GARLAND

AGENDA

REGULAR MEETING OF THE CITY COUNCIL
City of Garland

REMOTE MEETING

Tuesday, March 2, 2021
7:00 p.m.

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

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

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

https://garlandtx.zoom.us/webinar/register/WN_WdclJ-JbQjOq-9PoO8NWgA

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

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

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

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

The Meeting ID is: 964 5970 0137

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

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

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

COUNCIL HOUSE RULES

1. Decisions based on issues, goals and vision.

2. Do not take things personal.

3. Project a positive attitude.

4. Focus on issues, not on the person.

5. Be prepared to discuss issues.

6. Maintain decorum.

7. Keep your sense of humor.

8. Honor and respect each other; accept each other as individuals.

9. Follow goals, principles and action agenda.

10. Decide, vote and move on.

11. Avoid ambushes - Council or staff.

12. Talk to staff before meetings.

13. Vote our convictions, but be willing to compromise *"What is best for Garland."*

14. Follow Roberts Rules of Order consistently.

15. Agree to disagree.

16. Be open and honest.

LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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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 February 23, 2021 Regular Meeting.

2. Consider approval of the following bids:

a. Central Library Design Services **Bid No. 0493-21**

720 Design, Inc. **$982,896.00**

This request is to obtain professional architectural and engineering design services and construction administration services for improvements to the Central Library.

b. TMPA Keith Switch to Steep Hollow 138kV Transmission Line Rebuild Engineering Design Services **Bid No. 0479-20**

M&S Engineering, LLC **$75,990.00**

This request is to approve a Change Order for M&S Engineering, LLC, to provide LiDAR services.

c. GP&L and TMPA Transmission Right-of-Way Chemical Treatment **Bid No. 0536-21**

Chemical Weed Control **$300,000.00**

This request is to obtain bare-ground chemical treatment services for GP&L and TMPA Transmission Right-of-Way (ROW). This approval is for a Term Agreement with four optional renewals.

d. Daytona and Woodmere Drive Water and Wastewater Main Replacement **Bid No. 0373-21**

Aushill Construction, LLC	**$570,499.00**
Optional Contingency	**57,049.90**
TOTAL:	**$627,548.90**

This request is to replace approximately 1,400 linear feet of existing water and sanitary sewer mains on Daytona Drive from Bobtown Road to Sarasota Drive and on Woodmere Drive from Heather Glen Drive to Rollingridge Lane. An Optional Contingency is included for any additional work that may be required.

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

a. Zoning File No. 20-28, Ephriem Mengstab (District 5)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving a Specific Use Provision for a Truck/Bus Storage Use on a 2.609-acre tract of land zoned Industrial (IN) District and located at 2430 Lonnecker Drive; 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. 20-40, Jack Birdsong (District 3)

Consider an ordinance amending the Garland Development Code of the City of Garland, Texas, by approving 1) an Amendment to Planned Development (PD) District 11-26 for Community Office and Watercraft Sales and Service Use to add Reception Facility Use, 2) a Specific Use Provision for a Reception Facility, and 3) a Detail Plan for a Reception Facility on a 2.413-acre tract of land located at 354 East Interstate Highway 30; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause and a Severability Clause; and providing an effective date.

4. Consider an ordinance authorizing an amendment to the 2020-21 Operating Budget (Budget Amendment No. 2), providing for supplemental appropriation of funds in the General Fund, the Infrastructure Repair & Replacement Fund, the Information Technology Fund, the Information Technology Replacement Fund, the Information Technology Project Fund, the Hotel/Motel Tax Fund, the TIF #1 Fund, the Economic Development Fund, and various funds associated with purchase order encumbrances; and providing an effective date.

At the February 22,2021 Work Session, the City Council reviewed a Policy Report recommending an amendment to the 2020-21 Adopted Budget. The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open Purchase Orders from the 2019-20 fiscal year, and (3) expenditures not anticipated in the 2020-21 Adopted Budget.

5. Consider an ordinance amending Chapter 22, "Health," of the Code of Ordinances of the City of Garland, Texas; amending Section 22.140 by providing definitions; amending the pollution limitations in Section 22.141; amending the permit issuance process in Section 22.144; amending the reporting requirements in Section 22.145; amending a statutory reference in Section 22.147; amending Section 22.148 regarding publication of noncompliance; amending Section 22.149 to add a cease-and-desist remedy; providing that a violation is a misdemeanor punishable by a fine; providing a Savings Clause; providing a Severability Cluase; and providing an effective dated.

At the February 22, 2021 Work Session, Council considered an amendment to Chapter 22, Article VIII, "Industrial Wastes" to incorporate the Streamlining Rule and to adopt redeveloped Technically Based Local Limits (TBLLs) as required by the Texas Commission on Environmental Quality (TCEQ).

6. Consider an ordinance authorizing the issuance of "City of Garland, Texas, Electric Utility System Subordinate Lien Revenue Notes, Taxable Series 2021", pledging the net revenues of the City's electric utility system to the payment of the principal of and interest on said notes; specifying the terms and conditions of such notes; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said notes, including the approval and execution of a Paying Agent/Registrar Agreement and a Note Purchase Agreement; the engagement of consultants; and providing an effective date.

Council is requested to approve an ordinance in substantially the form as attached.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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7. Consider a resolution authorizing the City Manager to execute an Election Services Contract with Dallas County by and through the Dallas County Elections Administrator, and a Joint General and Special Election Services Contract with Collin County by and through the Collin County Elections Administrator; adopting certain designated voting systems for use in the 2021 Garland General Election; and providing an effective date.

Council is requested to approve a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 1, 2021 General Election.

8. Hold public hearings on:

a. Consider a Zoning request by JM Civil Engineering to allow a Gas Station/Convenience Store Use at 4680 North Shiloh Road in District 7

Consideration of the application of JM Civil Engineering, requesting approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

b. Consider a Specific Use Provision request by JM Civil Engineering to allow a Gas Station/Convenience Store Use for a period of twenty-five (25) years. The property is located at 4680 North Shiloh Road in District 7

Consideration of the application of JM Civil Engineering, requesting approval of a Specific Use Provision to allow Fuel Pumps, Retail Use. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

c. Consider a Detail Plan request by JM Civil Engineering for a Gas Station/Convenience Store Use at 4680 North Shiloh Road in District 7

Consideration of the application of JM Civil Engineering, requesting approval of a Detail Plan for Fuel Pumps, Retail Use. This property is located at 4680 North Shiloh Road. (File No. Z 20-35, District 7)

d. Consider a Variance request by Murphy Oil USA to allow an establishment that sells alcoholic beverages to be located less than the minimum required distance from a school. The property is located at 4680 North Shiloh Road in District 7

Consideration of the application of Murphy Oil USA, requesting approval of a Variance to reduce the minimum separation requirement between an establishment that sells or serves alcoholic beverages and a school. This property is located at 4680 North Shiloh Road. (File No. BW 20-02, District 7)

e. Consider a Specific Use Provision request by Baldwin Associates to continue operating a Charter School for a period of ten (10) years. The property is located at 2266 Arapaho Road in District 7

Consideration of the application of Baldwin Associates, requesting approval of a Specific Use Provision to allow a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses. This property is located at 2266 Arapaho Road. (File No. Z 20-43, District 7)

f. Consider a Site Plan request by Baldwin Associates for a Charter School at 2266 Arapaho Road in District 7

Consideration of the application of Baldwin Associates, requesting approval of a Site Plan for a Charter School. This property is located at 2266 Arapaho Road. (File No. Z 20-43, District 7)

g. Consider a Specific Use Provision request by R-Delta Engineers, Inc. to allow an Electric Substation Use for an unlimited time period. The property is located at 2900 Elm Grove Road in District 1

Consideration of the application of R-Delta Engineers, Inc., requesting approval of a Specific Use Provision for an Electric Substation Use on a property zoned Agricultural (AG) District. This property is located at 2900 Elm Grove Road. (File No. Z 20-47, District 1)

h. Consider a Site Plan request by R-Delta Engineers, Inc. for an Electric Substation at 2900 Elm Grove Road in District 1

Consideration of the application of R-Delta Engineers, Inc., requesting approval of a Plan for an Electric Substation. This property is located at 2900 Elm Grove Road. (File No. Z 20-47, District 1)

9. 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.

10. Adjourn.

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

GARLAND

CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda **1.**

Meeting Date: 03/02/2021

Item Title: Minutes February 23

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider approval of the minutes of the February 23, 2021 Regular Meeting.

Recommendation/Action Requested and Justification

Attachments

Minutes February 23

GARLAND

MINUTES

The City Council of the City of Garland convened in regular session at 7 p.m. on Tuesday, February 23, pursuant to Section 551.045, by telephone or internet in Garland, Texas, with the following members present:

Present:	Mayor Scott LeMay
	Mayor Pro Tem Jerry A. Nickerson
	Deputy Mayor Pro Tem Deborah Morris
	Council Member Ricky McNeal
	Council Member B. J. Williams
	Council Member Rich Aubin
	Council Member Robert Vera
	Council Member Dylan Hedrick
	Council Member Robert John Smith
Staff Present:	City Manager Bryan Bradford
	Deputy City Manager Mitch Bates
	Assistant City Manager John Baker
	Assistant City Manager Judson Rex
	City Attorney Brad Neighbor
	City Secretary Eloyce René Dowl

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MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

Motion was made by Council Member B. J. Williams, and seconded by Council Member Ricky McNeal to approve the Consent Agenda as presented. Motion carried:

Vote: 9 - 0

1. APPROVED Consider approval of the minutes of the February 2, 2021 Regular Meeting.

2. Consider approval of the following bids:

a. APPROVED Duck Creek Pedestrian and Bike Bridges Bid No. 0236-21

Home Run Construction, LLC $443,648.31

This request is to reconstruct two low-water crossings and the associated trail segments in the Duck Creek Greenbelt.

b. APPROVED Skatepark Construction in Rick Oden Park Bid No. 1113-17

SPA Skateparks $1,830,000.00

This request is to construct a 40,000-square-foot skatepark in Rick Oden Park in accordance with the concept plan previously approved by Council at the November 19, 2019 Regular City Council Meeting.

c. APPROVED GP&L Overhead Distribution Line Construction Services for Apollo Road Bid No. 0067-21

The L.E. Myers Co.	**$196,576.85**
Optional Contingency	**10,900.00**
TOTAL:	**$207,476.85**

This request is to provide labor and equipment needed to replace six wood poles with self-supporting steel poles, conductor and neutral along Apollo Road. An Optional Contingency is included for any additional work that may be required.

d. APPROVED **GP&L Overhead Distribution Line Construction Services for Belt Line Road** **Bid No. 0173-21**

The L.E. Myers Co.	**$316,610.62**
Optional Contingency	**32,245.00**
TOTAL:	**$348,855.62**

This request is to provide labor and equipment needed to install or replace self-supporting overhead facilities located at Belt Line Road and Glenbrook. An Optional Contingency is included for any additional work that may be required.

e. APPROVED **GP&L Overhead Distribution Relocations for Naaman School Road Surveying and Engineering Services** **Bid No. 0450-21**

R-Delta	**$169,900.00**

This request is to obtain surveying, electrical, civil and structural engineering services for the relocation of approximately 3,810 LF of overhead electrical distribution line and the installation of approximately fifteen tubular steel distribution structures in conjunction with the reconstruction of Naaman School Road.

f. APPROVED **GP&L Newman Substation Modification Construction Services** **Bid No. 1362-20**

Primoris T&D Services, LLC	**$484,974.83**
Optional Contingency	**96,994.97**
TOTAL:	**$581,969.80**

This request is to provide construction services for the upgrade of the GP&L Newman 69kV Substation. An Optional Contingency is included for any additional work that may be required.

g. APPROVED

2018 Paving, Water and Sanitary Sewer Replacement Project - Phase Two — **Bid No. 0947-20**

XIT Paving and Construction, Inc. $253,049.99

This request is to approve a Change Order for the 2018 Paving, Water and Sanitary Sewer Replacement Project - Phase Two.

h. APPROVED

Duck Creek Wastewater Standby Generators Project — **Bid No. 0140-21**

Gracon Construction, Inc. $7,548,300.00

This request is to provide services for construction and installation of new centralized standby generators at the Duck Creek Wastewater Treatment Plant.

i. APPROVED

Meadowcreek Park Paving and Drainage Improvements Construction — **Bid No. 0240-21**

New World Contracting, LLC $1,539,740.00

This request is to provide pavement and drainage improvements to the Meadowcreek Park Subdivision.

j. APPROVED

Police Ammunition Purchase 2020-2021 — **Bid No. 0502-21**

GT Distributers	**$80,801.88**
Precision Delta Corp.	**60,900.00**
TOTAL:	**$141,701.88**

This request is to purchase ammunition for the training of Garland Police Officers in the use of firearms to perform their duties.

k. APPROVED

Spencer Cooling Tower 5 Rebuild — **Bid No. 0518-21**

MasterTech Services, Inc.	**$3,836,369.00**
Optional Contingency	**383,636.90**
TOTAL:	**$4,220,005.90**

This request is for the removal and replacement of Cooling Tower # 5 at the Spencer Plant. An optional contingency is included for any additional work that may be required.

3. **APPROVED** **Resolution No. 10474** of the City Council of the City of Garland, Texas, adopting the 2021 Trails and Bikeways Master Plan; and providing an effective date.

Council adopted a resolution approving the Trails and Bikeways Master Plan.

4. **APPROVED** **Resolution No. 10475** of the City Council of the City of Garland, Texas, requesting an increase in the allocation of COVID-19 vaccine doses for distribution by the Garland/Rowlett/Sachse Vaccination Hub; and providing an effective date.

Council adopted a resolution to the appropriate State officials/agency requesting an increase in the COVID-19 vaccine doses of 1000, currently being allocated for the Garland/Rowlett/Sachse Vaccination Hub administered at Homer B. Jones Stadium, Garland, Texas.

5. **APPROVED** **Minute action approving the Naaman School Road R.O.W. and Land Acquisitions**

Naaman School Road (from Brand to S.H. 78 / Lavon Drive) is currently a two-lane asphalt street. It is being reconstructed to a four-lane divided roadway with curbs, which requires additional land/right-of-way. The Council reviewed and discussed several purchase agreements in Executive Session on February 1, 2021.

6. **APPROVED** **Council authorized the City Manager to execute a Wholesale Wastewater Contract with the City of Sachse**

Since 1994, the City has partnered with the City of Sachse to provide wastewater treatment services. The City of Sachse has requested a renewal to continue these services. This new contract renewal supersedes the existing Wastewater Treatment Contract dated June 8, 1994 and will provide treatment services for twenty years from the effective date.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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7. PUBLIC HEARING HELD: **Hold a Public Hearing on the 2021 Proposed CIP**

A public hearing will be held on the 2021 Proposed Capital Improvement Program (CIP). At the public hearing, all interested persons will be given the opportunity to be heard for or against the Proposed CIP Program. The 2021 Proposed CIP has been available for public inspection in the City's libraries and the City Secretary's Office and has been on the City's website since January 13, 2021.

Mayor LeMay opened the public hearing at 7:05 p.m. There were no speakers on this item. Mayor LeMay closed the public hearing at 7:06 p.m.

8. APPROVED **Consider an ordinance adopting the 2021 Capital Improvement Program**

An ordinance reflecting the 2021 CIP for the City of Garland, as proposed by the City Manager and as amended by the City Council, was prepared based on direction received at the Monday, February 22, 2021 City Council Work Session.

Motion was made by Council Member Williams to adopt the 2021 Capital Improvement Program as amended.

Council Member Aubin opened the discussion regarding clarification on offering amendments to the Capital Improvement Program. Brad Neighbor, City Attorney confirmed that amendments should be stated. Council Member Smith did not offer his amendments at this meeting; City Manager Bradford explained the ordinance could be adopted before final amendments are brought forward by Council Member Smith.

Council Member Aubin offered two amendments:

1. Replacing references to the baseball field at Rick Oden Park to the Marion D. Williams, IV Field
2. Replacing references to the Tennis Center at Tuckerville Park to the Bob Day Tennis Center.

Allyson Bell, Sr. Budget Analyst, presented four amendments to the 2021 Capital Improvement Program:

1. Increase the Production CIP Program by $4,277,000 for the Replacement of Spencer Unit 5 Cooling Tower project.
2. Shift $676,000 in the Residential Program from Current Funds to Revenue Bond/Commercial Paper in 2021.
3. Shift $2,299,000 in the Relocation of Facilities Program from Current Funds to Revenue Bond/Commercial Paper in 2021.
4. Shift $1,302,000 in the Distribution Lines - Overhead Program from Current Funds to Revenue Bond/Commercial Paper in 2021.
5. The Electric 2021 Project Costs increasing by $4,277,000 to $144,850,000.
6. The 2021 CIP Expenditures increasing by $4,277,000 to $431,350,000.
7. The Electric 2021 Debt Issuance increasing by $4,277,000 to $98,797,000.

8. The 2021 CIP Debt Issuance increasing by $4,277,000 to $125,631,000.
9. Increase Project Costs for the Playground Replacement Program in 2022 by $250,000 for Yarborough Park playground replacement. 2022 Tax Note Issuance will be earmarked for this project.
10. Staff received direction to design the Tuckerville Park Development – Tennis Complex for option 3, but to phase construction based on the funding available from the 2004 Bond Program.

Council Member Williams confirmed his motion stands, concurred and seconded by Council Member Aubin. Motion carried:

Vote: 9 ayes, 0 nays adopting Ordinance No. 7198

9. Consider resolutions of Support for Low Income Housing 9% Tax Credit Projects

Council is approved and authorized staff to prepare Resolutions of Support for multifamily developers seeking to apply for 9% Low Income Housing Tax Credit Program administered by the Texas Department of Housing and Community Affairs. Discussions were held during the February 22, 2021 Work Session regarding this item.

Mayor LeMay explained that each project would be considered individually. There was Council discussion on support, opposition or no opposition. Council Members opined on their support or opposition to have more multi-family housing developments.

Speakers on this item were: Jennifer Ernst (citizen), Thomas Huth, Jason Lain, Darren Smith, Brett Johnson and Avis Chaisson (applicants)

Council Member Smith requested Mr. Huth provide information on the auditing process for the developments.

Motion was made by Council Member Smith offering a resolution of support for 1102 N. Shiloh, MVAH Development, seconded by Council Member McNeal. Motion carried:

Vote: 7 ayes, 2 nays (Council Members Aubin and Vera)

Motion was made by Council Member Smith to deny the application for 2301 Forest Lane, Generation Housing, seconded by Council Member Williams. Motion carried:

Vote: 9 ayes, 0 nays

Motion was made by Deputy Mayor Pro Tem Morris offering a resolution of support for 1010 Highway 66, Palladium, seconded by Council Member McNeal. Motion carried:

Vote: 8 ayes, 1 nay (Council Member Aubin)

Motion was made by Deputy Mayor Pro Tem Morris to offer a resolution of support for 701 Dairy Road, Overland Property, seconded by Council Member McNeal. Motion carried:

Vote: 7 ayes, 2 nays (Council Members Williams and Vera)

Motion was made by Council Member Smith to deny the application for 1700-1800 Avenue B, OM Housing, seconded by Deputy Mayor Pro Tem Morris. Motion carried:

Vote: 9 ayes, 0 nays adopted Resolution No. 10475

10. Hold public hearings on:

a. APPROVED **Consider a Specific Use Provision request by Ephriem Mengstab to operate a truck storage establishment. The property is located at 2430 Lonnecker Drive in District 5.**

Consideration of the application of Ephriem Mengstab, requesting approval of a Specific Use Provision for 20 years to allow a Truck/Bus Storage Use on a property zoned Industrial (IN) District. (File No. Z 20-28, District 5)

Mayor LeMay requested to take action on the two related items with one vote; Council Member Aubin concurred.

The staff report was presented by Will Guerin, Director of Planning. Speaker on this item was Ephreim Mengstab, applicant.

There was discussion by the Council.

Motion was made by Council Member Aubin to approve the combined items as presented, seconded by Council Member Vera. Motion carried:

Vote: 9 ayes, 0 nays

b. APPROVED **Consider a Site Plan request by Ephriem Mengstab to operate a truck storage establishment. The property is located at 2430 Lonnecker Drive in District 5.**

Consideration of the application of Ephriem Mengstab, requesting approval of a Site Plan to allow a Truck/Bus Storage Use on a property zoned Industrial (IN) District. (File No. Z 20-28, District 5)

c. APPROVED **Consider a Zoning request by Jack Birdsong to allow a Reception Facility from an existing building. The property is located at 354 East Interstate Highway 30 in District 3.**

Consideration of the application of Jack Birdsong, requesting of an amendment to Planned Development (PD) District 11-26 for Community Office and Watercraft Sales and Service Uses to add Reception Facility Use. (File No. Z 20-40, District 3)

Mayor LeMay requested to take action on all three items with one vote; Mayor Pro Tem Nickerson concurred.

The staff report was presented by Will Guerin, Director of Planning. Speaker on this item was Jack Birdsong.

There was discussion by the Council and background information on the project provided by Mayor Pro Tem Nickerson.

Motion was made by Mayor Pro Tem Nickerson to approve the Zoning request, Specific Use Provision and Detail Plan, seconded by Council Member Williams. Motion carried:

Vote: 9 ayes, 0 nays

d. APPROVED **Consider a Specific Use Provision request by Jack Birdsong to allow a Reception Facility from an existing building. The property is located at 354 East Interstate Highway 30 in District 3.**

Consideration of the application of Jack Birdsong, requesting approval of a Specific Use Provision to allow a Reception Facility Use for 20 years on a property zoned Planned Development (PD) District 11-26 for Community Office and Watercraft Sales and Service Uses. (File No. Z 20-40, District 3)

e. APPROVED **Consider a Detail Plan request by Jack Birdsong to allow a Reception Facility from an existing building. The property is located at 354 East Interstate Highway 30 in District 3.**

Consideration of the application of Jack Birdsong, requesting approval of a Detail Plan for Reception Facility Use on a property zoned Planned Development (PD) District 11-26 for Community Office and Watercraft Sales and Service Uses. (File No. Z 20-40, District 3)

11. **Consider appointments to Boards and Commissions.**

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

APPOINTMENTS: **<u>Council Member B.J. Williams</u>**

- Christine Lumpkin-Bell - Property Standards Board

Council Member presented his appointment; a vote was cast approving the appointment:

Vote: 9 ayes, 0 nays

12. **Citizen comments:** Carl Smith, Jennifer Ernst, Dorothy Brooks, Joshua Garcia, Sandra Martin, Janine Barta and Jason Lain.

13. **Adjourn:** There being no further business to come before the City Council, Mayor LeMay adjourned the meeting at 8:36 p.m.

Submitted By:

_____

Scott LeMay, Mayor

_____

Eloyce René Dowl, City Secretary

GARLAND
PURCHASING REPORT

City Council Regular Session Agenda **2. a.**

Meeting Date: 03/02/2021
Item Title: Central Library Design Services
Submitted By: Rick Galceran, Capital Project Management Director
Bid Number: 0493-21

Purchase Justification:

This request is to obtain professional architectural and engineering design services and construction administration services for improvements to the Central Library. This project is part of the 2019 Bond Program and approved in the 2021 CIP.

Evaluation:

720 Design, Inc., was selected as the Most Qualified firm for this project from RFQ 1146-20.

Award Recommendation:

Vendor	***Item***	***Amount***
720 Design, Inc.	All	$982,896.00
	TOTAL:	**$982,896.00**

Basis for Award: Most Qualified
Purchase Requisition #: 44899

Fiscal Impact

Total Project/Account:	$1,011,000
Expended/Encumbered to Date:	90,840
Balance:	$920,160
This Item:	982,896
Proposed Balance:	$(62,736) *
Account #:	655-1429-1959019-710120

Fund/Dept/Project – Description and Comments:

Library CIP / Modernization/Upgrades to Central Library

* Design will continue into 2022, and additional 2019 Bond funding is included in 2022 for design.

Attachments

Bid Recap

Fiscal Reference:	
Budget Type:	CIP
Fiscal Year:	2021
Document Location:	2021 Proposed CIP - Page 145

Budget Director Approval:	Ron Young	Approval Date:	02/19/2021
Purchasing Director Approval:	Gary L. Holcomb	Approval Date:	02/19/2021

CITY OF GARLAND - BID RECAP SHEET
OPENED:
REQ. NO. PR 44899
BID NO. 0493-21
PAGE: 1 of 1
BUYER: D. Gamero

ITEM	QTY	UNIT	DESCRIPTION	720 Design, Inc. UNIT PRICE	720 Design, Inc. TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	ea	1	Central Library Design Services	$982,896.00	$982,896.00						
			TOTAL GROSS PRICE		$982,896.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$982,896.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

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

IonWave Notifications
IonWave HUBS
Direct Contact HUBS
HUBS Responded

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

GARLAND
PURCHASING REPORT

City Council Regular Session Agenda **2. b.**

Meeting Date: 03/02/2021

Item Title: TMPA Keith Switch to Steep Hollow 138kV Transmission Line Rebuild Engineering Design Services

Submitted By: Steve Martin, Transmission Director

Bid Number: 0479-20

Purchase Justification:

This request is to approve a Change Order for M&S Engineering, LLC, to provide LiDAR services. These additional services will capture and provide accurate and high-resolution survey information as well as account for the elevation of existing structures and other terrain features. A geotechnical investigation will take soil sample data to determine the soil strengths at different depths for the proper design of the structure foundations. This is part of the approved TMPA Steep Hollow to Keith Switch 138kV Transmission Line Rebuild CIP project and will be reimbursed at 100%.

Evaluation:

M&S Engineering, LLC, was awarded the original PO 29905 in the amount of $144,000.00 at the March 3, 2020, City Council Meeting.

Award Recommendation:

Vendor	***Item***	***Amount***
M&S Engineering, LLC	All	$75,990.00
	TOTAL:	**$75,990.00**

Basis for Award: Change Order

Purchase Requisition #: 44869

Fiscal Impact

Total Project/Account: $12,800,000

Expended/Encumbered to Date: 2,483,106

Balance:	$10,316,894
This Item:	75,990
Proposed Balance:	$10,240,904
Account #:	215-3542-3127101-7111

Fund/Dept/Project – Description and Comments:

Electric CIP / TMPA Transmission Lines Program

Attachments

Bid Recap

Fiscal Reference:	
Budget Type:	CIP
Fiscal Year:	2021
Document Location:	2021 Proposed CIP - Page 278

Budget Director Approval:	Ron Young	Approval Date:	02/18/2021
Purchasing Director Approval:	Gary L. Holcomb	Approval Date:	02/18/2021

CITY OF GARLAND - BID RECAP SHEET
OPENED:
REQ. NO. PR 44869
BID NO. 0479-20
PAGE: 1 of 1
BUYER: D. Gamero

ITEM	QTY	UNIT	DESCRIPTION	M&S Endineering LLC UNIT PRICE	M&S Endineering LLC TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	ea	1	Change Order #1 to PO 29905	$75,990.00	$75,990.00						
			TOTAL GROSS PRICE		$75,990.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$75,990.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

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

IonWave Notifications
IonWave HUBS
Direct Contact HUBS
HUBS Responded

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

GARLAND
PURCHASING REPORT

City Council Regular Session Agenda **2. c.**

Meeting Date: 03/02/2021
Item Title: GP&L and TMPA Transmission Right-of-Way Chemical Treatment
Submitted By: Steve Martin, Transmission Director
Bid Number: 0536-21

Purchase Justification:

This request is to obtain bare-ground chemical treatment services for GP&L and TMPA Transmission Right-of-Way (ROW). This approval is for a Term Agreement with four (4) optional renewals. TMPA expenses will be reimbursed at 100%.

Evaluation:

This service will be provided by Chemical Weed Control through an interlocal agreement with the Lower Colorado River Authority (LCRA), Contract 4760.

Award Recommendation:

Vendor	***Item***	***Amount***
Chemical Weed Control	All	$300,000.00
	TOTAL:	**$300,000.00**

Basis for Award: Cooperative Purchase
Purchase Requisition #: 44916

Fiscal Impact

Total Project/Account: N/A
Expended/Encumbered to Date: N/A
Balance: N/A
This Item: $300,000
Proposed Balance: N/A
Account #: 211-3523-7111, 211-3542-7111
Fund/Dept/Project – Description and Comments:

Term Contract sets price but does not commit funds. Expenses will be charged to GP&L Transmission & TMPA Transmission accounts as incurred.

Attachments

Bid Recap

Fiscal Reference:			
Budget Type:	Operating Budget		
Fiscal Year:	2020-21		
Document Location:	Oper. Budget - Page 233		
Budget Director Approval:	Ron Young	Approval Date:	02/19/2021
Purchasing Director Approval:	Gary L. Holcomb	Approval Date:	02/19/2021

CITY OF GARLAND - BID RECAP SHEET
OPENED:
REQ. NO. PR 44916
BID NO. 0536-21
PAGE: 1 of 1
BUYER: T. Dabney

				Chemical Weed Control				.			
ITEM	**QTY**	**UNIT**	**DESCRIPTION**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**
1	1	EA	Transmission Rigt of Way		$300,000.00						
			Chemical Treatment								
			(Interlocal agreement)								
			TOTAL GROSS PRICE		$300,000.00						
			CASH DISCOUNT								
			TOTAL NET PRICE		$300,000.00						
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW: n/a
LOW: n/a
SAVINGS: n/a

n/a # IonWave Notifications
n/a # IonWave HUBS
n/a # Direct Contact HUBS
n/a # HUBS Responded

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

GARLAND
PURCHASING REPORT

City Council Regular Session Agenda **2. d.**

Meeting Date: 03/02/2021

Item Title: Daytona and Woodmere Drive Water and Wastewater Main Replacement

Submitted By: Wes Kucera, Managing Director

Bid Number: 0373-21

Purchase Justification:

This request is to replace approximately 1,400 linear feet of existing water and sanitary sewer mains on Daytona Drive from Bobtown Road to Sarasota Drive and on Woodmere Drive from Heather Glen Drive to Rollingridge Lane. An Optional Contingency is included for any additional work that may be required.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Eleven (11) bids were received and evaluated with Aushill Construction, LLC, submitting the Straight Low Bid.

Award Recommendation:

Vendor	***Item***	***Amount***
Aushill Construction, LLC	All	$570,499.00
Optional Contingency		57,049.90

	TOTAL:	**$627,548.90**

Basis for Award: Straight Low Bid

Purchase Requisition #: 44705

Fiscal Impact

Total Project/Account: $24,363,893

Expended/Encumbered to Date: 20,204,529

Balance: $4,159,364

This Item: 627,549

Proposed Balance: $3,531,815

Account #: 220-4049-3019200-9214 & 230-4149-3215700-9305

Fund/Dept/Project – Description and Comments:

Fund/Project	Account	Amount
Water CIP / Relocations of Mains Prior to Paving	220-4049-3019200-9214	$408,909
Wastewater CIP / Reloaction of Mains Prior to Paving	230-4149-3215700-9305	218,640
	Total	**$627,549**

Attachments

Bid Recap 1 of 3
Bid Recap 2 of 3
Bid Recap 3 of 3

Fiscal Reference:	
Budget Type:	CIP
Fiscal Year:	2021
Document Location:	2021 Proposed CIP - Pages 232 & 257

Budget Director Approval:	Ron Young	Approval Date:	02/19/2021
Purchasing Director Approval:	Gary L. Holcomb	Approval Date:	02/19/2021

CITY OF GARLAND - BID RECAP SHEET
OPENED: 02/04/2021
REQ. NO. PR 447057
BID NO. 0373-21
PAGE: 1 of 3
BUYER: L. Segura

ITEM	QTY	UNIT	DESCRIPTION	Aushill Construction, LLC. UNIT PRICE	Aushill Construction, LLC. TOTAL	GRod Construction, LLC. UNIT PRICE	GRod Construction, LLC. TOTAL	Camino Construction UNIT PRICE	Camino Construction TOTAL	Saber Development Corporation UNIT PRICE	Saber Development Corporation TOTAL
1	1	EA	Daytona and Woodmere Drive		$570,499.00		$576,650.00		$622,712.00		$635,233.00
			Water and Wastewater Main								
			Replacement								
			TOTAL GROSS PRICE		$570,499.00		$576,650.00		$622,712.00		$635,233.00
			CASH DISCOUNT								
			TOTAL NET PRICE		$570,499.00		$576,650.00		$622,712.00		$635,233.00
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW: **$576,650.00**
LOW: **$570,499.00**
SAVINGS: **$6,151.00**

1288 # IonWave Notifications
224 # IonWave HUBS
0 # Direct Contact HUBS
0 # HUBS Responded

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

CITY OF GARLAND - BID RECAP SHEET
OPENED: 02/04/2021
REQ. NO. PR 447057
BID NO. 0373-21
PAGE: 2 of 3
BUYER: L. Segura

ITEM	QTY	UNIT	DESCRIPTION	SYB Construction Comany, Inc. UNIT PRICE	SYB Construction Comany, Inc. TOTAL	Tri-Con Services, Inc. UNIT PRICE	Tri-Con Services, Inc. TOTAL	Estrada Concrete Company, LLC. UNIT PRICE	Estrada Concrete Company, LLC. TOTAL	Atkins Bros. Equip. Co., Inc. UNIT PRICE	Atkins Bros. Equip. Co., Inc. TOTAL
1	1	EA	Daytona and Woodmere Drive		$676,267.00		$679,700.00		$742,108.00		$743,873.00
			Water and Wastewater Main								
			Replacement								
			TOTAL GROSS PRICE		$676,267.00		$679,700.00		$742,108.00		$743,873.00
			CASH DISCOUNT								
			TOTAL NET PRICE		$676,267.00		$679,700.00		$742,108.00		$743,873.00
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW: **$576,650.00**
LOW: **$570,499.00**
SAVINGS: **$6,151.00**

1288 # IonWave Notifications
224 # IonWave HUBS
0 # Direct Contact HUBS
0 # HUBS Responded

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

CITY OF GARLAND - BID RECAP SHEET
OPENED: 02/04/2021
REQ. NO. PR 447057
BID NO. 0373-21
PAGE: 3 of 3
BUYER: L. Segura

ITEM	QTY	UNIT	DESCRIPTION	Joe Funk Construction, Inc. UNIT PRICE	Joe Funk Construction, Inc. TOTAL	Canary Construction UNIT PRICE	Canary Construction TOTAL	HQS Construction, LLC. UNIT PRICE	HQS Construction, LLC. TOTAL	UNIT PRICE	TOTAL
1	1	EA	Daytona and Woodmere Drive		$801,818.33		$852,419.00		$1,159,344.00		
			Water and Wastewater Main								
			Replacement								
			TOTAL GROSS PRICE		$801,818.33		$852,419.00		$1,159,344.00		
			CASH DISCOUNT								
			TOTAL NET PRICE		$801,818.33		$852,419.00		$1,159,344.00		
			F.O.B.	DELIVERED		DELIVERED		DELIVERED		DELIVERED	
			DELIVERY								

NEXT LOW: **$576,650.00**
LOW: **$570,499.00**
SAVINGS: **$6,151.00**

1288 # IonWave Notifications
224 # IonWave HUBS
0 # Direct Contact HUBS
0 # HUBS Responded

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

GARLAND

CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda **3. a.**

Meeting Date: 03/02/2021

Item Title: Z 20-28 Ephriem Mengstab (District 5)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 20-28 Ephriem Mengstab

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 20-28 Ordinance

Z 20-28 Exhibit A

Z 20-28 Exhibit B

Z 20-28 Exhibits C-E

ZONING FILE NO. Z 20-28

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING A SPECIFIC USE PROVISION FOR A TRUCK/BUS STORAGE USE ON A 2.609-ACRE TRACT OF LAND ZONED INDUSTRIAL (IN) DISTRICT AND LOCATED AT 2430 LONNECKER DRIVE; 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 25th day of January, 2021, the Plan Commission did consider and make recommendations on a certain request for approval of a Specific Use Provision for a Truck/Bus Storage Use on a property zoned Industrial (IN) District by **Ephriem Mengstab;** 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 a Specific Use Provision for a Truck/Bus Storage Use on a 2.609-acre tract of land zoned Industrial (IN) District and located at 2430 Lonnecker Drive and being more particularly described in Exhibit A, attached hereto and made a part hereof.

Section 2

Development shall be in conformance with the 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

ZONING FILE NO. Z 20-28

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

PASSED AND APPROVED this _____day of_____, 2021.

CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 20-28

BEING an approximate 2.609 acres of Lot 3R1 of Santa Fe-Miller Road Industrial District Addition Replat of Lot 3 as recorded in Instrument Number 20070294065 - Public Records of Dallas County, Texas.

EXHIBIT B

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-28

2430 Lonnecker Drive

I. **Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Truck/Bus Storage Use.

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

III. **General Regulations:** All regulations of the Industrial (IN) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

IV. **Development Plans:**

A. Development is to be in general conformance with the approved site plan, landscape plan, and elevations labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and development plans, the conditions listed below are to apply.

V. **Specific Use Provision:**

A. SUP Time Period: The Specific Use Provision for Truck/Bus Storage Use shall be in effect for a period of twenty years (20) years.

B. Site Layout: The Truck/Bus Storage Use operation shall be in conformance with the site layout in Exhibit C.

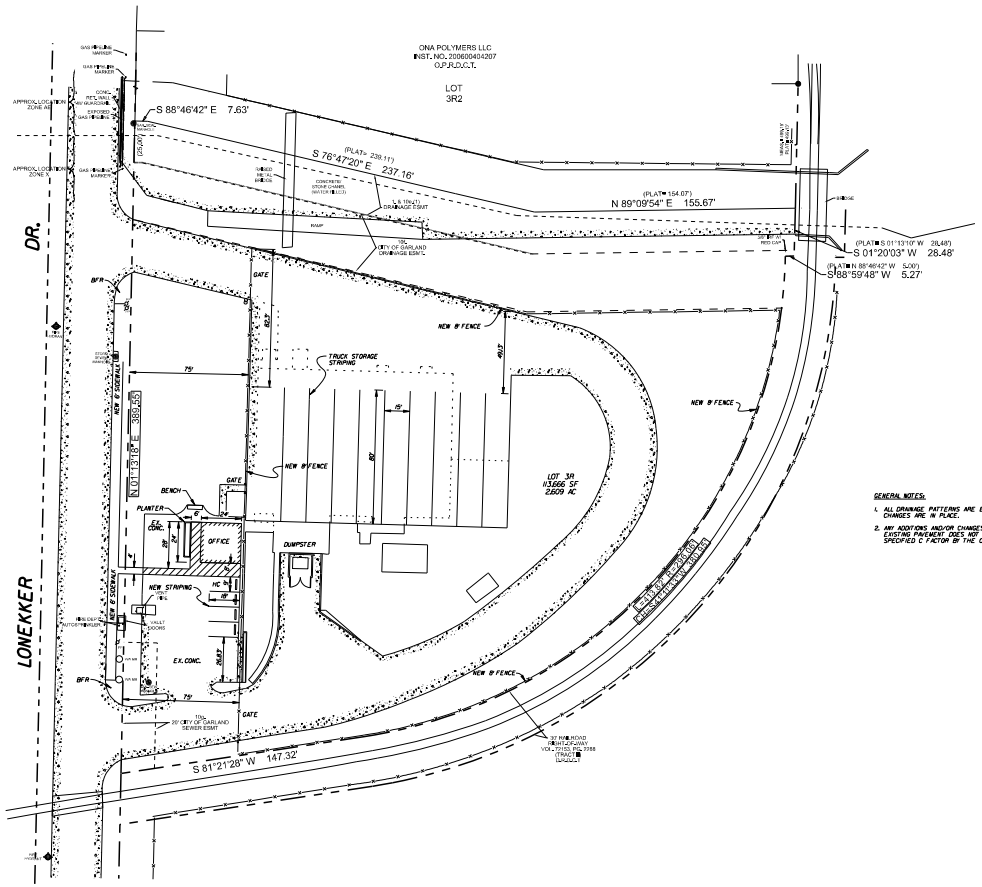
C. Parking: Semi-Truck and Trailer parking spaces shall not exceed ten (10) parking spaces.

D. Screening and Landscaping: Screening and landscaping shall be provided as reflected on Exhibit D.

E. Fences: Fences shall be maintained by the property owner and shall be in conformance with Exhibit D.

F. Building Elevations: Building elevations shall be in general conformance with Exhibit E.

EXHIBIT C



GENERAL NOTES:

1. ALL DRAINAGE PATTERNS ARE EXISTING, NO CHANGES ARE IN PLACE.
2. ANY ADDITIONS AND/OR CHANGES TO THE EXISTING PAVEMENT DOES NOT EXCEED THE SPECIFIED C FACTOR BY THE CITY CODE.

ZONING

DESIGNATION	LIGHT INDUSTRIAL DISTRICT
BUSINESS USE	SEMI TRUCK STORAGE
BUILDING SETBACK	25 FT (FRONT)
BUILDING SETBACK	0 (SIDES & BACK)
LANDSCAPING EASEMENT	10 FT (LONEKKER DR.)

PROJECT SITE

GROSS LOT AREA	113,666 SF
GROSS FLOOR AREA	N/A
FLOOR/LOT AREA RATIO	N/A
IMPERVIOUS AREA	NO CHANGE
LANDSCAPE AREA (EXTERIOR)	NO CHANGE
LANDSCAPE AREA (EXTERIOR)	N/A
LANDSCAPE AREA (INTERIOR)	NO CHANGE
BUILDING CONSTRUCTION	N/A

LEGAL

ADDRESS 2430 LONEKKER DRIVE

LAND LOT 3R/ACRES 2.609
SANTA FE MILLER ROAD INDUSTRIAL DISTRICT
GARLAND, TEXAS 75080

BENCHMARKS

PROJECT OWNER

MENGSTAB, EPHRIEM
624 PINE VALLEY
RICHARDSON, TEXAS 75081
(469) 767-1440

PARKING CALCULATIONS

PARKING RATIO	1 PER 300 SF OFFICE
PARKING REQUIRED	4 - OFFICE
PARKING PROVIDED	10 - SEMI TRUCK/TRAILER PARKING

STATE OF TEXAS
HENRY GRADY NIBLO
68739
REGISTERED
PROFESSIONAL ENGINEER

DATE	REVISION	BY

SITE PLAN

DEVELOPMENT SITE PLAN

SEMI TRUCK/TRAILER STORAGE LOT

LOT 3R/SANTA FE MILLER RD. INDUSTRIAL DISTRICT

HENRY REID SURVEY, ABSTRACT NO. 1197

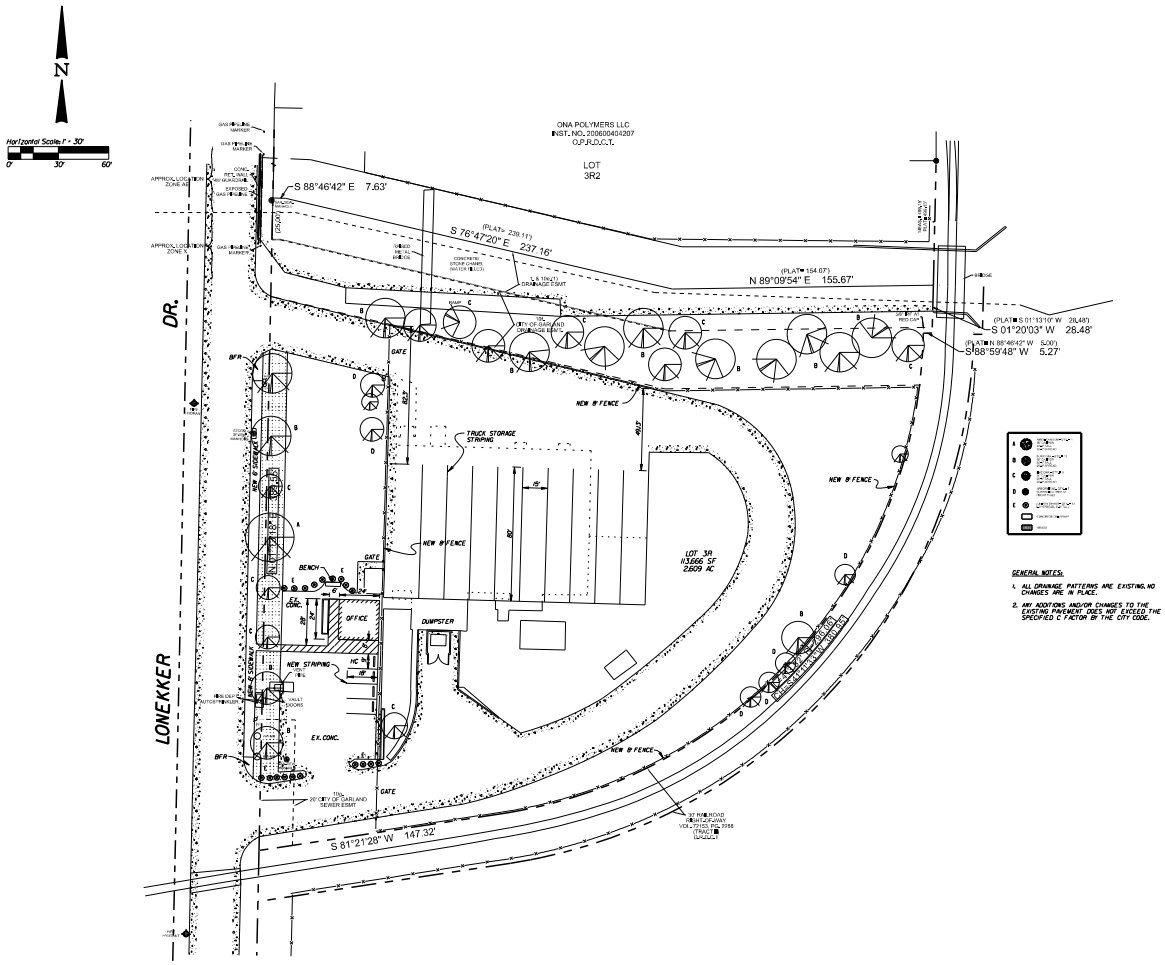
2430 LONEKKER DRIVE, GARLAND, TEXAS 75080

2.609 ACRES - ZONING LIGHT INDUSTRIAL

HENRY G. NIBLO, P.E.
5231 KIWANIS ROAD
DALLAS, TEXAS 75236

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
H. NIBLO	H. NIBLO	DEC 2020	1"=30'	TEXAS HERITAGE	CASE NO.	200721-2

EXHIBIT D



DATE	REVISION	BY

LANDSCAPING PLAN

DEVELOPMENT SITE PLAN

SEMI TRUCK/TRAILER STORAGE LOT

LOT 3R/SANTA FE MILLER RD. INDUSTRIAL DISTRICT

HENRY REID SURVEY, ABSTRACT NO. 1197

2430 LONEKKER DRIVE, GARLAND, TEXAS 75080

2.609 ACRES - ZONING LIGHT INDUSTRIAL

HENRY G. NIBLO, P.E.

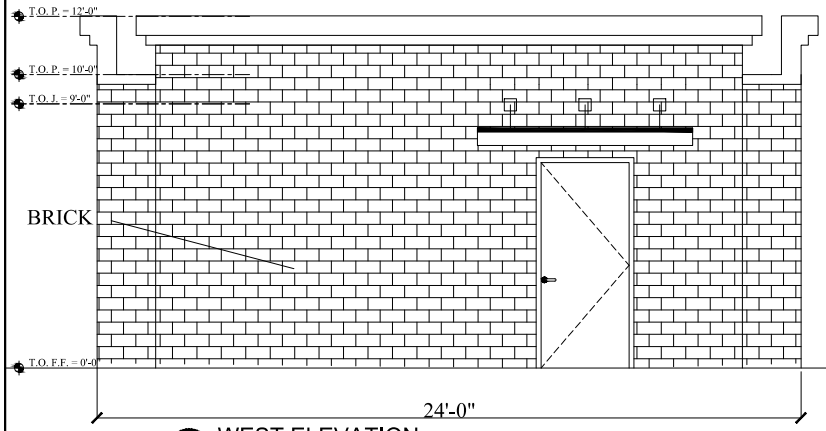
5231 KIWANIS ROAD
DALLAS, TEXAS 75236

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
H. NIBLO	H. NIBLO	DEC 2020	1"=30'	TEXAS HERITAGE	CASE NO.	200721-2

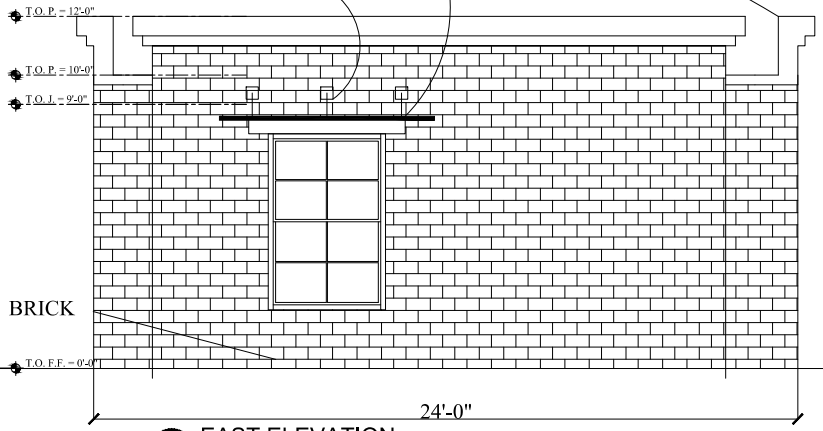
EXHIBIT E

6 ARCHITECTURAL ELEMENT

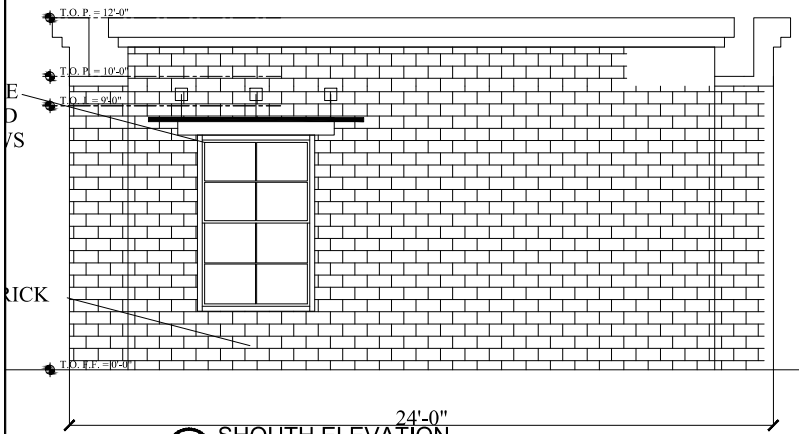
1 -RECESSED FLOOR PLAN
2- RECESSED ELEVATION
3- PLANTER BOX -SEE SITE PLAN
4- SEATING BENCH-SEE SITE PLAN
5- CORNICE AROUND WINDOWS-SEE ELEVATION
6- AWNING ON TOP OF WINDOWS



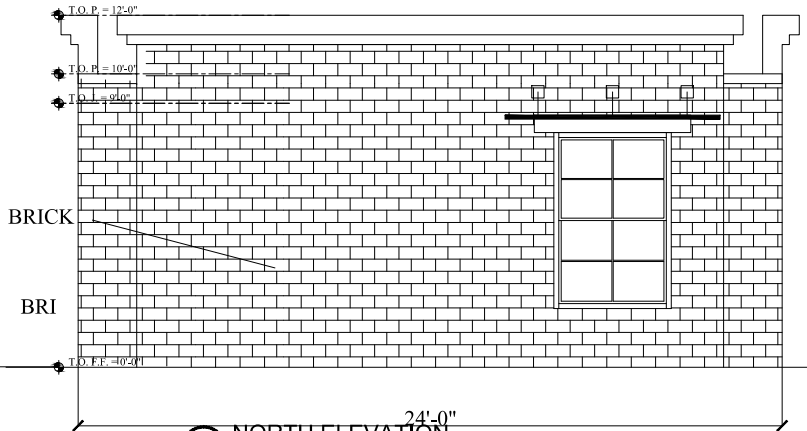
1 A2 WEST ELEVATION
1/2" = 1'-0"



1 A2 EAST ELEVATION
1/2" = 1'-0"



1 A2 SHOUTH ELEVATION
1/2" = 1'-0"



1 A2 NORTH ELEVATION
1/2" = 1'-0"

DDR CONSULTING
952 Windy Meadow Dr.
Plano TX 75023-4953
Registration Number F-13518

2430 Lonnecker Drive
Garland, TX 75080

case number 200721-2
Drawn By:RK
Checked By:RK
Date Issued:JULY/11/20

SHEET NUMBER
A2.0

GARLAND

CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda **3. b.**

Meeting Date: 03/02/2021

Item Title: Z 20-40 Jack Birdsong (District 3)

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

Zoning Ordinance Z 20-40 Jack Birdsong

Recommendation/Action Requested and Justification

Consider adoption of the attached ordinance.

Attachments

Z 20-40 Ordinance

Z 20-40 Exhibit A

Z 20-40 Exhibit B

Z 20-40 Exhibit C

ZONING FILE NO. Z 20-40

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE GARLAND DEVELOPMENT CODE OF THE CITY OF GARLAND, TEXAS, BY APPROVING 1) AN AMENDMENT TO PLANNED DEVELOPMENT (PD) DISTRICT 11-26 FOR COMMUNITY OFFICE AND WATERCRAFT SALES AND SERVICE USE TO ADD RECEPTION FACILITY USE, 2) A SPECIFIC USE PROVISION FOR A RECEPTION FACILITY, AND 3) A DETAIL PLAN FOR A RECEPTION FACILITY ON A 2.413-ACRE TRACT OF LAND LOCATED AT 354 EAST INTERSTATE HIGHWAY 30; 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 25th day of January, 2021, the Plan Commission did consider and make recommendations on a certain request for approval of 1) an Amendment to Planned Development (PD) District 11-26 for Community Office Uses and Watercraft Sales and Service Use to add a Reception Facility Use, 2) a Specific Use Provision for a Reception Facility, and 3) a Detail Plan for a Reception Facility by **Jack Birdsong**; 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 Amendment to Planned Development (PD)District 11-26 for Community Office Uses and Watercraft Sales and Service Use to add a Reception Facility Use, 2) a Specific Use Provision for a Reception Facility, and 3) a Detail Plan for a Reception Facility on a 2.413-acre tract of land located at 354 East Interstate Highway 30 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_____, 2021.

CITY OF GARLAND, TEXAS

By:

_____
Mayor

ATTEST:

_____
City Secretary

Published:

EXHIBIT A

LEGAL DESCRIPTION

Zoning File Z 20-40

BEING Lot 2 and Block 1, of McKinney and Williams Survey, Abstract Interstate Addition #2 City of Garland, Dallas County, Texas, according to the plat thereof recorded in Volume 83496, Page 288, of the Map Records of Dallas County, Texas.

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-40

354 East Interstate Highway 30

I. **Statement of Purpose:** The purpose of this Planned Development (PD) District to allow a Reception Facility Use.

II. **Statement of Effect:** This Planned Development (PD) District 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 Planned Development (PD) District 11-26 and Community Office (CO) 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 Plan:**

A. Detail Plan: Development is to be in general conformance with the approved site plan labeled Exhibit C. In the event of conflict between the conditions and development plans, the conditions listed below are to apply.

V. **Specific Conditions:**

A. Site Layout: The Reception Facility operation shall be in conformance with the site layout in Exhibit C.

B. Screening and Landscaping: Screening and landscaping shall be provided as reflected on Exhibit C.

C. Exterior Lighting: Any down-lighting installed in the parking lot shall be installed so as not to be obstructive to abutting development.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-40

354 East Interstate Highway 30

I. **Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Reception Facility.

II. **Statement of Effect:** This Specific Use Provision shall not affect any regulation found in Planned Development (PD) District 11-26 and 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 Planned Development (PD) District 11-26 and the Community Office (CO) District as set forth in Chapter 2 of the Garland Development Code shall apply, except as otherwise specified in this ordinance.

IV. **Specific Conditions:**

A. Hours of Operation: The Reception Facility shall be open for events only as follows: Monday – Sunday 8:00am to 11:30pm.

B. Security: The Reception Facility must provide security at every event where alcoholic beverages are provided or served, and also for any events occurring after 6:00 p.m. Security must be by a qualified person(s) who is authorized to provide private security under Chapter 1702 of the Texas Occupations Code.

C. Noise: The Reception Facility shall comply with the City of Garland Noise Control Ordinance.

D. Loitering, Outside Activities: Prolonged congregating or loitering of event attendees or participants outside the reception facility is prohibited. Outside activities, if any, must be in compliance with the City's noise regulations as set forth in the City Code.

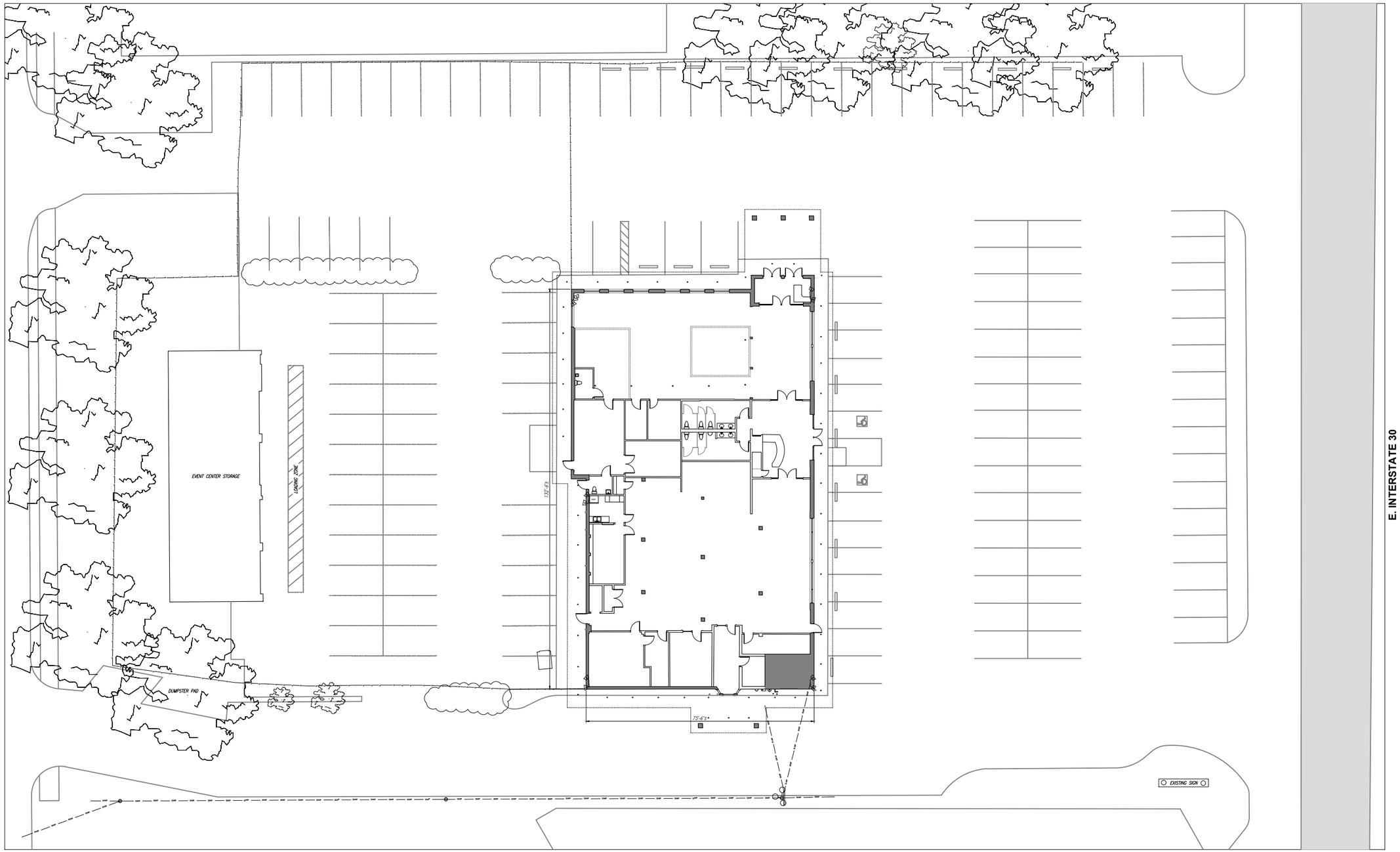
E. Litter & Debris: Any litter or debris left on the premises must be removed immediately following the

event. The owner of the facility is responsible for removal of all litter and debris.

F. SUP Time Period: The Specific Use Provision for Reception Facility shall be in effect for a period of twenty years (20) years.

EXHIBIT B

EXHIBIT C



OVERALL SITE PLAN

SCALE: 1"=30'-0"

AREA DISTRIBUTION	
EXISTING BUILDING, MAIN	9522 SQ. FT
EXISTING BUILDING, WAREHOUSE	2573 SQ. FT
TOTAL FLOOR AREA	12095 SQ. FT
TOTAL LOT AREA	105147 SQ. FT
TOTAL BUILDING COVERAGE	11.5%

BUILDING DIMENSIONS	
BUILDING MAXIMUM HEIGHT	25'-1"
EAST CANOPY DIMENSION	14'-6"L, 25'-1"W, 15'-0" H
CLEARANCE	10'-6"
WEST CANOPY DIMENSION	20'-7.5"L, 25'-1"W, 15'-0" H
CLEARANCE	10'-6"

PARKING SPACE	
PARKING EXISTING	
PARKING REQUIRED	
PARKING PROVIDED	
LOADING ZONE PROVIDED	

PARKING ANALYSIS				
PROPOSED USE	RATIO	RATIO PARKING REQUIRED	PARKING REQUIRED	PARKING EXISTING
RECEPTION FACILITY	12095 SQ FT	1/100 SQ FT	120	105
PROPOSED ADDITIONAL PARKING: 52				
TOTAL PARKING: 157				

v3 210115

THIS DOCUMENT CONTAINS A POINT-IN-TIME REPRESENTATION OF SITE CONDITIONS AS OF THE DATE AND TIME THAT THE SCAN WAS COMPLETE. CONDITIONS MAY HAVE CHANGED SINCE THAT TIME. GMR DOES NOT REPRESENT OR WARRANT THE ACCURACY OF THE SITE CONDITIONS AFTER THE DATE AND TIME THAT THE SCAN WAS COMPLETED. THIS DOCUMENT IS NOT TO BE USED BY ANYONE OTHER THAN THE LAWFUL OWNER EXCEPT WITH WRITTEN PERMISSION FROM THE LAWFUL OWNER. THIS DOCUMENT (EXCEPTING REGISTERED TRADEMARKS) SHALL REMAIN THE PROPERTY OF THE LAWFUL OWNER AND GMR.

GMR
Facility Analysis † Engineering

BIRDSONG EVENTS
354 E. Interstate 30
Garland, TX 75043

FIELDWORK BY: DJC	PLANS PREPARED BY: TLS
PLANS REVIEWED BY: DJC	PLANS APPROVED BY: KRM

SHEET NO.
1 of 5

GARLAND

CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda **4.**

Meeting Date: 03/02/2021

Item Title: 2020-21 Budget Amendment No. 2

Submitted By: Ron Young, Budget Director

Summary of Request/Problem

At the February 22,2021 Work Session, the City Council reviewed a Policy Report recommending an amendment to the 2020-21 Adopted Budget. The Council directed staff to prepare an Ordinance amending the Budget for (1) projects approved in last year's Budget but uncompleted by the fiscal year-end, (2) the rollover of open Purchase Orders from the 2019-20 fiscal year, and (3) expenditures not anticipated in the 2020-21 Adopted Budget.

All funds required to cover the increases in appropriations are in the respective fund balances. As a result, Budget Amendment No. 2 has no financial impact to the City.

Recommendation/Action Requested and Justification

Consider approval of the Ordinance amending the 2020-21 Adopted Budget.

Attachments

2020-21 Budget Amendment No. 2 Policy Report

Schedule of Open Encumbrances being Rolled Forward

Schedule of Proposed Amendments by Fund

2020-21 Budget Amendment No. 2 Ordinance

Meeting: Work Session
Date: February 22, 2021

Policy Report

2020-21 BUDGET AMENDMENT NO. 2

ISSUE

Amend the 2020-21 Adopted Budget in order to appropriate available funds for the following:

(1) Projects approved in last year's Budget but not completed by the fiscal year-end.
(2) Rollover of open Purchase Orders from the 2019-20 fiscal year.
(3) Expenditures not anticipated in the 2020-21 Adopted Budget.

OPTIONS

(A) Approve Budget Amendment No. 2 as proposed.
(B) Approve portions of Budget Amendment No. 2.
(C) Do not approve Budget Amendment No. 2.

RECOMMENDATION

Option (A) – Approve Budget Amendment No. 2 as proposed. Unless otherwise directed by Council, this item will be scheduled for formal consideration at the March 2, 2021, Regular Meeting.

BACKGROUND

(1) Carryover of 2019-20 Incomplete Projects

(a) Rolled-Forward Funds for Street Upgrades

The FY 2019-20 Revised Budget for the Infrastructure Repair & Replacement Fund included $5,257,152 for Street Pavement Improvements that was not spent prior to the end of FY 2019-20. Budget Amendment No. 2 proposes to increase FY 2020-21 operating appropriations by $5,257,152 to complete various concrete street replacement projects.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

(b) Rolled-Forward Funds in the Information Technology Fund

The FY 2019-20 Revised Budget for the Information Technology (IT) Fund included $150,000 to acquire a comprehensive cybersecurity program, but the assessment of available services was not completed prior to the close of the fiscal year. Budget Amendment No. 2 proposes to increase FY 2020-21 appropriations by $150,000 in the IT Fund to complete this previously approved initiative.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

(c) Rolled-Forward Funds in the Information Technology Replacement Fund

The FY 2019-20 Revised Budget for the Information Technology (IT) Replacement Fund included $559,000 for replacement equipment that was not purchased by the close of the fiscal year. Budget Amendment No. 2 proposes to increase FY 2020-21 appropriations by $559,000 in the IT Replacement Fund to purchase previously approved equipment.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

(d) Rolled-Forward Funds in the Hotel/Motel Tax Fund for the Heritage Tourism Program

The FY 2019-20 Revised Budget for the Hotel/Motel Tax Fund included $175,412 for the Heritage Tourism Program that was not spent or committed prior to the end of FY 2019-20. Budget Amendment No. 2 proposes to increase FY 2020-21 operating appropriations by $175,412 in the Hotel/Motel Tax Fund to promote Downtown Garland as a visitor destination with additional wayfinding and gateway signage.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

(e) Rolled-Forward Funds in the TIF #1 Fund for the Downtown TIF Project and Financing Plan

The FY 2019-20 Revised Budget for the TIF #1 Fund included $1,214,666 for the Downtown Development Office that was not spent or committed prior to the end of FY 2019-20. Budget Amendment No. 2 proposes to increase FY 2020-21 operating appropriations by $1,214,666 in the TIF #1 Fund to

continue implementing the newly revised Downtown TIF Project and Financing Plan from the December 1, 2020, Regular Session of the Garland City Council.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

(f) Rolled-Forward Funds in the Economic Development Fund for the "Make Your Mark" Campaign

The FY 2019-20 Revised Budget for the Economic Development Fund included $143,247 for the "Make Your Mark" campaign that was not spent or committed prior to the end of FY 2019-20. Budget Amendment No. 2 proposes to increase FY 2020-21 operating appropriations by $143,247 in the Economic Development Fund to continue the "Make Your Mark" campaign.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

(g) Rolled-Forward Funds in the General Fund for Fire Personal Protective Equipment (PPE)

On September 15, 2020, City Council approved a Term Contract for Fire Department PPE. Funding for the Term Contract includes $62,168 from the FY 2019-20 Revised Budget for the General Fund designated for Fire PPE that was not spent or committed prior to the end of FY 2019-20. Budget Amendment No. 2 proposes to increase FY 2020-21 operating appropriations in the General Fund by $62,168 to fund the Fire PPE acquisition.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

(2) <u>Rolled-Forward Encumbrances from Fiscal Year 2019-20</u>

When an order is placed for goods or services, a Purchase Order is issued that encumbers the budgeted funds. This has the effect of reserving the funds for future payment of the items covered in the Purchase Order. Every year on September 30, when the fiscal year ends, there are open Purchase Orders related to goods or services that have been ordered but not yet received. Accordingly, the funds reserved for these open Purchase Orders are still in the year-end fund balances since the transactions are not yet completed.

Because the purchase of these open items was authorized by Council in the previous fiscal year (2019-20), the City's practice has been to roll these encumbrances forward into the current fiscal year (2020-21). This has the effect of increasing the current year's appropriation by the amount of the open Purchase Orders or encumbrances. The funding to cover the expenditures is available in the fund balance since payment was not made before the close of the fiscal year.

The projected fund balance for the current fiscal year is unaffected by the "roll forward" because it was assumed in the 2020-21 Adopted Budget that the expenditures would be completed in the prior year. The presence of the funds in the fund balance is above and beyond what the Budget assumes for the 2020-21 year-end balance.

Budget Amendment No. 2 proposes that encumbrances totaling $12,772,366 be rolled forward to 2020-21. Of the total rollover amount, $1,913,985 is related to the General Fund. Attachment A provides a detailed listing by fund of individual outstanding encumbrances over $25,000.

A Budget Amendment is required due to the timing of the expenditures only. There is no additional financial impact.

(3) Expenditures Not Anticipated in the 2020-21 Adopted Budget

(a) V5 Gunshot Detection System

Police Department requests approval of an additional $32,500 to purchase a portable gunshot detection system. This system can detect and convey the location of gunfire or other weapon fire using acoustic sensors and HD video. Information is relayed in real time directly to Officers with up to a 90 percent accuracy rate. The system can be deployed in areas of the city where gunfire is commonly reported.

Budget Amendment No. 2 proposes to increase the General Fund's FY 2020-21 operating appropriation by $32,500 to purchase the portable gunshot detection system. Funding for the program will come from fund balance reserves.

(b) Purchase of Various Parks and Recreation Vehicles & Equipment

The Parks, Recreation & Cultural Arts Department (PRCAD) requested to purchase equipment for landscape, turf, and ballfield maintenance, as well as a replacement 18-passenger van for senior transportation and a new ¾-ton truck for hauling event supplies in the 2021 Capital Improvement Program. Due to lower expenditures than expected in the FY 2019-20

PRCAD budget, funding for the purchase of this equipment has been included on Budget Amendment No. 2 for a total of $500,000.

Budget Amendment No. 2 proposes to increase the General Fund's FY 2020-21 operating appropriations by $500,000 to pay for this equipment. Funding for this request will come from excess fund balance reserves.

(c) Fiber Mapping Funding

City Council funded a Fiber Mapping Project in FY 2018-19 that did not get initiated due to a lack of resources within the Transportation Department. Transportation is requesting $35,776 on Budget Amendment No. 2 to address the need to complete this project.

Budget Amendment No. 2 proposes to increase the General Fund's FY 2020-21 operating appropriations by $35,776 as a result of this project being delayed. Funding for this request will come from excess fund balance reserves.

(d) IT Project E911 Hardware Upgrades

As part of the FY 2019-20 budget, City Council approved an IT project in the amount of $250,000 to upgrade E911 hardware that had reached end-of-life. The IT Project fund balance includes $25,000 in contingency funding for this specific project as well as reserve funds from projects completed under budget. The costs for this project have exceeded the original budget plus contingency, and an additional $25,541 is needed for this project.

Budget Amendment No. 2 proposes to increase the IT Project Fund's FY 2020-21 capital appropriations by $50,541 for the E911 Hardware Upgrade project. Funding for this request will come from excess fund balance reserves.

FINANCIAL CONSIDERATIONS

The Street pavement improvements, comprehensive cybersecurity program, IT replacement equipment, Heritage Tourism Program, Downtown TIF Project and Financing Plan, Image Management Initiative, Fire Personal Protective Equipment (PPE), and outstanding Purchase Orders carried forward were fully funded in the FY 2019-20 Budget, and the funds required to cover these expenditures remain within each fund's respective fund balance. As a result, there is no financial impact from approval of these items. The additional expenses in the General Fund and IT Project Fund will be funded out of excess fund balance reserves in each respective fund.

Budget Amendment No. 2 proposes to appropriate funds as follows:

Infrastructure Repair & Replacement Fund	
Street Repair and Replacement Projects	$ 5,257,152
Information Technology Fund	
Cybersecurity Program	150,000
IT Replacement Fund	
Equipment Purchases	559,000
IT Project Fund	
E911 Hardware Upgrade	50,541
Hotel/Motel Tax Fund	
Heritage Tourism Program	175,412
TIF #1 Fund	
Downtown TIF Project and Financing Plan	1,214,666
Economic Development Fund	
Image Management Initiative	143,247
General Fund	
Police V5 Gunshot Detection System	32,500
Fire PPE	62,168
Parks Equipment & Vehicles	500,000
Transportation Fiber Mapping	35,776
Various Funds	
Rollover of Purchase Order Encumbrances	12,772,366
TOTAL SUPPLEMENTAL APPROPRIATION	$20,952,828

ATTACHMENT(S)
Attachment A – Schedule of Open Encumbrances being Rolled Forward
Attachment B – Schedule of Proposed Amendments by Fund

ATTACHMENT A
2019-20 Rollover
(With Detail of PO's Over $25,000)

Fund/Department	*PO Description*	*Amount Outstanding 9/30/2020*
General Fund		
Environmental Waste Services - Disposal	Sump Pump Replacements & Services	$33,108
Fire	Personal Protective Equipment	166,836
	Body Armor	44,723
	Heavy Rescue Equipment	44,339
	Room Decontamination System	30,681
Human Resources	Employee Service Awards & Recognition	40,723
Library	Replacement Furniture	62,034
Parks, Recreation & Cultural Arts	Landscape Maintenance Equipment	166,387
	Landscape Maintenance Services	106,032
	Recreation Equipment	69,225
	Professional Services	127,692
	Passenger Van	66,863
	Theatre Replacement Equipment	33,060
Police	SWAT Body Armor	57,577
	Patrol Uniforms	35,987
	Replacement Furniture	28,051
	Investigative Data Platform	32,750
Transportation	Professional Services	155,983
	Replacement Vehicle	48,136
Various	PO's Under $25,000	563,798
Sub-Total General Fund		$1,913,985
Customer Service		
	Operations Optimizer Revenue Assurance	$25,784
	PO's Under $25,000	13,953
Sub-Total Customer Service Fund		$39,737
Economic Development Fund		
	Catalyst Area Study	$131,022
	Image Management Advertising Campaign	48,915
Sub-Total Economic Development Fund		$179,937

ATTACHMENT A
2019-20 Rollover
(With Detail of PO's Over $25,000)

Fund/Department	*PO Description*	*Amount Outstanding 9/30/2020*
Electric Utility Fund		
	Professional Engineering Services	$157,322
	CAT Safety Services	28,245
	SSP Lifecycle Implementation	112,844
	One 2020 Ford F-250 Truck	36,128
	TMPA Replacement Truck	54,801
	Rebuild CWP Actuators	56,250
	Cooling Tower Repairs & Inspection	192,920
	OSI Hardware and Software Upgrade	107,474
	One SF6 Gas Recovery Trailer	182,221
	PO's Under $25,000	103,751
Sub-Total Electric Utility Fund		$1,031,956
Environmental Waste Services Fund		
	Recycling Carts	$26,994
	PO's Under $25,000	56,926
Sub-Total Environmental Waste Services Fund		$83,920
Equipment Replacement Fund		
Police	One 2020 Chevrolet Tahoe	$35,022
Transportation	Two 2020 Ford F-350 Trucks	171,412
Parks, Recreation & Cultural Arts	One 2020 Ford Explorer	29,154
Parks, Recreation & Cultural Arts	One 2020 Ford F-150 Truck	28,898
Parks, Recreation & Cultural Arts	One 2020 Ford F-250 Truck	30,797
Parks, Recreation & Cultural Arts	Three 2020 Ford F-350 Trucks	188,378
Library	One 2019 Ford E-350 Box Truck	41,966
GP&L	Three Aerial Trucks	507,204
GP&L	One Heavy Haul Semi-Truck	184,112
Water	One Ford F-350 Truck	52,317
Water	One Ford Transit Cargo Van	38,380
Water	Two Ford F-450 Trucks	135,457
Water	One 12-Yard Dump Truck	113,311
Water	One 6-Yard Dump Truck	96,592
Wastewater	One Chevrolet 2500HD Silverado	37,334
Wastewater	Two 12-Yard Dump Trucks	226,622
Wastewater	One Roll-Off Truck	196,995
Wastewater	One Ford Transit Cargo Van	31,876
EWS - Delivery	One Ford F-150 Truck	36,287
Information Technology	One Ford Transit Cargo Van	31,964
Stormwater Management	One Chevrolet 2500HD Silverado	44,920

ATTACHMENT A
2019-20 Rollover
(With Detail of PO's Over $25,000)

Fund/Department	*PO Description*	*Amount Outstanding 9/30/2020*
Equipment Replacement Fund *(continued)*		
Facilities Management	Two Ford Transit Cargo Vans	$72,381
Customer Service	One Ford Transit Cargo Van	27,175
Various	PO's Under $25,000	22,239
Sub-Total Equipment Replacement Fund		$2,380,793
Facilities Management Fund		
	PO's Under $25,000	$75,999
Sub-Total Facilities Management Fund		$75,999
Firewheel Fund		
	PO's Under $25,000	$12,084
Sub-Total Firewheel Fund		$12,084
Hotel/Motel Tax Fund		
	Consulting Services	$72,716
	Marketing & Advertising	95,000
	PO's Under $25,000	8,449
Sub-Total Hotel/Motel Tax Fund		$176,165
Information Technology Fund		
	Service Contracts	$254,331
	IT Hardware	59,534
	PO's Under $25,000	17,462
Sub-Total Information Technology Fund		$331,327
Information Technology Replacement Fund		
	Computer Replacements	$128,202
	Network Equipment	218,357
Sub-Total Information Technology Replacement Fund		$346,559
Infrastructure Repair & Replacement Fund		
	Paving Services	$4,645,435
	Engineering Services	28,010
	Water & Sewer Main Replacement	245,991
	PO's Under $25,000	50,301
Sub-Total Infrastructure Repair & Replacement Fund		$4,969,737

ATTACHMENT A
2019-20 Rollover
(With Detail of PO's Over $25,000)

Fund/Department	*PO Description*	*Amount Outstanding 9/30/2020*
Recreation Performance Fund		
	PO's Under $25,000	$6,258
Sub-Total Recreation Performance Fund		$6,258
SafeLight Fund		
	PO's Under $25,000	$32,275
Sub-Total SafeLight Fund		$32,275
Stormwater Management Fund		
	Engineering Services	$207,206
	PO's Under $25,000	87,076
Sub-Total Stormwater Management Fund		$294,282
TIF #1 Fund (Downtown & Forest/Jupiter)		
	Marketing & Advertising	$99,950
	PO's Under $25,000	21,988
Sub-Total TIF #1 Fund		$121,938
Wastewater Utility Fund		
	Professional Services	$205,597
	Sludge Hauling Contract	52,675
	Pump & Filter Maintenance	253,444
	Odor Monitoring Equipment & Services	63,014
	PO's Under $25,000	21,120
Sub-Total Wastewater Utility Fund		$595,850
Water Utility Fund		
	Professional Services	$143,984
	PO's Under $25,000	35,580
Sub-Total Water Utility Fund		$179,564
TOTAL OUTSTANDING PO's		$12,772,366

ATTACHMENT B

Proposed Budget Amendment
FY 2020-21 Operating Budget

	BA #2	BA #2 PO Rollover	Total Budget Amendments
REVENUES AND EXPENDITURES			
Sources of Funds:			
Fund Balance - Prior Year	$8,180,462	$12,772,366	$20,952,828
Total Funds Provided	$8,180,462	$12,772,366	$20,952,828
Use of Funds - Expenditures:			
General Fund (See Detail in Notes)	$630,444	$1,913,985	$2,544,429
Electric Utility Fund	0	1,031,956	1,031,956
Water Utility Fund	0	179,564	179,564
Wastewater Utility Fund	0	595,850	595,850
Environmental Waste Services Fund	0	83,920	83,920
Infrastructure Repair & Replacement Fund	5,257,152	4,969,737	10,226,889
Stormwater Management Fund	0	294,282	294,282
Firewheel Fund	0	12,084	12,084
Recreation Performance Fund	0	6,258	6,258
Hotel/Motel Tax Fund	175,412	176,165	351,577
SafeLight Fund	0	32,275	32,275
Economic Development Fund	143,247	179,937	323,184
TIF #1 Fund	1,214,666	121,938	1,336,604
Equipment Replacement Fund	0	2,380,793	2,380,793
Customer Service Fund	0	39,737	39,737
Facilities Management Fund	0	75,999	75,999
Information Technology Fund	150,000	331,327	481,327
IT Replacement Fund	559,000	346,559	905,559
IT Project Fund	50,541	0	50,541
Total Expenditures	$8,180,462	$12,772,366	$20,952,828
Notes:			
General Fund -			
Building Inspection	$0	$181	$181
City Attorney	0	11,388	11,388
Engineering	0	4,206	4,206
EWS - Disposal	0	86,197	86,197
Finance	0	8,870	8,870
Fire	62,168	364,539	426,707
Human Resources	0	40,723	40,723
Library	0	67,821	67,821
Neighborhood Vitality	0	8,426	8,426
Parks, Recreation & Cultural Arts	500,000	718,959	1,218,959
Project Management Office	0	3,200	3,200
Police	32,500	264,308	296,808
Purchasing	0	13,180	13,180
Transportation	35,776	238,253	274,029
Non-Departmental	0	83,734	83,734
Sub-Total General Fund	$630,444	$1,913,985	$2,544,429

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 2020-21 OPERATING BUDGET (BUDGET AMENDMENT NO. 2), PROVIDING FOR SUPPLEMENTAL APPROPRIATION OF FUNDS IN THE GENERAL FUND, THE INFRASTRUCTURE REPAIR & REPLACEMENT FUND, THE INFORMATION TECHNOLOGY FUND, THE INFORMATION TECHNOLOGY REPLACEMENT FUND, THE INFORMATION TECHNOLOGY PROJECT FUND, THE HOTEL/MOTEL TAX FUND, THE TIF #1 FUND, THE ECONOMIC DEVELOPMENT FUND, AND VARIOUS FUNDS ASSOCIATED WITH PURCHASE ORDER ENCUMBRANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the 2020-21 Operating Budget and appropriated the necessary funds out of the general revenues, grants, and other revenues for the maintenance and operation of various departments, activities, and improvements of the City;

WHEREAS, the City Charter provides that the City Council may approve any amendments and supplements to the budget as deemed necessary; and

WHEREAS, Council has reviewed and concurred with a Policy Report that establishes the need for changes to appropriations in the General Fund, the Infrastructure Repair & Replacement Fund, the Information Technology Fund, the Information Technology Replacement Fund, the Information Technology Project Fund, the Hotel/Motel Tax Fund, the TIF #1 Fund, the Economic Development Fund, and various funds associated with purchase order encumbrances from the 2019-20 fiscal year;

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

Section 1

The City Council of the City of Garland, Texas, hereby authorizes and approves an amendment to the 2020-21 Operating Budget (Budget Amendment No. 2) for the purposes and in the amounts as shown in Exhibit A (Policy Report), attached hereto and incorporated herein by reference.

