



AGENDA

REGULAR MEETING OF THE CITY COUNCIL

**City of Garland
Council Chambers, City Hall
William E. Dollar Municipal Building
200 North Fifth Street
Garland, Texas
February 5, 2019
7:00 p.m.**

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

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

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



LEGISLATIVE PRAYER AND PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS, RECOGNITIONS AND ANNOUNCEMENTS

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

CONSENT AGENDA

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

1. Consider approval of the minutes of the January 15, 2019 Regular Meeting and January 24, 2019 Bond Work Session.

2. Consider approval of the following bids:

- a. Skate Park Design/Build Services Bid No. 1113-17

SPA Skateparks with New Line Skateparks **\$170,000.00**

This request is to provide Design/Build Services for the proposed Skate Park in Rick Oden Park.

- b. Peripheral Equipment for Police Patrol Vehicles Bid No. 0384-19

GT Distributors, Inc. **\$192,912.45**

Kustom Signals	24,646.74
Stop Stick, Ltd.	7,434.36
Motorola Solutions	14,169.00
Plastix Plus, LLC	<u>61,790.00</u>
TOTAL:	\$300,952.55

This request is to upfit the new Police Department Tahoes with the equipment necessary to make them fully functioning patrol vehicles.

c. Repaving Design for Park Road and Parking Lots at Audubon Park Picnic Area **Bid No. 0420-19**

Kimley-Horn and Associates, Inc.	\$115,560.00
Optional Contingency	<u>12,840.00</u>
TOTAL:	\$128,400.00

This request is to provide professional engineering design services for repaving the asphalt park road and parking areas at the Audubon Park Picnic Area, which is located between the Surf & Swim Swimming Pool and Duck Creek. This item includes an Optional Contingency for any additional work that may be required.

d. Shoreline Erosion Stabilization Design at Windsurf Bay Park **Bid No. 0419-19**

Kimley-Horn and Associates, Inc.	\$128,070.00
Optional Contingency	<u>14,230.00</u>
TOTAL:	\$142,300.00

This request is to provide professional engineering design services for shoreline erosion stabilization design at Windsurf Bay Park. This item includes an Optional Contingency for any additional work that may be required.

e. Pedestrian/Bike Bridge Design at Duck Creek Greenbelt **Bid No. 0418-19**

Kimley-Horn & Associates, Inc.	\$114,480.00
Optional Contingency	<u>12,720.00</u>
TOTAL:	\$127,200.00

This request is to provide professional engineering design services for two creek tributary crossings at Duck Creek. This item includes an Optional Contingency for any additional work that may be required.

- f. **Transmission Line Tree Trimming Services for GP&L and TMPA** **Bid No. 0094-18**

Nelson Tree Service **\$667,014.00**

This request is to provide tree trimming services for GP&L and TMPA transmission line rights-of-way.

- g. **Emergency Transmission Line Repair** **Bid No. 0158-19**

Chapman Construction Company, LP **\$60,484.69**

This request is to approve Change Order #1 for emergency restoration services to rebuild the Wynn Joyce to Miller Road double circuit 138kV transmission line segment on Wynn Joyce Road.

- h. **Foundation Construction for Dent Road Switching Station** **Bid No. 0268-19**

Rebcon, Inc. **\$769,558.00**

This request is to provide foundation construction services for the Dent Road 138kV Switching Station in accordance with engineering project drawings and specifications.

- i. **Grading Construction for Dent Road Switching Station** **Bid No. 0306-19**

Mann Robinson & Son **\$942,282.66**

This request is to provide grading construction services for the Dent Road 138kV Switching Station in accordance with engineering drawings and specifications as part of the approved Dent Road 138kV Switching Station CIP project.

- j. **Water and Paving Improvements for Broadway Boulevard, Intrepid Drive, and Syracuse Drive** **Bid No. 0204-19**

A&M Construction and Utilities, Inc. **\$1,443,285.64**

This request is to provide water and paving improvements along Broadway Boulevard from Merrimac Trail to Wynn Joyce Road, Intrepid Drive from Spindrift Passage to Windward Passage, and Syracuse Drive from Vanderbilt Drive to End.

- k. **Control House for Dent Road Switching Station** **Bid No. 0237-19**

(CTS) Crown Texas, Inc. \$728,206.95

This request is to purchase a Control House for the Dent Road 138kV Switching Station in accordance with engineering drawings and specifications.

- l. **Automated Irrigation Control System for Various Parks Locations** **Bid No. 0415-19**

Interspec, LLC \$230,212.00

This request is to expand the existing remote water management control systems for irrigation at various Parks locations.

- m. **Holding Tank for Surf and Swim Pool** **Bid No. 0416-19**

Sunbelt Pools \$187,775.00
Optional Contingency 17,225.00
TOTAL: \$205,000.00

This request is to replace the mechanical holding tank component of the circulation and filtration systems for Surf & Swim Wave Action Pool. An Optional Contingency is included for any additional work that may be required.

3. **Consider a resolution agreeing to the sale of certain property located within the City of Garland and owned by taxing authorities including the City of Garland as the result of a tax sale; authorizing the Mayor to execute a Deed Without Warranty; and providing an effective date.**

At the February 4, 2019 Work Session, Council was briefed on the potential sale of property located at 802 E. Walnut Street. Staff recommends that the City Council accept the offer and sell the property to Mr. Liang. This property has been held by the City of Garland since 2017 and pursuant to Section 34.05 of the Texas Property Tax Code may be resold to a private entity with approval of the governing body. Consent of this sale has already been provided by Dallas County and the Garland Independent School District.

4. **Consider an ordinance authorizing the issuance of “City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2019”, pledging the net revenues of the City’s electric utility system to the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement, an Escrow Agreement and a**

Purchase Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement; and providing an effective date.

At the December 3, 2018 Work Session, Council considered authorizing the refunding of approximately \$133 million of Electric Utility System Drawdown Notes, Series 2016, approximately \$24 million of Electric Utility System Commercial Paper Notes, Series 2018, and approximately \$4 million of Electric Utility System Revenue Bonds, Series 2009 with Electric System Revenue Refunding Bonds, Series 2019. The purpose of this transaction is to refund and closeout the Electric Utility System Drawdown Notes, Series 2016, refund a portion of variable rate commercial paper notes with fixed rate long-term debt, and to generate savings in debt service.

- 5. Consider an ordinance amending certain sections of the Code of Ordinances of the City of Garland, Texas relating to fees and rates for water and sewer services provided by the City; providing a Savings Clause and a Severability Clause; and providing an effective date.**

At the January 14, 2019 Work Session, the City Council reviewed a Policy Report recommending a phase in base rate increase for multi-family water and wastewater. Council approved a phase in rate of \$11.52 for water and \$4.27 for sewer beginning March 1, 2019 and implement the final rate adjustment on October 1, 2019 after a cost of service study is completed. For Council's consideration is an amendment to Chapter 50 Utility Rates and Fees, Section 50.34 Water Service Rates and Section 50.35 Sewer Service Rates.

- 6. Approve by minute action an amendment to City Council policy requiring all boards, commissions, and Council committees to hold meetings at City Hall.**

The Administrative Services Committee reported out the attached policy change at the January 14, 2019 Work Session. The policy amendment generally requires City boards, commissions, and Council committee meetings to be held at City Hall, with certain exceptions. The City Council indicated concurrence with the Committee's recommendation on the proposed amendment.

- 7. City Manager Employment Agreement**

Council is requested to approve an employment agreement with Bryan L. Bradford to continue his employment in the position of City Manager.

- 8. City Attorney Employment Agreement**

Council is requested to approve and employment agreement with Brad Neighbor to continue his employment in the position of City Attorney.

- 9. City Auditor Employment Agreement**

Council is requested to approve an employment agreement with Jedson Johnson the position of City Auditor.

ITEMS FOR INDIVIDUAL CONSIDERATION

Speaker Regulations:

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

- 10. Consider amendments to Chapter 4, Article 5, “Signs” of the Garland Development Code.**

Public hearing and consideration of amendments to Chapter 4, Article 5, “Signs” of the Garland Development Code (GDC) regarding changes to the sign regulations. Following review and recommendations from the Development Services Committee and Plan Commission, the City Council reviewed and discussed the amendments during the December 3, 2018 and January 7, 2019 City Council Work Sessions.

- 11. Hold a public hearing on, and consider adopting, an ordinance providing for mandatory sterilization of dogs and cats.**

Council is requested to hold a public hearing on proposed changes to Chapter 22 of the Code of Ordinances and thereafter consider adopting an ordinance that will provide for the mandatory sterilization of dogs and cats, subject to certain exceptions.

- 12. Hold a public hearing on the proposed 2019 Bond Program**

Hold a public hearing to obtain comments on the proposed 2019 Bond Program.

- 13. Consider an ordinance ordering a general election for the City of Garland to be held on May 4, 2019 for the purpose of electing a Mayor and one Councilmember each to respectively represent Districts 3, 6, 7, and 8; ordering a general election for the purpose of submitting to the qualified voters of the City, for adoption or rejection, a proposition authorizing the sale of Bunker Hill Park and directing the use of the proceeds thereof; providing for a run-off election if needed; and providing for other matters relating to the conduct of the election.**

The City Council is requested to consider an ordinance calling the general election for May 4, 2019 to elect a Mayor and representatives for Districts 3, 6, 7, and 8. Included in the proposed election order is a measure authorizing, if approved by the voters, the sale of Bunker Hill Park. That measure will also limit the use of proceeds from the sale to park purposes.

- 14. Consider an ordinance ordering a bond election for the City of Garland to be held on May 4, 2019 for the purpose of submitting to the voters eight propositions authorizing the issuance of general obligation bonds for various permanent public improvements and public purposes, and providing for other matters relating to the conduct of the election.**

The City Council is requested to consider an ordinance calling the 2019 bond election for May 4, 2019 to be held in conjunction with the general election. If approved, the bond election would authorize the issuance of general obligation bonds for streets, public safety, storm drainage, parks and recreation, libraries, economic development, an animal shelter, and other municipal facilities.

- 15. Hold a public hearing on:**

- a. Consider the application of Eco-Site, LLC, requesting approval of a Specific Use Provision for a Commercial Antenna on a property zoned Community Retail (CR) District. This property is located at 1921 North Plano Road. (File No. Z 18-39, District 6) (This case was postponed from the December 18, 2018 Regular City Council meeting.)**

BEING an approximate 0.0385-acre tract of land, lying in and being a part of Lot 1, Block 1, Forest Ridge No. 5 Addition, in the City of Garland, Dallas County, Texas, and being a portion of the lands owned by JJJ & K Corporation, as recorded in Instrument Number 200600349799, Dallas County. The applicant previously proposed to build an 80-foot tall telecommunication tower with antennae and equipment enclosed in a clock tower design, with a 10-foot tall lightning rod on top of the enclosed telecommunication tower. The applicant has revised the proposal to a 75-foot tall "popsicle stealth" tower design including appurtenances.

- 16. 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.

- 17. Mayor Pro Tem Rich Aubin**

- Jason Lain - Board of Adjustment

- 18. 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.

19. 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: 02/05/2019

Item Title: Minutes Jan. 15 and Jan. 24

Summary of Request/Problem

Consider approval of the minutes of the January 15, 2019 Regular Meeting and January 24, 2019 Bond Work Session.

Recommendation/Action Requested and Justification

Attachments

Minutes Jan. 15

Minutes Jan. 24

Minutes of the Garland City Council Regular Meeting

The City Council of the City of Garland convened in regular session at 7:00 p.m. on Tuesday, January 15, 2019 in the Council Chambers at City Hall, 200 North Fifth Street, Garland, Texas, with the following members present:

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

STAFF PRESENT:	City Manager	Bryan Bradford
	City Attorney	Brad Neighbor
	City Secretary	Eloyce René Dowl

CEREMONIALS: Community Leaders: Tony Torres, Jennifer Nguyen, Ricky McNeal, Connie Kaiwi and Tom Nguyen, along with Mayor Dodson and City Manager Bradford, presented a recognition award to Chief Mitch Bates for his 16 years of service to the City of Garland Police Department.

CALL TO ORDER: The meeting was called to order by Mayor Dodson.

CONSENT AGENDA: All items marked with asterisks (**) on the Consent Agenda were voted on at the beginning of the meeting. Mayor Dodson read those items into the record. Motion was made by Council Member Gibbons to approve the Consent Agenda as presented, seconded by Council Member Nickerson, to approve items 1, 2, 3, 4, 5 and 6. Motion carried, 9 ayes, 0 nays.

1. APPROVED** Approval of the Minutes of the January 8, 2019 Regular Meeting.

2. APPROVED** Bid No. 0232-19 awarded to Techline, Inc. in the amount of \$351,058.00, which includes an optional contingency of \$35,105.80, for a total bid of \$386,163.80.

This request is for the purchase of steel structures for the Campbell Road Switch Station CIP project. The switch station will provide ONCOR Electric Delivery Company with a

transmission power delivery point needed to serve load in its service territory, including the new Stream Data Center in Garland. In order to meet summer outage requirements, ONCOR has requested a GP&L switch station completion date of mid-May 2019. Due to the complex nature of the project, an Optional Contingency is included for any additional labor or equipment that may be required.

3. APPROVED**

Ordinance No. 7033 amending the Garland Development Code of the City of Garland, Texas, by approving 1) an amendment to Planned Development (PD) 84-73 District and 2) an amended Concept Plan on a 4.683-acre tract of land zoned Planned Development (PD) 84-73 District for Neighborhood Office Uses and located at 4680 North Shiloh Road; providing for conditions, restrictions, and regulations; providing a penalty under the provisions of Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas; providing a Notice of Conditions of Compliance Clause; a Savings Clause, and a Severability Clause; and providing an effective date. (File No. Z 18-47 MMA, Inc., District 7)

4. APPROVED**

Resolution No. 10368 authorizing the City Manager to execute the Funding Commitment for City matching funds to be included with the City's application to receive federal funds through the 2019 Transportation Alternatives Set-Aside Program Call for Projects.

The City of Garland has an opportunity to receive federal funds through the North Central Texas Council of Governments (NCTCOG). The North South Bikeway which has been mostly implemented, needs an additional \$1,000,000 to complete two bridges: one near Centerville Road and one near IH 30 that would link the trail to Mesquite. Council has already authorized this funding, however these federal funds would replace this City funding and reduce the cost of the project to the City from \$1,000,000 to \$200,000.

5. APPROVED**

Resolution No. 10369 of the City of Garland, Texas, authorizing the City Manager to execute Amendment No. 1 to the Project Specific Agreement with Dallas County for Shiloh Road from IJ-635 to Kingsley Road.

The City received bids for the Shiloh Road project from IH-635 to Kingsley Road with the low bid of \$23,658,910.00 being awarded. Dallas County previously agreed to participation funds for the project through a Project Specific Agreement (PSA). The bids came in higher than originally anticipated due to various scope changes to the contract necessary to properly construct the project. In addition, the overall prices were higher due to the complex constructability of the project. \$2,947,788.00 are included in Water and Wastewater improvements which Dallas County does not participate. This results in a total cost of \$20,711,122.00 eligible for Dallas County participation funds.

6. APPROVED**

Resolution No. 10370 authorizing the City Manager to execute the Development Agreement with Creek Valley Lot Venture, Ltd. for Creek Valley No. 2, Ph. 1 Subdivision.

On September 7, 2017, the City Council passed Ordinance No.6930, approving a Planned Development District for single-family detached uses with alley waiver on an 11.726 acre tract of land, generally located at the northerly intersection of Centerville Road and Country Club Road. This development is defined by 44 residential lots and 4 common area lots, three proposed internal public streets, and green/open-space with pedestrian amenities.

ITEMS FOR INDIVIDUAL CONSIDERATION

7. POSTPONED

Presentation of Proposed 2019 Capital Improvement Program (CIP)

The City Manager will formerly present the 2019 Proposed Capital Improvement Program (CIP) for the City Council's review and deliberation.

Council delayed this item to be brought forward in February.

8. PUBLIC HEARING
HELD

Hold a public hearing on the Proposed 2019 Bond Program

Mayor Dodson opened the hearing at 7:17 p.m. to obtain comments on the Proposed 2019 Bond Program. There were no speakers on this item and the hearing was closed at 7:18 p.m.

9. APPOINTED

Mayor Dodson turned the meeting over to Mayor Pro Tem Aubin. Mayor Dodson placed the following name in nomination:

- Don Koerner - Parks and Recreation Board

A vote was cast to approve the appointment with 9 ayes and 0 nays. Mayor Pro Tem Aubin turned the meeting over to Mayor Dodson who resumed as presiding chair.

10. CITIZEN COMMENTS: There were no speakers.

11. ADJOURN

There being no further business to come before the City Council, Mayor Dodson adjourned the meeting at 7:20 p.m.

CITY OF GARLAND, TEXAS

/s/ Lori Barnett Dodson, Mayor

/s/ Eloyce René Dowl, City Secretary

Minutes of the Garland City Council Regular Meeting

The City Council of the City of Garland convened in a Special Bond Session at 6:00 p.m. on Thursday, January 24, 2019 in the Council Chambers at City Hall, 200 North Fifth Street, Garland, Texas, with the following members present:

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

STAFF PRESENT:	City Manager	Bryan Bradford
	City Attorney	Brad Neighbor
	City Secretary	Eloyce René Dowl

1. PUBLIC HEARING
HELD

Hold a public hearing on the proposed 2019 Bond Program

A public hearing was held to obtain comments on the proposed 2019 Bond Program.

Speakers on this item were: Bob Duckworth, The Honorable Stephen Stanley, Daphne Manor Stanley, Carey Hodson, Jerry Carter, The Honorable John Willis, David Parrish, The Honorable Laura Perkins Cox and Craig Ellis.

2. ADJOURN

There being no further business to come before the City Council, Mayor Dodson adjourned the hearing at 7:15 p.m.

CITY OF GARLAND, TEXAS

/s/ Lori Barnett Dodson, Mayor

/s/ Eloyce René Dowl, City Secretary



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.a.

Meeting Date: 02/05/2019

Item Title: Skate Park Design/Build Services

Submitted By: Skip Keller, Interim Parks Director

Bid Number: 1113-17

Purchase Justification:

This request is to provide Design/Build Services for the proposed Skate Park in Rick Oden Park. At the December 3, 2018, Work Session, City Council provided direction for staff to begin design for a 40,000 square-foot facility with the ability to construct the proposed facility in two phases. The first phase will be designed in such a way as to be whole and complete in its composition and design while allowing for a seamless expansion of the second phase at a future date. Upon approval of this item, staff will begin public engagement, concept design and construction document preparation for the Skate Park.

Evaluation:

A Request for Qualifications (RFQ) was issued in accordance with Purchasing procedures. Four responses were received and evaluated based on the published criteria of qualifications, experience, references and safety. The two firms demonstrating the highest level of qualifications, knowledge, and experience were invited to submit a more detailed Request for Proposal (RFP). In both steps of the process, SPA Skateparks received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
SPA Skateparks with New Line Skateparks	Design	\$170,000.00
TOTAL:		\$170,000.00

Basis for Award: Best Value

Purchase Requisition #: 41068

Fiscal Impact

Total Project/Account: \$1,090,000

Expended/Encumbered to Date: 111,793
Balance: \$978,207
This Item: 170,000
Proposed Balance: \$808,207
Account #: 614-2499-1833004-7101
Fund/Dept/Project – Description and Comments:
Parks & Recreation CIP / Skating/Skateboard Facility

Attachments

Bid Recap

Fiscal Reference:
Budget Type: CIP
Fiscal Year: 2018
Document Location: Page P08

Budget Director Approval:	Ron Young	Approval Date: 01/25/2019
Purchasing Director Approval:	Gary L. Holcomb	Approval Date: 01/25/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.b.

Meeting Date: 02/05/2019

Item Title: Peripheral Equipment for Police Patrol Vehicles

Submitted By: Steven Niekamp, Chief Information Officer

Bid Number: 0384-19

Purchase Justification:

This request is to upfit the new Police Department Tahoes with the equipment necessary to make them fully functioning patrol vehicles. The majority of the current peripheral equipment will not transfer to the new vehicles.

Evaluation:

The equipment is being provided by the following vendors: GT Distributors, Inc., through the BuyBoard Cooperative Purchasing Contract 524-17; Kustom Signals through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Contract EF04-17; Stop Stick, Ltd., through the General Services Administration (GSA) Contract GS-07F-0027K; Motorola Solutions through RFP 4469-14; and Plastix Plus, LLC, as a Sole Source. AgendaQuick does not support selecting multiple Bases for Award, but a majority of the equipment is being purchased through Cooperative Purchasing Contracts.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
GT Distributors, Inc.	1	\$192,912.45
Kustom Signals	2	24,646.74
Stop Stick, Ltd.	3	7,434.36
Motorola Solutions	4	14,169.00
Plastix Plus, LLC	5	61,790.00
TOTAL:		\$300,952.55

Basis for Award: Cooperative Purchase

Purchase Requisition #: 41035

Fiscal Impact

Total Project/Account: \$1,852,513
Expended/Encumbered to Date: 870,760
Balance: \$981,753
This Item: 300,953
Proposed Balance: \$680,800
Account #: 444-1245-9009, 100-1245-9009

Fund/Dept/Project – Description and Comments:

General Fund - Police Department

New Patrol Tahoe Equipment - \$72,697

Equipment Replacement Fund - Police Department

Replacement Patrol Tahoe Equipment - \$228,256

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget

Fiscal Year: 2018-19

Document Location: Page 126 and 258

Budget Director Approval: Ron Young

Approval Date: 01/25/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/24/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.c.

Meeting Date: 02/05/2019

Item Title: Repaving Design for Park Road and Parking Lots at Audubon Park Picnic Area

Submitted By: Skip Keller, Interim Parks Director

Bid Number: 0420-19

Purchase Justification:

This request is to provide professional engineering design services for repaving the asphalt park road and parking areas at the Audubon Park Picnic Area, which is located between the Surf & Swim Swimming Pool and Duck Creek. This item includes an Optional Contingency for any additional work that may be required.

Evaluation:

Kimley-Horn and Associates, Inc., was selected as the Most Qualified firm for this project from a short list of engineering firms evaluated and ranked by published criteria in RFQ 0212-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Kimley-Horn and Associates, Inc.	All	\$115,560.00
Optional Contingency		12,840.00
	TOTAL:	\$128,400.00

Basis for Award: Most Qualified

Purchase Requisition #: 41073

Fiscal Impact

Total Project/Account: \$130,000
Expended/Encumbered to Date: 0
Balance: \$130,000
This Item: 128,400
Proposed Balance: \$1,600
Account #: 614-2499-1833404-7101
Fund/Dept/Project – Description and Comments:

Parks & Recreation CIP / Audubon Park Picnic Area Paving Replacement

The 2019 Proposed CIP includes the issuance of \$130,000 General Obligation / 2004 Bond Funds for project costs in 2019.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page P11

Budget Director Approval: Ron Young

Approval Date: 01/24/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/24/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.d.

Meeting Date: 02/05/2019

Item Title: Shoreline Erosion Stabilization Design at Windsurf Bay Park

Submitted By: Skip Keller, Interim Parks Director

Bid Number: 0419-19

Purchase Justification:

This request is to provide professional engineering design services for shoreline erosion stabilization design at Windsurf Bay Park. The desired outcome will result in a similar design found along the shorelines of John Paul Jones Park and Chaha Boat Ramp. This item includes an Optional Contingency for any additional work that may be required.

Evaluation:

Kimley-Horn and Associates, Inc., was selected as the Most Qualified firm for this project from a short list of engineering firms evaluated and ranked by published criteria in RFQ 0212-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Kimley-Horn and Associated, Inc.	All	\$128,070.00
Optional Contingency		14,230.00
TOTAL:		\$142,300.00

Basis for Award: Most Qualified

Purchase Requisition #: 41072

Fiscal Impact

Total Project/Account: \$700,000
Expended/Encumbered to Date: 1,197
Balance: \$698,803
This Item: 142,300
Proposed Balance: \$556,503
Account #: 614-2499-1833704-7101
Fund/Dept/Project – Description and Comments:

Parks & Recreation CIP / Windsurf Bay Park

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page P13

Budget Director Approval: Ron Young

Approval Date: 01/24/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/24/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.e.

Meeting Date: 02/05/2019

Item Title: Pedestrian/Bike Bridge Design at Duck Creek Greenbelt

Submitted By: Skip Keller, Interim Parks Director

Bid Number: 0418-19

Purchase Justification:

This request is to provide professional engineering design services for two creek tributary crossings at Duck Creek. This item aims to protect the existing trail system by stabilizing erosion occurring near the tributary crossings. This item includes an Optional Contingency for any additional work that may be required.

Evaluation:

Kimley-Horn and Associates, Inc., was selected as the Most Qualified firm for this project from a short list of engineering firms evaluated and ranked by published criteria in RFQ 0212-19.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Kimley-Horn and Associates, Inc.	All	\$114,480.00
Optional Contingency		12,720.00
TOTAL:		\$127,200.00

Basis for Award: Most Qualified

Purchase Requisition #: 41071

Fiscal Impact

Total Project/Account: \$225,000
Expended/Encumbered to Date: 0
Balance: \$225,000
This Item: 127,200
Proposed Balance: \$97,800
Account #: 692-2499-1835116-7101
Fund/Dept/Project – Description and Comments:

Parks & Recreation CIP / Pedestrian/Bike Bridges - Duck Creek

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page P20

Budget Director Approval: Ron Young

Approval Date: 01/24/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/24/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.f.

Meeting Date: 02/05/2019

Item Title: Transmission Line Tree Trimming Services for GP&L and TMPA

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0094-18

Purchase Justification:

This request is to provide tree trimming services for GP&L and TMPA transmission line rights-of-way. Tree trimming is performed for safety and reliability purposes and to provide for mandatory clearances between power lines and trees.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Three bids were received and evaluated based on the published criteria of price, safety and training policies, availability of resources, and industry reputation. Nelson Tree Service received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Nelson Tree Service	All	\$667,014.00
		TOTAL:	\$667,014.00

Basis for Award: Best Value

Purchase Requisition #: 40666

Fiscal Impact

Total Project/Account:	N/A
Expended/Encumbered to Date:	N/A
Balance:	N/A
This Item:	\$667,014
Proposed Balance:	N/A

Account #: 451-6999

Fund/Dept/Project – Description and Comments:

This request provides tree trimming services for GP&L and TMPA transmission line rights-of-way for safety and reliability purposes and to provide mandatory clearances between power lines and trees. The tree trimming services will be charged to specific GP&L operating accounts and to GP&L/TMPA Capital Improvement Program Transmission Line projects on an as-needed basis. Expenditures will not exceed budgeted funds.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: Operating Budget
CIP

Fiscal Year: 2018-19

Document Location: Page 215; Page E01

Budget Director Approval: Ron Young Approval Date: 01/24/2019

Purchasing Director Approval: Gary L. Holcomb Approval Date: 01/23/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.g.

Meeting Date: 02/05/2019

Item Title: Emergency Transmission Line Repair

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0158-19

Purchase Justification:

This request is to approve Change Order #1 for emergency restoration services to rebuild the Wynn Joyce to Miller Road double circuit 138kV transmission line segment on Wynn Joyce Road. Emergency repairs included the replacement of 19 transmission structures and the cleanup of all damaged infrastructure from storm damage incurred on October 7, 2018. Change Order #1 incorporates final material and subcontractor costs associated with the repair.

Evaluation:

Chapman Construction Company, LP, was awarded the original Purchase Order 27996 at the December 4, 2018, City Council meeting in the amount of \$678,112.60.

Award Recommendation:

<u><i>Vendor</i></u>	<u><i>Item</i></u>	<u><i>Amount</i></u>
Chapman Construction Company, LP	All	\$60,484.69
TOTAL:		\$60,484.69

Basis for Award: Change Order

Purchase Requisition #: 41019

Fiscal Impact

Total Project/Account: \$1,275,326
Expended/Encumbered to Date: 1,172,603
Balance: \$102,723
This Item: 60,485
Proposed Balance: \$42,238

Account #: 210-3599-3138701-7111

Fund/Dept/Project – Description and Comments:

Electric CIP / Transmission Lines - This request is to approve Change Order #1 for emergency restoration services to rebuild the Wynn Joyce to Miller Road double circuit 138kV transmission line segment on Wynn Joyce Road. Emergency repairs included the replacement of 19 transmission structures and the cleanup of all damaged infrastructure from October 7, 2018. Change Order #1 incorporates final material and subcontractor costs associated with the repair.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page E01

Budget Director Approval: Ron Young

Approval Date: 01/24/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/23/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.h.

Meeting Date: 02/05/2019

Item Title: Foundation Construction for Dent Road Switching Station

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0268-19

Purchase Justification:

This request provides foundation construction services for the Dent Road 138kV Switching Station in accordance with engineering project drawings and specifications. This project includes all concrete foundation work for the control house, transformers, dead-ends, pedestals, security and lighting as part of the approved Dent Road 138kV Switching Station CIP project.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Four bids were received and evaluated. The two apparent low bidders, J.A. Weaver Construction and Conductor Power, did not include all of the specified bid items. Rebcon, Inc., submitted the Lowest Responsible Bid, meeting all requirements of the specifications.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Rebcon, Inc.	All	\$769,558.00
TOTAL:			\$769,558.00

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: 40816

Fiscal Impact

Total Project/Account: \$8,778,160
Expended/Encumbered to Date: 3,380,400
Balance: \$5,397,760
This Item: 769,558

Proposed Balance: \$4,628,202
Account #: 210-3799-3177401-7111

Fund/Dept/Project – Description and Comments:

Electric CIP / Substations Upgrades - This request provides foundation construction services for the Dent Road 138kV Switching Station in accordance with engineering project drawings and specifications. This project includes all concrete foundation work for the control house, transformers, dead-ends, pedestals, security, and lighting as part of the approved Dent Road 138kV Switching Station CIP project.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP
Fiscal Year: 2018
Document Location: Page E10

Budget Director Approval: Ron Young Approval Date: 01/24/2019
Purchasing Director Approval: Gary L. Holcomb Approval Date: 01/23/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.i.

Meeting Date: 02/05/2019

Item Title: Grading Construction for Dent Road Switching Station

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0306-19

Purchase Justification:

This request provides grading construction services for the Dent Road 138kV Switching Station in accordance with engineering drawings and specifications as part of the approved Dent Road 138kV Switching Station CIP project.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Five bids were received and evaluated. The two apparent low bidders, Prime Excavation and KAB Excavation, did not include all of the specified bid items. Mann Robinson & Son submitted the Lowest Responsible Bid, meeting all requirements of the specifications.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Mann Robinson & Son	All	\$942,282.66
TOTAL:		\$942,282.66

Basis for Award: Lowest Responsible Bid

Purchase Requisition #: 40864

Fiscal Impact

Total Project/Account:	\$8,778,160
Expended/Encumbered to Date:	4,149,958
Balance:	\$4,628,202
This Item:	942,283
Proposed Balance:	\$3,685,919

Account #: 210-3799-3177401-7111

Fund/Dept/Project – Description and Comments:

Electric CIP Fund / Substations Upgrades - This request provides grading construction services for the Dent Road 138kV Switching Station in accordance with engineering drawings and specifications as part of the approved Dent Road 138kV Switching Station project.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page E10

Budget Director Approval: Ron Young

Approval Date: 01/24/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/23/2019

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.j.

Meeting Date: 02/05/2019

Item Title: Water and Paving Improvements for Broadway Boulevard, Intrepid Drive, and Syracuse Drive

Submitted By: Michael Polocek, Engineering Director

Bid Number: 0204-19

Purchase Justification:

This request provides water and paving improvements along Broadway Boulevard from Merrimac Trail to Wynn Joyce Road, Intrepid Drive from Spindrift Passage to Windward Passage, and Syracuse Drive from Vanderbilt Drive to End. The Broadway Boulevard improvements consist of constructing approximately 800 LF of 8" water main by bore, 980 LF of 8" and 6" water main by open cut, and 2,900 SY of pavement panel replacement. Improvements on Intrepid Drive consist of constructing approximately 800 LF of 8" and 6" water main by open cut, and the improvements on Syracuse Drive consist of constructing approximately 1,230 LF of 6" water main by open cut. Water main construction will include, but may not be limited to, replacement of pavement, sidewalks, ramps, irrigation, water services, sodding, signs, traffic control, construction sequencing and all incidentals. A location map is included for reference.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Five bids were received and evaluated with A&M Construction and Utilities, Inc., submitting the lowest bid.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
A&M Construction and Utilities, Inc.	All	\$1,443,285.64

TOTAL:	\$1,443,285.64
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Basis for Award: Straight Low Bid

Purchase Requisition #: 41063

Fiscal Impact

Total Project/Account: \$32,157,750
Expended/Encumbered to Date: 25,618,601
Balance: \$6,539,149
This Item: 1,443,286
Proposed Balance: \$5,095,863
Account #: 220-4049-3019100-9214, 220-4049-3019000-9213,
692-4699-3981800-7111

Fund/Dept/Project – Description and Comments:

This request provides water and paving improvements totaling \$1,443,286 along Broadway Boulevard from Merrimac Trail to Wynn Joyce Road, Intrepid Drive from Spindrift Passage to Windward Passage, and Syracuse Drive from Vanderbilt Drive to End.

Water CIP / Distribution Lines (Up to 14-inch): \$467,384.86 - 220-4049-3019100-9214
Water CIP / Transmission Mains (16-inch and above): 644,580.78 - 220-4049-3019000-9213
Street CIP / Street Reconstruction and Improvements: 331,320.00 - 692-4699-3981800-7111

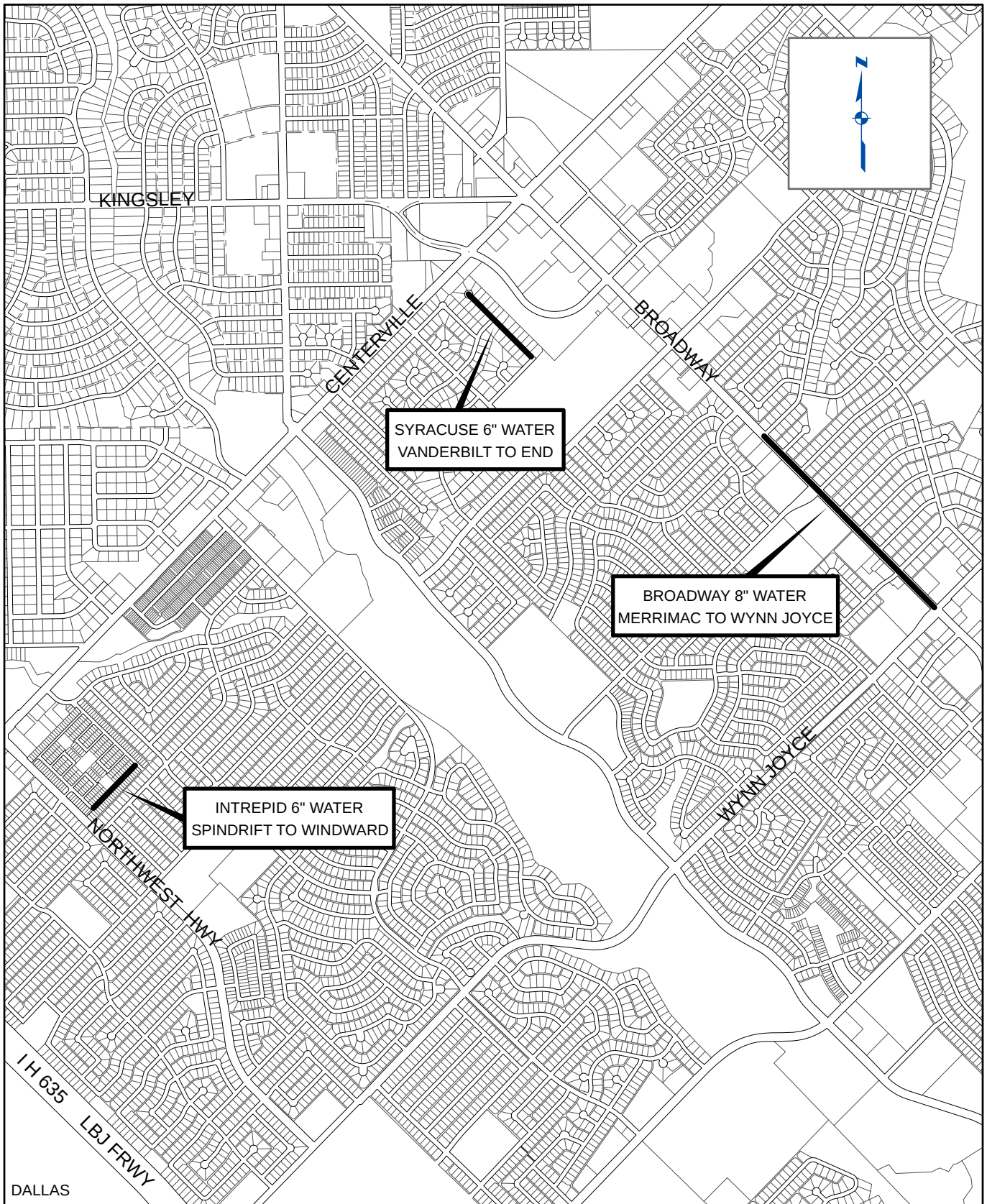
Attachments

Bid Recap
Location Map Broadway Intrepid Syracuse

Fiscal Reference:

Budget Type: CIP
Fiscal Year: 2018
Document Location: Pages W01, W02, & ST32

Budget Director Approval: Ron Young Approval Date: 01/24/2019
Purchasing Director Approval: Gary L. Holcomb Approval Date: 01/24/2019



BROADWAY, SYRACUSE & INTREPID
WATER IMPROVEMENTS

Scale: NTS
File: Brdwy.mxd
Date: 10/27/2016
Drawn: jmk

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**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.k.

Meeting Date: 02/05/2019

Item Title: Control House for Dent Road Switching Station

Submitted By: Ross Owen, Director of Transmission & Distr

Bid Number: 0237-19

Purchase Justification:

This request is to purchase a Control House for the Dent Road 138kV Switching Station in accordance with engineering drawings and specifications. The Control House will provide all-weather protection and security for the included control equipment consisting of switchboard panels, batteries, battery chargers, supervisory control, meters and relays. This is part of the approved Dent Road 138kV Switching Station CIP project.

Evaluation:

A request for bids was issued in accordance with Purchasing procedures. Seven bids were received and evaluated based on the published criteria of price, delivery schedule, reputation, and previous experience providing a Control House for GP&L. Kemco Industries, LLC, did not submit the required bid documents, deeming their bid non-responsive. Electrical Power Products, Inc., was unable to meet the required schedule, deeming their bid non-responsive. (CTS) Crown Texas, Inc., received the highest evaluated score, offering the Best Value for the City.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
(CTS) Crown Texas, Inc.	All	\$728,206.95
TOTAL:		\$728,206.95

Basis for Award: Best Value

Purchase Requisition #: 40818

Fiscal Impact

Total Project/Account: \$8,778,160

Expended/Encumbered to Date: 5,092,241

Balance: \$3,685,919

This Item: 728,207

Proposed Balance: \$2,957,712

Account #: 210-3799-3177401-6051

Fund/Dept/Project – Description and Comments:

Electric CIP / Substations Upgrades - This request is to purchase a Control House for the Dent Road 138kV Switching Station in accordance with engineering drawings and specifications that will provide all-weather protection and security for included control equipment consisting of switchboard panels, batteries, battery chargers, supervisory control, meters, and relays as part of the approved Dent Road 138kV Switching Station CIP project.

Attachments

Bid Recap 1 of 2

Bid Recap 2 of 2

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page E10

Budget Director Approval: Ron Young

Approval Date: 01/25/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/24/2019

[illegible]



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.I.

Meeting Date: 02/05/2019

Item Title: Automated Irrigation Control System for Various Parks Locations

Submitted By: Skip Keller, Interim Parks Director

Bid Number: 0415-19

Purchase Justification:

This request is to expand the existing remote water management control systems for irrigation at various Parks locations. This expansion includes installing control units at Central Park and the Carter and Winters Softball Complexes as well as upgrading the base station at the Park Operations Facility. Control units will be also installed for the landscape areas at Forest Lane (Marion to Plano Road), I.H. 30 (Broadway to Bass Pro Drive), Firewheel Parkway (S.H. 190 to S.H. 78), Garland Road at I.H. 635, and Shiloh Road at S.H. 190.

Evaluation:

Interspec, LLC, will be providing and installing the water management control system through the BuyBoard Cooperative Purchasing Contract 529-17.

Award Recommendation:

	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
	Interspec, LLC	All	\$230,212.00
		TOTAL:	\$230,212.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 41048

Fiscal Impact

Total Project/Account:	\$250,000
Expended/Encumbered to Date:	0
Balance:	\$250,000
This Item:	230,212
Proposed Balance:	\$19,788
Account #:	614-2499-1833104-9002

Fund/Dept/Project – Description and Comments:

Parks & Recreation CIP / Expand Centralized Irrigation/Lighting Controls

AttachmentsBid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page P09

Budget Director Approval: Ron Young

Approval Date: 01/25/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/24/2019



**GARLAND
PURCHASING REPORT**

City Council Regular Session Agenda

2.m.

Meeting Date: 02/05/2019

Item Title: Holding Tank for Surf and Swim Pool

Submitted By: Skip Keller, Interim Parks Director

Bid Number: 0416-19

Purchase Justification:

This request is to replace the mechanical holding tank component of the circulation and filtration systems for Surf & Swim Wave Action Pool. Work will be scheduled for completion by Memorial Day weekend. An Optional Contingency is included for any additional work that may be required.

Evaluation:

Sunbelt Pools will be providing the holding tank through the BuyBoard Cooperative Purchasing Contract 533-17.

