN 6 TREES CAN BE ONE SPECIES)	YES	YES
LANDSCAPE BUFFERS	15' LANDSCAPE BUFFER	15' LANDSCAPE BUFFER
A LANDSCAPE BUFFER, 15' IN DEPTH (FROM PROPERTY LINE) IS REQUIRED IN NONRESIDENTIAL YARDS ADJACENT TO TYPE A THROUGH TYPE D THOROUGHFARES	YES	YES
LANDSCAPE MATERIALS MUST COVER A MINIMUM OF 5% OF TOTAL PARKING LOT AREA	5% (2,609 SF)	14.3% (7,600 SF)
32,160 SF PARKING AREA x .05 = 2,609 SF	YES	YES
A LANDSCAPED ISLAND MUST BE LOCATED AT THE TERMINUS OF EACH PARKING ROW AND MUST CONTAIN A MINIMUM OF ONE LARGE CANOPY TREE	YES	YES
ONE LARGE CANOPY TREE IS REQUIRED FOR EVERY 10 PARKING SPACES	10 CANOPY TREES	12 CANOPY TREES
10 PARKING SPACES / 10 = 1.0 CANOPY TREES	YES	YES
THERE MUST BE A MINIMUM OF ONE LARGE CANOPY TREE WITHIN 60' OF EVERY PARKING SPACE	YES	YES
SCREENING OF PARKING AREAS	YES	EXISTING EXISTING BERM AND EXISTING BERM
SCREENING PARKING LOTS ADJACENT TO STREETS (CONTINUOUS OR UNCONTINUOUS ROW OF SHRUBS OR ORNAMENTAL GRASSES THAT ARE A MINIMUM OF 24" IN HEIGHT AT INSTALLATION)	YES	EXISTING EXISTING BERM AND EXISTING BERM
DEVIATIONS	N/A	N/A
FOR EVERY 30' LINEAR FEET, OR FRACTION THEREOF, ONE LARGE CANOPY TREE IS REQUIRED ALONG WITH SEVEN 3-HUBS OR ORNAMENTAL GRASSES	N/A	N/A
THAT ARE DUE TO EXISTING STREET AND SITE GRADIES, AND TREE PRESERVATION	N/A	N/A
NORTH GARLAND AVE (TYPE B)	N/A	N/A
THAT ARE DUE TO EXISTING STREET AND SITE GRADIES, AND TREE PRESERVATION	N/A	N/A
THAT ARE DUE TO EXISTING STREET AND SITE GRADIES, AND TREE PRESERVATION	N/A	N/A

- NOTES:
- ALL LANDSCAPE AREAS MUST BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM EQUIPPED WITH OPERATING VALVES AND PRESSURE SENSING.
 - CONTRACTOR TO SOD ALL DISTURBED AREAS.



LANDSCAPE PLAN
WOODLANDS QUARRY RESTAURANT

4595 NORTH GARLAND AVENUE
CITY OF GARLAND, DALLAS COUNTY, TEXAS

OWNER:
THE WOODLANDS ON SPRING CREEK, LP
1414 N. DALLAS PARKWAY
DALLAS, TEXAS 75244
CONTACT: MICHAEL HOLIGAN

LANDSCAPE ARCHITECT:
KIMLEY-HORN AND ASSOCIATES, INC.
13465 NOEL ROAD, TWO GALLERIA OFFICE TOWER, SUITE 700
DALLAS, TEXAS 75244
PHONE: 972-716-1800
CONTACT: PATRICK B. HART, PLA

Kimley-Horn
13465 NOEL ROAD, TWO GALLERIA OFFICE TOWER
SUITE 700 DALLAS, TX 75240
PHONE: 972-716-1800
WWW.KIMLEY-HORN.COM TX F-028
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WOODLANDS QUARRY RESTAURANT
PREPARED FOR
JAMP
CITY OF GARLAND, TEXAS

LANDSCAPE PLAN
SHEET NUMBER
LP 1.01

DATE
BY
REVISIONS

Exhibit D

- ARCHITECTURAL DESIGN ELEMENTS:
- 1) CANOPY
 - 2) DISPLAY WINDOW
 - 3) DIVIDED LIGHT WINDOWS
 - 4) PORTICO
 - 5) DISTINCTIVE LIGHTING FEATURE
 - 6) BENCHES



METAL CANOPY



PRE-ENGINEERED METAL STRUCTURE



GALVANIZED R-PANEL METAL SIDING



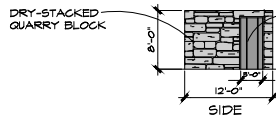
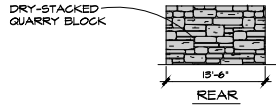
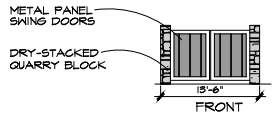
STANDING SEAM METAL ROOF



STOREFRONT

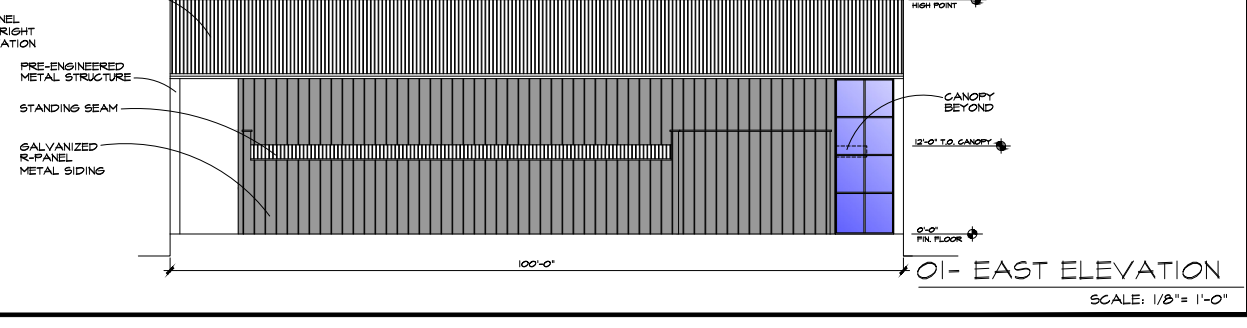
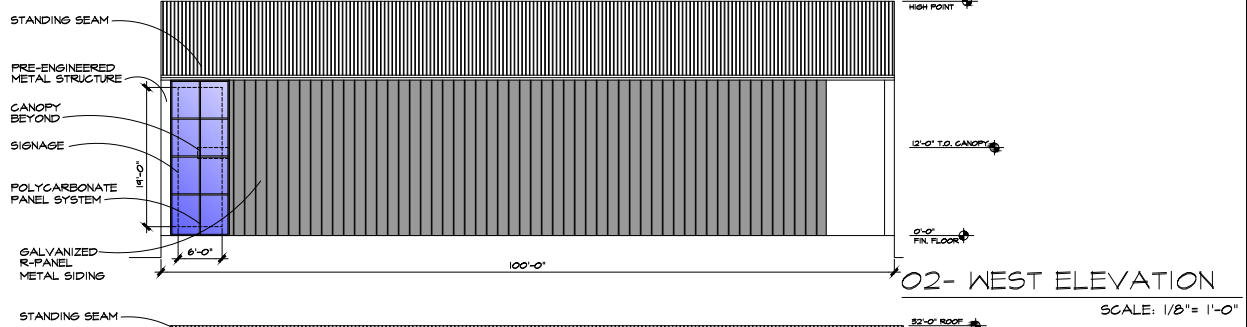
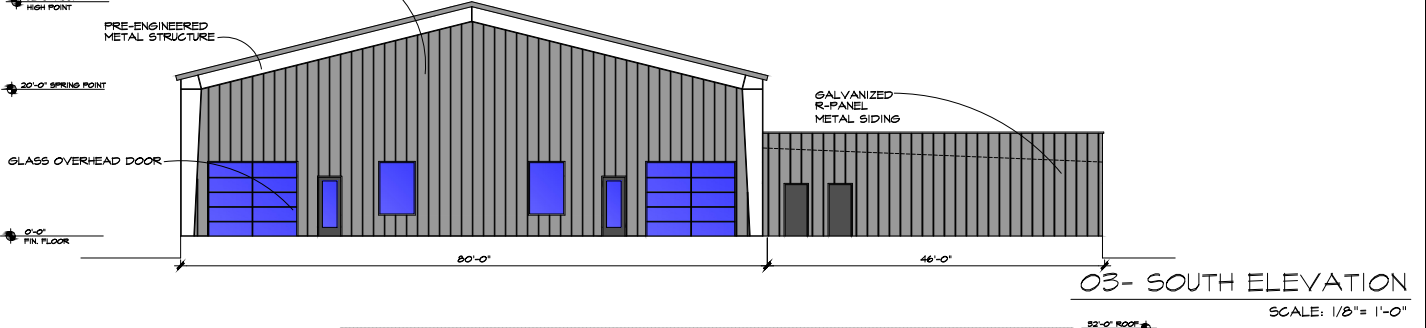
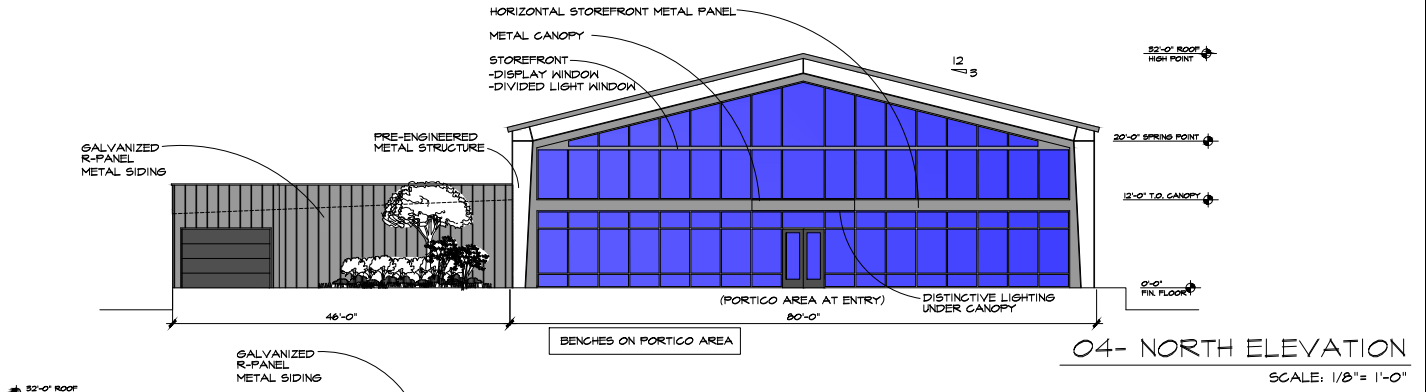
MATERIAL CALCULATIONS