Section 2

The City Council of the City of Garland, Texas, hereby amends Ordinance No. 7172, Section 1, adjusting operating appropriations

in the General Fund, the Infrastructure Repair & Replacement Fund, the Information Technology Fund, the Information Technology Replacement Fund, the Information Technology Project Fund, the Hotel/Motel Tax Fund, the TIF #1 Fund, the Economic Development Fund, and various funds associated with Purchase Order encumbrances from the 2019-20 fiscal year, in the amounts and for the purposes specified in Exhibit A (Policy Report), attached hereto.

Section 3

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

PASSED AND APPROVED this the 2nd day of March, 2021.

CITY OF GARLAND, TEXAS

_____
Mayor

ATTEST:

_____
City Secretary

GARLAND

CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda **5.**

Meeting Date: 03/02/2021

Item Title: Amendment to Chapter 22, Article VIII "Industrial Wastes" to Incorporate the Streamlining Rule and to Adopt Redeveloped Technically Based Local Limits (TBLLs) As Required by the Texas Commission on Environmental Quality (TCEQ)

Submitted By: Wes Kucera, Managing Director

Summary of Request/Problem

The City operates an industrial pretreatment program in accordance with Sections 4002(b)(8) and (b)(9) of the Clean Water Act, The General Pretreatment Regulations (40 CFR Part 403) and the approved City of Garland POTW pretreatment program submitted by the City. The legal authority (Ordinance) and the POTW's pretreatment program are partially in compliance with 40 CFR Part 403 regulations. In order to ensure the City of Garland's pretreatment program is in full compliance with such pretreatment standards and requirements, the City is required to submit a modification to their pretreatment program to address the Streamlining Rule and remaining program components for their customer cities.

The Texas Commission on Environmental Quality has reviewed both, the Streamlining package and the revised Technically Based Local Limits, and has determined both to be technically complete.

City Council considered this item at the February 22, 2021 Work Session.

Recommendation/Action Requested and Justification

Council is requested to approve the amendment to Chapter 22, Article VIII of the City Ordinance "Industrial Wastes" in order to comply with the "Contributing Industries and Pretreatment Requirements" section of the TPDES Permit No. WQ0010090001as issued to the City of Garland Wastewater Treatment Plant.

Attachments

Pretreatment Ordinance Final

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 22, "HEALTH", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; AMENDING SECTION 22.140 BY PROVIDING DEFINITIONS; AMENDING THE POLLUTION LIMITATIONS IN SECTION 22.141; AMENDING THE PERMIT ISSUANCE PROCESS IN SECTION 22.144; AMENDING THE REPORTING REQUIREMENTS IN SECTION 22.145; AMENDING A STATUTORY REFERENCE IN SECTION 22.147; AMENDING SECTION 22.148 REGARDING PUBLICATION OF NONCOMPLIANCE; AMENDING SECTION 22.149 TO ADD A CEASE-AND-DESIST REMEDY; PROVIDING THAT A VIOLATION IS A MISDEMEANOR PUNISHABLE BY A FINE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Sec. 22.140 of Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

"Sec 22.140 General provisions.

(A) *Purpose and Policy.* This article sets forth uniform requirements for Users of the wastewater collection system and publicly owned treatment works (POTW) for the City of Garland and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and Section 22.141(A) and (B) of this article. The objectives of this article are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(2) To prevent the introduction of pollutants to the POTW in amounts or concentrations which could pass through to receiving waters in toxic concentrations or which will be incompatible with the POTW;

(3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

(4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

(5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

(6) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and

(7) To enable the City to comply with its TPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

This article shall apply to all Industrial Users of the POTW. This article authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities, establishes administrative review procedures; requires Industrial User reporting, and provides for the setting of fees for the equitable distributions of costs resulting from the program established herein.

(B) *Administration.* Except as otherwise provided herein, the Manager of Technical Services shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the Manager may be delegated by the Manager to other City personnel.

(C) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, have the meanings hereinafter designated.

(1) *Act or "the Act".* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(2) *Approval Authority.* The words "Approval Authority" shall mean the Executive Director of the Texas Commission on Environmental Quality (TCEQ).

(3) *Authorized Representative of the Industrial User.*

(a) If the Industrial User is a corporation, "authorized representative" shall mean:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the Industrial User is a partnership, or sole proprietorship, an authorized representative means a general partner or proprietor, respectively.

(c) The individuals described in paragraphs (a) and (b) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or position of equivalent responsibility, or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Control Authority.

(4) *Best Management Practices (BMPs)*. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the

prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site run-off, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(5) *Biochemical Oxygen Demand (BOD)*. A measurement of the amount of oxygen utilized by the decomposition of organic material, over a specified time (usually 5 days) in a wastewater sample; it is used as a measurement of the readily decomposable organic content of a wastewater.

(6) *Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

(7) *Chemical Oxygen Demand (COD).* The measure of the oxygen-consuming capacity expressed in milligrams per liter. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus may not correlate with BOD.

(8) *City.* The word "City" shall be the City of Garland together with all its governing and operating bodies.

(9) *Color.* The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

(10) *Composite Sample.* The sample resulting from the combination of several discrete wastewater samples collected at equal time intervals, or proportionally to the flow rate of the discharge.

(11) *Control Authority.* The words "Control Authority" shall mean the Pretreatment Compliance Manager, or other official designated by the City Manager of the City or his duly authorized deputy, agent or representative.

(12) *Daily Discharge.* The measurement of a pollutant in a discharge sample that has been collected during a calendar day or as a composite sample within a 24-hour period.

(13) *Daily Maximum Limit.* The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(14) *Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of that agency.

(15) *Existing Source.* Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

(16) *Grab Sample.* A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

(17) *Indirect Discharge or Discharge.* The introduction of (non-domestic) pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

(18) *Industrial User or User.* A source of non-domestic indirect discharge.

(19) *Industrial Waste Board.* The words "Industrial Waste Board" shall mean the persons appointed by the City Council to review the actions of the Control Authority at the request of a person whose industrial sewer connection permit has been denied or suspended. The board shall consist of three (3) members. One shall be the Deputy City Manager, one shall be a taxpaying resident representative of a Garland industry

permitted under this article, and one shall be a disinterested tax paying resident citizen.

(20) *Instantaneous Limit.* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(21) *Interference.* A discharge which alone or in conjunction with a discharge or discharges from other sources:

(a) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; or

(b) causes a violation of the City's TPDES permit or prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act; or

(c) restricts the flow in a public sewer.

(22) *Maximum Allowable Head works Loading (MAHL).* The amount of a pollutant (in pounds) in the influent (head works) of a wastewater treatment plant above which inhibition, sludge contamination, or pass through will occur or which will be expected to occur by the Control Authority.

(23) *Monthly Average Limit.* The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number "daily discharges" measured during that month.

(24) *New Source.*

(a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with the section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located is a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (20)(a)(2) or (3) above, but otherwise alters, replaces or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous onsite construction program; or

i. Any placement, assembly, or installation of facilities or equipment; or

ii. Significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered in a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

(25) *Non-contact Cooling Water.* Water used for cooling which does not come into direct contact with any raw material intermediate product, waste product, or finished product.

(26) *Pass Through.* A discharge which exits the POTW into water of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of potential violation of any requirement of the City's TPDES permit (including an increase in the magnitude or duration of a potential violation).

(27) *Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents, or assigns. This definition includes all Federal, State, or local governmental entities but does not include, unless otherwise specified, the City.

(28) *pH.* A measure of the acidity or alkalinity of a substance expressed as the reciprocal of the logarithm (base 10) of the hydrogen ion concentration.

(29) *Pollutant.* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical

wastes, chemical wastes, (including organic chemicals) industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor].

(30) *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

(31) *Pretreatment Requirements.* Any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a pretreatment standard.

(32) *Pretreatment Standards or Standards.* Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

(33) *Prohibited Discharge Standards or Prohibited Discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 22.141(A) of this ordinance.

(34) Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

(35) *Publicly Owned Treatment Works or POTW.* A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the State or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the Industrial Users and

responsibility for the operation and maintenance of the treatment works.

(36) *Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(37) *Sewage.* Human excrement and gray water (including, but not limited to household showers and dishwashing operations).

(38) *Sewer Service Charge.* The words "sewer service charge" shall mean the charge made on all Users of the public sewage system whose wastes do not exceed in strength and concentration values established as representative of normal sewage.

(39) *Significant Industrial User.* Shall apply to:

(a) Industrial Users subject to categorical pretreatment standards; and

(b) Any other Industrial User that:

1. Discharges an average of 25,000 gpd or more of process wastewater; or

2. Contributes a process waste stream which makes up 5 percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

3. Is designated as significant by the Control Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(40) *Slug Load.* Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 22.141 of this article or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or

Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

(41) *Standard Industrial Classification (SIC) Code.* A classification pursuant to the "Standard Industrial Classification Manual" issued by the U.S. Office of Management and Budget.

(42) *Storm Water.* Any flow occurring during or following any form of natural precipitation, and resulting there from, including snowmelt.

(43) *Surcharge.* The word "surcharge" or Industrial Waste Surcharge" shall mean the charge in addition to the published water and sewer rates. The basis for surcharges on industrial wastes is a capital and operating cost for suspended solids, BOD and chlorine demand exceeding normal sewage.

(44) *Suspended Solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

(45) *Toxic Pollutant.* One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.

(46) *Treatment Plant Effluent.* Any discharge of pollutants from the POTW into waters of the State.

(47) *Wastewater.* Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

(48) *Wastewater Treatment Plant or Treatment Plant.* That portion of the POTW designed to provide treatment of sewage and industrial waste.

Shall is mandatory; may is permissive or discretionary. The use of singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(D) *Abbreviations.* The following abbreviations shall have the designated meanings:

BMP	Best Management Plan
BOD	Biochemical Oxygen Demand
C	Centigrade (as a measure of temperature)
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
F	Fahrenheit (as a measure of temperature)
gpd	Gallons per Day
L	Liter
MAHL	Maximum Allowable Headworks Loading
mg	Milligrams
mg/l	Milligrams per Liter
TPDES	Texas Pollutant Discharge Elimination System
O&M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classifications
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TCEQ	Texas Commission on Environmental Quality
TRC	Technical Review Criteria
TSS	Total Suspended Solids
USC	United States Code”

Section 2

That Sec. 22.141 of Chapter 22, “HEALTH”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

“Sec. 22.141 General sewer use requirements.

(A) *Prohibited Discharge Standards*. No Industrial User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Industrial Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirement. Furthermore, no Industrial User may contribute the following substances to the POTW:

(1) Pollutants which create a fire or explosive hazard in either the municipal wastewater collections system or POTW,

including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21

(2) Any wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow either in the conveyance system or in the POTW resulting in interference.

(4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, for example), released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

(5) Any wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(7) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the Control Authority and in accordance with Section 22.142(E).

(9) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent.

(11) Storm water, surface water, ground water, roof runoff, subsurface drainage, and unpolluted industrial wastewater, unless specifically authorized by the Control Authority.

(12) Any sludge, screenings, or other residues from the pretreatment of industrial wastes.

(13) Any wastewater containing pollutants deemed highly toxic by the Control Authority and discharged at a flow volume capable of causing toxicity at the POTW.

(14) Any wastes containing detergents, surface active agents, or other substances which cause excessive foaming in the POTW.

(15) Any discharge of fats, oils, or greases of animal or vegetable origin in excess of two hundred (200) mg/l (1668 pounds per million gallons).

(16) Any wastewater from an underground storage tank or tank hole containing gasoline, motor oils or lubricating oils, unless specifically authorized by the Control Authority.

(17) Any pollutant in an amount which singly or in combination with discharges from other Industrial Users creates an influent or sludge concentration at the POTW approaching, equal to or exceeding the MAHL for that pollutant as established by the Control Authority except as specifically approved by the Manager of Technical Services.

Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the Industrial User's pretreatment facility before connecting with the POTW.

(B) *Federal Categorical Pretreatment Standards.* The national categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Control Authority shall impose an alternate limit in accordance with 40 CFR part 403.6(e).

(C) *Specific Pollutant Limitations.*

(1) The following uniform concentration-based pollutant limits are established to protect against pass-through, sludge contamination, and interference. No person shall discharge wastewater containing in excess of the following maximum allowable discharge limits:

Pollutant	**Maximum Allowable Concentration**	**Sample Type**
Arsenic	1.1 mg/l	Composite
Cadmium	0.2 mg/l	Composite
Chromium	17 mg/l	Composite
Copper	0.5 mg/l	Composite
Lead	2.3 mg/l	Composite
Mercury	0.005 mg/l	Composite
Nickel	5.8 mg/l	Composite
Selenium	0.7 mg/l	Composite
Silver	0.7 mg/l	Composite
Zinc	15 mg/l	Composite

Concentrations apply at the point where the industrial waste is discharged to the POTW unless otherwise specified by the Control Authority. All concentrations are for "total" substance unless indicated otherwise. The Control Authority may impose mass limitations in addition to or in place of the concentration-based limitation above.

(D) *City's Right of Revision.* The Control Authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 22.140(A) of this article or the general and specific prohibitions in Section 22.141(A) of this article.

(E) *Special Agreement.* The Control Authority reserves the right to enter into special agreements with Industrial Users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the Industrial User may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. An Industrial User may also request a variance form the categorical pretreatment standards from EPA. Such a request will be approved only if the Industrial User proves that factors relating to its discharge are fundamentally different from the factors considered by the DPA when establishing that pretreatment standard. An Industrial User requesting a fundamentally different factor variance must comply with the procedural and substantive provisions of 40 CFR 403.13.

(F) *Dilution.* No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Control Authority may impose mass limitations on Industrial Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate."

Section 3

That Sec. 22.144 of Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

"Sec. 22.144 Wastewater discharge permit issuance process.

(A) *Wastewater Discharge Permit Duration.* Wastewater discharge permits shall generally be valid from the date of issuance until the last day of September, of the fifth year after issuance (five-year permit period). A wastewater discharge permit may be issued for a period of less than five (5) years, at the discretion of the Control Authority. Each wastewater discharge permit shall indicate the specific date upon which it will expire.

(B) *Wastewater Discharge Permit Contents*. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Control Authority to prevent pass through or

interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

(a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Control Authority in accordance with Section 22.144(D) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(c) Effluent limits, including BMPs, applicable to the User based on applicable standards in Federal, State, and local law.

(d) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

(e) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(f) Requirements to control Slug discharges, if determined by the Control Authority to be necessary.

(2) Wastewater discharge permits may also contain, at the discretion of the Control Authority, the following:

(a) Limits on the average and maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization.

(b) Limits on the instantaneous, daily, and monthly average or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.

(d) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

(e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(f) The schedule of Industrial User charges and fees for wastewater discharged to the POTW.

(g) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal standards, including those which become effective during the term of the wastewater discharge permit.

(i) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this article, and Federal, State, and local laws, rules, and regulations.

(C) *Wastewater Discharge Permit Modification*. The Control Authority may modify the wastewater discharge permit for good cause including, but not limited to, the following:

(1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

(2) To address significant alterations or additions to the Industrial User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

(4) Information indicating that the permitted discharge poses a threat to the City's POTW, personnel, or the receiving waters.

(5) Violation of any terms or conditions of the wastewater discharge permit.

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13

(8) To correct typographical or other errors in the wastewater discharge permit.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

(D) *Wastewater Discharge Permit Transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Control Authority and the Control Authority approves the wastewater discharge permit transfer. The notice to the Control Authority must include a written certification by the new owner or operator which:

(1) States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(E) *Wastewater Discharge Permit Suspension.* Wastewater discharge permits may be suspended for the following reasons:

(1) Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge.

(2) Failure to provide prior notification to the Control Authority of changed condition pursuant to Section 22.145(E).

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

(4) Falsifying self-monitoring reports and certification statements.

(5) Tampering with monitoring equipment.

(6) Refusing to allow the Control Authority timely access to the facility premises and records.

(7) Failure to meet effluent limitations.

(8) Failure to remit fines or penalties after a final, non-appealable judgement has been rendered thereon.

(9) Failure to pay sewer charges (including industrial waste surcharge).

(10) Failure to meet compliance schedules.

(11) Failure to complete a wastewater survey or the wastewater discharge permit application.

(12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon nonuse or cessation of operations. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit. Permittees with suspended wastewater permits shall admit no wastewater to the POTW.

(F) *Industrial Waste Board Appeal.*

(1) Any applicant denied a permit under this article, or any permittee whose permit has been suspended, shall have the right to a hearing before the Industrial Waste Board.

(2) Requests for a hearing shall be made in writing and received by the Control Authority within ten (10) days of the action complained of. The Control Authority, within five (5) days of receipt of the request, shall schedule a hearing before the Industrial Waste Board.

(3) The Industrial Waste Board shall have the authority to review all pertinent files and information regarding the applicant/permittee which are in the custody of the Control Authority. Additionally, the Board shall have the authority to accept written and verbal testimony from the Control Authority, applicant, and interested citizens.

(4) The Board shall have the authority to assess whether the Control Authority acted properly within its power under this article in its denial or suspension of permit. The majority vote of the Board shall determine whether to uphold or reject the Control Authority’s action. Upholding the action of the Control Authority shall affirm the denial or suspension. Rejection of the Control Authority’s actions shall automatically reinstate a suspended permit or shall cause the Control Authority to repeat the application process.

(5) The Board shall have no authority to review or act on any action of the Control Authority other than permit denials or permit suspensions.

(6) No person whose wastewater discharge permit has been denied or suspended shall discharge industrial waste to the public sewer prior to final determination by the Industrial Waste Board.

(G) *Wastewater Discharge Permit Re-issuance.* A significant Industrial User shall apply for wastewater discharge permit re-issuance by submitting a complete wastewater discharge permit application in accordance with Section 22.143(F) a minimum of thirty (30) days prior to the expiration of the Industrial User's existing wastewater discharge permit."

Section 4

That Sec. 22.145 of Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

"Sec. 22.145 Reporting requirements.

(A) *Baseline Monitoring Reports.*

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant Industrial Users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall submit to the Control Authority a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Control authority a report which contains the information listed in paragraph (2), below. A new source shall also report the method of pretreatment it intends to sue to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(2) The Industrial User shall submit the following information required by the section including:

(a) *Identifying Information.* The name and address of the facility including the name of the operator and owners.

(b) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility.

(c) *Description of Operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such Industrial User. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) *Measure of Pollutants.*

1. Identify the categorical pretreatment standard applicable to each regulated process.

2. Submit the results of sampling an analysis identifying the nature and concentration (and mass, where required by the standard or by the Control Authority) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall by analyzed in accordance with procedures set out in Section 22.145(J). In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the

Control Authority or the applicable Standards to determine compliance with the Standard.

3. Sampling must be performed in accordance with procedures set out in Section 22.145(K).

4. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(f) *Certification.* A statement reviewed and signed by the Industrial User's authorized representative indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and additional pretreatment is required to meet the pretreatment standards and requirements.

(g) *Compliance Schedule.* If additional pretreatment and O&M will be required to meet the pretreatment standards, the shortest schedule by which the Industrial User will provide such additional pretreatment and O&M shall be required. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

(h) All baseline monitoring reports must be signed and certified in accordance with Section 22.143(G).

(B) *Compliance Schedule Progress Report.* The following conditions shall apply to the schedule required by 22.145(A)(2)(g). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events may include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed thirty (30) days. The Industrial User shall submit a progress report to the Control Authority no later than 14 days following each date in the schedule and the final date of compliance including, as a

minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate the steps being taken by the Industrial User to return to the established schedule. In no event shall more than thirty (30) days elapse between such progress reports to the Control Authority.

(C) *Report on Compliance with Categorical Pretreatment Standard Deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to such pretreatment standards and requirements shall submit to the Control Authority a report containing the information described in Section 22.145(A)(2)(d-f). For Industrial Users subject to the equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), the report shall contain a reasonable measure of the Industrial User's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with Section 22.143(G).

(D) *Periodic Compliance Reports.*

(1) All significant Industrial Users shall, on the dates and at a frequency determined by the Control Authority but in no case less than twice per year, submit a report indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows of the reported period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by Control Authority or the Pretreatment Standard necessary to determine compliance status of the User. All periodic compliance reports shall be signed and certified in accordance with Section 22.143(G). This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required in Section 22.143(G) of this Article. In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

(2) All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.

(3) If an Industrial User subject to the reporting requirement of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the POTW, using the procedures prescribed in section 22.145(J) and Section 22.145(K) of this article the results of such monitoring shall be included in the report.

(E) *Report of Changed Conditions.* Each Industrial User is required to notify the Control Authority of any planned significant changes to the Industrial User's operations or system which might alter the nature, quality, or volume of its wastewater at least five (5) working days before the change.

(1) The Control Authority may require the Industrial User to submit such information as may be deemed necessary to evaluate the change condition, including the submission of a wastewater discharge permit application under Section 22.143(F).

(2) The Control Authority may issue a wastewater discharge permit or modify an existing wastewater discharge permit under Section 22.144.

(3) No Industrial User shall implement the planned changed condition(s) until and unless the Control Authority has responded to the Industrial User's notice.

(4) For purposes of this requirement, flow increases of twenty percent (20%) of the average daily or monthly flow (based on the previous year averages) or greater, a twenty percent (20%) increase in the production rate, and the discharge of any previously unreported pollutants, shall be deemed significant.

(F) *Reports of Potential Problems.*

(1) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Section 22.141(A) of this article), it is the responsibility of the Industrial User to immediately telephone and notify the Control Authority of the incident. Notification shall include the location of discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the Industrial User.

(2) Within five (5) days following such discharge, the Industrial User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this article or other law.

(3) Failure to notify the Control Authority of potential problem discharges shall be deemed a separate violation of this article.

(4) A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in sub-paragraph (1) above. Industrial Users shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(5) Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a slug discharge.

(G) *Reports from Non-significant Industrial Users.* All Industrial Users not subject to categorical pretreatment standards and not

required to obtain a wastewater discharge permit shall provide appropriate reports to the Control Authority as required by the Control Authority.

(H) *Notice of Violation/Repeat Sampling and Reporting.* If sampling performed by an Industrial User indicates a violation, the Industrial User shall notify the Control Authority within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation. Resampling by the Industrial User is not required if the Control Authority performs sampling at the User's facility at least once a month, or if the Control Authority performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the Control Authority receives the results of this sampling, or if the Control Authority has performed the sampling and analysis in lieu of the Industrial User. If the Control Authority performed the sampling and analysis in lieu of the Industrial User, the Control Authority will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis and submit the results within the 30 day time frame.

(I) *Notification of the Discharge of Hazardous Waste.*

(1) Any Industrial User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be

discharged during the following twelve (12) months. All notifications must take place no later the 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges shall be submitted under Section 22.145(E), above.

(2) Dischargers are exempt from the requirements of paragraph (1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User shall notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) Industrial Users that are permitted by the Control Authority shall submit a copy of all manifests to the Control Authority documenting offsite disposal of hazardous and non-hazardous waste.

(J) *Analytical Requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136,

unless otherwise specified in an applicable categorical pretreatment standard. If 40 CRF Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(K) *Sample Collection.* Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling analysis performed during the period cover by the report, based on data that is representative of conditions occurring during the reporting period.

(1) Except as indicated in sub-section (2) and (3) below, the Industrial User shall collect wastewater samples using 24-hour flow-proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals shall be obtained using grab collection techniques.

Total residual chlorine, pH, and temperature samples cannot be composited under any circumstances.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 22.145(A) and Section 22.145(C) [40 CFR 403.12(b) and (d)], a minimum

of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize (in writing) a lower minimum of grab samples. For the reports required by Section 22.145(D) of this article, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by the applicable Pretreatment Standards and Requirements.

(L) *Determination of Noncompliance.* The Control Authority may use a grab sample(s) to determine noncompliance with pretreatment standards.

(M) *Timing.* Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of the receipt of the report shall govern.

(N) *Record Keeping.* Industrial Users and the Control Authority shall retain, and make available for inspection and copying, all records and information required to be retained under this article and documentation associated with BMPs. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this article, or where the Industrial User has been specially notified of a longer retention period by the Control Authority."

Section 5

That Sec. 22.147 of Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

"Sec. 22.147 Confidential information

Information and data on an Industrial User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from control authority inspection and sampling activities, shall be available to the public without restriction unless the Industrial User specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such

information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the Industrial User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, except as may be required by the Public Information Act, Chapter 552 of the Texas Government Code, but shall be made available immediately upon request to governmental agencies for uses related to the TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction."

Section 6

That Sec. 22.148 of Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

"Section 22.148. Publication of Industrial Users in significant noncompliance.

The Control Authority will publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of the Industrial Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by Section 22.141 of this article;

(B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by Section 22.141 of this article multiplied by the applicable TRC

[1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH];

(C) Any other violation of a Pretreatment Standard or Requirement as defined by Section 22.141 of this article (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the Control Authority believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of personnel or the general public);

(D) Any discharge of pollutants that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program."

Section 7

That Sec. 22.149 of Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, is hereby amended as follows:

"Sec. 22.149. Administrative enforcement remedies.

(A) *Notification of Violation.* Whenever the Control Authority finds that any User has violated or is violating this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Control Authority may serve upon the

User a written Notice of Violation. Within fifteen (15) days of the receipt of a Notice of Violation an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of the plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit he authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(B) *Show Cause Hearing.* The Control Authority may order any User which causes or contributes to violation(s) of this article, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Control Authority and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why this proposed enforcement action should not be taken. The notice of the hearing may be served personally or by registered or certified mail (return receipt requested) and shall be served at least five (5) working days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the User.

(C) *Emergency Suspensions.* The Control Authority may immediately suspend a User's discharge (after informal notice to the User) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of any person. The Control Authority may also immediately suspend a User's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such

steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any person. The Control Authority shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed.

(2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and measures taken to prevent any future occurrence to the Control Authority, prior to the date of any show cause hearing under Section 22.149(B).

Nothing in this section shall be construed as requiring a hearing prior to any emergency suspension under this section.

(D) *Permit Suspension/Termination of Discharge*. In addition to the provisions of Section 22.144(E) of this article, any User that violates the following conditions of this section, wastewater discharge permits, or orders issued hereunder, is subject to permit suspension and discharge termination:

(1) Violation of any wastewater discharge permit condition or conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(4) Refusal of reasonable access to the User’s premises for the purpose of inspection, monitoring or sampling, or;

(5) Violation of the pretreatment standards in Section 22.141(A) of this article.

Such User shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section

22.149(B) of this article why the proposed action should not be taken.

(E) *Compliance Orders.* When the Control Authority finds that a User has violated, or continues to violate, any provision of this article, an Industrial Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Control Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the User.

(F) *Cease and Desist Orders.* When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User."

Section 8

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

Section 9

That Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 10

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 11

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

PASSED AND APPROVED this the _____ day of _____, 2021.

CITY OF GARLAND, TEXAS

_____
Mayor

ATTEST:

_____
City Secretary

GARLAND

CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda **6.**

Meeting Date: 03/02/2021

Item Title: Consider an Ordinance Authorizing the Issuance of Electric Utility System Revenue Notes

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

Council is requested to approve an ordinance in substantially the form as attached.

Recommendation/Action Requested and Justification

Approve an ordinance in substantially the form as attached.

Attachments

Draft Ordinance

ORDINANCE NO. _____
OF THE CITY OF GARLAND, TEXAS

AUTHORIZING THE ISSUANCE OF

_____

CITY OF GARLAND, TEXAS
ELECTRIC SYSTEM
SUBORDINATE LIEN REVENUE NOTES
TAXABLE SERIES 2021

_____

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ORDINANCE NO.

AN ORDINANCE authorizing the issuance of "CITY OF GARLAND, TEXAS, ELECTRIC UTILITY SYSTEM SUBORDINATE LIEN REVENUE NOTES, TAXABLE SERIES 2021", pledging the net revenues of the City's electric utility system to the payment of the principal of and interest on said notes; specifying the terms and conditions of such notes; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said notes, including the approval and execution of a Paying Agent/Registrar Agreement and a Note Purchase Agreement; the engagement of consultants; and providing an effective date.

THE STATE OF TEXAS §
COUNTIES OF DALLAS, COLLIN AND ROCKWALL §
CITY OF GARLAND §

WHEREAS, the City of Garland, Texas (the "City") is a "home-rule municipality", acting as such under the Constitution and laws of the State of Texas, that adopted its charter under Section 5, Article XI of the Texas Constitution, that has a population in excess of 50,000, and that has outstanding long-term indebtedness that is rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for a long-term obligation; and

WHEREAS, the City of Garland, Texas (the "City") is authorized pursuant to Chapter 1502, Texas Government Code, to own and operate the System (as hereinafter defined); and

WHEREAS, Section 1502.002, Texas Government Code, authorizes the City to "acquire, purchase, ...operate, or maintain any property ...with respect to: (1)(a) a utility system . . ."; and

WHEREAS, the City owns and operates an electric utility system that includes facilities for the generation, transmission and distribution of electric power to serve retail consumers in the City and wholesale customers in other locations within the Electric Reliability Council of Texas service area; and

WHEREAS, Section 271.003(8), Local Government Code, defines "Personal Property" to include electricity, and the City is authorized by the Texas Personal Property Finance Act (Chapter 271, Local Government Code) to finance Personal Property; and

WHEREAS, the City's purchase and sale of electricity and the contract rights and obligations related thereto, are authorized purposes and functions of the City for which the City may issue public securities to finance property that constitute "public works" under Section 1371.001(8)(I), Texas Government Code (as provided below); and

WHEREAS, Section 1371.001(2), Texas Government Code, defines an "eligible project" to be the acquisition of a public works, and Section 1371.001(7), Texas Government Code, defines "project cost" as a cost or expense incurred relation to an eligible project which would include the costs paid in connection to the City's contractual obligations of buying and selling electricity; and

WHEREAS, based on the foregoing recitals, the City may use the authority of Chapter 1371, Texas Government Code ("Chapter 1371"), in the issuance of revenue debt to finance payments made under a contract for the purchase of electricity as such payments constitute "project costs" under Chapter 1371 in that (i) Section 1371.001(7), Texas Government Code, defines "project cost" as a cost or expense incurred in relation to an "eligible project," (ii) Section 1371.001(2), Texas Government Code, defines "eligible project" as the "the acquisition or construction of or an improvement, addition, or extension to a public works…", (iii) Section 1371.001(8)(I), Texas Government Code, defines the term "public works" to mean "property . . . for the carrying out of a purpose or function for which an issuer may issue public securities"; accordingly, the purchase of electricity by the City and making the payments therefore constitutes a "public work" under Chapter 1371 and therefore a "project cost" that can be financed under the authority of Chapter 1371; and

WHEREAS, the Notes are issued for the purpose of financing the purchase of electricity in accordance with the aforesaid provisions of Chapter 1502, Texas Government Code, the Texas Personal Property Finance Act and Chapter 1371; and

WHEREAS, the City has heretofore issued and delivered revenue bonds and commercial paper notes under the authority of Chapters 1502, 1371 and 1207, Texas Government Code, as amended, and other applicable laws, to finance and refinance improvements to the System (as hereinafter defined); and

WHEREAS, at the date of delivery of the notes authorized hereby, the City will have revenue bonds outstanding, which are payable from a first lien on the Net Revenues (as hereinafter defined), other revenue bonds secured by a second lien on the Net Revenues (such obligations are the Prior Lien Obligations, as hereinafter defined) and commercial paper notes, which are payable from a third lien on the Net Revenues; and

WHEREAS, the notes authorized hereby are being issued as subordinate lien obligations to the Prior Lien Obligations with respect to the pledge of the Net Revenues and as parity obligations with respect to the Commercial Paper Notes (as hereinafter defined); and

WHEREAS, the notes authorized hereby are short to intermediate term obligations with respect to which the City intends to fund or refund through the issuance of obligations of the City payable from net revenues of the System, as permitted by Texas Government Code, Chapter 1502, as amended, including refunding bonds issued pursuant to and in accordance with the provisions of Texas Government Code, Chapter 1207, as amended; and

WHEREAS, the Notes are to be issued and delivered pursuant to laws of the State of Texas, including particularly Chapter 1502, Texas Government Code, Chapter 1371, Texas Government Code, and other applicable laws; Now, Therefore

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

ARTICLE I

RECITALS

It is hereby found and determined that the matters and facts set out in the preamble to this Ordinance are true and correct.

ARTICLE II

DEFINITIONS AND INTERPRETATIONS

Section 2.1: Definitions. In addition to the terms defined in the preambles hereto and elsewhere in this Ordinance, the following terms shall have the following meanings when used in this Ordinance, unless the context clearly indicates otherwise:

"Authorized Denomination" means $2,500,000 or any integral multiple of $1,000 in excess thereof.

"Authorized Representative" means one or more of the following officers or employees of the City, acting in concert or individually, to-wit: the Mayor, the City Manager, and the Director of Financial Services, or such other officer or employee of the City designated in writing by the City Manager, as approved by the City Council, to act as an Authorized Representative.

"Bank" means Bank of America, N.A. or any subsequent or succeeding or replacement entity specified in the Reimbursement Agreement.

"Business Day" shall mean any day of the year on which banks in New York, New York are not required or authorized to remain closed and on which the Purchaser and the New York Stock Exchange, Inc. and the Federal Reserve Bank are open.

"Certificate of an Authorized Representative" means a certificate delivered by an Authorized Representative in connection with the issuance of Parity Obligations, which certifies that the requirements of Section 5.2 of this Ordinance have been met.

"City" means the City of Garland, Texas.

"City Council" means the City Council of the City.

"Closing Date" means the date of the initial delivery of and payment for the Notes.

"Chapter 1371" means Chapter 1371, Texas Government Code, as amended.

"Commercial Paper Notes" means (i) all commercial paper notes issued from time to time pursuant to City Ordinance 6989 adopted on May 15, 2018, as such ordinance may be amended or supplemented and (ii) all commercial paper notes issued from time to time pursuant to an ordinance

of the City creating a new commercial paper program following the expiration of said City Ordinance 6989.

"Comptroller" means the Comptroller of Public Accounts of the State of Texas.

"Debt Service" means, for any period, without duplication, the sum of the amounts required for such period to pay principal of, to fund any sinking fund requirements for, and to pay interest on Prior Lien Obligations, the Notes and Parity Obligations.

"Default Rate" has the meaning set forth in the Note Purchase Agreement.

"Eligible Investments" means any or all of the authorized investments described in the Public Funds Investment Act, Texas Government Code, Chapter 2256, as amended, in which the City may purchase, sell and invest its funds and funds under its control; and provided further that Eligible Investments shall specifically include, with respect to the investment of proceeds of the Notes, guaranteed investment contracts fully collateralized by direct 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.

"Eligible Project" means the acquisition or construction of improvements, additions or extensions to a Public Works, including capital assets and facilities incident and related to the operation, maintenance and administration thereof, and with respect to a property or a facility for the generation of electric power and energy, fuel acquisition or the development or transportation of power, energy, or fuel, all as provided in Chapter 1371.

"Federal Funds Rate" has the meaning set forth in the Note Purchase Agreement.

"Fiscal Year" means any consecutive twelve-month period declared by the City as its fiscal year, which currently runs from October 1 through September 30.

"Gross Revenues" shall mean those revenues, income, and receipts derived or received by the City from the operation and ownership of the System, including interest income and earnings from the investment or deposit of money in any Fund created by any ordinance or authorizing document associated with the Prior Lien Obligations or by this Ordinance or maintained by the City in connection with the System, and money transferred to the City's Electric Utility System Fund, other than those amounts subject to the payment of the United States of America as rebate pursuant to section 148 of the Code. The term "Gross Revenues", however, does not include refundable meter deposits, restricted gifts, grants in aid of construction or "transition charges" or similar charges imposed pursuant to the V.T.C.A., Utilities Code, Subchapter G of Chapter 39 or similar law imposed for the payment of "transition bonds".

"Initial Note" means Note R-1 of the series.

"Interest Payment Date", when used in connection with the Notes, means September 1, 2021, and each March 1 and September 1 thereafter to the date of Stated Maturity or redemption prior to maturity and the date of Stated Maturity.

“Make-Whole Payment” has the meaning set forth in Exhibit C to the Note Purchase Agreement.

“Maximum Interest Rate” means the maximum interest rate allowed by Texas Government Code, Chapter 1204, as amended, but in no event shall such rate exceed 15%.

"Net Revenues” means for any period of time the Gross Revenues of the System less the Operation and Maintenance Expenses incurred during such period.

“Note Purchase Agreement” means the agreement between the City and the Purchaser described in Section 8.1 of this Ordinance.

“Notes” mean the $150,000,000 City of Garland, Texas, Electric Utility System Subordinate Lien Revenue Notes, Taxable Series 2021 authorized in this Ordinance, unless the context clearly indicates otherwise.

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

“Ordinance” means this ordinance and all amendments hereof and supplements hereto. “Owner” when used with respect to any Note, means the person or entity in whose name such Bond is registered in the Register.

“Parity Obligations” means the Notes, obligations of the City under the Note Purchase Agreement and the Commercial Paper Notes and any indebtedness of the City secured by Net Revenues on parity with the Notes and the Commercial Paper Notes.

“Paying Agent/Registrar” means Wells Fargo Bank, National Association, and its successors in that capacity.

“Paying Agent/Registrar Agreement” means the agreement between the City and the Paying Agent/Registrar described in Section 8.1 of this Ordinance.

“Prime Rate” has the meaning set forth in the Note Purchase Agreement.

“Prior Lien Obligations” includes (i) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2014, dated June 1, 2014, (ii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2015, dated February 1, 2015, (iii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2016A,

dated November 15, 2016, (iv) City of Garland, Texas Electric Utility System Revenue Refunding Bonds, New Series 2016B, dated November 15, 2016, (v) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2018, dated May 15, 2018, (vi) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2019, dated February 15, 2019, (vii) City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2019A dated December 1, 2019, (viii) City of Garland, Texas Electric Utility System Revenue Refunding Bonds, New Series 2020, dated June 1, 2020, (ix) City of Garland, Texas Electric Utility System Revenue Refunding Bonds, New Series 2021 dated January 15, 2021 and (x) and other bonds issued by the City in the future that are secured by a lien on and pledge of the Net Revenues on a parity with the City's Electric Utility System Revenue Refunding Bonds, New Series 2021.

"Project Costs" means all costs and expenses incurred in relation to Eligible Projects, including without limitation design, planning, engineering and legal costs, acquisition costs of land, interests in land, rights-of-way and easements, construction costs, costs of machinery, equipment, and other capital assets incident and related to the operation, maintenance, and administration of an Eligible Project, financing costs (including interest on obligations during the constitutionally permitted time period, and payments on credit agreements during and after construction, underwriter's discount and/or fees for legal, financial, and other professional services). A Project Cost incurred before the issuance of the Notes issued to fund costs of an Eligible Project may be reimbursed from proceeds from the sale of the Notes, and such reimbursement shall be a "Project Cost."

"Public Works" has the meaning set forth in Chapter 1371, including property or a facility for the generation, transmission, or distribution of electric power and energy and the acquisition, distribution, or storage of gas; such term includes the System.

"Purchaser" means Wells Fargo Bank, National Association, and its successors and assigns.

"Record Date" means, with respect to the Notes, the close of business on the fifteenth day of the month preceding such Interest Payment Date.

"Register" means the books of registration kept by the Paying Agent/Registrar, in which are maintained the names and addresses of, and the principal amounts of the Notes registered to, each Owner.

"Reimbursement Agreement" means that certain Reimbursement Agreement dated as of June 1, 2018 between the City and the Bank, as from time to time amended or supplemented.

"Stated Maturity" means February 27, 2026.

"System" means the City's Electric Utility System, including all present and future extensions, additions, replacements and improvements thereto.

Section 2.2: Interpretations. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and

are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Notes and the validity of the lien on and pledge of the Net Revenues to secure the payment of the Notes.

ARTICLE III

TERMS OF THE NOTES

Section 3.1: Purpose and Amount of Notes. The Notes shall be issued, pursuant to the Act, in fully registered form in the aggregate principal amount of $150,000,000 for the purpose of financing Project Costs of Eligible Projects.

Section 3.2: Designation, Date, Interest Rate and Interest Payment Dates. The Notes shall be designated as "City of Garland, Texas, Electric Utility System Subordinate Lien Revenue Notes, Taxable Series 2021," and shall be dated March 1, 2021but shall bear interest from the date of initial delivery thereof to the Purchaser. The Notes shall mature on the date of Stated Maturity, but are payable in annual principal installments and subject to redemption prior to Stated Maturity as set forth in the Form of Notes in this Ordinance. Interest of the Notes shall be paid on each Interest Payment Date. The Notes shall bear interest at the rates set out in the Form of Notes in this Ordinance from the date of initial delivery of the Notes to the Purchaser, or the most recent Interest Payment Date to which interest has been paid or duly provided for, calculated on the basis of a 360 day year of twelve 30 day months, payable on each Interest Payment Date or at redemption of a Note prior to Stated Maturity.

Section 3.3: Numbers and Authorized Denomination. The Notes may be transferred and exchanged in whole, or in part, as provided in Section 3.9 of this Ordinance. The Notes shall be numbered in sequence beginning with R-1. Notes delivered on transfer of or in exchange for other Notes shall be numbered in order of their authentication by the Paying Agent/Registrar, shall be in an Authorized Denomination and shall bear interest at the same rate as the Note in lieu of which they are delivered.

Section 3.4: Execution of Notes; Seal. (a) The Notes shall be signed on behalf of the City by the Mayor and countersigned by the City Secretary, by their manual, lithographed, or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Notes shall have the same effect as if each of the Notes had been signed manually and in person by each of said officers, and such facsimile seal on the Notes shall have the same effect as if the official seal of the City had been manually impressed upon each of the Notes.

(b) If any officer of the City whose manual or facsimile signature shall appear on the Notes shall cease to be such officer before the authentication of such Notes or before the delivery of such Notes, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Note shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Paying

Agent/Registrar's Authentication Certificate substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. In lieu of the executed Paying Agent/Registrar's Authentication certificate described above, the Initial Note delivered at the Closing Date shall have attached hereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller, or by his duly authorized agent, which certificate shall be evidence that the Initial Note has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, the Initial Note, being a single note representing the entire principal amount of the Notes, payable to the Purchaser, executed by manual or facsimile signature of the Mayor and City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller, shall be delivered to the Purchaser.

Section 3.5: Payment of Principal and Interest. Wells Fargo Bank, National Association is hereby appointed as the Paying Agent/Registrar for the Notes and the Paying Agent/Registrar Agreement in the form presented to the City Council at the meeting at which this Ordinance was adopted is hereby approved. An Authorized Representative is hereby authorized to execute and deliver such Paying Agent/Registrar Agreement on behalf of the City. The principal of the Notes shall be payable, without exchange or collection charges, in any coin or currency of the United States of America which, on the date of payment, is legal tender for the payment of debts due the United States of America, and without presentation for payment. The interest on each Note shall be payable on each Interest Payment Date in immediately available funds by federal funds wire transfer to or for the account of the Owner of record as of the Record Date.

If the date for payment of the principal of or interest on any Note is not a Business Day, then the date for such payment shall be the next succeeding Business Day with the same force and effect as if made on the date payment was originally due.

Section 3.6: Successor Paying Agent/Registrars. The City covenants that at all times while any Notes are outstanding it will provide a commercial bank or trust company, organized under the laws of the United States or any state, authorized under such laws to exercise trust powers, and subject to supervision or examination by federal or state authority, to serve as and perform the duties and services of Paying Agent/Registrar for the Notes. The City reserves the right to change the Paying Agent/Registrar on not less than 50 days written notice to the Paying Agent/Registrar, so long as any such notice is effective not less than 45 days prior to the next succeeding principal or Interest Payment Date on the Notes. Promptly upon the appointment of any successor Paying Agent/Registrar, the previous Paying Agent/Registrar shall deliver the Register or copies thereof to the new Paying Agent/Registrar, and the new Paying Agent/Registrar shall notify each Owner, by United States mail; first class postage prepaid, of such change and of the address of the new Paying Agent/Registrar. Each Paying Agent/Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Section.

Section 3.7: Special Record Date. If interest on any Note is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Paying Agent/Registrar shall establish a new record date for the payment of such interest, to be known as a Special Record Date. The

Paying Agent/Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each affected Owner of record as of the close of business on the day prior to the mailing of such notice.

Section 3.8: Ownership; Unclaimed Principal and Interest. The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Note is registered as the absolute owner of such Note for the purpose of making and receiving payment of the principal of or interest on such Note, and for all other purposes, whether or not such Note is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Note in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Note to the extent of the sums paid.

Amounts held by the Paying Agent/Registrar which represent principal of and interest on the Notes remaining unclaimed by the Owner after the expiration of three years from the date such amounts have become due and payable shall be reported and disposed of by the Paying Agent/Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code, as amended.

Section 3.9: Registration, Limitation on Transfer, and Exchange. A Note may be transferred in whole but in part, and may only be transferred to a Purchaser Transferee (as defined in Section 9.13(b) of the Note Purchase Agreement.

Each Note shall be transferable only upon the presentation and surrender thereof at the principal payment office of the Paying Agent/Registrar in Minneapolis, Minnesota, duly endorsed for transfer, or accompanied by an assignment duly executed by the registered Owner or his authorized representative in form satisfactory to the Paying Agent/Registrar. Upon due presentation of any Note for transfer, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor, within three Business Days after such presentation, a new Note or Notes, as applicable, registered in the name of each transferee, in an Authorized Denomination and with the same Stated Maturity and bearing interest at the same rate as the Note so presented. Prior to delivery of the new Note or Notes to the transferee, and of an exchanged Note reflecting the retained balance of the transferring Owner's ownership in the Notes, if any, the Paying Agent/Registrar shall complete the schedule of installment payments on page 1 of each Note to set forth the proportionate ownership of principal of such transferring owner or transferee relative to the total outstanding principal amount of the series of the Notes. For purposes of clarity, in the event that Note R-1 should be transferred in part while the full principal amount of the series is outstanding to a new Owner that has purchased a one-third interest in the Notes, the Paying Agent/Registrar would allocate the principal installments of the retained interest and the new purchased ownership two-thirds and one-third, respectively.

The City or the Paying Agent/Registrar may require the Owner of any Note to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the

transfer or exchange of such Note. Any fee or charge of the Paying Agent/Registrar for such transfer or exchange shall be paid by the City.

Section 3.10: Mutilated, Lost, or Stolen Notes. Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Note, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Note of like Stated Maturity, interest rate, and principal amount, bearing a number not contemporaneously outstanding. If any Note is lost, apparently destroyed, or wrongfully taken, the City, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Note has been acquired by a bona fide purchaser, shall authorize and the Paying Agent/Registrar shall authenticate and deliver a replacement Note of like Stated Maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding.

The City or the Paying Agent/Registrar may require the Owner of a mutilated Note to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Paying Agent/Registrar. The City or the Paying Agent/Registrar may require the Owner of a lost, apparently destroyed or wrongfully taken Note, before any replacement Note is issued, to:

(1) furnish to the City and the Paying Agent/Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Note;

(2) furnish such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(3) pay all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that may be imposed; and

(4) meet any other reasonable requirements of the City and the Paying Agent/Registrar.

If, after the delivery of such replacement Note, a bona fide purchaser of the original Note in lieu of which such replacement Note was issued presents for payment such original Note, the City and the Paying Agent/Registrar shall be entitled to recover such replacement Note from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Paying Agent/Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Note has become or is about to become due and payable, the City in its discretion may, instead of issuing a replacement Note, authorize the Paying Agent/Registrar to pay such Note.

Each replacement Note delivered in accordance with this Section shall be entitled to the benefits and security of this Ordinance to the same extent as the Note or Notes in lieu of which such replacement Note is delivered.

Section 3.11: Cancellation of Notes. All Notes paid in accordance with this Ordinance, and all Notes in lieu of which exchange Notes or replacement Notes are authenticated and delivered in accordance herewith, shall be cancelled and destroyed upon the making of proper records regarding such payment. The Paying Agent/Registrar shall furnish the City with appropriate certificates of destruction of such Notes.

Section 3.12: Registration of Ownership. (a) The Initial Note shall be registered in the name of the Purchaser. All other Notes shall be registered in the name of the registered Owner or its designee.

(b) Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Note is registered in the Register as the absolute Owner of such Note for the purpose of payment of principal of and interest on the Notes, for the purpose of giving notices of redemption and other matters with respect to such Note, for the purpose of registering transfer with respect to such Note, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest of the Notes only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payments of principal, premium, if any, and interest on the Notes to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a Note certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance.

Section 3.13: Optional Redemption. The Notes are subject to optional redemption, but only to the extent set forth in the Form of Notes in this Ordinance.

Principal amounts may be redeemed by the City only in integral multiples of $1,000,000. Upon a redemption in part, the Paying Agent/Registrar shall allocate the redeemed amount pro rata to all outstanding Notes and shall make an entry in the Register adjusting the amount of each outstanding Note in accordance with such allocation. Thereupon, the principal installments of each outstanding Note shall be adjusted in accordance with such allocation.

Notice of any redemption identifying the Note to be redeemed in whole or in part shall be given by the City to the Owners and the Paying Agent/Registrar at least fifteen days prior to the date fixed for redemption by facsimile or electronic mail transmission, confirmed in writing within twenty-four (24) hours, but the failure to so confirm such notice in writing shall not render such notice ineffective. Such notices shall state the redemption date, the redemption price, the place at which Note is to be surrendered for payment and, if less than all of the outstanding Note of this series is to be redeemed, the portions thereof to be redeemed. Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not an Owner or the Paying Agent/Registrar receives such notice. By the date fixed for redemption, due provision shall

be made with the Paying Agent/Registrar for payment of the redemption price of the Notes or portions thereof to be redeemed, plus accrued interest to the date fixed for redemption. When a Note has been called for redemption in whole or in part and due provision has been made to redeem the same as herein provided, the Note or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners to collect interest which would otherwise accrue after the redemption date on any Note or portion thereof called for redemption shall terminate on the date fixed for redemption.

Section 3.14: Conditional Notice of Redemption. With respect to any optional redemption of a Note, unless certain prerequisites to such redemption required by this Ordinance have been met and 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 may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem the Notes or portion thereof and the City shall give notice, in the manner in which the notice of redemption was given, to the effect that the Note or the portion thereof specified for redemption has not been redeemed.

Section 3.15: Forms. The form of the Notes, including the form of Registration Certificate of the Comptroller of Public Accounts; which shall be attached or affixed to the Initial Note, the form of the Paying Agent/Registrar's Authentication Certificate and the form of Assignment, shall be, respectively, substantially as follows, with such additions, deletions and variations as may be necessary or desirable and not prohibited by this Ordinance:

(a) Form of Notes.

TRANSFER OF THIS NOTE IS RESTRICTED AS SET FORTH IN THE ORDINANCE

NO. R-	UNITED STATES OF AMERICA STATE OF TEXASCITY OF GARLAND, TEXAS ELECTRIC SYSTEM SUBORDINATE LIEN REVENUE NOTE TAXABLE SERIES 2021	PRINCIPAL AMOUNT $_____

Interest Rate	Date of Initial Delivery	Date of Stated Maturity	CUSIP No.[1]
%, but subject to the Default Rate	March __, 2021	February 27, 2026	

REGISTERED OWNER:

[1] This column may be left blank in Note R-1.

PRINCIPAL AMOUNT: DOLLARS

THE CITY OF GARLAND, TEXAS, a municipal corporation duly incorporated under the laws of the State of Texas (herein the "City") for value received, promises to pay, but solely from certain Net Revenues as hereinafter provided, to the registered Owner identified above or registered assigns, the principal amount specified above, and to pay interest thereon, from the Date of Initial Delivery set forth above, on the balance of said principal amount from time to time remaining unpaid, at the interest rate per annum set forth above, calculated on the basis of a 360 day year of twelve 30 day months; provided that, upon the occurrence of an Event of Default as provided in the ordinance adopted by the City Council, which authorized the Notes of this series (the "Ordinance"), the Notes shall bear interest at the Default Rate (as defined in the Ordinance).

THE UNPAID PRINCIPAL OF THIS NOTE shall finally mature on February 27, 2026, but shall be paid in installments on the dates and in the amounts set forth in the table below:

Payment Date	Principal Installment
March 1, 2022	$29,400,000
March 1, 2023	29,600,000
March 1, 2024	30,000,000
March 1, 2025	30,350,000
February 27, 2026	30,650,000

THE PRINCIPAL OF AND INTEREST ON THIS Note are payable in lawful money of the United States of America, without exchange or collection charges. The City shall pay interest on this Note on September 1, 2021 and on each March 1 and September 1thereafter to the date of maturity or the date of redemption prior to maturity and without presentation for payment of principal or interest. All payments on this Note shall be made to the Owner of record as of the Record Date (as hereinafter defined) by Wells Fargo Bank, National Association in Minneapolis, Minnesota, which is the "Paying Agent/Registrar" for this Note. Payments of principal installments of and interest on this Note shall be made by the Paying Agent/Registrar on each principal payment date set forth above and on each Interest Payment Date and upon maturity or upon the date fixed for redemption prior to maturity, in immediately available funds by federal funds wire transfer to or for the account of the Owner, drawn by the Paying Agent/Paying Agent/Registrar on, and payable solely from, funds of the City required by the Ordinance (hereinafter defined) to be on deposit with the Paying Agent/Registrar for such purpose. All payments with respect to this Note shall be paid to the Registered Owner hereof, at its address as it appeared on the fifteenth business day of the month next preceding each such date (the "Record Date") on the Register kept by the Paying Agent/Paying Agent/Registrar, as hereinafter described.

THIS NOTE is one of a duly authorized issue of Notes, dated March 1, 2021, aggregating $150,000,000 (the "Notes"), issued for the purpose of financing Project Costs of Eligible Projects (as such terms are defined in the Ordinance), under and in strict conformity with the Constitution and laws of the State of Texas, particularly Chapter 1371, Texas Government Code, and Chapter 1502,13 Texas Government Code, and pursuant to an ordinance adopted by the City Council (the "Ordinance"), which Ordinance is of record in the City's official minutes.

THE CITY RESERVES THE RIGHT to redeem this Note, in whole or from time to time in part, in integral multiples of $1,000,000, on March 1, 2022, or any Interest Payment Date thereafter, at par plus accrued interest on the principal amounts called for redemption to the date fixed for redemption. In addition, the City reserves the right to redeem this Note in whole or from time to time in part, in integral multiples of $1,000,000, on any date commencing June 1, 2021 through February 28, 2022 at a redemption price equal to the Make-Whole Payment amount (as defined in the Ordinance).

NOTICE OF REDEMPTION shall be given by the City to the Paying Agent/Registrar and the Owner as provided in the Ordinance.

THIS NOTE IS EXCHANGEABLE at the principal payment office of the Paying Agent/Registrar in Minneapolis, Minnesota, for Notes in an Authorized Denomination, as provided in the Ordinance, subject to the terms and conditions set forth in the Ordinance.

THIS NOTE shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Note is either (i) registered by the Comptroller of Public Accounts of the State of Texas by registration certificate attached or affixed hereto or (ii) authenticated by the Paying Agent/Registrar by due execution of the authentication certificate endorsed hereon.

THE REGISTERED OWNER of this Note, by acceptance hereof, acknowledges and agrees to be bound by all the terms and conditions of the Ordinance.

THE CITY has covenanted in the Ordinance that it will at all times provide a legally qualified Paying Agent/Registrar for the Notes and will cause notice of any change of Paying Agent/Registrar to be mailed to each registered Owner.

THIS NOTE AND THE SERIES OF WHICH IT IS A PART are special obligations of the City secured by a lien on the Net Revenues (as defined in the Ordinance), of the City's Electric Utility System; provided, however, that such lien is and shall be subject and subordinated to the prior liens on the Net Revenues that secure the Agency's Prior Lien Obligations (as defined in the Ordinance). THE REGISTERED OWNER HEREOF SHALL NEVER HAVE THE RIGHT TO DEMAND PAYMENT OF THIS OBLIGATION OUT OF ANY FUNDS RAISED OR TO BE RAISED BY TAXATION.

THE CITY HAS RESERVED THE RIGHT to issue additional Prior Lien Obligations (as defined in the Ordinance) and Parity Obligations (as defined in the Ordinance) secured by all or a part of the Net Revenues, but subject to the terms of the Senior Lien Ordinances (as defined in the Note Purchase Agreement relating to the Notes by and between the City and Wells Fargo Bank, National Association) and the Ordinance and the terms of said Note Purchase Agreement, respectively, to which reference is made for more complete details. Any additional Parity Obligations shall be equally and ratably payable from, and secured by a lien on and pledge of, the Net Revenues in the same manner and to the same extent as this Note and the series of which it is a part.

IT IS HEREBY DECLARED AND REPRESENTED that this Note has been duly and validly issued and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the issuance and delivery of this Note have been performed, existed, and been done in accordance with law; that the Notes do not exceed any statutory limitation; and that provision has been made for the payment of the principal of and interest on this Note and all of the Notes by the creation of the aforesaid lien on and pledge of the Net Revenues.

BY BECOMING the registered Owner of this Note, the registered Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Note and the Ordinance constitute a contract between each registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Note to be signed with the manual or facsimile signature of the Mayor of the City (or in the Mayor's absence, by the Mayor Pro-Tem) and countersigned with the manual or facsimile signature of the City Secretary of the City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Note.

(Signature)	(Signature)
City Secretary	Mayor

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE
(To be executed if this Note is not accompanied by an
executed Registration Certificate of the Comptroller
of Public Accounts of the State of Texas)

It is hereby certified that this Note has been issued under the provisions of the Note Order described in the text of this Note; and that this Note has been issued in exchange for a Note or Notes, or a portion of a Note or Notes of a series that originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____

Wells Fargo Bank, National Association
Minneapolis, Minnesota
Paying Agent/Registrar

By_____
Authorized Representative

(c) Form of Assignment.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____.

(Please insert Social Security or Taxpayer Identification Number of Transferee)

_____

(Please print or typewrite name and address, including zip code, of Transferee.)

_____

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Note in every particular, without alteration or enlargement or any change whatsoever.

ARTICLE IV

SECURITY AND SOURCE OF PAYMENT FOR THE NOTES

Section 4.1: Pledge of Revenues. The City hereby covenants and agrees that, subject only to the prior lien on and pledge of the Net Revenues of the System to the payment and security of the Prior Lien Obligations (including the establishment and maintenance of the special funds created for the payment and security thereof) under the terms and conditions of the ordinances and proceedings pertaining to their authorization, the Net Revenues of the System, with the exception of those in excess of the amounts required for the payment and security of the Parity Obligations, are hereby irrevocably pledged to the payment and security of the Parity Obligations, including the maintenance of the special funds herein created in connection with the issuance of the Notes, all as hereinafter provided, and it is hereby ordained that the Notes, and the interest thereon, shall be equally and ratably secured by a parity lien on and pledge of the Net Revenues of the System with all other Parity Obligations and be valid and binding without any filing or recording except for the filing of this Ordinance in the records of the City.

Texas Government Code, Chapter 1208, as amended, applies to the issuance of the Notes and the pledge of the revenues granted by the City under this Section of this Ordinance, and such

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

Section 4.2: Rates and Charges. For such time as the Notes are outstanding and for the benefit of the original Purchaser as well as any subsequent Owners of the Notes and in addition to all provisions and covenants in the law of the State of Texas and in this Ordinance, the City shall, at all times while any of the Parity Obligations are outstanding and unpaid, maintain rates and collect charges for the facilities and services afforded by the System, as required by Texas Government Code, Chapter 1502, as amended, which will provide Gross Revenues of the System, including the money transferred to the System Fund (as described in the ordinances authorizing the issuance of the Prior Lien Obligations) for the sole purpose of compliance with this Section 4.2, sufficient at all times to:

(a) pay for all maintenance, operation, depreciation, replacement and betterment charges of the System and all other outstanding indebtedness against said System as and when the same becomes due; and

(b) produce Net Revenues each Fiscal Year in an amount reasonably estimated to be not less than 1.0 times the annual principal and interest requirements of the Outstanding Prior Lien Obligations and the Parity Obligations (for purposes of this Section4.2(b) the City may use the lesser of the 30 year level debt service amortization based on The Bond Buyer Revenue Bond Index for such term in effect on the first day of the Fiscal Year or the Revenue Bond Index average published in The Bond Buyer on the date of calculation for calculating the annual principal and interest requirements on the Commercial Paper Notes).

Section 4.3: Punctual Payment. The City will punctually pay or cause to be paid the principal of and interest, if any, on the Notes (but only from the sources pledged herein), in conformity with the Notes and this Ordinance.

Section 4.4: Funds and Accounts. The City hereby covenants and agrees that all revenues derived from the operation of the System shall be kept separate and apart from all other funds of the City, and the following Funds shall be created and established, or, in the case of the System Fund, the creation thereof is hereby confirmed, and the City shall continue such Funds in place and maintained during the period of time any Notes are outstanding, to wit:

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

(b) City of Garland, Texas Subordinate Lien Note Interest and Sinking Fund, hereinafter called the "Note Fund," which Note Fund is hereby declared to be the interest and sinking fund

created for the payment of principal of and interest on the Notes. The Note Fund shall be kept and maintained at a City depository, as custodian of the pledged revenues, and moneys deposited therein shall be used solely for the purpose of paying the principal of and interest on the Notes when and as the same become due and payable.

(c) City of Garland, Texas, Electric Utility System Subordinate Lien Revenue Notes, Taxable Series 2021 Note Construction Account," hereinafter called the "Note Construction Account," which Account shall be kept at a City depository.

It is specifically provided, however, that the City may change the custodian of the Note Fund or the Note Construction Account without impairing the obligation of contract with the Owners, if the new custodian for such Fund or Account is a financial institution with trust powers. In no event shall a change of the custodian of either of the Note Fund or the Note Construction Account be considered as a change in the purpose for which such Fund and Account were created and established as provided in this Ordinance, and the City covenants that it will cause such Fund and Account to be timely utilized for the respective purposes for which they were created. The City reserves the right to establish and maintain additional funds and accounts in connection with payment or support of the Notes and the money on deposit in any such fund or account on the last day of the Fiscal Year may be used for any lawful purpose related to the Notes and any proposed obligations which would be Parity Obligations, including being applied to any Net Revenue calculations associated with Additional Parity Obligations (as defined in Section 5.2 of this Ordinance).

Section 4.5: System Fund. The City hereby covenants and agrees that all revenues and income of every nature derived and to be derived from the operation of the System shall be deposited from day to day as collected into the System Fund, and the reasonable and proper maintenance and operation expenses of the System shall be paid therefrom. All moneys deposited therein which are not required for the payment of maintenance and operating expenses of the System shall be appropriated and used, first to the payment of any principal, interest or reserve requirements of any outstanding Prior Lien Obligations, second, to the payment of any principal, interest or reserve requirements of any Parity Obligations, third to the payment of any principal, interest or reserve requirements of any outstanding obligations payable from and secured by a lien on and pledge of the Net Revenues of the System subordinate to the lien on and pledge of the Parity Obligations and fourth, for any purpose authorized by applicable law.

Section 4.6: Note Fund. The following provisions shall govern the maintenance and use of the Note Fund: the City covenants that from the funds in the System Fund, after paying or making provision for the payment of the necessary and reasonable expenses of operation and maintenance of the System, and for the payment of any principal, interest or reserve requirements of any outstanding Prior Lien Obligations, the City shall pay into the Note Fund during each year in which any of the Notes are outstanding, an amount equal to one hundred percent (100%) of the amount required to meet the principal and interest payments falling due on or before the next installment payment date and Interest Payment Date of the Notes. An amount of moneys in the Note Fund sufficient to pay principal and interest next coming due shall be transferred to the Paying Agent/Registrar on or before the principal or Interest Payment Date.

Section 4.7: Deficiencies in Note Fund. If in any month the City shall, for any reason, fail to pay into the Note Fund the full amounts above stipulated, amounts equivalent to such deficiencies shall be set apart and paid into said Funds from the first available and unallocated Net Revenues of the System for the following month or months, and such payments shall be in addition to the amounts otherwise required to be paid into the Note Fund during such month or months.

Section 4.8: Excess Revenues. Any Net Revenues in excess of those required to establish and maintain the special Funds as herein required may be used for any other lawful purpose.

Section 4.9: Note Construction Account. Moneys deposited in the Note Construction Account shall remain therein until from time to time expended to pay for Project Costs, and shall not be used for any other purposes whatsoever, except as otherwise provided below, and pending such expenditure, moneys in the Note Construction Account may be invested at the direction of the Director of Financial Services or the designee thereof in Eligible Investments.

Any amounts remaining in the Note Construction Account after the payment of all Project Costs shall be paid into the Note Fund and used for the payment of principal and interest on the Notes.

Section 4.10: Security of Funds. All moneys deposited in the Funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and shall be used only for the purposes permitted by this Ordinance.

ARTICLE V

ADDITIONAL DEBT

Section 5.1: Additional Obligations to be Issued on a Parity with the Prior Lien Bonds - Obligations of Inferior Lien and Pledge. The City retains the right to create and issue evidences of indebtedness whose lien on the Net Revenues of the System is on a parity with the lien granted to the Prior Lien Bonds, upon satisfaction of the conditions specified in the ordinances related to the Prior Lien Bonds as well as to create and issue evidences of indebtedness whose lien on the Net Revenues shall be on a parity with or subordinate to that securing the Parity Obligations.

Section 5.2: Issuance of Additional Parity Obligations. The City retains the right to create and issue Parity Obligations payable from or seemed by Net Revenues (collectively, "Additional Parity Obligations"); provided that the City provides to the Bank and the Owner a Certificate of an Authorized Representative of the City setting forth (1) the Net Revenues for either the completed Fiscal Year next proceeding the date in which such Additional Parity Obligations are to be issued or any twelve (12) consecutive calendar months out of the fifteen (15) calendar months immediately preceding the month in which such Additional Parity Obligations is to be issued, and (2) the average annual Debt Service for all outstanding Prior Lien Obligations, then outstanding Parity Obligations, Additional Parity Obligations and the amount payable under all Parity Obligations, excluding in each case any amount thereof paid from sources other than Net Revenues, and showing that the amount set forth in clause (1) is at least equal to 125% of the amount set forth in clause (2). For

purposes of calculating Debt Service on the City's Series 2018 Commercial Paper Notes under this Section 5.2, the City may use the lesser of the 30-year level debt service amortization based on The Bond Buyer Revenue Bond Index for such term in effect on the first day of the Fiscal Year or the date of the Revenue Bond Index average published in The Bond Buyer on the date of calculation.

ARTICLE VI

EVENTS OF DEFAULT AND REMEDIES OF OWNERS

Section 6.01: Events of Default. If one or more of the following events shall occur:

(a) if default shall be made in the due and punctual payment of any installment of principal of any Parity Obligation or any Prior Lien Obligations when and as the same shall become due and payable, whether at maturity as therein expressed, by declaration or otherwise;

(b) if the City shall fail to make due and punctual payment of any installment of interest on any Parity Obligation or any Prior Lien Obligations when and as such interest installment shall become due and payable and such failure shall continue for five (5) Business Days;

(c) if default shall be made by the City in the performance or observance of any other of the covenants, agreements or conditions on its part contained in this Ordinance (other than a failure to comply with the provisions of Section 4.3 hereof for which no cure period shall exist) or in the Parity Obligations, and such default shall continue for a period of sixty (60) days after written notice thereof; provided, however, that if such default cannot be cured within the sixty (60) day period but corrective action to cure such default is commenced and diligently pursued until the default is corrected, no such Event of Default shall be deemed to have occurred; or

(d) if there shall occur the dissolution (without a successor being named to assume the rights and obligations) or liquidation of the City or the filing by the City of a voluntary petition in bankruptcy, or adjudication of the City as a bankrupt, or assignment by the City for the benefit of its creditors, or the entry by the City into an agreement of composition with its creditors, or the approval by a court of competent jurisdiction with its creditors, or the approval by a court of competent jurisdiction of a petition applicable to the City in any proceeding for its reorganization instituted under the provisions of the Bankruptcy Code, as amended, or under any similar act in any jurisdiction which may now be in effect or hereafter enacted; then such event as described above shall constitute an "Event of Default" under this Ordinance; or

(e) any event of default shall have occurred and be continuing under the Note Purchase Agreement.

Section 6.02: Suits at Law or in Equity and Mandamus. In case one or more Events of Default shall occur, then and in every such case the Owner of any Note at the time outstanding shall be entitled to proceed to protect and enforce such Owner's rights by such appropriate judicial proceeding as such Owner shall deem most effectual to protect and enforce any such right; either by suit in equity or by action at law, whether for the specific performance of any covenant or

agreement contained in this Ordinance, or in aid of the exercise of any power granted in this Ordinance, or to enforce any other legal or equitable right vested in the Owners of Notes by this Ordinance or the Notes or by law. The provisions of this Ordinance shall be a contract with each and every Owner of Notes and the duties of the City shall be enforceable by any Owner by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.

Section 6.03: Remedies Not Exclusive. No remedy herein conferred upon or reserved to the Owners of Notes is intended to be exclusive of any other remedy, and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing, at law or in equity or by statute or otherwise, and may be exercised at any time or from time to time, and as often as may be necessary, by the Owner of the Notes.

ARTICLE VII

MISCELLANEOUS

Section 7.01: Amendments. No amendment or waiver of any provision of this Ordinance, shall be effective unless the same shall be in writing and signed by the Purchaser.

Section 7.02: Additional Actions.

Any Authorized Representative, the City Secretary, and the other officers of the City, each are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the issuance, sale and delivery of the Notes and otherwise to effectuate the purposes of this Ordinance. Specifically, by the adoption of this Ordinance, the City Council hereby authorizes the payment of the fees and expenses incurred and to be paid by the City in connection with the issuance, sale and delivery of the Notes. In addition, the Mayor, City Secretary, City Manager, and Director of Financial Services, any one or more of said persons, are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies, or (iii) obtain the approval of this Ordinance by the Attorney General's office.

The obligation of the Purchaser to accept delivery of the Notes is subject to the Purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the City in connection with the issuance of the Notes, which opinion shall be dated as of and delivered on the date of initial delivery of the Notes to the Purchaser. The engagement of such firm as bond counsel to the City in connection with issuance, sale and delivery of the Notes is hereby approved and confirmed. The execution and delivery of an engagement letter between the City and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor, City Manager or Director of Financial Services, and each of such officers is hereby authorized to execute such engagement letter on behalf of the City. In addition, the execution and delivery of a professional services agreement between the City and Specialized Public Finance Inc., with respect to services as Financial Advisor to the City, is hereby authorized in

such form as may be approved by the Mayor, City Manager or Director of Financial Services of the City, and each of such officers is hereby authorized to execute such agreement on behalf of the City.

In accordance with the provisions of Section 1202.004, Texas Government Code, in connection with the submission of the Notes and this Ordinance to the Attorney General of Texas for review and approval, a statutory fee (an amount equal to 0.1% principal amount of the Note, subject to a minimum of $750 and a maximum of $9,500) is required to be paid to the Attorney General upon the submission of the transcript of proceedings for the Notes. The City hereby approves the payment of said Attorney General filing fee for the Notes, in connection with his review of the Notes.

Section 7.03: Ordinance to Constitute a Contract; Equal Security. In consideration of the acceptance of the Notes, the issuance of which is authorized hereunder, by those who shall hold the same from time to time, this Ordinance shall be deemed to be and shall constitute a contract between the City and the Owners from time to time of the Notes and the pledge made in this Ordinance by the City, and the covenants and agreements set forth in this Ordinance to be performed by the City shall be for the equal and proportionate benefit, security and protection of all Owners of the Notes, without preference, priority or distinction as to security or otherwise of any of the Notes authorized hereunder over any of the others by reason of time of issuance, sale or maturity thereof or otherwise for any cause whatsoever, except as expressly provided in or permitted by this Ordinance.

Section 7.04: Severability of Invalid Provisions. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall, for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions hereof or of the Notes issued hereunder.

Section 7.05: Payment and Performance on Business Days. Whenever under the terms of this Ordinance or the Notes, the performance date of any provision hereof or thereof, including the payment of principal of or interest on the Notes, shall occur on a day other than a Business Day, then the performance thereof, including the payment of principal of and interest on the Notes, need not be made on such day but may be performed or paid, as the case may be, on the next succeeding Business Day with the same force and effect as if made on the date of performance or payment.

Section 7.06: Defeasance. (a) Any Note and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Note") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section 7.06, when payment of the principal of such Note, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature

as to principal and interest in such amounts and at such times as will insure the availability of sufficient money to provide for such payment, and when proper arrangements have been made by the City with the Paying Agent/Registrar for the payment of its services until all Defeased Notes shall have become due and payable. At such time as a Note shall be deemed to be a Defeased Note hereunder, as aforesaid, such Note and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the revenues herein pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities, and thereafter the City will have no further responsibility with respect to amounts available to the Paying Agent/Registrar (or other financial institution permitted by applicable law) for the payment of such Defeased Notes, including any insufficiency therein caused by the failure of the Paying Agent/Registrar (or other financial institution permitted by applicable law) to receive payment when due on the Defeasance Securities. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Defeased Notes that is made in conjunction with the payment arrangements specified in subsection 7.06(a)(i) or (ii) shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call the Defeased Notes for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Notes immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the City be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Notes and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City, or deposited as directed in writing by the City. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Notes may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection 7.06(a)(i) or (ii). All income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Defeased Notes, with respect to which such money has been so deposited, shall be remitted to the City or deposited as directed in writing by the City.

(c) The term "Defeasance Securities" means any securities and obligations now or hereafter authorized by State law that are eligible to refund, retire or otherwise discharge obligations such as the Notes.

(d) Until all Defeased Notes shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Notes the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

Section 7.07: Limitation of Benefits with Respect to the Ordinance. With the exception of the rights or benefits herein expressly conferred, nothing expressed or contained herein or implied from the provisions of this Ordinance or the Notes is intended or should be construed to confer upon or give to any person other than the City and the Owners of the Notes, any legal or equitable right,

remedy or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement or provision herein contained. This Ordinance and all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the City and the Owners of the Notes as herein provided.

Section 7.08: 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 this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7.09: 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 7.10: Effective Date. In accordance with the provisions of Texas Government Code, Section 1201.028, this Ordinance shall be effective immediately upon its adoption by the City Council of the City.

ARTICLE VIII

SALE OF THE NOTES; CONTINUING DISCLOSURE

Section 8.1: Sale; Note Purchase Agreement. The Notes are hereby sold and shall be delivered to the Purchaser at a price equal to the par amount of the Notes, all in accordance with the terms of the Note Purchase Agreement of even date herewith, presented to and hereby approved by the City Council, which price and terms are hereby found and determined to be the most advantageous reasonably obtainable by the City. The Mayor and other appropriate officials of the City are hereby authorized and directed to execute the Note Purchase Agreement on behalf of the City.

Section 8.2: Ongoing Continuing Disclosure Covenant. To the extent required by the provisions of Rule 15c2-12, promulgated by the United States Securities and Exchange Commission, the City agrees to enter into an agreement to file financial information and operating data with respect to the Notes with such entities as are designated pursuant to the terms of said Rule 15c2-12. Under the provisions of said Rule 15c2-12, as they exist on the date this Ordinance is adopted, the City is exempted from complying with the undertaking described in the first sentence of this Section 8.1, as the offering of the Notes is exempted pursuant to Rule 15c2-12(d)(1)(i).

GARLAND

CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda **7.**

Meeting Date: 03/02/2021

Item Title: Joint Election Contracts

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Council is requested to approve a contract with Dallas and Collin County Elections to secure election services for all Garland registered voters for the May 1, 2021 General Election.

Recommendation/Action Requested and Justification

Approve a resolution authorizing the Mayor, City Manager, and City Secretary to enter into a Joint Election Contract and Election Services Agreement with Dallas and Collin County Elections and other participating County Entities.

Attachments

Resolution for Election Services

Collin County Contract

Dallas County Joint Elections Contract

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES CONTRACT WITH DALLAS COUNTY BY AND THROUGH THE DALLAS COUNTY ELECTIONS ADMINISTRATOR, AND A JOINT GENERAL AND SPECIAL ELECTION SERVICES CONTRACT WITH COLLIN COUNTY BY AND THROUGH THE COLLIN COUNTY ELECTIONS ADMINISTRATOR; ADOPTING CERTAIN DESIGNATED VOTING SYSTEMS FOR USE IN THE 2021 GARLAND GENERAL AND SPECIAL ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That the City Manager is hereby authorized to execute an Election Services Contract with Dallas County, Texas (by and through its elections administrator) and a Joint General and Special Election Services Contract with Collin County, Texas (by and through its elections administrator), both in the form and substance of those attached to this Resolution.

Section 2

That, in accordance with Sec. 123.001 of the Texas Election Code, the City Council hereby approves the voting equipment/system chosen by the following respective counties for this election as certified by the Texas Secretary of State and by the United States Election Assistance Commission:

For Dallas County:

The Dallas County Commissioners Court approved the purchase of election voting tabulation systems and services manufactured and provided by ES&S (Court Order 2019-0460) consisting of the ES&S ExpressVote Universal Voting System (Ballot Marking Devices), EVS 6.0.2.0, Firmware 2.4.0.0; the ES&S DS200 Digital Precinct Scanner, EVS 6.0.2.0, Firmware 2.17.0.0.; and ES&S' Model DS850 High-Speed Scanner/Tabulator, Version 1, EVS 6.0.2.0., along with the required ancillary parts and services required for this voting tabulation system equipment.

For Collin County:

The Commissioner's Court of Collin County, Texas formally adopted the ExpressVote Universal Voting System, EVS 6.0.2.0 consisting of Electionware election management software, ExpressVote ballot marking device, ExpressTouch curbside voting device, DS200 precinct tabulator/scanner, DS450 high speed central scanner, and DS850 high speed central scanner. This voting equipment will be used for Early Voting in Person, Early Voting by Mail, Election Day Voting and Provisional Voting in all future elections held in Collin County.

Section 3

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

PASSED AND APPROVED this the ___ day of February, 2021.

CITY OF GARLAND, TEXAS

_____
Mayor

ATTEST:

_____
City Secretary

WITNESS BY MY HAND THIS 10th DAY OF February 2021.

Bruce Sherbet

Bruce Sherbet, Elections Administrator
Collin County, Texas

WITNESS BY MY HAND THIS 10th DAY OF February 2021.

By: _____
Bryan L. Bradford, City Manager
City of Garland

By: _____
Brad Neighbor, City Attorney

Attest: _____
Eloyce Rene Dowl, City Secretary
City of Garland

ELECTION SERVICES CONTRACT ("Election Services Contract" or "Contract")
BETWEEN
DALLAS COUNTY ON BEHALF OF THE DALLAS COUNTY ELECTIONS ADMINISTRATOR
AND

Town Of Addison (TOA)
City Of Balch Springs (COBS)
City Of Carrollton (COC)
City of Cedar Hill (COCH)
City Of Cockrell Hill (COCkH)
City of Combine (COCB)
City of Coppell (COCP)
City of Dallas (COD)
City Of Desoto (CODe)
City Of Duncanville (CODu)
City Of Farmers Branch (COFB)
City Of Garland (COG)
City Of Grand Prairie (COGP)
City Of Hutchins (COH)
City Of Irving (COI)
City Of Lancaster (COL)
City of Lewisville (COLw)
City of Ovilla (COO)
City of Richardson (COR)
City Of Rowlett (CORw)
City Of Sachse (COSa)
City of Seagoville (COS)
City of Sunnyvale (COSv)
City of Wilmer (COW)
City of Wylie (COWY)
Carrollton-Farmers Branch ISD (CFBISD)
Cedar Hill ISD (CHISD)
Coppell ISD (CpISD)
Dallas ISD (DISD)
DeSoto ISD (DeISD)
Duncanville ISD (DuISD)
Ferris ISD (FISD)
Garland ISD (GISD)
Grand Prairie ISD (GPISD)
Highland Park ISD (HPISD)
Irving ISD (IISD)
Lancaster ISD (LISD)
Mesquite ISD (MISD)
Richardson ISD (RISD)
Sunnyvale ISD (SISD)
Northwest D.C. Flood District (NFD)

FOR THE CONDUCT OF A JOINT ELECTION
TO BE HELD SATURDAY, MAY 1, 2021
TO BE ADMINISTERED BY THE DALLAS COUNTY ELECTIONS DEPARTMENT

1) STATUTORY AUTHORITY FOR AND PARTIES TO THIS ELECTION SERVICES CONTRACT

a) Michael Scarpello is the duly appointed County Elections Administrator ("Elections Administrator") of Dallas County, Texas ("County") and the Department Head of the Dallas County Elections Department ("DCED"). As such, Michael Scarpello is the County's Voter Registrar and the Election Officer of Dallas County, Texas and is authorized by Subchapter D of Chapter 31 of Title 3 and Chapter 271 of Title 16 of the Texas Election Code to enter into this Election Services Contract ("Election Services Contract" or "Contract") with the contracting authorities of the Participating Political Subdivisions listed in "Attachment F" of this Election Services Contract. DCED acts at the direction of the Elections Administrator. The County Elections Administrator, DCED and the Participating Political Subdivisions together may be referred to collectively as "Parties" or individually as "Party."

b) The contracting authorities of the Participating Political Subdivisions that are participating in this Election Services Contract are listed on the face page of this agreement and in "Attachment F" of this Election Services Contract and are hereby participating with each other in this Joint Election to be held in Dallas County, Texas on **Saturday, May 1st, 2021** under Chapter 271 of Title 16 of the Texas Election Code ("Joint Election"); and are hereby contracting with the Elections Administrator of Dallas County, Texas to perform the election services set forth in this Election Services Contract under Subchapter D of Chapter 31 of Title 3 of the Texas Election Code. The Participating Political Subdivisions acknowledge that they are participating in this Joint Election with each other to the extent that they have candidates and/or propositions on the ballot in this Joint Election. The terms and conditions of this Elections Services Contract also apply to any run-off election or re-count related to this special election, unless otherwise agreed in writing.

c) The Elections Administrator will coordinate, supervise, and handle all aspects of administering this Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this Election Services Contract. Each contracting authority of each Participating Political Subdivision will pay its share of the Election Costs to the Elections Administrator for the equipment, supplies, services, and administrative costs outlined in this Election Services Contract. The Elections Administrator will administer the election; however, each Participating Political Subdivision will be responsible for the duties directly administered by the Participating Political Subdivision. Pursuant to Texas Election Code §§ 31.093, and 31.098, the Elections Administrator may enter into a contract to furnish the election services requested within this Election Services Contract.

d) If applicable and in the event a runoff election is necessary, the date of the runoff for this

Joint election would be Saturday June 5, 2021. This Elections Services Contract and its terms will be automatically extended to cover the Joint Runoff Election, unless a Participating Political Subdivision states in writing **on or before Tuesday May 4, 2021** that it does not wish to participate in a joint runoff election contemplated herein. DCED will provide each Participating Political Subdivision to which this Section 1(d) applies an estimated cost required to be deposited into a special and separate Joint Runoff Election account. The funds must be deposited no later than five (5) days after the Joint Runoff Election's estimated figures are received from DCED.