Award Recommendation:

<u>Vendor</u>	<u>Item</u>	<u>Amount</u>
Sunbelt Pools	All	\$187,775.00
Optional Contingency		17,225.00
TOTAL:		\$205,000.00

Basis for Award: Cooperative Purchase

Purchase Requisition #: 41025

Fiscal Impact

Total Project/Account: \$205,000
Expended/Encumbered to Date: 0
Balance: \$205,000
This Item: 205,000
Proposed Balance: \$0
Account #: 692-2499-1831800-9002
Fund/Dept/Project – Description and Comments:

Parks & Recreation CIP / Surf & Swim Aquatic Facility Expansion

The replacement of the Surf & Swim holding tank was approved by City Council on October 1, 2018, as part of 2018 CIP Budget Amendment No. 3 authorizing \$205,000. Following the approval of 2018 CIP Budget Amendment No. 3, \$205,000 of interest earnings from Fund 692 was applied for this replacement.

Attachments

Bid Recap

Fiscal Reference:

Budget Type: CIP

Fiscal Year: 2018

Document Location: Page P03

Budget Director Approval: Ron Young

Approval Date: 01/25/2019

Purchasing Director Approval: Gary L. Holcomb

Approval Date: 01/24/2019



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

3.

Meeting Date: 02/05/2019

Item Title: Sale of Property - 802 E. Walnut Street

Submitted By: Corey Worsham, Tax Administrator

Summary of Request/Problem

At the February 4, 2019 Work Session, Council was briefed on the potential sale of property located at 802 E. Walnut Street. The City of Garland has received an unsolicited offer from Mr. Kun-yu Liang related to the purchase of the City owned property obtained through a 2017 Sheriff's Sale. Mr. Liang has presented an offer of \$300,000 for the property. The purchaser has also agreed to pay the post-judgment taxes at closing. The post-judgment taxes will be approximately \$300,260.51 bringing the total amount paid at closing to approximately \$600,260.51. The City of Garland will receive sale proceeds of \$1,500.00 for maintenance and a total of \$104,297.33 in taxes.

Recommendation/Action Requested and Justification

Staff recommends that the City Council accept the offer and sell the property to Mr. Liang. This property has been held by the City of Garland since 2017 and pursuant to Section 34.05 of the Texas Property Tax Code may be resold to a private entity with approval of the governing body. Consent of this sale has already been provided by Dallas County and the Garland Independent School District.

Attachments

802 E. Walnut - Resolution
802 E. Walnut - GISD Consent of Sale
802 E. Walnut - County Consent of Sale
802 E. Walnut - Map and Pictures
802 E. Walnut - Offer
802 E. Walnut - Deed

RESOLUTION NO. _____

A RESOLUTION AGREEING TO THE SALE OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF GARLAND AND OWNED BY TAXING AUTHORITIES INCLUDING THE CITY OF GARLAND AS THE RESULT OF A TAX SALE; AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, taxing entities including the City of Garland, Texas, have become owners of certain real property by virtue of a foreclosure sale conducted pursuant to an order of the 193rd Judicial District Court of Dallas County, Texas in cause number TX09-40819, and

WHEREAS, it is to the benefit of all taxing entities that the property ultimately be returned to the tax rolls

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

Section 1

The City does hereby consent to the sale by public sale 802 E Walnut Street, Garland, Texas more fully described as follows:

BEING PART OF LOTS 3 & 4, BLOCK H, GARVON 10 ADDITION,
aka 802 E. WALNUT ST., CITY OF GARLAND, DALLAS COUNTY,
TEXAS, AS RECORDED IN INSTRUMENT 201000207109, OF THE
DALLAS COUNTY DEED RECORDS.

Section 2

That the Mayor is hereby authorized to execute a deed without warranty in the form and substance of that attached hereto as Exhibit "A".

Section 3

This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the law.

PASSED AND APPROVED this the _____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY OF GARLAND TO RE-SELL TAX FORECLOSED PROPERTY LOCATED AT 802 E. WALNUT, GARLAND, TEXAS, BY PUBLIC OR PRIVATE SALE, AS PROVIDED BY SECTION 34.05 OF THE TEXAS PROPERTY TAX CODE

WHEREAS, pursuant to a delinquent tax collection lawsuit and tax foreclosure sale, the property located at 802 E. Walnut, Garland, Texas, ("The Property") was struck off to the City of Garland on its own behalf and as Trustee for the Garland Independent School District and Dallas County, pursuant to Section 34.01(j) of the Property Tax Code, and

WHEREAS, Garland Independent School District desires to resell The Property pursuant to Section 34.05 of the Property Tax Code for an amount not less than \$300,000.00, and

WHEREAS, Garland Independent School District desires to authorize the City of Garland to act as Trustee to offer The Property for sale pursuant to Section 34.05 of the Texas Property Tax Code,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE GARLAND INDEPENDENT SCHOOL DISTRICT, GARLAND, TEXAS THAT:

Section 1. The Garland Independent School District does hereby provide specific authorization to the City of Garland to act as Trustee to offer for sale by public or private sale 802 E. Walnut, Garland, Texas, more fully described in Exhibit "A," attached hereto and made a part hereof, and the Board of Trustees for Garland Independent School District does hereby consent to the sale of 802 E. Walnut, Garland, Texas for an amount not less than \$300,000.00 in compliance with Section 34.05 of the Texas Property Tax Code, and each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

Section 2. This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the law.

PASSED AND APPROVED this 24th day of April, 2018, by the Board of Trustees for the Garland Independent School District.

GARLAND INDEPENDENT SCHOOL DISTRICT

By: 

Larry Glick
President, Board of Trustees

ATTEST:


Johnny Beach
Secretary, Board of Trustees
Garland Independent School District

EXHIBIT A

BEING PART OF LOTS 3 & 4, BLOCK H, GARVON 10 ADDITION, aka 802 E. WALNUT ST.,
CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN INSTRUMENT
201000207109, OF THE DALLAS COUNTY DEED RECORDS.

**COURT ORDER
2019-0031**



Supersession of Court Order No. 2018-0497 dated April 17, 2018 for the Resale of Tax
Foreclosed Property at 802 E. Walnut Street, Garland, Texas

On a motion made by Commissioner Dr. Theresa M. Daniel, District 1, and seconded by
Commissioner John Wiley Price, District 3, the following order was passed and adopted by the
Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: 1/8/2019
FUNDING SOURCE: N/A

Be it resolved and ordered that the Dallas County Commissioners Court does hereby approve
the corrected Court Order consenting to the sale of the tax foreclosure property at 802 E.
Walnut Street, City of Garland, Dallas County, Texas, DCAD Account No. 26222500080030000
to Kun-yu Liang for \$300,000.00, pursuant to Section 34.05(i) of the Tax Code, superseding
Court Order No. 2018-0497 dated April 17, 2018, further described in the Re-sale Disbursement
Worksheet, attached hereto and made a part hereof, subject to the previous owner's remaining
right of redemption, if any, and to the purchaser's obligation to pay post judgment taxes, if any,
and the pro rata property taxes for the remaining part of the current year.

Done in open court January 8, 2019, by the following vote:

IN FAVOR: Honorable Clay Lewis Jenkins, County Judge
Commissioner Dr. Theresa M. Daniel, District 1
Commissioner J.J. Koch, District 2
Commissioner John Wiley Price, District 3
Commissioner Dr. Elba Garcia, District 4
OPPOSED: None
ABSTAINED: None
ABSENT: None

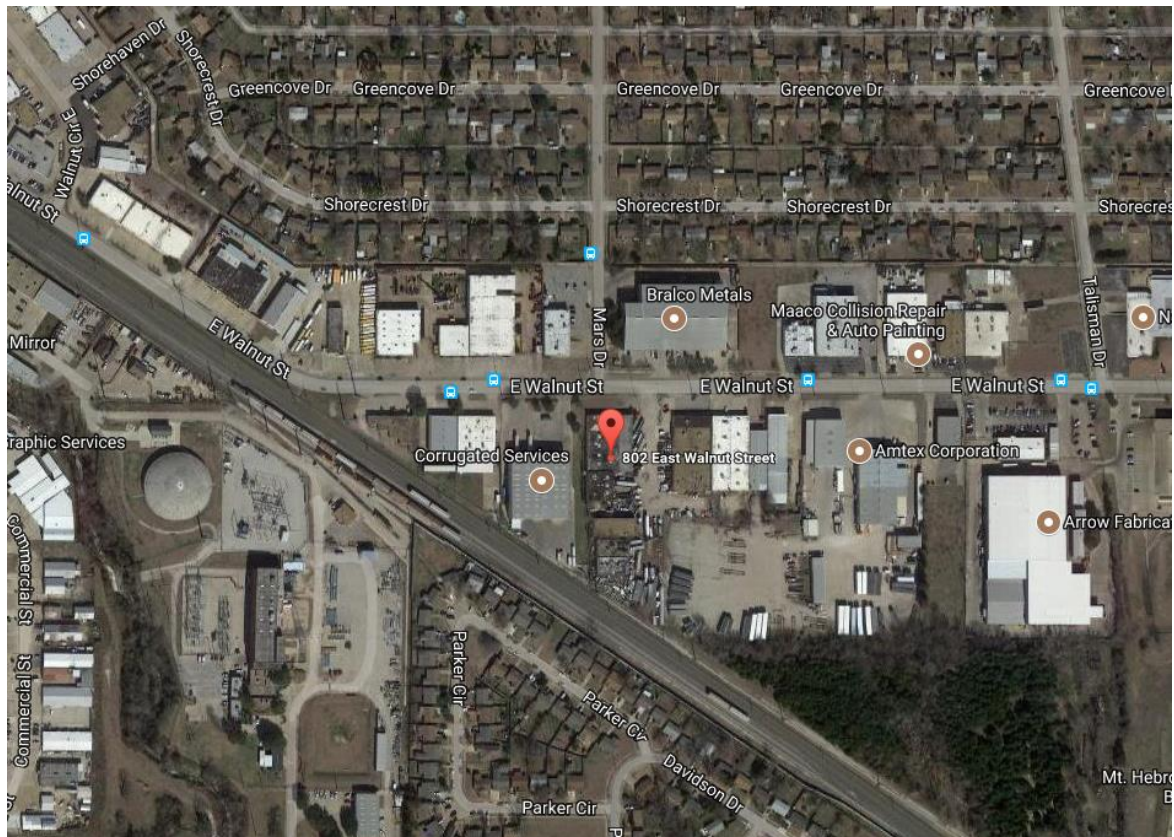
Recommended by: John Mears
Originating Department: Public Works

802 E. Walnut Picture and Maps



26222500080030000

802 E. Walnut Picture and Maps





J. DOUGLAS BURNSIDE
Attorney at Law
1919 S. Shiloh Rd, Ste 310, LB 40
Garland, Texas 75042
p: 972-278-8282
f: 972-278-8222
w: www.pbfcml.com

November 14, 2018

Mr. Corey Worsham
Tax Assessor/Collector
City of Garland
217 N. 5th Street
Garland, Texas 75040

Via electronic-mail

Re: Offer from Kun-yu Liang to purchase
802 E. Walnut, Garland, Texas

Dear Mr. Worsham:

Kun-yu Liang has offered to purchase 802 E. Walnut, Garland, Texas (BEING PART OF LOTS 3 & 4, BLOCK H, GARVON 10 ADDITION, aka 802 E. WALNUT ST., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN INSTRUMENT 201000207109, OF THE DALLAS COUNTY DEED RECORDS.) for \$300,000.00. Please note that as a part of this transaction, all post-judgment taxes for the years 2011-2017 will be paid at closing exclusive of the above amounts. The total amount of post-judgment taxes will be approximately \$300,260.51 of which the City of Garland will receive approximately \$81,074.35.

This property was sold at a Sheriff's Sale on October 3, 2017 pursuant to delinquent tax collection suit number TX09-40819. There were no bidders and the property was struck off to the City of Garland for itself and on behalf of the other taxing jurisdictions. Also included in the judgment was a transfer of tax lien company, Tax Ease Funding, LP. The taxing entities had transferred their 2002-2007 tax liens pursuant to Texas Property Tax Code Section 32.06 to Tax Ease Funding, LP. Their liens have an equal priority to the liens of the taxing entities. Tax Ease Funding, LP subsequently transferred its interest in the property to FGMS Holdings, LLC.

The property's most recent value according to the Appraisal District is \$891,210.00. The property was struck off for the total judgment amount, \$597,269.83, which includes taxes, penalties and interest, utility lien, costs of court, and costs of sale.

Pursuant to the Texas Property Tax Code, City reimbursement for post-sale maintenance, court costs and costs of sale must be paid first out of the proceeds of a resale. Those costs total \$12,932.76. The remainder would be distributed to the taxing jurisdictions and FGMS Holdings, LLC pro-rata. A breakdown of amounts each taxing entity will receive is enclosed.

Because the purchase price is less than either the Judgment amount of taxes and court costs, \$597,269.83, or the market value as stated in the judgment, \$891,210.00, all jurisdictions included

in the judgment must consent to the sale. Garland ISD has previously consented to this offer amount. Our office will obtain the necessary consent from the County for the sale to proceed.

If the City decides to accept this offer, enclosed for execution is a Special Warranty Deed our office prepared for this resale. When the Deed is executed, please return it to me so that I may finalize the transaction.

If you have any questions or need additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Douglas Burnside", is written over a light gray rectangular background.

J. Douglas Burnside

Enclosure

Re-sale Disbursement Worksheet

CAD Acct #:	26222500080030000
Property address:	802 E. Walnut
Cause No.:	TX09-40819
Judgment Date:	April 14, 2011
Sheriff's Sale Date:	October 3, 2017
Judgment amount:	GISD 2008-2010 taxes \$38,247.94 (13.9%)
	City 2008-2010 taxes \$22,198.66 (8.1%)
	County 2010 taxes \$7,091.19 (2.6%)
	Tax Ease, LP 2002-2007 taxes \$206,867.48 (75.4%)
Total Judgment for Taxes:	\$274,405.27
City Utility Lien:	\$3,600.48
Court costs:	\$7,052.30
Sheriff's fees for sale:	\$4,010.71
Publication fees for sheriff's sale, paid by Perdue Brandon:	\$369.75
Total Costs:	\$11,432.76

Funds to be disbursed as follows:

1.	Dallas County District Clerk	\$7,052.30
2.	Dallas County Sheriff	\$4,010.71
3.	Perdue Brandon Fielder Collins & Mott, LLP	\$369.75
4.	City of Garland (administrative fee)	\$1,500.00
5.	City of Garland (Pro-rata Judgment tax year distribution)	\$23,222.98
6.	Garland ISD (Pro-rata Judgment tax year distribution)	\$40,012.83
7.	Dallas County (Pro-rata Judgment tax year distribution)	\$7,418.40
8.	FGMS Holdings, LLC	\$216,413.03
	TOTAL Judgment Distribution	\$300,000.00

Post Judgment Distribution:

9.	City of Garland (Post Judgment tax year distribution)	\$81,074.35
10.	Garland ISD (Post Judgment tax year distribution)	\$144,483.49
11.	Dallas County (Post Judgment tax year distribution)	\$74,702.67
	TOTAL Post Judgment Distribution	\$300,260.51
	TOTAL Distribution	\$600,260.51

DEED WITHOUT WARRANTY

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §

That the **City of Garland**, a Texas home-rule municipality ("Grantor"), for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor, the receipt and sufficiency of which is hereby acknowledged, paid in hand by **Kun-yu Liang, 525 E. Walnut Street, Garland, Tx 75040** ("Grantee"), has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee that certain lot, tract, or parcel of land, commonly known as **802 E. Walnut**, situated in the City of Garland, County of Dallas, State of Texas, to wit:

BEING PART OF LOTS 3 & 4, BLOCK H, GARVON 10 ADDITION, aka 802 E. WALNUT ST., CITY OF GARLAND, DALLAS COUNTY, TEXAS, AS RECORDED IN INSTRUMENT 201000207109, OF THE DALLAS COUNTY DEED RECORDS. (the "Property").

This Deed Without Warranty is subject to:

- (i) any and all visible and apparent easements and encroachments, whether of record or not;
- (ii) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record applicable to the land or any part thereof;
- (iii) rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes;
- (iv) rights of parties in possession; and
- (v) any right of redemption as specified in Chapter 34, Subchapter B, Texas Property Tax Code.

It is understood and agreed that Grantor is not making any warranties or representations of any kind or character, express, implied or statutory, with respect to the Property, its physical condition or any other matter or thing relating to or affecting the Property and that the Property is being conveyed and transferred to Grantee "AS IS, WHERE IS, AND WITH ALL FAULTS." Grantor does not warrant or make any representations, express or implied, as to fitness for a particular purpose, merchantability, design, quantity, physical condition, operation compliance with specifications, absence of latent defects or compliance with laws and regulations (including, without limitation, those relating to zoning, health, safety and the environment) or any other matter affecting the Property.

THIS DEED IS MADE WITHOUT WARRANTY, EXPRESS OR IMPLIED, AND GRANTOR EXPRESSLY DISCLAIMS, EXCEPTS AND EXCLUDES ANY AND ALL WARRANTIES OF TITLE OR OTHERWISE FROM THIS CONVEYANCE, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES ARISING UNDER COMMON LAW OR STATUTE.

The intent of this Deed Without Warranty is to transfer the Property foreclosed on by the Grantor taxing jurisdictions in Cause TX09-40819 in the 193rd Judicial District Court, Dallas County, Texas, and no more.

When the context requires, singular nouns and pronouns include the plural.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in anywise belonging unto Grantee, his heirs, successors and assigns forever; **WITHOUT WARRANTY AND SUBJECT IN ALL RESPECTS TO THE DISCLAIMERS SET FORTH ABOVE.**

EXECUTED on the dates set forth in the acknowledgements below, to be EFFECTIVE on the _____ day of _____ 201_.

GRANTOR:

CITY OF GARLAND, a Texas home-rule
municipality

By: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

The foregoing instrument was acknowledged before me on the _____ day of _____, 201_, by _____, in her capacity as Mayor of the City of Garland.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES:



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

4.

Meeting Date: 02/05/2019

Item Title: Bond Refunding - Electric Utility System Drawdown Notes, Commercial Paper Notes, and Revenue Bonds

Submitted By: Matt Watson, Finance Director

Summary of Request/Problem

At the December 3, 2018 Work Session, Council considered authorizing the refunding of approximately \$133 million of Electric Utility System Drawdown Notes, Series 2016, approximately \$24 million of Electric Utility System Commercial Paper Notes, Series 2018, and approximately \$4 million of Electric Utility System Revenue Bonds, Series 2009 with Electric System Revenue Refunding Bonds, Series 2019. The purpose of this transaction is to refund and closeout the Electric Utility System Drawdown Notes, Series 2016, refund a portion of variable rate commercial paper notes with fixed rate long-term debt, and to generate savings in debt service.

Recommendation/Action Requested and Justification

Approve the sale of Electric Utility System Revenue Refunding Bonds, Series 2019.

Attachments

Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE authorizing the issuance of "CITY OF GARLAND, TEXAS, ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BONDS, NEW SERIES 2019", pledging the net revenues of the City's electric utility system to the payment of the principal of and interest on said bonds; specifying the terms and conditions of such bonds; resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement, an Escrow Agreement and a Purchase Agreement; and the approval and distribution of a Preliminary Official Statement and an Official Statement; and providing an effective date.

WHEREAS, the City Council (the "Council") of the City of Garland, Texas (the "City") has heretofore issued, sold, and delivered, and there is currently outstanding, obligations of the following issue or series, to wit: "City of Garland, Texas, Electric Utility System Revenue Bonds, Series 2009" dated May 15, 2009, scheduled to mature on March 1 in each of the years 2020 through 2029, inclusive, and aggregating in the principal amount of \$4,225,000 (hereinafter referred to as the "Refunded Bonds");

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

WHEREAS, the City Council of the City, in accordance with the provisions of Texas Government Code, Chapters 1431 and 1502, has heretofore authorized by ordinance and provided for the issuance of "City of Garland, Texas Electric Utility System Notes, Series 2016" (the "Drawdown Notes") in an aggregate principal amount not to exceed \$139,245,000 for the purpose of financing additions, improvements and extensions to the System;

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

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

WHEREAS, pursuant to the provisions of Texas Government Code, Chapter 1207, as amended, the Council is authorized to issue refunding bonds and deposit the proceeds of sale

directly with the places of payment for the Refunded Bonds, the Refunded CP Notes and the Refunded Drawdown Notes, as appropriate, or other authorized depository, and such deposits, when made in accordance with said statutes, and ordinances authorizing the issuance of the Refunded Bonds, the Refunded CP Notes and the Refunded Drawdown Notes, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Bonds, the Refunded CP Notes and the Refunded Drawdown Notes;

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

WHEREAS, the Council hereby finds and determines that the Refunded Bonds should be refunded at this time, and the refunding of the Refunded Bonds will result in the City saving approximately \$_____ in debt service payments on such indebtedness and further provide a net present value savings of approximately \$_____; and

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

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

SECTION 1. Authorization - Designation - Principal Amount - Purpose. Revenue bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$_____ to be designated and bear the title "CITY OF GARLAND, TEXAS, ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BONDS, NEW SERIES 2019" (the "Bonds"), for the purpose of refunding certain outstanding obligations payable from revenues of the City's Electric Utility System (identified in the preamble hereof as the "Refunded Bonds," the "Refunded CP Notes" and the "Refunded Drawdown Notes") and paying costs of issuance, all in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1207, as amended.

SECTION 2. Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Maximum Rate - Bond Date. The Bonds shall be in fully registered form, without coupons; dated February 15, 2019 (the "Bond Date"); shall be in denominations of \$5,000 or integral multiples thereof; and shall become due and payable on March 1 in each of the years in the principal amounts (the "Stated Maturities") and bear interest at the per annum rate(s) in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount (\$)</u>	<u>Interest Rate (%)</u>
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		

<u>Year of Stated Maturity</u>	<u>Principal Amount (\$)</u>	<u>Interest Rate (%)</u>
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		
2041		
2042		
2043		
2044		
2045		
2046		
2047		
2048		
2049		

The Bonds shall bear interest on the unpaid principal amounts from the date of initial delivery of the Bonds at the rate(s) per annum shown above in this Section (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Bonds shall be payable on March 1 and September 1 of each year commencing March 1, 2020, until maturity or prior redemption.

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

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

to be sent to each Holder by United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

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

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

SECTION 4. Redemption.

(a) Optional Redemption. The City reserves the right and option to redeem the Bonds maturing on and after March 1, 2030, in whole or in part, before their respective scheduled maturity dates, on March 1, 2029, or on any date thereafter at a price equal to the principal amount of the Bonds so called for redemption plus accrued interest from the most recent interest payment date on which interest has been paid or duly provided for to the date fixed for redemption.

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

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

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

*maturity

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

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

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

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

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

and after the redemption date therefor; provided moneys sufficient for the payment of such Bond (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Initial Bond(s). The Bonds herein authorized shall be initially issued either (i) as a single fully registered bond in the aggregate principal amount stated in Section 1 hereof with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1, or (ii) as multiple fully registered bonds, being one bond for each year of maturity in the applicable principal amount and denomination and to be numbered consecutively from T-1 and upward (hereinafter called the "Initial Bond(s)") and, in either case, the Initial Bond(s) shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Bond(s) shall be the Bond(s) submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond(s), the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond(s) delivered hereunder and exchange therefor definitive Bonds of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9. Form of Bonds.

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

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

(b) Form of Definitive Bonds.

REGISTERED
NO. ____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF GARLAND, TEXAS
ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BOND
NEW SERIES 2019

Bond Date:	Stated Maturity:	Interest Rate:	CUSIP No.:
February 15, 2019	_____	_____ %	_____

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Garland (the "City"), in the State of Texas, for value received, hereby promises to pay to the Registered Owner named above (the "Holder") or its registered assigns, solely from the revenues hereinafter identified, on the Stated Maturity specified above, the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on such unpaid principal amount from the later of the date of initial delivery of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, semiannually on March 1 and September 1 in each year, commencing March 1, 2020, until maturity or prior redemption, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30 day months. The principal of this Bond is payable upon presentation and surrender of this Bond at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor. The interest payable on any interest payment date will be paid to the Holder of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date" for such interest, which shall be the fifteenth (15th) day of the month next preceding such interest payment date. If the date for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are required or authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which banking institutions are required or authorized by law or executive order to close, and payment on such date shall have the same force and effect as if made on the original date payment was due. All such payments may be made by the Paying Agent/Registrar by check dated as of the interest payment date and mailed to such Holder at the address appearing in the register or by such other customary banking arrangement acceptable to the Paying Agent/Registrar, requested in writing by, and at the risk and expense of, the Holder hereof. All payments of principal of, premium, if any, and interest on this Bond shall be made in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, without exchange or collection charges to the Holder of this Bond.

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

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

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

*maturity

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

The Bonds maturing on and after March 1, 2030, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on March 1, 2029, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

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

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

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

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

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

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

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

It is hereby certified and recited that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and to be done precedent to and in the issuance of the Bonds to render the same lawful and valid have been properly done, have happened and have been performed in regular and due time, form and manner as required by

the Constitution and laws of the State of Texas and the Ordinance; that the Bonds do not exceed any constitutional or statutory limitation; and that provision has been made for the payment of the principal of and interest on the Bonds by irrevocably pledging the Net Revenues of the System, as hereinabove recited.

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

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

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

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

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

Mayor

COUNTERSIGNED

City Secretary

(City Seal)

(c) Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Bond(s) only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

THE STATE OF TEXAS	§	
OFFICE OF THE COMPTROLLER	§	REGISTER NO. _____
OF PUBLIC ACCOUNTS	§	

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

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(Seal)

(d) Form of Certificate of Paying Agent/Registrar to appear on Definitive Bonds only.

CERTIFICATE OF PAYING AGENT/REGISTRAR

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

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

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

Dated: _____

By: _____
Authorized Signatory
Amegy Bank Division

(e) Form of Assignment.

ASSIGNMENT

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

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

DATED: _____

Signature guaranteed:

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

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

Heading and first paragraph shall read as follows:

REGISTERED
NO. T-1

REGISTERED
\$_____,000

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF GARLAND, TEXAS
ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BOND
NEW SERIES 2019

Bond Date: February 15, 2019

Registered Owner: WELLS FARGO BANK, NATIONAL ASSOCIATION

Principal Amount: _____ MILLION ____ HUNDRED THOUSAND DOLLARS

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

<u>YEAR OF MATURITY</u>	<u>PRINCIPAL INSTALLMENTS (\$)</u>	<u>INTEREST RATES (%)</u>
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(Information to be inserted from schedule in Section 2 hereof)

(or so much thereof as shall not have been paid upon prior redemption) and to pay interest on such unpaid principal amount from the later of the date of initial delivery of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, semiannually on March 1 and September 1 in each year, commencing March 1, 2020, until maturity or prior redemption, at the per annum rate of interest specified above, computed on the basis of a 360-day year of twelve 30-day months. The principal of this Bond is payable to the registered owner hereof by Zions Bancorporation, National Association, Amegy Bank Division, Houston, Texas (the "Paying Agent/Registrar"), upon its presentation and surrender, at its designated offices, initially in Salt Lake City, Utah, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office"). The interest payable on any interest payment date will be paid to the Holder of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the Record Date for such interest, which shall be the fifteenth (15th) day of the month next preceding such interest payment date. If the date for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are required or authorized by law or executive order to close, the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or day on which banking institutions are required or authorized by law or executive order to close, and payment on such date shall have the same force and effect as if made on the original date payment was due. All such payments may be made by the Paying Agent/Registrar by check dated as of the interest payment date and mailed to such Holder at the address appearing in the register or by such other customary banking arrangement acceptable to the Paying Agent/Registrar, requested in writing by, and at the risk and expense of, the Holder hereof. All payments of principal of, premium, if any, and interest on this Bond shall be made in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, without exchange or collection charges to the Holder of this Bond.

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

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

(b) The term "Annual Debt Service Requirements" shall mean, for any Fiscal Year, the principal of and interest on all Bonds Similarly Secured coming due at Maturity or Stated Maturity

(or that could come due on demand of the owner thereof other than by acceleration or other demand conditioned upon default by the City on such Debt, or be payable in respect of any required purchase of such Debt by the City) in such Fiscal Year, and, for such purposes, any one or more of the following rules shall apply at the election of the City:

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

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

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

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

deposited or set aside in trust) with a financial institution acting as fiduciary with respect to the payment of such Debt;

(5) Variable Rate.

(i) Except as hereinafter provided in this subparagraph, the rate of interest on Variable Rate Obligations then proposed to be issued shall be deemed to be the average for the then immediately preceding five (5) years of the SIFMA Index, plus twenty (20) basis points; provided, however, that (i) if, after the issuance of the Variable Rate Obligations then proposed to be issued, more than 20% of the aggregate of the Bonds Similarly Secured Outstanding will bear interest at a variable rate and (ii) any Bond Similarly Secured is then insured by a Bond Insurer, the rate of interest on Variable Rate Obligations then proposed to be issued shall be deemed to be the greater of (x) the most recently announced thirty (30) year Revenue Bond Index published by The Bond Buyer, a financial journal published, as of the date the Ordinance was adopted, in the City of New York, New York or (y) 1.25 times the average variable rate borne by any Variable Rate Obligations then Outstanding during the then immediately preceding twelve-month period, and

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

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

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

definition and the maturity schedule shall be calculated in the manner provided in clause (2) of this definition; and

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

(c) The term “Bonds” shall mean the “City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, New Series 2019,” dated February 15, 2019, authorized by this Ordinance.

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

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

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

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

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

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

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

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

(2) all other indebtedness (other than indebtedness otherwise treated as Debt hereunder) for borrowed money or for the acquisition, construction, or improvement of property or capitalized lease obligations that is guaranteed, directly or indirectly, in any manner by the City, or that is in effect guaranteed, directly or indirectly, by the City through an agreement, contingent or otherwise, to purchase any such indebtedness or to advance or supply funds for the payment or purchase of any such indebtedness or to purchase property or services primarily for the purpose of enabling the debtor or seller to make payment of such indebtedness, or to assure the owner of the indebtedness against loss, or to supply funds to or in any other manner invest in the debtor (including any agreement to pay for property or services irrespective of whether or not such property is delivered or such services are rendered), or otherwise; and

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

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

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

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

(m) The term "Government Obligations", as used herein, shall mean (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their

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

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

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

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

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

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

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

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

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

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

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

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

(v) The term "Prior Lien Bonds" includes (i) "City of Garland, Texas, Electric Utility System Revenue Bonds, Series 2009," dated May 15, 2009 (the 2020-2029 maturities to be refunded by the Bonds), (ii) "City of Garland, Texas, Electric Utility System Revenue Bonds, Series 2011," dated June 15, 2011, (iii) "City of Garland, Texas Electric Utility System Revenue Refunding Bonds, Series 2011A," dated November 1, 2011 and (iv) "City of Garland, Texas, Electric Utility System Revenue Refunding Bonds, Series 2013" dated May 1, 2013.

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

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

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

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

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

SECTION 11. Pledge of Revenues. The City hereby covenants and agrees that, subject only to the prior lien on and pledge of the Net Revenues of the System to the payment and security of the Prior Lien Bonds (including the establishment and maintenance of the special funds created for the payment and security thereof) under the terms and conditions of the ordinances and proceedings pertaining to their authorization, the Net Revenues of the System, with the exception of those in excess of the amounts required for the payment and security of the Outstanding Bonds Similarly Secured, are hereby irrevocably pledged to the payment and security of the Outstanding

Bonds Similarly Secured, including the maintenance of the special funds herein created in connection with the issuance of the Bonds, all as hereinafter provided, and it is hereby ordained that the Bonds Similarly Secured, and the interest thereon, shall be equally and ratably secured by a parity lien on and pledge of the Net Revenues of the System and be valid and binding without any filing or recording except for the filing of this Ordinance in the records of the City.

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

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

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

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

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

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

deposited therein shall be used solely for the purpose of paying the principal of and interest on the Outstanding Bonds Similarly Secured when and as the same become due and payable.

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

It is specifically provided, however, that the City may change the custodian of the Bond Fund and the Reserve Fund without impairing the obligation of contract with the Holders of the Bonds, if the new custodian for such Fund or Funds is a financial institution with trust powers. In no event shall a change of the custodian of either of the Bond Fund or the Reserve Fund be considered as a change in the purpose for which such Funds were created and established as provided in this Ordinance, and the City covenants that it will cause such Funds to be timely utilized for the respective purposes for which they were created.

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

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

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

SECTION 16. Reserve Fund. (a) Establishment. A Reserve Fund shall not be required to be established or maintained by the City for the payment of the Bonds or any other Bonds

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

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

(1) ten per cent (10%) of the average annual debt service requirement for all Bonds Similarly Secured if the Net Revenues for the previous Fiscal Year were less than 150% of the annual debt service requirement for such Fiscal Year;

(2) twenty per cent (20%) of the average annual debt service requirement for all Bonds Similarly Secured if the Net Revenues for the previous Fiscal Year were less than 140% of the annual debt service requirement for such Fiscal Year, but greater than or equal to 130% of the annual debt service requirement for such Fiscal Year;

(3) thirty per cent (30%) of the average annual debt service requirement for all Bonds Similarly Secured then Outstanding if the Net Revenues for the previous Fiscal Year were less than 130% of the annual debt service requirement for such Fiscal Year, but greater than or equal to 120% of the annual debt service requirement for such Fiscal Year;

(4) forty per cent (40%) of the average annual debt service requirement for all Bonds Similarly Secured if the Net Revenues for the previous Fiscal Year were less than 120% of the annual debt service requirement for such Fiscal Year, but greater than or equal to 110% of the annual debt service requirement for such Fiscal Year; and

(5) fifty per cent (50%) of the average annual debt service requirement for all Bonds Similarly Secured if the Net Revenues for the previous Fiscal Year were less than 110% of the annual debt service requirement for such Fiscal Year.

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

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

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

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

During such time as the Reserve Fund contains the total Required Reserve Amount, the City may, at its option, withdraw all surplus in the Reserve Fund over the Required Reserve

Amount and deposit such surplus in the System Fund. Any such amount to be withdrawn that is allocated to proceeds of Bonds Similarly Secured shall be deposited to the Bond Fund or otherwise used for only such purposes as other bond proceeds may be used.

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

SECTION 17. Deficiencies in Funds. If in any month the City shall, for any reason, fail to pay into the Bond Fund or Reserve Fund the full amounts above stipulated, amounts equivalent to such deficiencies shall be set apart and paid into said Funds from the first available and unallocated Net Revenues of the System for the following month or months, and such payments shall be in addition to the amounts otherwise required to be paid into said Funds during such month or months.

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

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

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

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

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

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

(c) A certificate is executed by a certified public accountant to the effect that, in his or her opinion, the Net Revenues of the System either for the last complete Fiscal Year of the City, or for any 12 consecutive calendar month period ending not more than 90 days prior to the passage of the ordinance authorizing the issuance of such Additional Bonds were at least 1.25 times the average annual principal and interest requirements for the calculation period of all then Outstanding Prior Lien Bonds and Outstanding Bonds Similarly Secured and for the installment or series of Additional Bonds then proposed to be issued and 1.00 times the maximum annual principal and interest requirements for all then Outstanding Prior Lien Bonds and Outstanding Bonds Similarly Secured after giving effect to the issuance of the Additional Bonds then being issued. However, (i) should the certificate of the accountant certify that the Net Revenues of the System for the period covered thereby were less than required above, and (ii) a change in the rates and charges for electric utility services afforded by the System became effective at least 60 days prior to the last day of the period covered by the accountant's certificate, and (iii) a Consultant having a favorable reputation with respect to such matters will certify that, had such change in rates and charges been effective for the entire period covered by the accountant's certificate, the Net Revenues of the System covered by the accountant's certificate would have been, in his or her opinion, equal to at least 1.25 times the average annual and 1.00 times the maximum annual principal and interest requirements (calculated on a Fiscal Year basis) of the Outstanding Prior Lien Bonds and Outstanding Bonds Similarly Secured after giving effect to the issuance of the proposed Additional Bonds, then, in such event, the coverage specified in the first sentence of this subparagraph (c) shall not be required for the period specified, and such accountant's certificate will be sufficient if accompanied by a Consultant's certificate to the above effect. The term Net Revenues, as used in this subparagraph (c), shall mean the Net Revenues of the System, but excluding and not deducting any charges or disbursements which under standard accounting practice should be charged to capital expenditures;

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

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

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

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

SECTION 22. Maintenance and Operation - Insurance. The City covenants and agrees that the System shall be maintained in good condition and operated in an efficient manner and at reasonable cost. So long as any of the Bonds are Outstanding, the City agrees to maintain insurance on the System of a kind, including self-insurance by the City, and in an amount not less than, customarily carried by municipal corporations in the State of Texas engaged in a similar type of business. Nothing in this Ordinance shall be construed as requiring the City to expend any funds which are derived from sources other than the operation of the System, but nothing herein shall be construed as preventing the City from doing so.

SECTION 23. Records - Accounts - Accounting Reports.

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

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

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

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence

therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive. Notwithstanding anything in this Ordinance to the contrary, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

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

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

(b) That, other than for the payment of the Prior Lien Bonds, the Previously Issued Bonds and the Bonds, the Net Revenues of the System have not in any manner been pledged to the payment of any debt or obligation of the City or of the System that is on a parity with the pledge of the Net Revenues to Bonds Similarly Secured. The Net Revenues have been pledged to the City's Electric Utility System Commercial Paper Notes, Series 2018 (a portion of which are being discharged with proceeds of the Bonds) and the City's draw down notes entitled City of Garland, Texas Electric Utility System Notes, Series 2016 (which are being discharged with proceeds of the Bonds), subject to the lien on and pledge of the Net Revenues to the Outstanding Prior Lien Bonds and the Outstanding Bonds Similarly Secured.

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

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

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

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

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

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

SECTION 28. Investments. Moneys in the Bond Fund and the Reserve Fund may at the option of the City be invested or reinvested from time to time in direct obligations of the United States of America, or other obligations permitted by the Texas Public Funds Investment Act, as amended.

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

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

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

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

SECTION 31. Mutilated, Destroyed, Lost, and Stolen Bonds. (a) If (i) any mutilated Bond is surrendered to the Paying Agent/Registrar or the City or the Paying Agent/Registrar receives

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

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

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

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

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

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

SECTION 33. Covenants to Maintain Tax-Exempt Status.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Bonds and the Refunded Notes), other than taxes of general

application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

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

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

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

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

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

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

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

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such

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

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

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

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

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

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

SECTION 34. Sale of Bonds; Purchase Agreement and Official Statement Approval. The Bonds authorized by this Ordinance are hereby sold by the City to Wells Fargo Bank, National Association, Bank of America, N.A. and Barclays Capital Inc. (collectively, the "Purchasers") in

accordance with the Bond Purchase Agreement, dated February 5, 2019, substantially in the form attached hereto as **Exhibit B** and incorporated herein by reference as a part of this Ordinance for all purposes, and the City has determined and does determine that the terms of such Purchase Agreement are in the City's best interests. The Mayor or Mayor Pro Tem are hereby authorized and directed to execute said Purchase Agreement for and on behalf of the City and as the act and deed of the Council, and in regard to the approval and execution of the Purchase Agreement, the Council hereby finds, determines, and declares that the representations, warranties, and agreements of the City contained therein are true and correct in all material respects and shall be honored and performed by the City.

Furthermore, the use of the Preliminary Official Statement by the Purchasers in connection with the public offering and sale of the Bonds is hereby ratified, confirmed and approved in all respects. The final Official Statement, which reflects the terms of sale (together with such changes approved by the Mayor, Mayor Pro Tem, City Manager, Finance Director or City Secretary, any one or more of said officials), shall be and is hereby in all respects approved and the Purchasers are hereby authorized to use and distribute said final Official Statement, dated February 5, 2019, in the reoffering, sale and delivery of the Bonds to the public. The Mayor or Mayor Pro Tem and City Secretary are further authorized and directed to cause to be delivered for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers, and such final Official Statement shall be deemed to be approved by the Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

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

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

Additionally, on or immediately prior to the date of the delivery of the Bonds, the Finance Director or other appropriate City official shall cause to be transferred in immediately available funds to the paying agent/registrars for the Refunded Bonds from moneys on deposit in the interest and sinking fund maintained for the payment of the Refunded Bonds the sum of \$_____ to accomplish the refunding of the Refunded Bonds. The Finance Director is further authorized to provide for payment of interest on the Refunded CP Notes and Refunded Drawdown Notes from lawfully available funds of the City.

SECTION 37. Escrow Agreement Approval and Execution; Redemption of Refunded Bonds.

The Escrow Agreement (the "Escrow Agreement") by and between the City and Zions Bancorporation, National Association, Amegy Bank Division (the "Escrow Agent"), substantially in the form attached hereto as **Exhibit C** and incorporated herein by reference as a part of this Ordinance for all purposes, is hereby approved as to form and content, and such Escrow Agreement in substantially the form and substance attached hereto, together with such changes or revisions as may be necessary to accomplish the refunding or benefit the City, is hereby authorized to be executed by the Mayor and City Secretary for and on behalf of the City and as the act and deed of this City Council; and such Escrow Agreement as executed by said officials shall be deemed approved by the City Council and constitute the Escrow Agreement herein approved.

Furthermore, appropriate officials of the City in cooperation with the Escrow Agent are hereby authorized and directed to make the necessary arrangements on the day of delivery of the Bonds to the Underwriters for the purchase of any federal securities referenced in the Escrow Agreement and the delivery thereof to the Escrow Agent and for deposit of certain proceeds of sale of the Bonds and any federal securities to the credit of the "SPECIAL 2019 CITY OF GARLAND, TEXAS, ELECTRIC UTILITY SYSTEM REVENUE REFUNDING BOND ESCROW FUND" (the "Escrow Fund"), including the execution of subscription forms for the purchase and issuance of any "United States Treasury Securities State and Local Government Series"; all as contemplated and provided in Texas Government Code, Chapter 1207, as amended, this Ordinance and the Escrow Agreement.

The Refunded Bonds shall be redeemed and the same are hereby called for redemption on April 1, 2019, at the price of par and accrued interest to the date of redemption. The City Secretary is hereby authorized and directed to file a copy of this Ordinance, together with a suggested form of notice of redemption to be sent to holders of the Refunded Bonds, with Zions Bancorporation, National Association, Amegy Bank Division (the current paying agent/registrar for the Refunded Bonds and successor to The Bank of New York Mellon Trust Company, N.A.), in accordance with the redemption provisions applicable to such obligations; such suggested form of notice of redemption being substantially in the form attached hereto as **Exhibit D** and incorporated herein by reference as a part of this Ordinance for all purposes.