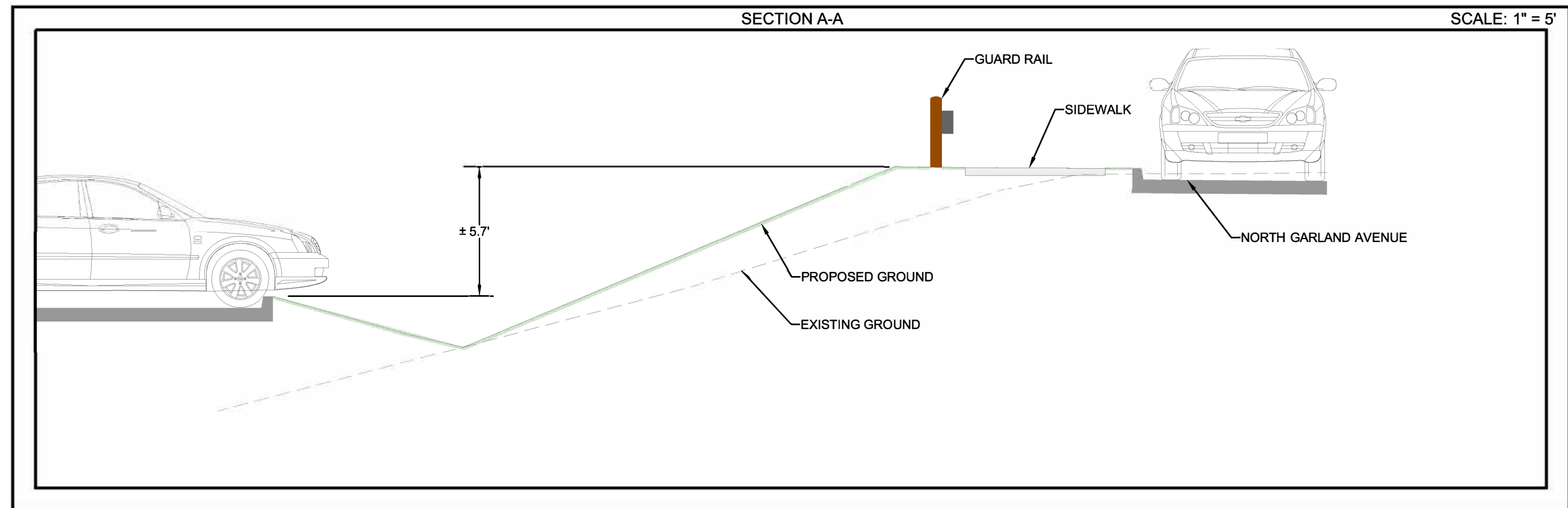
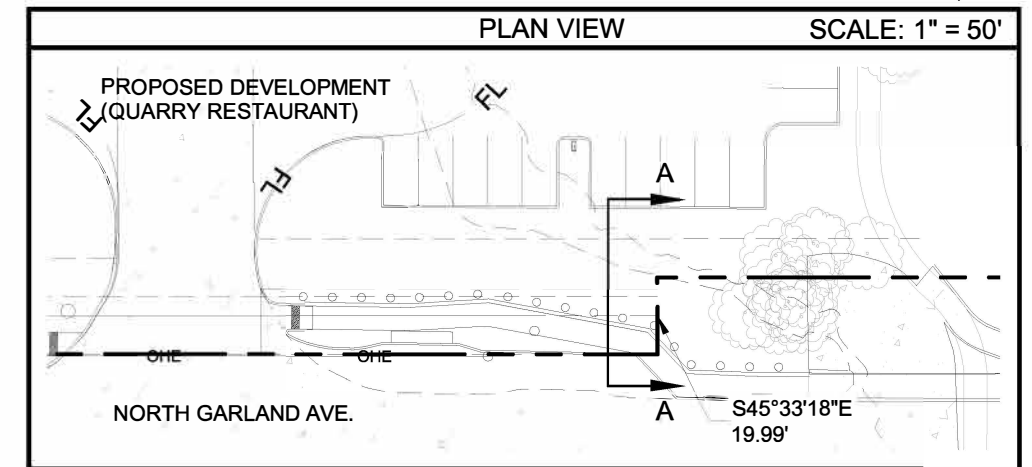
	Wall Area (Gross s.f.)	Wall Area (Net s.f.)	Fenestration (s.f.)	Masonry	% of Net	Brick	% of Net	Stone	% of Net	Metal	% of Net
				Wall Area (s.f.)		Wall Area (s.f.)		Wall Area (s.f.)		Wall Area (s.f.)	
North Elevation	2,738	925	1,813	-	0.0%	-	0.0%	-	0.0%	925	100.0%
South Elevation	2,738	2,148	590	-	0.0%	-	0.0%	-	0.0%	2,148	100.0%
East Elevation	1,731	1,731	-	-	0.0%	-	0.0%	-	0.0%	1,731	100.0%
West Elevation	1,731	1,731	-	-	0.0%	-	0.0%	-	0.0%	1,731	100.0%
TOTAL	8,938	6,535	2,403	-	0.0%	-	0.0%	-	0.0%	6,535	100.0%



05- DUMPSTER ENCLOSURE

SCALE: 1/8" = 1'-0"





QUARRY RESTAURANT
March 2019

DWG NAME: K:\DIAL_CIVIL\060322\813-WOODLANDS-QUARRY RESTAURANT\CAO\EXHIBIT SE-QUARRY CROSS-SECTION.DWG
LAST SAVED: 3/6/2019 9:15 AM

Exhibit F

Kimley»Horn

13455 Noel Rd
Suite 700
Dallas, Texas 75240
972-776-1785
State of Texas Registration No. F-928
NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN
PRODUCED TO ILLUSTRATE LARGE GRADE DISTANCES AND IS NOT
TO BE USED FOR CONSTRUCTION PURPOSES.

Kimley-Horn & Associates, Inc. 1414 N. Dallas Parkway, Suite 700, Dallas, Texas 75244
Project No. 180106-3
Sheet No. EXH D
Date: 03/22/2019
Drawn By: JAF
Checked By: JAF
Title: CONCEPT TRAIL PLAN

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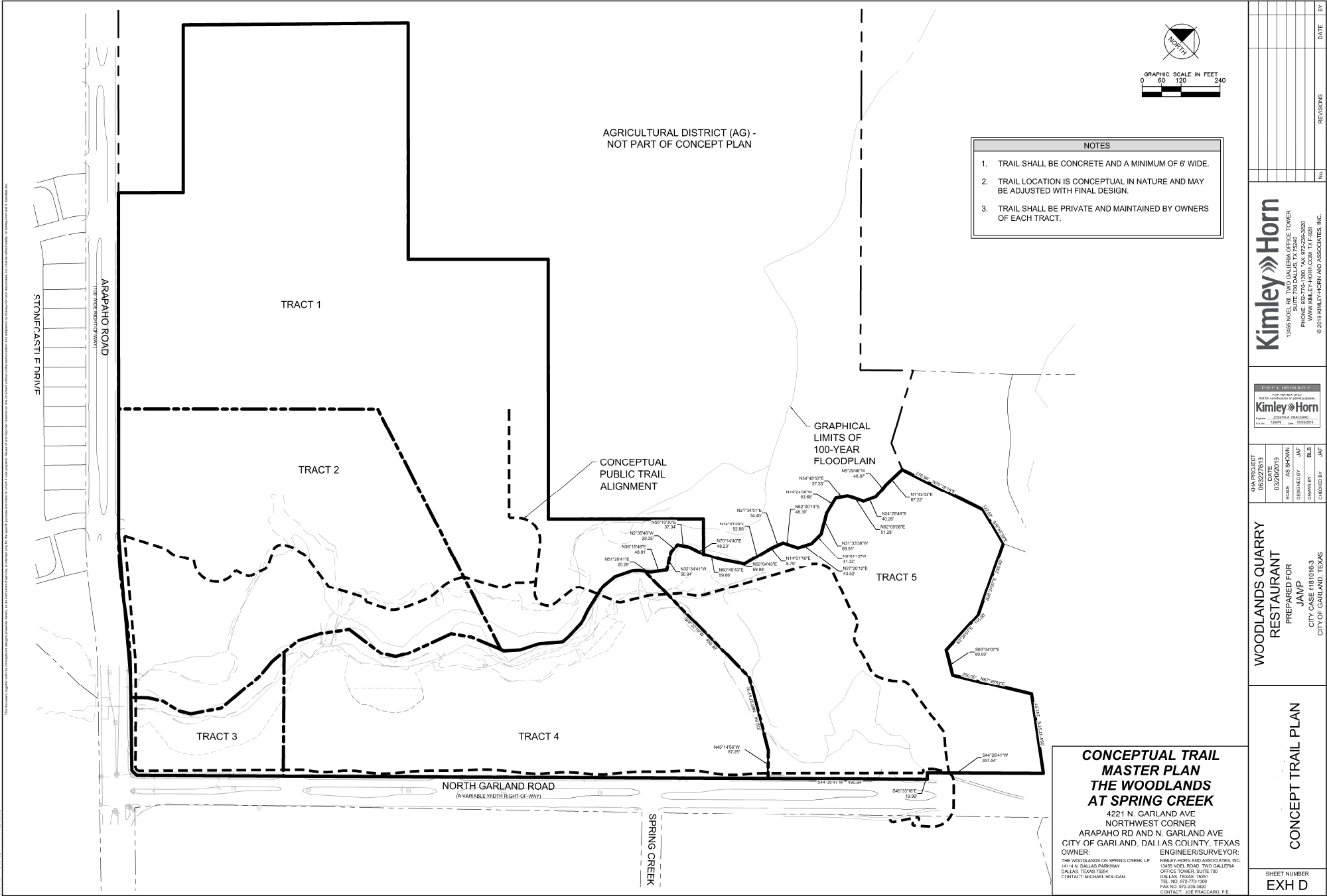


Exhibit G



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

Special Meeting

2.b.