2) **ATTACHMENTS** The following attachments are hereby incorporated into this Election Services Contract as if set forth herein in their entirety. The Participating Political Subdivisions acknowledge that the following attachments are subject to reasonable changes by the Dallas County Elections Administrator before, during, and after Election Day and any runoff election(s), if any runoff election(s) are required by law to be held.

   a) **"Attachment A"** is an itemized list of the estimated election expenses for this Joint Election and the amounts that each Participating Political Subdivision must deposit with the Dallas County Elections Department. It also includes the Deposit Detail for each entity. The Elections Administrator will amend "Attachment A" to reflect the changing estimates of election expenses that are caused by changing circumstances and by the withdrawal of Participating Political Subdivision(s), if any, from this Election Services Contract.

   b) **"Attachment B"** is a list of the early voting polling places for this Joint Election.

   c) **"Attachment C"** is a list of the Election Day polling places ("Vote Center(s)") for this Joint Election.

   d) **"Attachment D"** is a list of the people that the Dallas County Elections Administrator will appoint as deputy early voting clerks for this Joint Election.

   e) **"Attachment E"** is a list of the presiding election judges and alternate election judges for Election Day for this Joint Election.

   f) **"Attachment F"** is a list of the Participating Political Subdivisions that will be holding elections in Dallas County election precincts or partial election precincts and the number of registered voters in each of those election precincts or partial election precincts. "Attachment F" will be amended if any of the Participating Political Subdivisions withdraw from this Election Services Contract. "Attachment F" will be amended to reflect the number of registered voters in each election precinct and partial election precinct as of the statutory deadline April 1, 2021 for voters to submit applications to register to vote or changes of address in this Joint Election. In this Election Services Contract, the phrase "election precinct" is synonymous with the phrase "voting precinct."

   g) **"Attachment G"** is a list of the Participating Political Subdivisions & Ballot Details

   h) "**Attachment H**" will contain, for each Participating Political Subdivision, the full name of the person serving as a point of contact, the physical address, the mailing address, a facsimile number, and an email address. "Attachment H" will be amended if any of the

Participating Political Subdivisions withdraw from this Election Services Contract.

i) Within five (5) business days after any of the foregoing attachments are amended by the Elections Administrator, the Elections Administrator will send each Participating Political Subdivision an amended version of the amended attachment by email to the email address provided by each Participating Political Subdivision in "Attachment F."

3) **LEGAL DOCUMENTS**

a) Each Participating Political Subdivision will prepare, adopt, and publish all legally required election orders, resolutions, notices, and other documents that are required by, or of, their governing bodies. Each Participating Political Subdivision must send the Elections Administrator a copy of any election order, resolution, or notice related to this Joint Election within three (3) business days of publishing, adopting, or ordering it. Such documents can be sent to the attention of: **Michael Scarpello, Elections Administrator at 1520 Round Table Drive, Dallas, Texas 75247; or, emailed to Michael.Scarpello@dallascounty.org. Alternately, these documents may be sent to: Danielle Grant, Central Counting Station Manager, at Danielle Grant at Danielle.Grant @dallascounty.org**

b) Each Participating Political Subdivision is responsible for having its own election orders, resolutions, notices, or official ballot wording translated into the Spanish language.

c) **Always copy Michael.Scarpello@dallascounty.org on all communications related to legal documents and question regarding this election.**

4) **VOTING SYSTEMS**

a) Each Participating Political Subdivision agrees that, during this Joint Election, voters will cast their ballots on the following voting systems, that are approved by the Texas Secretary of State in accordance with the Texas Election Code and the Texas Administrative Code: the ES&S ExpressVote Universal Voting System Ballot Marking Devices ("BMD(s)"), and the ES&S DS200 Digital Vote Center Scanner ("Tabulators"). Each of these systems are accessible to voters with physical disabilities ("ADA Terminals"). **On March 16, 2021, beginning at 10:00 A.M.**, until completed, at the County Elections Department at 1520 Round Table Drive, Dallas, Texas 75247, the Elections Administrator will test the BMDs and Tabulators used for counting ballots at the central counting station. At least 48 hours before the date and hour of each test, the Elections Administrator will publish a newspaper notice with the date, hour, and place of the testing. The Elections Administrator will establish regional collection sites within the county and a central counting station to receive and tabulate the regular ballots that are cast in this Joint Election and receive the provisional ballots.

b) The Elections Administrator will provide BMDs, Tabulators, and any other necessary equipment for this Joint Election. For Early Voting and on Election Day, the Elections Administrator will allocate voting election voting equipment to all of the Voting Centers and polling places in amounts reasonably anticipated to be sufficient for the anticipated turnout of voters. Each Election Day Vote Center will have at least one (1) Tabulator and at least four (4) BMD machines.

c) The itemized list of the estimated election expenses for this Joint Election are in "Attachment A," which includes, but may not be limited to the number of BMDs, Tabulators, and any other necessary equipment.

5) **POLLING PLACES/VOTE CENTERS**

a) The Elections Administrator will select and arrange for the use of and payment for all of the early voting polling places listed in "Attachment B" and the Election Day Vote Centers listed in "Attachment C" subject to the approval of each Participating Political Subdivision. Polling locations identified in Attachments "B" and "C" cannot be changed by a Participating Political Subdivision, but the Elections Administrator may consider changes requested by a Participating Political Subdivision. The Elections Administrator will finalize the polling places/Vote Centers as soon as possible before this joint election.

b) Whenever possible, previously used polling places/Vote Centers that voters are accustomed to using will be used for the election precincts and partial election precincts in this Joint Election; however, the Participating Political Subdivisions acknowledge that sometimes previously used polling places/Vote Centers are not available or appropriate for every election. Accessibility under the Americans with Disabilities Act is an important consideration for all polling places/Vote Centers in this Joint Election.

c) In accordance with Section 43.007(o) of the Texas Election Code, the Elections Administrator will post a notice at each countywide voting center of the four nearest countywide voting center locations by driving distance. The Participating Political Subdivisions shall be responsible for any notices required under Section 43.062 of the Texas Election Code.

6) **PRESIDING ELECTION JUDGES, ALTERNATE PRESIDING ELECTION JUDGES, ELECTION CLERKS, AND OTHER ELECTION DAY PERSONNEL**

a) The Participating Political Subdivisions ~~Elections Administrator will be~~ are responsible for the appointment of the presiding election judges and alternate election judges listed in "Attachment E" for each Vote Center/polling place listed in "Attachment C" subject to the eligibility requirement found in the Texas Election Code Subchapter C, Chapter 32 and Subchapter A, Chapter 83. The Parties acknowledge that approval of the this Election Services Contract by the Participating Political Subdivisions shall constitute approval and appointment of the Judges and Alternate Judges listed in "Attachment E" by the Participating Political Subdivisions. The Elections Administrator will be responsible for the administration of the of the election judges listed in "Attachment E".

b) **[This provision is intentionally deleted]**.

c) If a person appointed as a presiding election judge or alternate election judge becomes ineligible to serve as such in this Joint Election, then the Election Administrator will appoint a replacement presiding election judge or alternate election judge, amend "Attachment E" accordingly, and send each Participating Political Subdivision the amended "Attachment E" by email within five (5) business days.

d) If a person is unable or unwilling to serve as a presiding election judge or an alternate election judge, then the Elections Administrator will name a replacement presiding election judge or send each Participating Political Subdivision the amended "Attachment E" by email within five (5) business days.

e) The Elections Administrator will provide county training programs, in keeping with Section 32.114 of the Texas Election Code, for all of the presiding election judges, alternate election judges, and election clerks for this Joint Election. The presiding election judges are responsible for notifying the alternate presiding judge and the election clerks for the presiding election judge's polling place/Vote Center of the time and place of each training session. Pursuant to Section 32.114(b), the training programs will be open to the public free of charge.

f) To serve in this Joint Election, each presiding election judge and alternate election judge must have attended an election judge training session, a training session regarding the court rulings and the applicability of the mandatory Voter ID law, and an Election Equipment training session taught by the Elections Administrator for this Joint Election within the last 6 months. New judges and election clerks that have not attended a mandatory Voter ID Law training session taught by the Elections Administrator for this Joint Election may not serve in this Joint Election. The Elections Administrator will also provide training regarding safety procedures pertaining to COVID-19.

g) The Elections Administrator will notify the Participating Political Subdivisions by email and post on the DCED's website the dates, times, and locations of training classes and labs for both Early Voting and Election Day Workers.

h) To comply with the Federal Voting Rights Act of 1965, as amended, all polling places/Vote Centers are required to have interpreter assistance. If a presiding election judge of such a polling location/Vote Center is not bilingual and is unable to hire a bilingual election clerk, the Elections Administrator may recommend an individual to provide interpreter assistance. If the Elections Administrator is unable to recommend an individual to provide interpreter assistance for such a polling place/Vote Center, the Elections Administrator will notify the Participating Political Subdivision and request assistance in identifying an interpreter. In the event that a bilingual election clerk is hired by the Elections Administrator for a polling place/Vote Center required to have interpreter assistance, the bilingual clerk will be paid according to a rate set by the Elections Administrator. The Elections Administrator will charge that expense to the funds deposited with the Dallas County Elections Department for the conduct of the elections listed in this Election Services Contract. A Participating Political Subdivision may pay more money to a bilingual clerk than the rate set by the Elections Administrator, however that expense will be borne by that Participating Political Subdivision individually and that extra expense will not be

charged to the funds deposited with the Dallas County Elections Department for the conduct of the elections listed in this Election Services Contract.

i) The Elections Administrator will notify all of the presiding election judges and alternate election judges about the eligibility requirements of Subchapter C of Chapter 32 of Title 3 of the Texas Election Code and Section 271.005 of the Texas Election Code. The Elections Administrator will take the necessary steps to insure that all of the presiding election judges and alternate election judges appointed to serve during this Joint Election are eligible to serve and qualified to serve in this Joint Election. Under Section 32.031 of the Texas Election Code, the presiding election judge for each polling place/Vote Center shall appoint the election clerks to assist the presiding election judge in the conduct of the election at the polling place/Vote Center served by the presiding election judge on Election Day.

j) The presiding election judges are responsible for picking up election supplies at the time and place determined by the Elections Administrator, which will be set forth in the letter to the presiding election judges requesting service for this election. Payments for the presiding election judge will be specified in "Attachment A."

k) Any Participating Political Subdivision electing to pay their election workers for attending a training class or lab must bear that expense separately from the funds deposited into this Joint Election account.

l) The Elections Administrator will employ and or contract for other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of services, supplies and equipment assistance during the period of Early Voting and on Election Day, and for the efficient tabulation of ballots at the central counting station and regional sites. Part-time personnel will be paid an amount specified in "Attachment A." Part-time personnel working in support of the administration of the Election, including Central Counting Station, and regional sites on election night will receive pay for at least four (4) hours, minimum call for service, regardless of the actual hours worked.

7) **SUPPLIES AND PRINTING**

a) The Elections Administrator will obtain and distribute all of the election supplies and election printing necessary for this Joint Election, including, but not limited to, all forms, signs, maps for redistricting, and other materials used by the presiding election judges and clerks at the polling places/Vote Centers.

b) The Elections Administrator will provide maps, if necessary, instructions, and other information that the presiding election judges need to conduct this Joint Election.

c) Each Participating Political Subdivision must deliver a list to the Elections Administrator of candidates and propositions for their elections. The list must be in English and Spanish. The list must include the ballot positions for the candidates and the propositions. The list must include the correct spelling of each candidate's name and the precise wording of all of the propositions. The Elections Administrator will email each Participating Political

Subdivision a Microsoft Word format form for their use to create the required list. As soon as possible after each Participating Political Subdivision has determined its ballot positions for the candidates and propositions in its election, the Participating Political Subdivision must email the completed Microsoft Word format form to the Elections Administrator. The Elections Administrator will use these electronic forms received from the Participating Political Subdivisions to create the ballot styles for this Joint Election. The Elections Administrator will deliver the proposed ballots to the Participating Political Subdivisions for approval. Each Participating Political Subdivision will be responsible for proofreading the proposed ballots and notifying the Elections Administrator of any corrections that are required for their particular ballots. The Elections Administrator is responsible for implementing the corrections made by the Participating Political Subdivisions to their ballots and then producing the ballots for this Joint Election.

8) **OPTICAL SCAN CARD BALLOTS**

a) The Elections Administrator will have ballots to cover approximately **fifty percent (50%)** of the total number of registered voters in Dallas County. The ballots will be allocated according to the approximate voter turnout for comparable elections in the areas near each polling location/Vote Center.

b) Additional ballots will be available for Early Voting by Mail and for use on Election Day to respond to any polling place/Vote Center that requests additional ballots and printed on an a needed basis. Cost per ballot will be forty-five cents (.45¢).

9) **RETURNS OF ELECTIONS**

a) The Participating Political Subdivisions ~~Elections Administrator~~ will establish ~~and operate~~ a central counting station to receive and tabulate ballots cast in this Joint Election under Chapter 127 of Title 8 of the Texas Election Code.

b) The Participating Political Subdivisions ~~Elections Administrator~~ hereby, in accordance with Sections 127.002, 127.003 and 127.005 of the Texas Election Code, appoint~~s~~ the following central counting station officials:

Central Count Station Manager:	**Michael Scarpello**, Dallas County Elections Administrator
Tabulation Supervisor:	**Danielle Grant**, Central Count Station Manager
Assistant Tabulation Supervisor:	**Angelica Munoz** Central Count Station Lead Clerk
Presiding Judge:	**TBA**, Appointed by Participating Political

Subdivisions ~~Dallas County~~

Alternate Presiding Judge: **TBA,** Appointed by Participating Political Subdivisions ~~Dallas County~~

~~b)~~c) The Central Count Station Manager or her representative will deliver timely, cumulative reports of the election results as Vote Centers are tabulated. The Central Count Station Manager will be responsible for releasing cumulative totals and Vote Center election returns from the election to the Participating Political Subdivisions, candidates, press, and the general public by the distribution of hard copies or electronic transmittals (where accessible). The Elections Administrator will operate an election result center to release election results in the **Dallas County Elections Operations Facility, 1520 Round Table Dr., Dallas, Texas 75247**.

~~c)~~d) The Elections Administrator will link any Participating Political Subdivision's website to DCED's website. Participating Political Subdivisions that want such website linkage should deliver their website address to the Tabulation Supervisor at DCED.

~~d)~~e) The Elections Administrator will prepare the unofficial canvass report after all Vote Centers have been counted, and will email a copy of the unofficial canvass to each Participating Political Subdivision as soon as possible after all returns, provisional ballots, and late overseas ballots have been tabulated, but in no event no later than **May 7, 2021** All Participating Political Subdivisions will be responsible for the official canvass of their respective elections.

~~e)~~f) The Elections Administrator will be responsible for conducting the post-election manual recount, unless the Texas Secretary of State grants a waiver under Section 127.201 of the Texas Election Code. If no such waiver is given, the Elections Administrator will provide notice and copies of the recount to each Participating Political Subdivision and the Secretary of State's Office. Each Participating Political Subdivision must notify the Elections Administrator if such a waiver has been granted or denied as soon as possible, but no later than five (5) calendar days before Election Day.

10) ELECTION EXPENSES

a) The Participating Political Subdivisions agree to share the costs of administering this Joint Election as specified in "Attachment A." The Election Administrator will charge a general supervisory fee not to exceed ten (10%) percent of the total cost of this Joint Election as authorized by Section 31.100 of the Texas Election Code. In no event will the ten (10%) percent general supervisory fee be refunded to any Participating Political Subdivision. If the ballot, candidates, or propositions supplied by the Participating Political Subdivision are changed after their initial programming and/or printing by the Elections Administrator due to a court order from a court of competent jurisdiction, the affected Participating Political Subdivision(s) agrees to pay all expenses associated with re-printing and re-programming the ballots pursuant to a court order including expenses for expedited services and "Attachment A" will be amended by the Election

Administrator.

b) Allocation of costs among the Participating Political Subdivisions will be according to a formula based on the average cost per polling Vote Center/polling place and the allocation of election day Tabulators in that polling place ("Unit Cost"). The Unit Cost will be determined by dividing the total of the itemized list of estimated election expenses by the total number of Vote Centers/polling places and calculations of active registered voters in each political subdivision. Any Participating Political Subdivision that requests additional Vote Centers/polling locations, equipment, or a different combination of precincts in polling places/Vote Centers that exceeds the Unit Cost will be billed directly for any excess expenditures (e.g. supplies, equipment, personnel, etc.). **The cost of any special request from a Participating Political Subdivision, which is not agreed upon by all Participating Political Subdivisions, will be borne by the Participating Political Subdivision making the special request.** Each Participating Political Subdivision agrees that no Participating Political Subdivision will be billed less than the minimum of one full Unit Cost as specified in "Attachment A."

c) The expenses for early voting by mail and personal appearance will be paid by each Participating Political Subdivision as set forth in "Attachment A."

d) The Elections Administrator will determine the final election expenses to the extent practicable within one hundred and eighty (180) business days after the final canvass of this Joint Election or the runoff election, if any. The Elections Administrator will provide each Participating Political Subdivision with a final, written accounting of all money that was deposited into, and payments that were made from, the Joint Election account(s) maintained by the Dallas County Elections Department for this Joint Election and the runoff election, if any.

e) If the Elections Administrator requires additional money to perform its obligations under this Election Services Contract, then the Elections Administrator will bill each Participating Political Subdivision using the same method used to determine each Participating Political Subdivision's required deposit in "Attachment A" of this Election Services Contract ("Final Bill"). The Participating Political Subdivision shall pay the Final Bill within thirty (30) days of receipt except for any amount the Participating Political Subdivision files a timely good faith dispute under Section 17 of this Election Services Contract. After all of the expenses of this Joint Election are paid and disputes, if any, resolved, any monies that remain in the account maintained by the Dallas County Elections Department for this Election Services Contract will be refunded to the Participating Political Subdivisions (the "Refund") as soon as practicable.

11) DEPOSIT OF FUNDS

a) Attachment A: Cost Audit details the cost and expenses anticipated for this election; Participating Political Subdivisions will initially receive an estimate cost audit. The Final Bill will be distributed as soon as all cost and expenses for the election can be determined.

Each Participating Political Subdivision hereby agrees to deposit with the Dallas County Elections Department either half or the full balance of money listed in "**Attachment A: Deposit of Funds Detail**" of this Election Services Contract by the first deposit due date of (on or before) **Wednesday, February 24, 2021**. If the Participating Political Subdivision makes a partial initial deposit on or by Wednesday, **February 24, 2021**, a full and final deposit must be made to the Dallas County Elections Department by **Tuesday, March 16, 2021**. The Dallas County Elections Department will place the money deposited by the Participating Political Subdivisions in a Joint Election account.

b) The deposit of funds by each Participating Political Subdivision is an express condition precedent to the participation of each Participating Political Subdivision in this Election Services Contract. A Participating Political Subdivision may seek an extension from the Elections Administrator as to the due date for the deposit of funds. Such an extension must be sought in writing and prior to due date for such deposit by the Participating Political Subdivision. Any decision(s) made by the Elections Administrator will be provided in writing to the Participating Political Subdivision. The Elections Administrator, however, shall not be required to grant an extension for the deposit of funds by a Participating Political Subdivision. For any Participating Political Subdivision that fails to deposit the total amounts specified in "Attachment A" by the dates specified in this Election Services Contract or any extension granted by the Elections Administrator, the Elections Administrator will be relieved from the responsibility to perform under this Election Services Contract for such Participating Political Subdivision.

c) The Elections Administrator will only draw money from this Joint Election account to pay for election expenses that are included in "Attachment A" to this Election Services Contract and for other expenses that the Participating Political Subdivisions agree to in writing.

d) If a Participating Political Subdivision withdraws completely from this Joint Election by **February 22, 2021**, then the Elections Administrator will refund (as soon as practicable) that Participating Political Subdivision's deposit, less any money already expended before the withdrawal and less the general supervisory fee authorized by Section 31.100 of the Texas Election Code. In the event of a partial withdrawal from this Joint Election, deposits will not be refunded to the Participating Political Subdivisions.

e) The Elections Administrator will not make partial refunds to a Participating Political Subdivision if any candidate(s) or propositions do not appear on the ballot for that Participating Political Subdivision.

f) <u>Deposits should be made out to Dallas County Elections Department and delivered within the mandatory time frame to:</u>

Michael Scarpello
Dallas County Elections Administrator
1520 Round Table Drive
Dallas, Texas 75247

In the "memo" section of check place Election Escrow Account: 91468

12) RECORDS OF THE ELECTION

a) The Elections Administrator is hereby appointed the general custodian of the voted ballots and all election records of this Joint Election to the extent authorized by Sections 31.094, 31.095, 31.096, and 31.097 of the Texas Election Code.

b) Access to the election records will be available to each Participating Political Subdivision as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the **Dallas County Elections Department, 1520 Round Table Drive, Dallas, Texas 75247** at any time during normal business hours. The Elections Administrator will ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container. However, access to election records that contain confidential information that must be redacted pursuant to federal or state law may be provided at the offices of the Civil Division of the Criminal District Attorney's Office of Dallas County, Texas at 411 Elm Street, 5th Floor, Dallas, Texas.

c) Pursuant to Section 66.058 of the Texas Election Code, the Elections Administrator will retain the election records at the Elections Administrator's main offices and Elections Warehouse for **sixty (60) days** after the date of this Joint Election. **Sixty (60) days** after the date of this Joint Election, the Elections Administrator will arrange for transport of this Joint Election's records to the Dallas County Record Storage facility. This Joint Election's records will then become the responsibility of Dallas County Record Storage for the remainder of the **twenty-two (22) month** preservation period. Dallas County Record Storage will be responsible for the destruction of this Joint Election records after the preservation period. The Participating Political Subdivisions agree the Elections Administrator may destroy the records from this Joint Election after the **twenty-two (22)** month preservation period without further notice to the Participating Political Subdivisions, unless the events in Section 12 (d) occur.

d) The Participating Political Subdivisions must notify the Elections Administrator in writing within three (3) business days after any official or employee of any Participating Political Subdivision becomes aware of any election contest in connection with this Joint Election. In accordance with Section 1.013 of the Texas Election Code, the election records must be preserved until any election contest is completed and a judgment, if any, becomes final. Also, the election records will be maintained by the Elections Administrator if there is an active criminal investigation, proceeding, or a pending request for public information, related to the election records until such investigation, proceeding, or request for public information is finally concluded.

e) The Participating Political Subdivisions acknowledge and agree that the Elections

Administrator reserves the right to intervene in any election contest or litigation in connection with this Joint Election in order to preserve any available remedies at law, and to preserve the Elections Administrator's obligations under this Contract and the Texas Election Code.

f) The Elections Administrator will provide each Participating Political Subdivision records that indicate the jurisdictional boundaries of each Participating Political Subdivision. Each Participating Political Subdivision will have until February 12, 2021 to verify in writing that the jurisdictional boundaries provided by the Elections Administrator are correct.

13) EARLY VOTING

a) Under Sections 31.094 and 271.006 of the Texas Election Code, the Participating Political Subdivisions hereby appoint the Elections Administrator to be the early voting clerk for all of the political subdivisions participating in this Joint Election. The deputy early voting clerks that will be appointed by the Elections Administrator are listed in "Attachment D."

b) **[This provision is intentionally deleted]**

c) Any qualified voter for this Joint Election may vote early by personal appearance at the main early voting polling place or at one of the early voting branch polling places listed in Attachment B. Early voting will be conducted as follows: **Monday, April 19, 2021 through Friday, April 23, 2021 from 8:00 am to 5:00 pm; Saturday, April 24, 2021 from 8:00 am to 5:00 pm; Sunday, April 25, 2021 from 1:00 pm to 6:00 pm; Monday, April 26 through Tuesday, April 27, 2021 from 7:00 am to 7:00 pm.**

d) All requests for early voting ballots by mail that are received by a Participating Political Subdivision must be transported by runner on the day of receipt to the Dallas County Elections Department, Elections Operations Facility at 1520 Round Table Drive, Dallas, Texas 75247 for processing. Persons voting by mail must send their voted ballots to the Dallas County Elections Department.

e) All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed under Subchapter A of Chapter 87 of the Texas Election Code. Each Participating Political Subdivision may appoint one member to the Early Voting Ballot Board and will prepare a list notifying DCED of the appointee's name, telephone number, mailing address, and email address, if any, no later than **February 26, 2021**. The Participating Political Subdivisions agree to appoint Chaka Terrell as the presiding judge of the early voting ballot board. A list of Early Voting Ballot Board members will be furnished to each Participating Political Subdivision no later than **March 26, 2021**.

f) A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each Participating Political Subdivision.

g) The presiding judge of the Early Voting Ballot Board shall deliver notices of rejected ballots in compliance with Section 87.0431, Texas Election Code.

14) CRIMINAL BACKGROUND CHECKS

The Elections Administrator, her agent or assignee will conduct a criminal background check (in accordance with statutory requirements) of any person who is expected to or scheduled to serve or work in this Joint Election. Any person that does not satisfactorily pass the criminal background check will be ineligible to serve or work in this Joint Election. Failure to obtain a criminal background check does not release the participating entity's obligation to pay for service rendered in good faith.

15) ELECTION REPORTS

During the early voting period for this Joint Election, the Elections Administrator will deliver daily reports to each Participating Political Subdivision of the Early Voting Location Turnout Totals and Early Voting Roster. The day after the early voting period ends, the Elections Administrator will deliver to each Participating Political Subdivision, a Daily Early Voting Roster by Vote Center report that includes the entire Early Voting period. Pursuant to the Texas Election Code Section 87.121, the Elections Administrator will deliver these election reports by website posting, e-mail, or facsimile.

16) WITHDRAWAL FROM CONTRACT

a) No deposits will be refunded after the deadline to withdraw from this Election Services Contract has passed.

b) In order to withdraw from this Election Services Contract, a Participating Political Subdivision must deliver to the Elections Administrator any certifications and declarations that are required under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code.

c) The Elections Administrator will bill any Participating Political Subdivision that withdraws from this Election Services Contract for any expenses incurred prior to the Elections Administrator receiving copies of the certifications and declarations that are required under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code.

d) If there are any withdrawals from this Joint Election**,** within ten (10) business days after the deadline for Participating Political Subdivisions to make declarations under Subchapter C or Subchapter D of Chapter 2 of Title 1 of the Texas Election Code, said deadline being **February 22, 2021,** the Elections Administrator will amend the attachments to this Election Services Contract as appropriate and provide updated copies of the amended attachments to all of the remaining Participating Political Subdivisions.

e) The general supervisory fee authorized by Section 31.100 of the Texas Election Code will not be refunded.

17) AUDITING AND PROHIBITION ON WITHHOLDING OF DEPOSITS

a) The Dallas County Auditor will conduct a review of the deposits and expenditures related to this Election Services Contract before the Final Bill or Refund is submitted to the Participating Political Subdivisions. Refunds will be submitted as soon as practicable.

b) The Participating Political Subdivisions may request a financial audit of the Final Bill or Refund or dispute the Final Bill or Refund under this Section, if: 1) the Final Bill exceeds

ten percent (10%) of the amount of the Participating Political Subdivision's initial deposit as required in "Attachment A" to this Election Services Contract; or 2) the accounting accompanying the Refund is ten percent (10%) less than the amount the Participating Political Subdivision determines, should be refunded, after its good faith review. The request for a financial audit or dispute must be done in accordance with Section 17 (d) below.

c) Should the events in Section 17 (b) occur, in lieu of an audit or dispute, the Participating Political Subdivision may make a request that the Elections Administrator ask the Dallas County Auditor to review the cost allocation methodology for the Participating Political Subdivision's Final Bill or Refund ("Review Request"). Participating Political Subdivisions must submit a Review Request to the Elections Administrator within five (5) business days of receipt of the Final Bill or the Refund, whichever is later. The Review Request must set forth, in detail, the basis for any challenge to the Final Bill or Refund. Corrections to the Participating Political Subdivision's Final Bill or the Refund, based on a Review Request, will be determined at the sole discretion of the Elections Administrator. A Review Request does not extend the timeframe in Section 17(d).

d) Should the circumstances giving rise to an audit or dispute in Section 17 (b) occur, the Participating Political Subdivision may send a formal written notice of dispute of the Final Bill or Refund ("Dispute Notice") to the Elections Administrator. This Dispute Notice must be received by the Elections Administrator no later than thirty (30) calendar days from the date the Participating Political Subdivision receives the Final Bill or Refund. This Dispute Notice must provide: 1) an itemization of the disputed charge(s) by the Participating Political Subdivision; 2) the basis for the dispute; 3) the methodology showing how the Participating Political Subdivision arrived at the amount disputed; and 4) documentation in support thereof. The Participating Political Subdivision will have no right to withhold any undisputed amounts set forth in this Election Services Contract or reflected in the Final Bill. Payment of undisputed amounts in the Final Bill must be made by the Participating Political Subdivision as set forth in Section 10 (e) of this Election Services Contract.

e) Failure of the Participating Political Subdivision to submit a timely Dispute Notice, as set forth in Section 17(d), shall waive any and all disputes, claims, or challenges to the Final Bill or Refund by the Participating Political Subdivision. The entire amount of the Participating Political Subdivision's Final Bill shall be due immediately; or, any estimated refund amounts will become final.

f) If the Participating Political Subdivision files a timely Dispute Notice in compliance with Section 17(d), the Participating Political Subdivision will have the right to conduct a good faith financial audit ("Financial Audit") for the deposits and expenditures related to this Elections Services Contract. In conducting the Financial Audit, the Participating Political Subdivision will have no greater right to demand access to or copies of the County's governmental or election records than those rights specified in the Texas Election Code and the Texas Public Information Act. The cost of any Financial Audit conducted by the Participating Political Subdivision shall be borne by the requesting Participating Political

Subdivision and may not be paid for with funds deposited with the Dallas County Elections Department under this Election Services Contract. Further, the Participating Political Subdivision conducting the Financial Audit shall pay the Elections Administrator the reasonable costs for time expended and copies provided in order to perform the Financial Audit. If the Financial Audit identifies overcharges by the Elections Administrator of more than ten percent (10%) of the initial deposit amount required by "Attachment A", the Elections Administrator will review and assess the findings of the Financial Audit and will negotiate, in good faith, to resolve any disputes for overcharges with the Participating Political Subdivision. The Elections Administrator shall not be bound by the findings or recommendations of the Participating Political Subdivision's Financial Audit. The financial records will be retained at the County Election Administrator's office until the conclusion of the Financial Audit and resolution of all outstanding audit disputes.

g) In the event the representatives of the Participating Political Subdivision and the Elections Administrator cannot agree on the amount of the disputed Final Bill as set forth in this Section, then the Parties may agree to submit to non-binding mediation. If mediation is acceptable to both parties to resolve a dispute concerning the disputed Final Bill, the Parties will agree to use a mutually agreed-upon mediator. Unless the Parties come to a written agreement at mediation, the mediation will not constitute a final and binding resolution of the dispute.

h) The Participating Political Subdivision acknowledges that the practical effect of the Participating Political Subdivision withholding undisputed funds that are required under this Election Services Contract would result in breach of this Elections Services Contract and the other Participating Political Subdivisions' taxpayers subsidizing the withholding Participating Political Subdivision's election expenses.

18) NOTICE

Any addendum to, change/modification of, clarification of, and/or withdrawal from this contract requires written notice provided on the Dallas County Form, "Elections Services Contract Change Forms". Whenever this Election Services Contract requires any consent, approval notice, request or demand, it must be in writing to be effective and must be delivered to the party intended to receive it as shown below:

Address for notice to the Elections Administrator:
Michael Scarpello
Dallas County Elections Administrator
1520 Round Table Drive
Dallas, Texas 75247
(214) 819-6334 telephone
(214) 819-6301 facsimile

and, to the physical addresses and facsimile numbers for notice to the Participating Political Subdivisions are in "Attachment F" to this Election Services Contract.

19) LIABILITY FOR NEGLIGENCE

ALL PARTIES TO THIS ELECTION SERVICES CONTRACT AGREE TO BE RESPONSIBLE, IN ACCORDANCE WITH APPLICABLE STATE OR FEDERAL LAW, EACH FOR THEIR OWN NEGLIGENT ACTS OR OMISSIONS, OR OTHER TORTIOUS CONDUCT IN THE COURSE OF PERFORMANCE OF THIS ELECTION SERVICES CONTRACT WITHOUT WAIVING ANY SOVEREIGN IMMUNITY, GOVERNMENTAL IMMUNITY, STATUTORY IMMUNITY, OR OTHER DEFENSES AVAILABLE TO THE PARTIES UNDER FEDERAL OR STATE LAW. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, IN OR TO ANY THIRD PERSONS OR ENTITIES. ALL PARTIES AGREE THAT ANY SUCH LIABILITY OR DAMAGES OCCURRING DURING THE PERFORMANCE OF THIS ELECTION SERVICES CONTRACT CAUSED BY THE JOINT OR COMPARATIVE NEGLIGENCE OF THE PARTIES, OR THEIR EMPLOYEES, AGENTS OR OFFICERS WILL BE DETERMINED IN ACCORDANCE WITH COMPARATIVE RESPONSIBILITY LAWS OF TEXAS, BUT ONLY TO THE EXTENT SUCH LAWS ARE APPLICABLE TO THE PARTY.

TO THE EXTENT PERMITTED BY LAW, IF LEGAL ACTION IS FILED AGAINST A PARTY TO THIS ELECTION SERVICES CONTRACT, THAT PARTY SHALL BE SOLELY RESPONSIBLE FOR THEIR OWN RESPECTIVE COSTS AND DEFENSE OF THAT SUIT.

20) CHOICE OF LAW

This Election Services Contract will be governed and interpreted by the laws of the State of Texas.

21) VENUE AND JURISDICTION

The courts of the State of Texas and the United States of America that are physically located in Dallas, Dallas County, Texas are the exclusive jurisdiction and venue for any lawsuit, cause of action, temporary restraining order, temporary injunction, injunction, petition for extraordinary relief, mandamus, or any other legal proceeding or claim arising out of the performance of this Election Services Contract.

22) SEVERABILITY

If any term of this Election Services Contract is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the terms of this Election Services Contract will remain in full force and effect and will in no way be affected, impaired, or invalidated.

23) ENTIRE CONTRACT

This Election Services Contract, including any exhibits or attachments, contains the entire agreement between the Elections Administrator and the Participating Political Subdivisions concerning the duties required by this Election Services Contract. The Elections Administrator of Dallas County, Texas and each Participating Political Subdivision hereby expressly warrant and represent that they are not relying on any promises or agreements that are not contained in this Election Services Contract

concerning any of the terms in this Election Services Contract. Except otherwise specified in this Election Services Contract, no modification, amendment, novation, renewal, or other alteration of this Election Services Contract shall be effective unless mutually agreed upon in writing and executed by the Parties hereto.

24) GENDER AND HEADINGS

In this Election Services Contract, words in the singular number include the plural, and those in the plural include the singular. Words of any gender also refer to any other gender. Headings in this Election Services Contract are terms of inclusion, not exclusion.

25) RELATIONSHIP OF PARTIES

The Participating Political Subdivisions, including their agents, or employees, are independent contractors and not an agent, servant, joint enterpriser, joint venturer, or employee of the County Elections Administrator, the County or DCED, and are responsible for their own acts, forbearance, negligence and deeds, and for those of their agents, or employees in conjunction with the performance of services covered under this Election Services Contract. The Participating Political Subdivisions represent that they have, or will secure at their own expense, all personnel and consultants required in performing the Services herein. Such personnel and consultants shall not be employees of or have any contractual relationship with the County, the County Elections Administrator, or DCED.

26) FORCE MAJEURE

No Party shall be in default or responsible for delays or failures in performance resulting from causes beyond its control. Such causes include but are not limited to acts of God, fire, storm, flood, earthquake, natural disaster, pandemic, epidemic, nuclear accident, strike, air traffic disruption, lockout, riot, freight embargo, public regulated utility, or governmental statutes, orders, or regulations superimposed after the fact. Any Party delayed by force majeure shall as soon as reasonably possible give the other Party written notice of the delay. The Party delayed shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the Party delayed shall immediately give the other Parties written notice thereof and shall resume performance under this Election Services Contract as soon as practicable. The date of delivery or of performance shall be extended for at least a minimum time period equal to the time lost by reason of the delay.

27) DEFAULT/CUMULATIVE RIGHTS/MITIGATION.

It is not a waiver of default if the non-defaulting Party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Election Services Contract are cumulative, and no Party's use of any right or remedy will preclude or waive its right to any other remedy. These rights and remedies are in addition to any other rights the Parties may have by law, statute, ordinance or otherwise. All Parties have a duty to mitigate damages.

28) CONTRA PROFERENTEM

The legal doctrine of contra proferentem will not apply to this Election Services Contract. Consequently, any ambiguity that may exist in this Election Services Contract will not be construed against the Party who drafted this Election Services Contract.

29) ORDER OF PRECEDENCE

Any inconsistencies in this Election Services Contract will be resolved by reviewing and considering this Election Services Contract and Attachments A through G to this Election Services Contract together in context with each other.

30) SIGNATORY WARRANTY

The Elections Administrator of Dallas County, Texas and all of the contracting authorities of all of the Participating Political Subdivisions listed in "Attachment F" of this Election Services Contract represent that each has the full right, power and authority to enter into and perform this Election Services Contract in accordance with all of its terms and conditions, and that the execution and delivery of this Election Services Contract has been made by authorized representatives of the Participating Political Subdivisions to validly and legally bind the Participating Political Subdivisions to all terms, performances, and provisions set forth in this Election Services Contract.

31) COUNTERPARTS.

This Election Services Contract may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

WITNESS HEREOF, the parties hereto have executed in triplicate originals this Election Services Contract on this _____ day of February 2021. ("Effective Date")

RECOMMENDED AND APPROVED:

_____
MICHAEL SCARPELLO
COUNTY ELECTIONS ADMINISTRATOR
DALLAS COUNTY, TEXAS

APPROVED AS TO FORM*

_____
James R. Palomo
ASSISTANT DISTRICT ATTORNEY,
DISTRICT ATTORNEY
DALLAS COUNTY CRIMINAL ATTORNEY'S OFFICE, CIVIL DIVISION

*By law, the Criminal District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of

our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACCEPTED TO AND AGREED TO BY THE _____:

APPROVED

_____
[INSERT NAME AND POSITION]

GARLAND
PLANNING REPORT

City Council Regular Session Agenda **8. a.**

Meeting Date: 03/02/2021

Item Title: Z 20-35 JM Civil Engineering - Zoning (District 7)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses

Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

LOCATION

4680 North Shiloh Road

OWNER

The Seven Investments Company Trust, A Texas Trust

PLAN COMMISSION RECOMMENDATION

On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. The Plan Commission further recommended to allow the canopy height up to twenty-two (22) feet in height.

The Plan Commission by a vote of nine (9) to zero (0) recommended approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

The Plan Commission by a vote of nine (9) to zero (0) also recommended approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

STAFF RECOMMENDATION

Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses.

Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

BACKGROUND

The site is an undeveloped property located at the southeast corner of Shiloh Road and Arapaho Road. In 2019, the City Council approved Planned Development (PD) District 18-47 to add limited Community Retail uses to an existing Planned Development (PD) District 84-73 which was established in 1984 for Neighborhood Office Uses.

Per the requirements of the PD 18-47, the applicant proposes an Amendment to the Planned Development (PD) District, a Specific Use Provision, and a Detail Plan to allow the development of a Convenience Store with Fuel Pumps/Retail Use.

SITE DATA

The subject property contains approximately 4.684 acres in area with approximately 201 lineal feet of frontage along Arapaho Road and 479 lineal feet of frontage along Shiloh Road. The site can be accessed from one proposed driveway onto Arapaho Road and two proposed driveways on Shiloh Road. The fuel pumps and convenience store will be located on an approximate one (1) acre portion of the site at the corner of Arapaho Road and Shiloh Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 18-47 which establishes Neighborhood Office (NO) District with low intensity office and professional uses, and limited Community Retail uses which include:

- Convenience Facility: Walk-Up Service (P)
- Fuel Pumps, Retail (S)
- Automated Teller Machine (ATM)-Drive-Up (P)
- Learning Center, Specialized (P)
- School, Business (P)
- Health & Fitness Gym (indoor) (P)
- Antique Shop (indoors only) (P)
- Bakery, Retail (P)
- Call Center (P)
- Convenience Store (1,000-5,000sf) (P)
- Furniture, Household Furnishings and Appliance Sales/Rental (P)
- Grocery/Supermarket (>5,000sf) (P)
- Laundry, Drop-Off (with drive-through or window) (P)
- Laundry, Drop-Off (without drive-through or window) (P)
- Laundry, Self-Serve (Laundromat) (P)
- Personal Services (P)
- Pharmacy (with drive-through or window) (P)

- Pharmacy (without drive-through or window) (P)
- Restaurant (P)
- Restaurant, Drive-Through (S)
- Retail Store (P)
- Studio, Arts/Crafts (P)
- Automobile Repair, Minor (S)

(P) Denotes land use is permitted by right.
(S) Denotes land use is allowed only upon approval of a Specific Use Provision.

As indicated, a Specific Use Provision for Fuel Pumps, Retail Use and a Detail Plan is required by this Planned Development District. The applicant is also requesting PD Deviations from Garland Development Code (GDC) standards explained in the Considerations.

CONSIDERATIONS

Detail Plan and Specific Use Provision

1. The applicant has brought forward a Detail Plan that includes the entire PD 18-47 property. A convenience store and fuel pumps will be located on the northern-most lot, and improvements will be made to the frontage along Shiloh Road with a new access driveway and drive lane required in order to achieve technical requirements for access to and from the development. A landscape buffer will be installed along the drive lane, and the remainder of the south portion of the site will remain unimproved with ground cover. A future Detail Plan will be required for that portion of the site.

Fuel Pumps Retail Use

2. Fuel Pumps, Retail use is defined by the GDC as “The retail sale of liquid or gaseous fuels for the operation of motor vehicles.” The site plan shows eight (8) fuel dispensers for retail sales. The proposal satisfies the GDC Special Standards for Motor Fuel Pumps:
    a. Setbacks are required with a minimum twenty (20) foot setback from a property line that is adjacent to a public street and a minimum fifteen (15) feet to any property line not adjacent to a public street or a residential zoning district.
    b. The other Special Standard requires conformance with technical standards for maneuvering in the fuel pumps area; the plans conform with these technical requirements.

Convenience Store

3. The proposed Convenience Store is permitted on this property in accordance with PD 18-47.

Site Plan

4. The site plan (Exhibit C in the Detail Plan agenda item) shows the 2,824 square-foot store, and eight (8) fuel stations with a canopy structure. Additional improvements include a propane tank station, ice cabinet, and air pump located to the east of the building. The applicant clustered these services, as well as a light (small truck as an example) loading space and refuse enclosure east of the building in an area with minimal visual impact to

the public street. The site is a corner lot and the placement of these services at the southeast corner of the site minimizes impacts to the street view.

Landscaping and Screening

5. The landscaping and screening layout on the proposed landscape plan (Exhibit D in the Detail Plan item) complies with the applicable screening and landscape regulations found in Chapter 4 of the Garland Development Code (GDC). It should be noted that the landscape buffer south of the southern driveway from Shiloh Road is not proposed with any landscaping since there will be no construction south of that driveway. A future Detail Plan is required along with the requisite landscape buffer for that area of the property.

Building Elevations and Standards

6. PD 18-47 allows a maximum height of sixteen (16) feet for buildings and structures. The fuel pump canopy is proposed at twenty (20) feet high, exceeding the maximum allowed height by four (4) feet. In comparison, the zoning districts where fuel pumps are typically found allow heights up to thirty-five (35) feet.

7. The design of the convenience store building (Exhibit E in the Detail Plan item), with the exception of the west elevation, complies with the applicable GDC development standards for a minimum of six (6) Architectural Elements selected from the list in the GDC. The west elevation is narrow, although as an alternative the GDC includes non-building mounted elements such as benches and planters. It is suggested that a bench or planter could be added to the west elevation.

North elevation	West elevation
- Ornamental façade trim	- Ornamental façade trim
- Canopy	- Canopy (Awning)
- Recessed entry	- Shutters
- Distinctive lights	- Distinctive Lights
- Store front windows	- Divided Light windows
- Transom	

8. The GDC's provisions for Building Articulation are applicable to the north and west street facing elevations of the proposed convenience store building. Building Articulation is required for the purpose of adding interest to otherwise unadorned building walls that are visible from the street.

   Vertical articulation is required of buildings greater than fifty (50) feet in width. Only the north building elevation is greater than fifty (50) feet in width, although the north elevation is not designed with vertical articulation. However, the street view of the north elevation will be somewhat obstructed by the fuel canopy and landscape buffer plantings. Additionally, the canopy has a similar appearance to the convenience store building, contributing to a sense of overall height variation.

9. The application proposes the SUP for a period of twenty-five (25) years, as it anticipates a twenty-five (25) year lease for the site.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property as Compact Neighborhood. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas also accommodate uses such as convenience retail (goods and services), office space, and public services.

The proposed development of a fuel pumps with convenience store will provide additional services and convenience shopping to the community.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north of the subject property, across Arapaho Road, are zoned Planned Development (PD) 99-14 District, Planned Development (PD) 14-09 District and Planned Development (PD) District 02-28; all three Planned Development (PD) Districts are zoned for Community Retail Uses. These properties are developed with self-storage units, a financial institution, a gas station, and a shopping center containing a grocery store, retail sales/personal services and a restaurant.

East: The properties to the east are zoned Planned Development (PD) 08-45 District for Community Office Uses; this property is undeveloped.

South: The properties to the south are zoned Single Family-7 (SF-7) District; these properties are developed with single-family residences.

West: The properties to the west, across North Shiloh Road, are zoned Planned Development (PD) Districts for Community Retail Uses, and Planned Development (PD) 17-32 District for Community Retail and Multi-Family Uses; these properties are developed with a charter school, dormitories (associated with the charter school), a restaurant with a drive-through (Starbucks Coffee) and a car wash.

The proposed use is consistent with surrounding land use patterns as gas stations with convenience stores are commonly found along major thoroughfares. The location of the subject site near the intersection of two major thoroughfares is compatible with both automobile and pedestrian traffic generated from the surrounding area.

Attachments

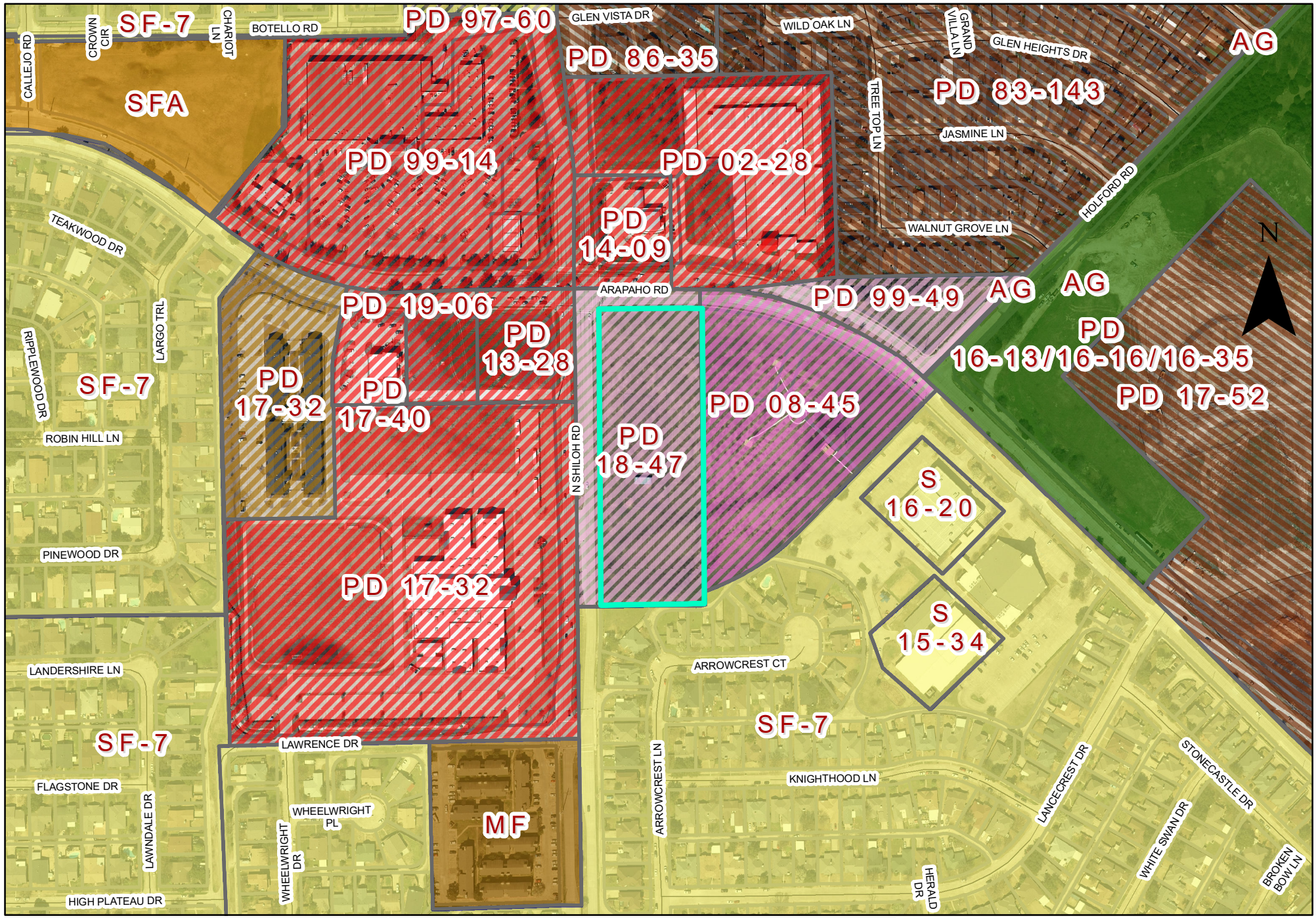
Z 20-35 JM Civil Engineering (Zoning) Attachments

Z 20-35 Exhibit B

Z 20-35 JM Civil Engineering Responses

Z 20-35 & BW 20-02 Responses

Z 20-35 Staff Presentation



0 250 500 Feet
1 inch = 321 feet

Zoning Map Z 20-35

INDICATES AREA OF REQUEST

REPORT & MINUTES

P.C. Meeting, February 8, 2021

Consideration of the application of **JM Civil Engineering**, requesting approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. This property is located at 4680 North Shiloh Road. (District 7) (File Z 20-35 - Zoning)

Kira Wauwie, Principal Planner, presented the staff report.

Commissioner Rose inquired about the vacant land.

Ms. Wauwie stated the land would remain vacant for future development.

Commissioner Jenkins asked if there are any charging stations planned with the development of this site.

Ms. Wauwie stated the applicant would be better able to answer that question.

The applicant Allan Perez, 5900 S. Lake Forest Boulevard, #380, McKinney, TX 75070, provided additional information regarding the building's square footage. There are currently no proposed electrical charging stations at this time.

Chairman Roberts inquired about conditioning the canopy height to twenty-two feet.

Mr. Perez agreed the additional height would be beneficial to the business.

Commissioner Jenkins inquired as to the business hours of the business.

Mr. Perez stated the hours would be approximately 6 a.m. to 12 a.m. and there would be security cameras and onsite monitoring.

Motion was made by Commissioner Rose to close the public hearing and **approve** the Zoning with the provision of a 22 foot canopy height maximum. Seconded by Commissioner Dalton. **Motion carried: 9** Ayes, **0** Nays

EXHIBIT B

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-35

4680 North Shiloh Road

I. **Statement of Purpose:** The purpose of this Planned Development (PD) District is to approve a Detail Plan for a Convenience Store Use and a Retail, Fuel Pumps Use for one lot.

II. **Statement of Effect:** This Planned Development (PD) District 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 Planned Development (PD) District 18-47 and Neighborhood Office (NO) 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 shall be in general conformance with the site plan, landscape plan, and elevation plans respectively labeled Exhibit C, Exhibit D, and Exhibit E. In the event of conflict between the conditions and development plans, the conditions listed below are to apply.

V. **Specific Conditions:**

A. Site Plan: The site layout, building placement, parking and other development proposed shall be in general conformance with the approved Site Plan labeled Exhibit C.

B. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.

D. Maintenance Requirements:

(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this 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 landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces 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 and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty 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 and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this 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 days 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 the certificate of occupancy for the travel center.

E. Elevations: Building Elevations and Fuel Canopy Elevation shall be in general conformance with the elevations labeled Exhibit E.

F. Canopy Height: The maximum height of the canopy is allowed at twenty-two (22) feet.

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-35

4680 North Shiloh Road

II. Statement of Purpose: The purpose of this Planned Development (PD) District is to approve a Detail Plan for a Convenience Store Use and a Retail, Fuel Pumps Use for one lot.

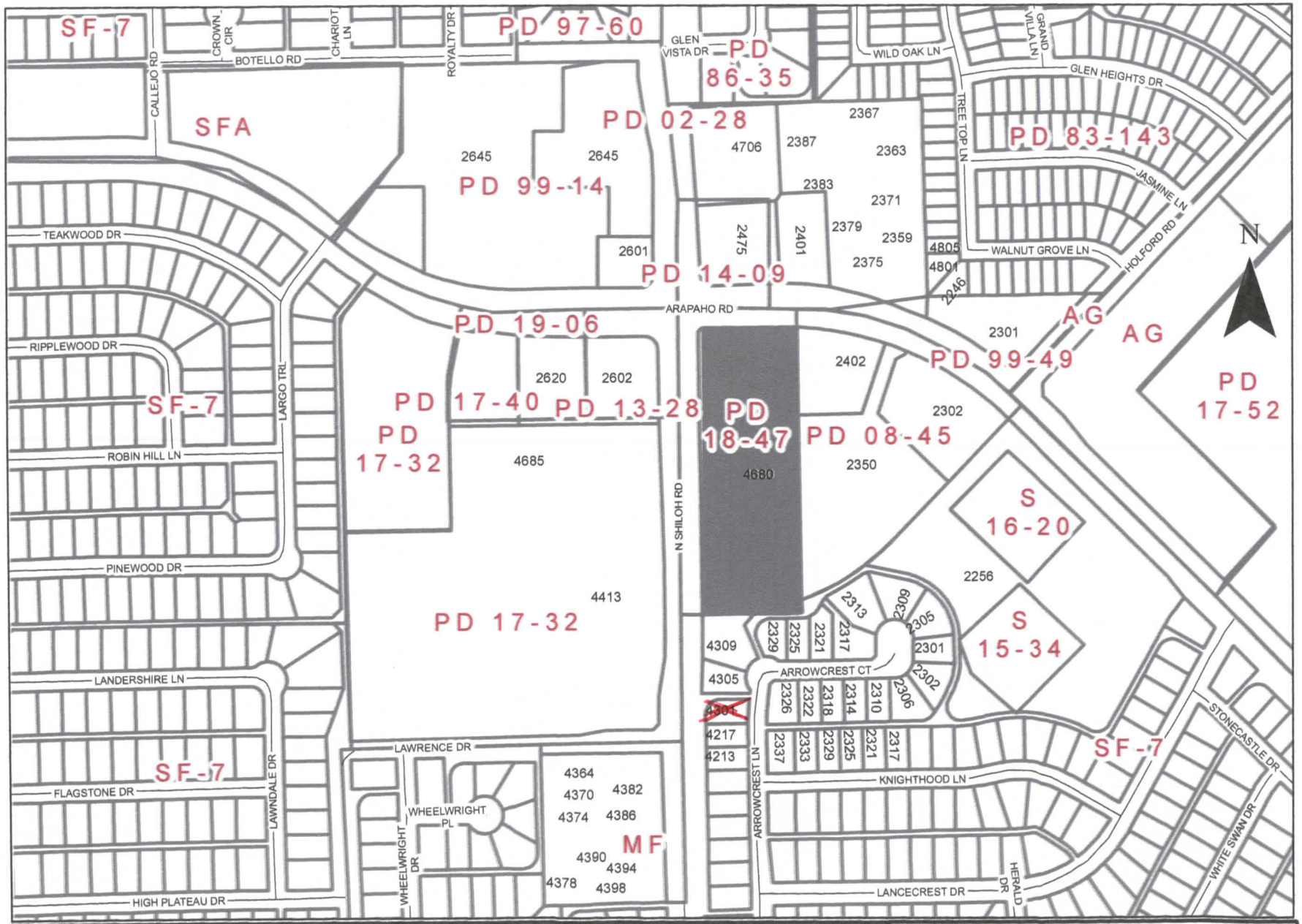
II. Statement of Effect: This Planned Development (PD) District shall not affect any regulation found in the Garland Development Code, Ordinance No. 6773, as amended prior to adoption of this ordinance, except as specifically provided herein.

VI. General Regulations: All regulations of the Planned Development (PD) District 18-47 and Neighborhood Office (NO) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

VII. Specific Use Provision:

A. SUP Time Period: The Specific Use Provision shall be in effect for a period of twenty-five (25) years.

EXHIBIT B



0 225 450 Feet
1 inch = 333 feet

Zoning Map Z 20-35

INDICATES AREA OF REQUEST

O = IN FAVOR
X = AGAINST

Allmendinger, Tracy

From: Liem Tran <liem_t_tran@yahoo.com>
Sent: Monday, February 1, 2021 9:56 PM
To: Planning Group
Subject: [EXTERNAL] File Z 20-35 Response
Attachments: CCF_000054.pdf

Hello,

I have attached my response to the application of JM Civil Engineering proposing to develop a gas station and convenience store at 4680 North Shiloh Road.

Thank you,

Liem Tran

response include your property address, your name, and mailing address. Should you have any questions, please contact Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

_____ I am in favor of the request.

X I am opposed to the request.

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

I believe it will increase crime rates. It will create more traffic.

(Please complete the following information)

4301 Arrowcrest Ln.
Your Property Address

Liem Tran
Printed Name

4301 Arrowcrest Ln. | Garland, TX | 75044
Address | City, State | Zip

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

Liem Tran | Home owner
Signature | Title

Date: Feb 01, 2021

Zoning Response Cases

Case Number

Z 20-35 & BW 20-02

The applicant JM Civil Engineering, propose to develop a gas station, convenience store and request a variance regarding the distance to a school from an establishment that sells or serves alcoholic beverages. This property is located at 4680 North Shiloh Road.

<null>

Joyce Bach
<null>

Against

2509 Ridgemeade Dr
Garland
Texas
United States
75040
jedbach@yahoo.com

As a homeowner nearby, I have no use for another convenience store/gas station that I won't use. They should overpriced beer/alcohol that close to a school.

Z 20-35

The applicant requests to construct a gas station and convenience store.

[Planned Development Amendment, Specific Use Provision and Plan for a gas station and convenience store on a property zoned Planned Development (PD) District 18-47.]

City Council Meeting
March 2, 2021

GARLAND
TEXAS MADE HERE

CASE INFORMATION

Location: 4680 North Shiloh Road

Applicant: JM Civil Engineering

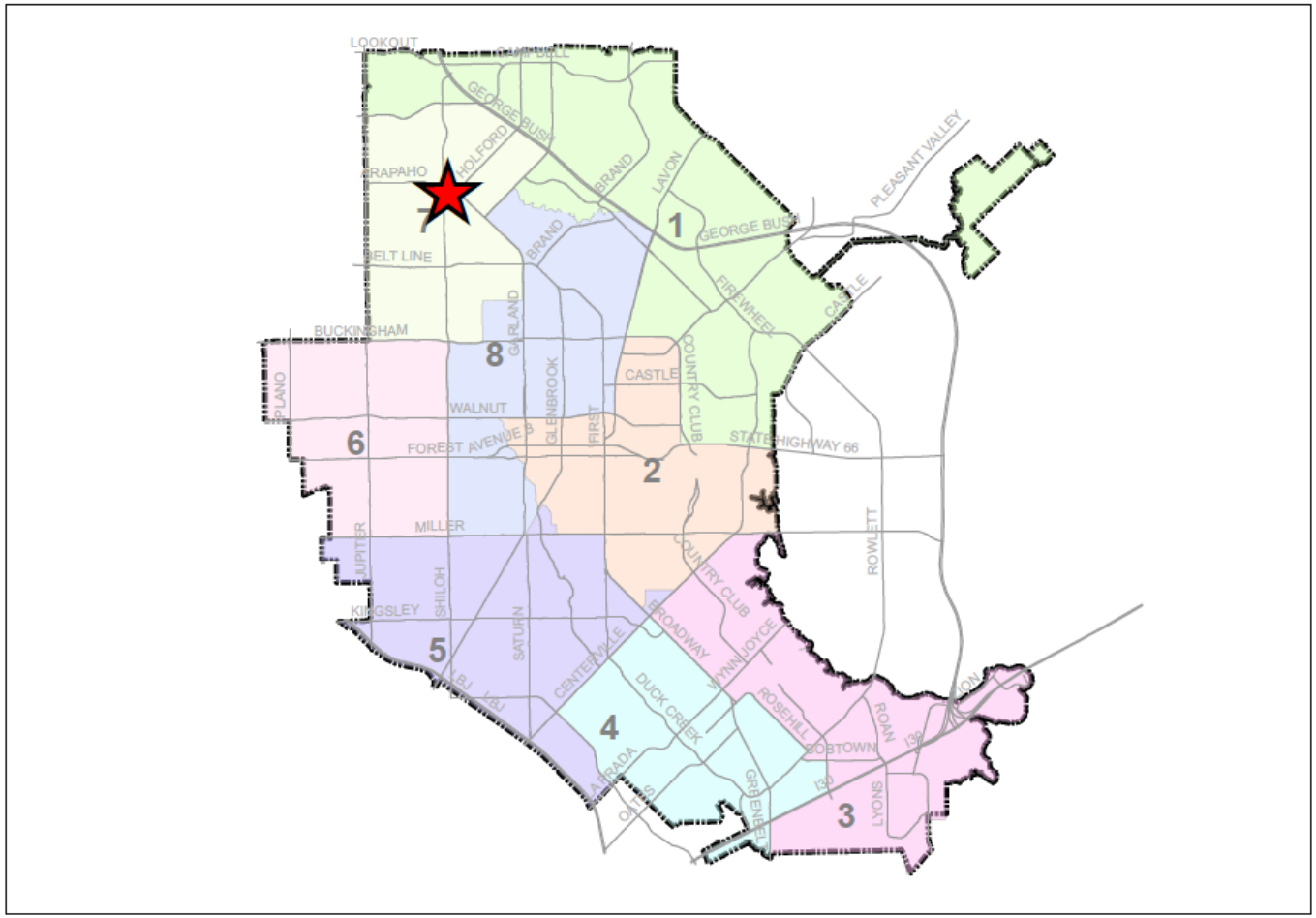
Owner: The Seven Investments Company Trust, A Texas Trust

Acreage: 4.684 acres

Zoning: Planned Development (PD) District 18-47

Z 20-35

CITYWIDE LOCATION MAP



0 1 2 Miles 1 in = 2 miles | **Zoning Map Z 20-35** | ★ INDICATES AREA OF REQUEST

Z 20-35

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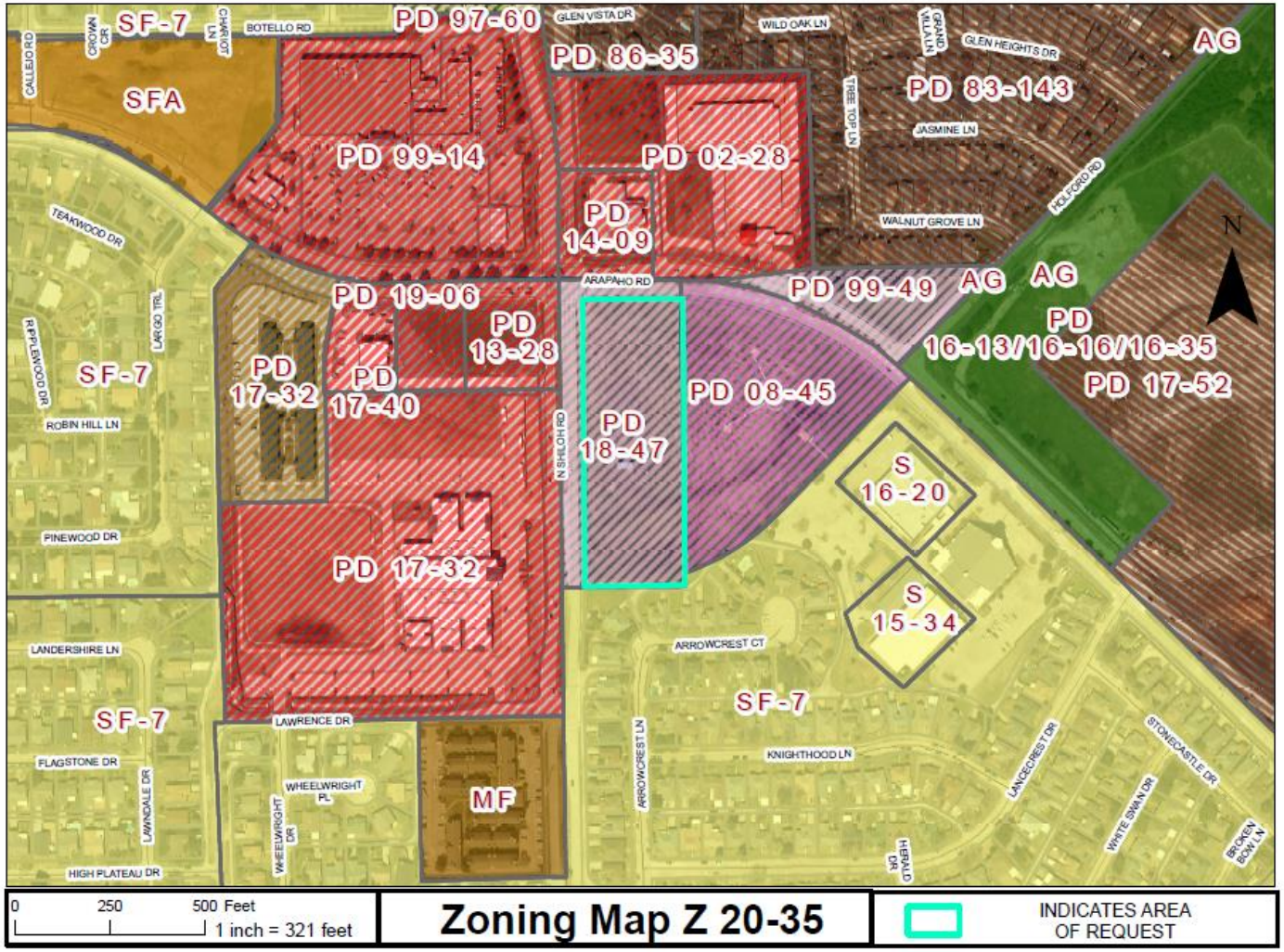
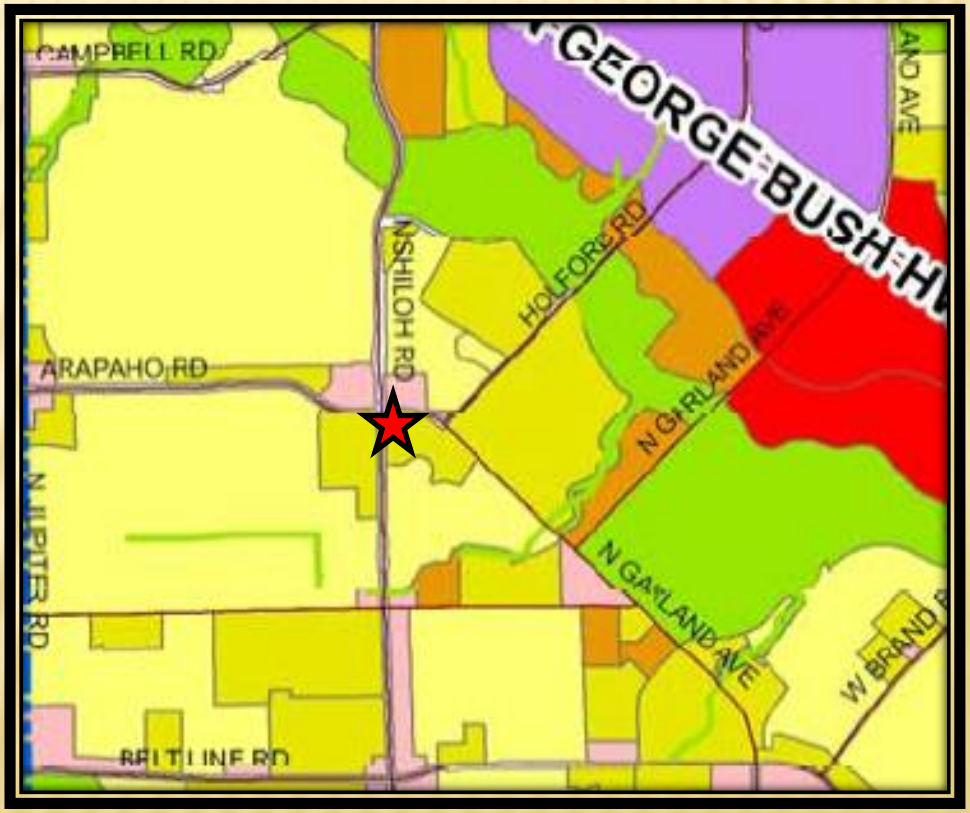
LOCATION MAP



Z 20-35

COMPREHENSIVE PLAN

Compact Neighborhoods



Z 20-35

COMPREHENSIVE PLAN

- The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property as Compact Neighborhood. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments.

- These areas also accommodate uses such as convenience retail (goods and services), office space, and public services.

- The proposed development of a fuel pumps with convenience store will provide additional services and convenience shopping to the community.