The redemption of the Refunded Bonds described above being associated with the refunding of such Refunded Bonds, the approval, authorization and arrangements herein given and provided for the redemption of such Refunded Bonds on the redemption date designated therefor and in the manner provided shall be irrevocable upon the issuance and delivery of the Bonds; and the City Secretary is hereby authorized and directed to make all arrangements necessary to notify the holders of such Refunded Bonds of the City's decision to redeem such Refunded Bonds on the date and in the manner herein provided and in accordance with the ordinance authorizing the issuance of such Refunded Bonds and this Ordinance.

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

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

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

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

SECTION 40. Ordinance a Contract; Amendments. This Ordinance shall constitute a contract with the Holder of any Bond from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 42 hereof. The City, may, without the consent of or notice to any Holders of Bonds, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders of any Bond, including the curing of any ambiguity, inconsistency or formal defect or omission herein. In addition, the City may, with the written consent of the Holders of Bonds owning a majority in aggregate principal amount of the Bonds

then Outstanding affected thereby, amend, add to or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Bonds, no such amendment, addition or rescission shall (a) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (b) give any preference to any Bond over any other Bond or (c) reduce the aggregate principal amount of Bonds required for consent to any such amendment, addition or rescission.

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

SECTION 42. Continuing Disclosure Undertaking.

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

“MSRB” means the Municipal Securities Rulemaking Board.

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

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

(b) Annual Reports. The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning in or after 2018, financial information and operating data with respect to the City of the general type included in Tables 1 through 10 in the Official Statement and (2) within twelve months after the end of each fiscal year ending in or after 2018, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in Appendix B to the Official Statement, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not available by the required time, the City will file unaudited financial statements within such twelve-month period and audited financial statements when and if such audited financial statements become available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[remainder of page intentionally left blank]

PASSED AND ADOPTED this February 5, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT B
PURCHASE AGREEMENT

EXHIBIT C
ESCROW AGREEMENT

EXHIBIT D

NOTICE OF REDEMPTION

CITY OF GARLAND, TEXAS
ELECTRIC UTILITY SYSTEM REVENUE BONDS
SERIES 2009
Dated May 15, 2009

NOTICE IS HEREBY GIVEN that the bonds of the above series maturing on and after March 1, 2020, and aggregating in the principal amount of \$4,225,000, have been called for redemption on April 1, 2019 at the redemption price of par and accrued interest to the date of redemption, such bonds being identified as follows:

<u>Year of Maturity</u>	<u>Principal Amount (\$)</u>	<u>CUSIP Number</u>
2020	340,000	
2021	355,000	
2022	370,000	
2023	385,000	
2024	405,000	
2025	425,000	
2026	450,000	
2027	470,000	
2028	500,000	
2029	525,000	

ALL SUCH BONDS shall become due and payable on April 1, 2019 and interest thereon shall cease to accrue from and after said redemption date and payment of the redemption price of said bonds shall be paid to the registered owners of the bonds only upon presentation and surrender thereof to Zions Bancorporation, National Association, Amegy Bank Division (successor to The Bank of New York Mellon Trust Company, N.A.) at its designated offices at the following address: One South Main Street, 17th Floor, Salt Lake City, UT 84133.

THIS NOTICE is issued and given pursuant to the terms and conditions prescribed for the redemption of said bonds and pursuant to an ordinance by the City Council of the City of Garland, Texas.

Zions Bancorporation, National Association, Amegy Bank Division
1801 Main Street, Suite 850
Houston, Texas 77002



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

5.

Meeting Date: 02/05/2019

Item Title: Multi-Family Water/Wastewater Base Rate

Submitted By: Wes Kucera, Managing Director

Summary of Request/Problem

At the January 14, 2019 Work Session, the City Council reviewed a Policy Report recommending a phase in base rate increase for multi-family water and wastewater. Council approved a phase in rate of \$11.52 for water and \$4.27 for sewer beginning March 1, 2019 and implement the final rate adjustment on October 1, 2019 after a cost of service study is completed. For Council's consideration is an amendment to Chapter 50 Utility Rates and Fees, Section 50.34 Water Service Rates and Section 50.35 Sewer Service Rates.

Recommendation/Action Requested and Justification

The attached rate ordinance was substantially revised by the City Attorney to address concerns that the current ordinance is vague or confusing in some respects - as noted by the City Auditor in a recent audit report. The amendments do not affect any rates set by the City Council during the last budget cycle (with the exception, of course, of reducing the multi-family base charge). The City Attorney determined that, given the present opportunity to address concerns about the clarity of the ordinance, it is best to make those changes in conjunction with revising the rates for multi-family accounts – otherwise the City Council would have to revisit the rate ordinance yet again to consider those changes. The City Attorney recommends the adoption of the attached ordinance. The attached ordinance makes the multi-family rate changes as directed by the City Council and provides an implementation date of March 1, 2019. The ordinance contains a “phase-in/phase-out” clause that automatically raises the rate on October 1, 2019 unless further action is taken on the affected rates by the City Council prior to that date. The other changes are structural in nature, designed to conform the ordinance to current meter-reading and billing practices, and to provide clarity in the billing process.

Attachments

Water Sewer Rate Amendment 2019

ORDINANCE NO.

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS RELATING TO FEES AND RATES FOR WATER AND SEWER SERVICES PROVIDED BY THE CITY; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Sec. 50.34 of Chapter 50, "Utility Rates and Fees" of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 50.34 Water service rates

(A) Volume charges. Each monthly billing for water service shall include a charge for the volume of water used, based upon the metered flow, and calculated as follows:

(1) *Residential (single-family, duplex, townhome, and similar one meter per household) accounts -*

First 3,000 gallons or less (per thousand)	\$4.80
Next 12,000 gallons (per thousand)	\$5.88
All usage over 15,000 gallons (per thousand)	\$9.36

(2) *Multi-family (including all meters serving a multi-family account) accounts -*

Volume charge per 1,000 gallons	\$6.38
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(3) *Commercial and industrial accounts -*

Volume charge per 1,000 gallons	\$6.38
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(B) Base charges. Each monthly billing for water service shall include a base charge as follows:

(1) *Residential (single-family, duplex, townhome, and similar one meter per household) accounts -*

<u>Meter size</u>	<u>Rate</u>
5/8 inch	\$23.05
3/4 inch	\$30.80
1 inch	\$36.80

1-1/2 inch	\$43.80
2 inch	\$58.10

(2) *Multi-family accounts -*

Base charge per dwelling unit	\$11.52
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Other meters associated with a multi-family use, such as laundry rooms, pools, and other amenities, will be charged a base rate at the commercial/industrial rates, dependent on meter size.

(3) *Commercial and industrial accounts -*

Meter size	Rate
5/8 inch	\$23.05
3/4 inch	\$30.80
1 inch	\$36.80
1-1/2 inch	\$43.80
2 inch	\$58.10
3 inch	\$140.65
4 inch	\$173.60
6 inch	\$248.90
8 inch	\$335.80
10 inch	\$433.90

(C) Construction and irrigation rates. When necessary to measure water usage with a high velocity water meter for construction purposes and at the customer's request, the water rate for that service shall be the same as the applicable commercial/industrial rate, including the prevailing monthly base charge based on a 3-inch meter size, plus the commercial/industrial volume charge per 1,000 gallons of use. A deposit in the amount of \$1,000.00 shall be collected when the water meter is issued, which deposit shall be refunded less the cost of damage, if any, to the meter when the meter is returned. A meter that serves only an irrigation system (without an associated wastewater account) will be billed a base charge based on the meter size for the account, and a volume charge based on the class of service for the account.

(D) Rates outside City limits. All rates for service outside the corporate limits of the City shall be at least one and one-half times the rate for that classification of service inside the City limits as provided in subsection (A) above, unless the customer has executed a contract that provides an alternate, specified rate.

(E) City departments. Water furnished through the City's water system to the various departments of the City shall be paid for by such departments out of appropriations made by the City Council for those respective operations at the commercial/industrial rates provided in subsection (A), above.

(F) Payment. Bills are due and payable and become past due if not paid within 20 days after the billing date. If payment is not received by the Customer Service Department within 24 days after the billing date, a late payment penalty of five percent shall be due on the unpaid balance. Utility service may be discontinued to any customer having a past-due bill.

(G) Adjustments due to changes in law. Until amended by the City Council, the rates provided in this section will be increased as necessary by the proportionate part of any new, increased or newly applicable tax, charge or fee levied or assessed against the City's municipal water utility or upon its operations.

(H) Fund balance, review, and use of funds. The rates established by this section are intended to provide for a 45-day fund balance and shall remain in effect during the applicable time period until increased, decreased or further amended by the City Council. The City Council shall review the rates established by this section semi-annually to determine whether an increase or decrease in the applicable rates is necessary or warranted. A balance in the water and wastewater fund(s) in excess of that necessary to maintain a 45-day fund balance may be used only for rate reduction, debt reduction, and capital improvements for the water and wastewater systems. No transfers shall be made from the excess fund balance of either the water or wastewater fund(s) for any purpose not related to the water and wastewater systems.

(I) Emergency medical services fee.

(1) A monthly fee of \$2.50 is due with each bill for the costs of emergency medical services, including salary and overtime related to medical personnel.

(2) The monthly fee established by this subsection is applicable to each and every customer served by a municipal

water account and shall be due and collected in conjunction with the bill for water services for each meter serving the customer. If multiple dwelling units, business operations or lease spaces are served through one meter, every such dwelling unit, business operation or separate lease space served by the meter shall be considered a separate customer on that meter, and a separate fee shall be collected for each such customer."

Section 2

That Sec. 50.35 of Chapter 50, "Utility Rates and Fees" of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 50.35 Sewer service rates

(A) Each monthly billing for sewer service shall include a base charge and a charge for the volume of wastewater discharged, calculated as follows:

(1) Residential accounts-

Base charge	\$8.55 per month
Volume charge	\$4.50 per 1,000 gallons

The base charge is the monthly charge for an account. The volume charge will be based on 98% of the metered water consumption for the account. The maximum charge will not exceed the base charge plus a volume charge for the lesser of 17,000 gallons per month or 98% of the average metered water volume billed to the account during the previous December-March period for that specific customer. For a new account, if at least three of the four months for the previous December-March period are not complete months for that specific customer, the customer's individual ceiling is 9,000 gallons until a new average is established for the customer.

(2) Duplex dwelling residential accounts-

Base charge	\$8.55 per month
Volume charge	\$4.50 per 1,000 gallons

The base charge is the monthly charge for an account. The volume charge will be based on 98% of the metered water consumption for the account. The maximum charge will not

exceed the base charge plus a volume charge for the lesser of 34,000 gallons per month

or 98% of the average metered water volume billed to the account during the previous December-March period for that specific customer. For a new account, if at least three of the four months for the previous December-March period are not complete months for that specific customer, the customer's individual ceiling is 18,000 gallons until a new average is established for the customer.

(3) *Multi-family accounts.*

Base charge (per dwelling unit) \$4.27 per month

Volume charge \$4.89 per 1,000 gallons

The base charge is the monthly charge for an account. The volume charge is unrestricted and will be based on 80% of metered water consumption.

(4) *General commercial/industrial accounts.*

Base charge \$8.55 per month

Volume charge \$4.89 per 1,000 gallons

The base charge is the monthly charge for an account. The volume charge is unrestricted. The volume charge will be based on 80% of metered water consumption.

(B) Major commercial/industrial users. A separate subclass and rate may be established for major commercial and industrial users.

(C) Payment. Bills are due and payable and become past due if not paid within 20 days after the date of billing. If payment is not received by the Customer Service Department within 24 days after the date of billing, a late payment penalty of five percent shall be due on the unpaid balance. Utility service may be discontinued to any customer having a past-due bill.

(D) Outside city limits. Charges for service outside the city limits shall be as established under the terms of the wastewater service contract.

(E) Adjustments due to changes in law. Until amended by the City Council, the rates provided in this section will be increased as necessary by the proportionate part of any new, increased or newly applicable tax, charge or fee levied or assessed against the City's municipal wastewater system or upon its operations.

(F) Customer cities rates. The wastewater treatment charges for customer cities are as follows:

<u>Customer</u>	<u>Rate per 1,000 Gallons</u>
Dallas	\$3.11
Richardson	\$2.71
Rowlett	\$2.80
Sachse	\$2.85
Sunnyvale	\$2.95

These rates will be applied to 100% of the metered volume of actual wastewater discharged into the City's wastewater treatment system. These rates do not abrogate or modify any provisions under the contracts between the City and the individual customer cities, but are supplemental to those contracts.

(G) Major commercial/industrial customer rates. The wastewater treatment charges for the following specified major commercial/industrial customers are:

<u>Customer</u>	<u>Rate per 1,000 Gallons</u>
Kraft Foods	\$11.22
Sherwin-Williams	\$6.03
General Dynamics	\$5.25
Carroll Company	\$10.72
Economics Lab	\$10.99
Valspar Chemical Corp.	\$5.25
Texas Precision	\$5.25
L3 Communications	\$5.25
Daisy Brand	\$12.13
Ona Polymers	\$24.38
IFS	\$41.24
Quality Star Products	\$23.88

These rates will be applied to a volume (in thousand gallons) based on 80% of the water volume received by the customer unless the

customer has installed a city-approved flow-measuring device, in which case the total measured flow will be used.

(H) Non-compliant wastewater surcharge. A surcharge will be applied to the rate provided in subsection (H) if the wastewater discharged into the City's wastewater system by the customer exceeds the quality loading data (weighted average biochemical oxygen demand (BOD) and weighted average total suspended solids (TSS)) used in the development of the specified rate by fifty percent or more. The surcharge will be computed using the following formula:

BOD and TSS Surcharge Calculation (mg/l)

$$S_1 = V \times (BOD - C) \times A$$

$$S_2 = V \times (TSS - D) \times B$$

Where:

S_1 = BOD Surcharge

S_2 = TSS Surcharge

V = Total water consumption in thousands of gallons during the billing period

A = Unit charge in dollars per liter for BOD

B = Unit charge in dollars per liter for TSS

C = Normal BOD strength allowance defined as 250 mg/l

D = Normal TSS strength allowance defined as 250 mg/l

BOD = Average 3-month biochemical oxygen demand concentration in mg/l

TSS = Average 3-month total suspended solids concentration in mg/l

If the affected customer installs and operates pretreatment facilities, improves its processes or otherwise improves the quality of the customer's effluent, the customer may request a review of its rate, the discontinuation of the surcharge, or both. To obtain this review, the customer must:

- (1) Make a formal written request to the Director of Water for a rate review;

(2) Provide formal assurance that a change in the effluent because of pretreatment, product manufacturing or process change, or other reason will remain in effect for at least 12 months or until the next scheduled rate review;

(3) Agree that the cost of sampling by city staff (or an independent party at the city's election) to determine the new loading factors, plus the cost of two more samples to be taken at the city's own discretion, will be prepaid by the customer. (In the event the city elects not to take additional samples or if the next samples are part of the regularly scheduled sampling plan, the cost of the prepaid samples will be refunded by the city to the customer. The cost of samplings will be \$75.00 each, for a total of \$225.00.)

The city shall have 45 days from the date the written request is received by the Director of Water to take action on the request for a rate or surcharge review. If the customer is determined by the city to be entitled to a rate reduction, the maximum amount of the reduction to be allowed is the variable costs associated with the new effluent loadings to be computed in the same manner as the surcharge as provided above. The Director may take any action the Director deems equitable with respect to the customer's rate, but until such action is taken, the customer's obligation to pay rates previously established shall not be relieved unless the customer's rate as provided in subsection (H) is amended by proper council action.

Prior to the implementation of the proposed rates for each budget year, each customer will have the right to an administrative review of the cost allocations that form the basis of the customer's proposed rate. Computer calculations, work papers and sampling data shall be available for public review during normal business hours.

Nothing in this subsection shall be construed to supersede or modify the industrial waste provisions contained in Chapter 22 of this Code or any associated penalties."

Section 3

That the Code of Ordinances of the City of Garland, as amended, shall be and remain in full force and effect save and except as amended by this ordinance.

Section 4

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

Section 5

That this Ordinance shall become effective on March 1, 2019. Unless amended by Ordinance prior to September 30, 2019, on and after October 1, 2019 the base rate established by this Ordinance under Sec. 50.34(B)(2) shall be \$23.04, and the base rate established by this Ordinance under Sec. 50.35(A)(3) shall be \$8.55.

PASSED AND APPROVED on this the __th day of February, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



GARLAND
CITY COUNCIL ITEM SUMMARY SHEET

City Council Regular Session Agenda

6.

Meeting Date: 02/05/2019

Item Title: Consider an amendment to City Council policy requiring all boards, commissions, and Council committees to hold meetings at City Hall

Submitted By: Brad Neighbor, City Attorney

Summary of Request/Problem

The Administrative Services Committee reported out the attached policy change at the January 14, 2019 Work Session. The policy amendment generally requires City boards, commissions, and Council committee meetings to be held at City Hall, with certain exceptions. The City Council indicated concurrence with the Committee's recommendation on the proposed amendment.

Recommendation/Action Requested and Justification

Adopt the attached policy change by minute action.

Attachments

meetings location policy revision 1-18-19

[Renumber current section 12 as section 13 and insert the following into Article II, Division 1:]

Section 12 Boards and commissions to meet at City Hall

All regularly scheduled meetings of boards and commissions and of Council committees shall be held at City Hall except (1) when City Hall is unavailable for reasons such as multiple meetings and scheduling conflicts between meetings, inadequate space, construction and repair activities or similar circumstances which make the use of City Hall impracticable (in which event a suitable location as near as practicable to City Hall shall be used instead, and the meeting facility should be a municipal building); (2) for meetings of groups comprised primarily of minors; or (3) for non-traditional meetings such as retreats, tours, and social gatherings. Generally, all such meetings except for meetings of groups comprised primarily of minors should be held in the Work Session Room of City Hall and shall be recorded at least by audio means. The chair of the board, commission, or committee shall coordinate with the staff liaison for that board, commission or committee and with the City Secretary for the scheduling of rooms and the availability of recording equipment.

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**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

7.

Meeting Date: 02/05/2019

Item Title: City Manager Employment Agreement

Summary of Request/Problem

Council is requested to approve an employment agreement with Bryan L. Bradford to continue his employment in the position of City Manager.

Recommendation/Action Requested and Justification

Consider approving by minute action an employment agreement with Bryan L. Bradford to continue his employment as City Manager.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

8.

Meeting Date: 02/05/2019

Item Title: City Attorney Employment Agreement

Summary of Request/Problem

Council is requested to approve and employment agreement with Brad Neighbor to continue his employment in the position of City Attorney.

Recommendation/Action Requested and Justification

Consider approving by minute action an employment agreement with Brad Neighbor to continue his employment as City Attorney.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

9.

Meeting Date: 02/05/2019

Item Title: City Auditor Employment Agreement

Summary of Request/Problem

Council is requested to approve an employment agreement with Jedson Johnson the position of City Auditor.

Recommendation/Action Requested and Justification

Consider approving by minute action an employment agreement with Jedson Johnson to continue his employment as City Auditor.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

10.

Meeting Date: 02/05/2019

Item Title: Consider amendments to GDC Chapter 4, Article 5, "Signs", regarding changes to the sign regulations.

Submitted By: Will Guerin, Planning Director

Summary of Request/Problem

The City Attorney's Office has brought forward needed changes to the Garland Development Code signage regulations, primarily due to case law regarding the review and classification of signs as it relates to the First Amendment to the United States Constitution. The changes have been discussed by the Development Services Committee of the City Council since April 2018. During these discussions, the Committee has recommended additional policy-level changes as it relates to various types of signs for commercial and non-commercial purposes. It should be noted that the draft is essentially a re-write of the sign regulations.

Following review and recommendations by the Development Services Committee and the Plan Commission, the City Council reviewed the amendments during the December 3, 2018 and January 7, 2019 Work Sessions. The attached final version reflects the Council's desired changes.

Recommendation/Action Requested and Justification

The Council may consider the attached updated version for approval. If approved, the final ordinance will be placed on the February 19, 2019 City Council agenda.

Attachments

Draft GDC Sign Regulation Amendments

Article 5 - Signs

Section 4.62 Legislative Findings; Interpretation; and General Matters

- (A) Purpose. The City Council hereby finds that the regulation of the size, quantity, illumination, movement, materials, location, height, and condition of all signs placed on private property within the City of Garland (1) is essential to the health, safety, and welfare of citizens of Garland, (2) promotes the free flow of traffic and protects pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage, (3) is critical for the protection of property values and the aesthetic character of neighborhoods, and (4) is beneficial to economic development.
- (B) Interpretation. This article shall be interpreted in a manner consistent with the First Amendment of the Constitution of the United States and Article I of the Texas Constitution. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article and may be given effect without the invalid provision.
- (C) Governmental Signs. As a general matter, this article is not intended to, and does not apply to, signs erected, maintained, or otherwise posted by governmental entities, the State, the federal government, or the City. However, Sections 4.69 and 4.71 of this article shall apply to signs erected, maintained, or otherwise posted by the State or any of its departments or agencies, any school district, county, appraisal district, other municipality, quasi-governmental agency, or the federal government.
- (D) Substitution. A non-commercial message of any type may be substituted for any allowed commercial message or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. A substitution of a noncommercial message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the

contrary within this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision does not create a right to increase the total number or square feet of signs on a tract of land or property, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

- (E) Conflict. In the event of a conflict between this article and an ordinance of the City, then the most restrictive provision shall apply.

Section 4.63 Definitions

The following terms and phrases, as used in this Article 5, have the following meanings:

- (A) "Sign" means a name, identification, description, messages, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other surface that directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building, and not exposed to view from a street or public right-of-way shall not be considered a sign for purposes of this article. Each display surface of a sign or sign face shall be considered to be a sign. A closely associated grouping of signs, shall constitute a single sign where the distance separating each component does not exceed 2 feet from edge to edge.
- (B) "Sign area" means:
- (1) the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or
 - (2) where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.
- (C) "Sign face" means the entire display surface area of a sign upon, against, or through which copy is placed.

- (D) "Digital billboard" means an off-premise sign, display or device, which is capable of producing an animated or moving digital image, copy, or video by electronic means, and is operated by an entity possessing an outdoor advertising license issued by the Texas Department of Transportation and all other governmental agencies having jurisdiction.
- (E) "Electric" means any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- (F) "Flashing" means any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this article any moving illuminated sign, except electronic programmable signs, shall be considered a flashing sign.
- (G) "Freestanding" means a permanent sign erected and maintained on a freestanding frame, mast or pole not attached to any building.
- (H) "Regulatory sign" means a sign that is required to be constructed, placed, or maintained by the federal, state or local government or by the property owner to the extent necessary to enforce a property owner's rights.
- (I) "Integral" means a sign that is embedded, extruded or carved into the material of a building façade.
- (J) "Marquee" means a permanent canopy or covering structure, other than a roof or awning, bearing a signboard or copy projecting from and attached to a building.
- (K) "Main entry" means the front elevation of the tenant space or building where the primary entrance to the tenant space is located and where the building fronts the primary street address or parking lot servicing premises.
- (L) "Off-premise sign" means a sign that pertains to a business, person, organization, activity, event, or place not physically located on the premises upon which the sign is located.
- (M) "On-premise sign" means any sign that relates to the site on which it is located, pertaining to a tenant, business, person, organization, activity, event, or place that has a physical presence located on the same site as the sign. For

the purposes of this definition, "virtual tenants" shall not be considered to be located on the premises.

- (N) "Portable sign" means any device or sign without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
- (O) "Roof sign" means a sign affixed to, applied on, or erected upon or above a roof or eave line of a building or structure. Signs attached to parapets or mansard roofs shall be considered attached signs.
- (P) "Temporary sign" means any sign that is readily removable, constructed of materials that are temporary in nature, such as paper, cloth, canvas, plastic sheet, or cardboard, and is reasonably determined by the Building Official to be displayed for a limited period of time.
- (Q) "Virtual tenant" or "Virtual tenancy" means a lease, rental, license, or other similar possession or use of a space or address, where the tenant, user, or licensee does not physically occupy the actual space. Examples may include but are not limited to: a post office box, automated teller machine, digital network, server or hard-drive, advertising space, or a vending machine or other similar unmanned kiosk, that is not owned and operated by the actual tenant for the space on which the vending machine or kiosk is located.

Division 2 - Administration & Procedures

Section 4.64 Building Official Authority

The Building Official is the primary City official responsible for enforcing the provisions of this article. However, the City Manager, in his or her discretion, may delegate the authority of enforcing the provisions of this article to any official or employee of the City.

Section 4.65 Sign Permit & Fees

- (A) Permit Required. No person may erect, construct, alter, rebuild, enlarge, extend, convert, replace, or relocate, a

sign, or cause or suffer the same to be done without first obtaining a sign permit for each sign (except for certain exempt signs as provided in Section 4.67 and as otherwise provided below). A sign permit applies to only one applicant and one physical location.

- (B) Responsible Official. The Building Official, or his or her designee, is the responsible official for issuance of a sign permit.
- (C) Creation of a Site. The Building Official may not issue a permit for construction, erection, or placement of any type of permanent sign until a site is established for the sign by an approved site permit, building permit, or certificate of occupancy (whichever comes first for a particular project).
- (D) Application. To obtain a sign permit, the applicant must file an official application in writing and include plans and all information required by the Building Inspection Department.
- (E) Fees & Refunding of Fees.

- (1) Sign Permit Fee. The fee for a sign permit is provided in Chapter 30, Article XV of the City Code.

Where work is started or commenced without first obtaining a required sign permit, the sign permit fee shall be doubled. The Board of Adjustment may waive or reduce any amount over the standard sign permit fee, as provided for in Chapter 30, Article XV of the City Code, upon a reasonable determination that the sign was (a) designed and constructed in conformance with this article and all other City codes and ordinances, and (b) a reduction or waiver would be equitable after taking into account the facts and circumstances of the case. The payment of any fee does not relieve any person from fully complying with the requirements of this article or any other City codes or ordinances.

- (2) Fee Refunds. The Building Official may authorize a refund of a sign permit fee if it is determined that a sign permit was issued in error or that a sign permit cannot be legally issued. Any such fee refund shall be processed in the manner provided in Chapter 30, Article XV of the City Code.

- (F) Issuance of Sign Permit. A sign permit shall be issued by the Building Official provided that the plans and specifications meet with all the requirement of this article, all other applicable codes of the City, and the appropriate fee has been paid.
- (G) Expiration of Sign Permit. A sign permit issued under the provisions of this article expires if the work authorized by the permit is not completed within 90 calendar days following the sign permit issuance date. Upon expiration of, and before work may recommence, the applicant must apply for and obtain a new sign permit.
- (H) Suspension or Revocation of Sign Permit. The Building Official may suspend or revoke any sign permit issued under the provisions of this article upon a determination that the permit was issued in error or on the basis of incorrect or false information, or whenever the permit was issued in violation of any of the provisions of this article or any other ordinance of the City or any state or federal law. The suspension or revocation is effective immediately upon written notice being personally delivered or mailed to the person to whom the sign permit was issued at the address provided by the applicant in the respective sign permit application, to the owner or benefactor of the sign, or to the owner of the premises upon which the sign is located. Any sign installed under a revoked sign permit must be removed by the permit holder, sign owner, or property owner within fifteen calendar days following the mailing of the written notice of the revocation.

Section 4.66 Inspections

- (A) All signs that require a permit are subject to a pre-inspection and a final inspection (see subsection (B) below), and any additional inspections as reasonably determined necessary by the Building Official.
- (B) Pre-Inspection. The Building Official, upon receipt of an application for a sign permit, may conduct a pre-inspection. The following requirements must be met by the applicant for the issuance of a sign permit: (i) the work described in an application for a sign permit complies with the provisions of this article, state, and federal law;

(ii) the plans, specifications, and other information filed in the application comply with the provisions of this article, state, and federal law; and (iii) the related sign permit fees have been paid in full.

- (C) Final Inspection. The sign permit holder must, within 3 working days of completion of the sign installation, request a final inspection.

Section 4.67 Exempt from Sign Permit

The following types of signs or activities must comply with all sign requirements of this article, but are not required to have a sign permit:

- (A) Maintenance. No sign permit is required for maintenance to a lawfully placed sign. Maintenance includes all care and minor repair needed to maintain a safe, attractive, and finished structure, frame pole, brackets, or surface and that does not enlarge or materially alter any face or display portion of the sign. Replacing a damaged or structurally unsound frame pole with another frame pole on a legally conforming sign of the same size and height is considered maintenance. Changing the copy on a sign without changing the dimensions of the face or the size of the copy is considered maintenance if the sign serves the same establishment or entity after the change.
- (B) Temporary Signs on Single-family Lots. A sign permit is not required for temporary or seasonal signs on residential lots, not including multi-family tracts, lots, or properties.
- (C) Address signs. A sign permit is not required for address signs placed pursuant to Section 4.70(A)(3).
- (D) Traffic or Movement Control Sign. The following standards serve an important public health and safety function, and are intended to be used by the owners of private property that is open to the public to reduce confusion and to limit the risk of accidents involving vehicular and pedestrian traffic. Subject to the following provisions of Subsections (1) - (5), no permit is required for a small, incidental, on-site sign designated specifically for the purpose of directing or providing safety guidance to vehicular or

pedestrian traffic on private property. Traffic control signs on private property:

- (1) shall not exceed a maximum height of 3 feet from the ground;
 - (2) shall not exceed a maximum surface area of 6 square feet;
 - (3) are permitted in all multi-family, single-family attached, mixed-use, and nonresidential zoning districts, and are allowed for any nonresidential use that is lawfully located in an agricultural, single-family, or two-family zoning district;
 - (4) shall be placed or setback a minimum of 3 feet from any right-of-way line; and
 - (5) if illuminated, a sign permit must be obtained through the Building Inspection Department.
- (E) Sandwich Board Sign. A permit is not required for a sandwich board sign. A sandwich board sign is a self-supporting A-shaped temporary sign with two visible sides that is placed in front of a business, generally on a sidewalk, to attract patrons into the establishment. A sandwich board sign must comply with the following provisions:
- (1) The maximum height shall be 4 feet.
 - (2) The maximum surface area of each side is 10 square feet and a maximum of 30 inches wide.
 - (3) A sandwich board sign is allowed in all mixed-use zoning districts.
 - (4) The sign may not be placed or located a distance greater than 5 feet from the building in which the advertised use is located, and must be placed within close proximity of the main entrance of the business. Sandwich board signs must be placed so that a minimum walkway width of 4 feet is maintained, not including the area upon which the sandwich board sign is located.
 - (5) A property or business may have only one sandwich board sign per street frontage.
 - (6) A sandwich board sign may be displayed only during hours of operation.

- (F) Vehicle Signs. A permit is not required for a vehicle sign that complies with the provisions of this article.
- (G) Window Sign. A window sign is a sign painted or affixed to the exterior or interior surface of a window, or placed behind, or within 3 feet of, the window surface so as to be visible from the exterior. Window signs must comply with the following provisions:
- (1) Window signage on buildings used for commercial or retail purposes may occupy or cover no more than 25 percent of the total window surface area for each leased space within a multi-tenant building. Window signage, in aggregate, may occupy or cover no more than 25 percent of the total window surface area for each building facade that is visible from a public street or alley (maximum 25 percent coverage for all window surfaces combined).
 - (2) Luminous gaseous tubing, LED lights, or other strip lighting attached directly to a window, window frame, door, doorframe, or within 3 feet of a window or door shall be considered a "window sign" when forming a border, when directing attention to a premises, or when forming letters, logos, symbols, or pictorial designs of any kind. Luminaires shall not blink, flash, rotate, scroll, change color, increase or decrease in intensity. In addition to these window sign limitations, electronic programmable window signs shall comply with Sections 4.78(0)(3),(7), and (8).

Division 3 - General Sign Provisions

Section 4.68 General Regulations for All Districts

- (A) Where Allowed. Signs defined and classified herein are allowed in all zoning districts unless expressly stated otherwise for a particular type of sign.
- (B) Compliance with Other Laws and Codes. All signs erected or maintained pursuant to the provisions of this article must be erected and maintained in compliance with all applicable state laws and with the Building Code, Electrical Code, and other applicable ordinances of the City. In the event of

conflict between this article and other laws, the most restrictive standard applies.

- (C) Duration. Legal signs specifically defined and classified herein are allowed to remain in place for an unlimited period of time, unless specifically stated otherwise for a particular type or sign, or on the sign permit, provided that they have a valid sign permit (if required), and that they are not required to be removed under some provision in this Article 5.
- (D) Number of Signs. Each business with a store front or main entry is entitled to display signage. The number of wall signs or attached signs is limited by allowable sign area as set forth in Section 4.78. The number of free standing signs is limited by the type, location, and proximity to other freestanding signs as set forth in Section 4.78. Temporary signs are limited as set forth in Section 4.70 & 4.78.
- (E) Freestanding Signs. All freestanding signs in excess of 8 feet in height must be designed, and the plans and specifications prepared and sealed by an engineer licensed in the State of Texas. Multi-family sites are prohibited from displaying any type of freestanding sign, except for monument signs, subject to the provisions of Section 4.78(L).
- (F) Wall/Attached Signs. Attached signs are permitted for multi-family premises, nonresidential districts, and nonresidential uses in residential zoning districts, subject to the provisions of Section 30.106 of the City Code, except that they must have a maximum sign area of one-half times the width of the building with a maximum of 160 square feet. All signs attached to any type of structure or building shall be reviewed by the Building Official. Plans and specifications for attached signs must be prepared and sealed by a licensed engineer if, in the reasonable opinion of the Building Official, the sign is of a size, weight, dimension, or mounting design that it might pose a structural or safety risk to the building, property or persons visiting the site.
- (G) Noncombustible Materials. All freestanding signs must be constructed of materials that are noncombustible or slow burning (as in the case of plastic inserts or facings) and

must be supported by only noncombustible material and finished in a presentable manner. Untreated wood or unpainted or non-galvanized steel supports are specifically prohibited.

- (H) Weatherproofing. All signs must be designed and constructed in a manner to prevent the accumulation of water.
- (I) Vertical Clearance. All freestanding and projecting signs must maintain a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface (including streets, alleys, drive aisles, fire lanes, or parking spaces).

Section 4.69 Prohibited Signs

- (A) Prohibited Signs. Signs that are not expressly authorized under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the City Council are prohibited. Signs are prohibited in all Districts unless:
 - (1) Constructed pursuant to a valid sign permit when required under this GDC; and
 - (2) Authorized under this GDC.
- (B) Commercial Signs in Residential Areas. Commercial signs, except as expressly provided for herein, are prohibited in residential zones and on property used for non-transient residential uses. A model home may have one on-premise sign subject to the provisions and limitations of below Section 4.71.
- (C) Handbills and Placards. Miscellaneous commercial advertising matter may not be scattered or placed on or suspended from buildings, poles, sidewalks, or fences; no person may paste, stick, stack, nail, affix, paint, mark, inscribe, or otherwise place any commercial advertisement, handbill, flyer, placard, inscription or any other type of written matter or object (including any goods, wares, or merchandise) for any commercial purpose upon any building, light or utility pole, post, structure, fence or wall, railing, tree, sidewalk, parkway, driveway, or parking area, or on any other public property other than a sign defined,

regulated, and allowed by this article or other City ordinance (except street address numbers that are placed in compliance with the International Residential Code, as adopted by the City Code, are allowed on curbs and on residential fences to identify house numbers for emergency and service personnel);

(D) Certain Illuminated and Animated Signs.

- (1) Any type of sign that is illuminated to an intensity, or in a manner, which causes a glare of brightness to a degree that constitutes a hazard to traffic or a nuisance to adjacent properties is prohibited.
- (2) Except as otherwise expressly provided for in this article, a sign, including a programmable sign, may not emanate a luminance more than 0.3 foot-candles above the natural ambient light level of the location at the time of measurement, as measured from a point 250 feet from the sign face.
- (3) Except as otherwise expressly provided for in this article, moving, flashing, animated, intermittently lighted, changing color, beacons (except for aircraft directional and warning beacons required by the FAA), revolving, swinging, fluttering, or similarly constructed signs are prohibited.

(E) Roof Signs. Except as otherwise expressly provided for in this article, roof signs of all types are prohibited.

(F) Temporary and Portable Signs. Temporary and portable signs are prohibited, except for certain temporary signs that may be expressly allowed for limited time periods in this article.

(G) Searchlights. Searchlights of all types are prohibited.

(H) Location Prohibitions. Any sign constructed, placed, or maintained that does not meet all of the following minimum standards is prohibited. Any sign allowed by this article, and not otherwise exempted, must be placed:

- (1) So that it maintains a vertical and horizontal clearance of at least 10 feet from any overhead or underground power line, utility pole, telephone wire or cable, electrical streetlight standard or other above- or below-ground utility equipment or structure,

or as required by the City's electrical code (whichever is more stringent), except that such clearance is not required from the electrical feeder line to the sign itself, or to feeder electrical or telephone wires or cables that serve the building(s) on the same premises where the sign is to be located;

- (2) So that it is not attached to or will not interfere in any way with the use of any fire escape, exit, or standpipe;
 - (3) So that it will not obstruct any required building openings to such an extent that light or ventilation is reduced below that required;
 - (4) Completely outside of all public rights-of-way and easements (unless otherwise authorized in this article or other City ordinance), including street parkways and medians, except for governmental signs, special events signs that are authorized by the City, and subdivision entrance signs that are expressly authorized by the City;
 - (5) So that it will not block any fire lane, fire hydrant, or other fire hose connection; and
 - (6) So that it will not obstruct or interfere with the minimum sight line standards as set forth in Chapter 33 (Transportation), Article VI, Section 33.66 of the City Code.
- (I) Signs Encroaching Rights-of-Way or Easements. Signs encroaching into or over a public right-of-way or easement are prohibited, unless the encroachment is authorized under a licensing agreement with the City, in accordance with Section 31.117 of the City Code.
- (J) Obscene, Indecent, and Immoral Matter. It is unlawful for any person to display upon any sign obscene, indecent, or immoral matter.
- (K) Off-premise Signs. Off-premise signs are prohibited unless expressly authorized by this article.

Section 4.70 Authorized Signs

(A) Authorized Signs. Notwithstanding any other provision of this GDC, the following signs are authorized in every district:

- (1) Although these regulations do not apply to signs erected, maintained or posted by the City, state, or federal government, these regulations clarify that governmental signs are allowed in every zoning district which form the expression of the City when erected and maintained and include the signs described and regulated in this subsection and subsections (A)(2)-(4) of this Section 4.70, when erected and maintained pursuant to law.
- (2) Traffic control devices, not including directional signs, on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration. Comment: The Federal Highway Administration has established uniform standards for signs that regulate traffic or that are erected and maintained within road rights of way or adjacent property. These uniform standards serve an extraordinarily important public function and are intended to be used by the owners of private property that is open to the public to reduce confusion and limit the risk of accident.
- (3) Every improved property within the City shall be marked using numerals that accurately identify the address of the property so that public safety departments can easily identify the address from public right-of-way(s). Property owners shall comply with Section R319.1 of the International Residential Code, Section 505.1 of the International Fire Code as amended by Section 30.226, and Section 21.01 of the City Code.
- (4) Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that

authority by posting a sign on the property that meets the standards and dimensions required by applicable law.

- (5) For convenience stores signs, also see Section 26.163 for additional limitations on window signs and other required signs.

(B) Noncommercial flags.

- (1) Purpose and Intent. It is the intent of this GDC to limit the aesthetic impact of signs on properties to prevent clutter and protect streetscapes, thereby preserving property values and protecting traffic safety. The unreasonable accumulation of signs adversely affects these goals, property values, and public safety.
- (2) Noncommercial flags do not require a permit for display. There are no time limitations for the display of noncommercial flags. The display of noncommercial flags are subject to the following provisions:

(a) *Commercial, Industrial, and Retail Districts.*

- (i) The maximum aggregate surface area of noncommercial flags located on a property or tract of land located within a commercial, industrial, or retail zoning district may be no greater than 200 square feet.
- (ii) Noncommercial flags attached to a building located on property or tract of land within a commercial, industrial, or retail zoning district may not exceed the height of the building. Freestanding flags must be attached to poles and may not exceed the height of the building or a maximum of 12 feet, whichever is less.
- (iii) In addition to the display of noncommercial flags allowed by above subsections (i) and (ii), a single free-standing noncommercial flag that is a maximum of 375 square feet may be flown on a property or tract of land located within a commercial, industrial, or retail

zoning district that is immediately adjacent to IH635, IH30, and State Highway 190, at a height of no greater than 80 feet, as long as it is attached to a properly permitted and approved flag pole.

- (iv) All freestanding noncommercial flags must be securely attached to a structure or the ground capable of withstanding a 70 mph wind and be setback a minimum of 15 feet from the edge of the street or the back of the curb or a distance equal to the height of the pole, whichever is greater.

(b) Residential Zoning Districts

- (i) Freestanding noncommercial flags may not exceed the height of the primary structure located on the property or tract of land.
- (ii) All freestanding noncommercial flags must be securely attached to a structure, or the ground, capable of withstanding a 70 mph wind and be setback a minimum of 15 from the edge of the street or back of the curb.

(C) For purposes of this Section 4.70 the lessor of a property is considered the property owner where the lessor holds a right to use exclusive of others (that is, the sole right to occupy). In the event there are multiple lessors of a property, then each lessor shall have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property shall be deemed to be the property that the lessor has the sole right to occupy under the lease.

(D) One banner may be used as a temporary sign at the same location to which the owner has properly submitted a new application for a permanent sign or is in the process of replacing the old sign with a new one. The temporary banner sign may only remain until such time as the new sign is installed or for 60 days, whichever occurs first. The temporary banner must be similar in size as the permanent sign described in the owner's application for the permanent sign.

(E) Vehicle Signs. A vehicle sign is a type of sign that is mounted on, attached to, or painted on a vehicle, trailer, skid, or other wheeled or mobile conveyance.

- (1) Vehicles with attached signs being primarily used to create additional on-premise signage for a business are prohibited.
- (2) Vehicles with attached signs that cannot lawfully operate on a public street and are visible from a public right-of-way are prohibited.
- (3) Vehicles with attached signs parked on vacant property, land, or a structure, and that are visible from a public right-of-way are prohibited.