Meeting Date: 05/15/2019

Item Title: Z 19-05 RPGA Design Group, Inc. (District 3)

Submitted By: Kira Wauwie, Principal Development Planner

Summary of Request/Problem

Zoning Ordinance Z 19-05 RPGA Design Group, Inc.

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 19-05 Ordinance

Z 19-05 Exhibit A

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A CHANGE IN ZONING FROM AGRICULTURAL (AG) DISTRICT AND PLANNED DEVELOPMENT (PD) DISTRICT 83-39 TO COMMUNITY RETAIL (CR) DISTRICT ON A 0.96-ACRE TRACT OF LAND LOCATED AT 1501 ROWLETT 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; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 8th day of April, 2019, the Plan Commission did consider and make recommendations on a certain request for zoning change made by **RPGA Design Group, Inc.**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving a Change in Zoning from Agricultural (AG) District and Planned Development (PD) District 83-39 to Community Retail (CR) District on a 0.96-acre tract of land located at 1501 Rowlett 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 the Garland Development Code.

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 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 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 _____,
2019.

FILE NO. Z 19-05

THE CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A
LEGAL DESCRIPTION
ZONING FILE Z 19-05

Being a tract of land situated in the John Little Survey, Abstract Number 761 in the City of Garland, Dallas County, Texas, same being that tract of land conveyed to Excelsior SG Investments, LLC, a Texas Limited Liability Company, by deed recorded in Instrument Number 20070290629, Official Public Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for corner, said corner being the South corner of that tract of land conveyed to James F. Addicks and Bronwyn Addicks, husband and wife, by deed recorded in Volume 2001003, Page 705, Deed Records, Dallas County, Texas and being in the Northwest line of Rowlett Road (variable width right-of-way);

THENCE South 51 degrees 07 minutes 14 seconds West, along the Northwest line of said Rowlett Road, a distance of 121.57 feet to a 5/8 inch iron rod found for corner, said corner being in a curve to the left, having a radius of 3849.60 feet, a delta of 03 degrees 28 minutes 57 seconds, a chord bearing and distance of South 49 degrees 22 minutes 45 seconds West, a distance of 233.96 feet;

THENCE along the Northwest line of said Rowlett Road and along said curve to the left an arc length of 233.99 feet to a 5/8 inch iron rod found for corner;

THENCE North 45 degrees 14 minutes 24 seconds West, passing at a distance of 8.50 feet to a 1/2 inch iron rod found for corner, said corner being a East corner of Seville Place, an Addition in the City of Garland, Dallas County, Texas, according to the Plat thereof recorded in Volume 98245, Page 6, Plat Records, Dallas County, Texas, a distance of 100.92 feet to a 5/8 inch iron rod found for corner, said corner being a South corner of Golden Gate Park No. 1, an Addition in the City of Garland, Dallas County, Texas, according to the Plat thereof recorded in Volume 84242, Page 1712, Plat Records, Dallas County, Texas;

THENCE North 42 degrees 50 minutes 35 seconds East, along the Southeast line of said Golden Gate Park No. 1, a distance of 293.45 feet to a 5/8 inch iron rod found for corner;

THENCE North 42 degrees 47 minutes 56 seconds East, along the Southeast line of said Golden Gate Park No. 1, a distance of 49.36 feet to a 5/8 inch iron rod found for corner, said corner being the West corner of aforesaid Addicks tract;

THENCE South 49 degrees 44 minutes 40 seconds East, along the Southwest line of said Addicks tract, a distance of 145.19 feet to the **POINT OF BEGINNING** and containing 42,015 square feet or 0.96 acres of land.



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

Special Meeting

2.c.

Meeting Date: 05/15/2019

Item Title: Z 19-06 Tavacon, LLC (District 7)

Submitted By: Josue De La Vega, Sr. Development Planner

Summary of Request/Problem

Zoning Ordinance Z 19-06 Tavacon, LLC

Recommendation/Action Requested and Justification

Consider adoption of attached ordinance.

Attachments

Z 19-06 Ordinance

Z 19-06 Exhibit A

Z 19-06 Exhibit B

Z 19-06 Exhibits C-E

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) A DETAIL PLAN FOR CAR WASH, AUTOMATED/ROLLOVER AND 2) A SPECIFIC USE PROVISION (SUP) FOR CAR WASH, AUTOMATED/ROLLOVER ON A 0.971-ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT (PD) DISTRICT 13-28 FOR COMMUNITY RETAIL USES AND LOCATED AT 2620 ARAPAHO ROAD; PROVIDING FOR CONDITIONS, RESTRICTIONS, AND REGULATIONS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A NOTICE OF CONDITIONS OF COMPLIANCE CLAUSE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at its regular meeting held on the 8th day of April, 2019, the Plan Commission did consider and make recommendations on a certain request for approval of 1) a Detail Plan for Car Wash, Automated/Rollover and 2) a Specific Use Provision (SUP) for Car Wash, Automated/Rollover by **Tavacon, LLC**; and

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

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

Section 1

The Garland Development Code is hereby amended by approving 1) a Detail Plan for Car Wash, Automated/Rollover and 2) a Specific Use Provision (SUP) for Car Wash, Automated/Rollover on a 0.971-Acre tract of land zoned Planned Development (PD) District 13-28 for Community Retail Uses and located at 2620 Arapaho Road and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

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

Section 3

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

Section 4

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 _____, 2019.

CITY OF GARLAND, TEXAS

By:

Mayor

ATTEST:

City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 19-06

BEING a 0.971-acre tract of land identified as Lot 4, Block 1, of the ILT HS Addition, an addition to the City of Garland, as recorded in Instrument No. 201300387716, M.R.D.C.T., City of Garland, Dallas County, Texas.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 19-06

2620 Arapaho Road

- I. Statement of Purpose:** The purpose of this Planned Development (PD) is to allow the development of a Car Wash, Automated/Rollover.
- II. Statement of Effect:** This Planned Development (PD) shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- III. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Development Plans:**
- A. Detail Plan: Development is to be in conformance with the Detail Plan set forth in Exhibits C, D and E. In the event of conflict between the conditions and Detail Plan, the conditions listed below are to apply.
- V. Detail Plan:**
- A. Site Layout: The site shall be in conformance to the layout reflected on Exhibit C.
- B. Screening and Landscaping: Screening and landscaping shall be in conformance to the layout reflected on Exhibit D.
- C. Maintenance Requirements:
- 1) Landscaping must be regularly maintained in a healthy growing condition and in compliance with this PD Ordinance, the Garland Development Code, the Code of Ordinances of the City of Garland, and the landscaping plan attached hereto at all times. The property owner is responsible for regular weeding, mowing of grass, irrigation, fertilizing, pruning, or other maintenance of all plantings as needed. All exposed ground surfaces on or within the premises shall be properly

improved, covered with screening or other approved solid material, or protected with a vegetative growth that prevents soil erosion and ameliorates objectionable dust conditions.

2) Any dead or dying plant or vegetation, whether or not a component of required landscaping, must be promptly replaced with another approved plant or vegetation variety that complies with the approved landscape plan within sixty (60) days after receipt of notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty (60) days of the City sending notice, the City may, in addition to any other remedy available by law, suspend, withhold or revoke city permits, approvals, consents, licenses and/or certificates for the property.

3) Screening and paving must be installed and regularly maintained in compliance with this PD Ordinance, the Garland Development Code, and the Code of Ordinances of the City of Garland at all times. The property owner is responsible for regular maintenance of all screening and paving as needed. In the event the property owner fails to remedy a violation of any screening or paving maintenance regulation within sixty (60) days after of the City sending notice,, the City may, in addition to any other remedy available by law, suspend, withhold, or revoke city permits, approval, consents and certificates for the property.

D. Elevations: Elevations shall be in conformance to the elevations reflected on Exhibit E.

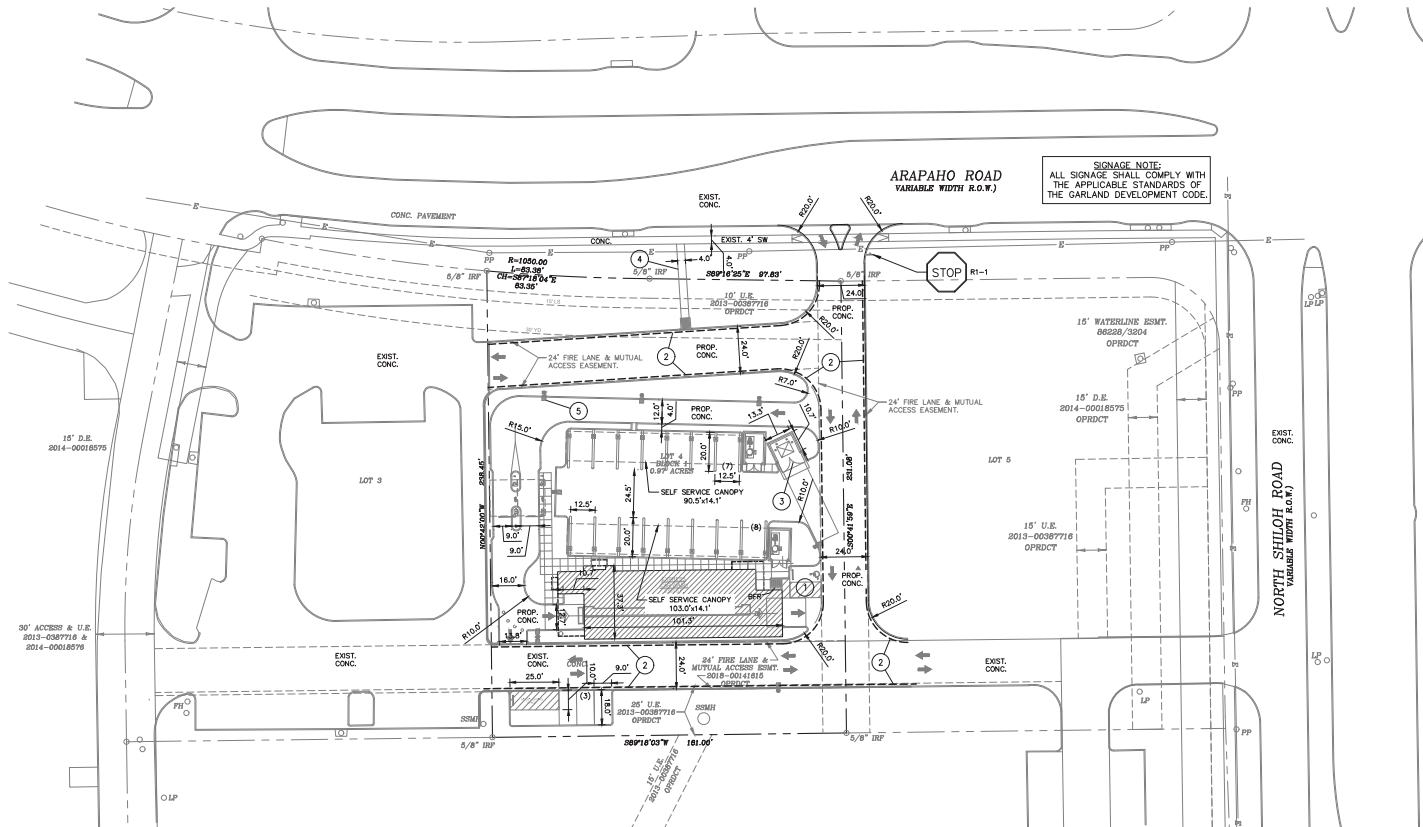
E. Location of Refuse Containers: The refuse container and its masonry enclosure may be located on the street side of the main building as shown on Exhibit C.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 19-06