PHOTOS

Looking at the subject property from Arapaho Road

Looking north of the subject property from Arapaho Road

Looking at the northwest corner of Arapaho & Shiloh

Looking north towards the site from its south edge

Z 20-35

GARLAND
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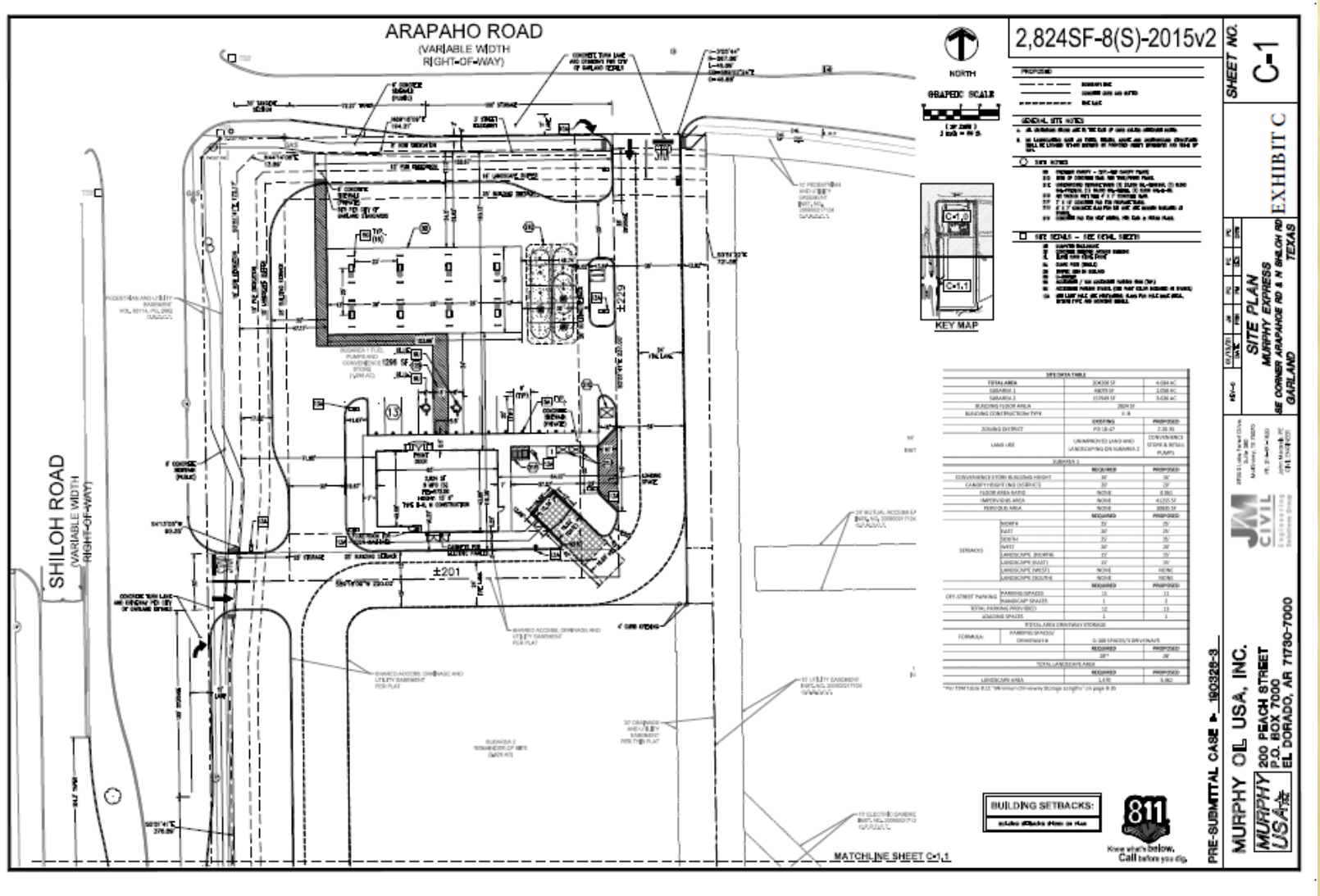
SITE PLAN



Z 20-35

GARLAND
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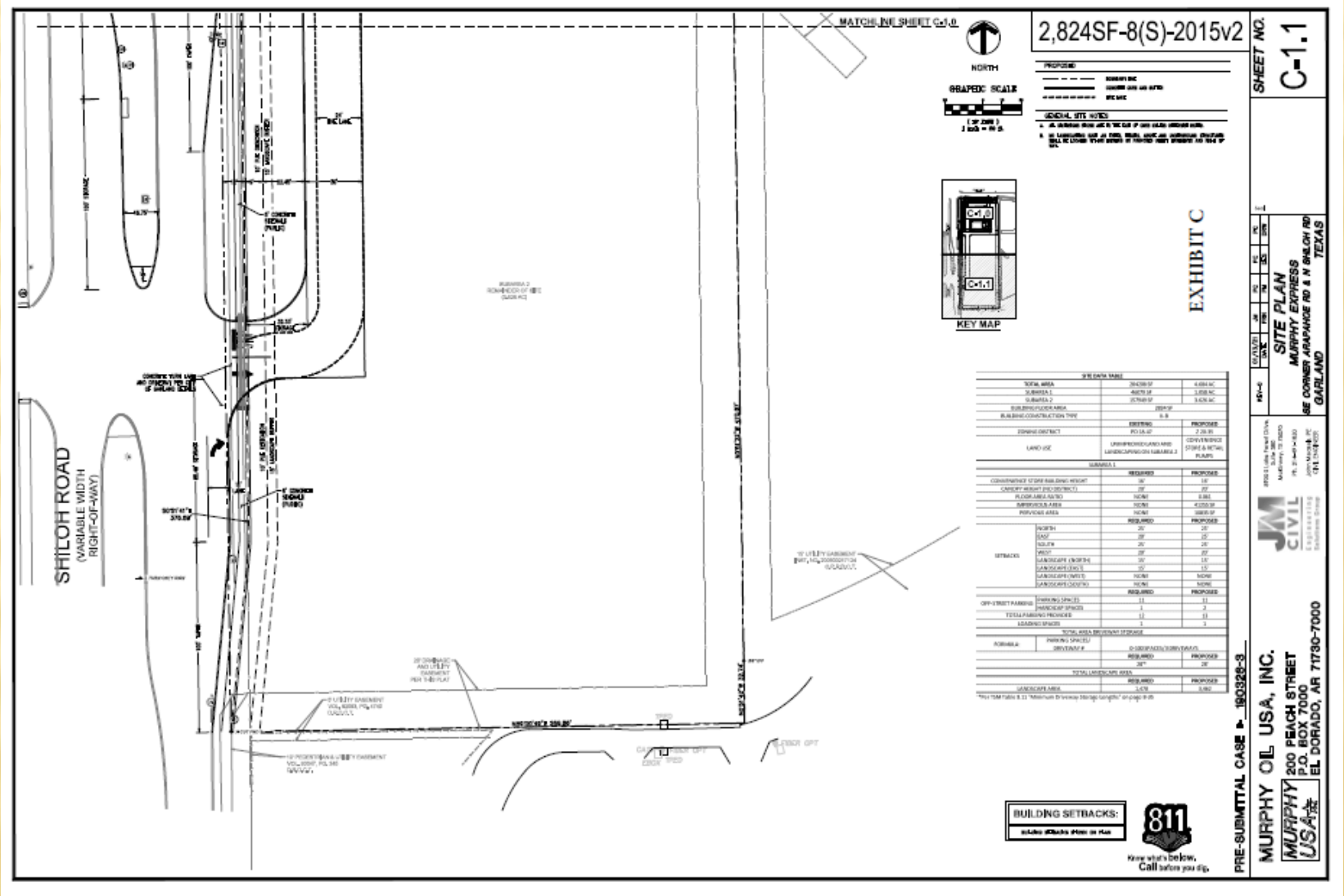

Z 20-35

GARLAND
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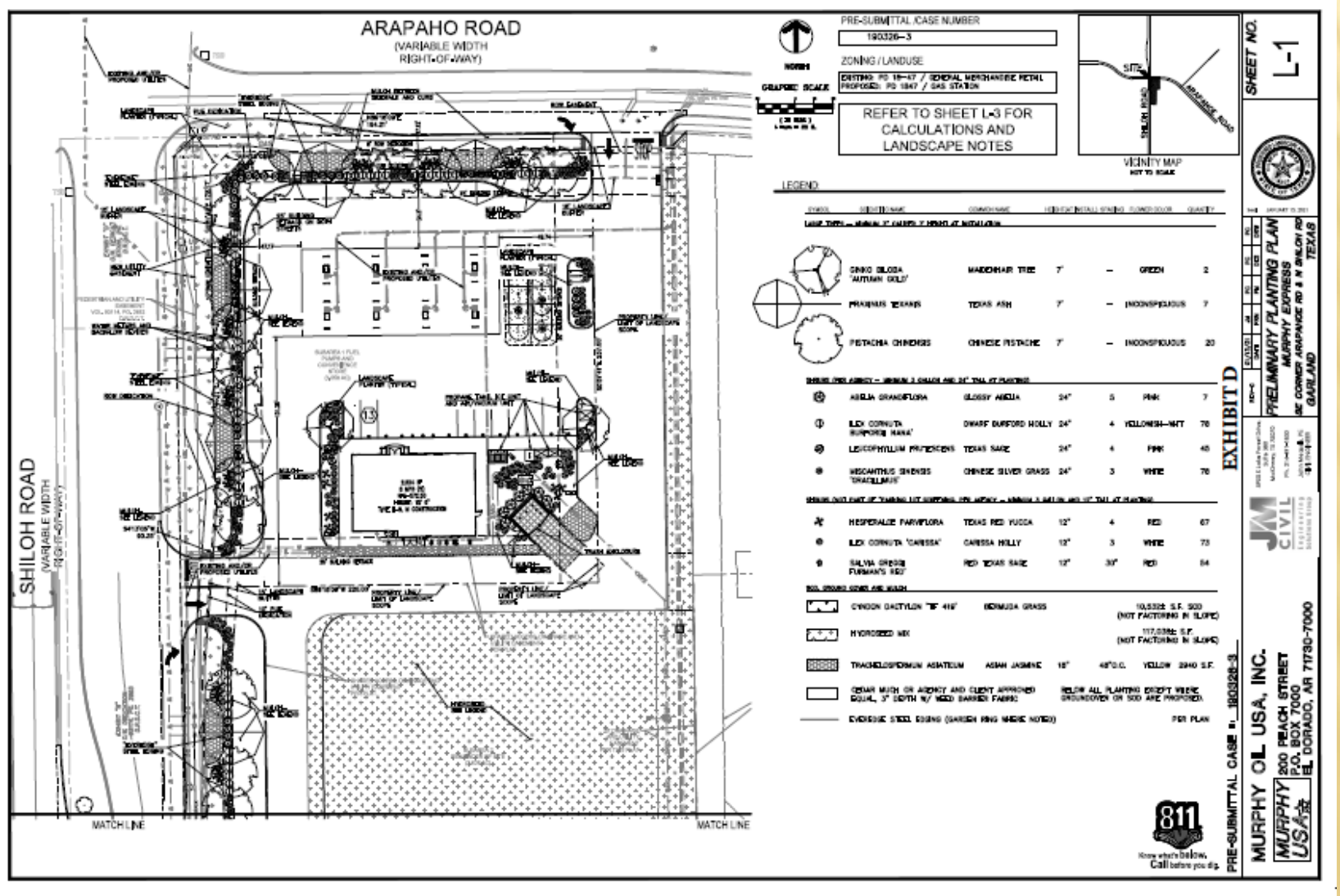
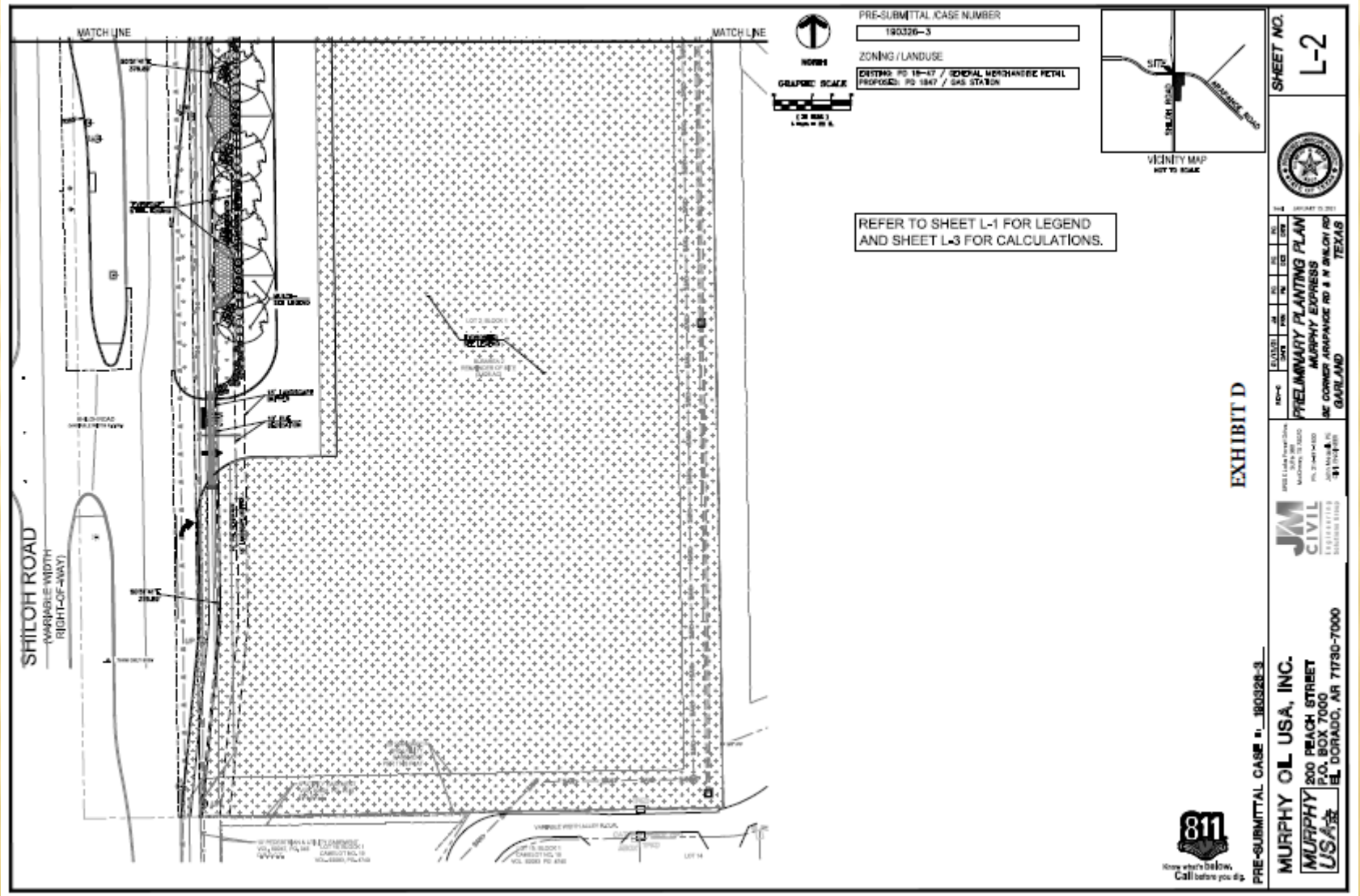
LANDSCAPE PLAN



Z 20-35

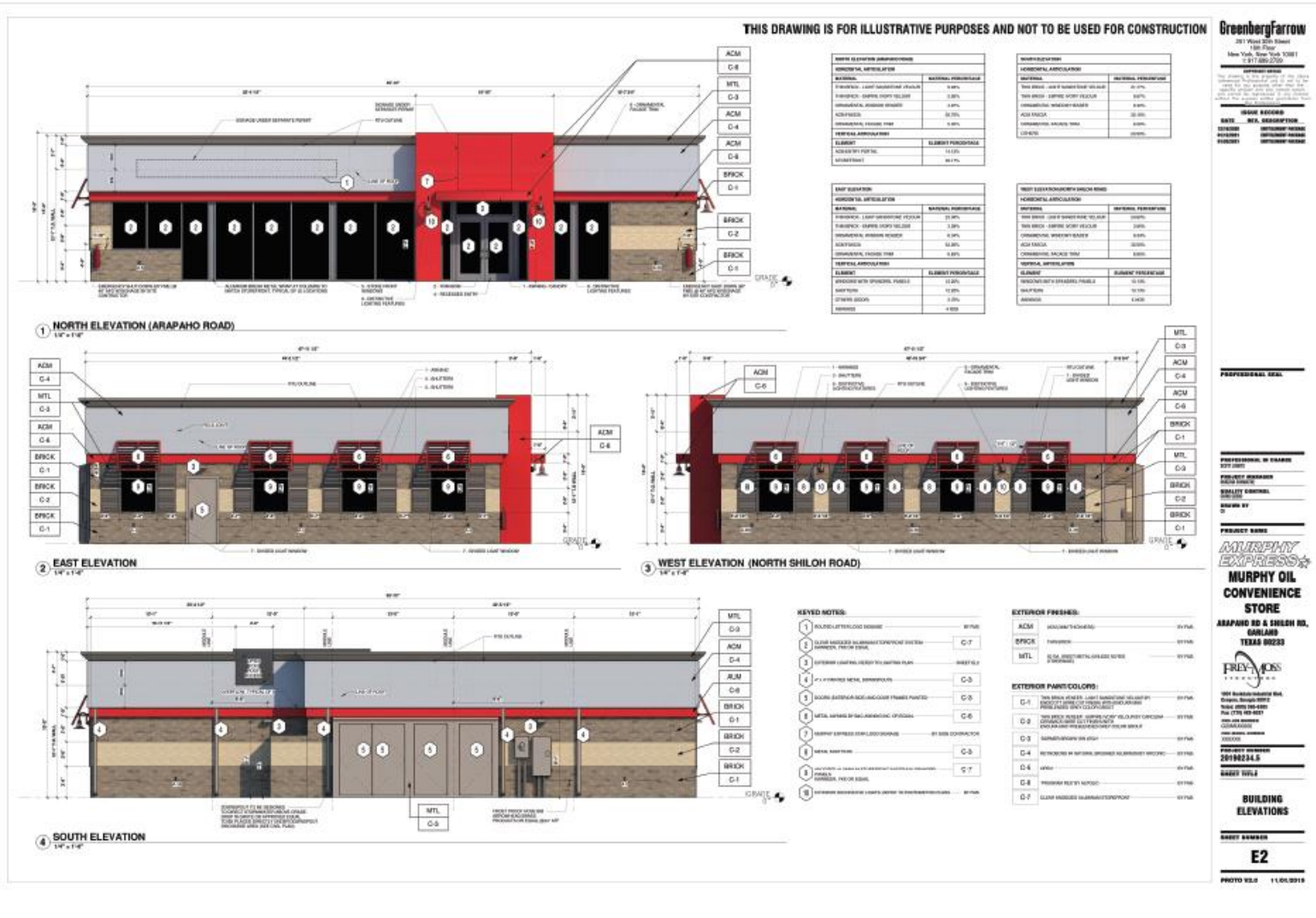
LANDSCAPE PLAN



ELEVATIONS

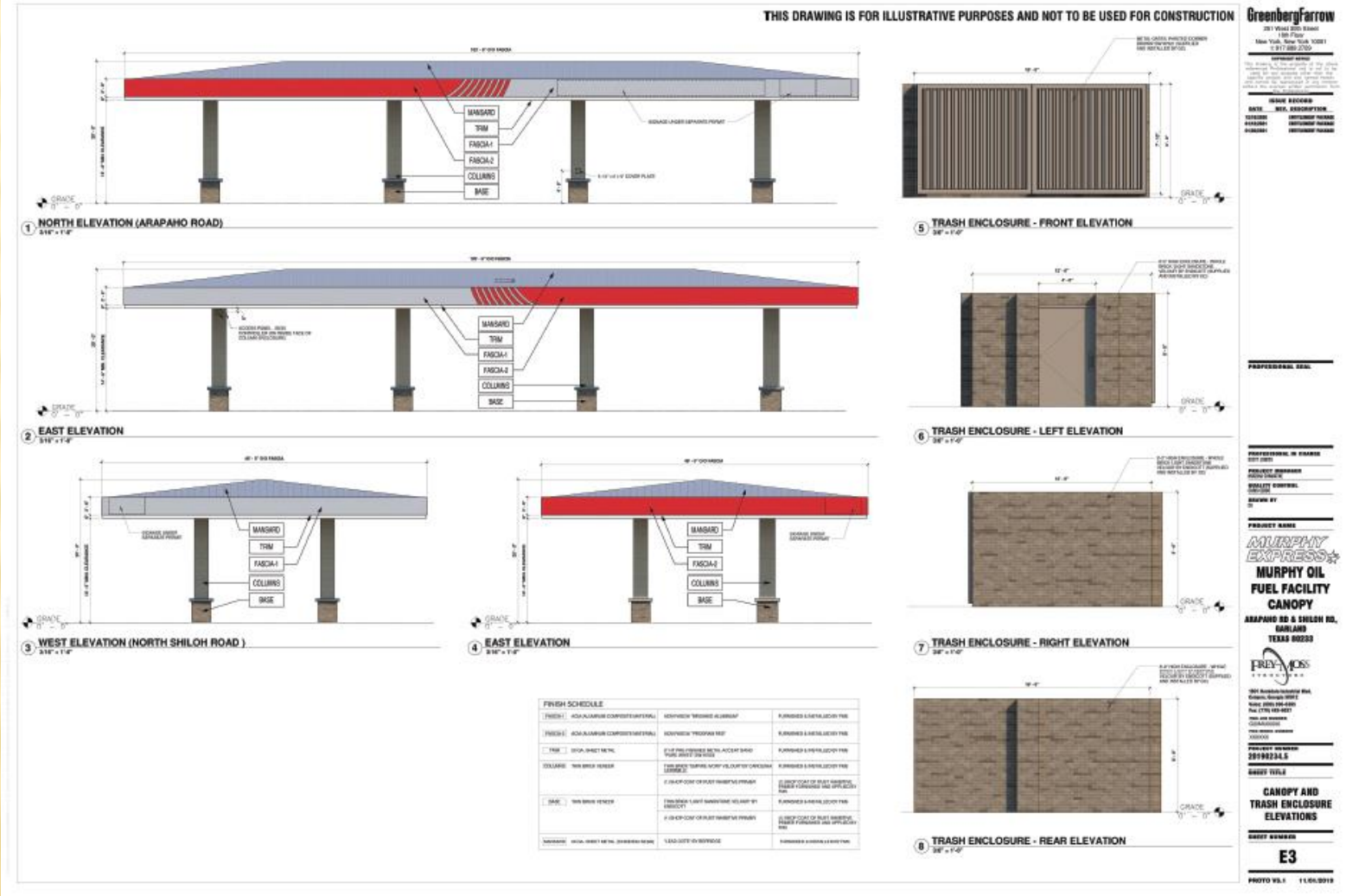
Z 20-35

ELEVATIONS


THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES AND NOT TO BE USED FOR CONSTRUCTION
GreenbergFarrow
1 NORTH ELEVATION (ARAPAHO ROAD)
2 EAST ELEVATION
3 WEST ELEVATION (NORTH SHILOH ROAD)
4 SOUTH ELEVATION
KEYED NOTES:
EXTERIOR FINISHES:
EXTERIOR PAINT/COLORS:
MURPHY EXPRESS
MURPHY OIL CONVENIENCE STORE
ARAPAHO RD & SHILOH RD, GARLAND TEXAS 75233
BUILDING ELEVATIONS
E2

GARLAND
TEXAS MADE HERE

ELEVATIONS



Z 20-35

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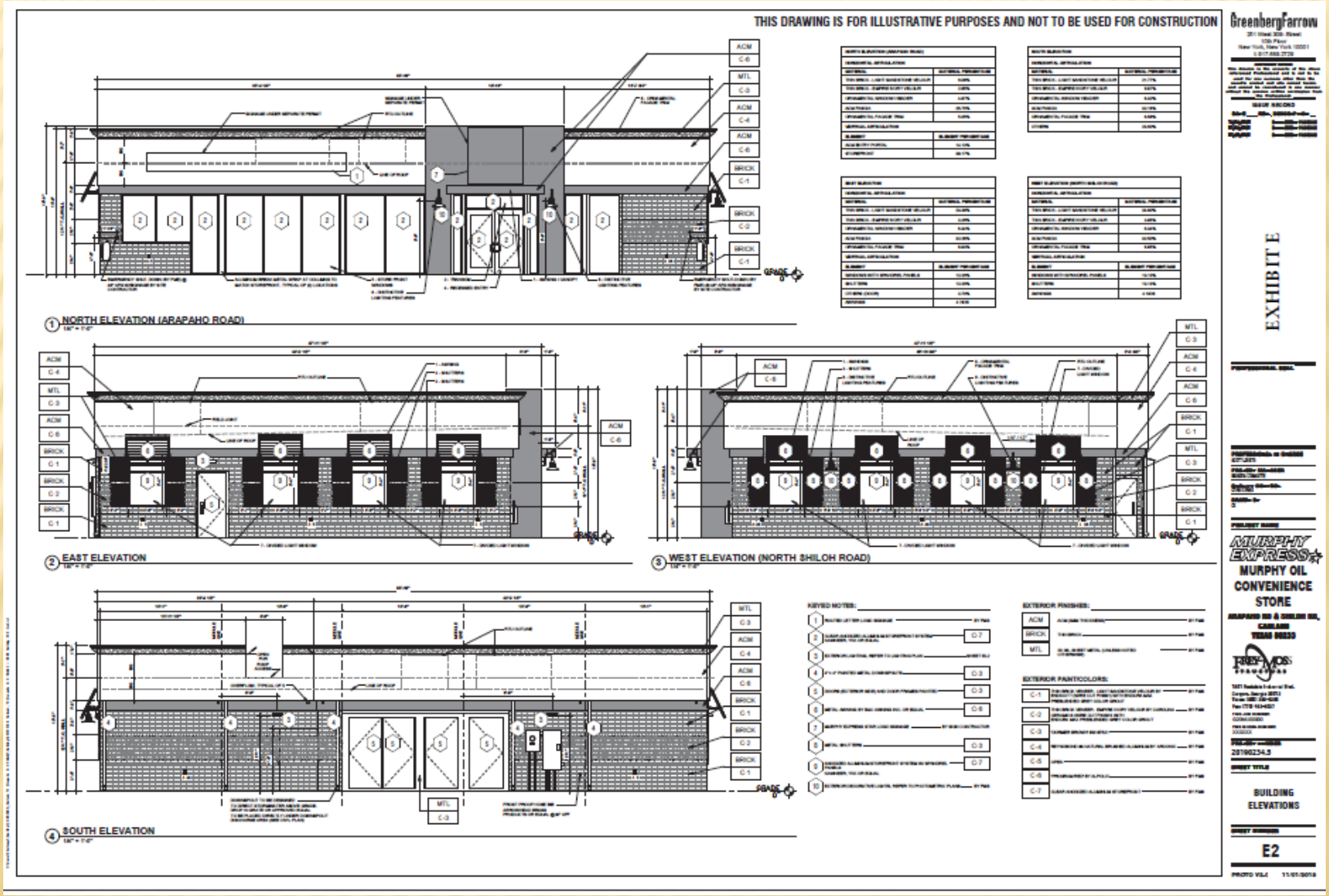
ELEVATIONS



Z 20-35

GARLAND
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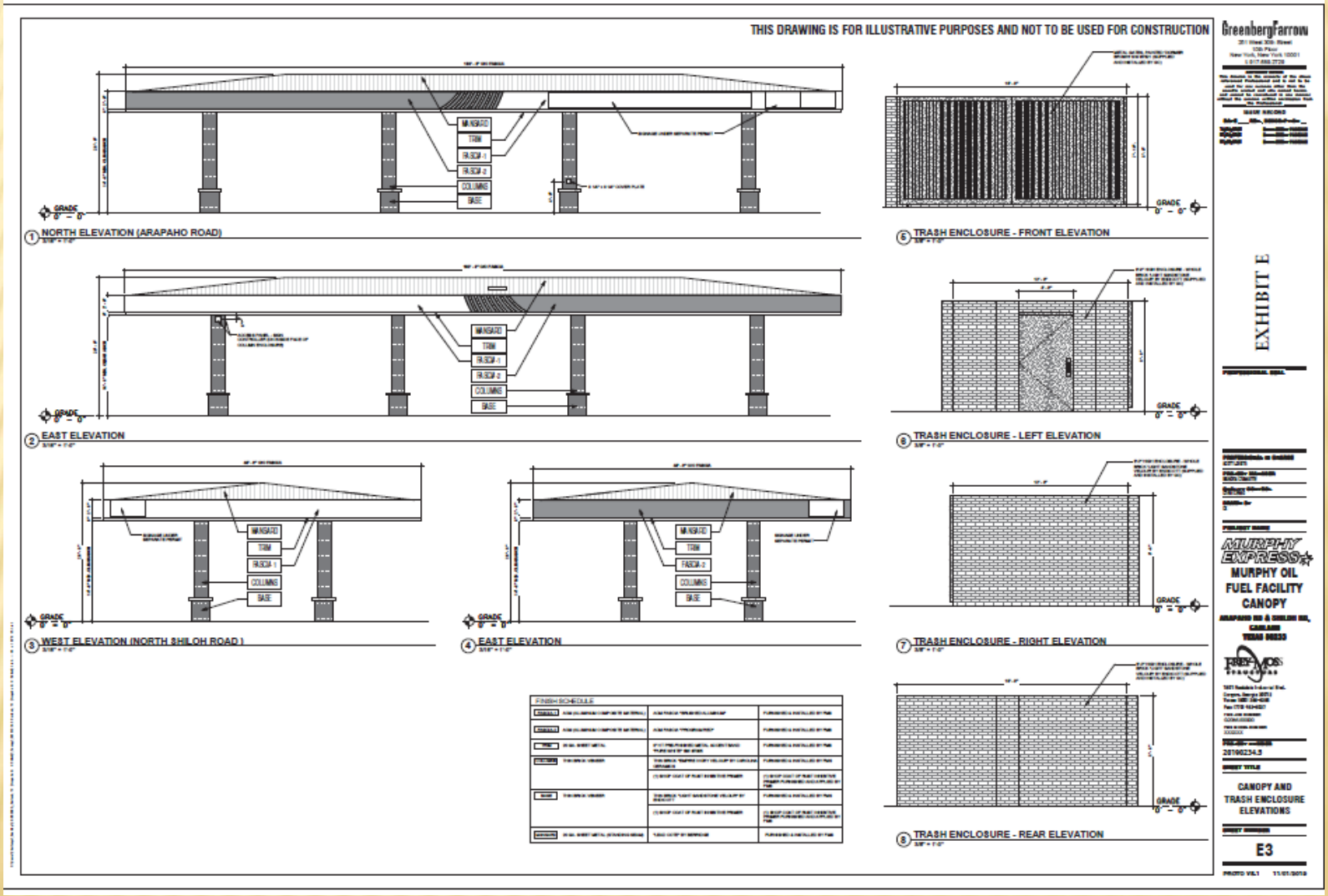
ELEVATIONS



Z 20-35

DEVIATIONS

- Building Articulation
  - North elevation view to street minimizes deviation concerns (vertical articulation)

- Façade Elements required 6 architectural elements
  - West elevation displays 5, an additional could be added

- Building Height maximum 16 feet
  - Canopy proposed at 20 feet, districts that allow gas stations allow 35 feet of building height

CONSIDERATION

The applicant proposes the Specific Use Provision to be in effect for twenty-five (25) years.

STAFF RECOMMENDATION

- Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses to allow Fuel Pumps/Retail Use.

- Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

- Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

PLAN COMMISSION RECOMMENDATION

- On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. The Plan Commission further recommended to allow the canopy height up to twenty-two (22) feet in height.

- The Plan Commission by a vote of nine (9) to zero (0) recommended approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

- The Plan Commission by a vote of nine (9) to zero (0) also recommended approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

PD 18-47 PERMITTED USES

Antique Shop (indoors) (P)
Automated Teller Machine-Drive-Up (P)
Automobile Repair, Minor (S)
Bakery, Retail (P)
Call Center (P)
Convenience Store (1,000-5,000sf) (P)
Convenience Facility: Walk-Up Service (P)
Fuel Pumps, Retail (S)
Grocery/Supermarket (>5,000sf) (P)
Health & Fitness Gym (indoor) (P)
Laundry, Drop-Off (without drive-through or window) (P)
Restaurant (P)
Retail Store (P)
Studio, Arts/Crafts (P)

Laundry, Self-Serve (Laundromat) (P)
Learning Center, Specialized (P)
Personal Services (P)
Pharmacy (with drive-through or window) (P)
Pharmacy (without drive-through or window) (P)
Furniture, Household Furnishings and Appliance Sales/Rental (P)
Laundry, Drop-Off (with drive-through or window) (P)
Restaurant, Drive-Through (S)
School, Business (P)

(P) Denotes land use is permitted by right.
(S) Denotes land use is allowed only upon approval of a Specific Use Provision.

GARLAND
PLANNING REPORT

City Council Regular Session Agenda **8. b.**

Meeting Date: 03/02/2021

Item Title: Z 20-35 JM Civil Engineering - Specific Use Provision (District 7)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses

Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

LOCATION

4680 North Shiloh Road

OWNER

The Seven Investments Company Trust, A Texas Trust

PLAN COMMISSION RECOMMENDATION

On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. The Plan Commission further recommended to allow the canopy height up to twenty-two (22) feet in height.

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STAFF RECOMMENDATION

Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses.

Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

BACKGROUND

The site is an undeveloped property located at the southeast corner of Shiloh Road and Arapaho Road. In 2019, the City Council approved Planned Development (PD) District 18-47 to add limited Community Retail uses to an existing Planned Development (PD) District 84-73 which was established in 1984 for Neighborhood Office Uses.

Per the requirements of the PD 18-47, the applicant proposes an Amendment to the Planned Development (PD) District, a Specific Use Provision, and a Detail Plan to allow the development of a Convenience Store with Fuel Pumps/Retail Use.

SITE DATA

The subject property contains approximately 4.684 acres in area with approximately 201 lineal feet of frontage along Arapaho Road and 479 lineal feet of frontage along Shiloh Road. The site can be accessed from one proposed driveway onto Arapaho Road and two proposed driveways on Shiloh Road. The fuel pumps and convenience store will be located on an approximate one (1) acre portion of the site at the corner of Arapaho Road and Shiloh Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 18-47 which establishes Neighborhood Office (NO) District with low intensity office and professional uses, and limited Community Retail uses which include:

- Convenience Facility: Walk-Up Service (P)
- Fuel Pumps, Retail (S)
- Automated Teller Machine (ATM)-Drive-Up (P)
- Learning Center, Specialized (P)
- School, Business (P)
- Health & Fitness Gym (indoor) (P)
- Antique Shop (indoors only) (P)
- Bakery, Retail (P)
- Call Center (P)
- Convenience Store (1,000-5,000sf) (P)
- Furniture, Household Furnishings and Appliance Sales/Rental (P)
- Grocery/Supermarket (>5,000sf) (P)
- Laundry, Drop-Off (with drive-through or window) (P)
- Laundry, Drop-Off (without drive-through or window) (P)
- Laundry, Self-Serve (Laundromat) (P)
- Personal Services (P)
- Pharmacy (with drive-through or window) (P)

- Pharmacy (without drive-through or window) (P)
- Restaurant (P)
- Restaurant, Drive-Through (S)
- Retail Store (P)
- Studio, Arts/Crafts (P)
- Automobile Repair, Minor (S)

(P) Denotes land use is permitted by right.
(S) Denotes land use is allowed only upon approval of a Specific Use Provision.

As indicated, a Specific Use Provision for Fuel Pumps, Retail Use and a Detail Plan is required by this Planned Development District. The applicant is also requesting PD Deviations from Garland Development Code (GDC) standards explained in the Considerations.

CONSIDERATIONS

Detail Plan and Specific Use Provision

1. The applicant has brought forward a Detail Plan that includes the entire PD 18-47 property. A convenience store and fuel pumps will be located on the northern-most lot, and improvements will be made to the frontage along Shiloh Road with a new access driveway and drive lane required in order to achieve technical requirements for access to and from the development. A landscape buffer will be installed along the drive lane, and the remainder of the south portion of the site will remain unimproved with ground cover. A future Detail Plan will be required for that portion of the site.

Fuel Pumps Retail Use

2. Fuel Pumps, Retail use is defined by the GDC as “The retail sale of liquid or gaseous fuels for the operation of motor vehicles.” The site plan shows eight (8) fuel dispensers for retail sales. The proposal satisfies the GDC Special Standards for Motor Fuel Pumps:
    a. Setbacks are required with a minimum twenty (20) foot setback from a property line that is adjacent to a public street and a minimum fifteen (15) feet to any property line not adjacent to a public street or a residential zoning district.
    b. The other Special Standard requires conformance with technical standards for maneuvering in the fuel pumps area; the plans conform with these technical requirements.

Convenience Store

3. The proposed Convenience Store is permitted on this property in accordance with PD 18-47.

Site Plan

4. The site plan (Exhibit C in the Detail Plan agenda item) shows the 2,824 square-foot store, and eight (8) fuel stations with a canopy structure. Additional improvements include a propane tank station, ice cabinet, and air pump located to the east of the building. The applicant clustered these services, as well as a light (small truck as an example) loading space and refuse enclosure east of the building in an area with minimal visual impact to

the public street. The site is a corner lot and the placement of these services at the southeast corner of the site minimizes impacts to the street view.

Landscaping and Screening

5. The landscaping and screening layout on the proposed landscape plan (Exhibit D in the Detail Plan item) complies with the applicable screening and landscape regulations found in Chapter 4 of the Garland Development Code (GDC). It should be noted that the landscape buffer south of the southern driveway from Shiloh Road is not proposed with any landscaping since there will be no construction south of that driveway. A future Detail Plan is required along with the requisite landscape buffer for that area of the property.

Building Elevations and Standards

6. PD 18-47 allows a maximum height of sixteen (16) feet for buildings and structures. The fuel pump canopy is proposed at twenty (20) feet high, exceeding the maximum allowed height by four (4) feet. In comparison, the zoning districts where fuel pumps are typically found allow heights up to thirty-five (35) feet.

7. The design of the convenience store building (Exhibit E in the Detail Plan item), with the exception of the west elevation, complies with the applicable GDC development standards for a minimum of six (6) Architectural Elements selected from the list in the GDC. The west elevation is narrow, although as an alternative the GDC includes non-building mounted elements such as benches and planters. It is suggested that a bench or planter could be added to the west elevation.

North elevation	West elevation
- Ornamental façade trim	- Ornamental façade trim
- Canopy	- Canopy (Awning)
- Recessed entry	- Shutters
- Distinctive lights	- Distinctive Lights
- Store front windows	- Divided Light windows
- Transom	

8. The GDC's provisions for Building Articulation are applicable to the north and west street facing elevations of the proposed convenience store building. Building Articulation is required for the purpose of adding interest to otherwise unadorned building walls that are visible from the street.

   Vertical articulation is required of buildings greater than fifty (50) feet in width. Only the north building elevation is greater than fifty (50) feet in width, although the north elevation is not designed with vertical articulation. However, the street view of the north elevation will be somewhat obstructed by the fuel canopy and landscape buffer plantings. Additionally, the canopy has a similar appearance to the convenience store building, contributing to a sense of overall height variation.

9. The application proposes the SUP for a period of twenty-five (25) years, as it anticipates a twenty-five (25) year lease for the site.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property as Compact Neighborhood. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas also accommodate uses such as convenience retail (goods and services), office space, and public services.

The proposed development of a fuel pumps with convenience store will provide additional services and convenience shopping to the community.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north of the subject property, across Arapaho Road, are zoned Planned Development (PD) 99-14 District, Planned Development (PD) 14-09 District and Planned Development (PD) District 02-28; all three Planned Development (PD) Districts are zoned for Community Retail Uses. These properties are developed with self-storage units, a financial institution, a gas station, and a shopping center containing a grocery store, retail sales/personal services and a restaurant.

East: The properties to the east are zoned Planned Development (PD) 08-45 District for Community Office Uses; this property is undeveloped.

South: The properties to the south are zoned Single Family-7 (SF-7) District; these properties are developed with single-family residences.

West: The properties to the west, across North Shiloh Road, are zoned Planned Development (PD) Districts for Community Retail Uses, and Planned Development (PD) 17-32 District for Community Retail and Multi-Family Uses; these properties are developed with a charter school, dormitories (associated with the charter school), a restaurant with a drive-through (Starbucks Coffee) and a car wash.

The proposed use is consistent with surrounding land use patterns as gas stations with convenience stores are commonly found along major thoroughfares. The location of the subject site near the intersection of two major thoroughfares is compatible with both automobile and pedestrian traffic generated from the surrounding area.

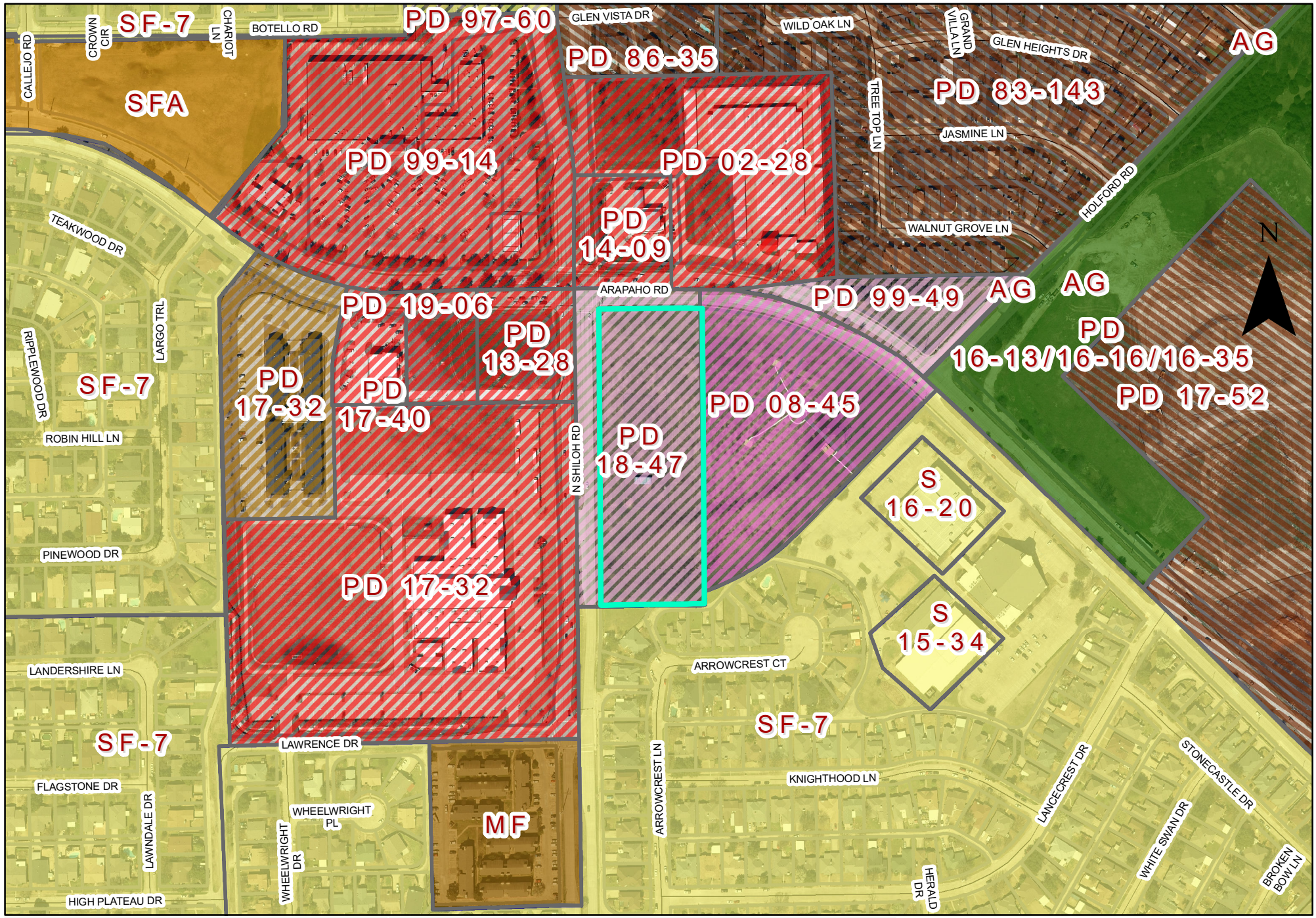
Attachments

Z 20-35 JM Civil Engineering (Specific Use Provision) Attachments

Z 20-35 JM Civil Engineering Responses

Z 20-35 & BW 20-02 Responses

Z 20-35 Staff Presentation



0 250 500 Feet
1 inch = 321 feet

Zoning Map Z 20-35

INDICATES AREA OF REQUEST

EXHIBIT B

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE Z 20-35

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B. Landscape Plan: Screening and landscaping shall be in general conformance with the landscape plan labeled Exhibit D.

D. Maintenance Requirements:

(1) Landscaping must be continuously maintained in a healthy, growing condition and in compliance with this 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 landscaping as promptly as needed to comply with the requirements of this subsection. All exposed ground surfaces 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 and in no event later than sixty days after notification by the City. In the event the property owner fails to remedy a violation of any landscaping maintenance regulation within sixty 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 and the certificate of occupancy for the retail fuel pumps and convenience store. See Section 4 of the granting ordinance.

(3) Screening and paving must be installed and continuously maintained in compliance with this 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 days 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 the certificate of occupancy for the travel center.

E. Elevations: Building Elevations and Fuel Canopy Elevation shall be in general conformance with the elevations labeled Exhibit E.

F. Canopy Height: The maximum height of the canopy is allowed at twenty-two (22) feet.

EXHIBIT B

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-35

4680 North Shiloh Road

II. Statement of Purpose: The purpose of this Planned Development (PD) District is to approve a Detail Plan for a Convenience Store Use and a Retail, Fuel Pumps Use for one lot.

II. Statement of Effect: This Planned Development (PD) District 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 Planned Development (PD) District 18-47 and Neighborhood Office (NO) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.

VII. Specific Use Provision:

A. SUP Time Period: The Specific Use Provision shall be in effect for a period of twenty-five (25) years.

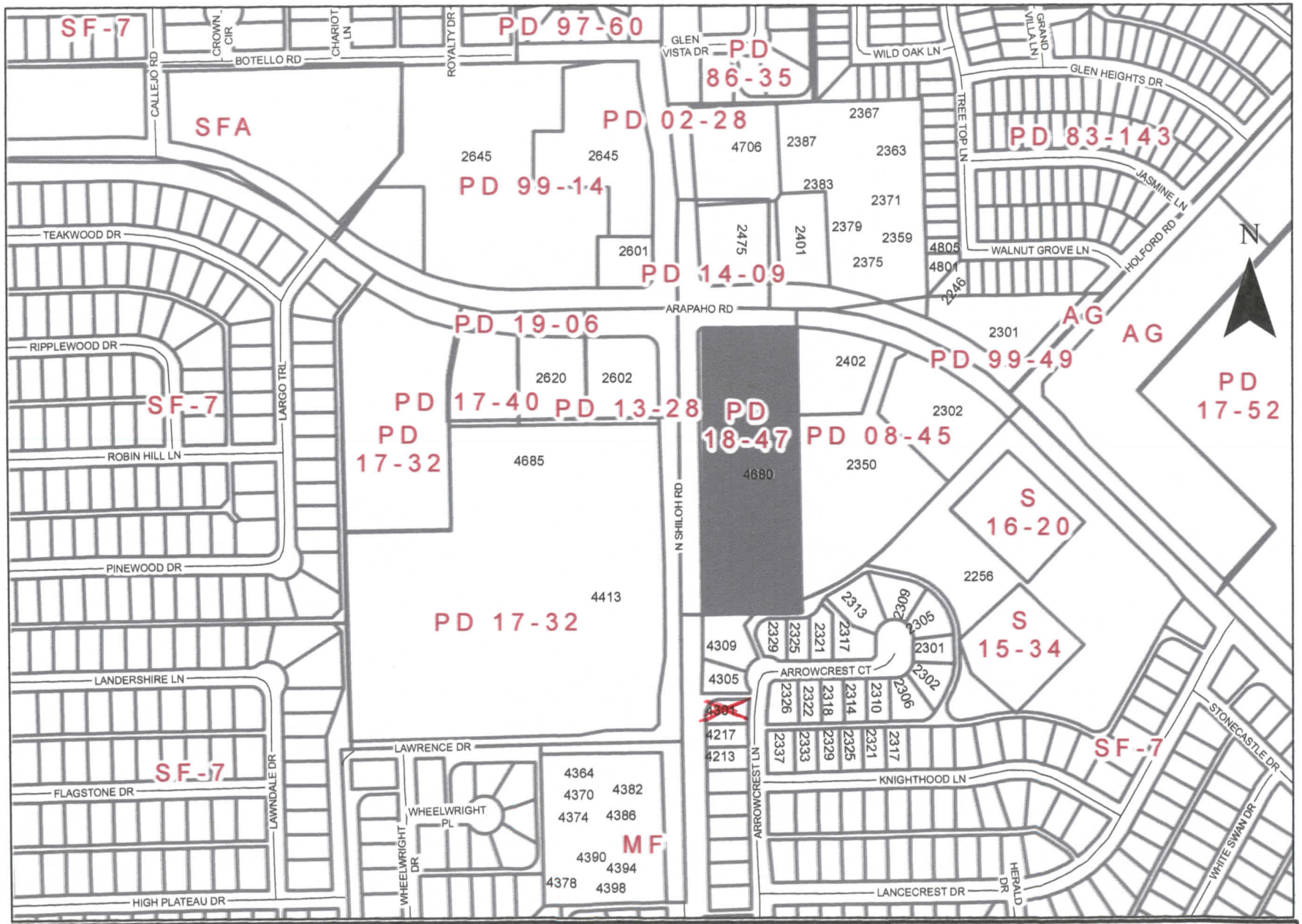
EXHIBIT B

REPORT & MINUTES

P.C. Meeting, February 8, 2021

Consideration of the application of **JM Civil Engineering**, requesting approval of a Specific Use Provision to allow Fuel Pumps/Retail Use. This property is located at 4680 North Shiloh Road. (District 7) (File Z 20-35 - Specific Use Provision)

Motion was made by Commissioner Rose to approve the Specific Use Provision. Seconded by Commissioner Dalton. **Motion carried: 9** Ayes, **0** Nays



0 225 450 Feet
1 inch = 333 feet

Zoning Map Z 20-35

INDICATES AREA OF REQUEST

O = IN FAVOR
X = AGAINST

Allmendinger, Tracy

From: Liem Tran <liem_t_tran@yahoo.com>
Sent: Monday, February 1, 2021 9:56 PM
To: Planning Group
Subject: [EXTERNAL] File Z 20-35 Response
Attachments: CCF_000054.pdf

Hello,

I have attached my response to the application of JM Civil Engineering proposing to develop a gas station and convenience store at 4680 North Shiloh Road.

Thank you,

Liem Tran

response include your property address, your name, and mailing address. Should you have any questions, please contact Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

_____ I am in favor of the request.

X I am opposed to the request.

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

I believe it will increase crime rates. It will create more traffic.

(Please complete the following information)

4301 Arrowcrest Ln.
Your Property Address

Liem Tran
Printed Name

4301 Arrowcrest Ln. | Garland, TX | 75044
Address | City, State | Zip

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

Liem Tran | Home owner
Signature | Title

Date: Feb 01, 2021

Zoning Response Cases

Case Number

Z 20-35 & BW 20-02

The applicant JM Civil Engineering, propose to develop a gas station, convenience store and request a variance regarding the distance to a school from an establishment that sells or serves alcoholic beverages. This property is located at 4680 North Shiloh Road.

<null>

Joyce Bach
<null>

Against

2509 Ridgemeade Dr
Garland
Texas
United States
75040
jedbach@yahoo.com

As a homeowner nearby, I have no use for another convenience store/gas station that I won't use. They should overpriced beer/alcohol that close to a school.

Z 20-35

The applicant requests to construct a gas station and convenience store.

[Planned Development Amendment, Specific Use Provision and Plan for a gas station and convenience store on a property zoned Planned Development (PD) District 18-47.]

City Council Meeting
March 2, 2021

GARLAND
TEXAS MADE HERE

CASE INFORMATION

Location: 4680 North Shiloh Road

Applicant: JM Civil Engineering

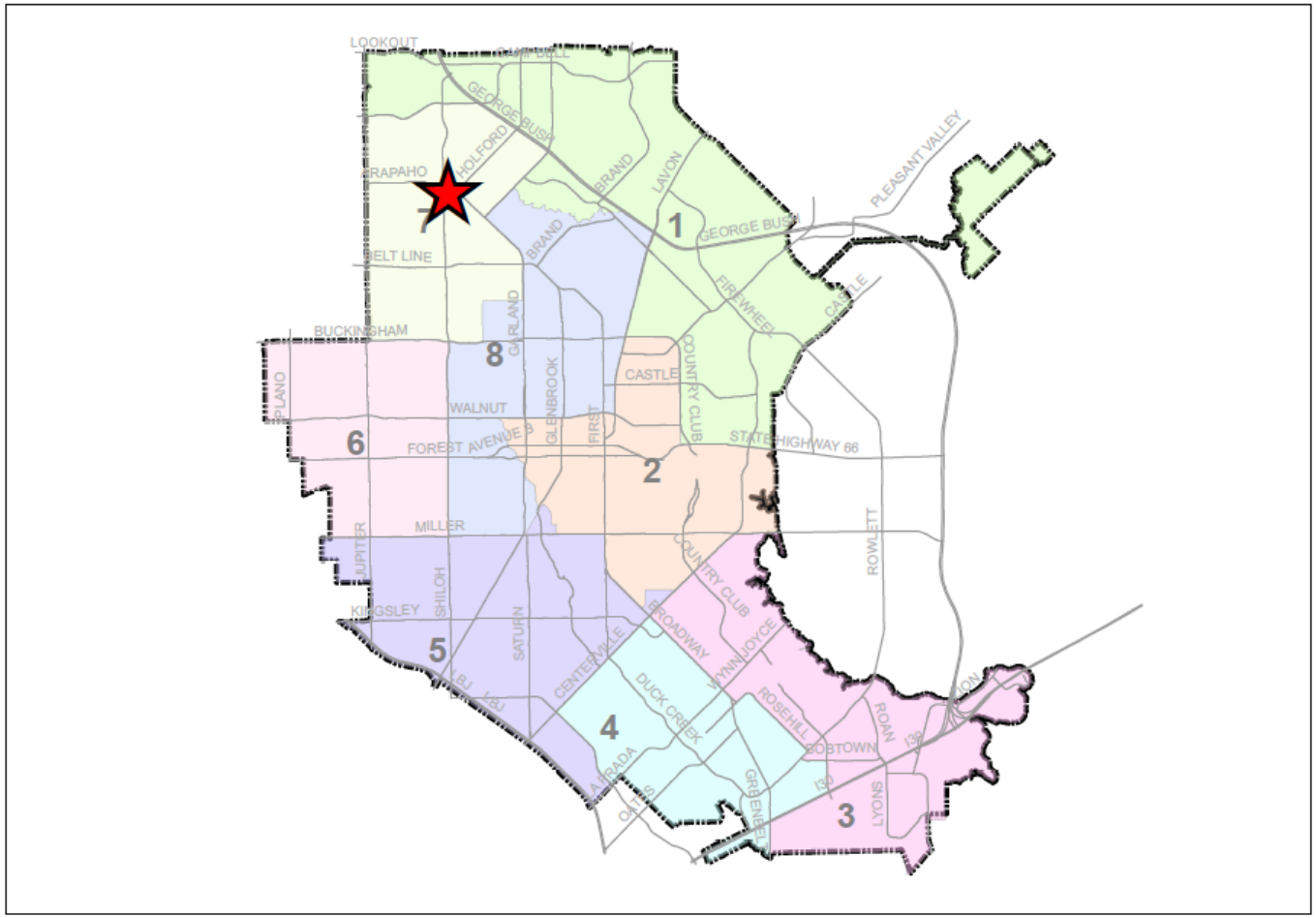
Owner: The Seven Investments Company Trust, A Texas Trust

Acreage: 4.684 acres

Zoning: Planned Development (PD) District 18-47

Z 20-35

CITYWIDE LOCATION MAP



0 1 2 Miles 1 in = 2 miles | **Zoning Map Z 20-35** | ★ INDICATES AREA OF REQUEST

Z 20-35

GARLAND
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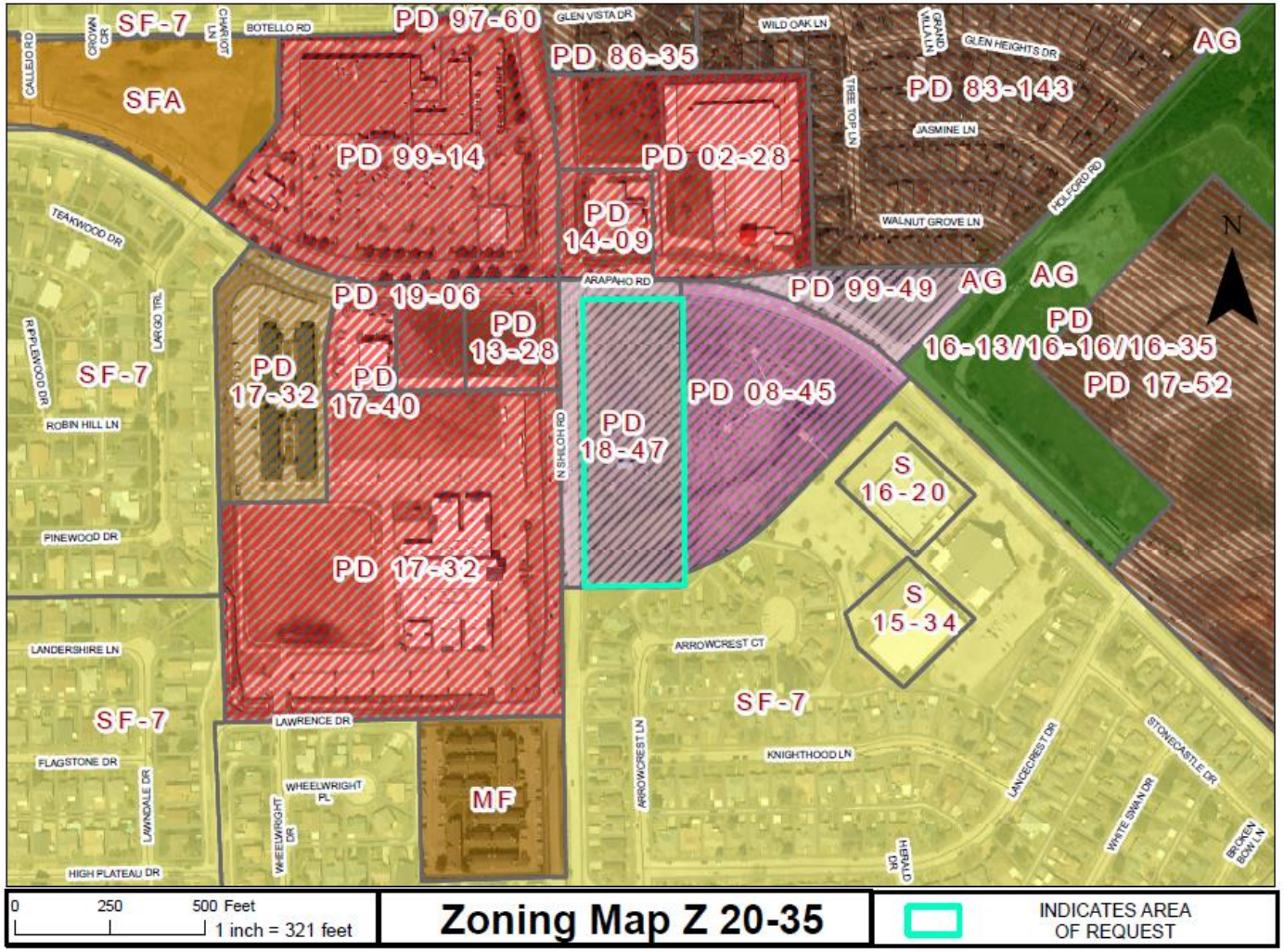
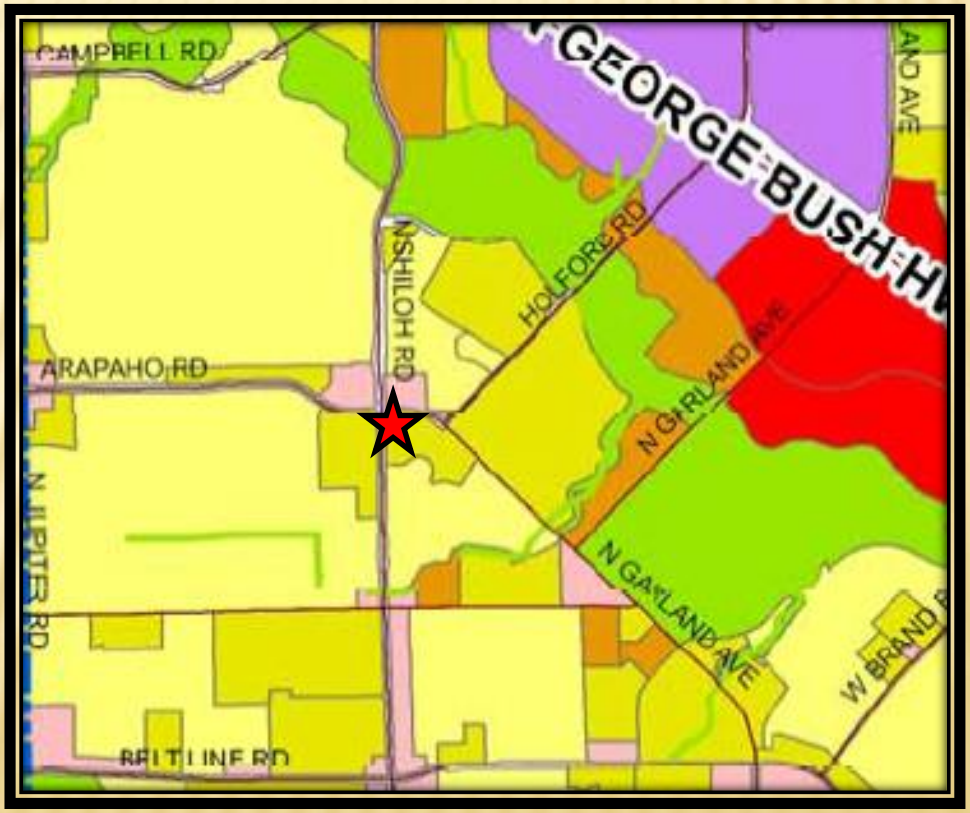
LOCATION MAP



Z 20-35

COMPREHENSIVE PLAN

Compact Neighborhoods



Z 20-35

COMPREHENSIVE PLAN

- The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property as Compact Neighborhood. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments.

- These areas also accommodate uses such as convenience retail (goods and services), office space, and public services.

- The proposed development of a fuel pumps with convenience store will provide additional services and convenience shopping to the community.

PHOTOS

Looking at the subject property from Arapaho Road

Looking north of the subject property from Arapaho Road

Looking at the northwest corner of Arapaho & Shiloh

Looking north towards the site from its south edge

Z 20-35

GARLAND
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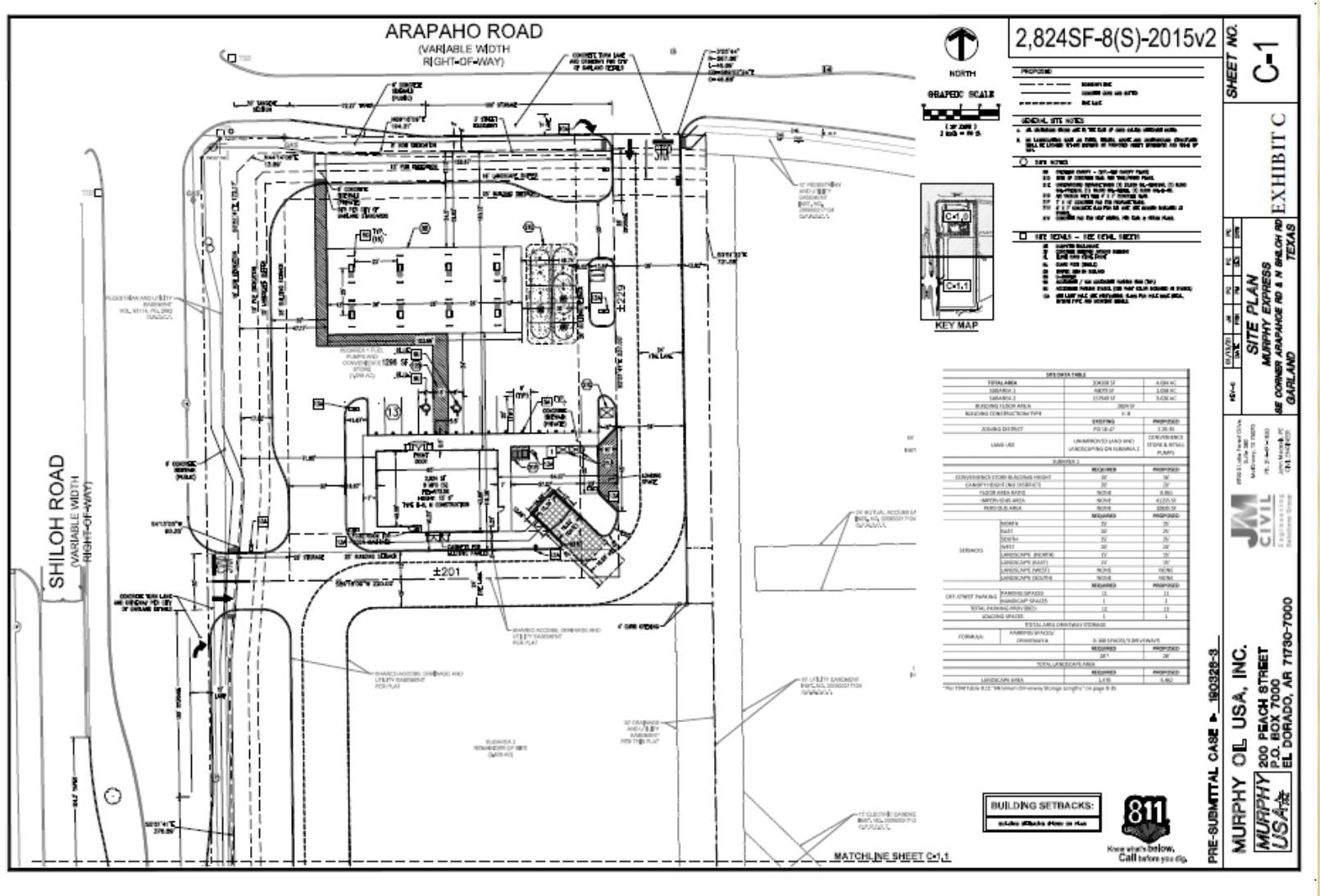
SITE PLAN



Z 20-35

GARLAND
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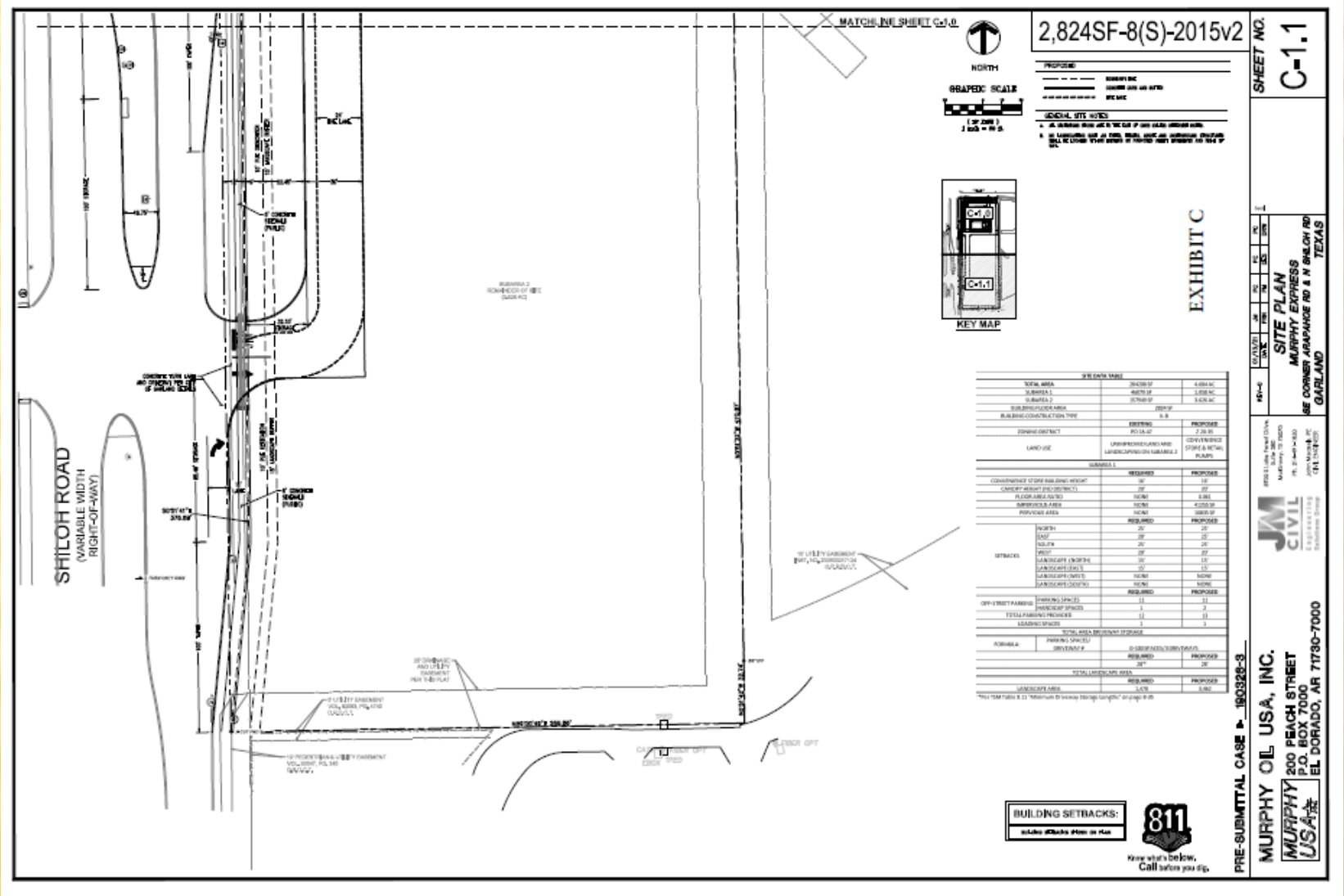
SITE PLAN



Z 20-35

GARLAND
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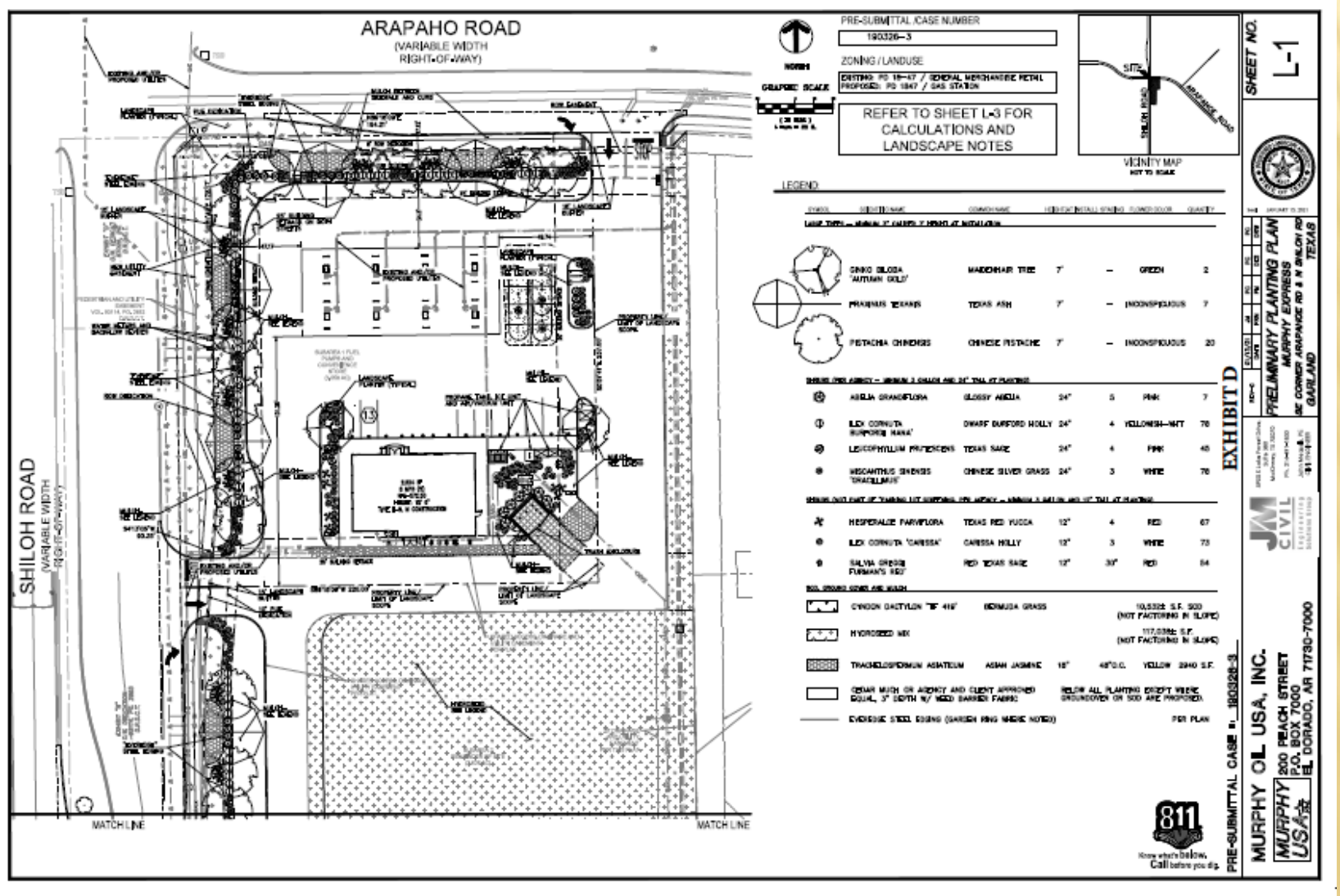
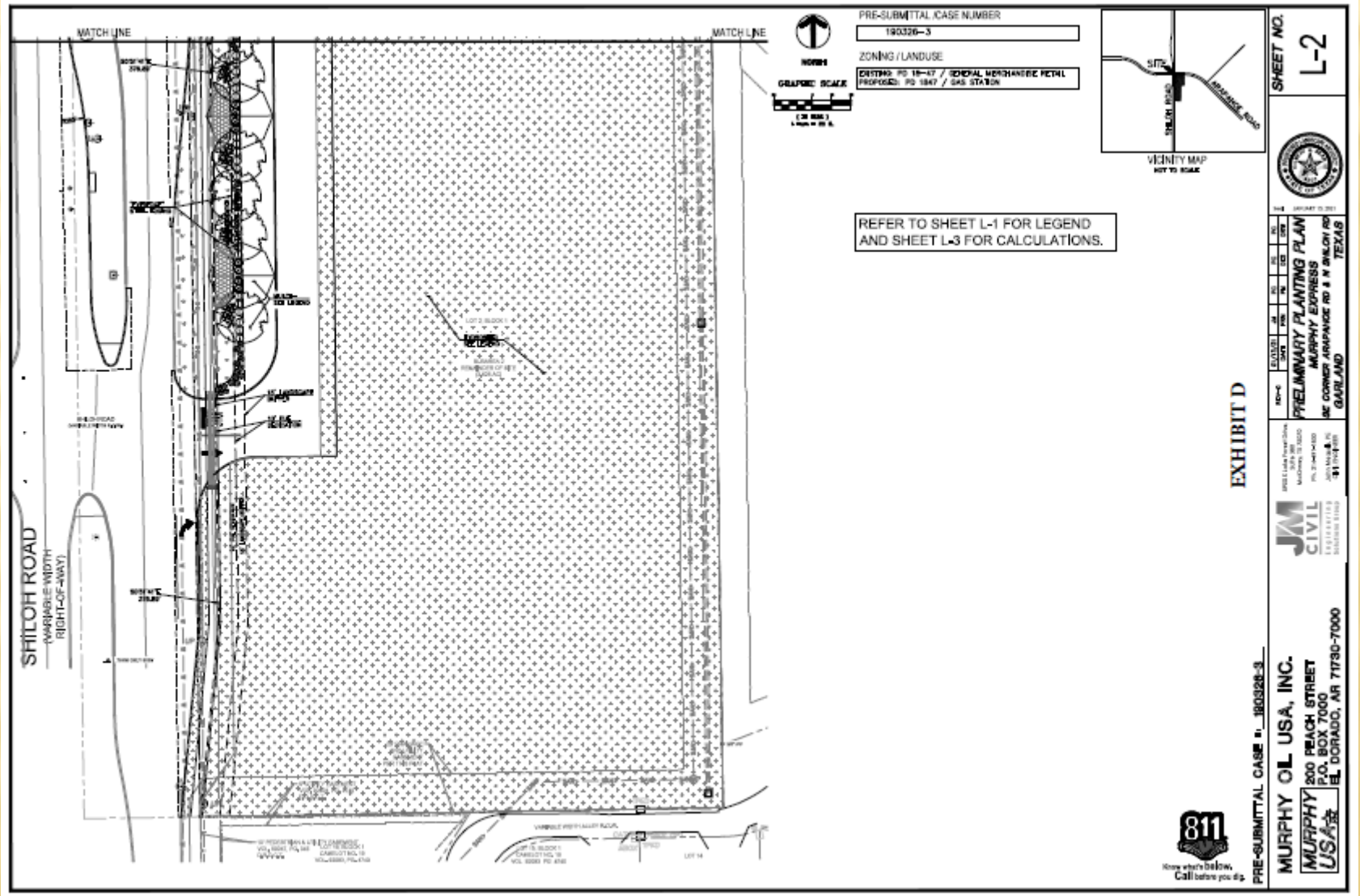
LANDSCAPE PLAN



Z 20-35

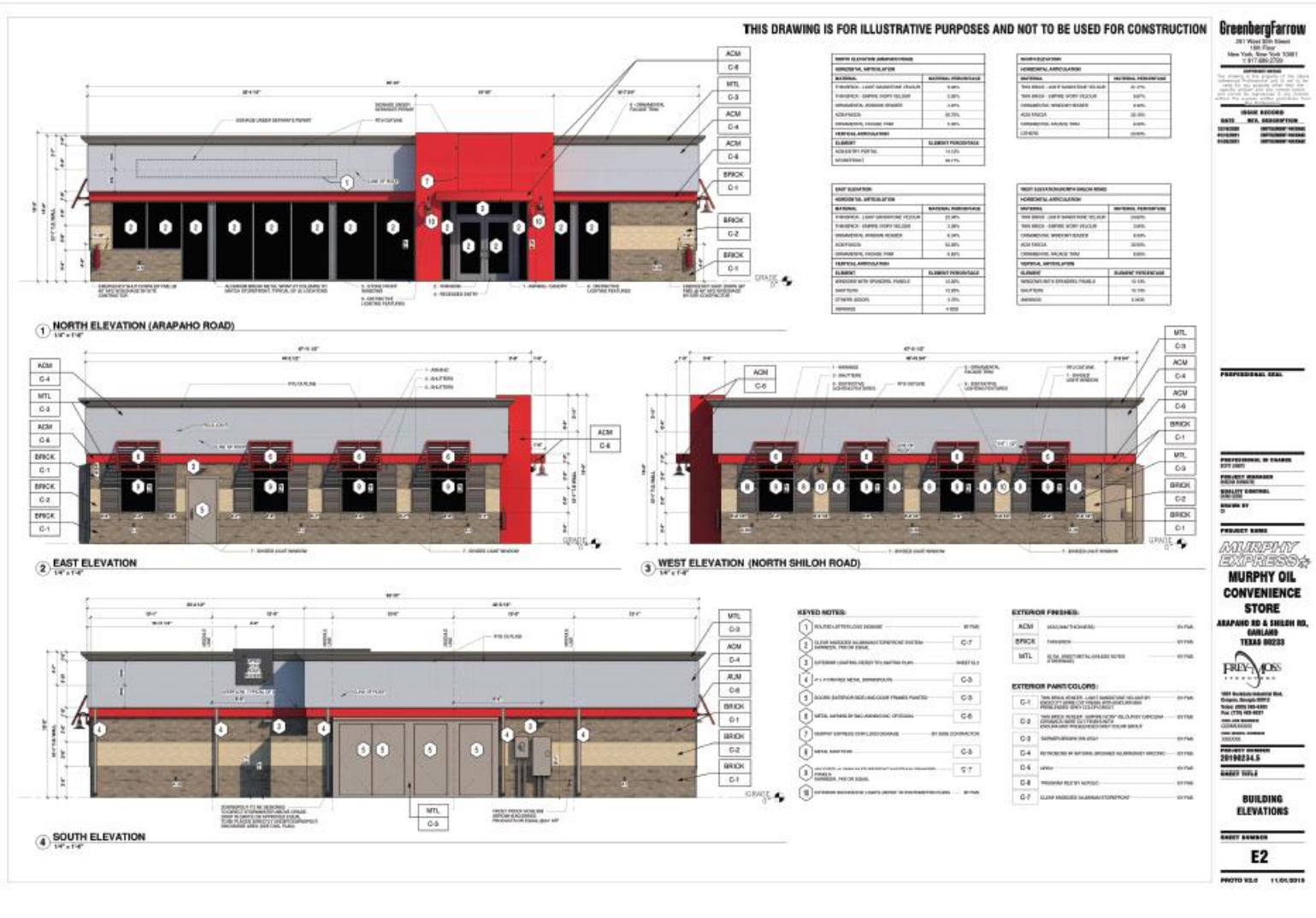
LANDSCAPE PLAN



ELEVATIONS

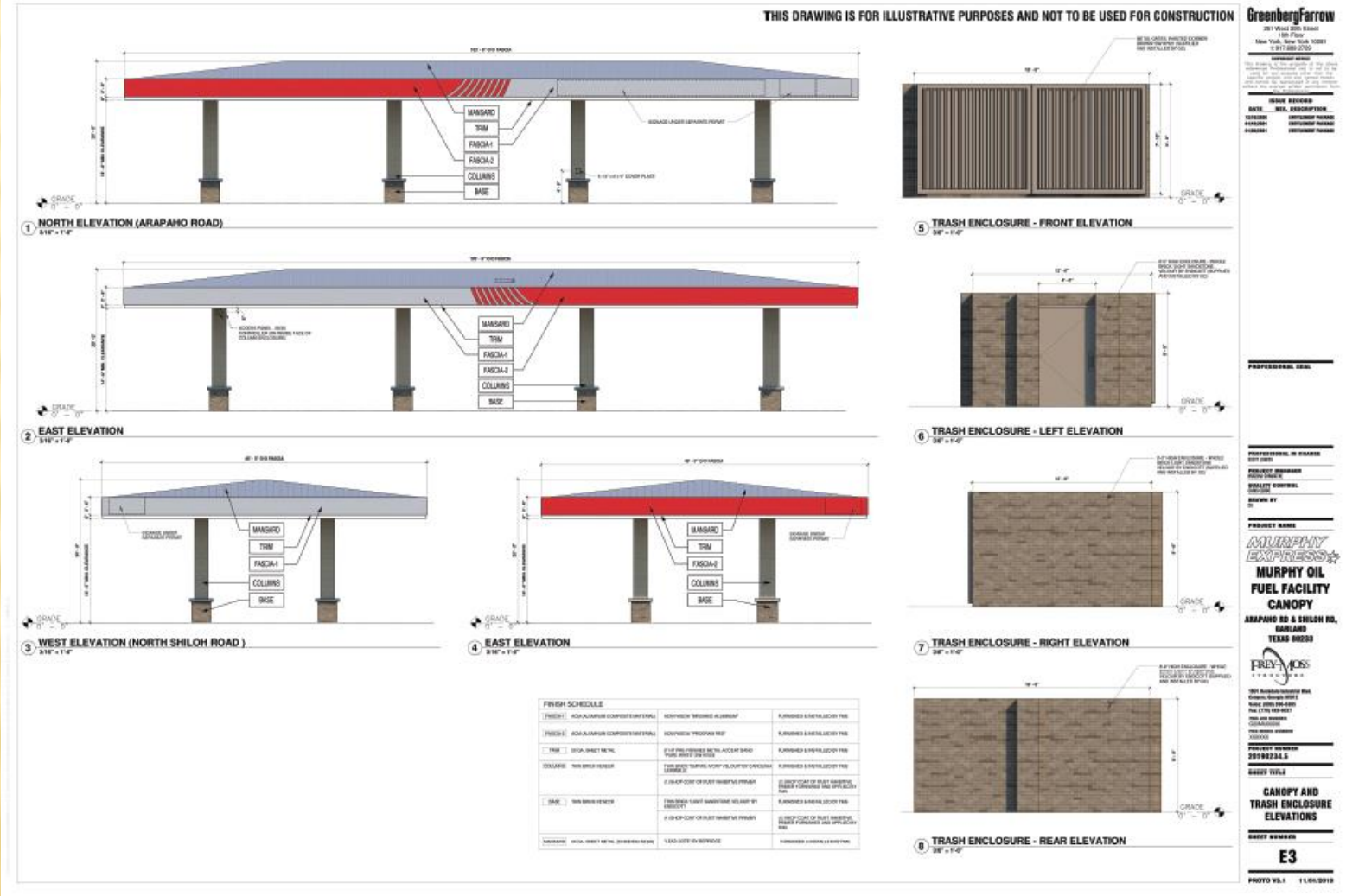
Z 20-35

ELEVATIONS


THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES AND NOT TO BE USED FOR CONSTRUCTION
GreenbergFarrow
1 NORTH ELEVATION (ARAPAHO ROAD)
2 EAST ELEVATION
3 WEST ELEVATION (NORTH SHILOH ROAD)
4 SOUTH ELEVATION
KEYED NOTES:
EXTERIOR FINISHES:
EXTERIOR PAINT/COLORS:
MURPHY EXPRESS
MURPHY OIL CONVENIENCE STORE
ARAPAHO RD & SHILOH RD, GARLAND TEXAS 75233
BUILDING ELEVATIONS
E2

GARLAND
TEXAS MADE HERE

ELEVATIONS



Z 20-35

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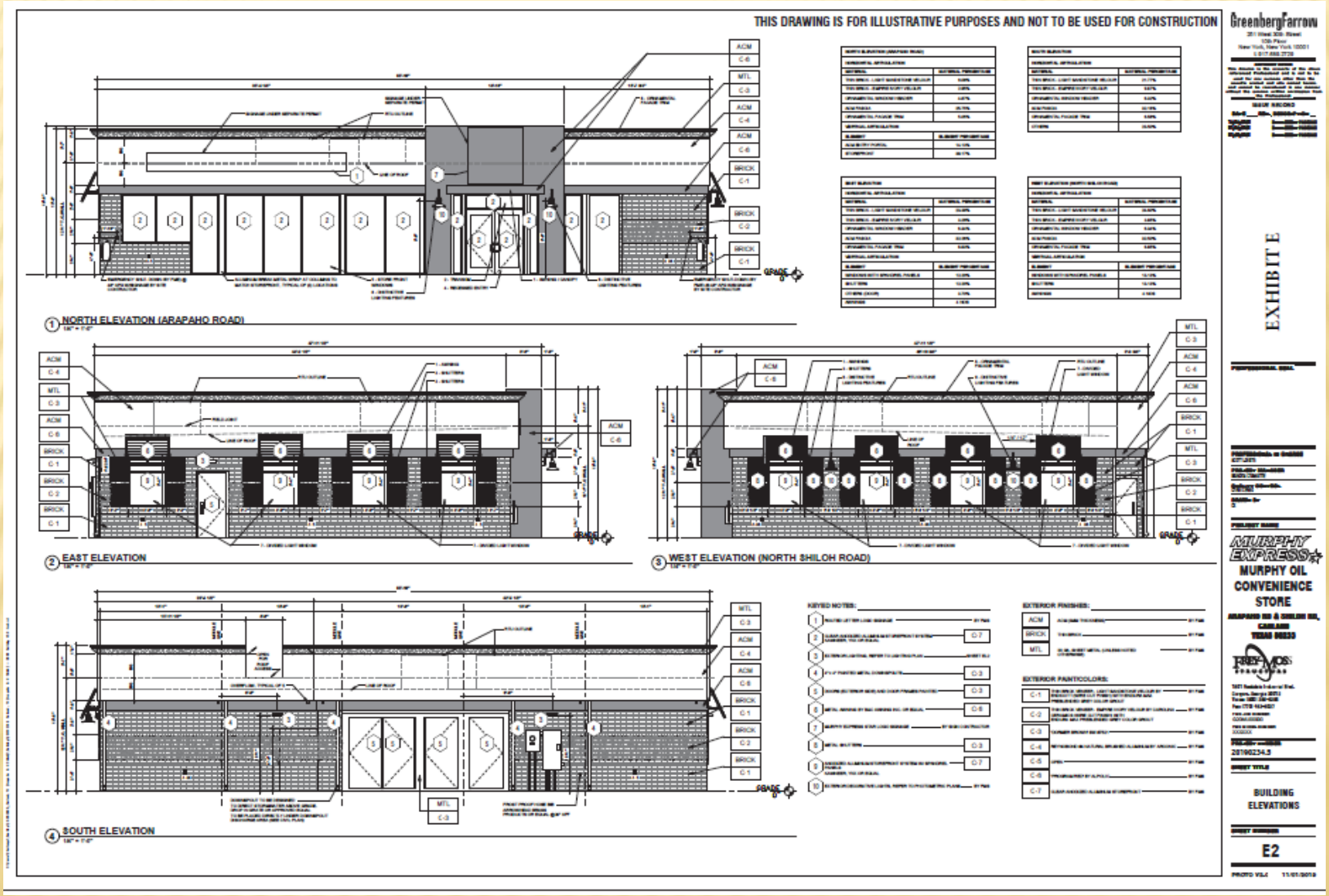
ELEVATIONS



Z 20-35

GARLAND
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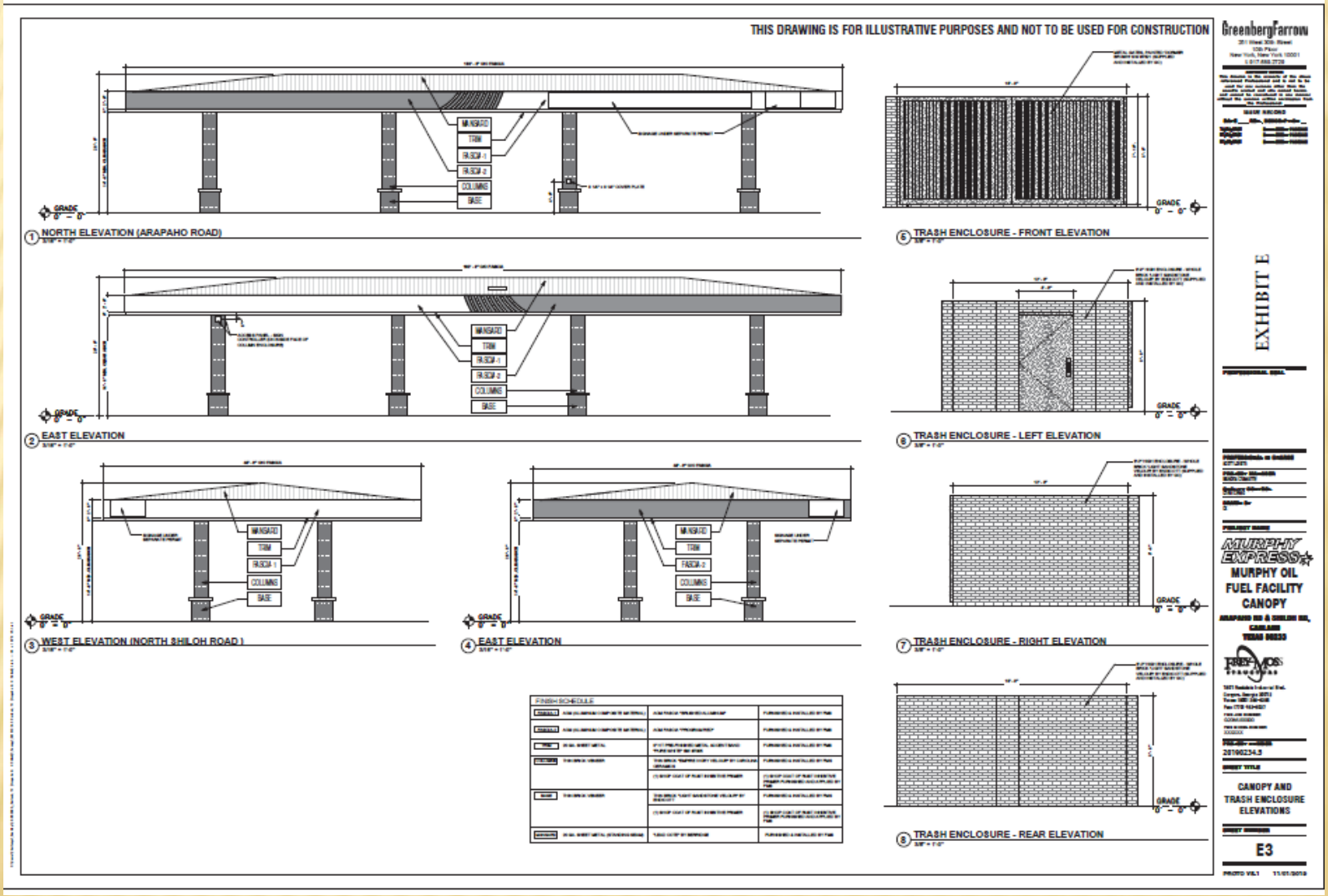
ELEVATIONS



Z 20-35

DEVIATIONS

- Building Articulation
  - North elevation view to street minimizes deviation concerns (vertical articulation)

- Façade Elements required 6 architectural elements
  - West elevation displays 5, an additional could be added

- Building Height maximum 16 feet
  - Canopy proposed at 20 feet, districts that allow gas stations allow 35 feet of building height

CONSIDERATION

The applicant proposes the Specific Use Provision to be in effect for twenty-five (25) years.