Section 4.71 Residential Districts

The following provisions apply to all signs in residential zoning districts, including signs within 25 feet of a residential district boundary, signs within 25 feet of a public park of more than one acre, or signs located where a multi-family residential use occurs within a nonresidential zoning district:

- (A) Sign Illumination. A sign, including a programmable sign, may not emanate a luminance more than 0.2 foot-candles above the natural ambient light level of the location at the time of measurement, as measured from the nearest residential property line; and
- (B) Electronic programmable signs. An electronic programmable sign located within a residential district or within 25 feet of a residential district are prohibited from displaying illuminated messages between 10:00 p.m. to 6:00 a.m., and must be oriented so that the sign face is facing perpendicular, as near as possible, to the street frontage on which the sign is located, and must comply with all limitations and regulations of Section 4.78(P).
- (C) Sign Movement. No portion of any sign may move, flash, rotate, or change its illumination or copy except for programmable signs that are expressly allowed by this Section or Section 4.78(P) for legal nonresidential uses in residential districts. Non-illuminated changeable message signs which meet all the requirements of either the attached or freestanding sign provisions are allowed.

(D) Model Homes. A model home may have one temporary sign in residential subdivisions. Model home signs are subject to, and must comply with, the following provisions:

- (1) Maximum height: The maximum height for a model home sign is 15 feet.
- (2) Maximum size/area: The maximum sign area for a model home sign is 32 square feet.
- (3) Location: Model home signs are allowed in all single-family (including townhouses) and two-family residential zoning districts.
- (4) Placement/setbacks: Model home signs must be placed no closer than 5 feet from any property or right-of-way line.
- (5) Maximum number: Each builder within a development may have a maximum of one model home sign on each model home lot.
- (6) Duration: A model home sign may not remain on a premises once the premises or 80 percent of the lots in the development where the sign is located have an approved building inspection by the City.
- (7) Illumination: A model home sign may not be blinking, fluctuating, or moving. Lighting for the sign must be direct (that is, 90 percent of the emitted light must be directed onto the sign) and may not emanate a luminance more than 0.2 foot-candles above the natural ambient light level of the location at the time of measurement, as measured from the nearest residential property line..

(E) Subdivision Entrance Signs. The Plan Commission may approve the placement of a subdivision entrance sign(s) on any legally placed structure at the entrance and within the common area of a subdivision, which is owned and maintained by a home owners' association for single-family or duplex residential subdivision. The maximum sign area of a subdivision entrance sign may not exceed forty square feet. The maximum number of signs allowed for each subdivision is two signs per street entrance into the platted subdivision area. The sign height, maximum sign area, location on the site, setbacks, a graphic representation of the sign, and

the total number of signs per subdivision must be prominently indicated on the plans submitted for consideration by the Plan Commission.

Exception - Administrative Approval. The Building Official may approve, and issue a sign permit for, a subdivision entrance sign that complies with the criteria above, with all other applicable provisions in this article, and with both of the following additional criteria:

- (1) The sign is attached to a screening wall that is not located within the street right-of-way; and
 - (2) The sign is not animated or illuminated in any way.
- (F) Temporary Signs. The following are Temporary signs that are allowed at any time in residential zoning districts or on property used for residential purposes:
- (1) A property owner may place one or more temporary signs, not including a noncommercial flag, with an aggregate sign face area of no larger than 36 square feet, and at a maximum height of 6 feet, on the property at any time; and
 - (2) A property owner may place one or more temporary signs, not including a noncommercial flag, with an aggregate sign face area of no larger than 9 square feet in one or more windows on the property at any time.
 - (3) Commercial signs or advertisements may not be displayed on any lot, tract, or property that is lawfully used as a residential use.

Section 4.72 Existing Signs

(A) Nonconforming Signs.

- (1) Continuation Generally. A legally nonconforming sign is allowed to remain as is in the same location as it existed on the effective date of this GDC. The right for a legally nonconforming sign to continue existing as is will terminate, and the sign must be removed within 15 calendar days (unless otherwise provided below), if and when one or more of the conditions stated below exists or occurs:

- (a) A sign becomes an illegal sign when it is altered, moved, or relocated without a Sign Permit pursuant to the provisions of this article;
- (b) A sign is damaged or destroyed and the cost to repair it exceeds 60 percent of the replacement cost of the sign on the date of damage; or
- (c) A sign that is intended to be perpendicular (90 degrees) to the ground leans at an angle 75 degrees or less, unless a variance is granted in accordance with Section 4.81 of this article (or, for a sign that was purposefully placed at an angle upon installation, its angle to the ground decreases by 15 degrees or more; no sign, regardless of its original installation angle, is allowed to remain at less than a 45 degree angle to the ground).

(2) Signs with Special Historic or Architectural Significance. Any sign designated by official action of the City Council as having special historic or architectural significance is exempt from the provisions of this article.

(3) Signs on Property Acquired by a Governmental Entity. A legally nonconforming sign located on property acquired by the City or another governmental entity may be temporarily relocated on-site provided the sign is removed or rebuilt to conform to this article (and any other applicable City codes or ordinances) within 365 calendar days following relocation of the sign. Relocation is limited to the same physical sign with no increase in height, area, or change in other physical attributes. For the purposes of this provision, a property acquisition by the City does not include right-of-way dedicated in the subdivision platting process.

(B) Cessation of Business Operations. If a sign is nonconforming, to maintain its status as a legally nonconforming sign, the business must remain in operation and conduct normal business activities on the premises on a regular basis. If regular business operations cease for more than 365 calendar days, then the City may require the relocation, reconstruction, or removal of the sign.

(C) Illegal Signs.

- (1) Illegal Conforming Signs. Owners of illegal conforming signs must apply for and obtain a sign permit from the City within 15 calendar days following notification of noncompliance.
- (2) Illegal Nonconforming Signs. The owner of an illegal nonconforming sign that requires a sign permit must apply for a permit and upgrade the sign to conforming within thirty calendar days following original notification. If a sign permit is not granted, then the sign must be removed by the property owner within 60 calendar days following original notification. In the case of painted wall signs for which a Sign Permit is not in effect, such signs must be removed or painted over (with a paint material and color that matches the exterior finish of the affected building façade such that the sign's location is not visible) within 30 calendar days following original notification of violation.

(D) Removal of Signs.

- (1) Obsolete or Abandoned Signs. In the event a business ceases to conduct regular business activities on the premises upon which a sign is located for a period of more than 365 calendar days, then the City may require the relocation, reconstruction, or removal of the sign. However, if the premises containing the sign or sign structure is leased the City may not require removal under this subsection sooner than the second anniversary after the date the most recent tenant ceases to operate on the premises.
- (2) Unsafe Signs. Any sign that is determined by the Building Official to be unsafe is subject to removal, upon notice per subsection (4) below, if the Building Official determines that removal is necessary in order to protect the public health, safety, and welfare.
- (3) Notice to Remove Sign or to Correct Noncompliance.
 - (a) Upon a determination that a sign must be removed, or that a sign is not in compliance with one or more provisions of this article, the Building Official shall give written notice to the owner

of the premises upon which the sign is located, as indicated on city utility and tax appraisal records, to remove the sign, or to bring it into compliance, within 15 calendar days after notice is served. The written notice shall be sent to the property owner, who must remove the sign (or correct any noncompliance, as applicable) within 15 calendar days.

- (b) The notice period, and removal/compliance period, for all temporary signs that are not in compliance with this article shall be 72 hours rather than 15 calendar days.

(4) Storage of Impounded Signs.

- (a) The City shall store impounded signs for a minimum of 20 calendar days before destroying the signs pursuant to below subsection (c). The owner of the signs may claim them after paying all costs associated with their removal, transportation, and storage, as applicable.
- (b) Within 3 business days of taking possession of an illegal or abandoned sign on private property, the City shall send written notice to the owner of the property on which the sign was taken, as indicated or any known party having control over the real property. The notice shall:
 - i. Give the location of the facility in which the sign is being held;
 - ii. State that the sign can be reclaimed not later than the 20th day after the date of the notice on payment of towing, preservation, and storage fees; and
 - iii. State that failure of the owner to claim the sign during the 20 day holding period is a waiver by that person of all right, title, and interest in the sign.
- (c) Any impounded signs not claimed within 20 calendar days may be destroyed by the City. In calculating the length of the storage period and the storage fee, the first working day after the date of the

impoundment shall be considered day number one; thereafter, all days including weekends and holidays shall be counted.

Section 4.73 Digital Display on Nonconforming Off-Premise Signs

- (A) Certain nonconforming detached off-premise signs may be modified to use digital display technology subject to the restrictions and provisions of this Section 4.73.
- (B) Application. The owner of a nonconforming detached off-premise sign desiring to convert the sign to a digital display must submit a digital billboard sign permit application for a face modification. The Building Official shall review the application and make a determination as to whether the subject sign qualifies for an off-premise digital billboard conversion permit. In the event the Building Official approves the permit, the owner must apply for a demolition permit to remove the existing sign face area in accordance with subsection (D). The owner must complete demolition of the sign face according to the applicable ratio in below subsection (D) before the sign face is modified.
- (C) Compliance Required.
 - (1) Except as provided in this Section 4.73, off-premise digital billboards must fully comply with the size, height, spacing, setback, and all other applicable provisions in this article.
 - (2) Off-premise digital billboard support structures must be built to comply with this GDC.
 - (3) Off-premise digital billboards must comply with Title 43 Texas Administrative Code Section 21.163, "Electronic Signs," as amended.
 - (4) Both existing and new digital billboards must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards

include brightness, message duration, and proximity of the sign to other digital displays, ramps, and interchanges.

(D) Sign Face Exchange Ratio.

- (1) Except as provided in below paragraph (2), for every one square foot of sign face modified to use digital display technology, three square feet of detached non-premise conventional sign face area must be removed from within the City (not including the face of the sign being modified), subject to the following provisions:
 - (a) To receive credit for the removal of an area of detached off-premise conventional sign face, the entire sign face and structure supporting the removed sign face must be removed;
 - (b) At least one structure removed must be within a five mile radius of the conventional face being converted to digital, unless the structure being removed is an interior conventional sign located adjacent to or facing an interior street or right-of-way (that is, not adjacent to or oriented toward I-635 or I-30);
 - (c) If the structure being removed is an interior conventional sign, then the exchange ratio shall be for every one foot of sign face being modified to use digital display technology, two square feet of detached non-premise conventional sign face area must be removed from an interior sign.
 - (d) No credit is given for the area of the conventional face being removed for conversion to a digital display; and
 - (e) The removal of the entire nonconventional sign face area, including the entire support structure, must be completed before commencing construction work modifying the conventional sign to use digital display.

- (2) The new digital sign face may be no larger than the preexisting conventional sign face, but in no case may be larger than 700 square feet.

(E) Location and Number.

- (1) The conversion of conventional face nonconforming off-premise signs to digital face signs is limited to detached off-premise signs located adjacent to, and oriented toward the main travel lanes of, IH635 and IH30.
- (2) For support structures with only one digital display sign, signs must be located a minimum of 1,500 feet from any other digital display sign oriented to the same traffic direction along the main travel lanes of IH635 and IH30, measured linearly.
- (3) Digital display signs may not be located within 300 feet of any lot located in a residential district, measured radially.

(F) Support Structures.

- (1) Digital display sign support structures may not exceed an overall height of 50 feet or 42.5 feet above the nearest point on the travel surface of the highway, whichever is higher, except that no digital display sign may be higher than the conventional sign it replaced.
- (2) Sign support structures and faces being converted to accommodate digital displays may not be modified to change the angle of a sign face.
- (3) Electrical service to sign support structures with digital displays must be underground between the property line and the sign.

(G) Display.

- (1) All digital displays must conform with the illumination restrictions of above Section 4.69(E).

An off-premise digital display sign must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.

- (2) An off-premise digital display may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.
- (3) Before the issuance of a digital display sign permit, the applicant must provide an ambient light survey from adjacent residential properties and a written certification from the sign manufacturer that:
 - (a) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards of this subsection; and
 - (b) the light intensity is protected from end-user manipulation by password-protected software or other method satisfactory to the Building Official.
- (H) Change of Message. Changes of message must comply with the following provisions:
 - (1) Each message must be displayed for a minimum of eight seconds;
 - (2) Changes of message must be accomplished within two seconds;
 - (3) Changes of message must occur simultaneously on the entire sign face; and
 - (4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.
- (I) Malfunction. Digital display signs operators must respond to a malfunction within one hour after notification and must remedy the malfunction within 12 hours after

notification. In case of sign malfunction, the digital display must freeze until the malfunction is remedied.

Section 4.74 Maintenance of Signs

- (A) General. All signs and sign support structures, together with all of their supports, braces, guys and anchors, must be kept in good repair, in safe condition, and in a proper state of appearance and preservation. Except as provided in Section 4.72(A) above, any sign or portion of a sign or sign support that is unsafe, an obstruction to the use of any sidewalk or roadway, or that is in such dilapidated condition as to be unsightly and, therefore, detrimental to the public welfare must be repaired and maintained, or removed.
- (B) Deteriorated Signs. A sign of any type may not be kept in a dilapidated or deteriorated condition. Any sign which the Building Official determines is in an unacceptable deteriorated condition or unsafe is subject to removal. Prior to removing any such sign, the Building Official shall give written notice to the owner of the premises upon which the sign is located, as indicated on city utility and tax appraisal records, to remove the sign or remediate all defects or dangerous conditions as expressly stated in the notice, within 15 calendar days after notice is served. The written notice shall be sent to the property owner, who must remove the sign (or correct any noncompliance, as applicable) within 15 calendar days.

Section 4.75 Sign Area

Measurement of Sign Area. The measurement of sign area is as follows:

- (A) Square or Rectangular Signs. The length of the sign multiplied by the height of the sign (see ***Illustration 4-4***).
- (B) Irregularly Shaped Signs. The area of horizontally oriented squares, rectangles or circles, or combination thereof, necessary to enclose the sign face (see ***Illustration 4-5***).
- (C) Signs Composed of Individual Cutout Letters or Figures. The sign area of a sign made up of letters, words or symbols

within a frame is determined from the outside edge of the frame of the sign. However, the sign area of signs composed of individual letters or figures is equal to the sum of the area of squares or rectangles necessary to enclose each word or groupings of letters or figures (see ***Illustration 4-6***).

- (D) Freestanding Multi-Panel Signs. The sign area of a sign that is comprised of multiple separate panels (such as the three-panel shopping area sign shown in ***Illustration 4-5***) is calculated as the aggregate area of all panels and does not include the space between panels, provided that all associated panels are no greater than 2 feet apart. In the event the space between panels exceeds the 2 feet maximum distance allowed, each panel shall be construed as separate signs. Multi-panel signs require only one sign permit.
- (E) Sign Base/Support Structure. The base or support structure of the sign is not counted as part of the overall sign area computation provided that such base or support structure has no sign, advertising, commercial, or business message on it, not including incidental plates or stickers of no greater than one square foot, which display manufacturer or owner information or address signs placed pursuant to Section 4.70(A)(3). The base or support structure does count toward overall sign height.
- (F) Illuminated Borders. Luminous gaseous tubing, LED lights, or other strip lighting attached directly to a surface shall be considered a "wall sign or attached sign" when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols, or pictorial designs of any kind. The area of the sign shall be determined by a geometric shape that enclosed the entire luminaire(s).

Illustration 4-4
Sign Area - Square or Rectangular Square



Illustration 4-5
Sign Area - Irregularly Shaped Signs





Illustration 4-6
Sign Area - Signs Composed of Individual Cutout Words or Figures



Section 4.76. Reserved

Division 4 – Sign Types & Related Regulations

Section 4.77 Free Standing Sign Restrictions

Unless expressly authorized by this article, a premises may not have more than one free standing sign, not including temporary signs. Unless expressly authorized by this article, businesses may not advertise on both a multi-tenant sign and another free standing sign, not including temporary signs, located on the premises.

Section 4.78 Signs – Permit Required

(A) Attached Sign (also termed Attached Wall Sign or Wall Sign).

An attached sign or attached wall sign is a sign that is attached to, applied to, applied on, or supported by any part of a building (such as a wall, parapet, canopy fascia, awning, arcade, mansard, or marquee) that encloses or covers usable space (as contrasted to a freestanding or detached sign).

An attached sign may be attached to, affixed upon, or painted upon a wall surface with the sign facing parallel to and projecting not more than eighteen inches from the surface of the building or appurtenance. Attached signs painted or applied directly upon an exterior wall surface must be professionally designed and constructed, consist of professional quality workmanship and exterior grade paints and materials, and be maintained at all times so that there is minimal fading, chipping, or peeling. The property owner shall remove any attached signs painted or applied directly upon an exterior wall surface that have not been properly maintained or are in a deteriorated condition.

A sign attached to or painted upon an awning or a canopy and visible to the exterior is considered in the allowable calculations for wall signs (also see “awning sign” and “canopy sign” for additional limitations). Luminous gaseous tubing, LED lights, or other strip lighting attached directly to a wall surface is considered a “wall sign” when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols, or pictorial designs of any kind. Attached

signs or attached wall signs must comply with the following provisions:

- (1) Maximum height: Attached signs may not extend higher than the height of the wall surface, unless noted below for parapet signs:

(a) Signs may be placed a maximum of 10 feet above the roof on a parapet or similar projection that is continuous on three or more sides; and

(b) Signs may not project above any portion of a parapet or similar projection.

- (2) Maximum size: Attached signs must comply with the following provisions for the total maximum surface area of all attached wall signs per façade in aggregate:

(a) For single-tenant buildings:

i. Front (main entry) façade only: The maximum square footage of an attached sign on the front of a single-tenant building may not exceed 2 square feet per lineal width in feet of building width of the wall upon which the sign is mounted, and in no case may any of the sign's dimensions exceed 75 percent of the corresponding width or the height of the wall, with a maximum of 200 square feet.

ii. Side and rear facades: The maximum square footage of an attached sign on a side or rear façade of a single-tenant building may not exceed one square foot per lineal width in feet, of the wall upon which the sign is mounted, and in no case may any of the sign's dimensions exceed 50 percent of the corresponding width or the height of the wall, with a maximum of 100 square feet.

(b) For "end-cap" tenants in multi-tenant strip center buildings:

(i) Front (main entry) façade only: The maximum square footage of an attached sign on a front façade for "end cap" tenants in multi-tenant building may not exceed 2 times the lineal width, in feet, of the tenant frontage.

Tenant wall sign shall only be permitted upon the wall fronting the tenant and in no case may the sign's dimensions exceed 75 percent of either the corresponding width or the height of the wall. The total maximum sign area may not exceed 200 square feet.

- (ii) Side facade: The maximum square footage of an attached sign on a side façade for "end cap" tenants in a multi-tenant building may not exceed one square foot per lineal width, in feet, of the wall upon which the sign is mounted adjacent to the tenant space, and in no case may the sign's dimensions exceed 25 percent of either the corresponding width or the height of the wall. The total maximum sign area shall not exceed 100 square feet.
- (c) For "interior" tenants in multi-tenant strip center buildings:
- (i) Front (main entry) façade only: The maximum square footage of an attached sign on a front façade for "interior" tenants in a multi-tenant building may not exceed the square footage of 2 times the lineal width of the wall upon which the sign is mounted, and in no case may the sign's dimensions exceed 75 percent of either the corresponding width or the height of the wall. The total maximum sign area shall not exceed 200 square feet.
 - (ii) Side and rear facades: Attached wall signs are not permitted for interior tenants.
- (d) For buildings three or more stories in height: The square footage of an attached sign that identifies the building name, and that is not attached to a tenant space, shall not exceed one square foot per the lineal width, in feet, of the frontage of the building, in addition to the total sign area otherwise allowed in this Section 4.78 (A) and the maximum area for the building name sign shall be 100 square feet.

- (e) For multiple tenant building with "interior" tenants that do not have direct exterior exits (such as office buildings, indoor shopping malls, and other similar uses) the total sign area of all wall signs for all tenants combined may not exceed the allowable sign area allowed in Section 4.78 (2)(a).
 - (f) The total combined area of attached signs (including attached wall signs, awning signs, and canopy signs) for any elevational view shall not exceed that allowed for attached signs as set forth in Section 4.78 (2) (a).
- (3) Location: Attached signs are allowed in all nonresidential and mixed-use zoning districts.
 - (4) Placement/setbacks: On the vertical face only of a building; attached signs must be comprised of individual letters or characters attached directly to the building face or to a raceway, or unilluminated panels comprised of individual letters or characters (cans, illuminated panels or illuminated box type signs shall not be permitted) and must be professionally designed, constructed, and applied in a workmanlike manner.
- (B) Awning Sign. An awning sign is a sign that is painted or applied directly on the surface of an awning. Awning signs must comply with the following provisions:
- (1) Maximum height: The height of an awning sign shall be no greater than the vertical face only of the awning (for purposes of this subsection, the front vertical surface area for a "bubble" awning is located only on the front of the awning and not on its sides, and comprises the awning surface as measured from the bottom edge to that point on the awning that is less than 45 degrees to the ground plane, as viewed on the elevational view of the awning).
 - (2) Maximum size/area: Awning signs must comply with the following provisions:
 - (a) Shall not exceed the lineal width of the awning upon which the sign is applied;

- (b) Shall not be internally illuminated (can be illuminated using downward focused wall-mounted "gooseneck" or other decorative wall lighting);
 - (c) Shall be designed and installed as an integral, architectural element of the entire building system in a uniform, rhythmic systematic design pattern, including compatible color and lighting; and
 - (d) The total combined area of attached signs (including attached wall signs, awning signs, and canopy signs) for any elevational view shall not exceed that allowed for attached signs as set forth in Section 4.78(A).
- (3) Location: Awning signs are allowed in all nonresidential and mixed-use zoning districts.
- (4) Placement: Awning signs must have a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface.
- (C) Temporary Signs. Temporary signs include banners, balloons, pennants, inflatables, streamers, sails, air-supported devices, feathers, wind devices, and other similar types of temporary signs (but not including non-commercial flags, which are regulated by above Section 4.70) that may be placed on a structure or at a site that is intended to draw attention to a particular commercial event or commercial product must comply with the following provisions:
 - (1) Maximum size/area: The maximum surface area of all temporary signs located on a property or tract of land, may be no greater than two times the width of the wall containing the main entrance of the building, or tenant space occupied by the applicant who intends to display the temporary signage. In no case may the total square footage of the surface area of all the temporary signs located on a property or tract of land exceed 200 square feet.
 - (2) Maximum Height: Temporary signs attached to the building may not exceed the height of the building. Freestanding temporary signs such as balloons, inflatables, or wind devices shall not exceed the

height of the building or a maximum of 12 feet, whichever is less.

- (3) Location: Temporary signs attached to the building are allowed in all nonresidential, mixed-use, multi-family, and townhouse zoning districts, and allowed for any nonresidential use (such as a church, school, or day care center) that is located in an agricultural, single-family, or two-family zoning district. Except as expressly allowed under this Article 5, freestanding temporary signs (such as balloons, inflatables, streamers, sails, or wind devices) are only allowed in nonresidential and the commercial areas of mixed use zoning districts.
- (4) Placement: Temporary signs attached to a building must be securely attached to the vertical face only of a building or a canopy so that the banner does not move, flap, wave, flutter, or twirl. Temporary signs may not be attached to an object such as a fence, screening wall, tree, utility pole or structure, or permanent sign support, and may not extend vertically above the roofline of the structure. Nonresidential uses located in residential districts, such as schools and churches may attach temporary signs to fences and other structures when approved by the Building Official where the temporary sign will not impose undue stress on the structure. All temporary signs must be on-premises and may not be located on public property or in the public right-of-way. All freestanding temporary signs must be securely affixed to the main structure or the ground capable of withstanding a 70 mph wind and be setback a minimum of 15 feet from the edge of the street or the back of the curb.
- (5) Maximum number: The maximum number of temporary signs in nonresidential and commercial areas of mixed use zoning districts, shall be limited by the maximum total area of 200 square feet, but in no case shall the total number of temporary signs exceed 3.
- (6) Duration: Temporary signs may be displayed no more than 20 calendar days from the date the associated business, person, organization, activity, or event first opens to the public, which shall be indicated on the sign permit application.

(D) Blade Sign, Pedestrian. Pedestrian blade signs are generally placed perpendicular to the building's front entrance facade, and they are either suspended beneath a canopy or awning or attached directly to, and project out from, the building's facade. Blade signs may not encroach into any public right-of-way or over any public easement (except a pedestrian easement). A pedestrian blade sign must have a minimum clearance of 8 feet above any sidewalk or pedestrian travel surface, and fourteen feet above any vehicular parking or circulation surface. Pedestrian blade signs must comply with the following provisions:

- (1) Maximum size/area: The maximum surface area of a pedestrian blade sign is 4 square feet when suspended beneath a ground-level canopy or awning, or attached to a building on the ground-level facade. The blade sign may be no larger than 8 square feet when attached to the building's second or higher story.
- (2) Location: Pedestrian blade signs are allowed in all nonresidential and mixed-use zoning districts, and allowed for any nonresidential use (such as a church, school, or day care center) that is located in an agricultural or residential zoning district.
- (3) Placement/setbacks: A pedestrian blade sign must be suspended beneath a canopy or awning, or attached to building's entrance facade at a minimum height of 8 feet from the grade of the sidewalk and a maximum height of 10 feet, measured from the lowest portion of the frame or structure of the sign.
- (4) Maximum number: A business may have one pedestrian blade sign per public entrance.

(E) Canopy Sign. A canopy sign is a type of attached sign that is painted or applied directly on the surface of an attached or freestanding canopy, or that is designed to be an integral part of the face of a canopy. Canopy signs must comply with the following provisions:

- (1) Maximum height: The height of a canopy sign may not extend beyond the vertical face of the canopy.
- (2) Maximum size/area: A canopy sign's size and area must comply with the following:

- (a) The sign may not exceed 75 percent of the area of the face of the canopy of which it is a part or to which it is attached, or a maximum of twenty-five square feet, whichever is smaller;
 - (b) The copy or artwork may or may not be illuminated; and
 - (c) Gaseous, LED, or illuminated lighting on a canopy must be in conformance with Section 4.98(A) in Article 7 in this Chapter 4.
 - (d) The total combined area of attached signs (including attached wall signs, awning signs, and canopy signs) for any elevational view may not exceed that allowed for attached signs as set forth in Section 4.78(A).
- (3) Location: Canopy signs are allowed in all nonresidential and mixed-use zoning districts.
- (4) Quality: Canopy signs must be professionally designed and constructed, consist of professional quality workmanship and exterior grade paints and materials, and be maintained at all times so that there is minimal fading, chipping, or peeling.
- (5) Placement/setbacks: Canopy signs may be placed on the vertical face only of a canopy (not on the roof). Canopy signs must have a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface.
- (6) Maximum number: There may be no more than one canopy sign per canopy face.
- (F) Changeable Message Sign (non-electronic, also termed Reader Board Sign). A non-electronic changeable message sign is a wall-mounted or freestanding sign (or a portion of a larger sign), with manually interchangeable letters and symbols. It includes non-electronic bulletin boards and theater marquees; but, it is not a "Programmable Sign". A changeable message sign may be a component of another type of sign, such as a monument or pylon sign, and all applicable standards for the type of sign of which it is a part apply including, but not limited to, those pertaining to maximum

height, maximum size/area, permissibility in each zoning district, placement/setbacks, or number of signs permissible per lot.

(G) Changeable Message Signs (Electronic). See "Programmable Sign".

(H) Construction Sign. A construction sign is a temporary sign allowed while a development project is being constructed on the premises upon which the sign is located. Construction signs must comply with the following provisions:

(1) Maximum height: A construction sign may be no more than 15 feet in height.

(2) Maximum size/area: A construction sign may be no more 32 square feet.

(3) Location: Construction signs are allowed in all zoning districts, but not on lots containing model home signs.

(4) Placement/setbacks: Construction signs must be placed a minimum of 10 feet from any property or right-of-way line.

(5) Maximum number: The maximum number of construction signs at a single site is one per 1,500 feet of total street frontage (or portion thereof). The total street frontage shall be based on the frontage of the street named on the construction permit as the address of the site.

(6) Duration: Construction signs may remain at a project until it is complete. Construction signs must be removed prior to final building inspection or occupancy of the structure.

(J) Menu Board. A menu board is an on-site display that is utilized by restaurant, entertainment, and other business establishments in a drive-through operation. The menu board may be wall-mounted near the establishment's primary entrance, or may be freestanding at a drive-in or drive-through food service establishment, and may have a speaker and an electronic visual order display board or panel that verifies what the patron is ordering at the drive-through. Menu boards must comply with the following provisions:

- (1) Maximum height: The maximum height of a menu board is 8 feet if freestanding; if it is mounted upon a wall above a sidewalk, the top edge must be no higher than 7 feet above nearest sidewalk grade.
 - (2) Maximum size/area: The maximum surface area of a menu board is 45 square feet.
 - (3) Location: Menu boards are allowed in the zoning districts that allow the associated use by right (or by SUP where applicable).
 - (4) Placement/setbacks: Menu boards, if freestanding, are prohibited in the front building setback(s); menu boards are prohibited in a side or rear yard where adjacent to any residential zoning district.
 - (5) Maximum number: If freestanding, two menu boards per establishment (or per drive-through lane, if more than one) are allowed. However, drive-in style restaurants may have one menu board per parking stall, plus up to two menu boards for a drive-through lane. If wall-mounted, one menu board per business is allowed.
- (K) Monument Sign. A monument sign is a type of freestanding ground mounted sign having a low profile and the structure of which being made of stone, concrete, decorative metal, brick, or similar materials that is designed to complement the architecture of the building or complex on the premises where the sign is located. The lower edge of a monument sign must be contiguous with the ground (that is, solid from the ground up), and may not be elevated above grade by the use of poles, struts or wires, and may not incorporate embellishments or cut-outs. All sign panels on a monument sign must be architecturally compatible and cohesively designed. Monument signs must comply with the following provisions:
- (1) Maximum height: The maximum height for a monument sign is 7 feet, including the monument base, as measured from the average ground level at the base to the topmost portion of the sign or structure. The ground upon which a monument sign is located may be bermed (or designed as a raised planter with heavy evergreen landscaping to conceal the planter on all sides) a

maximum of 2 feet above average grade where the sign is placed.

- (2) Maximum size/sign area: The maximum surface area of a monument sign is 50 square feet.
- (3) Location: A monument sign is allowed in all zoning districts, but is prohibited on individual single- or two-family residential lots.
- (4) Placement/setbacks: A monument sign must be placed a minimum of 5 feet from any property or right-of-way line.
- (5) Maximum number: A site is allowed only one monument sign per street frontage, or a maximum of one per 300 feet of total street frontage if no pole or pylon sign is also used , but in no case are more than 3 monument signs allowed.

(L) Multi-Tenant Complex Sign.

- (1) A "Unified-lot" means two or more contiguous premises, whether in a single building or multiple buildings, which are a part of the same site plan, shopping center, business complex, or other similar type of multi-tenant development.
- (2) Except as expressly provided for within this subsection (L), owners or tenants of property located within a unified-lot may not construct, or advertise on, freestanding signs, except on multi-tenant complex signs that are the subject of a unified-lot sign agreement, to which they are a party, as further detailed in below subsection (f).
- (3) A multi-tenant complex sign is a type of freestanding sign that is used to identify the name of a multiple-building and multiple-tenant retail shopping center, a business park, or an industrial, commercial or office center or complex to assist public safety and emergency personnel in identifying individual businesses or tenants on the site or within the shopping center or business complex. A multi-tenant complex sign must be mounted on a single structural element on one of the lots represented on the sign. A multi-tenant complex sign is allowed with a fully executed unified lot

agreement, as more particularly described in below subsection (6). Freestanding businesses that are represented on a multi-tenant complex sign, and that have a minimum building square footage of 5,000 square feet, are also allowed one monument sign on their own lot, in addition to representation on a site-applicable multi-tenant complex sign. All sign panels on a multi-tenant complex sign must be architecturally compatible and cohesively designed. Multi-tenant complex signs must comply with the following provisions:

- (a) Maximum height: The maximum height of a multi-tenant complex sign is 35 feet. If located within 100 feet of an elevated portion of Interstate Highway 635, Interstate Highway 30 or President George Bush Turnpike/State Highway 190 and if sign visibility is impeded due to the highway elevation, the Planning Director may approve up to 10 feet of additional height, but in no case may it exceed a total height of 40 feet, in accordance with the alternative compliance provisions of Article 1, Division 2 of this Chapter 4.
- (b) Maximum size/area: The maximum surface area of multi-tenant complex signs is 150 square feet per side for pylon style signs, and 200 square feet per side for monument style signs.
- (c) Location: Multi-tenant complex signs are allowed in all nonresidential and mixed-use zoning districts on a unified-lot development site of combined contiguous lots that is at least 5 acres in size.
- (d) Placement/setbacks: Multi-tenant complex signs must be placed a minimum of 10 feet from any property or right-of-way line. Multi-tenant complex signs may be only masonry pylon or monument style (that is, they may not be pole signs).
- (e) Maximum number: Only one multi-tenant complex sign is allowed per 20 acres in the development and only one per street frontage.
- (f) Unified-lot sign agreement: A unified-lot sign agreement, in a form provided by the City, is

required whenever the owners (or the sole owner if only one) of 2 or more contiguous lots agree to treat their separate lots as one unified lot for the limited purpose of sharing a multi-tenant complex sign. The property owners must both be named as parties and execute the agreement. The agreement shall provide the following: (i) a legal description of the properties subject to the agreement; (ii) the parties agree to treat their separate lots as one unified lot; (iii) the parties agree to maintain the sign in accordance with Section 4.72 of this Article 5; (iv) a provision that the parties, their heirs, and assigns forego any rights to additional freestanding street front signage on the premises covered by the agreement (except for freestanding businesses who may have one additional monument sign on their own lot); (v) a provision that the agreement is a covenant running with the land to be filed and made a part of the Deed Records of the applicable county of jurisdiction; and (vi) a provision that the agreement cannot be amended or terminated without the consent of the Building Official. A unified-lot sign agreement is not effective until a true and correct copy of the approved agreement is filed with the applicable county and a copy is filed with the Building Official.

(M) Mural (also termed Original Art Display). A mural is a non-electronic, static work of art applied directly to a building's wall surface. Murals are intended for viewing and enjoyment by the public as art. Murals must comply with the following provisions:

- (1) Maximum height: A mural may extend no higher than the height of wall surface.
- (2) Location: Murals are allowed in all nonresidential and mixed-use zoning districts.
- (3) Placement/setbacks: Murals may only be placed on the vertical face only of a building. They must be professionally applied by an experienced mural-painting artisan(s) using paint that will weather well and will generally remain legible and in its original appearance for at least 5 years following application.

- (4) Maximum number: The number of murals is limited to one per building, or one per street frontage for a corner or through lot or property.
- (N) Pole Sign. A pole sign is a single-support style sign that is placed on or anchored in the ground, and that is structurally independent of any building or other structure. Pole signs are prohibited in all zoning districts. .
- (O) Programmable Signs (Electronic). A programmable sign is a sign capable of displaying changing content through still, animated, scrolling or moving messages or images by remote or automatic means without the need to physically touch the sign face. The term includes signs that project images, display messages or images by means of electronic or 'digital' illumination such as cathode ray tubes, light emitting diodes (LED), plasma screens, liquid crystal displays, fiber optics, lasers, projectors and similar technology. Electronic programmable signs must comply with the following provisions:
- (1) Maximum height: The maximum height for an electronic programmable sign is the same standard as the type of sign on which it is attached (such as a monument sign, pole, or pylon sign).
 - (2) Maximum size/area: The maximum surface area of an electronic sign is the same standard as the type of sign on which it is attached (such as a monument sign, pole, or pylon sign)
 - (3) Location: Electronic programmable signs are allowed as on-premise, freestanding signs in all nonresidential and mixed-use districts. An electronic programmable sign is also permitted in a residential district on a site that contains and operates as a lawful nonresidential use, and that has at least one frontage on a Type D (four-lane, divided) or larger thoroughfare, as shown on the City's adopted *Major Thoroughfare Plan*, in which case the electronic programmable sign may only be placed on a Type D or larger street frontage. Additionally, where located within a residential district or within 25 feet of a residential district, electronic programmable signs are prohibited from displaying illuminated messages between 10:00 p.m. to 6:00 a.m. to further minimize

potential negative impacts on surrounding residential properties.

- (4) Attached signs or Attached Wall Signs. Attached programmable signs are prohibited in all districts.
- (5) Placement/setbacks: The placement and setback standard for an electronic programmable sign is the same as the type of sign on which it is attached (such as a monument sign or pylon sign).
- (6) Maximum number: One electronic programmable sign is allowed per site. Except on a site in a nonresidential zoning district with frontage on 2 or more streets, or more than 300 feet of frontage on a single street, a maximum of 2 electronic programmable signs are allowed, both of which must be monument signs.
- (7) Electronic programmable signs are prohibited from:
 - (a) Displaying animated, full-motion or other moving images, or display a flashing or blinking image, an image that incorporates intermittent or bursts of illumination, or an image that scrolls, fades, rolls, shades, dissolves, or otherwise gives the appearance of movement that is not solely a transition between displays as provided by Subsection 4.78(P)(7)(c) below;
 - (b) Projecting an image onto a structure, building, the ground, or another object;
 - (c) Displaying an image for a period of less than eight seconds, or exceeding a period of two seconds during a transition between a complete change of message (other than black screen);
 - (d) Transitioning from one display to the next in a manner that requires the viewer to read subsequent displays in order to determine the message being conveyed; or
 - (e) Including any audio message.
- (8) A programmable sign must be equipped with a properly functioning automatic dimmer to adjust the luminance of the sign relative to ambient light so that at no time the sign will exceed the luminance limitations of

Subsections 4.70(I) and 4.70(J). A programmable sign must be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed, non-transitory image or to a black screen if the sign malfunctions. The owner of a programmable sign must provide the Building Official with current, valid contact information for a person who is authorized and able to turn off the programmable sign within four hours of notification in the event of a malfunction.

- (9) The sign face(s) of a freestanding on-premise pylon or monument signs may be converted to a programmable sign only in a manner that fully conforms to the provisions of this GDC. A lawfully existing, nonconforming on-premise sign must be made conforming in all respects including, without limitation, setbacks, sign area, height, and number in order to convert the sign face(s) of the sign to a programmable sign.
- (P) Pylon Sign. A pylon sign is a double- (or multiple-) support single-tenant or multi-tenant style sign that is placed on, or anchored in, the ground, and that is structurally independent of any building or other structure. Pylon signs must be designed in such a manner so that the support structures are architecturally and visibly distinct from one another. Pylon signs must be located entirely on private property and not within any public right-of-way or easement. All sign panels on a multi-tenant pylon sign must be architecturally compatible and cohesively designed. All supports for a pylon sign must be constructed of masonry products (or be constructed in such a manner as to have the appearance of masonry (however, stucco construction is not allowed). Pylon signs must comply with the following provisions:
- (1) Maximum height: A pylon sign may be a maximum height of 22 feet.
 - (2) Maximum size/area: The maximum surface area of a pylon sign is 150 square feet.
 - (3) Location: Pylon signs are allowed in all nonresidential zoning districts with the exception of NS, NO, UR, UB and DT districts (only monument-style freestanding signs are allowed in those districts).

- (4) Placement/setbacks: A pylon sign must be placed a minimum of 20 feet from any property or right-of-way line.
 - (5) Maximum number: One pylon sign per site per public street frontage is allowed (not allowed if property only has access from an access easement or non-public street); minimum spacing between freestanding pylon signs on-site and from those on adjacent properties shall be at least 150 feet.
- (Q) Reader Board Sign. Reader board signs must comply with the standards of a "Changeable Message Sign, Non-Electronic."

Division 6 – Variances; Appeals

Section 4.81 Variances; Appeals

A request for a variance to one or more of the sign-related regulations cited in Subsection (D) below may be submitted to the Planning Department in the format specified by the Department, and will be processed and scheduled for consideration for approval by the Plan Commission using the processing procedures set forth in Division 4 of Chapter 5 of this GDC, and using the notification and public hearing procedures set forth in Article 2, Division 2 and Division 3 of Chapter 1 of this GDC.

- (A) The Plan Commission may, in specific cases and subject to appropriate conditions, authorize variances and exceptions to the regulations established in this Article 5 when the Commission has made a finding from the evidence presented that strict compliance with a requirement will result in a hardship or inequity to the applicant in accomplishing the objectives of this article, provided that economic or self-created hardship alone is not a sufficient basis for the granting of a variance or exception. A three-quarters (3/4) vote of the Plan Commission members present and voting is required to approve a sign variance. Upon appeal (if any), a three-quarters (3/4) vote of the City Council members present and voting is required to overrule a sign variance denial by the Plan Commission.
- (B) The Plan Commission, in considering an application for a sign variance, shall apply the criteria for approval set forth in Section 5.12, Division 4 of Chapter 5, including,

but not limited to, the extent to which the site for which the applicant seeks a variance differs from adjoining sites, the extent that the hardship or inequity claimed by the applicant is self-created or based upon financial need of the applicant, and the adverse effects that the granting of a variance may or would create.

(C) Allowed Variances. The following sign-related regulations may be varied in accordance with the provisions of the above Subsection (C):

(1) Increase the maximum sign area up to an additional 25 percent; and

(2) Encroachment into a required sign setback.

(D) Administrative Approval for Increased Sign Area. An increase in sign area for attached signs and freestanding signs up to 10 percent of the allowable sign area may be approved by the Planning Director provided that the request meets the criteria outlined for development variances in Section 5.12, Division 4 of Chapter.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

11.

Meeting Date: 02/05/2019

Item Title: Public Hearing for the Proposed Mandatory Sterilization Ordinance for Dogs & Cats

Submitted By: Jason Chessher, Health Director

Summary of Request/Problem

A public hearing will be held regarding proposed changes to Article I, Chapter 22 (Animal Services). At the public hearing, all interested persons will be given the opportunity to be heard for or against the proposed changes to this ordinance.

Recommendation/Action Requested and Justification

Receive public comment and consider adopting the proposed ordinance.