2620 Arapaho Road

- II. Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Car Wash, Automated/Rollover.
- II. Statement of Effect:** This Specific Use Provision shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.
- VI. General Regulations:** All regulations of the Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- VII. Specific Regulations:**
- A. SUP Time Period: The Specific Use Provision for Car Wash, Automated/Rollover shall be in effect for a period of thirty (30) years.



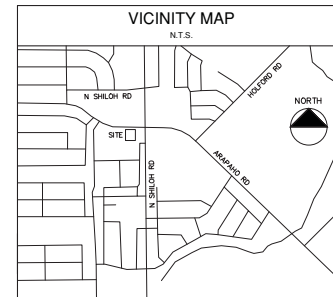
SIGNAGE NOTE:
ALL SIGNAGE SHALL COMPLY WITH
THE APPLICABLE STANDARDS OF
THE GARLAND DEVELOPMENT CODE.

DRAWING LEGEND	
	PROPERTY LINE
	ADJOINING PROPERTY LINE
	PROP. EDGE OF PAVEMENT
	PROP. CURB LINE
	PROP. STRIPING
	EASEMENT/SETBACK LINES
	PROP. FIRE LANE
	EXIST. CONTOUR LINE
	PROP. CONTOUR LINE
	PROP. WATER LINE
	PROP. SS LINE
	DIRECTIONAL FLOW ARROW
	(10) PARKING COUNT LABEL
	EXIST. PROP. BFR
	EXIST. PROP. RW
	EXIST. PROP. TYP.
	EXIST. PROP. MC
	EXIST. PROP. T.A.S.
	EXIST. PROP. MFR
	EXIST. PROP. RETAINING WALL
	EXIST. PROP. HANDICAP
	EXIST. PROP. TEXAS ACCESSIBILITY STANDARDS
	EXIST. PROP. MANUFACTURER

REFERENCE NUMBER NOTES	
1	PROP. HC PARKING AREA.
2	PROP. FIRE LANE STRIPING. (TYP.)
3	PROP. DUMPSTER W/ SCREENING PER ARCH & CITY REQUIREMENTS.
4	PROP. 4' WIDE CONC. SIDEWALK.
5	PROP. LIGHTING PER MEP. (TYP.-6 LOCATIONS)

SITE DATA SUMMARY TABLE:	
General Site Data:	
Zoning (Existing & Proposed)	PD-13-28
Land Use	Flex Carwash
Total Site Area	0.97 acres or 42,533 S.F.
Total Pervious Area Provided (SF and %)	10,603.7 S.F. or 24.3%
Total Pervious Area Required	10%
Total Floor Area Ratio	8%
Total Building Coverage	3,583 S.F.
Building Area by Use (Carwash)	3,583 S.F.
Parking Lot Surface Materials	Concrete
Open Space (Provided/Required)	19%/10%
Building Height (Permitted/Proposed)	35/35
Parking:	
Parking Ratio Required	1 Stall / 200 S.F.
Required Parking	18 stalls
Provided Parking	19 stalls
Accessible Parking Required	1 Stall
Accessible Parking Provided	1 Stall
Loading Space (Required/Provided)	1 Space/1 Space

NOTE TO CONTRACTOR
CALL 811 AND ANY OTHER APPLICABLE UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION ACTIVITY. LOBSINGER & POTTS STRUCTURAL ENGINEERING, INC. IS NOT RESPONSIBLE FOR KNOWING THE LOCATION OF ALL EXISTING UTILITIES OR DEPICTING EXACT LOCATIONS ON ALL DRAWINGS. THE LOCATION OF EXIST. UTILITIES ARE SHOWN AS APPROXIMATE ONLY. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES AS A RESULT OF FAILURE TO LOCATE AND PRESERVE EXIST. UTILITIES.



SITE PLAN EXHIBIT FOR:
GARLAND EXPRESS CAR WASH
0.97 ACRES
CITY PROJECT #: 181016-3
A-0941
F. MOSS SURVEY
THE CITY OF GARLAND
DALLAS COUNTY, TEXAS
CASE #: 19-06

NORTH
GRAPHIC SCALE 1"=30'
11x17 SCALE N.T.S.
0' 30' 45' 60'
8.5x11 SCALE N.T.S.

APPLICANT:
TAVACON, LLC
CONTACT: TIM ATTLEE
8751 COLLIN MCKINNEY PKWY., STE. 104.
MCKINNEY, TX 75070
(214) 425-2055
OWNER:
ZOYA REAL ESTATE, INC.
CONTACT: SYED A. AHMAD
3405 SPECTRUM BLVD.
RICHARDSON, TX 75082
BENCHMARK: "X" CUT ON THE STORM INLET SOUTH LINE OF
ARAPAH0 ROAD ±360' WEST OF NORTH SHILOH ROAD. EL.=576.01

REVISION NUMBER	REVISION DATE	DESCRIPTION

LPSE
Lobsinger & Potts Structural Engineering, Inc.
1723 E. Southlake Blvd, Suite 200
Southlake, Texas 76092
Firm Reg. #7290
817.897.3611

GARLAND CARWASH
2620 ARAPAH0, GARLAND, TX

SITE PLAN

PROJECT #	LPSE
MANAGER	LPSE
DRAWN BY	LPSE
ISSUED FOR	
DATE	3/19/2019

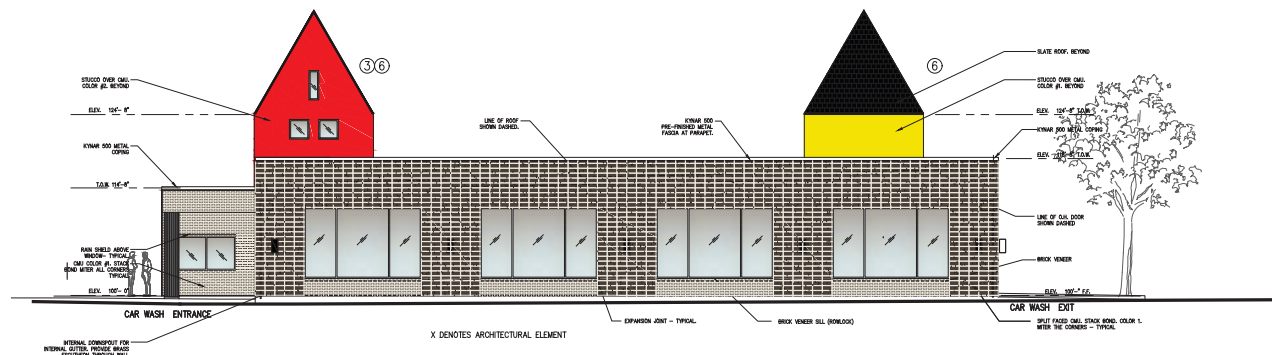


FOR PERMIT ONLY

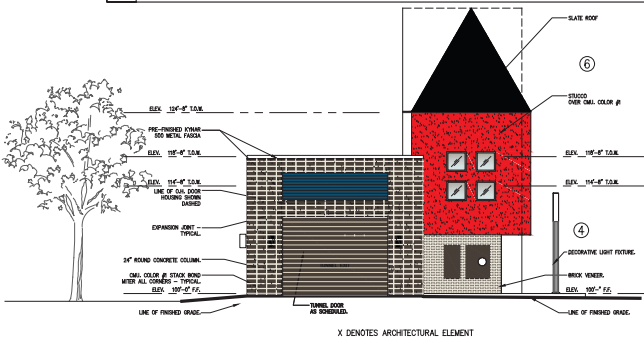
SHEET

SP-1

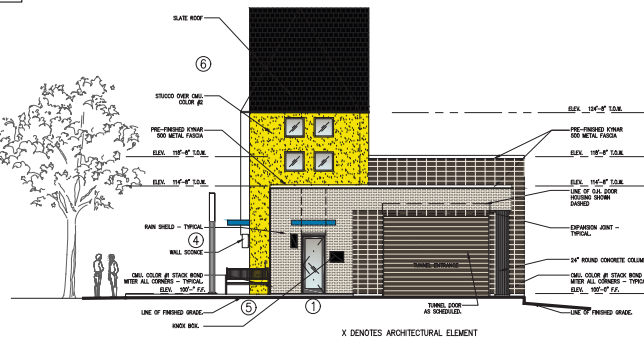
This sheet is part of a set of architectural drawings for the proposed construction of a building. It is not to be used for construction without the approval of the architect and the engineer. The architect and engineer are not responsible for the construction of the building. The architect and engineer are not responsible for the construction of the building. The architect and engineer are not responsible for the construction of the building.