STAFF RECOMMENDATION

- Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses to allow Fuel Pumps/Retail Use.

- Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

- Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

PLAN COMMISSION RECOMMENDATION

- On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. The Plan Commission further recommended to allow the canopy height up to twenty-two (22) feet in height.

- The Plan Commission by a vote of nine (9) to zero (0) recommended approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

- The Plan Commission by a vote of nine (9) to zero (0) also recommended approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

PD 18-47 PERMITTED USES

Antique Shop (indoors) (P)
Automated Teller Machine-Drive-Up (P)
Automobile Repair, Minor (S)
Bakery, Retail (P)
Call Center (P)
Convenience Store (1,000-5,000sf) (P)
Convenience Facility: Walk-Up Service (P)
Fuel Pumps, Retail (S)
Grocery/Supermarket (>5,000sf) (P)
Health & Fitness Gym (indoor) (P)
Laundry, Drop-Off (without drive-through or window) (P)
Restaurant (P)
Retail Store (P)
Studio, Arts/Crafts (P)

Laundry, Self-Serve (Laundromat) (P)
Learning Center, Specialized (P)
Personal Services (P)
Pharmacy (with drive-through or window) (P)
Pharmacy (without drive-through or window) (P)
Furniture, Household Furnishings and Appliance Sales/Rental (P)
Laundry, Drop-Off (with drive-through or window) (P)
Restaurant, Drive-Through (S)
School, Business (P)

(P) Denotes land use is permitted by right.
(S) Denotes land use is allowed only upon approval of a Specific Use Provision.

GARLAND
PLANNING REPORT

City Council Regular Session Agenda **8. c.**

Meeting Date: 03/02/2021

Item Title: Z 20-35 JM Civil Engineering - Detail Plan (District 7)

Submitted By: Kira Wauwie, Principal Development Planner

REQUEST

Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses

Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

LOCATION

4680 North Shiloh Road

OWNER

The Seven Investments Company Trust, A Texas Trust

PLAN COMMISSION RECOMMENDATION

On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. The Plan Commission further recommended to allow the canopy height up to twenty-two (22) feet in height.

The Plan Commission by a vote of nine (9) to zero (0) recommended approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

The Plan Commission by a vote of nine (9) to zero (0) also recommended approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

STAFF RECOMMENDATION

Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses.

Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

BACKGROUND

The site is an undeveloped property located at the southeast corner of Shiloh Road and Arapaho Road. In 2019, the City Council approved Planned Development (PD) District 18-47 to add limited Community Retail uses to an existing Planned Development (PD) District 84-73 which was established in 1984 for Neighborhood Office Uses.

Per the requirements of the PD 18-47, the applicant proposes an Amendment to the Planned Development (PD) District, a Specific Use Provision, and a Detail Plan to allow the development of a Convenience Store with Fuel Pumps/Retail Use.

SITE DATA

The subject property contains approximately 4.684 acres in area with approximately 201 lineal feet of frontage along Arapaho Road and 479 lineal feet of frontage along Shiloh Road. The site can be accessed from one proposed driveway onto Arapaho Road and two proposed driveways on Shiloh Road. The fuel pumps and convenience store will be located on an approximate one (1) acre portion of the site at the corner of Arapaho Road and Shiloh Road.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is zoned Planned Development (PD) District 18-47 which establishes Neighborhood Office (NO) District with low intensity office and professional uses, and limited Community Retail uses which include:

- Convenience Facility: Walk-Up Service (P)
- Fuel Pumps, Retail (S)
- Automated Teller Machine (ATM)-Drive-Up (P)
- Learning Center, Specialized (P)
- School, Business (P)
- Health & Fitness Gym (indoor) (P)
- Antique Shop (indoors only) (P)
- Bakery, Retail (P)
- Call Center (P)
- Convenience Store (1,000-5,000sf) (P)
- Furniture, Household Furnishings and Appliance Sales/Rental (P)
- Grocery/Supermarket (>5,000sf) (P)
- Laundry, Drop-Off (with drive-through or window) (P)
- Laundry, Drop-Off (without drive-through or window) (P)
- Laundry, Self-Serve (Laundromat) (P)
- Personal Services (P)
- Pharmacy (with drive-through or window) (P)

- Pharmacy (without drive-through or window) (P)
- Restaurant (P)
- Restaurant, Drive-Through (S)
- Retail Store (P)
- Studio, Arts/Crafts (P)
- Automobile Repair, Minor (S)

(P) Denotes land use is permitted by right.
(S) Denotes land use is allowed only upon approval of a Specific Use Provision.

As indicated, a Specific Use Provision for Fuel Pumps, Retail Use and a Detail Plan is required by this Planned Development District. The applicant is also requesting PD Deviations from Garland Development Code (GDC) standards explained in the Considerations.

CONSIDERATIONS

Detail Plan and Specific Use Provision

1. The applicant has brought forward a Detail Plan that includes the entire PD 18-47 property. A convenience store and fuel pumps will be located on the northern-most lot, and improvements will be made to the frontage along Shiloh Road with a new access driveway and drive lane required in order to achieve technical requirements for access to and from the development. A landscape buffer will be installed along the drive lane, and the remainder of the south portion of the site will remain unimproved with ground cover. A future Detail Plan will be required for that portion of the site.

Fuel Pumps Retail Use

2. Fuel Pumps, Retail use is defined by the GDC as “The retail sale of liquid or gaseous fuels for the operation of motor vehicles.” The site plan shows eight (8) fuel dispensers for retail sales. The proposal satisfies the GDC Special Standards for Motor Fuel Pumps:
    a. Setbacks are required with a minimum twenty (20) foot setback from a property line that is adjacent to a public street and a minimum fifteen (15) feet to any property line not adjacent to a public street or a residential zoning district.
    b. The other Special Standard requires conformance with technical standards for maneuvering in the fuel pumps area; the plans conform with these technical requirements.

Convenience Store

3. The proposed Convenience Store is permitted on this property in accordance with PD 18-47.

Site Plan

4. The site plan (Exhibit C in the Detail Plan agenda item) shows the 2,824 square-foot store, and eight (8) fuel stations with a canopy structure. Additional improvements include a propane tank station, ice cabinet, and air pump located to the east of the building. The applicant clustered these services, as well as a light (small truck as an example) loading space and refuse enclosure east of the building in an area with minimal visual impact to

the public street. The site is a corner lot and the placement of these services at the southeast corner of the site minimizes impacts to the street view.

Landscaping and Screening

5. The landscaping and screening layout on the proposed landscape plan (Exhibit D in the Detail Plan item) complies with the applicable screening and landscape regulations found in Chapter 4 of the Garland Development Code (GDC). It should be noted that the landscape buffer south of the southern driveway from Shiloh Road is not proposed with any landscaping since there will be no construction south of that driveway. A future Detail Plan is required along with the requisite landscape buffer for that area of the property.

Building Elevations and Standards

6. PD 18-47 allows a maximum height of sixteen (16) feet for buildings and structures. The fuel pump canopy is proposed at twenty (20) feet high, exceeding the maximum allowed height by four (4) feet. In comparison, the zoning districts where fuel pumps are typically found allow heights up to thirty-five (35) feet.

7. The design of the convenience store building (Exhibit E in the Detail Plan item), with the exception of the west elevation, complies with the applicable GDC development standards for a minimum of six (6) Architectural Elements selected from the list in the GDC. The west elevation is narrow, although as an alternative the GDC includes non-building mounted elements such as benches and planters. It is suggested that a bench or planter could be added to the west elevation.

North elevation	West elevation
- Ornamental façade trim	- Ornamental façade trim
- Canopy	- Canopy (Awning)
- Recessed entry	- Shutters
- Distinctive lights	- Distinctive Lights
- Store front windows	- Divided Light windows
- Transom	

8. The GDC's provisions for Building Articulation are applicable to the north and west street facing elevations of the proposed convenience store building. Building Articulation is required for the purpose of adding interest to otherwise unadorned building walls that are visible from the street.

   Vertical articulation is required of buildings greater than fifty (50) feet in width. Only the north building elevation is greater than fifty (50) feet in width, although the north elevation is not designed with vertical articulation. However, the street view of the north elevation will be somewhat obstructed by the fuel canopy and landscape buffer plantings. Additionally, the canopy has a similar appearance to the convenience store building, contributing to a sense of overall height variation.

9. The application proposes the SUP for a period of twenty-five (25) years, as it anticipates a twenty-five (25) year lease for the site.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property as Compact Neighborhood. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments. These areas also accommodate uses such as convenience retail (goods and services), office space, and public services.

The proposed development of a fuel pumps with convenience store will provide additional services and convenience shopping to the community.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north of the subject property, across Arapaho Road, are zoned Planned Development (PD) 99-14 District, Planned Development (PD) 14-09 District and Planned Development (PD) District 02-28; all three Planned Development (PD) Districts are zoned for Community Retail Uses. These properties are developed with self-storage units, a financial institution, a gas station, and a shopping center containing a grocery store, retail sales/personal services and a restaurant.

East: The properties to the east are zoned Planned Development (PD) 08-45 District for Community Office Uses; this property is undeveloped.

South: The properties to the south are zoned Single Family-7 (SF-7) District; these properties are developed with single-family residences.

West: The properties to the west, across North Shiloh Road, are zoned Planned Development (PD) Districts for Community Retail Uses, and Planned Development (PD) 17-32 District for Community Retail and Multi-Family Uses; these properties are developed with a charter school, dormitories (associated with the charter school), a restaurant with a drive-through (Starbucks Coffee) and a car wash.

The proposed use is consistent with surrounding land use patterns as gas stations with convenience stores are commonly found along major thoroughfares. The location of the subject site near the intersection of two major thoroughfares is compatible with both automobile and pedestrian traffic generated from the surrounding area.

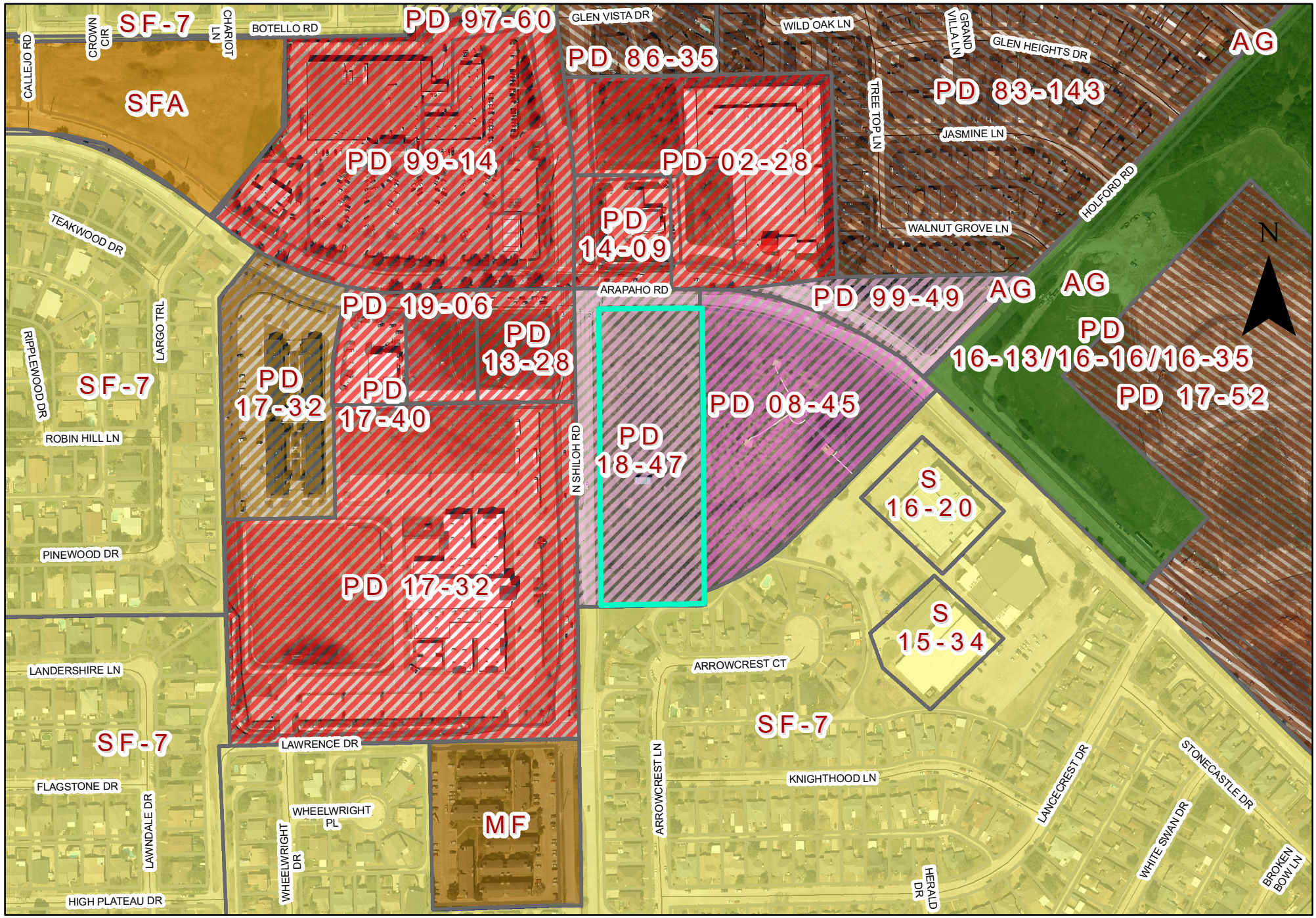
Attachments

Z 20-35 JM Civil Engineering (Detail Plan) Attachments

Z 20-35 JM Civil Engineering Responses

Z 20-35 & BW 20-02 Responses

Z 20-35 Staff Presentation

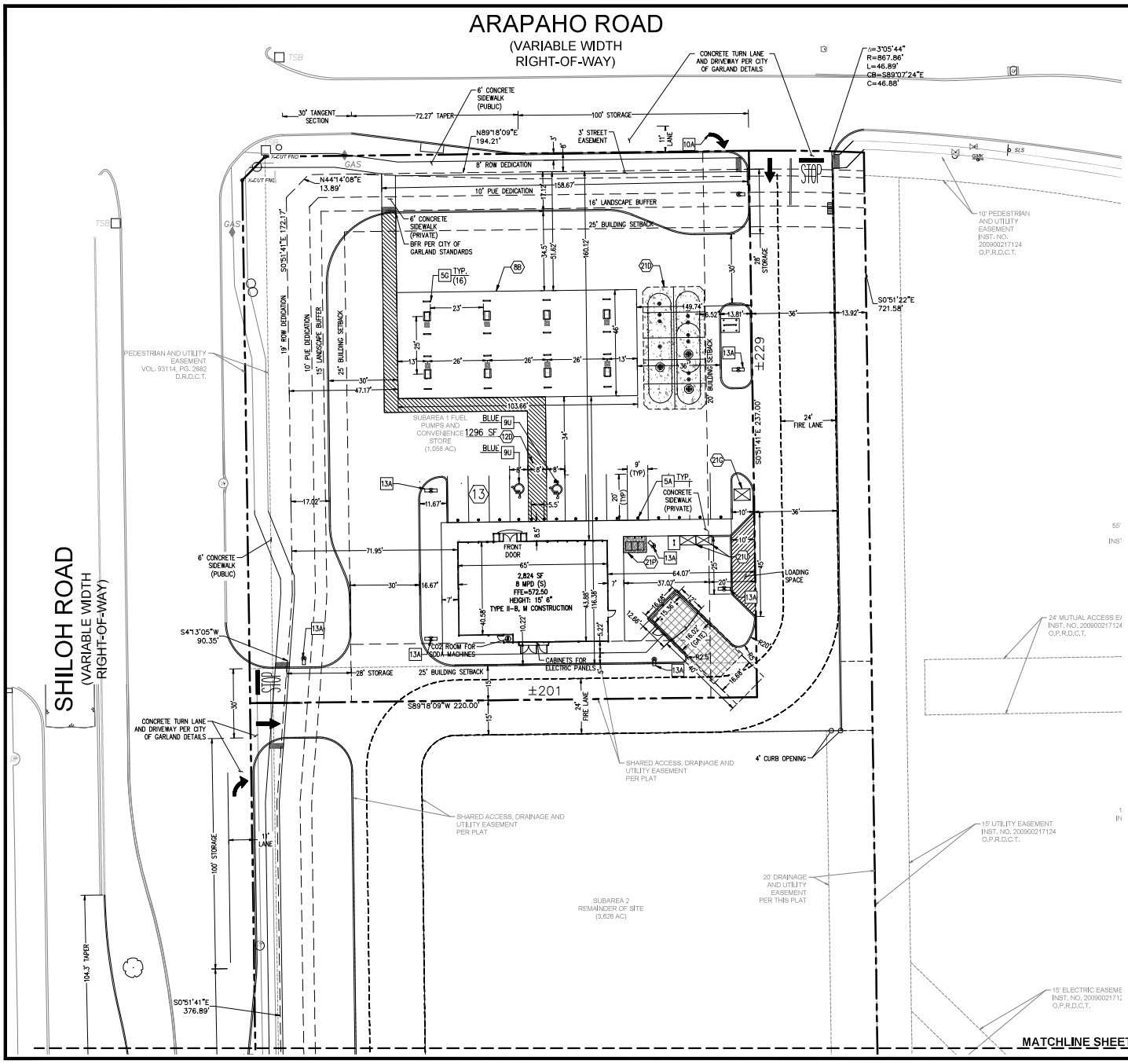


0 250 500 Feet
1 inch = 321 feet

Zoning Map Z 20-35

INDICATES AREA OF REQUEST

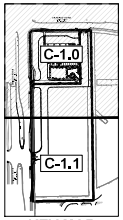
2,824SF-8(S)-2015v2



NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.



KEY MAP

PROPOSED

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- FIRE LANE

GENERAL SITE NOTES

A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.

B. NO LANDSCAPEING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHING EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT OF WAY.

SITE NOTES

- 8B OVERHEAD CANOPY – (TYP.–PER CANOPY PLANS)
- 21D EDGE OF CONCRETE SLAB, PER TANK/PIPING PLANS.
- 21E UNDERGROUND STORAGE TANKS (1) 25,000 GAL–REGULAR, (1) 8,000 GAL–PREMIUM, (1) 10,000 GAL–DIESEL, (1) 8,000 GAL–E–85.
- 21G AIR VACUUM UNIT WITH 4' X 7' CONCRETE SLAB.
- 21P 7' X 10' CONCRETE PAD FOR PROPANE TANKS.
- 21U 5' X 7' CONCRETE SLAB FOR ICE UNIT. SEE NUMBER INDICATED AT SYMBOL.
- 21V CONCRETE PAD FOR VENT RISERS. PER TANK & PIPING PLANS.

SITE DETAILS – SEE DETAIL SHEETS

- 2E DUMPSTER ENCLOSURE
- 3K CONCRETE SIDEWALK AROUND BUILDING
- 3L FLUSH CURB STORE FRONT
- 5A GUARD POST (SINGLE)
- 5B TRAFFIC SIGN IN BOLLARD
- 5G U–BUMPER
- 9S ACCESSIBLE / VAN ACCESSIBLE PARKING SIGN (TYP.)
- 9U ACCESSIBLE PARKING SYMBOL (SEE PAINT COLOR INDICATED AT SYMBOL)
- 13A SITE LIGHT POLE. SEE PHOTOMETRIC PLANS FOR POLE BASE DETAIL, FIXTURE TYPE, AND MOUNTING DETAILS.

SITE DATA TABLE			
TOTAL AREA		204208 SF	4.684 AC
SUBAREA 1		46079 SF	1.058 AC
SUBAREA 2		157949 SF	3.626 AC
BUILDING FLOOR AREA		2824 SF	
BUILDING CONSTRUCTION TYPE		II-B	
		EXISTING	PROPOSED
ZONING DISTRICT		PD 18-47	Z 20-35
LAND USE		UNIMPROVED LAND AND LANDSCAPING ON SUBAREA 2	CONVENIENCE STORE & RETAIL PUMPS
SUBAREA 1			
		REQUIRED	PROPOSED
CONVENIENCE STORE BUILDING HEIGHT		16'	16'
CANOPY HEIGHT (NO DISTRICT)		20'	20'
FLOOR AREA RATIO		NONE	0.061
IMPERVIOUS AREA		NONE	41255 SF
PERVIOUS AREA		NONE	10835 SF
		REQUIRED	PROPOSED
SETBACKS	NORTH	25'	25'
	EAST	20'	25'
	SOUTH	25'	25'
	WEST	20'	20'
	LANDSCAPE (NORTH)	15'	15'
	LANDSCAPE (EAST)	15'	15'
	LANDSCAPE (WEST)	NONE	NONE
	LANDSCAPE (SOUTH)	NONE	NONE
		REQUIRED	PROPOSED
OFF-STREET PARKING	PARKING SPACES	11	11
	HANDICAP SPACES	1	2
TOTAL PARKING PROVIDED		12	13
LOADING SPACES		1	1
TOTAL AREA DRIVEWAY STORAGE			
FORMULA:	PARKING SPACES/ DRIVEWAY #	0-100 SPACES/3 DRIVEWAYS	
		REQUIRED	PROPOSED
		28'*	28'
TOTAL LANDSCAPE AREA			
		REQUIRED	PROPOSED
LANDSCAPE AREA		1,470	3,462

*Per TSM Table 8.11 "Minimum Driveway Storage Lengths" on page 8-35

BUILDING SETBACKS:

BUILDING SETBACKS SHOWN ON PLAN

811 Know what's **below.** **Call** before you dig.

PRE-SUBMITTAL CASE #: 190326-3

MURPHY OIL USA, INC.
MURPHY USA
200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000

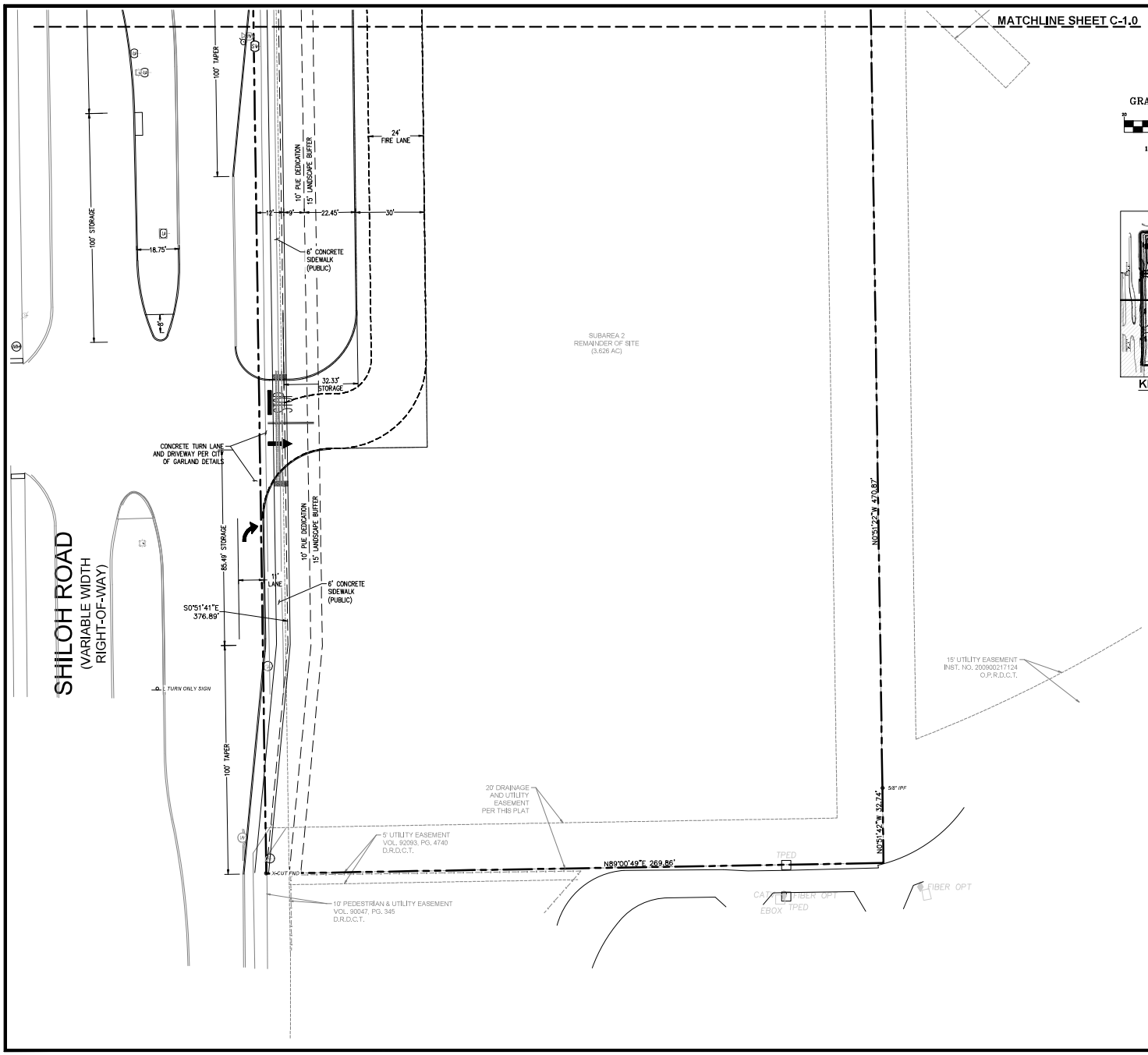
REV–	DATE	DRN	PM	DES	DRW
0	01/13/21	JM	PC	PC	PC

SITE PLAN
MURPHY EXPRESS
SE CORNER ARAPAHOE RD & N SHILOH RD
GARLAND TEXAS

EXHIBIT C

SHEET NO. C-1

JM CIVIL Engineering Solutions Group
5900 S Lake Forest Drive, Suite 99
McKinney, TX 75070
Ph. 214-491-1830
John Mansell, PE
CIVIL ENGINEER



NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

2,824SF-8(S)-2015v2

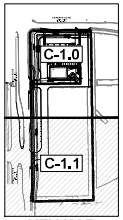
PROPOSED

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- FIRE LANE

GENERAL SITE NOTES

A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.

B. NO LANDSCAPEING SUCH AS TREES, HEDGES, ABOVE AND UNDERGROUND STRUCTURES SHALL BE LOCATED WITHING EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHT OF WAY.



KEY MAP

EXHIBIT C

SITE DATA TABLE			
TOTAL AREA		204208 SF	4.684 AC
SUBAREA 1		46079 SF	1.058 AC
SUBAREA 2		157949 SF	3.626 AC
BUILDING FLOOR AREA		2824 SF	
BUILDING CONSTRUCTION TYPE		II-B	
		EXISTING	PROPOSED
ZONING DISTRICT		PD 18-47	Z 20-35
LAND USE		UNIMPROVED LAND AND LANDSCAPING ON SUBAREA 2	CONVENIENCE STORE & RETAIL PUMPS
SUBAREA 1			
		REQUIRED	PROPOSED
CONVENIENCE STORE BUILDING HEIGHT		16'	16'
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FLOOR AREA RATIO		NONE	0.061
IMPERVIOUS AREA		NONE	41255 SF
PERVIOUS AREA		NONE	10835 SF
		REQUIRED	PROPOSED
SETBACKS	NORTH	25'	25'
	EAST	20'	25'
	SOUTH	25'	25'
	WEST	20'	20'
	LANDSCAPE (NORTH)	15'	15'
	LANDSCAPE (EAST)	15'	15'
	LANDSCAPE (WEST)	NONE	NONE
	LANDSCAPE (SOUTH)	NONE	NONE
		REQUIRED	PROPOSED
OFF-STREET PARKING	PARKING SPACES	11	11
	HANDICAP SPACES	1	2
TOTAL PARKING PROVIDED		12	13
LOADING SPACES		1	1
TOTAL AREA DRIVEWAY STORAGE			
FORMULA:	PARKING SPACES/ DRIVEWAY #	0-100 SPACES/3 DRIVEWAYS	
		REQUIRED	PROPOSED
		28'*	28'
TOTAL LANDSCAPE AREA			
		REQUIRED	PROPOSED
LANDSCAPE AREA		1,470	3,462

*Per TSM Table 8.11 "Minimum Driveway Storage Lengths" on page 8-35

BUILDING SETBACKS:

BUILDING SETBACKS SHOWN ON PLAN

811 Know what's **below.** **Call** before you dig.

PRE-SUBMITTAL CASE #: 190326-3

MURPHY OIL USA, INC.

MURPHY USA

200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000

SHEET NO. C-1.1

Seal

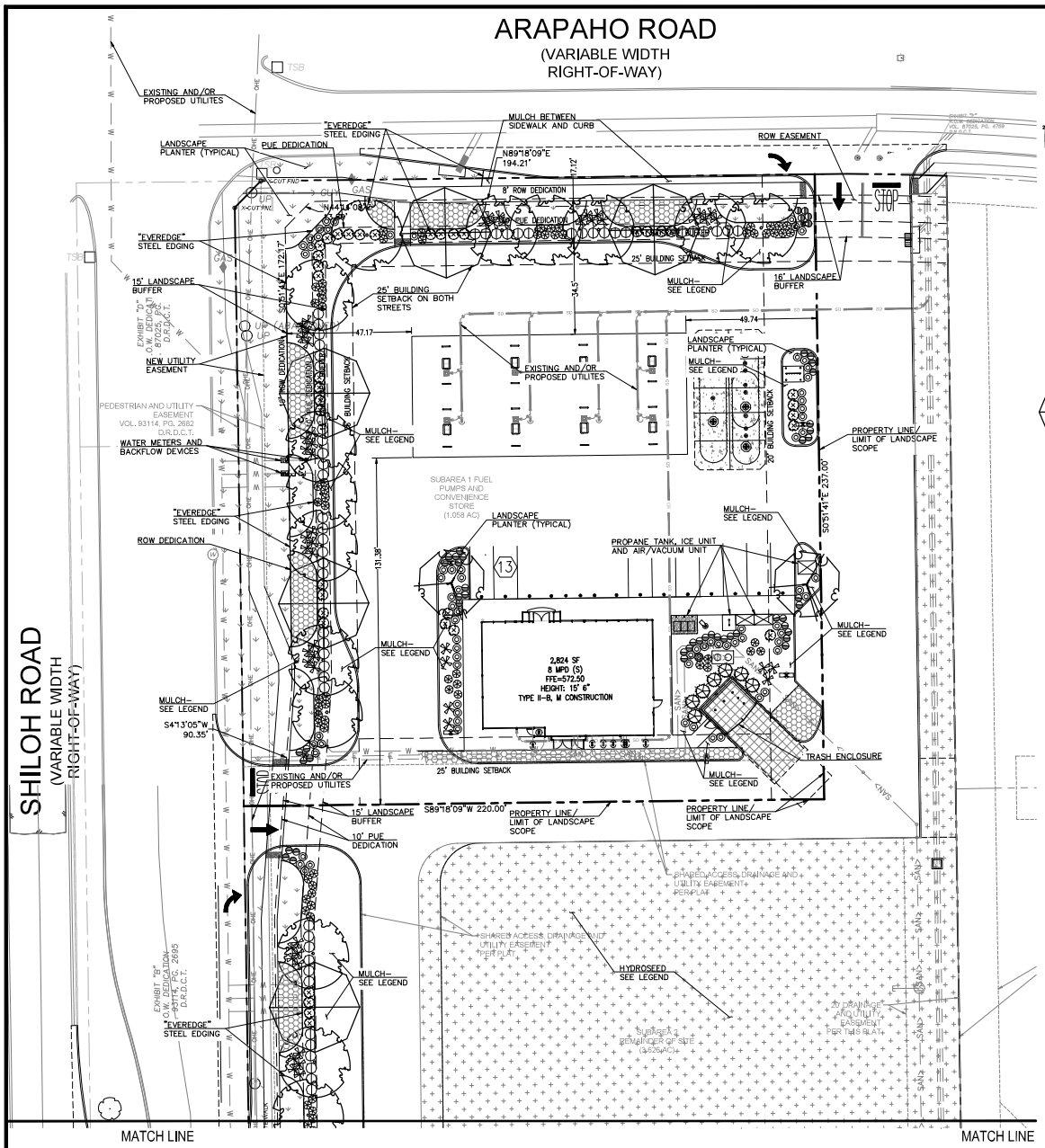
REV-0	01/13/21	JM	PC	PC	PC
	DATE	PRN	PM	DES	DRW

SITE PLAN
MURPHY EXPRESS
SE CORNER ARAPAHOE RD & N SHILOH RD
GARLAND TEXAS

JM CIVIL Engineering Solutions Group

5900 S Lake Forest Drive, Suite 300
McKinney, TX 75070
Ph. 214-491-1830

John Mensah, PE
CIVIL ENGINEER



NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

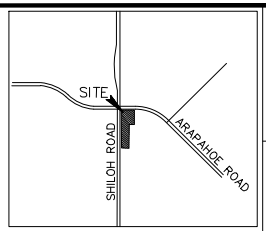
PRE-SUBMITTAL /CASE NUMBER

190326-3

ZONING / LANDUSE

EXISTING: PD 18-47 / GENERAL MERCHANDISE RETAIL
PROPOSED: PD 1847 / GAS STATION

REFER TO SHEET L-3 FOR CALCULATIONS AND LANDSCAPE NOTES



VICINITY MAP
NOT TO SCALE

LEGEND:

SYMBOL	SCIENTIFIC NAME	COMMON NAME	HEIGHT(AT INSTALL)	SPACING	FLOWER COLOR	QUANTITY
LARGE TREES – MINIMUM 3" CALIPER 7' HEIGHT AT INSTALLATION						
	GINKO BILOBA 'AUTUMN GOLD'	MAIDENHAIR TREE	7'	–	GREEN	2
	FRAXINUS TEXANIS	TEXAS ASH	7'	–	INCONSPICUOUS	7
	PISTACHIA CHINENSIS	CHINESE PISTACHE	7'	–	INCONSPICUOUS	20
SHRUBS (PER AGENCY – MINIMUM 3 GALLON AND 24" TALL AT PLANTING)						
	ABELIA GRANDIFLORA	GLOSSY ABELIA	24"	5	PINK	7
	ILEX CORNUTA BURFORDII NANA'	DWARF BURFORD HOLLY	24"	4	YELLOWISH-WHT	78
	LEUCOPHYLLUM FRUTESCENS	TEXAS SAGE	24"	4	PINK	45
	MISCANTHUS SINENSIS 'GRACILLIMUS'	CHINESE SILVER GRASS	24"	3	WHITE	78
SHRUBS (NOT PART OF "PARKING LOT SCREENING, PER AGENCY – MINIMUM 3 GALLON AND 12" TALL AT PLANTING)						
	HESPERALOE PARVIFLORA	TEXAS RED YUCCA	12"	4	RED	67
	ILEX CORNUTA 'CARISSA'	CARISSA HOLLY	12"	3	WHITE	73
	SALVIA GREGGII FURMAN'S RED'	RED TEXAS SAGE	12"	30"	RED	54
SOD, GROUND GOVER AND MULCH						
	CYNDON DACTYLON 'TIF 419'	BERMUDA GRASS			10,532± S.F. SOD (NOT FACTORING IN SLOPE)	
	HYDROSEED MIX				117,038± S.F. (NOT FACTORING IN SLOPE)	
	TRACHELOSPERMUM ASIATICUM	ASIAN JASMINE	18"	48"O.C.	YELLOW	2940 S.F.
	CEDAR MUCH OR AGENCY AND CLIENT APPROVED EQUAL, 3" DEPTH W/ WEED BARRIER FABRIC		BELOW ALL PLANTING EXCEPT WHERE GROUNDOVER OR SOD ARE PROPOSED.			
	EVEREDGE STEEL EDGING (GARDEN RING WHERE NOTED)					PER PLAN

EXHIBIT D

Know what's below. Call before you dig.

PRE-SUBMITTAL CASE #: 190326-3

MURPHY OIL USA, INC.
MURPHY USA
200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000

JM CIVIL Engineering Solutions Group
5900 S. Lake Forest Drive, Suite 300
McKinney, TX 75070
Ph. 214-491-1830
John Mansell, PE
CIVIL ENGINEER

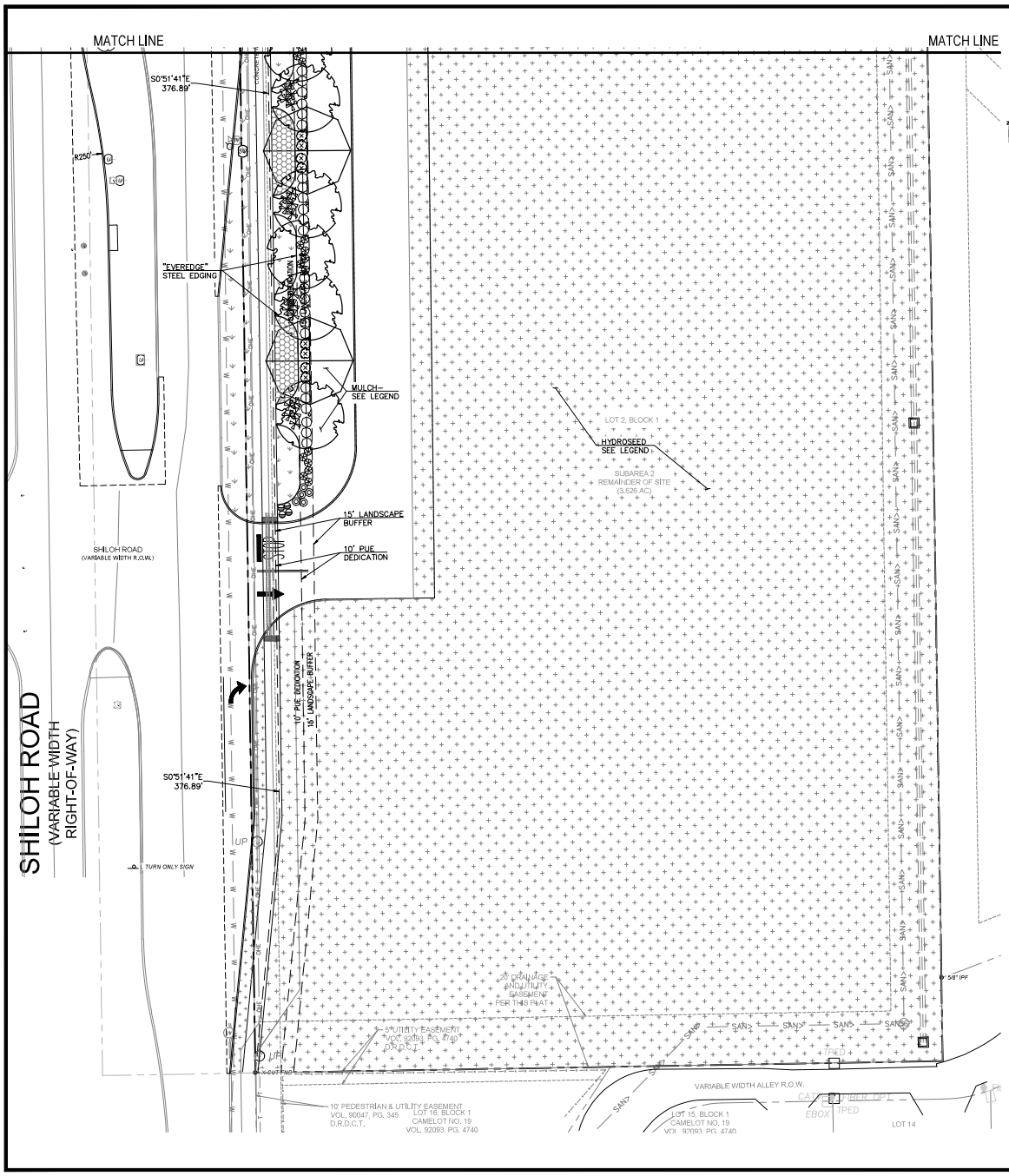
REV-0	01/13/21	JM	PC	PC	PC
	DATE	DRN	PM	DES	DRW

PRELIMINARY PLANTING PLAN
MURPHY EXPRESS
SE CORNER ARAPAHOE RD & N SHILOH RD
GARLAND
TEXAS

REGISTERED LANDSCAPE ARCHITECT
JULIE ANN BARNA
STATE OF TEXAS

Seal JANUARY 13, 2021

SHEET NO.
L-1



NORTH

GRAPHIC SCALE

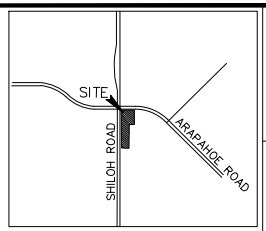
(IN FEET)
1 inch = 20 ft.

PRE-SUBMITTAL /CASE NUMBER

190326–3

ZONING / LANDUSE

EXISTING: PD 18–47 / GENERAL MERCHANDISE RETAIL
PROPOSED: PD 1847 / GAS STATION



VICINITY MAP
NOT TO SCALE

REFER TO SHEET L-1 FOR LEGEND
AND SHEET L-3 FOR CALCULATIONS.

EXHIBIT D

811
Know what's **below.**
Call before you dig.

PRE-SUBMITTAL CASE #: 190326-3

MURPHY OIL USA, INC.
MURPHY USA
200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000

JM CIVIL Engineering Solutions Group
5900 S. Lake Forest Drive, Suite 300
McKinney, TX 75070
Ph. 214-491-1830
John Mansell, PE
CIVIL ENGINEER

REV–0	01/13/21	JM	PC	PC	PC
	DATE	PRN	PM	DES	DRW

PRELIMINARY PLANTING PLAN
MURPHY EXPRESS
SE CORNER ARAPAHOE RD & N SHILOH RD
GARLAND
TEXAS

REGISTERED LANDSCAPE ARCHITECT
GILLES A. BARNA
3500
STATE OF TEXAS

Seal JANUARY 13, 2021

SHEET NO.
L-2

LANDSCAPE CALCULATIONS:

SITE PARAMETERS
(THE FOLLOWING REQUIREMENTS ARE BASED ON GARLAND DEVELOPMENT CODE (GDC))

SITE AND PERIMETER LANDSCAPING FOR NONRESIDENTIAL:

LOT 1:

A) TOTAL LANDSCAPE AREA REQUIREMENTS
(10% OF SITE IS REQUIRED TO BE LANDSCAPED

AREA OF LOT (TO DEFINE LS AREA REQ'D): = 46,079 SF

LANDSCAPE REQUIRED = 4608 SF (45,079 SF X 0.10)

LANDSCAPE PROVIDED (THIS DOES NOT INCLUDE ANY PLANT MATERIAL PROPOSED OUTSIDE THE PROPERTY LINES ALONG EITHER STREET FRONTAGE) = 13,411 S.F.

B) LANDSCAPE BUFFERS
(15' BUFFER REQUIRED ALONG BOTH STREES BASED ON THEIR CLASSIFICATION AS A TYPE A THROUGH TYPE D THOROUGHFARE)

REQUIREMENT: 1 LARGE CANOPY TREE AND 7 SHRUBS OR ORNAMENTAL GRASSES ARE REQUIRED PER 30 LINEAR FEET OF FRONTAGE OR FRACTION THEREOF)

ARAPAHO ROAD (220 L.F.)

SHRUBS REQUIRED (7 PER 30 L.F.)
220 L.F./30 L.F. = 7.3 X 7 = 51.1

SHRUBS PROVIDE (NOT INCLUDING THOSE THAT DO NOT MEET SOLID SCREEN REQUIREMENTS) = 52

TREES REQUIRED (1 PER 30 L.F.)
220 L.F./30 L.F. = 7.3 X 1 = 7.3

TREES PROVIDE = 8

SHILOH ROAD (237 L.F.)

SHRUBS REQUIRED (7 PER 30 L.F.)
237 L.F./30 L.F. = 7.9 X 7 = 55.3

SHRUBS PROVIDE (NOT INCLUDING THOSE THAT DO NOT MEET SOLID SCREEN REQUIREMENTS) = 56

TREES REQUIRED (1 PER 35 L.F.)
237 L.F./30 L.F. = 7.9 X 1 = 7.9

TREES PROVIDE = 8

C) PARKING AREA LANDSCAPING
(NOTE: PERIMETER/BUFFER LANDSCAPING PROVIDES SCREENING OF THE PARKING AREA DUE TO PARKING ORIENTATION TO STREET, IN ADDITION TO SHRUBS IN THE PARKING ISLANDS)

TOTAL LANDSCAPE AREA REQUIRED
(5% OF THE TOTAL PARKING AREA INCLUDING MANEUVERING AREA AND DRIVEWAY ACCESS
NOTE: INCLUDED PORTION OF DRIVEWAY ACCESS TO SOUTH THAT IS ON THIS PROPERTY AND ENTIRE PAVED AREA NORTH OF THE BUILDING)

PARKING LOT AREA = 29,403 SF

LANDSCAPE REQUIRED
29,403 X 0.05 = 1,470 SF

LANDSCAPE PROVIDED
(ALL LANDSCAPE IN AND ADJACENT TO PARKING AREA DEFINED ABOVE) = 3462 SF

TREE REQUIREMENT
AS SHOWN ON PLANS, ONE CANOPY TREE IS PROVIDED IN PLANTER ON EACH SIDE OF THE PARKING AREA WITHIN 65' OF PROVIDED PARKING SPACES, TOTAL OF 2 WHICH MEETS THE 1 PER 10 PARKING SPACE REQUIREMENT.

LOT 2:

A) LANDSCAPE BUFFERS
(15' BUFFER REQUIRED BASED ON THE ROAD CLASSIFICATION AS A TYPE A THROUGH TYPE D THOROUGHFARE)

REQUIREMENT: 1 LARGE CANOPY TREE AND 7 SHRUBS OR ORNAMENTAL GRASSES ARE REQUIRED PER 30 LINEAR FEET OF FRONTAGE OR FRACTION THEREOF)

ARAPAHO ROAD (304.41 L.F. FROM NORTHERN PROPERTY LINE AT CENTER OF DRIVE ISLE TO SOUTH END OF PLANTER)

SHRUBS REQUIRED (7 PER 35 L.F.)
305 L.F./30 L.F. = 10.2 X 7 = 71.4

SHRUBS PROVIDED (NOT INCLUDING THOSE THAT DO NOT MEET SOLID SCREEN REQUIREMENTS) = 74

TREES REQUIRED (1 PER 35 L.F.)
305 L.F./30 L.F. = 10.2 X 1 = 10.2

TREES PROVIDE = 11

EXHIBIT D

PRE-SUBMITTAL CASE #: 190326-3

MURPHY OIL USA, INC.
MURPHY USA
200 PEACH STREET
P.O. BOX 7000
EL DORADO, AR 71730-7000

JM CIVIL Engineering Solutions Group
5900 S. Lake Forest Drive, Suite 300
McKinney, TX 75070
Ph. 214-491-1830
John Mensah, PE
CIVIL ENGINEER

REV-0	01/13/21	JM	PC	PC	PC
	DATE	PRN	PM	DES	DRW

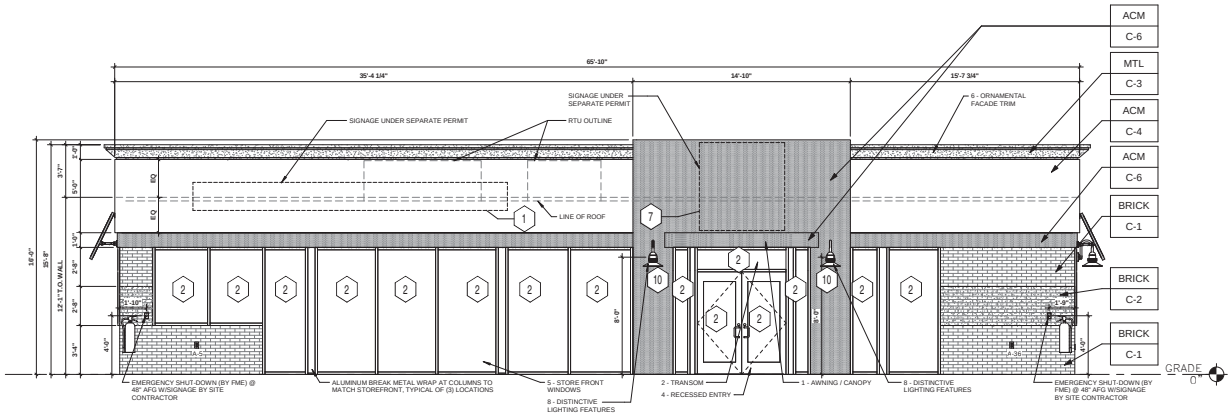
PLANTING CALCULATIONS
MURPHY EXPRESS
SE CORNER ARAPAHOE RD & N SHILOH RD
GARLAND
TEXAS

REGISTERED LANDSCAPE ARCHITECT
GILBERT A. BARNES
2500
STATE OF TEXAS

Seal JANUARY 13, 2021

SHEET NO.
L-3

THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES AND NOT TO BE USED FOR CONSTRUCTION



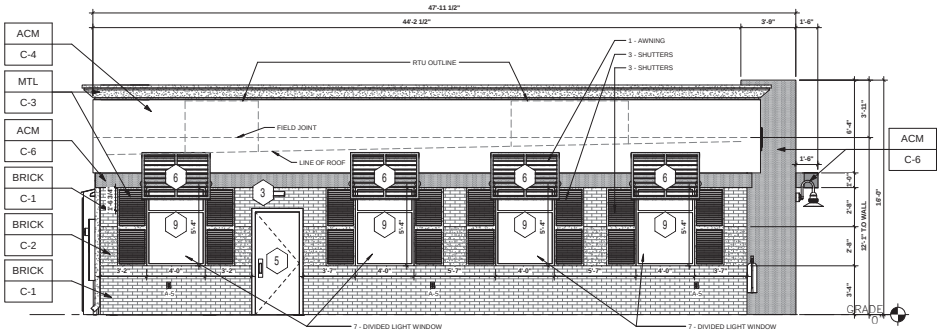
1 NORTH ELEVATION (ARAPAHO ROAD)
1/4" = 1'-0"

NORTH ELEVATION (ARAPAHO ROAD)	
HORIZONTAL ARTICULATION	
MATERIAL	**MATERIAL PERCENTAGE**
THIN BRICK - LIGHT SANDSTONE VELOUR	9.08%
THIN BRICK - EMPIRE IVORY VELOUR	2.95%
ORNAMENTAL WINDOW HEADER	4.87%
ACM FASCIA	25.75%
ORNAMENTAL FACADE TRIM	5.05%
VERTICAL ARTICULATION	
ELEMENT	**ELEMENT PERCENTAGE**
ACM ENTRY PORTAL	14.13%
STOREFRONT	38.17%

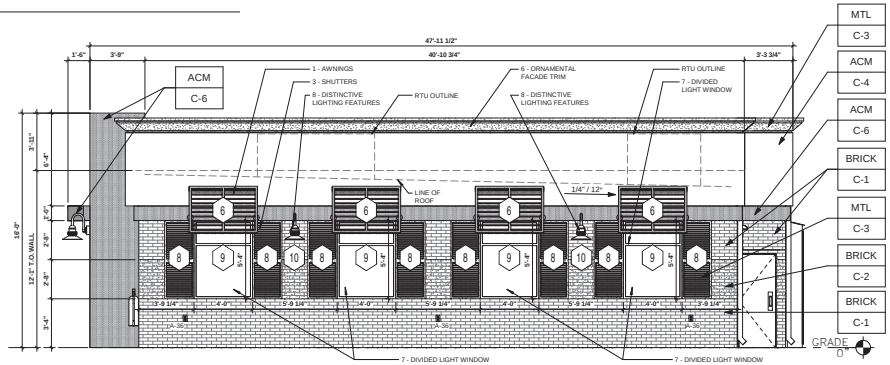
SOUTH ELEVATION	
HORIZONTAL ARTICULATION	
MATERIAL	**MATERIAL PERCENTAGE**
THIN BRICK - LIGHT SANDSTONE VELOUR	21.77%
THIN BRICK - EMPIRE IVORY VELOUR	9.67%
ORNAMENTAL WINDOW HEADER	6.32%
ACM FASCIA	32.16%
ORNAMENTAL FACADE TRIM	6.58%
OTHERS	23.50%

EAST ELEVATION	
HORIZONTAL ARTICULATION	
MATERIAL	**MATERIAL PERCENTAGE**
THIN BRICK - LIGHT SANDSTONE VELOUR	23.38%
THIN BRICK - EMPIRE IVORY VELOUR	3.29%
ORNAMENTAL WINDOW HEADER	6.34%
ACM FASCIA	32.26%
ORNAMENTAL FACADE TRIM	6.63%
VERTICAL ARTICULATION	
ELEMENT	**ELEMENT PERCENTAGE**
WINDOWS WITH SPANDREL PANELS	12.20%
SHUTTERS	12.20%
OTHERS (DOOR)	3.70%
AWNINGS	4 NOS

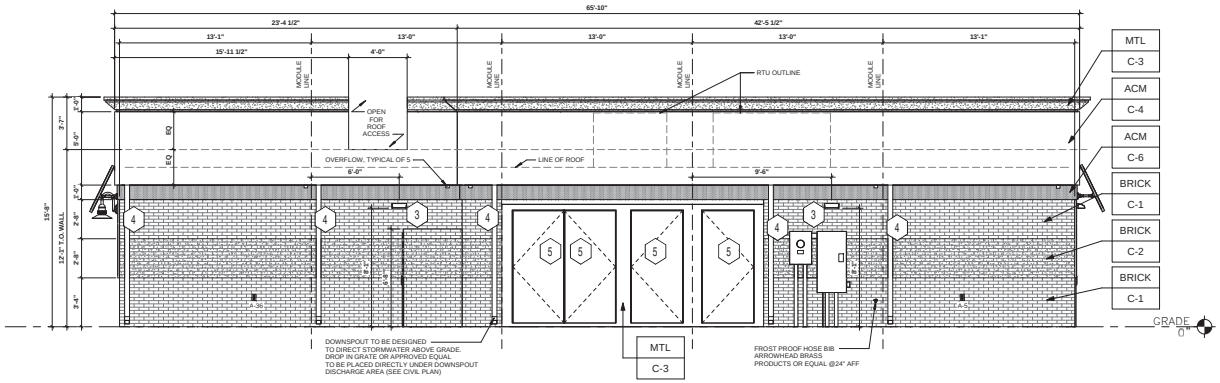
WEST ELEVATION (NORTH SHILOH ROAD)	
HORIZONTAL ARTICULATION	
MATERIAL	**MATERIAL PERCENTAGE**
THIN BRICK - LIGHT SANDSTONE VELOUR	24.60%
THIN BRICK - EMPIRE IVORY VELOUR	3.65%
ORNAMENTAL WINDOW HEADER	6.34%
ACM FASCIA	32.50%
ORNAMENTAL FACADE TRIM	6.65%
VERTICAL ARTICULATION	
ELEMENT	**ELEMENT PERCENTAGE**
WINDOWS WITH SPANDREL PANELS	13.13%
SHUTTERS	13.13%
AWNINGS	4 NOS



2 EAST ELEVATION
1/4" = 1'-0"



3 WEST ELEVATION (NORTH SHILOH ROAD)
1/4" = 1'-0"



4 SOUTH ELEVATION
1/4" = 1'-0"

KEYED NOTES:

1	ROUTED LETTER LOGO SIGNAGE	BY FMS
2	CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM KAWNEER, YKK OR EQUAL	C-7
3	EXTERIOR LIGHTING, REFER TO LIGHTING PLAN	SHEET EL2
4	4" x 4" PAINTED METAL DOWNSPOUTS	C-3
5	DOORS (EXTERIOR SIDE) AND DOOR FRAMES PAINTED	C-3
6	METAL AWNING BY B&C AWNING INC. OR EQUAL	C-6
7	MURPHY EXPRESS STAR LOGO SIGNAGE	BY SIGN CONTRACTOR
8	METAL SHUTTERS	C-3
9	ANODIZED ALUMINUM STOREFRONT SYSTEM W/ SPANDREL PANELS KAWNEER, YKK OR EQUAL	C-7
10	EXTERIOR DECORATIVE LIGHTS, REFER TO PHOTOMETRIC PLANS	BY FMS

EXTERIOR FINISHES:

ACM	ACM (3MM THICKNESS)	BY FMS
BRICK	THIN BRICK	BY FMS
MTL	20 GA. SHEET METAL (UNLESS NOTED OTHERWISE)	BY FMS

EXTERIOR PAINT/COLORS:

C-1	THIN BRICK VENEER - LIGHT SANDSTONE VELOUR BY ENDICOTT (WIRE CUT FINISH) WITH ENDURA MAX PREBLENDED GREY COLOR GROUT	BY FMS
C-2	THIN BRICK VENEER - EMPIRE IVORY VELOUR BY CAROLINA CERAMICS (WIRE CUT FINISH) WITH ENDURA MAX PREBLENDED GREY COLOR GROUT	BY FMS
C-3	DORMER BROWN SW #7521	BY FMS
C-4	REYNOBOND #4 NATURAL BRUSHED ALUMINUM BY ARCONIC	BY FMS
C-5	OPEN	BY FMS
C-6	PROGRAM RED' BY ALPOLIC	BY FMS
C-7	CLEAR ANODIZED ALUMINUM STOREFRONT	BY FMS

GreenbergFarrow
251 West 30th Street
10th Floor
New York, New York 10001
t: 917.689.2729

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ISSUE RECORD

DATE	REV.	DESCRIPTION
12/18/2020		ENTITLEMENT PACKAGE
01/13/2021		ENTITLEMENT PACKAGE
01/20/2021		ENTITLEMENT PACKAGE

EXHIBIT E

PROFESSIONAL SEAL

PROFESSIONAL IN CHARGE
SCOTT LOINTS

PROJECT MANAGER
MUGDHA CHAWATHE

QUALITY CONTROL
CHRIS CEBUO

DRAWN BY
CK

PROJECT NAME

MURPHY EXPRESS

MURPHY OIL CONVENIENCE STORE

ARAPAHO RD & SHILOH RD, GARLAND
TEXAS 80233

FREY-MOSS STRUCTURE
1801 Rockdale Industrial Blvd.
Conyers, Georgia 30012
Voice: (800) 366-6385
Fax: (770) 483-8037

FMS JOB NUMBER
G20MU00000

FMS MODEL NUMBER
XXXXXX

PROJECT NUMBER
20190234.5

SHEET TITLE

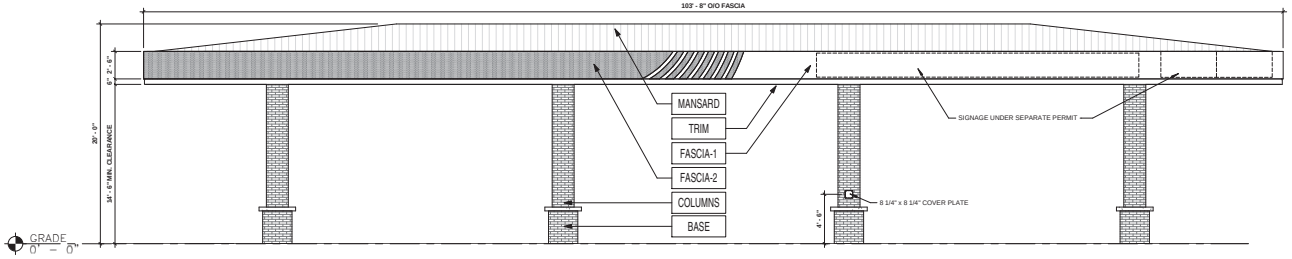
BUILDING ELEVATIONS

SHEET NUMBER

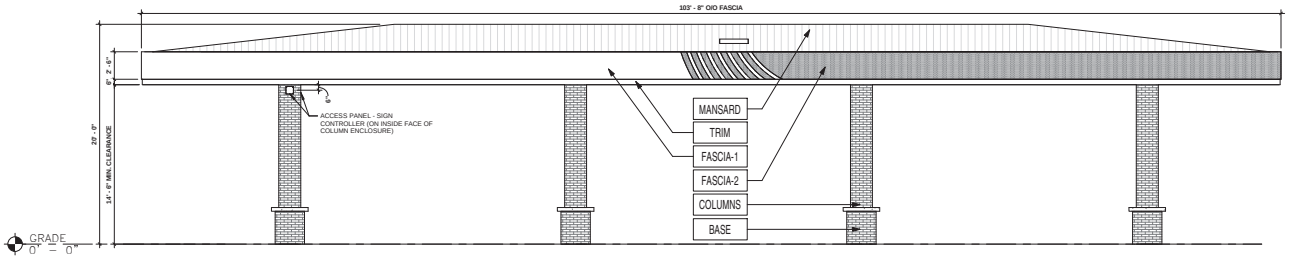
E2

PROTO V2.0 11/01/2019

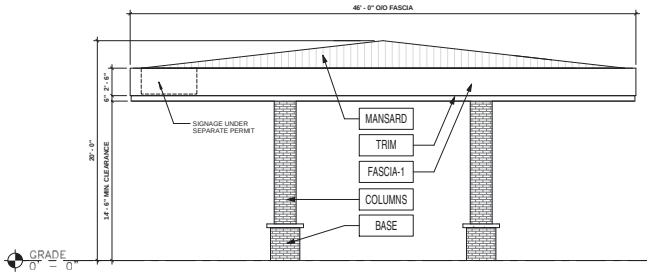
THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES AND NOT TO BE USED FOR CONSTRUCTION



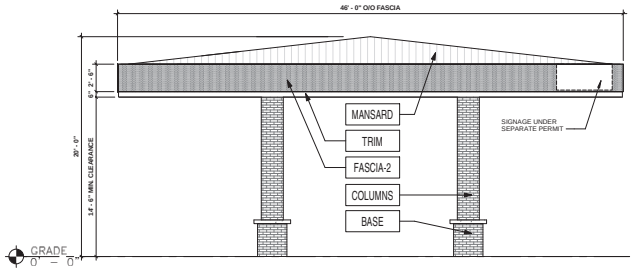
1 **NORTH ELEVATION (ARAPAHO ROAD)**
3/16" = 1'-0"



2 **EAST ELEVATION**
3/16" = 1'-0"

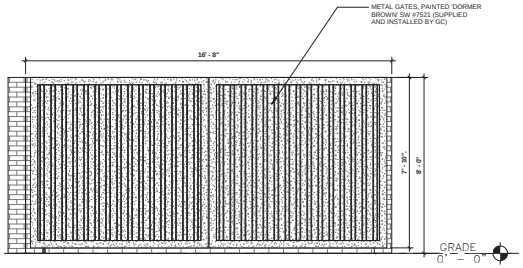


3 **WEST ELEVATION (NORTH SHILOH ROAD)**
3/16" = 1'-0"

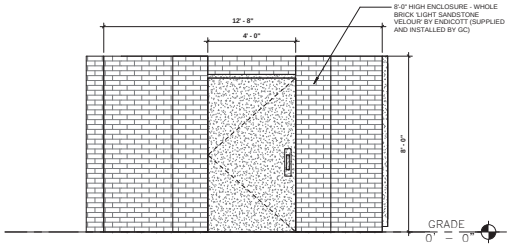


4 **EAST ELEVATION**
3/16" = 1'-0"

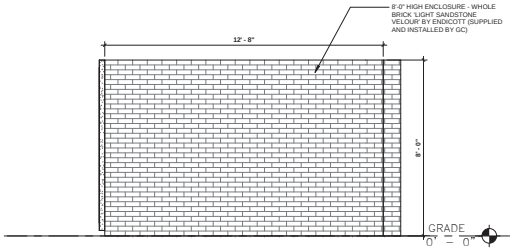
FINISH SCHEDULE			
FASCIA-1	ACM (ALUMINUM COMPOSITE MATERIAL)	ACM FASCIA "BRUSHED ALUMINUM"	FURNISHED & INSTALLED BY FMS
FASCIA-2	ACM (ALUMINUM COMPOSITE MATERIAL)	ACM FASCIA "PROGRAM RED"	FURNISHED & INSTALLED BY FMS
TRIM	20 GA. SHEET METAL	6" HT PRE-FINISHED METAL ACCENT BAND "PURE WHITE" SW #7005	FURNISHED & INSTALLED BY FMS
COLUMNS	THIN BRICK VENEER	THIN BRICK "EMPIRE IVORY VELOUR" BY CAROLINA CERAMICS	FURNISHED & INSTALLED BY FMS
		(1) SHOP COAT OF RUST INHIBITIVE PRIMER	(1) SHOP COAT OF RUST INHIBITIVE PRIMER FURNISHED AND APPLIED BY FMS
BASE	THIN BRICK VENEER	THIN BRICK "LIGHT SANDSTONE VELOUR" BY ENDICOTT	FURNISHED & INSTALLED BY FMS
		(1) SHOP COAT OF RUST INHIBITIVE PRIMER	(1) SHOP COAT OF RUST INHIBITIVE PRIMER FURNISHED AND APPLIED BY FMS
MANSARD	20 GA. SHEET METAL (STANDING SEAM)	"LEAD COTE" BY BERRIDGE	FURNISHED & INSTALLED BY FMS



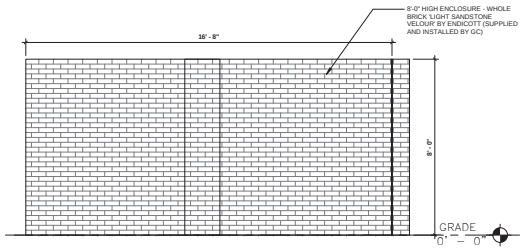
5 **TRASH ENCLOSURE - FRONT ELEVATION**
3/8" = 1'-0"



6 **TRASH ENCLOSURE - LEFT ELEVATION**
3/8" = 1'-0"



7 **TRASH ENCLOSURE - RIGHT ELEVATION**
3/8" = 1'-0"



8 **TRASH ENCLOSURE - REAR ELEVATION**
3/8" = 1'-0"

GreenbergFarrow
251 West 30th Street
10th Floor
New York, New York 10001
t: 917.689.2729

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ISSUE RECORD

DATE	REV. DESCRIPTION
12/18/2020	ENTITLEMENT PACKAGE
01/13/2021	ENTITLEMENT PACKAGE
01/26/2021	ENTITLEMENT PACKAGE

EXHIBIT E

PROFESSIONAL SEAL

PROFESSIONAL IN CHARGE
SCOTT LOINTS

PROJECT MANAGER
MUGDHA CHAWATHE

QUALITY CONTROL
CHRIS CEBIO

DRAWN BY
CK

PROJECT NAME

MURPHY EXPRESS

MURPHY OIL FUEL FACILITY CANOPY

ARAPAHO RD & SHILOH RD, GARLAND TEXAS 80233

FREY-MOSS STRUCTURE
1801 Rockdale Industrial Blvd.
Conyers, Georgia 30012
Voice: (800) 366-6385
Fax: (770) 483-8037

FMS JOB NUMBER
G20MU00000

FMS MODEL NUMBER
XXXXXX

PROJECT NUMBER
20190234.5

SHEET TITLE

CANOPY AND TRASH ENCLOSURE ELEVATIONS

SHEET NUMBER

E3

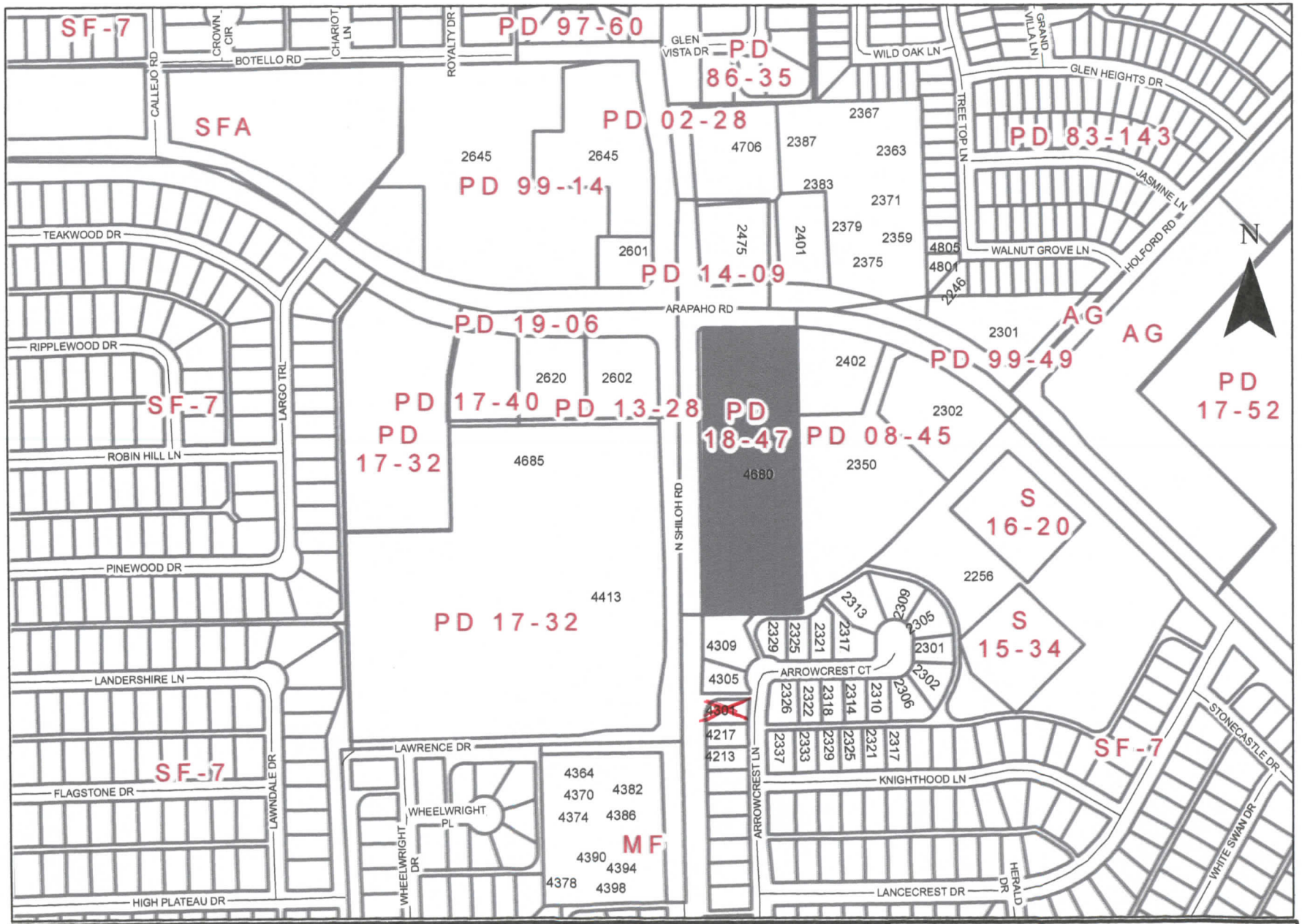
PROTO V5.1 11/01/2019

REPORT & MINUTES

P.C. Meeting, February 8, 2021

Consideration of the application of **JM Civil Engineering**, requesting approval of a Detail Plan for Fuel Pumps/Retail Use. This property is located at 4680 North Shiloh Road. (District 7) (File Z 20-35 - Detail Plan)

Motion was made by Commissioner Rose to close the public hearing and **approve** the Detail Plan. Seconded by Commissioner Dalton. **Motion carried: 9** Ayes, **0** Nays



0 225 450 Feet
1 inch = 333 feet

Zoning Map Z 20-35

INDICATES AREA OF REQUEST

O = IN FAVOR
X = AGAINST

Allmendinger, Tracy

From: Liem Tran <liem_t_tran@yahoo.com>
Sent: Monday, February 1, 2021 9:56 PM
To: Planning Group
Subject: [EXTERNAL] File Z 20-35 Response
Attachments: CCF_000054.pdf

Hello,

I have attached my response to the application of JM Civil Engineering proposing to develop a gas station and convenience store at 4680 North Shiloh Road.

Thank you,

Liem Tran

response include your property address, your name, and mailing address. Should you have any questions, please contact Kira Wauwie at 972-205-2456.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(Please Check One Below)

_____ I am in favor of the request.

X I am opposed to the request.

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

I believe it will increase crime rates. It will create more traffic.

(Please complete the following information)

4301 Arrowcrest Ln.
Your Property Address

Liem Tran
Printed Name

4301 Arrowcrest Ln. | Garland, TX | 75044
Address | City, State | Zip

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

Liem Tran | Home owner
Signature | Title

Date: Feb 01, 2021

Zoning Response Cases

Case Number

Z 20-35 & BW 20-02

The applicant JM Civil Engineering, propose to develop a gas station, convenience store and request a variance regarding the distance to a school from an establishment that sells or serves alcoholic beverages. This property is located at 4680 North Shiloh Road.

<null>

Joyce Bach
<null>

Against

2509 Ridgemeade Dr
Garland
Texas
United States
75040
jedbach@yahoo.com

As a homeowner nearby, I have no use for another convenience store/gas station that I won't use. They should overpriced beer/alcohol that close to a school.

Z 20-35

The applicant requests to construct a gas station and convenience store.

[Planned Development Amendment, Specific Use Provision and Plan for a gas station and convenience store on a property zoned Planned Development (PD) District 18-47.]

City Council Meeting
March 2, 2021

GARLAND
TEXAS MADE HERE

CASE INFORMATION

Location: 4680 North Shiloh Road

Applicant: JM Civil Engineering

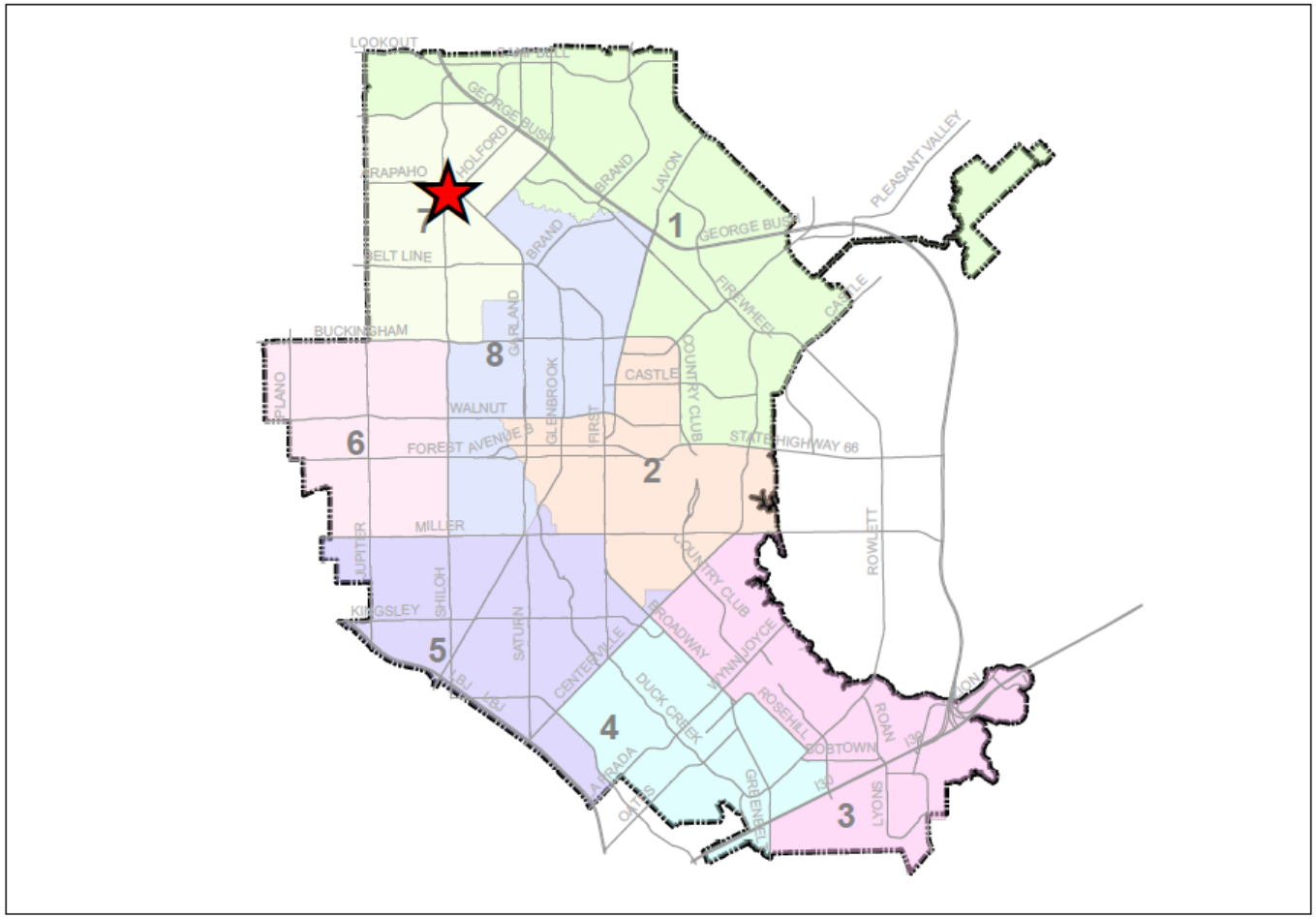
Owner: The Seven Investments Company Trust, A Texas Trust

Acreage: 4.684 acres

Zoning: Planned Development (PD) District 18-47

Z 20-35

CITYWIDE LOCATION MAP

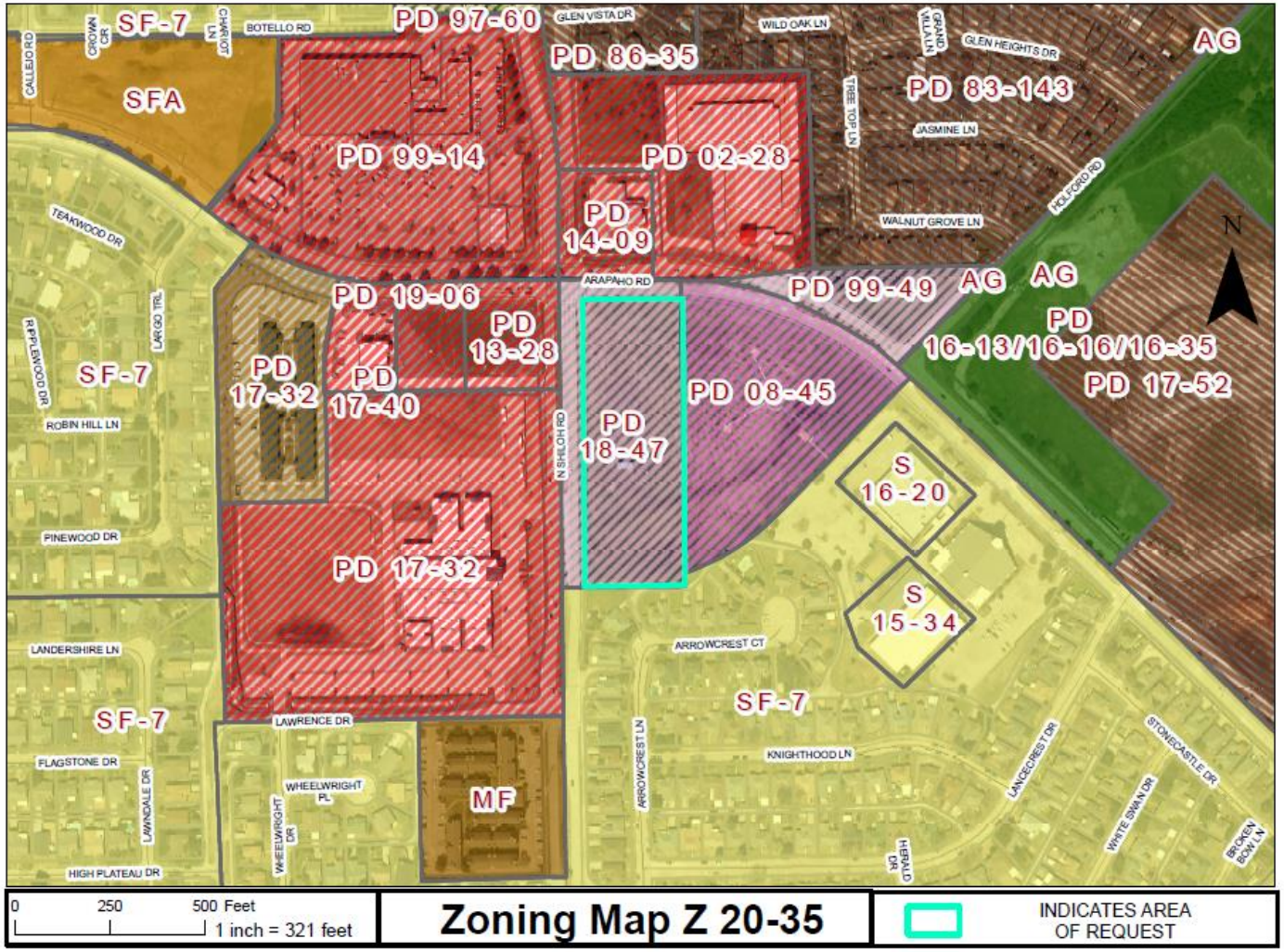


0 1 2 Miles 1 in = 2 miles | **Zoning Map Z 20-35** | ★ INDICATES AREA OF REQUEST

Z 20-35

GARLAND
TEXAS MADE HERE

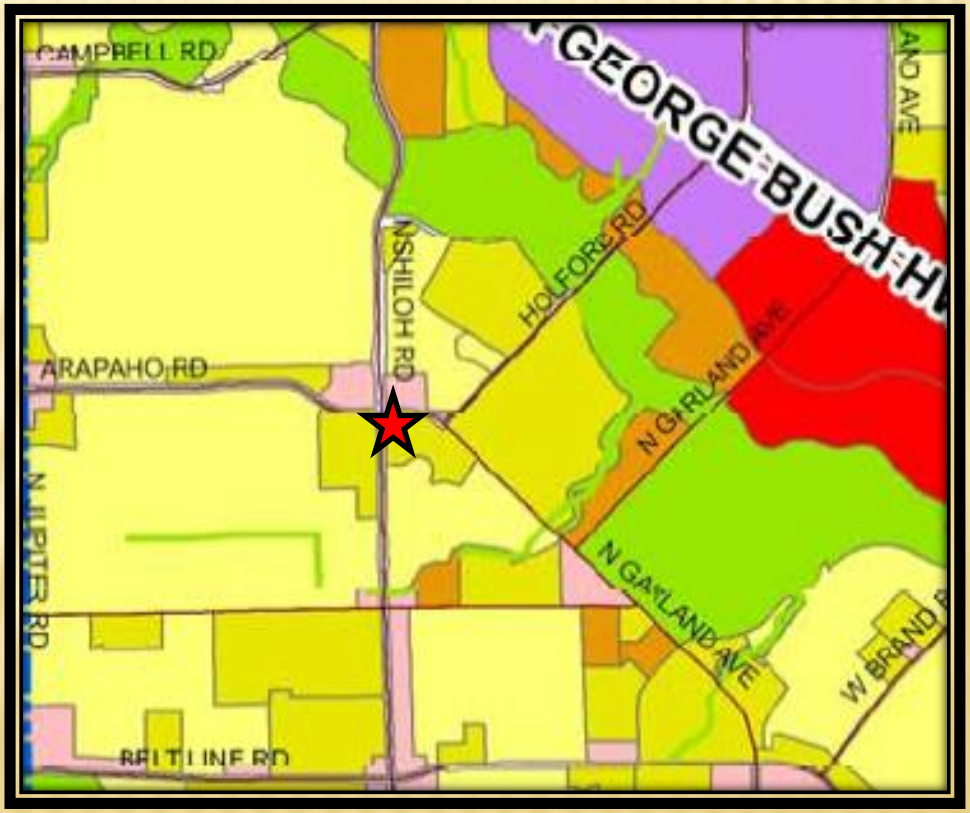
LOCATION MAP



Z 20-35

COMPREHENSIVE PLAN

Compact Neighborhoods



Z 20-35

COMPREHENSIVE PLAN

- The Future Land Use Map of the Envision Garland 2030 Comprehensive Plan designates the subject property as Compact Neighborhood. Compact Neighborhoods provide areas for moderate increases in residential density, including single-family attached and single-family detached housing. These areas provide transitions between traditional residential neighborhoods and higher density residential neighborhoods and non-residential developments.