Attachments

Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 22, "HEALTH", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; REQUIRING STERILIZATION OF DOGS AND CATS; PROVIDING FOR A BREEDER PERMIT AND OTHER EXCEPTIONS TO THE STERILIZATION REQUIREMENT; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 22.13 to read as follows:

"Permits.

- (A) A person seeking a permit to operate a commercial business covered by this article shall fully and truthfully complete an application in a form provided by the Supervisor of Animal Services and shall pay the required application fee. The application fee for miniature livestock, domestic ferrets, and special reptiles shall be \$25.00 per year.
- (B) A person seeking a breeder permit shall fully and truthfully complete an application in a form provided by the Supervisor of Animal Services and shall pay the required annual application fee of \$100.00. A breeder permit may only be issued for a cat or dog:
 - (1) That is currently in compliance with the vaccination requirements of Section 22.04(A) of this article;
 - (2) That, not more than ninety (90) days before the date of the breeder permit application, has been approved to breed by a licensed veterinarian; and
 - (3) Whose owner:
 - (a) Is a member of a purebred dog or cat fanciers club, approved by the Supervisor of Animal Services, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed; or

- (b) Holds a license as required by Section 802.101 of the Texas Occupations Code for each facility owned or operated in the state.
- (C) A person holding a breeder permit commits an offense if the permit holder allows a female dog or cat to have more than one litter during the permit term, unless the permit holder has received written authorization from the Supervisor of Animal Services to allow two litters during the permit term because having two litters is required to protect the health of the female dog or cat or the first litter during the term was euthanized or did not survive for other reasons.
- (D) Permits are not transferable from one person to another or from one address to another address. A permit shall be valid for one year from the date of issuance unless sooner revoked or terminated under the provisions of this article.
- (E) The Supervisor of Animal Services may impose specific conditions on a permit in order to obtain compliance with all applicable provisions of this article.
- (F) For serious or repeated violations of any of the requirements of this article, or for interference with the local health authority or designee, in the performance of his or her duties, a permit issued under this article may be revoked. Prior to such action, the Supervisor of Animal Services shall notify the permit holder in writing, stating the reason(s) for which the permit is subject to revocation and advising the permit holder of the permit holder's right to a hearing before the Administrative Review Board. Requests for a hearing shall be made to the Supervisor of Animal Services within five (5) days following service of the notice of revocation. If the permit holder fails to request a hearing within five (5) days, the permit is revoked. If a hearing is timely requested prior to revocation, the permit remains valid while pending before the Administrative Review Board.
- (G) A person whose application for a permit under this article is denied by the Supervisor of Animal Services may appeal the denial to the Administrative Review Board. The permit denial remains effective while pending before the Administrative Review Board.

- (H) The hearings provided for in this section shall be held before, and decided by the Administrative Review Board at a time and place designated by the board. Based upon the evidence presented at the hearing, the Administrative Review Board shall make a finding and may sustain, modify, or rescind the decision forming the basis of the hearing."

Section 2

That Chapter 22, "HEALTH", of the Code of Ordinances of the City of Garland, Texas, is hereby amended by amending subsection 22.19 to read as follows:

"Prohibited Animals.

- (A) It shall be unlawful to keep, harbor, sell, transfer, convey or release any of the following:
- (1) An unsterilized cat or dog over the age of six months, except as provided in this section;
 - (2) A wild animal;
 - (3) An exotic animal, except as provided in this article; or
 - (4) A dangerous animal as provided in section 22.20.
- (B) It shall be an affirmative defense to prosecution under this section that the owner of an animal prohibited by (A)(1) of this section establishes one of the following:
- (1) *Retail or Adoption Animal*. The animal is being held for sale by a retail pet store or held for adoption by animal services or an animal welfare organization;
 - (2) *Shows and Competitions*. The cat or dog is a used to show, to compete, or breed, which is a breed recognized by and registered with the American Kennel Club, United Kennel Club, American Dog Breeders Association, Cat Fanciers' Association, or other bona fide registry and meets one of the following requirements:
 - (a) The cat or dog has competed in at least one show or sporting competition sanctioned by a bona fide national registry within the last 365 days;
 - (b) The dog earned conformation, obedience, agility, carting, herding, hunting,

protection, rally, sporting, working or other title from a purebred dog registry, referenced above, or other registry or dog sport association; or

- (c) The owner of the cat or dog is a member of, and the cat or dog is registered with a bona fide cat fanciers' association or purebred dog breed club, which maintains and enforces a code of ethics for cat or dog breeding that includes restrictions from breeding cats or dogs with genetic defects and life threatening health problems that commonly threaten the breed.
- (3) *Medical Fitness.* A veterinarian licensed in the State of Texas certifies in writing that a cat or dog is medically unfit to undergo the required spay or neuter procedure because of a medical condition. As soon as the medical condition ceased to exist, it shall be the duty of the owner to have it spayed or neutered within 30 days.
 - (4) *Law Enforcement.* The dog is currently used by a law enforcement agency for law enforcement purposes or is part of a law enforcement animal breeding program.
 - (5) *Service Animals.* A dog that is an "Assistance Animal" or "Service Animal" as defined in Section 121.002 of the Texas Human Resources Code.
 - (6) *Hunting and Herding Dogs.* The dog is currently used as, or trained to be, a hunting or herding dog and the dog is registered with a bona fide national, state, or local hunting or herding dog association.
 - (7) *Breeder Permit.* The owner holds a valid breeding permit issued under Section 22.13 of this chapter for the animal.
- (C) It shall be an affirmative defense to prosecution under this section if the owner of an animal prohibited by this section is a zoological park, educational institution, licensed veterinarian providing care to an injured or ill prohibited animal, or state or federally approved wildlife rehabilitation facility."

Section 3

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 4

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 5

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 6

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

PASSED AND APPROVED this the _____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

12.

Meeting Date: 02/05/2019

Item Title: Hold a public hearing on the proposed 2019 Bond Program

Summary of Request/Problem

Council will hold a public hearing to obtain comments on the proposed 2019 Bond Program.

Recommendation/Action Requested and Justification

Hold a public hearing to obtain comments on the proposed 2019 Bond Program.



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

13.

Meeting Date: 02/05/2019

Item Title: May 4 General Election Ordinance

Submitted By: Rene Dowl, City Secretary

Summary of Request/Problem

Consider an ordinance ordering a general election for the City of Garland to be held on May 4, 2019 for the purpose of electing a Mayor and one Councilmember each to respectively represent Districts 3, 6, 7, and 8; ordering a general election for the purpose of submitting to the qualified voters of the City, for adoption or rejection, a proposition authorizing the sale of Bunker Hill Park and directing the use of the proceeds thereof; providing for a run-off election if needed; and providing for other matters relating to the conduct of the election.

Recommendation/Action Requested and Justification

Approve an ordinance ordering and providing notice of a General Election for the City of Garland to be held on the 4th day of May 2019.

Attachments

General Election Order 2019

ORDINANCE NO. _____

AN ORDINANCE ORDERING OF A GENERAL ELECTION FOR THE CITY OF GARLAND, TEXAS TO BE HELD ON THE 4th DAY OF MAY, 2019 FOR THE PURPOSE OF ELECTING A MAYOR AND FOR ELECTING COUNCILMEMBERS TO DISTRICTS 3, 6, 7, AND 8 AND FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A PROPOSITION REGARDING THE SALE OF BUNKER HILL PARK AND THE USE OF PROCEEDS FROM SUCH SALE, IF APPROVED; PROVIDING FOR THE CONDUCT OF THE ELECTION; PROVIDING A DATE FOR A RUN-OFF ELECTION; PROVIDING FOR A PROCESS TO DETERMINE POSITION OF NAMES ON BALLOTS; PROVIDING FOR LOCATIONS OF POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING FOR NOTICE, PUBLICATION, AND POSTING OF THIS ORDER; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

ELECTION ORDER FOR JOINT ELECTION AND NOTICE OF ELECTION

There is hereby ordered a general election to be participated in by the qualified voters of the City of Garland, Texas, to be held on the 4th day of May, 2019, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing a Mayor and one Councilmember each to respectively represent Districts 3, 6, 7, and 8 and for the purpose of submitting to the qualified voters of the City, for adoption or rejection, the following proposition:

Proposition A-1

Shall the City Council be authorized, as otherwise limited by and pursuant to State law, to sell Bunker Hill Park and thereafter use of the proceeds from such sale only for park purposes.

Candidates for Mayor must reside within the City. Candidates for Districts 3, 6, 7, and 8 must reside in the respective District which that candidate intends to represent. Every qualified voter within Districts 3, 6, 7, and 8 may cast one vote for a candidate for the respective district within which such voter resides and every qualified voter within the City may cast one vote for Mayor.

The candidate for each respective office who shall receive a majority of all votes cast for the office for which that person is a candidate shall be declared elected. The proposition shall be determined by a majority vote either "For" or "Against".

Section 2
JOINT ELECTION AND ELECTION SERVICES AGREEMENT

The election shall be held as a joint election pursuant to a joint election agreement by and between the City of Garland, Dallas County, and such other political subdivisions as may be participating in the joint election. Pursuant to the joint election agreement, the Dallas County Election Administrator shall serve as election administrator for the election, who shall appoint such election officials as may be required by law, according to the terms of the law and the joint election agreement. For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the joint election agreement.

The Central Counting Station for the tabulation and counting of ballots for this election shall be located at the Dallas County Elections Administration, 2377 N. Stemmons Freeway, Suite 820, Dallas, Texas 75207 and the Manager, Tabulation Supervisor, Presiding Judge and Alternate Presiding Judge at such Central Counting Station shall be determined, appointed and designated in accordance with the joint election agreement. The Manager and Presiding Judge of such Central Counting Station may appoint clerks to serve at such Central Counting Station, as provided by Texas Election Code, Section 127.006, as amended.

The voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

Section 3
RUN-OFF ELECTION

In the event any candidate fails to receive a majority of all votes cast for the office for which that person is a candidate, a run-off election shall be held on June 8, 2019 between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of resolving the run-off for each office for which a candidate did not receive a majority of all votes cast at the general election.

Section 4
POSITIONS OF NAMES OF CANDIDATES ON BALLOTS

The positions of the names of the candidates for the general election and, if necessary, for the run-off election, shall be determined by lot in an open meeting to be held at the offices of the City Secretary located at Garland City Hall. The City Secretary shall notify each candidate of the time of the meeting to draw lots and shall preside at the drawing.

Section 5
ELECTION PRECINTS AND POLLING PLACES

The election precincts and the polling places for the election shall be those established by the Dallas County Elections Administrator by virtue of the joint election agreement.

Section 6
EARLY VOTING

The main early voting place is the George L. Allen, Sr. Courts Building, 600 Commerce Street, Dallas, Texas 75202 or such other location as may be authorized and established by the Dallas County Elections Administrator. Within the City of Garland, early voting by personal appearance shall be conducted locally at Richland College - Garland Campus, 675 W. Walnut Street, Garland, Texas 75040. Applications for ballot by mail shall be mailed to:

Early Voting Clerk
Dallas County Elections Department, 8th Floor
Health and Human Service Building
2377 N. Stemmons Freeway, Suite 820
Dallas, Texas 75207

An application for ballot by mail may also be obtained by sending a completed, scanned application containing an original signature by email to evapplications@dallascounty.org or by fax to 214-819-6303. Applications for ballots by mail for the election must be received no later than the close of business on April 23, 2019. For more information regarding the City early voting locations, please contact the Dallas County Elections Department at (214) 819-6300 or <http://www.dallascountyyvotes.org/>.

Early Voting for the General Election:

Early voting by personal appearance for the general election as ordered by Section 1, above, shall be conducted on the following days:

Monday, April 22, 2019 through Friday, April 26, 2019
between the hours of 8:00 a.m. and 5:00 p.m.

Saturday, April 27, 2018 between the hours of 8:00 a.m.
and 5:00 p.m.

Sunday, April 28, 2019 between the hours of 1:00 p.m. and
6:00 p.m.

Monday, April 29, 2019 and Tuesday, April 30, 2019 between
the hours of 7:00 a.m. and 7:00 p.m.

Early Voting for a Run-off Election:

Early voting by personal appearance for the run-off election, if a run-off election is necessary, shall be conducted on the following days:

Tuesday, May 27, 2019 through Friday, May 31, 2019
between the hours of 8:00 a.m. and 5:00 p.m.

Saturday, June 1, 2019 between the hours of 8:00 a.m.
and 5:00 p.m.

Sunday, June 2, 2019 between the hours of 1:00 p.m. and
6:00 p.m.

Monday, June 3, 2019 and Tuesday, June 4, 2019 between
the hours of 7:00 a.m. to 7:00 p.m.

Section 7

NOTICE OF ELECTION; PUBLICATION AND POSTING

This election order shall constitute a notice of election and this notice shall be:

(1) published at least once, not earlier than the 30th day or later than the 10th day before the general election day, which publication shall include a complete listing of all polling places;

and

(2) posted on the bulletin board used for posting notices of the meetings of the City Council, which copy shall also include a complete listing of all polling places, not later than the 21st day before the general election.

Section 8

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

PASSED AND APPROVED this the ___th day of February, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

Posted: _____



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

14.

Meeting Date: 02/05/2019

Item Title: Bond Program Propositions

Summary of Request/Problem

Consider an ordinance ordering a bond election for the City of Garland to be held on May 4, 2019 for the purpose of submitting to the voters eight propositions authorizing the issuance of general obligation bonds for various permanent public improvements and public purposes, and providing for other matters relating to the conduct of the election.

Recommendation/Action Requested and Justification

Council discussion.

Attachments

Draft Bond Election Order 2019

- DRAFT -

Non-Final and Unapproved - For Discussion Purposes Only
THIS DOCUMENT WILL BE AMENDED TO CONFORM TO LEGAL REQUIREMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS, ORDERING A BOND ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2019, IN THE CITY OF GARLAND, TEXAS, MAKING PROVISIONS FOR THE CONDUCT OF THE BOND ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE BOND ELECTION.

WHEREAS, the City Council of the City of Garland, Texas (the "City") hereby finds that an election should be held to determine whether said governing body shall be authorized to issue bonds of said City in the amounts and for the purposes hereinafter identified;

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

SECTION 1

An election shall be held on the 4th day of May, 2019, in the City of Garland, Texas, which date is not less than seventy-eight (78) nor more than ninety (90) days from the date of the adoption hereof and is a uniform election date pursuant to Texas Election Code, Section 41.001, for the purpose of submitting the following measures:

NOTE: ALL BOND PROPOSITION OPTIONS FOLLOW. THIS IS A WORKING DRAFT AND SAMPLE ONLY, NOT TO BE ADOPTED IN THIS FORM. ORDER AND LETTERING OF PROPOSITIONS TO BE DETERMINED.

STREETS

CITY OF GARLAND, TEXAS PROPOSITION XX

[Broad Form]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$122,250,000 for permanent public improvements and public purposes, to wit: designing, acquiring, constructing, maintaining, renovating, improving, repairing, extending, expanding, and enhancing streets, thoroughfares, alleys, sidewalks, bridges, intersections, screening walls, streetscape, wayfinding, fixtures, entryway signs, beautification, and other public ways, participation in joint projects with federal, state and local public entities and agencies, computerized signalization and monitoring equipment and other traffic controls, grade separations, street lighting, necessary or incidental utility relocation, and drainage improvements in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem

- DRAFT -

Non-Final and Unapproved - For Discussion Purposes Only
THIS DOCUMENT WILL BE AMENDED TO CONFORM TO LEGAL REQUIREMENTS

taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

[Less Narrow Form]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$122,250,000 for permanent public improvements and public purposes, to wit: designing, acquiring, constructing, maintaining, renovating, improving, repairing, extending, expanding, and enhancing streets within the City, that may include:

Shiloh Road – Kingsley Rd. to Miller Rd.
Naaman School Road – Brand Rd. to SH 78
Holford Road – Arapaho Rd. to Creekwood Dr.
Lyons Road – IH-30 to Guthrie Rd.
Leon Road – North Garland Ave. to McCree St.

and for additional streets, thoroughfares, alleys, sidewalks, bridges, intersections, screening walls, streetscape, wayfinding, fixtures, entryway signs beautification and other public ways, participation in joint projects with federal, state and local public entities and agencies, computerized signalization and monitoring equipment and other traffic controls, grade separations, street lighting, necessary or incidental utility relocation, and drainage improvements in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

[Most Narrow Form]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$122,250,000 for permanent public improvements and public purposes, to wit: designing, acquiring, constructing, maintaining, renovating, improving, repairing, extending, expanding, and enhancing streets within the City, including:

Shiloh Road – Kingsley Rd. to Miller Rd.
Naaman School Road – Brand Rd. to SH 78
Holford Road – Arapaho Rd. to Creekwood Dr.
Lyons Road – IH-30 to Guthrie Rd.
Leon Road – North Garland Ave. to McCree St.

and for additional steets, thoroughfares, alleys, sidewalks, bridges, intersections, screening walls, streetscape, wayfinding, fixtures, entryway signs beautification and other public ways, participation in joint projects with federal, state and local

- DRAFT -

Non-Final and Unapproved - For Discussion Purposes Only
THIS DOCUMENT WILL BE AMENDED TO CONFORM TO LEGAL REQUIREMENTS

public entities and agencies, computerized signalization and monitoring equipment and other traffic controls, grade separations, street lighting, necessary or incidental utility relocation, and drainage improvements in connection with the foregoing and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

PUBLIC SAFETY

CITY OF GARLAND, TEXAS PROPOSITION XX

[Broad Form]

"SHALL the City Council of the City of Garland, Texas be authorized to issue general obligation bonds of the City in the principal amount of \$51,350,000 for permanent public improvements and public purposes, to wit: acquiring, constructing, improving, expanding, and equipping public safety facilities, including any needed land and rights-of-way therefor; such bonds to mature serially or otherwise over a period not to exceed forty (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

[More Narrow Form]

"SHALL the City Council of the City of Garland, Texas be authorized to issue general obligation bonds of the City in the principal amount of \$51,350,000 for permanent public improvements and public purposes, to wit: acquiring, constructing, improving, expanding, and equipping public safety facilities, that may include:

Police Evidence and Property Facility
Fire Station No. 1, Fire Station No. 6, & Fire Station No. 7
Police Training Facilities and Shooting Range
Police Station Security Improvements

including any needed land and rights-of-way therefor; such bonds to mature serially or otherwise over a period not to exceed forty (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear

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interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

[Most Narrow Form]

"SHALL the City Council of the City of Garland, Texas be authorized to issue general obligation bonds of the City in the principal amount of \$51,350,000 for permanent public improvements and public purposes, to wit: acquiring, constructing, improving, expanding, and equipping public safety facilities, including:

Police Evidence and Property Facility
Fire Station No. 1, Fire Station No. 6, & Fire Station No. 7
Police Training Facilities and Shooting Range
Police Station Security Improvements

including any needed land and rights-of-way therefor; such bonds to mature serially or otherwise over a period not to exceed forty (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

STORM DRAINAGE

CITY OF GARLAND, TEXAS PROPOSITION XX

[Broad Form]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$47,350,000 for permanent public improvements and public purposes, to wit: constructing, improving and repairing storm drainage facilities and improvements within the City, such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

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[More Narrow Form]

“SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$47,350,000 for permanent public improvements and public purposes, to wit: constructing, improving and repairing storm drainage facilities and improvements within areas of the City, that may include:

Garvon West Industrial Park
Country Club Park Estates
Lakewood Addition
Montclair No. 2
Saturn Springs Estates
Undesignated Areas Requiring Local Flooding Mitigation and
Drainage Improvements

such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

[Most Narrow Form]

“SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$47,350,000 for permanent public improvements and public purposes, to wit: constructing, improving and repairing storm drainage facilities and improvements within areas of the City, including:

Garvon West Industrial Park
Country Club Park Estates
Lakewood Addition
Montclair No. 2
Saturn Springs Estates
Undesignated Areas Requiring Local Flooding Mitigation and
Drainage Improvements

such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

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PARKS AND RECREATION

CITY OF GARLAND, TEXAS PROPOSITION XX

[Broad Form]

“SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$117,750,000 for permanent public improvements and public purposes, to wit: renovating, constructing, developing, improving, expanding, furnishing, equipping park and recreational facilities and acquiring any needed land and rights-of-way for park improvements, such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

[More Narrow Form]

“SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$117,750,000 for permanent public improvements and public purposes, to wit: renovating, constructing, developing, improving, expanding, furnishing, equipping park and recreational facilities that may include:

Audubon Recreation Center
Garland Senior Activity Center
Holford Recreation Center
Hollabaugh Recreation Center
Rick Oden Park Facilities and Equipment Improvements
Aquatic Facilities and Equipment Improvements

and acquiring any needed land and rights-of-way for park improvements, such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?”

[Most Narrow Form]

“SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$117,750,000 for permanent public improvements and public purposes, to wit: renovating, constructing, developing, improving, expanding, furnishing, equipping park and recreational facilities including:

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Audubon Recreation Center
Garland Senior Activity Center
Holford Recreation Center
Hollabaugh Recreation Center
Rick Oden Park Facilities and Equipment Improvements
Aquatic Facilities and Equipment Improvements

and acquiring any needed land and rights-of-way for park improvements, such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

LIBRARIES

CITY OF GARLAND, TEXAS PROPOSITION XX

[Broad Form]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$21,000,000 for permanent public improvements and public purposes, to wit: acquiring, improving, expanding, renovating and equipping library facilities, such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

[More Narrow Form]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$21,000,000 for permanent public improvements and public purposes, to wit: acquiring, improving, expanding, renovating and equipping library facilities; that may include:

Relocation and expansion of Walnut Creek Library Branch
Modernization and Upgrades to Central, North, and South Garland
Branch Libraries

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such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

[Most Narrow Form]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$21,000,000 for permanent public improvements and public purposes, to wit: acquiring, improving, expanding, renovating and equipping library facilities; including:

Relocation and expansion of Walnut Creek Library Branch
Modernization and Upgrades to Central, North, and South Garland
Branch Libraries

such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

ECONOMIC DEVELOPMENT

CITY OF GARLAND, TEXAS PROPOSITION XX

[Solo Form for this Item]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$46,000,000 for permanent public improvements and public purposes, to wit: promoting economic development throughout the City, through planning, designing, constructing, improving, extending and expanding public street, utility, and other infrastructure facilities, including the acquisition of land therefor, and through the city's programs for economic development, including the acquisition of improved and unimproved properties, the demolition of existing structures, making grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development, neighborhood revitalization projects, and mixed income development; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their

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date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

ANIMAL SHELTER

CITY OF GARLAND, TEXAS PROPOSITION XX

[Solo Form for this Item]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$12,000,000 for permanent public improvements and public purposes, to wit: constructing, improving and equipping animal shelter and control facilities, including the acquisition of land therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

MUNICIPAL FACILITIES

CITY OF GARLAND, TEXAS PROPOSITION XX

[Solo Form for this Item]

"SHALL the City Council of the City of Garland, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$6,000,000 for permanent public improvements and public purposes, to wit: constructing, improving, renovating and equipping existing municipal facilities buildings; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?"

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SECTION 2

Early voting for this election shall be conducted April 22, 2019 through April 30, 2019. Toni Pippins-Poole, Dallas County Elections Administrator, is hereby appointed early voting clerk and shall appoint and designate deputy clerks for early voting in accordance with the Contract. The main early voting location is designated in **Exhibit A** hereto and early voting will also be conducted at the locations shown in **Exhibit A** and all other locations as designated by the Dallas County Elections Administrator, in accordance with the Contract. For more information regarding the City early voting locations, please contact the Dallas County Elections Department at (214) 819-6300 or <http://www.dallascountyvotes.org/>.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Contract.

SECTION 3

Ballots for the election shall be prepared in accordance with Texas Election Code and the Garland City Charter and shall permit electors to vote "FOR" or "AGAINST" the foregoing measures without voting "FOR" or "AGAINST" all such measures, and shall appear on the ballot substantially as follows:

NOTE: ORDER AND LETTERING TO BE DETERMINED

CITY OF GARLAND, TEXAS PROPOSITION XX

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

CITY OF GARLAND, TEXAS PROPOSITION XX

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

CITY OF GARLAND, TEXAS PROPOSITION XX

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

CITY OF GARLAND, TEXAS PROPOSITION XX

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

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CITY OF GARLAND, TEXAS PROPOSITION XX

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

CITY OF GARLAND, TEXAS PROPOSITION XX

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

CITY OF GARLAND, TEXAS PROPOSITION XX

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

CITY OF GARLAND, TEXAS PROPOSITION XX

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

SECTION 4

A The City election precincts for this election and the respective polling place designed for each election precinct are shown in **Exhibit B** and will also include all other polling places designated by the Dallas County Elections Administrator, in accordance with the Contract. The election officers and maximum number of clerks for each polling place shall be determined and appointed in accordance with the Contract.

On election day, the polls shall be open from 7:00 a.m. to 7:00 p.m.

Voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

SECTION 5

The Central Counting Station for the tabulation and counting of ballots for this election shall be located at the Dallas County Elections Administration, 2377 N. Stemmons Freeway, Suite 820, Dallas, Texas 75207 and the Manager, Tabulation Supervisor, Presiding Judge and Alternate Presiding Judge at such Central Counting Station shall be determined, appointed and designated in accordance with the Dallas County Contract. The Manager and Presiding Judge of such Central Counting Station may appoint clerks to serve at such Central Counting Station, as provided by Texas Election Code, Section 127.006, as amended.

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SECTION 6

All resident qualified electors of the City shall be permitted to vote at said election, and on the day of the election such electors shall vote at the polling place designated for the Election Precinct in which they reside. This election shall be held and conducted in accordance with the provisions of Texas Election Code and Texas Government Code, Chapter 1251, and to the extent required by law, all election materials and proceedings shall be printed in both English and Spanish.

SECTION 7

A substantial copy of this Ordinance shall serve as proper notice of said election. Said notice shall be published on the same day in each of two successive weeks in a newspaper of general circulation in said City, the first of said publications to appear in said newspaper not more than thirty (30) days and not less than fourteen (14) full days prior to the day of the election. Additionally, said notice shall be posted (i) at three (3) public places within the City and at the City Hall not less than twenty-one (21) full days prior to the date on which said election is to be held, (ii) prominently on the City's Internet website during the twenty-one (21) days prior to election day, and (iii) in a prominent location at each polling place on the day of the election and during early voting.

SECTION 8

In accordance with Texas Election Code, Section 3.009(b), as amended, the aggregate amount of outstanding principal of the City's debt obligations secured by ad valorem taxes as of the beginning of the City's 2018/2019 fiscal year, totaled \$_____; the aggregate amount of outstanding interest on the City's debt obligations secured by ad valorem taxes as of the beginning of the City's 2018/2019 fiscal year totaled \$_____; and the ad valorem debt service tax rate for the City for the 2018/2019 fiscal year is \$_____ per \$100 of taxable assessed valuation. Based on the bond market conditions at the date of adoption of this Ordinance, the maximum net effective interest rate for any series of the bonds is estimated to be _____. Such estimated maximum rate is provided as a matter of information and in accordance with the requirements of Texas law, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.

SECTION 9

This Ordinance hereby incorporates the provisions of the Contract, and to the extent of any conflict between this Ordinance and the Contract, the provisions of the Contract, as applicable, shall control. The Mayor, City Manager or City Secretary or other appropriate official, is hereby authorized to correct, modify or change the Exhibits to this Ordinance based upon the final locations and times agreed upon by the Dallas County Elections Administrator and the Rockwall County Elections Administrator, as applicable, and the City.

[Remainder of page intentionally left blank]

PASSED AND APPROVED this February ____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

EXHIBIT A

Early Voting Locations and Hours*

City of Garland

Dallas County

Early Voting Dates: Monday, April 22, 2019 to Tuesday, April 30, 2019.

Early Voting Clerk: Toni Pippins-Poole

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site located in the County in which they reside.

Early Voting Dates and Times

Dates

Monday, April 22, 2019 through Friday, April 26, 2019

Saturday, April 27, 2019

Sunday, April 28, 2019

Monday, April 29, 2019 through Tuesday, April 30, 2019

Times

8:00 a.m. – 5:00 p.m.

8:00 a.m. – 5:00 p.m.

1:00 a.m. – 6:00 p.m.

7:00 a.m. – 7:00 p.m.

Main Early Voting Polling Place

George L. Allen, Sr. Courts Building, 600 Commerce Street, Dallas, Texas 75202

Permanent Branch Early Voting Polling Places

Location

Address

*City voters may vote at any of the additional Early Voting locations, located in the County in which they reside, as provided in the Dallas County Contract.

EXHIBIT A (CONT.)

Early Voting Locations and Hours City of Garland Collin County*

Polling Place			Address		City	
Collin County Election Office (Main Early Voting Location)			2010 Redbud Boulevard #102		McKinney	
Carpenter Park Recreation Center			6701 Coit Road		Plano	
Christopher A. Parr Library			6200 Windhaven Parkway		Plano	
Collin College-Spring Creek Campus			2800 E. Spring Creek Parkway		Plano	
Haggard Library			2501 Coit Road		Plano	
Harrington Library			1501 18 th Street		Plano	
Maribelle M. Davis Library			7501-B Independence Parkway		Plano	
Murphy Community Center			206 N. Murphy Road		Murphy (no cost to City)	
Plano ISD Administration Center			2700 W. 15 th Street		Plano	
Renner Frankford Branch Library			6400 Frankford Road		Dallas (no cost to City)	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>April 21</i>	<i>April 22</i>	<i>April 23</i>	<i>April 24</i>	<i>April 25</i>	<i>April 26</i>	<i>April 27</i>
	8am – 5pm	8am – 5pm	8am – 5pm	8am - 7pm	8am - 5pm	8am - 5pm
<i>April 28</i>	<i>April 29</i>	<i>April 30</i>	<i>May 1</i>	<i>May 2</i>	<i>May 3</i>	<i>May 4</i>
	7am – 7pm	7am – 7pm				7am – 7pm Election Day

* City voters who reside in Collin County may vote at any of the additional Early Voting locations provided in the Collin County Contract or at www.collincountytexas.gov/elections.

EXHIBIT A (CONT.)

Early Voting Locations and Hours City of Garland Rockwall County*

The following early voting locations will be open:

Monday, April 22 – Saturday, April 29: 8am – 5pm

Monday, April 29 – Tuesday, April 30: 7am – 7pm

[illegible]

The following early voting location will **only** be open:

Monday, April 22 – Thursday, April 25: 8am – 5pm

Friday, April 26: 8am – 4pm

Monday, April 29 – Tuesday, April 30: 7am – 7pm

Monday, April 29	Tuesday, April 30	Time
Polling Place	Address	City

*City voters who reside in Denton County may vote at any of the additional Early Voting locations provided in the Rockwall County Contract or at www.rockwallvotes.com.

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EXHIBIT B

Election Day Locations and Hours

City of Garland

Election Day: May 4, 2019

Election Day Polling Locations: Open from 7 a.m. to 7 p.m.

Dallas County

Election Precinct	Polling Place and Address
2408	
2409	
2411	
2400	
2401	
2402	
2403	
2404	
2405	
2406	
2407	
2410	



GARLAND PLANNING REPORT

City Council Regular Session Agenda

15.a.

Meeting Date: 02/05/2019

Item Title: Z 18-39 Eco-Site, LLC. (District 6)

Submitted By: Nabiha Ahmed, Development Planner

REQUEST

Approval of Specific Use Provision for a Commercial Antenna, on a property zoned Community Retail (CR) District.

OWNER

JJJ&K Corp.

PLAN COMMISSION RECOMMENDATION

On November 26, 2018 the Plan Commission, by a vote of five (5) to four (4), recommended denial of a Specific Use Provision for a Commercial Antenna on a property zoned Community Retail (CR) District.

STAFF RECOMMENDATION

Denial of a Specific Use Provision for a Commercial Antenna on a property zoned Community Retail (CR) District. The applicant has presented a “modified stealth” design that is intended to provide a more aesthetic appearance than a typical cellular tower design, as was originally submitted with this application. However, given the compact nature of the developed site and the proposed total height of 75 feet (the requested height was reduced from a total height of 90 feet to 75 feet after the Plan Commission meeting) which far exceeds the height of surrounding and nearby buildings, staff finds the proposal incompatible with the immediate surrounding area.

BACKGROUND

In 2006, City Council approved a Specific Use Provision (S 06-70) for a Retail Sales with Gas Pumps use for a period of twenty (20) years. The applicant intends to lease 0.0385 acres of the property to build a 75-foot tall (including the appurtenances) commercial antenna/telecommunications tower support structure. The lease area is currently planted with grass and trees.

At the November 26, 2018 Plan Commission meeting, the applicant presented a proposal for a 90-foot tall (including the appurtenances) commercial antenna/telecommunications tower support structure, to which the Plan Commission recommended denial with a five (5) to four (4)

vote. The City Council postponed the request from the December 18, 2018 City Council meeting to the February 5, 2019 City Council meeting.

SITE DATA

The subject site (overall site) contains approximately 0.92 acres in total area and is developed with a retail sales with gas pumps use, an ice kiosk and a retail store. The lease area is approximately 0.0385 acres. The lease area has no street frontage but it has street access through the overall site to Buckingham Road and North Plano Road.

USE OF PROPERTY UNDER CURRENT ZONING

The lease site is zoned Community Retail (CR) District which is intended to accommodate a variety of retail, service, and business establishments that may or may not be designed in a shopping center configuration. The district may be used as a transition district between lower intensity retail or office uses and more intense uses. A CR District is generally appropriate along major transportation corridors but is generally not appropriate in proximity to low density residential districts without significant buffering and screening features.

The overall property was granted a Specific Use Provision in 2006 for continued use of Retail Sales with Gas Pumps (gas station use), case Z 06-70.

The development of commercial antenna support structures (commonly referred to in this case as the popsicle design telecommunication tower) in a nonresidential zoning district are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. However, when the structure is in excess of the height allowed in the zoning district then the Garland Development Code requires approval of a Specific Use Provision through a public hearing process.

CONSIDERATIONS

Specific Use Provision

1. The applicant presented a 90-foot tall clock design stealth tower (Exhibit H) to the Plan Commission on November 26, 2018. The applicant has revised the tower type from a clock "stealth" design (Exhibit H) to a "popsicle stealth" design (Exhibit E). The proposed height has also been changed from 90 feet to 75 feet.
2. The "popsicle" design tower and associated equipment will be enclosed by a green vinyl coated chain link fence along with vegetation around the coated chain link fence within a lease area of approximately 0.0385 acres. The applicant is proposing to place a lightning rod on top of the tower. The lightning rod is included in the total height of seventy-five (75) feet. The proposed height is not allowed in the Community Retail (CR) District without approval of a Specific Use Provision. The maximum allowed height in the Community Retail (CR) District is thirty-five (35) feet.
3. The initial installation will have six (6) antennas per carrier. Three carriers will be provided. The carriers will have the ability to mount up to eighteen (18) antennas. The first carrier is known [T-Mobile] but the other two carriers are undetermined at this time.
4. Section 2.65 (D) of the GDC states that freestanding commercial antenna support structures must be a minimum distance of five thousand feet from another wireless

telecommunications antenna. The applicant requested a variance from the Board of Adjustment and that was approved in March 2018.

5. Section 2.65 (C) of the GDC states no commercial antenna support structure may be closer to any residential district boundary line or the residential dwelling property line than a distance equal to three times the height of the support structure. Based on this ratio, a seventy-five (75) foot tall commercial antenna support structure must be placed a minimum of 270 lineal feet from a single-family zoning district boundary line. The existing tower is approximately 330 feet from the nearest single-family zoning district boundary line, which is south of the subject property.
6. Section 2.65 (M) of the GDC states that support buildings and storage areas or buildings must be screened from public view by a dense, opaque, evergreen landscaped screen with an initial planting height of three feet, and which will attain an ultimate height of six feet at maturity. A six-foot solid masonry wall may be used in lieu of the landscaped screen provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited, ornamental iron or coated chain link may only be used in conjunction with a landscaped screen as specified above. The applicant proposed an eight (8)-foot masonry screening wall to the Plan Commission. Following the Plan Commission meeting, the applicant's proposal was amended to propose an eight (8)-foot green vinyl coated chain link fence along with twenty-nine (29) shrubs around the chain link fence.
7. The applicant is requesting that the Specific Use Provision be granted for an indefinite time period.

COMPREHENSIVE PLAN

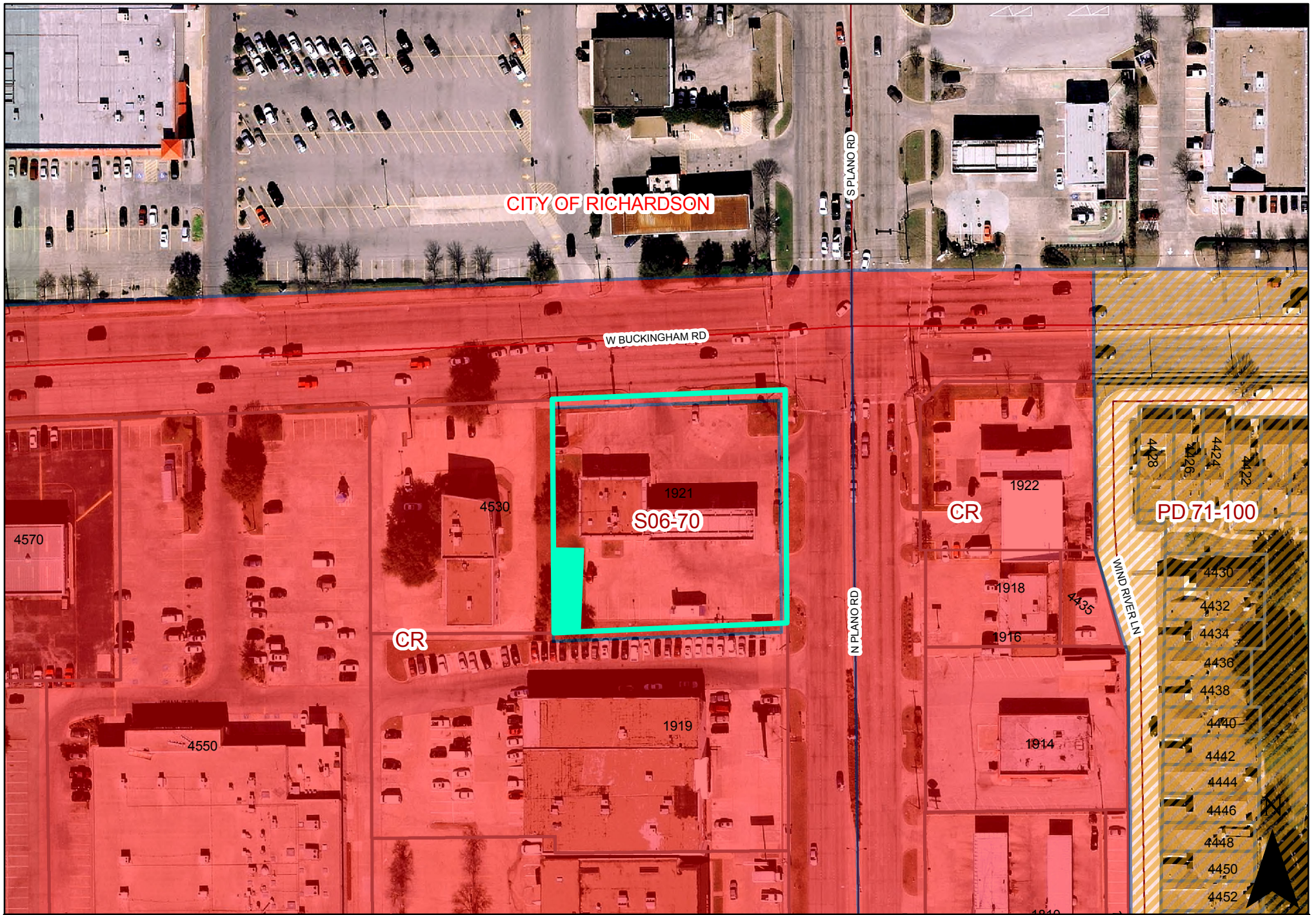
The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property. Neighborhood Centers provide a mix of retail, services and community gathering places appropriately scaled to adjacent residential areas. This type of center is predominately, but not exclusively non-residential. Neighborhood Centers are served by local roads and transit routes.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES

The properties to the north across West Buckingham Road are commercial development and are within the Richardson city limits. The properties to the east across North Plano Road are zoned Community Retail (CR) District and are developed with an auto repair shop and a dental clinic. The properties to the south are zoned Community Retail (CR) District and are developed with auto repair shops and retail uses. The property to the west is zoned Community Retail (CR) District and is developed with an eye care clinic.