1 SOUTH ELEVATION - REAR 3/16" = 1'-0"



2 EAST ELEVATION - LEFT SIDE 1/8" = 1'-0"



3 WEST ELEVATION - RIGHT SIDE 1/8" = 1'-0"

EXTERIOR WALL MATERIAL LIST:

BRICK VENEER **	ENDICOTT CLAY PROD. "ARGOS"	COLOR: BLACK, IRON SPOT	1/2 RD RUNNING
STUCCO **	TEXAS BUILDING PROD.	COLOR: RED AND YELLOW	SMOOTH TEXTURE
SPLIT FACED CMU **	"TRUE SLATE"	COLOR: GRAPHITE II	STACK BOND
SLATE ROOF	"TRIP"	COLOR: SOLARIAN 70X, LOW E	STANDARD WALL PATTERN
GLASS	"VISTAWALL"	COLOR: CLEAR ANODIZED ALUMINUM	INSULATED GLASS
ALUMINUM STOREFRONT	"GRANDER"	COLOR: KYNAR 550 TO MATCH MBG HARBOR BLUE	AINING OR OTHER PROVIDED

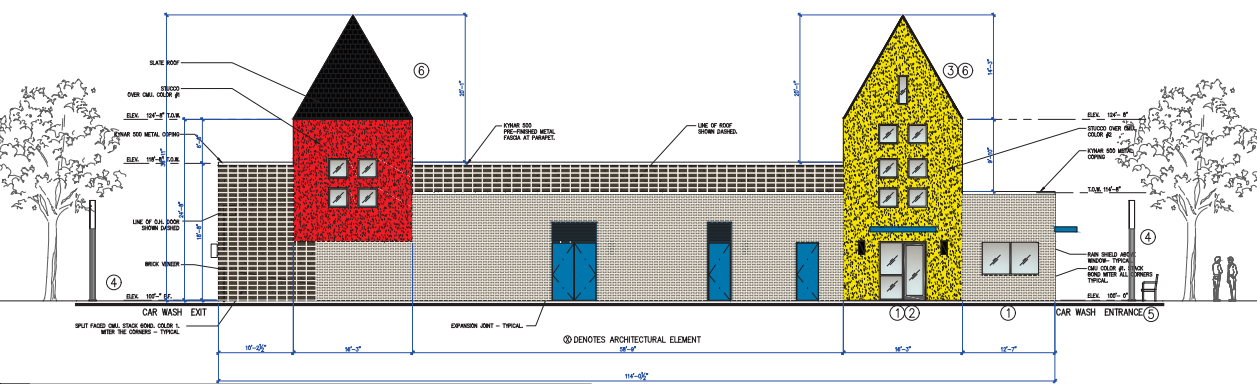
METAL LOUVER/AINING OR OTHER PROVIDED

WALL MATERIAL CALCULATIONS IN SQUARE FEET:

FACADE	NET TOTAL	MASONRY	BRICK VENEER	STUCCO	SPLIT FACED	METAL LOUVER/AINING OR OTHER PROVIDED
NORTH (ARAPAHO)	2095	1678	961 (45.8%)	646 (30.8%)	418 (20.0%)	70 (3.3%)
SOUTH (REAR)	1756	1405	295 (16.8%)	296 (16.9%)	1086 (61.8%)	79 (4.5%)
EAST (LEFT)	612	480	89 (14.5%)	228 (37.3%)	231 (37.8%)	64 (10.4%)
WEST (RIGHT)	615	482	193 (31.4%)	202 (32.8%)	165 (26.8%)	55 (9.0%)

ARCHITECTURAL ELEMENTS:

1) AWNINGS OR CANOPIES	5) BENCHES
2) RECESSED ENTRY	6) VARIED ROOF
3) CARLED WINDOWS	
4) DISTINCTIVE LIGHT FIXTURES	



4 NORTH ELEVATION - ARAPAHO ROAD 1/8" = 1'-0"

1 02.18.19
SUP SUBMITTAL
2 03.06.19
SUP SUBMITTAL #2
3 03.26.19 SUB #3
#1901
REGISTERED ARCHITECT
STATE OF TEXAS

DEVELOPER
LV380 ENTERPRISES, LLC
4210 LAUREN LANE
GARLAND, TEXAS 75343
CONTACT: CUONG LAM 214.679.3288

NEW EXPRESS CARWASH
GARLAND EXPRESS CAR WASH

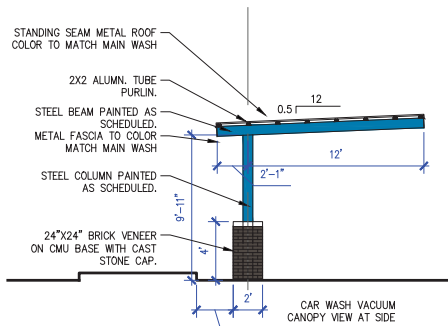
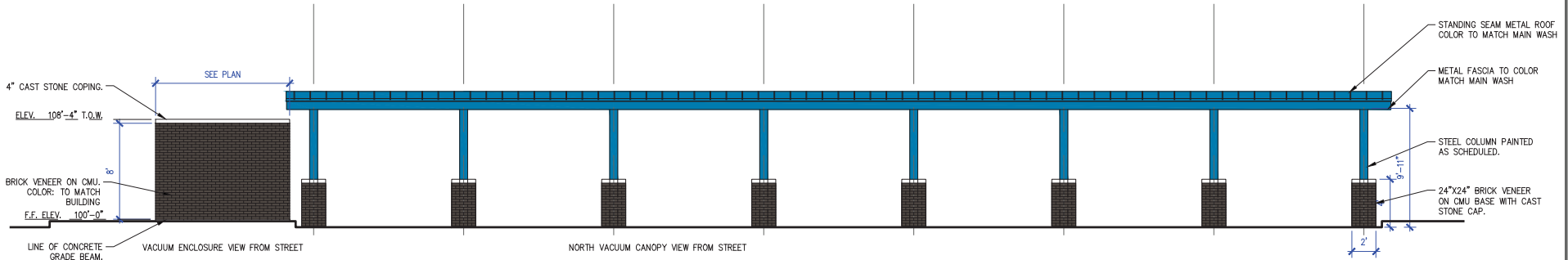
2820 ARAPAHO ROAD GARLAND, TEXAS 75044
LOT 4 BLOCK 1 OF THE LT 1/2 SECTION GARLAND, TARRANT COUNTY TEXAS

EURHYTHMIC DESIGN GROUP ARCHITECTS
V. G. JARRARD A.I.A.
11700 PRESTON ROAD SUITE 660 DALLAS, TX 75230
Tel 214.561.1834 Fax 214.726.1211 email vjarrard@eug-architects.com
ARCHITECTURE • ART • INTERIOR ARCHITECTURE • FURNITURE DESIGN

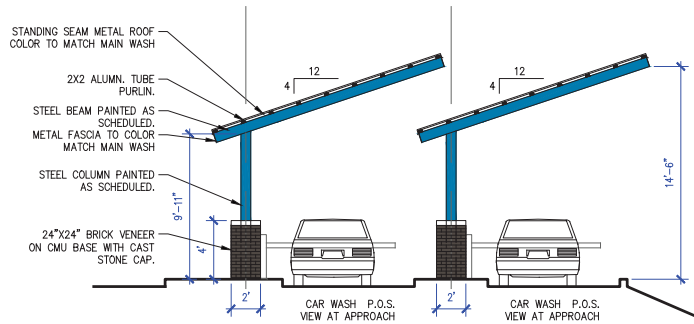


GARLAND EXPRESS CAR WASH
2820 ARAPAHO ROAD & N. SHILOH
LOT 4 BLOCK 1 OF THE LT 1/2 ADDITION
FILE NO. 2 19-06/ CASE NUMBER 181129-2
OWNER INFORMATION:
ZOYA REAL ESTATE, INC.
3405 SPECTRUM BLVD RICHARDSON, TEXAS 75082
APPLICANT INFORMATION:
TAVACON, LLC
8751 COLLIN WARDENWAY SUITE 104
MCKINNEY, TEXAS 75070
214.781.2218 info@tvacon.com

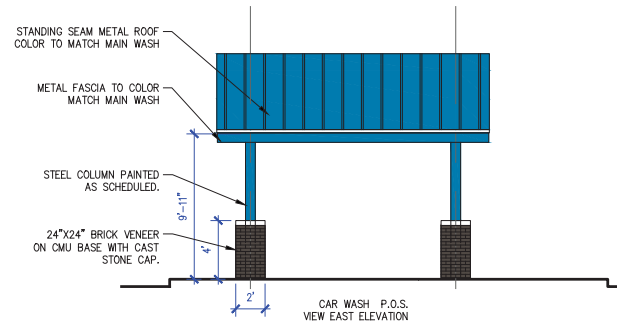
SHEET:
FA-3
3 OF 60/4 SHEETS



1 NORTH VACUUM CANOPY ELEVATIONS – SOUTH SIM. 1/4" = 1'-0"



2 P.O.S. ELEVATIONS 1/4" = 1'-0"



EURYTHMIC
DESIGN GROUP
ARCHITECTS

GARLAND EXPRESS CAR WASH
2820 ARAPAHO ROAD & N. SHILOH
LOT 4 BLOCK 1 OF THE LT 1S ADDITION
FILE NO. 2 19-06/ CASE NUMBER 181129-2
OWNER INFORMATION:
Zoya Real Estate, Inc.
3405 SPECTRUM BLVD RICHARDSON, TEXAS 75082

APPLICANT INFORMATION:
TAVACON, LLC
8751 COLLIN MCKINNEY PKWY SUITE 104
MCKINNEY, TEXAS 75070
214.781.2218 lms@tavocon.com

1	02.18.19
2	SUP SUBMITTAL
3	03.06.19
4	SUP SUBMITTAL #2
5	03.06.19 SUB #3



DEVELOPER
LV380 ENTERPRISES, LLC
4210 LAUREN LANE
GARLAND, TEXAS 75043
CONTACT: CUONG LAM 214.679.3288

GARLAND EXPRESS CAR WASH

2820 ARAPAHO ROAD GARLAND, TEXAS 75044
LOT 4 BLOCK 1, OF THE LT 1S ADDITION GARLAND, TARRANT COUNTY TEXAS

EURYTHMIC DESIGN GROUP ARCHITECTS
V. G. JARRARD AIA.
11700 PRESTON ROAD SUITE 660 DALLAS, TX 75230
Tel 214.561.1834 Fax 214.728.1211 email vjarrard@eurythmic.com
ARCHITECTURE • ART • INTERIOR ARCHITECTURE • FURNITURE DESIGN

SHEET:

FA-4

4 OF (6) FA SHEETS



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

Special Meeting

3.