- These areas also accommodate uses such as convenience retail (goods and services), office space, and public services.

- The proposed development of a fuel pumps with convenience store will provide additional services and convenience shopping to the community.

PHOTOS

Looking at the subject property from Arapaho Road

Looking north of the subject property from Arapaho Road

Looking at the northwest corner of Arapaho & Shiloh

Looking north towards the site from its south edge

Z 20-35

GARLAND
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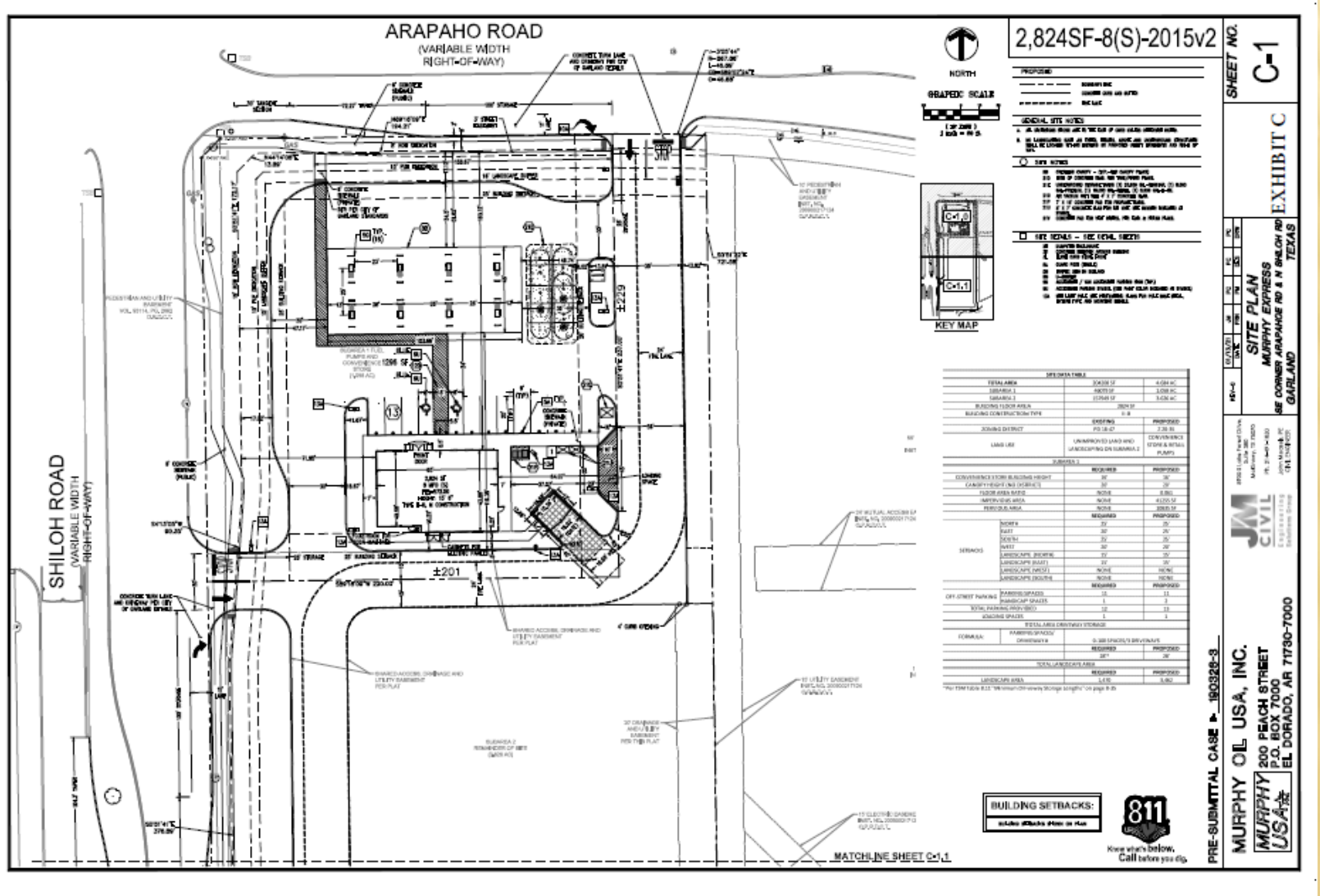
SITE PLAN



Z 20-35

GARLAND
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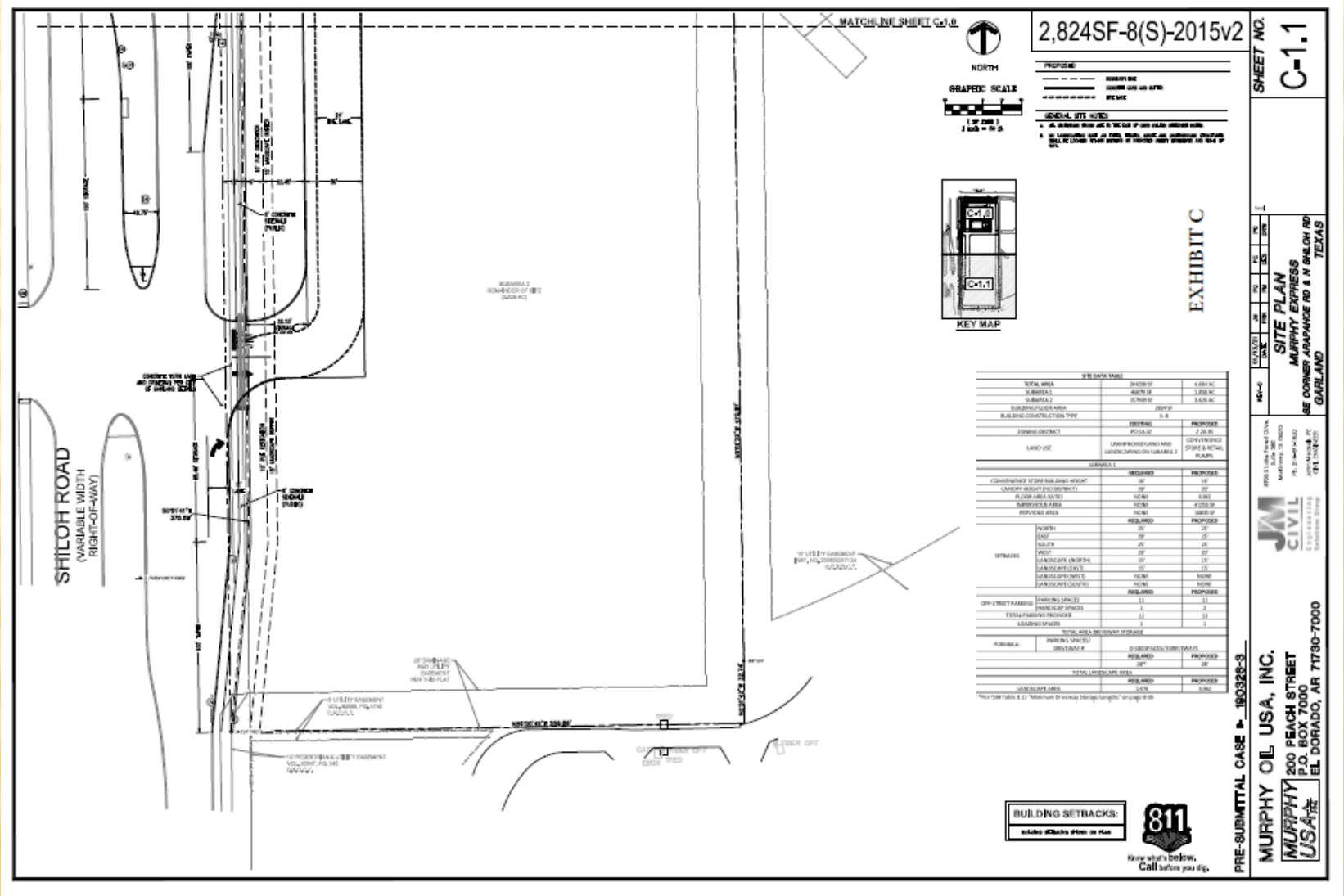
SITE PLAN



Z 20-35

GARLAND
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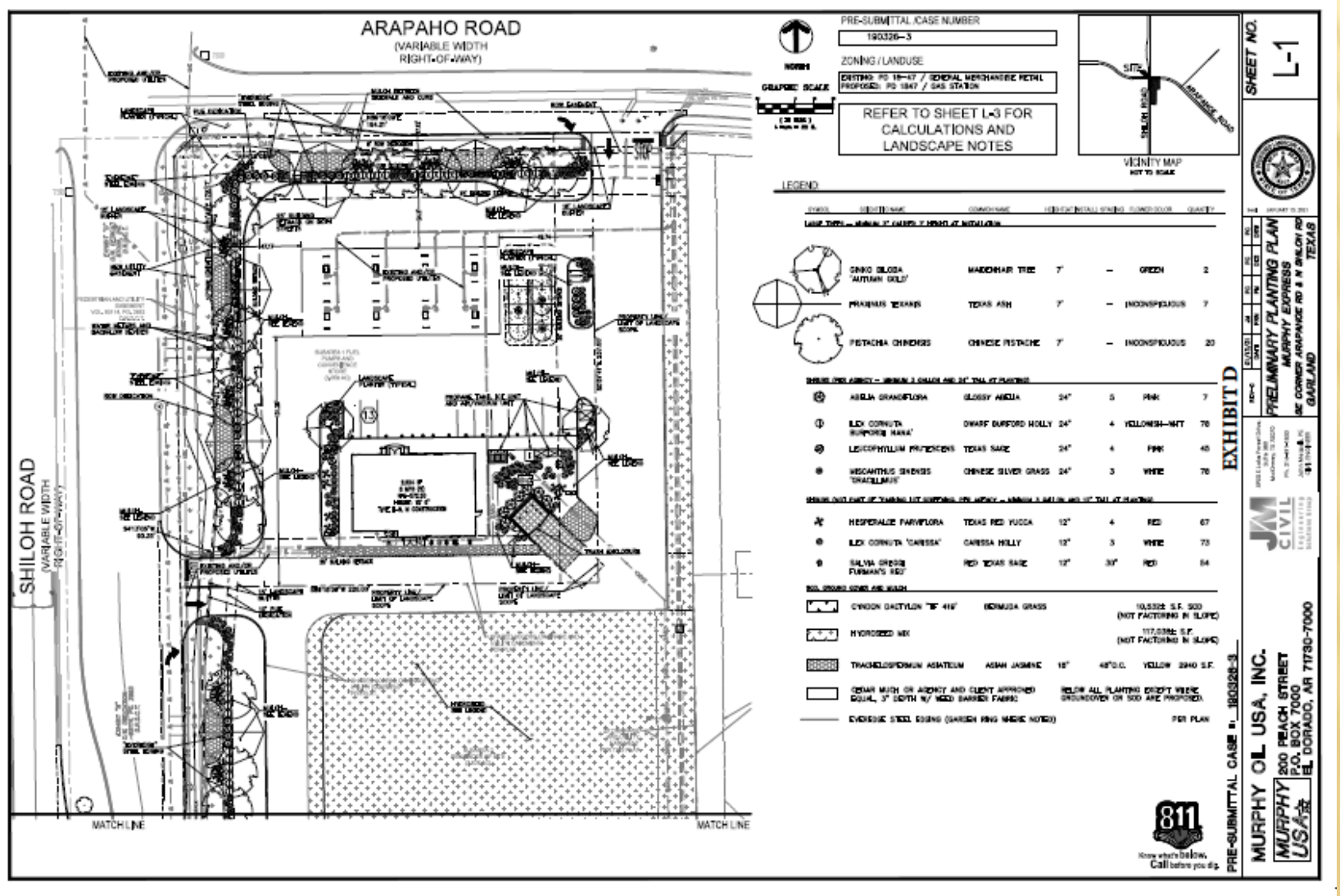
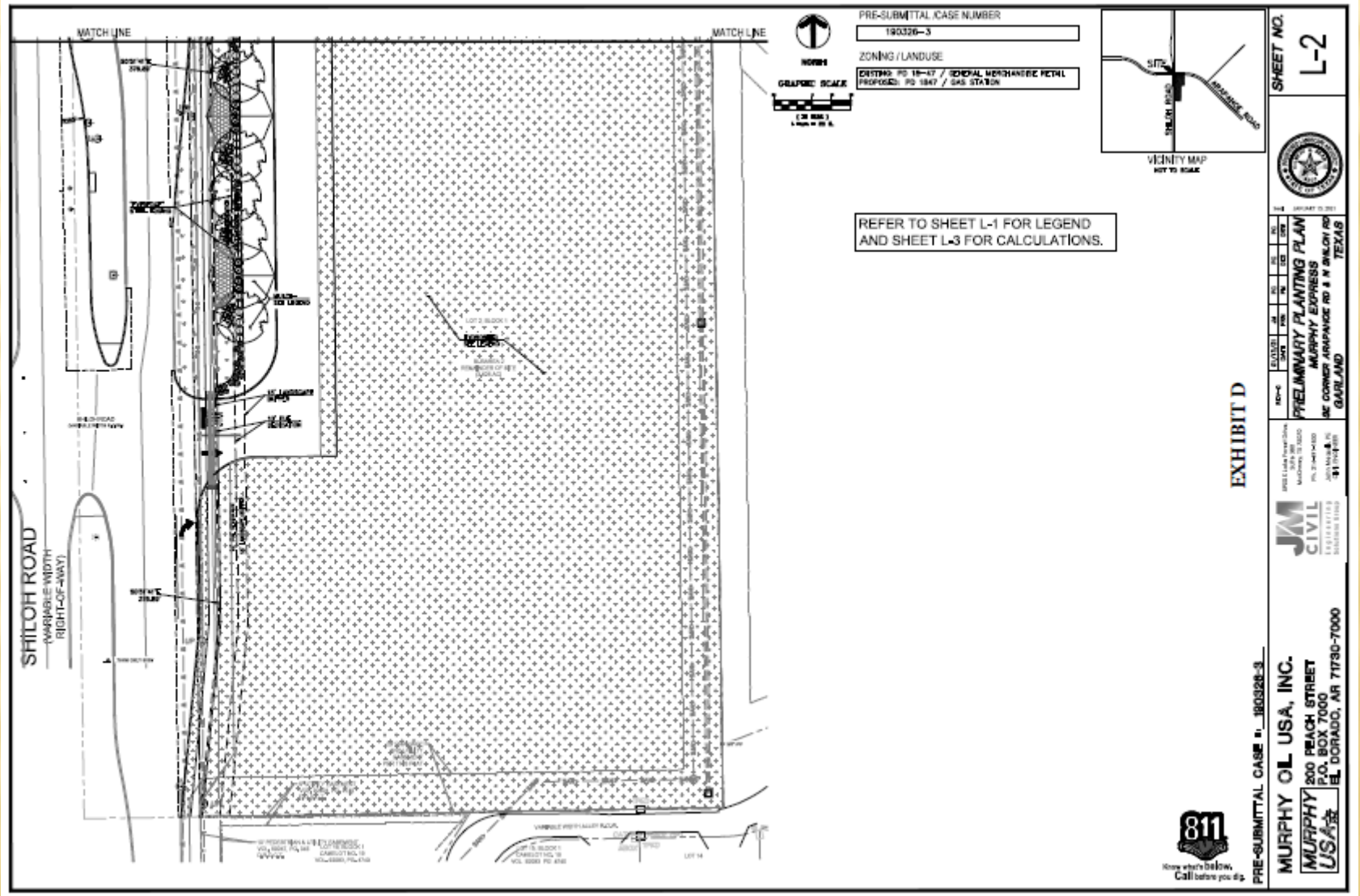
LANDSCAPE PLAN



Z 20-35

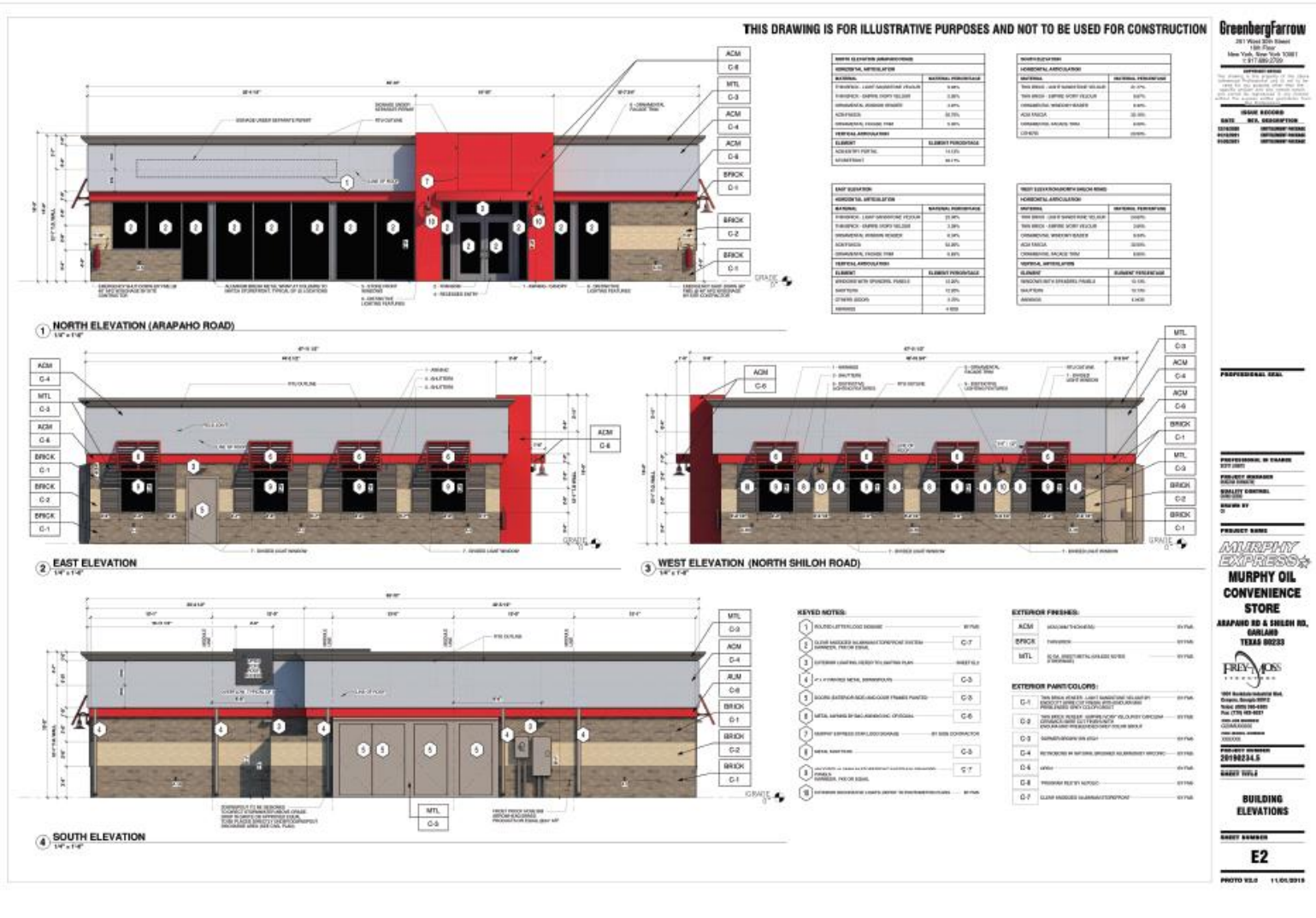
LANDSCAPE PLAN



ELEVATIONS

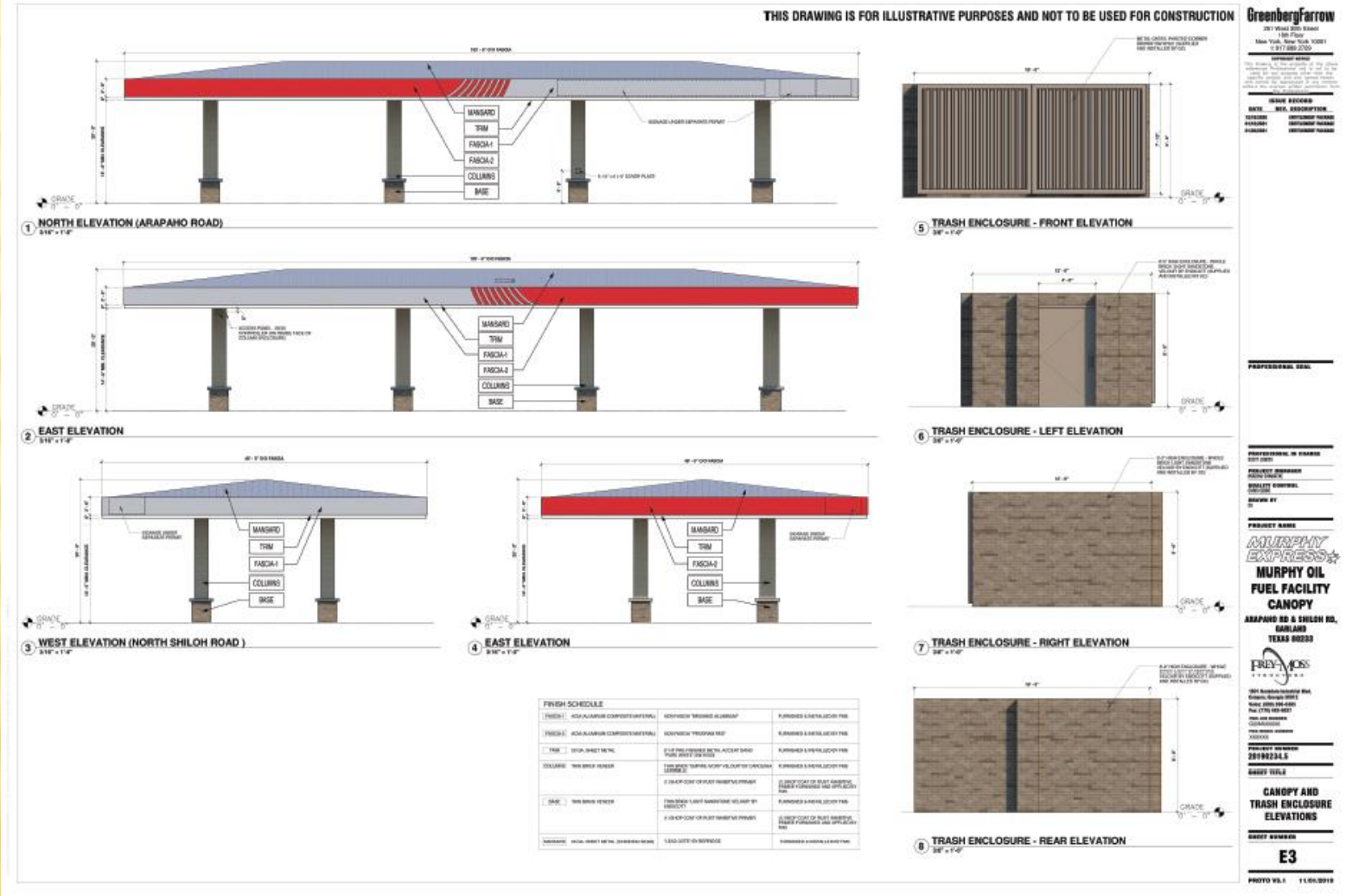
Z 20-35

ELEVATIONS


THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES AND NOT TO BE USED FOR CONSTRUCTION
GreenbergFarrow
1 NORTH ELEVATION (ARAPAHO ROAD)
2 EAST ELEVATION
3 WEST ELEVATION (NORTH SHILOH ROAD)
4 SOUTH ELEVATION
KEYED NOTES:
EXTERIOR FINISHES:
EXTERIOR PAINT/COLORS:
MURPHY EXPRESS
MURPHY OIL CONVENIENCE STORE
ARAPAHO RD & SHILOH RD, GARLAND TEXAS 75233
BUILDING ELEVATIONS
E2

GARLAND
TEXAS MADE HERE

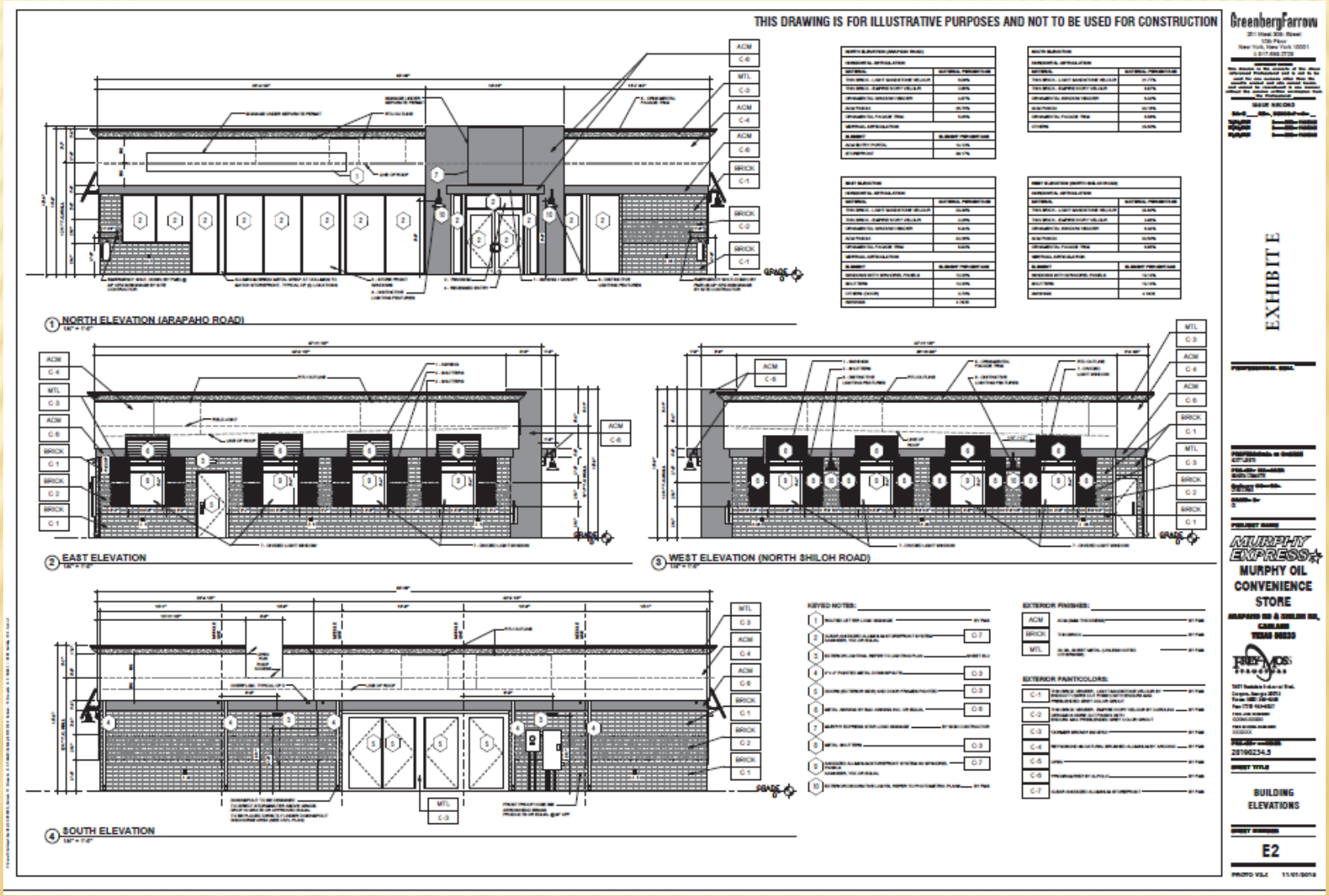
ELEVATIONS



Z 20-35

GARLAND
TEXAS MADE HERE

ELEVATIONS



Z 20-35

GARLAND
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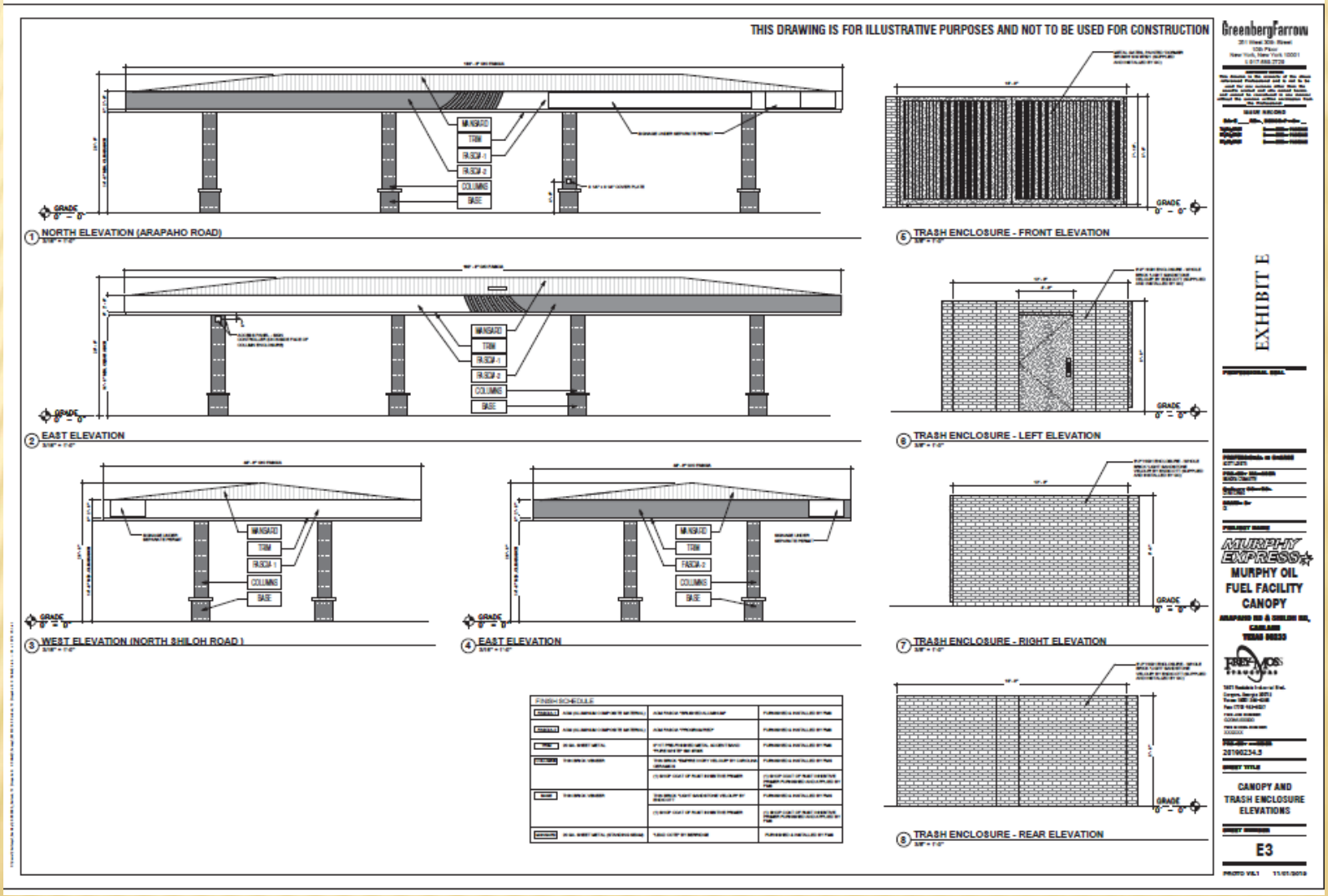
ELEVATIONS



Z 20-35

DEVIATIONS

- Building Articulation
  - North elevation view to street minimizes deviation concerns (vertical articulation)

- Façade Elements required 6 architectural elements
  - West elevation displays 5, an additional could be added

- Building Height maximum 16 feet
  - Canopy proposed at 20 feet, districts that allow gas stations allow 35 feet of building height

CONSIDERATION

The applicant proposes the Specific Use Provision to be in effect for twenty-five (25) years.

STAFF RECOMMENDATION

- Approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses to allow Fuel Pumps/Retail Use.

- Approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

- Approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

PLAN COMMISSION RECOMMENDATION

- On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of an Amendment to Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. The Plan Commission further recommended to allow the canopy height up to twenty-two (22) feet in height.

- The Plan Commission by a vote of nine (9) to zero (0) recommended approval of a Specific Use Provision to allow Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

- The Plan Commission by a vote of nine (9) to zero (0) also recommended approval of a Detail Plan for Fuel Pumps/Retail Use on a property zoned Planned Development (PD) District 18-47.

PD 18-47 PERMITTED USES

Antique Shop (indoors) (P)
Automated Teller Machine-Drive-Up (P)
Automobile Repair, Minor (S)
Bakery, Retail (P)
Call Center (P)
Convenience Store (1,000-5,000sf) (P)
Convenience Facility: Walk-Up Service (P)
Fuel Pumps, Retail (S)
Grocery/Supermarket (>5,000sf) (P)
Health & Fitness Gym (indoor) (P)
Laundry, Drop-Off (without drive-through or window) (P)
Restaurant (P)
Retail Store (P)
Studio, Arts/Crafts (P)

Laundry, Self-Serve (Laundromat) (P)
Learning Center, Specialized (P)
Personal Services (P)
Pharmacy (with drive-through or window) (P)
Pharmacy (without drive-through or window) (P)
Furniture, Household Furnishings and Appliance Sales/Rental (P)
Laundry, Drop-Off (with drive-through or window) (P)
Restaurant, Drive-Through (S)
School, Business (P)

(P) Denotes land use is permitted by right.
(S) Denotes land use is allowed only upon approval of a Specific Use Provision.

GARLAND
PLANNING REPORT

City Council Regular Session Agenda **8. d.**
Meeting Date: 03/02/2021
Item Title: BW 20-02 Murphy Oil USA, Inc. (District 7)
Submitted By: Will Guerin, Planning Director

REQUEST
Variance to reduce the minimum separation requirement between an establishment that sells or serves alcoholic beverages and a school.

LOCATION
4680 North Shiloh Road

OWNER
The Seven Investments Company Trust, a Texas Trust

BACKGROUND
Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code (GDC) states that an establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet of a church, public school or public hospital. However, Section 2.55(C) allows for a variance process through the City Council. The applicant, who is in the process of developing a convenience store with fuel sales [Murphy Oil] located at 4680 North Shiloh Road, requests a variance to allow the sales of beer and wine for off-premise consumption. There is an existing school [International Leadership of Texas Garland High School] west/southwest of the subject property, across North Shiloh Road, approximately 100 feet away. In order for the prospective owner to receive a permit from the Texas Alcoholic Beverage Commission (TABC), the City of Garland must first give approval.

SITE DATA
The subject property for the convenience store contains 1.058 acres of an overall 4.684-acre site and fronts approximately 201 lineal feet along Arapaho Road and approximately 479 feet along North Shiloh Road. The subject property is zoned Planned Development (PD) District 18-47 for Neighborhood Office and limited Community Retail Uses. A Specific Use Provision for the Fuel Pumps, Retail Use accompanying the proposed convenience store is pending City Council approval.

CONSIDERATIONS

1. The subject property is currently vacant; however, a convenience store with fuel sales has been proposed [Zoning Case Z 20-35]. Pending approval of the zoning case, the applicant wishes to sell beer and wine from the convenience store.

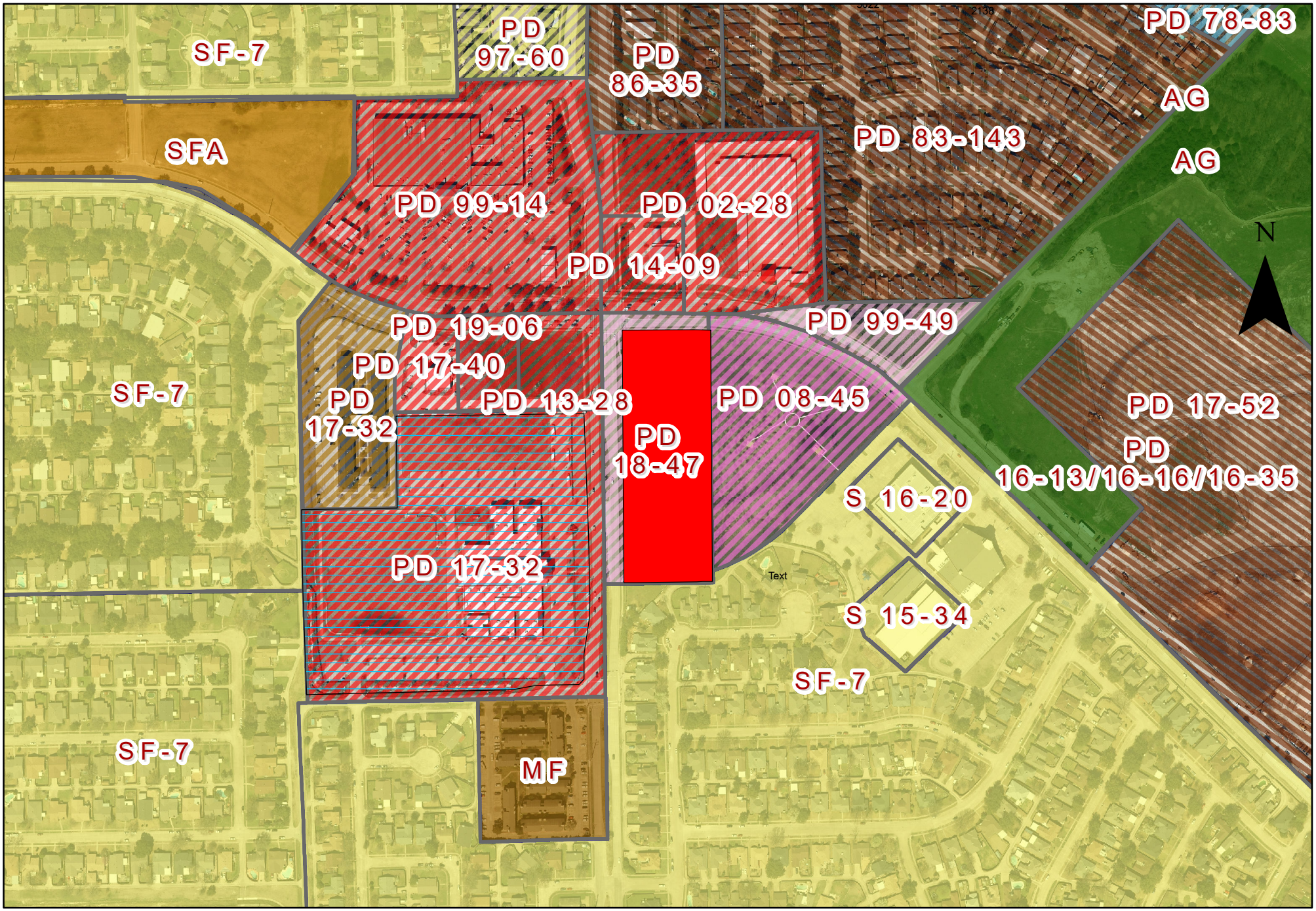
2. As mentioned above, Chapter 2, Article 5, Section 2.55(A) of the Garland Development Code (GDC) states that an establishment that sells or serves alcoholic beverages may not be located nearer than 300 feet to a church, public school or public hospital. There is an existing school [International Leadership of Texas Garland High School] less than 300 feet from the subject property. The school is considered a “public school”. Per the GDC guidelines, the measurement between public schools and alcohol-selling establishments is in a direct line from property line to property line; the subject property and the International Leadership of Texas Garland High School property are approximately 100 feet apart.

   There is a nearby church building to the east [Arapaho Road Baptist Church]; however, it exceeds the front-door to front-door GDC measurement guideline for churches.

3. Chapter 2, Article 5, Section 2.55(C) of the Garland Development Code (GDC) states that “The City Council may grant a variance to the distance regulations provided by this Section if the City Council determines that enforcement of those regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.”

Attachments

BW 20-02 Location Map
BW 20-02 ILT Response
Z 20-35 & BW 20-02 Responses
BW 20-02 Staff Presentation



0 250 500 Feet

1 inch = 376 feet

B & W 20-02

SUBJECT PROPERTY

SCHOOL PROPERTY

INTERNATIONAL LEADERSHIP OF TEXAS

April 29, 2019

The Honorable Scott Lemay
200 N. Fifth Street
Garland, TX 75040

RE: 4680 N. Shiloh Road Development

Dear Scott:

It has been brought to my attention that 4680 N. Shiloh Rd. is preparing to be developed in the not too distant future. To that end, please accept this correspondence as evidence of my intent to support the development in general, and, in particularly the new corporate neighbor, Murphy Oil. This transaction enjoys my advocacy and I am of the opinion, based on what I know, that Murphy Oil will effectively serve our community, our student population and the general commercial market.

Scott, I am acutely aware that our Murphy Oil will be selling beer and wine to the general public and to that end I have been assured that Murphy Oil will respect the fact that our student enrollment is under the age of twenty-one (21). I look forward to visiting with our parental community and assuring them that our new neighbor respects the law and will do everything within its ability to see that this legislation is adhered to.

Scott, I am available for any questions or issues you may have. I very much appreciate your support, and that of the City of Garland, of ILTexas.

Respectfully,

Edward G. Conger
Superintendent
International Leadership of Texas

1820 N. GLENVILLE DR., SUITE 100 • RICHARDSON, TX 75081 • WWW.ILTEXAS.ORG • P 972.479.9078 F 972.479.9129

OCT 28 '20 PM 4:18

Zoning Response Cases

Case Number

Z 20-35 & BW 20-02

The applicant JM Civil Engineering, propose to develop a gas station, convenience store and request a variance regarding the distance to a school from an establishment that sells or serves alcoholic beverages. This property is located at 4680 North Shiloh Road.

<null>

Joyce Bach
<null>

Against

2509 Ridgemeade Dr
Garland
Texas
United States
75040
jedbach@yahoo.com

As a homeowner nearby, I have no use for another convenience store/gas station that I won't use. They should overpriced beer/alcohol that close to a school.

BW 20-02

Approval of a variance to Section 2.55 of the Garland Development Code regarding the distance to a church, public school, or public hospital from an establishment that sells or serves alcoholic beverages.

City Council Meeting
March 2, 2021

GARLAND

TEXAS MADE HERE

GARLAND
TEXAS MADE HERE

Case Information

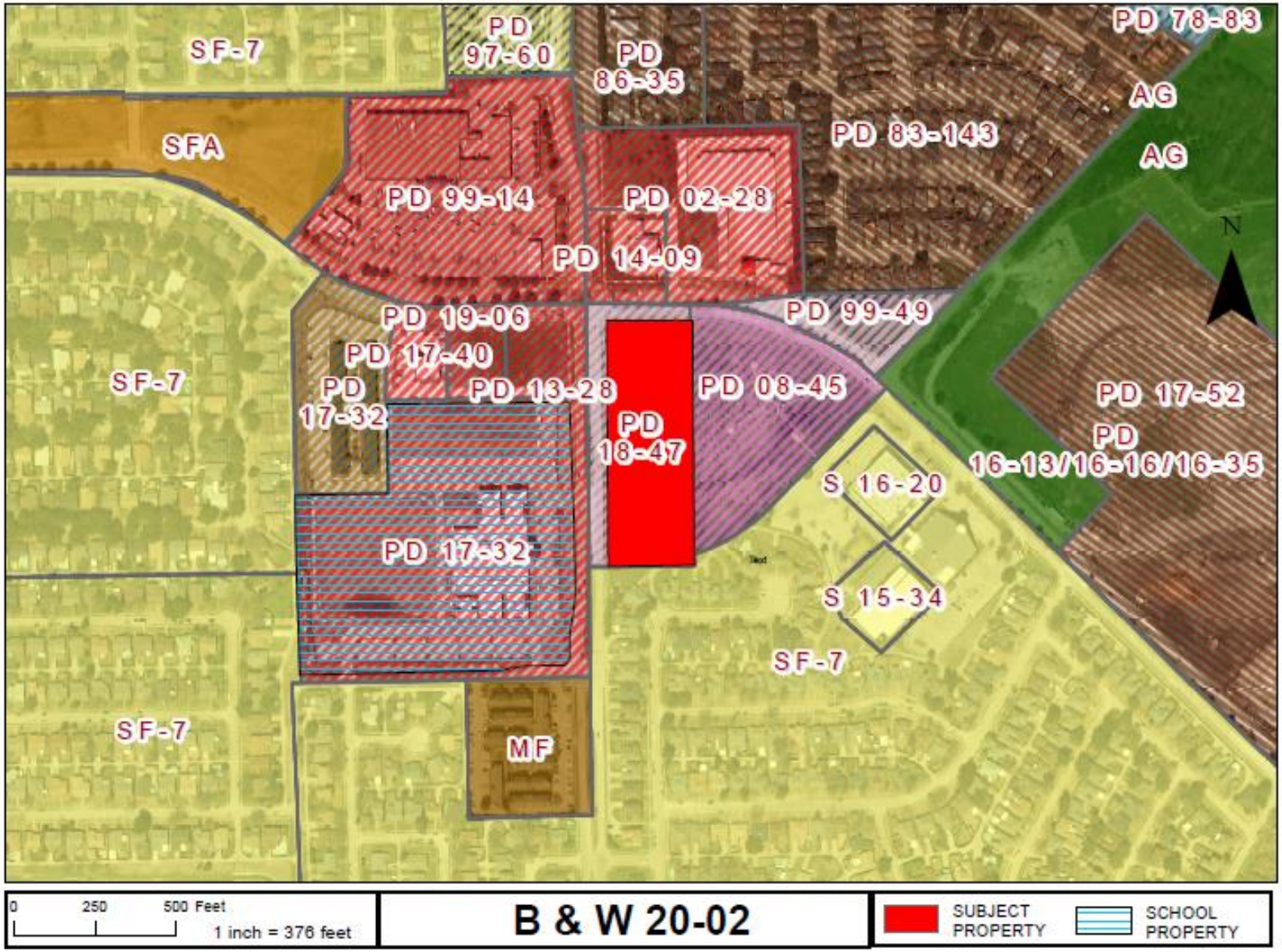
Location: 4680 North Shiloh Road

Applicant: Murphy Oil USA, Inc.

Owner: The Seven Investments Company Trust, a Texas Trust

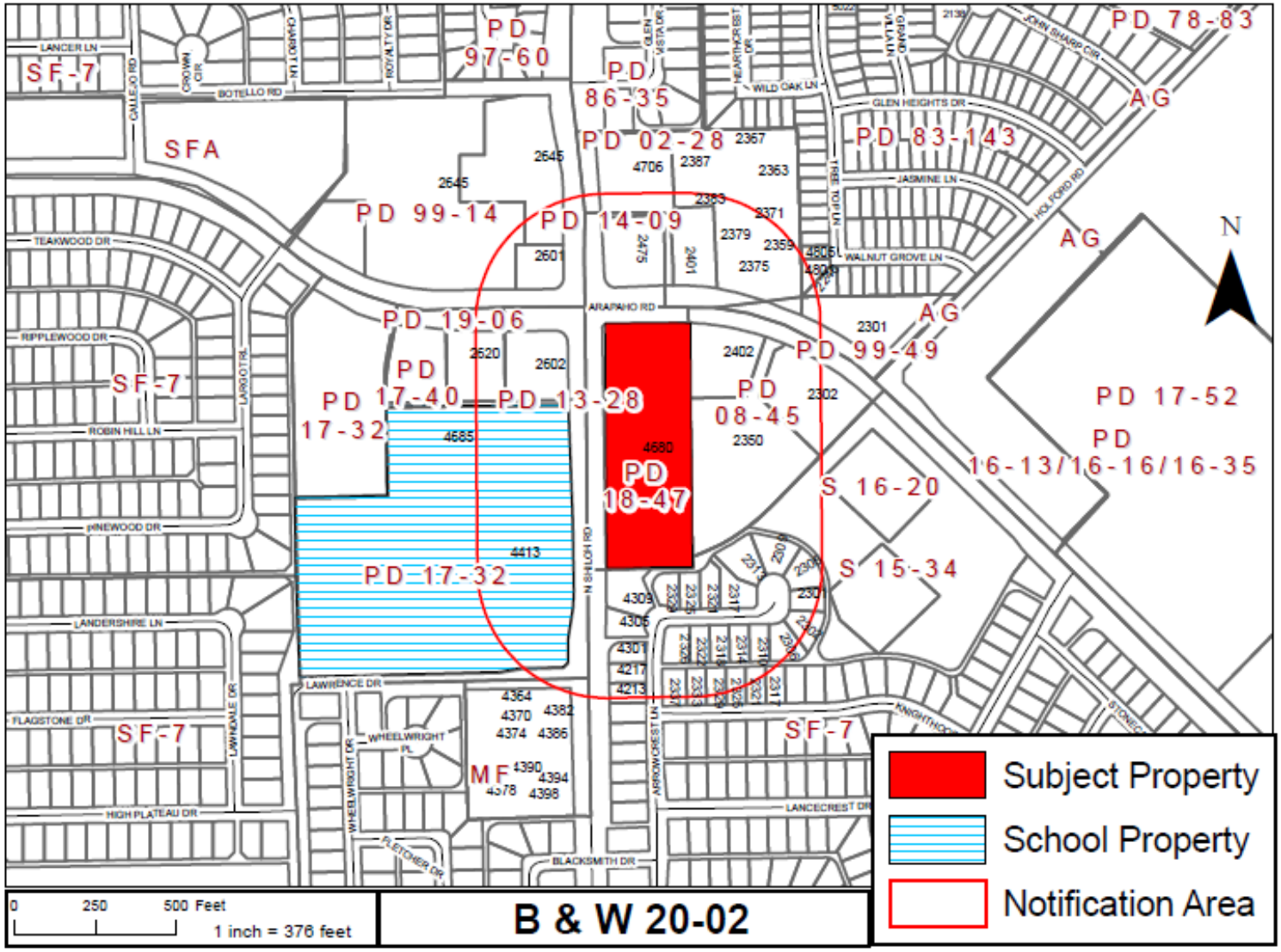
Zoning: Planned Development (PD) 18-47

Location Map



BW 20-02

Location Map



B & W 20-02

4680 North Shiloh Road

GARLAND
PLANNING REPORT

City Council Regular Session Agenda **8. e.**

Meeting Date: 03/02/2021

Item Title: Z 20-43 Baldwin Associates - Specific Use Provision (District 7)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision to allow a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

Approval of a Plan for a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

LOCATION

2266 Arapaho Road

OWNER

Indian Pentecostal Church Hebron, Dallas, Inc.

PLAN COMMISSION RECOMMENDATION

On February 8, 2021 the Plan Commission recommended approval nine (9) to zero (0) for a Specific Use Provision to allow a Charter School on a property zoned Single- Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses. The Plan Commission further recommended a Specific Use Provision for ten (10) years, to which the applicant concurs.

The Plan Commission by a vote of nine (9) to zero (0) also recommended approval of a Plan for a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

STAFF RECOMMENDATION

Approval of a Specific Use Provision to allow a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

Approval of a Plan for a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

BACKGROUND

This site is improved with a building used for a charter school and a church fellowship hall. Further, the site is part of a larger development which shares access to and from Arapaho Road; and which has historically shared parking as a unified property. In 2020, the property was platted into two lots. The lot located east and south of the subject site is improved with a church and a day care use, parking as well as other related improvements.

In 2016, City Council approved a Specific Use Provision (16-20) for a Charter School for a period of five (5) years.

in 2015, City Council approved Specific Use Provision 15-34 for the Day Care, Youth – Licensed Child Care center (Lionheart Children's Academy) which currently operates on the eastern portion of the site.

The applicant requests approval for continued use of the charter school. Additionally, the building will continue to be used for the church fellowship hall. Charter school use requires approval of a Specific Use Provision (SUP) through the public hearing process in all zoning districts.

SITE DATA

The subject lot contains 2.33 acres with approximately 348 feet of frontage along Arapaho Road. There are two access points to Arapaho Road from the site.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is restricted to the uses permitted by the Single-Family-7 (SF-7) District. This district is intended for primarily low density detached single-family residences on a variety of lot sizes, and institutional uses such as churches, public schools, and parks.

The site is currently used for a church fellowship hall and a charter school.

CONSIDERATIONS

1. The applicant proposes to continue operating a charter school as Texans Can Academy in the existing 28,900 square foot fellowship hall. The charter school site has been platted as a single lot since 2020 and the applicant is not proposing any expansions or exterior remodeling. This location will continue to house grades nine (9) through twelve (12).

2. While the hours of operation are from 7:00 a.m. and 7:00 p.m., the staff arrives at 6:30 a.m. and leaves after all students have been picked up. Classes are split between a morning session (7:45 a.m. to 12:00 p.m.) and an afternoon session (12:30 p.m. to 4:45 p.m.). A maximum of 175 students will be enrolled per session. The building will accommodate a total of nine (9) classrooms and three (3) office rooms.

3. For this proposal, fifty-nine (59) parking spaces are required per the GDC. One hundred-twelve (112) parking spaces are provided on site. Additional shared parking on the adjacent property to the south of the site is available as well.

4. The number of students on campus is not proposed to increase; therefore, additional traffic impact is not anticipated. A Traffic Management Plan was submitted by the

applicant, which displays the ability for the traffic to be circulated efficiently during drop-off and pick-up times. The Traffic Management Plan reflects a travel path for entry, designated pick up, and drop off areas.

The site is located on Arapaho Road, a major thoroughfare. Although not adjacent to the site, a DART bus stop is located approximately 1,500 feet from the campus, on Arapaho Road west of Shiloh Road. Another DART bus stop is located on Shiloh Road south of Arapaho Road approximately 1,500 feet from the campus. The application indicates that typically 70 percent of students use transit.

5. The proposal is to use an existing building. There are no plans to expand the building, parking lot, or landscaping. The exterior of the building will remain unchanged. The proposal does not trigger any additional GDC landscaping or building requirements.

6. The school would support the overall community by continuing to provide educational opportunities, resulting in increased educational attainment, skills, and a better-equipped workforce for the employment sector of the local economy.

7. The applicant is not proposing a new sign with this request. There is an existing wall sign for the charter school, a wall sign for the church, and monument signs for the day care and church.

8. The applicant requests the new Specific Use Provision to be in effect for a period of ten (10) years.

COMPREHENSIVE PLAN

The Future Land Use Map of the Envision Garland Plan recommends Compact Neighborhoods for the subject property. Compact Neighborhoods are characterized by a conventional neighborhood setting with medium-density housing options. The typical neighborhood may include patio homes, duplexes, townhomes, and other small-lot housing types. Developments within this category are predominantly residential, but may include compatible non-residential uses.

The proposed use is compatible with Compact Neighborhoods, as schools are often found in residential and non-residential areas.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The surrounding area consists of a mixture of non-residential and residential zoned properties. The property to the west is zoned Planned Development (PD) District 08-45 for Community Office and is unimproved. South of the site are single-family dwellings zoned Single-Family-7 (SF-7) District. North, across Arapaho Road, is an undeveloped property zoned Agricultural (AG) District. East of the site is property zoned Single-Family-7 (SF-7) District and used for a church and day care center.

The proposal to continue the school at this location is appropriate with the surrounding zoning and land uses.

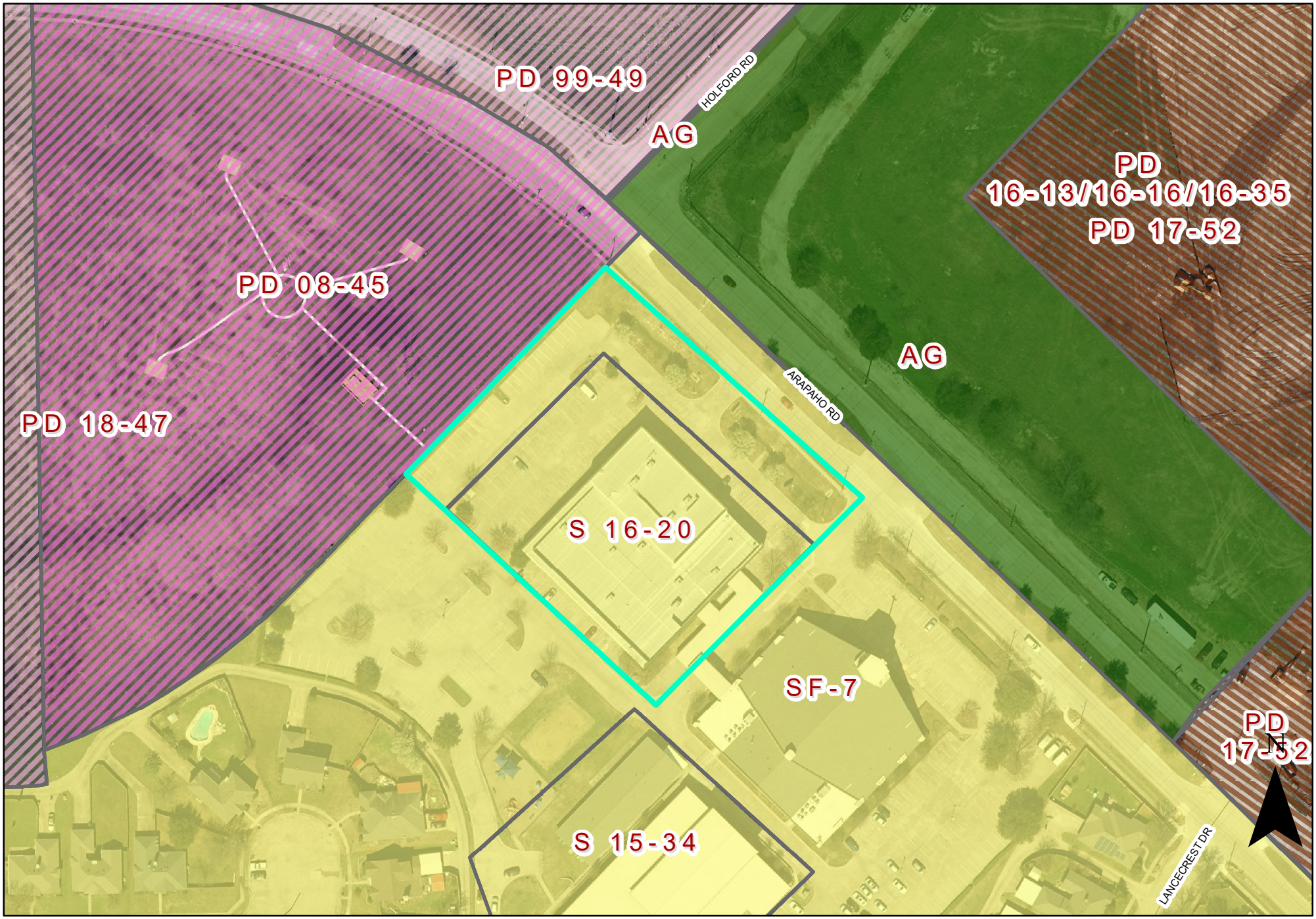
Attachments

Z 20-43 Baldwin Associates Attachments

Z 20-43 Baldwin Associates Responses

Z 20-43 Responses

Z 20-43 Staff Presentation



0 75 150 Feet
1 inch = 125 feet

Zoning Map Z 20-43

INDICATES AREA OF REQUEST

EXHIBIT B

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-43

2266 Arapaho Road

I. **Statement of Purpose:** The purpose of this Specific Use Provision is to allow a Charter School on the subject property.

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

III. **General Regulations:** All regulations of the Single-Family-7 (SF-7) 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. **Specific Conditions:**

A. Time Period: The Specific Use Provision shall be in effect for a period of ten (10) years and for a maximum enrollment of 175 students (grades 9 through 12) per session for the two (2) sessions specified in B. below. Exceeding the ten (10) years or the 175 students per session shall require a new Specific Use Provision.

B. Days and Hours of Operation: Classes are split between a morning session (7:45 a.m. to 12:00 p.m.) and an afternoon session (12:30 p.m. to 4:45 p.m.) Monday through Friday.

C. Traffic Management Plan: School operation shall conform to the approved Traffic Management Plan, and any deviation shall require prior approval from the City of Garland Transportation Department.

D. Site Layout: The site shall conform to the site layout reflected on Exhibit C.

REPORT & MINUTES

P.C. Meeting, February 8, 2021

Consideration of the application of **Baldwin Associates**, requesting approval of a Specific Use Provision to allow a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses. This property is located at 2266 Arapaho Road. (District 7) (File Z 20-43 - Specific Use Provision)

Kimberly Hopkins, Development Planner, presented the staff report.

Commissioner Rose inquired whether a longer length of Specific Use Provision (SUP) was discussed.

Ms. Hopkins stated a longer length was not discussed.

Chairman Roberts stated to the Commission that the applicant is merely renewing their Specific Use Provision (SUP).

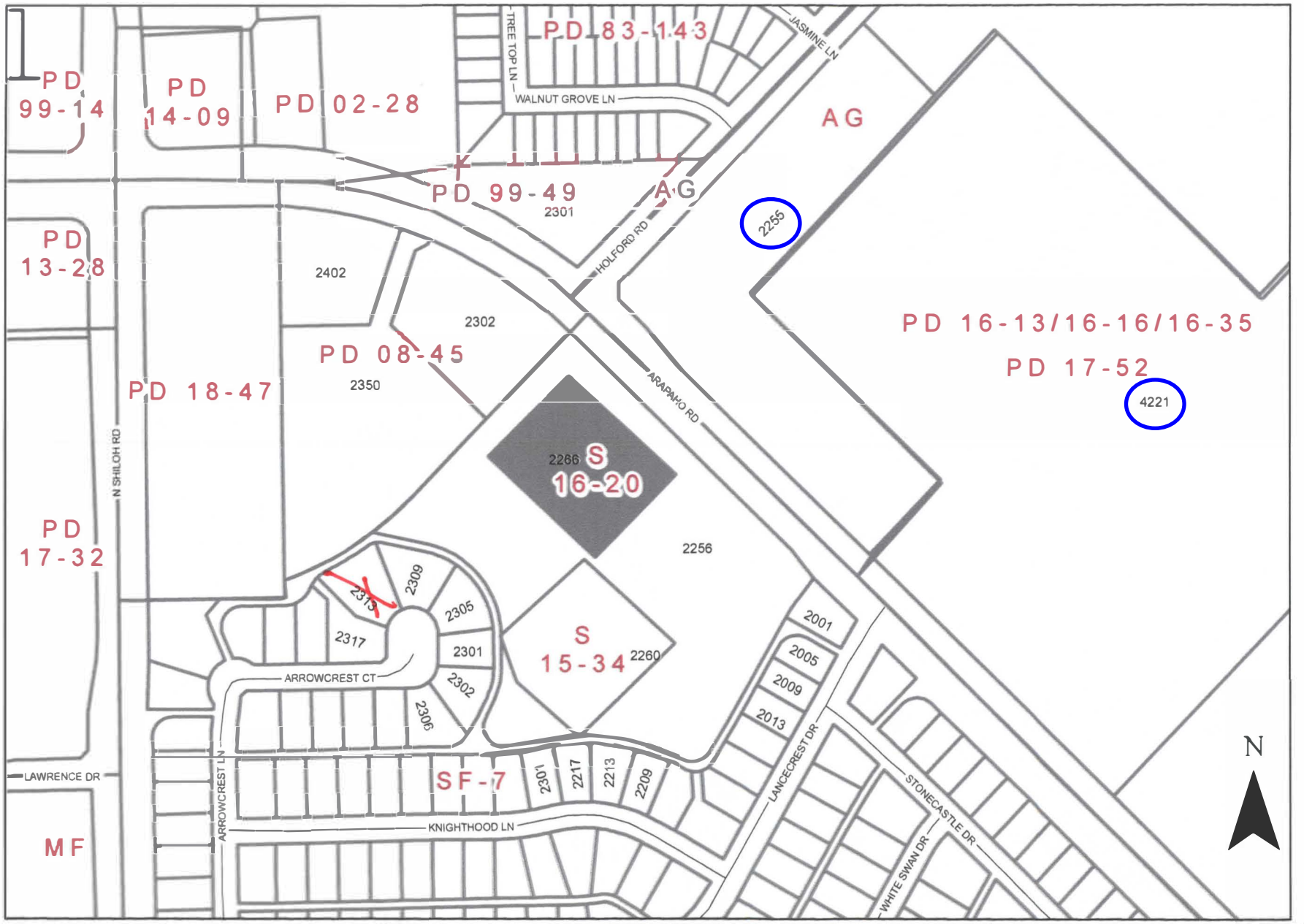
Representing the applicant, Robert Baldwin, 3904 Elm Street, Dallas, TX 75226, provided a brief overview of the request and remained available for questions.

Commissioner Rose asked Mr. Baldwin if a ten (10) year Specific Use Provision (SUP) would be acceptable instead of the five (5) year Specific Use Provision (SUP) being requested.

Mr. Baldwin stated a ten (10) year Specific Use Provision (SUP) would be acceptable.

The applicant Scott Barrows, 325 W. 12th Street, Dallas, TX 75208, provided information regarding additional operations for policing of trash in the immediate and surrounding area.

Motion was made by Commissioner Rose to close the public hearing and **approve** the Specific Use Provision (SUP) for ten (10) years. Seconded by Commissioner Jenkins. **Motion carried: 9** Ayes, **0** Nays



0 175 350 Feet
1 inch = 243 feet

Zoning Map Z 20-43

INDICATES AREA OF REQUEST

O = IN FAVOR
X = AGAINST

From: Guerin, Will
To: Allmendinger, Tracy
Subject: FW: Z 20-43 Baldwin Associates
Date: Friday, February 12, 2021 1:31:36 PM

Here's another response for the Z 20-43 Charter School case, if you could add it to the responses before entering into AQ.

From: Michael Holigan <michael@holigan.com>
Sent: Friday, February 12, 2021 1:29 PM
To: Guerin, Will <WGuerin@garlandtx.gov>
Subject: [EXTERNAL] Z 20-43 Baldwin Associates

Will,

We are in support of the applicant to continue operating a charter school on the property.

Thank you,

Michael Holigan

2255
4221

From:	Jing Gloria
To:	Planning Group
Subject:	[EXTERNAL] File Z 20-43 - Baldwin Associates
Date:	Monday, February 8, 2021 12:39:43 AM
Attachments:	Untitled Document 35.pdf

Attached is the completed section for File Z 20-43 for request by Baldwin Associates to continue operating a Charter School.

JULIAN GLORIA

(Please Check One Below)

_____ I am in favor of the request.

✓ I am opposed to the request.

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

THE STUDENTS OF THE CHARTER SCHOOL USE OUR BACK ALLEY TO WALK BETWEEN THE DART BUS STOP AT SHILOH RD AND THEIR SCHOOL BUILDING. THIS I DO NOT MIND. HOWEVER, I DO DISLIKE THAT THE STUDENTS JUST THROW THEIR TRASH (E.G. SNACK WRAPPERS, SODA CANS, JUICE BOXES, AND SIMILAR ITEMS) IN THE ALLEY. WE HAVE TO PICK UP THEIR TRASH TO KEEP OUR PROPERTY CLEAN.
ANOTHER THING ALSO THAT BOTHERS US IS THAT THE STUDENTS WOULD HANG AROUND THE ALLEY CHATTING, EATING, PLAYING AROUND, ETC INSTEAD OF JUST WALKING DIRECTLY TO THE SCHOOL BLDG OR TO THE DART BUS STOP.

(Please complete the following information)

2313 ARROWCREST COURT
Your Property Address

JULIAN GLORIA
Printed Name

2313 ARROWCREST CT — GARLAND TX — 75044
Address — City, State — Zip

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

Signature — Title

Date: 07 FEB 2021

Scanned with VueScan Mobile - Download for free at www.hamrick.com/mobile

Zoning Response Cases

Case Number

Z 20-43

The applicant Baldwin Associates, requests to continue operating a Charter School on the subject property. A Specific Use Provision was previously approved for a period of five (5) years. This property is located at 2266 Arapaho Road.

<null>

Joyce Bach
<null>

For
2509 Ridgemeade
Garland
Texas
United States
<null>

Z 20-43

The applicant requests to continue operating a Charter School on the subject property.

[Approval of a Specific Use Provision to allow a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

Approval of a Plan for a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.]

GARLAND

TEXAS MADE HERE

City Council Meeting
March 2, 2021

CASE INFORMATION

Location: 2266 Arapaho Road

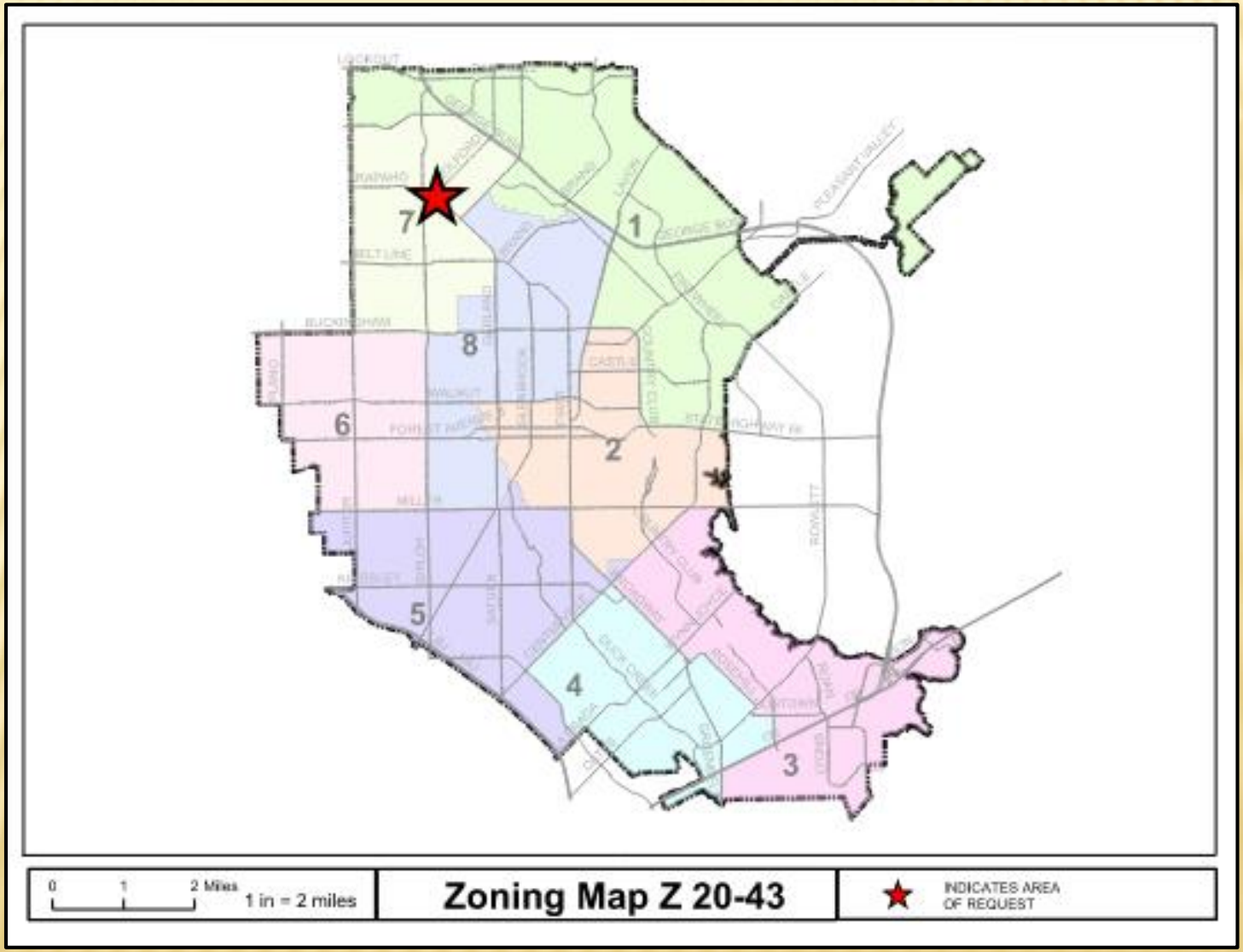
Applicant: Baldwin Associates

Owner: Indian Pentecostal Church Hebron, Dallas, Inc.

Acreage: 2.33 acres

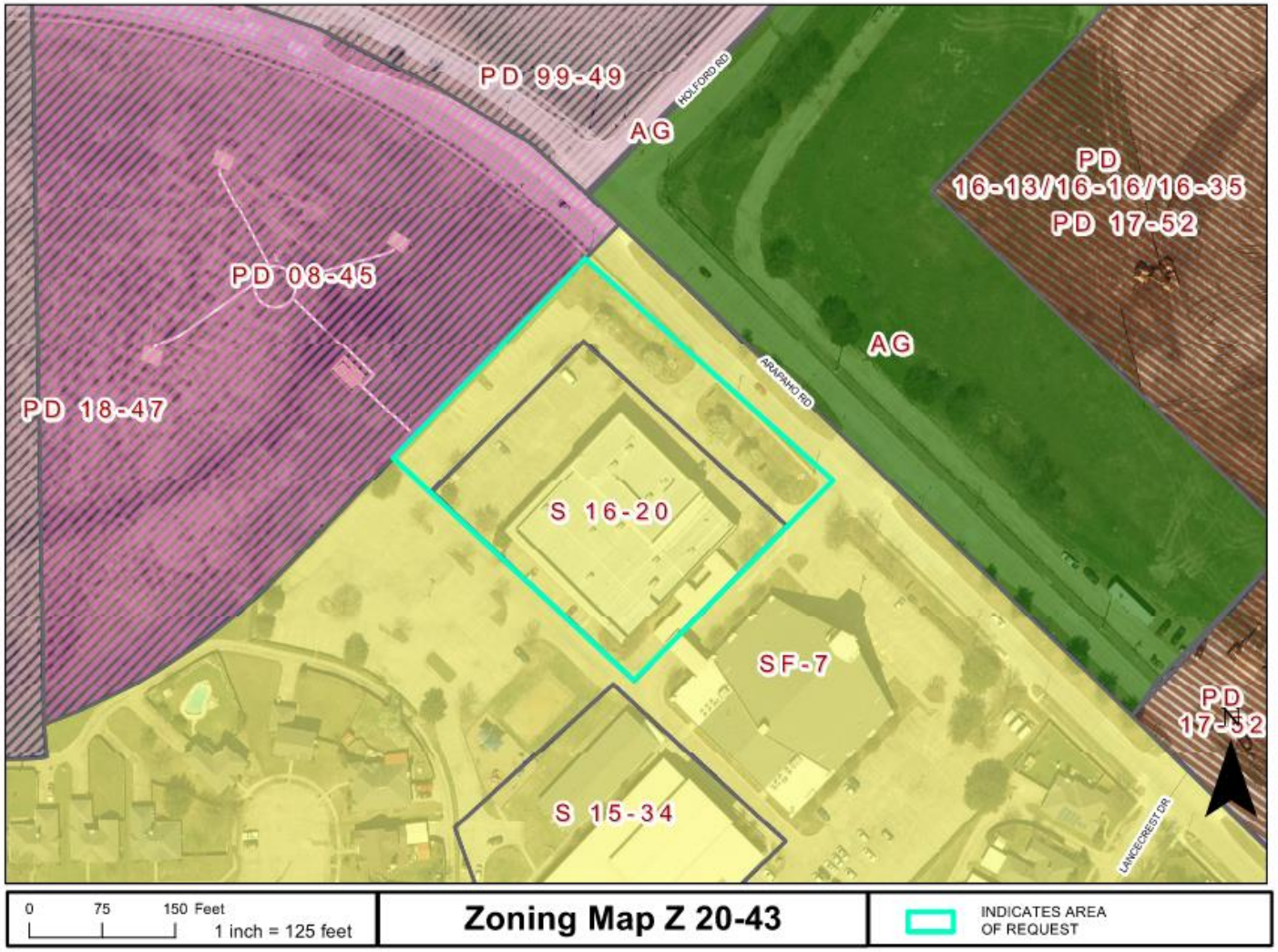
Zoning: Single Family-7 (SF-7)

CITYWIDE LOCATION MAP



Z 20-43

LOCATION MAP



Z 20-43

COMPREHENSIVE PLAN

Compact Neighborhoods

Z 20-43

COMPREHENSIVE PLAN

Envision Garland 2030 Comprehensive Plan. The Future Land Use Map of the Envision Garland Plan recommends Compact Neighborhoods for the subject property. Compact Neighborhoods are characterized by a conventional neighborhood setting with medium-density housing options. The typical neighborhood may include patio homes, duplexes, townhomes, and other small-lot housing types. Developments within this category are predominantly residential, but may include compatible non-residential uses.

The proposed use is compatible with Compact Neighborhoods, as schools are often found in residential and non-residential areas .