Attachments

Z 18-39 Eco-Site, LLC. Attachments and Exhibits
Z 18-39 Eco-Site, LLC. Responses
Z 18-39 Eco-Site, LLC. Staff Presentation



SPECIFIC USE PROVISION CONDITIONS

ZONING FILE Z 18-39

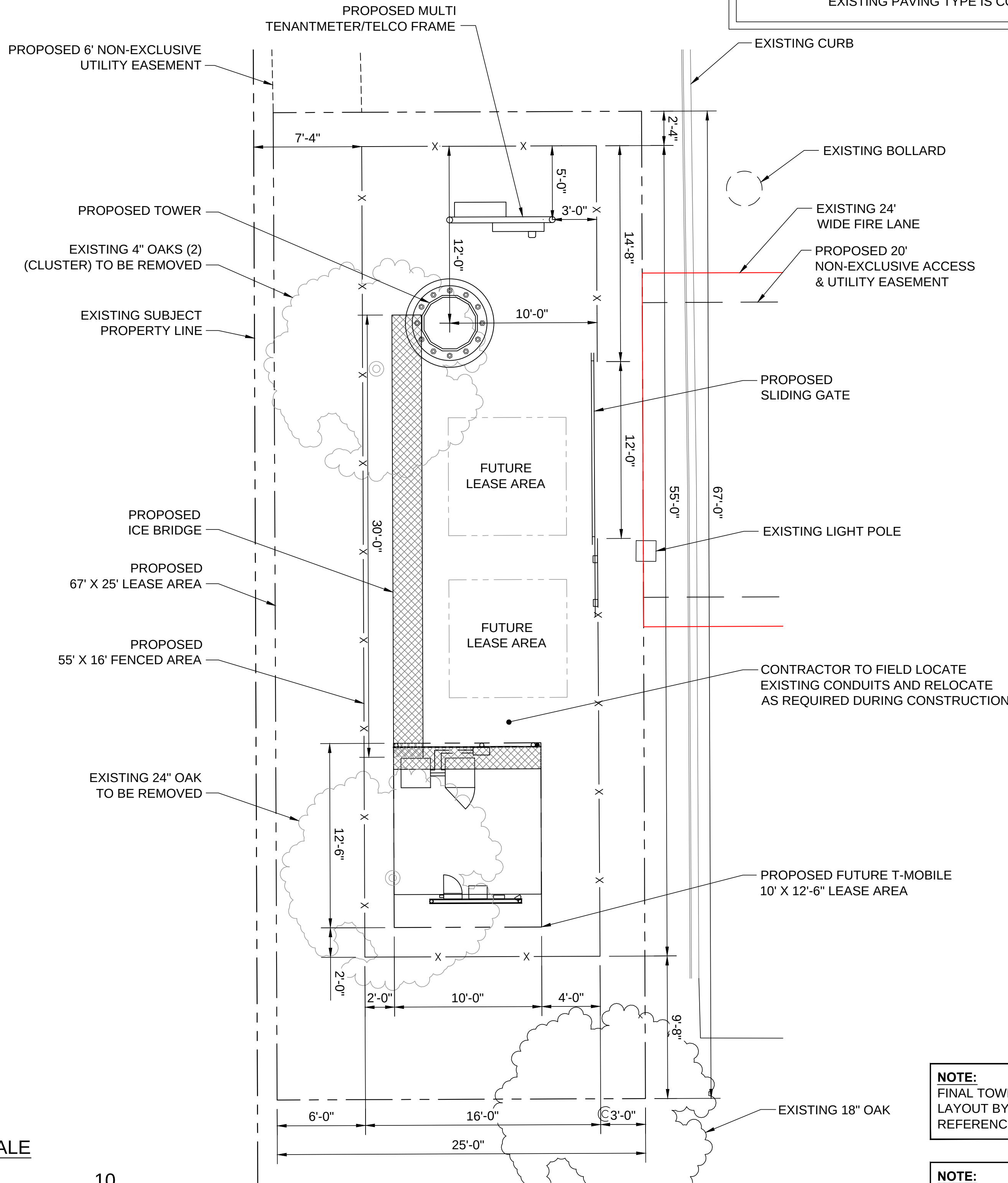
1921 North Plano Road

- I. Statement of Purpose:** The purpose of this Specific Use Provision is to allow an Antenna, Commercial.
- 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 Community Retail (CR) District as set forth in Chapter 2 of the Garland Development Code, Ordinance 6773, are included by reference and shall apply, except as otherwise specified by this ordinance.
- IV. Specific Use Provision:**
 - A. SUP Time Period:** The Specific Use Provision for an Antenna, Commercial shall be in effect for an indefinite time period.
 - B. Site Layout:** Antenna, Commercial operation shall be limited to the 0.0385-acre lease area, in accordance with the site layout in Exhibit C.
 - C. Screening and Landscaping:** Screening and Landscaping shall conform to the layout reflected in Exhibit D.
 - D. Building and Structure Elevations:** Building and Structure elevations shall conform to the elevations reflected on Exhibit E.
 - E. Height:** The total height shall be limited to seventy-five (75) feet.

ZONING CASE NUMBER:
Z 18-39/180503-3-ECO-SITE, LLC

LEASE AREA (AS SURVEYED) = 1,675 SQUARE FEET (0.0385 ACRES)

EXISTING PAVING TYPE IS CONCRETE



NOTE:
FINAL TOWER STRUCTURE DESIGN AND LAYOUT BY OTHERS. CONTRACTOR TO REFERENCE TOWER DESIGN FOR DETAILS.

NOTE:
TOWER AND GROUND SPACE WILL BE DESIGNED AND CONSTRUCTED FOR 3 TOTAL CARRIERS.

GENERAL NOTES:

1. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE DRAWINGS AND SPECIFICATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE STATE, LOCAL AND NATIONAL CODES, ORDINANCES AND OR REGULATIONS APPLICABLE TO THIS PROJECT.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK OF ALL TRADES AND SHALL CHECK ALL DIMENSIONS. ALL DISCREPANCIES SHALL BE CALLED TO THE ATTENTION OF THE ECO-SITE CONSTRUCTION MANAGER AND/OR ENGINEER AND BE RESOLVED BEFORE PROCEEDING WITH WORK. WHERE THERE IS A CONFLICT BETWEEN DRAWING AND ECO-SITE SPECIFICATIONS, THE ECO-SITE CONSTRUCTION MANAGER SHOULD BE CONTACTED FOR CLARIFICATION.
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11. CONTRACTOR TO PROVIDE DUMPSTER AND PORTABLE TOILET FACILITY DURING CONSTRUCTION.
12. CONTRACTOR TO PROVIDE STYMIE LOCK OR EQUIVALENT AS APPROVED BY ECO-SITE CONSTRUCTION MANAGER.

COAX NOTE:

1. ROUTE COAX UP TOWER PER TOWER DESIGN DRAWING BY TOWER OWNER.

PREPARED FOR:

Eco-Site
240 LEIGH FARM ROAD, SUITE 230
DURHAM, NC 27707

A&E FIRM:
towersource
1875 OLD ALABAMA ROAD, SUITE 1008
ROSWELL, GA 30076
TEL: 678-990-2338 FAX: 678-990-2342

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PROJECT INFORMATION:

TX-0255
WEST BUCKINGHAM
1921 N PLANO RD
GARLAND, TX 75042

DRAWN BY:	KA
CHECKED BY:	MEW
APPROVED BY:	MEW

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J	01/08/19	REVISED PER COMMENTS



SHEET TITLE:
SITE PLAN

SHEET #:
C2

REVISION:
J

LANDSCAPE NOTES

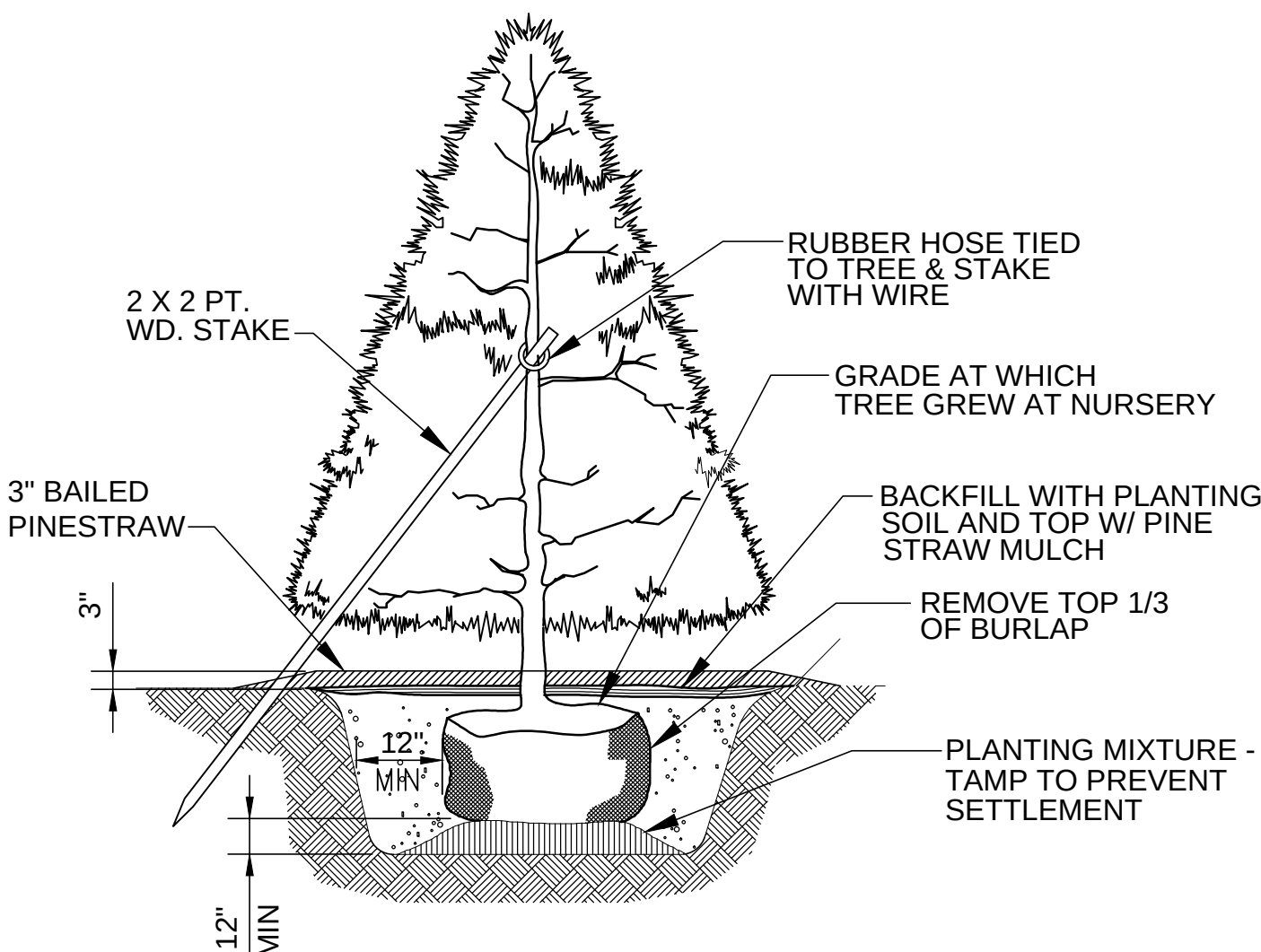
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- ALL TREES MUST BE GUYED OR STAKED AS SHOWN.
- ALL PLANTS AND PLANTING AREAS MUST BE COMPLETELY MULCHED AS SPECIFIED.
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- STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK", LATEST EDITION, REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.

TOTAL AREA OF LANDSCAPE BUFFER: 308 SF - .007 ACRES

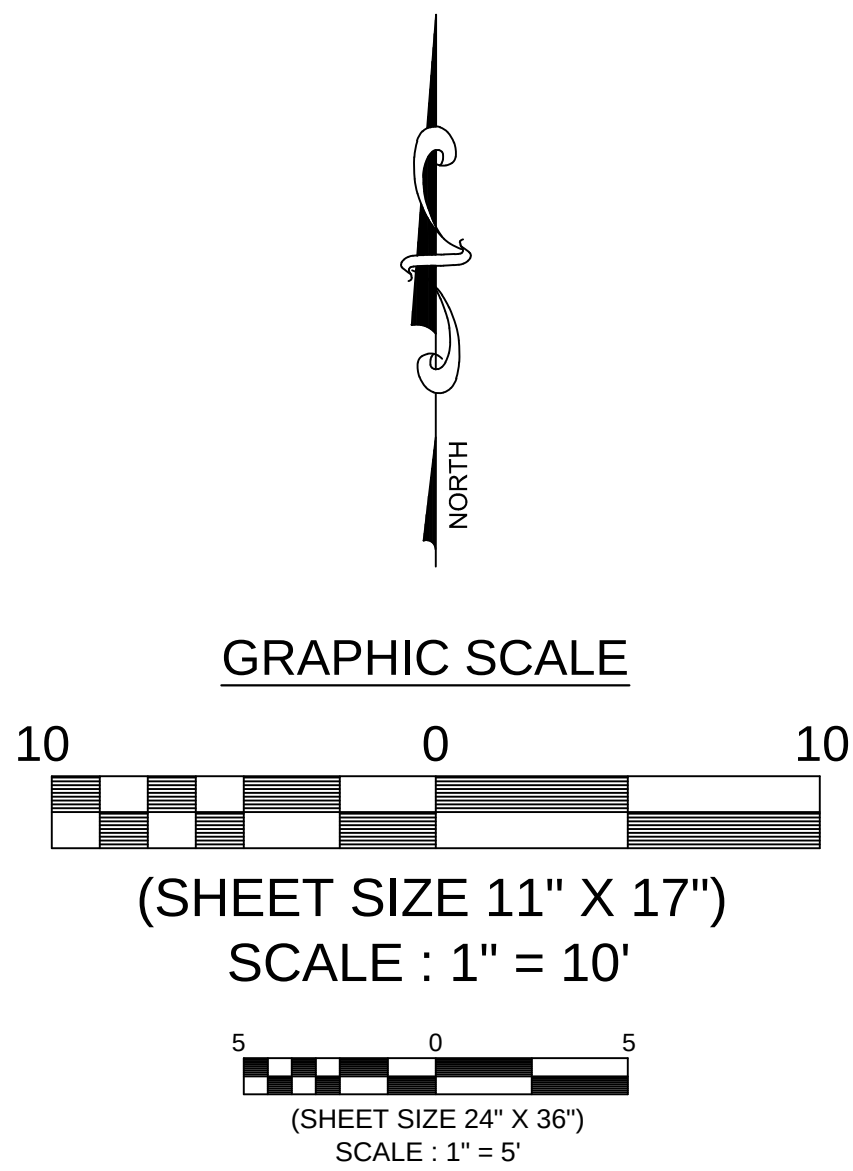
PLANT LIST:

QTY.	COMMON NAME	BOTANICAL NAME	SIZE/REMARKS
29	BURFURD HOLLY	ILEX CORNUTA 'BURFURDII'	3' MIN. HEIGHT AT PLANTING

324 SF PINESTRAW MULCH - 3" SETTLED LAYER OF CLEAN STRAW

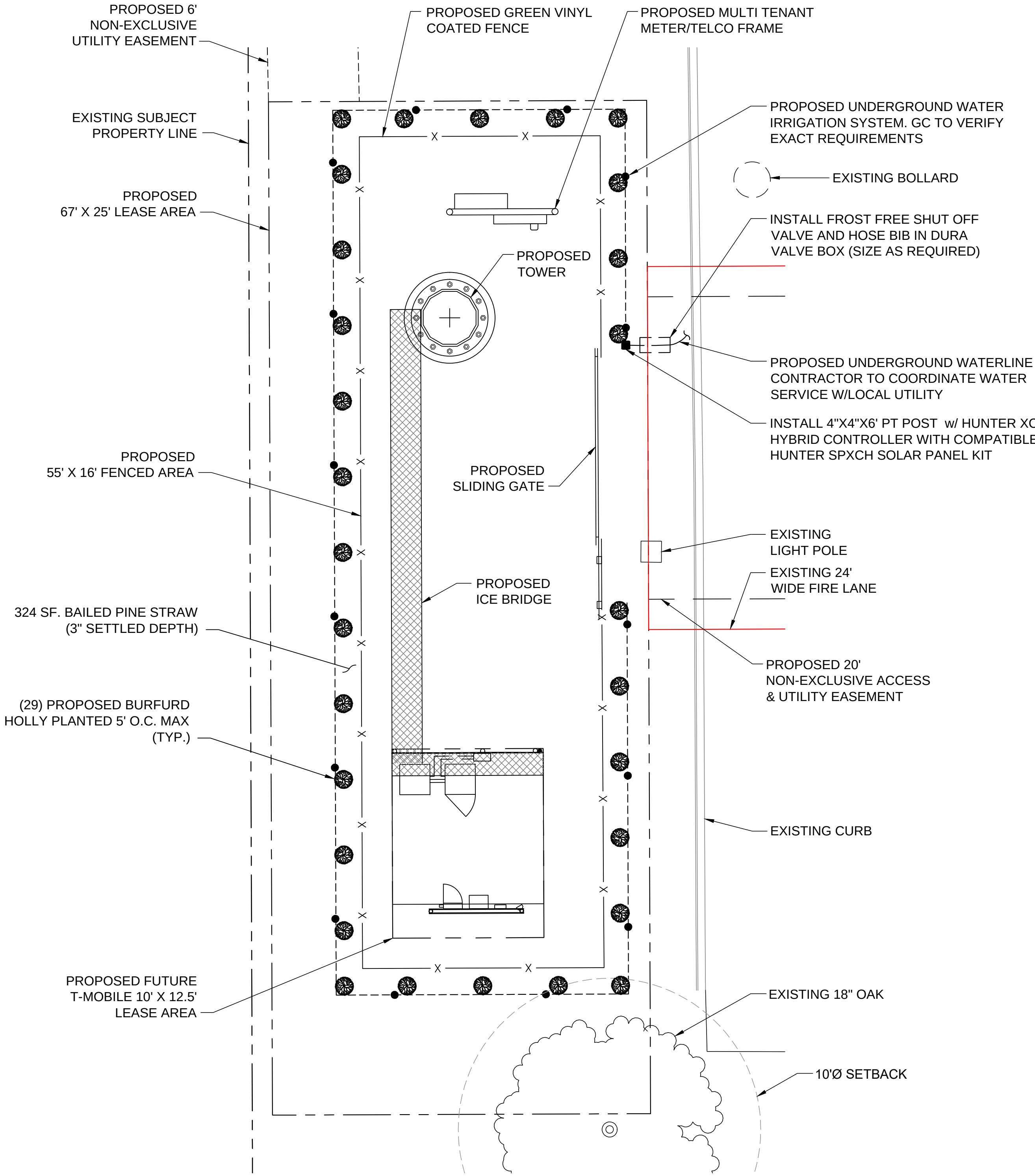


TREE PLANTING DETAIL
NOT TO SCALE



LEASE AREA (AS SURVEYED) = 1,675 SQUARE FEET (0.0385 ACRES)

ZONING CASE NUMBER:
Z 18-39/180503-3-ECO-SITE, LLC



1
L1

LANDSCAPE PLAN

PREPARED FOR:

Eco-Site
240 LEIGH FARM ROAD, SUITE 230
DURHAM, NC 27707

A&E FIRM:
towersource

1875 OLD ALABAMA ROAD, SUITE 1008
ROSWELL, GA 30076
TEL: 678-990-2338 FAX: 678-990-2342

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TX-0255
WEST BUCKINGHAM
1921 N PLANO RD
GARLAND, TX 75042

DRAWN BY:	KA
CHECKED BY:	MEW
APPROVED BY:	MEW

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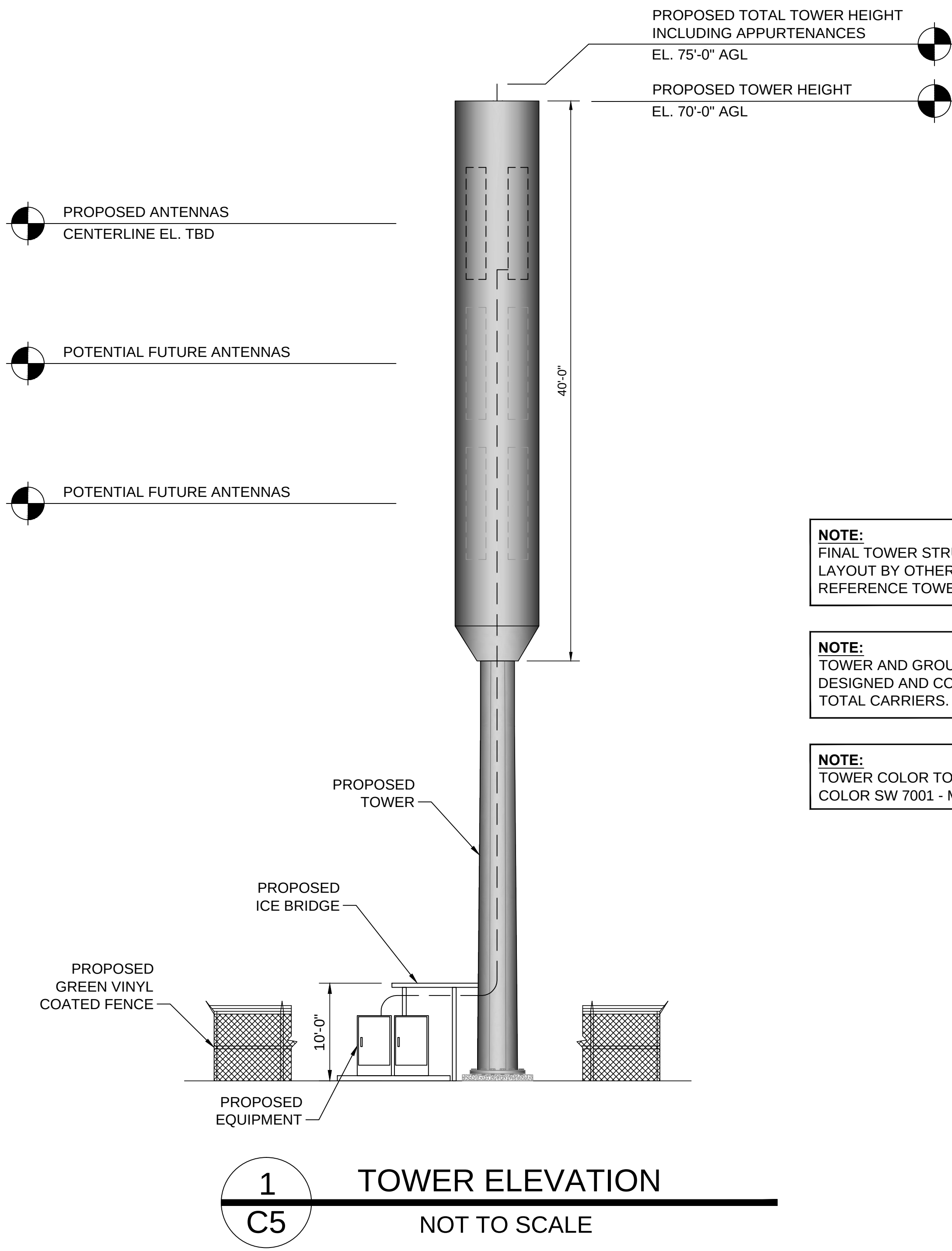
LANDSCAPE PLAN

SHEET #:

L1

REVISION:

J



NOTE:
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LAYOUT BY OTHERS. CONTRACTOR TO
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NOTE:
TOWER AND GROUND SPACE WILL BE
DESIGNED AND CONSTRUCTED FOR 3
TOTAL CARRIERS.

NOTE:
TOWER COLOR TO BE SHERWIN WILLIAMS
COLOR SW 7001 - MARSHMALLOW.

NOTE:
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AND IS SHOWN FOR ILLUSTRATIVE
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MANAGER PRIOR TO CONSTRUCTION
FOR ALL DETAILED ANTENNA, MOUNT,
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PREPARED FOR:

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J	01/08/19	REVISED PER COMMENTS

STATE OF TEXAS

MATTHEW E. WATKINS

132858

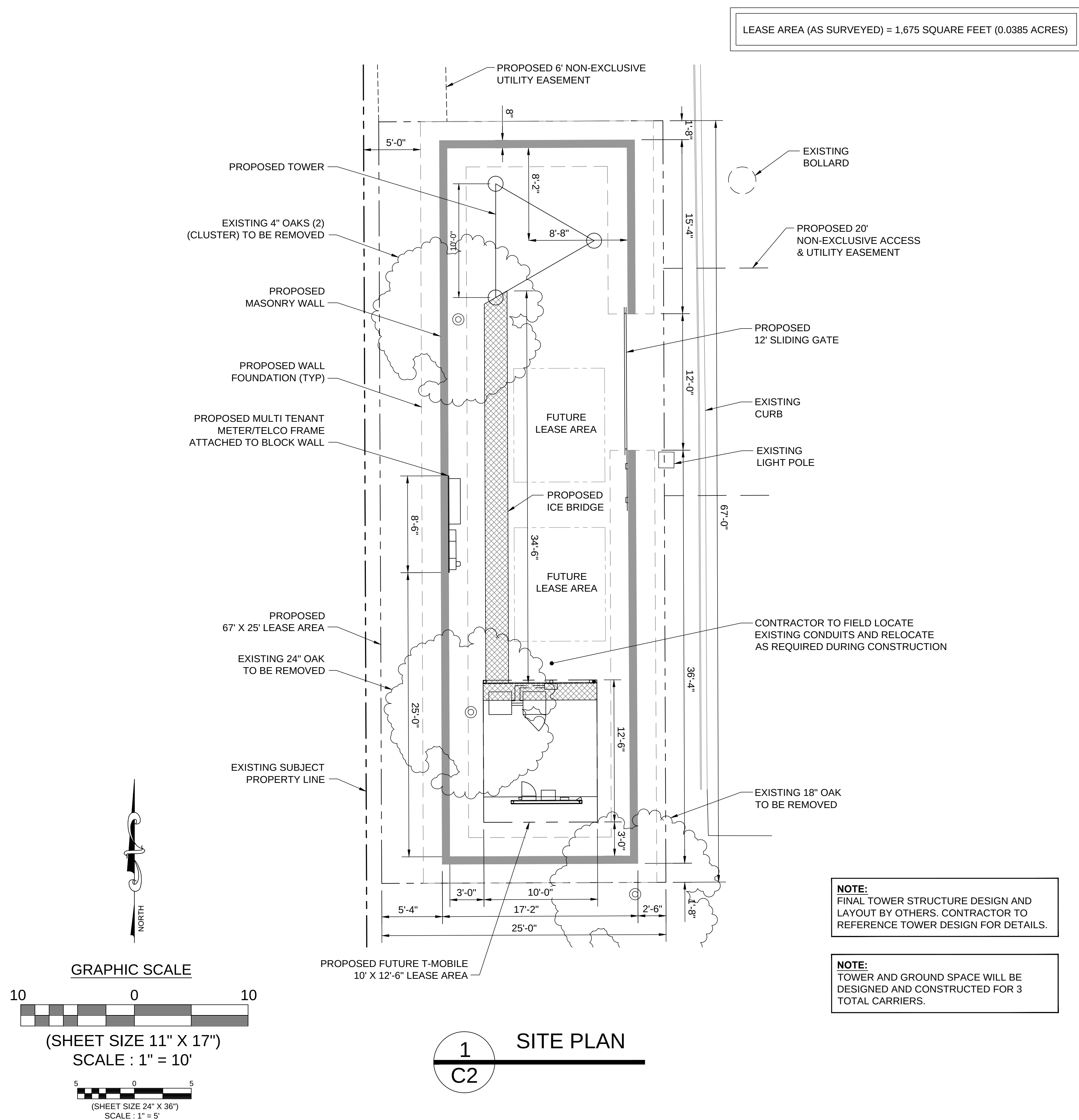
LICENSED PROFESSIONAL ENGINEER

01/08/19

SHEET TITLE:

**TOWER ELEVATION &
ANTENNA MOUNT DETAILS**

SHEET #:	REVISION:
C5	J



This exhibit was presented to Plan Commission on November 26, 2018.

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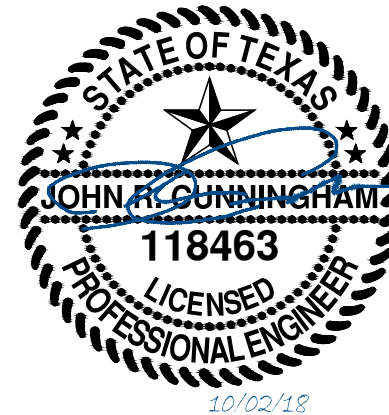
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PROJECT INFORMATION:

TX-0255
WEST BUCKINGHAM
1921 N PLANO RD
GARLAND, TX 75042

DRAWN BY:	JW
CHECKED BY:	MSB
APPROVED BY:	JC

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G	09/13/18	REVISED PER COMMENTS
H	10/01/18	REVISED PER COMMENTS



SHEET TITLE:

SITE PLAN

SHEET #:

C2

REVISION:

H

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TOTAL AREA OF LANDSCAPE BUFFER: 260 SF - .006 ACRES

QTY.	COMMON NAME	BOTANICAL NAME	SIZE/REMARKS
32	LEYLAND CYPRESS	CUPRESSOCYPARIS LEYLANDII	6' MIN. HEIGHT AT PLANTING

GRAPHIC SCALE

10 0 10

(SHEET SIZE 11" X 17")
SCALE : 1" = 10'

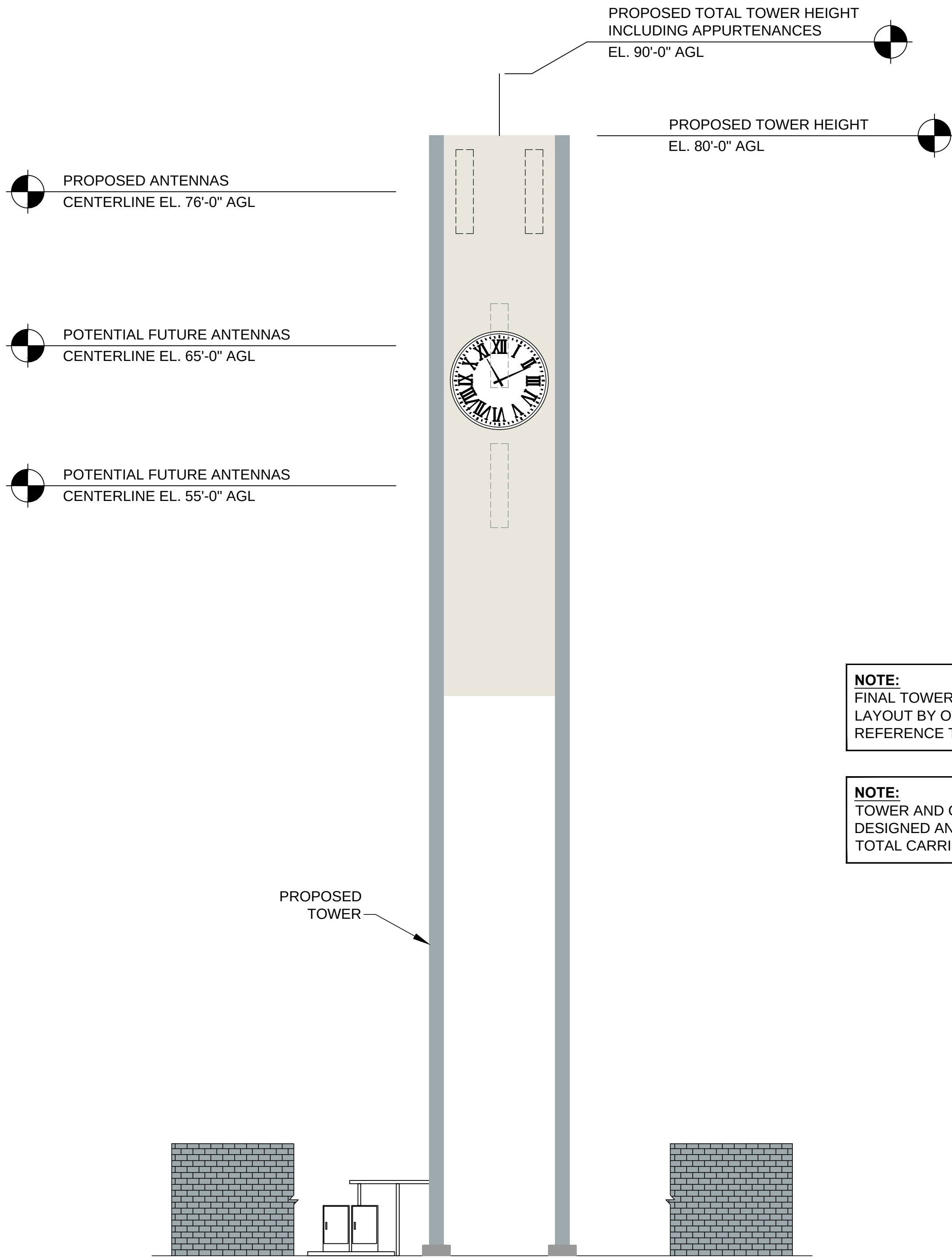
5 0 5

(SHEET SIZE 24" X 36")
SCALE : 1" = 5'



SHEET #: L1	REVISION: H
---------------------------	---------------------------

MATERIALS TABLE		
PIPES & BRACING	810 SQ. FT.	40%
RF COMPLIANT MATERIAL	1,180 SQ. FT.	60%



NOTE:
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B	01/16/18	ISSUED FOR REVIEW
C	06/05/18	ISSUED FOR REVIEW
D	06/13/18	ISSUED FOR REVIEW
E	06/15/18	ISSUED FOR REVIEW
F	08/06/18	REVISED PER NEW SURVEY
G	09/13/18	REVISED PER COMMENTS
H	10/01/18	REVISED PER COMMENTS

STATE OF TEXAS

JOHN R. CUNNINGHAM

118463

LICENSED PROFESSIONAL ENGINEER

10/02/18

SHEET TITLE:

TOWER ELEVATION & ANTENNA MOUNT DETAILS

SHEET #:	REVISION:
C5	H

This exhibit was presented to Plan Commission on November 26, 2018.

AFTER

2

TX-0255 WEST BUCKINGHAM

PHOTOSIMULATION

1921 N PLANO RD
GARLAND, TX 75042

VIEW APPROXIMATELY 290 FT
NORTHWEST OF SITE

Eco-Site[®]



REPORT & MINUTES

P.C. Meeting, November 26, 2018

Consideration of the application of **Eco Site, LLC.**, requesting approval of a Specific Use Provision for a Commercial Antenna on a property zoned Community Retail (CR) District. The property is located at 1921 North Plano Road. (District 6) (File Z 18-39) (This item was postponed from the October 22, 2018 Plan Commission meeting.)

Representing the applicant, John Gatz, 309 Bamborough Drive, Anna, Texas, 75409, provided an overview of the request. Mr. Gatz elaborated on the varied antenna heights, the request for no expiration date for the Specific Use Provision.

Commissioner Dalton inquired as to whether any propagation maps between the 35-foot and 80-foot high antenna heights had been studied.

Commissioner Hedrick inquired as to the request for no expiration of the Specific Use Provision.

Speaking in opposition:

Dr. Mindy Huynh, 4530 West Buckingham Road, Garland, Texas, 75042

Allie Traylor, 2525 Creighton Drive, Garland, Texas, 75044

Concerns were raised regarding the obstruction of the view from Plano Road, decline of property values, blocking of ambient light, possible health issues from radiation emitted from the cell tower and incapability with the surrounding area.

Motion was made by Commissioner Williams, seconded by Commissioner Ott to close the public and open the case for discussion. **Motion carried: 9 Ayes, 0 Nays.**

Commissioner Williams expressed concern of the fall factor from the tower.

Commissioner Dalton expressed concern over the height of the tower and provided information regarding the fall factor.

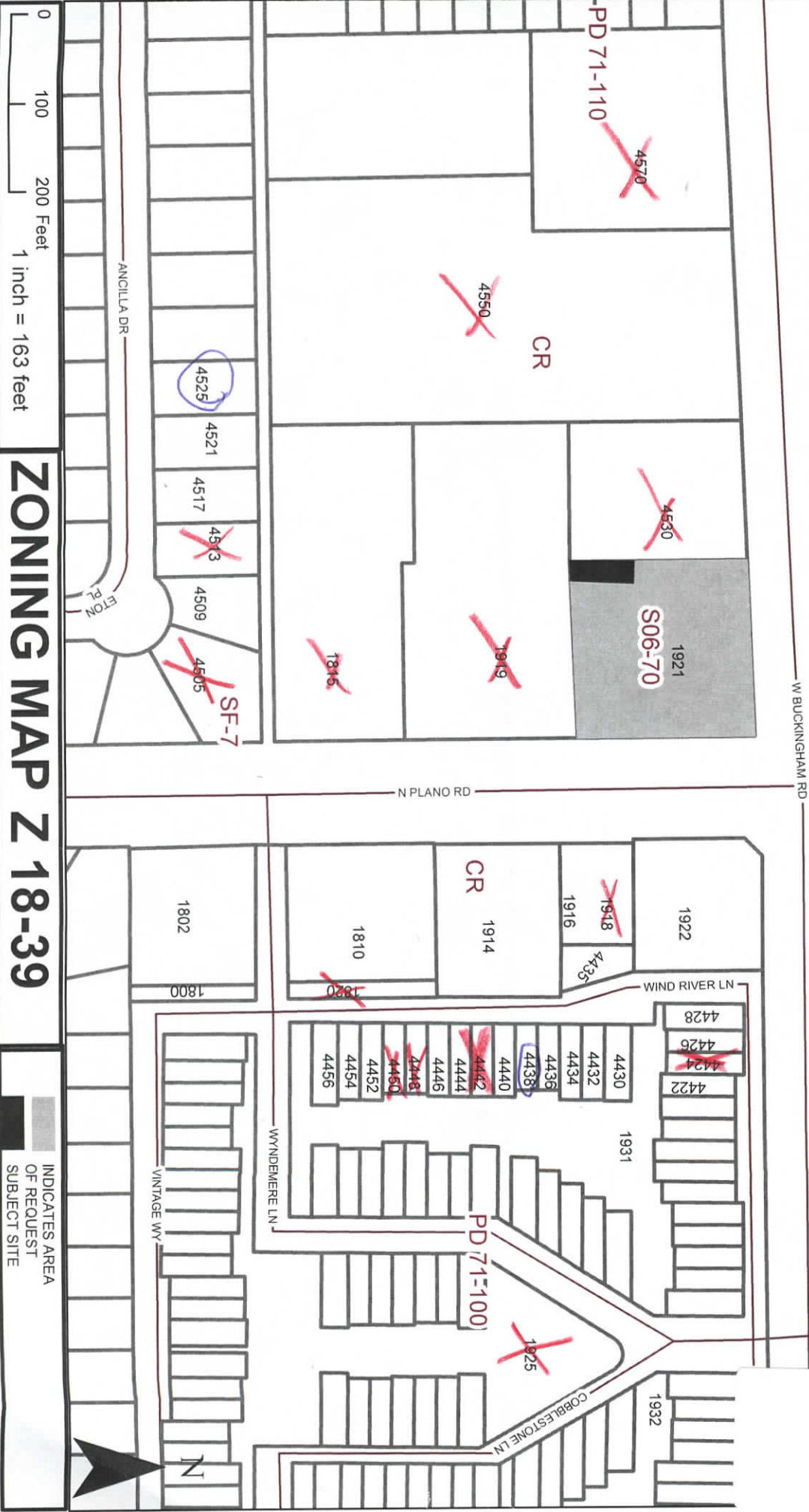
Commissioner Ott expressed concern due to the requested location of the cell tower.

Chairman Roberts also expressed concern due to the requested location of the cell tower.

Motion was made by Commissioner Williams, seconded by Commissioner Welborn to **deny** the request per staff recommendation. **Motion carried: 5** Ayes, **4** Nays from Commissioner Dalton, Hallman, Edwards and Hedrick.

CITY OF RICHARDSON

O = IN FAVOR
X = AGAINST



Allmendinger, Tracy

From: Barbara Leinback <townnorthvillagehoa@verizon.net>
Sent: Friday, November 30, 2018 7:56 AM
To: Planning Group
Subject: Opposed 80 foot- tall telecommunication tower
Attachments: To3.docx

Please read attached Letter! If you have questions are concerns - please contact us at 972-494-5700 or write us at 1925 Cobbleston Ln. Garland, Tx. 75042.

Thank you ,
Barbara Leinback , Property Mg.

To: City Of Garland – Planning Department
From: Town North Village Homeowners Association.
1925 Cobblestone Ln. Garland, Tx. 75042
Subject ; Clock Tower
Date: November 28th 2018

This letter is in response to the Clock Tower-that will house an 80 ft. tall, telecommunication tower. The city of Garland is requesting to place the tower at the south west corner of Buckingham and Plano Rd. Our property is located on the south east corner of Buckingham and Plano Rd. We are a small community made up of 123 Townhomes. Our community is an older community most residents are over 65 years of age. The letter is being written on behalf of all the residents. We have read many articles about the concerns involved with placing this tower close to our property. This elderly community has clear concerns about the dangers if the Tower is installed.

We need a response from you on what we need to do to prevent this tower from being installed. Please let us hear back from you. We have in the past five years had a very close working relationship with the city. You have provided us many GRANTS for which we are grateful. We cannot in good conscience support your request for this tower.

We look forward to hearing back from you! Again whatever we need to do to prevent this –
PLEASE LET US KNOW!

Respectfully Submitted

Linda Mitchell, President, Town North Village Board



GARLAND

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

October 10, 2018

HEARING DATE/TIME: Plan Commission: October 22, 2018 – 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, October 22, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Eco Site, LLC.**, requesting Approval of a Specific Use Provision for a Commercial Antenna on a property zoned Community Retail (CR) District. The property is shown on the enclosed sketch and is described as follows:

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Note: The applicant proposes to build an 80-foot tall telecommunication tower with antennae and equipment enclosed in a clock tower design. The applicant also proposes to include a 10-foot tall lightning rod on top of the enclosed telecommunication tower.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Nabiha Ahmed at 972-205-2453.

Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

OCT 19 '18 PM 1:59

Your Property Address

4505 Amelia Dr Garland TX 75042

Shim H, Moon
Printed Name

4505 Ancilla Dr Garland TX 75042
Address City, State Zip

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


Signature Title

Date: 10/15/18



GARLAND

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

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

INcrease danger Environment

(Please complete the following information)

4513 ANCILLA DR.
Your Property Address

AN TRAN
Printed Name
4513 ANCILLAR Garland, Tx 75042
Address City, State Zip

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

AN
Signature Title
Date: 10-18-18



GARLAND

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

October 10, 2018

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

(I have no issue with this location only)

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

(Please complete the following information)

Your Property Address

*4525 Ancilla Dr
Garland, TX 75042*

OCT 17 '18 PM 1:44

**GARLAND**

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

October 10, 2018

HEARING DATE/TIME: Plan Commission: October 22, 2018 – 7:00 PM

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

N

(Please complete the following information)

4424 Wind River Lane Garland, TX 75042
Your Property Address

Darling R. Burkes

Printed Name

4424 Wind River Ln. Garland, Texas 75042

Address

City, State

Zip

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

Darling R. Burkes

Signature

Homeowner

Title

Date:

Oct 15, 2018



GARLAND

October 10, 2018

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

HEARING DATE/TIME: Plan Commission: October 22, 2018 – 7:00 PM

APPLICANT: Eco Site, LLC.