Meeting Date: 05/15/2019

Item Title: 2019 Bond Election

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider an ordinance canvassing the returns and declaring the results of the May 4, 2019 Bond Election.

Formal canvassing of the returns and declaring the results of the May 4, 2019 Bond Election will be conducted. The numbers included in the ordinance for posting of this agenda may change when the ordinance is submitted for approval on Wednesday, May 15, 2019.

Recommendation/Action Requested and Justification

Council is requested to adopt the ordinance canvassing the election results of the May 4, 2019 Bond Election results.

Attachments

Bond Ordinance

ORDINANCE NO. 7059

An Ordinance of the City of Garland, Texas, canvassing the returns and declaring the results of the bond election held May 4, 2019.

WHEREAS, an election was held in the City of Garland, Texas on the 4th day of May, 2019, for the purpose of submitting certain propositions for the issuance of bonds to the resident electors of the City; and

WHEREAS, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and

WHEREAS, the returns of said election have been duly and legally made and submitted to the City Council for canvassing, and a tabulation of the returns for each polling place and for early voting, as canvassed and tabulated by this governing body and shown in **Exhibit A** attached hereto, reflect that the total sum of votes counted "FOR" and "AGAINST" the propositions submitted were as follows:

CITY OF GARLAND, TEXAS PROPOSITION A

THE ISSUANCE OF \$122,250,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS INCLUDING SIDEWALK, ALLEY, AND OTHER TRAFFIC FLOW IMPROVEMENTS AND THE LEVYING OF A TAX IN PAYMENT THEREFOR

"FOR" 4,646 votes

"AGAINST" 1,459 votes

CITY OF GARLAND, TEXAS PROPOSITION B

THE ISSUANCE OF \$51,350,000 GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY FACILITIES AND THE LEVYING OF A TAX IN PAYMENT THEREFOR

"FOR" 3,918 votes

"AGAINST" 2,129 votes

CITY OF GARLAND, TEXAS PROPOSITION C

THE ISSUANCE OF \$47,350,000 GENERAL OBLIGATION BONDS STORM DRAINAGE IMPROVEMENTS AND THE LEVYING OF A TAX IN PAYMENT THEREFOR

“FOR” 4,309 votes

“AGAINST” 1,758 votes

CITY OF GARLAND, TEXAS PROPOSITION D

THE ISSUANCE OF \$117,750,000 GENERAL OBLIGATION BONDS FOR PARKS AND RECREATION FACILITIES AND THE LEVYING OF A TAX IN PAYMENT THEREFOR

“FOR” 3,645 votes

“AGAINST” 2,408 votes

CITY OF GARLAND, TEXAS PROPOSITION E

THE ISSUANCE OF \$21,000,000 GENERAL OBLIGATION BONDS FOR LIBRARY FACILITIES AND THE LEVYING OF A TAX IN PAYMENT THEREFOR

“FOR” 3,779 votes

“AGAINST” 2,273 votes

CITY OF GARLAND, TEXAS PROPOSITION F

THE ISSUANCE OF \$46,000,000 GENERAL OBLIGATION BONDS FOR ECONOMIC DEVELOPMENT PROJECTS WITHIN THE CITY AND THE LEVYING OF A TAX IN PAYMENT THEREFOR

“FOR” 3,379 votes

“AGAINST” 2,629 votes

CITY OF GARLAND, TEXAS PROPOSITION G

THE ISSUANCE OF \$6,000,000 GENERAL OBLIGATION BONDS FOR IMPROVEMENTS TO EXISTING MUNICIPAL FACILITIES AND THE LEVYING OF A TAX IN PAYMENT THEREFOR

“FOR” 3,337 votes

“AGAINST” 2,680 votes

CITY OF GARLAND, TEXAS PROPOSITION H

THE ISSUANCE OF \$12,000,000 GENERAL OBLIGATION BONDS FOR ANIMAL SHELTER AND CONTROL FACILITIES AND THE LEVYING OF A TAX IN PAYMENT THEREFOR

“FOR” 4,065 votes

“AGAINST” 2,012 votes

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

SECTION 1: All of the recitals contained in the preamble of this ordinance are found to be true and are adopted as findings of fact by this governing body and as part of its judgment.

SECTION 2: It is further found and determined that the results of the election are as canvassed and tabulated in the preamble hereof and as summarized in **Exhibit A** attached hereto, and, a majority of the resident qualified electors voting at said election having voted in favor of the propositions, the City Council is hereby declared to be authorized and empowered to issue the bonds on behalf of the City in the amount and for the purposes stated in said propositions, all as more fully set forth and identified above and in the proceedings calling said election.

SECTION 3: The City Secretary is hereby authorized and directed to make the appropriate entries of information appearing in the tabulation of precinct results shown in **Exhibit A** attached hereto in the election register maintained by the City in accordance with provisions of Section 67.004(b) and Section 67.006 of the Election Code.

[remainder of page intentionally left blank]

PASSED AND APPROVED, this the 15th day of May, 2019.

CITY OF GARLAND, TEXAS

Lori Barnett Dodson, Mayor

ATTEST:

Eloyce René Dowl, City Secretary

(City Seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

SUMMARY OF TABULATION OF VOTES RE: SPECIAL BOND ELECTION HELD MAY 4, 2019

The Official Canvass Report is hereby incorporated by reference for all purposes, a copy of which is on file with the City Secretary's office and a summary of which is set forth below.

[SEE ATTACHED.]



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

Special Meeting

4.

Meeting Date: 05/15/2019

Item Title: Amendment to the 2019 Capital Improvement Program

Summary of Request/Problem

Council will vote on an amendment to the Adopted 2019 Capital Improvement Program in order to authorize the immediate start of selected projects approved by voters in the 2019 Bond Program.

An ordinance will be prepared based on Council discussions and direction at the Monday, May 13th Council Retreat and Wednesday, May 15th Special Meeting.

Recommendation/Action Requested and Justification

Council discussion.



GARLAND POLICY REPORT

Special Meeting

5.

Meeting Date: 05/15/2019

Item Title: Consider an Ordinance to Issue Tax Notes Series 2019A

Submitted By: Matt Watson, Finance Director

Strategic Focus Areas: Sound Governance and Finances

ISSUE

Consider an ordinance authorizing the issuance of tax notes totaling \$9,530,000.

OPTIONS

1. Approve an ordinance to authorize the issuance of tax notes.
2. Do not approve the issuance of tax notes.

BACKGROUND

The City dedicates a portion of its property tax revenues to repay debt incurred for bond-funded improvements. On May 4, 2019, voters authorized the City to issue \$423.7 million in General Obligation (GO) Bonds to fund various projects and programs. The City Council has indicated the desire for an immediate start and rapid implementation of these voter-approved bond-funded projects with completion achieved within 7 to 10 years. In order to meet this schedule, the Council has indicated that a tax rate increase will be considered in FY 2019-20. Based on the most recent tax base information and the above mentioned implementation schedule, it is projected that a tax rate increase of 6.5 cents will be required to cover the entire 2019 Bond Program and remaining projects from the 2004 Bond Program.

In addition, the City utilizes commercial paper notes as an interim financing tool for construction of voter-approved bond projects. Commercial Paper typically carries a low interest rate than long-term debt, and principal payments are not made until the debt is rolled over into long-term General Obligation Bonds (historically this occurs every three years). In most years, savings generated from the Commercial Paper Program provide the City with the ability to issue a Short-Term Tax Note. Proceeds from Tax Notes have become an important funding source for the City's annual Street Reconstruction and Improvement Program, which totals \$27.2 million in FY 2018-19. In addition, tax notes allow the City to manage the debt service tax rate and fund capital improvements without increasing the City's long-term debt burden.

CONSIDERATION

Tax Note, Series 2019A will add an additional \$9,530,000 of debt service cost to next years operating budget, which is equivalent to a 6.5 cents increase in the debt service tax rate. While an additional Tax Note, Series 2019B is anticipated to be required in September to manage fluctuations in the tax base, approval of this ordinance will set the stage for City Council to increase the debt service tax rate 6.5 cents on October 1, 2019 to fund the 2019 Bond Program and remaining 2004 Bond projects.

Attachments

DRAFT Tax Note Ordinance

ORDINANCE NO. _____

AN ORDINANCE authorizing the issuance of "CITY OF GARLAND, TEXAS, TAX NOTES, SERIES 2019A"; specifying the terms and features of said notes; levying a continuing direct annual ad valorem tax for the payment of said notes; and resolving other matters incident and related to the issuance, sale, payment, and delivery of said notes, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Letter; and providing an effective date.

WHEREAS, pursuant to Texas Government Code, Chapter 1431, as amended, the City Council of the City of Garland, Texas (the "City") is authorized and empowered to issue anticipation notes to pay contractual obligations to be incurred (i) for the construction of any public work; (ii) for the purchase of materials, supplies, equipment, machinery, buildings, lands and rights-of-way for the City's authorized needs and purposes; and (iii) for professional services rendered in relation to such projects and purposes and the financing thereof; and

WHEREAS, in accordance with the provisions of Texas Government Code, Chapter 1431, as amended, the City Council hereby finds and determines that anticipation notes should be issued and sold at this time to finance the costs of paying contractual obligations to be incurred for (i) constructing and improving streets and alleyways within the City, including related traffic signalization, signage, sidewalks, streetscaping, landscaping and drainage improvements, the relocation of utilities affected by such street improvements and the acquisition of rights-of-way therefor; (ii) acquiring, constructing, renovating, Improving and equipping municipal facilities; (iii) improving and equipping the Firewheel golf course and (iv) professional services rendered in relation to such projects and purposes and the financing thereof; now, therefore,

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

SECTION 1: Authorization - Designation - Principal Amount - Purpose. Notes of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$9,530,000, to be designated and bear the title "CITY OF GARLAND, TEXAS, TAX NOTES, SERIES 2019A" (hereinafter referred to as the "Notes"), for the purpose of paying contractual obligations to be incurred for (i) constructing and improving streets and alleyways within the City, including related traffic signalization, signage, sidewalks, streetscaping, landscaping and drainage improvements, the relocation of utilities affected by such street improvements and the acquisition of rights-of-way therefor; (ii) acquiring, constructing, renovating, Improving and equipping municipal facilities; (iii) improving and equipping the Firewheel golf course and (iv) professional services rendered in relation to such projects and purposes and the financing thereof, in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1431 as amended.