GARLAND
TEXAS MADE HERE

PHOTOS

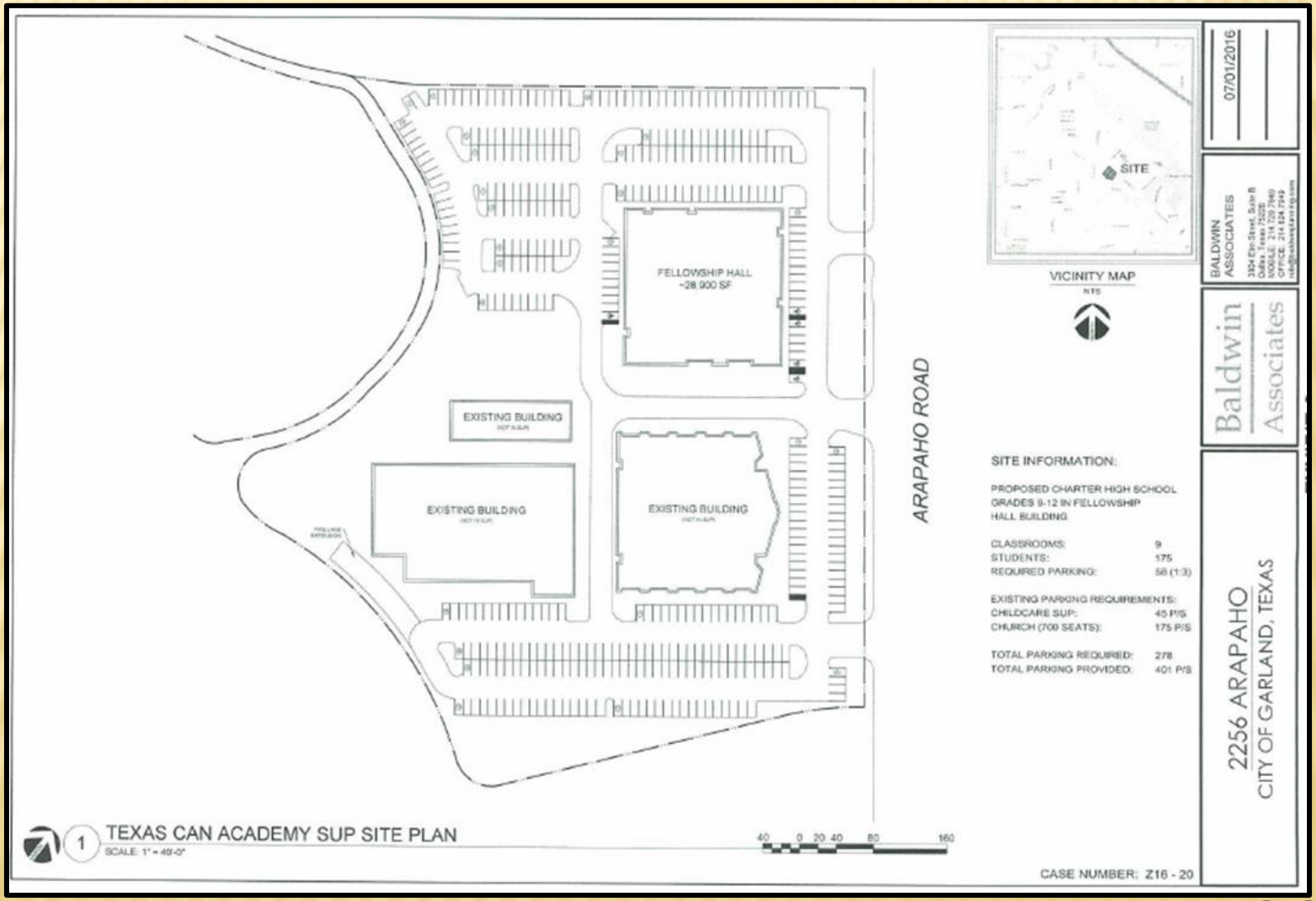
Z 20-43

GARLAND
TEXAS MADE HERE

PHOTOS

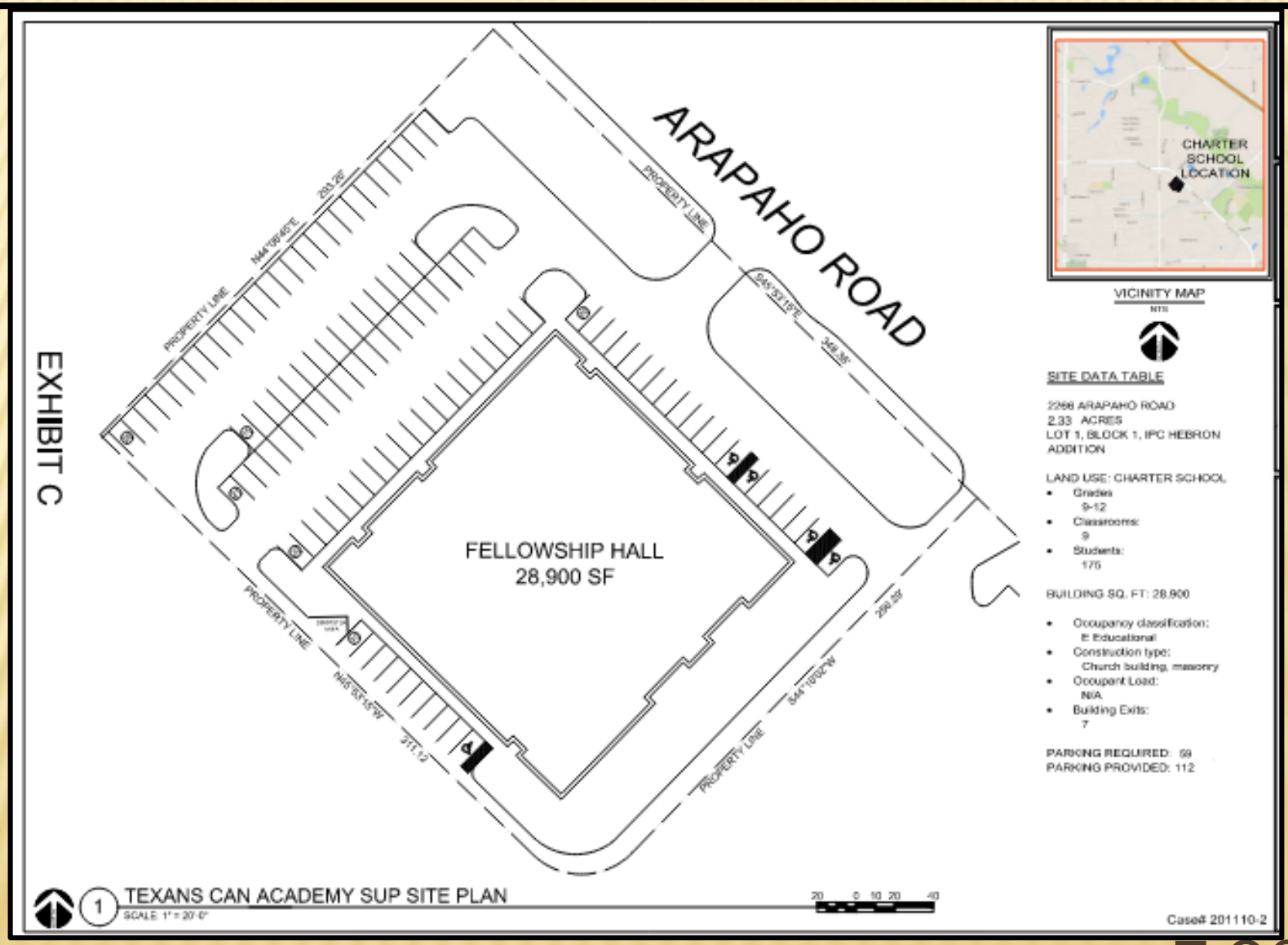
Z 20-43

2016 SITE PLAN



Z 20-43

SITE PLAN



Z 20-43

Circulation Plan

LEGEND

- Student Pick-up/Drop-off Path
- Student Pick-up Queue (On-Site)
- 1 Pick-up Queue/Travel Path
- 2 Drop-off/Pick-up Area
- Staff Assistant
- B DART Bus Stop
- 1 Staff Parking
- 2 Student Parking
- Traffic Cones

Campus Information

Projected Enrollment: 175 Students
Academic: Grades 9 -12
AM Class Hours: 7:45 AM – 12:00 PM
PM Class Hours: 12:30 PM – 4:45 PM

Queuing (Passenger Vehicles)

Projected Demand: 100 ft (4 veh.)
Available Capacity:
On-site – 600 ft (24 veh.)
NET Surplus: 500 ft (20 veh.)

NOTE:

This Traffic Management Plan was developed to prevent the queuing of drop off/pick up related vehicles within the City right-of-way. The school administration should adhere to the TMP and any deficiency due to spill over of queuing into undesignated areas of the City right-of-way, including roadway travel lanes, should be corrected by the school immediately.

04-15-20

LJA Engineering, Inc.

Traffic Management Plan

Not to Scale
Ref. Dallas MAPSCO #19A

EXHIBIT 1

Z 20-43

CONSIDERATION

The applicant requests the Specific Use Provision (SUP) to be in effect for a period of ten (10) years.

The applicant's request is an SUP only. No GDC deviations are being requested by the applicant.

STAFF RECOMMENDATION

STAFF RECOMMENDATION

Approval of a Specific Use Provision and Plan to allow a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

PLAN COMMISION RECOMMENDATION

On February 8, 2021 the Plan Commission recommended approval nine (9) to zero (0) for a Specific Use Provision to allow a Charter School on a property zoned Single- Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses. The Plan Commission further recommended a Specific Use Provision for ten (10) years; the applicant concurs.

The Plan Commission by a vote of nine (9) to zero (0) also recommended approval of a Plan for a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

Z 20-47

GARLAND
PLANNING REPORT

City Council Regular Session Agenda **8. f.**

Meeting Date: 03/02/2021

Item Title: Z 20-43 Baldwin Associates - Plan (District 7)

Submitted By: Kimberly Hopkins, Development Planner

REQUEST

Approval of a Specific Use Provision to allow a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

Approval of a Plan for a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

LOCATION

2266 Arapaho Road

OWNER

Indian Pentecostal Church Hebron, Dallas, Inc.

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Approval of a Specific Use Provision to allow a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

Approval of a Plan for a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

BACKGROUND

This site is improved with a building used for a charter school and a church fellowship hall. Further, the site is part of a larger development which shares access to and from Arapaho Road; and which has historically shared parking as a unified property. In 2020, the property was platted into two lots. The lot located east and south of the subject site is improved with a church and a day care use, parking as well as other related improvements.

In 2016, City Council approved a Specific Use Provision (16-20) for a Charter School for a period of five (5) years.

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SITE DATA

The subject lot contains 2.33 acres with approximately 348 feet of frontage along Arapaho Road. There are two access points to Arapaho Road from the site.

USE OF PROPERTY UNDER CURRENT ZONING

The subject property is restricted to the uses permitted by the Single-Family-7 (SF-7) District. This district is intended for primarily low density detached single-family residences on a variety of lot sizes, and institutional uses such as churches, public schools, and parks.

The site is currently used for a church fellowship hall and a charter school.

CONSIDERATIONS

1. The applicant proposes to continue operating a charter school as Texans Can Academy in the existing 28,900 square foot fellowship hall. The charter school site has been platted as a single lot since 2020 and the applicant is not proposing any expansions or exterior remodeling. This location will continue to house grades nine (9) through twelve (12).

2. While the hours of operation are from 7:00 a.m. and 7:00 p.m., the staff arrives at 6:30 a.m. and leaves after all students have been picked up. Classes are split between a morning session (7:45 a.m. to 12:00 p.m.) and an afternoon session (12:30 p.m. to 4:45 p.m.). A maximum of 175 students will be enrolled per session. The building will accommodate a total of nine (9) classrooms and three (3) office rooms.

3. For this proposal, fifty-nine (59) parking spaces are required per the GDC. One hundred-twelve (112) parking spaces are provided on site. Additional shared parking on the adjacent property to the south of the site is available as well.

4. The number of students on campus is not proposed to increase; therefore, additional traffic impact is not anticipated. A Traffic Management Plan was submitted by the

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6. The school would support the overall community by continuing to provide educational opportunities, resulting in increased educational attainment, skills, and a better-equipped workforce for the employment sector of the local economy.

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COMPREHENSIVE PLAN

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The proposed use is compatible with Compact Neighborhoods, as schools are often found in residential and non-residential areas.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

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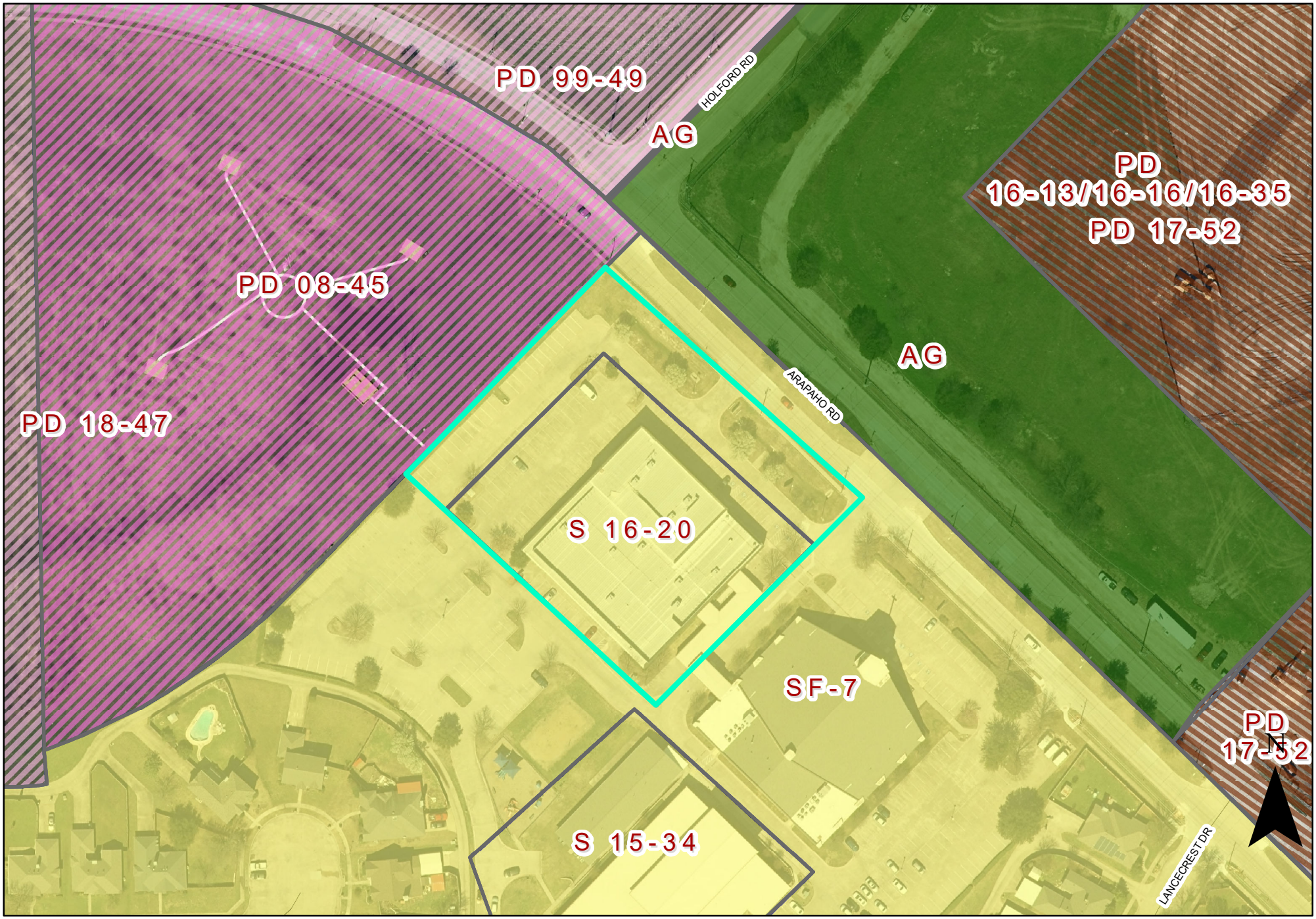
The proposal to continue the school at this location is appropriate with the surrounding zoning and land uses.

Attachments

Z 20-43 Baldwin Associates Attachments
Z 20-43 Traffic Circulation Plan
Z 20-43 Baldwin Associates Responses
Z 20-43 Responses
Z 20-43 Staff Presentation

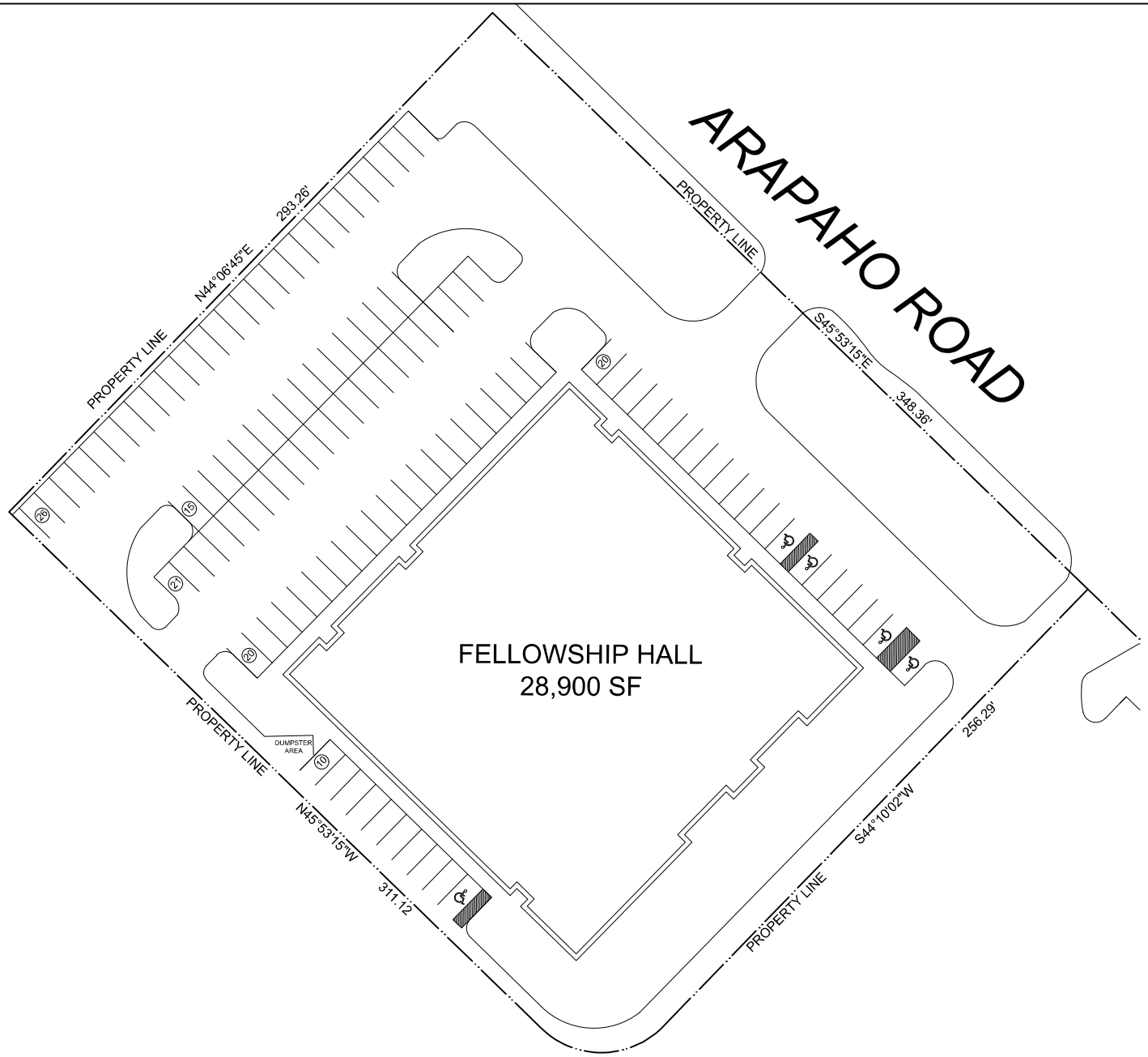


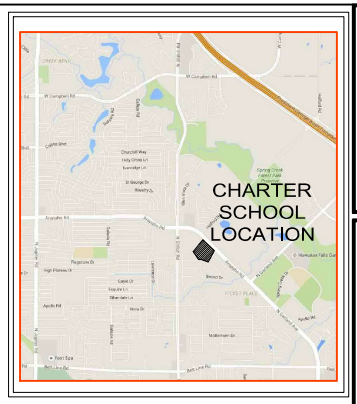
0 75 150 Feet
1 inch = 125 feet

Zoning Map Z 20-43

INDICATES AREA OF REQUEST

EXHIBIT C





VICINITY MAP

NTS

NORTH

SITE DATA TABLE

2266 ARAPAHO ROAD
2.33 ACRES
LOT 1, BLOCK 1, IPC HEBRON ADDITION

LAND USE: CHARTER SCHOOL

- Grades
  9-12
- Classrooms:
  9
- Students:
  175

BUILDING SQ. FT: 28,900

- Occupancy classification:
  E Educational
- Construction type:
  Church building, masonry
- Occupant Load:
  N/A
- Building Exits:
  7

PARKING REQUIRED: 59
PARKING PROVIDED: 112

01/06/2020

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

Baldwin Associates

2266 ARAPAHO
CITY OF GARLAND, TEXAS

NORTH

1 TEXANS CAN ACADEMY SUP SITE PLAN
SCALE: 1" = 20'-0"

20 0 10 20 40

Case# 201110-2

REPORT & MINUTES

P.C. Meeting, February 8, 2021

Consideration of the application of **Baldwin Associates**, requesting approval of a Plan for a Charter School. This property is located at 2266 Arapaho Road. (District 7) (File Z 20-43 - Plan)

Motion was made by Commissioner Rose to close the public hearing and **approve** the Plan. Seconded by Commissioner Jenkins. **Motion carried: 9** Ayes, **0** Nays

LEGEND

- Student Pick-up/Drop-off Path
- Student Pick-up Queue (On-Site)
- 1 Pick-up Queue/Travel Path
- 2 Drop-off/Pick-up Area
- Staff Assistant
- B DART Bus Stop
- 1 Staff Parking
- 2 Student Parking
- Traffic Cones

Campus Information

Projected Enrollment: 175 Students
Academic: Grades 9 -12
AM Class Hours: 7:45 AM – 12:00 PM
PM Class Hours: 12:30 PM – 4:45 PM

Queuing (Passenger Vehicles)

Projected Demand: 100 ft (4 veh.)
Available Capacity:
On-site – 600 ft (24 veh.)
NET Surplus: 500 ft (20 veh.)

NOTE:

This Traffic Management Plan was developed to prevent the queuing of drop-off/pick-up related vehicles within the City right-of-way. The school administration should adhere to the TMP and any deficiency due to spill over of queuing into undesignated areas of the City right-of-way, including roadway travel lanes, should be corrected by the school immediately.

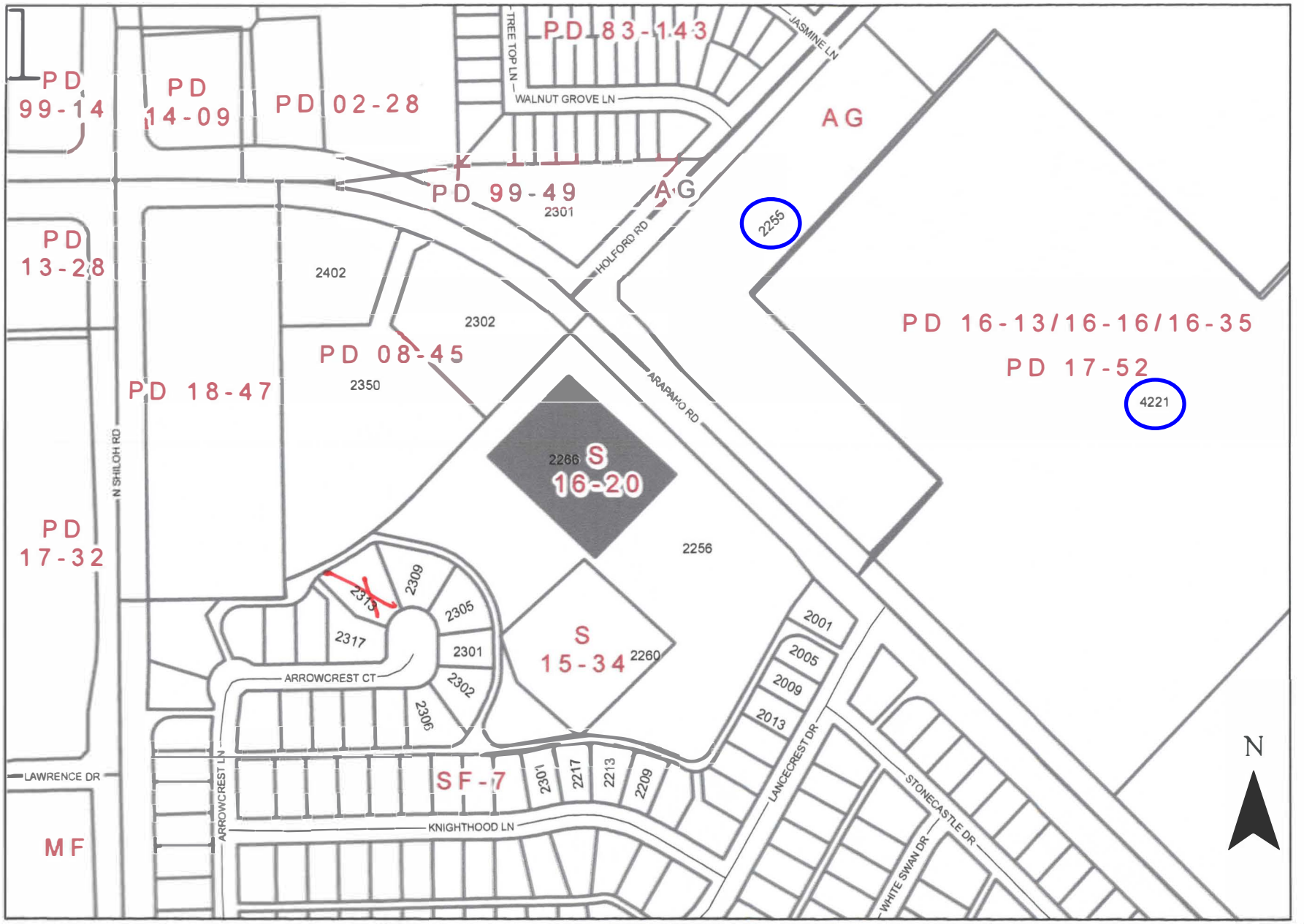
04-15-20

LJA Engineering, Inc.

Traffic Management Plan

Not to Scale
Ref. Dallas MAPSCO #19A

EXHIBIT 1



0 175 350 Feet
1 inch = 243 feet

Zoning Map Z 20-43

INDICATES AREA OF REQUEST

O = IN FAVOR
X = AGAINST

From: Guerin, Will
To: Allmendinger, Tracy
Subject: FW: Z 20-43 Baldwin Associates
Date: Friday, February 12, 2021 1:31:36 PM

Here's another response for the Z 20-43 Charter School case, if you could add it to the responses before entering into AQ.

From: Michael Holigan <michael@holigan.com>
Sent: Friday, February 12, 2021 1:29 PM
To: Guerin, Will <WGuerin@garlandtx.gov>
Subject: [EXTERNAL] Z 20-43 Baldwin Associates

Will,

We are in support of the applicant to continue operating a charter school on the property.

Thank you,

Michael Holigan

2255
4221

From:	Jing Gloria
To:	Planning Group
Subject:	[EXTERNAL] File Z 20-43 - Baldwin Associates
Date:	Monday, February 8, 2021 12:39:43 AM
Attachments:	Untitled Document 35.pdf

Attached is the completed section for File Z 20-43 for request by Baldwin Associates to continue operating a Charter School.

JULIAN GLORIA

(Please Check One Below)

_____ I am in favor of the request.

✓ I am opposed to the request.

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

THE STUDENTS OF THE CHARTER SCHOOL USE OUR BACK ALLEY TO WALK BETWEEN THE DART BUS STOP AT SHILOH RD AND THEIR SCHOOL BUILDING. THIS I DO NOT MIND. HOWEVER, I DO DISLIKE THAT THE STUDENTS JUST THROW THEIR TRASH (E.G. SNACK WRAPPERS, SODA CANS, JUICE BOXES, AND SIMILAR ITEMS) IN THE ALLEY. WE HAVE TO PICK UP THEIR TRASH TO KEEP OUR PROPERTY CLEAN.
ANOTHER THING ALSO THAT BOTHERS US IS THAT THE STUDENTS WOULD HANG AROUND THE ALLEY CHATTING, EATING, PLAYING AROUND, ETC INSTEAD OF JUST WALKING DIRECTLY TO THE SCHOOL BLDG OR TO THE DART BUS STOP.

(Please complete the following information)

2313 ARROWCREST COURT
Your Property Address

JULIAN GLORIA
Printed Name

2313 ARROWCREST CT — GARLAND TX — 75044
Address — City, State — Zip

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

Signature — Title

Date: 07 FEB 2021

Scanned with VueScan Mobile - Download for free at www.hamrick.com/mobile

Zoning Response Cases

Case Number

Z 20-43

The applicant Baldwin Associates, requests to continue operating a Charter School on the subject property. A Specific Use Provision was previously approved for a period of five (5) years. This property is located at 2266 Arapaho Road.

<null>

Joyce Bach
<null>

For
2509 Ridgemeade
Garland
Texas
United States
<null>

Z 20-43

The applicant requests to continue operating a Charter School on the subject property.

[Approval of a Specific Use Provision to allow a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

Approval of a Plan for a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.]

GARLAND

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City Council Meeting
March 2, 2021

CASE INFORMATION

Location: 2266 Arapaho Road

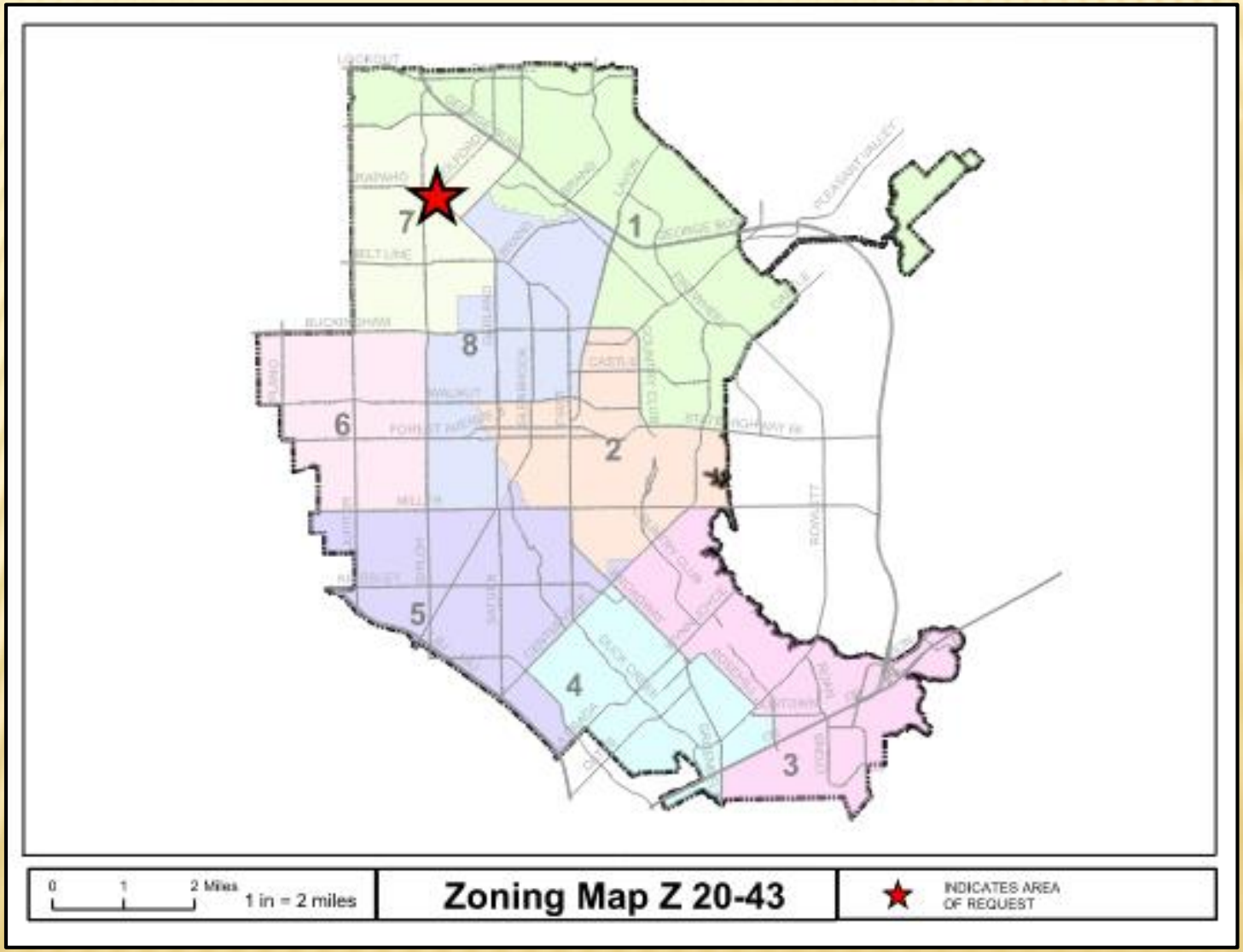
Applicant: Baldwin Associates

Owner: Indian Pentecostal Church Hebron, Dallas, Inc.

Acreage: 2.33 acres

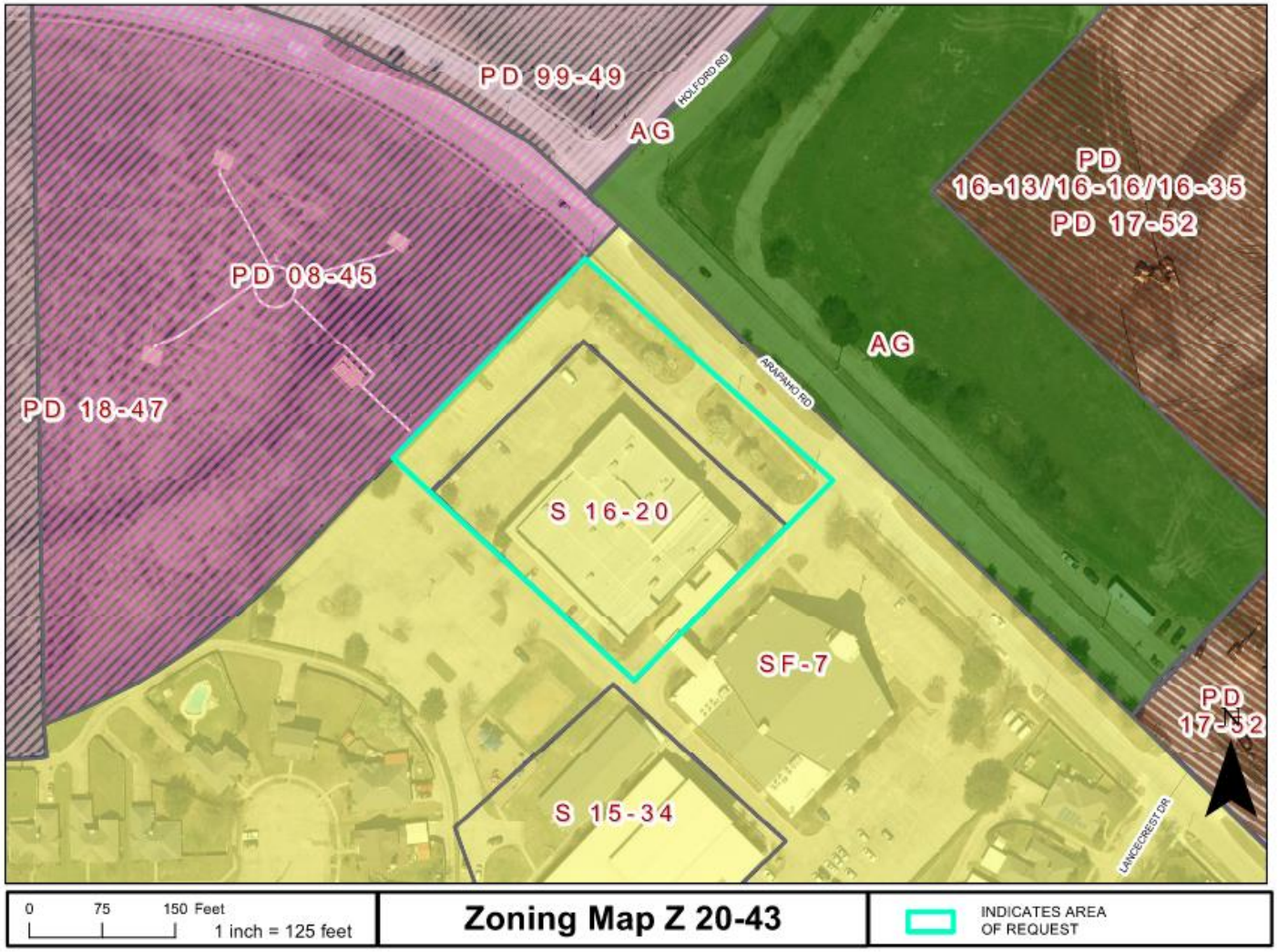
Zoning: Single Family-7 (SF-7)

CITYWIDE LOCATION MAP



Z 20-43

LOCATION MAP



Z 20-43

COMPREHENSIVE PLAN

Compact Neighborhoods

Z 20-43

COMPREHENSIVE PLAN

Envision Garland 2030 Comprehensive Plan. The Future Land Use Map of the Envision Garland Plan recommends Compact Neighborhoods for the subject property. Compact Neighborhoods are characterized by a conventional neighborhood setting with medium-density housing options. The typical neighborhood may include patio homes, duplexes, townhomes, and other small-lot housing types. Developments within this category are predominantly residential, but may include compatible non-residential uses.

The proposed use is compatible with Compact Neighborhoods, as schools are often found in residential and non-residential areas .

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PHOTOS

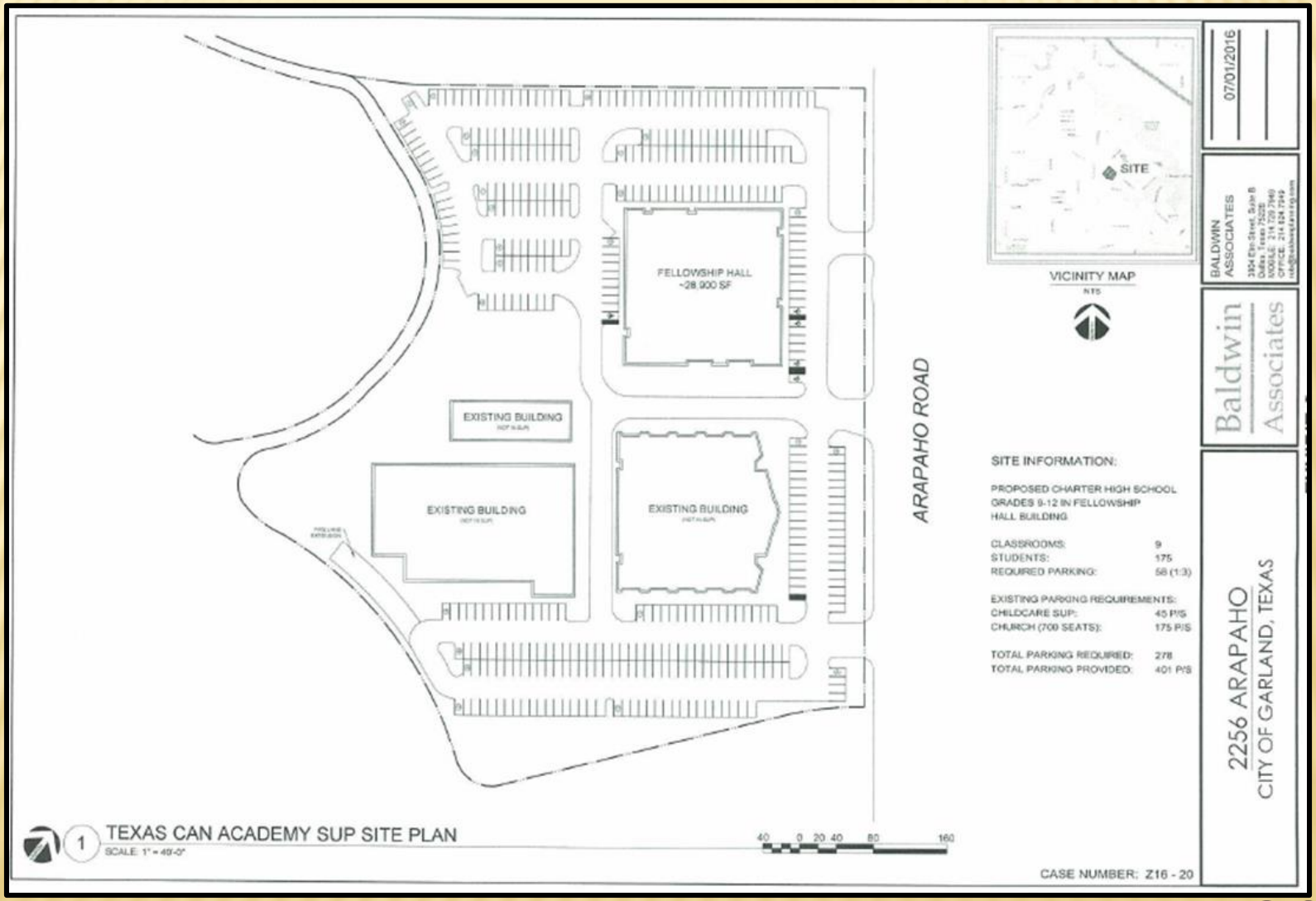
Z 20-43

GARLAND
TEXAS MADE HERE

PHOTOS

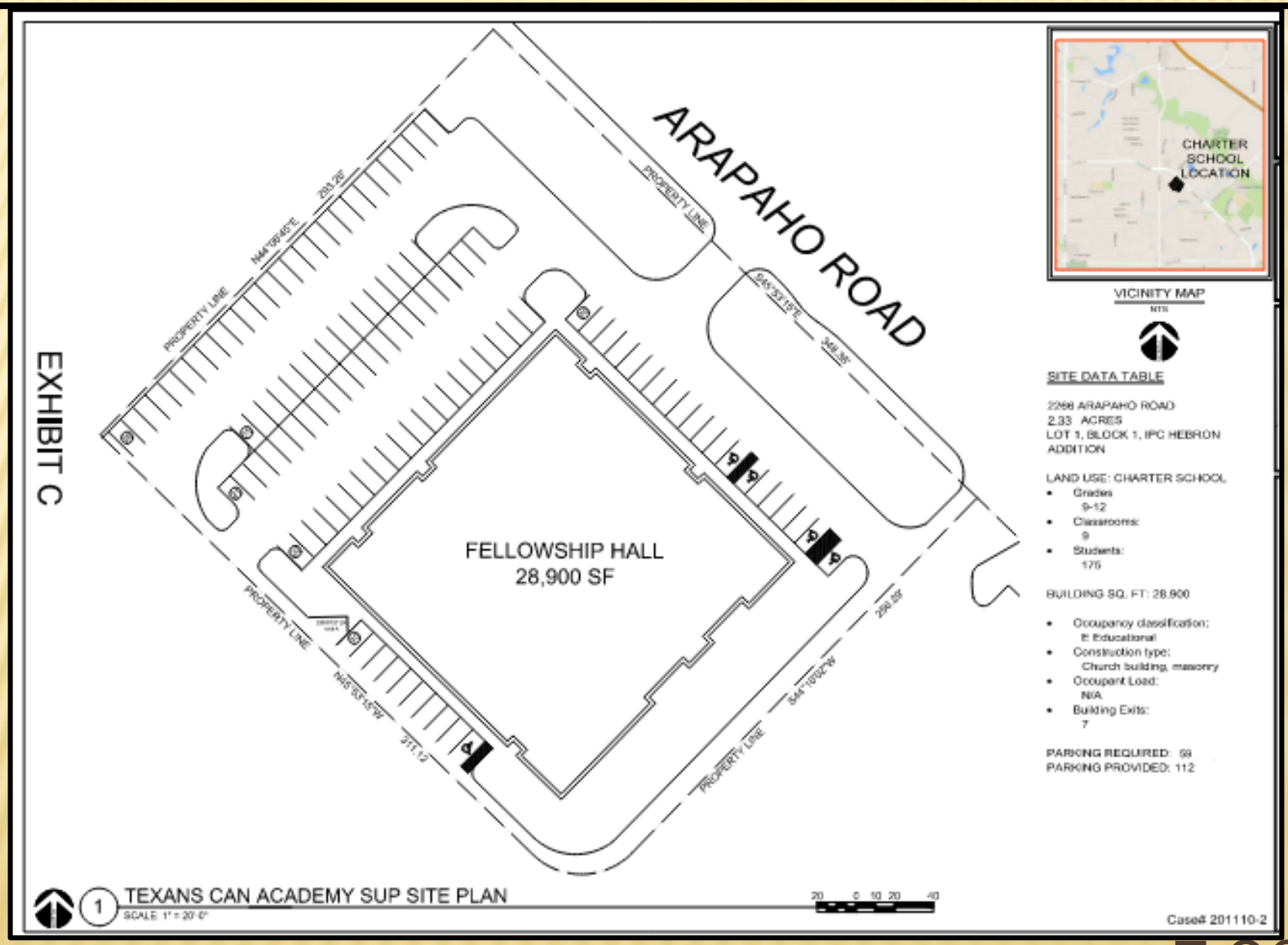
Z 20-43

2016 SITE PLAN



Z 20-43

SITE PLAN



Z 20-43

Circulation Plan

LEGEND

- Student Pick-up/Drop-off Path
- Student Pick-up Queue (On-Site)
- 1 Pick-up Queue/Travel Path
- 2 Drop-off/Pick-up Area
- Staff Assistant
- B DART Bus Stop
- 1 Staff Parking
- 2 Student Parking
- Traffic Cones

Campus Information

Projected Enrollment: 175 Students
Academic: Grades 9 -12
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NOTE:

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04-15-20

LJA Engineering, Inc.

Traffic Management Plan

Not to Scale
Ref. Dallas MAPSCO #19A

EXHIBIT 1

Z 20-43

CONSIDERATION

The applicant requests the Specific Use Provision (SUP) to be in effect for a period of ten (10) years.

The applicant's request is an SUP only. No GDC deviations are being requested by the applicant.

STAFF RECOMMENDATION

STAFF RECOMMENDATION

Approval of a Specific Use Provision and Plan to allow a Charter School on a property zoned Single Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

PLAN COMMISION RECOMMENDATION

On February 8, 2021 the Plan Commission recommended approval nine (9) to zero (0) for a Specific Use Provision to allow a Charter School on a property zoned Single- Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses. The Plan Commission further recommended a Specific Use Provision for ten (10) years; the applicant concurs.

The Plan Commission by a vote of nine (9) to zero (0) also recommended approval of a Plan for a Charter School on a property zoned Single-Family-7 (SF-7) District with a Specific Use Provision (S) 16-20 for Charter School Uses.

Z 20-47

GARLAND
PLANNING REPORT

City Council Regular Session Agenda **8. g.**
Meeting Date: 03/02/2021
Item Title: Z 20-47 R-Delta Engineers, Inc. - Specific Use Provision (District 1)
Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District.

Approval of a Plan for an Electric Substation.

LOCATION

2900 Elm Grove Road

OWNER

City of Garland

PLAN COMMISSION RECOMMENDATION

On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval a Plan for an Electric Substation.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District.

Approval of a Plan for an Electric Substation.

BACKGROUND

The subject property is currently undeveloped. The applicant proposes an electric substation facility for the purpose of interconnection to the adjacent Garland Power and Light (GP&L) and Oncor Elm Grove Substations. Exhibit C shows the subject property indicated with a 3.00 acre note at the east side of the site; the GP&L and Oncor properties are also shown on the plan and are located northwest of the subject site. Additionally, electricity will be distributed to Farmers Electric Cooperative (FEC) customers.

GP&L maintains the substation located to the northwest of the subject property. A Specific Use Provision (SUP 08-04) was approved in February 2008. Additionally, there is unimproved land to the east. GP&L intends to expand the Elm Grove Substation in the future.

Oncor Electric Delivery maintains the substation located to the southwest of the subject property and the SUP 07-35 for this property was approved in August 2007.

Per the Garland Development Code (GDC), an Electric Substation requires approval of an SUP through a public hearing process.

Additionally, there is a Contract of Sale that was approved by the City Council. The contract states that the land sale is contingent upon approval of the requested SUP allowing development of the site as an electric substation.

SITE DATA

The subject property contains approximately three (3) acres in area with approximately 477 lineal feet of frontage along Vinson Road. The site can be accessed from Vinson Road.

USE OF PROPERTY UNDER CURRENT ZONING

The site is currently undeveloped. The Agricultural (AG) District is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, land which due to its topography or location within a floodplain or other undevelopable area is not anticipated to be developed for more intense use, and land which has been newly annexed into the City of Garland. Land that has been newly annexed into the City is initially zoned Agricultural (AG) District until it is zoned another more permanent zoning classification in the future. Single-family uses on large lots are appropriate in this district.

CONSIDERATIONS

Specific Use Provision

1. This project's intent is for development of an Electric Substation that will connect to the GP&L future expansion, as shown in Exhibit C. Proposed improvements associated with the Electric Substation include switches, transformers and related substation equipment. Additionally, the applicant proposes a 120-foot tall shielding conductor support pole that will support communication antennas necessary for substation operations, as shown in Exhibit E. The proposed electric substation will be generally similar in character to the existing adjacent electric substations.

2. The GDC includes Electric Substation as a use in recognition of potential future electrical service needs. The utility service is valuable for future development.

3. The Electric Substation plan proposes an eight (8)-foot chain link fence around the perimeter of the property. Additionally, large canopy trees, high-level screening shrubs and ground covers are proposed around the chain link fence. The GDC also requires all mechanical equipment to be screened. This proposal meets the intent of providing screening and landscaping per the GDC as shown in Exhibit D.

4. The application proposes the SUP to be in effect in perpetuity.

COMPREHENSIVE PLAN

The Future Land Use Map for the Envision Garland 2030 Comprehensive Plan identifies this area as appropriate for Operating Landfill & Public Facility.

The availability of utility and transportation infrastructure plays a role in the development and redevelopment of properties throughout the community. A site must have proper services in order to handle a new residential, retail, office, or commercial use. In some infill or redevelopment cases, the site or area may not be served with adequate services for the intended land use, and improvements to the system are required.

The utility service provided by this proposal is valuable for future development.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties immediately to the north and northeast of the subject property are zoned Agricultural (AG) District; these properties are vacant. The properties to the east and south of the subject property are in the City of Rowlett; these properties are developed with single-family homes. The properties to the west are zoned Agricultural (AG) District; these properties are developed with electric substations.

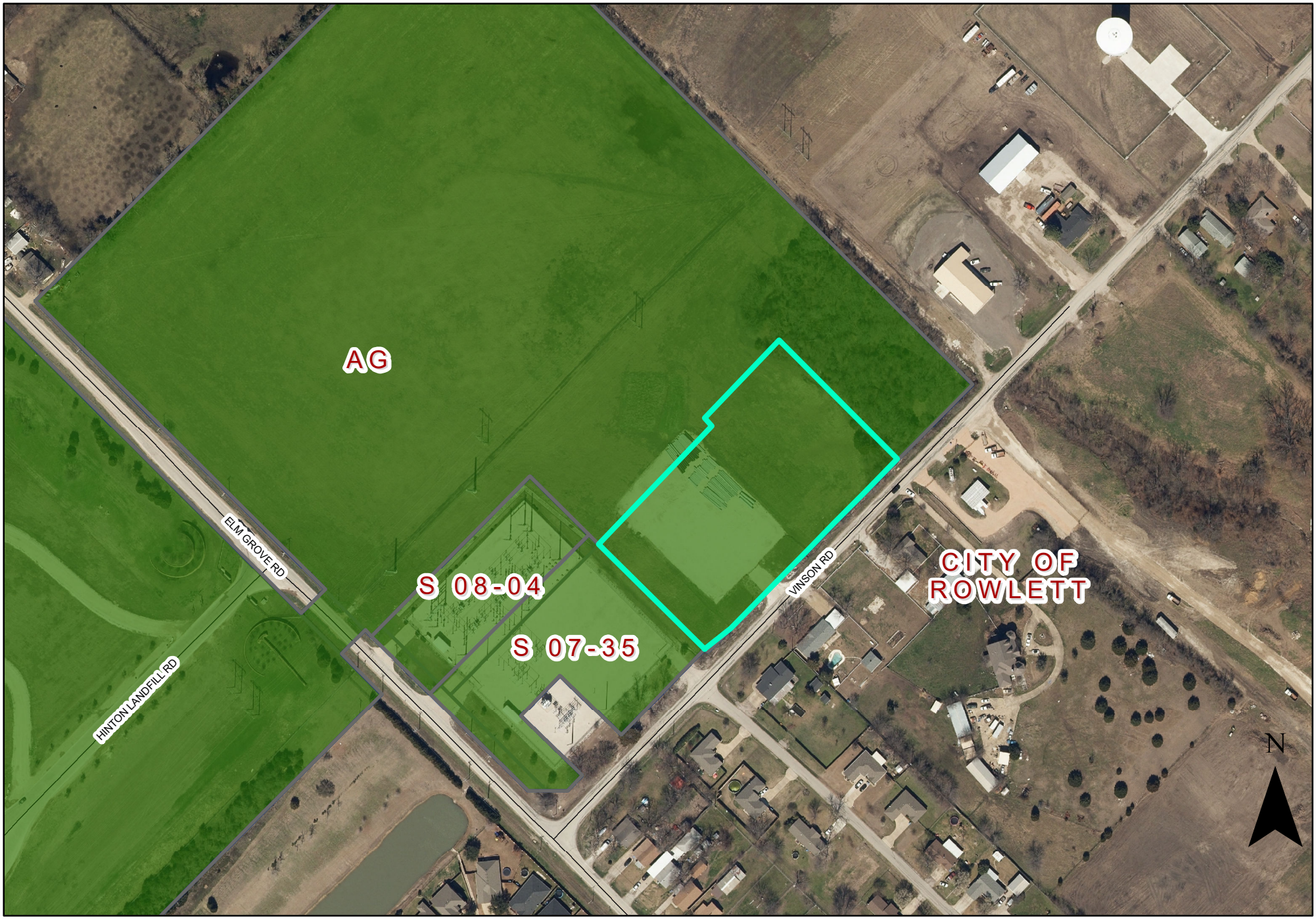
Attachments

Z 20-47 R-Delta Engineers, Inc. Attachments

Z 20-47 R-Delta Engineers, Inc. Responses

Z 20-47 Responses

Z 20-47 R-Delta Engineers, Inc. Staff Presentation



0 150 300 Feet
1 inch = 221 feet

Zoning Map Z 20-47

INDICATES AREA OF REQUEST

SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 20-47

2900 Elm Grove Road

I. **Statement of Purpose:** The purpose of this Specific Use Provision is to permit the development of an Electric Substation.

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

III. **General Regulations:** All regulations of the Garland Development Code shall apply, except as otherwise specified by this ordinance.

V. **Specific Regulations:**

A. Site Plan: The site development shall be as reflected in Exhibit C.

B. Landscape Plan: The landscape plan shall be as reflected in Exhibit D.

C. Elevations: The elevations shall be as reflected in Exhibit E.

D. Time Period: The Specific Use Provision shall be in effect in perpetuity.

EXHIBIT B

REPORT & MINUTES

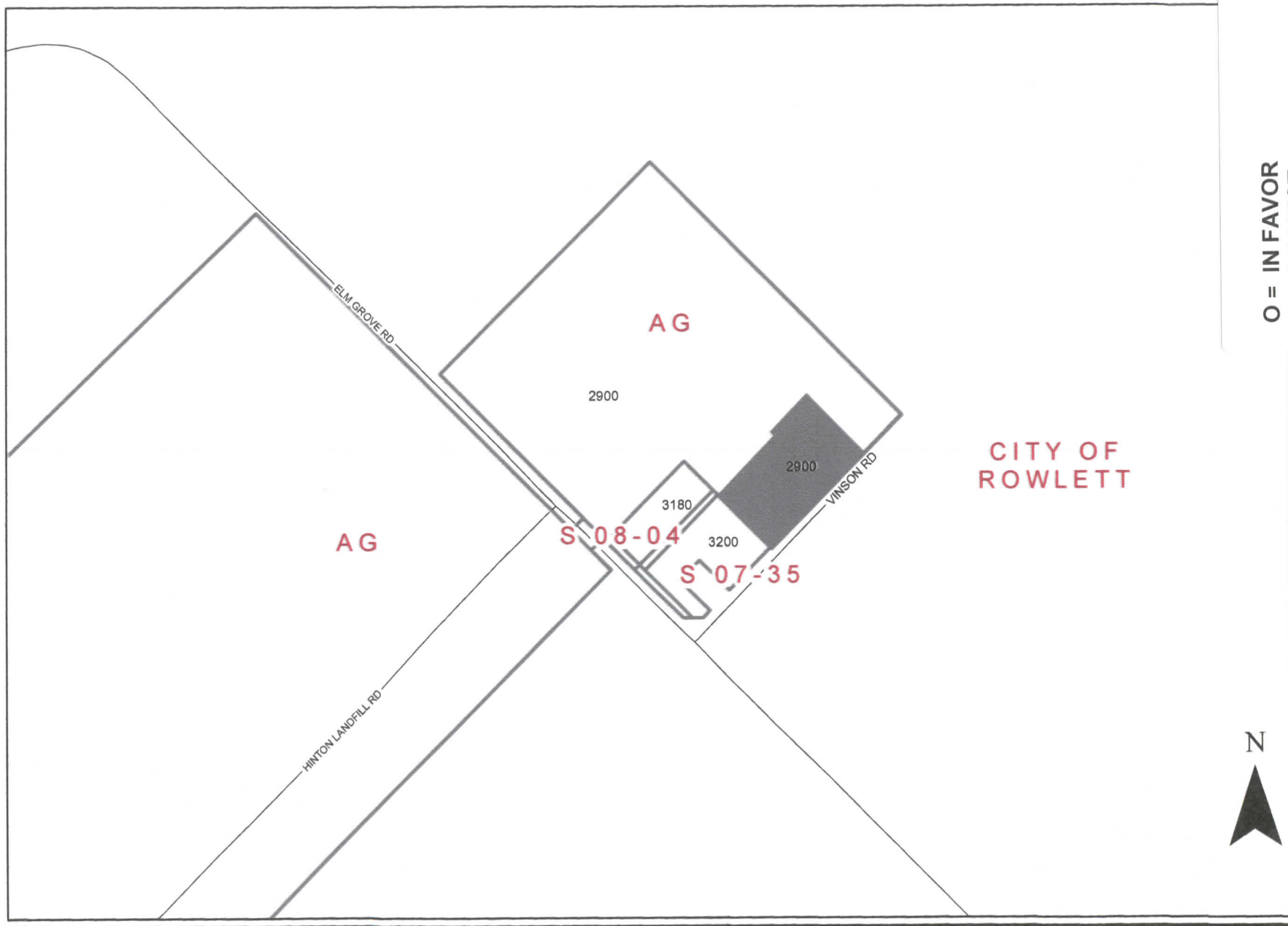
P.C. Meeting, February 8, 2021

Consideration of the application of **R-Delta Engineers**, Inc., requesting approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District. This property is located at 2900 Elm Grove Road. (District 1) (File Z 20-47 - Specific Use Provision)

Nabiha Ahmed, Development Planner, presented the staff report.

The applicant, Frank Polma, 618 Main Street, Garland, TX, 75040, provided an overview of the request.

Motion was made by Commissioner Dalton to close the public hearing and **approve** the request. Seconded by Commissioner Rose. **Motion carried: 9** Ayes, **0** Nays



O = IN FAVOR
X = AGAINST

0 275 550 Feet
1 inch = 442 feet

Zoning Map Z 20-47

INDICATES AREA OF REQUEST

We did not receive any responses for this case.

City of Garland
Planning Department
P.O. Box 469002
Garland, Texas 75046-9002

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NOTICE OF PUBLIC HEARING OF THE GARLAND CITY COUNCIL

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

Dear Garland Resident, Property Owner or Business Owner: You are receiving this letter because your address is within 400 feet of the proposed zoning change.

RE: **Z 20-47 R-Delta Engineers, Inc. The applicant proposes an electric substation adjacent to an existing electric substation. This site is located at 2900 Elm Grove Road. (District 1)** (see included map)

Date: A Public hearing will be held by the City of Garland City Council at 7:00 p.m., Tuesday, March 2, 2021.

Location: Due to COVID-19 Pandemic the meeting will be held virtually. A link to the meeting can be found on the City of Garland website, with the Meeting and Agenda webpage and can be found at: https://www.garlandtx.gov/801/Meeting-Agendas-and-Minutes *(Agendas are required to be posted at least 72 hours before the meeting)*

For more information about Case Z 20-47 and other zoning cases go to: www.garlandplanning.org or scan the **QR code** in the upper corner. *(Agendas will also contain additional information. See link above.)*

You may also contact City Planner Nabiha Ahmed at 972-205-2453 or email at **NAhmed@garlandtx.gov**.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(It is important that you include your property address, your name, and mailing address in any correspondence concerning the case)

**Translation provided by Google Translate / *Traducción proporcionada por el traductor de Google / *Bản dịch do Google Dịch cung cấp*

City of Garland
Planning Department
P.O. Box 469002
Garland, Texas 75046-9002

GARLAND
TEXAS MADE HERE

Escanéame

AVISO DE AUDIENCIA PÚBLICA DE
EL CONSEJO DE LA CIUDAD DE GARLAND*

Debido a la emergencia de COVID-19 y, de conformidad con la Sección 551.125 del Código de Gobierno de Texas y las órdenes ejecutivas del Gobernador Greg Abbott que suspenden las disposiciones del Código de Gobierno de Texas y otras leyes aplicables del Estado con respecto a las reuniones abiertas normales, el Consejo de la Ciudad celebrará esta reunión por medios remotos por Internet / telefónicos.

Estimado residente, propietario o empresario de Garland: Usted recibe esta carta porque su dirección está a 400 pies del cambio de zonificación propuesto.

RE: **Z 20-47 R-Delta Engineers, Inc. - El solicitante propone una subestación eléctrica adyacente a una subestación eléctrica existente. Este sitio está ubicado en 2900 Elm Grove Road. (Distrito 1)** (ver mapa incluido)

Fecha de la reunión: El Ayuntamiento de la ciudad de Garland llevará a cabo una audiencia pública a las 7:00 p.m., el martes 2 de marzo de 2021.

Ubicación: Debido a la pandemia COVID-19, la reunión se llevará a cabo de forma virtual. Se puede encontrar un enlace a la reunión en el sitio web de la ciudad de Garland, con la página web de la reunión y la agenda y se puede encontrar en: https://www.garlandtx.gov/801/Meeting-Agendas-and-Minutes (Las agendas deben publicarse al menos 72 horas antes de la reunión)

Para obtener más información sobre Case Z 20-47 y otros casos de zonificación, visite: www.garlandplanning.org o escanee el código QR en la esquina superior. (Las agendas también incluirán información adicional. Consulte el enlace anterior).

Para Espanol, por favor contactar a Josue De La Vega a 972-205-2833 o correo electrónico a jdelavega@garlandtx.gov

(Es importante que incluya la dirección de su propiedad, su nombre y dirección postal en cualquier correspondencia relacionada con el caso)

THÔNG BÁO VỀ VIỆC NGHE CỦA CÔNG CHÚNG
HỘI ĐỒNG THÀNH PHỐ GARLAND*

Quét tôi

Do tình huống khẩn cấp COVID-19 và, theo Mục 551.125 của Bộ luật Chính phủ Texas và lệnh hành pháp của Thống đốc Greg Abbott đình chỉ các quy định của Bộ luật Chính phủ Texas và các luật hiện hành khác của Tiểu bang về các cuộc họp mở bình thường, Hội đồng Thành phố sẽ tổ chức cuộc họp này bằng phương tiện internet / điện thoại từ xa.

RE: **Z 20-47 R-Delta Engineers, Inc. Người nộp đơn đề xuất một trạm biến áp điện liền kề với một trạm biến áp điện hiện có. Trang web này nằm ở 2900 Elm Grove Road. (Quận 1) (xem bản đồ bao gồm)**

Date: Một buổi điều trần Công khai sẽ được tổ chức bởi Hội đồng Thành phố Thành phố Garland lúc 7:00 tối, Thứ Ba, ngày 2 tháng 3 năm 2021.

Location: Do Đại dịch COVID-19, cuộc họp sẽ được tổ chức ảo. Bạn có thể tìm thấy liên kết tới cuộc họp trên trang web của Thành phố Garland, với trang web Cuộc họp và Chương trình làm việc và có thể tìm thấy tại: https://www.garlandtx.gov/801/Meeting-Agendas-and-Minutes (Cần có bản thuyết minh được đăng ít nhất 72 giờ trước cuộc họp)

(Các chương trình nghị sự cũng sẽ chứa thông tin bổ sung. Xem liên kết ở trên.)

(Điều quan trọng là bạn phải bao gồm địa chỉ tài sản, tên của bạn và địa chỉ gửi thư trong bất kỳ thư từ liên quan đến trường hợp này)

**Translation provided by Google Translate / *Traducción proporcionada por el traductor de Google / *Bản dịch do Google Dịch cung cấp*

Comment Form
Case Z 20-47

Applicant R-Delta Engineers, Inc. proposes an electric substation adjacent to an existing electric substation. This site is located at 2900 Elm Grove Road. (Z 20-47) (District 1)

El solicitante R-Delta Engineers, Inc. El solicitante propone una subestación eléctrica adyacente a una subestación eléctrica existente. Este sitio está ubicado en 2900 Elm Grove Road. (Z 20-47) (Distrito 7)

"R-Delta Engineers, Inc.". Người nộp đơn đề xuất một trạm biến áp điện liền kề với một trạm biến áp điện hiện có. Trang web này nằm ở 2900 Elm Grove Road. (Z 20-47) (Quận 7)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

- [x] For / A Favor / Đúng
- [ ] Against / En Contra / Không

Please complete the following information / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Paul Gonzales, GISD Executive Director of Facilities & Maintenance

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

GISD - 2800 Vinson Road

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã Bưu Chính

Paul Mz

Signature / Firma / Chữ ký

2-22-21

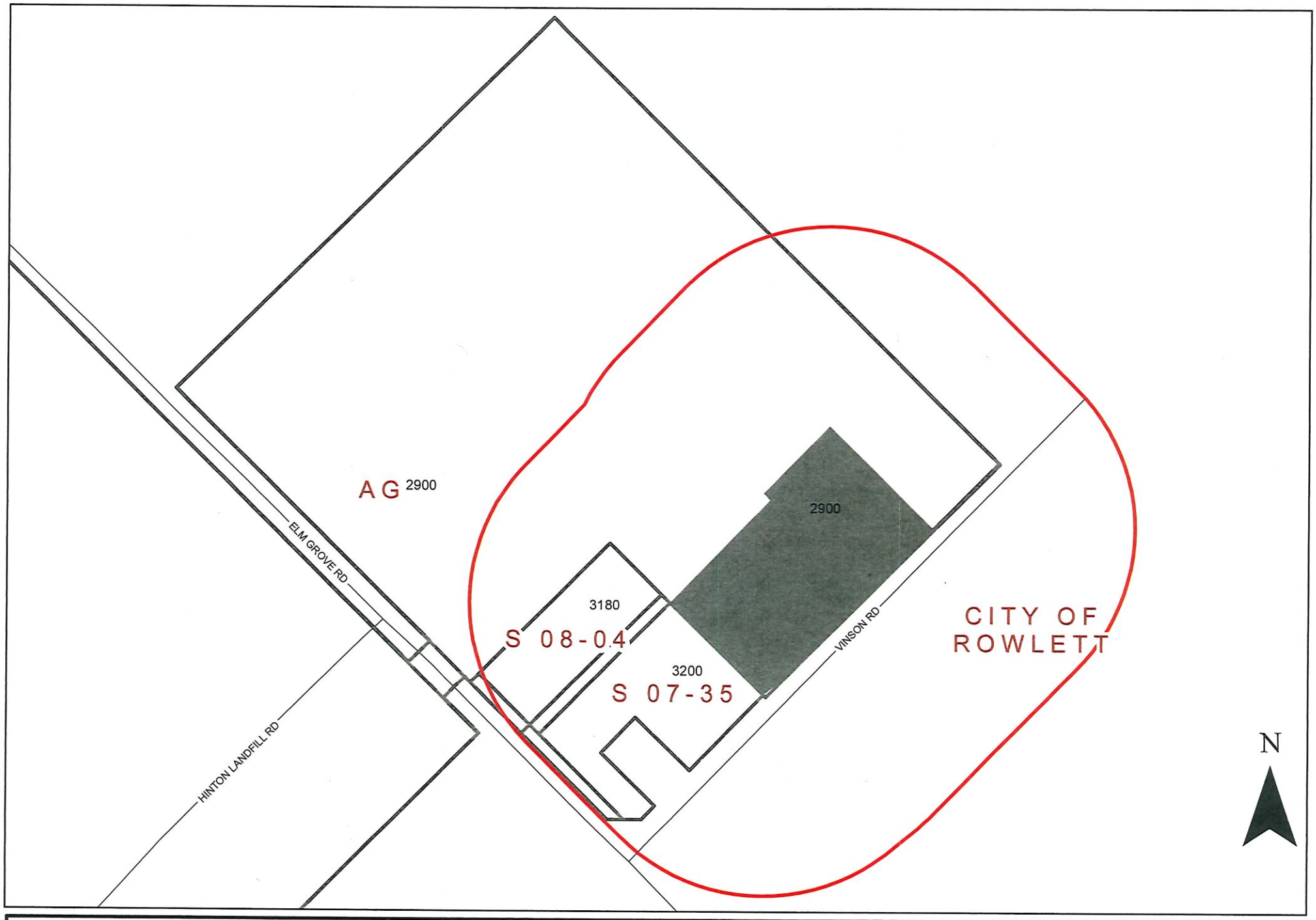
Date / Fecha / Ngày

Comment Form Continued – Case Z 20-47

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất



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1 inch = 250 feet

Zoning Map Z 20-47

INDICATES AREA OF REQUEST

INDICATES NOTIFICATION AREA

2900 Elm Grove Road

Z 20-47

The applicant requests to construct an electric substation adjacent to an existing electric substation.

[Specific Use Provision and Plan for an Electric Substation on a property zoned Agricultural (AG) District.]

City Council Meeting
March 2, 2021

GARLAND
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CASE INFORMATION

Location: 2900 Elm Grove Road

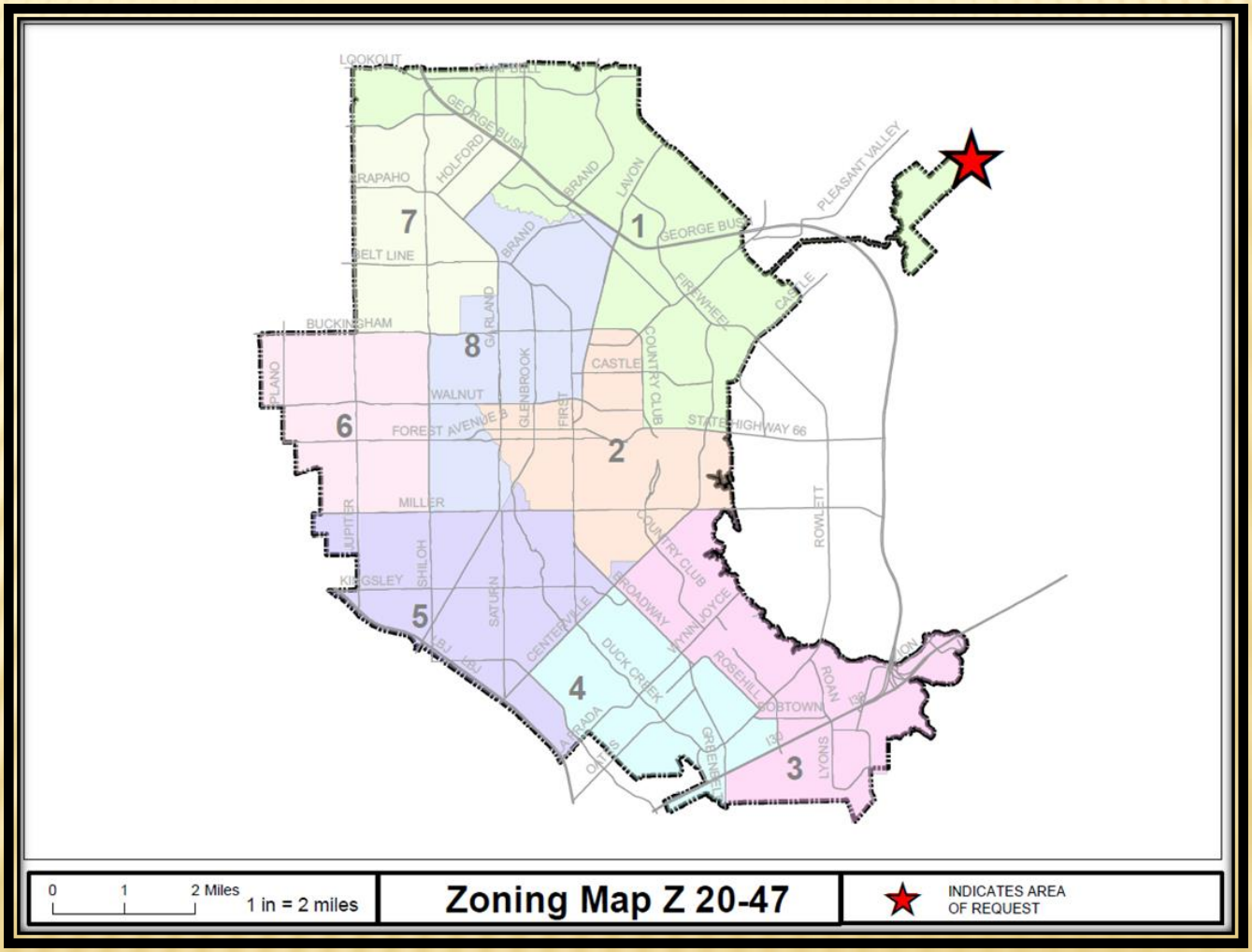
Applicant: R-Delta Engineers, Inc.

Owner: City of Garland

Acreage: 3.00 acres

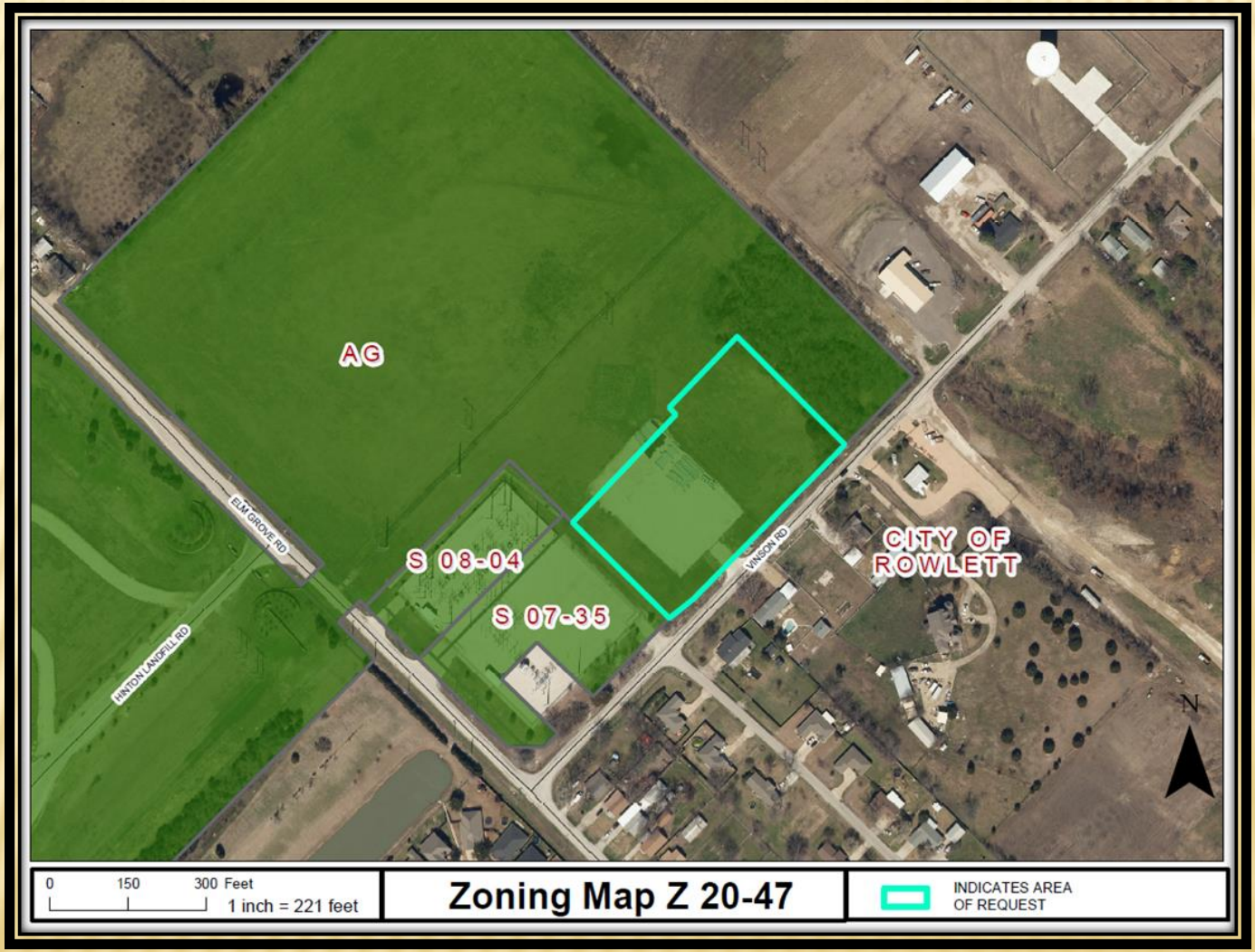
Zoning: Agricultural (AG) District

CITYWIDE LOCATION MAP



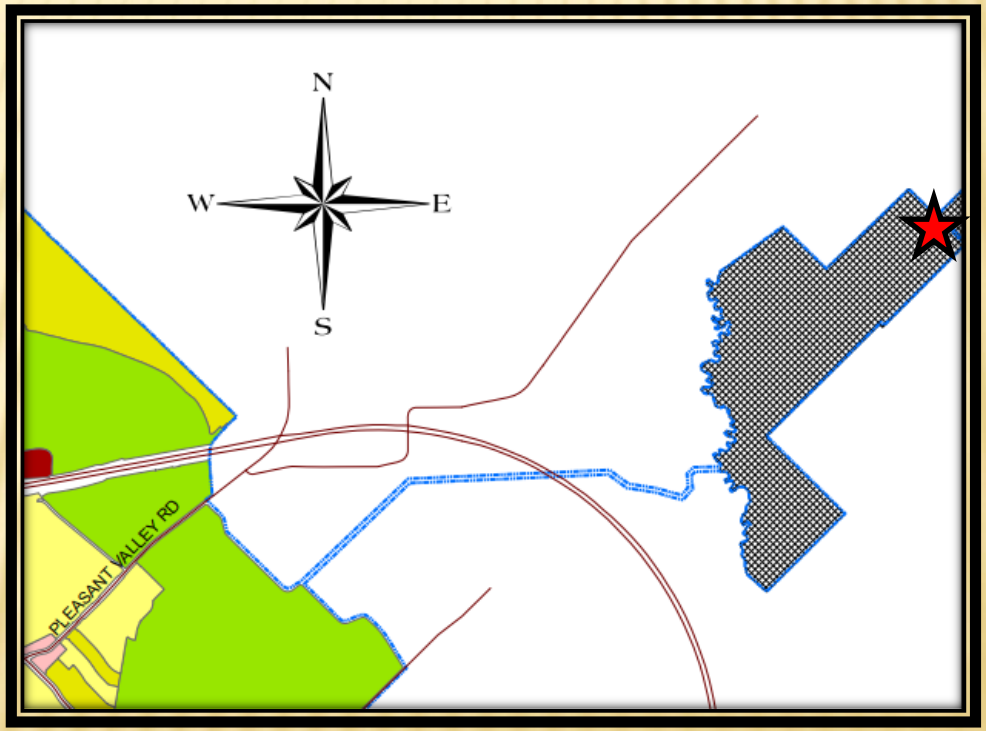
Z 20-47

LOCATION MAP



COMPREHENSIVE PLAN

Operating Landfill & Public Facility



Z 20-47

COMPREHENSIVE PLAN

- The availability of utility and transportation infrastructure plays a role in the redevelopment of properties throughout the community. A site must have proper services in order to handle a new residential, retail, office, or commercial use. In some infill or redevelopment cases, the site or area may not be served with adequate services for the intended land use, and improvements to the system are required. The utility service provided by this proposal is valuable for future development.

PHOTOS

Looking at the subject property from Vinson Road

Looking east of the subject property from East Vinson Road

Looking south of the subject property from Vinson Road

Looking west of the subject property from Elm Grove Road.