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

4438 Wind River Ln
Your Property Address

Garland, Texas 75042

OCT 17 '18 PM 1:45

PATRICIA A. MORAN

Printed Name

4438 Wind River Garland Ly 75042

Address

City, State

Zip

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

Patricia A. Moran

Signature

owner

Title

Date: 10-12-18



GARLAND

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

October 10, 2018

HEARING DATE/TIME: Plan Commission: October 22, 2018 – 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(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.

Too close to homes!

(Please complete the following information)

4442 Wind River Ln. Garland, TX 75043
Your Property Address

OCT 22 '18 PM 1:39

Brenda Yolonda Bailey
Printed Name
4442 Wind River Ln. Garland, TX 75042
Address City, State Zip

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

Brenda Yolonda Bailey Homeowner
Signature Title
Date: 10-17-18



GARLAND

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

October 10, 2018

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

I am concerned that not only will the 80 ft. tower be an added eyesore near our residences but that the telecommunication equipment would cause TV, phone and/or radio reception interferences.

(Please complete the following information)

4448 WIND RIVER LN., GARLAND, TX 75042-4619

Your Property Address

MARGARET TURNER, 4448 WIND RIVER LN., GARLAND, TX 75042-4619

OCT 17 '18 PM 1:45

MARGARET M. TURNER

Printed Name

4448 WIND RIVER LN., GARLAND, TX 75042-4619

Address

City, State

Zip

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

Signature

Margaret Turnes

Title

~~10-13-18~~ Owner

Date:

10-13-18



GARLAND

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

October 10, 2018

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

It interfering with my t.v. : The height of the structure will be a sore eye in a 1 story neighbor hood

(Please complete the following information)

4450 Wind River Ln Garland, TX 75042
Your Property Address

MARGIE R. BRADLEY

Printed Name

4450 WIND River Ln, GARLAND, TX 75042

Address

City, State

Zip

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

Margie R Bradley

Signature

owner

Title

Date: 10-15-18



GARLAND

October 10, 2018

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

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(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

Anything that can possibly reduce home values will
effectively reduce the price of commercial property in the future.

(Please complete the following information)

1820 Plano Rd, Garland, TX
Your Property Address

First United Holdings, LLC - Tyler Flook

Printed Name

3030 N Stemmons Fwy #B Dallas, TX 75247

Address

City, State

Zip

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

Tyler Flook

Signature

Real Estate Strategy Analyst

Title

Date: 10-22-18



GARLAND

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

October 10, 2018

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(Please Check One Below)

☒ I am in favor of the request.

☐ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

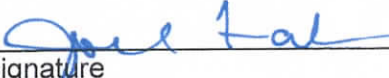
GisD

Bradfield ES

Printed Name

3817 Bucknell Drive	Garland, TX	75042
Address	City, State	Zip

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

	Joel Falcon, Garland ISD Exec Dir of Facilities & Maintenance
Signature	Title

Date: 10/22/18

Outside the Notification Area

GARLAND

October 10, 2018

HEARING DATE/TIME: Plan Commission: October 22, 2018 – 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

Dear Property Owner:

A public hearing will be held by the Plan Commission of the City of Garland, Texas, at 7:00 P.M. Monday, October 22, 2018, in the Council Chambers of the William E. Dollar Municipal Building (City Hall), 200 North Fifth Street, to consider the application of **Eco Site, LLC.** requesting **Approval of a Specific Use Provision for a Commercial Antenna on a property zoned Community Retail (CR) District.** The property is shown on the enclosed sketch and is described as follows:

BEING an approximate 0.0385-acre tract of land, lying in and being a part of Lot 1, Block 1, Forest Ridge No. 5 Addition, in the City of Garland, Dallas County, Texas, and being a portion of the lands owned by JJJ & K Corporation, as recorded in Instrument Number 200600349799, Dallas County. **The property is located at 1921 North Plano Road. (District 6)**

Note: The applicant proposes to build an 80-foot tall telecommunication tower with antennae and equipment enclosed in a clock tower design. The applicant also proposes to include a 10-foot tall lightning rod on top of the enclosed telecommunication tower.

To convey any concerns or opinions regarding the aforementioned request, please complete the below-listed section and return that section using any of the following methods: mail to City of Garland, Planning Department, P.O. Box 469002, Garland, TX 75046-9002; fax to 972-205-2474; deliver to the Planning Department at 800 Main Street, Garland TX; or email Planning@Garlandtx.gov. It is important that your response include your property address, your name, and mailing address. Should you have any questions, please contact Nabiha Ahmed at 972-205-2453.

Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(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.

HEALTH ISSUES

DECREASED PROPERTY VALUE / LOSS OF BUSINESS

(Please complete the following information)

4530 W. BUCKINGHAM GARLAND 75042
Your Property Address

MINDY HUYNH (COMPLETE EYE CARE CENTER)
Printed Name

4530 W. BUCKINGHAM
Address

GARLAND, TX
City, State

75042
Zip

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

Mindy Huynh
Signature

OWNER
Title

10/18/18
Date:



GARLAND

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

October 10, 2018

HEARING DATE/TIME: Plan Commission: October 22, 2018 - 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

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Note: The applicant proposes to build an 80-foot tall telecommunication tower with antennae and equipment enclosed in a clock tower design. The applicant also proposes to include a 10-foot tall lightning rod on top of the enclosed telecommunication tower.

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

1919 N. Plano Rd. Garland, TX 75042

Your Property Address

Bethanna W A LLC w a l l c

Bethanna W.A. LLC

Printed Name

1919 N. Plano Rd. Garland TX 75042

Address

City, State

Zip

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


Signature

Owner
Title

Date: 10/20/2018

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

GARLAND

October 10, 2018

HEARING DATE/TIME: Plan Commission: October 22, 2018 - 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

Your Property Address

1919 N Plano Rd, Ste C, Garland, TX 75042

Ibrahem Almallah (The Flooring Market Inc.)

Printed Name

1919 N Plano Rd, Ste C Garland, TX 75042

Address

City, State

Zip

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

Signature

Title

Owner

Date

10/20/2018

I, the undersigned, being a duly qualified and licensed professional engineer, do hereby certify that the above statements are true and correct to the best of my knowledge and belief, and that I am a duly qualified and licensed professional engineer in the State of Texas.

I am a duly qualified and licensed professional engineer in the State of Texas, and I am the owner of The Flooring Market Inc., a corporation organized under the laws of the State of Texas.

I am the owner of The Flooring Market Inc., a corporation organized under the laws of the State of Texas, and I am the owner of the property described in the above statements.

I am the owner of the property described in the above statements, and I am the owner of the property described in the above statements.

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GARLAND

October 10, 2018

HEARING DATE/TIME: Plan Commission: October 22, 2018 - 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(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.

[Handwritten signature]

(Please complete the following information)

4570 W. Buckingham Rd Garland
Your Property Address 75046

Don Hudome

Printed Name

4570 W. Buckingham Rd Carroll TX 75006

Address

City, State

Zip

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

Signature

Title

Date:

10/19/18

Store Manager

GARLAND

October 10, 2018

HEARING DATE/TIME: Plan Commission: October 22, 2018 - 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

Dear Property Owner:

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

4550 W. Buckingham Rd, Garland, Tx 75042
Your Property Address

SUB2 I MANDI

Printed Name

4550 W. Buckingham Rd, Garland, TX 75042

Address

City, State

Zip

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

Handwritten Signature

Signature

Owner

Title

Date: 10/18/18

Date:

At 7:00 PM, on the 18th day of October, 2018, the undersigned, the City of Garland, Texas, County of Tarrant, State of Texas, do hereby certify that the following information is true and correct to the best of our knowledge and belief.

1. That the subject property is located in Block 1, Lot 1, of the subdivision known as "The Meadows at Garland," which is a subdivision of land owned by the City of Garland, Texas, and is located in the County of Tarrant, State of Texas.

2. That the subject property is located in Block 1, Lot 1, of the subdivision known as "The Meadows at Garland," which is a subdivision of land owned by the City of Garland, Texas, and is located in the County of Tarrant, State of Texas.

3. That the subject property is located in Block 1, Lot 1, of the subdivision known as "The Meadows at Garland," which is a subdivision of land owned by the City of Garland, Texas, and is located in the County of Tarrant, State of Texas.

4. That the subject property is located in Block 1, Lot 1, of the subdivision known as "The Meadows at Garland," which is a subdivision of land owned by the City of Garland, Texas, and is located in the County of Tarrant, State of Texas.

5. That the subject property is located in Block 1, Lot 1, of the subdivision known as "The Meadows at Garland," which is a subdivision of land owned by the City of Garland, Texas, and is located in the County of Tarrant, State of Texas.

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GARLAND

October 10, 2018

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

HEARING DATE/TIME: Plan Commission: October 22, 2018 – 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

4550 W. Buckingham Rd. Garland, Tx 75042
Your Property Address

Printed Name Mirch Masala
Address 4550 W. Buckingham Rd, City, State Garland Tx Zip 75042

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

Signature Habib Smir Title Owner
Date: 10/18/11

I hereby certify that the information provided in this statement is true and correct to the best of my knowledge and belief.

I understand that this statement is being submitted to the City of Garland for its consideration and that I understand that the City of Garland is not responsible for the accuracy of the information provided in this statement.

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GARLAND

October 10, 2018

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APPLICANT: Eco Site, LLC.

File Z 18-39

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

4550 W. Buckingham Rd, Garland, Tx 75042
Your Property Address

PRINTED NAME PRB Realty LLC
Address 4550 W. Buckingham Rd, Garland, Tx 75042 City, State Zip

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

Signature Hardeep Singh Title Manager

Date: 10/18/18

A public hearing was held on October 18, 2018, at the City of Garland, Texas, at the City Council Chamber, 1000 E. Main Street, Garland, Texas 75042. The purpose of the hearing was to receive public input on the proposed request(s) for a change in zoning for the property located at 4550 W. Buckingham Rd, Garland, Texas 75042. The property is currently zoned C-1 (Community Center) and the proposed request is for a change to C-2 (Community Center).

The City Council will consider the proposed request(s) at its next meeting on November 15, 2018, at 7:00 PM. The City Council is the final decision-making body on all zoning matters. If the City Council approves the proposed request(s), the City Manager will prepare and submit a rezoning ordinance to the City Council for its final approval.

The City of Garland is an equal opportunity and equal housing provider. It does not discriminate on the basis of race, color, sex, religion, national origin, or age in its housing programs and services. If you are a person with a disability and need a reasonable accommodation to participate in any of the City's programs or services, please contact the City Manager at (972) 261-1234.

The City of Garland is a member of the Texas Association of Governments (TAG) and the Texas Association of Counties (TAC). The City is committed to working with other local governments to address common issues and to provide the best possible services to its residents. The City of Garland is also a member of the Texas Association of Municipalities (TAM) and the Texas Association of Economic Development (TAED). The City is committed to working with other local governments to promote economic development and to create jobs for its residents.

For more information, please contact the City Manager at (972) 261-1234.

City of Garland, Texas

City Manager

10/18/18

For more information, please contact the City Manager at (972) 261-1234.

4550 W. Buckingham Rd, Garland, Tx 75042



GARLAND

October 10, 2018

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

HEARING DATE/TIME: Plan Commission: October 22, 2018 – 7:00 PM

APPLICANT: Eco Site, LLC.

File Z 18-39

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Para Español, porfavor contactar a Josue De La Vega 972-205-2454.

(Please Check One Below)

☐ I am in favor of the request.

☒ I am opposed to the request.

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

(Please complete the following information)

1918 Plano Rd
Your Property Address

JAMES KEVIN WALKUP

Printed Name

5336 Alpha Rd. Suite 6 DALLAS, Texas 5

Address

City, State

Zip

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

75240

Signature

Title

Date:

James Kevin Walkup
Oct 10, 2018

All addresses from this point forward are outside the notification area.

PETITION TO STOP BUILDING CELL TOWER

This is a petition to stop T-Mobil from erecting another Cell Phone Tower in our neighborhood. T-MOBIL has petitioned the City of Garland to erect another cell phone tower on the SW side of Plano Road and Buckingham.

There are 8 other Towers within 5000 feet or less. There is one only 3200 feet from the proposed site. Their position is lack of coverage in the area? Do we really need this EYESORE towering over every home, school or business around? In other areas where Cell Towers are built close to neighborhoods the property values have declined anywhere from 5% to 20%.

The risk to you, your children and the community is far greater than the **Federal Communication Commission** wants you to know. You can GOOGLE, CELL PHONE TOWERS AND THE EFFECTS ON HEALTH and have more information. This cell TOWER would be less than 800 feet from the Greater Dallas HEADSTATRT playground and that close too many of your homes and businesses. The Federal Communication Commission doesn't want you to know about the radiation being emitted from cell phone towers. The health issues that arise from exposure to RADIOWAVE RADIATION from these CELL PHONE TOWERS are many. They include; Brain Tumors, Cardiac problems, childhood and adult leukemia, ADD & sleep disturbances. The list is endless and the studies numersous!

This petition will go to the Planning Commission of Garland and the Garland City Council. By signing below you stating that you are **NOT IN FAVOR OF THIS CELL PHONE TOWER** or any other **CELL PHONE TOWER** in your neighborhood.

PRINT NAME

SIGNATURE

ADDRESS

Wendy Steagall

Wendy Steagall

- 612 Harvest Glen Dr.
Richardson, TX 75081

SAHARSH SINGH

Saharsh Singh

- 6700 LARAMIE DR, PLANO, TX
75023

GERALD STUBBS

Gerald Stubbs

- 2108 Glenn Heights DR, GARLAND TX
75044

Print Name

Signature

Address

Print Name	Signature	Address
Allie Traylor	Allie Traylor	4530 W. Buckingham Rd
Elaine Schmid	Elaine Schmid	2612 Fairfield Dr. Richardson, TX 75082
Michael Luyke	Michael Luyke	10228 Cimmaron Trail DALLAS, TX 75243
Ginger Gaffard	Ginger Gaffard	9946 Acklen Drive Dallas TX 75243
Glee Trevino	Glee Trevino	9764 county Rd 800 Royse City, TX 75189
Thomas Fielder	Thomas Fielder	9764 county Rd 800 Royse City, TX 75189
Melissa Goodall	Melissa Goodall	9734 Carnegie Dr Dallas TX 75228
QUOC MAC	QUOC MAC	1854 Place one Ln GARLAND, TX 75042
Nguyen Tonnu	Nguyen Tonnu	1854 Place one Ln Garland, TX 75042
Audrey Nguyen	Audrey Nguyen	1209 Aylesbury Dr Allen, TX 75002
ROBERT M. RESTANI	ROBERT M. RESTANI	907 E. BERKELEY DR. Richardson, TX 75081
Phuoc Tran	Phuoc Tran	331 Westwood Murphy TX 75094
Chien Tran	Chien Tran	331 Westwood Murphy TX 75094
Alex Tran	Alex Tran	331 Westwood Murphy TX 75094
Angela Tran	Angela Tran	331 Westwood Murphy TX 75094
Damon Nguyen	Damon Nguyen	1509 Summer tree Ln Richardson, TX 75082
HUE ROAN	HUE ROAN	310 Bellvue Rd #4203 Garland, TX 75040
HUONG CAO	HUONG CAO	801 ST. GEORGE RICHARDSON, TX 75081
Jimmy Lam	Jimmy Lam	608 Main Road Murphy TX 75094
Dele Lenhart	Dele Lenhart	636 Westworth Dr. Richardson, TX 75081

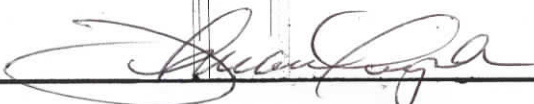
HERBERT WONG ~~Herbert Wong~~ - 2610 Collins Blvd Garland TX
Kevin Adam ~~Kevin Adam~~ - 815 George St. Argyle TX
John Eft ~~John Eft~~ - 432 Ewing way wylie TX
Danh Tran ~~Danh Tran~~ - 3606 Red Oak St Sachse
Christian Peacock ~~Christian Peacock~~ - 1100 Rainbow Dr.
Mai duong mai - 10.30 -
Thick Truong ~~Thick Truong~~ -
Ernest Harwell ~~Ernest Harwell~~ - 12204 China Lake Dr Dallas, TX 75253
Van Trang Tran ~~Van Trang Tran~~ - 2921 Snapdragon Ct. Garland, TX 75040
Linh Trang ~~Linh Trang~~ - 2921 Snapdragon Ct Garland 75040
LARRY DO
Tina Nguyen ~~Tina Nguyen~~ - 1911 Spring Meadow Ln 75081
Lisa Nguyen ~~Lisa Nguyen~~ - 2946 Lancer Ln Garland TX 75044
Jennifer Chu ~~Jennifer Chu~~ - 3411 Elmsted dr. Richardson, TX 75082
Tony Nguyen ~~Tony Nguyen~~ - 4423 Oakwood Ln TX 75083
KENNETH O. BOK
Mai Pham ~~Mai Pham~~ - 425 Cascade Richardson TX 75081
Phuong Nguyen ~~Phuong Nguyen~~ - 3505 Galena Hills loop
Kristina ~~Kristina~~ - 3809 Parr Rd. Round Rock TX
Jennifer ~~Jennifer~~ - 2 Cumberland Place
Richardson, TX 75080

Jeff Gossett	Jeff Gossett	- 2514 Grasmere Garland TX 75040
CHARLES ABBIT	Chas Abbit	- 1136 MIDWAY RICHARDSON TX 75081
ADOL ET-DABAGHI	ADOL	- 2111 E Belt Line Rd #1160 Richardson, TX 75081
Laura El-tayar	El-tayar	- 2111 E Belt Line Rd #1160 Richardson, TX 75081
Maria Martinez		- 2917 Chisholm th 75042 Garland.
Ladell + Jackie Ritchey		- 8911 Livenshire DALLAS 75238
FARIHA AU		- 416 PARK BEND DR, RICHARDSON 75081
Kenneth Towle	Kenneth Towle	- Richardson TX 75081
Resse J. S.		- 12608 FEATHERCROFT DR FRISCO, TX 75034
SHIRLEY SMITH	Shirley L. Smith	- 2118 HARVEST RUN GARLAND 75040
Joseph Dooley	Joe Dooley	- 6018 Ellsworth Ave DALLAS, TX 75206
Beverly Bell	Beverly Bell	- 1516 Grodin Dr RICHARDSON 75081
Allen Orhan	Allen Orhan	- 1810 Dixiel Drive Richardson TX 75081
Dany Dignyer	Dany	- 2221 Garland TX 75040
Vakere Tran		- 12000 Melissa Meadows Forney, TX 75126
Don Howard	Don Howard	- 75081
Addison + Elaine Gregg	Addison + Elaine Gregg	75081
Jayden Chu.		- 1310 Havenrock Drive Forney, TX 7512
Cue w		- 2721 Cedar Brook Dr Garland, TX 75040
Mhuri TA		- 2120 Albert Rd Carrollton, TX 75007

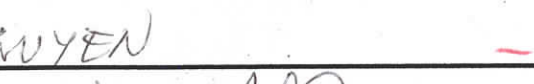
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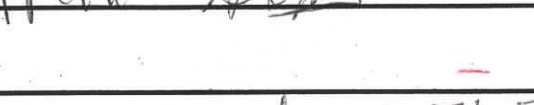
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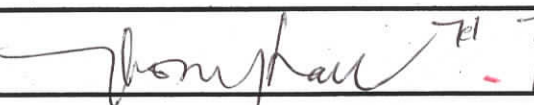
THUAN HUYNH  - 3359 HAYLEY CT
RICHARDSON, TX 75082

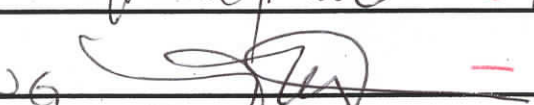
Zain Yousufi  - 4101, Summit dr

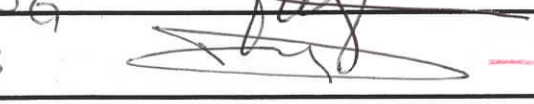
XANH T. NGUYEN  - 3103 Connor Ln, Wylie, TX

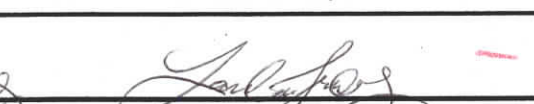
Anthony Cappello  - 1218 MISTY WAY
GARLAND, TX 75040

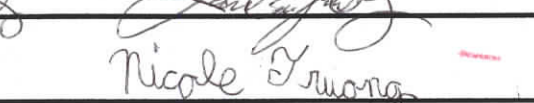
Huong Luu  - 2733 Cedar Brook Dr.
Garland TX 75040

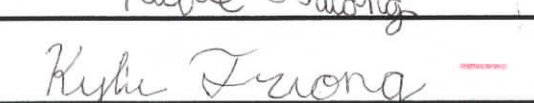
HOA PHAM  - 717 Beaver Creek Dr
Murphy, TX 75094

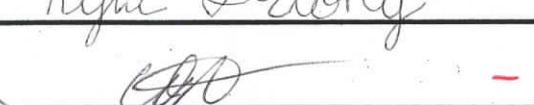
THAO TRUONG  - 616 Ashley Pl. Murphy
TX 75094

DZUNG TRUONG  - 616 ASHLEY PL. MURPHY

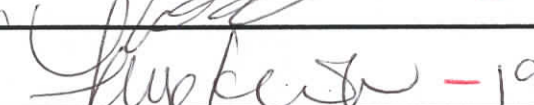
Lauren Truong  - 616 Ashley Pl. Murphy

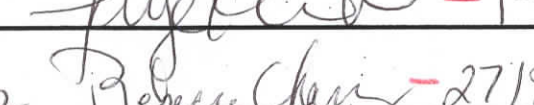
Nicole Truong  - 616 Ashley Pl. Murphy

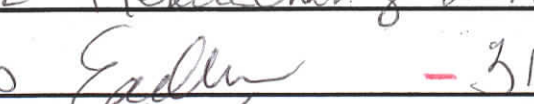
Kylie Truong  - 616 Ashley Pl. Murphy

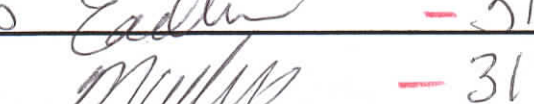
Cody Nguyen  - 982 Rockport Ln, Allen TX

Lee Nguyen  - 982 Rockport Ln, Allen TX

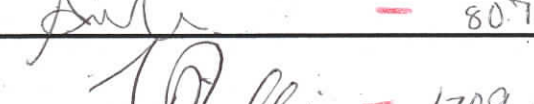
Faye Kook  - 1901 Deep Valley Dr. Richardson
75080

Rebecca Chavez  - 2718 Oak Point Dr 75044

Emily Adams  - 319 Edgill Blvd 75081

Matthew Adams  - 319 Edgill Blvd 75081

Anne  - 807 Glen Lakes Ct. Wylie 75098

Tonia Phillips  - 1709 Barclay Dr. Richardson 75081

1800 555 1200
972 891 5571

Name:

Signature

Address

Kristine Nguyen *Kristine Nguyen* - 2121 Woodglen Dr
Garland, TX 75040

Erick 'Mi-Khi' Hollins *Erick Hollins* - 9669 Forest Ln.

KYLE ARNOLD *Kyle Arnold* - 2705 Foxboro Dr

Ann Scaglione *Ann Scaglione* - 1617 Fountain Vista View St Paul TX 75048

Peter Huynh *Peter Huynh* - 7320 Summit Ln. TX 75048

HAI LE *HAI LE* - 3409 King Arthur Dr Garland TX 75044

DUNG NGO *DUNG NGO* - 3409 King Arthur Dr Garland TX 75044

89 Ana Valdina *AP* - 910 Hillsdale Drive TX 75081

~~Loan Loan Ho~~ *Loan Loan Ho* - 1605 E. Collins Blvd

Heather Schmitt *Heather Schmitt* - 8913 Dams Roadlet TX 75088

Jason Duc Ngo *Jason Duc Ngo* - 3013 Duchess Way Rowlett TX 75088

Lilly Ngo

Sriniva. *AS* - 13 540 Buckingham Rd #711
Richardson, TX 75081

Thien Boon *Thien Boon* - 1406 Dvalde
mesquite, TX 75150

Tran Boon

LICH VO *Van Le* - 4629 W. Walnut St #1041
Garland, TX 75042

Quynh Anh VO

Onyeka Simeon *Onyeka Simeon* - 825 Fleming Trac, Richardson

TIENG TRUONG *TIENG TRUONG* - 6401 San Marino Dr
Rowlett, TX 75089

Marie Thiem *Marie Thiem* - 425 cascada Drive
Richardson, TX 75081

Name:

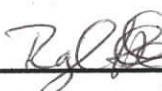
Signature

Address

Catherine Ngo



Joseph Zewdie  - 214 392 9064

Ralph Hill  - 9406 Irish

Chanvireuk In Chunta  - 609 Killarney

Kim Ian - 2106 Fairway View Ln
Wylie, TX 75098

Lieu Nguyen - 2802 Champlin Court
Richardson TX 75082

Khanh Nguyen - "

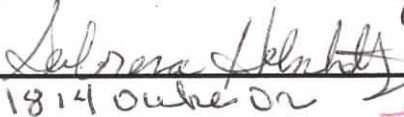
Dzung Doan - 2906 Spring Brook Dr
Garland TX 75074

~~Mason Prough~~

Mason Prough - 909 Grinnell Drive 75081

James Jackson II - 8850 Fair Oaks Crossing Delos 75243

Daniel A. Tran  - 1125 Arbor Gate Dr.
Garland, TX

Sabrina Helmholtz  - 111 W. Way Dr.
1814 Oakley Dr Allen TX 75002

Rosa Romero Richardson 75081

~~CHINH TRAN~~

Frances Dolinar 606 Maydelle, Garland 75042

Abdalshafa, Mohammed 13015 Audelia Rd

Kim Nguyen 10522 B. Walnut

1

PETITION TO STOP BUILDING CELL TOWER

This is a petition to stop T-Mobil from erecting another Cell Phone Tower in our neighborhood. T-MOBIL has petitioned the City of Garland to erect another cell phone tower on the SW side of Plano Road and Buckingham.

There are 8 other Towers within 5000 feet or less. There is one only 3200 feet from the proposed site. Their position is lack of coverage in the area? Do we really need this EYESORE towering over every home, school or business around? In other areas where Cell Towers are built close to neighborhoods the property values have declined anywhere from 5% to 20%.

The risk to you, your children and the community is far greater than the Federal Communication Commission wants you to know. You can GOOGLE, CELL PHONE TOWERS AND THE EFFECTS ON HEALTH and have more information. This cell TOWER would be less than 800 feet from the Greater Dallas HEADSTATRT playground and that close too many of your homes and businesses. The Federal Communication Commission doesn't want you to know about the radiation being emitted from cell phone towers. The health issues that arise from exposure to RADIOWAVE RADIATION from these CELL PHONE TOWERS are many. They include; Brain Tumors, Cardiac problems, childhood and adult leukemia, ADD & sleep disturbances. The list is endless and the studies numerous!

This petition will go to the Planning Commission of Garland and the Garland City Council. By signing below you stating that you are **NOT IN FAVOR OF THIS CELL PHONE TOWER** or any other CELL PHONE TOWER in your neighborhood.

PRINT NAME

SIGNATURE

ADDRESS

ANH T. NGUYEN

Anh Nguyen

TRAM TON-NU

Tram Ton-Nu

2718 OAK TRL
CARROLLTON, TX

75007

Tony Harrison - 5383 - Southern Blvd
Dallas, TX 75240

THIEN NGUYEN - 526 N. YALE DR
GARLAND TX 75042

THIEN NGUYEN - 526 N. YALE DR
GARLAND TX 75042

A. Van Nguyen - 6502 Kestrel Lane

Dee P Singh - 6700, Laramie Dr Plano
12215 JACKSON Creek Dr
Dallas 75243

Suzanne Gleason

Jason Pham - 1003 Sunnydale
Richardson, TX 75081

BINH KIEM ON - 3013 Villa Lusi Trail
DALLAS, TX 75228

HAD. XIAOPENG - 12500 TI Blvd. TX 75243

Josh Hallett - 4234 Sweet Briar
Garland TX 75042

Jessica Chu - 3611 Elmsted Dr.
Richardson, TX 75082

Doreen Sanders - 706 Windflower Dr
Fate, TX 75087

Dondre Sanders

KEN HARDWELL - 241 Oakhurst Dr SEAGOVILLE TX

TANSI HARDWELL

~~SEAGOVILLE TX~~

DUNG LE - 807 Glen Lakes Dr, Wylie TX 75078

Alissa Alicia P Towle - 1710 Arvadale Dr
Richardson, TX 75081

THANH TAM THI HUYNH - 2006 PECAN GROVE
GARLAND, TX 75040

<u>Haniel Bills</u>	<u>A. Bills</u>	- 4033 Emigens Dr 75061
<u>Bethuel Belete</u>	<u>Bethuel</u>	- 2709 Big Oaks Dr 75044
<u>Wesley Hearn</u>	<u>Wesley</u>	- 1532 Shreveport Trl, Plano, 75023
<u>Karen Luu</u>	<u>Karen</u>	- 135 Meadow Crest Dr
<u>THANH PHAM</u>	<u>Thanh</u>	- 13009 Fall Manor Dallas TX 75244
<u>Giam Nguyen</u>	<u>Giam</u>	- 102 Patti J. Gr. TX 75402
<u>Anh Dao Ly</u>	<u>Anh</u>	- 102 Patti J Greenville TX 75402
<u>Iris Klinedinst</u>	<u>Iris</u>	- 3022 Shenandoah Dr. 75049
<u>Kenta</u>	<u>Kenta</u>	- 2019 Cobblestone Trl TX 75126
<u>Huu Nguyen</u>	<u>Huu</u>	- 10110 Wauhatch St 75243
<u>Anh Lam</u>	<u>Anh</u>	- 608 Maine Road, 75094
<u>Dylan Lam</u>	<u>Dylan</u>	- 608 Maize Road, 75094
<u>Tiffany Ma</u>	<u>Tiffany</u>	- 1051 Big Spring Drive, Allen, 75013
<u>Danny Cho</u>	<u>Danny</u>	- 1051 Big Spring Drive, Allen, 75013
<u>AMIT GANDOTRA</u>	<u>Amit</u>	- 9050 DILLON TRAIL, IRVING, TX, 75063
<u>Mehak Gandotra</u>	<u>Mehak</u>	- 9050, Dillon Trail, Irving TX, 75063
<u>ARUSH GANDOTRA</u>	<u>Arush</u>	- 9050 DILLON TRAIL, TX, 75063
<u>Timothy Sanyal</u>	<u>Timothy</u>	- 2311 Weycross Dr Dallas TX 75227
<u>Kim-Ngan Vu</u>	<u>Kim</u>	- 2214 Valley Creek Drive Garland, TX 75040
<u>William Mbah</u>	<u>William</u>	- 9821 Summerwood Circle Dallas, TX 75243

THUY - HUONG V. VUONG ~~Thuy~~ - 5026 Glen Vista Dr. Garland, TX 75044
Martha L. Martinez ~~Martha L. Martinez~~ - 2610 Collins Blvd Garland TX 75044

~~Willie Mae White~~ ~~William White~~ ~~MESQUITE TX 75181~~
3613 Sunset Dr

Naveen Haq ~~Naveen Haq~~ - 1209 Windmereway Allen TX 75013
THANH ~~Thanh~~ - 3105 Fairhurst Dr Richardson TX 75082

Mangorphan ~~Phung - Nguyen~~ - 2822 Charlot Garland TX - 75044
Hun Bui ~~Hun Bui~~ - "

~~Thuy~~ ~~Thuy~~ ~~LE~~ - 2513 BLUERT WAY TX 75212
MA ~~MA~~ ~~MISSILE NOVEN 2013~~ Villa Sun Trail

Jonathan Stook ~~Jonathan Stook~~ - 1100 Rainbow TX 75081
H. Stook ~~H. Stook~~ - 1100 Rainbow TX 75081

~~Thuy~~ ~~Thuy~~ ~~DON G~~ - 1625 LONT PAVES 75020

KATHY TRAN ~~Kathy~~ - 12015 LEISURE Way Dallas TX 75243

DOBBIE LEVRETT ~~DOBBIE LEVRETT~~ - 192 PR 1617 Clayton TX 76634

Santha Wilcann - 2102 Sunrise Tr Richardson TX 75081

Twei Phan ~~Twei~~ - 545 LAREDO Dr Murphy TX 75081

PAT Gaskill ~~PAT Gaskill~~ - 12 Highland Pl Richardson TX 75081

BOB Fischer ~~BOB Fischer~~ - 321 Roy Rogers Ln Murphy, TX 75081

David Dumas ~~David Dumas~~ - 1739 Elmwood Blvd Dallas Texas 75224

Mia Borders ~~Mia Borders~~ - 2000 E. Arapaho Road #23303, Richardson, TX 75081

Danielle Kdoc Danielle Kdoc - 800 Grinnell Dr.

Kylie Atkinson - 422 Sheffield Dr. Richardson TX 75081

TICH VAN TRAN - 3617 INNSBROOK DR -
Garland, TX

Ajay Broker - 3726 DUCK CREEK GARLAND 75043

Aimee Broker - 3726 Duck Creek Dr. Garland 75043

Kathleen Roche - 304 Syracuse Place Richardson TX 75081

An Nguyen - 3503 Hollowridge Ct. Richardson TX 75082

Sharla Merrett - 1005 Forest Ridge Garland TX 75042

Brandon Merrett - 314 Bluestem Garland, TX 75044

Roosevelt Hilton - 12120 LAGUNA GATE DR. DALLAS, TX 75242

Anh Nguyen - 2252 Village North dr. Richardson, TX 75081

Mydung Nguyen - 2252 Village North dr. Richardson, TX 75081

Braed Marvin - 1909 Plymouth Rock dr. Richardson, TX 75081

DALLAS BARNES - 3600 ALMARD 2725 Richardson TX 75080

DAVID PHAN, 300 LEGACY, #312, PLANO, TX 75023

Matt Sumner 418 Country Side Lane, Richardson TX 75081

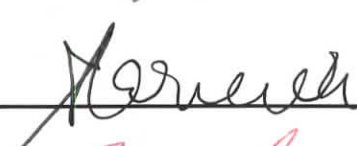
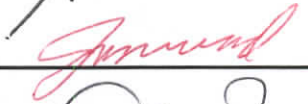
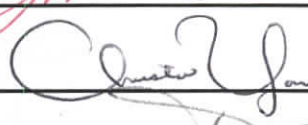
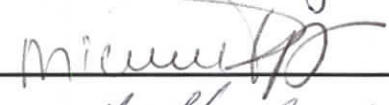
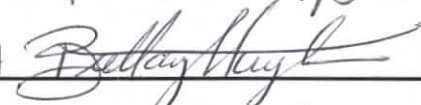
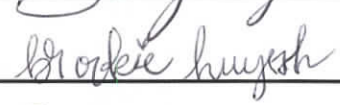
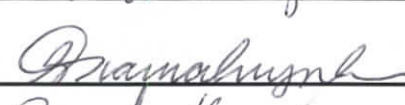
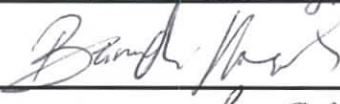
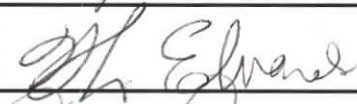
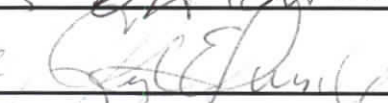
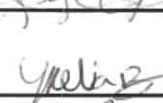
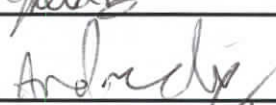
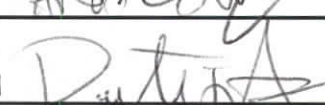
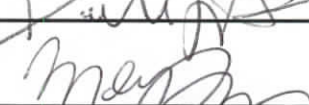
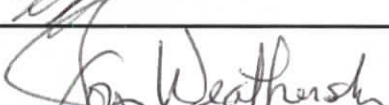
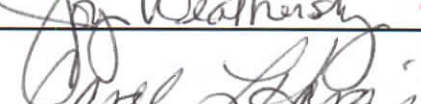
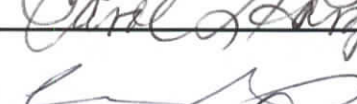
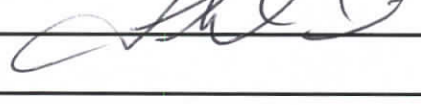
Alexandra Martinez - 3901 Accent Drive, Dallas TX 75287

Herschel W. Clay 3130 Eagles Nest Ct Midlothian TX 76065

Nancy Clay - 3130 Eagles Nest Ct Midlothian
 Alex Tainro - 1325 Chimney Rock Drive Allen, TX 75012
 Nancy Prater - 2107 Berkner Dr. Richardson, TX 75081
 Abhinav Sathian - 411 Buckingham Rd, Richardson TX 75081
 Latisha Stephenson - 712 Ranier Cir, Garland, TX 75041
 Young, Nguyen - 3201 Thorne Hill Ct Richardson, 75082
 Luan Phu - 3201 Thorne Hill Ct Richardson, 75082
 Emily Phu - 3201 Thorne Hill Ct Richardson 75082
 Catherine Phu - 3201 Thorne Hill Ct Richardson 75082
 Courtney Phu - 3201 Thorne Hill Ct Richardson 75082
 My ^{Thao} Nguyen - 2115 Poppy Ln Richardson, 75081
 Ana Valdivia - 910 Hillsdale Rd, Richardson 75081
 Annie Wreyford - 1501 Iroquois Dr. Garland, TX 75043
 Matthew Wreyford - "

ADDRESS

NAME

Name	Signature	Address
Judy RABEWA		12516 AUSTIN RD #102 DALLAS TX 75243
JOE CAROL		3920 S BELTLINE SEAGOVILLE TX 75159
Christine Yoon		4925 Flatwick Ct. Dallas, TX 75204
Michelle		113 Abrams Rd #132 Richardson TX 75081
BRITTANY HUYNH		3309 HAYLEY CT. RICHARDSON TX 75082
Brookie Huynh		3309 HAYLEY CT RICHARDSON TX 75082
Brianna Huynh		3309 Hayley CT Richardson TX 75082
Brandon Huynh		3309 Hayley CT Richardson TX 75082
Henry L. Edward		705 Ballybunton Cir Garland TX 75044
Cheryl EKwarite		9821 Summerwood Cir #302 Dallas, TX 75243
Ynelia Bustos		4522 Jenny Ln Garland TX 75042
Andrea Nguyen		120A Aylesbury Dr Allen, TX 75002
Destiny Anetekhai		3901 Accent Dr. Dallas TX 75287
Melissa Nguyen		901 Sunningdale Richardson, TX 75081
Robert Steffler		7509 Stone Hill Ct Garland, TX 75044
Joy Weathersby		1714 Edgefield Dr. #1052 Garland, TX 75040
Carol L. Hargis		1115 E Spring Valley Richardson TX 75081
Ann Steffler		7509 Stone Hill Ct. Garland, TX 75044
Todd Mach		8070 Mavis Ave Waxahachie TX 75167
Chan huynh		5713 SABETHA PLANO TX 75094
Boi Nguyễn		5721. SABETHA WAY PLANO TX 75094

Name:	Signature	Address
Rajan Rana	Rajan Rana	3718 Georgetown Dr, Sachse, TX - 75048
Amisha Rana	Amisha Rana	3718 Georgetown Dr, Sachse, TX - 75048
Pat Connor	Pat Connor	27 GRANT CIRCLE RICHARDSON TX 7508
Ken O'Connor	Ken O'Connor	27 GRANT CIRCLE RICHARDSON TX 7508
Susan Ann Thompson	Susan A Thompson	8723 SANTA CLARA DALLAS TX 75218
Charles Thompson	Charles Thompson	214-869-6360
JoAnn Fuller	JoAnn Fuller	3413 INNSBROOK DR GARLAND, TX 75044
Michelle Tran	Michelle Tran	5403 Estate Ln PLANO, TX 75054
NHO TRAN	Nho	4117 BLACKSMITH GARLAND, TX
DAVID STILL	David Still	8302 CLUBHEAD DR DALLAS, TX 75243
DONALD HAMBLEN	Donald Hamblen	1322 Norfolk St Garland TX 75044
Joseph Zewdie		9655 Chimney Hill Ln Dallas, TX 75243
Almesh Tenuke		9655 Chimney Hill Ln Dallas TX 75243
Ralph Hill	Ralph Hill	3406 Irish Dr. Sachse, TX 75048
Shaletha Hill	Shaletha Hill	"
Shanne Hill	"	"
Nyla Hill	"	"
MICHAEL SERAFIN	Michael Serafin	405 TIFFANY TRAIL RICHARDSON, TX 7508
REVELIN SERAFIN	Revelin Serafin	"

Luong, Dung

Name:

Signature

Address

Todd Ruff

- 108 N. Bowser RICHARDSON

Darryl Soto

- 12121 Audelina Rd Dallas

Takia Kelley

- 12121 Audelina Rd Dallas

Paul Holman

- 606 Maydelle Lane GARLAND, TX

Joshua Prough

Kathy Prough

Gary Prough

Noah Prough

Henry Hoang

109 Ginnell Dr.
75081

- 1143 Princeton Dr, Richardson 75081

Danny Ly

2502 Western Dr Garland 75041

Dan Gray

- 10174 Wilbur Rd 75230

Suzanne Gleason

- 12215 Jackson Creek Dr
Dallas 75245

LE-TRAN

Le Tran

917 Granview Dr.
Lewisville, TX 75067 469-450-9645

Mikaela Barnes

Megan

- 3301 Daisy Cir
Richardson TX 75082

Lynn Nguyen

Ruff

- 2221 Diamond Oaks Dr.
Garland, TX 75041

Z 18-39

**Approval of a Specific Use Provision for a Commercial Antenna
on property zoned Community Retail (CR) District**

**City Council Meeting
February 5, 2019**



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Case Information

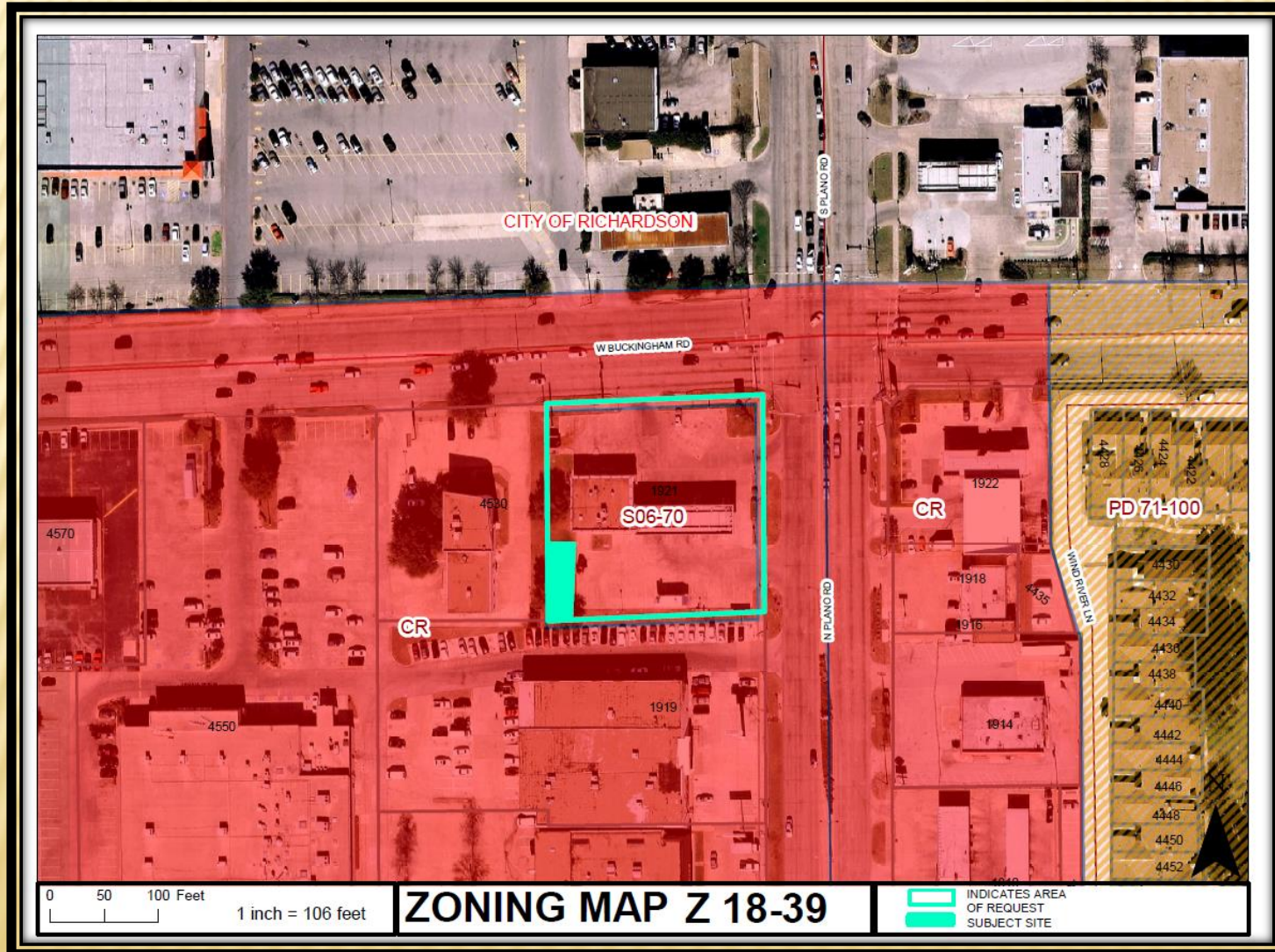
Location: 1921 North Plano Road

Applicant: Eco-Site, LLC

Acreage: Subject Property: 0.92 acre, Lease Area: 0.0385 acre

Zoning: Community Retail (CR) District

Location Map



Images



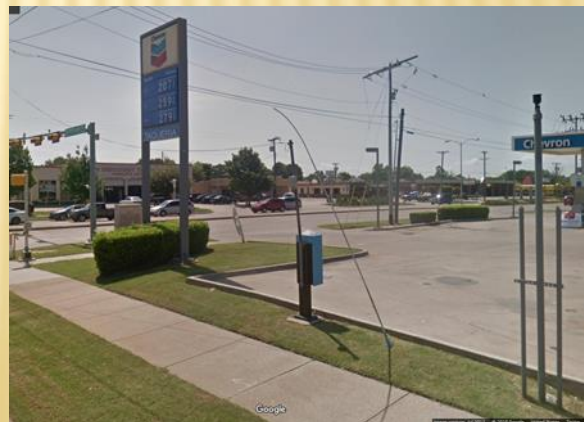
Looking at subject property from West Buckingham Road



Looking west of subject site from W. Buckingham Road



Looking north of subject site from W. Buckingham Road



Looking east of of subject site from W. Buckingham Road

Photo Simulation (PC)

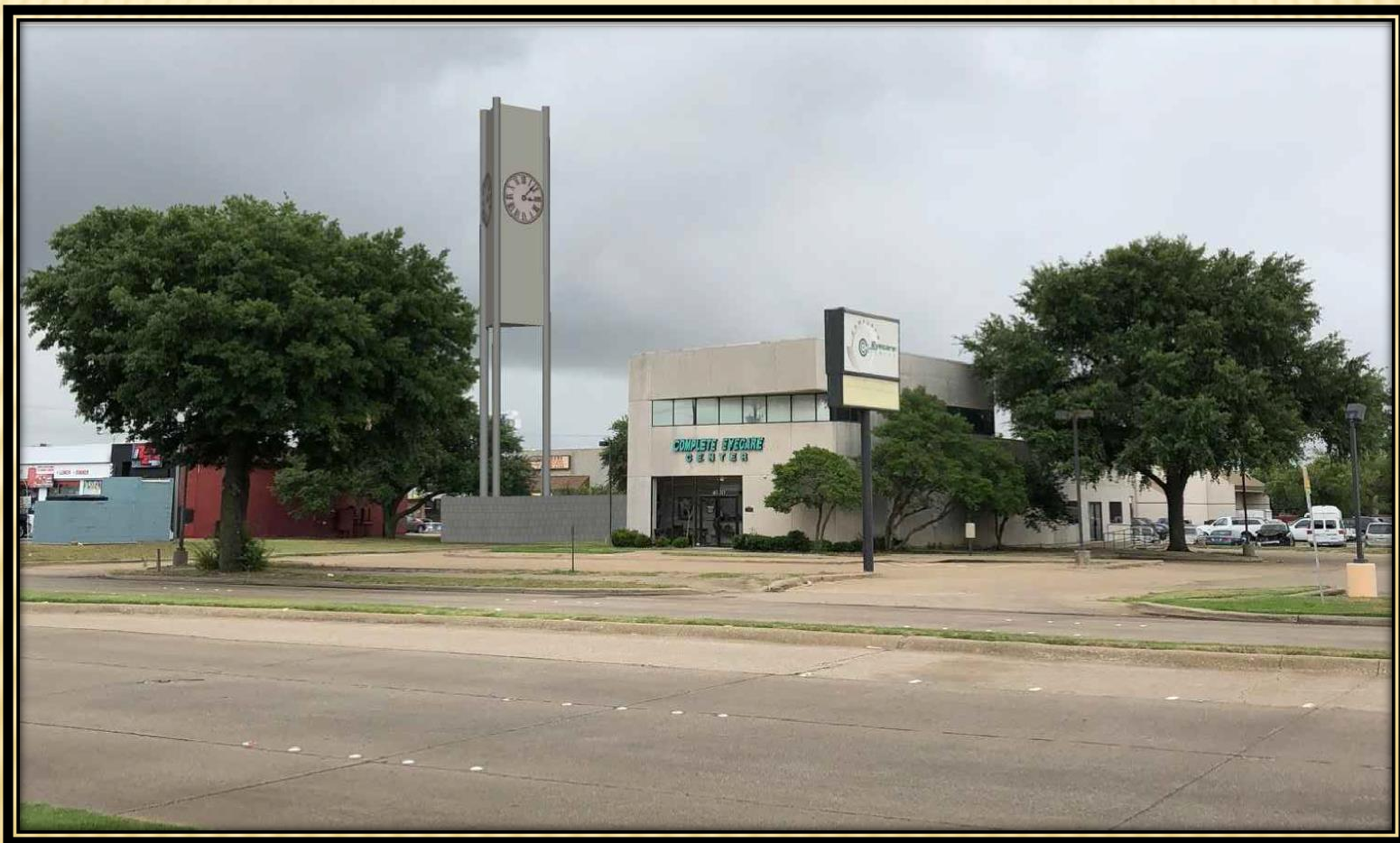
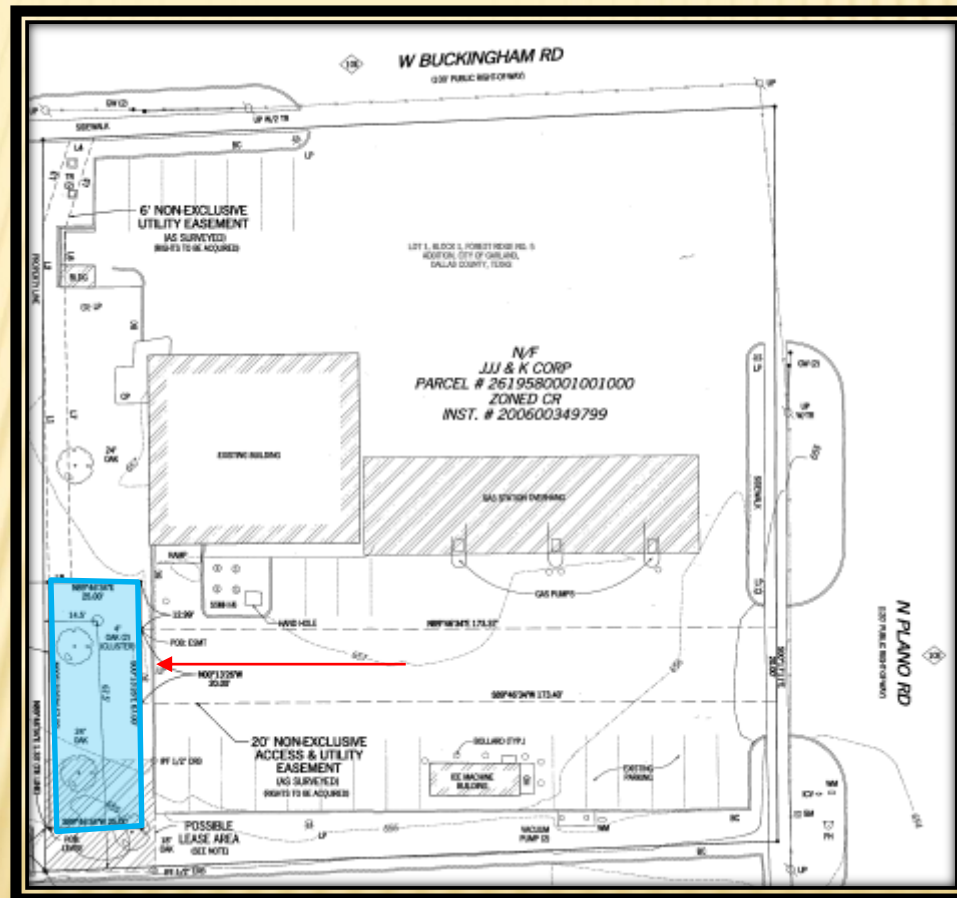


Photo Simulation (CC)



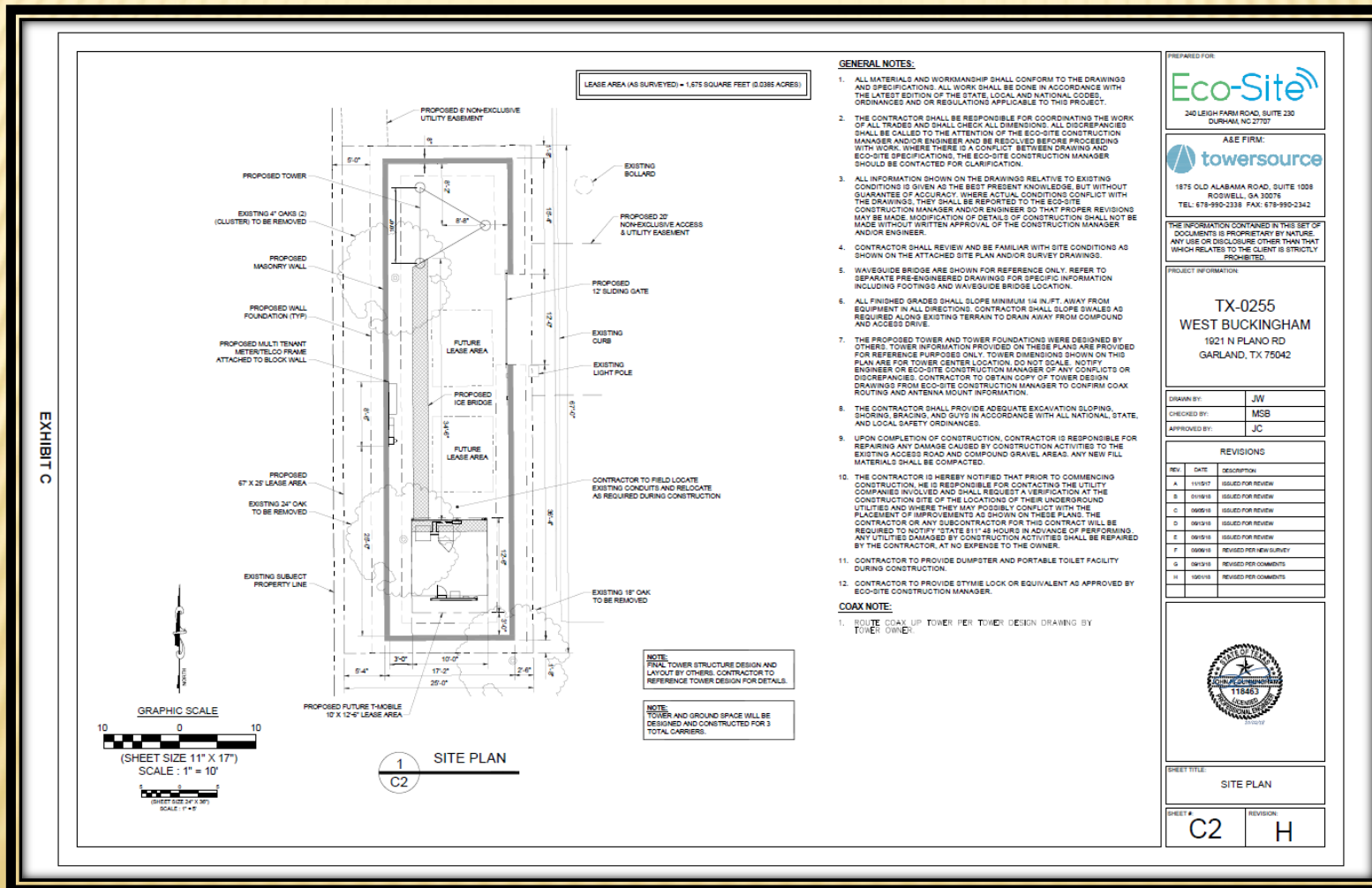
Considerations

Lease area in Relation to Overall Site :



Considerations (PC)

SUP FOR INDEFINITE TIME PERIOD (Site Plan):

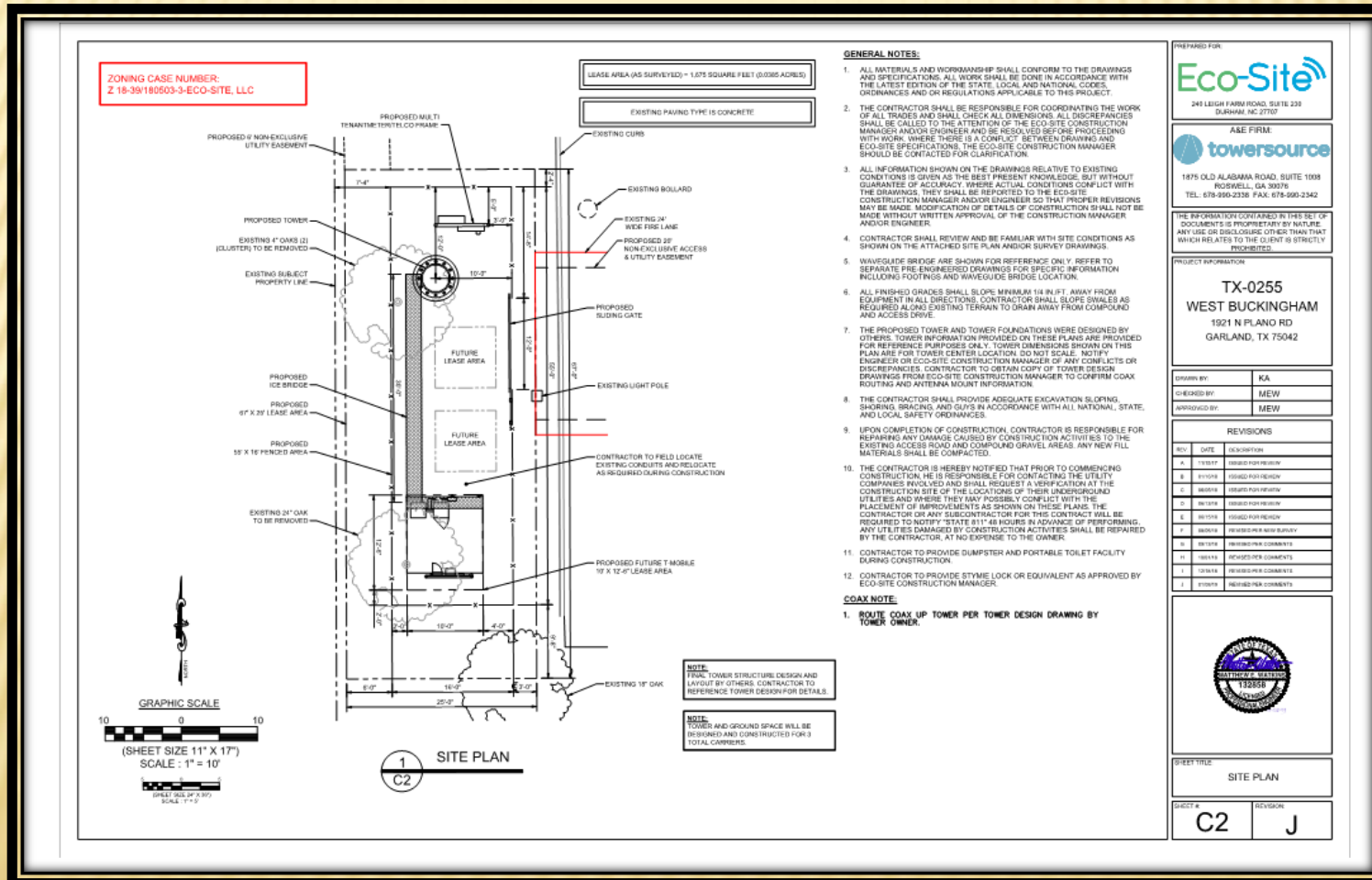




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Considerations (CC)

SUP FOR INDEFINITE TIME PERIOD (Site Plan):





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Considerations (PC)

Landscape Plan:

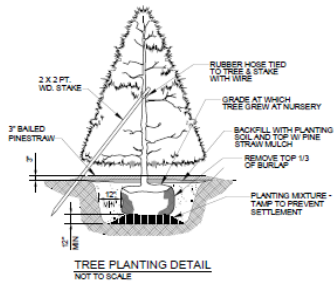
LANDSCAPE NOTES

1. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF PESTS AND DISEASE.
2. ALL PLANTS MUST BE CONTAINER-GROWN OR BALLED AND BURLAPPED AS SPECIFIED.
3. ALL TREES MUST BE STRAIGHT TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
4. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE BEFORE, DURING, AND AFTER INSTALLATION.
5. ALL TREES MUST BE GUIED OR STAKED AS SHOWN.
6. ALL PLANTS AND PLANTING AREAS MUST BE COMPLETELY MALCHED AS SPECIFIED.
7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION.
8. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING (INCLUDING, BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZATION, ETC.) OF PLANTING AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE ENGINEER'S REPRESENTATIVE.
9. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING AT THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
10. THE OWNER'S REPRESENTATIVE WILL APPROVE THE STAKED LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
11. AFTER BEING DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCLIMATED FOR TWO (2) WEEKS UNDER A MIST SYSTEM PRIOR TO INSTALLATION.
12. ANY PLANT MATERIAL THAT DIES, TURNS BROWN OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, SIZE AND MEETING ALL SPECIFICATIONS.
13. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK", LATEST EDITION, REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.

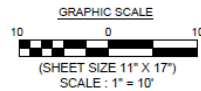
TOTAL AREA OF LANDSCAPE BUFFER: 260 SF - 206 ACRES

PLANT LIST:			
QTY.	COMMON NAME	BOTANICAL NAME	SIZE/REMARKS
32	LEYLAND CYPRESS	CUPRESSOCYPRIS LEYLANDI	6" MIN. HEIGHT AT PLANTING

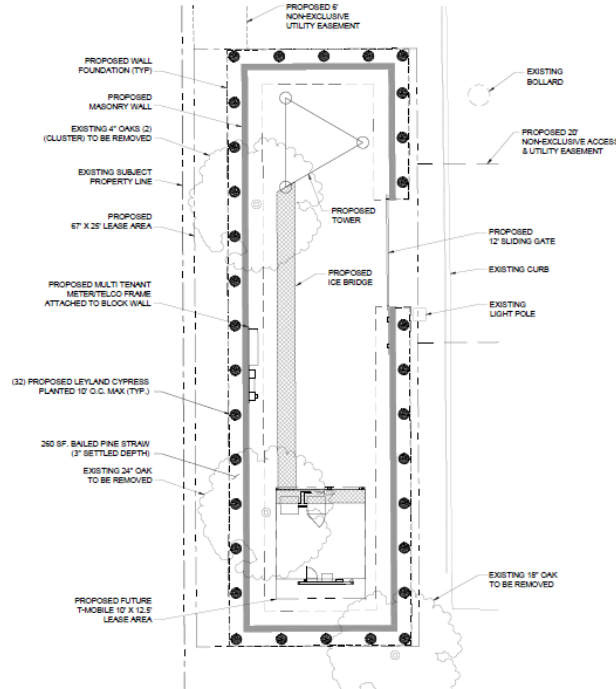
260 SF PINESTRAW MULCH - 3" SETTLED LAYER OF CLEAN STRAW



TREE PLANTING DETAIL
NOT TO SCALE



LEASE AREA (AS SURVEYED) = 1.675 SQUARE FEET (0.0385 ACRES)



1
L1 LANDSCAPE PLAN

PREPARED FOR:

Eco-Site
240 LEIGH FARM ROAD, SUITE 230
DURHAM, NC 27707

A&E FIRM:

towersource
1875 OLD ALABAMA ROAD, SUITE 1008
ROSWELL, GA 30076
TEL: 678-990-2338 FAX: 678-990-2342

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

PROJECT INFORMATION:

TX-0255
WEST BUCKINGHAM
1021 N PLANO RD
GARLAND, TX 75042

DRAWN BY:

JW

CHECKED BY:

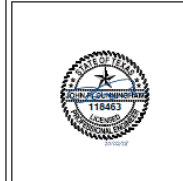
MSB

APPROVED BY:

JC

REVISIONS

REV.	DATE	DESCRIPTION
A	11/15/07	ISSUED FOR REVIEW
B	01/16/08	ISSUED FOR REVIEW
C	06/05/08	ISSUED FOR REVIEW
D	09/13/08	ISSUED FOR REVIEW
E	09/15/08	ISSUED FOR REVIEW
F	09/08/08	REVISED PER NEW SURVEY
G	09/13/08	REVISED PER COMMENTS
H	10/01/08	REVISED PER COMMENTS



SHEET TITLE:

LANDSCAPE PLAN

SHEET #

L1

REVISION:

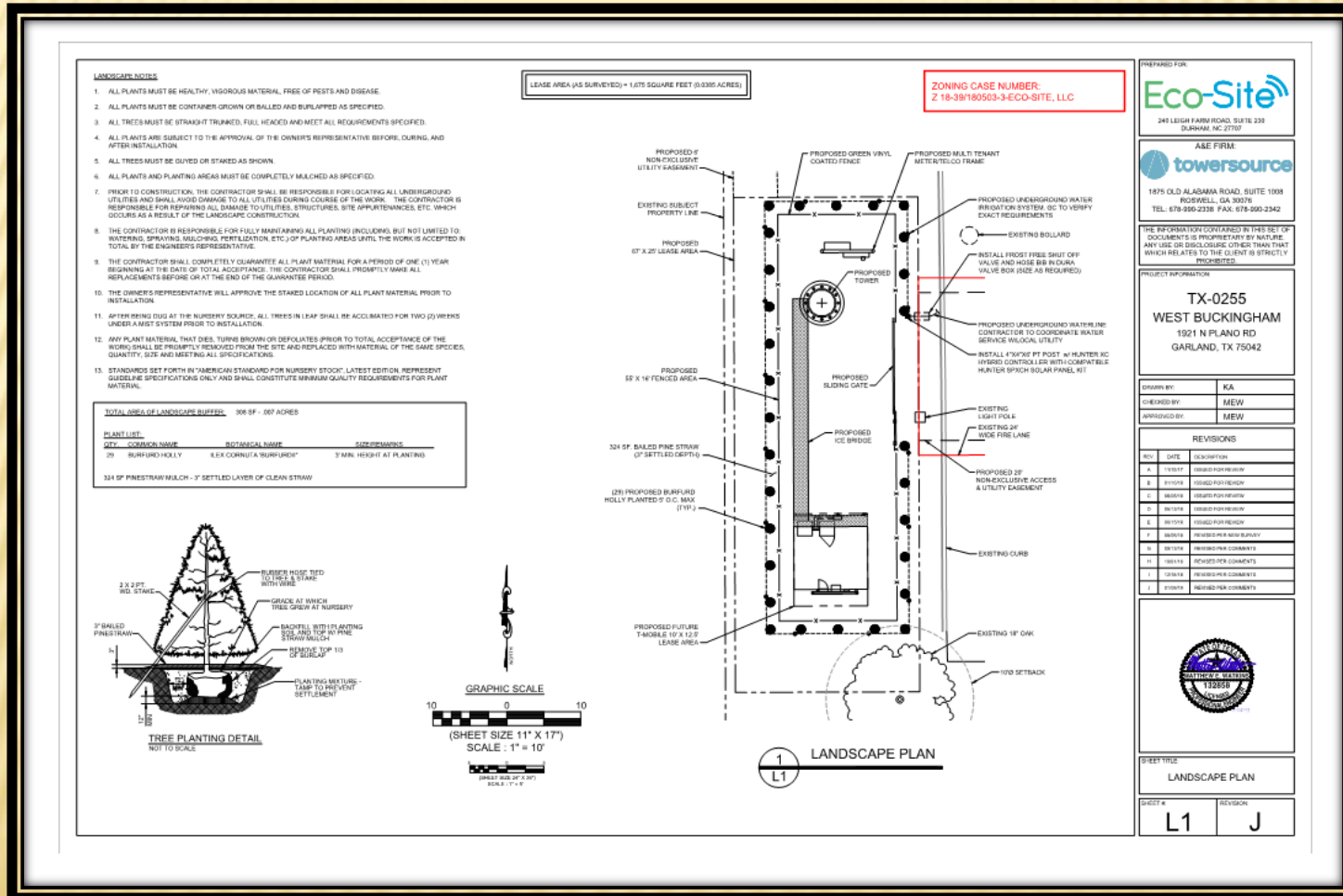
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Considerations (CC)

Landscape Plan:

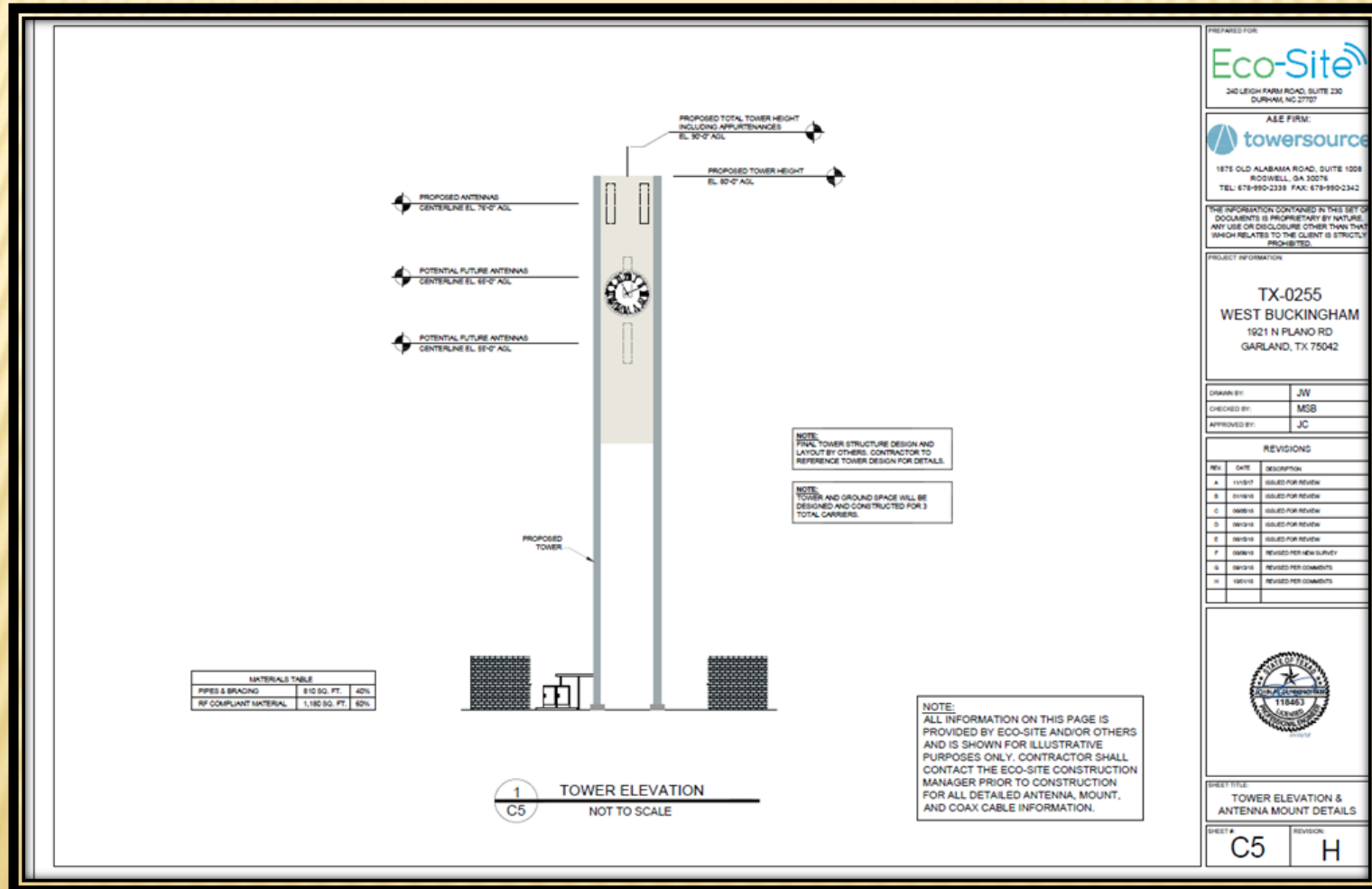




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Considerations (PC)

Building Elevations Plan:

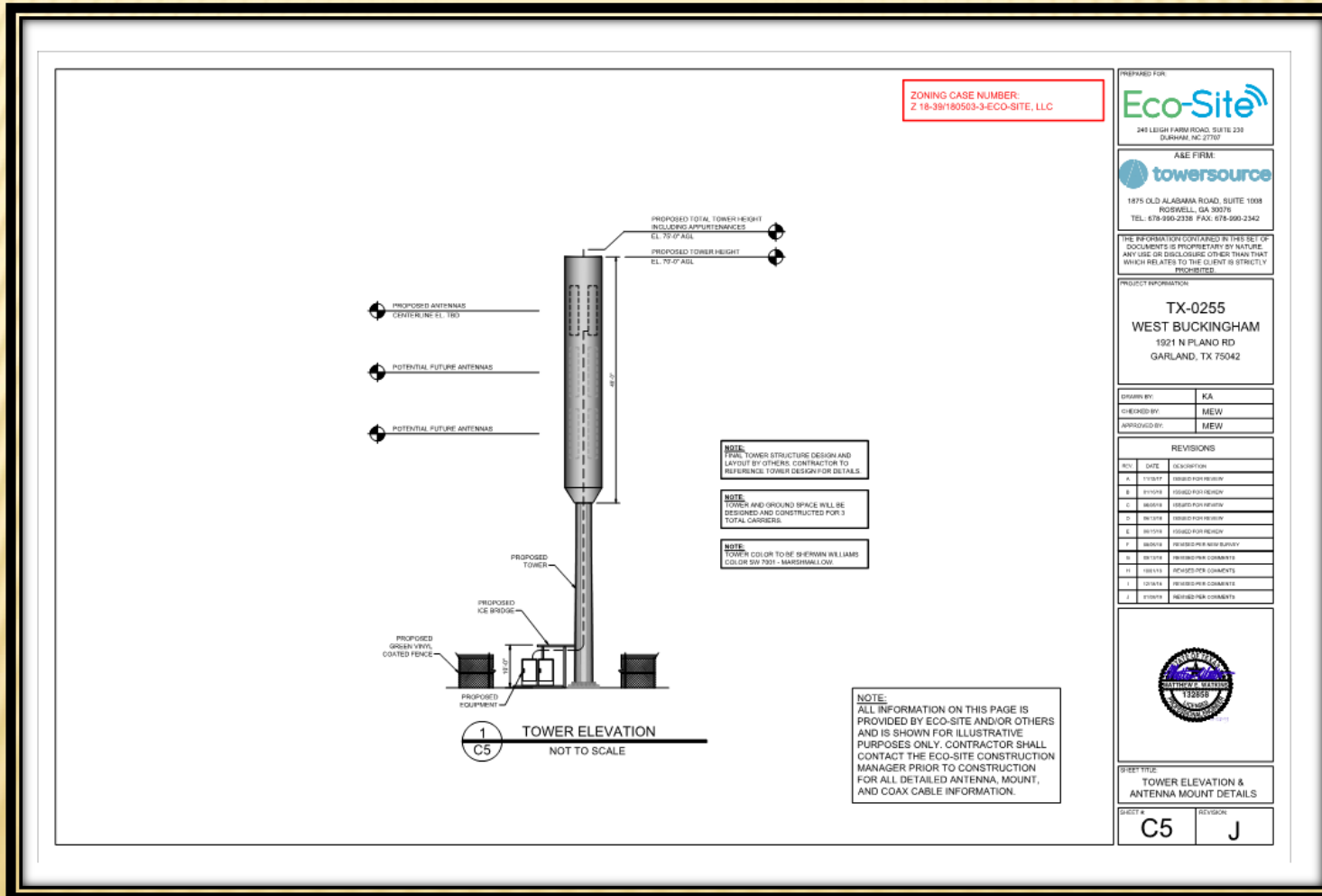




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Considerations (CC)

Building Elevations Plan:



Comprehensive Plan

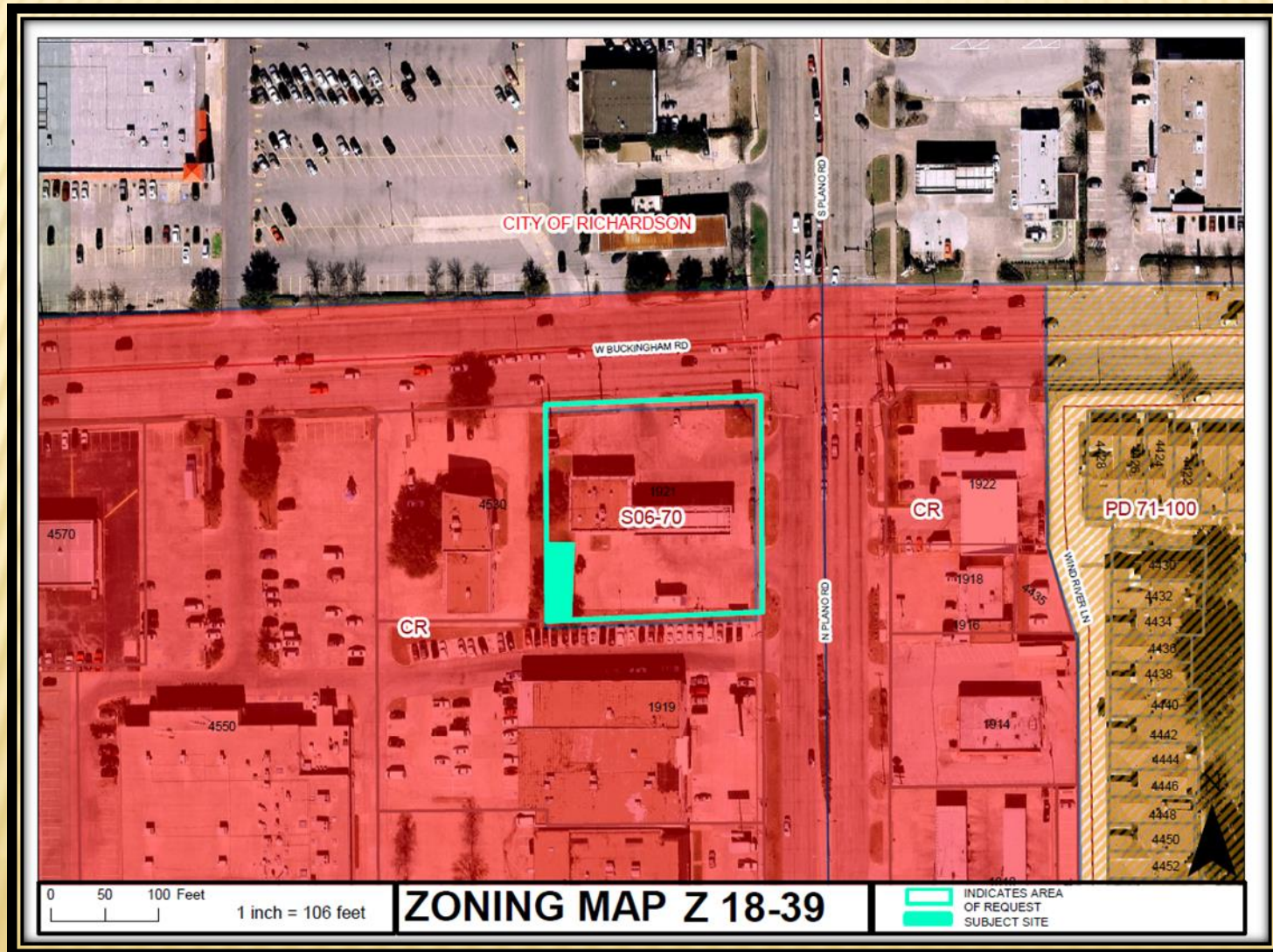
The Future Land Use Map of the Envision Garland Plan recommends Neighborhood Centers for the subject property.

Neighborhood centers provide a mix of retail, services and community gathering places appropriately scaled to adjacent residential areas. This type of center is predominately, but not exclusively non-residential. Neighborhood centers are served by local roads and transit routes.



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Surrounding Land Uses



Z 18-39



GARLAND

City Council Regular Session Agenda

17.

Meeting Date: 02/05/2019

Item Title: Boards & Commissions

Submitted By: Elisa Morales, Management Services Coordinator , Administration

Summary:

Mayor Pro Tem Rich Aubin

- Jason Lain - Board of Adjustment
-

Attachments

Jason Lain - Board of Adjustment



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**CITY OF GARLAND
RECEIVED
JAN 30 2019
CITY SECRETARY**

Application for City of Garland Boards/Commissions/Committees

Return completed application to: City Secretary's Office, 200 North Fifth Street, Garland, Texas 75040

Please Type or Print Clearly:

Date: 01.29.2019

Name: Jason G. Lain

Phone: [REDACTED]

(Home)

Address: 2601 S. Glenbrook Dr.

Phone: [REDACTED]

(Other)

City, State, Zip: Garland, TX 75041

Email: [REDACTED]

Resident of Garland for 6 years

Resident of Texas for 38 years

✓ Dallas County Voter Registration Number [REDACTED] Garland City Council District Number 5 ✓

Have you ever been convicted of a felony? ☐ Yes ☒ No

Have you ever been convicted of a Class A misdemeanor? ☐ Yes ☒ No

Please list any experience that qualifies you to serve in the areas you have indicated.

Extensive experience in real estate development and brokerage. Also ministry

If you have previously served on a City Board or Commission, please specify and list dates of service.
South Garland Road Redevelopment in 2018

List civic or community endeavors with which you have been involved.
Youth ministry.

What is your educational background?
A couple masters degrees

What is your occupational experience?
Own real estate brokerage firm. Real estate developer. Pastor/Minister

I hereby affirm that all statements herein are true and correct.

[Signature]
Signature of Applicant

Board or Commission of first, second, and third choice:

☒ Board of Adjustment

☐ Garland Youth Council **

☐ Parks and Recreation Board

☐ Citizens Environmental and Neighborhood Advisory Committee

☒ Property Standards Board

☒ Plan Commission

☐ Community Multicultural Commission

☐ Library Board

☐ Senior Citizens Advisory Committee

☐ Garland Cultural Arts Commission

☒ Unified Building Standards Commission

**Garland Youth Council has a separate application

FOR OFFICE USE ONLY

Ad Valorem Tax Status
Utility Account Status

Current ☒
Current ☒

Past Due ☐
Past Due ☐

Date Appointed _____

Appointed By _____

CSO Suit/Claim Filed
Clerk Signature & Date

Yes ☐ No ☒

Courtney Vander 1/30/19

Date Notified _____

Disclosure Form Filed _____

Revised 03/2018