SECTION 2: Fully Registered Obligations - Note Date - Authorized Denominations - Stated Maturity - Interest Rate. The Notes shall be issued as fully registered obligations only, shall be dated May 1, 2019 (the "Note Date"), shall be in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof, and shall become due and payable on August 15, 2020 (the "Stated Maturity").

The Notes shall bear interest on the unpaid principal amounts from the date of delivery to the initial purchaser (anticipated to be June 12, 2019) at the rate of _____% per annum. The amount of interest to be paid on the Notes shall be computed on the basis of a 360-day year of

twelve 30-day months and such interest shall be payable on February 15, 2020, May 15, 2020 and at maturity on August 15, 2020 or upon prior redemption.

SECTION 3: Terms of Payment - Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Notes, due and payable by reason of maturity or otherwise, shall be payable only to the registered owners or holders of the Notes (hereinafter called the "Holders") appearing on the registration and transfer books 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 _____, _____, Texas to serve as Paying Agent/Registrar for the Notes is hereby approved and confirmed. Books and records relating to the registration, payment, transfer, and exchange of the Notes (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, as provided herein and 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 authorized to execute and deliver such Agreement in connection with the delivery of the Notes. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Notes are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank or trust company organized under the laws of the State of Texas or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar for the Notes. Upon any change in the Paying Agent/Registrar for the Notes, 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 Notes shall be payable at the Stated Maturity, only upon presentation and surrender of the Notes to the Paying Agent/Registrar at its designated offices, initially in Dallas, Texas, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Notes 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 each interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent 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 Notes shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where either the Paying Agent/Registrar or the Designated Payment/Transfer Office is located are authorized by law or executive order to be closed, 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 be closed; 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 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 Notes shall be subject to redemption prior to maturity, at the option of the City, in whole or in part, on February 15, 2020 and on any date thereafter, at the redemption price of par plus accrued interest to the date of redemption.

(b) Exercise of Redemption Option. At least ten (10) days prior to a redemption date for the Notes (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 the Notes and the date of redemption therefor. The decision of the City to exercise the right to redeem Notes shall be entered in the minutes of the governing body of the City.

(c) Notice of Redemption. Not less than three (3) days prior to a redemption date for the Notes, 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, or by such other method as the Paying Agent/Registrar shall deem appropriate and effective, to each Holder of the Notes to be redeemed in whole 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.

(d) Conditional Notice of Redemption. With respect to any optional redemption of the Notes, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Notes 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 Notes and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Notes have not been redeemed.

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

SECTION 5: Registration - Transfer - Exchange of Notes - Predecessor Notes. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each and every Holder of the Notes issued under and pursuant to the provisions of this Ordinance, or if appropriate, the nominee thereof. Any Note may be transferred or exchanged for Notes of other authorized denominations by the Holder, in person or by his or her duly

authorized agent, upon surrender of such Note 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 or her duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender of any Note 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 Notes of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Note or Notes surrendered for transfer.

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

All Notes issued in any transfer or exchange of Notes 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 Notes surrendered in such transfer or exchange.

All transfers or exchanges of Notes 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.

Notes cancelled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Notes," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Note or Notes registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Notes" shall include any mutilated, lost, destroyed, or stolen Note for which a replacement Note has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 10 hereof and such new replacement Note shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Note.

SECTION 6: Execution - Registration. The Notes 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 signature of said officers on the Notes shall be manual or facsimile. Notes bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Note 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 Notes to the initial purchaser(s) and with respect to Notes delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Note shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Note either a certificate of registration

substantially in the form provided in Section 8C, 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 in the form provided in Section 8D, manually executed by an authorized officer, employee, or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Note shall be conclusive evidence, and the only evidence, that such Note has been duly certified, registered, and delivered.

SECTION 7: Initial Note. The Notes herein authorized shall be initially issued as a single fully registered note in the total principal amount referenced in Section 1 hereof, with the principal amount to become due and payable as provided in Section 2 hereof and numbered T-1 and, the Initial Note shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Note shall be the Note 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 Note, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Note delivered hereunder and exchange therefor definitive Notes of authorized denominations, Stated Maturity, principal amounts and bearing the interest rate 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 8: Forms.

A. Forms Generally. The Notes, 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 Notes, 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 Notes, 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 Notes as evidenced by their execution. Any portion of the text of any Note may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Note.

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

B. Form of Note.

REGISTERED
NO. [R-1] [T-1]

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF GARLAND, TEXAS
TAX NOTES
SERIES 2019A

Note Date:
May 1, 2019

Stated Maturity:
August 15, 2020

Initial Delivery Date:
June 12, 2019

Registered Owner:

Principal Amount:

The City of Garland (hereinafter referred to as the "City"), a body corporate and political subdivision 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 (the "Registered Owner"), or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been redeemed prior to maturity) and to pay interest on the unpaid principal amount hereof from the initial date of delivery stated above (unless this Note is transferred or assigned, then interest shall be paid from the date of such transfer or assignment, which date shall be clearly indicated on the Note) at the rate of _____% per annum. The amount of interest to be paid on the Notes shall be computed on the basis of a 360-day year of twelve 30-day months and such interest shall be payable on February 15, 2020, May 15, 2020 and at maturity on August 15, 2020 or upon prior redemption.

Principal of this Note is payable at its Stated Maturity or upon its prior redemption to the Registered Owner hereof, upon presentation and surrender, at the _____, _____ office (the "Designated Payment/Transfer Office") of _____, _____, _____ (the "Paying Agent/Registrar"). Interest is payable to the Registered Owner of this Note (or one or more Predecessor Notes, 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 each interest payment date, 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. All payments of principal of, premium, if any, and interest on this Note shall be without exchange or collection charges to the Registered 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. If the date for the payment of the principal of or interest on the Notes shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where either the Paying Agent/Registrar or the Designated Payment/Transfer Office is located are authorized by law or executive order to be closed, 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 be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

The Notes shall be subject to redemption prior to maturity, at the option of the City, in whole or in part, February 15, 2020 and on any date thereafter, at the redemption price of par plus accrued interest to the date of redemption.

At least ten (10) days prior to a redemption date for the Notes (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 Notes and the date of redemption therefor. The decision of the City to exercise the right to redeem Notes shall be entered in the minutes of the governing body of the City.

Not less than three (3) days prior to a redemption date for the Notes, 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 the Notes to be redeemed in whole 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 Notes, (ii) identify the Notes to be redeemed, (iii) state the redemption price, (iv) state that the Notes shall become due and payable on the redemption date specified, and the interest thereon shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Notes shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender of the Notes. If a Note is subject by its terms to prior redemption and has been called for redemption and notice of redemption has been duly given as hereinabove provided, such Note 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 Note at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

With respect to any optional redemption of the Notes, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Notes 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 Notes and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Notes have not been redeemed.

This Note is one of the series specified in its title issued in the aggregate principal amount of \$12,225,000 (herein referred to as the "Notes") for the purpose of paying contractual obligations to be incurred for (i) constructing and improving streets and alleyways within the City, including related traffic signalization, signage, sidewalks, streetscaping, landscaping and drainage improvements, the relocation of utilities affected by such street improvements and the acquisition of rights-of-way therefor; (ii) acquiring, constructing, renovating, Improving and equipping municipal facilities; (iii) improving and equipping the Firewheel golf course and (iv) professional services rendered in relation to such projects and purposes and the financing thereof, under and in strict conformity with the Constitution and laws of the State of Texas and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Notes are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. 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 or Holder of this Note by the acceptance hereof hereby assents, for definitions of terms; the provisions relating to an adjustment in interest rate; the description of and the nature and extent of the tax levied for the payment of the Notes; the terms and conditions relating to the transfer or exchange of this Note; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Registered Owners or Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Note may be discharged at or prior to its Stated Maturity, and deemed to be no longer Outstanding thereunder; and for other

terms and provisions contained therein. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Note, 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 Notes 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 Note as the owner entitled to payment of 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 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 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 declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Notes 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 Notes 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 Notes 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 Notes by the levy of a tax as aforestated. In case any provision in this Note shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Note 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 Note to be duly executed under the official seal of the City as of the Note Date.

CITY OF GARLAND, TEXAS

Mayor

COUNTERSIGNED:

City Secretary

(SEAL)

- C. Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Note only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER
OF PUBLIC ACCOUNTS

THE STATE OF TEXAS

(
(
(REGISTER NO. _____
(

I HEREBY CERTIFY that this Note 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)

- D. Form of Certificate of Paying Agent/Registrar to appear on Definitive Notes only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Note has been duly issued and registered under the provisions of the within-mentioned Ordinance; the note or notes 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 corporate office of the Paying Agent/Registrar in _____, _____ is the Designated Payment/Transfer Office for this Note.

_____ BANK, N.A.,
_____, Texas
as Paying Agent/Registrar

Registration Date: _____

By: _____
Authorized Signature

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 Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Note 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 Note in every particular.

SECTION 9: Levy of Taxes. To provide for the payment of the "Debt Service Requirements" of the Notes, being (i) the interest on the Notes and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount is the greater), there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, and such tax hereby levied on each one hundred dollars' valuation of taxable property in the City for the Debt Service Requirements of the Notes shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Notes while Outstanding; full allowance being made for delinquencies and costs of collection; separate books and records relating to the receipt and disbursement of taxes levied, assessed, and collected for and on account of the Notes shall be kept and maintained by the City at all times while the Notes are Outstanding, and the taxes collected for the payment of the Debt Service Requirements on the Notes shall be deposited to the credit of a "Special 2019 Note Account" (the "Interest and Sinking Fund") maintained on the records of the City and deposited in a special fund maintained at an official depository of the City's funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Notes.