Z 20-47

GARLAND
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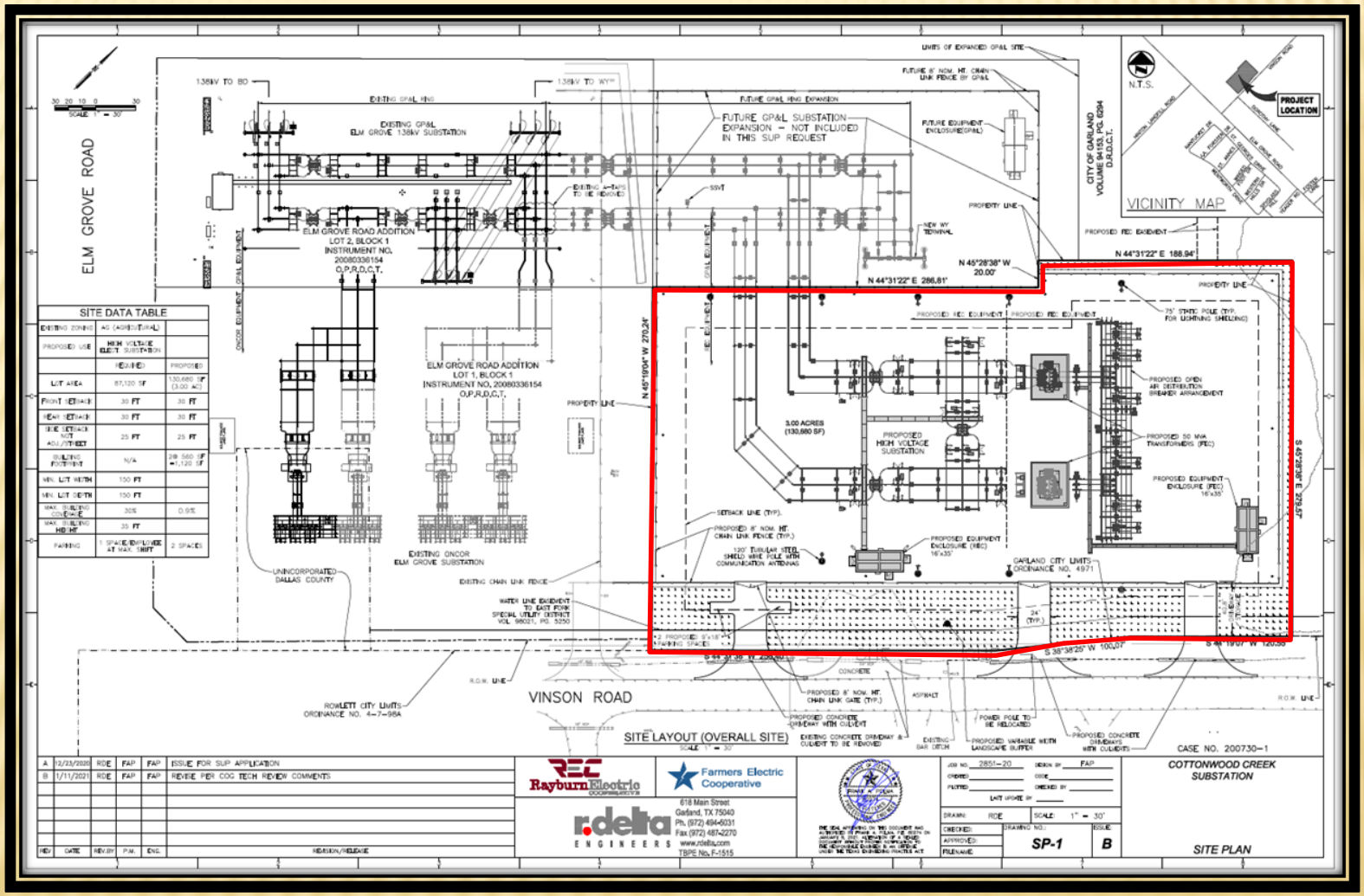
SITE PLAN



Z 20-47

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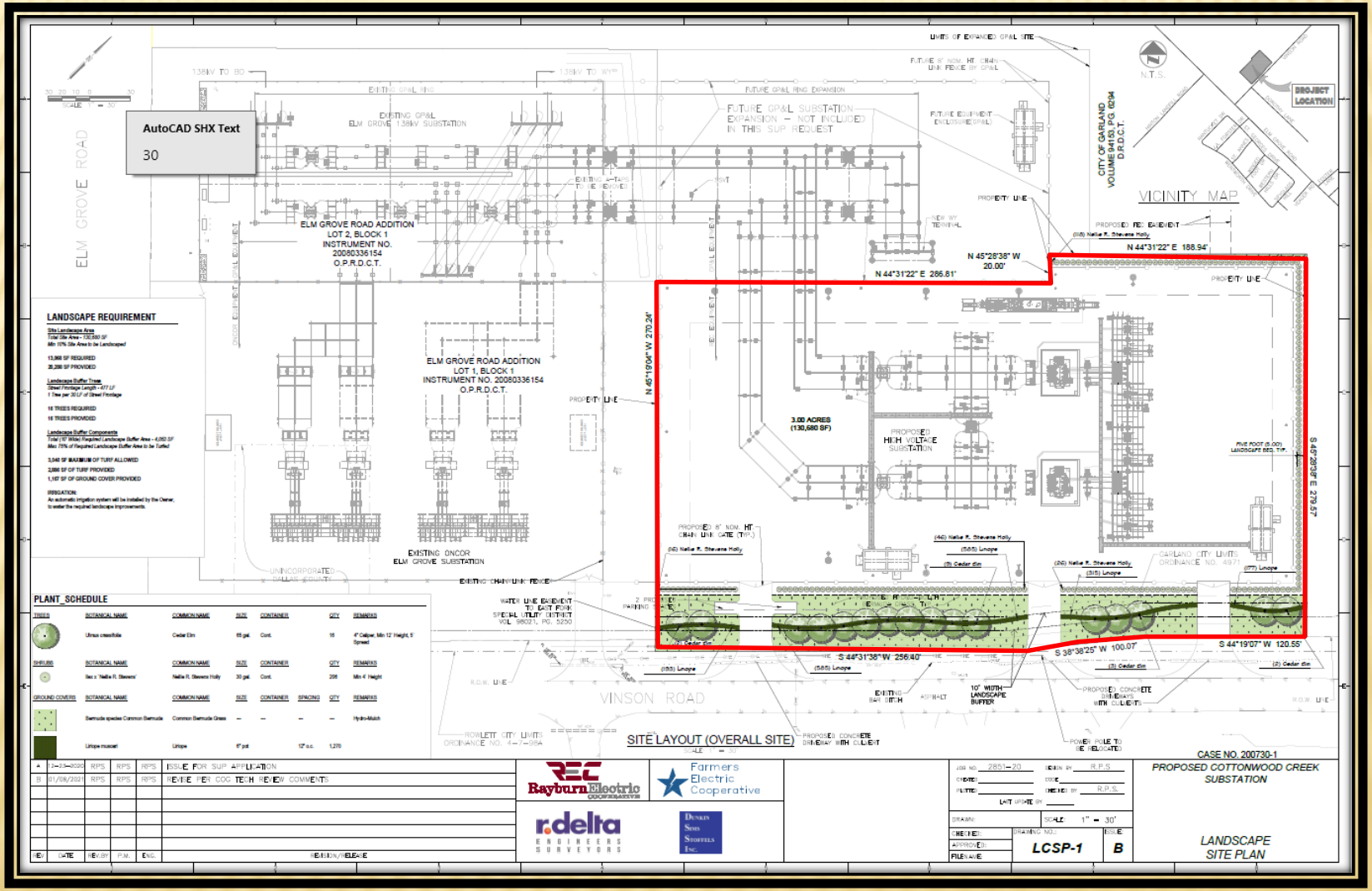
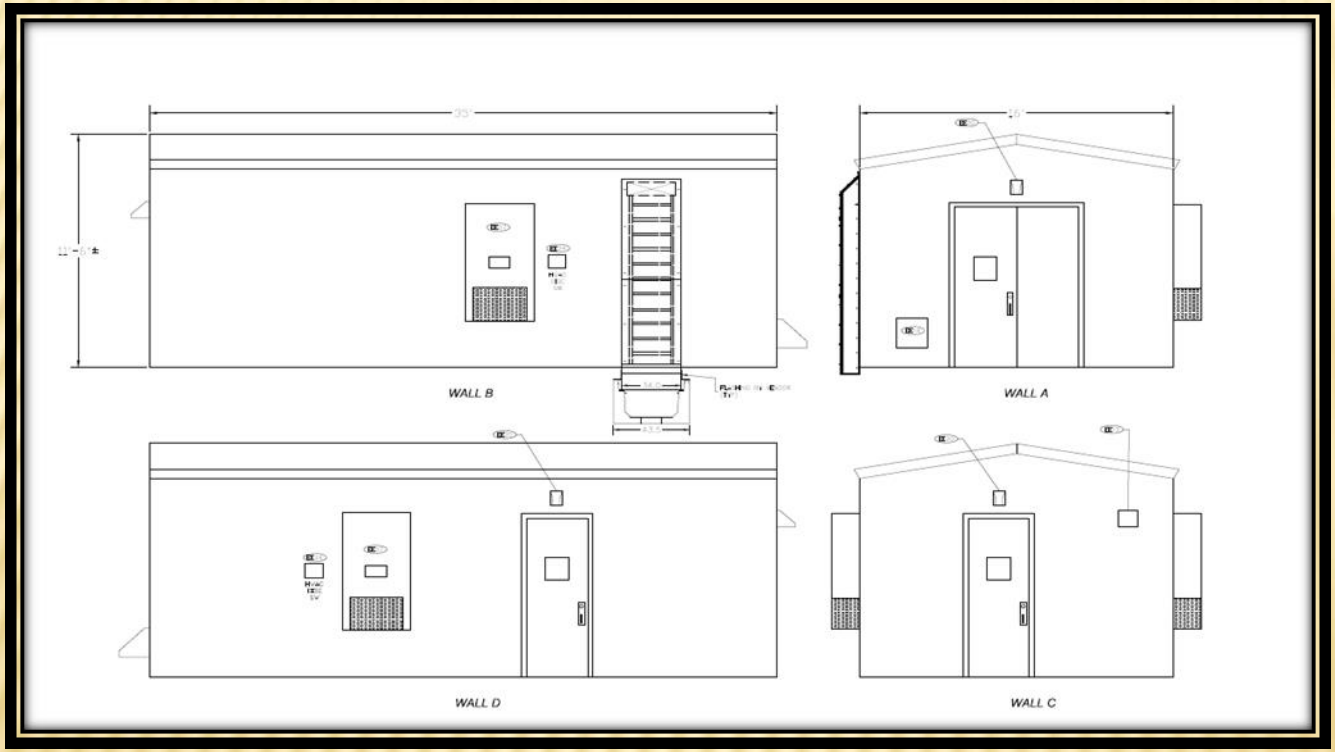
LANDSCAPE PLAN



Z 20-47

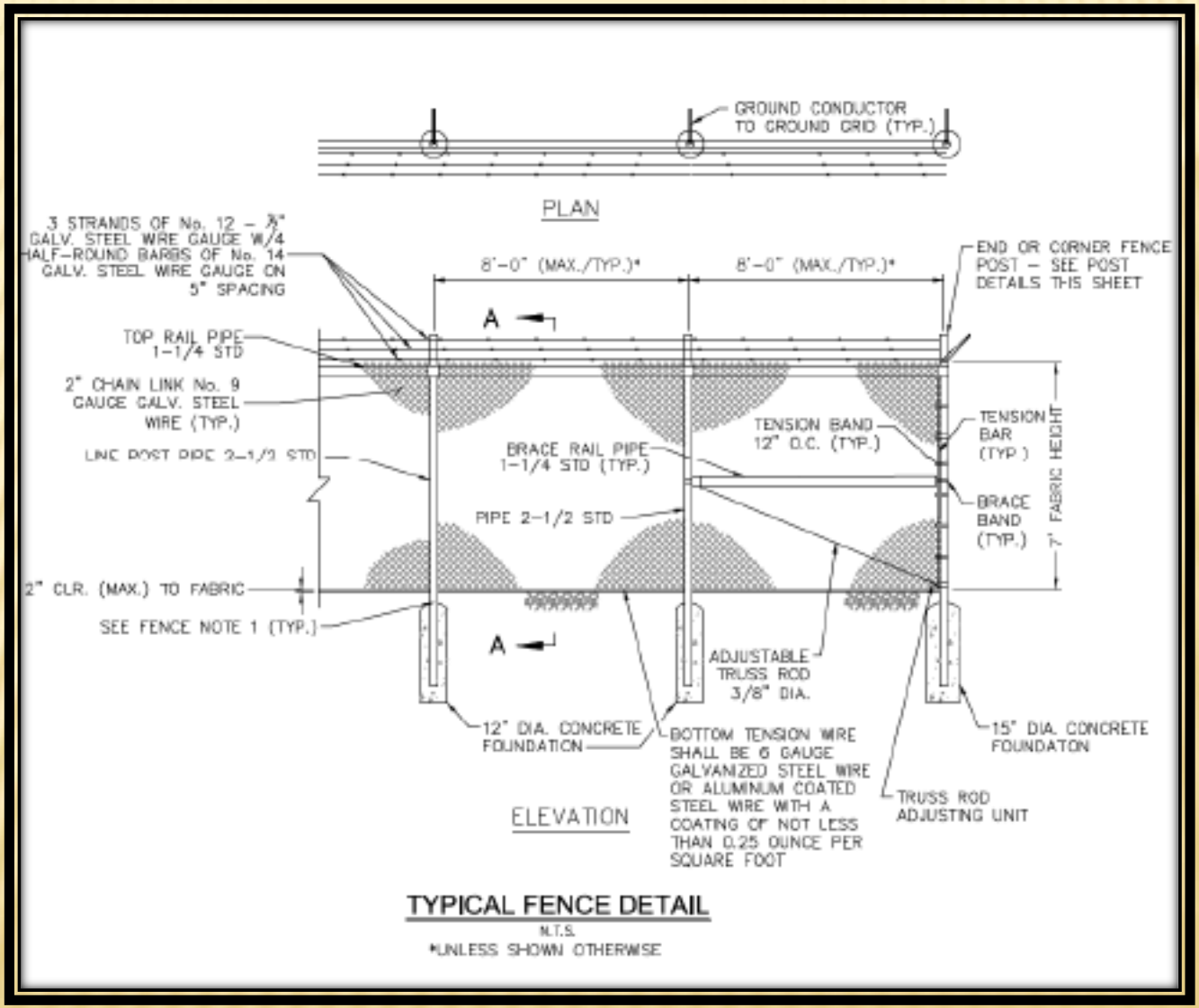
SHIELD STRUCTURE SIMULATIONS

EQUIPMENT ENCLOSURE



Z 20-47

FENCE DETAILS



Z 20-47

CONSIDERATION

The applicant proposes the Specific Use Provision to be in effect in perpetuity.

The applicant's request is an SUP only. No GDC deviations are being requested by the applicant.

STAFF RECOMMENDATION

- Approval of a Specific Use Provision and Plan for an Electric Substation use on a property zoned Agricultural (AG) District.

PLAN COMMISION RECOMMENDATION

- On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District.

- The Plan Commission, by a vote of nine (9) to zero (0), recommended approval a Plan for an Electric Substation.

Z 20-47

GARLAND
PLANNING REPORT

City Council Regular Session Agenda **8. h.**

Meeting Date: 03/02/2021

Item Title: Z 20-47 R-Delta Engineers, Inc. - Plan (District 1)

Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District.

Approval of a Plan for an Electric Substation.

LOCATION

2900 Elm Grove Road

OWNER

City of Garland

PLAN COMMISSION RECOMMENDATION

On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District.

The Plan Commission, by a vote of nine (9) to zero (0), recommended approval a Plan for an Electric Substation.

STAFF RECOMMENDATION

Approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District.

Approval of a Plan for an Electric Substation.

BACKGROUND

The subject property is currently undeveloped. The applicant proposes an electric substation facility for the purpose of interconnection to the adjacent Garland Power and Light (GP&L) and Oncor Elm Grove Substations. Exhibit C shows the subject property indicated with a 3.00 acre note at the east side of the site; the GP&L and Oncor properties are also shown on the plan and are located northwest of the subject site. Additionally, electricity will be distributed to Farmers Electric Cooperative (FEC) customers.

GP&L maintains the substation located to the northwest of the subject property. A Specific Use Provision (SUP 08-04) was approved in February 2008. Additionally, there is unimproved land to the east. GP&L intends to expand the Elm Grove Substation in the future.

Oncor Electric Delivery maintains the substation located to the southwest of the subject property and the SUP 07-35 for this property was approved in August 2007.

Per the Garland Development Code (GDC), an Electric Substation requires approval of an SUP through a public hearing process.

Additionally, there is a Contract of Sale that was approved by the City Council. The contract states that the land sale is contingent upon approval of the requested SUP allowing development of the site as an electric substation.

SITE DATA

The subject property contains approximately three (3) acres in area with approximately 477 lineal feet of frontage along Vinson Road. The site can be accessed from Vinson Road.

USE OF PROPERTY UNDER CURRENT ZONING

The site is currently undeveloped. The Agricultural (AG) District is intended for vacant land which is not yet ready for development, land which is used for agricultural or open space purposes, land which due to its topography or location within a floodplain or other undevelopable area is not anticipated to be developed for more intense use, and land which has been newly annexed into the City of Garland. Land that has been newly annexed into the City is initially zoned Agricultural (AG) District until it is zoned another more permanent zoning classification in the future. Single-family uses on large lots are appropriate in this district.

CONSIDERATIONS

Specific Use Provision

1. This project's intent is for development of an Electric Substation that will connect to the GP&L future expansion, as shown in Exhibit C. Proposed improvements associated with the Electric Substation include switches, transformers and related substation equipment. Additionally, the applicant proposes a 120-foot tall shielding conductor support pole that will support communication antennas necessary for substation operations, as shown in Exhibit E. The proposed electric substation will be generally similar in character to the existing adjacent electric substations.

2. The GDC includes Electric Substation as a use in recognition of potential future electrical service needs. The utility service is valuable for future development.

3. The Electric Substation plan proposes an eight (8)-foot chain link fence around the perimeter of the property. Additionally, large canopy trees, high-level screening shrubs and ground covers are proposed around the chain link fence. The GDC also requires all mechanical equipment to be screened. This proposal meets the intent of providing screening and landscaping per the GDC as shown in Exhibit D.

4. The application proposes the SUP to be in effect in perpetuity.

COMPREHENSIVE PLAN

The Future Land Use Map for the Envision Garland 2030 Comprehensive Plan identifies this area as appropriate for Operating Landfill & Public Facility.

The availability of utility and transportation infrastructure plays a role in the development and redevelopment of properties throughout the community. A site must have proper services in order to handle a new residential, retail, office, or commercial use. In some infill or redevelopment cases, the site or area may not be served with adequate services for the intended land use, and improvements to the system are required.

The utility service provided by this proposal is valuable for future development.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties immediately to the north and northeast of the subject property are zoned Agricultural (AG) District; these properties are vacant. The properties to the east and south of the subject property are in the City of Rowlett; these properties are developed with single-family homes. The properties to the west are zoned Agricultural (AG) District; these properties are developed with electric substations.

Attachments

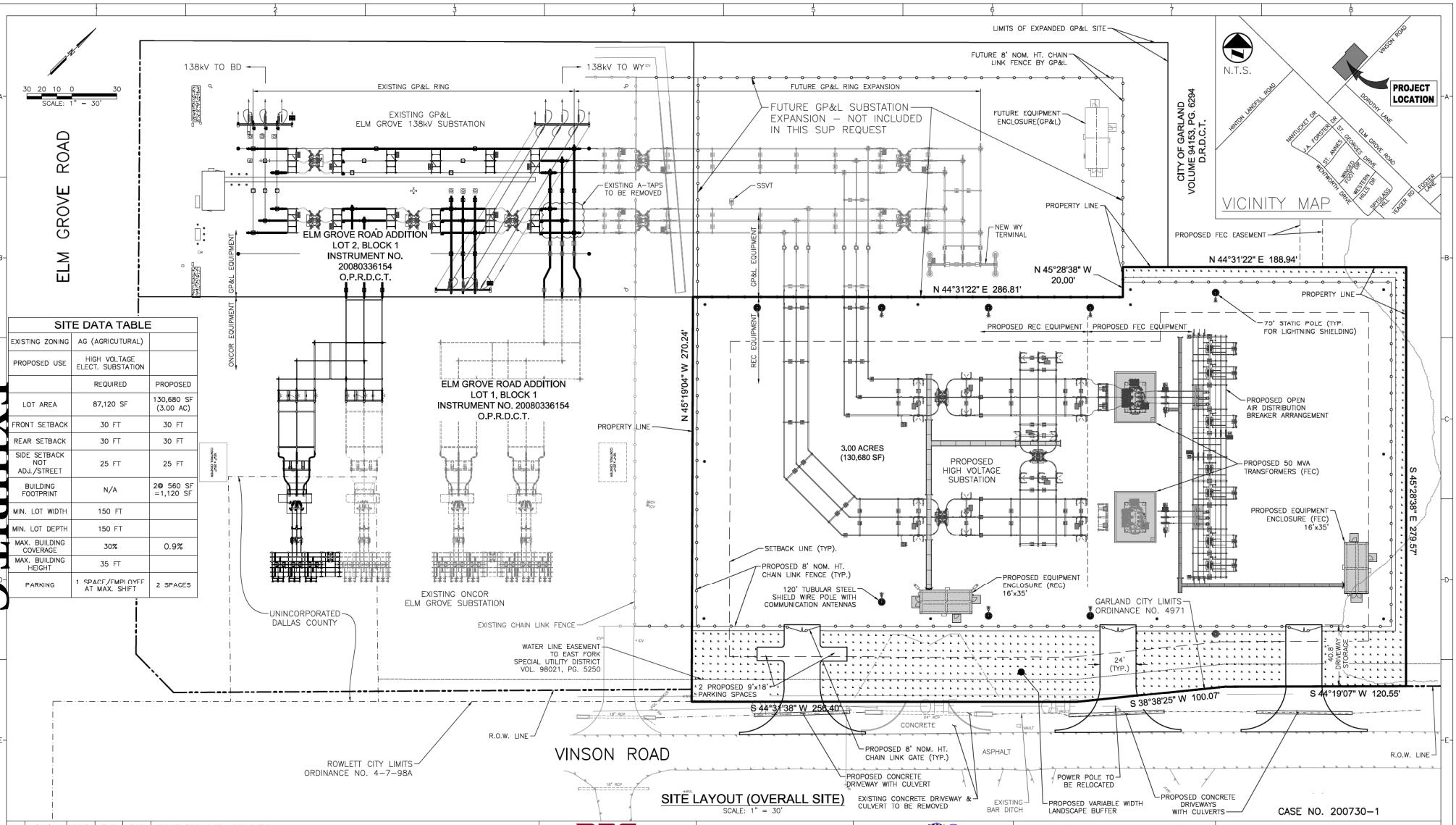
Z 20-47 R-Delta Engineers, Inc. Attachments

Z 20-47 R-Delta Engineers, Inc. Responses

Z 20-47 Responses

Z 20-47 R-Delta Engineers, Inc. Staff Presentation

EXHIBIT C



SITE LAYOUT (OVERALL SITE)

SCALE: 1" = 30'

SITE DATA TABLE

EXISTING ZONING	AG (AGRICUTURAL)	
PROPOSED USE	HIGH VOLTAGE ELECT. SUBSTATION	
	REQUIRED	PROPOSED
LOT AREA	87,120 SF	130,680 SF (3.00 AC)
FRONT SETBACK	30 FT	30 FT
REAR SETBACK	30 FT	30 FT
SIDE SETBACK NOT ADJ./STREET	25 FT	25 FT
BUILDING FOOTPRINT	N/A	2@ 560 SF =1,120 SF
MIN. LOT WIDTH	150 FT	
MIN. LOT DEPTH	150 FT	
MAX. BUILDING COVERAGE	30%	0.9%
MAX. BUILDING HEIGHT	35 FT	
PARKING	1 SPACE/EMPLOYEE AT MAX. SHIFT	2 SPACES

REV	DATE	REV.BY	P.M.	ENG.	REVISION/RELEASE
A	12/23/2020	RDE	FAP	FAP	ISSUE FOR SUP APPLICATION
B	1/11/2021	RDE	FAP	FAP	REVISE PER COG TECH REVIEW COMMENTS

REC RaybrnElectric COOPERATIVE

Farmers Electric Cooperative

r.delta ENGINEERS
618 Main Street
Garland, TX 75040
Ph. (972) 494-5031
Fax (972) 487-2270
www.rdelta.com
TBPE No. F-1515

STATE OF TEXAS FRANK A. POLMA 82274 LICENSED PROFESSIONAL ENGINEER

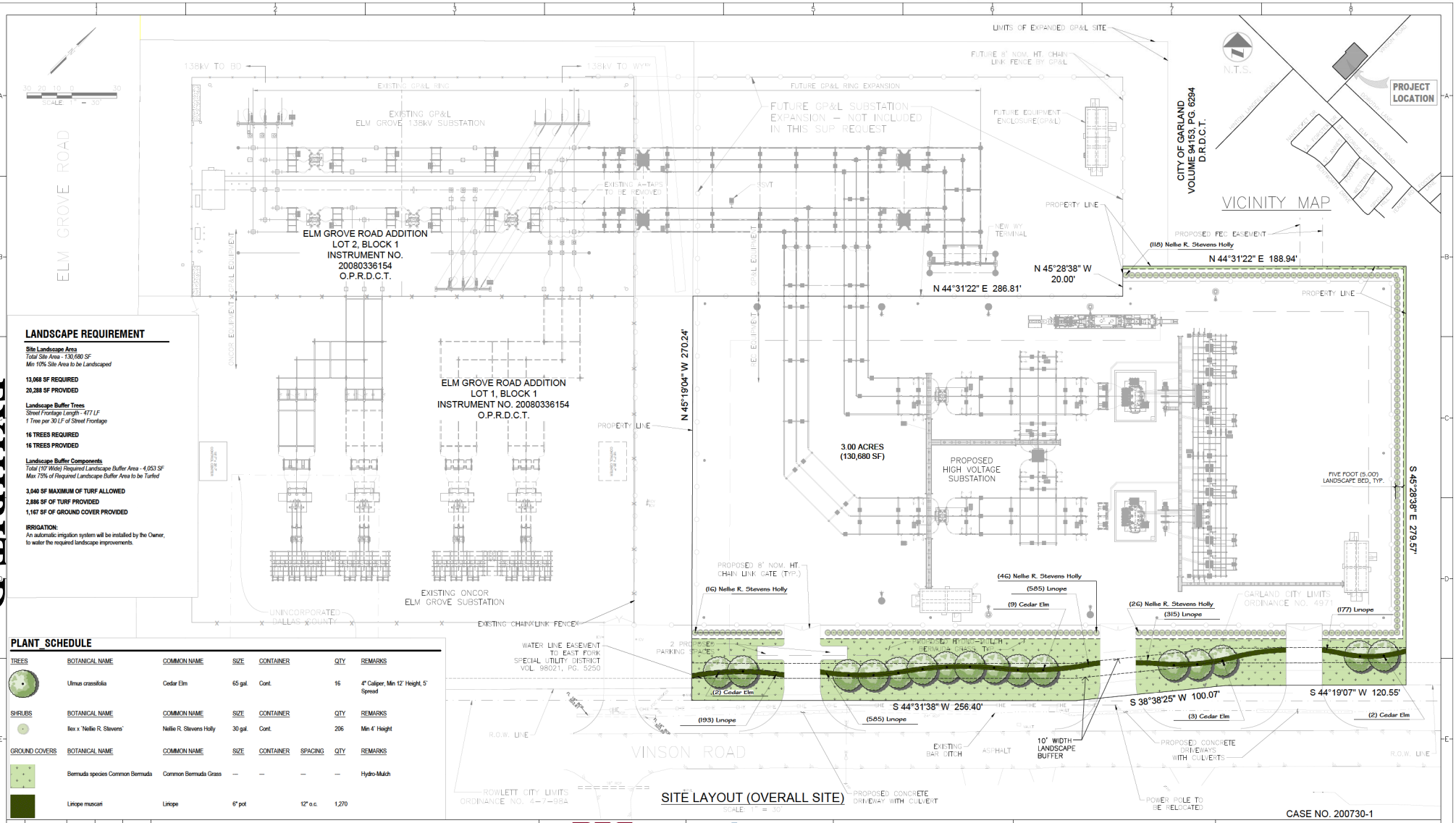
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY FRANK A. POLMA, P.E. 82274 ON JANUARY 8, 2021. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

JOB NO. 2851-20	DESIGN BY FAP		
CREATED	CODE		
PLOTTED	CHECKED BY		
LAST UPDATE BY			
DRAWN: RDE	SCALE: 1" = 30'		
CHECKED:	DRAWING NO.: SP-1	ISSUE: B	
APPROVED:			
FILENAME:			

COTTONWOOD CREEK SUBSTATION

SITE PLAN

EXHIBIT D



LANDSCAPE REQUIREMENT

Site Landscape Area
Total Site Area - 130,680 SF
Min 10% Site Area to be Landscaped

13,068 SF REQUIRED
20,288 SF PROVIDED

Landscape Buffer Trees
Street Frontage Length - 477 LF
1 Tree per 30 LF of Street Frontage

16 TREES REQUIRED
16 TREES PROVIDED

Landscape Buffer Components
Total (10' Wide) Required Landscape Buffer Area - 4,053 SF
Max 75% of Required Landscape Buffer Area to be Turfed

3,040 SF MAXIMUM OF TURF ALLOWED
2,886 SF OF TURF PROVIDED
1,167 SF OF GROUND COVER PROVIDED

IRRIGATION:
An automatic irrigation system will be installed by the Owner, to water the required landscape improvements.

PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER		QTY	REMARKS
	Ulmus crassifolia	Cedar Elm	65 gal.	Cont.		16	4" Caliper, Min 12' Height, 5' Spread
SHRUBS	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**CONTAINER**		**QTY**	**REMARKS**
	Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly	30 gal.	Cont.		206	Min 4' Height
GROUND COVERS	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**CONTAINER**	**SPACING**	**QTY**	**REMARKS**
	Bermuda species Common Bermuda	Common Bermuda Grass	—	—	—	—	Hydro-Mulch
	Liriope muscari	Liriope	6" pot		12" o.c.	1,270	

REV	DATE	REV.BY	P.M.	ENG.	REVISION/RELEASE
A	12-23-2020	RPS	RPS	RPS	ISSUE FOR SUP APPLICATION
B	01/08/2021	RPS	RPS	RPS	REVISE PER COG TECH REVIEW COMMENTS

REC Rayburn Electric Cooperative
Farmers Electric Cooperative
r.delta ENGINEERS SURVEYORS
Dunkin Sims Stoffels Inc.

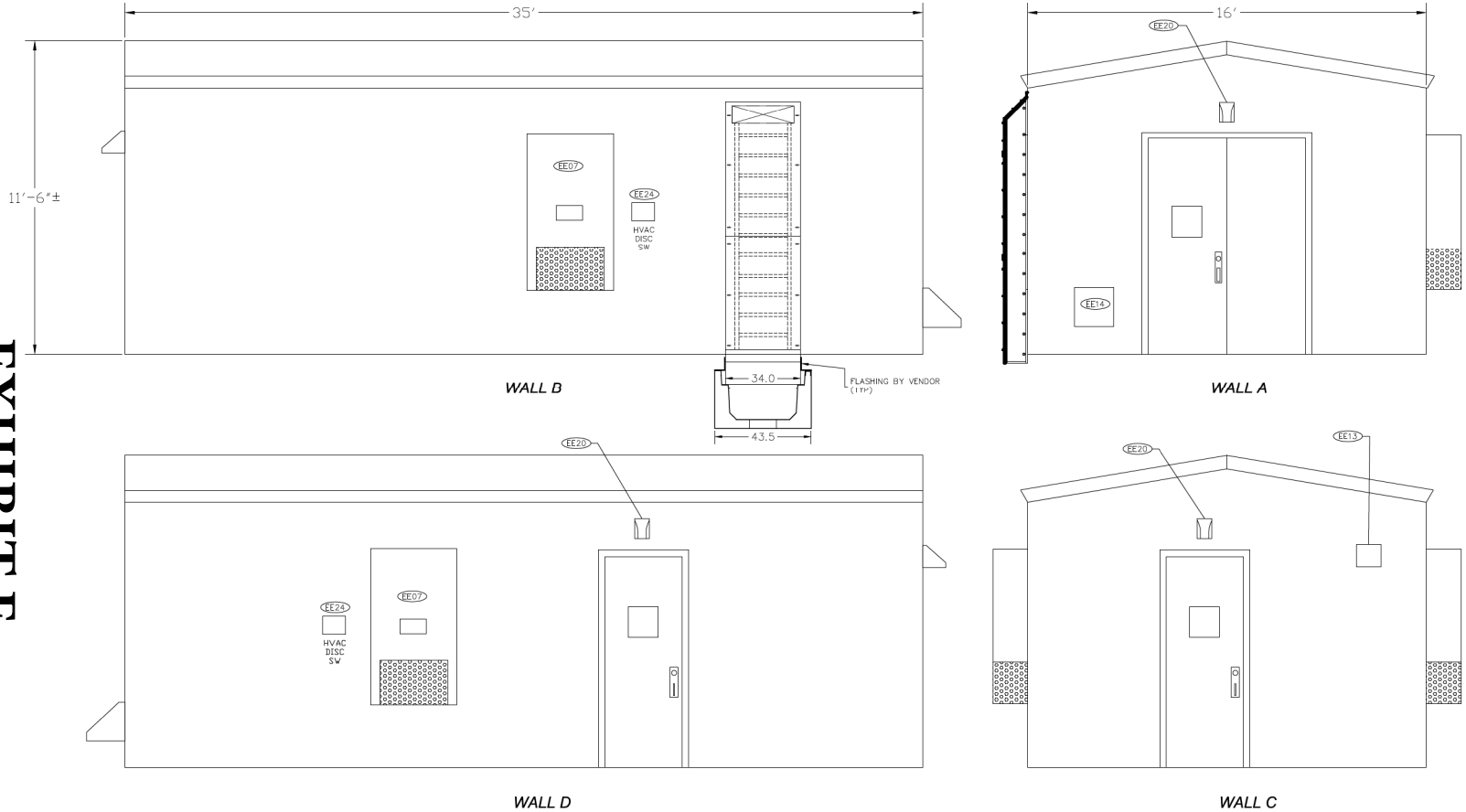
JOB NO. 2851-20	DESIGN BY R.P.S		
CREATED	CODE		
PLOTTED	CHECKED BY R.P.S.		
LAST UPDATE BY			
DRAWN:	SCALE: 1" = 30'		
CHECKED:	DRAWING NO.: LCSP-1	ISSUE: B	
APPROVED:			
FILENAME:			

CASE NO. 200730-1

PROPOSED COTTONWOOD CREEK SUBSTATION

LANDSCAPE SITE PLAN

EXHIBIT E



CASE NO. 200730-1

REV	DATE	REV.BY	P.M.	ENG.	REVISION/RELEASE
A	12/23/2020	RDE	FAP	FAP	ISSUE FOR SUP APPLICATION

Rayburn Electric Cooperative

Farmers Electric Cooperative

r.delta ENGINEERS
618 Main Street
Garland, TX 75040
Ph. (972) 494-5031
Fax (972) 487-2270
www.rdelta.com
TBPE No. F-1515

STATE OF TEXAS
FRANK A. POLMA
80274
REGISTERED
PROFESSIONAL ENGINEER

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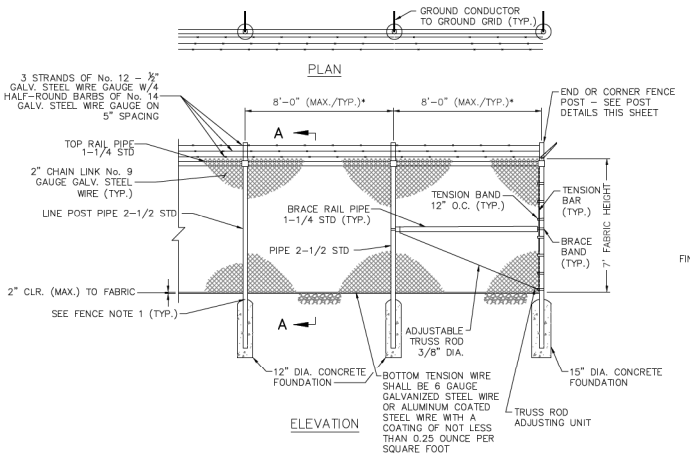
JOB NO. 2851-20	DESIGN BY FAP
CREATED	CODE
PLOTTED	CHECKED BY
LAST UPDATE BY	
DRAWN: RDE	SCALE: AS NOTED
CHECKED:	DRAWING NO.: MEE-2
APPROVED.	ISSUE: A
FILENAME:	

COTTONWOOD CREEK SUBSTATION

REC/FEC MODULAR EQUIPMENT ENCLOSURE EXTERIOR ELEVATIONS

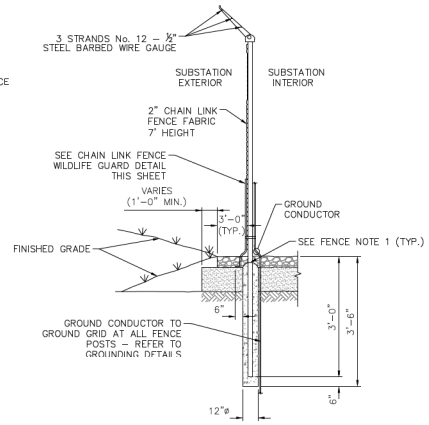
EXHIBIT E



TYPICAL FENCE DETAIL

N.T.S.

*UNLESS SHOWN OTHERWISE

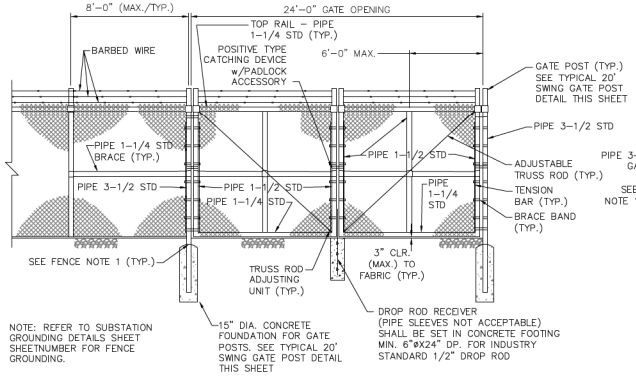


SECTION A-A

N.T.S.

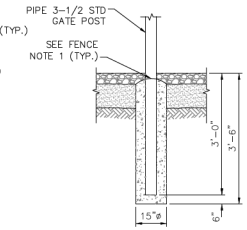
FENCE NOTES:

1. PROVIDE A ONE–INCH (MAXIMUM) HEIGHT DOME ABOVE FLEXIBLE BASE SURFACE TO PREVENT STANDING WATER AGAINST FENCE POST BASE.
2. POST SIZES SHOWN BASED ON AISC PIPE SHAPES WITH OUTSIDE DIAMETERS AS FOLLOWS:
   1–1/4 STD = 1.66" OD
   1–1/2 STD = 1.90" OD
   2–1/2 STD = 2.875" OD
   3–1/2 STD = 4" OD
   6 STD = 6.625" OD



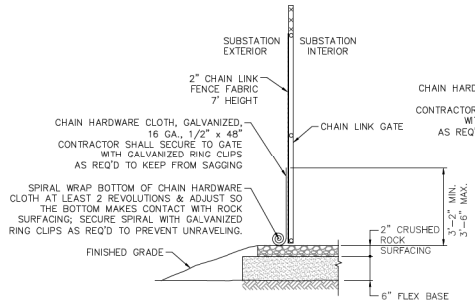
24-FOOT DOUBLE SWING GATE DETAIL

N.T.S.



TYPICAL 24' SWING GATE POST DETAIL

N.T.S.

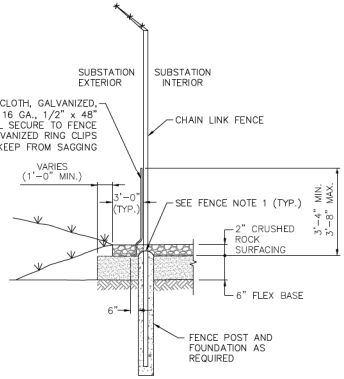


CHAINLINK GATE WILDLIFE GUARD DETAIL (TYPICAL)

N.T.S.

WILDLIFE GUARD NOTES:

1. PLACE 6" OF WILDLIFE GUARD HORIZONTALLY ON THE FLEX BASE AND COVER WITH CRUSHED ROCK SURFACING AS SHOWN.
2. WILDLIFE GUARD SHALL BE PLACED AROUND ENTIRE PERIMETER OF THE CHAINLINK FENCE.



CHAINLINK FENCE WILDLIFE GUARD DETAIL (TYPICAL)

N.T.S.

CASE NO. 200730–1

REV	DATE	REV.BY	P.M.	ENG.	REVISION/RELEASE
A	01/08/2021	RDE	FAP	FAP	ISSUE FOR SUP APPLICATION

Rayburn Electric Cooperative

Farmers Electric Cooperative

r.delta ENGINEERS
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Garland, TX 75040
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Fax (972) 487-2270
www.rdelta.com
TBPE No. F-1515

STATE OF TEXAS — FRANK A. POLMA — 80274 — REGISTERED PROFESSIONAL ENGINEER

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JOB NO. 2851–20	DESIGN BY FAP		
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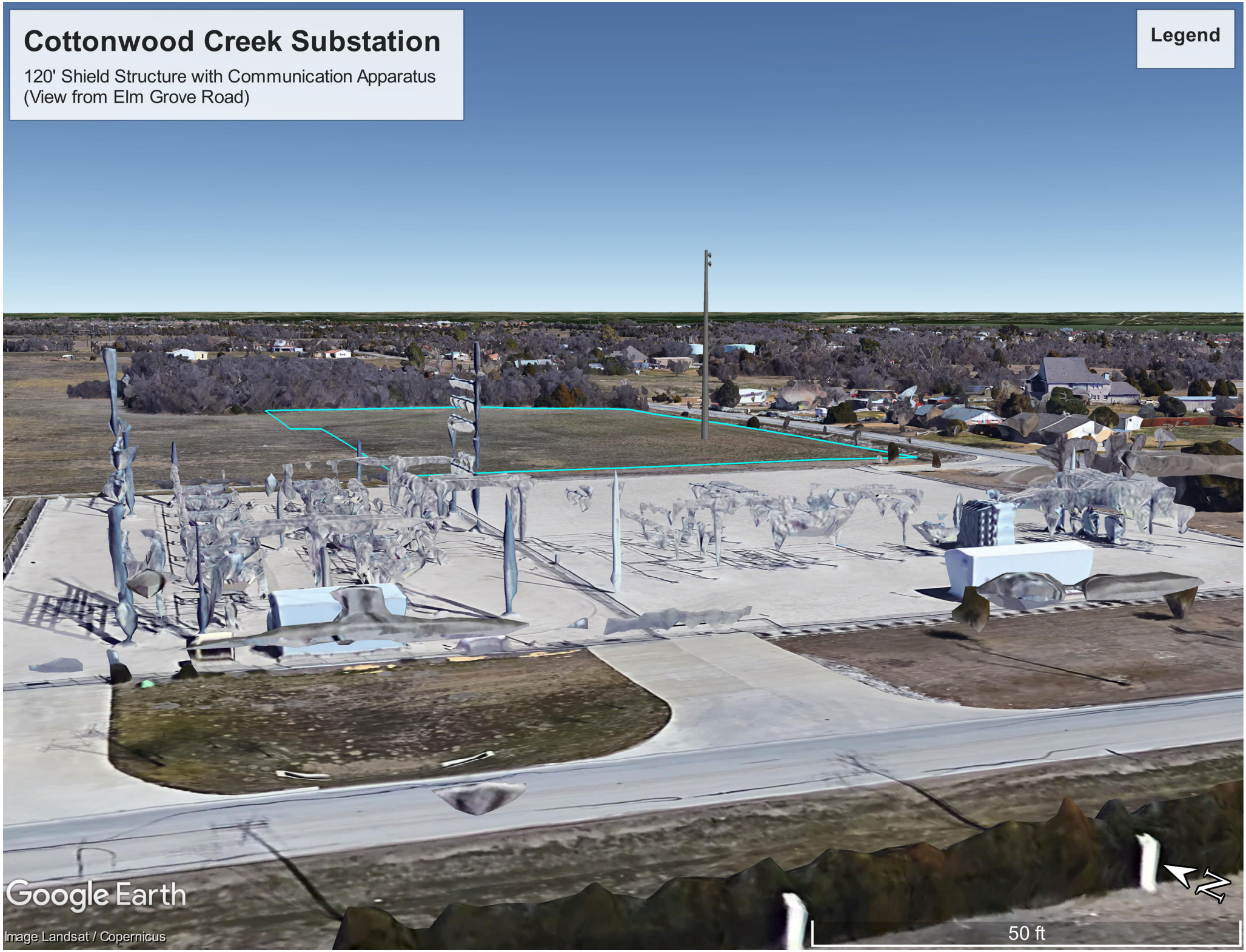
PLOTTED	CHECKED BY		
LAST UPDATE BY			
DRAWN: RDE	SCALE: NONE		
CHECKED:	DRAWING NO.: DET-1	ISSUE: A	
APPROVED:			
FILENAME:			

COTTONWOOD CREEK SUBSTATION

FENCE DETAILS

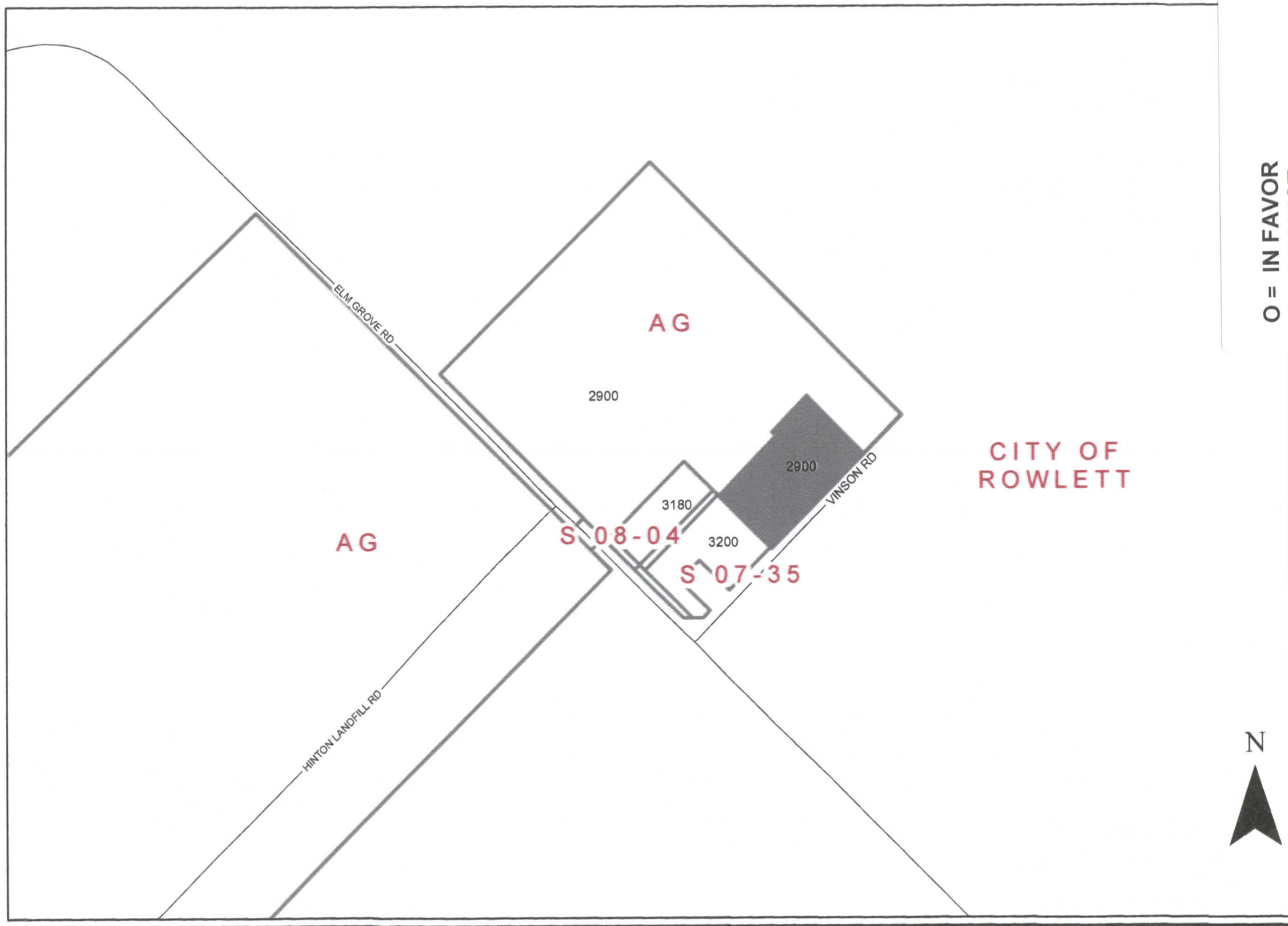
Cottonwood Creek Substation

120' Shield Structure with Communication Apparatus
(View from Elm Grove Road)



Cottonwood Creek Substation

120' Shield Structure with Communication Apparatus
(View from Vinson Road)



O = IN FAVOR
X = AGAINST

0 275 550 Feet
1 inch = 442 feet

Zoning Map Z 20-47

INDICATES AREA OF REQUEST

We did not receive any responses for this case.

City of Garland
Planning Department
P.O. Box 469002
Garland, Texas 75046-9002

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NOTICE OF PUBLIC HEARING OF THE GARLAND CITY COUNCIL

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

Dear Garland Resident, Property Owner or Business Owner: You are receiving this letter because your address is within 400 feet of the proposed zoning change.

RE: **Z 20-47 R-Delta Engineers, Inc. The applicant proposes an electric substation adjacent to an existing electric substation. This site is located at 2900 Elm Grove Road. (District 1)** (see included map)

Date: A Public hearing will be held by the City of Garland City Council at 7:00 p.m., Tuesday, March 2, 2021.

Location: Due to COVID-19 Pandemic the meeting will be held virtually. A link to the meeting can be found on the City of Garland website, with the Meeting and Agenda webpage and can be found at: https://www.garlandtx.gov/801/Meeting-Agendas-and-Minutes *(Agendas are required to be posted at least 72 hours before the meeting)*

For more information about Case Z 20-47 and other zoning cases go to: www.garlandplanning.org or scan the **QR code** in the upper corner. *(Agendas will also contain additional information. See link above.)*

You may also contact City Planner Nabiha Ahmed at 972-205-2453 or email at **NAhmed@garlandtx.gov**.

Para Español, por favor contactar a Josue De La Vega 972-205-2833.

(It is important that you include your property address, your name, and mailing address in any correspondence concerning the case)

**Translation provided by Google Translate / *Traducción proporcionada por el traductor de Google / *Bản dịch do Google Dịch cung cấp*

City of Garland
Planning Department
P.O. Box 469002
Garland, Texas 75046-9002

GARLAND
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Escanéame

AVISO DE AUDIENCIA PÚBLICA DE
EL CONSEJO DE LA CIUDAD DE GARLAND*

Debido a la emergencia de COVID-19 y, de conformidad con la Sección 551.125 del Código de Gobierno de Texas y las órdenes ejecutivas del Gobernador Greg Abbott que suspenden las disposiciones del Código de Gobierno de Texas y otras leyes aplicables del Estado con respecto a las reuniones abiertas normales, el Consejo de la Ciudad celebrará esta reunión por medios remotos por Internet / telefónicos.

Estimado residente, propietario o empresario de Garland: Usted recibe esta carta porque su dirección está a 400 pies del cambio de zonificación propuesto.

RE: **Z 20-47 R-Delta Engineers, Inc. - El solicitante propone una subestación eléctrica adyacente a una subestación eléctrica existente. Este sitio está ubicado en 2900 Elm Grove Road. (Distrito 1)** (ver mapa incluido)

Fecha de la reunión: El Ayuntamiento de la ciudad de Garland llevará a cabo una audiencia pública a las 7:00 p.m., el martes 2 de marzo de 2021.

Ubicación: Debido a la pandemia COVID-19, la reunión se llevará a cabo de forma virtual. Se puede encontrar un enlace a la reunión en el sitio web de la ciudad de Garland, con la página web de la reunión y la agenda y se puede encontrar en: https://www.garlandtx.gov/801/Meeting-Agendas-and-Minutes (Las agendas deben publicarse al menos 72 horas antes de la reunión)

Para obtener más información sobre Case Z 20-47 y otros casos de zonificación, visite: www.garlandplanning.org o escanee el código QR en la esquina superior. (Las agendas también incluirán información adicional. Consulte el enlace anterior).

Para Espanol, por favor contactar a Josue De La Vega a 972-205-2833 o correo electrónico a jdelavega@garlandtx.gov

(Es importante que incluya la dirección de su propiedad, su nombre y dirección postal en cualquier correspondencia relacionada con el caso)

THÔNG BÁO VỀ VIỆC NGHE CỦA CÔNG CHÚNG
HỘI ĐỒNG THÀNH PHỐ GARLAND*

Quét tôi

Do tình huống khẩn cấp COVID-19 và, theo Mục 551.125 của Bộ luật Chính phủ Texas và lệnh hành pháp của Thống đốc Greg Abbott đình chỉ các quy định của Bộ luật Chính phủ Texas và các luật hiện hành khác của Tiểu bang về các cuộc họp mở bình thường, Hội đồng Thành phố sẽ tổ chức cuộc họp này bằng phương tiện internet / điện thoại từ xa.

RE: **Z 20-47 R-Delta Engineers, Inc. Người nộp đơn đề xuất một trạm biến áp điện liền kề với một trạm biến áp điện hiện có. Trang web này nằm ở 2900 Elm Grove Road. (Quận 1) (xem bản đồ bao gồm)**

Date: Một buổi điều trần Công khai sẽ được tổ chức bởi Hội đồng Thành phố Thành phố Garland lúc 7:00 tối, Thứ Ba, ngày 2 tháng 3 năm 2021.

Location: Do Đại dịch COVID-19, cuộc họp sẽ được tổ chức ảo. Bạn có thể tìm thấy liên kết tới cuộc họp trên trang web của Thành phố Garland, với trang web Cuộc họp và Chương trình làm việc và có thể tìm thấy tại: https://www.garlandtx.gov/801/Meeting-Agendas-and-Minutes (Cần có bản thuyết minh được đăng ít nhất 72 giờ trước cuộc họp)

(Các chương trình nghị sự cũng sẽ chứa thông tin bổ sung. Xem liên kết ở trên.)

(Điều quan trọng là bạn phải bao gồm địa chỉ tài sản, tên của bạn và địa chỉ gửi thư trong bất kỳ thư từ liên quan đến trường hợp này)

**Translation provided by Google Translate / *Traducción proporcionada por el traductor de Google / *Bản dịch do Google Dịch cung cấp*

Comment Form
Case Z 20-47

Applicant R-Delta Engineers, Inc. proposes an electric substation adjacent to an existing electric substation. This site is located at 2900 Elm Grove Road. (Z 20-47) (District 1)

El solicitante R-Delta Engineers, Inc. El solicitante propone una subestación eléctrica adyacente a una subestación eléctrica existente. Este sitio está ubicado en 2900 Elm Grove Road. (Z 20-47) (Distrito 7)

"R-Delta Engineers, Inc.". Người nộp đơn đề xuất một trạm biến áp điện liền kề với một trạm biến áp điện hiện có. Trang web này nằm ở 2900 Elm Grove Road. (Z 20-47) (Quận 7)

Please Check One Below / Marque uno a continuación / Vui lòng kiểm tra một bên dưới

- [x] For / A Favor / Đúng
- [ ] Against / En Contra / Không

Please complete the following information / Por favor complete la siguiente información / Vui lòng điền các thông tin sau:

Paul Gonzales, GISD Executive Director of Facilities & Maintenance

Printed Name & Title / Nombre Impreso y Título / Tên in và Tiêu đề

(Property Owner, Business Owner, Tenant, etc.) / (Dueño de la propiedad, Dueño de la empresa, Inquilino, etc.) / (Chủ sở hữu bất động sản, Chủ doanh nghiệp, Người thuê, v.v.)

GISD - 2800 Vinson Road

Your Property Address / La dirección de su propiedad / địa chỉ tài sản

Garland, TX

City, State / Estado de la Ciudad / Thành bang

75042

Zip Code / Código postal / Mã Bưu Chính

Paul Mz

Signature / Firma / Chữ ký

2-22-21

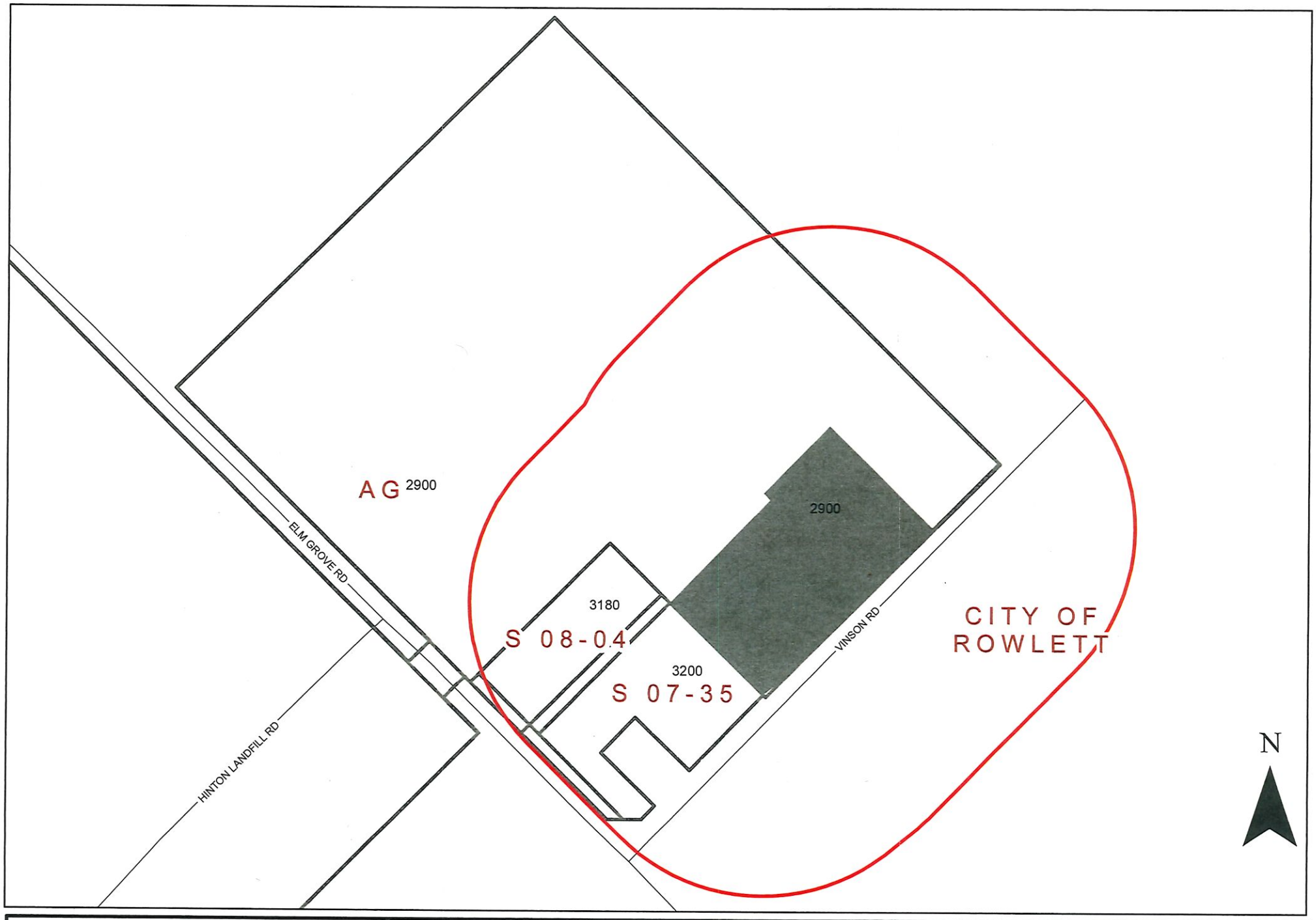
Date / Fecha / Ngày

Comment Form Continued – Case Z 20-47

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

Las declaraciones a continuación reflejan mi (nuestra) opinión con respecto a las solicitudes propuestas.

Các tuyên bố dưới đây phản ánh quan điểm của tôi (chúng tôi) về (các) yêu cầu được đề xuất



0 175 350 Feet
1 inch = 250 feet

Zoning Map Z 20-47

INDICATES AREA OF REQUEST

INDICATES NOTIFICATION AREA

2900 Elm Grove Road

Z 20-47

The applicant requests to construct an electric substation adjacent to an existing electric substation.

[Specific Use Provision and Plan for an Electric Substation on a property zoned Agricultural (AG) District.]

City Council Meeting
March 2, 2021

GARLAND
TEXAS MADE HERE

CASE INFORMATION

Location: 2900 Elm Grove Road

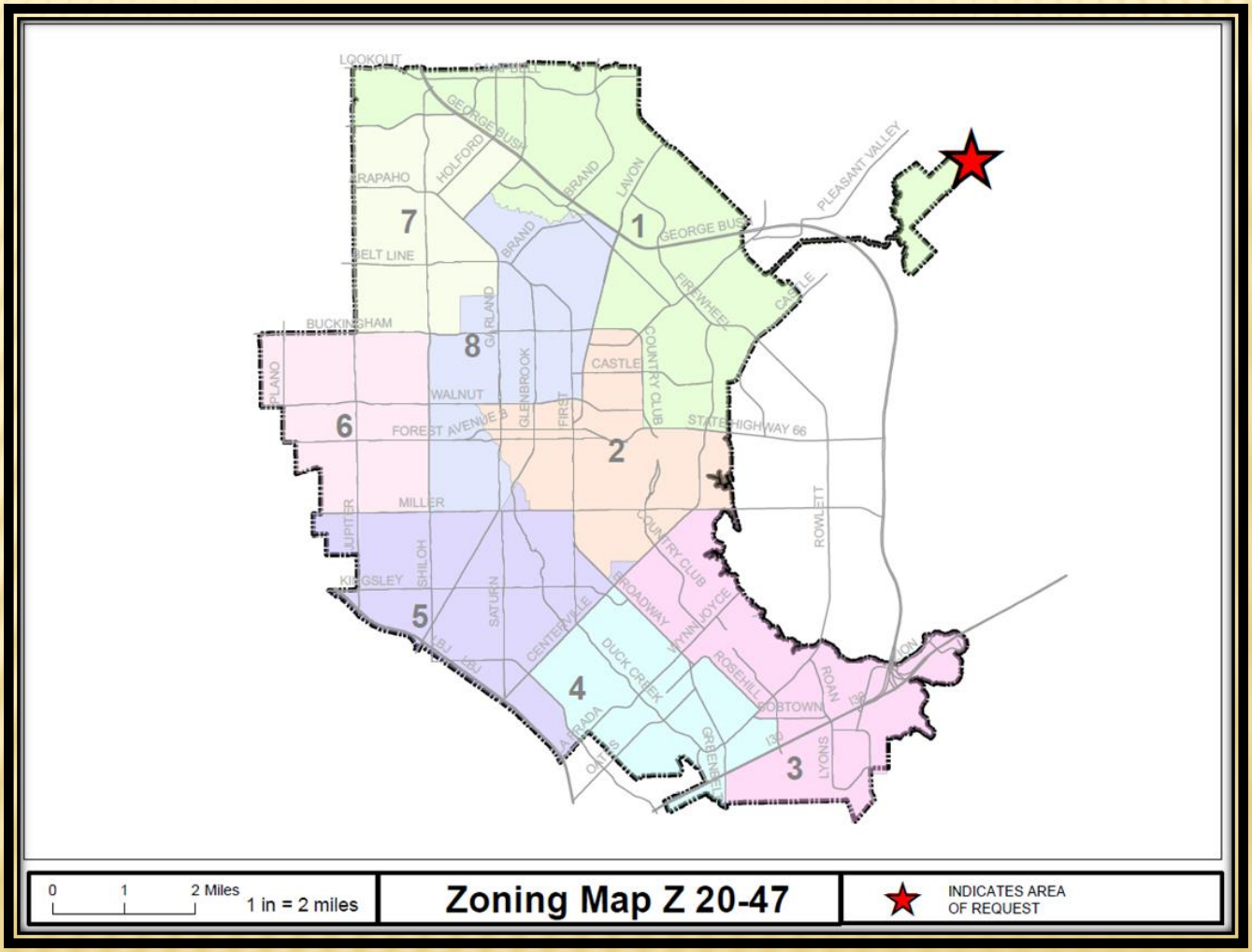
Applicant: R-Delta Engineers, Inc.

Owner: City of Garland

Acreage: 3.00 acres

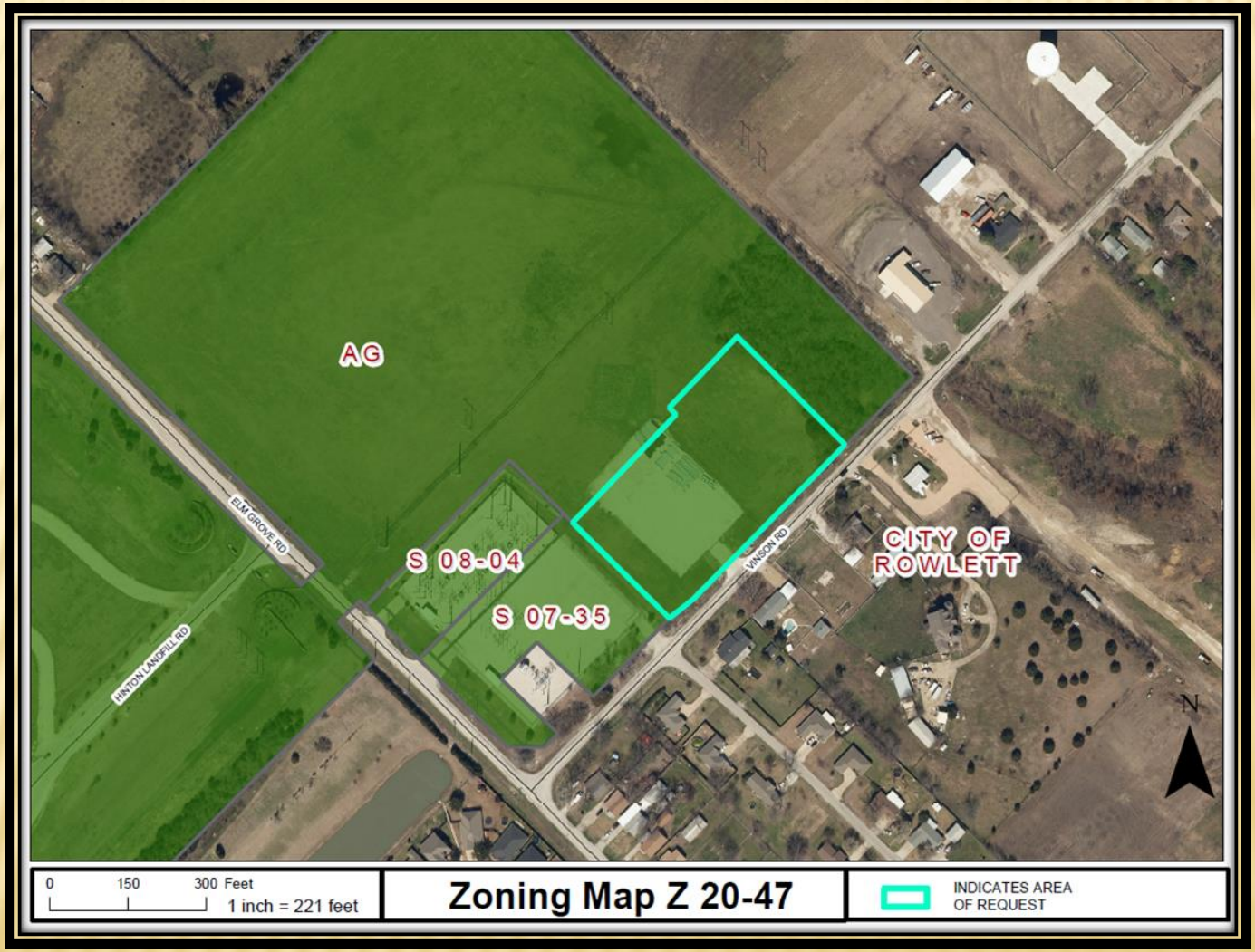
Zoning: Agricultural (AG) District

CITYWIDE LOCATION MAP



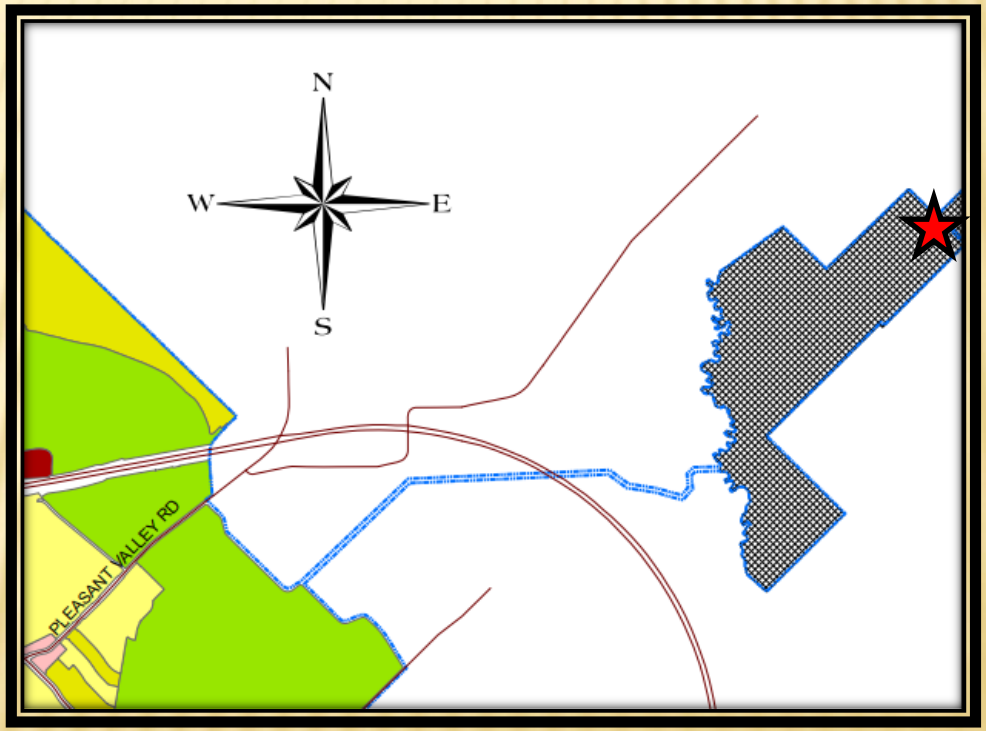
Z 20-47

LOCATION MAP



COMPREHENSIVE PLAN

Operating Landfill & Public Facility



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COMPREHENSIVE PLAN

- The availability of utility and transportation infrastructure plays a role in the redevelopment of properties throughout the community. A site must have proper services in order to handle a new residential, retail, office, or commercial use. In some infill or redevelopment cases, the site or area may not be served with adequate services for the intended land use, and improvements to the system are required. The utility service provided by this proposal is valuable for future development.

PHOTOS

Looking at the subject property from Vinson Road

Looking east of the subject property from East Vinson Road

Looking south of the subject property from Vinson Road

Looking west of the subject property from Elm Grove Road.

Z 20-47

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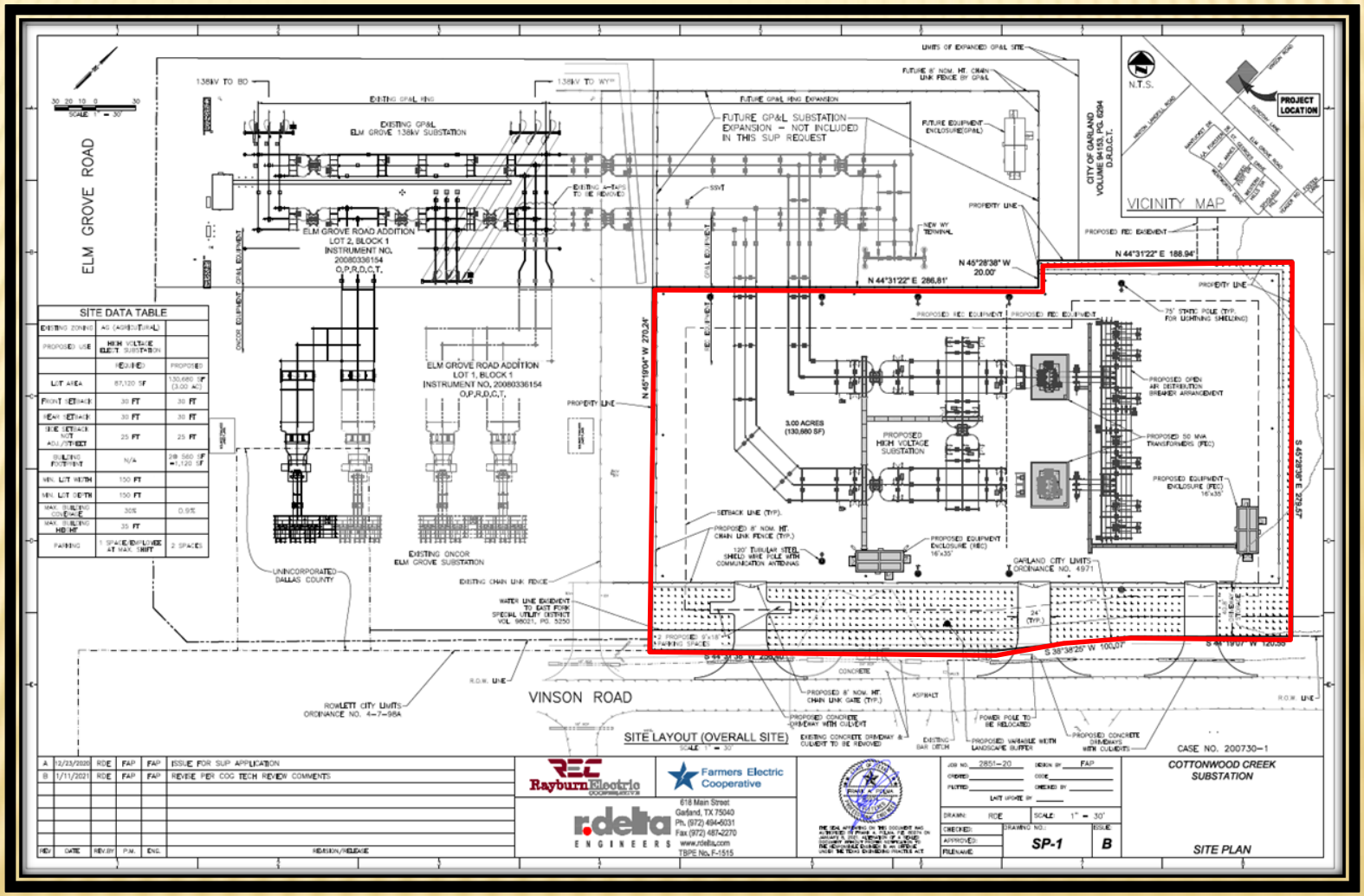
SITE PLAN



Z 20-47

GARLAND
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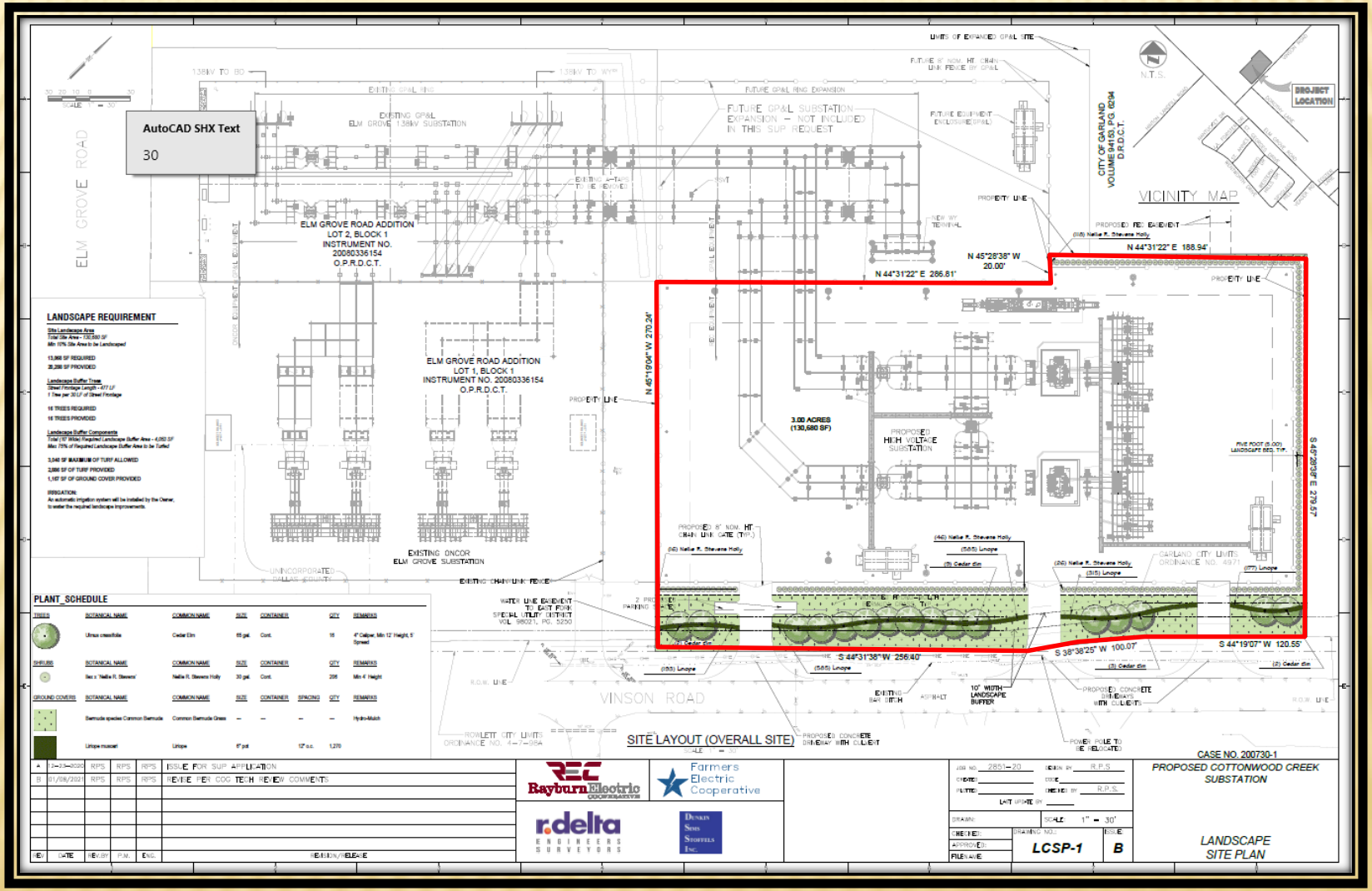
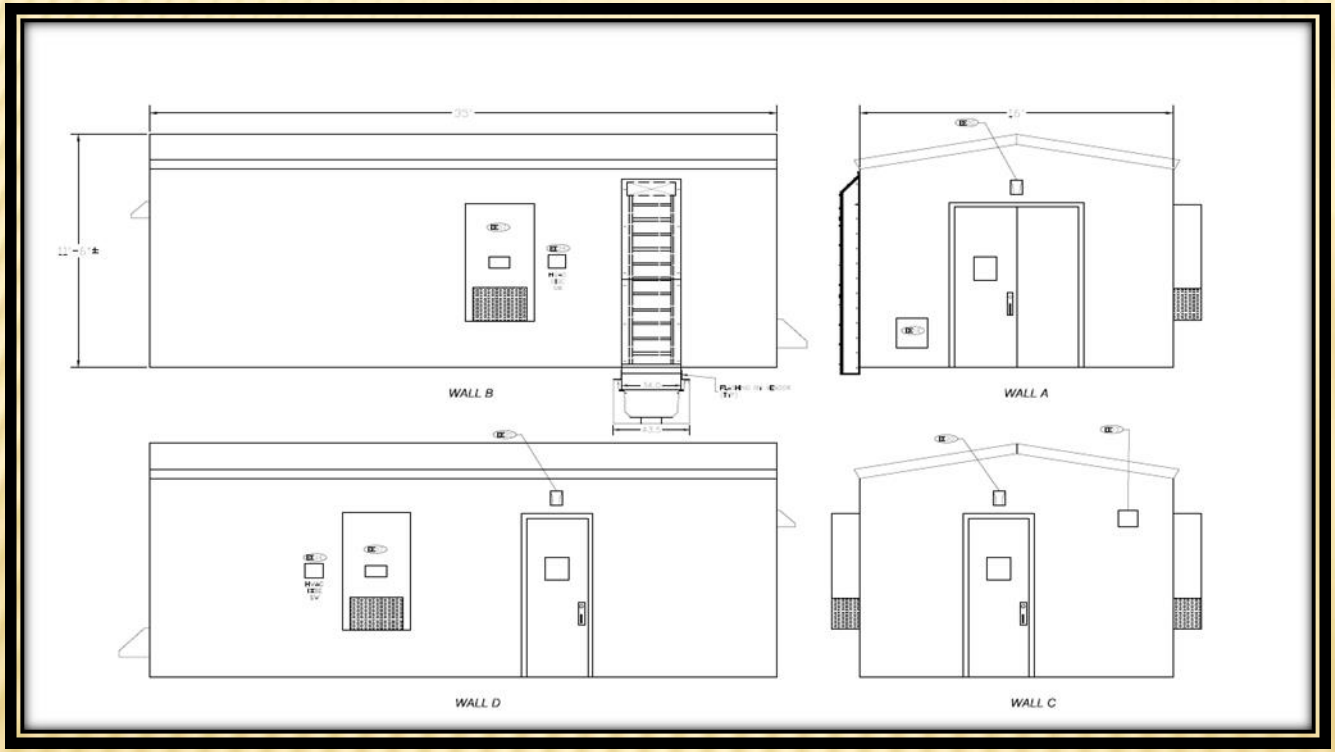
LANDSCAPE PLAN



Z 20-47

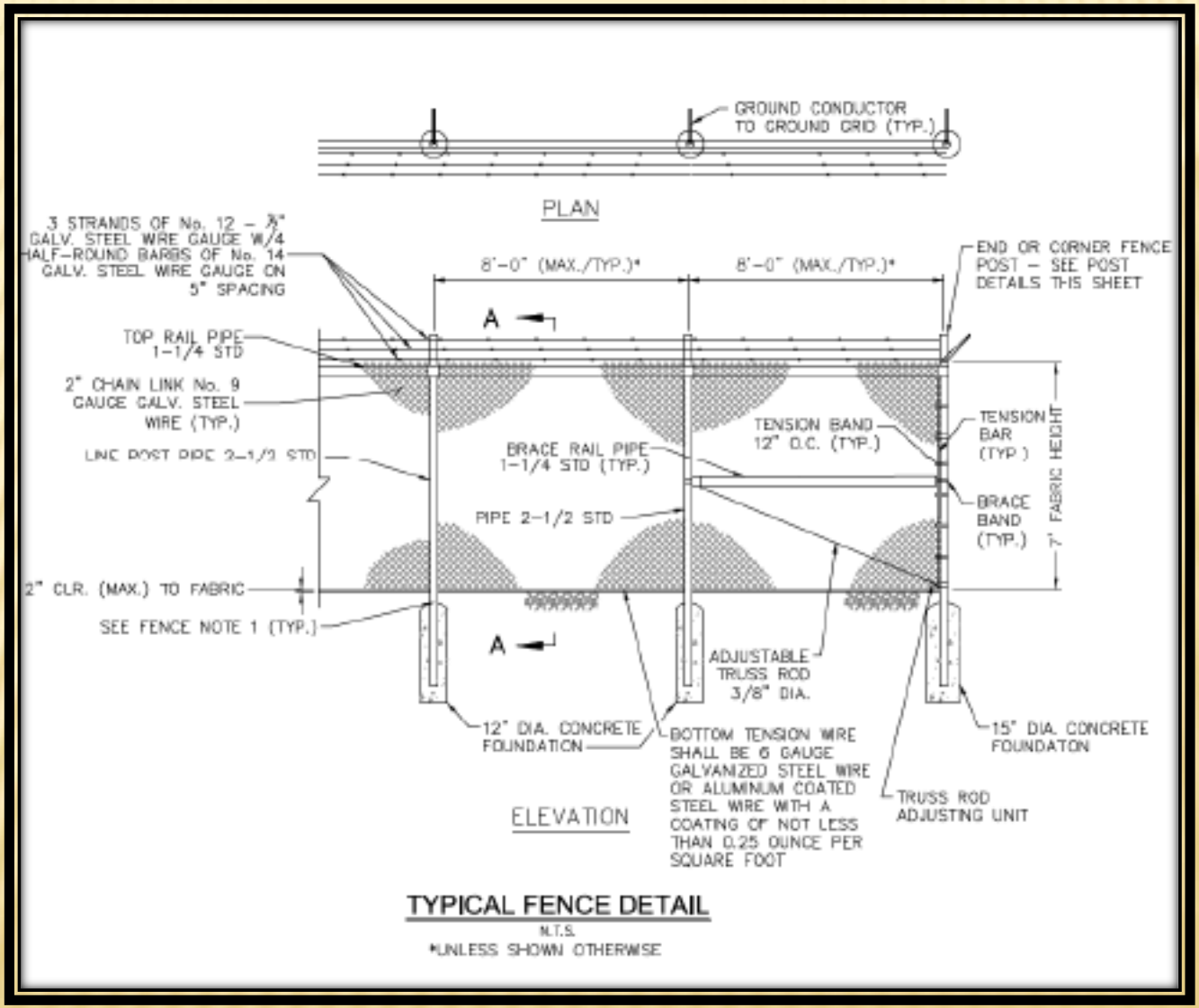
SHIELD STRUCTURE SIMULATIONS

EQUIPMENT ENCLOSURE



Z 20-47

FENCE DETAILS



Z 20-47

CONSIDERATION

The applicant proposes the Specific Use Provision to be in effect in perpetuity.

The applicant's request is an SUP only. No GDC deviations are being requested by the applicant.

STAFF RECOMMENDATION

- Approval of a Specific Use Provision and Plan for an Electric Substation use on a property zoned Agricultural (AG) District.

PLAN COMMISION RECOMMENDATION

- On February 8, 2021 the Plan Commission, by a vote of nine (9) to zero (0), recommended approval of a Specific Use Provision for an Electric Substation use on a property zoned Agricultural (AG) District.

- The Plan Commission, by a vote of nine (9) to zero (0), recommended approval a Plan for an Electric Substation.

Z 20-47