The Mayor, City Manager, Finance Director and City Secretary, individually or jointly, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Notes, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Notes as the same accrues or matures; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Notes.

The City has sufficient current funds available and such funds are hereby appropriated to make the payments to become due on the Notes on February 15, 2020, May 15, 2020 and August 15, 2020, and the Mayor, Mayor Pro Tem, City Manager, Finance Director and City Secretary of the City, individually or jointly, are hereby authorized and directed to transfer and deposit in the

Interest and Sinking Fund such amount of current funds which will be sufficient to pay the amounts to become due on the Notes on February 15, 2020, May 15, 2020 and August 15, 2020.

SECTION 10: Mutilated, Destroyed, Lost and Stolen Notes. In case any Note shall be mutilated, or destroyed, lost, or stolen, the Paying Agent/Registrar may execute and deliver a replacement Note of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Note, or in lieu of and in substitution for such destroyed, lost, or stolen Note, only upon the approval of the City and after (i) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss, or theft of such Note, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution, and delivery of a replacement Note shall be borne by the Holder of the Note mutilated, or destroyed, lost, or stolen.

Every replacement Note issued pursuant to this Section shall be a valid and binding obligation and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Notes; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Notes.

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 Notes.

SECTION 11: Satisfaction of Obligation 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 Notes, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Notes 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 (i) money sufficient to pay in full such Notes or the principal amount(s) thereof at the Stated Maturity, together with all interest due thereon, shall have been irrevocably deposited with and held by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting 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 Notes, 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 Notes to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Notes, 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 Notes and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Notes 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, including Title 6 of the Texas Property Code, as amended.

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 Notes under the then applicable laws of the State of Texas.

SECTION 12: Ordinance a Contract - Amendments - Outstanding Notes. 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 Note remains Outstanding except as permitted in this Section. 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 consent of Holders holding a majority in aggregate principal amount of the Notes 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 Notes, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Notes, 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 Notes, (2) give any preference to any Note over any other Note, or (3) reduce the aggregate principal amount of Notes required to be held by Holders for consent to any such amendment, addition, or rescission.

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

- (1) those Notes cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;
- (2) those Notes deemed to be duly paid by the City in accordance with the provisions of Section 11 hereof; and
- (3) those mutilated, destroyed, lost, or stolen Notes which have been replaced with Notes registered and delivered in lieu thereof as provided in Section 10 hereof.

SECTION 13: 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 Notes 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 Notes.

“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 Notes are invested and which is not acquired to carry out the governmental purposes of the Notes.

“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 Notes. 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 Notes 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 Note 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 Note, 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 Notes:

(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 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 Notes 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 Notes 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 Notes 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 Notes.

(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 Notes 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) 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 (6) years after the day on

which the last outstanding Note is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Notes 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 Notes until six (6) years after the final Computation Date.

(3) As additional consideration for the purchase of the Notes 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, other appropriate fund, or if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Notes 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 rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Notes, 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 Notes not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, City Manager and Finance Director, individually or jointly, 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 Notes, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

Upon the occurrence of any event arising from an action or inaction of the City which has the result that, under the Code and/or the Regulations, all or any portion of the interest on the Notes is or becomes includable in the gross income of a holder or former holder of the Notes, then the City shall pay to such holder or former holder such past and future amounts as are needed to provide the same after-tax yield as would have been due to such holder or former holder on the Notes prior to the occurrence of such event.

SECTION 14: Sale of the Notes - Purchase Agreement. The offer of _____ and its successors and assigns (herein referred to as the "Purchasers") to purchase the Notes in accordance with the Purchase Letter, dated as of May 15, 2019, attached hereto as **Exhibit B** and incorporated herein by reference as a part of this Ordinance for all purposes is hereby accepted, and the sale of the Notes to said Purchasers is hereby approved and authorized and determined to be in the best interest of the City. The Mayor is hereby authorized and directed to execute said Purchase Letter for and on behalf of the City and as the act and deed of this Council, and in regard to the approval and execution of the Purchase Letter, the Council hereby finds, determines, and declares that the representations, warranties, and agreements of the City contained in the Purchase Letter are true and correct in all material respects and shall be honored and performed by the City.

There is no Official Statement or other offering document relating to the Notes.

SECTION 15: Control and Custody of Notes. The Mayor 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 production or printing and supply of definitive Notes, and shall take and have charge and control of the Initial Note pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts, and the delivery thereof to the initial purchasers.

Furthermore, the Mayor, City Manager, Finance Director and City Secretary, any one or more of said officials, are hereby authorized and directed to furnish and execute such documents and certifications relating to the City and the issuance of the Notes, including certifications as to facts, estimates, circumstances and reasonable expectations pertaining to the use, expenditure and investment of the proceeds of the Notes, as may be necessary for the approval of the Attorney General, the registration by the Comptroller of Public Accounts, and the delivery of the Notes to the Purchasers, and, together with the City's financial advisor, bond counsel and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Note to the Purchasers and the initial exchange thereof for definitive Notes.

SECTION 16: Proceeds of Sale. The proceeds of sale of the Notes, excluding the amounts designated to pay the costs of issuance of the Notes, shall be deposited in a construction fund maintained at a City depository bank. Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in legally authorized investments, and any investment earnings realized shall be expended for such authorized projects and purposes or deposited in the Interest and Sinking Fund as shall be determined by the City Council. Any excess Note proceeds, including investment earnings, remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Interest and Sinking Fund or another fund created for the payment of the Notes.

SECTION 17: 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 in which 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 Notes. 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 18: Cancellation. All Notes 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 Notes previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Notes so delivered shall be promptly cancelled by the Paying Agent/Registrar. All cancelled Notes held by the Paying Agent/Registrar shall be returned to the City.

SECTION 19: Legal Opinion. The Purchasers' obligation to accept delivery of the Notes is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Bond Counsel to the City, approving the Notes as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for the Notes. An executed counterpart of said opinion is hereby authorized to be printed on or attached to the definitive Notes.

SECTION 20: 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 21: 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 22: 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 of the Notes. In addition, prior to the initial delivery of the Notes, 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 the 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 Notes by the Attorney

General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. 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 23: 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 24: Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 25: 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 26: 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 and the application thereof to other circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 27: 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 28: Effective Date. This Ordinance shall take effect and be in force immediately from and after its passage in accordance with Texas Government Code, Section 1201.028, as amended, and it is so ordained.

[Remainder of page intentionally left blank]

PASSED AND ADOPTED, this May 15, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT B
PURCHASE LETTER



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

Special Meeting

6.

Meeting Date: 05/15/2019

Item Title: General Election Canvass

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council is requested to consider an ordinance canvassing the results of a General Election held for the purpose of electing a Mayor and candidates to the Office of City Council of the City of Garland, Texas, for an election having been held on May 4, 2019 and declaring the results of that election. The numbers in the ordinance posted in this agenda may change when the ordinance is submitted for approval on Wednesday, May 15, 2019.

Formal canvassing of the returns and declaring the results of the May 4, 2019 General Election held for the purpose of electing a Mayor and candidates to the Office of the City Council of the City of Garland for Districts 3, 6, 7 and 8.

Recommendation/Action Requested and Justification

Council is requested to adopt the ordinance canvassing the May 4, 2019 election results.

Attachments

General Election Ordinance

ORDINANCE NO. 7061

AN ORDINANCE CANVASSING THE RESULTS OF A GENERAL ELECTION TO ELECT CANDIDATES TO THE OFFICE OF MAYOR AND MEMBERS OF CERTAIN SINGLE-MEMBER CITY COUNCIL POSITIONS OF THE CITY OF GARLAND, TEXAS, AND RELATING TO A PROPOSITION AUTHORIZING THE SALE OF BUNKER HILL PARK; THE ELECTION HAVING BEEN HELD ON MAY 4, 2019; DECLARING THE RESULTS OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 15th of May, 2019, such date being within the time prescribed by law for the canvassing of election results at an election called by a municipality, the City Council canvassed the results of:

A general election to elect candidates to the office of Mayor and members of certain single-member City Council positions of the City of Garland, Texas, and a proposition authorizing the sale of Bunker Hill Park;

The election having been held on the 4th of May, 2019; the election having been duly ordered by the City Council under the authority of the Constitution and laws of the State; and

WHEREAS, the City Council has determined that the election officials of the voting districts of the City have, in compliance with the law, made returns to the City Council in the time and manner required; and the City Council having canvassed the votes from each of those districts does find the total number of votes cast for each candidate as follows:

NAME OF CANDIDATE	TOTAL VOTES	PERCENTAGE OF VOTES
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MAYOR

Scott LeMay	4,638	100%
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COUNCILMEMBER, DISTRICT 3

Jerry Nickerson	670	53.82%
Stephen Stanley	575	46.018%

COUNCILMEMBER, DISTRICT 6

Robert Vera	242	64.02%
Patrick Abell	136	35.98%

COUNCILMEMBER, DISTRICT 7

Dylan Hedrick	506	100%
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COUNCILMEMBER, DISTRICT 8

Robert Smith	784	100%
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PROPOSITIONS

For

Against

PROPOSITION A-1	4,378	1,572
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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That, having canvassed the results of the general election, the City Council determines that the following candidates were elected to the following positions and are hereby declared elected to office, subject to the taking of the oath of office as prescribed by the Texas Constitution:

MAYOR

Scott LeMay

COUNCILMEMBER DISTRICT 3

Jerry Nickerson

COUNCILMEMBER, DISTRICT 6

Robert Vera

COUNCILMEMBER, DISTRICT 7

Dylan Hedrick

COUNCILMEMBER, DISTRICT 8

Robert Smith

Section 2

That, having canvassed the results of the election, the City Council determines that the following proposition was duly approved by a majority of the voters in the election:

PROPOSITION A-1 (Authorizing the sale of Bunker Hill Park)

Section 3

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

PASSED AND APPROVED this 15th day of May, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary